

## FENCE HEIGHT EXCEPTION PROCEDURES

### *What is a Fence Height Exception?*

A Fence Height Exception (FHE) allows a property owner to erect a fence that exceeds the maximum fence height allowed by code. The zoning administrator (ZA), at a public hearing, may grant an FHE under certain conditions.

### *What are the steps to apply for a Fence Height Exception?*

**1) Consult with the Planning Department Staff:** File an application with drawings, supporting materials, and a deposit at the Community Service Counter.

The application should describe the requested fence and location, and be signed by the property owner and representative, if any.

A deposit is required to cover the city's time and expenses involved in processing the FHE. The deposit will typically cover all expenses, and the applicant will usually receive a refund of a portion of the deposit; however, additional monies may be requested if the case is protracted or if consultant services are required. Three copies of plans and supporting materials must be submitted. Plans must be drawn to scale and shall include the following:

- Site plan that identifies the proposed location of the fence.
- Fence elevations showing the existing and proposed fence.

Details of the required information are specified in the Submittal Requirements Checklist at the end of this handout.

The applicant is strongly urged to include a written response to the required FHE findings as described below in Step 5.

Further, the applicant should consider possible impacts of the proposed fence and provide a written description of how they would be mitigated.

**2) Staff Review:** Your plans will be distributed to the City's Development Review Committee, which is composed of various city department heads, for review and comment.

Within 30 days of the submittal of the application, the city will evaluate it for completeness. If it is found to be complete, processing will begin; if it is incomplete, you will be so notified and provided with a list of the items needed to render it complete.

During processing, the property will be visited at least twice by city staff, once to investigate the site and once to post a Public Notice.

**3) Environmental Review:** Fences are categorically exempt from the California Environmental Quality Act regulations.

**4) Noticing & Staff Report:** Local law requires that public notice be given of FHE hearings. At least ten days before the hearing, a notice will be posted on the property, mailed to all property owners within 300 feet, and posted on three official bulletin boards.

The notice will also be posted in front of City Hall, in the notice board on the side of Wells Fargo Bank in the Bon Air Shopping Center, and in the notice board front of the Albertson's Store in the Larkspur Landing Shopping Center.

**5) Public Hearing:** The zoning administrator at a public hearing will proceed as follows: 1) staff presentation, 2) applicant presentation, 3) public comment, and 4) a decision based upon the following required findings:

1. The fence height will not create hazards by impairing the view of pedestrians or traffic as seen by motorists exiting and entering the subject property, neighboring properties, and adjacent streets.
2. The fence height will not impair the access to light and air of structures on the subject property and neighboring properties.
3. The fence height will not block significant views from structures and outdoor areas situated on neighboring properties.
4. The height and design of the fence will be compatible with the scale, mass and architectural character of the structures in the neighborhood.
5. The fence height will not significantly visually obstruct or reduce the openness of the street scene comprised of front yards and street side yards in the neighborhood.

**6) Appeals:** Anyone disagreeing with the ZA decision may file an appeal with the city clerk within 15 calendar days of the date of the meeting at which the decision was made. A filing fee is charged. The city council then will hold a new hearing, at which it may approve, approve with conditions, or deny the FHE.

If your FHE is appealed, you must provide additional five copies of plans and other materials at least one week before the council hearing.

#### ***When does an FHE Expire?***

The exception must be acted upon (commencement of construction) within one year of the approval. Applicants unable to meet this schedule should apply for an extension before the one-year period expires. Failure to apply for and receive approval of an extension renders the FHE invalid.

#### ***What are the Submittal Requirements for a FHE?***

##### FHE Site Plan:

1. Identify property boundaries.
  - o Show compass bearings and distances.
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- Include easements on site.
  - Indicate physical reference point for location of property line.
2. Situate exterior wall lines of all structures on site and within 25-foot radius of the proposed fence.
  3. Situate onsite drives, parking, and landscaping.
  4. Submit a diagram of the proposed fence, drawn to scale. Include exterior materials for all sides of the fence. Describe exterior materials and colors.
  5. Show street right-of-way lines, curb lines or pavement edge, curb cuts, and sidewalks.
  6. Identify the location of trees whose trunks exceed 50" when measured 24" above grade.
  7. Include any landscaping along the property line that may affect traffic sight lines of on street traffic and cars exiting the site.
  8. Show the location of the proposed fences.

#### Architectural Elevation

1. Submit diagrams of the proposed fence drawn to scale. Include exterior materials for all sides of the fence. Describe exterior materials and colors.

**Submit three sets of plans and supporting materials with each application.**