



Planning Commission Staff Report

August 8, 2007
Item 5.a.

- SUBJECT:** PUD-99-01-04M
- APPLICANTS:** Jeremy and Josie Barnish
- PROPERTY OWNERS:** Jeremy and Josie Barnish and Farah Birang and Abe Seraj
- PURPOSE:** Application for a major modification to an approved PUD development plan to allow an existing solid fence to remain, where open fencing is required, along a portion of the rear and side property line of the property located at 4526 River Rock Hill Road and to modify Condition of Approval No. 6 of Ordinance No. 1918 (PUD-99-01-3M), adopted on June 21, 2005, such that requests for solid fencing may be approved by the Zoning Administrator.
- GENERAL PLAN:** Low Density Residential
- ZONING:** PUD-RDR/LDR (Planned Unit Development – Rural Density Residential/Low Density Residential) District and, Prior to Planned Unit Development Rezoning and Development Plan Approval, Located in the West Foothill Road Corridor Overlay District
- LOCATION:** 4526 River Rock Hill Road, Lot 11 in Lemoine Ranch
- ATTACHMENTS:**
1. Exhibit A, Dated “Received May 21, 2007”, Including Proposed Fencing Plan, Written Narrative, and Photographs of Fencing on Site
 2. Exhibit B, Draft Conditions of Approval
 3. Exhibit C, Planning Commission Meeting Minutes Excerpt Dated “September 8, 1999”
 4. Exhibit D, Planning Commission Staff Report and Meeting Minutes Excerpt Dated “April 27, 2005”

5. Exhibit E, City Council Staff Report and Meeting Minutes Excerpt Dated “June 7, 2007”
6. Exhibit F, Planning Commission Fencing Recommendation for the West Foothill Road Corridor Overlay District Dated “April 26, 2000”
7. Exhibit G, Solid Fencing Locations Approved per Case PUD-99-01-03M
8. Exhibit H, Public Comments

BACKGROUND

The applicants, Jeremy and Josie Barnish, propose to retain a six-foot tall solid wood fence located along a portion of a shared rear and side yard property line. The applicants installed the solid fencing for privacy reasons without the appropriate Planning review. Currently, solid fencing is allowed in this development only where it is approved to be located per Case PUD-99-1-3M (see Exhibit G). Privacy fencing is also allowed when it is located outside the main building setback areas. Privacy fencing is not allowed to be located between a house and the front property line.

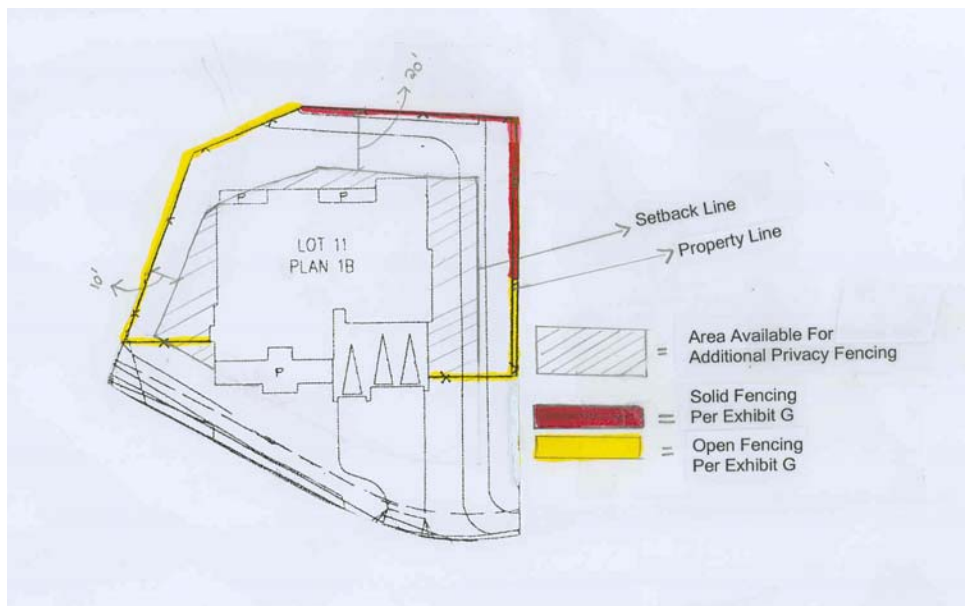


Figure 1

The City Council adopted the West Foothill Road Corridor Overlay District (WFRCOD) guidelines and regulations in 1990 following a study of the area and recommendations made by staff and the Planning Commission. The district generally encompasses developable land located west of Foothill Road, including the project site. The overlay district is a zoning tool which establishes development regulations to a defined area over

and above those of the “base” or standard zoning district which regulates the uses of a piece of property.

In 1999, the Planning Commission requested a comprehensive review of the WFRCOD regulations and guidelines. The Commission requested the review due to concerns about the visibility of future development and the loss of the rural environment westerly of Foothill Road as viewed from all of Pleasanton. One of the Commission’s main recommendations was that all fencing on the west side of Foothill Road be open fencing. The proposed modifications were not adopted.

During this comprehensive review, Delco Builders proposed the Lemoine Ranch project. Since the proposed changes to the WFRCOD had not yet been adopted by the City, the Planning Commission and City Council decided that the developer should not be required to comply with the newly proposed changes; however, the developer was encouraged to meet the spirit of the proposed regulations and guidelines. Along this line of thinking, the Commission recommended to Council that some solid privacy fencing be allowed at Lemoine Ranch, so long as it was not located in a required yard (see Figure 1 above). At the time the Lemoine Ranch project was reviewed in 1999, some Commissioners expressed concerns about any solid fencing at this development (see Exhibit C). Some limited privacy fencing outside of the required yard areas was ultimately approved in 1999.

In 2000, the Council indefinitely continued the comprehensive review of the proposed changes to the WFRCOD. Consequently, the Commission’s proposed open fencing regulations for the district were not approved. The WFRCOD fencing regulations currently state the following:

“All lots open fencing shall be required, except that solid, privacy fencing may be allowed in areas of a lot not within required yard areas if screened by landscaping.”

Since the Lemoine Ranch subdivision is in a PUD, it is not required to strictly adhere to the regulations of the WFRCOD. However, as indicated above, throughout its inception, this project has been encouraged to meet the spirit of the regulations.

In 2005 a new developer, Alameda New Communities, purchased the project and applied (Case PUD-99-1-3M) to install some solid fencing in the required yards to provide privacy primarily in bathrooms and bedrooms in the development (see Exhibits D and E). This PUD fencing modification was approved. As part of the modification, the Planning Commission recommended and the City Council approved a condition of approval requiring all future requests for solid fencing along a side and rear property line to be reviewed via the PUD Major Modification process. For this reason, the applicants have applied for a PUD Major Modification to allow additional solid fencing along a portion

of a side and rear yard property line. The PUD Major Modification application is now before the Planning Commission for review. The Commission's recommendation will be forwarded to the City Council for review and action.

Site Description

The shared property line where the existing fence is proposed to remain is located on the west side of Foothill Road in Lemoine Ranch. In this subdivision 12 homes are approved on approximately seven acres. The developer installed open and/or solid fencing on all of the lots. The property at 4526 River Rock Hill Road has solid and open fencing (see Exhibit G, Solid Fencing Plan). The property at 8001 Oak Creek Drive has all open fencing. A location map is below. The proposed solid fence location is shown in red.



Figure 2

PROJECT DESCRIPTION

The application is a proposal to modify conditions of approval #3 and #6 of Case PUD-99-01-03M, as shown below.

Existing condition of approval #3 as shown below:

- “3. Fencing over six (6) ft. in height shall not be allowed on lots 1-12. Side and rear yard fencing on lots 1-12 shall conform to the fencing plan submitted in Exhibit “A” dated “Received August 13, 1999”. On lots 1-12, solid privacy fencing is not allowed unless it adheres to one of the two following exceptions: 1) except as shown on Exhibit “A” dated “Received April 6, 2005”; or 2) except when it is not located in a required yard and it is screened by landscaping. On lots 1-12, fencing shall not be allowed between the front of the home and the property line except for low open fences thirty (30) inches or less in height.”

Shall be modified to read as follows:

- “3. Fencing over six (6) ft. in height shall not be allowed on lots 1-12. Side and rear yard fencing on lots 1-12 shall conform to the fencing plan submitted in Exhibit “A” ~~dated “Received August 13, 1999”~~. ~~On lots 1-12, solid privacy fencing is not allowed unless it adheres to one of the two following exceptions: 1) except as shown on Exhibit “A” dated “Received April 6, 2005”~~ dated “Received May 21, 2007”. Solid privacy fencing six (6) feet in height or less is also allowed when it is not located in a required yard and it is screened by landscaping. On lots 1-12, fencing shall not be allowed between the front of the home and the property line except for low open fences thirty (30) inches or less in height.”

Existing condition of approval #6 as shown below:

- “6. Any additional requests for solid fencing within this subdivision or additions to the newly approved solid fencing will be brought back to the Planning Commission for review through the PUD major modification process.”

Shall be modified to read as follows:

- “6. Any additional requests for solid fencing within this subdivision or additions to the newly approved solid fencing may be approved by the Zoning Administrator through an Administrative Design Review process. ~~will be brought back to the Planning Commission for review through the PUD major modification process.”~~

ANALYSIS

Staff believes that the applicants have done a good job of limiting the length of the proposed fence such that it is not highly visible from Foothill Road, other public roads, and areas east of Foothill Road. Staff believes the proposal would meet the spirit of the WFRCOD regulations. Since the fencing would not be highly visible, staff does not believe that it would negatively impact the rural character of the development. The proposed fence design is similar to the existing solid fence design in the neighborhood (see Exhibit A).

PUBLIC NOTICE

Notice of this application was sent to all property owners living within 1,000 feet of the subject property. As of the date this staff report was drafted, only the Lemoine Ranch Homeowners Association (HOA) and one neighbor at 8045 Oak Creek Drive had commented. The Lemoine Ranch HOA and the one neighbor are in support of the application (see Exhibit H).

ENVIRONMENTAL ASSESSMENT

Projects of this nature are categorically exempt from the requirements of the California Environmental Quality Act (CEQA), Class 3 exemption Section 15303. Therefore, no environmental document accompanies this report.

CONCLUSION

Staff believes that the proposed solid fencing would not be highly visible from public roads or areas east of Foothill Road and would have minimal impact on the rural character of the Lemoine Ranch subdivision. Staff also believes that it would be appropriate to allow the Zoning Administrator to evaluate a request for solid fencing

through the Administrative Design Review process. As conditioned by staff, staff believes the project is supportable.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend to the City Council approval of Case PUD-99-01-04M, subject to Exhibit A and the conditions of approval in Exhibit B.

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