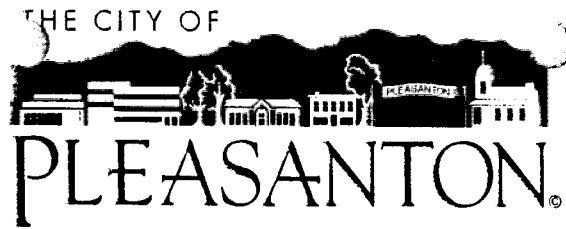


**Exhibit "A"**  
**Recommended Conditions of Approval**  
**Appeal of P11-0664**  
**3642 Carlsbad Way**

1. The fencing shall conform substantially to the elevation and site plans, marked Exhibit B, dated "Received August 18, 2011," on file at the Planning Division. Minor changes to the plans may be allowed subject to the approval of the Zoning Administrator if found to be in substantial conformance to the approved exhibits.
2. To the extent permitted by law, the project applicant shall defend (with counsel reasonable acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim (including claims for attorneys fees), action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.
3. All site improvements and construction activities shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. All construction equipment must meet DMV noise standards and shall be equipped with muffling devices. No construction activities shall be allowed on Federal holidays.
4. All appropriate City permits for the existing fencing shall be obtained within 30-days of this approval.



October 5, 2011

Todd Deike  
3642 Carlsbad Way  
Pleasanton, CA 94588

Dear Mr. Deike:

**P11-0664, Application for administrative design review approval to retain the existing fencing along the rear and side yards measuring up to seven-foot, one-inch tall at the existing residence located at 3642 Carlsbad Court.**

**Effective Date: October 20, 2011**

At the Zoning Administrator hearing of October 4, 2011, Case P11-0664 was approved. Approval for the above-mentioned application was granted subject to the conditions as shown below.

Prior to granting of a permit for an overheight fencing, the following three findings must be made:

**1. The application conforms to the objectives of the Pleasanton Zoning Ordinance.**

The proposed fencing meets all of the necessary yard requirements as outlined in the Pleasanton Zoning Ordinance. The fencing is providing a pool barrier for the existing pool on-site. In addition, the fencing will not detrimentally affect the public health, safety, peace, comfort, or general welfare. Therefore, the Zoning Administrator can make this finding.

**2. The application assists in providing privacy, in attenuating sound transmission, and/or in reducing other annoyance from neighboring properties.**

The proposed fencing will provide additional privacy, pool safety, and noise attenuation for the applicant. Therefore, the Zoning Administrator can make the second finding.

**3. The application does not significantly impact upon the aesthetics and safety of the neighborhood nor the light and air to all affected properties.**

The proposed fencing is constructed of high quality materials and is consistent with other existing fencing found within the neighborhood. The neighborhood does not have an approved fencing plan for the development. The neighboring properties have a variety of fencing types, heights, and colors.

The code allows up to an eight foot tall fencing to be constructed with City approval. The total height of the fencing does not exceed seven feet, 1-inch, which allows the passage of light and air to the neighboring lots while still providing privacy for the parcels. The Zoning Administrator can find that the design of the fencing is acceptable. In addition, the Zoning Administrator can find that the fencing does not detrimentally affect the light and air of the neighboring properties, nor creates a traffic sight obstruction. Therefore, the Zoning Administrator determined that the third finding can be made, as conditioned below.

**COMMUNITY DEVELOPMENT**

**P. O. BOX 520, Pleasanton, CA 94566-0802**

<b>Planning</b>	<b>Building &amp; Safety</b>	<b>Engineering</b>	<b>Traffic</b>	<b>Inspection</b>
200 Old Bernal Ave. (925) 931-5600 Fax: 931-5483	200 Old Bernal Ave. (925) 931-5300 Fax: 931-5478	200 Old Bernal Ave. (925) 931-5650 Fax: 931-5479	200 Old Bernal Ave. (925) 931-5650 Fax: 931-5479	157 Main Street (925) 931-5680 Fax: 931-5484

Based upon the above fact and that your proposed fencing meets all of the necessary yard requirements as outlined in the Pleasanton Zoning Ordinance, the Zoning Administrator approves your application. The fencing is approved with the following conditions:

1. The fencing shall conform substantially to the elevation and site plans, marked Exhibit B, dated "Received August 18, 2011," on file at the Planning Division. Minor changes to the plans may be allowed subject to the approval of the Zoning Administrator if found to be in substantial conformance to the approved exhibits.
2. If agreeable to the property owner of 3656 Carlsbad Way, the applicant shall either:
  - a. remove and replace the approximately 16-foot long section of rear property line fence between 3633 Glacier Ct. and 3656 Carlsbad Way with a new property line fence matching the design, materials, and height of the existing rear yard fence at 3642 Carlsbad Way; or
  - b. install a new, approximately 16-foot long section of fence on 3633 Glacier Ct. matching the design, materials, and height of the existing rear yard fence at 3642 Carlsbad Way. Said new fence shall be located immediately adjacent (as feasible to construct) to the existing rear property line fence between 3633 Glacier Ct. and 3656 Carlsbad Way.

If either of the above options is not agreeable to the property owner of 3656 Carlsbad Way, then the applicant is not required to install the fence in either option. No later than 5:00 pm October 11, 2011, the applicant shall provide the Planning Division with written confirmation from the property owner of 3656 Carlsbad Way indicating which option she would prefer or if she is not agreeable to either option. If the property owner of 3656 Carlsbad Way is agreeable to either option, then the new fence shall be installed by the applicant within 60 days of the effective date of this approval. Prior to construction of the new fence, the applicant shall submit a fence plan to the Zoning Administrator for review and approval and shall obtain a building permit.

3. To the extent permitted by law, the project applicant shall defend (with counsel reasonable acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim (including claims for attorneys fees), action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.
4. All site improvements and construction activities shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. All construction equipment must meet DMV noise standards and shall be equipped with muffling devices. No construction activities shall be allowed on Federal holidays.
5. All appropriate City permits for the existing fencing shall be obtained within 30-days of this approval.

You may apply for a building permit after completion of the design review procedure's 15-day appeal period. In no case will a building permit be issued before the end of the appeal period.

At the time of building permit submittal, you must:

Mr. Deike  
October 5, 2011  
Page Three

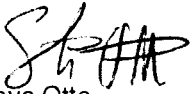
- a. submit a completed and signed Building Permit Questionnaire (attached) to the **PLANNING DIVISION**; and
- b. present a copy of this letter to the Building Division along with required plans.

If you have any questions about building permit fees or the building permit process, please contact the Building and Safety Division at (925) 931-5300.

**This approval will become effective on October 20, 2011, unless appealed prior to that time. Design review approval shall lapse and become void one year following the effective date of project approval, unless prior to the expiration of one year, a building permit is issued and construction is commenced and diligently pursued toward completion, or an extension has been approved by the City.**

If you have any questions, please feel free to give me a call at (925) 931-5607.

Sincerely



Steve Otto  
Zoning Administrator

c: Carl Pretzel, 3633 Glacier Court N, Pleasanton, CA 94588  
Robert Baker, 3647 Glacier Court N, Pleasanton, CA 94588

**MINUTES  
ZONING ADMINISTRATOR  
Pleasanton, California**

Small Conference Room  
200 Old Bernal Avenue, Pleasanton  
Thursday, October 4, 2011

**CALL TO ORDER**

The meeting was called to order at 2:05 p.m. by Steve Otto, Senior Planner.

Present: Mr. Todd Deike, Applicant; Mr. Carl Pretzel, neighbor at 3633 Glacier Court N; Robert Baker, neighbor at 3647 Glacier Court N; Steve Otto, Zoning Administrator; and Rosalind Rondash, Associate Planner.

**P11-0664**

**Application for administrative design review approval to retain the existing fencing along the rear and side yards measuring up to seven-foot, one-inch tall at the existing residence located at 3642 Carlsbad Way.**

Mr. Otto explained the Zoning Administrator hearing process. Mr. Otto introduced Rosalind Rondash, Associate Planner, who presented the application.

**The public hearing was opened.**

Mr. Deike stated that the two side fences have been there for over eight years and that both side neighbors have not had a problem with the fences in the last eight years. He mentioned that ten years ago he came to a meeting with Mr. Pretzel regarding the back fence, and at that time the fence was approved. He noted that Mr. Pretzel requested work be done on the mow strip. He stated he did talk to Carl about rebuilding the fence, but Mr. Pretzel wanted to tell him how to build the fence.

Mr. Dieke stated he would not be singled out for having an over-height fence in the City of Pleasanton.

Mr. Otto asked why the over-height fence was needed at the rear.

Mr. Deike explained that one neighbor has peered over the fence numerous times watching his family and that he has had to call the police. He stated he needs the fence for privacy. He mentioned that Mr. Pretzel has also peered over the fence.

Mr. Deike stated he built a fence on his own property approximately 5 to 6 inches from the property line because he could build it the way he liked and just get the fence done. He stated that Mr. Pretzel then put a video camera on his roof that viewed into his backyard. Mr Deike mentioned that there would be a civil suit in the future.

Mr. Pretzel stated that there are two substantial omissions in the staff report.

- 1) He explained that this was not merely an application for a fence as built, but it was a collapsing fence. He mentioned that he does not have a pool and is not required to have a fence. He stated that last January sections of the fence fell down and left the pool open. He added that there were numerous complaints to code enforcement and that code enforcement violations were found. He indicated the fence started to be built in April or May after three eight-foot long sections fell and, at that time, the fence posts were higher than the six-foot maximum height allowed.

Mr. Pretzel stated that code enforcement informed him that a permit is necessary for an over-height fence. He noted that the fence continued to be built and the final portion of the fence was built after a stop work order was issued.

2) He mentioned that the back section of fence is level and there are two additional eight-foot sections that are shared with another neighbor. He stated he wanted that fence to be the same all the way across. He stated the staff report states that all is consistent and uniform in the neighborhood, but that does not apply here. He mentioned that he wants a six-foot high fence. He can't get the fencing he wants with these fences being over 6-foot tall.

Mr. Pretzel explained that in 1977 all the fences were falling apart. Mr. Pretzel rebuilt the fence by himself and split the cost with the neighbor. He stated that he did have to add cement to the fence posts, but those fences have held up for numerous years.

Mr. Pretzel stated that the neighbor only needed to replace two fence posts that had rotted out, but wanted to completely rebuild the fence at an estimated cost of \$1400. He continued that the neighbor wanted him to pay for a fence that he had previously built himself.

Mr. Deike stated that he was not that neighbor.

Mr. Pretzel stated that the fence had deteriorated. He mentioned that because there is a pool in the neighbor's yard he had to pay even though he does not have a pool. He stated that for two plus years there was a code violation because the front fence was not installed around the pool.

Mr. Pretzel noted that wood was put up against his fence and paintball guns were fired at the wood that could have hit his home. He stated he called the police and the police talked to his neighbor and told them that no type of gun could be shot in the City of Pleasanton. He mentioned that it happened six months later and then again about two weeks ago and he called the police each time. He stated that the portions of the fence that fell down on the back property were thrown on to his lawn and damaged his lawn. He leaned it back up, but it was then thrown on his property again to damage his lawn.

Mr. Pretzel explained that during the time the fence was being built, one of the workers had gone into his yard looking for code violations. He stated that there were blatant criminal violations and blatant code violations at the neighbor's property. He stated that the fence was completed in spite of a stop work order and that he can see no reason why he should modify two sections of fence to match up to what is there now. He mentioned that he did not want to anger a neighbor who has been good to him for a neighbor who has been the worst neighbor of his life. He stated that all he wants to do is have the neighbor obey the law and to reduce the fence to the maximum allowed height per code, without any variances to allow it to be any higher, and then he can get back to the way it was in 1998. He mentioned that two neighbors did not want an over-height fence, but gave in, even though it was not what they wanted. He explained that with the back fence the way it is there is no way to remediate that and the mismatched fence devalues his property.

Mr. Baker mentioned the security and privacy issues due to a neighbor that has been observed peering over the fence into his yard and into other yards over the years. He noted that said neighbor had been peering over the fence when in Mr. Pretzel's backyard.

Mr. Pretzel clarified that said neighbor was getting their newspapers while they were on vacation and had gone into his yard without his permission. He stated he did tell said neighbor to not go into his yard.

Mr. Baker mentioned he did not fault Mr. Pretzel for said neighbor's action.

Mr. Baker stated he does not have a problem with the fence as built.

Mr. Deike explained that when he received the stop work order there was only one panel of fence left to put up and because he had a pool he finished the fence. He stated that he never asked Mr. Pretzel for a dime and that statement from Mr. Pretzel is a lie. He explained that he told Mr. Pretzel that he would build the fence for free if Mr. Pretzel would get rid of the existing fence. He mentioned that even ten years ago he told Mr. Pretzel that he would pay for the fence. He noted that nothing was called in or said about violations in regards to the fencing at the front of his house. He also mentioned that he has a picture of Mr. Pretzel kicking the fence down into his backyard, so his son laid the fence back into Mr. Pretzel's yard. He also clarified that he did not give permission to the workers to go into Mr. Pretzel's yard.

Mr. Deike presented pictures of the backyard fences that were not matched and asked for clarification as to what fence devalues the properties because the fences are different heights. He showed pictures of his fences around his backyard and that all his fences match and they are all safe from people getting in his yard. He mentioned that when standing in his backyard he can look into Mr. Pretzel's garden window with only a six-foot fence. He explained that he does not want to look into Mr. Pretzel's window and he does not want Mr. Pretzel looking into his window. He stated another foot and a half of fence would eliminate looking into each other's home.

Mr. Deike explained that the Peters paid for part of their shared fence and Ms. Fink paid for part of the other shared fence. He also mentioned that he talked to Ms. Fink and she did not have an issue with the fence as stated by Mr. Pretzel.

Mr. Deike mentioned that he gets along with all his neighbors except Mr. Pretzel and the peeping tom neighbor that he has police records on that.

Mr. Deike asked why there was a problem with his six-foot, eight-inch tall fence when the other fence [The common fence between Mr. Baker and Mr. Pretzel] is seven-foot, three-inches tall. He stated that Mr. Pretzel signed the permit knowing the height and paid half the cost on the seven-foot, three inch tall fence, but yet Mr. Pretzel had a problem with the six-foot, eight-inch tall fence. He mentioned his confusion in understanding Mr. Pretzel's issue.

Mr. Deike mentioned he build the fence himself using pressure-treated wood and two by ten kickboards. He stated the previous rotted fence post had bags of concrete sticking out and it looked terrible.

Mr. Pretzel responded that he did not make any contractual agreement with Mr. Deike before he bought his house. He mentioned that the concrete footing on the rotted fence post had been acceptable to the previous owner.

Mr. Pretzel stated that Ms. Fink told him that she wanted to get it over with and that she paid Mr. Deike \$500.

Mr. Pretzel stated that the fence with Mr. Baker and his other side yard neighbor are not done and when the fences are all completed they will match.

Mr. Deike asked if he paid for and built that portion of fence between Ms. Fink and Mr. Pretzel to match the other fence would Mr. Pretzel agree to that proposal? He stated he would ask Ms. Fink if she agreed.

Mr. Pretzel stated that Ms. Fink would not agree to that proposal.

Mr. Deike asked if he got Ms. Fink's agreement in writing would Mr. Pretzel agree to that proposal.

Mr. Pretzel stated that he would agree if Ms. Fink agreed, but he doubts she will agree.

Mr. Deike suggested we give it a try and, if she agrees, he would build the fence and pay for it all. He did note that the fence might step a little because the fence sticks out.

Mr. Pretzel noted that he was okay with the step.

Mr. Deike then offered \$500 to Mr. Pretzel to make this all go away and we will all get out of here.

Mr. Pretzel declined the money and stated that he wants the fence to match and Ms. Fink to agree.

Mr. Deike asked Mr. Pretzel why the other fence does not match.

Mr. Pretzel stated that Bob put that up and he agreed to the higher fence. He noted that he will probably add redwood fencing, but it is on the side, and the fence steps down.

Mr. Deike stated that the fence is too high and is not six foot.

Mr. Pretzel told him again that the high fence is on the side.

Mr. Deike mentioned they no longer have a pellet gun, but has seen a neighbor shoot a BB gun into Mr. Pretzel's backyard.

Mr. Deike stated that all he wants is privacy. He explained that he wants to please Mr. Pretzel and asked what he could do to leave both fences alone.

Mr. Pretzel mentioned that he did not kick the fence down.

Mr. Deike stated he would like this fence issued resolved and he does not have a problem if he has to build it and pay for it. He noted that if Ms. Fink does not agree then we all would be back here again.

Mr. Otto closed the public hearing and clarified that a variance is not needed when a proposed fence is over 6 feet, but less than 8 feet. He explained that an administrative design review process is needed and this process is very common throughout town. He noted that the height of this existing fence is a common height and is consistent in this neighborhood and other neighborhoods.

Mr. Otto stated that he appreciated Mr. Deike's proposal to resolve the issue by replacing the one section of fence if Ms. Fink agrees, however, he stated that whether Ms. Fink agrees or not, he does find the design of this fence to be acceptable.

Mr. Otto explained that he would structure the condition of approval to reflect a signed agreement from Ms. Fink is acceptable, however, if it is not agreeable with Ms. Fink, he will approve the fence. It is not uncommon in neighborhoods for fences to vary in height along the property due topography or due to property line situations where it is owned by multiple owners. Mr. Otto stated that he finds the design of this fence to be acceptable and he requested that the condition of approval be structured to require M. Deike to discuss the additional section of fence with Ms. Fink and if she is acceptable of the new fencing, for her to provide us with a letter that she is ok with it. If she is not ok with it, Mr. Otto reiterated that this approval would still stand.

Mr. Otto stated that this fence application is not an unusual request and the design of the fence is attractive on both sides, so it is called a good-neighbor fence. He stated that he would like the fencing offered to Ms. Fink to be the same design.



Mr. Deike noted that he would build the same design for Ms. Fink and he would hope she would go along with this fence. He stated he would like to please Mr. Pretzel and just get on with life.

Mr. Otto reopened the public hearing.

Mr. Baker mentioned that the back fence between Ms. Fink's property and his has recently been rebuilt. He noted that it is new wood that matches on Ms. Fink's side, so she may have an objection to this other section of fence if it looks different.

Mr. Deike suggested another option to build a fence behind Ms. Fink's fence if she does not agree to the previous proposal. Mr. Deike explained that this option would result in a 6 or more inch offset in the fence line because the existing fence is located on his property and the new section would be behind Ms. Fink's existing fence section.

Mr. Pretzel confused the offset information to be related to the height, which was clarified by Mr. Deike that the height and style would be the same as his fence, but that the linear line of the fence would have to be offset to screen out Ms. Fink's fence. Mr. Pretzel stated that he would be ok with that.

Discussion ensued regarding giving Ms. Fink's both options to consider.

Mr. Pretzel further indicated that he wanted to have it painted all the way across [the rear fencing to be red]. Mr. Deike said that he didn't want the paint to bleed through onto his side and concluded that they would need to think of a way to prevent that.

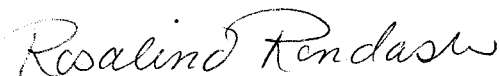
Mr. Otto closed the public hearing again.

The Zoning Administrator granted approval of P11-0664, with the two options for Ms. Fink's approval, one being removing and replacing one section of fence, or building the fence behind the other fence; however, if either option is not agreed upon, he approved the fencing as is. He stated that he would not require the fencing to be painted because that is not something that the City requires for fencing. The application was then approved subject to the modified conditions of approval as shown on the Exhibit A.

Mr. Pretzel questioned when the appeal period would start.

Mr. Otto said it would start as soon as the hearing is closed. When there was some discussion regarding the condition for Mr. Deike to approach Ms. Fink, Mr. Otto clarified that Mr. Deike had 7 days to approach Ms. Fink about replacing or installing the new fence between Mr. Pretzel and Ms. Fink, but that the approval would stand despite the outcome of Ms. Fink's fence section.

Respectfully submitted,



Rosalind Rondash  
Associate Planner

October 12, 2011

**P11-0664, Application for administrative design review approval to retain the existing fencing along the rear and side yards measuring up to seven-foot, one-inch tall at the existing residence located at 3642 Carlsbad Court.**

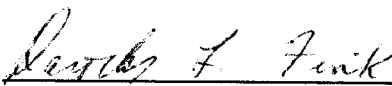
At the Zoning Administrator hearing of October 4, 2011, Case P11-0664 was approved. Approval for the above-mentioned application was granted subject to a condition that required the following:

1. If agreeable to the property owner of 3656 Carlsbad Way, the applicant shall either:
  - a. remove and replace the approximately 16-foot long section of rear property line fence between 3633 Glacier Ct. and 3656 Carlsbad Way with a new property line fence matching the design, materials, and height of the existing rear yard fence at 3642 Carlsbad Way; or
  - b. install a new, approximately 16-foot long section of fence on 3633 Glacier Ct. matching the design, materials, and height of the existing rear yard fence at 3642 Carlsbad Way. Said new fence shall be located immediately adjacent (as feasible to construct) to the existing rear property line fence between 3633 Glacier Ct. and 3656 Carlsbad Way.

If either of the above options is not agreeable to the property owner of 3656 Carlsbad Way, then the applicant is not required to install the fence in either option. No later than 5:00 pm October 11, 2011, the applicant shall provide the Planning Division with written confirmation from the property owner of 3656 Carlsbad Way indicating which option she would prefer or if she is not agreeable to either option. If the property owner of 3656 Carlsbad Way is agreeable to either option, then the new fence shall be installed by the applicant within 60 days of the effective date of this approval. Prior to construction of the new fence, the applicant shall submit a fence plan to the Zoning Administrator for review and approval and shall obtain a building permit.

.....

**Based on Staff and Mr. Deike speaking with Mrs. Fink, she does not wish to have any work done to her existing fence, nor does she want to have a second fence built behind her existing fence. She is not agreeable to having any fencing that is over 6-foot tall along her back yard.**

  
\_\_\_\_\_  
Signature

THE CITY OF



CITY OF PLEASANTON  
Planning and Community Development  
Phone: (925) 931-5600; Fax: (925) 931-5483  
200 Old Bernal Avenue, Pleasanton, CA 94566

APPLICATION FOR DEVELOPMENT REVIEW

RECEIVED

Application No(s): Appeal of P11-0664

Date Filed: 10-14-11

CITY OF PLEASANTON  
PLANNING AND COMMUNITY DEVELOPMENT

I. CHECK TYPE OF APPLICATION(S):

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Design Review (\$50)                  | <input type="checkbox"/> Preliminary Review  | <input type="checkbox"/> Tentative Map (\$2000 + \$10/lot)       |
| <input type="checkbox"/> Admin. Design Review (\$25)           | <input type="checkbox"/> FDP (Flood) Variance (\$50)   | <input type="checkbox"/> Minor Subdivision (\$50)                |
| <input type="checkbox"/> Sign Design Review (\$15)             | <input type="checkbox"/> Lot-Line Adjustment (\$50)  | <input type="checkbox"/> Conditional Use Permit (\$150)          |
| <input type="checkbox"/> Outdoor Display (\$25)                | <input type="checkbox"/> Condominium Conversion (\$50)   | <input type="checkbox"/> Animal Use Permit (\$15)                |
| <input type="checkbox"/> Outdoor Dining (\$25)                 | <input type="checkbox"/> Rezoning (\$250)  | <input type="checkbox"/> Initial Environmental Assessment (\$25) |
| <input type="checkbox"/> Variance (\$50)                       | <input type="checkbox"/> Growth Management (\$200)   | <input type="checkbox"/> Home Boutique Use Permit (\$25)         |
| <input type="checkbox"/> Non-residential Satellite Dish (\$50) | <input type="checkbox"/> General Plan Amendment (\$250)  | <input type="checkbox"/> Temporary Use Permit (\$25)             |
| <input type="checkbox"/> PUD Development Plan (\$2000)         | <input type="checkbox"/> Specific Plan (\$250)   | <input type="checkbox"/> Non-Exempt Home Occupation (\$15)       |
| <input type="checkbox"/> PUD Major Modification (\$2000)       | <input type="checkbox"/> Specific Plan Amendment (\$250)   | <input type="checkbox"/> Large Family Daycare (\$15)             |
| <input type="checkbox"/> PUD Minor Modification (\$100)        | <input checked="" type="checkbox"/> Appeal (of Case <u>P11-0664</u> )<br>(25% of orig. fee: max. \$25) | <input type="checkbox"/> Other: _____                            |

II. GENERAL DATA REQUIRED

A. Name of Applicant (Pls. Print): Carl Poretti

B. Address or Location of Property: 3633 GLACIER CT. N.

C. Assessor's Parcel Number(s): \_\_\_\_\_

D. Site Area (acres/sq. ft.): \_\_\_\_\_

E. Current Zoning: \_\_\_\_\_ F. Proposed Zoning: \_\_\_\_\_

G. Existing Use of Property: \_\_\_\_\_

H. Description of Proposal: Appeal of overweight fence approval at 3642 Carls Road Way. The fencing detracts from view, comfort & general welfare of residents.  
(continue on separate sheet if necessary)

(Refer to appropriate "Informational Guide" for required site plans, elevations, written narrative, color/material samples, photographs, or other submittals which must accompany your application.)

I. Residential Addition Proposals: From the date on this application, was the original house built within the last 5 years?  
 Yes  No

- If you do not know the answer, please research the property files on the public Laserfiche machine located by the Building and Safety Division at 200 Old Bernal Avenue, Pleasanton.

(continued on reverse)

**III. AUTHORIZATION OF PROPERTY OWNER AND OWNERS ASSOCIATION**

J. **PROPERTY OWNER:** In signing this application, I, as property owner, have full legal capacity to, and hereby do, authorize the filing of this application. I understand that conditions of approval are binding and agree to be bound by those conditions, subject only to the right to object at the hearings or during the appeal period. I certify that the information and exhibits submitted are true and correct.

Name (Pls. Print): \_\_\_\_\_ Daytime Telephone: \_\_\_\_\_  
Company: \_\_\_\_\_ Other Telephone: \_\_\_\_\_  
Address: \_\_\_\_\_ Fax: \_\_\_\_\_  
City: \_\_\_\_\_ Zip: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

K. **OWNERS ASSOCIATION:** Is the property subject to the rules or guidelines of a homeowners association (HOA) or a business owners association?

Yes  No

If yes, did the proposed project receive approval from the HOA/business owners association?

Yes  No  The HOA/business owners association does not review any proposed construction projects or use changes

- *If yes, please attach a copy of the HOA response.*

Association Contact (Pls. Print): \_\_\_\_\_ Daytime Telephone: \_\_\_\_\_  
Association Name: \_\_\_\_\_ Other Telephone: \_\_\_\_\_  
Address: \_\_\_\_\_ Fax: \_\_\_\_\_  
City: \_\_\_\_\_ Zip: \_\_\_\_\_ E-mail: \_\_\_\_\_

L. **APPLICANT OTHER THAN PROPERTY OWNER:** In signing this application, I, as applicant, represent to have obtained authorization from the property owner to file this application. I agree to be bound by conditions of approval, subject only to the right to object at the hearings on the application or during the appeal period. If this application has not been signed by the property owner, I have attached separate documentation of full legal capacity to file the application. I certify that the information and exhibits submitted are true and correct.

Name (Pls. Print): Craig W. Pastorek Daytime Telephone: 925 294 2530  
Company: \_\_\_\_\_ Other Telephone: 925 200 3367  
Address: 3633 Glouster Fax: \_\_\_\_\_  
City: Pleasanton Zip: 94588 E-mail: CWPASTZD@AOL.COM  
Signature: [Signature] Date: 10/14/11

M. **NOTE ANY OTHER PARTY(IES) WHO SHOULD RECEIVE STAFF REPORTS AND NOTICE OF APPLICATION ON A SEPARATE SHEET AND ATTACH TO APPLICATION.**

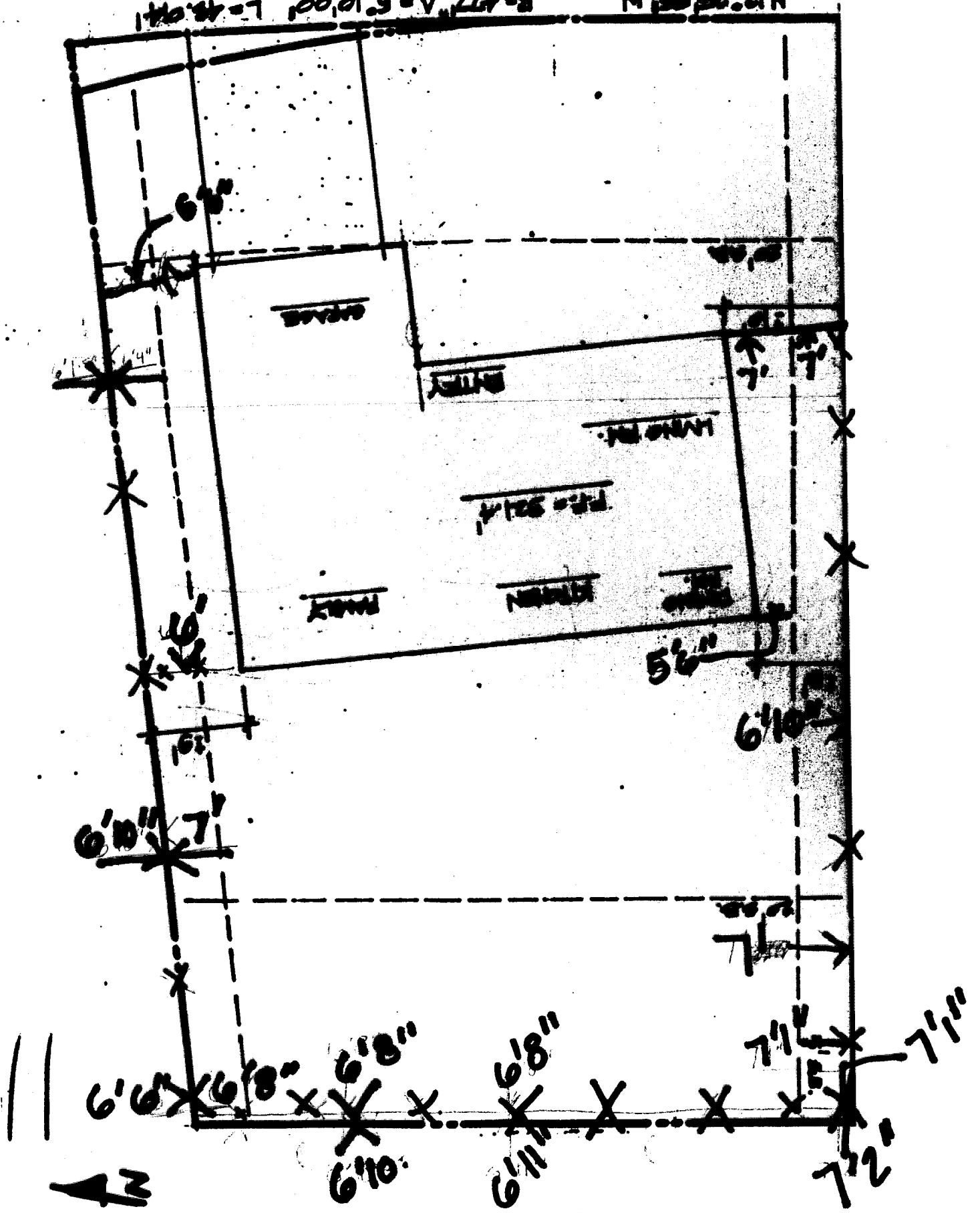
**IV. SCHOOL FEE AGREEMENT (If a residential project, answer the question below)**

Have you signed a School Fee Agreement with the Pleasanton Unified School District?

Yes  No

If yes, please attach a copy of the signed agreement.

N 12° 25' 55" E M 56.25' L 26.17' R 477' Δ = 5° 10' 00" L = 48.94'



Fence Height Diagram

P11-0664, 3642 Calsbad Way

# Fencing Photos

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P11-0664

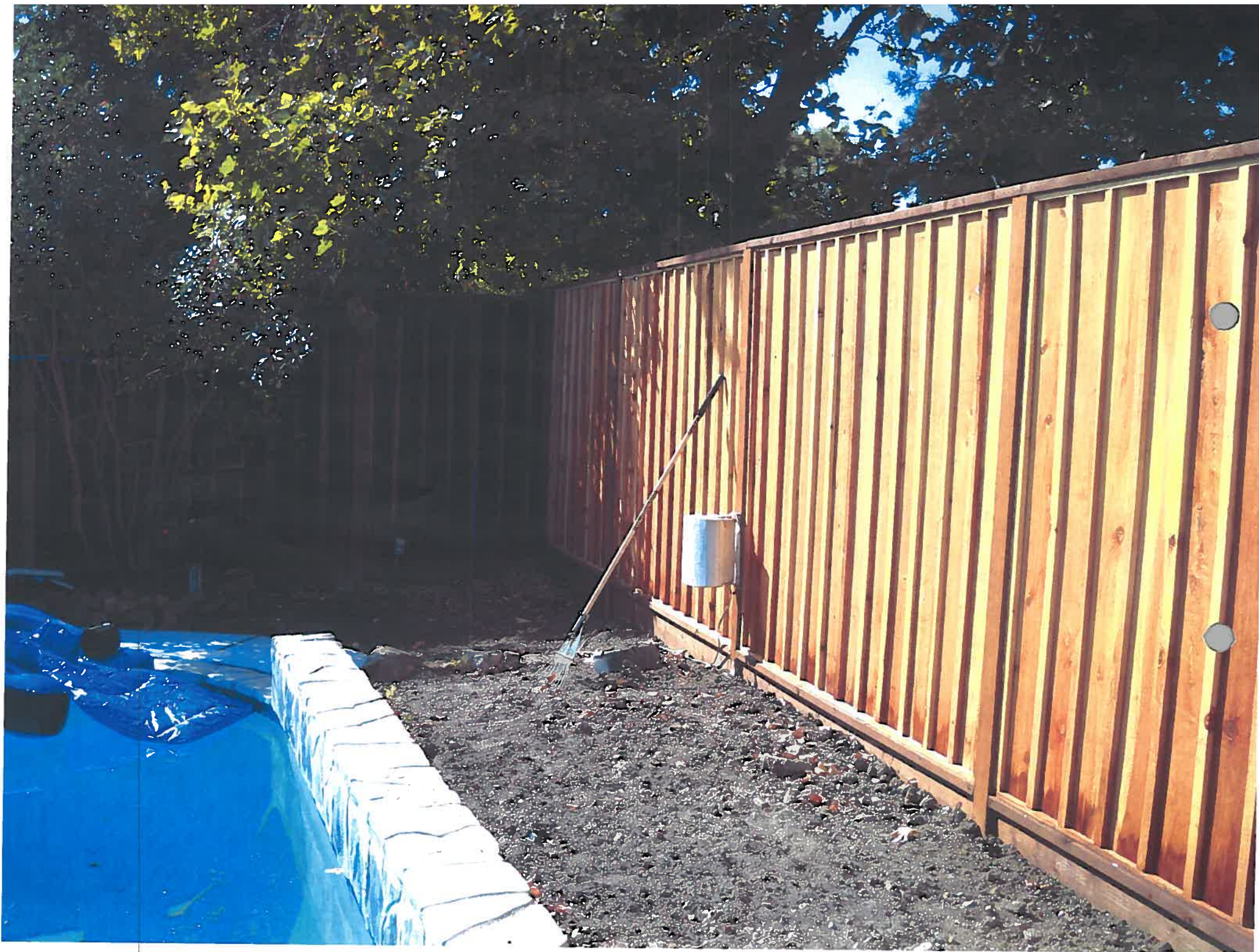










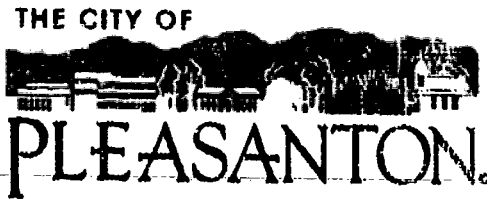












ZONING ADMINISTRATOR  
STAFF REPORT

October 19, 1998  
4:00 pm

**SUBJECT:** Z-98-211

**APPLICANTS AND  
PROPERTY OWNERS:** Todd and Linda Deike

**PURPOSE:** An application to construct a 6-foot 11-inch tall wood good neighbor fence along the northern (side) property line and a 7-foot 3-inch tall fence along the western (rear) property line.

**ZONING:** R-1-6,500

**LOCATION:** 3642 Carlsbad Way

**ATTACHMENTS:**

1. Exhibit A -- Site Plan, Applicant's Statement
2. Exhibit B -- Draft Conditions of Approval
3. Location Map

**BACKGROUND**

Todd Deike submitted an application for administrative design review to construct an overheight fence along his side and rear property line. Because the adjacent neighbors had indicated to Mr. Deike that they were not supportive of the fence design or height, the neighbors did not sign the application and were not co-applicants. Mr. Deike indicated to staff at the time he applied that the proposed fence would be located completely on his property rather than on the property line as a shared property-line fence as is more typical. Therefore, the adjacent property-owners were not required to sign the application as co-applicants. When notices of the application were sent to neighbors, the two neighbors to the side and rear of the Deikes expressed concerns with the fence and staff arranged a Zoning Administrator hearing to reach a solution.



## PROJECT DESCRIPTION

The subject property is located on the west side of Carlsbad Way and is an interior lot on this cul-de-sac street. The lot shares common side property lines with 3656 Carlsbad Way to the north and 3628 Carlsbad Way to the south, and a rear property line with 3633 Glacier Court to the rear (west). The Deike property is at a slightly lower elevation than the lot to the rear.

The applicants desire to install two new fences along the side and rear property lines. The two new fences would be located within their property lines and therefore would not be considered shared property line fences. The applicants are proposing to bear the entire cost of each new fence since the fences would be entirely on their property. The applicants feel that the existing fencing along these two property lines is in disrepair and in need of replacement. Additionally, the applicants have a pool in their rear yard and want to ensure maximum privacy and safety with fencing which is taller than is currently in place. The applicants note that they have had some privacy issues with the neighbor at 3619 Glacier Court North (please refer to the location map) and desire a higher fence along the rear property line.

The fence to the side is estimated to be about 20 years old and is only about five feet in height. Ideally, the Deikes would want to replace this lower fence with a 6'7" fence constructed to good neighbor standards complete with kicker board, lapped vertical fenceboards, routed top and "picture frame" on all sides (see applicant's statement). The 6'11" fence would be taller than any other fencing which that neighbor has on her property and the fence design would be different than all of the current fencing. Since the neighbor, Ms. Fink, did not agree to a replacement fence, the Deikes are requesting approval of a new fence on their property only; Ms. Fink's existing fence would remain.

The fence to the rear also is not constructed to the more typical good neighbor fence standard; all of the fence framing and support is located on the Deikes' side of the fence with the smooth fenceboard facing the Pretzels. The fence tends to sag in places and varies in height (on the Pretzels' side) from about 5'6" to 6' tall generally due to the aging fence construction and natural grade changes. Again, ideally, the Deikes would want to replace this existing fence with a 7'11" fence (as measured from their side) built to the same standards as indicated above. The proposed fence would be taller than any other fencing which Mr. Pretzel has on his property and the fence design would be different than all of the current fencing. Because Mr. Pretzel's rear property line extends about 16 feet beyond the property line shared with the Deikes, a portion of Mr. Pretzel's rear property line fence would be at a different height and be of a different style than the remainder. Since Mr. Pretzel did not agree to a replacement fence, the Deikes are

requesting approval of a new fence on their property only; Mr. Pretzel's existing fence would remain.

## **ANALYSIS**

### **A. Overheight Fences**

The Municipal Code allows fencing to a height of 6 feet without any special approvals or permits. Section 18.84.090G of the Code allows fences greater than 6 feet but not over 8 feet in height with approval of an administrative design review application. Overheight fences, when agreed to by all affected neighbors, routinely are approved through the Administrative Design Review process. Generally, it is City policy to encourage that fencing which is intended to separate properties be located along the common property line shared between lots. Usually, neighbors would share the costs of maintenance and repair or replacement of such fencing since it is considered to be of common benefit. The City generally discourages "double-fencing" i.e., fencing on either side of a property line because such an arrangement creates a maintenance/access problem for each property owner and too often the space between the fences becomes overgrown with weeds and can provide a habitat for undesirable rodents.

### **B. Neighbor's Concerns**

The two neighbors affected by the fence construction called with concerns about the proposed overheight fence. Ms. Dottie Fink, who lives at 3656 Carlsbad Way on the north side of the Deike family, called to indicate her concerns with the fence design and consistency of the proposed fence with other fencing along her property lines. Mr. Carl Pretzel, at 3633 Glacier Court North, also has expressed concern with the design and height of the proposed fence, and the conformance of the proposed fence design with other fencing along his property. Ms. Fink and Mr. Pretzel share about a 16 foot length of rear property line with each other (please refer to the attached location map).

#### **1. Ms. Dottie Fink, 3656 Carlsbad Way**

Ms. Fink indicated in a telephone conversation with staff in July that she is not necessarily opposed to the taller 6'11" fence replacing the existing fence. It is staff's impression that she would prefer a fence to be located on the property line rather than creating a situation where one fence is located against the other and where she would see the Deikes' fence protruding above the existing fence. Ms. Fink indicated that her real concern is how the new, taller fence (if located on the property line) would look in relation to her rear property line fence which would be almost two feet shorter; she feels

the inconsistency in the fence height would be unattractive from her yard. Ms. Fink also indicated that she had not had a very good experience with previous lapped board fence designs; the fenceboards tended to fall out and became difficult to replace. Ms. Fink indicated that she would prefer a different sort of fence design, more similar to her existing fence.

2. Mr. Carl Pretzel, 3633 Glacier Court North

Mr. Pretzel has expressed to staff several concerns with the proposed rear yard fence. He would prefer a maximum 6' tall fence as measured from his side. If the fence were to be placed on the property line, he would want the fence to be constructed similarly to the existing fence rather than constructed as a good neighbor fence as proposed by the Deikes. Mr. Pretzel also is concerned about the preservation of his concrete mow strip; he wants to ensure that if the fence is placed on the property line, the mow strip is not damaged by new footings for the fence posts. Mr. Pretzel realizes that the Deikes probably do not want to construct a new fence which matches the existing fence since it would not be very attractive from the Deikes side. Mr. Pretzel notes his rear property line fence extends about another 16 feet past the Deikes lot. If a new 7'11" good neighbor fence as proposed by Mr. Deike were constructed on the property line, two panels of Mr. Pretzel's fence would not match. And, if those two panels were reconstructed to match any new fence proposed by Mr. Deike, those two panels would not match the remainder of Ms. Fink's rear property line fence (Ms. Fink shares about 16' of rear property line fencing with Mr. Pretzel, while the remainder of her fence is shared with 3647 Glacier Court North).

Mr. Pretzel indicated that he would not be opposed to a double fence situation if Mr. Deike could place the new fence far enough away from the existing fence to allow both property-owners to maintain their own fence. Mr. Pretzel notes that Mr. Deike then could *design* the fence as he wants, but Mr. Pretzel still would not want the new fence to be constructed at the proposed 7'11" height. Mr. Pretzel is sympathetic to the Deikes' desire to provide privacy fencing for the pool and rear yard area but thinks additional landscaping in the most affected areas (the southwest corner of the lot adjacent to 3619 Glacier Court North) would be a better way to do this.

C. Staff Comments

Staff understands all the neighbors' desires to design and construct fences which are attractive and match existing fences where possible, and to create privacy. However, staff notes that any approval of an overheight fence (up to 8 feet in height) is a discretionary action by the Zoning Administrator. The Municipal Code allows only a 6 foot high

property line fence without special approvals from the City. Fences over six feet in height, no matter where they are located in a side or rear yard, do require approval by the Zoning Administrator.

In regard to Ms. Fink's concerns, staff feels that the fence which Mr. Deike has proposed would be a design and structural improvement over her existing fence. From Mr. Deike's description, staff feels that the new fence would be more substantial and probably of somewhat better overall quality than the existing fence. And, just by virtue of being new, it would last longer than the current fence. Staff is sensitive to Ms. Fink's previous experience with a good neighbor lapped board fence but staff feels that nailing the boards in place would help to ensure that the fence materials would not fall out or warp. Staff recommends a condition of approval which would require Mr. Deike to nail all vertical lapped boards to the horizontal supports and to each other to prevent warping. Staff believes that a new fence designed as Mr. Deike has proposed, installed in place of the existing fence, and on the property line would be of benefit to both Ms. Fink and Mr. Deike. However, staff feels that the proposed 6'11" fence probably is too tall compared with the height of the existing fence along this property line and compared to the fence height along Ms. Fink's rear property line. Staff feels that a 6'3" - 6'6" (see below) fence would be less imposing for Ms. Fink and would not be so obviously tall compared to other fencing, but it would be tall enough for her own privacy and should be tall enough to afford the Deikes enough privacy on this side of their yard. (Mr. Deike has remarked to staff that, given his height, a 6' high fence would not afford as much privacy for his neighbors from *him*, which is one reason he has proposed higher fencing).

Similarly, staff feels that a new rear property line fence would be of benefit to Mr. Pretzel and the Deikes. Staff cannot support Mr. Pretzel's wish that any new property line fence be built to the same specifications as the existing fence since it does not meet staff's criteria as a "good neighbor" fence with all of its exposed structural elements located only on the Deikes' side. It is general City policy to ensure that each neighbor receives the same amount of non-structural and structural portions of the fence so no one neighbor has the most attractive portion of the fence facing his or her yard. Hence, the City encourages the construction of good neighbor fencing throughout the City. Staff feels that Mr. Deike's proposed fence design meets the criteria of a good neighbor fence. A new fence would resolve the sag problem of the existing fence, could maintain an even height along the entire length of the shared property line, would seem to be more substantial compared to the existing fence, and would last for a longer time, just by virtue of being new. Staff supports removal of the existing fence and replacement with the fence design as proposed by Mr. Deike.

Again, however, staff feels that the proposed 7'3" height of the fence really is not in keeping with the fence heights of the adjoining properties. But because Mr. Deike's lot is at a slightly lower elevation, staff feels that it would be appropriate that the rear fence be allowed to exceed the standard 6 foot height to provide the Deikes with additional privacy. In this case, staff feels that a 6'6" fence ( as measured from the Deikes' side) would be most appropriate since it would appear as just a little over 6' from Mr. Pretzel's side which would be a standard fence height for property line fences.

Staff concurs that the 6'3" and 6'6" it has proposed as a compromise solution would not match the heights of the current fencing along Ms. Fink's and Mr. Pretzel's other property lines. However, staff feels that the proposed heights are not so much different than a standard six foot tall fence that normally would be located along the property lines. If they, or their other neighbors were to install new property line fencing, it would be likely that the fencing would be installed at the standard height of 6 feet. The new fencing which staff has suggested, then, would not be very dissimilar to any other standard fencing. Staff has suggested a range in the fence height for Mrs. Fink should she want the rear corner of her side fence to match the 6'6" height of the rear property line fence of Deike/Pretzel, and then scale the fence down to 6'3" as the fence continues towards the front of her property. In staff's opinion, the change in fence height along Mr. Pretzel's rear fence for the remaining two panels not shared with Mr. Deike would not be detrimental and probably not significantly displeasing visually. The existing fencing does not appear to be consistently 6' in height across the entire length of the property line and may have been installed originally at a lower height. It is not uncommon for fences to settle or, as in the case of the fence along Mr. Pretzel's rear property line, to sag to uneven heights over time, although superior construction would help to prevent such problems.

Although Mr. Deike has proposed placing his new fencing adjacent to the existing fences in an effort to allow Ms. Fink and Mr. Pretzel to retain their existing fences, staff cannot support this method from practical and aesthetic standpoints. It would be difficult for property-owners to maintain their fences unless the fences were separated by three to five feet to allow both property owners access to each side of their fence. Mr. Deike would need to grant and record maintenance and access easements across his property to allow Mr. Pretzel and Ms. Fink to maintain that side of their fences. Staff can foresee other issues with such an arrangement such as who maintains the area between the fences, what is considered proper maintenance, how often maintenance should occur, etc. By placing new fencing 3-5' inside of his own property lines, Mr. Deike would lose usable portions of his yard which seems an overly restrictive way to resolve a fencing issue.

Aesthetically, the taller new fence would stick up above the older fencing which staff thinks would be unattractive from Ms. Fink's yard and Mr. Pretzel's yard. Because the

fences would be visible from other yards, staff feels it would present an unattractive picture for the other neighbors, too. Such fencing also is very uncommon in Pleasanton and would be incompatible with the fencing pattern in the surrounding neighborhood. It is general City policy to resolve property line fencing issues in a manner which, although perhaps not ideal for both parties, creates a sensible approach wherein each neighbor receives some benefit.

Staff also is sympathetic to the Deikes desire to install tall fencing along the rear property line to afford them some privacy in their rear yard and pool area from the adjacent neighbor at 3619 Glacier Court North. However, staff feels that additional landscaping in that corner of the yard would be more effective in screening the pool area from view than a 7' fence. Staff suggests that the Deikes consider a fast-growing evergreen tree specie(s) to provide the maximum year-round screening and preclude views from neighbors' windows.

#### **FINDINGS FOR AN OVERHEIGHT FENCE**

Prior to the granting of a permit for an overheight fence, the following three findings must be made:

**A. The application conforms with the objectives of the Pleasanton Municipal Code.**

Staff feels that the proposed overheight fences of 6'11" and 7'3" to be located along the side and rear property lines adjacent to the existing fences do not conform to the intent of the City's Municipal Code in providing property line fencing. Although the proposed fences meet all of the necessary yard requirements, staff feels that it would be detrimental to the peace, comfort, and general welfare of all three property-owners to create a "double-fence" situation wherein the proposed fence would protrude above the existing fences and neighbors would need easements to maintain fences.

Staff feels that the intent of the Municipal Code in allowing property line fencing is to ensure that residents feel secure in their own yards, feel that they can use their yards with a certain degree of privacy, and feel that pool areas, pets, and children can be kept in secured areas. Staff feels that Zoning Administrator review and approval of overheight fences is necessary to ensure that new fencing maintains the comfort, privacy, and security of all neighbors while ensuring that overheight fences are compatible with and maintain the character of the neighborhood. Staff does not feel that the tall fencing located adjacent to existing fences meets the intent of the Code as proposed.

Therefore, staff recommends a maximum fence height for both the side and rear fences of 6'6" as measured from the Deikes' side (allowing the fence on the side property line at 6'3" if so desired by Ms. Fink), and recommends that the new fences be located on the property line, replacing the existing fences. The fences should be designed in the manner proposed by Mr. Deike -- a good neighbor fence -- with the vertical lapped boards nailed into place. Staff believes that such fencing will better meet the intent of the Municipal Code while maintaining the character of the neighborhood. Staff believes that the lower height and property-line location would not detrimentally affect the public health, safety, peace, comfort, or general welfare of any party.

Staff believes that this finding can be made if the fences are located and designed as recommended by staff.

**B. The application assists in providing privacy, in attenuating sound transmission, and/or in reducing annoyance from neighboring properties.**

Staff believes that the 6'3" and 6'6" heights and the location of the fences along the property lines as proposed by staff will assist in providing additional privacy for the Deikes since the new fences will be higher than the existing fences. The fences will be high enough also to provide additional privacy for Mr. Pretzel and Ms. Fink. Although the applicant did not mention any desire to have the new fences provide additional noise attenuation some noise attenuation naturally will occur. Staff notes that the 6'6" height probably will not provide the degree of additional privacy which the Deikes are seeking from an adjacent neighbor, but staff believes that additional landscaping would be a more effective solution for that situation anyway.

Staff believes that this finding can be made if the fences are located and designed as recommended by staff.

**C. The application does not significantly impact upon the aesthetics and safety of the neighborhood nor the light and air to all affected properties.**

As proposed by the applicant, the redwood fences would be constructed to good neighbor standards complete with kicker board, lapped vertical fenceboards, routed top and "picture frame" on all sides, which staff finds acceptable and meeting the standards of a good neighbor fence. Staff also has recommended a condition of approval requiring that the vertical lapped boards be nailed into the horizontal supports and to each other. As staff has proposed, the maximum height of the rear and side property line fences would be 6'6" and 6'3" respectively. Staff believes that the suggested heights of 6'3" and 6'6" would not detrimentally affect the light and air of the neighboring properties. Staff

believes that this third finding can be made with the fences located and designed to the heights suggested by staff.

### **ENVIRONMENTAL ASSESSMENT**

Projects of this nature are categorically exempt (Class 3) from the requirements of the California Quality Act (CEQA 1970, as amended). Therefore, no environmental document accompanies this report.

### **CONCLUSION**

Staff realizes that its recommendation of a maximum 6'6" fence located on the property lines is not necessarily the ideal solution which each affected party would want. Nonetheless, staff feels that its solution is a reasonable one which can provide each homeowner with some degree of satisfaction in terms of the desired additional privacy, the desire for fence heights and design to be compatible with existing fencing to remain, a desire for fences which are not overly tall or protruding above existing fences, and the desire for new fencing designed to the "good neighbor fence" standard. Staff believes that its proposed recommendation can meet some of the criteria of each person for what each would consider to be the most desirable fence.

### **STAFF RECOMMENDATION**

Staff recommends that the Zoning Administrator approve Case Z-98-211 with the changes as recommended by staff subject to the conditions listed in Exhibit "B".

**Kerr Watt**  
**Associate Planner**

(z98211za.sam)  
10.15.98/kjw



**CONDITIONS OF APPROVAL FOR  
Z-98-211 -- OVERHEIGHT FENCE  
3642 CARLSBAD WAY  
(Result of the Zoning Administrator  
Hearing of October 19, 1998)**

1. The design, construction, and location of the fences shall conform substantially to the applicant's statement and site plan Exhibit "A", (dated "Received July 15, 1998") on file with the Planning Department except as modified below.
2. The location of the fences shall be on the right (northerly) side and rear (westerly) property lines as described and shall replace the existing fences which shall be removed by the applicant. The side property line fence shall commence several feet from the front of the garage and extend for approximately 72 feet to the rear property line. The rear fence shall extend along the entire length of the applicants' rear property line.
3. The height of the side property line fence to be shared with Ms. Dottie Fink shall be limited to 6'3" as measured from the applicant's side of the fence and may increase slightly to a maximum height of 6'6" to match the adjoining fence panel of the applicant's rear fence. The design of this fence shall be as proposed by the Deikes and shall consist of redwood fencing with pressure-treated vertical support posts which are treated with creosote at the bottom of the post. At the intersection of the side and rear property lines and the juncture of the three properties of Fink, Deike, and Pretzel, the height of the side property line fence shall be no more than six (6) inches higher than the existing fence.
4. The height of the rear property line fence to be shared with Mr. Carl Pretzel shall be limited to 6'6" as measured from the applicants' side of the fence and shall be designed to match the fence on the applicants' southern property line. The remaining two panels of Mr. Pretzel's rear property line fence shall remain intact, although Mr. Pretzel has the option of adding finish materials on his side of the two panels shared with Ms. Fink so they better match the new property line fence shared with the Deikes. The applicants have no responsibilities regarding the rear property line fencing shared by Ms. Fink and Mr. Pretzel.
5. The applicants shall pay for the new side property-line fence with the cost of fence materials shared equally with Ms. Fink. The applicants shall be responsible for the demolition of the existing fence, hauling away any debris as a result of fence removal, construction of the new fence, and the labor costs of the construction of the new fence.

6. The applicants are responsible for the demolition of the existing rear property-line fence, installation of the new fence, and the labor costs of the construction of the new fence. Mr. Pretzel shall be responsible for hauling away all debris from the fence demolition. Mr. Pretzel shall pay for half of the cost of the fence materials only (not the labor for construction of the fence) within two weeks of receiving the materials purchase receipts from the Deikes, or within any other time frame agreed upon between the two neighbors.
7. The applicants shall avoid damaging Mr. Pretzel's mowstrip located within his rear yard and near the rear property line. Should any damage to the mowstrip occur due to demolition of the old fence or construction of the new fence, the applicants shall be responsible for the repair of the damaged areas.
8. The applicants shall alert Ms. Fink and Mr. Pretzel verbally and in writing at least one week prior to the dates and times they intend to remove existing fencing. It shall be the responsibility of the affected neighbor to inform the applicants verbally and in writing of any special structures or landscaping which may be on or near the existing fencing and it shall be the responsibility of the neighbor to ensure that structures or landscaping which could sustain damage from fence removal or construction are removed or otherwise protected. It also shall be the responsibility of the neighbor to contain and protect any pets which may be in their yards and to find an alternative method of containing the pet during fence removal and reconstruction. Minor alterations of a foot or so in the location of the fence on the property lines may be necessary to preserve any permanent structures or trees.
9. The applicant shall take all precautions necessary to ensure that the removal of old fencing and replacement with the new fencing occurs in as timely a manner as possible; not to exceed two weeks total time for each fence or as otherwise agreed upon by the affected neighbors, given weather conditions and other uncontrollable occurrences. The applicant shall order fence materials well in advance of removal of the existing fences to alleviate delays.

(z98211ca.sam)  
10.26.98/kjw

THE CITY OF



PLEASANTON

November 5, 1998

Todd and Linda Deike  
 3642 Carlsbad Way  
 Pleasanton, CA 94588

Dear Todd and Linda:

**RE: Z-98-211 -- Proposed Overheight Fences on the Side and Rear Property Lines**

The City of Pleasanton has completed its design review procedure for your proposed overheight fences to be installed along the north side property line and rear property line of your lot. In accordance with Section 18.20.040 (B.2.) of the Municipal Code of the City of Pleasanton, notice of your proposal was sent to your adjacent neighbors. A request was made for a public hearing and a hearing was held on you proposed fencing on October 19, 1998. Mr. Carl Pretzel of 3633 Glacier Court North and Ms. Dottie Fink of 3656 Carlsbad Way were present at the hearing, as were the two of you. The Zoning Administrator made the necessary findings for granting an overheight fence and approved your proposal with the modifications listed in and subject to the attached conditions of approval which were the results of discussions during the hearing. I sent drafts of these conditions to you and your neighbors last week and received no comments. Based upon the above information and that the proposed overheight fences meet all of the requirements as outlined in the Pleasanton Zoning Ordinance, the Zoning Administrator approves your fences with the following conditions:

1. The design, construction, and location of the fences shall conform substantially to the applicant's statement and site plan Exhibit "A", (dated "Received July 15, 1998") on file with the Planning Department except as modified below.
2. The location of the fences shall be on the right (northerly) side and rear (westerly) property lines as described and shall replace the existing fences which shall be removed by the applicant. The side property line fence shall commence several feet from the front of the garage and extend for approximately 72 feet to the rear property line. The rear fence shall extend along the entire length of the applicants' rear property line.

P. O. Box 520, Pleasanton, CA 94566-0802

200 Old Bernal Avenue

Planning & Community Development  
 (925) 484-8023  
 Fax: 484-8385

Building Inspection  
 (925) 484-8015  
 Fax: 484-8256

Utility Billing  
 (925) 484-8038  
 Fax: 484-8291

Business License  
 (925) 484-8037  
 Fax: 484-8291

November 3, 1998

3. The height of the side property line fence to be shared with Ms. Dottie Fink shall be limited to 6'3" as measured from the applicant's side of the fence and may increase slightly to a maximum height of 6'6" to match the adjoining fence panel of the applicant's rear fence. The design of this fence shall be as proposed by the Deikes and shall consist of redwood fencing with pressure-treated vertical support posts which are treated with creosote at the bottom of the post. At the intersection of the side and rear property lines and the juncture of the three properties of Fink, Deike, and Pretzel, the height of the side property line fence shall be no more than six (6) inches higher than the existing fence.
4. The height of the rear property line fence to be shared with Mr. Carl Pretzel shall be limited to 6'6" as measured from the applicants' side of the fence and shall be designed to match the fence on the applicants' southern property line. The remaining two panels of Mr. Pretzel's rear property line fence shall remain intact, although Mr. Pretzel has the option of adding finish materials on his side of the two panels shared with Ms. Fink so they better match the new property line fence shared with the Deikes. The applicants have no responsibilities regarding the rear property line fencing shared by Ms. Fink and Mr. Pretzel.
5. The applicants shall pay for the new side property-line fence with the cost of fence materials shared equally with Ms. Fink. The applicants shall be responsible for the demolition of the existing fence, hauling away any debris as a result of fence removal, construction of the new fence, and the labor costs of the construction of the new fence.
6. The applicants are responsible for the demolition of the existing rear property-line fence, installation of the new fence, and the labor costs of the construction of the new fence. Mr. Pretzel shall be responsible for hauling away all debris from the fence demolition. Mr. Pretzel shall pay for half of the cost of the fence materials only (not the labor for construction of the fence) within two weeks of receiving the materials purchase receipts from the Deikes, or within any other time frame agreed upon between the two neighbors.
7. The applicants shall avoid damaging Mr. Pretzel's mowstri, located within his rear

November 5, 1998

yard and near the rear property line. Should any damage to the mowstrip occur due to demolition of the old fence or construction of the new fence, the applicants shall be responsible for the repair of the damaged areas.

8. The applicants shall alert Ms. Fink and Mr. Pretzel verbally and in writing at least one week prior to the dates and times they intend to remove existing fencing. It shall be the responsibility of the affected neighbor to inform the applicants verbally and in writing of any special structures or landscaping which may be on or near the existing fencing and it shall be the responsibility of the neighbor to ensure that structures or landscaping which could sustain damage from fence removal or construction are removed or otherwise protected. It also shall be the responsibility of the neighbor to contain and protect any pets which may be in their yards and to find an alternative method of containing the pet during fence removal and reconstruction. Minor alterations of a foot or so in the location of the fence on the property lines may be necessary to preserve any permanent structures or trees.
9. The applicant shall take all precautions necessary to ensure that the removal of old fencing and replacement with the new fencing occurs in as timely a manner as possible; not to exceed two weeks total time for each fence or as otherwise agreed upon by the affected neighbors, given weather conditions and other uncontrollable occurrences. The applicant shall order fence materials well in advance of removal of the existing fences to alleviate delays.
10. All appropriate City permits shall be obtained prior to the construction of the fences.

**This approval will become effective 15 days from the date of this letter unless appealed prior to that time. Design approval shall lapse and shall be void one year following the date on which the drawings were approved (November 5, 1998) unless, prior to the expiration of one year, a building permit is issued and construction is commenced and diligently pursued toward completion, or the applicant or applicant's successor has filed a request with the Zoning Administrator for approval of an extension.**

If you have any questions, please feel free to call me at 484 - 8027. Again, thank you very much for your cooperation in resolving this fencing issue.

November 5, 1998

Yours truly,

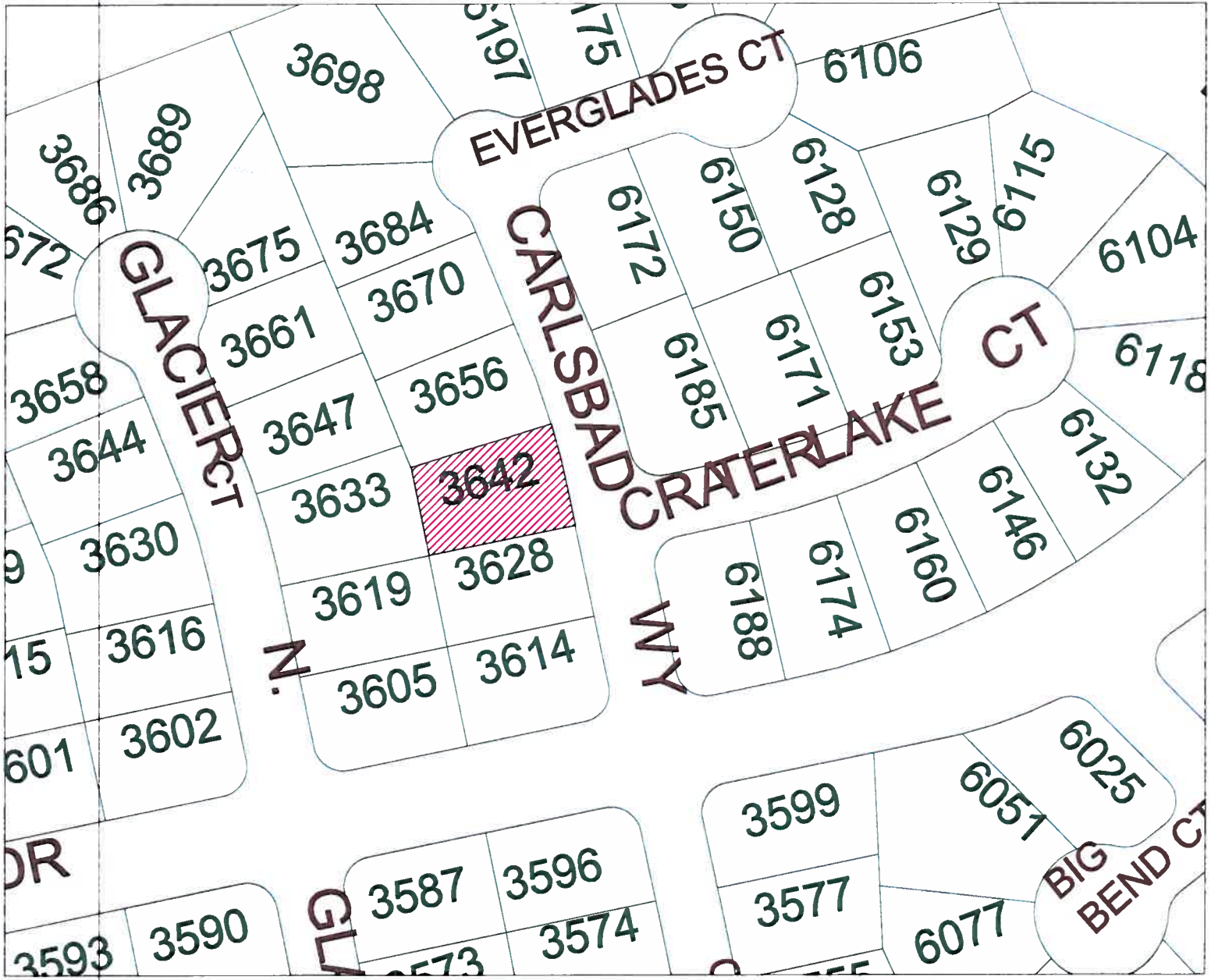
*Kerri Watt*

Kerri Watt  
Associate Planner

CC: Ms. Dottie Fink, 3656 Leisbad Way, Pleasanton, CA 94588  
Mr. Carl Pretzel, 3633 Glacier Court North, Pleasanton, CA 94588  
Mr. Bob Sossaman, Building Department

**A COPY OF THIS LETTER MUST BE PRESENTED TO THE BUILDING DEPARTMENT  
WHEN APPLYING FOR BUILDING PERMITS. ALSO, PLEASE COMPLETE THE  
ATTACHED BUILDING PERMIT QUESTIONNAIRE AND RETURN IT TO THE PLANNING  
DEPARTMENT WHEN YOU APPLY FOR BUILDING PERMITS.**

(c:\dr\9821\ap.sam)  
11/05/98/kjw



P11-0664

City of Pleasanton

GIS

Department

3642 Carlsbad

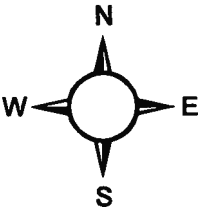
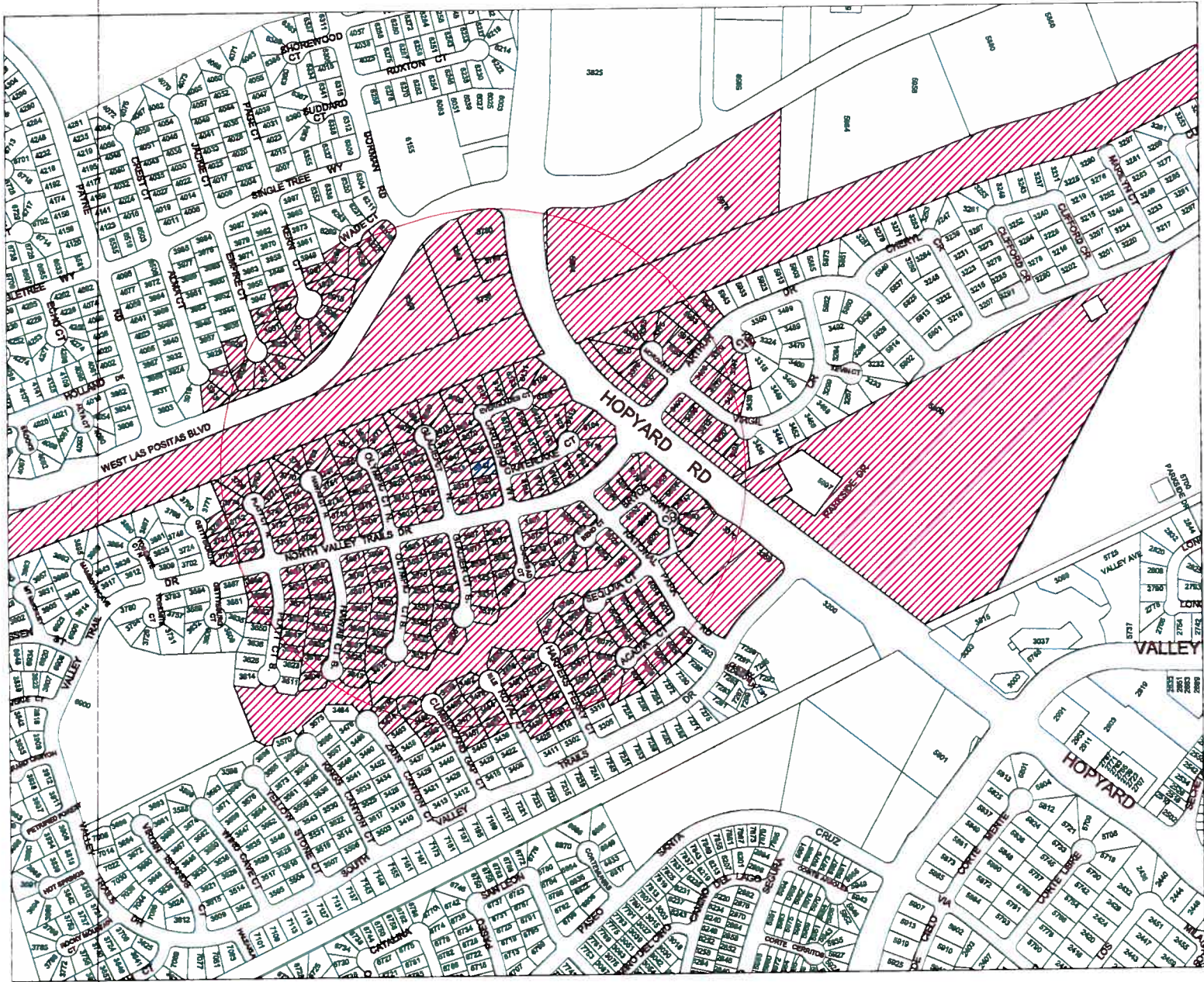


EXHIBIT K

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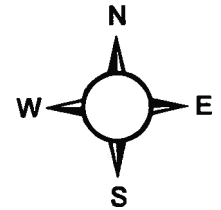
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