



**Planning Commission  
Staff Report**

July 8, 2009  
Item 5.a.

- SUBJECT:** PRZ-27
- APPLICANT:** City of Pleasanton
- PURPOSE:** Review and consideration of amendments to Sections 18.20.010 and 18.84.090, and various related sections of the Pleasanton Municipal Code regarding fencing.
- LOCATION:** Citywide
- ATTACHMENTS:**
1. Exhibit A, Draft Text Amendments (Redline copy)
  2. Exhibit B, Draft Amendment (Clean copy)

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**BACKGROUND**

Fences over six feet in height are defined by the Pleasanton Municipal Code (PMC) as over-height fences. Any over-height fence requires a discretionary action, and after approval is obtained, a building permit is required to construct the fence.

The review process by the Planning Division is staff-level Administrative Design Review (ADR). Property owners who are adjoining to the location of a proposed over-height fence are required to submit written consent by separate letter or by signing the application. Staff processes the application by sending a notice to the affected property owners, who, as described above, have submitted a written consent. This process is duplicative and delays issuance of the building permit required by the Building Code.

Staff proposes the Planning Commission recommend to the City Council that the existing discretionary review process for over-height fences remain in place and modify the Code to remove the noticing requirement since the affected neighbors participate in the process and submit written consent by separate letter or by signing the application.

**PROJECT DESCRIPTION**

The proposed amendment to the PMC would modify Section 18.84.090 (G), Side and Rear Yards – Requirements and Exceptions. This change would only remove the noticing requirement to the adjacent neighbors/residents/owners. The existing Design Review process would not change for over-height fencing. The Code amendment would affect “straight-zoned”

properties and planned unit developments (PUD) that reference the PMC for development standards. The standards that are applicable to a “silent” PUD would be determined by the individual lot size within the PUD (e.g., a 25,000-square-foot lot in a PUD shall follow the requirements of the R-1-20,000 zoning district.)

## DISCUSSION

The following amendments to the existing code language are proposed below. Text in standard format remains unchanged with text to be removed shown in ~~strikeout~~. Proposed text is shown in bold red font and underline (i.e., **bold and underline**)

The following excerpted text is to be amended and follows:

### 18.84.090

- G. Fences, walls and hedges greater than six feet but not over eight feet in height may occupy a required side or rear yard upon approval by the zoning administrator.
1. Application for an over height fence, wall or hedge pursuant to this subsection shall be made with the zoning administrator and shall be subject to design review. ~~pursuant to Section 18.20.010 of this title.~~
  2. The zoning administrator **may require noticing up to 300 feet from the property lines in order to continue processing the design review application. If the determination to notice the application is made, it may be subject to a zoning administrator hearing.** ~~or his or her designee, shall schedule a public hearing, within 40 days of submission of the application before the zoning administrator and give notice thereof by mail no less than 10 days prior to the date of the public hearing to all owners of property contiguous to the site of the proposal as shown on the last equalized assessment roll.~~
  3. Upon conclusion of the public hearing, the **If a zoning administrator hearing is conducted, the** zoning administrator may approve, conditionally approve, or deny the application. ~~No application shall be approved, as applied for or as conditioned, unless the zoning administrator and shall finds that the application:~~
    - a. Conforms to the objectives of this title;
    - b. Assists in providing privacy, in attenuating sound transmission, and/or in reducing other annoyance from neighboring properties; and
    - c. Does not significantly impact upon the aesthetics and safety of the neighborhood nor the light and air to all affected properties.
  4. ~~Any action of t~~**I** ~~he zoning administrator's decision may be appealed to the planning commission. by any affected party.~~ (Ord. 1862 § 1, 2002; Ord. 1656 § 1, 1995; Ord. 1266 § 1, 1986; Ord. 1194 § 1, 1985; Ord. 1182 § 1, 1985; Ord. 1124 § 1, 1984; prior code § 2-5.38)

This amendment would continue to require discretionary review and action for over-height fences prior to being constructed; however, it will eliminate the requirement to notify the neighbors who are consenting applicants and informed members of the review process.

## **DISCUSSION**

Staff researched past over-height fence approvals from January 2006 to December 2008. There were approximately thirty-six (36) ADR permits approvals granted; none were denied.

Adopting this amendment would eliminate unnecessary delays and allow homeowners an opportunity to construct a fence that adjoining neighbors are already agreeable to.

Staff notes that there are additional redline changes that are not referred to in this staff report, as they are not substantive to the process; however, complete redline changes to the proposed Code amendments are included as Exhibit A, Attachment 1 of this report.

## **PUBLIC NOTICE**

Notice of this application was published in *The Valley Times* and was noted in *The Pleasanton Weekly* as an upcoming agenda item for the June 24, 2009 Planning Commission meeting. At the June 24, 2009 hearing, the project was continued to July 8, 2009, therefore no additional noticing was required.

At the time this report was prepared, staff had not received any comments for inclusion or discussion in the report.

## **ENVIRONMENTAL ASSESSMENT**

Zoning ordinance amendments are exempt from the California Environmental Quality Act (CEQA), per Section 15061(b)(3). Therefore, no environmental documentation accompanies this report.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission recommend approval of PRZ-27 to the City Council with the proposed text changes outlined in Exhibit A.

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