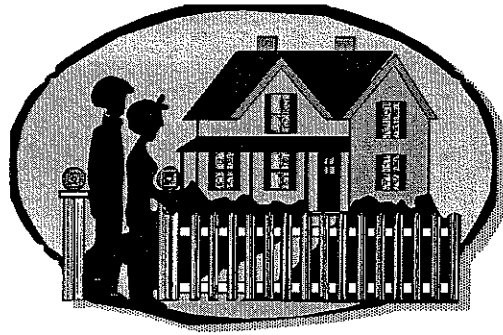


RESIDENTIAL FENCES

ZONING APPLICATION AND INFORMATION



City of Foster City
Community Development Department
610 Foster City Boulevard
Foster City, CA 94404
(650) 286-3225

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CITY OF FOSTER CITY

REVIEW PROCESS FOR FENCES

1. WHY REVIEW IS REQUIRED

The architectural and design elements of each application for exterior modifications to a residential property are reviewed in addition to ensuring that building setback, lot coverage, height and other zoning requirements are met. The purpose of this requirement is to preserve the character of Foster City neighborhoods and the community by ensuring that new development is well designed and properly related to its site and surrounding uses. Well designed buildings and landscaping reflect the quality and values of a community, enhance its visual character and assure the stability of property values. This review also ensures that individual rights are weighed against the needs and requirements of the community. Review of proposed new and replacement fences ensures that new or replacement fences conform to current community standards and that any nonconforming fences are brought into compliance with the existing regulations at the time the fence is replaced.

2. WHEN REQUIRED

Architectural Review approval is required for new or replacement fences when they face a public right-of-way (except fences between the side wall of the house and the side property line that are set back behind the front wall of the house) or are on a waterfront property, including a repair or replacement when 25% of the affected side is proposed to be replaced. In addition, new or replacement fences in planned development (PD) districts (where there is a homeowners' association) that are different than the originally approved design or an approved prototype design are required to obtain approval as a new prototype design for the development.

3. PRE-APPLICATION REVIEW

You may wish to review your proposal with a Planning/Code Enforcement staff member prior to submitting your application. Planning/Code Enforcement Division staff can advise you about the provisions of the Municipal Code or adopted policies related to your proposal. For minor applications such as fences, you may request this information during regular business hours from the "planner on duty" or you may request an appointment with a Planning/Code Enforcement Division staff member by phone (286-3225) or by e-mail to planning@fostercity.org.

4. APPLICATION

Architectural review officially begins when the applicant (or representative) submits an application form and required plans and pays the application fee. The staff member receiving the application will do a cursory check to determine that the basic items required have been included with the application.

5. FEES AND DEPOSITS

Depending on the type of application, a fee or initial deposit will be charged at the time of application submittal, as established by the City Council. Please contact staff for information regarding the application fee for fences.

6. REVIEW FOR COMPLETENESS

A Planner will review the plans for completeness and will contact the applicant if additional information is needed. Incomplete applications and/or plans delay processing, so please review the attached submittal requirements carefully. Even though an application is determined to be complete, additional information may be required to clarify, amplify, correct or otherwise supplement the information submitted. If an appeal is filed, additional sets of drawings will be required.

7. SCHEDULING

Fence applications are often acted on at the counter at the time of submittal. Some fence applications are reviewed later following a site visit.

8. CRITERIA FOR REVIEW

The basic intent of the review of residential property improvements is to ensure architectural compatibility with the existing structure and the neighborhood and to protect the views and privacy of the adjacent properties. Statements of purpose as well as standards for review of Architectural Review applications are contained in several different chapters in the Foster City Municipal Code. For R-1 Districts, the Planning Commission and City Council have adopted *Architectural and Solar Guidelines* to guide the review of minor property improvements.

9. ACTION

The Community Development Department staff, in accordance with the criteria set forth in the Municipal Code, will act to approve, approve with conditions, or deny the application. A notification of the action taken will be mailed to you. ***This action is final unless appealed in writing within ten days of the date of action.*** Contact Planning/Code Enforcement Division staff for additional information regarding appeal procedures and requirements.

Use Permits, Variances or Architectural Review approvals shall not have any force and effect until the permittee acknowledges receipt thereof and acceptance of any conditions thereto.

10. APPEALS

The applicant or any other person may appeal a decision of the Community Development Director or Planning Commission by submitting a letter of appeal or completed appeal form and filing fee within ten (10) calendar days of the date of the decision. If the tenth day falls on a weekend or a holiday, the appeal period ends at 5:00 p.m. on the next working day. No building permits can be issued while an appeal is pending.

A letter of appeal or completed appeal form must specify:

- a) The person making the appeal
- b) The specific item of appeal, and all supporting documentation

- c) The basis for such appeal and information substantiating the basis for appeal (e.g., failure to comply with the City's General Plan, State or local laws; or stating reasons why the action of the Community Development Director or Planning Commission would adversely affect surrounding property, the neighborhood and/or the City)
- d) The relief or action sought

Decisions of the Community Development Director may be appealed to the Planning Commission, and decisions of the Planning Commission may be appealed to the City Council. The appeal shall be agendized for consideration on the earliest available hearing date as determined by the City, but no later than thirty (30) days from receipt of the appeal and filing fee. In any appeal, the burden of proof is upon the appellant

If an appeal is filed, the original applicant will be responsible for providing additional copies of drawings as requested by staff.

11. CONSTRUCTION

In the case of Architectural Review applications for fences once the appeal period has expired, you may construct the fence. A standard condition of approval requires that you notify Planning/Code Enforcement Division staff within seven days after completion of the fence.

City of Foster City
Community Development Department
Planning/Code Enforcement Division
610 Foster City Blvd.
Foster City, CA 94404
(650) 286-3225

Submittal Requirements for Fences

ARCHITECTURAL REVIEW PERMITS

Submittal requirements may be waived by the Community Development Director if it is determined that the information submitted is adequate.

I. DRAWINGS

3 sets of drawings required for staff review

NOTE: For fences that meet the terms specified in the "Fence Permit Supplemental Information" form (attached), the form may be substituted for the otherwise required site plan and elevations.

A. SITE PLANS

All drawings should be scaled (1/4" = 1', 1/8" = 1', or 1" = 10'), drawn and dimensioned to accurately show the following:

1. Scale and north arrow
2. All property lines (dimensioned), street names and significant easements
3. Location of existing and proposed buildings, additions or structures with dimensions to property lines, and dimensions of proposed fence

B. ELEVATIONS

1. Both sides of fence, if different from each other
2. Dimensions, including height from finished grade
3. Method of support
4. Materials and colors
5. Gate(s) and any decorative details

NOTE: Photograph(s) of similar fences may be substituted for elevations.

II. GENERAL REQUIREMENTS

A. Completed Application Form

B. For Dwellings Located Within Planned Developments

1. Obtain Homeowners' Association (HOA) written action on the proposal prior to submitting plans to the City. Section 17.58.070.A (Private Architectural Review) of Chapter 17.58 provides that where deed restrictions require review by a private architectural board or committee, the review shall be accomplished by the applicant and the findings of the board or committee shall be transmitted to the City prior to City action. In order to ensure that City staff is accurately informed by the authority in charge, it is the applicant's responsibility to obtain a letter from the HOA, or its designated representative, which states, at a minimum, as follows:
 - a. That the person is the duly authorized representative of the HOA Board of Directors or Architectural Committee empowered to speak for the HOA on this matter, or that the person in the organization that they work for is the duly authorized representative of the HOA and is empowered to speak for the HOA on this matter
 - b. The address of the property for which the project is proposed
 - c. The date on which the HOA Board or Architectural Committee reviewed the plans, and their specific findings and recommendations
 - d. The plan date on the plans reviewed by the HOA Board. (This is necessary in order to ensure that Planning/Code Enforcement Division staff is looking at the same plans that the HOA or Architectural Committee reviewed.)
 - e. Any specific mitigation or modification that the Architectural Committee or HOA Board is requesting be attached to the project
2. Please be advised that property within a Planned Development is subject to Covenants, Codes and Restrictions (CC&Rs) which may regulate or limit property improvements. Prior to applying to the City for modifications of your property, you should consult applicable sections of those CC&Rs. Please be further advised that the City is not a legal party to CC&Rs and is under no legal obligation to enforce them. You should also be aware that CC&Rs may restrict property improvements in ways that the City cannot or they may allow improvements that are not authorized by the City.
3. Be certain that your proposal is consistent with any City-approved plans for prototypical property improvements within your development.

FENCE PERMIT SUPPLEMENTAL INFORMATION

Declaration Under Penalty of Perjury

I _____ declare:

I am the owner of the property commonly known as _____ in Foster City and I intend to construct/repair/replace a fence at this property. In lieu of submitting site and elevation plans for the above proposal, I agree that the fence shall be located, constructed and at all times maintained as follows:

Fence

- ◆ a maximum of six (6) feet in height for side and yards and a maximum of 40" in height for front yards, except that front yard fences may be up to six (6) feet in height if constructed of 50% open-air materials and set back a minimum of twenty (20) feet from the front property line (Section 17.52.010.A., C.,J., the City's adopted Architectural and Solar Guidelines Design Criterion #1)
- ◆ a maximum of eighteen (18) inches above the six-(6) foot maximum height for columns, decorative objects and light fixtures (Section 17.52.010.K.)
- ◆ in conformance with appropriate fence materials as follows: redwood, cedar, brick, slump stone, stucco, plaster, cement, or wrought iron, and for waterfront properties only: clear tempered glass or clear plexiglass (Section 17.52.010.F.)
- ◆ in conformance with appropriate fence colors as follows: neutral, not bright, and compatible with the existing residence and neighborhood (Section 17.52.010.H.)
- ◆ if the property is a corner lot, the fence will be in conformance with setback regulations for corner lots as stated in Section 17.52.010.C.

I understand that the fence permit does not include any deck patio cover, gazebo or other covered or enclosed area and that future installation of such shall require the prior approval of the City and that the fence must be constructed in strict accordance with the information submitted to the City along with this Fence Permit Supplemental Information.

I understand that my responsibilities as relative to any public utility easement or underground utility lines shall remain the same, regardless of fence placement.

The current heights of the fences surrounding my rear and side yards are as follows:

- _____ feet / north property line
- _____ feet / south property line
- _____ feet / east property line
- _____ feet / west property line

The new fence and/or replacement sections will be located (please check appropriate boxes):

- in a front yard (between the house and the street) along a shared property line
- in a front yard (between the house and the street) parallel to the house
- in a side yard along a shared property line
- in a side yard along a street (corner lot)
- in a rear yard along a shared property line
- in another location (please specify)

Fence Permit Supplemental Information
Page 2

The dimensions of the proposed fence are as follows:

- _____ feet in length
- _____ feet in height (at highest point)

For waterfront fences only:

- _____ feet height at the edge nearest to the water
- _____ feet from the water at the closest point, increasing to _____ feet from the water
(please attach a sketch of any height changes in the fence)

Note: Please consider the views of the adjacent property owners when designing the fence. Waterfront fences may require a site visit by Planning/Code Enforcement staff.

Executed under Penalty of Perjury on _____ at Foster City, California.

Signature/Property Owner

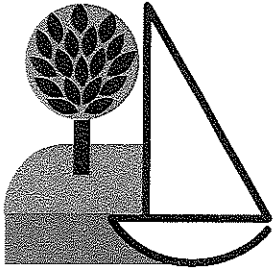
Date

Applicable City Regulations:

1. Code sections refer to Sections 17.52.010.A,C,F,J,K and H of Chapter 17.52, Fences, Hedges and Walls, of Title 17, Zoning, of the Foster City Municipal Code.
2. Architectural and Solar Guidelines were adopted by the City Council on November 6, 1989

Attachments:

1. 200 Scale Map of Subject Property (provided by staff)
2. For waterfront properties, sketch of any height changes in fences



City of Foster City

ESTERO MUNICIPAL IMPROVEMENT DISTRICT

610 FOSTER CITY BOULEVARD
FOSTER CITY, CA 94404-2222
(650) 286-3200
FAX (650) 574-3483

Community Development Department Property Improvement/Development Application

Planning/Code Enforcement Division staff will assist you in completing this application and can be reached at (650) 286-3225. Planning/Code Enforcement counter hours are 8 AM to 5 PM, Monday through Friday. You may also reach us at our email address: cdd@fostercity.org

LOCATION OF PROPERTY: Street Address(es) _____

BRIEF DESCRIPTION OF PROJECT: _____

NEW OR ADDITIONAL BUILDING SQUARE FOOTAGE: (if applicable) _____

PROPERTY OWNERSHIP

Name: _____
Company: _____
Address: _____

Telephone: _____
Fax: _____
Email: _____

APPLICANT

Name: _____
Company: _____
Address: _____

Telephone: _____
Fax: _____
Email: _____

Please read all of the applicable sections of this two-page application and all information in the application information handout before signing this application.

TYPE OF PERMIT(S) REQUIRED

- | | |
|---|---|
| <input type="checkbox"/> Architectural Review Permit | <input type="checkbox"/> Sign Permit |
| <input type="checkbox"/> Architectural Review Amendment | <input type="checkbox"/> Sign Use Permit |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Tentative Subdivision/Parcel Map |
| <input type="checkbox"/> Negative Declaration/EIR | <input type="checkbox"/> Use Permit |
| <input type="checkbox"/> Planning Commission Interpretation/Opinion | <input type="checkbox"/> Use Permit Modification |
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Preliminary Review | <input type="checkbox"/> Other _____ |

FOR CITY COMPLETION:
Date Application/Fee received: _____
Received by: _____

Assessors Parcel No: _____
Amount Fee Paid: _____
File Number: _____

NOTES:

1. It is understood that any permit issued pursuant to this application will not grant any right or privilege to use any building or land contrary to the provisions of law or of any ordinance of the City of Foster City. All provisions of law and of ordinance governing the use of the aforesaid building or land will be complied with, whether specified or not.
2. The applicant or any interested aggrieved person may appeal the determination of the Community Development Director or the Planning Commission within ten (10) calendar days from the date of such determination. All appeals must be filed within ten (calendar) days after the decision of the Community Development Director or Planning Commission. The appeal must be in writing. The required appeal fee as adopted by the City Council must accompany an appeal to the Planning Commission of a decision of the Community Development Director (Planning Director) or an appeal to the City Council of a decision of the Planning Commission or it will be considered incomplete. Prior to submitting your appeal, please check with staff regarding the amount of the appeal fee due. A Building Permit will not be issued until after this 10-day appeal period. If an action of the Commission is appealed, the City Council will hear the appeal and render a final decision.
3. I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the City grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge. I therefore agree to accept this responsibility for defense at the request of the City and also agree to defend, indemnify and hold the City harmless from any costs, claims or liabilities arising from the approval, including, without limitation, any award of attorneys fees that might result from the third party challenge.
4. *The applicant understands that projects reviewed by the Planning Commission and a few projects reviewed by staff are billed on a time and materials basis which means that all staff time spent reviewing the project and any extraordinary materials required to process the project are charged to the applicant. If staff time spent on a project exceeds the deposit (the initial application fee/ deposit), the applicant will be billed accordingly.*
5. **It is understood that approval of this application does not constitute approval of construction plans from the Building Inspection Division, which must be applied for separately and subsequent to the approval of this application.**
6. Public Noticing: Use Permits, Variances, and some other applications require a Planning Commission Public Hearing, for which property owners within a 300-foot radius of the project must be notified. The Notice of Public Hearing must be mailed two weeks prior to the scheduled meeting. Some Architectural Review applications require that the applicant notify adjacent property owners before the application can be determined to be complete. Please refer to the Submittal Requirements for procedures.
7. Plan Preparation and Submittal Information: Prior to plan preparation and submittal, applicants are strongly encouraged to read as applicable, the: 1) Residential Property Improvements Information Package; 2) Major Property Development (relevant to environmental assessments, General Plan amendments, rezonings, tentative maps, vesting tentative maps, and use permits) handout; or: 3) Signs Application and Information handout. This information describes the type of plans required for all applications and the information to be contained on plans.
8. If an applicant has been notified in writing that his/her application is incomplete and the reasons why the application has been so deemed, and there is no resubmittal of required information for a period of six months from the date of notification, or no activity has occurred on the application for a period of six months, the Community Development Director or his/her designee shall deem the application withdrawn and so notify the applicant. The applicant may reapply at any time with a new application and filing fee.
9. The applicant and property owner hereby grant permission for City staff to enter and inspect the subject property as required to evaluate this application.

SIGNATURES – I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made a part of this application in accordance with the provisions of the City Ordinances, and I hereby certify that the information given is true and correct to the best of my knowledge and belief. I hereby certify that this application and supporting submittals is an application for a development permit and therefore subject to time limits for processing as established by State law. I have read all applicable sections of this application and other relevant information and understand what is required of me during this project review process.

Applicant: _____

Date: _____

Owner:* _____

Date: _____

*If different than applicant, owner must either sign this application or attach a signed letter authorizing this application.