

Attachment B

Front Files  
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NRC        Resolution No.       62037      

GFH         
SG        Board of Supervisors, County of San Mateo, State of California

BCL         
DJV       

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       Resolution Superceding Resolution No 62154 and Determining  
       the Height, the Procedures to be Followed for the  
       Installation, and the Fees to be Paid in Conjunction with  
       Fences, Walls and Hedges that may be Allowed in Public  
       Road Rights-of-Ways, and the Procedures to be Followed for  
       the Removal of Fences, Walls and Hedges that are  
       Constructed in Public Road Rights-of-Ways without the  
Benefit of an Encroachment Permit

**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that

**WHEREAS**, Section 1480.5 et. sec. of the California Streets and Highways Code provides that the Road Commissioner (Director of Public Works) can allow encroachments, including fences, walls and hedges into the public road rights-of-ways; and

**WHEREAS**, Resolution No.62154 adopted by this Board established the height of fences allowed in the public road rights-of ways; and

**WHEREAS**, Ordinance 03891 amended the San Mateo County Ordinance Code, Division VI, Part One, Chapter 22, section 6412.2, to allow limited exceptions to fence and hedge heights on parcels located outside the Coastal Zone; and

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DEPARTMENT OF PUBLIC WORKS  
County of San Mateo

WHEREAS, the Board has considered that it is in the best interest of the County and its residents to have fence heights in the public road right-of-way conform with fence heights as established and allowed by Ordinance 03891 if certain conditions are met; and

WHEREAS, the Board has considered that encroachment permits for fences located in the public-right-of-ways should be recorded with the County Recorder in order to provide a record of said encroachment for successor owners of real property adjacent to where a fence is located; and

WHEREAS, the Director of Public Works has recommended procedures to be followed and fees to be paid in conjunction with the County reviewing requests for fences to be located with the public road rights-of-ways and this Board has considered the recommendation of the Director of Public Works.

**NOW, THEREFORE, IT IS HEREBY ORDERED AND DETERMINED** as follows:

1. This resolution supercedes Resolution No. 62154 previously approved by this Board.
2. The Director of Public Works shall use the following as a guide when considering the approval of fences located in the public road right-of-ways:
  - a) Fences, hedges and walls as may be allowed in the public rights-of-ways adjacent to front or side yards shall be no more than 4-feet in height.
  - b) Fences, hedges and walls as may be allowed in the public right-of-ways adjacent to back yards shall be no more than 6-feet in height.

c) Fences, hedges and walls will be subject to the encroachment permit process and permits will be denied for fences that are determined to be an obstruction or that limit the sight distance of motorists, cyclists or pedestrians.

d) Fences, hedges and walls including replacement of existing fences and associated gates, arbors, trellises and entry ways of up to 2 feet higher than as allowed in paragraphs 2a) and 2b) above may be considered for permitting pursuant to the procedures as outlined in Paragraph 3 below. Fences, hedges and walls including replacement of existing fences, hedges and walls and associated gates, arbors, trellises and entry ways exceeding the 2-foot overheight limit as provided in paragraph 3 below are not permitted.

3. The following procedures shall be used by an applicant seeking a permit for a fence in the public road right-of-way:

a) Initial contact with Public Works

The property owner shall contact Public Works if they want to build a fence in the public right-of-way. Public Works will look at a proposed fence location to determine if it will create a sight distance problem for pedestrians, bicyclists or motorists prior to the owner applying for a permit and prior to any fees being charged. The owner can then proceed with the applicable application process if Public Works staff determines that there will be no sight distance problem based on the information provided by the owner.

b) Fences not over the height provided by Paragraph 2a and 2b above (four foot front and side yard fences, 6 foot back yard fences).

The applicant must apply for an encroachment permit and execute an agreement to guarantee that they will take full responsibility to maintain, repair, relocate and/or remove the fence, hedge, or wall at their own expense upon notification from the

County. With the permit application, the applicant will submit a non-refundable fee as described in paragraph 4 below. The applicant will also be responsible for all recording and notary fees associated with the agreement as well as providing a legal description of the applicant's property acceptable to the County Recorder and for the preparation of plans for the fence and description of the location of the fence in relation to the property line.

The Director of Public Works is hereby authorized to execute on behalf of the County agreements for fences, hedges, and walls constructed in the public-right-of-way.

c) Fences where an exception to the fence height is requested (front and side yard fences between four and six feet; back yard fences to eight feet)

The property owner shall apply to the Planning Division for an exception to the fence height and follows the process as outlined in Section 6412.2 of the Ordinance Code which requires notification of all owners of property within 300 feet of the property, as well as notification to any member of the public or recognized organizations or associations that represent property owners in the neighborhood surrounding the parcel where the fence is to be placed. The permit may also be appealed to the Planning Commission and to this Board. If the exception is approved, the applicant would apply for an encroachment permit and proceed through the process as described in paragraph 3b above.

4. A non-refundable fee of \$100 is hereby established and is to be paid to Public Works for processing encroachment permits and recording agreements for fences, hedges, and walls located within the public road rights-of-ways and is payable upon application for an encroachment permit. This fee does not include fees as may be required by Section 6412.2 et. sec. of the Ordinance Code.

5. An encroachment permit will not be issued until the applicable fees have been paid and the agreement recorded with the County Recorder.

6. Removal of fences that are built without an encroachment permit or where the fence is an impediment to sight distance or needs to be removed when the public right-of-way is needed for the public's use.

Property owners with fences, hedges and walls built in the public road rights-of-way on or after July 21, 1998, without an encroachment permit as determined by the Director of Public Works shall apply for an encroachment permit as provided by the provisions of paragraph 3 above. This Board hereby determines that a fence, hedges of wall obstructs or prevents the use of the public road right-of-way and the Director of Public Works is hereby authorized to begin the procedures to have the fence, wall or hedge removed pursuant to Section 1480.5 et sec. of the State of California Streets and Highway Code if an owner does not apply for said encroachment permit within 14 calendar days after being notified by the Director of Public Works of the requirements of an encroachment permit.

The Director of Public Works is also hereby authorized to begin the procedures to have a fence, wall or hedge removed pursuant to Section 1480.5 et. sec. of the State of California Streets and Highway Code when a fence, hedge or wall built before July 21, 1998, is an impediment to sight distance or needs to be removed when the public right-of-way is needed for the public's use.

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