



FENCE REGULATIONS & EXCEPTION PROCESS FOR FENCES ON PRIVATE PROPERTY

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Updated: January 19, 2018

The following summary information regarding fence requirements and the fence exception process for fences on private property is from the City of San Mateo Zoning Code Chapter 27.84 Fences, Trees and Hedges. The entire Chapter can be found online at:

http://qcode.us/codes/sanmateo/view.php?topic=27-27_84&showAll=1&frames=off

This handout is applicable to fences and walls on private property. It is important to note that most front and street side property lines are generally not located directly behind the sidewalk. It is common for the City street right-of-way (which is under the City's ownership) to extend several feet behind the existing sidewalk. Before building new fences or submitting an application for a fence exception (especially for a fence that was constructed without the benefit of City approvals and is a current code enforcement case), the first step to find out where the property line is located through a site survey of the property lines where the fence is located stamped and signed by a Land Surveyor licensed by the State of California. This is the only accurate source to locate exact property lines.

For information about fences located in the City street right-of-way, please consult with the City Public Works Department at 650-522-7300.

There are three reasons why the City of San Mateo regulates the height and location of fences.

- To allow privacy and security for homes and properties;
- To maintain an open feeling in neighborhoods when viewed from the street

and for pedestrians walking on sidewalks;
and

- To eliminate visual barriers for the safety of pedestrians, bicyclists and drivers, particularly at street corners and driveway locations.

Where Can Fences be Located?

Fences can be located anywhere on private property. However, the height is limited in required setback ("yards") areas. Fences cannot be located outside private property.

What is the Height Limit for a Fence?

The height limits vary based on required setbacks and depending on if the property is a corner lot or an interior lot. The Zoning Code provisions are on the following page. Setbacks ("yards") are identified for each in the City's Zoning Code property based on the zoning classification. The City's Zoning Map is online at:

<https://www.cityofsanmateo.org/DocumentCenter/Home/View/578>

The City's Zoning Code with the regulations for each zoning classification is online at:

<http://qcode.us/codes/sanmateo/view.php?topic=27&frames=off>

If you have specific questions about the required setbacks for a specific property, please contact the Planning Division.

The City's primary Zoning Code regulations for fences are below:

City of San Mateo Zoning Code Section 27.84.010 FENCES—HEIGHT LIMITATION.

No fence, wall or similar structure exceeding six (6) feet in height shall be erected, constructed or maintained on a property line or within a required yard area as defined in Title 27, except in the following instances:

(a) Street Yards. The maximum height within a front yard or street side yard, as defined in Title 27, shall be three (3) feet, except that:

- (1) Fence or wall posts not more than 12 inches wide may be 42 inches (three and one-half (3 1/2) feet) tall, and*
- (2) Entry structures, such as trellises, over pedestrian gates may be eight (8) feet tall and not more than five (5) feet wide.*

(b) Street Intersections and Driveways. The maximum height of fences and hedges near street intersections and driveways shall be limited to three (3) feet when located:

- (1) Within the triangular area of private property formed by the extension of intersection curb lines, or pavement edge where no curb exists, and the diagonal line connecting the point on each of the two (2) streets at a distance of 45 feet back from the intersection, as illustrated hereafter, or*
- (2) Within the triangular area of private property formed by lines 10 feet in length from the point of intersection of the edge of driveways on the subject property or adjacent properties and the edge of the sidewalk closest to the private property, as illustrated hereafter.*

(c) Side and Rear Property Line Fences. The maximum height along interior side or rear property line outside of required front or street side yards shall be eight (8) feet provided that:

- (1) A building permit, applied for by all property owners abutting the property line fence, is issued pursuant to Title 23, and*
- (2) 50% percent of the fence above six (6) feet in height shall be open.*

Provisions (1) and (2) above shall not apply for single-family properties which are adjacent to a multi-family, commercial or industrial use, although a building permit pursuant to Title 23 shall be required.

Please contact the Building Division for more information about the fence permit application forms, required plans/documents, and submittal process. Building permits are required for fences that exceed 7 feet in height. Fences that are located on the interior side or rear property lines (outside of the front yard and street side yard) and consist of a 6-foot solid wood fence plus 1-foot of lattice that is 50% open – for a total fence height of seven feet – are permitted by the Zoning Code and are exempt from a building permit pursuant to Title 23 of the City's Municipal Code.

Are Older, Existing Fences Required to Comply with These Regulations?

All existing fences constructed before June 7, 1993 which do not comply with the current fence height regulations are considered existing legal non-conforming fences. They may be painted or stained as part of routine maintenance, and very minor repair is allowed, including replacing one or two broken single boards. However, any repair or replacement of this existing fence must change the fence to comply with the current fence regulations.

Do I Need Permits to Build a Fence?

Please contact the Building Division at 650-522-7172 or come to the public service counter in City Hall. Building permits are required for fences that exceed 7 feet in height pursuant to Title 23 of the City's Municipal Code.

What if I Want to Have a Fence Taller Than City Regulations Allow?

The City has a Fence Exception Planning Application process to review requests for fences that exceed the maximum permitted heights in the Zoning Code. However, before starting on this process, it's important to gain a comprehensive understanding of the required application forms, plans and documents, the total processing cost, and time

frame. The first step in this process is to obtain a survey to confirm the fence is located on private property.

Required Planning Application for a Fence Exception

The City Planning Division has prepared the “Single Family Planning Application Guide” that includes forms and information related to the required Planning Application for the Site Plan and Architectural Review (SPAR) Planning Applications for a Fence Exception. This guide is available online at:

<https://www.cityofsanmateo.org/1135/Planning-Resource-Documents>

The Zoning Code section that includes the provisions for the Fence Exception is below:

City of San Mateo Zoning Code Section 27.84.020 EXCEPTIONS.

The Zoning Administrator may grant an exception to the height and location requirements for fences through submittal of a planning application as set forth in Chapter 27.08 of this title. The Zoning Administrator may approve or conditionally approve the exception if all of the following conditions apply:

(a) The fence or wall height, location, design and landscaping are in scale and harmonious with the character of the neighborhood;

(b) Granting of the exception will not be materially detrimental to the public health, safety or welfare or materially injurious to other property or improvements in the neighborhood in which the property is located, and shall not limit visibility of pedestrians, bicyclists, or motorists from streets, alleys or driveways; and

(c) Granting of the exception will not adversely affect or be inconsistent with the general plan.

Historically, the City has approved roughly one fence exception each year, and these fences are typically wrought iron fences over three feet in the front yard that are 50 percent open to ensure that there is still visibility through the front yard for security and aesthetic reasons. Another reason why there are so few fence exceptions is the processing timeframe for the discretionary planning application

(approximately 2-3 months from the date the application is submitted, though each application varies), and the cost. City Council Resolution directs that Planning charges reflect the actual costs of staff time spent on each project and all direct costs (including but not limited to noticing, copying charges, and consultant staff time) associated with the application. The applicant is responsible for paying 100% of the costs of all staff/consultant time and all costs incurred pursuant to any appeal. The required deposit for the Fence Exception application is specified in the City’s Comprehensive Fee Schedule.

For fence exception applications, at the time of submittal the City requires evidence that the proposed fence or gate is located on private property. Evidence of property lines must be provided in a site survey that is stamped and signed by a Land Surveyor licensed by the State of California. The City requires this as we have found that many fences/gates are located in the City’s Rights-of-Way and therefore do not qualify for a Fence Exception Planning Application which only governs fences on private property.

Below is a summary of the Zoning Administrator (ZA) Decision Process for the Site Plan and Architectural Review (SPAR) Fence Exception Planning Application:

Steps:

1. Applicant purchases neighborhood informational meeting mailing labels from the City of San Mateo Planning Division and obtains City approval of meeting notice and meeting date and time.
2. Applicant mails neighborhood informational meeting notice and holds meeting.
3. Applicant submits the planning application to the city within 60 calendar days of meeting.

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4. Project review by City Development Review Board for code compliance and CEQA¹ exemption status and preparation of Incomplete Letter within 30 calendar days of submittal. If application is deemed incomplete, an incomplete letter is sent to the applicant with detailed comments from all reviewing City departments/divisions. 120 calendar days are provided for applicant response before the planning application is closed out due to inactivity.
 5. If incomplete, applicant resubmits revised plans/additional information and there is a subsequent review by City staff; preparation of revised Incomplete Letter within 30 calendar days of re-submittal. *Multiple rounds of resubmittals may be required before planning application is complete. Each round may take up to 30 calendar days.*
 6. When application is deemed complete, planner prepares Planning Application Conditions of Approval and Public notice of “Pending Zoning Administrator Decision” that is mailed by the City at least 10 calendar days prior to a ZA decision, allowing for public comment on the planning application. Applicant is required to post the public notice placard on the project site during these 10 days.
 7. Zoning Administrator takes action on the project through a ZA Decision document (*decision is made to approve or deny the planning application*); Decision Date begins a 10 calendar day appeal period.
 8. At the end of the 10 calendar day appeal period the ZA Decision is final, unless:
 - a. An appeal is filed for Planning Commission review (\$500 appeal fee; applicant pays the full cost of processing the appeal); or
 - b. Planning Application is “called up” for review by a Planning Commissioner (applicant pays the full cost of processing this review).

¹ CEQA: The California Environmental Quality Act (CEQA) outlines categories of projects which are exempt from further environmental review. Project which are not categorically exempt require an Initial Study which leads to either a

Negative Declaration or an Environmental Impact Report (EIR). For process and timing information on projects with Initial Studies and EIR’s, please consult with Planning Division staff.