



FENCE MODIFICATION

Hours: Monday, Tuesday, Thursday 8 am–4 pm and Wednesday 8 am–3 pm

CITY OF SAN LEANDRO
Community Development Department
835 East 14th Street
San Leandro, CA 94577

Email planner@sanleandro.org
Leave a Message (510) 577-3325

General Information

An approval for a Fence Modification allows a property owner to build a fence that varies from the fence regulations of the Zoning Code. Fence Modifications are reviewed and decided upon by the Zoning Enforcement Official at a public hearing, following a 10-day public comment period.

Approval is not guaranteed and you may be required to change your proposal or redesign/reconstruct the fence.

The Zoning Enforcement Official may refer a request for a Fence modification to the Board of Zoning Adjustments. The Board of Zoning Adjustments also reviews Fence Modification requests that are made in conjunction with an application for either a Conditional Use Permit or Variance.

The process takes about 4 to 12 weeks from date of application submittal.

WHAT IS A FENCE MODIFICATION?

The Zoning Code lists maximum heights for fences, walls, and hedges based on the zoning district in which the property is located and based on where the fence is built on the property.

Property owners may request an approval to vary from the fence regulations (for example, a taller fence at the front property line) by submitting a planning permit application for a Fence Modification for review and approval by the Zoning Enforcement Official (ZEO). The ZEO decision is made at a public hearing, following a 10-day public comment period. Approval of a Fence Modification planning permit is NOT guaranteed and you may need to change your proposal. Planning permit fees are non-refundable.

DO I NEED A BUILDING PERMIT TO BUILD A FENCE?

Contact the Building & Safety Division at 510-577-3405, or at the Permit Center, to understand what types of fences or walls require a building permit. Be prepared to describe your fence in detail or provide example photographs or drawings of your proposed fence.

WHAT IF I ALREADY BUILT A FENCE THAT DOES NOT COMPLY WITH THE FENCE REGULATIONS?

If a fence does not meet current Zoning Code, the property owner is responsible for removing the portions of the fence that are non-compliant, or they must show proof that a Fence Modification has been approved.

IF I REQUEST A FENCE MODIFICATION APPROVAL, WILL I BE ABLE TO KEEP A FENCE THAT IS NON-COMPLIANT?

If a fence creates visibility hazards, or is located in the public right-of-way without an Encroachment Permit, it is *very likely* that the fence, or portions of the fence, will have to be removed or reconstructed to meet all applicable codes. You may also have to reduce the height of the fence, or move the fence to a different location within the property.

WHAT IF I BUILT A FENCE IN THE RIGHT-OF-WAY?

Contact the Engineering Department at 510-577-3428, at ETGeneral3428@sanleandro.org, or at the Permit Center, to understand your options. A Fence Modification approval can only be requested for fences on private property, not for fences in the right-of-way.



FENCE MODIFICATION

APPLICATION PROCESS FOR REQUESTING

A FENCE MODIFICATION [§4.04.364.D >](#)

- Explore all your options.** Zoning Code fence regulations already allow increased fence heights that address special cases like corner lots.
- Read through this handout.** Contact the Planner on Duty if you have any questions on the required application materials or process.
- Submit all required materials at the Permit Center (see back page).** The Planner on Duty will take in your application. Your application materials will then be assigned to a specific Planner, who will review your application and distribute the plans to other City Staff for comment during the initial 30-day review period.
- Neighbor Notice and Comments.** If your application is deemed complete, the Planner will notify and solicit comments from abutting property owners, which includes a copy of the reduced plan set, at least 10 days prior to the ZEO public hearing.
- ZEO Decision and Conditions of Approval.** After the comment period closes, the ZEO may approve, conditionally approve, or deny the application. You may be required to redesign or reconstruct your fence if staff determines that it creates visibility hazards, doesn't conform with other legal fences in your neighborhood, or is located in the public right-of-way without an Encroachment Permit.
- Appeals.** ZEO action on the Fence Modification is final unless appealed to the Board of Zoning Adjustments within 15 days from the date of the action. Appeals shall be heard by the Board of Zoning Adjustments.

STANDARDS FOR APPROVAL OF FENCE MODIFICATION

- The fence is not detrimental to adjacent property.
- The fence is aesthetically compatible with the neighborhood.
- The fence does not create a sight distance hazard.
- The fence is not detrimental to the public health, safety, or welfare.

FENCE MODIFICATION PERMIT SUBMITTAL MATERIALS

Please provide the following materials when submitting your Fence Modification application:

APPLICATION MATERIALS CHECKLIST	
<input type="checkbox"/>	1. Complete the Fixed Fee Application Form www.sanleandro.org/planningforms
<input type="checkbox"/>	2. Bring a check/credit card to pay the Permit Fee. www.sanleandro.org/planningfees
<input type="checkbox"/>	3. Project Description. Provide reasoning for why you are applying for an exception to the fence regulations. Describe your proposed fence or wall, including existing (if applicable) and proposed lengths, heights, and materials.
	4. Approval Findings. Address how the proposed fence or wall complies with the following findings: <ul style="list-style-type: none"> <input type="checkbox"/> The fence is not detrimental to adjacent property; <input type="checkbox"/> The fence is compatible with the neighborhood in terms of aesthetics; <input type="checkbox"/> The fence does not create a sight distance hazard; <input type="checkbox"/> The fence is not detrimental to public health, safety, or welfare.
<input type="checkbox"/>	5. 1 set of Digital Copy Plans (PDF) containing the following: <ul style="list-style-type: none"> <input type="checkbox"/> Cover Sheet - List Property Owner name and contact info, Lot Size, Square Footage of Building(s), Zoning, APN, Address, Scope of Work, etc. <input type="checkbox"/> Site Plan: <ul style="list-style-type: none"> <input type="checkbox"/> Scale: 1/8" = 1'-0" or 1" = 10'-0" and North Arrow <input type="checkbox"/> Show and dimension the property lines, sidewalks, and curbs <input type="checkbox"/> Show and dimension from the property lines to the centerline of all adjacent streets <input type="checkbox"/> Show the required setbacks <input type="checkbox"/> Show where the fence or wall and gates are to be located and indicate their materials, height, and length <input type="checkbox"/> Show and label all structures with a roof, including covered patios/storage spaces/sheds/carports <input type="checkbox"/> Show the outline of buildings on adjacent lots <input type="checkbox"/> Show existing and proposed landscaping and trees, width a minimum 3' wide landscaped area <input type="checkbox"/> Show 10'x10' driveway visibility triangle(s). <input type="checkbox"/> Elevations - Indicate the proposed fence or wall materials, panel dimensions, any latticework, posts, and dimension height and distance between posts.