



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 09/13/2017

ITEM NO: 2

DATE: SEPTEMBER 8, 2017

TO: PLANNING COMMISSION

FROM: JOEL PAULSON, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: TOWN CODE AMENDMENT APPLICATION A-17-002. PROJECT LOCATION:
TOWN WIDE. APPLICANT: TOWN OF LOS GATOS.
CONSIDER AMENDMENTS TO CHAPTER 29 (ZONING REGULATIONS) OF
THE TOWN CODE REGARDING **FENCES, HEDGES, AND WALLS.**

BACKGROUND:

The Planning Commission considered amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding fences, hedges, and walls on July 26, 2017. At this meeting, the Planning Commission received the Staff Report, considered comments from the public, and continued consideration to the September 23, 2017, Planning Commission meeting. The Planning Commission provided staff with direction to address some questions and requests raised by Commissioners.

DISCUSSION:

A. Planning Commissioner's Questions and Requests

Request: Other Ordinances from similar communities.

While developing the draft Ordinance, staff reviewed Ordinances and guiding documents from the City of Saratoga, the City of Los Altos Hills, the Town of Portola Valley, and the Town of Woodside. These communities were selected based on their similarities with Los Gatos' hillside areas. These Ordinances and guiding documents are included as Exhibit 9.

Question: Do other communities have similar issues related to coyotes and were their solutions effective?

Other communities do have similar issues, however, data on this issue is not available.

PREPARED BY: SEAN MULLIN, AICP
Associate Planner

Reviewed by: Planning Manager and Community Development Director

Question: Is there a distance for a protective fence to be effective against Lyme disease?

Staff was able to locate two peer-reviewed journal articles finding that fencing can be effective in reducing tick populations by reducing the presence of deer on a property, however, both articles were based in the eastern United States and studied very large parcels of land. Staff was unable to locate any information related to the effectiveness of fencing in reducing tick populations in communities of similar location, with similar lot sizes, and similar host animals (deer, squirrels, etc.).

Question: How do we balance the competing interests of property owners who wish to allow for large fenced-in areas for their pets to explore and the concerns for preserving and reinforcing wildlife corridors?

Staff recommends the Planning Commission discuss this question, consider alternatives, and provide direction to staff for any required revisions to the draft Ordinance.

Question: Does the proposed amendment restricting non-wildlife friendly fencing to areas within 30 feet of the primary dwelling unit make sense?

Staff recommends the Planning Commission discuss this question, consider alternatives, and provide direction to staff for any required revisions to the draft Ordinance.

Question: Is the fee (\$2,223) associated with the proposed requirement to obtain a Minor Residential Development approval appropriate?

Staff included the requirement for Minor Residential Development approval as the least expensive permit with a prescribed notification process and as a point to begin the discussion. The Planning Commission could consider an alternative method and fee for permitting fencing. Staff recommends that the fee be structured as a “time and materials” cost to allow the Town to track the true cost of reviewing and approving permits for fencing to develop an appropriate fixed fee in the future.

B. Changes in working draft of Ordinance since previous meeting

Following the Planning Commission meeting of July 26, 2017, staff considered the feedback from the Planning Commission and the public to refine the working draft of the Ordinance. Staff also met with David Weissman and Lee Quintana in August to discuss further refinements to the proposed amendments. Exhibit 8 is an updated working draft of the proposed Ordinance amendments, including revisions and refinements marked in red underlined font.

C. Staff's Concerns

Staff recommends that the Planning Commission review the revised draft Ordinance amendments (Exhibit 8). As discussed in the previous Staff Report, staff has concerns with

some of the proposed amendments, but looks forward to the Planning Commission's discussion on the Ordinance amendments in general, and in particular requests that the Planning Commission discuss the following topics:

- The appropriateness of the proposed "Vision Statement" language included under Purpose and Intent (Exhibit 8, page 2: Purpose and Intent). This language has been revised since the July 26, 2017 meeting to more directly tie the Ordinance to the Hillside Development Standards and Guidelines document;
- Hillside fences would require approval of a Minor Residential Development application at a current cost of \$2,223.00 [Exhibit 8, pages 4 and 5: (A and B)(1)]. Staff recommends a "Time and Materials" cost structure to potentially reduce costs to the applicant;
- The siting, design, and materials of hillside fences would be strictly regulated (Exhibit 8, pages 3 and 4);
- The design and height of hillside fencing would be dictated by its proximity to the primary dwelling unit [Exhibit 8, pages 4 and 5: (B)(4, 5, and 7)]. Fences over 42 inches tall would be limited to an area within 30 feet of the residence [Exhibit 8, page 3: (B)]; and
- Replacement and modification of hillside fencing would be required to meet the new regulations for hillside fences [Exhibit 8, page 5: (C)].

D. Effects on Properties

Q. Would fence regulations for non-hillside area (those outside of the hillside overlay regardless of slope) properties change?

- A. Fence regulations for non-hillside area properties would remain consistent with existing regulations with only minor clarifications regarding appropriate materials for fences [Exhibit 8, page 4: (C)]. Permits would not be required for fences six feet or less in height on non-hillside properties [Exhibit 8, page 3: (A)].

Q. Would I need a permit to construct a new fence on my hillside area property?

- A. Yes, the proposed Ordinance would require that a hillside property owner receive approval of a Minor Residential Development application to construct any fence. The fee for a Minor Residential Development for minor projects is currently \$2,223.00, but a "time and materials" cost structure could be used. A Building Permit would not be required for fences that do not exceed six feet in height.

Q. Are there particular materials or designs for hillside area fences that are not allowed under the proposed Ordinance?

- A. Yes, the proposed Ordinance prohibits specific materials and designs, such as chain link, chicken wire, wire mesh, etc. [Exhibit 8, pages 4 and 5, (6) and (7)]. It also requires

that fences located greater than 30 feet from the primary dwelling unit be of open-view design.

Q. Is the type of fencing allowed on a hillside area property dependent on its location on the property?

- A. Yes, within the Hillside Areas of the Town, the proposed Ordinance breaks properties into two zones: areas within 30 feet of the primary dwelling unit and areas greater than 30 feet from the primary dwelling unit. This distinction aligns with the planting zones described on page 26 of the HDS&G. Fences within Planting Zone 1 would be regulated in the same manner as fences on non-hillside area properties. Fences outside this zone would be limited by specific regulations related to wildlife friendliness, height (both maximum and minimum above grade), design, and siting. Walls, other than retaining walls approved by the Town, would be prohibited unless needed to address a specific privacy concern.

Q. My hillside area property includes existing fencing that does not meet the standards included in the proposed Ordinance amendments. If I would like to replace or modify the existing fencing, would it have to meet the proposed regulations?

- A. Yes, replacement or modification of existing fencing that does not meet the proposed requirements would have to meet the proposed Ordinance amendments. Repair to sections of existing fencing would be allowed and would not be required to meet the proposed Ordinance amendments, however, repair would be limited to short sections of fences within a 12-month period.

CEQA:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that the proposed amendments to the Town Code will have a significant effect on the environment.

FINDINGS:

- As required, pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, this project is Exempt, Section 15061(b)(3); and
- That the Town Code amendments are consistent with the General Plan.

PUBLIC COMMENTS:

Written comments regarding the proposed amendments received after the July 26, 2017, Planning Commission meeting are included in Exhibit 10.

CONCLUSION:

A. Recommendation

Based on the analysis above and consistency with the General Plan, staff recommends that the Planning Commission forward the draft Town Code amendments to the Town Council with a recommendation for adoption. The Commission should also include any comments or recommended changes to the draft Town Code amendments in taking the following actions:

1. Make the finding that there is no possibility that this project will have a significant impact on the environment; therefore, the project is not subject to the California Environmental Quality Act [Section 15061 (b) (3).] (Exhibit 1);
2. Make the required finding that the proposed amendments to the Town Code (Zoning Regulations) are consistent with the General Plan (Exhibit 1); and
3. Forward a recommendation to the Town Council for approval of the proposed amendments to the Town Code (Exhibit 8).

B. Alternatives

Alternatively, the Commission can:

1. Forward a recommendation to the Town Council for approval of the proposed amendments to the Town Code with modifications; or
2. Forward a recommendation to the Town Council for denial of the proposed amendments to the Town Code; or
3. Continue the matter to a date certain with specific direction.

EXHIBITS:

Previously received with July 26, 2017 Staff Report

1. Findings
2. Ordinance Priorities Memorandum dated February 12, 2017, from Robert Shultz, Town Attorney
3. Draft Amendments to Chapter 29 of Town Code
4. General Plan Policies and Actions pertaining to Fences, wildlife habitats, and migration corridors
5. Hillside Development Standards and Guidelines pertaining to fences
6. Public Comments received by 11:00 a.m., Friday, July 21, 2017

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SUBJECT: CONSIDER AMENDMENTS THE TOWN CODE REGARDING FENCES, HEDGES,
AND WALLS. TOWN CODE AMENDMENT/A-17-002
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Previously received with July 26, 2017 Desk Item.

7. Public Comment received between 11:01, Friday, July 21, 2017, and 11:00 a.m., Wednesday, July 26, 2017

Received with this Staff Report.

8. Revised Draft Amendments to Chapter 29 of the Town Code
9. Neighboring Jurisdictions Fencing Regulations
10. Public Comments received between 11:01, Wednesday, July 26, 2017 and 11:00 a.m., Friday, September 8, 2017

****Note: Underlined> text is new language.**

Sec. 29.20.480. - Administrative procedure for minor residential projects.

- (1) This procedure is established for review of minor residential projects to provide for neighborhood review in a timely and streamlined process. This process shall be used by the Planning Director for projects listed in section 29.20.480(2) and by the Development Review Committee for reviewing projects identified in subsections 29.20.745(12) and (15).
 - (a) An application and fee is submitted. In addition to the standard application materials (application and plans), the applicant will be required to submit one set of stamped, addressed envelopes to neighboring residents and property owners. The Planning Department will assist the applicant in determining the properties to be notified (all properties abutting the applicant's parcel, properties directly across the street and the two parcels on each side of it).
 - (b) The deciding body reviews the application using the Town's Development Standards, as well as the Town Code requirements.
 - (c) If the Planning Director intends to approve the application, a "Notice of Pending Approval" will be mailed to neighboring residents and property owners including any applicable conditions, exactions or dedications as required. The notice will advise the residents and property owners of the applicant's plans, and that the application will be approved unless there is an objection. The residents and property owners have ten days from the date of the "Notice of Pending Approval" in which to review the application and to notify the Planning Director in writing of any concerns or problems.
 - (d) If a written objection to the project is not filed within the ten-day period, the application may be approved. If a written objection is filed but the differences in opinion can be worked out to the satisfaction of all objectors, then the application may also be approved. Once the zoning approval is granted, a building permit may be applied for and issued, subject to the conditions of the zoning approval.
 - (e) If an objection to the project is filed in a timely manner and the differences cannot be resolved at the staff level, the application is scheduled before the Planning Commission on the next available agenda for consideration at the applicant's cost. All property owners and residents notified originally shall be notified of the Planning Commission meeting.
 - (f) If the Planning Director determines that the application cannot be approved because it does not comply with the Town's Development Standards and the applicant is unwilling to revise the plans, then the applicant will be required to file an Architecture and Site Application (including the required fee) and the application shall be considered by the Planning Commission.
- (2) In addition to the projects identified in subsections 29.20.745(12) and (15), the following projects will be considered under this administrative procedure.
 - (a) New second-story additions to single and two-family dwellings.
 - (b) Additions to an existing second story where the additional area will exceed one hundred (100) square feet.

- (c) Reconstruction to a portion of a single or two-family dwelling or an accessory structure with a nonconforming setback.
- (d) Accessory structures exceeding a combined square footage of four hundred fifty (450) square feet.
- (e) Additions to accessory structures resulting in the structures containing a combined square footage more than four hundred fifty (450) square feet.
- (f) Request to reduce side and rear yard setback requirements for accessory structures.
- (g) Sport court lighting and/or fencing over six (6) feet high enclosing court game areas.
- (h) New fences, walls, gates, gateways, entry arbors, and hedges within the Hillside Area.

(Ord. No. 1963, § IV, 11-15-93; Ord. No. 2100, § II, 7-1-02; Ord. No. 2149, § I, 5-1-06)

Sec. 29.40.030. Fences, walls, gates, gateways, entry arbors, and hedges.

Sec. 29.40.030xx. – Purpose and intent.

The Fence Ordinance is divided into two parts: non-hillside and hillside areas. The use of fences, walls, gates, gateways, entry arbors, and hedges in the hillside areas shall be minimized and located so that natural landforms appear to flow together and are not disconnected. The primary emphasis shall be on maintaining open views, protecting wildlife corridors, and maintaining the rural, open, and natural character of the hillsides. Additional details are available in the Town's Hillside Development Standards and Guidelines.

Sec. 29.40.030xx. – Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section.

Fence means a man-made structure serving as a barrier or screen ~~constructed of wood, metal, wire, masonry, glass, plastic, stone or any material.~~

Fence height means measured from finished grade and shall be measured from either side of the property line which affords affected property owners the most buffering from noise, light, glare, or privacy impacts.

Hedge means a boundary formed by closely growing deciduous or evergreen bushes or shrubs.

Hillside lot means a parcel of land that is shown on the Hillside Area Map in the Hillside Development Standards and Guidelines regardless of zoning district.

Movement corridor means a movement pathway that is typically independent of season and used by animals on a near daily basis for the acquisition of food, shelter, water, and mates.

Open-view design means a fence or other structure that permits views through it.

Planting Zone 1 means that area within a 30-foot radius of the primary dwelling unit on a hillside lot.

Retaining wall means a man-made structure designed to retain soil.

Riparian corridor means an area comprised of habitat strongly influenced and delineated by the presence of perennial or intermittent streams.

Stream means a body of water that flows at least periodically or intermittently through a bed or channel having banks. The body of water may include watercourses having a surface or subsurface flow that supports or has supported riparian vegetation, fish, or aquatic life.

Top of bank means a stream boundary where a majority of normal discharges and channel forming activities take place. The top of bank will contain the active channel, active floodplain, and their associated banks. Where there are no distinguishable features to locate the top of bank, the local permitting agency will make a determination and document as appropriate. In the absence of this determination, the 100-year water surface will be used.

Traffic view area means that area, on corner lots, which is within fifteen (15) feet of a public street and within two hundred (200) feet of the right-of-way line of an intersection, or a distance of thirty (30) feet measured horizontally in any direction from the point of intersection of the property lines at street corners.

Wall means a man-made structure that defines an area, carries a load, or provides shelter or security.

Wildlife-friendly design means a fence, wall, hedge, or other structure that permits any animal, regardless of size, to easily climb under, pass through, or jump over.

Sec. 29.40.030xx. – Non-hillside lots: Proposed new fences, walls, gates, gateways, entry arbors, and hedges.

- (A) In residential zones, no permits are required for the repair, replacement, or construction of fences, walls, gates, gateways, entry arbors, or hedges that are less than six (6) feet high on, or within all property lines.
- (B) The following height exceptions shall apply:
 - (1) Corner lot: In a traffic view area, no corner lot or premises in the Town shall have any fence, wall, gate, gateway, entry arbor, or hedge higher than three (3) feet above the curb unless permission is secured from the Town Engineer.
 - (2) Properties not on a street corner: At the discretion of the Director of Community Development, side yard and rear yard fences, walls, gate, gateways, entry arbors, or hedges, behind the front yard setback, may be a maximum of eight (8) feet high provided the property owner can provide written justification to the Planning Department that demonstrates either of the following conditions exists:
 - a. A special privacy concern exists that cannot be practically addressed by additional landscaping or tree screening.
 - b. A special wildlife/animal problem affects the property that cannot be practically addressed through alternatives. Documented instances of wildlife grazing on gardens or ornamental landscaping may be an example of such a problem.
 - (3) Historic Districts and/or Landmark and Historic Preservation Overlay: The maximum height of fences in the front yard shall be three (3) feet and shall be of open-view design.
 - (4) Gateways or entryway arbors: May be up to eight (8) feet high, including within Historic Districts or for properties with a Landmark and Historic Preservation Overlay, and shall be of open-view design. A gateway or entryway arbor shall have a maximum width of six (6) feet and a maximum depth of four (4) feet. No more than one (1) gateway or entryway arbor per street frontage is allowed.

- (5) Adjacent to commercial property: Boundary line fences or walls adjacent to commercial property may be eight (8) feet high if requested or agreed upon by a majority of the adjacent residential property owners.
- (C) Materials. The type of fencing materials within the non-hillside zone are generally unrestricted, and fences can be a combination of materials, with the following exceptions:
 - (1) Plastic fencing is discouraged everywhere and is prohibited in Historic Districts.
 - (2) Barbed wire or razor ribbon wire is prohibited in all zones.

Sec. 29.40.030xx. – Hillside lots: Proposed new fences, walls, gates, gateways, entry arbors, and hedges.

This division section covers any new fence, wall, gate, gateway, entry arbor, or hedge, and the replacement, modification, and/or repair of any existing fence, wall, gate, gateway, entry arbor, or hedge whether the primary dwelling unit is new or existing. In the absence of a primary dwelling unit, an entire hillside lot, including any accessory structures such as a barn, storage shed, stable, or similar structure, shall be covered by the conditions of this Section.

- (A) Within 30 feet of primary dwelling unit (Planting Zone 1):
 - (1) Approvals: Minor Residential Development approval is required pursuant to Section 29.20.480(2)(h). The permit shall be posted on site during construction.
 - (2) Are subject to the provisions of Sec. 29.40.030, Non-hillside residential lots above.
 - (3) Riparian corridor. No fence, wall, gate or hedge shall be constructed within a riparian corridor or within 30 feet of its top of bank.
 - (4) Prohibited materials. Barbed or razor wire fences, including any fence with attached barbs, sharp points, or razors, are prohibited.
- (B) Greater than 30 feet from primary dwelling unit (outside Planting Zone 1):
 - (1) Approvals: Minor Residential Development approval is required pursuant to Section 29.20.480(2)(h). The permit shall be posted on site during construction.
 - (2) Accessory structures. Fences associated with accessory structures, if located farther than 30 feet from the primary dwelling unit, shall be governed by this section.
 - (3) Wildlife friendly. All fences, walls, gates, and hedges shall be of wildlife-friendly design. If a new hillside fence is, in part, closer than 30 feet to the primary dwelling unit and, elsewhere, farther than 30 feet from the primary dwelling unit, the portion that is farther than 30 feet shall be of wildlife-friendly design.
 - (4) Maximum height:
 - a. New fences. The maximum height of new fences shall be 42 inches.
 - b. Hedges. Hedges shall be maintained at a maximum height of 60 inches (5 feet).
 - c. Hedges shall have two- to four-foot-wide gaps at least every 25 feet.
 - (5) Minimum height above grade:
 - a. New Fences. The minimum height above grade of new fences shall be 16 inches.
 - (6) The following fence types are not of wildlife-friendly design and are therefore prohibited:
 - a. Chain-link, chicken wire, welded wire, wire mesh, cyclone or similar fence material

- b. Buck and rail fences.
- c. Any fence with bare lengths of wire stretched between posts.
- d. Electric fences, including any fence designed to produce an electric shock, except where necessary for animal husbandry operations.
- e. Barbed or razor wire fences, including any fence with attached barbs, sharp points, or razors.

(7) Fence design.

- a. Fences shall be of an open-view design that does not detract from the scenic nature or character of the surrounding area.
- b. Traditional split-rail fences are encouraged. Rural styles shall emphasize natural colors such as brown, grey or green.
- c. Fences shall have a top level of wood (or similar material) rail rather than wire.
- d. Split rail fences shall include a minimum 12-inch spacing between rails wherever feasible.
- e. Hedge plant species shall consist of those listed in Appendix A of the Hillside Development Standards and Guidelines.
- f. The spacing of vertical fence posts shall be at least ~~10~~ 8 feet apart, unless physically impossible due to terrain or other conditions.

(8) Fence, wall, gate, and hedge siting:

- a. Fences and hedges shall be located to follow natural contours, whenever possible.
- b. Fences and hedges shall be located to avoid impacts to trees, animal movement corridors, and other natural features.
- c. No fence, wall, gate or hedge shall be constructed within a riparian corridor, stream, or within 30 feet of its top of bank.
- d. No fence, wall, gate, or hedge shall be constructed in the public or private right-of-way or within any trail easement or other easement precluding their construction unless allowed, in writing, by the Town Engineer.

(9) Walls:

- a. Walls are prohibited unless needed for privacy as determined by the Director of Community Development.
- b. Town approved retaining walls are permitted.

(C) Replacement or modification of existing fences, walls, hedges or gates:

- (1) Shall be subject to the requirements in this Ordinance. The permit will be posted on site during construction.
- (2) Are encouraged if such changes improve wildlife movement or animal corridors.
- (3) Replacement or modification of any fence, wall, hedge or gate shall be prohibited if the Town Engineer determines that a public safety hazard exists.

(D) Repair. A permit is not required for repair ~~to~~ of short sections of existing fences, walls, or hedges less than 50 feet in length and/or no greater than ~~25~~ 50 percent of ~~total~~ each fence, wall, or hedge length section, provided no other repair work is done on the same structure over a 12-month period.

(E) Exceptions:

- (1) Fences around swimming pools, outdoor sports courts, and similar structures are not required to be of wildlife-friendly design, even if farther than 30 feet from the primary dwelling unit (see Sec. 29.10.09020 for other swimming pool requirements). Sport court fencing may be 12 feet in height.
- (2) A temporary (1 to 3 year), animal excluding, circular enclosing fence may be erected to protect a newly planted tree or shrub.
- (3) Enclosure fencing around vineyards, orchards, and vegetable gardens shall be limited to those areas requiring enclosure and does not have to be wildlife friendly even if farther than 30 feet from the primary dwelling unit.
- (4) Fences needed for livestock control do not have to be of wildlife-friendly design even if farther than 30 feet from the primary dwelling unit.
- (5) Security fencing required to protect a public utility installation does not have to be wildlife friendly.
- (6) Written exceptions may be granted when the Director of Community Development finds that the strict application of these requirements will result in a hardship for the property owner.

(F) Fees. The fee, as adopted by Town Resolution for Minor Residential development, prescribed therefore in the municipal fee schedule, shall accompany any application for a fence in the Hillside area submitted to the Town for review and evaluation pursuant to this division.

(G) Enforcement. Any fence, wall, gate, gateway, entry arbor, or hedge constructed, replaced, modified, or repaired without required approval, is a violation of this Code.

(H) Where a conflict exists between the Covenants, Conditions, and Restrictions (CC&Rs) of a hillside Planned Development (PD) and this document, the requirements of this document shall prevail.

(I) Notices. Noticing shall comply with the public noticing procedures of section 29.20.480 of the Town Code.

(Ord. No.1316, § 4.10.020, 6-7-76; Ord. No. 1493, 3-17-81; Ord. No. 1873, § I, 10-7-91; Ord. No. 2049, § I, 10-5-98; Ord. No. 2062, § I, 6-21-99; Ord. No. XXXX, §)

CITY OF SARATOGA

FENCES

The maximum height of a fence is three feet in the front setback area and/or the exterior side setback area of a reversed corner lot.

Outside of the front and exterior side setback areas, the maximum height of a solid fence is six feet. An additional two feet of lattice (or similar material) that is at least 25% open may be added to the top of a solid fence, outside of the front setback area. Likewise, an open fence (e.g., wrought iron, split rail) may be up to eight feet in height, outside of the front setback area. No slats are allowed in the opening. With the exception of chain link, open fencing shall have an open diameter of at least four inches. For chain link fencing, the opening shall be two inches at minimum.

PILASTERS AND ATTACHED ARBORS

Notwithstanding the rules for driveway and street intersections, the maximum height of a pilaster is five feet in the front setback area and/or the exterior side setback area of a reversed corner lot.

Notwithstanding the rules for driveway and street intersections, you may attach a trellis or arbor to your fence, up to eight feet in height, five feet wide, and five feet deep.

VEHICLE ACCESS GATES

Wrought iron vehicle access gates may be up to five feet in height and must be located a *minimum of 20 feet* from the edge of street pavement.

STREET AND DRIVEWAY INTERSECTIONS

The maximum height of a fence, hedge, retaining wall, entryway element, pilaster, gate, or other similar element is three feet within fifty feet from a street intersection and/or within twelve feet from a driveway intersection. See diagrams on reverse

RETAINING WALLS

The maximum height of a retaining wall in a front or exterior side setback area is three feet.

The maximum height of a retaining wall outside of a front or exterior side setback area is five feet.

OTHER

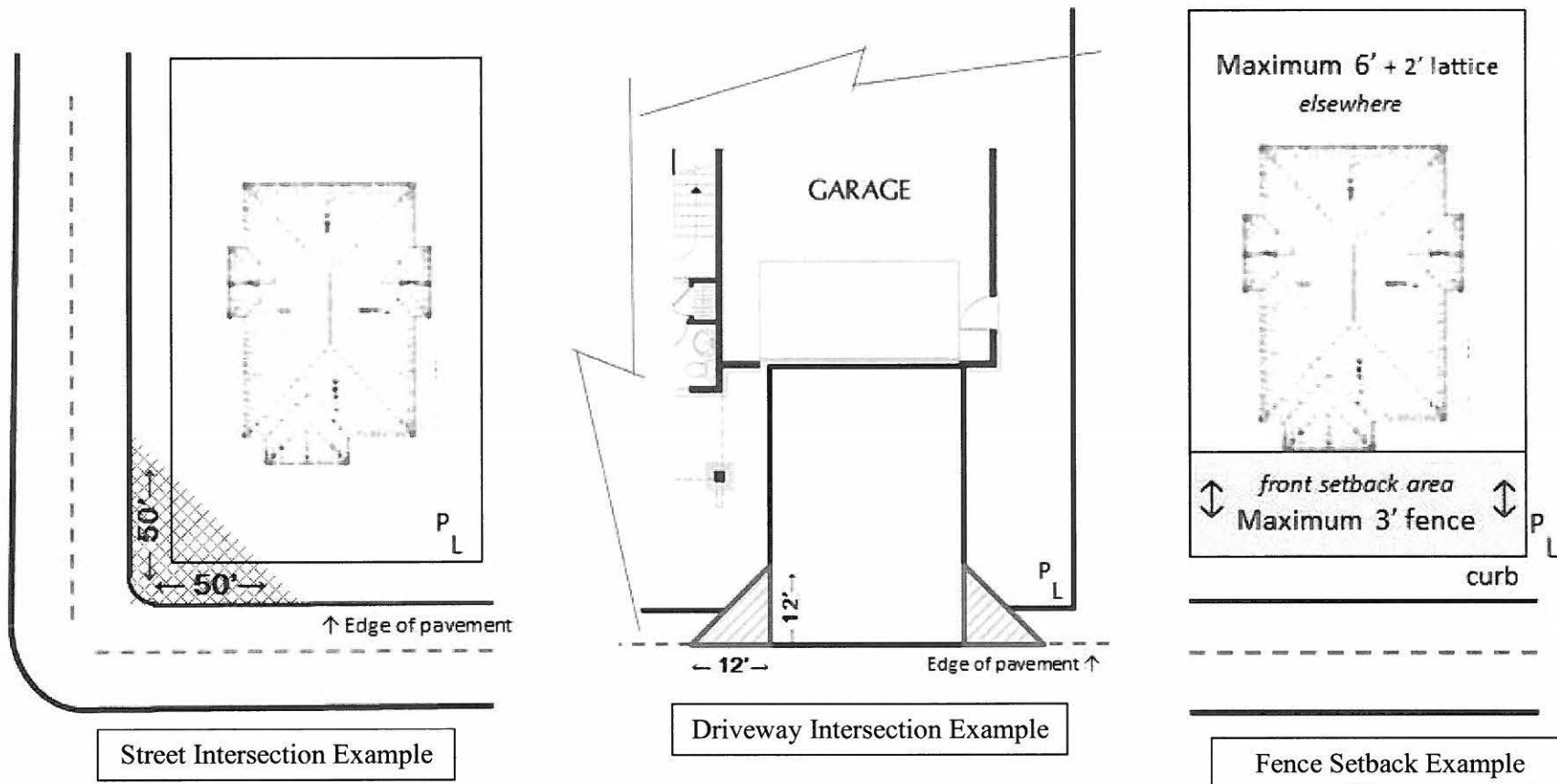
Please review the Fence Ordinance for more information, including swimming pool fences, fences on heritage lanes, fences in hillside districts, fences along major streets, and fence exceptions.

**** Setbacks are determined by the zoning district in which the property is located ****
A building permit is required for any solid fence more than six feet in height

CITY OF SARATOGA

EXAMPLES

Fences, Gates, Pillars, Retaining Walls



Please ask a planner if you need help determining your setbacks

TOWN OF LOS ALTOS HILLS

26379 Fremont Road
Los Altos Hills, CA 94022
Phone: (650) 941-7222
www.losaltoshills.ca.gov



Fences, Walls, Gates, and Columns

Revised- 6/25/14

This application packet provides information necessary to apply for any of the items listed above. A building permit may also be necessary but will not be issued until a Zoning permit has been approved.

ZONING PERMIT APPLICATION:

A Zoning Permit is required to place any fence, column, or wall on your property. Your application will be reviewed by the Planning Department for completeness and conformity with the Town's Zoning Ordinance. The zoning review will check three major aspects of your project.

1. Height
2. Setbacks
3. Openness (solid vs. 50% open)

Requirements of a Zoning Permit

Fences, columns, and walls are **generally** not considered to be "lot coverage" therefore it is not necessary to calculate your lot's maximum development area (MDA) or building coverage allowances unless your application also includes some items that are considered lot coverage, such as patios or decks. If so, please pick up the appropriate information packets from Town Hall. You must provide the following information before your application will be reviewed. When the application is considered complete, it will be approved or denied based on whether or not it conforms to the Zoning Ordinance.

1. Completed and signed application.
2. Three (3) copies of a plot plan at a scale of 1" = 20' for lots less than 2 acres and 1" = 40' for lots over 2 acres; not to exceed 2' x 3' in dimension and folded individually into eighths, showing the following:
 - a. Location of fences, columns, walls, etc.
 - b. Location of all property lines and dimensions of the lot.
 - c. Location, dimension, and character of all existing easements.
3. Three copies of elevations indicating height of fence, columns, or wall from natural grade, materials and type of construction.

Fences and Walls

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4. 10 Day Courtesy Notices: Courtesy Notices will be sent by the Town to adjoining property owners when new and replacement fences, gates, or walls are proposed within 10 feet of a shared property boundary. Fence Permits that are compliant with Section 10-1.507 will be approved after 10 calendar days.
5. Plans indicating landscaping or other measures proposed to screen the wall, fence, or columns.
6. Fee of \$440 (check or cash only).

The Town has permit history for many lots in the Town. If you have no information on your property, please come in and see what is available. You may review plans and other information without an appointment. Subdivision files, when available, will show most easement and other legal aspects of your property. Attached to this packet, please find the Zoning Ordinance Section regarding fences and setbacks.

Los Altos Hills Municipal Code Title 10-Zoning

Section 10-1.507. Fences, Walls, Gates, and Columns.

- a. Purpose. The following regulations were created to preserve the beauty and open rural quality of the Town while acknowledging that residents have the right to fence their properties in order to protect their children, contain their animals, and maintain privacy.
- b. Permits required. No fence, wall, gate, or column structure shall be erected or replaced without the prior issuance of a zoning or site development permit from the Town.
- c. Definitions. The following definitions are established for the purpose of this Article and the meaning and construction of words and phrases is as follows:

Legal Nonconforming Structure: Refer to Section 10-1.401(h) of the Zoning Ordinance.

Column: A round or square pillar, pole, or post flanking an entrance way constructed of such materials as brick, stone, concrete, or other materials. Includes mailbox columns.

Wall: An upright structure of wood, stone, brick, or other substance or combination of substances serving to enclose, divide, or support and usually having greater mass than a fence.

Fence: A structure serving as a barrier or screen constructed of wood, metal, wire, masonry, glass, plastic or any other material (not including graded berms or living hedges).

Gate: A movable frame or solid structure that swings, slides, or rolls controlling ingress and egress through an opening in a fence, wall, or vegetation.

Open Fence or Gate: A fence or gate constructed in such a way so that no more than fifty (50%) percent of the surface area obstructs a ground level view through the fence or gate.

Solid Fence or Gate: A fence or gate constructed in such a way so that more than fifty (50%) percent of the surface area obstructs a ground level view through the fence or gate.

- d. Prohibited fences, walls, gates, columns types. The following fences are prohibited:
 1. Chain-link or cyclone fences, including any fence with bare lengths of wire stretched between metal poles, with the exception of dark green, black, or brown vinyl-coated chain-link fences with matching vinyl-coated cross bars and caps.
 2. Barbed or razor wire fences, including any fence with attached barbs, sharp points, or razors.

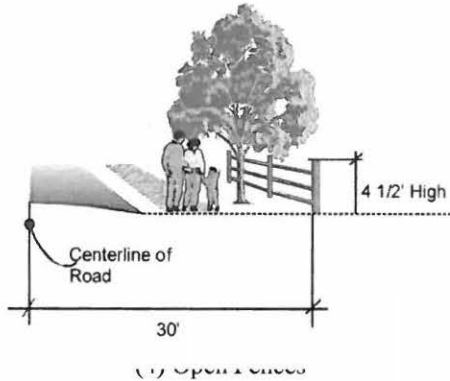
3. Electric fences, including any fence designed to produce an electric shock, except where necessary for animal husbandry operations.
 4. Any fence, wall, and/or gate that may cause harm to people, pets, and/or wildlife due to points, spikes, or sharpened edges on the top or bottom part of the fence, wall structure, and/or gates.
 5. Any perimeter fence, wall, gate, or column where the color reflectivity value exceeds 50%.
 6. Any fence, wall, gate, or column located within a public or private road right-of-way or pathway easement except for a mailbox column with an approved permit.
- e. Fences, Walls, Gates, and Columns Requiring Public Notice. Permit requests for the types of fences, walls, gates and columns identified below require notification of adjacent neighbors and neighbors across the street:
- (1) Fences, walls, gates and columns that require the removal of existing screening vegetation (trees and shrubs).
 - (2) Solid fences that impact neighbor views as defined by Section 5-9.02 of the View Ordinance.
 - (3) Any other proposal deemed appropriate by the Planning Director for a noticed hearing. Such proposals may include solid fences, as well as walls or vinyl-coated chain-link fences along any road right-of-way, and fences or walls longer than 1,000 linear feet.

Open fences using natural materials and colors, including unpainted or stained white, brown or gray wood; welded or woven wire and wood posts; and natural stone and/or brick construction are preferred and generally are not subject to public notice.

Staff shall notice a permit hearing and conduct the permit review hearing pursuant to Section 10-2.1305(b) except that only adjacent neighbors and neighbors across the street need to be notified. At or prior to the permit hearing, neighbors and the fence permit applicant shall be provided with notice that the approval or denial of any permit may be appealed pursuant to Section 10-1.1109.

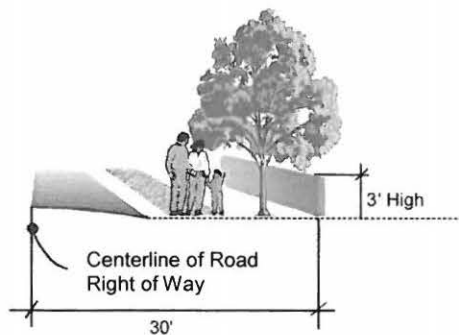
- f. Development Standards for Fences, Walls, Gates, and Columns.
1. Fences and walls located on property lines or in setback areas that are not adjacent to a road right-of-way shall not exceed a maximum height of 6 feet.
 2. Fences and walls located in setback areas that are adjacent to a road right-of-way shall comply with the standards established in subsections (4) through (9). Height may be proportionately increased 1 foot for every 10-foot increase in setback, up to a maximum of 6 feet in height.

3. Fences, walls, gates, and columns located behind setback lines are not subject to these development standards.



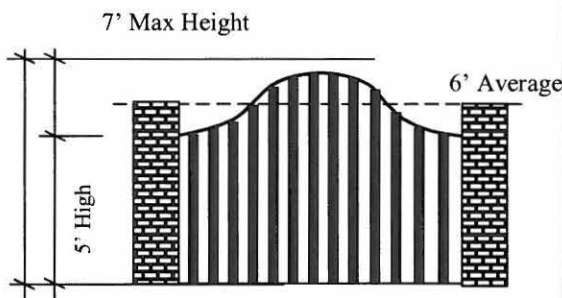
(4) OPEN FENCES AND GATES

Minimum setback from centerline of adjacent public or private road right-of-way.	30'
Maximum height of open fences and gates at the minimum setback from the centerline of adjacent public or private road right-of-way.	4 1/2'
Minimum setback from centerline of adjacent public or private road right-of-way for 6' tall open fences and gates located between adjacent public or private roadways and the structural setback line for the particular property.	45'



(5) SOLID FENCES, GATES, AND WALLS

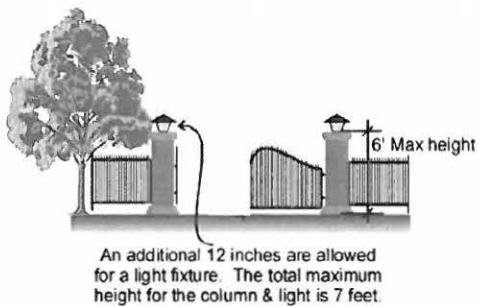
Minimum setback from centerline of adjacent public or private road right-of-way.	30'
Maximum height of solid fences, gates, and walls at the minimum setback from the centerline of adjacent public or private road right-of-way.	3'
Minimum setback from centerline of adjacent public or private road right-of-way for 6' tall solid fences, gates, and walls located between adjacent public or private roadways and the structural setback line for the particular property.	60'



(6) Open Driveway Gates

(6) OPEN DRIVEWAY GATES

Minimum setback from centerline of adjacent public or private road right-of-way.	30'
Maximum height of open driveway gates at the minimum setback from the centerline of adjacent public or private road right-of-way.	4½' (average)
Minimum setback from centerline of adjacent public or private road right-of-way for open driveway gates with a 6' average height (7' maximum height) located between adjacent public or private roadways and the structural setback line for the particular property.	45'



(7) Columns

(7) COLUMNS

Minimum setback from centerline of adjacent public or private road right-of-way.	30'
Maximum height of columns at the minimum setback from the centerline of adjacent public or private road right-of-way.	6' 7' (w/lights)
Maximum height of columns located between adjacent public or private road right-of-way and the structural setback line for the particular property.	6' 7' (w/lights)

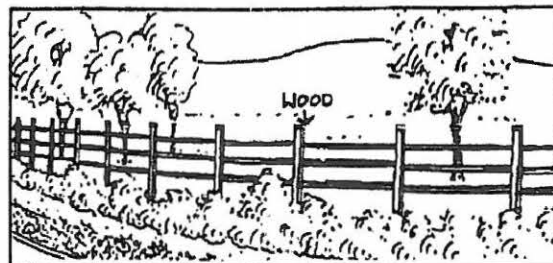
(8) OUTDOOR ATHLETIC COURT FENCING

Maximum height of outdoor athletic court fencing located beyond the structural setback line for the particular property.	10'
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(9) OPEN SPACE/CONSERVATION EASEMENT PERIMETER FENCES

Maximum height of open space/conservation easement perimeter fences.	6'
Minimum distance of lowest fence strand or rail from ground.	12" above grade

Open space/conservation easement perimeter fences shall provide openings sufficient to accommodate the free passage of wildlife through the easement. A split-rail wood fence (see exhibit) or equivalent design shall be required. Where a pathway is located within an open space/conservation easement, the perimeter

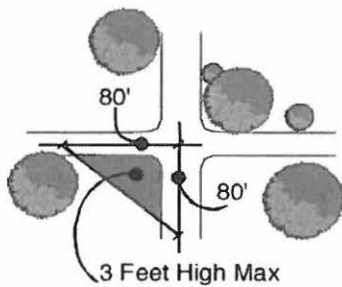


(9) Open space/conservation easement perimeter fencing

fence shall be required to have at least two openings at least as wide as the width of the pathway easement.

10. Any fence crossing or intersecting an officially designated wildlife corridor shall conform to the requirements specified above for an open space/conservation easement perimeter fence.
11. No fence, wall, gate, or column shall be located within a public or private road right-of-way or pathway easement. A four-foot (4') tall mailbox post or column may be granted an exception to be located within a road right-of-way. An encroachment permit from the Engineering Department is required to install a mailbox post or column within a road right-of-way easement. Any existing fence, wall, gate, or column located within any road right-of-way may be required to be removed at the owner's expense.

12. Solid walls, fences, or gates shall not exceed a maximum height of three (3') feet and all shrubs and plants shall be pruned to a height not to exceed three (3') feet above the road



level at its nearest point in an area bounded by the center line of intersecting roads or easements for vehicular access, public or private and a straight line joining points on such center lines eighty (80') feet distant from their intersection (see exhibit). All side limbs of trees in such area shall be pruned to a height of not less than six (6') feet above the road surface. The purpose of the provisions of this section is to provide an unobstructed view of approaching traffic on the intersecting roads. The City Engineer may prescribe greater restrictions than the height set forth in this paragraph where unusual conditions make such additional restrictions desirable in the interests of the public safety.

13. Any fence or wall may be required to be landscaped. Screen plantings required as a condition of approval for any fence or wall shall be maintained in good condition by the property owner.
14. The vertical dimension of any fence, wall, gate, or column shall be measured from the finished grade on both sides of any such fence, wall, gate, or column to any point on top of the fence, wall, gate, or column, including post/column caps and any ornamental features.

g. Requirements for Nonconforming Fences, Walls, Gates, and Columns.

Replacement of existing legal nonconforming fences, walls, gates, and columns shall be subject to the requirements in this ordinance. Exceptions may be granted pursuant to subsection 10-1.507(h) of this ordinance, or where the strict application of these requirements will result in a hardship for the property owner. Repair of short sections of legal nonconforming fences, walls, gates, or columns (repair of less than 50 feet or repair of no greater than 25% of total fence or wall length) will not require a permit if no other work is done on the same structure over a 12-month period. The replacement of any nonconforming structure shall be prohibited if the City Engineer determines that a public safety hazard exists or that the structure encroaches in an easement or public right-of-way. Any fence, wall, gate, or column constructed without a

lawfully issued permit is a violation of the Municipal Code and shall be subject to the provisions of Title 1, Chapter 2 of the Municipal Code.

h. Exceptions.

Exceptions may be granted subject to a noticed hearing and upon the Site Development Authority making all of the following findings:

1. The height and design of the proposed fence, wall, gate or column are compatible with other fences in the neighborhood;
2. The proposed removal of vegetation and trees and disturbance to natural terrain have been minimized; and
3. The proposed structure is otherwise in compliance with all regulations and policies set forth in the Municipal Code and the General Plan.

Any fence proposed to exceed a height of 6 feet in a setback area or to be located closer to the centerline of the road than required shall require a variance in accordance with the provisions of Article 11 of the Zoning Ordinance.



Town of Portola Valley
 Planning & Building Department
 765 Portola Road
 Portola Valley, CA 94028
 (650) 851-1700
 Fax: (650) 851-4677

FENCE REGULATIONS SUMMARY

Zoning Ordinance 2005-360

Zoning District	<1 acre districts	1 acre districts	2+ acre districts
Fence Location	<ul style="list-style-type: none"> Domestic fences permitted on all property lines Domestic fences in riparian corridors to be set back 20' from the top of the creek bank Double fencing not permitted in setbacks 	<ul style="list-style-type: none"> Domestic fences to be set back at least 25' from the front property line and permitted on all other property lines Horse fences permitted on all property lines Fences not permitted on slopes exceeding 20% Fences in riparian corridors to be set back 20' from the top of the creek bank Double fencing not permitted in setbacks 	<ul style="list-style-type: none"> Domestic fences not permitted in required yards Horse fences permitted on all property lines Fences not permitted on slopes exceeding 20% Fences in riparian corridors to be set back 20' from the top of the creek bank Double fencing not permitted in setbacks
Height	<ul style="list-style-type: none"> 4' in front yards 6' in side and rear yards 4' in side yards along streets 	<ul style="list-style-type: none"> 4' for all horse fences 4' in front yards and 6' in side and rear yards for domestic fences 4' in side yards along streets 4' when adjacent to public trails and paths 	4' for all horse fences
50% Opacity Limit	<ul style="list-style-type: none"> Fences in front yards and fences in side yards along streets 	<ul style="list-style-type: none"> All horse fences Fences in front yards Fences adjacent to public trails and paths Fences in side yards along streets 	All horse fences

Opacity, continued:

- Fence members not to exceed a 6" width when viewed perpendicular to the plane of the fence for fences subject to an opacity limit.
- Retaining walls are exempt from opacity limits.

Color Reflectivity:

- Fence colors not to exceed 40% reflectivity, except for naturally weathered wood.

Horse Fence Standards:

- No more than three horizontal wood members, each not to exceed 6" in width or no more than four horizontal wood or wire members, each wood member not to exceed 4.5" in width.
- The cross sections of posts must not exceed 6" x 6"; such posts not to exceed 4' in height and generally spaced no closer than 5' apart.
- 6" x 6" wire mesh may be attached to a horse fence but shall not exceed the height of the horse fence.
- Opacity not to exceed 50%.
- Height not to exceed 4'.
- Gates attached to horse fences must conform to the height and opacity standards for horse fences and be of a similar design.

Entryway Features: Entryway features, including gates, must be setback one-half of the required front yard in districts requiring a minimum parcel area of 1 acre or more.

Permits and ASCC Review: Permits will be required for most fences. Permits will not be required when a fence is no more than 2 feet in height and 20 feet in total length.

Staff to review and act on most applications. ASCC to review applications and existing fences when:

- (1) Referred from town planning staff;
- (2) A property undergoes ASCC review and there is a substantial modification to an existing residence or site improvements of the property;
- (3) The proposed fence cannot conform to the regulations given the conditions on the parcel; or,
- (4) The fence will be located in the M-R or O-A districts. Specific requirements for these districts will be determined on a case-by-case basis with input from the Conservation Committee.

Repairs or Replacement to an Existing Fence: When a portion of a fence exceeding twenty five percent of the total length of fencing within required yards is damaged or voluntarily removed, any replacement fencing of that portion shall conform to the fence regulations pursuant to a fence permit.

ORDINANCE NO. 2005- 360

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY
AMENDING TITLE 18 [ZONING] OF THE PORTOLA VALLEY MUNICIPAL CODE
BY AMENDING CHAPTERS 18.04 [DEFINITIONS] AND SECTION 18.42.040
[EXCEPTIONS TO REQUIREMENTS – FENCES AND WALLS] OF CHAPTER 18.42
[ACCESSORY STRUCTURES], ADDING CHAPTER 18.43 [FENCES] AND
REPEALING SECTION 18.54.020.C. [MEASUREMENT OF HEIGHT]

WHEREAS, the Town Council of the Town of Portola Valley wishes to revise its Zoning Ordinance to include new provisions for fences.

NOW, THEREFORE, the Town Council of the Town of Portola Valley ("Town") does **ORDAIN** as follows:

1. Amendment of Code. Chapter 18.04 [Definitions] of Title 18 [Zoning] of the Town's Municipal Code is hereby amended to add the following Sections:

18.04.075 Building envelope. "Building envelope" is the three-dimensional space on a parcel within which buildings and most other structures are required to be confined and which is defined by zoning ordinance regulations governing building setbacks and building heights.

18.04.129 Domestic fence. "Domestic fence" is a fence that is not a horse fence as defined in Section 18.04.215.

18.04.155 Fence. "Fence" is a structure made of wire, wood, metal, masonry or other man-made material, or combination thereof, including gates and posts, typically used as a screen, enclosure, retaining wall, or entryway feature, for a parcel of land or portion thereof.

18.04.156 Fence opacity. "Fence opacity" is the surface area of a fence that is impenetrable to light when viewed perpendicularly to the plane of the fence.

18.04.215 Horse fence. "Horse fence" is a fence that complies with the horse fence standards set forth in Section 18.43.060.

18.04.555 Yard, required. "Required yard" means an open space required by Subsections 18.52.010 A., B. or C. located between a parcel line and a building envelope.

2. Amendment of Code. Section 18.42.040 [Exceptions to Requirements – Fences and walls.] of Chapter 18.42 [Accessory Structures] of Title 18 [Zoning] of the Town of Portola Valley Municipal Code is hereby amended to read as follows:

18.42.040 Exceptions to Requirements — Fences. Fences may be located within required yard areas subject to the provisions set forth in Chapter 18.43.

3. Addition to Code. Chapter 18.43 [Fences] is hereby added to Title 18 [Zoning] of the Town of Portola Valley Municipal Code to read as follows:

CHAPTER 18.43 FENCES

Sections:

- 18.43.010 Purpose.**
- 18.43.020 Location.**
- 18.43.030 Height.**
- 18.43.040 Fence opacity.**
- 18.43.050 Color reflectivity and size.**
- 18.43.060 Horse fences.**
- 18.43.070 Entryway features.**
- 18.43.080 Fence permits and administration.**

18.43.010 Purpose. The purpose of the fence regulations is to ensure that fences in required yards in residential zoning districts conform to the following principles:

- Fences should be designed with consideration for the open space tradition of Portola Valley.
- Fences should be used sparingly in order to preserve a sense of the shared scenic resources of the community.
- Fences should be designed with respect for the movement of wildlife and the protection of views.
- Fence designs and materials should blend with the natural environment and maintain the natural and rural ambiance of the Town.

The above principles shall be followed by residents, Town Planning staff and the ASCC when designing or developing fences or considering fence permit applications.

18.43.020 Location.

A. In residential zoning districts fences may be erected in the following locations:

1. In districts requiring a minimum parcel area of less than one acre, domestic fences or fences consistent with the standards of a horse fence are allowed in required yards, including along property lines.

2. In districts requiring a minimum parcel area of one acre, domestic fences or horse fences are allowed in required yards, including along property lines, except that a domestic fence in a front yard must be set back at least twenty five feet from the front property line.

3. In districts requiring a minimum parcel area of two acres or more, only horse fences are allowed in required yards, including along property lines.

4. In addition to the above limitations, in districts requiring a minimum parcel area of one acre or more, domestic fences and horse fences in required yards shall be allowed only on slopes of twenty percent or less.

5. Along riparian corridors, fences shall be set back a minimum of twenty feet from the top of a creek bank. The top of the creek bank shall be determined on a case-by-case basis by Town Planning staff or the ASCC based on physical inspection of site conditions.

6. Double fencing (where two or more fences are placed parallel to one another often for the purpose of deterring deer or other animals) must be located within the building envelope of a parcel.

18.43.030 Height.

A. The height of a fence is the vertical distance measured from the surface of the actual adjoining ground to the top of the fence. For the purpose of applying height regulations, the average height of the fence along any unbroken run may be used, provided the height at any point is not more than ten percent greater than that normally permitted.

B. Fences in residential zoning districts are subject to the following height limits:

1. Fence heights shall not exceed four feet in front yards, six feet in side and rear yards, and four feet in side yards along road rights-of-way.

2. Horse fences shall not exceed four feet in height.

3. Fences adjacent to public trails and paths in districts requiring a minimum parcel area of one acre or more shall not exceed four feet in height.

C. A fence of normally permitted height under this section shall not be placed on top of fill designed so as to effectively increase the elevation of the top of the fence.

D. The height of a retaining wall, or a retaining wall with a fence erected on top of it, is measured from the exposed bottom of the wall to the top of the wall/fence.

E. The height of a fence placed on top of a fill supported by a retaining wall is measured from the top of the natural grade directly below the wall to the top of the fence.

18.43.040 Opacity.

A. Fences are subject to the following fence opacity limits:

1. In districts requiring a minimum parcel area of less than one acre, fences in front yards shall not exceed fifty percent opacity.
2. In districts requiring a minimum parcel area of one acre, domestic fences in front yards shall not exceed fifty percent opacity.
3. Fences in side yards adjacent to road rights-of-way shall not exceed fifty percent opacity.
4. Horse fences shall not exceed fifty percent opacity.
5. Fences adjacent to public trails and paths in districts requiring a minimum parcel area of one acre or more shall not exceed fifty percent opacity.
6. Fence members shall not exceed a six inch width when viewed perpendicularly to the plane of the fence for fences subject to an opacity limit.
7. Retaining walls are exempt from opacity limits.

18.43.050 Color reflectivity.

A. The reflectivity value for colors used on fences shall not exceed forty percent, except that naturally weathered wood may exceed such limit.

18.43.060 Horse fences.

A. Horse fences shall conform to the following standards:

1. There shall be no more than three horizontal wood members, each not to exceed six inches in width or no more than four horizontal wood or wire members, each wood member not to exceed four and a half inches in width.
2. The cross sections of posts must not exceed six inches by six inches; such posts shall not exceed four feet in height and shall be spaced no closer than five feet apart.

3. Six inch by six inch wire mesh may be attached to a horse fence but shall not exceed the height of the horse fence. Nothing else shall be attached to a horse fence that would violate the standards set forth in Section 18.43.060A and/or alter the visual characteristics of the horse fence.

4. Horse fence opacity shall not exceed fifty percent. See Section 18.43.040A4.

5. Horse fences shall not exceed four feet in height. See Section 18.43.030B2.

B. Gates attached to horse fences are exempted from Section 18.43.060.A1-3, but shall conform to height and opacity standards for horse fences and be of a similar design as a horse fence.

C. Horse fences that are also used as corral and pasture fences, must, in addition, comply with special requirements as set forth in the Town stable ordinance (Ord. 1988-242 Section 2 (Ex. A) (part), 1988; Ord. 1967-80 Section 1 (6207.4), 1967; Ord. 2001-338 Section 3 (part), 2001).

18.43.070 Entryway features. Entryway features, including gates, must adhere to the setback requirements set forth in Section 18.42.016.

18.43.080 Fence permits and administration.

A. Fence permits are required for construction of all fences built within required yards, except as otherwise specified in this section. Fence permit applications shall be made on a form provided by the Town Planning staff and shall be accompanied by plans demonstrating the design and materials of the proposed fence, the location of the proposed fence and any associated landscaping. A fee shall be paid to cover the cost of review by Town Planning staff, or on referral, by the Town Planner. Prior to approving a fence permit, Town Planning staff shall give written notice to owners of adjoining properties of the permit application. Prior to acting on a permit, Town Planning staff shall review the proposed design and location in the field, review the plans for conformance with the zoning ordinance and Design Guidelines, and consider comments from owner(s) of adjoining properties. Town Planning staff may take action on a permit or refer it to the ASCC. Written notification shall be given to owner(s) of adjoining properties at least six days prior to action by Town Planning staff or the ASCC. Any Town Planning staff decision may be appealed by an applicant or an owner of adjacent property to the ASCC. Any ASCC decision may be appealed by the applicant or an owner of adjacent property to the Board of Adjustment.

B. Fences within required yards that are no more than two feet in height, and no more than twenty feet in total length shall be exempt from this section but shall meet all other provisions of this chapter except Section 18.43.040 regarding Opacity.

C. The ASCC shall have the authority to review existing fences and fence permit applications under the following conditions:

1. Upon referral from Town Planning staff, pursuant to Section 18.43.080.A.
2. When acting on architectural review and site development permits, the ASCC shall consider and may require modifications to existing fencing on a property if the ASCC determines that there is a substantial modification to an existing residence or the site improvements of the property. If, in these situations, the ASCC determines that the existing fencing is not in conformity with current fencing standards, the ASCC may require conformity with the fencing regulations. In requiring conformity, the ASCC shall make the finding that the modified or replacement fencing will not result in an adverse effect on neighboring properties and reasonably adheres to the purposes of this chapter.
3. When a fence permit application demonstrates that the proposed fence cannot conform to the regulations given the conditions on the parcel, the ASCC may grant relief from the fence regulations. In making such determination, the ASCC shall as much as reasonably possible ensure the proposed fence achieves the purpose and principles of this chapter set forth in Section 18.43.010.
4. When a fence permit application is submitted for a proposed fence in the Mountainous-Residential (M-R) or Open-Area (O-A) zoning districts, the ASCC shall, with input from the Conservation Committee, make a determination of compliance based on the purposes of this chapter and the Fence Design Guidelines adopted by the Town Council.

D. When a portion of a fence exceeding twenty five percent of the total length of fencing within required yards on a property is damaged or voluntarily removed, any replacement fencing of that portion shall conform to the fence regulations pursuant to a fence permit.

4. Amendment of Code. Subsection C. of Section 18.54.020 [Measurement of height] of Chapter 18.54 [Building Bulk] of Title 18 [Zoning] of the Town of Portola Valley Municipal Code is hereby amended to read as follows:

C. Fence height measurement is subject to the provisions set forth in Section 18.43.030.A.

5. Repeal of Code. Subsections A and B of Section 18.42.040 [Exceptions to Requirements – Fences and walls] of Chapter 18.42 [Accessory Structures] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby repealed.

6. Repeal of Code. Subsection C of Section 18.54.020 [Measurement of height] of Chapter 18.54 [Building Bulk] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby repealed.

7. Environmental Review. This Ordinance is categorically exempt (Class 3) under the California Environmental Quality Act.

8. Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or the applicability of this ordinance to other situations.

9. Effective Date; Posting. This ordinance shall become effective thirty (30) days after the date of its adoption and shall be posted within the Town of Portola Valley in three (3) public places.

INTRODUCED: October 26, 2005

PASSED: November 9, 2005

AYES: Mayor Davis, Vice Mayor Toben, Councilmember Driscoll,
Councilmember Comstock and Councilmember Merk

NOES: None

ABSTENTIONS: None

ABSENT: None

By:



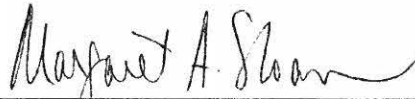
Mayor

ATTEST



Town Clerk

APPROVED AS TO FORM:



Town Attorney

§ 153.051 FENCES, WALLS, GATES, PYLONS, AND BERMS.**(A) Permits required.**

(1) No fence or wall shall be erected without the prior issuance of a permit from the Town. ('75 Code, § 9-2.207)

(2) A building permit and/or a fence permit shall be required for all fences, walls, gates, pylons, and berms. All vehicular gates and entry features require review by the Architectural and Site Review Administrator.

(B) Residential zoning districts. The following regulations and design guidelines were created to preserve the beauty and rural quality of the Town and ensure the safety of all residents. Open fencing and gates are strongly encouraged to maintain the rural atmosphere of the Town. In all residential and open space zones the following regulations and design standards shall apply to all fences, walls, gates, pylons, and berms.

(1) Open fences, which meet all of the provisions of divisions (4) through (13) below, may be approved by the Planning Director, without review by the Architectural and Site Review Administrator.

(2) Fences and walls located greater than 50 feet (30 feet in the R-1 zone) from the right-of-way of adjacent roadways and which meet all of the provisions of divisions (4) through (13) below, may be approved by the Planning Director unless an adjacent property owner requests review by the Architectural and Site Review Administrator. At least ten days prior to the decision, notice of the pending decision shall be provided to any owner of property adjacent to the proposed fence, including lots located across an abutting public or private roadway.

(3) All other fences, walls, gates, and berms which meet the provisions of divisions (4) through (13) below may be approved by the Architectural and Site Review Administrator. Exceptions to the standards set forth in this section may be granted by the Architectural and Site Review Administrator upon a finding that such fence, wall, gate, pylon, or berm would be consistent with the rural character of Woodside and with the existing fencing of the subject lot and neighboring properties. No exception may be granted, however, which allows a fence, wall, or berm to exceed six feet in height.

(4) The design of all fences, walls, gates, pylons, and berms shall be rural in character and shall emphasize the use of natural materials and colors. Open fencing is highly preferred. Open gates are required. Unpainted or stained white, brown or gray wood; welded or woven wire and wood posts; natural stone and/or brick construction are preferred. Chain link fencing, except for athletic sport fencing, is not permitted within 50 feet of the right-of-way of an adjacent roadway, unless specifically approved by the Architectural and Site Review Administrator.

(5) (a) All fences, walls, gates, and pylons shall meet the standards in the following chart. The maximum overall height limit for fencing and gates is six feet, except athletic court fencing, which may be 12 feet in height. Fences, walls, gates, and pylons may not be located in the public or private right-of-way or within any trail easement or other easement precluding their construction.

<i>Fencing Style</i>	<i>Minimum setback from edge of adjacent driving surface (public)</i>	<i>Minimum setback from edge of adjacent driving surface (private)</i>
Open fences, less than 4 feet tall	10 feet	5 feet
Open fences, between 4 feet and 6 feet tall	20 feet	10 feet
Solid fences and walls, less than 4 feet tall	10 feet	5 feet
Solid fences and walls, between 4 feet and 6 feet tall	50 feet (30 feet in R-1 zoning)	50 feet (30 feet in R-1 zoning)

Vehicular gates	25 feet, with gates in the open position	25 feet, with gates in the open position
Athletic court fencing, where allowed	50 feet	50 feet

(b) BERMS. Berms shall vary in height and width to create a natural appearance, consistent with surrounding natural contours, and must be planted with native drought tolerant plants. The top of the berm shall slope gradually to approximate natural slopes and to accommodate planting of vegetation. The slope of the berm must not exceed two feet horizontal to one foot vertical and fills in excess of three feet require certification of design by a civil engineer.

(6) Notwithstanding the standard set forth above, all fences, walls, gates, pylons or berms shall be located to accommodate existing equestrian trail usage such that a minimum of 15 feet of usable trail width remains, unless the Trails Committee concurs that a lesser width is adequate for safe equestrian movement.

(7) The vertical dimension of any fence or wall shall be measured from the average elevation of the finished lot grade on both sides of any such fence or wall. The maximum height at any point on a stepped fence shall not exceed the limitations contained in this section.

(8) Screen plantings required as a condition of approval for any fence or wall shall be maintained by the property owner in good condition.

(9) Corral and pasture fences shall not be less than four feet in height, unless other requirements are prescribed by Chapter 115 of this Code, relating to stables, or any other Town law applicable to the keeping of livestock, in which case such other height requirements shall prevail.

(10) No fence, wall, gate, pylon or berm shall be permitted where, in the opinion of the Town Engineer, the additional height would obstruct the sight distance or create a potential public safety hazard. Additionally, the Town Engineer may require that fences, walls, gates, pylons, or berms erected or planted prior to the effective date of this chapter be reduced in height or removed where the Town Engineer determines that a public safety hazard exists.

(11) No fence, wall, gate, pylon, or berm shall be constructed within a stream corridor, as defined in § 153.206, unless the Town Engineer finds that such fencing will not impede drainage flow and the Planning Director finds that adequate provision is made for the passage of wildlife.

(12) (a) Fences, gates, pylons, and berms shall not be constructed within any public right-of-way. Retaining walls may be constructed in a public right-of-way only if each of the following three conditions are met:

1. The wall is necessary for the construction and maintenance of the road, trails, paths, drainage, or public utilities, or the entire wall will be located below the driving surface of the adjacent roadway, or the wall is necessary for slope stability or to access a property; and

2. The Town Engineer finds that the wall will not negatively impact the safety and functionality of the right-of-way, recognizing that the purpose of the public right-of-way is for both travel and for utilities; and

3. Prior to issuance of a permit for the requested improvement, an encroachment agreement shall be recorded. The agreement shall contain language requiring the property owner benefiting from the improvement to indemnify and defend the Town from any claim that may arise in connection with the encroachment. The agreement shall also include language that authorizes the Town to require removal of the improvement at the benefiting property owner's sole cost and expense.

(b) Fences, walls and berms shall not be constructed within any private road right-of-way. Gates, pylons, and appurtenances, that run from such gates and pylons to the edge of private right-of-way, may be constructed in a private right-of-way provided a use permit is granted by the Planning Commission according to §§ 153.245 through 153.255, and provided the following findings are made (in addition to the findings required by § 153.251):

1. The private road right-of-way is not a through road;
2. The private road right-of-way does not serve more than ten residential lots;
3. An adequate turnaround will be provided;

4. The gate and/or gate appurtenances will not constitute a traffic safety hazard;
5. The private road right-of-way is privately owned by property owners adjacent to it,
6. All property owners who have the right to use the private road right-of-way have given their written consent to the use permit application;
7. Access will be provided for emergency vehicles;
8. The proposed gate and its appurtenances conform to applicable Town codes;
9. Maintenance of the gate and its appurtenances is provided for in a road maintenance agreement executed and recorded by all property owners who have joined in the use permit application; and
10. The gate apparatus will be operable from vehicles by handicapped persons.

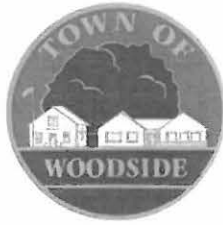
(13) Notwithstanding other provisions of this chapter, replacement of existing fences or walls shall be permitted if the replacement is of a like material, no greater in height, and no closer to adjacent property lines than the existing fence or wall, or if replaced by an "open" fence meeting all of the provisions of this section, except that replacement with chain link fencing is subject to all provisions of this section. Repair of short sections (less than 100 feet, not to exceed 50% of that segment of fencing over a 12-month period) of existing fences and walls does not require a permit. Replacement of existing gates, pylons, and berms shall require a fence and/or building permit and are subject to all review provisions of this section, as are fences and walls which are replaced other than as specified above. Replacement of any of the above, however, shall be prohibited if the Town Engineer determines that a public safety hazard exists.

('75 Code, § 9-2.208)

(C) *Community Commercial District.* In the CC District fences and walls exceeding six feet in height shall be regarded as structures and shall not be erected without first obtaining the approval of the Planning Director and the issuance of a building permit from the Town.

('75 Code, § 9-2.209)

(Ord. 1980-291, effective 9-11-80; Am. Ord. 1986-334, effective 5-8-86; Am. Ord. 1989-391, effective 9-14-89; Am. Ord. 1992-454, effective 3-13-92; Am. Ord. 1999-494, effective 3-25-99; Am. Ord. 2006-530, effective 6-8-06; Am. Ord. 2012-554, effective 8-23-12; Am. Ord. 2015-569, effective 1-7-16)



TOWN CODE AND DOCUMENT REFERENCES TO OPEN AND WILDLIFE FRIENDLY FENCING

Town of Woodside

2955 Woodside Road
Woodside, California 94062
650 851.6790
www.woodsidetown.org

2012 General Plan:

General Plan Strategy OS1.1.b: During the review of development proposals, ensure that impacts are minimized by: (1) Ensuring that fencing is wildlife friendly and that it does not impact or impede wildlife corridors.

General Plan Strategy OS1.2.1: Give special attention to preserving, protecting and enhancing wildlife corridors in the review of all applications for development, with special attention to riparian corridors and physically linking open spaces to form a network of open space.

General Plan Strategy CV1.3.4: Avoid impacts to habitat the wildlife corridors. Structures and fences should be sited to avoid fragmentation of habitat areas, obstructions to linear corridors, and other adverse impacts.

General Plan Strategy CV1.9.d: Promote and encourage individual initiative by local residents and property owners to carry out specific efforts for the protection of the environment, such as: use of wildlife friendly fencing.

Woodside Municipal Code, Zoning Ordinance:

WMC, Section 153.051.B (Fences): Open fencing and gates are strongly encouraged to maintain the rural atmosphere of the Town.

WMC, Section 153.051.B. 11 (Fences): No fence, wall gate, pylon, or berm shall be constructed within a stream corridor, as defined in Section 153.206, unless the Town Engineer finds that such fencing will not impede drainage flow and the Planning Director finds that adequate provision is made for the passage of wildlife.

WMC, Section 153.051, Section 4, Landscape Elements, Fences (Design Review Evaluation Criteria): Whether the fencing is open in design and compatible with the rural character of Woodside.

Residential Design Guidelines:

Residential Design Guidelines, Landscape Elements, Fences, 3.d (Design): Open Design: Fencing should be visually open. Fencing that allows for wildlife migration, such as open rail, is preferred fencing that is visually open, such as wood posts and welded wire is encouraged is wildlife friendly fencing is not feasible.

Residential Design Guidelines, Landscape Elements, Fences, 3.e (Perimeter Fencing): Limit the use of perimeter fencing (fencing along property lines). Perimeter fencing, if used, should be low in height and wildlife friendly, such as open rail.



**TOWN OF WOODSIDE
FENCES & ENTRY FEATURES**

Adopted, February 9, 2016

INTRODUCTION

Fences & Entry Features is an excerpt of the Town of Woodside's Residential Design Guidelines, adopted July 10, 2012.

The goals of this document is to advise homeowners and designers about ways to locate and design fences and entry features that maintain the character of the community and the natural setting.

Woodside Municipal Code Section 153.051, Fences, Walls, Gates, Pylons, and Berms, describes the quantitative development standards and permitting processes for fences and entry features; while this publication guides the qualitative aspects: siting, intensity, design, scale, and protection of wildlife corridors.

This publication provides design guidelines and visual examples. The specific development standards for fences and entry features are contained in Woodside Municipal Code Section 153.051.

The Woodside community seeks to balance the quantitative and qualitative aspects of development in a way which acknowledges that protection of the natural environment is paramount.

As with Town architectural style, the design of fences and entry features should strive for simplicity, restrain the use of excessive detail, and be compatible with the Town's rural vernacular.

FENCES

Fencing shall be open in design and compatible with the rural character of Woodside (ref. WMC 153.051).

Woodside's rural character includes views of oak woodlands, mixed evergreen forests, meadows, the Western Hills, and the valley floor. The location and design of fencing is critical in maintaining these views. Fences also impact properties as seen from public roadways. Low, open design fences contribute to the rural experience of Woodside.

2 Fences



a. Minimize fencing

Minimize fencing to the greatest extent possible.



b. Fence siting

Locate fencing at least the required setback from the road and blend it into the existing landscape (ref. WMC 153.051). Avoid creating fenced “tunnels”, particularly along equestrian trails.

4 Fences

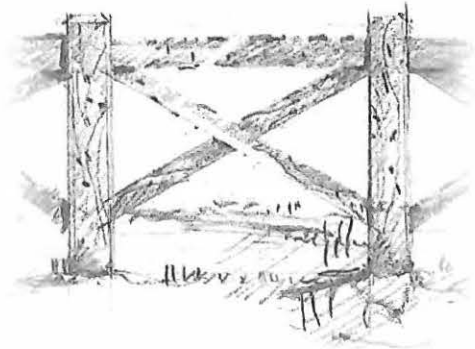
c. Natural feature protection

- i. Locate fencing outside of stream corridor setbacks, riparian areas, and any known wildlife habitats and migratory corridors (ref. GP 051.2).
- ii. Locate fencing to avoid impacts to trees and other natural features (ref. WMC 153.170).



d. Design

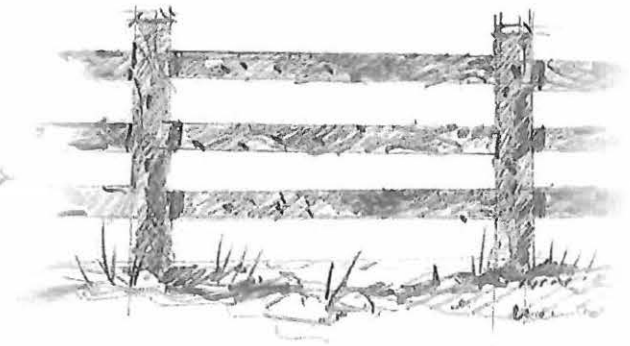
- i. Open design: Fencing should be visually open. Fencing that allows for wildlife migration, such as open rail, is preferred. Fencing that is visually open, such as wood posts and welded wire is encouraged if wildlife friendly fencing¹ is not feasible.
- ii. Fence materials: Rural styles, those that emphasize the use of natural materials such as wood, wood posts and welded wire, natural stone or brick, and which utilize natural colors, such as brown, grey, or green, are strongly encouraged. Other types of fencing, such as chain link, stucco, brick, and solid walls are strongly discouraged.



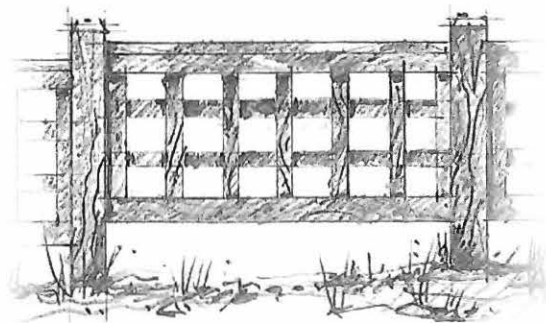
Wood "x" mesh



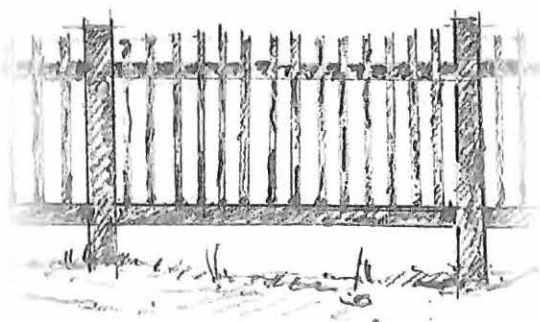
Wood post and wire



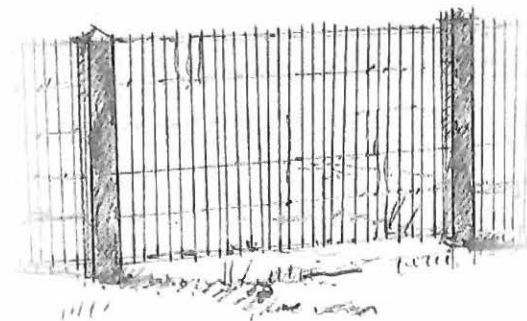
Split 3 rail



Wood post and grid



Vertical grape stake



Wood post and wire mesh

8 Fences

e. Perimeter fencing

Limit the use of perimeter fencing (fencing along property lines). Perimeter fencing, if used, should be low in height and wildlife friendly, such as open rail (ref. GP 0S1.2).





f. Enclosure fencing

- i. Locate security and garden enclosure fencing away from the property lines and minimize its visibility.
- ii. Screen sport courts from public view using landscape screening and/or fencing that blends with the natural color palette. Sport courts should be enclosed with wood and wire fencing, not chain link. Sport courts may be screened from public view with landscaping.

g. Deer fencing

The use of enclosure fencing, visually open but not wildlife friendly, may be considered for plant cultivation. This type of fencing should be limited to the area within the building setback envelope. Deer fencing around vineyards, orchards, and other agricultural uses may be appropriate outside of the building setback area (*ref. WMC 153.051*).





h. Livestock fencing

Livestock related facilities, within a portion of a property, lend themselves to the use of fencing that is simple, understated, and constructed of natural materials (*ref. WMC 153.051*).

12 Entry Features

ENTRY FEATURES

The design of entry features shall be simple, modest, and understated.

a. Siting

Locate entry features away from the road, and integrate them into the existing landscape. Locate gates and other entry features farther away from the road to reduce visibility (*ref. WMC 153.051*).





b. Design

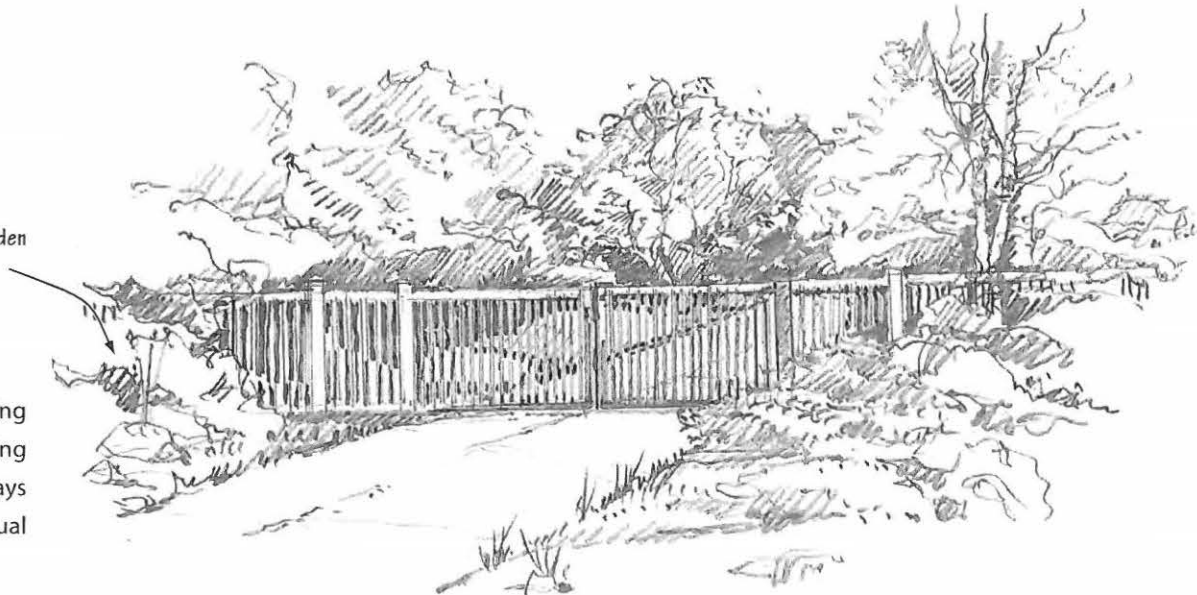
Design gates, pylons, and attached fencing as follows: (ref. WMC 153.051)

- i. Gates and wing walls should be open in appearance.
- ii. Rural styles, those which emphasize the use of natural materials such as wood, wood posts and welded wire, natural stone or brick, and utilize natural colors are strongly encouraged. Stucco and solid walls are discouraged.
- iii. Rural design should take precedence over elaborate entry features of a particular architectural style.
- iv. Pylons and wing walls should provide an unobtrusive transition between the adjacent fencing and the gate.
- v. Locate gate operating mechanisms to the inside of gates, whenever feasible.

c. Landscape screening

Screen mechanical and utility equipment by using natural groupings of native plantings. Screening is particularly important for up-sloping driveways where the view from the road has greater visual prominence (ref. WMC 153.051 & WMC 156.050.B.3).

Gate mechanical hidden by landscaping.





1. WILDLIFE FRIENDLY FENCING DESIGNS:

Numerous citations in the Woodside General Plan and Municipal Code encourage wildlife friendly fencing. Some ways to accomplish this include:

- a. Limiting fence height to 4 feet (which is low enough for deer & fawns to jump);
- b. Creating breaks in fencing; and,
- c. Creating periodic openings at the bottom of wood mesh fences, or installing subterranean, small diameter culverts (i.e., 6" minimum) which allow small wildlife to pass.

FENCE / WALL / GATE DEVELOPMENT STANDARDS

	Height	Minimum Setbacks from Driving Surface of Road		ASRA Review Required**
		Public Road	Private Road	
Open Fences	4 feet or under	10 feet	5 feet	
	4+ feet to 6 feet	20 feet	10 feet	
Solid Fences***	4 feet or under	10 feet	5 feet	X
	4+ feet to 6 feet	50 feet (30 feet in R-1 Zone)	50 feet (30 feet in R-1 Zone)	
Walls*** (including retaining walls)	4 feet or under	10 feet	5 feet	X
	4+ feet to 6 feet	50 feet (30 feet in R-1 Zone)	50 feet (30 feet in R-1 Zone)	
Entry Features (gates must be 40% open)	Gates: 6 feet maximum	25 feet (plus length of gate if gates swing outward)	25 feet (plus length of gate if gates swing outward)	X
Athletic Court Fences	12 feet maximum	Front (or property line that is adjacent to a road): 50 feet	Front (or property line that is adjacent to a road): 50 feet	
		Side/Rear: 15 feet	Side/Rear: 15 feet	
* All fences, walls, gates, pylons, and berms must be located on private property except as allowed per WMC 153.051.B1.12, and shall not be allowed within any trail easement or other easement precluding their construction.				
** Pursuant to WMC 153.221(B), the Town may send a project to ASRA or ASRB upon its judgment that the project may have a significant effect upon the aesthetic or functional character of the Town.				
*** Solid fences and walls located greater than 50 feet (30 feet in the R-1 zone) from the right-of-way of adjacent roadways: Adjacent neighbors, including across the adjacent roadways, will be notified and will have 10 days to request ASRA review.				

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Sean Mullin

From: Nancy Reyerling <nanzo@me.com>
Sent: Wednesday, July 26, 2017 12:08 PM
To: Joel Paulson
Cc: Sean Mullin; David Weissman
Subject: Public comment to PC meeting 7/25: Code Amendment A-17-002

Dear Los Gatos Planning Commission:

I am writing to voice my strong support for code amendments that will preserve wildlife habitats, protect migration corridors, support the General Plan policies, and generally limit the impact of fences, walls, and gates.

Residents and wildlife will benefit by the direction given in clearly worded code amendments that limit the location and types of fencing to allow greater freedom of movement for wildlife. Our local fauna need to traverse both open space and private properties to find safety, forage, and mates with sufficient DNA variation to ensure survival of species.

The work of both staff and residents is to be applauded, as existing town codes do not sufficiently regulate fencing and other impediments to wildlife.

Thank you for your careful consideration of this very important issue.

Best regards,
Nancy Reyerling
Board Member, Committee for Green Foothills

Sean Mullin

From: David Weissman <gryllus@gmail.com>
Sent: Thursday, July 27, 2017 11:37 AM
To: Joel Paulson; Sean Mullin; Lee Quintana
Subject: Lyme Disease

Follow Up Flag: Follow up
Flag Status: Flagged

Almost on command, KQED has this article on today's website. Please pass this along to the Planning Commission.

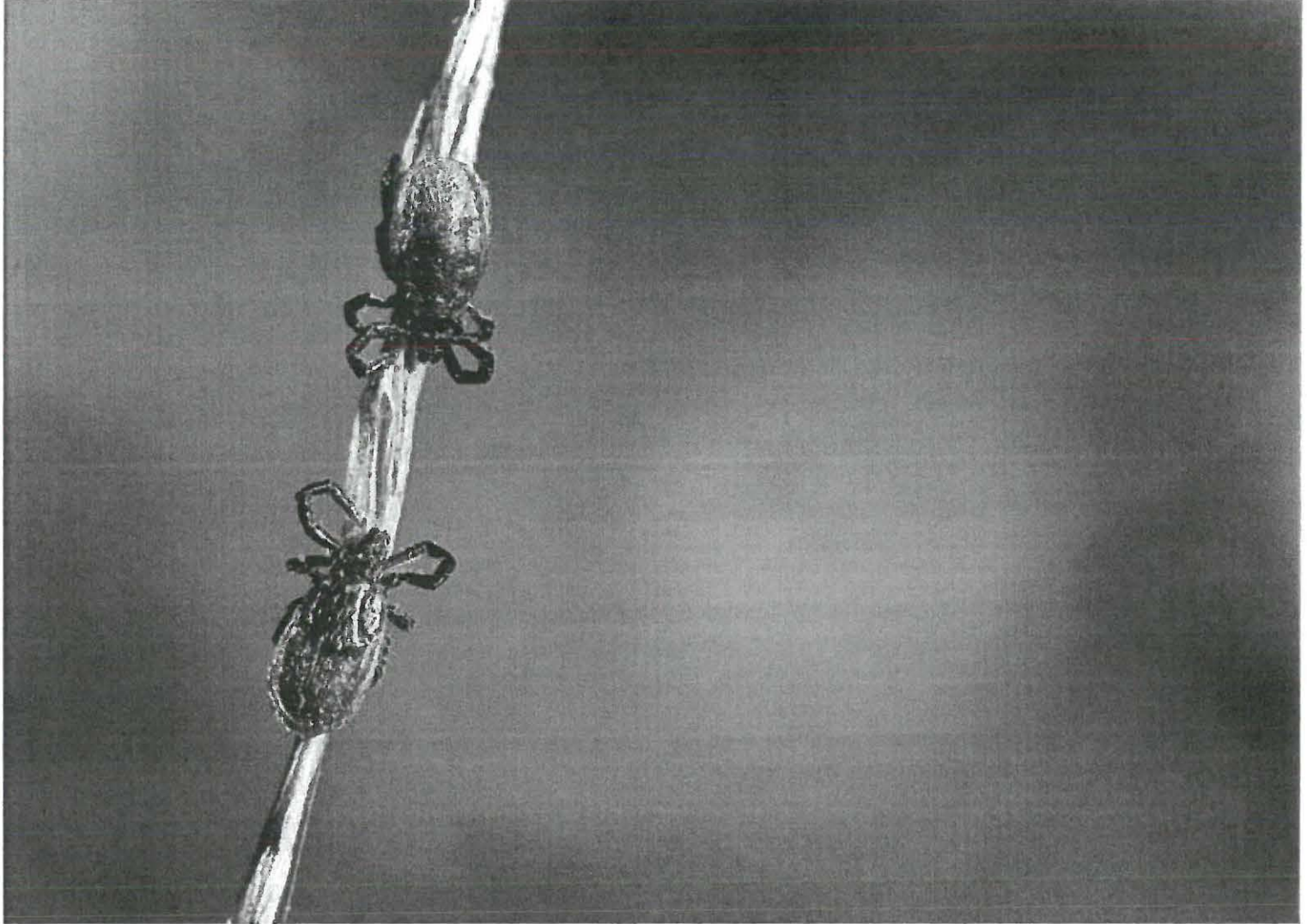
<https://ww2.kqed.org/science/2017/07/27/lyme-disease-in-california-sorting-fact-from-myth/>

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Dave Weissman
15431 Francis Oaks Way
Los Gatos, CA 95032
H: (408) 358-3556
gryllus@gmail.com

NEWS ([HTTPS://WWW.KQED.ORG/SCIENCE/CATEGORY/NEWS/](https://www.kqed.org/science/category/news/))

Lyme Disease in California? It's Here and It's Complicated.



Lyme-infected western blacklegged ticks have been found in 42 out of California's 58 counties. (Ervic Aquino)

By **Anna Kusmer** (<https://www.kqed.org/science/author/akusmer/>) [Twitter](http://twitter.com/askusmer) (<http://twitter.com/askusmer>)

JULY 27, 2017



Northern California has many attractions, but the fact that it's prime tick habitat isn't one of them.

Adding to the angst surrounding outdoor activities is that tick hotspots are unevenly distributed on a patchy landscape. One moment you're strolling through redwood forests, the next through oak forests, and a couple of hours later you may come across scenic chaparral. While on this iconic hike, you probably don't realize that you've moved through both high- and low-risk Lyme disease areas. The question is, do you know where you are most at risk?

The answer is in the oak forest where layers of rich leaf litter are a kind of Club Med for ticks.

It's Always Tick Season

"Tick season" exists year-round in northern California. The highest risk is in the spring and early summer due to an abundance of juvenile ticks, known as nymphs (the most virulent life-stage). However, peak diagnosis time extends into July, because it can take a few weeks to realize that you have the disease.



It's always tick season in Northern California. Peak season is spring and early summer. (Bay Area Lyme Foundation)

Summer is also particularly dangerous for Lyme disease because that's when people spend the most time outside, and many of the most beautiful hiking areas tend to be tick-ridden.

Most people associate Lyme disease with the Northeastern U.S. and the upper Midwest, and for good reason (<https://www.cdc.gov/lyme/stats/maps.html>); the vast majority of cases are reported there, due mostly to the fact that the landscape is blanketed with prime tick habitat. On the west coast, the risk is real, but it's different.

"There are definitely patches in California where the risk is just as high as the East –it's just not the same spatial extent," says Dan Salkeld, research scientist at Colorado State University.

The overall abundance of Lyme ticks is relatively low on the West Coast; however, the risk is spread unevenly. Hikers can move from high-risk area to a low-risk area and never know it.

'Medicine has the tendency to want a vaccine or a clear antibiotic silver bullet, and I don't think the Lyme system gives us that luxury.'

— Nate Nieto, University of Northern Arizona

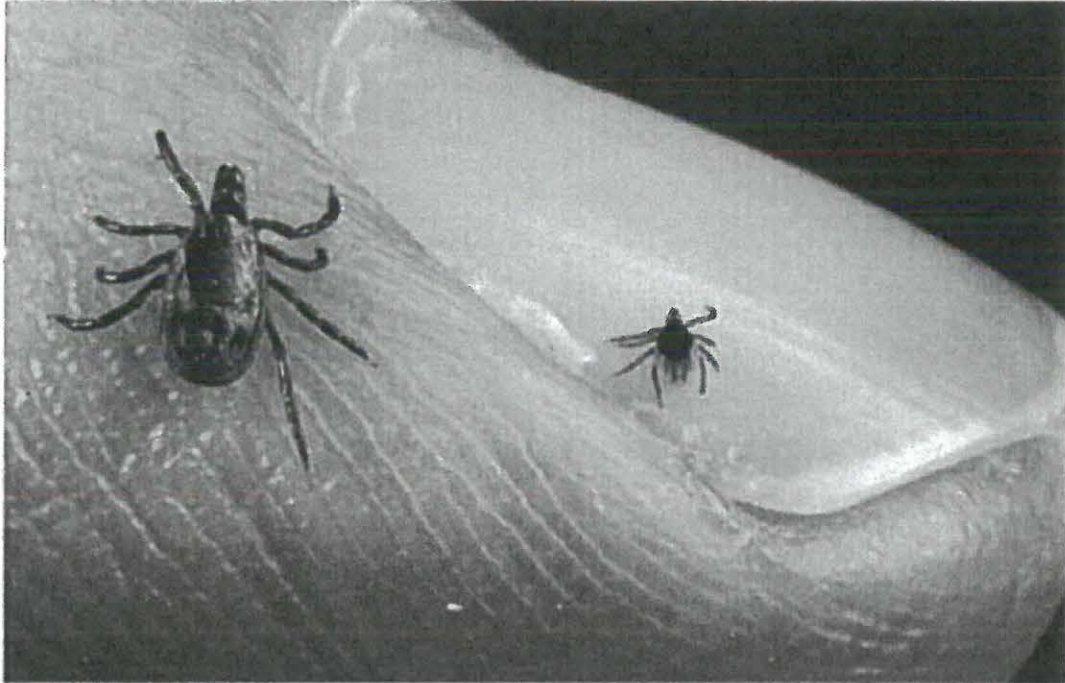
In California, "You can be in one valley and rates of Lyme can be as high as in upstate New York, Connecticut or Rhode Island," says Nate Nieto, a microbiologist at Northern Arizona University in Flagstaff. "Then you go over one ridge, the habitat changes completely – and there's nothing,"

Part of what puts Californians at risk is a lack of awareness — among the public and even among doctors. Much of the research and public health information is based on east coast ecology and may not apply to the West.

For many Californian physicians, Lyme disease is just not on the radar, even though according to the Bay Area Lyme Foundation (<http://www.bayarealyme.org/>), Lyme-infected ticks have been located in 42 of California's 58 counties. About 100 cases of Lyme disease are reported in California each year, but according to Supervising Public Health Biologist Kerry Padgett of the state Department of Public Health, the disease is likely more widespread.

"There is an under-diagnosis and under-reporting of Lyme disease in California," says Padgett.

WHAT TO DO IF YOU FIND A TICK ON YOU:



Adult (left) and nymph (right) western blacklegged ticks. (Bay Area Lyme Foundation)

If you find a tick on your body, don't panic! Remove the tick and keep track of what happens.

- Is the tick feeding? That is, is the tick embedded in the skin?
- If the tick is embedded, remove the entire tick carefully with a pair of tweezers. Then, if possible, save the tick in a jar or plastic bag. DO NOT try to kill the tick with oil or matches while it's feeding.
- How long did it feed? If it's less than 36 hours, there's a high probability that you are safe.
- Pay attention to your symptoms. If in 6-to-12 days, you have any kind of fever, go and see a doctor.
- A bulls-eye rash around the tick bite is a sure-fire way to know if you've contracted Lyme, but this symptom only shows up in 50-70 percent of cases. Other symptoms include headache, fatigue, and skin rash.

Lyme disease is caused by a microscopic spiral-shaped bacteria called *borrelia burgdorferi*. On the west coast, these Lyme disease-causing bacteria live inside the guts of the western blacklegged tick and can travel into the blood streams of bitten animals. Ticks generally live for two or three years. They are born Lyme-free, and will contract or transmit Lyme during feeding, once during each of their three life stages.

When a Lyme-infected tick bites, it typically takes 36-48 hours for the bacteria to make the journey from the tick's gut to their mouth and into the blood of their host. The process can take as little as 24 hours.

Only 15-20 percent of blacklegged ticks contain Lyme disease during their nymph stage, and that number is much lower, 1-2 percent, in adults.

A Forest Full of Frenemies

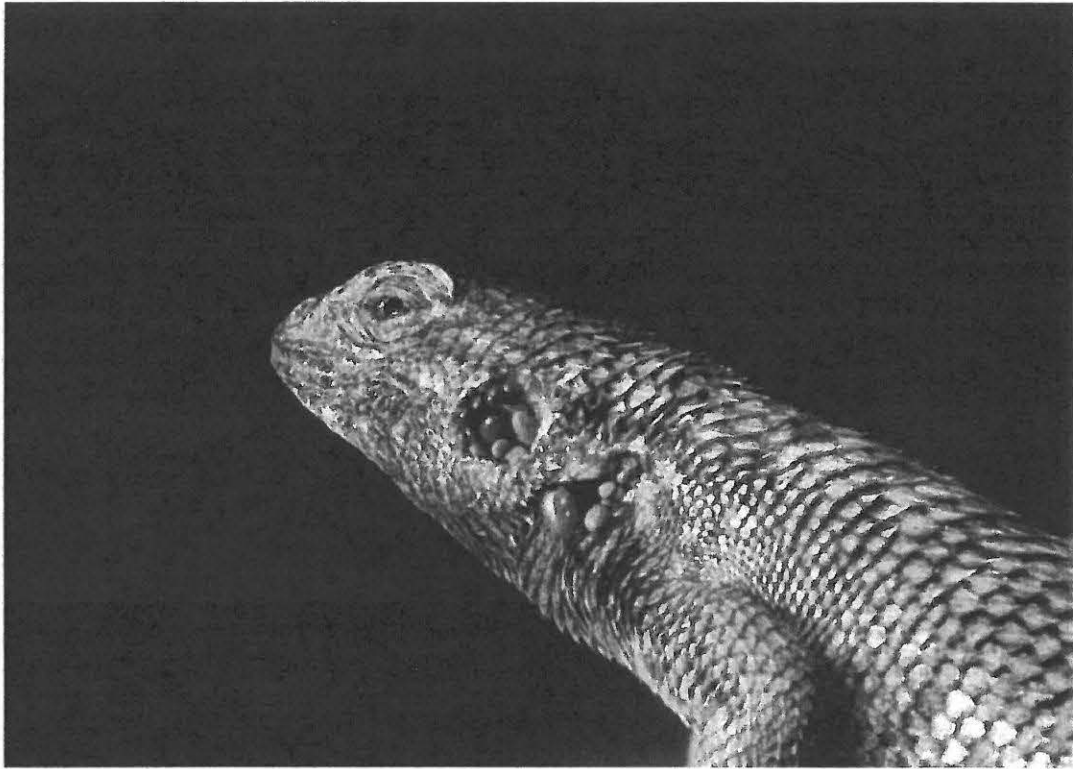
To determine disease risk of a particular place, researchers look to some of the tick's favorite foods.

The most common reservoir of Lyme disease — the species that initially infects ticks — is the western gray squirrel.

So avoid gray squirrel habitat and you're safe? Not so fast.

Enter the blue-bellied lizard (also known as the western fence lizard), which is naturally immune to Lyme disease, and has special proteins in its blood that will cleanse infected ticks of the pathogen.

So, a tick could feed on a squirrel and contract Lyme, which could then be neutralized when it bites a lizard.



Blue-bellied lizards are our friends. Their blood actually cures infected ticks of Lyme disease. The "grapes" in this lizard's ear are all feeding ticks. (Ervic Aquino)

"If you go into dense black oak woodland, which is prime habitat for ticks and squirrels, we find a higher proportion of infected ticks," explains Salkeld. "However, if you move into a broken clearing with more light, you're going to find more lizards, and the prevalence of Lyme goes down."

Lyme disease involves many different species and is ecologically complex, which makes it a notoriously difficult problem to solve for researchers and public health officials.

"Medicine has the tendency to want a vaccine or a clear antibiotic silver bullet, and I don't think the Lyme system gives us that luxury," says Nieto.

"Lyme disease is something that we call, in the science world, a complex system, meaning that there's a bunch going on here," he continues. "there's a bunch of hosts, there's a bunch of vectors, and there's a bunch of pathogens, and that makes things difficult."

Mapping a Pathogen

California's diverse landscape and the complex interplay among species makes predicting Lyme tricky. However, the greatest risk posed to Californians might be a lack of awareness. Doctors here are less likely to suspect Lyme when patients come in with characteristic symptoms.

"I have talked to physicians who say that they are not aware of Lyme disease in California," says Salkeld.



Many are not aware of the Lyme disease risk in California. Researchers are trying to change that. (Anna Kusmer / KOED)

Organizations, such as the Bay Area Lyme Foundation, along with researchers like Nieto and Salkeld, are working to change the narrative and build the necessary evidence to make doctors aware of the scale of the problem. The foundation has a [program](http://www.bayarealyme.org/blog/bay-area-lyme-foundation-offers-free-tick-testing-nationwide/) (<http://www.bayarealyme.org/blog/bay-area-lyme-foundation-offers-free-tick-testing-nationwide/>) offering free tick testing nationwide, which aims to map tick-borne diseases across the country by encouraging concerned citizens to send in samples.

“We’re working on gathering real empirical data to show that Lyme is in the ecosystems of the West Coast,” says Nieto, “We’re getting clinical samples, ecological [tick] samples, and wildlife host samples...so we can change the educational paradigm within the medical schools and say, ‘It’s not just the Northeast and upper Midwest’—it’s in California too.”

“I think Californians should be aware of ticks, and the risks of tick-borne diseases, but the fear of disease should not keep them from enjoying the great outdoors,” adds Padgett. “I really do feel it’s possible to stay tick-safe while recreating and spending time outside.”

EXPLORE: BIOLOGY ([HTTPS://WW2.KQED.ORG/SCIENCE/CATEGORY/BIOLOGY/](https://ww2.kqed.org/science/category/biology/)), **ENVIRONMENT** ([HTTPS://WW2.KQED.ORG/SCIENCE/CATEGORY/ENVIRONMENT/](https://ww2.kqed.org/science/category/environment/)), **HEALTH** ([HTTPS://WW2.KQED.ORG/SCIENCE/CATEGORY/HEALTH/](https://ww2.kqed.org/science/category/health/)), **NEWS** ([HTTPS://WW2.KQED.ORG/SCIENCE/CATEGORY/NEWS/](https://ww2.kqed.org/science/category/news/)), **BAY AREA** ([HTTPS://WW2.KQED.ORG/SCIENCE/TAG/BAY-AREA/](https://ww2.kqed.org/science/tag/bay-area/)), **HIKING** ([HTTPS://WW2.KQED.ORG/SCIENCE/TAG/HIKING/](https://ww2.kqed.org/science/tag/hiking/)), **LYME DISEASE** ([HTTPS://WW2.KQED.ORG/SCIENCE/TAG/LYME-DISEASE/](https://ww2.kqed.org/science/tag/lyme-disease/)), **TICKS** ([HTTPS://WW2.KQED.ORG/SCIENCE/TAG/TICKS/](https://ww2.kqed.org/science/tag/ticks/))



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(<https://ww2.kqed.org/science/2017/07/27/lyme-disease-in-california-sorting-fact-from-myth/?share=twitter&nb=1>)

Sean Mullin

From: David Klinger <dave.klinger@sbcglobal.net>
Sent: Wednesday, August 30, 2017 6:07 PM
To: Council; manager@losgatossca.gov
Cc: Sean Mullin
Subject: Proposal for flatland fence height code changes

I am a resident Los Gatos. The Planning Commission is currently considering changes to the Los Gatos fence code for hillside properties to protect wildlife. I request the Council direct the Commission to expand the scope of these changes to include reconsideration of the flatland residential fence height restrictions.

I recently received approval by the Community Development Director to construct a replacement 7 foot high fence that includes a 1 ft lattice on top. I paid Los Gatos \$233 to process the exemption required by city code, after gaining approval of all my adjacent neighbors. A building permit was not required since the fence was not over 7 feet high.

I discovered by walking our dogs around extensively and talking with my fence contractor that 7 foot fence replacements are quite common. I met with Sean Mullin, of the Los Gatos planning staff to seek information about how many residents seek the formal exemption and pay the fee. I was advised by another planning staff member at that meeting that the number is "minimal", and that the city was unable to provide me the exact exemption application count since there is no tracking system in place. One can only conclude that many residents simply ignore the code and replace fences without seeking a formal exemption for those fences higher than 6 feet. Further, I talked with LG Code Compliance and was told that fence height compliance is not an issue, perhaps one or two calls per year, due to neighbors working it out themselves. Compliance actions do not take place unless there is a complaint..

San Jose, Sunnyvale, Cupertino, Santa Clara County, and Los Altos allow 7 foot fences with 1 foot lattice without exemptions or permits, some of these cities requiring adjoining neighbor approval.

Neighbor approval and "Special privacy concerns", without specific criteria, is the current Los Gatos basis for allowing fences over 6 feet high. Privacy is a subjective matter best left to the neighbors directly affected. Determination of whether or not a special privacy concern exists is at the discretion of the Community Development Director per current code.

Proposal: The flatland ordinance should be modified to allow 7 foot heights with 1 foot lattice without an exemption fee if all affected neighbors approve. The code should continue the 6 foot no-approval baseline. If a neighbor disapproves a fence higher than 6 feet, the resident desiring the increase could appeal, starting with the Community Development Director. Fences higher than 7 feet should continue to require a permit due to ensure safety. Front yard and corner lot low fence limitations should remain in force, again for safety and visibility reasons.

I believe this change would reconcile the fence height ordinance to the apparent current LG community consensus that 7 foot fences are often desired and are acceptable. Making this change would promote better respect for and compliance with Los Gatos codes, and immediately relieve many residents who are not currently code-compliant. However, this issue is not likely to result in demonstrations and demand for changes at future Council meetings. Rather, this issue falls more properly into the category of good city governance and respect for the ability of residents to work it out themselves.

In summary,

- 1) The fence height code is being ignored widely,
- 2) Many fences are higher than six feet, but are acceptable to the neighbors,
- 3) The current height exemption criteria of "special privacy concerns" is subjective and difficult to properly evaluate,
- 4) When neighbors already agree on a 7 foot high fence, gaining city approval and paying associated fees unnecessarily burdens the residents.

Respectfully,

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