



City of West Covina
MEMORANDUM
Public Works Department

TO: Andrew G. Pasmant
City Manager

FROM: Shannon A. Yauchzee
Public Works Director/City Engineer

DATE: July 3, 2003

SUBJECT: WEEKLY REPORT – PUBLIC WORKS’ POLICY ON ENCROACHMENT PERMITS

The City of West Covina’s Municipal Codes 19-11, 22-8, and 26-412 allow residents to construct fences, walls, steps, posts, hedges, shrubbery, or any other obstruction within the public right-of-way (streets) contiguous to their property only with an encroachment permit. On most streets the right-of-way is 10 feet wide and typically includes the parkway and the sidewalk. The Public Works Department historically has issued an encroachment permit for these improvements only within the first five feet of the right-of-way reserving the remaining five feet for sidewalks, pedestrians, and public use.

By allowing this kind of improvement, the resident enjoys more space and privacy in front of their property. In some cases, however, this may create an aesthetically unpleasant look to the major arterial and collector street systems where corner properties have encroachments such as walls and fences. Also, on the corners of these major streets it is generally preferred to retain the full right-of-way for visibility and pedestrian safety at the intersections.

In order to avoid this situation for the City, the Public Works Department will be implementing a policy that would prohibit new encroachment permits for walls, fences, and other tall structures on the corner properties located on major arterial and collector streets as defined in the City’s Master Street Plan.

This policy becomes effective as of July 10, 2003.

Shannon A. Yauchzee
Public Works Director/City Engineer



ENCROACHMENT PERMIT APPLICATION

Name _____ Telephone No. (____) _____

Address _____

Contact Person _____ Assessor's Parcel Number _____

State the reason for the encroachment _____

(No encroachments are permitted between the curb and for a distance of 5'-0" to allow for pedestrian use, utilities or future sidewalks.)

Type of encroachment _____

Applicant's Signature _____

Date _____

(Office Use Only)

Processed by _____

Date _____

Reviewed by _____

Date _____

Approved by _____

Date _____

Public Works Director/City Engineer

Application Instructions

No application for an Encroachment Permit will be processed without the completion of all of the following items:

- | | |
|-------------------|--|
| 1. APPLICATION | Complete application as instructed. |
| 2. PLOT/SITE PLAN | The Plot/Site Plan shall be prepared in accordance with the following specifications. <ul style="list-style-type: none"> a) Plan shall be drawn on an 8-1/2" x 11" sheet. b) Locate all buildings, driveways, and walkways on plan and show dimensions to street right-of-ways. c) Show location of proposed encroachment and dimension to curb and buildings. d) Cross-section of encroachment areas. |
| 3. PHOTOGRAPH(S) | Picture(s) of property with explanation of location. |
| 4. FEE | \$235 |

Sec. 24-22. Permission required for planting, maintaining and removal of street trees.

Except as otherwise provided in this article and Chapter 26, Article VI, Division 8, it shall be unlawful for any person to plant, maintain (except watering), or remove any street trees without prior written permission from the director in accordance with section 24-18 and when applicable section 26-293(c). The director may grant permission subject to the condition that any removed street tree be replaced by a tree in accordance with section 24-18 and when applicable section 26-193(c). No such permission shall be valid for a period longer than thirty (30) days after its date of issuance. (Ord. No. 1714, § 1, 4-14-86; Ord. No. 1864, § 2, 11-12-90)

Sec. 22-8. Obstruction to visibility at intersections or driveways.

No person owning, controlling or responsible for the maintenance of any fence, wall, mound, hedge, shrubbery, or any other obstruction which so restricts the view of pedestrian or vehicular traffic as to cause a hazard or danger thereto, located within the parkway portion of any public street, shall allow or permit or cause the same to:

- (a) Exceed a height of twenty-four (24) inches above the top of curb grade level at the place where the same is situated if it is located within a distance of thirty (30) feet from the point where the projected curb-lines of any two (2) or more intersecting or intercepting streets intersect, or
- (b) Exceed a height of thirty-six (36) inches above the top of curb grade level at the place where the same is situated if it is located within a distance of fifteen (15) feet from either side of a private driveway at the point where it crosses such parkway; provided, however, that, shrubs shall not be prohibited by this subparagraph (b) if and while all foliage thereof is kept trimmed and pruned up to a height of at least forty-eight (48) inches above such top of curb grade level with clear visibility beneath such height of forty-eight (48) inches and does not violate any other provisions of this Code.

Sec. 26-413. Wall, fence or hedge permitted.

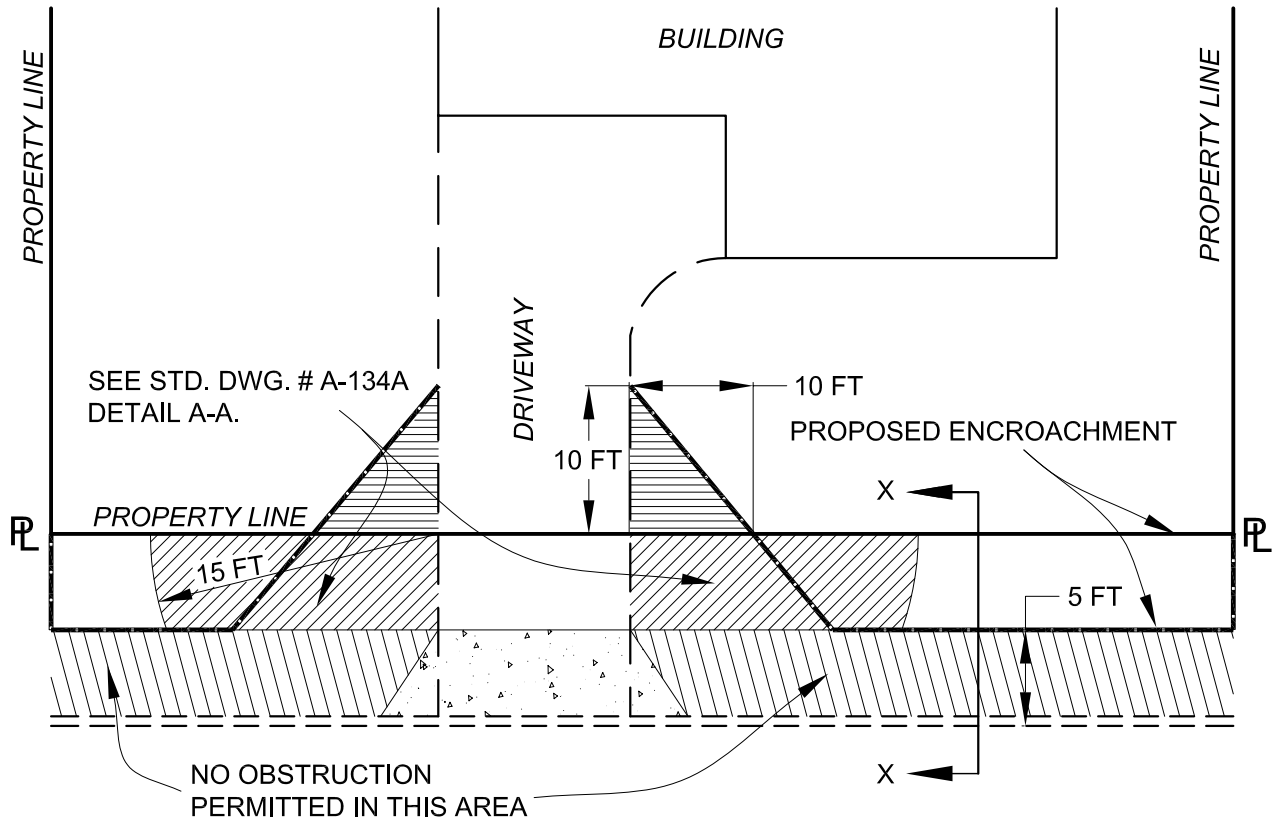
- (a) *Within required front yard.* Except as otherwise stated below, walls, fences, and hedges within the required front yard shall not exceed a maximum height of forty-two (42) inches (3 feet, 6 inches). Nonsolid walls and fences in excess of forty-two (42) inches and up to a maximum height of six (6) feet may be erected provided that the portion in excess of forty-two (42) inches shall be constructed of decorative wood, wrought iron, tubular steel, or like material such that at least seventy (70) percent of the plane of the fence or wall in excess of forty-two (42) inches in height is open. Columns, posts, and pillars may be incorporated into the design of the fence or wall if the requirement for visibility is met.
 - (1) *Corner cutback area.* On corner lots, walls, fences, hedges, trees, or other physical obstructions shall not exceed a maximum height of thirty-six (36) inches (3 feet) within a triangular area formed by lines extending fifteen (15) feet along the front and side property lines from the intersecting point of the front property line and street side property line, and a diagonal line connecting the two (2) lines.
- (b) *Within areas other than required front yard.* Walls and fences within areas other than the required front yard shall not exceed a maximum height of six (6) feet, with the exception that walls and fences in excess of six (6) feet and up to a maximum height of seven (7) feet may be permitted subject to approval of an administrative use permit pursuant to the provisions of sections 26-270 through 26-274. Such walls and fences in excess of six (6) feet shall require the issuance of a building permit.
 - (1) *Findings.* Before an administrative use permit may be granted for a wall or fence in excess of six (6) feet, the following findings shall be made:
 - a. That the proposed wall or fence is needed to provide safety, security, and/or privacy for the subject property.
 - b. That the proposed wall or fence will not unreasonably disrupt access to light and views or otherwise infringe upon the use and enjoyment of adjacent properties.

- c. That the proposed wall or fence has been designed in an architecturally integrated manner and utilizes materials that are complimentary to and compatible with the surrounding area.

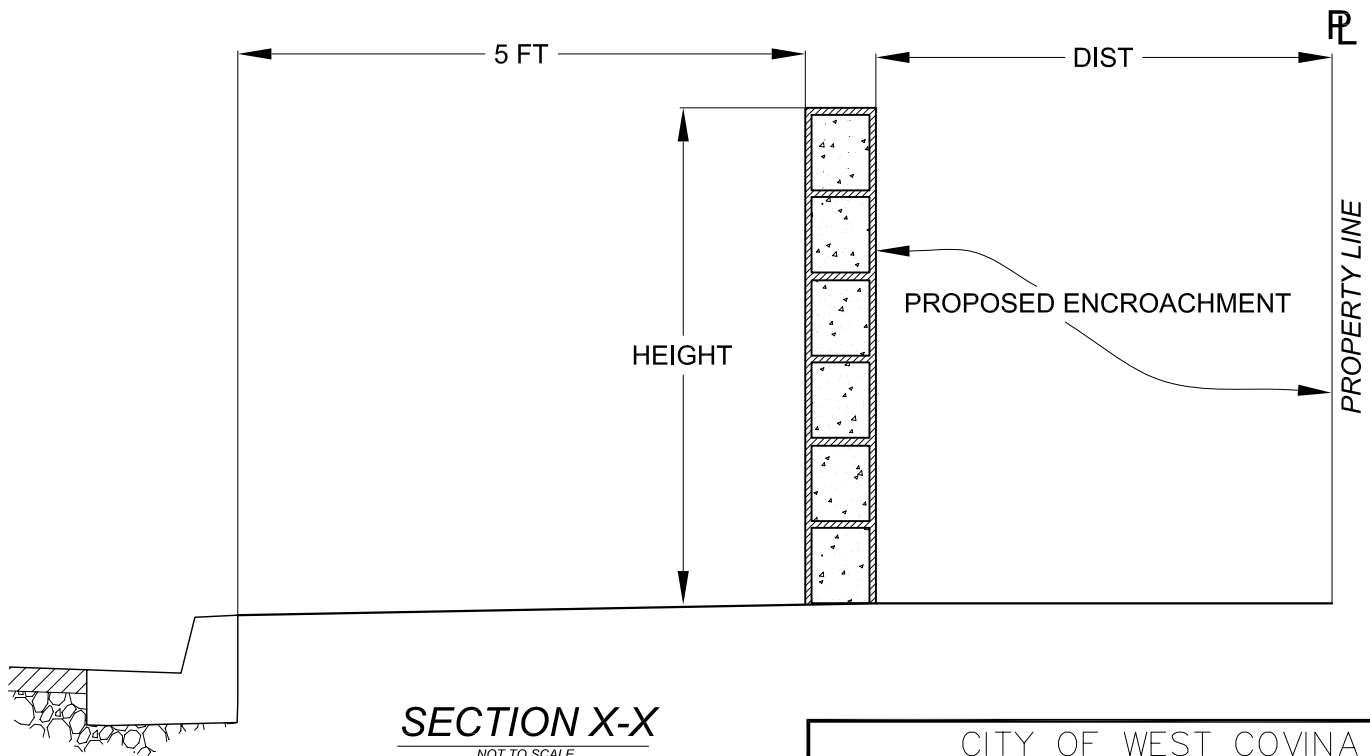
- (c) *Walls and fences adjacent to arterial streets.* For single-family residential lots, walls, fences, and hedges along the side and rear property lines adjacent to the rights-of-way of streets designated as principal or minor arterials on the master plan of streets and highways shall be permitted up to a maximum height of eight (8) feet, provided that walls and fences in such locations shall also be subject to the height restrictions contained in subsection (a) (1) and (e), where applicable. Such walls and fences in excess of six (6) feet shall require the issuance of a building permit. In locations described above, a masonry wall eight (8) feet in height shall be required on lots for which building permits for new single-family residences are obtained after 1989.
- (d) *Hedges adjacent to arterial streets and commercial zones.* For single-family residential lots, hedges along the side and rear property lines adjacent to the rights-of-way of streets designated as principal or minor arterials on the master plan of streets and highways and adjacent to commercially-zoned properties shall be permitted up to a maximum height of ten (10) feet, provided that hedges in such locations shall also be subject to the height restrictions contained in subsections (a)(1) and (e), where applicable.
- (e) *Driveway cutback area.* Where a driveway provides direct access to a street (not including alleys), no hedge, solid wall or fence in excess of forty-two (42) inches in height shall be permitted within a triangular area formed by one line extending along the edge of the driveway for the first ten (10) feet inward from the inner edge of the sidewalk or the edge of the street (if no sidewalk exists), one line extending outward ten (10) feet at a ninety (90) degree angle from the first line, and a diagonal line connecting the two lines. Nonsolid walls and fences up to a maximum height of six (6) feet may be erected provided that the portion in excess of forty-two (42) inches shall be constructed of decorative wood, wrought iron, tubular steel, or like material such that at least seventy (70) percent of the plane of the fence or wall in excess of forty-two (42) inches in height is open. Columns, posts, and pillars may be incorporated into the design of the fence or wall if the requirement for visibility is met. This restriction shall apply to all portions of the triangular area encompassing the subject and any adjoining properties.

Sec. 19-11. Obstructions in streets.

- (a) No person shall erect, construct, place, maintain, leave or abandon any building, fence, porch, steps, post, pole, track, wire, pipe, conduit or other structure in whole or in part in or upon any street within the city, and no person shall place, affix, paint, maintain, leave or abandon any seat, bench, table, stand, material or other obstruction in any street within the city, without a permit to do so first had and obtained from the traffic authority or the city engineer, provided, however, that, the provisions of this section shall not apply to:
 - (1) The U.S. mailboxes.
 - (2) Poles and facilities of public utilities lawfully using the public streets of said city.
 - (3) Portable and usual garbage and rubbish receptacles when conforming to and placed in accordance with the rules and regulations of the city with reference thereto.
 - (4) Notices, placards, posters or any of the other articles or means above mentioned or referred to, erected or placed by any city or public officer, official or employee acting within the scope of his or her office or employment as such public officer, official or employee.
- (b) The chief of police is authorized to remove any obstruction existing in any street in violation of the provisions of this section and to store the same in the city yard. The owner of any property removed from any street may claim the same within sixty (60) days after the date of its removal and upon payment of the actual cost of removal, not to exceed twenty-five dollars (\$25.00), the property shall be released to claimant.



PLOT PLAN
NOT TO SCALE



CITY OF WEST COVINA ENGINEERING DIVISION	
SAMPLE DRAWING	
Drawn By: Samuel Gutierrez	NO SCALE
Checked By: Naresh Palkhiwala	DATE: 06/10/2005

