



RESIDENTIAL FENCE OR RETAINING WALL

1. PERMIT INFORMATION:

- ❑ Building Department permits are required for fences over 7 feet in height, measured from the finished grade on either side of fence to the top of the fence surface, board, rail, cap or wire, all swimming pool/spa fences regardless of height and retaining walls over 4 feet in height measured from the bottom of the footing to the top of the wall and all walls supporting a surcharge.
- ❑ Planning Department Minor Site Permits are required for all existing replacements and new fences and/or retaining walls. This is in addition to above and required even if a Building Department permit is not required.
- ❑ Permits for the projects above require plans submitted that will be reviewed and approved by the Building Safety Department, Planning Department and Engineering Department prior to construction. Therefore, the permit will have to be obtained in person at the Permit Center.
- ❑ **Homeowners Association:** If the property is regulated by a Homeowners Association, any exterior work shall have approval of the Association. It is the property owner's responsibility to obtain this approval.
- ❑ A Permit may be issued only to a State of California Licensed Contractor with the proper license classification, the property owner, or the property owner designee.
- ❑ Permit holder is responsible for any excavation on site to be 811 marked and maintained (re-marked) and current tag prior to digging and approved procedures and safety protocols (like hand digging) are used during excavation. See www.usanorth811.org for more info.

2. PLANS REQUIRED:

Plans are required to be submitted to and approved by the city to obtain a permit where permit is required. In order to expedite issuance of your permit, submit complete sets of plans. Incomplete submittals will cause delay in the processing of documents and approval of your project.

Refer to "*Design Guidelines for Residential Wood Fence*" for sample of the plans required for a wood fence project. Refer to "*Design Guidelines for Residential Retaining Wall*" for sample of the plans required for a retaining wall project. Refer to "*Design guidelines for Footing and Pool on or Adjacent to Slopes*" for design of walls and slopes near foundations.

I. PLAN REQUIREMENTS:

- ❑ **Plan Size:** Prepare plans on paper that is at least 17 inches x 11 inches in size.
- ❑ **Sets of Plans:** Submit three (3) complete sets of plans.
- ❑ **Dimensions:** All drawings shall be fully dimensioned. Plot plans shall have a north arrow.
- ❑ **Architect or Engineer:** Fences supporting soil and/or located on the Hillside shall be designed by a licensed Architect or Engineer.

- ❑ **Revisions:** Once the permit has been issued, any changes in the approved design must be re-approved by the City. If an Architect or Engineer prepared the plans, he or she shall approve the revised plans prior to being submitted to the City for approval. Additional fees will be due for each revision at time of submittal.

II. PROJECT INFORMATION - On the first sheet of the plans, provide the following information:

- ❑ **Name:** The printed name, address and telephone number of the person who prepared the plans.
- ❑ **Address and Owner:** List the street address of the property and the name of the legal owner of the property.
- ❑ **Description:** A description of the project.
- ❑ **Building Codes:** State the project shall comply with the California Residential Code (CRC) or the California Building Code (CBC), and the Milpitas Municipal Code (MMC).

III. ARCHITECTURAL PLANS

- ❑ **Site (Plot) Plan:** Show the property lines, location of all existing structures, location of easements, location of adjacent streets or alleys, and the location of existing and proposed fencing and/or retaining wall.
- ❑ **Details and Notes:** Include all construction and foundation details. Provide all necessary notes to explain the planned construction.

3. OTHER APPROVALS:

- ❑ **Engineering Department:** Prior to completion of any plans, the Engineering Department shall be contacted at (408) 586-3329 to find out the requirements due to the location of any easements and for sight distance clearance along with the possible need for an encroachment permit for any work in the right-of-way.
- ❑ **Planning Department:** Prior to completion of any plans, the Planning Department shall be contacted at (408) 586-3279 to find out the requirements due to the location and type of the proposed fence. See also MMC Section XI-10-54.10.
- ❑ **Homeowners Association:** If the property is regulated by a Homeowners Association, any exterior work shall have approval of the Association. It is the property owner's responsibility to obtain the approval.

4. SMOKE ALARMS, CARBON MONOXIDE ALARMS & SPARK ARRESTERS:

- ❑ In single family and multi-family residences (including townhomes, condominiums and apartments), installation of smoke alarms, carbon monoxide alarms, and spark arresters on all chimneys is required prior to the final inspection. Refer to the "*Smoke Alarm, Carbon Monoxide Alarm and Spark Arrester Certificate*" handout for detailed information.

5. INSPECTION PROCEDURES:

- ❑ Two inspections are required, one prior to placement of any concrete for the foundation and a final inspection after all work is complete. For each inspection, the Permit Card and the Approved Job Copy of the approved plans shall be presented to the inspector.

6. QUESTIONS:

- ❑ If you have any questions, please contact the Building Safety Department at (408) 586-3240.