



# CITY OF CARSON

## PLANNING COMMISSION STAFF REPORT

NEW BUSINESS DISCUSSION: September 24, 2013  
SUBJECT: Workshop on fences  
APPLICANT: City of Carson  
REQUEST: Discuss and consider issues dealing with chain-link fencing, nonconforming front yard fence height, and requirement of a fence permit  
PROPERTIES INVOLVED: Citywide

---

### COMMISSION ACTION

Concurred with staff  
 Did not concur with staff  
 Other

### COMMISSIONERS' VOTE

<u>AYE</u>	<u>NO</u>		<u>AYE</u>	<u>NO</u>	
		Chairman Faletogo			Gordon
		Vice-Chair Verrett			Piñon
		Brimmer			Saenz
		Diaz			Schaefer
		Goolsby			

I. Introduction

This item is a continuance of the August 13 and September 10, 2013 Planning Commission workshops. On September 10, 2013, the Planning Commission directed staff to focus on residential fences and prepare a checklist of issues discussed.

This workshop on fences has been initiated at the request of Mayor Dear to study the use of chain-link fencing on private property. Currently, the Carson Municipal Code (CMC) does not include provisions that restrict the type of material used for fencing except for the requirement of a block wall to separate residential from commercial or industrial properties. Fence material is usually reviewed during the Design Overlay Review (DOR) process, however, most residential properties and many industrial properties are not subject to the DOR process.

II. Background

At the September 10, 2013 Planning Commission meeting, staff presented a survey summarizing fence standards of 16 neighboring jurisdictions in the South Bay. Those standards included height, material, usage of chain-link, and visibility in the front yard of a residential zone. The 16 jurisdictions include:

- El Segundo
- Gardena
- Hawthorne
- Hermosa Beach
- Inglewood
- Lawndale
- Lomita
- LA (City, Fence Height District)
- LA (County)
- Manhattan Beach
- Palos Verdes Estates
- Rancho Palos Verdes
- Redondo Beach
- Rolling Hills
- Rolling Hills Estates
- Torrance

The survey showed that 10 of the 16 cities restrict the use of chain-link fencing and many require the use of decorative material such as stone, brick, rock, block, wood, tubular steel or wrought iron. Staff also researched the cost of various fence materials and demonstrated that chain-link is relatively inexpensive compared to other materials.

*Chain-link Fencing*

In the City of Carson, fence material is primarily regulated during the DOR or specific plan process. Since most residences and many industrial properties are not subject to a DOR or specific plan, most fences go unregulated. The CMC does not restrict the use of chain-link fencing, however, staff has recommended to only allow chain-link fencing for discretionary projects during construction or when not visible from the public right-of-way. Chain-link is also allowed for vacant properties because of safety concerns and dumping. Many single-family properties are not restricted to the type of

material because the CMC allows for ministerial review and not discretionary. As such, there are single-family homes that have chain-link front yard fences. In some neighborhoods, front yard fences have become common and fencing material range from chain-link to decorative block and wrought iron. Since chain-link fencing tends to be less durable, older chain-link fences that have not been maintained tend to be rusted and in bad condition. It is staff's opinion that chain-link that is visible from the public right-of-way contributes to poor aesthetic quality and can appear blighted if not maintained.

### III. Analysis

On September 10, 2013, the Planning Commission directed staff to focus on residential fences and bring back a checklist of important issues. During the discussion, several issues were raised, including the use of chain link, fence height, barbed wire, requiring a fence permit, grandfathering existing fences, and selective enforcement. These issues are discussed below.

- Issue – Chain Link: As discussed above, the materials used for residential fencing is not regulated by the City unless a property is subject to Site Plan and Design Review or part of a specific plan. Over the years, many chain link fences have been constructed in the front yard of homes. During the previous workshops, two commissioners recommended prohibiting the use of chain link in a front yard; one commissioner recommended prohibiting if above 42 inches; and one commissioner was not opposed to chain link.
- Issue – Fence Height: Section 9126.23 of the Carson Municipal Code (CMC) requires fences, walls, and hedges in the front yard of a residential lot to be no taller than 42 inches above finished grade as measured from the side with the higher grade. The Building and Safety Division does not require a building permit for these fences, walls or hedges. Property owners are only advised by staff of the height requirement, but no inspection is required for compliance with the CMC. Staff has observed that there are many single-family homes that have front yard fences in excess of 42 inches in height. A review of various neighborhoods indicates that the vast majority of front yard fences are 48 inches in height or less. There are locations that exceed 48 inches due to decorative elements, design features or excessive height. Of the 16 cities surveyed, six have height standards of 48 inches or higher. Code Enforcement has a difficult time enforcing compliance with the CMC and generally focus their attention on walls or fences exceeding 48 inches.
- Issue – Barbed Wire: The use of barbed wire was observed by staff during field visits to industrial areas. However, barbed wire is usually not used residential areas. Nonetheless, the CMC does not regulate the use of barbed wire so it could potentially be used in a residential area. To address this issue, a code amendment should be prepared that specifically prohibits the use of barbed wire.
- Fence Permit: Fence permits are required by four of the 16 jurisdictions surveyed by staff. Of the four, two cities require a fee of \$20 and \$30. Fence

permits would allow the City to review the height, placement, and material of fences; establish a date when the fence was approved; show if a fence was constructed properly; and give homeowners peace-of-mind that their fence was properly permitted by the City. Establishing a fence permit and fee would require an ordinance amendment. Two commissioners expressed their support while one recommended against the issuance of a fence permit.

- Grandfathering Existing Fences: Two commissioners expressed concern about existing fences and recommended they be allowed to continue indefinitely. This "grandfathering" of existing fences would legalize fences that do not meet the development standards of the CMC. Although this could be an option, it is staff's opinion that owners of illegal fences should not be rewarded simply because the fence was constructed at an earlier time. Staff recommends that nonconforming fences above 48 inches be made conforming within a given amount of time (e.g., 12 to 18 months).
- Selective Enforcement: Two commissioners expressed their concern about selective enforcement. Enforcing against certain property owners or neighborhoods and not against others is bias and unfair. At the August 13, 2013 Planning Commission meeting, Ken McKay, Public Safety Services Manager, addressed the difficulties enforcing code requirements. Residents that are cited for violations often point to other residents with similar issues asking why the City is targeting them but not others. Often, the issue becomes political and Code Enforcement is instructed to cease enforcement. Mr. McKay indicated it would take a lot of time and effort to educate the public about a new process and procedure, but is in favor of issuing a fence permit. Issuance of a fence permit would reduce the possibility of selective enforcement since approval of fences would be documented.

Based on staff's research, the City of Carson could consider restricting chain link fences and barbed wire, and increasing the fence height to four feet similar to the cities of Inglewood, Hawthorne, Lawndale, Torrance, Los Angeles, and the County of Los Angeles. This would make many existing fences conforming to the new requirement.

In terms of type of material, many of the surveyed cities require the use of decorative material such as stone, brick, rock, block, wood, tubular steel or wrought iron. The price difference between chain-link is much less than decorative fencing.

Based on staff's research, the City of Carson could consider an ordinance amendment similar to other cities, but should also consider impacts to property owners with existing fences. Requiring a property owner to demolish a five-foot-high stone wall that costs \$6,000 could be extremely burdensome compared to an owner with a \$53 chain-link fence that was self-installed. To alleviate the impact, an amortization period should be granted to bring existing nonconforming fences and walls into compliance. It is recommended that a period between 12 and 18 months

be considered so that homeowners have time to bring fences into conformance. As mentioned above, staff does not recommend grandfathering nonconforming fences.

**TABLE 1 – PROPOSED RESIDENTIAL FENCE STANDARDS**

STANDARD	REQUIREMENT
Maximum Height	48 inches
Material	Wrought iron, vinyl, wood, decorative block (such as slump stone or split face), brick, stone or stone veneer, or stucco finish
Chain Link	Prohibit
Barbed Wire	Prohibit
Site Plan and Design Review	Consideration shall be given for decorative vertical elements such as bollards, lighting, and statues that exceed 48 inches
Fence Permit	\$20-\$30 Site plan approval for height, material, and location Submit photos if existing
Amortization	12-18 months to comply

An ordinance amendment could be prepared that incorporates the standards and requirements described in Table 1. It should be mentioned that any change to the ordinance may receive opposition from residents claiming financial difficulties or a restriction on personal preference. If the City decides to proceed with an ordinance amendment, public outreach is essential to educate the public on the changes. The City must be willing to enforce the new ordinance to ensure fairness and avoid the perception of selective enforcement.

**IV. Conclusion**

The Planning Commission should consider the information in this staff report and presented at the workshop. An ordinance amendment would require cooperation from the public and proper enforcement by the City. Situations that may be financially burdensome to a homeowner should be granted an amortization of 12 to 18 months.

V. Recommendation

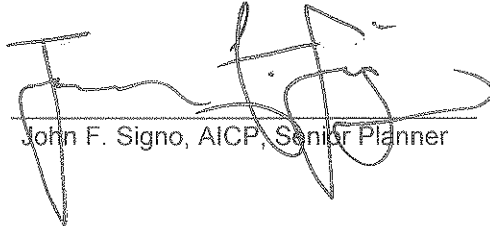
That the Planning Commission:

- CONSIDER and DISCUSS the information provided for in this workshop; and
- DIRECT staff as necessary.

VI. Exhibits

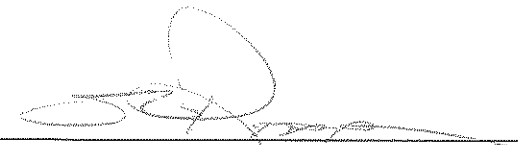
1. September 10, 2013, Planning Commission staff report

Prepared by:



John F. Signo, AICP, Senior Planner

Reviewed and Approved by:



Sheri Repp Loadsman, Planning Officer



# CITY OF CARSON

## PLANNING COMMISSION STAFF REPORT

NEW BUSINESS DISCUSSION: September 10, 2013  
 SUBJECT: Workshop on fences  
 APPLICANT: City of Carson  
 REQUEST: Discuss and consider issues dealing with chain-link fencing, nonconforming front yard fence height, and requirement of a fence permit  
 PROPERTIES INVOLVED: Citywide

### COMMISSION ACTION

- Concurred with staff
- Did not concur with staff
- Other

### COMMISSIONERS' VOTE

<u>AYE</u>	<u>NO</u>		<u>AYE</u>	<u>NO</u>	
		Chairman Faletogo			Gordon
		Vice-Chair Verrett			Piñon
		Brimmer			Saenz
		Diaz			Schaefer
		Goolsby			

*Ite.* .....

EXHIBIT NO. 01



## I. Introduction

This item is a continuance of the August 13, 2013 Planning Commission workshop. At that workshop, the Planning Commission directed staff to compare the City's code to other cities, present design standards and procedures for consideration, and make recommendations to educate the public on the impacts an ordinance amendment would make on new and existing fences.

This workshop on fences has been initiated at the request of Mayor Dear to study the usage of chain-link fencing on private property. Currently, the Carson Municipal Code (CMC) does not include provisions that restrict the type of material used for fencing except for the requirement of a block wall to separate residential from commercial or industrial properties. Fence material is usually reviewed during the Design Overlay Review (DOR) process, however, most residential properties and many industrial properties are not subject to the DOR process.

## II. Background

Upon incorporation in 1968, the City utilized the County of Los Angeles Zoning Ordinance. On October 3, 1977, the City adopted the current Zoning Ordinance based mostly on the County's standards. Permits for front yard fences have never been issued by either the City of Carson or County of Los Angeles unless a retaining wall was needed. As such, it is difficult to determine the actual construction date of a front yard fence or wall.

### *Chain-link Fencing*

Fence material is primarily regulated during the DOR or specific plan process. Since most residences and many industrial properties are not subject to a DOR or specific plan, most fences go unregulated. The CMC does not restrict the use of chain-link fencing, however, staff has recommended to only allow chain-link fencing for discretionary projects during construction or when not visible from the public right-of-way. This policy does not affect many single-family properties because the CMC allows for ministerial – not discretionary – review and approval for legally created single-family properties. As such, there are single-family homes that have chain-link front yard fences. In some neighborhoods, front yard fences have become common and fencing material range from chain-link to decorative block walls. Since chain-link fencing tends to be less durable, older chain-link fences that have not been maintained tend to be rusted and in bad condition.

It is uncommon for chain-link to be used in commercial developments. Chain-link is fairly common in industrial areas. Within all zones, chain-link that is visible from the public right-of-way contributes to a poor aesthetic quality and can appear blighted if not maintained.

## III. Analysis

### *Residential Front Yard Fences*

Section 9126.23 of the Carson Municipal Code (CMC) requires fences, walls, and hedges in the front yard of a residential lot be no taller than 42 inches above finished grade as measured from the side with the higher grade. The Building and Safety





Division does not require a building permit for these fences, walls or hedges. As such, property owners are only advised by staff of the height requirement, but no inspection is required for compliance with the CMC. Code Enforcement has observed that there are many single-family homes that have front yard fences in excess of 42 inches in height. A review of various neighborhoods indicates that the vast majority of front yard fences are 48 inches in height or less. There are locations that exceed 48 inches due to decorative elements, design features or excessive height. Code Enforcement has a difficult time enforcing compliance with the CMC and generally focuses their attention on walls or fences exceeding 48 inches.

Staff has researched the codes of 16 neighboring jurisdictions in the South Bay for standards on height, material, usage of chain-link, and visibility in the front yard of a residential zone. The 16 jurisdictions include the cities of Inglewood, Hawthorne, Lawndale, Gardena, Lomita, Rolling Hills Estates, Rolling Hills, Rancho Palos Verdes, Palos Verdes Estates, Torrance, Redondo Beach, Hermosa Beach, Manhattan Beach, El Segundo and Los Angeles (Fence Height District), and the County of Los Angeles. The full results are included in Exhibit 1 and summarized below in Table 1.

**TABLE 1 – RESIDENTIAL FRONT YARD FENCES**

Total Number of Cities (including LA County)	16	
Cities that restrict fence height to 3½ feet or less	10	Gardena, Lomita, Rolling Hills Estates, Rolling Hills, Rancho Palos Verdes, Palos Verdes Estates, Redondo Beach, Hermosa Beach, Manhattan Beach, El Segundo
Cities that allow fences to be 4 feet or higher	6	Inglewood, Hawthorne, Lawndale, Torrance, City of LA, County of LA
Cities that restrict chain link	10	Hawthorne, Gardena, Rolling Hills Estates, Rancho Palos Verdes, Palos Verdes Estates, Torrance, Redondo Beach, Hermosa Beach, City of LA, County of LA (partially)
Cities that require a fence permit	4	Inglewood (\$20), Lawndale (\$30), Lomita, Rolling Hills

Based on Table 1, the City of Carson could consider increasing the fence height to four feet similar to the cities of Inglewood, Hawthorne, Lawndale, Torrance, Los Angeles, and the County of Los Angeles. This would make many of the existing fences conforming to the new requirement.

Also of concern is the type of material allowed. Ten of the cities surveyed restrict the use of chain-link fencing; many requiring the use of decorative material such as stone, brick, rock, block, wood, tubular steel or wrought iron. Staff has researched the cost of various fence materials as shown in Table 2. The prices for chain-link, vinyl picket, and wrought iron are from Home Depot and do not include labor and installation. However, assuming labor and installation costs \$200 to \$300, it can be seen that chain-link would still be very inexpensive compared to other materials.



**TABLE 2 – COST OF VARIOUS FENCES AND WALLS**

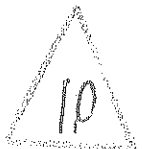
FENCE/WALL TYPE	ROLL/PANEL DIMENSION		PRICE RANGE	TOTAL PRICE FOR FRONT YARD (50' WIDE)
	HEIGHT	LENGTH		
Chain Link	4'	50'	\$53-\$169/roll	\$53-\$169
Vinyl Picket	4'	8'	\$60-\$130/panel	\$375-\$813
Wrought Iron	4'	6'	\$57-\$228/panel	\$475-\$1,900
CMU Block	4'	50'	\$12-\$14/s.f.*	\$2,411-\$2,756*
Stone Wall	4'	50'	\$28-\$32/s.f.*	\$5,596-\$6,317*

Source: homedepot.com, homewyse.com  
\*Includes materials, supplies, and labor

Based on staff's research, the City of Carson could consider an ordinance amendment similar to other cities, but should also consider impacts to property owners with existing fences. Requiring a property owner to demolish a decorative fence or wall that was built too high could be burdensome as compared to a chain-link fence that was self-installed. To alleviate the impact, an amortization period should be granted to bring existing nonconforming fences and walls into compliance. Staff proposes the following standards:

- Required material: wrought iron, vinyl, wood, decorative block (such as slump stone or split face), brick, stone or stone veneer, or stucco finish
- Prohibit chain-link, unless approved administratively through Site Plan and Design Review
- Maximum height: 42 inches, unless approved administratively through Site Plan and Design Review
- Any fence above 42 inches, but not more than 48 inches, shall be decorative and more than 90% open
- Require a fence permit and establish a fee in the amount of \$20-\$30
- Allow property owners with existing fences one (1) year to comply

To determine the extent of an ordinance amendment on existing fences and walls, staff suggests conducting a field survey to determine neighborhoods where fences of



excess height are a typical standard. These neighborhoods could be placed into districts in which increased fence height could be permitted. In neighborhoods with no front yard fences, the Planning Commission may determine to uphold the current 42-inch height requirement or restrict front yard fences altogether if appropriate. It is not advised, however, that any fence or wall in excess of 48 inches remain. The creation of districts to restrict fence height would require a zoning map and text amendment.

A site plan and elevation would be kept on file at the Planning Division as proof of approval, and the property owner would receive a copy as assurance of receiving approval by the City. This would help Code Enforcement identify which fences and walls have been permitted and which were constructed without permits.

*Industrial Front Yard Fences*

Section 9146.3 of the CMC allows a front yard fence in an industrial area to be 8 feet in height. The portion of a front yard fence above 42 inches in height must be open and may not obscure more than ten (10) percent of the area in the vertical plane.

Recently, the City Council passed an ordinance amendment allowing flexibility for nonconforming block walls in an industrial area to encroach into the front or side yards provided certain improvements are made. The amendment allows portions of an existing solid block wall within a required setback to remain.

Staff has researched the codes of seven (7) jurisdictions for standards on height, material, and usage of chain-link and barbed wire in the front yard of an industrial zone. The jurisdictions include the cities of Torrance, Long Beach, Los Angeles, Downey, South Gate and Commerce, and the County of Los Angeles. The full results are included in Exhibit 2 and summarized below in Table 3.

**TABLE 3 – INDUSTRIAL FRONT YARD FENCES**

Total Number of Cities (including LA County)	7	
Cities that prohibit barbed wire in front yard	3	Long Beach (certain areas), Downey, Commerce
Cities that restrict chain link in certain areas or for certain uses	5	Torrance, Long Beach, City of LA County of LA, Commerce

It is staff's policy to only allow chain-link in an industrial zone if not visible from a public right-of-way. This means chain-link is permitted along interior lot lines and rear yards, but not in a front yard. However, staff is limited to only applying this policy to properties within a Design (D) Overlay district. Properties outside of a D Overlay district can have chain-link in the front yard up to eight (8) feet.

Furthermore, the CMC is silent on the use of barbed wire. The cities of Long Beach and Downey allow barbed wire in certain districts because of issues with safety or security. The city of Commerce allows for barbed wire in areas not visible from the public right-of-way, and prohibits barbed wire in a front yard.



Staff has not allowed barbed wire in the D Overlay district and has advised customers that barbed wire is not permitted elsewhere in the City because it would raise the overall fence above the maximum height limit. For shorter fences outside of a D Overlay district, however, this is not the case. It is staff's opinion that barbed wire is inappropriate in the front yard and should be restricted for use in the interior side and rear yards.

If the Planning Commission wishes, an ordinance amendment that includes restrictions for the use of chain-link and barbed wire could be prepared, particularly for areas visible from the public right-of-way.

#### IV. Conclusion

The Planning Commission should consider the information in this staff report and presented at the workshop. If chain-link is not desired, an ordinance amendment should be adopted to restrict chain-link in the required front yard. It is staff's recommendation that chain-link be allowed to continue in industrial areas that are not visible from a public right-of-way. The Planning Commission should consider if chain-link and barbed wire should be prohibited on major arterials or all public streets. The Planning Commission should also consider if it is appropriate to require a fence permit for front yard fences. If so, this should be considered as part of the ordinance amendment.

#### V. Recommendation

That the Planning Commission:

- CONSIDER and DISCUSS the information provided for in this workshop;
- DIRECT staff to prepare an ordinance amendment that requires:
  - Standards for the use of chain-link fencing throughout the City;
  - Administrative review of existing and proposed over-height front yard fences in a residential area; and
  - A fence permit for erection of any fence or wall.

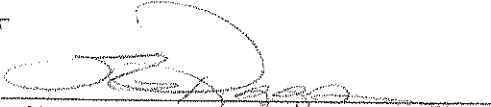
#### VI. Exhibits

1. Front Yard Fence Requirements in a Residential Zone – South Bay Cities
2. Front Yard Fence Requirements in an Industrial Zone
3. August 13, 2013, Planning Commission staff report

Prepared by:

  
John F. Signo, AICP, Senior Planner

Reviewed and Approved by:

  
Sheri Repp Loadsmān, Planning Officer



**FRONT YARD FENCE REQUIREMENTS IN A RESIDENTIAL ZONE – SOUTH BAY CITIES**

City	Max Height	Material/Design Restrictions for Residential Front Yard Fences	Restrict Chain Link	Planning Permit Required
Inglewood	4 feet	Above 2' shall be open. Maximum 5' if open portion is ornamental metal only. Additionally, any vertical masonry pillars that support the metal open-work shall not exceed 16" in width and not closer than 8' on-center, except for pedestrian gate.	No	Yes \$20 if > 4'
Hawthorne	6 feet	The material shall be wrought iron, wood, decorative block (such as slump stone or split face), brick, stone or stone veneer, or a stucco finish. Architectural elements may be provided; however, the intervals shall not be greater than 8'. The first 18" may be constructed solid and view obscuring. Any fence above 18" shall be more than 95% open. Vertical elements not over ¾" in width or depth; no interval greater than 18" may be solid.	Yes  Materials such as chain link fences, wire mesh, or precision block (so as to create an "industrial look") shall not be permitted	No
Lawndale	4 feet	Maximum height 30" (portion over 30" must be see-through; Section 17.48.050)	No	Yes \$30
Gardena	3½ feet	Only the following materials: wood, wrought iron, tubular steel, stone, brick, stucco, or decorative block such as slump stone or split-faced block	Yes	No
Lomita	3½ feet	None	No	Yes Admin. permit
Rolling Hills Estates	2 feet	Pilasters, outdoor lighting fixtures and similar features may be permitted subject to approval of a neighborhood compatibility determination	Yes	No Neighborhood compatibility

Date prepared: 9/3/13 MC/JS

EXHIBIT NO. 01



**FRONT YARD FENCE REQUIREMENTS IN A RESIDENTIAL ZONE -- SOUTH BAY CITIES**

		(Chapter 17.62). Number, location, height and material of each structure shall be compatible with the surrounding neighborhood; plans for solid fencing or walls shall be accompanied by a landscaping plan	determination
Rolling Hills	3 feet	Subject to zone clearance process	Yes Zone clearance
Rancho Palos Verdes	3½ feet	Subject to zone clearance process	No
Palos Verdes Estates	3½ feet	Subject to Home Association standards	Yes Subject to Home Association standards
Torrance	4 feet	Decorative material compatible with the residential structure and the scheme of the general neighborhood	No
Redondo Beach	3½ feet	No industrial-type fencing	No
Hermosa Beach	3½ feet	Aesthetically pleasing material approved by the planning director, including masonry block (e.g., split-face, scored, textured or striated), surface treated masonry (e.g. stucco or paint), wrought iron, brick, wood, stucco or paint. Plain gray untreated block is prohibited	No
Manhattan Beach	3½ feet	No	No
El Segundo	3½ feet	No	No
City of LA (PH Dist.)	6 feet	Fence Height District established to permit open wrought iron fences with pilasters to be 6' in certain areas	No
County of LA	3 ½ - 6 feet	Stone, brick, rock, block, concrete, wood, stucco, tubular steel, wrought iron	Yes Chain link allowed in some districts between 4'-6' in height; prohibited in other districts

Date prepared: 9/3/13 MC/JS



**FRONT YARD FENCE REQUIREMENTS IN AN INDUSTRIAL ZONE**

	<b>Max Height</b>	<b>Material/Design Restrictions</b>	<b>Chain-link Restrictions</b>
<b>Torrance</b>	8 feet	No metal fence or wall shall be permitted except chain link, open smooth wire, ornamental wrought iron, decorative metal beams or decorative panels	Allowed for certain uses/zones
<b>Long Beach</b>	3-12 feet	Barbed wire or similar fencing is prohibited, except in IM, IG, and IP zones when located atop a fence more than 5' in height	Allowed for certain uses/zones
<b>City of LA</b>	Height specified for certain uses	Fences constructed of wood, metal, Masonite, or similar materials shall be uniformly painted or stained or otherwise treated or sealed to prevent weathering or deterioration	Allowed for certain uses/zones
<b>County of LA</b>	30 in. to 8 feet (depending on district)	Variable (depending on district)	Chain-link prohibited in certain districts
<b>Downey</b>	3 feet	No barbed wire, razor or electrified fencing, or similar fencing is permitted, except that barbed wire may be used on a limited basis for security or safety purposes in the M-1 and M-2 zones if not visible from any public right-of-way, subject to the approval of Site Plan Review; approved materials include wood, metal, vinyl, stone, masonry, stucco, and concrete; Any materials not listed may be approved by the City Planner	None
<b>South Gate</b>	5 feet	concrete, plaster, cinder block, brick, masonry or other similar materials	None
<b>Commerce</b>	6-8 feet	A solid masonry wall with a minimum height of 8' shall be required along any property line adjoining a residential zone school, church, or park; such wall may be reduced to 4' along the front yard setback area; barbed wire is a permitted fencing materials, however, shall not be used on any front yard fence, nor on any fence visible from a public right-of-way; razor wire is not permitted under any circumstance	Allowed for certain uses only if vine-covered

EXHIBIT NO. 22

Date prepared: 9/4/13 MC/JS





**CITY OF CARSON**

**PLANNING COMMISSION STAFF REPORT**

NEW BUSINESS DISCUSSION: August 13, 2013  
 SUBJECT: Workshop on fences  
 APPLICANT: City of Carson  
 REQUEST: Discuss and consider issues dealing with chain-link fencing, nonconforming front yard fence height, and requirement of a fence permit  
 PROPERTIES INVOLVED: Citywide

**COMMISSION ACTION**

- Concurred with staff
- Did not concur with staff
- Other

**COMMISSIONERS' VOTE**

<u>AYE</u>	<u>NO</u>		<u>AYE</u>	<u>NO</u>	
		Chairman Faletogo			Gordon
		Vice-Chair Verrett			Piñon
		Brimmer			Saenz
		Diaz			Schaefer
		Goolsby			

EXHIBIT NO. 03

*Its...*





## I. Introduction

The purpose of this workshop is to discuss the usage of chain-link fencing on private property, the issue of nonconforming front yard fence heights in residential areas, and the need to require a fence permit. It has been raised by Mayor Dear, and referred by the City Council in December 2012, to consider prohibiting the use of chain-link fencing and provide for a mechanism in reviewing fencing material prior to construction.

Currently, the Carson Municipal Code (CMC) does not include provisions that restrict the type of material used for fencing except for the requirement of a block wall to separate residential from commercial or industrial properties. Fence material is usually reviewed during the Design Overlay Review (DOR) process, however, most residential properties and many industrial properties are not subject to the DOR process.

Regarding fence height in residential zones, the Code Enforcement Division has identified a lack of compliance as many property owners have disregarded the height requirement and have built front yard fences and walls taller than the maximum 42 inches allowed. Since permits are not issued, it is difficult to determine when a fence was built and if the fence meets development standards.

In order to regulate fence height, staff is proposing that the Planning Commission consider requiring a fence permit. Property owners would be required to submit a site plan and elevation showing the location of the proposed fence and the height, design, color, and material.

## II. Background

Upon incorporation in 1968, the City utilized the County of Los Angeles Zoning Ordinance. On October 3, 1977, the City adopted the current Zoning Ordinance based mostly on the County's standards. Permits for front yard fences have never been issued by either the City of Carson or County of Los Angeles unless a retaining wall was needed. As such, it is difficult to determine the actual construction date of a front yard fence or wall.

### Chain-link Fencing

Fence material is primarily regulated during the DOR or specific plan process. Since most residences and many industrial properties are not subject to a DOR or specific plan, most fences go unregulated. The CMC does not restrict the use of chain-link fencing, however, staff has recommended to only allow chain-link fencing for discretionary projects during construction or when not visible from the public right-of-way. This policy does not affect many single-family properties because the CMC allows for ministerial – not discretionary – review and approval for legally created single-family properties. As such, there are single-family homes that have chain-link front yard fences. In some neighborhoods, front yard fences have become common and fencing material range from chain-link to decorative block walls. Since chain-link fencing tends to be less durable, older chain-link fences that have not been maintained tend to be rusted and in bad condition.



It is uncommon for chain-link to be used in commercial developments. Chain-link is fairly common in industrial areas. Within all zones, chain-link that is visible from the public right-of-way contributes to a poor aesthetic quality and can appear blighted if not maintained.

#### Fence Height in a Residential Zone

Section 9126.23 of the Carson Municipal Code (CMC) requires fences, walls, and hedges in the front yard of a residential lot be no taller than 42 inches above finished grade as measured from the side with the higher grade. The Building and Safety Division does not require a building permit for these fences, walls or hedges. As such, property owners are only advised by staff of the height requirement, but no inspection is required for compliance with the CMC. Code Enforcement has observed that there are many single-family homes that have front yard fences in excess of 42 inches in height. A review of various neighborhoods indicates that the vast majority of front yard fences are 48 inches in height or less. There are locations that exceed 48 inches due to decorative elements, design features or excessive height. Code Enforcement has a difficult time enforcing compliance with the CMC and generally focus their attention on walls or fences exceeding 48 inches.

#### Fence Height in a Commercial or Industrial Zone

Sections 9136.3 and 9146.3 of the CMC allow a front yard fence in a commercial or industrial area to be 6 and 8 feet in height, respectively. The portion of a front yard fence above 42 inches in height must be open and may not obscure more than ten (10) percent of the area in the vertical plane.

Recently, the City Council passed an ordinance amendment allowing flexibility for nonconforming block walls in an industrial area to encroach into the front or side yards provided certain improvements are made. The amendment allows portions of an existing solid block wall within a required setback to remain.

### III. Analysis

Front yard fences in excess of 42 inches in height have never been permitted by either the City or County, thus no walls or fences of excess height could have ever been legally constructed. Enforcement actions will not be well received by residents if Code Enforcement serves a notice of violation to all property owners with fences of excess height.

Instead, staff suggests conducting a field survey to determine neighborhoods where fences of excess height are a typical standard. These neighborhoods could be placed into districts in which increased fence height could be permitted (e.g., up to 48 inches in height). In neighborhoods with no front yard fences, the Planning Commission may determine to uphold the current 42-inch height requirement or restrict front yard fences altogether if appropriate. The Planning Commission should consider an administrative review process to allow increased fence height at the staff level. Also, the Planning Commission should consider if chain-link fences should be removed and if over-height decorative block walls or wrought iron that have been maintained be allowed to continue. It is not advised, however, that any fence or wall

in excess of 48 inches remain. The creation of districts to restrict fence height would require a zoning map and text amendment.

In order to address front yard fences, staff recommends that the city require property owners to obtain a fence permit prior to erecting a front yard fence or wall. Although a building permit would not be required, property owners would be required to file a site plan and elevation with the Planning Division prior to erecting a fence or wall. Properties with existing front yard fences or walls should be given a one-year amortization period to receive a fence permit. A site plan and elevation would be kept on file at the Planning Division as proof of approval, and the property owner would receive a copy as assurance of receiving approval by the City. This would help Code Enforcement identify which fences and walls have been permitted and which were constructed without permits.

#### IV. Conclusion

The Planning Commission should consider if chain-link fences are appropriate in residential areas. If chain-link is not desired, an ordinance amendment should be adopted to restrict chain-link in the required front yard. It is staff's recommendation that chain-link be allowed to continue in industrial areas that are not visible from a public right-of-way. The Planning Commission should consider if chain-link should be prohibited on major arterials or all public streets. The Planning Commission should also consider if it is appropriate to require a fence permit for front yard fences. If so, this should be considered as part of the ordinance amendment.

#### V. Recommendation

That the Planning Commission:

- CONSIDER and DISCUSS the information provided for in this workshop;
- DIRECT staff to prepare an ordinance amendment that requires:
  - Standards for the use of chain-link fencing throughout the City;
  - Administrative review of existing and proposed over-height front yard fences in a residential area; and
  - A fence permit for erection of any fence or wall.

#### VI. Exhibits

- December 18, 2012, City Council staff report

Prepared by:

  
John F. Signo, AICP, Senior Planner

Reviewed and Approved by:


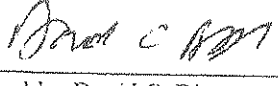
  
Sheri Repp Loadsman, Planning Officer





# City of Carson Report to Mayor and City Council

December 18, 2012  
New Business Consent

<b>SUBJECT: CONSIDER RESTRICTING THE USE OF CHAIN LINK FENCES IN THE FRONT OR SIDE YARDS FACING PUBLIC STREETS</b>	
	
Submitted by Clifford W. Graves Director of Community Development	Approved by David C. Biggs City Manager

## I. SUMMARY

This item is on the agenda at the request of Mayor Dear.

The Carson Municipal Code (CMC) does not contain specific regulations related to the use of chain link fence material except in the CA (Commercial, Automotive) zone district. The Mayor has requested consideration of eliminating the use of chain link fence materials.

## II. RECOMMENDATION

TAKE the following actions:

1. REFER this item to the Planning Commission with direction to evaluate existing development standards related to fencing materials.
2. INITIATE an ordinance amendment, as deemed necessary, to provide appropriate regulations.

## III. ALTERNATIVES

TAKE another action the City Council deems appropriate.

## IV. BACKGROUND

Chain link fencing is an economical, permanent fencing that is often used in industrial areas. In some circumstances, chain link has also been used in residential and commercial areas. Some communities have specifically prohibited the use of chain link in areas that are visible from public streets.

The CMC provides various development standards for the location, height and design of fences, walls and hedges (Exhibit No. 1). The CA zone district expressly prohibits the use of chain link. Other zones do not generally specify the fence material unless the property is commercial or industrial and located adjacent to a residential zone. In such cases, a six-foot block wall is required. New development subject to CMC Section 9172.23 (Site Plan and Design Review) is often prohibited from using chain link fence material in the front or side yards facing public streets.

EXHIBIT NO. 01

10  
20

Establishing quality standards for all types of fences is important to maintain the architectural integrity of the community. The City Council should consider if existing standards provide an adequate level of review and regulation for current and future installation of fences. If there are perceived deficiencies, the City Council should provide direction to initiate additional study and the identification of potential regulations. Amending existing ordinances or establishing a fence permit requirement would require review and recommendation from the Planning Commission prior to consideration by the City Council.

V. FISCAL IMPACT

None.

VI. EXHIBITS

- 1. Excerpt from Carson Municipal Code Related to Fences, Wall and Hedges. (pgs. 3-6)

Prepared by: Sheri Repp Loadsman, Planning Officer

TO: Rev 09-01-2012

Reviewed by:

City Clerk	City Treasurer
Administrative Services	Public Works
Community Development	Community Services

<b>Action taken by City Council</b>	
Date _____	Action _____



**EXCERPT FROM CMC RELATED TO FENCE DEVELOPMENT STANDARDS**

**Residential**

**9126.3 Fences, Walls and Hedges.**

A fence, wall or hedge shall not exceed a height of six (6) feet above the finished grade at each point along the fence, wall or hedge. Where there is a difference between the grades on the two (2) sides of the fence, wall or hedge, the higher grade shall be used.

The height limitation of this Section shall not apply in any case where it is in conflict with any other City ordinance or State law or regulation.

**9126.29 Encroachments Permitted in Required Yards and Open Spaces.**

Front Yard: Height above finished grade not more than 3-1/2', or as provided as condition of tract or parcel map approval, or as required by other laws.

Side or Rear Yard: Height above finished grade not more than 6', or as provided as condition of tract or parcel map approval, or as required by other laws.

Passageway: Any fence, wall or hedge across passageway to have at least 2-1/2' wide opening or gate.

**Commercial**

**9136.3 Fences, Walls and Hedges.**

A solid masonry wall shall be placed along any lot line abutting or separated only by an alley from property in a residential zone. Except in a required front yard area and any abutting future right-of-way area, such wall shall be six (6) feet in height. In a required front yard area and any abutting future right-of-way area, such wall shall be three and one-half (3-1/2) feet in height, except fencing material of any type may extend above the three and one-half (3-1/2) foot solid masonry portion to a height not exceeding six (6) feet, provided such extended portion does not impair vision by obscuring more than ten (10) percent of the area in the vertical plane.

Except as required by other laws and regulations or as a condition of a tract or parcel map approval, no fence, wall or hedge in a commercial zone shall exceed a height of eight (8) feet.

The height of fences, walls and hedges shall be measured from the finished grade at each point along the fence, wall or hedge. Where there is a difference between the grade on the two (2) sides of the fence, wall or hedge, the higher grade shall be used.

The height and design of fences and walls within the CA Zone district shall be subject to CMC 9138.15(D). (Ord. 03-1279, § 13)

**9136.29(F) Encroachments.**

Every part of a required yard or open space shall be open and unobstructed from finished grade to the sky except for facilities and activities as follows:



F. Fences, walls and hedges are permitted as required by other laws or regulations or as a condition of a tract or parcel map approval, or shall not be higher than six (6) feet above finished grade in a future right-of-way area, front yard, side yard abutting a street, or yard abutting a residential zone. In a required front yard and any abutting future right-of-way area, any portion of a fence, wall or hedge above three and one-half (3-1/2) feet in height shall not impair vision by obscuring more than ten (10) percent of the area in the vertical plane.

**9138.15(D) Commercial, Automotive (CA) Development Standards.**

Walls/Fencing. Walls constructed on an interior lot line or at the rear of a required landscape setback of the CAD shall be in keeping with the regulations contained herein.

- a. Interior lot line walls shall not exceed eight (8) feet in height and rear walls shall not exceed twelve (12) feet in height. Use of barbed, razor or similar wire is prohibited.
- b. All service, storage and trash areas shall be screened from view from any public street by a wall. Trash enclosures shall be constructed to the City of Carson enclosure standards on file in the Planning Division.
- c. All walls shall be decorative, consisting of splitface masonry, slumpstone, stuccoed block, stone, wrought iron, or a combination thereof.
- d. Chainlink fencing is prohibited.

**9148.3(F) Retail Petroleum Outlets.**

F. Fencing.

1. A solid masonry wall, six (6) feet in height, shall be erected and maintained along any common boundary line with property in a residential zone, except that said wall shall not be less than two and one-half (2-1/2) feet or more than three and one-half (3-1/2) feet in height within the front yard required by CMC 9136.23.

**9138.10(C) Oil Wells.**

C. Fences, Walls and Hedges.

1. All oil well pumps and related facilities shall be enclosed with a fence not less than five (5) feet high mounted on steel posts with three (3) strands of barbed wire mounted at a forty-five (45) degree angle from the top of the fence. Such fence shall incorporate green vinyl coating of the fence mesh and wood or metal strips. The fence shall not be greater than two (2) inch mesh and not less than eleven (11) gauge wire. There shall be no aperture below the fence large enough to permit any child to crawl under.



2. The fence enclosure around the pump and related facilities shall include a twenty-five (25) foot buffer. The fence shall be locked at all times and constructed in a manner to prevent the public from coming closer than twenty-five (25) feet to the pumping facilities. Pursuant to the approval of the Conditional Use Permit, the location of the fence may be modified subject to compliance with applicable State and Fire Codes.

**9146.3 Fences, Walls and Hedges.**

A. Except as provided in Division 8 of this Part\*:

1. A solid masonry wall shall be constructed along the inside of any lot line (or upon the lot line with the consent of the adjoining property owner) if the lot line abuts a residential zone or if the lot line abuts an alley that borders a residential zone. In areas other than the required front yard area and any abutting future right-of-way area, such wall shall be a minimum of six (6) feet and a maximum of eight (8) feet in height. In a required front yard area and any abutting future right-of-way area, such wall may not exceed three and one-half (3-1/2) feet in height, except fencing material of any type may extend above the three and one-half (3-1/2) foot solid masonry portion to a height not exceeding eight (8) feet, provided such extended portion does not impair vision by obscuring more than ten (10) percent of the area in the vertical plane.

2. No fence, wall or hedge in an industrial zone shall exceed a height of fifty (50) feet.

**9148.1 Vehicle Dismantling Yards, Junk and Salvage Yards, Vehicle Impounding Yards.**

No vehicle dismantling yard, or junk and salvage yard, or vehicle impounding yard shall be established, maintained or extended in any zone unless it complies with the following requirements:

A. All operations and storage, including all equipment used in conducting such business, other than parking, shall be conducted within an enclosed building, or within an area enclosed by a solid fence. When two (2) or more vehicle dismantling yards, junk and salvage yards, and/or vehicle impounding yards have a common boundary line, a solid wall or solid fence shall not be required on such common boundary line; provided, however, that a solid wall or solid fence shall enclose the entire combined area devoted to such uses. (Ord. 80-532, § 6)

B. Where such fences or walls are provided, other than a decorative wall required pursuant to CMC 9162.52, they shall be developed as provided herein:

1. The fences and walls shall be of a uniform height in relation to the ground upon which they stand and shall be a minimum of eight (8) feet and shall not exceed fifteen (15) feet in height. Except in the yard areas where off-street parking is required or provided, said fences or walls shall be set back five (5) feet from the lot line along all frontages abutting a public street or walkway, or abutting a more restrictive zone. This five (5) foot setback area shall be landscaped in a neat, attractive manner and shall be equipped with an irrigation system, permanently and completely installed, which delivers water directly to all landscaped areas. Where off-street





parking is required or provided, said wall or fence shall be constructed at the rear of the parking area.

Tall-growing trees shall be planted and maintained alongside and rear fences or walls which abut an elevated freeway or residential area, in accordance with a planting plan approved by the Director.

2. All fences and walls open to view from any public street or walkway or any area in other than an industrial zone shall be constructed of solid masonry, except required fences may be constructed of other material comparable to the foregoing if approved by the Director and in accordance with standards established by resolution of the Council after recommendation by the Commission.

3. The fences and walls shall be constructed in workmanlike manner, shall be uniform in appearance and shall consist solely of new materials unless the Director approves the substitution of used materials, where, in his opinion, such used materials will provide the equivalent in service, appearance and useful life.

4. All gates in the fences or walls shall be of solid metal material and shall be no less than eight (8) feet in height and shall not exceed fifteen (15) feet in height. Such gates shall be kept closed when not in use and shall provide a pedestrian access opening unless other pedestrian access is provided.

3. The height of fences, walls and hedges shall be measured from the finished grade at each point along the fence, wall or hedge. Where there is a difference between the grade on the two (2) sides of the fence, wall or hedge, the higher grade shall be used. (Ord. 90-905, § 2)

\*Division 8 applies only to vehicle dismantling yards, junk and salvage yards, vehicle impounding yards, oil wells and retail petroleum outlets.

