



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS DISCUSSION: October 8, 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, September 10, September 24, 2013 Planning Commission workshops. On September 10, the Planning Commission directed staff to focus on residential fences and prepare a checklist of issues discussed. On September 24, the workshop was continued without discussion. Staff indicated the item would be prepared for public hearing.

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**

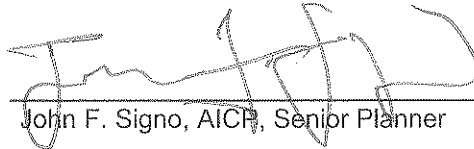
That the Planning Commission:

- CONSIDER and DISCUSS the information provided for in this workshop; and
- DIRECT staff to proceed with separate ordinance amendments for residential fences and commercial/industrial fences.


VI. **Exhibits**

1. None

Prepared by:


John F. Signo, AICP, Senior Planner

Reviewed and Approved by:


Sheri Repp Loadsman, Planning Officer