



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

CONTINUED PUBLIC HEARING: January 28, 2014
SUBJECT: Zone Text Amendment No. 15-13
APPLICANT: City of Carson
REQUEST: Consider an ordinance amendment to the fence standards for commercial and industrial zones, including prohibiting or restricting chain-link and barbed wire
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			

Item No. 10A

I. Introduction

This item was continued from the November 26, 2013 Planning Commission meeting. On August 13, September 10, September 24, and October 8, 2013, the Planning Commission held workshops to discuss the City's requirements on fences. A number of issues were discussed including the appropriateness of chain-link fences and barbed wire in commercial and industrial zones.

Currently, the Carson Municipal Code (CMC) does not include provisions that restrict the type of material used for fencing, except for the requirement that a block wall separate residential from commercial or industrial properties and for screening of certain uses. Fence material is usually reviewed during the Design Overlay Review (DOR) process, however, most residential properties and many industrial properties are not subject to this process. Table 1 summarizes the proposed ordinance amendment.

Table 1: Summary of Ordinance No. 15-13

Commercial Zones	Chain-link fencing or metal slats <u>prohibited</u> Exceptions: Construction activities State or federal law preempts CMC
	Barbed, razor or similar wire <u>prohibited</u>
	Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials <u>prohibited</u> unless designed with proper recycled material
	Maintain in good condition; prevent sagging and weathering Fence or wall leaning more than 20 degrees from vertical shall be repaired
Industrial Zones	Chain-link fencing or metal slats <u>prohibited</u> within 25 feet of a public right of way or visible from residential zone Exceptions: Construction activities State or federal law preempts CMC If more than 25 feet from a public right-of-way and not significantly visible to the public right of way as determined by the Planning Division.
	Barbed, razor or similar wire <u>prohibited</u> if visible from a public right-of-way, unless preempted by state or federal law
	Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials <u>prohibited</u> unless designed with proper recycled material
	Maintain in good condition; prevent sagging and weathering Fence or wall leaning more than 20 degrees from vertical shall be repaired
Abatement Period	3 years to comply

II. Background

The workshops on fences have been initiated at the request of Mayor Dear to study the use of chain-link fencing on private property. On December 18, 2012, the City Council considered the issue because 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 requested consideration of eliminating the use of chain link fence materials.

Issues Discussed at the November 26, 2013 Public Hearing

- Survey of Other Cities: Staff presented research on the codes of seven (7) nearby jurisdictions for standards on height, material, and usage of chain-link and barbed wire in the front yard of an industrial zone.
- Enforcement/Abatement Period: The Code Enforcement Division has limited resources to prosecute every owner that chooses not to comply. Rather than immediate abatement, an amortization period would allow owners to prepare for the new standards.
- Barbed Wire and Other Material: Unsightliness of fences or walls made of barbed wire, debris, junk, rolled plastic, sheet metal, plywood or waste materials.

The Planning Commission received staff's presentation, opened the public hearing to the public, and received public testimony, including:

- Connie Turner, SCE: Concerned with impacts to electrical substations.
- Mike A. Detlefsen, Pet Haven Cemetery & Crematory (18300 S. Figueroa St): Concerned with costs to his business and does not have the money to replace the chain-link fence.
- Jennifer Johnson, Watson Land Company: Supports intent of ordinance, but recommends usage of Duramax chain-link. Mentioned that tube steel is not as durable as chain-link and brownfields would be problematic because of footings.

The Planning Commission wanted to see further outreach, including involvement from the Chamber of Commerce. The public hearing was continued to January 28, 2014.

Since the November meeting, staff has sent notices for tonight's meeting to all property owners and occupants of industrial properties affected by the proposed ordinance amendment. Those include industrial properties on major arterials and directly visible from residential neighborhoods. Notices have also been placed in public areas including the library and parks, and posted on the City's website and cable channel.

Economic Development Commission

On January 9, 2014, Planning staff presented the proposed ordinance to the Economic Development Commission (EDC). The presentation garnered much discussion regarding the prohibition of chain-link fences and the financial burden placed upon property and business owners. It was suggested that the City pay for replacing existing chain-link fences. At the conclusion of the meeting, the EDC voted to recommend the following:

1. Slow down the process.
2. Consider expenses to business owners.
3. Still want aesthetically-pleasing city.

Business Community Meeting

On January 14, 2014, staff presented the item to the business community, which included representatives from the Chamber of Commerce. The meeting was attended by 16 people representing Tesoro, Shell, the Katherman Co., ProLogis, Watson Land Co., Price Transfer, Phillips 66, SCE, Cal Water, Air Products and Chemicals, and Tucker Law Firm. The meeting reiterated many of the issues and concerns raised by the EDC. The following is a summary of discussions and suggestions raised by the business community:

- It is unfair for government, including the City and Caltrans, to have chain-link in parks and along freeways, but to prohibit chain-link on private properties.
- The indirect impacts and unintended consequences need to be studied; numerous issues arise with prohibiting chain-link including cost, lack of safety, and increased crime.
- Businesses have certain requirements or standards for protecting their property, which may include installation of chain-link fencing and barbed wire.
- Code Enforcement should focus their attention on existing fences that are not maintained. There are many chain-link fences that are in good condition. The City should consider requiring upgrades and maintenance of dilapidated chain-link – not complete removal.
- The City needs to be business-friendly; prohibiting chain-link would be a burden on existing businesses and a deterrent for businesses looking to move into Carson. The City should focus on business retention.
- The City needs to be moving forward; the proposed ordinance would be a hindrance to the City's growth.
- The public hearing should be postponed and the City should consider a subcommittee to further study this issue.
- Do not start with the prohibition of chain-link. The City should consider landscape screening for existing fences and if adequate landscaping is provided, chain-link should be allowed. This can be done through an administrative process.
- If desired, Watson Land Co. can provide commissioners and councilmembers a tour of various fencing material.

III. Analysis

Based on comments received from the EDC and business community, the Planning Commission could consider several modifications to the proposed ordinance. These modifications would allow for more flexibility for existing business owners, but still allow the City to improve aesthetics and eliminate blighted conditions.

Amortization Period – The proposed ordinance currently allows three years to comply with any new standards. To provide additional time to obtain financial resources, the Planning Commission could consider allowing an amortization period of five years or other term deemed appropriate. This would allow business owners to plan for the removal of chain-link and/or barbed wire, budget for the replacement, and allow more time to save for costs.

Allow Chain-Link for Certain Uses – According to the business community, certain uses such as refineries, petroleum tank farms, and utility substations require a higher degree of security from Homeland Security or the Federal Bureau of Investigation (FBI). It is staff's understanding that the minimum standard is often chain-link with barbed wire. However, businesses have not shown that this is the *required* standard, and documents reviewed by staff confirm chain-link and barbed wire as a "recommended" standard. Staff believes chain-link could be upgraded to a more aesthetically-pleasing fence that would still provide adequate security. Nonetheless, staff agrees the burden of replacing chain-link for a perimeter that extends several miles would be burdensome for petroleum businesses such as Shell, Tesoro, and Philips 66. The cost to replace perimeter fencing could be in the millions of dollars. Representatives of the petroleum businesses and from SCE have asked that chain-link and barbed wire be allowed to continue to secure the perimeter of their facilities.

Chain-Link with Slats or Painted – Much discussion has been raised whether chain-link with slats provides adequate screening and is aesthetically pleasing. Slats do provide some screening, but may be inadequate for certain uses such as truck parking. Currently, the Carson Municipal Code (CMC) requires a solid decorative masonry wall to screen truck terminals and truck yards. If not maintained, chain-link with slats can look even more deteriorated than chain-link by itself. The Planning Commission should also consider if painted or coated chain-link is appropriate. Painted chain-link can be less obtrusive and more durable than regular chain-link.

Administrative Process – Allow chain-link and/or barbed wire to remain in the front yard provided a certain amount of landscaping is provided. Staff suggests 20 feet of landscaping between the fence and right-of-way with reductions up to 10 feet if ample screening is provided. These fences could be reviewed through the administrative Design Overlay Review (DOR) process in which the applicant would submit a site plan showing the location of the fence, setback, and landscape screening. Staff would review the plans and verify adequate landscaping is installed and maintained at the property. Approval of the plans should take no longer than two weeks followed by subsequent field inspection follow-ups.

IV. Conclusion

Staff continues to work with the business community on improving the proposed ordinance. They have requested that a subcommittee be formed to further study this issue. Staff still recommends that the Planning Commission not consider "grandfathering" existing chain-link fences since this approach would not be practical if the City is looking to improve its aesthetics. Furthermore, this would defeat the purpose of requiring the removal of older dilapidated chain-link fences as a means of improving the quality of develop within the community.

Staff recommends that the Planning Commission continue this hearing to March 28, 2014, and direct staff to work with the business community to develop appropriate standards and process for the retention of existing chain-link, including granting an amortization period of 5 years.

V. Recommendation

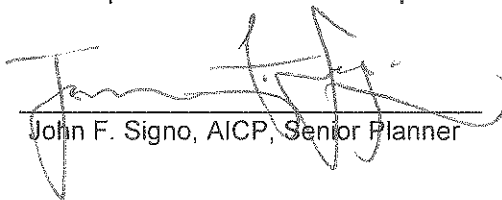
That the Planning Commission:

- OPEN the public hearing and TAKE public testimony;
- DIRECT staff to continue working with the business community to develop appropriate standards and process; and
- CONTINUE this item to March 28, 2014.

VI. Exhibits

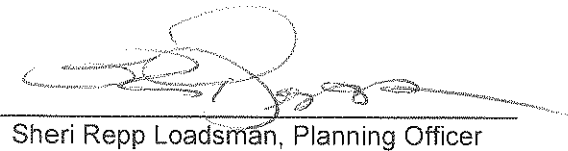
1. Proposed ordinance amendment (unchanged since Nov. 26, 2013)
2. Planning Commission staff report dated November 26, 2013 (without exhibits)
3. Planning Commission minutes (excerpts) from November 26, 2013
4. City Council staff report dated December 18, 2012
5. Various correspondences from the public

Prepared by:



John F. Signo, AICP, Senior Planner

Reviewed and Approved by:



Sheri Repp Loadsman, Planning Officer

ORDINANCE NO. 13-_____

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, ADOPTING AN AMENDMENT TO THE ZONING ORDINANCE OF THE CARSON MUNICIPAL CODE REGARDING FRONT YARD FENCES IN COMMERCIAL AND INDUSTRIAL ZONES, INCLUDING AMENDMENTS TO SECTION 9136.29(F) (ENCROACHMENTS) AND SECTION 9136.3 (FENCES, WALLS AND HEDGES) OF DIVISION 6 (SITE DEVELOPMENT STANDARDS) OF PART 3 (COMMERCIAL ZONES); SECTION 9146.29(F) (ENCROACHMENTS) AND SECTION 9146.3 (FENCES, WALLS AND HEDGES) OF DIVISION 6 (SITE DEVELOPMENT STANDARDS) OF PART 4 (INDUSTRIAL ZONES); AND SECTION 9182.22 (TERMINATION OF EXISTING NONCONFORMING USE) OF DIVISION 2 (NONCONFORMITIES) OF PART 8 (IMPLEMENTING PROVISIONS)

WHEREAS, existing chain-link fencing and barbed wire in the front yard or areas visible from a public right-of-way on any commercial or industrial property detract from the aesthetics of the community; and

WHEREAS, fences or walls made of more desirable material such as brick, stone, and decorative concrete set a higher standard for the community and are more compatible with the surrounding area; and

WHEREAS, existing chain-link fences that have not been maintained become deteriorated and rusted and contribute to a blighting condition within the community; and

WHEREAS, the limited investment associated with chain-link fencing and barbed wire or similar material justify a three-year abatement period to comply; and

WHEREAS, the proposed ordinance amendment is consistent with the Carson Municipal Code (CMC) and General Plan

WHEREAS, on August 13, September 10, September 24, and October 8, 2013, the Planning Commission held workshops to discuss fencing, including prohibiting chain-link in the front yard and barbed wire throughout a property; and

WHEREAS, on November 26, 2013, the Planning Commission held a public hearing to discuss an ordinance amendment to the CMC regarding fencing, which at the conclusion of said public hearing, the Planning Commission recommended to the City Council approval of said ordinance amendment; and

WHEREAS, on _____, 2013, the City Council held a public hearing to discuss the ordinance amendment to the CMC regarding fencing in residential zones.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

[MORE]

EXHIBIT NO. 01



Section 1. Section 9136.29 (Encroachments) of Division 6 (Site Development Standards) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding the following underlined text under subsection F with all other text in the section remaining unchanged 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. Chain-link fencing is prohibited, unless in conjunction with construction activities for which a building permit was issued or to prohibit trespassing onto a vacant lot, or unless preempted by state or federal law. Use of barbed, razor or similar wire is prohibited."

Section 2. Section 9136.3 of Division 6 (Site Development Standards) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding the following underlined text with all other text remaining unchanged, as follows:

"§ 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.

Chain-link fencing or metal slats is prohibited, unless in conjunction with construction activities for which a building permit was issued or to prohibit trespassing onto a vacant lot, or unless preempted by state or federal law. Use of barbed, razor or similar wire is prohibited.

Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited, unless such materials have been recycled and reprocessed into building materials marketed to the general public and designed for use as fencing materials.

[MORE]



All fences, walls and hedges shall be maintained in good repair and in a safe and attractive condition, including but not limited to replacement of missing, decayed, or broken structural and decorative elements. All fences and walls shall receive regular structural maintenance to prevent and address sagging and weathering of surfaces visible from the public right-of-way. Any deteriorated, damaged or decayed fence materials shall be promptly repaired, and any fence or wall post or section that leans more than twenty (20) degrees from vertical shall be promptly repaired to correct that condition.

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)”

Section 3. Section 9146.29 (Encroachments) of Division 6 (Site Development Standards) of Part 4 (Industrial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding the following underlined text under subsection F with all other text in the section remaining unchanged 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. Chain-link fencing or metal slats is prohibited if visible from a major arterial or residential zone, unless preempted by state or federal law. Exceptions to the use of chain-link fencing can be made in conjunction with construction activities for which a building permit was issued or development plan approved to prohibit trespassing onto a vacant lot or if more than 25 feet from a public right-of-way and not significantly visible to the public right-of-way as determined by the Planning Division. The use of barbed, razor or similar wire is prohibited if visible from a public right-of-way, unless preempted by state or federal law.

Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited, unless such materials have been recycled and reprocessed into building materials marketed to the general public and designed for use as fencing materials.

All fences, walls and hedges shall be maintained in good repair and in a safe and attractive condition, including but not limited to replacement of missing, decayed, or broken structural and decorative elements. All fences and walls shall receive regular structural maintenance to prevent and address sagging and weathering of surfaces visible from the public right-of-way. Any deteriorated, damaged or decayed fence materials shall be promptly repaired, and any fence or wall post or section that leans more than twenty (20) degrees from vertical shall be promptly repaired to correct that condition.”

Section 4. Section 9146.3 of Division 6 (Site Development Standards) of Part 4 (Industrial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson

Municipal Code is hereby amended by adding the following underlined text with all other text remaining unchanged, as follows:

“§ 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.

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)

4. Chain-link fencing or metal slats is prohibited if visible from a major arterial or residential zone, unless preempted by state or federal law. Exceptions to the use of chain-link fencing can be made in conjunction with construction activities for which a building permit was issued, to prohibit trespassing onto a vacant lot, or if further than 25 feet from a public right-of-way and not significantly visible to the public right-of-way as determined by the Planning Division. The use of barbed, razor or similar wire is prohibited if visible from a public right-of-way, unless preempted by state or federal law.

5. Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited, unless such materials have been recycled and reprocessed into building materials marketed to the general public and designed for use as fencing materials.

6. All fences, walls and hedges shall be maintained in good repair and in a safe and attractive condition, including but not limited to replacement of missing, decayed, or broken structural and decorative elements. All fences and walls shall receive regular structural maintenance to prevent and address sagging and weathering of surfaces visible from the public right-of-way. Any deteriorated, damaged or decayed fence materials shall be promptly repaired, and any fence or wall post or section that leans more than twenty (20) degrees from vertical shall be promptly repaired to correct that condition.

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

[MORE]

Section 5. Section 9182.22, Termination of Existing Nonconforming Use, of Division 2 (Nonconformities) of Part 8 (Implementing Provisions) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding the following underlined and italicized text with all other text remaining unchanged, as follows:

“Section 9182.22 Termination of Existing Nonconforming Use.

A lawfully established use which becomes a nonconforming use, including any buildings, structures or facilities designed or intended only for uses which are nonconforming, shall be terminated and such buildings, structures or facilities shall be removed or made conforming in all respects within the time period specified in subsection A or B of this Section, whichever is applicable and results in the later termination date. .

A. The time period indicated in the following table measured from the date of becoming a nonconforming use:

Use	Allowable Life
Use of land without buildings or structures.	1 year
Use involving only buildings or structures which would not require a building permit to replace such buildings or structures (but not including a mobile home park).	3 years
Mobile home park; mobile homes on individual lots.	35 years
Use involving buildings or structures which would require a building permit to replace such buildings or structures.	20 years
Outdoor advertising use.	5 years
Trailer parks.	20 years
Producing oil wells, oils storage tanks.	20 years
Sale of convenience goods at automobile service stations within 300 feet of any school.	20 years
Arcades.	5 years
Existing indoor mini-marts, auction house.	10 months
Truck-related uses defined in CMC 9148.8 which require a conditional use permit.	1 year
Cargo Container Storage; provided, however, that effective February 5, 1988: (1) No cargo container storage shall be permitted within fifty (50) feet of any residentially zoned property which involves any stacking more than one (1) container high; (2) No cargo container storage shall be permitted within one hundred (100) feet of any residentially zoned property which involves any stacking more than two (2) containers high; and (3) In no event shall any cargo container storage be permitted on any site which involves any stacking more than three (3) containers high.	6 months
Existing food/grocery stores in residential zones.	Expires December 31, 2003
Multiple-family residential uses located within a Mixed-Use (MU) District with ten (10) or more units (except existing mobile home parks), subject to CMC 9182.24.	2 years
Residential uses located within a Mixed-Use (MU) District with nine (9) units or less, subject to CMC 9182.24.	5 years
Adult Business.	5 years

[MORE]



Use	Allowable Life
Massage service.	1 year
Tattoo service.	1 year
Wireless telecommunications facility, transmitter, receiver or repeater station – radio, television, microwave.	5 years
Second dwelling unit.	5 years
Vehicle repair and service located within the Commercial, Regional (CR) Zone, the Mixed-Use Residential (MUR) Overlay District and properties in all zones within one hundred (100) feet of residential zones, subject to CMC 9182.26.	5 years
Truck yard.	1 year
Alcoholic and Beverage Control (ABC) License, on-sale and off-sale only (subject to the requirements of 9138.5).	3 years
Alcoholic and Beverage Control (ABC) License, on-sale and off-sale only with a conditional use permit shall be subject to the requirements of 9138.5.	1 year
Transient Hotels, motels with a conditional use permit shall be subject to the requirements of 9138.19.	1 year
Payday loans.	3 years
<u>Fences.</u>	<u>3 years</u>

B. The time period indicated in the following table measured from the date of construction of the most recently constructed main building or other major facilities which are designed or intended for the nonconforming use:

Structure Type According to Building Code*				
Type of Structure*	Old Classification	New Classification	Use	Allowable Life
Light metal or wood frame	IV, V	II (1 -Hour) II-N, V	Nonresidential	25 years
Light metal or wood frame	IV, V	II (1-Hour) II-N, V	Residential except single-family dwellings	30 years
Light metal or wood frame	IV, V	II (1-Hour) II-N, V	Single-family dwellings	35 years
Heavy timber, masonry, concrete	II, III	II (Fire Resistive) III, IV	All	40 years
Fire resistive heavy steel and/or concrete	I	I	All	50 years

*Building Code classification shall take precedence over type of material in case of conflict.”

[MORE]



Section 6. If any provision(s) of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

Section 7. The City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted and codified in the manner required by law.

Section 8. This ordinance shall be effective thirty (30) days following its adoption.

PASSED, APPROVED, and ADOPTED this ____th day of December, 2013.

Mayor Jim Dear

ATTEST:

City Clerk Donesia L. Gause, CMC

APPROVED AS TO FORM:

City Attorney



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: November 26, 2013
SUBJECT: Zone Text Amendment No. 15-13
APPLICANT: City of Carson
REQUEST: Consider an ordinance amendment to prohibit chain-link and barbed wire in commercial and industrial zones
PROPERTIES INVOLVED: Citywide

COMMISSION ACTION

Chairman Faletogo moved, seconded by Commissioner Saenz, to continue this matter to the January 28, 2014, Planning Commission meeting to allow more time for staff and the property/business owners to confer on this matter. (Absent Commissioner Goolsby)

COMMISSIONERS' VOTE

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

I. Introduction

On August 13, September 10, September 24, and October 8, 2013, the Planning Commission held workshops to discuss the City's requirements on fences. A number of issues were discussed including the appropriateness of chain-link fences and barbed wire in commercial and industrial zones, and fence requirements for residential front yards. For the sake of efficiency, this item focuses only on issues involving commercial and industrial properties. Issues involving residential fences will be brought to the Planning Commission on December 10, 2013.

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 and for screening for certain uses. 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.

During the course of the workshops, the use of barbed wire or similar materials was also discussed. Although businesses use barbed wire for security purposes, it tends to be an eye-sore that reduces the aesthetic quality of the community.

Table 1 summarizes the proposed ordinance amendment.

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Commercial Zones	Chain-link fencing or metal slats <u>prohibited</u> Exceptions: Construction activities State or federal law preempts CMC
	Barbed, razor or similar wire <u>prohibited</u>
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	Maintain in good condition; prevent sagging and weathering Fence or wall leaning more than 20 degrees from vertical shall be repaired
Industrial Zones	Chain-link fencing or metal slats <u>prohibited</u> within 25 feet of a public right of way or visible from residential zone Exceptions: Construction activities State or federal law preempts CMC If more than 25 feet from a public right-of-way and not significantly visible to the public right of way as determined by the Planning Division.
	Barbed, razor or similar wire <u>prohibited</u> if visible from a public right-of-way, unless preempted by state or federal law
	Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials <u>prohibited</u> unless designed with proper recycled material
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Abatement Period	3 years to comply

II. Background

The workshops on fences have been initiated at the request of Mayor Dear to study the use of chain-link fencing on private property. On December 18, 2012, the City Council considered the issue because 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 requested consideration of eliminating the use of chain link fence materials.

Building Permit Requirement

The City of Carson derived its fence requirements from the County of Los Angeles. 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 chain-link fences have generally not been issued by either the City of Carson or County of Los Angeles unless a retaining wall was needed or the fence exceeded 12 feet in height. Building permits for other wall material such as a block wall was required if over six feet in height. As such, it is difficult to determine the actual construction date for chain-link fences.

In 2002, the County of Los Angeles amended the building code to require a building permit for any wall or fence over six feet in height, including chain-link fences. However, since much of the City was already developed most chain-link fences were erected without a building permit.

Fences in Commercial Zones

All properties in a commercial zone are subject to Site Plan and Design Review. This ensures discretionary review prior to construction of a fence or wall. It is staff's policy to only allow chain-link fences for commercial properties that are currently under construction or are vacant. The proposed ordinance amendment would specifically prohibit the use of chain-link fences in commercial zones except for properties under construction and vacant properties. Upon staff's field survey, only a handful of commercial properties have chain-link fences. The City should grant an amortization period for removal or replacement.

Industrial Front Yard Fences

Section 9146.3 of the Carson Municipal Code (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 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 legal, 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 subject to approval

of a Development Plan by the Planning Commission pursuant to CMC 9172.23 (Site Plan and Design Review).

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 except in the CA (Commercial, Automotive) zone. In practice, staff has allowed chain-link fencing for discretionary projects during construction or when not visible from the public right-of-way. This policy prohibiting the use of chain-link currently does not affect many industrial properties because the CMC allows for ministerial – not discretionary – review. As such, there are industrial properties that have chain-link along the entire perimeter of the property. In some industrial areas, front yard fences have become common and are part of the character of the area. However, since chain-link fencing tends to be less durable, older chain-link fences that have not been maintained tend to rust, sag, and become unsightly.

Barbed Wire and Similar Material

Over the course of the workshops the use of barbed wire and similar materials has been discussed because of unsightliness and proliferation, particularly in industrial areas. The Planning Commission should consider prohibiting or regulating the use of barbed wire and similar material that is visible from a major arterial or residential area.

III. Analysis

Survey of Other Cities

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 4 and summarized below in Table 2.

TABLE 2 – 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

Currently, 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 in height.

Enforcement

The greatest challenge with an ordinance amendment prohibiting chain-link fences and barbed wire is the impact on existing fences. As discussed in the workshops, the Code Enforcement Division has limited resources to prosecute every single property owner that chooses not to comply. This in turn may lead to the perception of selective enforcement if Code Enforcement's actions are delayed or focused on a certain neighborhood. Rather than immediate abatement, it is the City's practice to allow an amortization period for owners to come into compliance. During that amortization period, the City can send courtesy notices to affected property owners for instructions on how to comply.

Even with a three-year amortization period, the process of replacing nonconforming fences will be daunting. Because of this, the ordinance amendment is focused on the front yards of industrial properties located along a major arterial or visible from a major arterial or residential area. Properties in industrial areas that are not along a major arterial may continue with the use of chain-link.

Barbed Wire and Other Material

Apart from the use of chain-link fences, staff also observed the unsightliness of barbed wire or similar material, and fences or walls made of debris, junk, rolled plastic, sheet metal, plywood or waste materials. It appears property owners have used these materials to save on costs without the consideration of long-term appearance and aesthetic quality. The proposed ordinance amendment prohibits the use of these materials and allows the same amount of time for amortization.

The ordinance amendment includes a clause that requires the maintenance of fences and walls. Property owners will be required to prevent sagging and weathering. If a fence or wall is leaning more than 20 degrees from vertical, the owner will be required to make repairs. Noncompliance will require further code enforcement action.

Abatement Period

Based on staff's research, chain-link fence is the least expensive type of fencing. If the use of chain-link and barbed wire is prohibited, the Planning Commission must determine an adequate abatement period that allows for the amortization of the costs associated with the installation and materials. Staff believes locations with existing chain link fencing within the commercial and industrial zones have been in place for many years and the establishment of a three year abatement period would be adequate to allow businesses and property owners to achieve appropriate amortization. If there are any properties determined to have new chain link, it is possible that a request can be made to consider an extension of non-conforming privilege to allow the Planning Commission to authorize a modest additional period to amortize the fixed investment.

Staff anticipates certain property owners and businesses to oppose any restriction on the use of chain link and barbed wire. The Planning Commission can consider an

alternative abatement period if determined necessary to achieve a balance between the need of the city to enhance community standards compared to the costs associated with the removal and replacement of fencing materials. The Planning Commission may also consider if there are unusual circumstances that may warrant a different standard due to location or existing use.

IV. Conclusion

The Planning Commission is advised that any change to the ordinance may receive opposition from businesses and property owners claiming financial difficulties or a restriction on personal preference. If the City decides to proceed with this ordinance amendment, the City must be willing to do comprehensive enforcement to ensure fairness and avoid the perception of selective enforcement. The Planning Commission should not consider "grandfathering" existing chain-link fences since this approach would not be practical and would allow existing chain-link fencing to become an increasingly blight as time progresses. Furthermore, this would defeat the purpose of requiring the removal of older dilapidated chain-link fences as a means of improving the quality of develop within the community.

Recommendation

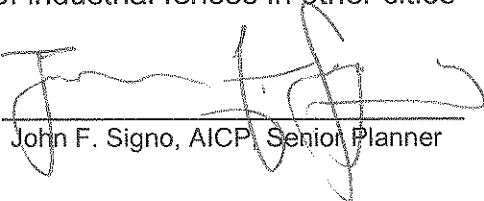
That the Planning Commission:

- OPEN the public hearing and TAKE public testimony;
- RECOMMEND to the City Council approval of Zone Text Amendment No. 15-13; and
- ADOPT Resolution No. _____ entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING APPROVAL TO THE CITY COUNCIL OF ZONE TEXT AMENDMENT NO. 15-13 REGARDING AN ORDINANCE AMENDMENT TO PROHIBIT THE USE OF CHAIN-LINK FENCING, BARBED WIRE, AND OTHER MATERIALS UNDER CERTAIN CIRCUMSTANCES IN COMMERCIAL AND INDUSTRIAL ZONES."

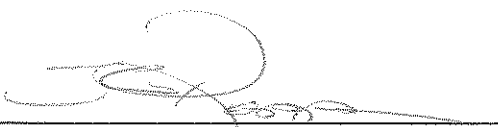
V. Exhibits

1. Proposed resolution
2. Proposed ordinance amendment
3. City Council staff report dated December 18, 2012
4. Survey of industrial fences in other cities

Prepared by:


John F. Signo, AICP, Senior Planner

Reviewed and Approved by:


Sheri Repp Loadsman, Planning Officer

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 13-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING APPROVAL TO THE CITY COUNCIL OF ZONE TEXT AMENDMENT NO. 15-13 REGARDING AN ORDINANCE AMENDMENT TO PROHIBIT THE USE OF CHAIN-LINK FENCING, BARBED WIRE, AND OTHER MATERIALS UNDER CERTAIN CIRCUMSTANCES IN COMMERCIAL AND INDUSTRIAL ZONES

THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOW:

Section 1. On August 13, September 10, September 24, and October 8, 2013, the Planning Commission held workshops to discuss the City's requirements on fences. On November 26, 2013, the Planning Commission held a duly noticed public hearing to discuss the issue of fences in commercial and industrial zones. A notice of the time, place and purpose of the aforesaid hearing was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 3. The Planning Commission finds that:

a) Over the course of time, chain-link fences that are not maintained become dilapidated and unsightly and lessen the aesthetic quality of the community;

b) It is necessary to periodically update the Zoning Ordinance to improve the welfare of the community with the changing times;

c) It is necessary to update requirements for fences and walls to make sure properties are properly regulated and nuisance issues are avoided; and

d) Updating the Zoning Ordinance would better protect the health, safety, and welfare of the community by keeping regulations current and reducing the possibility of misinterpretation.

Section 4. Based on the aforementioned findings, the Planning Commission hereby recommends approval to the City Council of an amendment to the CMC, Article IX (Planning and Zoning). The ordinance amendment affects Section 9136.29(F), Section 9136.3, Section 9146.29(F), Section 9146.3, and Section 9182.22 of the CMC, as described in Exhibit 1.

Section 5. Pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA), the Planning Commission finds that the proposed ordinance amendment is an update and improvement to the existing standards and guidelines in the CMC and is exempt under the general rule. The ordinance amendment will generate no direct significant environmental impacts.

Section 6. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the City Council.

PASSED, APPROVED AND ADOPTED THIS 26th DAY OF NOVEMBER, 2013.

CHAIRMAN

ATTEST:

SECRETARY

ORDINANCE NO. 13-_____

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, ADOPTING AN AMENDMENT TO THE ZONING ORDINANCE OF THE CARSON MUNICIPAL CODE REGARDING FRONT YARD FENCES IN COMMERCIAL AND INDUSTRIAL ZONES, INCLUDING AMENDMENTS TO SECTION 9136.29(F) (ENCROACHMENTS) AND SECTION 9136.3 (FENCES, WALLS AND HEDGES) OF DIVISION 6 (SITE DEVELOPMENT STANDARDS) OF PART 3 (COMMERCIAL ZONES); SECTION 9146.29(F) (ENCROACHMENTS) AND SECTION 9146.3 (FENCES, WALLS AND HEDGES) OF DIVISION 6 (SITE DEVELOPMENT STANDARDS) OF PART 4 (INDUSTRIAL ZONES); AND SECTION 9182.22 (TERMINATION OF EXISTING NONCONFORMING USE) OF DIVISION 2 (NONCONFORMITIES) OF PART 8 (IMPLEMENTING PROVISIONS)

WHEREAS, existing chain-link fencing and barbed wire in the front yard or areas visible from a public right-of-way on any commercial or industrial property detract from the aesthetics of the community; and

WHEREAS, fences or walls made of more desirable material such as brick, stone, and decorative concrete set a higher standard for the community and are more compatible with the surrounding area; and

WHEREAS, existing chain-link fences that have not been maintained become deteriorated and rusted and contribute to a blighting condition within the community; and

WHEREAS, the limited investment associated with chain-link fencing and barbed wire or similar material justify a three-year abatement period to comply; and

WHEREAS, the proposed ordinance amendment is consistent with the Carson Municipal Code (CMC) and General Plan

WHEREAS, on August 13, September 10, September 24, and October 8, 2013, the Planning Commission held workshops to discuss fencing, including prohibiting chain-link in the front yard and barbed wire throughout a property; and

WHEREAS, on November 26, 2013, the Planning Commission held a public hearing to discuss an ordinance amendment to the CMC regarding fencing, which at the conclusion of said public hearing, the Planning Commission recommended to the City Council approval of said ordinance amendment; and

WHEREAS, on _____, 2013, the City Council held a public hearing to discuss the ordinance amendment to the CMC regarding fencing in residential zones.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

[MORE]



Section 1. Section 9136.29 (Encroachments) of Division 6 (Site Development Standards) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding the following underlined text under subsection F with all other text in the section remaining unchanged 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. Chain-link fencing is prohibited, unless in conjunction with construction activities for which a building permit was issued or to prohibit trespassing onto a vacant lot, or unless preempted by state or federal law. Use of barbed, razor or similar wire is prohibited.”

Section 2. Section 9136.3 of Division 6 (Site Development Standards) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding the following underlined text with all other text remaining unchanged, as follows:

“§ 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.

Chain-link fencing or metal slats is prohibited, unless in conjunction with construction activities for which a building permit was issued or to prohibit trespassing onto a vacant lot, or unless preempted by state or federal law. Use of barbed, razor or similar wire is prohibited.

Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited, unless such materials have been recycled and reprocessed into building materials marketed to the general public and designed for use as fencing materials.

[MORE]



All fences, walls and hedges shall be maintained in good repair and in a safe and attractive condition, including but not limited to replacement of missing, decayed, or broken structural and decorative elements. All fences and walls shall receive regular structural maintenance to prevent and address sagging and weathering of surfaces visible from the public right-of-way. Any deteriorated, damaged or decayed fence materials shall be promptly repaired, and any fence or wall post or section that leans more than twenty (20) degrees from vertical shall be promptly repaired to correct that condition.

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)”

Section 3. Section 9146.29 (Encroachments) of Division 6 (Site Development Standards) of Part 4 (Industrial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding the following underlined text under subsection F with all other text in the section remaining unchanged 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. Chain-link fencing or metal slats is prohibited if visible from a major arterial or residential zone, unless preempted by state or federal law. Exceptions to the use of chain-link fencing can be made in conjunction with construction activities for which a building permit was issued or development plan approved to prohibit trespassing onto a vacant lot or if more than 25 feet from a public right-of-way and not significantly visible to the public right-of-way as determined by the Planning Division. The use of barbed, razor or similar wire is prohibited if visible from a public right-of-way, unless preempted by state or federal law.

Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited, unless such materials have been recycled and reprocessed into building materials marketed to the general public and designed for use as fencing materials.

All fences, walls and hedges shall be maintained in good repair and in a safe and attractive condition, including but not limited to replacement of missing, decayed, or broken structural and decorative elements. All fences and walls shall receive regular structural maintenance to prevent and address sagging and weathering of surfaces visible from the public right-of-way. Any deteriorated, damaged or decayed fence materials shall be promptly repaired, and any fence or wall post or section that leans more than twenty (20) degrees from vertical shall be promptly repaired to correct that condition.”

Section 4. Section 9146.3 of Division 6 (Site Development Standards) of Part 4 (Industrial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson

Municipal Code is hereby amended by adding the following underlined text with all other text remaining unchanged, as follows:

“§ 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.

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)

4. Chain-link fencing or metal slats is prohibited if visible from a major arterial or residential zone, unless preempted by state or federal law. Exceptions to the use of chain-link fencing can be made in conjunction with construction activities for which a building permit was issued, to prohibit trespassing onto a vacant lot, or if further than 25 feet from a public right-of-way and not significantly visible to the public right-of-way as determined by the Planning Division. The use of barbed, razor or similar wire is prohibited if visible from a public right-of-way, unless preempted by state or federal law.

5. Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited, unless such materials have been recycled and reprocessed into building materials marketed to the general public and designed for use as fencing materials.

6. All fences, walls and hedges shall be maintained in good repair and in a safe and attractive condition, including but not limited to replacement of missing, decayed, or broken structural and decorative elements. All fences and walls shall receive regular structural maintenance to prevent and address sagging and weathering of surfaces visible from the public right-of-way. Any deteriorated, damaged or decayed fence materials shall be promptly repaired, and any fence or wall post or section that leans more than twenty (20) degrees from vertical shall be promptly repaired to correct that condition.

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

[MORE]



Section 5. Section 9182.22, Termination of Existing Nonconforming Use, of Division 2 (Nonconformities) of Part 8 (Implementing Provisions) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding the following underlined and italicized text with all other text remaining unchanged, as follows:

“Section 9182.22 Termination of Existing Nonconforming Use.

A lawfully established use which becomes a nonconforming use, including any buildings, structures or facilities designed or intended only for uses which are nonconforming, shall be terminated and such buildings, structures or facilities shall be removed or made conforming in all respects within the time period specified in subsection A or B of this Section, whichever is applicable and results in the later termination date.

A. The time period indicated in the following table measured from the date of becoming a nonconforming use:

Use	Allowable Life
Use of land without buildings or structures.	1 year
Use involving only buildings or structures which would not require a building permit to replace such buildings or structures (but not including a mobile home park).	3 years
Mobile home park; mobile homes on individual lots.	35 years
Use involving buildings or structures which would require a building permit to replace such buildings or structures.	20 years
Outdoor advertising use.	5 years
Trailer parks.	20 years
Producing oil wells, oils storage tanks.	20 years
Sale of convenience goods at automobile service stations within 300 feet of any school.	20 years
Arcades.	5 years
Existing indoor mini-marts, auction house.	10 months
Truck-related uses defined in CMC 9148.8 which require a conditional use permit.	1 year
Cargo Container Storage; provided, however, that effective February 5, 1988: (1) No cargo container storage shall be permitted within fifty (50) feet of any residentially zoned property which involves any stacking more than one (1) container high; (2) No cargo container storage shall be permitted within one hundred (100) feet of any residentially zoned property which involves any stacking more than two (2) containers high; and (3) In no event shall any cargo container storage be permitted on any site which involves any stacking more than three (3) containers high.	6 months
Existing food/grocery stores in residential zones.	Expires December 31, 2003
Multiple-family residential uses located within a Mixed-Use (MU) District with ten (10) or more units (except existing mobile home parks), subject to CMC 9182.24.	2 years
Residential uses located within a Mixed-Use (MU) District with nine (9) units or less, subject to CMC 9182.24.	5 years
Adult Business.	5 years

[MORE]

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Use	Allowable Life
Massage service.	1 year
Tattoo service.	1 year
Wireless telecommunications facility, transmitter, receiver or repeater station – radio, television, microwave.	5 years
Second dwelling unit.	5 years
Vehicle repair and service located within the Commercial, Regional (CR) Zone, the Mixed-Use Residential (MUR) Overlay District and properties in all zones within one hundred (100) feet of residential zones, subject to CMC 9182.26.	5 years
Truck yard.	1 year
Alcoholic and Beverage Control (ABC) License, on-sale and off-sale only (subject to the requirements of 9138.5).	3 years
Alcoholic and Beverage Control (ABC) License, on-sale and off-sale only with a conditional use permit shall be subject to the requirements of 9138.5.	1 year
Transient Hotels, motels with a conditional use permit shall be subject to the requirements of 9138.19.	1 year
Payday loans.	3 years
<u>Fences.</u>	<u>3 years</u>

B. The time period indicated in the following table measured from the date of construction of the most recently constructed main building or other major facilities which are designed or intended for the nonconforming use:

Structure Type According to Building Code*				
Type of Structure*	Old Classification	New Classification	Use	Allowable Life
Light metal or wood frame	IV, V	II (1 -Hour) II-N, V	Nonresidential	25 years
Light metal or wood frame	IV, V	II (1 -Hour) II-N, V	Residential except single-family dwellings	30 years
Light metal or wood frame	IV, V	II (1 -Hour) II-N, V	Single-family dwellings	35 years
Heavy timber, masonry, concrete	II, III	II (Fire Resistive) III, IV	All	40 years
Fire resistive heavy steel and/or concrete	I	I	All	50 years

*Building Code classification shall take precedence over type of material in case of conflict.”

[MORE]



Section 6. If any provision(s) of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

Section 7. The City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted and codified in the manner required by law.

Section 8. This ordinance shall be effective thirty (30) days following its adoption.

PASSED, APPROVED, and ADOPTED this ____th day of December, 2013.

Mayor Jim Dear

ATTEST:

City Clerk Donesia L. Gause, CMC

APPROVED AS TO FORM:

City Attorney



11. PUBLIC HEARING

js A) Zone Text Amendment No. 15-13

Applicant's Request:

The applicant, city of Carson, is requesting the Planning Commission consider an ordinance amendment to prohibit chain-link and barbed wire in commercial and industrial zones for properties citywide.

Staff Report and Recommendation:

Senior Planner Signo presented staff report and the recommendation to OPEN the public hearing and TAKE public testimony; RECOMMEND to the City Council approval of Zone Text Amendment No. 15-13; and ADOPT Resolution No. _____, entitled, "A Resolution of the Planning Commission of the city of Carson recommending approval to the City Council of Zone Text Amendment No. 15-13 regarding an ordinance amendment to prohibit the use of chain-link fencing, barbed wire, and other materials under certain circumstances in commercial and industrial zones."

Chairman Faletogo asked about federal properties and possible exemptions.

Senior Planner Signo explained there may be some exempt properties from this ordinance, such as the post office and secured customs facilities.

Planning Officer Repp added that these properties would not be completely exempt and that staff and the property owners would need to address any conflicts among federal, state and city requirements.

Chairman Faletogo questioned whether what is being proposed is more extensive than what was directed by the Mayor.

Senior Planner Signo explained that it is Planning's job to look at all the issues with regard to this topic and to provide recommendations for consideration both by the Planning Commission and City Council.

Commissioner Gordon stated that the past workshop dealt with chain-link fencing in residential areas, expressing his belief there has not been enough discussion before this evening about chain-link fencing in industrial/commercial areas.

Senior Planner Signo pointed out there is a smaller number of issues related to commercial/industrial areas with regard to chain-link fencing as opposed to residential.

Planning Officer Repp stated it was the Mayor's intent to focus more on the businesses with chain-link fencing, noting he wants a higher development standard, and to look at issues of chain-link fencing in the City, both residential and businesses.

Commissioner Diaz advised that he was contacted by someone from the business community to continue discussion of this matter until after the holiday season, noting it has the potential for tremendous financial impacts on affected businesses.

Senior Planner Signo advised that copies of letters were distributed to the Commission this evening from various businesses and that he received a number of calls regarding this agenda item.

Commissioner Brimmer expressed her belief there has not been enough community outreach; and asked for something in writing that supports what City Council is seeking to accomplish with this effort.

Staff explained for Commissioner Piñon that the typical abatement period is three years. Senior Planner Signo advised that the Carson Reports included notification of this item, along with letters to businesses and homeowner associations, and notification in the newspaper.

Commissioner Schaefer pointed out that this matter was referred by Council to the Planning Commission for discussion and to make recommendations, believing there has been enough direction from City Council for the Planning Commission to consider.

Commissioner Saenz concurred with Commissioner Schaefer's comment, pointing out the final decision is up to City Council.

Vice-Chair Verrett noted her concurrence with Commissioner Schaefer's comment as to the intent of this matter, stating it is the Planning Commission's job to independently study these issues of concern; and proposed that this matter be continued for further study and deliberations, suggesting that the commercial, industrial and residential all be separately considered.

Chairman Faletogo opened the public hearing.

Connie Turner, representing Southern California Edison (SCE), advised that they submitted a letter to the Commission explaining that state law/requirements for their facilities preempts the City's requirements; and asked to meet with staff to further discuss the issues of concern and work toward a solution that will work for both parties.

Assistant City Attorney Malawy explained that SCE does have a legitimate concern that can be further addressed with staff.

Mike Detlefsen, Pet Haven Cemetery, addressed his concern with this ordinance, noting it will be too expensive for him to replace the chain-link fence around the entire perimeter of his property; and stated that he will be forced to go without a fence around this property, highlighting his concern with the potential for theft and damage of the gravesites. He asked to be exempt from this ordinance amendment.

Jennifer Johnson, representing Watson Land Company, stated that while Watson supports the intent of this effort, they are concerned with the unintended consequences; and asked that this matter be continued so they can meet with staff to further address their concerns.

Planning Commission Decision:

Chairman Faletogo moved, seconded by Commissioner Saenz, to continue this matter to the January 28, 2014, Planning Commission meeting to allow more time for staff and the property/business owners to confer on this matter. (Absent Commissioner Goolsby)



City of Carson Report to Mayor and City Council

December 18, 2012
New Business Consent

SUBJECT: CONSIDER RESTRICTING THE USE OF CHAIN LINK FENCES IN THE FRONT OR SIDE YARDS FACING PUBLIC STREETS

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. 04

10
31

December 18, 2012

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: Rev09-04-2012

Reviewed by:

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

Action taken by City Council

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.



FRONT YARD FENCE REQUIREMENTS IN AN INDUSTRIAL ZONE

	Max Height	Material/Design Restrictions	Chain-link Restrictions
Torrance	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
Long Beach	3-12 feet	Barbed wire or similar fencing is prohibited, except in IM, IG, and IP zones when located atop a fence more than 6' in height	Allowed for certain uses/zones
City of LA	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
County of LA	30 in. to 8 feet (depending on district)	Variable (depending on district)	Chain-link prohibited in certain districts
Downey	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
South Gate	5 feet	concrete, plaster, cinder block, brick, masonry or other similar materials	None
Commerce	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

LAW OFFICES

TAUBMAN, SIMPSON, YOUNG & SULENTOR

A PROFESSIONAL CORPORATION
FOUNDED 1891MARIA M. ROHAIDY
MATTHEW D. FISCHER
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E.C. DENIO (1864-1952)
GEORGE A. HART (1881-1967)
GEORGE P. TAUBMAN, JR. (1897-1970)
MATTHEW C. SIMPSON (1900-1998)
ROGER W. YOUNG (1921-2007)
WILLIAM J. SULENTOR (1946-2008)RICHARD A. HOTING
ROGER E. HAWKINS
Of CounselFAX TRANSMITTAL

THIS FAX IS A CONFIDENTIAL TRANSMISSION INTENDED SOLELY FOR USE BY THE NAMED RECIPIENT. IF YOU ARE NOT THE INTENDED RECIPIENT, ANY DISCLOSURE, COPYING, DISTRIBUTION OR OTHER USE OF THE CONTENTS OF THIS FAX IS PROHIBITED. IF YOU HAVE RECEIVED THIS FAX IN ERROR, PLEASE PROMPTLY TELEPHONE OUR OFFICE. THANK YOU.

DATE: November 22, 2013

TO: John Signo, Senior Planner
Planning Commission for City of Carson
FAX (310) 835-5749FROM: Christina Martinez
Taubman, Simpson, Young & Sulentor
FAX (562) 590-9695
TEL (562) 436-9201

SUBJECT: Zone Text Amendment Nos. 15-13

WE ARE TRANSMITTING A TOTAL OF 9 PAGE(S), INCLUDING THIS COVER SHEET.

IF YOU HAVE ANY PROBLEM WITH THIS TRANSMISSION, PLEASE CALL US AT (562) 436-9201. THANK YOU.

COMMENTS:

ORIGINAL/COPY WILL NOT FOLLOW: XORIGINAL/COPY WILL FOLLOW BY: REGULAR MAIL EXPRESS MAIL CERTIFIED MAIL, RRR
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EXHIBIT NO. 05

38

LAW OFFICES

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MATTHEW D. FISCHER
R. JOSEPH DECKERRICHARD A. HOTING
ROGER E. HAWKINS
Of CounselE.C. DENIO (1864-1952)
GEORGE A. HART (1881-1887)
GEORGE P. TAUBMAN, JR. (1887-1870)
MATTHEW C. SIMPSON (1800-1888)
ROGER W. YOUNG (1921-2007)
WILLIAM J. SULENTOR (1946-2008)

November 22, 2013

*Via Facsimile (310) 835-5749*Planning Commission for City of Carson
701 East Carson Street
Carson, California
Attention: John Signo, Senior PlannerRe: Zone Text Amendment Nos. 15-13
Prohibit The Use of chain-link fences and barbed wire in commercial and industrial zones

Dear Mr. Signo:

Our office has been retained by Ampam Parks Mechanical ("Ampam") to provide comment and to voice Ampam's concerns regarding the above amendment and its prohibition of the use of chain-link fences in commercial and industrial zones. Since approximately 1998, Ampam has leased the property commonly known as 21900 South Wilmington Ave. in Carson, California from AL 2, LLC, formerly Alpert and Alpert Iron and Metal Company I. The approximate three acre facility houses a warehouse plant which is used in the fabrication of plumbing pipes. Ampam employs 80 employees at its Carson facility.

Since it leased the property in 1998, the three acre parcel has been enclosed by a metal chain link fence. As you can see from the enclosed photographs, Ampam maintains the fence in good condition and surrounding areas clean and properly landscaped. The chain link fence provides the security needed for the plant's successful operation.

The proposed amendment prohibiting the use of all chain-link fences at 21900 South Wilmington Ave. will be detrimental to Ampam and cause it severe financial hardship. Our client has always found Carson to be a business friendly city. We believe the proposed amendment will not only cause businesses which cannot afford the expense of replacing costly fences to leave the City but it will also discourage businesses from coming to the area.

Planning Commission for City of Carson
November 22, 2013
Page 2

Chain link fences have been the norm in commercial and industrial zones for decades. Chain link fences have low maintenance costs, are not prone to graffiti, provide security and are safe in earthquake zones. Wood and iron fences are susceptible to rust, pests and graffiti. Moreover, the cost of wood and iron fences is significantly higher, and in the case of a large parcel such as Ampam's leased property, prohibitive.

While we can understand the City's interest in maintaining aesthetically appealing fences, we urge the Planning Commission to consider less severe alternatives to this blanket prohibition of all chain link fencing. We suggest that the City consider limiting the amendment to residential properties where the prohibition may be more appropriate. Alternatively, we request that the City look to regulate aesthetic concerns through its code enforcement powers in instances where the fences have been left unmaintained. We also request that if the Commission proceeds with this proposed amendment that it include a grandfather provision for existing chain link fences.

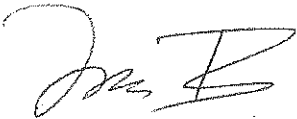
As written, the impact of this amendment to the City's ordinance will be detrimental to businesses and certainly to our client. It is an unnecessary burden on businesses when most are now struggling in California.

I hope that this letter provides useful information for your consideration.

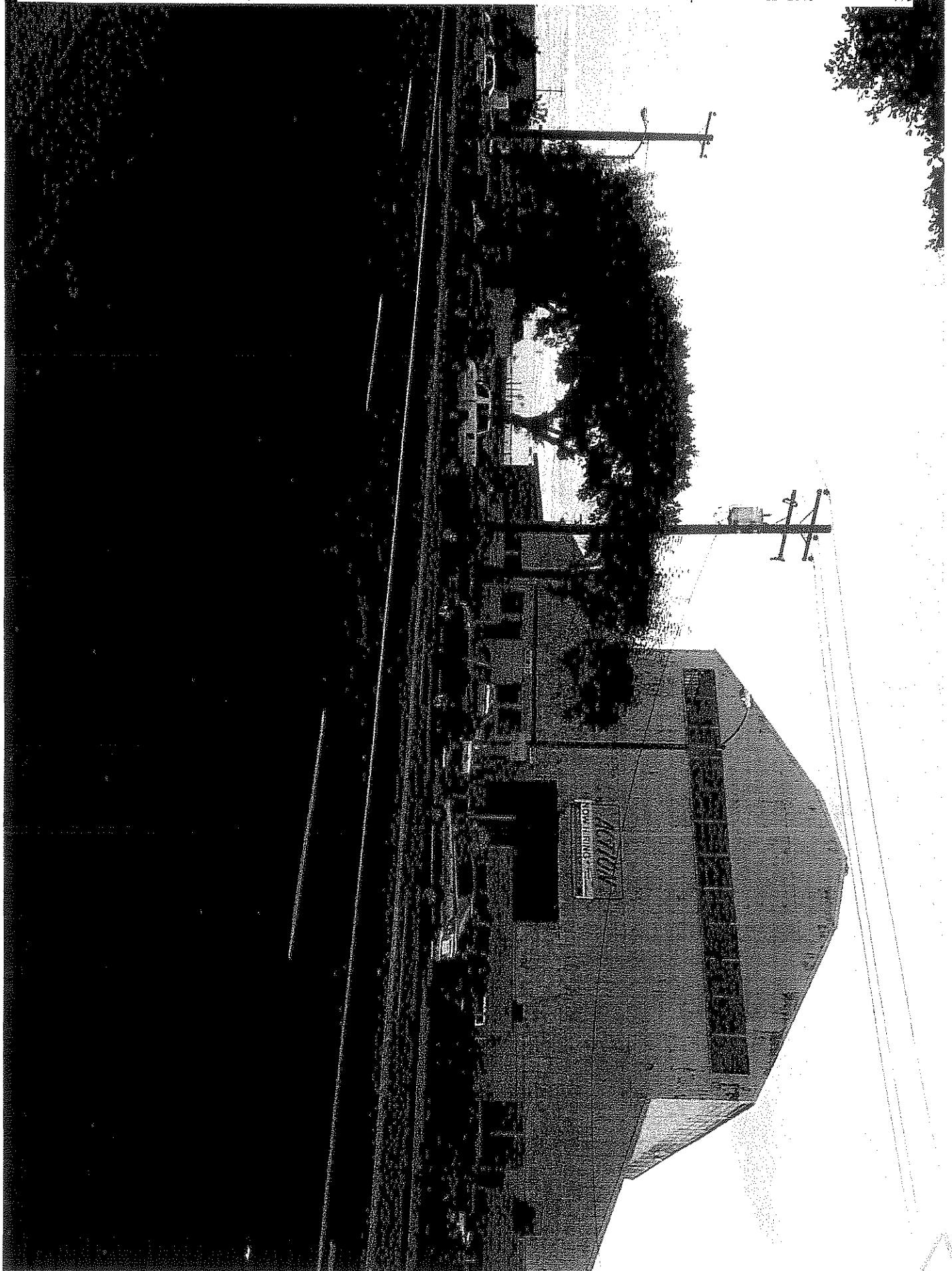
Please let me know if you would like me to further discuss these issues with you or your city attorney.

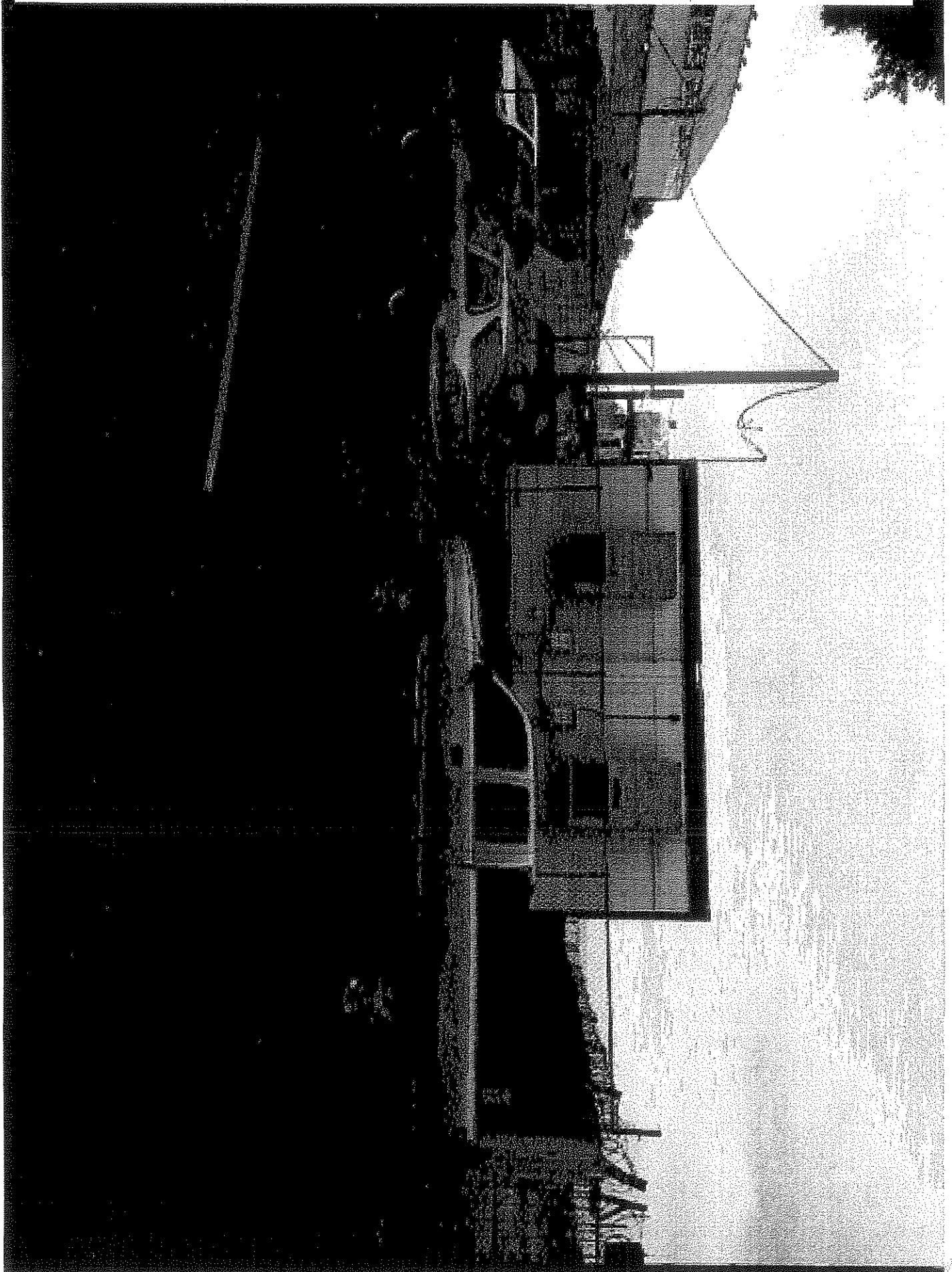
Very truly yours,

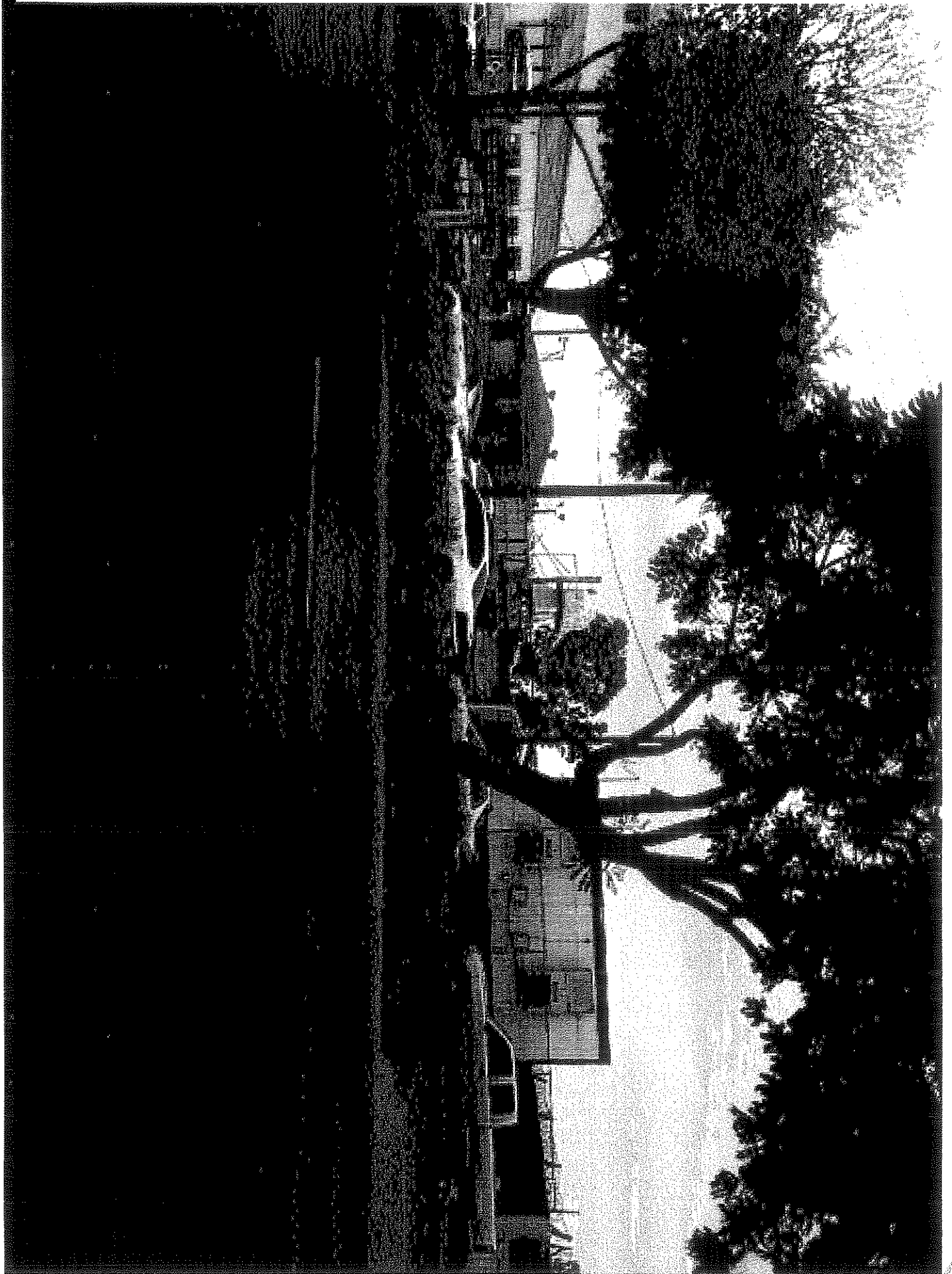
TAUBMAN, SIMPSON, YOUNG & SULENTOR



MARIA M. ROHAIDY
MMR/ccm

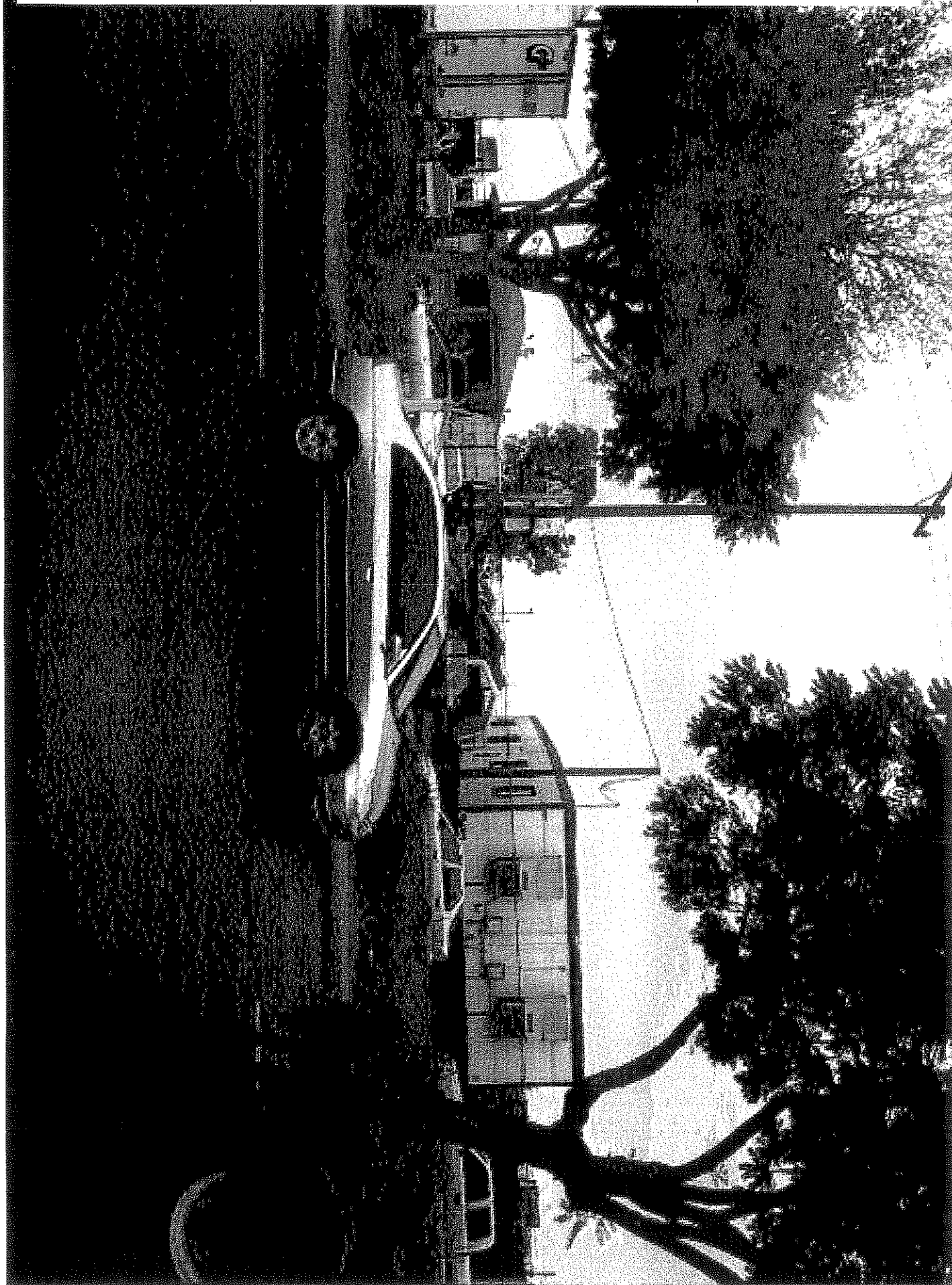












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TELECOPIER (310) 246-6888

13 NOV 26 AM 7:30

CITY OF CARSON

KAYE E. TUCKER
ATTORNEY AT LAW

November 25, 2013

Kaye@tuckerfirm.com

Via Telecopier ((310) 513-6243; (310) 835-5749)Planning Commission of the City of Carson
701 E. Carson Street
Carson, California 90745
Attention: City Clerk Donesia L. Gause and
John Signo, AICP, Senior PlannerRe: Zone Text Amendment No. 15-13/ City of Carson Planning Commission Agenda Item
No. 11- November 26, 2013

Dear Ms. Gause and Mr. Signo:

AL2 LLC respectfully requests that you transmit this letter of opposition regarding the
above proposed Zone Text Amendment No. 15-13 to the City of Carson Planning Commission.

Please make this letter of opposition part of the official record of the November 26, 2013
Planning Commission Meeting with regard to Agenda Item 11 (Zone Text Amendment No. 15-
13).

This letter of opposition regarding proposed Zone Text Amendment No. 15-13 is being
written on behalf of the landowner of the properties located at 21900 South Wilmington Avenue,
21930 South Wilmington Avenue and 2061 East 220th Street, all in the City of Carson ("The
AL2 Properties")¹.

¹AL2 LLC understands that the proposed text amendment provisions regarding chain link
and metal fencing was not intended to apply to properties which are vacant or under construction.
However it appears that the proposed text does not say this with regard to industrial zones.
Instead it appears to provide that exceptions "can be made in conjunction with construction
activities for which a building permit was issued or development plan approved to prohibit
trespassing onto a vacant lot or if more than 25 feet from a public right-of-way and not
significantly visible to the public right-of-way as determined by the Planning Division." Thus
vacant lot property owners in commercial zones are exempt while vacant lot property owners in
industrial zones are not, which is essentially a form of spot zoning. The same is true for
properties where construction work is taking place. Furthermore the proposed language has some
inconsistencies and further should make it clear that all metal fences, not just those which are
comprised of "metal slats," should be exempt, whether in commercial or industrial zones as to
vacant lots and lots under construction.

City Clerk Donesia L. Gause
John Signo, City Planner
November 25, 2013
Page -2-

The properties are owned by AL2 LLC, a California limited liability company (formerly Alpert & Alpert Iron & Metal Company I, a California general partnership).

AL2 LLC respectfully requests that the Planning Commission reject proposed Zone Text Amendment No. 15-13. AL2 LLC bases its opposition and objections on the following, among other things:

1. The financial costs associated with the removal of the present chain link fencing/metal fences and the replacement of the current fencing within the commercial and industrial zones would be cost prohibitive, especially for large areas such as the AL2 Properties. AL2 LLC therefore opposes any restriction on the use of chain link/metal fencing.
2. Given the realities of the economic picture for the near future, locations with existing chain link/metal fencing within the commercial and industrial zones that have been in place for many years should be permitted at least a 7-10 year abatement period. This is not unreasonable given that zoning ordinances recognize that improvements erected within code standards at a substantial financial cost should be provided with at least a long life amortization or should be "grandfathered" and permitted to remain.
3. The Planning Commission should consider "grandfathering" existing chain-link fences/metal fences within the commercial and industrial zones since this approach is really the only reasonable approach. Property owners installed chain link/metal fences in good faith compliance with the law and City (and County) ordinances, and in the case of AL2 LLC with the full knowledge and agreement of the City of Carson.
4. Use of barbed, razor or similar wire is a necessary security item, regardless of the fencing material used, and should not be prohibited outright. Together with chain link/metal fences landowners are able to provide adequate security for their properties with low maintenance costs, especially because these fences are not prone to graffiti which plagues walls in the City.
5. The proposed zone text amendment would put an unreasonable financial burden on the property owners and businesses in the City, especially when weighed against the potential benefits within the commercial and industrial zones. Conditions in the City have not changed nor have new conditions arisen which justify the proposed zone text amendment.
6. Terms used in the proposed zone text amendment are vague and are susceptible to subjective interpretation and selective enforcement by the City. There are no protections provided to property owners to ensure there will not be selective enforcement by the City, either as to certain property owners or areas of the City.

City Clerk Donesia L. Gause
John Signo, City Planner
November 25, 2013
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7. AL2 LLC believe that fencing within the commercial and industrial zones which is not significantly visible to the public right-of-way, should be exempt. Furthermore the language " if visible from a major arterial or residential zone... should be defined. No guidance is given as to what is a "major arterial zone."

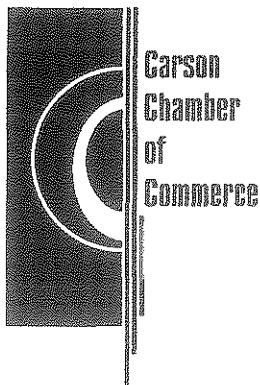
8. AL2 LLC believe the proposed amendment as written would be unconstitutional.

When the economy allows, AL2 LLC would like to have The AL2 Properties developed, and is hopeful that Carson will encourage such development and additional jobs in the City of Carson, and not penalize AL2 LLC in the meantime for using its best efforts to avoid trespassers onto its vacant land.

Sincerely,

Kaye E. Tucker
for the Firm

KET:dd
cc: City Clerk via email



November 25, 2013

Chief Pele Faletogo, Chair
City of Carson Planning Commission

Dear Chairman Faletogo and Planning Commission members:

The Carson Chamber of Commerce respectfully request that you postpone voting on Zone Text Amendment 15-13. This ordinance amendment would prohibit chain-link and barbed wire fences in commercial and industrial zones. We support the goal of the City of Carson to improve the visual quality of the community. However, before making this decision on how to reach this goal, we would appreciate the opportunity to participate in the crafting of this ordinance. Many Carson businesses have very specific security measures in place that were from the recommendation of the Department of Homeland Security and the Federal Bureau of Investigation.

We would be happy to meet with you, staff, and other members of the Planning Commission. Please let us know when would be an appropriate time to do so.

Sincerely,

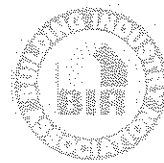
A handwritten signature in cursive script, appearing to read 'Walter W. Neil'.

Walter W. Neil

Chair

Carson Chamber of Commerce





Southern California
Los Angeles and Ventura
Counties Chapter

November 26, 2013

City of Carson Planning Commissioners

Charlotte Brimmer

ppl2100@aol.com

John C. Goolsby

Louie Diaz

Louiediaz@local848.net

Chairperson Loa Pele Faletogo

hc45loa@yahoo.com

Joseph Gordon

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Joseph Piñon

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Amador Saenz

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Janice Schaefer

jschaefer@ca.rr.com

Olivia Verrett

oliviaverrett@sbcglobal.net

Sheri Repp-Loadsman

srepp@carson.ca.us

701 East Carson Street

Carson, California

Re: Zone Text Amendment No. 15-13

Dear Planning Commissioners,

On behalf of the membership of the Building Industry Association of Southern California, Los Angeles/Ventura Counties Chapter, a trade association representing approximately 1000 members and their employees, I am writing you to request that the above item be continued until additional review and input is provided by the business community.

We can appreciate the spirit of the proposed ordinance which aims to improve the aesthetics of the City, however, the implementation may have some far-reaching unintended consequences affecting operations, safety, job retention and attraction for local businesses, utilities, etc. It is imperative that staff and stakeholders review this proposal carefully and collectively secure solutions to benefit the City and those who do business within the city.

We respectfully ask the Planning Commission delay action on this item until the business community and stakeholders have an opportunity to provide substantive input. I regret I am unable to attend this evenings Planning Commission meeting, but do hope we have an opportunity to further discuss this issue prior to moving it forward to the City Council. I can be reached at (661) 257-5046 x3 or at ssanchez@bialav.org to discuss this matter further.

Sincerely,

Sandy Sanchez

Sandy Sanchez

Director, Government Affairs



Shell Oil Products US

Supply & Distribution
20945 South Wilmington Avenue
Carson, CA 90810
Tel (310) 816 2318
Fax (310) 816 2147
Email Antonio.Fernandez@shell.com
Internet <http://www.shell.com>

Chief Pele Faletogo, Chair
City of Carson Planning Commission

November 26, 2013

Dear Chairman Faletogo and Planning Commission Members:

Shell Oil Products US wishes to address agenda Item 11 on the November 26, 2013 Planning Commission agenda. This is the proposed ordinance, No. 15-13, that would ban chain link fencing and barbed wire in the City of Carson. We fully support the goal of the City to improve the visual quality of the community. We want you to know that we are committed to the appearance of our facilities reflecting well on both Shell and the City. While visual quality is something we are committed to, safety and security are also important aspects of our commitment, and we would like you to consider those priorities as you deliberate on this matter.

The Carson Distribution Facility is a hub for Southern California fuel distribution. It has connections to all six area refineries, key fuel terminals in the area and a direct jet fuel pipeline to LAX. Shell maintains a secure perimeter around the property comprised of chain link fencing with barbed wire, security cameras, and Shell employees, including contracted security personnel closely monitor the facility 24 hours a day, every day of the year. In our view, this is critical to the safety of our facility and the public.

The Shell Carson Distribution Facility currently maintains landscaping along the facility perimeter that screens most views of the existing chain link/barbed wire fencing. Shell, working with the City, is currently preparing a Specific Plan entitled the "*Carson Revitalization Project*". The Specific Plan is expected to be distributed for public review in 2014 and be before the Planning Commission in late 2014. The draft Plan contains very specific and customized design standards that substantially enhance this landscaping and edge condition treatment. This Plan, when finalized, will carefully address both the security needs of the facility and the view to the facility by passersby and the adjacent neighborhoods (see attached examples from the draft documents; **Figures 5-28 and 5-29** from the draft Specific Plan and a **figure View 2** from the visual analysis section of the draft project EIR). We will continue to engage with federal security partners such as the Department of Homeland Security (DHS) and Transportation Security Administration (TSA) to insure that while the appearance meets the both the City's and Shell's desires, the level of protection is aligned with what is recommended and/or required by state and federal security guidelines.

We recommend that the proposed ordinance be amended to allow for alternate compliance solutions to be proposed as part of a Specific Plan, and if approved as part of the specific planning process, that alternate solution should be considered the standard for the applicable project under the new ordinance.

Specifically we request that the following sentence, or something similar, be added to the end of the paragraphs of the ordinance that address exceptions to the ordinance:

"Exceptions can also be made in conjunction with an approved Specific Plan that includes specific landscaping and fencing design standards for the project that address visual quality issues and also include enforceable mechanisms for the ongoing maintenance of such landscaping and fencing."

We are committed to our facilities looking nice and being a source of pride for both our employees and the community. We hope to be able to work with you to ensure that we can balance aesthetic needs with security needs, and I am convinced we can do this to everyone's satisfaction.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Antonio Fernandez".

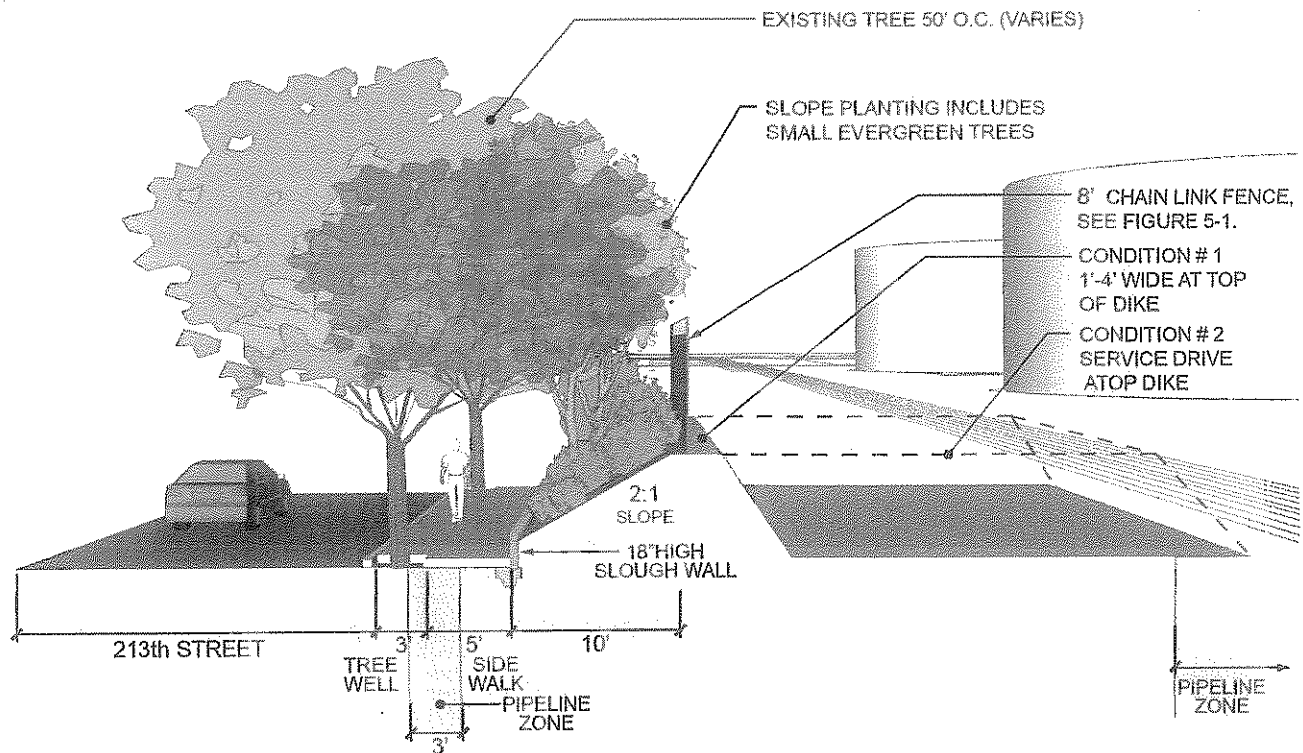
Antonio Fernandez
Facility Security Officer
Shell Oil Products US

attached Figures 5-28 and 5-29, View 2 Figure

Figure 5-28: Eye Level Perspective View of Proposed Improvements



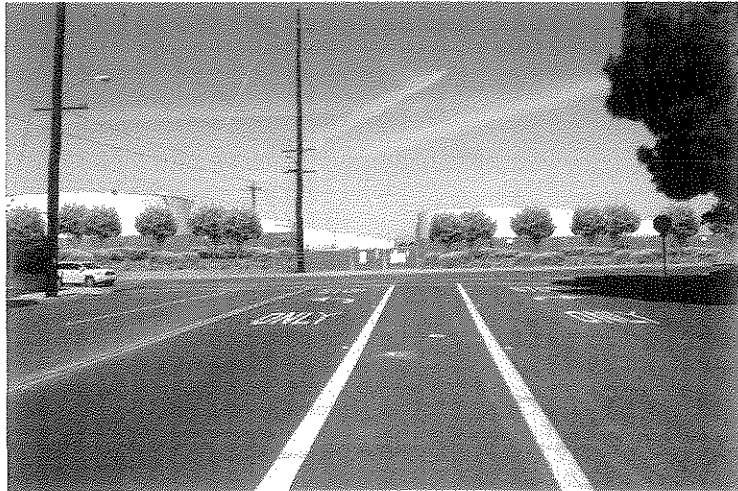
Figure 5-29: Proposed Section



VIEW 2 - NORTH FROM VERA STREET



EXISTING



YEAR 2017



YEAR 2030

November 26, 2013

VIA US MAIL & EMAIL

Mayor Jim Dear
City of Carson
701 E. Carson Street
Carson, California 90745

Re: Southern California Edison's Request for Clarification to
Ordinance Regulating Fencing

Dear Mayor Dear:

As you know, the City of Carson Planning Commission is evaluating an ordinance (the "Ordinance") that would prohibit the use of chain link fencing and barbed wire within certain areas of the City. The Ordinance recognizes that it does not apply in those instances where the City would otherwise be preempted. However, it is unclear to Southern California Edison ("SCE") whether the City intends to apply the Ordinance against existing or new SCE infrastructure that utilizes chain link fencing and/or barbed wire to secure our infrastructure. I have been informed that representatives of the City's staff have tentatively opined that the California Public Utilities Commission ("CPUC") does not regulate fencing and therefore the City may impose the new requirements. As set forth more fully below, SCE submits that the City is expressly and/or implicitly preempted from applying the Ordinance against SCE. To avoid confusion and needless disputes, SCE respectfully requests that the Ordinance be clarified to exempt publicly regulated utilities and utility infrastructure from the fencing prohibition.

As you know, SCE is a publicly regulated utility and is therefore subject to regulation by the CPUC. Pursuant to Article XII, Section 3 of the California Constitution, local governments "...may not regulate matters over which the Legislature grants regulatory power to the [CPUC]." The California legislature granted the CPUC the power to regulate utilities and to "...do all things...which are necessary and convenient in the exercise of [the CPUC's] power and jurisdiction." See Section 701, Public Utilities Code. Moreover, Section 761 of the Public Utilities Code states:

Whenever the [CPUC], after a hearing, finds that the rules, practices, equipment, appliances, facilities, or service of any public utility, or the methods of manufacture, distribution, transmission, storage, or supply employed by it, are unjust, unreasonable, unsafe, improper, inadequate, or insufficient, the [CPUC] shall determine and, by order or rule, fix the rules, practices, equipment, appliances, facilities, service, or methods to be observed, furnished, constructed, enforced, or employed....

(Emphasis added). Similarly, Section 768 of the Public Utilities Code states:

The CPUC may, after a hearing, require every public utility to construct, maintain, and operate its line, plant, system, equipment, apparatus, tracks, and premises in a manner so as to promote and safeguard the health and safety of its employees, passengers, customers, and the public. The commission may prescribe, among other things, the installation, use, maintenance, and operation of appropriate safety or other devices or appliances, including interlocking and other protective devices at grade crossings or junctions and block or other systems of signaling. The commission may establish uniform or other standards of construction and equipment, and require the performance of any other act which the health or safety of its employees, passengers, customers, or the public may demand....

(Emphasis added).

As the CPUC has assumed jurisdiction to regulate SCE's plant, equipment, and property (premises) the City is preempted from enforcing its own regulations against SCE. *See, e.g. San Diego Gas & Electric Co. v. City of Carlsbad*, 64 Cal. App. 4th 785 (Cal. App. 4th 1998). In that case, the City of Carlsbad attempted to regulate the method by which SDG&E disposed of dredged sand. The City unsuccessfully argued that it could regulate dredging because the CPUC had not developed specific dredging regulations. The court rejected this argument. The court stated in pertinent part, "[t]hat the PUC 'may' supervise and regulate every public utility in the state in a manner that is 'necessary and convenient' does not mean that if it does not expressly do so, a local entity may fill the breach with legislation that places a burden on the operation of utility facilities."

In the instant case, SCE has historically relied upon chain link fencing and barbed wire as a cost-effective method to secure our transmission, distribution, substation, and other properties. SCE respectfully submits that the use of fencing is an integral element of the policing of our premises. As set forth in Section 768 of the Public Utilities Code, the CPUC has been given jurisdiction to develop regulations as to the design and maintenance of our premises. The fact that the CPUC has not developed specific fencing standards does not, as a matter of law, constitute an invitation to local governments to supply their own.

Legal arguments aside, it is not SCE's intent to antagonize the City. SCE staff would be happy to discuss the manner by which we maintain our facilities with City staff. However, respectfully submits that the City is preempted from enforcing the Ordinance in its present form against SCE. To harmonize the Ordinance with California law, SCE respectfully request that publicly regulated utilities and government installations be expressly exempted from the Ordinance.

Thank you in advance for your consideration of our objections. We look forward to exploring an amicable solution to the instant dispute with City staff. In the interim, please feel free to contact me should you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Rothenberg', with a large, stylized initial 'M' and 'R'.

Mark A. Rothenberg

MR:yl:City of Carson re fence reg.docx

Wall Investments

20940 South Alameda St

Long Beach Ca. 90810

Penn Forest Products Inc.

20940 South Alameda St.

Long Beach Ca. 90810

Autumn Milling Co. Inc.

20930 South Alameda St.

Long Beach Ca. 90810

John F. Signo

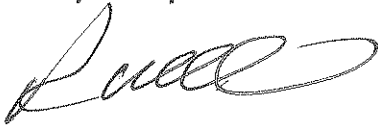
Senior Planner

City of Carson.

Objections to the proposed fence ordinance being considered by the Planning Commission.

- **Burglaries.** The use of Barbed Wire and Razor Ribbon is to hold down the numerous break-ins. This has been extremely effective.
- **Visibility.** The use of wood slats in chain-link fencing is to block visibility and avoid an attractive nuisance.
- **Alameda Corridor.** A significant portion of Chain-link fencing along Alameda Street was installed by the Corridor project. The City of Carson was a partner in this project. This ordinance would be countermanding one of the City of Carson's own initiatives.
- **Liability.** Fencing that would allow easier visibility and access to industrial properties, would create an attractive nuisance. This would mean extreme liability for the property owners and the City of Carson. The City of Carson's ordinance having created the Attractive Nuisance.
- **Graffiti.** The use of Chain-link fencing in front of buildings is to stop graffiti vandalism. If the chain link is removed the buildings would be covered with Graffiti. Graffiti is far more unattractive than Chain-link fencing.
- **Recession.** The City of Carson should be working hard, to find ways to help business succeed. Not finding ways to put additional burdens upon them during these extremely hard times.
- **Residential zone.** The residential zone contiguous to our property has numerous examples of Chain-link fencing. In fact many million dollar homes use Chain-link fencing.

Thank you for your consideration,

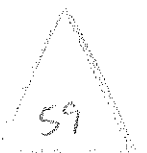


Robert R. Wall

PLANNING DEPARTMENT
(310) 952-1761

DEC 02 2013

CITY OF CARSON
701 E. CARSON ST.
CARSON, CA 90745



TUCKER LAW FIRM
9440 SANTA MONICA BLVD., SUITE 504
BEVERLY HILLS, CALIFORNIA 90210
TELEPHONE (310) 246-6600
TELECOPIER (310) 246-6622

KAYE E. TUCKER
ATTORNEY AT LAW

WRITER'S DIRECT DIAL NO.

REQUEST FOR CHANGE OF ADDRESS FOR ALL NOTICES FROM THE CITY OF
CARSON

December 10, 2013

Via Hand Delivery and Telecopier (310) 513-6243

City Clerk Donesia L. Gause
701 E. Carson St
Carson, CA 90745

Dear Ms. Gause:

This letter is a follow-up to the email sent to you on November 26, 2013, to which we received no response.

As mentioned in my email, my office represents AL2 LLC, a California limited liability company (formerly Alpert & Alpert Iron & Metal Company I, a California general partnership), the owner of 21900 South Wilmington Avenue, 21930 South Wilmington Avenue and 2061 East 220th Street, all in the City of Carson.

AL2 LLC is not receiving any notices from the City and our guess is they are being returned because they are being sent to an empty lot.

Can we change the address so that Notices can be received?

60

City Clerk Donesia L. Gause
December 10, 2013
Page -2-

Your property records probably still show Alpert & Alpert Iron & Metal Company I, as we just made the formal conversion to an LLC recently.

Notices should be sent to:

AL2 LLC
Alpert & Alpert Iron & Metal Company I
1815 South Soto Street
Los Angeles, California 90023
Attention: Howard Farber
Email: HFarber@alpertandalpert.com

Thank you.

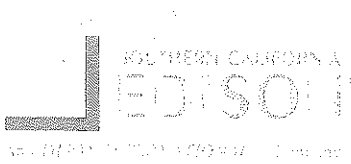


Kaye E. Tucker
For the Firm

dd/KET

D:/ALPERT.CARSONLETTER121013/D





RECEIVED
2013 DEC 31 AM 10:52
ENGINEERING SERVICES
CITY OF CARSON
Connie Turner
Region Manager
Local Public Affairs

December 30, 2013

Mr. John Signo, AICP
Senior Planner
City of Carson Planning Division
701 E. Carson Street
Carson, CA 90745

Re: City of Carson Ordinance Prohibiting/Eliminating Chain Link Fencing and Barbed Wire/Aesthetic Modifications to SCE Substations

Dear Mr. Signo:

Thank you and the City of Carson's staff for reviewing SCE's concerns regarding the City's proposed ordinance regulating fencing. As discussed previously, SCE believes that the City is expressly and/or impliedly preempted from regulating the design of SCE's substations and other operational facilities. It remains our hope that the City will therefore exempt SCE and other regulated utilities and governmental agencies from the scope of the ordinance so as to avoid future conflicts. Nevertheless, SCE staff agreed to meet with the City's staff at our substation sites to discuss aesthetic improvements that could be made to the substations. Unfortunately, the City's staff continue to press for the elimination of fencing material and their solution sets include wrought iron or other fencing replacement structures. As discussed with City staff in the field, there are design, safety, and cost restraints which preclude the elimination of the fencing and barbed wire. However, in the interest of compromise, SCE has offered the City the following:

1) At **Watson Substation** on the northern portion (E.Sepulveda Blvd) and eastern section (Adjacent right of away) of the Substation, CRE repair and, where needed, replace the older chain-link fence cover and install new chain-link fencing with slatted material. The existing strand of barbed wire will similarly be repaired and restrung along the the top of the fence. (Note the 5-strand is not negotiable due to security and safety)

The eastern section of the Substation remains open for consideration as to the addition of landscaping and irrigation. Please note that the immediately adjacent property is owned by the City of Carson. SCE may be willing to install landscaping and irrigation on the City's parcel provided that the City agree to maintain same.

The western section (Broad St) will have existing landscaping and vegetation addressed as needed via trimming or the adding of additional plant material. Please note that the southern section will not require any attention due to the fact it shares the property line with other commercial properties.

2) At **Neptune Substation** all four sides of this facility will have trimming or landscaping added, as needed. The section to the south of the substation will have added chain-link fencing, as needed, to separate and enclose to ensure there is a 10' buffer.(There will not be any R&R of chain-link due to landscaping being provided)

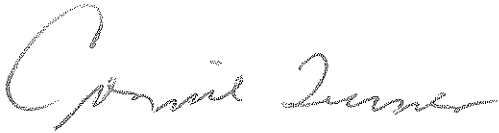
1924 E. Cashdan
Compton, CA 90220
(310) 608-5103 PAX 35103
Fax: (310) 608-3174
constance.turner@sce.com



For your convenience, I have also attached a photo of the new chain-link fence slatted material. Thank you for considering our proposal. We suggest an additional meeting to assist us in refining our fencing improvement plans.

Please feel free to contact us should you have any further questions or concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Connie Turner".

Connie Turner
Region Manager
Local Public Affairs

cc: Mayor Jim Dear
Councilwoman Lula Davis-Holmes
City Clerk Donesia Gause
City Planning Officer, Sheri Repp

Dark Blue

Redwood

Black

White

Forest Green

John Signo

From: Kaye E. Tucker <kaye@tuckerfirm.com>
Sent: Thursday, January 09, 2014 10:11 AM
To: John Signo; Sheri Repp
Cc: Howard Farber (Howard@alpertandalpert.com); Kaye E. Tucker
Subject: Fence Ordinance
Attachments: Summary_of_Ordinances_0114.pdf; Draft_Fence_Ordinance_ZTA_15-13.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Sheri and John:

Both during my telephone conversation with John and at our meeting, you stated that the proposed amendment as drafted has a mistake in it and that the industrial zones, as well as the commercial zones will automatically exempt construction sites and vacant lots.

As drafted, the proposed amendment does not provide any exception at all for vacant property in industrial zones and the zones (Commercial and Industrial) are treated differently.

In commercial zones the exemption for vacant lots and properties with construction activities are automatically, while with respect to properties in industrial zones, it not only appears to require permission from the City to be deemed exempt, but the exemption appears to only apply to properties with construction activities for which a building permit has been issued or a development plan approved.

While the summary appears to says both are automatically exempt, the proposed amendment language you provided does not.

Is this going to be revised before the hearing so that the proposed language will be the same as it now reads for the commercial zones as we discussed?

Section 3. Section 9146.29 (Encroachments) of Division 6 (Site Development Standards) of Part 4 (Industrial Zones) of Chapter I (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding the following underlined text under subsection F with all other text in the section remaining unchanged 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. Chain-link fencing or metal slats are prohibited if visible from a major arterial or residential zone, unless preempted by state or federal law. Exceptions to the use of chain-link fencing can be made in conjunction with construction activities for which a building permit was issued or development plan approved to prohibit trespassing onto a vacant lot or if more than 25 feet from a public right-of-way and not significantly visible as determined by the Planning Division. The use of barbed, razor or similar wire is prohibited if visible from a public right-of-way, unless preempted by state or federal law.

Section 2. Section 9136.3 of Division 6 (Site Development Standards) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson

Municipal Code is hereby amended by adding the following underlined text with all other text remaining unchanged, as follows:

Chain-link fencing or metal slats are prohibited, unless in conjunction with construction activities for which a building permit was issued or to prohibit trespassing onto a vacant lot or unless preempted by state or federal law. Use of barbed. razor or similar wire is prohibited.

Section L Section 9136.29 (Encroachments) of Division 6 (Site Development Standards) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding the following underlined text under subsection F with all other text in the section remaining unchanged as follows:



Chain-link fencing is prohibited, unless in conjunction with construction activities for which a building permit was issued or to prohibit trespassing onto a vacant lot, or unless preempted by state or federal law. Use of barbed, razor or similar wire is prohibited."

Section. 4. Section 9146.3 of Division 6 (Site Development Standards) of Part 4 (~~Industrial Zones~~) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding the following underlined text with all other text remaining unchanged, as follows:

4. Chain-link fencing or metal slats is prohibited if visible from a major arterial or residential zone, unless preempted by state or federal law. Exceptions to the use of chain-link fencing can be made in conjunction with construction activities for which a building permit was issued, to prohibit trespassing onto a vacant lot. or if further than 25 feet from a public right-of-way and not significantly visible to the public right-of-way as determined by the Planning Division. The use of barbed, razor or similar wire is prohibited if visible from a public right-of-way, unless preempted by state or federal law.

Looking forward to your response. Thank you.

Kaye E. Tucker, Esq.
Tucker Law Firm
9440 Santa Monica Blvd., Suite 504
Beverly Hills, California 90210
T: 310 246-6600
F: 310 246-6622

THIS COMMUNICATION CONTAINS INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IT IS AT ALL TIMES EXPECTED TO BE KEPT STRICTLY CONFIDENTIAL

From: John Signo [mailto:JSigno@carson.ca.us]
Sent: Wednesday, January 08, 2014 4:58 PM
To: John Signo
Subject: RE: Fence Ordinance

In preparation of the upcoming meetings, please see the attached summary and draft ordinance.

John Signo

From: Brock J. Dewey <bdewey@deweypest.com>
Sent: Friday, January 17, 2014 4:17 PM
To: John Signo
Cc: James Dear; Elito Santarina's Yahoo; Mike Gipson; Lula Davis-Holmes; Albert Robles; rneal@deweypest.com; tpage@deweypest.com; cdewey@deweypest.com
Subject: Zone Text Amendment Nos. 15-13 ~ Commercial and Industrial Fences

Dear Mr. Singo,

Our property is located at 21111 S Figueroa St, Carson, CA 90745. The Dewey family has owned this property since 1967.

Dewey Pest Control stores service vehicles and equipment overnight and on the weekends at this location.

We believe that our current chain link fencing with barbed wire does an excellent job; serving its intended purpose of protecting our property and enabling effective visibility from the street for crime prevention.

It is entirely unfair for the City of Carson to force us to comply within 3 years by replacing our current fencing at our expense.

The existing fencing is in excellent condition and serving its intended purpose well.

The fencing was in full compliance at the time of installation.

Zone Text Amendment Nos. 15-13 will have a real economic impact on us with minimal public benefit.

If you have any questions, please do not hesitate to contact us,

Brock J. Dewey, Executive Vice President Dewey Services, Inc., dba Dewey Pest Control
939 E Union St., Pasadena, CA 91106-1716
Office: (626) 568-9248 x713
Fax: (626) 568-9248



RECEIVED

2014 JAN 21 AM 10:55

ENGINEERING SERVICES
CITY OF CARSON

Autumn Milling Inc. Wall Investments Penn Forest Products
20940 So. Alameda St.
Carson Ca.

John F. Signo
Senior Planner
City of Carson.

Re: Real property known as 20940 South Alameda St. Carson Ca.

Objections to the proposed fence ordinance ZTA No. 15-13: being considered by the Planning Commission.

- **Recession.** As you know we are in the largest recession since the great depression. Our industry (wholesale Hardwood Lumber and milling) has experienced the worst five years in our history. We are struggling to survive.
- **Cost Prohibitive.** The cost to build an 8 ft. iron fence is approx. \$85.00 a lineal ft. That would be \$67,000.00 for our property. Not counting removal of the existing legally built fence.
- **Affordability.** We simply do not have the funds to comply with the proposed amendment.
- **Burglaries.** The use of Barbed Wire and Razor Ribbon is to hold down the numerous break-ins. This has been extremely effective.
- **Alameda Corridor.** A significant portion of Chain-link fencing along Alameda Street was installed by the Corridor project. The City of Carson was a partner in this project. This ordinance would be countermanding one of the City of Carson's own initiatives.
- **Liability.** Fencing that would allow easier visibility and access to industrial properties, would create an attractive nuisance. This would mean extreme liability for the property owners and the City of Carson. The City of Carson's ordinance having created the Attractive Nuisance.
- **Graffiti.** The use of Chain-link fencing in front of buildings is to stop graffiti vandalism. If the chain link is removed the buildings would be covered with Graffiti. Graffiti is far more unattractive than Chain-link fencing.
- **Discrimination.** The City of Carson is attempting to hold commercial and industrial properties to a higher standard on fencing, than Schools, City, County and State properties.
- **Legality.** We feel that this retroactive amendment is a violation of property rights.
- **Improper notification.** The legal owners of properties affected by this proposed ordinance were not properly notified. Sending a letter to the property address does not necessarily reach the owner. Not all owners occupy the property. It is the city's duty to contact owners by tax records. This would guarantee the owner of record would receive notification.

- **How would you like it?** How would you like it if someone handed you a letter telling you to remove your legally built fence and replace it with one that they like better. At your expense.

History of fencing at 20940 So Alameda St. Long Beach Ca. 90810, since 1949

- Chain-link. Numerous break-ins.
- Chain-link with redwood slats. Break-ins continued.
- Chain-link with Barbed wire. Vandalism and break-ins continued.
- Chain-link with Bougainvillea plants for aesthetic value. Neighbors dumped oil and other debris under the plants.
- Removed Bougainvillea plants and added blacktop to the area, for ease of clean-up. Break-ins and Vandalism continued.
- Chain-link with redwood slats, Barbed wire and razor ribbon. All break-ins stopped.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "R. Wall", written in a cursive style.

Robert R. Wall