



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

CONTINUED PUBLIC HEARING: February 11, 2014
SUBJECT: Zone Text Amendment No. 17-13
APPLICANT: City of Carson
REQUEST: Consider an ordinance amendment to the fence standards for residential 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

On December 10, 2013, the Planning Commission held a public hearing and continued the item to February 11, 2014 to allow further outreach to residents.

In the summer of 2013, the Planning Commission held a series of workshops to consider development standards for fences located in residential, commercial and industrial zones. For the sake of efficiency, the issue on fences has been divided into two zone text amendments (ZTAs) to allow commercial and industrial zones to be considered independently from residential zones.

At the last meeting on January 28, 2014, the Planning Commission continued ZTA No. 15-13 regarding commercial and industrial fences indefinitely. At this meeting, Mayor Dear expressed his interest in having the Planning Commission continue the public hearing on commercial and industrial chain link fences and stated his intent was not to restrict chain-link fences in residential areas.

II. Background

On December 18, 2012, an agenda item was presented to the City Council to study the use of chain-link fencing on private property in residential, commercial and industrial zones. 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 City Council referred this matter to the Planning Commission with direction to evaluate existing development standards related to fencing materials and initiate an ordinance amendment, as deemed necessary, to provide adequate regulations.

On August 13, September 10, September 24, and October 8, 2013, the Planning Commission held workshops to discuss the City's requirements on fences, the use of chain-link fences and barbed wire in commercial and industrial zones and the impact of chain-link or excessive height fences in residential zones. On November 26, 2013, the Planning Commission held the first public hearing focused on commercial and industrial zones (ZTA No. 15-13). The Planning Commission took public testimony, deliberated, and continued the public hearing to January 28, 2014. Similarly, on December 10, 2013, the Planning Commission held a public hearing on residential fences and continued the public hearing to February 11, 2014. The Planning Commission directed staff to do further outreach to residents. Subsequently, notices were posted on the City's website and local cable channel.

III. Analysis

During the workshops and public hearing process, the Planning Commission has considered various factors related to potential regulation of chain link fences and other development standards associated with fences or walls within the front yard setback or adjacent to a public right of way. Staff has identified that the use of chain link in residential zones is prevalent in certain neighborhoods and quality or maintenance standards vary greatly. While there is clearly a public interest in establishing better development standards related to fence materials, the Planning

Commission must weigh the impacts and benefits associated with a potential restriction on the use of chain link. The Planning Commission may not want to pursue the restriction of chain-link fences in residential areas. However, staff still recommends that the Planning Commission consider certain changes to the fence standards that would allow many residential front yard fences to come into compliance. The following are items that the Planning Commission should consider:

Nonresidential Uses in a Residential Zone – Certain nonresidential uses that are often unmanned, such as utility substations and agricultural land, often require a higher level of security. Staff believes some of these fences could be upgraded to a more aesthetically-pleasing standard that would still provide adequate security. However, in areas where removal of chain-link or barbed wire would be difficult, the Planning Commission should consider the appropriateness of allowing chain-link and barbed wire subject to approval of a development plan demonstrating compatibility with the existing and anticipated development in the area. This includes nonresidential areas that are properly landscaped where the appearance of chain-link and barbed wire would be minimal. Staff recommends an ordinance amendment to require approval of a development plan pursuant to CMC Section 9172.23 if chain link fencing and/or barbed wire are proposed or utilized.

Increase Front Yard Fence Height – Planning and Code Enforcement staff have observed that there are many single-family homes that have front yard fences in excess of 42 inches in height. A review of various neighborhoods indicates that the vast majority of these excessive height front yard fences are 48 inches in height or less. It is staff's opinion that the maximum front yard fence height be increased to 48 inches. According to the City Traffic Engineer, any fence above 42 inches in height abutting a street could impair visibility for vehicles backing out of a driveway. Therefore, any portion of a fence above 42 inches should be open and not obscure more than 10 percent of the area in the vertical plane. Staff recommends an ordinance amendment to facilitate the necessary changes in fence heights and development standards.

Measurement of Height – At the previous meeting, Commissioner Piñon raised the concern of fences appearing taller than the height standard. Currently, Section 9126.3 of the CMC reads, "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." This allows residents to backfill behind a front yard wall so that the wall appears taller from the street. This is not the intent of the CMC, which is to accommodate fences or walls on a slope. It is staff's opinion that this section be revised so that residents that backfill a front yard fence or wall cannot have a higher fence.

IV. Conclusion

The fence standards in the Carson Municipal code were developed in the 1970s and based on standards from Los Angeles County. It is necessary for cities to occasionally update their code to address changing times. It is the purview of the Planning Commission to consider if changes to the fence standards are appropriate

Planning Commission Staff Report

ZTA No. 17-13

February 11, 2014

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for residential front yard fences. If the Planning Commission wishes to maintain the status quo for fence material, staff advises the Planning Commission to still increase front yard fence height to four feet and address the method in which to measure fence height in an ordinance amendment. Increasing the fence height would make many residential front yard fence heights conforming. Additionally, clarifying the method in which to measure fence height would ensure that fences do not appear excessive in front yards when viewed from the street.

V. Recommendation

Staff recommends that the Planning Commission choose one of the following options:

1. OPEN the public hearing and TAKE public testimony; and
CONTINUE this item indefinitely.
2. OPEN the public hearing and TAKE public testimony;
DIRECT staff to draft an ordinance amendment that increases the front yard fence height to four feet and clarifies the method in which to measure fence height; and
CONTINUE this item to March 25, 2014.
3. OPEN the public hearing and TAKE public testimony;
DIRECT staff to return with the original proposed ordinance amendment that restricted fence height in the front yard among other things; and
CONTINUE this item to March 25, 2014.
4. OPEN the public hearing and TAKE public testimony;
TAKE another action the Planning Commission deems appropriate.


VI. Exhibits

1. City Council staff report dated December 18, 2012
2. Planning Commission staff report dated December 10, 2013 (without exhibits)
3. Excerpt from the Planning Commission minutes of August 13, September 10, September 24, October 8, and December 10, 2013

Prepared by:


John F. Signo, AICP, Senior Planner

Reviewed and Approved by:


Sheri Repp Loadsman, Planning Officer



City of Carson Report to Mayor and City Council

December 18, 2012
New Business Consent

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.

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

TU: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.





CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: December 10, 2013
SUBJECT: Zone Text Amendment No. 17-13
APPLICANT: City of Carson
REQUEST: Consider an ordinance amendment to prohibit chain-link, barbed wire, and other types of material in residential zones
PROPERTIES INVOLVED: Citywide

COMMISSION ACTION

☐ Concurred with staff
☐ Did not concur with staff
☐ Other

COMMISSIONERS' VOTE

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



I. Introduction

The Planning Commission has held a number of workshops to consider development standards for fences located in residential, commercial and industrial zones. For the sake of efficiency, the issue on fences has been divided into two zone text amendments (ZTAs) to allow commercial and industrial zones to be considered independently from residential zones. At the last meeting on November 26, 2013, the Planning Commission focused on fences in commercial and industrial zones (ZTA No. 15-13). The item tonight, ZTA No. 17-13, will focus on residential fences.

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 and similar materials was also discussed.

Table 1 summarizes the proposed ordinance amendment.

Table 1: Summary of Ordinance No. 17-13

| | |
|-------------------|---|
| Residential Zones | Maximum front yard fence height increased from 3½' to 4' Any portion above 3½' must be open and not obscure more than 10 percent of the area in the vertical plane |
| | Chain-link fencing prohibited in front yards and yards abutting a public street Exceptions: Construction activities Vacant properties State or federal law preempts CMC |
| | Barbed, razor or similar wire prohibited |
| | Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials prohibited unless designed with proper recycled material |
| | <u>Maintain</u> in good condition <u>Prevent</u> sagging and weathering <u>Repair</u> fence or wall leaning more than 20 degrees from vertical |
| Abatement Period | 3 years to comply (included in ZTA No. 15-13) |

II. Background

At the request of Mayor Dear an agenda item was presented to the City Council on December 18, 2012 to study the use of chain-link fencing on private property. 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 City Council referred this matter to the Planning Commission and requested consideration to eliminate or restrict the use of chain link fence materials.

On August 13, September 10, September 24, and October 8, 2013, the Planning Commission held workshops to discuss the City's requirements on fences, the use of



chain-link fences and barbed wire in commercial and industrial zones and the impact of chain-link or excessive height fences in residential zones. At the last meeting on November 26, 2013, the Planning Commission held the first public hearing which focused on commercial and industrial zones (ZTA No. 15-13). The Planning Commission took public testimony, deliberated, and continued the public hearing to January 28, 2014.

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 a 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.

In 2002, the building code was amended 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 do not have a building permit. As such, it is difficult to determine the actual construction date for chain-link fences.

Fence Height in Residential Zones

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

According to the City Traffic Engineer, any fence above 42 inches in height abutting a street could impair visibility for vehicles backing out of a driveway. Thus, any portion of a fence above 42 inches should be open and not obscure more than 10 percent of the area in the vertical plane.

No changes are proposed for fences or walls in the rear yard or interior side yard (not along a public street). The rear and interior side yard requirement for fences and walls will remain at 6 feet in height.

Chain-link Fencing

In the City of Carson, fence material is primarily regulated during the DOR or specific plan process. Since most residential properties are not subject to a DOR or specific plan, most fences go unregulated. In some neighborhoods, front yard fences have

become common with fencing material ranging from chain-link to decorative block and wrought iron.

The CMC does not currently restrict the use of chain-link fencing in residential zones. It is staff's policy to allow chain-link fencing during construction activities or to secure vacant properties due to safety concerns, loitering, and dumping. However, many single-family properties are not restricted to the type of material because the CMC allows for ministerial review and not discretionary. Since chain-link fences tends to be less durable, older chain-link fences that have not been maintained tend to be rusted and in bad condition. Chain-link that is visible from the public right-of-way often contributes to poor aesthetic quality and can appear blighted if not maintained.

It is important to note that the proposed ordinance does not affect chain-link fences in the rear or interior side yard. The restriction on chain-link fences will only apply to fences along a public street. Residents would still be able to keep interior chain-link fences in the back and side yards if not visible from the street.

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, locations that contribute to excessive fence heights, and proliferation. It is generally viewed that barbed wire and similar materials are inappropriate for residential areas. Since the CMC is silent on the use of barbed wire and similar materials, the Planning Commission should consider specifically prohibiting the use in residential zones.

III. Analysis

Survey of Other Cities

Staff has researched the standards of 16 neighboring jurisdictions in the South Bay for height, material, usage of chain-link, and visibility in the front yard of a residential zone. The 16 jurisdictions include:

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

The survey showed that 10 of the 16 cities restrict the use of chain-link fencing and many require the use of decorative material such as stone, brick, rock, block, wood, tubular steel or wrought iron. The full results are included in Exhibit 4 and summarized in Table 2.

TABLE 2 – SURVEY OF RESIDENTIAL FRONT YARD FENCES

| | | |
|--|----|--|
| Cities that restrict fence height to 3½ feet or less | 10 | Gardena, Lomita, Rolling Hills Estates, Rolling Hills, Rancho Palos Verdes, Palos Verdes Estates, Redondo Beach, Hermosa Beach, Manhattan Beach, El Segundo |
| Cities that allow fences to be 4 feet or higher | 6 | Inglewood, Hawthorne, Lawndale, Torrance, City of LA, County of LA |
| Cities that restrict chain link | 10 | Hawthorne, Gardena, Rolling Hills Estates, Rancho Palos Verdes, Palos Verdes Estates, Torrance, Redondo Beach, Hermosa Beach, City of LA, County of LA (partially) |

Based on Table 2, the City of Carson could consider increasing the fence height to four feet similar to the cities of Inglewood, Hawthorne, Lawndale, Torrance, Los Angeles, and the County of Los Angeles. This would make many of the existing fences conforming to the new fence height requirement.

Barbed Wire and Inappropriate Fence Material

During the workshops, the Planning Commission requested that the proposed ordinance amendment prohibit the use of barbed wire and similar materials in residential zones.

Apart from the use of chain-link fences, staff also observed the unsightliness of 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 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 result in code enforcement action.

Enforcement

This ordinance amendment prohibiting chain-link fences, barbed wire, and similar materials will impact a number of residential properties with existing fences that will become legal, nonconforming. Rather than immediate abatement, it is the City's practice to allow an amortization period for owners to come into compliance. The proposed ordinance amendment provides a three year period for property owners to comply with the new standards. During that amortization period, the City will send courtesy notices to affected property owners for instructions on how to comply. The Code Enforcement Division will also be requested to assist in providing notice to impacted property owners in advance of the deadline.

15

Non-Residential Uses

Staff has identified a number of non-residential uses located in a residential zone. These uses include: Color Spot Nursery at 321 W. Sepulveda Boulevard in the RA (Residential, Agriculture) zone; the Southern California Edison (SCE) substation located at Grace and 220th Street; and a number of churches. The Planning Commission should consider if it is appropriate for these uses to maintain a six-foot-high chain-link fence along a public street. The proposed ordinance amendment allows these uses to retain chain-link if approved by the Planning Commission through the Site Plan and Design Review process discussed in Section 9172.23 of the CMC.

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 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 increasingly blighted 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 development within the community.

It should be noted that the proposed ordinance does not require the replacement of chain-link fences with more expensive material. Instead, property owners can remove chain-link fences and maintain an open yard similar to the many unfenced residential properties found throughout the City.

Recommendation

That the Planning Commission:

- OPEN the public hearing and TAKE public testimony;
- RECOMMEND to the City Council approval of Zone Text Amendment No. 17-13; 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. 17-13 REGARDING AN ORDINANCE AMENDMENT TO INCREASE THE MAXIMUM FRONT YARD FENCE HEIGHT AND PROHIBIT THE USE OF CHAIN-LINK FENCING, BARBED WIRE, AND OTHER MATERIALS UNDER CERTAIN CIRCUMSTANCES IN RESIDENTIAL ZONES."

V. Exhibits

1. Proposed resolution
2. Proposed ordinance amendment
3. City Council staff report dated December 18, 2012
4. Excerpt from the Planning Commission minutes of August 13, September 10, September 24, and October 8, 2013
5. Survey of residential fences in other cities

Prepared by:


John F. Signo, AICP, Senior Planner

Reviewed and Approved by:


Sheri Repp Loadsman, Planning Officer

12. **NEW BUSINESS DISCUSSION** (12A was considered out of Agenda order)

B) Workshop on fences

Applicant's Request:

The applicant, city of Carson, is requesting the Planning Commission discuss and consider issues dealing with chain-link fencing and nonconforming front yard fence height for properties citywide.

Staff Report and Recommendation:

Senior Planner Signo presented staff report and the recommendation to CONSIDER and DISCUSS the information provided for in this workshop; and DIRECT staff to prepare an ordinance amendment.

Vice-Chair Verrett asked who is responsible for the dilapidated fencing along parts of the 91 Freeway in Carson.

Public Safety Services Manager McKay stated that staff will look into what is the responsible agency, suggesting it likely is Caltrans.

Senior Planner Signo commented on staff currently working with Caltrans for needed landscaping upgrades on Caltrans properties in the city.

Commissioner Gordon expressed his belief that more information is necessary, questioning if staff is proposing that residents remove their fences if they do not comply with code; stated he'd like more information on enforcement endeavors, questioning if this would be citywide; and asked how staff is proposing to address the current nonconformities.

Commissioner Diaz stated that he'd like to see more information on what the costs will be for the residents to come into conformance; stated he is not opposed to chain link as long as it is properly maintained; and expressed his belief the requirement for fencing height should be higher, suggesting 48 inches.

Commissioner Saenz noted his support of requiring a permit throughout the city, stating he would not support an excessive fee; stated he does not support chain link fencing in the front yard setback; and stated that the height limit should be increased to at least 48 inches.

Commissioner Schaefer stated she'd like to see no fences, questioning why they are erected in residential areas.

Public Safety Services Manager McKay stated fences provide residents with privacy, protection, etc.; and explained that this is a huge code enforcement problem in Carson; and noted his agreement with putting a permit process in place going forward. He stated that some chain link fencing is in poor condition and that weeds/grass become unsightly at the bottom of the fencing.

Commissioner Gordon questioned how staff plans to get the word out and educate the residents.

EXHIBIT NO. 03

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Public Safety Services Manager McKay stated a lot of it would be by word of mouth; that it can possibly be set up in certain zones, but pointed out it will take a lot of time and effort to educate the public about a new process/procedure.

Commissioner Brimmer questioned how staff plans to deal with design review and achieving continuity; and expressed her belief more workshops are necessary on this subject matter.

Commissioner Saenz suggested an article could go into various city publications, newspapers, and handouts to contractors who come to the counter.

Commissioner Schaefer stated she'd like to see comparisons of how other cities are handling this issue.

Senior Planner Signo stated that staff can do an inventory of what is currently in place in the city.

Planning Commission Decision:

It was the consensus of the Commission to return this discussion to the next Planning Commission meeting, directing staff to survey how other cities manage residential fencing requirements and to bring other alternatives back for the Commission to consider.

13. WRITTEN COMMUNICATIONS None

14. MANAGER'S REPORT

Senior Planner Signo asked that Commissioners contact staff about the scheduling for the Goodyear Airship excursion over Carson.

Senior Planner Signo advised that City Council approved the Bike Master Plan and the Kinder Morgan project; advised that a new City Manager, Sam Ghaly, has been hired; and noted that the August 27, 2013, Planning Commission meeting will be dark.

15. COMMISSIONERS' REPORTS

Senior Planner Signo noted for Commissioner Goolsby that the funding has been secured for the Broadway Street improvements.

Commissioner Piñon requested an update on the development of The Boulevards at South Bay.

Commissioner Diaz invited everyone to attend the annual Labor Day event at Banning Park on September 2, 2013, celebrating labor solidarity; advised that the event is fully funded by the labor organizations; and stated there will be live entertainment and food.

Commissioner Goolsby commended Vice-Chair Verrett on her leadership of this evening's Planning Commission meeting.

12. NEW BUSINESS DISCUSSION

A) Workshop on fences

Applicant's Request:

The city of Carson, Planning division, is requesting the Planning Commission discuss and consider issues dealing with chain link fencing and nonconforming front yard fence height for properties citywide.

Staff Report and Recommendation:

Senior Planner Signo presented staff report and the recommendation for the Planning Commission to CONSIDER and DISCUSS the information provided for in this workshop; and DIRECT staff to prepare an ordinance amendment.

Commissioner Diaz stated that he concurs with staff in not allowing barbed wire unless it is in an industrial area and not visible from the street; stated he would like to grandfather the nonconforming front setback fences in residential areas; and that he would support a permit process going forward.

Commissioner Gordon asked how all this will be enforced; addressed his concern with being consistent; stated he would support a nominal permit fee; and he asked what the effect will be of implementing this ordinance amendment.

Commissioner Brimmer stated she would support a permit fee.

Chairman Faletogo agreed with staff that no barbed wire should be permitted in residential areas; and stated he would support a \$25 to \$30 permit fee.

Vice-Chair Verrett agreed that no barbed wire should be permitted in residential areas, but that it should be permitted in commercial areas with some limitations; stated that chain link fencing should not be permitted in residential areas; noted her support of grandfathering in the existing fences; and stated she is in support of a permit process.

Commissioner Saenz stated that chain link fencing and barbed wire should not be allowed in residential areas or commercial areas, believing it lowers property values.

Commissioner Gordon noted his concern with implementing a new process and the residents being aware of the changes in code; and stated that he is opposed to selective enforcement because of various groups/residents' complaints of enforcement attempts. He noted his opposition to barbed wire in residential areas.

Commissioner Diaz asked what staff is suggesting for existing noncompliant fencing.

Senior Planner Signo suggested that staff could do an inventory of all existing fencing and provide an amortization period to take down any noncompliant fencing or to grandfather in the existing noncompliant fencing conditions.

Chairman Faletogo suggested the residents could be given 18 months to adjust to the new ordinance and noted his support of increasing the allowable height to 48 inches.

Commissioner Brimmer noted her support of staff's recommendation on Triangle Page No. 4, giving the residents one year to 18 months to comply; to implement a \$25 permit fee; to increase the fence height to 48 inches; and to support administrative review of chain link fencing in good repair.

Commissioner Diaz thanked staff for bringing forth this additional information/input.

Planning Commission Decision:

It was the consensus of the Commission to continue discussion of this matter to a future Planning Commission meeting.

13. WRITTEN COMMUNICATIONS None

14. MANAGER'S REPORT

- Broadway Improvements project, estimated start of construction is March 2014, estimated completion in June 2014
- The Boulevards at South Bay presentation, September 24, 2013 Planning Commission meeting

15. COMMISSIONERS' REPORTS

Commissioner Diaz thanked staff for facilitating an educational ride on the Goodyear Airship and thanked Senior Planner Signo for his informative narration during the flight.

Commissioner Saenz asked if the existing Kellogg's sign should have been removed with the closure of that business.

Commissioner Brimmer expressed her opinion that this Commission needs to do a better job in addressing all the concerns of those individuals who speak at these meetings.

Commissioner Goolsby thanked staff for the experience aboard the Goodyear Airship.

Chairman Faletofo thanked all for their efforts this evening.

16. ADJOURNMENT

At 10:12 P.M., the meeting was formally adjourned to Tuesday, September 24, 2014, 6:30 P.M., City Council Chambers.

Chairman



12. NEW BUSINESS DISCUSSION (12A considered out of agenda order)**B) Workshop on fences**Applicant's Request:

The city of Carson is requesting the Planning Commission discuss and consider issues dealing with chain-link fencing and nonconforming front yard fence height for properties citywide.

Staff Report and Recommendation:

Recommendation to CONSIDER and DISCUSS the information provided for in this workshop; DIRECT staff to prepare an ordinance amendment.

Planning Commission Decision:

Due to the late hour, this matter was continued to a future Planning Commission meeting. Planning Officer Repp noted that a public hearing process would be initiated in order to move this issue forward and noted that the Mayor had expressed an interest in the matter being addressed.

13. WRITTEN COMMUNICATIONS None**14. MANAGER'S REPORT**

Planning Officer Repp noted for Commissioner Saenz that Kellogg's does have a current business license on record; and she provided a status report on the Carousel tract activities.

15. COMMISSIONERS' REPORTS

Commissioner Piñon stated he attended the West Nile Virus forum, noting there is an educational bug mobile that visits schools.

Commissioner Diaz stated he attended the first Active Transportation Plan, Healthy Eating Active Living (HEAL) Community Advisory Board meeting.


Commissioner Schaefer stated she is very pleased with the theater coming to the South Bay Pavilion.

Commissioner Saenz stated that some residents would like to see a faster cleanup of the businesses along Main Street near Torrance Boulevard.

Chairman Faletogo thanked everyone for their efforts this evening.

16. ADJOURNMENT

At 10:17 P.M. the meeting was formally adjourned to Tuesday, October 8, 2013, 6:30 P.M., City Council Chambers.



12. NEW BUSINESS DISCUSSION**A) Workshop on fences**Applicant's Request:

The applicant, city of Carson, is requesting the Planning Commission discuss and consider issues dealing with chain-link fencing, nonconforming front yard fence height, and requirement of a fence permit for properties citywide.

Staff Report and Recommendation:

Senior Planner Signo presented staff report and the recommendation for the Planning Commission to CONSIDER and DISCUSS the information provided for in this workshop; and DIRECT staff to prepare with separate ordinance amendments for residential fences and commercial/industrial fences.

Commissioner Gordon stated that the enforcement should be across the board no matter how much one party complains about the enforcement.

Commissioner Goolsby suggested that the chain-link fencing in poor condition should be able to be painted. He expressed his belief that requiring homeowners to tear down perfectly maintained front yard fencing will create anger and be problematic for City Hall staff/elected officials.

Commissioner Brimmer stated that no matter what is done, not everyone will be happy with a change; and she expressed her preference to not allow any front yard fencing higher than 3 ½ feet. She stated she'd like a poll of the residents on their opinions about front yard fencing materials and height. She pointed out that some residents won't be able to afford fixing/altering their fences.

Commissioner Saenz noted his preference for no residential chain-link fences, stating the residents be given up to 18 months to remove them.

Commissioner Schaefer noted her support for increasing the height of front yard fencing to 48 inches; and to prohibit chain-link fencing and barbed wire in residential areas.

Vice-Chair Verrett suggested grandfathering in existing front yard fences.

Commissioner Schaefer pointed out there is a huge number of front yard fences in this City and expressed her belief that more than 18 months would be needed to gain compliance, suggesting that timeframe be doubled.

Commissioner Goolsby noted his preference to grandfather in the existing front yard fences and increasing the allowable height to 48 inches going forward.

Senior Planner Signo expressed his concern with the potential for special privilege claims, believing it may become problematic for the City with grandfathering in existing fences.

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Commissioner Gordon stated that the Commission should narrow this down to only front yard chain-link fencing; that the fencing be taken down within 18 months; and that the height limit should be increased to 48 inches.

Commissioner Brimmer reiterated her preference to poll the community on this subject, believing this effort to have residents taking down their fences will become very problematic.

Commissioner Gordon noted his preference to set this for public hearing to see what the residents have to say.

Commissioner Saenz noted his preference to increase the height to 48 inches; to not allow chain link in the front yard setback; and to forward this matter to City Council.

Commissioner Brimmer reiterated the importance of community outreach.

12. NEW BUSINESS DISCUSSION

B) Carson Street Master Plan Street Improvements

Associate Planner Naaseh presented staff report.

Planning Commissioner Saenz suggested street name signage be located on the median strips along Carson Street.

The majority of the Commission preferred that the bike sharrows be painted in white and that all bus shelters have side panels.

Associate Planner Naaseh noted for Commissioner Brimmer that the City will bear the cost of maintenance.

Commissioner Gordon suggested that instead of advertisements on the bus shelter panels, that historical information about Carson be erected.

Commissioner Brimmer commented on the amount of money generated by advertisements at bus shelters.


The Commission asked that this evening's power point presentation be emailed to them and thanked staff for a thorough presentation.

13. MANAGER'S REPORT

- Cancellation of the December 24, 2013 Planning Commission meeting
- Carson Healthy Eating Active Living (Heal) Initiative Survey

14. COMMISSIONERS' REPORTS

Vice-Chair Verrett welcomed Alternate Planning Commissioner Akametalu to the meeting.



11. PUBLIC HEARING

js B) Zone Text Amendment No. 17-13

Applicant's Request:

The applicant, city of Carson, is requesting the Planning Commission consider an ordinance amendment to prohibit chain-link, barbed wire, and other types of materials in residential 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. 17-13; 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. 17-13 regarding an Ordinance Amendment to increase the maximum front yard fence height and prohibit the use of chain-link fencing, barbed wire, and other materials under certain circumstances in residential zones."

Commissioner Schaefer asked how the residents were notified of this meeting, noting there is a small number of people present in the audience.

Senior Planner Signo highlighted the legal requirements for posting in the adjudicated newspaper, which is *Our Weekly*, advising that the city of Carson had been ordered by the court to post its legal notices in this newspaper.

Commissioner Schaefer stated she has never heard of the *Our Weekly* newspaper.

Planning Officer Repp explained that prior to that publication company taking the City to court, the City utilized the *Daily Breeze* for its legal notices; and pointed out that the City also posted this meeting in the 2013/2014 Winter Issue of the Carson Reports (page 5), which gets delivered to every Carson residence.

Commissioner Schaefer stated that those efforts have failed to get people to this meeting and that something else needs to be done to get the residents to a public hearing that will have a large impact throughout the city.

Commissioner Gordon noted his concern with the lack of people present, pointing out this amendment will have an effect on a lot of people in this city; and asked for an explanation on the process the City will utilize to enforce this ordinance amendment should it pass.

Senior Planner Signo stated that a notice will be mailed to each homeowner, likely giving them a 3-year abatement process; that if compliance is not obtained through that



notice after 3 years, those residents will be cited by code enforcement personnel, pointing out the City has a limited code enforcement team; and that if compliance is still not met, those residents will be referred to the City Prosecutor's Office for noncompliance and eventually to court to get full compliance. He noted the importance of compliance being successfully accomplished across the board for those properties with noncompliant fencing; and he added this will be a difficult and costly task.

Commissioner Gordon asked if the City is prepared and willing to carry through with its enforcement efforts should this amendment be adopted. He stated that his biggest concern in adopting this type of ordinance amendment is for it to have enough teeth and follow-through that allows for comprehensive and fair enforcement to everyone with a nonconforming fence. He added that businesses located in the residential areas shouldn't have to remove their fences unless the residents also have to, all or none.

Chairman Faletogo stated this is going to be an important and costly process that will impact a lot of residents, pointing out the limited number of people in the audience; and he suggested opening the public hearing, taking testimony of those present, then continuing this item to January 28, 2014.

Vice-Chair Verrett stated that notice should go into a newspaper of wide circulation in this community and not solely rely on such limited circulation with the *Our Weekly* paper.

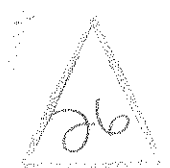
Planning Officer Repp stated that staff could do a courtesy notice in the *Daily Breeze* as an extra notice, but pointed out that in her experience, people typically don't read legal notices; and stated that the strongest form of advertising for this meeting was the City's Carson Reports. She added that the Planning Department does not have the budget to send a notice to every homeowner.

Chairman Faletogo suggested using donated billboard time to advertise this effort.

Commissioner Brimmer stated that discussion is needed to figure out a better way to more effectively disseminate information to the City's residents and property owners.

Chairman Faletogo opened the public hearing.

Steven Rajagh, resident, stated that a fence is necessary for his property because of stray dogs and coyotes, noting he has pets and a garden he needs to protect. He advised that prior to erecting his chain-link fence, he had a wooden fence that was constantly being tagged with graffiti. He added that he lives two blocks away from StubHub and has cars and people constantly circling around his neighborhood. He pointed out that gangs are rampant in this area, routinely chasing kids through their yards; and he reiterated his need to secure his property. He stated that he cannot afford to erect another fence and that he believes this effort will be burdensome on this City's residents who are already struggling in this poor economy. He expressed his opinion it is disingenuous to notify the residents through a newspaper that has very limited circulation in this community.



Daniel Copeland, resident, noted his opposition to this effort, stating that rusted chain-link fencing can easily be painted; and he stated that the City should be concentrating its efforts on cleaning up the blighted areas in this community.

George Loewy, Dominguez Homeowner's Association (HOA) member, stated that he roughly estimates at least 50 percent of the homes in this neighborhood have noncompliant fences; stated there needs to be more community involvement before this is voted upon; and invited staff to make a presentation before his HOA. He suggested that the Municipal Code be amended to allow higher fences; and he stated that the City should make the investment to send a letter to each homeowner and property owner of this effort.

Commissioner Goolsby suggested that the residential and the commercial fence hearings be held separately.

Planning Officer Repp stated that if it is the intent of the Commission to carry forward with an amendment, she could request the *Daily Breeze* write an article on the City's plans. She added that notices can be sent to the homeowner associations again, urging each association to provide further outreach to their members.

Chairman Faletogo suggested possibly conducting a survey to determine exactly how many fences are out of compliance.

Commissioner Schaefer requested that notice of the public hearing be placed at all the parks; and that the public hearing be announced on the City's cable stations and placed on the City's website.

Chairman Faletogo moved, seconded by Vice-Chair Verrett, to continue this matter to February 11, 2014. This motion carried, 7-0 (absent Commissioners Brimmer and Diaz).

12. NEW BUSINESS DISCUSSION None

13. WRITTEN COMMUNICATIONS None

14. MANAGER'S REPORT

Planning Officer Repp wished everyone a happy holiday season, reminding all that this will be the Commission's last meeting for the year.

Assistant City Attorney Soltani introduced Adriana Mendoza, a second-year associate from her office, noting she has been assisting her with a lot of Carson's CEQA litigation.

15. COMMISSIONERS' REPORTS

Chairman Faletogo thanked staff and the Commission for their efforts this evening and wished everyone a happy holiday season.

