PLANNING COMMISSION AGENDA REPORT

VII. 2

MEETING DATE: NOVEMBER 8, 2010 ITEM NUMBER

SUBJECT: CODE AMENDMENT CO-10-05: AN AMENDMENT TO TITLE 13, SECTION 13-75, FENCES AND WALLS, OF THE COSTA MESA MUNICIPAL CODE

DATE: OCTOBER 28, 2010

FOR FURTHER INFORMATION CONTACT: CLAIRE FLYNN, PLANNING ADMINISTRATOR
(714) 754-5278

DESCRIPTION

Code Amendment CO-10-05 is an amendment to Title 13, Section 13-75, Fences and Walls, of the Costa Mesa Municipal Code (Zoning Code) to revise the perimeter wall regulations in multi-family residential zones.

RECOMMENDATION

Recommend that City Council introduce and give first reading to the ordinance, and waive further reading.

CLAIRE FLYNN, AICP
Planning Administrator

KHANH NGUYEN
Acting Asst. Development Services Director

BACKGROUND

Since 2008, the Planning Commission has expressed concerns regarding the City's current regulations related to fences and walls in multi-family residential zones. The Zoning Code currently requires a minimum 6-foot high solid opaque wall around the perimeter of the master development lot in multi-family residential zones. Code currently does not specify that walls must consist of solid masonry walls or be constructed of consistent materials.

For example, some existing multi-family properties may feature a combination of block walls on one side of the development lot and a wood fence on the other. Although this type of perimeter fencing is comprised of different materials, it would not necessarily be considered a Code violation.

On August 3, 2010, the City Council directed staff to move forward with this Code amendment as recommended by the Planning Commission.

ANALYSIS

Code Amendment CO-10-05

The purpose of this Code amendment is to require solid masonry walls for newly constructed residential projects or residential common interest developments to achieve the following objectives:

- Create a consistent and overall aesthetically pleasing appearance for the residential development project.
- Indicate where exceptions may be made for combination masonry walls with vinyl fencing, wood, or wrought iron components.
- Establish review/approval procedures for any future modifications to the perimeter wall.

As shown in the attached Ordinance, the proposed Code amendment is as follows. (The new text is shown in underline):

"Sec. 13-75. FENCES AND WALLS

(a) In residential zones, including planned development, except R-1:

(1) All interior property lines of the master development lot shall have 6-foot high solid opaque walls or fences that conform to the City's Walls, Fences and Landscaping Standards.

(2) All exterior property lines of the master development lot shall have solid masonry walls that conform to the City's Walls, Fences and Landscaping Standards in respect to height and location as well as the following standards. The final review authority shall approve the wall location, height, masonry materials, and finish.

(i) Only one type of wall design with the appropriate mix of masonry materials and finishes shall be permitted for the development lot.

(ii) Wall materials such as uncolored cinder block shall be treated with a decorative finish that complements and enhances the project and surrounding neighborhood.

(iii) Exceptions to the requirements stated in (2)(i) through (2)(ii) may be approved by the final review authority. These exceptions may include, but are not limited to, combination masonry walls with vinyl fencing, stained/treated wood, and wrought iron fencing.

(iv) The Development Services Director shall review and approve any future additions to the exterior walls, after project completion, which shall be constructed of materials which are either identical and/or compatible with the original wall."

(b) In commercial zones, including planned development: All interior property lines abutting residentially-zoned property shall have solid masonry walls, at least 6 feet but no more than 8 feet in height, unless an environmental study requires additional height.

(c) In industrial zones, including planned development: A solid masonry wall, at least 6 feet in height shall be constructed along all property lines which abut a residential or commercial zone. The maximum wall height shall not exceed 8 feet, unless an environmental study requires additional height.

(d) If a fence or wall is constructed adjacent to a public street, the fence or wall shall be approved by the Planning Division in terms of its compatibility and harmony with the proposed building and site development and buildings and site developments existing or approved for the general neighborhood. For arterial streets that are adjacent to residential developments, new arterial walls shall comply with the City's Streetscape and Median Development Standards. No fence or wall located in any street setback shall obscure the required street setback landscaping in the commercial and industrial zones.

(e) Fences and walls placed on interior property lines or between the property line and the required setback line for main buildings shall conform to the City's Walls, Fences and Landscaping Standards.

(f) Fences and walls located in proximity to street intersections or where a driveway intersects a sidewalk shall conform to the City's Walls, Fences and Landscaping Standards.

(g) The standards referred to in subsections (e) and (f) shall be adopted by resolution of the City Council.

(h) It shall be unlawful to construct, install, maintain or allow to exist any barbed wire, razor wire, concertina ribbon or similar item in any required setback abutting a public right-of-way. In all other locations, barbed wire, razor wire, concertina ribbon and similar items shall maintain a minimum vertical clearance of 6 feet 8 inches from grade.

(i) It shall be unlawful to install, maintain or allow to exist any electrified fence or any glass, nails or similar items embedded in walls or fences at any location.

(j) Chain link fences. In all non-residential zones, chain link fencing is prohibited in any required setback abutting a public right-of-way. In all residential zones, chain link fencing is prohibited in any area visible from a public street or alley.

1. Chain link fence removal. A property owner of any residential or planned development property that has an existing chain link fence visible from a public street or alley, shall remove the chain link fence at such time the property owner obtains a building permit, or cumulative building permits over a consecutive twelve month period, for property improvements valued at $30,000 or more. The chain link fence shall be completely removed prior to the finalization of the last building permit(s) that exceeds the $30,000 valuation.

(k) Security gates, in all zones, are subject to review and approval by the Planning Division in conjunction with the Fire Department and Transportation Division.

PUBLIC NOTICE:

Code requires publication of a display AD in the local newspaper (Daily Pilot) for Title 13 Code Amendments. In this case, public notices were also mailed to the following:

- Costa Mesa Homeowner's Associations
- Major Homebuilders
- Building Industry Association

At the time of publication of this report, no public comments have been received. Any correspondence will be forwarded to the Planning Commission under separate cover.

ENVIRONMENTAL DETERMINATION:

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061 (b) (3) (general rule) of the CEQA Guidelines, in that it can be seen with certainty that there is no possibility that the proposed amendment to the Zoning Code will have a significant effect on the environment.

CONCLUSION:

The proposed Code amendment would promote a consistent appearance in multi-family residential neighborhoods by requiring perimeter solid masonry block walls for new residential development projects.

Distribution: Assistant City Attorney
Development Services Director
Public Services Director
Transportation Svs. Manager
City Engineer
Staff (4)
File (2)

Attachment: 1. Ordinance

File: 110810CO1005	Date: 102810	Time: 8:30 a.m.

ORDINANCE NO. 10-

AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA ADOPTING ZONING CODE AMENDMENT CO-10-05, AMENDING TITLE 13, SECTION 13-75(a), FENCES AND WALLS, OF THE COSTA MESA MUNICIPAL CODE REGARDING PERIMETER FENCING IN RESIDENTIAL ZONES.

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: TITLE 13. Section 13-75(a) of Title 13 of the Costa Mesa Municipal Code is hereby amended as follows:

"Sec. 13-75. FENCES AND WALLS

(a) In residential zones, including planned development, except R-1:

(1) All interior property lines of the master development lot shall have 6-foot high solid opaque walls or fences that conform to the City's Walls, Fences and Landscaping Standards.

(2) All exterior property lines of the master development lot shall have solid masonry walls that conform to the City's Walls, Fences and Landscaping Standards in respect to height and location as well as the following standards. The final review authority shall approve the wall location, height, masonry materials, and finish.

(i) Only one type of wall design with the appropriate mix of masonry materials and finishes shall be permitted for the development lot.

(ii) Wall materials such as uncolored cinder block shall be treated with a decorative finish that complements and enhances the project and surrounding neighborhood.

(iii) Exceptions to the requirements stated in (2)(i) through (2)(ii) may be approved by the final review authority. These exceptions may include, but are not limited to, combination masonry walls with vinyl fencing, stained/treated wood, and wrought iron fencing.

(iv) The Development Services Director shall review and approve any future additions to the exterior walls, after project completion, which shall be constructed of materials which are either identical and/or compatible with the original wall."

(b) In commercial zones, including planned development: All interior property lines abutting residentially-zoned property shall have solid masonry walls, at least 6 feet but no more than 8 feet in height, unless an environmental study requires additional height.

(c) In industrial zones, including planned development: A solid masonry wall, at least 6 feet in height shall be constructed along all property lines which abut a residential or commercial zone. The maximum wall height shall not exceed 8 feet, unless an environmental study requires additional height.

(d) If a fence or wall is constructed adjacent to a public street, the fence or wall shall be approved by the Planning Division in terms of its compatibility and harmony with the proposed building and site development and buildings and site developments existing or approved for the general neighborhood. For arterial streets that are adjacent to residential developments, new arterial walls shall comply with the City's Streetscape and Median Development Standards. No fence or wall located in any street setback shall obscure the required street setback landscaping in the commercial and industrial zones.

(e) Fences and walls placed on interior property lines or between the property line and the required setback line for main buildings shall conform to the City's Walls, Fences and Landscaping Standards.

(f) Fences and walls located in proximity to street intersections or where a driveway intersects a sidewalk shall conform to the City's Walls, Fences and Landscaping Standards.

(g) The standards referred to in subsections (e) and (f) shall be adopted by resolution of the City Council.

(h) It shall be unlawful to construct, install, maintain or allow to exist any barbed wire, razor wire, concertina ribbon or similar item in any required setback abutting a public right-of-way. In all other locations, barbed wire, razor wire, concertina ribbon and similar items shall maintain a minimum vertical clearance of 6 feet 8 inches from grade.

(l) It shall be unlawful to install, maintain or allow to exist any electrified fence or any glass, nails or similar items embedded in walls or fences at any location.

(m) Chain link fences. In all non-residential zones, chain link fencing is prohibited in any required setback abutting a public right-of-way. In all residential zones, chain link fencing is prohibited in any area visible from a public street or alley.

1. Chain link fence removal. A property owner of any residential or planned development property that has an existing chain link fence visible from a public street or alley, shall remove the chain link fence at such time the property owner obtains a building permit, or cumulative building permits over a consecutive twelve month period, for property improvements valued at $30,000 or more. The chain link fence shall be completely removed prior to the finalization of the last building permit(s) that exceeds the $30,000 valuation.

(n) Security gates, in all zones, are subject to review and approval by the Planning Division in conjunction with the Fire Department and Transportation Division."

SECTION 2: ENVIRONMENTAL DETERMINATION. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061 (b) (3) (general rule) of the CEQA Guidelines, in that the City Council hereby finds that it can be seen with certainty that there is no possibility that the passage of this ordinance amending the zoning code will have a significant effect on the environment..

SECTION 3: INCONSISTENCIES. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 4: SEVERABILITY. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 5: PUBLICATION. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the

date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this _____ day of _____ 2010.

_____
ALLAN R. MANSOOR
Mayor of the City of Costa Mesa

ATTEST:

_____
City Clerk of the City of Costa Mesa

APPROVED AS TO FORM:

_____
City Attorney

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, JULIE FOLCIK, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above foregoing Ordinance No. 10-___ as introduced and considered section by section at a regular meeting of said City Council held on the ____ day of _____, 2010, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the ____ day of _____, 2010, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this ___ day of _____, 2010.

_____
City Clerk
City Council of the City of Costa Mesa