

ORDINANCE NO. 2011-02

AN ORDINANCE OF THE CITY OF LA PALMA AMENDING CHAPTERS 17 AND 26 OF THE LA PALMA CITY CODE PERTAINING TO FENCES, WALLS, AND HEDGES

WHEREAS, the City Council of the City of La Palma wishes to protect and preserve the quality of the residential and commercial areas of the City, as well as the quality of life throughout the City, through effective land use and planning; and

WHEREAS, lattice style wall extensions serve as an additional non-structural extension of property line walls for privacy purposes, and, under the right circumstances, such extensions can add to the aesthetic character of a neighborhood; and

WHEREAS, the current La Palma City Code prohibits such modification to perimeter fences and walls; and

WHEREAS, on December 1, 2009, by consensus, the City Council directed Staff to develop an Ordinance to allow lattice extensions to perimeter fences and walls; and

WHEREAS, the City Council has determined that the proposed Ordinance, that amends Chapter 17 and Chapter 26 of the City Code, will not cause a significant effect on the environment and therefore do not constitute a "project" as that term is defined by the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq., and, therefore, in accordance with Section 15061(b)(3) of Title 14 of the CEQA, no environmental review is merited; and

WHEREAS, Section 1-10 and Chapter 26, Article IV, Division 7, of the La Palma City Code prescribe a method of repealing, amending, and adding portions of the City Code, which shall be made by Ordinance; and

WHEREAS, on September 13, 2010, the La Palma Development Committee conducted a meeting on the proposed Ordinance for lattice extensions, and considered testimony and evidence at the meeting held with respect thereto, and thereafter requested that a study session be held within 60 days; and

WHEREAS, the Development Committee held study sessions at a special meeting of the Development Committee held on November 8, 2010, and at a regular meeting of the Development Committee held on January 10, 2011; and

WHEREAS, on January 10, 2011, the La Palma Development Committee unanimously approved a Resolution recommending approval to the Planning Commission of the proposed Lattice Ordinance, and transmitted their recommendations to the Planning Commission; and

WHEREAS, on February 1, 2011, the La Palma Planning Commission conducted a duly noticed Public Hearing on said Ordinance, and considered testimony and evidence at the Public Hearing held with respect thereto, and thereafter transmitted its recommendation to the City Council; and

WHEREAS, on March 1, the La Palma City Council conducted a first reading at a duly noticed Public Hearing on said Ordinance, and considered testimony and evidence at the Public Hearing held with respect thereto; and

WHEREAS, on March 15, the City Council of the City of La Palma conducted a second reading on said Ordinance, and considered testimony and evidence at the Public Hearing held with respect thereto; and

WHEREAS, the City Council finds and determines that the amendments to the City Code affected by the proposed Ordinance are consistent with the General Plan of the City of La Palma.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA PALMA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Section 17-6 of the La Palma City Code is hereby amended to add a new subsection (y) to read as follows:

“(y) Lattice constituting unsightly appearance by reason of it being or having any of the following conditions or characteristics:

- (1) Faded color;
- (2) Visible damage;
- (3) Improper installation;
- (4) Leaning, warping and/or uneven placement on a wall;
- (5) Comprised of non-pressure-treated wood and/or other noncompliant materials;
- (6) Lacking adequate or uneven vegetation growing on the lattice;
or
- (7) Overgrown vegetation growing on the lattice.”

SECTION 2: Section 17-37(j) of the La Palma City Code are hereby amended to read, as follows:

“(j) Walls, fences, lattice, and trash enclosures. All walls, lattice extensions, retaining and crib walls, and fences abutting public rights-of-way and all trash enclosures shall be maintained free of significant surface cracks, dry rot, warping, deterioration, leaning, missing panels, or blocks which either threaten the structural integrity, or result in a dilapidated, decaying, disfigured, or partially ruined appearance.

SECTION 3: Section 26-10 of the La Palma City Code is hereby amended to add new defined term “lattice,” as follows:

“Lattice. An open framework of overlapping strips of pressure-treated wood or synthetic material, with openings in a woven 3D diagonal pattern, used as a height extension to a block wall for screening purposes.”

SECTION 4: Section 26-45 of the La Palma City Code is hereby amended to read, in its entirety, as follows:

“Sec. 26-45. - Fences, walls, and hedges.

(a) Applicability. The provisions of this section pertaining to height shall not apply to fences required by state law to surround and enclose public utility installations or to chain link fences enclosing school grounds and public playgrounds. However, the provision pertaining to safety vision at corners shall apply to such fences.

(b) General provisions.

(1) Measuring height. The height of a wall shall be measured from the top of the street curb to the top of the wall, including any retaining wall, if present. If there is no curb present, then the height shall be measured from the highest adjacent finished grade. For a wall between commercial or industrial and residential zones, the measurements shall be taken from the residential side.

(2) Height. The maximum height of a wall or combination of wall and lattice along an arterial highway, a local street, or other public easement shall be eight feet unless otherwise approved by a Precise Plan.

(3) Maintenance. A property owner is responsible for the maintenance and repair of any fence, wall, hedge or lattice extension exhibiting damage or a worn out appearance.

(4) Painting of wall. Painting or changing the surface of any block wall facing an arterial highway, local street, or other public right-of-way, is permitted with only the approved color as designated by the City Council.

(5) Location. No fence, wall, or hedge shall be located within the public right-of-way without approval of an encroachment permit from the Public Works Department.

(6) Joint ownership of a wall. Any modification, repair, or construction of a joint ownership (common) wall shall be subject to prior written approval of all joint owners.

(7) Water barrier. Any modification, repair, or construction of a wall that abuts a planter area will require a waterproof barrier located on the inside of the wall between the surface of the wall and the soil in the planter.

(8) Residential use adjacent to nonresidential use. A decorative block wall of at least eight feet in height, and using at a minimum a six inch wide block, shall be constructed adjacent to all side and rear yard property lines, where a residential district or use is adjacent to a nonresidential district or use.

(9) Commercial property abutting residential property. A decorative block wall of three feet in height shall be constructed where a commercial property line abuts the side of the front yard setback of a residential property.

(10) Permits required. All block walls over three feet high or any extension to existing block walls shall require building permits from the Community Development Department. A height extension using lattice to a block wall shall require Community Development Director approval and a building permit.

(11) Access to right-of-ways. Gate openings from private property to any public right-of-way or street must be approved by the Community Development Director, based on the following criteria:

a. The gate opening shall not be located less than thirty feet from an intersection.

b. The gate opening shall not impact the vehicular or pedestrian traffic on the public right-of-way.

c. There shall be no modifications to the public right-of-way (e.g. curb cuts or drive approaches). Any gate openings that would require modifications to the public right-of-way will require a Precise Plan Amendment.

d. All gate openings shall slide from side-to-side on the private side of the gate or shall be inward opening.

e. Southern California Edison shall approve all requests, in writing, for a gate opening onto its right-of-way.

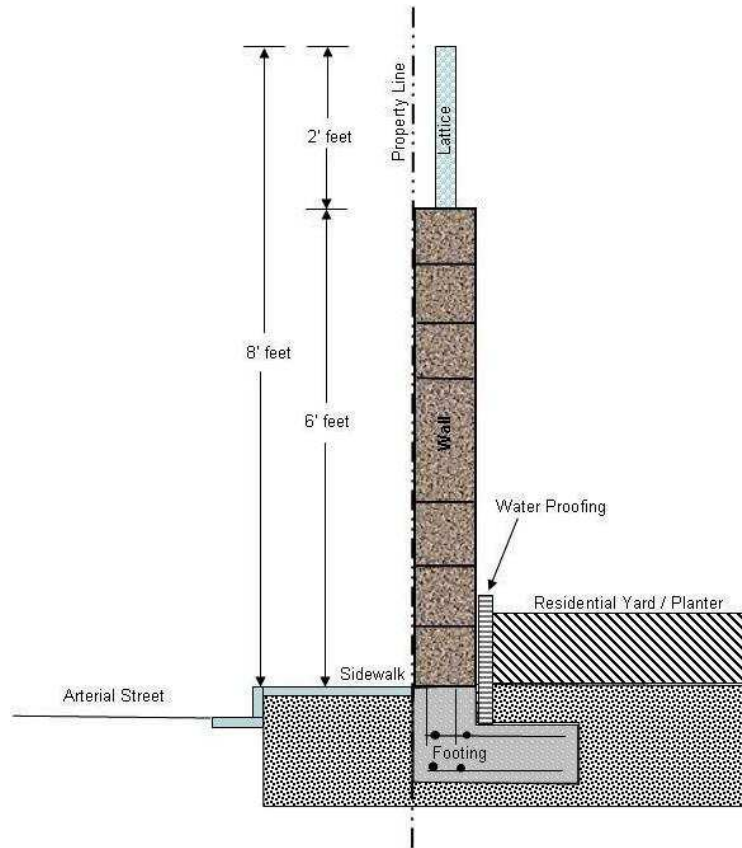
(c) Lattice Height Extensions.

(1) A lattice extension to a wall is only permitted in the Single Family Residential (R-1) Zone.

(2) A lattice extension must be made of pressure-treated wood, vinyl, or similar synthetic material.

(3) A lattice extension of a wall shall be no higher than the lesser of two feet in height, or a total height for the wall plus lattice extension of eight feet, centered and mounted securely onto the top course of a wall as shown in Figure B-1.

Figure B-1



(4) A lattice extension shall not project above the maximum height of a wall allowed under Table III-1 in this section.

(5) A lattice extension shall be white in color, unless the wall it is attached to is painted. In such circumstances, the lattice may be painted to match the wall color at the City's discretion.

(6) A lattice extension is not permitted within the front setback area.

(7) A lattice extension to a wall facing an arterial highway, local street, or the public right-of-way, does not have to be a complete section of wall. The lattice extension can be installed solely on an individual property basis and result in a "stair stepping" effect at the property line.

(8) If a lattice extension includes trained vegetation growing onto the lattice then such vegetation shall not include thorns or other features that would cause injury to the public passing by the lattice.

(9) A lattice extension shall be a framework made up of 1 ¼ inch wide strips of pressure-treated wood or solid synthetic material that is overlapped in a 3D diagonal pattern. A lattice extension shall also feature cap and divider moldings.

(10) A lattice extension shall have openings in a diagonal pattern that are no less than 1 inch square and no greater than 2 inches square.

(d) Block Height Extensions

(1) A block extension shall not be of a different style, type, or color of material used in the existing wall. If the block extension is on a painted wall painted, then the block extension shall be painted to match the wall color at the City's discretion.

(2) Any existing cap on a wall must be removed prior to an extension.

(e) Residential provisions.

(1) Maximum heights. The maximum height of a wall, fence, or hedge shall be as follows:

<u>TABLE III-1: MAXIMUM HEIGHT OF FENCES, WALLS, AND HEDGES</u>	
<u>Location</u>	<u>Maximum Height</u> ¹
Front yard, within the required setback area	3 feet
Side yard, interior lot	8 feet
Side yard, corner and reverse corner lots	8 feet
Rear yard	8 feet
Traffic safety triangle (Section 26-58)	3 feet
¹ A height extension to a wall shall not exceed the maximum height identified in Table III-1.	

(2) Required residential walls. For all new developments, a decorative masonry block wall of at least six feet in height and six inches thick shall be constructed so as to be centered on all side and rear property lines. Replacement of existing residential walls between lots may be of any fencing type, except chain link.

(3) Required points of extension. Required walls along side yard property lines of corner lots shall extend to a point perpendicular to the front elevation closest to the street. When side and rear yards abut, the wall shall extend the entire length of the rear property line.

(4) No chain link. No chain link fencing shall be permitted in any residential yard where it is visible from the public right-of-way.

SECTION 5: The City Council determines that this Ordinance will not cause a significant effect on the environment and therefore do not constitute a “project” as that term is defined by the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq., and, therefore, in accordance with Section 15061(b)(3) of Title 14 of the CEQA, no environmental review is merited.

SECTION 6: The City Council makes the following findings in support of the Ordinance in accordance with Section 26-134 of the La Palma City Code.

(a) Mandatory required findings for all amendments. The following shall be required for all amendments to the general plan, zoning map, and Development Code:

(1) The proposed amendment is consistent with all of the applicable objectives, policies, general land uses, programs, and actions of all applicable elements in the general plan.

(2) The proposed amendment shall not be detrimental to the public convenience, health, safety, or general welfare of the city.

(3) The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).

(c) Additional required finding for Development Code amendments. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

SECTION 7: If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subdivision, sentence, clause, phrase, or portion of this Ordinance irrespective of the fact that one or more sections, subdivisions, sentences, clauses, phrases, or portions of this Ordinance be declared invalid.

SECTION 8: All required proceedings and consideration precedent to the adoption of this Ordinance have been regularly taken in accordance with applicable law.

SECTION 9: The City Clerk is authorized and directed to publish this Ordinance or a summary thereof in the manner provided by law and in accordance with procedures normally taken.

PASSED, APPROVED, and ADOPTED by the City Council of the City of La Palma at a regular meeting held on the 15th day of March, 2011.

Ralph D. Rodriguez
Mayor

ATTEST:

Laurie A. Murray, CMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF LA PALMA)

I, LAURIE A. MURRAY, City Clerk of the City of La Palma, DO HEREBY CERTIFY that the forgoing Ordinance was adopted by the City Council of said City at a regular meeting of said City Council held on the 15th day of March 2011, and that it was so adopted by called vote as follows:

AYES:	Hwangbo, Rodriguez, Shanahan, and Waldman
NOES:	Charoen
ABSENT:	None
ABSTAIN:	None

Laurie A. Murray, CMC
City Clerk