

ORDINANCE NO. 420

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AMENDING SECTION 18.42.075 OF THE HAWAIIAN GARDENS MUNICIPAL CODE RELATING TO FENCES, WALLS AND HEDGES.

WHEREAS, the Hawaiian Gardens Planning Commission recommends to amend fence and wall regulations of the Municipal Code (Title 18) in order to better address community safety concerns; and

WHEREAS, on July 13 and 27, 1994, the Planning Commission held duly noticed and advertised public hearings to receive oral and written testimony relative to amending Section 18.42.075 of the Hawaiian Gardens Municipal Code; and

WHEREAS, the Planning Commission has sufficiently considered oral and written testimony in order to make the following recommendation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hawaiian Gardens as follows:

Section 1. The City Council HEREBY FINDS AND DETERMINES that Case No. 94-45 ZCA is exempt from environmental review under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) and the City of Hawaiian Gardens Environmental Guidelines.

Section 2. The City Council FURTHER FINDS that the intent of the proposed Municipal Code amendment is consistent with the goals and objectives of the Hawaiian Gardens General Plan.

Section 3. The City Council HEREBY AMENDS Section 18.42.075 of the Hawaiian Gardens Municipal Code as follows:

18.42.075 FENCES, WALLS, AND HEDGES

- A. No fence, wall, or hedge located in the required rear or side yards shall exceed a height of six (6) feet, unless otherwise approved by a Conditional Use Permit in accordance with the standards and procedures set out in Chapter 18.32 of this Title.
- B. No fence, wall, or hedge located in the required front-yard shall exceed a height of forty-two (42) inches unless otherwise approved by a Conditional Use Permit in accordance with the standards and procedures set out in Chapter 18.32 of this Title.

420

- C. Maximum fence, wall, or hedge height shall be measured from the finished interior grade. That portion of a wall or fence functioning as a retaining wall shall not be counted in determining overall fence or wall height.
- D. No barbed wire shall be used or maintained as part of any fence, wall, or hedge located along the front, side or rear lines of any lot, or within three (3) feet of said lines, and no sharp points shall project from the top of any fence or wall less than six (6) feet in height.
- E. In the R-1, R-2, R-3 and R-4 Districts, no fence, wall, or hedge located in the rear twenty (20) feet of a through lot shall exceed forty-two (42) inches.
- F. Existing developments with less than three (3) units, other than new developments, may use either wood, masonry or wrought iron as fencing materials subject to review by the Planning Director. (Ord. 399, 10/92)
- G. Existing developments with three (3) or more units must use masonry as a fencing material. The street side of a corner lot may use wrought iron subject to approval of the Planning Director. (Ord. 399, 10/92)
- H. All new developments must use masonry as a fencing material. The street side of a corner lot may use wrought iron subject to approval of the Planning Director. (Ord. 399, 10/92)

Section 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance, or the application thereof of any person, firm, corporation or circumstance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion thereof. The City Council of the City of Hawaiian Gardens hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, phrases, or portions be declared invalid or unconstitutional.

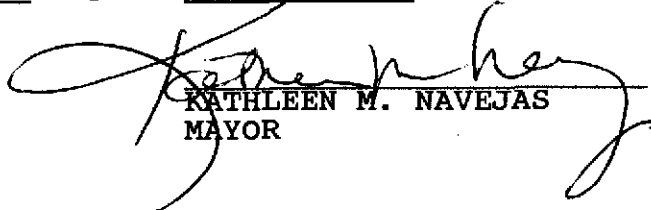
Section 5. Effective Date. This ordinance shall take effect thirty (30) days after its adoption. The City Clerk, or her duly appointed Deputy, shall certify to the adoption of this ordinance and shall cause this ordinance to be published in accordance with Section 36933 of the Government Code.

Section 6. The Mayor, or presiding officer, is hereby authorized to affix her/his signature to this ordinance signifying its adoption and the City Clerk, or her duly appointed Deputy, is directed to attest thereto.

PASSED, APPROVED, AND ADOPTED by the Hawaiian Gardens City Council on this 23rd day of August 1994.

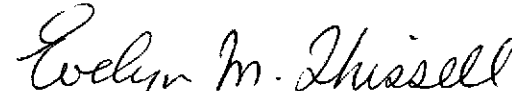
ATTEST:


DEPUTY CITY CLERK


KATHLEEN M. NAVEJAS
MAYOR

I, Evelyn M. Thissell, Deputy City Clerk of the City of Hawaiian Gardens, do hereby certify that Ordinance No. 420 was duly introduced and placed upon first reading at a regular meeting of the City Council on the 9th day of August, 1994, and that thereafter, said ordinance was duly passed and adopted by the City Council of the City of Hawaiian Gardens on the 23rd day of August, 1994, by the following roll call vote, as the same appears on file and of record in the office of the City Clerk.

AYES: Ruggeri, Prida, Cabrera, Canada, Navejas
NOES: None
ABSENT: None
ABSTAIN: None


EVELYN M. THISSELL
DEPUTY CITY CLERK
CITY OF HAWAIIAN GARDENS

CPH:rf
qa:doc\ord.420

AGENDA ITEM NO. 3A

STAFF REPORT

DATE: August 23, 1994

TO: Honorable Mayor and City Council Members

FROM: Community Development Department

SUBJECT; CASE NO. 94-45 ZCA (ZONE CODE AMENDMENT)
Amend Section 18.42.075 of Municipal Code
Fences, Hedges, and Walls.

Ordinance No. 420, Second Reading

DISCUSSION:

This item was presented to Council at the August 9, 1994 Regular City Council Meeting for first reading. It is now before Council for second reading and adoption.

STAFF RECOMMENDATION:

That the City Council waive further reading and adopt Ordinance No. 420.

QA:DOC\ORD.420

ORDINANCE NO. 420

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WHEREAS, the Hawaiian Gardens Planning Commission recommends to amend fence and wall regulations of the Municipal Code (Title 18) in order to better address community safety concerns; and

WHEREAS, on July 13 and 27, 1994, the Planning Commission held duly noticed and advertised public hearings to receive oral and written testimony relative to amending Section 18.42.075 of the Hawaiian Gardens Municipal Code; and

WHEREAS, the Planning Commission has sufficiently considered oral and written testimony in order to make the following recommendation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hawaiian Gardens as follows:

Section 1. The City Council HEREBY FINDS AND DETERMINES that Case No. 94-45 ZCA is exempt from environmental review under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) and the City of Hawaiian Gardens Environmental Guidelines.

Section 2. The City Council FURTHER FINDS that the intent of the proposed Municipal Code amendment is consistent with the goals and objectives of the Hawaiian Gardens General Plan.

Section 3. The City Council HEREBY AMENDS Section 18.42.075 of the Hawaiian Gardens Municipal Code as follows:

18.42.075 FENCES, WALLS, AND HEDGES

- A. ~~In-the-R-1,-R-2,-R-3-and-R-4-Districts,-~~ No fence, wall, or hedge located in the required rear or side yards shall exceed a height of six (6) feet, unless otherwise approved by a Conditional Use Permit in accordance with the standards and procedures set out in Chapter 18.32 of this Title.
- B. ~~In-the-R-1,-R-2,-R-3-and-R-4-Districts,-~~ No fence, wall, or hedge located in the required front-yard shall exceed a height of ~~four-(4)-feet,-~~ provided ~~that-such-items-do-not-obscure-vision-beyond-the~~

height-of forty-two (42) inches, unless otherwise approved by a Conditional Use Permit in accordance with the standards and procedures set out in Chapter 18.32 of this Title.

- C. Maximum fence, wall, or hedge height shall be measured from the finished interior grade. That portion of a wall or fence functioning as a retaining wall shall not be counted in determining overall fence or wall height.
- D. ~~In the R-1, R-2, R-3 and R-4 District,~~ No barbed wire shall be used or maintained as part of any fence, wall, or hedge located along the front, side or rear lines of any lot, or within three (3) feet of said lines, and no sharp points shall project from the top of any fence or wall less than six (6) feet in height.
- E. In the R-1, R-2, R-3 and R-4 Districts, no fence, wall, or hedge located in the rear twenty (20) feet of a through lot shall exceed ~~four-(4)-feet in height, provided that such item does not obscure vision beyond the height of~~ forty-two (42) inches.
- F. Existing developments with less than three (3) units, other than new developments, may use either wood, masonry or wrought iron as fencing materials subject to review by the Planning Director. (Ord. 399, 10/92)
- G. Existing developments with three (3) or more units must use masonry as a fencing material. The street side of a corner lot may use wrought iron subject to approval of the Planning Director. (Ord. 399, 10/92)
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Section 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance, or the application thereof of any person, firm, corporation or circumstance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion thereof. The City Council of the City of Hawaiian Gardens hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections,

sentences, phrases, or portions be declared invalid or unconstitutional.

Section 5. Effective Date. This ordinance shall take effect thirty (30) days after its adoption. The City Clerk, or her duly appointed Deputy, shall certify to the adoption of this ordinance and shall cause this ordinance to be published in accordance with Section 36933 of the Government Code.

Section 6. The Mayor, or presiding officer, is hereby authorized to affix her/his signature to this ordinance signifying its adoption and the City Clerk, or her duly appointed Deputy, is directed to attest thereto.

PASSED, APPROVED, AND ADOPTED by the Hawaiian Gardens City Council on this _____ day of _____ 1994.

ATTEST:

KATHLEEN M. NAVEJAS
MAYOR

DEPUTY CITY CLERK

I, Evelyn M. Thissell, Deputy City Clerk of the City of Hawaiian Gardens, do hereby certify that Ordinance No. 420 was duly introduced and placed upon first reading at a regular meeting of the City Council on the _____ day of _____, 1994, and that thereafter, said ordinance was duly passed and adopted by the City Council of the City of Hawaiian Gardens on the _____ day of _____, 1994, by the following roll call vote, as the same appears on file and of record in the office of the City Clerk.

AYES:
NOES:
ABSENT:
ABSTAIN:

EVELYN M. THISSELL
DEPUTY CITY CLERK
CITY OF HAWAIIAN GARDENS

CPH:rf
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AGENDA ITEM NO. 2A

STAFF REPORT

DATE: August 9, 1994
TO: Honorable Mayor and City Council Members
FROM: Community Development Department
SUBJECT: CASE NO. 94-45 ZCA (ZONE CODE AMENDMENT)
Amend Section 18.42.075 of Municipal Code
Fences, Hedges, and Walls
Ordinance No. 420, First Reading

SUMMARY

The Planning Commission has reviewed the Hawaiian Gardens Municipal Code (HGMC) as it pertains to fences, hedges and walls (fences). Currently a variance is required if an applicant wants a fence taller than the code allows. A variance can only be granted in situations where practical difficulties or unnecessary hardships are found. The Planning Commission recommends that the code be amended to allow taller fences subject to a conditional use permit (CUP). The Planning Commission finds that this action would be easier to justify, but can still be reviewed on a case-by-case basis, and will better address community safety concerns.

I. DISCUSSION

A. BACKGROUND

The Planning Commission found difficulty in authorizing an application for a standard lot requesting a variance for security. On July 13, 1994 the Planning Commission directed staff to review the code and they provided some direction. Staff returned with Resolution No. 94-9 on July 27. Public hearings were held on both of these dates.

B. VARIANCE VS. CONDITIONAL USE PERMIT

Chapter 18.32 HGMC establishes the procedure(s) required for variances and conditional use permits (CUP).

1. Variance: is intended to resolve practical difficulties or unnecessary physical hardships that may result from the size, shape or dimensions of a site or the location of structures thereon. Five findings are required in order to grant a variance.
2. Conditional Use Permit (CUP): is a review process for a use that is otherwise not permitted in a zoning district that by the nature of the use and/or site necessitates special review and

consideration. There are three findings required for a CUP. Conditions may be attached to eliminate any concerns (fence material, design, etc.).

If one finding cannot be made, then the variance or CUP cannot be approved.

C. DRAFT ORDINANCE

Staff has prepared a draft ordinance for the City Council to consider a Hawaiian Gardens Municipal Code amendment. The Planning Commission adopted Resolution No. 94-9 on 7/27 recommending the proposed text. This amends Section 18.42.075 which sets standards and regulations for fences, hedges and walls. Text that has a ~~strike-out~~ font is existing text to be deleted. Text that has an underline/italic font is proposed new text.

II. ANALYSIS

A. APPROVED VARIANCES IN HAWAIIAN GARDENS

Staff researched requests submitted to the Community Development Department to allow fencing over six (6) feet in height. The results were as follows:

1. Case No.
91-9 VAR

Applicant
Whelan Development
12100 E. 226th

Request
7-foot perimeter wall along northern property line.

Basis of Approval
Heights varied 6-1/2 feet to 7-1/2 feet due to changes in the finished grade.

2. Case No.
91-16 VAR

Applicant
City of Hawaiian Gardens
21815 Pioneer Blvd.

Request
10-foot walls around public works building.
10-foot sound wall along 605 Fwy right-of-way between public works and recreation buildings.

Basis of Approval
Reduction of noise levels below the required 60 dBA from freeway.

3. Case No.
92-78 VAR

Applicant

Lakewood Mobile Home Park
12550 E. Carson Street

Request

Extend 220 feet along Carson Street adding wrought iron 2-feet high with 9-inch sheppard hooks at 4-inch separation. Extend 320 feet along Carson Street adding 2-feet of chain link fence. Extend 1,300 feet along Los Coyotes Creek adding 4-feet of chain link fence.

Basis of Approval

Hawaiian Gardens code requires mobile home developments to be completely fenced. Security and safety to residents of the park where areas abut public right-of-way (Flood Control Channel, Carson Street). Changes in elevations along flood control.

4. Case No.
93-92 VAR

Applicant

Bingo Club
11831 Carson Street

Request

2-foot extension on top of a 6-foot fence.

Basis of Approval

Safety from and protection of new mechanical equipment due to access from open parking lot.

B. FENCE HEIGHT REGULATION SURVEY

CITY	RESIDENTIAL ZONE	MAXIMUM PERMITTED HEIGHT
ARTESIA	FRONT YARD SIDE YARD REAR YARD	42 INCHES 6 FEET 6 FEET OVER 6 FEET REQUIRES APPROVAL OF DEVELOP- MENT REVIEW BOARD
BELLFLOWER	FRONT YARD SIDE YARD REAR YARD	42 INCHES 6 FEET 6 FEET OVER 6 FEET REQUIRES A VARIANCE
COMPTON	FRONT YARD SIDE YARD REAR YARD	42 INCHES 6 FEET 6 FEET OVER 6 FEET REQUIRES A VARIANCE
CYPRESS	FRONT YARD SIDE YARD REAR YARD	42 INCHES 6 FEET 6 FEET OVER 6 FEET REQUIRES A VARIANCE
EL MONTE	FRONT YARD SIDE YARD REAR YARD	42 INCHES 6 FEET 6 FEET OVER 6 FEET NOT ALLOWED
LA HABRA	FRONT YARD SIDE YARD REAR YARD	3 1/2 FEET 6 FEET 6 FEET OVER 6 FEET REQUIRES A VARIANCE
LAKEWOOD	FRONT YARD SIDE YARD REAR YARD	42 INCHES 6 FEET 6 FEET OVER 6 FEET REQUIRES A CONDITIONAL USE PERMIT
LONG BEACH	FRONT YARD SIDE YARD REAR YARD	3 FEET 6 FEET* 6 FEET* OVER 6 FEET REQUIRES A CONDITIONAL USE PERMIT *ALLOWS UP TO 8 FEET WHERE ABUT PUBLIC RIGHT OF WAY

III. ENVIRONMENTAL ANALYSIS

Staff finds that this project is exempt from environmental review under Section 15061(b)(3) of the California Environmental Quality Act and Hawaiian Gardens Environmental Guidelines.

IV. RECOMMENDATION

On July 27, the Planning Commission adopted Resolution No. 94-9 recommending that the City Council adopt draft Ordinance No. 420. The Planning Commission finds that the proposed amendments would better address community safety concerns. The Planning Commission recommends that the City Council adopt Ordinance No. 420.

V. CITY COUNCIL ACTION

1. Conduct a Public Hearing to receive testimony.
2. Conduct first reading of Ordinance No. 420. If the ordinance is approved, and there are no substantial changes, this ordinance will return for a second reading/adoption on August 23, 1994.

CPH:rf

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PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES,

I am a citizen of the United States States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the Long Beach Press-

Telegram, a newspaper of general circulation, printed and published 7 times each week in the City of Long Beach, County of Los Angeles, and which newspaper has been adjudged a legal newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under the date of March 21, 1934.

Case Number 370512; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

September 10,
all in the year 1994.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Long Beach, California, this 10th day of September, 1994.

Barbara Callison
Signature

Press-Telegram Legal
Advertising Department

604 Pine Ave., Long Beach, Ca., 90844
(310) 499-1236

This space is for the City Clerk's Filing Stamp

Received

SEP 29 1994

City of Hawaiian Gardens
City Clerks Office

PROOF OF PUBLICATION OF
City of Hawaiian Gardens
ORDINANCE NO. 420

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PASSED, APPROVED, AND ADOPTED by the Hawaiian Gardens City Council on this 23rd day of August 1994.

KATHLEEN M. NAVEJAS, MAYOR

ATTEST:

EVELYN M. THISSELL, DEPUTY CITY CLERK

I, Evelyn M. Thissell, Deputy City Clerk of the City of Hawaiian Gardens, do hereby certify that Ordinance No. 420 was duly introduced and placed upon first reading at a regular meeting of the City Council on the 9th day of August, 1994, and that thereafter, said ordinance was duly passed and adopted by the City Council of the City of Hawaiian Gardens on the 23rd day of August, 1994, by the following roll call vote, as the same appears on file and of record in the office of the City Clerk.

AYES: Ruggeri, Frida, Cabrera, Canada, Navejas

NOES: None

ABSENT: None

ABSTAIN: None

EVELYN M. THISSELL

DEPUTY CITY CLERK

CITY OF HAWAIIAN GARDENS

Pub. Sept. 10, 1994 (11) P.T. (9133-Govt)