A G E N D A
CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
Council Chamber
440 Harcourt Avenue
Wednesday, June 26, 2019
7:00 PM

1. CALL TO ORDER

2. ROLL CALL - ESTABLISHMENT OF QUORUM

3. PLANNING COMMISSION

John Owens	Chair
Michael Spalletta	Vice Chair
Keith Dodson	Commissioner
Denise Ross	Commissioner
Arlington La Mica	Commissioner
Dave Evans	Commissioner
Vacant	Commissioner

4. REVIEW OF AGENDA

If there are any items that arose after the 72-hour posting deadline, this is the point in the meeting where a vote may be taken to add the item to the agenda. (A 2/3-majority vote is required).

5. PUBLIC COMMENT

Members of the public wishing to address the City Council on matters within the jurisdiction of the City of Seaside, but not on this agenda, may do so during the Public Comment period for up to three minutes. Public Comments on specific agenda items are heard under that item. For the public record, please state your name.

6. BUSINESS ITEMS

A. STUDY SESSION ON RESIDENTIAL FENCE REGULATIONS: THE PLANNING COMMISSION WILL CONDUCT A STUDY SESSION TO REVIEW THE EXISTING RESIDENTIAL FENCE REGULATIONS UNDER SECTION 17.30.020 OF THE SEASIDE MUNICIPAL CODE AND PROVIDE DIRECTION TO CITY STAFF ON PROPOSED AMENDMENTS/MODIFICATIONS TO EXISTING FENCE REGULATIONS.

RECOMMENDATION: In accordance with Section 17.60.020 - Table 5-1 of the Seaside Municipal Code, the Planning Commission duties include reviewing and making recommendations to the City Council on proposed amendments/modifications to the Zoning Code.

7. REPORTS FROM COMMISSIONERS

8. REPORTS FROM STAFF

9. ADJOURNMENT

Next Regularly Scheduled Meeting:
July 10, 2019
Seaside City Hall
7 PM

The City of Seaside is committed to providing accessible facilities and accommodating people with disabilities in all of its services programs and activities. If special considerations are needed by any person to fully participate in this meeting, contact the City Clerk at 899-6707 no fewer than two business days prior to the meeting to allow reasonable arrangements. The City Council chamber is equipped with a portable microphone and assisted listening devices are available at all meetings. City Council Meetings that are held in the City Council Chambers are broadcast live to all Seaside residents on Comcast Channel 25 and U-verse Channel 99. Live streamed meeting videos as well as videos of past meetings are available on the City's website at: http://www.ci.seaside.ca.us/129/City-Council-Committee-Agendas

Agenda-related writings or documents provided during public meetings are available for public inspection during the meeting or from the office of the City Clerk. This agenda is posted in compliance with California Government Code Section 54954.2(a) or Section 54956.

CITY OF SEASIDE
STAFF REPORT

Item No.: 6.A.

TO: Planning Commission

BY: Gloria Stearns, Community Development Manager
Rick Medina, Senior Planner

DATE: June 26, 2019

SUBJECT: **STUDY SESSION ON RESIDENTIAL FENCE REGULATIONS: THE PLANNING COMMISSION WILL CONDUCT A STUDY SESSION TO REVIEW THE EXISTING RESIDENTIAL FENCE REGULATIONS UNDER SECTION 17.30.020 OF THE SEASIDE MUNICIPAL CODE AND PROVIDE DIRECTION TO CITY STAFF ON PROPOSED AMENDMENTS/MODIFICATIONS TO EXISTING FENCE REGULATIONS.**

PURPOSE & RECOMMENDATION

In accordance with Section 17.60.020 - Table 5-1 of the Seaside Municipal Code, the Planning Commission duties include reviewing and making recommendations to the City Council on proposed amendments/modifications to the Zoning Code.

BACKGROUND

The City's Residential Fence Regulations are listed under Section 17.30.020 of the Seaside Municipal Code and are provided as Attachment 1. The current standards were adopted as part of the comprehensive update to the Zoning Code that occurred on December 4, 2006. The fencing regulations previously in place were adopted in 1981.

The Planning Commission Work Plan for 2019/2020 includes a discussion to examine the current fence regulations and consider potential amendments/modifications to recommend for City Council consideration.

Based on the existing rolling and terraced topographic conditions of most streets in the community, many of the residential parcels contain retaining walls and other unique features that make rebuilding or constructing new fencing to comply 100% with the current fence regulations difficult. City staff will discuss the following design/construction issues they are addressing routinely with the public:

1. Placement of fencing on top of retaining walls or against the back of a retaining wall.

2. Refurbishment/repair of existing non-conforming retaining walls on front, side and rear property lines.

3. Design issues to maintain the opaqueness of fencing within a front yard to provide visibility of vehicles and pedestrians.

City staff will present additional materials and photographs of fencing details at the meeting to illustrate the repair/design issues and design conditions to improve the visual character of the residential community.

ATTACHMENTS

1. Attachment 1 - Fence Regulations

CHAPTER 17.30 - STANDARDS FOR ALL DEVELOPMENT AND LAND USES

Sections:

17.30.010 – Purpose and Applicability
17.30.020 - Fences, Walls, Hedges, and Screening
17.30.030 - Height Limits and Exceptions for Structures
17.30.040 - Landscaping Standards
17.30.050 - Moved Structures
17.30.060 - Noise Standards
17.30.070 - Outdoor Lighting
17.30.080 - Performance Standards
17.30.090 - Public Improvement Requirements
17.30.100 - Setback Requirements and Exceptions
17.30.102 - Solar Collectors
17.30.110 - Solid Waste/Recyclable Materials Storage
17.30.120 - Underground Utilities

17.30.010 - PURPOSE AND APPLICABILITY

A. **Purpose.** This Chapter expands upon the zoning district development standards of Article 2 (Zoning Districts, Permitted Land Uses, and Zoning District Standards) by addressing additional details of site planning, project design, and the operation of land uses. These standards are intended to ensure that proposed development is compatible with existing and future development on neighboring properties and is consistent with the General Plan and any applicable specific plan.

B. **Applicability.** The requirements of this Chapter shall apply to all proposed development and new land uses, except as specified in Chapter 17.72 (Nonconforming Uses, Structures, and Parcels) and shall be considered in combination with the standards for the applicable zoning district in Article 2 (Zoning Districts, Permitted Land Uses, and Zoning District Standards) and those in Article 4 (Standards for Specific Land Uses). If there is a conflict, the standards in Article 4 shall control.

17.30.020 - FENCES, WALLS, HEDGES, AND SCREENING 17.30.020

A. **Applicability**. The requirements of this Section apply to all fences, walls, hedges, and screening unless otherwise stated.

B. **Height limits**. Each fence, wall, and hedge shall comply with the following height limits; provided that no fence, hedge, or wall shall be constructed so that it interferes with the provision of adequate air and light on an abutting parcel:

1. **Residential uses**. Each fence, wall, and hedge, or combination thereof, on the site of a residential use shall comply with the height limits shown in Table 3-1.

TABLE 3-1 - MAXIMUM HEIGHT OF FENCES, WALLS, AND HEDGES FOR RESIDENTIAL USES

Location	Maximum Height
Interior Parcel	
Within front setback	4 ft for fence, wall, or hedge; 6½ feet for a decorative entry feature that is no more than 6 feet wide
Within interior side or rear setback	6 ft
Outside of required setbacks	8 ft
Corner Parcel	
Within front or street side setback	4 ft
Outside of required setbacks	8 ft
Within any traffic safety visibility area (see Section 17.30.030.E, Height Limits Within Traffic Safety Visibility Areas)	4 ft

2. **Nonresidential uses**. Each fence, wall, and hedge, or combination thereof, on the site of a nonresidential use shall comply with the height limits shown in Table 3-2.

TABLE 3-2 – MAXIMUM HEIGHT OF FENCES, WALLS, AND HEDGES FOR NONRESIDENTIAL USES

Location	Maximum Height
Interior Parcel	
Along the front property line, or any portion of the site within 10 feet of the front property line	6 ft (subject to Board of Architectural Review approval)
Along the rear and interior side property lines or any portion of the site not within 10 feet of the front property line	8 ft
Corner Parcel	
Along the front and street side property lines or any portion of the site within 10 feet of the front or street side property lines	6 ft (subject to Board of Architectural Review approval)
Within any traffic safety visibility area (see Section 17.30.030.E, Height Limits Within Traffic Safety Visibility Areas)	3½ ft

a. A fence, wall, or hedge placed along the front or street side property line or within 10 feet of the front or street side property line of a nonresidential use may be allowed, subject to Board of Architectural Review approval, in accordance with Section 17.62.030 (Architectural Review).

b. **Exception**: A fence or wall not more than 8 feet in height may be allowed to fully enclose a public utility or private recreation facility, when approved by the Zoning Administrator.

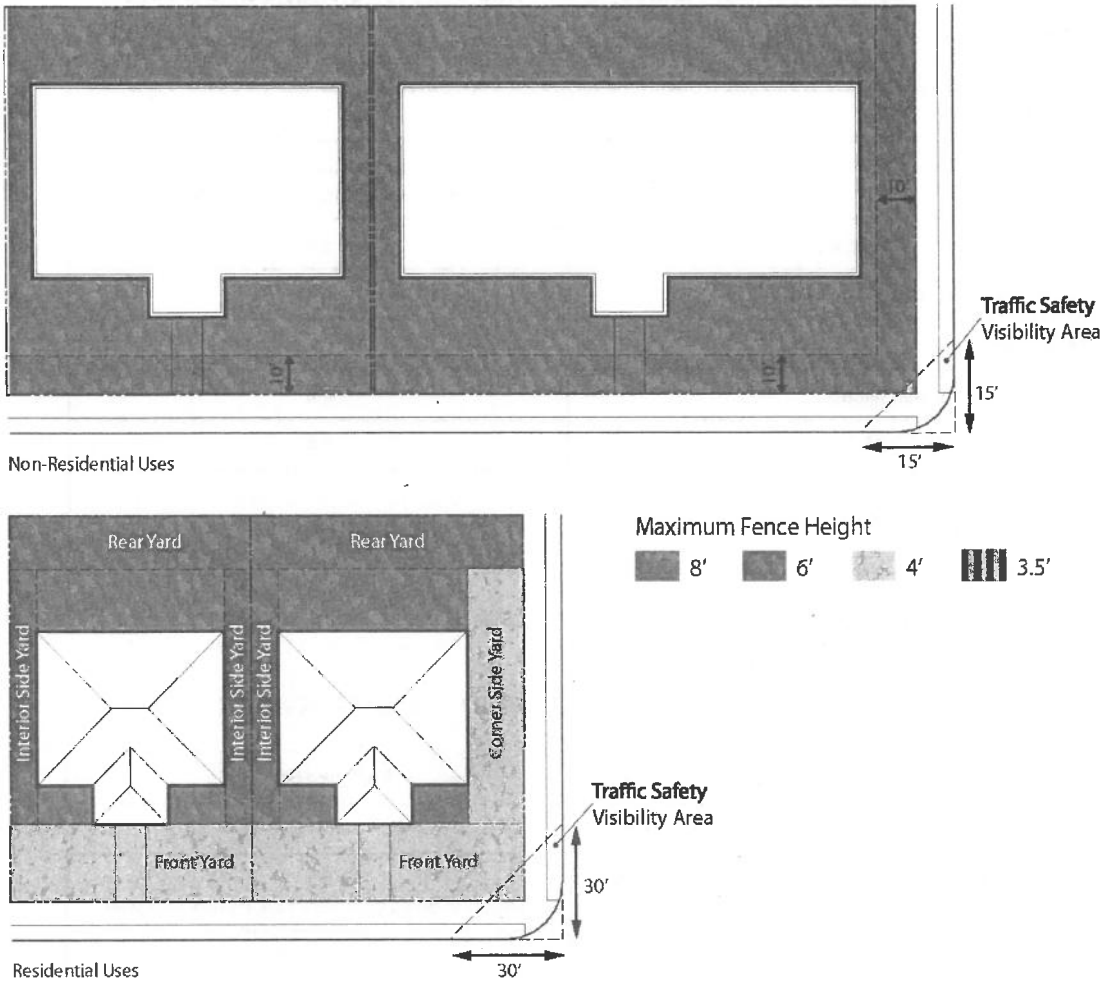

Figure 3-1 - Permitted Fence Heights

C. Measurement of fence and wall height.

1. Fence and wall height shall be measured as the vertical distance, relative to an imaginary plane parallel to the length of the fence or wall, between the finished grade at the base of the fence or wall and the top edge of the fence or wall material.

2. Where elevation of the finished grade within 6 feet of the base of a fence or wall on the front property line differs from one side of the fence or wall to the other (as when a fence is placed at the top of a slope or atop a retaining wall), the height shall be measured from the side with the lowest natural grade within 3 feet of the fence or wall.

3. The height of a fence that is placed atop a retaining wall on a side or rear property line shall comply with the height limitations specified under Section 17.30.020.D.3.

4. If necessary, measurement of the height or location of the grade on which a fence or wall is proposed may be determined by the Zoning Administrator and/or by topographical survey and not be artificially raised or lowered to affect an allowed structure height.

D. Specific fence and wall requirements.

1. **Fencing between different land uses.** Fencing between different land uses shall be provided in compliance with Subsection G (Screening Requirements).

2. **Outdoor equipment, storage, and work areas.** Screening of nonresidential outdoor uses and equipment adjacent to a residential use shall be provided in compliance with Subsection G (Screening Requirements).

3. **Retaining walls.**

   a. Any embankment to be retained that is greater than 4 feet in height shall be benched so that no individual retaining wall exceeds a height of 3 feet, and each bench is a minimum width of 3 feet. Any fencing associated with a benched retaining wall shall be set back from the retaining wall a minimum of 3 feet (see Figure 3-2, Fence Height Measurement).

   b. A fence may be placed directly atop a retaining wall on a side and rear property line that is proposed to retain an embankment of 3 feet or less shall conform to the maximum allowable height as identified under Table 3-1 or 3-2, measured from the base of the wall at the lowest grade to the top of the fence. Any fencing proposed to be placed directly atop a retaining wall that is proposed to retain an embankment of greater than 3 feet which exceeds a maximum height of 8 feet as measured from the lowest grade must receive the approval of a fence exception under Section 17.30.020.F.

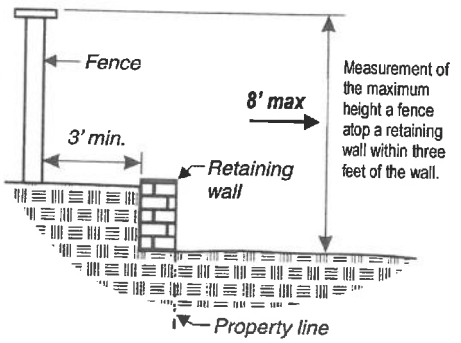

Figure 3-2 - Fence Height Measurement

4. **Fence or wall design within the front setback.** When a fence or wall is located within the front property setback of a residential zone, the fence or wall shall be constructed of visually permeable or aesthetically pleasing materials and constructed of such materials that minimize excessive bulk and mass impacts to the public street.

5. **Swimming pools, spas, and similar features.** Swimming pools, spas, and similar water features shall be fenced in compliance with California Building Code (CBC) requirements, regardless of the requirements of this Section.

6. **Temporary fencing.** Temporary fencing may be necessary to protect archaeological or historic resources, trees, or other similar sensitive features during site preparation and construction. Temporary fencing shall be approved by the Zoning Administrator, may include prohibited fence materials listed in Subsection E (Prohibited Materials), and may exceed the maximum fence heights of Subsection B (Height Limits).

7. **Building permit.** A building permit is required for all new fencing and reconstructed fencing.

E. Prohibited materials. The following materials are prohibited unless approved by the Zoning Administrator for special security needs or as required by a City, state, or federal law or regulation.

1. Barbed wire, barbed wire or broken glass on fences, or electrified wire fence;

2. Razor or concertina wire in conjunction with a fence or wall, or by itself within any zone;

3. Chain-link fencing within the front and street side yards in any zone; and

4. Other materials designed to inflict injury.

F. Fence, wall, and hedge exceptions granted by Zoning Administrator.

1. Where a physical hardship exists because of unique or unusual topographic conditions or structure location, and upon the approval of the Zoning Administrator, a fence, wall, and/or hedge that exceeds the maximum standards of this Zoning Ordinance may be allowed subject to a Fence Exception approved by the Commission, as allowed in Subsection 2, below.

2. The approval of a fence, wall, and/or hedge exception shall require that the Zoning Administrator first make all of the following findings.

   a. A general safety hazard to City residents and/or the general public would not be created;

   b. A traffic-related safety hazard would not be created;

   c. The fence or wall will not impair visibility at an intersection or traffic safety visibility area;

   d. The fence or wall will not obstruct vision from an adjoining driveway;

   e. The fence or wall is compatible with the surrounding neighborhood; and

   f. Public notice has been given and a public hearing has been conducted in compliance with Chapter 17.78 (Public Hearings).

3. The Zoning Administrator may refer an application for an exception to the City's Traffic Advisory Committee for review and recommendation.

4. The Zoning Administrator may approve, modify, or deny an application for an exception and apply reasonable conditions as necessary to ensure the public health, safety, and welfare.

G. Screening requirements. This Subsection provides standards for the screening and buffering of adjoining land uses, equipment and outdoor storage areas, and surface parking areas with respect to multi-family and nonresidential land uses.

1. **Screening between different land uses.**

   a. For purposes of this Subsection, screening means the provision of a minimum 6-foot-wide living or nonliving landscaped buffer designed to diffuse glare, noise, and/or negative visual impacts (see Figure 3-3).

   b. An opaque screen consisting of plant material and a masonry wall 6 feet in height shall be installed and maintained along nonresidential parcel boundaries whenever a nonresidential use immediately adjoins a residential zone and is not separated by an alley. Pedestrian access gates may be provided between the nonresidential properties and the abutting common open area within residential developments. The masonry wall shall be architecturally treated on both sides, subject to the approval of the Board of Architectural Review. Architectural treatment may include exterior colors and finishes, massing and facial articulation, or intentionally vegetated.

   c. Whenever required screening is located adjacent to parking areas or driveways, the screening shall be installed in compliance with Section 17.34.110.E (Landscaping of Parking Lots)..

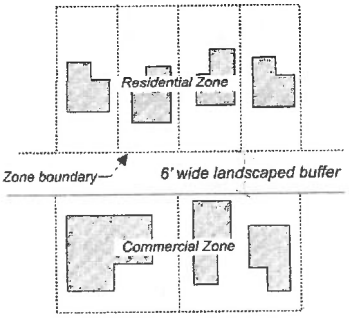

Figure 3-3 – Landscaped Buffer

2. **Mechanical equipment.**

   a. Roof- or ground-mounted mechanical equipment (e.g., air conditioning, heating, ventilation ducts and exhaust, water heaters), loading docks, service yards, waste and storage areas, and utility services shall be screened from public view from abutting public streets and rights-of-way, and abutting areas zoned for residential or open space uses, including views from above the subject project.

   b. The method of screening shall be architecturally compatible with other site development in terms of colors, materials, and architectural style subject to approval by the Board of Architectural Review.

   c. The screening design/construction shall be subject to the approval of the Board of Architectural Review, and shall blend with the design of the structure(s) and include appropriately installed and maintained landscaping when on the ground. Mitigation of noise to surrounding land uses shall be a primary consideration by the Board in the approval of ground- or roof-mounted mechanical equipment screening.

3. **Outdoor building and garden supply areas**. Land uses that include outdoor building and garden supply areas shall be screened with walls, fencing, landscaping, or similar material to minimize visibility of the storage area from public viewpoints with a minimum height of 6 feet.

4. **Outdoor storage and work yards**. Land uses that include outdoor storage of materials, or operations, shall comply with the following screening requirements.

   a. Outside storage and work yards shall have an opaque wall not less than 6 feet, or greater than 8 feet, in height, of a type and design approved in advance of construction by the Board of Architectural Review. The wall shall include sight-obscuring gates. The wall and gate(s) shall be maintained to continuously conform to the requirements of the Board of Architectural Review.

   b. Site operations in conjunction with the outdoor uses, including the loading and unloading of materials and equipment, shall be conducted entirely within a walled/screened area and/or loading berth.

   c. Section 8.12.010 (Screening Specifications – Applicability) of the Seaside Municipal Code.

17.30.030 - HEIGHT LIMITS AND EXCEPTIONS FOR STRUCTURES

A. **Purpose**. This Section describes the required methods for measuring the height of structures in compliance with the height limits established by this Zoning Ordinance, and exceptions to those height limits.

B. **Maximum height of structures.** The height of each structure shall not exceed the height limit established for the applicable zone by Article 2 (Zoning Districts, Permitted Land Uses, and Zoning District Standards), except as otherwise provided by this Section, or by Article 4 (Standards for Specific Land Uses).

C. **Height measurement.**

1. The maximum allowable height shall be measured as the vertical distance from the existing grade of the site to an imaginary plane located the allowed number of feet above and parallel to the grade (see Figure 3-4).

2. The location of existing grade shall:

   a. Be determined by the Zoning Administrator and may include the use of a topographical survey; and

   b. Not be artificially raised to gain additional structure height.