



Venice Neighborhood
Council
Post Office Box 550
Venice, CALIFORNIA 90294
310-606-2015

Land Use and Planning Committee

Staff Report to Board of Officers
March 18, 2008



Case Number: ZA-2007-5515-ZAD
LUPC Staff: Jed Pauker
Address of Project: 251 Market Street
Size of Parcel: 30' x 95', 2,850sf
Size of Dwelling or Project: 70sf
Venice Subarea: North Venice
Current Zoning: RD1.5-1-0
Proposed Zoning: No change
Permit Application Date: 11/27/07
Applicant: Cathy and Robert Ward
Address: 122 Hart Avenue, Santa Monica, CA 90405
Contact Information: 310.392.0232
Representative: Jed Pauker as reporting proxy
Date(s) heard by Advisory
Agency Division of Land: N/A
Date(s) heard by LUPC: March 5, 2008
Zoning Administrator
Hearing Date: February 21, 2008
Community Planning Bureau
Dates: N/A

LUPC Motion to Recommend that the VNC Board of Officers (language from minutes):

MOTION #1 (as amended 3/12):

Whereas the Los Angeles Municipal Code regulations limit frontage barrier heights to three feet, six inches, absent unique or geographical circumstances, and,

Whereas the Venice Coastal Zone Specific Plan specifically entitles property owners in the North Venice sub-area, in which 251 Market Street is located, to maintain fences and hedges up to six feet in height, in the front yard, provided they observe a setback of one foot,

LUPC therefore recommends that the VNC Board of Officers recommend approval of the project, provided that the proposed fence observes a setback of one foot as specified in the Venice Coastal Zone Specific Plan.

Vote: 6-0 (3/12)

MOTION #2 (as voted 3/5):

LUPC recommends that the applicant provide a largely open view for that portion of the proposed fence that exceeds three and one half feet in height, and that the one-foot setback be landscaped.

Vote: 6-1-1 (3/5)

REPORT

Project Description:

Construct a 6'-0" high CMU wall/fence with plaster finish and wrought iron gate in the front yard of an existing duplex in lieu of the allowed maximum height of 3 ½ feet by the Code.

Venice's Market Street is a beach-adjacent neighborhood, with quaint bungalows, duplexes and small residential buildings throughout. Many of the structures are seventy-to-eighty years old, and well-maintained. Residents live in fairly close quarters, on tiny lots. In the 200 and 300 blocks of Market Street, most front yards are readily visible from the sidewalk. A mere handful of yards - five or six - are blocked from public view by high hedges or fences; one of these hedges is thin enough to allow light to pass through, and another's yard is readily visible when passing by its gateway - which has no gate, but is a wide opening leading up the walk, directly to the dwelling's front door.

The subject property is a one-story duplex (251/253), with a cement deck, approximately two feet high, extending into the front yard. The dwelling face appears to extend about one foot in front of the setback of the two adjacent dwellings - this structure is slightly closer to the street (and may be older) than its neighbors. This feature decreases the size of the front yard, while still conforming to the sub-area's five-foot front yard setback requirement.

The property owner cited reasons for wanting to construct a high front fence: security, privacy, a

place for children to play and a means to mitigate or eradicate the practice of some beachgoers, and other human and canine passersby, to use the front yard as a trash receptacle or toilet. His comment that beachgoers often lack manners touches on a fundamental need: Our City of Angels is still hamstrung by its own system of government, which puts nearly every other perceived need ahead of the most powerful and empowering tool ever discovered by the human race: knowledge.

This property owner could have avoided the time, money and energy expended in applying for this entitlement - plus having to discuss the issue further with his nosy Neighborhood Council representative - if he had had the simple benefit of one piece of knowledge: His subject property is situated in the North Venice sub-area of the Venice Coastal Zone. This said, his application is still valid, both as a mechanism for the applicant's desire for legal approval and as a means to clarify the code requirements.

In most of Venice, the Venice Coastal Zone Specific Plan (Venice Specific Plan, Specific Plan, VCZSP, VSP) is silent regarding fence and hedge heights in the required front yard; for these areas, the LAMC prevails: fences or hedges in the required front yard must not exceed forty-two inches (3 1/2 feet) in height. North Venice, however, is one of four sub-areas for which the Venice Specific Plan specifically addresses height limitations in the required front yard. Its directions prevail over those of the LAMC.

In each of these sub-areas, the Venice Specific Plan allows fences and hedges within the setback (i.e., the front yard) to extend up to six feet in height. The specifications for each sub-area are not identical; in the case of North Venice, **Section 10.F.4.a.** of the Specific Plan specifies:

Ground level patios, decks, landscaping and railings, wall and fences that do not exceed six feet in height may encroach into this setback, provided they observe a setback of one foot.

In North Venice, the front yard setback may be as shallow as five feet. Given this condition, it is legal in North Venice to have a five-foot deep front yard with a conforming fence or hedge, or a four-foot-deep front yard with a non-conforming fence or hedge.

This neighborhood, with its tiny parcels and shallow setbacks, is both open and intimate at the same time. The current rarity of over-height frontages on Market Street lends to the openness; the parcel size, dwelling scale and design to the intimacy. Property owners in this area, where the VSP allows extra height, usually choose to keep their fences and hedges low. For owners who, for whatever reasons, would choose otherwise, the VSP, as noted above, allows it.

Respectfully submitted,
Jed Pauker

Applicant's Requested Action by LUPC/Venice Neighborhood Council:

ZA Determination to allow above-referenced project.

Section of Venice Coastal Zone Specific Plan and/or the Los Angeles Municipal Code governing this particular site:

LAMC: 2.21.C.1 (g) per application:

(Amended by Ord. No. 173,492, Eff. 10/10/00.) Every required front, side and rear yard shall be open and unobstructed from the ground to the sky, except for those projections permitted by Sections 12.08.5, 12.09.5 and 12.22.

...

All portions of the required front yard of two family dwellings, multiple dwellings or group dwellings, apartment houses, hotels, motels, apartment hotels and retirement hotels in the RD, R3, RAS3, R4, RAS4, R5, or C Zones not used for necessary driveways and walkways, including decorative walkways, shall be landscaped, and shall not otherwise be paved. This landscaping shall be in accordance with a landscape plan prepared by a licensed landscape architect, licensed architect, or landscape contractor to the satisfaction of the Department of City Planning. At least one tree shall be provided for each 500 square feet of unpaved area. These trees shall be at least 15 gallon in size and at least six feet in height at the time of planting. All landscaped areas shall be equipped with an automatic irrigation system and shall be properly maintained. (Amended by Ord. No. 174,999, Eff. 1/15/03.)

12.22.C.20.f.2:

All portions of the required front yard of two family dwellings, multiple dwellings or group dwellings, apartment houses, hotels, motels, apartment hotels and retirement hotels in the RD, R3, RAS3, R4, RAS4, R5, or C Zones not used for necessary driveways and walkways, including decorative walkways, shall be landscaped, and shall not otherwise be paved. This landscaping shall be in accordance with a landscape plan prepared by a licensed landscape architect, licensed architect, or landscape contractor to the satisfaction of the Department of City Planning. At least one tree shall be provided for each 500 square feet of unpaved area. These trees shall be at least 15 gallon in size and at least six feet in height at the time of planting. All landscaped areas shall be equipped with an automatic irrigation system and shall be properly maintained. (Amended by Ord. No. 174,999, Eff. 1/15/03.)

VENICE COASTAL ZONE SPECIFIC PLAN: 10.F.4.a:

The front yard setback for all residential Venice Coastal Development Projects shall be consistent with LAMC requirements, but shall not be less than five feet. Ground level patios, decks, landscaping and railings, wall and fences that do not exceed six feet in height may encroach into this setback, provided they observe a setback of one foot.

Summary of Arguments Against this Project/Issue:

- Continues proliferation of structures that limit public/private interaction.
- Poses potential danger to bicyclists who use the sidewalk in this beach area.
- Erodes neighborhood character promoted by all area plans.
- Increases potential for property crime.

Summary of Arguments For this Project/Issue:

Decreases potential for “victimless” crime.
Provides precious privacy on small lot.
Exceptional (56-60’) street width enables good view of house beyond.
Does not affect views for adjacent properties (one has tall fence, another has high floor level).

Summary of Public Comment: No public comment.

Summary of Findings by LUPC:

Residents at this property have reported disturbances, at least one within the past year, which, the applicant believes, will be greatly mitigated by the requested fence. The applicant has expressed willingness to construct the fence in conformance with the VCZSP, which allows a higher fence in this area than does the LAMC.

DRAFT OF COMMUNITY IMPACT STATEMENT TO BE ATTACHED TO THIS CASE NUMBER and/or FILE:

The Venice Neighborhood Council supports LAMC regulations limiting frontage barriers (fences, walls and hedges) to 42 inches in height, absent extenuating circumstances, Fence Height Districts (unavailable in the Coastal Zone), or specific zoning allowances. Frontage barriers define property borders, public versus private space, and establish safety barriers. However, because over-height frontage barriers threaten neighborhood character, affect community, openness, space and light, diminish safety and hinder law enforcement duties, the VNC supports the LAMC's 42 inch height limitation.

Author of Report: Jed Pauker

Date: 3/12/8