



**Land Use and Planning Committee
Task Force Report to Venice Neighborhood Council Board of Officers
As Of February 20, 2007**

FENCES & HEDGES TASK FORCE INTERIM REPORT

I. INTRODUCTION

The Fences & Hedges Task Force is presently comprised of three Land Use Planning Committee (LUPC) members:

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In the following interim report, we intend to provide you with the following:

- (1) A brief history of the current state of law regarding fences and hedges in Los Angeles, specifically pertaining to Venice
- (2) Relevant sections of the Los Angeles Municipal Code (LAMC) and the Venice Specific Plan (VSP)
- (3) Relevant Fence/Hedge Height Variance Requests In Venice

II. BRIEF HISTORY

The LAMC and the VSP recognize that fences, walls and hedges serve several purposes in residential neighborhoods. Besides defining public versus private space, they can define property borders and establish security barriers. These ordinances also recognize that fences, walls, and hedges can alter the character of a neighborhood, affect the sense of community, openness, space and light, diminish day-to-day safety and interfere with enforcement duties of the Los Angeles Police Department (LAPD). The current ordinances represent an attempt to achieve a realistic compromise among these sometimes-conflicting interests. This compromise was, in part, brought about as follows:

Before 1996, many stakeholders in high-density areas erected fences, grew hedges and/or allowed shrubbery to grow tall and dense at the borders of their required front yards, believing they provided greater security. The excess height of these encroachments caused conflicts among neighbors, safety issues for the LAPD (as a result of poor visibility into and onto properties), and enforcement difficulties for Building and Safety.

In 1996, to address these concerns and to clarify and codify the use of frontage barriers for security in residential areas, the City Council – by way of motion - directed the Departments of City Planning and Building and Safety, consulting with LAPD and the City Attorney, to define a way for stakeholders to preserve their security, while keeping their neighborhoods from losing public and community character, and allowing the LAPD to do its job. [See attached file re: 1996 Motion, attached hereto as Exhibit “1”].

Several years after the City Council's Motion, Ordinance 172460 passed. This ordinance, among other things, amended the LAMC to allow for the creation of a new supplemental use district – a Fence Height District. The Fence Height (FH) District permits open wrought iron fences in front yards of residential-zone properties to be higher than normally permitted by the LAMC in areas where special circumstances, such as a high rate of burglary or other crimes, or the character of the neighborhood, necessitates the erection of those fences. [See LAMC, § 13.10].

With these amendments, the City's municipal, planning, legal and enforcement departments crafted a compromise that preserved both property security and neighborhood character, and which addressed the LAPD's concerns regarding safety and visibility.

II. LAMC AND VSP REQUIREMENTS REGARDING FENCES AND HEDGES

The LAMC defines “fence” and “wall” as latticework, ornamental fences, screen walls, hedges or thick growths of shrubs or trees. It also states that fence and wall height shall be measured from the natural ground level. [LAMC § 12.22.C.20.f.1].

The LAMC states that front yard fences may not be more than three and one-half feet in height above the natural ground level. [LAMC § 12.22.C.20.f.2]. The only two exceptions allowed per the Code, besides those authorized by a Zoning Administrator pursuant to Section 12.24 X.7, are (1) the higher limits in the Agricultural (A) and Suburban (RA) zones (Suburban zone) [LAMC § 12.22.C.20.f.2] and (2) the FH District [LAMC § 13.10].

As noted above, FH Districts permit open wrought iron fences over 3'6" in height in areas where special circumstances dictate. To permit the maximum allowable height under the Ordinance, fences in FH Districts must satisfy eleven (11) development regulations (e.g., the fence must be substantially open, allowing a significant amount of visibility, among other things). [See § 13.10C of the LAMC and Ordinance 172460].

In addition to the exceptions permitted by the LAMC, the VSP allows higher fences in the Ballona Lagoon West Bank, Ballona Lagoon (Grand Canal) East Bank and the Lagoon Buffer Strip of the Silver Strand, [VSP §§ 10.A., B, C.3]. Although the Venice Community Plan and the VSP do not discuss the design of fences for other neighborhoods subject to these Plans, leaving these matters to the LAMC, their intent is to preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods. They note that existing residential neighborhoods should be protected from encroachment by uses that are incompatible as to scale and character, or would otherwise diminish quality of life.

III. RELEVANT FENCE/HEDGE HEIGHT VARIANCE REQUESTS IN VENICE

Currently, two over-in-height fence cases on McKinley Avenue are scheduled for appeal before a Zoning Administrator on February 21, 2007. One variance request had been conditionally approved (e.g., any portion of the fence over 3'6" in height must be substantially open, allowing significant visibility, among other requirements), and one denied. Each of these cases involves an Order to Comply received for the subject property. Pending outcome of these appeals, our final report will review all current McKinley cases, as well as several previous requests, which differ substantively from the McKinley cases. Among other things, the prior requests did not stem from an Order to Comply. Instead, they were requested during the design development process (one to enclose a swimming pool, and the other requesting a six-foot and eight-foot high landscaped fence, set back ten feet from the property line).

Submitted by: Venice Neighborhood Council Land Use and Planning Committee Fences and Hedges Task Force

EXHIBIT 1

File Number

96-2217

Last Changed Date

02/06/2003

Title

FENCES AND WALLS / RESIDENTIAL NEIGHBORHOODS

Initiated by

Goldberg Mover 1996 / Bernson

Subject

Motion - Fences and walls in residential neighborhoods serve several purpose. They provide enclosure for private space, definition of property borders and privacy to the front and rear yards. They also establish physical barriers for security purposes by preventing unauthorized entry onto private property. The Los Angeles Municipal Code (LAMC) currently restricts the height of fences and walls in Residential Zones within the front yard to 3 feet and 6 inches.

However, there is widespread confusion regarding the zoning rules which regulate fence height because a building permit is not required to construct a fence or wall. Seeking security protection, owners of property in areas characterized by high population densities have installed front yard fences or have allowed shrubs and plants to grow tall and dense within the front yard. In many cases, these barriers exceed the current height limit, causing conflict between neighbors and enforcement difficulties for the Building and Safety Department. The City should preserve the option for private owners to establish enhanced security protection. At the same time, the City should recognize that walls and fences often contribute to the character of the public street and general neighborhood. The encroachment of incompatible walls and fences into expanses of front yard open space should be avoided or mitigated.

THEREFORE MOVE that City Planning Department, in consultation with the Building and Safety Department, Los Angeles Police Department (LAPD) and City Attorney, prepare and present an amend to the Los Angeles Municipal Code to include the following provision: The height of a wall or fence in the front yard in a Residential Zone shall be permitted to exceed three feet six inches if it is substantially open or allows a significant amt of visibility.

FURTHER MOVE that a report on this matter be presented to the Planning and Land Use Management Committee within 60 days.

Date Received

10-29-98

File History

11-19-96 - This days Council session

11-19-96 - Ref to Planning and Land Use Management Committee - Set for Planning and Land Use Management Committee on December 17, 1996.

11-19-96 - File to Planning and Land Use Management Committee Clerk

11-19-96 - File to Bernson per Planning and Land Use Management Committee Clerk request.

12-13-96 - File to Planning and Land Use Management Committee Clerk for report

12-17-96 - Planning and Land Use Management Committee disposition - Referred to Planning staff.

12-18-96 - File to Planning Department - Attention: Con Howe per Planning and Land Use Management Committee Clerk letter

4-14-98 - File and City Attorney Report R98-01171 re: Draft ordinances amending Los Angeles Municipal Code (LAMC) to permit open fences up to six feet in height by right in the required front yard in the R Zones and adding to Los Angeles Municipal Code to allow for the creation of a supplemental use district - to Planning and Land Use Management Committee Clerk.

5-8-98 - Set for Planning and Land Use Management Committee on May 19, 1998

5-19-98 - Planning and Land Use Management Committee Disposition - OK "A" ordinance with Building and Safety Department modifications.

5-21-98 - File to Planning Department - Attention: Con Howe per Planning and Land Use Management Committee Clerk letter.

7-22-98 - File to Planning and Land Use Management Committee Clerk

11-10-98 - CONTINUED TO November 17, 1998

11-17-98 - Entire Matter CONTINUED TO December 15, 1998

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10-29-98 - City Attorney R98-0335 report re: An ordinance amending Sections 12.04 D and 13.00, renumbering Section 13.10 and adding a new Section 13.15 to the Los Angeles Municipal Code to allow for the creation of a new supplemental use district to permit *open* fences up to six feet in height in the required front yards of properties in the R Zones - to Planning and Land Use Management Committee Clerk.

12-15-98 - Entire Matter CONTINUED TO January 29, 1999

1-29-99 - **Planning and Land Use Management Committee report ADOPTED TO PRESENT and ADOPT accompanying Ordinance, amending Sections 12.04D and 13.00, renumbering Section 13.19 and adding a new Section 13.15 to the Los Angeles Municipal Code to allow for the creation of a new supplemental use district to permit open fences up to six feet in height in the required front yard of properties in the R Zones - General Exempt**
ADOPTED - Findings ADOPTED - Ordinance OVER ONE WEEK TO February 5, 1999.

2-5-99 - Ordinance ADOPTED

2-9-99 - File to Mayor for signature

2-24-99 - File to Planning and Land Use Management Committee Clerk OK

2-25-99 - File in files

Ordinance

172460 (Effective: 03/22/1999)