

Venice Neighborhood
Council

Post Office Box 550

Venice, CALIFORNIA 90294

310-606-2015

**Land Use and
Planning Committee**

Staff Report to Board of Officers

August 19, 2008



Case Number: ZA-2007-3758-ZAD
LUPC Staff: Jed Pauker
Address of Project: 612 San Juan Avenue
Size of Parcel: nominal 40 x 130; 5,200 sf
Size of Project (fence): 70.5 linear feet (to enclose front yard)
Venice Subarea: Oakwood
Current Zoning: RD1.5-1
Permit Application Date: August 3, 2007
Applicant: Tara Nicole Weyr
Representative: Same
Address: 612 San Juan Avenue, Venice, California 90291
Date(s) heard by LUPC: July 23, 2008
Zoning Administrator
Hearing Date: May 29, 2008, Zoning Administration Hearing Officer Anik Charron's report On Hold pending VNC recommendation

LUPC Motion:

LUPC recommends that the Board of Officers of the Venice Neighborhood Council recommends that the Zoning Administrator approve the variance conditioned upon compliance, within 180 days of its adoption, with a fences and hedges policy adopted by the Board of Officers of the Venice Neighborhood Council.

Vote: 5-2-2 to approve the motion.

REPORT

Project Description:

Request for height variance to permit continued maintenance of existing 6'-0" tall stucco fence in the required front yard.

The subject property is a one-story single-family residence, set back about fifteen feet from the sidewalk, with a garage at the back of the large rear yard. In 2007, after being victimized by a trespasser in the rear yard, the applicant erected a six-foot fence around the front and sides of the required front yard. The applicant states that, on the day the fence was completed, an Order to Comply was delivered from the Department of Building and Safety. The applicant responded by requesting relief from the pertinent LAMC code.

The area around the subject property is particularly intimate. San Juan is a narrow, one-way street, with a large variety of old and new houses and fences. Across the street and a few doors west of the subject property is a striking fence – a three-dimensional wooden near-maze of doors, cubbies and open detail at the top.

A recent fence height case, in which a variance was sought before construction, noted that Oakwood hosts a wide variety of architecture, foliage and frontages. The subject property's street is a clear example – with old and new clapboard and stucco houses, small lots, a narrow, one-way drive street and a remarkable variety of fences, both high and low.

On this block of San Juan, many fences seem to be designed specifically for security, notwithstanding other aesthetics or details. The fence in front of the subject property is a prime example – built to provide security.

The owner built the fence because of fear. Having invested some five years to restore a house from disrepair to respectable beauty, the applicant continued to be confronted by the ogre of physical violence. She states that, until the 2008 Oakwood raid, armed gang members lived across the street. Her fears were confirmed when the raid uncovered a cache of automatic weapons at that house.

The applicant states that, since building the fence, her property has become secure.

For most Venice subareas, 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. Oakwood is one of the areas not referenced. Therefore, fence and hedge heights in Oakwood's required front yards are currently governed by LAMC: These heights can extend to forty-two inches (3 1/2 feet) in height.

This case highlights flaws in our system of government: a prevailing, static regulation which fails to address urgent conditions in real-time; a system whose administration - while improving - allowed this case to "fall through the cracks" for nearly a year; and a system which is in the midst of drafting recommendations to address the conditions that make this case an issue in the first place.

The LAMC must work with other regulations to help residents achieve the best possible enjoyment of their properties in a shared environment. This property is now protected. The challenge for the Neighborhood Council and the City is to find a way to help this resident, her neighbors and the community enjoy it going forward.

Respectfully submitted,
Jed Pauker

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

To support the requested variance with the Zoning Administrator.

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

LAMC: 12.22.C.20.f.2:

Front Yards. (Amended by Ord. No. 173,754, Eff. 3/5/01.) In the R Zones, fences, walls, and landscape architectural features of guard railing around depressed ramps, not more than three and one-half feet in height above the natural ground level adjacent to the feature, railing or ramp, may be located and maintained in any required front yard. In the A Zones (including the RA Zone), a fence or wall not more than six feet in height may be located and maintained in the required front yard. In both the A and R Zones, a fence or wall not more than eight feet in height may be located and maintained in the required front yard when authorized by a Zoning Administrator pursuant to Section 12.24 X.7.

Summary of Arguments Against this Project/Issue:

The existing fence continues proliferation of structures that limit public/private interaction. The existing fence sets a negative precedent of continuing fear in a low-crime neighborhood. The fence, as constructed – unadorned and with no relief – negatively affects community character. Increasing security for one property increases risk for surrounding properties.

Summary of Arguments For this Project/Issue:

The existing fence better protects the applicant from further intrusions going forward. The existing fence increases security on the property. Granting the variance supports the contention that, in the name of security, some areas merit higher fences than others. Granting the variance supports the contention that stakeholders are allowed to maintain their properties in any way they wish by right.

Summary of Public Comment:

Attendees from various local areas, connected by an organized email group, were nearly unanimous in support of the applicant, with at least one speaker

recommending making no recommendation on the issue. Speakers mentioned the following: Oakwood's special security needs; by-right property maintenance; the issue is not worth consideration; VNC should not take a position on an issue which was created by the City's inconsistent and apparently selective enforcement, and on which VNC is considering recommendations to amend the LAMC regulation and/or the Venice Coastal Zone Specific Plan.

Summary of Findings by LUPC: To satisfy the City's request for community input, and to support due process, VNC must recommend action on the project. The timing of the project's hearing is unfortunate, demanding a decision while existing law is known to be at odds with the community as represented at the meeting. A Determination will be valid only when it fully considers the community's existing conditions, which have changed the pertinent law was passed.

DRAFT OF COMMUNITY IMPACT STATEMENT TO BE ATTACHED TO THIS CASE NUMBER and/or FILE: Frontage barriers, fences, walls and hedges can define property borders, public versus private space, and establish safety barriers. They can also, however, alter neighborhood character, affect community, openness, space, and light, diminish safety and hinder daily law enforcement duties. Existing regulations limit frontage barrier height to 3 feet, 6 inches, absent extenuating and unique circumstances or if subject properties are in a Fence Height District (unavailable in the Coastal Zone) or in specifically excepted zones as specified in the Ordinance.

Author of Report: Jed Pauker

Date: 8/3/8