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November 12, 2007

Councilmember Bill Rosendahl Los Angeles City Council [INSERT ADDRESS]	[INSERT NAME] City of Los Angeles Public Works – Bureau of Engineering Environmental Management Group 650 South Spring Street, Room 574 Los Angeles, CA 90014
Gail Goldberg Director of Planning Los Angeles Planning Department [INSERT ADDRESS]	Irene Paul Environmental Supervisor I City of Los Angeles Public Works – Bureau of Engineering Environmental Management Group 650 South Spring Street, Room 574 Los Angeles, CA 90014
Betsy Weisman [INSERT TITLE] Los Angeles Planning Department [INSERT ADDRESS]	[INSERT NAME] Los Angeles City Attorney’s Office [INSERT ADDRESS]
[INSERT NAME] Department of Building & Safety [INSERT ADDRESS]	Laura Chick City Controller [INSERT ADDRESS]
[INSERT NAME] Los Angeles Police Department [INSERT ADDRESS]	

RE: Policy Recommendation Re Enforcement of LAMC & VCZSP re Frontage Barriers

Gentlepersons:

The Venice Neighborhood Council (VNC) and its Land Use & Planning Committee (LUPC) strongly urge the Los Angeles City Council, along with various relevant agencies, including without limitation, the Departments of Planning, Building and Safety, Police and Public Works, as well as the City Controller’s and the City Attorney’s Office, to take the following immediate action to ensure compliance with and enforcement of its frontage barrier laws. For purposes of this correspondence, frontage barriers are defined as front yard fences, hedges and walls.

As the enclosed LUPC Fences & Hedges Task Force Report confirms, the Los Angeles Municipal Code (LAMC) and the Venice Coastal Zone Specific Plan (VCZSP) make it very clear that frontage barriers generally cannot be more than three and a half (3 ½ ) feet high, absent extenuating factors, such as a fence height district, or geographic location, among other things.

Unfortunately, many Venice residents are either unaware of the City’s frontage barrier’s requirements and/or blatantly disregard them because they know the City currently lacks enforcement means and measures. Because – as the enclosed Report confirms – adherence to frontage barrier requirements promotes safety, neighborhood and community, and the continued blending of public and private enjoyment of the required front yard, compliance with and enforcement of them is absolutely necessary. The VNC and LUPC therefore demand that the City, and applicable agencies take the following immediate steps:

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### **I. Back-end Enforcement Measures to Provide Incentives to the City to Ensure That Those Who Receive Citations and/or Orders to Comply Actually Bring Their Frontage Barriers Into Compliance**

The LAMC does not provide for meaningful fines for non-compliance with frontage barrier laws. Instead, it specifies only nominal fees, which historically fail to facilitate compliance [See LAMC Sec. 9804.11]. The current fees must be increased so that they are punitive and encourage compliance. Following receipt of a citation, order to comply, or determination - unless a one-time extension (not to exceed 60 days) is granted, or a request for a variance, permit or exception is filed and a bond posted, or a reasonable extension due to financial hardship or other extenuating circumstances is issued (not to exceed one year), we propose a fine of \$5,000 for non-compliance after 60 days; \$10,000 after 120 days, and \$15,000 if the frontage barrier is not brought into compliance after 180 days (the "Schedule"). Until paid, the fine acts as a lien on the property and accrues interest at a specified rate. Monies collected for non-compliance in Venice shall be set-aside for further enforcement efforts in Venice.

When a citation is issued, a lien automatically attaches to the property as it does when Building & Safety issues a citation for a substandard building, triggering a substandard building notice, which is sent by Building & Safety to the recorders office. The notice acts as a cloud on the title and is not removed until compliance is achieved, or the violator has filed for and received a variance, permit, exception, etc.

- The viewline between 42" and 96" above grade is defined as a public right, to be shared by the property owner with the public. As such, enforcement may reasonably fall within the purview of the Department of Public Works. The clearance requirement for permanent encroachments in the public right-of-way should be applied to frontage barriers which encroach on this viewline.

Provide the City with the option to remove, at its discretion, a non-compliant frontage barrier 180 days following a citation, and to charge the property owner for the removal at a premium as permitted by law. The premium charge shall provide enforcement funding for the City and the Department of Public Works. Until paid, the charge shall act as a lien on the property and accrues interest at a specified rate.

Shift prosecution of these matters from the City Attorney's criminal division to the civil division, maybe to the code enforcement or land use branch or to a possible "land use court," dedicated to adjudicating all land use issues. Increased fines, liens, assessments, etc., will encourage enforcement and prosecution, which is currently nonexistent due to lack of resources and pressures to prosecute "more important" matters.

Amending applicable law(s) to allow the prevailing party to recover attorneys' fees in frontage barrier compliance cases will further entice the City Attorney's office to prosecute them.

### **II. Front-end Enforcement Measures to Ensure That Those Who Maintain Out-of-Compliance Frontage Barriers Pro-Actively Bring Them Into Compliance**

Issue a notice – in DWP or Gas Bill – to all Venice (or Los Angeles) residents re: frontage barrier requirements and new enforcement measures. All violators not yet cited - and those who have not submitted an application for or received an approval of a request for a variance, permit, exception, or reasonable extension as noted above - will have two years - until January 1, 2010, for instance - to bring their frontage barriers into compliance, or to apply for a variance, exception, or permit. Following the two-year period, the City will conduct inspections

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throughout Venice (or Los Angeles). Those who receive a citation or order to comply shall have a 90-day grace period to bring their frontage barrier into compliance. They will not have the opportunity to apply for a variance during this time (as they already had two years to do so). If they do not bring their frontage barrier into compliance, they will be issued a fine in accordance with the above-referenced Schedule. Note: If property transfers ownership at any point after the original notification is sent out, sellers must disclose that the frontage barrier must nevertheless be brought into compliance within this timeframe.

Require property owners to disclose illegal frontage barriers and potential penalties and damages for continued maintenance of same any time there is a transfer of real property, an application for a city permit or change of use, or an application to finance or refinance a home.

Restrict the transfer of property until illegal frontage barriers are brought into compliance (like with water heater bracing and smoke detectors installation), outstanding fines are paid, and/or until the property owner posts a bond and applies for a variance, permit or exception.

Although the VNC's LUPC's Fences & Hedges Task Force has been studying these and other recommendations, further analysis is virtually impossible without additional resources and support. Accordingly, in addition to implementing the above recommendations immediately, we further charge the City Council and the above listed agencies to work together, with the VNC & LUPC, to create a task force - similar to the one created in the 1990s which prompted the Fence Height District Motion and Ordinance - to study these issues and propose additional enforcement measures and policy changes.

In doing so, we strongly urge you to consider providing a carve-out for Venice's unique, artistic, historical, and/or architecturally significant gates of a maximum specified height and width, as well as the option of permitting frontage barriers to rise with each additional foot of front yard setback. In other words, for each extra foot of front yard setback, a property owner might get an additional three (3) inches up to a maximum of 30 inches or two and a half (2 ½) feet. If an owner goes back 10 feet, he/she will get an extra 30 inches or an extra two and a half (2 ½) feet, for a total of six (6) feet. **It is also worth looking at the application of the current frontage barrier laws on the substandard and narrow lots in Venice.**

We look forward to seeing the results of the immediate implementation of at least some, if not all, of the above-recommendations. Thank you.

Very truly yours,

VNC & LUPC

cc: Los Angeles City Council Members CD2 through CD13