

## Fences & Hedges Ad Hoc Committee

August 20, 2008

### 1. CALL TO ORDER – 7:15pm

### 2. ROLL CALL

#### COMMITTEE MEMBERS PRESENT

Jed Pauker, Chair

Charlotte Manning

Robin Rudisill – had to leave about 30 minutes before meeting ended

Tim Guille

Ruth Seroussi

Marsha Jackson, Dept of Public Works

Collette Bailey – arrived a little late

Joe Clark – arrived a little late

Nick Perlmutter, arrived a little late

Eileen Pollack Erickson – arrived about an hour late

#### NON-COMMITTEE VNC BOARD MEMBERS

Challis McPherson, LUPC

Ivan Spiegel, VNC Parliamentarian

Mike Newhouse, VNC President

### 3. ANNOUNCEMENTS

Jed's announcement re: Board's Decision on a case heard 8/19, without support required by results of this committee, increases urgency to immediate completion.

No other announcements

### 4. PUBLIC COMMENT

One public comment – who are committee members? Jed explained committee makeup and core members.

### 5. OLD BUSINESS

#### A. Appoint secretary to record minutes

Ruth Seroussi will take notes

**B. Survey Review**

**C. Existing Recommendations – Motion formation**

Tim Guille asked for a review of process of presenting recommendations to VNC and next steps; Jed Pauker explained process

**1. Permit Process**

Charlotte Manning asked what this means and how this differs from current fence

Colette Bailey said remove the language “over-the-height” fence

Jed Pauker said dealing with fence, hedges, and walls; not structures

Audience members asked if it included gates and to define what we are talking about

Charlotte Manning asked again how this differs from current state of events

Robin Rudisill suggested discussing what SM does

Tim Guille indicated what SM is doing and suggested saying frontage barriers over 3.5 feet

Said that currently SM does not have a process for this; it simply grandfathered everything in and then went back to enforcement phase that was previously there

Tim Guille indicated that what he understands is that this is asking for a permit for a fence over three and half feet, rather than a variance

Ruthie Seroussi said thinks we should revisit whether the Board establish a permit process or whether we do; Tim Guille agreed

Tim Guille said thinks it is a good idea and Colette Bailey said yes

Joe Clark said does this mean the committee favors an over-the-height fence

Tim Guille said by allowing a permit process allows people to ask permission vs building one

Robin Rudisill– need to make permit *process subject to other conditions*

Mike Newhouse said – flip the order of one and two

(1) everyone get grandfathered for existing over-the-height fences *as of x date (need to insert a date)*

(2) *Distribute community wide-survey*

(3) get a permit for it if you want to put up an over-the-height fence

3a – enable sub-areas to establish their own over-lays (old 3)

3b- enable height limits of new structures to increase proportionally to the distance set back from the property line (old 5)

3c – establish a notification procedure regarding neighborhood regulations for new property owners (old 8)

## 2. Grandfathering

Collette Bailey asked if we are establishing all existing fences

Does it include property transfer and making folks get new permits when transfer property

Tim Guille – Santa Monica doesn't require fences being brought into compliance when property transfers ownership

Collette Bailey said *change overheight structures in all sub-areas to all structures over 3.5 feet*

*Define structures* – audience members

Joe Clark –does this mean everything gets grandfathered in?

Height, solid block wall, safety – traffic, dilapidated

Ruthie Seroussi – echoed sentiments

Tim Guille said –look to what SM did establish height at its current state and only grandfathered

You register existing fence, and have to comply with certain guidelines

Ruthie Seroussi – maybe add safety things, etc. as part of guidelines

Robin Rudisill - question about grandfathering

Tim – in favoring of grandfathering concept and refer to SM guidelines

*“with reference to SM's grandfathering process”*

Collette – what did registering entail –

Tim Guille which did not charge for, registered height

Nick Perlmutter – is structures defined in SM's ordinance? Is it defined enough

Tim Guille said it is defined in SM

*Jed Pauker & Tim Guille- said added it in the first paragraph next to bottom line where it says fences and hedges/structure*

### **3. Subarea districting**

Jed Pauker read recommendation

Tim Guille asked what it meant

Ruthie Seroussi explained that if one neighborhood applies for over-the-lay status and obtains it, then they get to have high fences on their street

Jed Pauker said that if you have overlay in your area you don't need a permit

Collette Bailey asked for clarification, saying if you don't have an overlay in your area, you can apply for a permit

Robin Rudisill asked if you could do overlays in coastal zone

Jed Pauker said referring to fence height districts – which cannot apply in coastal zone

Challis McPherson – traffic safety concerns for high fences, if send an incomplete document in September, send a complete one October, take more time and send it in October

Tim Guille said it promotes community, making sure neighbors ok with you getting a fence

Ruthie Seroussi - Process for obtaining an overlay from the city – is it like speed humps?

Collette Bailey and Tim Guille agreed

Ruthie Seroussi – can't have overlays on walk streets or in other public properties or other rights of way (e.g., walk streets)

Tim & Jed said we'd review when we get to Coastal Commission

Joe Clark – wants clarification on permit process vs. overlay district

Ivan Spiegel – explains overlay code; if block says wants six feet, you could build up to six feet; it becomes code on your block

Ruthie Seroussi clarified most people will not get overlay district to keep fences at 3 ½ feet; most will apply to get an overlay for higher fences

Ivan Spiegel & Jed Pauker mentioned 8 or 9 neighborhood specific plans

"look – we'll allow six foot fences if you go back one foot"

Tim Guille said putting together a set of recommendations and will discuss details later

Reemphasized that this is a great tool and a good solution

Jed Pauker suggested that these be on an interim

Robin Rudasil – asked if there was a process in place for overlay districts

Jed Pauker said existing plan does not provide

Bruce Birch – indicated Specific Plan has sub-zones, and do we want to change this to sub-zones. Maybe it is a way to simplify this

Charlotte Manning – Bruce is referring to LADBS; we are referring to a permit which has to do with planning

Colette Bailey- “sub-areas” may be too broad

Joe Clark – suggested “community blocks” maybe better

Tim Guille – understood Bruce’s concern

Bruce Birch said use current infrastructure –don’t reinvent wheel; city won’t let you do it

Charlotte Manning said not sure if we can do this

Jed Pauker said with Item Three – talking about allowing a sub-area to build a higher fence; you just go to city and get a permit

Bruce Birch – suggested removing the “permit process” and keep sub-area and grandfathering; audience agreed

Tim Guille – not every neighborhood is going to be proactive to get the high fence, and someone might want a fence and not be able to convince their neighborhood

Ruthie Seroussi clarified her understanding that if neighborhood shuts down person’s request to have neighborhood overlay so then they go to city and apply for a variance – said makes sense

Joe Clark – we are going to put permit process on hold as we need to hash it out

Charlotte Manning and Tim Guille agreed

Jed Pauker – majority or super-majority - 51%, 66%, 80%

Ruthie Seroussi – not talking about number you need to qualify, but we are talking about what qualifies as a subdistrict – zone, block, neighborhood, etc.

Joe Clark – call it neighborhood

Jed Pauker – “community blocks”

Ruth Seroussi – city probably has some mechanism – i.e., speed hump ordinance in place

Collette Bailey – “at least one block”

Jed Pauker has said how do you define

Audience member – like us to look at larger areas for landscape design – otherwise community is broken up and varied and choppy looking

Tim Guille - understands but

Ruth Seroussi & Joe Clark – concern about say part of a street close to Lincoln, for instance, where might be more of a justification for a high fence vs deeper in the neighborhood

Collette Bailey – if we say “at least a block” might take care of issue

Joe Clark – likes the term neighborhoods

Nick Perlmutter – can we use the businesses applying for a permit example – sent out to 500 sq ft –

Tim Guille – likes idea

Ruthie Seroussi & Ivan Spiegel – problem is that it goes to houses on other streets and/or only few houses on each side

Charlotte Manning – greater burden in larger area if you have to apply in larger area

Ruthie Seroussi – likes the idea of neighborhoods

Ivan Spiegel – go to board – be broader and more general and let them flush it out

Robin Rudisill and Collette Bailey suggested *neighborhood with minimum of at least one block – committee adopted recommendation*

#### **4. Survey**

Will revisit at end of meeting

#### **5. Setbacks/height increase**

Jed Pauker – asked Eileen Pollack Erickson if this was her idea

Eileen said thought it was a good suggestion

Ruthie Seroussi – don't need as part of permit process if we get rid of that; if we don't, we might want to allow permits only if people set them back

Tim Guille & Collette Bailey suggested making it part of overlay district

Make it so that neighborhood can provide for

Joe Clark suggested looking into city's or ZAs rulings on granting variances if homes set back fences and landscape, etc

*Committee agreed to move this as sub-area of neighborhood overlays so long as we scratch the permit process*

## 6. **Property transfer**

Skipped based on earlier comments that his might be redundant given grandfathering

Can you really make people get permits if their fence has been grandfathered? Will come back to

## 7. **Establish a notification procedure regarding neighborhood regulations for new property owners**

Eilleen P. Erickson said she really liked this

Tim Guille agreed that sounds nice, but how do you enforce

Charlotte Manning – said possibly dedicating a portion of website to this

Eilleen Pollack Erickson suggested that VNC send a letter to all realtors notifying them about law

Tim Guille said a lot more that needs to go into this than what we are going to accomplish

Tim Guille said home owners should be aware of regulations and laws in their neighborhood

Joe Clark says sees this more of an informal notification process

Suggested that VNC should find some way of telling people when buy a home this is what they are required to do

Jed Pauker said outreach

Ivan Speigel said VNC could notify people that different overlays in Venice; its your responsibility to know code; you can go

If a block votes on an overlay, becomes code and home owners responsibility to know code

VNC notify real estate agents of possibility that overlay district may exist in particular neighborhood

*Committee agreed that language in this recommendation to stay general as is and let board decide what to do with it; Move it as a sub-part to neighborhood overlay district*

8. **Task Neighborhood Committees To Help Establish Neighborhood Watch Groups in All Sub-Areas**

Eileen Pollack Erickson – could be interpreted as policing fences and hedges –

Tim Guille and audience agreed

Ruthie Seroussi – great idea for neighborhood committee

Ivan Spiegel and Collette Bailey said does not belong here

Jed Pauker said got it from discussing with Tara Wyer

*Committee struck this suggestion*

10 **Encourage neighborhood-friendly “walkability” with incentives for creative and artful frontages**

Jed Pauker explained this comes from taking direction from planning department – “do good planning”

Audience asked for clarification and said it sounds like fences will have to go through design review board

Walkability refers to public right of way, asked audience member

Eileen said no

Joe Clark said no – sidelines

Tim Guille said if city planning is already addressing this to some degree, maybe its something we should not address at this time

Tim also said everything with emotional state of homeowners and fences, where start dealing with vague terminology with creative and artful, can be very inflammatory

Ruthie Seroussi – said it could be a sub-part of neighborhood overlay district

Collette Bailey – slippery slope

Audience – too subjective

Joe Clark – said agrees with Tim very much; opportunity for community to do something with fences and community and neighborhoods; joe said that variances has granted overheight fences because a beautiful artful fence; and can't be inflammatory

Tim Guille – agrees with Joe Clark , but if you have things in there re walkability, not impinging pathways or sidewalks, etc. but be careful with language use



Eileen Erickson – put under neighborhood overlay - creative way to enhance sightline and walkability

Jodi in audience – said still subjective – sightline, height, walkability, are all objective

“one person’s art is another person’s junk”

Ruthie Seroussi – suggests adding it to neighborhood overlay as maintain sightline, visibility and walkability; explained LAPD and City will likely want anything over 3.5 feet to be visible and open

Tim Guille agreed – encourage walkability and visibility as part of neighborhood overlay

Jodi – suggests is it redundant to the neighborhood overlay district

Bruce Birch asked if we were going to recommend that board hold a public forum prior to adopting

Joe Clark says we should not miss opportunity to put some language in there re making nice fences

Jed Pauker asked if we take out creative and artful and frontages and add “Walkability: and “visibility”

Collette Bailey said “visibility” of what; and Tim Guille said why we were being vague

Audience – safety re backing out of driveways, etc.

Jed Pauker – said Marsha would agree that those things have specific guidelines and something where city will prevail

*Committee accepts amending this language to get rid of creative and artful references and accept walkability and visibility instead*

## **11. Revisit outstanding Topics & General Discussion & Review**

Need to discuss survey; figure out what we are going to do with permit process; and permit on transfer of property

Robin Rudisill–clarified the process – overlay district, 3.5 ft, or go to the city and get a variance

Ruthie Seroussi – if we are establishing neighborhood overlays, do we want to grandfather everyone in with an over-the-height fence? Why?

Committee generally agreed that we are talking about existing fences that were not cited, so they get to keep it and we move forward.

Jed Pauker understood Ruthie’s concept

Committee decided to keep it and move forward

## 6. NEW BUSINESS

### B. Coastal Commission Issues

Robin read email from Chuck Posner at Coastal Commission into record . What Chuck Posner referred to as the Coastal Commission's specific guidance is from Policy II.C.11. Encroachments into Walk Street Right-of-Way.

Joe Clark and Ruth Seroussi generally agreed we cannot allow overlays on walkstreets and public right of ways, meaning we can't grandfather in walkstreet high fences, and/or neighborhood overlay

Eilleen Pollack Erickson & Collette Bailey each said they thought we had to include walk streets in this recommendation.

Bruce Birch agreed

Tim Guille – suggested having a bullet point that areas governed by coastal commission regulations may not be subject to policy

Jodi from audience said that their most concerned about walk streets along the coast – concern is about coastal access – not blocking views of coastline

Eilleen Pollack Erickson – not going to be able to vote one by one on issue with overlays, etc.

Ruthie Seroussi said we should not put something in there that we know the coastal commission is going to strike

Joe Clark – walk streets are public property, not private property – that's why city cares about it

Collette Bailey – if it is 12 ½ feet in front yard . . .

Marsha Jackson – city already has ordinances for enforcement re high fences on walk streets

Jed Pauker – asks if we have the time to do create language/recommendation for walkstreets

Charlotte Manning and Joe Clark suggested distinguishing private property vs. public property

Eilleen Pollack Erickson and Tim Guille suggested adding in verbage to the recommendations to specify recommendations apply to private property, not public property

Robin Rudisill– add language re private property throughout and then add footnote re following language from Chuck Posner's email , *where he explained that the Coastal Commission will even regulate a private property owner's use of his or her property "where a structure would block a public view of the coast"*

Ruthie Seroussi – *suggested adding private property as last words to the first opening paragraph, and add robin's language as footnote here. Suggested language to footnote is taken, in part, from Chuck Posner's email:*

*The California Coastal Commission regulates frontage barrier heights on public properties, access ways or other rights-of-way (e.g., walk streets). Generally, it does not regulate frontage barriers on private property where there is an existence residence (one exception to this, however, is where a barrier would block a public view of the coast).*

Ruthie Seroussi also suggested changing the following language - *fence, wall and hedge heights – and defining it in the first paragraph as “structures” or “frontage barriers”*

*Committee approved amended language*

## **7. COMMUNITY OUTREACH - Public Forum & Survey**

Robin Rudasill – suggested making a recommendation to board re holding another public policy forum

Eileen suggested making this following survey results

Tim Guille indicated it can't hurt anyone to recommend that we hold a forum and have a survey

Jed Pauker thinks Board won't do it

Ruthie Seroussi said thinks its our responsibility to make recommendation that we think forum and survey important, if the committee agrees that its important

Nick Perlmutter – said could be spinning circles if we have another forum. He asked – what will the forum be about

Eileen Pollack Erickson suggests forum could present results of survey

Ruthie Seroussi thinks we should do a report to the Board, and we should wait on making final recommendations to board until after we do a survey

Collette Bailey said she was present at the board meeting and no urgency there to present recommendations at next month's board meeting

Jodi said as member of community – given how contentious issue has been for years – nothing to be gained by rushing

Collette Bailey agreed

Ivan explained politics and why – one person complains about another person and LUPC has to deal with this and we have no policy. Board are city officials; have to uphold law. Task Force, Forum, Board created an ad hoc committee. Board needs to get a policy in place so LUPC and Board know how to rule on these issues

Joe Clark –

Jodi – If we are going to have a survey, we need an unbiased survey instrument - need impartial objective questions

Robin Rudisill– if board feels we should do a survey they should do that – we should let the board decide if they want one.

Jodi suggested get board approval for a survey – if we do a survey, we want representation, want to collect data, work to get people to respond, want to get a plurality; its an emotional survey

Joe Clark doesn't know if we are qualified to draft a survey

Jodi said some quests are fine and some too subjective, etc.

Eileen suggested Recommend Neighborhood Council and LUPC place a moratorium on F&H cases until after the Board rules on our recommendations. Ruthie Seroussi and Joe Clark explained that ZA and City must act within certain time frame or request granted. They are going to act one way or another. They want our feedback. WE have to make a recommendation of some sort.

Eileen & Jodi suggested Recommend – you do a survey to community; we'll give you a draft in three weeks – *or by September 17, 2008 Board meeting*

*Jed reads wording per his understanding: "recommend that Board distribute a community wide survey to provide a factual basis for community support..". Jed asked re: time constraint mentioned? Committee agreed to provide draft within three weeks, or by September 17, 2008 Board meeting - [time: 135:47-137:34]*

## **8. REVISIT PERMIT PROCESS**

Jed Pauker brought up permit process-

Talked about dumping permit process

Joe Clark said this is a loaded issue

Ruthie Seroussi said we might need to spend an entire meeting on this issue if we were going to consider it

Tim & Eileen said overlay and grandfathering deal with this

*Committee agreed we get rid of it*

## **9. Neighborhood Overlays Revisited**

Joe Clark asked if we need to define neighborhood overlays to be broader or more liberal; he thought regulations sounded too restrictive;

Tim Guille and Collette Bailey said thinks these are liberal enough, but suggested broader language

*Committee agreed to change the langue to allow neighborhoods to define their own frontage barrier heights*

## **10. NUMBER ING OF RECOMMENDATIONS**

Jed Pauker wanted to clarify the numbering of the recommendations:

*Loosely paraphrasing the final language the committee agreed on, as set forth above – committee agreed the order should be as follows:*

- (1) Everyone get grandfathered for existing over-the-height fences as of x date (*need to insert a date – as of the date of board approval, for example*) in accordance with SM ordinance;
- (2) Distribute community wide-survey in similar form as one presented to Board by its September 17, 2008 meeting
- (3) enable neighborhoods of at least one block to establish their own over-lays (old 3)
  - A. Enable height limits of new structures to increase proportionally to the distance set back from the property line (old 5)
  - B. Walkability and visibility (old 10)
- (4) Establish a notification procedure regarding neighborhood regulations for new property owners (old 8)

#### **11. REVISIT PROPERTY TRANSFERS**

*Committee agrees to drop property transfers*

#### **12. VOTE TO APPROVE RECOMMENDATIONS TO BOARD**

Ivan Spiegel – asked committee to vote to recommend that this go to board as final recommendations

Everyone on committee voted in favor of this, except Ruthie Seroussi who voted against as thought we should not rush the process, we should send to board as report and ask the board to approve survey, which committee prepares and finalizes and send out with board approval and then make final recommendations following input from survey.

Motion carried and recommendations to go to Board as final recommendations

Joe Clark asked question about next step re process after Board votes; Ivan explained the Board will do what it will with the recommendations and possibly send to the city, etc.

#### **13. MEETING ADJOURNED AT 9:40**

Jed Pauker adjourned the meeting at 9:40