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October 31, 2012

Los Angeles City Council
Planning and Land Use Management Committee
City of Los Angeles
Room 395, City Hall
Los Angeles, CA 90012

RE: COUNCIL FILE 11-1735 EAST HOLLYWOOD OVER HEIGHT FENCE DISTRICT

Honorable City Council:

On October 12, 2011 a motion (Council File Index No. 11-1735) was introduced and referred to the Planning & Land Use Management Committee (PLUM) of the City Council. The motion directed the Planning Department to report back on the various tools available to address the issue of fence height in East Hollywood. The motion was approved by the Planning & Land Use Management Committee and later approved by the full City Council on October 19, 2011.

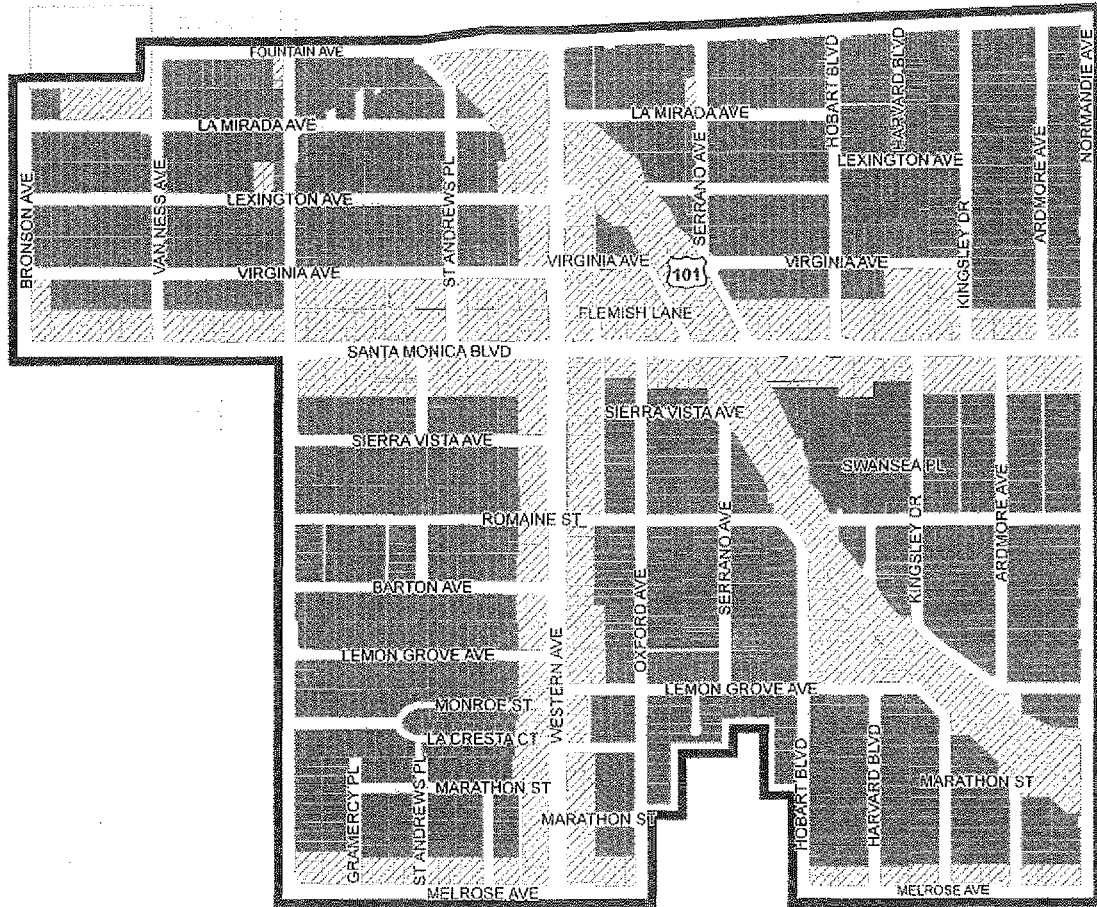
Citing safety concerns, many residents of East Hollywood have expressed a desire to build front yard over in height fences. However, some residents have constructed front yard fences that are over height and in violation of the zoning code. There are tools available through the City Planning Department to address individual needs for over height front yard fences including a zoning variance.

A Fence Height District, identified in the motion as one potential tool in regards to the issue, would establish a local boundary in which property owners would be allowed to construct front yard fences to 6 feet in height. The process of establishing such a district would follow the zone change provisions of the Los Angeles Municipal Code and City Charter, including a public review process conducted by the City Planning Department. The process involves background research, meetings with stakeholder focus groups, one or more public workshops, a noticed public hearing, development of a Planning Department staff recommendation report, and consideration by the City Planning Commission and City Council.





EXISTING CODE REGULATIONS

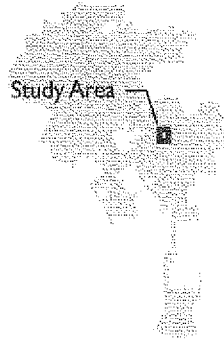
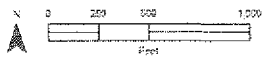
The height of front yard fences is governed by the Planning and Zoning code (Los Angeles Municipal Code, Chapter 1). Section 12.22 C.20(f) establishes a height limit of 3 ½ feet (42 inches) for fences in front yards in residentially (R) zoned properties.

AREA BOUNDARY & DESCRIPTION



POTENTIAL EAST HOLLYWOOD FENCE HEIGHT DISTRICT

-  Potential Fence Height Area
-  Residential (R) Zones
-  Non Residential Zones
-  Parcels



The area being reviewed, as directed by the City Council, is generally bound by Fountain Avenue on the north, Normandie Avenue on the east, Melrose Avenue on the south, Wilton Place on the west to Santa Monica Boulevard and then running west on Santa Monica Boulevard to Bronson Avenue and then north on Bronson Avenue back to Fountain Avenue, but excluding the Melrose Hill Historic Preservation Overlay Zone, which accounts for the irregular shape at the southern section of the boundary. The area covers roughly 870 acres of East Hollywood, located entirely within the Hollywood Community Plan area, and incorporates 1546 parcels in the R zone (shown above). Within the Residential (R) zones 31 parcels fall in the R1 zone, 847 in RD1.5, 126 in R2, 509 in R3, and 27 in R4.

OVERVIEW OF POTENTIAL TOOLS

Council Motion 11-1735 directed the Planning Department to report on a variety of tools that could be used to implement relief measures for the study area. There are several other tools available to the City that can offer relief from the fence height limitations, as specified by the Code and outlined as follows:

A. Zone Variance

If the circumstances are unique for an individual property that warrant regulatory relief for a taller front yard fence, relief from the height limitations prescribed in the zoning code can be pursued through application of a variance. A variance may be considered when the strict application of the zoning code presents practical difficulties or unnecessary hardships that are inconsistent with the intent of the regulation. Variances normally require a public hearing and the approval of the Zoning Administrator, as outlined in Section 12.27

B. Establishment of Over Height Fence District

Section 13.10 of the code establishes guidelines for the creation of a Fence Height District. In areas where character warrants open wrought iron fences in front yards up to a height limit of 6 feet may be built, provided no solid portion of the fence, including vegetation, extend beyond 3 ½ feet (42 inches) and are set back 18 inches from the front property line. Additionally, visibility on corner lots may not be blocked within a 10-foot by 10-foot triangle by any obstruction above 3 ½ feet (42 inches). The Fence Height District only applies to properties in residential (R) zones.

Initiation of a Fence Height District is subject to the provisions pertaining to Supplemental Use Districts found in Section 12.32 S of the code. A Fence Height District can be either initiated through (1) the signatures of at least 50 percent of the owners or lessees of property within the proposed district or (2) initiated directly by City Council, the City Planning Commission, or the Director of Planning. A Fence Height district initiated through signature is subject to an application fee of \$134,608, which is based on the recovery of staff resources needed to create a new district.

Any zone change, such that required for establishment of a Fence Height District, is subject to a public adoption process, requiring approval by the City Planning Commission and the City Council. The City Planning Department will hold a public hearing and prepare a staff recommendation report to the City Planning Commission.

C. Code Enforcement & Fees

The motion also advised the Planning Department to assess the feasibility of alternatives in regards to standard City fees related to over height fences. The Planning Department collects the fees during the entitlement process, such as a Zone Variance or the establishment of a Fence Height District. The fees for each, \$7,608 for a Zone Variance and \$134,608 to establish a Fence Height District, based on the calculated recovery of staff resources needed to process the case of create a new use district, respectively. Code compliance fees, such as those incurred by property owners in violation of the Zoning Code, are the responsibility of the Los Angeles Department of Building and Safety. The collection, waiver, or alteration of compliance fees is not with the jurisdiction of the Planning Department and will require additional coordination with LADBS. Relief may be considered by the City

Council for entitlement fees collected by the Planning Department. However, individual Zoning Variances or the establishment of a Fence Height District would require General Fund support.

NEXT STEPS

Individual property owners may apply for a variance for an over height fence per Section 12.27 of the Code, as outlined above, or establish a Fence Height District (FH) for the East Hollywood Community. As opposed to individual applications for relief, a Fence Height District would be applicable to all R-Zoned properties within the boundaries of a Supplemental Use District establishing a uniform fence height maximum and design regulations for the entire district. Establishment of a Fence Height District is subject to rules regarding Supplemental Use Districts, found in Section 13.10 of the Code.

In lieu of the requirement for submittal of 50% of property owners or lessee signatures, City Council may initiate a new Fence Height District. Such initiation of a Fence Height District will require identification of resources to complete a background study, conduct public outreach, and prepare and take through the public adoption process a zone change ordinance with a staff recommendation report to the City Planning Commission.

MICHAEL J. LOGRANDE,
Director of Planning



KEVIN J. KELLER, AICP
Senior City Planner

ATTACHMENTS

COUNCIL MOTION
FENCE HEIGHT CODE SECTION (13.10)

Cc: Office of Councilmember Garcetti, 13th District

MOTION

The Planning and Zoning code (Los Angeles Municipal Code, Chapter 1) sets forth the land use regulatory controls that govern city planning in the City. The code establishes a height limit of 3 1/2 feet for fences in front yards of R zoned properties. LAMC Section 12.22 C.20(f). Fences exceeding the 3 1/2 foot height limit require a fence district, variance, or other planning tool to provide relief from the general requirement of the Municipal Code.

East Hollywood Community members have recently been cited by City inspectors for having fences that exceed the 3 1/2 feet limitation. The cited properties owners have indicated their desire to retain their over height fences. They have stated that the current public safety circumstances of their neighborhood support over height fences as a crime deterrent.

I THEREFORE MOVE that the Planning Department, in consultation with the City Attorney and the Chief Legislative Analyst, be directed to report with recommendations regarding a fence height district, variance, or such other planning tool as may be appropriate to address the community's desire for higher than normally permitted fences for public safety purposes, within these boundaries: Fountain Avenue on the north, Normandie Avenue on the east, Melrose Avenue on the south, Wilton Place on the west to Santa Monica Boulevard and then running west on Santa Monica Boulevard to Bronson Avenue and then north on Bronson Avenue back to Fountain Avenue, but excluding the Melrose Hill Historic Preservation Overlay Zone.

I FURTHER MOVE that the Planning Department, with the assistance of the Department of Building and Safety, and in consultation with the City Attorney, be directed to report with recommendations regarding the feasibility of waiving the collection of fees levied and unpaid for over height fences in the front yards located within the boundaries set forth above. Recommendations should include, but not be limited to: (1) pending development of a relief mechanism to permit such over height fences, and waiving such fees upon adoption for properties located within the relief boundaries; and (2) in the alternative, collecting such fees upon the transfer of property title from an existing owner(s) to a new owner(s).

PRESENTED BY

E. Garcetti

ERIC GARCETTI
Councilman, 13th District

SECONDED BY

[Signature]

ORIGINAL

Los Angeles Planning and Zoning

SEC. 13.10. FENCE HEIGHTS DISTRICT.

(New Sec. 13.10 Added by Ord. No. 172,460, Eff. 3/22/99.)

A. Purpose. This section sets forth procedures, guidelines and standards for the establishment of Fence Height Districts (FH) in residential areas of the City. The purpose of the Fence Height District (FH) is to permit open wrought iron fences in the front yards of properties in residential zones to be higher than normally permitted by this Code in areas where special circumstances such as a high rate of residential burglary or other crimes, or the character of the neighborhood necessitates the erection of those fences.

B. Establishment of Districts. The procedures set forth in Section 12.32 S. shall be followed except that each Fence Height District (FH) shall include only lots which are in residential zones, and shall not include lots which are in Hillside Areas, in the Coastal Zone, in Historic Preservation Overlay Zones, or in Specific Plan Areas. (Amended by Ord. No. 177,103, Eff. 12/18/05.)

C. Development Regulations. Fences not exceeding six feet in height above the adjacent natural ground level are permitted in the required front yards of lots in a Fence Height District (FH), provided that:

1. The fences are of open wrought iron, with any solid portion of the fence, including vegetation or similar obstruction, not exceeding three and one-half feet in height.
2. The fences may be supported by solid six-foot high pilasters with a maximum dimension of 24 inches and spaced not less than eight feet apart on center.
3. No vertical wrought iron member shall be greater than 5/8 inches in diameter nor spaced less than four inches apart on center.
4. No horizontal wrought iron member shall be greater than one inch in diameter nor spaced less than 18 inches apart on center.
5. No vegetation of any type which produces a hedge-like effect shall be allowed to grow upon or adjacent to the fence to a height above three foot six inches.
6. The wrought iron fence and pilasters shall be setback from the front property line a minimum of 18 inches and shall be maintained with landscaping and serviced by an automatic irrigation system.
7. A minimum five-foot by five-foot cut corner shall be provided wherever the wrought iron fence meets the driveway.
8. All lighting fixtures supported by the fence, if provided, shall be in full compliance with the Los Angeles Municipal Code with regard to illumination and an after-hours inspection shall be requested by the owner to assure levels of illumination are acceptable. This inspection shall be conducted by the Lighting Enforcement Division of the Department of Building and Safety and a fee paid for the inspection

by the applicant.

9. Any driveway gate(s) shall be of open wrought iron, and if provided, shall be no more than six feet in height and shall either be sliding or be designed to open inward to the property. If an electric driveway gate of open wrought iron is provided, it shall have a gate operator approved by an approved testing laboratory and shall incorporate a safety device to interrupt gate operation in case the gate becomes blocked.

10. A 10-foot by 10-foot visibility triangle pursuant to Section 12.21C7(a) shall be provided on corner lots and the fence shall be clear of any obstruction above three feet six inches.

11. If any pilaster is within five feet of a driveway, a convex mirror at least 12 inches in diameter shall be placed so as to provide visibility in the direction blocked by the pilaster for the drivers of vehicles exiting the driveway.

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