

POLICY MOTION

COMMITTEE: PLUM

TITLE: Inconsistencies in approvals from Zoning Administrator (ZA) Approvals as it relates to Over-In-Height Fences in Mar Vista.

PURPOSE: To Request Councilmember Park to draft a motion to address the inconsistencies in discretionary Zoning Administrator determinations

BACKGROUND:

1. On or around July 19, 2022, Real Property owner Respectful Neighbors, LLC; Eric Cannata, Francois Comtois, Payam Doostzadeh, Sameer Gadhia, and Jacob Tilley who own 12106 West Herbert Street in Mar Vista were denied approval from Zoning Administrator (ZA) Theodore L. Irving for their request to construct an over-in-height fence. (Exhibit A – [Letter of Denial](#))
2. Theodore writes in his letter of denial that the fence *“creates a fortress-like setting within a well-established neighborhood where such improvements do not exist. The unauthorized obstruction also minimizes social contact and breaches the contract that is generally relied upon to safeguard neighboring and surrounding properties.”* (Page 5, paragraph 2).
3. Theodore further writes, *“The fence posts... are not consistent with the improvements found on the single family zoned lots within the immediate neighborhood and surrounding community.”* And *“[The] fence ... may provide marginally better safety and privacy for the investor's future occupants, the improvements do so while diminishing the established character of the immediate neighborhood whose front yards do not have over-in-height fence[s] and gates”* (Page 5, paragraph 6).
4. Subsequently, Respectful Neighbors, LLC filed an appeal that was heard by an Appellate Panel.
5. On or around October 19, 2022 The West LA Planning Commission heard Respectful Neighbors, LLC’s appeal. The Appellant’s representative testified that there is significant concern over privacy and security because the owners are a well-known LA Band that use the home as a creative collaboration space to write music.
6. On or around October 31, 2022 the panel issued a denial, pursuant to Section 12.24X.7 of the Los Angeles Municipal Code (Exhibit B – [Letter of Appellate Denial](#)).
7. On or around January 13, 2022, Natasha Radwan applied for approval to construct an 8 foot over-in-height fence at their property line located 11942 W. Charnock Road, Mar Vista, 90066. (Exhibit C – [Project Plans](#))

POLICY MOTION

8. The project findings state *"The proposed project will not have any effect [on] the built environment in the surrounding neighborhood due to this fence being a private property and, on their property, only. It will not perform a function or service that is essential or beneficial to the community."* And *"The purpose of the fence will be for pool enclosure and security for the residence."*(Exhibit D – [Applicant Findings](#))
9. It is noteworthy that the subject property represents a newly constructed residence. The placement of a pool in the front yard of this dwelling appears incongruous with conventional design principles, as typically, such amenities are integrated into the rear portion of the property as part of the master planning process.
10. On or around September 26, 2023, Zoning Administrator (ZA) Tim Fargo approved the Over-In-Height Fence and states in his letter of approval *"Zoning regulations limit fence/wall heights on residentially zoned property to provide visual consistency in neighborhoods and to limit bulk and mass...In this instance, the proposed project will provide security and privacy to the occupants of the residence. It will also provide security to residents of the surrounding neighborhood by limiting access to a pool and spa that will be located in the front yard. Therefore, the proposed project will enhance the built environment in the surrounding neighborhood as well as perform a function that is beneficial to the community."* (Exhibit E – [Letter of Approval](#))

Inconsistent Interpretation:

11. Zoning Administrators in the city, such as Theodore L. Irving and Tim Fargo, have applied the municipal code differently, resulting in inconsistent approvals for similar projects. Both cases involved over-in-height fences, yet Theodore L. Irving and Tim Fargo arrived at vastly different conclusions. This inconsistency not only undermines the principles of fairness and equal treatment under the law but also has significant implications for property owners and the community at large. It also raises questions about the clarity of the code and the application of standards.

Discrimination Concerns:

12. The denial of Respectful Neighbors, LLC's request was accompanied by statements about the character of the neighborhood, social contact, and safeguarding neighboring properties. Such statements could be interpreted as judgments based on the identity and reputation of the property owners, which raises concerns about potential discrimination.

POLICY MOTION

Community Impact:

13. Inconsistent interpretations can have a significant impact on the community. In the case of Natasha Radwan, the approval of the fence was justified by its benefits to the community, such as enhanced security and privacy. These benefits are equally valid for Respectful Neighbors, LLC, but they were denied the same opportunity.

Legal Certainty:

14. Property owners rely on consistent interpretations of zoning regulations to make informed decisions about their investments. The lack of consistency creates uncertainty and undermines the trust in the city's zoning processes.

Conclusion:

15. The case of Respectful Neighbors, LLC and Natasha Radwan highlights a troubling inconsistency in the interpretation and application of zoning regulations in Los Angeles. This inconsistency not only jeopardizes the principles of fairness and equal treatment but also has real-world consequences for property owners and the community. It is imperative that the city of Los Angeles takes steps to address these inconsistencies and provide clear guidelines for Zoning Administrators. Fair and consistent zoning interpretations are essential for fostering a thriving and inclusive city.

THE MOTION:

The Mar Vista Community Council is requesting that Councilmember Park draft a motion to address the inconsistencies in discretionary Zoning Administrator determinations and direct the Department of City Planning to draft guidelines for approvals under LAMC Section 12.21 C. 1(g).

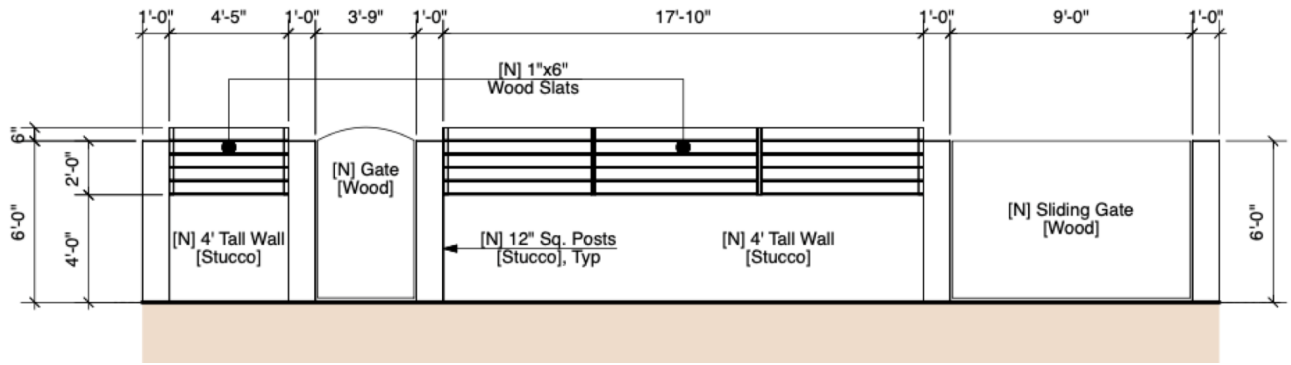
DIRECTED TO:

Office of City of Los Angeles Councilmember Traci Park
Attn: Traci Park
Councilmember CD 11
councilmember.park@lacity.org

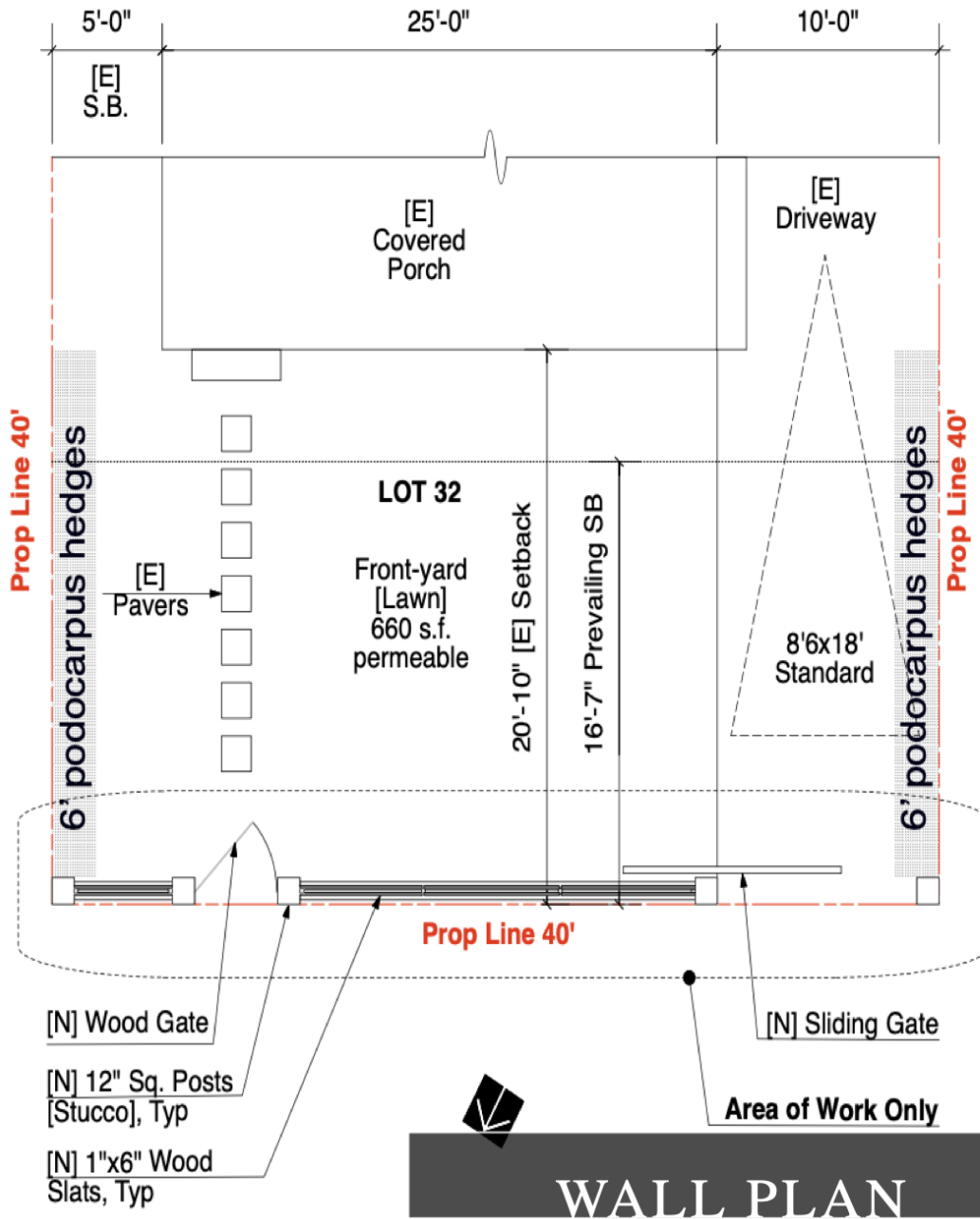
CC: Star Parsamyan, Chief of Staff

POLICY MOTION

12106 West Herbert Street [Plan and Images]

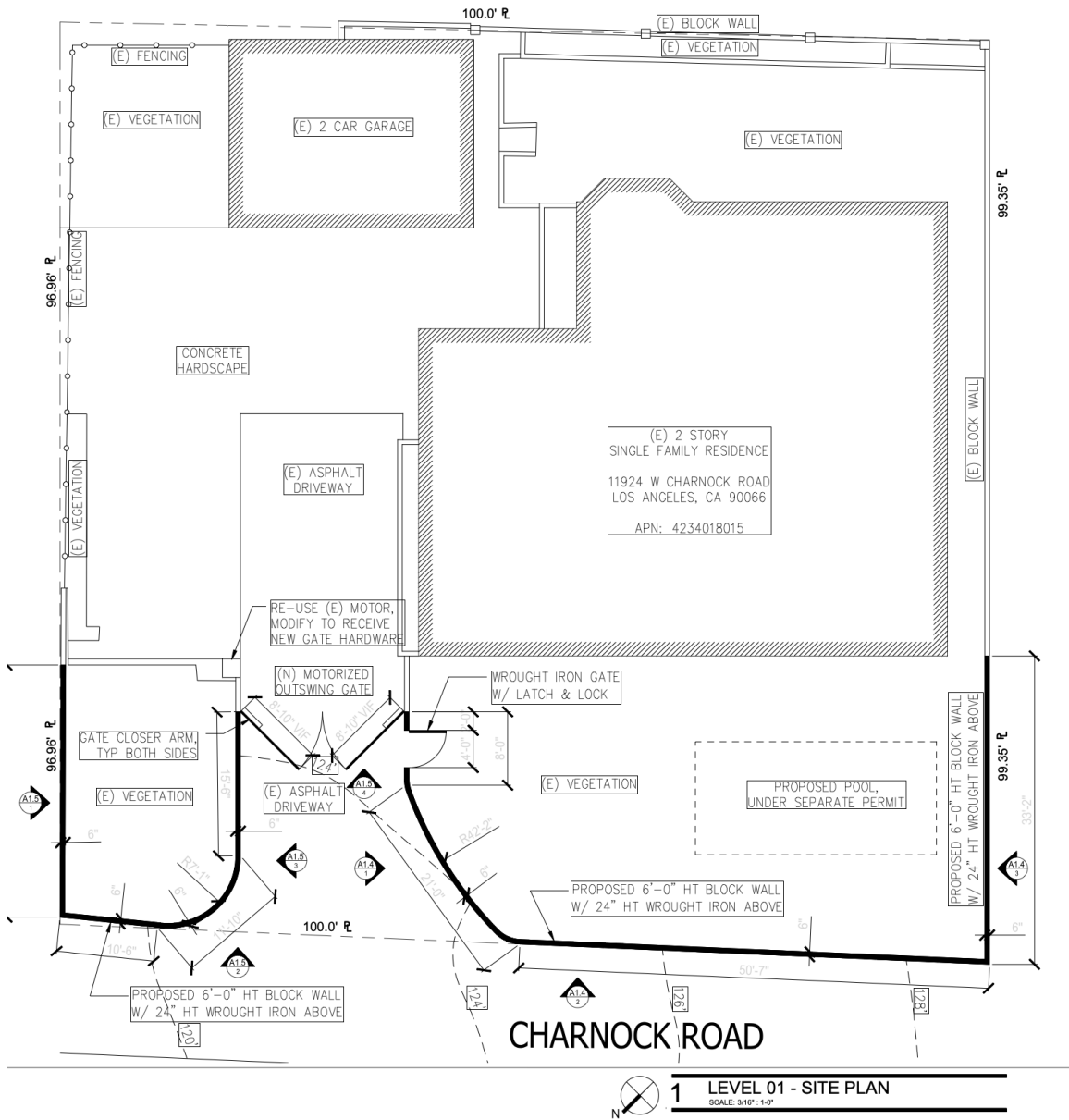


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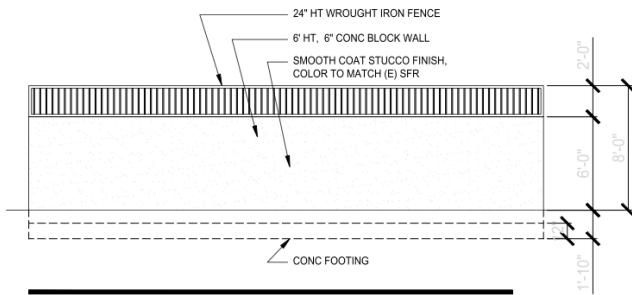


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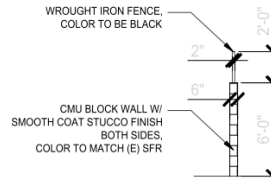
11942 W. Charnock Road [Plan and Images]



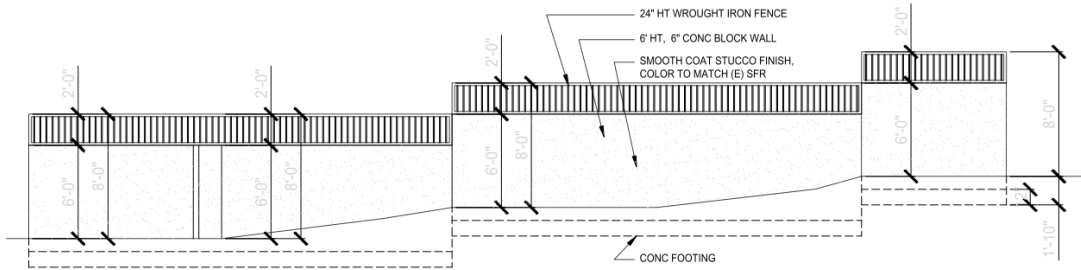
POLICY MOTION



3 WEST ELEVATION
 SCALE: 3/4" = 1'-0"



4 TYPICAL DESIGN SECTION
 SCALE: 3/4" = 1'-0"



2 NORTH ELEVATION
 SCALE: 3/4" = 1'-0"



POLICY MOTION

ACTION/VOTE COUNT:

MVCC PLUM Committee meeting, October 2nd, 2023

Motion of opposition moved by XXXX, seconded by XXXX

Motion of XXXX approved by MVCC PLUM XX-XX-XX

MVCC Board Meeting, October XXst, 2023

Motion of opposition moved by Director XXX, seconded by Director XXX

Motion of opposition approved by the MVCC Board XX-XX-XX