

**Frequently Asked Questions  
About CC&Rs, View Protection, and Zoning Regulations**

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## Property Owners and CC&Rs

**What are CC&Rs?** Developers of certain Marquez Knolls areas recorded “Conditions, Covenants, and Restrictions” (CC&Rs) for their properties. CC&Rs place limits on the use of the property for which they are recorded. When you purchased your property, you received title subject to recorded CC&Rs applicable to your property. If you have any questions about your legal obligations, you should consult an experienced real estate attorney.

**Do all properties have CC&Rs?** Not every tract in Marquez Knolls has CC&Rs. All lots that have CC&Rs are subject to them. Where CC&Rs do exist, they are the same for all lots within the same tract.

**Is my neighbor’s property governed by the same CC&R restrictions as my property?** Your CC&Rs are recorded with your property and govern only the use of your property, and not that of your neighbor’s. If your neighbor is located in the same tract as you are, then your neighbor’s property will be governed by the same CC&Rs as yours, If your neighbor’s property is located in a different tract, it may or may not be governed by the same CC&Rs as your property.

**What if my broker did not disclose that CC&Rs were applicable to my property?** You are bound by any CC&Rs applicable to your property even if your broker did not disclose them.

**Where do I find CC&Rs?** One way to determine whether CC&Rs are applicable for your property is to review the title insurance documents you received when you bought your property. They will describe any applicable CC&Rs. You can also consult your real estate agent, real estate attorney, your title insurance company, or the county recorder. Many CC&Rs for your or your neighbors’ properties in Marquez Knolls are listed on the MKPOA website at [www.MarquezKnolls.com](http://www.MarquezKnolls.com).

## Lachman CC&Rs

**What are “Lachman CC&Rs”?** Many CC&Rs for the properties developed by the “Lachman developers” include restrictions to protect views in addition to many other restrictions, such as lot and building size, setback requirements, keeping of animals, etc. They are generally referred to as “Lachman CC&Rs.”. While these CC&Rs differ somewhat from tract to tract, they may state that no trees, shrubs or other landscaping may obstruct the view from any other lot, nor shall any structure be erected (including -- but not limited to -- decks, replacement houses, additions to existing houses, etc.) that may obstruct the view from any other lot. Lachman CC&Rs prohibit the construction of two story houses or second story additions that will detract from the view of any other lot. “Lachman CC&Rs” are listed on the MKPOA website at [www.MarquezKnolls.com](http://www.MarquezKnolls.com).

**What is the Role of MKPOA?** MKPOA has obtained an assignment of the judgment rights and powers relative to Lachman CC&Rs from the developers (Declarants). This assignment gives MKPOA the right to make "judgments" on these properties as to whether trees, shrubs, etc. obstruct the views from other properties or whether construction, proposed or in process, will obstruct or detract from the view of any other property.

By working in a cooperative way with property owners, MKPOA's goal is to motivate them to voluntarily comply with applicable CC&Rs.

**If I "thin" my trees, will I be in compliance with Lachman CC&Rs?** The basic question is whether your trees obstruct views from other properties. If after thinning your trees, they still obstruct the views from other properties, you are not in compliance. Simply thinning trees may not be sufficient to resolve a view obstruction.

**I would like to build an addition to my house. Is this possible?** It depends. If your proposed addition will detract from or obstruct the view from any other lot it may be a violation of applicable Lachman CC&Rs.

**Does the height of the ridge line of the original house govern the height of any addition or remodel?**

The Lachman CC&Rs address view detracting or obstruction only without consideration of the measurement of height. Any addition, remodel, or reconstruction that adds to the original contour or silhouette of the house and thereby obstructs the view from another property could be a violation of applicable CC&Rs.

**Have the "Lachman CC&Rs" expired?** . The CC&Rs have not expired. CC&Rs were created for the benefit of property owners and continue to be applicable. When the homes subject to the "Lachman CC&Rs" in Marquez Knolls were built, Architectural Committees were established to approve (or not approve) building plans as part of a review procedure to ensure compliance with applicable CC&Rs. The terms of these Committees have now expired. The expiration of the terms of the Architectural Committees means that the responsibility for enforcement of CC&Rs has shifted from the Committees to property owners through the courts.

## Neighbors and CC&Rs

**How can I avoid CC&R view protection problems with my neighbors?** Keep trees trimmed so they don't obstruct the views from any other properties. If you are considering construction or landscaping, it is advisable to confer with your neighbors on any impact your construction or landscaping might have on their view. If you are considering construction (including the addition of chimneys, satellite dishes, and air conditioners), the best method of communicating to neighbors the extent of your proposed structure is by erecting a silhouette with story poles. If you are considering landscaping consider the future cost of pruning and controlling fast growing trees which frequently become view obstructions over time.

**What is the Role of Neighbors?** If you believe that CC&R violations are or will be an issue with a neighbor's property, politely make the property owner aware of applicable CC&Rs and express your concerns.

In the case of proposed construction, ask to meet with the property owner as soon as possible in order to review building plans and determine whether the proposed structure will negatively impact your view with the objective to reach a mutually agreeable resolution that complies with the CC&Rs. In case of vegetation, ask that the trees be trimmed. Your neighbor may not even be aware that his trees are obstructing your view. Consider offering to bear a portion of the costs involved.

If your view will be negatively impacted, but your neighbor refuses to address your concerns, you may consider mediation/arbitration or legal action to protect your view.

## The Courts and CC&Rs

**Who can enforce CC&Rs?** Ultimately, enforcement of the CC&Rs is with the courts; property owners can initiate court proceedings. However, neighborly compliance is preferable over the expense of court ordered compliance.

**What should I do if I have questions on legal issues related to CC&Rs?** You should retain an experienced real estate attorney.

**Have there been any court cases on Marquez Knolls CC&Rs?** Yes, several. Those known to us are listed in Attachment II below.

(Note: MKPOA is not aware of cases other than those listed in Attachment II; if you are aware of additional relevant cases, we would be grateful to hear from you. Please call the MKPOA hot line at (310) 454-7678 or e-mail to [Info@MarquezKnolls.com](mailto:Info@MarquezKnolls.com).)

## MKPOA and CC&Rs

**What is the MKPOA's overall goal regarding CC&Rs?** The MKPOA is not against trees, new construction, or modification but is simply pro CC&Rs.

**Can I avoid going to court by using the MKPOA?** Cooperation through mediation or negotiation is the preferred method of gaining compliance. Most potential conflicts involving view protection issues are resolved by the affected neighbors without going to court. Ultimately though, property owners might have to resort to the courts to enforce compliance with CC&Rs. A non-binding, informal mediation process is available from MKPOA. (see attached *MKPOA Member Assistance and Mediation Policy Phases I - IV*)

## Zoning Codes and Variances

**What are Variances?** A variance allows a property owner to use his or her property in a manner that is basically consistent with zoning regulations with minor variations so that he or she has an equity with other owners in the same zone. State law indicates that a variance may be issued upon a showing that the property owner would otherwise suffer a unique hardship because his particular parcel is different from the others to which the regulation applies due to its size, shape, topography, location or surroundings. Examples of typical variances include allowing a deviation from regulations on the physical standards such as lot size, floor area ratios of buildings and parking requirements. A variance cannot, however, be granted to authorize a use that is not otherwise allowed under the zoning code.

(Los Angeles Municipal Code, SEC. 12.27. (Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)

*[For variance requests to be considered, the zoning administrator determines that the variance:]*

- (i) will not have a significant effect on adjoining properties or on the immediate neighborhood; or*
- (ii) is not likely to evoke public controversy.*

*Consistent with Charter Section 562, no variance may be granted unless the Zoning Administrator finds all of the following:*

- 1. that the strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations;*
- 2. that there are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity;*
- 3. that the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question;*
- 4. that the granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located; and*
- 5. that the granting of the variance will not adversely affect any element of the General Plan.*

*A variance shall not be used to grant a special privilege or to permit a use substantially inconsistent with the limitations upon other properties in the same zone and vicinity. The Zoning Administrator may deny a variance if the conditions creating the need for the variance were self-imposed.*

### **Zoning Regulations for Fences and Hedges in the Front Yard Area**

Both Lachman CC&Rs and City Zoning Codes are governing fences and hedges within the prescribed setback areas. Over-height hedges, walls, fences, and gates in Marquez Knolls are providing increased privacy but are slowly changing the character of the neighborhood from an open environment to one with secluded front yards and walls of various materials along the street scene. Zoning regulations in the area usually require that hedges, walls, and solid fences do not exceed 3.5 ft in height within the non-buildable setback area from the street which is generally 10 ft from the side walk in most of Marquez Knolls. Variances and variations are often granted by the City when neighbors do not object. Objections can be voiced by contacting the City's non-emergency number at 311. It is strongly suggested that potential objections are communicated to the property owner early in the building, planting, or planning process to prevent costly modifications for the property owner who may be unaware of the objections. A summary of the regulations governing hedges and fences is listed below. The full Zoning regulations for setback requirements are listed in Attachment IV.

#### **(f) Fences and Walls in the A and R Zones. (Amended by Ord. No. 154,798, Eff. 2/20/81.)**

(1) **Fences and Walls.** For the purposes of Article 2 through 6 of this chapter, the terms “fence” and “wall” shall include latticework, ornamental fences, screen walls, hedges or thick growths of shrubs or trees. Fence and wall height shall be measured from the natural ground level adjacent thereto.

(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.

In both the A and R zones, an unobstructed chain-link fence not more than ten feet in height may be located and maintained in all yards when required by the Department of Building and Safety pursuant to the provisions of Sections 91.3303 and 91.6103 and Division 89 of Article 1 of Chapter IX of this Code.

### **MKPOA Guiding Principles on Zoning Codes**

**What is the purpose of MKPOA's Guiding Principles?** In addition to CC&Rs, property use is regulated by the City of Los Angeles' established building codes and zoning rules and restrictions. At times, exemptions or variances from these rules and restrictions may be requested. MKPOA has established Guiding Principles for the consideration of variances.

MKPOA maintains that the granting of variances shall be in full compliance and in the affirmative with the five findings listed in Charter Section 562 (see "What are Variances" above) and shall not be taken lightly as they may set an unwelcomed precedent for the future. MKPOA has followed the example set by the Pacific Palisades Community Council by adopting the Guiding Principles of that organization as its own.

#### **MKPOA's Guiding Principles:**

*"MKPOA maintains that planning and zoning regulations, building codes, rules, restrictions, and ordinances have been established for the good of the community. They should be applied, upheld and enforced by the Zoning Administrator, Building and Safety, and other governing bodies with jurisdiction over the approval, execution, and enforcement processes. When variances, variations, or exceptions are considered by governmental entities, MKPOA's position is to support strict scrutiny and adherence to all legal measures which govern land use, structures, and vegetation. On a case-by-case basis MKPOA may support such requests if the proposed project positively affects health and safety, or is in the best interest of the neighborhood or the community in general. MKPOA may take a formal position on individual issues pertaining to variances, variations, or exceptions, when requested to do so.*

*MKPOA expects governing bodies to notify all affected parties of any proposed developments or requests for variances from codes and regulations as well as proposed, approved or pending changes to such regulations."*

### **LA City Department of Building & Safety**

**Does the Los Angeles Building and Safety Department consider CC&Rs?** The City Attorney of Los Angeles has ruled that CC&Rs are a private matter between property owners and that the City has no

enforcement powers or rights. Therefore, the Department of Building and Safety does not consider CC&Rs when requested to issue building permits. There is no notification process to those affected by potential CC&R violations. Many construction projects are required to post public notices at the site and send letters to neighbors regarding the project. However, these notices do not take CC&R restrictions into account. This places the burden of monitoring the permit process on the property owner who must seek information from the builder/owner or from the Department of Building & Safety. Information may be obtained from Building & Safety by calling their hotline at (888) 524-2845. More information can be obtained at the web sites listed in Attachment III, *USEFUL WEB SITES*.

**Is there a single City of LA telephone number where I can report problems or get answers?** The City's non-emergency 311 Information number is a one-stop call. It is modeled after the 911 concept where citizens call one number, reach a knowledgeable call center, and are then connected to the proper Department or service that is ready to assist.

**How can I report a Los Angeles City property violation to Building and Safety?** The Los Angeles Department of Building and Safety is responsible for investigating code violations on existing single family residential property such as construction without permits, violation of City set-back requirements, illegal or over-height fences or hedges, etc. If you wish to file a complaint regarding potential code violation you may do so by calling 311, or access <http://www.permitla.org/csr/>.

For service requests regarding trash bins, abandoned, inoperative or junk vehicles, please call 311.

For service requests regarding graffiti or assistance with removal, please call 311 or contact <http://lahd.lacity.org/lahdinternet/>. The City encourages the report of graffiti as soon as possible. Consistently quick removal will discourage repeat tagging.

The following information is required when submitting a service request: Complainant's name and phone number information is kept confidential.

- Property address requiring attention
- Your name
- Your phone number

## Attachment I - Member Assistance and Mediation Policy

### Summary of Phases I through IV

Phase I addresses the need for information regarding CC&Rs and the rights and obligations of MKPOA property owners and their neighbors. Phase II provides for informal mediation service and view assessment between cooperative parties. Phase III addresses conflict mediation or arbitration between non-cooperative parties who may want to seek out a professional mediation/arbitration service or a qualified attorney. Phase IV involves court proceedings. MKPOA does not participate in Phases III and IV. Throughout, MKPOA's impartial position must be maintained at all times.

#### **Phase I: Information.**

Property owners and neighbors have a need to receive accurate information on CC&Rs, their rights and the involvement of the City and MKPOA. A list of FAQ (Frequently Asked Questions) on the MKPOA web site or mailed to the requestor can answer the majority of questions and provide needed information. Emphasis will be placed on information on past lawsuits and litigation costs in order to encourage parties to settle their issues amicably. If requested to do so, or if a conflict is already in progress, all parties referenced by the requestor should be informed by MKPOA of the efforts to solve the conflict amicably and should receive identical information. To be eligible to request Phase I assistance you must be a current member.

#### **Phase II: Informal Mediation and View Assessment**

The Phase II process is limited to conciliatory notification of neighbors, view assessment, and informal mediative efforts with cooperative parties. To be eligible to request Phase II assistance you must have been an MKPOA member for at least three years, including the current year (adjustable for owners of two years or less). You have the option to submit dues retroactively.

MKPOA participates in establishing communication with neighbors who have CC&R view obstruction issues with the goal to achieve an amicable solution or agreement. This informal process provides information but not legal advice and is facilitated by MKPOA members without a fee.

In the process of providing mediative services and a view assessment by MKPOA, all involved parties (property owners) must be contacted and made aware of any action since MKPOA is a neutral agent and does not represent the interests of either party.

A property owner may request MKPOA Phase II assistance after the Phase I letters (see above) have been sent, and the issues remain unresolved. A property owner or representative may participate in the Phase II mediation by submitting an application and a hold harmless disclaimer ("*Agreement for Mediation Services*"). When requested to do so, MKPOA is available as informal mediator to meet with all parties at a mutually agreed upon time and place.

A verbal assessment by MKPOA is not binding but provides an unbiased opinion with the purpose to convince both parties to stay out of court and reach an amicable resolution.

**Phase III: Formal mediation/arbitration:** For conflict mediation or arbitration between non-cooperative parties it is suggested that property owners seek out a professional mediation/arbitration service or attorneys. This service is not affiliated with MKPOA.

**Phase IV: The courts:** MKPOA is not involved in court proceedings but could potentially be subpoenaed regardless of any previous involvements in a given case.

**Attachment II - CC&Rs and the Courts**

## APPELLATE COURT PUBLISHED OPINIONS

*(Note: "Published opinions" are binding and citable in all future Lachman CC&R cases)*

Additions - Zabucky v. McAdams (2005) 129 Cal. App. 4th 618: Lachman CC&R Paragraph 11 includes:

"... nor shall any tree, shrub or other landscaping be planted or any structures erected that may ... obstruct the view ..."

This case involved the claimed obstruction of one party's view by another party's addition to an existing house. The trial court ruled that the CC&R use of the term "structures" did not include additions to existing houses. The losing party appealed, and the appellate court reversed the trial court, ruling that buildings, and that additions to existing houses are indeed included within the meaning of the CC&R use of the term "structures" and are thus restricted by the CC&Rs from obstructing the view.

The Zabucky appellate court, interpreting two non-Lachman view CC&R opinions published by another appellate court, stated that in the first case that court was *willing* to protect a homeowner's view by denying a neighbor the opportunity to build an *addition*; whereas, in the second case that court was *unwilling* to protect a homeowner's view at the expense of a neighbor's right to build a *house* on his vacant lot. The Zabucky appellate court, stating that the Lachman CC&Rs would not have been intended to prohibit a house from being built even if it obstructed a view, read the word "*unreasonably*" into Paragraph 11:

"... nor shall any tree, shrub or other landscaping be planted or any structures erected that may ... unreasonably obstruct the view ..."

Trees - Ezer v. Fuchsloch (1979) 199 Cal. App. 3d 849: In 1979 the enforceability of the CC&R regarding trees was contested in court. This case involved the obstruction of one party's view by another party's trees. The trial court granted a mandatory injunction ordering defendants "to cut down, to the level of the roof of their house, all specified trees and shrubs, and to thereafter keep their trees and shrubs cut so that they did not grow above the rooftop of their house". The losing party appealed this ruling and the appellate court affirmed the lower court's ruling.

## APPELLATE COURT UNPUBLISHED OPINIONS

*(Note: "Unpublished opinions" are neither binding nor citable in all future Lachman CC&R lawsuits, but they can provide guidance to Lachman CC&R property owners as to how appellate court justices have actually interpreted and applied those CC&Rs.)*

Additions – Zabucky v. McAdams – (6/30/08) B191329: This unpublished opinion was issued (1) by the same appellate court that published the 2005 opinion, and (2) upon retrial of that case.

The appellate court explained that it "inferred the word 'unreasonable' into paragraph 11 ... to avoid a potentially absurd result" that "nothing could be built on a vacant lot."

Lachman CC&R Paragraph 1 includes:

“... no structure shall be erected ... other than one detached single-family dwelling not to exceed one story in height ... ; except ... one two story single-family dwelling may be erected where said dwelling will not detract from the view ...”

The appellate court concluded that the addition (1) “was *not* proven to be more than one story in height,” and (2) “does *not* detract” from the views; therefore, the appellate court affirmed “the judgment of the trial court employing either” Paragraph 1 or Paragraph 11.

#### TRIAL COURT DECISIONS:

*(Note: These “trial court decisions,” while neither binding nor citable in all future Lachman CC&R lawsuits, clearly show that trial court judges have a history of enforcing compliance with the Lachman CC&Rs.)*

Additions to height or footprint – BC 368 737 (2007): In 2007 a trial court judge issued a preliminary injunction ordering the defendants to cease adding to or extending, in any way, the footprint, height, roof, or structure beyond the currently existing structure. Ultimately the parties resolved the case and agreed to dismiss it.

Additions to height – SC 063 640 (2001): In 2001 a trial judge issued a permanent injunction stipulated in favor of the owners of two properties who claimed that the construction of a second story addition commenced by another property owner would detract from their view. The judge’s order forbade any increase in height of the existing house without first obtaining written approval by the Marquez Knolls Property Owners Association (MKPOA).

Additions to height -- WEC 130 907 (1989): In 1989, after ordering a preliminary injunction, a trial court judge made permanent an injunction stipulating (1) cessation of a partially constructed six foot addition in height to an existing house because the addition detracted from the view from another property, and (2) restoration of the height of the house so as not to exceed the original pre-construction roofline.

Trees – WEC 064 521 (1980): In 1980 a trial court judge issued a permanent injunction stipulated against the owners of three properties, ordering them to prevent trees, shrubs or other landscaping from obstructing the view from another property.

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**Attachment III - USEFUL WEB SITES**

County map and data for a specified address:

<http://maps.assessor.lacounty.gov/mapping/viewer.asp>

City map and data for a specific address:

<http://navigatela.lacity.org/index01.htm>

Regulatory profile report for a specified address:

<http://www.permitla.org/parcel/index.html>

Permit activity report for a specified address:

<http://www.permitla.org/ipar/index.cfm>

or

<http://www.ladbs.org> then select Property Activity Report

Case applications for variances, etc.:

<http://cityplanning.lacity.org/>

Zoning Information and Map Access System

<http://zimas.lacity.org/>

ZIMAS look up address

[http://zimas.lacity.org/report\\_pin.asp](http://zimas.lacity.org/report_pin.asp)

LA Planning Department Summary Case Tracking Information

[http://plncts.lacity.org/cts\\_internet/](http://plncts.lacity.org/cts_internet/)

Interactive Map Information

<http://imapla2007.lacity.org/infoa/viewer/gis/viewer.asp>

Report potential City Code violations

<http://lahd.lacity.org/lahdinternet/>

Report Graffiti

<http://lahd.lacity.org/lahdinternet/>

## Attachment IV - Setback Zoning Regulations

Reference URL:

[http://www.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:lapz\\_ca](http://www.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:lapz_ca)

### Los Angeles Planning and Zoning Code

#### MUNICIPAL CODE, CHAPTER I (PLANNING AND ZONING CODE)

#### CHAPTER I GENERAL PROVISIONS AND ZONING

#### ARTICLE 2 SPECIFIC PLANNING-ZONING COMPREHENSIVE ZONING PLAN

#### SEC. 12.21. GENERAL PROVISIONS.

##### C. Area

##### 1. Area Regulation – (Exceptions are provided for in Sec. 12.22- C)

(g) **(Amended by Ord. No. 173,492, Eff. 10/10/00.)** Every required front, side and rear yard shall be open and unobstructed from the ground to the sky, except for those projections permitted by Sections 12.08.5, 12.09.5 and 12.22.

No automobile parking space shall be provided or maintained within a required front yard. Except where a lot is developed with a building meeting the requirements of Section 12.08.3B1, not more than 50 percent of a required front yard shall be designed, improved or used for access driveways.

All portions of the required front yard of one-family dwellings, two-family dwellings, multiple dwellings or group dwellings, apartment houses, hotels, motels, apartment hotels and retirement hotels in the RE, RS, R1, RU, RZ, R2, RD, R3, RAS3, R4, RAS4, R5, or C Zones not used for necessary driveways and walkways, including decorative walkways, shall be used for planting, and shall not otherwise be paved. The planted area in the RD, R3, RAS3, R4, RAS4, R5, or C Zones shall be planted in accordance with a landscape plan prepared by a licensed landscape architect, licensed architect, or landscape contractor to the satisfaction of the Department of City Planning. The planted area shall include at least one tree, which shall be at least 15 gallon in size and at least six feet in height at the time of planting, for each 500 square feet of planted area and shall be equipped with an automatic irrigation system, which shall be properly maintained. **(Amended by Ord. No. 179,191, Eff. 11/5/07.)**

A fee pursuant to Section 19.01I shall be paid to the Department of City Planning for the checking of landscape plans, pursuant to this paragraph. However, the fee shall be waived if any other fee has been paid for checking of landscape plans for the same property.

No swimming pool, fish pond or other body of water which is designed or used to contain water 18 inches or more in depth shall be permitted in any required yard space in which fences over 3-1/2 feet in height are prohibited, even though the pool, pond or body of water extends below the adjacent natural ground level.

#### SEC. 12.22. EXCEPTIONS.

## C. AREA.

### 20. Projections Into Yards.

(a) A canopy above an entrance and extending over a driveway which leads to a detached garage or a parking space not abutting a dwelling, for the temporary shelter of automobiles, commonly referred to as a porte-cochere, may project into a required side yard, but not nearer than 30 in to any lot line, provided such structure is not more than one story in height and 20 feet in length, and is entirely open on at least three sides except for the necessary supporting columns and customary architectural features. **(Amended by Ord. No. 138,685, Eff. 7/10/69.)**

(b) Cornices, belt courses, sills, or other similar architectural features (not including bay windows or vertical projections), may project into a required side yard, other than the side yard adjoining the street lot line of a corner lot, not more than two inches for each one foot of width of such yard, and may project into a required front yard, rear yard, side yard adjoining the street lot line of a corner lot, passageway, or other open space not more than 30 inches, except as provided in Section 12.08.5 C.1.(c), provided the width of a side yard adjoining the street lot line of a corner lot is not reduced to less than three feet. Eaves may project into a required side yard, other than the side yard adjoining the street lot line of a corner lot, not more than four inches for each one foot of width of such side yard, provided the width of such side yard is not reduced to less than two and one-half feet. Eaves may also project into a required front yard, rear yard, side yard adjoining the street lot line of a corner lot, passageway, or other open space not more than 30 inches, provided the width of a side yard adjoining the street lot line of a corner lot is not reduced to less than two and one-half feet. Chimneys may project into a required passageway not more than one foot and may project into a required front yard, rear yard, side yard, or other required open space, except as provided in Section 12.08.5 C.1.(c), not more than two feet, provided the width of any required side yard is not reduced to less than three feet. **(Amended by Ord. No. 138,685, Eff. 7/10/69.)**

(c) Fire escapes may extend or project into any front, side or rear yard not more than four (4) feet.

(d) **(Amended by Ord. No. 138,685, Eff. 7/10/69.)** Except in an RW Zone, where a required passage may not be reduced in any manner, open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard not more than four feet, and such balconies may extend into a required front yard, passageway, other open space, or the side yard adjoining the street lot line of a corner lot, not more than 30 inches, provided the width of a side yard adjoining the street lot line or a corner lot is not reduced to less than 30 inches.

(e) Open, unenclosed porches, platforms, or landing places (including access stairways thereto) not covered by a roof or canopy, which do not extend above the level of the first floor of the building, may extend or project into the required front yard, side yard, rear yard, passageway, or other open space, not more than six feet, provided that in no event shall any such porch, platform or landing space be more than six feet above the natural ground level adjacent thereto. **(Amended by Ord. No. 138,685, Eff. 7/10/69.)**

(f) **Fences and Walls in the A and R Zones. (Amended by Ord. No. 154,798, Eff. 2/20/81.)**

(1) **Fences and Walls.** For the purposes of Article 2 through 6 of this chapter, the terms “**fence**” and “**wall**” shall include latticework, ornamental fences, screen walls, hedges or thick growths of shrubs or trees. Fence and wall height shall be measured from the natural ground level adjacent thereto.

(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.

In both the A and R zones, an unobstructed chainlink fence not more than ten feet in height may be located and maintained in all yards when required by the Department of Building and Safety pursuant to the provisions of Sections 91.3303 and 91.6103 and Division 89 of Article 1 of Chapter IX of this Code.

(3) **Side Yards, Rear Yards and Other Spaces. (Amended by Ord. No. 173,492, Eff. 10/10/00.)** A fence or wall not more than eight feet in height may be located and maintained within the required side yard, rear yard or other open space of any lot in an RW Zone and within the required side yard, rear yard or other open space of a lot within any other A or R zone which is 40 feet or more in width, provided the lot is not located within the boundary of a “**Hillside Area**”, as defined in Section 91.7003 of this Code.

A fence or wall not more than six feet in height may be located and maintained within the required side yard, rear yard or other open space of any lot in an A or R Zone, other than an RW Zone, which is less than 40 feet in width or which is located within the boundary of a “**Hillside Area**”, as defined in Section 91.7003 of this Code, except that in either case a fence or wall not more than eight feet in height may be located in the yards or other open space when authorized by a Zoning Administrator pursuant to Section 12.21A2.

In the A Zones (including the RA Zone), a fence or wall not more than eight feet in height may be located on the side street lot line of any reversed corner lot; provided, however, that if the lot is located within the boundary of a “**Hillside Area**”, as defined in Section 91.7003, the fence or wall shall not exceed six feet in height.

In the R Zones, other than the RW Zones, a fence or wall located within five feet of the side street lot line of a reversed corner lot may not exceed three and one-half feet in height. In the RW Zones, a fence or wall located within three feet of the side street lot line of either a corner lot or a reversed corner lot may not exceed three and one-half feet in height.

(4) **Access Ways.** Access ways shall be maintained in accordance with the provisions of Section 12.22C20(1).

(5) **Maintenance of Fences and Walls.** Fences shall be maintained in accordance with the provisions of Section 12.21A9.

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- (6) **Masonry and Concrete Walls.** (Amended by Ord. No. 173,492, Eff. 10/10/00.) A masonry or concrete fence or wall over three and one-half feet in height shall be built in accordance with the provisions of Section 91.106.1 of this Code.
- (7) **Fences and Walls Enclosing Parking Areas.** Fences and walls enclosing parking areas shall be provided in accordance with the provisions of Section 12.21A6.
- (8) **Fences and Walls Around Pools.** (Amended by Ord. No. 173,492, Eff. 10/10/00.) A fence or wall not exceeding four and one-half feet in height, as required by Section 91.6109 of this Code, may be erected and maintained to enclose a swimming pool, fish pond or other body of water existing in a required yard prior to June 1, 1956.
- (9) **Fences and Walls Around Schools.** An open mesh type fence to enclose an elementary or high school site may be located and maintained in any required yard.
- (10) **Fences and Walls Around Tennis Courts.** The provisions of Section 12.20 C 20(m) shall control with respect to tennis court fences.
- (11) **Fences and Walls at Street Intersections.** Fences and Walls at street intersections shall comply with the provisions of 62.200 of this Code.
- (g) **(None)**