



REPORT to the LA MESA PLANNING COMMISSION

DATE: May 1, 2024

SUBJECT: PROJECT 2023-0804

DESCRIPTION: A REQUEST FOR A SPECIAL PERMIT TO EXCEED THE SIX (6) FOOT MAXIMUM FENCE HEIGHT REQUIREMENT TO ALLOW FOR AN EXISTING EIGHT (8) FOOT FENCE AROUND THE PROPERTY, AND TO EXCEED THE FOUR (4) FOOT MAXIMUM FENCE HEIGHT REQUIREMENT FOR FENCES LOCATED WITHIN THE FRONT SETBACK TO ALLOW FOR A PROPOSED SIX (6) FOOT FENCE WITHIN THE FRONT SETBACK LOCATED AT 4140 MERRITT BOULEVARD (APN 499-521-41-00) IN THE R1R-P (SEMI-RURAL RESIDENTIAL/ SCENIC PRESERVATION OVERLAY) ZONE

ISSUING DEPARTMENT: Community Development

SUMMARY:

Issue(s):

1. Should the Planning Commission approve a Special Permit to allow fences taller than 6 feet, and fences within the front setback taller than four feet?

Recommendation:

1. Adopt a resolution (Attachment A) approving the Special Permit, subject to the conditions of approval.

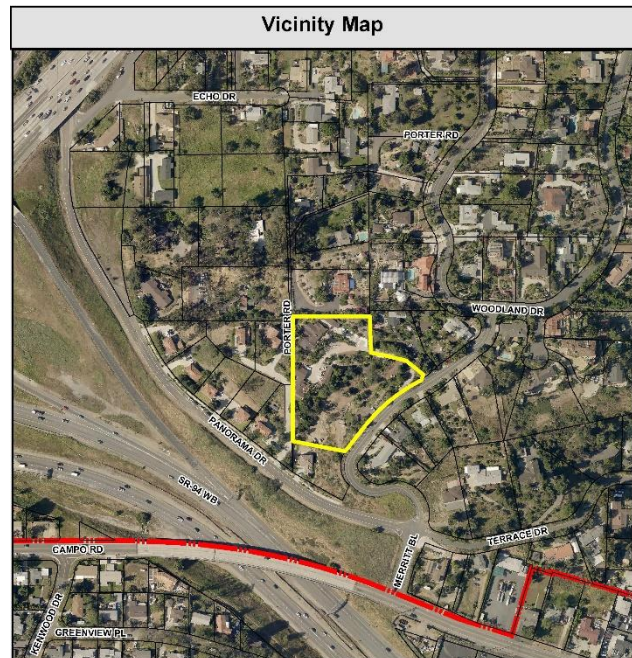
Environmental Review:

This project has been determined to be Categorical Exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15303.

## BACKGROUND:

The subject property is a 2.39-acre (104,108 square foot) lot located on the west side of Merritt Boulevard, situated between Woodland Drive to the northeast and Panorama Drive to the southwest. State Route 94 is located just south of the subject property. The property slopes uphill from the southwest to the northeast, and is developed with an existing single-family residence.

Development on Merritt Boulevard is primarily single-family residential on existing sloped properties. The project site is located within the R1R-P (Semi-Rural Residential/ Scenic Preservation Overlay) zone and the General Plan Planned Land Use is Semi-Rural Residential, which is applied to suburban neighborhoods with lots of 14,000 square feet or larger, resulting in lower density developments with rural characteristics.



In the Scenic Preservation Overlay Zone, natural topography, vegetation, and scenic features of the site shall be retained insofar as feasible and incorporated into each proposed development with minimal grading. Since the property is already developed with a one-story, single-family residence, and no grading is proposed as part of the project, the natural topography, vegetation, and scenic features of the site are retained. Therefore, the project meets the intent of the Scenic Preservation Overlay zone and no further action related to the Scenic Preservation Overlay zone is required.

The applicant is requesting a special permit to allow for existing fencing that exceeds the fence height requirement in the R1R zone. In residential zones, including the subject R1R zone, "Fences or walls within the minimum front setback for a principal building shall not exceed four feet in height. Fences or walls in any other location shall not exceed six feet in height. However, fences or walls of greater height may be allowed by special permit, where topographic or other conditions reduce the effectiveness of normal height fences for privacy." The Planning Commission may authorize a Special Permit to allow for fences of greater height, if the required findings are made as per La Mesa Municipal Code (LMMC) Section 24.02.050. Project proposals shall be evaluated in terms of view obstruction, scale in relation to other structures in the vicinity, structure design, and

offensive characteristics of potential use. As proposed, the existing fencing appears to meet these requirements.

In June of 2022, the City of La Mesa received a code compliance request to investigate whether an eight-foot-tall fence had been built on the subject property with benefit of permit. After review, the City determined and notified the property owners of 4140 Merritt that the existing fence exceeded the six-foot height limit, and a Special Permit application, reviewed by the Planning Commission, would be required to retain the fencing at the existing height(s) and location. Existing site photographs of the property and surrounding area are shown in **Attachment B**. The property owners have worked with the City in good faith to come into compliance, and have submitted a special permit application for the fencing on their property. Since applying for the special permit application, the City has received correspondence from a neighboring property expressing support for the project. The correspondence received can be found in **Attachment C**.

#### DISCUSSION:

The application consists of a request to build a new 6-foot vinyl fence within the property's front setback along the south property line, and to permit an eight-foot vinyl fence along the eastern portion of the property. Project plans are provided as **Attachment D**. As discussed above, a Special Permit would be required for the height and location of the existing and proposed fencing on the site. Special Permits are required to expand the limits of certain development standards, when such expanded limits are reasonable but need evaluation of impact on adjacent properties and uses. If topographic or other conditions that reduce the effectiveness of normal height fences exist, then fences or walls of greater height than allowed per the La Mesa Municipal Code may be allowed by special permit. To grant a Special Permit for fencing exceeding the height limit, sufficient facts must be provided to address two required findings. Staff analysis shows that the proposed project meets the required findings as described below:

1. Will the location and characteristics of the proposed buildings and/or structures and the allowed use of them impact unfavorably upon adjacent properties?

The location and characteristics of the proposed fences and the allowed use of them would not impact unfavorably upon adjacent properties. The existing one-story, single-family residence, sits at a lower elevation than the two-story single-family residence located at the property adjacent to the east. The property owners are proposing to maintain an eight-foot fence along the east property line to provide further privacy and maintain the rural character of the property. It does not appear that the eight-foot fence would obstruct the viewshed from the residence located on the property located adjacent to the

east, and the fence appears to be to scale in relation to the surrounding two-story structure on the adjacent property that sits at a higher elevation.

Along the south portion of the property within the front setback, six-foot-tall fences are proposed, exceeding the height limit of four-feet within the front setback. At the southeast corner of the site, the proposed fence would be constructed on top of an existing four-foot retaining wall for a maximum wall height of eight feet, measured from the average point of the finished grade. The property owner has indicated to staff that since the property sits at a lower elevation than Merritt Boulevard, a 6-foot-high fence on top of a four-foot retaining wall along the street frontage is necessary for privacy and safety concerns raised due to trespassing that has occurred on their property. In addition, the Director of Public Works and the Director of Community Development determined that the proposed fencing within the front setback does not interfere with sight distance necessary for the safe passage of vehicles and pedestrians as the existing 6-foot fence is set behind existing landscaping and topography of the subject property and Merritt Boulevard.

The existing and proposed fences are also not directly along the property lines, allowing for vegetation to be maintained between the fences and the property lines. Existing landscaping is proposed to be maintained, and will provide visual interest while softening the height of the fences along the adjacent property to the east and the street frontage. Since the surrounding properties, including the property adjacent to the east and the properties located across Merritt Boulevard sit at a higher elevation than the subject property, the topographic conditions reduce the effectiveness of normal height fences for the subject property's privacy. Therefore, the proposed fencing in conjunction with the existing site features does not unfavorably impact adjacent and surrounding properties.

2. Is the project consistent with the design objectives established as policy of the City Council?

While there are no specific design objectives for fences in residential zones, the property owner chose a commonly used fencing material, white vinyl fencing, along the south and east property lines. Vinyl fencing is a popular fence material within single-family residences across La Mesa. Vinyl fencing is often stronger and more durable than wood fencing and can be an effective choice for large areas to maintain privacy and keep in or out animals. There is no offensive characteristic of the potential use of a six or eight-foot fence as proposed to remain as there is no view obstruction, due to topographic conditions it is not out of scale in relation to other structures in the vicinity, and

as stated, it is a durable material and the structure design provides for both privacy and safety.


ENVIRONMENTAL REVIEW:

The project is exempt from environmental review in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15303. Section 15303 exempts the construction of accessory structures, including fences. The project meets all of the conditions necessary to qualify for the exemptions and none of the exceptions listed in Section 15300.2 apply.

CONCLUSION:

Adopt a resolution (**Attachment A**) to approve Project 2023-0804, subject to conditions of approval.

Respectfully submitted by:



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Laura Traffenstedt  
Associate Planner

Reviewed by:

Lynnette Santos

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Lynnette Santos  
Director of Community Development

Attachments:

- A. Draft Planning Commission Resolution
- B. Site Photographs
- C. Public Correspondence
- D. Project Plans