

RESOLUTION NO. PC-2024-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA MESA APPROVING PROJECT 2023-0804 – 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.

WHEREAS, the property owner submitted an application 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;

WHEREAS, La Mesa Municipal Code (LMMC) Section 24.05.030I provides that fences of a greater height than typically allowed may be approved by a special permit where topographic or other conditions reduce the effectiveness of normal height fences for privacy;

WHEREAS; pursuant to LMMC Section 24.02.040, the Planning Commission may authorize a special permit to expand the limits of certain development standards, when such expanded limits are reasonable but need evaluation of impact on adjacent properties and uses;

WHEREAS; project proposals for a special permit 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;

WHEREAS, the Planning Commission did receive and consider a staff report for the proposal; and

WHEREAS, on May 1, 2024, the Planning Commission of the City of La Mesa did hold a duly noticed public hearing and accepted public testimony in consideration of Project No. 2023-0804.

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

1. The project is exempt from environmental review in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15303. Section 15303 allows exemptions for accessory structures, including fences. The project meets all of the conditions necessary to qualify for the exemption and none of the exceptions listed in Section 15300.2 apply.
2. Special Permit Findings (LMMC Section 24.02.050):
 - A. The location and characteristics of the proposed buildings and/or structures, and the allowed uses of them, will not 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.

B. The project is 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.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF LA MESA AS FOLLOWS:

1. The foregoing findings of fact and determinations are true and hereby made a part hereof.
2. The foregoing findings of fact and determinations are supported by the staff report, plans, and exhibits, all of which are herein incorporated by reference.
3. The Planning Commission approves Project No. 2023-0804, subject to the conditions in Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of La Mesa, California, held the 1st day of May, 2024, by the following vote, to wit:

AYES:

NOES:

ABSENT:

I, Lynnette Santos, Secretary of the City of La Mesa Planning Commission, do hereby certify the foregoing to be a true and exact copy of Resolution PC-2024-XX, duly passed and adopted by the Planning Commission.

Lynnette Santos, Secretary
La Mesa Planning Commission

Exhibit A
PC Resolution PC-2024-XX
Project 2023-0804
Conditions of Approval

A. GENERAL CONDITIONS:

1. The project is conditionally approved as set forth on the application and project drawings received electronically by the City on April 10, 2024, consisting of two (2) sheets total, including Sheet A1 – Site Plan and Sheet A2 – Fence Elevations all designated as approved by the Planning Commission on May 1, 2024, and shall not be altered without express authorization by the Community Development Department.
2. This approval shall not waive compliance with any section of the La Mesa Municipal Code and all other applicable City regulations in effect at the time of Building Permit issuance unless specifically waived herein.
3. This approval is for the proposed fencing as shown on the project drawings received electronically by the City on April 10, 2024, and does not approve any other grading or construction on the site.
4. Prior to any use or issuance of final occupancy of the project site pursuant to this approval, all conditions of approval contained herein shall be completed or secured to the satisfaction of the Community Development Department.
5. The applicant is responsible for coordinating architectural plans and supplemental materials at building permit submittal to ensure that all project plans and materials are internally consistent and consistent with each other. Inconsistent construction documents will not be accepted.
6. This constitutes an approval of the discretionary entitlement only. Additional permits, including but not limited to building and grading permits, may be required by the Community Development Department or other City departments prior to commencement of construction and/or use. It is the property owner and applicant's responsibility to obtain all necessary permits required for the type of project proposed.
7. The Owner(s) shall waive any claims of liability against the City and indemnify, hold harmless and defend the City and City's employees regarding any component of the City's approval, and shall execute an indemnity agreement in substantially the form as provided by the Community Development Department prior to building permit issuance, initiating use in reliance of this permit, recordation of the final map and/or recordation of the final parcel map, as applicable, and the Community Development Director is hereby authorized to execute the same.

B. THE FOLLOWING CONDITIONS MUST BE SATISFIED PRIOR TO THE ISSUANCE OF BUILDING PERMITS:

Planning

1. All specimen trees removed shall be replaced with healthy trees also of specimen size in accordance with the Scenic Preservation Overlay zone.

C. THE FOLLOWING CONDITIONS MUST BE SATISFIED PRIOR TO FINAL CONSTRUCTION:

Building

1. The applicant shall obtain final approvals from all departments for all issued permits: building and planning.

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