

RESOLUTION NO. PC-2025-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA MESA APPROVING PROJECT 2024-2101 (MADISON) – A REQUEST FOR A SPECIAL PERMIT TO ALLOW FOR A FENCE TO EXCEED THE MAXIMUM FENCE HEIGHT OF 4 FEET ALLOWED WITHIN A FRONT YARD SETBACK BY 2 FEET AT 8811 MADISON AVENUE, APN 494-333-01-00 IN THE URBAN RESIDENTIAL (R1) ZONE.

WHEREAS, July 29, 2024, the City received a code compliance complaint that a new fence was constructed at 8811 Madison Avenue, that appeared to exceed the maximum height limitations of the underlying zone and was potentially impeding line of sight.

Whereas, the City confirmed that there was no line of sight impediment but that the subject fence was constructed without benefit of permit exceeding the fence height within the front yard setbacks.

Whereas, the property owner constructed the fence to fully utilize their yard and further their privacy as the property fronts both Lemon Avenue and Madison Avenue.

Whereas, fences within the front yard setback are limited to 4 feet high, the subject fence was measured to be 6 feet high.

Whereas, pursuant to LMMC Section 24.05.030I (6), fence and wall height limits in residential zones of four feet high within the front yard setbacks and six feet high within the side yard setback are set forth and included in those standards is a provision to allow for an exception to exceed height limits by special permit approved by the Planning Commission.

WHEREAS; LMMC Section 24.02.050, provides that 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, the property owners submitted an application for a Special Permit to construct the over height fence with a height that exceed 4 feet within the front setback.

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

WHEREAS, on April 16, 2025, the Planning Commission of the City of La Mesa held a duly noticed public hearing and accepted public testimony in consideration of Project No. 2024-2101.

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, New Construction or Conversion of Small Structures, which allows for the construction and location of limited numbers of new, small accessory structures such as fences. The project meets all 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 fence does not impact unfavorably upon adjacent properties. The fence on this parcel is consistent and typical modern fencing utilized in residential neighborhoods. Section 24.05.030.N of the Municipal code requires that no structure or facility shall be located as to interfere with sight distance necessary for the safe passage of vehicles and pedestrians; sight triangles are required to demonstrate no interference in sight distance and no interference has been shown on the plan set. The fence location also meets the required Caltrans Highway Design Manual and American Association of State Highway Transportation Officials guidelines which requires for a minimum sight distance of 280 feet from the driver's eye at the Madison Avenue and Lemon Avenue intersection. The Caltrans Highway Design Manual provides instruction on street and highway design within California and is the industry standard for roadway design. Therefore, the location and characteristics of the fence would not impact unfavorably on adjacent properties.

B. The project is consistent with the design objectives established as policy of the city council.

The scale, placement, and materials of the fencing fits within the surrounding area and serves to promote the character of the neighborhood as a unique place to live (General Plan Land Use & Urban Design Element Objective LU-2.2). The fence exhibits high quality design using durable and decorative materials that complement the subject property and neighborhood. The fence was built using standard construction techniques and is located away from adjacent driveways where vehicular site distance is a safety concern, consistent with General Plan Land Use & Urban Design Element Objective LU-1.2 promoting safety for residents while preserving community identity.

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. 2024-0705, 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 16nd day of April 2025, 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-2025-XX duly passed and adopted by the Planning Commission.

Lynnette Santos, Secretary
La Mesa Planning Commission

Exhibit A
PC Resolution PC-2025-XX
Project 2024-2101
Conditions of Approval

1. The project is conditionally approved as set forth on the application and project drawings received electronically by the City on January 29, 2025, consisting of one (1) sheets total, including Sheet 1 – Site Plan.
2. This approval shall not waive compliance with any section of the La Mesa Municipal Code or any other applicable City regulations in effect unless specifically waived herein.
3. 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.
4. This constitutes an approval of the discretionary entitlement only. Additional permits, including but not limited to building and encroachment 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.
5. 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.