



CHAIR DAVID BERNAL  
VICE CHAIR YVONNE PEÑA  
COMMISSIONER FRANCISCO SOLORIO  
COMMISSIONER HECTOR PACHECO  
COMMISSIONER SYLVIA BALLIN

## CITY OF SAN FERNANDO

### PLANNING & PRESERVATION COMMISSION REGULAR MEETING AGENDA SUMMARY MONDAY, JUNE 12, 2023 – 6:30 PM

CITY HALL COUNCIL CHAMBERS  
117 MACNEIL STREET  
SAN FERNANDO, CALIFORNIA 91340

#### **PUBLIC PARTICIPATION OPTIONS**

##### **WATCH THE MEETING:**

Live stream with audio and video, via YouTube Live, at:

<https://www.youtube.com/c/CityOfSanFernando>

Note: Comments submitted via YouTube will not be read into the record.

##### **SUBMIT PUBLIC COMMENT IN PERSON:**

Members of the public may provide comments in person in the City Council Chambers during the Public Comments section of the Agenda by submitting a comment card to the Board Secretary.

##### **SUBMIT PUBLIC COMMENT VIA EMAIL:**

Members of the public may submit comments by email to [CommunityDevelopment@sfcity.org](mailto:CommunityDevelopment@sfcity.org) no later than **5:00 p.m. the day of the meeting**, to ensure distribution to the Planning and Preservation Commission prior to consideration of the agenda. Comments received via email will be distributed to the Planning and Preservation Commission, read into the record, limited to three minutes, and made part of the official public record of the meeting.

##### **CALL-IN TO PROVIDE PUBLIC COMMENT LIVE AT THE MEETING:**

Members of the Public may **call-in between 6:30 p.m. and 6:45 p.m.** Comments will be heard in the order received, and limited to three minutes. If necessary, the call-in period may be extended by the Chair.

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**Call-in Telephone Number:** (669) 900-6833

**Meeting ID:** 896 2370 9376

**Passcode:** 194996

When connecting to the Zoom meeting to speak, you will be placed in a virtual “waiting area,” with your audio disabled, until it is your turn to speak and limited to three minutes.

## **CALL TO ORDER/ROLL CALL**

## **TELECONFERENCE REQUESTS/DISCLOSURE**

Recommend consideration of requests received for remote teleconference meeting participation made by members of the City’s legislative bodies, as permitted under the provisions of Assembly Bill (AB) 2449, Government Code Section 54953, and the City of San Fernando adopted Resolution No. 8215, effective March 1, 2023.

## **PLEDGE OF ALLEGIANCE**

Led by Commissioner Francisco Solorio

## **APPROVAL OF AGENDA**

Recommend that the Planning and Preservation Commission approve the agenda as presented.

## **DECORUM AND ORDER**

City Commissioners are appointed by City Council and must be free to discuss issues confronting the city in an orderly environment. Member of the public attending City Commission meetings shall observe the same rules of order and decorum applicable to the City Council ([SF Procedural Manual](#)). Any person making impertinent derogatory or slanderous remarks or who becomes boisterous while addressing a City Commission or while attending a City Commission meeting, may be removed from the room if the Presiding Officer so directs the Sergeant-At-Arms and such person may be barred from further audience before the City Commission.

## **PUBLIC STATEMENTS**

Members of the public may **provide comments in person in the City Council Chambers** during the Public Comments section of the Agenda by submitting a comment card to the Board Secretary.

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Preservation Commission prior to consideration of the agenda. Comments received via email will be distributed to the Planning and Preservation Commission and read into the record.

Members of the public may provide a **live public comment by calling in between 6:30 p.m. and 6:45 p.m. CALL- IN INFORMATION: Telephone Number: (669) 900-6833; Meeting ID: 896 2370 9376; Passcode: 194996**

### **PRESENTATIONS**

- A. "Every Last Drop" presented by Jiyeon Kim, City of San Fernando, Management/Planning intern

### **CONSENT CALENDAR**

Items on the Consent Calendar are considered routine and may be disposed of by a single motion to adopt staff recommendation. If the Planning and Preservation Commission wishes to discuss any item, it should first be removed from the Consent Calendar.

- 1) CONSIDERATION TO APPROVE PLANNING AND PRESERVATION COMMISSION MEETING MINUTES FOR:**
  - a. May 25, 2022 – Special Meeting

### **PUBLIC HEARING**

- 2) PROPOSED ZONE TEXT AMENDMENT (ZTA2023-001) TO SECTION 106-970, WALLS AND FENCES, TO UPDATE REGULATIONS FOR WALLS AND FENCES (CONTINUED FROM APRIL 10, 2023)**

Recommend that the Planning and Preservation Commission:

- a. Conduct a Public Hearing; and
- b. Pending public testimony, adopt Planning and Preservation Commission Resolution No. 2023-001 recommending that the City Council adopt an ordinance amending the San Fernando Municipal Code, Section 106-970, Walls and fences, to update regulations for walls and fences.

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**3) PROJECT NO. CUP2022-001 – CONDITIONAL USE PERMIT AND A FINDING OF PUBLIC CONVENIENCE OR NECESSITY TO ALLOW ON-SITE SALE AND CONSUMPTION OF ALCOHOL AS SECONDARY USE AT THE MIDNIGHT HOUR RECORDS STORE, LOCATED AT 1101 SAN FERNANDO ROAD.**

Recommend that the Planning and Preservation Commission:

- a. Continue this item to the next regular meeting on July 10, 2023 to allow additional time for the applicant to be present at the meeting.

### **STAFF COMMUNICATION**

### **GENERAL COMMISSION COMMENTS**

**ADJOURNMENT** The meeting will adjourn to its next regular meeting.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting.

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**Yesenia Becerra**

**Administrative Assistant**

Signed and Posted: **June 8, 2023** at 3:30pm

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CHAIR JOEL FAJARDO  
VICE CHAIR MARVIN PEREZ  
COMMISSIONER DAVID BERNAL  
COMMISSIONER HECTOR PACHECO  
COMMISSIONER YVONNE PEÑA

**CITY OF SAN FERNANDO  
PLANNING AND PRESERVATION COMMISSION**

**DRAFT MINUTES OF THE  
MAY 25, 2022, SPECIAL MEETING  
CITY HALL VIA ZOOM**

**THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE PLANNING COMMISSION. VIDEO AND AUDIO OF THE ACTUAL MEETING ARE AVAILABLE AT: <http://ci.san-fernando.ca.us/commissions-boards/#planning-preservation>**

**CALL TO ORDER/ROLL CALL:** Chair Fajardo called to order at 6:30 p.m.

**PRESENT:**

Commission: Chair Joel Fajardo, Commissioners Hector Pacheco, Yvonne Peña, and David Bernal

Staff: City Attorney Norma Tabares, City Clerk Julia Fritz, Community Development Director Kanika Kith, and Associate Planner Gerardo Marquez

**ABSENT:**

Commission: Vice-Chair Marvin Perez, Commissioner

**PLEDGE OF ALLEGIANCE**

Led by Commissioner Hector Pacheco

**APPROVAL OF AGENDA**

Commissioner Peña moved to approve the May 25, 2022 agenda.

AYES:	J. Fajardo, H. Pacheco, Y. Peña and D. Bernal
NOES:	None
ABSENT:	M. Perez
ABSTAIN:	None

**PUBLIC STATEMENTS**

None

**CONSENT CALENDAR**

No items

**PUBLIC HEARING**

**1. 2021-2029 Housing Element, Safety Element Update, and Mitigated Negative Declaration**

Recommend that the Planning and Preservation Commission:

- a. Approve Planning and Preservation No. 2022-001 recommending to the City Council to adopt the 2021-2029 Housing Element, Updated Safety Element, and Mitigated Negative

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Declaration, and authorize the City Manager to make iterative changes to the 2021-2029 Housing Element in response to comments from the California Department of Housing and Community Development (HCD) to support state certification of the 2021-2029 Housing Element.

Community Development Director Kanika Kith provided a power point presentation with information on the 2021-2029 Housing Element and Safety Element Update. Director Kith, City Attorney Tabares, and the Consultant Team composed of representatives from Houseal Lavigne, Rincon, and Veronica Tam and Associates responded to Commissioner's questions and recommendations.

Chair Fajardo opened the public comment portion of public, no public comments.

Commissioner Bernal moved to close the public comment portion of the public hearing. Seconded by Commissioner Peña, the motion carried with the following vote:

AYES:	J. Fajardo, H. Pacheco, Y. Peña and D. Bernal
NOES:	None
ABSENT:	M. Perez
ABSTAIN:	None

Commissioner Bernal moved to approve Planning and Preservation No. 2022-001 recommending to the City Council to adopt the 2021-2029 Housing Element, Updated Safety Element, and Mitigated Negative Declaration, and authorize the City Manager to make iterative changes to the 2021-2029 Housing Element in response to comments from the California Department of Housing and Community Development (HCD) to support state certification of the 2021-2029 Housing Element; with the addition to Commission comments and feedback.

AYES:	H. Pacheco, Y. Peña
NOES:	D. Bernal
ABSENT:	M. Perez
ABSTAIN:	J. Fajardo

### **GENERAL COMMISSION COMMENTS**

Commissioner Bernal expressed the need of fixing the bike path by firstly obtaining better lighting; as well as the need for the creation of a homeless outreach group to provide resources and assistance to individuals.

Chair Fajardo confirmed the Commission voting procedures with City Attorney Tabares.

### **STAFF COMMUNICATION**

Community Development Director Kith shared that 2021-2029 Housing Element, Updated Safety Element, and Mitigated Negative Declaration will be presented to the City Council on June 6<sup>th</sup>, as well as the Homeless Action Plan.

### **ADJOURNMENT**

Commissioner Bernal moved to adjourn. Second by Commissioner Peña, no objections.



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7:44 p.m.  
Planning Commission Secretary

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THE CITY OF  
**SAN FERNANDO**

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**To:** Planning and Preservation Commission

**From:** Kanika Kith, Deputy City Manager/Economic Development  
Marina Khrustaleva, Associate Planner

**Date:** June 12, 2023

**Subject:** Proposed Zone Text Amendment (ZTA2023-001) to Section 106-970, Walls and fences, to update regulations for walls and fences (continued from April 10, 2023)

**RECOMMENDATION:**

Staff recommends that the Planning and Preservation Commission:

- a. Conduct a Public Hearing; and
- b. Pending public testimony, adopt Planning and Preservation Commission Resolution No. 2023-001 recommending that the City Council adopt an ordinance amending the San Fernando Municipal Code, Section 106-970, Walls and fences, to update regulations for walls and fences.

**BACKGROUND:**

1. The San Fernando Municipal Code (SFMS), Chapter 106 – Zoning, was adopted in 1957. In 1985, Section 106-970, Walls and fences, was added.
2. On December 2, 2002, SFMC Section 106-970, Walls and fences, was last amended.
3. Under existing standards in residential zones, the maximum height of a fence in a front yard is three (3) feet (including pillars, spikes, lights or similar ornamentation) as measured from existing finish grade, and shall be non-view obscuring.
4. In December 2015, application form for residential walls and fences (Form # CDD-024.1) containing fence design diagrams was created. The form is not consistent with existing regulations and will be updated to reflect the new regulations following adoption.
5. In 2022, multiple residents requested approval for front yard walls and fences to be higher than three feet.
6. On August 15, 2022, the City Council adopted a Coyote Management and Co-Existence Plan that includes best management practices and strategies for managing coyotes in the City. The

Coyote Management and Co-Existence Plan also includes a recommendation to consider revising the height limits for fences and walls on residential properties.

7. On November 14, 2022, the Planning and Preservation Commission (Commission) discussed potential modifications to fence and wall height for residential property. The Commission did not support increasing the height of side and rear yard fences and walls to be higher than six (6) feet, but was supportive of allowing the installation of coyote rollers above the permitted 6-foot high wall or fence. The Commission requested additional information for discussion relating to a potential height increase for front yard fences and walls to be higher than three (3) feet.
8. On March 13, 2023, the Commission discussed and provided feedback for proposed Zone Text Amendment (ZTA 2023-001) to Section 106-970 of the San Fernando Municipal Code to update regulations for walls and fences (summarized below). The Commission supported suggestions provided by staff, requested visual information for workshop discussion, and continued the discussion to the next meeting (April 10, 2023).
9. On April 10, 2023, staff prepared visual information for the Commission to facilitate a workshop discussion. The Commission discussed eight options for design standards provided by staff, identified their preferences, directed staff to incorporate these design standards into updated regulations for walls and fences, and continued the item to the next meeting (May 8, 2023).
10. The May 8, 2023, meeting was cancelled and the public hearing previously set for May 8, 2023 was continued to the next meeting (June 12, 2023).

**ANALYSIS:**

The proposed Zone Text Amendment (ZTA 2023-001) to Section 106-970 of the San Fernando Municipal Code is to update the existing regulations for walls and fences. The San Fernando Municipal Code's Chapter 106-Zoning, which was adopted in 1957, included Section 106-970, Walls and fences. In 1985, this section was amended to reduce the permitted front fence height from four to three feet; to reduce the permitted hedge height from four feet to 30 inches; to prohibit pilasters, gates and similar structures to extend higher than the fence; and to introduce the Special Fence Permit process. In 2015, an application form that included designs of permitted and prohibited walls and fences in the front yard was introduced to provide guidance.

Over time, numerous residents have sought approval for front yard walls and fences taller than the current three-foot limit and staff research shows that the majority of existing front yard fences and walls do not comply with the current approved height and design, leading to the need for an update in regulations. Furthermore, the adoption of the Coyote Management and Co-Existence Plan in August 2022 recommended revising height limits for fences and walls on residential properties, adding to the need for this amendment.

To ensure thorough research and benchmarking, staff investigated wall and fence ordinances in other cities in the Greater Los Angeles area. The research revealed that many cities have established objective and easily comprehensible design standards for fences, along with maintenance guidelines for Code Enforcement staff.

The Planning and Preservation Commission has been actively engaged in discussions on this matter, and in November 2022, they expressed support for modifying fence and wall height on residential properties. The Commission supported the installation of coyote rollers above the permitted six-foot high wall or fence on side and rear yards, and requested additional information regarding the potential height increase for front yard fences and walls.

### Planning Commission Meetings Summary

During subsequent meetings, the Commission provided valuable feedback and preferences for the proposed changes. At the Commission meeting on March 13, 2023, the Commission expressed support for updating the regulations for standard height, design, and materials for walls and fences, to be approved at staff level. The feedback received from the Commission regarding proposed changes is summarized below:

1. Allow 4-foot high non-view obscuring fences for front yard and street-facing side yard on corner lots.
2. Allow 4-foot high vegetative hedges for front yard and along a street-facing side yard on a corner lot (excluding a sight clearance triangle that is not to be obscured).
3. Define a non-view obscuring fence as a fence with solid components constituting not more than 50 percent of the total surface area of the face of the fence.
4. Allow a combination of a fence and a wall in the front yard where a wall does not constitute more than 1/3 of the total height.
5. Allow the installation of coyote rollers above the permitted 6-foot high wall or fence in a side or rear yard.
6. Prohibit vinyl fences.

At the Commission meeting on April 10, 2023, the Commission provided feedback regarding additional proposed changes as follows:

1. Require a maximum of 2-foot high wall for a combination wall and fence design
2. Exclude decorative elements (pillars, spikes, lights or similar ornamentation) from the maximum height limit.

3. Allow pedestrian gateway with a minimum height clearance of eight (8) feet.
4. Allow five (5) feet high fence in the front yard or street facing side yard under a Special Fence Review, when a certain percentage of existing approved fences on the block is higher than four (4) feet.
5. Allow side yard fences on interior lot line within the front yard setback to be view-obscuring.
6. Allow six (6) feet high non-view obscuring fences along street-facing side yards for multi-family property.
7. Allow private schools in residential zones to have 8-foot high non-view obscuring tubular steel fences for safety reasons.
8. Remove height limit for a retaining wall, as the height of a retaining wall is determined by the actual grade present on the site.
9. Add vinyl fences to the list of permitted materials.
10. Remove Special Fence Review process to remove cost and time burden for the residents.

#### *Sight Clearance Area*

As directed by the Commission, staff consulted with the City's Contract Traffic Engineer, Tom Brohard, on April 24, 2023, regarding traffic safety concerns for increasing the height of the fences and walls. Mr. Brohard stated that the lines of sight for drivers are typically 30 inches above the ground, at 20 feet for intersection and 10 feet for driveway and alleys for residential. Planting within the sight triangle area must be below 30 inches. It is also preferable that the sight distance across the corner be "unobstructed" if possible, without trees, bushes, posts, pillars, and fencing materials. Mr. Brohard confirmed that the existing provisions of the Code pertaining to the sight clearance triangle in Section 106-970(d) are in compliance with the most authoritative source, "A Policy on Geometric Design of Streets and Highways – 7th Edition" published by American Association of State Highway and Transportation Officials.

#### Section 106-970(d)

*Sight clearance. Sight clearance for visibility of pedestrians and vehicles shall be maintained as follows:*

- (1) On corner lots in all zones, a sight clearance distance triangle permitting pedestrian and vehicular visibility at intersecting streets shall be maintained for a minimum distance of 20 feet measured along the street right-of-way from the point of intersection of the two streets. Sight distances at alleys intersecting with streets shall be ten feet.*



- (2) In all zones, sight clearance for automobiles emerging from adjacent driveways shall be maintained for a minimum distance of 20 feet for commercial and multifamily driveways and ten feet for single-family driveways, measured from the property line. An open fence that does not impede visibility will be permitted in this area.*

### *Fence Design for Private School*

As directed by the Commission, staff consulted with the San Fernando Police Department to verify that higher fences help ensure security on school sites. Taller non-view obscuring fences comply with the principles of Crime Prevention through Environmental Design (CPTED) and provide territoriality, natural surveillance, and access control. However, San Fernando Police regulatory documents and the California Education Code do not provide any specific recommendations or requirements for school fence height. Fence height for public schools in San Fernando is regulated by the LAUSD design standards. Police staff expressed their support for allowing private schools and other institutional facilities (such as child care, nursery homes, medical facilities, churches, and lodges) to have higher fences without going through a time-consuming and costly variance process.

### *Fence Height*

The Commission considered the option to construct a five (5) feet high fence in the front yard or street-facing side yard, provided that the prevailing height of existing fences on the block is also five feet. However, several concerns were raised and, ultimately, the Commission directed staff to remove the Special Fence Review process from the updated regulations for walls and fences, as suggested by the staff. Removing the Special Fence Review process will streamline the regulatory framework and ensure a more efficient and manageable process for all parties involved.

Establishing the height limit at four feet is consistent with the creation of an appealing and pedestrian-friendly neighborhood. To create a pedestrian-friendly neighborhood, it is generally recommended to limit the maximum fence height around three to four feet.

Several benefits can be achieved by keeping fences at four feet and below. A lower fence allows for better visibility and promotes sense of openness, creating welcoming atmosphere. Pedestrians can see and interact with their surroundings, enhancing safety and fostering sense of community. Additionally, a lower fence preserves the visual connectivity between properties, maintaining a cohesive streetscape and preserving the aesthetic appeal of the neighborhood. A visually pleasing streetscape plays a vital role in shaping the overall character and aesthetic appeal of a residential area.

### Proposed Zoning Code Amendment

Based on the Commission's direction, staff has prepared proposed updates to Zoning Code Section 106-970 for walls and fences regulations, which are included as Attachment A. These updates aim to address the concerns raised, improve consistency, and enhance clarity without significantly changing the requirements. Notably, the proposed changes would increase the allowed height for fences in front yard and street-facing side yard on corner lots from three feet

to four feet, exclude decorative elements from maximum height limitations, and provide additional options for fence combinations and privacy considerations.

In addition, staff is recommending some revisions to fence and wall design for commercial and industrial zones or properties. Revisions include adding new standards for solid block walls adjacent to the right-of-way, not allowing barb or razor wire, and allowing properties adjacent to residential uses to have up to eight (8) feet high block wall, subject to providing a five foot wide landscape area outside of the wall if adjacent to right-of-way. A noise study would be required to demonstrate the need of an 8-foot high block wall on commercial properties.

In summary, the proposed amendment to the walls and fences regulations include the following changes:

Residential Zones:

1. Increase the height for non-view-obscuring fences for front yard and street-facing side yard on corner lots from three (3) feet to four (4) feet.
2. Exclude decorative elements such as pillars, spikes, lights or similar ornamentation from the maximum height limit of four (4) feet.
3. Allow pedestrian gateway to exceed the height limit with a minimum height clearance of eight (8) feet.
4. Require a maximum of two (2) feet high wall for a combination wall and fence design.
5. Increase the height for vegetative hedges in front yard and along a street-facing side yard on a corner lot from 30 inches to four (4) feet (excluding a sight clearance triangle that is not to be obscured).
6. Change the definition of a non-view obscuring fence as a fence with view obscuring elements between posts or pillars not exceeding 50 percent of the total surface area of the fence.
7. Allow view-obscuring side fences or walls within a required front yard setback on regular (non-corner) lots for privacy reasons.
8. Allow private schools in residential zones to build eight (8) feet high non-view obscuring tubular steel fences for safety reasons.
9. Remove height limit for a retaining wall, as the height of a retaining wall is determined by the actual grade present on the site.
10. Add vinyl fences to the list of permitted materials.

11. Remove the Special Fence Review process.

Commercial and Industrial Zones:

12. Add new design standards for block wall in commercial or industrial zones/properties.

13. Prohibit barbed wire, razor wire, or similar materials and allow curved top tubular steel spike as an alternative in industrial zones.

14. Allow commercial or industrial properties adjacent to residential uses to have up to eight feet high block wall when a noise study demonstrate the needs for a wall higher than six feet.

15. Require a minimum of a five (5) foot wide landscape area with trees, shrubs, and groundcovers to be provided along the outside of an 8-foot high block wall when the wall is adjacent to a right-of-way or open space.

16. Require all solid walls and fences to have two (2) layers of permanent anti-graffiti coating.

The proposed updates aim to strike a balance in providing homeowners with privacy and security while also preserving an open and inviting streetscape that encourages a sense of community and improves the pedestrian experience. By encouraging design standards that prioritize transparency, such as non-view obscuring fences and height limitations of four feet, the proposed amendments aim to ensure that front yards and street-facing side yards remain visually connected to the surrounding neighborhood. This approach contributes to a harmonious and welcoming atmosphere, promoting a cohesive neighborhood identity.

Additionally, these updates will bring a majority of existing front yard fences in compliance with the Code, allow many homeowners to replace existing 4-foot high chain-link fence with a higher-quality fence, and allow staff to approve the fence applications at a staff level without creating additional burden on the applicants.

#### Environmental Review

Pursuant to the California Environmental Quality Act (CEQA), the adoption of proposed Zone Text Amendment is exempt under CEQA Guidelines Section 15061(b)(3) (the “common sense exemption”) since it can be seen with certainty that the adoption of the Zoning Code Amendment for Section 106-970, Walls and fences, will not have a significant impact on the environment and Section 15378 (“not a project”) because it does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. 14 CCR §§15378, 15060(c)(2)-(3).

#### **BUDGET IMPACT:**

Preparation of zoning related ordinances and legislative advocacy programs are included in the annual work program for the Community Development Department and City Manager's Office, respectively. Therefore, funding for both efforts is included in the Fiscal Year 2022-2023 Adopted Budget.

**CONCLUSION:**

Staff recommends that the Commission adopt Planning and Preservation Commission Resolution No. 2023-001 recommending that the City Council adopt an ordinance amending the San Fernando Municipal Code, Section 106-970, Walls and fences, to update regulations for walls and fences.

**ATTACHMENTS:**

- A. Resolution No. 2023-001
  - a. Exhibit A – Proposed updates to San Fernando Municipal Code (SFMC) Section 106-970, Walls and fences.
- B. Redline of proposed updates to SFMC Section 106-970, Walls and Fences

RESOLUTION NO. 2023-001

**A RESOLUTION OF THE PLANNING AND PRESERVATION COMMISSION OF THE CITY OF SAN FERNANDO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE SAN FERNANDO MUNICIPAL CODE, SECTION 106-970, WALLS AND FENCES, TO UPDATE REGULATIONS FOR WALLS AND FENCES. (PROJECT NO. ZTA2023-001)**

**WHEREAS**, California Constitution Article XI, Section 7, enables the City of San Fernando (the "City") to enact local planning and land use regulations; and

**WHEREAS**, the authority to adopt and enforce zoning regulations is an exercise of the City's police power to protect the public health, safety, and welfare; and

**WHEREAS**, the City desires to ensure that residential development occurs in an orderly manner, in accordance with the goals and objectives of the General Plan and reasonable land use planning principles; and

**WHEREAS**, in 1957, the San Fernando Municipal Code (SFMS), Chapter 106 – Zoning, was adopted; in 1985, Section 106-970, Walls and fences, was added establishing standards for walls and fences; and on December 2, 2002, it was last amended; and

**WHEREAS**, in 2022, multiple residents requested approval for front yard walls and fences to be higher than three feet, which is the maximum height under the current standards in residential zones; and

**WHEREAS**, on August 15, 2022, the City Council adopted a Coyote Management and Co-Existence Plan that included a recommendation to consider revising the height limits for fences and walls on residential properties; and

**WHEREAS**, the Planning and Preservation Commission at their November 14, 2022, March 14th, 2023, and April 10th, 2023, meetings were presented with proposed regulations from the Planning Division and discussed, considered, and gave staff input on the proposed regulations; and

**WHEREAS**, on March 2, 2022, a notice of a public hearing to be held on March 13, 2023, was published to consider and make a recommendation to City Council for approval of a proposed Zone Text Amendment (ZTA2023-001) to update regulations for walls and fences in the *San Fernando Valley Sun* as required by Government Code Section 65858(a), and the public hearing was continued to April 10, 2023 and further continued to May 8, 2023 and June 12, 2023; and

**WHEREAS**, the Planning and Preservation Commission, as part of its regular meeting of June 12th, 2023, conducted a duly noticed public hearing on the proposed code amendment, and all testimony was received and made a part of the public record.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SAN FERNANDO DOES ORDAIN AS FOLLOWS:**

**SECTION 1. RECITALS.** The recitals above are true and correct and incorporated herein by reference.

**SECTION 2. Environmental Review Findings**

This project is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3) (the “common sense exemption”) since it can be seen with certainty that the adoption of the Zoning Code Amendment for Section 106-970, Walls and fences, will not have a significant impact on the environment and Section 15378 (“not a project”) because it does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. 14 CCR §§15378, 15060(c)(2)-(3).

**SECTION 3. Zoning Text Amendment Findings**

Pursuant to San Fernando City Code Section 106-19 (Zoning Text Amendments) the following findings for adoption of the proposed amendment can be made in a positive manner as follows:

- a. The proposed amendment is consistent with the objectives, policies, general land uses and programs of the City’s general plans.

The proposed zoning text amendment will establish development standards and regulations for walls and fences. The proposed amendment will satisfy Policy 1.2 of the San Fernando General Plan Housing Element. Policy 1.2 calls for the preservation of character, scale, and quality of established residential neighborhoods. The proposed zoning text amendment will preserve an open and inviting streetscape that encourages a sense of community and improves the pedestrian experience and promotes a cohesive neighborhood identity.

- b. The adoption of the proposed amendment would not be detrimental to the public interest, health safety, convenience, or welfare.

The proposed zoning text amendment establishes development standards and regulations for walls and fences. These updates will bring a majority of existing front yard fences to be in compliance with the Code, allow many homeowners to replace existing 4-foot high chain-link fence with a higher-quality fence, and allow staff to approve the fence applications at a staff level without creating additional burden on the applicants. The proposed update would not be detrimental to the public interest, health, safety, convenience or welfare because proposed fence design standards will promote a sense of openness, create a welcoming atmosphere, and allow pedestrians to interact with their surroundings, enhancing safety and fostering a sense of community.

#### **SECTION 4. Record of Proceeding**

The documents and other materials that constitute the record of the proceedings upon which the Planning and Preservation Commission's decision is based, which include, but are not limited to, the environmental documents, staff reports, as well as all materials that support the staff reports for the proposed project, are located in the Community Development Department of the City of San Fernando at 117 Macneil Street, San Fernando, CA 91340. The custodian of these documents is the City Clerk of the City of San Fernando.

#### **SECTION 5. Determination**

Based upon the findings outlined in Section 3 above, the Planning and Preservation Commission of the City of San Fernando does hereby recommend that the City Council adopt an ordinance amending the San Fernando Municipal Code, Section 106-970, Walls and fences, to update regulations for walls and fences, as set forth in Exhibit "A", attached hereto and incorporated herein by this reference.

(SIGNATURE PAGE TO FOLLOW)

**PASSED, APPROVED AND ADOPTED** by the Planning and Preservation Commission of the City of San Fernando at a regular meeting held on this 12th day of June, 2023.

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Chair David Bernal

**ATTEST:**

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Kanika Kith, Secretary to the  
Planning and Preservation Commission

**STATE OF CALIFORNIA)**

**COUNTY OF LOS ANGELES) SS.**

**CITY OF SAN FERNANDO)**

I, Kanika Kith, Secretary to the Planning and Preservation Commission of the City of San Fernando, California, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning and Preservation Commission of the City of San Fernando, California held on the 12<sup>th</sup> day of June, 2022, and was carried by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINED:

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Kanika Kith, Secretary to the  
Planning and Preservation Commission



**Proposed zoning text amendments to City of San Fernando Municipal Code**

**Section 106-970. Walls and fences.**

(a) *Residential zones.* The following standards shall apply to all walls and fences within the R-1, R-2 and R-3 zones. Height limits for all walls, fences and hedges in residential zones are as follows:

- (1) In a required front yard setback or street-facing side yard setback on corner lots, a fence, a combination of a wall and a fence, or a vegetative hedge shall not exceed a maximum height of four (4) feet as measured from existing finish grade.
  - a. For a combination of a wall and a fence, the wall portion shall not exceed a maximum height of two (2) feet. The portion above the two (2) feet high wall shall be non-view obscuring with 50 percent visibility.
  - b. Decorative elements, such as pillars, spikes, lights or similar ornamentation may exceed the maximum allowed height for fences.
  - c. Pedestrian gateway shall have a minimum of eight (8) feet height clearance as measured from grade.
  - d. Any fence in the front yard setback or street-side yard setback areas shall be non-view obscuring with 50 percent visibility, except side yard fences in the front yard setback area for interior lot can be view obscuring.
- (2) In a side or rear yard, no fence or wall shall exceed a height of six (6) feet as measured from existing finish grade. Coyote rollers can be installed above the permitted six-foot high wall or fence in a side or rear yard.
- (3) In a multiple-family dwelling zone, a non-view obscuring fence not to exceed a height of six (6) feet is permitted along the street-facing side yard, outside of the front yard setback, for corner lot.
- (4) Swimming pools/spas and other similar water features shall be fenced in compliance with the Uniform Building Code.
- (5) For private schools in residential zones, a non-view obscuring tubular steel fence shall not exceed a maximum height of eight (8) feet.
- (6) The combined height of the wall retaining a fill and a freestanding fence or wall built above the retained earth level shall not exceed the maximum height allowed for a freestanding fence or wall within the setback area.

(a) *Commercial and industrial zones/properties.* The height limit for non-view obscuring fences in commercial and industrial zones shall be eight (8) feet. The height limit for view-obscuring fences, walls, or vegetative hedges shall be six (6) feet, except that the Director may approve a sound wall to a maximum height of eight (8) feet, if the property is adjacent to a residential use and a noise study demonstrates a need for a sound wall.

(1) All block walls adjacent to a right-of-way (sidewalk, alley, paseo, etc.) shall incorporate architectural details to create an aesthetically pleasing and attractive design:

- a. Pilasters shall be provided at no more than eight (8) feet apart to add depth and visual appeal.
- b. Decorative cornices or moldings shall be provided along the top of the wall to create a sense of elegance and architectural character.
- c. One or all of the following decorative elements shall be included:
  - i. Niches and Recesses: Incorporate niches or recessed areas into the wall design to create opportunities for displaying artwork, sculptures, or decorative objects. Ensure that the niches are proportionate to the overall scale of the wall and complement the desired aesthetic.
  - ii. Friezes and Relief Patterns: Install decorative friezes or relief patterns on sections of the wall to add texture and visual interest. These can be crafted from materials like stone, metal, or composite materials, depending on the desired effect.
  - iii. Medallions and Ornaments: Attach medallions or decorative ornaments to the wall surface, strategically placing them to create focal points or break up large expanses. Consider motifs that resonate with the architectural style and theme.
  - iv. Decorative Tiles or Mosaics: Incorporate decorative tiles or mosaic patterns into the wall design. These elements can introduce color, intricate patterns, and artistic expression to enhance the overall aesthetic appeal.

(2) The wall shall be textured, split-faced, stucco, or plastered. Plain Concrete Masonry Unit (CMU) wall is not allowed.

(3) The wall shall be coated with two (2) layers of permanent anti-graffiti coating.

(4) If the wall is higher than six (6) feet, the wall shall comply with the following standards:

- a. All design standards in subsection b(1), regardless of its adjacency to a right of way.

- b. Provide a minimum of five (5) feet wide landscape area with trees, shrubs, and groundcovers shall be provided along the outside of the wall, if adjacent to a right-of-way or open space (sidewalk, alley, paseo, etc.).
- (c) *Construction materials.* Construction materials shall conform to the following:
  - (1) In residential zones, all proposed fence or wall material shall be compatible with the architectural style and treatment of the primary residential structure. All fences and walls shall be made of materials generally used for fencing such as masonry, vegetative hedges, wood, vinyl, brick, ornamental concrete blocks, ornamental tubular steel, or wrought iron, and must have a finished appearance. Acceptable finish treatments include colored stucco, wood stain, natural or polished stone, slump stone, split-faced concrete block, prefabricated finish texture, color-coated tubular steel or wrought iron, or a combination thereof. Plain concrete block masonry shall be permitted only if coated with colored stucco or other coating finish approved by the Director or designated staff. No chain link, razor wire, barbed wire, concertina ribbon, electrified fence, protruding fragments of broken glass or similar materials shall be permitted.
  - (2) In industrial zones, curved top tubular steel spike must be at least eight feet from grade at the public right-of-way with the spike curving inward away from the property line. Barbed wire, razor wire, and similar materials are prohibited.
  - (3) All fences and walls shall be properly maintained in order to preserve their structural integrity and to provide a neat appearance. All solid walls and fences shall be coated with two (2) layers of permanent anti-graffiti coating.
- (d) *Sight clearance.* Sight clearance for visibility of pedestrians and vehicles shall be maintained as follows:
  - (1) On corner lots in all zones, a sight clearance triangle permitting pedestrian and vehicular visibility at intersecting streets shall be maintained for a minimum distance of 20 feet measured along the street right-of-way from the point of intersection of the two streets. Sight distances at alleys intersecting with streets shall be ten feet.
  - (2) In all zones, sight clearance for automobiles emerging from adjacent driveways shall be maintained for a minimum distance of 20 feet for commercial and multifamily driveways and ten feet for single-family driveways, measured from the property line. A non-view obscuring fence that does not impede visibility or a vegetative hedge not to exceed 30 inches shall be permitted in this area.
- (e) *Permits.* All persons erecting or substantially altering or repairing a fence, wall or security gate shall first obtain a building permit. As part of the application process, the applicant shall submit a scaled site plan indicating property lines and the height, location, building materials and finish treatment of the proposed fence, wall or security gate. However, no

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permit shall be required for temporary construction or security fencing.

- (f) *Inspection.* The building inspector must approve all construction or substantial alteration or repair of fences, walls and security gates. An initial inspection of the footings or pole holes shall be conducted before the wall, fence or security gate is erected, and a final inspection shall be conducted upon completion of the construction.
- (g) *Hedges and shrubs.* If hedges, shrubs and similar vegetation are maintained at the property line and are of sufficient density to block vision, they shall comply with the height limit for fences and walls within the required front, rear and side yard setbacks, as well as with sight clearance triangle requirements.
- (j) *Definitions.* The following definitions shall apply to this section:
  - (1) *Non-view obscuring fence* is defined as a fence with view obscuring element between posts or pilasters not exceeding 50 percent (50%) of the total surface area of a fence. The area of the pilasters is exempt from the 50% calculation.
  - (2) *Existing finish grade* is defined as the natural or existing grade of the property prior to excavation, construction or grading of undisturbed soil.
- (k) *Applicability.* Nothing in this section shall be deemed to set aside or reduce the requirement for fences and walls as required by applicable federal, state, and local statutes designed to protect the health, safety and welfare of the community.

(Ord. No. 1270, § 30.565, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1532, § 2, 9-3-2002; Ord. No. 1542, § 1, 12-2-2002)

## Proposed zoning text amendments to City of San Fernando Municipal Code

### Section 106-970. Walls and fences.

~~—~~(a) *Residential zones.* The following standards shall apply to all walls and fences within the R-

1, R-2 and R-3 zones. Height limits for all walls, ~~and fences~~ fences and hedges in residential zones are as follows:

~~(1)~~ (1) In a required front yard setback or street-facing side yard setback on corner lots, a ~~non-view obscuring fence, a combination of a wall and a fence, or a vegetative hedge wall or combination thereof,~~ shall not exceed a maximum height of four (4) feet ~~36 inches (including pillars, spikes, lights or similar ornamentation)~~ as measured from existing finish grade, ~~and shall be non-view obscuring.~~

a. For a combination of a wall and a fence, the wall portion shall not exceed a maximum height of two (2) feet. The portion above the two (2) feet high wall shall be non-view obscuring with 50 percent visibility.

b. Decorative elements, such as pillars, spikes, lights or similar ornamentation may exceed the maximum allowed height for fences.

c. Pedestrian gateway shall have a minimum of eight (8) feet height clearance as measured from grade.

d. Any fence in the front yard setback or street-side yard setback areas shall be non-view obscuring with 50 percent visibility, except side yard fences in the front yard setback area for interior lot can be view obscuring.

~~— The front fence shall be non-view obscuring (50% open). Side fences or walls within a required front yard setback on regular lots can be view obscuring for privacy reasons.~~

~~— Permitted structures in lieu of such a fence are as follows:~~

~~— a. A retaining wall not to exceed a height of 18 inches, or not to exceed a height of~~

~~— 30 inches if permitted pursuant to a special fence review. b. A vegetative hedge not to exceed 30 inches in height.~~

(2) (2) In a side or rear yard, no fence or wall shall exceed a height of six (6) feet as measured from existing finish grade. Coyote rollers can be installed above the permitted

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six-foot high wall or fence in a side or rear yard.

- ~~(3) (3) On a reverse corner lot within a required front yard or In a multiple-family dwelling zone dwelling only, in a street-facing side yard setback of a reverse corner lot, a non-view obscuring fence not to exceed a height of six (6) feet may be permitted along the street-facing side yard, outside of the front yard setback, for corner lot.~~
- ~~— for privacy reasons.~~

~~(4) In the secondary front yard of a through lot, a fence not to exceed a height of six (6) feet may be permitted for privacy reasons. It can be view-obscuring if facing an alley. a fence, wall or combination thereof, shall not exceed a maximum height of 36 inches (including pillars, spikes, lights or similar ornamentation) as measured from existing finish grade, and shall be non-view obscuring. Permitted structures in lieu of such a fence are as follows:~~

- ~~a. — A retaining wall not to exceed a height of 18 inches, or not to exceed a height of 30 inches if permitted pursuant to a special fence review. b. — A vegetative hedge not to exceed 30 inches in height.~~
- ~~c. — A non-view obscuring fence not to exceed a height of six feet and located in the street-facing side yard only, if permitted pursuant to a special fence review.~~

~~(4) On a through lot within the front yard setback facing either of the lot's street frontages, a fence, wall or combination thereof, shall not exceed a maximum height of 36 inches (including pillars, spikes, lights or similar ornamentation) as measured from existing finish grade, and shall be non-view obscuring. Permitted structures in lieu of such a fence are as follows:~~

- ~~a. — A retaining wall not to exceed a height of 18 inches, or not to exceed a height of 30 inches if permitted pursuant to a special fence review. b. — A vegetative hedge not to exceed 30 inches in height.~~
- ~~c. — A non-view obscuring fence not to exceed a height of six feet and located in the secondary front yard only, if permitted pursuant to a special fence review.~~

(4) ~~(5)~~ Swimming pools/spas and other similar water features shall be fenced in compliance with the Uniform Building Code.

(56) For ~~private schools and institutional facilities~~ in residential zones, a non-view obscuring tubular ~~steel~~~~iron~~ fence shall not exceed a maximum height of eight (8) feet.

(67) The ~~For a wall retaining a fill above existing finish grade in a setback area, the~~ combined height of the wall retaining a fill and a freestanding fence or wall built above the

retained earth level shall not exceed the maximum height allowed for a freestanding fence or wall within the setback area.

~~(68) For a wall retaining a cut below existing finish grade in a setback area, the combined height of the wall retaining a cut and a freestanding fence or wall built above the existing finish grade shall not exceed the maximum height allowed for a freestanding fence or wall within the setback area.~~

~~(a) (b) Commercial and industrial zones/properties.~~ The height limit for non-view obscuring fences in commercial and industrial zones shall be eight (8) feet. ~~except that the director may approve a height of up to ten feet for security fencing.~~ The height limit for ~~opaque view-obscuring fences, or walls, walls, or vegetative hedges~~ shall be six (6) feet, ~~unless the property is adjacent to a residential use and a noise study demonstrates a need for a sound wall, except that the Director may approve a sound wall to a maximum height of eight (8) feet, if the property is adjacent to a residential use and a noise study demonstrates a need for a sound wall.~~

~~(1) (All block walls adjacent to a right-of-way (sidewalk, alley, paseo, etc.) shall incorporate architectural details to create an aesthetically pleasing and attractive design:~~

- ~~a. Pilasters shall be provided at no more than eight (8) feet apart to add depth and visual appeal.~~
- ~~b. Decorative cornices or moldings shall be provided along the top of the wall to create a sense of elegance and architectural character.~~
- ~~c. One or all of the following decorative elements shall be included:~~
  - ~~i. Niches and Recesses: Incorporate niches or recessed areas into the wall design to create opportunities for displaying artwork, sculptures, or decorative objects. Ensure that the niches are proportionate to the overall scale of the wall and complement the desired aesthetic.~~
  - ~~ii. Friezes and Relief Patterns: Install decorative friezes or relief patterns on sections of the wall to add texture and visual interest. These can be crafted from materials like stone, metal, or composite materials, depending on the desired effect.~~
  - ~~iii. Medallions and Ornaments: Attach medallions or decorative ornaments to the wall surface, strategically placing them to create focal points or break up large expanses. Consider motifs that resonate with the~~

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architectural style and theme.

- iv. Decorative Tiles or Mosaics: Incorporate decorative tiles or mosaic patterns into the wall design. These elements can introduce color, intricate patterns, and artistic expression to enhance the overall aesthetic appeal.

(2) The wall shall be textured, split-faced, stucco, or plastered. Plain Concrete Masonry Unit (CMU) wall is not allowed.

(3) The wall shall be coated with two (2) layers of permanent anti-graffiti coating.

(4) If the wall is higher than six (6) feet, the wall shall comply with the following standards:

- a. All design standards in subsection b(1), regardless of its adjacency to a right of way.
- b. Provide a minimum of five (5) feet wide landscape area with trees, shrubs, and groundcovers shall be provided along the outside of the wall, if adjacent to a right-of-way or open space (sidewalk, alley, paseo, etc.).

(c) *Construction materials.* Construction materials shall conform to the following:

- (1) In residential zones, all proposed fence or wall material shall be compatible with the architectural style and treatment of the primary residential structure. All fences and walls shall be made of materials generally used for fencing such as masonry, vegetative hedges, wood, vinyl, brick, ornamental concrete blocks, ~~or~~ ornamental tubular steel, ~~or~~ wrought iron, and must have a finished appearance. Acceptable finish treatments include colored stucco, wood stain, natural or polished stone, slump stone, split-faced concrete block, prefabricated finish texture, color-coated tubular steel or wrought iron, or a combination thereof. Plain ~~or colored~~ concrete block masonry shall be permitted only if coated with colored stucco or other coating finish approved by the ~~D~~irector or designated staff. No ~~chain link, razor wire, barbed wire, concertina ribbon, electrified fence, protruding fragments of broken glass or similar materials shall be permitted.~~ All proposed fence or wall material shall be compatible with the architectural style and treatment of the primary residential structure.
- (2) In industrial zones, curved top tubular steel spike must ~~barbed wire, razor wire and similar materials must~~ be at least eight feet from grade at the public right-of-way with the spike vertical supports for the barbed wire slanting ~~curving~~ inward away from the property line. Barbed wire, razor wire, and similar materials are prohibited.

- (3) All fences and walls shall be properly maintained in order to preserve their structural integrity and to provide a neat appearance. All ~~Where feasible,~~ solid walls and fences shall be ~~coated~~painted ~~with~~ two (2) layers of permanent anti-graffiti-resistant pa ~~coatings or coating.~~

- (d) *Sight clearance.* Sight clearance for visibility of pedestrians and vehicles shall be maintained as follows:

- (14) On corner lots in all zones, a sight clearance ~~distance~~ triangle permitting pedestrian and vehicular visibility at intersecting streets shall be maintained for a minimum distance of 20 feet measured along the street right-of-way from the point of intersection of the two streets. Sight distances at alleys intersecting with streets shall be ten feet.

- ~~(2)~~ In all zones, sight clearance for automobiles emerging from adjacent driveways shall be maintained for a minimum distance of 20 feet for commercial and multifamily driveways and ten feet for single-family driveways, measured from the property line. ~~An open-non-view obscuring~~ or a vegetative hedge ~~not to exceed 30 inches will~~ shall be permitted in this area.

(2)

(e) *Permits.* All persons erecting or substantially altering or repairing a fence, wall or security gate shall first obtain a building permit. As part of the application process, the applicant shall submit a scaled site plan indicating property lines and the height, location, building materials and finish treatment of the proposed fence, wall or security gate. However, no permit shall be required for temporary construction or security fencing.

(f) *Inspection.* The building inspector must approve all construction or substantial alteration or repair of fences, walls and security gates. An initial inspection of the footings or pole holes shall be conducted before the wall, fence or security gate is erected, and a final inspection shall be conducted upon completion of the construction.

(g) *Hedges and shrubs.* If hedges, shrubs and similar vegetation are maintained at the property line and are of sufficient density to block vision, they shall comply with the height limit for fences and walls within the required front, rear and side yard setbacks, as well as with sight clearance triangle requirements.

~~(h) *Determination of height.* The height of a fence or wall shall be measured from existing finish grade of the subject property. However, when a fence or wall is proposed to be located along a property line separating two lots with a difference in pad elevations of more than 18 inches for a length of more than 50 percent of the common property line, it may be permitted only if approved pursuant to a special fence review.~~

~~(i) *Conflicting fence or wall height requirements.* Where applicable building codes or other regulations require a fence or wall exceeding the height limitations specified in this section, a higher than standard fence or wall may be permitted if approved pursuant to a special fence review.~~

(j) *Definitions.* The following definitions shall apply to this section:

~~(1) *Non-view obscuring fence* is defined as~~ a fence with view obscuring element s between posts or pilasters not exceeding 50 fifty percent (50%) of the total surface area of a fence, or wall whose solid component portions are evenly distributed, and

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~~do not constitute more than ten percent of the total surface area of the face of the fence or wall. The area of the pilasters is exempt from the 50% open design calculation.~~

(1)

- (2) *Existing finish grade* is defined as the natural or existing grade of the property prior to excavation, construction or grading of undisturbed soil.

~~(3) *Special fence review* is defined as an administrative procedure required under certain circumstances as specified in this section prior to issuance of a building permit for a fence or wall. When required, a special fence review shall be conducted by the director or designated staff subject to the following procedure and criteria:~~

~~a. *Application and fee.* An application for a building permit shall be submitted. A special fence review fee may be established by resolution of the city council.~~

~~b. *Public notice.* Upon a tentative determination by the director that the proposed fence or wall height should be approved, a notice of such shall be mailed to the owners of all properties adjoining the project site. The notification shall describe the proposed fence or wall, and indicate that prior to a final determination there~~

~~will be a comment period of at least seven days from the date of mailing the notice.~~

~~c. *Determination.* In order to approve or approve with conditions a proposed fence or wall, the director or designated staff must make the following findings:~~

~~1. The project site is of a suitable size, shape and topography to accommodate the proposed fence or wall.~~

~~2. The proposed fence or wall will not be detrimental to the character of the subject property or surrounding neighborhood, and will be compatible with the architectural treatment of any existing or planned buildings on the subject property.~~

~~3. The proposed fence or wall will not unreasonably interfere with the use, possession, and enjoyment of the surrounding and adjacent property owners.~~

~~4. There is a demonstrated need for the proposed fence or wall.~~

~~d. *Appeal.* The director's final determination may be appealed within seven days to the planning commission, pursuant to section 106-76. The appeal shall be made in written form and addressed to the director.~~

(k) *Applicability.* Nothing in this section shall be deemed to set aside or reduce the requirement for fences and walls as required by applicable federal, state, and local statutes designed to protect the health, safety and welfare of the community.

(Ord. No. 1270, § 30.565, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1532, § 2, 9-3-2002; Ord. No. 1542, § 1, 12-2-2002)

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## AGENDA REPORT

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**To:** Planning Preservation Chair Bernal and Commissioners

**From:** Kanika Kith, Deputy City Manager/Director of Community Development

**Date:** June 12, 2023

**Subject:** Project No. CUP2022-001 – Conditional Use Permit and a finding of Public Convenience or Necessity to allow on-site sale and consumption of alcohol as secondary use at Midnight Hour Records store, located at 1101 San Fernando Road.

### **RECOMMENDATION:**

Staff recommends that the Planning and Preservation Commission:

- a. Continue this item to the next regular meeting on July 10, 2023 to allow additional time for the applicant to be present at the meeting.