

# PLANNING COMMISSION STAFF REPORT

CITY OF YORBA LINDA

---

## COMMUNITY DEVELOPMENT DEPARTMENT

**DATE:** MAY 26, 2021

**TO:** HONORABLE CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

**FROM:** COMMUNITY DEVELOPMENT DEPARTMENT

**BY:** ASHANTI MASON-WARREN, ASSISTANT PLANNER

**SUBJECT:** CONDITIONAL USE PERMIT 2021-13

---

**APPLICANT:** Xuiqin Zhang  
19404 Via Del Caballo  
Yorba Linda, California 92886

**CEQA STATUS:** Categorical Exemption (Class 3, New Construction)

**RELATED  
ITEMS:** None

**LOCATION:** 19404 Via Del Caballo

**REQUEST:** A request to exceed the maximum three-foot (3') height limitation for walls/fencing within the front yard setback to permit construction of a six-foot (6') high stucco and cast-iron fence and six foot (6') high metal vehicular gate, for the property addressed as 19404 Via Del Caballo, within the RA (Residential Agriculture) zone.

### PROJECT DATA

**APN:** 323-401-01  
**General Plan:** Low Density Residential  
**Zoning:** RA (Residential Agriculture)

Property Development Standards:

	<u>Required</u>	<u>Proposed</u>
Fence/structural height in		
front yard setback . . . . .	3' (max.)	6'
Front yard setback . . . . .	40'	10'

**BACKGROUND**

The applicant is requesting Planning Commission approval to construct two six foot (6') high metal vehicular double-hung swing gates within the front yard setback of the subject property and to permit an existing six foot (6') tall stucco and cast-iron combination wall within the front yard setback. As required by Section 18.10.130.A of the Yorba Linda Zoning Code, any wall or fence within the front yard setback exceeding three feet (3'-0") in height requires the approval of a Conditional Use Permit by the Planning Commission. The Planning Commission's primary review and focus will concentrate on any potential aesthetic and/or traffic safety concerns related to the location of the wall and/or fencing within the front yard.

**PUBLIC NOTIFICATION**

Since this matter is a public hearing, staff notes that all of the surrounding neighboring properties within a 300-foot radius of the subject property were sent a public hearing notice concerning the proposed project. Staff has received letters from four (4) different neighboring properties expressing concerns with the proposed project. These concerns were generally related to potential line-of-sight obstruction and subsequent traffic safety impacts resulting from the fence. Most of these letters pointed out that the six-foot (6') fencing and vegetation near the corner of Via Del Caballo and Palm Avenue is of particular concern. Traffic safety concerns are discussed later in this report.

**DISCUSSION**

The applicant is seeking to add additional security to their property and front yard area by proposing to install two sixteen-foot (16') wide double-hung metal vehicular gates, three (3) six-foot (6') high stucco walls flanking the vehicular gates and a six-foot high combination stucco and cast-iron fence with four-foot (4') high tile pilasters interspersed within. The combination wall would consist of approximately two-foot (2') high stucco with a four-foot (4') decorative cast-iron fence set on top of the stucco. The four-foot (4') high tile pilasters break up the massing of the combination fencing. As shown on the plans, the front yard fencing would encircle the front (north) and left side (west) property lines and connect with the side yard fencing. Also shown on the plans, but not under the purview of the Planning Commission's review authority is a six-foot (6') high sliding metal vehicular gate outside the front yard setback area along Palm Avenue.

Most of the improvements under review with CUP 2021-13 are already installed, including most of the front yard fencing aside from the vehicular gates. The new six-foot (6') high fencing replaces a previously existing three-foot (3') high picket fence within the same location. This project first came to staff's attention during a routine building inspection on an unrelated building permit. On February 9, 2021, a stop work notice was issued by a City building inspector, and a code case was opened with the Community Preservation Division. The applicants were instructed to remove the fencing exceeding three feet (3') in height within the front yard setback or obtain a conditional use permit (CUP) from the Planning Commission to permit the height exceedance. The improvements will be located approximately ten feet (10') behind the front property line. This yard area between the front and side property lines and the fence contains existing shrubs and ground cover landscaping. Overall, staff believes that the decorative fencing design and incorporation of pilasters, as conditioned, achieves the level of quality desired by the Planning Commission.

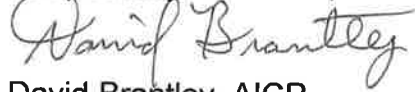
#### **TRAFFIC ENGINEER'S REVIEW**

Zoning Code Section 18.10.130.A requires the City Traffic Engineer, Tony Wang, to review all proposed walls or fences greater than three feet (3') high within the front yard setback. Based on the previously mentioned letters from neighbors opposing the project due to traffic safety concerns, Mr. Wang visited the site to analyze traffic safety conditions, paying particular attention to the sight distance visibility concerns raised by the neighbors. Because most of the front yard fencing under review is already installed, including the fencing at the corner of Via Del Caballo and Palm Avenue, the City Traffic Engineer was able to review the traffic safety conditions of the project site as proposed by CUP 2021-13. Mr. Wang found that the location and design of the front yard fencing does not present a line-of-sight visibility issue, and the conditions at the corner of Via Del Caballo and Palm Avenue are compliant with the vision triangle and line-of-site requirements in Section 18.26 of the Zoning Code. Nonetheless, staff has included condition of approval nos. 3 and 14 requiring that the corner of Via Del Caballo and Palm Avenue be maintained in such a manner as to comply with the requirements of Section 18.26.090. Mr. Wang did determine, however, that some of the existing landscaping on the applicant's property along Palm Avenue presents a line-of-sight obstruction and may be a traffic safety hazard. The Community Preservation Division has notified the property owner that this vegetation must be trimmed back and maintained to allow a clear line-of-sight along Palm Avenue. Staff has added condition of approval no. 15 to require the vegetation/landscaping along Palm Avenue and Via Del Caballo be trimmed and maintained to prevent line-of-sight visibility obstruction. Sufficient queuing is a concern with the presence of vehicular gates; however, the sliding gates proposed by the applicant will be automatic gates. Furthermore, Via Del Caballo is a private street that typically only sees local traffic. With active code enforcement action bringing the existing landscaping into compliance with Section 18.26.090 of the Zoning Code and the added conditions of approval, the proposed front yard fencing does not present any sight distance visibility concerns, and thus would not present any traffic safety hazard.

**RECOMMENDATION**

Staff recommends that the Planning Commission adopt a resolution approving Conditional Use Permit 2021-13 – Zhang, with conditions.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David Brantley".

David Brantley, AICP  
Director of Community Development

Attachments:

- 1) Plans
- 2) Locator Map
- 3) Resolution for Conditional Use Permit 2021-13, with conditions