

3. PUBLIC HEARING RE: CONDITIONAL USE PERMIT 2021-13 ZHANG: 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. (APN: 323-401-01)

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

MEASURE B APPLICABILITY: a) Vote – No; b) Public Notice – No

TRAFFIC COMMISSION REVIEW: No

RECOMMENDATION: To adopt a resolution approving the project.

Director Brantley stated staff received a number of comments on this item and the applicant has worked with staff to address the concerns.

Ashanti Mason Warren, Assistant Planner provided a visual presentation. The property is located on the corner of Via Del Caballo and Palm Avenue. The applicant is proposing to replace an existing picket fence located along the front of the property and install vehicular gates across the driveway along Via Del Caballo. The combination fence is 6 feet tall; the lower portion being a 2-foot stucco block wall with pilasters and a four-foot cast iron fence on top.

The fence came to staff's attention as a code enforcement item as most of the fence is already existing. Two primary concerns raised by the public are potential site visibility conflicts at the corner of Via Del Caballo and Palm Avenue and potential queuing concerns and traffic impacts due to the vehicular gate. The City Traffic Engineer evaluated the site and determined that there are no traffic safety impacts and that the conditions of the corner meet the requirements of the City's Vision Triangle Ordinance. The Traffic Engineer confirmed that the fencing itself does not present any visibility issues with regard to traffic, and that the fencing itself meets the requirements of the vision triangle in its current condition. The Traffic Engineer did note some visibility obstruction from the existing landscaping between the fence and the pavement. Staff addressed the concerns, and the property owner immediately trimmed the trees, and the Traffic Engineer has found the tree trimming satisfactory. (The vegetation trimming would be required with or without the conditional use permit to reduce obstruction.)

The second area of concern raised by the neighbors is the location of the vehicular gate. Engineering staff took a close look at the gate and recommends that the gate be moved back another five feet in order to provide a 15-foot set back, (which is consistent with a prior approval in the area) therefore, staff has added a condition requiring that the gate be moved back to a 15-foot setback.

Staff believes the fence is attractive and meets the goals of the fence design that the Planning Commission has approved in the past. There are no traffic safety impediments at the corner, especially with the added condition. Staff recommends that the Planning Commission adopt the resolution approving the conditional use permit with the additional condition that the vehicular gate be moved back from 10 feet to 15 feet and another condition that the applicant obtain an encroachment permit for the fencing along Palm Avenue.

Commissioner Bernstein asked if the wrought iron gate exceeds 6 feet and why there is a required 40-foot setback for the gate.

Mr. Mason-Warren stated the total height from finish grade to the top of the wrought iron does not exceed 6 feet; there is a 2-foot block stucco wall with 4 feet of wrought iron on the top. The gate itself does not need to be set back 40 feet; the zoning code requires a 40-foot setback for fencing when it is in excess of three feet in the front yard, unless approved by the City Traffic Engineer or the Planning Commission with a conditional use permit. An approval for such a request was recently approved by the Planning Commission on El Cajon Avenue.

Commissioner Singh asked if the prior approval was different than this one and why was Traffic Engineer concerned with the 10-foot set back.

Mr. Mason-Warren stated the code is applied the same from property to property. He is not familiar with the prior approval and what that request was for. Engineering was concerned with the vehicle queuing as the homeowner waits for the automatic gate to open, a portion of the vehicle could potentially obstruct traffic.

Chair Masterson opened the public hearing.

Mr. Zhang stated the purpose of the fence is to secure their property from wildlife and the fence will provide more protection from vehicle traffic because the property is on the corner of a very steep slope. They will follow any building codes and are open to comments and concerns about the gate. They agree with all the conditions in the staff report as well as the two additional conditions.

Mr. Ming designed the fence and stated the new fence followed the existing footprint of the prior fence. The owner already trimmed the trees and is willing to cut down all the trees if need be.

Mrs. Zhang explained she raised the fence in order to secure her property from wildlife and vehicular traffic. She is on a corner and on a very steep slope and is concerned about cars veering off into her yard. She agrees with all the conditions, as well as the added conditions.

Tina Vaccher stated Via Del Caballo is a very busy street with walkers/runners/equestrian and vehicular traffic. A 6-foot fence will not stop wildlife. There is poor visibility at that corner; the prior approved 6-foot front yard fence along Via Del Caballo was not located on a corner with visibility issues. Mrs. Zhang's concerns about a car coming through her front yard confirms that there is a traffic safety/visibility issue at this corner. She stated that the trimming of the tree between the fence and Palm Avenue has helped some with visibility, but the tree is still a problem for traffic safety. She also expressed concern that the vehicle gate along Via Del Caballo will encumber and stop ingress and egress on a single lane road.

Barbara Fox resides across the street (Via Del Caballo) from the applicant. There have been several burglaries in the area, and the Zhang's living on a corner lot makes them

more vulnerable to crime and trespassers if they do not have a fence. She, herself, oftentimes has trespassers on her property helping themselves to her fruit trees or use it to turn around. There are no streetlights, and she is concerned about the Zhang's safety and violation of their privacy. She stated that she thinks the new fence is attractive and does not present any visibility or traffic safety issues. All they have done is a replace what was existing on the footprint and it is not a solid fence. She does not feel they should be forced to cut down their trees.

Chair Masterson close the public hearing.

Commissioner Pease stated he was on the Planning Commission when they approved the CUP for the 6-foot front yard fencing and vehicle gate along Via Del Caballo (CUP 2016-23); there was opposition to that fence as well. Considering the history of having other gates on the street and today's testimony, he will support the request.

Chair Masterson visited the property and did not find an abundance of traffic and noticed gates on other properties in the area, therefore he is in support of the request.

A motion was made by Commissioner Pease, Second by Chair Pro Tem Darnell to adopt **Resolution No. 5458** approving Conditional Use Permit 2021-13 Zhang with added conditions. The motion carried (5-0) with the following roll call vote:

AYES: Darnell, Masterson, Pease, Singh, Bernstein
NOES: None
ABSENT: None
ABSTAIN: None

Director Brantley advised this action by the Planning Commission this evening is final unless it is appealed to the City Council within 15 days through the City Clerk's office.

NEW BUSINESS

4. **CONTINUED SIGN REQUEST 2021-01 FLORES:** A request to establish a master sign program for the placement of a second freestanding monument/price sign on a corner Chevron Service Station, located at 17499 Yorba Linda Boulevard, on the northwest corner of Yorba Linda Boulevard and Valley View Avenue, within the Commercial General zone. (APN: 334-293-04)
CEQA STATUS: Categorical Exemption (Class 11, Accessory Structures)
MEASURE B APPLICABILITY: a) Vote - No; b) Public Notice - No TRAFFIC
COMMISSION REVIEW: No RECOMMENDATION: Staff recommends that the Planning Commission approve by minute motion. **CONDITIONAL USE PERMIT 2021-12 BARBER**

Jamie Cerda, Associate Planner, stated the applicant has revised the sign based on Commission's concerns related to the type and compatibility with the existing monument sign. The existing monument sign, that was presented at the last meeting, was the service station's previous sign which no longer exists and may have unintentionally contributed to the Commission's concerns related to the compatibility of the existing