# MINUTES OF THE REGULAR MEETING OF THE REDEVELOPMENT DESIGN REVIEW COMMITTEE

COUNCIL CONFERENCE ROOMFULLERTON CITY HALLThursdayJuly 24, 20084:00 PM

**CALL TO ORDER:** The meeting was called to order at 4:05 p.m. by Chairman Hoban

ROLL CALL: COMMITTEE MEMBERS Chairman Hoban, Vice Chairman Cha,

PRESENT: Committee Members Daybell, and

Silber

COMMITTEE MEMBERS Committee Member Lynch

ABSENT:

STAFF PRESENT: Acting Planning Manager Eastman,

Senior Planner Allen, and Clerical

**Assistant Muhaidly** 

MINUTES: MOTION made by Committee Member Daybell, SECONDED by

Committee Member Silber and CARRIED unanimously by all voting members present, that the minutes of the regular meeting of June

12, 2008 be APPROVED AS AMMENDED

Page 3, second paragraph, replace "steal" with "steel"

MOTION made by Committee Member Daybell, SECONDED by Committee Member Silber and CARRIED 3-0, with Chairman Hoban abstaining, that the minutes of the regular meeting of June

26, 2008 be APPROVED AS WRITTEN

# **OLD BUSINESS**;

# ITEM NO. 1

PRJ06-00453 – ZON08-00083 APPLICANT: DIANE K STEWART AND PROPERTY OWNER: TIMOTHY LUBERSKI A request for a Minor Development Project to modify signage previously approved with ZON06-00072 at 310 N Harbor Blvd (located on the east side of North Harbor Blvd approximately 160 feet north of Wilshire) (C-3 Zone) (Categorically exempt under Section 15303 of CEQA Guidelines) (HAL)

Senior Planner Allen gave a brief overview of the project. She stated that an exterior remodel was brought before the RDRC in 2006. The approval included signage and was conditioned to return to the RDRC if other signage was proposed. Senior Planner Allen referenced the approved signage which included awnings signage for the two tenant spaces fronting Harbor Boulevard; there are also individual channel letters to identify tenants at the rear of the building.

Senior Planner Allen reviewed the floor plans for the space as it has been remodeled. Two tenant spaces have frontage on Harbor. There are spaces in the rear of the building, which have frontage on the alley. The applicant has proposed tenant directory signage for tenants without frontage on the Harbor elevation. On Harbor, multi-tenant

signage is proposed for the tenants not facing Harbor. Signage for all tenants is being proposed on the north and east elevations.

Senior Planner Allen stated that when looking at the Central Business District guidelines and the Sign Ordinance in the Municipal Code, the guidelines differentiate between two types of buildings: primary buildings (which have been designated as a landmark or contributing building) or background buildings (something new, or old but not a contributing building). This building is a new building, located in the Central Business District, and does not have the typical sign banding that is found on the older down-town Fullerton buildings, where there is a clearly defined wall area between the first and second floors. In terms of sign area, for the proposed project what is proposed is within what the sign allowances of the Fullerton Municipal Code would permit.

Senior Planner Allen stated the signage materials that are used are consistent with materials used on the building; clear anodized aluminum is used, and green and silver colors are used throughout the design. The building is unique in that it does not have space for monument signs and is left to do multi-tenant identification on the building. Staff believes this signage is consistent with what would be permitted under the design guidelines and it is compatible with the architecture that has been developed for the building.

Vice Chairman Cha asked if the door on the west elevation leads to the second floor. Senior Planner Allen stated there is a common hallway that runs through the building that connects Harbor to the rear alley, and there are separate stairs to the side that lead to the second floor. One would come inside the building and then enter the second floor. There is also a second door to the left of the main door that leads upstairs.

Acting Planning Manager Eastman stated that the building is an older building, which was remodeled in the 1980's. Xtreme Fitness used to occupy the first floor. The building is rehabilitated and contemporary, but has included elements that reflect the down-town area. The sign program is a contemporary approach and staff thinks it is compatible with the design of the structure.

Chairman Hoban asked if the doors on the back of the building were separate entrances to the business. Senior Planner Allen stated that there is a floor plan in the Staff Report that may provide clarity; there is an internal corridor that would provide access to all of the businesses, as well as the businesses that have direct frontage on Harbor.

Committee Member Daybell asked if the restaurant awning is staying on Harbor and Senior Planner Allen answered affirmatively. She stated that when the second tenant is identified for the other Harbor frontage, they will also receive a similar awning. Committee Member Daybell wanted to clarify that the RDRC was focusing on the north and east side of the building. Senior Planner Allen answered affirmatively and added that on the Harbor elevation there would be the tenant sign that would have the names of three tenants that are not seen off of Harbor.

Public hearing opened.

Ms. Stewart, Applicant, stated she has no comments unless there were questions from the RDRC.

Committee Member Silber asked Ms. Stewart if she was aware of the conditions for the signage. Ms. Stewart said she was not and briefly read through the conditions. She said they were fine.

Public hearing closed.

MOTION by Committee Member Daybell, SECONDED, by Committee Member Silber to APPROVE the project, subject to staff's recommended conditions. Motion passed unanimously.

Acting Planning Manager Eastman explained the 10-day appeal process.

# **NEW BUSINESS:**

### ITEM NO. 2

PRJ08-00161 – ZON08-00054 APPLICANT/ARCHITECT: BRUCE WARD AND PROPERTY OWNER: STEVE LOCKSHAW A request for a Minor Development Project to (1) remodel an existing two-story dwelling; (2) demolish both the attached 415 sq. ft. 2<sup>nd</sup> story residential unit and the 330 sq. ft. garage below; and (3) construct a detached approximately 940 sq. ft. dwelling unit above an 805 sq. ft. 4-car garage on property located at 129 N. Yale Avenue in a residential preservation zone (located approximately 375 ft. north of East Commonwealth) (R-2P Zone) (Categorically exempt under Section 15303 of CEQA Guidelines) (HAL)

Senior Planner Allen stated the structure is located in a preservation zone. The applicant is proposing to remodel the existing house and demolish the originally detached two-story structure to add a two-story, detached structure at the alley. Because this project does involve a demolition of a residence, it would need to be approved by the Landmark's Commission.

Staff had reviewed the request first from the standpoint of the demolition. In looking at what was on the site when it was constructed, what is proposed to be demolished is a two-story, detached structure with a residence on the second floor. The existing house is also a two-story structure, both unique for the time when they were developed in the 1920's. Staff is not sure when the two-story, detached structure was attached potentially in the 1940's. Staff believes there is not a basis to support making a recommendation to support demolishing the existing second unit addition. Staff traditionally supports a demolition of single-story accessory structures when the structure has no connectivity to the street and is not contributing to what is being preserved in the neighborhood. In looking at the proposed site, the two-story, detached structure is visible from the street and is integral to the building that is existing. Staff felt there is justification to supporting a denial of demolishing the existing structure. Staff believes there are ways to maintain the existing structure or to rebuild something similar that would be consistent with the original site design and still allow for a second unit to be constructed with added parking. It was staff's recommendation to continue the project to allow the applicant time to revise plans.

Chairman Hoban wanted to clarify if the recommendation was to continue the project and Acting Planning Manager Eastman answered affirmatively, and noted that all of the windows have been removed without a permit. Staff has not recommended any conditions because staff would like to see the plans revised. Staff is looking to the RDRC

for input; recommendations on the proposal; or to support the idea that the building maintains an ability to be remodeled and an addition to the building is feasible using the existing framework.

Vice Chairman Cha stated that the detached structure looks attached and Senior Planner Allen stated that it was attached at some point, but originally was detached. Vice Chairman Cha asked if the City had the original detached-structure site drawings and Senior Planner Allen said there is a permit from the 1940's that references a duplex and work begun without a permit, but no records of a specific approval on the attachments. Acting Planning Manager Eastman clarified that because of the age of the structure, plans were not maintained. There are Sanborn insurance maps which allow staff to view the historical development of certain locations. Acting Planning Manager Eastman stated that he has been on the property, and that while the structure looks like one vent, one cannot walk from one to the other without going outside.

Vice Chairman Cha stated that the switch box to the power supply pole is at the detached structure. Acting Planning Manager Eastman stated that the structure had been approved to be two units; one of the units is above the garage.

Committee Member Silber stated that if the structure were saved, it would have to be a two-car garage because there would not be enough room for a four-car garage and still have room for a driveway. Acting Planning Manager Eastman stated that there was a discussion about keeping the bottom floor and converting it to habitable space (so it becomes a two-story unit) and constructing a four-car garage closer to the alley. Staff believes that converting portions of the building is up to the applicant, but demolition of the building would be moving in the wrong direction for a structure is in the preservation zone and there should be an attempt to preserve the structure.

Committee Member Silber stated that from a lot-covered standpoint the idea of saving the footprint, while providing a four-car garage, may not work. Acting Planning Manager Eastman stated that the Code does allow for a two-car garage and to have two open parking spaces. The applicant will need to provide a design that meets code. Committee Member Silber clarified his question and asked if the owner will make their usable open space requirement. Acting Planning Manager Eastman stated it would need to be provided on the plans and stated he thinks the owner can make it work, depending on the square footage, number of bedrooms, and floor-area ratio of habitable space.

Vice Chairman Cha asked if any window framing was removed and Senior Planner Allen stated that most of the windows have been removed.

Committee Member Daybell asked whether this structure was in the process of being demolished and was stopped by Code Enforcement. Senior Planner Allen answered affirmatively and stated that staff is not sure if the intent was to remodel or demolish the structure.

Chairman Hoban asked if the applicant was present and Senior Planner Allen answered no.

Public hearing opened.

Katie Dalton, with Fullerton Heritage, stated that her biggest concern was that the home was gutted of its original elements and architectural features without a permit and without knowing what their intent was. She stated that these actions are a really important test case of the preservation zone and its guidelines. She stated that Fullerton Heritage concurred with staff and felt the second unit is restorable. The original house is restorable, including its windows and doors, despite the fact that the house has been a rental for some time, and there is decay and some deterioration of the property. The house is a significant architectural style for the City because there are only a few houses in a two-story, craftsman, bungalow type structure. The second unit is very similar in style to the first unit and could be rehabilitated and used as a rental unit, or could possibly be expanded without tearing it down. It is an important and contributing property and is in a significant position in College Park. Ms. Dalton stated that it is important this building is maintained. She stated her concerns go beyond this but will not be addressed because staff's recommendation is that the demolition not be approved and that the second unit be rehabilitated with additional parking added. If the project moves forward, more concerns will be addressed.

Chairman Hoban asked if any public member had comments on the project.

Doug Cummings, Fullerton resident, stated he concurred with Ms. Dalton. He lives two blocks down from the proposed structure and stated the house has been in its current condition for at least six months. He stated that it would be nice if the 1920's structure could be brought back to a capable residence and feels the structure is important to the neighborhood.

Ms. Dalton stated that this project is an egregious example of people doing things without permits and making changes to structures without permission. She stated there needs to be some recourse to these actions, and if the City does not send a strong message about this project, it diminishes the intent of the preservation zone. She stated there has been a strong enforcement of preservation zones over the past couple of years and would want that to continue. Ms. Dalton stated there should be a consequence to people performing these types of alterations to structures without permission. Mr. Cummings added that these actions without permission tend to be an abuse of the system. Ms. Dalton stated the neighbors were angry with the demolition and were the ones that had questioned the owners demolishing the structure.

Committee Member Daybell stated that before anything gets done, the house needs to be fixed and put back the way it was before the demolition and made habitable. He stated that nothing should be allowed to be built that is not there now. He concurs with either a continuance of the project or to have the house restored to its original condition.

Vice Chairman Cha stated he wanted the house restored to its original condition and then the Committee could discuss what could happen from there.

Committee Member Silber stated he didn't like people working without permits and didn't know what the City's internal communication mechanism was between police who are at the City everyday and the building department, but he stated the "do-it-on-the-weekend" work without permits was not acceptable. He stated that if the owners had approached the project in the correct way, the RDRC might have been able to discuss demolishing the back unit. He stated that because this was not the case, he would support continuing the project and would hope for a solution for saving the back unit. Until people can follow

the rules, the Committee cannot discuss further demolition. If solutions can be met, the Committee may discuss preserving the back unit. He stated he would detach the two units again because he did not like the 1940's "bridge" architecture.

Chairman Hoban stated he would support staff's recommendation to continue the project.

Committee Member Daybell stated he was willing to condition the project further, but he would support a continuance of the project. He stated he hopes a clear message goes to the applicant to fix the house and restore it to its original condition.

Committee Member Silber asked if there was a Code Enforcement process going on with the project and Acting Planning Manager Eastman answered affirmatively. Acting Planning Manager Eastman clarified that the Police Department does not automatically stop at construction sites to verify building permits, but if they receive a complaint on weekends from a resident regarding work without a permit, they will investigate.

MOTION by Committee Member Daybell, and SECONDED, by Committee Member Silber to CONTINUE the project to allow the applicant the opportunity to revise the plans. Motion passed unanimously.

### ITEM NO. 3

PRJ08-00196 – ZON08-00063 APPLICANT GARY C. MAXWELL AND PROPERTY OWNER: JENNIFER BERNARD A request for a Minor Development project to review site and architectural plans for a 510 square foot addition to an existing office building at 612 E Chapman (located on the south side of E Chapman approximately 230 feet east of Berkeley Ave) (O-P Zone) (Categorically exempt under Section 15303 of CEQA Guidelines) (AKU)

Acting Planning Manager Eastman gave a brief overview of the project. He stated an applicant submitted plans to make an addition to an existing building. The property is located in a Potential Landmark District. Although the building is not adopted as a Landmark District, it is on the Historic Building Survey and therefore of cultural value. The process for Potential Landmark Districts, wherein the properties are not Preservation zones, is for staff to look for consistency with the neighborhood to make sure the structure is not impacting the historical value of the area and affecting the cultural resource. The project is subject to the California Environmental Quality Act because cultural resources are considered environmental issues. In cases where properties may have an impact, the project may be referred to the RDRC or the Landmarks Commission as it relates to CEQA. The applicant of the proposed project envisioned building an addition with a large parapet wall at the property line, three feet higher than the roof line, with a flat stucco wall on one side and siding on the other side. Staff indicated their concerns to the applicant and told him a public hearing would have to be held for the project. Staff also identified revisions that would be appropriate. The applicant has submitted revised plans that meet Code, and there is no longer a parapet wall set three feet off the property line; it has wood siding and meets all Fire Code requirements. Given that the property has been revised, and staff feels it will not impact the cultural resource, the project is not within the purview of the RDRC, and the Minor Development Project Application is being withdrawn.

# **MISCELLANEOUS ITEMS:**

None

# **PUBLIC COMMENT:**

Ms. Dalton stated people doing work without permits is a problem in every zone but is more problematic in the Preservation zone because most modern materials are not compatible with the material used in Preservation zones. She stated that she had recently visited a house that was a historic structure and the owner had taken out all the windows without a permit, which was frustrating to her. She stated Fullerton Heritage was considering working with some of the window vendors; they would receive a map of the existing Preservation zones and a letter informing them of a different standard of construction for Preservation zones. She asked if anyone had any ideas in terms of how this problem can be solved.

Committee Member Daybell suggested putting a small notice with the water bills, informing the public that replacing windows in a Preservation zone requires a permit. Acting Planning Manager Eastman clarified for the record that replacing windows in any zone requires a permit.

Ms. Dalton asked if there could be a fine for people doing work without a permit. Acting Planning Manager Eastman answered that there are repercussions, but did not think the fines are substantial. Notifying window companies to notify the public about permits is probably unlikely to make a difference unless they are somehow "preferred" vendors.

Committee Member Daybell stated there should be a notice on the water bills letting the public know that windows cannot be changed without a permit.

Acting Planning Manager Eastman stated that the larger issue tends to be that people don't want to pay for the permit and they can do the work themselves. The biggest "stick" would be to have a well-known fining system. A "carrot" would be to have a preferred product list for historic buildings, so that rather than people not knowing what to install, they are pre-approved over the counter for certain products. They can quickly get a permit over the counter if they install certain windows. Acting Planning Manager Eastman stated City interns are currently taking photographs of existing buildings in order to compose a survey about what windows are preferred above others and why. Creating an easier and more efficient system may help.

Committee Member Daybell asked what Fullerton Heritage's involvement was towards getting City Council to increase fines for installing windows without a permit. Acting Planning Manager Eastman stated Fullerton Heritage could provide Public Comment at Council meetings or they can bring the issue up to a Council Member to put the item on the agenda for discussion.

Committee Member Daybell stated that other cities fine extensively for permit violations. Acting Planning Manager Eastman stated the Director of Community Development has received comments from Council Members regarding reducing the cost of fees as much as possible, because in some cases, it costs more to put in an appliance than it does to buy one. Committee Member Daybell noted Acting Planning Manager Eastman was referring to fees and not fines. Acting Planning Manager Eastman stated agreed, but the

issue of fees is a major reason people don't get permits; the money for a permit could be the money used to buy a better appliance/window.

Committee Member Silber stated it is a good idea to develop an informational handout that could be placed at Home Depot or Lowes for people that are hiring out for weekend projects or are doing the work themselves. Committee Member Daybell agreed that a brochure informing people about permits would be beneficial.

Ms. Dalton noted that most people do not know they need a permit to change windows and stated people probably don't know that a permit is needed to install a new water heater. She asked what the permit fee is for windows. Acting Planning Manager Eastman answered building fees are based on the evaluation of the project; at a minimum, a building permit is \$96.00, but some fees have been recently reduced for projects that do not require extensive inspection.

Committee Member Silber said the City system in getting permits is user-friendly. Acting Planning Manager Eastman stated certain permits may be obtained online. Also, the City's computer system allows people to check online to see if a residence has a permit, then they can call the Police Department and file a complaint. Ms. Dalton suggested that there be an education process to let people know that they can go online to check or buy permits.

Vice Chairman Cha stated there is no record of the site drawings for these older homes, so if the owner changed windows on the weekend in the backyard, no one would notice. If the City could obtain pictures of the houses and keep records of these houses, it may help with finding out what work was done without a permit in the future. There could also be signs on the street sign pole displaying what zone the structures are in, enticing the residences to question the sign and become educated on what it means to be living in that area. Ms. Dalton stated that the sign under the street sign pole was a really good idea. She stated there have been educational programs given to real estate agents so they may inform the potential buyers about zones they may be living in. Vice Chairman Cha stated real estate agents may be reluctant to bring up the zoning issue to their clients because potential clients may not want to deal with the rules of living in a Preservation zone.

Ms. Dalton stated Fullerton Heritage is in the process of applying for "Preserve America" status for the City of Fullerton, which is a national recognition program for cities that have a preservation element. Part of that program is a grant program, which could help with getting street signs to identify Preservation zones street by street.

Committee Member Silber stated he though that is a great idea because that way certain Preservation zones could be identified, which gives a sense of identity to the neighborhood. Committee Member Daybell suggested having a mini City-limit sign that displays the zones. Ms. Dalton stated that kiosks have been discussed because perimeters of Preservation zones tend to also be Potential Landmark Districts.

### STAFF/COMMITTEE COMMUNICATION:

Acting Planning Manager Eastman said that Al Zelinka, the new Planning Manager, will start Monday July 28th. Chairman Hoban asked if he will be joining the City of Fullerton full-time, and Acting Planning Manager Eastman answered affirmatively.

Committee Member Daybell asked why the post supports are up in the back of the Cherch Restaurant on Commonwealth and Harbor. Acting Planning Manager Eastman stated that the Cherch patio cover was approved through the Planning Commission. The proposed project had been denied by the RDRC and the applicant had appealed the project to Planning Commission; the Planning Commission did not like the project and understood the concerns of the RDRC with the envisioned patio cover. They continued the project and told the applicant to revise the plans. Subsequently they liked the changes and approved the project. The changes were related to the pitch of the roof; rather than having the roof sit on a pitched beam; the beam is going to be flat along Commonwealth and will slope behind it. They also will arch the glazing to match the arch of the windows. Also, the root system of the existing palm trees is about two feet above the slab, so a two-foot high wall was built around the palm trees.

Committee Member Daybell asked if they are removing the backyard roof. Acting Planning Manager Eastman stated that the new design was very similar to their original design but the changes will make a positive difference in the structure's appearance. Acting Planning Manager Eastman stated that the Planning Commission was clear to recognize, and support the RDRC's concerns and comments with the project.

Acting Planning Manager Eastman also discussed the new ownership and remodel of the Tiger-Yangs building.

Chairman Hoban asked if the approved Grace Ministries design was still coming through because he doesn't see what he remembered approving. Acting Planning Manager Eastman stated that it was coming through as approved, but there have been numerous problems with construction. Chairman Hoban asked if there were any windows on the building and Acting Planning Manager Eastman answered affirmatively but noted the structure is an assembly hall, which doesn't allow for many windows.

Acting Planning Manager Eastman noted the Planning Commission was very pleased with the result of the approved building on Nutwood; they liked how the applicant applied staff and the RDRC's suggestions to the design. He stated that the applicant was also happier with the resulting design.

# MEETINGS: None ADJOURNMENT: Meeting adjourned at 5:15 p.m. Respectfully Submitted, Nadia Muhaidly Clerical Assistant