MINUTES OF THE REGULAR MEETING OF THE FULLERTON PLANNING COMMISSION

COUNCIL CHAMBERS – CITY HALL

WEDNESDAY JANUARY 24, 2007 7:00 P.M.

CALL TO ORDER: The meeting was called to order by Chairman Savage at 7:01 p.m.

PRESENT: Chairman Savage, Vice Chairman Francis, Commissioners Bailey,

Fitzgerald, Hart, Musante, and Thompson

ABSENT: None

STAFF PRESENT: Acting Director of Community Development Rosen, Acting Chief Planner

Eastman, Senior Planner St. Paul, Acting Senior Planner Allen, Senior

Civil Engineer Voronel, and Recording Secretary Pasillas.

FLAG SALUTE: Commissioner Hart

MINUTES: MOTION made by Commissioner Bailey, SECONDED by Commissioner

Musante and CARRIED 6-0, with Commissioner Thompson abstaining, that the Minutes of the December 13, 2006 meeting be APPROVED AS AMENDED, as follows: Page 195, paragraph 7, change to "...and Chairman Savage, Commissioner Fitzgerald, and Commissioner Bailey

voting against the motion."

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

Commissioner Savage thanked the Commission and staff for their help during his term as Chairman.

Acting Director Rosen asked for nominations for Chairman, and Commissioner Thompson nominated Vice Chairman Francis for Chairman. He was unanimously elected as Chairman.

Acting Director Rosen asked for nominations for Vice Chairman; Commissioner Musante nominated Commissioner Bailey, and Commissioner Fitzgerald nominated Commissioner Hart.

A discussion was held on who had more seniority, Commissioner Bailey or Commissioner Hart, and after discussion it was decided to postpone the election of Vice Chairman until the next meeting. Staff would work to clarify the seniority of both Commissioner Bailey and Commissioner Hart.

PUBLIC HEARINGS

ITEM NO. 1

<u>PRJ06-00287, ZON06-00046, ZON06-00093, ZON06-00094, TR 17117. APPLICANT: LARRY LAZAR; PROPERTY OWNER: SURINDER MANKTALA</u>

Staff report was presented pertaining to a request for approval of a major site plan to construct a 15-unit residential condominium project, including a tentative tract map for condominium purposes,

a variance to request that a basement not be considered a story when a portion of the basement was designed for dwelling purposes and the overall height of the buildings comply with the requirements of the zone, and a zoning adjustment for a minor encroachment of a two-story building within 50 feet of a property with an R-1 zone classification, on property located at 2941-2997 Brea Boulevard (west side of Brea Boulevard between 120 feet and 520 feet north of San Antonio Avenue) (R-3R zone) (Categorically exempt under Section 15332 of CEQA Guidelines) (HAL).

Acting Senior Planner Allen gave a brief overview of the project. The request was explained and a map of the property was shown. A site plan was displayed, and the two different floor plans were identified. Unit A would be three-bedroom condominiums, and Unit B would be two-bedroom condominiums. The variance request was explained, as was the zoning adjustment.

Commissioner Savage asked about the retaining wall system around the western property line. He wanted to know what would be seen from either side of the wall, because he was concerned about the difference in grade from one side of the property to the other, and what the neighbors would see. Acting Senior Planner Allen displayed a diagram and explained the grading and retaining walls. Commissioner Savage verified that it could be up to a ten-foot wall, and then asked what the view from the condominiums to the north would be. Acting Senior Planner Allen reported that there was an existing wall. Commissioner Savage wanted to get a sense of what the neighbors would be looking at. Acting Chief Planner Eastman stated there would be a retaining wall of varying heights, up to a maximum of four feet. Commissioner Savage stated he had not decided if the wall was an asset or liability, he was just trying to understand the views.

Commissioner Hart left the room at 7:25 p.m.

Acting Chief Planner Eastman explained that code allowed a maximum of four feet for retaining walls, but there could also be a six-foot block wall on top of the retaining wall; thus making it a tenfoot wall.

Commissioner Hart returned to the room at 7:26 p.m.

Acting Chief Planner Eastman continued by stating this was a discretionary project, therefore a lower wall height could be conditioned. Commissioner Savage understood it was acceptable within code, but wanted to know what it would look like before making a decision. A site plan was shown and Acting Chief Planner Eastman explained the wall heights as displayed. The amount of retaining system needed would not be four feet throughout the property, but would be based on the grading needs, and be less than four feet as visible from the adjacent properties at some points.

Public hearing opened.

The applicant, Larry Lazar, explained that he was there representing the property owner, Surinder Manktala. He gave a brief background on Mr. Manktala and described several developments Mr. Manktala had built within the City. This site was 1.2 acres and they were proposing 15 dwelling units, which was about 12.5 units per acre. Mr. Lazar explained how they designed the proposal to be different from the neighboring condominiums, and the site to be consistent with the surrounding land uses. The only way the public would know there was a subterranean area would be to drive onto the property. The buildings would be viewed as single and two-story buildings and would be the height of a standard single or two-story building, yet the subterranean area allowed extra space for a variety of uses. Mr. Lazar described the outside of the buildings, and explained that the retaining wall height was influenced by meetings they had with the neighbors. He described the slope of the property, and the neighbors' concern with seeing over the wall. Their preference was

to have a higher wall to prevent seeing into the condominiums. He described the retaining walls throughout the property, and the views the neighbors would have. Mr. Lazar explained the interaction he had with the neighbors, and their concerns.

Commissioner Thompson asked what the view would be as one came into the parking lot of the condominium complex next door. Mr. Lazar displayed an aerial photo and described the view.

Commissioner Savage asked about the retaining walls on the northern property line. He understood that the walls would be four feet, with earth up to four feet. He wanted to know what would be on top of the retaining wall, and Mr. Lazar responded that it would be a block wall. Simon Shum, the project architect, explained it would be a solid wall most of the way, and used as a landscape wall. Commissioner Savage clarified it would be a four-foot retaining wall with five-foot block wall on top, therefore it would be nine feet of wall as seen from the other side. Mr. Shun confirmed that this was correct. Commissioner Savage wanted clarification that the western wall, in which the retaining wall ranged from zero feet to as high as four feet, with a five-foot block wall on top of that, would be higher due to the neighbors' request. In some areas the view would be a nine-foot wall.

Acting Chief Planner Eastman clarified that it would be a five-foot wall on top of a four foot wall, for a maximum height of nine feet, and the code allowed up to six feet on top of a four-foot retaining wall. Commissioner Savage asked which houses, as shown on the aerial view, would have the higher wall, and Mr. Shun explained where the wall would start and end.

Commissioner Thompson asked Mr. Lazar about the section by the parking lot, at the northwest corner of the property where the existing wall was. He was curious as to how high the wall would have been without the neighbors' comments. Mr. Shun stated that in the design phase they had planned on putting a tempered frosted glass on top of the four-foot retaining wall to provide a nice view for the neighbors and to let light into the project. The block wall height was adjusted due to the neighbors' request. Commissioner Thompson asked what the original vision was, and Mr. Shun responded that a four-foot retaining wall was needed to raise the grade. He showed a diagram which indicated the various heights. Commissioner Thompson clarified that nine feet would be seen outside of the project, and five feet would be seen inside.

Barb Maxwell, 3008 Mulberry Avenue, identified her home on the overhead photo. She had not heard anything about the glass wall until this meeting, and explained why they wanted at least a six-foot wall. Commissioner Bailey clarified that the glass wall was the architect's vision, and Ms. Maxwell said there had been no mention of it during her discussions with the developer. She said a five-foot wall was mentioned, but she would prefer a six-foot wall for privacy. Her main concern was with wild animals and their safety during construction. She also was concerned with the trash bin and the smell and attraction of rats, and wondered if it could be located somewhere else.

Tony Beecher, 1100 San Antonio Avenue, stated he had not been consulted by the developer, and provided aerial views of his home. He stated the second floor of the proposed condominium would be visible from inside his home, and provided a picture of the view from his home. He had a list of questions regarding the project:

- 1. Was a detailed traffic study conducted and what impact on traffic on Brea Blvd. would occur from this project;
- 2. What was the price range of the condos;
- 3. Had the developer completed an impact study on property values for neighboring properties;
- 4. What landscaping would be done to soften the impact on neighboring properties;
- 5. What would the developer do to minimize noise coming from the project:

6. What would developer do to maintain privacy of neighboring properties?

Mr. Lazar spoke in response to both Ms. Maxwell's and Mr. Beecher's concerns. The site plan was displayed and the wall explained. The trash dumpster would be ten feet below the neighboring properties, which would mitigate noise. Chairman Francis asked about the smell, and Mr. Lazar stated it would have a plastic lid and they would work with staff regarding the enclosure. Commissioner Bailey asked if there would be a Homeowner's Association (HOA) and if they would be required to keep the area clean. Mr. Lazar confirmed that there would be a Homeowner's Association.

Mr. Lazar explained that Mr. Beecher was not contacted because the developer did not feel he would be impacted by the project. As for the traffic on Brea Blvd., this was a small complex and would have very little impact on the existing traffic. He explained how the access area was chosen, and stated that the speed limit was 40 mph on Brea Blvd., but as a developer he had no control of how fast people drive.

Regarding the price range, the best gauge was the 47 Brea lots north of the property, which had advertised prices starting at \$700,000, which was where they plan to price these units. There had not been a detailed study on the effects this project would have on property values because they felt that real estate agent estimates were not reliable. What he has seen in his experience was prices in this type of complex would help property values in the area.

With regard to landscaping, Mr. Lazar stated that staff had conditioned a landscape plan, and the applicant would work with the neighbors to choose landscaping they agreed with.

Concerning noise, Mr. Lazar stated it was hard to determine if noise would increase, since it was a small community of fifteen units. The HOA would consist of five members, which would be one-third of the property owners, and they would be policing themselves. If a neighbor produced excess noise it would be easy to identify them and the HOA would take care of the problem.

Regarding privacy, people in the area would see change, mostly what was on Brea Blvd., but it would be attractive, landscaped, and with the anticipated pricing it would not attract the type of people who would go into the neighborhoods and create problems.

Regarding the animals, rats and mice, raccoons and possums, the builder would use an expert to trap the animals and take them elsewhere. They would take care of the animals and they would not be killed or chased into the surrounding neighborhood.

Commissioner Savage stated that for years the property was an active, industrial firewood business with much noise and traffic. He felt this use would be less industrial, and have less traffic and noise.

Commissioner Bailey asked Mr. Lazar about the lighting; would there be impacts on the neighbors from the lighting. Mr. Lazar stated that there was not a detailed lighting plan yet, but they would like to have a park-like setting with minimal light. They would work with the City lighting standards and keep it to a minimum.

Public hearing closed.

Commissioner Hart believed the developer had been sensitive and responsive to the neighbors. She felt the project was a good fit for the area, and that the homeowners would probably have less noise from Brea Blvd. She would support the project.

Commissioner Bailey had bought firewood on this lot in the past and wondered about building on it. One unique part of the project was the community involvement and he liked it. He liked the layout, the landscaping and the other unique features. He cautioned the applicant on keeping the trash area clean. He would support the project.

Commissioner Musante thought it a well designed project on a difficult property, and he would support the project.

Commissioner Savage would like more detail shown on the retaining system in the future, and he would like to see a top on the trash enclosure as a condition. He would support the project.

Commissioner Fitzgerald agreed with putting a top on the trash enclosure and asked staff what was usually done. Acting Chief Planner Eastman stated new NPDES Standards have been moving towards covering trash enclosures and the City was trying to accommodate. Commissioner Fitzgerald did not think it necessary to put a new condition on the project as she felt the developer would do it. She felt it was a unique use for the property and believed the two-story units would be far enough away from San Antonio so as to not cause a problem. She would support the project.

Chairman Francis stated he agreed with putting a roof on the trash enclosure.

The title of <u>RESOLUTION PC-07-01</u> APPROVING a site plan to construct a 15-unit residential condominium project on property located at 2941-2997 Brea Boulevard, including a Tentative Tract Map for condominium purposes, a Variance to allow a basement for dwelling purposes when the overall height of the buildings comply with the requirements of the zone, and a Zoning Adjustment for a minor encroachment of a two-story building within 50 feet of a property with an R-1 zone classification was read and further reading waived. MOTION by Commissioner Savage, SECONDED by Commissioner Fitzgerald and CARRIED unanimously that said Resolution be ADOPTED AS WRITTEN.

Acting Chief Planner Eastman explained the appeal process.

OTHER ITEMS

COMMISSION/STAFF COMMUNICATION

Commissioner Savage stated he would not be able to attend the March 28, 2007 meeting as he would be in Japan.

Acting Director Rosen stated that a brochure had been provided to the Commissioners regarding the League of Cities training. He explained that if any of the Commissioners wanted to attend the City would pay for their registration.

REVIEW OF COUNCIL ACTIONS

Acting Director Rosen gave a brief report on recent City Council meetings.

PUBLIC COMMENTS

None

AGENDA FORECAST

The next regularly scheduled Planning Commission meeting would be February 14, 2007 at 7:00 p.m.

Secretary

ADJOURNMENT

There being no further business the meeting was adjourned at 8:27 p.m.	
	Janelle Pasillas