

MINUTES OF THE REGULAR MEETING OF THE STAFF REVIEW COMMITTEE  
COUNCIL CONFERENCE ROOM      FULLERTON CITY HALL  
THURSDAY, 10:00 A.M., APRIL 19, 2007

CALL TO ORDER

Chairman Eastman called the meeting to order at 10:00 a.m.

COMMITTEE MEMBERS PRESENT

Eastman, Lopez, Voronel, St. Paul, Rubio (for Petropulos), Tabatabaee

COMMITTEE MEMBERS ABSENT

None

STAFF MEMBERS PRESENT

Kusch, Kovac (for Ferrier), Norton

OTHERS PRESENT

APPROVAL OF MINUTES

MOTION by Committee Member Lopez, SECONDED by Committee Member St. Paul, and CARRIED unanimously by all voting members present to APPROVE the April 5, 2007 minutes.

ACTION ITEMS

MOTION by Committee Member St. Paul, SECONDED by Committee Member Tabatabaee, and CARRIED unanimously by all voting members present to hear the following items out of order.

**PRJ07-00161 – ZON07-00030. APPLICANT: MICHAEL LANCY; PROPERTY OWNER: DAVID HOFERER.**

A request for a minor site plan review to reduce the rear-yard setback from 15' to 12'-2" for the first story and from 20' to 12'-2" for the second story on property located at 2801 Winchester Street (north side of Winchester at the intersection of Ivy Place) (R-1-8 zone) (Categorically exempt under Section 15303 of CEQA Guidelines) (AKU).

Acting Associate Planner Kusch gave a brief overview of the project. The plans had been approved during plan check in error, and reflected an approximately twelve foot setback for a portion of the first and second story. The required setback for the first story would be fifteen feet for this zone, and the required setback for the second story would be twenty feet.

Chairman Eastman clarified that the project had been approved in error because it had not gone through the Staff Review approval process.

Acting Associate Planner Kusch displayed a site plan and gave a description of the property. The issue of the setback pertained to the corner portion of the second floor master closet area which was encroaching into the required setback. Aerial photos were displayed, and the area under discussion was identified. Adjacent property owners were noticed and no responses had been received.

Chairman Eastman asked if the request affected the closet space, instead of a living area, and Acting Associate Planner Kusch responded affirmatively. Chairman Eastman asked if

there were any windows in the closet, and Acting Associate Planner Kusch stated there were none.

Committee Member St. Paul asked if there would be an encroachment of the first floor. Acting Associate Planner Kusch responded that the building's corner would encroach into the setback. The encroachment would be under 20% of the lineal length of the building and the depth of the encroachment would be less than 20% of the required setback. The Municipal Code allows the Community Development Department Director to approve the first story setback encroachment.

Committee Member Tabatabaee asked the actual percentage of encroachment, and Acting Associate Planner Kusch responded approximately 20%. He added that the balcony adjacent to the master bedroom met the required setback.

Public hearing opened.

The applicant, David Hoferer, explained that the original fences of the property were not built on the property lines. He had a survey done to verify the location of the property lines and that was when the addition encroached into the required setback. Chairman Eastman stated that plans submitted by an architect were considered accurate when an issue was presented to the City. Mr. Hoferer stated that the property line fence was built two feet north of where it should have been. In January they had permitted and built a block wall, and at that time moved it two feet in so that the entire wall was within their property line. Based on the true property line, the original residence, as built, already encroached into the required setback.

Chairman Eastman clarified that the City did not have the current rear yard setbacks until ten or fifteen years ago, so the original building may have met code at the time it was built.

Committee Member St. Paul asked if the neighbor to the rear had been contacted, and the applicant responded that they had worked together building the block wall. They had discussed the original project, but he was not aware of the encroachment.

Kathleen Helmick, 2509 N. Ivy Place, supported the project and felt the applicant had done everything they could do to meet City requirements. She believed this small encroachment would not have any effect on any of the neighbors.

Mary Stagg, 2807 Winchester Street, a next door neighbor, had no objections to the project.

Michael Lancy, project architect, did not believe the project as proposed would have any impact on the neighbors.

Ian Ford, 2517 Ivy Place, believed the applicant had done their due diligence and wanted to see the project approved as proposed.

Public hearing closed.

Chairman Eastman stated he appreciated the comments from the neighbors and their support. He clarified that any decision made by the SRC would be based on the merits of

the project, although neighbor support is a good thing. He believed this request would not have a big impact on the neighbors, and he would support.

Committee Member Tabatabaee agreed with Chairman Eastman, it was a minor request and the neighbors were in support.

Committee Member St. Paul stated that based on the history of the property and the previous comments made, he would support the project.

MOTION by Committee Member Tabatabaee, SECONDED by Committee Member St. Paul and CARRIED unanimously by all voting members present to APPROVE the project with a condition to install an anti-suction device in the pool prior to it being re-filled.

Chairman Eastman explained the appeal process.

**PRJ07-00158 – ZON07-00028. APPLICANT: JERRY AMBROSE; PROPERTY OWNER: VAN BUREN PLAZA.**

A request for a minor site plan review to co-locate six panel antennas on an existing 42' monopole, including an expansion to the existing ground level equipment area, on property located at 1342 East Chapman Avenue (approximately 1,000 feet east of Raymond Avenue and 150 feet south of Chapman Avenue) (C-1 zone) (Categorically exempt under Section 15301 of CEQA Guidelines) (BSP).

Committee Member St. Paul gave a brief overview of the project. He explained that typically a co-location would not come before the SRC, but the existing mono-pole was approved in 1998 by permit only which predated the City's wireless code. It was before the SRC to establish documentation of the project. The pole was described, as was the location, and the requested conditions were explained.

Committee Member Tabatabaee asked if it would be possible to request an enhanced design at this time, and Chairman Eastman stated it could be requested, although this was an existing pole and the City did encourage co-location with the intent of limiting new antennas.

Chairman Eastman clarified that this proposal met the minimum setback requirements to residential, and staff felt there was a need for public discussion in case any of the resident's had concerns. Also, the proposal did not meet the suggested setback requirements to Chapman, a five-to-one ratio, so staff believed it best to bring the project before the SRC.

Committee Member Lopez stated that a Knox key and emergency access would need to be provided.

Public hearing opened.

The applicant, Jerry Ambrose, stated that they had proposed the co-location because they felt it would meet the City's code, and they would be going below the existing antennas rather than adding height, therefore there would not be an additional aesthetic impact.

Committee Member Tabatabaee asked the height of the pole, and Mr. Ambrose stated it was forty two feet. Committee Member Tabatabaee stated he would like to see the pole

enhanced some way, but Mr. Ambrose stated it would be very costly to start over with a new pole.

Chairman Eastman clarified that typically staff would not be supportive of this pole if it came forward as a new project with its current design. It was unique because of its height, but the applicant would not be allowed to add height because of its location next to a residential area.

Mr. Ambrose clarified that there would be three arrays with two antennas each, and that the pole would look different depending on what side and what angle you were looking from. Chairman Eastman asked if there was a way to bring the antennas in closer to the pole, and Mr. Ambrose stated they could not touch each other, but they would put them as close together as possible.

Committee Member St. Paul explained that there was a condition to locate the antennas as close together; the applicant needed to use six antennas, and could not use just three. Chairman Eastman understood that but would like to see something closer to the pole.

Chairman Eastman asked if the applicant was proposing a fence, and Mr. Ambrose stated it would match the existing enclosure. Chairman Eastman asked if there had been any discussion with adding a masonry wall, and Mr. Ambrose responded negatively. Chairman Eastman felt a masonry wall would look better than a chain link / barbed wire fence. He would like to add a condition that a decorative block wall be added to enclose the entire space.

Committee Member Tabatabaee stated that the existing project was subject to modification due to the applicant applying for a new addition. Mr. Ambrose did not feel a block wall would be consistent because there was a chain link / barbed wire fence elsewhere on the property.

Committee Member Rubio asked if there would be barbed wire on top of the block wall. He thought the block wall would create an area for homeless people to stay. Chairman Eastman stated he understood the Police Department concerns, but thought they could be accommodated by adding visibility into the enclosure and barbed wire on top.

Public hearing closed.

MOTION by Committee Member Tabatabaee, SECONDED by Committee Member Voronel and CARRIED unanimously by all voting members present, and Committee Member St. Paul abstaining, to APPROVE the project with the following conditions: 1. New antenna ray to be as minimal as possible in terms of its width, and that the determination come back to the Director of Community Development for final approval of that dimension. 2. A seven foot decorative block wall with barbed wire and other appropriate security measures be provided, and come back to the Director of Community Development for approval. 3. The addition of illumination for security purposes will be considered during the plan check process. 4. Fire Department conditions were to be considered during plan check, including a Knox box or equivalent be provided.

Chairman Eastman explained the appeal process.

Committee Member Rubio left the room.

**PRJ07-00089 – ZON07-00012. APPLICANT: EUGENE VORTMAN; PROPERTY OWNER: ASHLING VANNA.**

A request for a minor site plan review to operate a small collection recycling facility located at 1101 W. Commonwealth Avenue (northwest corner of Orange and Commonwealth Avenues) (C-2 zone) (Categorically exempt under Section 15303 of CEQA Guidelines) (MJE) (Continued from April 5, 2007).

Planning Technician Jenkins briefly explained the project. The site plan had been revised and now offered three options. Option one and three proposed a new landscape feature on the north side wall to screen the recycling facility. Option two proposed no landscape planter strip. Staff preferred option one, although it would decrease the amount of bins, the distance between the bins and the existing gas station building would be less and therefore there would be less issues with circulation.

Chairman Eastman asked about the no parking signs and their purpose. Planning Technician Jenkins explained that there would be no parking there so that a truck could access the bins for drop off and pick up, although people may park there while using the recycling facility. Acting Senior Planner Allen clarified that the space was not currently striped for parking and the applicant had indicated the trucks delivering the bins needed fifty feet clear.

Committee Member Tabatabaee asked about the tail end of the bin blocking the driveway, and Planning Technician Jenkins displayed diagrams of the proposed layout and indicated where the driveway was. Committee Member Tabatabaee asked if the employee operating the center would use the service stations restroom facilities, and Planning Technician Jenkins responded affirmatively.

Chairman Eastman stated that revisions to option one addressed the circulation concerns, as had option two. There was also concern expressed that the facility would extend above the adjacent wall and there was already a retaining wall to the alley which would have further impact on the resident's. He believed the applicant had tried to revise the project to address the concerns.

The Committee discussed the way the kiosk would be built and how it could be anchored to a foundation.

Public hearing opened.

John Stallworth, the applicant, stated that, under option one, they would use a booth rather than a kiosk. The booth was approximately four feet by three feet, and was free standing and would be bolted to the ground. Option two and three would use a kiosk.

Committee Member Voronel asked how the center would operate, and if the facility would be handicapped accessible. She stated that an eight foot wide aisle would need to be provided, and Committee Member Tabatabaee added that the doorway would need to be thirty six inches. The applicant stated that the necessary changes would be made.

Committee Member St. Paul commented that the facility would sit ten feet from the block wall, and the property was two feet above grade. He believed that the street light on Orange Avenue would be obstructed by the facility, and that lighting for security purposes would need to be addressed.

Committee Member Tabatabaee left the meeting.

Acting Senior Planner Allen stated that the container was considered part of the workspace and would need to comply with ADA requirements in terms of ramping up to it and the clear space inside.

Chairman Eastman stated he was more favorable with option one in terms of circulation and visibility. He asked why the proposed landscaping did not go all the way back, and the applicant stated it could be done all the way back. Chairman Eastman thought it possible to create a parking space for the attendant parallel to the facility, which would allow the space in front of the kiosk to be available for customer parking. He would like to see the facility topped at an eight foot height for illumination and other lighting concerns and also screening.

Public hearing closed.

Chairman Eastman expressed that the City was mandated to accommodate this use within a half mile of certain stores, and this facility could not be provided on the site for which it was accommodating.

Planning Technician Jenkins asked if the bins had to meet ADA requirement, did bins already in use meet those requirements, and if not could they be made to meet the requirements. Chairman Eastman stated that if they did not currently meet the requirements they would have to be made accessible, and the plans submitted needed to reflect that.

Committee Member St. Paul believed Cyprus trees were compatible screening for the facility. He was concerned with the existing light standard and the maintenance of the trees. He would like to condition that a qualified tree trimmer or arborist come in to ensure the trees were trimmed correctly and that light was provided for the area.

MOTION by Committee Member St. Paul, SECONDED by Committee Member Eastman and CARRIED unanimously by all voting members present to APPROVE option one of the project with the standard recycling facility conditions and the following added conditions: 1. The proposed landscaping area be extended on the north wall, 2. The facility be completely ADA compatible, 3. A qualified arborist will trim the existing tree, and if Cyprus trees are used in the landscaping they will be maintained at an eight foot height, 4. An additional parking space will be created on the north side of the container, and what was indicated as the attendant parking space will be used as a customer parking space.

Chairman Eastman explained the appeal process.

**PRJ07-00118 – ZON07-00019. APPLICANT: EUGENE VORTMAN; PROPERTY OWNER: SUE LIU.**

A request for a minor site plan review to operate a small collection recycling facility behind the Target store at the Fullerton University Shopping Center on property located at 2910 Yorba Linda Boulevard (southwest corner of Yorba Linda Boulevard and North Placentia Avenue) (C-2 zone) Categorically exempt under Section 15303 of CEQA Guidelines) (MJE) (Continued from April 5, 2007).

Planning Technician Jenkins gave a brief report on the project, including what was proposed and the concerns expressed at the last meeting. Concerns expressed previously were increased traffic along Garnet, neighbors to the north and south were concerned with an increase in people going through the trash to collect bottles and cans. A site plan was displayed.

Chairman Eastman stated there was concern stated by the neighbors to the south as to the negative element that would be attracted to this facility, and the possibility of increased crime. At the previous meeting Committee Member Petropulos had discussed the concerns and possible remedies available to the citizens by the Police Department.

Planning Technician Jenkins added that to address the concern with increased litter at the site, the applicant intended to have the attendant do a sweep of the area for any materials applicable to their site. He had received a call from a resident who was concerned with items not accepted by the recycling center, and the applicant stated they would accept all recyclable items.

Chairman Eastman explained the standard conditions that applied to facilities of this type, including that there not be any graffiti and any graffiti that is put on the facility must be removed within twenty four hours, that the facility operator and a twenty four hour contact be provided at the facility, and others that had been shared with the applicant.

Chairman Eastman explained that the State of California mandated that certain facilities who met a quantity of sales requirement provide for a recycling facility, and typically it was provided through a third party. Frequently, the recycling facility was provided on site, and when that was not possible they were mandated to provide a recycling facility within one half mile of the location. This facility would accommodate the Albertsons located on the north east corner of Placentia and Yorba Linda, and the Target store location was within the one half mile radius of Albertsons.

Chairman Eastman asked if there had been any attempt to locate the facility at the Albertsons, and Planning Technician Jenkins responded that the applicant had spoken with the property manager and he was uncooperative in providing information.

Public hearing opened.

The applicant, Eugene Vortman, stated that he had spoke with Mr. Wagner, the owner of the shopping center, had stated that he did not want a recycling facility located on his property.

Committee Member St. Paul asked if this facility was mandated for Albertsons, and Mr. Vortman responded that it could be used for anyone who was a beverage retailer within the half mile radius. Committee Member St. Paul wanted to know how the State would handle the situation if Albertsons could not find a location for a recycling center. Mr. Vortman

responded that the retailers would be required to redeem in store or pay a \$100.00 fine per day.

Committee Member Voronel asked if this facility was the same size as the previous item, and Mr. Vortman responded that it was the same size. Committee Member Voronel wanted to be sure that the facility would not block the drive aisle.

The following people spoke in opposition to the project:

William Barta, 2931 Haddonfield Loop, the Director of Security for the Water Garden Condominiums  
Shirley Phillips, 2916 Wellesley Court

Their concerns were:

- Safety issues associated with traffic along Garnet Lane between Placentia and Deer Park Drive
- Large motor home illegally parked and moved every 72 hours on Garnet, which blocked visibility
- Commercial vehicles park on Garnet and block visibility
- Crossing of Garnet on the west side of Placentia is poorly lit
- Many speeding vehicles on Garnet
- Recycling center will bring more people, on bike, pushing shopping carts
- Area between Meridian and Target is frequented by vagrants who sleep overnight in the bushes,
- Residents want to ensure their safety both inside and outside of their homes
- Will cause property values to drop
- If facility is for Albertson then it should be located at Albertsons

Public hearing closed.

Committee Member Lopez believed that there could be a problem with the vagrants using the Target carts to load their recyclable, and then either crossing Garnet or pushing their carts down Garnet which would create additional traffic problems.

Committee Member St. Paul was familiar with the area and understood the concerns with traffic on Garnet. He was also aware of the problem with the motor home. He believed the proposed location currently did not have much traffic and he did not believe this facility would increase that traffic. He would support the project because the facility was mandated by the State, will serve a broad number of grocery stores, and was located far from the resident in an appropriate location.

Committee Member Voronel believed it was a reasonable location for this type of facility, but she would like to see further effort to try and locate the facility at the Albertsons locations. She will not support the project at this time.

Chairman Eastman explained that at the last meeting concern was expressed with the chosen location, and the possibility of looking into locating the facility on Albertson's property. He stated that a facility needed to be provided for both Albertson's and Target, as

well as other locations. It was mandated by the State, and he believed the facility would accommodate all their needs and it should be located at the best location. He understood the concerns of the resident's in the condominium units to the south, but did not believe a recycling facility would generate problems for the community. He also thought that placing the facility on the Albertson's site might move the facility closer to other residents at that location, and have worse impacts.

Committee Member Lopez commented that he has seen evidence of the homeless problem in the area, and a recycling facility may bring additional homeless since recycling was the main way they earned their money. Chairman Eastman understood there was a homeless problem in the area, but he did not believe this would increase the problem. If people were sleeping in the bushes then the property owner or Police Department need to address the problem.

Committee Member Voronel believed it was a good location but thought there may be another location that would work better. She was uncomfortable making a decision without knowing what other options were available.

Committee Member St. Paul explained that the City could not dictate where the facility would be located, nor could the City force a recycling facility onto a particular site if the property owner did not want it. He believed the proposed location was a good site.

MOTION by Committee Member St. Paul, SECONDED by Chairman Eastman to APPROVE the project with standard conditions regarding signage, graffiti, maintaining the site cleanliness, and a six month review. Motion FAILED to pass with Eastman, St. Paul, voting for, and Voronel and Lopez voting against.

MOTION by Committee Member Voronel, SECONDED by Committee Member Lopez and CARRIED 3-1, with Committee Member St. Paul voting against, to CONTINUE the project to May 3, 2007.

Chairman Eastman explained the appeal process.

#### OTHER MATTERS

None.

#### PUBLIC COMMENTS

None.

Adjourned at 12:10 p.m. as Staff Review Committee.

BY: \_\_\_\_\_  
Janelle Pasillas, Secretary