

MINUTES OF THE REGULAR MEETING OF THE FULLERTON PLANNING COMMISSION

COUNCIL CHAMBERS – CITY HALL

WEDNESDAY

MAY 23, 2007

7:00 P.M.

- CALL TO ORDER:** The meeting was called to order by Chairman Francis at 7:02 p.m.
- PRESENT:** Chairman Francis, Vice Chairman Hart, Commissioners Musante and Savage
- ABSENT:** Commissioners Bailey, Chaffee, and Thompson
- STAFF PRESENT:** Acting Chief Planner Eastman, Senior Planner St. Paul, Acting Senior Planner Allen, Senior Civil Engineer Voronel, Christine Pilapil, and Recording Secretary Pasillas.
- FLAG SALUTE:** Commissioner Savage
- MINUTES:** MOTION made by Commissioner Musante, SECONDED by Commissioner Hart, and CARRIED unanimously, by voting members present, and with Chairman Francis and Commissioner Savage abstaining, that the Minutes of the May 9, 2007 meeting be APPROVED as written.

PUBLIC HEARINGS

ITEM NO. 1

PRJ06-00575 – ZON06-00098 – PM2006-253 – SUB07-00005. APPLICANT AND PROPERTY OWNER: FULLERTON REDEVELOPMENT AGENCY.

A request to construct an approximately 4,400-square-foot, drive-thru McDonald's restaurant, which includes applications for a minor development project for the site plan and architecture, a tentative parcel map for lot consolidation and lot line adjustment purposes, and an abandonment of a 190-foot-long portion of an alley ranging in width from 20 feet to 26 feet, for property located at 501 North Pomona Avenue (to be readdressed as 155 East Chapman Avenue) (northwest corner of East Chapman and North Pomona Avenues) (C-3 zone) (Categorically exempt under Sections 15332 and 15305 of CEQA Guidelines) (HAL).

Acting Senior Planner Allen gave a brief overview of the project and the three requests before the Commission.

The Minor Development Project is to construct an approximately 4,400 square foot drive thru McDonald's restaurant on the property at the north west corner of Pomona and Chapman Avenues. The site plan was displayed and Acting Senior Planner Allen described the two driveways, one on Pomona and one on Chapman; two additional access points - one to the alley to the north one to the parking lot to the west; and the drive-thru exit onto Chapman.

The Redevelopment Agency had worked with their architect for approximately two years on the site plan and architecture to come up with a plan that was consistent with the historic properties to

the east and to the south. The design was a Spanish style stucco exterior with a red tile roof, and looked nothing like any other McDonalds. The building would be visible from all four sides and details had been added accordingly.

The second application was for an abandonment to abandon a portion of the alley which runs north-south, paralleling Pomona Avenue. The alley does continue on to Ellis Place to the north, and if someone wanted to continue south on the alley after the abandonment they could circulate through the public parking lot to the west, or through this site to get to either Pomona or Chapman Avenues.

The application for the Parcel Map was to create one parcel from the four individual parcels that front on Pomona, a small portion of the corner of the public parking lot, a portion of what were currently the McDonald's site, as well as the abandoned alley. The land transactions would be considered in the conveyance agreement with the City Council.

The RDRC had reviewed the site plan and architecture and recommended approval to the Planning Commission and City Council with conditions.

Commissioner Musante asked if the existing McDonald's property would be conveyed to the City in exchange, and Acting Senior Planner Allen responded that it would relocate the McDonald's and switch property ownership.

Commissioner Musante asked if the two properties were approximately equal in value. Christine Pilapil, Redevelopment Project Manager, stated that both sites were appraised. Considered in the valuation were the locations and improvement. Acting Chief Planner Eastman reminded the Commission that the land transaction itself was not before them.

Commissioner Savage asked who the architect was and who hired them. Acting Senior Planner Allen stated that the Redevelopment Department had hired the architect, MHB. The architect had coordinated his designs with both the franchisee and McDonald's corporate to ensure a usable facility.

Public hearing opened.

Wesley Kim, 501 N. Harbor Blvd., and owner of a business near the site, asked when construction would start and end. Acting Senior Planner Allen responded that no date had been established at this time; the project still needed to go before the City Council.

Chairman Francis asked how disruptive the construction process would be to the area, and Acting Chief Planner Eastman explained that the property was vacant and the process should not be too disruptive. The new McDonalds would be built before demolishing the existing McDonalds.

Terry Kent, Director of Business Services for the Fullerton Joint Union High School District, was speaking on behalf of the District. He had a letter that had been sent to City Manager Chris Meyer in April 2004 regarding their concerns; Safety and traffic on Pomona Avenue, landscaping and whether they would have an opportunity to provide their input, concerns with maintaining the bus drop off on Chapman between Pomona and Harbor, and the possible joint use of the public parking lot. Since that letter was written a new concern had come up. In spring 2006 the Board of Trustees adopted a new wellness policy as required by State law. This policy strictly controls the food that can be served to students on school grounds during, before, and after school. The

District requested that the Planning Commission restrict the emission of fumes that contain the odors of fried and other unhealthy foods that could travel over to the school grounds.

Ernest Hernandez, 609 N. Pomona Avenue, had spoken with other residents in the area and expressed concerns with odors that would be emitted, increased business, and traffic flow problems. He believed the residents concerns were not being addressed. The City would not allow speed bumps, yet the traffic flow on Pomona was a cut through to get around the intersection of Chapman and Pomona Avenues. With the new configuration traffic flow would increase. He was also concerned with closing the alley access, and whether the Fire Department would have adequate access. Another concern was the large amount of garbage from McDonald's that ended up in the neighboring residential area and at the school. Mr. Hernandez stated that he had contacted the Traffic Engineering Department and was told that due to construction on Lemon a traffic study could not be done. Pomona Avenue would be a major artery into the proposed Transportation Center and McDonald's would be greeting visitors coming into Fullerton.

Commissioner Savage asked what current problems Mr. Hernandez was experiencing, and Mr. Hernandez responded that 90% of the trash in the area was from McDonald's, Commissioner Savage asked to see an overhead picture and Mr. Hernandez pointed out his home.

Public hearing closed.

Chairman Francis left the room at 7:30 p.m.

Commissioner Savage asked if there was any new trash enclosure technology to help keep odors contained.

Chairman Francis returned to the room at 7:31 p.m.

Acting Chief Planner Eastman explained that the City had increased requirements to prevent fats, oils, and greases from going into the City's sewer systems and streets. The proposal included a 16' x 16' trash enclosure as indicated on the plans, which would accommodate more than one bin and provide shelter to prevent wind from distributing trash into the neighborhood.

Vice Chairman Hart asked how the existing McDonalds compared in size to the proposal. Acting Senior Planner Allen responded that it would be close in size, maybe slightly larger. Vice Chairman Hart asked if they anticipated serving the same number of customers, and Acting Senior Planner Allen responded that the intention was to replace the existing McDonalds with the same size facility, not increase the size.

Vice Chairman Hart left the room at 7:34 p.m.

Acting Chief Planner Eastman explained that the proposed project plans had been reviewed by the Fire Department, and there was no anticipated hindrance with Fire Department access to the site from alley. There was also access to the site on Pomona and Chapman Avenues.

Vice Chairman Hart returned to the room at 7:35 p.m.

Senior Civil Engineer Voronel addressed the schools concerns with sidewalk safety. She explained that the Pomona Avenue parkway would be twelve feet wide and landscaped with decorative paving on the corner, ADA ramps on Pomona and Chapman Avenues, and additional

lighting. Currently, the parkway was five feet wide and had no landscaping. The driveway would not interfere with bus turn out, and the traffic engineer had reviewed the project and was not concerned with traffic on Pomona or Chapman Avenues.

Commissioner Savage left the room at 7:35 p.m.

Acting Chief Planner Eastman stated that there were a number of improvements on the property as a condition of the development, and this proposal was not anticipated to increase any conditions or concerns with the property.

Commissioner Savage returned to the room at 7:36 p.m.

Commissioner Savage asked what the hours of operation would be, and Acting Chief Planner Eastman stated that the City did not have an ordinance or restrictions on hours of operations, and they were not conditioned.

Vice Chairman Hart asked if the Fire Department had any issues relating to the alley abandonment, and Acting Chief Planner Eastman responded no.

Commissioner Musante was concerned with any odors emanating from the restaurant, either foul odors from the garbage or smells from cooking which would entice students. Acting Chief Planner Eastman explained that the Planning Commission could establish a condition addressing the emission of odors. The existing McDonald's was an older facility built under different building codes and standards relating to filters and the ventilation system. Code prohibited the emission of noxious odors, and current building standards required filters and maintenance of those filters which would help to prevent odors from spreading into the neighborhood.

Chairman Francis did not think a condition not necessary because the new filtering systems worked well to eliminate odors and were and very clean.

Acting Chief Planner Eastman stated that the Air Quality Management District (AQMD) has standards that would need to be followed, and City Code requirements would also address this issue.

Chairman Francis explained that if the filtering systems were not serviced smells would start. Code requires the equipment be kept clean to prevent grease builds up becoming a fire hazard.

Commissioner Savage explained that when the Commission was discussing the Farmer Boys restaurant there was much concern expressed over the same odor issue. He asked if there had been any complaints, and Acting Chief Planner Eastman stated he was not aware of any. Commissioner Savage stated that when he had been there he had never smelled anything.

Acting Chief Planner Eastman stated that they could condition that the facility shall not emit odors that are considered objectionable, and if there were odors it would become a code enforcement issue.

Commissioner Savage was against adding a condition. He believed that McDonald's would put in an up to date system, and building codes would cover their maintenance.

Chairman Francis stated if an up to date system had a problem then the system was not working correctly or was not clean.

Acting Chief Planner Eastman addressed the school district's comment regarding joint use of the public parking lot, and clarified that it was not directly related to this use but had more to do with future development of that lot.

With regards to speed bumps and increased traffic flow, Acting Chief Planner Eastman explained that most cities were concerned with speed bumps. It was not anticipated that the quantity of increased traffic would be substantial as they were relocating a same size McDonald's.

Commissioner Savage stated he looked at the problems, and there was no history of problems with Farmer Boys which had a considerable amount of concern expressed during discussion. McDonald's was a lawful business operating in a responsible manner, and he saw no need to add a condition which could be expensive. He thought the traffic situation needed to be looked at, but did not think this project would cause much change. He believed the large trash enclosure would help with any trash problem, and he will support the project.

Vice Chairman Hart agreed with Commissioner Savage's comments. She was satisfied that the alley abandonment would not cause a problem for the neighbors, and she believed that traffic on Pomona Avenue was largely from the school kids. She thought the architecture was beautiful and the building would be an asset to City. She will support the project.

Commissioner Musante would support the project. He would like to see trash receptacles placed where there was trash being dumped in the neighborhood, and was concerned with the odor of fats wafting to the school. There was a movement underway in California to eliminate unhealthy foods in schools, and anything that added to enticing students to eat unhealthy was a concern.

Chairman Francis stated that McDonald's food was not all bad; he frequently enjoyed a salad and bottle water. He agreed with the other comments and would be supportive.

The title of Resolution No. PC-07-12 APPROVING a resolution of the Planning Commission of the City of Fullerton recommending approval of a request to construct an approximately 4,400-square-foot, drive-thru McDonald's restaurant in a Community Improvement District, including applications for a Minor Development Project for the site plan and architecture, a Tentative Parcel Map for lot consolidation and lot line adjustment purposes, and an Abandonment of a 190-foot-long portion of an alley ranging in width from 20 feet to 26 feet, on property located at 501 North Pomona Avenue was read and further reading waived. MOTION by Commissioner Savage, SECONDED by Vice Chairman Hart and CARRIED unanimously by voting members present, that said Resolution be ADOPTED AS WRITTEN.

Chairman Francis explained that the project would go before the City Council.

Acting Chief Planner Eastman stated that this was a recommendation to the City Council, therefore there was no appeal process.

Christine Pilapil left the meeting.

OTHER ITEMS

None

COMMISSION STAFF COMMUNICATION

Acting Chief Planner Eastman gave an update on the Community Development Director status.

Vice Chairman Hart asked what the status was of the fire at the Moorehouse property. Acting Chief Planner Eastman explained that in regards to the façade, approximately 160 feet of the eastern section was damaged beyond repair, therefore approximately 40 to 50 feet that would have been kept would need to be repaired. The clear story windows were a total loss, and there had been no determination if project would go back to the City Council for a determination, they were still waiting for an official damage report.

Commissioner Savage stated that the way the project was presented to the Planning Commission placed a lot of emphasis on preserving the historical façade. He believed if a large portion of the façade was to be removed then the project should come back before the Planning Commission. Acting Chief Planner Eastman responded that staff needed to know how much is lost before any discussion on how to proceed could take place.

Commissioner Savage commented that he had been to Paradise Golf earlier in the day and noticed about fifteen cinder blocks held in place by wooden stake on the west side of Harbor. He believed it was a dangerous condition and requested that someone from the City take a look at it.

REVIEW OF COUNCIL ACTIONS

Acting Chief Planner Eastman gave a brief report on recent City Council meetings.

PUBLIC COMMENTS

None

AGENDA FORECAST

The next regularly scheduled Planning Commission meeting would be June 13, 2007 at 7:00 p.m.

ADJOURNMENT

There being no further business the meeting was adjourned at 8:30 p.m.

Janelle Pasillas
Secretary