

MINUTES OF THE REGULAR MEETING OF THE STAFF REVIEW COMMITTEE  
COUNCIL CONFERENCE ROOM      FULLERTON CITY HALL  
THURSDAY, 10:00 A.M., JUNE 7, 2007

<u>CALL TO ORDER</u>	Chairman Eastman called the meeting to order at 10:15 a.m.
<u>COMMITTEE MEMBERS PRESENT</u>	Eastman, Lopez, Voronel, St. Paul, Petropulos, Tabatabaee
<u>COMMITTEE MEMBERS ABSENT</u>	None
<u>STAFF MEMBERS PRESENT</u>	Allen, Kusch, Jenkins, Pasillas

APPROVAL OF MINUTES

MOTION by Committee Member St. Paul, SECONDED by Committee Member Lopez, and CARRIED unanimously by all voting members present to APPROVE the May 17, 2007 minutes.

ACTION ITEMS

PRJ07-00224 – ZON07-00044. APPLICANT: JON KERTES CONSTRUCTION; PROPERTY OWNER: ILLINOIS TOOL WORKS, INC. A request to install a security fence on property located at 500 South State College Boulevard (east side of State College Boulevard, south of the BNSF railroad) (M-P zone) (Categorically exempt under Section 15303 of CEQA Guidelines) (MJE).

Planning Technician Jenkins gave an overview of the request. The security fence would be eight feet high with razor wire on the north side along the railroad tracks, and an eight foot wrought iron gated fence with a twenty-five foot gate at the main entrance to the location. The entrance gate would be setback approximately one hundred twenty feet from State College on the east side.

Chairman Eastman asked if there was adequate parking per Code, and Planning Technician Jenkins responded that he was unsure.

Public hearing opened.

Jon Kertes, the applicant and general contractor, stated that they were experiencing an increase in theft, especially on the weekends when the area was not well populated. He described the proposal, and the locations of the pedestrian gates.

Willy McMannis, the construction lead man, stated that the manager of the corporation, Ken Horn, had requested that the panic gates be explained. There was a four foot panic gate on the north side on the chain link fence. On the south side there was a panic gate located in the middle of the existing fence. There was a sidewalk that led to the panic gate, and there were eight other panic doors throughout the building.

Public hearing closed.

Committee Member Tabatabaee stated that there was a panic gate on the north side, but there needed to be a concrete pathway to the public right-of-way. He also stated that a pathway would be needed on the south side and lighted exit signs would need to be placed on the gates.

Committee Member Lopez asked if there would be a Knox key switch, and Mr. Kertes responded that there would be several methods of entry; a key override, a speaker and buzzer to be opened automatically from the inside, and a Knox key switch.

Chairman Eastman asked if they had tried increased lighting and security cameras to reduce the criminal activity, and Mr. Kertes responded negatively.

Committee Member Voronel stated there was a fifteen foot storm drain easement adjacent to the fence, and she was concerned with providing access to this easement. She stated that maintenance would be able to access the sewer through the twenty foot slide gate on State College. She also advised the applicant that a permit was required to install a fence in the public right-of-way.

Chairman Eastman was concerned with the elimination of parking spaces, but believed that the vacant lot behind the building could provide additional parking spaces if needed.

Committee Member Petropulos asked what the business hours were and Mr. Kertes responded that they had two shifts and did not work weekends.

MOTION by Committee Member Tabatabaee, SECONDED by Committee Member St. Paul and CARRIED unanimously by all voting members present to CONTINUE the project to a date certain of July 5, 2007 so that the drawings could be modified to reflect the above changes.

PRJ06-00452 – ZON07-00046. APPLICANT: LAKE DEVELOPMENT; PROPERTY OWNER: FREDRICKSON ENTERPRISES, INC. A request for a 20% reduction in the required street setback for the C-2 zone (from ten feet to eight feet) on property located at 1101 S. Euclid Street (northwest corner of Euclid Street and Orangethorpe Avenue) (C-2 zone) (Categorically exempt under Section 15332 of CEQA Guidelines) (HAL).

Acting Senior Planner Allen explained that the Development Project and related entitlements had all been approved, as was a Zoning Adjustment to allow for a 20% reduction in the setback on Orangethorpe. This item had come back as a Minor Site Plan because the plans that went forward did not indicate how the project would work out with meeting the eight foot setback, the right-of-way width, and the bus bay. A site plan was displayed and explained.

Chairman Eastman clarified that when this development had gone before the Planning Commission for review and approval the Commission had conditioned that the bus bay remain, and the way that had been resolved was the reduction in setback.

Committee Member Tabatabaee recommended that a fabric cover be placed on the fence, and Matt Stowe, the applicant responded that one would be placed when construction began.

Chairman Eastman asked if the applicant knew which food tenants, if any, would be located in the development. Mr. Stowe stated that they had worked with McDonalds, but there were several McDonalds nearby. They had recently received a proposal from Rally's/Checkers which would include a double drive-thru. They had also signed Tesco, a store similar to Trader Joe's.

Committee Member Voronel stated that all eighteen water meters and existing services would need to be abandoned prior to sidewalk construction.

MOTION by Committee Member St. Paul, SECONDED by Committee Member Tabatabaee and CARRIED unanimously by all voting members present to APPROVE the proposal.

Chairman Eastman explained the 10-day appeal process

PRJ07-00007 – ZON07-00004. APPLICANT: RICHARD ANDERSON; PROPERTY OWNERS: PAUL AND ELSA DUNLAP. A request for a 20% reduction in the required side-yard setback (from ten feet to eight feet) on property located at 1721 Rocky Road (west side of Rocky Road, with access approximately 210 feet north of Pioneer Avenue) (R-1-20 zone) (Categorically exempt under Section 15301 of CEQA Guidelines) (BSP)

Committee Member St. Paul described the request. The property was a flag-shaped lot, over three-quarters of an acre. The existing house was two-story, with a four-car detached garage and accessory/game room in the back. The request was to add a second floor to the accessory structure, making it attached to the house. The addition to the north of the property would actually be an addition to the master bedroom, another bathroom, and a remodel of the existing master bathroom. Additionally, the applicant had requested to add another room on top of the garage area with an independent access.

The garage and accessory room were on a slope, so both rooms were single story. The applicant was proposing a setback reduction to eight feet, code was ten feet, and the existing building was a six feet. One neighbor had called, but they had no comments. Water Engineering needed to see complete plans before they could make a determination on the civil engineering calculations.

Committee Member Tabatabaee asked if the building would be three stories, and Committee Member St. Paul responded that it was not three story, it was stepped back; three levels, two stories.

Committee Member Lopez asked if the building would be sprinklered, and Committee Member St. Paul responded negatively.

Chairman Eastman explained that the property was a flag lot, and as such, the determination of front yard, rear yard, and side yard setback was somewhat subjective. As the site was laid out the proposed addition would be setback an additional two feet beyond the existing setback to the property line.

Public hearing opened.

Paul Dunlap, the property owner, explained that the proposed room addition would be a guest space outside of their home. He also stated that they would be enlarging the master bedroom closet.

Rick Anderson, the applicant, explained that if they were required to comply with the ten foot setback the space would not be useable.

Public hearing closed.

Chairman Eastman explained that this type of request typically looked at the confines of the property, and what limitations were on the property that would prevent the owner from doing a reasonable addition. Looking at the site and existing conditions, there was a reasonable setback from the surrounding properties, such that this two foot reduction would not have an impact on adjacent properties.

Committee Member St. Paul stated that he had informed the applicant that code would require a deed restriction to prohibit the space from becoming a rental unit, and the applicant was agreeable.

MOTION by Committee Member Voronel, SECONDED by Committee Member Lopez and CARRIED unanimously by all voting members present to APPROVE the project.

Chairman Eastman explained the 10-day appeal process.

PRJ07-00211 – ZON07-00042. APPLICANT AND PROPERTY OWNER: CURTIS L. BUCK. A request to install a security gate/fence across an existing driveway on property located at 1230 West Orangethorpe Avenue (south side of Orangethorpe Avenue between 135 and 238 feet west of Orchard Avenue) (R-1-7.2 zone) (Categorically exempt under Section 15301 of CEQA Guidelines) (AKU).

Acting Associate Planner Kusch explained that the property contained both a single-family residence and a childcare center. The childcare center was approved in 1995 for twenty five children. The proposal was to gate off the driveway, the only vehicular access from Orangethorpe Avenue. There was a permit approved for pilasters and picket fence along the Orangethorpe frontage, and this request would add a sliding gate to that fence at the driveway entrance.

As part of the original Conditional Use Permit (CUP) approval for the childcare center, there was parking set aside to serve that use. Currently those parking spaces were occupied with vehicles and a boat, and staff recommended removal of these to make parking available. As part of the CUP approval, a condition required painted directional arrows at the driveway entrance, and staff would recommend re-painting them as part of this approval.

Staff recommended that the gate remain open during business hours to allow for pick up and drop off of children. Also, staff recommended landscape and irrigation for a dirt area along the front of the property and in front of the pilasters and picket fence.

Acting Associate Planner Kusch stated that one call was received from a neighbor, and after describing the request they did not have any issues.

Chairman Eastman asked if the landscaping in the front yard setback was included in the original CUP approval, and Acting Associate Planner Kusch responded that it was not conditioned. The approved plan did include a landscaped area along the east side of the property at the driveway entrance.

Committee Member Lopez asked the distance from the childcare building to the proposed wrought iron gate, and Acting Associate Planner Kusch responded approximately twenty eight to twenty nine feet. Committee Member Lopez stated that he would need to look into the required dispersal area since the area would be enclosed. Acting Associate Planner Kusch clarified that the plans reflected a swing gate along the path leading to the childcare center, and there was also a fence

around the play area as required by the State. Committee Member Lopez believed that a dispersal area would be required more than fifty feet from the building.

Committee Member St. Paul asked if the gate would be motorized with remote control access, and Acting Associate Planner Kusch responded affirmatively.

Committee Member Tabatabaee asked the size of the pedestrian gates, and Acting Associate Planner Kusch responded approximately four feet. Committee Member Tabatabaee also stated that no man door was shown on the sliding side of the gate.

Public hearing opened.

Curtis Buck, the applicant and property owner, explained his request. The childcare facility was licensed for twenty four children, but they limited it to twelve children. The security gate would remain unlocked, and would have no provision for locking; it was mainly decorative. There was also a provision for a Knox box.

Chairman Eastman asked what was planned for front yard landscaping, and Mr. Buck described what he had planned and had already started.

Committee Member Tabatabaee asked if there were provisions for stacking, and Chairman Eastman responded that on a residential street, with single family residential, the City had not been restrictive in the past. Committee Member Voronel stated that Orangethorpe Avenue was not considered residential, and Chairman Eastman clarified that this property was on the frontage road.

Committee Member St. Paul asked what material would be used for the gate, and Mr. Buck responded that it would be a wrought iron frame with picket in front, consistent with the picket fence between the pillars.

Committee Member Tabatabaee expressed a need for a man door for exiting, and Mr. Buck responded that the proposed gate was strictly decorative as it would only be three feet high. Committee Member Tabatabaee stated that a three foot gate would be required next to the slider, and Mr. Buck suggested a change in the walkway to connect the paths of travel, and Committee Member Tabatabaee agreed.

The following additional conditions were recapped:

- The pedestrian gate shall remain unlatched, unlocked, or otherwise unsecured.
- The metal gate shall be automatic/motorized with an override switch for the Fire Department.
- The gate shall remain open from one-half hour before the school opens until one-half hour after the school closes.
- The pathway to the driveway shall be connected to the pedestrian gate and sidewalk.
- The parking area shall be cleared of stored vehicles.
- Front landscaping and irrigation shall be installed pursuant to Code.

MOTION by Chairman Eastman, SECONDED by Committee Member St. Paul and CARRIED unanimously by all voting members present to APPROVE the project with conditions as stated.

Chairman Eastman explained the 10-day appeal process

PRJ05-00269 – ZON05-00025. APPLICANTS AND PROPERTY OWNERS: JOE AND SARA GUTIERREZ. A request to construct a five-unit apartment complex on property located at 840 Magnolia Avenue (east side of Magnolia Avenue, between approximately 167 and 263 feet south of the southeast corner of Magnolia Avenue and Olive Avenue) (R-3 zone) (Categorically exempt under Section 15332 of CEQA Guidelines) (AKU).

Acting Associate Planner Kusch described the request. There would be five apartments, three bedrooms each, with a total of three buildings. The front building, closest to Magnolia, would be three stories with garages, half bath, and stairwell access on the first floor, living area including a private deck on the second level, and the bedrooms on the third level. The second building would be two stories in height, with the same first level floor plan, and the second level would be a living area and bedrooms. The rear apartment would be single story with an attached two car garage. The purpose of the varying heights was to address the zoning code setbacks as they related to the adjacent single family residences to the east.

Acting Associate Planner Kusch addressed some of the concerns staff had with the proposal. The proposed trash enclosure would encroach into the required rear yard setback for the adjacent parking space; therefore staff recommended the enclosure be relocated to meet code. There was also a concern with the accessibility and useability of the rear open space area located at the south east corner of the property. Due to the parking spaces and adjacent garage there was no path or access to the open space. The Engineering Department has expressed concerns related to ingress and egress from the property; the frontage along Magnolia had a raised median which would prohibit a left turn into the property, therefore staff recommended that signage be posted restricting ingress and egress to right turn only.

Acting Associate Planner Kusch explained that staff had been working with the applicant for over a year and still had concerns related to the proposed architectural design, therefore staff recommended the project be forwarded to the Redevelopment Design Review Committee (RDRC) for their review and approval.

Committee Member Tabatabaee asked if there was a condition requiring the project meet California Building Codes, especially regarding accessible units. Acting Associate Planner Kusch responded that there was a condition related to plan check corrections. Chairman Eastman clarified that one unit would have to be ADA accessible, and the single story unit would accommodate that requirement. Committee Member Tabatabaee explained that the new code, effective January 2008, would not require a second exit if the building was over five hundred feet, but the current code would.

Committee Member Lopez stated if the building would need to be sprinklered as required for three or more floors or five or more units.

Acting Associate Planner Kusch stated that the neighbor to the north had reviewed the plans and had no comment.

Committee Member Lopez asked the distance from the most remote portion of the back unit to the street and Chairman Eastman responded the property was one hundred forty four feet in depth, and the driveway would be a minimum twenty five feet in width. Acting Associate Planner Kusch

stated that staff also recommended the driveway be flared to accommodate the right turn in and out.

Public hearing opened.

Joe and Sara Gutierrez, the applicants, stated they had read the recommended conditions and would comply. The Gutierrez's asked questions related to building code requirements. The existing code and potential changes were discussed.

Public hearing closed.

The following were the required conditions in addition to those listed in the Staff Report:

- Reduce the building to five hundred feet in height or meet current code.
- Buildings shall be sprinklered.
- Project will be referred to the RDRC for final review and approval.

MOTION by Chairman Eastman, SECONDED by Committee Member St. Paul and CARRIED unanimously by all voting members present to APPROVE the project with conditions as stated and indicated in the staff report dated June 7, 2007.

Chairman Eastman explained that this project would go before the RDRC on June 28, 2007.

#### OTHER MATTERS

None.

#### PUBLIC COMMENTS

None.

Adjourned at 11:48 a.m. as Staff Review Committee.