

MINUTES OF THE REGULAR MEETING OF THE STAFF REVIEW COMMITTEE
COUNCIL CONFERENCE ROOM FULLERTON CITY HALL
THURSDAY, 10:00 A.M., JULY 3, 2008

CALL TO ORDER

Chairman Eastman called the meeting to order at 10:11 a.m.

COMMITTEE MEMBERS PRESENT

Eastman, St. Paul, Tabatabaee, Rubio

COMMITTEE MEMBERS ABSENT

Lopez, Voronel

STAFF MEMBERS PRESENT

Jenkins, Kusch, Hernandez, Flores, Coats

APPROVAL OF MINUTES

MOTION by Committee Member St. Paul, SECONDED by Committee Member Tabatabaee, and CARRIED unanimously by voting members present, to APPROVE the April 17, 2008 and May 15, 2008 minutes.

ACTION ITEMS

PRJ08-00174 – ZON08-00055. APPLICANT AND PROPERTY OWNER: GLORY CHRISTIAN CHURCH OF SOUTHERN CALIFORNIA. A request for a security fence plan review for property located at 3700 West Valencia Drive (southwest corner of Magnolia Avenue and West Valencia Drive) (C-2 zone) (Categorically exempt under Section 15301 of CEQA Guidelines) (AKU) (Continued from May 15 and June 5, 2008).

Senior Planner St. Paul explained the applicant requested a continuance to July 17, 2008 after meeting with the Building Official to discuss several issues.

MOTION by Committee Member St. Paul, SECONDED by Committee Member Tabatabaee, to CONTINUE to a DATE CERTAIN of July 17, 2008. Motion passed unanimously.

PRJ08-00235 – ZON08-00074. APPLICANT AND PROPERTY OWNER: ROGER T. REYES. A request for a security fence plan review to construct a rolling gate at the front of a six-unit apartment complex on property located at 1320 Peckham Street (east side of Peckham Street, approximately 375 feet south of West Orangethorpe Avenue) (R-3 zone) (Categorically exempt under Section 15303 of CEQA Guidelines) (MJE)

Planning Technician Jenkins gave a brief overview of the request. The applicant was proposing a 6 foot tall wrought iron rolling gate in the front of the property. He noted that there are 9 parking spaces on the west side of the property. The gate will be approximately 17 feet back from the property curb and 11 feet back from the property line. Planning Technician Jenkins referenced photographs of 1318 Peckham, and noted the gate would be similar. He stated there are two open parking spaces and four garage spaces, two of which take access off of the alley. Planning Technician Jenkins noted there is no circulation from the alley to the front of the property other than pedestrian circulation. He further noted the plans did not show any vehicle gates at the rear of the property. Planning Technician Jenkins explained there is a man gate at the back of the alley, but there is no vehicle circulation from Peckham to the alley.

Chairman Eastman asked if the applicant was proposing to put gates at the back of the property. Planning Technician Jenkins responded no and stated there is a man gate at the back of the property that takes access next to the trash enclosure and the two open parking spaces. Planning Technician Jenkins noted the property across the street has a rolling gate as well, and most of the properties along the alley behind 1320 Peckham have rolling gates.

Committee Member St. Paul asked how far the security gate will be from the sidewalk. Planning Technician Jenkins explained that from the back of the sidewalk to the property line it would be 11 feet

Committee Member St. Paul asked what kind of gate was proposed and Planning Technician Jenkins responded an electric gate.

Committee Member Tabatabaee asked what the width of the gate was and Planning Technician Jenkins responded 20 feet.

Public hearing opened.

Roger Reyes, Applicant, explained he was proposing the gate because of the problems in the alley. He noted pedestrians walk through his property to avoid walking around the block. He further noted his property was being destroyed by graffiti, and people dumping trash on his property. Mr. Reyes believed the gate would keep his tenants happy.

Zorina Reyes, Applicant, noted the property was the only open entrance on the street and stated it was convenient for people to cut across her property to access to alley.

Chairman Eastman asked if the man gate at the back of the property was locked. Mr. Reyes responded that they have replaced the locks many times because people destroy it. He believed the only way to stop people from walking through his property was to put up the security gate at the entrance in the front.

Committee Member Rubio asked what kind of lighting was installed in the alley. Mrs. Reyes explained Edison installed tall lights in the back, but the lighting does not help.

Committee Member Rubio asked if surveillance was installed. Mr. Reyes stated they have not looked into surveillance, but believed surveillance cameras might get destroyed as well.

Chairman Eastman believed one of the potential issues with security is to see who is damaging the property. He noted, in this case, it might be advantageous for the neighbors to destroy the locks and avoid walking around the block.

The applicants and the Committee discussed possible solutions for surveillance cameras, and the posting of surveillance signs.

Public hearing closed.

Committee Member St. Paul stated he understands the need for the security fence in the front, which can deter someone from breaking through the gate from the alley and going through the property. He was concerned about the location of the fence and the stacking of vehicles waiting

to get into the property. Committee Member St. Paul stated he was in support of the fence and believed there could be better security measures taken at the rear of the property. He believed the addition of lighting could help as well as signs saying "camera surveillance".

Chairman Eastman stated he has a hard time supporting the request, but he understood the desire and the need to address security. He was concerned about there being nothing to prohibit people from damaging the gate in the front, since they damage the man gate in the back of the property on a continuous basis. He was concerned because the installation of the gates restricts access to required guest parking, and requires parking on the street. Chairman Eastman believed that putting in security cameras or making sure the illumination is appropriate could help with the issue of cut through traffic and having to repair the gate. He explained there the Zoning Code requires clearance of 25 feet from the garage to allow for a vehicle to back out and make a turn. Chairman Eastman noted the proposed gate was close to the garage on the south and there was the possibility of someone having to make a 3-point turn depending on the size and turning radius of the vehicle.

Committee Member Tabatabaee stated he was in support of the project as long as additional backing was added. He noted the man gate should be able to open without special knowledge and cannot be locked.

Chairman Eastman noted he would support the proposal if the location of the gate was moved beyond the parking, towards the pedestrian corridor.

Chairman Eastman referenced the site plan and explained where he supported a gate. He stated if the issue was to eliminate pedestrian cut through traffic, moving the gate was a better solution which does not impede parking for guests, and doesn't create a fortified environment. Chairman Eastman believed that moving the gate was a less costly solution that achieves the same thing, and doesn't create an access problem for vehicles.

Committee Member Rubio stated there were no issues with the Police Department as long as a Knox key box is installed. He recommended putting a better gate in the back and installing surveillance cameras, or just posting surveillance signs.

MOTION by Committee Member Tabatabaee, SECONDED by Committee Member St. Paul, to CONTINUE to a DATE CERTAIN of July 17, 2008. Motion passed unanimously.

PRJ08-00240 – ZON08-00075. APPLICANT: BRUCE SPIELBUEHLER; PROPERTY OWNER: RICHARD E. SOWERS. A request for a minor site plan review for a 20% reduction in the front yard setback from 90.96 feet to 72.77 feet on property located at 2800 Domingo Road (east side of Domingo Road, approximately 430 feet north of Santa Barbara Avenue) (R-1-20 zone) (Categorically exempt under Section 15303 of CEQA Guidelines) (AKU)

Associate Planner Kusch explained the Municipal Code states that for a single family residential zone, the front yard building setback shall not be less than the average front yard building setback of the adjacent properties. It also states that a reduction of up to 20% in a required building setback may be considered by the Staff Review Committee by a Minor Site Plan application.

Associate Planner Kusch indicated the proposal is to construct a garage and work shop with a breezeway between the proposed structure and existing residence. He referenced the site plan and noted there are 7 or 8 properties located in the vicinity of the subject property and located

along the same side of Domingo Road. These properties have similar site conditions including sloping front yards with substantial front yard building setbacks.

Associate Planner Kusch noted the submitted plans indicate the existing residence has a 120 feet setback from the front property line. The submitted plans indicate the adjacent properties have an average front yard setback of 91 feet and a 20% reduction in the average front yard setback is 73 feet, which is what the applicant is proposing. Associate Planner Kusch noted the difference between the edge of the curb and the property line is approximately 10 feet. He indicated the floor plan of the proposed building includes a full bathroom and if approved, staff recommended recordation of a land use deed restriction to preclude a second dwelling unit. He further explained the proposal would require removal of a mature tree.

Associate Planner Kusch mentioned site constraints identified by the applicant including restricted vehicle maneuverability and turning radius to the existing garage, the interior depth of the existing garage would not accommodate the property owner's vehicle, and the residence is situated toward the back of the property due to the site's topography.

Associate Planner Kusch requested the Building Division confirm the adequacy of the distance from the new structure and front retaining wall. He noted the plans reflect walls proposed at the rear of the property which would block access to a utility and bridal easement. Associate Planner Kusch noted staff will review the proposal, including the easement and proposed walls, during the plan check process and that the rear easement questions are not before the SRC at the time. Associate Planner Kusch explained staff recommended the submittal of a landscape and irrigation plan, recordation of a deed restriction, and any corrections identified during the plan check review. Associate Planner Kusch referenced an aerial view of the property and explained where the addition would approximately be as it relates to adjacent properties.

Committee Member Tabatabaee referenced the floor plan, and asked if a roof was proposed over the breezeway. Associate Planner Kusch noted the submitted plans reflect a new roof encompassing the residence and the proposed structure.

Committee Member St. Paul asked if the house can be seen from the street, and Associate Planner Kusch responded affirmatively.

Committee Member St. Paul asked if the mature landscaping on the slope would be re-graded, and Associate Planner Kusch responded that at least one of the mature trees would be removed, but there are some trees that have been recently planted along the existing driveway.

Public hearing opened.

Bruce Spielbuehler, Applicant, referenced photographs and noted the existing garage would be removed because the kitchen would be extended out. He explained how the property owner will be able to maneuver his vehicle through the garage door. Mr. Spielbuhler noted the breezeway can be an open trellis, and clarified that the maximum height for the retaining walls would be 6 feet. He noted the deed restriction was fine.

Chairman Eastman clarified that the request for the retaining walls higher than 4 feet had not been advertised to the public and could not be reviewed or discussed by the Staff Review Committee at this meeting.

Associate Planner Kusch noted the proposed structure would not have the garage doors oriented toward Domingo Road.

Ms. Yan, 2801 Domingo Road, was concerned with the view of the building as it faces the street and the structure encroaching toward the street. Chairman Eastman clarified for Ms. Yan that the average setback for the adjacent properties was approximately 91 feet.

Mr. Spielbuhler explained that the elevation from the street to the garage was approximately 14 feet high and Ms. Yans property was about 6 feet from the street and the view would not be on an equal plane. He noted there were no view corridors and his proposal was architecturally compatible with the neighborhood. He believed there was no continuity because there were many variations in elevations on the street.

Chairman Eastman asked how far from the house the tree that would be removed was, and Mr. Spielbuhler responded 36 feet.

Public hearing closed.

Committee Member Tabatabaee noted the garage could be attached to the house, increasing the front building setback by 13 feet.

Chairman Eastman believed a 13 foot breezeway was excessive when asking to deviate from the Code. He noted that eliminating the breezeway would bring the applicant closer into conformance with what the neighbor's setback. He recommended approval of the project with a reduction in the front yard setback equal to the adjacent property to the south, and staffs recommended conditions:

- Must comply with all correction generated through the plan check process
- Submit a landscape and irrigation plan
- A one-year landscape maintenance bond
- Recordation of a deed restriction
- The proposed garage structure shall reflect a hip roof design as it is oriented to the street, as opposed to a gable roof

Committee Member St. Paul asked Chairman Eastman if his recommendation included a reduction in the breezeway. Chairman Eastman responded that he supported a setback consistent with the setback of the adjacent property, which is at 84 feet. He stated it was his understanding that the 13 foot reduction of the breezeway would place the garage at an 86 foot setback, so there are only a few feet to spare.

Committee Member St. Paul asked if the garage would need to be attached to the house. Chairman Eastman responded that they can attach the garage to the house or just accommodate a 3 foot breezeway that allows for some use and ventilation.

Committee Member Tabatabaee clarified, Building Code requirements, stating the applicant would have to attach the garage to the house, or provide a 10 foot separation from the proposed structure to the existing residence, or provide fire-rated construction with a 5 foot setback between the proposed structure and existing residence.

MOTION by Chairman Eastman, SECONDED by Committee Member Tabatabaee, to APPROVE the project, subject to staffs recommended conditions, which includes removing the 13 foot breezeway and incorporation of a hip roof design.

MOTION by Committee Member St. Paul, SECONDED by Committee Member Rubio to re-open the public hearing. The Committee agreed to re-open the public hearing.

Mr. Spielbuhler asked if the Committee approved the request with a front setback administrative adjustment if the garage were attached to the house. Chairman Eastman explained the Committee would be approving a 5.19 foot reduction versus 18.19 feet, which is based on the proposed 13 foot breezeway. He noted the Code's front setback requirement is intended to maintain an average or consistent setback, and believed that encroaching into the setback for the breezeway was not necessary.

Mr. Spielbuhler believed it was the property owners right to use the property based upon what's happening with the existing part of the house. He noted that only part of the existing garage was functional at 19 feet, and the turning radius of the existing garage did not work for the owner. Chairman Eastman clarified that the Committee's motion is to approve the new oversized garage, which would allow for the conversion of the existing garage to the kitchen.

Public hearing closed.

Chairman Eastman stated the Code establishes an average and deviating from that average is appropriate, but the question is by how much. He did not feel comfortable with the argument that the breezeway was necessary for a garden, as stated by the contractor, especially since it is covered and there is a large rear yard.

Committee Member St. Paul asked if the motion was to approve a different setback than what was proposed. Chairman Eastman clarified staff will allow for a deviation in the average front yard setback of 5.19 feet, or to be equal to the neighbor to the south (84 feet setback).

MOTION by Chairman Eastman, SECONDED by Committee Member Tabatabaee, to APPROVE the project, subject to staffs recommended conditions, and CARRIED 4-1 with Committee Member Rubio voting against the motion.

Chairman Eastman explained the 10-day appeal process.

OTHER MATTERS

None

PUBLIC COMMENTS

None

Adjourned at 11:30 a.m. as Staff Review Committee.

BY: _____
Susana Flores, Clerical Assistant