

MINUTES OF THE REGULAR MEETING OF THE STAFF REVIEW COMMITTEE  
COUNCIL CONFERENCE ROOM FULLERTON CITY HALL  
THURSDAY, 10:00 A.M., OCTOBER 2, 2008

CALL TO ORDER

Acting Chairman St. Paul called the meeting to order at 10:05 a.m.

COMMITTEE MEMBERS PRESENT

St. Paul, Rebert, Voronel, Hernandez, Lopez, and Tabatabaee (arrived at 10:19 a.m.)

COMMITTEE MEMBERS ABSENT

None

STAFF MEMBERS PRESENT

Kusch and Flores

APPROVAL OF MINUTES

MOTION by Committee Member Lopez, SECONDED by Committee Member Voronel and CARRIED unanimously by voting members present, to APPROVE the September 4, 2008 minutes AS WRITTEN.

MOTION by Committee Member Voronel, SECONDED by Committee Member Lopez and CARRIED unanimously by voting members present, to APPROVE the September 18, 2008 minutes AS WRITTEN.

ACTION ITEMS

Item No. 1

PRJ08-00352 – ZON08-00110. APPLICANT: MIKE MC KEEAN; PROPERTY OWNER: BERTHOLD A. BONEM. A request for a security fencing plan review for property located at 4031 West Franklin Avenue (north side of Franklin Avenue, between 450 and 500 feet west of Olin Street) (R-3 zone) (Categorically exempt under Section 15301 of CEQA Guidelines) (AKU)

Associate Planner Kusch explained the request was for a security fence at the site. He noted there were two open parking spaces at the front, garages with units beyond, and an open parking space beyond the garages. The open parking spaces are required guest parking spaces, and per the Municipal Code the spaces are to remain open and accessible at all times. Associate Planner Kusch further noted the proposed fence would be in front of the guest parking spaces and staff is concerned because the fence would block access to the intended guest parking spaces. Associate Planner Kusch noted that the adjacent properties have security gates and staff did not find records of permits for the security fencing. He explained that if the proposed fence was moved back (adjacent to the building and an open parking space), a guest parking space at the rear of the property will still not be accessible, and the fence will reduce the dimension for the guest parking spaces adjacent to the building. The City trash collection company, MG Disposal, expressed concern and noted the gates would need to remain open for a trash truck to service the property. Staff was concerned because the proposed fence would block access to the trash bin enclosure. Associate Planner Kusch noted that staff was not recommending approval of the request.

Committee Member Hernandez asked what queuing up front would be if the gate was put up, and Associate Planner Kusch responded that it was 20 to 25 feet.

Acting Chairman St. Paul asked if the proposed gate will be a rolling gate. Associate Planner Kusch responded affirmatively, and noted a parking space will be lost if the gate was moved back to an alternative location. Associate Planner Kusch further noted the gate would reduce the dimensions for that parking space; and the resulting parking space dimension would be non-conforming.

Committee Member Lopez asked if a man gate was proposed. Associate Planner Kusch noted the proposal included a pedestrian gate, and a Fire Department Knox box.

Acting Chairman St. Paul asked if there was security lighting at the property, and Associate Planner Kusch deferred the question to the applicant.

Committee Member Hernandez asked how people visiting the site will access the property, and Associate Planner Kusch responded that the plans did not clarify guest access to the property.

Public hearing opened.

Mike McKeean stated that there was a 28 foot setback from the street to the curb of the first driveway, and the gate will be setback 21 feet from the street. He noted a 3 foot pedestrian gate on the left side of the driveway was proposed, as well as a Knox box on the right side of the driveway.

Committee Member Voronel questioned if the setback was 28 feet from the curb or the back of the sidewalk, and Mr. McKeean responded from the curb.

Shirley Bonem stated there have been many problems with people loitering, and tenants have been complaining about security. She believed the gate is necessary to make the tenants feel secure. Mrs. Bonem noted the gate will have a key pad and tenants can give visitors the code so they can access the property. She noted the two guest parking spaces were assigned to tenants and were not visitor parking spaces. Ms. Bonem stated she spoke to MG Disposal and was informed that she could provide the code or a transmitter to they can open the gate and service the property.

Committee Member Tabatabaee arrived at 10:19 a.m.

Berthold Bonem stated that the property has security lights in the back and the front of the building. He noted there has been a problem with graffiti and break-ins and tenants would feel more secure with a gate.

Public hearing closed.

Acting Chairman St. Paul asked if the fence would be 6 feet high, and Associate Planner Kusch responded affirmatively.

Acting Chairman St. Paul believed a swing style gate can be attached to the end of the building and will not take up a parking space because it would swing out.

Associate Planner Kusch explained to the Committee the need to determine whether or not the gate hinders access to the guest parking spaces.

Committee Member Voronel stated she could not support a 20 foot wide swing gate because there would be no queuing area for a car if the swing gate opened toward the driveway.

Committee Member Hernandez asked if the guest parking spaces were part of the conditions of approval when the development was approved, and Associate Planner Kusch responded affirmatively.

Public hearing re-opened.

Mrs. Bonem believed the gate would protect the guest parking spaces from crime in the neighborhood. She noted she would prefer that the gate be in front of the two guest parking spaces.

Acting Chairman St. Paul explained that the spaces were developed as guest parking spaces, and it is a Zoning Code requirement. He noted that as per Code, the parking spaces must be accessible to guests.

Mr. McKeean stated there would be a key pad that authorized visitors can use to access the two guest parking spaces.

Acting Chairman St. Paul asked if there was an opportunity to move the gate back to the curb closer to the guest parking space. Mr. McKeean explained the gate would overhang about two feet because the front wheel would be on the sidewalk and the back wheel would be above the curb, and would hinder the radius of a vehicle.

Mrs. Bonem noted that the proposed gate was lined up with the adjacent neighbors, which were original fences to the construction.

Committee Member Tabatabaee asked what the driveway width was, and Mr. McKeean responded 23 feet.

Committee Member Tabatabaee asked what the required driveway width was, and Committee Voronel responded 25 feet.

Associate Planner Kusch asked if the proposed gate would be in front of the trash enclosure, and Mrs. Bonem responded affirmatively. Associate Planner Kusch questioned how MG Disposal would access the trash enclosure. Mrs. Bonem stated that the trash bin is not in the enclosure, but in front of one of the parking spaces.

Committee Member Tabatabaee believed the man door on the gate will reduce the driveway to 20 feet. Mr. McKeean stated that the Fire Department only requires a 20 foot width. Associate Planner Kusch clarified the driveway width is 20 feet before it gets to the parking spaces, and then increases to 25 feet.

Public hearing closed.

Acting Chairman St. Paul questioned how residents will access the trash enclosure. Associate Planner Kusch clarified a resident would have to go through the proposed man gate and access the enclosure from the front.

Committee Member Tabatabaee noted that the plans do not reflect the trash enclosure. He noted the trash enclosure did not meet Code, and believed it is something that staff may have to compromise. Associate Planner Kusch clarified that a compromise would require that the applicant apply for a Variance.

Public hearing re-opened.

Mrs. Bonem noted the trash enclosure is not used. She clarified the previous owner built the trash enclosure and was not able to use it because a light standard was installed on the curb, and blocks access. She explained that the trash bin is put in front of the parking space when MG Disposal is going to service the property.

Public hearing closed.

Committee Member Tabatabaee asked if the trash enclosure was required. Associate Planner Kusch stated that the issue is that the trash bin blocks a required parking space.

MOTION made by Committee Member Tabatabaee to CONTINUE the request, for clarity on the trash enclosure. Motion failed for lack of a second.

Committee Member Hernandez stated the Committee needs to take into account the Code section regarding the accessibility of guest parking spaces.

MOTION made by Committee Member Hernandez to DENY the request, because of the Code section pertaining to the required guest spaces. Motion died for the lack of a second.

Acting Chairman St. Paul stated that there are safety concerns, but the Code stipulates that the guest parking spaces must be accessible at all times.

Committee Member Lopez stated he would like to see the security fence there, as long as it meets Code. Committee Member Voronel concurred.

Committee Member Voronel questioned the definition of "accessed at all times".

MOTION made by Committee Member Tabatabaee, SECONDED by Committee Voronel to CONTINUE the project.

Associate Planner Kusch referenced the Code section pertaining to guest parking, "all required parking for guests shall be opened and uncovered, clearly marked and accessible at all times".

The Committee discussed what accessibility means.

Associate Planner Kusch requested clarity on the purpose of the continuance. Committee Member Tabatabaee stated that the Committee needed clarification as to whether or not the trash enclosure is required, and the definition of "accessible at all times".

Acting Chairman St. Paul stated he would like for the applicant to look into other security measures if the request is continued.

MOTION made by Committee Member Tabatabaee, SECONDED by Committee Voronel to CONTINUE to a DATE CERTAIN of October 16, and CARRIED 5-1 with Acting Chairman St. Paul voting against the motion. The Committee requested the following:

- Scaled plans are to reflect the actual conditions of the site
- Staff shall determine the definition of “accessible”
- Staff shall determine if a trash enclosure is required

Associate Planner Kusch noted he would not like for the applicant to invest on scaled plans that eventually cannot be supported based on Code. Committee Member Hernandez concurred, and noted that the Planning Division could discuss the definition of “accessible” and then inform the applicant.

#### OTHER MATTERS

None

#### PUBLIC COMMENTS

There were no public comments.

Adjourned at 10:54 a.m. as Staff Review Committee.

BY: \_\_\_\_\_  
Susana Flores, Secretary