MINUTES OF THE REGULAR MEETING OF THE STAFF REVIEW COMMITTEE COUNCIL CONFERENCE ROOM FULLERTON CITY HALL THURSDAY. 10:00 A.M., OCTOBER 16, 2008

<u>CALL TO ORDER</u> Chairman Zelinka called the meeting to

order at 10:00 a.m.

COMMITTEE MEMBERS PRESENT Zelinka, St. Paul, Bastreri, Voronel, Lopez,

and Tabatabaee

COMMITTEE MEMBERS ABSENT None

STAFF MEMBERS PRESENT Kusch and Flores

APPROVAL OF MINUTES

MOTION by Committee Member St. Paul, SECONDED by Committee Member Lopez and CARRIED unanimously by voting members present, that the minutes of October 2, 2008 be APPROVED 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) (Continued from October 2, 2008)

Associate Planner Kusch stated that the request is for security fencing at an existing apartment complex. He noted that the item was continued from the previous meeting for clarification on the issue of guest parking accessibility and accessibility to the trash enclosure.

Associate Planner Kusch read a Municipal Code provision that allows for a gate in front of guest parking:

"If security gates are utilized for the parking area either all of the required guest parking must be outside the gates and available for the convenience of guests, or a direct phone system to all the units must be installed. Any such installation shall fully comply with any conditions of approval attached to the proposal by the Staff Review Committee, including the need for building and electrical permits prior to the start of work". (FMC §15.17.080.E.4)

Associate Planner Kusch explained that rather than having a hard wire system to each of units, the Community Development Director was amenable to other mechanisms or technology such that tenants could activate the gate from each individual unit. Staff was concerned about how the United States Postal Service (USPS), delivery companies and/or utility companies would access the complex. Associate Planner Kusch noted that the mailboxes may need to be in front of the gate.

Associate Planner Kusch noted a path leading from the public right-of-way to the trash bin enclosure was blocked by a light standard. As a result, the trash bin was not stored in the enclosure, but rather in a required parking space. Associate Planner Kusch referenced the original site plan for the apartment development and noted that there was a condition of approval requiring the need for a trash enclosure.

Associate Planner Kusch recommended that at a minimum, the gate shall be activated from each unit with some form of technology to be approved by the Director of Community Development. Staff further recommended that the trash bin enclosure be accessible by not only the tenants, but also by MG Disposal.

Committee Member Tabatabaee referenced the original site plan and noted that the plans did not reflect the light standard.

Public hearing opened.

Mr. Mc Keenan, Applicant, explained that a key pad at the front entry would be provided, and authorized visitors would be given the code to open the gate. He noted that another option could be that residents be provided with a long range transmitter they can push from their window to open the gate. Mr. Mc Keenan explained that all delivery companies can be given the code, which is usually stored in their computers when there is a need to access the gate. He noted that the mailboxes will be inside the gate and the USPS will be installing a key switch on the fence so they can access the mailboxes.

Committee Member Lopez noted a Knox key box was also required.

Mrs. Bonem, Property Owner, stated that she called MG Disposal and they noted that the electronic gate can be accessed by the driver of the truck with the code to the key pad or if an approved master lock is purchased for the gate.

Committee Member Tabatabaee asked if the walkway would be altered to provide a pathway from the trash enclosure to the gate. Mrs. Bonem stated that the light standard was installed after the trash enclosure was constructed, and believed people would be parking in front of the trash bin making it non-accessible if it were rolled out to the street.

Committee Member Tabatabaee believed the solution was to alter the path to the street at an angle, and Mrs. Bonem responded that she was amenable to doing that.

The Committee and the applicant discussed adding a key pad access with two-way communication to each dwelling unit at the entry driveway.

Committee Member St. Paul stated that the Committee had to look at all possibilities for accessibility to the guest parking spaces.

Associate Planner Kusch questioned if a tenant would have to go around to the front side of the enclosure to dispose of trash, and Mr. Mc Keenan responded affirmatively.

Committee Member Tabatabaee noted a man door would need to be provided on the gate.

Committee Member Tabatabaee asked what was the minimum amount space needed to roll the bins out of the gate, and Mr. Mc Keenan responded just over 4 feet.

The Committee and the applicant referenced the original site plan and discussed alternative pathways for the trash enclosure.

Senior Civil Engineer Voronel noted that the light standard was tied together with the development in 1989.

Public hearing closed.

Committee Member St. Paul was in support of the request because Franklin Avenue is not a through street. He was in support of realigning the walkway, and the trash enclosure being accessed from the front.

Associate Planner Kusch asked how MG Disposal would access the trash bin.

The Committee discussed alternative locations for the security gate to accommodate the trash enclosure.

Chairman Zelinka believed it is important to have a key pad box at the entry driveway for twoway communication with the units. He stated that he appreciated the applicant's patience and communication with the City.

Committee Member Tabatabaee believed that it would be a matter of time before everyone had the code because people usually tend to share it; therefore eliminating the need for the security gate because everyone would be able to access it.

MOTION by Committee Member Tabatabaee, SECONDED by Committee Member Lopez to approve the request, subject to the following conditions.

- Applicant shall provide a key pad access with two-way communication to each dwelling unit at the driveway entry.
- An alternate access path shall be provided from the trash bin enclosure to the existing driveway to be accessible from the public right-of-way, subject to MG Disposal criteria.
- The design of the fence shall include an accessible pedestrian gate.

Motion failed 4-2, with Chairman Zelinka and Committee Members Voronel, St. Paul, and Bastreri voting against the motion.

Public hearing re-opened.

Mr. Mc Keenan stated the gate can be moved to abut the first parking stall (adjacent to it). He explained that the gate will be extended out and the radius for visitors to turn into that parking space is going to be less.

Associate Planner Kusch explained that the driveway width is wider than the grass area and a portion of the gate will have to be a fixed gate and the other portion would potentially be sliding open. He noted that the portion that is fixed will include the man gate. Mr. Mc Keenan stated that an additional 2-3 feet would be needed to accommodate the gate's motor.

Associate Planner Kusch asked if the minimum driveway opening would be 20 feet, and Mr. Mc Keenan responded that it would be about 18 feet.

Associate Planner Kusch read the Code provision for driveways on property with a multiple family residential zone classification:

"One-way driveway shall have a minimum width of 12 feet. Two-way driveway shall have a minimum width of 25 feet." (FMC §15.17.085.C)

Public hearing closed.

Chairman Zelinka believed it would be an undo hardship to put the applicant through a variance for a security fence because the driveway width is currently 23 feet and Code requires 25 feet.

Associate Planner Kusch explained that through a Zoning Adjustment the Committee may make a recommendation to the Zoning Administrator to approve a Zoning Adjustment for the driveway width to reduce it from 25 feet to 22 ½ feet, because any further reduction would require a variance.

MOTION made by Committee Member St. Paul, SECONDED by Committee Member Tabatabaee, to APPROVE the request subject to staffs recommended conditions. Motion passed unanimously.

- All conditions in the previous motion
- Applicant shall apply for a Zoning Adjustment to reduce, by up to 10%, the required driveway width (to be approved by the Zoning Administrator)

The Committee and staff further discussed the trash enclosure and man gate locations.

Committee Member Tabatabaee left the room.

Chairman Zelinka explained the 10-day appeal process.

Item No. 2

PRJ08-00404 – ZON08-00140. APPLICANT: JOHN LATIOLAIT. PROPERTY OWNER: LSF II FULLERTON, LLC. A request to operate a tutorial center in an existing tenant space on property located at 1947 West Malvern Avenue (Amerige Heights Town Center) (north side of Malvern Avenue, between Target Way and Albertson's Way) (Specific Plan District) (Categorically exempt under Section 15301 of CEQA Guidelines) (AKU)

Associate Planner Kusch explained that the Minor Site Plan request was to operate a tutorial center at the Amerige Heights Town Center. The tenant space fronts the "Main Street" entry, as identified on the Amerige Heights Specific Plan. The applicant is proposing an open floor plan with a maximum of 20 students and 2 staff members at any given time. Associate Planner Kusch noted that the main street entry is typically congested and staff recommended that any drop-off of students occur on the back side (west side) of the facility. He believed the pathway leading to the front side of the tenant space, meets ADA requirements and staff did not recommend that the front facade be altered. Associate Planner Kusch noted that the proposed hours of operation would be Monday thru Thursday, 3:00 to 7:00 p.m., Friday by appointment

and 10:00 a.m. to 1:00 p.m. on Saturday. Staff recommended approval of the request, subject to any drop-off/pick-up occur on the west side of the tenant space.

Committee Member Voronel noted that there shall be no drop-off on the main street.

Committee Member Lopez asked if the applicant was proposing an open floor plan, and Associate Planner Kusch responded affirmatively.

Public hearing opened.

John Latiolait stated that the tenant space currently has two partition walls that will be removed and noted that all drop-off of students will occur on the west side.

Committee Member St. Paul asked what the duration of each class was and Mr. Latiolait responded approximately 30-45 minutes.

Committee Member Lopez asked if the building would be fire sprinkled. Mr. Latiolait stated that the building has an existing fire sprinkling system.

Public hearing closed.

MOTION made by Committee Member St. Paul, SECONDED by Committee Member Voronel, to APPROVE the request subject to staffs recommended conditions:

- All drop-off/pick-up shall occur on the back side (west side) of the building
- Hours of operation shall be limited to Monday thru Thursday, 3:00 to 7:00 p.m., Friday by appointment and 10:00 a.m. to 1:00 p.m. on Saturday
- Occupancy shall be a maximum of 20 students and 2 staff members at any given time

Motion passed unanimously.

Chairman Zelinka explained the 10-day appeal process.

OTHER MATTERS

None

PUBLIC COMMENTS

There were no public comments.

Adjourned at 11:25 a.m. as Staff Review Committee.

BY:		
	Susana Flores, Secretary	