

MINUTES OF THE REGULAR MEETING OF THE FULLERTON PLANNING COMMISSION

COUNCIL CHAMBERS – CITY HALL

WEDNESDAY

NOVEMBER 14, 2007

7:00 P.M.

CALL TO ORDER: The meeting was called to order by Vice Chairman Hart at 7:04 p.m.

PRESENT: Vice Chairman Hart, Commissioners Bailey, Chaffee, Musante, and Savage

ABSENT: Chairman Francis

STAFF PRESENT: Community Development Director John Godlewski, Acting Chief Planner Eastman, Acting Senior Planner Allen, Acting Associate Planner Kusch, Contract Planner Wolff, Senior Civil Engineer Voronel, Assistant City Attorney Duarte, and Secretary Pasillas

FLAG SALUTE: Commissioner Chaffee

MINUTES: The Minutes of the Regular Meeting of October 24, 2007 will be approved at the next regularly-scheduled meeting.

PUBLIC HEARINGS

The following items were heard out of order.

PRJ07-00468 – LRP07-00012. APPLICANT: CITY OF FULLERTON.

A request to amend Title 15 of the Fullerton Municipal Code to establish regulations and permit requirements for businesses with on-site alcohol consumption in the C-3 Zone (Central Business District-Commercial) (Categorically exempt under Section 15301 of CEQA Guidelines) (JEA)

Acting Chief Planner Eastman explained that staff had requested the item be continued to a date certain of January 9, 2008. A community meeting had been held in late October 2007, and staff would like to have time to fully address the issues brought up at that meeting, and also to go back to the community with the City's recommendations.

Motion by Commissioner Musante, seconded by Commissioner Chaffee, and carried unanimously by voting members present to continue the item to the January 9, 2007 meeting.

PRJ07-00346 – ZON07-00075. APPLICANT: PAUL LEE; PROPERTY OWNER: SHUN H. KO.

A request for a Conditional Use Permit to convert an existing restaurant to a restaurant with a karaoke facility, on property located at 1050 West Valencia Drive (south side of West Valencia Drive, approximately 180 feet west of Euclid Street) (C-2 zone) (Categorically exempt under Section 15303 of CEQA Guidelines) (Acting Associate Planner Kusch)

Acting Associate Planner Kusch gave a brief overview of the project. An overhead photo was shown and the surrounding uses were described. There were two applications: a Conditional Use Permit (CUP) to convert an existing restaurant to a restaurant with a karaoke facility, and also a Development Project for building façade modifications and landscape improvements.

The property was located in a Community Improvement District and project had been reviewed by the Redevelopment Design Review Board (RDRC) in October who recommended approval subject to certain conditions.

This karaoke use was not specified in the Municipal Code; therefore parking would be subject to the CUP review. Staff surveyed other cities with similar facilities, and most parked karaoke at the same ratios as a restaurant. The proposed hours were from 11:00 a.m. until 2:00 a.m., seven days a week.

The proposed site plan was displayed and described. Acting Associate Planner Kusch explained staff's recommended changes; remove the storage unit and replace it with two additional parking spaces, have the trash enclosure remain adjacent to building. Refurbish the landscape planters on the east and west sides of the building, landscape along with the street setback which would require the removal of three parking spaces, and reconstruct the driveways.

A proposed floor plan was shown, and Acting Associate Planner Kusch described the layout and uses. Current photos of the property and renderings of the proposed façade were shown.

As conditioned, the proposed plan met or exceeded the applicable development standards, and was compatible with surrounding uses. Staff recommended approval with the twenty-eight conditions identified in the staff report.

Acting Associate Planner Kusch stated he had received a letter today from an adjacent property owner, which had been forwarded to Planning Commission.

Commissioner Savage asked if other facilities in the area had a similar type operation, with the private rooms. Acting Associate Planner Kusch responded that there were some similar facilities in the mid-county area, but this would be unique to the north Orange County area.

Commissioner Savage asked if drinks would be served in the cubicles, and Acting Associate Planner Kusch responded that ABC regulations would need to be met, and staff had required the windows to allow monitoring.

Commissioner Savage asked if each cubicle would have a camera, and Acting Associate Planner Kusch responded that the intent was to have cameras at the entrance and exit of the building.

Commissioner Chaffee asked what a Community Improvement District was, and where the boundaries were. Acting Associate Planner Kusch explained that it was also known as a Redevelopment area, and the intent was to try and improve the appearance of the area. He indicated the boundaries on a map of the area.

Commissioner Chaffee asked why the Redevelopment Design Review Committee (RDRC) had recommended a reversal of the traffic pattern, yet the City Engineer had recommended it remain the same. Acting Associate Planner Kusch explained that the Traffic Engineer had concerns with

moving the entrance closer to the intersection, and believed there would be less of a conflict in traffic flow by leaving the traffic pattern as it was.

Commissioner Chaffee asked about the required training. Acting Chief Planner Eastman explained that the training referred to was ABC training, which was provided by the ABC and also the Police Department.

Commissioner Chaffee stated that condition thirteen required security between 9:00 p.m. and 2:00am or closing. He believed security should go on until such time the employees had vacated the facility.

Public hearing opened.

The applicant, Paul Lee, explained that he was a friend of the owner. He stated that in Norwalk and Los Angeles there were similar facilities, and they were oriented towards family use. The current hours of the existing restaurant were 11:00 a.m. – 10:00 p.m.

Vice Chairman Hart asked how late the karaoke would remain open, and Mr. Lee responded 2:00 a.m.

Commissioner Musante asked what the small rooms were for, and Mr. Lee responded that there would be karaoke machines and a screen in each room where a person or group could go to sing.

Commissioner Savage asked how the number of people would be limited to each room, and Mr. Lee responded that it was usually limited by family size.

Commissioner Savage asked if there were similar facilities in the county, and Mr. Lee responded that he was not familiar with Orange County, but he knew of many in Los Angeles County. Acting Chief Planner Eastman provided a list of similar facilities in Orange County.

Vice Chairman Hart asked if there would be video screens, and Mr. Lee responded that there would be television screens to assist the singers.

Vice Chairman Hart asked if food and cocktails could be served in the rooms, and Mr. Lee responded that food, beer, and wine would be served.

Carole Maher, representing the tenant in the neighboring building, read a letter from Lois Ellyn, owner of the ballet school at 1090 W. Valencia Drive; expressing her concerns; security, noise, strange people on the property after hours.

Vice Chairman Hart asked the hours of operation for the dance school, and Ms. Mahr responded the earliest class would be 10:00 a.m., and would remain open until 8:00 p.m., with later hours during rehearsals.

Lori Stepanian, owner of an apartment building at 1100 W. Valencia, stated that the majority of her tenants were young families and to have this business open until 2:00 a.m. with families nearby would be unreasonable. She would like to see the improvements to the outside of the building, but did not agree with this use.

Commissioner Savage asked if anyone on the Commission had ever visited a similar facility, and Vice Chairman Hart responded that she had. Vice Chairman Hart described the facility she had visited, and explained that the individual rooms were to allow different groups to sing without hearing each other. From her experience the noise did not travel beyond the rooms.

Commissioner Savage asked staff about any proposed soundproofing. Acting Associate Planner Kusch responded that between the rooms would be insulated, and the interior side of the building would also be insulated.

Commissioner Savage would like to see the item continued until he had an opportunity to visit some similar type facilities.

Commissioner Chaffee suggested limiting the occupancy of the rooms to meet fire department requirements. He was also concerned with the outside noise of people leaving the building at 2:00 a.m., and wanted to know if there was a way to screen out noise with a wall or something similar to prevent the noise from traveling. Acting Associate Planner Kusch responded that staff had not looked at any screening. Typically, businesses next to a residential area would be required to have a wall, but beyond that Code did not require any sound insulation.

Commissioner Chaffee would agree to continue the item to allow time to research outside sound measures.

Commissioner Bailey did not have a problem with the proposed use, and believed that outside noise could be mitigated by security. It was in a commercial district and some noise was expected.

Commissioner Musante agreed with Commissioner Bailey and believed the recommended conditions covered any concerns.

Vice Chairman Hart stated that these facilities were a wholesome family-type facility, and she believed the sound would be maintained within the building.

Commissioner Savage would support the proposal, and appreciated the description provided by Vice Chairman Hart.

Commissioner Chaffee suggested a modification to Condition 13 to require the security guard to remain until all employees had left and the parking lot was cleared. He also would like to add an additional condition to establish occupancy limits for the cubicles. Director Godlewski clarified that occupancy limits were set by the Building Department.

Commissioner Bailey modified his motion to include the change to Condition 13, but did not see a need to establish occupancy limits.

Commissioner Musante seconded the change.

The title of RESOLUTION PC-07-26 APPROVING a Resolution of the Planning Commission of the City Of Fullerton approving a Conditional Use Permit to convert an existing restaurant to a restaurant with a karaoke facility and a Minor Development Project for building façade modifications and landscape improvements on property located at 1050 West Valencia Drive was read and further reading waived. MOTION by Commissioner Bailey, SECONDED by Commissioner Musante, and CARRIED 5-0 by voting members present, that said Resolution be

ADOPTED AS MODIFIED, by changing Condition 13 to require the security guard remain until all employees had left and the parking lot was cleared.

Acting Chief Planner Eastman explained the appeal process.

PRJ06-00091 – ZON07-00011 – LRP06-00001 – LRP06-00002 – LRP06-00003 – TPM2007-133. APPLICANT AND PROPERTY OWNER: ST. JUDE MEDICAL CENTER.

A request to approve Phase 2 of the St. Jude Medical Center Plaza which will include a zone amendment from C-2, General Commercial to SPD, Specific Plan District, amendment of a Specific Plan approved with Phase 1 of the project, General Plan Revision to increase FAR for the site, a tentative parcel map to consolidate parcels, and a Major Site Plan review. Project is a four-story medical office and health care building measuring approximately 97,895 square feet and attached parking structure, including certification of an Environmental Impact Report on property located at 2151 North Harbor Boulevard (generally located between Harbor Boulevard to the east, Bastanchury Road to the north, Laguna Road to the west, and Valencia Mesa Drive to the south) (EIR) (JWO).

Consultant Planner Wolff stated that two letters of support had been received today and provided to the Planning Commission

An aerial photo of the site was displayed and described. A slide showing the proposed footprint of Medical Office Building (MOB) 2 and parking structure 2 was shown and explained.

The request was for a Development Project to add a new wing to the existing St. Jude Medical Plaza building, approximately 98,000 square feet in size, four stories in height (75'), and construction of a new parking structure which would contain 481 spaces. The structure would be nine levels; seven levels above grade and two subterranean levels. The parking garage would be 80' high, with mechanical equipment and elevator shafts possibly extended up to 90'.

A site plan was shown and Consultant Planner Wolff briefly discussed the site plan, and described the three access points.

A number of applications had been filed in order to allow the development to proceed as requested:

Zoning Amendment – Existing zoning of the northerly 1.99 acres of the site was Specific Plan District and the southerly 1.2 acres of the site was C-2. The entire site would be zoned Specific Plan District (SPD).

Specific Plan Amendment – To amend the following Specific Plan provisions: Change the minimum rear setback (Laguna Road) from the existing required setback of 15 feet, to the proposed setback of 12 feet; Change the maximum building height for the parking structure. The existing Specific Plan allowed a maximum height of 75 feet, and the proposed Specific Plan would allow a maximum height of 80 feet; Change the maximum Floor Area Ratio (FAR). The existing Specific Plan set the FAR at 1.0, and the proposed Specific Plan would increase that to 1.35 for the entire site; all other development standards remain unchanged.

General Plan Revision – A change in the footnote of Table LU-5. Footnote number two would be added allowing an exception for this Plaza Specific Plan and would not affect any other properties in the City.

Major Site Plan - Would look at site plan, landscape, and architecture. The project had been reviewed by the RDRC which recommended approval.

Elevations were shown and Consultant Planner Wolff described the exterior of the buildings.

An Environmental Impact Report (EIR) had been prepared, and mitigation measures were proposed for air quality impacts (construction related impacts such as dust and emissions), water quality impacts which required the implementation of a Water Quality Management Plan to obtain permits through the National Pollution Discharge Elimination System (NPDES), and transportation and traffic impacts. Transportation mitigation measures included adding a four-way stop sign at Laguna Road and Sunny Crest to control access into the parking structure, a signal upgrade at Valencia Mesa and Harbor, site design features such as the reversible lane to prevent back up on Laguna Road. The Providence development had also committed to several improvements in the area, which would improve circulation.

Staff and the RDRC recommended approval of this project to City Council based on the following findings:

- Impacts were adequately mitigated.
- The project was consistent with the goals, policies, and programs of the General Plan and with the objectives of the zoning ordinance.
- Site plan and architectural design were compatible with surrounding area.
- Design of subdivision and improvements would not conflict with existing easements or will provide alternative easements for access and utilities.

Commissioner Bailey asked about the upgrades at the Valencia Mesa – Harbor intersection, and Consultant Planner Wolff explained it had to do with phasing of the signals.

Commissioner Chaffee commented that in the proposed amendment, page 2.8, it stated the building height the highest point of the existing phase was 59.6 feet, then on page 4.3 it states the building can be as high as 75 feet; he wanted to know why there was a difference. Consultant Planner Wolff explained that the standards in the Specific Plan allowed up to 75 feet, but St. Jude did not build to that height. Commissioner Chaffee asked why, since the Specific Plan was being amended, why the actual height was not stated. Consultant Planner Wolff responded that the change could be made.

Commissioner Chaffee asked what EIR consultants were available tonight for questions, and Consultant Planner Wolff stated the EIR consultants, landscape architect, project designer/architect, subdivision engineer, and traffic engineer were all present and after the applicants presentation questions could be asked.

Vice Chairman Hart asked if the proposed building would encroach onto the different property lines and therefore have different zoning. Consultant Planner Wolff responded the new addition would attach to the building at the existing property line, but the Tentative Parcel Map would eliminate the property line, making the site one parcel.

Public hearing opened.

Burnie Dunlap, St. Jude Medical Center, stated that they agreed with staff's recommended conditions. The current medical office Specific Plan was approved by the Planning Commission

in June 2002. The entire project could not be completed at that time because they did not own the entire parcel, and after extensive negotiations they were able to acquire the additional property. St. Jude's had been in the community for fifty years and this proposal was in response to changing demands.

The location was on property they owned and was in an area surrounded by medical facilities and the hospital. The medical offices and hospital were connected by a bridge over Harbor which allowed which allowed pedestrian flow between the facilities.

Regarding improvements in traffic and the parking structure entrances, the plan was to have ticketed access with a gate arm. As a result of input, there would be unrestricted access to enter from either north or south bound on Laguna.

Mr. Dunlap described the typical patient experience as it was now, and as proposed.

Robert Frascetti, President of St. Jude, discussed the big picture associated with the project. The previous approval dealt with the hospital, but the vision was to build out to meet community and regional needs. Between now and 2030 \$1.5 billion dollars would need to be spent on construction in order to meet seismic requirements.

There was a total of eighteen acres between the two sides, and they had purposely moved some services to other cities to allow physicians and services that addressed hospital needs to remain nearby. This project would address community needs now and those in the future, as well as address issues such as ingress, egress, and overflow. St. Jude believed this was a responsible project, and they had worked with the community to address their concerns and meet their needs.

Heritage Medical Group would occupy three floors at this facility with an outpatient surgery center on the fourth floor. Today doctors and patients had to travel between three facilities, and this project would eliminate the travel.

So far approximately \$125 million had been spent on this project.

Dr. Mike Sugarman, President of Heritage Medical Group, a physician and Fullerton resident, discussed the project. Heritage Medical Group was comprised of 155 doctors in the Fullerton area, which accounted for over 80% of the patients in St. Jude's Hospital. Over 130 either lived or worked in Fullerton, and Fullerton Heritage had added 48 new doctors in last several years. In order to attract new doctors to Fullerton they needed to provide state of the art facilities. The current building was antiquated, their lease expires in 2010, and it was unlikely they could get a month-to-month extension. Unless St. Jude started this project soon they would have no where to go. Currently, their facility offered no patient privacy and no disabled access; traffic overflowed, and there were parking problems which impacted the neighbors. In their current building there were 20-24 medical specialists who all had hospital responsibilities and must travel back and forth between the office and hospital. During the last several years Heritage Medical Group had worked to bring in providers to meet community needs. It was better for the patient to keep the doctor's offices close to the hospital. From a medical perspective, the community benefits far outweighed any concerns.

Michael Street, HDR Architecture, explained they had approached aesthetics of the existing buildings on the property and bring the new building into that and built upon the materials and colors that had been established, and then enhance them to make the plaza building relate back to the existing hospital. The architecture created a gateway and united the campus. The building

mass for the Plaza 2 expansion was just less than 100,000 square feet, would be a four story building up against an existing three story building. The two sites were bisected by a pedestrian bridge that crossed Harbor Blvd.

Mr. Street stated the need for increased medical services demanded this size of building. The architecture as designed helped to break down the site; they had added details similar to those used across the street.

There had been some comments that the building “turned its back” on Harbor and the entry was not more pronounced from a pedestrian standpoint. Mr. Street explained the difficulty in designing the site and explained the basis of the proposed design.

Concerns had been expressed with the size of the parking structure and they had worked to break down the mass. They had used details and materials from the first garage and the building itself. Where the building turned the corner, they had worked to relate the building back to the pedestrian, with items such as a canopy entrance to soften the corner, and bring down the overall mass. The Laguna facade (west) was a large shear wall, and they had added layers in horizontal and vertical lines, and changes in materials on both the new and existing garages.

Commissioner Chaffee asked if the two parking structures were side by side, how you would know which one to use, and Mr. Street stated they were interconnected. Commissioner Chaffee asked how they would avoid confusion among drivers, and Mr. Street explained the traffic flow within the parking structures.

Commissioner Chaffee asked if space had been set aside for staff parking, and Mr. Street responded that employee parking would be on the subterranean levels.

Commissioner Chaffee asked if this would be a green building, and what, if any, features had been employed within the building. Mr. Street explained that the focus of this project was on the meeting the needs of both the community and the hospital. They had incorporated some items into the design, but a green building was not the goal.

Commissioner Chaffee commented that he believed the top floor of the parking garage would be an ideal space to place solar panels and would provide shade for vehicles. Mr. Street commented that it was a good idea, but there was a significant risk in payback time, which could be up to 14-15 years. Due to the other financial obligations of St. Jude’s this was not a feasible addition to the project. From a lighting perspective, they had focused on using natural daylight.

Commissioner Chaffee commented that on Page 5.1 it stated that the existing building used a six inch lateral sewer line, but the new building would use a four inch lateral, which would have half the capacity. Bob Talafus, Engineer responded that more than one lateral line would be used. The calculations were based on the pipe flowing half full. There would be three laterals from the building. The existing facility flowed less than half full.

Commissioner Chaffee asked Mr. Street if he was familiar with L.E.E.D., and Mr. Street responded that he was L.E.E.D. certified. Commissioner Chaffee would like to see the building certified at some level, and Mr. Street responded that L.E.E.D. certification was a lengthy process.

Steve Gilbert, St Joseph, regarding L.E.E.D. certification, as a system they were committed to green building and the materials that go into the building both inside and outside. The L.E.E.D.

process must start early on in pre-planning process, and there were closer to final construction at this point. The mechanical systems used would be very efficient.

Commissioner Savage asked to see the parking garage renderings and have the details described. Mr. Street described the existing garage, which was painted buff color with some burnished concrete block. The proposed garage tried to minimize the amount of gray. Entire south façade of new garage divided into base, terra cotta to match new hospital, above buff colored matching existing garage with terra cotta details, the top layer would be back to the natural gray which would visibly break down the mass. The garage shear wall had matching materials.

Mr. Dunlap explained the improvements that had been described were to be added to the existing structure.

Commissioner Savage asked the intent of the eyebrows, and Mr. Street responded that they fit somewhat into the green building concept of shading the glass and also added details to the façade. Commissioner Savage asked if the current parking garage had eyebrows, and Mr. Street responded that it did not.

Commissioner Musante wanted to know about the efficient use of space and if in another 20-25 years they would possibly need additional facilities. He discussed parking on the outskirts and taking public transportation into the area, and wanted to know if consideration had been given to parking offsite. Mr. Frascchetti stated the concept of offsite parking was not new, they had been parking employee's offsite for a number of years. Parking was a difficult situation, and the expectation of the community was to park nearby, where it was convenient. The ability to transport patients was not always feasible in medical situations.

Vice Chairman Hart asked if the proposed building was currently at capacity, and Mr. Frascchetti explained the building was at more than capacity. Vice Chairman Hart asked if this building had tried to accommodate as many facilities as possible, and Mr. Frascchetti responded that they primarily wanted to make sure medical facilities that needed to be near the hospital remained near the hospital.

Vice Chairman Hart asked if the proposed parking structure would be nine stories and what the proposed height was. Mr. Street responded the structure would have an 80' cap, but the actual structure at Laguna was 73 feet, with a penthouse above the elevators that would go up to 80 feet. Vice Chairman Hart asked the medical building height, and Mr. Street responded 75 feet. Vice Chairman Hart asked if they would basically be the same height. Mr. Street responded affirmatively; the garage went down two levels, and garage level heights were less than building floor heights.

Vice Chairman Hart asked the size of the parking spaces, and Mr. Dunlap responded that there would not be any compact spaces. Mr. Dunlap stated the proposed width met City code and would have a length of 17.5 feet. A study was completed to determine adequate aisle space, and the project would meet this requirement.

Commissioner Bailey asked if this development would affect St. Jude's ability to become a regional trauma center, and Mr. Frascchetti explained that it would not have an affect. Their inability to become a trauma center had more to do with not having a freeway in close proximity.

Bill Rabben, landscape architect, explained they had worked to have continuity on the street, and the proposed landscaping would reinforce the continuity between the two buildings. Mr. Rabben described the various landscaping elements. Overall there was not an extreme amount of landscaping on the property, but reinforced connections on the site.

Commissioner Savage asked how trash would flow through the facilities, and Karen Cannizzaro described the current location, and how this project would move all trash handling into the new building. Their agreement with the trash hauler was trash pickup would be done outside of business hours. An outside service would pickup bio-hazardous waste, also off peak hours.

Commissioner Bailey asked if vehicles south bound on Harbor Blvd. would have a pocket or cutout to allow traffic to slow down and not interrupt traffic. Min Zhou, Traffic Engineer, explained she had worked with the City's traffic engineer, Mark Miller, to find the most suitable place for access. Due to limitations of the site they had designed to have a railway curb (gradually curved) which would create a wide open space to allow vehicle turns. Commissioner Bailey asked if this design would have the same effect as a deceleration lane, and Ms. Zhou responded it would serve as a deceleration lane.

Commissioner Chaffee noted a correction on Page 8 where the posted speed limit on Bastanchury was indicated as 40-45 mph, and it was actually 45-50 mph. He expressed confusion with removing parking on Laguna Road, and Ms. Zhou explained that removal of the parking was for the improvement of the intersection on Laguna Road. They had completed an analysis, and under long range conditions the volume was predicted to increase. To make the intersection operate at an acceptable level of service, they needed to create a southbound exclusive right turn lane onto Sunny Crest Drive. In order to create this lane they needed to prohibit parking along Laguna Road. Commissioner Chaffee commented that at the present time Sunny Crest was under construction and that segment was privately owned. Acting Chief Planner Eastman clarified that staff had a concern with existing driveways on Laguna Road and their line of sight problems. The majority of Laguna Road had been red striped to eliminate parking and address line of sight concerns.

Commissioner Chaffee commented that one of the goals of the General Plan update was to improve traffic flow. Although the EIR states the decrease was not environmentally significant, it does degrade a number of the intersections. He wanted to know if there was a way to maintain the current level of service. Ms. Zhou explained they had analyzed the General Plan conditions for the seven signalized and four unsignalized intersections in the area. The impact of this project was mainly the project driveway at Laguna Road. Other intersections had been improved as part of the Providence project. All intersections in the area would operate at an acceptable level. Commissioner Chaffee commented that the intersections would still be degraded, but at acceptable levels, and Ms. Zhou responded that was correct.

Commissioner Chaffee stated that the Specific Plan allowed a parking ratio that was less than Code would normally allow. Ms. Zhou explained a parking study had been done to identify the requirements for the project and also to identify the size of the parking stall. Commissioner Chaffee stated that when he read the parking study it looked as though one random day was picked and some number generated. Ms. Zhou responded that a parking survey was normally conducted on a typical working day. The most critical part of a parking survey was to identify the peak hours, not the peak day. Commissioner Chaffee asked if they had allowed fewer parking spaces, and the employees would now be parking at this location, would the parking be sufficient. Mr. Dunlap responded that parking was adequate and they currently parked an additional twenty-five construction workers. Acting Chief Planner Eastman clarified that the Specific Plan, as it

related to the number of parking space ratios was not being proposed to change. Commissioner Chaffee stated that the ratio initially established for MOB #1 was less than Code required, and Mr. Dunlap had indicated that number to be adequate, but employees still parked offsite. Mr. Dunlap described the current parking situation.

A five minute recess was called.

Public hearing opened.

The following people spoke in support of the project:

Terry Brick, 2201 Lark Ellen Drive
Ted Jones, 408 Rosarita Drive
John McElligott, 661 Colonial Circle
Dr. Jeff Boglin, 1128 Crestview Drive
Theresa Harvey, 701 Rodeo Road
Bill Kincaid, 1763 Mountain View Place

Their points of support were:

- Glad to live in community because of fine medical facilities
- Growth of St. Jude's is reassuring
- Liked having quality doctors and hospital in town
- Excellent management, physicians, and nurses on staff
- Mission of hospital is to continually improve the quality of life for the communities they serve
- Board plans and acts according to their mission
- Marvelous asset to community
- Need the plaza extension
- Many alternative solutions considered
- Keep St. Jude at a top-tiered hospital
- Result of consistent planning by the City and the hospital
- As a resident, happy to have a facility like St. Jude as part of the City
- St. Jude has grown into a top notch medical facility
- Need to stay on the cutting edge of medical care
- Bastanchury building is obsolete
- Need to attract new doctors
- Comfortable to know there is a superior medical facility so near by
- Fullerton Chamber of Commerce supports the expansion
- New Plaza would provide much needed space
- Parking structures will provide adequate parking so as to have little impact on neighboring businesses
- City has addressed some traffic concerns - traffic speed limit on residential streets in the area had been lowered to 25 mph
- In favor of advancing medical care for the community
- Traffic is a way of life, and this proposal would not make it any worse

The following person spoke in opposition of the project:

Don Ludwig, 654 Valencia Mesa Drive

His concerns were:

- Adding 1,500-1,600 cars in the immediate area would have an impact
- All the analysis had to do with getting cars in and out, what about the traffic on the streets
- Not enough done about traffic mitigation
- Many traffic issues affecting the neighboring residents have not been addressed
- Impact on the surrounding area would lower property values
- Safety issues – getting in and out of driveways and side streets
- Traffic noise – EIR referenced studies done for highways not residential streets
- Agree with the mission of St. Jude's, but City needs to better mitigate traffic concerns in the neighborhood
- City should make a commitment to come up with a traffic solution in his neighborhood before allowing the project to proceed
- Need to come up with some creative solutions to the traffic problem
- Much of the traffic has to do with St. Jude employees

Judith Kaluzny, 400 N. Malden, made a comment and asked the following question:

- An article was recently published in the Register, to which she stated the church was concerned with treating working people fairly, so let them have their vote for or against the union
- Would the property be taken off the tax rolls since it would be owned by a non-profit?

Lee Penrose, CFO of St. Jude's, stated the occupants of the building would be St. Jude's and St. Joseph's, therefore the property would be owned and occupied by a non-profit, and not subject to property taxes.

Commissioner Chaffee stated when an EIR was not done right it set the project back and could be costly. He wanted to know why global warming had not been addressed. Thomas Ryan, EIR Consultant, clarified that AB 32, which passed last year, did not require an EIR to address global warming. It was suggested that we should do what was possible to control emissions and green house gases. There were no guidelines on how to prepare an analysis on global warming, although the air districts were working on guidelines. No one could put their hands on what the significant criteria would be, what the impact would be, was it adverse, and what the significance would be until the guidelines were set. The current requirement was to meet the guidelines that were in effect when the Notice of Preparation was filed, which was prior to adoption of AB 32. Commissioner Chaffee believed the City took a risk that if the EIR was challenged in court it may be invalidated.

Commissioner Chaffee stated that the EIR did not address sewer capacity, although it did contain a statement that flow from the site was satisfactory, and there would be a subsequent study. He was concerned with having a building that would discharge sewage into an inadequate system based on what the study might say. The developer would then be required to pay their fair share into some fund, but the fund may not be fully funded for a number of years. He believed the study should have been done as part of the EIR. Mr. Ryan explained that this location was an infill site, and they did not take the analysis too far because the infrastructure has been designed for ultimate land use. There was a condition of approval which required the capacity and transmission system to be proven. Commissioner Chaffee would prefer to have seen a sewer analysis done in advance.

Bill Talafus, Project Engineer, stated he had analyzed the onsite system and the system off of Valencia Mesa, and worked with the City's engineer. What has been analyzed had determined that the flow from this facility had increased approximately ½", based on peak flows. From the existing to the proposed was a relatively minimal increase in flow in the overall depth.

Public hearing closed.

Commissioner Savage was on the Planning Commission when the original Master Plan and Specific Plan were brought before the Commission. He had visited St. Jude's and was impressed with the technology and the humanity that was built into the facility. The architecture and landscape were wonderful; the new wing would flow well with the existing facility. The parking structure looked nice and flowed well. He will support the project. As for traffic, when Hughes was operating at capacity the traffic flow on Valencia Mesa was studied and this project would not even approach what it was with Hughes in operation. The mitigation measures will adequately address most traffic concerns.

Commissioner Bailey was also on the Planning Commission when the original plans were approved. He had some concerns with traffic but had spoken with Mark Miller about the traffic and felt comfortable. He liked the project and believed we needed to infill and grow our medical facilities, and this was a prime place for it. As for the architecture, he liked the entrance being located in the center off the main street, and the three entrances to the facility. He will support the project.

Commissioner Musante would support the project with an added condition that the St. Jude representatives get together with the City traffic engineer and the neighbors to work out any traffic issues. Green buildings were "in vogue" these days and it made good sense to have the St. Jude team look at that aspect.

Commissioner Chaffee would support the project. A balancing needed to be done, and rather than impose a condition he would like to meet with the traffic engineer and the neighbor's to see if their concerns could be addressed.

Vice Chairman Hart was encouraged by this project. She understood the concerns with Valencia Mesa traffic, and since Hughes closed down there had been less traffic. She thought the whole project had been approved, and it would be a travesty to not approve the second half of the project. She would support the project.

Commissioner Chaffee commented that in the Engineering letter, on the next to the last page, there was a requirement for a master association and CCR's. Because there was only one owner, he did not believe they were needed. Acting Chief Planner Eastman clarified that the language was a little off, and explained that the Engineering letter would be revised as the project moved forward to City Council.

The title of RESOLUTION PC-07-27 APPROVING a Resolution of the Planning Commission of the City of Fullerton recommending to the City Council approval of a four-story medical office and health care building measuring approximately 97,895 square feet and attached parking structure (Phase 2 of the St. Jude Medical Center Plaza project) including: a Zone Amendment from C-2 (General Commercial) to SPD (Specific Plan District); amendment of a Specific Plan approved with Phase 1 of the project; General Plan revision to increase F.A.R.; Tentative Parcel Map to consolidate parcels; Major Site Plan application to consider architecture; and certification of an Environmental Impact Report for property located at 2151 North Harbor Boulevard was read and

further reading waived. MOTION by Commissioner Savage, SECONDED by Commissioner Bailey, and CARRIED 5-0 by voting members present, that said Resolution be ADOPTED AS WRITTEN.

PRJ06-00362 – LRP06-00011. APPLICANT: CITY OF FULLERTON.

A request to consider and recommend modifications to Title 15 of the Fullerton Municipal Code pertaining to medical marijuana dispensaries (Categorically exempt under Section 15061 of CEQA Guidelines) (BSP)

Director Godlewski explained that this item had come before the Planning Commission at its last meeting, and the City Council had requested the Planning Commission provide recommendations to City Council, should they decide to allow medical marijuana dispensaries in the City.

Public hearing opened.

Marla James, 4901 Heil Avenue, Americans for Safe Access, wanted medical marijuana to be regulated, wanted it to be taxed, and wanted to allow people safe access to medical marijuana so they did not have to use other narcotic-type pain medications.

She questioned the following comments from the staff report:

- The reason to allow this use in commercial zones only.
- Should it be a minimum or maximum of one manager and one employee; she would like to see at least two; some facilities she had visited required one employee per patient.

Commissioner Chaffee left the room at 10:38 p.m.

Commissioner Bailey asked if she had purchased from a dispensary previously and how the business worked. Ms. James explained it would depend on the location, but most people would go into the dispensary with a doctor's recommendation and proper identification. She added the County of Orange would be selling State issued identification cards in the next several months.

Commissioner Chaffee returned at 10:40 p.m.

Commissioner Bailey asked if you needed to be "buzzed" when you went to the door, and Ms. James responded that it depended on the area. Commissioner Bailey asked if you would sit down with someone who would recommend a specific type of marijuana, and Ms. James discussed the various types. Some people could not smoke, and she explained the other products available, such as cookies, tinctures, vaporization. Usually the product would be identified the same as any other type of medication. Some locations were non-smoke, i.e. the patient must not open the package at the facility.

Ms. James commented on the condition that no paraphernalia be sold; usually a dispensary would have a few pipes for sale. Regarding the condition which required open windows, many people did not want their neighbors to see them or children to see the product. Also, the windows would invite robbery. Commissioner Bailey believed this use was similar to a jeweler or bank, and needed an open view.

Regarding the business hours, Ms. James recommended 10:00 a.m. to 6:00 p.m., or 7:00 p.m. during the summer, to make it easier for patients who may work. Most dispensaries were not open on Sundays.

Ms. James questioned the condition which required onsite storage of patient medical records subject to periodic inspection. She was concerned with maintaining the privacy of detailed patient information. Commissioner Bailey believed the information would be released only to the Police Department. For example, if the police stopped a person who was in possession of marijuana, who said they bought it from a specific location, then the police could verify that it was obtained legitimately.

Sandra Carrillo, 1219 W. Oak Avenue, was concerned with drugs in the schools. Her son and a friend had purchased marijuana from a dispensary with a fake identification card. She believed it was a big mistake to allow this use into our City with so many schools and children.

Steve Lelenn, Fullerton, explained that dispensaries generally had a one-on-one relationship with the patient when they are making a purchase. He agreed with requiring uniformed security, but did not think it was necessary or beneficial to have an open view from the street. Dispensaries were in tune with what was and was not accepted by the community. Most would question or not serve someone who was young and did not appear to have a legitimate medical reason.

George Carrillo, 1219 W. Oak Avenue, believed drug distribution in the schools was very high, and questioned whether the dispensaries would make the problem worse. His eighteen-year-old son said marijuana was natural, and openly showed him the container from the dispensary where he had legally purchased marijuana. He understood the need for some particular people to have access to medical marijuana, but there were more children that we needed to keep it away from.

Jacquelyn Orzechowski, 1631 N. Lindendale Avenue, would like to see Fullerton lead the way with a medical marijuana dispensary. Her brother had medical problems, and found that marijuana helped his medical problem far better than pain pills, yet he had to acquire the marijuana illegally. California had voted to allow medical marijuana dispensaries, but the cities had prevented them.

Public hearing closed.

Commissioner Savage believed staff had done a good job with a difficult topic, but still had concerns with the safety of the children in the community.

Acting Chief Planner Eastman explained that the Commission would be voting on this Ordinance and making a recommendation to the City Council.

Motion by Commissioner Savage to approve the item with the following changes; change staff's recommended 250 feet from residential or schools to 1,000 feet, and add the standard condition that the applicant shall comply with all federal, state, and local laws and a violation of any of those laws shall be cause for revocation.

Vice Chairman Hart noted that dispensaries of this type were not federally approved; Commissioner Savage wanted it on record that he had requested these conditions, and believed it would make the proponents go to work on the federal law.

The motion died for lack of a second.

Commissioner Savage made a motion to only change the 250 feet to 1,000 feet from sensitive areas. The motion died for lack of a second.

Commissioner Bailey liked the 1,000-foot idea, but kids walked from all distances and directions and it would be hard to regulate.

Commissioner Savage believed it was the Commission's mission to propose an ordinance to protect the health, welfare, and safety of the citizens of Fullerton.

Commissioner Musante wanted to change Items 3 and 4 under General Operational Standards to "approval by the Director of Community Development after consultation with the Chief of Police."

Commissioner Chaffee disagreed with Commissioner Musante because he believed this use was similar to a massage establishment, which was currently under the approval of the Police Department. He would like to see "approval by the Chief of Police after consultation with the Director of Community Development."

Commissioner Bailey asked how massage parlors were regulated; Commissioner Chaffee explained that the Police Department administered a written test to the applicant and also inspected their facility. The issue here was the potential for crime, and having the Police Chief involved would give the community a greater sense of security.

Commissioner Musante believed if the Police Chief was dead set against drugs, this would be a way for him to prevent it.

Vice Chairman Hart believed the Police Chief should approve any requests with the Community Development Director, since any request would also deal with site, floor, and operational plans.

Acting Chief Planner Eastman clarified that the Director would be involved during the application process and would review the plans at some point. He explained that what was before the Commission was bullet points; the City Attorney would write the actual ordinance.

Vice Chairman Hart asked if they could add Commissioner Savage's condition that the applicant shall comply with all federal, state, and local laws, and a violation of any of those laws shall be cause for revocation. City Attorney Duarte stated it could create a problem because federal law would be violated at the time of sale. He believed that the Commission could probably add "...comply with state and local laws...".

Commissioner Bailey asked if the City enforced federal laws, and City Attorney Duarte responded that generally state statutes were in compliance with federal statutes, but this was a unique situation.

Commissioner Musante was concerned with the restriction on the sale of non-medical products for those who could not smoke. Vice Chairman Hart believed that a person could buy the marijuana and put it in brownies or cookies on their own. Commissioner Bailey agreed, and thought it could be confusing to children to sell food products.

Commissioner Chaffee requested to make the change suggested by Commissioner Savage, but take out federal law.

Commissioner Chaffee asked why this use would not require a CUP, and Acting Chief Planner Eastman responded that the City wished to make the process non-discretionary. City Attorney Duarte clarified that if a discretionary body approved the dispensary, there could be legal consequences as accomplices or fines to the City.

Commissioner Chaffee would like to change the hours of operation to open at 10:00 a.m.

Acting Chief Planner Eastman stated that it would be difficult to enforce added criteria that one day a week they could stay open late, and staff recommended 8:00 a.m. to 6:00 p.m. on weekdays, and 10:00 a.m. to 2:00 p.m. on weekends.

Commissioner Bailey asked if the recommended maximum of one manager and one employee should be a minimum, and Director Godlewski explained that the number of employees had been limited, in an attempt to limit the size of the business.

Commissioner Musante motioned to accept staff's recommended hours, Commissioner Bailey seconded. The motion passed 4-1, with Commissioner Savage voting against.

Commissioner Savage motioned to change the distance from sensitive areas from 250 feet to 1000 feet. Commissioner Musante believed 500 feet would work. Commissioner Bailey seconded Commission Savage's motion. Commissioner Chaffee asked what a 1,000-foot boundary would do and if there would be any space left. Director Godlewski responded that anything over 250' would create difficulty in locating this type of business. He they recommended the Commission leave the distance from residential at 250 feet, and require 1,000 feet from the other sensitive areas, such as schools.

Commissioner Savage amended his motion to agree with Director Godlewski's recommendation, and Commissioner Bailey seconded the amended motion. The motion passed 4-1, with Commissioner Savage voting against.

The title of RESOLUTION PC-07-28 RECOMMENDING to the City Council the proposed Regulatory and Operation Standards should the establishment of Medical Marijuana Dispensaries be allowed in the City of Fullerton was read and further reading waived. MOTION by Commissioner Bailey, SECONDED by Commissioner Musante, and CARRIED 4-1, with Commissioner Savage voting against, that said Resolution be ADOPTED AS AMENDED, by changing the distance from sensitive areas to 1,000 feet, except for residential which shall remain at 250 feet.

Commissioner Savage believed sending this ordinance to City Council was shameful.

Commissioner Chaffee stated the Commission was doing what Council had directed, and he had tried to stay away from personal opinion. This was not an ordinance, nor had they recommended that the City Council adopt one.

Acting Chief Planner Eastman explained the Planning Commission had previously sent a recommendation to the City Council recommending denial of a dispensary ordinance, and the City Council had passed a moratorium which would expire in December.

Commissioner Savage did not believe this recommendation would protect the health, welfare, and safety of the community.

OTHER ITEMS

None

COMMISSION STAFF COMMUNICATION

Commissioner Musante clarified his position on the JPI vote at the previous meeting.

Commissioners Bailey and Savage would be absent from the November 28, 2007 meeting.

REVIEW OF COUNCIL ACTIONS

Director Godlewski gave a brief overview of recent City Council actions.

PUBLIC COMMENTS

None

AGENDA FORECAST

The next regularly scheduled Planning Commission meeting would be November 28, 2007 at 7:00 p.m.

ADJOURNMENT

There being no further business the meeting was adjourned at 11:54 p.m.

Janelle Pasillas
Secretary