

MINUTES OF THE REGULAR MEETING OF THE FULLERTON PLANNING COMMISSION

COUNCIL CHAMBERS – CITY HALL

WEDNESDAY

DECEMBER 12, 2007

7:00 P.M.

- CALL TO ORDER:** The meeting was called to order by Chairman Francis at 7:05 p.m.
- PRESENT:** Chairman Francis, Vice Chairman Hart, Commissioners Bailey, Chaffee, Musante, Savage, and Whitaker
- ABSENT:** None
- STAFF PRESENT:** Community Development Director John Godlewski, Acting Chief Planner Eastman, Acting Senior Planner Allen, Acting Associate Planner Kusch, Senior Civil Engineer Voronel, Assistant City Attorney Duarte, and Secretary Pasillas
- FLAG SALUTE:** Vice Chairman Hart
- MINUTES:** MOTION made by Commissioner Savage, SECONDED by Commissioner Musante, and CARRIED unanimously, by voting members present, that the Minutes of the Regular Meeting of October 24, 2007 be approved with the following changes: page 127, third paragraph, eliminate the word "meet", and Page 130, fourth paragraph, change "should address" to "compatible". Approval of the Minutes of the Regular Meeting of November 14, 2007 would be continued.

CONSENT CALENDAR

Adoption of Resolution of Denial No. PC-07-24 from meeting of October 24, 2007.

Acting Chief Planner Eastman explained this item was the resolution from the JPI project.

MOTION by Commissioner Savage, SECONDED by Vice Chairman Hart, and CARRIED 6-0 that said Resolution be ADOPTED AS WRITTEN.

PUBLIC HEARINGS

PRJ07-00357 – ZON07-00080 – ZON07-00081. APPLICANT: FRAZIER GROUP ARCHITECTS; PROPERTY OWNER: CHRISTIAN M. DARRAH.

A request for approval of a Conditional Use Permit and Minor Development Project to demolish a detached garage, add approximately 400 square feet to the rear of a residence, and construct a detached two-story structure consisting of a four-car garage, and a limited second dwelling unit measuring approximately 544 square feet of habitable area with a deck measuring approximately 123 square feet, on property located in a residential preservation zone at 336 W. Malvern Avenue (south

side of Malvern Avenue, approximately 100 feet east of Ford Avenue) (R-1-7.2P zone) (Categorically exempt under Section 15303 of CEQA Guidelines) (AKU).

Acting Associate Planner Kusch gave a brief overview of the project. The request was two-fold; a Conditional Use Permit (CUP) for a detached two-story structure, and a Minor Development Project to determine conformance with the Residential Preservation Zone Design Guidelines.

The Municipal Code required a CUP for a detached two-story structure in an R-1 zone to ensure privacy for, and architectural compatibility to neighboring properties, and also to provide notice to the neighbors of the request.

On November 29, 2007 the Redevelopment Design Review Committee had reviewed the architecture for compatibility and design, and recommended approval with conditions to require casement or hung windows for the sunroom and a sloped roof for the garage at the rear of the alley.

A site plan was displayed and both existing and proposed buildings were explained. Elevations which indicated the proposed additions, along with floor plans and photographs were displayed and described. An aerial photo was shown and Acting Associate Planner Kusch discussed the surrounding properties.

One inquiry had been received, however no objections were stated. Staff had forwarded to the Commission an email that had been received from Fullerton Heritage.

Staff recommended approval subject to conditions.

Commissioner Savage asked if the project met the development standards in the Municipal Code, and Acting Associate Planner Kusch responded that it did.

Commissioner Bailey asked how the sides of the building would be finished, and Acting Associate Planner Kusch responded it would be a hardiplank siding that would have the appearance of wood. Commissioner Bailey asked if the ornate trim on the existing building would be carried over, and Acting Associate Planner Kusch responded it would.

Public hearing opened.

Janet Frasier, the architect, briefly explained the project. The owners of the property intended to sell the home to their daughter, and they would then move into the proposed "granny flat". The sunroom would be on the rear of the building and would be built in the craftsman style.

Commissioner Bailey asked if the architect was agreeable to the casement windows on the sunroom, and Ms. Frasier responded either casement or double-hung were agreeable. Commissioner Bailey asked if they agreed with no glazing on the second-story windows on the second unit, and Ms. Frasier responded the intent was to keep the wind out, but the wall had been raised to help address this problem. She understood that staff had concerns with the windows originally shown on the elevations and their compatibility with the style of the home.

Commissioner Chaffee asked if the recommended conditions were agreeable, and Ms. Frasier responded affirmatively. Commissioner Chaffee asked specifically about the restriction which required an owner-occupant deed restriction, and Ms. Frasier responded if it was required they would abide by it, although it was not something they expected to have to do. Acting Senior Planner

Eastman clarified that the Municipal Code required the property owner to live in either the front or back unit.

Public hearing closed.

The title of RESOLUTION PC-07-29 APPROVING a Resolution of the Planning Commission of the City of Fullerton for a Conditional Use Permit and Minor Development Project to demolish a detached garage, add approximately 400 square feet to the rear of a residence, and construct a detached two-story structure consisting of a four-car garage and a limited second dwelling unit on property located in an R-1-7.2P Zone at 336 West Malvern Avenue was read and further reading waived. Motion by Commissioner Savage, seconded by Vice Chairman Hart, and carried unanimously that said resolution be adopted as written.

Acting Chief Planner Eastman explained the ten-day appeal period.

PRJ07-00476 – ZON07-00110. APPLICANT: LORENA RANGEL; PROPERTY OWNER: RAYMOND VILLAGE.

A request for a Conditional Use Permit to operate a banquet facility at an existing restaurant on property located at 306 North Raymond Avenue (east side of Raymond Avenue, between East Chapman and East Wilshire Avenues (C-2 zone) (Categorically exempt under Section 15303 of CEQA Guidelines) (HAL)

Senior Planner Allen gave a brief overview of the project. An aerial photograph was shown and the surrounding uses were described. The request was for a Conditional Use Permit (CUP) for a banquet facility at an existing restaurant. The proposed hours were Friday and Saturday from 4:30 p.m. to 11:45 p.m. A brief history of the property was given. In 2000 the retail tenant space was converted to a restaurant, and in 2006 the City began to receive complaints regarding the operation of a banquet facility. In 2007 the restaurant was sold to new owners, and staff became aware of continued banquet facility operations without a CUP, due in part to work that was performed without building permits, as well as noise complaints received both by the Community Preservation Department and the Police Department.

Chairman Francis left the room at 7:32 p.m. and returned at 7:34 p.m.

Senior Planner Allen described the proposed floor plan. There was an easement for mutual access as well as parking for this property and the property to the north, including Walgreens. The parking requirement, which was the same for both the restaurant and banquet facility, was 117 spaces. The other uses under the easement would require 138 spaces, for a total of 255 spaces. There was a surplus of 130 spaces on this property.

Senior Planner Allen explained staff's recommended conditions. Staff recommended approval subject to the recommended findings and conditions.

Commissioner Musante asked the legal definition of a banquet facility, and Acting Chief Planner Eastman read the definition from the Municipal Code. Commissioner Musante expressed concern that this could become a place to go and drink at 4:30 p.m., and wondered how this would not exacerbate the existing problems of the downtown. Senior Planner Allen explained that staff's recommended conditions one through three addressed these concerns. Commissioner Musante asked how it was determined that the dancing, music, or entertainment was accessory, and Acting Chief Planner Eastman explained there was the responsibility of the business owner to not become a

nuisance. The facility was currently a restaurant and could sell alcohol with food. If the facility created problems, wherein dancing, music, etc. were the primary use, it would come before the Commission for a revocation hearing. The owner could also be cited for violations. Commissioner Musante suggested a three and a six month review.

Commissioner Chaffee asked why the restaurant hours were not included in the conditions, and Senior Planner Allen explained that, as a restaurant, a CUP was not required, therefore only the banquet hours were regulated with the conditions. Commissioner Chaffee asked if there were restrictions in the Code on restaurant hours and Senior Planner Allen responded there were not.

Commissioner Savage asked if it would be beer and wine sold only, and Senior Planner Allen responded affirmatively. The facility had a type 41 ABC license.

Chairman Francis stated that one of his concerns was this property turning into a nightclub, but limiting the facility to a Type 41 license would somewhat decrease that risk. Senior Planner Allen clarified historically the challenges in the downtown were the restaurants with a Type 47 ABC license, and a restaurant with a Type 41 license represented a lesser risk.

Commissioner Savage asked about the six-month review and who would do it. Senior Planner Allen explained that staff would do the initial review and if the facility was in compliance with conditions staff would report back to the Commission. If they were not in compliance it would come before the Commission in a Public Hearing forum.

Commissioner Musante believed some of the problem in the downtown was customers going into establishments already under the influence. He would like to add a condition that no one be admitted into the facility who appeared to be under the influence of alcohol or drugs.

Public hearing opened.

Jovan Rangel, a representative of the applicant, explained that alcohol sales were federally regulated, and he understood the requirements. The banquet facility would be for group events, and their contract typically included the alcohol. They had no interest in hosting an eighteen and over club or parties, just weddings, Quinceañera's, baptisms, etc. They also worked with some organizations on a charity basis. Their primary source of income was the restaurant, and this was a secondary income.

Commissioner Chaffee asked if the applicant agreed with the recommended conditions, and Mr. Rangel responded they had worked with staff, police, and fire to come up with most of them, and they agreed with them and would comply.

Commissioner Chaffee asked about the noise complaints mentioned in the staff report, and Mr. Rangel responded that he understood noise was a concern, and they would provide security on-site. There was a dance studio next to their business which had their doors open late at night and played music, which may be part of the problem.

Commissioner Musante asked if the loud music would stop at 11:45 p.m., and Mr. Rangel responded that the parties ended at midnight, and the noise would stop a half hour to fifteen minutes prior to that.

Commissioner Savage asked where the dance studio was located, and Mr. Rangel pointed out the studio on a diagram of the property.

Chairman Francis asked if they would bring distilled alcohol in for special events, and Mr. Rangel responded negatively.

Gerardo Rangel asked if there had been a complaint on a Monday for loud noise, and Commissioner Chaffee stated the staff report indicated the first complaint was on a Monday. Mr. Rangel stated they were not open on Mondays, and their activities ceased at 11:45 p.m.

Lisa Jones, 1117 E. Whiting Avenue, stated that she was a homeowner in the area and had concerns with the request. The restaurant had been operating as a banquet facility for several years and she had dealt with the problems, late night music, socializing in the parking lot, fighting in the parking lot, traffic noise, trash (which is an eyesore and often blows over to their property), since then. During the spring and summer there were parties Friday and Saturday nights every week. She asked who would monitor the noise restriction, and what the security personnel would be responsible for. The proposed hours were too late due to the close proximity of the neighbors.

Commissioner Bailey asked if the buildings were there when she moved into her home, and Ms. Jones responded they were, and the buffet and banquets began several years later. Commissioner Bailey asked if she was concerned with the hours or the noise, and Ms. Jones responded it was the noise being very loud and going on until very late. Commissioner Bailey explained that the CUP would allow the business owner to go out and run the business, and if there were problems the CUP would be reviewed by the Commission.

Michael Patton, 1121 E. Whiting, expressed similar concerns as Ms. Jones. The staff report indicated there had been five complaints, but unless the actual address of the business was reported the calls did not get logged in. He had called in complaints many times to Community Preservation. He had witnessed fighting in the parking lot and heard screaming coming from the facility. The business had been operating without a license or CUP, yet they were having loud parties

Commissioner Whitaker asked about the trash generated and what it was, and Mr. Patton responded beer cans that had been drunk prior to the event. Commissioner Whitaker asked if they were beverages supplied by the banquet, and Mr. Patton responded that they were not.

Commissioner Chaffee was concerned with the noise in the parking lot and asked Mr. Patton if he had any suggestions. Mr. Patton believed police patrol in the parking lot would possibly help. Commissioner Chaffee asked if the parking area was well lit, and Mr. Patton responded that he could see into the lot. Commissioner Chaffee asked if the noise was caused by the doors being left open, and Mr. Patton responded that the music was not necessarily loud; it was the thundering base sound that was heard with the doors opened or closed. Commissioner Chaffee stated that the condition covering noise did not have hours attached to it and a complaint could be called in at any time.

Chairman Francis asked Mr. Patton if he would be willing to work with the neighbor and give the business a six month trial, and Mr. Patton stated that it was bad now and the owners had failed to respond to any of their complaints.

Chairman Francis asked if the history of the request was the applicant was holding banquets and due to the complaints the unpermitted use had come to the attention of the City. Acting Chief Planner Eastman responded that Community Preservation had asked Planning if the site was allowed to hold events, and because they did not have a CUP they were not allowed. The previous business owner had been cited.

Commissioner Bailey asked Mr. Patton if he had met with Mr. Rangel, and Mr. Patton responded that he had not. Commissioner Bailey urged Mr. Patton to discuss the problems with Mr. Rangel.

Commissioner Bailey asked if one of the owners would be present during the events, and Mr. Rangel responded that the facility was rented out as a package and the businesses staff would be present.

Pat Trotter, 1109 E. Whiting Avenue, could hear the noise from her home even with the windows closed. She believed the patrons would come out to their cars to drink when the alcohol sales stopped. The parking lot was littered with bottles and vomit. There needed to be some type of beautification of the lot, and maintenance as well. She questioned what the occupancy would be, and also encouraged the Commission to require a three-month review.

Mr. Rangel was unaware of the neighbor's complaints and understood their concerns. He wanted to satisfy both his business needs and the neighbor's needs. The events were mainly family events, and the police department did patrol the area. They had not received any citations for noise.

Vice Chairman Hart asked if the applicant currently had onsite security, and Mr. Rangel responded they did. Vice Chairman Hart asked if the security supervised the parking lot, and Mr. Rangel responded that they provided security both inside and outside, and guests had to be inside. The police also encouraged everyone to be inside.

Commissioner Musante asked how many security guards they typically had, and Mr. Rangel responded they usually had four officers at an event. Commissioner Musante suggested a security officer remain in the parking lot during the events.

Commissioner Chaffee commented that the parking area was a major source of noise, and wanted to know how late security remained. Mr. Rangel responded they remained until all guests had left. Their staff remained several hours later. Their employees cleaned up the parking area, and the property management cleaned the lot once a week.

Commissioner Musante asked about stopping the music at 10:45 p.m. when the alcohol was stopped. Mr. Rangel responded that music was part of the festivity and guests would probably not remain once it was stopped. If it became a consistent problem he would consider it. Commissioner Musante stated that the business was surrounded by a residential neighborhood and 11:45 p.m. seemed rather late for the loud music. Mr. Rangel stated that it was only Friday and Saturday nights, and it would be a detriment to the business to shut off the music at 10:45 p.m.

Commissioner Bailey asked what sort of training was given to their staff regarding the serving of alcohol. Mr. Rangel responded he had read information provided by the ABC. Commissioner Bailey believed it important to educate and certify employees prior to their working with alcohol. Acting Chief Planner Eastman stated that the training and certification was a required condition.

Public hearing closed.

Senior Planner Allen stated that staff had received an email correspondence which had been provided to the Commission expressing a desire to see some type of physical improvement to the property.

Acting Chief Planner Eastman stated that the condition requiring a fifty foot noise limit could be enforced by the police department. Noise was hard to regulate, and the police department did not typically carry noise meters. Loitering would be enforced by the police department, and they could cite the owner under the CUP. The security guard onsite would be required to ensure these

conditions were met. State law required training for the security guard to become certified. Occupancy would be determined by the Building Official, not the number of parking spaces. This property did have a surplus of parking.

Vice Chairman Hart asked about the landscaping issue and if it would be the responsibility of the owner of the building and parking lot. Acting Chief Planner Eastman responded the property owner would need to be in concurrence of any improvements, but the business owner could be required to do the improvements. If there were significant improvements outside the tenants lease area, that could be a problem to implement.

Commissioner Musante proposed a three month review in addition to the proposed six month review. He also would like condition for the hours to be changed from 4:30 p.m. to 11:00 p.m. He would like condition nine to require five such complaints would be cause for revocation of the CUP. Acting Chief Planner Eastman clarified that a condition was included that three or more verifiable complaints within a twelve month period would require a revocation hearing.

Commissioner Chaffee did not agree with the change to the hours. He believed this was the first chance for the applicant to hear from the neighbors. He liked the conditions which required training, and there were standards provided which would allow the police to cite for violations, and a Commission review if the problems continued. He would like to change the wording of condition eleven to include security in the parking lot, and security to remain until the parking lot was vacated. He would support the application with these changes.

Commissioner Bailey believed the neighbors had expressed their complaints and he agreed with Commissioner Chaffee's proposed changes. Police officers did not cite for disturbing the peace, but with this CUP the officers would be able to cite for any violations. He would support the proposal with Commissioner Chaffee's changes.

Commissioner Whitaker commented that he was sympathetic with the neighbor's noise concerns, but even in a residential area you could have noise problems, and there would be no restriction on hours or days of the week. He believed the recommended conditions would adequately address the concerns.

Chairman Francis believed in giving the business owner a chance and the CUP was a good tool to ensure the business did not become a nuisance. He encouraged the applicant to work with the neighbors and mitigate their concerns.

Commissioner Savage would support the CUP. He offered his business and home phone numbers to the neighbors, and encouraged them to call him if there was a problem that was not being addressed by the City.

Commissioner Savage believed condition eleven addressed security as written. Commissioner Chaffee wanted it put in writing to address the neighbor's concerns.

Commissioner Chaffee amended the motion to change condition twenty to include a three and six month review. Commissioner Bailey seconded.

The title of RESOLUTION PC-07-30 APPROVING a Resolution of the Planning Commission of the City of Fullerton for a Conditional Use Permit to operate a banquet facility at an existing restaurant on property located at 306 North Raymond Avenue was read and further reading waived. MOTION by

Commissioner Chaffee, SECONDED by Commissioner Bailey, and CARRIED unanimously that said Resolution be ADOPTED AS AMENDED.

Acting Chief Planner Eastman explained the ten day appeal process

PRJ07-00240 – PM2007-236. APPLICANT AND PROPERTY OWNER: JEFF WEINER.

A request to subdivide an existing 1.23-acre site into two parcels on property located at 1423 Richman Knoll (approximately 395 to 435 feet northeast of the terminus of Richman Knoll) (R-1-20 zone) (Categorically exempt under Section 15315 of CEQA Guidelines) (JEA)

Acting Chief Planner Eastman stated staff recommended the item be continued until January 9, 2008.

MOTION made by Commissioner Savage, SECONDED by Commissioner Whitaker and CARRIED 5-0, with Vice Chairman Hart abstaining, that said item be CONTINUED to the January 9, 2008 meeting.

PRJ05-00781 – ZON05-00014 – TTM-17002. APPLICANT AND PROPERTY OWNER: LOWE ENTERPRISES.

A request to modify conditions No. 2 and 3 of Resolution No. 9839 which specified the method for determining parking per unit on a previously-approved major site plan, conditional use permit and tentative tract map on property located at 1550 Kimberly Avenue (generally located on the south side of Kimberly, approximately 600 feet east of Raymond Avenue) (M-G zone) (Previously certified Mitigated Negative Declaration) (HAL).

Senior Planner Allen explained the request was to modify the conditions of approval, numbers two and three, in regards to parking. An aerial photo and diagram were displayed and explained.

The existing condition three established parking for each building/unit based on allocating the square footage of the building/unit; 25% required for office use, 40% for manufacturing use, and 35% for warehouse use. This modification would also allow parking in secured yards to be used for storage if not required for actual use.

Condition two established the requirements/content for the CC&R's. Current the building and unit build-out were limited to 25% office, 40% manufacturing, and 35% warehouse. This modification would limit building and unit build-out to a mix of uses as long as they met parking requirements, and would not exceed the provided/allocated parking.

Staff recommended the Commission recommend to the City Council approval of the modifications to Conditions two and three of Resolution 9839.

Commissioner Savage asked if one condominium unit was leased and the entire building was manufacturing, could that owner then lease a neighboring building for an entire use of warehouse. Senior Planner Allen explained the modifications would allow this scenario, though the existing conditions would not.

Commissioner Chaffee asked if condition three allowed outside storage, would Fire Department review be required, and Senior Planner Allen responded that the Fire Department would review to ensure sprinklers, water pressure, and access were adequate.

Public hearing opened.

Jamie Duarte, a representative of the developer, explained they were not looking to reduce parking, just allow end users flexibility as their business grew. He described the parking requirements that would be in place through the CC&R's.

Public hearing closed.

The title of RESOLUTION PC-07-31 RECOMMENDING APPROVING a Resolution of the Planning Commission of the City of Fullerton recommending approval to the City Council of a request to modify Conditions No. 2 and 3 of Resolution No. 9839 which specified the method for determining parking per unit on a previously-approved Major Site Plan, Conditional Use Permit and Tentative Tract Map for property located at 1550 Kimberly Avenue was read and further reading waived. MOTION by Commissioner Savage, SECONDED by Commissioner Musante, and CARRIED unanimously that said Resolution be ADOPTED AS WRITTEN.

Acting Chief Planner Eastman stated that as a recommendation to the City Council, there was no appeal period.

A five minute recess was called.

ADJOURN AS PLANNING COMMISSION
CONVENE AS LANDMARKS COMMISSION

PRJ07-00464 – ZON07-00108. APPLICANT: TOM TICE; PROPERTY OWNER: FULLERTON HISTORIC THEATER FOUNDATION.

A request for review of Phase 1 rehabilitation plans for the historic Fox Theater, including demolition of an approximate 800-square-foot kitchen; construction of an approximate 3,825-square-foot addition with new basement, kitchen and restrooms; internal renovations including the creation of utility rooms, two elevators and expansion of the theater's orchestra pit; seismic renovations; creation of pedestrian passageways through the Firestone building; and rehabilitation and replacement of exterior doors, windows and features, on properties addressed as 500 and 510 N. Harbor Boulevard (northeast corner of Harbor Blvd. and Chapman Ave.) (C-3 zone) (Categorically exempt under Section 15301 of CEQA Guidelines) (JEA)

Commissioner Bailey recused himself from the item as the applicant was a client of his.

Acting Chief Planner Eastman gave a brief overview of the project. The request was to approve a Development Project application to allow for the renovation, rehabilitation and modification to two historic properties.

A letter had been provided to the Commission from the owner of the adjacent property owner in regards to her facility, Angelo and Vinci's Restaurant. The owner supported the project overall, but had some significant concerns. A letter received from Fullerton Heritage in support of the project had also been provided to the Commission.

The site was located at the northeast corner of Harbor Blvd. and Chapman Avenue, west of a Redevelopment parking lot. The property was zoned C-3 and was in the Restaurant Overlay District (ROD), the Central Business District (CBD), and a Community Improvement District (CID).

The proposal, Phase 1, included the demolition of an 800 square foot kitchen, and construction of a 3,825 square foot addition which included additional basement, kitchen, and restroom facilities. The basement would accommodate additional utility rooms for the Fox Theater, and the kitchen and restrooms were for the existing tea house building.

Internal renovation included new utility rooms, two elevators and expansion of the Theater's orchestra pit, as well as seismic renovation of the building. Pedestrian passageways would be created through the Firestone Building, and a change in the existing parking for the Firestone Building to outdoor dining and courtyard. Rehabilitation/replacement of exterior doors, windows and features on both properties was also included.

The Fox Theater complex was built circa 1924, and was considered a local landmark. As such, the project must follow certain procedures for any modifications. Firestone Building was built circa 1929 and was reputedly the first commercial site in the City to have onsite parking. It was considered significant, but was not listed as a local landmark. Both properties were part of the National Register of Historic Places through the State Park Service; the Fox Theater building was specifically listed, the Firestone Building was listed as part of the Fox inventory as a contributing building.

In 2005 the Fullerton Historic Theater Foundation had acquired the property, and intended to renovate the building to be used as a theater, and to renovate the tea house and other buildings for retail and restaurant use.

There would be two phases in the renovation; Phase 1 was before the Commission today, and Phase 2, which was not before the Commission today, would include an addition to the back of the building for theater related facilities.

A site plan was displayed and the Phase 1 areas were identified. The proposed renovations included:

- Passageways to accommodate pedestrian traffic to and from the parking areas
- Parking on the corner of Harbor Blvd. and Chapman Avenue to be removed and made into a courtyard for dining
- The existing kitchen area, 800 square feet, was to be demolished
- Work to the Firestone Building included replacement of windows, removal of tile and replacement with bronzed-anodized tile, and windows added to the back of the building
- Tearoom windows removed and replaced with wood windows
- Increase the size of the orchestra pit
- Seismic work

Photos of the current building were shown, and the proposed changes described.

Staff recommended approval of the Development Project subject to the findings and conditions recommended in the staff report.

Commissioner Savage asked about letter received from Ms. Peck who was concerned with parking. He wanted to know if parking requirements had been reviewed. Acting Chief Planner Eastman stated the letter had been received shortly before the meeting. Acting Chief Planner Eastman stated the Director of Redevelopment indicated there was a Development Agreement with Angelo & Vinci's entitling them access to 200 parking spaces. As conditioned, it was anticipated that Council would address the removal of parking, although Phase 1 did not create an additional parking demand.

Public hearing opened.

Tom Tice, Vice President of the Fullerton Historic Theater Foundation, had reviewed the proposed conditions and agreed with them. Preliminary discussions with the Engineering Department indicated there was a possibility of widening Chapman Avenue and the addition of a right turn lane. They were willing to make a proper offer of dedication at the appropriate time to allow this addition. As it was now, the entrance to the parking lot on the corner was not safe, and they would propose to close off the entrance and exit driveways.

Commissioner Savage asked if there were any abandoned tanks on the property, and Mr. Tice responded that there were no underground tanks. Commissioner Chaffee clarified that there were tanks underground, but they had been filled with sand and had no hydrocarbon release.

Commissioner Chaffee asked if the plans included valet drop off, and Mr. Tice responded that initially that was an idea, but with further discussion and the unsafe condition of the driveways, it had been decided that closing off the driveways would be better.

Commissioner Chaffee asked about the "moment frame" and if it was to brace the balcony. Mr. Tice that it was and it would line up with the existing truss in the balcony.

Commissioner Chaffee commented the north wall was very high and made of hollow clay brick. He wanted to know how they would meet seismic requirements. Mr. Tice explained the extensive testing that had been completed, both air bag test and flat jack tests. The required repairs were very minor; the application of some type of fabric and then a skim coat.

Commissioner Chaffee asked what the plans were for the marquee. Mr. Tice explained the marquee in the old photographs was more in tune with the time period of their certification. They would keep the Fox signs, the neon gingerbread, and some of the features and incorporate them into the rear entrance. The State architect had indicated that they could not move the marquee as it would be putting a 1956 piece of architecture on a 1925 building.

Acting Chief Planner Eastman clarified that the proposal now was to keep and refurbish the marquee as part of Phase 1. In Phase 2 there had been discussion of moving the marquee and incorporating it into the new Phase 2 structure, which would be a new addition off the back. It was preferable to move the marquee and provide a marquee more suitable to the era.

Commissioner Chaffee appreciated the Foundations willingness to dedicate a part of the corner for a right turn lane, but cautioned them to not be too willing to give it up. Mr. Tice indicated there was no agreement as of yet. Commissioner Chaffee described ideas that had been previously discussed for the corner of Chapman Avenue and Harbor Blvd.

Public hearing closed.

The title of RESOLUTION HL-07-03 APPROVING a Resolution of the Landmarks Commission of the City of Fullerton approving Phase 1 rehabilitation plans for the historic Fox Theater, including demolition of an approximately 800-square-foot kitchen; construction of an approximate 3,825-square-foot addition with new basement, kitchen and restrooms, internal renovations including the creation of utility rooms, two elevators and expansion of the theater's orchestra pit; seismic renovations; creation of pedestrian passageways through the firestone building and rehabilitation and replacement of exterior doors, windows and features, on property addressed at 500 and 510 North Harbor Boulevard was read and further reading waived. MOTION by Commissioner Musante, SECONDED by

Commissioner Whitaker, and CARRIED unanimously that said Resolution be ADOPTED AS WRITTEN.

Acting Chief Planner Eastman explained the ten day appeal period

**ADJOURN AS LANDMARKS COMMISSION
RECONVENE AS PLANNING COMMISSION**

OTHER ITEMS

None

COMMISSION STAFF COMMUNICATION

Acting Chief Planner Eastman announced that Senior Planner Allen had been officially promoted to the Senior Planner position.

Commissioner Chaffee asked the status of the Library, Senior Center, and Boys & Girls Club renovation, and Acting Chief Planner Eastman responded the project was still under discussion. He had not received any recent updates.

REVIEW OF COUNCIL ACTIONS

Acting Chief Planner Eastman gave a brief overview of recent City Council actions.

PUBLIC COMMENTS

None

AGENDA FORECAST

The next regularly scheduled Planning Commission meeting would be January 9, 2008 at 7:00 p.m. The December 26, 2007 meeting had been cancelled.

ADJOURNMENT

There being no further business the meeting was adjourned at 9:54 p.m.

Janelle Pasillas
Secretary