

**MINUTES OF THE REGULAR MEETING OF THE FULLERTON PLANNING COMMISSION**

**COUNCIL CHAMBERS – CITY HALL**

**WEDNESDAY**

**MAY 28, 2008**

**7:00 P.M.**

- CALL TO ORDER:** The meeting was called to order by Chairman Bailey at 7:07 p.m.
- PRESENT:** Chairman Bailey, Vice Chairman Musante, Commissioners Savage, Chaffee, Whitaker, Francis, and Richmond
- ABSENT:** None
- STAFF PRESENT:** Community Development Director Godlewski, Acting Chief Planner Eastman, Senior Planner Allen, Senior Planner St. Paul, Housing Programs Supervisor Morad, Senior Civil Engineer Voronel, Assistant City Attorney Duarte, and Clerical Assistant Flores
- FLAG SALUTE:** Commissioner Whitaker
- MINUTES:** The May 14, 2008 minutes were not available.

**PUBLIC COMMENTS**

Jane Reifer, 149 W Whiting Avenue, requested that Planning Commission staff reports be posted online.

**PUBLIC HEARINGS**

MOTION by Vice Chairman Musante, SECONDED by Commissioner Whitaker, and CARRIED unanimously by voting members present to take item number 4 first on the agenda.

The following items were heard out of order.

PRJ08-00072 – TTM-17094 – ZON08-00026 – ZON08-00027 – SUB08-00002. APPLICANT: RICHARD HAMM; PROPERTY OWNER: CITY OF FULLERTON. A request for a mixed use project proposed on existing City parking lots on the north and south sides of the 100 block of W. Amerige Ave., and on property at 138 W. Amerige Ave., 140 W. Amerige Ave., 112 N. Malden Ave. and 118 N. Malden Ave. The proposal includes up to 124 residential units and 40,000 sq. ft. of commercial space. Components of the project include: 1) a six-story building, comprised of five stories of residential condominiums above ground floor commercial and parking, including subterranean and mezzanine parking levels; 2) a three-story commercial building with a fourth-story mezzanine tower; and 3) a six-level (five stories in height) public parking structure with approximately 700 parking spaces to be provided, including 460 public spaces. Applications associated with the proposal include a Major Development Project, Conditional Use Permit request to consider a Floor Area Ratio (FAR) above the base FAR of 2.0, to allow shared parking and off-site parking; a Tentative Tract Map for condominium

purposes; a Zoning Adjustment to consider reduced parking lot dimensions; and an Abandonment of portions of Amerige Avenue (north side of West Amerige Avenue, between approximately 215 and 590 feet west of the centerline of Harbor Blvd.; and the south side of West Amerige between approximately 170 and 637 feet west of the centerline of Harbor Boulevard) (An addendum to a previously certified Environmental Impact Report (SCH# 2006061034) has been prepared pursuant to Section 15164 of CEQA Guidelines) (JEA).

Commissioners Bailey, Francis, and Chaffee recused themselves from the item because they own property within 500 feet of the project site, and left the room.

The Commission took a 3 minute break.

MOTION by Commissioner Richmond, SECONDED by Commissioner Whitaker, and CARRIED unanimously by voting members present to CONTINUE the project to a DATE CERTAIN of June 25, 2008.

Commissioners Bailey, Francis, and Chaffee returned to the room.

PRJ07-00366 – PRE08-00010. APPELLANT: NICK LOMBARDO. An appeal of the Redevelopment Design Review Committee's denial of an outdoor patio on property located at 101 South Harbor Boulevard (southwest corner of Harbor Blvd and Commonwealth Ave in the Restaurant Overlay District) (C-3 zone) (JEA).

Commissioner Francis recused himself from the item because one of the applicants was an employee of his, and he has two businesses within a 500-foot radius.

Chairman Bailey recused himself from the item because he has a business within a 500-foot radius.

Acting Chief Planner Eastman explained the item had been continued with the public hearing opened, and a staff presentation was not needed. He referenced the site plan and gave a brief overview for background. Acting Chief Planner Eastman noted the project was currently is currently under construction with an interior tenant improvement for a restaurant. He further noted the applicant has filed an application for an Administrative Restaurant Use Permit for the sale of alcohol. Acting Chief Planner Eastman stated the applicant was requesting approval for an outside patio at the rear of the building. The project was reviewed and denied by RDRC and the applicant was appealing the decision to the Planning Commission. He explained the issue with RDRC was the patio cover versus the patio design itself. Acting Chief Planner Eastman referenced the revised north side elevation, and explained the glass has been cut to have an arch similar to the arch of the windows on the building. Additionally, the beam across the building was increased in size and made level to create more of a flat appearance and the pitched roof is behind that. He noted the pitch was provided for drainage purposes. The wrought iron has remained the same and on the west elevation the glass has also been revised.

Nick Lombardo, Cherch Restaurant, stated the changes to the patio cover the Planning Commission requested were made and he was before the Commission to answer any questions.

Commissioner Savage asked Mr. Lombardo why he didn't submit the revised plans to staff earlier. Mr. Lombardo explained the changes were made, and submitted to staff on Tuesday morning (May 27).

Commissioner Whitaker stated the modification to arch the glass was a big difference in echoing the design elements of the building. He believed it looked like an improvement.

Vice Chairman Musante asked Mr. Lombardo if he believed the project conforms to what the RDRC requested. Mr. Lombardo believed the RDRC would have approved the revised project.

Vice Chairman Musante asked staff if the project conforms to what RDRC requested. Acting Chief Planner Eastman explained the RDRC was concerned about the pitch and suggested using a parapet design. He noted the cut to the glass that reflects the building's windows is consistent with trying to tie the patio with the existing building. Acting Chief Planner Eastman said he was reluctant to presume an opinion on behalf of the RDRC.

Commissioner Whitaker asked Mr. Lombardo if the revised design creates additional costs. Mr. Lombardo stated he was not sure, but he like the idea of the arched windows.

Public hearing closed.

Commissioner Richmond stated he was happy with changes and stated he would like to grant the appeal.

Commissioner Savage stated the arched window was a great idea. He stated the parapet was fine on the front, believed the side looked like a board hanging up. He stated his intent was for the parapet to run on all three sides, and the revised design was not what he had in mind.

Commissioner Chaffee stated he was glad the design revisions were made. He stated the west elevation is facing the alley and was not concerned the parapet did not run on all sides. Commissioner Chaffee was in support of the appeal with the modified design.

Commissioner Whitaker believed the revised project was a great improvement and was in support of the appeal.

Vice Chairman Musante stated the revisions could have been done initially when requested by the RDRC.

The title of RESOLUTION PC-08-18 APPROVING a Resolution of the Planning Commission of the City of Fullerton granting an appeal and overturning a denial by the Redevelopment Design Review Committee of a Minor Development Project application to construct a new outdoor patio as an ancillary activity to a restaurant on property located at 101 S. Harbor Boulevard was read and further reading waived. MOTION by Commissioner Richmond, SECONDED by Commissioner Whitaker, and CARRIED 5-0, that said Resolution be ADOPTED AS WRITTEN, with staffs recommended conditions.

Commissioner Savage recommended the applicant make revisions to the west elevation.

Acting Chief Planner Eastman explained the 10-day appeal period.

Commissioners Bailey and Francis returned to the room.

PRJ08-00075 – ZON08-00029. APPLICANT: GABRIEL FLORES; PROPERTY OWNER: DAMON L. LEACH. A request for a Conditional Use Permit to demolish an existing attached

garage and construct a detached two-story structure with a two-car garage and a second story measuring approximately 552 square feet and consisting of a recreational room, an office and a bathroom, on property located at 2537 Olive Avenue (north side of Olive Avenue approximately 460 feet west of Lindy Place) (R-1-6 zone) (Categorically exempt under Section 15303 of CEQA Guidelines) (AKU).

Associate Planner Kusch referenced a site plan and gave a brief overview of the request. He explained the request was for a Conditional Use Permit (CUP) for a detached two story structure consisting of a recreation room, office and bathroom, over an oversized one car garage. He noted the Municipal Code requires a CUP for consideration of detached two story structures in single family residential zones. Associate Planner Kusch stated the development standards have been met including the required setbacks. He referenced the elevations and explained the floor plan. He noted there were obscured windows proposed to prevent direct line of site into the adjacent properties. The remaining elevations are a stucco exterior, have the same roof pitch as the existing residence, and a residential appearance. Associate Planner Kusch referenced an aerial photograph and stated the surrounding area was primarily single story homes. He noted the patio enclosure must be permitted or removed. He explained that a notarized land use deed restriction be recorded on the title of the property to preclude the structure from being used as a secondary dwelling unit. Acting Chief Planner Eastman clarified the deed restriction was a code requirement for a detached habitable structure.

Commissioner Richmond referenced the photographs and asked if the trailer was legally parked there. Associate Planner Kusch stated it was blocking access to the garage, and the garage must be accessible. He explained trailers are generally allowed on driveways provided that access to the required parking is not blocked, so in this case it would not be allowed. He noted that by extending the driveway as proposed it would be located outside the setback.

Chairman Bailey asked if it would be allowed in a preservation zone. Acting Chief Planner Eastman clarified the Code does not distinguish a difference between a preservation zone and non-preservation zones in relation to RV parking. He noted the Code identifies a different issue in Preservation areas wherein existing front driveways need to be removed if they do not serve a purpose.

Commissioner Savage noted the trailer was going to make the garage inaccessible to an automobile.

Public hearing opened.

Damon Leach, Applicant, stated he has worked with Associate Planner Kusch and his contractor to make all the necessary changes based on staffs recommendations.

Bud Gordon, 2533 W Olive Avenue, stated Mr. Leach has been a wonderful neighbor. Mr. Gordon was opposed to a second story. He had a concern about privacy, and having to view the second story in the backyard setback.

Eva Gordon, 2533 W Olive Avenue, asked what the Planning Commission considered a single family dwelling. She stated her neighborhood was being taken up by multiple families living in single family dwellings. Chairman Bailey noted the City will record a deed restriction with the County, which will state that people cannot live in the property. Acting Chief Planner Eastman clarified the deed restriction prohibits the second story from being converted to a second dwelling. He stated a dwelling is defined as containing an area for food preparation. Acting

Chief Planner Eastman explained the proposal is a room which is detached from the primary dwelling.

Chairman Bailey stated the intent of the second story was for a bonus room, and the City would restrict the ability to put in a kitchen. Chairman Bailey asked what Mr. and Mrs. Gordon can do if they notice someone living in the second story. Acting Chief Planner Eastman explained Mr. and Mrs. Gordon have the option of contacting Community Preservation and an officer will go out for an inspection.

Mr. Gordon stated there are approximately 15 people living in the house across the street, and he City does nothing about it when he complains about it.

Public hearing closed.

Commissioner Savage believed the second story would end up a rental unit with a family living in it. He stated he was not in support of the project, and believed it would have a negative impact on the neighborhood.

Vice Chairman Musante stated a problem this City faces is the lack of affordable housing. He stated people have to live somewhere, and the amount of people living in a home is a matter of enforcement. He did not believe the request was out of the ordinary and was in support of the project.

Commissioner Whitaker stated it was unfortunate that the neighbors had an objection to the project. He believed the obscured windows should remain a condition if there ever were a change of ownership. He stated staff recommended approval of the project and so did he.

Commissioner Francis was in support of the project and stated the second story was allowed by code. He believed the applicant should be able to do what they want with their property as long as it is allowed by code.

Commissioner Chaffee stated he was in support of the project if rules are followed.

The title of RESOLUTION PC-08-19 APPROVING a Resolution of the Planning Commission of the City of Fullerton granting a conditional use permit for the construction of a detached two-story structure on property located at 2537 Olive Avenue was read and further reading waived. MOTION by Commissioner Richmond, SECONDED by Commissioner Francis, and CARRIED 6-1, with Commissioner Savage voting against the motion, that said Resolution be ADOPTED AS WRITTEN.

Commissioner Savage noted the City's General Plan states that something should not be brought into a neighborhood that will have a negative effect on the welfare of the residents.

Acting Chief Planner Eastman explained the 10-day appeal period.

APPLICANT: CITY OF FULLERTON. A review of the draft housing element of the City of Fullerton General Plan. The housing element update covers the City's housing policies, goals and objectives for the planning period 2006 through 2014 (BSP).

Commissioner Savage left the room at 7:58 p.m.

Senior Planner St. Paul explained the City was going through a comprehensive update for the General Plan. He noted the Housing Element is included in the General Plan, and is time sensitive. The Housing Element establishes guidance for future housing needs and identifies and analyzes housing needs including affordability and special needs.

Commissioner Savage returned to the room at 7:59 p.m.

Senior Planner St. Paul explained the Housing Element creates policies for new housing production at different income levels, preservation, conservation, and rehabilitation of existing housing stock. He noted the Housing Element needs to be submitted for State review by June 30, 2008 for certification. The Draft Housing Element will have a planning period from 2006-2014.

Dave Barquist, RBF Consulting, explained the Regional Housing Needs Assessment (RHNA). He noted the City must provide the land use to accommodate the planning period of 2006-2014. Mr. Barquist referenced the RHNA allocations table and explained the median family income for 2007 in Orange County.

He noted there were non-discretionary, legal requirements and explained the following:

SB-2- Emergency Shelters

SB 520- Housing for Persons with Disabilities

AB 2348- Adequate Sites Analysis- detailed site analysis to meet RHNA

AB 2634- Extremely Low Income HH's

Mr. Barquist noted there are four basic components to the housing element, and provided a summary of State requirements for the Housing Element. The first component was a Needs Assessment for RHNA growth needs, existing needs, and special needs groups. The second component is resources and constraints analysis. Mr. Barquist explained land resources were needed to accommodate the anticipated land use need. He noted governmental constraints were a regulatory process and procedure the city has, and non-governmental constraints deal with market conditions. The third element is the review of past performance because it identifies progress in implementation and evaluates effectiveness. The final element is the Policy Program, which is used on a regular basis to provide consistency in land use decisions. Mr. Barquist noted there were Community and Stakeholder Workshops to discuss housing issues and concerns, and referenced Appendix A, which provides a detailed summary of the outreach input. Mr. Barquist explained the major themes presented to the General Plan Advisory Committee (GPAC), and the Committee discussion and direction. He explained the policy framework in the Housing Element, and noted that at the core of the GPAC workshops was, identifying the issues, opportunities, and constraints that were filtered into the policy theme areas.

Senior Planner St. Paul stated GPAC held several meetings in a public setting to discuss the Draft Policy Program and Housing Element and to review and develop the policy program and policy actions. On May 12 GPAC held their final meeting and the Committee voted 13-0, with two Commissioners absent, to accept the draft housing Element and the Draft Housing Element as modified. Staff recommended the Planning Commission review, accept and/or modify the Draft Housing Element and Draft Policy Program as recommended by GPAC. Senior Planner St. Paul also recommended that the Planning Commission direct staff to forward the Draft Housing Element to the State Department of Housing and Community Development (HCD).

Vice Chairman Musante referenced Policy Action 2.x, Encourage Sustainability and Green Building Practices, and was concerned about deleting the policy. Senior Planner St. Paul clarified that the GPAC agreed that sustainability is important; however they believed sustainability was a different subject as far as what was trying to be accomplished in the Housing Policy Program. GPAC believed that it should focus on energy efficiency and not sustainability. The GPAC also understood that sustainability would be addressed throughout the remaining elements of the General Plan.

Commissioner Chaffee asked what the difference was between sustainability and energy efficiency. Mr. Barquist explained GPAC believed sustainability includes all elements of resource conservation and use, which could include energy efficiency, fuels and other energy resources, and fiscal consideration.

Vice Chairman Musante believed sustainability refers to conservation as well as building practices and energy conservation. He asked what part of sustainability the GPAC had faults with. Senior Planner St. Paul explained GPAC recommended that sustainability as a theme and policy action be removed from the Housing Element.

Commissioner Francis left the room at 8:19 p.m.

Commissioner Chaffee asked if the Housing Element would be submitted by itself without the sustainability provision and the other parts of the General Plan. Senior Planner St. Paul responded affirmatively; the state would just review the Housing Element.

Commissioner Francis returned to the room at 8:20 p.m.

Public hearing opened.

Chairman Bailey asked GPAC Chairman Joe Stopper to speak.

Joseph Stopper, GPAC Chairman, explained that GPAC had not spent sufficient time in figuring out where sustainability would be covered on the General Plan Update. GPAC believed sustainability needed to be broader in the General Plan Update, and due to time constraints, sustainability was not included in the Housing Element. He noted that the GPAC was going to have a briefing on Sustainability 101. He believed sustainability would be incorporated in some elements of the General Plan.

Vice Chairman Musante believed sustainability is the largest component in housing, and did not understand why it was deleted from the Housing Element. Mr. Stopper responded there was a sense of urgency to meet the State schedule. He noted if sustainability could get incorporated in the Housing element at a later time when all the elements are coordinated together, therefore the General Plan would address sustainability in each of the elements, in a coherent fashion.

Vice Chairman Musante stated that under *Policy Action 3.1 - Efficient Use of Energy Resources in Residential Development* addresses a part of sustainability but not all of it. He believed policy action 3.1 falls short of what the City should be submitting as a housing policy.

Chairman Bailey asked GPAC Chairman Stopper if there would be any issues with GPAC related policies and procedures if sustainability was put back into the Housing Element. Mr. Stopper responded no, and believed sustainability was an emerging issue in the General Plan Update.

Vice Chairman Musante read *Policy Action 2.x: Encourage Sustainability and Green Building Practices* and did not see anything wrong with including it in the Housing Element. Mr. Stopper stated GPAC did not feel comfortable covering sustainability at this point in time in the Housing Element. He noted GPAC decided to remove it so they can spend time in the future getting better educated on it. He believed all the GPAC members had a nebulous, view of what sustainability is, as it related to the General Plan.

Commissioner Chaffee asked why *Policy Action 3.x: Consideration of Child Care* was deleted from the Housing Element. Mr. Stopper noted *Policy Action 3.3: Provision of Amenities and Services Adjacent to Housing*, included childcare. He stated childcare was one of the many amenities to be considered.

Commissioner Chaffee asked why *Policy Action 3.x: Encourage Mixed-Income Development* was deleted. Mr. Stopper responded he did not remember why it was deleted.

Vice Chairman Musante believed the Country was trying to get away from low income projects that are crime infested and looking into mixed income developments. He stated that in Massachusetts when a property becomes available on a residential street the Housing Authority would buy the property for Section 8 housing so low income families are not concentrated in one area. Vice Chairman Musante stated he did not want *Policy Action 3.x* deleted from the Housing Element. Mr. Stopper explained GPAC had a mixed discussion and did not understand what the long term social impacts would be.

Commissioner Savage stated he is a member of GPAC and believed Mr. Stopper has done a magnificent job as Chairman, and has managed to bring the Housing Element before the Planning Commission in a timely fashion.

Vice Chairman Musante read *Policy Action 1.x-Housing for Special Needs*, and asked why it was removed, because the City should encourage this kind of specialized housing in a community. Mr. Stopper explained the section was a duplication of *Policy Action 4.7: Consideration of Persons with Special Needs*. Chairman Bailey noted it was also included in *Policy Action 1.9 – Encourage Senior Housing*.

Vice Chairman Musante noted *Policy 4.7* talks about seniors, and not other people requiring special needs.

Public hearing opened.

Matthew Leslie, 747 Barris Dr, had the following comments:

- Mr. Leslie stated he has attended many of the GPAC meetings.
- Was concerned about *Policy Action 2.x* not being included in the Housing Element.
- Believed low VOC paints, gray water systems, solar panels on a roof, certified FSC lumber, high efficiency toilets, general use of non-toxic materials in building and xeriscape plants are associated with sustainability and are not included in energy efficiency.
- Mr. Leslie compared the sustainable Depot Walk development in the City of Orange to the SOCO Walk in Fullerton and explained the developer said Fullerton did not ask for a sustainable development, he noted the Depot Walk is sold out and SOCO Walk is not.
- There are many cities in Orange County that have adopted sustainable development policies, which include the cities of Anaheim, Costa Mesa, and Mission Viejo.

Commissioner Whitaker noted Mr. Leslie's comment that Depot Walk is sold out and SOCO Walk is not. He believed market forces drive the process and is the preferred method as opposed to regulatory requirements. Mr. Leslie believed there was a clear role for Government to set standards and provide vision. He understood Consumers were making the choices.

Jane Rands, 747 Barris Dr, had the following Comments:

- Ms. Rands was concerned about *Policy Action 3.x Encourage Mixed-Income Development* being deleted
- She explained The Kennedy Commission promotes Mixed-Income housing
- Ms. Rands believed 10% of affordable housing should be emphasized for new developments and it should be added to the Mixed-Income Development Policy Action

Chairman Bailey asked Ms. Rands if she was referring to ownership or rental. Mr. Rands responded she was referring to both. She believed the Depot Walk in Orange was moderate income affordability, and they had built 5 of 32 units as affordable units.

Commissioner Chaffee asked Ms. Rands if she was referring to an inclusionary requirement where a percentage of what is being built must be affordable and a concept of paying into a fund that is used to build affordable housing. Ms. Rands stated she was referring to an inclusionary requirement without a buy out.

Chairman Bailey asked Ms. Rands how she would envision something like that working. Ms. Rands responded the City or Housing Authority would get involved in determining who would qualify. Chairman Bailey believed it was not up to the City to manage housing and determine who owns a particular condo complex. Ms. Rands believed it should work the same way the housing development on Valencia was working. Chairman Bailey noted Habitat for Humanity was managing the development on Valencia, and not the City.

Vice Chairman Musante believed if there was grant money or City land involved, the City could make a stipulation that certain units have to be affordable. For clarity Ms. Rands asked if the Mixed-Income Development Policy Action would fit the bill if it was not deleted, and Vice Chairman Musante believed it would encourage that.

Linda Tang, The Kennedy Commission, stated they would like to see policies that will facilitate the development of housing for all income segments of the community. She stated the development of housing should reflect the City's RHNA and housing needs. Ms. Tang explained the City's needs are in the lower income households.

Chairman Bailey left the room at 8:59 p.m.

Ms. Tang believed the City was in a good position because the Housing Element provides a great opportunity to address the needs. She stated the City needs to identify sites that will be suitable for the development of the housing needs for the City. Ms. Tang stated the City provided a great list on Appendix B-3 that shows a list of sites for the development of residential homes. Unfortunately more than half of them are not suitable. She noted that page shows the City lacks sufficient site to meet the future growth needs.

Commissioner Bailey returned to the room at 9:01 p.m.

Ms. Tang believed that was problematic because 94% of the City's past performance of new construction was built at above moderate and moderate income levels. She stated the city has constructed, entitled or is the process of entitling more than 1800 homes and only 7 address the low, very low, and extremely low categories. Ms. Tang believed the City needs to create stronger policies that will ensure balanced housing development to enhance the quality of life for all the working residents in the City of Fullerton. Ms. Tang believed there was a link between child care facilities and housing. She noted the Child Care Connections sent the City a letter asking the City to incorporate child care language into the Housing Element.

Vince Buck, 406 Cannon Lane, stated he was a GPAC member. He noted he was not at the last meeting and was disappointed the minutes were not included in the packet because it's important to know the vote on the policy deletions. He believed sustainability should be strongly stated throughout the Housing Element.

John Silber, Fullerton Resident, believed it was important for the City to do better at incorporating affordable housing, and referenced Table C-2.

Commissioner Francis left the room at 9:04 p.m.

Mr. Silber believed the failure to produce low income housing could be seen in the other statistics. Mr. Silber noted that in 1999, 1 in 5 rental households were paying half of their income on rent. He stated that now it is 1 in every 3 and the City is going backwards. He stated he did not want to put forward the idea that the solution was primarily one that would be a government funded one, but that was an important component.

Commissioner Francis returned to the room at 9:06 p.m.

Mr. Silber believed the City needs to use the resources available at the State and Federal level wisely, and include affordable rental housing. He noted he has seen many communities who have put policies on a land use standpoint where appropriate density and bonuses were coupled with appropriate objectives for affordable housing. Mr. Silber hoped the City would look at all the resources available in the private and public sectors. He believed it was essential to not have business labor costs arbitrated out of competitiveness by high housing costs.

Vice Chairman Musante clarified the Commission was talking about land use policy and not changing City law or mandating new types of construction or building codes. Mr. Silber stated that, as a land use policy, it will ultimately become part of the Zoning Code.

Jane Reifer, 149 W Whiting Avenue, had the following comments:

- Ms. Reifer was concerned about *Policy Action 1.4: ~~Encourage and Facilitate the Conversion of Non-Residential Land for Residential Uses~~*. She believed all industrial and commercial land were at risk if the policy goes through.

Commissioner Richmond explained all businesses were not going to be closed down and turned into residences. He noted the Old Kohlenberger site at Basque and Commonwealth was an example.

Chairman Bailey read Policy Action 1.4 and stated there was a process for zoning changes. Ms. Reifer believed it would not be done on a case by case basis and Chairman Bailey noted it is always done on a case by case basis, and explained the zoning process.

Commissioner Chaffee was concerned with the balance of emphasizing housing and not requiring the evaluation of creating jobs on the land. He believed the City should evaluate employments, parks, and schools when it comes to land use. Ms. Reifer stated the Policy was shifting towards residential without adequate review.

Chairman Bailey believed there was a check in place and it was the Planning Commission, other Committees and City Staff also provide input as projects filter through.

- Ms. Reifer was concerned about *Policy Action 2.1: Preservation of Historic Residential Resources* because it was vague.
- She believed the City was rapidly losing Historic Housing.
- She believed the City should consider becoming a Mills Act City.
- She was concerned about limited housing dollars and interest of social engineering and believed the City should prioritized affordable housing spending on the truly poor.
- She stated she loved programs like Habitat for Humanity, but those are not serving the poor.
- Ms. Reifer explained Fullerton has stable rental populations.
- She believed something should be done to address low income housing being torn down or converted to higher rate housing.
- She stated it was sad to see tenant displacement.

Judith Kaluzny, 400 N Malden, had the following comments:

- She noted the City of Orange required the Green Building and it was not the Olson Company's Choice.
- She has attended every GPAC meeting and has seen a disconnect in the Housing Element.
- Ms. Kaluzny stated she attended the meeting at Maple Community Center dealing with crimes and gangs in low income neighborhoods where people are crammed together, and yet the Housing Element will have incentives for low income housing by requiring less open space.
- She was concerned with *Policy Action 1.5 Encourage Facilitate In-Fill Development* because the Transportation Center Development was identified as In-Fill Development and she believed there would be no open space and believed it was a hazard to develop around the Transportation Center.

Public hearing closed.

Chairman Bailey asked if the Commission would like to discuss the 10 percent requirement for low income housing and developments. Vice Chairman Musante believed a Policy should indicate the Commission would prefer a percentage should be related to low and very low income. Commissioner Chaffee believed it should be more in the form of an ordinance and there should be a buy out provision. He stated it did not fit in the General Plan.

Vice Chairman Musante read *Policy Action 1.3: Expedited Processing for Extremely-Low, Very-Low, Low and Moderate Income Housing Developments* and asked why the City would not want a streamline processing of housing projects. Chairman Bailey believed instead of streamlining housing projects it is to identify methods and targets extremely-low, very-low and low housing.

MOTION by Commissioner Savage, SECONDED by Commissioner Richmond that the draft Housing Element and Policy Program be forwarded to HCD as is, for review and comments. Motion failed with Commissioners Bailey, Francis, Musante, Whitaker, and Chaffee voting against the motion.

Senior Planner St. Paul clarified the State has 60 days to review the document and then will be brought back to the Planning Commission for review again.

Vice Chairman Musante believed the Housing Element was an important decision for the City of Fullerton, and was concerned about deleting Policy Action 2.x. Commissioner Francis, Chairman Bailey, and Commissioner Chaffee believed Policy Action 2.x should be included.

After a brief discussion with City Attorney Duarte, Chairman Bailey explained he would like the Commission to look at each issue and decide whether or not the individual Policy Actions would be included in the Housing Element.

MOTION by Vice Chairman Musante, SECONDED by Commissioner Francis, that Policy Action 2.x be included in the Housing Element, and CARRIED 5-2, with Commissioners Savage and Richmond voting against the motion.

Commissioner Savage believed sustainability means regulating a selling price, design, the price of land, amount of open space, and amount of rent charged. He believed this would also mandate who your neighbor might be. He stated the Commission would be mandating wages as well. He believed sustainability was a politically charged word that has a lot of connotation to it, and was against adding sustainability to the Housing Element. He noted there were other areas in the General Plan where sustainability could be added.

Commissioner Chaffee believed it was clear sustainability has to do with energy conservation and green building practices. He stated sustainability promotes awareness and begins the process of education.

Vice Chairman Musante believed sustainability encourages green building practices and believed it was time the City follows the rest of the Country. Commissioner Francis agreed with Vice Chairman Musante.

Commissioner Whitaker believed the word "encourage" suggests incentives and is a market approach which can streamline and facilitate the process, but leaves the choice to the individuals involved in the market. Commissioner Whitaker stated he would not support including price controls and subsidies. He stated there were other areas where "facilitate" has been imposed in place of "encourage", and he is wary of that.

Commissioner Chaffee believed Policy Action 3.x regarding child care was a special need for single women. He referenced table 2-49 and stated 33% of people below the poverty level were female-headed households with no husband present and at least one child. Commissioner Chaffee believed child care was tied to housing and should be a part of the Housing element.

MOTION by Commissioner Chaffee, SECONDED by Commissioner Musante to add Policy Action 3.x.

Commissioner Savage believed Commissioner Chaffee wanted to mandate the types of businesses that go into a housing development because of a need that he perceives. Commissioner Savage stated the market would take care of child care if there was a need.

Commissioner Chaffee stated that he was not mandating anything. He stated childcare ties into the affordability aspects so people can go to school, get a job, and make themselves productive.

Commissioner Savage stated the Commission would be adding obstacles to affordability. Commissioner Chaffee stated he was emphasizing a special need in the community, especially among women.

Commissioner Musante believed a developer with a 100-unit middle-income development can include a room for child daycare, and it should be considered by the City, but not mandated.

Chairman Bailey believed child care was addressed in *Policy Action 3.3: Provision of Amenities and Services Adjacent to Housing*, and stated he would not support the motion.

Commissioner Whitaker believed the inclusion of quality implies that someone would be a guarantor of what quality is versus another term like adequate. He asked how the child daycare facilities would remain quality. Commissioner Chaffee believed childcare was regulated by the State and was okay with using “adequate” instead of “quality”.

MOTION by Commissioner Chaffee, SECONDED by Vice Chairman Musante to AMEND his motion to change “quality privately-owned” to “adequate”, instead of “quality”. Motion failed with Commissioners Bailey, Francis, Savage, Whitaker, and Richmond voting against the motion.

Vice Chairman Musante referenced *Policy Action 3.x: Encourage Mixed-Income Development* and believed the City should set up a policy so developers can come in with mixed-income development.

MOTION by Vice Chairman Musante to include *Policy Action 3.x: Encourage Mixed-Income Development*. Motion failed due to the lack of a second.

The Commission believed *Action 2.1: Preservation of Historic Residential Resources* was fine as is.

Commissioner Savage stated he would like to see *Policy Action 1.5 Encourage Facilitate In-Fill Development* be removed in its entirety. He believed that giving incentives to convert industrial or office professional to residential will encourage large business to leave the City of Fullerton because of the residential value.

MOTION by Commissioner Savage, SECONDED by Commissioner Chaffee to remove *Policy Action 1.5 Encourage Facilitate In-Fill Development* in its entirety, and CARRIED 6-1, with Chairman Bailey voting against the Motion.

Commissioner Whitaker believed *Policy Action 1.5 Encourage Facilitate In-Fill Development* was not necessary to emphasize. Commissioner Musante stated the number of manufacturing jobs in the City has diminished, and he was in agreement.

Commissioner Chaffee believed *Policy Action 2.6 – Owner-Occupied Housing Rehabilitation* should apply to all residential property. He believed an adequately secured loan might help get rid of slum housing conditions.

MOTION by Commissioner Chaffee SECONDED by Commissioner Richmond to strike the words owner-occupied and revise it to say “To enhance the quality of existing neighborhoods, the City shall offer low-interest and no-interest loans and grants to encourage housing rehabilitation”, and the rest should be as is, with Commissioners Bailey, Francis, Musante, and Savage voting against the motion. Motion failed 4-3.

Vice Chairman Musante stated he liked the way Policy Action 2.6 currently reads, and believed rental housing should be another section. Commissioner Chaffee stated he could revise the section so it applies to both.

Commissioner Whitaker was in support of striking the words. He stated if funds could be made available to make improvements he would not limit it to only owner-occupied properties.

Chairman Bailey believed an income building is afforded different loan opportunities in the private sector. He believed individuals should have more fiscal responsibilities to manage income properties.

Vice Chairman Musante stated there were slum lords in the City and getting properties cleaned up has a way of taking care of itself through normal channels, like the Parkin Gardens Apartments, which are currently being cleaned up. He was in favor of leaving Policy Action 2.6.

Commissioner Savage believed subsidizing was not a good idea.

Commissioner Chaffee noted it was 7 or 8 years before Parkin Gardens came before the Planning Commission. He believed a secured loan could have helped them become voluntarily compliant so the people who live there can have a better place to live. He stated he was looking for a way for people to voluntarily comply that need help to do that.

Commissioner Whitaker said he did not see it as a subsidy because it is a loan. He stated if the City imposes requirements it could create difficult situations. He noted most of the people living at Parkin Gardens were pleased with living there until the condition that arose.

Commissioner Savage considered a grant or no interest loan a subsidy.

Commissioner Whitaker stated those terms were often voluntarily extended to businesses, downtown districts, and people of means.

Commissioner Savage stated he was okay with Policy Action section 2.6 and owner-occupied, but was having trouble with including non-owner occupied.

Commissioner Savage referenced Page 3-19 Section 10 that the Redevelopment Agency set-aside money be used to help people with more modest needs than State Law mandates. He stated the Legal Aid Society came about when the City of Fullerton was trying to create a Redevelopment zone for car dealers. He stated the Legal Aid Society wanted to direct how the Housing set-aside funds would be used. He stated the end result was a stipulated judgment that allowed the Redevelopment zone to be created, and the Redevelopment funds were

restricted in its use. He stated Fullerton targets lower incomes than mandated by State Law with the use of Redevelopment funds.

The title of RESOLUTION PC-08-20 APPROVING a Resolution of the Planning Commission of the City of Fullerton recommending that the draft housing element of the City of Fullerton's General Plan be forwarded to the State Department of Housing and Community Development (HCD) for review was read and further reading waived. MOTION by Commissioner Musante, SECONDED by Commissioner Francis, and CARRIED 7-0, that said Resolution be ADOPTED AS AMENDED.

### **OTHER ITEMS**

None

### **COMMISSION STAFF COMMUNICATION**

Acting Chief Planner Eastman noted there were amendments to the zoning atlas and requested the Commissioners bring their zoning atlas so staff could provide them with the changes.

Acting Chief Planner Eastman noted Staff would inform the Commission if the June 11, 2008 meeting would be cancelled for lack of items.

The Commission and Staff discussed moving some of the items from the June 25 meeting to the June 11 meeting. Acting Chief Planner Eastman explained there were advertising requirements and that may not be possible.

Acting Chief Planner Eastman noted the July 23, 2008 meeting would be cancelled.

Vice Chairman Musante stated Chairman Stopper has done an excellent job with GPAC.

### **REVIEW OF COUNCIL ACTIONS**

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

### **AGENDA FORECAST**

The next regularly scheduled Planning Commission meeting will be June 11, 2008 at 7:00 p.m.

### **ADJOURNMENT**

There being no further business the meeting was adjourned at 10:18 p.m.

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Susana Flores  
Clerical Assistant