

MINUTES OF THE REGULAR MEETING OF THE STAFF REVIEW COMMITTEE  
COUNCIL CONFERENCE ROOM      FULLERTON CITY HALL  
THURSDAY, 10:00 A.M., MARCH 5, 2009

CALL TO ORDER

Chairman Zelinka called the meeting to order at 10:02 a.m.

COMMITTEE MEMBERS PRESENT

St. Paul, Rebert, Voronel, Lopez, and Tabatabaee

COMMITTEE MEMBERS ABSENT

None

STAFF MEMBERS PRESENT

Hernandez, Kusch, and Flores

APPROVAL OF MINUTES

MOTION by Committee Member St. Paul, SECONDED by Committee Member Tabatabaee that the minutes of December 18, 2008 be APPROVED AS WRITTEN.

ACTION ITEMS

Item No. 1

PRJ09-00008 – ZON09-00002. APPLICANT: SI H. KIM; PROPERTY OWNER: IMPERIAL FULLERTON PARTNERS. A request for approval of a minor site plan to allow a tutoring facility on property located at 411 East Imperial Highway (north side of Imperial Highway, approximately 985 feet south of Bonita Place) (C-M zone) (Categorically exempt under Section 15301 of CEQA Guidelines). (Staff Planner: Christine Hernandez)

Associate Planner Hernandez explained that the property was zoned Commercial Manufacturing (C-M zone) and the proposed tutoring facility would be located within the retail center. She noted that previously there was a tutoring facility approved at the site, and the request was before the Committee because the tutoring facility closed more than six months ago. Associate Planner Hernandez noted that the maximum number of students at any given time would be twenty and the maximum number of tutors would be four. The hours of operation will be Monday thru Friday from 2 p.m. to 6:30 p.m., Saturday from 10 a.m. to 2 p.m. and closed on Sundays. She referenced the floor plan and explained the layout of the facility.

Public hearing opened.

Si H. Kim, Applicant, noted that the age group of the students would be from kindergarten to middle school.

Committee Member St. Paul asked if students would be dropped off, and Ms. Kim responded affirmatively.

Rich Wray, Owner's Representative, noted that there was adequate parking for the shopping center.

John Raphael, Adjacent Business Owner, noted that he runs a children's art school next door and was concerned about the volume of the music. He noted there was a dividing wall between the units that was not sound proof.

Mr. Wray noted that the music classes would be located on the opposite side from Mr. Raphael's tenant space. Mr. Raphael responded that unfortunately that does not make a difference.

Associate Planner Hernandez noted that staff was not aware of music because it was not indicated on the minor site plan application.

Committee Member St. Paul asked the applicant if the music lessons would be one on one, and Ms. Kim responded affirmatively.

Scott Seo, Applicant, stated that they were proposing a tutoring facility for math and English. He noted that they were approached by the parents for music tutoring (violin and cello). He clarified they would be open on Saturday for private music lessons.

Committee Member Tabatabaee asked what the square footage of the tenant space was, and Associate Planner Hernandez responded approximately 2,400 square feet.

Chairman Zelinka asked Mr. Raphael if the music he has heard in the past was on multiple days. Mr. Raphael responded that they previously had recitals on Sundays, and recommended a sound proof room for the music lessons.

Mr. Wray believed that the tenant space cannot be sound proof, but they can do things to reduce the traveling of sound.

The Committee and the applicant discussed possible solutions to reduce the traveling of sound.

Public hearing closed.

Committee Member Tabatabaee noted that all demising walls must be full height walls (2007 CA Building Code). He noted that the wall will need to come into compliance, but may be a non-conforming use if it was built prior to Code.

Committee Member Lopez noted that a fire alarm system will be required.

Committee Member St. Paul believed the use was consistent with the surrounding area. In order to not disturb adjacent neighbors he recommended sound deadening a specific room for music.

Committee Member Zelinka believed the sound impact should stay within the confines of the business and not emanate to adjacent businesses. He recommended sound proofing a room on the other side of Mr. Raphael's tenant space.

Committee Member St. Paul recommended a condition that the item come back before the Committee if the hours of operation change.

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

Chairman Zelinka explained the 10-day appeal process.

The Committee and applicant discussed the Temporary Certificate of Occupancy (TCO) process.

Item No. 2

PRJ09-00058 – ZON09-00013. APPLICANT: DANIEL DASCANIO; PROPERTY OWNER: JUDITH GARFI-PARTRIDGE. A request for a reduction in the required rear yard building setback from 35 feet to 28 feet for a single-story residential addition on property located at 3235 Las Faldas Drive (north side of Las Faldas Drive, approximately 450 feet north of San Juan Drive) (R-1-20 zone) (Categorically exempt under Section 15303 of CEQA Guidelines)

Associate Planner Kusch referenced an aerial photograph and explained that the request. The subject property is considered a through lot, with dual frontage on Las Faldas Drive and Hermosa Drive. Associate Planner Kusch noted that the Fullerton Municipal Code (FMC) requires a 35-foot minimum building setback from each street. The request was to reduce the building setback to 28 feet from Hermosa Drive. He referenced the site plan and explained the layout. He noted that the adjacent properties to the east had a different zone (R-1-15) and required a 25-foot building setback from Hermosa Drive. He believed that the proposed setback reduction could be justified based on a 25'-0" setback from Hermosa Drive for structures on adjacent properties. Associate Planner Kusch recommended two conditions of approval. The first condition was for the existing block wall along Hermosa Drive be designed to accommodate an adequate line-of-sight at the existing driveway. Staff was concerned because there was no line-of-sight for a vehicle to back out onto Hermosa Drive. Additionally, staff recommended recordation of a land use deed restriction stipulating that the garage was for personal use and not for commercial purposes.

Committee Member St. Paul asked if the line-of-sight was from the property line or the curb. Associate Planner Kusch responded that the Code requires that it be taken from the property line. He noted that the General Plan identified Hermosa Drive as a rural street and that sidewalks are typically omitted based on the rural street design guidelines. Associate Planner Kusch further noted the applicant proposed to measure the line-of-sight vision clearance from the curb as opposed to the property line.

Associate Planner Kusch noted that there was no driveway access from Las Faldas and the primary vehicular access was from Hermosa Drive. He stated that the side yard setback would not accommodate the required width of a driveway to access the rear of the property from Las Faldas Drive.

Committee Member Tabatabaee referenced the site plan and noted that a firewall or five-foot setback would be required for the proposed detached pool house.

Committee Member St. Paul asked if the proposed garages would have gas, electric, and plumbing utilities. Associate Planner Kusch responded affirmatively.

Committee Member Voronel noted that the absence of a sidewalk does not mean that pedestrians are not walking on the paved shoulder, and recommended not waiving the line-of-sight Code requirement.

Public hearing opened.

Daniel Dascanio, Project Architect, noted that there was a recent addition onto the back of the home that was completed about a year ago. He noted that the access into the garage from Las Faldas was very steep and the previous owner built a detached garage off of Hermosa Drive. He noted the existing garage was about 20 feet from the property line. Mr. Dascanio believed that the minor variance could enhance the appearance of Las Faldas Drive because the property owner would be removing vehicles that are otherwise parked on the street. He noted Las Faldas was a very narrow street. Mr. Dascanio noted the detached structure at the west end of the property was approximately 3 feet from the property line, and would comply with the 2007 CA Building Code. He further noted that there was hardscape/landscape on the east side of the property. Mr. Dascanio noted there would be underground utilities (gas, electric, and water) in the garage.

Committee Member St. Paul noted that there was concern about the garage turning into a living space if the property transitions from owner to owner. Mr. Dascanio noted that the property owner was open to a deed restriction prohibiting the proposed garages from turning into living space or used for commercial purposes.

Chairman Zelinka noted that staff was concerned about the block wall, and line-of-sight on Hermosa Drive. Mr. Dascanio believed there was enough room for vehicles to turn around on the property to exit the property in a forward direction. Mr. Dascanio noted that the line-of-sight provisions in the Zoning Code referred to corner lots.

Committee Member St. Paul asked if there was room to re-orient the block wall. Mr. Dascanio noted that it was an existing 6-foot high block wall, and the applicant would need to rebuild a new gate at 25 feet wide. He noted there would be security concerns if his client had to tear out 42-feet of the existing block wall, to accommodate the noted dimensions for vision clearance.

Nellie Mitchell, Fullerton Resident, noted that Las Faldas was a curving street which undulates up and down. She was in support of the project because she was concerned about egress from her property due to all of the street parking. Additionally, she received a notice from the post office that there is to be no parking within 30 feet in either direction of her mailbox.

Mary Collier, Fullerton Resident, asked if the existing block wall was going to be moved and setback or moved forward.

Joan Wolff, Fullerton Resident, stated that she did not have a problem with the proposed garages in the back. She was concerned about cars backing out onto Hermosa Drive because she walks on the asphalt sidewalk with regularity. Ms. Wolff questioned the partial driveway located at the front of the property.

Mr. Dascanio noted that the block wall was existing, was similar to adjacent properties, and was opposed to the suggestion of modifying it.

Public hearing closed.

Committee Member St. Paul noted that there was a semi-circle driveway in the front setback, and noted it would have to be addressed. He noted that any new development has to meet current Code.

Chairman Zelinka asked what the line-of-sight Code requirement was. Associate Planner Kusch noted that the cut-off area comprised two triangular areas on either side of the driveway. The triangles originate at the intersections of the lot line and either side of the driveway, and project 15 feet from those origin points along both the side of the driveway and the property line.

Committee Member Voronel believed that the block wall created unsafe access to and from the garage. She believed that for purposes of pedestrian safety, that there was no difference between a rural and non-rural street design. She believed the line-of-sight requirement should not be waived.

Committee Member Tabatabaee noted a soils report and drainage grading plan will need to be submitted.

Chairman Zelinka questioned what the line-of-sight Code requirement was. Associate Planner Kusch read the Code section "No structure or landscaping shall be placed within a "cut-off" area, as defined in this subsection in a manner that obstructs a clear view of traffic" and explained the three graphics illustrating the dimensions.

Committee Member Voronel explained her interpretation of the Code section.

Chairman Zelinka stated Harbor/Hermosa was a problem intersection and noted that there was a community meeting scheduled later today. He explained that even though the request was setback a distance from the intersection, staff needed to respect the issues that are out there. Chairman Zelinka noted that staff concurs with the idea that there was plenty of space for the property owner to pull out of the driveway in a forward direction, but there is a need to follow the Code as it relates to the visual triangle and sight distance. Chairman Zelinka asked Mr. Dascanio if he was amenable to coming up with a design solution that achieves the visual sight triangle while not negatively impacting his clients safety and security of the property.

Public hearing re-opened.

Mr. Dascanio noted that the line-of-sight clearance Code section applies to corner lots, and noted the property was not a corner.

The Committee and applicant discussed the vision clearance Code section.

Associate Planner Kusch read Code Section 15.47.040.C, and noted there was discretion on the part of the Staff Review Committee to impose conditions to address line-of-sight issues and safety issues regarding vehicular access.

Committee Member Lopez asked if the lot was classified as a corner lot. Associate Planner Kusch responded no, and noted it was classified as a through lot.

Chairman Zelinka noted that the three Code diagrams apply to corner lots, and noted that staff was responsible for public safety, general health, and welfare of the community. Chairman Zelinka clarified that the SRC was allowed by Code to impose conditions that are for the well being of the public as staff interprets them to be.

He explained the appeal process and asked the applicant if he was willing to work with staff for the visual nature of the ingress/egress. Mr. Dascanio responded that he was willing to work with staff, but believed his plan as proposed was according to Code.

The Committee and applicant discussed possible solutions for the line-of- sight clearance.

Committee Member St. Paul noted that the front driveway would need to be addressed. Associate Planner Kusch explained that there was a 6-inch semi circular driveway with two curb cuts. He noted that a driveway was allowed in the front yard setback if it leads to a parking space that was located outside the front yard setback. Associate Planner Kusch clarified that in this case, the parking space was in the front yard setback.

The Committee and applicant discussed the Code regulations for circular driveways. Mr. Dascanio noted that he would be coming back with a proposed plan for the front yard under a separate application.

Committee Member St. Paul noted the project was consistent with the General Plan, further setback from buildings on adjacent setbacks, and within the context of the neighborhood and the pattern of development. Staff was in support of the request with the following conditions:

- The Applicant shall work with staff to satisfactorily address the driveway line-of-sight issue
- A deed restriction shall be recorded to restrict commercial use or habitable area in the proposed garages
- Prior to issuance of a final permit for the new garages, the existing Las Faldas Drive driveway shall be eliminated or modified to meet City requirements for a circular driveway
- Building plans shall be in compliance with 2007 CA Building Code
- Applicant shall submit a soils and drainage grading plan

MOTION made by Committee Member St. Paul, SECONDED by Committee Member Rebert, to APPROVE the request subject to staff's recommended conditions. Motion passed unanimously.

Chairman Zelinka explained the 10-day appeal process.

#### OTHER MATTERS

None.

#### PUBLIC COMMENTS

Mr. Dascanio stated that he took protest with the averaging of front setbacks because it creates an urban corridor of sameness.

Adjourned at 11:40 a.m. as Staff Review Committee.

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