

Felix Joseph Metoyer III  
209 Concord Ave.  
Fullerton CA, 92831

April 5, 2023

City of Fullerton  
303 W. Commonwealth Ave.  
Fullerton, CA 92832  
Attn: Zoning Administrator  
Attn: City Council  
Attn: Edgardo Caldera (Community and Economic Development Department)

Re: Request for Minor Site Plan Review (ZON-2021-0041) / 245 N. State College Blvd.

Dear Mr. Caldera,

Let me begin by stating, without equivocation, that approval of a 25-unit multifamily development at the subject location would be disastrous for the surrounding area, and a big failure on the part of the city to uphold reasonable foresight, and good planning practices. Having said this, let me also state, that I am not intrinsically opposed to the concept of development as a means of reviving communities, parcels or repurposing land. Thoughtfully pursued it can be an asset; however, irresponsibly pursued it can create many problems.

My initial and general concerns at this time are noted below. I strongly urge you, the Zoning Administrator, and the City of Fullerton as a whole to take the necessary steps to require every bit of due diligence possible, and to scrutinize every detail during the consideration of this development as currently proposed, in order to avoid a poorly functioning future site. This development should move forward at low or medium density. Most of the concerns around this proposed development, and corresponding application for Minor Site Plan review can be resolved by reducing density.

1. Firstly, CEQA (class 32) exemption is reserved for infill projects that: are on sites of less than 5 acres within city limits surrounded by urban uses. This class of projects is characterized as in-fill development meeting the following conditions:
  - a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (The proposed project at 245 N. State College is not consistent with the general plan)
  - b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
  - c. The project site has no value as habitat for endangered, rare or threatened species. (Please provide documentation that indicates the subject property is of no value as habitat for endangered, rare or threatened species or any evidence that this has been considered before the application for Minor Site Plan Review decision)
    - i. There are 181 animal Taxa (species and subspecies) listed by the State of California, Natural Resources Agency, Department of Fish and Wildlife, Biogeographic Data Branch California Natural Diversity Data Base (CNDDB) as being of various classified status, some endangered, some threatened. This report is dated January 2023. Has this been considered? Have any of the

surrounding areas been evaluated for the presence of these animals? Has a biologist or representative of the Department of Fish and Wildlife been contacted or consulted?

d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (Please provide traffic study, air and water quality studies that were conducted resulting in confirmation of no significant effects.)

e. The site can be adequately served by all required utilities and public services. (Please provide the detailed plan for how all utilities and public services, especially trash services will be addressed). The need for trash pickup has not been sufficiently thought through, or evidence of such acceptable plan provided.

Please see current condition at nearby 2000 E. Wilshire apartments. This is the type of condition / look that cannot be allowed at a major street such as State College. Thus far the question of logistics and access has not been sufficient provided that would indicate an operational plan has been developed for how the 245 development will handle this. Despite the best of intentions and planning, operations / operators of this type of development can vary widely. Please provide sufficient evidence of the plan for trash service at the site so bins of refuse can be placed out of view and away from other residences to avoid wafting smells.



2. Density - The General Plan indicates that this parcel is to be low to medium density for a reason. Anything more than this doesn't make sense for those who live nearby, and will be met with opposition from the surrounding community. Anything more than this is for the benefit of the development company only, and does not consider those already living in and paying taxes in the area.
  - a. Both Revere and Concord Ave. continue to have parking issues with patrons of Mr. BBQ, BIGS, and CSUF students parking on the streets. My aging parent have had to walk a significant

distance down the street to visit my home due to this problem, and the concern of how this new development will make the situation worst needs to be discussed and addressed. It cannot be assumed that a limited number of vehicles will be associated with each unit.

- i. How will parking be handled?
    - ii. Will hand tags be issued?
    - iii. Will a vehicle registration form be required of all applicants / residents?
    - iv. Improper density will result in parking issues and complaints
    - v. How will crowded streets be addressed during days of street sweeping? This will be a problem.
  - b. A 25-unit development will need to be vetted for a host of issues caused by 9 – 11 ft setbacks. Again, the proposed density for this location is too aggressive.
    - i. View into the adjacent properties
    - ii. Privacy concerns, lawsuits
    - iii. Noise concerns
    - iv. Smoking legalities
    - v. Safety
    - vi. Security
    - vii. Fire Life Safety and emergency vehicle access
    - viii. Fire Fighting plan – What are the proposed plans for fighting fires at the rear of the new development. Will the existing homes on Concord Ave. be less accessible for fighting fires at the rear of their properties now that fire fighting equipment will be blocked from accessing the 245 N. State college site in the same manner as is possible currently?
    - ix. Ingress / egress- increased likelihood of traffic accidents or pedestrian accidents
    - x. Electromagnetic radiation concerns from very high-density development and corresponding high-density internet router locations, due to reduced setbacks. Having many units so close to existing residents can expose them to heightened levels beyond daily recommended allowances. This should be studied.
    - xi. Traffic Control and mitigation
    - xii. Root intrusion – The current plans show various trees and plantings very close to nearby existing neighbors' property. With the reduced setbacks it is feasible to think that root intrusion will become a problem for adjacent properties and homeowners. Damages caused will of course be the responsibility of the Owner to remedy, however the city will also be held responsible if allowing the development to continue at this inflated density / reduced setback.
3. Design- The design of the new development should be studied in the rear of the property, especially at the proposed setbacks. Have studies been done to evaluate the views via elevations specifically from the angles and areas shown in the photos below? This should be evaluated.



To reiterate, there should be no fast tracking of any kind with this type of proposed development. It is grossly over and above the intended density in the General Plan, and what makes logical sense for the site, and encroaches on the privacy of those adjacent to it as currently designed. There is nothing wrong with developing

the subject site, in fact I encourage it, however it must be done at densities that make sense for those affected not just make sense for those standing to profit from it.

I trust that those elected to our City Council will agree with my sentiments, and be in support of the development, but under more reasonable terms. Until then, I also trust that any application for the fast tracking of this project of any kind without the typical and appropriate diligence that has been applied to other recent developments in the city i.e. industrial, multifamily, etc. be denied.

Other projects have had to submit water quality testing,

Regards,

Felix Metoyer  
CC: City Council

David and Tracy Sanchez  
213 Concord Ave.  
Fullerton, CA 92831

April 6, 2023

City of Fullerton  
303 W. Commonwealth Ave.  
Fullerton, CA 92832  
Attn: Zoning Administrator  
Attn: City Council

Re: Request for Minor Site Plan Review (ZON-2021-0041) / 245 N. State College Blvd.

Dear Ms. Thomas,

We are property owners and residents in the neighborhood adjacent to the proposed development. Due to the concerns listed below, we are requesting that the Zoning Administrator reconsider allowing this project to be granted the CEQA exemption. The developer is taking all allowable opportunities to build as many units as he is permitted, in the name of providing low-income housing. However, he has made it clear in my personal conversation with him that his main priority is profit. He claims to care about our city, but offered little empathy for the impacts that his development would have on our peaceful neighborhood. Through subtle threats in our conversation and bemoaning how long this process has taken due to the city's employees, Mr. Kapogianis has shown his true colors. The city has a duty to ALL of their residents, land owners, and tax payers, to ensure that ALL of our rights are protected. Granting this CEQA exemption would allow this project to continue without investigating the full impact of this project on the environment and the community, therefore, we are urging the Zoning Administrator to reconsider.

The Draft Resolution No. ZA-2023-02, Recital 2. states that the Zoning Administrator notified owners of adjacent properties and that no objection to the proposal was raised.

On the contrary, please see below listed concerns:

### **Density**

I have researched the city zoning regulations and the California legislation that "ties the hands of the city" in regards to allowing high-density housing in areas not otherwise zoned for it. We are requesting that this project not be exempt from CEQA in order for the city to exercise their due diligence to properly investigate the potential significant effects relating to traffic, noise, air quality or water quality, in an area that was not zoned for or meant to be developed at the densities of the proposed project.

## **Building Height/Setbacks**

Project incentives allow a 2-story building (with windows) to be built 9 feet from the property line of a residence that otherwise would have not been allowed by Fullerton's Municipal Code. The increase in building height, coupled with the reduction in setbacks will undoubtedly result in loss of *privacy* and *property value* for the homeowners of the adjacent properties.

## **Parking**

Although the proposed project is providing more parking spaces than required by California legislation and density bonuses, it is still providing less than the amount deemed necessary by Fullerton Municipal Code. This high-density housing parking bonus will likely result in a lack of on-site parking for residents, who will be forced to park in the neighborhood behind the project or across State College. If a pedestrian parking across the street is hit by a car while jaywalking across State College, will the city be held liable if they approved this project knowing it did not provide enough parking and without doing its due diligence of a complete traffic study? Additionally, will the city begin to consistently enforce the overnight parking ban in our neighborhood? Will code enforcement crack down on people parking on their lawns when daytime street parking is reduced due to the proximity of this high-density housing project?

## **Cumulative Impacts**

The City notes that the current project of the Hub Fullerton is less than one-half mile from this project but that construction activities will not be occurring concurrently. If the Project Hub is anticipated to open in 2024, does that mean this project is not going to begin construction until after the Hub is complete? Has the Hub project experienced construction delays due to rain that would affect the timeline for completion and cause these projects to be occurring simultaneously?

## **Significant Effects (Unusual Circumstances)**

The report notes that this project would not have any effects on the environment. This project proposes construction of an underground parking structure. This property is also located within a flood zone. Have any other city infill projects been consistent with those circumstances? Additionally, according to the Preliminary Water Quality Management Plan, this project replaces a lot that was previously 8% impervious surface with 98% impervious surfaces. In addition to the water entering the underground parking structure, will the current infrastructure support the increase in runoff from a 90% increase of impervious surfaces? When surfaces slope away from the buildings on this property, but towards the adjacent properties, will the decrease in setback affect drainage?



## **Traffic**

This high-density housing project driveway is connected to one of Fullerton's busiest roadways. By the city's own Hub Fullerton Transportation Impact Assessment, the intersection at Chapman and State College is already operating at levels that are considered unacceptable, with opening year projections in 2024 showing the intersections operating at even worse Levels of Service. Additionally, the projected opening of the EOS Fitness gym across the street will undoubtedly bring more traffic entering and exiting State College in close proximity to this project. According to the Hub Fullerton Traffic Impact Assessment, a traffic volumes study in this area was not conducted for the Hub project. Due to the many ongoing projects in the vicinity that will affect traffic volumes, I am requesting that the city conduct an updated traffic volumes study before approving this project.

An additional traffic concern is the ability of residents in our neighborhood to make a left turn from Revere to State College. As a parent who will have teenage drivers by the time the proposed project is completed, I worry that the additional traffic from these development projects will make it unsafe to exit our neighborhood. An updated traffic study should be conducted to protect our residents from unsafe conditions and protect the city from liability should accidents occur.

This project will also undoubtedly bring more through traffic in our neighborhood, with people often using Wilshire Avenue as an alternative to Commonwealth or Chapman. Recently, at our request, the city installed a stop sign at Revere and Concord in an attempt to slow down traffic. People still speed through this area, including through the congested area in front of Ladera Vista Junior High where many children are often present. Many people also use Wilshire Avenue as a late-night cut through to stay off the main roads after a night of drinking downtown. The property at 218 Concord has had drunk drivers miss the turn and drive into her front yard multiple times. The proposed development will increase the already unsafe traffic through our neighborhood. How will the city address this growing problem?

## **Trash**

The dumpsters located in the parking structure will need to be brought out in order to be emptied. Where will this take place? When asked directly, the developer stated that the dumpsters would be placed in the driveway while waiting for the trash truck to come empty them. Does this mean that the trash truck will be blocking the driveway? Will incoming traffic be backed up onto State College while waiting for the trash to be emptied? Will the trash truck have room to turn around in the driveway, or will it have to back up, across a heavily used pedestrian sidewalk, and into oncoming traffic on State College?



## **Delivery Vehicles**

The parking structure was constructed in a way that accommodates large delivery vehicles (Amazon, Fed Ex, UPS). Practically speaking, delivery drivers usually park wherever they can make the quickest delivery, often stopping in the middle of the road in residential areas to save time. The quickest way for a delivery to be made in the proposed development would be for the driver to stop in the driveway and then back out onto State College. As an area with a high level of pedestrian traffic (including my own family at times), this is a concern. How will the developer ensure that delivery vehicles do not stop in the driveway to make deliveries?

One additional concern I have is that the scope of this project seems to far exceed other projects being considered for Minor Site Plan Review. Upon searching through the Zoning Administrator documents available on the city website from 2021 and 2022, Minor Site Plans include projects like adding an ADU in a single family home, updating building facades, and adding a front porch to an existing residence. The most extensive project I could find involved demoing an existing restaurant and rebuilding a similar sized restaurant in the same location. Most of these Minor Site Plan Reviews contain between 2 and 20 pages of documentation. The proposed development contains over 350 pages of supporting documentation. I could not find a similar project, or one that came even close, being considered for a Minor Site Plan review. A project of this scope should not be exempt from CEQA and bypass the process of Major Site Plan Review. This project needs to go to the Planning Commission for a more thorough review.

Our family has lived in this neighborhood for almost a decade. We have developed a deep love for our neighborhood, our community and our city. Our children are growing up here and attending schools here and playing sports here. We serve our community through local non-profit organizations. We will be here long beyond the developers that come and go. We are asking that the City take note of us. We don't have investors or lawyers to protect us, so we need our City to fight for what is in the best interest of our entire community, and not simply the owner of one lot. In the end, this property may end up being developed exactly as it is proposed today, but we need to know that our city went through the proper process before that happens.

Thank you.

David and Tracy Sanchez