



**CITY OF FULLERTON
PLANNING COMMISSION/LANDMARKS COMMISSION
REGULAR MEETING MINUTES
MAY 29, 2019, 6:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

6:32 p.m.

CALL TO ORDER

Chair Gaarder called the meeting to order at 6:32 p.m.

Carvalho absent

ROLL CALL

Present: Chair Gaarder, Commissioners Hansburg, Pendergraft, Shanfield

Absent: Carvalho

Staff Present: Planning Manager Matt Foulkes, Senior Planner Joan Wolff, Senior Civil Engineer David Grantham, Acting City Engineer Yelena Voronel, Associate Planner Christine Hernandez, Deputy City Attorney Ivy Tsai, Deputy City Clerk Susana Barrios

PLEDGE OF ALLEGIANCE led by Commissioner Shanfield.

PUBLIC COMMENTS

Maureen Milton spoke about contractor performance bonds and penalty clauses.

CONSENT CALENDAR

It was moved by Chair Gaarder, seconded by Commissioner Shanfield, to approve the consent calendar.

Motion carried 4 – 0 – 1 (Absent: Carvalho).

The May 15, 2019 Minutes were approved as amended by Chair Gaarder

1. MINUTES – May 15, 2019

RECOMMENDED ACTION: Approve the May 15, 2019 Planning Commission/ Landmarks Commission Meeting Minutes.

Chair Gaarder requested that the May 15, 2019 minutes be amended to reflect that Commissioners Shandfield's original motion for item 2 was to continue the item for two weeks to allow staff time to redraft the conditions of approval.

COMMUNICATION DISCLOSURE

Chair Gaarder disclosed that he met with Chad Brown from Melia Homes on April 25, 2019 regarding item 3. He also met with Keith Magliulo regarding item 4.

Commissioner Shanfield noted that she has not reviewed the emails provided to the Commission on the dais.

Commissioner Hansburg disclosed that she considered a meeting with Melia Homes, but ultimately opted not to take the meeting.

REGULAR BUSINESS

Approved

2. FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM

David Grantham presented the proposed Five-Year Capital Improvement Program (CIP) for Fiscal Years 2019-20 through 2023-24 and recommended that the Planning Commission find the CIP to be consistent with The Fullerton Plan.

There were no public comments.

It was moved by Commissioner Shanfield, seconded by Commissioner Hansburg to find the CIP consistent with The Fullerton Plan.

Motion carried 4 – 0 – 1 (Absent: Carvalho).

PUBLIC HEARINGS

Adopted amended
Resolutions PC 2019-
09; PC 2019-10; PC
2019-11, PC 2019-12

3. PRJ19-00013 – TTM-18199 – ZON19-00002 – ZON19-00003 – ZON19-00038. APPLICANT: MELIA HOMES; PROPERTY OWNERS: CHARLES H. GRIFFEN AND PAUL H. WILLIAMS, TRUST.

Associate Planner Hernandez provided a staff report regarding requests for a Tentative Tract Map (TTM-18199), Major Site Plan (ZON19-00002) and two Minor Exceptions (ZON19-00003 and ZON19-00038) to allow for the development of 19 for-sale residential townhomes on properties addressed 805 and 807 Highland Avenue. Associate Planner Hernandez clarified that the site plan provided to the Planning Commission

references a 25 foot driveway aisle but the plans were revised to include a 26 foot driveway aisle.

Chair Gaarder opened the public hearing at 7:06 p.m.

Chad Brown, Melia Homes, explained the architecture and floor plans of the proposed townhomes. He requested modifications to the following resolutions/conditions as follows:

- Resolution No. PC-2019-09 – Revise engineering condition 4 to remove the language regarding an Affordable Housing and Property Disposition Agreement because the project will not be an affordable housing project; Remove Engineering condition 15 requiring that the overhead facilities between the existing power pole located at the northeast corner of the site and the relocated power pole be installed underground; Remove Engineering conditions 25, 26, 27, and 29 requiring that the on-site water system be privately owned and maintained because of additional infrastructure requirements and the cost to future homeowners.
- Resolution Nos. PC-2019-10, PC-2019-11 and PC-2019-12 – Revise condition 9 clarifying that the Parking Management Plan may be satisfied through the submittal and review of the Covenants, Conditions, and Restrictions (CC&Rs) for the project; Revise condition 7 requiring that the project comply with all provisions of the amended City of Fullerton Public Works Department Engineering letter.

Mr. Brown responded to questions from the Planning Commission.

Planning Manager Foulkes was amenable to removing the affordable housing language from condition 4 and revising condition 9 to reflect that the parking management plan shall be a component of the CC&Rs.

Acting City Engineer Voronel responded to questions from the Planning Commission regarding the requirement that on-site water systems that exclusively serve a development be privately owned and maintained. She noted that it is the Engineering Department's policy to reduce liability and funding for future maintenance of the City's rapidly aging infrastructure.

Christian Silva, Fullerton Resident, shared that he along with three of his roommates are tenants of one of the existing units that will be demolished and noted that they were not notified of the project until the notice was posted at the property.

Michael Stone, Fullerton Resident, spoke in support of the general concept and quality of the development, but was concerned about privacy and noise abatement.

Maureen Milton, Fullerton Resident, spoke about the proposed curb cuts, ramps, and trees throughout the project.

John Fischer, Fullerton Resident, was concerned about the length of time of the project construction and noise. He recommended a traffic light at Knepp and Highland Avenues.

Ralph Dulack, Fullerton Resident, was concerned about parking and recommended relocation for anyone being displaced due to the project.

Michaela Goodarzi Rad, Fullerton Resident, spoke about property values in the area and asked what the sales price of the townhomes will be.

Chair Gaarder closed public hearing at 8:01 p.m.

Planning Manager Foulkes and Mr. Brown responded to questions arising during public comments.

Chair Gaarder reiterated the amendments to the resolutions.

It was moved by Chair Gaarder, seconded by Commissioner Hansburg, to adopt the following resolutions as amended, entitled:

RESOLUTION NO. PC 2019-09 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING TENTATIVE TRACT MAP TTM-18199 FOR A SINGLE LOT MAP FOR CONDOMINIUM PURPOSES FOR THE DEVELOPMENT OF 19 RESIDENTIAL TOWNHOMES ON PROPERTY ZONED R-3 LOCATED AT 805-807 SOUTH HIGHLAND AVENUE

RESOLUTION NO. PC 2019-10 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A MAJOR SITE PLAN FOR THE DEVELOPMENT OF 19 RESIDENTIAL TOWNHOMES ON PROPERTY LOCATED AT 805-807 SOUTH HIGHLAND AVENUE

RESOLUTION NO. PC 2019-11 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A MINOR EXCEPTION TO EXCEED THE MAXIMUM PERMITTED LOT COVERAGE BY 4 PERCENT IN CONJUNCTION WITH THE DEVELOPMENT

OF 19 RESIDENTIAL TOWNHOMES ON PROPERTY
LOCATED AT 805-807 SOUTH HIGHLAND AVENUE

RESOLUTION NO. PC 2019-12 – A RESOLUTION OF THE
PLANNING COMMISSION OF THE CITY OF FULLERTON,
CALIFORNIA, APPROVING A MINOR EXCEPTION FOR A
REDUCTION IN THE REQUIRED COMMON OPEN SPACE
BY 4.5 PERCENT IN CONJUNCTION WITH THE
DEVELOPMENT OF 19 RESIDENTIAL TOWNHOMES ON
PROPERTY LOCATED AT 805-807 SOUTH HIGHLAND
AVENUE

Motion carried 4 – 0 – 1 (Absent: Carvalho).

Chair Gaarder explained the 10-day appeal process.

Chair Gaarder recessed the meeting at 8:15 p.m.

Chair Gaarder reconvened the meeting at 8:26 p.m.

Continued to June 26,
2019

4. PRJ19-00101 – ZON19-00032. APPELLANTS:
KEITH MAGLIULO AND STEVEN BIRNBACH;
PROPERTY OWNER: DEVI S. NAMBUDRIPAD.

Senior Planner Wolff provided a staff report regarding an appeal of a Community Development Director decision to permit construction of a non-view obscuring fence, five feet six inches in height, within the front yard setback of a single family residential property located at 108 Helen Drive. The appellants requested that the Planning Commission overturn the decision.

Chair Gaarder opened the public hearing at 8:43 p.m.

Steven Birnbach and Keith Magliulo, Appellants, read a statement and requested that the Planning Commission uphold the Fullerton Municipal Code's 35 foot front yard setback requirement for a fence in excess of three feet high.

Mark Von Esch, Applicant's Attorney, recommended that the Planning Commission uphold the Director of Community Development's approval of the fence because it will be architecturally and aesthetically similar to the neighbor's fence, the City's Traffic Engineer did not note safety concerns, the Fullerton Municipal Code does not preserve views, it will be a hardship for his client's because the concrete for the pilasters has been poured and there are a number of security concerns.

Roy Nambudripad clarified that his mother is Devi Nambudripad.

Gretchen Cox, Fullerton Resident, requested that the Planning Commission consider the Fullerton Municipal Code front yard setback requirement for fences in excess of three feet high.

Leora Jones, Fullerton Resident, spoke in support of the fence.

Ronald Jones, Fullerton Resident, spoke in support of the fence.

Mr. Magliulo and Mr. Birnbach stated that their only issue with the fence is the location and noted that the concrete for the pilasters was poured before the fence was approved.

Mr. Nambudripad spoke about discussions he had with neighbors regarding the fence and preservation of their view. He shared his concern about impacting his view and his concerns about securing his property.

Mr. Von Esch reiterated that the 22 foot front yard setback is a compromise that the Director of Community Development took into consideration when he made his decision. He requested that the Planning Commission uphold staff's recommendation to allow this application to move forward with the 22 foot front yard setback and five foot, six inch high wrought iron fence.

Rajsree Nambudripad stated that the 22 foot front yard setback requirement was a compromise. She spoke about the proposed location of the fence and aesthetics of the house.

Mr. Magliulo noted that the Nambudripad's home was built in March and they did not attempt to pull a permit for the fence until April.

Mr. Birnbach believed that the compromise was not adequately handled because it was between the Director and the Nambudripad's. He noted that the breakdown in communication initially occurred due to several false statements by Mr. Nambudripad.

Mr. Von Esch stated that staff has done a tremendous job in reviewing the various aesthetic and safety concerns. He reiterated that the Code gives the Director of Community Development discretion in approving front yard setbacks. He believed the 22 foot front yard setback is an appropriate compromise.

Chair Gaarder closed the public hearing at 9:40 p.m.

It was moved by Chair Gaarder, seconded by Commissioner Hansburg, to uphold the Director's determination.

Motion failed 2 – 2 – 1 (No: Shanfield and Pendergraft; Absent: Carvalho).

It was moved by Chair Gaarder, seconded by Commissioner Shanfield, to continue the item to June 26, 2019 to see if the appellant and the applicant can reach a compromise.

Motion passed 3 – 1 – 1 (No: Hansburg; Absent: Carvalho).

PLANNING COMMISSION/LANDMARKS COMMISSION STAFF COMMUNICATIONS

Chair Gaarder shared that he asked the City Council to provide the Planning Commission and staff direction on potential policy work and he talked about U-Haul's Moving Index Report.

Commissioner Pendergraft spoke about Senate Bill 50.

Chair Gaarder spoke about Senate Bill 330.

REVIEW OF COUNCIL ACTIONS

Planning Manager Foulkes noted that there were no items of note pertaining to Planning Commission actions at the May 21st City Council meeting.

AGENDA FORECAST

The June 12, 2019 Fullerton Planning Commission/Landmarks Commission meeting has been cancelled. The next regularly-scheduled meeting will be held on June 26, 2019, at 6:30 p.m., in the Council Chamber, 303 West Commonwealth Avenue, Fullerton, California.

9:55 p.m.

ADJOURNMENT

Chair Gaarder adjourned the meeting at 9:55 p.m.



Susana Barrios, Deputy City Clerk