

MINUTES OF THE REGULAR MEETING OF THE
REDEVELOPMENT DESIGN REVIEW COMMITTEE

COUNCIL CONFERENCE ROOM

FULLERTON CITY HALL

Thursday

November 29, 2007

4:00 PM

CALL TO ORDER: The meeting was called to order at 4:10 p.m. by Chairman Duncan.

ROLL CALL: COMMITTEE MEMBERS Chairman Duncan, Vice Chairman
PRESENT: Hoban, Committee Members Daybell,
Cha, and Lynch

COMMITTEE MEMBERS None
ABSENT:

STAFF PRESENT: Acting Chief Planner Eastman, Acting
Associate Planner Kusch, and Clerical
Assistant Flores

MINUTES: The October 11, 2007, October 25, 2007 and November 8, 2007
minutes were not available.

OLD BUSINESS

None

NEW BUSINESS:

Item No. 1

PRJ07-00357 – ZON07-00080 / ZON07-00081. APPLICANT: FRAZIER GROUP ARCHITECTS AND PROPERTY OWNER: CHRISTINE M. DARRAH A request for approval of a Conditional Use Permit and Major Development Project to demolish a detached garage, add approximately 400 sq. ft. 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 sq. ft. of habitable area with a deck measuring approximately 123 sq. ft. on property located in a residential preservation zone at 336 W. Malvern Avenue (Generally located on the south side of Malvern Avenue, approximately 100 feet east of Ford Avenue) (Categorically Exempt under Section 15303 of CEQA Guidelines) (R-1P Zone) (AKU)

Acting Associate Planner Kusch gave a brief overview of the project and stated that the property was within a Preservation Overlay Zone. The request was for an addition to the rear of an existing residence. The addition included the expansion of an existing bedroom, a new laundry room and a sunroom at the rear of the residence. The request also included a proposed detached two story structure consisting of a four car garage and a limited second dwelling above. The request would require removal of a detached garage at the rear of the property. The property backs to an alley and provides access to the existing and proposed garage. Acting Associate Planner Kusch explained that the RDRC's review would be a recommendation to the Planning Commission for consideration of a Conditional Use Permit for the two-story detached structure. Acting Associate Planner Kusch gave a

description of the on-site residence and stated that as conditioned, the proposal complies with the development standards in Title 15 of the Municipal Code.

Acting Associate Planner Kusch stated that the bedroom addition and the laundry room addition at the south elevation continue the dominant features of the residence. Staff believed that the Residential Preservation Zone Design Guidelines (Guidelines) includes language that both supports and opposes the design of the proposed sunroom. It is a matter of interpretation. Acting Associate Planner Kusch explained that the sunroom's south elevation included a large quantity of glazing that was not typical of the residence's architecture. In addition, the sunroom would not have a raised foundation to match the existing residence. The Guidelines also prohibit the proposed fixed single-pane windows and the proposed flat roof was not consistent with the existing gable design of the house. The Guidelines also state that the materials used for all sides of residence should be consistent. As proposed, the glazing would not adhere to the Guidelines. Acting Associate Planner Kusch explained that the sunroom addition was not visible from the street. The Guidelines state that the proportion and detailing of windows and door openings located on the residence's front and side facades shall be typical of the architectural style and period of the residence.

Acting Associate Planner Kusch stated that the proposed two-story structure includes design elements from the existing residence. To restrict the line of sight into the adjacent property, staff recommended substituting clearstory windows for the proposed windows on the west elevation. In addition, the rear elevation includes a slider window which is prohibited as stated in the design guidelines. Staff recommended a casement window or awning window in lieu of the slider window. Staff recommended that the glazed glass panels around the second story deck be removed so the deck can be open on the east elevation. Acting Associate Planner Kusch stated that with exception to the glazing of the sunroom addition and deck, the proposed project was in conformance with the Guidelines.

Vice Chairman Hoban referenced the plans and asked if the floor to area ratio on the detached second story structure was for the setback. Acting Associate Planner Kusch stated that it was for setback purposes and not for floor area ratio. He explained that there was a maximum amount of floor area allowed on the property, an overall floor area limitation for the second unit, and a size limitation for the limited second, dwelling unit based on the size of the existing residence. Acting Associate Planner Kusch stated that the initial plan submittal did not include the proposed sunroom. To obtain the maximum square footage for the limited second dwelling unit, the applicant added the sunroom to the existing residence. Acting Chief Planner Eastman explained that the issue with the Code was that the second unit was limited to 30% of the size of the primary unit, up to 640 square feet. He stated that the existing house was small and the applicant had to build the addition to get the additional habitable space to make the ratio work, so the applicant has proposed the sunroom to meet the criteria. Acting Chief Planner Eastman stated that staff believed the addition of the sunroom was not consistent with the Guidelines and gave examples from the staff report of what could be done from a design perspective to make the sunroom more compatible with the existing house.

Chairman Duncan asked if the sunroom addition was the minimum size required to meet the square footage of the new unit. Acting Associate Planner Kusch said yes.

Vice Chairman Hoban asked if the rear setback for the proposed two-story structure was only for the living space and not the garage. Acting Chief Planner Eastman stated yes. Vice Chairman Hoban asked why the unit was setback 5 feet from the alley. Acting Chief

Planner Eastman stated that the applicant could answer that question, as it was proposed that way.

Committee Member Daybell asked if recommended conditions 5 and 6 have been fulfilled with the material board that was presented to the Committee. Acting Associate Planner Kusch said no and stated that staff was requesting manufacturer brochures for the windows and the doors.

Acting Chief Planner Eastman clarified that there was no roof setback for habitable space from an alley in an R-1 zone and the only setback that applies is for the garage.

Public hearing opened.

Michael Frazier, Project Architect, stated that the applicant would like to build a second unit on the site and abide by all the guidelines. Mr. Frazier stated that the size of the 2nd floor unit was limited by floor area, site coverage and ratio of the 2nd floor to the 1st floor and 30% of the existing house. He stated that the morning porch/sunroom stepped down into the yard, and would be surrounded by glazing. Mr. Frazier stated they could consider a floor level that matched the existing floor of the residence. He stated that the porch off of the second residence was required open space for the dwelling. Mr. Frazier stated that staff had concerns with the visibility from that space into adjacent yards, and showed the Committee photographs of the surrounding area for review. He stated that there are existing non-conforming structures, and the neighbor's privacy would not be invaded by the proposal. Mr. Frazier explained that the proposed residence sets back 5 feet from the alley because he was trying to match the materials as close as possible on the existing house. He believed that staff's recommended conditions were reasonable; however they would prefer to keep the sunroom as shown on the plans.

Frank Darrah and Sharon Darrah stated that they were proposing the second unit to get there kids into homes.

Chairman Duncan referenced the plan and stated that he did not understand the roof pitch of the sunroom. Mr. Frazier stated that they were adding underneath the eave and the sloped portion would be the addition. Mr. Frazier stated that he could terminate the sunrooms eave instead of overhanging if past the existing houses eaves, so it would not stick up above the sloped section. Chairman Duncan stated that with a raised foundation the sloped section would become more critical.

Committee Member Daybell asked if the sunroom was being added for more square footage than the original house. Acting Associate Planner Kusch stated that it was a Code requirement and not a guideline. Acting Chief Planner Eastman clarified that the Code requirement was for limited second dwelling units in single family residential zones.

Chairman Duncan asked if there would be changes to the existing façade of the house if the sunroom was added. Mr. Frazier stated that he did not see a reason to change the facade.

With regard to the two-story structure, Vice Chairman Hoban asked Mr. Frazier if he considered putting an angled eyebrow across the back on that ledge rather than a flat ledge. Mr. Frazier stated that he had not considered it, but there was a possibility to do that. Mr. Frazier explained to the Darrah family that the Committee was suggesting a

slopped roof Instead of a flat ledge at the alley's first floor (garage) extension. Mr. Frazier stated that the slopped roof could be a design revision.

Acting Chief Planner Eastman stated that one of staffs concerns was the use of fixed windows and asked the applicant if they were willing to consider casement or hung windows for portions or all of the enclosures. Mr. Frazier and the applicant stated they would be willing to.

Katie Dalton, Fullerton Heritage, stated that she was concerned with the inconsistency of how the sunroom articulates with the house. Mrs. Dalton stated that she was also concerned with the clearstory windows on the second unit and believed that the glass on the second unit porch was inconsistent with something that would have been seen in the 1920's. Mrs. Dalton recommended a casement or awning window instead of the slider for the rear bathroom window.

Acting Chief Planner Eastman asked the applicant if there was discussion about adding square footage to create additional living space, rather than a "sunroom". Mr. Frazier stated there were lots of design discussions and considerations, but the applicants decided to leave the sunroom as optional space.

Public hearing closed.

Chairman Duncan stated that he liked the project and agreed with staff that the glass on the balcony had too much glazing. Chairman Duncan stated that he liked the sunroom if the applicant was willing to change out the windows.

Vice Chairman Hoban stated that he did not have any concerns with the sunroom. He recommended design revisions of the flat ledge at the rear of the two-story structure. He stated that the windows for the sunroom needed to be changed out to casement and was in support of the project.

Committee Member Lynch stated that he liked the sunroom and believed it was consistent with something that would have been added in that time period. He agreed with the window conditions and was in support of the project.

Committee Member Cha stated that he liked the design.

Committee Member Daybell believed that it would be beneficial to get rid of the ledge on the second unit and recommended a slopped roof. He stated that the windows should be as suggested by Fullerton Heritage and was in support of the project.

MOTION by Committee Member Daybell, SECONDED by Committee Member Cha to RECOMMEND APPROVAL of the project including the proposed sunroom, subject to staff's recommended conditions, the ledge to the second unit in the back be modified to incorporate a pitch roof and the windows to the sunroom be modified to be fixed casement, single or double hung windows. Motion passed unanimously.

Acting Chief Planner explained, as a matter of record that the Zoning Code identifies that habitable space is defined by the Building Code. Building Code requirements for a habitable space, such as title 24 and air circulation, will need to be met.

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

Item No. 2

PRJ07-00309 – ZON07-00114. APPLICANT AND PROPERTY OWNER: MICHAEL FRANCIS AND APPLICANT: NANCY TAVERA AND APPLICANT: ALEX FISCHER. A request to remove a condition of approval for a Minor Development Project for property located at 312 W. Whiting Avenue, which requires a maintenance easement over property at 308 W. Wilshire Avenue. The Minor Development project was approved on August 23, 2007, allowing a new 2 bedroom, 790 sq. ft., detached unit over a 3 car garage along the alley in a preservation overlay zone. (Generally located on the south side of W. Whiting, approximately 160 ft to 200 ft west of Highland, 470 ft east of Ford Ave) (R-2P Zone) (Categorically Exempt under Section 15303 of CEQA Guidelines) (JEA)

Acting Chief Planner Eastman stated that the request was to modify an approved project. The RDRC reviewed and approved the proposal to add a second unit above the garage in an R-2P with a number of conditions. One of the conditions included that a maintenance easement be recorded over the adjacent property to ensure maintenance of the new building as it's built on or near the property line. Acting Chief Planner Eastman stated that in conversations with the applicant and the neighbor they have come to an agreement that they would rather not have that condition in place. A letter was submitted by Michael Francis, applicant and Nancy Tavera, adjacent neighbor to eliminate the easement condition.

Committee Member Lynch asked if the applicant would be able to go into the neighbor's back yard at any time with the easement or if there was a need for notification. Acting Chief Planner Eastman explained that the easement could be written to have whatever stipulations were necessary, and without that easement the applicant would not be able to go onto the neighbor's property at all.

Committee Member Lynch believed that there would be maintenance issues if the easement does not get recorded because the neighbors could one day not get along. Acting Chief Planner Eastman stated that was staffs main concern.

Vice Chairman Hoban asked if the options before the Committee were that the applicant redesign the building so they have enough space to do the maintenance or leave it as is and withdraw the easement requirement. Acting Chief Planner Eastman stated that the three options before the Committee were that they remove the condition, require that the easement be in place, or request a modified project or a redesigned project under a different application.

Public hearing opened.

Michael Francis, Applicant, stated that he had a good relationship with his neighbor. He stated that the adjacent neighbor does not mind if he goes onto her property with prior notice. Mr. Francis stated that his neighbor objects to the fact that he would have a right to come on her property. Mr. Francis stated that it would be in the best interest of his neighbor to allow him onto her property to make repairs as she would be the one looking at it.

Alex Fischer, Designer, stated that he has never had a condition added for an easement when building up to the property line in previous projects in the City. Mr. Fischer believed that the issue was a civil issue between the property owners and not the City.

Public hearing closed.

Chairman Duncan stated that he was in favor of removing the condition.

Vice Chairman Hoban stated that he was in favor of removing the condition because the risk was with the homeowner. (312 W. Whiting)

Committee Member Lynch stated that the issue could be resolved among the neighbors without the easement.

Committee Member Cha stated that he did not have a problem with removing the easement.

Committee Member Daybell stated that he could support the change provided the letter submitted by the applicant and the adjacent neighbor is filed with the County Recorder.

Acting Chief Planner Eastman stated that the letter could get recorded with the County Recorder.

MOTION by Vice Chairman Hoban, SECONDED by Chairman Duncan to REMOVE the easement condition.

Committee Member Lynch asked if the letter provided could be apart of some kind of disclosure if the properties are sold. Acting Chief Planner Eastman stated that a condition could be added so that the selling agents disclose, but there is no way to enforce that. He explained that the letter would stay on file with the City, and if recorded with the Orange County Recorder, would be available for discovery during real estate transactions.

MOTION by Committee Member Daybell, SECONDED by Committee Member Cha to MODIFY the motion that the letter goes on record with the County for possible future reference. Motion passed unanimously.

Acting Chief Planner Eastman explained the 10-day appeal process and clarified that staff could record the letter through the City Clerks Office.

MISCELLANEOUS ITEMS:

None

PUBLIC COMMENT:

Katie Dalton, Fullerton Heritage asked if there were any RDRC or Planning Commission Appointments. Acting Associate Planner Eastman stated that he had not received any information.

Mrs. Dalton stated that Fullerton Heritage wrote a letter to the Director of Community Development requesting clarification on some of the design guideline issues.

Mrs. Dalton stated that between staff and the architectural firm for the Fox Theater renovations, Fullerton Heritage feels comfortable with the project. (Phase I)

Brad Powers, Student Cal Poly Pomona asked for the Committees background and a brief description of the RDRC responsibilities and appointments, terms and elections followed.

STAFF/COMMITTEE COMMUNICATION:

Committee Member Daybell asked about the 226 N Yale project. Acting Chief Planner Eastman stated that the applicant was going through the plan check process. The site plans and landscape plans have been revised and the Planning Division has approved the project. However, there are pending issues with the Engineering Division.

Committee Member Daybell asked if Code Enforcement could drive down Raymond Avenue on the west side above Chapman because there is a big pile of construction in the front yard that could become a hazard.

Acting Chief Planner Eastman informed the Committee that the Chief Planner position had gone through the interview cycle, and no candidates for the position had been selected. As a result there will be another open recruitment and the Director feels he will have a name and person by the end of the year. He stated that the Senior Planner Position went through the interview cycle and there was a conditional offer of employment.

MEETINGS:

The Planning Commission meeting on November 28, 2007 was cancelled due to a quorum. Acting Chief Planner Eastman informed the Committee that Chris Thompson resigned from the Planning Commission. The Committee discussed the denial of the Jefferson Commons student oriented housing project by the Planning Commission.

ADJOURNMENT:

Meeting adjourned at 5:48 P.M.

Respectfully Submitted,

Susana Flores
Clerical Assistant