# MINUTES OF THE REGULAR MEETING OF THE STAFF SITE PLAN REVIEW COMMITTEE COUNCIL CONFERENCE ROOM FULLERTON CITY HALL THURSDAY, 9:00 A.M., AUGUST 3, 2006

CALL TO ORDER: Chairman Eastman called the meeting to order

at 9:05 a.m.

<u>COMMITTEE MEMBERS PRESENT</u>: H. Allen for St. Paul, Eastman, Lopez,

Thompson and Villagracia

<u>COMMITTEE MEMBERS ABSENT</u>: Petropolous and St. Paul

STAFF MEMBERS PRESENT: Leopold

OTHERS PRESENT: Claudia Arroyo, Louay Ayoub, Fay Dunbar,

Dee and Michael Erman, Judith Kaluzny, Judi Perez, Aanika Sautalahti, and Ken and Lindell

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### APPROVAL OF MINUTES:

MOTION made by Committee Member Thompson, SECONDED by Committee Member Lopez and CARRIED unanimously by all voting members present to APPROVE July 20, 2006 minutes as submitted.

### INTRODUCTIONS - COMMITTEE AND STAFF MEMBERS:

#### **ACTION ITEMS:**

#### Item No. 1

## <u>PRJ06-00249 – ZON06-00044. APPLICANT AND PROPERTY OWNER: KENNETH AND LINDELL ZIEG.</u>

Acting Senior Planner Allen presented a staff report for a request for a minor site plan to operate a pet grooming school on property located at 145 W. Whiting Avenue, (north side of Whiting Avenue, approximately 85 feet east of the centerline of Malden Avenue) (C-3 ROD zone) (Categorically exempt under Section 15301 of the CEQA Guidelines) (Continued from July 6, 2006) (HAL).

Judith Kaluzny, resident, asked about the noticing process and specifically questioning the residents of Wilshire Promenade. Acting Senior Planner Allen stated the property owner was noticed and the actual site for the application was posted.

Acting Senior Planner Allen stated the school would be open to adult students who are learning the profession of dog grooming and who would ultimately act as employees within the dog

grooming business. It will operate during the day from 9 a.m. - 4 p.m. Monday - Friday with the maximum number of eight students enrolled. There is both a residential and commercial component to the uses on the property. The site is adjacent to public parking lots to accommodate any overflow there may be.

Currently, they are going through the tentative improvements to operate their dog grooming business without the school. The dog grooming business and school will take place in the southeast corner of the site which is adjacent to a property with a residential use. Modifications are being made to that space to add sound insulation and remove a window.

Acting Senior Planner Allen stated parking is accessed off of Chapman and currently can accommodate 10 spaces. There is a trash dumpster on site and staff would likely require as part of the approval, that an enclosure be constructed to give a permanent location to the dumpster. Staff would recommend that it be placed on the eastern side of the property, which is the side that would least impact the neighbors; therefore, eliminating parking space number one.

Chairman Eastman asked about the hours of operation and number of employees. Acting Senior Planner Allen stated the business would be open Monday through Friday from 9 a.m. to 4 p.m. and anticipate at most three employees (one for grooming school) because the occupancy for the space would limit the ultimate number that they can have. Acting Senior Planner Allen said potentially up to 11 people at any given time can be on the property in the commercial use. There is a residential use upstairs and on the ground floor. Staff discussed access to a basement and upstairs entrances.

Acting Senior Planner Allen stated that the building occupancy requirements for the school were already addressed as part of the tenant improvements currently underway.

Committee Villagracia stated he visited the site and is in good condition. Acting Senior Planner Allen pointed out that what Committee Member Villagracia was looking at were the public improvements such as sidewalk, and driveway approaches. Engineering doesn't see any improvements that would be needed to the sidewalk paving or the driveway approaches meeting ADA requirements beyond that already addressed with tenant improvement plans.

The applicant said there is a lack of groomers in the career field and stated she has been in the business for 21 years and has never received a complaint from residents about the noise or animals. She stated she can't run a grooming school from her current location, which is why she needs to relocate. The applicant said she would be the only academy of pet styling in Orange County. Chairman Eastman asked if she currently operates with a kennel permit. The applicant answered she is not looking for a kennel permit at this time and would like to make some progress in her plans in the grooming school, which is functioning as a grooming salon. The applicant stated the reason why she is looking into a Conditional Use Permit for the future is because for 21 years, her customers have looked to her as a caretaker and have asked her to watch their dogs. She said if she could some day do in-house boarding, she will definitely follow the guidelines of California as well as the City. She stated she did apply for a daycare permit, but would like to get her grooming business started.

Chairman Eastman inquired about the number of animals she typically has on site. The applicant stated it can vary from 20 and would depend on the appointments she has, but they come and go throughout the day and don't stay overnight. She stated she is proposing to use her property as it's zoned.

Chairman Eastman asked Acting Senior Planner Allen if she had any questions or clarifications that came up in discussion with the applicant that would be beneficial for the Committee to make a determination? Acting Senior Planner Allen stated she conducted a site inspection of the current operation to get a sense for what occurs in a grooming business. She said essentially there is a washing, clipping and drying area and there were about 10 dogs during the day around 11 a.m.

#### Public hearing opened.

Ms. Kaluzny stated she owns the mixed-use property next door and has her office space there, and lives out of the house in the back. Her office spaces faces Whiting, which is adjacent to the property next door. She stated her two bedrooms face the subject property and are 8 ft. from the property. She distributed a copy of the applicant's ad stating it was noted that she has cage-free daycare. Ms. Kaluzny expressed her concern with the building, the 6 ft. fence which was installed. She stated the applicant did not ask the neighbors if they would object to a pet grooming school and stated it is an inappropriate place for a kennel. Some of her concerns included noise, smells, interference with her business and home life. She stated that on the site there are currently four vehicles parked and asked how parking for the neighboring tenants and their clients, grooming school employees and students would be accommodated?

Dee Erman, resident, lives next door to the proposed location, she said her primary concern is the noise, following the parking. She introduced her son Michael Erman stating he is severely ill and said any stress is bad for him, allergic to dander and fleas and sent to the City Council his medical records. Ms. Erman expressed her concern with parking and stated there are parking problems at all times of the day in front of his house and at the bank parking lot. She visited various dog grooming places in Orange County and said noise, odor, have been problems for neighboring tenants. She stated there is a balcony at the proposed location which is unsafe.

Anika Sautalahti, current client of the applicant, supports the grooming school and said parking is usually no longer than 1 -2 hours, dogs are inspected for fleas and odor before allowing them into the grooming place, therefore it is not an issue. Ms. Sautalahti commented the location is a good one for the project.

Louay Ayoub, President of AM Architecture, addressed Ms. Kaluzny's and Ms. Erman's comments. He said Ms. Kaluzny's property is 8 ft. away from the property line and 40 ft. from the proposed grooming area. He stated there was a wall constructed between their properties. Mr. Erman and Mr. Ayoub discussed the east property line. Mr. Erman said permission was never given to them to build anything or cut down a tree on his property. Mr. Ayoub distributed an easement document pertaining to Mr. Erman's property. He stated the work of the second floor was done by the prior owner. He asked if Mr. Erman would like the tree replaced, it would be done.

Mr. Erman asked if hours of operation will be short and doesn't think the Downtown area is appropriate for a dog grooming business, because it will bring noise and lower property values. He raised several issues regarding the location of the property in with his property and questioned the conversion of the entry roof to a balcony.

Judy Perez, resident, says business is good for Fullerton, but the applicant should be more concerned with people than dogs in a residential neighborhood.

The applicant explained she would be operating a daycare where the dogs would not be kept overnight, there are options for parking, and sound proofing.

Public hearing closed.

Chairman Eastman asked if an addition is being proposed? Acting Senior Planner Allen said the improvements are to the existing space, an interior tenant improvement. Chairman Eastman asked about an addition to a restroom. Acting Senior Planner Allen said the modifications were to bring the restroom up to ADA standards. She stated the outhouse on the northwest corner was converted and reconstructed so it could meet current standards.

Chairman Eastman asked the applicant about the ad announcing her business stating she had indicated cage-free daycare and asked where it takes place? The applicant said originally it would've been in the house (ground floor residential area), but because the project has taken so long, she had to rent the house. Chairman Eastman asked if she had any exterior cage-free areas. The applicant said there are no exterior cage-free areas and no dog-runs. The applicant said the dogs will be indoors 90 percent of the time unless they are taken for a walk and if they are outside they will always be supervised.

Chairman Eastman asked about the birthday parties and special events listed on the ad and asked if they were on or off-site? The applicant said they would be on-site inside. Acting Senior Planner Allen clarified that the ad was placed a year ago and timing wise it was based on what she hoped her business to be. It is likely there are services that aren't included in the application. Chairman Eastman asked where the parties and events would take place. The applicant said in the boutique and café on the southwest corner, which is separate from the grooming school.

Staff discussed access and a passageway area.

Committee Member Thompson asked if a survey was ever made on the proposed site? Mr. Ayoub answered that they had not done a boundary survey of the property. He stated that Ms. Kaluzny had a survey which he utlized. Committee Member Thompson stated an official survey of this property could help resolve the property line questions.

Chairman Eastman re-stated the issue saying the dog grooming in terms of a day facility is a permitted use in the C-3 zone, which is a commercial zone, but allows for some residential activity. There is an existing tenant improvement that has been permitted and is under construction. The item before the Committee today is to review the trade school facility as it relates to dog grooming and how the trade school relates to the surrounding properties. Chairman Eastman stated in his opinion, that a kennel facility where there is overnight care of dogs, is not something that he would support at this location and provided an explanation. He stated he does not think the trade school significantly impacts the permitted grooming facility,

and thinks there may be a parking issue on-site, but recognized that eight students would be the maximum. However, he is concerned with residential parking and the need for residential, which is permitted on the property and discussed it with the Committee.

Acting Senior Planner Allen added that the Wilshire Promenade has additional employee parking that could be used by a permit process if there were a need to move the employees elsewhere.

Acting Senior Planner Allen reiterated staff's conditions stating staff would recommend that the applicant's trade school business operate as proposed, Monday – Friday, 9 a.m. – 4 p.m., students number would max out at eight and student to teacher ratio of 1:8 and be consistent with all of the statements provided. Also, that the applicant provide a trash enclosure in the parking lot in space location one noting that MG Disposal requires that the trash dumpster be moved out onto the street on trash day. The City has standard noise and nuisance requirements that would have to be complied with. For clarity, staff can add as a condition that they do comply with noise and nuisance requirements and staff could also recommend a sixmonth review. A review would give staff an opportunity to look at the use as it's operated to see if in fact it is operating as proposed and anticipated. After six months, staff can bring it back to the Committee and address any issues that may have arisen or find that it is operating as proposed.

Chairman Eastman asked the applicant the length of time of students enrollment both during the day as well as duration of enrollment from start of classes to end of the year? The applicant said the students have certain hours they are required to meet and work on an individual basis. Chairman Eastman asked for clarification regarding the maximum number of students enrolled at a given time and asked if they would be on the property at the same time? Acting Senior Planner Allen said the classes would be all day. The applicant stated the course is eight weeks or more depending on the student. She said the program is run by the State of California, who regulate the paperwork. Chairman Eastman recommended the applicant submit a list of students, on a regular basis as they are enrolled, to the City. He stated if the applicant has accounting as part of the certification needed to provide to the state for enrollment, a copy should be provided to the City as part of the approval. The City needs to recognize and oversee eight students and the City will need documentation that they are indeed operating with no more than eight students. Chairman Eastman recommended that a condition be added that a list of enrolled students be provided to the Director of Community Development on an on-going basis.

Chairman Eastman recommended that a condition be included that all animals that are outdoors be supervised and stated that these conditions would be applicable to the land, so if the applicant were to sell her business the conditions would be applicable to anyone who purchases the business as well. Chairman Eastman reiterated the condition stating a sixmonth review that would come back to the Director of Community Development, who may refer it back to the Committee for additional conditions.

Acting Senior Planner Allen clarified there is no construction directly associated with the trade school facility.

Chairman Eastman noted that the applicant shall look into the balcony issue. He stated this must be resolved because it can be a liability to the applicant. If it is not looked into, Community Preservation may go out and conduct an inspection and enforcement. Because this does not relate to the trade school, there will be no specific condition of approval regarding the balcony.

Committee Member Thompson stated he understood the resident's concerns, and believes a survey of the property would solve many of the problems. He stated a survey of the property should be included as a condition. Chairman Eastman stated that property line issues are a civil matter between property owners, unless construction is involved. Therefore, since there is no construction involved in this application, he was reluctant to make the survey a requirement. He stated it is the responsibility of the properties to make sure that any work that is being done is not negatively impacting the adjacent properties. He would be amendable to making it a condition if the rest of the Committee would like to include it, but he stated he would not make that recommendation.

Chairman Eastman asked Committee Member Villagracia if the public right of way issues are adequately addressed as it relates to sidewalks and curb cuts? Committee Member Villagracia said yes.

Acting Senior Planner Allen stated there is a re-location of the driveway approach on Chapman already approved.

MOTION made by Chairman Eastman, SECONDED by Committee Member Lopez to APPROVE project subject to the conditions identified for a trade school, subject to a list of conditions as identified and amended.

Committee Member Thompson AMENDED the MOTION to include the property survey. Chairman Eastman stated there is a substitute MOTION, SECONDED by Committee Member Lopez, with Acting Senior Planner Allen abstaining. The MOTION passed unanimously.

Chairman Eastman explained the appeal process.

#### Item No. 2

## PRJ03-00082 – ZON06-00034A. APPLICANT: RODOLFO SANCHEZ; PROPERTY OWNER: RUBEN T. MELAMED.

Acting Chief Planner presented a staff report for a request to modify an approved minor site plan condition of approval pertaining to alcohol sales at a 9,795-square-foot restaurant and pool hall on property located at 1001 S. Brookhurst Road (west side of Brookhurst Road, approximately 480 feet north of the centerline of Orangethorpe Avenue) (C-1 zone) (Categorically exempt under Section 15301 of CEQA Guidelines) (JEA)

Acting Chief Planner Eastman said that as part of the previous review by the Committee, the people from the public asked if liquor would be served. Staff said that alcohol was not being applied for at that time. There was a condition that was put in place on the approval stating should the applicant wish to have the sale of alcohol she would have to come back for a reveiew of their application. Acting Chief Planner Eastman stated the applicant will have to go to the obtain a license from the Department of Alcoholic Beverage Control.

Acting Chief Planner Eastman noted he received one phone call regarding this application from a resident who was concerned about alcohol sales. The resident expressed opposition stating there are people who drive through the back parking lot very fast, concerned about gravel, and it being a dangerous situation. Acting Chief Planner Eastman said the resident stated that the weekend before someone had driven into one of the walls after joyriding in the parking lot. The resident who called was a different person from the resident at the previous meeting, who had expressed the same concerns.

Committee Member H. Allen asked what type of license the applicant would be applying for? Acting Chief Planner Eastman said beer and wine at a restaurant.

The applicant stated the business will be a family fun center with a family-oriented restaurant, where they would have beer and pool tables for the adults. She stated they are offering this to the community for little league teams to host their pizza parties.

Acting Chief Planner Eastman said that part of the application stated the applicant will be providing a double door that currently doesn't exist at the back of the parking lot.

Staff and the applicant discussed the site plans.

Committee Member Thompson asked if they had extended the parking? Acting Chief Planner Eastman said yes the parking needed to double for restaurant use. They will need additional lighting and landscape, but the design will stay consistent. Water Engineering had concern with water going over property line, but it may have been resolved.

Staff discussed grading, curbs and landscaping. Acting Chief Planner Eastman stated the project had gone to plan check a year ago.

Committee Member H. Allen said the applicant is essentially meeting the requirements for ADA because this building is new construction. Acting Chief Planner Eastman told the applicant she must re-submit her plans and can't pull a permit until she re-submits the plans and makes the corrections requested. Committee Member Thompson said it was the first time he had seen the plans. The applicant said the walls have not been demolished because they were waiting for the plans to be approved before doing so.

Acting Chief Planner Eastman asked if the applicant had seen Resolution 444, which was mailed to her and included a number of conditions. She said yes.

Acting Chief Planner Eastman stated he was concerned with entering and exiting of the facility as it relates to the rear parking area. Committee Member Thompson said the applicant would need to have doors for the rear of the building. Acting Chief Planner Eastman said he would condition that the exit doors would be fixed with an audible alarm system and a "For Emergency Exit Only" sign. He stated his concerns with the doors were that they would be propped open with people coming and going near the residential neighborhood. Acting Chief Planner Eastman said the exit doors shall remain "Emergency Exit Only" doors and not be propped open or opened on a regular basis. Committee Member Thompson expressed his opinion that based on the concerns of the residents, the noise and the racing of cars are due to the building being vacant. Chief Planner Eastman stated he was concerned with how alcohol sales affects the site layout and how staff can address the site layout to have less impact on the neighbors. He told the Committee he would like to minimize future potential problems

caused by noise. Chief Planner Eastman stated he would add a condition that the rear doors, except for the double entry door, remain closed at all times and be affixed with an audible emergency alarm and be opened for emergency exit only.

Committee Member Thompson explained some of the problems for the neighbors in the past have included racing, evening deliveries and trash dumping. Acting Chief Planner Eastman stated this is the reason why the hours of operation had been limited to 8 a.m. – 6 p.m. for this building, which was part of the approval in 2003. Committee Member H. Allen asked if a condition should be added specific to this request as an enforcement measure that alcohol be consumed only inside the building and not in parking lot areas and possibly sign in the parking lot "no loitering" and "no alcohol consumption". Acting Chief Planner Eastman said the ABC license would prohibit it, because it will only be for the building unless they have a controlled exterior space. He said signage is a reasonable condition for enforcement on the City's behalf.

Committee Member Thompson stated the building can occupy a minimum of 83 occupancy where all of the doors will have panic hardware on them except for one door of their choice. Committee Member Lopez said the exception would be the main exiting door, probably the front door. Acting Chief Planner Eastman stated he did not have a problem with panic hardware.

Acting Chief Planner Eastman stated the following conditions:

- 1. Signage being posted in the parking lot indicating no loitering or alcohol consumption.
- 2. Audible alarms be provided on existing doors to the exterior of the building specifically in the back parking lot.
- 3. To reduce noise all exit doors shall remain closed and are not to be propped open.

MOTION made by Committee Member H. Allen to AMEND signage condition that alcohol be permitted inside the building only and the signage would be placed in the building that would reflect this. Chief Planner Eastman stated the MOTION would include the removal of Condition No. 4 which says "the sale of alcohol shall require re-review of this application ..." SECONDED by Committee Member Villagracia and CARRIED unanimously by all voting members present.

Acting Chief Planner Eastman explained the appeal process and stated the appeal would pertain to the conditions that have been included today.

Meeting ADJOURNED at 11:10 AM as Staff Review C	committee.

BY:		
	Ruth Leopold, Clerical Support	