

CITY OF FOUNTAIN VALLEY
REGULAR MEETING OF THE PLANNING COMMISSION

November 18, 2009

MINUTES

CALL TO ORDER

The Fountain Valley Planning Commission meeting was called to order at 7:00 p.m. in the City Council Chambers.

SALUTE TO FLAG

Commissioner Drilling led the salute to the flag.

ROLL CALL

Commissioners present: Drilling, Frank, Gaston, Jensen, Walker, Proctor

Commissioners absent: None

Staff members present: Andrew Perea, Planning Director; Steven Ayers, Planner; Matt Jenkins, Assistant Planner; Rebecca Leifkes, Housing Technician; Alison Griffith, Planning Secretary

APPROVAL OF MINUTES

Commissioner Frank made a motion to approve the minutes of October 14, 2009.

Commissioner Gaston seconded the motion.

By a vote of 4-0, the Planning Commission voted to approve the minutes of October 14, 2009

Commissioner Walker and Commissioner Jensen abstained as they were not present for the October 14, 2009 Planning Commission meeting.

Chair Drilling stated that it was customary for Commissioners to visit applicant sites; that unless any Commissioner had further disclosure statements at this time, it may be stated that no contact was made during the site visit with the applicant, his/her agent, or neighbors of the proposed project.

PUBLIC HEARINGS

1. ANYTIME FITNESS – CONDITIONAL USE PERMIT NO. 1683

Petition submitted by Randin Construction to establish and operate a 4,700 sq. ft. 24-hour fitness gym at 9380 Warner Avenue. This item is continued from the Planning Commission meeting of October 14, 2009.

Chair Drilling opened the public hearing.

Steven Ayers, Planner, presented the staff report.

Sergeant Sweaza, Fountain Valley Police Department, addressed the Commission with the Police Departments concerns regarding the opening of this establishment. Main areas of concern were safety, transient population increasing, proximity to the adjacent daycare center, medical aid necklace not being mandatory, assaults and sexual assaults and consensual sexual activity taking place in the facility during the unstaffed hours of operation.

Commissioner Frank asked if Sergeant Sweaza was aware of the time of day that these assaults took place in other Anytime Fitness locations.

Sergeant Sweaza stated that he did not because many go unreported as they are consensual.

Chair Drilling asked if the tanning bed would be available for use during the non staffed hours.

Sergeant Sweaza stated that it would not be and the room would be locked.

Alternate Commissioner Proctor asked where the other Anytime Fitness location's were that Sergeant Sweaza got his data from.

Sergeant Sweaza stated Chino Hills, Hermosa Beach and Seal Beach; that he visited the Seal Beach location and it was located in a similar center at the Fountain Valley location is proposed to be.

Clark Bevens, co-owner of proposed Anytime Fitness, addressed the Commission. Mr. Bevens stated that safety and security is an important aspect of Anytime Fitness. Mr. Bevens stated that Anytime Fitness takes drivers license numbers from all members and occasionally run them against Watchdog.com website; that with the CUP vested on the property no one will be able to take over the business; that the gym will have a twelve (12) camera system which will retain information to six months; that there is a DVR system which records five to 7 days; that there is a building alarm and lock box; that members are provided with an optional security necklace which when activated calls 911 and then the provisional security company.

Commissioner Frank referred to Condition No. 35 of Resolution No. 09-58 regarding number of police responses noting that the hours of operation would have to change and if Mr. Bevens were willing to comply with it.

Mr. Bevens stated that he would.

Michael Verrengia, 13302 Iowa Street, Westminster addressed the commission stating that he was a law enforcement officer, experienced security manager and a former member of the Orange County Grand Jury. Mr. Verrengia stated that he did not think that the operation of this gym would create any security issues as there was no steam room/sauna and the tanning bed room would be locked during non-staffed hours; that the gym would bring people into the shopping center and would be good for the economy. Mr. Verrengia stated that there is criminal activity in storage facilities and Fountain Valley allows them to operate; that there would be no underage/unaccompanied minors; that he would encourage the Commission to work with Mr. Bevens; that the business would be good for tax revenue.

Jason Rayburn, 17333 Brookhurst Street, No. C2, Fountain Valley, a California Highway Patrol Officer, addressed the Commission stating that he would use this facility as his hours of employment aren't conducive for a traditional gym.

Chair Drilling closed the public hearing.

Commissioner Frank made a motion to approve Resolution No. 09-58, approving Conditional Use Permit No. 1683.

Commissioner Gaston seconded the motion.

Commissioner Frank stated that he liked the security measures of Anytime Fitness based on past performance.

Commissioner Gaston stated that he believes that Mr. Bevens is acting in good faith with law enforcement support.

Alternate Commissioner Proctor stated that she appreciates the due diligence of Mr. Bevens and would support the motion.

Chair Drilling stated that she would support motion based the verbal assurance of Mr. Bevens to comply with the conditions and wished Mr. Bevens luck.

Motion approved 4-0 with Commissioner Walker and Commissioner Jensen abstaining.

2. FOUNTAIN VALLEY PLAZA – VARIANCE NO. 277

Petition submitted by Ford signs to grant a variance to replace three (3) existing 8 ft. tall, 50 sq. ft. monument signs with three (3) 10 ft. tall, 84 sq. ft. monument signs for the property located at 18030 – 18122 Brookhurst Street.

Chair Drilling opened the public hearing.

Matt Jenkins, Assistant Planner, presented the staff report.

Commissioner Jensen asked who determines the names on the monument sign.

Andy Perea, Planning Director, stated that names on the monument sign are selected by landlord.

Alternate Commissioner Proctor asked what the existing sign variance was.

Mr. Jenkins stated that the center could have two and currently have three.

Commissioner Walker asked if there was a bank on the property.

Mr. Jenkins stated there was.

Applicant addressed the Commission stating that the new signs would give exposure to non anchor tenants; tenants that are not visible to street; that in the past, monument signs were only given to anchor tenants and the new signs would allow 24 tenants street exposure.

Chair Drilling closed the public hearing.

Alternate Commissioner Proctor asked if the existing signs meet city code.

Mr. Perea stated that they did.

Alternate Commissioner Proctor addressed her concerns that the new signs would have address numerals on top and will meet code.

Mr. Perea stated that it would in order to comply with the building code.

Chair Drilling stated she had a concern with the background of the sign being white and suggested applicant reconsider color.

Commissioner Walker motioned to adopt Resolution No. 09-55, approving Variance No. 277 to replace three (3) existing 8 ft. tall, 50 sq. ft. monument signs with three (3) 10 ft. tall, 84 sq. ft. monument signs for the property located at 18030 – 18122 Brookhurst Street.

Commissioner Frank seconded the motion.

By a unanimous vote, the Planning Commission adopted Resolution No. 09-55.

3. CHASE BANK – VARIANCE NO. 278

Petition submitted by AKC Services to grant a variance from the Fountain Valley Municipal Code to allow for two (2) illuminated monument signs for Chase Bank, located at 18975 Brookhurst Street. The Fountain Valley sign code does not permit any monument signs on the subject property.

Chair Drilling opened the public hearing.

Matt Jenkins, Assistant Planner, presented the staff report.

Chair Drilling asked where the City Council was with approval to the proposed changes to the city's sign code.

Mr. Jenkins stated that the amendments went to the City Attorney and additional changes have been made and it will probably have to come back to Commission.

Commissioner Walker asked what the timing of that was.

Mr. Perea stated about three to four months

Applicant Gary Knock addressed the Commission stating that he could not see the bank driving south on Brookhurst.

Chair Drilling asked applicant if he would be willing to accept one new sign until changes from Commission are approved.

Mr. Knock stated that he would like approval for two signs but would accept one in the meantime.

Commissioner Walker stated that the building currently has three (3) wall signs and did not see the need for two additional monument signs and didn't know what changes will be approved by council.

Commissioner Frank asked why this resolution was up to the Planning Commission if they did not have the authority to vary from the sign code.

Mr. Perea stated that the applicant brought up application therefore it needed to go before the Commission.

Mr. Jenkins stated that the north elevation does not have a wall sign.

Commissioner Jensen asked if the signs were illuminated.

Mr. Jenkins stated that they were.

Alternate Commissioner Proctor asked if all of the findings were there except one (1).

Mr. Perea stated that was correct and the first finding is typically the hardest.

Alternate Commissioner Proctor asked if the location of property across the street being Huntington Beach could be a finding.

Chair Drilling stated that the location in question has always housed a bank and residents have no problem knowing it is a bank; she believed additional signage is overkill; stated she would be willing to offer one (1) monument sign facing Brookhurst but she could not support both.

Commissioner Frank stated that he could support the change to one sign.

Commissioner Jensen stated that current and previous customers of the bank are aware of its location.

Commissioner Frank asked Mr. Knock if one monument sign on Brookhurst would be acceptable.

Mr. Knock stated that it is acceptable to him.

Bill Margritz, 15956 Mt. Cimmaron, Fountain Valley addressed the Commission stating that he supports the city's sign codes, but that the current bank sign shines into his back yard and into his home.

Chair Drilling stated that the Commission could not discuss where the wall signs are placed but suggested he talk with the bank manager.

Commissioner Walker stated that the Commission could not decide where the signs go as long as they are in compliance with setback codes.

Chair Drilling closed the public hearing.

Chair Drilling made a motion to recommend modification and adoption of Resolution 09-54 allowing for one (1) illuminated monument sign on Brookhurst only, as noted on drawings

Commissioner Gaston seconded the motion with the added justification to finding no. one (1) as the panel serves as an entrance to the city.

By a unanimous vote, the Planning Commission adopted Resolution No. 09-54.

4. AA SMOG ONLY – CONDITIONAL USE PERMIT NO. 1685
Petition submitted by Henry El-Jor to establish and operate a smog-only automotive exhaust test station at 11470 Edinger Avenue, Unit A.

Mr. Steven Ayres, Planner, presented the staff report.

Chair Drilling opened the public hearing.

Chair Drilling asked if there was a current smog business in the existing location.

Mr. Perea stated that there was not however, in order to comply with DMV Smog Test Station requirements, the smog station must operate at a separate address from the service station; 2 businesses, 2 addresses; thus needing 2 Conditional Use Permits.

Chair Drilling asked what would happen if the Conditional Use Permit were not approved.

Mr. Perea stated that the applicant could not do smog testing.

Chair Drilling opened the public hearing.

The applicant was not present.

There were no speakers on this matter.

Chair Drilling closed the public hearing.

Commissioner Frank motioned to adopt Resolution No. 09-57, approving Conditional Use Permit No. 1685 allowing applicant to establish and operate a smog-only automotive exhaust test station at 11470 Edinger Avenue, Unit A.

Commissioner Jensen seconded the motion.

By unanimous vote, the Planning Commission adopted Resolution No. 09-57.

Chair Drilling then called for a brief recess at 8:20 p.m.

Chair Drilling reconvened the meeting at 8:30 p.m.

5. ZONE CHANGE NO. 422 – SOUTH UNINCORPORATED ISLAND

Petition submitted by the City of Fountain Valley to pre-zone the south Orange County unincorporated island (16790 S. Harbor Blvd., 16808 S. Harbor Blvd., 16830 S. Harbor Blvd., and 16842 S. Harbor Blvd.) to 'M-1 Manufacturing'.

Chair Drilling opened the Public Hearing.

Mr. Andrew Perea, Planning Director, presented the staff report.

There were no speakers present for this matter.

Chair Drilling closed the public hearing.

Commissioner Walker motioned to adopt Resolution No. 09-61 approving Zone Change No. 422 recommending to pre-zone the south Orange County unincorporated island (16790 S. Harbor Blvd., 16808 S. Harbor Blvd., 16830 S. Harbor Blvd., and 16842 S. Harbor Blvd.) to 'M-1 Manufacturing'.

Commissioner Jensen seconded the motion.

By unanimous vote, the Planning Commission adopted Resolution No. 09-61.

6. CODE AMENDMENT NO. 09-06 – WATER CONSERVATION ORDINANCE

Petition submitted by the City of Fountain Valley to amend the Fountain Valley Municipal Code Section 21.20 regarding Landscaping to incorporate the provisions of the Water Conservation in Landscaping Act of 2006 (AB 1881) and to establish guidelines for its implementation.

Chair Drilling opened the public hearing.

Mr. Steven Ayers, Planner, presented the staff report.

Chair Drilling opened the public hearing.

There were no speakers present on this matter.

Chair Drilling closed the public hearing.

Chair Drilling asked as to the applicability of the proposed code to single family residences.

Mr. Perea stated that this would not apply to a single family residence which is less than 5000 square feet unless work is done by contractor in which case then under 2500 sq ft.

Chair Drilling asked where the guidelines were coming from.

Mr. Perea stated that guidelines were developed by a countywide task force.

Commissioner Frank motioned to adopt Resolution No. 09-60 approving Code Amendment 0906 to amend the Fountain Valley Municipal Code Section 21.20 regarding Landscaping to incorporate the provisions of the Water Conservation in Landscaping Act of 2006 (AB 1881) and to establish guidelines for its implementation.

Commissioner Gaston seconded the motion.

By unanimous vote, the Planning Commission adopted Resolution No. 09-60.

7. UNION BANK – CONDITIONAL USE PERMIT NO. 1686

Petition submitted by Shlemmer + Algaze Associates to establish an ATM machine at a new Union Bank branch office located at 18175 Brookhurst Street.

Commissioner Frank stated that there may be a conflict of interest and excused himself from the room as his wife works for the bank.

Chair Drilling opened the public hearing.

Mr. Steven Ayres, Planner, presented to staff report.

Applicant Raymond Irmer addressed the Commission stating that the ATM machine would be an additional feature to the bank.

Chair Drilling closed the public hearing.

Commissioner Jensen motioned to adopt Resolution No. 09-56 approving Conditional Use Permit 1686 to establish an ATM machine at a new Union Bank branch office located at 18175 Brookhurst Street.

Alternate Commissioner Proctor seconded the motion.

By unanimous vote, the Planning Commission adopted Resolution No. 09-56.

Commissioner Frank returned to the dais following the vote on the item.

8. VARIANCE NO. 279 – NOBLE RESIDENCE

Petition submitted by Tony Noble to request a variance from the standards of the Fountain Valley Municipal Code to reduce the required 22' rear yard setback for a second story addition that is setback 10' from the rear property line; 2) to provide a 79.5% 2nd story to 1st story building area ratio in lieu of the required 70% ratio, 3) to provide a 59.7 floor area ratio in lieu of the required 50% floor area ratio; and 4) to allow for a three (3) car garage with tandem parking stalls.

Chair Drilling opened the public hearing.

Mr. Matt Jenkins, Assistant Planner, presented the staff report.
The applicant was not in attendance.

Commissioner Frank asked if the parking/garage codes have changed over the years.

Mr. Perea stated that at the time the addition was built, tandem garages were acceptable as he only had a need for two parking spaces. The third tandem space was not a required space. The code today states that the cars be parked in a side by side garage.

Chair Drilling closed the public hearing.

Chair Drilling stated that Dr. Nobles is trying to get away from non conformance; she cannot support this request.

Commissioner Walker stated that this was mansionization.

Commissioner Frank made a motion to deny Variance No. 279.

Chair Drilling seconded the motion.

Commissioner Walker was surprised neighbors did not show up

Commissioner Jensen does not agree with Dr. Nobles justifications for this variance.

By unanimous vote, the Planning Commission denied Variance No. 279.

9. SIGN COMMITTEE MEETING UPDATE

Sign Committee was dark as no new submissions have been received.

Chair Drilling made a motion to receive and file the Sign Committee Report.

Commissioner Walker seconded the motion.

Motion was unanimously approved.

UNFINISHED BUSINESS

10. MONTHLY VS. BI-MONTHLY PLANNING COMMISSION MEETINGS

Mr. Perea presented the report.

Commissioner Jensen recommended having bi-weekly meetings however receiving one stipend.

Commissioner Frank stated that he would forgo the second stipend.

Commissioner Gaston stated he was in agreement and is in favor of giving applicants a more timely process.

Commissioner Walker asked if an additional meeting was needed.

Mr. Perea stated two times works.

Commissioner Gaston stated he was in favor of two meetings.

Chair Drilling supports two meetings.

Commissioner Gaston made the motion to hold Planning Commission meetings on a bi-weekly basis.

Commissioner Jensen seconded the motion.

By unanimous vote, the Planning Commission will be held bi-weekly.

STAFF COMMENTS

Mr. Perea stated that Doug Dare has left the city to do business outreach for the Small Business Administration; Alison Griffith has joined the staff; the Housing Element was approved by the state and is scheduled for City Council review in December, a Heil Park property was purchased for \$136K, the Building division is now a part of the Planning Department.

Chair Drilling asked Mr. Perea the status of the Arbys.

Mr. Perea stated that they have one year to begin.

ADJOURNMENT

Alternate Commissioner Proctor made a motion to adjourn the Planning Commission meeting of November 18, 2009.

Chair Drilling seconded the motion.

By a unanimous vote, the Planning Commission voted to adjourn the Planning Commission meeting at 9:23 p.m. to the next regularly scheduled Planning Commission meeting of December 9, 2009.

APPROVED:

Chairperson

Secretary