### **Minutes**

Planning Commission

City of Orange

July 15, 2013

Monday 7:00 p.m.

**PRESENT:** Commissioners Buttress, Correa and Steiner

**ABSENT:** Commissioners Cathcart and Gladson

**STAFF** 

**PRESENT:** Leslie Aranda Roseberry, Planning Manager

Chad Ortlieb, Senior Planner Wayne Winthers, City Attorney Jackie Bateman, Recording Secretary

Chair Steiner called the meeting to order at 7:02 p.m.

### **ROLL CALL:**

Commissioners Buttress, Correa and Steiner were present. Commissioners Cathcart and Gladson were absent.

Chair Steiner mentioned that the reason Commissioner Gladson was not attending the meeting was that her father had just passed away and that the Commission extends their sympathies to her and her family.

**PUBLIC PARTICIPATION: None** 

**CONTINUED OR WITHDRAWN ITEMS:** None

#### PLANNING MANAGER REPORT:

Planning Manager Roseberry reported that Greg Hastings was just appointed as the new Interim Community Development Director. He has experience in Planning in the Cities of Anaheim and Seal Beach.

Marissa Moshier is the new Historic Preservation Planner. Marissa works all day on Wednesday and Thursday only and is a contract planner working for Chattel Architecture. Marissa grew up in Orange and has a Master of Science in Historic Preservation.

## **APPEAL ANNOUNCEMENT:**

Chair Steiner reviewed the appeal process.

# **CONSENT CALENDAR:**

# 1.1 APPROVAL OF MINUTES FROM THE REGULAR SCHEDULED PLANNING COMMISSION MEETING OF JUNE 17, 2013.

Commissioner Buttress motioned to approve the meeting minutes from the June 17, 2013 Planning Commission meeting as written.

**SECOND:** Commissioner Correa

**AYES:** Commissioners Buttress, Correa and Steiner

**NOES:** None

**ABSENT:** Commissioners Cathcart and Gladson

**MOTION CARRIED** 

## 2. CONTINUED HEARING:

# 2.1 MAJOR SITE PLAN 732-13; DESIGN REVIEW COMMITTEE 4569-11 AND ADMINISTRATIVE ADJUSTMENT 205-13 – DARIUS EQUITIES

Continued from the June 17, 2013 PC Meeting. The applicant proposes to demolish six dwelling units in order to construct a multiple family dwelling unit complex with eight units on 21,860 square feet of property.

**LOCATION:** 1213 and 1221 West Palmyra Avenue

**NOTE:** The proposed project is categorically exempt from the

provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15301(1)(A) – Class 1 – Existing Facilities combined with 15332 – Class 32 – In-

Fill Development Projects.

### **RECOMMENDED ACTION:**

Adopt Planning Commission Resolution 24-13 approving the demolition of six dwelling units in order to construct a multiple family dwelling unit complex with eight units on 21,860 square feet of property.

Senior Planner Chad Ortlieb presented a project overview consistent with the staff report.

Chair Steiner asked if the Commissioners had any questions for Mr. Ortlieb.

Commissioner Correa asked about the fire lane and Condition #31 regarding the safe and adequate vehicular and pedestrian circulation. He would like to know if it would be okay with staff if we could put a condition there for signs that state no parking at anytime to make sure the fire lane remains open. His other concern is on the west side where they have the trash enclosure. The area is wide and people might park there. Commissioner Correa also states that there is a potential that there could actually be 6 drivers per apartment, impacting the allowed parking. He inquired if a condition could be included that specifically states that the garages must be used for strictly parking vehicles and not for storing personal belongings to deter parking along the fire line.

Mr. Ortlieb stated that within the purview of what he does under the Municipal Code for zoning review, there is no conflict with that but that he didn't know if there would be any conflict from a Fire Department standpoint or a Traffic standpoint. Mr. Ortlieb stated that he reasonably, didn't see a problem placing such conditions on the project but did add a caveat that traffic, building, and fire codes are out of his realm.

Commissioner Correa stated that he understands the caveat and just wanted staff to address any conditioning issues with the Fire Department. Commissioner Correa noted that the trash enclosure next to Unit 8 is close to the kitchen window and the balcony. He inquired if there is a way to put a lattice on top and maybe grow some vines due to potential stench of the trash and to provide a more pleasing appearance.

Mr. Ortlieb stated that a condition could be constructed to state that "if allowed per building and fire codes, the applicant shall....." and all of your concerns could be addressed as conditions in that manner. That way if there were something prohibitive per another code, the "if allowable" clause would give the applicant and the City an out so that we wouldn't have a competing interest of a condition versus a fire or building code.

Commissioner Correa stated that he would greatly appreciate it.

Chair Steiner asked if there was anything else for Mr. Ortlieb.

Commissioner Buttress stated that Mr. Ortlieb had mentioned that the applicant was going to try to save an existing tree and wanted to know if the tree was in front of 1221 W. Palmyra which is a very large tree.

Mr. Ortlieb stated that off the top of his head he did know which address the tree was at but that it was the largest tree.

Chair Steiner asked if there was anything else for Mr. Ortlieb or if any correspondence was received on the item? There was none.

Chair Steiner opened the public hearing.

Jim Brennan, Civil Engineer for Darius, address on file, stated that he reviewed the conditions and the only one he had a problem with was Condition 31 which Mr. Ortlieb has already addressed. He stated that Commissioner Correa's issues will be discussed with the designer and worked out with the City and will be happy to do that. He had no disagreement with the conditions and he thanked the City for the help and would be available for further questions.

Chair Steiner wanted to reiterate that all the conditions of approval are acceptable to Mr. Brennan and that there would be just one change to Condition #31 which allow for a lot line adjustment.

Mr. Brennan stated that he worked it out with the Engineering Department and has a Lot Line Adjustment application pending and is just waiting for the Planning Commission action.

Chair Steiner asked Mr. Brennan to stand by in case there are other questions that need answering.

Mr. Brennan stated okay. He stated that the curbs in the driveway are going to be painted red with no parking on it.

Commissioner Correa stated his concern was that there is no curb along the entry into the garage and asked if a line that says fire lane could be added.

Mr. Brennan replied in the affirmative.

Chair Steiner asked about Commissioner Correa's question about the use of the garages for cars instead of everyone's storage.

Mr. Brennan stated that he has no problem with that. He stated they could put a condition on that and post it, but would like to obtain feedback from the Fire Marshal

Commissioner Buttress asked if these units will be leased.

Mr. Brennan stated they would be leased.

Commissioner Buttress stated that maybe the condition could be part of the lease.

Mr. Brennan stated that they can include that as part of the lease, but doesn't know whether they can enforce it. He stated that a Condition of Approval would be acceptable if okay with Mr. Ortlieb.

Mr. Ortlieb stated that was fine.

Chair Steiner asked if anyone else wished to speak before the Planning Commission and to come up to the podium and identify yourself.

Cristina Resendiz, address on file, stated that her concern and the concern of all the people in the audience was what was going to happen to the renters? They talked to the landlord and the landlord doesn't want to tell them anything that is going on and they are concerned about where they are going to go.

Chair Steiner asked if anybody else in the group had any different issues and wanted to speak.

Ms. Resendiz stated that's the concern of everyone.

Ms. Resendiz stated that they all speak Spanish.

Chair Steiner stated that if any of them want to speak, Commissioner Correa can speak Spanish.

Mr. Brennan stated that the Darius people have been working on this project for almost 2 years and so there was no timeframe. He wasn't sure at what point they were going to be able to do anything, but if the action tonight by the Planning

Commission is positive, they will sit down and let the property owner and the present renters know what is going on. At this point there is no schedule.

Chair Steiner asked if this project had to go before the City Council.

Mr. Brennan stated no and stated that they have been working with staff for almost three year. Initially they had a schedule but then decided to wait for a decision before scheduling. Mr. Brennan stated that if the project is approved, a schedule could be set and the tenants would be notified. Mr. Brennan noted that he would probably conduct the notification.

Mr. Brennan stated that this project would probably not begin construction for at least 3-4 months.

Chair Steiner requested that Commissioner Correa translate the above comments from Mr. Brennan to the audience.

Commissioner Correa repeated the translated information in English for the record. He stated that the tenants are concerned about the fact that they don't know what's going to happen to them and what is the process; they've been in the dark. He told the tenants that unfortunately, this is a civil matter and we don't have any power to force the property owner to speak to them. Commissioner Correa informed the tenants that the civil engineer is going to be kind enough to speak to the property owner and that he is going to have the property owner discuss with them what procedures are going to be taken and what procedures they have to take. However the City has no say over any disagreement between the property owner and tenants regarding the notification of development timing.

Commissioner Correa asked Mr. Brennan when the construction is going to start.

Mr. Brennan stated 3 or 4 months.

Commissioner Correa continued to receive questions in Spanish from the audience. He then asked Mr. Brennan if he would talk to the property owner and keep the residents informed.

Commissioner Correa received another question regarding a tenant's children who are attending school at West Orange Elementary and she wants to know what is going to happen if they have to move.

Chair Steiner stated that there are other elementary schools in the Orange Unified School District in every neighborhood.

Chair Steiner closed the public hearing and brought it back to the Planning Commission for any further discussion or for a motion.

Commission Buttress stated that she may need a little help when it comes to the new conditions, but she'd like to make a motion. She stated that Mr. Ortlieb gave some verbiage that we could add depending on all the City codes.

Commissioner Buttress motioned to adopt Planning Commission Resolution PC 24-13 a resolution of the Planning Commission approving the demolition of six dwelling units in order to construct a multiple family dwelling unit complex with eight units on 21,860 square feet of property located at 1213 and 1221 West Palmyra Avenue with Condition 31 being changed to allow a lot line adjustment instead of a parcel map and to add the "if allowable" per City codes condition for the lattice on top of the trash container with a sprinkler system that would allow vines to grow over it to shade and keep the view more aesthetically pleasing and add a condition that garages shall be mandated to be used for cars and not storage. Commissioner buttress then noted that this project is categorically exempt from CEQA.

Chair Steiner asked if the motion took care of Commissioner's Correa's issues.

Commissioner Correa stated yes it did.

**SECOND:** Commissioner Correa

**AYES:** Commissioners Buttress, Correa and Steiner

**NOES:** None

**ABSENT:** Commissioners Cathcart and Gladson

**MOTION CARRIED** 

Chair Steiner wished Mr. Brennan good luck.

# 3. ADJOURNMENT:

Commissioner Buttress motioned to adjourn until the next regularly scheduled meeting on Monday, August 5, 2013.

**SECOND:** Commissioner Correa

**AYES:** Commissioners Buttress, Correa and Steiner

**NOES:** None

**ABSENT:** Commissioners Cathcart and Gladson

**MOTION CARRIED**