



CITY OF FULLERTON
PLANNING COMMISSION/LANDMARKS COMMISSION
REGULAR MEETING MINUTES
FEBRUARY 19, 2020, 6:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California

6:32 p.m.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE led by Chair Carvalho.

Cox absent

ROLL CALL

Present: Chair Carvalho, Vice Chair Shanfield, Commissioners Gaarder, Hansburg

Absent: Commissioner Cox

Staff Present: Director Matt Foulkes, Deputy City Attorney Richard Adams, Attorney Travis Van Ligten (Rutan and Tucker, LLP), City Engineer Yelena Voronel, Consultant Planner Heather Allen, Assistant Planner Edgardo Caldera, Associate Planner Christine Hernandez, Associate Planner Andrew Kusch, Deputy City Clerk Susana Barrios

PUBLIC COMMENTS

None.

CONSENT CALENDAR

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

Motion carried 4 – 0 – 1 (Cox absent).

Approved as amended to reflect that Chair Carvalho adjourned the meeting

1. MINUTES – JANUARY 8, 2020

RECOMMENDED ACTION: Approve the January 8, 2020 Planning Commission Meeting Minutes.

COMMUNICATION DISCLOSURE

None.

REGULAR BUSINESS

None.

PUBLIC HEARINGS

Continued to a date
uncertain

2. PRJ18-00408. APPLICANT: PAUL KIM, SOURCE ARCHITECTURE, INC.; PROPERTY OWNER: ANANT DESAI

Associate Planner Kusch provided a staff report and presentation on a request for a tentative parcel map to subdivide one parcel into two parcels, one parcel measures 56,290 square feet (1.29 acres) and the other parcel measures 20,635 square feet (0.47 acres) at 1710 Vista Lomitas Place. The project includes a Major Site Plan application for the future construction of a single-family residence.

Chair Carvalho opened the public hearing at 6:45 p.m.

Anant Desai, Applicant, explained that he met with his neighbors and provided a model to give them an idea of what he was proposing. He noted that there are no erosion issues at the property. Mr. Desai stated that the property is large and he has the right to divide the property because it meets zoning requirements, conforms to the General Plan, meets tentative parcel map requirements, and the project is except from CEQA.

The following members of the audience spoke on the item:

- Glenn Baldwin, Fullerton, spoke in opposition to this item. He was concerned about this item setting a precedent, storm water runoff, sewer capacity, stability of the hillside, and common road maintenance.
- Kathryn Baldwin, Fullerton, spoke in opposition to this item. She was concerned about losing her property view and safely pulling out of her driveway because there will be additional trash bins.
- Barbara Wald, Fullerton, spoke in opposition to this item. She stated the property was awkwardly shaped and the land was not useable.

- Caroline Do, Fullerton, spoke in opposition to this item. She was concerned about the lot not having useable space, unstable hillside, access to the proposed property from the private driveway, and the numerous issues the previous owner ran into when he tried to develop the property.
- Bette Roethe, Fullerton, spoke in opposition to this item. She was concerned about noise and not receiving a public hearing notice.
- Robert Wald, Fullerton, spoke in opposition to this item. He was concerned about property views and the numerous problems the previous owner ran into when he tried to develop the property.

Mr. Desai responded to questions arising from public comments. He reiterated that he has the right to subdivide the lot because all subdivision requirements have been met.

Chair Carvalho closed the public hearing at 7:33 p.m.

Staff responded to questions from the Planning Commission.

Chair Carvalho asked Mr. Desai if he would consider redesigning access from the private driveway. Mr. Desai responded affirmatively.

Director Foulkes clarified that reconfiguring the access for the project would substantially change the design and all of the conditions of approval will have to be readjusted.

It was moved by Commissioner Hansburg, seconded by Commissioner Gaarder, to continue the item to a date uncertain.

Motion carried 3 – 1 – 1 (No: Shanfield; Absent: Cox).

Chair Carvalho recessed the meeting at 8:13 p.m.

Chair Carvalho reconvened the meeting at 8:18 p.m.

Resolution No. PC- 3.
2020-18 adopted

ZON-2019-0159. APPLICANT: BRANDON BEVINS (MULBERRY STREET RISTORANTE); PROPERTY OWNER: DENIS BEVINS

Associate Planner Hernandez provided a staff report and presentation on a request to change an existing Administrative Restaurant Use Permit to a new Conditional Use Permit for a Type 47 ABC License (on-site sale of beer, wine and distilled spirits) for an existing restaurant (Mulberry Street Ristorante),

which includes Entertainment per FMC 15.30.030.3.B.21 at 114 West Wilshire Avenue.

Chair Carvalho opened the public hearing at 8:25 p.m.

Brandon Bevins, Applicant, stated that Mulberry Street Ristorante would be operating the same way it has been since 1984.

Chair Carvalho closed the public hearing at 8:25 p.m.

It was moved by Commissioner Hansburg, seconded by Vice Chair Shanfield, to adopt Resolution No. PC-2020-18, entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT FOR AN EXISTING RESTAURANT (MULBERRY STREET RISTORANTE) WITH A TYPE 47 (ON-SITE SALE OF BEER, WINE AND DISTILLED SPIRITS) ABC LICENSE, AND ENTERTAINMENT ON PROPERTY LOCATED AT 114 WEST WILSHIRE AVENUE (LOCATED AT THE SOUTH SIDE OF WILSHIRE AVENUE 157 FEET WEST OF THE INTERSECTION OF WILSHIRE AVENUE AND HARBOR BOULEVARD)

Motion carried 4 – 0 – 1 (Cox absent).

Chair Carvalho explained the 10-day appeal process.

Deputy City Attorney Richard Adams noted that one of the partners at his law firm owns property within 500 feet of this establishment. He recused himself from the item at 8:27 p.m. and Attorney Travis Van Ligten (Rutan and Tucker, LLP) stepped in as legal counsel.

Resolution No. PC- 4.
2020-19 adopted

ZON-2019-0160. APPLICANT: FULLERTON LOUNGE INC. (MATADOR CANTINA); PROPERTY OWNER: PHILIP JOHN GOLD

Associate Planner Hernandez provided a staff report and presentation on a request to amend an existing Conditional Use Permit for a Type 47 ABC License (on-site sale of beer, wine and distilled spirits) for an existing restaurant (Matador Cantina), which includes Entertainment per FMC 15.30.030.3.B.21 at 109-111 North Harbor Boulevard.

Chair Carvalho opened the public hearing at 8:28 p.m.

Dave Dennis, Matador Cantina Operating Partner, stated that water is available at both bars in the establishment. They offer brunch Saturday and Sunday, 9 a.m. to 2 p.m. and they are open for lunch and dinner every day of the week. He noted that there were no issues with the conditions of approval.

Chair Carvalho closed the public hearing at 8:29 p.m.

It was moved by Commissioner Gaarder, seconded by Commissioner Hansburg, to adopt Resolution No. PC-2020-19, entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT FOR AN EXISTING RESTAURANT (MATADOR CANTINA) WITH A TYPE 47 (ON-SITE SALE OF BEER, WINE AND DISTILLED SPIRITS) ABC LICENSE, AND ENTERTAINMENT ON PROPERTY LOCATED AT 109-111 NORTH HARBOR BOULEVARD (LOCATED AT THE WEST SIDE OF HARBOR BOULEVARD 106 FEET NORTH OF THE INTERSECTION OF COMMONWEALTH AVENUE AND HARBOR BOULEVARD)

Motion carried 4 – 0 – 1 (Cox absent).

Chair Carvalho explained the 10-day appeal process.

Attorney Travis Van Ligten (Rutan and Tucker, LLP) left the Council Chamber at 8:30 p.m.

Resolution No. PC- 5.
2020-20 adopted as
amended

LRP-2019-0083. AMENDMENTS TO TITLE 15 OF THE FULLERTON MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNITS

Assistant Planner Caldera provided a staff report and presentation on a request for the Planning Commission to consider and make a recommendation to the City Council regarding amendments to the Fullerton Municipal Code Title 15 (Zoning Ordinance) pertaining to Accessory Dwelling Units to conform to State regulations.

Planning Commissioners provided input regarding amendments pertaining to Accessory Dwelling Units and Junior Accessory Dwelling Units.

Chair Carvalho opened the public hearing at 9:25 p.m. There were no comments and the public hearing was closed.

Based on comments from the Commission, Chair Gaarder made the following recommendations:

- Edit page two of the resolution to reflect that the Resolution of Intention was adopted by *the Planning Commission*, not the City Council.
- Provide consistency throughout the resolution regarding including the word *accessory* for accessory dwelling units and/or junior accessory dwelling units.
- Add to the regulations to allow properties zoned Office Professional currently developed with a building originally constructed as a single-family residence (regardless of current use) to be eligible for an accessory dwelling unit or junior accessory dwelling unit.
- Amend the calculation for the number of Accessory Dwelling Units – Existing Building or Structure permitted on properties with an R-2, R-2P, R-G, R-3R, R-3P, R-3, R-4, R-5, C-3 or SPD zone classification to reflect that calculations resulting in fractional units shall be *rounded down* to the nearest whole number rather than up.
- Add to the regulations the provision in State Law permitting Accessory Dwelling Units and Junior Accessory Dwelling Units to be sold separately from the primary residence to a qualified buyer if the property was developed by a nonprofit corporation like Habitat for Humanity.
- Amend the regulations to clarify for Accessory Dwelling Units – New Construction that a connection fee or capacity charge for utilities shall be required only when a separate connection is requested or required.

It was moved by Commissioner Gaarder, seconded by Chair Carvalho, to adopt amended Resolution No. PC-2020-20, entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA, RECOMMENDING THAT THE FULLERTON CITY COUNCIL AMEND MUNICIPAL CODE CHAPTER 15.17 TO UPDATE THE ZONING ORDINANCE PROVISIONS PERTAINING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS IN SINGLE AND MULTIPLE FAMILY ZONES AND ASSOCIATED DEFINITIONS IN 15.04 IN ACCORDANCE WITH RECENT LEGISLATION AMENDING THE CALIFORNIA GOVERNMENT CODE SECTIONS 65852.2 AND 65852.22

Motion carried 4 – 0 – 1 (Cox absent).

PLANNING COMMISSION / LANDMARKS COMMISSION STAFF COMMUNICATIONS AND REVIEW OF CITY COUNCIL ACTIONS

Director Foulkes thanked the Planning Commission for their input relating to Accessory Dwelling Units. He noted that the City Council approved the project at 751 E. Bastanchury Road as recommended and also adopted a Resolution of Intention to amend Title 15 to allow for properties containing religious institutions to construct permanent supportive housing and/or deed restricted affordable housing.

Director Foulkes noted that the first cannabis information session was held on February 13, 2020. The next meeting will be a cannabis panel discussion on March 4, 2020. The panel will consist of representatives from cannabis industry, City Representatives, and HDL.

Director Foulkes informed the Commission that there are no items scheduled for the March 4, 2020 meeting.

AGENDA FORECAST

The next Fullerton Planning Commission/Landmarks Commission meeting will be held on March 18, 2020, at 6:30 p.m., in the Council Chamber, 303 West Commonwealth Avenue, Fullerton, California.

10:02 p.m.

ADJOURNMENT

Chair Carvalho adjourned the meeting at 10:02 p.m.

Susana Barrios, Clerk to the Planning Commission