

December 20, 2019

40193.00001

**VIA E-MAIL AND OVERNIGHT DELIVERY**

City of Fullerton – Community & Economic Development Department  
C/O Matt Foulkes, Director Community & Economic Development  
303 W. Commonwealth Avenue  
Fullerton, CA 92832-1775  
[MattF@cityoffullerton.com](mailto:MattF@cityoffullerton.com)

**Re: 3535 W. Commonwealth/Illumination Foundation—ZON-2019-0131**

Dear Dr. Foulkes:

As you know, this firm represents the Ashwill Family LP (“Ashwill”), the owner of property which shares a common driveway with the subject building at 3535 W. Commonwealth. Illumination Foundation is requesting a Conditional Use Permit (“CUP”) to operate a “Human Service Agency” with 150 proposed beds (“Project.”) Planning Commission to approved the Project on December 11, 2019. Ashwill now appeals this decision to the City Council.

Attached is the completed appeal form you previously provided. We are also including the requested processing fee of \$182. Please let us know when this matter is placed on the City Council agenda.

Regards,



Douglas J. Evertz, Esq. of  
MURPHY & EVERTZ LLP

DJE/mm

cc: Greg Ashwill ([greg@ashwill.com](mailto:greg@ashwill.com))  
Mitch Ashwill ([mitch@ashwill.com](mailto:mitch@ashwill.com))



# City of Fullerton Community Development Department

## Appeal of Zoning Administrator / Director Determination Landmarks Commission / Planning Commission Action

A. REQUIREMENTS – Appeals of actions by the Zoning Administrator, Director Determination, Landmarks Commission, or Planning Commission must be made within ten (10) working days from the date on which the original action was taken. The Community Development Department will need all of the following before an appeal can be processed:

1. Contact Information: APPELLANT Name: Ashwill Family LP  
 APPELLANT Mailing Address: 17952 Sky Park Circle, Ste. C  
Irvine, CA 92614  
 APPELLANT Phone Number: ( 909 ) 612-9898  
 APPELLANT Email Address: greg@ashwill.com
2. Project Information: PROJECT File No. ZON-2019-0131  
 PROJECT Address: 3535 W. Commonwealth Fullerton, CA
3. Reason(s) for appealing the action taken (Please fill in below or attach a separate letter)

2. Processing Fee .....  \$182.00

### B. PROCEDURE

Appeals of decisions made by the Community Development Director or Zoning Administrator will be scheduled for review by the Planning Commission and a public hearing will be held within 60 days from the date of the appeal request; the decision by the Planning Commission is final unless appealed to the City Council. Appeals of decisions made by the Landmarks Commission or Planning Commission will be scheduled for review by the City Council and a public hearing will be held within 60 days from the date of the appeal request; the decision of the City Council shall be final.

Reason for Appeal: 1) The proposed use is not consistent with the policies of the general plan and is not consistent with surrounding uses. The proposed project will also include a kennel. This use also is inconsistent with surrounding uses. 2) Inadequate Conditions for Approval, including lack of conditions addressing required patrols/security and measures addressing noise and waste associated with the proposed on-site kennel. 3) Lack of analysis of parking and failure to secure a variance. 4) Inadequate public outreach. 5) Failure to consult with Airport Land Use Commission. 6) Violation of Reciprocal Access Agreement regarding shared driveway. The proposed use is inconsistent with the spirit and intent of the Agreement as well as CC&Rs continued therein. 7) The Project will result in diminished property values resulting in a taking. This issue has not been analyzed by the City. 8) Failure to comply with CEQA - - the Project is not exempt and alternative locations must be analyzed. 9) More detailed comments will be provided to the City Council prior to its considerations of this appeal.