



## **CITY OF FULLERTON**

Community and Economic Development Department

**Item No. 3  
April 14, 2021  
6:30 p.m.  
Public Hearing**

**TO: Chair Hansburg and  
Members of the Planning Commission**

### **APPLICATIONS**

ZON-2020-0067

### **APPLICANT**

Kareem Khouri, Sage Behavior Services as authorized by Temple Beth Tikvah

### **LOCATION**

1600 North Acacia Avenue

### **SUMMARY AND APPLICATIONS REQUESTED**

The applicant, Sage Behavior Services, is requesting to modify an existing Conditional Use Permit to expand the private school use at a previously approved religious institution (Temple Beth Tikvah), private school and child-care center.

### **CEQA DETERMINATION**

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15301 (Class 1 – Existing Facilities).

### **AUTHORIZATION/GUIDELINES**

The Fullerton Municipal Code (FMC) Section 15.70.010 authorizes the Planning Commission to review and take action on a CUP request based on the findings contained in Section 15.70.040.

### **PUBLIC OUTREACH**

On March 31, 2021 the City sent a Public Hearing Notice to a total of 38 owners and occupants of property within a 300-foot radius of the project site including those specifically requesting to be notified. Notification was posted in two locations on the project site on April 1, 2021. The notice was also posted on the City's website and at the Maintenance Services Department, Main Library, Museum Center and City Hall on the Public Notice Boards. In addition, notice was

#### **THE EDUCATION COMMUNITY**

303 West Commonwealth Avenue, Fullerton, California 92832-1775  
(714) 738-6598 · Fax (714) 738-3110 · Website: [www.cityoffullerton.com](http://www.cityoffullerton.com)

published in the Fullerton Tribune on April 1, 2021. As of the date of writing, other than that provided in Attachment 4, no correspondence has been received.

<b>PROJECT BACKGROUND / PROJECT DESCRIPTION</b>
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<i>Project Applicant</i>	Kareem Khouri, Sage Behavior Services
<i>Property Owner:</i>	Temple Beth Tikvah
<i>Property Location:</i>	1600 North Acacia Avenue
<i>General Location:</i>	East side of Acacia Avenue, approximately 520 feet north of Dana Place
<i>Parcel Number(s):</i>	283-021-02
<i>Existing Community Development Type (General Plan Land Use Designation):</i>	Religious Use
<i>Existing Zoning Classification:</i>	R-1-20 (Single-Family Residential, 20,000 sq. ft. minimum lot size)
<i>Site Size:</i>	183,249 sq. ft. (4.20± acres)
<i>Existing conditions:</i>	Religious institution with private school and child-care center
<i>Parking</i>	85 spaces on-site
<i>Surrounding land uses and Zoning:</i>	<u>North, East and West:</u> Single-family dwellings on property zoned R-1-20 (Single-family residential, 20,000 sq. ft. minimum lot size). <u>South:</u> Single-family dwellings and City Water Reservoir on property zoned R-1-20 and PL (Public Land).

#### Temple History

Temple Beth Tikvah first moved to this site in 1971 and occupied a portable classroom building. In 1979, CUP-421 approved the existing sanctuary building which included classrooms.

In 2005, the CUP was modified by CUP-421A which included construction of a new two-story building on the property for administrative offices and classrooms for the private school and daycare. CUP-421A specifically authorized the property for use as a religious institution as well as a private school (religious school) and child-care center. Each of these uses are authorized on an R-1 zoned property with the approval of a CUP.

In 2008, another CUP modification (CUP-421B) was approved to modify the exterior of the two-story building after the Temple determined the original building design was too costly; this CUP modification also included the expansion of the parking area in front of the two-story building but did not change the previously approved uses. CUP-421B is the land use entitlement which governs the property today. Construction of the office and classroom building that was modified in 2008 began in 2010 and was completed in 2012.

The conditions of approval for CUP-421B include a provision (Condition No. 5) that “prior to a future expansion of the sanctuary/assembly area, should parking demand exceed on-site parking, the applicant shall secure off-site parking through an agreement to be brought before the Planning Commission in a noticed public hearing for review and approval or otherwise increase on-site parking. Additionally, Condition No. 22 states that “if the use sustains three or more complaints received by the Fullerton Code Enforcement Division, the Fire Department, or the Police Department within a 12-month period regarding violations to City Ordinances or regulations which have been caused by staff or business conducted at the site, it shall be grounds for revocation proceedings of this Conditional Use Permit.”

- Code Enforcement Division – Prior to 2020, the City had not received any complaints regarding the use or the parking generated.
  - 2009 – Complaint regarding dry brush and neglected vegetation. Violation was addressed that the complaint was closed.
  - 2011 – NPDES violation (dirt going into street) observed during construction. Violation was addressed and complaint was closed.
- Fire Department – No complaints or violations since 2005.
- Police Department – No complaints or violations since 2005.

#### Sage History / Code Enforcement Complaint

Sage Behavior Services (Sage) has operated in Fullerton since 2009, providing individualized (often one-on-one) applied behavior analysis (ABA) to children with developmental disabilities. Prior business locations were on properties zoned C-3 (Central Business District Commercial) where this use was permitted by-right. In July 2019, Sage was erroneously granted a business registration to relocate to the now vacant second floor of Temple Beth Tikvah's classroom/administrative office building.

In February 2020, the City was contacted by a member of the public regarding the permissibility of the Sage use on a property with a residential zoning classification. While not previously classified as a private school in its previous locations, staff reviewed the complaint and the operations of the business. Available information, as provided by the applicant and as indicated on the Sage website, is that Sage provides services to address the individualized needs of children eligible for special education either in a one-on-one or group setting including working on improving functional communication, self-help skills, play skills, safety skills, and overall independence. These services are not unlike those of a private school and/or child-care center, both of which are permissible in a residential zone with a CUP and are uses already approved for the 1600 North Acacia property. Fullerton Municipal Code (FMC) Section 15.17.020.C provides that the Community and Economic Development Director can determine an activity not specifically listed in the permitted uses table to be consistent with a listed permitted use if it is consistent with the zone's purpose. Recognizing that a private school is a commercial use identified in the FMC as permissible with the approval of a CUP and in compliance with FMC 15.55.030.D, the City provided Sage/Temple Beth Tikvah the option of modifying the existing CUP through the public hearing process with the Planning Commission. If approved, the CUP modification would allow for Sage to operate at this location as an additional private school.

The City has continued to receive complaints from a member of the public expressing the same concerns for the last 12-months. Recent correspondence is provided in Attachment 4. These complaints include significant client and employee traffic, speeding/distracted drivers, as well as parking on Acacia Avenue. The complaint also alleges that there are 40 cars parked in the upper parking lot during the hours of 9:00am to 5:00pm as well as excessive false alarms from the building's security system.

Code Enforcement staff has inspected or monitored the property on ten separate occasions in response to these complaints. Code Enforcement reports identify that:

- Site inspections found no visual or audible impacts from the parking lot or the public right-of-way that could be attributed to the uses occurring within the buildings.
- The Code Officer noted that at each site inspection no impacts to the neighboring properties were observed. There was never any noise, trash, or other nuisance activities observed at the site.
- All site inspections found that there was minimal to no traffic coming to and from the site. There was never any evidence of excessive traffic, noise, or vehicle congestion.
- At each of these inspections, it was difficult to determine if the vehicles parked on the site were there for Sage or the approved child-care center which operates from 7:00 am to 3:00 pm with up to 30 children and 3 staff.
- The parking lot was never observed to be filled anywhere close to capacity. Unoccupied parking spaces were always observed.

Police Department records indicate five (5) false alarms in 2020, three (3) in 2019, four (4) in 2018, and one (1) in 2017.

A component of the complaint included the installation by Sage of a monument sign advertising the business on Acacia Avenue. Code Enforcement has required the removal of the unpermitted monument sign. Even if the use were ultimately approved, the City's Municipal Code does not allow more than one monument sign based on the lineal feet of the property's frontage on Acacia Avenue. A permitted monument sign already exists for the Temple. The unpermitted sign has been removed.

The City received the CUP modification application in October 2020 and has been working with Sage and the Temple since that time to fully understand the nature of the desired uses on the property. Approval of the CUP modification would allow Sage to remain on the property and receive approval of its currently pending business registration renewal. Sage proposes to operate Monday through Friday between the hours of 8:00am and 6:00pm in the classrooms and offices located on the upper floor of the existing building at the front of the campus. This translates into a request to modify the CUP to expand the private school use during the day by nine (9) children and twelve (12) staff into a space previously approved for the operation of a private school. The classrooms on the second level were previously used for the religious school however attendance at the religious school has declined and operations have been consolidated to a portion of the first floor. As a result, the CUP modification also includes reducing the attendance numbers for the religious school on Monday and Wednesday evenings. Attachment 3 provides a comparison of the existing and proposed operations.

## ANALYSIS

FMC 15.55.030.D specifies the requirements for a private school and include:

- a. Relationships between proposed and existing surrounding uses.
- b. Potential impacts on surrounding uses involving noise, glare, parking, traffic, dust, odor, fumes, activity, solid waste and security.
- c. Provision of support facilities for potential expansion. A master plan of the facility shall be required with the application.
- d. Adequacy of current infrastructure to accommodate proposed use and additional demands generated by it.
- e. Zone limitations on building height shall apply.
- f. Zone limitations on lot coverage of buildings and parking areas need not apply, but will be evaluated based on surrounding uses. All required setbacks from streets shall be landscaped and shall not be used for parking.
- g. On-site buildings and structures intended for occupancy other than residential units generally should not be closer than 30 feet to any property line of a lot with a residential zone classification.
- h. A solid wall not less than six feet in height shall be constructed and maintained on any property line adjoining a property with a residential zone classification, provided that such wall shall not extend into any required front yard.
- i. All lights provided to illuminate any parking area or building on such site shall be so arranged as to direct light away from adjoining premises.
- j. The location, size and type of proposed space for outdoor recreational activities shall be identified on a submitted site plan;

As further detailed in the facts and findings contained in Planning Commission Resolution No. PC-2021-14, there are no proposed changes to the existing building height or area and as such it continues to comply with the relevant standards which have not changed since the entitlement of the administration/classroom building in 2005 and as modified in 2008. Furthermore, the proposed weekday daytime private school use will occur within an existing building already approved for the use.

### Parking

The parking required for a private school as well as a religious institution is determined through the Conditional Use Permit and does not have a specified number of spaces required in the FMC. The parking requirement is based on peak concurrent parking demand for the existing uses. The site is developed with two parking lots, the upper lot contains 26 stalls and the lower lot contains 59 stalls, for a total of 85 spaces. The parking requirements, as required by CUP-421B are:

Temple – 80 spaces

Child-Care Center – 8 spaces (30 children & 6 staff)

Private-School – 20 spaces (105 students & 13 staff)

As identified in Attachment 2, with the requested expansion of daytime private school activities associated with Sage, the concurrent operations will generate 41 students and 16 staff for the private schools (19 spaces) and 30 children and 6 staff for the child-care center (8 spaces) requiring a total of 27 parking spaces. Importantly, the additional private school use does not operate on Friday nights and weekends when the Temple is in use. As a result, the available

parking provided on the site provides sufficient parking for the daytime mid-week uses while not overlapping with the parking demand for the Temple use.

As conditioned and as detailed in the findings and facts contained in the attached resolution, the proposed operational modifications to allow Sage to operate at this location will not be detrimental to the site or surroundings uses as required for CUP approval and additionally complies with the criteria established by 15.55.030.D.

#### **ENVIRONMENTAL REVIEW**

The project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15301. This (Class 1 – Existing Facilities) exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

#### **RECOMMENDED ACTION**

Adopt Planning Commission Resolution No. PC-2021-14, including recommended conditions entitled:

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA, MODIFYING AN EXISTING CONDITIONAL USE PERMIT TO ADD A WEEKDAY DAYTIME PRIVATE SCHOOL USE AT AN EXISTING RELIGIOUS INSTITUTION ON PROPERTY ZONED R-1-20, LOCATED AT 1600 NORTH ACACIA AVENUE (EAST SIDE OF ACACIA AVENUE, 520 FEET NORTH OF DANA PLACE)**

**DATED:** April 14, 2021

Prepared by:



Edgardo Caldera  
Associate Planner

Reviewed by:



Heather Allen  
Planning Manager

Approved for Agenda by:



Matt Foulkes  
Community & Economic Development Director

Attachments to Report:

1. Draft Planning Commission Resolution No. PC-2021-14
2. Proposed and existing operations schedule
3. Hearing Notice and Notification Map
4. Public Correspondence

RESOLUTION NO. PC-2021-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA, MODIFYING AN EXISTING CONDITIONAL USE PERMIT TO ADD A WEEKDAY DAYTIME PRIVATE SCHOOL USE AT AN EXISTING RELIGIOUS INSTITUTION ON PROPERTY ZONED R-1-20, LOCATED AT 1600 NORTH ACACIA AVENUE (EAST SIDE OF ACACIA AVENUE, 520 FEET NORTH OF DANA PLACE)

ZON-2020-0067

APPLICANT: SAGE BEHAVIOR SERVICES  
PROPERTY OWNER: TEMPLE BETH TIKVAH

RECITALS

WHEREAS an application was filed to modify a Conditional Use Permit to add a weekday daytime private school use at an existing religious institution, more specifically described as:

Orange County Assessor's Parcel No. 283-021-02

WHEREAS the Planning Commission of the City of Fullerton, in compliance with the noticing requirements of Fullerton Municipal Code (FMC) Chapter 15.76, held a duly noticed public hearing for ZON-2020-0067; and

WHEREAS FMC Section 15.17.020.C provides the Community and Economic Development Director to determine an activity not specifically listed in the permitted uses table to be consistent with a listed permitted use if it is consistent with the zone's purpose, subject to the approval of a Conditional Use Permit; and

WHEREAS FMC Section 15.70.040 establishes the criteria to be considered in evaluating a Conditional Use Permit request and authorizes the Planning Commission to approve a project when applicable findings can be made; and

WHEREAS FMC Section 15.55.030.D specifies the requirements for approval of a private school.

RESOLUTION

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Fullerton, as follows:

1. In all respects as set forth in the Recitals of the Resolution.
2. The Planning Commission, pursuant to Fullerton Municipal Code Section 15.70.040.D, finds as follows:
  - a. Finding: That the proposed use is conditionally permitted in the zone and complies with all applicable zoning standards.



Fact: In accordance with FMC Section 15.17.020.C, the Community and Economic Development Director can determine an activity not specifically listed in the permitted uses table to be consistent with a listed permitted use if it is consistent with the zone's purpose. Sage Behavior Services provides individualized services to meet the needs of children eligible for special education either in a one-on-one or small group setting including working on improving functional communication, self-help skills, play skills, safety skills, and overall independence. These services are not unlike those of a private school and/or child-care center, both of which are permissible in a residential zone with a CUP and are uses already approved for the 1600 North Acacia property through a previously approved CUP. In addition, the proposed CUP modification does not include site improvements or additions to the existing facilities onsite and therefore the property continues to comply with the relevant standards which have not changed since the entitlement of the administration/classroom building in 2005 and as modified in 2008.

- b. Finding: That the proposed use is consistent with the goals and policies of the General Plan of the City or any specific plan applicable to the area of the proposed use.

Fact: The subject property has a General Plan land use designation of Religious Use and zoning designation of R-1-20 (Single-Family Residential, 20,000 sq. ft. minimum lot size). The use is consistent with the conditionally permitted uses in the residential zone and while the private school is incidental in nature to the primary use of the property as a religious institution, the use of the property remains compatible with the land use designation, the purpose of which is to provide opportunities for religious gathering, worship, and related educational and community service activities.

- c. Finding: That the proposed use as conditioned will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

Fact: A private school is conditionally permitted in the R-1-20 zone subject to the approval of a CUP. The existing CUP for Temple Beth Tikvah included approval for a private school and child-care center. The proposed operational changes to the CUP will expand the private school use and will allow Sage Behavior Services to operate consistent with a private school use at this location. A review of the operations of Temple between 2005 and 2020 found no complaints regarding the operations made to Code Enforcement, the Fire Department or the Police Department. Complaints received in 2020 and 2021 regarding impacts to the neighborhood from the addition of Sage Behavior Services on the premises have been unsubstantiated over multiple Code Enforcement inspections. The expansion of the existing private school use in conjunction with the continued operation of the religious institution as proposed and conditioned will not be detrimental to the health, safety or general welfare of the persons residing or working in the vicinity.

- d. Finding: That the project or use demonstrates compliance with the Design Criteria specified in Section 15.47.060 of Chapter 15.47.

Fact: The proposed CUP modification does not include site improvements or additions to the existing facilities onsite and therefore the property continues to comply with the relevant standards which have not changed since the entitlement of the administration/classroom building in 2005 and as modified in 2008.

3. The Planning Commission, pursuant to Fullerton Municipal Code Section 15.55.030.D, finds as follows:

- a. Finding: That the use conforms with relationships between proposed and existing land uses.

Fact: The proposed operational changes to expand the existing private school use will occur within an existing building previously approved for a private school use. The addition of weekday daytime private school activities, although operating concurrently with the previously approved child-care center, continue to remain activities ancillary to the primary use of the religious institution, the peak activity for which occurs on weekends.

- a. Finding: That there are no potential impacts on surrounding uses involving noise, glare, parking, traffic, dust, odor, fumes, activity, solid waste and security.

Fact: The operational changes to the private school use, even when considering concurrently operating uses, will not result in a demand for onsite parking great than that available and as such will not negatively impact the parking of the existing surrounding uses. All uses associated with the private school occur inside an existing building already authorized for use as a private school. Furthermore, the private school use does not generate glare, dust, or odor.

- b. Finding: Provision of support facilities for potential expansion. A master plan of the facility shall be required with the application.

Fact: The private school use is ancillary to the previously approved religious institution the approval for which considered and conditioned the potential for expansion.

- c. Finding: That the current infrastructure accommodates the proposed use and additional demands generated by it.

Fact: The CUP modification would expand the private school use operational hours to the weekday daytime (Monday through Friday between the hours of 8:00am and 6:00pm to operate). Even with concurrently operating uses, they remain under the previously approved peak occupancy. Furthermore, the proposed operational changes to expand the existing private school use will occur within an existing building previously approved for a private school use. As such, the CUP modification will not generate greater demand on the existing infrastructure.

- d. Finding: That the use conforms to the following guidelines:

- Zone limitations on building height shall apply. However, a non-habitable structure such as a bell tower, steeple or chimney may exceed the height limitations, but only one structure of this type shall be allowed for the facility.
- Zone limitations on lot coverage of buildings and parking areas need not apply, but will be evaluated based on surrounding uses. All required setbacks from streets shall be landscaped and shall not be used for parking.

- On-site buildings and structures intended for occupancy other than residential units generally should not be closer than 30 feet to any property line of a lot with a residential zone classification.
- A solid wall not less than six feet in height shall be constructed and maintained on any property line adjoining a property with a residential zone classification, provided that such wall shall not extend into any required front yard.
- All lights provided to illuminate any parking area or building on such site shall be so arranged as to direct light away from adjoining premises.
- The location, size and type of proposed space for outdoor recreational activities shall be identified on a submitted site plan.

Fact: The CUP modification does not include site improvements or additions to the existing facilities onsite and therefore the property continues to comply with the relevant standards which have not changed since the entitlement of the administration/classroom building in 2005 and as modified in 2008. All uses associated with the private school occur inside an existing building already authorized for use as a private school.

4. In accordance with the California Environmental Quality Act (CEQA) Guidelines the Planning Commission finds that the proposed project is exempt from further review per Section 15301 Class 1 – Existing Facilities.

Finding: The project, consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

Fact: The property is fully developed and the proposed changes are limited operational changes in the existing facilities.

THEREFORE, the Planning Commission does hereby APPROVE said CONDITIONAL USE PERMIT (ZON-2020-0067) subject to the following conditions of approval:

1. The approval and the following conditions supersede the previously approved Conditional Use Permit (CUP 421B).
2. The property shall be in substantial conformance with the plans, descriptions, and statements provided by the applicant, excepting any modifications made by the Planning Commission. This includes, but is not limited to, the proposed schedule of operations (Attachment 1). Upon significant changes to the plans, descriptions, and statements provided by the applicant, as determined by the Director of Community and Economic Development, staff shall initiate a review of the CUP at a noticed public hearing before the Planning Commission.
3. Prior to business license renewal approval, Sage Behavior Services, shall submit building plans to and receive permits from the Community and Economic Development for any interior improvements constructed as part of the commencement of business operations.

4. Prior to a future expansion of the sanctuary/assembly area, should parking demand exceed on-site parking, the applicant shall secure off-site parking in an agreement to be brought before the Planning Commission in a noticed public hearing for review and approval or otherwise increase on-site parking.
5. This Conditional Use Permit may be modified or revoked by the City Council or Planning Commission should they determine that the proposed use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvement in the vicinity, or if the property is operated or maintained so as to constitute a public nuisance.
6. If the use sustains three or more verified complaints received by the Fullerton Code Enforcement Division, the Fire Department, or the Police Department within a 12-month period regarding violations to City Ordinances or regulations which have been caused by staff or business conducted at the site, it shall be grounds for revocation proceedings of this Conditional Use Permit.
7. The applicant shall agree to indemnify, hold harmless, and defend the City of Fullerton, its officers, agents and employees, from any and all liability or claims that may be brought against the City arising out of this approval, or arising out of the operation of the business, save and except that caused by the City's active negligence.
8. Approval of the Conditional Use Permit shall become null and void if not exercised within 24 months from the date of approval. Upon written request of the applicant, the authority that gave final approval to the original request may extend the time at which such approval expires.

ADOPTED BY THE FULLERTON PLANNING COMMISSION ON APRIL 14, 2021.

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Elizabeth Hansburg, Chair

Attachment:

Attachment 1 – Schedule of Operations

### Schedule of Operations per CUP-421A/B

Use (Land Use):	Religious School (Private School)		Preschool (Child-Care Center)	Services (Religious Institution)
Location:	Admin. Bldg. 1st & 2nd floor		Temple Building	Temple Building
Monday	4:30 PM -7 PM 50 children 13 staff		7 AM - 6 PM 30 Children 6 staff	
Tuesday			7 AM - 6 PM 30 Children 6 staff	
Wednesday	4:30 PM -8 PM 60 children 13 staff		7 AM - 6 PM 30 Children 6 staff	6:30 - 8 PM 42 Persons (Choir)
Thursday			7 AM - 6 PM 30 Children 6 staff	
Friday			7 AM - 6 PM 30 Children 6 staff	6 PM - 9:30 PM 50-200 persons
Saturday	9:00 AM -12 PM 105 children 13 staff			10 AM - 12 PM 20-150 persons
Sunday				9 AM - 12 PM 20-150 persons

### Schedule of Operations per ZON-2020-0067 (*changes in italics*)

Use (Land Use):	Religious School (Private School)	Sage (Private School)	Preschool (Child-Care Center)	Services (Religious Institution)
Location:	Admin. Bldg. 1st floor	Admin Bldg. 2nd floor	Temple Building	Temple Building
Monday	4:30 PM -7 PM 32 children 4 staff	8 AM -6 PM 9 children 12 staff	7 AM - 6 PM 30 Children 6 staff	
Tuesday		8 AM -6 PM 9 children 12 staff	7 AM - 6 PM 30 Children 6 staff	
Wednesday	4:30 PM -7 PM 32 children 4 staff	8 AM -6 PM 9 children 12 staff	7 AM - 6 PM 30 Children 6 staff	6:30 - 8 PM 25 Persons (Choir)
Thursday		8 AM -6 PM 9 children 12 staff	7 AM - 6 PM 30 Children 6 staff	
Friday		8 AM -6 PM 9 children 12 staff	7 AM - 6 PM 30 Children 6 staff	6 PM - 9:30 PM 50-200 persons
Saturday	9:00 AM -12 PM 105 children 13 staff			10 AM - 12 PM 20-150 persons
Sunday				9 AM - 12 PM 20-150 persons*

\* Retaining approval although currently no Sunday usage.



FULLERTON PLANNING COMMISSION  
NOTICE OF PUBLIC HEARING  
++VIRTUAL MEETING++  
Project Reference No.: ZON-2020-0067  
**Conditional Use Permit Modification**  
**1600 North Acacia Avenue**

This notice is provided so that you can ask questions, make comments and stay informed about projects that might be important to you. We encourage you to contact us prior to the Public Hearing if you have any questions and/or to enter your testimony into the public record in advance of the teleconference. You are receiving this notice because you live, work or own property within 300 feet of the project site, or you have indicated you wished to be notified about this project or proposal.

Meeting Time and Date

This matter will be heard on **Wednesday, April 14, 2021 at 6:30 p.m.** by the Planning Commission. Members of the public can view meetings streamed live online at [www.cityoffullerton.com/agendas](http://www.cityoffullerton.com/agendas), on Spectrum Cable Channel 3 and AT&T U-Verse Channel 99. **The public may also remotely participate in the meeting to make oral public comment via computer, smart device or telephone.**

What is the Proposed Project?

A request to modify an existing Conditional Use Permit (CUP) to expand the private school use at a previously approved religious institution which includes a private school and child-care center.

Who to Contact if You Have Questions or Comments

If you have any questions or would like to comment on the proposed action prior to the public hearing, please contact Edgardo Caldera with the Community and Economic Development Department at (714) 773-5773 or send an email to [Edgardoc@cityoffullerton.com](mailto:Edgardoc@cityoffullerton.com). The public can also submit public comment before the meeting by clicking on the **eComment** link accompanying the agenda posted online at [www.cityoffullerton.com/agendas](http://www.cityoffullerton.com/agendas). All written comments received by 5:00 P.M. on the day of the meeting will be provided to the Planning Commission.

Where to Get More Information

Project details may be found on the City website 72-hours prior to the public hearing at: [www.cityoffullerton.com/agendas](http://www.cityoffullerton.com/agendas). Under "Upcoming Meetings", click on the link to the **Agenda** for the corresponding Planning Commission date. The agenda contains links to the staff report and other informational materials for each agenda item **as well as information on how to make oral public comment during the meeting.**

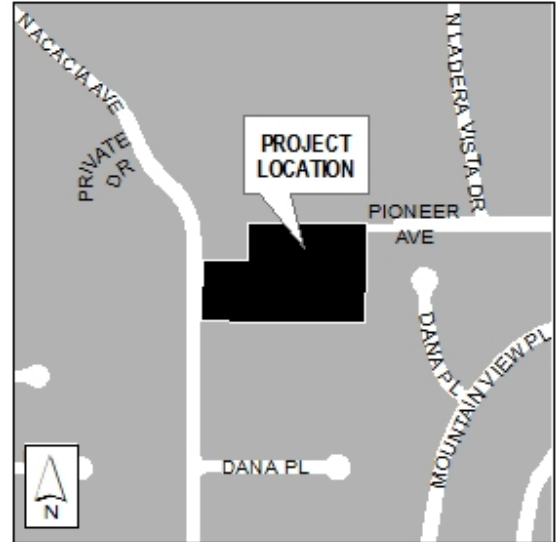
Planning Commission Action Items

The Fullerton Planning Commission will hold a public hearing to consider the application for a Conditional Use Permit modification (ZON-2020-0067). This application is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301– Existing Facilities. The determination by the Planning Commission is final unless appealed.

**Si tiene preguntas en español, favor de llamar a Edgardo Caldera al (714) 773-5773.**

If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and the federal rules and regulations adopted in implementation thereof. Should you require special accommodations to participate in a meeting, please contact the City Clerk at [cityclerksoffice@cityoffullerton.com](mailto:cityclerksoffice@cityoffullerton.com) or (714) 738-6350 at least 48 hours prior to the meeting to make arrangements.

*If you challenge the decision on the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Fullerton at, or prior to, the public hearing. (Government Code 65009 (a))*











## Public Notification Map with Zoning Designations

ZON-2020-0067  
Conditional Use Permit Modification  
1600 N. Acacia Ave.  
(Planning Commission)



0 150 300  
Feet

-  Project Location
-  Owners Notified
-  Site Address Notified
-  300-foot notification buffer



## Edgardo Caldera

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**From:** Elise <gass@roadrunner.com>  
**Sent:** Tuesday, March 30, 2021 7:16 PM  
**To:** Edgardo Caldera  
**Cc:** Heather Allen; Nicholas Dunlap; dbgrime@gmail.com; phartnett@hartnettlawgroup.com; Bruce Whitaker-EXT  
**Subject:** [EXTERNAL MAIL]1600 N. Acacia CUP Planning Meeting April 14 ZON-2020-0067

### **CAUTION: BE CAREFUL WITH THIS MESSAGE**

This email came from outside City of Fullerton. Do not open attachments, click on links, or respond unless you expected this message.

Hello again Edgardo,

RE: Plan Number: ZON-2020-0067 04/14/2021 upcoming Planning meeting

AGENDA FORECAST April 14, 2021 • Conditional Use Permit Modification at 1600 North Acacia Avenue <https://fullerton.legistar.com/Calendar.aspx>

Please add me to the list of neighbors to be updated with information for the upcoming new/revised CUP for the SAGE and Temple Beth Tikvah application. **My address is 1513 N. Acacia Avenue 714-809-6981 cell**

Since this application has a direct traffic impact on all neighbors on Acacia, Ladera Vista, Pioneer, Dorothy and the associated side streets off of them, my first concern is that the Planning and Zoning meeting is not contacting the entire residential neighborhood that would be impacted by the addition of a commercial business or school, to be located on an R-1-20 site deeply within a residential (and school dense) neighborhood, with no direct access to commercially zoned streets or freeways.

I am requesting to speak at the meeting.

I am requesting that the city, at minimum, notify all affected residents on Acacia, Dorothy (east), Ladera Vista (north), Pioneer, and Skyline, who are directly impacted by daily/hourly traffic increases, Sage has brought into our neighborhood.

I am providing your email address to neighbors as specified by Ms. Allen, for affected neighborhood views, comments and concerns about this.

**Please make the first official notation to the record, of for the upcoming review, as a direct complaint with the application: SAGE BEHAVIOR SERVICES is not, and has never been, a PRIVATE SCHOOL.** The application falsely states this is the intended use of the Temple's currently 6000sf leased building space. This entity, SAGE BEHAVIOR SERVICES is a for-profit mental health service corporation, providing hourly mental health consulting and counseling appointments to clients (child, teen and young adult), and headquartered at 1600, since January 2020. **As Sage had approached Planning and Zoning for the application**



(only) for a sign in January 2020, stating they were "a one-on-one counseling office", this continued misdirection, and the lack of consequences for it, as to Sage's scope, size and business activities at 1600, is troubling.

Planning/Zoning and Code Enforcement have been provided documentation and complaints since February 2020 showing the ongoing street parking, business activities, client and employee traffic, lease advertisement (2019), sign installations and removals, etc. relative to the violation of the Temple's CUP421A/B and Sage's illegal operation of a large customer based commercial business, in a residential zoned building and neighborhood.

<https://sagebehavioralbehavioral.com/> *This link has been provide with each submitted zoning complaint to clearly show the scope, nature, size and location of this business. Please add this to the record, because at no time, has the business SAGE BEHAVIOR SERVICES been a "PRIVATE SCHOOL", and moving forward with this on the application should immediately invalidate it. Your office should be well aware that this is a false statement as to the nature of the business on an application. Sage lists the address 1600 as the "new headquarters...."*

<https://projects.propublica.org/coronavirus/bailouts/loans/sage-behavior-services-inc-8985667102> Here's a new link, which again shows this SAGE as a "corporate entity" in the field of mental health services.

<https://www.indeed.com/cmp/Sage-Behavior-Services>

Additionally, though giving the Temple the benefit of doubt that they might have a potential new tenant that is a legitimate school, with regular students (not clients), scheduled school hours (not client group or individual appointments), etc, this is also an unsuitable use of the site as it fully disregards the original stated requirement in the issuance of CUP421AB that the use of the building would not be more than for member's occasional use, and certainly not modified in the future, for a full time occupancy, business, school or other.

As also detailed in the board members comments at the June 2015 CUP421A/B

[https://www.cityoffullerton.com/gov/departments/dev\\_serv/commissions/pc/minutes/2005/june\\_22\\_2005.asp](https://www.cityoffullerton.com/gov/departments/dev_serv/commissions/pc/minutes/2005/june_22_2005.asp) meeting, certainly not, without contacting the neighborhood (as a good neighbor would) for our opinions about opening another school in this area with a dense school population (Troy High School, Acacia Elementary, Ladera Vista Junior High, St. Juliana, Rosary High School, and 2 preschools including the Temple's, all within a small 8 residential block area). This would impact not only the immediate neighbors, but nearly every neighbor on Acacia, Ladera Vista, Pioneer, Dorothy, and the side streets.

Thank you again,

Elise Gass