



**CITY OF FULLERTON
PLANNING COMMISSION/LANDMARKS COMMISSION/
APPEALS BOARD
REGULAR MEETING MINUTES
SEPTEMBER 15, 2021, 6:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

Planning Commission conducted this meeting in accordance with California Governor Newsom's Executive Orders N-20-20 and N-35-20 and COVID-19 pandemic protocols.

6:33 p.m.

CALL TO ORDER

Chair Hansburg called the meeting to order at 6:33 p.m.

PLEDGE OF ALLEGIANCE led by Commissioner Dino.

All present

ROLL CALL

Present: Chair Hansburg, Vice Chair Cox, Commissioners Dino, Carvalho, Thompson (via Zoom)

Absent: None

Staff Present: Planning Manager Heather Allen, Senior Planner Maribeth Tinio, Code Enforcement Manager Guillermina Torrico, Code Enforcement Officer Amber Vera, Deputy City Attorney Scott Porter, Deputy City Prosecutor Veronica Donovan, Deputy City Clerk Susana Barrios, Administrative Assistant Janet Ragland

PUBLIC COMMENTS

No members of the public addressed the Planning Commission.

CONSENT CALENDAR

It was moved by Vice Chair Cox, seconded by Commissioner Carvalho, to approve the consent calendar.

Motion carried 5-0.

Approved

1. MINUTES – SEPTEMBER 1, 2021

RECOMMENDED ACTION: Approve the September 1, 2021 Planning Commission Meeting Minutes.

COMMUNICATION DISCLOSURE

None.

The following item was heard out of order.

Continued to
November 17, 2021

3. ZON-2020-0079. APPLICANTS: BIJALKUMAR PATEL AND DHAVAL PANCHAL (WORLD OF BEER); PROPERTY OWNER: 109 SOCO LLC.

Planning Manager Allen explained that the applicant requested to continue its request for a Conditional Use Permit for a Type 47 ABC License (on-site sale of beer, wine, and distilled spirits) for a new restaurant (World of Beer), which includes entertainment at 109 South Harbor Boulevard to a meeting in November. As there are no Regular Meetings scheduled in November due to holiday conflicts, Staff recommends scheduling a Special Meeting on November 17, 2021.

It was moved by Chair Hansburg, seconded by Commissioner Dino, to continue to a Special Meeting on November 17, 2021.

Motion carried 5-0.

Resolution Nos. PC-2021-27, as amended, and PC-2021-28, adopted recommending approval to City Council

2. PRJ2020-00005: ZON-2021-0029 AND LRP-2021-0005. APPLICANT: AGE ADVERTISING, LLC; PROPERTY OWNER: HUOYEN INTERNATIONAL, INC.

Senior Planner Tinio provided a staff report and presentation on a request for a Development Agreement and Conditional Use Permit pursuant to Fullerton Municipal Code (FMC) Section 15.49.120 to consider a freeway-oriented electronic billboard facing the 91-Freeway on property located at 1210 East Burton Street.

Chair Hansburg opened the public hearing at 6:49 p.m.

Applicant Andy Goodman of AGE Advertising spoke about the project and answered Commissioners' questions.

There were no other public comments and Chair Hansburg closed the public hearing at 6:59 p.m.

It was moved by Vice Chair Cox, seconded by Commissioner Carvalho, to recommend approval to City Council with the sign height decreased from 80 feet to 75 feet.

Chair Hansburg made a substitute motion, seconded by Commissioner Dino, to adopt the resolutions as submitted with a sign height of 80 feet.

Substitute motion failed 2-2-1 (No: Cox, Carvalho; Temporarily off Zoom: Thompson).

It was moved by Vice Chair Cox, seconded by Commissioner Carvalho, to adopt Resolution Nos. PC-2021-27, as amended, and PC-2021-28, entitled:

RESOLUTION NO. PC-2021-27 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE A CONDITIONAL USE PERMIT FOR A FREEWAY-ORIENTED ELECTRONIC BILLBOARD ON PROPERTY ZONED C-M, COMMERCIAL INDUSTRIAL, LOCATED AT 1210 NORTH BURTON STREET

RESOLUTION NO. PC-2021-28 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE A DEVELOPMENT AGREEMENT FOR A FREEWAY ORIENTED ELECTRONIC BILLBOARD TO PROVIDE THE PROJECT APPLICANT AND THE CITY OF FULLERTON CERTAIN ASSURANCES WITH RESPECT TO PROJECT APPROVALS AND OBLIGATIONS

Motion carried 4-0-1 (Temporarily off Zoom: Thompson).

The Planning Commission took a brief recess from 7:22 p.m. to 7:30 p.m.

Resolution No. PC-2021-29 adopted, Denying the Appeal and Upholding Public Nuisance Hearing Officer Findings and Order

4. COD-2021-0026. APPELLANT: DAMIAN NASSIRI, ESQ. ON BEHALF OF ADAM HINDERS, BUSINESS TENANT

Code Enforcement Officer Vera provided a staff report and presentation on an appeal of the Public Nuisance Hearing Officer Findings and Order of Abatement for 311-313 West Orangethorpe Avenue declaring the subject property a public nuisance and ordering the marijuana-related use and activity abated.

Appellant Attorney Damian Nassiri provided a procedural argument regarding not being heard or able to present evidence in support of his client at the hearing due to technical difficulties via Zoom and a substantive argument regarding operating as a primary care collective.

Chair Hansburg opened the public hearing at 8:06 p.m.

The following spoke in support of denying the appeal:

- Ms. Miranda
- Lucia Maturino
- Unidentified

- Ms. Ortega
- Pilar Maldonado
- Andrea Rios
- Carolina Hernandez
- Jacqueline Morillo
- Clara Alberto
- Kurt Johnston

A representative from the Fullerton Observer asked for some clarification regarding the business.

The following addressed the Planning Commission via Zoom in support of denying the appeal:

- Rocia Lopez
- Sonia Novero
- Alma Chavez
- Unidentified

Chair Hansburg closed the public hearing at 8:54 p.m.

Code Enforcement Manager Torrico responded to questions brought up during public comments regarding the business.

Deputy City Prosecutor Donovan clarified the Business and Professions Code provisions in terms of the primary caregiver classification.

Appellant Attorney Nassiri responded to claims against the dispensary of drinking, smoking, car accidents, homeless, and loitering being attributed to business and restated that the business operates as a primary caregiver collective.

The Commissioners clarified that their role as the Appeals Board in the de novo hearing was to consider the relevant evidence regarding the unpermitted use.

It was moved by Vice Chair Cox, seconded by Commissioner Dino, to adopt Resolution No. PC-2021-29, entitled:

RESOLUTION NO. PC-2021-29 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA, ACTING IN ITS CAPACITY AS THE APPEALS BOARD, UPHOLDING THE FINDINGS AND ORDER OF THE PUBLIC NUISANCE HEARING OFFICER AND DENYING AN APPEAL TO ALLOW THE MARIJUANA DISPENSARY LAND USE TO CONTINUE OPERATING AT 311-313 WEST ORANGETHORPE AVENUE

Motion carried 5-0 (Via Zoom: Thompson).

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

Chair Hansburg briefly shared information regarding Assembly Bills 787 and 339.

Commissioners indicated topics on which they would like to receive additional information.

Planning Manager Allen reminded everyone of the November 17, 2021 Special Meeting in addition to the upcoming Regular Meeting dates for September and October.


AGENDA FORECAST

The next Fullerton Planning Commission/Landmarks Commission meeting will be held on September 29, 2021, at 6:30 p.m., in the Council Chamber, 303 West Commonwealth Avenue, Fullerton, California.

9:28 p.m.

ADJOURNMENT

Chair Hansburg adjourned the meeting at 9:28 p.m.



Janet Ragland, Clerk to the Planning Commission