



CITY OF FULLERTON  
PLANNING COMMISSION/LANDMARKS COMMISSION  
REGULAR MEETING MINUTES  
FEBRUARY 27, 2019, 7:00 P.M.

Council Chamber  
303 West Commonwealth Avenue  
Fullerton, California

7:01 p.m.

## CALL TO ORDER

Chair Gaarder called the meeting to order at 7:01 p.m.

All Present

## ROLL CALL

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

Absent: None

Staff Present: Director of Community Development Ted White,  
Interim Chief of Police Robert Dunn, Planning  
Manager Matt Foulkes, Deputy City Attorney Ivy  
Tsai, Deputy City Clerk Susana Barrios

PLEDGE OF ALLEGIANCE led by Vice Chair Carvalho.

## PUBLIC COMMENTS

None.

## CONSENT CALENDAR

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

Motion carried 5 - 0.

The January 23, 2019  
Minutes were approved  
as written

### 1. MINUTES – January 23, 2019

RECOMMENDED ACTION: Approve the January 23, 2019  
Planning Commission/ Landmarks Commission Meeting  
Minutes.

COMMUNICATION DISCLOSURE – Commissioner communication disclosure regarding agenda items.

None.

REGULAR BUSINESS

Adopted Resolution No. PC-2019-04 as amended

2. PLANNING COMMISSION RULES AND REGULATIONS FOR CONDUCTING BUSINESS

Planning Manager Foulkes provided a staff report regarding moving the Planning Commission meeting dates to every other Wednesday and a 6:00 p.m. meeting start time.

Chair Gaarder opened the public hearing at 7:06 p.m. There were no speakers on the subject and the public hearing was closed.

It was moved by Vice Chair Carvalho, seconded by Commissioner Pendergraft, to adopt Resolution No. PC-2019-01, entitled:

RESOLUTION NO. PC-2019-04 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING THE TIME AND PLACE OF MEETINGS AND RULES AND REGULATIONS FOR CONDUCTING BUSINESS

Commissioner Hansburg made a substitute motion, seconded by Commissioner Shanfield, for every other Wednesday meetings and a 6:30 p.m. start time.

Substitute Motion carried 3 – 2 (No: Carvalho, Pendergraft).

PUBLIC HEARINGS

Adopted Resolution No. PC-2019-03 as amended, recommending approval to the City Council

3. PRJ18-00183 – LRP18-00006. APPLICANT: CITY OF FULLERTON

Director of Community Development White noted that there would be no action taken on the downtown commercial noise zone component of this item and staff would bring that component back to the Planning Commission with a more conservative approach to noticing.



Director of Community Development White provided a staff report and presentation regarding amendments to the Fullerton Municipal Code Title 15 (Zoning Ordinance) to update and clarify operational standards, permitted uses, process for review and enforcement for businesses selling alcohol for on-site consumption citywide.

Interim Chief of Police Dunn provided a brief presentation regarding the Entertainment Permit process.

Chair Gaarder clarified that because amendments to Chapter 15.90 (Noise) were removed from the recommended actions for this evening, public comment should be related to only the actions under consideration by the Planning Commission and that he would re-open public comment after action was taken on Resolution 2019-03 to allow public comment on Chapter 15.90.

Chair Gaarder opened the Public Hearing at 7:59 p.m.

- Judith Kaluzny, Fullerton Resident, asked if all bar patrons could pay a cover charge after 10:00 p.m.
- Chris Presta, Back Alley Bar & Grill, spoke in support of this item.
- Ryan Cantor, Fullerton Resident, referenced the Police Department Echo reports and recommended that the City close bad business operators in order to protect the public welfare and public domain.
- John Skehan, Bourbon Street Bar and Grill, spoke in support of this item.
- Joshua Ferguson, Fullerton Resident, commented that the City currently does not have the staff to enforce the rules Downtown. He asked if Code Enforcement staff will be working during the day or at night. He stated that there are three bars that do not have a CUP, ARUP or Live Entertainment Permit and he questioned why they are exempt.
- Jack Franklyn, Heroes Bar and Grill, spoke in support of this item, but was concerned about trash/debris in the downtown area after bars close.
- Craig Voorting, Stubrik's Steakhouse, spoke in support of this item.

- Joe Florentine, Florentine's Bar and Grill, spoke in support of this item.
- Roger Steinke, 8Eightyeight Cigar Bar and Lounge, spoke in support of this item.
- Cameron Irons, SVN Vanguard, spoke in support of this item.
- Aaron Barkenhagen, Bootlegger's Brewery, spoke in support of this item.

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

Planning Manager Foulkes responded to questions and noted the following:

- Cover charges are allowed after 10:00 p.m. and the City does not regulate how a business charges a cover charge.
- There will be no changes to how a business gets approved and the process by which they go through to get approved.
- In the new proposed Ordinance there will be a process and criteria for the suspension and revocation of the land use entitlement and there will also criteria specified for what triggers a public hearing for the revocation process.
- Clarified that land use entitlements have to go through a public hearing for revocation and Entertainment Permits have a much quicker suspension process that can be administered by the Chief of Police.
- Graffiti shall be removed within twenty-four hours.
- Trash/debris removal shall be completed as part of the closing of the establishment within twenty-five feet.

Director of Community Development White clarified that enforcement by the Police department and Code Enforcement will happen equally during the day as well as at night.

It was moved by Commissioner Pendergraft, seconded by Commissioner Shanfield, to adopt Resolution No. PC-2019-03, entitled:

**RESOLUTION NO. PC 2019-03 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND FULLERTON MUNICIPAL CODE CHAPTERS 15.04, 15.30, 15.31, 15.71 AND TO UPDATE DEVELOPMENT AND**



## OPERATIONAL STANDARDS, PROCESSES AND ENFORCEMENT TOOLS FOR BUSINESSES SELLING ALCOHOL FOR ON-SITE CONSUMPTION

Deputy City Attorney Tsai clarified the Planning Commission was recommending that the City Council amend Fullerton Municipal Code Chapters 15.04, 15.30, 15.31, 15.71 and to update development and operational standards, processes and enforcement tools for businesses selling alcohol for on-site consumption, with the additional direction that staff revise Section 15.31.040 relating to Suspension Modification, Revocation to require that a public hearing shall be noticed if there are three criminal or life/safety citations for a business and also to require a public hearing when there is disciplinary action or a finding of violation by the Department of Alcoholic Beverage Control or if there is any critical incident as determined by the Director of Community Development in consultation with the Chief of Police.

Motion carried 5 - 0.

Chair Gaarder re-opened Public Comment at 9:05 p.m.

- Sean Paden, Fullerton Resident, referenced the letter he submitted and stated he was available to answer questions. He recommended that the Planning Commission review CEQA requirements for noise when the item is before them.
- Joshua Ferguson, Fullerton Resident, referenced regulatory capture and requested that Staff reach out to other businesses downtown, not just bars for noise impacts.
- Jane Rands, Fullerton Resident, requested that the Planning Commission consider noise impacts on neighborhoods.

Chair Gaarder closed Public Comment at 9:09 p.m.

## PLANNING COMMISSION / LANDMARKS COMMISSION STAFF COMMUNICATIONS

Planning Manager Foulkes noted that there were no communications to report at this time.

## REVIEW OF COUNCIL ACTIONS

Planning Manager Foulkes noted that the City Council upheld the Planning Commission's denial of the Conditional Use Permit for the student housing dormitory at 1155 West Orangethorpe Avenue.

## AGENDA FORECAST

The March 6, 2019 Planning Commission meeting will not be held.

The next Fullerton Planning Commission/Landmarks Commission meeting will be held on March 20, 2019, at 6:30 p.m., in the Council Chamber, 303 West Commonwealth Avenue, Fullerton, California.

9:12 p.m.

## ADJOURNMENT

Chair Gaarder adjourned the meeting at 9:12 p.m.



Susana Barrios, Clerk to the Planning Commission