



CITY OF FULLERTON  
PLANNING COMMISSION/LANDMARKS COMMISSION  
REGULAR MEETING MINUTES  
SEPTEMBER 2, 2020, 6:30 P.M.

Council Chamber  
303 West Commonwealth Avenue  
Fullerton, California

**++VIA TELECONFERENCE++**

*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.*

6:30 p.m.

## CALL TO ORDER

Chair Carvalho called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE led by Chair Carvalho.

All Present

## ROLL CALL

Present: Chair Carvalho (via teleconference), Vice Chair Shanfield (via teleconference), Commissioners Cox (via teleconference – joined at 6:45 pm), Gaarder (via teleconference), Hansburg (via teleconference)

Absent: None

Staff Present: Director Matt Foulkes (via teleconference), Planning Manager Heather Allen (via teleconference), Deputy City Attorney Scott Porter (via teleconference), Associate Planner Andrew Kusch (via teleconference), City Engineer Yelena Voronel (via teleconference), Deputy City Clerk Susana Barrios

## PUBLIC COMMENTS

Deputy City Clerk Barrios confirmed that none had been received.

## CONSENT CALENDAR

It was moved by Chair Carvalho, seconded by Commissioner Gaarder, to continue the item on the consent calendar to the next meeting.

Motion carried 4 - 0 (Not Present: Cox).

because it is unfair that Mr. Desai is able to present his case virtually and his neighbors cannot.

Director Foulkes advised that the video feed was interrupted during a portion of staff's presentation, but clarified that everything is currently transmitting to the public and eComments have been working all along.

City Attorney Porter noted that the only portion of the meeting that was lost was during the staff report and there is nothing in the verbal staff report that was presented during the meeting that is not part of the written record.

Mr. Desai reiterated that his project meets all zoning requirements and he has incorporated the Planning Commission's recommendations from the previous meeting.

The Commission, Applicant and Staff discussed access to the property.

Deputy City Clerk Barrios read the following eComments:

Jose Trinidad Castaneda in support of this item.

Guest User recommendation that the City Attorney review declaration of slope easement and maintenance obligations.

Guest User concerns with access to the new home.

Guest User regarding insufficient green space and lower property value concerns.

Katherine Wall regarding Mr. Desai building a second home at the expense of neighbors.

Guest User regarding postponement of item.

Guest User regarding concerns about trash cans.

Guest User concerns with private easement on Vista Lomitas Place.

Guest User requested a postponement of item to later date due to pandemic.

Guest User regarding proposed plan that Mr. Desai will not be sharing his driveway.



de-sac would be superior in terms of impact. He was agreeable with the proposal as an acceptable alternative access. The project meets zoning requirements and supported the staff recommendation.

Commissioner Cox concurred with Chair Carvalho.

It was moved by Commissioner Gaarder, seconded by Commissioner Hansburg, to approve the request.

Motion failed 2 – 2 (No: Carvalho and Cox).

The request was denied for lack of a revised motion.

Chair Carvalho explained the 10-day appeal process.

Vice Chair Shanfield was returned to the meeting.

### 3. LRP-2020-0009. AMENDMENTS TO TITLES 3 AND 15 OF THE FULLERTON MUNICIPAL CODE PERTAINING TO COMMERCIAL CANNABIS REGULATIONS CITYWIDE

Director Foulkes 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 Title 3 (Regulation of Activities) and Title 15 (Zoning) of the Fullerton Municipal Code pertaining to the regulation of commercial cannabis activities including retail, cultivation, manufacturing, distribution/transportation and testing citywide.

Planning Commissioners asked questions and provided input regarding amendments pertaining to commercial cannabis regulations citywide.

Chair Carvalho opened the public hearing at 9:14 p.m.

Deputy City Clerk Barrios noted that several emails were provided to the Planning Commission prior to the meeting and read the following eComments:

Gaby Garcia regarding cannabis bringing more violence to low income communities with high crime already.

Guest User regarding lack of licenses to meet market demand and recommendation that criminal background check be limited to 7 years.

3. Changed the appellate body from the City Council to the Appeals Board.
4. Clarification of which sections are applicable related to a change in the form of business entity for transfer of a Cannabis Business Permit.
5. Added a 100-foot separation requirement from residentially zoned property, or Specific Plan Development which is predominance residential in nature.
6. Clarified that the measurement method for separation is from the property line of the sensitive use to the nearest point on the building or tenant space (if within a multi-tenant building) of the cannabis business.
7. Allowed non-storefront retail to be permitted within 600-feet of sensitive uses.
8. Removed 300-foot separation requirement from residentially zoned properties for industrial cannabis uses (non-storefront retail, manufacturing, cultivation,
9. Increased the amount of supply that a non-storefront retailer could maintain on its premises from one-week to two-weeks.
10. Corresponding changes in Title 15 to reflect industrial cannabis uses are permitted in the Commercial Manufacturing (C-M) zone.
11. Corresponding changes in Title 15 to reflect non-storefront retail as permitted in the Manufacturing, General (M-G) and Manufacturing, Park (M-P) zones.

Commissioner Gaarder commented that staff should provide enforcement strategies when the item is presented to the City Council.

Chair Carvalho was not supportive of any storefront retail even in a manufacturing zone.

It was moved by Commissioner Gaarder, seconded by Commissioner Hansburg, to adopt the resolution as amended.

Motion carried 3 – 2 (No: Carvalho, Cox)

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