



CITY OF FULLERTON
PLANNING COMMISSION/LANDMARKS COMMISSION
REGULAR MEETING MINUTES
OCTOBER 28, 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 Vice Chair Shanfield.

All Present

ROLL CALL

Present: Chair Carvalho (via teleconference), Vice Chair Shanfield (via teleconference), Commissioners Cox (via teleconference), 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), Deputy City Clerk Susana Barrios, (via teleconference)

PUBLIC COMMENTS

Planning Manager Allen noted that one comment was received from Jane Reifer questioning the process for providing public comment at a meeting.

Vice Chair Shanfield asked why comments are not read in their entirety. Planning Manager Allen clarified that the City Council summarizes comments as well. She noted that all correspondence is forwarded to the Planning Commission and summarized during a meeting.

The Planning Commission discussed the process for comments.

CONSENT CALENDAR

It was moved by Commissioner Gaarder, seconded by Vice Chair Shanfield, to approve the consent calendar.

Motion carried 5 – 0.

Approved

1. MINUTES – OCTOBER 14, 2020

RECOMMENDED ACTION: Approve the October 14, 2020 Planning Commission Meeting Minutes.

COMMUNICATION DISCLOSURE

Commissioner Gaarder disclosed that he received an email from Brandon Whalen regarding the Bastanchury Tree Farm.

Vice Chair Shanfield disclosed that she had a conversation with Tony Bushala regarding the Noise Ordinance.

Chair Carvalho disclosed that he had a conversation with Tony Bushala regarding the Noise Ordinance.

Commissioner Cox disclosed that he met with multiple business owners regarding the Noise Ordinance and has received multiple phone calls regarding the item.

Commissioner Hansburg disclosed that she had conversations with multiple individuals and with Councilman Zahra regarding Surplus Land Act and how it relates to the Housing Element process.

PUBLIC HEARINGS

Resolution Nos. PC-2020-49 and PC-2020-50 adopted

2. PRJ2020-00005 (ZON-2020-0015, ZON-2020-0062). APPLICANT: MELISSA BAUTISTA AND GEZABELLE CARRILLO, JUICYLADAS; PROPERTY OWNER: MEL SMITH

Associate Planner Kusch provided a staff report and presentation on a request for a Conditional Use Permit to operate a restaurant with a California Department of Alcohol Beverage and Control (ABC) Type 47 License (On-Sale General for a Bona Fide Public Eating Place) that includes entertainment and dancing and, pursuant to FMC Section 15.30.060.D.2, a request for a Minor Exception to reduce the required parking for mixed-use occupancies (a joint use of parking). The proposed restaurant is

located at 741 N. Placentia Avenue within the Meadowbrook Plaza Shopping Center, 707-751 N. Placentia Avenue.

Chair Carvalho opened the public hearing at 6:52 p.m.

Gezabelle Carrillo, Applicant, stated that she was agreeable to the recommended conditions of approval.

Planning Manager Allen noted that no eComments or other public comments were received for this item.

Chair Carvalho closed the public hearing at 6:55 p.m.

It was moved by Commissioner Cox, seconded by Commissioner Gaarder, to adopt Resolution Nos. PC-2020-49 and PC-2020-50, entitled:

RESOLUTION NO. PC-2020-49 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT FOR A RESTAURANT (JUICYLADAS) WITH A TYPE 47 (ON-SITE SALE OF BEER, WINE AND DISTILLED SPIRITS) ABC LICENSE AND ENTERTAINMENT ON PROPERTY LOCATED IN THE G-C (GENERAL COMMERCIAL) ZONE AT 741 NORTH PLACENTIA AVENUE (WEST SIDE OF PLACENTIA AVENUE, APPROXIMATELY 400 FEET SOUTH OF THE INTERSECTION OF PLACENTIA AVENUE AND NUTWOOD AVENUE)

RESOLUTION NO. PC-2020-50 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A MINOR EXCEPTION TO ALLOW A REDUCTION IN PARKING FOR A MIX OF COMMERCIAL OCCUPANCIES ON PROPERTY LOCATED IN THE G-C (GENERAL COMMERCIAL) ZONE AT 707-751 NORTH PLACENTIA AVENUE (WEST SIDE OF PLACENTIA AVENUE, APPROXIMATELY 400 FEET SOUTH OF THE INTERSECTION OF PLACENTIA AVENUE AND NUTWOOD AVENUE)

Motion carried 5-0.

Chair Carvalho explained the 10-day appeal process.

Resolution No. PC-2020-42 adopted as amended

3. LRP-2020-0014. AMENDMENTS TO TITLE 15 OF THE FULLERTON MUNICIPAL CODE PERTAINING TO NOISE STANDARDS AND REGULATION (Continued from September 30, 2020)

Director Foulkes provided a staff report and presentation regarding

amendments to Title 15 (Zoning) of the Fullerton Municipal Code regarding the regulation of noise standards in the City.

Commissioner Hansburg left the meeting at 7:30 p.m.

Chair Carvalho opened the public hearing at 7:30 p.m.

Director Foulkes noted that the Planning Commission received correspondence:

- Tony Bushala regarding residential properties in and around the downtown and noise levels.
- Soco Walk Corporation regarding noise levels being a nuisance for residents.
- Sean Paden regarding concern with the notification process and the CEQA determination for this item.
- Fullerton resident regarding decibel levels.

Planning Manager Allen read the following eComments:

- Jane Rands regarding noise levels and amplified music hours.
- Guest User regarding enforcement of noise limits and CEQA determination.
- Guest User regarding noise from trains.

Chair Carvalho closed the public hearing at 7:37 p.m.

Planning Commissioners provided input regarding their experience with the current noise levels being generated downtown.

Commissioner Hansburg rejoined the meeting at 7:55 p.m.

The Planning Commission recommended that that City Council approve the Ordinance Amendment with the following amendments:

1. Remove Tier 1 noise boundary to create a single Downtown Noise Zone.
2. Remove Tier 1 noise level standards so all properties within the Downtown Noise Zone are subject to the same noise standards.
3. Amended the noise standard hours to be from 7:00 p.m. to

12:00 a.m. and reduce the allowed noise limits 12:00 a.m. to 1:30 a.m. to be consistent with the daytime noise standards.

4. Replace the word “attacking” with “opposing” in Section 15.90.080.A.

It was moved by Commissioner Gaarder, seconded by Vice Chair Shanfield, to adopt Resolution No. PC-2020-42 as amended, entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND FULLERTON MUNICIPAL CODE CHAPTER 15.90 TO UPDATE NOISE STANDARDS TO CREATE A DOWNTOWN COMMERCIAL NOISE ZONE AND UPDATE OTHER REGULATIONS PERTAINING TO SOUND MEASUREMENT TOOLS

Motion carried 3-2 (No: Carvalho, Cox).

REGULAR BUSINESS

Presented

4. SURPLUS LAND ACT STUDY SESSION

Director Foulkes provided a presentation on the requirements and actions taken recently by the City Council pursuant to Government Code Sections 54220-54234, commonly referred to as the Surplus Land Act.

Chair Carvalho opened public comment at 9:14 p.m.

Planning Manager Allen read the following eComments:

- Guest User regarding Surplus Land Act Code 54227(b) which shows the intent to put parks and open space land use above all else.
- Jose Trinidad Castaneda thanked Staff for the study session.
- Guest User regarding land being available for parks, recreational or open space purposes.
- Jane Rands regarding preserving the Tree Farm as open space.

Director Foulkes noted that the Planning Commission received the following correspondence:

- Jane Reifer regarding maintaining the Bastanchury Tree Farm as open space.

Chair Carvalho closed public comment at 9:20 p.m.

Planning Commissioners discussed the material presented.

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

Director Foulkes shared that the first reading of the Short-term Rental Regulations Ordinance was introduced at the October 20, 2020 City Council meeting and the City Council also tabled the second reading of the Commercial Cannabis Regulations Ordinance.

Planning Manager Allen noted both regularly-scheduled meetings in November will be cancelled because they fall on holidays. Commissioners noted they will be available for special meeting on November 18, 2020.

AGENDA FORECAST

The next Fullerton Planning Commission/Landmarks Commission meeting will be held on November 18, 2020, at 6:30 p.m., in the Council Chamber, 303 West Commonwealth Avenue, Fullerton, California.

9:32 p.m.

ADJOURNMENT

Chair Carvalho adjourned the meeting at 9:32 p.m.



Susana Barrios, Clerk to the Planning Commission