



CITY OF FULLERTON  
PLANNING COMMISSION/LANDMARKS COMMISSION  
REGULAR MEETING MINUTES  
APRIL 28, 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.*

6:31 p.m.

### CALL TO ORDER

Chair Hansburg called the meeting to order at 6:31 p.m.

PLEDGE OF ALLEGIANCE led by Commissioner Carvalho.

All Present

### ROLL CALL

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

Absent: None

Staff Present: Director Matt Foulkes, Planning Manager Heather Allen, Deputy City Attorney Scott Porter, Senior Planner Maribeth Tinio (via Zoom), Associate Planner Edgardo Caldera, Deputy City Clerk Susana Barrios

### PUBLIC COMMENTS

The following addressed the Planning Commission:

- Albrecht Gass, Fullerton, noted that he was not able to comment at the last meeting regarding the request at 1600 North Acacia Avenue because he had a joint zoom account with his wife. He requested that public comments be reopened.

The following addressed the Planning Commission via Zoom:

- Jane Reifer, Fullerton, regarding how SB 9 and SB 10 would affect planning and development in Fullerton.

### CONSENT CALENDAR

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

Motion carried 5 – 0.

Approved

## 1. MINUTES – APRIL 1, 2020

### COMMUNICATION DISCLOSURE

Vice Chair Cox noted that he spoke with a gentleman named Ken regarding the request at 1600 North Acacia Avenue.

Commissioner Carvalho noted that he received a couple phone calls including from the applicant for the request at 1600 North Acacia Avenue, but he decided not to take comments since the public comment portion of the meeting was closed at the previous meeting.

### PUBLIC HEARINGS

## 2. ZON-2020-0067. APPLICANT: KAREEM KHOURI, SAGE BEHAVIOR SERVICES; PROPERTY OWNER: TEMPLE BETH TIKVAH (Continued from April 14, 2021)

Request to modify an existing Conditional Use Permit to expand the private school use at a previously approved religious institution which includes a private school and child-care center at 1600 North Acacia Avenue.

The Commission decided not to reopen public comment since all testimony was heard at the April 14, 2021 meeting.

Deputy City Attorney Porter explained that Commissioner Carvalho was not present at the last meeting, but it was his understanding that he has seen the video of the prior meeting, reviewed the staff report and is aware of everything that has been placed in the public record. Commissioner Carvalho responded affirmatively.

Director Foulkes noted that at the last meeting, staff provided a presentation, answered questions, public hearing was opened and closed and after deliberation the Planning Commission decided to continue the item to April 28, 2021. A decision was made to not accept any new information or testimony.

Commissioner Carvalho stated that he understands both sides and the impacts of the use. He stated that it comes down to whether this business use as it stands and if it were to stand alone, would be conditionally permitted at that location. He did

not believe the use fits into the single-family residential zone and was not in support of the request.

Commissioner Thompson asked Commissioner Carvalho if his stance on the use was from a legal position or because he was concerned about impact on the surrounding neighborhood. Commissioner Carvalho responded that Sage Behavior Services is a business and not a school.

Vice Chair Cox concurred with Commissioner Carvalho.

Commissioner Castaneda stated that he had no further comments.

It was moved by Commissioner Thompson, seconded by Commissioner Castaneda, to approve the request.

Motion failed 3 – 2 (No: Hansburg, Cox, Carvalho).

Chair Hansburg summarized the basis for denial of the request is that the Planning Commission does not agree that Sage Behavior Services is a school. It is a business and businesses are not permitted in the residential zone

Chair Hansburg explained the 10-day appeal process.

Continued

3. PRJ2021-00008: LRP-2021-0010 & LRP-2021-0011.  
AMENDMENTS TO TITLE 15 OF THE FULLERTON  
MUNICIPAL CODE AND GENERAL PLAN REVISIONS  
PERTAINING TO MIXED USE ZONING

Planning Manager Allen requested that the Planning Commission continue the item.

It was moved by Chair Hansburg, seconded by Vice Chair Cox, to continue the item.

Motion carried 5 - 0.

## REGULAR BUSINESS

None.

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

Commissioner Carvalho asked if the Fullerton Municipal Code requires that the Planning Commission make findings when denying a request. Deputy City Attorney Porter explained that what is required is that the Planning Commission state that they cannot make findings to approve a request.

Director Foulkes noted that on April 20, 2021, City Council adopted ordinance amendments relating to short-term rental regulations.

## AGENDA FORECAST

The next Fullerton Planning Commission/Landmarks Commission meeting will be held on May 26, 2021, at 6:30 p.m., in the Council Chamber, 303 West Commonwealth Avenue, Fullerton, California. The May 12, 2021 meeting has been cancelled.

7:06 p.m.

## ADJOURNMENT

Chair Hansburg adjourned the meeting at 7:06 p.m.



Susana Barrios, Clerk to the Planning Commission