



CITY OF FULLERTON
COMMUNITY DEVELOPMENT DEPARTMENT

303 W. Commonwealth Ave. ◆ Fullerton ◆ CA ◆ 92832 ◆ (714) 738-6550 or (714) 773-5773

Master Application Form

**1. Address
(location) of
property:**

100 N. Harbor Blvd. et seq., Fullerton, CA 92832, per Resolution No. PC-08-34

2. Submitted by:

Use Owner:	Joseph Florentine	Applicant:	Same
Mailing address:	102 N. Harbor Boulevard	Mailing address:	
City, State, Zip Code	Fullerton, CA 92832	City, State, Zip Code	
Phone number:	714-328-0404	Phone number:	
Email address:	joe@florentinesgrill.com	Email Address:	

3. Applicant/Use Owner authorization for applicant (Signature must be notarized)

I hereby authorize the above listed applicant to act as my representative.

Signature of Applicant/Use Owner

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

4. Notarization

STATE OF CALIFORNIA

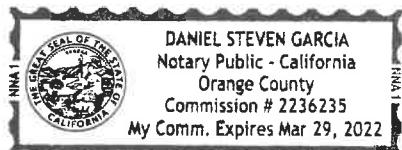
)
) ss.

COUNTY OF Orange

On OCTOBER 27, 2019 before me,
DANIEL STEVEN GARCIA, NOTARY PUBLIC personally appeared
JOSEPH FLORENTINE, who proved to me on the basis of
satisfactory evidence to be the person(s) whose name(s) are subscribed to
the within instrument and acknowledged to me that he/she/they executed the
same in his/her/their authorized capacity(jes), and that by his/her/their
signature(s) on the instrument the person(s), or the entity upon behalf of which
the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal.



Notary Seal

Signature of Notary Public

5. All required plans and documents attached.

6. Planning Action Description/Justification form attached.

FOR OFFICE USE ONLY

Date Filed: <u>10/22/2019</u>	DCSC Date: <u>11/14/2019</u>	Types of Applications	
General Plan Designation: <u>Downtown - Mixed Use</u>	PC Hearing Date: <u>Jan. 8, 2020</u>	<input type="checkbox"/> Abandonment <input type="checkbox"/> Certificate of Compliance <input checked="" type="checkbox"/> Conditional Use Permit <input type="checkbox"/> General Plan Revision <input type="checkbox"/> Historical Landmark <input type="checkbox"/> Major Development Project <input type="checkbox"/> Major Site Plan Review <input type="checkbox"/> Minor Development Project <input type="checkbox"/> Minor Site Plan Review <input type="checkbox"/> PRD Concept	
Zoning Designation: <u>C-3</u> <u>(Central Business Dist)</u>	DRC Hearing Date <u>N/A</u>	<input type="checkbox"/> Security Fence Review <input type="checkbox"/> Specific Plan <input type="checkbox"/> Tentative Parcel Map <input type="checkbox"/> Tentative Tract Map <input type="checkbox"/> Variance <input type="checkbox"/> Zoning Adjustment <input type="checkbox"/> Zone Amendment <input type="checkbox"/> Other	
CEQA Determination: <u>Exempt</u>	Project Planner: <u>Christine Hernandez</u>		
APN(s) <u>033-022-03</u>			
Application Number(s) <u>ZON-2019-0123</u>			



City of Fullerton

Community Development Department

Action Description/Justification –CUP / ARUP

(Attach additional sheets as necessary.)

1. Project location (Address):
100 N. Harbor Blvd. et seq., Fullerton, CA 92832, per Resolution No. PC-08-34
2. Briefly describe the project and request(s) for discretionary actions including Fullerton Municipal Code (FMC) section numbers:

Applicant/Use Owner* requests to Amend its Conditional Use Permit in order to conform with Fullerton Ordinance No. 3270 and the newly enacted FMC Title 15 Chapter 31. The Applicant/Use Owner's existing CUP issued on September 10, 2008 (Resolution No. PC-08-34) permitted its existing use, which will not change or intensify.

3. In order to grant a CUP or an Administrative Restaurant Use Permit, the Planning Commission (CUP) or Zoning Administrator (ARUP) must make the following findings:
 - A. That the proposed use is permitted in the zone and complies with all applicable zoning standards;
 - B. That the proposed use is consistent with the goals and policies of the general plan of the city or any specific plan applicable to the area of the proposed use;
 - C. That the proposed use as conditioned will not be incompatible with the surrounding area or detrimental to the health, safety, or general welfare of those persons residing or working in the vicinity

Describe how your request for a CUP or ARUP meets the above requirements:

- A. The Existing Use was permitted in the Applicant/Use Owner's Conditional use Permit (Resolution No. PC-08-34), per Fullerton Municipal Code 15.30.030.3B(21).
- B. The Permitted Use as a Restaurant will not change and there will be no intensifications, as the Applicant/Use Owner applying for an amended CUP pursuant to Fullerton Ordinance 3270.
- C. The Existing Use as a Restaurant will not change, will not intensify, there will be no square footage added, and there will not be any physical changes to the building. Further, the surrounding area features mainly restaurants with the same existing use -- restaurants with on-site alcohol sales -- as the Applicant/Use Owner

* "Applicant/Use Owner" is defined as a Lessee who is the owner of the exclusive right to the use of the property, per *Shell Oil v. City and County of San Francisco*, (1983) 139 Cal.App.3d 917. Florentine's Downtown Grill has obtained an "ownership" in the property because it has a long-term lease with 23 years remaining that contains an exclusive Use provision, whereby Florentine's may only use the Property for food, beverage, and entertainment. Florentine's is such a lessee and as such is the "Owner" and thus entitled to sign as such and the City is required to accept and process this Application as such.