

RESOLUTION NO. 2026-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AN APPEAL AND OVERTURNING THE PLANNING COMMISSION'S DENIAL AND APPROVING MAJOR SITE PLAN TO CONSTRUCT 32 RESIDENTIAL TOWNHOMES OF WHICH FIVE UNITS WILL BE DEED RESTRICTED FOR LOW-INCOME HOUSEHOLDS PURSUANT TO THE HOUSING ACCOUNTABILITY ACT, GOVERNMENT CODE SECTION 65589.5 ON PROPERTY ZONED R-1-20, ONE-FAMILY RESIDENTIAL (MINIMUM LOT SIZE OF 20,000 SQUARE FEET) LOCATED AT 111 WEST HERMOSA DRIVE AND FINDING THE APPROVAL IS SUBJECT TO THE INFILL CATEGORICAL EXEMPTION UNDER CEQA GUIDELINES SECTION 15332

WHEREAS, an application was filed for a Major Site Plan to construct 32 residential townhomes pursuant to the Housing Accountability Act, Government Code Section 65589.5 on property zoned R-1-20, One-Family Residential (Minimum lot size of 20,000 square feet) located at 111 West Hermosa Drive, more specifically described as Orange County Assessor's Parcel No. 292-021-14 (the "Project").

WHEREAS, on February 25, 2026, the Planning Commission of the City of Fullerton, in compliance with the noticing requirements of Fullerton Municipal Code (FMC) Chapter 15.76, held a duly noticed public hearing at which time it considered all evidence presented, both written and oral.

WHEREAS, on February 25, 2026, the Planning Commission directed staff by a vote of 4-1 to return with a resolution denying the project.

WHEREAS, on March 11, 2026, the Planning Commission approved the resolution of denial by a 3-2 vote.

WHEREAS, on March 12, 2026, Pursuant to FMC Section 15.76.170, an appeal of the decision by the Planning Commission to the City Council was filed.

WHEREAS, on May 5, 2026, the City Council of the City of Fullerton, in compliance with the noticing requirements of Fullerton Municipal Code (FMC) Chapter 15.76, held a duly noticed public hearing at which time it considered all evidence presented, both written and oral.

WHEREAS, on May 5, 2026, the City Council denied the appeal and directed staff by a vote of 3-2 to return with a resolution denying the appeal.

WHEREAS, on June 16, 2026, the City Council of the City of Fullerton, in compliance with the noticing requirements of Fullerton Municipal Code (FMC) Chapter 15.76, held a duly noticed public hearing at which time it considered all evidence presented, both written and oral.

WHEREAS FMC Section 15.47.060 establishes the criteria to be considered in evaluating a Major Site Plan request and authorizes the City Council to approve a project where applicable findings can be made.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FULLERTON RESOLVES AS FOLLOWS:

1. The City Council hereby approves the Major Site Plan based on the following findings:
 - a. The Project qualifies as a Builder's Remedy project under the Housing Accountability Act as it provides 13 percent of the housing units for lower income households and the City did not have a substantially compliant housing element at the time the preliminary application or full/formal application was submitted.
 - b. The only grounds on which a Builder's Remedy project may be denied that may be applicable to this Project is if the Project has a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low and moderate income households or rendering the project financially infeasible. There is no evidence that the project will have specific, adverse impact as defined by the Housing Accountability Act.
 - c. The Project is entitled to the benefits of the Density Bonus Law regarding incentives and concessions and parking requirements.
 - i. The applicant is entitled to the requested concession relating to the undergrounding of utilities because not requiring undergrounding will result in a cost savings and there is no evidence that the concession would have a specific, adverse impact on the public health or safety.
 - ii. The applicant is not required to meet the City's parking development standards as the Project meets and exceeds the requirements of the Density Bonus Law by providing 75 spaces when only 60 are required under Government Code section 65915(p).
2. The criteria of FMC Section 15.47.060 are not applicable as they do not provide objective standards as required by the Housing Accountability Act for the approval of housing development project.
3. Michael Baker International was hired by the City to conduct an environmental analysis of the project and prepared a categorical exemption report which reflects the independent judgement of the Planning Commission. Based on the report, in accordance with the California Environmental Quality Act (CEQA) Guidelines the

Planning Commission finds that the proposed project is exempt from further review pursuant to Section 15332, Class 32 In-Fill Development Project as follows:

- a. Finding: Class 32 applies to the implementation of the project in an infill location that is consistent with the applicable General Plan policies and Zoning designations and regulations.

Fact: The project site is zoned R-1-20 and is designated Low Density Residential within the Fullerton Plan. The zoning and land use designation allows for residential development. The scope of the project includes the development of 32 for-sale townhomes with five affordable units for low-income households. The project has been submitted pursuant to Government Code Section 65589.5 (Housing Accountability Act) and Government Code Section 65915 (Density Bonus Law) and qualifies as a builder's remedy project. A builder's remedy project is not required to obtain legislative approval including a General Plan Amendment or Zone Change, and a builder's remedy project is also not required to demonstrate consistency with City General Plan polices or Zoning Code requirements.

Although not required, the project is consistent with the following General Plan policies:

P1.11 Compatibility of Design and Uses. Support programs, policies and regulations to consider the immediate and surrounding contexts of projects to promote positive design relationships and use compatibility with adjacent built environments and land uses, including the public realm.

P1.12 Energy and Resource Efficient Design. Support projects, programs, policies and regulations to encourage energy and resource efficient practices in site and building design for private and public projects.

P1.13 Universal Design. Support projects, programs, policies and regulations to produce buildings and environments that are inherently.

P2.7 Relationship to Street. Support projects, programs, policies and regulations to site and design buildings to create a positive, accessible image along the street and reinforce a vibrant and comfortable public realm.

P7.5 Appropriate Development Scale. Support projects, programs, policies and regulations to ensure that development is appropriate in scale to current and planned infrastructure capabilities.

P9.17 Fiscally Sound Environment. Support projects that do not compromise the City's ability to provide quality services to its existing and future residents and businesses.

P12.13 Safety Through Design. Support policies, projects, programs and regulations that make crime prevention and the maintenance of public safety service levels considerations in design and management of existing and new private and public spaces.

The proposed project is also consistent with the following policies of the Housing Element:

Policy Action 1.2 Expedited Permit Processing for Extremely-Low, Very-Low, Low, and Moderate-Income Housing Developments.

Policy Action 1.3 Facilitate Infill Development

Policy Action 1.10 Lot Consolidation and Small-Lot Subdivision

Policy Action 4.3 Reasonable Accommodation for Persons with Disabilities

- b. Finding: Class 32 applies to development that occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

Fact: The project site is located within the city limits on a 1.3-acre corner parcel adjacent to a Major Arterial Highway (Harbor Boulevard) and a residential street (Hermosa Drive). The project site is bordered by existing residential, institutional and office land uses.

Finding: Class 32 applies to a project site that has no value as habitat for endangered, rare, or threatened species.

Fact: The project site is developed with an existing single family dwelling unit, situated in a developed urban area. A biological constraints analysis and field assessment was conducted in March 2025. The assessment identified that the site contained ornamental landscaping, and the site did not contain any active bird nests. Due to the disturbed nature of the site, no habitat of value that could support endangered, rare or threatened species were present onsite or in the immediate vicinity. The project site has no critical habitats suitable for special status plants and animal species.

- c. Finding: Class 32 approval of the project would not result in any significant effects related to traffic, noise, air quality, or water quality.

Fact: The project will provide pedestrian pathways for internal circulation as well as connectivity to adjacent sidewalks. Harbor Boulevard is improved with a Class II bike lane, and there is an active OCTA Route 143, with a stop located approximately 122 feet southeast of the project site and a stop located approximately 190 feet south of the project site. The project would not impact the pedestrian, bicycle or transit facilities.

Fact: The project is expected to generate approximately 285 daily vehicle trips with 15 a.m. peak hour trips and 18 p.m. peak hour trips. The project screens out of requiring a full Vehicle Miles Traveled (VMT) analysis due to its location in a low VMT generating area and the type of housing characteristics proposed. Since the project screens out, it is presumed to have a less than significant transportation impact. The proposed development will be subject to and designed in accordance with City standards including driveway placement and accessibility and access. The project incorporates an internal drive aisle to also serve as a fire access lane which includes a fire truck hammerhead turnaround, providing for adequate emergency vehicle service access and circulation. The infill development type as a residential project would not alter existing roadway network or introduce incompatible uses (e.g., farm equipment) such that geometric design hazards would occur.

Fact: A long-term noise measurement was conducted by MD Acoustics on January 24, 2025, with measurements taken along the property line between the project site and the residential use to the west. The measured noise level was 53.0 equivalent continuous sound level. With the construction of the project expected to take approximately 18 months, noise levels during construction may involve one or two minutes of full power operation followed by three to four minutes at lower power settings. The degree of construction noise may vary for different areas of the project site and also depending on the construction activities and phase of construction. Construction activities would generate temporary noise levels ranging from 64.8 to 79.8 dBA Leq at the adjacent residences to the west. Construction noise would temporarily or periodically elevate ambient noise levels within the project vicinity. Although noise levels during construction might exceed existing ambient levels, the impacts are temporary and would cease upon project completion. In addition, the project is subject to compliance with the City's allowable construction hours, thereby the project's noise impacts would remain less than significant.

Fact: Future development generated by the proposed project would result in additional traffic on adjacent roadways. However, based on the VMT screening memorandum, the estimated daily trips represent a nominal increase of 0.5 percent in daily traffic on North Harbor Boulevard. Therefore, the project would not result in a perceptible increase in the traffic noise level compared to the existing conditions resulting in less than significant impacts. Additionally, cumulative operational noise sources including mechanical equipment, such as condensers and an electrical transformer would result up to 50 Dba Leq at the nearest sensitive receptor to the west. The combined noise level would be in compliance with the City's most restrictive noise limits not to exceed 50 decibels for evening/nighttime hours. The noise impacts would be less than significant.

Fact: During the construction phase, the primary vibration source during construction may be from vibratory roller or large bulldozer. The operation of heavy equipment would occur away from adjacent residential buildings. Pursuant to the

California Department of Transportation, Transportation and Construction Induced Vibration Guidance Manual, the general threshold is 0.3 in/sec. Project construction activities are not anticipated to exceed the 0.3 inch-per-second peak particle velocity. Therefore, the vibrations caused during construction would be less than significant.

Fact: The project's short-term construction emissions, long-term operational emissions, and localized concentration of carbon monoxide, nitrous oxide, coarse particulate matter and fine particulate matter would be less than significant. The construction and operation of the project would result in emissions that would be below the regional or local significance thresholds established by the South Coast Air Quality Management District (SCAQMD). Also, the proposed project would not result in a long-term impact on the region's ability to meet State and federal air quality standards. The project is also consistent with the goals and policies of the 2022 Air Quality Management Plan for control of fugitive dust.

Fact: The project includes a Water Quality Management Plan (WQMP) that outlines both structural source control and non-structural source control best management practices capable of minimizing stormwater pollutants of concern during project operations. The project also includes the addition of a curb inlet catch basin and one grate inlet catch basin allowing water flow into a Biofiltration Vault for water quality treatment. With the implementation of the storm drain system and WQMP, the project would not result in any significant effects relating to water quality.

- d. Finding: Class 32 applies to a site that can be adequately served by all required utilities and public services.

Fact: The project will provide for an increased demand in the associated utilities and public services. However, the anticipated demand on water services will be adequately served by existing facilities and upon installation of a new sewer line the project will be adequately served by the City's sewer system with any potential impacts to be less than significant, including dry utilities, and waste collection services. As such, the project site will be adequately served by all required utility and public services.

- e. Finding: Categorical Exemptions are subject to additional conditions described in Section 15300.2 Exceptions of the State CEQA Guidelines.

Fact: There are no successive projects of the same type in the general vicinity causing cumulative significant impacts. The project would not exceed Citywide buildout projections and would not result in any significant environmental impacts. While the project may incrementally affect resources there were determined to be less than significant, the project's contribution to those impacts is not considered "cumulatively considerable" in consideration of the relatively nominal impacts of the project.

Fact: The proposed project would not result in any significant effects on the environment due to unusual circumstances. The project site is not located within a sensitive resource area and no site-specific environmental constraints, such as biological resources, geology and soil, historical resources, and hazardous materials exist on-site. There are no unique features of the development which constitute an unusual circumstance. No evidence has been introduced into the record which shows that the project will definitely have a significant environmental impact on the environment.

Fact: The project would not result in damage to scenic resources, as none exist near or within the viewshed of the project site. The nearest Officially Designated State scenic highway is State Route 90 and State Route 60, located approximately 2.7 miles east of the project site. Given the distance of the project site to the State Route, as well as intervening topography, structures, and vegetation, the project would not be visible, as such would not have an impact on scenic resources.

Fact: The project site is not listed in and is not included on a list of hazardous materials sites pursuant to Government Code Section 65962.5.

Fact: Based on the Archeological Resources Study prepared by BFSA Environmental Services, dated June 18, 2025, the project site has been impacted by agriculture, grading and residential development. The existing residence was constructed in 1946 and found to be ineligible for the California Register of Historical Resources. During the site survey, no archeological resources were identified, and no known resources occur onsite or in the immediate area. Therefore, the project would not result in a substantial adverse change in the significance of historic resources.

THEREFORE, the City Council does hereby APPROVE said Major Site Plan ZON-2024-0097, subject to the following conditions of approval:

1. The action of the City Council approves the submitted plans as identified with the plot date of October 21, 2024, and conditioned herein.
2. The Community and Economic Development Director may approve minor modifications to the approved Major Site Plan. Major modifications shall require approval by the Planning Commission or City Council.
3. The applicant shall, prior to the issuance of a building permit, submit a traffic impact analysis (TIA) prepared by a California licensed traffic engineer to analyze the project's traffic impacts and traffic safety concerns. The applicant shall work with the City Traffic Engineer to develop the scope of the TIA before conducting the study, but the scope shall be limited to the intersection of Harbor Boulevard and Hermosa Drive, and analyses of Level of Service (LOS), queuing, and collision history. The TIA shall be approved by the City Traffic Engineer prior to issuance of any certificates of occupancy. Staff may impose additional conditions or project

parameters consistent with the TIA, in order to address any safety concerns or traffic impacts identified in the TIA or that would be improved by such conditions or modifications, but only as to those concerns or impacts that are caused by the project. The cost of the TIA shall be credited against any traffic impact fees assessed for the project.

4. The applicant shall, prior to the issuance of a building permit, submit corresponding landscape plans pursuant to FMC Section 15.50.030, for review and approval. The Landscape Documentation Package includes, but is not limited to, certified landscape and irrigation design plans. The Landscape and Documentation Package requires a separate plan check submittal and fee. The applicant shall work with the licensed landscape architect to include planting materials including shrubs and trees to be planted along the northerly and westerly property boundaries to create a natural green screen to soften the appearance of the project's building's mass.
5. The applicant and/or Homeowners Association (HOA) shall be responsible for maintaining the onsite landscape improvements in accordance with the approved landscape plans. Any dead plants shall be replaced in a timely manner with the same species, type and size as identified on the approved landscape plans.
6. The applicant shall, prior to the issuance of a building permit, provide an Affordable Housing Agreement in a form approved by the City Attorney that restricts the sale of five units as identified in the approved plans for low-income households. The agreement shall be finalized, executed and recorded as a deed restriction on the property to ensure that the property will provide the affordable units, prior to the issuance of the final Certificate of Occupancy. The City shall provide periodic monitoring of compliance with the provisions of the deed restriction.
7. The applicant shall, prior to the issuance of a building permit, provide a materials manual documenting the building materials and architectural details including, but not limited to, exterior wall materials, accent materials, windows, railings, doors and exterior lighting including improvements/furniture within the common open space area for review and approval by the Director of Community and Economic Development. The manual shall include cut sheets and/or manufacture brochures for details and samples if required. The review shall verify consistency with the Planning Commission approved plans and representations made by the applicant.
8. The approval of the Major Site Plan becomes null and void if not exercised within 24 months from the date of approval. Prior to the date of expiration of the Major Site Plan, an extension may be filed with the Community and Economic Development Department.
9. The applicant is responsible for ensuring that information contained in construction plan drawings is consistent among architectural, structural, grading, electrical, mechanical, plumbing, fire, utility, and public improvement plans as well as other

construction drawings. This responsibility may be transferred by the Applicant/Property Owner to the Project Architect. While the City aims to correct inconsistencies, they are the ultimate responsibility of the Applicant/Property Owner/Project Architect to remedy, up to and including completing construction revisions prior to receiving final occupancy approvals.

10. The applicant shall agree to indemnify, hold harmless, and defend the City of Fullerton, its officers, agents and employees, from any and all liability or claims that may be brought against the City arising out of its approval of the project.
11. The applicant shall submit project identification signage including the construction of a monument sign or building attached identification signs under a separate permit for review and approval.
12. The proposed retaining wall/masonry wall along the westerly property line shall be improved at a minimum height of six feet measured from the high side at the wall's location. The wall shall be limited to a maximum height of three feet for the portion located within the first five feet along the side property line along Hermosa Drive for visibility in conformance with FMC Table 15.17.050.F. The wall shall be improved with a stucco exterior finish with the color to match the development.
13. The applicant shall submit construction plans and calculations to the Community and Economic Development Department for review and issuance of building permit(s). Construction plans shall comply with Fullerton Building Codes, as adopted and in effect at time of plan submittal. Building codes in effect, including local amendments, as of January 1, 2023: 2022 California Building Code ('22 CBC); 2022 California Plumbing Code ('22 CPC); 2022 California Mechanical Code ('22 CMC); 2022 California Electrical Code ('22 CEC); 2022 California Residential Code ('22 CRC); 2022 California Energy Code ('22 Energy); and 2022 California Green Building Standards Code ('22 CGBSC) with July 1, 2024 Update.
14. The applicant shall submit separate permits for review and approval involving any demolition work, fire sprinkler systems, fences, masonry and retaining walls, photovoltaic systems, mechanical, electrical and plumbing, new light poles and trash enclosures etc. as determined by the Building Official.
15. The applicant shall, at the plan check submittal, provide analysis for fire resistance rating at exterior walls and analysis for protected and unprotected exterior wall openings in accordance with Chapter 7 of 2022 California Building Code.
16. The applicant shall, at the plan check submittal, provide fire protection analysis at exterior walls between building 3 and building 4.
17. The applicant shall, at the plan check submittal, provide clarification to the Building Official, on the building designation as townhouse or apartment. For townhouse designation, please refer to the 2022 California Building Code (CBC) definition.

The project must comply with the 2022 CBC Housing Accessibility as Multistory Dwellings or apartment accordingly, and the applicant shall identify the method of compliance of each type of unit such as Carriage Unit, Multistory Unit and units with ground floor above grade, etc.

18. Architect or record shall be aware of requirements in Chapters 11A and 11B of the CBC as it relates to site accessibility requirements for the building in regard to parking requirements, EVCS, interior routes of travel and facility accessibility and accessible path of travel from public right of way.
19. The applicant shall, at the plan check submittal, provide complete Accessible Route of Travel for both buildings and all common use areas (e.g., mailbox, trash enclosure, common open space, covered accessible parking, and open accessible parking, etc.) in accordance with Chapter 11A and 11B (1110A, 11B-206, 11B-233.3).
20. The applicant shall, at the plan check submittal, provide soils reports and investigation for each building permit application submittal.
21. The applicant shall, at the plan check submittal, verify with the Public Works Department if the property is located within Flood zone development. If found to be in a flood zone, the project shall comply with FMC Section 14.01.015 for Flood zone development.
22. The applicant shall, at the plan check submittal, provide a Fire Master Plan, including required fire apparatus access roadways (fire lane) identifying the widths, vertical clearances, elevations, weight capability, and if the roadway exceeds 150 feet include a fire apparatus access roadway turnaround (compliant with California Fire Code-Chapter 5 and Appendix D). Identify any fire lanes, red curb areas and signage. Identify laddering areas to rescue windows. Provide proposed addressing for buildings and units.
23. The applicant shall, at the plan check submittal, provide a fire water service plan (which can be included with the Fire Master Plan), showing locations of all public and/or private fire hydrants within 600 feet, and/or any proposed fire hydrants, standpipes, hose bibs, etc.
24. The applicant shall provide an automatic fire sprinkler system in accordance with CFC Section 903.3.1.2 or 903.31.3 based on construction.
25. The applicant shall comply with all codes, standards, laws, ordinances, and references in place at the time of the submittal, including but not limited to the National Fire Protection Association (NFPA), Underwriters Laboratories (UL), etc.
26. The applicant shall include with the CC&Rs a provision that requires landfill/trash, recycling and organic carts/bins to be placed outside only during the dedicated

service day and service hours and must be stored within the garage at all other times.

27. All corrections generated during the plan check and inspection process shall be incorporated as conditions of approval by reference. Plans shall clearly show that the project complies with applicable Building Codes prior to issuance of building permits. Any site plan revisions necessary to comply with Building Code revisions may be considered for approval by the Director of Community and Economic Development.
28. The applicant shall, during all grading activities, comply with applicable SCAQMD rules and regulations, including Rule 403 that requires excessive fugitive dust emissions controlled by regular watering or other dust prevention measures and Rule 1113 that regulates the ROG content of paint.
29. All construction and general maintenance activities that are anticipated to exceed the noise standards set forth in FMC §15.90 shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday, except in the case of an emergency. Noise associated with construction, repair, remodeling or grading of any real property must comply with the standards set forth in FMC §15.90 between 8:00 p.m. and 7:00 a.m. Monday through Saturday and at any time on Sunday or City-recognized holidays. All on-site construction equipment shall have properly operating mufflers, and applicant should utilize the quietest equipment available.
30. The applicant shall, prior to the issuance of the final Certificate of Occupancy, submit a Parking Management Plan for review and approval by the Director of Community and Economic Development, which establishes practices and protocols to ensure that the onsite garages for each unit are maintained for parking purposes and open guest parking spaces are not utilized for long-term resident parking.

Public Works Engineering – Conditions of Approval

Project Frontage Improvements:

31. Separate Public Improvement Plans for improvements in the public right-of-way shall be submitted to the Public Works Department – Engineering Division for review and approval prior to building permit issuance and shall be constructed prior to the issuance of the Certificate of Occupancy for the proposed Major Site Plan.
32. Installation of new full height curb and gutter along the Hermosa Drive project street frontage. Please note that Hermosa Drive has rural overlay immediately west of the project site. A transition to rural street standards (no sidewalk, no curb) shall be provided. Applicant to repair any damaged curb and gutter along Harbor Boulevard project street frontage.

33. Project to make parkway improvements on project frontages, including but not limited to, landscaping and irrigation enhancements.
34. Project to remove and reconstruct existing substandard access ramp located at the northwest corner of Hermosa Drive and Harbor Boulevard. to comply with current ADA requirements.
35. The applicant shall install new streetlights with LED luminaires along Hermosa and Harbor frontages in accordance with City standards. Number and locations of new streetlights shall be based on photometric study supporting adequate elimination along project frontages. The developer shall install a new electrical metered panel connected to SCE-approved power feed point on Harbor Boulevard.
36. The Asphalt Concrete (AC) along Hermosa Drive project frontage (full width) will be required to be rehabilitated/reconstruction. Method of rehabilitation/reconstruction and limits pending site impacts and field assessment by City staff. The final thickness of the pavement structural section shall be designed in accordance with Geotechnical Investigation Report recommendations prepared by a Registered Civil Engineer and as approved by the City Engineer. The pavement design analysis shall specify a Traffic Index (TI), to be approved by the City Traffic Engineer, and an R-Value.
37. The Asphalt Concrete (AC) along Harbor Boulevard project frontage may be required to be rehabilitated/reconstruction, depending on assessment by projects' Civil Engineer. Currently the pavement is in fair shape and is not expected to need to be rehabilitated. Method of rehabilitation/reconstruction and limits pending site impacts and field assessment by City staff. The final thickness of the pavement structural section shall be designed in accordance with Geotechnical Investigation Report recommendations prepared by a Registered Civil Engineer and as approved by the City Engineer. The pavement design analysis shall specify a Traffic Index (TI), to be approved by the City Traffic Engineer, and an R-Value.
38. All existing parkway hardscape and landscape improvements along the property's frontages shall be removed and replaced with full-width concrete sidewalk per City standards.
39. Existing driveway approach(es) that will not be utilized by the proposed project shall be removed and reconstructed with full-height curb and gutter and full width concrete sidewalk per City standards.
40. Project to remove existing substandard driveway approaches. New driveway approach(es) shall be constructed in accordance with City of Fullerton Standards. Driveway design shall address City Traffic Engineer's requirements and shall be reviewed and approved by the City Traffic Engineer and City Engineer.

41. According to FMC Section 16.05.060, all proposed utilities that provide direct service to the subject property, including electric and all telecommunication systems, shall be installed underground; all existing facilities providing direct service to the development shall be undergrounded. Except for transmission lines, all overhead lines may be required to be undergrounded fronting the property. Applicant is using a concession to remove the requirement to underground existing utility poles serving the subject property.
42. Public Improvements must be bonded for prior any building permit issuance.
43. Public Works Department expenses, including project management, plan check, inspection, review, processing of all plans and submittals, will be charged against the reimbursable account created for the project. An initial \$10,000 shall be deposited with the Public Works Department concurrently with the first review submittal, by the City's consultants, of the grading plans, soils report, hydrology report, and the WQMP. Any amount remaining in the account after completion of the project will be refunded to the project. If the amount deposited is insufficient to complete the project review and inspection process, additional deposit(s) will be required as necessary to finalize the project.

Grading and Drainage:

44. Conceptual design documents, including a Conceptual Grading Plan, Preliminary Hydrology Report, and Preliminary Water Quality Management Plan (PWQMP), have been submitted, reviewed, and found acceptable by City staff.
45. The proposed Major Site Plan development shall comply with the approved conceptual documents that provide for a maximum size of impervious area, flow pattern, maximum quantities for storm water runoff and intensity, type, size, and location of storm water quality Best Management Practices (BMP) facilities, utility connections, and access and site circulation.
46. Site development shall not result in the increase of storm water run-off and flow intensity to the adjacent properties nor obstruct storm water flow into the site. The project shall not increase runoff to public right-of-way above the existing storm drain infrastructure capacity. No surface runoff shall be permitted across sidewalks and driveway approaches.
47. The project shall prepare a final pre-construction and post-construction Hydrology and Hydraulics Study and shall comply with the Orange County Hydrology and Local Drainage Manuals. The size and alignment of the on-site and off-site drainage facilities shall be based upon detailed hydrology and hydraulic calculations prepared by a California Registered Engineer and shall be approved by the City Engineer prior to issuance of a grading permit.

48. Proposed on-site storm drain and BMPs facilities shall be privately owned and maintained.
49. A final grading plan shall be submitted to Public Works Department for review and approval, and a grading permit shall be issued prior to issuance of a building permit.
50. Site grading shall adhere to the approved grading plan.
51. As-Built Grading Plan, signed and stamped by the Engineer of Record and the Geotechnical Engineer, shall be submitted to Public Works Department prior to finalizing and closing the grading permit. Any deviations from the approved grading plan will require a submittal of grading plan revision for the City Engineer's review and approval.
52. All retaining walls and any above-ground construction, regardless of its height, that may alter the existing storm water flow pattern shall be shown on the grading plan.
53. A Final Priority Water Quality Management Plan (WQMP) shall be submitted and approved by the City Engineer prior to the issuance of a grading permit.
54. All water quality requirements for the National Pollutant Discharge Elimination System (NPDES) Storm Water Program shall be compliant with the latest regulations and guidance documents. Permits and guidance documents include, but are not limited to, California Regional Water Quality Control Board – Santa Ana Region (Order No. R8-2009-0030, NPDES Permit No. CAS618030), Orange County Model Water Quality Management Plan (Model WQMP), and the Orange County Technical Guidance Document (TGD).
55. Best Management Practices (BMPs) storm water treatment facilities shall be shown on the grading plan and shall be designed in accordance with the City-approved WQMP.
56. An Ownership and Maintenance Agreement for all common private drainage facilities and storm water quality BMP facilities, if any, shall be executed prior to Final Certificate of Occupancy.
57. The project is over an acre and requires a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall be submitted to SMARTS (i.e. WDID issued) prior to approval of the Final WQMP.

Water and Sewer:

58. All new water mains and services shall connect to the 8" water main on West Hermosa Drive.

59. Residential buildings shall have a master meter for domestic, fire, and irrigation services and backflow. The project shall use one master meter and submeters for each unit.
 - a. One fire line service with the Double Check Detector Assembly (DCDA)
 - b. One domestic service with Reduced Pressure (RP) backflow assembly
 - c. One irrigation service with Reduced Pressure (RP) backflow assembly
60. Meter assemblies larger than 2" shall be an above-ground assembly and installed behind property line. Fire assembly with Fire Department Connection shall be within 50' of a public hydrant or a new hydrant will be required to be installed by the developer
61. Pursuant to the California Fire Code, the proposed development shall install a fire sprinkler system. A separate firewater meter and service shall be installed per City Standards. Fire-flow test results shall be submitted to the Public Works Department for review and approval before a building permit is issued.
62. A fire flow test shall be conducted and results shown on any water improvement or fire sprinkler plan.
63. The developer shall install a public fire hydrant within 50-ft of the fire department connection of the fire assembly DCDA.
64. Any existing services not utilized by the development shall be abandoned at the water main per City Standards and specifications.
65. All existing and proposed meters, services, and backflow assemblies shall comply with the City's current standards and specifications.
66. Any existing water facilities found to be substandard shall be upgraded to comply with current City standards including, but not limited to, installation of concrete pads, cages, and meter assemblies.
67. A Water Demand Study prepared by a Licensed Civil Engineer shall be submitted to ensure the existing infrastructure can handle the proposed project demand. Study should include the existing condition, proposed condition, and a summary and table comparing the two in demand, maximum day demand, peak hour demand, and increase between the existing and the proposed site conditions.
68. Water calculations for meter sizing of domestic, irrigation, and fire services shall be submitted to Public Works Department for review and approval before a building permit is issued. If existing services are insufficient, the existing services shall be abandoned at the water main, and new services, meters, and backflows shall be installed per City standards. The property owner is responsible to confirm and upgrade, as needed, on-site facilities to provide a sufficiently sized system.

69. Front footage fees may be required if a new main is proposed through the private road on site (with a water easement granted).
70. A separate Water Improvement Plan using City Title Block shall be prepared by a registered Civil Engineer and submitted to Public Works Department for review and approval before a building permit is issued.
71. Prior to issuance of building permits, Water and Excavation permits, fees, and bonds shall be obtained for all new water services and/or abandonment of existing services not utilized by the development.
72. All proposed sewer improvements must be shown on the offsite improvement drawings and will conform with all city standards.
73. Downstream sewage system impacts were reviewed by city consultants, and it has been deemed that no new deficiencies will occur due to new development.
74. Show existing easements and utilities on site plan when submitting for building plan review.

Traffic – Access and Circulation:

75. Prior to the issuance of a building permit, the applicant shall upgrade and ensure in working order the existing push button system at the intersection of Harbor Boulevard and Hermosa Drive to a new Accessible Pedestrian Signal (APS) system for American with Disabilities (ADA) and Public Right-of-Way Accessibility Guidelines (PROWAG) compliance.
76. Prior to the issuance of a building permit, the applicant shall make safety lighting improvements at the intersection of Harbor Boulevard and Hermosa Drive by upgrading two existing traffic signal pole luminaires to meet the latest City standards. Improvements shall be done to the satisfaction of the City Engineer or their representative.
77. Prior to the issuance of a building permit, the applicant shall make traffic signal improvements (including but not limited to traffic signal pole foundations, traffic signal poles, traffic signal heads, traffic signal wiring, and traffic signal pull boxes) at the northwest corner of the intersection of Harbor Boulevard and Hermosa Drive due to the ADA ramp improvement. Improvements shall be done to the satisfaction of the City Engineer or their representative.
78. Prior to the issuance of a building permit, future CC&Rs for the development shall include language requiring full use of garage(s) for parking and not for storage which would occupy the vehicle parking space therefore making the parking space unusable. The project includes a high number of double-stacked (tandem) garages raising concerns that residents may choose to park outside of their garage

to avoid the inconvenience of moving vehicles. Overnight parking is not allowed on any public street in the vicinity of the project.

79. Prior to the issuance of a certificate of occupancy or temporary certificate of occupancy for the very first unit, parking, standing, or stopping on Harbor Boulevard, Hermosa Drive, and along the project frontage shall be prohibited. Signage identifying said restrictions shall be posted as required by the City Traffic Engineer. All delivery of equipment, materials, goods, and supplies for the proposed development shall adhere to posted parking and/or stopping restrictions.
80. Prior to the issuance of a building permit, the applicant acknowledges that building materials shall not be stored within the public right-of-way.
81. Prior to the issuance of a building permit, the applicant acknowledges that refuse containers and/or dumpsters utilized during construction shall be stored on-site and not placed within the public right-of-way.
82. Prior to the issuance of a building permit, separate signing and striping plans shall be prepared for all proposed traffic related work in the public right-of-way. Submitted plans shall be consistent with all proposed pavement reconstruction. Plans shall be prepared by a California licensed civil or traffic engineer and shall be approved by the City Traffic Engineer.
83. Prior to the issuance of a building permit, future CC&Rs for the development shall include language that there shall be no storage or standing of trash, recycling, or other discards either loose or placed in receptacles, containers, or bins within the public right-of-way unless approved by the City Engineer and permitted by the City.
84. Prior to the issuance of a building permit, the applicant shall pay all project-related traffic fees as outlined in the Fullerton Municipal Code and as interpreted by the City Traffic Engineer.

General:

85. All work in the public right of way shall be constructed in accordance with the Standard Plans and Standard Specifications for Public Works Construction, latest edition. This includes supplements thereto and City of Fullerton Standard Drawings.
86. Separate public improvement plans for improvements in the public right-of-way shall be prepared by a Registered Civil Engineer authorized to practice in the State of California and submitted to the Public Works Department – Engineering Division for review and approval prior to building permit issuance and shall be constructed prior to the issuance of the Temporary Certificate of Occupancy for the proposed Major Site Plan.

87. Before undertaking any grading or construction work of any type within the public right of way, the owner must first obtain the applicable permits from the Public Works Department.
88. During site improvement, all deliveries to the project site that are overweight, or oversize will require a transportation permit from the Public Works Department.
89. The project shall utilize the City's benchmarks. A list of the City's benchmarks is available on the City of Fullerton website.
90. The developer shall provide and maintain all necessary flag persons, barricades, delineators, signs, flashers, and any other safety equipment as set forth in the latest publication of the State of California, Manual of Traffic Control, or as required by the Public Works Department permit requirements to ensure safe passage of pedestrian and vehicular traffic.
91. Subdivision and Topographic Mapping shall be in new horizontal datum NAD83 (2011) Epoch 2017.50.
92. Street trenches required for the installation of utility connections shall comply with City of Fullerton Standard No. 312 and 313.
93. Any controlling survey monumentation (property lines, tract lines, street centerline, etc.) which are at risk of being destroyed or disturbed during the course of this project must be preserved in accordance with Section 8771(b) of the California Business and Professions Code (Professional Land Surveyors Act). Pre-construction field ties, along with the preparation and filing of the required Corner Records or Record of Survey with the County of Orange, shall be accomplished by, or under the direction of, a licensed surveyor or civil engineer authorized to practice land surveying. Copies of said records shall be furnished to the City Engineer for review and approval prior to issuance of any onsite or offsite construction permits. Any monuments disturbed or destroyed by this project must be reset and post-construction Corner Records or Record of Survey filed with the County of Orange. A copy of the recorded documents shall be submitted to the City Engineer for review and approval prior to issuance of any permits within the public right of way.
94. Prior to issuance of building permits, all public improvements shall be guaranteed to be installed by the execution of an Agreement for Public Improvements secured by sufficient bonds or sureties for both Faithful Performance and Labor and Materials, in a form approved by the City Attorney.
95. All cash fees and deposits shall be collected by the City of Fullerton prior to the issuance of Certificate of Occupancy.

96. All of the public improvements, studies, designs, plans, calculations, and other requirements shall be installed, provided, and supplied by the developer in accordance with City and State codes, policies, and requirements at no cost to the City. All work shall comply with City standards and specifications and with the City of Fullerton Municipal Codes.
97. Proposed sewer laterals shall be minimum 6" V.C.P. per City Std. 209A and 209B. All existing lateral connections to be utilized for the development shall be video inspected to determine their condition. Video shall be submitted to the Public Works/Maintenance for review. If determined that the existing connection(s) are in poor condition, they shall be replaced with new lateral connections per standard plans.
98. All existing and proposed public and private easements shall be shown on all plans.
99. Existing public and private easements shall not be affected by the proposed development. Any modification to an existing public and/or private easement shall be coordinated and approved by applicable easement owners.
100. All facilities crossing lot lines shall be located in private easements.
101. Private improvements shall not encroach into the existing public easements including but not limited to walls, fencing, and/or structures.
102. Applicant shall coordinate with local telecommunication providers to connect new services to each planned dwelling unit to install all their improvements in the public right of way prior to the rehabilitation of adjacent pavement.

ADOPTED BY THE FULLERTON CITY COUNCIL ON JUNE 16, 2026

Fred Jung
Mayor

ATTEST:

Lucinda Williams, MMC
City Clerk

Date