

RESOLUTION NO. PC-2024-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A MAJOR SITE PLAN TO CONSTRUCT AN ADDITION AND REMODEL AN EXISTING CARWASH ON A PROPERTY ZONED G-C, GENERAL COMMERCIAL, LOCATED AT PARCEL 2 OF TPM NO. 2023-185 (CURRENTLY ADDRESSED AS 3950 NORTH HARBOR BOULEVARD)

ZON-2023-0095

APPLICANT: JEFF BERGSMA, TEAM DESIGN HUNTINGTON BEACH
PROPERTY OWNER: FULLERTON GAS LLC

RECITALS

WHEREAS an application was filed for a Major Site Plan to construct an addition and remodel an existing carwash on a property located at a property located at Parcel 2 of TPM No. 2023-185 (currently addressed as 3950 North Harbor Boulevard).

WHEREAS 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 for ZON-2023-0095; and

WHEREAS FMC Section 15.47.040 of Chapter 15.47 authorizes the Planning Commission to act on a Major Site Plan;

WHEREAS in accordance with the California Environmental Quality Act (CEQA) Section 15301 Class 1 – Minor Alterations of Existing Facilities, the proposed project is exempt from further review.

RESOLUTION

Now therefore, be it found, determined, and resolved by the Planning Commission of the City of Fullerton, as follows:

1. The Planning Commission, pursuant to FMC Section 15.47.040.B.1 finds as follows:

a. Finding: The use is permitted in the zoning classification.

Fact: The proposed project includes an addition and remodel to the existing carwash that extends the carwash tunnel and adds a new equipment room, restroom, staff area, and office. The gas station and convenience store was approved for a remodel through ZON-2023-0024, and will remain. Proposed site improvements include an expansion of the carwash queueing line to allow for up to 14 standard vehicles to stack on site and a new vacuum plaza with 10 vacuum stalls shaded by new 9-foot-high shade canopies above the parking spaces. Two additional staff parking spaces are located at the southeast corner of the site. An automobile service station and a carwash are conditionally permitted uses in the G-C zone, per Fullerton Municipal Code Section Table 15.30.030.2.

b. Finding: The project meets all applicable development standards.

Fact: Staff has reviewed the project and determined it conforms to the development standards contained in Title 15 of the Fullerton Municipal Code for G-C zoned properties.

- c. Finding: The project meets the design criteria as specified in Section 15.47.060, as applicable.
Finding: The proposed project creates a development that is pleasant in character, harmonious with past development of Fullerton and illustrates design compatibility with the desired developing character of the surrounding area.

Fact: The gas station and carwash are existing structures. The proposed project updates the exterior of the existing buildings, relocates the trash enclosure on the Harbor Boulevard frontage and provides perimeter landscaping to soften the visual impact of the structures. The proposed exterior of the carwash is compatible with the gas station and convenience store, as well as the commercial uses and other development in the surrounding area.

Finding: That the project creates traffic patterns that minimize impacts on surrounding properties and streets and accommodate emergency vehicles.

Fact: The site is accessed through existing driveways off Harbor Boulevard and Imperial Highway. With the proposed lot split, access easements are proposed to permit ingress and egress for the carwash. The proposed project includes minor site improvements to improve onsite circulation by maintaining minimum 20-foot-wide drive aisles. In addition, a turning study confirms that a full-size tanker truck can circulate through the site and service the station through the site without obstructing through traffic. Proposed site improvements also extend the line for the carwash and allows for up to 14 vehicles to stack on site. All queuing of cars is anticipated to stay onsite.

Finding: Designing landscaping to create a pleasing appearance from both within and off the site.

Fact: The proposed project includes 2,948 square feet of landscaping on the carwash parcel, compliant with the landscape requirements in the zoning code. Landscaping on the gas station parcel was approved separately through ZON-2023-0024. Proposed plantings include queen palm trees, crepe myrtle trees, and a variety of shrubs. The proposed landscaping provides screening from the public right of way and softens the view of the structures while maintaining visibility for signage and vehicular traffic.

Finding: The project ensures that all landscaping and its corresponding irrigation systems will conform to Chapter 15.50 of this title.

Fact: The project has been conditioned for landscape plans to be submitted prior to issuance of building permits, in accordance to Chapter 15.50.

2. The Planning Commission does hereby APPROVE said Major Site Plan ZON-2023-0095 subject to the following conditions of approval:
- The action of the Planning Commission approves the applicant submitted plans identified as Attachment 1 and as conditioned herein. The term "approved Major Site Plan" pertains to the plans in Attachment 1 and as conditioned herein.
 - Prior to issuance of a building permits, the corresponding landscape plans shall be prepared and submitted to the City for review and approval pursuant to Fullerton Municipal Code (FMC) Chapter 15.50. Landscaping shall be installed prior to occupancy of the building. A one-year maintenance

bond in an amount equal to 50% of the combined cost of the landscaping materials and irrigation system, but not less than \$500, shall be posted as a prerequisite to the final approval of the development and/or occupancy of the building. The property owner, or Owner's Association where applicable, shall be responsible for maintaining landscaping in accordance with the approved landscape plans. Dead plants shall be replaced by the property owner, or Owner's Association, with the same species type and size identified on the approved landscape plans.

- c. The Applicant/Property Owner shall maintain all proposed landscaping identified in the conceptual landscape plan.
- d. Any proposed rooftop mechanical equipment shall be screened from public view.
- e. Any and all proposed signs shall comply with Subsection 15.49 of the Fullerton Municipal Code. All signage designs shall be reviewed and approved by the Director of Community and Economic Development or designee prior to issuance of building permits. No signage shall be permitted on the vacuum station canopies.
- f. The existing pole sign on the west side of the property along Harbor Boulevard is proposed to be located on the carwash property and would be considered an offsite sign. The sign shall be modified to be a sign for the carwash or be removed prior to permit final.
- g. The Applicant/Property Owner shall install decorative stamped and colored concrete within all the driveways along Imperial Highway and Harbor Boulevard with a minimum width of fifteen feet, to the satisfaction of the Director of Community and Economic Development or designee. All work shall be completed prior to permit final.
- h. The Applicant/Property Owner shall paint the new carwash in colors that match or are compatible with the gas station and canopy, to the satisfaction of the Director of Community and Economic Development or designee.
- i. The Applicant/Property shall request an address assignment prior to building permit issuance.
- j. Construction plans shall be submitted 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 and be prepared in substantial conformance with the approved Major Site Plan except to the extent that the plans or designs are modified by the conditions herein.
- k. The Community and Economic Development Director may approve minor modifications to the approved Major Site Plan; however, major modifications shall require the approval of the Planning Commission.
- l. The Applicant/Property Owner 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.

- m. 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 approved Major Site Plan, the expiration date may be extended by the Planning Commission for a period or periods not exceeding 12-months, for a total of no more than 24 months.
- n. Compliance 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.
- o. 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.
- p. All construction and general maintenance activities that are anticipated to exceed the noise standards set forth in FMC Section 15.90 shall be limited to the hours of 7 a.m. to 8 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 Section 15.90 between 8 p.m. and 7 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.
- q. The Applicant/Property Owner 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 this approval, or arising out of the operation of the business, save and except that caused by the City's active negligence.
- r. The Applicant/Property Owner shall keep all landscaping in a healthy and maintained appearance at all times with the requirement that all dead or diseased plant material replaced within thirty (30) days. New plant material shall consist of trees, a minimum of 24-inch box size and shrubs, a minimum of 5-gallon size. New trees shall be double staked with flexible ties and all planter areas finished with a minimum of 2 inches of mulch. Landscaping shall comply with the city's landscaping ordinance.

Public Works – Traffic

- s. There is to be no stopping or parking within the public right-of-way for any reason. All vehicle queues for the proposed car wash use shall be contained within project limits and shall not block driveways. All deliveries of equipment, materials, goods, and supplies for the proposed business shall be accommodated within the project site and not block driveways.

Building

- t. Construction plans shall be submitted to the Community and Economic Development Department for review and issuance of any future 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).

- u. Separate Building Permit and plan checks are required for the following:
 - 1. Carwash Addition, Shade structure, trash enclosure/block walls, etc.
 - 2. Signage.
- v. Comply with Fire resistance rating at exterior walls and analysis for protected and unprotected exterior wall openings in accordance to Chapter 7 of '22 CBC. Please provide 10 feet fire separation set back. Alternately, please provide fire water curtain as mentioned by Fire Department during our 2nd DCRC meeting on 11/16/23.
- w. The Architect of record shall be aware of requirements in Chapter 11B of California Building Code as it relates to building and site accessibility requirements for both lots, including but not limited to, path of travel, accessible parking, and EV spaces.
- x. Soils report and investigation will be required with each building permit application submittal. Please also note that the site is located within the liquefaction zone. The building design and geotechnical report shall address liquefaction mitigation.

Fire

- y. The applicant shall comply with all applicable requirements of the City of Fullerton Fire Department.
- z. Maintain clear drive aisles for fire apparatus access between car wash and gas station.
- aa. Provide a reciprocal agreement stating fire apparatus access roads shall be maintained. No changes impacting fire apparatus access roads shall occur without prior review and approval by the Fullerton Fire Department.
- bb. The new address(s) shall have address numbers plainly legible and visible from the street or road fronting the property. Address numbers shall be in accordance with Fullerton Fire Department Standard No. 7 Premise Identification
- cc. Maintain existing water curtain at store front or provide other code compliant construction to eliminate water curtain.
- dd. Compliance 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.

Water – Engineering

- ee. The applicant shall comply with all applicable requirements of the City of Fullerton Engineering Department.
- ff. Show existing and proposed utility connections.
- gg. Per Title 12.06.060 and Ordinance 3299 pertaining to water conservation for Commercial Car Wash Systems. Effective January 1, 2012, all commercial conveyor car wash systems must have installed operational re-circulating water systems or must have secured a waiver of this requirement from the City.
- hh. A separate water service and backflow shall be required for the separate parcel and water services shall not cross parcels.
- ii. Public Works permits will be required at the time of issuance of Building permits.

Public Works—Engineering

Project Specific:

- ~~jj. 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. In addition, existing power pole and overhead facilities (except electrical transmission lines) located adjacent to the alley which provides ingress/egress access from Wilshire Avenue to the property shall be undergrounded. Where the enforcement of the underground utility provisions results in undue hardship, the applicant may submit a written appeal pursuant to Section 16.05.060.E.3. Written appeal shall include a letter of justification including information, facts, and figures necessary to properly advise and inform the Community and Economic Development Director and the City Engineer of the circumstances which require such appeal and create the hardship.~~
- ~~kk. Non-Priority WQMP has been reviewed and found incomplete for the entitlement phase of the project. Please refer to JLHA's review comments dated July 25, 2023 (attached). Please note that the site design may be impacted by WQMP' revisions, resulting in additional Conceptual Grading Plan comments. WQMP must be approved prior to issuance of any building permits.~~
- ~~ll. Site improvements shall include the discharging of storm water runoff from the onsite to the public right-of-way per City standards.~~
- ~~mm. Verify that any work shown not on your property has agreements in place with the owner for work on that property.~~
- ~~nn. Euclid Street was recently repaved, ensure no operation will impact the pavement of Euclid Street. Extent of public improvements (sidewalk, curb & gutter, driveways, trees, access ramp, etc.) is pending upon valuation and shall not exceed 10% of this amount including but not limited to the following:
 - ~~a. Asphalt Concrete (AC) at the alley which provides ingress/egress access from Wilshire Avenue to the property is in poor condition. As such, the AC pavement shall be reconstructed per City Standards. The extent of pavement rehabilitation/reconstruction shall be as recommended by Soils Report and as approved by the City Engineer.~~~~

- ~~b. Reconstruction of the driveway along Chapman Ave. shall be constructed in compliance with the City of Fullerton Standard No. 121-2, Commercial Driveway Approach.~~
- ~~c. All damaged sidewalk, curb and gutter, and alley gutter along Euclid Street frontage and alley shall be removed and replaced with new concrete per City standards. Public sidewalk that is not in conformance with current disabled access guidelines shall be removed and replaced along project frontage. Limits of removal and replacement shall be shown on the plan and shall be reviewed and approved by the City Engineer.~~
- ~~oo. The existing 6" single check assembly in a vault is substandard and will need to be replaced with a double check detector assembly and brought above ground to meet current standards.~~
- ~~pp. DCDA shall be installed per City Standard 721. FDC on assembly shall be within 50' of a public fire hydrant.~~
- ~~qq. A water permit from Public Works will be required for fire assembly upgrade.~~
- ~~rr. Prior to Building plan approval, a water improvement plan prepared by a Civil Engineer using City title block will be required to be submitted and approved by Public Works to PWPPermits@cityoffullerton.com. City title block can be found on the City's website <https://www.cityoffullerton.com/government/departments/public-works/engineering/general-engineering>~~

General:

- ~~ss. 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.~~
- ~~tt. All 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.~~
- ~~uu. 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.~~
- ~~vv. During site improvement, all deliveries to the project site that are overweight, or oversize will require a transportation permit from the Public Works Department.~~
- ~~ww. The project shall utilize the City's benchmarks. A list of the City's benchmarks is available on the City of Fullerton website.~~
- ~~xx. 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.~~
- ~~yy. Street trenches required for the installation of utility connections shall comply with City of Fullerton Standard No. 312 and 313.~~
- ~~zz. 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.~~

~~aaa. All 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.~~

~~bbb. 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.~~

~~ccc. 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.~~

~~ddd. All facilities crossing lot lines shall be located in private easements.~~

~~eee. 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 size and alignment of on-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.~~

~~fff. Grading plan shall be reviewed and approved prior to issuance of grading permit.~~

~~ggg. Site grading shall adhere to the approved grading plan and shall be completed prior to issuance of temporary occupancy.~~

~~hhh. 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.~~

~~iii. In addition to all retaining walls, any above-ground construction, regardless of its height, that may alter the existing storm water flow pattern shall be shown on the grading plan.~~

~~jjj. Prior to issuance of building permits, all public improvements (if any) 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.~~

ADOPTED BY THE FULLERTON PLANNING COMMISSION ON JUNE 12, 2024.

Peter Gambino, Chairman

Attachments

1. Plans

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Fact: Staff has reviewed the project and determined it conforms to the development standards contained in Title 15 of the Fullerton Municipal Code for G-C zoned properties.

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- bb. The new address(s) shall have address numbers plainly legible and visible from the street or road fronting the property. Address numbers shall be in accordance with Fullerton Fire Department Standard No. 7 Premise Identification
- cc. Maintain existing water curtain at store front or provide other code compliant construction to eliminate water curtain.
- dd. Compliance 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.

Water – Engineering

- ee. The applicant shall comply with all applicable requirements of the City of Fullerton Engineering Department.
- ff. Show existing and proposed utility connections.
- gg. Per Title 12.06.060 and Ordinance 3299 pertaining to water conservation for Commercial Car Wash Systems. Effective January 1, 2012, all commercial conveyor car wash systems must have installed operational re-circulating water systems or must have secured a waiver of this requirement from the City.
- hh. A separate water service and backflow shall be required for the separate parcel and water services shall not cross parcels.
- ii. Public Works permits will be required at the time of issuance of Building permits.

ADOPTED BY THE FULLERTON PLANNING COMMISSION ON JUNE 12, 2024.

Peter Gambino, Chairman

Attachments

1. Plans