

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A ZONING AMENDMENT TO CHANGE THE ZONING CLASSIFICATION FROM GENERAL COMMERCIAL (G-C) TO PLANNED RESIDENTIAL DEVELOPMENT - INFILL (PRD-I) ON A 12.52-ACRE PROPERTY LOCATED ON THE SOUTHWEST CORNER OF EUCLID STREET AND ROSECRANS AVENUE AND PROVIDE CLARIFYING AMENDMENTS TO TABLE 15.20.130.B AND 15.20.140.A FOR CERTAIN STANDARDS INTERNAL TO A DEVELOPMENT

PRJ2021-00006 – ZON-2021-0032, SUB-2021-0002,  
LRP-2021-0006, LRP-2021-0007, LRP-2021-0008

APPLICANT: SHOPOFF REALTY INVESTMENTS, L.P.  
PROPERTY OWNER: SUNRISE VILLAGE OWNER, LLC.

RECITALS:

WHEREAS, the applicant filed applications with the City of Fullerton Community and Economic Development Department for a Major Site Plan (ZON-2021-0032), Tentative Tract Map (SUB-2021-0002), General Plan Revision (LRP-2021-0006), Zoning Amendment (LRP-2021-0007) and Development Agreement (LRP-2021-0008) for the construction of a 164 dwelling unit residential community, including 49 detached single-family residential homes and 115 townhomes on property more specifically described as Orange County Assessor's Parcel Nos. 287-241-01, -04, and -06 (Lot 1 of Lot Line Adjustment No. 207, in the City of Fullerton, County of Orange, State of California, recorded September 12, 2021, as Instrument No. 2021000509353, of Official Records, in the office of the County Recorder of said county; Together with Parcel 4, in the City of Fullerton, County of Orange, State of California, as shown on a map filed in Book 88, Page 50, of Parcel Maps, in said office of the County Recorder.).

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 held a duly noticed public hearing for PRJ-2021-00006.

WHEREAS FMC Section 15.72.050 states that the Planning Commission must review a request to amend the zoning for a given property to determine if the proposed amendment is consistent with the objectives of the zoning ordinance and the General Plan and, if consistent, the Planning Commission makes a recommendation of approval to the City Council.

WHEREAS the Planning Commission of the City of Fullerton recommended that the City Council approve PRJ2021-00006 including Major Site Plan (ZON-2021-0032), Tentative Tract Map (SUB-2021-0002), General Plan Revision (LRP-2021-0006), Zoning Amendment (LRP-2021-0007) and Development Agreement (LRP-2021-0008).

WHEREAS, the City of Fullerton, as Lead Agency, prepared an Initial Study / Mitigated Negative Declaration to identify the potential environmental impacts associated with the construction and implementation of the project in conformance with the provisions of the California Environmental Quality Act (CEQA) (California Public Resources Code, Sections 21000 et seq.) and CEQA Guidelines (Title 14, California Code of Regulations, Chapter 3, Section 15000 et seq.).

WHEREAS, the Planning Commission and City Council considered the information contained in the Draft Initial Study / Mitigated Negative Declaration dated August 2021 and Technical Appendices, the Final Initial Study including Comments, Responses to Comments and Errata dated September 2021, the Mitigation Monitoring and Reporting Program and the administrative record during the public review process.

WHEREAS, the clarifying amendments to certain PRD-I tables are as follows:

*In a development with multiple Building Types, the greatest maximum stories may be applied in relation to private streets internal to a site and when an additional story(ies) does not compromise the intent of the Building Type. (Note to Table 15.20.130.B)*

*For a lot (fee-simple or condominium) measuring 5,000 sq. ft. or less used to facilitate small-lot detached dwellings, the setback of buildings and garages to private streets internal to the site is a minimum of 5 ft. (Note to Table 15.20.140.A); and*

WHEREAS, these Table amendments contained in Chapter 15.20 are exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15061 (b)(3) because no possibility exists that the clarification would have a significant effect on the environment as subsequent projects utilizing any of the PRD-I development standards would request a zoning amendment to PRD-I and analyze said project pursuant to CEQA.

THE CITY COUNCIL OF THE CITY OF FULLERTON DOES ORDAIN AS FOLLOWS:

1. In all respects as set forth in the Recitals of the Ordinance.
2. The City Council, pursuant to FMC Section 15.72.050.B finds as follows:

Finding: That the amendment is consistent with the objectives of the Zoning Ordinance and the General Plan.

Fact: The PRD-I zone provides standards for predominantly residential infill development on sites less than 40 acres in size to ensure a quality development compatible with its surroundings.

Fact: The project utilizes the PRD-I zoning to create an infill residential development on an underutilized commercial retail parcel of 12.52 acres with a vacancy rate of approximately 45%.

Fact: The project, utilizing the House and Tuck-Under Building Types, introduces new housing options compatible in height and scale with the site and its surroundings near exiting single- and multi-family residential communities and neighborhood serving commercial uses in the City.

Fact: Units are a combination of two- and three-stories, consistent with the height of the immediate area. The site is designed maintaining the small-lot single-family detached units nearest to the R-1 neighborhood to the south with all units on the north side of Paseo Dorado having two-stories.

Fact: Facilitating the addition of dwelling units is consistent with State and local housing goals that emphasize the need for increased housing production across all income levels.

City Council does hereby approve said Zoning Amendment LRP-2021-0007, subject to the following conditions of approval:

1. Approval of this application is contingent on the approval of Major Site Plan (ZON-2021-0032). Should City Council not approve Major Site Plan (ZON-2021-0032), Tentative Parcel Map (SUB-2021-0002), General Plan Revision (LRP-2021-0006), Zoning Amendment (LRP-2021-0007) and Development Agreement (LRP-2021-0008) shall be similarly denied.
2. 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 this Ordinance, save and except that caused by the City's active negligence.

ADOPTED BY THE FULLERTON CITY COUNCIL ON DECEMBER 21, 2021.

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Mayor

ATTEST:

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Lucinda Williams, MMC  
City Clerk

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Date