

ORDINANCE NO. 3308

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING THE ORANGETHORPE AND LEMON SPECIFIC PLAN TO IMPLEMENT THE LAND USE REGULATIONS ON A 4.77-ACRE PROPERTY LOCATED ON THE NORTHWEST CORNER OF ORANGETHORPE AVENUE AND LEMON STREET

PRJ2020-00004 – ZON-2020-0045, SUB-2020-0002, LRP-2020-0011, LRP-2020-0012, LRP-2020-0013

APPLICANT: SLR FULLERTON DEVELOPMENT, LLC (STREETLIGHTS RESIDENTIAL)
PROPERTY OWNER: PK I FULLERTON TOWN CENTER, LP

RECITALS:

WHEREAS, the Applicant filed applications with the City of Fullerton Community and Economic Development Department for a Major Site Plan (ZON-2020-0045), Tentative Parcel Map (SUB-2020-0002), General Plan Revision (LRP-2020-0011), Zoning Amendment (LRP-2020-0012), and Specific Plan (LRP-2020-0013) to develop a mixed-use development including 329 residential apartments with a minimum 5% (17 units; 19 proposed) deed-restricted units for very-low-income and up to 6,500 square feet of ground floor commercial space more specifically described as Orange County Assessor's Parcel Nos. 073-060-28, -64 and -65.

WHEREAS, the City Council of the City of Fullerton, in compliance with the noticing requirements of Fullerton Municipal Code (FMC) Chapter 15.76, has held a duly held a duly noticed public hearing for PRJ-2020-00004,

WHEREAS, Section 15.21.040 of Chapter 15.21 establishes that the City will adopt a Specific Plan is concurrently with or after the adoption of a Specific Plan District zoning following the provisions of the Zoning Amendment in Chapter 15.72, as authorized by and consistent with Government Code Sections 65450 through 65457.

WHEREAS, City Council, as the legislative body, is the decision-making body to act on a zoning amendment following consideration by the Planning Commission, consistent with Government Code Section 65857.

WHEREAS, the City of Fullerton, as Lead Agency, prepared an Initial Study / 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, City Council considered the information contained in the Draft Initial Study / Negative Declaration dated September 2021 and Technical Appendices, the Final Initial Study including Comments, Responses to Comments and Errata dated October 2021 as Revised November 2021 and the administrative record during the public review process.

NOW, THEREFORE, 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 15.21.040 and 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 project can utilize the Specific Plan District zoning classification for a site that has unique characteristics including a unique mix of land uses and specific community objectives.

Fact: The project proposes to construct a mixed-use development with high density residential units as well as a neighborhood serving retail space embedded in a walkable regional shopping center served by transit and freeway proximate. Surrounding properties are similarly developed with a mix of commercial and residential uses including other regional shopping centers, one of which has also added a high-density residential land use through a Specific Plan.

Fact: Government Code Section 65450 authorizes the use of a Specific Plan as a zoning tool to implement the general plan.

Fact: The project implements the Planning Objectives for the Harbor Gateway Focus Area which includes increasing housing density in the City's southern gateway.

Fact: The project facilitates the addition of residences to a commercial property consistent with State and local housing goals that emphasize the need for increased housing production to accommodate existing and future housing needs.

Fact: As detailed in The Fullerton Plan Consistency Analysis, Exhibit A, attached hereto, the project supports multiple goals of The Fullerton Plan supporting the Community Development and Design, Housing, Mobility, Growth Management, Noise, Revitalization, Public Safety, Public Health, Parks and Recreation, Water, Air Quality and Climate Change and Integrated Waste Management Elements.

City Council does hereby approve said Specific Plan LRP-2020-0013, subject to the following conditions of approval:

1. Approval of this application is contingent on the approval of Major Site Plan (ZON-2020-0045). Should City Council not approve Major Site Plan (ZON-2020-0045), Tentative Parcel Map (SUB-2020-0002), General Plan Revision (LRP-2020-0011), Zoning Amendment (LRP-2020-0012) and Specific Plan (LRP-2020-0013) shall be similarly denied.
2. The Applicant shall revise the Arterial Street Setback to include a minimum standard of 15 feet with an average of 25 feet.
3. The Applicant shall revise Parking Standards to include the provision that parking stalls designated to have or to be ready for future EV chargers shall meet the size requirements for a standard stall pursuant to FMC Section 15.30.060.

4. 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 Resolution, save and except that caused by the City's active negligence.

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

Fred Jung
Mayor

ATTEST:

Lucinda Williams, MMC
City Clerk

Date

Attachments:

- Exhibit A – The Fullerton Plan Consistency Analysis (12/21/21 attachment 12)
- Exhibit B – Orangethorpe and Lemon Specific Plan, draft dated November 2021 (12/21/21 attachment 19)