

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 OFFICE PROFESSIONAL (O-P) TO SPECIFIC PLAN DISTRICT (SPD) ON A 3.55-ACRE PROPERTY LOCATED ON THE NORTHEAST CORNER OF CHAPMAN AND COMMONWEALTH AVENUES

PRJ2020-00008 – ZON-2020-0074, SUB-2020-0003, LRP-2020-0016, LRP-2020-0017, LRP-2020-0018

APPLICANT: CS ACQUISITION VEHICLE, LLC (CORE SPACES)  
PROPERTY OWNER: EDMUNDO F DIAZ AND LILIA M DIAZ TRUST AND  
2751 CHAPMAN LLC

RECITALS:

WHEREAS, the Applicant filed applications with the City of Fullerton Community and Economic Development Department for a Major Site Plan (ZON-2020-0074), Tentative Parcel Map (SUB-2020-0003), General Plan Revision (LRP-2020-0016), Zoning Amendment (LRP-2020-0017) and Specific Plan (LRP-2020-0018) to develop a 420-unit (1,251 bed) student-oriented housing project with 12,438 square feet of ground floor commercial space more specifically described as: Orange County Assessor's Parcel Nos. 338-091-05, -06 and -07.

WHEREAS, the applicant has submitted a Revised Alternative Project with 377 units (1,103 beds) and 12,438 square feet of ground floor commercial space.

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-2020-00008.

WHEREAS, 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 City Council.

WHEREAS, the Planning Commission of the City of Fullerton recommended that City Council approve PRJ2020-00008 including Major Site Plan (ZON-2020-0074), Tentative Parcel Map (SUB-2020-0003), General Plan Revision (LRP-2020-0016), Zoning Amendment (LRP-2020-0017) and Specific Plan (LRP-2020-0018).

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 have 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; the Hub Fullerton Alternative Project CEQA Memo 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. 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 Specific Plan District zoning classification can be utilized 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 student-oriented housing project with up to 377 units and 12,438 square feet of neighborhood-supporting commercial space directly south of Hope University and Cal State Fullerton central to the Education Focus Area as identified in the City's general plan (The Fullerton Plan).

Fact: The project implements the Planning Objectives for the Education Focus Area which include adding student and faculty-housing as well as retail and gathering spaces that serve the students, faculty and population-at-large.

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

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, Bicycle, Growth Management, Noise, Economic Development, Revitalization, Public Safety, Public Health, Parks and Recreation, Water, Air Quality and Climate Change and Integrated Waste Management Elements.

THEREFORE, the City Council does hereby approve said Zoning Amendment LRP-2020-0017, subject to the following conditions of approval:

1. Approval of this application is contingent on the approval of Major Site Plan (ZON-2020-0074). Should City Council not approve Major Site Plan (ZON-2020-0074), Tentative Parcel Map (SUB-2020-0003), General Plan Revision (LRP-2020-0016), Zoning Amendment (LRP-2020-0017) and Specific Plan (LRP-2020-0018) 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 FEBRUARY 1, 2022.

---

Fred Jung  
Mayor

ATTEST:

---

Lucinda Williams, MMC  
City Clerk

---

Date

Attachment:

- Exhibit A – The Fullerton Plan Consistency Analysis (attachment 10)