

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A MAJOR SITE PLAN FOR A STUDENT-ORIENTED HOUSING PROJECT OF UP TO 377 UNITS (1,103 BEDS) WITH 12,438 SQ. FT. OF GROUND FLOOR COMMERCIAL SPACE 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 PRJ2020-00008.

WHEREAS, FMC Section 15.47.040 authorizes the Planning Commission to act on a Major Site Plan, considering compliance with development standards and design review criteria (15.47.060).

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.

RESOLUTION

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

1. In all respects as set forth in the Recitals of the Resolution.
2. City Council, pursuant to FMC Section 15.47.040.B.2.b finds as follows:

Finding: That the proposed use is permitted in the requested SPD (Specific Plan District) zoning classification.

Fact: The project includes adoption to the Hub Fullerton Specific Plan, to establish the development standards and land use regulations by which to develop student-oriented housing and retail opportunities in proximity to the Cal State Fullerton and Hope International University campuses. Permitted uses include multi-family residences and local serving commercial uses, consistent with the proposed project.

Finding: That the project meets all applicable development standards.

Fact: The project includes adoption to the Hub Fullerton Specific Plan, to establish the development standards and land use regulations by which to develop student-oriented housing and retail opportunities in proximity to the Cal State Fullerton and Hope International University campuses. The proposed project meets or exceeds the development standards in the Hub Fullerton Specific Plan.

Finding: That the proposed project design is pleasant in character and harmonious with the past development of Fullerton, illustrating a design compatibility with the desired developing character of the surrounding area.

Fact: The design is contemporary in nature and considers the educational institution context of the surroundings employing natural tones and textures with quality and durable materials. The mixed-use project is designed street-facing commercial space on the ground floor at the Chapman / Commonwealth intersection, consistent with the previously approved student-oriented mixed-use project on the northwest corner of

the intersection. This portion of the building presents a more public and commercial sense of place at grade. The building shifts to a more pedestrian residential aesthetic where townhomes land at grade on the eastern building. Using two different but complementary aesthetics in addition to a series of smaller volumes helps address the long narrow site's orientation to Chapman Avenue by adding modulation to a key street-facing elevation. The parking structure integrates into design of the building, sitting at the site's northeast corner abutting the freeway off ramp. In this location it is wrapped by the residences on the west and south sides. Recognizing that the site is at the southern border of the Education Focus Area of the City's general plan and forms the gateway to the Focus Area west of the SR-57 freeway, the Applicant has designed the project with the goal of bringing a unique and dynamic product to the student housing market in Fullerton.

Finding: The project screens exterior trash, storage areas and service yards from view of nearby streets and adjacent structures in a manner compatible with building site design.

Fact: The project includes a retail trash room and two residential trash rooms, one each serving the western and eastern portions of the site. The project design provides two trash pickup points interior to the site.

Finding: The project blends proposed grading with the contours of the project site

Fact: The existing site is relatively flat. The conceptual grading plans propose to retain the flat site.

Finding: The traffic patterns of the proposed development will minimize impacts on surrounding properties and streets and accommodate emergency vehicles.

Fact: A driveway on Chapman Avenue will provide the primary vehicular access. The project provides a secondary driveway for emergency, trash and delivery vehicles on Commonwealth Avenue and connects both access points with an onsite circulation system that meets the requirements for a fire access roadway. Emergency vehicles would continue to have access to roadways in the area during constriction and after completion of the project.

Fact: The project as designed and conditioned restricts the Chapman Avenue driveway to right- and left-in / right-out turning movements; the Commonwealth Avenue driveway is designed and conditioned to right-in / right-out turning movements only.

Fact: Fehr and Peers conducted a Transportation Assessment (Assessment) at intersections surrounding the project as well as at the two project driveways in accordance with the City's adopted Transportation Assessment Policies and Procedures (TAPP). The Assessment found no effects on transportation nor signal warrants at project driveways.

Fact: As a mixed student-oriented housing project with neighborhood-serving commercial, it is anticipated that a significant portion of residents will walk or bike to campus and similarly, retail customers will be able to walk or bike to the site. Additionally the site is located in a Transit Priority Area which is an area that includes fixed route bus service with intervals no longer than 15 minutes during peak commute hours; four OCTA bus routes are within a 0.5 mile walk of the project. The project is conditioned to submit a Parking Management Plan for the City's review and approval.

Finding: Buildings are sited so as to avoid crowding and to allow for a functional use of the space between buildings.

Fact: The 3.55 acre site is approximately 840 feet long and 140 feet deep with two required vehicular access points and an on-site fire access roadway. The secondary access roadway is located along the northern property line and includes an already unbuildable area encumbered by a sewer easement. The parking structure is located at the northeast corner of the site between the residences and the freeway, providing a buffer to the residences as well as enabling the residential buildings to screen two sides of the parking structure.

Fact: The residential buildings are functionally a western and eastern building connected with a series of interior hallways. Units are grouped in a series of u-shaped clusters around ground floor open areas providing separation between units on all floors. .

Finding: Landscaping design creates a pleasing appearance from both within and off the site and accommodates adequate sight distances for motorists and pedestrians entering and exiting the site.

Fact: The project proposed landscaping around the building to both accentuate the ground floor uses and provide a buffer between the residential units and common walkways. The plant palette utilizes a mix of trees, shrubs and ground cover to create a layered appearance. Palm trees will remain in use as the street tree along Chapman Avenue. The project also proposes landscaping on portions of the upper levels of the street-visible exterior of the parking structure. Landscaping and/or low walls provide screening from the public right-of-way for ground mounted utility infrastructure. There is no landscaping proposed that would conflict with site entry / exit.

THEREFORE, the City Council does hereby approve said Major Site Plan ZON-2020-0074, subject to the following conditions of approval:

Project Specific:

1. The Applicant shall submit a Parking Management Plan for the review and approval of the Director of Community and Economic Development as a prerequisite to building permit issuance. The Parking Management Plan shall include provisions for City review after the first and subsequent school year of occupancy.

2. The applicant or its successors in interest in the property shall obtain off-site parking such that the blended resident / guest residential parking rate accommodated between on- and off-site parking stalls is 0.70 per bed. Said off-site parking shall be located within 500 feet of the project site and/or in the area bounded by College Place / North Commonwealth Avenue / Nutwood Avenue / Langsdorf Drive (currently identified as Cal State University Fullerton Lot S). Compliance with this condition shall be identified in the Parking Management Plan and shall be implemented through an executed Agreement between the applicant or its successors in interest and the owner(s) of the subject spaces. The Parking Management Plan shall include a copy of the Agreement then in effect.
3. On the Commonwealth-facing elevation, beginning at the second floor and continuing on all floors above, the design shall provide a break in exterior wall plane to create a horizontal variation to the building. Said break shall be a minimum width equivalent to the width of a bedroom in this location. The removed area shall be located generally in the middle of the Commonwealth-facing elevation but may not create more than a 60 percent / 40 percent relationship in the liner dimension on either side of the recess. Implementation of this design modification shall be subject to the review and approval of the Director of Community and Economic Development and shall be reflected in submitted construction plans.
4. At the intersection of the Commonwealth- and Chapman-facing elevations, the building shall utilize a radius corner on the ground plane consistent with the radius corners utilized on the Chapman Avenue frontage east of the paseo rather than a 90-degree corner. Implementation of this design modification shall be subject to the review and approval of the Director of Community and Economic Development and shall be reflected in submitted construction plans.
5. The outdoor lighting including on the roof deck and parking structure shall be shielded and directed downward.

General Conditions:

1. This action approves the applicant submitted plans dated April 09, 2021 as revised December 13, 2021 and as conditioned herein. The term “approved Major Site Plan” pertains to the aforementioned plans.
2. The construction and operation of the project shall comply with the Standard Conditions (Exhibit A), Engineering Conditions of Approval (Exhibit B) and Mitigation Monitoring and Reporting Program (Exhibit C).
3. The Applicant shall submit construction plans 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. Project revisions identified in the December 13, 2021 architectural plans shall be reflected in the corresponding civil and landscape plans and supporting studies prepared for construction permits.

4. Subsequent changes to the approved Major Site Plan during construction plan review and throughout the construction process require review and pre-approval by the Director of Community and Economic Development or as required by Fullerton Municipal Code Section 15.47.040.D. Building plans or plan revisions shall reflect approval changes, as applicable, prior to receiving final occupancy approvals.
5. Prior to or concurrent with submittal of plans for building permits, the applicant shall provide a materials manual to the Planning Division, documenting the building materials and architectural details including, but not limited to, wall materials, accent materials, windows, railings, doors and exterior lighting for review and approval by the Community and Economic Development Director. The manual shall include cut sheets and/or manufacturer's brochures for details (and samples if required). The review shall verify consistency with the approved Major Site Plan and representations made by the applicant.
6. Project identification signage shall be submitted under separate permit and shall be architecturally compatible with the style of the development as determined by the Director of Community and Economic Development.
7. Prior to issuance of building permits, the Applicant shall submit a Landscape Documentation Package to the City for plan check review and approval in compliance with Fullerton Municipal Code Chapter 15.50. The Landscape Documentation Package includes, but is not limited to, certified landscape and irrigation design plans including water efficiency calculations. Landscaping and irrigation shall be installed in accordance with the approved landscape plans, with installation completed and a one-year maintenance bond in an amount of \$500, posted as a prerequisite to the final approval of the development and/or occupancy of the units.
8. Applicant / Property Owner will ensure that information contained in construction plans and drawings is consistent among architectural, structural, grading, electrical, mechanical, plumbing, fire, utility and public improvement plans as well as other construction drawings for site development pursuant to this parcel map. The Applicant / Property Owner may transfer this responsibility 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.

9. 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.

ADOPTED BY THE FULLERTON CITY COUNCIL ON JANUARY 18, 2022.

Fred Jung
Mayor

ATTEST:

Lucinda Williams, MMC
City Clerk

Date

Attachments:

- Exhibit A – Standard Conditions (attachment 4)
- Exhibit B – Engineering Conditions of Approval (attachment 5)
- Exhibit C – Mitigation Monitoring and Reporting Program (attachment 12)