

RESOLUTION NO. 2023-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DENYING AN APPEAL AND UPHOLDING THE PLANNING COMMISSION APPROVAL OF MINOR SITE PLAN ZON-2021-0041 TO REDEVELOP A 0.71 ACRE SITE WITH 25 RESIDENTIAL TOWNHOMES, INCLUDING 15 PERCENT DEED-RESTRICTED UNITS FOR VERY LOW-INCOME HOUSEHOLDS, ON PROPERTY ZONED R-G, GARDEN-TYPE MULTI-FAMILY RESIDENTIAL LOCATED AT 245 NORTH STATE COLLEGE BOULEVARD

ZON-2021-0041 / ZON-2023-0074

APPLICANT: KARA BLOCK
PROPERTY OWNER: GEOTECH DEVELOPMENT CORPORATION

WHEREAS, the Applicant filed for a Minor Site Plan to redevelop a 0.71-acre site with 25 townhome units over subterranean garage parking on a property more specifically described as Orange County Assessor's Parcel No. 269-064-08.

WHEREAS, the Planning Commission of the City of Fullerton, in compliance with Fullerton Municipal Code (FMC) Chapter 15.76 noticing requirements, held a duly noticed public hearing for ZON-2023-0043.

WHEREAS, the Planning Commission approved the request for a Minor Site Plan.

WHEREAS, an appellant filed an appeal of the Planning Commission decision to City Council pursuant to FMC Section 15.76.170.

WHEREAS, City Council heard the appeal of the Planning Commission action (ZON-2023-0074) in a duly noticed public hearing pursuant to FMC Section 15.70.060.

WHEREAS, FMC Section 15.47 establishes the criteria to be considered in evaluating a Minor Site Plan request and authorizes City Council to approve a project when it can make applicable findings.

WHEREAS, the project qualifies for a Class 32 - In-Fill Development Projects, Project Exemption in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15332.

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

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

Finding: The project / use is permitted in the zoning classification.

Fact: The proposed Project involves construction of 25 two-story townhomes, over one level of subterranean garage parking. Multi-family dwelling is a permitted use in the R-G zone, pursuant to Fullerton Municipal Code table 15.17.020.A.

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 R-G-zoned properties.

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 project has been designed to blend well with other commercial and residential development in the immediate area. The various materials, architectural elements and proposed colors serve to enhance the building elevations and create a cohesive architectural style. The building orientation and articulation would reduce massing and create a streetscape of interest along State College Boulevard.

Finding: The proposed project includes designing and/or screening all rooftop mechanical and electrical equipment as an integral part of the building design.

Fact: Mechanical air conditioning condensers would be installed within the private patios of each unit. Condenser units located on private roof top decks would be screen from public view by building parapets that are an integral part of the building design.

Finding: The project screens exterior trash, storage areas and service yards from view of nearby streets.

Fact: Trash containers will be kept in a trash room inside the subterranean parking garage and will not be visible from the public-right-of-way.

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

Fact: The proposed building frontage would utilize landscaping to provide visual interest for pedestrians and paved walkways for pedestrian access from the public State College Boulevard.

Fact: The proposed project would provide common space, which would include landscaping throughout, an open deck on the second level above the garage entry, and an open terrace at the rear of the property between the buildings. Both areas would include outdoor seating with built-in barbeque areas. Each unit is also provided with private open space in the form of a terrace. In addition to a terrace, eight units include private roof decks. Landscaping would include trees, shrubs and ground cover including along the frontage of State College Boulevard. Tree species would include

Olive (fruiting and fruitless varieties), Dragon tree, Bay Laurel, Fern Pine, African Sumac, Water Gum and Hybrid Strawberry Tree.

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

Fact: The proposed project includes the construction of a subterranean parking garage which would consist of all onsite parking and accessed from State College Boulevard. The parking garage designed accommodates the height of typical delivery and moving trucks so that all unloading and deliveries occur onsite.

Finding: The proposed project ensures that landscaping accommodates adequate sight distances for motorists and pedestrians entering and exiting the site and does not interfere with circulation effectiveness.

Fact: The landscaping along the proposed driveway has been designed to account for vision clearances.

3. City Council recommends approval of said Minor Site Plan ZON-2021-0041, subject to the following conditions of approval:
 1. The action of City Council approves the submitted plans dated March 16, 2022 and as conditioned herein. The term “approved Minor Site Plan” pertains to the plans dated March 16 and as conditioned herein.
 2. Upon submitting plans for building plan check, a revised site plan which demonstrates that the floor area of the three ground patios along the project frontage are at least 100 square feet in size shall be submitted.
 3. Bedroom windows facing neighboring properties shall be frosted or elevated to preserve neighbors’ privacy.
 4. Landscape plans submitted for plan check shall specify trees with a minimum box size of 36-inches, where appropriate.
 5. A privacy hedge shall be installed on the most westerly roof deck, adjacent to residential.
 6. A \$5,000,000 grading bond shall be posted as part of the project.
 7. The project shall comply with applicable conditions of approval contained in the Substantial Evidence for Notice of Exemption Memorandum.
 8. The applicant shall submit a Parking Management Plan to the Planning Division for review and approval prior to issuance of final Certificate of Occupancy. The plan shall include, but not be limited to, the assignment of parking spaces, guest parking practices.
 9. Prior to building permit issuance, and pursuant to FMC Section 15.50.030, a Landscape Documentation Package shall be submitted to the City for review and approval. The

Landscape Documentation Package includes, but is not limited to, certified landscape and irrigation design plans. The Landscape and Documentation Package requires a separate plan check submittal and fee.

10. The approval of Minor Site Plan ZON-2021-0041 becomes null and void if not exercised within 12-months from the date of approval. Prior to the date of expiration of the approved Minor Site Plan, the expiration date may be extended by the Zoning Administrator for a period or periods not exceeding 12-months, for a total of no more than 24 months.
11. In the event the normal operations generate more trash than the existing trash enclosure can contain, the property owner shall be responsible for disposal of the additional trash through modifications in the number days per week of trash pickups. Trash shall not be kept outside of the trash enclosure at any time.
12. 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.
13. 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.
14. The project shall be in substantial conformance with the plans provided by the applicant except to the extent that the plans or designs are modified by the City of Fullerton Zoning Administrator or conditions herein.
15. 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.
16. 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.
17. 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 7:00 a.m. to 8:00 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 8:00 p.m. and 7:00 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.

Public Works Engineering – Conditions of Approval

Project Specific

18. The project shall record an irrevocable offer of dedication of ten feet of additional right of way to the City (dedication for public street and utility purposes) along the property frontage on State College Boulevard prior to issuance of Temporary Occupancy Certificate. All proposed on-site improvements associated with the development shall be constructed to the ultimate street right of way alignment and shall not encroach into the area offered for dedication except flat hardscape work and landscaping improvements. While this future dedication is consistent with the ultimate street width per the City's General Plan, the City shall be under no obligation to accept the offer at any time and the decision to accept the offer shall be at the sole discretion of the City.
19. Mailboxes shall be removed from sidewalk and replaced with onsite mail collection box.
20. Existing trees along the project frontage shall be removed and replaced with full width concrete sidewalk per City standards. New trees shall be planted onsite behind the sidewalk along the property's frontage.
21. Asphalt Concrete (AC) on State College Boulevard was recently reconstructed over the entire street width; therefore, all construction operations that produce damage to the existing AC pavement (i.e., saw cutting, trenching, potholing, sandblasting, etc.) will be subject to moratorium standards for pavement replacement, City Standard No. 130.
22. Existing sidewalk along the project frontage shall be removed and reconstructed with the new full width concrete sidewalk per City Standard No. 122.
23. Damaged curb and gutter along the project frontage shall be reconstructed with new curb and gutter per City Standard No. 120.
24. Existing driveway approach(s) that will not be utilized by the proposed development shall be removed and replaced with full width concrete sidewalk and full height curb and gutter.
25. New driveway approach(s) shall be constructed per City Standard No.121, Commercial Driveway.
26. All on-site water services exclusively serving the proposed development shall be privately owned and maintained.
27. The project shall install one master meter above-ground assembly for 3-inch and larger for domestic service with backflow, one master meter for irrigation with backflow, one master meter with DCDA for fire service and a new public fire hydrant to meet City standard requirement of a public fire hydrant to be within 50 feet of the FDC. Above-ground assemblies shall be installed behind property line. If method of concealment is used, it shall not obscure the Fire Department's pumper connection, OS&Y rising stems, hinder access to the connection or obscure the testing of the device.
28. Existing water services not utilized shall be abandoned at the main. Existing water meter in the proposed driveway shall be abandoned.

29. Prior to issuance of building permits, the Developer shall submit a Water Improvement Plan prepared by a California Registered Civil Engineer. The system shall be designed in conformance with City of Fullerton Water Utility Specifications and Fire Department requirements and shall be subject to approval by the City Engineer and accepted by the Public Works Director.
30. The developer shall provide water calculations to properly size the new meters. All proposed and existing hydrants must meet Fire Department minimum required flow. (City of Fullerton's Water Rates, Rules and Regulations, rule 15.A and 15.B). Any fire hydrants required on site shall be private.

General Conditions

31. 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.
32. 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.
33. All work within public right of way requires a separate public works permit.
34. During site improvement, all deliveries to the project site that are overweight or oversize will require a transportation permit from the Public Works Department.
35. The project shall utilize the City's benchmarks. A list of the City's benchmarks is available on the City of Fullerton website.
36. 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.
37. Street trenches required for the installation of utility connections shall comply with City of Fullerton Standard No. 312 and 313.
38. 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 the California Business and Professions Code (Professional Land Surveyors Act) Section 8771(b). 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.

39. 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.
40. Public Works Department expenses, including consultant review of WQMP and Grading Plan, project management, plan check, inspection will be charged against the reimbursable account created for the project. The initial \$5,000 shall be deposited with the Public Works Department concurrently with the project application. If the amount deposited is insufficient to complete the project review and inspection process, additional deposit(s) will be required as necessary to finalize the project. Any unspent funds will be returned to the applicant after final acceptance of the project.
41. 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.
42. Proposed sewer laterals shall be minimum 6-inch V.C.P. per City Standard 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.
43. 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.
44. All facilities crossing lot lines shall be located in private easements.
45. 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.
46. 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.
47. A Final Grading plan shall be reviewed and approved prior to issuance of grading permit.
48. Site grading shall adhere to the approved grading plan and shall be completed prior to issuance of temporary occupancy.

49. An 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.
50. 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.

ADOPTED BY THE FULLERTON CITY COUNCIL ON JULY 18, 2023.

Fred Jung
Mayor

ATTEST:

Lucinda Williams, MMC
City Clerk

Date