



Agenda Report

Fullerton City Council

MEETING DATE: JULY 18, 2023

TO: CITY COUNCIL / SUCCESSOR AGENCY

SUBMITTED BY: SUNAYANA THOMAS, DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT

PREPARED BY: CHRIS SCHAEFER, AICP, PLANNING MANAGER
EDGARDO CALDERA, SENIOR PLANNER

SUBJECT: APPEAL OF PLANNING COMMISSION APPROVAL OF MINOR SITE PLAN AT 245 NORTH STATE COLLEGE BOULEVARD

SUMMARY

Request to review and act on an appeal of the Planning Commission decision to uphold the Zoning Administrator approval of a Minor Site Plan (ZON-2021-0041) to redevelop a 0.71-acre site with 25 residential townhomes over one level of subterranean garage parking located at 245 North State College Boulevard.

RECOMMENDATION

1. Adopt Resolution No. 2023-XXX.

RESOLUTION NO. 2023-XXX – 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

2. Alternative Action:

Should City Council approve the appeal, direct Staff to draft an alternative Resolution to deny the Planning Commission decision to uphold the Zoning Administrator approval of the Minor Site Plan request.

CITY MANAGER REMARKS

The City Manager defers to the Planning and Zoning Commission's action to uphold the Zoning Administrator's Approval.

PRIORITY POLICY STATEMENT

Not applicable.

FISCAL IMPACT

None.

DISCUSSION

Background:

Minor Site Plan Review (ZON-2021-0041)

Kara Block of DFH Architects applied for Site Plan Review on April 1, 2021 to redevelop a 0.71-acre site with 25 residential townhomes over one level of subterranean garage parking, dedicating three of those units to very low-income households. The applicant requested to utilize the State bonus density laws to accommodate the project. Development Coordination Review Committee (DCRC) review process sent project plans to relevant City departments for a four-week review. Staff provided the applicant with DCRC comments and corrections on April 29, 2021. The applicant made revisions with two additional resubmittals of plans and supporting documents addressing all staff corrections between April 2021 and January 2023.

The proposed project meets all applicable development standards per Fullerton Municipal Code (FMC) Section 15.47.040.B, permitting the use by right in the zone, and meets the design criteria specified in FMC Section 15.47.060. The project design blends well with other commercial and residential development in the immediate area as detailed in the findings and facts contained in the draft Resolution (Attachment 2).

Staff recommended that the applicant conduct outreach to the neighboring property owners. The applicant retained the services of a public relations consultant who visited the neighbors and sent letters to neighboring property owners informing them of the proposed project. The consultant sent letters to the neighbors in early February 2023 and received no responses.

CEQA

The applicant retained the services of an environmental consultant specializing in the California Environmental Quality Act (CEQA). The City sent Requests for Proposal (RFPs) in December 2022 soliciting consultant proposals. Five companies submitted proposals and the City selected PSOMAS. PSOMAS evaluated the project plans and supporting documentation and determined that the scope of the project qualified for a CEQA Class 32 Categorical Exemption via Section 15332 "In-Fill Development Projects."

Zoning Administrator

The Zoning Administrator considered the requested Minor Site Plan via Zoom on April 6, 2023. The Zoning Administrator has held meetings via Zoom since implementation of COVID-19 pandemic protocols. The attached Memorandum, project plans and CEQA analysis documentation (Attachment 3) describe the project. Various individuals commented during the public comment portion of the meeting, after which the applicant and applicant's consultant provided responses to the comments. See the Planning Commission Staff Report (Attachment 4) for a summary of the public comments and responses. The Zoning Administrator approved the project following all comments and presentations.

Appeal of Zoning Administrator Project Approval

Heather Metoyer filed an appeal of the Zoning Administrator approval on April 20, 2023. The appeal included a series of questions and challenges to the project. The CEQA consultant, PSOMAS, provided responses and determined that the project appropriately addressed all issues brought up in the appeal and required no further environmental review.

Planning Commission

The Planning Commission considered the appeal of the Zoning Administrator approval of the Minor Site Plan on May 24, 2023. One person, the Appellant, spoke against the project during public comment. The Planning Commission voted to approve the request for a Minor Site Plan (3 – 1 – 1, No: Gambino, Excused: Cox) with the following amendments.

- a. Bedroom windows facing neighboring properties shall be frosted or elevated to preserve neighbors' privacy.
- b. Landscape plans submitted for plan check shall specify trees with a minimum box size of 36-inches, where appropriate.
- c. A privacy hedge shall be installed on the most westerly roof deck, adjacent to residential.
- d. A \$5,000,000 grading bond shall be posted as part of the project.

Appeal

The Appellant, Heather Metoyer, has filed an appeal to City Council pursuant to Fullerton Municipal Code Section 15.70.060. The Appellant's request generally outlines concerns about the density, parking and operations of the project once completed (Attachment 5).

Attachments:

- Attachment 1 – PowerPoint Presentation
- Attachment 2 – Draft Resolution No. 2023-XXX
- Attachment 3 – Zoning Administrator Memorandum Dated April 6, 2023
- Attachment 4 – Planning Commission Staff Report Dated May 24, 2023

- Attachment 5 – Planning Commission Meeting Minutes Dated May 24, 2023
- Attachment 6 – Appeal Letter

cc: City Manager Eric J. Levitt