

RESOLUTION NO. 2019-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION DECISION DENYING A CONDITIONAL USE PERMIT TO OPERATE A STUDENT HOUSING DORMITORY AFFILIATED WITH CALIFORNIA STATE UNIVERSITY, FULLERTON, FOR A MAXIMUM OF TEN STUDENTS ON PROPERTY LOCATED AT 1155 WEST ORANGETHORPE AVENUE (NORTH SIDE OF ORANGETHORPE AVENUE, EAST OF ORCHARD AVENUE)

PRJ18-00376, ZON18-00072

APPLICANT AND PROPERTY OWNER: LARRY AND THERESA ROVIRA

THE CITY COUNCIL OF THE CITY OF FULLERTON HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed on September 17, 2018 for a Conditional Use Permit (CUP) to allow a student dormitory on a historic property located in the R-1-7.2 zone at 1155 West Orangethorpe Avenue, more specifically described as:

Orange County Assessor's Parcel No. 072-343-19

WHEREAS, the Planning Commission of the City of Fullerton, in compliance with the noticing requirements of FMC §15.76.060, held a duly noticed public hearing for PRJ18-00376, ZON18-00072 to consider the Conditional Use Permit request; and

WHEREAS, FMC Table 15.17.020.A requires a Conditional Use Permit for a dormitory use in a Single-Family Residential (R-1) zone subject to review by the Planning Commission; and

WHEREAS, after a presentation by staff, public comment and discussion, the Planning Commission voted to deny the requested Conditional Use Permit (6-0-1) based on its inability to make the legal findings required; and

WHEREAS, the applicant submitted an appeal of the Planning Commission determination in compliance with FMC Section 15.70.060 on December 18, 2018; and

WHEREAS, Fullerton Municipal Code Section 15.70.060.D.1 requires that appeals of the decision by the Planning Commission be scheduled for City Council review within 60-days of receipt of the appeal.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fullerton:

1. Uphold the Planning Commission's determination and DENY the appeal of Conditional Use Permit (ZON18-00072) based on the findings and facts enumerated below.
2. The City Council, pursuant to Fullerton Municipal Code §15.70.040.D., considered the following findings and facts as the basis for its decision:

Finding: That the proposed use is conditionally permitted in the zone and complies with all applicable zoning standards.

Fact: Fullerton Municipal Code (FMC) Section Table 15.17.020.A allows a dormitory use in the R-1 zone (Single-Family Residential), with the approval of a Conditional Use Permit.

Finding: That the proposed use is consistent with the goals and policies of the general plan of the city or any specific plan applicable to the area of the proposed use.

Fact: The proposed project is not consistent with several goals and policies of the General Plan pertaining to land use and compatibility with the surrounding single-family residential neighborhood.

Finding: That the proposed use as conditioned will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity.

Fact: The proposed dormitory use is allowed in the R-1-7.2 zone subject to a Conditional Use Permit. A Conditional Use Permit requires evaluation of a proposed use for compatibility with its surroundings, and for the imposition of conditions which will help assure that the use will not adversely affect the area in which it is located. The City Council has determined that the proposed use is not compatible with the single family residential neighborhood due to potential impacts from the proposed dormitory use specifically related to noise, parking, and the commercial use of the property.

ADOPTED BY THE FULLERTON CITY COUNCIL ON FEBRUARY 5, 2019.

Jesus Silva, Mayor

ATTEST:

Lucinda Williams, City Clerk

Date

City of Fullerton

RESOLUTION CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF FULLERTON)

RESOLUTION NO. XX

I, Lucinda Williams, City Clerk and ex-officio Clerk of the City Council of the City of Fullerton, California, hereby certifies that the whole number of the members of the City Council of the City of Fullerton is five; and that the above and foregoing Resolution No. 2019-XX was adopted at the February 5, 2019 City Council regular meeting by the following vote:

COUNCIL MEMBER AYES:
COUNCIL MEMBER NOES:
COUNCIL MEMBER ABSTAINED:
COUNCIL MEMBER ABSENT:

Lucinda Williams, City Clerk