

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT FOR A FREEWAY-ORIENTED ELECTRONIC BILLBOARD TO PROVIDE THE PROJECT APPLICANT AND THE CITY OF FULLERTON CERTAIN ASSURANCES WITH RESPECT TO PROJECT APPROVALS AND OBLIGATIONS

PRJ2021-00005 – LRP-2021-0005

APPLICANT: AGE ADVERTISING, LLC  
PROPERTY OWNER: HUOYEN INTERNATIONAL, INC.

RECITALS

WHEREAS, an application was filed for a Development Agreement for the property at 1210 Burton Street, more specifically described as Orange County Assessor's Parcel No. 267-033-01.

WHEREAS, the Development Agreement would provide the Project Applicant and the City of Fullerton certain assurances with respect to project approvals and obligations pursuant to California Government Code Sections 65864-65869.5 ("Development Agreement Statute") authorizing cities and counties to enter into development agreements with persons or entities having a legal or equitable interest in real property located within their jurisdiction to encourage investment in, and commitment to, comprehensive planning and public facilities financing, strengthen the public planning process and encourage private implementation of the general plan, provide certainty in the approval of projects to avoid waste of time and resources and reduce the economic costs of development by providing the applicant with assurance that the development of the Project may proceed subject to the rules and regulations in effect at the time of Project approval.

WHEREAS the Planning Commission of the City of Fullerton held, in compliance with the noticing requirements of Fullerton Municipal Code (FMC) Chapter 15.76, a duly noticed public hearing for ZON-2021-0029 and LRP-2021-00005.

WHEREAS, Government Code Section 65867 requires a Planning Commission recommendation to City Council for a Development Agreement.

WHEREAS, the Planning Commission held a public hearing and recommended approval to City Council by adoption of Planning Commission Resolution No. PC-2021-28.

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 Government Section 65867.5(b) finds as follows:

Finding: The legislative body shall not approve a development agreement shall not unless it finds the provisions of the agreement consistent with the general plan and any applicable specific plan.

Fact: The project supports the following Fullerton Plan policies and goals:

**Policy 11.12:** Public Private Partnerships – Supports projects that facilitate partnerships with property owners and developers to achieve revitalization results that contribute to clean, safe and attractive neighborhood and districts.

**Policy 2.3:** Distinctive Landmarks – Supports project to preserve existing landmarks and encourage the creation of new landmarks that reinforce Fullerton's identity and image.

**Goal 9:** Long-term fiscal strength and stability that has a foundation in local economic assets and adapts to dynamic market conditions.

Fact: The proposed project includes a Development Agreement which provides for an annual monetary public benefit resulting from installation and operation of the billboard.

Fact: The proposed project provides for the public benefit to promote City messages of community interest and information and public safety messages to further reach and promote to the larger community and proactively address public safety concerns.

Fact: The proposed project utilizes the previously approved modern frame design, creating consistency in quality visual appearance and branding of Fullerton from the surrounding freeways.

3. In accordance with the California Environmental Quality Act (CEQA), the City of Fullerton, as the Lead Agency, has analyzed the project and has determined the Project exempt from the provisions of CEQA pursuant to Section 15303 New Construction and Conversion of Small Structures and Section 15332 In-fill Development Projects. Additionally, the project is not prohibited from using a Categorical Exemption under CEQA Guidelines Section 15300.2.

THEREFORE, City Council does hereby approve said Development Agreement subject to the following condition of approval:.

1. City Council approves Conditional Use Permit ZON-2021-0029 contingent on the approval of Development Agreement LRP-2021-0005. Should City Council not

approve Development Agreement LRP-2021-0005, Conditional Use Permit ZON-2021-0029 shall be similarly denied.

ADOPTED BY THE FULLERTON CITY COUNCIL ON NOVEMBER 2, 2021.

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Bruce Whitaker  
Mayor

ATTEST:

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Lucinda Williams, MMC  
City Clerk

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Date

Attachment:

- Attachment 1 – Draft Development Agreement between City of Fullerton and AGE Advertising  
(attached to agenda report)