

RESOLUTION NO. 2021-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A MAJOR SITE PLAN FOR A MIXED-USE PROJECT WITH 20 RESIDENTIAL APARTMENTS INCLUDING 5% (ONE UNIT) DEED-RESTRICTED UNITS FOR VERY LOW INCOME WITH 1,152 SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE ON A 0.56-ACRE PROPERTY LOCATED ON THE NORTHWEST CORNER OF HIGHLAND AVENUE AND VALENCIA DRIVE

PRJ2020-00003 – ZON-2020-0019, ZON-2021-0002, LRP-2020-0005, LRP-2020-0006

APPLICANT: PROGENY 1, LP
PROPERTY OWNER: MCEB, LLC

RECITALS

WHEREAS, applications were filed with the City of Fullerton Community and Economic Development Department for a Major Site Plan (ZON-2020-0019), Minor Exception (ZON-2021-0002), General Plan Revision (LRP-2020-0005), and Zoning Amendment (LRP-2020-0006), to develop a mixed-use project with 20 residential apartments of which 5% (one unit) are deed-restricted for very-low-income and 1,152 sq. ft. of ground floor commercial space more specifically described as:

Orange County Assessor's Parcel Nos. 032-181-18 and 032-181-20

WHEREAS the Planning Commission of the City of Fullerton, in compliance with the noticing requirements of Fullerton Municipal Code (FMC) Chapter 15.76, has held a duly held a duly noticed public hearing for PRJ2020-0003; and

WHEREAS FMC Section 15.47.040 of Chapter 15.47 authorizes the Planning Commission to act on a Major Site Plan, considering compliance with the development standards for the zone (15.30.050, 15.30.040.E, 15.17.070.D and E, and 15.17.120 as amended by Government Code 65915 effective January 1, 2021) and design review criteria (15.47.060) and FMC 15.76.060.C establishes that multiple applications for the same project shall be processed concurrently, and reviewed, and approved or denied by the highest review authority designated by the Title for any of the applications; and

WHEREAS the Planning Commission of the City of Fullerton, recommended that the City Council approve PRJ2020-0003 including Major Site Plan (ZON-2020-0019), Minor Exception (ZON-2021-0002), General Plan Revision (LRP-2020-0005), and Zoning Amendment (LRP-2020-0006); and

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.); and

WHEREAS, the Planning Commission and City Council considered the information contained in the Draft Initial Study/Mitigated Negative Declaration dated July 16, 2021 and Technical Appendices; the Final Initial Study including Comments, Responses to Comments, and Errata dated August 25, 2021; and the Mitigation Monitoring and Reporting Program; and the administrative record during the public review process.

RESOLUTION

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the City Council of the City of Fullerton, as follows:

1. In all respects as set forth in the Recitals of the Resolution.
2. The 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 C-3 (Central Business District Commercial) zoning classification.

Fact: The C-3 zone is intended to provide for a district that includes mixed residential and commercial use. The project proposes to construct a mixed-use development with residential units (two of which are live-work) as well as a retail space embedded in a walkable area with a mix of commercial and residential uses south of the Downtown and Civic Center and southwest of the Fullerton Transportation Center.

Finding: That the project meets all applicable development standards.

Fact: Dwelling units as part of a mixed-use development utilize the C-3 development standards contained in FMC 15.30.050 and, per FMC 15.30.040.E, utilize the R-5 residential development standards for parking and open space contained in FMC 15.17.070.D and E. The units are eligible for development concession(s) when affordable housing is included pursuant to 15.17.120 (as amended by Government Code 65915). The project, as approved with Minor Exception (ZON-2021-0002) complies with these development standards.

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 mixed-use project is designed with a Highland Avenue street-facing commercial space on the ground floor, consistent with adjacent properties. A portion of the ground floor and upper two floors contain the residential units in a 3-story building designed in a Spanish Colonial Revival architectural style. The proposed building frontage would utilize pedestrian-oriented design with paved walkways, low wall entry accents, and landscaping to provide visual interest for pedestrians and customers as well as providing nearby residents with opportunities to walk to retail and service business. The varied roof lines, architectural style and material details portray a building which is predominantly residential in nature with neighborhood serving ground floor commercial use(s) consistent with the mass, scale, and architectural styles of the surrounding neighborhood.

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

Fact: The project includes a dedicated trash room in the north east corner of the building. The trash room is integrated into the architectural design, with a service door off the alley. Residents and commercial tenants utilize a separate access door internal to the building.

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 with at most approximately 2 feet of elevation change across the site.

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

Fact: All vehicular access to the site, including for parking spaces, will be through the alley. Existing driveways on Valencia Drive will be closed and associated red curb marketing removed and replaced with new curb, gutter, sidewalk, and pavement markings for new public on-street parking spaces. Emergency vehicles would continue to have access to roadways in the area during constriction and after completion of the project.

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

Fact: The project consists of one building that is designed to with individual exterior entrances and private and common open spaces and gathering areas throughout the project on all stories connected by walkways.

Finding: Landscaping has been designed to create a pleasing appearance from both within and off the site, and to accommodate adequate sight distances for motorists and pedestrians entering and exiting the site.

Fact: Landscape includes trees, shrubs, and ground cover along the frontage of Highland Avenue and Valencia Drive as well as an open terrace with decorative low walls, hardscape, decorative lighting, and outdoor seating. Open space internal to the site includes a green terrace on the second level with decorative hardscape, landscape, and community amenities. 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-2020-0019, subject to the following conditions of approval:

Project Specific:

1. A Parking Management Plan shall be submitted for the review and approval of the Director of Community and Economic Development as a prerequisite to the final occupancy approval.

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2. A Regulatory Agreement and Declaration of Covenants and Restrictions (Affordable Housing Agreement) for the provision of one very-low-income unit consistent with the requirements of Government Code 65915 shall be submitted for the review and approval of the Director of Community and Economic Development as a prerequisite to the final approval occupancy of the units.
3. The outdoor lighting for all common areas shall be shielded and directed downward.
4. Prior to the issuance of building permits, photometric plans prepared by a lighting engineer shall be prepared and submitted for the review and approval of the Director of Community and Economic Development and the Chief of Police, or designee. Exterior lighting and lighting of interior common areas shall utilize the Illumination Engineering Society of North America (IESNA) recommendations. Lighting shall be from a white source such as Metal Halide or LED. Lighting shall be pedestrian scale, using cut off fixtures to minimize glare and light trespass. Vandalism resistant fixtures shall be used where appropriate.
5. Construction plans shall identify use of a graffiti-resistant coating on 1st floor exterior building walls in the alley and CMU walls on street frontages.
6. In the event ground floor access to elevator, stairs, and/or trash room is not limited to residents, entry shall be controlled to the upper floors and ground floor areas shall be designed with security measures (such as lighting and security cameras) as appropriate, subject to the review and approval of the Director of Community and Economic Development and the Chief of Police, or designee.

General Conditions:

1. This action approves the applicant submitted plans dated April 14, 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. Construction plans shall be submitted 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.
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. Approved changes shall be reflected in building plans or plan revisions, 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 a Landscape Documentation Package shall be submitted 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 is responsible for ensuring 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. 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.
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 OCTOBER 19, 2021.

Bruce Whitaker
Mayor

Attachments:

Exhibit A – Standard Conditions

Exhibit B – Engineering Conditions of Approval

Exhibit C – Mitigation Monitoring and Reporting Program

Standard Conditions

- SC AES-1** For future development located in or immediately adjacent to residentially zoned properties, construction documents shall include language that requires all construction contractors to strictly control the staging of construction equipment and the cleanliness of construction equipment stored or driven beyond the limits of the construction work area. Construction equipment shall be parked and staged within the project site, as distant from the residential use, as reasonably possible. Staging areas shall be screened from view from residential properties.
- SC AES-2** Construction documents shall include language requiring that construction vehicles be kept clean and free of mud and dust prior to leaving the development site. Streets surrounding the development site shall be swept daily and maintained free of dirt and debris.
- SC AES-3** Construction worker parking may be located off-site with prior approval by the City. On-street parking of construction worker vehicles on residential streets shall be prohibited.
- SC AQ-1** Prior to issuance of any Grading Permit, the Community and Economic Development Director and the Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SCAQMD Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures, as specified in the SCAQMD's Rules and Regulations. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:
- All active portions of the construction site shall be watered twice daily to prevent excessive amounts of dust;
 - Non-toxic soil stabilizers shall be applied to all inactive construction areas (previously graded areas inactive for 20 days or more, assuming no rain), according to manufacturers' specifications;
 - All excavating and grading operations shall be suspended when wind gusts (as instantaneous gust) exceed 25 miles per hour;
 - On-site vehicle speed shall be limited to 15 miles per hour; All on-site roads shall be paved as soon as feasible, watered twice daily, or chemically stabilized; Visible dust beyond the property line which emanates from the project shall be prevented to the maximum extent feasible;
 - All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site; Track-out devices shall be used at all construction site access points;
 - All delivery truck tires shall be watered down and/or scraped down prior to departing the job site; A construction relations officer shall be appointed to act as a community liaison concerning on-site construction activity including resolution of issues related to fugitive dust generation;
 - Streets shall be swept at the end of the day if visible soil material is carried onto adjacent paved public roads and use of SCAQMD Rule 1186 and 1186.1 certified street sweepers or roadway; and
 - Replace ground cover in disturbed areas as quickly as possible.
- SC AQ-2** All trucks that are to haul excavated or graded material on-site shall comply with State Vehicle Code Section 23114 (Spilling Loads on Highways), with special attention to Sections 23114(b)(F), (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads. Prior to the issuance of grading permits, the Applicant shall

demonstrate to the City of Fullerton how the project operations subject to that specification during hauling activities shall comply with the provisions set forth in Sections 23114(b)(F), (e)(4).

- SC AQ-3** The following measures shall be implemented to reduce VOC emissions resulting from application of architectural coatings:
- Contractors shall use high-pressure-low-volume (HPLV) paint applicators with a minimum transfer efficiency of at least 50 percent;
 - Use required coatings and solvents with a VOC content lower than required under Rule 1113;
 - Construct/build with materials that do not require painting; and
 - Use pre-painted construction materials.
- SC AQ-4** Prior to issuance of any Grading Permit, the Community and Economic Development Director and the Building Official shall confirm that the Grading Plan, Building Plans and specifications stipulate that ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications, to the satisfaction of the City Engineer. Equipment maintenance records and equipment design specifications data sheets shall be kept on-site during construction. The City Inspector shall be responsible for ensuring that contractors comply with this measure during construction.
- SC AQ-5** Electricity from power poles shall be used instead of temporary diesel or gasoline powered generators to reduce the associated emissions. Approval shall be required by the City of Fullerton Building and Safety Division prior to issuance of grading permits.
- SC AQ-6** Each individual implementing development project shall submit a traffic control plan prior to the issuance of a grading permit. The traffic control plan shall describe in detail safe detours and provide temporary traffic control during construction activities for that project. To reduce traffic congestion, the plan shall include, as necessary, appropriate, and practicable, the following: temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow, dedicated turn lanes for movement of construction trucks and equipment on- and off-site, scheduling of construction activities that affect traffic flow on the arterial system to off-peak hour, consolidating truck deliveries, rerouting of construction trucks away from congested streets or sensitive receptors, and/or signal synchronization to improve traffic flow.
- SC AQ-7** Building and grading permits shall include a restriction that limits idling of construction equipment on-site to no more than five minutes.
- SC AQ-8** Proposed development projects that are subject to CEQA shall have construction related air quality impacts analyzed using the latest available air emissions model, or other analytical method determined in conjunction with the SCAQMD. The results of the construction-related air quality impacts analysis shall be included in the development project's CEQA documentation. To address potential localized impacts, the air quality analysis may incorporate SCAQMD's Localized Significance Threshold analysis or other appropriate analyses as determined in conjunction with SCAQMD. If such analyses identify potentially significant regional or local air quality impacts, the City shall require the incorporation of appropriate mitigation to reduce such impacts.
- SC BIO-1** Existing trees on-site would be removed during construction; however, all vegetation removal would be conducted in accordance with applicable regulations to avoid impacts on nesting birds and avian species, and ensuring impacts are less than significant. Notably,

construction activities would be completed in compliance with the federal Migratory Bird Treaty Act, and Sections 3503, 3503.5, 3513 of the California Fish and Game Code, which protect active nests of avian species, including common raptor species, through the following measures, which will be Conditions of Approval for the project:

- Removal of trees and vegetation shall be avoided, to the greatest extent possible, during the nesting season (generally February 1 to August 31). If site-preparation activities are proposed during the nesting/breeding season (February 1 to August 31), a pre-construction nesting bird survey shall be conducted by a qualified Biologist within 72 hours prior to vegetation removal, to determine if active nests of species protected by the MBTA or the California Fish and Game Code are present in the construction zone. If active nests are not located, construction may be conducted during the nesting/breeding season.
- If the biologist finds an active nest on the Project site and determines that the nest may be impacted, the Biologist shall delineate an appropriate buffer zone around the nest. The size of the buffer shall be determined by the Biologist, and shall be based on the nesting species, its sensitivity to disturbance, expected types of disturbance, and location in relation to the construction activities. These buffers are typically 300 feet from the nests of non-listed species and 500 feet from the nests of raptors and listed species. Any active nests observed during the survey shall be mapped on an aerial photograph. Only construction activities (if any) that have been approved by a Biological Monitor shall take place within the buffer zone until the nest is vacated. The Biologist shall serve as a Construction Monitor when construction activities take place near active nest areas to ensure that no inadvertent impacts on these nests occur. Results of the pre-construction survey and any subsequent monitoring shall be provided to the City.

SC BIO-2

All tree plantings, removals, or alterations associated with the project shall be conducted in accordance with the requirements set forth in the Fullerton Community Forestry Ordinance (Fullerton Municipal Code, Chapter 9.06 et seq.). Specifically, in compliance with Section 9.06.090, Planting Trees, prior to the issuance of a building permit, the Applicant/Developer shall submit a Plot Plan of the proposed development so the Director of Development Services can determine the tree requirements for site development. The plot plan shall:

1. Clearly show all existing trees, noting location, species, size, and condition;
2. Note whether existing trees will be retained, removed, or relocated;
3. Show proposed utilities, driveways, sidewalks and tree planting locations, and the size and species of proposed street trees; and
4. Conform with ground and aerial setback specifications, as defined in the Community Forest Management Plan.

SC CR-1

In the event that cultural resources (archaeological, historical, paleontological) resources are inadvertently unearthed during excavation and grading activities of any future development project, the contractor shall immediately cease all earth disturbing activities within a 100-foot radius of the area of discovery. If not already retained due to conditions present pursuant to CR-2, the project proponent shall retain a qualified professional (i.e., archaeologist, historian, architect, paleontologist, Native American Tribal monitor), subject to approval by the City of Fullerton, to evaluate the significance of the finding and appropriate course of action (refer to Mitigation Measures CR-1, CR-2, and CR-4 in The Fullerton Plan EIR). If avoidance of the resource(s) is not feasible, salvage operation requirements pursuant to Section 15064.5 of the CEQA Guidelines shall be followed. After the find has been appropriately avoided or mitigated, work in the area may resume.

- SC CR-2** In the event that human remains are unearthed during excavation and grading activities of any future development project, all activity shall cease immediately. Pursuant to State Health and Safety Code Section 7050.5, no further disturbance shall occur until the County coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner shall within 24 hours notify the Native American Heritage Commission (NAHC). The NAHC shall then contact the most likely descendant of the deceased Native American, who shall serve as consultant on how to proceed with the remains.
- SC GEO-2** The proposed project is required to conform to the seismic design parameters of the 2019 California Building Code and the 2019 California Green Building Standards Code (or applicable adopted code at the time of plan submittal or permit issuance), as set forth in Title 14 of the City of Fullerton's Municipal Code at the time the grading plans are submitted.
- SC HAZ-1** Prior to potential remedial excavation and grading activities, impacted areas shall be cleared of all maintenance equipment and materials (e.g., solvents, grease, waste oil), construction materials, miscellaneous stockpiled debris (e.g., scrap metal, pallets, storage bins, construction parts), above ground storage tanks, surface trash, piping, excess vegetation and other deleterious materials. These materials shall be removed off-site and properly disposed of at an approved disposal facility. Once removed, a visual inspection of the areas beneath the removed materials shall be performed. Any stained soils observed underneath the removed materials shall be sampled. In the event concentrations of materials are detected above regulatory cleanup levels during demolition or construction activities, the project Applicant shall comply with the following measures in accordance with federal, State, and local requirements:
- Excavation and disposal at a permitted, off-site facility;
 - On-site remediation, if necessary; or
 - Other measures as deemed appropriate by the City of Fullerton Fire Department.
- SC HAZ-2** Prior to construction, the project Applicant shall prepare a Traffic Control Plan for implementation during the construction phase, as deemed necessary by the City Traffic Engineer. The Plan may include the following provisions, among others:
- At least one unobstructed lane shall be maintained in both directions on surrounding roadways.
 - At any time only a single lane is available, the Applicant shall provide a temporary traffic signal, signal carriers (i.e., flag persons), or other appropriate traffic controls to allow travel in both directions.
 - If construction activities require the complete closure of a roadway segment, the Applicant shall provide appropriate signage indicating detours/alternative routes.
- SC HAZ-3** The City Community and Economic Development Department shall consult with the Fullerton Police Department to disclose temporary closures and alternative travel routes, in order to ensure adequate access for emergency vehicles when construction of a development results in temporary lane or roadway closures.
- SC HYD-1** Prior to issuance of any Grading Permit, future development projects shall prepare, to the satisfaction of the Director of Engineering, a Water Quality Management Plan (WQMP), which includes post-construction Best Management Practices (BMPs) that would be implemented as part of the project, in accordance with the Orange County Drainage Area Management Plan (DAMP), the General MS4 Permit (RWQCB Order No. R8-2009-0030, as amended), and the City of Fullerton's Water Quality Ordinance (Chapter 12.18 of the Fullerton Municipal Code). All BMPs of the WQMP shall be implemented during the operation phase. The project Applicant shall comply with the BMPs detailed in the WQMP,

and other measures as the City deems necessary to mitigate potential water quality impacts.

- SC NOI-1** Project Applicant shall ensure through contract specifications that construction Best Management Practices (BMPs) be implemented by contractors to reduce construction noise levels. Contract specifications shall be included in construction documents, which shall be reviewed by the City prior to issuance of a grading or building permit (whichever is issued first). The construction BMPs shall include the following:
- Ensure that construction equipment is properly muffled according to industry standards and be in good working condition.
 - Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible.
 - Schedule high noise-producing activities between the hours of 7:00 AM and 8:00 PM on any day except Sunday or a City-recognized holiday to minimize disruption on sensitive uses.
 - Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources.
 - Use electric air compressors and similar power tools rather than diesel equipment, where feasible.
 - Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes.
 - Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.
- SC NOI-2** Project Applicant shall require by contract specifications that heavily loaded trucks used during construction would be routed away from residential streets to the extent feasible. Contract specifications shall be included in construction documents, which shall be reviewed by the City prior to issuance of a grading permit.
- SC SCH-1** Prior to the issuance of building permits, individual project applicants shall submit evidence to the City of Fullerton that legally required school impact fees have been paid per the mitigation established by the applicable school district.
- SC PS-3** In accordance with Chapter 21.12 of the City of Fullerton Municipal Code, prior to the issuance of each building permit, the Applicant shall pay the most current park dwelling fee and/or negotiated park fees to the City. All money collected as fees imposed by Chapter 21.12 shall be deposited in the park dwelling fund and used for the acquisition, development, and improvement of public parks and recreational facilities in the City, as proposed by the City's Five-Year Capital Improvement Program. The Community and Economic Development Department shall confirm compliance with this requirement prior to issuance of a building permit.

Engineering Conditions of Approval

PROJECT: PRJ 2020-00003

415 S. Highland Avenue (Casa Bella)

Project Specific:

PROJECT FRONTAGE IMPROVEMENTS

1. Existing asphalt pavement over the entire street width of Highland Avenue along the project frontage shall be rehabilitated with a 2" grind and overlay of new asphalt concrete.
2. Existing alley approach ramps along Highland Avenue shall be upgraded by installing two yellow cast-in-place detectable warning surfaces in conformance with City standards.
3. Existing driveway approach(s) that will not be utilized by the proposed development shall be removed and reconstructed with a standard full height curb and gutter, and concrete sidewalk.
4. All new driveway approaches shall be constructed in accordance with the City of Fullerton Standard No. 121-1, Residential Driveway Approach.
5. Existing tree located along project's frontage on Highland Avenue shall be removed. New trees shall be planted on site within the strip of land immediately adjacent to the back of sidewalk. The tree well shall be removed and replaced with the full width concrete sidewalk.
6. Street trees along Valencia Drive frontage shall be protected in place. Existing tree wells shall be repaired per City Standard 126, including installation of tree grates and base with locking bolt mechanism. Tree grates shall be as approved by City Engineer.
7. All damaged sidewalk and curb and gutter along project frontages shall be removed and replaced with new concrete sidewalk and curb and gutter. Limits of removal and replacement shall be shown on the plan and shall be reviewed and approved by the City Engineer.
8. Project shall repaint bike lanes on both Highland Avenue and on Valencia Avenue adjacent to the project site prior to final occupancy approvals.
9. Project shall refresh and add new "T" markers for parking spaces and curb zones along the north side of Valencia Drive adjacent to the project including where the existing driveway and red curb will be removed prior to final occupancy approvals, subject to the approval of field markings by Traffic Engineering prior to installation.
10. Project shall install 4" white thermoplastic edge stripe along on each side of the alley for the extent of the project limits prior to final occupancy approvals, subject to the approval of field markings prior to installation.
11. All existing traffic facilities (signs, markings, traffic signal equipment, interconnect conduit, traffic loops, and stub-outs on both Highland Avenue and Valencia Avenue shall be located in consultation with Traffic Engineering and identified as "protect in place" on construction plans, excepting the pullbox in the access ramp which shall be relocated or adjusted to grade subject to the approval of Traffic Engineering.
12. Applicant shall submit a hardship waiver pursuant to Fullerton Municipal Code 16.05.060 to waive undergrounding of utilities and service lines along the alley. Overhead facilities exclusively serving this site shall be undergrounded and/or removed if not needed. New facilities shall be installed underground.

GRADING AND DRAINAGE

1. Site development pursuant to this project shall not result in the increase of storm water runoff and flow intensity to the adjacent properties or the street and shall continue to accept pre-development storm water runoff from adjacent private properties and public right of way.
2. Grading plan shall be reviewed and approved, and a grading permit shall be issued prior to issuance of building permit.
3. The project shall prepare pre-construction and post-construction Hydrology and Hydraulics Study including a tributary area upstream of the proposed development. 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 Public Works Department prior to issuance of grading permit.
4. Final WQMP shall be submitted and approved by the City Engineer prior to issuance of grading permit.
5. Proposed site improvements shall have adequate clearance from existing drainage facilities supported by engineering calculations that are subject to Building Official's review and approval.
6. Site grading shall adhere to the approved grading plan. Any deviations from the approved grading plan will require a submittal of grading plan revision for the City Engineer's review and approval.
7. As-Built Grading Plan, signed and stamped by the Engineer of Record and Geotechnical Engineer, shall be submitted to Public Works Department prior to finalizing and closing the grading permit.

WATER AND SEWER

1. The project shall provide a master meter for domestic water with backflow, a master meter for fire service with backflow, install a backflow for existing meter that will be used for irrigation and fire hydrants per Fire Department requirement. Plumbing fixture count or water calculations shall be submitted to determine the meter sizes. Meters larger than 2" shall be an above-ground assembly and installed behind the property line.
2. During the Building plan check review process, a separate Water Improvement plan prepared by a Civil Engineer must be submitted and approved by the Public Works Department. Water permits, fees and bonds will be required for water improvements.
3. Water and fire assemblies shall be a minimum of 30" behind proposed wall and FDC shall be unobscured, consistent with the installation at 340 W. Commonwealth Avenue (Fullerton Community Center).
4. The project shall install a separate sewer lateral connection for sanitary purposes that will be connecting to an existing sewer main located within the City alley to the north of the project area. Proposed sewer lateral shall be minimum 6" V.C.P. per City Standard Nos. 209A and 209B. Any 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.

MAPPING AND RIGHT OF WAY

1. The project shall dedicate additional street right-of-way to the City of Fullerton at the northwest corner of Valencia Dr. and Highland Ave. intersection and to comply with City Standard No. 123, Sidewalk Return. Prior to issuance of a building permit, a signed and stamped legal description and plot prepared by a California licensed surveyor shall be submitted to the City of Fullerton Public Works Department for review approval.
2. Site research indicates the development includes two lots which will need to be consolidated to accommodate the new building footprint. Applicant shall process a Lot Line Adjustment (LLA) between two parcels which will correspond with the proposed site plan. LLA shall be prepared by a California licensed surveyor and shall be reviewed, approved by the City, and recorded prior to issuance of building permits.

PERMITS, BONDS AND CASH

1. Prior to issuance of any permits, all public improvements shall be guaranteed by securing sufficient bonds or sureties for both Faithful Performance and Labor and Materials, as required by the State Subdivision Map Act and in a form approved by the City Attorney.
2. All of 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.
3. Public Works Department expenses, including plan check, inspection, review, processing of all plans and submittals, will be charged against the reimbursable account created for the project. An initial \$5,000 shall be deposited with the Public Works Department concurrently with the first review submittal of the Grading Plan and the WQMP. Any amount remaining in the account after completion of the project will be refunded to the project. 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.

General Conditions:

1. 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.
2. 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.
3. During site improvement, all deliveries to the project site that are overweight or oversize will require a transportation permit from the Public Works Department.

4. The project shall utilize the City's benchmarks. A list of the City's benchmarks is available on the City's website.
5. 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.
6. Street trenches required for the installation of utility connections shall comply with City of Fullerton Standards No. 312 and 313.
7. 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 Section 8771(b) of the California Business and Professions Code (Professional Land Surveyors Act). 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.
8. Prior to issuance of building permits, all public improvements (if any) shall be guaranteed to be installed by the execution of the 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.
9. Separate street improvement plans shall be prepared for applicable public improvements. The plans shall be submitted to the Public Works Department for review, approval, and issuance of separate Public Works Department permits, as applicable.
10. All of 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.
11. Public Works Department expenses, including project management, plan check, inspection, will be charged against the reimbursable account created for the project. The \$5,000 shall be deposited with the Public Works Department concurrently with the first review submittal of public improvement plans. Any amount remaining in the account after completion of the project will be refunded to the project. 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.
12. 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.

13. 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.
14. 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.
15. Grading permit shall be issued prior to issuance of building permit.
16. Site grading shall comply with the approved conceptual documents that provide for a maximum size of impervious area, wall height, flow pattern, maximum quantities for storm water runoff and intensity, type, size, and location of storm water quality Best Management Practices (BMP) facilities, utility connections, and access and site circulation.
17. Site grading shall adhere to the approved grading plan and shall be completed prior to issuance of temporary occupancy.
18. 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.
19. 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.

Attachments:

- City of Fullerton Standard Plans:
https://www.cityoffullerton.com/gov/departments/public_works/engineering/general_engineering/standard_drawings/default.asp
- City of Fullerton Benchmarks:
https://www.cityoffullerton.com/gov/departments/public_works/engineering/general_engineering/bench_marks.asp