

RESOLUTION NO. 2021-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A MINOR EXCEPTION ALLOWING SETBACK ENCROACHMENT ON THE VALENCIA DRIVE STREET SIDE OF THE BUILDING 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, The City of Fullerton Community and Economic Development Department received applications 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 with 5% (one unit) deed-restricted units for very-low-income and 1,152 square feet 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, held a duly held a duly noticed public hearing for PRJ2020-0003.

WHEREAS, FMC Section 15.66.050 authorizes the Zoning Administrator to act on a Minor Exception and FMC 15.76.060.C establishes that the City shall process multiple applications for the same project concurrently and review and approve or deny by the highest review authority designated by the Title for any of the applications.

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).

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.).

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, the Mitigation Monitoring and Reporting Program and the administrative record during the public review process.

RESOLUTION

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

1. In all respects as set forth in the Recitals of the Resolution.
2. City Council, pursuant to FMC Section 15.66.050.B finds as follows:

Finding: City Council finds the Minor Exception consistent with the purpose and intent of the Zoning Code.

Fact: The building design has an articulated façade along Valencia Drive to facilitate the unit mix and patio spaces while creating pedestrian-scale visual interest to the and generally meets or exceeds the ten foot street setback requirement.

Finding: The project cannot achieve the same or similar result by using provisions in the Zoning Code that do not require a Minor Exception.

Fact: Along the portion of Valencia Drive that adjoins the subject property, following the curve in the street, the depth of the project site decreases from approximately 150 feet to 120 feet moving from east to west. While the footprint of the building generally meets or exceeds the 10-foot street setback requirement, the changing geometry of the lot means that portions of the three-story building encroach into the setback along Valencia Drive. The proposed encroachments of the building are minor in that they are triangular areas rather than the whole face of the building and a function of the building design coupled with the constraints of the lot.

Finding: The Minor Exception will not produce a result out of character or detrimental to the neighborhood.

Fact: The modulation of the south-facing elevation is consistent with the Spanish Colonial Revival architectural style and provides visual interest of the building as it relates to the sidewalk and street as well as the larger neighborhood.

Finding: The project demonstrates compliance with applicable Design Criteria contained in 15.47.060.

Fact: As detailed in the findings for the Major Site Plan, the project complies with the Design Criteria specified in 15.47.060.

THEREFORE, City Council does hereby approve said Minor Exception ZON-2021-0002, subject to the following conditions of approval:

1. The Minor Exception shall be limited a decrease of not more than 20 percent of the required 10 foot street setback of the building on Valencia Drive.
2. Approval of this application is contingent on the approval of Major Site Plan (ZON-2020-0019). Should City Council not approve Major Site Plan (ZON-2020-0019), Minor Exception (ZON-2021-0002), General Plan Revision (LRP-2020-0005), and Zoning Amendment (LRP-2020-0006) shall be similarly denied.

ADOPTED BY THE FULLERTON CITY COUNCIL ON OCTOBER 19, 2021.

Bruce Whitaker
Mayor

ATTEST:

Lucinda Williams, MMC
City Clerk

Date