

RESOLUTION NO. 2021-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A GENERAL PLAN REVISION TO CHANGE THE COMMUNITY DEVELOPMENT TYPE FROM COMMERCIAL TO NEIGHBORHOOD CENTER MIXED-USE ON A 0.56-ACRE PROPERTY LOCATED ON THE NORTHWEST CORNER OF HIGHLAND AVENUE AND VALENCIA DRIVE AND ADD "C-3 WHEN USED TO IMPLEMENT DWELLING UNITS AS PART OF A MIXED-USE DEVELOPMENT PURSUANT TO FULLERTON MUNICIPAL CODE SECTION 15.30.040.E" AS A ZONING CLASSIFICATION CONSISTENT WITH THE NEIGHBORHOOD CENTER MIXED-USE COMMUNITY DEVELOPMENT TYPE

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 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, Section 2.18.030.E of Chapter 2.18 authorizes the Planning Commission to make a recommendation to City Council regarding general plan amendments, consistent with Government Code Section 65358.

WHEREAS, the Planning Commission of the City of Fullerton, recommended that 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.

WHEREAS, adding “C-3 when used to implement dwelling units as part of a mixed-use development pursuant to Fullerton Municipal Code Section 15.30.040.E” as a zoning classification consistent with the Neighborhood Center Mixed-Use community development type is exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15061 (b)(3) because no possibility exists that the text amendment to the corresponding Community Development Types and Zoning Designations Table would have a significant effect on the environment. At such time a specific property desires to use the Neighborhood Center Mixed-Use community development type, that request would become subject to CEQA and the project evaluated accordingly.

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 finds as follows:

Finding: Neighborhood Center Mixed-Use is a community development type the purpose of which “to establish and protect neighborhood centers that provide nearby residents with opportunities to walk to retail and services businesses, office uses, and civic gathering spaces.”

Fact: The project proposes to construct a mixed-use development with residential units (including two live-work) as well as a retail space embedded in a walkable area with a mix of commercial and residential uses. Surrounding community development types are Commercial, Medium Density Residential and Low-Medium Density Residential.

Finding: The proposed Neighborhood Center Mixed-Use community development type which facilitates the addition of residences to a commercial property is better aligned than the existing Commercial designation with State and local housing goals that emphasize the need for increased housing production to accommodate existing and future housing needs.

Fact: The project proposes to add 20 residential units including five percent of the total units, (i.e., one unit), reserved as a deed-restricted rental to a very-low-income household. The proposed development would not have been feasible under the Commercial designation.

Finding: The Harbor Gateway Focus Area of The Fullerton Plan envisions smaller-scale development at its northern end that respects the scale of the surrounding residential area and will consist of residential, commercial and mixed-use with convenient access to regional transportation via the freeway and Transportation Center.

Fact: The northern end of the Harbor Gateway Focus Area is adjacent to the project site, with its western border running along Highland Avenue. The project proposes a mixed-use project in a mass and scale consistent with its surroundings. It places 20 new residential units within a 0.5 mile walk of OCTA bus routes as well as Metrolink trains.

THEREFORE, the City Council does hereby approve said General Plan Revision LRP-2020-0005 subject to the following condition of approval.

1. 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