

RESOLUTION NO. 2021-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON,
CALIFORNIA, APPROVING A MAJOR SITE PLAN FOR A STUDENT-ORIENTED
HOUSING PROJECT WITH 12,438 SQ. FT. GROUND FLOOR COMMERCIAL
SPACE ON A 3.55-ACRE PROPERTY LOCATED ON THE NORTHEAST
CORNER OF CHAPMAN AND COMMONWEALTH AVENUES

PRJ2020-00008 – ZON-2020-0074, SUB-2020-0003, LRP-2020-0016, LRP-2020-0017,
LRP-2020-0018

APPLICANT: CS ACQUISITION VEHICLE, LLC (CORE SPACES)
PROPERTY OWNER: EDMUNDO F DIAZ AND LILIA M DIAZ TRUST AND
2751 CHAPMAN LLC

RECITALS:

WHEREAS, applications were filed with the City of Fullerton Community and Economic Development Department for a Major Site Plan (ZON-2020-0074), Tentative Parcel Map (SUB-2020-0003), General Plan Revision (LRP-2020-0016), Zoning Amendment (LRP-2020-0017), and Specific Plan (LRP-2020-0018) to develop a 420 unit (1,251 bed) student-oriented housing project with 12,438 sq. ft. of ground floor commercial space more specifically described as:

Orange County Assessor's Parcel Nos. 338-091-05, -06, and -07

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 PRJ2020-00008; 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 development standards and design review criteria (15.47.060); and

WHEREAS the Planning Commission of the City of Fullerton recommended that the City Council approve PRJ2020-00008 including Major Site Plan (ZON-2020-0074), Tentative Parcel Map (SUB-2020-0003), General Plan Revision (LRP-2020-0016), Zoning Amendment (LRP-2020-0017), and Specific Plan (LRP-2020-0018); 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 August 2021 and Technical Appendices; the Final Initial Study including Comments, Responses to Comments, and

Errata dated September 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 SPD (Specific Plan District) zoning classification.

Fact: The project includes adoption to the Hub Fullerton Specific Plan, the purpose of which is to establish the development standards and land use regulations by which to develop student-oriented housing and retail opportunities in proximity to the Cal State Fullerton and Hope International University campuses. Permitted uses include multi-family residences and local serving commercial uses, consistent with the proposed project.

Finding: That the project meets all applicable development standards.

Fact: The project includes adoption to the Hub Fullerton Specific Plan, the purpose of which is to establish the development standards and land use regulations by which to develop student-oriented housing and retail opportunities in proximity to the Cal State Fullerton and Hope International University campuses. The proposed project meets or exceeds the development standards in the Hub Fullerton Specific Plan.

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 design is contemporary in nature and considers also the educational institution context of the surroundings employing natural tones and textures with quality and durable materials. The mixed-use project is designed street-facing commercial space on the ground floor at the Chapman/Commonwealth intersection, consistent with the previously approved student-oriented mixed-use project on the northwest corner of the intersection. This portion of the building presents a more public and commercial sense of place at grade. The building shifts to a more pedestrian residential aesthetic where townhomes land at grade on the eastern building. Using two different but complementary aesthetics in addition to a series of smaller volumes helps address the long narrow site's orientation to Chapman Avenue by adding modulation to a key street-facing elevation. The parking structure is integrated into design of the building, sitting at the site's northeast corner abutting the freeway off ramp. In this location it is wrapped by the residences on the west and south sides. Recognizing that the site is at the southern border of the Education Focus Area of the City's general plan and forms the gateway to the Focus Area west of the SR-57 freeway, the project has been designed with the goal of bringing a unique and dynamic product to the student housing market in Fullerton.

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 retail trash room and two residential trash rooms, one each serving the western and eastern portions of the site. The project has been designed to provide two trash pickup points interior to the site.

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.

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

Fact: The Primary vehicular access to the site will be through driveway on Chapman Avenue. A secondary driveway for emergency, trash, and delivery vehicles is provided on Commonwealth Avenue. Both access points are connected with an onsite circulation system that meets the requirements for a fire access roadway. Emergency vehicles would continue to have access to roadways in the area during constriction and after completion of the project.

Fact: The project as designed and conditioned restricts the Chapman Avenue driveway to right- and left-in / right-out turning movements; the Commonwealth Avenue driveway is designed and conditioned to right-in / right-out turning movements only.

Fact: Fehr and Peers conducted a Transportation Assessment (Assessment) at intersections surrounding the project as well as at the two project driveways in accordance with the City's adopted Transportation Assessment Policies and Procedures (TAPP). The Assessment found no effects on transportation nor signal warrants at project driveways.

Fact: As a mixed student-oriented housing project with neighborhood-serving commercial, it is anticipated that a significant portion of residents will walk or bike to campus and similarly, retail customers will be able to walk or bike to the site. Additionally the site is located in a Transit Priority Area which is an area that includes fixed route bus service with intervals no longer than 15 minutes during peak commute hours; four OCTA bus routes are within a 0.5 mile walk of the project. As a result, the Specific Plan proposes a residential and commercial parking rate commensurate with these projections. The proposed residential rate is based on the applicant's portfolio of 32 housing projects supporting college campuses across the United States and is consistent with both the parking per unit and parking per bed rates of these existing similar projects. The commercial rate of 3 spaces per 1,000 sq. ft. is consistent with the City's non-residential parking rate for infill development (FMC Section 15.20.150). The project is conditioned to submit a Parking Management Plan for the City's review and approval.

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

Fact: The 3.55 acre site is approximately 840 ft. long and 140 ft. deep with two required vehicular access points and an on-site fire access roadway. The secondary access roadway

is located along the northern property line and includes an already unbuildable area encumbered by a sewer easement. The parking structure is located at the northeast corner of the site between the residences and the freeway, providing a buffer to the residences as well as enabling the residential buildings to screen two sides of the parking structure.

Fact: The residential buildings are functionally a western and eastern building connected with a series of interior hallways. Units are grouped in a series of u-shaped clusters around ground floor open areas providing separation between units on all floors. .

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: Landscaping is proposed around the building to both accentuate the ground floor uses and provide a buffer between the residential units and common walkways. The plant palette utilizes a mix of trees, shrubs, and ground cover to create a layered appearance. Palm trees will remain in use as the street tree along Chapman Avenue. Landscaping is also proposed on portions of the upper levels of the street-visible exterior of the parking structure. 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-2020-0074, 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. The Parking Management Plan shall include provisions for City review after the 1st and subsequent school year of occupancy.
2. The outdoor lighting including on the roof deck and parking structure shall be shielded and directed downward.
3. This action approves ____ units (____ beds) with a resident and guest parking rate of ____ per unit or ____ per bed (____ total spaces).

General Conditions:

1. This action approves the applicant submitted plans dated April 09, 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 NOVEMBER 2, 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-1** 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 structural demolition activities, a Certified Environmental Professional shall confirm the presence or absence of asbestos-containing materials (ACMs) and lead based paints (LBPs). Should ACMs or LBPs be present, an Operations and Maintenance (O&M) Program shall be implemented, and demolition materials containing ACMs and/or LBPs shall be removed and disposed of at an appropriate permitted facility.
- SC HAZ-3** 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-4** 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 HYD-2** 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 or Stormwater Mitigation Plan, which includes Best Management Practices (BMPs), in accordance with the Orange County DAMP. All recommendations in the Plan shall be implemented during post construction/operation phase. The project applicant shall comply with each of the recommendations detailed in the Study, and other such measure(s) as the City deems necessary to mitigate potential water quality impacts.
- SC HYD-3** Prior to site plan approval, the project owner/developer(s) shall be required to coordinate with the City of Fullerton Engineering Department to determine requirements necessary to mitigate impacts to drainage improvements in order to accommodate storage volumes and flood protection for existing and future runoff. Proposed projects shall implement mitigation measures, if required, to the satisfaction of the City of Fullerton Public Works Director. For any new storm drainage projects/studies that have the potential to impact adjacent jurisdictions' storm drainage systems, the developer shall submit said studies to the applicable jurisdiction for review and approval.
- 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 NOI-3** Project applicants shall ensure by contract specifications that construction staging areas along with the operation of earthmoving equipment within the city would be located as far away from vibration and noise sensitive sites as possible. Should construction activities take place within 25 feet of an occupied structure, a project specific vibration impact analysis shall be conducted. Contract specifications shall be included in construction documents, which shall be reviewed by the City prior to issuance of a grading permit.
- SC NOI-4** The City shall require mechanical equipment from future development to be placed as far practicable from sensitive receptors. Additionally, the following shall be considered prior to HVAC installation: proper selection and sizing of equipment, installation of equipment with proper acoustical shielding, and incorporating the use of parapets into the building design.
- SC NOI-5** Prior to approval of building plans, project applicant shall comply with the California Code of Regulations, Title 24, Chapter 12, and submit an acoustical study for review and approval by the City's Community and Economic Development Department demonstrating that the structure design limits interior noise in habitable rooms to 45 dBA CNEL/Ldn.
- 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-1** 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.

PROJECT: PRJ 2020-00008

Site Address: 2601 - 2751 East Chapman Avenue (The Hub)

Date: 9/23/2021

ENGINEERING CONDITIONS OF APPROVAL

Project Specific:

PROJECT FRONTAGE IMPROVEMENTS

1. The project shall dedicate additional street right-of-way to the City of Fullerton at the northeast corner of the East Chapman Avenue and North Commonwealth Avenue intersection 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 licensed surveyor shall be submitted to the City of Fullerton Public Works Department for review approval.
2. All damaged and/or substandard public improvements shall be removed and replaced per City standards, unless approved by the City Engineer.
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. Any proposed driveway approaches shall comply with current City Standards.
5. 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.
6. A geotechnical study shall be provided, which specifically addresses the existing pavement condition along the project frontage on Commonwealth Avenue, including the intersection of East Chapman Avenue and North Commonwealth Avenue. The project shall provide an AC pavement grind and overlay, from the curb to the median island (half street width), along the project frontage on North Commonwealth Avenue and depending on the impacts of the number and severity of the utility cuts associated with the project, at a minimum along the #3 and #2 lanes on Chapman Avenue. The final extent and thickness of the pavement rehabilitation shall be determined based on the final geotechnical report recommendations and project construction and post-construction impact to the street.
7. Project will be required to upgrade the existing streetlights along project frontages that will include conversion from high voltage to low voltage system and/or upgrade to current City Standards including replacement of WHPS luminaires with City-approved LED luminaires (Cooper Navion, GE Evolve or Leotek). The LED lighting shall produce lighting photometric similar to existing or better. This shall include installation of a new metered panel at a location approved by the City Engineer and Southern California Edison (SCE).
8. Project shall provide pedestrian access easements on all sidewalks located on private property.

9. Project shall maintain all proposed landscaping and aesthetically enhanced hardscape (sidewalk paving) in the public right of way along all project frontages, including irrigation. On-site irrigation shall be extended to the parkway.
10. All new driveway approaches shall be constructed in accordance with the City of Fullerton Standard No. 121-2 Commercial Driveway Approach, unless otherwise approved by the City Engineer. New driveway approaches along East Chapman Avenue and North Commonwealth Avenue shall be upgraded by installing two yellow cast-in-place detectable warning surfaces in conformance with City standards.
11. Public access to the adjacent sidewalks along the project frontage shall be maintained at all times during construction, unless approved by the Public Works Department.
12. For any traffic control needed in the public right of way, 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.
13. 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, unless otherwise approved by the City Engineer. This includes supplements thereto and City of Fullerton Standard Drawings.
14. Landscaping in the public right-of-way shall be included on Landscape Plans and shall be subject to the review and approval of the City Arborist prior to Landscape Permit Issuance.

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. A final grading plan shall be submitted to the Public Works Department, for review and approval, and a grading permit shall be issued prior to issuance of building permit. 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.
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. 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.

5. 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.
6. 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.
7. A Final Water Quality Management Plan shall be submitted and approved by the City Engineer prior to issuance of grading permit. The applicant shall submit three (3) hard copies of the Final WQMP (with the front page of each copy signed and stamped with wet ink application by a licensed California civil engineer), three (3) copies of the Plans (each sheet signed and stamped with wet ink application by a licensed California civil engineer), and one (1) copy of all original (wet ink documentation) forms and certifications.

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. A water improvement plan prepared by a licensed Civil Engineer will be required and must be submitted and approved by Public Works. Water permits, fees and bonds will be required for water improvements and must be obtained prior to issuance of building permit.
3. On-site fire lines, water lines, and fire hydrants shall be privately owned and maintained.
4. Existing water services at the existing site that will not be utilized shall be abandoned at the main per City Standard 646 and shall be shown on plans.
5. Water and fire assemblies shall be a minimum of 30" behind proposed screening and FDC shall be unobscured, consistent with the installation at 340 W. Commonwealth Avenue (Fullerton Community Center).
6. DCDAs shall be located within 50' from a public fire hydrant or a new public hydrant shall be installed.
7. The project shall install a separate sewer lateral connection for sanitary purposes that will be connecting to an existing sewer main. 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.

TRAFFIC ENGINEERING

1. All loading and unloading, maintenance activities, deliveries, ridesharing and delivery service pickup and drop-off activities, moving vehicles, etc. are to be accommodated and/or conducted onsite and that such activities are not to block traffic lanes, fire lanes, bike lanes, sidewalks, and pedestrian pathways both on the public right-of-way and onsite. Designs of such facilities that directly abut a public street are subject to approval of the City Traffic Engineer.
2. The primary access driveway on Chapman Avenue shall be designed and signed for right- and left-in / right-out turning movements. The Chapman Avenue median shall be modified by the applicant to facilitate this designation. The secondary access driveway on Commonwealth Avenue shall be designed and signed for right-in / right-out turning movements.
3. A dedicated signing and striping plan, or plans will be required for all proposed traffic related work in the public right-of-way. Such plans are to show full street widths, all relevant above and below ground facilities, and existing and proposed striping. Any proposed traffic signal work will require a complete traffic signal plans. Said plan shall be prepared by a licensed civil or traffic engineer and shall be approved by the City Traffic Engineer prior to issuance of a building permit.
4. The project applicant is to provide convenient and secure bicycle storage and accommodations for minor cycle repair of sufficient size onsite to accommodate significant bicycle usage by residents of the project. The project applicant is also to engage a professional bicycling expert to review site access, pathways, and building designs to provide suggestions to the project design team on creating a bicycle-friendly residential facility that encourages an active transportation lifestyle.
5. The project applicant shall work with OCTA to provide enhanced bus stop enclosures designed to accommodate resident demand and complement the building/environment. Enclosures shall be constructed and maintained by the Project.

MAPPING AND RIGHT OF WAY

1. A parcel map shall be prepared in accordance with the Subdivision Map Act and submitted to the City of Fullerton and Orange County Surveyor's Office for review and comment. The final map shall be prepared by a Licensed Land Surveyor or Registered Civil Engineer authorized to practice land surveying in the State of California, and shall be recorded with the County of Orange Recorder's Office. Two copies of the recorded Map and a digital copy (identical to that required by the County Surveyor) are to be submitted to the Public Works Department. A checklist for the first submittal of the final map is available on the City's website.

2. Existing public and private easements shall be shown on the parcel map and 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.
3. The proposed sewer easement abandonment will need to be approved by the City Council prior to issuance of a building permit. Applicant shall provide separate legal descriptions and plats, prepared by a Land Surveyor licensed in the State of California, for all proposed City easement abandonments.
4. All facilities crossing lot lines shall be located in private easements.
5. All new easements shall be recorded concurrently with the recordation of parcel map.
6. The parcel map shall be recorded with the Orange County Recorder's office within two years from the date of the tentative map approval.
7. The final parcel map shall be recorded with the Orange County Recorder's Office prior to issuance of building permits. All cash fees and deposits shall be collected by the City prior to the recordation of the final map.

PERMITS, BONDS AND CASH

1. Prior to issuance of building permits, all public improvements shall be guaranteed to be installed by the execution of a Subdivision Improvement Agreement secured by 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. Public Works Department expenses, including project management, plan check, inspection, review, processing of all plans and submittals, will be charged against the reimbursable account created for the project. An initial \$10,000 shall be deposited with the Public Works Department concurrently with the first review submittal, by the City's consultants, of the grading plans, soils report, hydrology report, parcel map, 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 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.
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 of Fullerton website.
5. Subdivision and Topographic Mapping shall be in the new horizontal datum NAD83 (2011) Epoch 2017.50.
6. Street trenches required for the installation of utility connections shall comply with City of Fullerton Standard 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. 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.
9. Applicant shall coordinate with local telecommunication providers to connect new services to each planned dwelling unit to install all their improvements in the public right of way prior to the rehabilitation of adjacent pavement.