

RESOLUTION NO. 2026-XXX

RESOLUTION NO. 2026-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AN APPEAL AND OVERTURNING THE PLANNING COMMISSION DENIAL AND APPROVING VESTING TENTATIVE TRACT MAP 19342 FOR CONDOMINIUM PURPOSES TO DEVELOP 32 RESIDENTIAL TOWNHOMES ON PROPERTY ZONED R-1-20, ONE-FAMILY RESIDENTIAL (MINIMUM LOT SIZE OF 20,000 SQUARE FEET) LOCATED AT 111 WEST HERMOSA DRIVE AND FINDING THE APPROVAL SUBJECT TO THE INFILL CATEGORICAL EXEMPTION UNDER CEQA GUIDELINES SECTION 15332

WHEREAS, the City received an application for a Vesting Tentative Tract Map for condominium purposes at 111 West Hermosa Drive, more specifically described as Orange County Assessor's Parcel No. 292-021-14 (the "Project").

WHEREAS, the Vesting Tentative Tract Map facilitates the individual sale of each unit as a residential condominium.

WHEREAS, the Planning Commission of the City of Fullerton, in compliance with Fullerton Municipal Code (FMC) Chapter 15.76 noticing requirements, held a duly noticed public hearing on February 25, 2026, at which time it considered all evidence presented, both written and oral.

WHEREAS, the Planning Commission voted 4 - 1 on February 25, 2026 to direct staff to return with a resolution denying the project.

WHEREAS, the Planning Commission voted 3 – 2 to deny the request on March 11, 2026.

WHEREAS, the City received an appeal to City Council of the Planning Commission decision on March 12, 2026 pursuant to FMC Section 15.76.170.

WHEREAS, the City Council of the City of Fullerton, in compliance with Fullerton Municipal Code (FMC) Chapter 15.76 noticing requirements, held a public hearing on May 5, 2026 at which time it considered all evidence presented, both written and oral.

WHEREAS, FMC Section 16.02.030.I establishes the criteria to consider in evaluating an appeal of a tentative tract map from the action by the Planning Commission and authorizes City Council to consider the appeal.

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

1. In all respects as set forth in all Recitals in the Resolution.

2. City Council, pursuant to FMC Section 16.02.030 finds as follows:

- a. Finding: Each vesting tentative tract map filed shall be examined by the City Engineer and Director of Community and Economic Development for its correctness and compliance with City ordinances and policies.

Fact: Vesting Tentative Tract Map No. 19342 meets the requirements of Title 16 of the Fullerton Municipal Code and the State of California Subdivision Map Act. The City Engineer has reviewed the proposed map in relation to Fullerton Municipal Code Title 16 and the Subdivision Map Act and found the map in conformance with these regulations.

- b. Finding: Vesting Tentative Tract Map No. 19342 conforms to the Fullerton Plan, as follows:

Fact: The proposed subdivision creates individual for-sale residential townhome units including five deed restricted low-income affordable units on property zoned for one-family dwelling in accordance with the Housing Accountability Act, Government Code Section 65589.5. uses.

3. The City hired Michael Baker International to conduct an environmental analysis of the project and prepare a categorical exemption report which reflects the independent judgment of the Planning Commission. Based on the report, In accordance with the California Environmental Quality Act (CEQA) Guidelines the Planning Commission finds that the proposed project is exempt from further review pursuant to Section 15332, Class 32 In-Fill Development Projects as follows:

- a. Finding: Class 32 applies to the implementation of the project in an infill location that is consistent with the applicable General Plan policies and Zoning designations and regulations.

Fact: The project site is zoned R-1-20 and is designated Low Density Residential within the Fullerton Plan. The zoning and land use designation allows for residential development. The scope of the project includes the development of 32 for-sale townhomes with five of them being restricted as affordable units for low-income households. The project has been submitted pursuant to Government Code Section 65589.5 (Housing Accountability Act) and Government Code Section 65915 (Density Bonus Law) and qualifies as a builder's remedy project. A builder's remedy project is not required to obtain legislative approval including a General Plan Amendment or Zone Change, and a builder's remedy project is also not required to demonstrate consistency with City General Plan polices or Zoning Code requirements.

Although not required, the project is consistent with the following General Plan policies:

P1.11 Compatibility of Design and Uses. Support programs, policies and regulations to consider the immediate and surrounding contexts of projects to promote positive design relationships and use compatibility with adjacent built environments and land uses, including the public realm.

P1.12 Energy and Resource Efficient Design. Support projects, programs, policies and regulations to encourage energy and resource efficient practices in site and building design for private and public projects.

P1.13 Universal Design. Support projects, programs, policies and regulations to produce buildings and environments that are inherently.

P2.7 Relationship to Street. Support projects, programs, policies and regulations to site and design buildings to create a positive, accessible image along the street and reinforce a vibrant and comfortable public realm.

P7.5 Appropriate Development Scale. Support projects, programs, policies and regulations to ensure that development is appropriate in scale to current and planned infrastructure capabilities.

P9.17 Fiscally Sound Environment. Support projects that do not compromise the City's ability to provide quality services to its existing and future residents and businesses.

P12.13 Safety Through Design. Support policies, projects, programs and regulations that make crime prevention and the maintenance of public safety service levels considerations in design and management of existing and new private and public spaces.

The proposed project is also consistent with the following policies of the Housing Element:

Policy Action 1.2 Expedited Permit Processing for Extremely-Low, Very-Low, Low, and Moderate-Income Housing Developments.

Policy Action 1.3 Facilitate Infill Development

Policy Action 1.10 Lot Consolidation and Small-Lot Subdivision

Policy Action 4.3 Reasonable Accommodation for Persons with Disabilities

- b. Finding: Class 32 applies to development that occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

Fact: The project site is located within the city limits on a 1.3-acre corner parcel adjacent to a Major Arterial Highway (Harbor Boulevard) and a residential street

(Hermosa Drive). The project site is bordered by existing residential, institutional and office land uses.

- c. Finding: Class 32 applies to a project site that has no value as habitat for endangered, rare, or threatened species.

Fact: The project site is developed with an existing single family dwelling unit, situated in a developed urban area. A biological constraints analysis and field assessment was conducted in March 2025. The assessment identified that the site contained ornamental landscaping, and the site did not contain any active bird nests. Due to the disturbed nature of the site, no habitat of value that could support endangered, rare or threatened species were present onsite or in the immediate vicinity. The project site has no critical habitats suitable for special status plants and animal species.

- d. Finding: Class 32 approval of the project would not result in any significant effects related to traffic, noise, air quality, or water quality.

Fact: The project will provide pedestrian pathways for internal circulation as well as connectivity to adjacent sidewalks. Harbor Boulevard is improved with a Class II bike lane, and there is an active OCTA Route 143, with a stop located approximately 122 feet southeast of the project site and a stop located approximately 190 feet south of the project site. The project would not impact the pedestrian, bicycle or transit facilities.

Fact: The project is expected to generate approximately 285 daily vehicle trips with 15 a.m. peak hour trips and 18 p.m. peak hour trips. The project screens out of requiring a full Vehicle Miles Traveled (VMT) analysis due to its location in a low VMT generating area and the type of housing characteristics proposed. Since the project screens out, it is presumed to have a less than significant transportation impact. The proposed development will be subject to and designed in accordance with City standards including driveway placement and accessibility and access. The project incorporates an internal drive aisle to also serve as a fire access lane which includes a fire truck hammerhead turnaround, providing for adequate emergency vehicle service access and circulation. The infill development type as a residential project would not alter existing roadway network or introduce incompatible uses (e.g., farm equipment) such that geometric design hazards would occur.

Fact: A long-term noise measurement was conducted by MD Acoustics on January 24, 2025, with measurements taken along the property line between the project site and the residential use to the west. The measured noise level was 53.0 equivalent continuous sound level. With the construction of the project expected to take approximately 18 months, noise levels during construction may involve one or two minutes of full power operation followed by three to four minutes at lower power settings. The degree of construction noise may vary for

different areas of the project site and also depending on the construction activities and phase of construction. Construction activities would generate temporary noise levels ranging from 64.8 to 79.8 dBA Leq at the adjacent residences to the west. Construction noise would temporarily or periodically elevate ambient noise levels within the project vicinity. Although noise levels during construction might exceed existing ambient levels, the impacts are temporary and would cease upon project completion. In addition, the project is subject to compliance with the City's allowable construction hours, thereby the project's noise impacts would remain less than significant.

Fact: Future development generated by the proposed project would result in additional traffic on adjacent roadways. However, based on the VMT screening memorandum, the estimated daily trips represent a nominal increase of 0.5 percent in daily traffic on North Harbor Boulevard. Therefore, the project would not result in a perceptible increase in the traffic noise level compared to the existing conditions resulting in less than significant impacts. Additionally, cumulative operational noise sources including mechanical equipment, such as condensers and an electrical transformer would result up to 50 Dba Leq at the nearest sensitive receptor to the west. The combined noise level would comply with the City's most restrictive noise limits not to exceed 50 decibels for evening / nighttime hours. The noise impacts would be less than significant.

Fact: During the construction phase, the primary vibration source during construction may be from vibratory roller or large bulldozer. The operation of heavy equipment would occur away from adjacent residential buildings. Pursuant to the California Department of Transportation, Transportation and Construction Induced Vibration Guidance Manual, the general threshold is 0.3 in/sec. Project construction activities are not anticipated to exceed the 0.3 inch-per-second peak particle velocity. Therefore, the vibrations caused during construction would be less than significant.

Fact: The project short-term construction emissions, long-term operational emissions, and localized concentration of carbon monoxide, nitrous oxide, coarse particulate matter and fine particulate matter would be less than significant. The construction and operation of the project would result in emissions that would be below the regional or local significance thresholds established by the South Coast Air Quality Management District (SCAQMD). Also, the proposed project would not result in a long-term impact on the region's ability to meet State and federal air quality standards. The project is also consistent with the goals and policies of the 2022 Air Quality Management Plan for control of fugitive dust.

Fact: The project includes a Water Quality Management Plan (WQMP) that outlines both structural source control and non-structural source control best management practices capable of minimizing stormwater pollutants of concern during project operations. The project also includes the addition of a curb inlet

catch basin and one grate inlet catch basin allowing water flow into a Biofiltration Vault for water quality treatment. With the implementation of the storm drain system and WQMP, the project would not result in any significant effects relating to water quality.

- e. **Finding:** Class 32 applies to a site that can be adequately served by all required utilities and public services.

**Fact:** The project will provide for an increased demand in the associated utilities and public services. However, the anticipated demand on water services will be adequately served by existing facilities and upon installation of a new sewer line the project will be adequately served by the City sewer system with any potential impacts to be less than significant, including dry utilities, and waste collection services. As such, the project site will be adequately served by all required utility and public services.

- f. **Finding:** Categorical Exemptions are subject to additional conditions described in Section 15300.2 Exceptions of the State CEQA Guidelines.

**Fact:** There are no successive projects of the same type in the general vicinity causing cumulative significant impacts. The project would not exceed Citywide buildout projections and would not result in any significant environmental impacts. While the project may incrementally affect resources there were determined to be less than significant, the project's contribution to those impacts is not considered "cumulatively considerable" in consideration of the relatively nominal impacts of the project.

**Fact:** The proposed project would not result in any significant effects on the environment due to unusual circumstances. The project site is not located within a sensitive resource area and no site-specific environmental constraints, such as biological resources, geology and soil, historical resources and hazardous materials exist on-site.

**Fact:** The project would not result in damage to scenic resources, as none exists near or within the viewshed of the project site. The nearest Officially Designated State scenic highway is State Route 90 and State Route 60, located approximately 2.7 miles east of the project site. Given the distance of the project site to the State Route, as well as intervening topography, structures, and vegetation, the project would not be visible, as such would not have an impact on scenic resources.

**Fact:** The project site is not listed in and is not included on a list of hazardous materials sites pursuant to Government Code Section 65962.5.

**Fact:** Based on the Archeological Resources Study prepared by BFSA Environmental Services, dated June 18, 2025, the project site has been

impacted by agriculture, grading and residential development. The existing residence was constructed in 1946 and found to be ineligible for the California Register of Historical Resources. During the site survey, no archeological resources were identified, and no known resources occur onsite or in the immediate area. Therefore, the project would not result in a substantial adverse change in the significance of historic resources.

3. City Council approves Vesting Tentative Tract Map No. 19342, subject to the following conditions of approval:
  1. The applicant shall remain in compliance with all conditions listed below throughout the life of the Vesting Tentative Tract Map.
  2. The project shall be in substantial conformance with Vesting Tentative Tract Map No. 19342 as follows, except to the extent that the plans or designs are modified during the approval process or by the conditions herein.
  3. 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 this vesting tentative tract map, save and except that caused by the City's active negligence.

#### Public Works Engineering – Conditions of Approval

##### PROJECT SPECIFIC

4. Prior to recordation of the Tract Map, the applicant shall provide draft Covenants, Conditions, Restrictions, and by-laws (CC&Rs) and any corresponding Agreements to the Directors of Community and Economic Development and Public Works Departments for review and approval. The CC&Rs shall address ongoing maintenance for facilities including, but not limited to, buildings, common circulation, parking and landscaped areas, utilities, stormwater quality BMP's, etc. to the satisfaction of the City.
5. The project shall be subject to FMC Section 16.10.060 requirements, including level of completeness of entitlement documents. Additionally, prior to issuance of building permits, all development shall be reviewed for consistency with then-applicable provisions of federal, state, and city codes, ordinances, and regulations.
6. As part of the new recorded map two dedications shall occur:
  - a. A corner cutoff Right of Way dedication at the northwest corner of the Hermosa / Harbor intersection.

- b. Offer of dedication of additional five-foot street right-of-way along project frontage on Harbor Boulevard.

ADOPTED BY THE FULLERTON CITY COUNCIL ON MAY 5, 2026

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Fred Jung  
Mayor

ATTEST:

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Lucinda Williams, MMC  
City Clerk

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Date