STAFF REPORT

APPLICATION: PRJ05-00606

(ZON05-00083; ZON06-00065; SUB06-00011; TTM-17094)

<u>APPLICANT:</u> PELICAN-LAING, LLC

PROPERTY OWNER: FULLERTON REDEVELOPMENT AGENCY

303 W. COMMONWEALTH AVE.

FULLERTON, CA. 92832

PROJECT: A MIXED USE DEVELOPMENT ON EXISTING CITY

PARKING LOTS ON THE NORTH AND SOUTH SIDES OF W. AMERIGE AVENUE. THE PROPOSAL INCLUDES UP TO 124 RESIDENTIAL UNITS ABOVE NO MORE THAN

30,000 SQ. FT. OF COMERCIAL SPACE

LOCATION: THE EXISTING CITY PARKING LOTS ON THE NORTH AND

SOUTH SIDES OF THE 100 BLOCK OF W. AMERIGE AVENUE (North side of W. Amerige, approximately between 215 and 590 feet west of the centerline of Harbor Blvd.; and South side of W. Amerige approximately between 190 and 547 feet west of the centerline of Harbor

Blvd.)

Assessor's Parcel Nos.: 032-232-13, 032-232-29 and 032-234-28

Existing Zone: C-3 (Central Business District Commercial)

Proposed Zone: No Change

General Plan: Downtown Mixed Use

Proposed General Plan: No Change

Property Dimension: An approximate 2.9 acre (104,830 sf) gross area, including

a 1.26 acre (54,850 sf) parking lot on the north side of Amerige; a 1.15 acre (49,980 sf) parking lot on the south side of Amerige, and 0.49 acres of Amerige Avenue street

frontage.

Adjacent Uses and Zones:

The site is bordered by a variety of commercial uses, as well as public alleys on the north, east and south. All the surrounding properties are zoned C-3.

North Parking Lot: The north side of Amerige Ave. is primarily bounded by restaurants, a bar, and a professional offices. There are four residential units above ground floor retail (124 W. Wilshire) and professional offices (125 W. Amerige). The east side is bounded by the "Ross" building, with a number of restaurants beyond the alley. The west side includes a single story office building.

South Parking Lot: The south side of Amerige Ave. is bounded on the east by Mo's Music, a two story commercial building with office suites above a restaurant and retail uses, a small retail tenant (Stedmans jewelers) and Tiger Yang's karate studio. Uses to the south include Ace Hardware, a future wine tasting and retail sales establishment, and a vacant bank building. Uses to the east include offices, industrial uses (Mission Press) and some retail services.

BACKGROUND:

On December 5, 2003, the Agency issued a Request for Proposals (RFP) for the development of a mixed-use project on the City-owned property located on either side of the 100 block of West Amerige Avenue (Site) (see Site Map, Attachment 1). The project site contains approximately 297 public parking spaces serving adjacent businesses. As stated in the RFP, certain "Critical Criteria" were identified and used by the Agency to determine the relative merits of each proposal. In part, these Critical Criteria included the following:

- The amount of public parking available upon completion must include a minimum of 150% of current parking (i.e. at least 446 public parking spaces);
- Parking for the residential and commercial components of the project must be provided in amount consistent with the Fullerton Municipal Zoning Code (Zoning Code); and
- The selected proposal must include a construction mitigation plan to help offset potential economic losses experienced by businesses adjacent to the Site during construction.

Of the 12 qualified developers who submitted proposals, the City Council chose Pelican-Laing, LLC. Pelican-Laing's proposal, referred to as "Vintage Square", was comprised of two alternatives. One alternative included the development of only the two City parking lots and Amerige Avenue. The second alternative included the acquisition and development of properties adjacent to the city lots. The developer was chosen by the Agency because their proposal met the criteria identified in the RFP; the proposal was

imaginative and reflected the character of Fullerton; and recent Pelican-Laing projects have been of a quality design.

After RFP selection, the developer further researched the project site, contacted surrounding property owners, and engaged the public. As a result of this process, as well as changes in construction costs, the developer devised a proposal with a 9 story mixed-use building on the north parking lot, and a 5 level (4 story) parking structure "upholstered" by a on the south.

Pelican-Laing's concept layout was submitted to the Redevelopment Agency on July 18, 2006 to finalize the City/Developer Disposition and Development Agreement (DDA). The Council/Agency approved the concept layout and DDA, but flipped the layout so that the 9 story building was on the south lot, and the 5 level parking garage and 4 story mixed-use building to the north. The staff report for the approved DDA is attached for reference.

After the Council/Agency DDA approval, Pelican-Laing continued to refine the site design. A concept design was presented to the Redevelopment Design Review Committee (RDRC) and Planning Commission on July 27 and August 9, respectively. Concerns related to the project design were expressed at both meetings. Several members of the public spoke, expressing a need to design a project that is compatible with downtown Fullerton historic character and pedestrian environment, but still create a design which reflects Fullerton today, rather than mimicking the past. Fullerton Heritage expressed concern with the height of the proposed project. Several members of the public felt that the parking spaces are driving the design, and felt that if the additional 50% parking wasn't required, a less dense project could be built. There was also discussion about the downtown's authentic, incremental development, and concern with developing an entire block at one time. Most were not in objection to development, provided it was of a quality design. The applicant, RDRC and Planning Commission agreed that the concept lacked the excitement reflected in the original RFP.

Since the RDRC and PC study sessions, the project architect has worked to create a project that reflects the character of Fullerton, both in its historic and present context. The architects have also worked at putting excitement back into the project by creating focal elements and including unique, contemporary design elements. The project included with this report reflects the revised proposal.

The RDRC is scheduled to review the proposed project on September 21, 2006. The RDRC will review the architecture and site design, and make a recommendation to the Planning Commission. A summary of that meeting will be forwarded to the Planning Commission as soon as possible.

The comment period for the Draft EIR ends September 21, 2006. The city has received a number of comments on the Draft EIR. Most of the comment letters are included as an attachment. A compilation of all comment letters on the Draft EIR will be prepared and forwarded to the Commission for consideration.

PROPOSAL:

The applicant is proposing a mixed-use project. The proposed concept includes up to 124 residential units and as much as 30,000-sq. ft. of commercial space. The project

may ultimately have less dwelling units based on unit size and market demand, as the real estate market may dictate larger units by the time the project is constructed. The current plan reflects a total of 115 dwelling units. Furthermore, the 30,000 sq. ft. of commercial space includes residential lobbies and support areas, such as utility rooms and service hallways. The leaseable commercial area on the conceptual plan is shown at approximately 15,500 sq. ft.

The north side of Amerige of Amerige includes a 5 level parking garage wrapped with a 4 story mixed-use building, with commercial on the ground floor and 13 residences above. A plaza area is proposed east of the building, adjacent to the existing restaurants and "Ross" building. The south side of Amerige includes a 9 story mixed use building, atgrade short-term parking, and two levels of subterranean parking. An enhanced outdoor area and short-term parking will be provided on the east side of the 9 story building.

As proposed, the north side of Amerige Avenue will be improved with a 14 foot sidewalk, and an 18 feet sidewalk on the south side. A loading zone will be provided on the south side of Amerige, at which location the sidewalk will be reduced to 10 to 12 feet. Sidewalks will include parkways, street trees and street furniture. Most of the existing onstreet parking will be relocated into the public parking garage.

The proposed plans and Redevelopment Design Review Committee report (attached) provides more details regarding the proposed layout.

Required Approvals

- 1. The proposal requires approval of four applications. These applications include:
 - A *Major Development Project*, to consider the architecture and site design;
 - A **Conditional Use Permit**, to consider a floor-area-ratio (FAR) above the base FAR of 2.0, and to consider the sharing of parking spaces;
 - A **Tentative Tract Map** to subdivide the property and create residential and commercial condominium units; and
 - An **Abandonment** request to abandon four feet of the street right-of-way on the north side of Amerige Avenue.
- 2. The City has prepared an **Environmental Impact Report (EIR)** in compliance with the California Environmental Quality Act (CEQA). Prior to approving the requested applications, the City Council must review and certify that the document accurately assesses the environmental impacts of the project.
- 3. The proposed project requires review and approval by the City Council. As a result, the Planning Commission will make are recommendation to the Council, including Certification of the EIR.

MAJOR SITE PLAN:

4. An application for Major Site Plan Review requires the Planning Commission to review the proposal for impacts associated with the physical development of the site. The Redevelopment Design Review Committee (RDRC) report discusses issues

pertaining to the site's architecture and site design. The report is attached and therefore the architecture and design issues are not discussed as part of this report.

- 5. The project as proposed is a concept proposal, and many details have yet to be worked out. It is the City and Developers intent to present the concept to the City Council and obtain resolution on the broader design and community based issues, rather than focusing time and resources on the details. Staff is recommending that the architectural and design details be further refined within the context of the current proposal, and then referred to the RDRC for final review and approval. As identified in the RDRC staff report, staff continues to have concerns regarding some project details, but believes the overall design concept is well thought out and addresses most of the significant design issues identified by staff.
- 6. Staff has reviewed the concept proposal in relation to the City's minimum development standards. As proposed, the concept complies with the Zoning Ordinance (Title 15). Additional analysis will be conducted by staff as the project design develops to assure that all Zoning requirements are complied with.
- 7. The project is comprised of commercial tenant spaces on the ground floor and residential use above. The downtown is the only area the Zoning Ordinance permits mixed-use projects (i.e., the C-3 zone). Areas outside downtown require the review and approval of a specific plan, such as the case with the mixed-use in Amerige Heights and SOCO Walk. As identified below, the City's General Plan encourages mixed-use developments in downtown.
- 8. The City of Fullerton General Plan Land Use Element identifies the downtown area as the core of the City. It provides a central gathering place and identity for the community, and has historically been comprised of the most intensive development and activities. The City has adopted a number of policy documents to encourage downtown activity and vitality. These policies are synthesized in General Plan Goal LU-5, Central Downtown Focus Area Policies. This General Plan goal identifies a desire to intensify design and activities, specifically restaurants, entertainment and housing; promote infill development while retaining existing buildings; enhance pedestrian environments; promote unique uses; intensify design; and consider the creation of central public open space in downtown to sponsor special events and activities. This proposal successfully accomplishes all these objectives. (See GP Goal LU-5 attachment)
- 9. Many factors associated with the development of the site are discussed in detail in the Draft Environmental Impact Report (EIR). As such, potential or perceived impacts have been thoroughly analyzed. As proposed, the EIR concludes that there are no potential impacts associated with the project that cannot be mitigated to a level of insignificance. The EIR has been provided for reference.

When the EIR was initiated, it considered the project reflected in the approved DDA. The project at that time considered the acquisition and redevelopment of property at 131 W. Commonwealth Ave. Due to a variety of factors, the Commonwealth Building is no longer included in the proposal. While the Commonwealth Building is no longer part of the proposal, it was analyzed and considered in the EIR. The analysis of the

EIR was conducted with the understanding that 131 W. Commonwealth was not integral to the development, and could be either included or removed.

- 10. A detailed acoustical analysis was conducted to consider the noise impacts. The acoustical analysis is included in the Draft Environmental Impact Report (EIR). The analysis considered the impacts of the existing conditions on the project; and considered the impacts of the proposed project on surrounding properties. As expected, the analysis identified a significant level of noise in downtown. To address potential conflicts, the analysis recommends mitigation measures to reduce impacts to a level less than significant.
- 11. Height of the proposed project has been one of the most debated issues of the proposed project. The debate is a contextual argument, as the development complies with the height standards applicable to the site. Most of the residents who have voiced opposition to the proposed project have expressed an opinion that a 9 story building is out of scale with the downtown.

The cultural analysis prepared for the draft Environmental Impact Report (EIR) addresses the issue of height in the downtown. The analysis suggests ways in which a taller contemporary building can be appropriately integrated into a "historic" setting in a manner that respects the predominant height and/or a perceived threshold. As discussed in the attached RDRC report, the proposed project has incorporates these methods in its design.

Staff has received a number of letters from a few organized groups of residents in Fullerton suggesting methods of reducing the project's heights. These letters have been provided under separate cover. The primarily argument is that the height of the structure is driven by the cost of construction, which is inflated by the need to provide public parking. They suggest that the developer be relived from the RFP criteria of providing 150% of the site's existing public parking.

- 12. A historic and cultural analysis study was conducted as part of the Draft Environmental Impact Report (EIR). The study identified the historic buildings adjacent to the site. Although the downtown is not an adopted historic district, the surrounding area was considered culturally significant because it reflects the history of the city and maintains a strong sense of time and place. The analysis considered established state and federal government regulations for areas of historic significance, and concluded that the project does not create impacts that cannot be mitigated to a level of less than significant. The analysis was based on project parameters, as outlined in the EIR. These parameters included the basic characteristics of the development, such as height, mass, location, function, The analysis recommended mitigations to assure that the orientation, etc. development is constructed in a manner that minimizes physical impacts to adjacent historic buildings, as well as a mitigation measure to assure the building is aesthetically designed in a manner sympathetic to the downtown's unique character.
- 13. A traffic analysis was prepared for the proposed project as part of the Draft Environmental Impact Report (EIR) to assess potential impacts to City streets and intersections. The report was prepared by Albert Grover and Associates under the supervision of the City Traffic Engineer. The analysis concluded that the project

would not cause any intersections to operate at an unacceptable level of service (LOS), and therefore there would be no potential for significant traffic impacts. The traffic analysis did recommend that a mitigation measure requiring a traffic management plan to ensure construction impacts are adequately addressed.

CONDITIONAL USE PERMIT:

Floor Area Ratio

- 14. The City establishes maximum floor-area-ratios (FAR) for projects in commercial zones. FAR is defined as the ratio of all enclosed and usable floor area of buildings in relation to the area of land the buildings are located on. The base FAR ratio of the C-3 zone is 0.9 (90%), with a 2.0 FAR allowed in downtown parking districts and within ¼ mile of the transit station. The proposed project is located within public parking district no. 1, and is within a ¼ mile of the transit station.
- 15. The base FAR is utilized by the City as a threshold for requiring additional traffic analysis, and not as a bases for determining massing limitations. A project may double the permitted FAR (4.0 FAR) with consideration of a traffic analysis and appropriate mitigations to address any traffic generated impacts. A request to exceed the base FAR requires the review and approval of a conditional use permit (CUP).

The project site has a net area of 104,830 square feet. A 2.0 FAR on the site equates to 209,660 square feet of building. The 4.0 FAR limit establishes a maximum development of 419,320 square feet. Parking is not considered in FAR calculations.

In total, the project is comprised of less than 200,000 square feet; therefore a CUP is not required for the development as a whole.

However, staff requires a conditional use permit because the property is divided by Amerige Avenue, and the majority of the development is on the south. The property on the south side of Amerige Avenue has a net area of 49,980 square feet, and the applicant proposes a building comprised of roughly 170,000 square feet. This is a FAR of 3.4. This FAR lies between the base of 2.0, and the maximum of 4.0.

Staff has traditional required conditional use permits for multi-parcel developments when an individual parcels exceeds the base FAR. The purpose is to ensure future, incremental development does not exceed the base FAR without appropriate consideration. This situation is not likely for this project, as the parking structure encompasses much of the northern site, and would make future additions difficult.

16. The traffic analysis prepared for the Draft EIR is the primarily factor in determining the appropriateness of a proposed FAR, as stipulated by the Zoning Ordinance. The analysis concluded that the project would not cause any intersections to operate at an unacceptable level of service (LOS), and therefore there would be no potential for significant traffic impacts.

Shared Parking

- 17. The proposed project provides approximately 575 public parking spaces (roughly 524 space in the parking structure on the north side of Amerige Avenue; and 51 at-grade spaces on the south side).
- 18. The project includes dedicated parking that is restricted to residence of the site. The restricted parking includes two levels of subterranean stalls on the south side of Amerige, and at least 26 spaces within the parking structure on the north side. All dedicated residential parking areas have separate entrances to reduce conflict with the public parking structure.
- 19. The parking structure has 550 parking spaces. 26 of these are to be dedicated to the 13 residences in the 4 story mixed-use building. The remaining 524 spaces are available for the general public, in addition to the 51 spaces on the south side of Amerige. These 575 parking spaces will be shared among the commercial uses and guest parking for the residents.
- 20. The City's Zoning Ordinance allows conditional use permits to be granted for mixed-use developments to share parking. The City has utilized shared parking in other downtown mixed-use projects, including City Pointe and the Pinnacle Apartments. Additionally, the Zoning Ordinance allows for developments that contain retail office, and entertainment uses, and provide at least 500 spaces, to allocate the parking required for retail uses to also serve the office, entertainment or recreational uses. The rationale is that a large body of parking can more effectively provide for the transition between shared uses (economy of scale). Because the public parking structure provides for the broad range of uses in the surrounding blocks, including restaurants, offices, retail and commercial services, staff believes that shared parking is appropriate.

TENATATIVE TRACT MAP:

- 21. The applicant is proposing to develop the property with residential condominium units. This requires the review and approval of a Tentative Tract Map. As proposed, the proposed the north side of Amerige Avenue will have two numbered lots (Lot 1 and 2) and one letter lot (Lot A). Lot 1 and 2 reflect the parking structure and mixed use building, respectively. Lot A provides for the plaza space on the east side of the mixed-use building. The south side of Amerige will be developed with a single lot (Lot 3). More discussion regarding the subdivision of the property is included in the attached Engineering Department letter.
- 22. The subdivision of air space and maintenance of common open spaces requires that there be covenants, conditions and restrictions (CC&Rs) to establish responsibilities of the property owners. The CC&Rs shall be required to comply with the criteria identified in the attached Engineering Department letter. Staff would also recommend that language be included in the CC&Rs to address mitigation measure MM 5-6, as stipulated by the Environmental Impact Report (EIR). This mitigation ensures potential buyers of the residential units are notified of the existing activities downtown and that noise levels in the area are typically higher during the nighttime than during the daytime.

ABANDONMENT:

- 23. A 4 foot abandonment is included as part of the applicant's proposal. The 4 feet abandonment is requested along the north side of Amerige Avenue. The abandonment would only affect the frontage of the parking lot. This request will reduce the street right-of-way width from 60 feet to 56 feet.
- 24. The abandonment is needed to accommodate a reasonably functional building. As presently constructed, the north property is a parking lot with landscaping. The proposal provides a parking structure in the same location with similar vehicle circulation. As a result, the mixed use building is essentially being constructed in the residual area created by eliminating the landscaping.
 - After designing the parking structure to the code's minimum requirements, the mixeduse building is only 22 feet in depth. This dimension needs to include walls and a required exit corridor; therefore the residential units and commercial space would be limited to a depth of 18 feet, at best. The addition of four feet, to be accommodated through the abandonment, would be a significant improvement in creating a livable dwelling and viable retail space.
- 25. Amerige Avenue presently has a 60 foot width, including a 24 foot drive lane, 8 feet for parking on each side, and a 10 foot sidewalk with landscaping. To accommodate the abandonment and assure a quality streetcape, the applicant will relocate the onstreet parking spaces into the parking structure. By relocating the parking, the sidewalk and parkway on the north side of Amerige will be 18 feet in width. With the abandonment, the sidewalk is reduced to 14 feet. Staff believes a 14 foot sidewalk and parkway is more than adequate to provide a quality street environment.
 - No abandonment is requested for the south side of Amerige Avenue. As presently proposed, most of the parking on the south side of Amerige Avenue will also be relocated into the parking garage. The south side of Amerige is proposed with only a 6 to 8 foot wide loading zone. The sidewalk at the loading zone will be 10 to 12 feet in width, and all other areas will have an 18 foot wide sidewalk and parkway.
- 26. The proposed abandonment will not change the street lane width. The existing 24 foot wide drive lane will remain unchanged.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following actions:

 Adopt a resolution RECOMMENDING CERTIFICATION to the City Council of the Environmental Impact Report (SCH no. 2006061034) and mitigation monitoring program; and Adopt a resolution RECOMMENDING APPROVAL to the City Council of the proposed Amerige Court mixed use project PRJ05-00606, including the Major Site Plan ZON05-00083, Conditional Use Permit ZON06-00065, Abandonment SUB06-00011, and Tentative Tract Map TTM-17094, subject to the findings and conditions below.

Recommended Findings:

- 1. As conditioned and mitigated, the proposal will be reasonably compatible with other uses in the area and will not be detrimental to the health, safety and welfare of the surrounding neighborhood. The proposed project and its surrounding area has adequate vehicle capacity, access and circulation, parking, and other similar infrastructure to accommodate the development, and the development will not create a demand for facilities that would result in an unacceptable level of service and/or be material detrimental to surrounding properties.
- 2. The proposed commercial and residential uses are consistent with the goals and objectives of the City of Fullerton General Plan, including the Central Downtown Focus Area Policies; and are permitted uses in the C-3 zone (Central Business District Commercial).
- 3. As submitted and conditioned, the proposal complies with the development standards of the C-3 zone (Central Business District Commercial) as established by Municipal Code Title 15 (Zoning Ordinance).
- 4. The proposed mixed-use project, as designed and conditioned, is a well thought out project which integrates well with the existing community; is sensitive to its surrounding land uses; enhances the vitality, diversity and activity in the downtown area; and contributes to the pedestrian environment and public spaces.

Recommended Conditions:

- 1. The project shall comply with the City of Fullerton Engineering Department's letter dated September 20, 2006 (attached hereto).
- Prior to the issuance of building permits, elevations for all sides of all buildings shall be submitted by the applicant for review and final approval by the Redevelopment Design Review Committee. All sides of the building shall be finished and designed to reflect a comprehensive design concept.
- 3. Prior to the issuance of building permits, the applicant shall submit design plans with adequate details and information for the Redevelopment Design Review Committee to assess the quality of the project. Information shall include detailed plans for the all buildings, commercial storefront details, and a material and color board. Additional information shall be required as necessary.
- 4. The project shall be in substantial conformance with the concept plans, descriptions, and statements provided by the applicant, except to the extent that the plan or design is modified by the approval of the City Council/Redevelopment Agency. The design

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- shall be further developed consistent with the Council's approval, and shall return to the Redevelopment Design Review Committee for final review and approval.
- 5. Prior to issuance of building permits, a landscape design plan shall be prepared and submitted to the Redevelopment Design Review Committee for review and final approval. The landscape plan shall include size and species of plants, and shall indicate location and type of hardscape. The plans shall identify and sufficiently illustrate the location and design of water features, sculptures, fencing, bollards, decorative gates, trellis, street furniture or other features necessary to assess the quality of the outdoor design.
- 6. Prior to the certificate of occupancy for building permits, a comprehensive sign program shall be submitted to the Director of Community Development for review and approval. The sign program shall be consistent with the Central Business District Design Guidelines, and shall comply with the City's Zoning Ordinance.
- 7. Prior to issuance of building permits, a lighting and photometric plan shall be provided to the Director of Community Development for review and approval. The photometric plan shall ensure that lighting provides a safe environment, prevents direct glare onto adjacent properties, and limits light pollution. Particular attention shall be given to the parking structure.
- 8. The project shall comply with all development standards established in the City's Zoning Ordinance, except to the extent that such standards are adjusted or deviated by approval of the Director of Community Development, the Redevelopment Design Review Committee, the Planning Commission or the City Council, pursuant to the procedures and regulations identified therein.
- 9. The location and size of an on-site trash enclosure shall be acceptable to the city's contracted waste hauler; and its design will be in accordance with the Community Development Department standard detail drawing, and finished in a manner that complements adjacent buildings.
- 10. Parking areas shall be preserved at all times for the parking of motor vehicles. Parking spaces shall not be used for the storage of equipment, materials, non-operational vehicles, or trailers. All parking areas shall be maintained for regular use by customers, employees, residents and their guests as per their original intent. Parking areas shall not be individually sold, rented, or leased.
- 11. All mechanical equipment and duct-work shall be enclosed within the structure or screened from the adjacent properties and public right-of-ways. Equipment and venting shall be located and directed to minimize noise and aesthetic impacts on adjacent properties. Final building plans will be required to include details for screening of all exterior-mounted machinery and machinery components, including air conditioning and ventilation units.
- 12. Covenants, conditions and restrictions (CC&Rs), or equivalent, shall be recorded with the County Clerk-Recorder to assure a well maintained and nuisance free project. CC&Rs shall be submitted to the Community Development Department for review by the Director of Community Development, the Director of Engineering, and the City

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Attorney; and shall be approved by the Director of Community Development prior to the recordation of the final map. The CC&Rs shall include all properties within the project area, and shall adopt a comprehensive parking management plan by reference. The CC&Rs shall also included a notification to property owners of the location and noise affects of business in downtown, pursuant to EIR mitigation MM5-

- 13. Prior to the issuance of a grading permit, the applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board. The applicant shall provide the City with a copy of the NOI and a copy of the receipt of the NOI.
- 14. A Stormwater Pollution Prevention Plan (SWPPP) shall be prepared, reviewed and implemented. A copy of the approved SWPPP shall be kept at the project site and be available for City review.
- 15. Prior to issuance of a grading or building permit, a Water Quality Management Plan (WQMP) shall be prepared by the applicant and submitted to the City of Fullerton for approval. The WQMP shall specifically identify Best Management Practices (BMP's) that will be used on-site to control predictable pollutant runoff. The WQMP shall identify at a minimum the routine structural and non-structural measures specified in the Countywide NPDES Drainage Area Management Plan (DAMP) Appendix, which details implementation of the BMP's whenever they are applicable to a project, the assignment of long-term maintenance responsibilities and shall reference the locations of structural BMP's.
- 16. 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 this approval, or arising out of the operation of the business, save and except that caused by the City's active negligence. An indemnification agreement between the applicant and city shall be executed within 10 days of final project approval, and shall substantially conform to the City's standard indemnification agreement attached to the Planning Division Master Application Form.
- 17. The applicant shall install all street trees and plant material in the public right-of-way pursuant to the City's adopted Street Tree Master Plan and construction/planting standards. The applicant shall provide irrigation to street trees and planters as required by the Director of Maintenance Services and/or Director of Engineering.
- 18. All buildings and structures shall meet the adopted fire protection requirements of the Fire Department upon review of construction drawings during the building permit plan check process. Fire protection requirements shall include, but not be limited to, installation of a radio communication system within the mid-rise structures to ensure adequate communication of fire personnel on the premises.
- 19. The applicant shall place address numbers on the building at the public and private street frontages of all buildings and structures. The numbers shall be easily identifiable, and shall comply with Fullerton Fire Department's Standard Number 7. The location and format of all address numbers shall be approved by the Fire Department prior to installation.

- 20. City fire hydrants shall be located on-site as required by the City of Fullerton Fire Department and the City of Fullerton Water Division.
- 21. The proposal shall implement all mitigation measures identified in the certified Mitigated Negative Declaration, its supporting documents, and as identified as components of the proposed development.

CEQA DETERMINATION:

An Environmental Impact Report has been prepared pursuant to Section 15081 of CEQA Guidelines

Prepared by: Approved by:

Jay Eastman, Acting Chief Planner Joel W. Rosen, AICP, Acting Director

Exhibits:

DATED:

1. Engineering Letter – Dated September 20, 2006

September 20, 2006

- 2. Vicinity Map
- 3. Redevelopment Design Review Committee Staff Report of September 21, 2006
- 4. Redevelopment Design Review Committee Minutes of July 27, 2006
- 5. Planning Commission Minutes of August 9, 2006
- 6. General Plan Goal LU-5 (General Plan Page s LU-28 & 29)
- 7. DDA Redevelopment Agency Agenda Letter, February 7, 2006
- 8. DDA Amendment Redevelopment Agency Agenda Letter, July 18, 2006

Exhibits Under Separate Cover:

Draft Environmental Impact Report Letters and E-mails from the Public thru 09-20-06

Plans Under Separate Cover:

Site Plans: Levels 1, 2, 6 and 8

Elevation: North Face of South Building

Elevation: South and North Face of North Building Elevation: East face of North and South Buildings

Perspectives: Site and Street Levels

Close-up Elevations: North Face of South Building