

RESOLUTION NO. PC 2015-31

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA APPROVING VESTING TENTATIVE TRACT MAP NO. 17609 TO SUBDIVIDE A 510-ACRE SITE INTO A TOTAL OF 556 NUMBERED LOTS AND 13 LETTERED LOTS TO ALLOW FOR DEDICATION OF OPEN SPACE, PUBLIC PROPERTY ACQUISITION, PUBLIC ROAD IMPROVEMENTS, PUBLIC OPEN SPACE AND TRAILS IMPROVEMENTS, LOW DENSITY RESIDENTIAL AND COMMERCIAL DEVELOPMENT ON PROPERTY LOCATED AT 2701 ROSECRANS AVENUE

PRJ03-00075A
VTTM-17609

APPLICANT AND PROPERTY OWNER:
PACIFIC COAST HOMES

THE PLANNING COMMISSION OF THE CITY OF FULLERTON HEREBY RESOLVES AS FOLLOWS:

Section 1. The Planning Commission of the City of Fullerton hereby finds, determines and declares as follows:

- A. An application was filed with the City of Fullerton by Pacific Coast Homes ("Property Owner") to subdivide a 510-acre site into a total of 556 numbered lots and 13 lettered lots for property located along the northwesterly boundary of the City of Fullerton; the site is bounded on the north by the City of La Habra, on the east by Euclid Street, on the south by existing residential development and Rosecrans Avenue and on the west by the City of La Habra and the Hawks Pointe Development and Clark Regional Park in Fullerton, more specifically described as: Assessor Parcel Numbers ("APNs") 287-081-24, 25, 26, 48, 51, 52, 53, 54; 287-082-27, 28; 288-091-12, 13, 14).
- B. Said application supersedes and replaces Tentative Tract Map Nos. 15671, 15672 and 15673, which were approved by the Fullerton City Council on July 12, 2011 (Resolution No. 2011-33).
- C. Fullerton Municipal Code Section 16.10.060.B provides that vesting maps are processed in the same manner as tentative maps, and Section 16.02.030.H provides that the Planning Commission is the decision-making body with approval authority over tentative tract maps, subject to appeal to the City Council under Section 16.02.030.I.
- D. Fullerton Municipal Code Section 16.01.040 requires the Planning Commission to review tract maps for compliance with State law regarding subdivisions,

divisions of land, planning and environmental considerations and the City's General Plan.

- E. On October 22, 2015, the Planning Commission held a duly noticed public hearing on Vesting Tentative Tract Map No. 17609 at which time oral and documentary evidence was received and considered by the Commission.
- F. California Government Code Section 66474 requires that, in order to adopt a Vesting Tentative Tract Map, the following findings must be made:
 - 1. The proposed project, as conditioned in the Conditions of Approval attached hereto as Exhibit A, and its design and improvements, are consistent with applicable general and specific plans.
 - i. Proposed Vesting Tentative Tract Map No. 17609, and its design and improvements, fulfills multiple goals of the General Plan ("The Fullerton Plan"), as well as West Coyote Hills Specific Plan Amendment #8. The property's land use designation is Greenbelt Concept, which seeks to preserve, to the greatest extent possible, the natural topography, while also allowing for low density residential development, limited neighborhood-serving commercial and compatible public and quasi-public uses. The subdivision pattern of the proposed map would allow for the development of no more than 760 residential units in a detached or attached configuration, a density of less than one and one-half (1½) units per acre, lower than the allowed three dwelling units per acre. The majority of the project site would be preserved as public open space, with the remainder being residential and neighborhood serving commercial uses as permitted uses within the land use designation.
 - ii. Proposed Vesting Tentative Tract Map No. 17609 site is also within the Fullerton Plan's Focus Area L: West Coyote Hills, which has the following planning objectives; promote development within a semi-rural setting using current resource-efficient building standards and context sensitive design; Encourage educational use, including research and outdoor education; and Preserve sustainable open space that provides natural resource value and can be accessed by all residents. Vesting Tentative Tract Map No. 17609, as conditioned, restricts developable lots to limited areas and uses contour grading to preserve as much of the natural terrain as possible, thereby retaining a semi-rural character. The conditions of approval require the inclusion of an interpretive nature center that would provide for research and outdoor education, and the majority of the site would be preserved as public open space, which includes an extensive public trail and vista point system.

- iii. Proposed Vesting Tentative Tract Map No. 17609, as conditioned, also conforms to the development standards contained in the West Coyote Hills Specific Plan Amendment #8 and will implement the public improvements contained within the Specific Plan along with providing a mechanism whereby additional land could be acquired by the City for public use for habitat preservation, open space and recreational purposes.
 2. The site is physically suitable for the type of development proposed.
 - i. The site is a 510-acre parcel that will be subdivided to allow for the dedication and/or sale of the property for the preservation of public open space, and for the construction of residential and limited commercial development. Vesting Tentative Tract Map No. 17609, as conditioned, as well as the mitigation measures contained within the Final Environmental Impact Report ("FEIR") and the Mitigation Monitoring and Response Program ("MMRP") approved by the City Council on July 12, 2011, as updated under Addendum No. 1 to the FEIR, will ensure the site is suitable for such development.
 3. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - i. With the exception of the significant and unavoidable environmental effects of the project identified in the FEIR and the MMRP, as updated by Addendum No. 1 to the FEIR, dated July 31, 2015 (Addendum No. 1), the design of the subdivision and proposed improvements are not expected to cause substantial environmental damage or to substantially injure fish or wildlife or their habitat with implementation of mitigation measures, which include, without limitation, establishment of an approximately 340-acre West Coyote Hills Preserve as required by the U.S. Fish and Wildlife Service including dedication of a minimum of 283 acres of open space, restoration of coastal sage scrub and other native habitat, revegetation of disturbed areas phasing of the project, establishment of endowments for perpetual maintenance of habitat and open-space areas, and monitoring of grading and construction activities to assure implementation of mitigation measures.
 - ii. With respect to the significant and unavoidable environmental impacts of the project identified in the FEIR, the City Council, at the time of certification of the FEIR, also adopted Findings and Facts in Support of Findings (Findings), and a Statement of Overriding Considerations pursuant to Public Resources Code section

21081(a)(3) which determined that specific overriding economic, legal, social, technological, or other benefits of the project outweighed the significant effects on the environment.

4. The design of the subdivision or type of improvements is not likely to cause serious public health problems.
 - i. The design of the subdivision and type of improvements are not expected to cause serious public health problems for the reasons set forth in the FEIR, the MMRP, the Findings, Addendum No. 1, and the applicable conditions of approval for the project. These include required site remediation in accordance with the requirements of and with oversight by the Orange County Health Care Agency, Santa Ana Regional Water Quality Control Board, the Department of Oil, Gas and Geothermal Resources, the Occupational Safety and Health Agency and the U.S. Environmental Protection Agency.
 5. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
 - i. The subdivision design contained within Vesting Tentative Tract Map No. 17609 will not conflict with any easements acquired by the public at large for access through or use of the property. The design of the subdivision and type of improvements will maintain or reconfigure easements when necessary for public access and services, abandon those easements no longer needed for public purposes, and dedicate new easements as needed to provide for public access and services through the property within the proposed subdivision.
- G. The Property Owner has demonstrated that a sufficient water supply will be available to serve the entirety of the project contained within Vesting Tentative Tract Map No. 17609, including a Water Delivery Agreement attached hereto as Exhibit B.
- H. In accordance with the California Environmental Quality Act ("CEQA"), Vesting Tentative Tract Map No. 17609 has been determined to be adequately evaluated in the FEIR, the MMRP, and the Findings of Facts and Statement of Overriding Considerations relating thereto. In addition, Addendum No. 1 determines that no changes have been made to the project, no changes in circumstances exist, and no new information is available that would indicate that the revisions to the project associated with Vesting Tentative Tract Map No. 17609 would result in any significant new environmental effects that were not considered in the FEIR,

or that any significant effects previously identified in the FEIR would be substantially more severe (see 14 Cal. Code Regs. Section 15162(a)).

- I. The Property Owner agrees, in its sole obligation and expense, to indemnify, hold harmless, and defend the City of Fullerton, its officials, officers, agents, and employees, from any and all liability, claims, actions or proceedings that may arise out of its approval of this project, and any approvals associated with the project, including, without limitation, any environmental review or approval of Vesting Tentative Tract Map No. 17609.
- J. Pursuant to California Government Code Section 66452.6(a)(1), the initial term of a tentative tract map shall not exceed 24 months from date of approval, unless extended by action of the agency. However, in the case of maps which contain conditions requiring public improvements in excess of \$236,790 (with such amount increased in accordance with Section 66452.6(a)(2)), each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 36 months from the date of its expiration, as provided in that section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. The public improvements required under Vesting Tentative Tract Map No. 17609 will exceed this amount; accordingly, as long as the Property Owner files final maps prior to expiration of the tentative tract map, the map will be extended for a period up to and including 10 years from the date of its approval, in addition to any other applicable discretionary extensions.

Section 2. Based upon the evidence presented and the above-stated findings, and subject to the Conditions of Approval, the Water Delivery Agreement, the updated Mitigation Monitoring and Reporting Program, the Project Phasing Plan, and the Engineering Department Letter dated September 30, 2015, attached hereto as Exhibits A-E, respectively, all of which are incorporated herein by reference, the Planning Commission of the City of Fullerton hereby approves Vesting Tentative Tract Map No. 17609.

ADOPTED BY THE FULLERTON PLANNING COMMISSION ON October 22, 2015.

John Silber, Chair

ATTEST:

Kristi Nordell, Recording Clerk

Attachments:

- Exhibit A – Conditions of Approval
- Exhibit B – Water Delivery Agreement
- Exhibit C – Updated Mitigation Monitoring and Reporting Program
- Exhibit D – Project Phasing Plan
- Exhibit E – Engineering Department Letter

City of Fullerton
RESOLUTION CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF FULLERTON)

RESOLUTION NO. PC-2015-31

I, Kristi Nordell, Recording Clerk of the Planning Commission of the City of Fullerton, California, hereby certify that the whole number of the members of the Planning Commission of the City of Fullerton is seven; and that the above and foregoing Resolution No. PC-2015-31 was adopted at a regular meeting of the Planning Commission held on the 22nd day of October, 2015 by the following vote:

PLANNING COMMISSIONER AYES:

PLANNING COMMISSIONER NOES:

PLANNING COMMISSIONER ABSENT:

Kristi Nordell, Recording Clerk