

# HARBOR WALK SPECIFIC PLAN

May 6, 2014

## **PLC LAND COMPANY**

### **CHRISTOPHER HOMES**

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Prepared By:

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RESOLUTION NO. 2014-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING GENERAL PLAN REVISION LRP12-00015 TO CHANGE THE COMMUNITY DEVELOPMENT TYPE FOR THE 2.9 ACRE SITE FROM "COMMERCIAL" TO "NEIGHBORHOOD CENTER MIXED USE" FOR PROPERTY LOCATED ON THE EAST SIDE OF HARBOR BLVD. BETWEEN ORANGETHORPE AND ASH AVENUES AT 770 S. HARBOR BLVD.

PRJ12-00300  
GENERAL PLAN REVISION LRP12-00015

APPLICANT: PLC HARBORWALK APARTMENTS, LLC  
PROPERTY OWNER: 770 HARBOR LLC

THE CITY COUNCIL OF THE CITY OF FULLERTON HEREBY RESOLVES AS FOLLOWS:

1. That an application was filed for a General Plan Revision to change the Community Development Type of a 2.9 acre site located at 770 S. Harbor Blvd.; more specifically described as:

Orange County Assessor's Parcel Nos.  
033-065-35, 033-065-24, 033-065-25, 033-065-02

2. That public hearings before the Planning Commission and City Council were duly called, noticed and held in consideration of the proposed General Plan Revision.

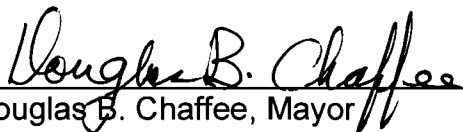
3. That the City of Fullerton prepared an Initial Study and Mitigated Negative Declaration for this project, in conformance with applicable provisions of the California Environmental Quality Act (CEQA) and in conformance with the Local CEQA Guidelines, to identify the project's potential adverse environmental effects and mitigation measures to reduce such effects to a level that is less than significant.

4. That the City Council of the City of Fullerton does hereby APPROVE General Plan Revision LRP12-00015 to change the Community Development Type of a 2.9 acre site located at 770 S. Harbor Blvd. from "Commercial" to "Neighborhood Center Mixed Use".

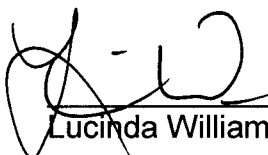
5. That the facts and findings for approval of said General Plan Revision are as follows:

- a) The proposed mixed-use development, including residential apartment and live-work units, with a residential unit density up to 60 units per acre, is consistent with the General Plan "Neighborhood Center Mixed Use" designation and with the objectives for Harbor Gateway Focus Area D.
- b) Zoning Amendment LRP12-00016 concurrently changes the zoning of the subject site from C-H (Commercial Highway) to SPD (Specific Plan District), with the proposed Specific Plan providing for high density residential development of the property, thereby creating consistency between zoning and The Fullerton Plan.

ADOPTED BY THE FULLERTON CITY COUNCIL ON MAY 6, 2014

  
\_\_\_\_\_  
Douglas B. Chaffee, Mayor

ATTEST:

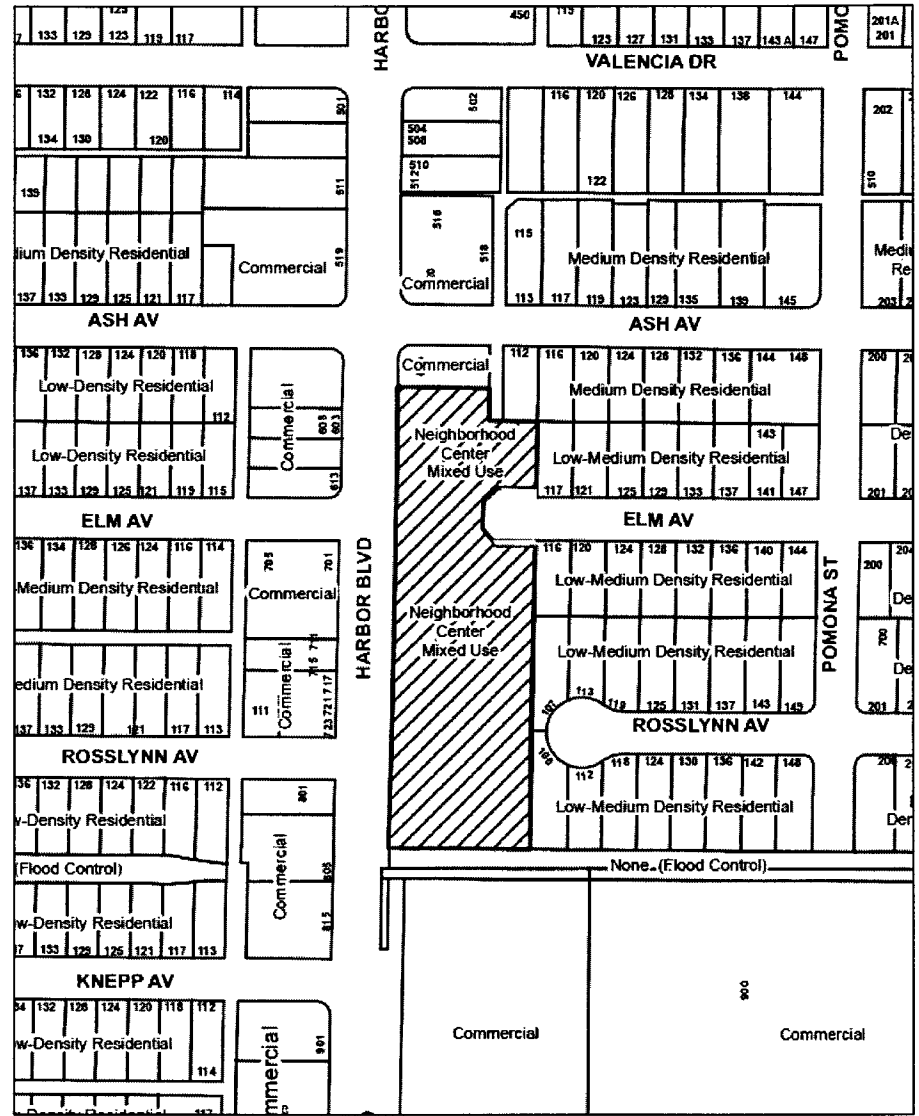
  
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Lucinda Williams, City Clerk

May 19, 2014

Exhibit 1: Map of Existing and Approved Community Development Types



Existing Community Development Type



Approved Community Development Type  
LRP12-00015

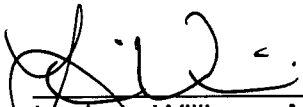
City of Fullerton  
RESOLUTION CERTIFICATION

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

RESOLUTION NO. 2014-34

I, Lucinda Williams, City Clerk and ex-officio Clerk of the City Council of the City of Fullerton, California, hereby certify that the whole number of the members of the City Council of the City of Fullerton is five; and that the City Council adopted the above and foregoing Resolution No. 2014-34 at a regular meeting of the City Council held on the May 6, 2014 by the following vote:

COUNCIL MEMBER AYES:	Chaffee, Sebourn, Whitaker, Flory, Fitzgerald
COUNCIL MEMBER NOES:	None
COUNCIL MEMBER ABSTAINED:	None
COUNCIL MEMBER ABSENT:	None

  
\_\_\_\_\_  
Lucinda Williams, MMC  
City Clerk

RESOLUTION NO. 2014-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE HARBOR WALK SPECIFIC PLAN LRP12-00017 SETTING FORTH DEVELOPMENT STANDARDS, DESIGN GUIDELINES AND OTHER DEVELOPMENT PARAMETERS FOR A MIXED USE RESIDENTIAL / LIVE-WORK / COMMERCIAL DEVELOPMENT; MAJOR SITE PLAN ZON12-00047 INCLUDING SITE, ARCHITECTURAL AND LANDSCAPE PLANS FOR A 142 UNIT RESIDENTIAL APARTMENT PROJECT WHICH INCLUDES SEVEN LIVE/WORK UNITS AND ASSOCIATED PARKING, COMMON AREAS AND LEASING OFFICE; A CONSOLIDATION OF PARCELS INTO A SINGLE DEVELOPMENT SITE AND ABANDONMENT OF UNUSED UTILITY EASEMENTS SUB12-00006 FOR A 2.9 ACRE SITE LOCATED ON THE EAST SIDE OF HARBOR BLVD. BETWEEN ORANGETHORPE AND ASH AVENUES AT 770 S. HARBOR BLVD.

PRJ12-00300 - LRP12-00017 - ZON12-00047 - SUB12-00006

APPLICANT: PLC HARBORWALK APARTMENTS, LLC  
PROPERTY OWNER: 770 HARBOR LLC

THE CITY COUNCIL OF THE CITY OF FULLERTON HEREBY RESOLVES AS FOLLOWS:

1. That applications were filed for Harbor Walk Specific Plan establishing development standards and guidelines for a mixed-use development, Major Site Plan including site, architectural and landscape concept plans, and Lot Consolidation and Abandonment of Utility Easements, for development of a 2.9 acre site; on property described as:

Orange County Assessor's Parcel Nos.  
033-065-35, 033-065-24, 033-065-25, 033-065-02

2. That public hearings before the Planning Commission and City Council were duly called, noticed and held in consideration of said applications.

3. That the City of Fullerton prepared an Initial Study and Mitigated Negative Declaration (MND) in conformance with applicable provisions of the California Environmental Quality Act (CEQA) and in conformance with the Local CEQA Guidelines, to identify the project's potential adverse environmental effects and mitigation measures to reduce such effects to a level that is less than significant.

4. That the City is the "Lead Agency" for the project evaluated in the MND;

5. That the City has independently reviewed and analyzed the MND, and it reflects the independent judgment of the City;

6. That the project has been conditioned to comply with mitigation measures and regulatory requirements as identified in the MND;

7. That a Mitigation Monitoring and Reporting Program (MMRP), designating responsibility and anticipated timing for the implementation of mitigation measures, has been prepared for the project. The MMRP is considered part of the record of proceedings for the project;

8. That the City provided a 20-day public review period which ended on January 20, 2014, during which time no comments were received with regard to the environmental impact analysis.

9. That the City Council of the City of Fullerton does hereby APPROVE said Mitigated Negative Declaration, Harbor Walk Specific Plan LRP12-00017, Major Site Plan ZON12- 00047 and SUB12-00006 consolidating parcels and abandoning unused utility easements, subject to the conditions of approval listed below and the mitigation measures contained in the attached MMRP.

**Conditions:**

1. The project shall be in substantial conformance with the plans, descriptions, and statements provided by the applicant, except to the extent that the plans or designs are modified by the City Council and conditions herein. Approved plans are those sheets dated April 1, 2014 which include modifications to the plan set dated January 15, 2014.
2. Applicant shall provide a complete set of entitlement concept plans to the Community Development Department, consistent with the City Council project approval, within 60 days of the action to approve and prior to submittal of any plans for building or grading plan check. Additionally, the floor plan for the live/work unit shall include only one kitchen, to be located within the second floor living area.
3. Project shall comply with applicable mitigation measures and regulatory requirements contained in the project Mitigated Negative Declaration, as identified in Attachment 1, Mitigation Monitoring and Reporting Program.
4. Applicant and owner are responsible for ensuring that information contained in construction drawings is consistent among architectural, structural, grading, electrical, mechanical, plumbing, fire, utility and public improvement plans as well as other construction drawings. 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 completion of construction revisions prior to receiving final occupancy approvals.

5. Applicant shall provide a materials manual documenting the building materials and architectural details including, but not limited to windows, doors, garage doors, roofing and exterior lighting for review and approval by the Community Development Director, prior to or concurrent with plan check submittal. Manual shall include cut sheets and/or manufacturer's brochures for details (and samples if required). The review shall verify consistency with the approved plans and representations made by the applicant.
6. Developer shall submit construction plans to the Community 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. Building codes in effect, including local amendments, as of January 1, 2014: 2013 California Building Code ('13 CBC); 2013 California Plumbing Code ('13 CPC); 2013 California Mechanical Code ('13 CMC); 2013 California Electrical Code ('13 CEC); 2013 California Residential Code ('13 CRC); 2013 California Energy Code ('13 Energy); and 2013 California Green Building Standards Code ('13 CGBSC).
7. 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 project, save and except that caused by the City's active negligence.
8. Project design shall utilize crime prevention through environmental design (CPTED) concepts to enhance security, and discourage loitering and graffiti. This may include lighting of interior driveway and parking structures, stairwells, building entries and common areas for vehicular and pedestrian safety, securing the building entries and parking structures (including openings into semi-subterranean parking levels) as approved by the Community Development Director. If security screening is used to secure openings into semi-subterranean parking levels, it shall be decorative and complementary to building design.
9. Lighting shall be arranged to confine illumination to the project site, with particular attention paid to avoid impacts to neighboring residential properties from lighting of parking structure rooftop and pool area.
10. Applicant shall prepare final landscape plans to include use of water efficient plant materials in accordance with Chapter 15.50 of the Fullerton Municipal Code (FMC). Plans for common areas shall be subject to review and approval by the Community Development Director and plans for Harbor Boulevard project frontage shall be subject to review and approval by the Community Development and Public Works Directors.



11. Enhanced landscaping along the Harbor Blvd. sidewalk shall be used to screen views into the parking structure.
12. Landscaping and walls/fencing and signage at the project entry shall not limit sight distance of vehicles and pedestrians entering and exiting the site or crossing the private driveway.
13. Transfer of trash from on site bins to disposal trucks shall take place on-site.
14. Haul routes to and from site during construction shall specify right turn into and out of site from Harbor Blvd. driveway, or as approved by the Public Works Director.
15. All water quality requirements for the National Pollutant Discharge Elimination System (NPDES) storm water program shall be compliant with the latest regulations and guidance documents. Permits and guidance documents include, but are not limited to State Water Resources Control Board Order No. 2012-0006-DWQ, NPDES No. CAS000002, California Regional Water Quality Control Board – Santa Ana Region Order No. R8-2009-0030, NPDES No. CAS618030, County of Orange Drainage Area Management Plan (DAMP) (latest edition), County of Orange 2011 Model Water Quality Management Plan (WQMP), County of Orange Technical Guidance Document (TGD), and the City of Fullerton's Local Implementation Plan (latest edition).
16. This project is located on a Groundwater Plume protection area. Final Water Quality Management Plan (WQMP) shall refer to appendix VIII.3 and XVI-2f of the TGD and include requirements for conducting site-specific studies.
17. The WQMP infiltration feasibility work sheets shall be included in the final WQMP, per Table 2.7 of section 2.4.2.4 in the TGD.

Engineering Conditions:

18. 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. This includes supplements thereto and City of Fullerton Standard Drawings.
19. Separate plans shall be prepared for applicable public improvements, which will include the following: streets, alleys, water, storm drain, sewer, and street lighting systems. The plans shall be submitted to the Public Works Department for review, approval, and issuance of separate Public Works Department's permits, as applicable.
20. Public Works Department permits shall be obtained prior to undertaking any grading or construction work of any type within the public right-of-way.
21. During site improvement, all deliveries to the project site that are overweight or oversize require an Overlimit permit from the Public Works Department.

22. 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 edition of the State of California, Manual of Uniform Traffic Control Devices, or as required by the Public Works Department Permit to ensure safe passage of pedestrian and vehicular traffic.
23. 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 recorded documents shall be submitted to the Director of Public Works for review and approval prior to issuance of Certificate of Final Occupancy on the last home within the tract.
24. The Developer shall identify the location of all existing utilities during the preliminary design phase and include them in the plans.
25. All underground utilities within construction limits shall be potholed prior to starting any construction.
26. The asphalt concrete structural section shall comply with the Soils Report recommendations and shall be approved by the Director of Public Works.
27. Prior to final acceptance, the owner shall file a set of as-built drawings with the Public Works Department for work performed within the public right-of-way.
28. All drainage facilities on site and off site shall be designed by a registered civil engineer based upon hydrologic and hydraulic studies and calculations to be submitted for review and approval by the Director of Public Works and Building Official. The system shall be designed in accordance with the most recent OCEMA manual. All storm drains constructed within the public right-of-way or other public easements shall be a minimum 18 inches in diameter reinforced concrete pipe (RCP) constructed in accordance with City Standards. Trenching and backfill shall be in accordance with City Standards.
29. The proposed new storm drain connection to the City-owned concrete storm drain box located under the sidewalk along project frontage on Harbor Boulevard shall be

designed and constructed in accordance with City Standards and as approved by the Director of Public Works.

30. The proposed site development shall not result in the increase of storm water run-off and flow intensity to the adjacent private properties and City right-of-way. No surface runoff will be permitted across sidewalks and driveway approaches.
31. Proposed on-site storm drain facilities development shall be privately owned and maintained.
32. The existing sidewalk along project frontage on Harbor shall be removed and replaced with a new concrete sidewalk.
33. The proposed main driveway access to the development off of Harbor Boulevard shall include an extended curve for the "right turn in" movement from the north bound curb lane to allow for vehicle deceleration at the entrance to the site. The driveway design shall be approved by the Director of Public Works and the City Traffic Engineer.
34. The striping on Harbor Boulevard along the project frontage shall be modified to accommodate the proposed main access to the development and shall be subject to approval of the City Traffic Engineer.
35. The proposed driveway located off of Harbor Boulevard at the southwest corner of the property shall be utilized for Emergency Vehicular Access (EVA) only. Its use and improvements, including access controls and all weather surface, shall be subject to approval by the Fire Chief and Community Development Director.
36. The existing public alley on the north that will provide a secondary access connecting proposed development to Ash Avenue shall be reconstructed including concrete alley approach, asphalt concrete pavement, and concrete gutter. No parking will be permitted in the subject alley.
37. All unused existing driveways shall be removed and reconstructed with full height curb and gutter, and full width sidewalk.
38. Deteriorated or damaged curb and gutter shall be reconstructed with a new concrete curb and gutter.
39. The top 2 inches of existing asphalt concrete pavement shall be removed over the east half of Harbor Boulevard along project's frontage and reconstructed with a new asphalt pavement.
40. The City Traffic Engineer reviewed a Traffic Study and Supplemental Assessment submitted by the developer and found it satisfactory. The Supplemental Assessment included Signal Warrant Assessment for the Harbor Boulevard and Ash

Avenue intersection, which was prepared based on Caltrans methodology. The warrant analysis showed that the forecast traffic volumes and the current accident history do not warrant a traffic signal at said location.

To assure adequate assessment of future conditions specific to the proposed use, the City Traffic Engineer will review the intersection of Harbor Boulevard and Ash Avenue in 2 years after full occupancy. The criteria of "full occupancy" shall be reasonably determined by the Director of Community Development. If the review indicates a significant accident history to warrant a traffic signal, the project will be required to install a traffic signal at no cost to the City. The developer shall prepare and submit for the Director of Public Works' approval a cost estimate for traffic signal installation including cost of a traffic warrant study, design, and construction of said traffic signal. An improvement security as described in FMC 16.05.110.B for the approved amount shall be submitted to the Department of Public Works/Engineering prior to the issuance of building permits. If it is determined that the construction of traffic signal is not required at the end of the above-noted two-year period, the security will be released to the developer minus any warrant study fees.

41. If the existing street light located on the east side of Harbor Boulevard is in conflict with the proposed driveway, it shall be relocated. Said light is connected to the existing high voltage street lighting system. The developer shall convert this light from 6.6-amp series circuit to 120V-240V multi-circuit service including installation of new conduit, conductors, pull boxes, and new metered panel in a City's standard switch cabinet. The location of a of a new service shall be coordinated with SCE and the City.
42. The existing WHPS luminaire shall be removed and replaced with City-approved LED luminaire (Cooper Navion, GE Evolve, or Leotek) that produce lighting photometrics similar to existing.
43. A street lighting plan shall be submitted to the Public Works Department for review and approval. This plan may include additional street lights on he east side of Harbor Blvd. per City Standard No. 500.
44. The developer shall connect new water main located in the private drive to the existing 16-inch water main located in Ash Avenue and existing 16-inch water main located in Harbor Boulevard.
45. Sprinkler system shall include fire line service and backflow assembly.
46. New water system shall include irrigation service, meter assembly, and backflow assembly.
47. The Developer shall abandon unneeded 6-inch water main (which currently serves the property) which runs from the westerly property line, across Harbor Boulevard, to the north-south alley located west of Harbor Boulevard.

48. The Developer shall reconfigure lateral service for the existing fire hydrant located on Harbor Boulevard, including abandonment of existing service lateral and piping located on site.
49. The developer shall provide hydraulic calculations to properly size the new meters. All proposed and existing hydrants must meet Fire Department minimum required flow (City of Fullerton's Water Rates, Rules, and Regulations, rule 15.A and 15.B).
50. New irrigation meter shall be installed per City Standards, including backflow assembly and protective cage.
51. Engineering calculations and Water Improvement plans shall be provided by a California Registered Civil Engineer. The final alignment, line sizing, meter sizing, backflow devices, irrigation meters, abandonments, and fire hydrant locations shall be subject to the approval of the City's Water System Manager. The system shall be designed in conformance with City of Fullerton Water Utility Specifications and Fire Department requirements.
52. All water mains must be located within the street right-of-way or within public service access or water line easements.
53. The Developer shall install a new standard sewer manhole at the point of connection of a new on-site sewer system to the existing 21-inch sewer main located in sewer easement along southerly property line. On-site sewer system shall be privately owned and maintained.
54. According to Section 16.05.060, 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.
55. Lots that currently exist on site shall be consolidated into one lot in accordance with the FMC Section 16.04.030. The developer shall prepare a Record of Survey for the project site and record it with County of Orange prior to issuance of building permits. All public and private easements shall be depicted on the Record of Survey.
56. The developer shall coordinate the site design with public utility companies that have facilities on site and obtain their approval for any work associated with utility removal, relocation, and/or modification. A number of private easements exist on site that may conflict with the proposed improvements. It is the project's responsibility to determine which easements are to remain, be realigned, or be abandoned. Any modification to the existing easements shall be coordinated with the easement owners/grantees.

57. Public easements that become unneeded as a result of proposed development shall be abandoned by a Summary Vacation in accordance with Section 8333 of Streets and Highway Code prior to issuance of the Certificate of Final Occupancy.
58. An easement for public service, police patrol, emergency vehicle access, fire protection, refuse collection, and water line systems shall be dedicated to the City of Fullerton over private drive prior to issuance of certificate of final occupancy.
59. All of the above 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.
60. Prior the issuance of building permits, all of the above public and private improvements, including the offsite alley, water, and sewer, shall be guaranteed to be installed by the execution of a Public Improvements Agreement secured by sufficient bonds or sureties for both Faithful Performance and Labor and Materials in a form approved by the City Attorney.
61. In addition, all cash fees and deposits shall be collected by the City prior to the issuance of any building permits.
62. Engineering Department expenses including overhead for plan check and inspection will be charged against the reimbursable account created for the project. The initial \$3,000 shall be deposited with the Engineering Department concurrently with the first review submittal of the public improvement plans. 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 plan check review process, or to fund the Engineering Department's inspection services during construction, additional deposit(s) will be required as necessary to obtain City approval of the public improvement plans, and/or final acceptance of installed public improvements.

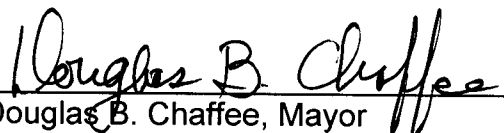
10. That the facts and findings for APPROVAL of Specific Plan LRP12-00017, Major Site Plan ZON12-00047, and lot consolidation and utility easement abandonment SUB12-00006 are hereby found and declared to be as follows:

**Major Site Plan and Adoption of a Specific Plan:**

1. The project design is compatible with surrounding development and neighborhoods.
2. The project conforms to applicable development standards, design guidelines and specific plan requirements.
3. The project provides for safe and adequate vehicular and pedestrian circulation, both on- and off-site.

4. City services are available and adequate to serve the project.
5. The project has been designed to fully mitigate or substantially minimize adverse environmental effects.

ADOPTED BY THE FULLERTON CITY COUNCIL ON MAY 6, 2014.

  
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Douglas B. Chaffee, Mayor

ATTEST:

  
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Lucinda Williams, City Clerk

May 19, 2014

Attachment 1: Mitigation Monitoring and Reporting Program

**ATTACHMENT 1 TO RESOLUTION 2014-35**

**HARBOR WALK SPECIFIC PLAN PROJECT**

**MITIGATION MONITORING AND REPORTING PROGRAM**

Section 21081.6 of CEQA and Section 15097 of the State CEQA Guidelines require a public agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) for assessing and ensuring the implementation of required mitigation measures. This document provides the MMRP for the Harbor Walk Specific Plan Project, and identifies the mitigation measures, monitoring timing/frequency, reporting requirements, and responsible agency for ensuring each mitigation measure is implemented. It should be noted that the MMRP includes mitigation measures (MMs) from The Fullerton Plan Environmental Impact Report (EIR) applicable to and incorporated into the proposed project, project design features (PDFs), relevant regulatory requirements (RRs), and project-specific MMs identified in the Initial Study/Mitigated Negative Declaration to reduce potential project impacts to a less than significant level.

The custodian of the documents comprising the record of proceedings, including the MMRP, is the City of Fullerton, Community Development Department, 303 West Commonwealth Avenue, Fullerton, CA, 92832. The on-going documentation and monitoring of mitigation compliance will be completed by the City of Fullerton in coordination with the Project Applicant.



**MITIGATION MONITORING AND REPORTING PROGRAM  
HARBOR WALK SPECIFIC PLAN PROJECT**

No.	Mitigation Measure	Monitoring Timing/Frequency	Reporting Requirements	Enforcing, Monitoring Agency	Verification of Compliance Initials/Date
<b>AIR QUALITY</b>					
<b>The Fullerton Plan EIR Mitigation Measure</b>					
MM AQ-1	<p>Prior to issuance of any Grading Permit, the Community 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:</p> <ul style="list-style-type: none"> <li>• All active portions of the construction site shall be watered twice daily to prevent excessive amounts of dust;</li> <li>• 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;</li> <li>• All excavating and grading operations shall be suspended when wind gusts (as instantaneous gust) exceed 25 miles per hour;</li> <li>• On-site vehicle speed shall be limited to 15 miles per hour;</li> <li>• All on-site roads shall be paved as soon as feasible, watered twice daily, or chemically stabilized;</li> <li>• Visible dust beyond the property line which emanates from the project shall be prevented to the maximum extent feasible;</li> <li>• All material transported off-site shall be either</li> </ul>	<p>Prior to Issuance of a Grading Permit/ Ongoing Inspections During Construction</p>	<p>Verification that Grading Plan, Building Plans, and Specifications are in compliance with SCAQMD Rule 403/ Verification During Construction</p>	<p>City of Fullerton Community Development Department and Engineering Department</p>	

**MITIGATION MONITORING AND REPORTING PROGRAM  
HARBOR WALK SPECIFIC PLAN PROJECT**

No.	Mitigation Measure	Monitoring Timing/Frequency	Reporting Requirements	Enforcing, Monitoring Agency	Verification of Compliance Initials/Date
	<p>sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site;</p> <ul style="list-style-type: none"> <li>• Track-out devices shall be used at all construction site access points;</li> <li>• All delivery truck tires shall be watered down and/or scraped down prior to departing the job site;</li> <li>• 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;</li> <li>• 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,</li> <li>• Replace ground cover in disturbed areas as quickly as possible.</li> </ul>				
MM AQ-2	<p>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).</p>	<p>Prior to Issuance of a Grading Permit/ Ongoing Inspections During Construction</p>	<p>Issuance of Grading Permit/ Ongoing During Construction</p>	<p>City of Fullerton Community Development Department and Engineering Department</p>	

**MITIGATION MONITORING AND REPORTING PROGRAM  
HARBOR WALK SPECIFIC PLAN PROJECT**

No.	Mitigation Measure	Monitoring Timing/Frequency	Reporting Requirements	Enforcing, Monitoring Agency	Verification of Compliance Initials/Date
MM AQ-3	<p>The following measures shall be implemented to reduce VOC emissions resulting from application of architectural coatings:</p> <ul style="list-style-type: none"> <li>• Contractors shall use high-pressure-low-volume (HPLV) paint applicators with a minimum transfer efficiency of at least 50 percent;</li> <li>• Use required coatings and solvents with a VOC content lower than required under Rule 1113;</li> <li>• Construct/build with materials that do not require painting; and</li> <li>• Use pre-painted construction materials.</li> </ul>	Ongoing Inspections During Construction	Ongoing During Construction	City of Fullerton Community Development Department and Engineering Department	
MM AQ-4	<p>Prior to issuance of any Grading Permit, the Community 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.</p>	Prior to Issuance of a Grading Permit/ Ongoing Inspections  During Construction	Issuance of Grading Permit/ Ongoing During Construction	City of Fullerton Community Development Department and Engineering Department	
MM AQ-5	<p>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.</p>	Prior to Issuance of a Grading Permit/  Ongoing Inspections During Construction	Issuance of a Grading Permit/ Ongoing During Construction	City of Fullerton Community Development Department	

**MITIGATION MONITORING AND REPORTING PROGRAM  
HARBOR WALK SPECIFIC PLAN PROJECT**

No.	Mitigation Measure	Monitoring Timing/Frequency	Reporting Requirements	Enforcing, Monitoring Agency	Verification of Compliance Initials/Date
MM 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.	Prior to Issuance of a Grading Permit	Submittal and Approval of Traffic Control Plan	City of Fullerton Engineering Department	
MM AQ-7	Building and grading permits shall include a restriction that limits idling of construction equipment on site to no more than five minutes.	Prior to Issuance of Building and Grading Permits/Ongoing Inspections During Construction	Issuance of Building and Grading Permits/ Ongoing During Construction	City of Fullerton Community Development Department	
MM AQ-9	Proposed developments within the City of Fullerton shall include, to the extent feasible, as a part of construction and building management contracts, the following measures: <ul style="list-style-type: none"> <li>• All residential and commercial structures shall be required to incorporate high efficiency/low polluting heating, air conditioning, appliances, and water heaters.</li> <li>• All residential and commercial structures shall be required to incorporate thermal pane windows and weather-stripping.</li> <li>• All residential, commercial, and industrial structures shall be required to incorporate light colored roofing materials.</li> </ul>	Prior to Issuance of Building Permits	Verification that Measures are Included in Construction and Building Contracts/ Issuance of Building Permits	City of Fullerton Community Development Department	

**MITIGATION MONITORING AND REPORTING PROGRAM  
HARBOR WALK SPECIFIC PLAN PROJECT**

No.	Mitigation Measure	Monitoring Timing/Frequency	Reporting Requirements	Enforcing, Monitoring Agency	Verification of Compliance Initials/Date
<b>BIOLOGICAL RESOURCES</b>					
<b>Regulatory Requirements</b>					
RR 4-1	<p>All tree plantings, removals, or alterations associated with implementation of the <i>Harbor Walk Specific Plan</i> shall be conducted in accordance with the requirements set forth in City of Fullerton's 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 Property Owner/Developer shall submit a Plot Plan of the proposed development so the Director of Community Development can determine the tree requirements for site development. The plot plan shall:</p> <ol style="list-style-type: none"> <li>1. Clearly show all existing trees, noting location, species, size, and condition;</li> <li>2. Note whether existing trees will be retained, removed, or relocated;</li> <li>3. Show proposed utilities, driveways, sidewalks and tree planting locations, and the size and species of proposed street trees; and</li> <li>4. Conform with ground and aerial setback specifications, as defined in the Community Forest Management Plan.</li> </ol>	Prior to Issuance of a Building Permit	Submittal and Approval of Plot Plan	City of Fullerton Community Development Department	
<b>Project Specific Mitigation Measure</b>					
MM 4-1	<p>Prior to approval of grading plans, the Community Development Department shall verify that the following note is included on the contractor specifications to ensure compliance with the Migratory Bird Treaty Act (MTBA):</p> <p>To avoid impacts on nesting birds, the vegetation on the project site should be cleared between September 1 and February 28. If vegetation clearing occurs inside the peak nesting season (between March 1 and August 31), a pre-construction survey</p>	Prior to Approval of Grading Plans	Verification that Requirement is Included on the Contractor Specifications/ Verification that pre-construction survey	City of Fullerton Community Development Department	



**MITIGATION MONITORING AND REPORTING PROGRAM  
HARBOR WALK SPECIFIC PLAN PROJECT**

No.	Mitigation Measure	Monitoring Timing/Frequency	Reporting Requirements	Enforcing, Monitoring Agency	Verification of Compliance Initials/Date
	(or possibly multiple surveys) shall be conducted by a qualified Biologist to identify if there are any active nesting locations. If the Biologist does not find any active nests within the impact area, then vegetation clearing/construction work will be allowed. If the Biologist finds an active nest within the construction area and determines that the nest may be impacted by construction activities, the Biologist will delineate an appropriate buffer zone around the nest depending on the species and the type of construction activity. Construction activities would be prohibited in the buffer zone until a qualified Biologist determines that the nest has been abandoned.		has been conducted, if required/ Issuance of Grading Permit		
<b>CULTURAL RESOURCES</b>					
<b>The Fullerton Plan EIR Mitigation Measure</b>					
MM CR-3	In the event that cultural resources (archaeological, historical, paleontological) are inadvertently unearthed during excavation activities associated with soil remediation, the contractor shall immediately cease all earth-disturbing activities within a 100-foot radius of the area of discovery. 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 find and determine an appropriate course of action. If avoidance of the resource(s) is not feasible, salvage operation requirements pursuant to Section 15064.5 of the State CEQA Guidelines shall be followed. After the find has been appropriately avoided or mitigated, work in the area may resume.	During Ground-Altering Activities	Retention of a Professional Archaeologist, Paleontologist, and/or Native American Monitor/ Completion of Salvage Operations, as appropriate	City of Fullerton Community Development Department	
MM CR-4	In the event that human remains are unearthed during excavation and grading activities of any future 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	During Ground-Altering Activities	On-Site Monitor/ Report to Orange County Coroner's Office, if Human Remains are Discovered	City of Fullerton Community Development Department	

**MITIGATION MONITORING AND REPORTING PROGRAM  
HARBOR WALK SPECIFIC PLAN PROJECT**

No.	Mitigation Measure	Monitoring Timing/Frequency	Reporting Requirements	Enforcing, Monitoring Agency	Verification of Compliance Initials/Date
	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.				
<b>GEOLOGY AND SOILS</b>					
<b>Regulatory Requirements</b>					
RR 6-1	Geotechnical design considerations for the implementation of the <i>Harbor Walk Specific Plan</i> are governed by the Fullerton Building Code, as set forth in Title 14 of the Municipal Code, which incorporates by reference the California Building Code. All buildings and other structures shall be designed in accordance with applicable requirements of the California Building Code in effect at the time of grading plan submittal, the Fullerton Municipal Code, and any applicable building and seismic codes in effect at the time the grading plans are submitted.	Prior to Issuance of Grading Permits and Building Permits	Verification that Applicable Requirements are Included on Contractor Specifications/ Issuance of Grading and Building Permits	City of Fullerton Community Development Department	
<b>Project Specific Mitigation Measure</b>					
MM 6-1	<p>The project site preparation and building design specifications shall include recommendations from Petra Geotechnical's <i>Geotechnical Investigation, Proposed 150-Unit Apartment Complex, 770 South Harbor Boulevard, City of Fullerton, California</i> prepared by Petra Geotechnical, Inc. (August 2013) and any future geotechnical reports. These recommendations include, but are not limited to, specifications for the following:</p> <ul style="list-style-type: none"> <li>• <b>Earthwork Recommendations:</b> general specifications; site clearing; contaminant-affected soils, if encountered; ground preparation of structural areas; excavation characteristics; stability of temporary excavation sidewalls; moisture conditioning of fill soils; fill placement; imported soils; geotechnical observations and testing during grading; and volumetric changes such as</li> </ul>	Prior to Issuance of a Grading Permit	Verification that Site Preparation and Building Design Specifications Include Required Specifications/ Issuance of a Grading Permit	City of Fullerton Community Development Department	

**MITIGATION MONITORING AND REPORTING PROGRAM  
HARBOR WALK SPECIFIC PLAN PROJECT**

No.	Mitigation Measure	Monitoring Timing/Frequency	Reporting Requirements	Enforcing, Monitoring Agency	Verification of Compliance Initials/Date
	<p>bulking, shrinkage, and subsidence.</p> <ul style="list-style-type: none"> <li>• <b>Post-Grading Considerations:</b> utility trenches, site drainage.</li> <li>• <b>California Building Code Seismic Design Coefficients.</b></li> <li>• <b>Foundation Design Recommendations:</b> alternative design considerations; allowable bearing value and modulus of subgrade reaction; settlement; lateral resistance; footing observations; minimum design recommendations; conventional slabs-on-grade system; and mat slabs and post-tensioned foundations.</li> <li>• <b>Soluble Sulfate Analysis and General Corrosivity Screening.</b></li> <li>• <b>Preliminary Retaining Wall Recommendations:</b> allowable bearing values and lateral resistance; active and at-rest pressures; drainage and waterproofing; and wall backfill.</li> <li>• <b>Non-Retaining Masonry Block Walls.</b></li> <li>• <b>Exterior Concrete Flatwork:</b> thickness and joint spacing, reinforcement, drainage, tree wells, subgrade preparation, and planter walls.</li> <li>• <b>Tentative Pavement Design Recommendations:</b> concrete pavement.</li> </ul> <p>The project site preparation and building design specifications shall be verified by the City of Fullerton Building Official prior to issuance of a grading permit.</p>				



**MITIGATION MONITORING AND REPORTING PROGRAM  
HARBOR WALK SPECIFIC PLAN PROJECT**

No.	Mitigation Measure	Monitoring Timing/Frequency	Reporting Requirements	Enforcing, Monitoring Agency	Verification of Compliance Initials/Date
<b>HAZARDS AND HAZARDOUS MATERIALS</b>					
<b>The Fullerton Plan EIR Mitigation Measures</b>					
MM HAZ-3	Prior to structural demolition/renovation activities, should these activities occur, a Certified Environmental Professional shall confirm the presence or absence of ACM's and LBPs. Should ACMs or LBPs be present, demolition materials containing ACMs and/or LBPs shall be removed and disposed of at an appropriate permitted facility.	Prior to Issuance of Demolition or Construction Permits/ Evaluation of ACM's and LBPs/ Removal of ACMs and LBPs, if Necessary	Verification of Evaluation and Removal of ACM's and LBPs/ Issuance of Building Permits	City of Fullerton Community Development Department	
<b>Regulatory Requirements</b>					
RR 8-1	Demolition shall be conducted in accordance with the remediation and mitigation procedures established by all federal, State, and local standards, including those of the Federal and State Occupational Safety and Health Administrations (OSHA and CalOSHA), and South Coast Air Quality Management District (SCAQMD) regulations for the excavation, removal, and proper disposal of asbestos-containing materials (SCAQMD Regulation X – National Emission Standards For Hazardous Air Pollutants, Subpart M – National Emission Standards For Asbestos). The materials shall be disposed of at a certified asbestos landfill. The Asbestos-Abatement Contractor shall comply with notification and asbestos-removal procedures outlined in SCAQMD Rule 1403 to reduce asbestos-related health risks. SCAQMD Rule 1403 applies to any demolition or renovation activity and the associated disturbance of asbestos-containing materials. These requirements shall be included on the contractor specifications and verified by the City of Fullerton's Community Development Department in conjunction with the issuance of a Demolition Permit.	Prior to Issuance of Demolition Permit/ Ongoing During Demolition Activities	Verification that Contractor Specifications are in Compliance with Applicable Regulations/ Verification During Construction	City of Fullerton Community Development Department	

**MITIGATION MONITORING AND REPORTING PROGRAM  
HARBOR WALK SPECIFIC PLAN PROJECT**

No.	Mitigation Measure	Monitoring Timing/Frequency	Reporting Requirements	Enforcing, Monitoring Agency	Verification of Compliance Initials/Date
RR 8-2	Contractors shall comply with the requirements of Title 8 of the <i>California Code of Regulations</i> (Section 1532.1), which provides for exposure limits, exposure monitoring, respiratory protection, and good working practices by workers exposed to lead. Lead-contaminated debris and other wastes shall be managed and disposed of in accordance with the applicable provision of the <i>California Health and Safety Code</i> .	Prior to Issuance of a Demolition Permit/ During Demolition Activities	Verification that Contractor Specifications include Applicable Requirements/ Verification During Construction	City of Fullerton Community Development Department	
<b>Project Specific Mitigation Measure</b>					
MM 8-1	Prior to the issuance of the first grading permit, the City of Fullerton Community Development Department shall review and approve the final contractor specifications to verify that a contingency plan has been included that addresses the potential to encounter unknown hazardous materials during site grading and excavation. The specifications shall also be verified to include the appointment of a Construction Monitor with an Occupational Safety and Health Administration (OSHA) Hazardous Waste Operations and Emergency Response Standard (HAZWOPER) certification to identify and provide an initial response to any hazardous materials encountered during project implementation. The contingency plan shall specify that if construction workers encounter any hazardous materials (including, but not limited to, pipes, underground storage tanks [USTs], stained soils, odors, gases, uncontained spills, and/or other unidentified substances), the Contractor shall stop work, notify the Monitor (if not already aware), and cordon off the affected area. The Monitor shall contact the Orange County Health Care Agency (OCHCA), who shall determine the next steps regarding possible site evacuations, notification of other oversight agencies, sampling, handling, and disposal of the material(s) consistent with federal, State, and local regulations.	Prior to Issuance of Grading Permit	Verification that Contingency Plan with Requirements is Included on Contractor Specifications	Community Development Department	

**MITIGATION MONITORING AND REPORTING PROGRAM  
HARBOR WALK SPECIFIC PLAN PROJECT**

No.	Mitigation Measure	Monitoring Timing/Frequency	Reporting Requirements	Enforcing, Monitoring Agency	Verification of Compliance Initials/Date
<b>HYDROLOGY AND WATER QUALITY</b>					
<b>The Fullerton Plan EIR Mitigation Measure</b>					
MM HYD-1	Prior to issuance of any Grading or Building Permit, and as part of the future development's compliance with the NPDES requirements, a Notice of Intent shall be prepared and submitted to the Santa Ana RWQCB providing notification and intent to comply with the State of California General Construction Permit. Also, a Stormwater Pollution Prevention Plan (SWPPP) shall be reviewed and approved by the Director of Engineering for water quality construction activities on site. A copy of the SWPPP shall be available and implemented at the construction site at all times. The SWPPP shall outline the source control and/or treatment control BMPs to avoid or mitigate runoff pollutants at the construction site to the "maximum extent practicable." All recommendations in the SWPPP shall be implemented during area preparation, grading, and construction. The project applicant shall comply with each of the recommendations detailed in the SWPPP, and other such measure(s) as the City deems necessary to mitigate potential stormwater runoff impacts.	Prior to Issuance of Grading or Building Permits	Proof of NOI Submittal/ Submittal and Approval of SWPPP/ Issuance of Grading or Building Permit	City of Fullerton Community Development Department and Engineering Department	
MM 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.	Prior to Issuance of Grading Permits	Submittal and Approval of Water Quality Management Plan or Stormwater Mitigation Plan/ Issuance of Grading Permit	City of Fullerton Community Development Department and Engineering Department	

**MITIGATION MONITORING AND REPORTING PROGRAM  
HARBOR WALK SPECIFIC PLAN PROJECT**

No.	Mitigation Measure	Monitoring Timing/Frequency	Reporting Requirements	Enforcing, Monitoring Agency	Verification of Compliance Initials/Date
<b>NOISE</b>					
<b>The Fullerton Plan EIR Mitigation Measures</b>					
MM N-1	<p>Project applicants shall ensure through contract specifications that the following construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels:</p> <ul style="list-style-type: none"> <li>• Ensure that construction equipment is properly muffled according to industry standards and be in good working condition.</li> <li>• Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible.</li> <li>• 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.</li> <li>• 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.</li> <li>• Use electric air compressors and similar power tools rather than diesel equipment, where feasible.</li> <li>• Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 30 minutes.</li> <li>• 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</li> </ul>	Prior to Issuance of a Grading Permit/Site Inspections Prior to and During Construction	Issuance of Grading Permit/ Periodic Site Inspections	City of Fullerton Community Development Department and Engineering Department	

**MITIGATION MONITORING AND REPORTING PROGRAM  
HARBOR WALK SPECIFIC PLAN PROJECT**

No.	Mitigation Measure	Monitoring Timing/Frequency	Reporting Requirements	Enforcing, Monitoring Agency	Verification of Compliance Initials/Date
	<p>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.</p> <ul style="list-style-type: none"> <li>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).</li> </ul>				
MM N-2	Project applicants 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.	Prior to Issuance of a Grading Permit/Site Inspections During Construction	Review and Approval of Contract Specifications/ Issuance of Grading Permits/ Site Inspections	City of Fullerton Community Development Department and Engineering Department	
MM N-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.	Prior to Issuance of a Grading Permit/ Site Inspections During Construction	Review and Approval of Contract Specifications/ Issuance of Grading Permits/ Site Inspections	City of Fullerton Community Development Department and Engineering Department	
MM N-6	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.	Prior to Issuance of Building Permits	Issuance of Building Permits	City of Fullerton Community Development	



**MITIGATION MONITORING AND REPORTING PROGRAM  
HARBOR WALK SPECIFIC PLAN PROJECT**

No.	Mitigation Measure	Monitoring Timing/Frequency	Reporting Requirements	Enforcing, Monitoring Agency	Verification of Compliance Initials/Date
<b>Project Design Features</b>					
PDF 12-1	As identified in Section 1.3, Project Description, of the <i>Harbor Walk Specific Plan</i> , where feasible, existing on-site block walls abutting existing residences to the east of the site shall be preserved in place. However, depending on final design of new development, the existing walls may be modified or replaced. Solid walls shall separate development within the <i>Harbor Walk Specific Plan</i> area from existing residential development to the east, although open fencing is allowed at the E. Elm Avenue cul-de-sac.	Prior to Issuance of Building Permit/ Prior to Issuance of Occupancy Permits	Verification that Requirement is Included on Contractor Specifications/ Site Inspection	City of Fullerton Community Development Department	
PDF 12-2	As identified in Section 2.1.1, Characteristics of Live/Work Units, of the <i>Harbor Walk Specific Plan</i> , there shall be no use of commercial vehicles for the delivery of materials to or from the allowed live/work units, except those vehicles normally making residential deliveries (e.g., UPS, Federal Express).	Prior to Issuance of Occupancy Permits	Verification that Notification Documentation and CC&Rs or Equivalent Regulations include Requirements	City of Fullerton Community Development Department	
<b>Project Specific Mitigation Measures</b>					
MM 12-1	Prior to the issuance of the demolition permit, the Property Owner/Developer shall provide information to the Director of Community Development demonstrating that construction workers shall be required to park on the project site or in other locations that are not adjacent to residences.	Prior to Issuance of a Demolition Permit/Site Inspections During Construction	Verification that Requirement is Included on Contractor Specifications/ Site Inspections	City of Fullerton Community Development Department and Engineering Department	
MM 12-2	Prior to the issuance of the demolition permit, the Property Owner/Developer shall provide information to the Director of Community Development demonstrating that either the existing block wall along the eastern edge of the project site shall stay in place during demolition and grading phases or, upon demolition of part or all of the wall, a temporary barrier or the future permanent wall will be installed prior to grading and construction.	Prior to Issuance of a Demolition Permit/ Periodic Site Inspections During Construction	Verification that Requirement is Included on Contractor Specifications/ Site Inspections	City of Fullerton Community Development Department	
MM 12-3	Prior to the issuance of the demolition permit, the Property Owner/Developer shall provide information to the Director of Community Development demonstrating that the construction plans and specifications include the installation of a temporary	Prior to Issuance of a Demolition Permit/ Periodic Site Inspections During Construction	Verification that Requirement is Included on	City of Fullerton Community Development Department	

**MITIGATION MONITORING AND REPORTING PROGRAM  
HARBOR WALK SPECIFIC PLAN PROJECT**

No.	Mitigation Measure	Monitoring Timing/Frequency	Reporting Requirements	Enforcing, Monitoring Agency	Verification of Compliance Initials/Date
	<p>noise barrier at the northeast corner of the project site on the west side of the existing alley. The barrier shall extend from the corner southward along the west edge of the alley for 60 feet. The barrier shall extend from the corner westward along the property line for 50 feet. The barrier shall be 10 feet high and solid from the ground to the top. The barrier shall be plywood of at least ½ in thickness or other material with a noise transmission loss of 20 dBA or more.</p>		<p>Contractor Specifications/ Site Inspections</p>		
MM 12-4	<p>Prior to issuance of building permits, the Property Owner/Developer shall submit plans and specifications to the Director of Community Development that include the following noise-reduction measures.</p> <ul style="list-style-type: none"> <li>• All residential units shall be provided with a means of mechanical ventilation, as required by the California Building Code for occupancy with windows closed. The following are additional requirements for all units facing Harbor Boulevard:                             <ul style="list-style-type: none"> <li>○ For all residential units facing Harbor Boulevard, west-facing windows and glass doors at units adjacent to Harbor Boulevard shall be provided with a sound transmission class (STC) rating of 32 or higher.</li> <li>○ For all residential units facing Harbor Boulevard, exterior doors for all units adjacent and facing Harbor Boulevard shall be solid core with an STC rating of 32 or higher and installed with weather stripping.</li> <li>○ For all residential units facing Harbor Boulevard, roof-wall assemblies shall be free of cut-outs and openings. If possible, attic vents at buildings adjacent to Harbor Boulevard shall not face west.</li> </ul> </li> </ul>	<p>Plan Review Prior to Issuance of Building Permits/ Verification Prior to Issuance of Occupancy Permits</p>	<p>Verification that Plans and Specifications Include Noise Reduction Requirements/ Submittal and Approval of Acoustical Study, if Applicable</p>	<p>City of Fullerton Community Development Department</p>	

**MITIGATION MONITORING AND REPORTING PROGRAM  
HARBOR WALK SPECIFIC PLAN PROJECT**

No.	Mitigation Measure	Monitoring Timing/Frequency	Reporting Requirements	Enforcing, Monitoring Agency	Verification of Compliance Initials/Date
	<ul style="list-style-type: none"> <li>○ For all residential units facing Harbor Boulevard, exterior wall assemblies shall have an STC rating of 45 or higher. This can be accomplished with standard wall assemblies using 2 by 4 inch studs, batt insulation in the wall cavities, and exterior stucco on plywood and interior gypsum board, or refer to Appendix E for STC ratings for various assemblies.</li> </ul>				
	<ul style="list-style-type: none"> <li>• Alternatively, the Property Owner/Developer may submit an acoustical study to the Director of Community Development that demonstrates that the proposed architectural design would reduce a 75 A-weighted decibel (dBA) on the Community Noise Equivalent Level (CNEL) exterior noise level to 45 dBA CNEL or less in all habitable rooms of the proposed project.</li> </ul>				
MM 12-5	Prior to the issuance of the building permit, the Property Owner/Developer shall provide evidence to the Director of Community Development demonstrating that the noise level from heating, ventilation, and air conditioning (HVAC) units, pool pumps, and other mechanical equipment would not exceed 50 dBA at or beyond the project site property lines.	Prior to Issuance of Building Permits	Verification that required evidence has been provided	City of Fullerton Community Development Department	
MM 12-6	Prior to the issuance of an occupancy permit, the Property Owner/Developer shall provide evidence to the Director of Community Development demonstrating that the building's Covenants, Conditions and Restrictions (CC&Rs) or equivalent regulations include a prohibition on the use of radios, televisions, "boom boxes", and similar devices in the pool area unless the devices are used with headphones, ear buds, or similar device.	Prior to Issuance of Occupancy Permits	Verification that Building's CC&Rs or Equivalent Regulations Include Requirement	City of Fullerton Community Development Department	



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No.	Mitigation Measure	Monitoring Timing/Frequency	Reporting Requirements	Enforcing, Monitoring Agency	Verification of Compliance Initials/Date
MM 12-7	Prior to the issuance of an occupancy permit, the Property Owner/Developer shall provide evidence to the Director of Community Development demonstrating that the building's CC&Rs or equivalent regulations include a prohibition on the use of the pool area between 10:00 PM and 5:00 AM and that signs with pool hours are posted at the pool area.	Prior to Issuance of Occupancy Permits	Verification that Building's CC&Rs or Equivalent Regulations Include Requirement	City of Fullerton Community Development Department	
<b>PUBLIC SERVICES</b>					
<b>The Fullerton Plan EIR Mitigation Measure</b>					
MM 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 mitigation fees have been paid per the mitigation established by the applicable school district.	Prior to Issuance of Building Permits	Proof of Payment of School Impact Mitigation Fees	City of Fullerton Community Development Department	
<b>Regulatory Requirement</b>					
RR 14-1	In accordance with Chapter 21.12 of the City of Fullerton Municipal Code, prior to the issuance of each building permit, the Property Owner/Developer shall remit the most current park dwelling fee and/or other 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 shall be 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 Development Department shall confirm compliance with this requirement prior to issuance of a building permit.	Prior to the Issuance of Building Permits	Proof of Payment of Park Dwelling Fees	City of Fullerton Community Development Department	

**MITIGATION MONITORING AND REPORTING PROGRAM  
HARBOR WALK SPECIFIC PLAN PROJECT**

No.	Mitigation Measure	Monitoring Timing/Frequency	Reporting Requirements	Enforcing, Monitoring Agency	Verification of Compliance Initials/Date
<b>TRANSPORTATION/TRAFFIC</b>					
<b>Regulatory Requirements</b>					
RR 16-1	In accordance with Chapter 21.30 of the City of Fullerton Municipal Code, the Property Owner/Developer shall participate in the implementation of the City's Master Plan of Highways through the payment of Traffic Impact Fees. Payment of traffic impact fees shall occur at the issuance of each building permit to the satisfaction of the City Engineering Department.	Prior to the Issuance of Building Permits	Proof of Payment of Traffic Impact Fees	City of Fullerton Engineering Department	
RR 16-2	In accordance with Chapter 8.28, Weight Limits, of the City of Fullerton Municipal Code, contractors shall not operate any vehicles (including commercial vehicles) that exceed the weight limit established by the City for individual streets (as posted on signs). Commercial vehicles may use restricted streets for the purpose of delivering or picking up materials or merchandise by entering a restricted use street at its intersection with the unrestricted street nearest to the destination, then proceeding by the most direct route to the destination and traveling directly to the nearest unrestricted street.	Prior to Issuance of Grading Permit/ Period Inspections During Construction	Verification that Contractor Specifications Include Requirement/ Site Inspections	City of Fullerton Community Development Department	
RR 16-3	In accordance with Chapter 8.30, Truck Routes and Terminals, of the City of Fullerton Municipal Code, construction vehicles exceeding 10,000 pounds shall use designated truck routes to access construction sites. Non-designated truck routes shall be used only as necessary to traverse a street or streets to a destination for the purpose of loading or unloading.	Prior to Issuance of Grading Permit/ Period Inspections During Construction	Verification that Contractor Specifications Include Requirement/ Site Inspections	City of Fullerton Community Development Department	


City of Fullerton  
RESOLUTION CERTIFICATION

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

RESOLUTION NO. 2014-35

I, Lucinda Williams, City Clerk and ex-officio Clerk of the City Council of the City of Fullerton, California, hereby certify that the whole number of the members of the City Council of the City of Fullerton is five; and that the City Council adopted the above and foregoing Resolution No. 2014-35 at a regular meeting of the City Council held on the May 6, 2014 by the following vote:

COUNCIL MEMBER AYES:	Chaffee, Sebourn, Whitaker, Flory, Fitzgerald
COUNCIL MEMBER NOES:	None
COUNCIL MEMBER ABSTAINED:	None
COUNCIL MEMBER ABSENT:	None

  
\_\_\_\_\_  
Lucinda Williams, MMC  
City Clerk

ORDINANCE NO. 3211

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING ZONING AMENDMENT LRP12-00016 TO CHANGE THE ZONING OF A 2.9 ACRE SITE FROM C-H (COMMERCIAL - HIGHWAY) TO SPD (SPECIFIC PLAN DISTRICT), SUBJECT TO PROVISIONS OF THE HARBOR WALK SPECIFIC PLAN, FOR PROPERTY LOCATED ON THE EAST SIDE OF HARBOR BLVD. BETWEEN ORANGETHORPE AND ASH AVENUES AT 770 S. HARBOR BLVD.

PRJ12-00300  
ZONING AMENDMENT LRP12-00016

APPLICANT: PLC HARBORWALK APARTMENTS, LLC  
PROPERTY OWNER: 770 HARBOR LLC

THE CITY COUNCIL OF THE CITY OF FULLERTON HEREBY RESOLVES AS FOLLOWS:

1. That an application was filed for a Zoning Amendment to change the zoning classification from C-H to SPD for a 2.9 acre site located at 770 S. Harbor Blvd.; more specifically described as:

Orange County Assessor's Parcel Nos.  
033-065-35, 033-065-24, 033-065-25, 033-065-02

2. That public hearings before the Planning Commission and City Council were duly called, noticed and held in consideration of the proposed Zoning Amendment.

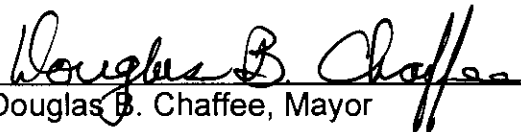
3. That the City of Fullerton prepared and adopted an Initial Study and Mitigated Negative Declaration for this project, in conformance with applicable provisions of the California Environmental Quality Act (CEQA) and in conformance with the Local CEQA Guidelines, to identify the project's potential adverse environmental effects and mitigation measures to reduce such effects to a level that is less than significant.

4. That the approval and implementation of the Zoning Amendment will not be injurious or detrimental to the property and improvements in the project area, nor to the general welfare of the City of Fullerton, and should therefore be approved.

5. That a General Plan Revision has been approved concurrently, and the proposed zoning and general plan land use designations are consistent.

6. That the City Council of the City of Fullerton hereby adopts Zoning Amendment LRP12-00016, changing the zoning classification of the site from C-H to SPD.

ADOPTED BY THE FULLERTON CITY COUNCIL ON MAY 20, 2014

  
Douglas B. Chaffee, Mayor

ATTEST:

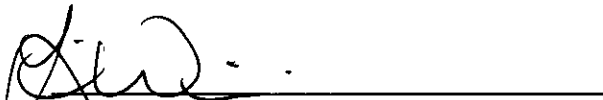
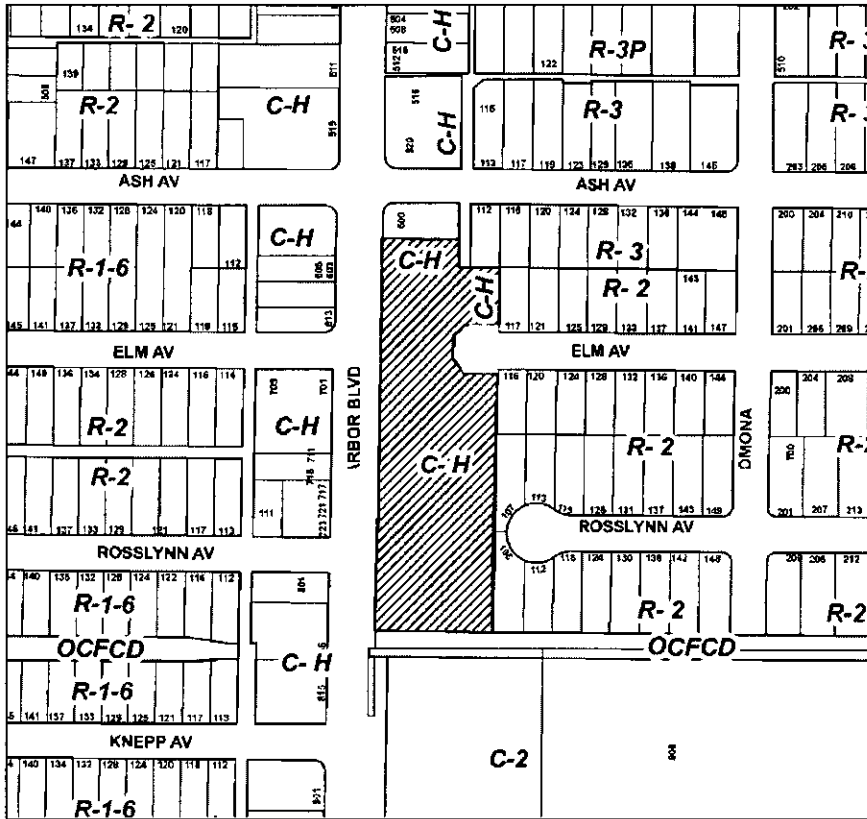
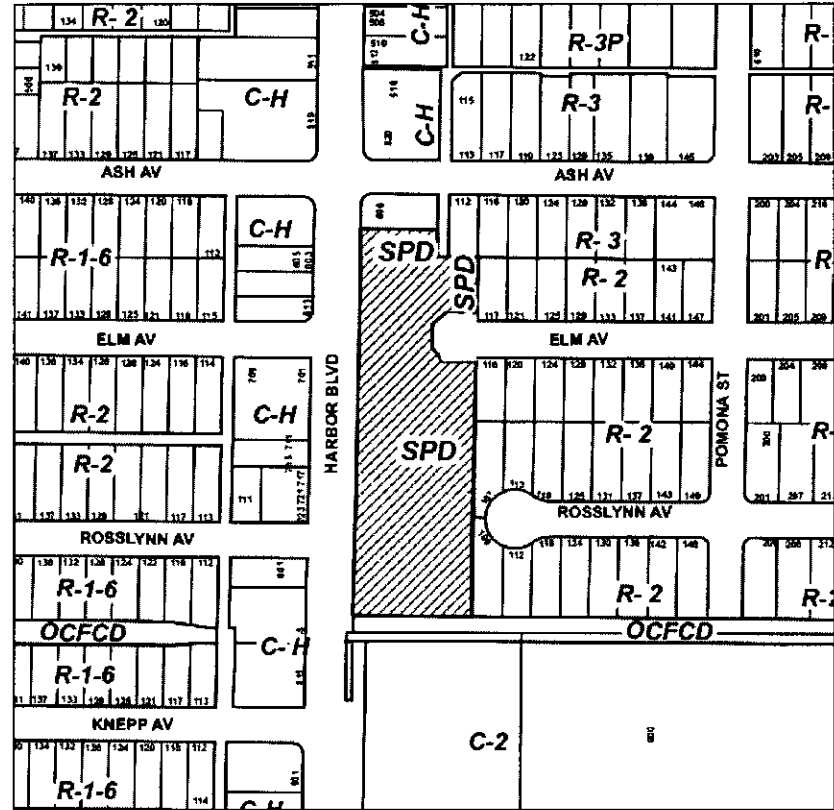
  
Lucinda Williams, City Clerk  
May 22, 2014

Exhibit 1: Map of Existing and Approved Zoning Classifications



Existing Zoning



Approved Zoning  
LRP12-00016

Exhibit 1


City of Fullerton  
ORDINANCE CERTIFICATION

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

ORDINANCE NO. 3211

I, Lucinda Williams, City Clerk and ex-officio Clerk of the City Council of the City of Fullerton, California, hereby certifies that the whole number of the members of the City Council of the City of Fullerton is five; and that the above and foregoing Ordinance No. 3211 had first reading by title only, introduction, and further reading waived at the May 6, 2014 City Council regular meeting and was adopted at the May 20, 2014 City Council regular meeting by the following vote:

COUNCIL MEMBER AYES:	Chaffee, Sebourn, Whitaker, Flory, Fitzgerald
COUNCIL MEMBER NOES:	None
COUNCIL MEMBER ABSTAINED:	None
COUNCIL MEMBER ABSENT:	None

  
\_\_\_\_\_  
Lucinda Williams, City Clerk

# HARBOR WALK SPECIFIC PLAN

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# HARBOR WALK SPECIFIC PLAN

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## **CHAPTER 1 INTRODUCTION**

### **1.1 Introduction and Purpose**

The Harbor Walk Specific Plan is a land use plan intended to encourage new mixed use developments within a key corridor of Harbor Boulevard. The Specific Plan area incorporates residential and small business uses within a comprehensively planned site. The Specific Plan allows for high density multi-story buildings including new condominium, townhome or apartment residences, live/work units and customary ancillary uses, structures and open spaces.

The City General Plan and Zoning Map designations must be amended to allow development of these uses within the Harbor Walk Specific Plan area. This Specific Plan provides the development regulations and design guidelines for new projects in the Specific Plan area.

### **1.2 Location and Setting**

The Harbor Walk Specific Plan is located in northwestern Orange County, in the City of Fullerton. The legal boundary for the Harbor Walk Specific Plan District and the legal description of the specific plan area are attached as Appendix 1. The property fronts the east side of S. Harbor Boulevard, south of E. Ash Avenue and north of Orangethorpe Avenue as shown on Exhibit 1, Harbor Walk Specific Plan Location. Primary vehicular access to the site is provided from Harbor Boulevard and secondary access is provided from E. Ash Avenue via a public alley. The site is within walking distance of the City's Transit Center and historic downtown business and commercial district.

Surrounding land uses include a restaurant immediately north of and adjacent to the property, single and multiple family housing in the Lemon Park neighborhood to the east, an open Orange County flood control channel to the south with retail uses further south of the flood control channel, and multiple highway-oriented automotive sales, service and retail uses to the west across Harbor Boulevard.

The site is currently used for automobile sales. The property is completely developed with five one- and two-story commercial buildings totaling approximately 20,000 square feet. The site also includes outdoor automobile sales display areas and related lighting and signage. It is anticipated that all existing buildings, pavement and other improvements on the property will be demolished and removed as part of new development within the Harbor Walk Specific Plan.



**EXHIBIT 1 – HARBOR WALK SPECIFIC PLAN LOCATION**

Depending on the final design of new development, some existing perimeter block walls along the eastern property boundary may be removed, modified or retained in their existing condition.

E. Elm Avenue is a local neighborhood street that lies parallel to E. Ash Avenue and one block south. No modifications to the existing street or cul-de-sac improvements are proposed as part of the Specific Plan unless the Fire Department requires emergency vehicle access at this location.

### **1.3 Project Description**

The proposed Specific Plan allows for mixed-use development including any combination of multi-family residential, commercial, and live/work units with a minimum density of 30 units per acre, a maximum density of 60 units per acre and a maximum floor area ratio (FAR) of 2.5 on the 2.76-acre site. A specific proposal for the development of 150 new multi-family residences, including 7 live/work units at a density of 54 units per acre and a floor to area ratio (FAR) of 1.77 is proposed concurrent with this Specific Plan. New residential development within the Specific Plan shall also incorporate private, common recreation facilities featuring such elements as a swimming pool, spa, tot lot or barbeque area and any necessary accessory buildings for the recreational uses provided, such as for pool equipment, storage, restrooms and showers. Exhibit 2, Conceptual Site Plan, illustrates a potential site development layout.

Multi-family residences may be constructed in one or more buildings a maximum of five stories high. Buildings may also incorporate fully or semi-subterranean parking garages with natural or mechanical ventilation. Live/work units shall be located on the first floor, oriented to and having direct access to S. Harbor Boulevard. Support services such as onsite leasing offices, business centers and fitness facilities for residents may also be located on the site. If residential uses are developed, secured bicycle parking/storage areas shall be provided.

Parking will be provided in a variety of ways; in surface parking, subterranean garage parking directly under residential buildings and/or in free standing parking structures. Should free standing parking structures be developed within the Specific Plan area, they may not face directly on to Harbor Boulevard. Primary vehicular access to the site will be taken from S. Harbor Boulevard. Secondary access may be provided to E. Ash Avenue to the north via the existing public alley. No driveways or connections will be permitted to either E. Elm Avenue or E. Rosslyn Avenue located east of the site unless required for, and limited to, emergency vehicle access. Any existing driveway aprons onto S. Harbor Boulevard will be removed and replaced as part of any new development. The existing sidewalk, curb, gutter and storm drain improvements along the S. Harbor Boulevard frontage of the site should be protected in place

to the extent feasible, or repaired and replaced where impacted by new construction, as required by the City Engineer.

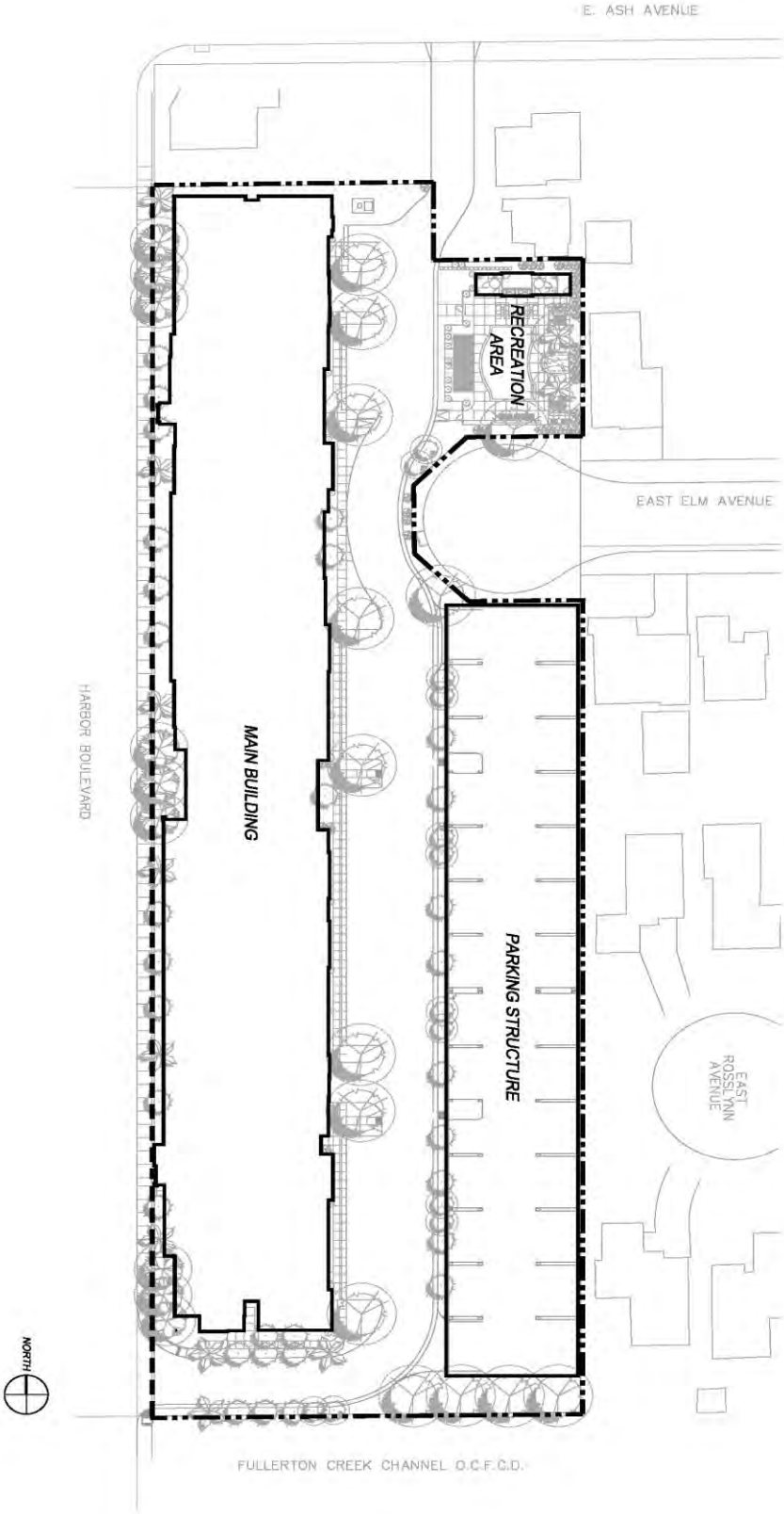
On site driveways and drive aisles shall be required to meet the City of Fullerton Fire Department access width and turning radius requirements. Any requested modifications to these standards shall be subject to approval by the City of Fullerton Fire Chief. All buildings and all residential units shall be equipped with fully-automatic fire sprinkler systems for fire protection.

Permanent privately-maintained landscaping shall be provided along S. Harbor Boulevard, a portion of which may be located in the public-right-of-way. Additional common open space shall be provided onsite in landscaped setback areas and the recreation area(s). Private open space shall be provided in exterior balconies designed as part of individual residences.

New development within the Harbor Walk Specific Plan area may involve the demolition of existing buildings and other onsite improvements. Where feasible, existing onsite block walls abutting existing residences to the east of the site should be preserved in place. However, depending on final design of new development, the existing walls may be modified or replaced. Solid walls shall separate development within the Harbor Walk Specific Plan area from existing residential development to the east, although open fencing is allowed at the cul-de-sac of East Elm Avenue. A wall may be located at the north end of the site adjacent to the existing restaurant, but is not required.

All municipal and private utility services are currently available within the specific plan area. All new development within the specific plan area shall be conditioned to reasonably maintain, relocate or upgrade existing utilities to accommodate the new development as required by the City Engineer. Any existing utilities and utility easements on the site that are no longer necessary will be abandoned as part of new development.





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EXHIBIT 2 – CONCEPTUAL SITE PLAN

## 1.4 Project Goals

The Harbor Walk Specific Plan has been prepared within the framework of a comprehensive and detailed planning and design program. Issues such as engineering feasibility, economic viability, and achievement of high design standards to achieve a pleasing street scene have all been evaluated in formulating the plan. This design process has resulted in a set of specific project planning goals, delineated below.

1. Build a neighborhood that helps implement the City's vision as expressed in the goals of the Harbor Gateway Focus Area of The Fullerton Plan, which is the City's General Plan.
2. Replace aging businesses on an underutilized property with a vibrant mixed use project.
3. Replace outdated, energy inefficient buildings with new construction that meets current energy efficiency standards.
4. Improve water quality by providing runoff treatment on a site that is almost completely covered with impermeable surfaces but that currently provides no treatment.
5. Provide a mix of housing types, both traditional apartments and live work units, compatible with the City's vision for the area proximate to Downtown.
6. Develop housing within walking distance of the Fullerton Transit Center and Downtown to create the opportunity for alternate means of mobility.
7. Build a project with adequate density to help energize the life of the street and to support Downtown office, retail and restaurant uses.
8. Consolidate multiple parcels into a single development site to allow for a comprehensive and unified development plan.

## 1.5 Discretionary City Actions

The following City actions and approvals are required for Harbor Walk:

- Adoption of a Negative Declaration, pursuant to the requirements of CEQA
- General Plan Amendment from "Commercial" to "Neighborhood Center Mixed Use"
- Zone Change from "Commercial Highway" to "Specific Plan"
- Adoption of the Harbor Walk Specific Plan
- Approval of a Major Site Plan Review
- Consolidation of multiple parcels into a single development site
- Abandonment of unused utility easements located within the property

## 1.6 Consistency with the City General Plan

The California Government Code (Title 7, Division 1, Chapter 3, Articles 8 and 9, Sections 65450 through 65457) and the City of Fullerton Municipal Code (Chapter 15.21) provide for the preparation of Specific Plans to ensure the orderly and systematic implementation of the

general plan, and to provide adequate development flexibility for innovation in land use mixes, site design and development concepts. This Specific Plan is a regulatory document that serves as the zoning for Harbor Walk. The Specific Plan provides text and diagrams which specify those elements required by the State, including:

1. The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan,
2. The proposed distribution, location and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.
3. Standards and criteria by which development will proceed,
4. A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs (1), (2), and (3).

The Specific Plan must be consistent with The Fullerton Plan. A detailed discussion of the Specific Plan's consistency with The Fullerton Plan is provided below. Subsequently, all future development plans on the property must be consistent with the Harbor Walk Specific Plan. Projects that are found to be consistent with The Harbor Walk Specific Plan will be deemed consistent with The Fullerton Plan.

The Fullerton Plan is divided into four sections; The Fullerton Built Environment, The Fullerton Economy, The Fullerton Community, and the Fullerton Natural Environment. An analysis of The Fullerton Plan reveals that Harbor Walk is consistent with the Plan and helps the City achieve many of its stated goals and policies.

### **1.6.1 The Fullerton Built Environment**

#### **Goal 1: Resilient and vital neighborhoods and districts.**

*Policy 1.4 Connection and Integration of Uses: Support projects, programs and policies to improve connections between housing, shops, work places, schools, parks and civic facilities, and integrate uses where possible and appropriate.*

*Policy 1.5 Maintenance and Improvement of Existing Built Environment: Support projects, programs, policies and regulations to maintain positive attributes of the built environment and seek continual improvement.*

*Policy 1.7 Development that Supports Mobility: Support projects, programs, policies and regulations to promote a development pattern that encourages a network of multi-modal transportation options.*



*Policy 1.9 Housing Choice: Support projects, programs, policies and regulations to create housing types consistent with market demand for housing choice.*

*Policy 1.11 Compatibility of Design and Uses: Support projects, 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.*

The Harbor Walk Specific Plan contributes to the City's vision for vital neighborhoods by providing a mix of uses within walking distance of Downtown and by replacing an aging business property with high quality design and a higher intensity of development. The integration of live/work units along with traditional residential uses would provide for an alternative housing choice. The live/work units would satisfy the need for home-based businesses that require direct public access. Including small commercial space would also satisfy the need for independent small business owners to have Downtown-close business locations. Having these businesses face Harbor Boulevard provides excellent exposure and accessibility and adds vitality to the street.

The close proximity to the City's Downtown provides excellent pedestrian and bicycle accessibility to existing retail and restaurant uses, civic buildings including City Hall and the public library, local employment centers, local schools and colleges, and to the Fullerton Transportation Center. This allows greater mobility for those who either chose alternative modes of travel to the automobile, or due to age or other restrictions, do not drive.

The project is also located immediately north of and adjacent to a large commercial area that can satisfy many of the daily retail needs of residents and business owners and users. The Fullerton Town Center, Orange Fair Shopping Center and Fullerton Metro Center retail developments are located within a few blocks of the Specific Plan area, easily within walking distance.

The Harbor Walk Specific Plan replaces an underutilized and outdated commercial land use with development much more compatible with the City's long-term vision of high intensity uses near Downtown and the Transit Center. The proposed development introduces high-quality architecture, some small business spaces at or near the street level and upgraded landscaping along the street. These improvements result in a significant improvement to the aesthetic along the Harbor Boulevard corridor.

*Goal 2: A positive identity and distinctive image.*

*Policy 2.2 Distinctive and Memorable Places: Support projects, programs, policies and regulations to promote distinctive, high-quality built environments whose form and character*

*respect Fullerton's historic, environmental and architectural identity and create modern places that enrich community life and are adaptable over time.*

*Policy 2.7 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.*

*Policy 2.8 Responsiveness to Context: Support projects, programs, policies and regulations to respect the local context, including consideration of cultural and historic resources, existing scale and character and development patterns of the surrounding neighborhood or district.*

The architectural style proposed for the Specific Plan area, a contemporary interpretation of mid-century modern style, compliments the style and scale of buildings recently constructed in the Downtown area of the City and reinforces the image of Fullerton as a growing, vibrant community. Siting the future residential buildings close to Harbor Boulevard creates a strong relationship to the street and reinforces the urban character of this area. The live/work units and commercial spaces will have direct access from Harbor Boulevard, which provides additional “life” to the street as business’ patrons approach from the sidewalk. Enhanced landscaping along Harbor Boulevard will help create a human scale for the sidewalk adjacent to the four-story building.

The taller residential buildings are proposed along the opposite side of the property from the existing single family residences to the east, per the Development Standards contained in Table 1 of the Specific Plan. The limited height parking structure and recreation structures are proposed to be located on the eastern edge of the site. These buildings are lower than the existing commercial buildings along that edge. This design provides an appropriate transition for the existing homes.

*Goal 3: A supply of safe housing ranging in cost and type to meet the needs of all segments of the community.*

*Policy 3.5 Encourage Mixed Use Development: Due to the limited vacant land resources and the desire of the City to provide connections with jobs, housing, and transportation, the City shall encourage mixed use development to further enhance the viability and success of residential development. Key focus areas shall include the City's primary activity center, including the downtown area.*

The Harbor Walk Specific Plan proposes a mixed use development. The site is located just a few blocks south of downtown Fullerton and the City's Transportation Center. The Harbor Walk Specific Plan allows traditional multi-family apartments and live/work units to permit a variety of modern housing types, and also allows for a variety of types of commercial development.

Increasing the number of residents proximate to the Transportation Center increases the potential ridership of mass transit. The residents and business owners and patrons of developments within the Harbor Walk Specific Plan can walk or bike Downtown to support its shops and restaurants. They can also walk or bike to nearby retail located to the south to support those businesses. Increasing the diversity and mix of uses in the City's central activity area improves the mutual support these differing uses provide for one another.

*Goal 5: A balanced system promoting transportation alternatives that enable mobility and an enhanced quality of life.*

*Policy 5.5 Fullerton Transportation Center: Support projects, programs, policies and regulations to advance the Fullerton Transportation Center as an important economic asset that provides efficient regional travel and mode choice options for business, commerce and the general public.*

*Policy 5.11 Integrated Land Use and Transportation: Support projects, programs, policies and regulations to integrate land use and transportation planning and implementation.*

As noted above, the Specific Plan area's location within walking distance of the Fullerton Transportation Center increases the number of people who can conveniently access mass transit options, thereby increasing the potential ridership. The site's location also enables non-driving residents to access retail, restaurant and a variety of business services either as pedestrians or cyclists. The ability to access services to support daily needs without an automobile provides an option for a greatly enhanced quality of life for Fullerton residents who do not drive.

*Goal 6: A bicycle-friendly city where bicycling is a safe and convenient alternative to motorized transportation and a recreational opportunity for people of all ages and abilities.*

*Policy 6.7 Development Projects: Support projects, programs, policies and regulations to reduce negative impacts to and increase opportunities for bicycle users and the bicycle network in private and public development projects.*

To support and encourage cycling developments within the Harbor Walk Specific Plan will include secured bicycle parking areas. Cyclists can use residential streets accessed from E. Ash Avenue adjacent to the project to navigate to areas of the City that either include recreational bicycle trails, or to ride to specific destinations such as local colleges and universities or local employment centers.

### **1.6.2 The Fullerton Economy**

*Goal 10: An innovation economy built upon Fullerton's local entrepreneurial spirit and intellectual capital.*

*Policy 10.14 Local Entrepreneurship in Focus Areas: Support projects, programs, policies and regulations to evaluate ways to foster local entrepreneurial spirit and intellectual capital as part of community-based planning of Focus Areas.*

*Policy 10.16 Economic Strategies in Focus Areas: Support policies, programs and regulations pertaining to planning efforts for the City's Focus Areas that facilitate investment and encourage economic activity that benefits the Fullerton community and the City.*

The inclusion of live/work units and commercial spaces in the Specific Plan fosters independent business operators in the City. The likelihood of success for small or start-up businesses may be improved by having separate work space accessible to the public located in their home, thereby potentially reducing operating costs. This also enables people with other responsibilities at home, such as child care, to be employed at a more independent level than a traditional home based business with no separation between living quarters and work spaces. These units can contribute to the City's entrepreneurs by offering them a choice of business location and an alternative to conventional home-based businesses.

By offering a broader choice of businesses in the Harbor Gateway Focus Area, the residents of Fullerton have greater opportunity to patronize local businesses.

*Goal 11: Revitalization activities that result in community benefits and enhance the quality of life in neighborhoods, districts, and corridors.*

*Policy 11.9 Focus Area Revitalization Priority: Support policies, projects, programs and regulations that prioritize revitalization efforts that are within or adjacent to the City's Focus Areas.*

The Harbor Walk Specific Plan is located within the Harbor Gateway Focus Area. The site currently contains an underutilized, aging commercial property that provides few community benefits. New developments will provide businesses to serve the community, residents to support existing local businesses, and enhance the appearance of this segment of Harbor Boulevard with high-quality, attractive architecture and improved landscaping.

### **1.6.3 The Fullerton Community**

*Goal 12: Proactively addressing public safety concerns.*

*Policy 12.13 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.*

Safety considerations have been incorporated into the design of the Specific Plan in several ways. The work spaces associated with the live/work units and commercial spaces are the areas most likely to be occupied during the daytime. These all front onto Harbor Boulevard, helping to put “eyes on the street” and increase the ability to watch out for one another.

The safety of residents is considered by providing on site recreational amenities, such as a pool, spa and fitness center. Residents would not need to leave the site to visit the recreation and exercise areas, which would potentially receive their highest usage in the evening and at night. A gated entry into any subterranean parking garage limits access to residents only.

Providing a through drive from the neighborhood entry off Harbor Boulevard to the public alley connecting to E. Ash Avenue allows police, fire and other emergency vehicles to access both sides of the property easily.

*Goal 14: An environment with opportunities for community health and wellbeing.*

*Policy 14.5 Opportunities for Physical Activity: support policies, project, programs and regulations that provide for convenient and safe areas that facilitate opportunities for physical activity such as parks, trails, open space, safe streets for bicycling, safe sidewalks for walking, and recreational facilities for residents of all ages and abilities.*

*Policy 14.6 Amenities Within a Walkable Distance: Support policies and regulations involving land use and zoning changes that would provide access to daily retail needs, recreational facilities, and transit stops within a walkable distance (i.e., a quarter-to a half-mile) of established residential uses.*

The Harbor Walk Specific Plan provides for recreational and exercise facilities for enjoyment and use by the residents, potentially including such amenities as a fitness center with exercise machines and equipment and a swimming pool. On-site designated bicycle parking also allows for easy and convenient bicycle storage to encourage cycling.

The Specific Plan area has access to the existing City sidewalk system and is within a short walk of Amerige Park, approximately seven blocks away. Sidewalks also connect to Downtown located approximately five blocks north, to the Fullerton Transportation Center located approximately four blocks to the northeast, and local retail, restaurant and business uses both Downtown and immediately to the south. The Harbor Walk Specific Plan provides opportunities for exercise, recreation, and close and convenient access to pedestrian and bicycle circulation throughout the City’s central activity area.

*Goal 15: Parks, recreational facilities, trails, and programs that promote a healthy community and a desirable quality of life.*

*Policy 15.10 Park Dwelling Fee: Support Policies and regulations which require new construction of dwelling units in the City to pay a park dwelling fee that provides for the creation and enhancement of open space, parks and recreational facilities accessible to all residents.*

In addition to providing on-site recreational amenities for any residential uses, the developers of the Harbor Walk Specific Plan area will pay the City's proscribed park in-lieu fee to support acquisition, development and maintenance of the City's public park and trail system.

#### **1.6.4 The Fullerton Natural Environment**

*Goal 19: An adequate, safe, and reliable water supply.*

*Policy 19.7 Sustainable Water Practices in New Development: Support projects, programs, policies and regulations to encourage water efficient practices in site and building design for private and public projects.*

Development of new residential and business uses on the site will increase the water demand due to the increased intensity of development. However, new construction in the Harbor Walk Specific Plan area will utilize modern technology to reduce the water consumption within individual residences. Water reduction measures may include such things as low flush toilets, aerators on sinks and shower heads, and in-unit hot water heaters.

Landscaping in the Specific Plan area will consist of at least twenty-five percent low water use and drought tolerant plants. Irrigation of landscaping will be managed by evapo-transpiration weather sensitive controllers to reduce water demand and drip or bubbler systems shall be used when possible to avoid run-off.

*Goal 20: A healthy watershed and clean urban runoff.*

*Policy 20.7 Development Impacts: Support projects, programs, policies and regulations to reduce impacts to watersheds and urban runoff caused by the design or operation of a site or use.*

In its existing condition the site is almost entirely paved. Due to the age and design of the facilities, no water quality treatment is currently provided on site. All new development within the Harbor Walk Specific Plan will be required to incorporate onsite storm water treatment for the property before the water leaves the site and enters the City's storm drain system. This will improve water quality on the property from its current condition.

*Goal 21: Protection and improvement of air quality.*

*Policy 21.4 Balanced Land Use: Support projects, programs, policies and regulations to promote a balance of residential, commercial, industrial, recreational and institutional uses located to provide options to reduce vehicle trips and vehicle miles traveled.*

*Policy 21.6 Construction Impacts: Support projects, programs, policies and regulations to reduce impacts to air quality caused by private and public construction projects.*

Because of its proximity to the Fullerton Transportation Center the Specific Plan area has the potential to increase mass transit ridership. The Transportation Center's Amtrak and Metro Link stations and planned OCTA bus terminal are within walking distance of the neighborhood, which makes mass transit a very convenient option for residents. The nearby Downtown activity area featuring many restaurants and shops and the retail services located south of the Harbor Walk Specific Plan also provide the opportunity to dine and shop without a vehicular trip. Increasing the number of residents who can walk to services and transit facilities increases the possibility people will reduce their dependence on the automobile.

During expected demolition of existing structures and construction of new buildings, there will be strict compliance with all current requirements for reducing air quality emissions from both dust and fumes.

#### **1.6.5 Harbor Gateway Focus Area**

In addition to the four Elements of The Fullerton Plan, the City has also adopted goals for areas of special focus with the City. The Specific Plan is included within the Harbor Gateway Focus Area of The Fullerton Plan. In addition to consistency with the City's General Plan, the project is consistent with the Fullerton Vision for the Harbor Gateway Corridor Focus Area. This vision includes the following objectives:

- Increase housing density while providing additional street-adjacent retail and tourist-associated amenities including hotels
- Preserve the more distinct northern portion of the Harbor-Gateway with smaller-scale, neighborhood uses in relation to the surrounding residential and historic area
- Improve connectivity through multi-modal transportation opportunities, including pedestrian and bicycle crossings across Harbor Boulevard
- Create a distinct identity for Harbor Gateway through streetscape improvements and wayfinding
- Provide connectivity to other areas in the City, including the Downtown, Civic Center and Transportation Center

The Harbor Walk Specific Plan responds to and helps achieve these objectives in the following ways.

The proposed new development helps revitalize the Harbor Gateway corridor by introducing higher density housing opportunities on a small, neighborhood scale. The site is currently underutilized considering its proximity to Downtown and the Transportation Center. The Harbor Gateway Focus Area envisions residential densities up to 80 units per acre, or commercial intensity up to 3.0 FAR. The Specific Plan provides for development at up to 60 units per acre and a 2.5 FAR, and so is consistent with the guidelines set forth in The Fullerton Plan.

The Specific Plan will allow new, attractive housing opportunities in close proximity to major employment centers, restaurants and retail businesses. The new residences will attract working singles, couples and families to help support local businesses in the Harbor Gateway Corridor and Downtown. The live-work units provide street-adjacent opportunities for small, local businesses to serve the surrounding neighborhoods as well as visitors to Downtown and the Harbor Gateway Corridor.

The proposed development includes distinctive mid-century modern architecture and incorporates visually-interesting streetscape planter elements, landscaping and active spaces along Harbor Boulevard. The project replaces an aging, low-intensity development that contributes little to the community's character. The Specific Plan is consistent with smart growth principles of infill, reuse and revitalization of underutilized sites with existing infrastructure and environmentally conscious development.

### **1.7 California Environmental Quality Act (CEQA) Compliance**

Concurrent with the Specific Plan review, the City of Fullerton will prepare and review an environmental analysis to satisfy the requirements of CEQA and in conformance with the Environmental Impact Report prepared for the City's recent General Plan update. The City may impose standard development conditions of approval or program EIR mitigation measures to mitigate potential environmental impacts. If mitigation measures are required, a Mitigation Monitoring and Reporting Program will also be prepared for the project to ensure implementation of all measures required to mitigate the impacts of the development on the surrounding community.



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## CHAPTER 2 DEVELOPMENT STANDARDS AND DESIGN GUIDELINES

### 2.1 Allowed Uses

Uses allowed within the Harbor Walk Specific Plan include multi-family residential, mixed use, commercial, and live/work units. The Specific Plan shall incorporate a mix of at least two of these land uses. Accessory structures required to support residential uses, such as parking structures, storage and restroom/shower buildings at recreation areas are also allowed.

- Residential uses may comprise a significant component within the Specific Plan area. In order to maintain compatibility with the residential uses, if developed, the types of businesses identified below are allowed within the live/work units. General and professional office
- General commercial<sup>1</sup>
- Service commercial
- Other similar uses as permitted by the Property Owner or onsite property manager acting on behalf of the Owner, and Community Development Director, other than those prohibited, below.

The Community Development Director has the discretion to prohibit uses within the Specific Plan area that would generate odors (e.g., businesses that use chemical processes such as nail salons or furniture refinishing), excessive noise (such as a music studio) or high volumes of traffic (such as group tutoring classes). Additional uses not specifically listed above may be permitted, at the discretion of the City Community Development Director, with the issuance of a Minor Site Plan Review or Conditional Use Permit processed and reviewed per the City Municipal Code, Chapters 15.47 or 15.70, respectively.

The following uses are prohibited within the live/work units.

- Child care facilities, except small family day care homes, as permitted by the California Government Code
- Cyber cafes and similar businesses
- Day spas or therapeutic massage businesses
- Food preparation services for on- or off-site consumption, except as noted above
- Medical offices or practices

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<sup>1</sup> Sale of food shall be limited to small convenience-type food service within the context of coffee or tea shops or similar uses, consisting of prepackaged foods or food prepared off-site. Preparation of foods on site is not allowed.

### **2.1.1 Characteristics of Live/Work Units**

Within the live/work units, the following operational characteristics shall apply.

1. The work space shall be confined to the first floor area originally designated as the work portion of the unit and shall not be expanded to incorporate additional rooms in the dwelling.
2. No outside storage of materials or stock in trade shall be allowed.
3. Signage for the business shall comply with the sign regulations established in Section 2.3 of this Specific Plan.
4. No vehicles associated with the business shall be kept on the premises, except that one vehicle used as both a business vehicle and the primary personal transportation for the business operator is allowed.
5. There shall be no use of commercial vehicles for the delivery of materials to or from the premises, except those vehicles normally making residential deliveries, i.e. UPS, Federal Express, etc.
6. Hours of public operation shall be restricted to 7:00 am to 9:00 pm during the week, and 8:00 am to 8:00 pm on the weekends and observed national holidays.
7. No live work unit shall include bathing facilities such as bathtubs or showers within the “work” portion of the unit.

## **2.2 Development Standards**

### **2.2.1 Development Intensity**

The minimum allowable density for development is 30 units per acre. The maximum allowable density of development for the site is 60 units per acre developed at a maximum of 2.5 FAR. This is anticipated to result in no more than 150 dwelling units within the Specific Plan area.

### **2.2.2 Open Space**

The site shall include a minimum of fifteen percent (15%) useable and visual open space. This amount shall include the area of all planter beds and the recreational center, including hard scape areas available for recreational use, such as ground level community patios and pool decking. There is no minimum private open space requirement within the Harbor Walk Specific Plan.

### 2.2.3 Site Development Standards

Commercial space, including the work space associated with live/work units, shall be located on the first floor of buildings. The table below provides minimum setbacks, maximum heights, and other development standards for use in building design. Residential and recreation building heights are measured from the finished grade adjacent to the building. The height of the parking structure is measured from the finished grade of the adjacent residential units to the east.

**TABLE 1 - DEVELOPMENT STANDARDS**

	<b>Residential Building</b>	<b>Parking Structure</b>	<b>Recreation Building</b>
Minimum building setback to property line along Harbor Boulevard <sup>2</sup>	6'	6'	6'
Minimum building setback from east property line	10' with max. building height of 15'; 1' increase in setback for every 1' increase in height over 15'	0' <sup>3</sup> with max. structure height of 15'; 5' setback for building height greater than 15' A setback between 0' and 5' is not allowed.	5' with max. building height of 15'; 1' increase in setback for every 1' increase in height over 15'
Minimum building setback from north or south property lines	5'	5'	5'
Maximum building height	75'	20'	20'

### 2.2.4 Parking Requirements

Onsite parking in the Harbor Walk Specific Plan area may be provided either as surface parking, within the fully or partially subterranean garage, or in a parking structure. If subterranean garage parking is provided it may include a restricted gated access for additional security for

<sup>2</sup> Architectural elements such as exterior stairs, raised walkways, coverings for raised walks, lifts for disabled persons, decks, eaves and decorative architectural features such as pop-outs, fins and columns shall be allowed in the 6 foot building setback along Harbor Boulevard.

<sup>3</sup> No openings in the wall are allowed on the east side of the parking structure adjacent to the residential neighborhood.

the residents. Any subterranean parking will be screened from view from Harbor Boulevard by means of trellis structures, plantings, screens, signage or some combination of similar devices. No parking shall be allowed on Harbor Boulevard or within any designated fire access lane. Onsite parking shall be provided at the following ratios.

**TABLE 2 ONSITE PARKING REQUIREMENTS**

Size of unit	Required Parking
Studio unit	1.5 spaces/ unit
1 bedroom unit	1.75 spaces/ unit
2 bedroom unit	2.25 spaces/unit
3 or more bedroom unit	2.75 spaces/unit
Live/work unit	Same as above based on number of bedrooms
Stand Alone Commercial	4 spaces per 1000 SF of leasable area

Up to thirty percent (30%) of the parking provided may be in compact stalls, having a minimum dimension of 8' X 16'. The balance of parking shall be provided in standard parking stalls with a minimum dimension of 9' X 19'. Parking spaces adjacent to a wall shall be increased in width by 0.5 feet. Where a parking space is adjacent to a sidewalk or planter, the front end of the space may extend two feet into the landscaped space, typically referred to as a two foot overhang so long as all sidewalks maintain a four foot clear space. Interior private driveways shall have a minimum width of 25' and shall be designed to meet all Fullerton Fire Department and Waste Management standards for access and turning radius.

Guest parking for patrons and employees of the live/work unit will be provided as surface parking proximate to the live/work units. Additional guest parking will be provided adjacent to the leasing office if apartment units are developed. All new development within the specific plan shall be required to submit a parking management plan to the City.

Secured bicycle parking shall be provided for any residential units developed within the Harbor Walk Specific Plan area.

## 2.3 Signage

The following types of signs shall be allowed within the Harbor Specific Plan area:

Major Project Identification Sign – maximum of one wall sign or one double-sided projecting (blade) sign, with a maximum overall sign area of up to 432 square feet.

Monument Signs – up to two monument signs allowed; one at each project entry. The sign at the Harbor Boulevard entry shall not exceed a maximum of 100 square feet of sign area and the sign at the E. Ash Avenue entry shall not exceed 50 square feet of sign area. A monument sign, if included at the secondary access from the public alley connecting to E. Ash Avenue, will be a wall mounted sign. If the sign is illuminated, a photometric study shall be prepared to ensure there are no excessive light or glare impacts to the adjacent residential neighbors. Monument signs shall be located to maintain adequate vision clearance for motorists and pedestrians consistent with Fullerton Municipal Code Section 15.30.050.C.

Wall Signs – one wall or fascia sign per live/work space and leasing office, with up to 2.0 square feet of sign area per linear foot of tenant frontage along the live/work units, exercise room and the leasing office facing Harbor Boulevard and the south side of the building, not to exceed an aggregate of 623 total square feet.

Canopy Signs (Canopy signs are hanging signs mounted from the canopy or overhang, and mounted perpendicular to the building facade. These signs are designed for pedestrian visibility while walking along the sidewalk.) – one per live/work space, one for the fitness center and two for the leasing office, not to exceed 12 square feet of sign area per sign, with an aggregate maximum of 120 square feet.

Identification Signs – one per live/work unit, not to exceed one square foot of sign area, with the business name, street number and hours of operation may be located on the building elevation facing Harbor Boulevard.

Additional signage identifying the neighborhood, the leasing office and other pertinent information may also be located on the building. The final number, sizes and designs of signs will be determined as part of a Sign Program prepared subsequent to project approval.

## 2.4 Architectural Design Guidelines for Residences

The intent of the architectural guidelines is to provide a basis for overall design cohesiveness, and to insure a standard of architecture that reflects pleasing style, quality materials and professional workmanship. Exhibit 3, Conceptual Residential Building Elevation, provides an illustration of the typical elevation treatments for residential buildings.

### **2.4.1 Building Mass and Form**

- Buildings shall be no higher than five stories above fully or partially subterranean parking.
- Flat roofs shall provide parapets or other architecturally integrated methods to screen roof top equipment. The design and color shall be integral with the appearance of the building.
- Roof heights shall vary to encourage an interesting street scene.

### **2.4.2 Building Façade Articulation**

- The east and west facing facades shall provide articulation to enhance their animation and variety and avoid monolithic planes.
- The west elevation of the building facing Harbor Boulevard shall incorporate plane breaks a minimum depth of 4" to provide shadow lines and movement to the facades to break up the visual mass of the building.
- First floors at leasing offices and live/work units should be articulated with large amounts of glass and areas for business signage.
- Windows and/or doors leading to balconies shall be incorporated into both the east and west elevations of the building to provide natural light and ventilation.
- The architectural style shall be consistent on all four sides of the buildings.
- Window surrounds should be incorporated where appropriate, and if used, shall be incorporated on all elevations.

### **2.4.3 Materials and Colors**

- Colors are to be in the light to medium range, in warm, rich tones, to enhance the image of the architecture and complement the mid-century modern style.
- Accent colors should be used purposefully to express entries, bases or special features or the buildings.
- Color shall be used to break up the visual mass of the building, and shall be used consistently on all building elevations.
- Exterior materials may consist of stucco, siding, or veneers such as brick or stone (artificial stone products are allowed). Building material treatments shall be consistent on all four elevations.
- Use of rapidly renewable finish materials such as bamboo flooring, wool carpets, linoleum flooring, etc. is encouraged.
- Use of materials with a recycled content is encouraged.
- Low-e glass shall be used in windows.
- A minimum of R-30 insulation shall be installed.

- Energy-efficient lighting shall be utilized wherever feasible, especially in garages, parking structures and the work portion of the live/work units.



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EXHIBIT 3 – CONCEPTUAL RESIDENTIAL BUILDING ELEVATION



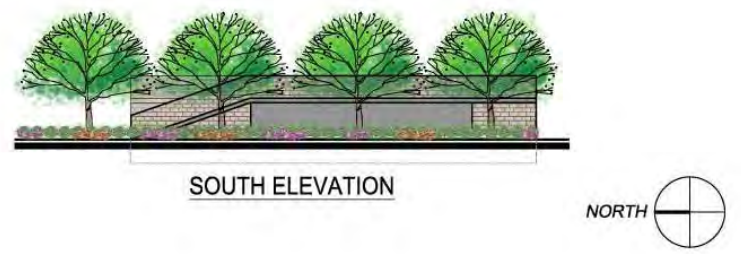
## **2.5 Architectural Design Guidelines for Parking Structures**

Parking structures shall be constructed of concrete or masonry block and be architecturally compatible with other on site buildings. Landscape screening shall be required along the south- and west-facing sides of the parking structure. Exhibit 4 provides an illustration of typical treatments for parking structure elevations.

Lighting for the upper level of parking on the structure will be provided by a combination of wall mounted fixtures affixed to the interior side of the eastern wall and pole mounted lights on the west side of the roof deck. The pole mounted lights will be a maximum of ten feet in height so as to reduce visibility from the adjacent homes to the east. All light fixtures will be shielded to direct light down and to minimize light effects on surrounding properties.

## **2.6 Architectural Design Guidelines for Ancillary Buildings**

All buildings within the Specific Plan area shall incorporate an architectural style designed to be consistent and compatible with the main residential buildings on the site. Compatible colors and materials and finish details shall be used.



**EXHIBIT 4 – CONCEPTUAL PARKING STRUCTURE ELEVATION**

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## 2.7 Landscape Design Guidelines

Landscaping shall be provided in all setback areas of the site. The Specific Plan area shall comply with the landscape design measures to reduce water use contained within Section 15.50 of the Municipal Code. Landscape treatments around buildings in the Harbor Walk Specific Plan will be designed to help break up the building massing by incorporating both tall, vertical trees and lower growing and broader canopy trees along Harbor Boulevard. Lower canopy trees will be included at the southern end of the residential building and along the southern property line to provide screening of views. Larger canopy trees will be included at primary building entries on the east side of the building and at the entries to any subterranean parking structures to highlight the entry points. The ground plane will be landscaped with a mix of shrubs and ground cover plants to create a layered appearance.

Recreation areas will include a variety of shrub and tree plantings to provide vertical accents and shade near the amenities provided. A Conceptual Landscape Plan for the Specific Plan area is attached as Exhibit 5.

Trees used within Harbor Walk Specific Plan will be selected from the following list. Shrubs and groundcovers will be selected concurrent with final designs for individual projects within the Specific Plan area.

**TABLE 3 - LIST OF TREE SPECIES**

<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>
KOELREUTERIA BIPINNATA	Chinese Flame
MAGNOLIA GRANDIFLORA 'LITTLE GEM'	Little Gem Magnolia
WASHINGTONIA FILIFERA	California Fan Palm
WASHINGTONIA ROBUSTA	Mexican Fan Palm
CUPANIOPSIS ANACARIOIDES	Carrotwood
ULMUS PARVIFOLIA	Chinese Elm
CUPRESSUS SEMPERVIRENS	Italian Cypress
BAMBUSIA OLHAMII	Timber Bamboo
JUNIPERUS CHINENSIS 'BLUE POINT'	Blue Point Juniper
LAGERSTROEMIA TUSCARORA	Crape Myrtle

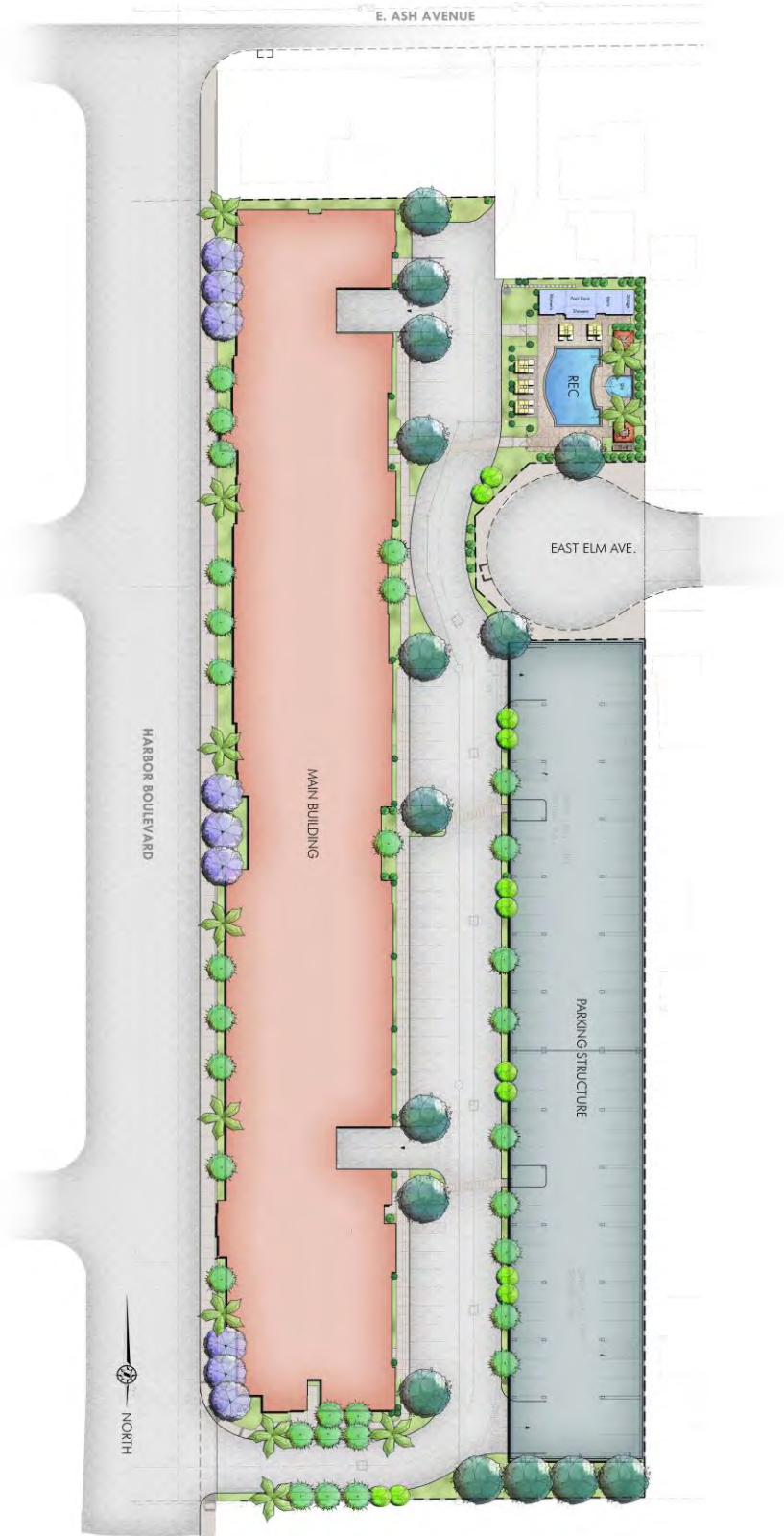


EXHIBIT 5 – CONCEPTUAL LANDSCAPE PLAN

## **CHAPTER 3 GRADING, UTILITIES AND INFRASTRUCTURE**

### **3.1 Project Grading**

The site is currently relatively level and flat. Existing elevations range from 144 to 147 feet above sea level, and those elevations should not be significantly altered with new development of the site. New construction on the site may require demolition of the existing buildings, after which the site can be graded. Excavation to construct subterranean parking is expected to result in no fill and a cut of 16,000 cubic yards of earth, which would be exported from the site. A conceptual grading plan is attached as Exhibit 6 that illustrates the proposed final grades.

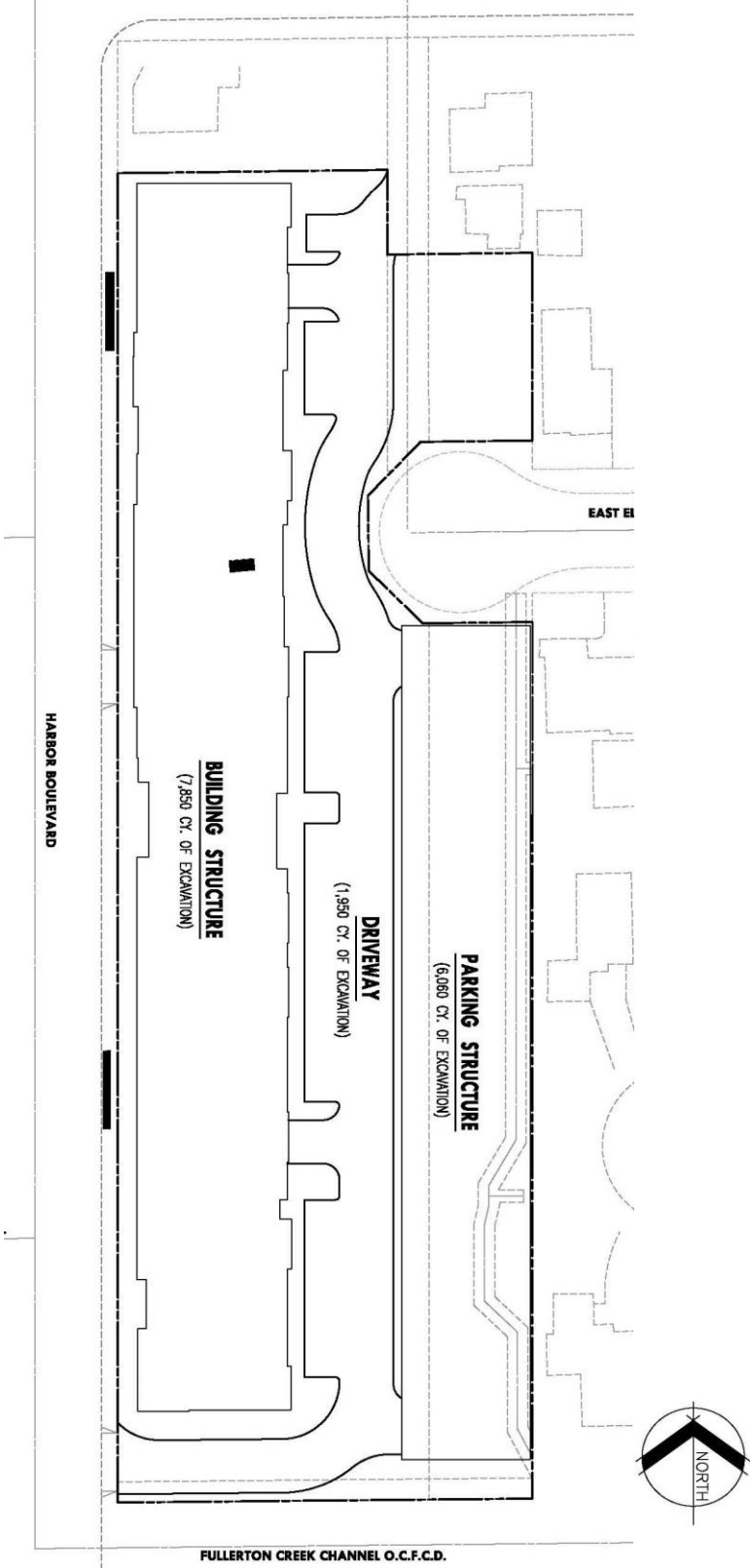


EXHIBIT 6 – CONCEPTUAL GRADING PLAN

### 3.2 Project Drainage

The site currently drains generally from east to west toward Harbor Boulevard, and from north to south. Runoff from E. Elm Avenue is currently collected in an inlet at the west end of the cul-de-sac and runs through a small pipe through the site into the existing 72-inch storm drain under the sidewalk along Harbor Boulevard. As a component of the project, existing surface drainage from E. Elm Avenue will be redirected through the project site and tie into the existing 72-inch storm drain. Drainage will be collected in an 18" pipe near the E. Elm Avenue cul-de-sac. Past the first catch basin within the site, the pipe size increases to 24" until it ties into the existing drain in Harbor Boulevard.

To comply with new water quality management requirements, all runoff generated onsite will be collected and treated in either a bioswale or other filtration device prior to discharge to the City storm drain system. This will be performed in accordance with a site-specific Water Quality Management Plan in compliance with the State Water Resources Control Board's low-impact development guidelines. Exhibit 7 depicts the proposed location(s) of treatment facilities and the proposed point of connection to the City's storm drain system.



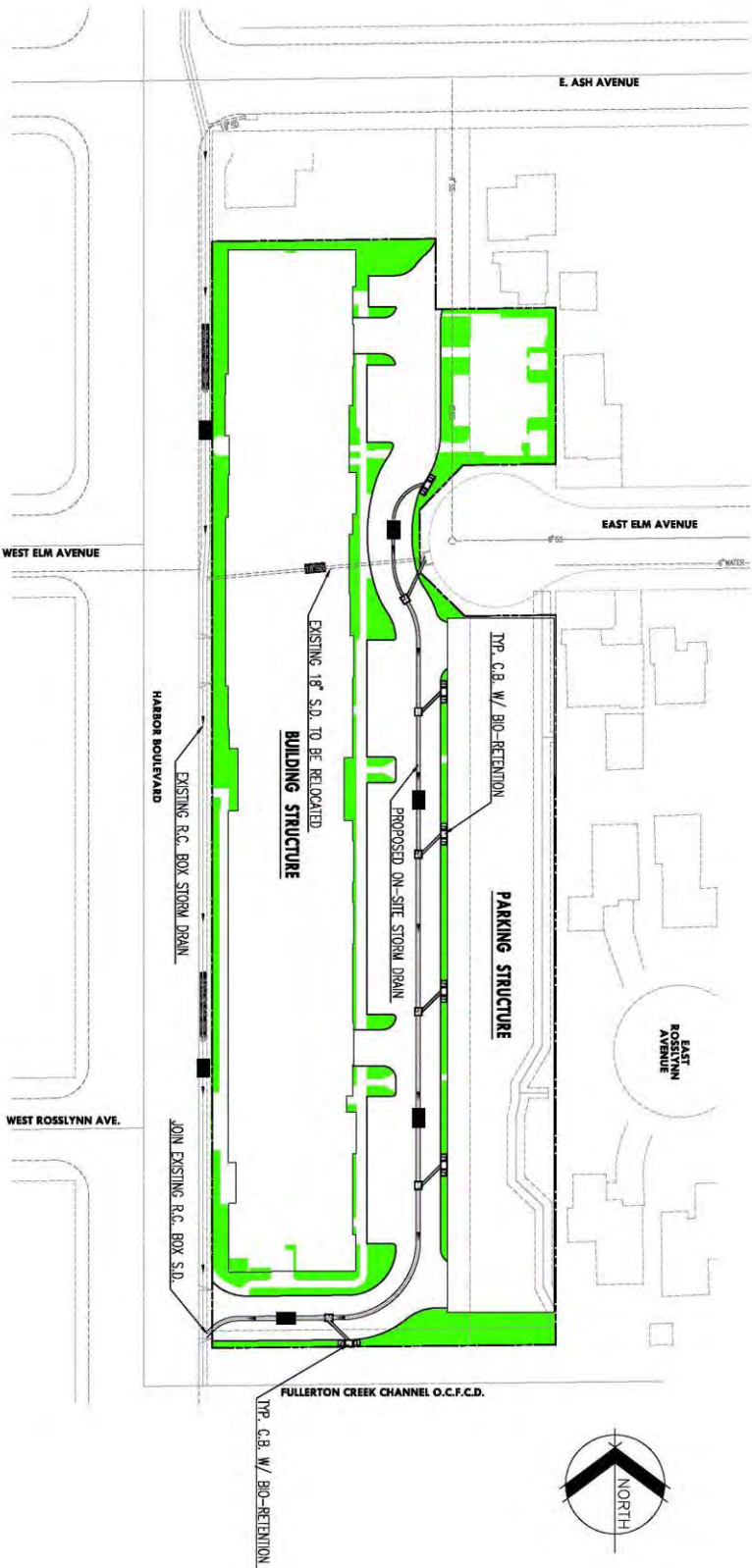


EXHIBIT 7 – CONCEPTUAL DRAINAGE PLAN

### **3.3 Water and Wastewater Plan**

The City of Fullerton provides water service for domestic consumption and fire protection, and sewer collection service for the site. Water service to the site is presently available from both E. Elm Avenue and from Harbor Boulevard. Two points of connection to the City's sewer system are also available via a 6-inch main in E. Elm Avenue and the public alley leading to E. Ash Avenue, and a 21-inch sewer running parallel with the flood control channel along the southerly boundary of the site. Exhibit 8, Conceptual Water and Wastewater Plan, illustrates the location of the existing points of connection to the City's systems. It also illustrates the proposed water and wastewater lines and how they will connect to the City's existing system. As development in the Harbor Walk Specific Plan is within the anticipated development density anticipated in the City's General Plan, it is expected that the existing off-site sewer lines have adequate capacity for the additional flow and that existing sewer treatment facilities are adequate to support the project. All proposed development within the Harbor Walk Specific Plan will be conditioned to provide a sewer study to demonstrate that adequate capacity exists to accommodate the proposed development, and/or any onsite or offsite improvements required to accommodate proposed development.

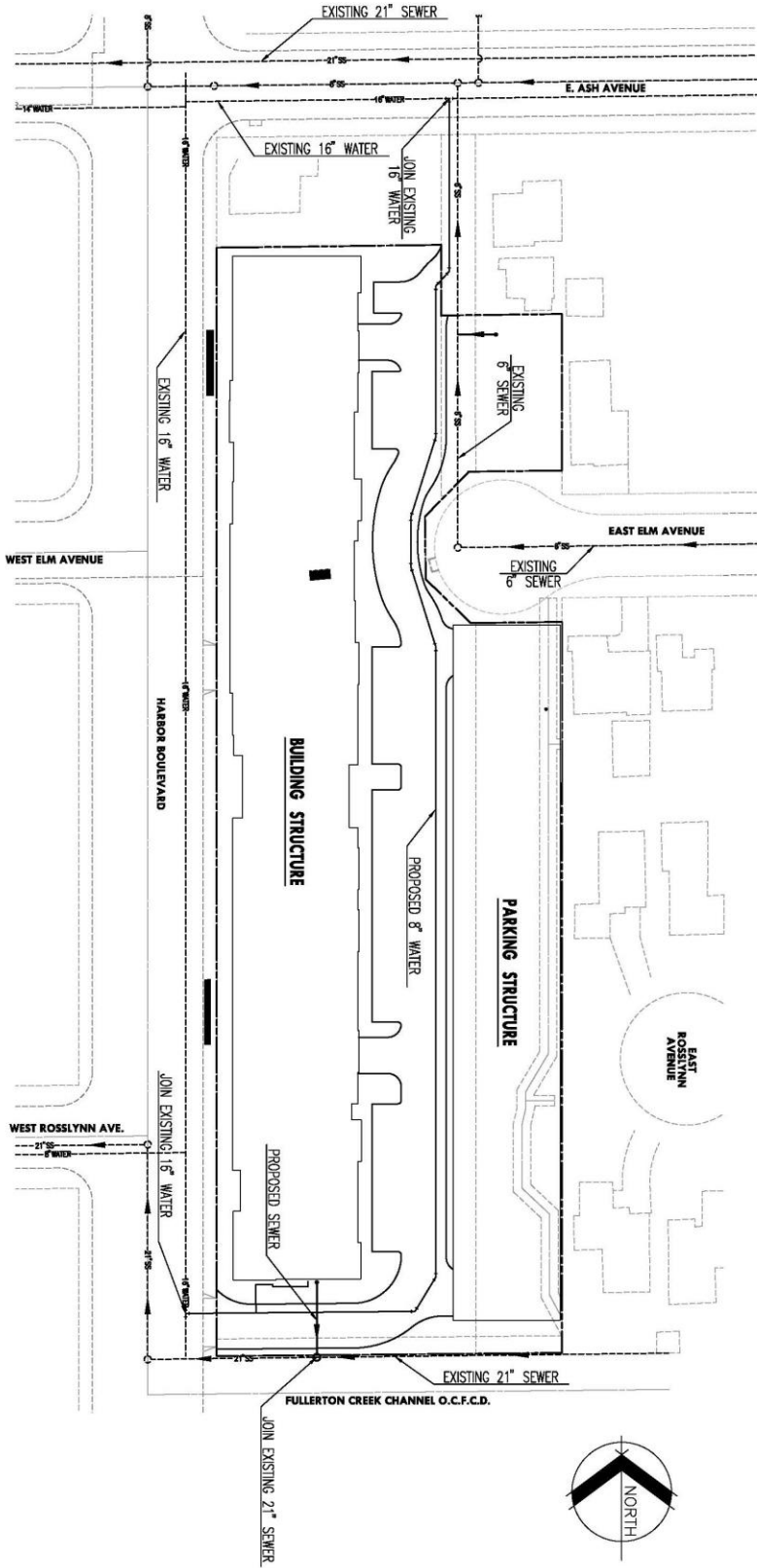


EXHIBIT 8 – CONCEPTUAL WATER AND WASTEWATER PLAN

### **3.4 Utility Services**

Southern California Edison provides electricity to the Specific Plan area from E. Ash Avenue via the public alley. The Gas Company provides natural gas to the site from a 2-inch main in the public alley. Telephone and data services are provided by Verizon, and Time Warner Cable provides cable television service. All service providers have confirmed they can serve the development.

### **3.5 Solid Waste**

Solid waste collection and disposal is provided by Republic Services under contract to the City of Fullerton. All proposed development with the Harbor Walk Specific Plan will be required to consult with the City regarding the design and location of trash bin enclosures and frequency for collection services.

### **3.6 Public Safety Services**

Police, fire and emergency medical services are provided by the City of Fullerton Police and Fire Departments. Police services originate from the central station, located at 237 W. Commonwealth Avenue. Fire services are provided by Station 1, the Department's Headquarters, located at 312 W. Commonwealth Avenue.

### **3.7 Schools**

The Harbor Walk Specific Plan area is served by the Fullerton Joint Union High School District and the Fullerton School District. Any new development within the Specific Plan area will be conditioned to pay statutory school impact fees at issuance of building permits in the amount prescribed by State law.

The Specific Plan is within the attendance boundaries of the following schools:

Maple Elementary School (K-6)

244 E. Valencia Drive

Fullerton, CA 92832

Ladera Vista Junior High School (7-8)

1700 E. Wilshire Avenue

Fullerton, CA 92831

Fullerton Union High School

201 E. Chapman Avenue

Fullerton, CA 92832

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## CHAPTER 4 ADMINISTRATION AND IMPLEMENTATION

### 4.1 Administration

The Harbor Walk Specific Plan serves as the implementation document for The Fullerton Plan and zoning for the property. The Harbor Walk Specific Plan may be amended according to the procedures outlined in the City Municipal Code Section 15.72. If the City determines there is a conflict between the Specific Plan and the City's Municipal Code, the Specific Plan shall prevail. If the Specific Plan is silent on any subject, the Municipal Code shall govern. If the intent of the Specific Plan is not clear, as determined by the Director of Community Development (Director), then the Director shall determine the meaning of that provision.

Minor adjustments may be necessary during construction of the project. The Community Development Director may grant minor exceptions to the standards contained in the Specific Plan as outlined below in the same manner as described in FMC Chapter 15.66 for a Zoning Adjustment.

- (a) The Director or his/her designee may approve a Minor Exception to the standards and land uses described herein, provided the Director conducts appropriate review under CEQA, if required, and makes the following findings:
  - (1) The granting of the Minor Exception will result in design improvements, or there are space or other restrictions on the site that preclude full compliance with Specific Plan requirements without hardship;
  - (2) The granting of the Minor Exception, with any conditions imposed, will not be materially detrimental to the public welfare or injurious to the property or improvements in the Specific Plan area; and
  - (3) The granting of the Minor Exception will not be contrary to the objectives of the Specific Plan.
- (b) Director Review of Minor Exception
  - (1) An application for a Minor Exception shall be made on forms as prescribed by the Director. The Director or his or her designee shall review a complete application for compliance with the provisions of the Specific Plan. The application shall be deemed complete within thirty days of filing, unless the Director notifies the applicant in writing specifying the reasons why the application is incomplete.
  - (2) Notices for Minor Exceptions, where notice is required, shall be mailed only to contiguous property owners around Harbor Walk.

- (3) The Director shall render a decision within thirty days after the application is deemed complete. The Director may extend the time within which the determination shall be made, not to exceed an additional thirty days, with good cause and with written concurrence from the applicant.
- (4) The decision of the Director shall become final ten days following the date of the decision unless an appeal to the Planning Commission is filed, per Section 15.66.070 of the Municipal Code.

The following Minor Exceptions may be granted:

- a) A decrease of not more than ten percent of any building setback.
- b) An increase of not more than ten percent of the permitted height of a building.
- c) A decrease of not more than ten percent of any landscape setback.
- d) An increase of not more than fifteen percent of the gross square footage of a tenant sign as allowed by this Specific Plan or an approved Sign Program to accommodate irregular lettering, logos, or prototypical elements.
- e) Allowance for architectural building features to project not more than three feet into the setback, such as stairs, patio covers, shade trellises, awnings, and similar features.

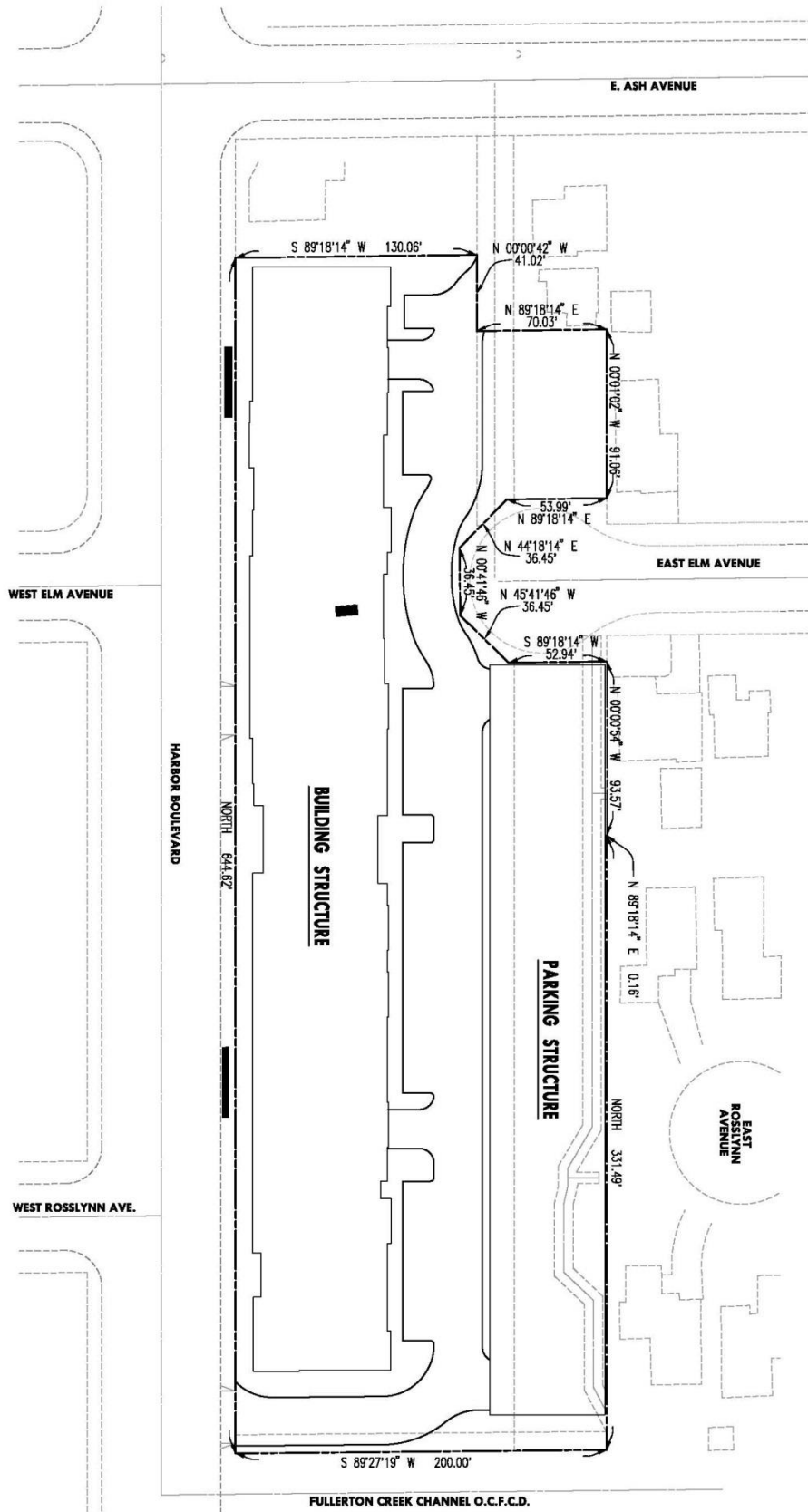
#### **4.2 Financing Mechanisms**

Development within the Harbor Walk Specific Plan area will be funded entirely with private capital investment, and no public agency funds will be used for its development. The site will be privately owned, and its owners shall be responsible for the ongoing maintenance and operational costs of the property.

## **HARBOR WALK SPECIFIC PLAN**

### **APPENDIX 1**

# BOUNDARY MAP FOR HARBOR WALK SPECIFIC PLAN





## LEGAL DESCRIPTION FOR HARBOR WALK SPECIFIC PLAN

### PARCEL 1:

THE SOUTHERLY 77.00 FEET OF THE NORTHERLY 177.00 FEET OF THE WEST 240.00 FEET OF THE SOUTH 8 ACRES OF THE NORTH HALF OF THE WEST 60 ACRES OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 10 WEST, IN THE RANCHO SAN JUAN CAJON DE SANTA ANA, IN THE CITY OF FULLERTON, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN [BOOK 51, PAGE 7](#) OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

### PARCEL 2:

THE NORTHERLY 100.00 FEET OF THE WESTERLY 240.00 FEET OF THE SOUTH 8 ACRES OF THE NORTH 30 ACRES OF THE WEST 60 ACRES OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 10 WEST, IN THE RANCHO SAN JUAN CAJON DE SANTA ANA, IN THE CITY OF FULLERTON, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN [BOOK 51, PAGE 7](#) OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

### PARCEL 3:

THE WESTERLY 240 FEET OF THE SOUTH 8 ACRES OF THE NORTH HALF OF THE WEST 60 ACRES OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 10 WEST, IN THE RANCHO SAN JUAN CAJON DE SANTA ANA, IN THE CITY OF FULLERTON, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN [BOOK 51, PAGE 7](#) OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

EXCEPTING THEREFROM THE SOUTH 22.00 FEET.

ALSO EXCEPTING THEREFROM THE NORTHERLY 177.00 FEET.

### PARCEL 4:

LOTS 5 AND 6 OF TRACT NO. 448, SUNNY SIDE ADDITION TO THE CITY OF FULLERTON, IN THE CITY OF FULLERTON, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN [BOOK 17, PAGE 11](#) OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, TOGETHER WITH THAT PORTION OF THE WEST HALF OF THE ALLEY ADJOINING SAID LOTS ON THE EAST, AS SAID ALLEY IS SHOWN ON SAID TRACT NO. 448, AND AS ABANDONED AND VACATED BY RESOLUTION NO. 7080 OF THE CITY COUNCIL OF THE CITY OF FULLERTON, A CERTIFIED COPY OF WHICH WAS RECORDED FEBRUARY 1, 1984 AS INSTRUMENT NO. [84-045992](#) OF OFFICIAL RECORDS OF SAID ORANGE COUNTY, SAID PORTION BEING BOUNDED NORTHERLY BY THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID LOT 5 AND BOUNDED SOUTHERLY BY THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID LOT 6, TOGETHER WITH THAT PORTION OF THE SOUTH HALF OF ELM STREET, 60.00 FEET WIDE, AS SHOWN ON SAID TRACT 448, ABANDONED AND VACATED BY RESOLUTION NO. 8563 OF THE CITY COUNCIL OF THE CITY OF

FULLERTON, A CERTIFIED COPY OF WHICH WAS RECORDED NOVEMBER 18, 1994 AS INSTRUMENT NO. [94-0670185](#) OF SAID OFFICIAL RECORDS.

**PARCEL 5:**

LOT 37 OF TRACT NO. 448, SUNNY SIDE ADDITION TO THE CITY OF FULLERTON, IN THE CITY OF FULLERTON, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN [BOOK 17, PAGE 11](#) OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, TOGETHER WITH THAT PORTION OF THE EAST HALF OF THE ALLEY ADJOINING SAID LOT ON THE WEST, AS SAID ALLEY IS SHOWN ON SAID TRACT NO. 448, AND AS ABANDONED AND VACATED BY RESOLUTION NO. 7080 OF THE CITY COUNCIL OF THE CITY OF FULLERTON, A CERTIFIED COPY OF WHICH WAS RECORDED FEBRUARY 1, 1984 AS INSTRUMENT NO. [84-045992](#) OF OFFICIAL RECORDS OF SAID ORANGE COUNTY, SAID PORTION BEING BOUNDED NORTHERLY AND SOUTHERLY BY THE WESTERLY PROLONGATIONS OF THE NORTHERLY AND SOUTHERLY LINES OF SAID LOT 37.

**PARCEL 6:**

LOTS 3 AND 4 OF TRACT NO. 448, SUNNY SIDE ADDITION TO THE CITY OF FULLERTON, IN THE CITY OF FULLERTON, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN [BOOK 17, PAGE 11](#) OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, TOGETHER WITH THAT PORTION OF THE WEST HALF OF THE ALLEY ADJOINING SAID LOTS ON THE EAST, AS SAID ALLEY IS SHOWN ON SAID TRACT NO. 448, AND AS ABANDONED AND VACATED BY RESOLUTION NO. 8563 OF THE CITY COUNCIL OF THE CITY OF FULLERTON, A CERTIFIED COPY OF WHICH WAS RECORDED NOVEMBER 18, 1994 AS INSTRUMENT NO. [94-0670185](#) OF OFFICIAL RECORDS OF SAID ORANGE COUNTY, SAID PORTION BEING BOUNDED NORTHERLY BY THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID LOT 3, TOGETHER WITH THAT PORTION OF THE NORTH HALF OF ELM STREET, 60.00 FEET WIDE, AS SHOWN ON SAID TRACT 448, ABANDONED AND VACATED BY SAID RESOLUTION NO. 8563.

**PARCEL 7:**

LOT 36 OF TRACT NO. 448, SUNNY SIDE ADDITION TO THE CITY OF FULLERTON, IN THE CITY OF FULLERTON, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN [BOOK 17, PAGE 11](#) OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, TOGETHER WITH THAT PORTION OF THE EAST HALF OF THE ALLEY ADJOINING SAID LOT ON THE WEST, AS SAID ALLEY IS SHOWN ON SAID TRACT NO. 448, AND AS ABANDONED AND VACATED BY RESOLUTION NO. 8563 OF THE CITY COUNCIL OF THE CITY OF FULLERTON, A CERTIFIED COPY OF WHICH WAS RECORDED NOVEMBER 18, 1994 AS INSTRUMENT NO. [94-0670185](#) OF OFFICIAL RECORDS OF SAID ORANGE COUNTY, SAID PORTION BEING BOUNDED NORTHERLY BY THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID LOT 36.

**PARCEL 8:**

LOT 2 OF TRACT NO. 448, SUNNY SIDE ADDITION TO THE CITY OF FULLERTON, IN THE CITY OF FULLERTON, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN [BOOK 17, PAGE 11](#) OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, TOGETHER WITH THAT PORTION OF THE WEST HALF OF THE ALLEY ADJOINING SAID LOTS ON THE EAST, AS SAID ALLEY IS SHOWN ON SAID TRACT NO. 448, ABANDONED AND VACATED BY RESOLUTION NO. 8563 OF THE CITY COUNCIL OF THE CITY OF FULLERTON, A CERTIFIED COPY OF WHICH WAS RECORDED NOVEMBER 18, 1994 AS INSTRUMENT NO. [94-0670185](#) OF OFFICIAL RECORDS OF SAID ORANGE COUNTY, SAID PORTION BEING BOUNDED SOUTHERLY BY THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID LOT 2.

END OF LEGAL DESCRIPTION