

## ORDINANCE NO. 1565

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY APPROVING CODE AMENDMENT (CA) NO. 20-09, AN AMENDMENT TO THE FOUNTAIN VALLEY CROSSINGS SPECIFIC PLAN (FVCSP) PERTAINING TO THE FOLLOWING: ELIMINATION OF SECTION 2.6.2, SPECIAL PUBLIC OPEN SPACE REQUIREMENT AND ALL RELATED REFERENCES; AMENDMENT OF SECTION 2.7.1.9, TABLE 2.7 PARKING REGULATIONS FOR, WORKPLACE-PROFESSIONAL, FROM 3.5 SPACES PER 1,000 SQUARE FEET MINIMUM AND 4.5 PER 1,000 SQUARE FEET MAXIMUM TO 2.5 SPACES PER 1,000 SQUARE FEET MINIMUM AND 3.5 PER 1,000 SQUARE FEET MAXIMUM; AND ADDITION OF "SECTION 2.5.5 SKYWAYS" TO ALLOW FOR PEDESTRIAN BRIDGES IN CERTAIN CIRCUMSTANCES**

WHEREAS, the Fountain Valley City Council adopted the Fountain Valley Crossing Specific Plan (FVCSP) on January 23, 2018; and

WHEREAS, the Environmental Impact Report (EIR) for the FVCSP was certified by the City Council on January 23, 2018. For reference, the Final EIR can be accessed at <https://www.fountainvalley.org/1278/Fountain-Valley-Crossings>.

WHEREAS, the Orange County Sanitation District (OCSD) has submitted an application for a 109,914 square foot Headquarters Building located east of Bandilier Circle, north of Ellis Avenue, and west of Pacific Street and for a pedestrian bridge to span Ellis Avenue (Project); and

WHEREAS, the Project necessitates the following entitlement applications and actions by various hearing bodies (Entitlements):

1. Lot Line Adjustment No. 19-01 – Per FVMC 21.76.040, Lot Line Adjustment No. 19-01 was approved by the City of Fountain Valley Subdivision Review Committee on September 12, 2019;
2. Lot Line Adjustment No. 19-02 – Per FVMC 21.76.040, Lot Line Adjustment NO. 19-02 was approved by the City of Fountain Valley Subdivision Review Committee on November 21, 2019;
3. Development Plan Review No. 20-1 for the headquarters building, parking lot, and landscaping and Deviations to standards of the FVCSP for the maximum building length (a 2% deviation - 203'11 ¼" proposed instead of the maximum 200'), street façade composition (a 5.5% deviation – 18.9% window openings proposed instead of the minimum 20%), and parking requirements (a 5% deviation – 261 spaces proposed instead of the 275 required). Per Section 2.0.3.F of the FVCSP, these actions are to be considered by the Planning Director; however, given the other Entitlements

associated with the Project, the Planning Director's actions are contingent upon Planning Commission and City Council actions on the Project;

4. Variance 332 for frontage coverage on Pacific Street, frontage coverage on Bandilier Circle, build-to-corner at Ellis Avenue and Bandilier Circle, curb cuts & driveways along Pacific Street, street façade base on Pacific Street, street façade base on Ellis Avenue, street façade base on Bandilier Circle, street façade top on Bandilier Circle and Ellis Avenue, and street façade wall composition on Bandilier Circle. Per Section 2.0.3.F of the FVCSP, the Planning Commission will act on Deviations greater than 20% through the Variance process outlined in FVMC 21.50 through Variance No. 332. The Planning Commission will also provide recommendations to the City Council on four other Entitlement applications: Code Amendment No. 20-09, an Addendum to the FVCSP Environmental Impact Report (EIR), the vacation of an easement, and a Development Agreement and pedestrian bridge. The Planning Commission's actions on Variance 332 are contingent upon City Council actions on Code Amendment No. 20-09, an Addendum to the FVCSP EIR, the vacation of an easement, and a Development Agreement and a pedestrian bridge;
5. Code Amendment No. 20-09 to amend the FVCSP to eliminate the Special Public Open Space requirement, allow pedestrian bridges to span the public right-of-way in certain circumstances, and adjust the parking ratio for the Workplace-Professional Category to be consistent with the parking ratio in the Fountain Valley Municipal Code (FVMC). The City Council will take final action on Code Amendment 20-09;
6. Vacation of Easement for a street easement that exists between three parcels on the Project site but serves no public purpose. The City Council will take final action on the Vacation of Easement;
7. Development Agreement to clarify fees, standards, project improvements and entitlements, offsite improvements, and the pedestrian bridge, and an associated action on a pedestrian bridge. Per Section 21.38 of the FVMC, the City Council will take final action on the Development Agreement and, per Code Amendment 20-09, will also take final action on the Pedestrian Bridge; and
8. Addendum to the FVCSP Final EIR, which considers the consistency of the Project and Entitlements with the impacts and mitigation identified in the certified EIR. The City Council will take final action on the proposed Addendum to the FVCSP Final EIR for the Project and Entitlements.

WHEREAS, Section 2.6.2 of the FVCSP contains requirements for at least one special public open space of at least ½ acre to be provided in each of the six designated planning areas as noted in Figure 2.6.2 of the FVCSP; and

WHEREAS, this requirement places an undue burden on the first development in a Special Public Open Space Area and potentially stops development within the Crossings Specific Plan; and

WHEREAS, the Fountain Valley General Plan (1995) and Section 3.3 of the FVCSP identified the ratio of park acreage per 1,000 persons at the time as 13.2 acres

per 1,000 residents, based on the 1990 census of 53,691 and parks totaling 708.75 acres within the City. The General Plan noted this in comparison with typical range of three (3) to five (5) acres of parkland per thousand residents of most cities in California. The 2010 census population figure of 57,010 represents a relatively modest 6% increase over the 15-year period. Assuming no additions to park acreage, today the resulting ratio of park acreage per 1,000 persons would be 12.4 acres per 1,000 residents. The projected potential residential buildout within the FVCSP is estimated to result in a maximum of 1,341 additional residents, with a resulting ratio of park acreage of 12.1 acres per 1,000 residents. This ratio on a city-wide basis remains well above averages for California cities; and

WHEREAS, Code Amendment No. 20-09 proposes to eliminate Section 2.6.2, Special Public Open Space Requirement, along with all related references to Section 2.6.2 from the FVCSP; and

WHEREAS, Table 2.7 Parking Regulations of the FVCSP contains parking requirements for permitted uses in the FVCSP; and

WHEREAS, Section 2.7.1.9, Table 2.7 Parking Regulations, provides parking requirements for Workplace – Professional uses at a rate of 3.5 spaces per 1,000 square feet minimum and 4.5 spaces per 1,000 square feet maximum; and

WHEREAS, Code Amendment No. 20-09 proposes to amend Section 2.7.1.9, Table 2.7 Parking Regulations, for Workplace – Professional uses from a rate of 3.5 spaces per 1,000 square feet minimum and 4.5 spaces per 1,000 square feet maximum to a rate of 2.5 spaces per 1,000 square feet minimum and 3.5 spaces per 1,000 square feet maximum; and

WHEREAS, this amendment to the FVCSP would make the FVCSP consistent with the office parking requirement found in FVMC Section 21.22.040, Table 3-3; and

WHEREAS, the FVCSP does not allow pedestrian bridges across the public right-of-way; and

WHEREAS, Code Amendment No. 20-09 proposes to amend the FVCSP to add new Section 2.5.5 Skyways to allow for pedestrian bridges across the public right-of-way to connect government uses that are bisected by public streets to allow efficiencies and minimize pedestrian crossings of public streets; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the lead agency is required to review any changed circumstances to determine whether any of the circumstances under Public Resources Code section 21166 and CEQA Guidelines section 15162 require additional environmental review; and

WHEREAS, on October 14, 2020, the Planning Director conducted a duly noticed public hearing and approved Development Plan Review No. 20-1 and Deviations for the

maximum building length, street façade composition, and parking requirements. These actions are contingent upon Planning Commission and City Council actions on the Project and Entitlements. The Planning Director also recommended approval of the Addendum to the FVCSP Final EIR stating that no new or substantially more severe significant impacts would occur as a result of the Project and Entitlements; and

WHEREAS, on October 28, 2020, the Fountain Valley Planning Commission conducted a duly noticed public hearing and unanimously approved Resolution No. 20-21 approving Variance 332 contingent upon City Council approval of the remaining entitlements; Resolution No. 20-22 recommending that the City Council approve the vacation of an easement; Resolution No. 20-23 recommending that the City Council approve Code Amendment No. 20-09, and; Resolution No. 20-24 recommending that the City Council approve a Development Agreement and pedestrian bridge.

WHEREAS, on November 17, 2020, the Fountain Valley City Council conducted a duly noticed public hearing and approved Resolution No. 9770 approving an Addendum to the FVCSP EIR, stating that no new or substantially more severe significant impacts would occur as a result of the Project and Entitlements; and

WHEREAS, the proposed CA No. 20-09 has been publicly noticed in accordance with State Law and the Fountain Valley Municipal Code.

NOW, THEREFORE, the City Council of the City of Fountain Valley does ordain as follows:

#### SECTION 1

The EIR for the FVCSP was certified by the City Council on January 23, 2018. An Addendum to the EIR (Exhibit A of Resolution No. 9770) has been prepared to identify whether the proposed revisions would result in any new significant impacts beyond those identified in the FVCSP EIR (CEQA Guidelines Section 15162).

Through the Addendum, it was determined that no new or substantially more severe significant impacts would occur as a result of the proposed changes. None of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent EIR or CEQA Guidelines Section 15163 requiring preparation of a supplemental EIR have occurred. This Addendum to the adopted EIR is an appropriate level of environmental review for the project revisions, as identified in CEQA Guidelines Section 15164 and was adopted by the City Council on November 17, 2020.

#### SECTION 2

The City Council finds that due notice of the public hearing on November 17, 2020, conducted in the City Council Chambers, 10200 Slater Avenue, Fountain Valley, was given as required by the Fountain Valley Municipal Code, Title 21, and the State of California. Public notice of this hearing and a copy of the Planning Commission agenda were posted at City Hall, Recreation Center, and the Fountain Valley Library.

### SECTION 3

Pursuant to Fountain Valley Municipal Code section 21.34.050 the City Council does hereby find as follows:

1. The proposed amendment ensures and maintains internal consistency with the actions, goals, objectives, and policies of the General Plan, and would not create any inconsistencies with the FVCSP and/or Title 21 Development Code.

CA 20-09 will maintain and enhance high quality development throughout the city by encouraging variety, quality, consistency, and innovation in land use practice and by promoting quality commercial development (General Plan Goal/Policy 2.1.2 and 2.1.3). CA 20-09 will help spur redevelopment in the FVCSP, transitioning from primarily industrial and manufacturing uses to high-value mixed-use developments that combine commercial and residential uses to create a cohesive workplace-residential oriented community.

Specifically, the elimination of the Special Public Open Space requirement of at least  $\frac{1}{2}$  acre to be provided in each of the six designated planning areas, as noted in Figure 2.6.2 of the FVCSP, will eliminate a roadblock to development within each planning area of the FVCSP. Open Space will still be required for each qualifying project as noted in Section 2.6.B.1 and Table 2.6. Additionally, landscaping requirements are required for each development in the FVCSP in Section 2.6 Open Space Regulations that require a substantial amount of landscaping for each development in the form of publicly accessible and functional open space as well as front yard setback, side yard setback, rear yard setback, and parking lot landscaping requirements. Additionally, the projected potential residential buildout within the FVCSP is estimated to result in a maximum of 1,341 additional residents, with a resulting ratio of park acreage of 12.1 acres per 1,000 residents. This ratio on a citywide basis remains well above averages for California cities. Additionally, this amendment will meet Section 1.1 Community Objectives of the FVCSP by ensuring prosperity and sustainability in the FVCSP by helping to shape each increment of new development to build toward a more prosperous and environmentally sustainable city and region.

The parking requirement reduction to 2.5 min / 3.5 max per 1,000 square feet for Workplace – Professional uses will align with FVMC 21.22.040 Table 3-3 and provide a consistent parking requirement for office uses citywide. This amendment will meet Section 1.1 Community Objectives of the FVCSP by integrating mobility with land use by balancing mobility, livability, equity, and economic development objectives by maintaining minimum community mobility standards by providing consistent parking standards between the FVMC and FVCSP for office uses.

Lastly, the amendment to add Section 2.5.5 Skyways to allow for pedestrian bridges across the public right-of-way to connect public uses that are bisected

by public right-of-way will maintain and enhance high quality development in the FVCSP by encouraging variety and innovation in land use practice. The addition of the skyway section will promote efficiencies in the use of government uses that are bisected by public right-of-way and minimize pedestrian crossings of public streets. This amendment will meet Section 1.1 Community Objectives of the FVCSP by integrating mobility with land use by balancing mobility, livability, equity, and economic development objectives by furthering patterns of land use and development that maximize return on investment in transit and contribute at the regional scale.

The City Council staff report dated November 17, 2020, contains a detailed analysis for the proposed changes to the FVCSP that is determined to be consistent with the General Plan and the Development Code, Title 21.

2. The proposed amendment will not be detrimental to the public convenience, health, interest, safety or welfare of the City. The proposed amendments would eliminate the Special Public Open Space requirement, reduce the parking requirement for Workplace - Professional uses, and allow for pedestrian bridges in the FVCSP. These amendments would not be detrimental to the public convenience, interest, or welfare of the city as they would help further development of projects in the FVCSP without the roadblock of a special public open space requirement while still providing other open space and landscaping requirements; they would help office uses develop with a consistent parking requirement citywide; and they would allow for pedestrian bridges between government uses that are bisected by public right-of-way to promote efficiencies in their use and minimize pedestrian crossings of public streets.
3. The proposed amendments have been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's environmental review procedures as indicated in Section 1;
4. The proposed amendment is internally consistent with other applicable provisions of the FVCSP and Title 21 Development Code. The FVCSP has been developed to provide flexibility and encourage land uses to further the objectives of the Specific Plan in compliance with the Development Code, Title 21. The proposed amendments will eliminate a special public open space requirement in the FVCSP that is not required in the FVMC. Although the special public open space requirement would be eliminated, the FVCSP requires other open space and landscaping requirements as noted in Section 2.6 of the FVCSP including landscaping in the form of publicly accessible and functional open space as well as front yard setback, side yard setback, rear yard setback, and parking lot landscaping requirements. The proposed amendment will also reduce the parking requirement for Workplace – Professional uses in the FVCSP consistent citywide. Lastly, the CA will allow for skyway bridges between specific types of uses (government buildings). The CA is therefore internally consistent with other provisions of the FVCSP and the FVMC.

## SECTION 4

Section 2.6.2 Special Public Open Space Requirement of Chapter 2.6 Open Space Regulations of the FVCSP is hereby amended as follows:

### 2.6 Open Space Regulations

This section contains regulations and guidelines for the provision and design of open spaces and landscaping elements other than new streets which are covered in Section 2.5. They are designed to ensure that publicly accessible open spaces are provided and built with the quality and care necessary to ensure the development of a varied network of well used, inter-connected public spaces that enhance the livability of the Plan Area.

#### 2.6.1 Provision of Public Open Space

##### A. Definition

1. Public open spaces are public or semi-public outdoor spaces designed to facilitate community formation, interaction, relaxation, and contemplation through public gathering, activity, recreation, and/or leisure.
2. Public open spaces may or may not have areas which are sheltered from the elements.
3. Public open spaces can be publicly or privately owned and maintained. Maintenance responsibility shall be determined on a case-by-case basis. However, in all cases, control over the use and activities permitted within open space that is privately owned shall be held by private property owner, and the private property owner shall assume all responsibility of maintaining such open space.

##### B. Regulation

1. The amount of public open space required for new development shall be as specified for each District in Figure 2.6. – Open Space Requirements.
2. Public open spaces shall be designed as one of the public open space types defined in Section 2.6.4.
3. Public open spaces shall include amenities such as seating, lighting and landscaping.
4. Public open spaces shall be built within the development area by developers as development occurs.
5. In instances where small or awkwardly shaped properties make the provision of on-site public open space impractical, the Planning Director may permit the in-lieu payment of the cost to construct the required amount of usable open space off site.
6. At the discretion of the Planning Director, required open space may be constructed off site and/or as part of a larger public open space that will be provided by the City or other private developments.

- ~~7. Except properties with a Special public open space requirement pursuant to Section 2.6.2, on-site public open space shall not be used to satisfy compliance with the City's park land dedication or in-lieu fee requirements.~~

### C. General Requirements

1. All public open spaces shall abut public rights-of-way or be otherwise connected to public sidewalks and shall be open to the public twenty-four (24) hours a day. At the discretion of the Public Works Director/Designee, public access to a public open space may be restricted after dark.
2. Unless otherwise specified in 2.6.4. Public Open Space Types, the minimum width of a public open space shall be twenty (20) feet.
3. All public open spaces shall be visible from surrounding streets and shall avoid placement of masses of shrubs around their edges.

### ~~2.6.2 Special Public Open Space Requirement~~

~~The following special requirement applies to development within each of the six areas shown in Fig. 2.6.2 Special Public Open Space Areas Map.~~

#### A. Primary Open Space

- ~~1. At least one primary public open space larger than a ½ acre shall be provided within each area.~~
- ~~2. The primary open space shall count toward all affected developments' provision of public open space requirements proportional to property size.~~
- ~~3. All affected properties shall contribute to the construction cost of the primary open space.~~
- ~~4. The primary open space shall be centrally located within each area (The exact location of the primary open space may be coordinated and determined by developers/property owners but must be determined before any development which could accommodate a ½ acre open space occurs).~~
- ~~5. The primary open space shall be a linear green, square, or plaza (see Section 2.6.4 — Public Open Space Types).~~
- ~~6. The primary open space shall abut public streets, alleys or passages or abut a public easement for vehicular/pedestrian access on at least three sides.~~
- ~~7. The primary open space may be used to meet the City's park land dedication or in-lieu fee requirements.~~

Delete Figure 2.6.2 Special Open Space Areas Map

## SECTION 5

Section 3.3 Public Open Space Network of the FVCSP is hereby amended as follows:

### **3.3 Public Open Space Network**

The General Plan (1995) identified the ratio of park acreage per 1,000 persons at the time as 13.2 acres per 1,000 residents, based on the 1990 census of 53,691 and parks totaling 708.75 acres within the City. It noted this in comparison with typical range of three (3) to five (5) acres of parkland per thousand residents it cited as a goal of most cities in California. The regional park lands of Mile Square Park at 640 acres provides the bulk of the identified park acreage. As noted in Appendix A, the 2010 census population figure of 57,010 represents a relatively modest 6% increase over the 15-year period. Assuming no additions to park acreage, the resulting ratio of park acreage per 1,000 persons is 12.4 acres per 1,000 residents.

Currently, there are no existing City parks within the Crossings Plan boundaries. The nearest existing publicly accessible parks to the edges of the Crossings District are:

**Ellis Park** (10301 Ellis Avenue, 3 acres, about a 1,035 foot, 5-minute walk along Ellis Avenue from the southwest corner of the Crossings District at the Ward Street/Ellis Avenue intersection)

**Los Alamos Park** (17901 Los Alamos Street, 4.02 acres, about a 0.4 mile, 8-minute walk from the northwest corner of the Crossings District at the Ward Street/Talbert Avenue intersection via residential streets)

**Moon Park** (a City of Costa Mesa Park - 3377 California Street, Costa Mesa, 1.7 acres, about a 0.7 mile, 15-minute walk from the northeast corner of the Crossing District across the Talbert Avenue bridge over the Santa Ana River and then southward on the paved Santa Ana River Trail on its east bank)

The paved Santa Ana River Trail (east bank) provides a 12-foot-wide path for biking, running and walking with multiple connections to bike and pedestrian routes east of the river and grade separations from intersecting east-west highways and streets. The west bank trail is mostly unpaved and unimproved in the project vicinity. The preceding Book 3 sections 3.1.5 (Recommended Pedestrian Network Improvements) and 3.1.6 (Recommended Bicycle Network Improvements) include recommendations for increased access and connectivity between the Crossings District and both the west and east bank Santa Ana River Trails.

The projected potential residential buildout within the Specific Plan Area is estimated to result in a maximum of 1,341 additional residents, with a resulting ratio of park acreage of 12.1 acres per 1,000 residents. While this ratio on a citywide basis remains well above averages for California cities, everyday accessibility and usability of parks and open space for future Crossings District residents will depend on proximity to open space facilities and the connectivity of street and path networks.

~~Book 2, Section 2.6.2 of the Specific Plan contains a requirement for the six subareas within the Crossings District to each ultimately provide a public open space of a minimum of one-half acre size, applicable to General Plan requirements (See Fig. 2.6.2, Special Public Open Space Areas Map). A full buildout of these six subareas would result in three (3) additional acres of public open space, which would increase the citywide ratio of park acreage per 1,000 residents by about .05 acres per 1,000 residents,~~

i.e. not a significant increase on a city-wide basis, but more useably located in proximity to new Crossings District residents. Individual developments are also required to provide on-site public and private open space, though these areas are not applicable to General Plan requirements.

The City's regulations (Section 21.78.070, Park land dedications and fees) provide that residential subdivisions shall dedicate land and/or pay a park-in lieu fee. Subdivisions of fifty parcels or less may pay an in-lieu fee only. For the Crossings Specific Plan, Park land dedications and fees shall be as described in Book 2, Sections 2.6.1 and 2.6.2. Except properties with a Special Public Open Space Requirement pursuant to Book 2, Section 2.6.2, On-site public open space shall not be used to satisfy compliance with park dedication or park in-lieu fee requirements pursuant to the Fountain Valley Municipal Code, Title 21 Zoning.

## SECTION 6

Table 2.7 Parking Regulations of the FVCSP is hereby amended as follows:

2.7 Parking Regulations	Standards	Peak Parking Period	Minimum Parking When Shared
<b>2.7.1 Provision of Parking</b>			
<b>1. Retail Anchors</b>			
spaces per 1000 s.f.	4 min / 6 max	Day, Weekend	No relaxation
<b>2. Eating &amp; Drinking Establishments</b>			
spaces per 1000 s.f.	5 min / 10 max	Evening, Late Night, Weekend	3 min
<b>3. Specialty Foods / Goods</b>			
spaces per 1000 s.f.	4 min / 6 max	Day	2.5 min
<b>4. Entertainment &amp; Recreation</b>			
spaces per 1000 s.f.	4 min / 10 max	Evening, Late Night, Weekend	5 min
<b>5. Convenience Uses</b>			
spaces per 1000 s.f.	3 min / 4 max	Evening, Late Night, Weekend	No relaxation <b>relaxation</b>
<b>6. Business &amp; Personal Services</b>			
spaces per 1000 s.f.	3 min / 4 max	Day	2.5 min
<b>7. Commercial Goods, Services, Vehicle Sales</b>			
spaces per 1000 s.f.	3 min / 4 max	Day, Weekend	2.5 min
<b>8. Civic &amp; Cultural</b>			
public assembly: spaces per 1000 s.f.	15 min / 30 max	Day, evening if a performing arts/special events facility	No relaxation
other: spaces per 1000 s.f.	3 min / 4 max		
<b>9. Workplace</b>			
professional: spaces per 1000 s.f.	<del>3.5 min / 4.5 max</del> <b>2.5 min / 3.5 max</b>	Day	2 min
medical: spaces per 1000 s.f.	5.5 min / 7.5 max	Day	3 min
light industrial: spaces per 1000 s.f.	2 min / 3.5 max	Day	1 min
warehouse: spaces per 1000 s.f.	1 min / 1.5 max	Day	0.25 min
<b>10. Lodging</b>			
spaces per guest room	1 min / 1.2 max	Evening, Late Night, Weekend	No relaxation
<b>11. Live-Work</b>			
spaces per unit – same as Residential Uses	see Residential Uses	Day, Evening, Late Night	No relaxation
spaces per employee	0.75 min / 1 max	Day, Evening, Late Night	No relaxation
<b>12. Residential Uses</b>			
spaces per studio unit	1 min / 1.5 max	Evening, Late Night, Weekend	No relaxation
spaces per 1 br unit	1.5 min / 1.5 max		
spaces per 2 br unit	2 min / 2 max		
spaces per additional unit beyond 2br	0.5 spaces		
guest spaces per 4 units	1.5 min / 1.7 max (C12)		
<b>13. Activity Core Exceptions</b>			
spaces per 1000 s.f.	2.5 min / 4 max	n/a	n/a

14. Convenience Cluster Exceptions – may only occur where on-street parking is available on at least one side of the fronting street.			
spaces per 1000 s.f.	0 min	n/a	n/a
location	on-street only (C16)	n/a	n/a

**Peak Parking Period Definitions:** **Day** - conventional business hours on a non-holiday weekday **Evening** - generally between 5 pm and 10 pm on any night of the week. **Late Night** - or any time between 10 pm and 4 am on any night of the week. **Weekend** - the day time during which businesses are open on Saturdays and Sundays.

*note: parking maximums apply to unstructured parking types only*

(C12) A minimum of 1 guest space / 10 DU is conditional	(C16) Off-street parking is conditional
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## SECTION 7

Section 2.5.5 Skyways shall be added to Chapter 2.5 Street Regulations of the FVCSP as follows:

### 2.5.5 SKYWAYS

#### A. Definition

A skyway is a pedestrian walkway, in an elevated structure, used exclusively for pedestrian traffic that passes over a public right-of-way.

#### B. Regulation

1. Skyways may be used only to connect government uses that are bisected by public right-of-way.
2. Only one skyway shall be allowed across a public right-of-way per project.
3. A skyway shall be approved by the City Council in conjunction with a Development Agreement. Appropriate fees or other appropriate community contribution shall be determined for the use of the public right-of-way and negotiated as part of the Development Agreement. If determined necessary by the City, the applicant shall pay for the cost of an appraisal for the portion of affected public right-of-way. Upon City Council approval, an encroachment permit shall be required to be completed and submitted by the applicant to the Public Works Department for review and issuance.
4. In reviewing an application for a skyway, the City Council shall consider the following:
  - a. Need and merit of a skyway to connect the two sides of the government use that are bisected by the public right-of-way;
  - b. Adequacy of horizontal and vertical clearance;
  - c. Interruption or interference with existing streetscape or other street amenities;
  - d. Reduction of and effect on pedestrian activity at street level;
  - e. Potential impacts related to light and glare;
  - f. Appropriate fees or community contribution for use of the public right-of-way;
  - g. Effect on traffic and pedestrian safety and access.

SECTION 8

The FVCSP is hereby amended per the minor edits and cross-references as noted in Exhibit #1, attached hereto, to incorporate the proposed changes and ensure internal consistency.

SECTION 9

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would subsequently be declared invalid or unconstitutional.

SECTION 10

The City Clerk shall certify to the adoption of this ordinance and cause it to be published as required by law. This ordinance shall become effective thirty (30) days after the date of its adoption.

**PASSED, APPROVED AND ADOPTED** this 1<sup>st</sup> day of December, 2020, by the following vote:

AYES: Constantine, Harper, Nagel, Vo, Brothers  
NOES: None  
ABSENT: None  
ABSTAIN: None

ATTEST:

  
\_\_\_\_\_  
Rick Miller, City Clerk

  
\_\_\_\_\_  
Cheryl Brothers, Mayor

APPROVED AS TO FORM  
**HARPER & BURNS LLP**

  
\_\_\_\_\_  
Colin Burns, Attorney for the City

Exhibit #1 to Ordinance No 1565 Code Amendment No. 20-09

Minor edits, cross reference updates, and re-numberings resulting from Code Amendment 20-09, adopted by Ordinance No. 1565

Renumbering and editing to TOC and 2.0 Orientation

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**2.1.2.A, 2.1.3.A, 2.1.4.A, & 2.1.5.A, Development Standards Chart**

Development Standards Charts Legend:	
General Symbols:	
Permitted	These elements are allowed, by right, unless otherwise specified in Section 2.2.1 Use Types
---	Not permitted
n/a	Not applicable
required	These are required elements of all new development as indicated
not required	These elements are not required as indicated
conditional	Requires a conditional use permit
limited	Limitations apply to location of illuminated /interactive elements as specified in section 2.9.4
CC	Permitted in a Convenience Cluster configuration (see section 2.2.2. Special Retail Configurations)
AC	Permitted in an Activity Core configuration (see section 2.2.2. Special Retail Configurations)
(M)	See Fig 2.6.2 Special Public Open Space Areas

Exhibit #1 to Ordinance No 1565 Code Amendment No. 20-09

**2.1.2.A, 2.1.3.A, 2.1.4.A, & 2.1.5.A, Development Standards Chart**

2.6 Open Space Regulations	Standards
2.6.1 Provision of Public Open Space	
	see section 2.6.1
2.6.2 Special Public Open Space	
	required
2.6.2 Provision of Private Open Space	
	see section 2.6.2
2.6.3 Public Open Space Types	
	see section 2.6.3
2.6.4 Private Open Space Types	
	see section 2.6.4
2.6.5 Setback Area Landscaping	
	see section 2.6.5
2.6.6 General Open Space & Setback Area Guidelines	
	see section 2.6.6

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**2.3.3 Building Length**

C. Exceptions

1. Where specified in Section 2.1. – Development Standards, building volumes shall be measured as separate buildings as shown in Fig.2.3.3. Building Length if they are separated by:

a. A paseo (see Section 2.6.3 – Open Space Types for the definition of a paseo). For this purpose, the paseo shall be open to the sky.

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**2.4 Frontage & Building Placement Regulations**

2.4.1 Building Orientation to Streets and Public Open Spaces

B. Regulation

1. General

a. Where building orientation to streets and public open spaces is required, all buildings shall have primary entrances that face and open directly on to publicly accessible streets or public open spaces (see section 2.6.3 for a list of public open space types).

2.4.2 Private Frontage Types

2.4.2. C Private Frontage Specifications

1. Shopfront

Exhibit #1 to Ordinance No 1565 Code Amendment No. 20-09

e. Setback Area Treatment

ii. Setback areas shall be treated as a sidewalk extension per Section 2.6.5.

2. Corner Entry

c. Setback Area Treatment

i. Setback areas shall be treated as a sidewalk extension per Section 2.6.5.

3. Arcade

d. Setback Area Treatment

i. Setback areas for arcades built to the back of sidewalk shall be treated as a sidewalk extension per Section 2.6.5.

ii. Setback areas for arcades that are not built to the back of sidewalk shall be landscaped per Section 2.6.5.

4. Grand Portico

d. Setback Area Treatment

ii. Setback areas shall be landscaped per Section 2.6.5.

iii. Only setback areas for commercial buildings may be treated as a sidewalk extension per Section 2.6.5.

6. Common Lobby Entry

d. Setback Area Treatment

i. Setback areas shall be landscaped per Section 2.6.5.

ii. Where specified in Section 2.1 – Development Standards as “limited,” the setback areas shall be treated as a sidewalk extension per Section 2.6.5.

7. Stoop

d. Setback Area Treatment

i. Setback areas shall be landscaped per Section 2.6.5.

8. Porch

d. Setback Area Treatment

i. When expressed as a separate mass appended to the primary front building plane, the porch may encroach into the front setback zone.

ii. Setback areas shall be landscaped per Section 2.6.5.

9. Front Door

## Exhibit #1 to Ordinance No 1565 Code Amendment No. 20-09

d. Setback Area Treatment

i. Setback areas shall be landscaped per Section 2.6.5.

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### 2.4.3 Front Yard Setback

B. Regulation

2. Additional Requirements

d. The front yard setback area must be landscaped per Section 2.6.5 – Setback Area Landscaping Types.

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### 2.4.4 Side Yard Setback

B. Regulation

1. General

c. The side yard setback area must be landscaped per Section 2.6.5 – Setback Area Landscaping Types.

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### 2.4.5 Rear Yard Setback

B. Regulation

1. General

b. The rear yard setback area must be landscaped per Section 2.6.5 – Setback Area Landscaping Types.

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### 2.5.3 Block Size

B. Regulation

6. Passages / paseos (see Section 2.6.3.G Passage/Paseo) may only be used to determine pedestrian block size and shall not qualify as defining the edges of a vehicular block.

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## 2.7 Parking Regulations

2.7.3 General Parking AND Loading Requirements

D. Parking Lots

2. Landscaping

c. In addition, parking lots shall be buffered from adjacent development with moderate screening (see Section 2.6.6.B and 2.6.6.C.2).

**2.9.4 Interactivity & Animation**

A. Regulation

1. LED screen signs, electronic readerboard signs, or other signs that display animation and/or include interactive media such as social network information or interactive art shall be permitted as specified in the Section 2.1 Development Standards Charts and are specifically encouraged as part of Plazas, Courtyard Plazas, and Passages/Paseos (see section 2.6.3 Public Open Space Types), and with a conditional use permit at Entertainment Anchors, Civic/Cultural uses, and Schools.

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**2.9.5 Sign Type Regulations**

B. Regulation

2. Messages

b. Signs which display civic or cultural messages are permitted and specifically encouraged as part of Plazas, Courtyard Plazas, and Passages/Paseos (see section 2.6.3 Public Open Space Types).