

ORDINANCE NO. 1564

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY APPROVING AN ADDENDUM TO THE FOUNTAIN VALLEY CROSSINGS SPECIFIC PLAN (FVCSP) IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND CODE AMENDMENT NO. 19-10, AN AMENDMENT TO THE FVCSP PERTAINING TO THE FOLLOWING: ALLOCATION OF RESIDENTIAL UNITS, ALLOWANCE OF RESIDENTIAL ON THE GROUND FLOOR, SETBACKS, CEQA REVIEW PROCEDURES, REQUIREMENTS FOR GYM'S AND ENTERTAINMENT & RECREATION USES AND ADDITIONAL MINOR EDITS INVOLVING THE FOLLOWING: ALLOWING PLANNING DIRECTOR APPROVALS FOR ALL EXTERIOR FAÇADE RENOVATIONS; ALLOWING SPECIALTY GOODS ANCHORS BY-RIGHT IN THE WORKPLACE NEIGHBORHOOD DISTRICT; ALLOWING COMMUNITY ORIENTED ANCHORS AND ENTERTAINMENT & RECREATIONS USES BY-RIGHT IN THE WORKPLACE NEIGHBORHOOD DISTRICT; ALLOWING VEHICLE SALES OUTDOORS WITH A CONDITIONAL USE PERMIT IN THE WORKPLACE GATEWAY & MIXED INDUSTRY DISTRICTS; ALLOWING ENTERTAINMENT USES BY-RIGHT IN THE WORKPLACE GATEWAY DISTRICT; REMOVING THE MINIMUM SQUARE FOOTAGE REQUIREMENT FOR SPECIALTY GOOD ANCHORS; INCREASING THE NUMBER OF ALLOWABLE SEATS FOR EATING/DRINKING ESTABLISHMENTS AS A CONVENIENCE USE IN ALL DISTRICTS; ALLOWING FINANCIAL SERVICES BY-RIGHT IN ALL DISTRICTS; ADDING ADDITIONAL USES IN THE DEFINITION OF PERSONAL SERVICES FOR ALL DISTRICTS; REQUIRING INDOOR VETERINARY CLINICS TO BE PROHIBITED WHEN ADJACENT TO RESIDENTIAL USES IN ALL DISTRICTS; CLARIFYING THAT STORAGE AND WAREHOUSING IS ALLOWED AS AN ACCESSORY USE FOR LIGHT INDUSTRIAL USES; REMOVING THE MAXIMUM SQUARE FOOTAGE REQUIREMENT FOR CONVENIENCE CLUSTERS IN ALL DISTRICTS; AND CLARIFYING THE REQUIRED PUBLIC FRONTAGE IMPROVEMENT MEASUREMENTS FOR PROJECTS IN ALL DISTRICTS

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

WHEREAS, Section 2.1 of the FVCSP contains development standards for the four (4) established Districts; and

WHEREAS, Table 2.4 in each of the four (4) Districts of the FVCSP contains the provisions for street setbacks, respectively; and

WHEREAS, Code Amendment No. 19-10 proposes to adopt standards for street setbacks not already listed; and

WHEREAS, Section 2.0.5.C contains the provisions for new development approvals; and

WHEREAS, it is the City's intent to streamline the approval process and to allow for administrative approvals by the Planning Director for exterior façade remodels; and

WHEREAS, Table 2.1.2.A, ground floor health & exercise clubs require a conditional use permit (CUP) in the Activity Core District; however, Section 2.2.1.A.6 allows these uses by-right; and

WHEREAS, it is the City's intent to remove the CUP requirement and allow ground floor & exercise clubs by-right; and

WHEREAS, Section 2.1.4 contains development standards for the Workplace Gateway District; and

WHEREAS, Table 2.2.1.6 does not permit Entertainment & Recreation uses; and

WHEREAS, it is the City's intent to allow for Entertainment & Recreation uses in the Workplace Gateway District as these land uses can benefit from exposure to the 405 freeway; and

WHEREAS, Section 2.1.2 contains development standards for the Activity Core Overlay; and

WHEREAS, Table 2.1.2.F.1&2 requires that multi-family residential uses be located on upper floors only; and

WHEREAS, it is the City's intent to allow multi-family residential uses on the ground floor subject to certain requirements limiting the percentage of residential uses for a proposed project on the ground floor; and

WHEREAS, the FVCSP Environmental Impact Report (EIR) analyzed and limited the maximum amount of residential units at 491 in the Activity Core Target Area and the Workplace Neighborhood District; and

WHEREAS, it is the City's intent to specify that 491 units are allowed in the FVCSP and allocate a maximum of 245 residential units in the Activity Core Target Area and 246 units in the Workplace Neighborhood District to prohibit the concentration of the 491 units in a single project; and

WHEREAS, Code Amendment No. 19-10 proposes to make minor edits to bring sections into consistency and to allow certain land uses permitted by-right, as indicated in the Planning Commission staff report dated August 12, 2020; and

WHEREAS, on August 12, 2020, the Fountain Valley Planning Commission considered the proposed Code Amendment No. 19-10 at a duly noticed public hearing and recommended the City Council approve an Addendum to the FVCSP Final EIR and approve CA 19-10 to amend FVCSP; and

WHEREAS, the proposed Code Amendment No. 19-10 has been publicly noticed in accordance with State Law and the Fountain Valley Municipal Code.

SECTION 1

The Environmental Impact Report (EIR) prepared for the Fountain Valley Crossings Specific Plan and 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>

An Addendum to the EIR has been prepared to identify whether the proposed revisions would result in any new significant impacts (CEQA Guidelines Section 15162).

The Addendum 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.

The City Council adopted a Resolution at the public hearing on September 15, 2020, approving the Addendum to the FVCSP EIR.

SECTION 2

The City Council finds that due notice of the public hearing on September 15, 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 FVCPS and/or Development Code. The FVCSP is intended to guide future development with adoption of new policies and development standards to enhance economic development with revenue-generating employment centers supported by compatible residential and

commercial growth, while ensuring protection of the community's quality of life and provisions of community benefits; specifically:

General Plan Goal 2.1

Maintain and enhance high quality development throughout the City.

The amendments will further the redevelopment of the Project area, 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.

General Plan Goal 2.12

Manage growth and development to insure the maintenance or improvement of the existing quality of life in Fountain Valley.

Implementation of the FVCSP will encourage and enhance development within the Project area by providing regulations to promote infusion of new high profile commercial and light industrial centers, increase visibility of a vibrant revitalized community from the I-405 corridor, attract local employees to become new City residents of the Workplace Neighborhood District, improve mobility within the Project area, and integrate efficient and economical community within the City's transportation network.

The proposed amendment does not propose to allow for any additional housing units nor will it allow for any larger non-residential projects previously analyzed in the EIR. Moreover, Table 3.7-1 of the Final EIR dated January 23, 2018 contains a detailed analysis as to the consistency with the General Plan goals and policies that are applicable to the FVCSP.

The Planning Commission staff report dated August 12, 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 design, location, shape, size, operating characteristics and the provision of public and emergency vehicle access and public services and utilities (e.g., drainage, fire protection, sewers, water, etc.), will not be altered by the proposed amendments and will still ensure that the FVCSP will not endanger, jeopardize or otherwise constitute a hazard to the public convenience, health, interest, safety or welfare, or injurious to the property or improvements in the vicinity in the FVCSP area;

The FVCSP will provide community benefits such as road connectivity, transitional buffer areas, open space, and office, retail, and community oriented growth. The Specific Plan is also designed to ensure that new development adjacent to existing residential neighborhoods is shaped in scale and character for compatibility, including improvements to the streetscape aesthetic and functional use and that such designs provide for public and emergency vehicle

access, public services and utilities. The proposed amendments will not alter these factors and is intended to clarify the elements of the FVCSP to further these outcomes;

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 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 include minor edits to clarify and ensure internal consistency.

SECTION 4

The FVCSP is hereby amended to read as follows:

Street Setbacks:

FVCSP 2.1.2. - Activity Core:	
2.4.3 Front Yard Setback	
Minimum / maximum – Talbert Ave.	0 ft. / 10 ft.
Minimum – Newhope St., <i>Condor Ave., Mt. Washington St., Euclid St., or any new streets</i>	10 ft.

FVCSP 2.1.3.A - Workplace Neighborhood:	
2.4.3 Front Yard Setback	
Minimum / maximum – Talbert Ave.	10 ft. / 25 ft.
Minimum – Newhope St., <i>Euclid St., Mt. Shay St., Kalama River Ave., Condor Ave., Mt. Washington St., or any new streets</i>	10 ft.

FVCSP 2.1.4.A – Workplace Gateway	
2.4.3 Front Yard Setback	
Minimum / maximum – Euclid St.	15 ft. / 25 ft.
Minimum – Newhope St., <i>Kalama River Ave., Ward St., Condor St., Mt. Baldy Cir, Spencer Ave., Pacific St., Mt. Langley St., or any new streets</i>	10 ft.

FVCSP 2.1.5.A – Mixed Industry District	
2.4.3 Front Yard Setback	
Minimum / maximum – Ellis Ave.	15 ft. / 25 ft.

<i>Minimum – Lawson River Ave., Ward St., Bechler River Ave., Amistad St., Mt. Langley St., Bandilier Cir., Pacific St., Virginia Cir., or any new streets</i>	<i>10 ft.</i>
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CEQA Approvals:

<u>2.0.5.D Environmental Determination</u>	
1.	The Planning Manager has the authority to approve or deny a CEQA Exemption, Negative Declaration, or Mitigated Negative Declaration , <i>or an Addendum to a Negative Declaration or Mitigated Negative Declaration.</i>
a.	If a project <i>includes an EIR or an Addendum to an EIR, does not qualify for an exemption</i> , it shall be reviewed by the Planning Commission.
2.	The <i>Planning Commission decision-making body</i> has the authority to certify an Environmental Impact Report.

Ground Floor Health & Exercise Clubs:

2.1.2.A Development Standards Chart

Use:	
(U2)	Live Entertainment and Dancing not permitted except conditional within a hotel
(U3)	Large Scale Specialty Goods and Foods Only (see section 2.2.1)
(U5)	Ground Floor Health & Exercise Clubs are conditional
(U6)	Telecommunications facilities are allowed pursuant to the requirements of FVMC Chapter 21.28 Wireless Communications
(U7)	Only Health & Exercise Clubs

2.2 Building Use Regulations		Standards
2.2.1 Use Types		
A. Retail		
“ ...		
6. Entertainment & Recreation		permitted (U5)
... ”		

Entertainment & Recreation – Workplace Gateway District:

2.2 Building Use Regulations		Standards
2.2.1 Use Types		
A. Retail		
“ ...		
6. Entertainment & Recreation		--- <i>(--- to be deleted) conditional</i>
... ”		

Ground Floor Residential Uses

FVCSP 2.1.2. Activity Core	
2.2 Building Use Regulations	
F. Residential	
1. Multi-Family w/ Common Entry	Permitted (C2 or C14)
2. Multi-Family w/ Individual Entries	Permitted (C2 or C14)

Special Conditions:	
(C2)	Upper floors only
(C10)	Courtyard buildings may exceed the indicated length as defined in 2.3.3 Building Length
(C14)	Permitted on upper floors only or on the ground floor only in the following instances: <i>(1) The project is a horizontal mixed-use design (separate residential and non-residential buildings) and the building on the primary street frontage is devoted to the retail uses noted in Section 2.1.2 Activity Core; or</i> <i>(2) The project is located on a corner and at least 80% of the ground floor on the primary street frontage and at least 10% of the ground floor on the secondary street frontage are devoted to the retail uses noted in Section 2.1.2, Activity Core.</i> <i>(3) Ground floor residential units fronting on a public street shall be designed with features such as, but not limited to, building offsets, landscape pockets, private courtyards/balconies, stoops, residential privacy screens, and other design options that serve to help buffer residences from sidewalks, eliminate blank building faces along sidewalks, to create variations in architectural design.</i>
(C15)	Only on half bay or one full bay of parking is permitted

Residential Unit Allocation:

FVCSP 2.2.1.F

F. Residential
<u>Definition:</u> All owner and renter-occupied dwelling units, including attached and detached houses, multi-unit buildings, and manufactured housing.
<u>Special Conditions:</u>
<ul style="list-style-type: none"> <i>i. A maximum of 491 residential units may be constructed within the Activity Core Target Area and Workplace Neighborhood District. The units shall be allocated among the two districts as follows: 245 allocated to the Activity Core Target Area and 246 provided in the Workplace Neighborhood District.</i> <i>ii. The units will be allocated on a first-come-first serve basis; however, any single project proposing to utilize more than 33% of the total unit allocation</i>

of the district in which it is proposed shall be designed to create and/or enhance a community gathering place by providing a public art component subject to review by the Planning Commission.

- iii. Home occupations in any residential unit requires a home occupation permit (see City of Fountain Valley Municipal Code Chapter 21.42)

Miscellaneous Amendments:

The following miscellaneous amendments to the FVCSP are grouped by page number and shown in the appropriate code section:

Page 19 – Exterior Renovations – All Districts:

2.0.1.A. New Development, Additions, Exterior Renovations, Reconstructions, and Site Improvements

- “ ...
- 5. Where exterior façade renovations (not additions or replacement) are made to existing buildings, architectural and sign regulations shall apply to that portion of the building being renovated *and shall be subject to review and approval of the Planning Director*. No other Specific Plan requirements shall be required.
- ...”

Page 20 – Exterior Façade Renovations – All Districts:

2.0.5.C Development Plan Review Hearings

- “ ...
- c. Exterior façade renovations that change the character of existing street facing facades or facades that are clearly visible from public right of ways. *shall be subject to review and approval of the Planning Director.*
- ...”

Page 26 – Specialty Goods Anchors – Workplace Neighborhood District, Community Oriented Anchors, Entertainment & Recreation – Activity Core

VCSP 2.1.3 Workplace Neighborhood	
2.2 Building Use Regulations	Standards
2.2.1 Use Types	
A. Retail	
1. Specialty Goods Anchors	<i>Conditional-permitted</i>
2. Community Oriented Anchors	<i>--- (--- to be deleted) permitted</i>
6. Entertainment & Recreation	<i>--- (--- to be deleted) permitted</i>

Page 28 – Vehicle Sales – Workplace Gateway District:

2.1.4 Workplace Gateway	
Use:	
(U4)	Vehicle Sales – conditional as indoors only

2.2 Building Use Regulations	Standards
2.2.1 Use Types	
A. Retail	
3. Entertainment Anchors	--- (--- to be deleted) permitted
6. Entertainment & Recreation	--- (--- to be deleted) permitted

Page 30 – Vehicle Sales – Mixed Industry District:

2.1.5 Mixed Industry District	
Use:	
(U4)	Vehicle Sales – conditional as indoors only

Page 32 – Size of Specialty Good Anchors – All Districts:

FVCSP 2.2.1.A.1

A. Retail	
1. Specialty Goods Anchors	
Definition: A “regional destination” non-food retail store that is at least 30,000 square feet in size and can potentially generate significant pedestrian traffic to adjacent businesses, such as those listed.	

Page 32 – Eating and Drinking Establishments – All Districts:

FVCSP 2.2.1.A.7

A. Retail	
7. Convenience Uses	
Eating & drinking establishments w/ less than 12-50 seats	●

Page 32 – Financial Services – All Districts:

FVCSP 2.2.1.A.7

A. Retail	
8. Business Services	
Financial services	Ⓔ ●

Page 32 – Personal Services – All Districts:

FVCSP 2.2.1.A.9

A. Retail	
9. Personal Services	
Yoga, & martial arts, dance, music studios, tutoring facilities, etc.	●
Self-service laundromats	●

Page 33 – Veterinary Clinics – All Districts:

FVCSP 2.2.1.C.2

C. Workplace	
2. Medical Services	
Indoor veterinary clinics *	●

**Prohibited when directly adjacent to existing residential uses*

Page 33 – Indoor or Outdoor Storage or Warehousing – Mixed Industry District:

FVCSP 2.2.1.C.3

C. Workplace	
3. Light Industrial & Telecommunications	
Indoor or outdoor storage, <i>or</i> warehousing <i>as a stand-alone business. Storage and warehousing when conducted as an Accessory Use as defined by FVMC 21.90.020 and as part of an approved use allowed within the district is not prohibited.</i>	---
<i>Contractors/maintenance yards</i>	---

Page 33 – 2.2.2 Special Retail Configurations – All Districts:

FVCSP 2.2.2.B.2 Convenience Cluster

Definition: A small store or cluster of stores integrated into a larger building and facing a public street or open space. Convenience Clusters consist of (permitted) convenience uses, small-scale shopping and personal services that serve homes or businesses located within easy walking distance.

a. Special Conditions for Convenience Clusters:

~~i. A maximum size of two thousand five hundred (2,500) square feet per use.~~

~~ii. A maximum size of five thousand (5,000) square feet total per cluster. iii. Conditional Use Permit: Individual uses larger than two thousand (2,500)~~

~~square feet. Provided that the use is unique and not already provided within one (1) mile trade area.~~

~~iv. i. Convenience Cluster Retail must be located on the corner of a block, and the entrance must face a public street, square or plaza space.~~

Page 44 – 2.5 Street Regulations – All Districts:

FVCSP 2.5.1.B.3.i Public Frontage Improvements

i. The installation of new public frontage improvements (from the back-of-sidewalk to the face of curb) is required as development occurs. *Any required public frontage improvements with a required minimum dimension shall require improvements of the curb, but the required minimum dimension of the improvement shall be measured from the back-of-sidewalk to the back of curb.*

SECTION 5

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.

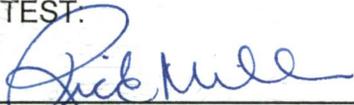
SECTION 6

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 6th DAY OF OCTOBER, 2020, by the following vote:

Ayes: Constantine, Harper, Nagel, Vo, Brothers
Nays: None
Absent: None
Abstain: None

ATTEST:



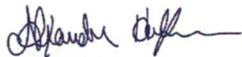
Rick Miller, City Clerk



Cheryl Brothers, Mayor

APPROVED AS TO FORM

HARPER & BURNS LLP



Attorneys for the City