

ORDINANCE NO. 1567

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY APPROVING CODE AMENDMENT NO. 20-08, AN AMENDMENT TO THE OPEN SPACE PROVISIONS OF THE FVCSP**

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

WHEREAS, the vision of the FVCSP is for a new activity center that would provide gathering places for families and residents to socialize, shop and dine, support local businesses, and to improve the community's economic prosperity and sustainability; and

WHEREAS, the vision for open spaces in the FVCSP is of urban plazas and courtyards that are an extension of its surrounding uses and an attraction in themselves; and

WHEREAS, Code Amendment 20-09 eliminated the Special Public Open Space requirements in the FVCSP that mandated a ½ acre park before development could proceed; and

WHEREAS, as indicated in the City Council staff report dated November 17, 2020, Code Amendment 20-08 ("Project") would re-craft the provisions of the FVCSP to focus on publically accessible plazas and courtyards, loosen restrictions to foster creative design, and set a minimum project size to which the open space provisions would apply; and

WHEREAS, on October 28, 2020, the Fountain Valley Planning Commission considered the proposed Code Amendment No. 20-08 at a duly noticed public hearing and recommended the City Council approve an Addendum to the FVCSP Final EIR and approve Code Amendment 20-08 to amend FVCSP; and

WHEREAS, the proposed Code Amendment No. 20-08 has been publicly noticed in accordance with State Law and the Fountain Valley Municipal Code.

NOW, THEREFORE, THE CITY OF FOUNTAIN VALLEY CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1

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>. An Addendum to the EIR 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. The 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 November 17, 2020, approving the Addendum to the FVCSP EIR.

## 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, specifically:

*General Plan Goal 2.1*

*Maintain and enhance high quality development throughout the City.*

*General Plan Goal 2.12*

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

Instead of small and isolated open areas scattered on each parcel in the FVCSP, the proposed amendment will clarify and loosen open space standards to focus on achieving publically accessible and functional open space in strategic locations. The intention of the proposed amendment is to help the FVCSP area incrementally transition 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.

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. The proposed amendments will address open spaces and will not cause development in the FVCSP to endanger, jeopardize or otherwise constitute a hazard to the public convenience, health, interest, safety or welfare, or injurious to the property or improvements.

3. The proposed amendments have been reviewed in compliance with the provisions of the 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 FVCSP in compliance with the Development Code, Title 21. The proposed amendments address the provision of open space and are designed to ensure internal consistency with the other provisions of the FVCSP.

## SECTION 4

Chapter 2.6, Open Space Regulations, of the FVCSP is hereby amended to read 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 **in appropriate locations and scales to invite visitation and enhance the pedestrian experience.**

#### **2.6.1 Provision of Publicly Accessible Open Space**

##### A. Definition

1. **Publicly Accessible** open spaces are public or private outdoor spaces accessible to the public and designed to facilitate community gathering, activity, recreation, leisure, interaction, relaxation, and contemplation.
2. **Publicly Accessible** open spaces may or may not have areas that are sheltered from the elements **but are designed to enhance comfort and invite use.**
3. **Publicly Accessible** 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. Publically accessible open space shall be provided in the amounts shown on Figure 2.6 in the following circumstances:

a. Within the Activity Core in conjunction with: (1) all new mixed use development projects, and (2) all new non-residential development projects greater than one (1) acre.

b. Within the Workplace Neighborhood in conjunction with: (1) all new mixed use and residential development projects, and (2) new non-residential development projects greater than three (3) acres.

c. In all other Districts in conjunction with new development projects greater than four (4) acres.

2. Possibilities for the design of publically accessible open spaces are provided in Section 2.6.3. The exact configuration and design for publically accessible open space shall be considered on a case-by-case basis. Factors that shall be considered when reviewing the proposed publically accessible open space are: ease of public accessibility, provision of public amenities, comfort, the potential of the space to foster public use, and the fit of the space within the overall design of the project. The community desires useful, family gathering spaces that include amenities such as fixed/movable seating, shade, games, fountains, play areas, or stages, to name a few.

~~3. Public open spaces shall include amenities such as seating, lighting and landscaping.~~

~~3. Public open spaces shall be built within the development project area by developers as development occurs:~~

4. There shall be multiple options to satisfy the publically accessible open space requirement, including as a single open space area, as multiple open space areas each meeting the minimum dimension, and off-site but within the same district in conjunction with another concurrent and on-going project. In-lieu fees are not an option and publically accessible open space shall be provided in conjunction with applicable development projects.

~~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.~~

~~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 parkland 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, at a minimum, during the operating

**hours of the project.** 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 2.6.3. Public Open Space Types, the minimum **average** width of a **publicly accessible** 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 Provision of Private Open Space**

A. Definition

1. Private open spaces are private or common outdoor spaces that are part of residential developments which are designed for contemplation and relaxation through private gathering, recreation, and/or leisure.

2. Private open spaces are privately or commonly controlled outdoor spaces that are extensions of private or semi-private indoor space.

3. Private open spaces are privately or commonly owned and maintained.

B. Regulation

1. The amount of private open space required for new development shall be as specified for each District in Section 2.1. – Development Standards.

2. Private open spaces shall be designed as one of the private open space types defined in Section 2.6.4 – Private Open Space Types.

3. Private open space shall be built by developers as development occurs.

4. Required maximum setback areas shall not be counted towards provision of private open space requirements.

5. Private open space shall not be exposed to utility, service, or loading areas.

2.6 Publicly Accessible Open Space Regulations	Standards
<b>2.6.1 Provision of Public Open Space</b>	
1. Retail	50 s.f. / 1000 s.f.
2. Civic & Cultural	n/a
3. Workplace	100 sf / 1000 sf
4. Lodging	100 sf / room
5. Live Work	150 sf / unit
6. Residential	150 sf / unit
<b>2.6.2 Provision of Private Open Space</b>	
Residential	
a. Attached & Multi-Family	60 s.f. / unit
b. Detached Single-Family Homes	n/a

**2.6.3 Publicly Accessible Open Space Design Options**

The following are options for the configuration of open space that may be utilized when designing publicly accessible open spaces. Guidelines for design are provided in Section 2.6.6. Factors that shall be considered when reviewing the proposed publicly accessible open space are: ease of public accessibility, provision of public amenities, comfort, the potential of the space to foster public use, and the fit of the space within the overall design of the project. The community desires useful, family gathering spaces that include amenities such as fixed/movable seating, shade, games, fountains, play areas, or stages, to name a few.

#### **A. Park**

1. Definition: An open space available for community recreation and respite from the city.
2. A park may be independent of surrounding building frontages.
- ~~3. Landscaping shall consist of naturalistic / informal paths and trails, meadows, water bodies, woodland and open shelters.~~
- ~~4. Parks shall be larger than the maximum block size. They typically separate districts; large parks are districts in their own right.~~
3. Parks shall be adjacent to a public street or an easement for vehicular/pedestrian access.

#### **B. Linear Green**

1. Definition: A long, narrow open space available for community recreation and civic purposes.
2. A linear green may be surrounded by streets on all sides or be located on one side of a street.
- ~~3. Landscaping may consist of lawns or ornamental grasses and shrubs, paths, and trees.~~
- ~~4. Linear greens shall not exceed the maximum block size.~~

#### **C. Square**

1. Definition: An open space available for community recreation and civic purposes.
2. A square is a freestanding city block; it shall be spatially defined by building frontages and streets on all sides.
- ~~3. Landscaping shall consist of paths, lawns or ornamental grasses and trees.~~
- ~~4. Squares shall be located at the intersection of important streets.~~
- ~~5. Squares shall not exceed the maximum block size.~~

#### **D. Plaza**

1. Definition: An open space available for community recreation, civic purposes, and commercial activities.
2. A plaza shall be open to a public street on at least one side.

3. Plazas should be located at the intersection of primary pedestrian routes, near transit stations, in commercial/workplace districts and other locations with high volumes of pedestrian traffic.
- ~~4. Landscaping shall primarily consist of enhanced/enriched hardscape.~~
- ~~5. Plazas shall not exceed one (1) acre.~~
- ~~6. The ground level frontage(s) not separated from the plaza by public streets shall be primarily lined with shopfronts.~~

#### **E. Mid-Block Green**

1. Definition: A square located in the "middle" of a project for community recreation.
2. A mid-block green may be spatially defined by building frontages on all sides.
- ~~3. Landscaping shall consist of paths, lawns or ornamental grasses, and trees.~~
- 3.** Mid-block greens shall connect to a public right of way through a network of passages/paseos and/or stairways and shall be ADA accessible.
- ~~5. Mid-block greens shall be a minimum of thirty (30) feet along the east-west axis and twenty (20) feet along the north-south axis.~~
- ~~6. Mid-block greens shall not exceed the maximum block size.~~

#### **F. Courtyard Plaza**

1. Definition: A plaza located in the "middle" of a block for community recreation and commercial activities
2. A courtyard plaza may be spatially defined by buildings on at least three (3) sides.
- ~~3. Landscaping shall primarily consist of enhanced/enriched hardscape.~~
- 3.** Courtyard plazas shall connect to a public right of way through a network of passages/paseos and/or stairways and shall be ADA accessible.
- ~~5. Courtyard plazas shall be a minimum of thirty (30) feet along the East-West axis and twenty (20) feet along the North-South axis.~~
- ~~6. Courtyard plazas shall not exceed a size of one fifth (1/5) acre.~~

#### **G. Passage/Paseo**

1. Definition: A pedestrian-only connector passing between buildings to provide shortcuts through long blocks and access to rear parking areas or courtyards.
2. Passages/Paseos shall link two or more streets or public spaces.
3. Passages/Paseos shall be a minimum of ten (10) feet and a maximum of twenty (30) feet in width, and shall be open to the sky.
4. The walking surface shall consist primarily of enriched/enhanced hardscape.

#### **H. Pocket Park/Playground**

1. Definition: A pocket park is a small open space designed for recreation; a playground is a small open space equipped for children to play in while being supervised by adults.
- ~~2. A pocket park/playground shall be a minimum of thirty (30) feet along the east-west axis and twenty (20) feet along the north-south axis.~~
- ~~3. A pocket park/playground shall not be located on the corner of a block where build to corner is required (see Section 2.4.8)~~
- ~~4. A pocket park should be primarily paved with enriched/enhanced hardscape or landscaped; a playground should have the character of a small park.~~

#### 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 1<sup>st</sup> day of December, 2020, by the following vote:

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

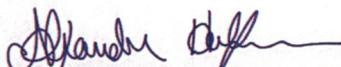
ATTEST:

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

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

APPROVED AS TO FORM

**HARPER & BURNS LLP**

  
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Attorneys for the City