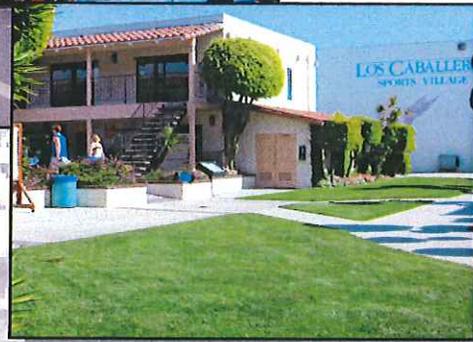


# *City of Fountain Valley Warner/Newhope Specific Plan*

*September 2004*



*Prepared for:*

**City of Fountain Valley**  
10200 Slater Avenue  
Fountain Valley, CA, 92708

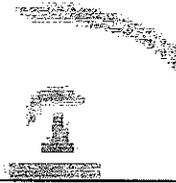
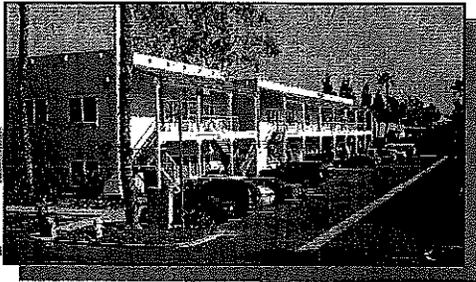
*Prepared by:*

**The Planning Center**  
1580 Metro Drive  
Costa Mesa, California 92626



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## SECTION I: EXECUTIVE SUMMARY

### 1.1 PURPOSE AND INTENT

The 37.84-acre Warner/Newhope Specific Plan is an existing development that contains a mixture of uses including the world class Los Caballeros Sports Club, owner and tenant occupied residential units, warehousing, professional offices, medical offices, self-storage, and a gymnasium. While many of these uses are separate and distinct, they share common access and/or parking making this site a truly unique mixed use development.

The Warner/Newhope Specific Plan recognizes existing uses that were established prior to the adoption of this Plan, establishes the permitted uses, baseline conditions, and development standards for the Warner/Newhope Specific Plan.

### 1.2 PROJECT OBJECTIVES

The Warner/Newhope Specific Plan was developed to meet the following specific objectives:

- Since the majority of the Warner/Newhope Specific Plan area is developed with existing uses, this Specific Plan is expressly intended to acknowledge and accommodate those uses as well as provide flexible guidance for the future use, expansion, and improvement of the site.
- To establish the baseline development and parking conditions from which to tailor standards and regulations that governs the use and improvement of the site.
- To implement the goals, objectives, and policies of the City of Fountain Valley General Plan.
- To establish the zoning level development standards and regulations for the Specific Plan area.
- To encourage affordable housing opportunities for low and moderate income households.



# City of Fountain Valley

## Warner/Newhope Specific Plan

- To establish clear and flexible parking standards that respond to the unique nature of the uses on the site.
- To recognize and accommodate existing legally established uses within the Specific Plan area.

## SECTION II: INTRODUCTION

### 2.1 WHAT IS A SPECIFIC PLAN

As provided in California Government Code Section 65450, a specific plan is a regulatory document that provides standards and criteria for the development of a particular area. The Warner/Newhope Specific Plan establishes the planning concept, design and development guidelines, administrative procedures, and implementation measures necessary to achieve the orderly and compatible development of the project area. It is also intended to maintain consistency with and carry out the goals, objectives, and policies of the City of Fountain Valley General Plan.

### 2.2 FORMAT OF THE DOCUMENT

The Warner/Newhope Specific Plan is divided into the following main sections:

**Executive Summary** — This section provides a brief summary of the Warner/Newhope Specific Plan.

**Introduction** — This section provides the definition of and authority to prepare a specific plan, the format of the document, and a description of the location and existing characteristics of the site.

**Development Plan** — This section provides the detailed descriptions of the land use plan, land use designations, circulation plan, parking plan, and the housing plan.

**Development Standards** — This section provides the standards and regulations directing the use, design of development within the Warner/Newhope Specific Plan.

**Implementation** — This section contains the provisions for development processing, and the development administration system for the Warner/Newhope Specific Plan.

**Appendices** — The Appendices contain the definitions, parking study, the Mitigated Negative Declaration, an entitlement history,



reciprocal parking/access agreement, and the City Council adopting ordinance.

### 2.3 RELATIONSHIPS TO OTHER REGULATORY DOCUMENTS

#### 2.3.1 *Consistency with the General Plan and Development Code*

The General Plan is often described as the constitution of a community. It describes the desired long-range future condition of a community in broad terms. The City of Fountain Valley General Plan designates the Warner/Newhope Specific Plan area as Specific Plan. This designation allows for a mixture of indoor/outdoor sports and fitness clubs, professional office, medical office, gymnasiums, self-storage, manufacturing, and residential uses.

While the General Plan designation of Specific Plan is purposefully broad, the zoning provides more detailed land use direction for the site. The zoning designation for the site is Specific Plan (SP). As described in Section 21.12.020(C) of the City of Fountain Valley Municipal Code, "*The SP zoning district is intended to address specific areas within the community that warrant a comprehensive set of land use policies and standards designed for the unique features of an area...*

*Sites within the SP district shall be developed according to standards adopted within the applicable specific plan to address specific site constraints and opportunities, including buffering, traffic, noise, and other land use compatibility impacts."*

Accordingly, the Warner/Newhope Specific Plan provides detailed development standards and use regulations that have been tailored to address the unique conditions of this site. The Warner/Newhope Specific Plan is adopted by Ordinance; hence, the Specific Plan's guidelines and standards serve as the zoning regulations for the Specific Plan area.

All future development plans, site plans, subdivisions, and uses within the Specific Plan area must be consistent with the Warner/Newhope Specific Plan. All projects that are found to be consistent with this Specific Plan will likewise be deemed consistent with the General Plan.

### 2.3.2 *Compliance with the California Environmental Quality Act*

Adoption or amendment of a Specific Plan constitutes a project under the California Environmental Quality Act (CEQA). A Mitigated Negative Declaration has been prepared in accordance with CEQA (Section 15168) to analyze the environmental impacts of the Warner/Newhope Specific Plan, see Appendix C.

Future development projects and uses that are consistent with the provisions of this Specific Plan may not require further environmental documentation. For projects that are not consistent with this Specific Plan or if conditions change, a new or a focused environmental review may be necessary as described in Section 15162 of the CEQA guidelines.

### 2.3.3 *Compliance with the Industrial Area Redevelopment Project*

The Warner/Newhope Specific Plan is located in the Industrial Area Redevelopment Project Area. This 498-acre Redevelopment Project was originally adopted in 1976, and subsequently amended, with the purpose of mitigating flooding impacts, addressing disconnected land uses, improving poorly maintained structures, and correcting inadequate public improvements.

The Warner/Newhope Specific Plan complies with the goals and objectives of the Industrial Area Redevelopment Project, specifically the following:

- *Promote local job opportunities.* Approximately 542,000 square feet of non-residential uses can be developed in the Specific Plan, including recreational related, offices, and industrial uses.
- *Implement design and use standards to assure high aesthetics and environmental quality, and provide unity and integrity to developments within the Project Area.* The Warner/Newhope Specific Plan provides development standards and design guidelines that direct the use and development of the Specific Plan.
- *Address parcels of property that are: of irregular shape, are inadequately sized for proper usefulness and development, and/or are held in multiple ownerships.* Several parcels, many

of which are under separate ownerships, share parking and access within the Specific Plan, creating a unique development that requires tailored standards and guidelines.

- *Recycle and/or develop underutilized parcels to accommodate higher and better economic uses while enhancing the City's financial resources.* The Warner/Newhope Specific Plan provides the framework for the redevelopment and development of parcels within the plan area while assuring that future development will not overburden shared parking facilities and that future uses are of high quality.
- *Increase, improve, and [preserve the community's supply of housing affordable to very low, low, and moderate-income households.* The Warner/Newhope Specific Plans provides for the development of housing units up to 20 units per acre plus a density bonus of 25% for providing affordable housing. The Specific Plan specifies the number of affordable units in each category that must be provided.

## 2.4 LOCATION AND DESCRIPTION

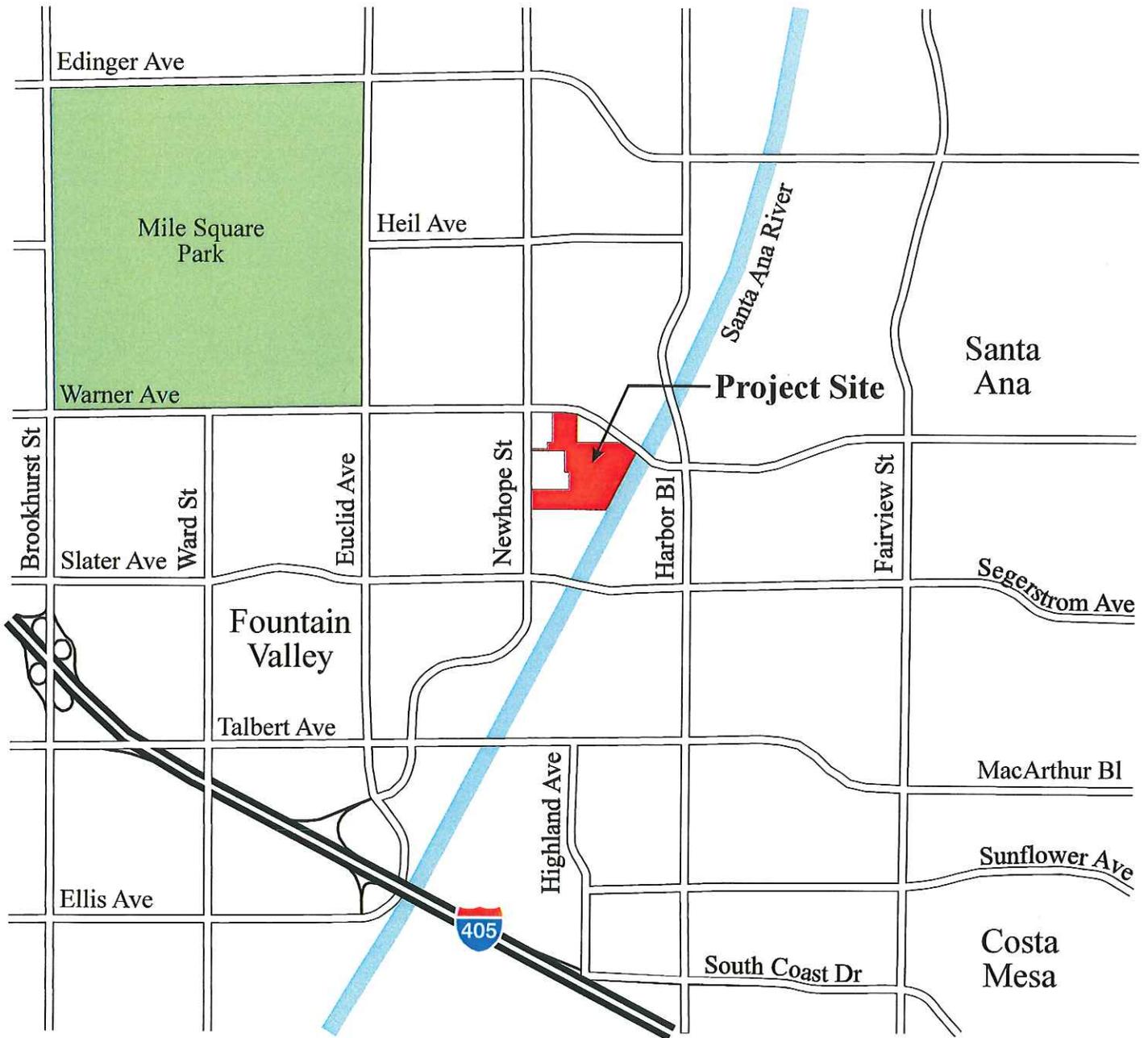
As shown in Figure 1, Regional Location, the Warner/Newhope Specific Plan is located in Orange County on the eastern edge of the City of Fountain Valley adjacent to the Santa Ana River.

More specifically, the Warner/Newhope Specific Plan is an approximately 37-acre site located on the east side of Newhope Street between Warner Avenue and Slater Avenue. As shown in Figure 2, Local Vicinity, the Specific Plan area is generally bound by Newhope Street on the west, Warner Avenue on the north, the Santa Ana River on the east, and a light industrial development on the south.

The project site is located in an area that contains a mixture of light industrial, office, and high density residential uses. Immediately north of the site are light industrial, office, the Manor Care (Senior assisted living) and across Warner Avenue are single-family homes. To the south is an area of light industrial uses. To the east, across the Santa Ana River in the City of Santa Ana, is an area of light industrial and manufacturing uses. To the immediate west are light industrial and office uses. To the west and across Newhope Street are medical and professional office, a post office, a nursery, and light industrial uses.

# City of Fountain Valley

## Warner/Newhope Specific Plan



## Regional Location

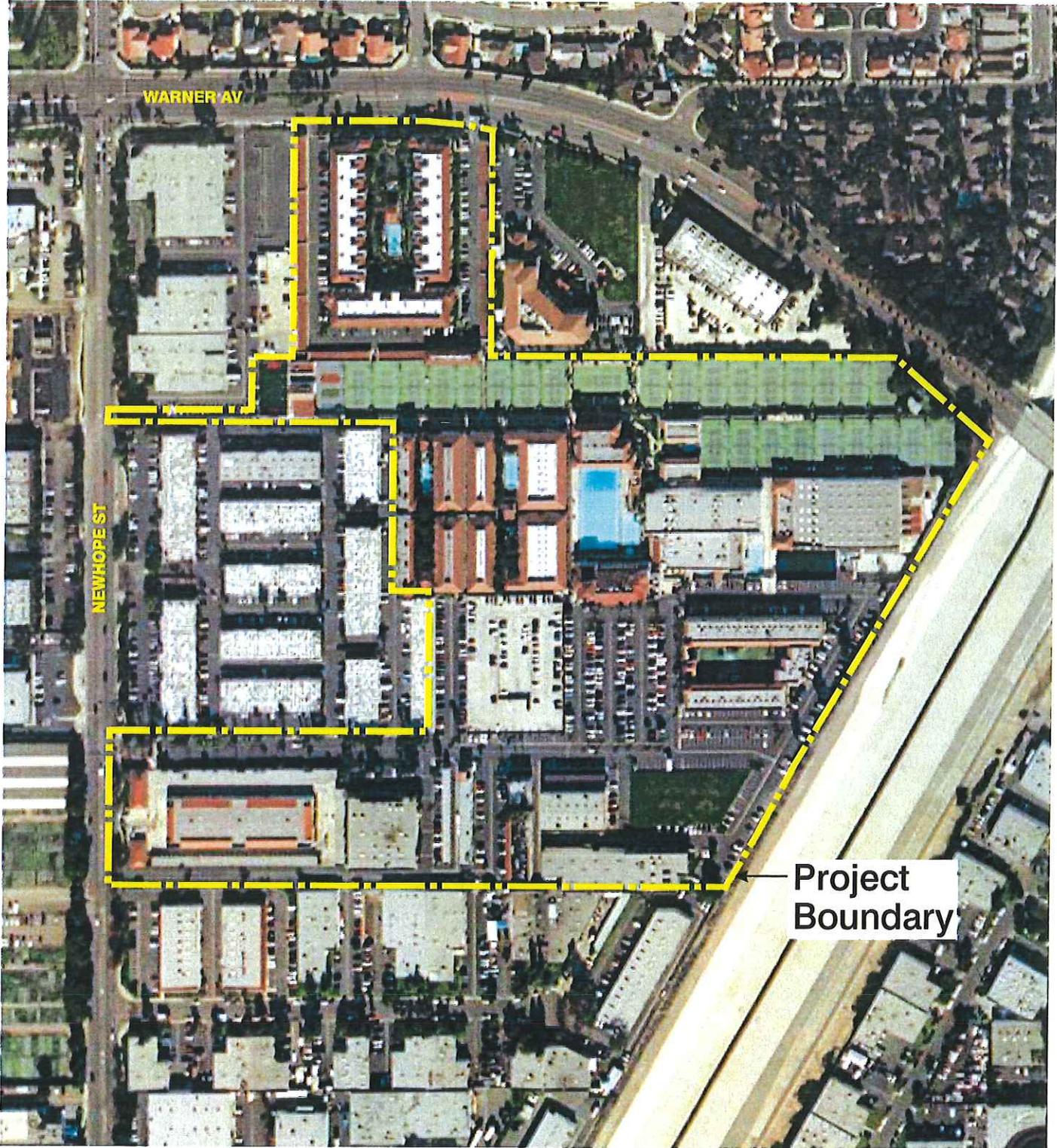


Figure 1



# City of Fountain Valley

## Warner/Newhope Specific Plan



Local Vicinity



# City of Fountain Valley

## Warner/Newhope Specific Plan

### 2.5 EXISTING SITE CHARACTERISTICS

The Warner/Newhope Specific Plan area contains a unique mixture of residential, recreational, office, light industrial, and storage uses, most of which share parking and access. In order to clearly describe the various uses on the site, the Warner/Newhope Specific Plan is divided into planning areas.

#### 2.5.1 Planning Areas

As shown on Figure 3, Planning Areas, the following twelve planning areas and two sub-planning areas contain the various uses on the site:

##### Planning Area A

This 10.2-acre Planning Area contains the Los Caballeros Sports Club. This approximately 127,747-square foot state of the art facility includes a fitness center that houses the cardiovascular, strength training, and free weight areas.

The sports club also provides two full-size basketball courts, two arena soccer stadiums, indoor & outdoor sand volleyball courts, sixteen indoor racquetball/handball courts, two squash courts, and thirty outdoor tennis courts including peewee courts and an outdoor paddle tennis court. The Sports Club also provides a 50-meter Olympic pool, a 30x60 training pool, and a 24x54 wading pool.

The Sports Club includes full catering and banquet facilities, a restaurant, bar, snack bar, a hair salon, an entertainment center, and a pro shop.

In addition to the physical facilities provided on site, the Sports Club offers numerous classes including one-on-one and group training, over 40 aerobic classes per week, cycling classes, mind/body classes, fitness assessments, tanning beds, physical therapy, massage center, and martial arts.

The Sports Club offers infant care, child care, a sports center for youth up to 16 years old, computer and tutoring classes, and an after school program and sports camps for youths.

The parking for this Planning Area is located in the shared parking facilities in Planning Area K.



Los Caballeros Sports Club in Planning Area A.

### Sub-Planning Area A-1 and B-2



*Sub-Planning Areas A-1  
and B-2*

This .26-acre area is divided into two Sub-Planning Areas that describe two distinct uses, which are contained within a single structure. The ground floor contains the Sports Club related youth facilities and child care facilities. The second and third floors contain residential uses.

Sub-Planning Area A-1 is a 6,552-square foot youth center that includes infant care, childcare, and a game room.

Sub-Planning Area B-2 provide 24, one-bedroom residential condominiums. The 24 residential units are located in two floors above the youth center. There is no separate, reserved parking for these residential units. Instead, the parking for this Planning Area is located in the shared parking facilities in Planning Area K.

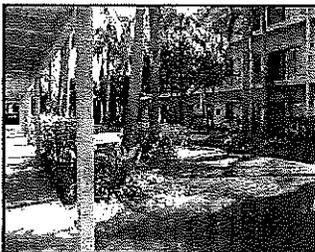
### Planning Area B

This 2.9-acre Planning Area accommodates 149 residential units centered on common courtyards containing two private pools and barbeque facilities.

There are three distinct residential complexes within this Planning Area, each built in separate phases. In phase one, the 44 units adjacent to the Olympic sized pool were developed. These three-story units each provide two bedrooms. A unique aspect of these units is that portions of some units can be sublet. If completely sublet, there is the potential for an additional 36 separately occupied units in this phase. The reserved parking for these 44 units is described in Sub-Planning Area B-1.

In phase two, 84 units were developed in a three-story complex. These units are located in the middle of Planning Area B and contain a mixture of 36 one-bedroom, 12 two-bedroom, and 36 three-bedroom units. The reserved parking for these 84 units is described in Sub-Planning Area B-1.

In phase three, the 21 units on the western edge of the Planning Area were developed. This three-story complex contains one-bedroom units. There are no reserved parking spaces for these units. The parking for this Planning Area is located in the shared parking facilities in Planning Area K.



*Residential development  
in Planning Area B*

# City of Fountain Valley

## Warner/Newhope Specific Plan

### Planning Area C

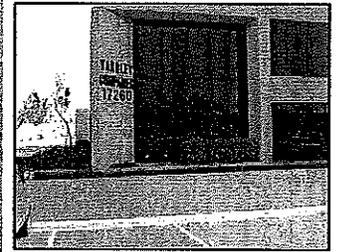
This 1.2-acre Planning Area accommodates the 41,520-square foot Plaza Del Lago Professional Center. This office complex houses medical and professional uses centered on an artificial lake. There are 54 office spaces in Plaza Del Lago, 27 on both floors. The parking for this Planning Area is located in the shared parking facilities in Planning Area K.



*Plaza Del Lago in Planning Area C*

### Planning Area D

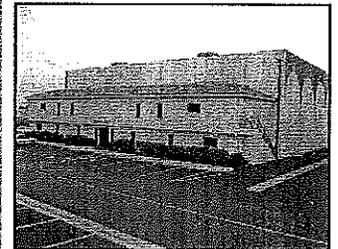
This .47-acre Planning Area accommodates the 26,500-square foot Yardley distribution warehouse. There are three loading docks: the two main loading bays on the western end of the building and roll up doors on the northern end of the building. The parking for this Planning Area is located in the shared parking facilities in Planning Area K.



*Planning Area D*

### Planning Area E

This .45-acre Planning Area accommodates the 16,439-square foot Newhope Academy of gymnastics and dance. This facility offers gymnastics and dance instruction. The parking for this Planning Area is located in the shared parking facilities in Planning Area K.



*The gymnasium in Planning Area E*

### Planning Area F

This .24-acre Planning Area accommodates a 14,000-square foot office complex. The parking for this Planning Area is located in the shared parking facilities in Planning Area K.



*The office complex in Planning Area F*

### Planning Area G

This .45-acre Planning Area accommodates a mixture of an 8,400-square foot self-storage facility with 33 storage units on the ground floor and a 3,600-square foot office complex on the second floor. The parking for this Planning Area is located in the shared parking facilities in Planning Area K.



*Mixed office and storage use in Planning Area G*



### Planning Area H

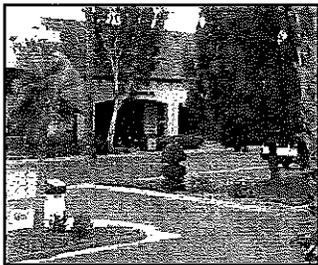
As of the adoption of this Specific Plan, this .59-acre Planning Area accommodated a vacant and turfed lot.



*Vacant lot in Planning Area H*

### Planning Area I

This .78-acre Planning Area accommodates the 19,800-square foot manufacturing use. While there are 15 parking spaces provided within this Planning Area, which coincides with the parcel in this instance, the parking is figured into the total shared parking total.



*Light industrial building in Planning Area I*

### Planning Area J

This 2.4-acre Planning Area accommodates an 86,000-square foot self-storage facility. Access to this self-storage facility is separate from the rest of the project site and taken from Newhope Street. Emergency access is provided in the southeast corner of the facility. The self-storage facility is fully parked on-site and is physically separated from the surrounding uses.

The self-storage facility occupies a portion of its legal lot. A parking and access easement is provided on the southern end. This access area is included in Planning Area K and serves as overflow parking for the sports club.

### Planning Area K

This 12.2-acre Planning Area accommodates the shared surface parking facilities and vehicular access. There are 768-shared parking spaces provided in this planning area. These parking spaces and the common vehicular access are provided for in a reciprocal parking and access agreement between Planning Areas A, B, C, D, E, F, G and H (See Attachment E). Coupled with the 15 parking spaces in Planning Area I and the 164 shared spaces in Planning Area K-1, there are a grand total of 947 shared parking spaces provided in the Specific Plan.

# City of Fountain Valley

## Warner/Newhope Specific Plan

### Sub-Planning Areas B-1 and K-1

This 1.3-acre Sub-Planning Area accommodates both shared and reserved parking spaces in a two-story parking structure.

Sub-Planning Area B-1 accommodates 128 reserved spaces on the lower level of the structure for the adjacent 84 and 44 unit residential projects. These spaces are secured behind gates and are for the exclusive use of the residents of the 84 and 44 unit residential projects. Each unit is assigned one space. Note: unit 316 does not have assigned parking but unit 32 has two assigned spaces.

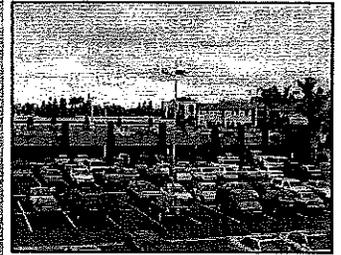
Sub-Planning Area K-1, which is on the second level of the parking structure, accommodates 164-shared parking spaces that are part of the larger reciprocal parking and access arrangement.

### Planning Area L

This 4.44-acre Planning Area encompasses the Los Caballeros Condominiums. This three-story residential project consists of 123 units with a mixture of 114 two-bedroom and nine one-bedroom units. The three main buildings surround a courtyard that includes a swimming pool, spa, and lake.

There are 232 parking spaces provided for the use by residents and guests. This complex is self-parked and is not part of the reciprocal parking and access agreement.

This project is accessed from Warner Avenue but includes pedestrian access to the sports club through the tennis courts.



*Surface parking and structure of Planning Area K*

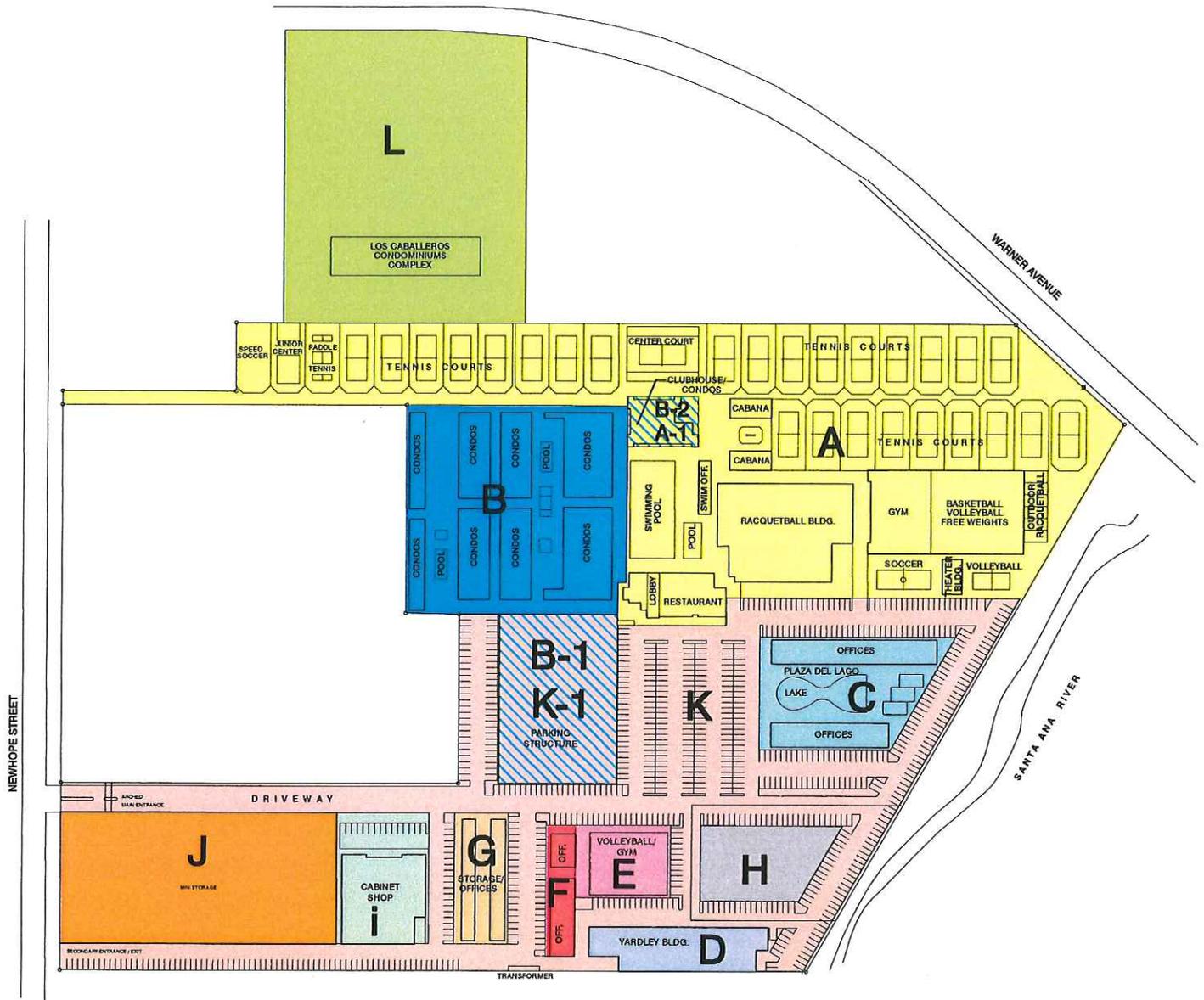


*Parking structure with shared parking above and secured, reserved parking below*

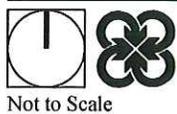
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# City of Fountain Valley

## Warner/Newhope Specific Plan



Base Map Source: Hunsaker & Associates



## Planning Areas

Figure 3



# City of Fountain Valley

## Warner/Newhope Specific Plan

### *DEVELOPMENT ENTITLEMENT HISTORY*

As noted, the majority of the Warner/Newhope Specific Plan has been developed. City authorization for this development began in 1977 with the approval of Conditional Use Permit No. 231, which established the Racquet and Sports Club. Since that time, there have been numerous City actions regarding expansions/modifications to the sports club and numerous new uses.

While this Specific Plan outlines the baseline conditions for future modifications, a sense of the entitlement history is important. Please see Appendix D for the chronology of the entitlement history of development in the Specific Plan area.

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# SECTION III: DEVELOPMENT PLAN

## 3.1 PROJECT DESCRIPTION

This section describes the land use plan for the Warner/Newhope Specific Plan. The land use plan is shown on Figure 4, Land Use Plan. A description of the corresponding land use categories is provided on Table 1, Land Use Categories.

The concept for the approximately 37-acre Warner/Newhope Specific Plan area is that of a mixed-use facility with shared parking and access facilities. The Warner/Newhope Specific Plan accommodates the Los Caballeros Sports Club, owner and tenant occupied residential units, warehousing, professional offices, medical offices, self-storage, and a gymnasium.

### 3.1.1 Land Use Designations

In order to describe the allowable uses within this mixed-use facility, the twelve Planning Areas and two Sub-Planning Areas identified in Figure 3, Planning Areas, are utilized.

The land use categories for the Warner/Newhope are shown on Table 1, Land Use Categories. The Warner/Newhope contains five separate land use categories that describe the intended use of the land as well as the standards for development.

Since many parcels share parking and access, in most instances the land use designations correspond with the Planning Areas, as shown in Figure 3, and not the legal parcel boundaries.

If individual property owners desire to develop their properties to the parcel lines, then the designation of the Planning Area on which the main structure is situated may be extended to the parcel lines. Any shared parking that may be lost must also be replaced at a one-to-one ratio.

#### Residential Density

The maximum residential density for each Planning Area is described on Table 1.

It is important to note that the maximum density for the residential uses existing as of the adoption of this Specific Plan was not determined on the traditional parcel-by-parcel basis. Due to historic mixture of uses and shared parking arrangement, the

maximum density was instead determined by combining the densities and acreages for the parcels that contained residential uses and reserved parking for residential units. Specifically, the units and acreage for the following Planning Areas were combined to determine residential density:

Planning Area A	=	10.2 acres and 0 units.
Planning Area B	=	2.9 acres and 185 units.
Planning Area B-1	=	1.4 acres and 0 units.
Planning Area B-2	=	.26 acres and 24 units.
<u>Planning Area L</u>	=	<u>4.43 acres and 123 units.</u>
Totals		19.2 acres and 332 units
Or		17.3 units per acre

In this manner, the maximum density set forth in the General Plan (20 dwelling units per acre) is able to be maintained.

Future projects within Planning Areas A, B, B-1, B-2, and L will be required to utilize this method to determine residential density and may not exceed the density threshold as noted on Table 1. The density for future projects located outside of these Planning Areas shall be as noted on Table 1.

# City of Fountain Valley

## Warner/Newhope Specific Plan

**TABLE 1  
LAND USE CATEGORIES**

<b>Plan. Areas</b>	<b>Land Use Category</b>	<b>Intention</b>	<b>Allowable Density/Intensity</b>
<b>A and A-1</b>	Sports and Fitness	<p>This land use category accommodates a full service, indoor and outdoor sports and racquet club, fitness center, and health facility. This land use category accommodates sports related facilities, including gymnasiums, indoor and outdoor courts, pools, gyms, and weight lifting facilities.</p> <p>This land use category accommodates health and fitness related classes, training programs, child care, catering and banquet facilities, a restaurant, bar, and snack bar, a hair salon, a sports club related entertainment center, club related offices, sports related retail and residential uses. This land use category also accommodates tanning beds, physical therapy, and a massage center. See Section IV of this Specific Plan for permitted uses and development standards.</p>	.5 Floor Area Ratio (FAR) 20 dwelling units per acre <sup>1</sup>
<b>B and B-2</b>	High Density Residential	This land use category accommodates multiple-family dwellings and apartments. See Section IV of this Specific Plan for permitted uses and development standards.	20 dwelling units per acre <sup>1</sup>
<b>C</b>	Professional Office	This land use category accommodates professional offices. See Section IV of this Specific Plan for permitted uses and development standards.	.35 FAR
<b>D</b>	Commercial Manufacturing	This land use category accommodates light manufacturing and heavy commercial land uses that do not generate polluting or otherwise offensive impacts to surrounding areas. See Section IV of this Specific Plan for permitted uses and development standards.	.65 FAR
<b>E</b>	Sports and Fitness	This land use category accommodates sports training and instructional uses; however, due to the size of the parcel, there are limitations on the types of uses on this planning area. See Section IV of this Specific Plan for permitted uses and development standards.	.85 FAR
<b>F</b>	Professional Office	This land use category accommodates professional offices. See Section IV of this Specific Plan for permitted uses and development standards.	.4 FAR
<b>G</b>	Professional Office	This land use category accommodates professional offices and personal storage. See Section IV of this Specific Plan for permitted uses and development standards.	.8 FAR

**TABLE 1  
LAND USE CATEGORIES**

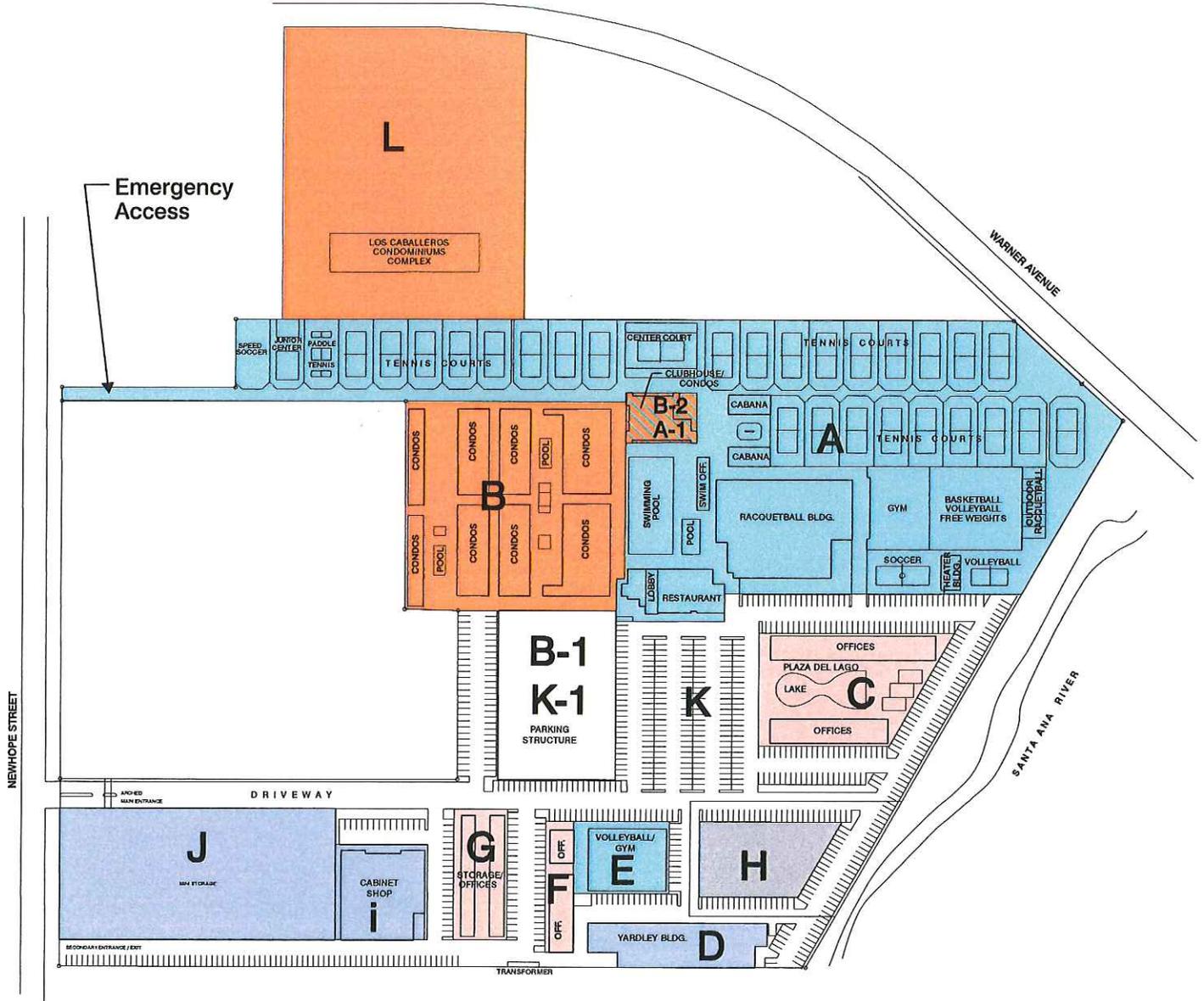
<b>Plan. Areas</b>	<b>Land Use Category</b>	<b>Intention</b>	<b>Allowable Density/Intensity</b>
H	Future Expansion Area	This land use category accommodates light industrial, offices, or residential uses. See Section IV of this Specific Plan for permitted uses and development standards.	.5 FAR for non-residential uses. 36 dwelling units per acre for residential use.
I	Commercial Manufacturing	This land use category accommodates industrial uses that limit objectionable or obnoxious impacts such as smoke, noise, fumes, vibration, radiation, light or glare that might nearby residential and commercial zones. See Section IV of this Specific Plan for permitted uses and development standards.	.4 FAR
J	Commercial Manufacturing	This land use category accommodates industrial uses that limit objectionable or obnoxious impacts such as smoke, noise, fumes, vibration, radiation, light or glare that might nearby residential and commercial zones. See Section IV of this Specific Plan for permitted uses and development standards.	.75 FAR
K and K-1	Parking	This land use category accommodates both shared and reserved parking within the main body of the Sports Club area (does not include parking in Planning Areas L and J).	Not Applicable
L	High Density Residential	This land use category accommodates multiple-family dwellings and apartments. See Section IV of this Specific Plan for permitted uses and development standards.	20 dwelling units per acre <sup>1</sup>

\* Planning Areas B-1, K, and K-1 are parking facilities and are reserved for parking and access.

<sup>1</sup> Density determined by the combination of the acreage and units for Planning Areas A, B, B-1, B-2, and L.

# City of Fountain Valley

## Warner/Newhope Specific Plan



- High Density Residential
- Sports and Fitness
- Mixture High Density Residential and Sports & Fitness
- Professional Office
- Commercial Manufacturing
- Future Expansion Area
- Parking

Base Map Source: Hunsaker & Associates

# Land Use Plan



Not to Scale

Figure 4



### Non-Residential Intensity

The maximum non-residential intensity for each parcel is also described on Table 1. The maximum non-residential intensity is expressed as a "Floor Area Ratio" (FAR), which is the ratio of building area to lot area. The maximum permitted FAR is based upon existing development, if any, and a reasonable amount of future development potential. For a detailed breakdown of the existing and permitted non-residential intensities for each parcel, see Appendix G, Non-Residential Intensity Analysis.

## 3.2 CIRCULATION AND PARKING PLAN

Since a multitude of uses share parking and ingress/egress, the ability to maintain adequate access to these networks is a critical consideration of the plan.

### 3.2.1 Vehicular Circulation

As shown on Figure 5, Vehicular Circulation Plan, Planning Areas A, B, C, D, E, F, G, H, I, and K include four access points, including two common vehicular access points, two emergency access points, and a common internal circulation system that provides access to parking and each separate facility.

The primary access to Planning Areas A, B, C, D, E, F, G, H, I, and K is taken from Newhope Street from a controlled intersection. The secondary access is also from Newhope Street from an uncontrolled intersection south of the main entrance and Planning Area J (Self-storage facility).

There are two emergency access points to Planning Areas A, B, C, D, E, F, G, H, I, and K. The northerly emergency access point goes around the racquetball building and continues westerly along the tennis courts and terminates in an easement that provides access to Newhope Street. The second emergency access point is located in the southeastern corner of the site adjacent to the Santa Ana River.

The existing northerly emergency access is 23 feet wide. The Fire Department has determined that this access way is of a sufficient width to comply with their needs and accommodate future development. The emergency access ways must be

maintained free and clear of obstructions, encroachments, and parking along its entire length from ground to sky.

Planning Areas J (Self-storage) and L (Residential) each provide their own separate access and emergency vehicular access points.

### 3.2.2 *Parking Provided*

In the Warner/Newhope Specific Plan, a total of 1,357 parking spaces are currently provided. These spaces are provided to each Planning Area as shown on Figure 6, Parking Plan, and detailed as follows:

<b>Planning Area</b>	<b>Number of Spaces Provided</b>
<b>L</b>	232 private (all in Planning Area L)
<b>J</b>	50 private (all in Planning Area J)
<b>I</b>	15 shared spaces
<b>B (44 and 84 unit)</b>	128 reserved spaces (all in Planning Area B-1)
<b>A, A-1, B, B-2, C, D, E, F, G, and H</b>	932 shared spaces (all in Planning Areas K and K-1)
<b>Total</b>	1,357 (947 shared spaces)

As noted in Table 2, 947 of the parking spaces within the Specific Plan are “shared” among several planning areas. Typically, the necessary parking is provided for each use within the parcel on which the use is located. In the shared parking concept, a number of uses jointly utilize a pool of common parking spaces. The theory behind this concept is that parking is utilized more efficiently in this manner and the space that would typically have to be devoted to parking may be utilized for other uses.

In the Warner/Newhope Specific Plan, the shared parking spaces are not located on a single parcel but instead are located on separate parcels. A reciprocal parking, access, and maintenance agreement has been in place since 1980 to accommodate the development of these separate parcels around common parking and access.

# City of Fountain Valley

## Warner/Newhope Specific Plan

### 3.2.3 Required Parking

Given the unique nature of the site, the mixture of uses, the sharing of parking among several separate parcels, and the historic development pattern based upon shared parking, the required amount of parking is not based upon the parking standards outlined in Chapter 21.22 of the Fountain Valley Municipal Code, but instead upon the actual demand for parking. The exception being Planning Areas J and L, which are self contained and must meet the parking standards as specified in this Specific Plan.

#### Projects Participating in the Reciprocal Parking Agreement (Shared parking)

There are a total of 947-shared parking spaces in the Warner/Newhope Specific Plan. These shared parking spaces are located in Planning Areas K and K-1. The shared parking spaces are all surface parking except for 164 spaces that are located in the upper level of the parking structure.

A parking demand study, conducted by Stevens-Garland Associates in June 2004, has established the baseline condition for parking use and demand for Planning Areas A, A-1, B, B-2, C, D, E, F, G, H, and I (See Appendix B). Based upon this study, it has been determined that out of the 947 shared parking spaces, an average of 77% are utilized at any one time. This means that, on average, 33% or 315 shared parking spaces are available. As of June 2004, even if a 10% increase in parking usage is assumed, there is still ample shared parking to satisfy parking demand. Based upon this evidence, there is adequate parking on-site to satisfy demand.

In order to ensure adequate parking in the future, all new structures and expansions to existing buildings in Planning Areas that participate in the shared parking arrangement (Planning Areas A, A-1, B, B-2, C, D, E, F, G, H, and I) shall be required to verify that at least 5% (or 47 spaces) of the 947 shared parking spaces are open and available at peak periods (9-10 AM and 4-5 PM). If the 5% limit is reached, then new parking will be required to be accommodated in the amount necessary to meet the demands of the proposed project. Accordingly, all new structures and expansions will be required to submit a parking study to verify the existing parking demand within Planning Areas K, K-1, and I to

quantify the projected parking demand of the proposed use/expansion.

There shall be no reduction in the total amount of shared parking. Any shared parking spaces that are proposed to be eliminated shall be replaced on a one-to-one basis within the Specific Plan area.

### Projects Not Participating in the Reciprocal Parking Agreement

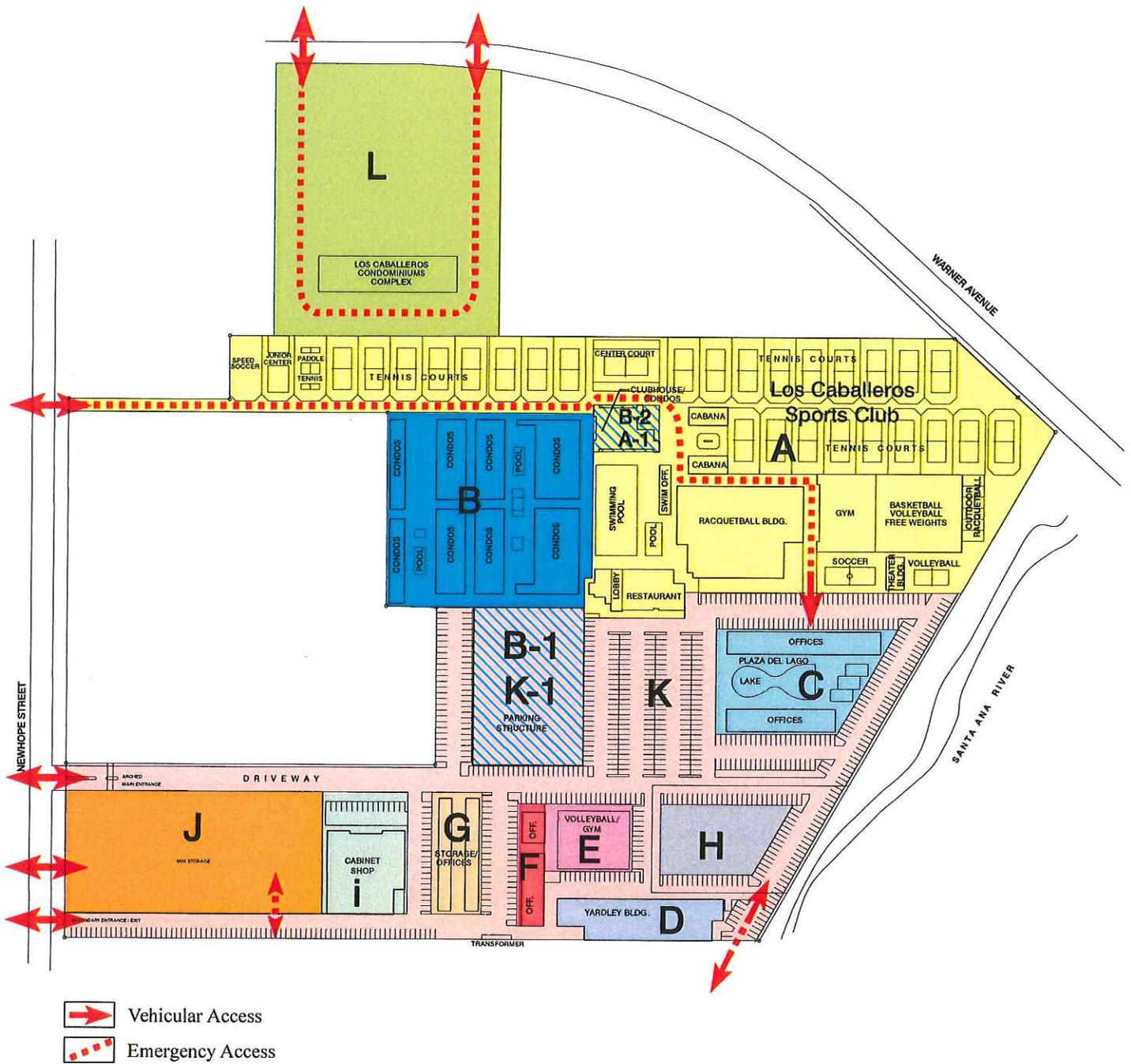
**Planning Area L**, which is zoned High Density Residential, is required to comply with the parking standards contained in Chapter 21.22, Parking and Loading, of the Fountain Valley Municipal Code. At the time of the adoption of this Specific Plan, multi-family dwellings were required to provide the following:

- 1.5 spaces per studio or one bedroom unit with one space per unit in a garage or carport
- 2 spaces per two or more bedroom unit plus an additional 0.5 spaces for each bedroom over two. One enclosed space is required for each two-bedroom unit and two enclosed spaces are required for each three or more bedroom units.
- 25% of total required spaces must be provided for guest parking.

**Planning Area J**, which is zoned CM, Commercial Manufacturing, is a personal storage facility and currently provides 50 parking spaces on-site. Future development of this Planning Area will be required to comply with Chapter 21.22, Parking and Loading, of the Fountain Valley Municipal Code, which requires one parking space per 1,000 square feet of gross floor area plus two spaces for manager office/residence.

# City of Fountain Valley

## Warner/Newhope Specific Plan



Base Map Source: Hunsaker & Associates

## Vehicular Access

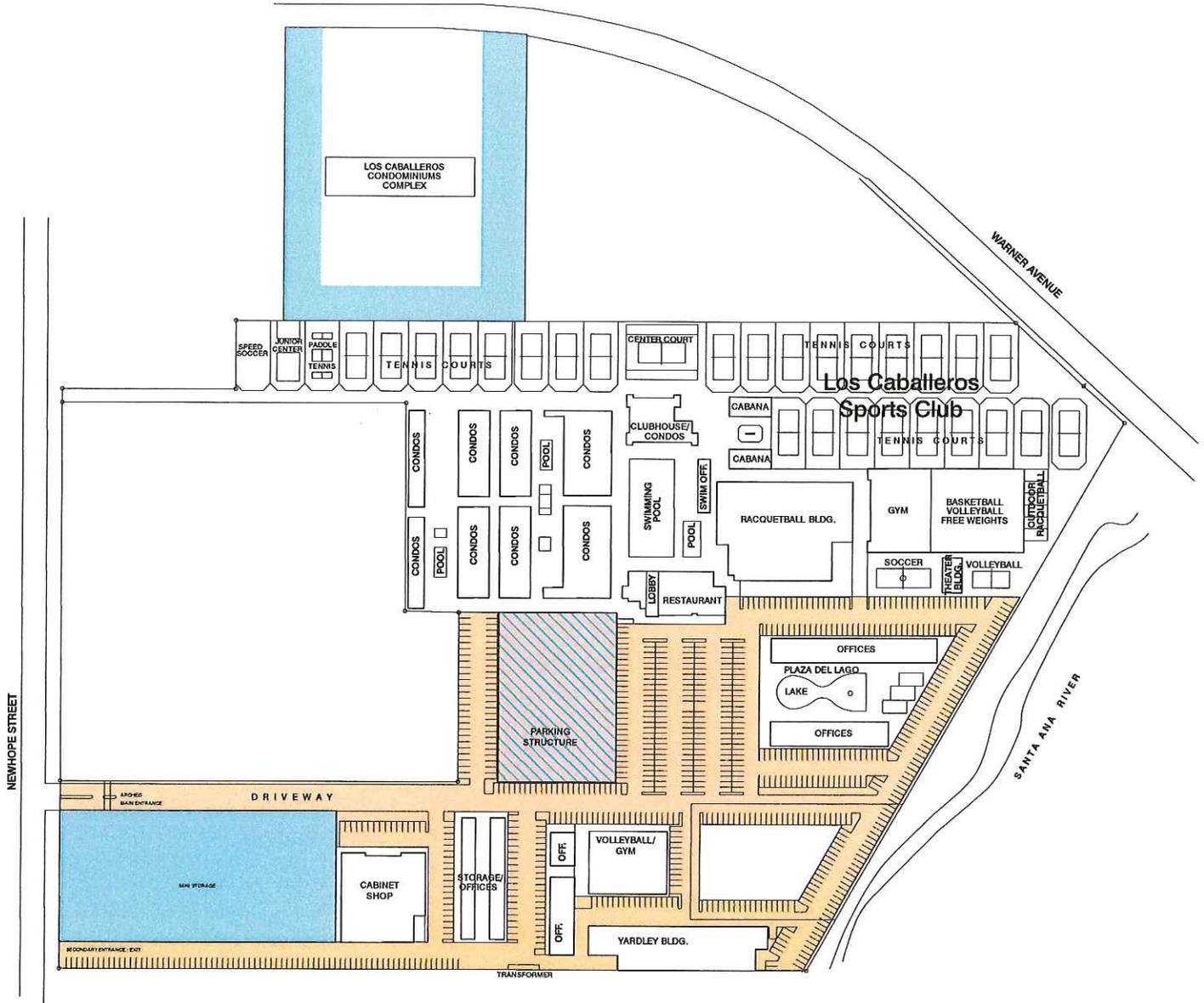


Figure 5



# City of Fountain Valley

## Warner/Newhope Specific Plan



- Private Parking (282)
- Shared Parking (783)
- Mixture of Reserved and Shared Parking (128 Reserved, 164 Shared)

Base Map Source: Hunsaker & Associates

## Parking Plan



Not to Scale

Figure 6



### 3.3 HOUSING PLAN

All future residential projects are required to comply with the provisions contained in this Specific Plan, the General Plan, and with Redevelopment Law.

#### 3.3.1 General Plan

The purpose of the City of Fountain Valley's Housing Element of the General Plan, which was adopted in November 2000, is to ensure the City establishes policies, procedures and incentives that will result in the maintenance and expansion of the supply of affordable housing. The Housing Element institutes policies that will guide City decision-making, and establishes an action program to implement housing goals through 2005.

New residential development in the Warner/Newhope Specific Plan will contribute toward the achievement of the following goals in the Housing Element:

*Goal 3: Promote and encourage affordable housing opportunities.*

*Goal 4: Promote and encourage the development of a variety of housing opportunities suitable to the needs of, and sufficient in number to accommodate current and projected households.*

*Goal 5. To promote housing opportunities for all persons regardless of race, age, religion, sex, marital status, ancestry, national origin, or color.*

#### 3.3.2 Density Bonus

New residential units are permitted to be developed in Planning Areas L, A, B, B-2, and H. In addition, proposed residential projects within the Warner/Newhope Specific Plan are permitted to achieve a density bonus of 25% for providing affordable housing, per Section 21.08.050 (A), Affordable Housing Density Bonus Incentives, of the City's Development Code. Accordingly, 20% of the total number of proposed dwelling units can be for lower income households; or 10% of the total number of proposed dwelling units are for very low income households; or 50% of the total number of proposed dwelling units are for qualifying residents, as defined in state law.

### 3.3.3 *Requirements in a Redevelopment Area*

Since the Warner/Newhope Specific Plan is located in a redevelopment project area, 15% of all new or rehabilitated units within the Specific Plan area that are developed by private or public entities, other than the Redevelopment Agency, shall be available at affordable housing cost to, and occupied by, persons and families of low or moderate income. Not less than 40% of the dwelling units required to be available at affordable housing costs shall be reserved for very low-income households.

Long-term covenants shall be required to be maintained on dwelling units at affordable housing costs to, and occupied by, persons and families of low and very low income for not less than 55 years for rental units and 45 years for owner-occupied units.

## SECTION IV: DEVELOPMENT STANDARDS

### 4.1 DEVELOPMENT STANDARDS

This section contains the development standards for the Warner/Newhope Specific Plan. The development standards have been tailored to accommodate the unique mixture of uses on the site. The development standards are largely based upon Title 21 of the City of Fountain Valley Municipal Code; however, any unique standards and guidelines are identified.

All future development within the Warner/Newhope Specific Plan must comply with the standards for each land use category as well as the particular development standards in the Development Code.

### 4.2 PLANNING AREAS A AND E, AND SUB-PANNING AREA A-1, SPORTS AND FITNESS

#### 4.2.1 Permitted Uses

- For Planning Areas A and A-1, uses that are related to an indoor and outdoor sports and racquet club, fitness center, and health facility are permitted, including:
  - Gymnasiums.
  - Indoor and outdoor courts.
  - Pools.
  - Weight lifting facilities.
  - Health and fitness related classes.
  - Training programs.
  - Childcare.
  - Catering and banquet facilities.
  - Conference facilities.
  - Restaurant, bar, snack bar.
  - Hair salons.
  - Sports club related entertainment center.
  - Club related offices.
  - Sports related retail.
  - Tanning beds.

- Physical therapy.
- Massage centers.
- Youth sports facilities.
- Parking.
- For Planning Area E, uses that are related to an indoor gymnasium are permitted including:
  - Gymsnasiums.
  - Indoor and outdoor courts.
  - Pools.
  - Weight lifting facilities.
  - Health and fitness related classes.
  - Training programs.
  - Telecommunication facilities Per Section 21.28 of the Fountain Valley Municipal Code.

#### 4.2.2 *Precise Plan of Design*

- Expansions to existing uses and/or new sports and fitness related structures/facilities shall require the approval of a Precise Plan of Design.

#### 4.2.3 *Conditional Use Permit*

- The following are permitted with approval of a Conditional Use permit in Planning Area A:
  - Catering and banquet facilities.
  - Conference facilities.
  - Hair salons.
  - Massage centers.
  - Physical therapy.
  - Restaurant, bar, snack bar.
  - Self-storage for residents of the Warner/Newhope Specific Plan.
  - Residential uses at 20 dwelling units an acre (As determined by combining the acreages and densities for Planning Areas A, B, B-1, B-2, and L).
  - Residential density bonus of 25% for the provision of affordable housing per Section 21.08.050 (A) - Affordable Housing Density Bonus Incentives.

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### 4.2.4 Prohibited Uses

- Facilities, uses, or structures not related to the purpose and intent of a sports and fitness club, gymnasium, or residential use.
- Any use not listed or reasonably similar to a use listed as a Permitted Use or Conditionally Permitted Use is prohibited.

### 4.2.5 Site Development Criteria

- The maximum non-residential intensity shall be as described on Table 1, Land Use Categories, for each Planning Area. Maximum non-residential intensity is determined by the area of the parcel and the total square footage of the structure (existing plus proposed in the case of additions).
- Maximum residential density in this Planning Area shall be determined by combining the acreages and densities for Planning Areas A, B, B-1, B-2, and L.
- All future setbacks, building separation, and building height shall be determined on a case-by-case basis during the development review, precise plan of design, and/or conditional use permit process. The nature of the proposed use; the character of the surrounding uses; the height, setbacks, building separation, orientation, unit sizes, common and private open space, design/materials, and landscaping of existing residential structures in the Specific Plan area; vehicular, emergency, and pedestrian access; parking, noise and light and glare impacts; and the Uniform Building Code shall be used as factors in reviewing projects.
- Structures legally established at the time of the adoption of this Specific Plan are considered conforming.
- For parking and loading standards, see Section 3.2.3 of this Specific Plan. The required parking study, as described in Section 3.2.3, shall be used in determining additional parking requirements, if any.

### 4.3 PLANNING AREAS B AND L, AND SUB-PLANNING AREA B-2, HIGH DENSITY RESIDENTIAL

#### 4.3.1 Permitted Uses

- Multi-family residential up to 20 dwelling units per acre (As determined by combining the acreages and densities for Planning Areas A, B, B-1, B-2, and L).
- Recreational uses affiliated with the residential units.
- Clubhouses affiliated with the residential units.
- Parking.
- Residential accessory uses and structures.
- Affordable Housing.
- Home Businesses per Section 21.42, Home Occupation Permits, of the Fountain Valley Municipal Code.
- Residential Care Home, small, subject to review by the City of Fountain Valley Fire Department.
- Adult day care, large and small, per Section 21.30.020, Day Care Facilities, of the Fountain Valley Municipal Code.
- Day care, small and large family day care homes, per Section 21.30.020, Day Care Facilities, of the Fountain Valley Municipal Code.

#### 4.3.2 Precise Plan of Design

- Expansions to existing uses and/or new structures shall require the approval of a Precise Plan Of Design.

#### 4.3.3 Conditional Use Permit

- The following are permitted with approval of a Conditional Use permit:
  - New multi-family residential to a maximum of 20 dwelling units per acre (As determined by combining the acreages and densities for Planning Areas A, B, B-1, B-2, and L).

# City of Fountain Valley

## Warner/Newhope Specific Plan

- Residential density bonus of 25% for the provision of affordable housing per Section 21.08.050 (A) - Affordable Housing Density Bonus Incentives.

### 4.3.4 Prohibited Uses

- Any use not listed as a Permitted Use or Conditionally Permitted Use is prohibited.

### 4.3.5 Site Development Criteria

- Planning Areas B and Sub-Planning Area B-1:
  - Existing residential structures legally established at the time of adoption of this Specific Plan are recognized as conforming uses. Expansions or improvements to these existing residential structures shall be determined on a case-by-case basis during the development review, precise plan of design, and/or conditional use permit process. The nature of the proposed use; the character of the surrounding uses; existing setbacks, building separation, and building height; vehicular, emergency, and pedestrian access; parking, noise and light and glare impacts; and the Uniform Building Code shall be used as factors in reviewing projects.
  - Maximum residential density in these Planning Areas shall be determined by combining the acreages and densities for Planning Areas A, B, B-1, B-2, and L.
- Planning Area L:
  - Per Section 21.08.040, Residential Zoning District General Development Standards, of the Fountain Valley Municipal Code.
- For parking and loading standards, see Section 3.2.3 of this Specific Plan. The required parking study, as described in Section 3.2.3, shall be used in determining additional parking requirements, if any.

## 4.4 PLANNING AREAS C, F, AND G, PROFESSIONAL OFFICE

### 4.4.1 Permitted Uses

- Business support services.
- Offices, administrative, business, professional.
- Research and Development (R&D).
- Personal storage (mini-storage) is a permitted use in Planning Area G.

### 4.4.2 Precise Plan of Design

- Expansions to existing uses and/or new structures shall require the approval of a Precise Plan Of Design.

### 4.4.3 Conditional Use Permit

- The following are permitted with approval of a Conditional Use permit:
  - Medical offices and services (clinics, offices and laboratories) only in Planning Area C with the approval of a parking study. A maximum of 25% of the building area may be devoted to Medical offices.
  - Schools, specialized training and education.
  - Photographic studios.
  - Automated teller machines (ATMs).
  - Parking.
  - Telecommunication facilities Per Section 21.28 of the Fountain Valley Municipal Code.

### 4.4.4 Prohibited Uses

- Any use not listed as a Permitted Use or Conditionally Permitted Use is prohibited.

### 4.4.5 Site Development Criteria

- The maximum intensity shall be as described on Table 1, Land Use Categories, for each Planning Area. Maximum intensity is determined by the area of the parcel and the total square

# City of Fountain Valley

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footage of the structure (existing plus proposed in the case of additions).

- Per Section 21.10.040, Commercial and Manufacturing District General Development Standards of the Fountain Valley Municipal Code for the CP (Professional Office) zoning category.
- Structures legally established at the time of the adoption of this Specific Plan are considered conforming.
- For parking and loading standards, see Section 3.2.3 of this Specific Plan. The required parking study, as described in Section 3.2.3, shall be used in determining additional parking requirements, if any.

## 4.5 PLANNING AREAS D, I, AND J, COMMERCIAL MANUFACTURING

### 4.5.1 Permitted Uses

- Apparel and fabric products processing.
- Assembly of prepared materials.
- Bakeries.
- Bakery products distribution.
- Electronic and appliance manufacturing.
- Handcraft industries, small-scale manufacturing.
- Laundries and dry cleaning plants.
- Leather, fur products.
- Photographic processing.
- Printing and publishing.
- Research and Development (R&D).
- Self-storage.
- Warehousing, wholesaling, and distribution facilities.
- Woodworking shops, including cabinetry.
- Offices, administrative, business, professional.
- Pest control services.

### 4.5.2 Precise Plan of Design

- Expansions to existing uses and/or new structures shall require the approval of a Precise Plan Of Design.

### 4.5.3 Conditional Use Permit

- The following are permitted with approval of a Conditional Use permit:
  - Antiques, art galleries, collectables.
  - Ambulance services.

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- Automated teller machines (ATMs).
- Agricultural products processing.
- Banks and financial services.
- Broadcast studios.
- Catering services.
- Childcare centers.
- Chemical product manufacturing.
- Food and beverage product manufacturing.
- Furniture/fixtures manufacturing, cabinet shops.
- Glass product manufacturing.
- Machinery manufacturing.
- Metal products fabrication, machine/welding shops.
- Paper product manufacturing.
- Pharmaceuticals manufacturing.
- Plastics, synthetics, rubber products manufacturing.
- Schools, specialized training and education.
- Studios, dance, martial arts, music, photography.
- Telecommunications facilities, Per Section 21.28 of the Fountain Valley Municipal Code.
- Textile manufacturing.

### 4.5.4 *Prohibited Uses*

- Any use not listed as a Permitted Use or Conditionally Permitted Use is prohibited.

### 4.5.5 *Site Development Criteria*

- The maximum intensity shall be as described on Table 1, Land Use Categories, for each Planning Area. Maximum intensity is determined by the area of the parcel and the total square footage of the structure (existing plus proposed in the case of additions).
- Per Section 21.10.040, Commercial and Manufacturing District General Development Standards of the Fountain Valley Municipal Code for the CM (Commercial Manufacturing) zoning category.
- Structures legally established at the time of the adoption of this Specific Plan are considered conforming.
- For parking and loading standards, see Section 3.2.3 of this Specific Plan. The required parking study, as described in

Section 3.2.3, shall be used in determining additional parking requirements, if any.

### 4.6 PLANNING AREA H, FUTURE EXPANSION AREA

Planning Area H is currently vacant and allows either office, light industrial, or residential uses. This allows the property owner flexibility when establishing the base use. However, a mixture of uses is not permitted in this area and the property owner may only select one of the base uses for the entire Planning Area. Once the base use is established, then the standards and guidance for that use, as noted in the section, shall govern the future improvements and changes to that property. For instance, if a light industrial base use is established, then the provisions for Commercial Manufacturing shall apply.

#### 4.6.1 Permitted Uses

- For office uses, the permitted uses listed in of Section 4.4 of this Specific Plan (Professional Office) shall apply.
- For light industrial and manufacturing uses, the permitted uses listed in Section 4.5 of this Specific Plan (Commercial Manufacturing) shall apply.
- While the establishment of a residential use is subject to the approval of a Conditional Use Permit (see Section 4.6.3), if established, then the list of permitted uses contained in Section 4.3 of this Specific Plan (High Density Residential) shall apply.

#### 4.6.2 Precise Plan of Design

- Expansions to existing uses and/or new structures shall require the approval of a Precise Plan Of Design.

#### 4.6.3 Conditional Use Permit

- The following are permitted with approval of a Conditional Use permit:
  - For offices uses, the conditionally permitted uses listed in Section 4.4 of this Specific Plan (Professional Office) shall apply.

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- For light industrial and manufacturing uses, the conditionally permitted uses listed in Section 4.5 of this Specific Plan (Commercial Manufacturing) shall apply.
- Residential use at 36 dwelling units per acre. For residential uses, the conditionally permitted uses listed in Section 4.3 of this Specific Plan (High Density Residential) shall apply.
- Residential density bonus of 25% for the provision of affordable housing per Section 21.08.050 (A) - Affordable Housing Density Bonus Incentives.

### 4.6.4 Prohibited Uses

- Any use not listed as a Permitted Use or Conditionally Permitted Use is prohibited.

### 4.6.5 Site Development Criteria

- The maximum non-residential intensity shall be as described on Table 1, Land Use Categories, for each Planning Area. Maximum non-residential intensity for this Planning Area is determined by the area of the legal parcel and the total square footage of the structure (existing plus proposed in the case of additions).
- Except for setbacks and parking, all new professional office structures are required to comply with development standards, and landscaping standards, for the CP (Professional Office) zoning category as listed in the Fountain Valley Municipal Code, Section 21.10.040, Commercial and Manufacturing District General Development Standards at the time of the application. Setbacks and parking shall be reviewed on a case-by-case basis during the development review, precise plan of design, or conditional use permit process. The nature of the proposed use; the character of the surrounding uses; vehicular, emergency, and pedestrian access; parking, noise and light and glare impacts; and the Uniform Building Code shall be used as factors in determining appropriate setbacks of a proposed project. The required parking study, as described in Section 3.2.3, shall be used in determining additional parking requirements, if any.
- Except for setbacks and parking, all new light industrial structures are required to comply with development standards, and landscaping standards, for the CM (Commercial Manufacturing) zoning category as listed in the Fountain Valley

Municipal Code, Section 21.10.040, Commercial and Manufacturing District General Development Standards at the time of the application. Setbacks and parking shall be reviewed on a case-by-case basis during the development review, precise plan of design, or conditional use permit process. The nature of the proposed use; the character of the surrounding uses; vehicular, emergency, and pedestrian access; parking, noise and light and glare impacts; and the Uniform Building Code shall be used as factors in determining appropriate setbacks of a proposed project. The required parking study, as described in Section 3.2.3, shall be used in determining additional parking requirements, if any.

- All future residential projects shall be reviewed on a case-by-case basis during the development review, precise plan of design, and/or conditional use permit process. In order to determine appropriate and safe residential development for the site, the City shall utilize the character and design of the surrounding uses; the height, setbacks, building separation, orientation, unit sizes, common and private open space, design/materials, and landscaping of existing residential structures in the Specific Plan area; impacts to vehicular, emergency, and pedestrian access; impacts to parking, noise, and light/glare conditions, and; the Uniform Building Code as factors in reviewing projects.
- Future residential uses should be developed to accommodate the adjacent distribution/warehouse and gym while minimizing impacts on residents. The following design criteria should be employed in new residential development proposals:
  - Orient the building entrances and the entrances to individual units away from the adjacent distribution/warehousing use to the south (Planning Area D).
  - Provide double paned windows to minimize noise impacts.
  - Minimize or eliminate openings (windows and doors) on the south side of the building.
  - Orient private and common open space areas toward the interior of the building (e.g. a courtyard).
  - Include additional sound insulation in building walls.

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### 4.7 GENERAL DEVELOPMENT CRITERIA

The following development criteria apply to all Planning Areas. The purpose is to provide uniform performance standards that are designed to minimize and mitigate the potential impacts of development within the City and promote compatibility with surrounding areas and land uses

#### 4.7.1 Air Pollution

- Per Section 21.16.030, Air Pollution, of the Fountain Valley Municipal Code.

#### 4.7.2 Noise

- Per Section 21.16.040, Noise, of the Fountain Valley Municipal Code. In this Specific Plan, the standards and requirements of this noise Section shall apply to the parcel based upon the primary use of the designation of the Planning Area.
- Due to the mixture of uses and adjacent light industrial uses, noise impacts to residential uses must be carefully examined. Measures such as double-paned windows may be required in new developments to ensure compliance with the interior noise standards of the City's noise ordinance.

#### 4.7.3 Hazardous Materials Storage

- Per Section 21.16.050, Hazardous Materials Storage, of the Fountain Valley Municipal Code.

#### 4.7.4 Access

- Per Section 21.18.030, Access, of the Fountain Valley Municipal Code.

#### 4.7.5 Lighting

- Per Section 21.18.060, Exterior Lighting, of the Fountain Valley Municipal Code.

#### 4.7.6 Walls, Fences, Screens, Hedges

- Per Section 21.18.070, Fences, Walls, Screens, Hedges, and Shrubs, of the Fountain Valley Municipal Code.

### 4.7.7 *Screening and Buffering*

- Per Section 21.18.080, Screening and Buffering, of the Fountain Valley Municipal Code.

### 4.7.8 *Refuse Collection Areas*

- Per Section 21.18.100, Solid Waste/Recyclable Materials Storage, of the Fountain Valley Municipal Code.

### 4.7.9 *Utilities*

- Per Section 21.18.110, Undergrounding of Utilities, of the Fountain Valley Municipal Code.

### 4.7.10 *Landscaping*

- Per Chapter 21.20, Landscaping, of the Fountain Valley Municipal Code.

### 4.7.11 *Signs*

- Per Chapter 21.24, Signs, of the Fountain Valley Municipal Code.

### 4.7.12 *Trip Reduction*

- Per Chapter 21.26, Trip Reduction and Travel Demand Management, of the Fountain Valley Municipal Code.

### 4.7.13 *Wireless Communications*

- Per Chapter 21.28, Wireless Communications, of the Fountain Valley Municipal Code. In this Specific Plan, the standards and requirements of Chapter 21.28 shall apply to the parcel based upon the designation of the Planning Area. Wireless communication facilities are not permitted in the Sports and Fitness and any Residential land use designation.

### 4.7.14 *Standards for Specific Uses*

- Per Chapter 21.30, Standards for Specific Land Uses, of the Fountain Valley Municipal Code.

# City of Fountain Valley

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### 4.7.15 *Parking*

- For parking lot design and loading standards, the provisions of Chapter 21.22, Parking and Loading, of the Fountain Valley Municipal Code shall apply, except when determining the number and amount of parking spaces required.
- In order to determine the amount of parking spaces required, Section 3.2.3 of this Specific Plan shall apply.
- The parking or storage of recreational vehicles (RV) or boats, as defined in the Fountain Valley Municipal Code, is not permitted in the shared parking areas (Planning Areas K, K-1, and I) of the Warner/Newhope Specific Plan.

### 4.7.16 *Subdivisions*

- For any subdivision of land, the provisions of Article VI, Subdivisions, of the Fountain Valley Municipal Code shall apply.

### 4.7.17 *Density Bonus*

- In addition to the base residential density permitted in each land use category, projects may apply for a density bonus of 25% for the provision of affordable housing through a Conditional Use Permit. Any application for a density bonus shall be subject to Section 21.08.050 (A) - Affordable Housing Density Bonus Incentives of the City's Development Code.

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## SECTION V: IMPLEMENTATION

### 5.1 INFRASTRUCTURE AND SERVICES

This section identifies the providers of public infrastructure and services necessary to support the existing and future development of the Warner/Newhope Specific Plan.

#### 5.1.1 Water Supply

The City of Fountain Valley and the Metropolitan water District furnish water service to the Specific Plan area.

#### 5.1.2 Sewer

The City of Fountain Valley and the Orange County Sanitation District provide sewage disposal facilities. The Orange County Sanitation District provides wastewater treatment facilities.

#### 5.1.3 Solid Waste

The Rainbow Disposal Company, under contract to the City of Fountain Valley, provides solid waste disposal to the City except for hazardous wastes.

#### 5.1.4 Drainage

The City of Fountain Valley and the Orange County Flood Control District will provide off-site drainage facilities.

#### 5.1.5 Fire Protection

Fire protection services are provided by the City of Fountain Valley.

#### 5.1.6 Police Protection

Police protection services are provided by the City of Fountain Valley.



## 5.2 RESPONSIBILITY

The City's Planning Director shall be responsible for administering the provisions of the Warner/Newhope Specific Plan in accordance with the provisions of this Specific Plan, the State of California Government Code, Subdivision Map Act, and the City of Fountain Valley General Plan and Municipal Code.

## 5.3 INTERPRETATIONS

When there is a question or ambiguity regarding the interpretation of any provision of this Specific Plan, the Planning Director has the authority to interpret the intent of such provision.

The Planning Director may, at his/her discretion, refer interpretations to the Planning Commission for its consideration and action. Such a referral shall be accompanied by a written analysis of issues related to the interpretation. The Planning Commission action may be appealed to the City Council.

All interpretation made by the Planning Director may be appealed to the Planning Commission in accordance with the appeal procedures set forth in the Development Code.

## 5.4 SPECIFIC PLAN AMENDMENT

All modifications or amendments to the Specific Plan shall be processed in accordance with the requirements of Chapter 21.34, Amendments, of the City of Fountain Valley Municipal Code.

## 5.5 SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this Specific Plan, or future amendments or additions hereto, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this plan.

## 5.6 LAND USE DESIGNATIONS

The locations of the land use designations are approximate and generally follow either parcel lines or building footprints. Where parking and access are shared, the land use designations generally follow building footprints and not legal parcel lines.



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## Warner/Newhope Specific Plan

For the purposes of reviewing development proposals in Planning A, A-1, B, B-2, C, D, E, F, G, H, and I, the land use designations surrounding the building pad shall extend to the boundaries of the legal parcels. However, any shared parking that is proposed to be eliminated by future projects must be replaced at a one-to-one ratio within the Specific Plan area.

Approved modifications in building footprints shall result in an automatic adjustment to the boundaries of the land use designations and planning areas maps as a minor amendment to the Specific Plan.

### 5.7 PERMITS AND PROCESSING

#### 5.7.1 Applications, Processing, And Fees

- Per Chapter 21.32, Applications, Processing, And Fees, of the City of Fountain Valley Municipal Code.

#### 5.7.2 Conditional Use Permits

- Per Chapter 21.36, Conditional Use Permits, of the City of Fountain Valley Municipal Code.

#### 5.7.3 Development Agreements

- Per Chapter 21.38, Development Agreements, of the City of Fountain Valley Municipal Code.

#### 5.7.4 Development Review

- Per Chapter 21.40, Development Review, of the City of Fountain Valley Municipal Code.

#### 5.7.5 Home Occupation Permits

- Per Chapter 21.42, Home Occupation Permits, of the City of Fountain Valley Municipal Code.

#### 5.7.6 Precise Plan Of Design

- Per Chapter 21.44, Precise Plan Of Design, of the City of Fountain Valley Municipal Code.



### 5.7.7 *Specific Plans*

- Per Chapter 21.46, Specific Plans, of the City of Fountain Valley Municipal Code.

### 5.7.8 *Temporary Use Permits*

- Per Chapter 21.48, Temporary Use Permits, of the City of Fountain Valley Municipal Code, except that temporary homes are prohibited.

### 5.7.9 *Variances*

- Per Chapter 21.50, Variances, of the City of Fountain Valley Municipal Code.

**APPENDICES**



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## APPENDIX A – GLOSSARY OF TERMS

Per Chapter 21.90, Definitions/Glossary, of the City of Fountain Valley Municipal Code with the addition of the following definitions:

**Intensity, Building:** For residential uses, the actual number or the allowable range of dwelling units per net or gross acre. For non-residential uses, the actual or the maximum permitted floor area ratios (FARs).

**Land Use Classification:** A system for classifying and designating the appropriate use of properties. The land use classifications for the Warner/Newhope are defined in the Specific Plan itself.

**Parking, Shared:** A public or private parking area used jointly by two or more uses.

**Planning Area:** Specific zones or districts that contain explicit uses or groups of uses. Taken together, the twelve Planning Areas constitute the entire Warner/Newhope Specific Plan.

**Qualified Residents:** Residents who are eligible to qualify for affordable housing. Qualifying residents are classified as "Very Low," those earning up to 50% of the County's median income; "Low," those earning between 50-80% of the County's median income, and; "Moderate," those earning between 80-120% of the County's median income.

**Right-of-Way:** A strip of land occupied or intended to be occupied by certain transportation and public use facilities, such as roads, railroads, and utility lines.

**Specific Plan:** A tool authorized by Government Code §65450 et seq. for the systematic implementation of the general plan for a defined portion of a community. A specific plan must specify in detail the land uses, public and private facilities needed to support the land uses, phasing of development, standards for the conservation, development, and use of natural resources, and a

program of implementation measures, including financing measures.

**Zoning:** The division of a city or county by legislative regulations into areas, or zones, that specify allowable uses for real property and size restrictions for buildings within these areas; a program that implements policies of the General Plan.

**APPENDIX B – PARKING STUDY**



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**PARKING ANALYSIS**  
**FOR THE PROPOSED**  
**WARNER/NEWHOPE SPECIFIC PLAN**  
**LOS CABALLEROS SPORTS VILLAGE/MIXED-USE DEVELOPMENT**  
**17272 NEWHOPE STREET – FOUNTAIN VALLEY**

**Prepared for**  
**CITY OF FOUNTAIN VALLEY**  
**AND**  
**THE PLANNING CENTER**

**Prepared by**  
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**16787 Beach Boulevard, Suite 234**  
**Huntington Beach, CA 92647**  
**714-840-9742**

**JUNE 2004**

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**I.**  
**INTRODUCTION AND PROJECT DESCRIPTION**

Los Caballeros Sports Village is a mixed-use development that is comprised of residential condominiums, a racquet and sports club, offices, warehouse uses, and mini-storage facilities. The property is located east of Newhope Street and south of Warner Avenue in the City of Fountain Valley. The development currently has a total of 298 residential condominium units, which includes 173 units adjacent to the sports complex that are accessed from Newhope Street and 125 units located on a separate parcel to the north of the sports complex that are accessed from Warner Avenue.

This report summarizes the findings of a parking analysis that was conducted for the Los Caballeros complex. The parking study, which is a component of the Warner/Newhope Specific Plan, quantifies the existing parking conditions at the project site and evaluates the ability of the parking facilities to accommodate the additional parking demands generated by three proposed development projects. The proposed projects include a new 42-unit condominium development that would be located on a vacant lot at the southwest corner of the Los Caballeros property, a new 47-unit condominium development that would displace existing recreational facilities at the northwest corner of the property, and a gymnasium building that would displace tennis courts immediately east of the proposed 47-unit condominium project. The proposed development would result in a total of 387 residential units within the property.

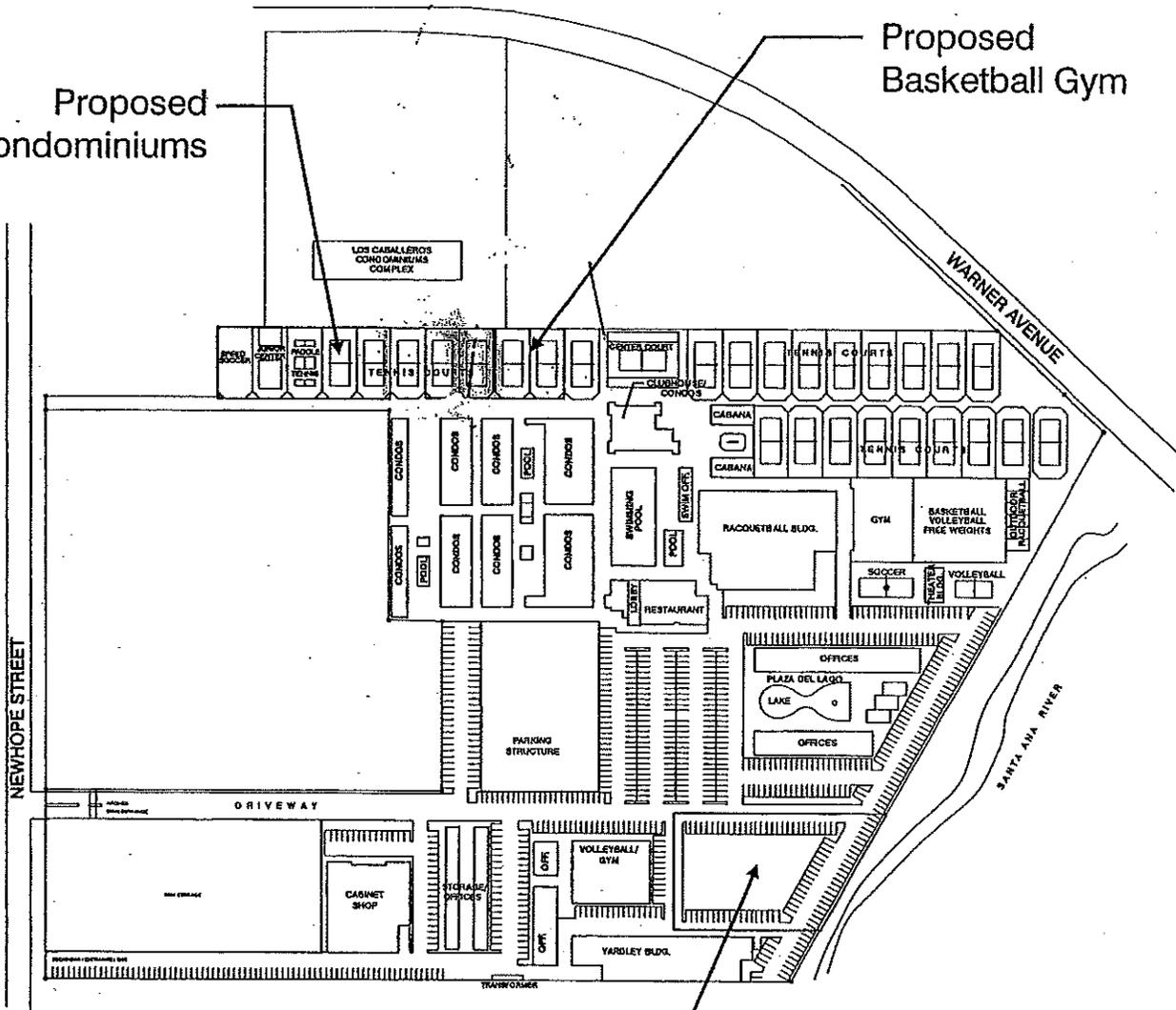
It is proposed that no additional parking spaces would be provided in conjunction with the development of the 42-unit condominiums. The 47-unit condominium project would be provided with 94 reserved, covered parking spaces that would be located underneath the condo building and the adjacent gymnasium. The existing on-site parking spaces would be used to accommodate the increased parking demand generated by the new 42-unit condominiums, the guest parking for the 47-unit condos, and the gymnasium. The site plan for the entire complex, which shows the locations of the three proposed projects, is provided on Figure 1. The 42-unit condo site corresponds with Planning Area H in the Specific Plan. The 47-unit condo site and the gymnasium would be at the west end of Planning Area A.

The objective of this parking study is to determine if there is a sufficient supply of on-site parking spaces available to accommodate the increased parking demand generated by the new condos and gymnasium. The methodology for the parking study, in general, was to 1) conduct a parking utilization survey to quantify the maximum number of vehicles that are currently parked at the site, 2) expand the existing parking demand to account for vacancies and/or seasonal fluctuations, 3) estimate the parking demand that would be generated by the proposed condominium developments and gymnasium, and 4) compare the total projected parking demand to the number of spaces that are available at the site.

The analysis, as presented in the following sections, demonstrates that the parking supply proposed at the site could accommodate the parking demands generated by the proposed development projects. This parking analysis was conducted as a component of the Warner/Newhope Specific Plan and Mitigated Negative Declaration.

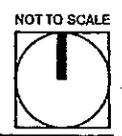
Proposed 47 Condominiums

Proposed Basketball Gym



Proposed 42 Condominiums

**FIGURE 1  
SITE PLAN**



## II. PARKING UTILIZATION SURVEY

A parking utilization survey was conducted on Saturday, June 14 and Tuesday, June 17, 2003 from 7:00 a.m. till 9:00 p.m. to quantify the number of vehicles that are currently being parked at the mixed-use development. The number of vehicles that were parked in each area of the site were counted each hour throughout the day with the objective of quantifying the hourly variations in parking demand and identifying the overall peak accumulation of parked vehicles. The parking lot was subdivided into nine parking areas to provide detailed information as to the spatial distribution of the current parking demand. These parking areas are illustrated on Figure 2. The parking survey did not include the parking lots that serve the 125 condominium units located on a separate parcel north of the sports complex (Planning Area L). As this parcel is accessed from Warner Avenue instead of Newhope Street and is linked to the sports club only by a pedestrian walkway, it operates as a separate isolated entity with regard to parking demand and would not contribute to the parking supply available for the proposed condominiums and gymnasium. Similarly, the survey did not include the parking spaces within the mini-storage facility (Planning Area J) because these spaces are behind gates and are used exclusively for the mini-storage facility.

The parking areas shown on Figure 2 are described below.

- Area 1 – Spaces along both sides of the main driveway south of the parking structure
- Area 2 – The lot immediately west of the parking structure
- Area 3 – The upper level of the parking structure, including the ramp
- Area 4 – The lower level of the parking structure, which is secure, with assigned spaces
- Area 5 – The main lot immediately east of the parking structure
- Area 6 – The lots on the north and east sides of the Plaza del Lago office complex
- Area 7 – The lots surrounding Planning Area H where the condos are proposed
- Area 8 – The lots immediately south of the main driveway, between buildings and at 17290
- Area 9 – The lot along the secondary driveway on the south edge of the property

Parking Areas 1, 2, 5, 6, 7, 8 (excluding the cabinet shop spaces at 17290 Newhope Street), and 9 are designated as Planning Area K in the Specific Plan. Area 3 is designated as Planning Area K-1, Area 4 is designated as Planning Area B-1, and the cabinet shop spaces at 17290 Newhope Street are in Planning Area I. The parking spaces in Planning Areas K, K-1, and I are all included in a pool of common parking spaces that are shared among the various land uses at the complex.

The results of the survey are shown in Table 1 for Saturday, June 14 and in Table 2 for Tuesday, June 17. Although Area 4, the reserved parking area in the lower level of the parking structure, is shown in the table, the parking spaces and vehicles in this area are not included in the total because this area is not available for general use and is not part of the shared parking supply. The tables indicate that the maximum number of vehicles observed in the shared parking area was 715, which occurred on Tuesday between 4:00 and 5:00 p.m. The Saturday peak of 550 vehicles occurred between 9:00 and 10:00 a.m. Tuesday was selected as the most appropriate weekday for the survey because attendance data provided by representatives of the Racquet and Sports Club indicate that



Tuesdays typically attract the highest patronage levels, followed closely by Mondays and Thursdays. Saturday was selected as the most appropriate weekend day for the survey because attendance levels on Saturdays are typically higher than on Sundays.

As the property has a total of 947 shared parking spaces, there is an excess of 232 spaces during the time of peak parking utilization on Tuesday ( $947 - 715 = 232$ ) and 397 spaces during the peak time on Saturday ( $947 - 550 = 397$ ).

**TABLE 1**  
**LOS CABALLEROS PARKING UTILIZATION SURVEY**  
**SATURDAY - JUNE 14, 2003**

Time of Day	Number of Parked Vehicles by Lot									
	1. Along Main Drive-way	2. W of Park-ing Garage	3. Park-ing Garage Upper Level	4. Park-ing Garage Lower Level	5. Main Lot	6. Lots NE of Plaza del Lago	7. Lots Around Planning Area H	8. Lots S of Main Drive-way	9. Lots Along South Drive-way	TOTAL*
# of Spaces	44	57	164	128	198	149	185	77	73	947
7-8	11	53	132	97	77	14	4	16	5	312
8-9	19	56	139	93	151	35	4	13	5	422
9-10	36	52	150	86	179	60	54	14	5	<b>550</b>
10-11	34	52	141	73	172	63	50	21	5	538
11-12	25	48	118	63	150	44	30	15	4	434
12-1	28	45	104	57	115	42	15	14	5	368
1-2	20	46	99	56	106	33	9	12	5	330
2-3	16	50	101	61	108	32	10	16	4	337
3-4	15	52	105	63	124	39	10	12	5	362
4-5	18	56	106	59	121	32	17	15	4	369
5-6	29	55	102	55	113	25	29	10	3	366
6-7	28	58	106	68	125	16	34	14	2	383
7-8	25	57	109	72	121	11	34	18	2	377
8-9	20	58	118	75	118	8	36	22	1	381
Max	36	58	150	97	179	63	54	22	5	550

\* The totals do not include Area 4, which is the reserved parking area.

NOTE: The number shown in bold represents the highest parking demand observed on this particular day of the survey.

**TABLE 2**  
**LOS CABALLEROS PARKING UTILIZATION SURVEY**  
**TUESDAY - JUNE 17, 2003**

Time of Day	Number of Parked Vehicles by Lot									
	1. Along Main Drive-way	2. W of Park-ing Garage	3. Park-ing Garage Upper Level	4. Park-ing Garage Lower Level	5. Main Lot	6. Lots NE of Plaza del Lago	7. Lots Around Planning Area H	8. Lots S of Main Drive-way	9. Lots Along South Drive-way	T O T A L
# of Spaces	44	57	164	128	198	149	185	77	73	947
7-8	16	51	125	89	103	37	28	24	8	392
8-9	17	44	115	75	159	79	50	33	8	505
9-10	28	42	123	64	204	129	98	52	8	684
10-11	35	39	121	58	203	130	64	60	13	665
11-12	31	41	112	53	186	121	82	59	13	645
12-1	23	45	94	52	177	108	63	58	11	579
1-2	19	48	82	50	171	102	62	53	14	551
2-3	22	46	98	50	180	128	66	51	11	602
3-4	27	48	111	52	185	129	100	50	10	633
4-5	36	54	130	56	187	140	116	44	8	<b>715</b>
5-6	35	55	151	63	185	121	87	30	6	670
6-7	35	55	168	66	174	118	75	24	4	653
7-8	31	56	158	80	144	82	32	14	6	523
8-9	22	51	141	85	124	39	11	14	6	408
Max.	36	56	168	89	204	140	116	60	14	715

\* The totals do not include Area 4, which is the reserved parking area.

NOTE: The number shown in bold represents the highest parking demand observed on this particular day of the survey.

The results of the parking utilization survey are summarized in Table 3, which shows the total number of parked vehicles and the number of empty spaces in the shared parking areas for each hour of the day on Saturday, June 14 and Tuesday, June 17, 2003. As shown, the total number of parked vehicles ranged from 312 to 550 on Saturday and from 392 to 715 on Tuesday. Conversely, the number of empty spaces that would be available for parking additional vehicles ranged from 397 to 635 on Saturday and from 232 to 555 on Tuesday.

**TABLE 3**  
**SUMMARY OF PARKING UTILIZATION SURVEY**

Time of Day	Saturday – 6/14/03		Tuesday – 6/17/03	
	# of Parked Vehicles	# of Empty Spaces	# of Parked Vehicles	# of Empty Spaces
7-8	312	635	392	555
8-9	422	525	505	442
9-10	<b>550</b>	<b>397</b>	684	263
10-11	538	409	665	282
11-12	434	513	645	302
12-1	368	579	579	368
1-2	330	617	551	396
2-3	337	610	602	345
3-4	362	585	633	314
4-5	369	578	<b>715</b>	<b>232</b>
5-6	366	581	670	277
6-7	383	564	653	294
7-8	377	570	523	424
8-9	381	566	408	539

NOTE: The numbers shown in bold represent the highest parking demand and the lowest number of empty spaces observed on each day of the survey.

### III. PARKING IMPACT ANALYSIS

The proposed 42-unit condominium project would require 95 parking spaces based on the City of Fountain Valley's Municipal Code parking requirement of 2.25 spaces per dwelling unit for condominiums. No additional parking spaces are being proposed at the complex for the 42-unit condo project. The proposed 47-unit condominium project would have a parking requirement of 106 parking spaces, 94 of which would be provided as reserved covered spaces for the residents underneath the condo building and the gymnasium. These condos would, therefore, result in a parking demand of 12 spaces for guests. The proposed gymnasium, which would have 11,938 square feet of useable area, would have a parking requirement of 48 spaces based on the City's rate of one space per 250 square feet for indoor recreation/fitness center – health/fitness clubs. The four existing tennis courts that would be displaced by the project would result in a reduced parking demand of 8 spaces (2 spaces per court).

The net increase in parking demand at the complex resulting from these development projects would be 147 vehicles, which includes 95 spaces for the 42-unit condos, 12 guest spaces for the 47-unit condos, 48 spaces for the gymnasium, and a reduction of 8 spaces for the 4 displaced tennis courts. It is proposed that this increased parking demand would be accommodated in the existing shared parking lots at the Los Caballeros complex (except that 94 reserved parking spaces would be provided for the residents of the 47-unit condo development). If the increased parking demands generated by the three development projects were to occur simultaneously (as a worst case), an additional 147 vehicles would be parked in the shared parking lots at Los Caballeros. As the surveys indicated that there are 397 empty parking spaces on a Saturday and 232 empty parking spaces on a weekday at the complex, the additional 147 vehicles could be accommodated in the existing on-site parking lots at the Los Caballeros complex.

To further evaluate the parking impacts associated with the three proposed development projects at Los Caballeros, the existing parking demands that were quantified by the parking utilization survey were expanded by 10 percent to account for the possibility that some of the residential units, offices, and/or other facilities may currently be vacant or underutilized. It accounts for the fact that there may be some fluctuations in parking demand associated with seasonal variations and/or increased utilization of the athletic facilities. It also accounts for the possibility that some of the office space at Plaza del Lago (Planning Area C) could potentially be converted to medical offices. If it were assumed, for example, that 3,000 square feet of office space were to convert to medical offices, the parking demand would increase from 12 vehicles to 21 vehicles, an increase of nine. This is based on the City's requirement of one space per 250 square feet for general offices and one space per 143 square feet for medical offices. As the assumed 10 percent expansion factor translates to an increased parking demand of 55 vehicles on a Saturday and 72 vehicles on a weekday, it can be assumed that the conversion of approximately 3,000 square feet of general office space to medical office space at Plaza del Lago is included in the expansion factor.

The results of the parking analysis considering this expanded parking demand are shown in Table 4. As shown, there would be 342 available parking spaces during the time of peak parking demand on Saturday and 160 available spaces during the time of peak parking demand on a weekday. The

increased parking demand of 147 spaces could, therefore, be accommodated within the existing shared parking facilities for this expanded scenario.

**TABLE 4  
ANALYSIS OF EXPANDED PARKING DEMAND**

Day of Week	Analysis Scenario	
	Existing Conditions	With Expanded Parking Demand
Saturday		
# of Parked Vehicles	550	605
# of Empty Spaces	397	342
Weekday (Tuesday)		
# of Parked Vehicles	715	787
# of Empty Spaces	232	160

The primary objective of the parking analysis summarized above was to determine if the Los Caballeros site, as a whole, would have enough parking spaces to accommodate the additional parking demand that would be generated by the proposed condominium projects and gymnasium. The conclusion is that there are enough available spaces to accommodate the 147-vehicle parking requirement because there were 397 empty spaces on Saturday and 232 empty spaces on Tuesday. Moreover, if the existing parking demand were expanded by 10 percent to account for seasonal variations in patronage, the future occupancy of any vacant units or commercial space, and/or the conversion of general office space to medical office space at Plaza del Lago, there would still be 342 available spaces on Saturday and 160 spaces on a weekday during the time of peak parking demand, which is sufficient to accommodate the increased parking demands.

The overall conclusion of the parking analysis is that the Los Caballeros complex, as a whole, would have more than enough parking spaces to accommodate the increased parking demand generated by the proposed projects. The spaces conveniently located near the core of the development would, however, be fully utilized during times of peak parking demand, thereby causing the distribution of parked vehicles to shift as drivers would seek the available parking spaces in areas that are currently underutilized. This would create a parking situation that may be perceived as undesirable to the residents, employees, and patrons of the Los Caballeros facilities as they would have to walk farther between their vehicles and their destinations. While this situation may be inconvenient during peak periods, the parking demands could be accommodated within the Los Caballeros complex.

#### IV. CONCLUSIONS OF PARKING ANALYSIS

The key findings of the parking analysis are summarized below.

- The Los Caballeros complex has a total of 947 shared parking spaces, excluding the parking lots for the north condominiums that are accessed from Warner Avenue (Planning Area L), the reserved spaces in the parking structure (Planning Area B-1), and the gated spaces at the mini-storage facility (Planning Area J).
- A parking utilization survey that was conducted on Saturday, June 14 and Tuesday, June 17, 2003, indicated that the peak parking demand on Saturday was 550 vehicles while the peak parking demand on Tuesday (which represents a typical weekday) was 715 vehicles in the shared lots.
- At the time of peak parking demand on Saturday, there were 397 empty parking spaces, and at the time of peak parking demand on Tuesday, there were 232 empty parking spaces in the shared lots.
- The proposed 42-unit condominium project would have a parking requirement of 95 spaces based on the City of Fountain Valley's parking rate of 2.25 spaces per 2-bedroom unit. This parking demand would be accommodated in the existing shared parking areas at the complex.
- The proposed 47-unit condominium project would have a parking requirement of 106 parking spaces, 94 of which would be provided as reserved spaces for the residents. The remaining 12 guest spaces would be accommodated in the existing shared parking areas.
- The proposed 11,938 square-foot gymnasium would have a parking requirement of 48 spaces based on the City's rate of one space per 250 square feet for indoor recreation/fitness centers. As the project would displace 4 existing tennis courts, which equates to a reduced requirement of 8 parking spaces (2 spaces per court), the net parking demand would be 40 spaces.
- The net increase in the parking requirement for the three projects would be 147 spaces, which could be accommodated in the existing on-site shared parking lots because of the excessive number of available empty spaces.
- If the existing parking demand were to be increased by 10 percent to account for the occupancy of any currently unused residential or commercial space, possible increases in patronage at the sports club, and/or the conversion of approximately 3,000 square feet of general office space to medical office space at Plaza del Lago, the expanded parking demand would be 605 vehicles on Saturday and 787 vehicles on a weekday. The number of empty spaces would be 342 on Saturday and 160 on a weekday. The parking requirement of 147

spaces could be accommodated in the existing on-site parking lots for this expanded scenario.

- The increased parking demand generated by the proposed projects would create a parking situation that may be perceived as undesirable to the residents, employees, and patrons of the Los Caballeros facilities as they would have to walk farther between their vehicles and their destinations. While this may be inconvenient during peak periods, the parking demands could be accommodated within the Los Caballeros complex.
- The City of Fountain Valley's Municipal Code parking requirements indicate that 2-bedroom condos are required to have 2.25 parking spaces per unit with one enclosed space per unit (in a garage or carport). The proposal to use the existing on-site parking supply to accommodate the parking demand for the proposed 42-unit condo project would deviate from the City's requirement for 42 enclosed spaces as the existing available spaces are not enclosed.

# APPENDIX C – MITIGATED NEGATIVE DECLARATION

Under a separate cover.

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## APPENDIX D – DEVELOPMENT ENTITLEMENT HISTORY

The following presents the development entitlement history of development in the Specific Plan.

<i>Event</i>	<i>Action</i>
Los Caballeros Sports Club established	CUP 231
Plaza Del Lago established	CUP 421
Los Caballeros restaurant, banquet facilities, and 44 unit sports motel (Phase 1) permitted	CUP 513
Office condominiums permitted	CUP 555
Office condominiums in Plaza Del Lago permitted	CUP 604
Entrance structure permitted	CUP 630
Office/industrial building established	CUP 642
84 units and 24 units (Phase 2) established	CUP 650
Parking structure and gymnasium expansion permitted	CUP 650R
Two office buildings established	CUP 743
21 unit condominium (Phase 3) complex established	CUP 791
Yardley Building established	CUP 799
123 unit condominium complex on Warner (Phase 4) established	CUP 857/TT 12836
Office and storage complex established	CUP 1327

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**APPENDIX E – RECIPROCAL PARKING  
AND ACCESS AGREEMENT**

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20-11769-EN  
Recording requested by  
**American Title Co.**

13113

BK 13532P6 71

RECORDING REQUESTED BY  
AMERICAN TITLE CO.

RECORDED IN OFFICIAL RECORDS  
OF ORANGE COUNTY, CALIFORNIA

-2 40 PM MAR 12 1980

LEE A. BRANCH, County Recorder

And when recorded return to  
LOS CABALLEROS RACQUET & SPORTS CLUB  
22330 Hawthorne Boulevard Suite 212  
Torrance, California 90505

\$15.00  
C12

(Space above this line for Recorder's Use)

DECLARATION OF MAINTENANCE  
AND RECIPROCAL EASEMENTS

THIS DECLARATION OF MAINTENANCE AND RECIPROCAL EASEMENTS (hereinafter "Declaration") is made this 14 day of November, 1979, by LOS CABALLEROS RACQUET & SPORTS CLUB, a limited partnership (hereinafter referred to as "Declarant").

RECITALS

A. Declarant is the fee owner of certain real property situated in the City of Fountain Valley, County of Orange, State of California, more fully described on Exhibit "A" attached hereto and by this reference incorporated herein. Said real property is commonly known as Los Caballeros Racquet & Sports Club and is hereinafter referred to as the "Encumbered Property".

B. The Encumbered Property has been subdivided into seven parcels (the "Parcel") designated respectively Parcels 1, 2, 3, 4, 5, 6, and 7 as shown on the Parcel Map described in Exhibit A.

C. Declarant is required by the City of Fountain Valley as a condition precedent to a land division thereof, to impose certain perpetual rights and obligations with respect to the use of said land, particularly rights of parking and access.

D. Declarant desires to establish certain easements in, to, over, across, and under the Common Areas to be located within the aforesaid Encumbered Property, and to establish a method for the maintenance of the said Common Areas.

NOW, THEREFORE, Declarant hereby declares that the aforesaid Encumbered Property is and hereafter shall be held, leased, sold and conveyed subject to the following covenants, conditions, restrictions and easements which are hereby declared to be for the benefit of the Encumbered Property and all of the Parcels described herein and the owners or lessees thereof, their successors and assigns. These covenants, conditions, restrictions and easements shall run with the said real property and shall be binding on all parties having or acquiring any right, title or interest in the described real property or any part thereof, and shall inure to the benefit of each Owner or Lessee thereof, and are imposed upon said real property and every Parcel thereof as the dominant tenement or tenements.

I.

DEFINITIONS

The following terms shall be applicable to this Declaration and are defined as follows:

1.1 "Encumbered Property" shall mean and refer to all of the real property described in Recital A to this Declaration.

1.2 "Parcel" shall mean and refer to each of the seven parcels within the Encumbered Property as described in Recital B to this Declaration. The Parcels shall sometimes be referred to by number designation as described in said Recital.

1.3 "Common Areas" shall mean and refer to all areas within the exterior boundaries of the Encumbered Property not covered by a Building Pad or within the private boundaries of the Club (Parcel one) and the Stadium (Parcel five).

1.4 "Building Pad" shall mean and refer to an area within each Parcel upon which a building is or is to be located, together with the areas immediately adjacent thereto improved by the Owner or Lessee with sidewalks, walkways, landscaping and the like which are not intended for common use by the Owners or Lessees and their guests, invitees and employees. The Building Pads for the Parcels are subject to negotiations by and between Declarant and Owners or Lessees and by this reference incorporated herein, subject to modification as provided in section 6.1(b) below.

1.5 "Owner" shall mean and refer to one or more persons or entities who are alone or collectively the record owner of a fee simple title to a Parcel, including Declarant, or the vendee under a recorded installment land sale contract, but excluding those having any of the foregoing interests merely as security for the performance of any obligation.

1.6 "Lessee" shall mean and refer to the Lessee under any recorded lease of an entire Parcel, but shall not include the tenant or subtenant of only space within a building located on a Parcel.

1.7 "Common Area Expenses" shall not mean the original cost of constructing any improvements in the Common Areas, but shall mean and refer to one hundred ten percent (110%) of all sums actually and reasonably expended by Declarant directly in connection with the Common Areas for all general maintenance and repairs, resurfacing, painting, restriping, cleaning, sweeping and janitorial services, planting and landscaping, the costs of personnel to implement such services as deemed necessary by Declarant in its discretion, lighting systems, the cost of utility services to the Common Areas, the maintenance costs of any utility connections within or under the Common Areas and serving more than one Parcel, fire protection systems, directional signs and other markers, bumpers, gates, dividers, security services, premiums for public liability and property damage insurance, and governmental imposition or surcharge assessed against Declarant in respect of the Common Areas, and depreciation on maintenance and operating machinery and equipment (if owned) and rental paid for such machinery and equipment (if rented). Notwithstanding the foregoing, Common Area Expenses shall not include the cost of repairing or replacing any portion of the Common Areas if such repair or replacement is the result of the defective construction of the Common Areas. Also notwithstanding the foregoing, if Declarant contracts with a management company for all of its obligations under Article III hereof, Common Area Expenses shall include one hundred percent (100%) of all amounts paid to such manager instead of the one hundred ten percent (110%) specified above.

1.8 "Pro Rata Share of Common Area Expenses" shall mean and refer to the proportion of Common Area Expenses to be paid by each Lessee or Owner of a Parcel. Such proportions for each Parcel are described in Exhibit "B" attached hereto and by this reference incorporated herein. In the event of a lot split or other change, Declarant may amend this Declaration to substitute a new Exhibit B setting forth the revised schedule of Pro Rata Share of Common Area Expenses, provided such revision does not increase the Pro Rata Share of Common Area Expenses of any unaffected Parcel.

## II

### ESTABLISHMENT OF EASEMENTS

2.1 Common Area Easements. There are hereby reserved to Declarant, its successors and assigns (together with the right to transfer the same to any Owner or Lessee), the following easements for the benefit of and appurtenant to each Parcel with the Encumbered Property:

(a) A nonexclusive easement over, on and along the Common Areas for parking of passenger and business vehicles, and the pedestrian and vehicular traffic of persons, firms or entities who possess or occupy the Encumbered Property, or

any part thereof or space therein, whether as Owners, Lessees, sublessees or concessionaires (but only during such period of possession or occupancy), including such use by their officers, directors, members, employees, agents, contractors, customers, invitees and licensees (all of said persons entitled to use the Common Areas are hereinafter referred to as "Entitled Users").

(b) A nonexclusive easement for ingress and egress by any Entitled User, and the vehicles thereof, to any and from any portion of the Common Areas and the public streets adjacent thereto.

(c) A nonexclusive easement for the installation, transmission, conveyance, maintenance and operation, within the confines of the Common Areas, of public utilities services serving the Building Pads and Common Areas, together with and including vaults, manholes, meters, pipelines, valves, hydrants, conduits, sprinklers and related facilities, electrical and telephone lines, and drainage and sewage facilities.

(d) A nonexclusive easement for drainage of surface waters in, on and under each Parcel.

(e) A nonexclusive easement for the ingress and egress of delivery and service vehicles to and from any Building Pad or any portion thereof and the public streets adjacent to the Encumbered Property, for the delivery of goods, wares, merchandise, furniture, fixtures, supplies and equipment, and the rendition of services to any Entitled Owner.

(f) A nonexclusive easement for the temporary parking or standing of trucks, tractors, trailers, and other delivery vehicles used in connection with any of the activities described in subsection (e) above.

(g) A nonexclusive easement over, under, on and along the Common Areas for the construction, remodeling or repair (including erection of ladders, scaffolding and store front barricades) of the Building Pads and any buildings or other improvements thereon, and ingress and egress for vehicles transporting construction materials and equipment, upon the condition, however, that all construction, remodeling or repair of Building Pads, buildings and building appurtenances is diligently performed and all ladders, scaffolding, barricades and debris are promptly removed upon completion of such work. Any such work must be accomplished in compliance with the applicable provisions of any lease covering the Parcel on which the work is being done and shall not unreasonably interfere with the use of any other Parcel.

2.2 Description of Easements. The easements reserved pursuant to this Article II shall create mutual and reciprocal benefits and servitudes upon each Parcel, running with the land thereof, and shall, in each instance, be non-exclusive for the use in common with any Owner or Lessee of any Parcel, and Entitled Users of such Parcels.

2.3 Use of Easement Rights. Each Owner and Lessee shall utilize the easements described above in a manner which will not unreasonably disrupt the operation of the Encumbered Property or the use and enjoyment of the Common Areas or the Building Pads by the other Owners and Lessees. Any damage caused to the Common Areas by any Owner or Lessee in the exercise of its easement rights shall promptly be repaired by such Owner or Lessee at its sole expense.

### III

#### COVENANT FOR MAINTENANCE

3.1 Common Areas. Declarant shall maintain and operate, or cause to be maintained and operated, the Common Areas and all improvements thereto and facilities thereon, and keep them in a neat, clean and orderly condition, lighted and landscaped in accordance with the standards and practices prevailing in the operation of similar facilities in Fountain Valley, California, and shall repair any damage to such Common Areas or improvements. Limited only by any contractual or lease obligations with an Owner or Lessee, Declarant shall have the right, in

its sole discretion, to determine the nature, types and location of improvements, landscaping and the like constructed or placed upon the Common Areas, and to change or alter the same so long as the number of parking spaces for Entitled Users is not reduced below the amount required by applicable laws or ordinances as to the Encumbered Property as a whole or any Parcel in particular. Moreover, Declarant shall not add to or modify the Common Areas within any particular Parcel without the approval of the Owner or Lessee of such Parcel.

3.2 Declarant's Maintenance Easement. Declarant shall have the right and easement, and there is hereby reserved to Declarant such right and easement, to carry out its maintenance obligations hereunder, and to repair, replace and rearrange parking sites or stalls, sidewalks, ramps, driveways, lanes, curbs, gutters, traffic control areas, signals, traffic islands, landscaping walls, and lighting facilities within the Common Areas. Notwithstanding the foregoing, Declarant's right to alter the Common Areas shall be limited as follows:

(a) No modification or addition, other than normal maintenance, shall be made to the Common Areas of any Parcel without the consent of the Owner and Lessee thereof.

3.3 Common Area Expenses. Each Owner or Lessee (excluding Declarant) of a Parcel shall pay its Pro Rata Share of Common Area Expenses to Declarant in the following manner:

(a) In or about December of each year, Declarant shall prepare and submit to each Lessee leasing a Parcel from Declarant and to each Owner other than Declarant a pro forma budget for Common Area Expenses for the next calendar year, which pro forma budget shall set forth the Pro Rata Share of Common Area Expenses attributable to each Parcel for each calendar quarter of said next calendar year. Within ten (10) days of the first day of each calendar quarter, each Lessee or Owner shall pay to Declarant such Lessee's or Owner's Pro Rata Share of Common Area Expenses as indicated in the pro forma budget for such year.

(b) Within thirty (30) days following the end of each calendar quarter, Declarant shall furnish each Lessee or Owner which received the pro forma budget pursuant to paragraph (a), a statement covering the quarter just expired, certified as correct by Declarant or an authorized representative of Declarant, showing the total actual Common Area Expenses for such quarter, the amount of each Lessee's or Owner's Pro Rata Share of Common Area Expenses for such quarter, and the payments previously made by each Lessee or Owner with respect to such quarter. If a Lessee's or Owner's Pro Rata Share of Common Area Expenses exceeds such Lessee's or Owner's payments previously made, such Lessee or Owner shall pay Declarant the deficiency within ten (10) days after receipt of such statement. If said payments exceed such Lessee's or Owner's Pro Rata Share of Common Area Expenses, such Owner or Lessee shall be entitled to offset the excess against the next payment due Declarant pursuant to paragraph (a) above.

(c) So long as Declarant is the Owner of a Parcel, Declarant's Lessees shall be responsible to pay to Declarant the Pro Rata Share of Common Area Expenses for such Parcel. So long as Declarant is still required to maintain the Common Areas hereunder, as to any Parcel which Declarant is not the Owner, the Owner and Lessee thereof shall be jointly and severally liable to pay the Pro Rata Share of Common Area Expenses attributable to such Parcel, or if there is no Lessee, the Owner thereof shall be solely responsible therefor.

3.4 Audit Rights. Declarant agrees to keep accurate records, including bills and invoices, of all expenses used to calculate Common Area Expenses for a period of at least two (2) years after such expenses are incurred. Such records shall be kept in Southern California and shall be available for inspection by any other Owner or Lessee or their representatives at all reasonable times.

#### IV

#### TAXES AND INSURANCE

4.1 Property Taxes. Each Lessee or Owner of a Parcel, and their respective successors in interest, shall pay directly to the appropriate tax collector when due all real property taxes and other special taxes and assessments which may

be levied or assessed against the Parcel leased or owned by such party, including the portion of the Common Area contained in such Parcel, and any assessments attributable to such party's appurtenant interests created by this Declaration. As between the Owner and the Lessee of a Parcel, the responsibility for payment of real property taxes shall be as set forth in the lease of such Parcel. A failure by the party responsible under the lease to pay real property taxes shall not be deemed a breach of the terms hereof by the other party to such lease.

4.2 Liability Insurance. Declarant will at all times maintain in full force and effect adequate comprehensive public liability insurance with standard coverage insuring against accidents, injuries, losses or damages caused to any natural person, or to the property of any person, as shall occur in or about the Common Areas. Such insurance policy shall name each Owner and Lessee as an additional insured and shall provide that it may not be cancelled without at least ten (10) days' prior written notice being given by the insurer to all of the named insureds. As of the date of this Declaration, an insurance policy with a \$1,000,000 single limit for damage to persons and a \$100,000 limit for damage to property shall be deemed to satisfy the requirements of this Section 4.2.

## V

EFFECT OF BREACH AND ENFORCEMENT

5.1 Breach Will Not Terminate. No breach of this Declaration, and the covenants, conditions, restrictions or obligations herein created, will entitle any person, firm or entity to cancel, rescind or otherwise terminate this Declaration, but this limitation will not affect, in any manner, any other rights or remedies which any Lessee or Owner (including Declarant) may have by reason of any breach of this Declaration. A breach of any of the covenants, conditions, restrictions or obligations of this Declaration will not defeat or render invalid the lien of any mortgage or deed of trust, made in good faith and for value, but such covenant, condition, restriction or obligation will be binding on and effective against any person, firm or entity whose interest in or title to a Parcel or any part thereof is acquired by foreclosure, trustee's sale or otherwise.

5.2 Enforcement.

(a) In the event that any Lessee or Owner defaults in the performance of any of its obligations hereunder, any other Lessee, Owner or the City of Fountain Valley shall have the right, but not the obligation, to cure such default for the account of and at the expense of the defaulting party, and the party curing such default shall have the right to recover from the defaulting party all costs and other sums expended in connection therewith, plus interest thereon at the maximum legal rate.

(b) All costs and expenses of curing any default hereunder and interest on said amounts shall be assessed against the defaulting party and shall constitute a lien in favor of the curing party against the Parcel or the interest therein of such party until paid, effective upon recording a notice thereof in the office of the Orange County Recorder, but any such lien shall be subordinate to any bona fide mortgage or deed of trust encumbering the interest of the defaulting party. Such lien may be foreclosed by judicial sale or by a private power of sale in the manner permitted by law, including without limitation compliance with all applicable notice requirements.

(c) The remedies permitted or available to any Lessee or Owner specified herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law or equity. In the event that suit is brought for the enforcement of this Declaration or as the result of any alleged breach or default hereunder, the prevailing party in such suit shall be entitled to recover its reasonable attorneys' fees and court costs, and any judgment rendered in such proceedings shall include an award thereof.

## VI

GENERAL PROVISIONS6.1 Amendments.

(a) Except as provided in this Section, this Declaration or any provision, covenant, condition or restriction contained herein may only be modified or amended as to the whole of the Encumbered Property or any portion of it, with the consent of all of the Owners and Lessees and the City of Fountain Valley. No modification shall be effective until a written instrument setting forth its terms shall have been executed, acknowledged and recorded in the office of the County Recorder of Orange County.

(b) Notwithstanding the provisions of Section 6.1 (a) above, so long as Declarant is an Owner, Declarant shall have the right, in its sole discretion, to amend this Declaration by substituting a new Exhibit C showing a new Building Pad or Building Pads configuration on any Parcel so long as:

(i) Declarant has the prior written consent of the Owner and any Lessee of the Parcel for which the Building Pad configuration is so modified; and

(ii) Said change configuration reflects the requirements of the City of Fountain Valley or any other governmental entity having jurisdiction over the Encumbered Property; and

(iii) Said amendment shall not change the number of parking spaces on the Common Areas in a manner prohibited by Section 3.2 above; and

(iv) Declarant records in writing against all of the Parcels setting forth such amendment.

(c) Declarant shall have the right to amend this Declaration to substitute a new Exhibit B as provided in Section 1.8 above.

6.2 Term. The covenants, conditions, restrictions, easements and provisions of this Declaration shall run with and bind the Parcels, and shall inure to the benefit of and be enforceable by the Declarant or Lessee or Owner of any Parcel subject to this Declaration, their respective legal representatives, heirs, successors and assigns, for a term of fifty-five (55) years from the date this Declaration is recorded, after which time said covenants, conditions, restrictions, easements and provisions shall be automatically extended for successive periods of ten (10) years, unless and until an instrument, signed by all of the then Owners of the Parcels, has been recorded, agreeing to terminate this Declaration. This Declaration cannot be terminated unless such termination is approved by the City of Fountain Valley or meets all requirements that may be imposed by said city.

6.3 Construction. The provisions of this Declaration shall be liberally construed to effectuate its purpose. The Article and Section headings have been inserted for convenience only, and shall not be considered or referred to in resolving questions of interpretation or construction.

6.4 Governing Law. This Declaration shall be interpreted and construed under and governed by the laws of the State of California.

6.5 Severability. Invalidity of any one or a portion of the provisions of this Declaration by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

6.6 Singular Includes Plural. Whenever the context of this Declaration requires the same, the singular shall include the plural and the masculine, feminine and neuter genders shall all include each other.

PART 1 OF 4 SHEETS  
OF PARCELS

COLORADO BORDER ACREAGE -  
28 512 ACRES

- PARCEL 1 - 17.518 AC
- PARCEL 2 - 4.287 AC
- PARCEL 3 - 0.445 AC
- PARCEL 4 - 0.468 AC
- PARCEL 5 - 1.679 AC
- PARCEL 6 - 0.047 AC
- PARCEL 7 - 8.821 AC

# PARCEL MAP 79-433

IN THE CITY OF FOUNTAIN VALLEY, COUNTY OF ORANGE, STATE OF CALIFORNIA

BEING A SUBDIVISION OF A PORTION OF THE NORTHEAST QUARTER OF SECTION 18 TOWNSHIP 4 SOUTH, RANGE 4 WEST IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON THE MAP HEREIN IN BOOK 11, PAGE 118 OF OFFICIAL RECORDS, COUNTY OF ORANGE, STATE OF CALIFORNIA.

3/25 PARCEL A.C.E. 15/81

DATE OF SURVEY: SEPTEMBER, 1979

22166  
142 25  
PM 79-433

### OWNER'S CERTIFICATE

BY THE UNDERSIGNED, I HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THE PARCEL MAP AND RECORDS OF RECORDS OF THE COUNTY OF ORANGE, STATE OF CALIFORNIA, IS TRUE AND CORRECT AND THAT I AM THE OWNER OF THE PARCELS DESCRIBED THEREIN.

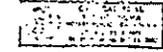
Jack C. Connor  
OWNER

### NOTARY CERTIFICATE

STATE OF CALIFORNIA }  
COUNTY OF ORANGE }

ON THIS 26th day of September, 1979, before me, Yvonne Johnson, Notary Public in and for the State of California, appeared Jack C. Connor, known to me to be the person whose name and address are given in the foregoing certificate, and he acknowledged to me that he executed the same for the purposes and consideration therein expressed.

AS WITNESSED ON THIS 26th day of September, 1979, at Fountain Valley, California.



Yvonne Johnson  
NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

### OWNERSHIP CERTIFICATE

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PARCELS DESCRIBED IN THE PARCEL MAP AND RECORDS OF RECORDS OF THE COUNTY OF ORANGE, STATE OF CALIFORNIA.

Frank R. Roney  
OWNER

Yvonne Johnson  
NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

### NOTARY CERTIFICATE

STATE OF CALIFORNIA }  
COUNTY OF ORANGE }

ON THIS 26th day of September, 1979, before me, Yvonne Johnson, Notary Public in and for the State of California, appeared Frank R. Roney, known to me to be the person whose name and address are given in the foregoing certificate, and he acknowledged to me that he executed the same for the purposes and consideration therein expressed.



Yvonne Johnson  
NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

### OWNER'S CERTIFICATE

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PARCELS DESCRIBED IN THE PARCEL MAP AND RECORDS OF RECORDS OF THE COUNTY OF ORANGE, STATE OF CALIFORNIA.

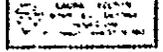
David L. Johnson  
OWNER

Yvonne Johnson  
NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

### NOTARY CERTIFICATE

STATE OF CALIFORNIA }  
COUNTY OF ORANGE }

ON THIS 26th day of September, 1979, before me, Yvonne Johnson, Notary Public in and for the State of California, appeared David L. Johnson, known to me to be the person whose name and address are given in the foregoing certificate, and he acknowledged to me that he executed the same for the purposes and consideration therein expressed.



Yvonne Johnson  
NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

### ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THE PARCEL MAP AND RECORDS OF RECORDS OF THE COUNTY OF ORANGE, STATE OF CALIFORNIA, IS TRUE AND CORRECT AND THAT I AM THE ENGINEER OF RECORD FOR THE PARCELS DESCRIBED THEREIN.

Joseph L. Johnson  
ENGINEER

### PLS ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THE PARCEL MAP AND RECORDS OF RECORDS OF THE COUNTY OF ORANGE, STATE OF CALIFORNIA, IS TRUE AND CORRECT AND THAT I AM THE PLS ENGINEER OF RECORD FOR THE PARCELS DESCRIBED THEREIN.

Joseph L. Johnson  
PLS ENGINEER

### COUNTY SURVEYOR'S CERTIFICATE

ACCEPTABLE FOR RECORDEDATION THIS DATE OF 10/1/79

CR NELSON  
COUNTY SURVEYOR

### SIGNATURE OMISSIONS

- 1) STEARNS RANCHO COMPANY, HOLDER OF A RESTRICTION RECORDED ON APRIL 18, 1901 IN BOOK 30, PAGE 214 OF DEEDS AND RECORDED APRIL 18, 1901 IN BOOK 30, PAGE 328 OF DEEDS
- 2) SOUTHERN CALIFORNIA Edison COMPANY, HOLDER OF AN EASEMENT RECORDED IN BOOK 1286 PAGE 117 & 118, PAGE 41 AND BOOK 1286, PAGE 847 OF OFFICIAL RECORDS
- 3) COUNTY SANITATION DISTRICT NO. 2 OF ORANGE COUNTY, HOLDER OF AN EASEMENT RECORDED JANUARY 28, 1973 IN BOOK 1062 PAGE 281 AND RECORDED JULY 3, 1974 IN BOOK 1188, PAGE 1057 OF OFFICIAL RECORDS
- 4) RESTRICTIONS COVERING THE FUTURE USE OF LANDS DISTRESSED BY A STATEMENT FOR A DEVELOPMENT PROJECT RECORDED BY THE CITY OF FOUNTAIN VALLEY ON DECEMBER 29, 1974 IN BOOK 1013, PAGE 80 OF OFFICIAL RECORDS
- 5) CITY OF FOUNTAIN VALLEY, HOLDER OF AN EASEMENT RECORDED JUNE 7, 1975 IN BOOK 1228, PAGE 35, RECORDED SEPTEMBER 2, 1975 IN BOOK 1228, PAGE 35, RECORDED JUNE 15, 1976 IN BOOK 1280 PAGE 116 OF OFFICIAL RECORDS
- 6) EFFECT OF AN INDUSTRIAL DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FOUNTAIN VALLEY AND THE PV INDUSTRIAL COMPANY RECORDED JUNE 10, 1975 IN BOOK 1228, PAGE 31 OF OFFICIAL RECORDS.

### OWNER'S CERTIFICATE

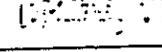
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PARCELS DESCRIBED IN THE PARCEL MAP AND RECORDS OF RECORDS OF THE COUNTY OF ORANGE, STATE OF CALIFORNIA.

David L. Johnson  
OWNER

### NOTARY CERTIFICATE

STATE OF CALIFORNIA }  
COUNTY OF ORANGE }

ON THIS 26th day of September, 1979, before me, Yvonne Johnson, Notary Public in and for the State of California, appeared David L. Johnson, known to me to be the person whose name and address are given in the foregoing certificate, and he acknowledged to me that he executed the same for the purposes and consideration therein expressed.



Yvonne Johnson  
NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

EXHIBIT "A"

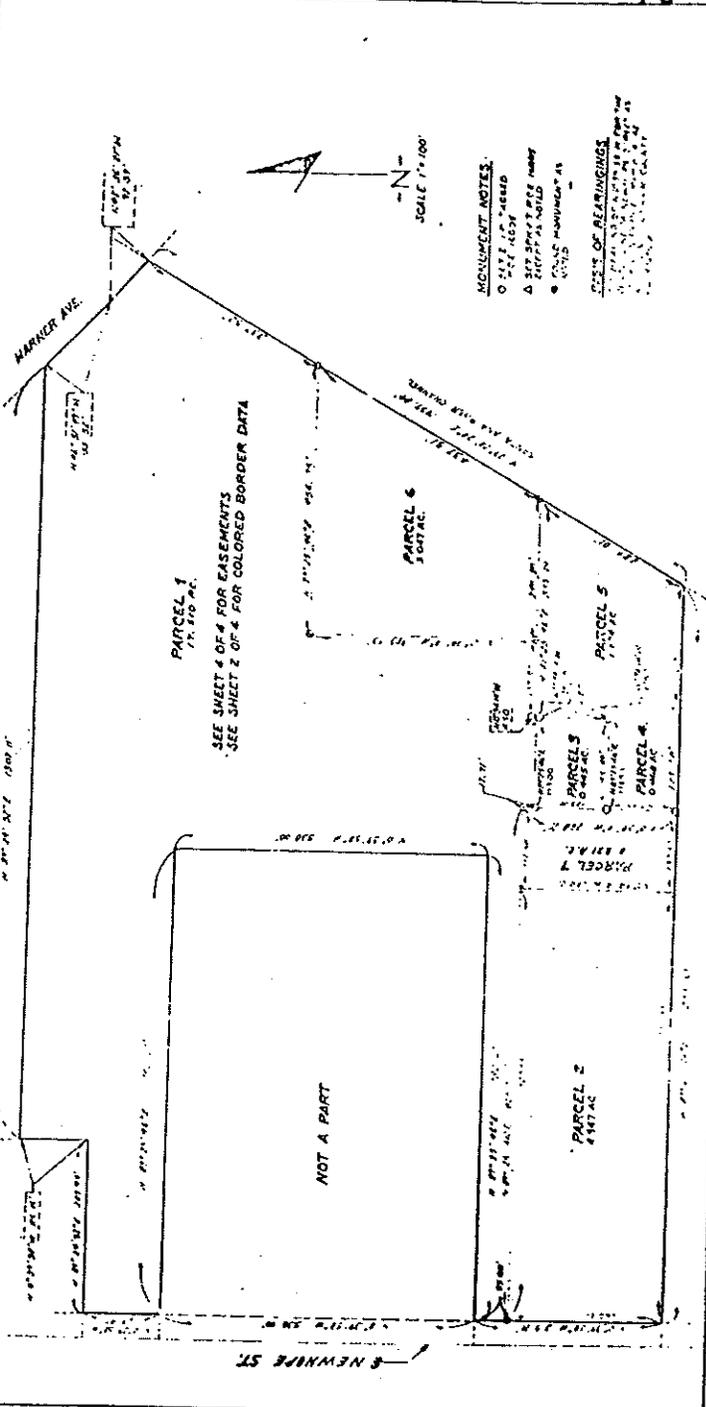


22188  
113  
P.M. 79-433

**PARCEL MAP 79-433**  
IN THE CITY OF FOUNTAIN VALLEY, COUNTY OF ORANGE, STATE OF CALIFORNIA.

DATE OF SURVEY: SEPTEMBER 1979  
DATE OF RECORDATION: SEPTEMBER 1979  
BY: MICHAEL R.T.C. 18005

**SHEET 3 OF 4 SHEETS**  
**7 PARCELS**  
**COLOR BORDER ACREAGE: 28.312 ACRES**  
PARCEL 1: 17.816 AC  
PARCEL 2: 4.847 AC  
PARCEL 3: 0.845 AC  
PARCEL 4: 0.640 AC  
PARCEL 5: 1.819 AC  
PARCEL 6: 3.087 AC  
PARCEL 7: 6.281 AC



**MONUMENT NOTES:**  
O 2 1/2" IRON ROD  
A 2 1/2" SPAN W/ 1/2" IRON ROD  
SUPPORTS HOLD  
● CONCRETE MONUMENT  
**LIST OF BEARINGS:**  
SEE SHEET 1 OF 4 FOR BEARINGS

262 27

EXHIBIT "A"

142

22166  
142 28

P.M. 79-433

# PARCEL MAP 79-433 IN THE CITY OF FOUNTAIN VALLEY, COUNTY OF ORANGE, STATE OF CALIFORNIA.

SHEET # 04 OF 4 SHEETS.  
7 PARCELS  
CALCULATED BORDER AVERAGE = 24.312 ACRES

PARCEL 1 = 17.510 AC.  
PARCEL 2 = 0.448 AC.  
PARCEL 3 = 0.448 AC.  
PARCEL 4 = 0.448 AC.  
PARCEL 5 = 1.479 AC.  
PARCEL 6 = 5.047 AC.  
PARCEL 7 = 0.912 AC.

STATUS OF BEARING LINES  
ALL BEARING LINES ARE TRUE TO THE  
ORIGINAL SURVEY RECORDS  
AND HAVE BEEN RECHECKED BY THE  
SURVEYOR.

DATE OF SURVEY: SEPTEMBER, 1979



SCALE 1" = 100'

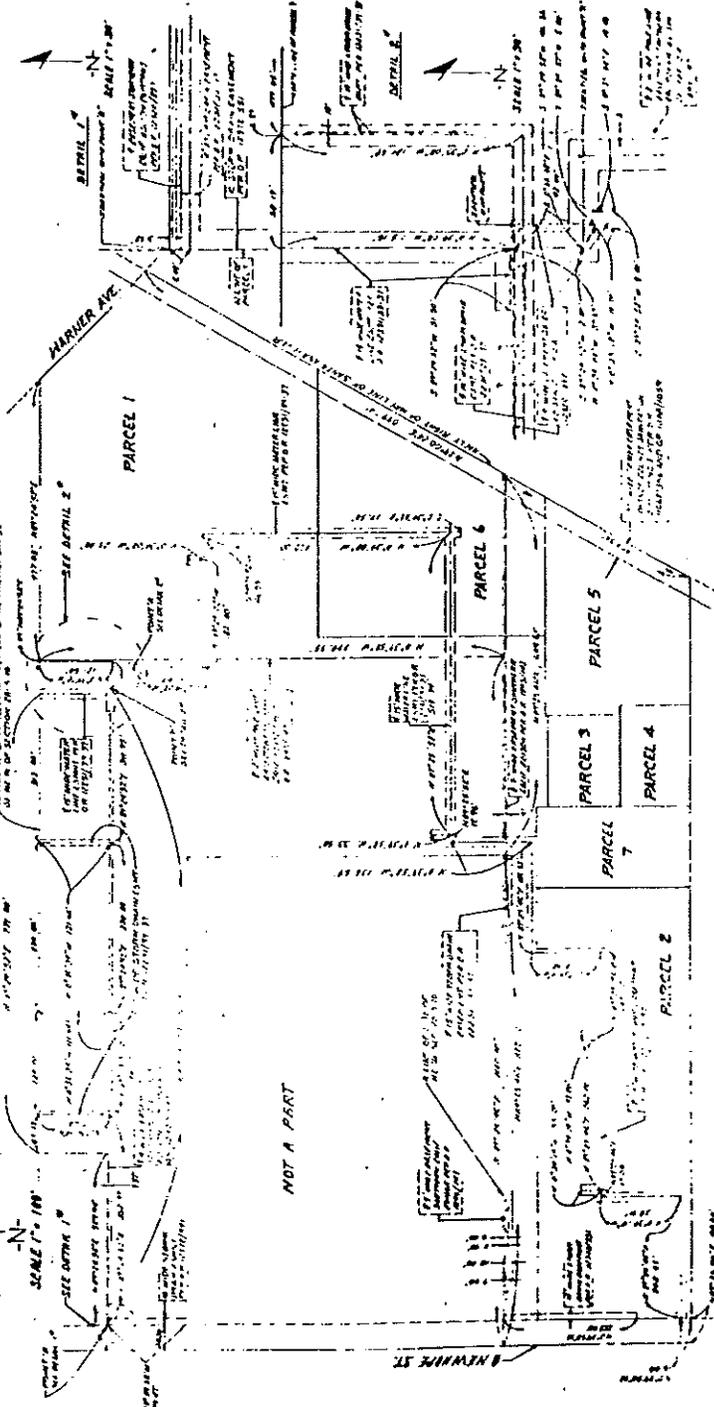


EXHIBIT "A"

142 28

EXHIBIT B

Schedule of Pro Rate Share of Common Area Expenses

Parcel No. 1	20.8%
Parcel No. 2	36.2%
Parcel No. 3	3.1%
Parcel No. 4	3.5%
Parcel No. 5	10.2%
Parcel No. 6	18.9%
Parcel No. 7	7.3%

Persons who executed the within instrument & known to me to be the corporation being known to me to be one of the partners of said corporation, said Racquet & Sports Club, Ltd., the partnership that executed the within instrument, I acknowledged to me that such corporation executed the within instrument & that such partnership executed the same as such

VII

7.1 Declarant covenants to make reference to this Declarant in any deed or document which attempts to convey or hypothecate any of the property herein described.

IN WITNESS WHEREOF, Declarant has executed this Declaration the day and year first above written.

LOS CABALLEROS RACQUET & SPORTS CLUB ,LTD.  
A California Limited Partnership

By: U.S.C.I., A CALIFORNIA CORPORATION

Jack C. Cameron  
Jack C. Cameron, President

John G. Fletz  
John G. Fletz, Secretary

By: P.V. INVESTMENT COMPANY

Jack C. Cameron  
Jack C. Cameron, President

Harry A. Hess  
Harry A. Hess, Vice President

TO 449 C  
(Corporation)

BK 13532PG 83



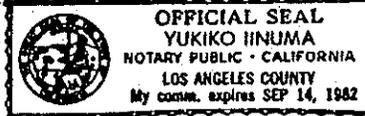
STATE OF CALIFORNIA  
COUNTY OF Los Angeles } SS.

On Nov 14, 1979 before me, the undersigned, a Notary Public in and for said State, personally appeared Jack C. Cameron known to me to be the President & John G. Fletz known to me to be the Secretary of U.S.C.I., a Calif. corp., the corporation that executed the within instrument and known to me to be the persons who executed the within instrument on behalf of said corporation, said corporation being known to me to be one of the partners of Los Caballeros Racquet & Sports Club, Ltd., the partnership that executed the within instrument, & acknowledged to me that such corporation executed the same as such partner & that such partnership executed the same.

WITNESS my hand and official seal.

Signature Yukiko Inuma

Yukiko Inuma  
Name (Typed or Printed)



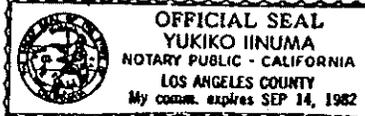
STATE OF CALIFORNIA  
COUNTY OF Los Angeles } SS.

On Nov 14, 1979 before me, the undersigned, a Notary Public in and for said State, personally appeared Jack C. Cameron, known to me to be the President and Harry A. Hess known to me to be the Vice President of P.V. Investment Company, the corporation that executed the within instrument & known to me to be the persons who executed the within instrument on behalf of said corporation, said corporation being known to me to be one of the partners of Los Caballeros Racquet & Sports Club, Ltd., the partnership that executed the within instrument, & acknowledged to me that such corporation executed the same as such partner & that such partnership executed the same.

WITNESS my hand and official seal.

Signature Yukiko Inuma

Yukiko Inuma  
Name (Typed or Printed)



WHEN RECORDED MAIL TO  
Name Los Caballeros Racquet and Sports Club  
reet 17272 Newhope St.  
ress Fountain Valley, Ca 92708  
ty &  
ate

84-118408

Recorded at the request of  
ORANGE COAST TITLE CO.

8:00 MAR 22 1984  
A.M.

Official Records  
Orange County, California

*Lu A Branch* Recorder

\$5.00

Space above this line for recorder's use

DECLARATION OF AMENDMENT TO  
DECLARATION OF MAINTENANCE AND RECIPROCAL EASEMENTS

Parcel Map No. 79-433 City of Fountain Valley  
County of Orange, State of California

This declaration is made by Los Caballeros Racquet & Sports Club, a limited partnership (hereinafter "Declarant").

WITNESSETH:

Declarant has heretofore on March 12, 1980 caused to be recorded a Declaration of Maintenance & Reciprocal Easements re: Parcel Map No. 79-433 City of Fountain Valley, Orange County, California in Book 13532 pages 71 et seq. of Official Records in said County; and Declarant hereby amends said Declaration as follows:

In accordance with Declarant's authority under Section 1.8 and 6.1 (c) of said Declaration Exhibit "B" is hereby amended to substitute a new Exhibit "B" as described below to include Parcel Map No. 81-437 and Parcel Map No. 83-437 in the City of Fountain Valley, County of Orange, State of California.

EXHIBIT "B"

Parcel Map No.	Pro-Rate Share of Common Area Expenses
<u>Parcel Map No. 81-437</u>	
Los Caballeros Club Villas	
Parcels 1 through 41	4.0%
Parcel 42	2.0%
Parcel 43	2.0%
Parcel 44	12.8%
<u>Parcel Map No. 79-433</u>	
Parcel No. 3	3.1%
Parcel No. 4	3.5%
Parcel No. 5	10.2%
Parcel No. 6	18.9%
<u>Parcel Map No. 83-437</u>	
Parcel No. 1	23.1%
Parcel No. 2	10.1%
Parcel No. 3	3.0%
Parcel No. 4	7.3%

In Witness Whereof, this Declaration of Amendment to Declaration of Maintenance & Reciprocal Easements has been executed as of the 16<sup>th</sup> day of March 1980, at Fountain Valley, California by the duly authorized officer of P.V. Investment Company and U.S.C.I., A California Corporation, in accordance with the By-laws or pursuant to Resolution of the Board of Directors of each of said corporations.

LOS CABALLEROS RACQUET & SPORTS CLUB, A California  
Limited Partnership

by: UNIVERSAL SPORTS CONSULTANTS, a General Partnership  
General Partner

By: P.V. INVESTMENT COMPANY, a California corporation

by Jack C. Cameron  
Jack C. Cameron, President

by Beverly Yankee  
Beverly Yankee, Secretary

by: U.S.C.I., A CALIFORNIA CORPORATION

by Jack C. Cameron  
Jack C. Cameron, President

By Beverly Yankee  
Beverly Yankee, Asst. Secr.

WHEN RECORDED MAIL TO

Name Los Caballeros Racquet and Sports Club  
Street 17272 Newhope St.  
Address Fountain Valley, Ca 92708  
City &  
State

84-118408

Recorded at the request of  
ORANGE COAST TITLE CO.

8:00 MAR 22 1984  
A.M.

\$5.00

Official Records  
Orange County, California

See A Branch Recorder

Space above this line for recorder's use

DECLARATION OF AMENDMENT TO  
DECLARATION OF MAINTENANCE AND RECIPROCAL EASEMENTS

Parcel Map No. 79-433 City of Fountain Valley  
County of Orange, State of California

This declaration is made by Los Caballeros Racquet & Sports Club, a limited partnership (hereinafter "Declarant").

WITNESSETH:

Declarant has heretofore on March 12, 1980 caused to be recorded a Declaration of Maintenance & Reciprocal Easements re: Parcel Map No. 79-433 City of Fountain Valley, Orange County, California in Book 13532 pages 71 et seq. of Official Records in said County; and Declarant hereby amends said Declaration as follows:

In accordance with Declarant's authority under Section 1.8 and 6.1 (c) of said Declaration Exhibit "B" is hereby amended to substitute a new Exhibit "B" as described below to include Parcel Map No. 81-437 and Parcel Map No. 83-437 in the City of Fountain Valley, County of Orange, State of California.

EXHIBIT "B"

Parcel Map No. 81-437

Pro-Rate Share of Common Area Expenses

Los Caballeros Club Villas  
Parcels 1 through 41  
Parcel 42  
Parcel 43

4.0%  
2.0%  
2.0%

AB 1232-5

CAT. NO. NN00838  
TO 1984 CA (7-92)

(Corporation as a Partner of a Partnership)

84-118408

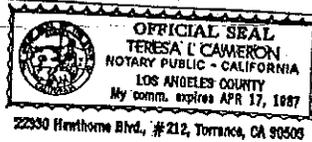


STATE OF CALIFORNIA }  
COUNTY OF Los Angeles } SS.

On March 16, 1984 before me, the undersigned, a Notary Public in and for said State, personally appeared Jack C. Cameron personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument as the XXXXXXXXXXXXXXXXXXXX President, and Beverly Yankee personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument as the XXXXXXXXXXXXXXXXXXXX Secretary of P.V. Investment Company

the corporation that executed the within instrument on behalf of Los Caballeros Racquet & Sports Club the partnership that executed the within instrument, and acknowledged to me that such corporation executed the same as such partner and that such partnership executed the same.  
WITNESS my hand and official seal.  
Teresa L. Cameron

Signature Teresa L. Cameron



nce &  
Investment  
vs or  
S.

CAT. NO. NN00838  
TO 1984 CA (7-92)

(Corporation as a Partner of a Partnership)



STATE OF CALIFORNIA }  
COUNTY OF Los Angeles } SS.

On March 16, 1984 before me, the undersigned, a Notary Public in and for said State, personally appeared Jack C. Cameron personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument as the XXXXXXXXXXXXXXXXXXXX President, and Beverly Yankee personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument as the Assistant Secretary of U.S.C.I.

the corporation that executed the within instrument on behalf of Los Caballeros Racquet & Sports Club the partnership that executed the within instrument, and acknowledged to me that such corporation executed the same as such partner and that such partnership executed the same.  
WITNESS my hand and official seal.  
Teresa L. Cameron

Signature Teresa L. Cameron



ifornia  
I Partnership  
corporation

SHEET 1 OF 4 SHEETS  
7 PARCELS

# PARCEL MAP 79-433

IN THE CITY OF FOUNTAIN VALLEY, COUNTY OF ORANGE, STATE OF CALIFORNIA

COLORED BORDER ACREAGE  
28 512 ACRES

- PARCEL 1 - 17 518 AC
- PARCEL 2 - 4 587 AC
- PARCEL 3 - 0 445 AC
- PARCEL 4 - 0 468 AC
- PARCEL 5 - 1 674 AC
- PARCEL 6 - 8 047 AC
- PARCEL 7 - 0 821 AC

BEING A SUBDIVISION OF A PORTION OF THE NORTHWEST QUARTER OF SECTION 28 TOWNSHIP 8 SOUTH, RANGE 16 WEST IN THE RANGE 16 EAST BOLINAS, AS PER MAP RECORDED IN BOOK 31, PAGE 12 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, STATE OF CALIFORNIA.

JAY PANCHAL R.C.E. 16005

DATE OF SURVEY: SEPTEMBER, 1979

22166  
142 25  
FILED IN BOOK 31 PAGE 12  
OF RECORDS OF ORANGE COUNTY  
OF ORANGE COUNTY, CALIFORNIA  
JUL 10 1979  
JAY PANCHAL, Surveyor

PM 79-433

### OWNERSHIP CERTIFICATE

BY THE UNDERSIGNED, JAY PANCHAL, SURVEYOR, I HAVE RECORDED THIS INSTRUMENT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 64436(C) OF THE SUBDIVISION MAP ACT, AND I HAVE RECORDED THIS INSTRUMENT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 64436(C) OF THE SUBDIVISION MAP ACT.

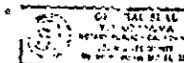
Jack C. Cannon  
NOTARY PUBLIC

### NOTARY CERTIFICATE

STATE OF CALIFORNIA }  
COUNTY OF ORANGE }

ON THIS 26th DAY OF SEPTEMBER, 1979, BEFORE ME, Yuhiko Jimura, a Notary Public in and for the State of California, appeared Jack C. Cannon, a California resident, who is the President of J.C. Cannon, Inc., a California corporation, and who is the owner of the parcel of land described in the within instrument, and who acknowledged to me that such corporation executed the same.

MY COMMISSION EXPIRES: Sept. 14, 1982. WITNESS MY HAND AND OFFICIAL SEAL.



Yuhiko Jimura  
NOTARY PUBLIC

### OWNERSHIP CERTIFICATE

BY THE UNDERSIGNED, JAY PANCHAL, SURVEYOR, I HAVE RECORDED THIS INSTRUMENT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 64436(C) OF THE SUBDIVISION MAP ACT, AND I HAVE RECORDED THIS INSTRUMENT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 64436(C) OF THE SUBDIVISION MAP ACT.

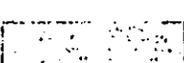
Fred Ragan  
PRESIDENT

Yvonne Paulson  
VICE PRESIDENT

### NOTARY CERTIFICATE

STATE OF CALIFORNIA }  
COUNTY OF ORANGE }

ON THIS 26th DAY OF SEPTEMBER, 1979, BEFORE ME, Sharon A. Levy, a Notary Public in and for the State of California, appeared Fred Ragan and Yvonne Paulson, who are the President and Vice President, respectively, of the American National Volleyball Association, a California corporation, and who acknowledged to me that such corporation executed the same.



Sharon A. Levy  
NOTARY PUBLIC

### OWNERSHIP CERTIFICATE

BY THE UNDERSIGNED, JAY PANCHAL, SURVEYOR, I HAVE RECORDED THIS INSTRUMENT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 64436(C) OF THE SUBDIVISION MAP ACT, AND I HAVE RECORDED THIS INSTRUMENT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 64436(C) OF THE SUBDIVISION MAP ACT.

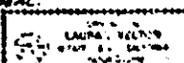
Richard J. Montgomery  
PRESIDENT

Don L. Mann  
SECRETARY

### NOTARY CERTIFICATE

STATE OF CALIFORNIA }  
COUNTY OF ORANGE }

ON THIS 16th DAY OF JANUARY, 1980, BEFORE ME, Laura Veleno, a Notary Public in and for the State of California, appeared Richard J. Montgomery and Don L. Mann, who are the President and Secretary, respectively, of the American National Volleyball Association, a California corporation, and who acknowledged to me that such corporation executed the same.



Laura Veleno  
NOTARY PUBLIC

### ENGINEER'S CERTIFICATE

THIS MAP WAS PREPARED BY ME, UNDER MY SUPERVISION AND I HAVE BEEN A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF CALIFORNIA SINCE 1968. I HAVE BEEN A MEMBER OF THE PROFESSIONAL ENGINEERS' SOCIETY OF CALIFORNIA SINCE 1968. I HAVE BEEN A MEMBER OF THE SOCIETY OF PROFESSIONAL ENGINEERS AND ARCHITECTS SINCE 1968. I HAVE BEEN A MEMBER OF THE SOCIETY OF PROFESSIONAL ENGINEERS AND ARCHITECTS SINCE 1968. I HAVE BEEN A MEMBER OF THE SOCIETY OF PROFESSIONAL ENGINEERS AND ARCHITECTS SINCE 1968.

Jay Panchal  
ENGINEER

### CITY ENGINEER'S CERTIFICATE

THIS MAP CONFORMS WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE. I ALSO HEREBY CERTIFY THAT THE CITY ENGINEER HAS REVIEWED THIS MAP AND HAS APPROVED IT FOR RECORDATION IN ACCORDANCE WITH SECTION 64436(C) OF THE SUBDIVISION MAP ACT.

William J. Johnson  
CITY ENGINEER

### COUNTY SURVEYOR'S CERTIFICATE

THIS MAP IS ACCEPTABLE FOR RECORDATION THIS 26th DAY OF SEPTEMBER, 1979.

CR NELSON  
COUNTY SURVEYOR

### SIGNATURE OMISSIONS

- PURSUANT TO THE PROVISIONS OF SECTION 64436(C) OF THE SUBDIVISION MAP ACT THE FOLLOWING SIGNATURES HAVE BEEN OMITTED:
- STEARN'S RANCHO COMPANY, HOLDER OF A PRESERVATION EASEMENT RECORDED ON APRIL 18, 1901 IN BOOK 30, PAGE 274 OF DEEDS AND RECORDED APRIL 18, 1902 IN BOOK 30, PAGE 328 OF DEEDS.
  - SOUTHERN CALIFORNIA EDISON COMPANY, HOLDER OF AN EASEMENT RECORDED IN BOOK 1845, PAGE 118, E30N1845, PART 14 AND BOOK 1220, PAGE 847 OF OFFICIAL RECORDS.
  - COUNTY SANITATION DISTRICT NO. 2 OF ORANGE COUNTY, HOLDER OF AN EASEMENT RECORDED JANUARY 23, 1972 IN BOOK 1062 PAGE 356 AND RECORDED JULY 3, 1976 IN BOOK 1186, PAGE 1057 OF OFFICIAL RECORDS.
  - RESTRICTIONS COVERING THE FUTURE USE OF LAND AS DISCLOSED BY A STATEMENT FOR A REDEVELOPMENT PROJECT RECORDED BY THE CITY OF FOUNTAIN VALLEY ON DECEMBER 29, 1976 IN BOOK 1203, PAGE 210 OF OFFICIAL RECORDS.
  - CITY OF FOUNTAIN VALLEY, HOLDER OF AN EASEMENT RECORDED JUNE 7, 1977 IN BOOK 1281, PAGE 33, RECORDED SEPTEMBER 2, 1977 IN BOOK 1278, PAGE 551 RECORDED JUNE 15, 1979 IN BOOK 1300 PAGE 1116 OF OFFICIAL RECORDS.
  - EFFECT OF AN INDUSTRIAL DEPARTMENT AGREEMENT BETWEEN THE CITY OF FOUNTAIN VALLEY AND THE P.V. INVESTMENT COMPANY RECORDED JUNE 20, 1977 IN BOOK 1222, PAGE 321 OF OFFICIAL RECORDS.

### OWNERSHIP CERTIFICATE

BY THE UNDERSIGNED, JAY PANCHAL, SURVEYOR, I HAVE RECORDED THIS INSTRUMENT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 64436(C) OF THE SUBDIVISION MAP ACT, AND I HAVE RECORDED THIS INSTRUMENT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 64436(C) OF THE SUBDIVISION MAP ACT.

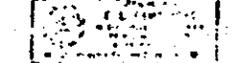
William J. Johnson  
VICE PRESIDENT

Don L. Mann  
SECRETARY

### NOTARY CERTIFICATE

STATE OF CALIFORNIA }  
COUNTY OF ORANGE }

ON THIS 17th DAY OF JANUARY, 1980, BEFORE ME, Laura Veleno, a Notary Public in and for the State of California, appeared William J. Johnson and Don L. Mann, who are the Vice President and Secretary, respectively, of the Pacific City Bank, the corporation that executed the within instrument and known to me to be the persons who executed the within instrument on behalf of said corporation and acknowledged to me that such corporation executed the same.



Laura Veleno  
NOTARY PUBLIC

EXHIBIT "A"

22166  
152 28  
PM 79-433

**BASIS OF BEARING.**  
THE BEARING OF N 0° 31' 50" W  
FROM THE INTERSECTION OF  
ARROW STREET AS SHOWN  
ON PARCEL MAP 81-14-13 REBUILT  
ON DRAWS 150-771, 151-1011A.

# PARCEL MAP 79-433

IN THE CITY OF FOUNTAIN VALLEY, COUNTY OF ORANGE, STATE OF CALIFORNIA.

PLANNED SUBDIVISION OF A PORTION OF THE NORTHEAST QUARTER OF SECTION 28 TOWNSHIP 5, RANGE 14, COUNTY OF ORANGE, CALIFORNIA, AS SHOWN IN BOOK 51, PAGE 17 OF THE PUBLIC RECORDS OF ORANGE COUNTY, STATE OF CALIFORNIA.

JAY PRINCIVAL, R.E. 16005 DATE OF SURVEY: SEPTEMBER, 1979

NORTHERLY LINE OF SECTION 28-5-10 OF NE 1/4 OF SECTION 28-5-10

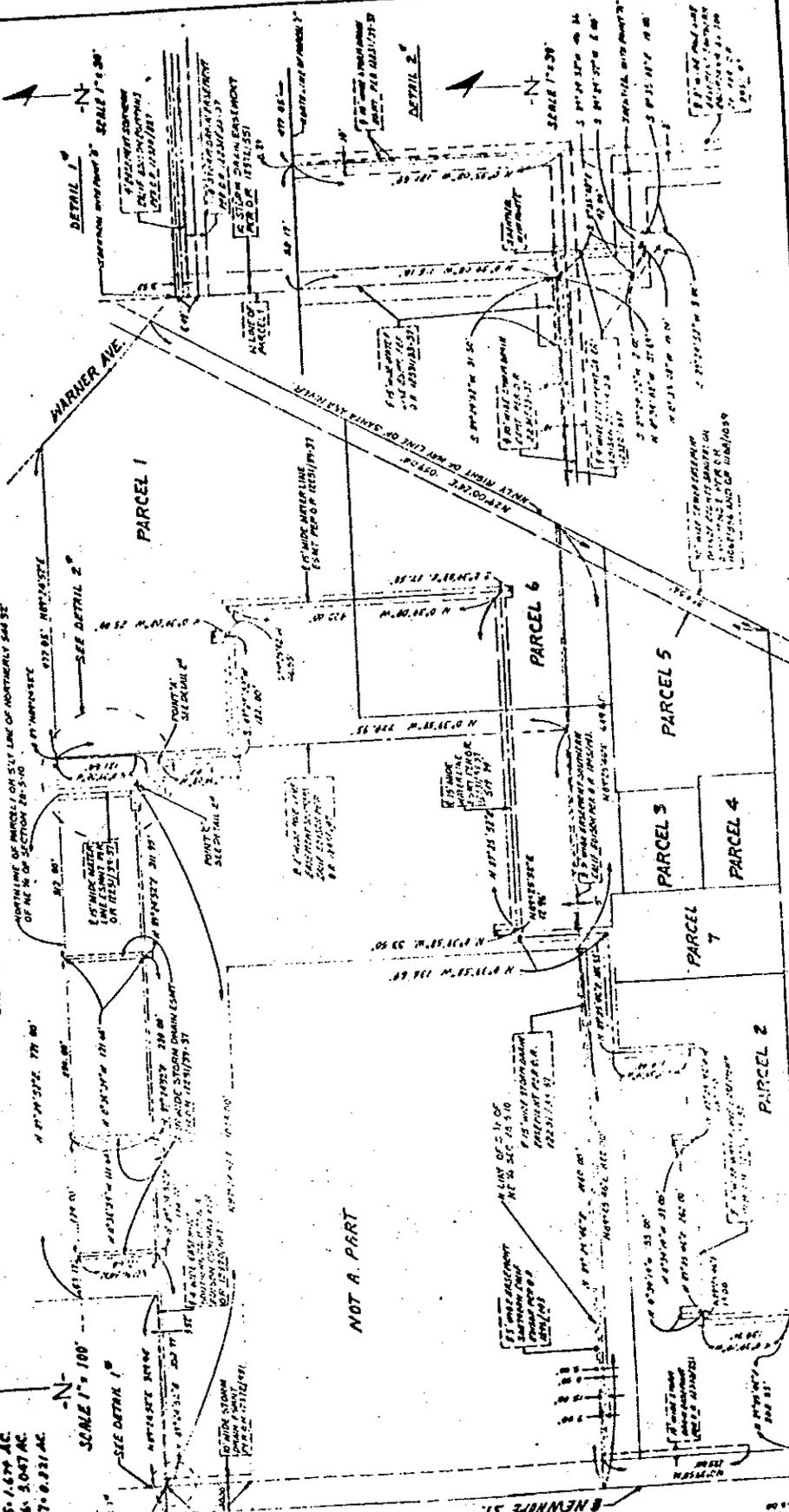
SHEET 4 OF 4 SHEETS  
7 PARCELS  
COLORED BORDER ALLENAGE = 28.312 ACRES

- PARCEL 1 = 17.510 AC.
- PARCEL 2 = 4.847 AC.
- PARCEL 3 = 0.443 AC.
- PARCEL 4 = 0.463 AC.
- PARCEL 5 = 4.679 AC.
- PARCEL 6 = 3.047 AC.
- PARCEL 7 = 0.231 AC.



SCALE 1" = 100'

SEE DETAIL 1



NOT A PART

BK 13532P6 81

EXHIBIT B

Schedule of Pro Rate Share of Common Area Expenses

Parcel No. 1	20.8%
Parcel No. 2	36.2%
Parcel No. 3	3.1%
Parcel No. 4	3.5%
Parcel No. 5	10.2%
Parcel No. 6	18.9%
Parcel No. 7	7.3%

... investment company.  
one within instrument & known to me to be the  
on behalf of said corporation, said  
Los Caballeros



Recording Requested By:

And When Recorded Return To

Los Caballeros Racquet & Sports Club  
22330 Hawthorne Blvd. Suite 212  
Torrance, CA 90505

SPACE ABOVE THIS LINE FOR RECORDER'S USE

EXHIBIT C FOR  
DECLARATION OF MAINTENANCE  
AND RECIPROCAL EASEMENTS

This Exhibit C is the original Exhibit C for the Declaration of Maintenance and Reciprocal Easements and is made this 21st day of April, 1986.

WITNESSETH:

Whereas, Los Caballeros Racquet & Sports Club, Ltd., a California limited partnership ("Declarant"), executed that certain Declaration of Maintenance and Reciprocal Easements (the "Declaration") dated November 14, 1979 and caused it to be recorded on March 13, 1980 in Book 13632 page 71, et seq., Official Records of Orange County, California and further executed those certain amendments thereto recorded March 22, 1984 as Instrument No. 84-118408 and August 9, 1984 as Instrument No. 84-330560 and 84-330561 of Official Records of Orange County, California.

Declarant in accordance with the provisions of 6.1(b) of said Declaration is filing an Exhibit C delineating the building pad configuration per the attachment hereto.

LOS CABALLEROS RACQUET & SPORTS CLUB, LTD.,  
a California limited partnership

By: UNIVERSAL SPORTS CONSULTANTS, a California  
partnership, general partner

By: U.S.C.I., a California corporation,

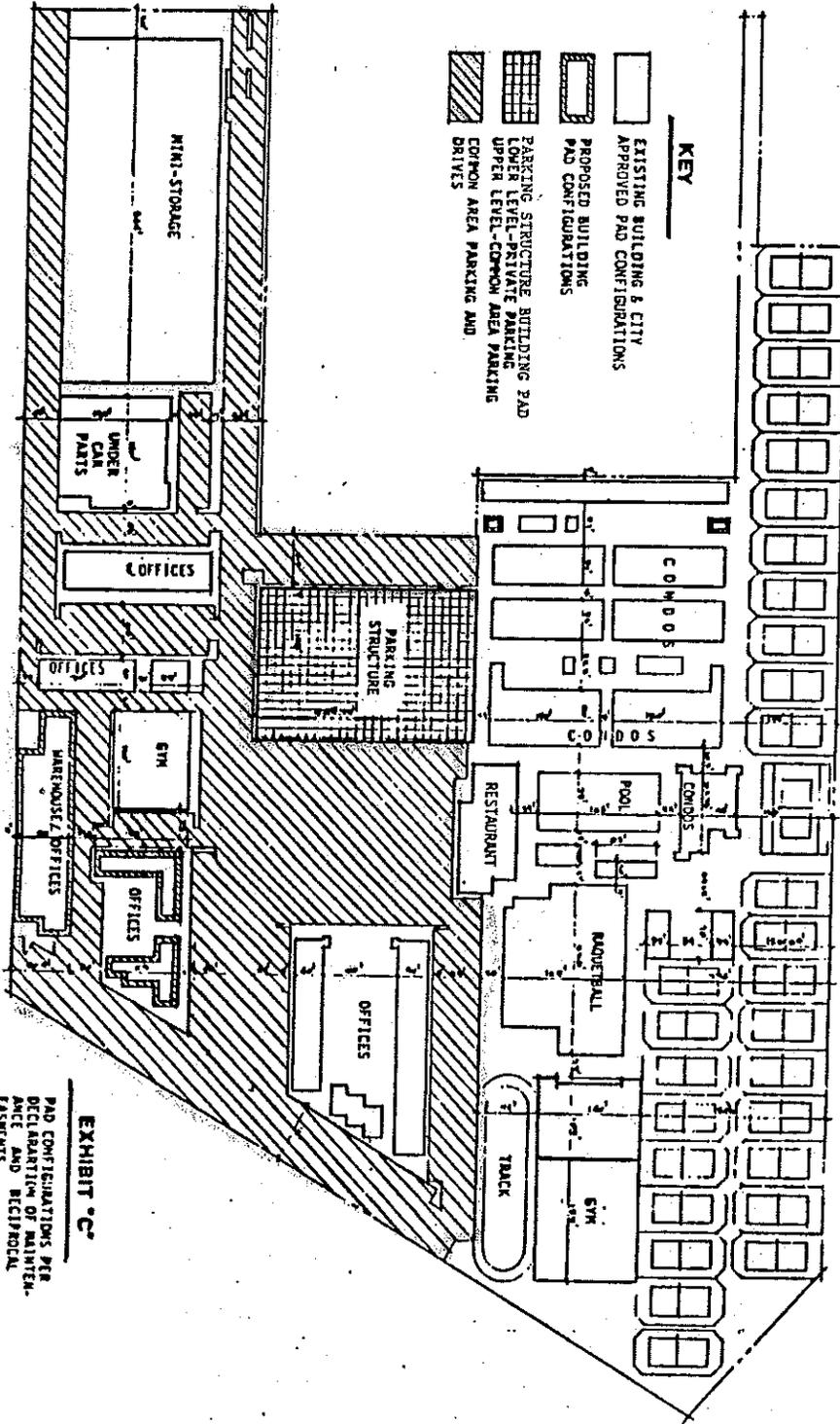
By: Jack C. Cameron  
Jack C. Cameron, President

By: Flora F. Nozaki  
Flora F. Nozaki, Assistant Sec'y

By: P.V. Investment Company, a California  
corporation, general partner

By: Jack C. Cameron  
Jack C. Cameron, President

By: Flora F. Nozaki  
Flora F. Nozaki, Assistant Sec'y



**EXHIBIT 'C'**  
 PAD CONFIGURATIONS PER  
 DECLARATION OF MAINTENANCE  
 AND RESIDUAL ASSESSMENTS

CONFORMED COPY  
Not Compared with Original  
ORANGE COAST TITLE  
And When Recorded Return To:

Please conform.

LOS CABALLEROS RACQUET & SPORTS CLUB  
22330 Hawthorne Boulevard, Suite #212  
Torrance, California 90505

\$11.00  
C15

88-381215  
8/4/88

Space Above This Line for Recorder's Use

DECLARATION OF AMENDMENT TO  
DECLARATION OF MAINTENANCE AND RECIPROCAL EASEMENTS  
FOR EXHIBIT B AND EXHIBIT C

The attached Exhibit B and Exhibit C replace all previous Exhibits B & C for the Declaration of Maintenance and Reciprocal Easements and is made this 25th day of July, 1988.

WITNESSETH

WHEREAS. Los Caballeros Racquet & Sports Club, Ltd., a California Limited Partnership ("Declarant"), executed that certain Declaration of Maintenance and Reciprocal Easements (the "Declaration") dated November 14, 1979 and caused it to be recorded on March 13, 1980 in Book 13632, Page 71, et seq., Official Records of Orange County, California and further executed those certain amendments thereto recorded March 22, 1984 as Instrument No. 84-118408, August 9, 1984 as Instrument Nos. 84-330560 and 84-330561, and April 30, 1986 as Instrument No. 86-172025 of Official Records of Orange County, California.

M-11199-5

Declarant in accordance with the provisions of 6.1.(b) of said Declaration is filing an Exhibit C delineating the building pad configuration per the attachment hereto and in accordance with Declarant's authority under Section 1.8 and 6.1(c) of said original Declaration, Exhibit B is hereby amended to substitute a new Exhibit B.

This amendment affects the following parcels in the City of Fountain Valley, Orange County, California:

The legal description is attached hereto and made a part hereof marked Exhibit A. Owned by Los Caballeros Racquet & Sports Club, Ltd.

LOS CABALLEROS RACQUET & SPORTS CLUB, LTD.  
A California Limited Partnership

BY: UNIVERSAL SPORTS CONSULTANTS,  
a California General Partnership,  
General Partner

By: U.S.C.I., a California Corporation  
General Partner

By: Jack C. Cameron  
JACK C. CAMERON, President

By: Flora Nozaki  
FLORA NOZAKI, Assistant Secretary

BY: P.V. INVESTMENT COMPANY,  
a California Corporation,  
General Partner

By: Jack C. Cameron  
JACK C. CAMERON, President

By: Flora Nozaki  
FLORA NOZAKI, Assistant Secretary

This document filed for record by Orange Coast Title Company as an accommodation only. It has not been examined as to its execution or as to its effect upon the title.

EXHIBIT "A"

Parcel A

Parcel 3, 4, 5, and 6 of Parcel Map No. 79-433, as per map filed in Book 142, Pages 26, 27, 28 and 29 of Parcel Maps, in the office of the County Recorder of said Orange County.

Parcel B

Parcels 1 through 40 inclusive of Parcel Map No. 81-437, as per map filed in Book 181, Pages 1 through 4 inclusive of Parcel Maps, in the Office of the County Recorder of said Orange County.

Parcel C

Parcels 1, 2, 3 and 4 of Parcel Map No. 83-437, as per map filed in Book 184, Pages 26 and 27 of Parcel Maps, in the Office of the County Recorder of said Orange County.

Parcel D

Parcels 1, 2, 4, and 5 of Parcel Map No. 84-436, as per map filed in Book 201, Pages 6, 7, 8 and 9 of Parcel Maps, in the Office of the County Recorder of said Orange County.

Parcel E

Parcel 1 of Parcel Map 85-429, as per map filed in Book 213, Pages 1 and 2 of Parcel Maps, in the office of the County Recorder of said Orange County.

STATE OF CALIFORNIA

COUNTY OF Los Angeles

On July 28, 1988 before me, the undersigned, a Notary Public in and for said County and State, personally appeared Jack C Cameron, known to me to be the President, and Flora Nozaki, known to me to be the Assistant Secretary of U.S.C.I., a California corporation; and Jack C Cameron known to me to be the President, and Flora Nozaki known to me to be the Assistant Secretary

of P.V. Investment Company, a California corporation, the corporations that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of said corporations, and acknowledged to me that said corporations executed the within instrument pursuant to their bylaws or resolutions of Boards of Directors; said corporations being known to me to be the General Partners of Universal Sports Consultants, a California General Partnership; the General Partner that executed the within instrument, and that such General Partnership executed the same as General Partner of Los Caballeros Racquet & Sports Club, Ltd. a California Limited Partnership, and that such Limited Partnership executed the same.

WITNESS MY HAND AND OFFICIAL SEAL:

Teresa L Cameron  
Notary Public in and for said County and State

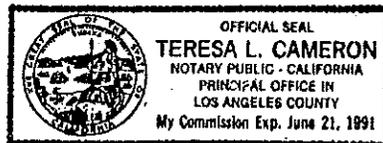


EXHIBIT "B"

PARCEL MAP NO. 79-433

PRO-RATA SHARE OF COMMON AREA EXPENSES

Parcel 3	(Anva-Volleyball)	3.1%
Parcel 4	(Yardley Bldg.)	3.5%
Parcel 5	(Speedsoccer-Cameron Center)	10.2%
Parcel 6	(Plaza del Lago)	0.0%

PARCEL MAP NO. 81-437

Parcels 1-40	(44 Units)	4.0%
--------------	------------	------

PARCEL MAP NO. 83-437

Parcel 1	(Mini-Storage)	23.1%
Parcel 2	(Cookie Shop)	10.1%
Parcel 3	(Hess Center)	3.0%
Parcel 4	(Marinacci Bldg.)	7.3%

PARCEL MAP NO. 84-436

Parcel 1	(Club, Tennis Court, etc)	21.7%
Parcel 2	(84 Units & Parking structure)	6.0%
Parcel 4	(Restaurant)	4.0%
Parcel 5	(Clubhouse-Corridos)	2.0%

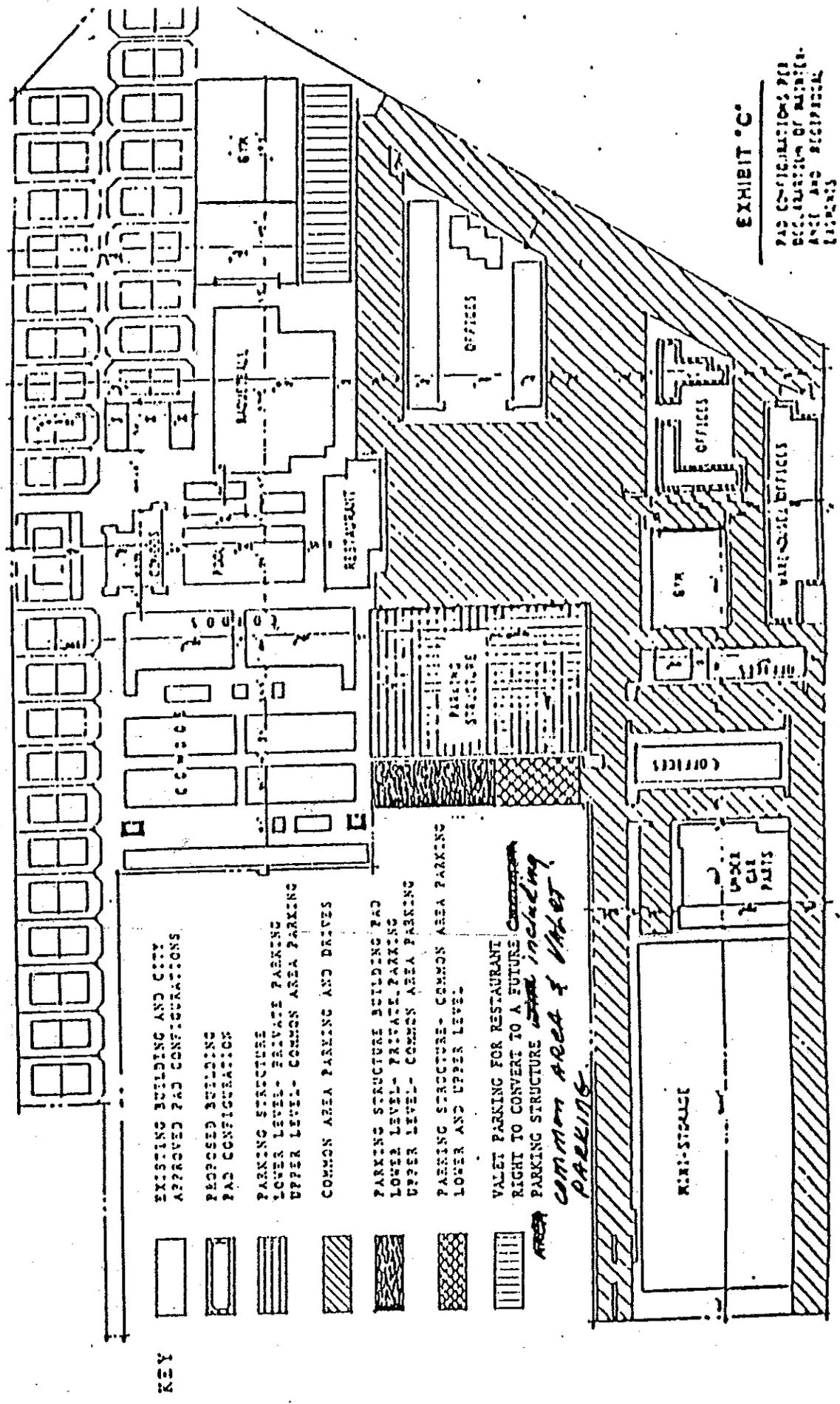
PARCEL MAP NO. 85-429

Parcel 1	(21 Units)	2.0%
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EXHIBIT 'C'

PAD CONFIGURATIONS FOR  
RECONSTRUCTION OF BUILDING  
AND RECEIVING  
STAIRS

6-16-88



- KEY**
- EXISTING BUILDING AND CITY APPROVED PAD CONFIGURATIONS
  - PROPOSED BUILDING PAD CONFIGURATION
  - PARKING STRUCTURE LOWER LEVEL - PRIVATE PARKING
  - PARKING STRUCTURE UPPER LEVEL - COMMON AREA PARKING
  - COMMON AREA PARKING AND DRIVES
  - PARKING STRUCTURE BUILDING PAD LOWER LEVEL - PRIVATE PARKING
  - PARKING STRUCTURE UPPER LEVEL - COMMON AREA PARKING
  - PARKING STRUCTURE - COMMON AREA PARKING LOWER AND UPPER LEVELS
  - VALET PARKING FOR RESTAURANT RIGHT TO CONVERT TO A FUTURE COMMON AREA PARKING STRUCTURE *including* COMMON AREA & VALET PARKING



# RECIPROCAL EASEMENT AGREEMENT

## Exhibit "B"

### Parcel Map No. 79-433

### Pro-Rata Share of Common Area Expenses

Parcel 3	Newhope Gymnastics/Dance	3.1% (17270 Newhope Street)
Parcel 4	Yardley Companys	5.6% (17260 Newhope Street)
Parcel 5	Cameron Center (vacant lot)	8.1% (17250 Newhope Street)
Parcel 6	Plaza del Lago Office Complex	0.0% (17220 Newhope Street)

### Parcel Map No. 81-437

Parcels 1-40	44 Condo Units (HOA #1)	4.0% (17200 Newhope Street)
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### Parcel Map No. 83-437

Parcel 1	Public Storage	23.1% (17300 Newhope Street)
Parcel 2	CLS Fabrication	10.1% (17290 Newhope Street)
Parcel 3	Orange County Mortgage	3.0% (17284 Newhope Street)
Parcel 4	Tom Minahan/Office Complex	7.3% (17280 Newhope Street)

### Parcel Map No. 84-436

Parcel 1	Club, Tennis Courts, etc.	21.7% (17272 Newhope Street)
Parcel 2	84 Condo Units & Pkg Structure (HOA#1)	6.0% (17200 Newhope Street)
Parcel 4	Banquet-Mastroianni/Restaurant-Nguyen	4.0% (17272 Newhope Street)
Parcel 5	Clubhouse Condos (HOA #2)	2.0% (17210 Newhope Street)

### Parcel Map No. 85-429

Parcel 1	21 Condo Units (HOA #1)	2.0% (17200 Newhope Street)
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# LOS CABALLEROS SPORTS VILLAGE

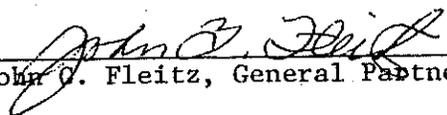
06/16/88

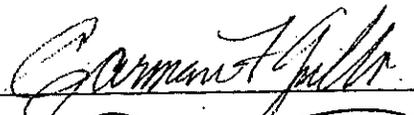
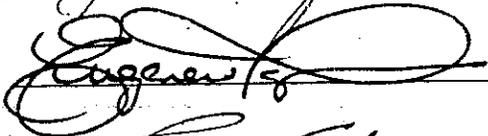
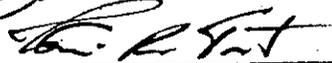
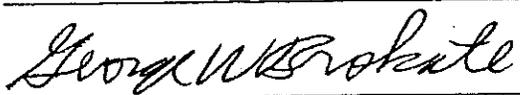
## SUMMARY AGREEMENT IN ACCORDANCE WITH REVISED EXHIBIT C DATED 06/16/88

1. Convert 30 common area ground level parking spaces to assigned parking spaces (west of parking structure and next to Herrmann property). Of the 30 converted parking spaces, there will be an excess of 6 spaces which Los Caballeros Racquet & Sports Club will sell.
2. Convert track to valet parking for the restaurant.
3. Add 60 feet (+/-) to the west end of the parking structure, adding approximately 50 conventional common area parking spaces.
4. Eliminate all past cross billings between Los Caballeros Racquet & Sports Club and Plaza del Lago Owners Association ("Association").
5. Revise the percentages of the pro-rata share of common area expenses as per the Reciprocal Easement Agreement reflecting no charges to the Association, including sealing and striping of the original parking lot before 10/15/88.
6. It is understood that if a problem arises concerning the efficacy of the common area parking that the Plaza del Lago Owners Association has full right to appeal to the City of Fountain Valley to convert the track area to common area parking, per any applicable prior agreements.
7. Subject to approval of Association Owners in accordance with Association By-Laws,

LOS CABALLEROS RACQUET & SPORTS CLUB, LTD.

PLAZA DEL LAGO OWNERS ASSOCIATION

  
\_\_\_\_\_  
John C. Fleitz, General Partner

  
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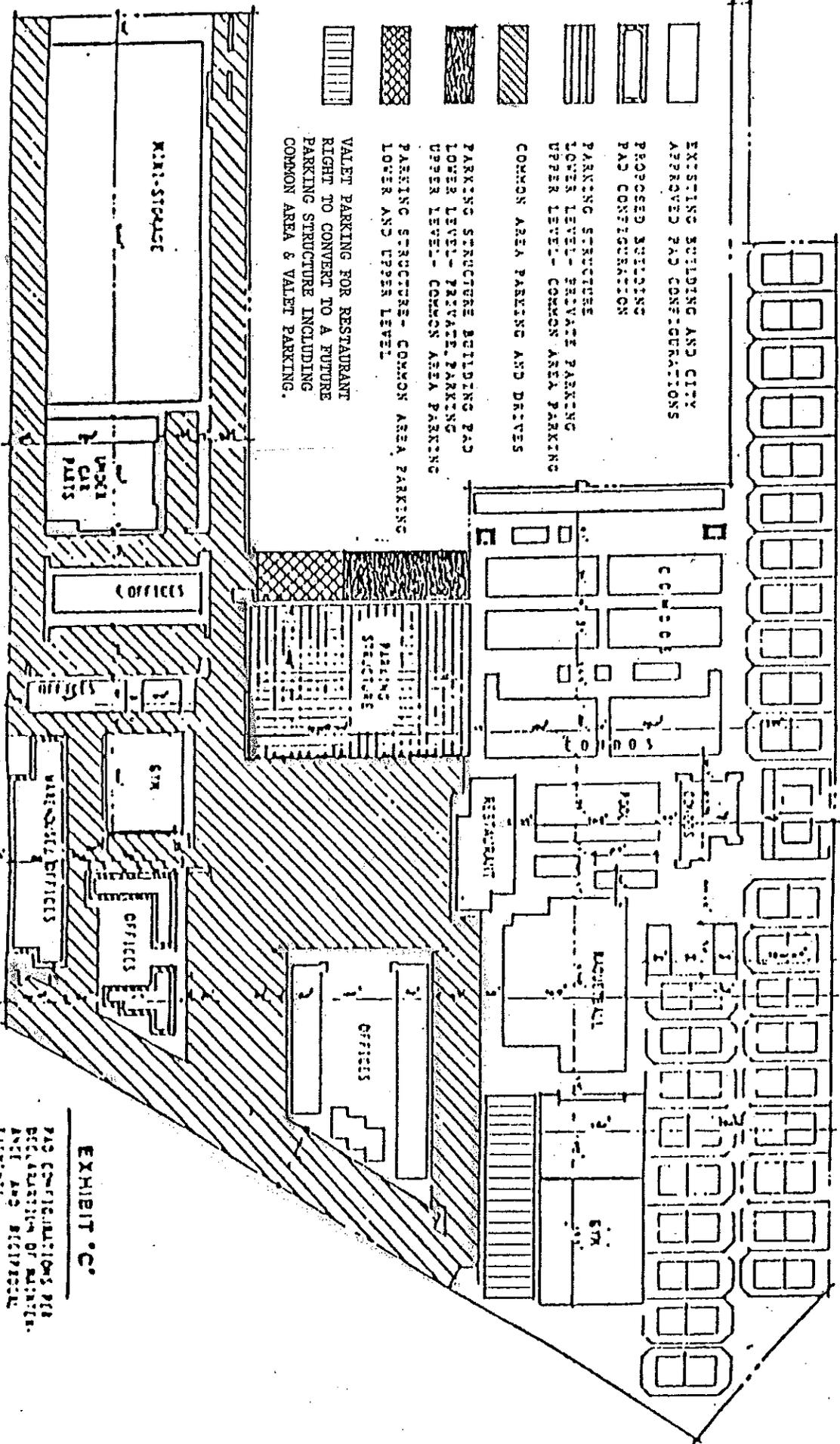
17272 Newhope Street • Fountain Valley, California 92708-9971

*Racquet & Sports Club*  
546-8560

*Club Villas*  
557-1376

*Village Inn*  
546-7862

*Players Club*  
546-8560



-  EXISTING BUILDING AND CITY APPROVED PAD CONFIGURATIONS
-  PROPOSED BUILDING PAD CONFIGURATION
-  PARKING STRUCTURE LOWER LEVEL - PRIVATE PARKING
-  PARKING STRUCTURE UPPER LEVEL - COMMON AREA PARKING
-  COMMON AREA PARKING AND DRIVES
-  PARKING STRUCTURE BUILDING PAD LOWER LEVEL - PRIVATE PARKING
-  PARKING STRUCTURE BUILDING PAD UPPER LEVEL - COMMON AREA PARKING
-  PARKING STRUCTURE - COMMON AREA PARKING LOWER AND UPPER LEVEL
-  VALET PARKING FOR RESTAURANT RIGHT TO CONVERT TO A FUTURE PARKING STRUCTURE INCLUDING COMMON AREA & VALET PARKING.

MINI-STORAGE

LOCKER & CAR PLATS

OFFICES

OFFICES

STN

WAREHOUSE OFFICES

OFFICES

OFFICES

RESTAURANT

LOBBY

STN

**EXHIBIT 'C'**

PAD CONFIGURATIONS PER REGISTRATION OF MASTER PLAN AND RECORD DRAWINGS

06/16/88

## APPENDIX F – NON-RESIDENTIAL INTENSITY ANALYSIS

The following table provides a breakdown of the existing and permitted non-residential intensities in the Specific Plan. The maximum overall non-residential intensity for the Specific Plan, as expressed in Floor Area Ratio (FAR), is .52. The maximum FAR for each parcel is described by Planning Area and expresses existing conditions and the potential additional building area.

*Non-Residential Intensity Analysis*

Planning Area	Land Use	Existing Conditions				Permitted Buildout Conditions		
		Parcel Size (acres)	Sq Ft. of parcel	Sq. Ft. of Existing Buildings	Existing FAR	Max FAR in SP	Total Sq. Ft. of buildings if Max FAR from SP applied	Additional Square Footage using Max FAR from SP
A	Los Caballeros Sports Club	13.202	575,079.12	190,389	0.33	0.50	287,539.56	97,150.56
C	Office (Plaza Del Lago)	3.047	132,727.32	41,520	0.31	0.35	46,454.56	4,934.56
D	Manufacturing (Yardley)	0.953	41,512.68	26,500	0.64	0.65	26,983.24	483.24
E	Gym	0.444	19,340.64	16,439	0.85	0.85	16,439.54	0.54
F	Office	0.821	35,762.76	14,000	0.39	0.40	14,305.10	305.10
G	Storage/Office	0.358	15,594.48	12,000	0.77	0.80	12,475.58	475.58
H	Vacant	1.175	51,183.00	25,000	0.49	0.50	25,591.50	591.50
I	Manufacturing	1.213	52,838.28	19,800	0.37	0.40	21,135.31	1,335.31
J	Public Storage	2.780	121,096.80	86,000	0.71	0.75	90,822.60	4,822.60
<b>Totals</b>		<b>23.993</b>	<b>1,045,135.08</b>	<b>431,648</b>	<b>0.41</b>	<b>0.52</b>	<b>541,747.01</b>	<b>110,099.01</b>

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**APPENDIX G – ADOPTING CITY  
COUNCIL ORDINANCE NO. 1361**

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ORDINANCE NO. 1361

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY APPROVING CODE AMENDMENT NO. 03-01 ESTABLISHING THE WARNER/NEWHOPE SPECIFIC PLAN FOR THE APPROXIMATELY 37 ACRE AREA GENERALLY LOCATED AT EAST OF NEWHOPE STREET, SOUTH OF WARNER AVENUE, AND WEST OF THE SANTA ANA RIVER.

WHEREAS, the City of Fountain Valley has initiated Code Amendment No. 03-01 to establish a Specific Plan for the approximately 37 acre area site located east of Newhope Street, south of Warner Avenue, and west of the Santa Ana River; and

WHEREAS, the Fountain Valley Planning Commission on August 25, 2004, held a public hearing regarding this matter and adopted Resolution No. 04-28 recommending approval of the Warner/Newhope Specific Plan; and

WHEREAS, a public hearing was conducted by the City Council on September 21, 2004, at which time interested persons had an opportunity to testify in support or opposition to the proposal.

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

SECTION 1: - An Initial Study and a Mitigated Negative Declaration were prepared pursuant to the provisions of the California Environmental Quality Act (CEQA). The Mitigated Negative Declaration was circulated for public review from July 8, 2004 through July 29, 2004. The Mitigated Negative Declaration included a Mitigation Monitoring Program, which outlines mitigation measures to be incorporated into the project to eliminate or reduce potential project impacts to a level of insignificance.

Thirteen (13) individuals submitted comments regarding the draft Mitigated Negative Declaration during the public review period. Responses to those comments were prepared. Copies of the Response to Comments were provided to individuals who submitted comments during the public review period and to the Planning Commission.

On August 25, 2004, the Fountain Valley Planning Commission conducted a public hearing to review and consider the Mitigated Negative Declaration, including all comments received and responses to those comments. The Planning Commission adopted Resolution No. 04-25 approving the Mitigated Negative Declaration and Mitigation Monitoring Program by finding the proposed mitigation measures will eliminate or reduce environmental impacts created by the project to a level of insignificance.

1361

A copy of the Mitigated Negative Declaration, together with all comments, the Response to Comments document, and public input pertaining there to, have been provided to the City Council for their review and consideration. The City Council has reviewed and considered the environmental record and documentation pertaining to this project prior to rendering its decision.

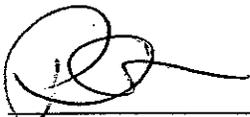
SECTION 2: - The City Council hereby finds that the proposed Specific Plan area described precisely hereunder in Section 3 would provide for the orderly growth in the City in a manner consistent with Specific Plan land use designation of the General Plan.

SECTION 3: - The City Council hereby adopts the Specific Plan marked Exhibit "A" for the 37 acre area generally located property situated generally the northwest corner of east of Newhope Street, south of Warner Avenue, and east of the Santa Ana River be approved. The proposed Specific Plan boundaries and acreage are depicted on the exhibit attached hereto and made a part of this resolution by reference. That exhibit is marked Exhibit "B", Specific Plan, for identification.

SECTION 4: - 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 5<sup>th</sup> DAY OF OCTOBER, 2004.

ATTEST:



City Clerk



Mayor

APPROVED AS TO FORM:



City Attorney

1361

## EXHIBIT "A"

### LEGAL DESCRIPTION

Lot 1 of Tract No. 11427 in the City of Fountain Valley, in the County of Orange, State of California, as shown on a map filed in Book 488, Pages 13 through 15, inclusive, of Miscellaneous Maps in the office of the County Recorder of said County; Lot 1 of Tract No. 12836 as shown on a map filed in Book 579, Pages 38 and 39, of said Miscellaneous Maps; Parcel 3 of Parcel Map No. 79-433 as shown on a map filed in Book 142, Pages 25 through 28, inclusive, of Parcel Maps in said office of the County Recorder; Parcels 1 through 40, inclusive, of Parcel Map No. 81-437 as shown on a map files in Book 181, Pages 1 through 4, inclusive, of said Parcel Maps; Parcels 1 through 4, inclusive, of Parcel Map No. 83-437 as shown on a map filed in Book 184, Pages 26 and 27, of said Parcel Maps; Parcels 1 through 5, inclusive, of Parcel Map No. 84-436, as shown on a map filed in Book 201, Pages 6 through 9, inclusive, of said Parcel Maps; Parcel 1 of Parcel Map No. 85-429 as shown on a map filed in Book 213, Pages 1 and 2, of said Parcel Maps; and Parcels 1 and 2 of Parcel Map No. 86-433 as shown on a map filed in Book 247, Pages 23 through 25, inclusive, of said Parcel Maps, described as a whole follows:

Beginning at the southeast corner of Parcel No. 1 of said Parcel Map No. 86-433; thence westerly along the southerly line of said Parcel 1, the southerly line of Parcels 1,2,3, and 4 of said Parcel Map No. 83-437 to the southeast corner of Parcel 1 of said Parcel Map No. 83-437; thence northerly along the westerly line of said Parcel 1 to the Southwesterly corner of Parcel 1 of said Parcel Map No. 84-436; thence northerly, easterly and northerly along the boundary of said Parcel 1 to the southeast corner of Parcel 1 of said Parcel Map No. 85-429; thence westerly and northerly along the southerly and westerly lines of said Parcel 1 to the boundary of Parcel 1 of said Parcel Map No. 84-436; thence westerly, northerly, easterly, northerly and easterly along said boundary to the southwest corner of Lot 1 of said Tract No. 12836; thence northerly, easterly and southerly along the westerly, northerly and easterly lines of said lot to the boundary of Parcel 1 of said Parcel map No. 84-436; thence easterly, southeasterly and southwesterly along said boundary to the easterly corner of Lot 1 of said Tract No. 11427; thence southwesterly along the southeasterly line of said Lot 1 to the southeast corner of said lot; thence southwesterly along

the southeasterly lines of Parcel 2 and Parcel 1 of said Parcel Map No. 86-433 to the Point of Beginning.

As shown on Exhibit B attached hereto and by this reference made a part thereof.

Jeremy L Evans

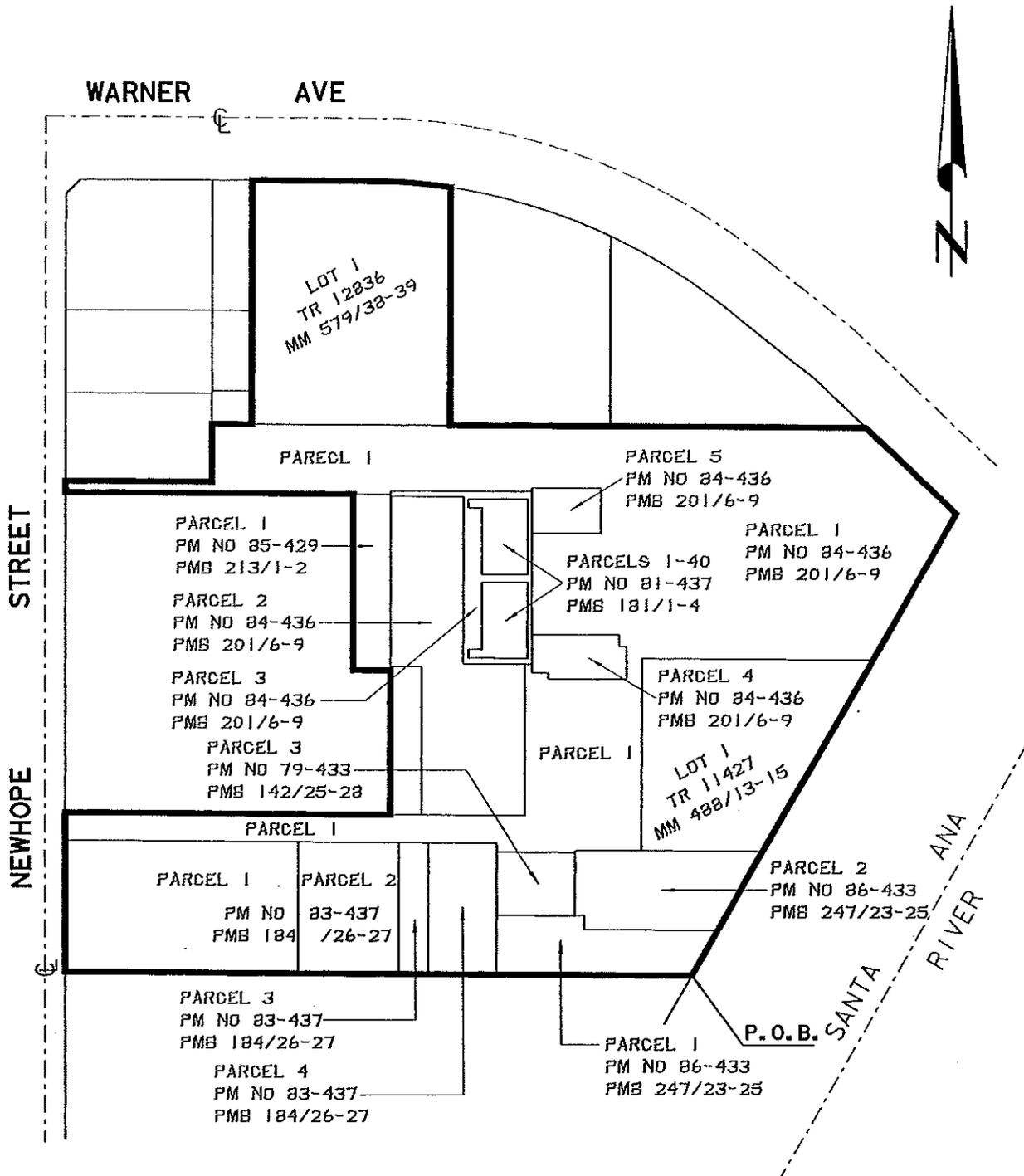
Jeremy L. Evans, P.L.S. 5282

License Expires: 9/30/04

Date: 6-10-2003



# EXHIBIT "B"



DESCRIPTION: Warner/Newhope Specific Plan Project Boundaries	CLIENT NAME: ADDRESS: City of Fountain Valley 10200 Slater Avenue Fountain Valley, CA 92708-4736	DATE: MAY 20, 2003
		SCALE: 1" = 300'
PREPARED BY: <b>PSOMAS</b> <small>3187 Red Hill Avenue, #250          Costa Mesa, California 92626          714/751-7373          714/545-8883 (Fax)</small>		DRAFTED: RTN
		CHECKED: DMC
		JOB NUMBER: 2TPC0112

STATE OF CALIFORNIA        }  
COUNTY OF ORANGE        } ss.  
CITY OF FOUNTAIN VALLEY   }

I, **Randi Johl**, **City Clerk** of the City of Fountain Valley, do hereby certify that the foregoing Ordinance No. 1361 was regularly introduced to the Council at its regular meeting held on the 21<sup>th</sup> day of **September 2004**, and was again introduced at its regular meeting held on the 5<sup>th</sup> day of **October 2004**, and was at said meeting regularly passed and adopted by the Council by the following roll call vote, to wit:

AYES:           Council Members: Ayer, Brothers, Collins, Crandall, Carrozzo  
NAYES:          Council Members: None  
ABSENT:         Council Members: None  
ABSTAIN:        Council Members: None



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**City Clerk**

**1361**