MEETING ASSISTANCE: In compliance with the Americans with Disabilities Act, anyone needing special assistance to participate in a meeting of the government bodies listed herein should contact the City Clerk’s Office at (714) 593-4445. Notification 72 hours prior to the meeting allows the City to make reasonable arrangements to ensure accessibility to the meeting.

AGENDA COMMUNICATIONS: All revised or additional documents and writings related to an item on this agenda provided to all or a majority of the government body members after distribution of the agenda packet, are available for public inspection (1) in the City Clerk’s Office at 10200 Slater Avenue, Fountain Valley, CA 92708 during normal business hours; and (2) in the Council Chambers at the time of the meeting. Unless directed otherwise by a government body listed herein all actions shall be based on/memorialized by the latest document submitted as a late communication.

PUBLIC COMMENTS/PUBLIC HEARINGS: Persons wishing to address the City Council or other government body listed complete a speaker card and give it to the City Clerk prior to the public comment period. Requests to speak will not be accepted after the public comment session begins without permission of the Mayor/Chair. Speakers must limit remarks to a total of (3) three minutes and address the City Council through the Mayor. Comments to individuals or staff are not permitted. Scheduled Matters, including Public Hearings: Indicate on the card what item you want to address. Unscheduled Matters: Indicate on the card what subject matter you want to address. Comments must be related to issues that are within the jurisdiction of the governing body listed on the agenda. Pursuant to the Brown Act, the governing body may not enter into discussion regarding items not on the agenda.

CONSENT CALENDAR: All matters listed under the Consent Calendar are considered by the governing bodies listed herein to be routine and will be enacted on simultaneously with one motion without discussion unless separate action and/or discussion is requested by a governing body member, staff, or a member of the public.

PUBLIC HEARINGS: Persons wishing to speak in favor of or in opposition to a proposal are given an opportunity to do so during the public hearing. Those wishing to address a governing body during the hearing are requested to complete the speaker card and submit it to the City Clerk prior to the hearing. If a proposed action is challenged in court, there may be a limitation to
raising only those issues raised during the hearing or in written correspondence received by the governing body at or before the hearing.

*Note: The Fountain Valley City Council serves as the Successor Agency to the Fountain Valley Agency for Community Development (Successor Agency), the Fountain Valley Housing Authority, and the Fountain Valley Finance Authority. The Actions of the Successor Agency are separate and apart from the actions of the City Council.*

**CLOSED SESSION**

**CALL TO ORDER**

4:30 p.m.

**PUBLIC COMMENTS**

(Closed Session matters only)

Persons wishing to speak on a Closed Session matter are requested to identify themselves by completing a blue speaker card indicating the item they want to address and to give the card to the City Clerk prior to the public comment period.

1. **CONFERENCE WITH LABOR NEGOTIATORS**

   Pursuant to Government Code §54957.6.

   **Agency Designated Representatives:** City Manager, Rob Houston; Assistant to the City Manager, Maggie Le; Finance Director, Jennifer Lampman; Budget Analyst, David Faraone; Human Resources Director, Chelsea Phebus; Attorney for the City, Colin Burns.

   **Employee Organizations:** Police Officers' Association (POA), Police Officers' Management Unit (POMU), Fountain Valley Firefighters Association (FVFA), Individually Represented Battalion Chiefs (BCs), Fountain Valley Municipal Employees Association (Field Services), Fountain Valley General Employees Association (FVGEA), Professional and Technical Employees (P&T), Individually Represented Professional and Technical Employees (IRP&T), and Administrative Officers.

**STUDY SESSION**

**CALL TO ORDER**

Immediately Following Closed Session

**PUBLIC COMMENTS**

(Study Session matters only)

Persons wishing to speak on a Study Session matter are requested to identify themselves by completing a blue speaker card indicating the item they want to address and to give the card to the City Clerk prior to the public comment period. The City Clerk will call upon those that wish to speak.

2. **Community Services Department Review and Proposed Community Access Rental Program – Presented by Community Services Director Rob Frizzelle**
OPEN SESSION

CALL TO ORDER 6:00 p.m.

INVOCATION

SALUTE TO THE FLAG Mayor Pro Tem Patrick Harper

CITY COUNCIL/SUCCESSOR AGENCY/HOUSING AUTHORITY/ ROLL CALL

Council Members: Bui, Constantine, Grandis, Mayor Pro Tem/Vice Chair Harper, Mayor/Chair Vo

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS

PRESENTATIONS

- Community Services Department Awards (California Parks and Recreation Society) and National Recognition in Recreation Management Magazine; Presented by Recreation Coordinator Jake Hopkins

- Presentation on the San Luis Fire and Special Recognition of a local hero, Maria Garcia – Presentation by Ron Cookston, Fire Chief

PUBLIC COMMENTS (Scheduled Matters Only)

Persons wishing to speak on Agenda item(s) are requested to identify themselves by completing a blue speaker card indicating the item they want to address and to give the card to the City Clerk prior to the public comment period. Each person will be given up to 3 minutes to speak on the entire Consent Calendar, 3 minutes to speak on each item pulled from the consent calendar, and 3 minutes to speak on any agendized item(s) not appearing on the Consent Calendar.

CONSENT CALENDAR

Consent Calendar Items 3 – 8 will be approved simultaneously with one motion, unless separate action/or discussion is requested.

3. Receive and File the Draft Minutes of the March 2, 2021 Regular City Council Meeting Page 6

4. Vacation of Waterline Easement Page 12

Approve the Resolution for water line easement vacation as a separate instrument to the record map, Parcel Map No. 87-182 for 11460 Warner Ave, Coastline Community College
5. **RESOLUTION FOR PREFERENTIAL PERMIT PARKING FOR SIX HOLIDAYS 2021** Page 19

6. **Housing Element Progress Report** Page 38

   Review the Housing Element Annual Progress Report and authorize the City Manager to forward it to the California Department of Housing and Community Development and the Governor's Office of Planning and Research Prior to the April 1, 2021 deadline.

7. **Second Reading and Adoption of an Ordinance Increasing the Thresholds for Informal Bidding Under the Uniform Construction Cost Accounting Act** Page 65

   Staff recommends that the City Council adopt the attached Ordinance.

8. **Purchase of a Bauer Verticon air bottle filling station for the amount of $55,456.90** Page 75

   Staff recommends the City Council approve Alternative No. 1, which is authorization to 1) purchase a Bauer Verticon air bottle filling station for the amount of $55,456.90, 2) utilize capital funding in the amount $41,000 allocated for the replacement, and 3) amend the FY 2020/21 budget in the amount of $14,456.90 to allow for the current day replacement cost of the system.

**PUBLIC HEARINGS**

Each person will have up to 3 minutes to speak on each Public Hearing.

9. **Moiola Park Residences General Plan Amendment 20-01, Zoning Map Amendment 431, MND and MMRP (Presentation by Steven Ayers, Principal Planner)** Page 82

   Approve the attached Resolution approving the MND and MMRP, approve the attached Resolution approving GPA 20-01 to change the land use designation of the Project site from Public Facilities and Park to Low Density Residential, Low Medium Density Residential, and Park, and introduce the attached Ordinance approving ZMA 431 to change the zoning for the Project site from PI-Public Institution to R1-Single-Family Residential, GH-Garden Homes, and P/OS-Parks and Open Space with a Planned Development (PD) Overlay for an increase in the maximum lot coverage from 30% to 33% in the GH zone, an increase of the 2nd to 1st story ratio for lot 10 in the R1 zone from a maximum 70% to 97%, and the allowance of tandem garages in Plans 3 and 4 in both the R1 and GH zones.

**ADMINISTRATIVE ITEMS**

10. **Special Capital Improvement Projects for Council Consideration**
   a. Police Station Locker Room Modernization/ Improvement Project
   b. Fire Station 1 Modernization/Improvement Project
   c. City Hall Remodel/Renovation
   (Presentation by Rob Houston, City Manager) Page 416
Staff recommends the City Council approve Alternative No. 1, which is provides direction to staff on prioritizing Capital Reserve funds for the Police Station Locker, Fire Station 1 remodel, and City Hall renovation.

11. **Recommended Position Reclassifications (Presentation by Rob Houston, City Manager)**
Page 421

Staff recommends approving Alternative No.1: Approve the Staffing Adjustments proposed for a net budget savings of $34,993.

**COUNCIL MEMBER ITEMS FOR FUTURE CONSIDERATION**

**CITY COUNCIL/ SUCCESSOR AGENCY/ HOUSING AUTHORITY/ PUBLIC COMMENTS**
(Unscheduled Matters Only)

*Persons wishing to speak on an unscheduled matter are requested to identify themselves by completing a blue speaker and to give the card to the City Clerk. Each person will have up to 3 minutes to speak. The City Clerk will call upon those that wish to speak.*

**CITY COUNCIL/SUCCESSOR AGENCY/HOUSING AUTHORITY AB 1234/GENERAL COMMENTS**

**ADJOURN THE MEETING OF THE CITY COUNCIL/SUCCESSOR AGENCY/HOUSING AUTHORITY**

The next Regular Meeting of the Fountain Valley City Council is April 6, 2021 at 6:00 p.m., in the Fountain Valley Council Chambers, 10200 Slater Avenue, Fountain Valley.
CLOSED SESSION

CALL TO ORDER

4:00 p.m.

PUBLIC COMMENTS

(Closed Session matters only)

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: (1) Fountain Valley Sports Park Field A
City Negotiators: Rob Houston, City Manager; Rob Frizzelle, Community Services Director, Colin Burns, Attorney for the City Negotiating Parties: Fountain Valley and Goals Soccer Center
Under negotiation: Price and terms of payment

No reportable Action

2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Section 54956.9)
Name of case: FPPC v. Fountain Valley (Case No. 16/20109)

The Attorney for the City was given settlement authority by a 3-2 vote, with Mayor Vo and Council Member Bui voting no.

3. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code §54957.6.

Agency Designated Representatives: City Manager, Rob Houston; Assistant to the City Manager, Maggie Le; Finance Director, Jennifer Lampman; Budget Analyst, David Faraone; Human Resources Director, Chelsea Phebus; Attorney for the City, Colin Burns.

Employee Organizations: Police Officers' Association (POA), Police Officers' Management Unit (POMU), Fountain Valley Firefighters Association (FVFA), Individually Represented Battalion Chiefs (BCs), Fountain Valley Municipal Employees Association (Field Services), Fountain Valley General Employees Association (FVGEA), Professional and Technical Employees (P&T), Individually Represented Professional and Technical Employees (IRP&T), and Administrative Officers.

No reportable Action
STUDY SESSION

CALL TO ORDER 5:35 p.m.

PUBLIC COMMENTS (Study Session matters only)

There were no public comments.

1. Legislative Monitoring Program Policy – Presentation by Maggie Le, Assistant to the City Manager

   Maggie Le presented the current Legislative Monitoring Program Policy to the City Council.

OPEN SESSION

CALL TO ORDER 6:00 p.m.

INVOCATION Council Member Ted Bui

SALUTE TO THE FLAG Council Member Glenn Grandis

CITY COUNCIL/SUCCESSOR AGENCY/HOUSING AUTHORITY/ ROLL CALL

Council Members Present: Bui, Constantine, Grandis, Mayor Pro Tem/Vice Chair Harper, Mayor/Chair Vo
Council Members Absent: None

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS

None

PRESENTATIONS

• Youth and Adult Sports Reopening Guidelines - Presentation by Community Services Supervisor Brian Karr

   Brian Karr presented the Youth and Adult Sports reopening guidelines to the City Council.

• Presentation of the Arbor Day Proclamation Presented by Mayor Vo

   Mayor Vo presented a proclamation honoring Arbor Day. Public Works staff showed a video on Arbor Day.

• General Plan Land Use – Presentation by Brian James, Planning / Building Director

   Brian James gave a brief presentation on the General Plan Land Use.
PUBLIC COMMENTS (Scheduled Matters Only)

City Manager Rob Houston gave a brief update to the City Council in relation to the Boomers site in Fountain Valley.

CONSENT CALENDAR

Consent Calendar Items 5 - 7 were approved simultaneously with one motion, unless separate action/or discussion is requested.

5. Receive and File the Draft Minutes of the February 16, 2021 Regular City Council Meeting

ACTION: Move to approve the Draft Minutes of the February 16, 2021 Regular City Council Meeting

MOTION: Harper SECOND: Bui

AYES: Bui, Constantine, Grandis, Harper, Vo
NOES: None
ABSENT: None
ABSTAIN: None

6. Operational Area Agreement of the County of Orange and Political Subdivisions to comply with Standardized Emergency Management System.

ACTION: Move to approve the Operational Area Agreement of the County of Orange and Political Subdivisions to comply with Standardized Emergency Management System.

MOTION: Harper SECOND: Bui

AYES: Bui, Constantine, Grandis, Harper, Vo
NOES: None
ABSENT: None
ABSTAIN: None

7. 1) Reject all bids received; 2) Waive the bidding requirements according to FVMC 2.36.070 and authorize staff to issue a purchase order to Rush Truck Centers of California, Inc. for $329,950.74 for the purchase of one 2022 Peterbilt 567 3-Axle Dump Truck and one 2022 Peterbilt 337 2-Axle Dump Truck through the existing cooperative contract with Sourcewell; and 3) Authorize staff to dispose of the existing dump trucks by means that best meet the City’s needs.

ACTION: Move to approve 1) Reject all bids received; 2) Waive the bidding requirements according to FVMC 2.36.070 and authorize staff to issue a purchase order to Rush Truck Centers of California, Inc. for $329,950.74 for the purchase of one 2022 Peterbilt 567 3-Axle Dump Truck and one 2022 Peterbilt 337 2-Axle Dump Truck through the existing cooperative contract with Sourcewell; and 3) Authorize
staff to dispose of the existing dump trucks by means that best meet the City’s needs.

PUBLIC HEARINGS

8. Introduction and First Read of an Ordinance Increasing the Thresholds for Informal Bidding Under the Uniform Construction Cost Accounting Act

Public Hearing opened at 6:39 p.m.

There were no public comments

Public Hearing Closed at 6:40 p.m.

ACTION: Move to approve the Introduction and First Read of an Ordinance Increasing the Thresholds for Informal Bidding Under the Uniform Construction Cost Accounting Act

MOTION: Grandis        SECOND:        Constantine

AYES: Bui, Constantine, Grandis, Harper, Vo
NOES: None
ABSENT: None
ABSTAIN: None

ADMINISTRATIVE ITEMS

9. Report from the Measure HH Essential City Services Advisory Oversight Committee on FY2019/20 Audited Measure HH Revenues and Expenditures

ACTION: Move to Receive and File the Report from the Measure HH Essential City Services Advisory Oversight Committee on FY2019/20 Audited Measure HH Revenues and Expenditures

MOTION: Vo        SECOND:        Constantine

AYES: Bui, Constantine, Grandis, Harper, Vo
NOES: None
ABSENT: None
ABSTAIN: None

10. Request to Revise the R1 Development Standards to Increase the Allowable Floor Area Ratio, Site Coverage, and Height

Public Comments: Leston Trueblood, Cheryl Brothers
ACTION: Move to approve the request directing Staff to process a code amendment to the standards in the R1 Zone increasing the allowable site coverage from 55% to 60%; increasing the FAR from .5 to .55 with the existing allowances for the FAR bonus in place (max. .58 to .63 FAR); and adjusting the allowable height from 27 feet to 30 feet tall.

MOTION: Bui SECOND: Vo

AYES: Bui, Constantine, Grandis, Vo
NOES: Harper
ABSENT: None
ABSTAIN: None

APPOINTMENTS

11. Committee, Commission and Board Appointments - 2021

By unanimous vote, the following applicants were appointed to the Advisory Committee for Persons with Disabilities Committee: John Borack, Leonard Santoro, Ramon Galvez-Arango, Nora Webb, Scott Quinlan and Richard King.

COUNCIL MEMBER ITEMS FOR FUTURE CONSIDERATION

Council Member Constantine requested the City Council consider and adopt a revision to the parliamentary procedures policy imposing a mandatory disclosure obligation. There was no second for the item.

Council Member Constantine requested that there be a public record maintained by the city or on the city website the FPPC forms that any city council member files while running for another office, such as Assembly, Board of Supervisors or Congress. There was no second for this item.

CITY COUNCIL/ SUCCESSOR AGENCY/ HOUSING AUTHORITY/ PUBLIC COMMENTS
(Unscheduled Matters Only)

There were no Public Comments

CITY COUNCIL/SUCCESSOR AGENCY/HOUSING AUTHORITY AB 1234/GENERAL COMMENTS

Council Member Constantine

February 18 Assisted with distribution of meals for senior citizens at the Senior Center and attended both the Vector Control Board and Library Advisory Committee Meetings via Zoom.
February 25 Attended the GPAC Meeting
March 1 Attended the Talbert Bridge tour

Council Member Bui

February 25 Attended the GPAC meeting
February 26 Attended the Coastline College tour and a Zoom meeting with Sheriff Don Barnes and then a Zoom meeting with North Orange County Public Safety Task Force
February 27    Attended the Zoom meeting with OCFA

**Council Member Grandis**

February 17    Attended the PCTA Board Meeting
February 18    Attended the OC Sanitation District virtual tour
February 19    Attended the OCAR Realtors opening safely
February 19    Attended the League of California Cities meeting
February 25    Attended the Talbert Bridge tour
February 25    Attended the GPAC meeting

**Mayor Pro Tem Harper**

February 17    Attended the OC Sanitation District Strategic Planning meeting
February 18    Attended the OC Sanitation virtual tour
February 22    Attended the OCTA Board Meeting
February 24    Attended the OCTA Finance Committee meeting
February 24    Attended the OC Sanitation Board Meeting
February 25    Attended the Talbert Bridge tour
March 1        Attended the OCTA Regional Planning and Highways Committee meeting

**Mayor Vo**

February 17    Attended the PCTA Board Meeting
February 18    Attended the filming at City Hall
February 25    Attended the GPAC meeting

**ADJOURN THE MEETING OF THE CITY COUNCIL/SUCCESSOR AGENCY/HOUSING AUTHORITY**

Mayor Vo adjourned the meeting at 7:41 pm to the next Regular Meeting of the Fountain Valley City Council on March 16, 2021 at 6:00 p.m., in the Fountain Valley Council Chambers, 10200 Slater Avenue, Fountain Valley.

__________________________________________
Michael Vo, Mayor

Attest:

______________________________
Rick Miller, City Clerk
To: Honorable Mayor and Members of the City Council

Agenda Date: March 16, 2021

SUBJECT: Approval of Resolution for Vacation of Waterline Easement Located at 11460 Warner Ave, Coastline Community College

EXECUTIVE SUMMARY:

Coastline Community College, located at 11460 Warner Ave, is constructing a new administration building. To accommodate the new building, the existing administration building is scheduled for demolition and the on-site water line that supplies the existing Coastline College building will be abandoned. Therefore, the existing 10’ wide waterline easement will no longer be needed and may be vacated. Coastline Community College acquired the service of a licensed Surveyor, Rosemarie Ann Silva, who submitted documents for the existing waterline easement vacation. The property is part of a record map, Parcel Map No. 87-182 located on the southwest corner of Warner Avenue and Newhope Street. The legal description for the waterline easement is described in Exhibit A of the resolution.

The purpose of a waterline easement is to allow City crews access to the domestic water system and appurtenances for maintenance purposes. Staff reviewed the document for conformance. After the Council approves of the easement vacation, the resolution and the quitclaim deed will be forwarded to the County for recordation as a separate instrument to the Parcel Map No. 87-182.

Staff recommends that the City Council approve the resolution after conducting a public hearing for the vacation of the existing water line easement, located at 11460 Warner Ave, Coastline Community College.

DISCUSSION:

Coastline Community College, located at 11460 Warner Ave, is constructing a new administration building. As part of this project, the on-site water line that supplies the existing Coastline College building will be abandoned as the existing building will be demolished. Therefore, the existing 10’ wide waterline easement will no longer be needed and may be vacated. Coastline Community College’s consultant licensed Surveyor, Rosemarie Ann Silva, submitted a legal description of the existing waterline easement to
be vacated. The property is part of a record map, Parcel Map No. 87-182 located on the southwest corner of Warner Avenue and Newhope Street. The legal description for the waterline easement is described in Exhibit A of the resolution.

The purpose of the dedicated waterline easement was to allow City crews access to the domestic water system and appurtenances for maintenance purposes. The submitted legal description has been reviewed for conformance. After the City Council's approval, the resolution and quitclaim deed document will be forwarded to the County for recordation and be filed as a separate instrument to the record map, Parcel Map No. 87-182.

Staff recommends that the City Council approve the resolution for the vacation of the existing water line easement, located at 11460 Warner Ave, Coastline Community College.

**FINANCIAL ANALYSIS:**

There is no direct financial impact to the City for acceptance of the quitclaim deed for the vacation of the waterline easement.

**ATTORNEY REVIEW:**

The Attorney for the City has reviewed and approved the Resolution.

**ALTERNATIVES:**

**Alternative No. 1:** Approve the Resolution for water line easement vacation as a separate instrument to the record map, Parcel Map No. 87-182 for 11460 Warner Ave, Coastline Community College.

**Alternative No. 2:** Do not approve the resolution for water line easement vacation as a separate instrument to the record map, Parcel Map No. 87-182 for 11460 Warner Ave, Coastline Community College.

**RECOMMENDATION:**

It is recommended that the City Council approve Alternative No. 1, which is to approve the resolution for water line easement vacation as a separate instrument to the record map, Parcel Map No. 87-182 for 11460 Warner Ave, Coastline Community College.

Prepared by: Kyle Hilton, Associate Engineer
Reviewed by: Temo Galvez, Deputy Director of Public Works/City Engineer
Approved by: Hye Jin Lee, Director of Public Works
City Council Request
Vacation of Waterline Easement Coastline College
Page 3

Approved by: Rob Houston, City Manager

Attachment 1: Quitclaim Deed Document
Attachment 2: Resolution for Water Line Easement Vacation
BEING A PORTION OF THAT CERTAIN EASEMENT FOR WATERLINE PURPOSES DEDICATED TO THE CITY OF FOUNTAIN VALLEY PER INSTRUMENT NO. 82-067828 RECORDED FEBRUARY 26, 1982 OF OFFICIAL RECORDS OF ORANGE COUNTY, UNDER, UPON AND ACROSS PARCEL 1 OF PARCEL MAP NO. 87-182, IN THE CITY OF FOUNTAIN VALLEY, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 222, OF PARCEL MAPS, PAGES 11 AND 12, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING WITHIN A STRIP OF LAND, 10.00 FEET IN WIDTH, THE CENTERLINE IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EASTERLY LINE OF SAID PARCEL 1 DISTANT THEREON SOUTH 00°39'53" EAST 151.33 FEET FROM THE NORTHERLY TERMINUS OF THAT CERTAIN COURSE SHOWN AS "NORTH 00°39'53" WEST 600.63 FEET" ON SAID PARCEL MAP; THENCE LEAVING SAID EASTERLY LINE, SOUTH 89°31'19" WEST 44.60 FEET; THENCE NORTH 45°28'41" WEST 66.80 FEET; THENCE SOUTH 89°31'19" WEST 78.60 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT ‘A’; THENCE CONTINUING SOUTH 89°31'19" WEST 113.93 FEET TO THE POINT OF TERMINUS.

ALSO, BEGINNING AT THE AFOREMENTIONED POINT ‘A’, THENCE SOUTH 00°28'41" EAST 18.00 FEET TO THE POINT OF TERMINUS.

CONTAINING 3,175 SQUARE FEET, MORE OR LESS.

ALL AS SHOWN ON EXHIBIT B, ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

PREPARED BY ME OR UNDER MY DIRECTION.

ROSEMARIE ANN SILVA 09/30/2020
P.L.S. 9545
REV: 9/30/2020
WARNER AVENUE

PARCEL 1
P.M.B. 222/11-12

LINE DATA TABLE

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LEGEND
- LIMITS OF WATER LINE EASEMENT TO BE VACATED
- ELY LINE PARCEL 1
- PORTION OF WATERLINE EASEMENT PER INST. NO. 82-067828 TO REMAIN

AREA = 3,155 SQ. FT.
Resolution No__

A Resolution of the City Council of the City of Fountain Valley Vacating a Waterline Easement in Favor of Coastline Community College

WHEREAS, Coastline Community college granted the City of Fountain Valley a waterline easement to service the property containing its administration building at 11460 Warner Avenue, in the City of Fountain Valley;

WHEREAS, Coastline Community College now desires to demolish the administration building and build a new administration building and no longer has any use for the existing waterline easement;

WHEREAS, Streets and Highways Code Section 8300 et seq. sets forth a process for vacating a public service easements which requires notice, posting and a hearing before making findings that said easement can be vacated;

WHEREAS, publication and posting of the proposed vacation have been duly made, a hearing has been held and the evidence for vacation considered.

NOW, THEREFORE, the City Council of the City of Fountain Valley does hereby FIND and RESOLVE as follows:

1. That the above recitals are true and correct and that this public hearing was duly held.

2. That after considering the evidence it is hereby determined that the public service easement is no longer necessary for present or prospective public use.

3. That the public service easement for waterline use is hereby vacated as described in the attached legal description, and that the easement shall be reserved as also shown on that attachment, Exhibit A.

4. That the City Clerk shall cause a certified copy of the resolution of vacation be sent without acknowledgment with the County Recorder without charge pursuant to Streets and Highways Section 8325.

5. Upon recordation, the vacation is complete.

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Page 17
PASSED AND ADOPTED this ___day of ______2021.

ATTEST

_________________________________  ______________________
Rick Miller                               Michael Vo
City Clerk                                Mayor

Approved to form

Harper & Burns LLP

____________________
Colin Burns
Attorney for the City

Page 18
To: Honorable Mayor and Members of the City Council

Agenda Date: March 16, 2021

SUBJECT: APPROVAL OF A RESOLUTION OF THE CITY OF FOUNTAIN VALLEY IMPLEMENTING PREFERENTIAL PERMIT PARKING FOR EASTER, CINCO DE MAYO, MOTHER’S DAY, MEMORIAL DAY, INDEPENDENCE DAY AND LABOR DAY FOR 2021

EXECUTIVE SUMMARY:

The County of Orange Mile Square Park in Fountain Valley and Centennial Park in Santa Ana have the potential of large crowds for the following holidays:

- April 4 - Easter
- May 5 - Cinco de Mayo
- May 9 - Mother’s Day
- May 31 - Memorial Day
- July 4 - Independence Day
- September 6 - Labor Day

Staff has been working with the County regarding parking and traffic issues. Due to the potential parking impact to the surrounding neighborhoods, Staff recommends that Council authorize a Preferential Permit Parking Resolution for neighborhoods adjacent to Mile Square Park and Fountain Valley residences within close proximity to Centennial Park (map attachments A1-A6) for the dates listed above.

DISCUSSION:

Depending on the event location, the City historically implements a Preferential Permit Parking system in neighborhoods closest to the Recreation Center and/or Mile Square Park. In recent years, it has also become necessary to provide Preferential Permit Parking for the Fountain Valley neighborhood closest to Centennial Park. The City has implemented Preferential Permit Parking on major holidays due to large crowds at both parks at the request of the residents in these neighborhoods. Such large crowds would overwhelm available residential parking if not restricted. Staff recommends Council approve a Resolution and direct Staff to implement Preferential Permit Parking for the above dates.
The Police Department will distribute Preferential Permit Parking decals that are valid indefinitely. Residents are instructed to apply the decals in the lower left rear window of their vehicle. Additional parking decals are available at the Police Department upon request and proof of residency. Guest passes, which can also be obtained from the Police Department upon request by a resident, are to be clearly displayed on the dash of the guest’s vehicle.

FINANCIAL ANALYSIS:

There is a minimal financial impact estimated to be less than $500. The implementation of the Preferential Parking Resolution involves two Public Works personnel posting “Parking by Permit Only” signs and placing barricades in advance in the affected areas. Public Works personnel will be performing their duties during normal duty hours. Police Services Officers and Police Cadets will distribute flyers and parking permits to the residential areas in advance. The Police Department will provide parking decals to those residents who have not already received them in previous years. The cost for each decal is $3, and the Police Department has a sufficient supply in stock for the coming year. Additional visitor parking permits will be available at the Police Department for those residents who need them, free of charge.

LEGAL REVIEW:

The Attorney for the City has reviewed this report and resolution and concurs.

PUBLIC NOTIFICATION:

This item was noticed publicly as an agenda item for action in accordance with the rules and regulations regarding noticing of public meetings and agendized items and topics for discussion and/or action by the City Council.

Police Services Officers and Police Cadets will distribute a notification letter to the affected residents the week prior to the first holiday.

ALTERNATIVES:

Alternative No. 1: Approve the Preferential Permit Parking Resolution and direct Staff to implement Preferential Permit Parking for April 4, May 5, May 9, May 31, July 4, and September 6, 2021.

Alternative No. 2: Do not approve the Preferential Permit Parking Resolution and direct Staff not to implement Preferential Permit Parking for April 4, May 5, May 9, May 31, July 4, and September 6, 2021.
RECOMMENDATION:

Staff recommends Alternative No. 1: Approve the Preferential Permit Parking Resolution and direct Staff to implement Preferential Permit Parking for April 4, May 5, May 9, May 31, July 4, and September 6, 2021.

Prepared by: Kham Vang, Lieutenant
Approved by: Matthew L. Sheppard, Chief of Police
Fiscal Review by: Jennifer Lampman, Finance Director
Legal Review by: Colin Burns, Attorney for the City
Approved by: Rob Houston, City Manager/Executive Director

Attachments A1-A6
RESOLUTION NO. ____________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY IMPLEMENTING THE CITY’S DESIGNATED PARKING SYSTEM DESIGNATING THE AREA SUBJECT TO THOSE RESTRICTIONS AND SPECIFYING THE DATES AND TIMES IT WILL BE IN EFFECT.

WHEREAS, the City Council has, pursuant to Section 10.44.079 of the Fountain Valley Municipal Code, established a codified Preferential Permit Parking system that authorizes it to designate the area and dates subject to those restrictions by Resolution; and

WHEREAS, Easter (April 4), Cinco de Mayo (May 5), Mother’s Day (May 9), Memorial Day (May 31), Independence Day (July 4) and Labor Day (September 6) holidays in the year 2021, are upcoming events that will require the implementation of Preferential Permit Parking for the public’s health, safety, convenience and welfare.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Preferential Permit Parking system set forth in Fountain Valley Municipal Code Section 10.44.079 shall be in effect on April 4, May 5, May 9, May 31, July 4, and September 6, in the areas outlined in Exhibits A1-A6.

2. That the Chief of Police shall issue permits to those merchants and residents requiring Preferential Permit Parking, and the Chief of Police or City Traffic Engineer shall post the areas specified in the attached exhibits to allow adequate notice of the restrictions.

Passed and adopted by the City Council of the City of Fountain Valley this 16th day of March, 2021.

ATTEST:       __________________________
               Michael Vo, Mayor

Rick Miller, City Clerk

APPROVED AS TO FORM:
HARPER & BURNS LLP

Attorneys for the City
This Housing Successor Annual Report (Report) regarding the Low and Moderate Income Housing Asset Fund (LMIHAF) has been prepared pursuant to California Health and Safety Code Section 34176.1(f) and is dated as of November 17, 2020. This Report sets forth certain details of the Fountain Valley Housing Authority (Housing Successor) activities during the Fiscal Year 2019/20 (Fiscal Year) ending June 30, 2020. The purpose of this Report is to provide the governing body of the Housing Successor an annual report on the housing assets and activities of the Housing Successor under Part 1.85, Division 24 of the California Health and Safety Code, in particular sections 34176 and 34176.1 (Dissolution Law).

The following Report is based upon information prepared by Housing Successor staff and information contained within the financial records of the Low and Moderate Income Housing Asset Fund 85 for Fiscal Year 2019/20. This Report conforms with and is organized into sections I. through XIII, inclusive, pursuant to Section 34176.1(f) of the Dissolution Law:

I. Amount Received Pursuant to Section 34191.4(b)(3)(A): This section provides a total amount of funds received pursuant to Section 34191.4(b)(3)(A).

II. Amount Deposited into LMIHAF: This section provides the total amount of funds deposited into the LMIHAF during the Fiscal Year. Any amounts deposited for items listed on the Recognized Obligation Payment Schedule (ROPS) must be distinguished from the other amounts deposited.

III. Ending Balance of LMIHAF: This section provides a statement of the balance in the LMIHAF as of the close of the Fiscal Year. Any amounts deposited for items listed on the ROPS must be distinguished from the other amounts deposited.

IV. Description of Expenditures from LMIHAF: This section provides a description of the expenditures made from the LMIHAF during the Fiscal Year. The expenditures are to be categorized.

V. Statutory Value Of Assets Owned By Housing Successor In LMIHAF: Under the Dissolution Law and for purposes of this Report, the “statutory value of real property” means the value of properties formerly held by the former redevelopment agency as listed on the housing asset transfer schedule approved by the Department of Finance as listed in such schedule under Section 34176(a)(2), the value of the properties transferred to the Housing Successor pursuant to Section 34181(f), and the purchase price of property(ies) purchased by the Housing Successor. Further, the value of loans and grants receivable is included in these reported assets held in the LMIHAF.

VI. Description of Transfers: This section describes transfers, if any, to another housing successor agency made in previous Fiscal Year(s), including whether the funds are
unencumbered and the status of projects, if any, for which the transferred LMIHAF will be used. The sole purpose of the transfers must be for the development of transit priority projects, permanent supportive housing, housing for agricultural employees or special needs housing.

VII. **Project Descriptions:** This section describes any project for which the Housing Successor receives or holds property tax revenue pursuant to the ROPS and the status of that project.

VIII. **Status of Compliance with Section 33334.16:** This section provides a status update on compliance with Section 33334.16 for interests in real property acquired by the former redevelopment agency prior to February 1, 2012. For interests in real property acquired on or after February 1, 2012, provide a status update on the project.

IX. **Description of Outstanding Obligations under Section 33413:** This section describes the outstanding inclusionary and replacement housing obligations, if any, under Section 33413 that remained outstanding prior to dissolution of the former redevelopment agency as of February 1, 2012 along with the Housing Successor’s progress in meeting those prior obligations, if any, of the former redevelopment agency and how the Housing Successor’s plans to meet unmet obligations, if any.

X. **Income Test:** This section provides the information required by Section 34176.1(a)(3)(B), or a description of expenditures by income restriction for five year period, with the time period beginning January 1, 2014 and whether the statutory thresholds have been met.

XI. **Senior Housing Test:** This section provides the percentage of units of deed-restricted rental housing restricted to seniors and assisted individually or jointly by the Housing Successor, its former redevelopment Agency, and its host jurisdiction within the previous 10 years in relation to the aggregate number of units of deed-restricted rental housing assisted individually or jointly by the Housing Successor, its former Redevelopment Agency and its host jurisdiction within the same time period. For this Report the ten-year period reviewed is July 1, 2010 - June 30, 2020.

XII. **Excess Surplus Test:** This section provides the amount of excess surplus in the LMIHAF, if any, and the length of time that the Housing Successor has had excess surplus, and the Housing Successor’s plan for eliminating the excess surplus.

XIII. **Inventory of Home Ownership Units:** This section provides an inventory of homeownership units assisted by the former Agency or FVHA as Housing Successor that are subject to covenants or restrictions or to an adopted program that protects the former Agency’s investment of moneys from the Low and Moderate Income Fund per Section 33343.3 (f).

This Report is to be provided to the Housing Successor’s governing body by December 31, 2020.

In addition, this Report and the former redevelopment agency’s pre-dissolution Implementation Plans are to be made available to the public on the City’s website [www.fountainvalley.org](http://www.fountainvalley.org).
I. AMOUNT RECEIVED PURSUANT TO SECTION 34191.4(b)(3)(A):

No funds were received pursuant to Section 34191.4(b)(3)(A).

II. AMOUNT DEPOSITED INTO LMIHAF

A total of $839,720 was deposited into the LMIHAF during the Fiscal Year. Of the total funds deposited into the LMIHAF, $0 were held for items listed on the ROPS. The deposits are allocated as follows:

<table>
<thead>
<tr>
<th>SOURCE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Time Homebuyer Monthly Loan Repayment (Principal)</td>
<td>$244,329</td>
</tr>
<tr>
<td>1st Time Homebuyer Monthly Loan Repayment (Interest)</td>
<td>$10,349</td>
</tr>
<tr>
<td>1st Time Homebuyer Monthly Loan (Equity Share On Payoff)</td>
<td>$68,116</td>
</tr>
<tr>
<td>Housing Rehab Monthly Loan Repayment (Principal)</td>
<td>$36,562</td>
</tr>
<tr>
<td>Housing Rehab Monthly Loan Repayment (Interest)</td>
<td>$9,701</td>
</tr>
<tr>
<td>Jasmine Project Loan Repayment (Principal)</td>
<td>$292,303</td>
</tr>
<tr>
<td>Jasmine Project Loan Repayment (Interest)</td>
<td>$92,612</td>
</tr>
<tr>
<td>Misc. Received Interest</td>
<td>$62,265</td>
</tr>
<tr>
<td>The Related Companies California Building Rent/Billboard</td>
<td>$23,333</td>
</tr>
<tr>
<td>Misc. Fees</td>
<td>$150</td>
</tr>
<tr>
<td>SERAF Payment (ROPS Requested Reimbursement)</td>
<td>$0</td>
</tr>
<tr>
<td><strong>Total LMIHAF Deposits</strong></td>
<td><strong>$839,720</strong></td>
</tr>
</tbody>
</table>

III. ENDING BALANCE OF LMIHAF

At the close of the Fiscal Year, the ending available cash balance in the LMIHAF was $6,973,947. None of the funds were held for items listed on the ROPS.

IV. DESCRIPTION OF EXPENDITURES FROM LMIHAF

The following is a description of LMIHAF by category:

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monitoring &amp; Administration</td>
<td>$102,252</td>
</tr>
<tr>
<td>Homeless Prevention &amp; Rapid Rehousing Services Expenditures</td>
<td>$0</td>
</tr>
<tr>
<td>Housing Development Expenditures for pre-development expenses.</td>
<td>$44,407</td>
</tr>
<tr>
<td>Acquisition Loan to The Related Companies California</td>
<td>$5,014,056</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>$5,160,715</strong></td>
</tr>
</tbody>
</table>

The Housing Successor is allowed to spend the greater of $200,000 or 5% of the value of the Housing Assets Portfolio (defined and calculated in Section V) which would allow a maximum amount of $575,017 to be spent on Monitoring and Administration. The Housing Successor spent $102,252 for Monitoring and Administrative expenses this year which is 18% of the maximum allowable amount.
In FY 2018/19 the Housing Successor entered into an Affordable Housing Agreement (AHA) with The Related Companies California (TRCC) for a 50-unit affordable housing project. The Housing Development Expenditures were for legal and professional services related to the project. The third and final installment of the Acquisition Loan was made to TRCC during this Fiscal Year and TRCC closed escrow on the project property.

V. STATUTORY VALUE OF ASSETS OWNED BY HOUSING SUCCESSOR IN LMIHAF

Under the Dissolution Law and for purposes of this Report, the “statutory value of real property” means the value of properties formerly held by the former redevelopment agency as listed on the housing asset transfer schedule approved by the Department of Finance as listed in such schedule under Section 34176(a) (2), the value of the properties transferred to the Housing Successor pursuant to Section 34181(f), and the purchase price of property (ies) purchased by the Housing Successor. Further, the value of loans and grants receivable is included in these reported assets held in the LMIHAF.

The Housing Successor does not own any real property. The following provides the statutory value of loans owned by the Housing Successor.

<table>
<thead>
<tr>
<th>Asset Category - Loans</th>
<th>Statutory Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Time Home Buyer Loans (6 Loans)</td>
<td>$ 639,261</td>
</tr>
<tr>
<td>Home Improvement Loans (14 Loans)</td>
<td>$ 323,210</td>
</tr>
<tr>
<td>Development Loans (Jasmine)</td>
<td>$4,338,812</td>
</tr>
<tr>
<td>Acquisition Loan (Harbor- The Related Companies California)</td>
<td>$6,199,056</td>
</tr>
<tr>
<td><strong>Total Statutory Value of Loans Held by Housing Successor</strong></td>
<td><strong>$11,500,339</strong></td>
</tr>
</tbody>
</table>

VI. DESCRIPTION OF TRANSFERS

The Housing Successor did not make any LMIHAF transfers to other Housing Successor(s) under Section 34176.1(c) (2) during the Fiscal Year.

VII. PROJECT DESCRIPTIONS

The Housing Successor does not receive or hold property tax revenue pursuant to the ROPS.

VIII. STATUS OF COMPLIANCE WITH SECTION 33334.16

This section describes any project for which the Housing Successor receives or holds property tax revenue pursuant to the ROPS and the status of that project.

The following provides a status update on the project(s) for property or properties that were acquired prior to February 1, 2012 and compliance with the five-year period:
The Housing Successor does not own any properties acquired prior to February 1, 2012.

The following provides a status update on the project(s) for property or properties that have been acquired by the Housing Successor using LMIHAF on or after February 1, 2012:

- The Housing Successor does not own any properties acquired on or after February 1, 2012.

IX. DESCRIPTION OF OUTSTANDING OBLIGATIONS PURSUANT TO SECTION 33413

Replacement Housing:
According to the FY2010/11-FY2014/15 Implementation Plan for the former redevelopment agency, no Section 33413(a) replacement housing obligations were transferred to the Housing Successor.

Inclusionary/Production Housing:
According to the FY2010/11-FY2014/15 Implementation Plan for the former redevelopment agency, no Section 33413(b) inclusionary/production housing obligations were transferred to the Housing Successor.

The former redevelopment agency's Implementation Plans are posted on the City's website at [www.fountainvalley.org](http://www.fountainvalley.org).

X. INCOME TEST

This section provides the information required by Section 34176.1(a)(3)(B), or a description of expenditures by income restriction for five year period, with the time period beginning January 1, 2014 and whether the statutory thresholds have been met. However, reporting of the Income Test is not required until 2019.

Section 34176.1(a)(3)(B) requires that the Housing Successor must require at least 30% of the LMIHAF, after expenditures allowed pursuant to Code section 34176.1(a)(1) and (2), to be expended for development of housing affordable to, and occupied by, households earning 30% or less of the AMI and no more than 20% of these remaining funds expended for the development of housing affordable to, and occupied by, households earning 60% to 80% of the AMI.

If the housing successor fails to comply with the extremely low income requirement in any five-year report beginning with the five year report to be issued in 2019, then the housing
successor shall ensure that at least 50% of these remaining LMIHAF funds expended in each fiscal year following the latest fiscal year following the five-year report are expended for the development of rental housing affordable to, and occupied by, households earning 30% or less of the area AMI, until the housing successor demonstrates compliance with the extremely low income requirement in an annual report. This information is not required to be reported until 2019 for the 2014 – 2019 reporting period.

During FY 2018/19 the Housing Successor entered into an AHA with TRCC to develop a 50-unit affordable housing project in the City. In FY 2019/20 the Housing Successor distributed the third and final installment of $5,014,056 to TRCC for property acquisition, as approved under the AHA. In FY 2020/21, an additional $2,000,000 (approx.) will be distributed to TRCC for a development loan for the project. The total loan amounts were approved in the AHA and the funds are reflected in the actual fiscal year they were distributed. The Extremely-Low Income Test will be reflected as 27% for each fiscal year funds are distributed for this project and the 60%-80% AMI (Low Income) will be shown as 7% for each fiscal year funds are distributed to the project.

The Housing Successor recognizes that all future projects will be required to have at least 50% of the remaining LMIHAF funds expended for the development of rental housing affordable to, and occupied by, households earning 30% or less of the area AMI until the housing successor demonstrates compliance with the extremely low income requirement in an annual report.

For informational purposes, the following provides the Housing Successor’s Extremely-Low Income Housing Test for Fiscal Years FY2014/15 - 2019/2020:

<table>
<thead>
<tr>
<th>Year</th>
<th>LMIHAF Spent on Extremely-Low Income Households</th>
<th>Total LMIHAF Expenditures</th>
<th>Cumulative Extremely-Low Income Test</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2014/15</td>
<td>$0</td>
<td>$0</td>
<td>0%</td>
</tr>
<tr>
<td>FY 2015/16</td>
<td>$0</td>
<td>$0</td>
<td>0%</td>
</tr>
<tr>
<td>FY 2016/17</td>
<td>$0</td>
<td>$0</td>
<td>0%</td>
</tr>
<tr>
<td>FY 2017/18</td>
<td>$0</td>
<td>$0</td>
<td>0%</td>
</tr>
<tr>
<td>FY 2018/19</td>
<td>$362,299</td>
<td>$1,341,849</td>
<td>27%</td>
</tr>
<tr>
<td>FY 2019/20</td>
<td>$1,365,785</td>
<td>$5,058,463</td>
<td>27%</td>
</tr>
<tr>
<td>Totals</td>
<td>$1,728,084</td>
<td>$6,400,312</td>
<td>27% *</td>
</tr>
</tbody>
</table>

* Because all funding for the TRCC affordable housing project was encumbered in FY 2018/2019 under the AHA, the cumulative amount was calculated in total and will not change over the years the funds are distributed.
The following shows the Housing Successor’s compliance with the Low Income Housing Test for Fiscal Year 2019/20:

<table>
<thead>
<tr>
<th></th>
<th>LMIHAF Spent on 60% AMI+ Income Households</th>
<th>Total LMIHAF Expenditures</th>
<th>Cumulative Low Income Test</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2014/15</td>
<td>$0</td>
<td>$0</td>
<td>0%</td>
</tr>
<tr>
<td>FY 2015/16</td>
<td>$0</td>
<td>$0</td>
<td>0%</td>
</tr>
<tr>
<td>FY 2016/17</td>
<td>$0</td>
<td>$0</td>
<td>0%</td>
</tr>
<tr>
<td>FY 2017/18</td>
<td>$0</td>
<td>$0</td>
<td>0%</td>
</tr>
<tr>
<td>FY 2018/19</td>
<td>$93,929</td>
<td>$1,341,849</td>
<td>7%</td>
</tr>
<tr>
<td>FY 2019/20</td>
<td>$354,092</td>
<td>$5,058,463</td>
<td>7%</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>$448,021</strong></td>
<td><strong>$6,400,312</strong></td>
<td><strong>7%</strong></td>
</tr>
</tbody>
</table>

* Because all funding for the TRCC affordable housing project was encumbered in FY 2018/19 under the AHA, the cumulative amount was calculated in total and will not change over the years the funds are distributed.

XI. SENIOR HOUSING TEST

The Housing Successor is to calculate the percentage of units of deed-restricted rental housing restricted to seniors and assisted by the Housing Successor, the former redevelopment agency and/or the City within the previous 10 years in relation to the aggregate number of units of deed-restricted rental housing assisted by the Housing Successor, the former redevelopment agency and/or City within the same time period. If this percentage exceeds 50%, then the Housing Successor cannot expend future funds in the LMIHAF to assist additional senior housing units until the Housing Successor or City assists and construction has commenced on a number of restricted rental units that is equal to 50% of the total amount of deed-restricted rental units.

The following provides the Housing Successor’s Senior Housing Test for the 10-year period of 7/1/2010-6/30/2020.

<table>
<thead>
<tr>
<th>Senior Housing Test</th>
<th>10 Year Test – July 1, 2010 - June 30, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td># of Assisted Senior Rental Units</td>
<td>0</td>
</tr>
<tr>
<td># of Total Assisted Rental Units</td>
<td>0</td>
</tr>
<tr>
<td>Senior Housing Percentage</td>
<td>0%</td>
</tr>
</tbody>
</table>

XII. EXCESS SURPLUS TEST

Excess Surplus is defined in Section 34176.1(d) as an unencumbered amount in the account that exceeds the greater of one million dollars ($1,000,000) or the aggregate amount deposited into the account during the Housing Successor’s preceding four Fiscal Years, whichever is greater.
The following provides the Excess Surplus test for the preceding four Fiscal Years:

<table>
<thead>
<tr>
<th>Excess Surplus Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater of:</td>
</tr>
<tr>
<td>➢ Base Amount or $1,000,000</td>
</tr>
<tr>
<td>➢ Four Years of Deposits</td>
</tr>
<tr>
<td>FY 16/17</td>
</tr>
<tr>
<td>FY 17/18</td>
</tr>
<tr>
<td>FY 18/19</td>
</tr>
<tr>
<td>FY 19/20</td>
</tr>
<tr>
<td>Total of Deposits</td>
</tr>
<tr>
<td>Greater amount is:</td>
</tr>
</tbody>
</table>

A total of $10,248,484 has been deposited into the account in the four previous fiscal years and the year-end cash balance in the account is $6,973,947. Because the cash balance is less than the cumulative four previous year’s deposits, the LMIHAF does not have an excess surplus.

XII. INVENTORY OF HOME OWNERSHIP UNITS

This section provides an inventory of homeownership units assisted by the former Agency or FVHA as Housing Successor that are subject to covenants or restrictions or to an adopted program that protects the former Agency’s investment of moneys from the Low and Moderate Income Fund per Section 33334.3 (f).

(A) As of June 30, 2020, the total number of homeownership units currently assisted by the former Agency that are subject to covenant or restrictions is 60 units.

(B) During the Fiscal Year 3 units were lost from the portfolio. All three units were in the First-Time Home Buyer program and all three units paid off the loans by refinancing at a lower rate.

(C) A total of $0 was returned to the Housing Successor as a result of restrictions adopted to protect the former redevelopment agency’s investment of LMIHAF monies.

(D) The FVHA/Housing Successor has existing consulting agreements with AmeriNat Loan Services relating to certain, but not all, aspects of administration of the former Agency’s Single Family Rehabilitation and First Time Homebuyer Program. These consulting services include oversight and assistance with amortized loan payments, tracking and calculation of loan balances in the event of payoff, and other administrative activities related to outstanding loans. In addition, FVHA utilizes Celeste Brady of Stradling, Yocca, Carlson and Rauth as Special Legal Counsel to assist staff with legal issues and Kathe Head of Keyser
Marston Associates for the provision of financial analysis for existing projects as well potential future projects.

**Actions Needed**

This report must be presented to the Housing Successor Agency governing body within six months of the end of the previous fiscal year.

This report and the former redevelopment agency’s Implementation Plans are posted on the City’s website at [www.fountainvalley.org](http://www.fountainvalley.org).
EXECUTIVE SUMMARY:

Government Code Section 65400 requires that each governing body (City Council) prepare an annual report on the status and progress in implementing the jurisdiction’s Housing Element of the General Plan using forms and definitions adopted by the California Department of Housing and Community Development (HCD). The passage of SB35 and AB879 in 2017, as well as AB1486 in 2019, amended the existing code and now requires HCD to obtain additional information from cities regarding the status and progress in implementing their annual housing goals. HCD updated their reporting format in 2018, 2019, and again in 2020 to reflect these requirements. The current Housing Element planning cycle is 2014-2021. This report covers the 2020 calendar year and must be submitted to HCD by April 1, 2021.

This report also addresses the progress in meeting the City’s Regional Housing Needs Assessment (RHNA) allocation as well as the progress to remove governmental constraints to the maintenance, improvement and development of affordable housing for 2020.

Staff has completed the report on the prescribed State forms and attached a copy of the report to the Council Action Request (Attachment 1).

Staff recommends the City Council review the Housing Element Annual Progress Report and authorize the City Manager to forward it to the California Department of Housing and Community Development and the Governor’s Office.

DISCUSSION:

The Housing Element Annual Progress Report is a reporting document that is required by Government Code Section 65400. It requires each governing body (City Council) to prepare an annual report on the status and progress in implementing the jurisdiction’s Housing Element of the General Plan using forms and definitions adopted by HCD. The report also addresses the progress to remove governmental constraints to the maintenance, improvement and development of affordable housing. The annual report shows a city’s progress in meeting their goals as outlined in their Housing Element.
In 2018, 2019 and 2020, HCD updated their reporting forms as required by newly amended laws. Reporting agencies are now required to submit information on the number of housing applications submitted, projects that have an approved entitlement, building permits that were issued, building permits that were finaled, identify any sites rezoned to accommodate housing shortfall, list sites receiving a commercial development bonus, list any land included in the Housing Element site inventory that has been leased or otherwise disposed of, list surplus sites owned by the locality, and finally, document the receipt and use of Local Early Action Plan (LEAP) grant funding. The information collected is specific to projects that meet the HCD definition of a new housing unit. The information entered onto the reporting forms is for the portion of the project that occurred in 2020 only. For instance, if a project received a building permit in 2019 and was finaled in 2020, the only information reported on the 2020 reporting forms will be the date the building permit was finaled.

One of the main features of the report is to track progress towards achieving the RHNA allocation. HCD defines ADU's as new housing units and allows the City to count ADU's towards their RHNA goals without requiring any deed restrictions as long as they can document that the ADU's are affordable to low and/or moderate income levels, or can show that local rents meet affordability limits. City staff conducted a rent survey of Fountain Valley homeowner's who have built ADU's and it was determined that the amount of rent received for the ADU's qualified as Very Low-Income rents. This allows the City to count the 38 ADU's that were issued building permits in 2020, towards the City's Very Low-Income RHNA requirement. It is anticipated that the number of ADU's built in the City will continue to rise and contribute towards meeting the City's RHNA goals.

Currently, the total remaining RHNA goals for Low and Very-Low units in Fountain Valley is 74. While entitled in 2019, because of delays obtaining the necessary tax credits, the Prado Affordable Housing Development on Harbor was issued building permits in 2021. Prado will provide an additional 50 units towards the City's RHNA goals in 2021.

The City previously exceeded the required RHNA goal of 151 Above-Moderate Income units for this planning cycle and ended 2020 with a total of 202 Above-Moderate Income units.

The largest constraint to the development of affordable housing remains the demise of redevelopment funding. Redevelopment funds were the largest provider of funding for affordable housing outside of programs supplied by the Federal government. The RHNA goal for low, very low and extremely low-income units continues to be difficult to achieve without a new funding source to provide the affordability gap financing that was previously provided by redevelopment funds. The high cost of land in the city, and the lack of vacant or underutilized land in the city, are secondary factors that make it challenging to develop affordable housing projects in Fountain Valley.
Since 2015, state law has required cities to send a copy of the Housing Successor Annual Report (SB341) to the State Department of Housing and Community Development (Attachment 2) along with the Housing Element Annual Progress Report.

Staff recommends the City Council review the attached Housing Element Annual Progress Report and authorize the City Manager to forward it to the California Department of Housing and Community Development and the Governor’s Office of Planning and Research.

FINANCIAL ANALYSIS

There is no financial impact for submitting this report however; the submission of this report is a pre-requisite to keep the current Housing Element certified.

ATTORNEY REVIEW:

City Attorney review is not required for this item.

ALTERNATIVES:

1. Review the Housing Element Annual Progress Report and authorize the City Manager to forward it to the California Department of Housing and Community Development and the Governor’s Office of Planning and Research prior to the April 1, 2021 deadline.

2. Do not authorize the City Manager to forward it to the California Department of Housing and Community Development and the Governor’s Office of Planning and Research and not submit report by the April 1, 2021 deadline.

3. Continue for further review and not submit report by the April 1, 2021 deadline.

RECOMMENDATION:

Staff recommends Alternative #1 - Review the Housing Element Annual Progress Report and authorize the City Manager to forward it to the California Department of Housing and Community Development and the Governor’s Office of Planning and Research prior to the April 1, 2021 deadline.

Prepared By: Ashlyn Newman, Housing Coordinator
Approved By: Brian James, Planning and Building Director
Fiscal Review by: Jennifer Lampman, Finance Director
Approved By: Rob Houston, City Manager
Attachment 1: Annual Element Progress Report
| Prior APN* | Current APN | Street Address | Project Name* | Local Jurisdiction Tracking ID | Unit Category (SFA,SFD,2 to 4.5+, ADU,MH) | Tenure R=Renter O=Owner | Date Application Submitted | Date Application Submitted (see instructions) | Very Low-Income Dead Restricted | Very Low-Income Non Dead Restricted | Low-Income Dead Restricted | Low-Income Non Dead Restricted | Moderate-Income Dead Restricted | Moderate-Income Non Dead Restricted | Above Moderate-Income | Total Approved Units by Project | Total Disapproved Units by Project | Total PROPOSED Units by project | Total APPROVED Units by project | Total DISAPPROVED Units by project | Streamlining | Notes* |
|------------|-------------|----------------|---------------|---------------------------------|---------------------------------------------|---------------------------|--------------------------|---------------------------------------------|---------------------------------|---------------------------------|-----------------------|---------------------------------|-----------------------------|---------------------------------|-----------------|-----------------|-----------------------------|-----------------------------|-----------------------------|-----------------|----------------|
| 14444205   | 15728147    | 14338538       | Fountain Valley | 9910 Debiois Ave                | SFD O                                        | 9/28/2020                 | 9/28/2020               | 1                            | 1                               | 1                               | 1                      | 1                              | 1                              | 1                             | 1               | 1               | 1                           | 1                           | 1                           | 1               | 1               |
| 14444205   | 15707114    | 14328421       | Fountain Valley | 9924 Aster Cir                  | SFD O                                        | 8/24/2020                 | 8/24/2020               | 1                            | 1                               | 1                               | 1                      | 1                              | 1                              | 1                             | 1               | 1               | 1                           | 1                           | 1                           | 1               | 1               |
| 14444205   | 15707114    | 14326133       | Fountain Valley | 9924 Aster Cir                  | SFD O                                        | 11/15/2020               | 11/15/2020              | 1                            | 1                               | 1                               | 1                      | 1                              | 1                              | 1                             | 1               | 1               | 1                           | 1                           | 1                           | 1               | 1               |
| 14444205   | 15707114    | 14326810       | Fountain Valley | 15649 PINNY - A                 | ADU R                                        | 5/26/2020                | 5/26/2020               | 1                            | 1                               | 1                               | 1                      | 1                              | 1                              | 1                             | 1               | 1               | 1                           | 1                           | 1                           | 1               | 1               |
| 14444205   | 15707114    | 14326100       | Fountain Valley | 15649 PINNY - A                 | ADU R                                        | 1/29/2020                | 1/29/2020               | 1                            | 1                               | 1                               | 1                      | 1                              | 1                              | 1                             | 1               | 1               | 1                           | 1                           | 1                           | 1               | 1               |
| 14444205   | 15707114    | 14444205       | Fountain Valley | 17111 Ward St                  | SFD O                                        | 11/15/2020               | 11/15/2020              | 1                            | 1                               | 1                               | 1                      | 1                              | 1                              | 1                             | 1               | 1               | 1                           | 1                           | 1                           | 1               | 1               |
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| 14444205   | 15707114    | 14444205       | Fountain Valley | 17111 Ward St                  | SFD O                                        | 11/15/2020               | 11/15/2020              | 1                            | 1                               | 1                               | 1                      | 1                              | 1                              | 1                             | 1               | 1               | 1                           | 1                           | 1                           | 1               | 1               |
| 14444205   | 15707114    | 14444205       | Fountain Valley | 17111 Ward St                  | SFD O                                        | 11/15/2020               | 11/15/2020              | 1                            | 1                               | 1                               | 1                      | 1                              | 1                              | 1                             | 1               | 1               | 1                           | 1                           | 1                           | 1               | 1               |
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# Annual Element Progress Report
## Housing Element Implementation

(CCR Title 25 §6202)

### Reporting Year

*2020 (Jan. 1 - Dec. 31)*

**Table A2**

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ANNUAL ELEMENT PROGRESS
REPORT

Housing Element Implementation
(CCR Title 25 §6202)

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs. Please contact HCD if your data is different than the material supplied here.

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<td>6</td>
<td>6</td>
<td>10</td>
<td>8</td>
<td>4</td>
<td>155</td>
<td>13</td>
<td>202</td>
<td></td>
</tr>
<tr>
<td>Total RHNA</td>
<td></td>
<td>358</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Units</td>
<td></td>
<td>6</td>
<td>6</td>
<td>10</td>
<td>14</td>
<td>17</td>
<td>178</td>
<td>51</td>
<td>282</td>
<td>127</td>
<td></td>
</tr>
</tbody>
</table>

Note: units serving extremely low-income households are included in the very low-income permitted units totals.
<table>
<thead>
<tr>
<th>APN</th>
<th>Street Address</th>
<th>Project Name</th>
<th>Local Jurisdiction Tracking ID</th>
<th>Date of Rezone</th>
<th>RHNA Shortfall by Household Income Category</th>
<th>Type of Shortfall</th>
<th>Sites Description</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Very Low-Income</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Low-Income</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Moderate-Income</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Above Moderate-Income</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Type of Shortfall</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Parcel Size (Acres)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>General Plan Designation</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Zoning</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Minimum Density Allowed</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Maximum Density Allowed</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Realistic Capacity</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Vacant/Nonvacant</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Description of Existing Uses</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Summary Row: Start Data Entry Below

NONE

<table>
<thead>
<tr>
<th>NONE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>Name of Program</td>
</tr>
<tr>
<td>-----------------------------------------</td>
</tr>
<tr>
<td>Home Improvement Program</td>
</tr>
<tr>
<td>Infrastructure Improvement Program</td>
</tr>
<tr>
<td>Lead Based Paint Hazard Grant Program</td>
</tr>
<tr>
<td>Provision of Adequate Sites</td>
</tr>
<tr>
<td>Review Residential Development Standards</td>
</tr>
<tr>
<td>South Island Project</td>
</tr>
<tr>
<td>Mt. Hope Specific Plan Area</td>
</tr>
<tr>
<td>Affordable Housing Monitoring and Preservation</td>
</tr>
<tr>
<td>Support Homeless Services</td>
</tr>
<tr>
<td>Promote Affordable Housing</td>
</tr>
<tr>
<td>Explore Alternative Funding and Financing Sources</td>
</tr>
<tr>
<td>Promote Fair Housing Practices throughout the city</td>
</tr>
<tr>
<td>Support Persons with Disabilities</td>
</tr>
</tbody>
</table>
### Table E

#### Commercial Development Bonus Approved pursuant to GC Section 65915.7

<table>
<thead>
<tr>
<th>Project Identifier</th>
<th>Units Constructed as Part of Agreement</th>
<th>Description of Commercial Development Bonus</th>
<th>Commercial Development Bonus Date Approved</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>APN</td>
<td>Street Address</td>
<td>Project Name+</td>
<td>Local Jurisdiction Tracking ID*</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
</tbody>
</table>

Summary Row: Start Data Entry Below

NONE
ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Table F
Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites pursuant to Government Code section 65583.1(c)

Please note this table is optional: The jurisdiction can use this table to report units that have been substantially rehabilitated, converted from non-affordable to affordable by acquisition, and preserved, including mobilehome park preservation, consistent with the standards set forth in Government Code section 65583.1, subdivision (c). Please note, motel, hotel, hostel rooms or other structures that are converted from non-residential to residential units pursuant to Government Code section 65583.1(c)(1)(D) are considered net-new housing units and must be reported in Table A2 and not reported in Table F.

<table>
<thead>
<tr>
<th>Activity Type</th>
<th>Units that Do Not Count Towards RHNA* Listed for Informational Purposes Only</th>
<th>Units that Count Towards RHNA * Note - Because the statutory requirements severely limit what can be counted, please contact HCD to receive the password that will enable you to populate these fields.</th>
<th>The description should adequately document how each unit complies with subsection (c) of Government Code Section 65583.1*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Extremely Low-Income*</td>
<td>Very Low-Income*</td>
<td>Low-Income*</td>
</tr>
<tr>
<td>Rehabilitation Activity</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preservation of Units At-Risk</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acquisition of Residential Units</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mobilehome Park Preservation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Units by Income</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jurisdiction</td>
<td>Fountain Valley</td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------</td>
<td>----------------</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**NOTE:** This table must only be filled out if the housing element sites inventory contains a site which is or was owned by the reporting jurisdiction, and has been sold, leased, or otherwise disposed of during the reporting year.

<table>
<thead>
<tr>
<th>Reporting Period</th>
<th>2020 (Jan. 1 - Dec. 31)</th>
</tr>
</thead>
</table>

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Table G
Locally Owned Lands Included in the Housing Element Sites Inventory that have been sold, leased, or otherwise disposed of

<table>
<thead>
<tr>
<th>Project Identifier</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>APN</th>
<th>Street Address</th>
<th>Project Name*</th>
<th>Local Jurisdiction Tracking ID*</th>
<th>Realistic Capacity Identified in the Housing Element</th>
<th>Entity to whom the site transferred</th>
<th>Intended Use for Site</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Summary Row: Start Data Entry Below

NONE
| Jurisdiction | Fountain Valley | Reporting Period | 2020 (Jan. 1 - Dec. 31) | Note: "+" indicates an optional field | Cells in grey contain auto-calculation formulas |

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Table H
Locally Owned Surplus Sites

<table>
<thead>
<tr>
<th>Parcel Identifier</th>
<th>Designation</th>
<th>Size</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>APN</td>
<td>Street Address/Intersection</td>
<td>Existing Use</td>
<td>Number of Units</td>
</tr>
</tbody>
</table>

Summary Row: Start Data Entry Below

NONE
### Jurisdiction
Fountain Valley

### Reporting Year
2020 (Jan. 1 - Dec. 31)

---

#### Building Permits Issued by Affordability Summary

<table>
<thead>
<tr>
<th>Income Level</th>
<th>Current Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Low</td>
<td></td>
</tr>
<tr>
<td>Deed Restricted</td>
<td>0</td>
</tr>
<tr>
<td>Non-Deed Restricted</td>
<td>38</td>
</tr>
<tr>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>Deed Restricted</td>
<td>0</td>
</tr>
<tr>
<td>Non-Deed Restricted</td>
<td>0</td>
</tr>
<tr>
<td>Moderate</td>
<td></td>
</tr>
<tr>
<td>Deed Restricted</td>
<td>0</td>
</tr>
<tr>
<td>Non-Deed Restricted</td>
<td>0</td>
</tr>
<tr>
<td>Above Moderate</td>
<td>13</td>
</tr>
<tr>
<td>Total Units</td>
<td>51</td>
</tr>
</tbody>
</table>

*Note: Units serving extremely low-income households are included in the very low-income permitted units totals*

---

#### Housing Applications Summary

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Housing Applications Submitted:</td>
<td>43</td>
</tr>
<tr>
<td>Number of Proposed Units in All Applications Received:</td>
<td>88</td>
</tr>
<tr>
<td>Total Housing Units Approved:</td>
<td>88</td>
</tr>
<tr>
<td>Total Housing Units Disapproved:</td>
<td>0</td>
</tr>
</tbody>
</table>

---

#### Use of SB 35 Streamlining Provisions

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Applications for Streamlining</td>
<td>0</td>
</tr>
<tr>
<td>Number of Streamlining Applications Approved</td>
<td>0</td>
</tr>
<tr>
<td>Total Developments Approved with Streamlining</td>
<td>0</td>
</tr>
<tr>
<td>Total Units Constructed with Streamlining</td>
<td>0</td>
</tr>
</tbody>
</table>

---

#### Units Constructed - SB 35 Streamlining Permits

<table>
<thead>
<tr>
<th>Income</th>
<th>Rental</th>
<th>Ownership</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Low</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Low</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Moderate</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Above Moderate</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

*Cells in grey contain auto-calculation formulas*
ANNUAL ELEMENT PROGRESS REPORT  
Local Early Action Planning (LEAP) Reporting  
(CCR Title 25 §6202)

Please update the status of the proposed uses listed in the entity's application for funding and the corresponding impact on housing within the region or jurisdiction, as applicable, categorized based on the eligible uses specified in Section 50515.02 or 50515.03, as applicable.

<table>
<thead>
<tr>
<th>Task</th>
<th>$ Amount Awarded</th>
<th>$ Cumulative Reimbursement</th>
<th>Task Status</th>
<th>Other Funding</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing Element Prep.</td>
<td>150,000</td>
<td>0</td>
<td>In Progress</td>
<td>GPAC allocation of RHNA on-going</td>
<td></td>
</tr>
</tbody>
</table>

Summary of entitlements, building permits, and certificates of occupancy (auto-populated from Table A2)

<table>
<thead>
<tr>
<th>Income Level</th>
<th>Deed Restricted</th>
<th>Non-Deed Restricted</th>
<th>Current Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Low</td>
<td></td>
<td>45</td>
<td></td>
</tr>
<tr>
<td>Low</td>
<td></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Moderate</td>
<td></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Above Moderate</td>
<td></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Total Units</td>
<td></td>
<td>50</td>
<td></td>
</tr>
</tbody>
</table>
### Building Permits Issued by Affordability Summary

<table>
<thead>
<tr>
<th>Income Level</th>
<th>Deed Restricted</th>
<th>Non-Deed Restricted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Low</td>
<td>0</td>
<td>38</td>
</tr>
<tr>
<td>Low</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Moderate</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Above Moderate</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td><strong>Total Units</strong></td>
<td><strong>51</strong></td>
<td></td>
</tr>
</tbody>
</table>

### Certificate of Occupancy Issued by Affordability Summary

<table>
<thead>
<tr>
<th>Income Level</th>
<th>Deed Restricted</th>
<th>Non-Deed Restricted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Low</td>
<td>0</td>
<td>29</td>
</tr>
<tr>
<td>Low</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Moderate</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Above Moderate</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td><strong>Total Units</strong></td>
<td><strong>35</strong></td>
<td></td>
</tr>
</tbody>
</table>
To: Honorable Mayor and Members of the City Council

Agenda Date: March 16, 2021

SUBJECT: Second Reading and Adoption of an Ordinance Increasing the Thresholds for Informal Bidding Under the Uniform Construction Cost Accounting Act

EXECUTIVE SUMMARY

At its meeting on March 2, 2021, the City Council introduced for first reading an Ordinance Increasing the Thresholds for Informal Bidding Under the Uniform Construction Cost Accounting Act. The Ordinance was approved during the first reading without amendment.

The Ordinance is now presented to the City Council for second reading and adoption.

RECOMMENDED ACTION

Staff recommends that the City Council adopt the attached Ordinance.

ENVIRONMENTAL ANALYSIS

This Ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment).

ATTORNEY REVIEW:

The Attorney for the City has reviewed and approved the Ordinance.

PUBLIC NOTIFICATION

This item was properly agendized under the Ralph M. Brown Act.

ALTERNATIVES

1. Adopt the attached Ordinance Increasing the Thresholds for Informal Bidding Under the Uniform Construction Cost Accounting Act.
2. Do not adopt the attached Ordinance.

3. Continue the item for further consideration.

RECOMMENDED ACTION

Staff recommends that the City Council adopt the attached Ordinance Increasing the Thresholds for Informal Bidding Under the Uniform Construction Cost Accounting Act.

Prepared by: Colin Burns, Attorney for the City

Approved By: Rob Houston, City Manager

Attachment No 1: March 2, 2021 Staff Report

Attachment No 2: Ordinance Increasing the Thresholds for Informal Bidding Under the Uniform Construction Cost Accounting Act
TO: Honorable Mayor and Members of the City Council

Agenda Date: March 2, 2021

SUBJECT: Introduction and First Read of an Ordinance Increasing the Thresholds for Informal Bidding Under the Uniform Construction Cost Accounting Act

EXECUTIVE SUMMARY:

Staff asks the City Council to introduce for first read and approve for second read / adoption, an ordinance increasing the monetary thresholds of public works projects that can be bid using informal procedures under the Uniform Construction Cost Accounting Act (UCCAA).

DISCUSSION:

The UCCAA allows a public agency that elects to be subject to uniform construction accounting procedures to enact an informal bidding ordinance. The informal bid procedure can be used for public projects below certain monetary levels. Those thresholds are adjusted periodically.

The informal bidding procedure allows public agencies to issue requests for bids by providing notice to a list of qualified contractors and construction trade journals that describes the project in general terms and informs contractors of how to obtain more detailed information about a project. This process is less of a procedural burden than formal bidding which requires adoption of plans, specifications, and working details, and contains more formalized bid publication and procedural requirements.

Currently, our Municipal Code contains the following bidding thresholds:

(a) Public projects of $45,000 or less may be performed by the employees of the city by force account, negotiated contract or purchase order.
(b) Public projects of $175,000 or less may be bid informally.
(c) Public projects of more than $175,000 require formal bidding.

This ordinance increases the City’s monetary thresholds to be consistent with the UCCAA’s most recent periodic adjustment that provides:
(a) Public projects of $60,000 or less may be performed by the employees of a public agency by force account, negotiated contract, or purchase order.
(b) Public projects of $200,000 or less may be bid informally
(c) Public projects of more than $200,000 require formal bidding.

To bring our Code into consistency with State law, and provide greater flexibility in the bidding process, staff proposes to increase the bidding thresholds to those allowed under State law.

ALTERNATIVES:

Alternative No.1: Introduce and approve for Second Read-Adoption an Ordinance Increasing the Thresholds for Informal Bidding Under the Uniform Construction Cost Accounting Act

Alternative No. 2: Do not approve the proposed ordinance

FINANCIAL ANALYSIS:

PUBLIC NOTIFICATION:

This item was noticed as a public hearing in the newspaper at least 10 days prior and was agendized in compliance with the Ralph M. Brown Act.

RECOMMENDATION:

Prepared By: Colin Burns, Attorney for the City
Approved By: HyeJin Lee, Director of Public Works
Fiscal Review by: Jennifer Lampman, Finance Director-City Treasurer
Approved By: Rob Houston, City Manager

Attachment 1: Ordinance Increasing the Thresholds for Informal Bidding Under the Uniform Construction Cost Accounting Act
Attachment 2: Redline of Proposed Changes to Municipal Code
WHEREAS, the City of Fountain Valley is a California public agency subject to competitive bidding requirements for public works projects; and

WHEREAS, the California Legislature enacted the Uniform Construction Cost Accounting Act (UCCAA) to provide an informal system for bidding smaller cost public projects; and

WHEREAS, the City has elected to be subject to the UCCAA’s requirements and desires to take advantage of the informal bidding procedure for smaller cost public projects; and

WHEREAS, from time to time, the California Legislature adjusts the thresholds for public projects subject to informal bidding; and

WHEREAS, the City Council desires to increase the bidding thresholds provided for in the Municipal Code to make them consistent with the current thresholds set for in the UCCAA.

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

Section 1. Section 2.38.010 of the Fountain Valley Municipal Code is amended to read:

2.38.010 Public projects—Uniform Cost Accounting adopted.

State law governs bidding for public construction projects. Public Contract Code Sections 20160 et seq., generally provide for the procedure for competitive bids. Pursuant to Public Contract Code Sections 22000 et seq., the city has
adopted the uniform cost accounting procedure and the alternate procedure for bidding public projects. Pursuant to those procedures, the following may apply:

(a) Public projects of sixty thousand dollars or less may be performed by the employees of the city by force account, negotiated contract or purchase order.

(b) Public projects of two hundred thousand dollars or less may be let to contract by informal procedures as set forth in state law.

(c) Public projects of more than two hundred thousand dollars shall be let to contract using formal bidding procedures as provided in Section 2.36.030 of this code.

(d) The city council does hereby delegate the authority to award and execute contracts to the city manager for public projects of sixty thousand dollars or less.

Section 2. Section 2.38.020 of the Fountain Valley Municipal Code is amended to read:

2.38.020 Informal procedures.

The following procedures shall govern informal bidding as described in subsection (b) of Section 2.38.010 of this chapter:

(a) The city shall maintain a list of qualified contractors, identified according to categories of work. Minimum criteria for development and maintenance of the contractors list shall be determined by the California Uniform Construction Cost Accounting Commission, hereinafter referred to as “Commission.”

(b) All contractors on the list for the category of work being bid or all construction trade journals specified in Section 22036 or both; all contractors on the list for the category of work being bid and all construction trade journals specified by the Commission in accordance with the Public Contract Code Section
22036 shall be mailed a notice inviting informal bids unless the product or service is proprietary.

(c) If there is no list of qualified contractors maintained by the city for the particular category of work to be performed, the notice shall be sent only to the construction trade journals specified by the Commission.

(d) If the product or service can be obtained only from a certain contractor, the notice inviting bids can be sent exclusively to that contractor.

(e) All mailing of notices to contractors and construction trade journals pursuant to subsection (b) shall be completed not less than ten calendar days before bids are due.

(f) The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for the submission of bids.

(g) If all bids received are in excess of two hundred thousand dollars, the city council may, by adoption of a resolution by a four-fifths vote, award the contract at two hundred twelve thousand five hundred dollars or less to the lowest responsible bidder, if it determines the cost estimate of the public agency was reasonable.

Section 3. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.
Section 4. The City Clerk shall certify to the adoption of this Ordinance and cause it to be published as required by law.

PASSED AND ADOPTED by the City Council of the City of Fountain Valley at a regular meeting this _______ day of ______________, 2021.

ATTEST:

___________________________ _____________________________
Rick Miller Michael Vo
City Clerk Mayor

APPROVED AS TO FORM:
HARPER & BURNS LLP

___________________________
Colin Burns
Attorney for the City
2.38.010 Public projects—Uniform Cost Accounting adopted.

State law governs public works bidding for public construction projects. Public Contract Code Sections 20160 et seq., generally provide for the procedure for competitive bids. Pursuant to Public Contract Code Sections 22000 et seq., the city has adopted the uniform cost accounting procedure and the alternate procedure for bidding public works projects. Pursuant to those procedures, the following may apply:

(a) Public projects of forty-six thousand dollars or less may be performed by the employees of the city by force account, negotiated contract or purchase order.

(b) Public projects of one hundred seventy-five thousand dollars or less may be let by contract by informal procedures as set forth in state law.

(c) Public projects of more than one hundred seventy-five thousand dollars shall be let by contract using formal bidding procedures as provided in Section 2.36.030 of this code.

(d) The city council does hereby delegate the authority to award and execute contracts to the city manager for public projects of fifty-sixty thousand dollars or less.

2.38.020 Informal procedures.

The following procedures shall govern informal bidding as described in subsection (b) of Section 2.38.010 of this chapter:

(a) The city shall maintain a list of qualified contractors, identified according to categories of work. Minimum criteria for development and maintenance of the contractors list shall be determined by the California Uniform Construction Cost Accounting Commission, hereinafter referred to as “Commission.”

(b) All contractors on the list for the category of work being bid or all construction trade journals specified in Section 22036 or both; all contractors on the list for the category of work being bid and all construction trade journals specified by the Commission in accordance with the Public Contract Code Section 22036 shall be mailed a notice inviting informal bids unless the product or service is proprietary.

(c) If there is no list of qualified contractors maintained by the city for the particular category of work to be performed, the notice shall be sent only to the construction trade journals specified by the Commission.

(d) If the product or service can be obtained only from a certain contractor, the notice inviting bids can be sent exclusively to that contractor.

(e) All mailing of notices to contractors and construction trade journals pursuant to subsection (b) shall be completed not less than ten calendar days before bids are due.

(f) The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for the submission of bids.
(g) If all bids received are in excess of one hundred seventy-five two hundred thousand dollars, the city council may, by adoption of a resolution by a four-fifths vote, award the contract at one hundred seventy-five thousand five hundred two hundred twelve thousand five hundred dollars or less to the lowest responsible bidder, if it determines the cost estimate of the public agency was reasonable.
To: Honorable Mayor and Members of the City Council

Agenda Date: March 16, 2021

SUBJECT: AUTHORIZATION TO 1) PURCHASE A BAUER VERTICON AIR BOTTLE FILLING STATION FOR THE AMOUNT OF $55,456.90, 2) UTILIZE CAPITAL FUNDING IN THE AMOUNT $41,000 ALLOCATED FOR THE REPLACEMENT, AND 3) AMEND THE FY 2020/21 BUDGET IN THE AMOUNT OF $14,456.90 TO ALLOW FOR THE CURRENT REPLACEMENT PRICING.

EXECUTIVE SUMMARY:

The Fire Department is requesting the replacement of its Self-Contained Breathing Apparatus (SCBA) air bottle filling station. Every day, firefighters face numerous risks and hazards and count on personal protective equipment to provide personal safety. The Fire Department relies on the critical ability to fill (SCBA) bottles with an air bottle filling station. Like a scuba diver, the highly compressed air bottles provide firefighters the ability to breathe during times when oxygen is not available, such as firefighting operations and rescues. The current air filling station located at Fire Station Two has exceeded its functional service life of 20 years. Staff reviewed three proposals that meet the scope and functionality requirements set forth by the National Fire Protection Agency (NFPA). Staff requests the approval to 1) purchase a Bauer Verticon air bottle filling station for the amount of $55,456.90, 2) utilize current capital funding in the amount $41,000 allocated for the replacement, and 3) amend the FY 2020/21 budget in the amount of $14,456.90 to allow for the current day replacement cost of the system.

DISCUSSION:

SCBA are an essential piece of operational equipment the Fire Department. In order to operate safely on the fire ground and in other hazardous conditions, an SCBA is worn to provide breathable air in environments with oxygen deficiency, smoke, dangerous gases, and other airborne contaminants that may be otherwise dangerous to breath. Each SCBA is comprised of two main components: 1) the harness or “backpack”, and 2), the compressed air cylinder or “bottle”. After each use, the air bottle is removed from the harness, and requires air refilling to a designated air volume and pressure in order to be returned to service.

The current air filling station at Fire Station 2 was purchased in 1998. At the time, the capabilities of the system were consistent with requirements of the SCBA equipment. However, with advancements in SCBA safety and technology, our system is no longer capable of achieving the pressure requirements of modern SCBA’s. As a result, this limits our firefighters to using outdated technology with a current system that is showing signs of potential operational failure and is incapable of achieving higher pressures.

An air filling station consists of three major components: the compressor, four large air storage tanks, and a bottle fill station. To meet regular safety standards, all components of the air filling
station require service and inspection on an annual and quarterly basis. A recent assessment by a third party service technician found the compressor in poor and potentially dangerous condition. Currently, the compressor has significant wear and tear, most notably in the air purification filters. Pitting and damage to these filters poses a significant risk of failure which could result in injury to employees or damage to the surrounding building. Furthermore, the system is on a 20-year replacement cycle and is now 23 years old.

**FINANCIAL ANALYSIS:**

Staff received quotes from three separate vendors. Each vendor carried a different air filling station manufacturer. All of the air filling systems provide similar capabilities, and all of the bids included the compressor, four air storage tanks, and a two position fill station. The following table shows the price comparison:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Manufacturer</th>
<th>System</th>
<th>Model</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compressed Air Specialties</td>
<td>Bauer</td>
<td>Verticon</td>
<td>VEC13-E1</td>
<td>$55,456.90</td>
</tr>
<tr>
<td>Derotic Emergency Equipment</td>
<td>Arctic</td>
<td>1500 Series</td>
<td>E4-10-A6E1</td>
<td>$56,010.00</td>
</tr>
<tr>
<td>California Health &amp; Safety</td>
<td>Stallion</td>
<td>Pegasus</td>
<td>—</td>
<td>$60,993.27</td>
</tr>
</tbody>
</table>

After reviewing the different systems, staff recommends purchasing the Bauer Verticon option. Currently, the Fire Department contracts with Compressed Air Specialties for annual and quarterly service. They have consistently provided quality service for the existing air filling station, and we would expect this to continue in the future. Additionally, Staff contacted other fire agencies who recently purchased a Bauer air filling stations and were provided positive reviews and recommendations to purchase a Bauer system.

Staff believes the Bauer system best meets the current and future operational needs of the fire department. The Bauer system will provide superior durability and performance and affordability to the city.

The vendor quote procedure employed a modified competitive process which, pursuant to FVMC 2.36.020, the Purchasing Officer determined was in the best interests of the City given the technical nature of the product, multiple quotes received, and the fact that the brand of equipment preferred by the Fire Department from an operational standpoint is also the one that corresponded with the lowest price quoted.

There is $41,000 allocated within the FY 2020/21 budget for the replacement of the air filling station, which was the purchase price 23 years ago. Verticon is the only vendor that sells the preferred Bauer product and also provided the lowest quote of $55,456.90 which is $14,456.90 above the available funds. Staff is requesting an additional $14,456.90.
ATTORNEY REVIEW:

This action will be issued on a City approved purchase order form that provides standard terms and conditions which have been approved by the Attorney for the City.

ALTERNATIVES:

Alternative No. 1 – Authorize Staff to 1) purchase a Bauer Verticon air bottle filling station for the amount of $55,456.90, 2) utilize capital funding in the amount $41,000 allocated for the replacement, and 3) amend the FY 2020/21 budget in the amount of $14,456.90 to allow for the current day replacement cost of the system.

Alternative No. 2 – Do not approve this action and direct staff to research alternatives.

RECOMMENDATION:

Staff recommends City Council approve Alternative No. 1, which is authorization to 1) purchase a Bauer Verticon air bottle filling station for the amount of $55,456.90, 2) utilize capital funding in the amount $41,000 allocated for the replacement, and 3) amend the FY 2020/21 budget in the amount of $14,456.90 to allow for the current day replacement cost of the system.

Prepared By: Nick Fasullo, Fire Captain
Approved By: Ron Cookston, Fire Chief
Legal Review Colin Burns, Attorney for the City
Fiscal Review by: Jennifer Lampman, Finance Director
Approved By: Rob Houston, City Manager

Attachments:

Compressed Air Specialties
Derotic
California Health and Safety
# Quotation

**Date** | **Quotation #**
---|---
1/21/2021 | 3106

## Service Location
Fountain Valley Fire Department
Station 2
16767 Newhope
Fountain Valley, CA 92708

## Bill To
City of Fountain Valley
Attn: Accounts Payable
10200 Slater Ave.
Fountain Valley, CA 92708

<table>
<thead>
<tr>
<th>Rep</th>
<th>Quote Requested By/RFQ#</th>
<th>Estimated Service Date</th>
<th>Terms</th>
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<tr>
<td>ST</td>
<td>D Dukellis</td>
<td>2/20/2021</td>
<td>Net 30</td>
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<th>Price</th>
<th>Amount</th>
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<td>1</td>
<td>VEC13-E1</td>
<td>Bauer Vertecon air compressor, VEC13-E1, 6,000 psi, 13 cfm, 10 hp, 230/460 vac, 1 phase, P2 Purification system</td>
<td>ea</td>
<td>24,550.00</td>
<td>24,550.00T</td>
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<td>1</td>
<td>GT/CO/III</td>
<td>Electronic Carbon Monoxide Monitor with calibration kit</td>
<td>ea</td>
<td>4,162.00</td>
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<tr>
<td>1</td>
<td>ASME6K-4/RCK-0...</td>
<td>Bauer 4 Cylinder ASME Storage System Mounted in (2) Bauer RCK-0037; 6,000 psi, Bulk Fill Configuration <em><strong>RECONDITIONED</strong></em></td>
<td>ea</td>
<td>9,500.00</td>
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<tr>
<td>1</td>
<td>CFS5.5-2S</td>
<td>Bauer 2 position fill station with regulated fill controls; Rated for 6,000 psi inlet, 5,500 psi fill pressure</td>
<td>ea</td>
<td>9,754.00</td>
<td>9,754.00T</td>
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<tr>
<td>60</td>
<td>T304-4-6000</td>
<td>Tubing; SS, 1/4&quot; OD, 6000 psi, .049 wall thickness</td>
<td>ft</td>
<td>8.00</td>
<td>480.00T</td>
</tr>
<tr>
<td>1</td>
<td>MISC-PLUMBING</td>
<td>Misc. plumbing for installation (hoses, fittings, tubing, etc.)</td>
<td>ea</td>
<td>250.00</td>
<td>250.00T</td>
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<tr>
<td>1</td>
<td>Shipping - VEC/VAC...</td>
<td>Installation labor, includes removal and disposal of current compressor</td>
<td>ea</td>
<td>1,250.00</td>
<td>1,250.00</td>
</tr>
<tr>
<td></td>
<td>Labor</td>
<td>Note: Compressor will be delivered to CAS to uncrate, test and fill storage cylinders. CAS will then bring to your facility with a forklift if necessary for installation. Customer is responsible for providing a wall mounted electrical disconnect box for us to connect to. A training class will be provided to personnel on proper filling procedures. Warranty - 2 year bumper-to-bumper 5 years on compressor block</td>
<td>hr</td>
<td>1,250.00</td>
<td>1,250.00</td>
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</tbody>
</table>

All components listed above will be installed in full compliance with Cal/OSHA requirements, including Cal/OSHA required ASME-code storage cylinders. DOT/UN Cylinders are not legal in the state of California.

<p>| | |</p>
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<tr>
<td>Subtotal</td>
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<td>Sales Tax (8.75%)</td>
<td>$4,260.90</td>
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<td>Total</td>
<td>$55,456.90</td>
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</table>
February 3, 2021

Captain Nick Fasullo
Fountain Valley Fire Department
16767 Newhope St
Fountain Valley CA 92708

Captain Fasullo,

Derotic Emergency Equipment is pleased to provide you this budgetary proposal:

- This proposal is for one (1) SCBA Compressor and fill station meeting current NFPA standards and the requirements set forth by the Fountain Valley Fire Department.

- The estimated price is Fifty Six Thousand, Ten Dollars ($56,010.00) COD Contract. (DOES NOT INCLUDE TAXES, PERMITS OR FEES)

- This price is good until April 3, 2021. Additional price extensions will need to be requested as needed.

- Pricing breakdown:
  - E4-10-A6E1 Compressor Price - $22,289.00
  - C-FS2C55 Fill Station Price - $8,329.00
  - ASME Cascade Bottles (4) with rack $14,629.00
  - Hose/connectors $309.00
  - SS Tubing/Couplings $1,974.00
  - Delivery to Customer - Freight $2,150.00
  - Installation $780.00
  - Start Up & Training $1500.00
  - 5 year gold warranty $4,050.00
  - Total - $56,010.00

- Please keep in mind, this price can increase or decrease based on changes made to the specifications by the Fire Department.

We look forward to working with you and your staff to deliver your new Arctic Air Compressor and fill station, which will give the City of Alhambra many years of service.

Sincerely,

James Mario Demattei
Casey Demattei
Charlotte

15170 Goldenwest Circle #B, Westminster CA 92683  *  3941 Park Dr. #20-193, El Dorado Hills, CA 95762
PH: (844) 433-7684
C-E4-10-A6-E1C
E4-10A6E1 WITH CO MONITOR, 4 STAGE, 6000 PS, 10 HP, 14 CFM, SINGLE PHASE ELECTRIC MOTOR, SOUND SUPPRESSING CABINET. INCLUDES FILTER SYSTEM TO PROCESS 24,000 CU FT., MAGNETIC STARTER, AUTO DRAIN SYSTEM, GAUGE PANEL, HIGH PRESSURE SWITCH AND ELECTRONIC CO MONITOR

C-FS2C55
DBL FILL W/CONTROLS 5500 PSI

C-ASME-6000
6000 PSI ASME Cyl with safety relief valve, drain valve, and shut off valve.
<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Qty</th>
<th>U/M</th>
<th>Cost</th>
<th>Total</th>
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<tr>
<td>PEG-153M</td>
<td>Stallion Air PEGASUS- Enclosed Vertical Design-15HP, 230V/3PH/60VAC - 17CFM- 6000 psi, 4 Stage, Pressure Lubricated with all Standards Features</td>
<td>1</td>
<td>PerUnit</td>
<td>28,656.57</td>
<td>28,656.57T</td>
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<td>PEG-CO</td>
<td>Stallion Air PEGASUS CO Monitor. Calibration Gas and Regulator Inclusive.</td>
<td>1</td>
<td>PerUnit</td>
<td>2,483.14</td>
<td>2,483.14T</td>
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<td>55-010-3E</td>
<td>Stallion Air Hose 10' 7000 PSI</td>
<td>1</td>
<td>EA</td>
<td>94.88</td>
<td>94.88T</td>
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<tr>
<td>SACF2-4G2</td>
<td>Stallion Air Stationary Two Position Containment Fill Station, Generation 2. Accepts Up to 5500 PSI, 112 CU.FT. SCBA's and SCUBA Cylinders. Complete With Regulator, Shut Off Valve and SCBA Gauge.Individual Shut Off Valve for Each Point of Fill. Optional Bank Features Available. Unit Will Support Up to (4) ASME or ISO/UN Cylinders. Fill Station is UL (Underwriters Laboratories) Certified and UL Listed.</td>
<td>1</td>
<td>PerUnit</td>
<td>7,525.31</td>
<td>7,525.31T</td>
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<td>SACF-4BK</td>
<td>Stallion Air 4-Bank Air Control Panel Option For The SACF Containment Fill Station Only.</td>
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<td>1,826.78</td>
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<td>SAI (BAC) Cascade ASME System 4 Cylinder 6K</td>
<td>1</td>
<td>PerUnit</td>
<td>13,699.09</td>
<td>13,699.09T</td>
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<td></td>
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| Subtotal                                                                 | $56,085.77 |
| Sales Tax (8.75%)                                                          | $4,907.50  |
| Total                                                                      | $60,993.27  |

Quote is Valid for 90 Days
To: Honorable Mayor and
Members of the City Council

Agenda Date: March 16, 2021

SUBJECT: Public Hearing and Introduction: General Plan Amendment 20-01, Zoning Map Amendment 431, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Moiola Park Residences at 9790 Finch Avenue

EXECUTIVE SUMMARY:

Brookfield Residential (“Brookfield”) has submitted a request to demolish the existing vacant school buildings, accessory structures, pavement, and infrastructure located at the former Fred Moiola Elementary School located at 9790 Finch Avenue, and construct 74 new single-family residences to be known as the Moiola Park Residences, onsite roadways with sidewalks, and an approximate 1.12-acre park (“Project”).

Requested entitlements that require approval by the City Council include:

- General Plan Amendment (GPA) 20-01 to change the land use designation of the site from Public Facilities and Park to Low Density Residential, Low Medium Density Residential, and Park;
- Zoning Map Amendment (ZMA) 431 to change the zoning from PI-Public Institution to R1-Single-Family Residential, GH-Garden Homes, and P/OS-Parks and Open Space with a Planned Development (PD) Overlay; and
- Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMMRP) for the project per CEQA Guidelines Section 15074.

Additional Project entitlements that were approved by the Planning Commission on February 24, 2021, and do not require action by the City Council include:

- Precise Plan (PP) 559 for the construction of 74 single-family residences;
- Conditional Use Permit (CUP) 1882 for the construction of single-family dwellings in the GH zone; and
- Tentative Tract Map (TTM) 19069 to subdivide the project into 74 separate parcels, as well as parcels for an approximately 1.12-acre sized Community Park and approximately 2.3 acres of private streets.

The proposed homes will range from 2,696 square feet to 3,375 square feet and will provide 4-5 bedrooms and 3-4.5 bathrooms. Proposed lots along the western edge will be a minimum 7,200 square feet and will meet R1 – Single-Family Residential zoning standards. The rest of the proposed lots will be a minimum 4,350 square feet and will meet GH – Garden Homes zoning standards. Lastly, a 1.12 acre park will be developed by Brookfield and will be dedicated to the city with a 10-year maintenance fee paid upfront of $176,631.15.
The Project was reviewed by the Planning Commission on February 24, 2021 and by a vote of 5-0, the Planning Commission approved the PP 559, CUP 1882, and TTM 19069, and recommended the City Council approve the GPA 20-01, ZMA 431, and the MND and MMRP.

Staff recommends the City Council conduct a public hearing and:

- Approve the attached Resolution approving the MND and MMRP (Attachment #1);
- Approve the attached Resolution approving GPA 20-01 to change the land use designation of the Project site from Public Facilities and Park to Low Density Residential, Low Medium Density Residential, and Park (Attachment #2); and
- Introduce the attached Ordinance approving ZMA 431 to change the zoning for the Project site from PI-Public Institution to R1-Single-Family Residential, GH-Garden Homes, and P/OS-Parks and Open Space with a Planned Development (PD) Overlay for an increase in the maximum lot coverage from 30% to 33% in the GH zone, an increase of the 2nd to 1st story ratio for lot 10 in the R1 zone from a maximum 70% to 97%, and the allowance of tandem garages in Plans 3 and 4 in both the R1 and GH zones (Attachment #3).

**PROPOSAL:**

Brookfield has submitted a request to demolish the existing vacant school buildings, accessory structures, pavement, and infrastructure located at the former Fred Moiola Elementary School located at 9790 Finch Avenue, and construct 74 new single-family residences to be known as the Moiola Park Residences, onsite roadways with sidewalks, and an approximate 1.12-acre park (“Project”).

Requested entitlements include:

(1) GPA 20-01 to change the land use designation of the site from Public Facilities and Park to Low Density Residential, Low Medium Density Residential, and Park (Planning Commission recommended approval to City Council);

(2) ZMA 431 from PI-Public Institution to R1-Single-Family Residential, GH-Garden Homes, and P/OS-Parks and Open Space with a Planned Development (PD) Overlay for an increase in the maximum lot coverage from 30% to 33% in the GH zone, an increase of the 2nd to 1st story ratio for lot 10 in the R1 zone from a maximum 70% to 97%, and the allowance of tandem garages in Plans 3 and 4 in both the R1 and GH zones (Planning Commission recommended approval to City Council);

(3) A Mitigated Negative Declaration (MND) and MMRP for the project per CEQA Guidelines 15074 (Planning Commission recommended approval to City Council);

(4) PP 559 for the construction of 74 single-family residences (Approved by Planning Commission on February 24, 2021);

(5) CUP 1882 for the construction of single-family dwellings in the GH zone (Approved by Planning Commission on February 24, 2021); and

(6) TTM 19069 to subdivide the project into 74 separate parcels, as well as parcels for an approximately 1.12-acre sized Community Park and approximately 2.3 acres of private streets (Approved by Planning Commission on February 24, 2021).

The proposed project would result in a gross density of 5.69 dwelling units per acre (du/ac), with a density of 4.72 du/ac in the portion of the project within the R1 zone along the western side of the project and 6.69 du/ac within the GH zone within the remainder of the project site.
Proposed lot sizes in the R1 zone will be a minimum 7,200 square feet and a minimum 4,350 square feet in the GH zone.

**DISCUSSION:**

Brookfield has submitted a request to subdivide the 13-acre property, which is located at 9790 Finch Avenue, for the development of 74 single-family homes, private streets, and a 1.12-acre park (Attachment #4). The project includes the following applications per the FVMC:

- Per FVMC 21.34, a GPA is required for a change in land use designation from Public Facilities and Park to Low Density Residential, Low Medium Density Residential, and Park for the approximate 13-acre project site (*Planning Commission recommendation to the City Council*).

- Per FVMC 21.34, a ZMA is required to rezone the property from PI – Public Institution to R1 – Single-Family Residential, GH – Garden Homes, and P/OS – Parks and Open Space with a PD Overlay to allow for the development of 74 single-family residences (*Planning Commission recommendation to the City Council*).

- Per FVMC Section 21.66.030(a), a TTM is required for the subdivision of an existing parcel into five (5) or more parcels in compliance with FVMC Chapters 21.66 through 21.84. The TTM would subdivide the existing approximate 13-acre parcel into 80 total lots broken out between the following (*Planning Commission action contingent upon approval of General Plan and Zoning Map amendments by City Council*):
  - Ten (10) lots for lots 1-10 for single-family detached residences totaling 1.77 acres;
  - 64 lots for lots 11-74 for single-family detached residences totaling 6.90 acres;
  - One (1) lot for a public park totaling 1.12 acres;
  - Five (5) lots for private streets totaling 3.21 acres.

- Per FVMC Chapter 21.44, a PP is required for the development of any proposed structures in the city, except for structures in the R1 zoning district (*Planning Commission action contingent upon approval of General Plan and Zoning Map amendments by City Council*).

- Per FVMC Section 21.08.030 Table 2-2, a CUP is required for the development of single-family dwellings in the GH - Garden Home zoning district (*Planning Commission action contingent upon approval of General Plan and Zoning Map amendments by City Council*).

- Approval of a MND and Mitigation Monitoring and Reporting Plan (MMRP) to address the environmental impacts associated with this Project (*Planning Commission recommendation to the City Council*).

Through the requested entitlements, the Project will result in the development of 74 single-family dwellings, private roads, and a 1.12-acre park on the Project site. Staff has worked with Brookfield over the last year to help them achieve their goal of developing the project while being mindful of the impacts to the surrounding neighborhood. In doing so, the Project
has been designed to: (1) include a R1 – Single-Family Residential zone along the west side of the Project to match the zoning of the homes to the west of the Project site; (2) accommodate the GH – Garden Homes zone and detached single-family dwellings on smaller lots than a traditional R1 lot on the balance of the residential portion of the site; (3) a 1.12 acre public park; and (4) will meet most Residential Infill Guidelines set by the City Council in 1989. The applicant has also applied for a Planned Development (PD) Overlay for the project to allow flexibility in some development standards for the Project.

The proposed homes will be offered in four different floorplans with three different elevation types consisting of Adobe Ranch, Transitional Cottage, and Transitional Spanish as shown in Figure 1 and Attachment #5.

<table>
<thead>
<tr>
<th>Plan 1</th>
<th>Plan 2</th>
</tr>
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<tbody>
<tr>
<td>2,696 square feet</td>
<td>2,895 square feet</td>
</tr>
<tr>
<td>4 bedroom, 3 bathroom, 2-car garage</td>
<td>4 bedroom, 3 bathroom, 2-car garage</td>
</tr>
<tr>
<td>Offered in GH zone only</td>
<td>Offered in GH zone only</td>
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</table>

<table>
<thead>
<tr>
<th>Plan 3</th>
<th>Plan 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>3,069 square feet</td>
<td>3,375 square feet</td>
</tr>
<tr>
<td>5 bedroom, 3 bathroom, 3-car garage</td>
<td>5 bedroom, 4.5 bathroom, 3-car garage</td>
</tr>
<tr>
<td>Offered in GH zone and Lot 10 of R1 zone</td>
<td>Offered in R1 zone</td>
</tr>
</tbody>
</table>

Figure 1 – Proposed Elevations in Adobe Ranch, Transitional Cottage, and Transitional Spanish

The westernmost portion of the Project will be amended with a General Plan Land Use Map Designation of Low Density Residential and a new zoning designation of R1 – Single-Family Residential. This will provide a single line of ten homes (Lots 1-10) along the western border of the project each on 7,200 square foot lots that will provide 20 foot front setbacks, 5 foot side setbacks (except for Lot 1 with a 10 foot side setback), and 35-44.5 foot rear setbacks with 33-35 foot rear setbacks from proposed optional covered patios. The proposed density in the R1 zone will be 4.72 dwelling units per acre (du/ac), which falls below the maximum 5 du/ac in the R1 zone. Lots 1-9 will comply with all development FVMC standards for the R1 zone including lot size, setbacks, height, Floor Area Ratio (FAR), ratio of 2nd story to 1st story,
Council Action Request  
General Plan Amendment 20-01, Zoning Map Amendment 431, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program  
City Council Meeting March 16, 2021  
Page 5

and site coverage per Table 1 below. Lots 1-10 will not comply with the strict application of the FVMC with regards to the orientation of 3-car garages and Lot 10, which proposes a Plan 3 design in the R1 zone, will meet all development standards except for the maximum ratio of 2nd story to 1st story of 70% as noted in Table 2. These deviations will be discussed below in the PD Overlay section of the Staff Report.

<table>
<thead>
<tr>
<th>Table 1 – R1 Zoning Compliance Table (Plan 4 on Lots 1-9)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>R-1 ZONING COMPLIANCE TABLE - PLAN 4</strong></td>
</tr>
<tr>
<td>Required</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Min. Lot Area</td>
</tr>
<tr>
<td>Min. Lot Width</td>
</tr>
<tr>
<td>Min. Lot Depth</td>
</tr>
<tr>
<td>Max. Density</td>
</tr>
<tr>
<td>Max. Dwellings per Parcel</td>
</tr>
<tr>
<td>Min. Front Setback</td>
</tr>
<tr>
<td>Min. Side Setback</td>
</tr>
<tr>
<td>Min. Street Side Setback</td>
</tr>
<tr>
<td>Max. Rear Setback</td>
</tr>
<tr>
<td>Max. Building Height</td>
</tr>
<tr>
<td>Max. Ratio 2nd story / 1st Story</td>
</tr>
<tr>
<td>Buiconies &amp; Decks</td>
</tr>
<tr>
<td>Max. Site Coverage</td>
</tr>
<tr>
<td>Max. F.A.R.</td>
</tr>
<tr>
<td>Min. Floor Area</td>
</tr>
<tr>
<td>Min. Front Yard Landscape</td>
</tr>
<tr>
<td>Parking / Bedroom Count</td>
</tr>
<tr>
<td>Max. Garage Size</td>
</tr>
<tr>
<td>Min. Rear Yard Area</td>
</tr>
</tbody>
</table>

*ADOBE RANCH ELEVATION STYLE SITE COVERAGE IS 41.31% 

<table>
<thead>
<tr>
<th>Table 2 – R1 Zoning Compliance Table (Plan 3 on Lot 10)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>R-1 ZONING COMPLIANCE TABLE - PLAN 3 (LOT 10 ONLY)</strong></td>
</tr>
<tr>
<td>Required</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Min. Lot Area</td>
</tr>
<tr>
<td>Min. Lot Width</td>
</tr>
<tr>
<td>Min. Lot Depth</td>
</tr>
<tr>
<td>Max. Density</td>
</tr>
<tr>
<td>Max. Dwellings per Parcel</td>
</tr>
<tr>
<td>Min. Front Setback</td>
</tr>
<tr>
<td>Min. Side Setback</td>
</tr>
<tr>
<td>Min. Street Side Setback</td>
</tr>
<tr>
<td>Min. Rear Setback</td>
</tr>
<tr>
<td>Max. Building Height</td>
</tr>
<tr>
<td>Max. Ratio 2nd story / 1st Story</td>
</tr>
<tr>
<td>Buiconies &amp; Decks</td>
</tr>
<tr>
<td>Max. Site Coverage</td>
</tr>
<tr>
<td>Max. F.A.R.</td>
</tr>
<tr>
<td>Min. Floor Area</td>
</tr>
<tr>
<td>Min. Front Yard Landscape</td>
</tr>
<tr>
<td>Parking / Bedroom Count</td>
</tr>
<tr>
<td>Max. Garage Size</td>
</tr>
<tr>
<td>Min. Rear Yard Area</td>
</tr>
</tbody>
</table>

*NOTE: SPANISH ELEVATION STYLE NOT TO BE USED AT LOT 10 DUE TO BLDG. HT.

The rest of the residential development in the Project area will be amended with a General Plan Land Use Map designation of Low Medium Density Residential and a new zoning of GH – Garden Homes. The proposed GH zone located to the east of the proposed R1 zone will provide 64 single-family homes on lots ranging from 4,350 – 5,313 square feet with 15-15.5
front setbacks, 5 foot side setbacks (10 feet on corner lots), and 14-26 foot rear setbacks. The proposed density in the GH zone will be 6.69 du/ac, which falls below the maximum 10.8 du/ac in the GH zone. Lots 11-74 will comply with all development standards for the GH zone including lot area, lot width, density, height, and minimum private rear yard area as noted in Tables 3, 4, and 5 below. Several standards, such as lot depth, setbacks, 2nd to 1st story ratio, balconies and decks, and floor area ratio, are designated to be determined by the Planning Commission and were approved at the Planning Commission meeting of February 24, 2021. The approved standards will mirror those in the R1 zone. Lots 11-74 will not comply with the maximum project building coverage of 30% and the orientation of 3-car garages. These deviations will be discussed below in the PD Overlay section of the Staff Report.

<table>
<thead>
<tr>
<th>GH ZONING COMPLIANCE TABLE - PLAN 1</th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Area</td>
<td>1,800 sf</td>
<td>4,350 sf min.</td>
</tr>
<tr>
<td>Min. Lot Width</td>
<td>23'</td>
<td>50'</td>
</tr>
<tr>
<td>Min. Lot Depth</td>
<td>Per commission</td>
<td>90' typ., 87' min.</td>
</tr>
<tr>
<td>Max. Density</td>
<td>10.8 dwellings per acre</td>
<td>± 6.69 dwellings per acre</td>
</tr>
<tr>
<td>Max. Dwellings per Parcel</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Min. Front Setback</td>
<td>Per commission</td>
<td>15'-0'</td>
</tr>
<tr>
<td>Min. Side Setback</td>
<td>Per commission</td>
<td>5'</td>
</tr>
<tr>
<td>Min. Street Side Setback</td>
<td>Per commission</td>
<td>10' min.</td>
</tr>
<tr>
<td>Min. Rear Setback</td>
<td>Per commission</td>
<td>20' typ., 17' min.</td>
</tr>
<tr>
<td>Max. Building Height</td>
<td>30' / 2 story</td>
<td>28'-0'</td>
</tr>
<tr>
<td>Max. Ratio 2nd story / 1st Story</td>
<td>Per commission</td>
<td>77%</td>
</tr>
<tr>
<td>Balconies &amp; Decks</td>
<td>Per commission</td>
<td>N/A</td>
</tr>
<tr>
<td>Max. Site Coverage</td>
<td>30% project coverage</td>
<td>32.57% aggregate</td>
</tr>
<tr>
<td>Max. F.A.R.</td>
<td>Per commission</td>
<td>0.62 (0.45 aggregate)</td>
</tr>
<tr>
<td>Min. Floor Area</td>
<td>1,500 sf</td>
<td>2,696 sf</td>
</tr>
<tr>
<td>Min. Front Yard Landscape</td>
<td>50% of 750 sf (375 sf)</td>
<td>62% (469 sf)</td>
</tr>
<tr>
<td>Parking / Bedroom Count</td>
<td>2 enclosed spaces / 4 BR</td>
<td>2 enclosed spaces / 4 BR</td>
</tr>
<tr>
<td>Max. Garage Size</td>
<td>450 sf (2 spaces)</td>
<td>487 sf</td>
</tr>
<tr>
<td>Min. Rear Yard Area</td>
<td>320 sf</td>
<td>1,400 sf typ.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GH ZONING COMPLIANCE TABLE - PLAN 2</th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Area</td>
<td>1,800 sf</td>
<td>4,350 sf min.</td>
</tr>
<tr>
<td>Min. Lot Width</td>
<td>23'</td>
<td>50'</td>
</tr>
<tr>
<td>Min. Lot Depth</td>
<td>Per commission</td>
<td>90' typ., 87' min.</td>
</tr>
<tr>
<td>Max. Density</td>
<td>10.8 dwellings per acre</td>
<td>± 6.69 dwellings per acre</td>
</tr>
<tr>
<td>Max. Dwellings per Parcel</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Min. Front Setback</td>
<td>Per commission</td>
<td>15'-0'</td>
</tr>
<tr>
<td>Min. Side Setback</td>
<td>Per commission</td>
<td>5'</td>
</tr>
<tr>
<td>Min. Street Side Setback</td>
<td>Per commission</td>
<td>10' min.</td>
</tr>
<tr>
<td>Min. Rear Setback</td>
<td>Per commission</td>
<td>20' typ., 17' min.</td>
</tr>
<tr>
<td>Max. Building Height</td>
<td>30' / 2 story</td>
<td>27'-7'</td>
</tr>
<tr>
<td>Max. Ratio 2nd story / 1st Story</td>
<td>Per commission</td>
<td>83%</td>
</tr>
<tr>
<td>Balconies &amp; Decks</td>
<td>Per commission</td>
<td>N/A</td>
</tr>
<tr>
<td>Max. Site Coverage</td>
<td>30% project coverage</td>
<td>32.57% aggregate</td>
</tr>
<tr>
<td>Max. F.A.R.</td>
<td>Per commission</td>
<td>0.67 (0.45 aggregate)</td>
</tr>
<tr>
<td>Min. Floor Area</td>
<td>1,500 sf</td>
<td>2,896 sf</td>
</tr>
<tr>
<td>Min. Front Yard Landscape</td>
<td>50% of 750 sf (375)</td>
<td>62% (469 sf)</td>
</tr>
<tr>
<td>Parking / Bedroom Count</td>
<td>2 enclosed spaces / 4 BR</td>
<td>2 enclosed spaces / 4 BR</td>
</tr>
<tr>
<td>Max. Garage Size</td>
<td>450 sf (2 spaces)</td>
<td>443 sf</td>
</tr>
<tr>
<td>Min. Rear Yard Area</td>
<td>320 sf</td>
<td>1,400 sf typ.</td>
</tr>
</tbody>
</table>
The Project also proposes to amend the General Plan Land Use Map designation to Park with a zoning designation of P/OS – Parks and Open Space. The proposed park will consist of a 1.12-acre public park to help satisfy the requirements of parkland dedications and fees for the project. Per FVMC 21.78.070, the project is required to dedicate a minimum 1.258-acre park or pay a fee per the average per-acre fair market value for the appropriate park planning area. With a dedication of a 1.12-acre park, this leaves a shortfall of 0.138 acres of dedicated parkland. FVMC 21.78 allows an applicant to make up for the park dedication shortfall with credit for improvements if the whole park dedication area is not satisfied. Brookfield has opted to dedicate a 1.12-acre park to the city and will grade, landscape, and improve the park at an estimated cost of $1.06 Million. Additionally, Brookfield will pay the city $176,631.15 for the maintenance and upkeep of the public park for a 10-year period. The fee is based on the cost to add Moiola Park to the city’s maintenance contract, an estimate of playground and tree maintenance, and 3% Consumer Price Index (CPI) increase per year. These fees will be paid up front prior to certificate of occupancy of the park.

Park amenities will include a shade trellis with picnic tables and BBQ’s underneath at the northwestern side of the park framing an entry gateway to the park. Park benches will be situated under shade trees, with views of the tot lot and the open lawn. An open turf area will provide space for informal sports, games and leisure, and small turf mounds act as playful landscape features and seating slopes. Lighting will consist of pole lights (located pending photometric studies), and up lights of the entry sign and of signature trees. Concrete walkways provide access across the park and wrap around a tot lot with nature play equipment and wood fiber surfacing.

Parking for the Project will be provided on each property with either a 2 or 3-car garage along with space for up to 95 street parking stalls.

Table 5 – GH Zoning Compliance Table (Plan 3 on Lots 11-74)

<table>
<thead>
<tr>
<th>GH ZONING COMPLIANCE TABLE - PLAN 3</th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Area</td>
<td>1,900 sf</td>
<td>4,350 sf min.</td>
</tr>
<tr>
<td>Min. Lot Width</td>
<td>23’</td>
<td>50’</td>
</tr>
<tr>
<td>Min. Lot Depth</td>
<td>Per commission</td>
<td>90’ typ., 87’ min.</td>
</tr>
<tr>
<td>Max. Density</td>
<td>10.8 dwellings per acre</td>
<td>± 6.69 dwellings per acre</td>
</tr>
<tr>
<td>Max. Dwellings per Parcel</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Min. Front Setback</td>
<td>Per commission</td>
<td>15’-0”</td>
</tr>
<tr>
<td>Min. Side Setback</td>
<td>Per commission</td>
<td>5’</td>
</tr>
<tr>
<td>Min. Street Side Setback</td>
<td>Per commission</td>
<td>10’ min.</td>
</tr>
<tr>
<td>Min. Rear Setback</td>
<td>Per commission</td>
<td>17’ min., 14’ min.</td>
</tr>
<tr>
<td>Max. Building Height</td>
<td>30’ / 2 story</td>
<td>27’-6”</td>
</tr>
<tr>
<td>Max. Ratio 2nd story / 1st Story</td>
<td>Per commission</td>
<td>9%</td>
</tr>
<tr>
<td>Balconies &amp; Decks</td>
<td>Per commission</td>
<td>N/A</td>
</tr>
<tr>
<td>Max. Site Coverage</td>
<td>30% project coverage</td>
<td>32.57% aggregate</td>
</tr>
<tr>
<td>Max. F.A.R.</td>
<td>Per commission</td>
<td>0.71 (0.45 aggregate)</td>
</tr>
<tr>
<td>Min. Floor Area</td>
<td>1,600 sf</td>
<td>3,179 sf</td>
</tr>
<tr>
<td>Min. Front Yard Landscape</td>
<td>50% of 750 sf (375 sf)</td>
<td>58% (436 sf)</td>
</tr>
<tr>
<td>Parking / Bedroom Count</td>
<td>3 enclosed spaces / 5 BR</td>
<td>3 enclosed spaces / 5 BR</td>
</tr>
<tr>
<td>Max. Garage Size</td>
<td>650 sf (3 spaces)</td>
<td>663 sf</td>
</tr>
<tr>
<td>Min. Rear Yard Area</td>
<td>320 sf</td>
<td>1,400 sf typ.</td>
</tr>
</tbody>
</table>
Planned Development (PD) Overlay

In addition to the zone changes, the Project will include a PD Overlay to allow for the development of the 74 single-family residences. Per FVMC 21.14, a PD Overlay district may be applied in areas where the city has determined that flexibility in the application of development standards may produce development projects of higher quality than might be achieved through the strict application of the development standards required by the primary zoning district. As noted above, the Project includes a PD Overlay for an increase in the maximum lot coverage from 30% to 33% in the GH zone, an increase of the 2nd to 1st story ratio for lot 10 in the R1 zone from a maximum 70% to 97%, and the allowance of tandem garages in Plans 3 and 4 in both the R1 and GH zones.

The first PD Overlay will provide a variation in the total site coverage from 30% to 33% to accommodate the planned 32.6% site coverage in the GH zone. The project will provide for an attractive and high quality neighborhood with private streets, bulbed intersections, and enriched landscaping.

The second PD Overlay will allow Lot 10 to be built to a 97% ratio rather than the maximum 70% ratio in the R1 zone. This request will allow Brookfield Residential to construct a Plan 3 house from their proposed GH zone on the proposed oddly shaped R1 zoned Lot 10 to help achieve a consistent rear setback with Lots 1-9 in the R1 zone. Lot 10 is the largest lot in the subdivision, at over 11,600 sf, but is a pie shaped lot with a narrow street frontage that provides a larger front yard setback to its closest point to the front property line. To avoid setting the home closer to the existing homes along Redwood Street, lot 10 includes a smaller Plan 3 home with more 2nd story square footage than the other Plan 4 homes along the westerly side (Lots 1 – 9). This allows the home to maintain a minimum setback of 35 feet consistent with the rear setbacks of Lots 1-9 to maximize privacy to the existing homes on Redwood Street located behind Lot 10. The larger amount of 2nd story square footage results in a higher ratio of 2nd story square footage to 1st story square footage—97%—than the R1 zone allows (70%); therefore, included in the PD Overlay is an increased ratio to allow a Plan 3 home on the proposed Lot 10.

Lastly, the third PD Overlay request will allow tandem garages in 23 Plan 3 and nine Plan 4 Lots that will allow a 3-car garage configuration with two side–by-side vehicle spaces and a tandem space to satisfy the 3-car garage requirement. FVMC 21.22.040 Table 3-3 states that for single-family homes with five bedrooms or more must have a minimum of three enclosed parking spaces. The proposed tandem configuration creates a more attractive home façade aesthetic as it reduces the garage-dominated façade provided with a 3-car side-by-side garage. A 3-car side-by-side garage would consume over 50% of the façade width of both Plan 3 and 4 home plans. Specifically, 75% of the Plan 3 façade width would be consumed by a 3-car side-by-side garage width and 60% of the Plan 4 façade would be consumed by a 3-car side-by-side garage width. The proposed driveways allow for easy reconfiguration of the cars in the tandem configuration without impeding traffic in the street. The car in the forward position can back out into the driveway to allow the car in the tandem position to exit and go around the car in the driveway and leave the property. Lastly, CC&Rs for the Moiola Park Residences community will include provisions that require full use of parking spaces in the garages for vehicles, not storage, and the HOA will enforce those provisions.
The Project will create a safe environment by providing new infrastructure including storm drain, sewer, and off-site improvements such as new sidewalks and streetlights. The proposed density and ratio variations allow the Project to dedicate the park and develop it at no cost to the City, produce additional housing, bring more customers in close proximity to the adjacent commercial center, and meet most all other development objectives of the site. For these reasons outlined, the PD Overlay designation will deliver a higher quality community than conventional zoning.

Residential Infill Guidelines

The Project will also meet most Residential Infill Guidelines adopted by the City Council on November 14, 1989, that address architectural compatibility, lot coverage, two-story units, perimeter block wall, and driveway approaches. A breakdown of how the project meets these requirements can be found below.

1. Architectural Compatibility

   a. Architectural design of the new housing structure shall be architecturally compatible with the surrounding neighborhood.

      The proposed Moiola Park Residences will be a maximum of two stories and approximately 27.4 (Plan 3 Spanish elevation) feet in height. Residences on the west side of the Project (Lots 1-9), in the proposed R1 zone, will have one-story elements such as one-story roof lines and a split-level house design, similar to the existing residences in the area. Residences to the west and northwest of the site, located on Redwood Street, include a mixture of one and two-story homes. Residences to the north along Callen’s Circle consist of two-story residences. Residences to the south along Red River Circle and at the end of the Mt Cimarron Street are mostly two-story homes with some one-story residences. Similar exterior materials, such as stucco with wood, rock and/or brick accent treatments, and roofing are proposed in the Project as can be found in the adjacent residences. Elements of the proposed Ranch, Cottage, and Spanish architectural styles can also be found in many of the nearby existing homes.

   b. Variety of elevations and floor plans, including one- and two-story units.

      The Moiola Park Residences will range in size from approximately 2,696 square feet (sf) to 3,375 sf and include four different two-story floor plan options. The residences on the west side of the project (Lots 1-9) will have single-story elements which provide architectural interest, varied elevations and reduce massing; however only two-story residences are proposed. Therefore, the project is not completely consistent with this guideline at the project site level.

      However, when viewed at the area wide level, the project is visually compatible with homes on surrounding streets. The existing residences to the north and west of the site along Redwood Street include a mixture of one and two-story homes. The residences to the north along Callen’s Circle (that are also subject to these Infill Guidelines) consists only of two-story residences. Residences to the south along Red River Circle and at the end of the Mt. Cimarron Street are mostly two-story homes with
the recently approved Villa Serena (that is subject to the infill guidelines) consists of all two-story residences.

Because the proposed residences have one-story elements and are located within an area of both one-story and two-story residences, including tracts of new two-story homes, the project would not conflict with this architectural compatibility guideline.

c. Abutting units may not utilize the same exterior elevation.

The Moiola Park Residences will include four different two-story floor plan options and adjacent residences will not have the same exterior elevation. The proposed residences on the west side of the site (Lots 1-9) would be Plan 4 residences with three different architectural styles (Ranch, Cottage, and Spanish). Throughout the entire site, abutting units would not utilize the same exterior elevation.

d. Staggered front yard setbacks shall be incorporated into the design of the subdivisions so no abutting units have similar front yard setbacks. If a curved street condition exists, similar setbacks may be considered.

Front yard setbacks in the Project vary from 15 feet to over 20 feet, which results in a staggered appearance. Therefore, no abutting homes share the same setbacks. Several planting schemes are also proposed (correlated to building style/type) that would ensure variety in aesthetics. Since no identical elevations would be plotted adjacent to one another, no front yard landscape would be identical to the neighboring ones either.

2. Lot Coverage Permitted

a. Total lot coverage for the main structure including garage, patio and room addition shall not exceed 45% (forty five percent) of the total lot area.

The Project coverage is 32.6% for the GH zone and 32% in the R1 zone.

3. Two Story Units

a. When new two-story units are constructed abutting existing single-story units, the new units shall modify the window structure and location of windows to ensure compatibility. Methods that may be considered include (1) location of window, (2) spandrel or opaque glass, (3) architectural relief of the rear of the unit, and (4) installation of mature landscaping to the rear of the lot.

Lots 1-10 in the Moiola Park Residences are adjacent to both two-story and single-story structures along Redwood Street. All other proposed homes in the Project do not abut existing single-story units. The window placement and frosted glazing treatment of the proposed Moiola Park Residences on Lots 1-10 is consistent with the two-story unit's requirements.

b. The floor area of the second story shall not be larger and/or equal to the area of the ground floor.
The floor area of the second story of each plan in the Moiola Park Residences project would be smaller than the area of the ground floor when including garage and vaulted ceiling areas consistent with the ‘Ratio of 2\textsuperscript{nd} story building area to 1\textsuperscript{st} story building’ requirements of FVMC 21.08.040, Table 2-3 with ratios ranging from 63% to 97%. Consistent with R1 zoning requirements, lots 1-9 will provide a ratio of 63%. Lot 10 in the R1 zone is a part of the PD Overlay request to exceed the maximum ratio in the R1 zone with a ratio of 97% but will provide a larger rear setback consistent with the other R1 lots (Lots 1-9) in the Project. Lots 11-74 will provide 2\textsuperscript{nd} story to 1\textsuperscript{st} story ratios between 77% - 97%.

4. Perimeter Block Wall - Perimeter Block Wall – 6-foot block for perimeter of tract.
   a. Block wall(s) shall be a minimum of 6 feet from highest grade elevation.

   The Project proposes to use existing walls where they are in place along the eastern boundary, to construct a new perimeter wall abutting the existing walls along the western boundary, and to build a 6-foot high block wall along the southerly boundary. Consistent with this requirement, the existing walls are generally 6 feet or taller within the project site; however, if the proposed grading would result in the wall height being less than 6 feet within the project site, the wall height would be increased to 6 feet or replaced with a new 6-foot wall. All 6-foot high block walls around the perimeter of the site would be a minimum of 6-feet from the highest elevation. The proposed residences facing Finch Avenue would not have a front yard wall.

   b. Existing non-masonry wall and/or fence (chain link or wooden) shall be removed and construct new 6 ft. solid masonry wall.

   The project includes development of a 6-foot high block wall around the perimeter of the site.

   c. Fence detail shown on preliminary grading.

   The detail of the 6-foot high block wall is shown on preliminary grading plans.

   d. Type of material shall be either split-face or slump-stone block.

   The 6-foot high block wall would be constructed of split-face or slump-stone block.

   e. Lateral walls interior-solid masonry walls shall be provided on all side and rear property lines.

   Solid masonry walls would be provided on all side and rear property lines.

5. Driveway Approach and Recreational Vehicle Access
   a. All driveway approaches shall be constructed of concrete.

   All driveway approaches would be constructed of concrete.
b. All R1 units shall incorporate a minimum side yard of 10 ft. on the garage side.

The lots proposed for R1 zoning (Lots 1-10) include side yard setbacks on the garage side of only 5 feet, which is less than the 10-foot minimum. However, adequate room for circulation to and from the drive isles and garages would be verified by the City’s traffic engineering review of project plans. Therefore, although inconsistent, the project would not conflict with this driveway approach and recreational vehicle access guideline.

c. Garages with setbacks of 20 feet or less shall utilize roll up doors for all doors, with an automatic garage door opener. Garages with setbacks greater than 20 feet may utilize swing-up garage doors.

All garages would have roll up doors with an automatic garage door opener.

d. In the event a three-car garage is adjacent to a three-car garage, the developer shall submit landscape plans as part of the application package.

The project only includes three-car garages adjacent to other three-car garages in the R1 zone (Lots 1-10). These homes will not provide the typical side by side by side three-car garage orientation but will instead provide tandem garages as part of the Planned Development Overlay for the project. Nevertheless, the developer has provided typical front yard landscaping designs for Lots 1-10 as a part of their application package.

Additional Agency Review

California Department of Toxic Substances Control (DTSC) – The project includes a Response Action by the DTSC to reduce potential subsurface volatile organic compound vapor accumulation below some of the proposed residential structures. The Phase I and Phase II Environmental Site Assessment’s (ESA’s) concluded that the northeastern side of the Project contains volatile organic compounds (VOC’s) from a nearby dry cleaners in the commercial center located to the northeast of the Project. The project construction will include installation of vapor barrier systems under the proposed residences within Lots 36, 37, 38, 39, and 47, pursuant to California Department of Toxic Substances Control (DTSC) regulations. The vapor barrier system will consist of a physical barrier under the foundations and a passive venting system for each of the residences on the identified lots. DTSC will oversee the remediation of the site to ensure the protection of the public and the environment.

Orange County Flood Control District & Orange County Public Works (OCFCD) and (OCPW) - The Project includes a water loop connection to the south of the Project to the existing water line in Mt. Cimarron Street per the requirements of the City’s Public Works Department. This water connection is necessary to ensure water quality and redundancy within the development. Providing alternate sources and eliminating dead-end tracts greatly increases overall water quality within a water system by reducing water age and degradation. Redundancy within a water system greatly increases the ability to provide fire protection in case of emergency and limits customer outages during emergency shutdowns or repairs.
The water line will be constructed on the existing pedestrian bridge over the OCFCD’s flood control channel. Brookfield has already started the process of obtaining approval of the water line, which involves coordination between OCPW, Brookfield, and the City’s Public Works Department. Agreements are conditioned to be required between Brookfield, OCFCD, and the City of Fountain Valley prior to issuance of permits on the project. If the Project is approved, these agreements will be executed.

Utilities for drainage, fire protection, sewers, and water will be provided to serve the demands of the Project. The proposed project would install onsite water and sewer lines that would connect to the existing water and sewer infrastructure in Finch Avenue. The project also includes installation of a sewer lift station at the northern end of the site to convey wastewater flows to the existing sewer line in Finch Avenue. The discharge of sewage from the proposed subdivision into the community sewer system would not result in violation of existing requirements by the California Regional Water Quality Control Board.

Project Support Letters

The city has received 47 letters of support for the Project from June 2020 until March 10, 2021 (Attachment #6). In summary, the letters note that the Project will greatly improve the area, eliminate a blighted property, improve property values in the area, add a public park for residents in the area, and provide new housing opportunities in the city.

General Plan Advisory Committee (GPAC)

The Project was introduced to the GPAC on February 11, 2021, for input on the change in the General Plan Land Use Map. GPAC discussed the change in land use for the Project site from Public Facilities and Park to Low Density Residential, Low Medium Density Residential, and Park. The GPAC had a question about the project density and surrounding land uses which was addressed by staff. Direction was provided by GPAC to the Planning Commission and City Council to support the change in the General Plan Land Use designation for the property at 9790 Finch Avenue.

ENVIRONMENTAL REVIEW:

The California Environmental Quality Act (CEQA) requires analysis of agency approvals of discretionary “projects”. A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” The proposed project is considered a project under CEQA.

Brookfield elected to conduct their own environmental review for the project and submitted a Mitigated Negative Declaration completed by EPD for the City’s review. On April 22, 2020, city staff sent out a Request for Proposals to 11 planning firms to conduct a peer review of the MND for the Project that was provided to the city. The city selected DeNovo Planning Group to peer review the MND and any Response to Comments the city may receive during the public review period of the MND. On October 8, 2020, the city executed a contract with DeNovo and Brookfield deposited the peer review contract costs with the city to cover the cost.
The MND was published for the required 30-day comment period beginning on December 3, 2020, to January 2, 2021. Additionally, Brookfield held one (1) in person Community Meeting on July 25, 2019, and three (3) virtual Community Meetings on April 9, 2020, August 6, 2020, and December 10, 2020, to discuss the Project and gather input from the community. Additionally, Brookfield provided Project information to the public 14 other times in form of follow up communication with neighbors, participation at Fountain Valley School District, Orange County Realtors, Fountain Valley Kiwanis Club, and Fountain Valley Chamber of Commerce functions, and email blasts to the community.

During the 30-day comment period on the MND, the city received three (3) comment letters. These comment letters are included in the Response to Comments Document (Attachment #3) and are concerned with traffic, access, and construction impacts such as noise and dust. Through the city’s review and review from the city’s peer review contractor, DeNovo Planning Group, all comments were addressed sufficiently in the Response to Comments document and were not deemed significant enough to warrant the preparation of revisions to the MND, as they will not change the analysis or conclusions of the MND.

Traffic and Access

Although not identified as significant environmental impacts to the Project, traffic and access were identified as concerns by residents nearby the Project. Impacts related to traffic resulting from operation of the project were discussed in the MND and based on the Traffic Impact Analysis in Appendix J to the MND. As demonstrated in the Traffic Impact Analysis and the MND, the residential project would result in approximately 699 daily trips, with 55 trips occurring in the AM peak hour and 73 trips occurring in the PM peak hour. As demonstrated in the MND, the project would not result in significant impacts to traffic or result in a significant amount of vehicle trips. Furthermore, as demonstrated by MND Table T-5 in the MND Section 17 Transportation, the proposed project would result in fewer trips than would exist if the school were still operational. As shown in Table T-5, the proposed project would generate 84 fewer daily trips than the previously operating school when analyzing the trip generation based on school’s square footage and 330 fewer daily trips when analyzing the trip generation based on school’s prior student population.

Additionally, the Traffic Impact Analysis demonstrated that one entrance/exit to the project would be sufficient and concluded that the project would not result in significant impacts to the surrounding roadways and intersections. As shown in Table T-5 in the MND Section 17 Transportation, all study intersections within the area of the project are forecast to continue to operate at a satisfactory LOS C or better during the weekday a.m. and p.m. peak hours with the addition of project traffic. Therefore, the project would be consistent with the Fountain Valley General Plan Circulation Element LOS D or better requirement.

Providing an additional entrance to the project via Mount Cimarron Street is not required to accommodate traffic volumes that would be generated by the project. As shown in the Traffic Impact Analysis, included as Appendix J to the MND, during the evening peak hour (the highest hour of project trip generation), the project would generate 73 trips, which is only one vehicle every 50 seconds. This traffic generation can easily be handled by one street, which could safely accommodate several hundred trips per hour. Additionally, the City’s Fire Department has reviewed the proposed site plan and has concurred that adequate emergency access will be provided by the one existing access to the project.
No evidence has been presented, either as a result of technical studies prepared for the MND or comments received on the MND or during the Planning Commission hearing, that the design and operation of the project would increase traffic such that it would impact the public safety of residents.

Lastly, the project was analyzed per Vehicle Miles Traveled (VMT) requirements. VMT measures the amount and distance people drive to a destination. For purposes of the calculations, one VMT equates to one mile that a vehicle travels. Typically, development projects that are farther away and in areas without transit or active transportation infrastructure (bike lanes, sidewalks, etc.) will generate more driving than development near complementary land uses with robust mobility options. For example, a neighborhood market will generate fewer VMT versus a warehouse on the outskirts of town. Per Resolution 9752 approved by the City Council on July 14, 2020, a project would result in a significant project-generated VMT impact if either of the following conditions exist:

1. The baseline project-generated VMT per service population exceeds the City’s General Plan Build-Out average VMT per service population, or
2. The cumulative project-generated average VMT per service population exceeds the City’s General Plan Build-Out average VMT per service population.

A VMT analysis was conducted for the Project, as required by CEQA, and found that the impact would result in a VMT/service population of 17.5, which is less than the City of Fountain Valley General Plan buildout of 28.6 VMT/service population. Therefore, VMT will not be an impact with the implementation of this project.

**MND and Mitigation Measures**

The MND determined that the Project may have a potential significant effect on the environment that, however, will be mitigated to a level that is less than significant with the Mitigation Measures included in the MMRP. Where the application of these measures does not reduce an impact to below a level of significance, a project-specific mitigation measure is introduced. Additionally, the MND identifies existing Plans, Programs, and Policies (PPP’s) which are identified to show their effect in reducing potential environmental impacts per existing federal, state, and local law. The PPP’s are included along with the mitigation measures in the Mitigation Monitoring and Reporting Program (MMRP) for the project to ensure their implementation.

The following below is an analysis of the impacts and any Mitigation Measures that are included that will reduce the impacts to a level that is less than significant:

**Air Quality**

Mitigation Measure AQ-1: Demolition Plan. Prior to issuance of demolition permits, the project proponent shall submit a demolition plan for approval by the City Building Department demonstrating that construction equipment staging areas will be placed away from adjacent residential uses; that rock crushing activities will be located on the northeastern portion of the site, at a minimum of 400-feet from the closest residences;
and demonstrating that the construction contract will comply with South Coast Air Quality Management District (SCAQMD) dust control rules as outlined in PPP AQ-1, AQ-2 and AQ-3.

PPP AQ-1 notes that the Project is required to comply with provisions of the South Coast Air Quality Management District (SCAQMD) Rule 402, which states that a project shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

PPP AQ-2 notes that the Project is required to comply with the provisions of SCAQMD Rule 403, which states that: (1) All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions; (2) The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered, with complete coverage of disturbed areas, at least three times daily during dry weather; preferably in the mid-morning, afternoon, and after work is done for the day; and (3) The contractor shall ensure that traffic speeds on unpaved roads and project site areas are reduced to 15 miles per hour or less.

PPP AQ-3 notes that the Project is required to comply with the provisions of SCAQMD Rule 1113. Only “Low-Volatile Organic Compounds” paints (no more than 50 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications shall be used.

**Biological Resources**

Mitigation Measure BIO-1: Migratory Bird Treaty Act. Prior to issuance of grading or demolition permits that include vegetation and/or tree removal activities that will occur within the active breeding season for birds (February 1–September 15), the project applicant (or their Construction Contractor) shall retain a qualified biologist (meaning a professional biologist that is familiar with local birds and their nesting behaviors) to conduct a nesting bird survey no more than 3 days prior to commencement of construction activities.

The nesting survey shall include the project site and areas immediately adjacent to the site that could potentially be affected by project-related construction activities, such as noise, human activity, and dust, etc. If active nesting of birds is observed within 100 feet (ft) of the designated construction area prior to construction, the qualified biologist shall establish an appropriate buffer around the active nests (e.g., as much as 500 ft for raptors and 300 ft for non-raptors [subject to the recommendations of the qualified biologist]), and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests.

**Cultural Resources**

Mitigation Measure CUL-1: Archaeological Resources. Prior to the issuance of the first grading permit, the applicant shall provide a letter to the City Planning Department, or
designee, from a qualified professional archeologist meeting the Secretary of Interior’s Professional Qualifications for Archaeology as defined at 36 CFR Part 61, Appendix A stating that the archeologists have been retained to provide archeological resources spot-check monitoring of all ground disturbance activity. The archeologist shall be present at the pre-grading conference to establish procedures for archeological resource surveillance. In addition, the developer shall provide an executed pre-excavation agreement for a Native American monitor who has been approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government (Tribe) during grading, protocols for treatment of Native American human remains, and the repatriation of Native American sacred items and artifacts.

In the event a previously unrecorded archaeological deposit is encountered during construction, all activity within 50 feet of the area of discovery shall cease and the City shall be immediately notified. The archeologist shall flag the area in the field and shall determine if the archaeological deposits meet the CEQA definition of historical (State CEQA Guidelines 15064.5(a)) and/or unique archaeological resource (Public Resources Code 21083.2(g)).

If the find is considered a “resource” the archaeologist in coordination with the Native American monitor shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4 in consultation with the City. Per CEQA Guidelines Section 15126.4(b)(3), preservation in place shall be the preferred means to avoid impacts to archaeological resources qualifying as historical resources. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the archaeologist. Resources shall be identified and curated into an established accredited professional repository. The archaeologist shall have a repository agreement in hand prior to initiating recovery of the resource. If unique archaeological resources cannot be preserved in place or left in an undisturbed state, recovery, salvage and treatment shall be required at the developer/applicant’s expense.

Geology and Soils

Mitigation Measure GEO-1: Geotechnical Evaluation. The project proponent shall implement all recommendations in the approved Geotechnical Evaluation prepared by LLG Geotechnical, Inc. July 19, 2019 (Geotechnical Evaluation) during site preparation, grading, and construction. Compliance with the approved Geotechnical Evaluation shall be verified in the field by a qualified representative. The project proponent shall demonstrate to the Building Department and/or Public Works Department staff that all or equivalent recommendations in the Geotechnical Evaluation or any updates to that report have been incorporated into the proposed project’s design and grading plans.

Mitigation Measure PAL-1: Paleontological Resources. A paleontologist selected from the roll of qualified paleontologists maintained by the City or the County shall be retained to provide spot-check monitoring services for the project. The paleontologist shall develop a Paleontological Resources Impact Mitigation Plan (PRIMP) to mitigate the potential impacts to unknown buried paleontological resources that may exist onsite. The PRIMP shall require that the paleontologist be present at the pre-grading conference to
establish procedures for paleontological resource surveillance. The PRIMP shall require paleontological spot-check monitoring of excavation that exceeds depths of 5 feet. The PRIMP shall state that the project paleontologist shall re-evaluate the necessity for paleontological monitoring after 50 percent or greater of the excavations deeper than 5 feet have been completed.

In the event that paleontological resources are encountered, ground-disturbing activity within 50 feet of the area of the discovery shall cease. The paleontologist shall examine the materials encountered, assess the nature and extent of the find, and recommend a course of action to further investigate and protect or recover and salvage those resources that have been encountered.

Criteria for discard of specific fossil specimens will be made explicit. If a qualified paleontologist determines that impacts to a sample containing significant paleontological resources cannot be avoided by project planning, then recovery may be applied. Actions may include recovering a sample of the fossiliferous material prior to construction, monitoring work and halting construction if an important fossil needs to be recovered, and/or cleaning, identifying, and cataloging specimens for curation and research purposes. Recovery, salvage and treatment shall be done at the applicant’s expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the paleontologist. Resources shall be identified and curated into an established accredited professional repository. The paleontologist shall have a repository agreement in hand prior to initiating recovery of the resource.

Hazards and Hazardous Materials

Mitigation Measure HAZ-1: Groundwater. The project construction specifications and grading permit for the proposed project shall specify that should groundwater be encountered during excavation, grading, or other construction activities in the northeast portion of the project site at Lots 36, 37, 38, 39, and 47, it shall be tested by a registered hazardous waste professional to determine if the groundwater contains contamination, and if so, the appropriate method of treatment and/or disposal pursuant to the DTSC requirements. The City and the DTSC shall be notified by the project contractor immediately if discolored or odorous groundwater is encountered. When not under active construction or related activities, any open trenches containing contaminated water shall be covered to prevent human contact with contamination. Appropriate notices shall be posted at the project site to warn construction personnel and public of the presence of contaminated groundwater.

Mitigation Measure HAZ-2: Vapor Barrier Systems. The project construction plans, specifications, and building permits shall require vapor barrier systems be installed within Lots 36, 37, 38, 39, and 47, pursuant to California Department of Toxic Substances Control (DTSC) regulations. The vapor barrier system shall include a physical barrier under the foundations and a passive venting system for each of the identified lots. The vapor intrusion mitigation plan, reports, and other documents shall be prepared by a registered hazardous waste professional and submitted to DTSC for review and approval. Also, a long-term soils gas-monitoring program shall be implemented by a registered hazardous waste professional pursuant to the DTSC Vapor Intrusion Mitigation Advisory, 2011. Additionally, regularly scheduled groundwater testing shall
occur at a frequency determined by DTSC Vapor Intrusion Mitigation Advisory by a registered hazardous waste professional pursuant to DTSC regulations and be sent to DTSC for review and approval. The soils gas monitoring and groundwater testing shall continue until it can be adequately demonstrated that natural attenuation of the substances, and reduction of onsite contamination, is occurring, and pursuant to DTSC approval. All DTSC approvals, results of any monitoring/testing, and any final closures shall be provided to the City prior to receipt of applicable permits.

Noise

Mitigation Measure AQ-1: Demolition Plan. The project shall conform with Air Quality Mitigation Measure AQ-1: Demolition Plan noted above to mitigate noise impacts from demolition. Noise generated by construction equipment would include a combination of trucks, power tools, concrete mixers, and portable generators that when combined can reach high levels. Construction activity is expected to include: demolition of the existing structures, pavement (including concrete crushing), removal of the existing utility infrastructure; grubbing, excavation, grading, building construction, installation of the vapor barrier systems within Lots 36, 37, 38, 39, and 47, architectural coating, and paving. As described in the Project Description, the concrete crushing activities for reuse of pavement as road base material would occur in the northeastern portion of the site, at a minimum of 400-feet from the closest residences, which would be verified through the City’s permitting process as implemented by Mitigation Measure AQ-1 which requires submittal of a demolition plan prior to issuance of demolition permits. The demolition plan would demonstrate that construction equipment is staged away from sensitive uses and that the concrete crusher is located a minimum of 400-feet from the closest residences.

Per Section 6.28.070, Special Provisions, of the City’s Municipal Code, noise from construction activities are exempt from the City’s established noise standards as long as the activities occur between the hours of 7:00 a.m. and 8:00 p.m., Monday through Friday; or between 9:00 a.m. to 8:00 p.m. on Saturday; and at no time on Sunday or any legal holiday. The proposed project’s construction activities would occur pursuant to these regulations.

Tribal Cultural Resources

Mitigation Measure TCR-1: Native American Monitoring. Prior to the issuance of a permit for initial site clearing (such as pavement removal, grubbing, tree removals) or issuance of the first grading permit allowing ground-disturbing activities (including boring, grading, excavation, drilling, potholing or auguring, and trenching) the applicant shall provide a letter to the City Planning Department, or designee, from a qualified Native American Monitor(s) who has been approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government (Tribe) indicating that they have been retained to be present on-site during site clearing, excavation, and grading activities. The monitor shall be present at the pre-grading conference to conduct a Native American Indian Sensitivity Training for construction personnel. The training session shall include a handout and focus on how to identify Native American resources encountered during earthmoving activities and the procedures followed if resources are discovered. The Native American monitor(s) shall complete monitoring logs on a daily basis, providing descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials
identified. The on-site monitoring shall end when grading and excavation activities of native soil (i.e., previously undisturbed) are completed, or when the tribal representatives and monitor have indicated that the site has a low potential for tribal cultural resources, whichever occurs first.

Inadvertent discovery: In the event that tribal cultural resources are inadvertently discovered during ground-disturbing activities, work shall be halted within 50 feet of the find until it can also be evaluated by a qualified archaeologist in cooperation with a Native American monitor to determine if the potential resource meets the CEQA definition of historical (State CEQA Guidelines 15064.5(a)) and/or resource (Public Resources Code 21083.2(g)). Construction activities could continue in other areas. If the find is considered an “archeological resource” the archaeologist, in cooperation with a Native American monitor shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4. If a tribal cultural resource cannot be preserved in place or left in an undisturbed state, recovery, salvage and treatment shall be required at the project applicant’s expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation in an established accredited professional repository.

Human remains and funerary remains: Upon discovery of human remains, the tribal and/or archaeological monitor/consultant shall immediately divert work at a minimum of 150 feet from the discovery and place an exclusion zone around the discovery location. The monitor/consultant(s) shall then notify the Tribe, the qualified lead archaeologist, and the construction manager who shall call the coroner. Work shall continue to be diverted while the coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner shall notify the NAHC as mandated by state law who shall then appoint a Most Likely Descendent (MLD). Funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. Cremation soils are to be treated in the same manner as bone fragments that remain intact.

Prior to the continuation of ground disturbing activities, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or funerary remains and ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a guard should be posted outside of working hours. The Tribe shall make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials shall be removed. The Tribe shall work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum
detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations shall either be removed in bulk or by means as necessary to ensure complete recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does not authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

FINANCIAL ANALYSIS:

There is no negative financial impact associated with approving the proposed code amendment. Brookfield will develop the proposed 1.12 acre park, including all improvements to the park, pay for the maintenance and upkeep of the public park for a 10-year period at a total value of $176,631.15 that includes a 3% Consumer Price Index (CPI) per year upon completion of the park construction, and dedicate the proposed park to the city.

In addition, the property as it is currently zoned does not pay property taxes. If subdivided and sold as single-family residences, the City would anticipate an increase of approximately $125,000-$145,000 in property tax annually depending on the market price of the homes.

ATTORNEY REVIEW:

The Attorney for the City has reviewed the attached Resolutions and Ordinance.

PUBLIC NOTIFICATION:

The item was published in the Fountain Valley View and public notices were posted at City Hall, Recreation Center, and Fountain Valley Library.

ALTERNATIVES:

1. Approve the attached Resolution approving the MND and MMRP in accordance with CEQA, Approve the attached Resolution approving GPA 20-01 to change the land use designation of the Project site from Public Facilities and Park to Low Density Residential, Low Medium Density Residential, and Park, and introduce the attached Ordinance approving ZMA 431 to change the zoning for the Project site from PI-Public Institution to R1-Single-Family Residential, GH-Garden Homes, and P/OS-Parks and Open Space with a Planned Development (PD) Overlay for an increase in the maximum lot coverage from 30% to 33% in the GH zone, an increase of the 2nd to
1st story ratio for lot 10 in the R1 zone from a maximum 70% to 97%, and the allowance of tandem garages in Plans 3 and 4 in both the R1 and GH zones.

2. Do Not approve the attached Resolution approving the MND and MMRP in accordance with CEQA, Approve the attached Resolution approving GPA 20-01 to change the land use designation of the Project site from Public Facilities and Park to Low Density Residential, Low Medium Density Residential, and Park, and introduce the attached Ordinance approving ZMA 431 to change the zoning for the Project site from PI-Public Institution to R1-Single-Family Residential, GH-Garden Homes, and P/OS-Parks and Open Space with a Planned Development (PD) Overlay for an increase in the maximum lot coverage from 30% to 33% in the GH zone, an increase of the 2nd to 1st story ratio for lot 10 in the R1 zone from a maximum 70% to 97%, and the allowance of tandem garages in Plans 3 and 4 in both the R1 and GH zones.

3. Continue the request for additional information.

RECOMMENDED ACTION:

Staff recommends that the City Council select Alternative No. 1 – Approve the attached Resolution approving the MND and MMRP, approve the attached Resolution approving GPA 20-01 to change the land use designation of the Project site from Public Facilities and Park to Low Density Residential, Low Medium Density Residential, and Park, and introduce the attached Ordinance approving ZMA 431 to change the zoning for the Project site from PI-Public Institution to R1-Single-Family Residential, GH-Garden Homes, and P/OS-Parks and Open Space with a Planned Development (PD) Overlay for an increase in the maximum lot coverage from 30% to 33% in the GH zone, an increase of the 2nd to 1st story ratio for lot 10 in the R1 zone from a maximum 70% to 97%, and the allowance of tandem garages in Plans 3 and 4 in both the R1 and GH zones.

Prepared By:  Steven Ayers, Principal Planner

Approved By:  Brian James, Planning and Building Director

Approved By:  Rob Houston, City Manager

Attachments:

1. Resolution approving the MND, Appendices A-J which are available at [https://www.fountainvalley.org/1365/Moiola-Park-Residences](https://www.fountainvalley.org/1365/Moiola-Park-Residences) and in the City Clerks Office, Response to Comments Document, and MMRP
2. Resolution approving GPA 20-01
3. Ordinance approving ZMA 431
4. Project Description Letter
5. Project Plans that include all Site Plans, Zoning and General Plan Maps, Floor Plans, Tentative Tract Map Plans, Grading and Utility Plans, Project and Park Landscape Plans, Elevation Plans, Floor Plans, and Plan Information Tables
6. Project Support Letters
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY APPROVING A MITIGATED NEGATIVE DECLARATION AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR GENERAL PLAN AMENDMENT NO. 20-01, ZONING MAP AMENDMENT NO. 431, TENTATIVE TRACT MAP NO. 19069, PRECISE PLAN NO. 559, AND CONDITIONAL USE PERMIT NO. 1882 FOR THE MOIOLA PARK RESIDENCES RESIDENTIAL PROJECT LOCATED AT 9790 FINCH AVENUE

WHEREAS, the Fountain Valley School District closed the Fred Moiola Elementary School in 2012 because of declining enrollment and in 2018, decided to sell the school site and selected Brookfield after an extensive vetting process; and

WHEREAS, Brookfield Residential (“Applicant”) has submitted a request to subdivide a 13-acre, former Fred Moiola Elementary School property, which is located at 9790 Finch Avenue, into 74 single-family residences with private streets and a 1.12-acre public park (“Project”); and

WHEREAS the Project includes the following applications in accordance with the Fountain Valley Municipal Code (FVMC):

- Per FVMC 21.34, a General Plan Amendment is required for a change in land use designation from Public Facilities and Park to Low Density Residential, Low Medium Density Residential, and Park for the approximate 13-acre project site.

- Per FVMC 21.34, a Zoning Map Amendment is required to rezone the property from PI – Public Institution to R1 – Single-Family Residential, GH – Garden Homes, and P/OS – Parks and Open Space with a Planned Development (PD) Overlay to allow for the development of 74 single-family residences.

- Per FVMC Section 21.66.030(a), a Tentative Tract Map is required for the subdivision of an existing parcel into five (5) or more parcels in compliance with FVMC Chapters 21.66 through 21.84. The Tentative Tract Map would subdivide the existing approximate 13-acre parcel into 80 total lots broken out between the following:
  - Ten (10) lots for lots 1-10 for single-family detached residences totaling 1.77 acres;
  - 64 lots for lots 11-74 for single-family detached residences totaling 6.90 acres;
  - One (1) lot for a public park totaling 1.12 acres;
  - Five (5) lots for private streets totaling 3.21 acres.

- Per FVMC Chapter 21.44, a Precise Plan is required for the development of any proposed structures in the city, except for structures in the R1 zoning district.

- Per FVMC Section 21.08.030 Table 2-2, a Conditional Use Permit (CUP) is required for the development of single-family dwellings in the GH - Garden Home.
zoning district.

- Approval of a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) to address the environmental impacts associated with this Project.

WHEREAS, the Project is located at 9790 Finch Avenue (APN# 157-033-15), which is formally described as “S TWP 5 RGE 10 SEC 31 SEC 31 T 5 R 10 POR SE1/4” or “Newport Beach United State Geological Survey (USGS) 7.5-Minute Quadrangle and Section 31, Township 5 South, Range 10 West” (“Site”); and

WHEREAS, the Project is considered a “project” as defined by CEQA; and

WHEREAS, pursuant to and in accordance with the provisions of the California Environmental Quality Act and (Public Resources Code Section 21000 et seq.; herein referred to as “CEQA”) the State of California Guidelines for the Implementation of the California Environmental Quality Act (commencing with Section 15000 of Title 14 of the California Code of Regulations; herein referred to as the “CEQA Guidelines”), the City is the “lead agency” for the preparation and consideration of environmental documents for the Project; and

WHEREAS, the Planning Director determined that there was substantial evidence that the Project may have one or more significant effects on the environment and that preparation of a MND was therefore warranted under Public Resources Code § 21080(c); and

WHEREAS, a draft MND was prepared in accordance with CEQA Guidelines to evaluate the physical environmental impacts of the Project and was circulated for a 30-day public review period on December 3, 2020, through January 2, 2021, and was also made available on the City’s website and at City Hall; and

WHEREAS, a draft MND has been prepared to evaluate the potential environmental impacts associated with the Project. This draft MND, and all appendices, were posted on the City’s website at www.fountainvalley.org on December 3, 2020; and

WHEREAS, the City gave notice of its intent to adopt the MND to (a) the public pursuant to Section 15072(b) of the CEQA Guidelines, (b) individuals and organizations, if any, that previously submitted written requests for notice pursuant to Section 15072(b) of the CEQA Guidelines, (c) responsible and trustee and other agencies with jurisdiction over resources that will be affected by the Project pursuant to Section 15073(c) of the CEQA Guidelines, and (d) the Clerk of the County of Orange pursuant to Section 15072(a) of the CEQA Guidelines; and

WHEREAS, On December 7, 2020, a notice describing the proposed project and the intent to adopt an MND was posted with the Orange County Clerk-Recorder in compliance with Public Resources Code Section 21092; and

WHEREAS, certified notice was duly given to the Native American tribes pursuant to California Government Code Section 65352.3. Staff received a letter from the Gabrieleno Band of Mission Indians – Kizh Nation. The tribe requested and was provided consultation on the Project; and

WHEREAS, during the public review period, the City received a total of three (3) written comment letters concerning the draft MND and which responses were considered and
made as part of the MND and MMRP; and

WHEREAS, the City has complied with the requirements of the Government Code Section 65300 et seq., the current State of California General Plan Guidelines, and the City’s applicable ordinances with respect to review and consideration of the proposed Project and Amendments; and

WHEREAS, on February 24, 2021, the Planning Commission held a public hearing, notice of said public hearing having been duly given as required by law to consider the MND and MMRP and to hear and consider evidence for and against the proposed Project and related actions and to investigate and make findings and recommendations in connection therewith; and

WHEREAS, on February 24, 2021, the Planning Commission approved Resolution No. 21-01 by a vote of 5-0 recommending the City Council approve the MND and MMRP for the project; and

WHEREAS, at its noticed public hearing on February 24, 2021, and after action on the MND and MMRP, the Planning Commission approved Resolution No. 21-02 by a vote of 5-0 approving Tentative Tract Map No. 19069, Precise Plan No. 559, and Conditional Use Permit No. 1882; and

WHEREAS, at its noticed public hearing on February 24, 2021, and after action on the MND and MMRP, the Planning Commission also approved Resolution No. 21-03 by a vote of 5-0 recommending the City Council approve General Plan Amendment No. 20-01 and Zoning Map Amendment No. 431; and

WHEREAS, the City Council conducted a duly noticed public hearing on March 16, 2021 to consider the MND and MMRP; and

WHEREAS, the City Council, in adopting the MND and MMRP for this Project, of which these findings are a part, did so through the exercise of their independent judgment and review after finding substantial evidence, in light of the record as a whole, to support the adoption of the Mitigated Negative Declaration; and,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1

The City Council finds that due notice of the public hearings in the Council Chambers, City Hall, 10200 Slater Avenue, was given as required by the Fountain Valley Municipal Code (FVMC), Title 21, and the Statutes of the State of California.

SECTION 2

Prior to consideration of the Project and Amendments and as contained in Resolution No. ____ and Ordinance No. ____, the City Council found that the Project and Amendments would not have a significant adverse effect upon the environment and recommended approval of the MND and MMRP prepared for the Project. The City Council further found that the MMRP will ensure compliance during project implementation in that changes to the Project and/or mitigation measures have been incorporated into the Project and are fully enforceable through
permit conditions, agreements, or other measures as required by Public Resources Code Section 21081.6.

The MND was circulated for public review from December 3, 2020, to January 2, 2021, and made available to the public, Planning Commission, and City Council for review and consideration. The City Council has reviewed the MND and MMRP and has found that the environmental document considers all environmental effects of the proposed Project, is complete and adequate, and fully complies with all requirements of the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

The City Council, as the Lead Agency, arrived at its independent judgement and found that on the basis of the MND and any comments received that there is no substantial evidence that the Project will have a significant adverse impact on the environment provided that the mitigation measures identified in the environmental document are incorporated into the Project.

SECTION 3

The City Council, pursuant to Section 15074 of the CEQA Guidelines, hereby approves the Mitigated Negative Declaration attached hereto marked as “Exhibit A” and adopts the Mitigation Monitoring and Reporting Program attached hereto marked as “Exhibit B.”

SECTION 4

The City Council hereby authorizes and directs the Planning and Building Director to prepare and file a Notice of Determination with respect to said MND in the office of the Orange County Clerk-Recorder, as approved in CEQA.

PASSED, APPROVED AND ADOPTED THIS 16TH DAY OF MARCH 2021, BY THE FOLLOWING VOTE:

AYES: ____________________________
NAYS: ____________________________
ABSENT: ____________________________
ABSTAIN: ____________________________

__________________________________
Michael Vo, Mayor

ATTEST:

______________________________
Rick Miller, City Clerk

APPROVED AS TO FORM

HARPER & BURNS LLP

__________________________________
Colin Burns, Attorney for the City
MOIOLA PARK RESIDENCES
INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION

Lead Agency:
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

Project Applicant:
Brookfield Residential
3200 Park Center Drive, Suite 1000
Costa Mesa, CA. 92626

November 2020

"Exhibit A"
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C. Phase 1 Cultural and Paleontological Resources Assessment
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E. Phase I and Phase II Environmental Site Assessment
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G. Preliminary Hydrology Study
H. Preliminary Water Quality Management Plan (PWQMP)
I. Technical Noise Analysis
J. Traffic Impact Analysis Report
1 INTRODUCTION

1.1 PURPOSE OF THE INITIAL STUDY

This Initial Study (IS) has been prepared in accordance with the following:

- California Environmental Quality Act (CEQA) of 1970 (Public Resources Code Sections 21000 et seq.); and
- California Code of Regulations, Title 14, Division 6, Chapter 3 (State CEQA Guidelines, Sections 15000 et seq.).

Pursuant to CEQA, this IS has been prepared to analyze the potential for significant impacts on the environment resulting from implementation of the proposed project. As required by State CEQA Guidelines Section 15063, this IS is a preliminary analysis prepared by the Lead Agency, The City of Fountain Valley, in consultation with other jurisdictional agencies, to determine if a Mitigated Negative Declaration (MND) or an Environmental Impact Report (EIR) is required for the project.

This IS informs The City of Fountain Valley decision-makers, affected agencies, and the public of potentially significant environmental impacts associated with the implementation of the project. A “significant effect” or “significant impact” on the environment means “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project” (Guidelines §15382). As such, the documents intent is to adhere to the following CEQA principles:

- Provide meaningful early evaluation of site planning constraints, service and infrastructure requirements, and other local and regional environmental considerations. (Pub. Res. Code §21003.1)
- Encourage the applicant to incorporate environmental considerations into project conceptualization, design, and planning at the earliest feasible time. (State CEQA Guidelines §15004[b][3])
- Specify mitigation measures for reasonably foreseeable significant environmental effects and commit The City of Fountain Valley and the applicant to future measures containing performance standards to ensure their adequacy when detailed development plans and applications are submitted. (State CEQA Guidelines §15126.4)

Existing Plans, Programs, or Policies (PPPs)

Throughout the impact analysis in this IS, reference is made to requirements that are applied to all development on the basis of federal, state, or local law, and Existing Plans, Programs, or Policies currently in place which effectively reduce environmental impacts. Existing Plans, Programs, or Policies are collectively identified in this document as PPPs. Where applicable, PPPs are listed to show their effect in reducing potential environmental impacts. Where the application of these measures does not reduce an impact to below a level of significance, a project-specific mitigation measure is introduced. The City of Fountain Valley will include these PPPs along with mitigation measures in the Mitigation Monitoring and Reporting Program (MMRP) for the project to ensure their implementation.
1.2 DOCUMENT ORGANIZATION

This IS/MND includes the following sections:

Section 1.0 Introduction
Provides information about CEQA and its requirements for environmental review and explains that an IS/MND was prepared by the City of Fountain Valley to evaluate the proposed project’s potential to impact the physical environment.

Section 2.0 Environmental Setting
Provides information about the proposed project’s location.

Section 3.0 Project Description
Includes a description of the proposed project’s physical features and construction and operational characteristics and provides a list of the discretionary approvals that would be required by the proposed project.

Section 4.0 Environmental Checklist
Includes the Environmental Checklist and evaluates the proposed project’s potential to result in significant adverse effects to the physical environment and includes a list of existing regulations, plans, and policies that reduce potential impacts and mitigation measures, as required, to reduce potentially significant impacts to a less than significant level. In addition, references are listed at the end of each environmental topic section.

Section 5.0 Document Preparers and Contributors
Includes a list of the persons that prepared this IS/MND.
2 ENVIRONMENTAL SETTING

2.1 PROJECT LOCATION

The project site is located within the southern portion of the City of Fountain Valley, south of Interstate 405 (I-405). The address of the property is 9790 Finch Avenue. Regional access to the project site is provided by I-405 and Ellis Avenue. Local access to the site from Ellis Avenue is provided by Hawthorn Street, to Starling Avenue, to Redwood Street, to the site on Finch Avenue. Local Access to the site from Bushard Street is provided by Starling Avenue, Robin Avenue, or Nightingale Avenue, to Redwood Street, to the site on Finch Avenue. Local Access to the site from Bushard Street can also be provided by Smoke Tree Avenue, to Arbutus Street, to Guava Avenue, to Redwood Street, to Finch Avenue. Local Access to the site from Garfield Avenue is provided by Persimmon Street, to Smoke Tree Avenue, to Arbutus Street, to Guava Avenue, to Redwood Street, to Finch Avenue. In addition, a pedestrian bridge that crosses the adjacent Orange County concrete lined flood control channel at the southeastern portion of the site, provides non-vehicular access from Mt. Cimarron Street. The project site and surrounding area is shown in Figure 1, Regional Location.

The site is identified by Assessor’s Parcel Number 157-033-15 and is located within the Newport Beach United State Geological Survey (USGS) 7.5-Minute Quadrangle and Section 31, Township 5 South, Range 10 West.

2.2 EXISTING PROJECT SITE

The project site encompasses approximately 13-acres and is the former Fred Moiola Elementary School, which was operational between 1971 and 2012. The project site is developed with 40,073 square feet of school buildings including four classroom buildings, each with six classrooms, a central multipurpose room, one administrative building, three restroom/custodial pods, three modular classrooms, paved play areas, and parking lots. The onsite buildings and paved areas are surrounded by grass play fields. In addition, a limited number of ornamental trees are scattered throughout the site.

The school site is currently unoccupied. The Fred Moiola school closed in June 2012 and then a private school—LePort Montessori—occupied the site until it closed this location at the end of the 2018 school year. The project site’s existing conditions are shown in Figure 2, Local Vicinity and Figures 3A and 3B, Site Photos.

2.3 EXISTING LAND USES AND ZONING DESIGNATION OF THE PROJECT SITE

As shown on Figure 4, Existing General Plan Land Uses, the project site currently has a General Plan land use designation of Public Facilities. Figure 5, Existing Zoning Designation, shows that the project site is zoned as Public Institution (PI). Section 21.12.020 of the Fountain Valley Municipal Code states that the PI zoning district is applied to areas suitable for public, civic, government, education, cultural or quasi-public services and that the PI zoning district is consistent with the public facilities land use designation of the General Plan. Also, Municipal Code Section 21.12.040 states that the general development standards for the PI zone is determined through the City’s development review process.
2.4 SURROUNDING GENERAL PLAN AND ZONING DESIGNATIONS

The project site is located within a fully developed and urbanized area. The project site is bound by Finch Avenue followed by single-family residences and a commercially used agricultural parcel to the north, the Orange County concrete lined flood control channel followed by single-family residences to the south, a retail shopping center to the east, and single-family residences that front Redwood Street to the west. The surrounding land uses are described in Table 1 along with the General Plan Land Use and zoning designations.

Table 1: Surrounding Existing Land Use and Zoning Designations

<table>
<thead>
<tr>
<th>Existing Land Use</th>
<th>General Plan Designation</th>
<th>Zoning Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Finch Avenue followed by Smith Farms Agricultural and Single-Family Residential</td>
<td>Low Medium Density Residential &amp; General Commercial</td>
<td>Garden Home (GH); Local Business (C1); Single-Family Residential (R1)</td>
</tr>
<tr>
<td>West Single-Family Residential followed by Redwood Street</td>
<td>Low Density Residential</td>
<td>Single Family Residential (R-1)</td>
</tr>
<tr>
<td>South Orange County flood control channel followed by Single-Family Residential</td>
<td>Low Density Residential</td>
<td>Single Family Residential (R-1)</td>
</tr>
<tr>
<td>East Retail Shopping Center</td>
<td>General Commercial</td>
<td>Local Business (C1)</td>
</tr>
</tbody>
</table>
Regional Location

Figure 1

Moiola Park Residences IS/MND

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Local Vicinity

Figure 2
Site Photos A

Photo from the north west end of the school looking southeast at one of the playgrounds on site.

Photo of the parking lot at the north end of the site with residential homes across Finch Ave.
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Site Photos B

Photo from the southwest end of the school looking north east with the resevoir to the right.

Photo from the northeast of the site looking south at the field with the strip mall on Brookhurst to the left and the resevoir at the end of the field.
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Existing Zoning Designation

Figure 5
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3 PROJECT DESCRIPTION

3.1 PROJECT OVERVIEW

The proposed project would demolish the existing school buildings, accessory structures, pavement, and infrastructure on the project site, and construct 74 new single-family residences, onsite roadways with sidewalks, and an approximately 1.12-acre park. Figure 6, Conceptual Site Plan, illustrates the proposed project.

The project includes a General Plan Amendment to change the Land Use designation of the site from Public Facilities to Low Density Residential (LDR), Low Medium Density Residential (LMDR) and Park to align with the single-family development (zoned R1) along the west side of the site. The project also includes a zone change to change the zone from PI-Public and Institutional to R-1-Single-Family Residential and GH-Garden Homes with a Planned Development (PD) Overlay to allow flexibility on the maximum coverage in the GH zoning and the ratio of second story building area to first story building in the R1 zoned areas; and PI to P/OS-Parks and Open Space for the approximately 1.12-acre park. The proposed project would result in a gross density of 5.69 dwelling units per acre (du/ac), with a density of 4.72 du/ac in the portion of the project within the R1 zone and 6.69 du/ac within the GH zone. A Tentative Tract Map and Precise Plan of Design is also proposed. A Conditional Use Permit is also proposed to allow for the development of single-family dwellings in the GH zone.

3.2 PROJECT FEATURES

Development Summary
The proposed project would redevelop the project site with 74 single-family residences. The residences would range in size from 2,790 square feet (SF) to 3,419 SF and include four different two-story floor plan options, as detailed below in Table 2.

<table>
<thead>
<tr>
<th>Plan 1</th>
<th>Plan 2</th>
<th>Plan 3</th>
<th>Plan 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 Bedrooms, 3 Bathrooms, 1 Bonus Room 2,790 SF 2 Car Garage</td>
<td>4 Bedrooms, 3 Bathrooms, Bonus Room 2,893 SF 2 Car Garage</td>
<td>5 Bedrooms, 3 Bathrooms, 1 Bonus Room 1 Office Suite 3,132 SF 3 Car Garage</td>
<td>4 Bedrooms, 4.5 Bathrooms, 1 Bonus Room 1 Office 3,419 SF 2 Car Garage</td>
</tr>
</tbody>
</table>

All residences would have either a private patio or a private covered entry; and each lot would include a private front yard and back yard. The minimum lot size is 4,500 SF in the GH zone. However, Lots 1-10 on the westernmost portion of the site (in the R1 zone) would have a minimum lot size of 7,200 SF. The typical lot diagram for these lots are shown in Figures 7 and 8.

The project proposes to use existing perimeter walls along the eastern boundary of the site. A new 6-foot high block wall would be constructed along the western boundary, abutting the existing perimeter walls. The project would also build a new 6-foot high block wall along the southerly boundary and new 6-foot high block walls, as required between individual adjacent parcels. The
proposed residences facing Finch Avenue would not have a front yard wall. Individual lots would have solid masonry walls on all side and rear property lines.

The proposed 74 single-family residential lots do not include development of Accessory Dwelling Units (ADUs). However, California Government Code Section 65852.2 allows for the future development of ADUs pursuant to the City’s Municipal Code. As described by the Government Code Section 65852.2(J)(2), an ADU is incidental to a dwelling unit on the same lot and may not be sold or otherwise conveyed separate from the primary residence. Also, the Government Code Section 65852.2(D)(8) states that because an ADU is deemed to be an accessory use or an accessory building they shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations. Therefore, it is important to note that the Government Code provides that ADUs are considered an accessory use; and are not considered to contribute towards maximum build-out densities.

In addition, development of ADUs is an allowable use for most single-family parcels throughout the City of Fountain Valley and County of Orange. However, the large majority of single-family residential parcels in the City and County do not include ADUs. The City currently has a total of 44 ADUs built, 78 ADUs with permits issued, and 115 ADUs submitted for plan check. The number of existing or planned ADUs are small in comparison to the number of single-family parcels in the City. Therefore, it would be speculative and not reasonably foreseeable to assume that the proposed single-family residential lots would include future ADUs.

As described by CEQA Guidelines Section 15378, “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. As the future development of ADUs is not reasonably foreseeable, the potential of their development are not considered part of the project. Furthermore, CEQA requires impact determinations based upon substantial evidence, and does not allow speculation to be included in evaluation of potential impacts. Thus, the proposed project as evaluated herein, is limited to the development of 74 single-family dwelling units as described within this IS/MND.

**Architectural Design**

The proposed two-story single-family residences would be designed with Prairie, Craftsman, and Spanish architectural elements, multi-level rooflines, and an earth tone color scheme. The residences would incorporate stucco finishes, detailed roof elements, awnings, metal railings, and decorative windows and doors in the exterior design. The tallest roofline of the two-story residences would be approximately 27-feet 4-inches in height. Figures 9A through 9D, *Exterior Elevations*, illustrate the proposed exterior elevations for Plans 1 through 4.

**Solar Panels**

Consistent with the 2019 CA Building Energy Efficiency Standards (Title 24 Part 6), the project would include photovoltaic (PV) solar panels on the rooftop of each residence to offset its energy demand.
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Figure 7: Typical Lot Diagram for proposed GH zoned lots (Lots 11 – 74), which measures setback to covered patio areas (dashed line) and building

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Figure 8: Typical Lot Diagram for proposed R1 zoned lots (Lots 1 – 10), which measures setback to covered patio areas (dashed line) and building
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Exterior Elevation Plan 4

Figure 9D

Page 140
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Circulation
As depicted in Figure 6, Conceptual Site Plan, the project site would remain accessible via Finch Avenue, with Lots 35-42 fronting directly onto Finch Avenue, and the balance of the homes accessed from the four proposed private streets within the site. Two of the proposed streets would be oriented north-south extending from Finch Avenue, and the additional two proposed streets would connect to the new north-south streets and be oriented east-west.

In addition, the existing pedestrian bridge over the Orange County flood control channel to the southeastern portion of the site would remain and would connect to the proposed north-south street on the eastern portion of the site and continue to provide non-vehicular access to and through the project site, facilitating public access to the proposed public park.

Parking
The proposed project would provide garage, driveway, and on-street parking. Each residence would have a minimum of a two-car garage and a minimum of two driveway parking spaces. The project would also provide 80 on-street parking spaces for residences and visitors, as well as 15 on-street parking spaces on Finch Avenue to serve the proposed public park. Table 3 shows the parking to be provided by the project.

<table>
<thead>
<tr>
<th>Type of Parking</th>
<th>Quantity</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Garage Parking Spots</td>
<td>148</td>
<td>38%</td>
</tr>
<tr>
<td>Open Stall Parking Spots</td>
<td>228</td>
<td>58%</td>
</tr>
<tr>
<td>Driveway and onsite on-street</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Open Stall Parking Spots</td>
<td>15</td>
<td>4%</td>
</tr>
<tr>
<td>Offsite on-street</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Parking Spots Provided</td>
<td>391</td>
<td>100%</td>
</tr>
<tr>
<td>Parking to Unit Ratio</td>
<td>5.3</td>
<td>Dwelling Unit</td>
</tr>
</tbody>
</table>

Recreation and Open Space
The project includes development of a 1.12-acre park on the northern portion of the site, adjacent to Finch Avenue. The park would include a grassy area/playfield, a tot lot, shade structure, BBQs, benches and picnic benches. Figure 10, Moiola Park, illustrates the proposed park’s landscaping and amenities.

Landscaping
Landscaping proposed as part of the project would consist of ornamental trees, vines, shrubs, and groundcovers throughout the common areas of the development, such as along roadways, common walls, and the park area. In addition, street trees would be installed adjacent to the project site along Finch Avenue. The street trees would consist of 24-inch ornamental box trees with 48-inch box trees at street corners. The roadway entrances to the project area would have decorative pavement to enhance the entrance to the residential neighborhood. Figure 11, Landscape Plan, illustrates the proposed landscape pallet. The landscape plan would be consistent with the Water Efficient Landscape Ordinance and includes a tree in front of every house in the parkway area between the sidewalk and the street compliant with the City of Fountain Valley’s Tree Maintenance, Removal, and Reforestation Policy.

Lighting
Outdoor lighting included as part of future development on the project site would be typical of single-family residential uses and would consist of wall-mounted lighting as well as pole-mounted
lights along the proposed internal roadways. Nighttime lighting would be used as accent/security lighting in the park area. All of the project’s outdoor lighting would be directed downward and shielded to minimize off-site spill. The location of all exterior lighting would comply with lighting standards established in the City’s Municipal Code.

Infrastructure Improvements

Roadway
The project includes off-site improvements to provide a new 5-foot wide sidewalk within the Finch Avenue right-of-way that is adjacent to the site. As shown on Figure 11, Landscape Plan, the sidewalk would be located adjacent to the proposed park and would connect to the proposed onsite sidewalks. In addition, street trees would be installed along the sidewalks and a 5-foot wide landscaped parkway is proposed along Finch Avenue, adjacent to the proposed park.

Water and Sewer
The proposed project would install onsite 8-inch water and sewer lines that would be located within each of the residential streets and serve each of the proposed residences. The new onsite water and sewer lines would connect to the existing 8-inch water and sewer infrastructure in Finch Avenue. In addition, a new 8-inch water line would be installed along the pedestrian bridge to connect to an existing 8-inch water line in Mt. Cimarron Street. The project also includes installation of a sewer lift station in the park to convey wastewater flows to the existing sewer line in Finch Avenue.

Drainage
The project site contains an existing 36-inch public storm drain that collects drainage from Finch Avenue and portions of the project site and conveys it through the site to discharge into the existing Orange County flood control channel that is adjacent to the site. There is also an 18-inch private storm drain and two smaller drains that collects runoff from the balance of the site. There are currently four drains that connect to the channel at the project site.

The project would remove the existing onsite drainage system and develop new connections to the existing flood control channel. The new onsite drainage would convey runoff to one of five modular wetland units or catch basins that would be installed throughout the site, which would retain and treat stormwater flows. From the modular wetland units and catch basins, treated flows would be conveyed through new storm drains that would connect to the County flood control channel. In addition, a portion of the treated flows would be conveyed to an underground cistern in the proposed park to be used for park irrigation.

The proposed new connections to the Orange County flood control channel are described below:

- **Drain Line A:** The existing 18-inch storm drain connecting to the channel at the southwestern portion of the project site would be abandoned. The existing drain would be removed and the connection to the channel would be filled with cement. A new 24-inch storm drain connection to the flood control channel would be developed adjacent to the existing 18-inch drain at the southwestern portion of the site. New rip rap would be installed in the channel pursuant to City and County requirements. Storm flows would be treated by a proposed catch basin to be located at the end of the proposed onsite roadway (adjacent to Lot 11) prior to discharge into the County flood control channel.

- **Drain Line B:** The existing 36-inch storm drain that collects drainage from Finch Avenue and portions of the project site and connects to the Orange County flood control channel in the southeastern portion of the project site would be abandoned. The existing drain would be removed and the connection to the channel would be filled with cement. A new 36-inch storm...
drain connection to the flood control channel would be developed to the south of the existing drain location. The new drain would be realigned but would continue to collect drainage from Finch Avenue and the eastern portions of the project site. New rip rap would be installed in the channel pursuant to City and County requirements. Storm flows would be treated by a proposed catch basin to be located at the end of the proposed onsite roadway (adjacent to Lot 22) prior to discharge into the County flood control channel.

3.3 GENERAL PLAN AND ZONING

The project site has an existing General Plan land use designation of Public Facilities. As part of the project, a General Plan Amendment is proposed to change the designation of the site to Low Density Residential (LDR), Low Medium Density Residential, and Park, which would allow the proposed single-family residences at a density of about 5.69 units per gross acre with a density of 4.72 du/ac in the portion of the project within the R1 zone and 6.69 du/ac within the GH zone.

The project site currently has a zoning designation of PI-Public Institution. The project includes a zone change to change the zoning designation of the site from zone from PI to R-1-Single-Family Residential and Garden Homes (GH) with a Planned Development (PD) Overlay and PI to P/OS-Parks and Open Space.

3.4 CONSTRUCTION

Construction activities include demolition of the existing structures, pavement, and the existing utility infrastructure; grubbing, recycling concrete and reusing onsite (concrete crushing) and hauling building demolition debris offsite for recycling, excavation, grading, and re-compaction of soils; utility and infrastructure installation; building construction; roadway pavement; and architectural coatings.

Excavation and grading would occur to a minimum depth of 5 feet below existing grade or 3 feet below the base of the foundations, whichever is deeper. Also, grading is expected to require the import of approximately 30,000 cubic yards (cy) of fill. The concrete crushing activities for reuse of pavement as road base material would occur in the northeastern portion of the site, at a minimum of 400-feet from the closest residences, which would be verified through the City’s permitting process.

In addition, project construction includes installation of vapor barrier systems under the proposed residences within Lots 36, 37, 38, 39, and 47, pursuant to California Department of Toxic Substances Control (DTSC) regulations. The vapor barrier system would consist of a physical barrier under the foundations and a passive venting system for each of the residences on the identified lots.

Construction activities are anticipated to last 16 months and would occur within the hours allowable by the City of Fountain Valley Municipal Code Chapter 6.28.070, which states that construction shall occur only between the hours of 7:00 a.m. and 8:00 p.m. Monday through Friday, and between 9:00 a.m. and 8:00 p.m. on Saturday. No construction is allowed on Sundays and legal holidays.
### Table 4: Construction Schedule

<table>
<thead>
<tr>
<th>Construction Phase</th>
<th>Working Days</th>
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<tbody>
<tr>
<td>Demolition</td>
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<tr>
<td>Site Preparation</td>
<td>10</td>
</tr>
<tr>
<td>Grading</td>
<td>30</td>
</tr>
<tr>
<td>Building Construction</td>
<td>300</td>
</tr>
<tr>
<td>Pavement &amp; Architectural Coatings</td>
<td>20</td>
</tr>
</tbody>
</table>

### 3.5 DISCRETIONARY APPROVALS AND PERMITS

The following discretionary approvals and permits are anticipated to be necessary for implementation of the proposed project:

#### CITY OF FOUNTAIN VALLEY
- General Plan Amendment from Public Facilities to Low Density Residential, Low Medium Density Residential, and Park
- Zone change from PI-Public and Institutional to R1-Single Family Residential and GH-Garden Homes with a Planned Development (PD) Overlay to allow for the development of 74 single family residences; and PI to P/OS-Parks and Open Space for the approximately 1-acre park.
- Tentative Tract Map
- Precise Plan of Design
- Grading Permits
- Water Quality Management Plan (WQMP) and Storm Water Storm Water Pollutant and Prevention Plan (SWPPP)
- Temporary Use Permit for model homes complex
- Conditional Use Permit for development of single-family homes in the GH zone

#### CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL
- Response Action

#### CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
- Section 1602 Lake or Streambed Alteration Permit

#### SANTA ANA REGIONAL WATER QUALITY CONTROL BOARD
- Section 404 Water Quality Certification or Waste Discharge Requirements

#### U.S. ARMY CORPS OF ENGINEERS
- Nationwide Permit 7 Preconstruction Notification

#### ORANGE COUNTY DEPARTMENT OF PUBLIC WORKS
- Encroachment Permit
See Figure 10:
Moiola Park

**PAVING SCHEDULE**

<table>
<thead>
<tr>
<th>SYMBOL</th>
<th>KEY</th>
<th>DESCRIPTION</th>
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<tr>
<td>79</td>
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<td>ENHANCED ENTRY PAVING</td>
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<tr>
<td>72</td>
<td></td>
<td>CONCRETE PAVING</td>
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<tr>
<td>73</td>
<td></td>
<td>PLAYGROUND SURFACING</td>
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</tbody>
</table>

**PLANTING SCHEDULE**

**PUBLIC AREAS**

**TREES**

<table>
<thead>
<tr>
<th>SYMBOL</th>
<th>BOTANICAL NAME</th>
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<tr>
<td></td>
<td>GILIERA PARIPOLA</td>
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<tr>
<td></td>
<td>SIXES LANCEA</td>
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<tr>
<td></td>
<td>CHINUS MOLLE</td>
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<td></td>
<td>GILIERA PARIPOLA</td>
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</tbody>
</table>

**PARKWAY UNDERSTORY**

<p>| | | |</p>
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<tr>
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</thead>
<tbody>
<tr>
<td></td>
<td>MIMOPHYLLUM PARIPOLA PUTAH CREEK</td>
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</tr>
<tr>
<td></td>
<td>WESTRINGA FRUTICOSA WAX</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PLANTING SUB-SPECIES OF THE BELOW SPECIES</td>
<td></td>
</tr>
</tbody>
</table>
Proposed General Plan Land Uses

Figure 12

Moiola Park Residences IS/MND
This page is intentionally left blank.
Proposed Zoning Designations

![Map of Moiola Park Residences showing various zoning designations and project area.](image)
4 ENVIRONMENTAL CHECKLIST

This section includes the completed environmental checklist form. The checklist form is used to assist in evaluating the potential environmental impacts of the proposed project. The checklist form identifies potential project effects as follows: 1) Potentially Significant Impact; 2) Less Than Significant with Mitigation Incorporated; 3) Less Than Significant Impact; and, 4) No Impact. Substantiation and clarification for each checklist response is provided below in the evaluation of environmental impacts. Included in the discussion for each topic are standard condition/regulations and mitigation measures, if necessary, that are recommended for implementation as part of the proposed project.

4.1 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED
The environmental factors checked below (X) would be potentially affected by this project, involving at least one impact that is “Less Than Significant with Mitigation Incorporated” as indicated by the checklist on the following pages.

<table>
<thead>
<tr>
<th>Aesthetics</th>
<th>Agriculture and Forest Resources</th>
<th>Air Quality</th>
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</thead>
<tbody>
<tr>
<td>Biological Resources</td>
<td>Cultural Resources</td>
<td>Energy</td>
</tr>
<tr>
<td>Geology/Soils</td>
<td>Greenhouse Gas Emissions</td>
<td>Hazards and Hazardous Materials</td>
</tr>
<tr>
<td>Hydrology/Water Quality</td>
<td>Land Use/Planning</td>
<td>Mineral Resources</td>
</tr>
<tr>
<td>Noise</td>
<td>Population/Housing</td>
<td>Public Services</td>
</tr>
<tr>
<td>Recreation</td>
<td>Transportation</td>
<td>Tribal Cultural Resources</td>
</tr>
<tr>
<td>Utilities/Service Systems</td>
<td>Wildfire</td>
<td>Mandatory Findings of Significance</td>
</tr>
</tbody>
</table>
4.2 DETERMINATION
(To be completed by the Lead Agency) on the basis of this initial evaluation

<table>
<thead>
<tr>
<th></th>
<th>I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.</td>
</tr>
<tr>
<td></td>
<td>I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.</td>
</tr>
<tr>
<td></td>
<td>I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.</td>
</tr>
<tr>
<td></td>
<td>I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.</td>
</tr>
</tbody>
</table>

Signature ____________________________ Date ____________________________

Printed Name ____________________________

EVALUATION OF ENVIRONMENTAL IMPACTS

1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is
appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

4) “Negative Declaration: Potentially Significant Unless Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analysis,” as described in (5) below, may be cross-referenced).

5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(d). In this case, a brief discussion should identify the following:

(a) Earlier Analysis Used. Identify and state where they are available for review.

(b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

(c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.

9) The analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.
4.3 ENVIRONMENTAL CHECKLIST QUESTIONS

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

1. AESTHETICS. Except as provided in Public Resources Code Section 21099 would the project:

a) Have a substantial adverse effect on a scenic vista? ☐ ☐ ☒ ☒

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway ☐ ☐ ☒ ☒

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? ☐ ☐ ☒ ☒

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? ☐ ☐ ☒ ☒

a) Have a substantial adverse effect on a scenic vista?

No Impact. Scenic vistas consist of expansive, panoramic views of important, unique, or highly valued visual features that are seen from public viewing areas. This definition combines visual quality with information about view exposure to describe the level of interest or concern that viewers may have for the quality of a particular view or visual setting. A scenic vista can be impacted in 2 ways: a development project can have visual impacts by either directly diminishing the scenic quality of the vista or by blocking the view corridors or “vista” of the scenic resource. Important factors in determining whether the proposed project would block scenic vistas include the project’s proposed height, mass, and location relative to surrounding land uses and travel corridors.

The City’s General Plan does not designate any scenic vistas within the City. The project site is in an urbanized area and surrounded by one- and two-story development (residential and commercial land uses), roadways, lined with ornamental landscaping and power lines. The topography of the site and surrounding area is flat, and there are no scenic vistas or unique topographic features that are visible from Finch Avenue or from views across the project site. Thus, redevelopment of the project site with two-story single-family residences would not obstruct, interrupt, or diminish a scenic vista; and impacts would not occur.
b) Substantially damage scenic resources, including, trees, rock outcroppings, and historic buildings within a state scenic highway?

**No Impact.** There are no officially designated state scenic highways in the vicinity of the proposed project (Caltrans 2020). The only officially designated scenic highway within Orange County is a portion of State Route (SR) 91. Eligible State Scenic Highways within the County include: SR-1, SR-74, portions of SR-91, and a portion of SR-57, none of which are in the vicinity of the project site. Additionally, there are no County designated scenic highways in Fountain Valley. Therefore, impacts related to scenic resources within a state scenic highway would not occur.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

**Less Than Significant Impact.** As described previously, the project site is located within an urbanized area that is directly adjacent to Finch Avenue, a concrete lined flood control channel, commercial uses, and single-family residential development. The project site is developed with typical one-story school buildings, parking lots, sports courts, and grass fields. The existing character of the site and surrounding area is neither unique nor of special aesthetic value or quality.

The project would redevelop the project site to provide 74 new single-family residences, which would be similar but with a slightly higher density and smaller lots than the single-family residential uses that are adjacent to the west of the site, to the south of the site beyond the flood control channel, and to the north of the site beyond Finch Avenue.

**General Plan.** As shown on Figure 4, *Existing General Plan Land Use*, the project site currently has a General Plan land use designation of Public Facilities. The proposed project includes a General Plan Amendment to change the designation of the site to Low Density Residential, Low Medium Density Residential, and Park. The proposed Low Density Residential area would align with the single-family development (zoned R1) along the west side of the site (See Figure 12, *Proposed General Plan Land Uses*). According to the General Plan Land Use Element, the Low Density Residential General Plan land use designation allows for development of residential uses to a maximum density of 5 dwelling units per acre and the Low Medium Density Residential General Plan land use designation allows for development of residential uses to a maximum density of 10.8 dwelling units per acre.

**Zoning.** The project site is currently zoned as Public Institution (PI). The project includes a zone change from PI-Public Institution to R1-Single Family Residential and GH-Garden Homes with a Planned Development (PD) Overlay to allow for the development of the 74 single family residential homes on lots that would range in size from 4,500 square foot lots for the GH zone to over 7,200 square foot lots for the R1 zone; and PI to P/OS-Parks and Open Space for the approximately 1.12-acre park (See Figure 13, *Proposed Zoning Designations*). As shown Tables AES-1 and in Figures 7 and 8, the proposed project meets the development standards for the proposed zoning.

<table>
<thead>
<tr>
<th>Table AES-1: Consistency with Proposed Zoning Development Standards</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zoning District</th>
<th>Proposed Project</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>R1</td>
<td>GH</td>
</tr>
<tr>
<td>Minimum Lot area</td>
<td>7,200 SF</td>
<td>1,800 SF</td>
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<tr>
<td></td>
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<td></td>
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<tr>
<td>Minimum Lot width</td>
<td>60 ft.</td>
<td>23 ft.</td>
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<td></td>
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</tr>
</tbody>
</table>
In addition, the project would be consistent with the General Plan Land Use Element goals and policies related to scenic quality, as shown in Table AES-2.

### Table AES-2: Consistency with Land Use Element Goals and Policies Related to Scenic Quality

<table>
<thead>
<tr>
<th>Goal or Policy</th>
<th>Project Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Policy 2.6.1</strong>: Promote residential, commercial and industrial development which achieves harmony within monotony in the built environment.</td>
<td><strong>Consistent.</strong> The proposed project would redevelop the school site with single-family residences and a park, which would achieve harmony with the existing single-family residences to the north, south, and west of the project site. In addition, the project would provide 4 different plans and 3 different architectural styles for the single-family residences, which would ensure that monotony of the built environment would not occur. Therefore, the project would be consistent with Policy 2.6.1.</td>
</tr>
<tr>
<td><strong>Goal 2.7</strong>: Well designed new residential development.</td>
<td><strong>Consistent.</strong> As described in the previous response, the proposed project would provide 4 different plans and 3 different architectural styles for the single-family residences and would be within the allowable density for Low Medium Density Residential land uses. As described previously and detailed in Table AES-1, the proposed development is consistent with the proposed zoning designations, including lot width, lot depth, and setbacks. In addition, the project would provide a park, sidewalks, and landscaping along the streets and within common areas, and decorative paving at the street entrances to the neighborhood. Therefore, the project would be consistent with Goal 2.7.</td>
</tr>
<tr>
<td><strong>Goal 2.9</strong>: Attractive streetscapes throughout the City.</td>
<td><strong>Consistent.</strong> The proposed project would install street trees along the streets of the project site and adjacent to the site along Finch Avenue. The street trees would consist of 24-inch ornamental box trees with 48-inch box trees at street corners. In addition, the roadway entrances to the project area would have decorative pavement to enhance the entrance to the residential neighborhood. Therefore, the project would generate attractive streetscapes within and adjacent to the site and the project would be consistent with Goal 2.9.</td>
</tr>
<tr>
<td><strong>Policy 2.9.1</strong>: Encourage landscaping to enhance streetscapes.</td>
<td><strong>Consistent.</strong> As described in the previous response the project would install new landscaping along the streets of the project site and adjacent to the site along Finch Avenue that would generate attractive streetscapes. Therefore, the project would be consistent with Policy 2.9.1.</td>
</tr>
<tr>
<td><strong>Goal 2.10</strong>: Safe and attractive pedestrian facilities.</td>
<td><strong>Consistent.</strong> The proposed project would install sidewalks...</td>
</tr>
</tbody>
</table>
Overall, the proposed project would be consistent with development standards required by the R1 and GH zoning districts with a PD Overlay and P/OS zoning, the Low Density Residential, Low Medium Density Residential and Park General Plan land use designations, as well as the Land Use Element goals and policies related to scenic quality.

In addition, as described in Section 11, *Land Use and Planning* in Table LU-1, the project is consistent with a majority of the City’s Infill Guidelines for Residential Development (Infill Guidelines), and would not conflict with the Guidelines in a manner that would result in a substantial environmental effect related to scenic quality. As described further in Table LU-1 (in Section 11 herein), the Infill Guidelines suggest including one and two-story units to provide architectural compatibility for the area. Although the project would develop two-story residences, the architectural design of the structures provides one-story elements (such as one-story roof lines and a split-level house design as shown in Figure 9D), a variety of elevations, reduced massing, and visual interest. The existing single-family residences on surrounding streets are both one-story and two-story residences, and in some areas such as the development across the street on Collins Circle, are all two-story residences. Thus, the project is visually compatible with the surrounding area and the two-story residences proposed by the project would not conflict with this Infill Guideline in a manner that would result in a significant effect related to scenic quality on the site or in the surrounding area.

Overall, the project is located within an urbanized area and would not conflict with applicable zoning and other regulations governing scenic quality. Therefore, impacts would be less than significant. In addition, as the project would remove the existing school facility and develop single-family housing, which is consistent with the land uses adjacent to the site, the project would increase the visual cohesion between the project site and the surrounding single-family residential area. Hence, the proposed project would not degrade the visual character of the project site and surrounding area; and impacts would be less than significant.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

**Less Than Significant Impact.** The project site is developed with an existing school and contains onsite nighttime security lighting. In addition, the project site is located within a developed urban area, adjacent to a retail center, residential development, and a roadway. Existing sources of light in the vicinity of the project site includes: streetlights, security lighting, landscape lighting, and lighting from building interiors that pass-through windows.

The proposed project would include the provision of street lighting and nighttime lighting for security purposes around all of the residences. Implementation of the proposed project would result in a higher intensity development on the project site than currently exists, which would contribute additional sources to the overall ambient nighttime lighting conditions. However, all outdoor lighting would be hooded, appropriately angled away from adjacent land uses, and would be in compliance with the Fountain Valley Municipal Code, Section 21.18.060 that provides specifications for shielding lighting away from adjacent uses and intensity of lighting. Because the project site is
within an urban area with various sources of existing nighttime lighting, and the project would be required to comply with the City’s lighting regulations that would be verified by the City’s Building and Safety Division during the permitting process, the lighting increase in light that would be generated by the project would not adversely affect day or nighttime views in the area. Overall, lighting impacts would be less than significant.

Reflective light (glare) can be caused by sunlight or artificial light reflecting from finished surfaces such as window glass or other reflective materials. Generally, darker or mirrored glass would have a higher visible light reflectance than clear glass. Buildings constructed of highly reflective materials from which the sun reflects at a low angle can cause adverse glare. The proposed project would not use highly reflective surfaces, or glass sided buildings. Although the residences would contain windows, the windows would be separated by stucco and architectural elements, which would limit the potential of glare. In addition, as described previously, onsite lighting would be angled down and shielded, which would avoid the potential on onsite lighting to generate glare. Therefore, the project would not generate substantial sources of glare, and impacts would be less than significant.

Existing Plans, Programs, or Policies

**PPP AES-1:** Exterior lighting on the project site shall conform to the regulations within Municipal Code Section 21.18.060. Light and glare sources from the site, shall be shielded or modified to prevent emission of light or glare beyond the property line.

Mitigation Measures

None.

Sources


City of Fountain Valley General Plan. Accessed: https://www.fountainvalley.org/413/General-Plan

2. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? ☒ ☐ ☑ ☒
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? ☒ ☐ ☑ ☒
- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? ☐ ☐ ☑ ☒
- d) Result in the loss of forest land or conversion of forest land to non-forest use? ☐ ☐ ☑ ☒
- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? ☐ ☐ ☒ ☐
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. The California Department of Conservation Important Farmland mapping identifies the project site and surrounding areas as Urban and Built-Up land (CDC 2020). No areas of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance is located on or adjacent to the project site. Therefore, impacts related to Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would not occur.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The project site is currently zoned Public Institution (PI) and surrounded by areas zoned for residential and commercial development. No agricultural zoning is located in the vicinity of the project site and no parcels in the project vicinity have Williamson Act contracts. Therefore, implementation of the project would not conflict with existing zoning for agricultural use or a Williamson Act contract. Thus, no impact would occur.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact. The project site is developed and located in an area that is void of forest land or timberland. In addition, the project site is zoned Public Institution (PI) and surrounded by areas zoned for residential and commercial uses. Therefore, the project would not conflict with existing forest land, timberland, or zoning for forest or timberland uses. Thus, no impact would occur.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. As described in the previous response, the project area is void of any forest land and is not zoned for forest uses. Thus, the project would not result in the loss of forest land or conversion of forest land to non-forest uses. No impact would occur.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

Less than Significant Impact. As described in the previous responses, the project area does not include and is not near any land zoned for farmland or forest land. However, Smith Farms, which is a commercially used agricultural parcel that grows produce is located to the north of the site, across Finch Avenue. The project would redevelop the vacant school site for residential uses. As the project site has been long developed with urban uses, the change of use from school to residential would not result in conversion of farmland to non-agricultural use. Thus, impacts would be less than significant.

Existing Plans, Programs, or Policies

None.
Mitigation Measure

None.

Sources

3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

c) Expose sensitive receptors to substantial pollutant concentrations?

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

d) Result in other emissions (such as those leading to odors) affecting a substantial number of people?

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

The discussion below is based on the CalEEMod Emission Summary, prepared by Vince Mirabella (AQ 2020), included as Appendix A.

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact. The project site is located in the South Coast Air Basin (SCAB), which is under the jurisdictional boundaries of the South Coast Air Quality Management District (SCAQMD). The SCAQMD and Southern California Association of Governments (SCAG) are responsible for preparing the Air Quality Management Plan (AQMP), which addresses federal and state Clean Air Act (CAA) requirements. The AQMP details goals, policies, and programs for improving air quality in the Basin. In preparation of the AQMP, SCAQMD and SCAG uses regional growth projections to forecast, inventory, and allocate regional emissions from land use and development-related sources.

As described in Chapter 12, Section 12.2 and Section 12.3 of the SCAQMD’s CEQA Air Quality Handbook (1993), for purposes of analyzing consistency with the AQMP, if a proposed project would result in growth that is substantially greater than what was anticipated, then the proposed project would conflict with the AQMP. On the other hand, if a project’s density is within the anticipated growth of a jurisdiction, its emissions would be consistent with the assumptions in the AQMP, and the project would not conflict with SCAQMD’s attainment plans. In addition, the SCAQMD considers projects consistent with the AQMP if the project would not result in an increase in the frequency or severity of existing air quality violations or cause a new violation.

The site is located within a residential neighborhood and adjacent to retail services. The proposed
project would remove the vacant school and develop 74 single-family residences on the site. As further described in Section 14, Population and Housing, the 74 new residences would result in an 0.4 percent increase in residential units within the City. This limited level of growth would not exceed growth projections and would be consistent with the assumptions in the AQMP. In addition, the proposed land use designation would generate fewer vehicle trips than operation of the existing school; based on trip rates from the Institute of Transportation Engineers, Trip Generation, 10th Edition, 2017, the 74 single family dwelling units (Land Use Code 210 – Single Family) would generate 329 fewer average daily trips compared to an elementary school with 544 students (Land Use Code 520 - Elementary School).

Also, emissions generated by construction and operation of the proposed project would not exceed thresholds. As described in the analysis below, the project would not result in an increase in the frequency or severity of existing air quality violations or cause a new violation. Therefore, impacts related to conflict with the AQMP from the proposed project would be less than significant.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Less Than Significant Impact. The SCAB has a non-attainment status for not meeting federal ozone standards, federal carbon monoxide standards, and state and federal particulate matter standards. Any development in the SCAB, including the proposed project, could cumulatively contribute to these pollutant violations. The methodologies from the SCAQMD CEQA Air Quality Handbook are used in evaluating project impacts. SCAQMD has established daily mass thresholds for regional pollutant emissions, which are listed in Table AQ-1. The SCAQMD’s CEQA Air Quality Handbook methodology describes that any project that result in daily emissions that exceed any of these thresholds would have both an individually (project-level) and cumulatively significant air quality impact. If estimated emissions are less than the thresholds or reduced to below the thresholds with implementation of mitigation, impacts would be considered less than significant.

Table AQ-1: SCAQMD Regional Daily Emissions Thresholds1

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Construction (lbs/day)</th>
<th>Operations (lbs/day)</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOx</td>
<td>100</td>
<td>55</td>
</tr>
<tr>
<td>VOC</td>
<td>75</td>
<td>55</td>
</tr>
<tr>
<td>PM_{10}</td>
<td>150</td>
<td>150</td>
</tr>
<tr>
<td>PM_{2.5}</td>
<td>55</td>
<td>55</td>
</tr>
<tr>
<td>SOx</td>
<td>150</td>
<td>150</td>
</tr>
<tr>
<td>CO</td>
<td>550</td>
<td>550</td>
</tr>
<tr>
<td>Lead</td>
<td>3</td>
<td>3</td>
</tr>
</tbody>
</table>

Construction

Construction activities associated with the proposed project would generate pollutant emissions from the following: (1) demolition and removal of the existing onsite improvements, including recycling hardscape and reusing onsite and hauling building demolition debris offsite for recycling; (2) grading and excavation; (3) construction workers traveling to and from project site; (4) delivery and hauling of construction supplies to, and debris from, the project site; (5) fuel combustion by onsite construction equipment; (6) building construction; installation of the vapor barrier systems.

1 Regional thresholds are from the SCAQMD Air Quality Significance Thresholds, March 2015.
within Lots 36, 37, 38, 39, and 47, pursuant to DTSC regulations; application of architectural coatings; and paving. The amount of emissions generated on a daily basis would vary, depending on the intensity and types of construction activities occurring.

It is mandatory for all construction projects to comply with several SCAQMD Rules, including Rule 403 for controlling fugitive dust, PM\textsubscript{10}, and PM\textsubscript{2.5} emissions from construction activities. Rule 403 requirements include, but are not limited to: applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the site, covering all trucks hauling soil with a fabric cover and maintaining a freeboard height of 12-inches, and maintaining effective cover over exposed areas. Compliance with Rule 403 was accounted for in the construction emissions modeling for the project. In addition, implementation of SCAQMD Rule 1113 that governs the VOC content in architectural coating, paint, thinners, and solvents, was accounted for in the construction emissions modeling for the project. As shown in Table AQ-2, CalEEMod results indicate that construction emissions generated by the proposed project would not exceed SCAQMD regional thresholds. Therefore, emissions from construction activities would be less than significant.

<table>
<thead>
<tr>
<th>Year</th>
<th>Emissions (lbs/day)</th>
<th>VOC</th>
<th>NO\textsubscript{x}</th>
<th>CO</th>
<th>SO\textsubscript{x}</th>
<th>PM\textsubscript{10}</th>
<th>PM\textsubscript{2.5}</th>
</tr>
</thead>
<tbody>
<tr>
<td>2021 Maximum Daily Emissions</td>
<td></td>
<td>5.9</td>
<td>88.3</td>
<td>40.5</td>
<td>0.2</td>
<td>8.6</td>
<td>5.7</td>
</tr>
<tr>
<td>2022 Maximum Daily Emissions</td>
<td></td>
<td>41.9</td>
<td>16.4</td>
<td>16.5</td>
<td>&lt;0.1</td>
<td>1.2</td>
<td>0.9</td>
</tr>
<tr>
<td>Overall Maximum Daily Emissions</td>
<td></td>
<td>41.9</td>
<td>88.3</td>
<td>40.5</td>
<td>0.2</td>
<td>8.6</td>
<td>5.7</td>
</tr>
<tr>
<td>SCAQMD Regional Threshold</td>
<td></td>
<td>75</td>
<td>100</td>
<td>550</td>
<td>150</td>
<td>150</td>
<td>55</td>
</tr>
<tr>
<td>Threshold Exceeded?</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Source: AQ 2020

**Operation**

Operation of the 74 single-family residences would result in long-term regional emissions of criteria air pollutants and ozone precursors associated with area sources, such as natural gas consumption, landscaping, applications of architectural coatings, and consumer products. However, vehicular emissions would generate a majority of the operational emissions from the project.

Operational emissions associated with the proposed project were modeled using CalEEMod and are presented in Table AQ-3. As shown, the proposed project would result in long-term regional emissions of the criteria pollutants that would be below the SCAQMD’s applicable thresholds. Therefore, operation of the project would not result in a cumulatively considerable net increase of any criteria pollutant impacts, and operational impacts would be less than significant.

<table>
<thead>
<tr>
<th>Operational Activity</th>
<th>Emissions (lbs/day)</th>
<th>VOC</th>
<th>NO\textsubscript{x}</th>
<th>CO</th>
<th>PM\textsubscript{10}</th>
<th>PM\textsubscript{2.5}</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area Source</td>
<td></td>
<td>3.0</td>
<td>0.1</td>
<td>6.1</td>
<td>&lt;0.1</td>
<td>&lt;0.1</td>
</tr>
<tr>
<td>Energy Source</td>
<td></td>
<td>0.1</td>
<td>0.5</td>
<td>0.2</td>
<td>&lt;0.1</td>
<td>&lt;0.1</td>
</tr>
<tr>
<td>Mobile Source</td>
<td></td>
<td>0.8</td>
<td>0.9</td>
<td>12.9</td>
<td>5.2</td>
<td>1.4</td>
</tr>
<tr>
<td>Total Maximum Daily Emissions</td>
<td></td>
<td>3.9</td>
<td>1.5</td>
<td>19.3</td>
<td>5.3</td>
<td>1.5</td>
</tr>
<tr>
<td>SCAQMD Regional Threshold</td>
<td></td>
<td>55</td>
<td>55</td>
<td>550</td>
<td>150</td>
<td>55</td>
</tr>
<tr>
<td>Threshold Exceeded?</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Source: AQ 2020
c) **Expose sensitive receptors to substantial pollutant concentrations?**

**Less Than Significant with Mitigation.** The SCAQMD’s *Final Localized Significance Threshold Methodology* (SCAQMD 2008) recommends the evaluation of localized NO₂, CO, PM₁₀, and PM₂.₅ construction-related impacts to sensitive receptors in the immediate vicinity of the project site. Such an evaluation is referred to as a localized significance threshold (LST) analysis. According to the SCAQMD’s *Final Localized Significance Threshold Methodology*, “off-site mobile emissions from the project should not be included in the emissions compared to the LSTs” (SCAQMD 2008). SCAQMD has developed LSTs that represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standards, and thus would not cause or contribute to localized air quality impacts. LSTs are developed based on the ambient concentrations of NOₓ, CO, PM₁₀, and PM₂.₅ pollutants for each of the 38 source receptor areas (SRAs) in the SCAB. The project site is located in SRA 17, Central Orange County.

Sensitive receptors can include residences, schools, playgrounds, childcare centers, athletic facilities. The nearest sensitive receptors are existing residences located adjacent to the project site. The distance between the project site boundary and the closest existing residential structure is approximately 24-feet. As such, the Air Quality Analysis utilizes a sensitive receptor distance of 25 meters, which is the closest distance provided by SCAQMD LST guidance.

**Construction**

The localized thresholds from the mass rate look-up tables in SCAQMD’s *Final Localized Significance Threshold Methodology* document, were developed for use on projects that are less than or equal to 5-acres in size or have a disturbance of less than or equal to 5 acres daily. As the project site is 13 acres and grading would occur over a 30-day period, the Air Quality Impact Analysis (Appendix A) determined that the proposed project would disturb a maximum of 4 acres per day.

Table AQ-4 identifies the localized impacts at the nearest receptor location in the vicinity of the project. As shown, project construction-source emissions would not exceed the applicable SCAQMD LSTs for emissions of any criteria pollutant. Thus, implementation of the project would not result in a localized air quality impact.

<table>
<thead>
<tr>
<th>Year</th>
<th>Emissions (lbs/day)</th>
<th>NOₓ</th>
<th>CO</th>
<th>PM₁₀</th>
<th>PM₂.₅</th>
</tr>
</thead>
<tbody>
<tr>
<td>2021 Maximum Daily Emissions</td>
<td>60.8</td>
<td>31.2</td>
<td>8.4</td>
<td>5.6</td>
<td></td>
</tr>
<tr>
<td>2022 Maximum Daily Emissions</td>
<td>15.6</td>
<td>16.4</td>
<td>0.8</td>
<td>0.8</td>
<td></td>
</tr>
<tr>
<td>Overall Maximum Daily Emissions</td>
<td>60.8</td>
<td>31.2</td>
<td>8.4</td>
<td>5.6</td>
<td></td>
</tr>
<tr>
<td>SCAQMD Localized Threshold</td>
<td>160</td>
<td>1,074</td>
<td>11</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Threshold Exceeded?</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

As described in Response 4.3(a), the proposed project would not significantly increase long-term emissions within the project area. Construction of the proposed project may expose nearby residential sensitive receptors to airborne particulates as well as a small quantity of construction equipment pollutants (i.e., usually diesel-fueled vehicles and equipment). As described in the Project Description, the concrete crushing activities for reuse of pavement as road base material would occur in the northeastern portion of the site, at a minimum of 400-feet from the closest residences, which would be verified through the City’s permitting process. However, construction contractors...
would be required to implement measures to reduce or eliminate emissions by following SCAQMD’s standard construction practices (Rules 402 and 403, as included as PPP AQ-1 and PPP AQ-2). Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off site. Rule 403 requires that fugitive dust be controlled with best available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. Mitigation measure AQ-1 is included to require the preparation of a demolition plan showing staging areas and crushing areas. With implementation of mitigation measures, sensitive receptors would not be exposed to substantial pollutant concentrations during construction, and impacts would be less than significant.

**Toxic Air Pollutants.** The construction equipment would emit diesel particulate matter (DPM), which is a carcinogen. However, the DPM emissions would be short-term in nature and occur intermittently throughout the 16-month construction process. Determination of risk from DPM is considered over a 70-year exposure time. As such, considering the short 16-month time frame for construction, exposure to DPM during construction would be less than significant.

**Operation**

For operational LSTs, onsite passenger car and truck travel emissions were modeled. The SCAQMD has established that impacts to air quality are significant if there is a potential to contribute or cause localized exceedances of the federal and/or state Ambient Air Quality Standards. As shown on Table AQ-5, operational emissions would not exceed the SCAQMD’s localized significance thresholds for any criteria pollutant at the nearest sensitive receptor. Therefore, localized air quality impacts from operational activities would be less than significant.

**Table AQ-5: Localized Significance Summary of Operations**

<table>
<thead>
<tr>
<th>Operational Activity</th>
<th>Emissions (pounds per day)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NOₓ</td>
</tr>
<tr>
<td>Area</td>
<td>0.1</td>
</tr>
<tr>
<td>Energy</td>
<td>0.5</td>
</tr>
<tr>
<td>Mobile</td>
<td>0.1</td>
</tr>
<tr>
<td>Total Maximum Daily Emissions</td>
<td>0.7</td>
</tr>
<tr>
<td>SCAQMD Localized Thresholds</td>
<td>183</td>
</tr>
<tr>
<td>Threshold Exceeded?</td>
<td>No</td>
</tr>
</tbody>
</table>

**Source:** AQ 2020

**CO Hotspots.** Areas of vehicle congestion have the potential to create pockets of CO called hotspots. These pockets have the potential to exceed the state one-hour standard of 20 ppm or the eight-hour standard of 9 ppm. Because CO is produced in greatest quantities from vehicle combustion and does not readily disperse into the atmosphere, adherence to ambient air quality standards is typically demonstrated through an analysis of localized CO concentrations. Hotspots are typically produced at intersections, where traffic congestion is highest because vehicles queue for longer periods and are subject to reduced speeds.

With the turnover of older vehicles and introduction of cleaner fuels, electric vehicles, and vehicles with stop-start systems (where the engine shuts down when the vehicle is stopped and restarts when the break pedal is released), as well as implementation of control technology on industrial facilities, CO concentrations in the South Coast Air Basin and the state have steadily declined.

The analysis of CO hotspots compares the volume of traffic that has the potential to generate a CO hotspot (exceedance the state one-hour standard of 20 ppm or the eight-hour standard of 9
ppm) and the volume of traffic with implementation of the proposed project. In 2003, the SCAQMD estimated that a project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour—or 24,000 vehicles per hour where vertical and/or horizontal air does not mix—in order to exceed state standards and generate a CO hot spot.

As detailed in Section 17, Transportation, shown on Table T-2, the proposed project would generate 55 new vehicle trips (14 inbound trips and 41 outbound trips) during the weekday AM peak hour. During the weekday PM peak hour, the project would generate 73 new vehicle trips (46 inbound trips and 27 outbound trips). Over a 24-hour period, the project is forecast to generate approximately 699 new daily trips. Thus, the proposed project would not result in an increase in traffic volumes at a single intersection by more than 44,000 vehicles per hour—or 24,000 vehicles per hour where vertical and/or horizontal air does not mix, and would not generate a CO hotspot. Therefore, impacts related to CO hotspots from operation of the proposed project would be less than significant.

Friant Ranch Case. In December 2018, in the case of Sierra Club v. County of Fresno (2018) 6 Cal.5th 502, California Supreme Court held that an EIR’s air quality analysis must meaningfully connect the identified air quality impacts to the human health consequences of those impacts, or meaningfully explain why that analysis cannot be provided. As noted in the Brief of Amicus Curiae by the SCAQMD in the Friant Ranch case (April 6, 2015, Appendix 3.4) (Brief), SCAQMD has among the most sophisticated air quality modeling and health impact evaluation capability of any of the air districts in the State, and thus it is uniquely situated to express an opinion on how lead agencies should correlate air quality impacts with specific health outcomes.

The SCAQMD discusses that it may be infeasible to quantify health risks caused by projects similar to the proposed project, due to many factors. It is necessary to have data regarding the sources and types of air toxic contaminants, location of emission points, velocity of emissions, the meteorology and topography of the area, and the location of receptors (worker and residence). The Brief states that a PM2.5 methodology is not suited for small projects and may yield unreliable results. Similarly, SCAQMD staff does not currently know of a way to accurately quantify O3 related health impacts caused by NOX or VOC emissions from relatively small projects, due to photochemistry and regional model limitations. The Brief concludes, with respect to the Friant Ranch EIR, that although it may have been technically possible to plug the data into a methodology, the results would not have been reliable or meaningful.

On the other hand, for extremely large regional projects (unlike the proposed project), the SCAQMD states that it has been able to correlate potential health outcomes for very large emissions sources — as part of their rulemaking activity, specifically 6,620 lbs/day of NOX and 89,180 lbs/day of VOC were expected to result in approximately 20 premature deaths per year and 89,947 school absences due to O3.

The proposed project does not generate anywhere near 6,620 lbs/day of NOX or 89,190 lbs/day of VOC emissions. The proposed project would generate 88.3 lbs/day of NOX during construction and 1.5 lbs/day of NOX during operations (1.3% and 0.02% of 6,620 lbs/day, respectively). The project would also generate 41.9 lbs/day of VOC emissions during construction and 3.9 lbs/day of VOC emissions during operations (0.05% and 0.004% of 89,190 lbs/day, respectively). Therefore, the proposed project’s emissions are not sufficiently high enough to use a regional modeling program to correlate health effects on a basin-wide level.
However, as provided in Table AQ-5, the proposed project’s localized impact to air quality for emissions of CO, NOX, PM10, and PM2.5 have been analyzed by comparing the project’s on-site emissions to the SCAQMD’s applicable LST thresholds. As shown, the proposed project would not result in emissions that exceeded the SCAQMD’s LSTs. Therefore, the proposed project would not exceed the most stringent applicable federal or state ambient air quality standards for emissions of CO, NOX, PM10, and PM2.5, and impacts would be less than significant.

**d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?**

**No Impact.** The proposed project would not emit other emissions, such as those generating objectionable odors, that would affect a substantial number of people. The threshold for odor is identified by SCAQMD Rule 402, Nuisance, which states:

>A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. The provisions of this rule shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

The type of facilities that are considered to result in other emissions, such as objectionable odors, include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities.

The proposed project would implement residential development within the project area that does not involve the types of uses that would emit objectionable odors affecting a substantial number of people. In addition, odors generated by non-residential land uses are required to be in compliance with SCAQMD Rule 402, which would prevent nuisance odors.

During construction, emissions from construction equipment, architectural coatings, and paving activities may generate odors. However, these odors would be temporary, intermittent in nature, and would not affect a substantial number of people. The noxious odors would be confined to the immediate vicinity of the construction equipment. Also, the short-term construction-related odors would cease upon the drying or hardening of the odor-producing materials. Therefore, impacts associated with other emissions, such as odors, would not adversely affect a substantial number of people.

**Existing Plans, Programs, or Policies**

**PPP AQ-1: Rule 402.** The construction plans shall include a note that the project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 402. The project shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.
PPP AQ-2: Rule 403. The construction plans shall include a note that the project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 403, which includes the following:

- All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.
- The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered, with complete coverage of disturbed areas, at least 3 times daily during dry weather; preferably in the mid-morning, afternoon, and after work is done for the day.
- The contractor shall ensure that traffic speeds on unpaved roads and project site areas are reduced to 15 miles per hour or less.

PPP AQ-3: Rule 1113. The construction plans shall include a note that the project is required to comply with the provisions of South Coast Air Quality Management District Rule (SCAQMD) Rule 1113. Only “Low-Volatile Organic Compounds” paints (no more than 50 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications shall be used.

Mitigation Measures

Mitigation Measure AQ-1: Demolition Plan. Prior to issuance of demolition permits, the project proponent shall submit a demolition plan for approval by the City Building Department demonstrating that construction equipment staging areas will be placed away from adjacent residential uses; that rock crushing activities will be located on the northeastern portion of the site, at a minimum of 400-feet from the closest residences; and demonstrating that the construction contract will comply with South Coast Air Quality Management District (SCAQMD) dust control rules as outlined in PPP AQ 1, AQ 2 and AQ 3.

Sources


4. BIOLOGICAL RESOURCES. Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

No Impact.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

No Impact.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

No Impact.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact.

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

No Impact. The project site is located within an urbanized area and currently developed with a school facility. Other than buildings, the site includes paved surfaces and ornamental landscaping that consists of grass groundcover and a few scattered ornamental trees. As determined by records searches, aerial imaging, and site visits, no endangered, rare, threatened, or special status plant species (or associated habitats) or wildlife species designated by the U.S. Fish and Wildlife Service...
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?

**No Impact.** Riparian habitats are those occurring along the banks of rivers and streams. Sensitive natural communities are natural communities that are considered rare in the region by regulatory agencies, known to provide habitat for sensitive animal or plant species, or known to be important wildlife corridors. As described above, the project site is developed and does not contain any natural habitats, including riparian. Additionally, the project is located within a developed urban area. The project site is adjacent to a concrete lined flood control channel that does not include any riparian habitat or other sensitive natural community. No riparian habitat or other sensitive natural communities occur adjacent to the project site. Additionally, the project site and adjacent areas are not included in any local or regional plans, policies, and regulations that identify riparian habitat or other sensitive natural community. Therefore, no impact would occur.

c) Have a substantial adverse effect on state or federally protected wetlands (including but not limited to, marsh, vernal, pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

**No Impact.** Wetlands are defined under the federal Clean Water Act as land that is flooded or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that normally does support, a prevalence of vegetation adapted to life in saturated soils. Wetlands include areas such as swamps, marshes, and bogs. As detailed previously, the project site is developed; and it does not contain any wetlands. In addition, the adjacent areas, including the concrete lined flood control channel do not contain wetlands. Therefore, the redevelopment of the project site would not result in impacts to wetlands.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

**Less than Significant with Mitigation Incorporated.** As previously discussed, the project site is developed and surrounded by urban development. The adjacent concrete lined flood control channel does not contain habitat to support wildlife species; therefore, the area does not function as a wildlife movement corridor and is not adjacent to a wildlife movement corridor.

However, the project area contains scattered ornamental trees that could be used for nesting by common bird species that are protected by the federal Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code Sections 3503.5, 3511, and 3515 during the avian nesting and breeding season that occurs between February 1 and September 15. The provisions of the MBTA prohibits disturbing or destroying active nests. Therefore, Mitigation Measure BIO-1 has been
included to require that if commencement of demolition, construction, or vegetation clearing occurs between February 1 and September 15, a qualified biologist shall conduct a nesting bird survey no more than 3 days prior to commencement of activities to confirm the absence of nesting birds. If active nesting of birds is observed within 100 feet of the construction area prior to construction, the qualified biologist would establish an appropriate buffer around the active nests (e.g., as much as 500 ft for raptors and 300 ft for non-raptors), and the buffer areas would be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. With implementation of Mitigation Measure BIO-1, potential impacts to nesting birds would be less than significant.

e) **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

**No Impact.** The project site is urban and developed. However, in its existing condition, the project area contains a limited number of ornamental trees and other landscaping, which would be removed and replaced with implementation of the proposed project. Public trees in Fountain Valley are protected under Chapter 12.04, Trees, Shrubs, and Plants, of the Municipal Code (PPP BIO-1), which regulates street trees or trees located in other public locations in the City; including the location and species of the proposed trees to be installed along Finch Avenue. The proposed project would be required to comply with the Municipal Code requirements as part of the City permitting process would ensure that the project does not conflict with local policies or ordinances related to public trees. As a result, no impact would occur.

f) **Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

**No Impact.** As previously discussed, the project site is developed and within an urban and developed area. The site is not within the area of an adopted Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, implementation of the proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No impact would occur.

**Existing Plans, Programs, or Policies**

**PPP BIO-1:** The trees shrubs and plants installed on public property shall conform to the regulations within Municipal Code Chapter 12.04.

**Mitigation Measures**

**Mitigation Measure BIO-1: Migratory Bird Treaty Act.** Prior to issuance of grading or demolition permits that include vegetation and/or tree removal activities that will occur within the active breeding season for birds (February 1–September 15), the project applicant (or their Construction Contractor) shall retain a qualified biologist (meaning a professional biologist that is familiar with local birds and their nesting behaviors) to conduct a nesting bird survey no more than 3 days prior to commencement of construction activities.

The nesting survey shall include the project site and areas immediately adjacent to the site that could potentially be affected by project-related construction activities, such as noise, human activity, and dust, etc. If active nesting of birds is observed within 100 feet (ft) of the designated construction activities.
area prior to construction, the qualified biologist shall establish an appropriate buffer around the active nests (e.g., as much as 500 ft for raptors and 300 ft for non-raptors [subject to the recommendations of the qualified biologist]), and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests.

**Sources**


5. CULTURAL RESOURCES. Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?

Less Than Significant

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Less Than Significant

No Impact

c) Disturb any human remains, including those interred outside of formal cemeteries?

No Impact

The discussion below is based on the Department of Parks and Recreation Primary Record Forms, prepared by Urbana Preservation & Planning, LLC, 2020 (DPR 2020), included as Appendix B; and the Phase 1 Cultural and Paleontological Resources Assessment, prepared by Material Culture Consulting, 2020 (MCC 2020), included as Appendix C.

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

Less than Significant. According to the State CEQA Guidelines, a historical resource is defined as something that meets one or more of the following criteria:

1) Listed in, or determined eligible for listing in, the California Register of Historical Resources;
2) Listed in a local register of historical resources as defined in Public Resources Code (PRC) Section 5020.1(k);
3) Identified as significant in a historical resources survey meeting the requirements of PRC Section 5024.1(g); or
4) Determined to be a historical resource by the project’s Lead Agency.

PRC Section 5024.1 directs evaluation of historical resources to determine their eligibility for listing on the CRHR. The criteria for listing resources on the CRHR were expressly developed to be in accordance with previously established criteria developed for listing on the NRHP, enumerated above, and require similar protection to what NHPA Section 106 mandates for historic properties. According to PRC Section 5024.1(c)(1-4), a resource is considered historically significant if it meets at least one of the following criteria:

1) Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States;
2) Associated with the lives of persons important to local, California or national history;
3) Embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values; or
4) Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

As described previously, the project site is currently developed with the vacant Fred Moiola Elementary School. The school was operational between 1971 and 2012. The Department of Parks and Recreation Primary Record (DPR) forms prepared for the project describe that the school is one of 19 original schools developed by the Fountain Valley School District and designed by Carmichael-Kemp Architects in the 1960s and 1970s, 10 of which still exist.

The Moiola School is an example of a modernistic open education classroom and open space school. It was not the first of its kind and does not appear to have been instrumental in inciting or pioneering the movement within the City of Fountain Valley or the Fountain Valley School District. As such, the Fred Moiola School has not been found eligible under CRHR Criterion 1 as the property has not been associated with significant events or patterns of events in state, regional, or local history (DPR 2020).

The school was named for Fred Moiola, a descendent of Italian immigrant farmers who was born in the Fountain Valley area in 1925 and later served as a City Councilman. He was affiliated with Moiola Brothers cattle feeding and ranching and was a member of the Fountain Valley City Council when he died in an airplane crash near Hemet, CA on April 17, 1963. Mr. Moiola’s potential importance is not directly associated with the Moiola School. The school was named after Mr. Moiola to commemorate his death. It has not been found individually eligible under CRHR Criterion 2 as it has not been identified as having an association with an important person (DPR 2020).

Carmichael-Kemp Architects, a 31-year partnership between Daniel Claude Carmichael, Jr. and Richard Kemp, designed the Moiola School. Established in 1964, the Los Angeles-based firm designed over 305 school projects, with educational buildings cited as comprising approximately 95% of their business. Of the extant Carmichael-Kemp designed schools within the Fountain Valley School District, the Moiola School was the third of three identical buildings designed by the firm. The Moiola School features an identical footprint and similar materials as the Robert Gisler School, dedicated on April 9, 1969, and James H. Cox Elementary, dedicated in March 1970. Both the Robert Gisler School and Cox Elementary School are still in operation. The Moiola School, dedicated in 1971, is sited approximately 0.3-miles west of the Robert Gisler School and 1.3-miles southwest of Cox Elementary School. Thus while the school does embody the distinctive characteristics of modern school design, it is regarded as “off the shelf” design as the third identical school building constructed in the area and redundant work produced by the firm of Carmichael-Kemp Architects, who may be regarded as Masters in their field of educational architecture. For these reasons, the Moiola School does not appear to be individually eligible under CRHR Criterion 3 (DPR 2020).

The Moiola School was constructed in 1971 on previously undeveloped agricultural land. Without evidence to indicate otherwise, the school has not been found eligible under Criterion 4 as further study of the property would not appear to yield information which would be considered important in local, regional, state, or national history.

Therefore, the existing school facility does not meet any of the historic resource criteria and does not meet the definition of an historical resource pursuant to CEQA. Thus, impacts related to historic resources would be less than significant.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
Less than Significant Impact with Mitigation Incorporated. The Phase 1 Cultural and Paleontological Resources Assessment prepared for the project included a search of the California Historical Resource Information System (CHRIS) at the South Central Coastal Information Center (SCCIC), located at California State University, Fullerton. The search identified any previously recorded cultural resources and prior cultural resources investigations within a 1-mile radius of the project site.

The records search identified five previously recorded cultural resources within the 1-mile radius. The resources include two prehistoric resources and three historic built environment resources. The closest resource, located less than 0.5-mile southeast of the project site, is a prehistoric human burial recovered in 1974 during a pool construction. Recent ground disturbing activities along a 16-mile span of Interstate 405 (I-405) have encountered human remains during a widening project for the highway, which is located less than 1-mile northeast of the project site. As part of Native American outreach, the Native America Heritage Commission (NAHC) provided contact information for twenty-two tribes/individuals to reach out to for additional information. Material Culture Consulting (MCC) sent letters to all twenty-two Native American contacts, requesting any information related to cultural resources or heritage sites within or adjacent to the project site, as discussed in detail in Section 18, Tribal Cultural Resources. As a result of this outreach effort, MCC received two responses from tribes/contacts, including Rincon Band of Luiseño Indians and Agua Caliente Band of Cahuilla Indians. Neither responses provided comments or concerns for the project.

An Archaeologist and Cross-Trained Paleontologist conducted the cultural and paleontological survey of the project area on February 4, 2020. Although the project site is developed with a school facility, a large portion of the site has not been fully developed beyond landscaping and installation of utilities. The Phase 1 Cultural and Paleontological Resources Assessment determined that the potential for archaeological resources to be located within the project site is moderate because of the unknown depth of previous ground disturbance that was required to construct the existing school, the date of the school construction pre-dates implementation of current laws and regulations regarding cultural resources, and the relative close proximity of previously identified prehistoric human burials to the project site. Thus, Mitigation Measures CUL-1 has been included to require archaeological monitoring during all initial ground-disturbance activities, including vegetation removal, site preparation, and grading up to three feet below the ground surface, to assess any potential for archeological resources to be uncovered at the project site. In the event a previously unrecorded archaeological deposit is encountered during construction, all activity within 50 feet of the area of discovery shall cease and the City shall be immediately notified. If the find is considered a “resource” the archaeologist in coordination with the Native American monitor shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4 in consultation with the City. Thus, implementation of Mitigation Measure CUL-1 would reduce potential impacts to archaeological resources to a less than significant level.

c) Disturb any human remains, including those interred outside of formal cemeteries?

No Impact. The project site has not been previously used as a cemetery. Thus, human remains are not anticipated to be uncovered during project construction. In addition, California Health and Safety Code Section 7050.5, CEQA Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains. Specifically, California Health and Safety Code Section 7050.5 requires that if human remains are
discovered, disturbance of the site shall remain halted until the coroner has conducted an investigation into the circumstances, manner, and cause of death, and made recommendations concerning the treatment and disposition of the human remains to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. Compliance with existing law would ensure that significant impacts to human remains would not occur.

**Existing Plans, Programs, or Policies**

**PPP CUL-1: Human Remains.** In the event that human remains are encountered on the project site, work within 50 ft of the discovery shall cease and the County Coroner shall be notified immediately consistent with the requirements of California Code of Regulations (CCR) Section 15064.5(e). State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98. Prior to the issuance of grading permits, the City Community and Planning, Building, and Code Enforcement Department Director, or designee, shall verify that all grading plans specify the requirements of CCR Section 15064.5(e), State Health and Safety Code Section 7050.5, and PRC Section 5097.98, as stated above.

**Mitigation Measures**

**Mitigation Measure CUL-1: Archaeological Resources.** Prior to the issuance of the first grading permit, the applicant shall provide a letter to the City Planning Department, or designee, from a qualified professional archeologist meeting the Secretary of Interior’s Professional Qualifications for Archaeology as defined at 36 CFR Part 61, Appendix A stating that the archaelogists have been retained to provide archeological resources spot-check monitoring of all ground disturbance activity. The archaelogist shall be present at the pre-grading conference to establish procedures for archeological resource surveilance. In addition, the developer shall provide an executed pre-excavation agreement for a Native American monitor who has been approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government (Tribe) during grading, protocols for treatment of Native American human remains, and the repatriation of Native American sacred items and artifacts.

In the event a previously unrecorded archaeological deposit is encountered during construction, all activity within 50 feet of the area of discovery shall cease and the City shall be immediately notified. The archaelogist shall flag the area in the field and shall determine if the archaeological deposits meet the CEQA definition of historical (State CEQA Guidelines 15064.5(a)) and/or unique archaeological resource (Public Resources Code 21083.2(g)).

If the find is considered a “resource” the archaeologist in coordination with the Native American monitor shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4 in consultation with the City. Per CEQA Guidelines Section 15126.4(b)(3), preservation in place shall be the preferred means to avoid impacts to archaeological resources qualifying as historical resources. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the archaeologist. Resources shall be identified and
curated into an established accredited professional repository. The archaeologist shall have a repository agreement in hand prior to initiating recovery of the resource. If unique archaeological resources cannot be preserved in place or left in an undisturbed state, recovery, salvage and treatment shall be required at the developer/applicant’s expense.

**Sources**


Department of Parks and Recreation Primary Record. Prepared by Urbana Preservation & Planning, LLC. 2020 (DPR 2020)
6. ENERGY. Would the project:

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? ☐ ☐ ☒ ☐

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? ☐ ☐ ☐ ☒

The discussion below is based on the CalEEMod Emission Summary prepared by Vince Mirabella (AQ 2020), included as Appendix A.

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less Than Significant Impact. As the project site is developed with a vacant school, it is connected to the existing utility infrastructure, which includes electrical and natural gas services. The Southern California Gas Company provides natural gas to the project site and surrounding area. Additionally, Southern California Edison currently provides electricity services to the project site and surrounding area. The proposed project would install onsite electrical and natural gas infrastructure that would connect to the existing offsite lines.

Construction
During construction of the proposed project, energy would be consumed in three general forms:

1. Petroleum-based fuels used to power off-road construction vehicles and equipment on the project site, construction worker travel to and from the project site, as well as delivery truck trips;
2. Electricity associated with providing temporary power for lighting and electric equipment; and
3. Energy used in the production of construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass.

Based on these uses of energy during construction activities, the proposed buildings and the associated infrastructure would not be expected to result in demand for fuel greater on a per-unit-of-development basis than other development projects in Southern California. Construction does not involve any unusual or increased need for energy. In addition, the extent of construction activities that would occur is limited to a 16-month period, and the demand for construction-related electricity and fuels would be limited to that time frame.

Construction contractors are required to demonstrate compliance with applicable California Air Resources Board (CARB) regulations governing the accelerated retrofitting, repowering, or replacement of heavy-duty diesel on- and off-road equipment as part of the City’s construction...
permitting process, which is included as PPP E-2. In addition, compliance with existing CARB idling restrictions would reduce fuel combustion and energy consumption. The energy modeling shows that project construction electricity usage over the 16-month construction period is estimated to use 22,751 gallons of diesel fuel, as shown in Table E-1.

Table E-1: Estimated Construction Equipment Diesel Fuel Consumption

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<th>Activity</th>
<th>Equipment</th>
<th>Number</th>
<th>Hours per day</th>
<th>Horsepower</th>
<th>Load Factor</th>
<th>Days</th>
<th>Total horsepower hours</th>
<th>Fuel Rate (gal/hp-hr)</th>
<th>Diesel Fuel Use (gallons)</th>
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<td>49,680</td>
<td>0.023965</td>
<td>1,191</td>
</tr>
<tr>
<td></td>
<td>Generator Set</td>
<td>1</td>
<td>8</td>
<td>84</td>
<td>0.74</td>
<td>300</td>
<td>149,184</td>
<td>0.023965</td>
<td>3,575</td>
</tr>
<tr>
<td>Paving</td>
<td>Pavers</td>
<td>2</td>
<td>8</td>
<td>130</td>
<td>0.42</td>
<td>20</td>
<td>17,472</td>
<td>0.021525</td>
<td>376</td>
</tr>
<tr>
<td></td>
<td>Paving Equipment</td>
<td>2</td>
<td>8</td>
<td>132</td>
<td>0.36</td>
<td>20</td>
<td>15,206</td>
<td>0.018334</td>
<td>279</td>
</tr>
<tr>
<td></td>
<td>Rollers</td>
<td>2</td>
<td>8</td>
<td>80</td>
<td>0.38</td>
<td>20</td>
<td>9,728</td>
<td>0.019412</td>
<td>189</td>
</tr>
<tr>
<td>Architectural</td>
<td>Air Compressor</td>
<td>1</td>
<td>6</td>
<td>78</td>
<td>0.48</td>
<td>20</td>
<td>4,493</td>
<td>0.023965</td>
<td>108</td>
</tr>
</tbody>
</table>

| Source: AQ 2020   | Total                  | 22,751 |

Table E-2 shows that construction workers would use approximately 4,994 gallons of fuel to travel to and from the project site, and haul trucks and vendor trucks would use approximately 15,980 gallons of diesel fuel.

Table E-2: Estimated Construction Vehicle Trip Related Fuel Consumption

<table>
<thead>
<tr>
<th>Trips</th>
<th>Gallons of Diesel Fuel</th>
<th>Gallons of Gasoline Fuel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Haul Trucks</td>
<td>14,039</td>
<td>0</td>
</tr>
<tr>
<td>Vendor Trucks</td>
<td>1,940</td>
<td>0</td>
</tr>
<tr>
<td>Worker Vehicles</td>
<td>0</td>
<td>4,994</td>
</tr>
<tr>
<td>Total</td>
<td>15,980</td>
<td>4,994</td>
</tr>
</tbody>
</table>

| Source: AQ 2020  |

This is in addition to the construction equipment fuel listed in Table E-1, which would result in a total of 38,731 gallons of diesel fuel and 4,994 gallons of gasoline fuel that would be used during construction of the proposed project.

2 https://ww3.arb.ca.gov/msprog/offroadzone/pdfs/offroad_booklet.pdf
Overall, construction activities would comply with all existing regulations, and would therefore not be expected to use fuel in a wasteful, inefficient, and unnecessary manner. Thus, no impacts related to construction energy usage would occur.

**Operation**

Once operational, the project would generate demand for electricity, natural gas, as well as gasoline for motor vehicle trips. Operational use of energy includes the heating, cooling, and lighting of the residences, water heating, operation of electrical systems and plug-in appliances, and outdoor lighting, and the transport of electricity, natural gas, and water to the residences where they would be consumed. This use of energy is typical for urban development, no additional energy infrastructure would be required to be built to operate the project, and no operational activities would occur that would result in extraordinary energy consumption.

The proposed project would be required to meet the current Title 24 energy efficiency standards, which is included as PPP E-1. The City’s administration of the Title 24 requirements includes review of design components and energy conservation measures that occurs during the permitting process, which ensures that all requirements are met. Typical Title 24 measures include insulation; use of energy-efficient heating, ventilation and air conditioning equipment (HVAC); solar-reflective roofing materials; energy-efficient indoor and outdoor lighting systems; reclamation of heat rejection from refrigeration equipment to generate hot water; and incorporation of skylights, etc. In complying with the Title 24 standards, impacts to peak energy usage periods would be minimized, and impacts on statewide and regional energy needs would be reduced. Thus, operation of the project would not use large amounts of energy or fuel in a wasteful manner, and no operational energy impacts would occur. As detailed in Table E-3, operation of the proposed project is estimated to result in the annual use of approximately 66,363 gallons of fuel, approximately 593,372 kilowatt-hour (kWh) of electricity, and approximately 1.91 million thousand British thermal units (kBTU) of natural gas.

<table>
<thead>
<tr>
<th>Mobile</th>
<th>Annual Vehicle Miles Traveled: 2,370,107</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1,000 Gallons of Gasoline: 66,363</td>
</tr>
<tr>
<td>Electricity</td>
<td>593,372 kWh</td>
</tr>
<tr>
<td>Natural Gas</td>
<td>1.91 million kBTU</td>
</tr>
</tbody>
</table>

**Table E-3: Estimated Annual Operational Energy Consumption**

*Source: AQ 2020

b) **Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?**

**No Impact.** The proposed project would be required to meet the Calgreen energy efficiency standards in effect during permitting of the project, as included as PPP E-1. The City’s administration of the requirements includes review of design components and energy conservation measures during the permitting process, which ensures that all requirements are met. In addition, the project would not conflict with or obstruct opportunities to use renewable energy, such as solar energy. As discussed, the project proposes to use photovoltaic (PV) solar panels on each of the residences to offset their energy demand in accordance with the existing Title 24 requirements (included as PPP E-1). As such, the project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, and impacts would not occur.
Existing Plans, Programs, or Policies

PPP E-1. CalGreen Compliance: The project is required to comply with the CalGreen Building Code as included in the City’s Municipal Code Section 18.28.010 to ensure efficient use of energy. CalGreen specifications are required to be incorporated into building plans as a condition of building permit approval.

PPP E-2: Idling Regulations. The project is required to comply with California Air Resources Board (CARB) Rule 2485 (13 CCR, Chapter 10 Section 2485), Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling.

Mitigation Measures

None.

Sources

7. GEOLOGY AND SOILS. Would the project:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
</tr>
</tbody>
</table>

ii) Strong seismic ground shaking?

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
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<td>☒</td>
</tr>
</tbody>
</table>

iii) Seismic-related ground failure, including liquefaction?

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

iv) Landslides?

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☒</td>
<td>☒</td>
<td>☒</td>
</tr>
</tbody>
</table>

b) Result in substantial soil erosion or the loss of topsoil?

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
</tr>
</tbody>
</table>

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☐</td>
<td>☒</td>
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</tr>
</tbody>
</table>

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☐</td>
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</tr>
</tbody>
</table>

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
</tr>
</tbody>
</table>

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☒</td>
<td>☒</td>
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</tr>
</tbody>
</table>

The discussion below is based on the Phase 1 Cultural and Paleontological Resources Assessment, prepared by Material Culture Consulting, 2020 (MCC 2020), included as Appendix C; and the Geotechnical Evaluation prepared by LLG Geotechnical, Inc. (Geo 2019), included as Appendix D. The Geotechnical Evaluation evaluates the onsite geotechnical conditions and provides recommendations related to development of the site to reduce impacts related to seismic and
soils conditions. This includes review of geologic maps and various onsite soils and infiltration testing. Based on the mapping and testing results, site specific construction engineering was provided.

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

No Impact. The project site is not located within a designated Alquist-Priolo Earthquake Fault Zone. As described by the Geotechnical Evaluation (Geo 2019) prepared for the proposed project, there are no known active faults traversing the site. The closest known active faults are associated with the San Joaquin Hills Blind Thrust Fault (no surface trace), located approximately 1.3 miles from the site, the Newport-Inglewood Fault Zone approximately 2.3 miles from the site, the Puente Hills Fault Zone approximately 12.6 miles from the site, and the Elsinore Fault Zone approximately 17.5 miles from the site (Geo 2019). Thus, the proposed project would not expose people or structures to potential substantial adverse effects from rupture of a known earthquake fault that is delineated on an Alquist-Priolo Earthquake Fault Zoning Map, and impacts would not occur.

ii. Strong seismic ground shaking?

Less Than Significant Impact. The project site is located within a seismically active region of Southern California. As mentioned previously, San Joaquin Hills Blind Thrust Fault is located approximately 1.3 miles from the site, the Newport-Inglewood Fault Zone is approximately 2.3 miles from the site, the Puente Hills Fault Zone is approximately 12.6 miles from the site, and the Elsinore Fault Zone is approximately 17.5 miles from the site (Geo 2019). Thus, moderate to strong ground shaking can be expected at the site. The amount of motion can vary depending upon the distance to the fault, the magnitude of the earthquake, and the local geology. Greater movement can be expected at sites located closer to an earthquake epicenter, that consists of poorly consolidated material such as alluvium, and in response to an earthquake of great magnitude.

Structures built in the City are required to be built in compliance with the California Building Code (CBC [California Code of Regulations, Title 24, Part 2]), included in the Municipal Code as Chapter 18.26. In addition, PPP GEO-1 has been included to provide provisions for earthquake safety based on factors including occupancy type, the types of soils onsite, and the probable strength of the ground motion. Compliance with the CBC would include the incorporation of: 1) seismic safety features to minimize the potential for significant effects as a result of earthquakes; 2) proper building footings and foundations; and 3) construction of the building structures so that it would withstand the effects of strong ground shaking. Because the proposed project would be constructed in compliance with the CBC, the proposed project would result in a less than significant impact related to strong seismic ground shaking.

iii. Seismic-related ground failure, including liquefaction?
Less Than Significant With Mitigation Incorporated. Soil liquefaction is a phenomenon in which saturated, cohesionless soils layers, located within approximately 50 feet of the ground surface, lose strength due to cyclic pore water pressure generation from seismic shaking or other large cyclic loading. During the loss of stress, the soil acquires “mobility” sufficient to permit both horizontal and vertical movements. Soil properties and soil conditions such as type, age, texture, color, and consistency, along with historical depths to ground water are used to identify, characterize, and correlate liquefaction susceptible soils.

Soils that are most susceptible to liquefaction are clean, loose, saturated, and uniformly graded fine-grained sands that lie below the groundwater table within approximately 50 feet below ground surface. Lateral spreading is a form of seismic ground failure due to liquefaction in a subsurface layer.

According to the Geotechnical Evaluation (Geo 2019) for the proposed project, the site is located within a liquefaction hazard zone. The site contains isolated sandy layers susceptible to liquefaction interfingered with fine-grained non-liquefiable soils and very dense sands. In addition, the Geotechnical Evaluation identified groundwater at 9 feet below existing grade and a historic high groundwater elevation of 3 feet below existing grade.

The Geotechnical Evaluation identified that the project site has a liquefaction related settlement potential of 1.5-inches or less, which can be reduced by use of post-tensioned slab foundation systems. In addition, as described previously, structures built in the City are required to be built in compliance with the CBC, as included in the City’s Municipal Code as Chapter 18.26 (and herein as PPP GEO-1), which implements specific requirements for seismic safety, excavation, foundations, retaining walls and site demolition. Compliance with the CBC, as included as PPP GEO-1 and Mitigation Measure GEO-1, would require specific engineering design recommendations be incorporated into grading plans and building specifications as a condition of construction permit approval to ensure that project structures would withstand the effects of seismic ground movement, including liquefaction and settlement. Compliance with the requirements of the CBC and City’s municipal code for structural safety (included as PPP GEO-1) would reduce hazards from seismic-related ground failure, including liquefaction and settlement to a less than significant level.

iv. Landslides?

No Impact. Landslides and other slope failures are secondary seismic effects that are common during or soon after earthquakes. Areas that are most susceptible to earthquakes induced landslides are steep slopes underlain by loose, weak soils, and areas on or adjacent to existing landslide deposits.

As described above, the project site is located in a seismically active region subject to strong ground shaking. However, the project site is flat and does not contain any hills or any other areas that could be subject to landslides. In addition, the site is located in a flat and developed area. Therefore, the project would not cause potential substantial adverse effects related to slope instability or seismically induced landslides.
b) Result in soil erosion or the loss of topsoil?

**Less Than Significant Impact.** Construction of the project has the potential to contribute to soil erosion and the loss of topsoil. Grading and excavation activities that would be required for the proposed project would expose and loosen topsoil, which could be eroded by wind or water.

The City’s Municipal Code Chapter 21.18.120 implements the requirements of the Orange County Municipal NDDES Storm Water Permit and all projects in the City are required to conform to the permit requirements. This includes installation of Best Management Practices (BMPs) in compliance with the NPDES permit, which establishes minimum stormwater management requirements and controls that are required to be implemented for the proposed project. To reduce the potential for soil erosion and the loss of topsoil, a Stormwater Pollution Prevention Plan (SWPPP) is required by the Regional Water Quality Control Board (RWQCB) regulations to be developed by a QSD (Qualified SWPPP Developer). The SWPPP is required to address site-specific conditions related to specific grading and construction activities. The SWPPP is required to identify potential sources of erosion and sedimentation loss of topsoil during construction, identify erosion control BMPs to reduce or eliminate the erosion and loss of topsoil, such as use of silt fencing, fiber rolls, or gravel bags, stabilized construction entrance/exit, hydroseeding. With compliance with the City’s Municipal Code, RWQCB requirements, and the BMPs in the SWPPP that is required to be prepared to implement the project included as PPP WQ-1, construction impacts related to erosion and loss of topsoil would be less than significant.

In addition, the proposed project includes installation of landscaping, such that during operation of the project substantial areas of loose topsoil that could erode would not exist. In addition, as described in Section 10, Hydrology and Water Quality, the onsite drainage features that would be installed by the project have been designed to slow, filter, and slowly discharge stormwater into the offsite drainage system, which would also reduce the potential for stormwater to erode topsoil during project operations. Furthermore, implementation of the project requires City approval of a site specific Water Quality Management Plan (WQMP), which would ensure that the City’s Municipal Code, RWQCB requirements, and appropriate operational BMPs would be implemented to minimize or eliminate the potential for soil erosion or loss of topsoil to occur. As a result, potential impacts related to substantial soil erosion or loss of topsoil would be less than significant.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?

**Less Than Significant With Mitigation Incorporated.** As described above, the project site is flat, and does not contain nor is adjacent to any slope or hillside area. The project would not create slopes. Thus, on or off-site landslides would not occur from implementation of the project.

Lateral spreading, a phenomenon associated with seismically induced soil liquefaction, is a display of lateral displacement of soils due to inertial motion and lack of lateral support during or post liquefaction. It is typically exemplified by the formation of vertical cracks on the surface of liquefied soils, and usually takes place on gently sloping ground or level ground with nearby free surface such as drainage or stream channel.

According to the Geotechnical Evaluation the site’s soils have a low potential to be susceptible to lateral spreading due to the presence of generally clayey alluvial soils, the relatively thin non-continuous liquefiable layers, and the generally high residual strength of soils (GEO 2019). Also, as described previously, compliance with the CBC, as included as PPP GEO-1 and Mitigation
Measure GEO-1, would require specific engineering design recommendations be incorporated into grading plans and building specifications as a condition of construction permit approval to ensure that project structures would withstand the effects related to ground movement, including lateral spreading. Thus, impacts would be less than significant with mitigation incorporated.

Differential settlement or subsidence could occur if buildings or other improvements are built on low-strength foundation materials (including imported fill) or if improvements straddle the boundary between different types of subsurface materials (e.g., a boundary between native material and fill). Although differential settlement generally occurs slowly enough that its effects are not dangerous to inhabitants, it can cause building damage over time. Soils susceptible to seismically induced settlement typically include dry loose sands. The Geotechnical Evaluation testing results indicate that the total seismic settlement of the site is 1.5 inches or less, which can be mitigated using a post-tensioned slab. Thus, compliance with the CBC, as included as PPP GEO-1, would reduce potential impacts to a less than significant level.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Less Than Significant Impact With Mitigation Incorporated. Expansive soils contain certain types of clay minerals that shrink or swell as the moisture content changes; the shrinking or swelling can shift, crack, or break structures built on such soils. Arid or semiarid areas with seasonal changes of soil moisture experiences, such as southern California, have a higher potential of expansive soils than areas with higher rainfall and more constant soil moisture.

The Geotechnical Evaluation performed an evaluation of the potential for expansive soils at the site, which determined that site soils are anticipated to have a “Medium” expansion potential (GEO 2019). However, as described previously, compliance with the CBC, as included as PPP GEO-1 and Mitigation Measure GEO-1, would require specific engineering design recommendations be incorporated into grading plans and building specifications as a condition of construction permit approval to ensure that project structures would withstand the effects related to ground movement, including expansive soils. As described in the Geotechnical Evaluation, results of expansion testing at finish grades would be utilized to confirm final foundation design pursuant to the CBC regulations, included as PPP GEO-1 and Mitigation Measure GEO-1. Thus, impacts would be less than significant with mitigation incorporated.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. The project would not use septic tanks or alternative methods for disposal of wastewater into subsurface soils. Furthermore, the proposed project would connect to existing public wastewater infrastructure. Therefore, the project would not result in any impacts related to septic tanks or alternative wastewater disposal methods.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than Significant Impact with Mitigation Incorporated. The geologic units underlying the project site are mapped as Young Quaternary fan alluvium (Qyfsa) dating from the late Holocene to Pleistocene. These deposits typically do not contain significant vertebrate fossils within the uppermost layers; however, there are exposures of marine Quaternary Terrace deposits in the
small hills and bluffs to the east and west of the project site, as well as potential older Quaternary deposits at unknown depth, which have the potential to yield fossils.

The Phase 1 Cultural and Paleontological Resources Assessment prepared for the project included a locality search through the Natural History Museum of Los Angeles County (LACM) to identify any previously identified paleontological resources near the project site. The closest vertebrate fossil localities from the marine Quaternary Terrace sediments is located less than two miles northwest of the project site. Due to the potential that project excavation may encroach into Quaternary Terrace deposits and older Quaternary deposits, the Phase 1 Cultural and Paleontological Resources Assessment determined that the project site has a moderate sensitivity to contain paleontological resources. Therefore, Mitigation Measure PAL-1 has been included to require paleontological resource monitoring during project excavation or grading activities. In the event that paleontological resources are encountered, Mitigation Measure PAL-1 would require ground-disturbing activity within 50 feet of the area of the discovery to cease so that the paleontologist can examine the materials encountered, assess the nature and extent of the find, and recommend a course of action to further investigate and protect or recover and salvage those resources that have been encountered. With implementation of Mitigation Measure PAL-1, impacts to paleontological resources would be less than significant.

Existing Plans, Programs, or Policies

PPP GEO-1: California Building Code. Prior to issuance of any construction permits, the project is required to demonstrate compliance with the California Building Code as included in the City’s Municipal Code Chapter 18.26 to preclude significant adverse effects associated with seismic hazards. California Building Code related and geologist and/or civil engineer specifications for the project are required to be incorporated into grading plans and specifications as a condition of construction permit approval.

PPP WQ-1: NPDES/SWPPP. Prior to issuance of any grading or demolition permits, the applicant shall provide the City Building and Safety Division evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site.

Mitigation Measures

Mitigation Measure GEO-1: Geotechnical Evaluation. The project proponent shall implement all recommendations in the approved Geotechnical Evaluation prepared by LLG Geotechnical, Inc. July 19, 2019 (Geotechnical Evaluation) during site preparation, grading, and construction. Compliance with the approved Geotechnical Evaluation shall be verified in the field by a qualified representative. The project proponent shall demonstrate to Building Department and/or Public Works Department staff that all or equivalent recommendations in the Geotechnical Evaluation or any updates to that report have been incorporated into the proposed project’s design and grading plans.

Mitigation Measure PAL-1: Paleontological Resources. A paleontologist selected from the roll of qualified paleontologists maintained by the City or the County shall be retained to provide spot-
check monitoring services for the project. The paleontologist shall develop a Paleontological Resources Impact Mitigation Plan (PRIMP) to mitigate the potential impacts to unknown buried paleontological resources that may exist onsite. The PRIMP shall require that the paleontologist be present at the pre-grading conference to establish procedures for paleontological resource surveillance. The PRIMP shall require paleontological spot-check monitoring of excavation that exceeds depths of 5 feet. The PRIMP shall state that the project paleontologist shall re-evaluate the necessity for paleontological monitoring after 50 percent or greater of the excavations deeper than 5 feet have been completed.

In the event that paleontological resources are encountered, ground-disturbing activity within 50 feet of the area of the discovery shall cease. The paleontologist shall examine the materials encountered, assess the nature and extent of the find, and recommend a course of action to further investigate and protect or recover and salvage those resources that have been encountered.

Criteria for discard of specific fossil specimens will be made explicit. If a qualified paleontologist determines that impacts to a sample containing significant paleontological resources cannot be avoided by project planning, then recovery may be applied. Actions may include recovering a sample of the fossiliferous material prior to construction, monitoring work and halting construction if an important fossil needs to be recovered, and/or cleaning, identifying, and cataloging specimens for curation and research purposes. Recovery, salvage and treatment shall be done at the applicant’s expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the paleontologist. Resources shall be identified and curated into an established accredited professional repository. The paleontologist shall have a repository agreement in hand prior to initiating recovery of the resource.

Sources

Geotechnical Evaluation, July 2019. LLG Geotechnical, Inc. (Geo 2019).

The discussion below is based on the CalEEMod Summary Sheet prepared by Vince Mirabella (AQ 2020), included as Appendix A.

8. GREENHOUSE GAS EMISSIONS.

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

☐ ☐ ☒ ☐

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

☐ ☐ ☐ ☒

The City of Fountain Valley has not adopted a numerical significance threshold to evaluate greenhouse gas (GHG) impacts. SCAQMD does not have approved thresholds; however, it does have draft thresholds that provides a tiered approach to evaluate GHG impacts, which includes the following:

- Tier 1 consists of evaluating whether or not the project qualifies for any applicable exemption under CEQA.
- Tier 2 consists of determining whether the project is consistent with a GHG reduction plan. If a project is consistent with a qualifying local GHG reduction plan, it does not have significant GHG emissions.
- Tier 3 consists of screening values, which the lead agency can choose, but must be consistent with all projects within its jurisdiction. A project’s construction emissions are averaged over 30 years and are added to the project’s operational emissions. If a project’s emissions are below one of the following screening thresholds, then the project is less than significant:
  - Residential and Commercial land use: 3,000 metric tons of carbon dioxide equivalent (MTCO2e) per year
  - Industrial land use: 10,000 MTCO2e per year
  - Based on land use type: residential: 3,500 MTCO2e per year; commercial: 1,400 MTCO2e per year; or mixed use: 3,000 MTCO2e per year

The SCAQMD’s draft threshold uses the Executive Order S-3-05 year 2050 goal as the basis for the Tier 3 screening level. Achieving the Executive Order’s objective would contribute to worldwide efforts to cap CO2 concentrations at 450 parts per million (ppm), thus stabilizing global climate. Therefore, for purposes of examining potential GHG impacts from implementation of the proposed project, and to provide a conservative analysis of potential impacts, the Tier 3 screening level for all land use projects of 3,000 MTCO2e was selected as the significance threshold (AQ 2020).
In addition, SCAQMD methodology for project’s construction are to average them over 30-years and then add them to the project’s operational emissions to determine if the project would exceed the screening values listed above (Urban 2020).

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

**Less Than Significant Impact.** Construction activities produce GHG emissions from various sources, such as site excavation, grading, utility engines, heavy-duty construction vehicles onsite, equipment hauling materials to and from the site, asphalt paving, building construction with installation of vapor barrier systems within Lots 36, 37, 38, 39, and 47, and motor vehicles transporting the construction crew.

In addition, operation of the proposed residences would result in area and indirect sources of operational GHG emissions that would primarily result from vehicle trips, electricity and natural gas consumption, water transport (the energy used to pump water), and solid waste generation. GHG emissions from electricity consumed by the residences would be generated off-site by fuel combustion at the electricity provider. GHG emissions from water transport are also indirect emissions resulting from the energy required to transport water from its source.

The estimated operational GHG emissions that would be generated from implementation of the proposed project were determined using the California Emissions Estimator Model (CalEEMod Version 2016.3.2) as detailed in Appendix A and shown in Table GHG-1. Additionally, in accordance with SCAQMD recommendation, the project’s amortized construction related GHG emissions are added to the operational emissions estimate in order to determine the project’s total annual GHG emissions.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Annual GHG Emissions (MTCO₂e)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual construction-related emissions amortized over 30 years</td>
<td>26</td>
</tr>
<tr>
<td>Area Source</td>
<td>1</td>
</tr>
<tr>
<td>Energy Source</td>
<td>292</td>
</tr>
<tr>
<td>Mobile Source (Passenger Car)</td>
<td>744</td>
</tr>
<tr>
<td>Waste</td>
<td>44</td>
</tr>
<tr>
<td>Water Usage</td>
<td>37</td>
</tr>
<tr>
<td><strong>Total Project GHG Emissions</strong></td>
<td><strong>1,145</strong></td>
</tr>
<tr>
<td>Significance Threshold</td>
<td>3,000</td>
</tr>
<tr>
<td><strong>Exceed Threshold?</strong></td>
<td><strong>No</strong></td>
</tr>
</tbody>
</table>

Source: AQ 2020.

As shown on Table GHG-1, the project would result in approximately 1,145 MTCO₂e per year, which would be below the screening threshold of 3,000 MTCO₂e per year. Therefore, impacts related to greenhouse gas emissions would be less than significant.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?
No Impact. The proposed project would redevelop the site with single-family residences that would comply with state programs that are designed to be energy efficient. The proposed project would comply with all mandatory measures under the California Title 24, California Energy Code, and the CALGreen Code, which would provide efficient energy and water consumption. The City’s administration of the requirements includes review of the energy conservation measures during the permitting process, which ensures that all requirements are met. In addition, the project includes photovoltaic (PV) solar panels to offset the energy demand.

Also, as described in Section 17, Transportation, the proposed project would result in a less than significant vehicle miles traveled (VMT) impact because the project related vehicle miles traveled per service population (VMT/SP) is less than the VMT/SP for the City in both the project level and cumulative conditions; and therefore, is consistent with the regional Sustainable Communities Strategy.

In addition, the California Air Resources Board (CARB) Scoping Plan recommends strategies for implementation at the statewide level to meet the goals of AB 32 to reduce GHG emissions levels. The CARB Scoping Plan also reflects the 2030 target of a 40% reduction below 1990 levels, set by Executive Order B-30-15 and codified by SB 32. The proposed project would be consistent with the applicable measures established in the Scoping Plan, as shown in Table GHG-2. Therefore, the proposed project would not conflict with existing plans, policies, and regulations adopted for the purpose of reducing the emissions of greenhouse gas.

<table>
<thead>
<tr>
<th>Table GHG-2: Project Consistency with CARB Scoping Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Action</strong></td>
</tr>
<tr>
<td>Implement SB 350 by 2030</td>
</tr>
<tr>
<td>Increase the Renewables Portfolio Standard to 50% of retail sales by 2030 and ensure grid reliability.</td>
</tr>
<tr>
<td>Establish annual targets for statewide energy efficiency savings and demand reduction that will achieve a cumulative doubling of statewide energy efficiency savings in electricity and natural gas end uses by 2030.</td>
</tr>
<tr>
<td>Reduce GHG emissions in the electricity sector through the implementation of the above measures and other actions as modeled in Integrated Resource Planning (IRP) to meet GHG emissions reductions planning targets in the IRP process. Load-serving entities and publicly-owned utilities meet GHG emissions reductions planning targets through a combination of measures as described in IRPs.</td>
</tr>
<tr>
<td>Implement Mobile Source Strategy (Cleaner Technology and Fuels)</td>
</tr>
<tr>
<td>Action</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>At least 1.5 million zero emission and plug-in hybrid light-duty EV by 2025.</td>
</tr>
<tr>
<td>At least 4.2 million zero emission and plug-in hybrid light-duty EV by 2030.</td>
</tr>
<tr>
<td>Further increase GHG stringency on all light-duty vehicles beyond existing Advanced Clean cars regulations.</td>
</tr>
<tr>
<td><strong>Medium- and Heavy-Duty GHG Phase 2.</strong></td>
</tr>
<tr>
<td>Innovative Clean Transit: Transition to a suite of to-be-determined innovative clean transit options. Assumed 20% of new urban buses purchased beginning in 2018 will be zero emission buses with the penetration of zero-emission technology ramped up to 100% of new sales in 2030. Also, new natural gas buses, starting in 2018, and diesel buses, starting in 2020, meet the optional heavy-duty low-NOx standard.</td>
</tr>
<tr>
<td>Last Mile Delivery: New regulation that would result in the use of low NOx or cleaner engines and the deployment of increasing numbers of zero-emission trucks primarily for class 3-7 last mile delivery trucks in California. This measure assumes ZEVs comprise 2.5% of new Class 3–7 truck sales in local fleets starting in 2020, increasing to 10% in 2025 and remaining flat through 2030.</td>
</tr>
<tr>
<td>Further reduce vehicle miles traveled (VMT) through continued implementation of SB 375 and regional Sustainable Communities Strategies; forthcoming statewide implementation of SB 743; and potential additional VMT reduction strategies not specified in the Mobile Source Strategy but included in the document “Potential VMT Reduction Strategies for Discussion.”</td>
</tr>
<tr>
<td>Increase stringency of SB 375 Sustainable Communities Strategy (2035 targets).</td>
</tr>
<tr>
<td>Action</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------</td>
</tr>
<tr>
<td>Harmonize project performance with emissions reductions and increase competitiveness of transit and active transportation modes (e.g. via guideline documents, funding programs, project selection, etc.).</td>
</tr>
<tr>
<td>By 2019, develop pricing policies to support low-GHG transportation (e.g. low-emission vehicle zones for heavy duty, road user, parking pricing, transit discounts).</td>
</tr>
<tr>
<td>Implement California Sustainable Freight Action Plan</td>
</tr>
<tr>
<td>Improve freight system efficiency.</td>
</tr>
<tr>
<td>Deploy over 100,000 freight vehicles and equipment capable of zero emission operation and maximize both zero and near-zero emission freight vehicles and equipment powered by renewable energy by 2030.</td>
</tr>
<tr>
<td>Adopt a Low Carbon Fuel Standard with a Carbon Intensity reduction of 18%.</td>
</tr>
<tr>
<td>Implement the Short-Lived Climate Pollutant Strategy (SLPS) by 2030</td>
</tr>
<tr>
<td>Action</td>
</tr>
<tr>
<td>--------</td>
</tr>
<tr>
<td>40% reduction in methane and hydrofluorocarbon emissions below 2013 levels.</td>
</tr>
<tr>
<td>50% reduction in black carbon emissions below 2013 levels.</td>
</tr>
<tr>
<td>By 2019, develop regulations and programs to support organic waste landfill reduction goals in the SLCP and SB 1383.</td>
</tr>
<tr>
<td>Implement the post-2020 Cap-and-Trade Program with declining annual caps.</td>
</tr>
<tr>
<td>By 2018, develop Integrated Natural and Working Lands Implementation Plan to secure California’s land base as a net carbon sink</td>
</tr>
<tr>
<td>Protect land from conversion through conservation easements and other incentives.</td>
</tr>
<tr>
<td>Increase the long-term resilience of carbon storage in the land base and enhance sequestration capacity</td>
</tr>
<tr>
<td>Utilize wood and agricultural products to increase the amount of carbon stored in the natural and built environments</td>
</tr>
</tbody>
</table>
### Action | Responsible Parties | Consistency
--- | --- | ---
Establish a carbon accounting framework for natural and working lands as described in SB 859 by 2018 | CARB | **Consistent.** The project would not obstruct or interfere agency efforts to establish a carbon accounting framework for natural and working lands as described in SB 859.

Implement Forest Carbon Plan | CNRA, California Department of Forestry and Fire Protection (CAL FIRE), CalEPA and Departments Within | **Consistent.** The project would not obstruct or interfere agency efforts to implement the Forest Carbon Plan.

Identify and expand funding and financing mechanisms to support GHG reductions across all sectors. | State Agencies & Local Agencies | **Consistent.** The project would not obstruct or interfere agency efforts to identify and expand funding and financing mechanisms to support GHG reductions across all sectors.

### Existing Plans, Programs, or Policies

**PPP E-1: CalGreen Compliance.** As listed previously in Section 6, Energy.

### Mitigation Measures

No mitigation measures related to greenhouse gas emissions are required.

### Sources

The discussion below is based on the Phase I and Phase II Environmental Site Assessment, August 2019 (Appendix E), and the Supplemental Phase II Environmental Site Assessment, January 2020 (Appendix F), both prepared by Leighton and Associates, Inc. The purpose of the Phase I Environmental Site Assessment was to identify any recognized environmental conditions (RECs), historical RECs (HRECs), or controlled RECs (CRECs) within the project site. The purpose of the Phase II Environmental Site Assessment was to assess the project site for the RECs that were identified during preparation of the Phase I ESA. The purpose of the Supplemental Phase II ESA was to collect soil, soil vapor, and groundwater samples to identify the presence of contaminants of concern (VOCs) associated with the offsite drycleaners and to identify the requirements in accordance with the DTSC Vapor Intrusion Guidance.

9. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? ☐ ☒ ☐ ☐

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? ☐ ☒ ☐ ☐

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? ☐ ☐ ☒ ☐

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? ☐ ☐ ☒ ☐

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? ☐ ☐ ☒ ☐

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? ☐ ☐ ☒ ☐

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? ☐ ☐ ☐ ☒
Existing Condition

The Phase I and II Environmental Site Assessment identified that a drycleaner located approximately 140 feet north of the site at 18583 Brookhurst Street is listed in the Geotracker database as a cleanup program site for volatile organic compounds (VOCs) and that the VOCs from this facility have migrated onsite in soil gas and groundwater to the northeast portion of the project site. The Phase II Environmental Site Assessment and Supplemental Phase II Environmental Site Assessment conducted soil gas testing and soils testing through soil borings throughout the site. In addition, groundwater was encountered at depths between 8.80 and 11.40 feet below ground surface (bgs) and was tested for VOCs.

The results of the soils gas testing identified that an area of the northeastern portion of the site has tetrachloroethene (PCE) at concentrations that exceed the Department of Toxic Substances Control screening level (DTSC-SL) of 0.46 micrograms per liter (μg/L) and trichloroethene (TCE) at concentrations that exceed the DTSC-SL of 0.48 μg/L.

The results of the soil boring testing identified a small area of the site (at the proposed sidewalk location adjacent to lot 13) where toxaphene (a chemical associated with former agricultural use) was detected at 2.5 feet bgs at a concentration of 680 micrograms per kilogram (μg/kg), exceeding the DTSC-SL of 450 μg/kg (sample B7 shown on Figure 4a of the Phase I and Phase II Environmental Site Assessment). However, the area where toxaphene exceeded the screening criteria appears to be limited laterally and vertically. It was identified at 2.5 feet bgs, but not detected at 5-feet bgs in the same location, and not detected in soils located 5 and 10 feet away.

The results of the groundwater testing identified the following VOCs:
- Cis-1,2-dichloroethene (cis-1,2-DCE) at concentrations of 13 μg/L and 120 μg/L that exceed the California Maximum Concentration Limit (MCL) of 6 μg/L;
- TCE was detected at concentrations of 12 μg/L that exceed the MCL of 5 μg/L;
- Vinyl Chloride was detected at concentrations of 1.5 μg/L that exceed the MCL of 0.5 μg/L.
- Benzene was detected at concentrations of 1.7 μg/L and 2.7 μg/L, which exceed the MCL of 1.0 μg/L.

As described in the Supplemental Phase II Environmental Site Assessment, a Human Health Risk Assessment was conducted to determine if these detected soils, soils vapor, and groundwater chemicals would result in health risks related to human contact. A cancer risk of one in a million translates to a negligible risk of developing cancer and is widely considered as an acceptable risk level. A cancer risk exceeding one in a million indicates that additional assessment or mitigation may be warranted.

The risk assessment results for soil (using the 95% Upper Confidence Limit (UCL) dataset) determined that the risk related to the detected chemicals in soil is 1 in a million on the project site. The grading that would occur before residences are built warrants the use of the 95% UCL dataset. Therefore, the soil does not pose a significant health risk.

In addition, the maximum cancer risk associated with vapor intrusion from soil vapor and groundwater in the northeast portion of the site at lots 36, 37, 38, 39, and 47 was calculated to be 40 in a million, which indicates elevated health risks.
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

**Less Than Significant Impact with Mitigation Incorporated.** A hazardous material is defined as any material that, due to its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the environment. Hazardous materials include, but are not limited to, hazardous substances, hazardous wastes, and any material that regulatory agencies have a reasonable basis for believing would be injurious to the health and safety of persons or harmful to the environment if released into the home, workplace, or environment. Hazardous wastes require special handling and disposal because of their potential to damage public health and the environment.

**Construction**

The proposed construction activities would involve the routine transport, use, and disposal of hazardous materials such as paints, solvents, oils, grease, and caulking during construction activities. In addition, hazardous materials would routinely be needed for fueling and servicing construction equipment on the site. These types of materials are not acutely hazardous, and all storage, handling, use, and disposal of these materials are regulated by federal and state regulations that are implemented by the City during building permitting for construction activities. Construction of the project would not require the use of acutely hazardous materials. As such, impacts to surrounding residential neighborhoods through the routine transport, use, or disposal of hazardous materials is not expected. A detailed discussion of construction related traffic is included in Section 17, Transportation. Therefore, impacts related to use of these materials during construction would be less than significant.

**Contaminated Soils.** As described previously, the Phase I and Phase II Environmental Site Assessment detected toxaphene within a limited area at a concentration that results in an acceptable health risk of 1 in a million. The area where toxaphene exceeded the screening criteria is limited laterally (less than 5 feet in width) and vertically (less than 5 feet in depth), and is within an area that would be graded as part of project construction. As the soils that contain toxaphene are limited and would be graded as part of the project, and because risks related to contact with these soils are 1 in a million, potential impacts would be less than significant.

Also, in the case that currently unknown areas of contaminated soils are uncovered during excavation and grading activities, existing federal and state regulations related to hazardous materials and construction include procedures to follow. Excavated soil containing hazardous substances and hazardous building materials would be classified as a hazardous waste if they exhibit the characteristics of ignitability, corrosivity, reactivity, or toxicity (CCR, Title 22, Division 4.5, Chapter 11, Article 3). State and federal regulations related to hazardous materials include, but are not limited to, the federal Resource Conservation and Recovery Act, the Occupational Safety and Health Act that is implemented by California Division of Occupational Safety and Health (OSHA), and the Hazardous Materials Transportation Act. Additionally, the California Integrated Waste Management Board and the RWQCB specifically address management of hazardous materials and waste handling in their adopted regulations (CCR, Title 14 and CCR, Title 27). Thus, with implementation of existing regulations, impacts related to upset or accident conditions involving the release of contaminated soils into the environment would be less than significant.

**Contaminated Groundwater.** As described previously, the results of groundwater testing identified the following VOC at concentrations that exceed the MCL: Cis-1,2-DCE; Trichloroethene; Vinyl
Chloride; and Benzene in the northeast portion of the project site. However, groundwater is located at depths between 8.80 and 11.40 feet bgs. The proposed project would result in excavations and grading that are a minimum depth of 5 feet below existing grade or 3 feet below the base of the foundations, whichever is deeper. Because groundwater is between 8.80 and 11.40 feet bgs it is not anticipated that excavation and grading will encroach into groundwater that could be contaminated, except for, perhaps, utility installation in the vicinity of the northeast portion of the site. However, in the event that groundwater is encountered during excavation and grading activities in the northeast portion of the project site, Mitigation Measure HAZ-1 would require groundwater testing, DTSC notification, and appropriate treatment and/or disposal that would reduce potential impacts related to contaminated groundwater. With implementation of Mitigation Measure HAZ-1, potential impacts related to contaminated groundwater would be less than significant.

**Operation**

The project involves operation of 74 new single-family residences and a park facility, which involve routinely using hazardous materials including solvents, cleaning agents, paints, pesticides, batteries, fertilizers, and aerosol cans. These types of materials are not acutely hazardous and would only be used and stored in limited quantities. The normal routine use of these hazardous materials products pursuant to existing regulations would not result in a significant hazard to people or the environment in the vicinity of the project. Therefore, operation of the project would not result in a significant hazard to the public or to the environment through the routine transport, use, or disposal of hazardous waste, and impacts would be less than significant.

b) **Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

**Less Than Significant Impact with Mitigation Incorporated.**

**Construction**

**Accidental Releases.** While the routine use, storage, transport, and disposal of hazardous materials in accordance with applicable regulations during construction activities would not pose health risks or result in significant impacts; improper use, storage, transportation and disposal of hazardous materials and wastes could result in accidental spills or releases, posing health risks to workers, the public, and the environment. To avoid an impact related to an accidental release, the use of best management practices (BMPs) during construction are implemented as part of a Stormwater Pollution Prevention Plan (SWPPP) as required by the National Pollution Discharge Elimination System General Construction Permit (and included as PPP WQ-1). Implementation of an SWPPP would minimize potential adverse effects to workers, the public, and the environment. Construction contract specifications would include strict on-site handling rules and BMPs that include, but are not limited to:

- Establishing a dedicated area for fuel storage and refueling and construction dewatering activities that includes secondary containment protection measures and spill control supplies;
- Following manufacturers’ recommendations on the use, storage, and disposal of chemical products used in construction;
- Avoiding overtopping construction equipment fuel tanks;
- Properly containing and removing grease and oils during routine maintenance of equipment; and
Properly disposing of discarded containers of fuels and other chemicals.

**Contaminated Soils.** As described previously, the Phase I and Phase II Environmental Site Assessment detected toxaphene within a limited area at a concentration that results in an acceptable health risk of 1 in a million. The soils that contain toxaphene would be graded as part of the project and because the risks related to contact with these soils are 1 in a million, impacts would be less than significant. Also, in the case that previously unknown hazardous materials are uncovered during construction activities, state and federal regulations related to hazardous materials would reduce impacts related to the release of soil contamination into the environment to a less than significant level.

**Contaminated Groundwater.** As described previously, in the event that groundwater is encountered in the northeast portion of the project site during excavation and grading activities, Mitigation Measure HAZ-1 would require groundwater testing, DTSC notification, and appropriate treatment and/or disposal that would reduce potential impacts related to contaminated groundwater. With implementation of Mitigation Measure HAZ-1, potential impacts related to release of contaminated groundwater into the environment would be less than significant.

**Asbestos Containing Materials.** The existing school was constructed before 1971 when many structures were constructed with what are now recognized as hazardous building materials, such as lead and asbestos. Demolition of these structures could result in the release of hazardous materials. However, asbestos abatement contractors must follow state regulations contained in California Code of Regulations Sections 1529, and 341.6 through 341.14 as implemented by SCAQMD Rule 1403 to ensure that asbestos removed during demolition or redevelopment of the existing buildings is transported and disposed of at an appropriate facility. The contractor and hauler of the material are required to file a Hazardous Waste Manifest which details the hauling of the material from the site and the disposal of it. Section 19827.5 of the California Health and Safety Code requires that local agencies not issue demolition permit until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. These requirements are included as PPP HAZ-2 to ensure that the project applicant submits verification to the City that the appropriate activities related to asbestos have occurred, which would reduce the potential of impacts related to asbestos to a less than significant level.

**Lead Based Materials.** Lead-based materials may also be located within the existing school structures. The lead exposure guidelines provided by the U.S. Department of Housing and Urban Development provide regulations related to the handling and disposal of lead-based products. Federal regulations to manage and control exposure to lead-based paint are described in Code of Federal Regulations Title 29, Section 1926.62, and state regulations related to lead are provided in the California Code of Regulations Title 8 Section 1532.1, as implemented by Cal/OSHA. These regulations cover the demolition, removal, cleanup, transportation, storage and disposal of lead-containing material. The regulations outline the permissible exposure limit, protective measures, monitoring and compliance to ensure the safety of construction workers exposed to lead-based materials. Cal/OSHA’s Lead in Construction Standard requires project applicants to develop and implement a lead compliance plan when lead-based paint would be disturbed during construction or demolition activities. The plan must describe activities that could emit lead, methods for complying with the standard, safe work practices, and a plan to protect workers from exposure to lead during construction activities. In addition, Cal/OSHA requires 24-hour notification if more than 100 square feet of lead-based paint would be disturbed. These requirements are included as PPP HAZ-3 to ensure that the project applicant submits verification to
the City that the appropriate activities related to lead have occurred, which would reduce the potential of impacts related to lead-based materials to a less than significant level.

**Operation**

As described previously, the results of the soils gas testing identified that an area of the northeastern portion of the site (at proposed Lots 36, 37, 38, 39, and 47) has PCE and TCE at concentrations that exceed the DTSC screening level limits and result in a slightly elevated cancer risk. These VOC vapors in the site soils have the potential to migrate up through the ground surface and enter buildings through cracks in the foundation or utility pipes. The investigation results were documented in Report of Findings (ROF) dated January 14, 2020. DTSC reviewed the Phase I, Phase II and Supplemental Phase II and approved a Report of Findings (ROF) on January 31, 2020. Based on the ROF, DTSC determined that a response action (RA) is necessary at the site to reduce the potential subsurface vapor accumulation below the proposed residential structures. Therefore, the project includes installation of vapor barrier systems be installed within Lots 36, 37, 38, 39, and 47.

The vapor barrier system would include a physical barrier under the foundations and a passive venting system. Mitigation Measure HAZ-2 has been included to ensure that the proposed vapor barrier system be prepared by a registered hazardous waste professional and approved by DTSC. Mitigation Measure HAZ-2 also includes establishment of a long-term soil gas and groundwater monitoring program in the northeastern portion of the site pursuant to the DTSC Operation, Maintenance, and Monitoring (OM&M) Manual to ensure that the hazardous substances are not migrating toward the project site. Monitoring would be required to continue until it can be adequately demonstrated that natural attenuation of the substances is occurring. DTSC reviewed and concurred that the proposed RA would not have a significant effect on the environment and is adequate for public comment. The RA would undergo a separate formal 30-day public comment period as required by DTSC. After the formal public comment period ends, DTSC will consider all comments received prior to approving the RA. The Final RA would be implemented after it is approved by DTSC and would be verified by the City though Mitigation Measure HAZ-1 and HAZ-2. With implementation of these mitigation measures, impacts related to VOC vapors would be less than significant.

Other operational aspects of the proposed single-family residential project involve use and storage of common hazardous materials such as paints, solvents, cleaning products, fuels, lubricants, adhesives, sealers, and pesticides/herbicides. Normal routine use of typical residential products pursuant to existing regulations would not result in a significant hazard to the environment, residents, or workers in the vicinity of the project.

c) **Emit hazardous emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

**Less Than Significant Impact.** The project site is an existing school facility. However, it is vacant, and no students or school faculty are onsite that could be impacted. The closest operational school is the Robert Gisler Elementary School, which is approximately 1.1 miles from the project site at 18720 Las Flores Street. Thus, the proposed project would not be within 0.25 mile of a school.

d) **Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**
Less than Significant Impact. According to the Phase I and Phase II Environmental Site Assessment, which included a database search of local, regional, state, and federal databases related to hazardous materials, which determined that the project site is not identified as a hazardous materials site. As described previously, a drycleaner located approximately 140 feet north of the site at 18583 Brookhurst Street is listed in the Geotracker database as a cleanup program site for VOCs and that the VOCs from this facility have migrated onsite in soil gas and groundwater to the northeast portion of the project site. As a result, the site is identified as a voluntary cleanup site and is under the regulatory oversight of the DTSC. In addition, mitigation has been included to reduce potential impacts from the VOCs to a less than significant impact. However, the project itself is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; therefore, impacts would be less than significant.

**e)** For a project within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact. The proposed project is not within an airport land use plan and is not within 2 miles of an airport. The closest airport to the project site is John Wayne Airport, which is located 5 miles east of the project site. Therefore, the proposed project would not result in an impact to an airport land use plan and would not result in a safety hazard or excessive noise for people residing or working in the project area.

**f)** Impair implementation of an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. The proposed project would not physically interfere with an adopted emergency response plan or emergency evacuation plan.

**Construction**

Short-term construction activities would occur within the project site and would not restrict access of emergency vehicles to the project site or adjacent areas. In addition, travel along surrounding roadways would remain open and would not interfere with emergency access in the site vicinity. Any temporary lane closures needed for utility connections to Finch Avenue or driveway access construction would be implemented consistent with the recommendations of the Work Area Traffic Control Handbook (Public Works Standards, Inc. 2019), as incorporated into the construction permits. In addition, Finch Avenue is a dead-end street that only provides access to the project site. Thus, impacts related to an emergency response or evacuation plan during construction would be less than significant.

**Operation**

Direct access to the project site would be provided from Finch Avenue by two driveways. The project is required to provide internal streets and fire suppression facilities (e.g., hydrants and sprinklers) that conform to the California Fire Code requirements, included as Municipal Code Chapter 17.12.020 and 17.02.020, as verified through the City’s permitting process. As such, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, and impacts would be less than significant.

**g)** Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?
No Impact. The project site is within an urbanized residential area of the City of Fountain Valley. The project site is surrounded by developed and urban areas. The project site is not adjacent to any wildland areas. According to the CAL FIRE Hazard Severity Zone map, the project site is not within a fire hazard zone. As a result, the proposed project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

Existing Plans, Programs, or Policies

PPP WQ-1: NPDES/SWPPP. As listed below in Section 10, Hydrology and Water Quality.

PPP HAZ-1: Fire Code. The project shall conform to the California Fire Code, as included in the City’s Municipal Code in Chapter 17.101.

PPP HAZ-2: SCAQMD Rule 1403. Prior to issuance of demolition permits, the project applicant shall submit verification to the City Building and Safety Division that an asbestos survey has been conducted on the structures proposed for demolition. If asbestos is found, the Project applicant shall follow all procedural requirements and regulations of South Coast Air Quality Management District Rule 1403. Rule 1403 regulations require that the following actions be taken: notification of SCAQMD prior to construction activity, asbestos removal in accordance with prescribed procedures, placement of collected asbestos in leak-tight containers or wrapping, and proper disposal.

PPP HAZ-3: Lead. Prior to issuance of demolition permits, the project applicant shall submit verification to the City Building and Safety Division that a lead-based paint survey has been conducted on the structures proposed for demolition. If lead-based paint is found, the project applicant shall follow all procedural requirements and regulations for proper removal and disposal of the lead-based paint. Cal-OSHA has established limits of exposure to lead contained in dusts and fumes. Specifically, CCR Title 8, Section 1532.1 provides for exposure limits, exposure monitoring, and respiratory protection, and mandates good working practices by workers exposed to lead.

Mitigation Measures

Mitigation Measure HAZ-1: Groundwater. The project construction specifications and grading permit for the proposed project shall specify that should groundwater be encountered during excavation, grading, or other construction activities in the northeast portion of the project site at Lots 36, 37, 38, 39, and 47, it shall be tested by a registered hazardous waste professional to determine if the groundwater contains contamination, and if so, the appropriate method of treatment and/or disposal pursuant to the DTSC requirements. The City and the DTSC shall be notified by the project contractor immediately if discolored or odorous groundwater is encountered. When not under active construction or related activities, any open trenches containing contaminated water shall be covered to prevent human contact with contamination. Appropriate notices shall be posted at the project site to warn construction personnel and public of the presence of contaminated groundwater.

Mitigation Measure HAZ-2: Vapor Barrier Systems. The project construction plans, specifications, and building permits shall require vapor barrier systems be installed within Lots 36, 37, 38, 39, and 47, pursuant to California Department of Toxic Substances Control (DTSC) regulations. The vapor barrier system shall include a physical barrier under the foundations and a passive venting system for each of the identified lots. The vapor intrusion mitigation plan, reports, and other documents shall be prepared by a registered hazardous waste professional and submitted to DTSC
for review and approval. Also, a long-term soils gas monitoring program shall be implemented by a registered hazardous waste professional pursuant to the DTSC Vapor Intrusion Mitigation Advisory, 2011. Additionally, regularly scheduled groundwater testing shall occur at a frequency determined by DTSC Vapor Intrusion Mitigation Advisory by a registered hazardous waste professional pursuant to DTSC regulations and be sent to DTSC for review and approval. The soils gas monitoring and groundwater testing shall continue until it can be adequately demonstrated that natural attenuation of the substances, and reduction of onsite contamination, is occurring, and pursuant to DTSC approval. All DTSC approvals, results of any monitoring/testing, and any final closures shall be provided to the City prior to receipt of applicable permits.

Sources


Phase I and Phase II Environmental Site Assessment, August 2019, prepared by Leighton and Associates, Inc.

Supplemental Phase II Environmental Site Assessment, January 2020, prepared by Leighton and Associates, Inc.

10. HYDROLOGY AND WATER QUALITY. Would the project:

   a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? 🗿️

   b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? 🗿️

   c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

      i) result in substantial erosion or siltation on- or off-site; 🗿️

      ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; 🗿️

      iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or 🗿️

      iv) impede or redirect flood flows? 🗿️

   d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? 🗿️

   e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? 🗿️

The discussion below is based on the Preliminary Hydrology Study and the Preliminary Water Quality Management Plan, prepared by Fuscoe Engineering, Inc., included as Appendix G and Appendix H.

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?
Less Than Significant Impact.

Construction

Implementation of the proposed project includes demolition of the existing structures and crushing the existing pavement, site preparation, construction of new buildings, installation of vapor barrier systems within Lots 36, 37, 38, 39, and 47, and infrastructure improvements. Demolition of existing structures, crushing the existing pavement, grading, stockpiling of materials, excavation, construction of new structures, and landscaping activities would expose and loosen sediment and building materials, which would have the potential to mix with stormwater and urban runoff and degrade surface and receiving water quality. In addition, the project includes removal of existing drainage systems, filling storm drain connections and developing new connections in the Orange County flood control channel.

Additionally, construction generally requires the use of heavy equipment and construction-related materials and chemicals, such as concrete, cement, asphalt, fuels, oils, antifreeze, transmission fluid, grease, solvents, and paints. In the absence of proper controls, these potentially harmful materials could be accidentally spilled or improperly disposed of during construction activities and could wash into and pollute surface waters or groundwater, resulting in a significant impact to water quality.

Pollutants of concern during construction activities generally include sediments, trash, petroleum products, concrete waste (dry and wet), sanitary waste, and chemicals. Each of these pollutants on its own or in combination with other pollutants can have a detrimental effect on water quality. In addition, chemicals, liquid products, petroleum products (such as paints, solvents, and fuels), and concrete-related waste may be spilled or leaked during construction, which would have the potential to be transported via storm runoff into nearby receiving waters and eventually may affect surface or groundwater quality. During construction activities, excavated soil would be exposed, thereby increasing the potential for soil erosion and sedimentation to occur compared to existing conditions. In addition, during construction, vehicles and equipment are prone to tracking soil and/or spoil from work areas to paved roadways, which is another form of erosion that could affect water quality.

However, the use of BMPs during construction implemented as part of a SWPPP as required by the NPDES General Construction Permit and included as PPP WQ-1 would serve to ensure that project impacts related to construction activities resulting in a degradation of water quality would be less than significant. Furthermore, an Erosion and Sediment Transport Control Plan prepared by a qualified SWPPP developer (QSD) is required to be included in the SWPPP for the project, and typically includes the following types of erosion control methods that are designed to minimize potential pollutants entering stormwater during construction:

- Prompt revegetation of proposed landscaped areas;
- Perimeter gravel bags or silt fences to prevent off-site transport of sediment;
- Storm drain inlet protection (filter fabric gravel bags and straw wattles), with gravel bag check dams within paved roadways;
- Regular sprinkling of exposed soils to control dust during construction and soil binders for forecasted wind storms;
- Specifications for construction waste handling and disposal;
- Contained equipment wash-out and vehicle maintenance areas;
- Erosion control measures including soil binders, hydro mulch, geotextiles, and hydro seeding of disturbed areas ahead of forecasted storms;
• Construction of stabilized construction entry/exits to prevent trucks from tracking sediment on City roadways;
• Construction timing to minimize soil exposure to storm events; and
• Training of subcontractors on general site housekeeping.

Therefore, compliance with the Statewide General Construction Activity Stormwater Permit requirements, included as PPP WQ-1, which would be verified during the City’s construction permitting process, would ensure that project impacts related to construction activities resulting in a degradation of water quality would be less than significant.

Operation
The proposed project includes operation of single-family residential and park uses. Potential pollutants associated with the proposed uses include various chemicals from cleaners, pathogens from pet wastes, nutrients from fertilizer, pesticides and sediment from landscaping, trash and debris, and oil and grease from vehicles. If these pollutants discharge into surface waters, it could result in degradation of water quality.

However, operation of the proposed project would be required to comply with the requirements of the Santa Ana Regional MS4 Permit and County of Orange Drainage Area Management Plan (DAMP) to develop of a project-specific WQMP (included as PPP WQ-2) that would describe implementation of low-impact development (LID) infrastructure and non-structural, structural, and source control and treatment control BMPs to protect surface water quality.

The DAMP regulations are included in the City’s Municipal Code in Section 14.40.040 and are the implementation method for National Pollution Discharge Elimination System (NPDES) Stormwater Permit compliance (included in the Municipal Code as Section 21.18.120). The DAMP:

• Provides the framework for the program management activities and plan development;
• Provides the legal authority for prohibiting unpermitted discharges into the storm drain system and for requiring BMPs in new development and significant redevelopment;
• Ensures that all new development and significant redevelopment incorporates appropriate Site Design, Source Control, and Treatment Control BMPs to address specific water quality issues; and
• Ensures that construction sites implement control practices that address construction related pollutants including erosion and sediment control and onsite hazardous materials and waste management.

The DAMP requires that new development and significant redevelopment projects (or priority projects), such as the proposed project, develop and implement a WQMP that includes BMPs and LID design features that would provide onsite treatment of stormwater to prevent pollutants from onsite uses from leaving the site. A Preliminary WQMP has been developed (included as Appendix H) per these requirements and recommends various BMPs to be incorporated into the project. The WQMP is required to be approved prior to the issuance of a building or grading permit.

The proposed project would install five modular wetland units and catch basins for water quality treatment, which have been sized to treat runoff from the Design Capture Storm (85th percentile, 24-hour) from the project site. The modular wetland units are devices that are manufactured to
mimic natural systems such as bioretention areas by incorporating plants, soil, and microbes engineered to provide treatment at higher flow rates or volumes and with smaller footprints than their natural counterparts. From the modular wetland units, treated flows would be conveyed to the new storm drains and then to the adjacent Orange County flood control channel. In addition, a portion of the treated flows would be conveyed to an underground cistern in the proposed park to be used for park irrigation.

As described previously, the WQMP is required to be approved prior to the issuance of a building or grading permit. The project’s WQMP would be reviewed and approved by the City to ensure it complies with the Santa Ana RWQCB MS4 Permit regulations. In addition, the City’s permitting process would ensure that all BMPs in the WQMP would be implemented with the project. Overall, implementation of the WQMP pursuant to the existing regulations (included as PPP WQ-2) would ensure that operation of the proposed project would not violate any water quality standards, waste discharge requirements, or otherwise degrade water quality; and impacts would be less than significant.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

**Less Than Significant Impact.** The City’s Urban Water Management Plan describes that the City relies on 63 percent groundwater, 24 percent imported water, and 13 percent recycled water. The groundwater is managed by the Orange County Water District (OCWD). The OCWD manages basin water supply through the Basin Production Percentage (BPP), which is set based on groundwater conditions, availability of imported supplies, and precipitation. As detailed on Table WQ-1, the City’s Urban Water Management Plan (UWMP) shows that the anticipated production of groundwater would increase by 715 acre-feet between 2020 and 2040. In 2040, groundwater would provide 70 percent of the City’s water supply.

<table>
<thead>
<tr>
<th>Source</th>
<th>2020</th>
<th>2025</th>
<th>2030</th>
<th>2035</th>
<th>2040</th>
<th>2040 Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>OC Groundwater Basin</td>
<td>7,545</td>
<td>8,219</td>
<td>8,260</td>
<td>8,260</td>
<td>8,260</td>
<td>70.0%</td>
</tr>
<tr>
<td>Imported/Purchased</td>
<td>1,733</td>
<td>2,022</td>
<td>2,040</td>
<td>2,040</td>
<td>2,040</td>
<td>17.3%</td>
</tr>
<tr>
<td>Recycled</td>
<td>1,500</td>
<td>1,500</td>
<td>1,500</td>
<td>1,500</td>
<td>1,500</td>
<td>12.7%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>10,778</td>
<td>11,741</td>
<td>11,800</td>
<td>11,800</td>
<td>11,800</td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Source: 2015 UWMP.

As detailed in Section 19, *Utilities and Service Systems*, the supply of water listed in Table WQ-1 would be sufficient during both normal years and multiple dry year conditions between 2020 and 2040 to meet all of the City’s estimated needs, including the proposed project. Therefore, the project would not result in changes to the projected groundwater pumping that would decrease groundwater supplies. Thus, impacts related to groundwater supplies would be less than significant.

The project site currently consists of 38 percent impervious surfaces (62 percent pervious). After completion of project construction, the site would be 56 percent impervious and 44 percent pervious (WQMP 2020), which is an increase of 18 percent pervious surface area. The project would convey stormwater drainage into landscaping areas modular wetland units, which would infiltrate into soils and groundwater that occurs onsite. Also, as further described in the response below, a portion of treated stormwater would be conveyed to an underground cistern in the proposed park to be used...
for irrigating the park area. This would assist in reduction of groundwater demand and provide infiltration of stormwater. As detailed below in Table WQ-2, the project related runoff conditions (flow rates and durations) would decrease by a total of 1.8 cfs from predevelopment conditions. Therefore, impacts related to interference with groundwater recharge would be less than significant.

Table WQ-2: Project Change in Hydrological Condition

<table>
<thead>
<tr>
<th>Sub Area</th>
<th>Stormwater Flows Q10 (cfs)</th>
<th>Time of Concentration (Tc) Minutes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Existing Condition</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>5.5 (onsite)</td>
<td>11.9</td>
</tr>
<tr>
<td>B</td>
<td>20.9 (total)</td>
<td>14.1</td>
</tr>
<tr>
<td></td>
<td>12.2 (onsite)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8.7 (offsite)</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>4.2 (onsite)</td>
<td>14.9</td>
</tr>
<tr>
<td>D</td>
<td>1.6 (offsite)</td>
<td>14.6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>32.2 (total)</td>
<td>23.5 (onsite)</td>
</tr>
</tbody>
</table>

| **Proposed Condition** | | |
| A | 8.8 (onsite) | 12.8 |
| B | 21.6 (total) | 13.4 |
| | 12.9 (onsite) | |
| | 8.7 (offsite) | |
| **Total** | 30.4 (total) | 21.7 (onsite) |

Source: Preliminary Hydrology Report, Appendix G.

c) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:**

i. **result in substantial erosion or siltation on- or off-site;**

**Less Than Significant Impact.** The project site does not include, and is not adjacent to, a natural stream or river. However, the site is adjacent to a concrete lined flood control channel. Implementation of the project would not alter the course of a stream or river.

**Construction.**

Construction of the proposed project would require demolition of the existing building structures, including foundations and floor slabs, and crushing the existing pavement that would expose and loosen building materials and sediment, which has the potential to mix with storm water runoff and result in erosion or siltation off-site. However, the project site does not include any slopes, which reduces the erosion potential, and the large majority of soil disturbance would be related to excavation and backfill for installation of building foundations and underground utilities.

The NPDES Construction General Permit and Orange County DAMP require preparation and implementation of a SWPPP by a Qualified SWPPP Developer for the proposed construction activities (included as PPP WQ-1). The SWPPP is required to address site-specific conditions related to potential sources of sedimentation and erosion and would list the required BMPs that are necessary to reduce or eliminate the potential of erosion or alteration of a drainage pattern during construction activities.
In addition, a Qualified SWPPP Practitioner (QSP) is required to ensure compliance with the SWPPP through regular monitoring and visual inspections during construction activities. The SWPPP would be amended and BMPs revised, as determined necessary through field inspections, in order to protect against substantial soil erosion, the loss of topsoil, or alteration of the drainage pattern. Compliance with the Construction General Permit and a SWPPP prepared by a QSD and implemented by a QSP (per PPP WQ-1) would prevent construction-related impacts related to potential alteration of a drainage pattern or erosion from development activities. With implementation of the existing construction regulations that would be verified by the City during the permitting approval process, impacts related to alteration of an existing drainage pattern during construction that could result in substantial erosion, siltation, and increases in stormwater runoff would be less than significant.

**Operation.**

The project site currently consists of 38 percent impervious surfaces (62 percent pervious). After completion of project construction, the site would be 56 percent impervious and 44 percent pervious (WQMP 2020), which is an increase of 18 percent pervious surface area. The impervious areas would not be subject to erosion and the pervious areas would be landscaped with groundcovers that would inhibit erosion.

The proposed project would maintain the existing drainage pattern. The runoff from the project area would be collected by roof drains, surface flow designed pavement, curbs, and area drains and conveyed to either landscaping areas or one of five modular wetland units or catch basins (described previously) for treatment. From the modular wetland units and catch basins treated flows would be conveyed by new onsite drainage system to either a new 36-inch storm drain that would connect to the County concrete lined flood control channel at the southeastern portion of the project site (between proposed Lots 22 and 23), or a new 18-inch storm drain connection to the flood control channel at the southwestern portion of the site (at proposed Lot 10). The new 36-inch drain would be realigned but would continue to collect drainage from Finch Avenue and the eastern portions of the project site. In addition, a portion of the treated flows would be conveyed to an underground cistern in the proposed park to be used for park irrigation.

As shown previously on Table WQ-2, the project related runoff conditions (flow rates and durations) would decrease by a total of 1.8 cfs from predevelopment conditions although the impervious surface area would increase by 18 percent because areas of landscaping, modular wetland units, and catch basins would be installed that have been designed to accommodate the increased volume.

The modular wetland units contain a settling chamber for separating out larger solids and a media filter cartridge for capturing fine silts, which would reduce onsite soils being eroded to offsite locations. Additionally, the MS4 permit and DAMP require new development projects to prepare a WQMP (included as PPP WQ-2) that is required to include BMPs to reduce the potential of erosion and/or sedimentation through site design and structural treatment control BMPs. The Preliminary WQMP has been completed and is included as Appendix H. As part of the permitting approval process, the proposed drainage and water quality design and engineering plans would be reviewed by the City’s Engineering Division to ensure that the site-specific design limits the potential for erosion and siltation. Overall, the proposed drainage system and adherence to the existing regulations would ensure that project impacts related to alteration of a drainage pattern and erosion/siltation from operational activities would be less than significant.
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

**Less Than Significant Impact.** The project site does not include, and is not adjacent to, a natural stream or river. However, the site is adjacent to a concrete lined flood control channel. Implementation of the project would not alter the course of a stream or river.

**Construction**
Construction of the proposed project would require demolition of the existing building structures, including foundations, floor slabs, and utilities systems, and crushing the existing pavement. These activities could temporarily alter the existing drainage pattern of the site and change runoff flow rates. However, as described previously, implementation of the project requires a SWPPP (included as PPP WQ-1) that would address site specific drainage issues related to construction of the project and include BMPs to eliminate the potential of flooding or alteration of a drainage pattern during construction activities. This includes regular monitoring and visual inspections during construction activities. Compliance with the Construction General Permit and a SWPPP prepared by a QSD and implemented by a QSP (per PPP WQ-1) as verified by the City through the construction permitting process would prevent construction-related impacts related to potential alteration of a drainage pattern or flooding on or off-site from development activities. Therefore, construction impacts would be less than significant.

**Operation**
As described previously, the proposed project would result in an increase of impervious surfaces. However, the project would maintain the existing drainage pattern and convey runoff to landscaped areas or to a modular wetland unit or catch basin for treatment and retention that have been designed to accommodate the stormwater volume pursuant to the MS4 permit and DAMP requirements. From the modular wetland units and catch basins treated flows would be conveyed by new onsite drainage system to either a new 36-inch storm drain that would connect to the County concrete lined flood control channel at the southeastern portion of the project site (between proposed Lots 22 and 23), or a new 18-inch storm drain connection to the flood control channel at the southwestern portion of the site (at proposed Lot 10). In addition, a portion of the treated flows would be conveyed to an underground cistern in the proposed park to be used for park irrigation. As detailed previously in Table WQ-2 the project related runoff conditions (flow rates and durations) would decrease by a total of 1.8 cfs from predevelopment conditions. As stormwater flow conditions would be reduced with implementation of the project, an increase in the rate or amount of surface runoff in a manner which would result in flooding on- or offsite would not occur.

As part of the permitting approval process, the proposed drainage design and engineering plans would be reviewed by the City’s Engineering Division to ensure that the proposed drainage would accommodate the appropriate design flows. Overall, the proposed drainage system and adherence to the existing MS4 permit and DAMP regulations would ensure that project impacts related to alteration of a drainage pattern or flooding from operational activities would be less than significant.

iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
Less Than Significant Impact.
As described previously, the project site does not include, and is not adjacent to, a natural stream or river. However, the site is adjacent to concrete lined flood control channel. Implementation of the project would not alter the course of a stream or river.

Construction
As described in the previous response, construction of the proposed project would require demolition, concrete crushing, and excavation activities that could temporarily alter the existing drainage pattern of the site and could result in increased runoff and polluted runoff if drainage is not properly controlled. However, implementation of the project requires a SWPPP (included as PPP WQ-1) that would address site specific pollutant and drainage issues related to construction of the project and include BMPs to eliminate the potential of polluted runoff and increased runoff during construction activities. This includes regular monitoring and visual inspections during construction activities. Compliance with the Construction General Permit and a SWPPP prepared by a QSD and implemented by a QSP (per PPP WQ-1) as verified by the City through the construction permitting process would prevent construction-related impacts related to increases in run-off and pollution from development activities. Therefore, impacts would be less than significant.

Operation
As described previously, the proposed project would result in an increase of impervious surfaces. However, the project would manage stormwater flows with landscaping, five modular wetland units, and catch basins that have been designed to accommodate the stormwater volume pursuant to the MS4 permit and DAMP requirements. The units would retain, filter, treat, and slowly discharge runoff into either a cistern for irrigating the park or into the existing off-site County flood control channel. The new 36-inch drain would be realigned but would continue to collect drainage from Finch Avenue and the eastern portions of the project site; and as detailed previously in Table WQ-2 the project related runoff conditions (flow rates and durations) would decrease by a total of 1.8 cfs from predevelopment conditions. As stormwater flow conditions would be reduced with implementation of the project, an increase in runoff that could exceed the capacity of storm drain systems and provide polluted runoff would not occur.

As part of the permitting approval process, the proposed drainage design and engineering plans would be reviewed by the City’s Engineering Division to ensure that the proposed drainage would accommodate the appropriate design flows. Additionally, the City permitting process would ensure that the drainage system specifications adhere to the existing MS4 permit and DAMP regulations, which would ensure that pollutants are removed prior to discharge. Overall, with compliance to the existing regulations as verified by the City’s permitting process, project impacts related to the capacity of the drainage system and polluted runoff would be less than significant.

iv. impede or redirect flood flows?

Less Than Significant Impact. According to the Federal Emergency Management Agency (FEMA) Map 06059C0254J, the project site not within a flood zone (FEMA 2020). As detailed in the previous responses, implementation of the project would result in an 18 percent increase of impermeable surfaces on the site. However, the project would maintain the existing drainage pattern; and drainage would be accommodated by onsite landscaping, modular wetland units, and catch basins (as detailed in Table WQ-2) that have been sized to accommodate the DAMP required design storm. Therefore, the project would not result in impeding or redirecting flood
flows by the addition of the impervious surfaces. As detailed previously, the City’s permitting process would ensure that the drainage system specifications adhere to the existing MS4 permit and DAMP regulations, and compliance with existing regulations would ensure that impacts would be less than significant.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

**No Impact.** According to the Federal Emergency Management Agency (FEMA) Map 06059C0254J, the project site not within a flood zone (FEMA 2020). Thus, the project site is not located within a flood hazard area that could be inundated with flood flows and result in release of pollutants. Impacts related to flood hazards and pollutants would not occur from the project.

Tsunamis are generated ocean wave trains generally caused by tectonic displacement of the sea floor associated with shallow earthquakes, sea floor landslides, rock falls, and exploding volcanic islands. The proposed project is approximately 3.6 miles from the ocean shoreline. Based on the distance of the project site to the Pacific Ocean, the project site is not at risk of inundation from tsunami. Therefore, the proposed project would not risk release of pollutants from inundation from a tsunami. No impact would occur, and no mitigation is required.

Seiching is a phenomenon that occurs when seismic ground shaking induces standing waves (seiches) inside water retention facilities (e.g., reservoirs and lakes). Such waves can cause retention structures to fail and flood downstream properties. The project site is not located adjacent to any water retention facilities. For this reason, the project site is not at risk of inundation from seiche waves. Therefore, the proposed project would not risk release of pollutants from inundation from seiche. No impact would occur, and no mitigation is required.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

**Less Than Significant Impact.** As described previously, use of BMPs during construction implemented as part of a SWPPP as required by the NPDES Construction General Permit and PPP WQ-1 would serve to ensure that project impacts related to construction activities resulting in a degradation of water quality would be less than significant. Thus, construction of the project would not conflict or obstruct implementation of a water quality control plan.

Also, as described previously, new development projects are required to implement a WQMP (per PP WQ-2) that would comply with the Orange County DAMP. The WQMP and applicable BMPs are verified as part of the City’s permitting approval process, and construction plans would be required to demonstrate compliance with these regulations. Therefore, operation of the proposed project would not conflict with or obstruct implementation of a water quality control plan.

In addition, as detailed previously, the OCWD manages basin water supply through the Basin Production Percentage (BPP), such that, the anticipated production of groundwater would remain steady from 2025 through 2040 (as shown in Table WQ-1). As described previously and further detailed in Section 19, Utilities and Service Systems, the City’s supply of water listed in Table WQ-1 would be sufficient during both normal years and multiple dry year conditions between 2020 and 2040 to meet all of the City’s estimated needs, including the proposed project. Therefore, the project would be consistent with the groundwater management plan and would not conflict with or
obstruct its implementation. Thus, impacts related to water quality control plan or sustainable groundwater management plan would be less than significant.

**Existing Plans, Programs, or Policies**

**PPP WQ-1: NPDES/SWPPP.** Prior to issuance of any grading or demolition permits, the applicant shall provide the City Building and Safety Division evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site.

**PPP WQ-2: WQMP.** Prior to the approval of the Grading Plan and issuance of Grading Permits a completed Water Quality Management Plan (WQMP) shall be prepared by the project applicant and submitted to and approved by the City Building and Safety Division. The WQMP shall identify all Post-Construction, Site Design, Source Control, and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.

**Mitigation Measures**

None.

**Sources**


11. LAND USE AND PLANNING. Would the project:

a) Physically divide an established community?  

No Impact. The project site is currently developed with a vacant school facility and is surrounded by a roadway to the north followed by single-family residential development, a flood control facility to the south followed by single-family residential development, commercial development to the east, and single-family residential development to the west. The proposed project would redevelop the site to provide 74 single-family residential units, which are consistent with the existing single-family residences to the north, west, and south of the site. Therefore, the change of the project site from a vacant school facility to single-family residential would not physically divide an established community. In addition, the project would not change roadways, pedestrian bridges, or install any infrastructure that would result in a physical division. Thus, the proposed project would not result in impacts related to physical division of an established community.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Less Than Significant Impact. As described previously, the project site is located adjacent to Finch Avenue, a flood control channel, residential development, and commercial development. The project site is developed with typical one-story school buildings, parking lots, sports courts, and grass fields. The project would redevelop the project site to provide 74 new single-family residences, which would be similar to the single-family residential uses that are located adjacent to the west of the site, to the south of the site beyond the flood control channel, and to the north of the site beyond Finch Avenue.

General Plan
As the site is developed with a school, it currently has a General Plan land use designation of Public Facilities, which does not have the purpose of avoiding or mitigating an environmental effect. The proposed project includes a General Plan Amendment to change the land use designation of the site to Low Density Residential and Low Medium Density Residential to align with the single-family development (zoned R1) along the west side. The General Plan Land Use Element states that the Low Density Residential designation allows for the development of single-family residences up to a density of 5 dwelling units per acre and the Low Medium Density Residential designation allows for the development of single-family residences, two-family residences, and multi-family residences up to a density of 10.8 units per acre.
As the project would develop residences in the Low Density Residential designation at a density of 4.72 dwelling units per acre and in the Low Medium Density Residential designation at a density of 6.69 units per gross acre, it would be consistent with the proposed land use designations, and the proposed change in land uses would be less than significant.

**Zoning**

The project site is currently zoned as Public Institution (PI), and the project would change the site’s zoning from PI-Public and Institutional to R1-Single Family Homes and GH-Garden Homes with a Planned Development (PD) Overlay to allow for the development of the 74 single family residential homes; and PI to P/OS-Parks and Open Space for the approximately 1.12-acre park. As detailed previously in Tables AES-1 and shown in Figures 7 and 8, the proposed project meets the development standards for the R1 and GH with a PD Overlay zones.

Section 21.08.020 of the City’s Municipal Code states that the GH zoning district is for detached, single-family dwellings with a maximum density of 10.8 dwelling units per acre. Section 21.08.040 of the City’s Municipal Code states that the R1 zoning district is for detached, single-family dwellings with a maximum density of 5 dwelling units per acre. While the project would result in a gross density of 5.69 du/ac, the proposed density in the proposed R1 zone would be 4.72 du/ac and the proposed density in the proposed GH zone would be 6.69 du/ac. Thus, the proposed project would not conflict with any applicable zoning regulations adopted for the purpose of avoiding or mitigating an environmental effect.

**Infill Guidelines for Residential Development**

The City Council adopted the Infill Guidelines for Residential Development on November 14, 1989. Since then, the City has used the guidelines as a guidance document, and not as mandated standards. For example, the existing residential community to the north of the project site on Callens Circle and the Villa Serena project that was approved in 2019 were deemed consistent with the Infill Guidelines for Residential Development because they met a majority (but not all) of the guidelines. Likewise, the proposed project is consistent with a majority of the Guidelines, as described in Table LU-1. Furthermore, the proposed project would not conflict with the Guidelines in a manner that would result in an environmental effect. Thus, impacts would be less than significant.

<table>
<thead>
<tr>
<th>Infill Guideline</th>
<th>Project Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Architectural design of the new housing structure shall be architecturally compatible with the surrounding neighborhood.</td>
<td><strong>Consistent.</strong> The proposed residences would be a maximum of two stories and approximately 27.4 (Plan 3 Spanish elevation) feet in height. Residences on the west side of the site (Lots 1-10) in the proposed R1 zone would have one-story elements (such as one-story roof lines and a split-level house design as shown in Figure 9D), similar to the existing residences in the area. Residences to the north and west of the site are located on Redwood Street which includes a mixture of single- and two-story homes. Residences to the north along Callens Circle consists of two-story residences. Residences to the south along Red River Circle and at the end of the Mt Cimarron Street are mostly two-story homes with some one-story residences. Similar exterior materials, such as stucco with wood, rock and/or brick accent treatments, and roofing are proposed in the project as can be found in the adjacent residences. Elements of the proposed Prairie, Craftsman...</td>
</tr>
<tr>
<td>Infill Guideline</td>
<td>Project Consistency</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>B. Variety of elevations and floor plans, including one-and two-story units.</strong></td>
<td><strong>Not Consistent.</strong> The residences would range in size from approximately 2,790 square feet (SF) to 3,419 SF and include four different two-story floor plan options. The residences have single-story elements which provide architectural interest, varied elevations and reduce massing; however only two-story residences are proposed. Therefore, the project is not completely consistent with this guideline at the project site level. However, when viewed at the area-wide level, the project is visually compatible with homes on surrounding streets. The existing residences to the north and west of the site along Redwood Street include a mixture of single- and two-story homes. The residences to the north along Callens Circle (that are also subject to these Infill Guidelines) consists only of two-story residences. Residences to the south along Red River Circle and at the end of the Mt. Cimarron Street are mostly two-story homes with some one-story residences. In addition, the recently approved Villa Serena (that is subject to the infill guidelines) consists of all two-story residences. Because the proposed residences have one-story elements and are located within an area of both one-story and two-story residences, including tracts of new two-story homes, the project would not conflict with this architectural compatibility guideline in a manner that would result in an environmental effect.</td>
</tr>
<tr>
<td><strong>C. Abutting units may not utilize the same exterior elevation.</strong></td>
<td><strong>Consistent.</strong> The residences would include four different two-story floor plan options and adjacent residences would not have the same exterior elevation. The proposed residences on the west side of the site (Lots 1-10) would be Plan 4 residences with three different architectural styles (Spanish, Craftsman, and Prairie). Throughout the entire site, abutting units would not utilize the same exterior elevation. Therefore, these residences would not have the same exterior elevations.</td>
</tr>
<tr>
<td><strong>D. Staggered front yard setbacks shall be incorporated into the design of the subdivisions so no abutting units have similar front yard setbacks. If a curved street condition exists, similar setbacks may be considered.</strong></td>
<td><strong>Consistent.</strong> Front yard setbacks in the project vary from 10 feet (Plan 3) to over 20 feet, which results in a staggered appearance. Therefore, no abutting homes share the same setbacks. Several planting schemes are also proposed (correlated to building style/type) that would ensure variety in aesthetics. Since no identical elevations would be plotted adjacent one another, no front yard landscape would be identical to the neighboring ones either.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lot Coverage Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Total lot coverage for the main structure including garage, patio and room addition shall not exceed 45% (forty five percent) of the total lot area.</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Two-Story Units</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. When new two-story units are constructed abutting existing single-story units, the new units shall modify the window structure and location of windows to ensure compatibility. Methods which may be considered include:</strong></td>
</tr>
</tbody>
</table>
### Infill guideline

<table>
<thead>
<tr>
<th>Condition</th>
<th>Project Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Location of window.</td>
<td></td>
</tr>
<tr>
<td>2. Spandrel or opaque glass.</td>
<td></td>
</tr>
<tr>
<td>3. Architectural relief of the rear of the unit.</td>
<td></td>
</tr>
<tr>
<td>4. Installation of mature landscaping to the rear of the lot.</td>
<td></td>
</tr>
<tr>
<td>B. The floor area of the second story shall not be larger and/or equal to the area of the ground floor.</td>
<td>Consistent. The floor area of the second story of the residences would be smaller than the area of the ground floor.</td>
</tr>
</tbody>
</table>

### Perimeter Block Wall

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Project Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perimeter Block Wall – 6-foot block for perimeter of tract.</td>
<td>Consistent.</td>
</tr>
<tr>
<td>A. Block wall(s) shall be a minimum of 6 feet from highest grade elevation.</td>
<td>Consistent.</td>
</tr>
<tr>
<td>B. Existing non-masonry wall and/or fence (chain link or wooden) shall be removed and construct new 6 ft. solid masonry wall.</td>
<td>Consistent.</td>
</tr>
<tr>
<td>C. Fence detail shown on preliminary grading.</td>
<td>Consistent.</td>
</tr>
<tr>
<td>D. Type of material shall be either split face or slump-stone block.</td>
<td>Consistent.</td>
</tr>
<tr>
<td>E. Lateral walls interior--solid masonry walls shall be provided on all side and rear property lines.</td>
<td>Consistent.</td>
</tr>
</tbody>
</table>

### Driveway Approach and Recreational Vehicle Access

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Project Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. All driveway approaches shall be constructed of concrete.</td>
<td>Consistent.</td>
</tr>
<tr>
<td>B. All R-1 units shall incorporate a minimum side yard of 10 ft. on the garage side.</td>
<td>Not Consistent. The lots proposed for R1 zoning (Lots 1-10) include side yard setbacks on the garage side of only 5 feet, which is less than the 10-foot minimum. However, adequate room for circulation to and from the drive isles and garages would be verified by the City’s traffic engineering review of project plans. Therefore, although inconsistent, the project would not conflict with this driveway approach and recreational vehicle access guidelines in a manner that would result in an environmental effect.</td>
</tr>
<tr>
<td>C. Garages with setbacks of 20 feet or less shall utilize roll up doors for all doors, with an automatic garage door opener. Garages with setbacks greater than 20 feet may utilize swing-up garage doors.</td>
<td>Consistent. All garages would have roll up doors with an automatic garage door opener.</td>
</tr>
<tr>
<td>D. In the event a three-car garage is adjacent to a three-car garage, the developer shall submit landscape plans as part of the application package.</td>
<td>Not Applicable. The project does not include three car garages.</td>
</tr>
</tbody>
</table>
**Existing Plans, Programs, or Policies**

None.

**Mitigation Measures**

None.

**Sources**


<table>
<thead>
<tr>
<th>12. MINERAL RESOURCES</th>
<th>Would the project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</td>
<td></td>
</tr>
<tr>
<td>No Impact. The project site is designated Mineral Resource Zone 3 by the California Geological Survey, meaning that the site is in an area containing mineral deposits whose significance cannot be evaluated from available data. As described previously, the project site is developed and surrounded by developed areas, which do not include mining. Thus, implementation of the proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the state, and impacts would not occur.</td>
<td></td>
</tr>
<tr>
<td>b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</td>
<td></td>
</tr>
<tr>
<td>No Impact. The City of Fountain Valley General Plan Conservation Element does not identify any mining or mineral resource sites within the City. As described in the previous response, the project site and surrounding areas do not contain known mineral resources. Therefore, no impacts related to the loss of availability of a locally important mineral resource recovery site, as delineated on a local general plan, specific plan, or other land use plan, would occur as a result of the project.</td>
<td></td>
</tr>
</tbody>
</table>

Existing Plans, Programs, or Policies

None.

Mitigation Measures

None.

Sources

13. NOISE. Would the project result in:

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>□</td>
<td>☒</td>
<td>□</td>
<td>□</td>
</tr>
</tbody>
</table>

b) Generation of excessive groundborne vibration or groundborne noise levels?

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>□</td>
<td>□</td>
<td>☒</td>
<td>□</td>
</tr>
</tbody>
</table>

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>□</td>
<td>□</td>
<td>□</td>
<td>☒</td>
</tr>
</tbody>
</table>

The discussion below is based on the Technical Noise Analysis, 2020. Prepared by Vista Environmental, included as Appendix I.

**Noise Element of the General Plan**

The City’s General Plan Noise Element includes a compatibility matrix (Table 7-8) to determine if new land uses are compatible with the existing noise environment. The table identifies noise environments that are less than 65 dBA CNEL to be normally compatible with single-family residential uses. Regarding land use compatibility, areas with existing ambient noise levels between 65 and 75 dBA CNEL are considered normally incompatible with single-family residential uses. Additionally, areas that have existing ambient noise levels above 75 dBA CNEL are considered clearly incompatible with single-family residential uses.

The General Plan Noise Element also includes exterior and interior noise standards for different types of land uses (Noise Element Figure 7-9). The noise standards for single-family residential uses require a maximum exterior noise level of 60 dBA CNEL and a maximum interior noise level of 45 dBA with windows closed.

**Municipal Code**

*Section 6.28.070, Special Provisions.* Construction activities shall be exempted from noise regulations as long as it occurs between 7:00 a.m. and 8:00 p.m., Monday through Friday; or between 9:00 a.m. to 8:00 p.m. on Saturday; and at no time on Sunday or any legal holiday.

*Section 6.28.050, Exterior Noise Standards.* Exterior noise level regulations for residential property are a maximum of 55 dBA between 7:00 a.m. and 10:00 p.m., and a maximum of 50 dBA between 10:00 p.m. and 7:00 a.m. for the following periods of time:

1. The noise standard for a cumulative period of more than 30 minutes in any hour.
2. The noise standard plus 5 dBA for a cumulative period of more than 15 minutes in any hour.
3. The noise standard plus 10 dBA for a cumulative period of more than 5 minutes in any hour.
4. The noise standard plus 15 dBA for a cumulative period of more than 1 minute in any hour.
5. The noise standard plus 20 dBA for any period of time.

**Federal Transit Administration**

The construction noise threshold from *Transit Noise and Vibration Impact Assessment (2018)*, identifies a significant construction noise impact if construction noise exceeds 80 dBA Leq over an eight-hour period during the daytime at the nearby sensitive receivers (e.g. residential, etc.).

The *Transit Noise and Vibration Impact Assessment (2018)* provide thresholds for increases in ambient noise from vehicular traffic based on increases to ambient noise. An impact would occur if existing noise levels at noise-sensitive land uses (e.g. residential, etc.) are less than 60 dBA CNEL and the project creates an increase of 3 dBA CNEL or greater project-related noise level increase; or if existing noise levels range from 60 to 65 dBA CNEL and the project creates 2 dBA CNEL or greater noise level increase.

**Caltrans Transportation and Construction Vibration Guidance Manual**

The City does not have vibration standards that are applicable to the proposed project, hence, California Department of Transportation’s (Caltrans) Transportation and Construction Vibration Guidance Manual guidelines are used as a screening tool for assessing the potential for adverse vibration effects related to structural damage and human perception.

Caltrans identifies a building damage vibration level threshold for older residential structures of 0.3 in/sec PPV; and a distinctly perceptible human annoyance vibration level threshold of 0.04 in/sec PPV at nearby sensitive receiver locations.

**Existing Noise Levels**

As detailed in the Technical Noise Analysis (Appendix I), to identify the existing ambient noise level environment, 24-hour noise level measurements were taken at the project site between 12:36 p.m. on Wednesday, February 12, 2020 and 12:41 p.m. on Thursday, February 13, 2020. The noise measurements were taken using two Larson Davis Model LXT1 Type 1 sound level meters that were mounted on fences, approximately six feet above the ground and were equipped with windscreens. A description of the locations and the existing noise levels are provided in Table N-1.

<table>
<thead>
<tr>
<th>Site</th>
<th>Site Description</th>
<th>Average (dBA Leq)</th>
<th>Maximum (dBA Lmax)</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Located approximately 10 feet south of commercial center on northeast area of project site.</td>
<td>57.1</td>
<td>81.3</td>
<td>2:20 a.m.</td>
<td>5:58 p.m.</td>
</tr>
<tr>
<td>B</td>
<td>Located on a fence at the northwest corner of the project site.</td>
<td>52.7</td>
<td>77.3</td>
<td>1:53 a.m.</td>
<td>3:43 p.m.</td>
</tr>
</tbody>
</table>

Source: Vista Environmental 2020.

Table N-1 shows that the existing ambient noise is within the City’s exterior residential noise standard of 60 dBA CNEL that is detailed in General Plan Policy 7.1.1(a).
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less Than Significant With Mitigation Incorporated

Construction

Noise generated by construction equipment would include a combination of trucks, power tools, concrete mixers, and portable generators that when combined can reach high levels. Construction activity is expected to include: demolition of the existing structures, pavement (including concrete crushing), removal of the existing utility infrastructure; grubbing, excavation, grading, building construction, installation of the vapor barrier systems within Lots 36, 37, 38, 39, and 47, architectural coating, and paving. As described in the Project Description, the concrete crushing activities for reuse of pavement as road base material would occur in the northeastern portion of the site, at a minimum of 400-feet from the closest residences, which would be verified through the City’s permitting process as implemented by Mitigation Measure AQ-1 which requires submittal of a demolition plan prior to issuance of demolition permits. The demolition plan would demonstrate that construction equipment is staged away from sensitive uses and that the concrete crusher is located a minimum of 400-feet from the closest residences.

Per Section 6.28.070, Special Provisions, of the City’s Municipal Code, noise from construction activities are exempt from the City’s established noise standards as long as the activities occur between the hours of 7:00 a.m. and 8:00 p.m., Monday through Friday; or between 9:00 a.m. to 8:00 p.m. on Saturday; and at no time on Sunday or any legal holiday. The proposed project’s construction activities would occur pursuant to these regulations.

Neither the City’s General Plan nor Municipal Code establish numeric maximum acceptable construction source noise levels at potentially affected receptors, which would allow for a quantified determination of what CEQA constitutes a substantial temporary or periodic noise increase. Thus, the construction noise thresholds from the FTA Transit Noise and Vibration Impact Assessment (2018), have been utilized, which identifies a significant construction noise impact if construction noise exceeds 80 dBA Leq over an eight-hour period at sensitive receptors.

The construction noise from the proposed project would occur over a 16-month period and be temporary in nature as the operation of each piece of construction equipment would not be constant throughout the construction day, and equipment would be turned off when not in use. The typical operating cycle for a piece of construction equipment involves one or two minutes of full power operation followed by three or four minutes at lower power settings. The construction equipment would include a combination of trucks, power tools, concrete mixers, portable generators, and mounted impact hammers (excavator with impact hammer attachment).

The noise generated from construction of the project have been estimated by using the Federal Highway Administration’s (FHWA) Roadway Construction Noise Model (RCNM) and the construction equipment anticipated to be used for each phase of project construction, which is listed in Table N-2. For each phase of construction, the nearest piece of equipment was analyzed at the closest distance of the proposed activity to the nearest sensitive receptor. Also, 5 dB of estimated shielding was added to the RCNM model in order to account for the existing 6-foot-high walls located between the project site and nearest sensitive receptors.
Table N-2: Construction Equipment Noise Emissions and Usage Factors

<table>
<thead>
<tr>
<th>Equipment Description</th>
<th>Number of Equipment</th>
<th>Acoustical Use Factor(^1) (percent)</th>
<th>Spec 721.560 L(_{\text{max}}) at 50 feet(^2) (dBA, slow(^3))</th>
<th>Actual Measured L(_{\text{max}}) at 50 feet (dBA, slow(^3))</th>
</tr>
</thead>
<tbody>
<tr>
<td>Demolition</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Concrete Saw</td>
<td>1</td>
<td>20</td>
<td>90</td>
<td>90</td>
</tr>
<tr>
<td>Excavator</td>
<td>3</td>
<td>40</td>
<td>85</td>
<td>81</td>
</tr>
<tr>
<td>Rubber Tired Dozer</td>
<td>2</td>
<td>40</td>
<td>85</td>
<td>82</td>
</tr>
<tr>
<td>Mounted Impact Hammer</td>
<td>2</td>
<td>20</td>
<td>90</td>
<td>90</td>
</tr>
<tr>
<td>Site Preparation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rubber Tired Dozer</td>
<td>3</td>
<td>40</td>
<td>85</td>
<td>82</td>
</tr>
<tr>
<td>Crawler Tractor</td>
<td>4</td>
<td>40</td>
<td>84</td>
<td>N/A</td>
</tr>
<tr>
<td>Grading</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Excavator</td>
<td>2</td>
<td>40</td>
<td>85</td>
<td>81</td>
</tr>
<tr>
<td>Grader</td>
<td>1</td>
<td>40</td>
<td>85</td>
<td>83</td>
</tr>
<tr>
<td>Rubber Tired Dozer</td>
<td>1</td>
<td>40</td>
<td>85</td>
<td>82</td>
</tr>
<tr>
<td>Crawler Tractor</td>
<td>3</td>
<td>40</td>
<td>84</td>
<td>N/A</td>
</tr>
<tr>
<td>Scraper</td>
<td>2</td>
<td>40</td>
<td>85</td>
<td>84</td>
</tr>
<tr>
<td>Building Construction</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crane</td>
<td>1</td>
<td>16</td>
<td>85</td>
<td>81</td>
</tr>
<tr>
<td>Forklift (Gradall)</td>
<td>3</td>
<td>40</td>
<td>85</td>
<td>83</td>
</tr>
<tr>
<td>Generator</td>
<td>1</td>
<td>50</td>
<td>82</td>
<td>81</td>
</tr>
<tr>
<td>Tractor, Loader or Backhoe(^4)</td>
<td>3</td>
<td>40</td>
<td>84</td>
<td>N/A</td>
</tr>
<tr>
<td>Welder</td>
<td>1</td>
<td>40</td>
<td>73</td>
<td>74</td>
</tr>
<tr>
<td>Paving</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paver</td>
<td>2</td>
<td>50</td>
<td>85</td>
<td>77</td>
</tr>
<tr>
<td>Paving Equipment</td>
<td>2</td>
<td>50</td>
<td>85</td>
<td>77</td>
</tr>
<tr>
<td>Roller</td>
<td>2</td>
<td>20</td>
<td>85</td>
<td>80</td>
</tr>
<tr>
<td>Architectural Coating</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Air Compressor</td>
<td>1</td>
<td>40</td>
<td>80</td>
<td>78</td>
</tr>
</tbody>
</table>

Source: Appendix I

\(^1\) Acoustical use factor is the percentage of time each piece of equipment is operational during a typical workday.

\(^2\) Spec 721.560 is the equipment noise level utilized by the RCNM program.

\(^3\) The “slow” response averages sound levels over 1-second increments. A “fast” response averages sound levels over 0.125-second increments.

\(^4\) For the tractor/loader/backhoe, the tractor noise level was utilized because it is the loudest of the three types of equipment.

The noise volumes in Table N-2 were applied to the locations of the closest sensitive receptors. As shown on Table N-3, construction noise at the nearby single-family residences would range from 63 to 76 dBA Leq, which would not exceed the 80 dBA Leq construction noise level threshold at sensitive receivers. Therefore, construction impacts would be less than significant.
### Table N-3: Construction Noise Levels at the Nearest Sensitive Receptors

<table>
<thead>
<tr>
<th>Construction Phase</th>
<th>Residences to the North</th>
<th>Residences to the South</th>
<th>Residences to the West</th>
</tr>
</thead>
<tbody>
<tr>
<td>Demolition</td>
<td>74</td>
<td>76</td>
<td>71</td>
</tr>
<tr>
<td>Site Preparation</td>
<td>73</td>
<td>73</td>
<td>76</td>
</tr>
<tr>
<td>Grading</td>
<td>72</td>
<td>72</td>
<td>76</td>
</tr>
<tr>
<td>Building Construction</td>
<td>70</td>
<td>70</td>
<td>71</td>
</tr>
<tr>
<td>Paving</td>
<td>69</td>
<td>63</td>
<td>64</td>
</tr>
<tr>
<td>Painting</td>
<td>64</td>
<td>64</td>
<td>65</td>
</tr>
<tr>
<td><strong>Threshold</strong></td>
<td><strong>80</strong></td>
<td><strong>80</strong></td>
<td><strong>80</strong></td>
</tr>
<tr>
<td><strong>Exceed Thresholds?</strong></td>
<td><strong>No</strong></td>
<td><strong>No</strong></td>
<td><strong>No</strong></td>
</tr>
</tbody>
</table>

Source: Noise Impact Analysis, 2020

**Operation**

Development of the proposed project would result in 74 single-family residences, which would generate approximately 699 daily vehicular trips; of which 55 would occur in the a.m. peak hour and 73 would occur in the p.m. peak hour. The noise generated from these vehicular trips has been identified through utilization of the FHWA Roadway Noise Model, and a comparison of noise generated by traffic volumes with and without the project is provided in Table N-4.

Policy 7.1.2 from the City’s General Plan Noise Element requires measures to be established to reduce noise impacts from traffic noise sources. However, neither the General Plan or Municipal Code quantifies what constitutes a significant degradation of the future acoustic environment. Therefore, thresholds from the FTA Transit Noise and Vibration Impact Assessment (2018) have been utilized, which identifies noise impacts by comparing the existing noise levels and the future noise levels with the proposed project. Based on the FTA guidance, a substantial increase in ambient noise from vehicular traffic could occur when the noise levels at noise-sensitive land uses (e.g., residential, etc.) are less than 60 dBA CNEL and the project creates an increase of 3 dBA CNEL or greater noise level increase; or when noise levels range from 60 to 65 dBA CNEL and the project creates 2 dBA CNEL or greater noise level increase. As shown in Table N-4, the project traffic would result in a maximum increase of 0.7 dBA, which is below the noise increase thresholds. Therefore, impacts related to operational noise would be less than significant.

### Table N-4: Project Generated Traffic Noise

<table>
<thead>
<tr>
<th>Roadway</th>
<th>Segment</th>
<th>dbA CNEL at Nearest Receptor</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Existing No Project</td>
</tr>
<tr>
<td>Bushard Street</td>
<td>North of Ellis Avenue</td>
<td>64.4</td>
</tr>
<tr>
<td>Bushard Street</td>
<td>South of Ellis Avenue</td>
<td>63.9</td>
</tr>
<tr>
<td>Redwood Street</td>
<td>North of Finch Avenue</td>
<td>57.6</td>
</tr>
<tr>
<td>Redwood Street</td>
<td>South of Finch Avenue</td>
<td>57.6</td>
</tr>
<tr>
<td>Redwood Street</td>
<td>South of Robin Avenue</td>
<td>55.2</td>
</tr>
<tr>
<td>Ellis Avenue</td>
<td>West of Bushard Street</td>
<td>61.9</td>
</tr>
<tr>
<td>Ellis Avenue</td>
<td>East of Bushard Street</td>
<td>61.9</td>
</tr>
<tr>
<td>Starling Avenue</td>
<td>West of Redwood Avenue</td>
<td>57.4</td>
</tr>
<tr>
<td>Finch Avenue</td>
<td>East of Redwood Avenue</td>
<td>55.4</td>
</tr>
<tr>
<td>Robin Avenue</td>
<td>West of Redwood Avenue</td>
<td>54.8</td>
</tr>
</tbody>
</table>

Source: Noise Impact Analysis, 2020
b) **Generation of excessive groundborne vibration or groundborne noise levels?**

**Less Than Significant Impact.**

**Construction**

Construction activities associated with the proposed project would require the operation of off-road equipment and trucks that are known sources of vibration. Construction activity can result in varying degrees of ground vibration, depending on the equipment used on the site. Operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance. As described previously, concrete crushing activities would occur in the northeastern portion of the site, at a minimum of 400-feet from the closest residences, which would be verified through the City’s permitting process and Mitigation Measure AQ-1 which requires submittal of a demolition plan prior to issuance of demolition permits. The demolition plan would demonstrate that construction equipment is staged away from sensitive uses and that the concrete crusher is located a minimum of 400-feet from the closest residences.

Vibrations at buildings could produce results that range from no perceptible effects at the low levels to damage at the highest levels. It should be noted that vibration is much more discernible in a sitting or laying down position, which typically only occur inside a residence. As such, this analysis is based on the vibration levels at the nearest homes, instead of the nearest residential property lines. Table N-5 provides estimated vibration levels for anticipated construction activities.

Since neither the Municipal Code nor the General Plan provide a quantifiable vibration threshold, guidance from the *Transportation- and Construction-Induced Vibration Guidance Manual*, prepared by Caltrans in 2004, has been utilized for this analysis, which defines the threshold of perception from transient sources such as off-road construction equipment at 0.25 inch per second peak particle velocity (PPV). Table N-4 shows the typical PPV and average vibration levels shown in vibration velocity in decibels (VdB) that are produced from some common construction equipment that would likely be utilized during construction of the proposed project.

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Peak Particle Velocity at 25 feet (inches/second)</th>
<th>Average Vibration Level (VdB or Lv) at 25 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vibratory Roller</td>
<td>0.210</td>
<td>94</td>
</tr>
<tr>
<td>Hoe Ram (Mounted Impact Hammer)</td>
<td>0.089</td>
<td>87</td>
</tr>
<tr>
<td>Large Bulldozer</td>
<td>0.089</td>
<td>87</td>
</tr>
<tr>
<td>Caisson Drill</td>
<td>0.089</td>
<td>87</td>
</tr>
<tr>
<td>Loaded Trucks</td>
<td>0.076</td>
<td>86</td>
</tr>
<tr>
<td>Jackhammer</td>
<td>0.035</td>
<td>79</td>
</tr>
<tr>
<td>Small Bulldozer</td>
<td>0.003</td>
<td>58</td>
</tr>
</tbody>
</table>

Source: Noise Impact Analysis, 2020

From the list of equipment shown in Table N-5, a vibratory roller with a vibration level of 0.21 inch-per-second PPV at 25 feet would be the source of the highest vibration levels of all equipment utilized during construction activities for the proposed project. This would remain below the 0.25 inch-per-second PPV threshold, as detailed above. Thus, impacts would be less than significant.

**Operation**

Operation of the proposed single-family uses would include heavy trucks for residents moving in and out of the residences, large deliveries, and garbage trucks for solid waste disposal. Truck vibration levels are dependent on vehicle characteristics, load, speed, and pavement conditions.
However, typical vibration levels for the heavy truck activity at normal traffic speeds would be approximately 0.006 in/sec PPV, based on the FTA Transit Noise Impact and Vibration Assessment. Truck movements on site would be travelling at very low speed, so it is expected that truck vibration at nearby sensitive receivers would be less than the vibration threshold of 0.08 in/sec PPV for fragile historic buildings and 0.04 in/sec PPV for human annoyance, and therefore, would be less than significant.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The proposed project is not within an airport land use plan and is not within 2 miles of an airport. The closest airport to the project site is John Wayne Airport, which is located 5 miles east of the project site. Therefore, the proposed project would not expose people residing or working in the project area to excessive noise levels related to an airport or airstrip, and no impact would occur.

Existing Plans, Programs, or Policies

PPP N-1: Construction Noise. Project construction activities shall occur in compliance with Municipal Code Section 6.28.070, Special Provisions Construction activities, which states that construction shall occur between 7:00 a.m. and 8:00 p.m., Monday through Friday; or between 9:00 a.m. to 8:00 p.m. on Saturday; and at no time on Sunday or any legal holiday.

Mitigation Measures

Mitigation Measure AQ-1: Demolition Plan. See text above in Section 2, Air Quality.

Sources


14. POPULATION AND HOUSING.

Would the project:

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

- [ ] Potentially Significant Impact
- [ ] Less Than Significant with Mitigation Incorporate
- [x] Less Than Significant Impact
- [ ] No Impact

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

- [ ] Potentially Significant Impact
- [ ] Less Than Significant with Mitigation Incorporate
- [ ] Less Than Significant Impact
- [x] No Impact

**a) Induce substantial unplanned population growth in an area, either directly or indirectly?**

**Less Than Significant Impact.** The project would remove vacant school facilities and construct 74 single-family residences and a park facility. The California Department of Finance (CDF) data details that the City of Fountain Valley had a residential population of 56,652 and 19,337 residential units in 2019. Of these, 12,693 (65.6 percent) are single-family detached units. In addition, it is estimated that the City has an average of 2.99 persons per household.

Based on this information, the proposed 74 single-family dwelling units would result in a net increase of approximately 221 new residents. The addition of 221 new residents would represent a population increase of 0.4 percent and the new housing units would result in an 0.4 percent increase in residential units within the City.

Additionally, as described in the Project Description, although the development of ADUs in single-family designated areas is allowable, the large majority of single-family residential parcels in the City and County do not include ADUs. The City currently has a total of 44 ADUs built, 78 ADUs with permits issued, and 115 ADUs submitted for plan check. The number of existing or planned ADUs are small in comparison to the number of single-family parcels in the City. Hence, it would be speculative and not reasonably foreseeable, and therefore, not allowed by CEQA Guidelines Section 15378, to assume that the proposed single-family residential lots would include future ADUs. Thus, the proposed project as evaluated herein, is limited to the development of 74 single-family dwelling units, which would not constitute substantial growth within the City.

Furthermore, the proposed project is located in an urbanized residential area of the City and is surrounded by residential and commercial uses and is already served by the existing roadways and infrastructure systems. No infrastructure would be extended or constructed to serve areas beyond the project site, and indirect impacts related to growth would not occur from implementation of the proposed project. Therefore, potential impacts related to inducement of unplanned population growth, either directly or indirectly, would be less than significant.

**b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**
No Impact. The project site is developed with a vacant school facility. The site does not include housing and no people are located onsite. Therefore, the project would not displace any people or housing, and no impacts would occur.

Existing Plans, Programs, or Policies

None.

Mitigation Measures

None.

Sources


## 15. PUBLIC SERVICES.

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

<table>
<thead>
<tr>
<th>Service</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire protection?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>Police protection?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>Schools?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>Parks?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>Other public facilities?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for:

- Fire protection?
- Police protection?
- Schools?
- Parks?
- Other public facilities?

**Fire Protection – Less Than Significant Impact.** The City of Fountain Valley Fire Department provides fire protection services throughout the City. The Fire Department has two fire stations, as described below:

- Station 1 is closest to the project site. It is located at 17737 Bushard Street, which is 1.2 miles from the project site. This station is staffed with one battalion command unit, one paramedic engine company, and one paramedic ladder truck company.

- Station 2 is located 3.9 miles from the project site at 16767 Newhope Street. Station 2 is staffed with one California Office Of Emergency Services (OES) engine, one paramedic engine company, and one reserve engine (FVFD 2020).

The proposed project would remove the existing school facilities and develop 74 single-family residences. Implementation of the project would be required to adhere to the California Fire Code,
as included in the City’s Municipal Code Chapter 17.02, as part of the permitting process the project plans would be reviewed by the City’s Building and Safety Division to ensure that the project plans meet the fire protection requirements.

Due to the small increase in onsite people that would occur from implementation of the project, an incremental increase in demand for fire protection and emergency medical services would occur. However, the increase in residents onsite is limited (221 residents) and would not increase demands such that the existing two fire stations would not be able to accommodate servicing the project in addition to its existing commitments. Provision of a new or physically altered fire station would not be required that could cause environmental impacts. Therefore, impacts related to fire protection services from the proposed project would be less than significant.

Police Protection – Less Than Significant Impact. The City of Fountain Valley Police Department is located at 10200 Slater Avenue, which is 1.8 miles from the project site. The Police Department staffing consists of 58 sworn officers and 30 professional staff, augmented by over 50 volunteers. Based on the CDF population data for the City in 2019 of 56,652, the City has approximately 1.02 sworn officers per 1,000 residents.

Because the project site is currently vacant, development of the proposed 74 single-family residences would result in an incremental increase in demands on law enforcement services. However, the increase would not be significant when compared to the current demand levels. As described previously, the residential population of the project site at full occupancy would be approximately 221 residents and based on the Police Department’s staffing of 1.02 officers per thousand population, the proposed project would require 0.23 percent of an additional officer.

Since the need by the project is less than one full-time officer, the project would not require the construction or expansion of the City’s existing policing facilities. Thus, substantial adverse physical impacts associated with the provision of new or expanded facilities would not occur. Thus, impacts related to police services would be less than significant.

Schools – Less Than Significant Impact. The project site is located within the Fountain Valley School District that is comprised of 10 (7 elementary and 3 middle) schools and the Huntington Beach Union High School District that has 9 high schools. The schools that serve the project are listed below:

- Gisler Elementary located at 18720 Las Flores Street, which is 1.1 miles from the project site, and has an approximate total capacity of 578 students (FV 2018).
- Talbert Middle School located at 9101 Brabham Drive in Huntington Beach, which is 1.9 miles from the project site, and has an approximate total capacity of 739 students (FV 2018).
- Fountain Valley High School located at 17816 Bushard Street, which is 1.5 miles north of the project site, and has an approximate total capacity of 3,558 students (FV 2018).

The project would develop 74 single-family residences. The Fountain Valley School District student generation rate is 0.33 students per residence for grades K-5; 0.09 students per residence for grades 6-8 and Huntington Beach Union High School District student generation rate is 0.02 students per residence for grades 9-12. Based on the existing capacity of the schools serving the project area and the number of students that would be generated by the project, the existing elementary and high schools would be able to serve the project. However, the middle school is currently over capacity and the project would add 7 students, as shown in Table PS-1.
Table PS-1: School Capacity and Project Generated Students

<table>
<thead>
<tr>
<th>School</th>
<th>School Capacity</th>
<th>2018-2019 Enrollment</th>
<th>Existing Remaining Capacity</th>
<th>Students Generated by Project</th>
<th>Remaining Capacity with Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gisler Elementary</td>
<td>578</td>
<td>535</td>
<td>43</td>
<td>24</td>
<td>19</td>
</tr>
<tr>
<td>Talbert Middle</td>
<td>739</td>
<td>744</td>
<td>-5</td>
<td>7</td>
<td>-12</td>
</tr>
<tr>
<td>Fountain Valley High</td>
<td>3,558</td>
<td>3,531</td>
<td>27</td>
<td>2</td>
<td>25</td>
</tr>
</tbody>
</table>

1 Source: https://dq.cde.ca.gov/dataquest/

However, pursuant to Government Code Section 65995 et seq., the need for additional school facilities is addressed through compliance with school impact fee assessment. SB 50 (Chapter 407 of Statutes of 1998) sets forth a state school facilities construction program that includes restrictions on a local jurisdiction’s ability to condition a project on mitigation of a project’s impacts on school facilities in excess of fees set forth in the Government Code. These fees are collected by school districts at the time of issuance of building permits for development projects. Pursuant to Government Code Section 65995 applicants shall pay developer fees to the appropriate school districts at the time building permits are issued; and payment of the adopted fees provides full and complete mitigation of school impacts. As a result, impacts related to school facilities would be less than significant with the Government Code required fee payments.

Parks – Less Than Significant Impact. The City of Fountain Valley has over 150 acres of parks, activity buildings, and athletic facilities. The parks closest to the project site include the following:

- Cordata Park located at 18761 Cordata Street, which is 0.6 mile from the project site. This park is 4.53 acres and contains the following facilities: basketball court, climbing unit, drinking fountain, picnic tables, sandpit, and swings.
- Ellis Park located at 10301 Ellis Avenue, which is 0.9 mile from the project site. This park is 3 acres and contains the following facilities: basketball court, benches, climbing unit, drinking fountain, picnic tables, sandpit, swings, tennis court, volleyball.
- Helm Park located at 9170 Helm Avenue, which is 1.3 mile from the project site. This park is 3.1 acres and contains the following facilities: basketball court, benches, climbing unit, drinking fountain, grill, picnic tables, sandpit, and swings.

The project would develop 74 single-family residences and a 1.12-acre park on the northwestern portion of the site, adjacent to Finch Avenue. The City’s Municipal Code Section 21.78.070 provides park requirements that are based on the number and type of dwelling units that are proposed. Based on the Code’s formula, the project would result in a demand for 1.26 acres of parkland. Therefore, a large majority of the project’s park demand would be met by the provision of the onsite park. In addition, the project would be required to pay parkland fees pursuant to Municipal Code 21.78.070, as a condition of the approval of a tentative map (included as PPP PS-2), which would be used by the City for the purpose of acquiring, developing, improving and expanding open space and park lands. In addition, as described previously, the City currently has over 150 acres of parkland, with 10.63 acres of parkland within 1.3 miles of the site. Therefore, impacts related to the need to provide new or altered park and recreation facilities in order to maintain acceptable service ratios would be less than significant.

In addition, the impacts of development of the proposed 1.12-acre park are considered part of the impacts of the proposed project as a whole and are analyzed throughout the various sections of this MND. For example, activities such as excavation, grading, and construction as required for
the park are analyzed in the Air Quality, Greenhouse Gas Emissions, Noise, and Transportation Sections.

Other Services – Less Than Significant Impact. The proposed project would redevelop the project site with 74 single-family residential units within an area that already contains single-family residential. The additional residences would result in a limited incremental increase in the need for additional services, such as public libraries and post offices, etc. Because the project area is already served by other services and the project would result in a limited increase in residences, the project would not result in the need for new or physically altered facilities to provide other services, the construction of which could cause significant environmental impacts. Therefore, impacts would be less than significant.

Existing Plans, Programs, or Policies

PPP HAZ-1: Fire Code. As listed previously in Section 9, Hazards and Hazardous Materials.

PPP PS-1: Schools Development Impact Fees. Prior to issuance of building permit, the project shall pay applicable development fees levied by the Fountain Valley School District and the Huntington Beach Union High School District pursuant to the School Facilities Act (Senate Bill [SB] 50, Stats. 1998, c.407).

PPP PS-2: Park Fees. As a condition of the approval of a tentative map, the project shall pay applicable park related fees pursuant to Municipal Code 21.78.070.

Mitigation Measures

None.

Sources


City of Fountain Valley Police Department Website. Accessed: https://www.fountainvalley.org/1307/Police-Department

Fountain Valley Crossings Specific Plan Project Revised Final EIR, 2018 (FV 2018).


Huntington Beach Union High School District Website. Accessed: https://www.hbuhsd.edu/

16. RECREATION.

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Less Than Significant Impact. As described previously, the project would develop 74 single-family residences and a 1.12-acre park on the northwestern portion of the site, adjacent to Finch Avenue. The City’s Municipal Code Section 21.78.070 provides park requirements that are based on the number and type of dwelling units that are proposed. Based on the Code’s formula, the project would result in a demand for 1.26 acres of parkland. Therefore, a large majority of the project’s park demand would be met by the provision of the onsite park. In addition, the project would be required to pay parkland fees pursuant to Municipal Code 21.78.070, as a condition of the approval of a tentative map (included as PPP PS-2), which would be used by the City for the purpose of acquiring, developing, improving and expanding open space and park lands. In addition, the City currently has over 150 acres of parkland, with 10.63 acres of parkland within 1.3 miles of the site. Therefore, impacts related to the increase in the use of existing parks and recreational facilities, such that physical deterioration of the facility would be accelerated would be less than significant.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Less Than Significant Impact. As described above, the project includes a 1.12-acre park. The impacts of development of the park are considered part of the impacts of the proposed project as a whole and are analyzed throughout the various sections of this MND. For example, activities such as excavation, grading, and construction as required for the park are analyzed in the Air Quality, Greenhouse Gas Emissions, Noise, and Transportation Sections.

In addition, while the project would contribute park development fees pursuant to Municipal Code 21.78.070 (included as PPP PS-2) to be used towards the future expansion or maintenance parks and recreational facilities, these fees are standard with every residential development, and the proposed project would not require the construction or expansion of other recreational facilities that might have an adverse physical effect on the environment. As a result, impacts would be less than significant.
Existing Plans, Programs, or Policies

PPP PS-2: Park Fees. Listed previously in Section 15, Public Services.

Mitigation Measures

None.

Sources

### 17. TRANSPORTATION.

Would the project:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?</td>
<td>□</td>
<td>□</td>
<td>☒</td>
</tr>
<tr>
<td>b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?</td>
<td>□</td>
<td>□</td>
<td>☒</td>
</tr>
<tr>
<td>c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
<td>□</td>
<td>□</td>
<td>☒</td>
</tr>
<tr>
<td>d) Result in inadequate emergency access?</td>
<td>□</td>
<td>□</td>
<td>☒</td>
</tr>
</tbody>
</table>

The discussion below is based on the Traffic Impact Analysis prepared by EPD Solutions, 2020 (EPD 2020) included as Appendix J.

**Traffic Threshold**

As described in the City of Fountain Valley General Plan Circulation Element, LOS D is the lowest acceptable Level of Service (LOS) for peak hour intersection volumes in the City. However, automobile delay, as described solely by LOS or similar measure of traffic congestion, is no longer considered a significant impact under CEQA, except in locations specifically identified in the Guidelines. (Pub. Resources Code, § 21099(b)(2).) CEQA Guidelines Section 15064.3 - Determining the Significance of Transportation Impacts states that Vehicle Miles Traveled (VMT) is the most appropriate measure of transportation impacts and provides lead agencies with the discretion to choose the most appropriate methodology and thresholds for evaluating VMT.

Thus, the LOS analysis using a threshold of LOS D is provided to describe the project effect on local intersections and project consistency with the General Plan Circulation Element LOS D requirement.

**Traffic Study Area and Existing Conditions**

The following seven intersections are proposed to be included in the study area:

1. Bushard Street/Ellis Avenue
2. Redwood Street/Starling Avenue
3. Redwood Street/Finch Avenue
4. Redwood Street/Robin Avenue
5. Brookhurst Street/Ellis Avenue
6. Bushard Street/Starling Avenue
7. Hawthorn Street/Ellis Avenue
As described previously, the existing school on the project site closed at the end of the 2018 school year. As shown in Table T-1, all of the study intersections currently operate (in the closed school condition) at satisfactory a LOS C or better during the weekday a.m. and p.m. peak hours.

### Table T-1: Existing Peak Hour Levels of Service

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Signal Control</th>
<th>AM Peak</th>
<th>PM Peak</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>ICU/Delay1</td>
<td>LOS</td>
</tr>
<tr>
<td>1. Bushard St/Ellis Ave</td>
<td>Signal</td>
<td>0.619</td>
<td>B</td>
</tr>
<tr>
<td>2. Redwood St/Starling Ave</td>
<td>TWSC</td>
<td>8.6</td>
<td>A</td>
</tr>
<tr>
<td>3. Redwood St/Finch Ave</td>
<td>TWSC</td>
<td>8.5</td>
<td>A</td>
</tr>
<tr>
<td>4. Redwood St/Robin Ave</td>
<td>AWSC</td>
<td>6.9</td>
<td>A</td>
</tr>
<tr>
<td>5. Brookhurst St/Ellis Ave</td>
<td>Signal</td>
<td>0.708</td>
<td>C</td>
</tr>
<tr>
<td>6. Bushard St/Starling Ave</td>
<td>TWSC</td>
<td>12.2</td>
<td>B</td>
</tr>
<tr>
<td>7. Hawthorn St/Ellis Ave</td>
<td>TWSC</td>
<td>19.8</td>
<td>C</td>
</tr>
</tbody>
</table>

Source: EPD 2020.

TWSC = Two-Way Stop Controlled, AWSC = All-Way Stop Controlled

1 ICU in Volume/Capacity Ratio, Delay in Seconds

**a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?**

**Operation**

**Less Than Significant Impact.** The proposed project would redevelop the project site with 74 single-family residences and a park. As described in the Project Description, although the development of ADUs in single-family designated areas is allowable, the large majority of single-family residential parcels in the City and County do not include ADUs. Hence, it would be speculative and not reasonably foreseeable, and therefore, not allowed by CEQA Guidelines Section 15378, to assume that the proposed single-family residential lots would include future ADUs. Thus, the proposed project as evaluated herein, is limited to the development of 74 single-family dwelling units.

The project trip generation was calculated using trip rates from the Institute of Transportation Engineers, *Trip Generation 10th Edition*, 2017. As shown in Table T-2, the project would generate approximately 699 daily trips including 55 trips during the AM peak hour and 73 trips during the PM peak hour.

**Table T-2: Project Trip Generation**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Units</th>
<th>Daily</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>In</td>
<td>Out</td>
</tr>
<tr>
<td>Trip Rates</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family Detached Housing</td>
<td>9.440</td>
<td>0.185</td>
<td>0.555</td>
<td>0.740</td>
</tr>
<tr>
<td>Project Trip Generation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling Units</td>
<td>74</td>
<td>699</td>
<td>14</td>
<td>41</td>
</tr>
<tr>
<td>Total Trip Generation</td>
<td>699</td>
<td>14</td>
<td>41</td>
<td>55</td>
</tr>
</tbody>
</table>


Source: EPD 2020.

**Existing Plus Project.** An intersection operations analysis was conducted for the study area to evaluate the existing plus project weekday a.m. and p.m. peak hour conditions with operation of the proposed project. As shown in Table T-3, all study intersections are forecast to continue to
operate at a satisfactory LOS C or better during the weekday a.m. and p.m. peak hours with the 
addition of project traffic, and the project would not result in an inconsistency with the General Plan 
Circulation Element LOS D requirement in the existing plus project condition. Impacts would be less 
than significant.

**Table T-3: Existing Plus Project Conditions**

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Existing AM Peak ICU/Delay</th>
<th>LOS</th>
<th>Existing Plus Project AM Peak ICU/Delay</th>
<th>Impact?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bushard St/Ellis Ave</td>
<td>0.619</td>
<td>B</td>
<td>0.628</td>
<td>No</td>
</tr>
<tr>
<td>Redwood St/Starling Ave</td>
<td>8.6</td>
<td>A</td>
<td>8.9</td>
<td>No</td>
</tr>
<tr>
<td>Redwood St/Finch Ave</td>
<td>8.5</td>
<td>A</td>
<td>8.9</td>
<td>No</td>
</tr>
<tr>
<td>Redwood St/Robin Ave</td>
<td>6.9</td>
<td>A</td>
<td>6.9</td>
<td>No</td>
</tr>
<tr>
<td>Brookhurst St/Ellis Ave</td>
<td>0.708</td>
<td>C</td>
<td>0.712</td>
<td>No</td>
</tr>
<tr>
<td>Bushard St/Starling Ave</td>
<td>12.2</td>
<td>B</td>
<td>12.4</td>
<td>No</td>
</tr>
<tr>
<td>Hawthorn St/Ellis Ave</td>
<td>19.8</td>
<td>C</td>
<td>20.2</td>
<td>No</td>
</tr>
</tbody>
</table>

Source: EPD 2020.

**Opening Year 2023 Plus Project.** Opening Year Baseline (2023) traffic volumes were developed 
by applying a growth rate of two percent per year to the existing traffic volumes and adding 
traffic generated from four other approved and pending development projects in the vicinity of 
the proposed project. As shown in Table T-4, in the existing vacant school condition, the intersection 
of Brookhurst Street and Ellis Avenue is forecast to operate at a satisfactory LOS D in the opening 
year 2023 in the a.m. and p.m. peak hours. With the addition, of traffic from the proposed 74 
single-family residences the intersection would continue to operate at LOS D a.m. in the a.m. and 
p.m. peak hours, which is an acceptable LOS for peak hour intersection volumes in the City. 
Therefore, the project would not result in an inconsistency with the General Plan Circulation Element 
LOS D requirement in the opening year 2023 plus project condition, and impacts would be less than 
significant.

**Table T-4: Opening Year (2023) Plus Project Conditions**

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Opening Year AM Peak ICU/Delay</th>
<th>LOS</th>
<th>Opening Year Plus Project AM Peak ICU/Delay</th>
<th>Impact?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bushard St/Ellis Ave</td>
<td>0.704</td>
<td>C</td>
<td>0.707</td>
<td>No</td>
</tr>
<tr>
<td>Redwood St/Starling Ave</td>
<td>8.6</td>
<td>A</td>
<td>8.7</td>
<td>No</td>
</tr>
<tr>
<td>Redwood St/Finch Ave</td>
<td>8.6</td>
<td>A</td>
<td>9.0</td>
<td>No</td>
</tr>
<tr>
<td>Redwood St/Robin Ave</td>
<td>6.9</td>
<td>A</td>
<td>7.2</td>
<td>No</td>
</tr>
<tr>
<td>Brookhurst St/Ellis Ave</td>
<td>0.810</td>
<td>D</td>
<td>0.813</td>
<td>No</td>
</tr>
<tr>
<td>Bushard St/Starling Ave</td>
<td>12.9</td>
<td>B</td>
<td>13.2</td>
<td>No</td>
</tr>
<tr>
<td>Hawthorn St/Ellis Ave</td>
<td>26.1</td>
<td>D</td>
<td>26.1</td>
<td>No</td>
</tr>
</tbody>
</table>

Source: EPD 2020.

**General Plan Buildout.** For informational purposes, Table T-5 provides a comparison of the traffic 
volume that would be generated by the proposed project in comparison to what previously occurred 
from operation the school facility. As shown, the proposed project would generate 84 fewer daily 
trips than the previously operating school when analyzing the trip generation based on school’s 
square footage and 330 fewer daily trips when analyzing the trip generation based on school’s 
prior student population. In the peak hours, the proposed project would generate 225 fewer AM
peak hour trips and increases the PM peak hour trips by 18 compared to the school when analyzing the trip generation based on school’s square footage. The proposed project would generate 310 fewer AM peak hour trips and 19 fewer PM peak hour trips when analyzing the trip generation based on school’s prior student population.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Units</th>
<th>AM Peak Hour</th>
<th></th>
<th>PM Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Daily</td>
<td>In</td>
<td>Out</td>
</tr>
<tr>
<td><strong>Trip Rates</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elementary School</td>
<td>per TSF</td>
<td>19.520</td>
<td>3.834</td>
<td>3.137</td>
</tr>
<tr>
<td></td>
<td>per Student</td>
<td>1.890</td>
<td>0.362</td>
<td>0.308</td>
</tr>
<tr>
<td>Single Family Detached</td>
<td>per DU</td>
<td>9.440</td>
<td>0.185</td>
<td>0.555</td>
</tr>
<tr>
<td>Housing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Existing Trip Generation</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elementary School</td>
<td>per TSF</td>
<td>19.52</td>
<td>3.834</td>
<td>3.137</td>
</tr>
<tr>
<td></td>
<td>per Student</td>
<td>1.89</td>
<td>0.362</td>
<td>0.308</td>
</tr>
<tr>
<td></td>
<td>544 Students</td>
<td>1028</td>
<td>197</td>
<td>168</td>
</tr>
<tr>
<td><strong>Project Trip Generation</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family Detached</td>
<td>74 DU</td>
<td>699</td>
<td>14</td>
<td>41</td>
</tr>
<tr>
<td>Housing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Trip Generation</strong></td>
<td></td>
<td>699</td>
<td>14</td>
<td>41</td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

Source: EPD 2020. DU = Dwelling Unit. Shading indicates lowest existing trip generation of the two methods utilized.
1 Based on a Total Year Average Project Trip Generation (2000-2011); the table provides trip generation estimates based on two methods: per student and per thousand square feet (TSF).

As shown, the project would result in fewer vehicle trips than that of the previous school facility and land use assumed in the City’s General Plan for the project site; thus, the project would not result in greater traffic than previously assumed in the City’s General Plan. As described in the Project Description, although the development of ADUs in single-family designated areas is allowable, the large majority of single-family residential parcels in the City and County do not include ADUs. Hence, it would be speculative and not reasonably foreseeable, and therefore, not allowed by CEQA Guidelines Section 15378, to assume that the proposed single-family residential lots would include future ADUs for general plan buildout purposes. Thus, the proposed project as evaluated herein, is limited to the development of 74 single-family dwelling units. Therefore, a traffic related General Plan buildout analysis is not required by the City’s traffic study guidelines.

Construction

Construction activities of the project would generate vehicular trips from construction workers traveling to and from project site, delivery of construction supplies and import materials to, and export of debris from the project site. However, these activities would only occur for a period of 16 months. The recycling of existing pavement would reduce vehicular trips during the demolition and roadway construction activities, as the existing pavement would be crushed and reused onsite. The grading phase of construction would be the most intensive and would occur over a 30-day period, as shown in Table 4, Construction Schedule. The Air Quality, Greenhouse Gas, and Energy Impact Analysis (Appendix A) describes that grading would require 3,750 haul trips for the grading activity, which equates to an average of 125 haul trips per day. In addition, approximately 20
workers would be onsite daily during the grading activities. Thus, approximately 145 trips per day would occur from the most intensive construction activity.

As shown in Table T-3, all study intersections are forecast to continue to operate at satisfactory LOS C or better in the Existing Plus Project condition during the weekday a.m. and p.m. peak hours with the addition of the project’s operational trips of 699 new daily trips, with 55 a.m. peak hour trips, and 73 p.m. peak hour trips. The increase of trips during construction activities would involve temporary truck trips through the residential neighborhood but would involve far fewer trips than what would occur during operation (i.e., occupancy) of the proposed residences, which would not result in an inconsistency with the General Plan Circulation Element LOS D requirement. Therefore, the fewer trips during construction would also not result in an inconsistency with the General Plan Circulation Element LOS D requirement, and impacts would be less than significant.

Transit Services. The vicinity of the project area receives bus service via Orange County Transportation Authority (OCTA) bus route 35 that runs north-south on Brookhurst Street through Fountain Valley, Westminster, Garden Grove, Anaheim, and Fullerton. Route 35 connects to east west bus routes and train service by Metrolink. Route 35 operates with 15-minute headway during the AM and PM peak periods.

The Metrolink Santa Ana Station is located approximately 7.16 miles to the northeast of the project site at 1000 E. Santa Ana Boulevard and the Metrolink Tustin Station is located approximately 8.78 miles east of the project site at 2975 Edinger Avenue. Both Metrolink stations connect to the OCTA bus system. The Metrolink provides direct access to Downtown Los Angeles (to the north) and Riverside or San Bernardino (to the east).

These existing transit services would serve project residents. The proposed 74 single-family residential units would not alter or conflict with existing transit stops and schedules, and impacts related to transit services would not occur.

Bicycle Circulation. Class II bicycle lanes are on-street bicycle lanes that are designated by roadway striping to provide separation between bicyclists and parked or moving vehicles. Class II bicycle lanes exist along Ellis Avenue to the north of the site and Garfield Avenue to the south of the site. The proposed project does not involve any off-site improvements that would remove the existing bicycle lanes. The existing bicycle lanes would provide bicycle transportation opportunities for residents of the project. In addition, the existing pedestrian bridge over the OCFD channel to the southeastern portion of the site would remain to continue to provide bicycle access to and from the project site via Mt. Cimarron Street to the bicycle lanes on Garfield Avenue. Therefore, the proposed project would not conflict with any bicycle facilities.

Pedestrian Facilities. Sidewalks currently exist adjacent to the site along Finch Avenue, and along nearby roadways that include Redwood Street, Starling Avenue, Callens Circle, Ellis Avenue, Brookhurst Street, in addition to other residential streets near the project site. The proposed project would provide a new 5-foot wide sidewalk within the Finch Avenue right-of-way that is adjacent to the site, which would connect to the existing sidewalks on Redwood Street. In addition, the project would develop onsite sidewalks along the proposed roadways, and the existing pedestrian bridge over the Orange County flood control channel to the southeastern portion of the site would remain to provide non-vehicular access to and through the project site. This would facilitate pedestrian use and walking to nearby locations. Therefore, the proposed project would not conflict with pedestrian facilities.
Overall, impacts related to transit, bicycle, and pedestrian facilities would be less than significant.

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

**Less Than Significant Impact.** Senate Bill (SB) 743 was signed by Governor Brown in 2013 and required the Governor’s Office of Planning and Research (OPR) to amend the CEQA Guidelines to provide an alternative to LOS for evaluating transportation impacts. SB 743 specified that the new criteria should promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks and a diversity of land uses. The bill also specified that delay-based level of service could no longer be considered an indicator of a significant impact on the environment. In response, Section 15064.3 was added to the CEQA Guidelines beginning January 1, 2019. Section 15064.3(c) states that the provisions of the section shall apply statewide beginning on July 1, 2020.

CEQA Guidelines Section 15064.3 - Determining the Significance of Transportation Impacts states that VMT is the most appropriate measure of transportation impacts and provides lead agencies with the discretion to choose the most appropriate methodology and thresholds for evaluating VMT. The City of Fountain Valley has prepared Draft Transportation Impact Assessment Guidelines for Land Use Projects in CEQA and for General Plan Consistency, which include VMT analysis methodology and thresholds. The City’s document provides the following screening thresholds to assess whether further VMT analysis is required based on project location, size, or type:

1. **Transit Priority Area (TPA) Screening:** Projects which are located within a TPA are presumed to have a less than significant impact on VMT and therefore would not need to prepare a full VMT analysis. The project is not located in a TPA and therefore this threshold does not apply.

2. **Low VMT Area Screening:** This screening threshold applies to residential or office projects that are located within a low VMT-generating area. According to Appendix B in the TIA Guidelines the project is in an area where VMT is higher than the City Average and therefore this threshold does not apply.

3. **Project Type Screening:** Local serving projects listed in the TIA Guidelines and projects that generate fewer than 110 net new daily vehicle trips are presumed to have a less than significant impact on VMT. This threshold does not apply to the project as it is not considered local serving and is forecast to generate 699 daily trips.

Based on the City’s screening thresholds, the proposed project is required to prepare a VMT analysis as the project is not located within a Transit Priority Area or a High-Quality Transit Area, is not located in a low VMT-generating area, generates more than 110 daily trips, or is not considered to be locally-serving.

VMT is calculated by multiplying the daily project trip generation by the average trip length to determine the total vehicle miles traveled by trips generated by the project. The project VMT analysis was prepared using the Orange County Traffic Analysis Model (OCTAM). Two types of VMT are forecast: (1) VMT per service population (VMT/SP), and (2) the total Citywide VMT within the City. Service population is defined as the sum of all employees and residents (population). The service population used for the project is residents (project population) since the project proposes only residential land uses. The VMT/SP is the average daily VMT per project resident. The City’s draft guidelines propose the following thresholds for determining VMT impacts:
• A significant project impact would occur if the project VMT/SP exceeds the City's General Plan Buildout average VMT/SP (28.6 VMT/SP).
• A significant cumulative impact would occur if the project VMT/SP exceeds the City's General Plan Buildout average VMT/SP (28.6 VMT/SP).
• The project's effect on VMT would be considered significant if it results in an increase in the Citywide VMT under cumulative conditions. The cumulative Citywide VMT baseline is 1,915,849 VMT or 21.21 VMT/SP.

Forecasts from the 2016 and 2045 OCTAM model were used to calculate the baseline citywide VMT/SP. For evaluation of direct and cumulative project impacts, the project was evaluated by examining the traffic analysis zone (TAZ) for the project. A TAZ is a geographical subarea within the transportation model. A select zone assignment was run using the 2016 and 2045 models, and the resulting data for the project was used to calculate project VMT/SP. 2020 VMT data was calculated by using data from the base year 2016 and future year 2045 models. Linear growth between 2016 and 2045 was assumed to calculate the 2020 conditions.

The project is in OCTAM TAZ 1048. This zone is bounded by Ellis Avenue, Garfield Avenue, Brookhurst Street and Bushard Street. The zone includes commercial land uses along the west side of Brookhurst Street and residential land uses throughout the remainder of the zone. In the baseline 2016 and 2045 model runs, the average trip length for TAZ 1048 is 6.0 and 6.3 miles. This is reasonably consistent with the average trip length for the City of 6.6 miles in 2016 and 6.8 miles in 2045. The baseline data for Zone 1048 is shown in Table T-6.

| Table T-6: Baseline Data for TAZ 1048 (Project Zone) |
|-----------------|-----------------|
|                 | 2016            | 2045            |
| VMT/SP          | 92,412          | 95,545          |
| Employment      | 1,428           | 1,491           |
| Population      | 1,464           | 1,518           |
| VMT/SP          | 31.95           | 31.75           |
| Average Trip Length | 6.0 miles   | 6.3 miles   |
| Citywide Average Trip Length | 6.6 miles | 6.8 miles |

Source: EPD 2020.

When the project (74 single family homes) is evaluated using OCTAM 5, the average trip length is over 11 miles in both 2016 and 2045. It is unreasonable to expect that 74 homes would have a trip length that is almost double the City average and the average for the project zone, because the project land uses are consistent with the existing land uses in TAZ 1048. Therefore, the project VMT was calculated using the trip length for Zone 1048 in both 2016 and 2045.

Table T-7 shows the Baseline VMT calculations for the City and the project. As seen in Table T-7, the project related VMT/SP is less than the VMT/SP for the City. Therefore, the project would not have an impact on the Year 2020 VMT/SP.

| Table T-7: Baseline Vehicle Miles Traveled/Service Population |
|-----------------|-----------------|-----------------|
|                 | Daily Total VMT | Total Service Population | VMT/Service Population |
| Proposed Project | 3,955            | 230             | 17.2                |
| Threshold (City of Fountain Valley GP Buildout) | 2,564,479 | 89,688 | 28.6 |

Source: EPD 2020.
Table T-8 shows the Cumulative VMT calculations for the City and the project. As seen in Table T-8, the project related VMT/SP is less than the VMT/SP for the City. Therefore, the project would not have an impact on the Cumulative (Year 2045) VMT/SP.

### Table T-8: Cumulative Vehicle Miles Traveled/Service Population

<table>
<thead>
<tr>
<th>Cumulative (2045)</th>
<th>Daily Total VMT</th>
<th>Total Service Population</th>
<th>VMT/Service Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Project</td>
<td>4,022</td>
<td>230</td>
<td>17.5</td>
</tr>
<tr>
<td>Threshold (City of Fountain Valley GP Buildout)</td>
<td>2,564,479</td>
<td>89,688</td>
<td>28.6</td>
</tr>
</tbody>
</table>

Source: EPD 2020.

Table T-9 shows the Citywide VMT/SP without and with the project. The VMT shown is calculated using the “boundary method”, which captures only VMT within the City limits. As seen in Table T-9, in the baseline condition the Citywide VMT/SP would decrease by 0.06 with the project. In the future cumulative condition, the Citywide VMT/SP would decrease by 0.15.

### Table T-9: Project Effect on VMT

<table>
<thead>
<tr>
<th>Scenario</th>
<th>2020</th>
<th>2045</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fountain Valley VMT (No Project)</td>
<td>1,792,708</td>
<td>1,915,849</td>
</tr>
<tr>
<td>Population</td>
<td>85,679</td>
<td>89,688</td>
</tr>
<tr>
<td>Fountain Valley (No Project) VMT/SP</td>
<td>20.92</td>
<td>21.36</td>
</tr>
<tr>
<td>Fountain Valley VMT with Project</td>
<td>1,792,387</td>
<td>1,907,086</td>
</tr>
<tr>
<td>Fountain Valley VMT/SP with Project</td>
<td>20.86</td>
<td>21.21</td>
</tr>
<tr>
<td>Change in VMT/SP</td>
<td>-0.06</td>
<td>-0.15</td>
</tr>
</tbody>
</table>

Source: EPD 2020.

Based on the data in Tables T-7 through T-9, the project would result in a less than significant impact related to VMT.

c) **Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

**Less Than Significant Impact.** The project includes development of single-family residences and a park facility. The project includes community type uses and does not include any incompatible uses, such as farm equipment. The proposed project area would be accessed from two locations on Finch Avenue through the onsite streets to each residence.

The project would also not increase any hazards related to a design feature. All of the onsite streets would be developed in conformance with City design standards. The City’s construction permitting process includes review of project plans to ensure that no potentially hazardous transportation design features would be introduced by the project. For example, the design of the project streets would be reviewed to ensure fire engine accessibility and turn around area is provided to the fire code standards. As a result, impacts related to vehicular circulation design features would be less than significant.

d) **Result in inadequate emergency access?**

**Less than Significant Impact.**
Construction
The proposed construction activities, including equipment and supply staging and storage, would occur within and adjacent to the project area on Finch Avenue, which is a dead-end, and would not restrict access of emergency vehicles to the project site or adjacent areas. The installation of driveways and connections to existing infrastructure systems that would be implemented during construction of the proposed project could require the temporary closure of the end of Finch Avenue. As the road is a dead-end and does not provide access past the project site, traffic detours are not expected to be necessary. In addition, the construction activities would be required to ensure emergency access in accordance with Section 503 of the California Fire Code (Title 24, California Code of Regulations, Part 9), which would be ensured through the City’s permitting process. Thus, implementation of the project through the City’s permitting process would ensure existing regulations are adhered to and would reduce potential construction related emergency access impacts to a less than significant level.

Operation
As described previously, the proposed project area would be accessed from two locations on Finch Avenue through the onsite streets to each residence. Permitting of these roadways would provide adequate and safe circulation to, from, and through the project area and would provide two routes for emergency responders to access different portions of the project area. Because the project is required to comply with all applicable City codes, as verified by the City potential impacts related to inadequate emergency access would be less than significant.

Existing Plans, Programs, or Policies

PPP HAZ-1: Fire Code. As listed previously in Section 9, Hazards and Hazardous Materials.

Mitigation Measures
None.

Sources

18. TRIBAL CULTURAL RESOURCES.

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

The discussion below is based on the Department of Parks and Recreation Primary Record Forms, prepared by Urbana Preservation & Planning, LLC, 2020 (DPR 2020), included as Appendix B; and the Phase 1 Cultural and Paleontological Resources Assessment, prepared by Material Culture Consulting, 2020 (MCC 2020), included as Appendix C.

AB 52 and SB 18 Requirements

The project would be required to comply with AB 52 and SB 18 regarding tribal consultation. Chapter 532, Statutes of 2014 (i.e., AB 52), requires that Lead Agencies evaluate a project's potential to impact “tribal cultural resources.” Such resources include sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are eligible for inclusion in the California Register or included in a local register of historical resources (PRC Section 21074). AB 52 also gives Lead Agencies the discretion to determine, supported by substantial evidence, whether a resource falling outside the definition stated above nonetheless qualifies as a “tribal cultural resource.”

SB 18 requires cities and counties acting as Lead Agency to contact and consult with California Native American tribes before adopting or amending a General Plan. The intent of SB 18 is to establish meaningful consultation between tribal governments and local governments at the earliest possible point in the planning process and to enable tribes to manage “cultural places.” Cultural places are defined as a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine (PRC Section 5097.9), or a Native American historic, cultural, or
sacred site, that is listed or may be eligible for listing in the California Register, including any historic or prehistoric ruins, any burial ground, or any archaeological or historic site (PRC Section 5097.993).

In compliance with these requirements, on April 16, 2020, the City sent letters to the following Native American tribes that may have knowledge regarding tribal cultural resources in the project vicinity.

- Gabrieliño-Tongva Tribe
- Gabrieleño/Tongva San Gabriel Band of Mission Indians
- Gabrieleño Band of Mission Indians – Kizh Nation
- Gabrieleño/Tongva Indians of California Tribal Council
- Juaneno Band of Mission Indians
- Juaneno Band of Mission Indians Acjachemen Nation
- Juaneno Band of Mission Indians Acjachemen Nation – Romero
- Soboba Band of Luiseño Indians

Two responses were received: Mr. Andrew Salas, Chairman of the Gabrieleño Band of Mission Indians – Kizh Nation and Ms. Joyce Stanfield Perry, Payomkawichum Kaamalam - President Juaneno Band of Mission Indians, Acjachemen Nation Tribal Manager, Cultural Resource Director. A conference call between the City and Mr. Salas occurred on July 1, 2020 during which the history of the area was discussed; the project location area was within Rancho Las Bolsas and trade routes were known to exist around the project area. Mr. Salas emailed suggested mitigation measures and additional information, including historic maps and aerials of the project site, documents from historic books, and explanatory text substantiating cultural significance of the area based on the information verbally explained during the phone consultation. An email response was received from Ms. Stanfield Perry on June 4, 2020 stating acceptance with the draft mitigation measures presented by the City. Ms. Stanfield asked that all culturally affiliated tribes be given equal consideration when it comes to monitoring.

In addition, as part of the Phase 1 Cultural and Paleontological Resources Assessment (MCC 2020) a Sacred Lands File search was requested from the NAHC on January 9, 2020. The NAHC responded on January 15, 2020, stating that there are no known sacred lands within a 1 mile radius of the project site, and requested that 22 Native American individuals be contacted for further information regarding the general area vicinity.

In compliance with the NAHC request, on January 15, 2020, letters were sent to all of the 22 Native American tribes that may have knowledge regarding tribal cultural resources in the project area. Additional attempts at contact by letter, email, or phone call were made on February 3, 2020 and February 12, 2020. Three responses were received.

- A representative for the Agua Caliente Band of Cahuilla Indians (ACBCI) provided an email stating that a records check of the ACBCI’s cultural registry revealed that the project site is not located within the Tribe’s Traditional Use Area, and deferred to other tribes in the area.
- A representative for the Rincon Band of Luiseño Indians provided a letter stating that the project site is not within Luiseño Aboriginal Territory.
- A representative for the Gabrieleno Band of Mission Indians – Kizh Nation provided a letter stating the proposed project is within their Ancestral Tribal Territory and requested to schedule consultation with the City; refer to the discussion above.
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

**Less Than Significant Impact.** As detailed previously in Section 5, Cultural Resources, the project site was used for agricultural purposes prior to its development for an elementary school, which was in operation between 1971 and 2012. The Department of Parks and Recreation Primary Record form prepared for the project details that the site does not meet any of the historic resource criteria and does not meet the definition of an historical resource pursuant to CEQA (DPR 2020).

In addition, the Phase 1 Cultural and Paleontological Resources Assessment prepared for the project included a search of the California Historical Resource Information System (CHRIS) at the South Central Coastal Information Center (SCCIC), located at California State University, Fullerton, and did not identify any historical resources as defined in Public Resources Code section 5020.1(k) on the project site. Furthermore, the Sacred Lands File search completed by the NAHC stated that there are no known sacred lands within a 1-mile radius of the project site. Therefore, no substantial evidence exists that tribal cultural resources are present in the project site, and potential impacts would be less than significant.

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

**Less Than Significant Impact with Mitigation Incorporated.** The project site is developed with a school facility, and as discussed in Impact TCR-1 above, no substantial evidence exists that tribal cultural resources are present in the project site.

However, the search of the CHRIS at the SCCIC at California State University, Fullerton identified that a prehistoric human burial was recovered less than 0.5-mile southeast of the project site and that ground disturbing activities along the I-405 have encountered human remains during a widening project for the highway, which is located less than 1-mile northeast of the project site. Although Native American tribal cultural resources are not known to occur on the project site, through the consultation process, the parties agreed to impose mitigation measures to mitigate potential impacts to previously unidentified TCRs. Therefore, to avoid potential adverse effects to tribal cultural resources, Mitigation Measure TCR-1 has been included to provide for Native American monitoring of excavation and grading activities to avoid potential impacts to inadvertent discovery of tribal cultural resources, human remains, and funerary object that may be unearthed by project construction activities.

Additionally, as described previously and included as PPP CUL-1, California Health and Safety Code, Section 7050.5 requires that if human remains are discovered in the project site, disturbance of the site shall halt and remain halted until the coroner has conducted an investigation. If the coroner determines that the remains are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. Therefore, with implementation of Mitigation Measure TCR-1 and the existing regulations, impacts to TCRs would be less than significant.
Existing Plans, Programs, or Policies

PPP CUL-1: Human Remains. Listed previously in Section 5, Cultural Resources.

Mitigation Measures

Mitigation Measure TCR-1: Native American Monitoring. Prior to the issuance of a permit for initial site clearing (such as pavement removal, grubbing, tree removals) or issuance of the first grading permit allowing ground-disturbing activities (including boring, grading, excavation, drilling, potholing or auguring, and trenching) the applicant shall provide a letter to the City Planning Department, or designee, from a qualified Native American Monitor(s) who has been approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government (Tribe) indicating that they have been retained to be present on-site during site clearing, excavation, and grading activities. The monitor shall be present at the pre-grading conference to conduct a Native American Indian Sensitivity Training for construction personnel. The training session shall include a handout and focus on how to identify Native American resources encountered during earthmoving activities and the procedures followed if resources are discovered. The Native American monitor(s) shall complete monitoring logs on a daily basis, providing descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when grading and excavation activities of native soil (i.e., previously undisturbed) are completed, or when the tribal representatives and monitor have indicated that the site has a low potential for tribal cultural resources, whichever occurs first.

Inadvertent discovery: In the event that tribal cultural resources are inadvertently discovered during ground-disturbing activities, work shall be halted within 50 feet of the find until it can also be evaluated by a qualified archaeologist in cooperation with a Native American monitor to determine if the potential resource meets the CEQA definition of historical (State CEQA Guidelines 15064.5(a)) and/or resource (Public Resources Code 21083.2(g)). Construction activities could continue in other areas. If the find is considered an “archeological resource” the archaeologist, in cooperation with a Native American monitor shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4. If unique a tribal cultural resource cannot be preserved in place or left in an undisturbed state, recovery, salvage and treatment shall be required at the project applicant’s expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation in an established accredited professional repository.

Human remains and funerary remains: Upon discovery of human remains, the tribal and/or archaeological monitor/consultant shall immediately divert work at a minimum of 150 feet from the discovery and place an exclusion zone around the discovery location. The monitor/consultant(s) shall then notify the Tribe, the qualified lead archaeologist, and the construction manager who shall call the coroner. Work shall continue to be diverted while the coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner shall notify the NAHC as mandated by state law who shall then appoint a Most Likely Descendent (MLD). Funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be
considered as associated funerary objects. Cremation soils are to be treated in the same manner as bone fragments that remain intact.

Prior to the continuation of ground disturbing activities, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or funerary remains and ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a guard should be posted outside of working hours. The Tribe shall make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials shall be removed. The Tribe shall work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations shall either be removed in bulk or by means as necessary to ensure complete recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does not authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

Sources


Department of Parks and Recreation Primary Record. Prepared by Urbana Preservation & Planning, LLC. 2020 (DPR 2020)
19. UTILITIES AND SERVICE SYSTEMS.
Would the project:

a) Require or result in the relocation or construction of new or expanded water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ☐ ☐ ☒ ☐

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? ☐ ☐ ☒ ☐

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments? ☐ ☐ ☒ ☐

d) Generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure or otherwise impair the attainment of solid waste reduction goals? ☐ ☐ ☒ ☐

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? ☐ ☐ ☐ ☒

a) Require or result in the relocation or construction of new or expanded water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less Than Significant Impact.

Water Infrastructure
The proposed project would redevelop the project site, which is currently served by the City’s water infrastructure. An existing 8-inch water pipeline in Finch Avenue currently provides water supplies to the project site. The proposed project would install new 8-inch water lines on the project site that would connect to the existing 8-inch water pipeline in Finch Avenue and would install an 8-inch water line along the pedestrian bridge to connect to an existing 8-inch line in Mt. Cimarron Street. The new onsite water system would convey water supplies to the proposed residences and landscaping through plumbing/landscaping fixtures that are compliant with the CalGreen Plumbing Code for efficient use of water.

The proposed project would continue to receive water supplies through the existing 8-inch water lines located within the Finch Avenue and Mt. Cimarron Street rights-of-ways that have the capacity
to provide the increased water supplies needed to serve the proposed project, and no expansions of the water pipelines that convey water to the project site would be required. Installation of the new water distribution lines, including under the pedestrian bridge, would only serve the proposed project and would not provide new water supplies to any off-site areas.

The construction activities related to the onsite water infrastructure that would be needed to serve the proposed single-family residences and park is included as part of the proposed project and would not result in any physical environmental effects beyond those identified throughout this MND. For example, construction emissions for excavation and installation of the water infrastructure is included in Sections 3, Air Quality and 8, Greenhouse Gas Emissions. Therefore, the proposed project would not result in the construction of new water facilities or expansion of existing facilities, the construction of which could cause significant environmental effects, and impacts would be less than significant.

**Wastewater Infrastructure**

The project site is currently served by the existing 8-inch sewer line within Finch Avenue. The project includes installation of onsite 8-inch sewer lines that would connect to the existing 8-inch sewer line in Finch Avenue. The project also includes installation of a sewer lift station at the northern end of the project site to convey wastewater flows to the existing sewer line in Finch Avenue.

The construction activities related to installation of the onsite sewer infrastructure that would serve the proposed project, is included as part of the proposed project and would not result in any physical environmental effects beyond those identified throughout this MND. For example, construction emissions for excavation and installation of the sewer infrastructure is included in Section 3, Air Quality and 8, Greenhouse Gas Emissions, and noise volumes from these activities are evaluated in Section 13, Noise. As the proposed project includes facilities to serve the proposed development, it would not result in the need for construction of other new wastewater facilities or expansions, the construction of which could cause significant environmental effects. Therefore, impacts would be less than significant.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

**Less Than Significant Impact.**

The proposed project would result in an increased demand for water supplies from the 74 single-family residential units. The City’s 2015 Urban Water Management Plan details that in 2015 the water demand in the City for residential uses was 122 gallons per day per capita, which was lower than the City’s 2020 water use target of 142 gallons per capita per day. To provide a conservative estimate of project water use, a generation rate of 142 gallons per capita per day was used to estimate water demand from the proposed project. As described in Section 14, Population and Housing, the proposed project would result in 221 additional residents at full occupancy. Based on the City’s 2020 water use target of 142 gallons per capita per day, the 221 additional residents would generate a water demand of 31,382 gallons per day (35.15 acre-feet per year). The project would limit water demand by inclusion of low-flow plumbing and irrigation fixtures, pursuant to the California Title 24 requirements, and by reusing treated rainwater to irrigate the park area, as detailed in the Project Description.

As listed previously in Table WQ-1 in Section 10, Hydrology and Water Quality, the City’s 2015 UWMP anticipates an increase in water demand and supply of 963 acre-feet between 2020 and
The project's demand of 35.15 acre-feet equates to 3.7 percent of the anticipated increase in the five years. Therefore, the City would have water supplies available to serve the project.

In addition, the City’s 2015 UWMP details the available supply, including groundwater, imported water, and recycled water would meet the projected demand during normal, single dry and multiple dry years. Therefore, impacts related to water supplies from the proposed project would be less than significant.

c) **Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?**

**Less than Significant Impact.** The City operates and maintains the local sewer collection pipes that feed into the Orange County Sanitation District's (OCSD) trunk sewer system to convey wastewater to OCSD’s wastewater treatment plant No. 1 in Fountain Valley that has a capacity of 320 million gallons per day (MGD). In 2019, the estimated average daily flow received at the wastewater treatment plant No. 1 was 120 MGD. Thus, the plant has additional capacity of 200 MGD.

Based on OCSD's wastewater generation rate of 1,488 gallons per day per acre of low density residential, the proposed project would generate approximately 17,856 gallons per day, which would be within the capacity of wastewater treatment plant No. 1. In addition, the flows generated by the project would replace the pre-existing flows that were generated by the school, which would be accommodated by the existing offsite sewer system. Therefore, impacts related to wastewater system capacity would be less than significant.

d) **Generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure or otherwise impair the attainment of solid waste reduction goals?**

**Less Than Significant Impact.** In 2018, a large majority (over 98 percent) of the solid waste from the City of Fountain Valley, which was disposed of in landfills, went to the Frank Bowerman Sanitary Landfill (Calrecycle 2020). The Frank Bowerman Sanitary Landfill is permitted to accept 11,500 tons per day of solid waste and is permitted to operate through 2053. In September 2019, the maximum tonnage received was 9,967 tons. Thus, the facility had additional capacity of approximately 1,533 tons per day (Calrecycle 2020).

**Construction**

Project construction would generate solid waste for landfill disposal in the form of demolition debris from the existing buildings and infrastructure that would be removed from the site. Demolition waste would be properly characterized as required by law and recycled or disposed of at an appropriate type of landfill for such materials. Construction waste in the form of packaging and discarded materials would also be generated by the proposed project. Utilizing a construction waste factor of 4.34 pounds per square foot (EPA 2003), demolition of the 40,073 square feet of school buildings would generate approximately 87 tons of waste during demolition and additional waste during construction, which would occur over a 16-month period. However, Section 5.408.1 of the 2016 California Green Building Standards Code requires demolition and construction activities to recycle or reuse a minimum of 65 percent of the nonhazardous construction and demolition waste. Thus, the demolition and construction solid waste that would be disposed of at the landfill would be approximately 35 percent of the waste generated. Therefore, demolition activities, which would generate the most solid waste would generate approximately 30.45 tons of solid waste. As shown in Table 4 of the Project Description section, demolition activities would occur over 20 working days (4 week) period. This equates to approximately 1.5 tons of debris per day.
As described above, the Frank Bowerman Sanitary Landfill had additional capacity of approximately 1,533 tons per day. Therefore, the facility would be able to accommodate the addition of 1.5 tons of waste per day during demolition of the proposed project.

**Operation**
The CalEEMod solid waste generation rate for single-family residential land use is 0.41 tons per resident per year. As described previously, full occupancy of the proposed project would generate approximately 221 residents. Thus, operation of the project would generate approximately 90.61 tons per solid waste per year; or 1.74 tons per week. However, at least 75 percent of the solid waste is required by AB 341 to be recycled, which would reduce the volume of landfilled solid waste to approximately 870 pounds per week. As the Frank Bowerman Sanitary Landfill has additional capacity of approximately 1,533 tons per day, the solid waste generated by the project would be within the capacity of the landfill. Thus, the proposed project would be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs and the project would not impair the attainment of solid waste reduction goals. Impacts related to landfill capacity would be less than significant.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

**No Impact.** The proposed project would result in new development that would generate an increased amount of solid waste. All solid waste-generating activities within the City is subject to the requirements set forth in Section 5.408.1 of the 2016 California Green Building Standards Code that requires demolition and construction activities to recycle or reuse a minimum of 65 percent of the nonhazardous construction and demolition waste, and AB 341 that requires diversion of a minimum of 75 percent of operational solid waste. Implementation of the proposed project would be consistent with all state regulations, as ensured through the City’s development project permitting process. Therefore, the proposed project would comply with all solid waste statute and regulations; and impacts would not occur.

**Existing Plans, Programs, or Policies**

**PPP E-1: CalGreen Compliance.** As listed previously in Section 6, Energy.

**PPP UT-1: AB 341.** Implementation of the project shall comply with AB 341 that would divert a minimum of 75 percent of operational solid waste from landfill facilities.

**Mitigation Measures**

None.

**Sources**


20. WILDFIRES. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?  

No Impact. The project site is developed and within an urbanized residential area of the City of Fountain Valley. The project site is surrounded by developed and urban areas. The project site is not adjacent to any wildland areas. According to the CAL FIRE Hazard Severity Zone map, the project site is not within a fire hazard zone. Also, as described previously, the proposed project area would be accessed from two locations on Finch Avenue through the onsite streets to each residence. Permitting of these roadways would provide adequate and safe circulation to, from, and through the project area and would provide two routes for emergency responders to access different portions of the project area. Because the project is required to comply with all applicable City codes, as verified by the City, potential impacts related to an emergency response or evacuation would be less than significant.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

No Impact. The project site is developed and within an urbanized residential area of the City of Fountain Valley. The project site is surrounded by developed and urban areas. The project site is not adjacent to any wildland areas, and as determined by the CAL FIRE Hazard Severity Zone map, the project site is not within a fire hazard zone. In addition, the project site is flat and within
a flat area. The site is adjacent to a roadway, a concrete flood control channel, commercial and residential development. There are no factors on or adjacent to the project site that would exacerbate wildfire risks. Thus, no impact related to other factors that would expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire would occur from the project.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No Impact. As described previously, the project site is developed and within a developed and urban area that is not within a wildfire hazard zone. The project does not include any infrastructure that would exacerbate fire risks. In addition, the project would provide internal streets and fire suppression facilities (e.g., hydrants and sprinklers) that conform to the California Fire Code requirements, included as Municipal Code Chapter 17.02.20, as verified through the City’s permitting process. Therefore, impacts related to infrastructure that could exacerbate fire risks would not occur with the proposed project.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact. As described previously, the project site is developed and within a developed and urban area that is not within a wildfire hazard zone. In addition, the project site is flat and surrounded by flat areas. There are no slope or hillsides that would become unstable. In addition, the project would install onsite drainage that would be conveyed to the existing flood control channel, which is consistent with the existing condition. Therefore, impacts related to flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes would not occur from the proposed project.

Existing Plans, Programs, or Policies

PPP HAZ-1: Fire Code. As listed previously in Section 9, Hazards and Hazardous Materials.

Mitigation Measures

None.

Sources

21. MANDATORY FINDINGS OF SIGNIFICANCE.

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less Than Significant Impact with Mitigation Incorporated. As described in Section 4, Biological Resources, the project site is located within an urban area and currently developed with a school facility and contains paved surfaces and ornamental landscaping. No endangered, rare, threatened, or special status plant species (or associated habitats) or wildlife species designated by the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), or California Native Plant Society (CNPS) occur on the site. The proposed project would redevelop the project site with single-family residences, which would include installation of new ornamental landscaping. As no sensitive species or habitats are located within the urban and developed site, implementation of the project would not reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, or impact a plant or animal community.

As described in Section 5, Cultural Resources, the project site does not contain any buildings or structures that meet any of the California Register of Historical Resources (California Register) criteria or qualify as “historical resources” as defined by CEQA. Therefore, the proposed project would not cause a substantial adverse change in the significance of a historical resource. However, the Phase 1 Cultural and Paleontological Resources Assessment determined that the potential for archaeological resources to be located within the project site is moderate. Thus, Mitigation Measure
CUL-1 has been included to require archaeological monitoring during all initial ground-disturbance activities up to three feet below the ground surface. Implementation of Mitigation Measure CUL-1 would reduce potential impacts to important examples of California prehistory to a less than significant level.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Less than Significant with Mitigation Incorporated. The project would redevelop the project site for single-family residences within a developed area. The project would provide land uses that are consistent with the adjacent single-family residential and retail commercial uses. As described above, all of the potential impacts related to implementation of the project would be less than significant or reduced to a less than significant level with implementation of mitigation measures that are imposed by the City that effectively reduce environmental impacts.

The City has identified 4 cumulative projects, which include the following:

1. Fountain Valley Retail Project (18050 Brookhurst Street)
2. Arco Hydrogen Station (18480 Brookhurst Street)
3. 7 Leaves Restaurant (10065 Garfield Avenue)
4. Plant Power Fast Food (18976 Brookhurst Street)

Like the proposed project, the 4 cumulative projects involve redevelopment of parcels within the existing urban environment. The cumulative projects are located on arterial roadways, and as detailed in Section 17, Transportation, the cumulative projects would not generate a cumulative traffic impact with implementation of the proposed project. Additionally, the cumulative projects consist of retail, gas station, and restaurant uses, which would complement the proposed single-family residential uses.

The other cumulative effects of the proposed project taken into consideration with these other projects would be limited, because the project site and cumulative project sites have already been developed and disturbed and the new uses onsite would not result in substantial change in the urban use of the area. As the project was previously used as a school facility, the existing public services and utility infrastructure are in place to serve the project and would not result in cumulatively considerable increases in service and utility needs to serve the project. Similarly, the project would provide an onsite park that would provide for recreational needs that would reduce the cumulative need for park facilities to a less than significant level. In addition, the project would not result in substantial effects to any environmental resource topic, as described throughout this document.

Overall, the proposed project would develop an area that has been subject to previous urban uses, is disturbed, and is surrounded by consistent development, a roadway, and a flood control channel. Impacts to environmental resources or issue areas would not be cumulatively considerable; and cumulative impacts would be less than significant with implementation of the previously identified mitigation measures related to cultural resources, paleontological resources, hazardous materials, and tribal cultural resources.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?
Less than Significant with Mitigation Incorporated. The project proposes redevelopment of the project site for single-family residential uses. As described previously, the project site is within an urban area and surrounded by consistent land uses. The project would not consist of any use or any activities that would result in a substantial negative affect on persons in the vicinity. This includes potential impacts related to construction, concrete crushing, demolition, and the proposed residential activities. All resource topics associated with the proposed project have been analyzed in accordance with CEQA and the State CEQA Guidelines and were found to pose no impacts or less-than-significant impacts with implementation of mitigation measures related to cultural resources, paleontological resources, hazardous materials, and tribal cultural resources; and existing plans, programs, or policies that are required by the City. Consequently, the proposed project would not result in environmental effects that would cause substantial adverse effects on human beings directly or indirectly, and impacts would be less than significant with mitigation.

Existing Plans, Programs, or Policies

As listed in previous responses.

Mitigation Measures

As listed in previous responses.
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Supplemental Phase II Environmental Site Assessment, Appendix F
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Preliminary Hydrology Study, Appendix G
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Preliminary Water Quality Management Plan, Appendix H
Fuscoe Engineering, Inc.
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Technical Noise Analysis, Appendix I
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Traffic Impact Analysis Report, Appendix J
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In an effort to conserve resources and reduce file size, MND Appendices A-J are available at the webpage below and are also available for review in the City Clerks Office:

https://www.fountainvalley.org/1365/Moiola-Park-Residences

Appendix A Air Quality, Greenhouse Gas, and Energy Impact Analysis
Appendix B Department of Parks and Recreation Primary Record Forms
Appendix C Phase I Cultural and Paleontological Resources Assessment
Appendix D Geotechnical Evaluation
Appendix E Phase I and Phase II Environmental Site Assessment
Appendix F Supplemental Phase II Environmental Site Assessment
Appendix G Preliminary Hydrology Report
Appendix H Preliminary Water Quality Management Plan (PWQMP)
Appendix I Technical Noise Analysis
Appendix J Traffic Impact Analysis
This memo contains responses to the comments that the City of Fountain Valley (Lead Agency) received on the Initial Study (IS) and Mitigated Negative Declaration (MND) for the Moiola Park Residences project during the public review period, which began December 3, 2020 and closed January 2, 2021 (SCH No. 2020120041). This document has been prepared in accordance with California Environmental Quality Act (CEQA) as amended (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) and represents the independent judgment of the Lead Agency. This document and the circulated IS/MND together comprise the Final MND.

The following public comments were submitted to the City of Fountain Valley during the public review period:

1. Bruce White, Received December 8, 2020 (1 page)
2. Frank & Gerri Wilson, Received December 11, 2020 (2 pages)
3. California Department of Transportation, Received January 2, 2021 (2 pages)

The public comments and responses to comments are included in the public record and are available to the Lead Agency decision-makers for their review and consideration prior to making their decision. Pursuant to CEQA Guidelines Section 15074(b) Consideration and Adoption of a Negative Declaration or Mitigated Negative Declaration, none of the comments provide substantial evidence that the project will have significant environmental effects which would require preparation of an Environmental Impact Report. Further, none of the information in the letters or responses constitute the type of significant new information that requires recirculation of the Moiola Park Residences MND for further public comment under CEQA Guidelines Section 15073.5 Recirculation of a Negative Declaration Prior to Adoption. None of this new material indicates that the project will result in a significant new environmental impact not previously disclosed in the Moiola Park Residences MND. Additionally, none of this information indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15073.5. Finally, none of the comments or information provide substantial evidence that there are material errors about the project site, or its environs as described in the IS/MND or the project technical studies.

Therefore, no changes are required to the Moiola Park Residences MND circulated for public review as a result of the comments. Although CEQA Guidelines Section 15088 does not require a Lead Agency to prepare written responses to comments received, the City of Fountain Valley has elected to prepare the following written responses with the intent of conducting a comprehensive and meaningful evaluation of the proposed project. The number designations in the responses are correlated to the bracketed and identified portions of each comment letter.
Lisa Montano

From: Bruce White <bwhite8094@gmail.com>
Sent: Tuesday, December 8, 2020 2:28 PM
To: Planning Building
Subject: Moila Park Residences - Mitigated Negative Declaration (MND)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Attn: Steven Ayers

Dear Mr. Ayers,

As a resident of the Moila Tract (address shown below), I would like to object vehemently to the Mitigated Negative Declaration we received from your organization with regards to the upcoming Moila Park Residences. In particular, there is only one entrance/exit to the subdivision which is adding a substantial amount of traffic to the existing traffic. This, in light of the fact for public health and safety reasons, will dump tremendous amounts to vehicle passage onto Finch street alone, rather than adding an additional entrance to Mt. Cimmaron to ease the congestion it will certainly cause. I say, from a public health and safety perspective because even our existing cul-de-sac streets allow us to go one of two ways to exit. One entrance/exit does not allow that from Finch street.

All traffic from this one entrance forces greater vehicle traffic to flow down Redwood and either on to Starling or Robin (primarily). There has been a significant increase in younger children not only along Redwood, but Robin and Starling as well with young families buying homes from the aging elders in the community.

The City recently went through and spent millions of dollars repaving the entire subdivision and now these primary entrance routes will be inundated with heavy equipment and construction traffic that will cause damages to the main routes. Also worthy of mention will be the increase population density (and associated vehicle traffic) adding more vehicles each day than did Moila Elementary even when it was in operation as a public and private school.

I would ask for these simple, and reasonable reasons, an additional entrance be added over the channel and on to Mt. Cimmaron Street. It makes judicious sense!

Thank You,

Bruce White
18659 Spruce Circle
RESPONSE TO COMMENT LETTER 1: Bruce White

Response to Comment 1-1: This comment provides an introduction to the purpose of the comment letter, that the commenter is opposed to the project. The comment states that the project would result in issues related to traffic and circulation because only one entrance/exit is proposed from Finch Avenue and a secondary access is not included from Mount Cimarron. The commenter is concerned that the project would significantly increase traffic on Finch Avenue, Redwood Street, and Robin Avenue or Starling Avenue and its impact on public safety for young families.

Impacts related to traffic resulting from operation of the project were discussed in the MND starting on page 130 based on the Traffic Impact Analysis prepared by EPD Solutions (provided as MND Appendix J). As demonstrated in the Traffic Impact Analysis and the MND, the residential project would result in approximately 699 daily trips, with 55 trips occurring in the AM peak hour and 73 trips occurring in the PM peak hour. As demonstrated in the MND, the project would not result in significant impacts to traffic or result in a significant amount of vehicle trips. Furthermore, as demonstrated by MND Table T-5 on page 133, the proposed project would result in fewer trips than would exist if the school was still operational. As shown, the proposed project would generate 84 fewer daily trips than the previously operating school when analyzing the trip generation based on school’s square footage and 330 fewer daily trips when analyzing the trip generation based on school’s prior student population.

Additionally, the Traffic Impact Analysis demonstrated that one entrance/exit to the project would be sufficient and concluded that the project would not result in significant impacts to the surrounding roadways and intersections. The commenter is directed to MND Section 17, Transportation, and the traffic study provided as Appendix J of the MND. As shown on page 132 of the MND, all study intersections within the area of the project are forecast to continue to operate at a satisfactory LOS C or better during the weekday a.m. and p.m. peak hours with the addition of project traffic. Therefore, the project would be consistent with the Fountain Valley General Plan Circulation Element LOS D or better requirement.

Providing an additional entrance to the project via Mount Cimarron Street is not required to accommodate traffic volumes that would be generated by the project. As shown in the Traffic Impact Analysis, included as Appendix J to the MND, during the evening peak hour (the highest hour of project trip generation), the project would generate 73 trips, which is only one vehicle every 50 seconds. This traffic generation can easily be handled by one street, which could safely accommodate several hundred trips per hour. Finally, the City’s Fire Department has reviewed the proposed site plan and has concurred that adequate emergency access is provided by the one existing access to the project.

No evidence has been presented, either as a result of technical studies prepared for the MND or comments received on the MND, that the design and operation of the project would increase traffic such that it would impact the public safety of residents. Likewise, no facts or observations have been submitted to substantiate how new families moving to the neighborhood would drive in a manner that would significantly impact the public safety of existing families. The commenter does not provide evidence of significant impacts that require the preparation of an environmental impact report (EIR) or that would require changes to the MND. Comment 1-1 will be forwarded to all decision-making bodies to inform their decision on the project. No further response is warranted.

Response to Comment 1-2: This comment first states that the project would result in street deterioration due to construction vehicle traffic. As a standard City condition of approval, the project is required to repair any damage to neighborhood streets caused by construction vehicles and equipment.

The comment then states that the project would result in more operational vehicles per day compared to when Moiola Elementary was operational as a school. Impacts related to traffic resulting from operation of the project were discussed in the MND starting on page 130 based on the Traffic Impact Analysis prepared...
by EPD Solutions (provided as MND Appendix J). As demonstrated in the Traffic Impact Analysis and the MND, the residential project would result in approximately 699 daily trips, with 55 trips occurring in the AM peak hour and 73 trips occurring in the PM peak hour. As demonstrated in the MND, the project would be consistent with the General Plan Circulation Element’s LOS D or better requirement and would not result in a significant amount of additional vehicle trips. Furthermore, as demonstrated by MND Table T-5 on page 133, the proposed project would result in fewer trips than would exist if the school was still operational. As shown, the proposed project would generate 84 fewer daily trips than the previously operating school when analyzing the trip generation based on the school’s square footage and 330 fewer daily trips when analyzing the trip generation based on the school’s prior student population.

Comment 1-2 does not provide evidence of significant impacts that require the preparation of an EIR or that would require changes to the MND. Comment 1-2 will be forwarded to all decision-making bodies to inform their decision on the project. No further response is warranted.

**Response to Comment 1-3:** This comment concludes the comment letter and states that the project should provide an additional entrance over the channel to Mount Cimarron Street.

As discussed above in Response to Comment 1-1, a secondary roadway into the project from Mount Cimarron is not required for public safety or traffic impact reasons. Additionally, the City’s Fire Department has reviewed the proposed site plan and has concurred that adequate emergency access is provided by the one existing access to the project.

Comment 1-3 will be forwarded to all decision-making bodies to inform their decision on the project. No further response is warranted.
Dear Mr. Ayers:

We have lived in the Meadow Tract since 1975, at which time Moiola was a walking school that served the area neighborhoods. At one time I sat on the school closure committee, and we were told that Moiola could not be closed and if it were, the property would revert to the Moiola family. That’s another story!

We are not unhappy with the proposed housing development on the school site. We are MOST UNHAPPY with the lack of concern for the traffic that 74 new homes will generate. If you figure most homes that size will have 2 to 3 vehicles coming and going, that is a significant increase in traffic to the interior of our tract where it is already difficult to exit onto Ellis from Hawthorn or onto Bushard from Starling. In our 45 years, we have found that virtually no one turns onto Redwood and exits to Bushard from Robin. The developer has estimated 700 additional vehicles added to the traffic. Yuk!

From the beginning we have suggested, as have others, that one way in and the same way out is not in the interest of public safety or health. An iron gate that goes into the Callens development which fire trucks can use as access if they can navigate the narrow curving road of Callens Circle is just not the best solution. Why can the road over the channel which is now a pedestrian bridge not be used as a road? When that development was sold, it showed a road going over the channel at some future date and the road, in fact, is already there on the Mt. Cimarron side of the channel. We heard that a Fountain Valley official lives in that tract and was promised that it would not go through; and if that is true, it’s a disgrace! The proposed housing tract could go over the bridge, make an IMMEDIATE left, and exit onto Brookhurst—which would split up the increased traffic between the housing developments on each side of the channel. Their only explanation is that constructing a road over the channel would be costly, but there are numerous
roads in Fountain Valley, Huntington Beach, and Westminster that do go over the channels. Was it even considered by the City as a second entrance?

We also note that a traffic report was not done on the intersection of Hawthorn and Ellis or Starling and Bushard but was just extrapolated. Those 2 intersections are the main streets impacted by the development, so why were they not required to monitor those intersections for traffic? Robin and Bushard is not comparable to Starling and Bushard as far as usage is concerned, but Starling was not monitored and Robin was. Construction traffic will make those 2 intersections a nightmare for all residents for an extended period of time as I understand they will only be doing a limited number of houses in the beginning and then moving forward with completion sometime in 2022. That’s a long time to endure construction traffic, noise, and dirt.

Do you have any guarantee that all 74 homes will be built or will the project be able to abandon their plans short of completion if the houses do not sell well due to economic conditions or their plans change?

Sorry this is so long, but we are concerned. We have attended all their meetings, but traffic seems to always get brushed aside and questions about a road over the channel is dismissed to the Army Corps of Engineers’ unwillingness to build the road—but no proof of that has ever been submitted. If the City did indeed want 2 ways in and out (and excluded the iron gate access from Callens who insist their tract is private), we think Brookfield might have tried harder to make the road over the channel a reality.

Once the project is finished, there is no remedy for the traffic. I’d like to see a reconsideration of the road over the channel which would afford the easiest exit from the development onto a major thoroughfare (Brookhurst) instead of interior roads within the surrounding neighborhood.

Sincerely,

[Signature]
RESPONSE TO COMMENT LETTER 2: Frank & Gerri Wilson

Response to Comment 2-1: This comment provides an introduction to the comment letter and discusses the history of the neighborhood and the commenter’s relation to the former Moiola school. The comment is general in nature and does not provide comment on the MND. No further response is warranted.

Response to Comment 2-2: This comment provides the purpose of the comment letter, that the commenters are unhappy with the amount of traffic that the proposed project would generate. The comment also states that the project would increase traffic in the surrounding streets and result in 700 additional vehicles added to the traffic. It additionally states that there is existing traffic within the community along Ellis, Hawthorn, Bushard, and Starling streets.

As discussed in Section 17, page 133 of the MND, the project would result in approximately 699 new daily trips, with 55 trips occurring in the AM peak hour and 73 trips occurring in the PM peak hour. Furthermore, as demonstrated by MND Table T-5 on page 133, the proposed project would result in fewer trips than would exist if the school was still operational. As shown, the proposed project would generate 84 fewer daily trips than the previously operating school when analyzing the trip generation based on the school’s square footage and 330 fewer daily trips when analyzing the trip generation based on the school’s prior student population.

As discussed in Section 17, page 132 of the MND, a Traffic Impact Analysis was conducted for the project, which analyzed the surrounding intersections based on the City’s standards for analyzing intersection delay. As demonstrated on page 132, surrounding intersections, including Ellis Ave/Hawthorn St and Bushard St/Starling Ave, would continue to operate at satisfactory levels of service with existing traffic volumes plus project conditions calculated. Additionally, as shown on page 132, opening year (2023) plus project intersection conditions were calculated by applying a growth rate of two percent per year to the existing traffic volumes and adding traffic generated from the project and four other approved and pending developments in the vicinity. In 2023, all intersections are forecast to operate at satisfactory levels of service with forecast traffic volumes plus project volumes. As such, surrounding intersections would not be significantly impacted by the project based on the City’s standards for analyzing intersection delay. According to the project traffic study, the project would cause an increase of less than one second of delay for traffic accessing Bushard Street from Starling Avenue. At the intersection of Bushard Street/Ellis Avenue, the project would cause a nominal increase in the Level of Service (LOS) of less than 1 percent which is unlikely to be noticeable to drivers.

The commenter is also referred to Response to Comment 1-2 above for additional discussion of the project’s traffic impacts.

Comment 2-2 does not provide evidence that would require the preparation of an EIR or changes to the MND. Comment 2-2 will be forwarded to all decision-making bodies to inform their decision on the project. No further response is warranted.

Response to Comment 2-3: This comment states that an additional entrance/exit from the project should be constructed over the Fountain Valley Channel and connect to Mount Cimarron Street in order to distribute traffic and for public health and safety issues. The comment questions the viability of the emergency vehicle access from Callen Circle and explains their opinion that emergency access would be better served by the construction of a bridge over the channel.

The commenter is referred to the response to Comment 1-1 for a discussion of the project’s traffic impacts and a discussion of a Mount Cimarron Street access. As discussed, the project would not result in a significant amount of vehicle trips or significant impacts to traffic and circulation. As shown in the Traffic Impact Analysis, included as Appendix J to the MND, during the evening peak hour (the highest hour of project trip generation), the project would generate 73 trips, which is only one vehicle every 50 seconds. This traffic
generation can easily be handled by one street, which could safely accommodate several hundred trips per hour. The project has also been reviewed by the City’s Fire Department for adequate emergency access and would be sufficient from a fire and life safety perspective. Emergency vehicle access from Callen Circle is not proposed or required. Additionally, the proposed single access point would be built as required by the Fountain Valley Municipal Code, which does not require a secondary access point.

Comment 2-3 does not provide evidence as to their reasoning for why a secondary access point over the Fountain Valley Channel is necessary for health and safety, or evidence that would require preparation of an EIR or revisions to the MND. Comment 2-3 will be forwarded to all decision-making bodies to inform their decision on the project. No changes to the MND are necessary and no further response is warranted.

**Response to Comment 2-4:** First, this comment states that the Traffic Impact Analysis did not properly analyze the intersections of Hawthorn and Ellis or Starling and Bushard. Additionally, the comment states their concern with the length of construction activities and the timeframe of project completion. Specifically, that the surrounding community would have to deal with issues related to construction traffic, noise, and dust for a significant period of time. The commenter also asks what guarantee is provided that the project would not be abandoned prior to completion.

In response to the comment discussing traffic analysis for intersections, the Traffic Impact Analysis (included in the MND as Appendix J) was completed based on the protocols and guidelines set for by the Institute of Transportation Engineers and the City’s Transportation Impact Assessment Guidelines for Land Use Projects in CEQA and for General Plan Consistency. Intersection operations are evaluated using Level of Service (LOS), which is a measure of the delay experienced by drivers on a roadway facility. In the TIA, LOS at signalized intersections was calculated using the Intersection Capacity Utilization (ICU) methodology, while LOS at unsignalized intersections was calculated using the Highway Capacity Manual (HCM), 6th Edition methodology. Traffic counts for Hawthorn/Ellis and Starling/Bushard were modeled based on traffic counts for Bushard/Ellis and Redwood/Starling due to the fact that those intersections were requested to be analyzed during the COVID-19 stay-at-home orders, and any traffic counts taken physically would likely be inaccurate due to the majority of people staying home and driving less. As such, the traffic counts for Hawthorn/Ellis and Starling/Bushard represent a realistic estimation of existing conditions of these intersections since it was based on actual traffic counts at adjacent intersections. Based on the analysis done in the TIA, all of the intersections would continue to operate at satisfactory LOS with implementation of the proposed project, and the project would be consistent with the General Plan Circulation Element’s LOS D or better requirement.

In response to the comment discussing noise impacts related to construction of the project and the duration of the project, the MND discusses impacts to noise in Section 13, Noise, starting on page 115 based on a Technical Noise Analysis prepared by Vista Environmental, which is included as Appendix I of the MND. MND Section 13 analyzed noise impacts from the proposed project in relation to the noise standards set forth by the City of Fountain Valley’s General Plan Noise Element and Municipal Code Sections 6.28.070 and 6.28.050. While the construction noise is anticipated to occur over a 16-month period, it would not be constant throughout the construction day, as equipment would be turned off when not in use. Furthermore, as discussed in the MND on page 117, concrete crushing activities for reuse of pavement would occur in the northeastern portion of the site, at a minimum of 400-feet from the closest residences, as required by Mitigation Measure AQ-1. The Noise Analysis and the MND found that significant construction impacts would not occur with implementation of the project.

The comment also stated that there would be impacts related to dust from construction of the project. As discussed in the MND, the project would be required to comply with South Coast Air Quality Management District Rule 403, which requires the following:
• All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.
• The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered, with complete coverage of disturbed areas, at least 3 times daily during dry weather; preferably in the mid-morning, afternoon, and after work is done for the day.
• The contractor shall ensure that traffic speeds on unpaved roads and project site areas are reduced to 15 miles per hour or less.

Adherence to Rule 403 would limit the release of dust from the project site during construction.

Finally, the comment asks whether the proposed 74 homes would fully be built. While this question is not related to CEQA impact, the applicant is subject to performance requirements under their agreement with the Fountain Valley Unified School District. Comment 2-4 does not provide evidence of significant impacts that require the preparation of an EIR or that would require changes to the MND. Comment 2-4 will be forwarded to all decision-making bodies to inform their decision on the project. No further response is warranted.

Response to Comment 2-5: This comment states that the commenters have attended all meetings related to the proposed project and expresses the opinion that traffic impacts have not been adequately addressed in these meetings because the project has not been revised to include a secondary access point over the channel. The comment asks that the developer reconsider building another entrance/exit road over the channel in order to limit traffic. Comment 2-5 does not provide evidence of significant impacts that require the preparation of an EIR or that would require changes to the MND, and traffic impacts have been discussed in other response to comments. Comment 2-5 will be forwarded to all decision-making bodies to inform their decision on the project. No further response is warranted.
January 2, 2021

Mr. Steven Ayres  
Planning and Building Department  
City of Fountain Valley  
10200 Slater Avenue  
Fountain Valley, CA 92708

Dear Mr. Ayers,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Draft Mitigated Negative Declaration for the Moiola Park Residences Project. The proposed project would demolish the existing vacant school buildings, accessory structures, pavement, and infrastructure on the project site, and construct 74 new single-family residences with solar panels, onsite roadways with sidewalks, and an approximately 1.12-acre park. The project includes installation of new water, sewer, and stormwater drainage infrastructure that would connect to existing infrastructure adjacent to the site. This includes removal of the existing connections and development of new connections to the Orange County flood control channel that is adjacent to the site, which requires an encroachment permit from the Orange County Department of Public Works. In addition, the project includes a Response Action by the California Department of Toxic Substances Control to reduce potential subsurface volatile organic compound vapor accumulation below the proposed residential structures. The project site is located on 9790 Finch Avenue in the City of Fountain Valley and the nearest state facility is I-405.

The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California’s economy and livability. Caltrans is a responsible agency on this project and has the following comments:

**Traffic Operations**

1. Please submit a queue analysis for NB/SB Brookhurst Street Off-Ramp to determine if there will be any overflow into the mainline due to increased number of trips generated by the proposed project.

“Provide a safe, sustainable, integrated and efficient transportation system to enhance California’s economy and livability”
Transportation Planning

2. Caltrans supports the design of Complete Streets that include high-quality pedestrian, bicycle, and transit facilities that are safe and comfortable for users of all ages and abilities. Complete Streets improvements promote regional connectivity, improve air quality and public health, reduce congestion and VMT, promote improved first-/last-mile connections, and increase safety for all modes of transportation.

Encroachment Permits

3. In the event of any activity in Caltrans right of way an Encroachment Permit will be required. All environmental concerns must be addressed. If the environmental documentation for the project does not meet Caltrans requirements, additional documentation would be required before approval of the Encroachment Permit. For application forms and specific details on Caltrans Encroachment Permits procedure, please refer to Encroachment Permits Manual. The latest edition of the Manual is available on: http://www.dot.ca.gov/trafficops/ep/apps.html.

Please continue to coordinate with Caltrans for any future developments that could potentially impact State transportation facilities. If you have any questions, please do not hesitate to contact Maryam Molavi, at (657) 328-6280 or Maryam.Molavi@dot.ca.gov.

Sincerely,

Scott Shelley
Branch Chief, Regional-HG-Transit Planning
District 12
RESPONSE TO COMMENT LETTER 3: California Department of Transportation

Response to Comment 3-1: This comment provides background on the project and introduces the comment letter. The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Comment 3-2: The comment provides background on the California Department Transportation and introduces the comments within the letter. No further response is warranted.

Response to Comment 3-3: This comment asks for a queue analysis for the northbound/southbound 405 exits at Brookhurst Street to determine whether there will be any overflow from the increase in trips generated by the project. Based on the trip's distribution to Brookhurst Street as shown in MND Section 17, Transportation, and the traffic study provided as Appendix J of the MND, the project would add fewer than 10 peak hour trips to any freeway ramp, which is a nominal amount that would not justify analysis. Furthermore, the off-ramps at I-405 to southbound Brookhurst Street are not controlled intersections but instead are free movements into merge lanes on Brookhurst Street. The ramps would therefore experience minimal queues when compared to signal or stop controlled intersections. Additionally, based on Caltrans Transportation Impact Study Guide (May 2020), Caltrans has transitioned away from analyzing LOS or queuing analysis in CEQA analysis. Caltrans Interim Local Development and Intergovernmental Review Safety Review Practitioners Guidance (December 2020) states that “Mitigated Negative Declaration submittals will not require a traffic safety review”. Therefore, a queuing analysis is not justified based on Caltrans guidance or the project trips assigned to the freeway ramps. As discussed in Section 4.17, Transportation, the project would not result in a significant VMT impact. Based on this guidance, the project would not cause an impact to any freeway facilities. Comment 3-3 does not contain any information requiring changes to the MND. No further response is warranted.

Response to Comment 3-4: This comment states that Caltrans supports the use of Complete Streets with pedestrian, bicycle, and transit facilities in order to promote regional connectivity, improve air quality and public health, reduce congestion and VMT, promote improved first-/last-mile connections, and increase safety for all modes of transportation. As discussed in MND Section 3, Project Description, and Section 4.17, Transportation, the proposed project would receive bus service from Orange County Transportation Authority north-south running Route 35. Bus Route 35 would connect project residents to east-west running bus routes and the Metrolink Santa Ana Station. Additionally, bike lanes and pedestrian access would connect to internal project roads and sidewalks over the Fountain Valley Channel bridge. Leaving the Fountain Valley Channel Bridge as a non-vehicular bridge would continue to facilitate pedestrian and bicycle use as modes of transportation. No further response is warranted.

Response to Comment 3-5: This comment states that in the event that any activity occurs in a Caltrans right-of-way, an Encroachment Permit would be required. Currently, the project would not occur in a Caltrans right-of-way; therefore, at this time, an Encroachment Permit is not required. No further response is warranted.

Response to Comment 3-6: This comment concludes the comment letter and requests that the City continue to coordinate with Caltrans on any future developments that could impact State transportation facilities. No further response is warranted.
Mitigation Monitoring and Reporting Program

Introduction

The California Environmental Quality Act (CEQA) requires a lead or public agency that approves or carries out a project for which a Mitigated Negative Declaration has been adopted which identifies one or more significant adverse environmental effects and where findings with respect to changes or alterations in the project have been made, to adopt a “…reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment” (CEQA, Public Resources Code Sections 21081, 21081.6).

A Mitigation Monitoring and Reporting Program (MMRP) is required to ensure that adopted mitigation measures are successfully implemented for the Moiola Park Residences Project (Project). The City of Fountain Valley is the Lead Agency for the Project and is responsible for implementation of the MMRP. This report describes the MMRP for the Project and identifies the parties that will be responsible for monitoring implementation of the individual mitigation measures in the MMRP.

Mitigation Monitoring and Reporting Program

The MMRP for the Project will be active through all phases of the Project, including design, construction, and operation. The attached table identifies the mitigation program required to be implemented by the City for the Moiola Park Residences Project. The table identifies the Standard Conditions; Plan, Program, Policies (PPPs); and Mitigation Measures required by the City to mitigate or avoid significant adverse impacts associated with the implementation of the Project, the timing of implementation, and the responsible party or parties for monitoring compliance.

The MMRP also includes a column that will be used by the compliance monitor (individual responsible for monitoring compliance) to document when implementation of the measure is completed. As individual Plan, Program, Policies; and mitigation measures are completed, the compliance monitor will sign and date the MMRP, indicating that the required actions have been completed.

“Exhibit B”

Page 281
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### Table 1: Mitigation Monitoring and Reporting Program

**Moiola Park Residences**

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<thead>
<tr>
<th>Standard Condition/ Plan, Program, Policy/ Mitigation Measure</th>
<th>Timing</th>
<th>Responsible for Ensuring Compliance / Verification</th>
<th>Date Completed and Initials</th>
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<tr>
<td><strong>AESTHETICS</strong></td>
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<td>PPP AES-1: Exterior lighting on the project site shall conform to the regulations within Municipal Code Section 21.18.060. Light and glare sources from the site, shall be shielded or modified to prevent emission of light or glare beyond the property line.</td>
<td>In Construction Plans and Specifications. Prior to the issuance of Building Permits.</td>
<td>City of Fountain Valley Building &amp; Safety Division</td>
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<td><strong>AIR QUALITY</strong></td>
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<td>PPP AQ-1: Rule 402. The construction plans shall include a note that the project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 402. The project shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.</td>
<td>In Construction Plans and Specifications. Prior to the issuance of Grading and Building Permits.</td>
<td>City of Fountain Valley Building &amp; Safety Division</td>
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| PPP AQ-2: Rule 403. The construction plans shall include a note that the project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 403, which includes the following:  
- All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.  
- The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered, with complete coverage of disturbed areas, at least 3 times daily during dry weather; preferably in the mid-morning, afternoon, and after work is done for the day.  
The contractor shall ensure that traffic speeds on unpaved roads and project site areas are reduced to 15 miles per hour or less. | In Construction Plans and Specifications. Prior to the issuance of Grading Permits. Ongoing during Construction Activities. | City of Fountain Valley Building & Safety Division |                             |
| PPP AQ-3: Rule 1113. The construction plans shall include a note that the project is required to comply with the provisions of South Coast Air Quality Management District Rule (SCAQMD) Rule 1113. Only “Low- | In Construction Plans and Specifications. Prior to the issuance of Building Permits | City of Fountain Valley Building & Safety Division |                             |
### Moiola Park Residences Project
#### Mitigation Monitoring and Reporting Program

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<td>Volatile Organic Compounds&quot; paints (no more than 50 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications shall be used.</td>
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<td><strong>Mitigation Measure AQ-1: Demolition Plan.</strong> Prior to issuance of demolition permits, the project proponent shall submit a demolition plan for approval by the City Building Department demonstrating that construction equipment staging areas will be placed away from adjacent residential uses; that rock crushing activities will be located on the northeastern portion of the site, at a minimum of 400-feet from the closest residences; and demonstrating that the construction contract will comply with South Coast Air Quality Management District (SCAQMD) dust control rules as outlined in PPP AQ-1, AQ-2, and AQ-3.</td>
<td>In Construction Plans and Specifications. Prior to the issuance of Demolition Permits.</td>
<td>City of Fountain Valley Building &amp; Safety Division</td>
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**BIOLOGICAL RESOURCES**

| PPP BIO-1: The trees shrubs and plants installed on public property shall conform to the regulations within Municipal Code Chapter 12.04. | In Construction Plans and Specifications. Prior to the issuance of Building Permits. | City of Fountain Valley Building & Safety Division | |
| **Mitigation Measure BIO-1: Migratory Bird Treaty Act.** Prior to issuance of grading or demolition permits that include vegetation and/or tree removal activities that will occur within the active breeding season for birds (February 1–September 1.5), the project applicant (or their Construction Contractor) shall retain a qualified biologist (meaning a professional biologist that is familiar with local birds and their nesting behaviors) to conduct a nesting bird survey no more than 3 days prior to commencement of construction activities. The nesting survey shall include the project site and areas immediately adjacent to the site that could potentially be affected by project-related construction activities, such as noise, human activity, and dust, etc. If active nesting of birds is observed within 100 feet (ft) of the designated construction area prior to construction, the qualified biologist shall establish an appropriate buffer around the active nests (e.g., as much as 500 ft for raptors and 300 ft for non-raptors [subject to the recommendations of the qualified biologist]), and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. | In Construction Plans and Specifications. Prior to issuance of Grading or Demolition Permits. | City of Fountain Valley Building & Safety Division | |

**CULTURAL RESOURCES**

| PPP CUL-1: Human Remains. In the event that human remains are encountered on the project site, work within 50 ft of the discovery shall cease and the County Coroner shall be notified immediately consistent | In Construction Plans and Specifications. Prior to the issuance of Grading Permits. | City of Fountain Valley Building & Safety Division | |
with the requirements of California Code of Regulations (CCR) Section 15064.5. State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98. Prior to the issuance of grading permits, the City Community and Planning, Building, and Code Enforcement Department Director, or designee, shall verify that all grading plans specify the requirements of CCR Section 15064.5, State Health and Safety Code Section 7050.5, and PRC Section 5097.98, as stated above.

Mitigation Measure CUL-1: Archaeological Resources. Prior to the issuance of the first grading permit, the applicant shall provide a letter to the City Planning Department, or designee, from a qualified professional archeologist meeting the Secretary of Interior’s Professional Qualifications for Archaeology as defined at 36 CFR Part 61, Appendix A stating that the archeologists have been retained to provide archeological resources spot-check monitoring of all ground disturbance activity. The archeologist shall be present at the pre-grading conference to establish procedures for archeological resource surveillance. In addition, the developer shall provide an executed preexcavation agreement for a Native American monitor who has been approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government (Tribe) during grading, protocols for treatment of Native American human remains, and the repatriation of Native American sacred items and artifacts. In the event a previously unrecorded archaeological deposit is encountered during construction, all activity within 50 feet of the area of discovery shall cease and the City shall be immediately notified. The archeologist shall flag the area in the field and shall determine if the archaeological deposits meet the CEQA definition of historical (State CEQA Guidelines 15064.5(a)) and/or unique archaeological resource (Public Resource Code 21083.2(g)). If the find is considered a “resource” the archaeologist in coordination with the Native American monitor shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4 in consultation with the City. Per CEQA Guidelines Section 15126.4(b)(3), preservation in place shall be the preferred means to avoid impacts to
<table>
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<tr>
<th><strong>Standard Condition/ Plan, Program, Policy/ Mitigation Measure</strong></th>
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<td>archaeological resources qualifying as historical resources. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the archaeologist. Resources shall be identified and curated into an established accredited professional repository. The archaeologist shall have a repository agreement in hand prior to initiating recovery of the resource. If unique archaeological resources cannot be preserved in place or left in an undisturbed state, recovery, salvage and treatment shall be required at the developer/applicant’s expense.</td>
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<td><strong>ENERGY</strong></td>
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<td><strong>PPP E-1. CalGreen Compliance:</strong> The project is required to comply with the CalGreen Building Code as included in the City’s Municipal Code Section 18.28.010 to ensure efficient use of energy. CalGreen specifications are required to be incorporated into building plans as a condition of building permit approval.</td>
<td>In Construction Plans and Specifications. Prior to the issuance of Building Permits.</td>
<td>City of Fountain Valley Building &amp; Safety Division</td>
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<td><strong>PPP E-2: Idling Regulations.</strong> The project is required to comply with California Air Resources Board (CARB) Rule 2485 (13 CCR, Chapter 10 Section 2485), Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling.</td>
<td>In Construction Plans and Specifications. Prior to the issuance of Grading Permits. Ongoing during Construction Activities.</td>
<td>City of Fountain Valley Building &amp; Safety Division</td>
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<td><strong>GEOLOGY AND SOILS</strong></td>
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<td><strong>PPP GEO-1: California Building Code.</strong> Prior to issuance of any construction permits, the project is required to demonstrate compliance with the California Building Code as included in the City’s Municipal Code Chapter 18.26 to preclude significant adverse effects associated with seismic hazards. California Building Code related and geologist and/or civil engineer specifications for the project are required to be incorporated into grading plans and specifications as a condition of construction permit approval.</td>
<td>In Construction Plans and Specifications. Prior to the issuance of Building Permits.</td>
<td>City of Fountain Valley Building &amp; Safety Division</td>
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<tr>
<td><strong>PPP WQ-1: NPDES/SWPPP.</strong> Prior to issuance of any grading or demolition permits, the applicant shall provide the City Building and Safety Division evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and</td>
<td>In Construction Plans and Specifications. Prior to the issuance of Grading and Demolition Permits.</td>
<td>City of Fountain Valley Building &amp; Safety Division</td>
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<td>implementing a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site.</td>
<td>In Construction Plans and Specifications. Prior to the issuance of Grading Permits.</td>
<td>City of Fountain Valley Building &amp; Safety Division</td>
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<td><strong>Mitigation Measure GEO-1: Geotechnical Evaluation.</strong> The project proponent shall implement all recommendations in the approved Geotechnical Evaluation prepared by LLG Geotechnical, Inc. July 19, 2019 (Geotechnical Evaluation) during site preparation, grading, and construction. Compliance with the approved Geotechnical Evaluation shall be verified in the field by a qualified representative. The project proponent shall demonstrate to Building Department and/or Public Works Department staff that all or equivalent recommendations in the Geotechnical Evaluation or any updates to that report have been incorporated into the proposed project's design and grading plans.</td>
<td>In Construction Plans and Specifications. Prior to the issuance of Grading Permits.</td>
<td>City of Fountain Valley Planning Division</td>
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<td><strong>Mitigation Measure PAL-1: Paleontological Resources.</strong> A paleontologist selected from the roll of qualified paleontologists maintained by the City or the County shall be retained to provide spot check monitoring services for the project. The paleontologist shall develop a Paleontological Resources Impact Mitigation Plan (PRIMP) to mitigate the potential impacts to unknown buried paleontological resources that may exist onsite. The PRIMP shall require that the paleontologist be present at the pre-grading conference to establish procedures for paleontological resource surveillance. The PRIMP shall require paleontological spot-check monitoring of excavation that exceeds depths of 5 feet. The PRIMP shall state that the project paleontologist shall re-evaluate the necessity for paleontological monitoring after 50 percent or greater of the excavations deeper than 5 feet have been completed. The paleontologist shall examine the materials encountered, assess the nature and extent of the find, and recommend a course of action to further investigate and protect or recover and salvage those resources that have been encountered. Criteria for discard of specific fossil specimens will be made explicit. If a qualified paleontologist determines that impacts to a sample containing significant paleontological resources cannot be avoided by project planning, then recovery may be applied. Actions may include recovering a sample of the fossiliferous material prior to construction, monitoring work and halting construction if an important fossil needs to</td>
<td>In Construction Plans and Specifications. Prior to the issuance of Grading Permits. Ongoing during Construction Activities.</td>
<td>City of Fountain Valley Planning Division</td>
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**Standard Condition/ Plan, Program, Policy/ Mitigation Measure**  
be recovered, and/or cleaning, identifying, and cataloging specimens for curation and research purposes. Recovery, salvage and treatment shall be done at the applicant’s expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the paleontologist. Resources shall be identified and curated into an established accredited professional repository. The paleontologist shall have a repository agreement in hand prior to initiating recovery of the resource.

**GREENHOUSE GAS EMISSIONS**

**PPP E-1: CalGreen Compliance.** As listed above in Energy.  
In Construction Plans and Specifications. Prior to the issuance of Building Permits.  
City of Fountain Valley Building & Safety Division

**HAZARDS AND HAZARDOUS MATERIALS**

**PPP WQ-1: NPDES/SWPPP.** As listed below in Hydrology and Water Quality.  
In Construction Plans and Specifications. Prior to the issuance of Grading Permits.  
City of Fountain Valley Building & Safety Division

**PPP HAZ-1: Fire Code.** The project shall conform to the California Fire Code, as included in the City’s Municipal Code in Chapter 17.101.  
In Construction Plans and Specifications. Prior to the issuance of Building Permits.  
City of Fountain Valley Building & Safety Division

**PPP HAZ-2: SCAQMD Rule 1403.** Prior to issuance of demolition permits, the project applicant shall submit verification to the City Building and Safety Division that an asbestos survey has been conducted on the structures proposed for demolition. If asbestos is found, the project applicant shall follow all procedural requirements and regulations of South Coast Air Quality Management District Rule 1403. Rule 1403 regulations require that the following actions be taken: notification of SCAQMD prior to construction activity, asbestos removal in accordance with prescribed procedures, placement of collected asbestos in leak-tight containers or wrapping, and proper disposal.  
In Construction Plans and Specifications. Prior to the issuance of Demolition Permits  
City of Fountain Valley Building & Safety Division

**PPP HAZ-3: Lead.** Prior to issuance of demolition permits, the project applicant shall submit verification to the City Building and Safety Division that a lead-based paint survey has been conducted on the structures proposed for demolition. If lead-based paint is found, the project applicant shall follow all procedural requirements and regulations for proper removal and disposal of the lead-based paint. Cal-OSHA has established limits of exposure to lead contained in dusts and fumes. Specifically, CCR Title 8, Section 1532.1 provides for  
In Construction Plans and Specifications. Prior to the issuance of Demolition Permits  
City of Fountain Valley Building & Safety Division
### Mitigation Measure HAZ-1: Groundwater

The project construction specifications and grading permit for the proposed project shall specify that should groundwater be encountered during excavation, grading, or other construction activities in the northeast portion of the project site at Lots 36, 37, 38, 39, and 47, it shall be tested by a registered hazardous waste professional to determine if the groundwater contains contamination, and if so, the appropriate method of treatment and/or disposal pursuant to the DTSC requirements. The City and the DTSC shall be notified by the project contractor immediately if discolored or odorous groundwater is encountered. When not under active construction or related activities, any open trenches containing contaminated water shall be covered to prevent human contact with contamination. Appropriate notices shall be posted at the project site to warn construction personnel and public of the presence of contaminated groundwater.

**In Construction Plans and Specifications. Prior to the issuance of Building and Grading Permits.**

**City of Fountain Valley Building & Safety Division**

### Mitigation Measure HAZ-2: Vapor Barrier Systems

The project construction plans, specifications, and building permits shall require vapor barrier systems be installed within Lots 36, 37, 38, 39, and 47, pursuant to California Department of Toxic Substances Control (DTSC) regulations. The vapor barrier system shall include a physical barrier under the foundations and a passive venting system for each of the identified lots. The vapor intrusion mitigation plan, reports, and other documents shall be prepared by a registered hazardous waste professional and submitted to DTSC for review and approval. Also, a long-term soils gas monitoring program shall be implemented by a registered hazardous waste professional pursuant to the DTSC Vapor Intrusion Mitigation Advisory, 2011. Additionally, regularly scheduled groundwater testing shall occur at a frequency determined by DTSC Vapor Intrusion Mitigation Advisory by a registered hazardous waste professional pursuant to DTSC regulations and be sent to DTSC for review and approval. The soils gas monitoring and groundwater testing shall continue until it can be adequately demonstrated that natural attenuation of the substances, and reduction of onsite contamination, is occurring, and pursuant to DTSC approval. All DTSC approvals, results of any monitoring/testing, and any final closures shall be provided to the City prior to receipt of applicable permits.

**In Construction Plans and Specifications. Prior to the issuance of Building Permits.**

**City of Fountain Valley Building & Safety Division**

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**HYDROLOGY AND WATER QUALITY**
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<td>PPP WQ-1: NPDES/SWPPP. Prior to issuance of any grading or demolition permits, the applicant shall provide the City Building and Safety Division evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site.</td>
<td>In Construction Plans and Specifications. Prior to the issuance of Grading and Demolition Permits.</td>
<td>City of Fountain Valley Building &amp; Safety Division</td>
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**NOISE**

| PPP N-1: Construction Noise. Project construction activities shall occur in compliance with Municipal Code Section 6.28.070, Special Provisions Construction activities, which states that construction shall occur between 7:00 a.m. and 8:00 p.m., Monday through Friday; or between 9:00 a.m. to 8:00 p.m. on Saturday; and at no time on Sunday or any legal holiday. | In Construction Plans and Specifications. Prior to the issuance of Grading and Building Permits. Ongoing during Construction Activities. | City of Fountain Valley Building & Safety Division |

| Mitigation Measure AQ-1: Demolition Plan. As listed above in Air Quality. | In Construction Plans and Specifications. Prior to the issuance of Demolition Permits. | City of Fountain Valley Building & Safety Division |

**PUBLIC SERVICES**


| PPP PS-1: Schools Development Impact Fees. Prior to issuance of building permit, the project shall pay applicable development fees levied by the Fountain Valley School District and the Huntington Beach Union High School District pursuant to the School Facilities Act (Senate Bill [SB] 50, Stats. 1998, c.407). | In Construction Plans and Specifications. Prior to the issuance of Building Permits. | City of Fountain Valley Building & Safety Division |
**Standard Condition/ Plan, Program, Policy/ Mitigation Measure** | **Timing** | **Responsible for Ensuring Compliance / Verification** | **Date Completed and Initials**
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**PPP PS-2: Park Fees.** As a condition of the approval of a tentative map, the project shall pay applicable park related fees pursuant to Municipal Code 21.78.070. | Prior to approval of a tentative map. | City of Fountain Valley Planning Division |  
**RECREATION**

| PPP PS-2: Park Fees. As listed above in Public Services. | Prior to approval of a tentative map. | City of Fountain Valley Planning Division |

**TRANSPORTATION**


**TRIBAL CULTURAL RESOURCES**


**Mitigation Measure TCR-1: Native American Monitoring.** Prior to the issuance of a permit for initial site clearing (such as pavement removal, grubbing, tree removals) or issuance of the first grading permit allowing ground-disturbing activities (including boring, grading, excavation, drilling, potholing or auguring, and trenching) the applicant shall provide a letter to the City Planning Department, or designee, from a qualified Native American Monitor(s) who has been approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government (Tribe) indicating that they have been retained to be present on-site during site clearing, excavation, and grading activities. The monitor shall be present at the pre-grading conference to conduct a Native American Indian Sensitivity Training for construction personnel. The training session shall include a handout and focus on how to identify Native American resources encountered during earthmoving activities and the procedures followed if resources are discovered. The Native American monitor(s) shall complete monitoring logs on a daily basis, providing descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when grading and excavation activities of native soil (i.e., previously undisturbed) are completed, or when the tribal representatives and monitor have indicated that the site has a low potential for tribal cultural resources, whichever occurs first. | In Construction Plans and Specifications. Prior to the issuance of Demolition and Grading Permits. Ongoing during Construction Activities. | City of Fountain Valley Planning Division |
Inadvertent discovery: In the event that tribal cultural resources are inadvertently discovered during ground-disturbing activities, work shall be halted within 50 feet of the find until it can also be evaluated by a qualified archaeologist in cooperation with a Native American monitor to determine if the potential resource meets the CEQA definition of historical (State CEQA Guidelines 15064.5(a)) and/or resource (Public Resources Code 21083.2(g)). Construction activities could continue in other areas. If the find is considered an “archeological resource” the archaeologist, in cooperation with a Native American monitor shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4. If unique a tribal cultural resource cannot be preserved in place or left in an undisturbed state, recovery, salvage and treatment shall be required at the project applicant’s expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation in an established accredited professional repository.

Human remains and funerary remains: Upon discovery of human remains, the tribal and/or archaeological monitor/consultant shall immediately divert work at a minimum of 150 feet from the discovery and place an exclusion zone around the discovery location. The monitor/consultant(s) shall then notify the Tribe, the qualified lead archaeologist, and the construction manager who shall call the coroner. Work shall continue to be diverted while the coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner shall notify the NAHC as mandated by state law who shall then appoint a Most Likely Descendent (MLD). Funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. Cremation soils are to be treated in the same manner as bone fragments that remain intact.
Prior to the continuation of ground disturbing activities, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or funerary remains and ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a guard should be posted outside of working hours. The Tribe shall make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials shall be removed. The Tribe shall work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations shall either be removed in bulk or by means as necessary to ensure complete recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does not authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

UTILITIES AND SERVICE SYSTEMS

PPP E-1: CalGreen Compliance. As listed above in Energy.
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<td><strong>PPP UT-1: AB 341.</strong> Implementation of the project shall comply with AB 341 that would divert a minimum of 75 percent of operational solid waste from landfill facilities.</td>
<td>In Construction Plans and Specifications. Prior to the issuance of Building Permits.</td>
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<td><strong>WILDFIRES</strong></td>
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<td><strong>PPP HAZ-1: Fire Code.</strong> As listed above in Hazards and Hazardous Materials.</td>
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RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY APPROVING GENERAL PLAN AMENDMENT NO. 20-01 FILED BY BROOKFIELD RESIDENTIAL TO CHANGE THE GENERAL PLAN MAP LAND USE DESIGNATION FROM PUBLIC FACILITIES AND PARK TO LOW DENSITY RESIDENTIAL, LOW MEDIUM DENSITY RESIDENTIAL, AND PARK FOR THE PROPERTY LOCATED AT 9790 FINCH AVENUE

WHEREAS, the Fountain Valley School District closed the Fred Moiola Elementary School in 2012 because of declining enrollment and in 2018, decided to sell the school site and selected Brookfield after an extensive vetting process; and

WHEREAS, Brookfield Residential (“Applicant”) has submitted a request to subdivide a 13-acre, former Fred Moiola Elementary School property, which is located at 9790 Finch Avenue, into 74 single-family residences with private streets and a 1.12-acre public park (“Project”); and

WHEREAS the Project includes the following applications in accordance with the Fountain Valley Municipal Code (FVMC):

• Per FVMC 21.34, a General Plan Amendment is required for a change in land use designation from Public Facilities and Park to Low Density Residential, Low Medium Density Residential, and Park for the approximate 13-acre project site.

• Per FVMC 21.34, a Zoning Map Amendment is required to rezone the property from PI – Public Institution to R1 – Single-Family Residential, GH – Garden Homes, and P/OS – Parks and Open Space with a Planned Development (PD) Overlay to allow for the development of 74 single-family residences.

• Per FVMC Section 21.66.030(a), a Tentative Tract Map is required for the subdivision of an existing parcel into five (5) or more parcels in compliance with FVMC Chapters 21.66 through 21.84. The Tentative Tract Map would subdivide the existing approximate 13-acre parcel into 80 total lots broken out between the following:
  • Ten (10) lots for lots 1-10 for single-family detached residences totaling 1.77 acres;
  • 64 lots for lots 11-74 for single-family detached residences totaling 6.90 acres;
  • One (1) lot for a public park totaling 1.12 acres;
  • Five (5) lots for private streets totaling 3.21 acres.

• Per FVMC Chapter 21.44, a Precise Plan is required for the development of any proposed structures in the city, except for structures in the R1 zoning district.

• Per FVMC Section 21.08.030 Table 2-2, a Conditional Use Permit (CUP) is required for the development of single-family dwellings in the GH - Garden Home zoning district.
• Approval of a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Plan (MMRP) to address the environmental impacts associated with this Project.

WHEREAS, the Project is located at 9790 Finch Avenue (APN# 157-033-15), which is formally described as “S TWP 5 RGE 10 SEC 31 SEC 31 T 5 R 10 POR SE1/4” or “Newport Beach United State Geological Survey (USGS) 7.5-Minute Quadrangle and Section 31, Township 5 South, Range 10 West” (“Site”); and

WHEREAS, the General Plan is a long-range, comprehensive blueprint that guides the orderly development and growth of the City of Fountain Valley; and

WHEREAS, by its very nature, the General Plan must be updated and refined to reflect changing community needs and attitudes; and

WHEREAS, the General Plan Amendment would change the General Plan Map land use designation from Public Facilities and Park to Low Density Residential, Low Density Residential, and Park as shown in Resolution No. ___, approved on ____; and

WHEREAS, the General Plan Amendment would change the General Plan designation from Public Facilities and Park to Low Density Residential, Low Medium Density Residential, and Park to allow for the development of 74 single family residences as shown in “Exhibit A” attached to this Resolution; and

WHEREAS, the City has complied with the requirements of the Government Code Section 65300 et seq., the current State of California General Plan Guidelines, and the City’s applicable ordinances with respect to review and consideration of the proposed Project, including the General Plan and Zoning map amendments (together “Amendments”); and

WHEREAS, per the California Environmental Quality Act (CEQA), the Fountain Valley Planning Commission recommended the City Council approved the accompanying MND and MMRP prepared for the Project in a separate action, as contained in Resolution 21-01, by a vote of 5-0 at its noticed public hearing on February 24, 2021; and

WHEREAS, the Planning Commission recommended the City Council approve General Plan Amendment 20-01 and Zoning Map Amendment No. 431, as contained in Resolution No. 21-03, by a vote of 5-0 at its noticed public hearing on February 24, 2021; and

WHEREAS, the Planning Commission approved Tentative Tract Map No. 19069, Precise Plan No. 559, and Conditional Use Permit No. 1882 in a separate action, as contained in Resolution 21-02, by a vote of 5-0 at its noticed public hearing on February 24, 2021, contingent upon City Council approval of General Plan Amendment 20-01, Zoning Map Amendment No. 431, and the MND and MMRP; and

WHEREAS, the Fountain Valley Planning Commission considered the Project and Amendments at its noticed public hearing on February 24, 2021; and

WHEREAS, per the California Environmental Quality Act (CEQA), the Fountain Valley City Council first considered the accompanying MND and MMRP prepared for the Project in a separate action, as contained in Resolution ___, at its noticed public hearing on March 16, 2021;
and

WHEREAS, the City Council first considered General Plan Amendment No. 20-01 at its noticed public hearing on March 16, 2021; and

WHEREAS, the proposed General Plan Amendment No. 20-01 has been publicly noticed in accordance with State Law and the Fountain Valley Municipal Code; and

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

SECTION 1

The City Council finds that due notice of the public hearing on March 16, 2021, conducted in the Council Chambers, City Hall, 10200 Slater Avenue, was given as required by the FVMC, Title 21, and the Statutes of the State of California.

SECTION 2

Prior to consideration of the General Plan Amendment and as contained in Resolution No. _____, the City Council found that the Project and Amendments would not have a significant adverse effect upon the environment and recommended approval of the MND and MMRP prepared for the Project. The City Council further found that the MMRP will ensure compliance during project implementation in that changes to the Project and/or mitigation measures have been incorporated into the Project and are fully enforceable through permit conditions, agreements, or other measures as required by Public Resources Code Section 21081.6.

The MND was circulated for public review from December 3, 2020 to January 2, 2021, and made available to the public and the City Council for review and consideration. The City Council has reviewed the MND, together with all comments and responses to those comments, and MMRP, and has found that the environmental document considers all environmental effects of the proposed Project, is complete and adequate, and fully complies with all requirements of CEQA and the CEQA Guidelines.

The City Council, as the Lead Agency, arrived at its independent judgement and found that on the basis of the MND and any comments received that there is no substantial evidence that the Project will have a significant adverse impact on the environment provided that the mitigation measures identified in the environmental document are incorporated into the Project.

SECTION 3

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

1. The proposed amendments ensure and maintain internal consistency with the actions, goals, objectives and policies of the general plan, and would not create any inconsistencies with this title, in the case of a title amendment.
Goal 2.5 of the City’s Current General Plan discusses that the City should “Protect and enhance existing well-maintained neighborhood areas”. The Project site is mainly surrounded by existing single-family residential homes and an existing commercial development to the east. The proposed Moiola Park community would protect the single-family detached nature of the area and provide a new and highly functional approximately 1.12 acre park. Lots 1-10 along the western side of the Project will be zoned R1 – Single-Family Residential with minimum lot sizes of 7,200 square feet consistent with the abutting single-family homes to the west of the Project on Redwood Street. The rest of the homes in the Project (Lots 11-74) will be zoned GH – Garden Homes and will be detached single family residences on lots ranging from 4,350 to 5,313 square feet with an average lot size of 4,700 square feet.

Policy 2.6.1 discusses that the City should “Promote residential, commercial and industrial development which achieves harmony without monotony in the built environment”. The Moiola Park Residences community proposes new single-family detached homes of a similar density (overall density of 5.7 du/ac consisting of 4.72 du/ac for lots 1-10 and 6.69 du/ac for lots 11-74) as the neighboring homes (5 du/ac). Additionally, the Moiola Park Residences will provide various plans and styles to offer future residents a range of housing options. The community will also include an approximate 1.12-acre public park that will be available for the new Moiola Park Residences community as well as the public.

The Amendments will facilitate the development of new housing stock that is consistent in layout, separation, design, height, and style to nearby residences and which will provide additional housing opportunities for current and future residents. The Amendments require and the Project has been designed to meet the development standards of the R1 and GH zoning district with the approval of a Planned Development (PD) Overlay. The PD Overlay will include three components to: (1) allow for flexibility on the maximum coverage in the GH zoning (increase from a maximum of 30% to a maximum of 33% coverage), (2) allow a greater ratio of 2nd story building area to 1st story building for Lot 10 in the R1 zoning (increase from a maximum of 70% to 97%), and (3) to allow tandem parking for Plans 3 and 4.

FVMC 21.14.060(a) allows for the PD designation to be applied in areas where the city has determined that flexibility in the application of development standards may produce development projects of higher quality than might be achieved through the strict application of the development standards required by the primary zoning district. FVMC 21.14.060(d) states that Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be established in general compliance with the requirements of the primary zoning district and other applicable development standards (e.g., landscaping, parking and loading, etc.) in Chapters 21.16 through 21.30 of this title.

The first PD Overlay will provide a variation in the total site coverage from 30% to 33% to accommodate the planned 32.6% site coverage in the GH zone. The project will provide for an attractive and high quality neighborhood with private streets, bulbed intersections, and enriched landscaping.

The second PD Overlay will allow Lot 10 to be built to a 97% ratio rather than the maximum 70% ratio in the R1 zone. This request will allow Brookfield Residential to construct a Plan 3 house from their proposed GH Zone on the proposed oddly shaped
R1 zoned Lot 10 to help achieve a consistent rear setback with Lots 1-9 in the R1 zone. Lot 10 is the largest lot (over 11,600 square feet) in the subdivision but is a pit shaped lot with a narrow street frontage, which requires a larger front yard setback. To avoid setting the home closer to the existing homes along Redwood Street, lot 10 includes a smaller home with more 2nd story square footage than the other Plan 4 homes along the westerly side (Lots 1 – 9). This allows the home to maintain a minimum setback of 35 feet consistent with the rear setbacks of Lots 1-9 to maximize privacy to the existing homes on Redwood Street. The larger amount of 2nd story square footage results in a higher ratio of 2nd story square footage to 1st story square footage—97%—than the R1 zone allows (70%); therefore, included in the PD Overlay is an increased ratio to allow the proposed plan on lot 10.

Lastly, the third PD Overlay request will allow tandem garages in 23 Plan 3 and nine Plan 4 Lots that will allow a 3-car garage configuration with two side-by-side vehicle spaces and a tandem space to satisfy the 3-car garage requirement. FVMC 21.22.040 Table 3-3 states that for single-family homes with five bedrooms or more must have a minimum of three enclosed parking spaces. The proposed tandem configuration creates a more attractive home façade aesthetic as it reduces the garage-dominated façade provided with a 3-car side-by-side garage. A 3-car side-by-side garage would consume over 50% of the façade width of both Plan 3 and 4 home plans. Specifically, 75% of the Plan 3 façade width would be consumed by a 3-car side-by-side garage width and 60% of the Plan 4 façade would be consumed by a 3-car side-by-side garage width. The proposed driveways allow for easy reconfiguration of the cars in the tandem configuration without impeding traffic in the street. The car in the forward position can back out into the driveway to allow the car in the tandem position to exit and go around the car in the driveway and leave the property. Lastly, CC&Rs for the Moiola Park Residences community will include provisions that require full use of parking spaces in the garages for vehicles, not storage, and the HOA will enforce those provisions.

The Project will create a safe environment by providing new infrastructure including storm drain, sewer, and off-site improvements such as new sidewalks and streetlights. The proposed density and ratio variations allow the Project to dedicate the park and develop it at no cost to the City, produce additional housing, bring more customers in close proximity to the adjacent commercial center, and meet most all other development objectives of the site. For these reasons outlined, the PD Overlay designation will deliver a higher quality community than conventional zoning.

Policy 2.7.1 of the City’s General Plan states that residential development should “encourage creative site planning in residential development offering open space for semi-private, passive and active recreational uses.” The Project will include an approximate 1.12-acre public park in addition to the proposed residential homes. The public park will provide a shade trellis, picnic tables, BBQ’s, park benches, shade trees, a tot lot, and an open lawn area that will provide space for informal sports, games, and leisure, and small turf mounds to act as playful landscape features and seating slopes. Lighting will consist of pole lights and up-lights of the entry sign and of signature trees. Concrete walkways will provide access across the park and wrap around the tot lot with nature play equipment and wood fiber surfacing. The park is planned to be a public park and maintained by the City with funding provided by Brookfield for an initial term. The addition of open space is consistent with Goal 2.7 of this project being a well-designed new residential development.
Policy 2.9.1 discusses that the City should “encourage landscaping to enhance streetscapes”. The proposed development will include offsite improvements to a portion of the Finch Avenue right-of-way consisting of an enhanced parkway with a new sidewalk and landscaping as well as new private parkways and sidewalks within the rest of the development. The addition of a new sidewalk and landscaping would be consistent with Goal 2.9 of the General Plan as the project encourages landscaping to enhance streetscapes.

Policy 2.10.1 mentions to “provide pedestrian corridors for convenience and recreation”. The existing pedestrian bridge over the OCFD channel on the southeastern portion of the site is proposed to be retained. This will enhance already established pedestrian connections to and through the property, facilitating public access to the proposed public park. Retaining the existing pedestrian bridge would be consistent with Goal 2.10 of safe and attractive pedestrian facilities as it will contribute to the safety of pedestrians accessing the proposed public park and contributes to the overall walkability of the neighborhood.

Policy 4.1.2 discusses the desire to “continue to develop neighborhood and community parks as well as special facilities such as interpretive nature parks, and bicycles or hiking trails”. The addition of the proposed public park to the existing residential community and in the Moiola Park Residences project will be consistent with Goal 4.1 as it will provide park and recreation opportunities that enable residents of all ages to use their leisure time in a rewarding, relaxing and creative manner. The park will utilize the space to maximize the public’s benefit as it promotes recreational activity in the neighborhood.

Policy 2.1.1 discusses to “encourage variety, quality, consistency and innovation in land use practice”. The proposed project is compatible with the surrounding land uses as it is mainly surrounded by existing single-family residential homes and an existing commercial development to the east. The project is compatible with existing uses adjacent to the project site and the close proximity of the commercial development to the east contributes to there being a variety of land uses in the area. Additionally, a PD Overlay is proposed to allow for the development of the 74 single-family residential community that will: 1) allow flexibility on the maximum coverage in the GH zoning (increase from a maximum of 30% to a maximum of 33% coverage), and 2) allow a greater ratio of 2nd story building area to 1st story building for Lot 10 in the R1 zoning (increase from a maximum of 70% to 97%), and 3) to allow tandem parking for Plans 3 and 4. Garden Home Zoning Districts permit one and two dwelling units with a minimum lot size of 1,800 square feet and maximum permitted density of 10.8 units per acre. The proposed lot sizes would range from 4,500 SF up to 5,240 SF, with a density of approximately 6.69 units per acre. In the western portion of the site with R1 zoning, the minimum lot size would be 7,200 SF with a density of 4.7 units per acre. These homes also have generous rear setbacks—a minimum of 43 feet to the rear of the homes for lots 1 – 9 and 35 feet for lot 10—which are greater than the 25-foot rear yard requirement in the zone.

The Project will also meet most Residential Infill Guidelines adopted by the City Council on November 14, 1989, that address architectural compatibility, lot coverage, two-story units, perimeter block wall, and driveway approaches. A breakdown of how the project meets these requirements can be found below.
1. Architectural Compatibility

a. Architectural design of the new housing structure shall be architecturally compatible with the surrounding neighborhood.

The proposed Moiola Park Residences would be a maximum of two stories and approximately 27.4 (Plan 3 Spanish elevation) feet in height. Residences on the west side of the Project (Lots 1-9), in the proposed R1 zone, would have one-story elements such as one-story roof lines and a split-level house design, similar to the existing residences in the area. Residences to the west and northwest of the site, located on Redwood Street, include a mixture of one and two-story homes. Residences to the north along Callens Circle consist of two-story residences. Residences to the south along Red River Circle and at the end of the Mt Cimarron Street are mostly two-story homes with some one-story residences. Similar exterior materials, such as stucco with wood, rock and/or brick accent treatments, and roofing are proposed in the Project as can be found in the adjacent residences. Elements of the proposed Ranch, Cottage, and Spanish architectural styles also can be found in many of the nearby existing homes.

b. Variety of elevations and floor plans, including one- and two-story units.

The Moiola Park Residences would range in size from approximately 2,696 square feet (sf) to 3,375 sf and include four different two-story floor plan options. The residences on the west side of the project (Lots 1-9) will have single-story elements which provide architectural interest, varied elevations and reduce massing; however only two-story residences are proposed. Therefore, the project is not completely consistent with this guideline at the project site level.

However, when viewed at the areawide level, the project is visually compatible with homes on surrounding streets. The existing residences to the north and west of the site along Redwood Street include a mixture of one and two-story homes. The residences to the north along Callens Circle (that are also subject to these Infill Guidelines) consists only of two-story residences. Residences to the south along Red River Circle and at the end of the Mt. Cimarron Street are mostly two-story homes with some one-story residences. In addition, the recently approved Villa Serena (that is subject to the infill guidelines) consists of all two-story residences.

Because the proposed residences have one-story elements and are located within an area of both one-story and two-story residences, including tracts of new two-story homes, the project would not conflict with this architectural compatibility guideline.

c. Abutting units may not utilize the same exterior elevation.
The Moiola Park Residences would include four different two-story floor plan options and adjacent residences would not have the same exterior elevation. The proposed residences on the west side of the site (Lots 1-19) would be Plan 4 residences with three different architectural styles (Ranch, Cottage, and Spanish). Throughout the entire site, abutting units would not utilize the same exterior elevation.

d. Staggered front yard setbacks shall be incorporated into the design of the subdivisions so no abutting units have similar front yard setbacks. If a curved street condition exists, similar setbacks may be considered.

Front yard setbacks in the Project vary from 15 feet to over 20 feet, which results in a staggered appearance. Therefore, no abutting homes share the same setbacks. Several planting schemes are also proposed (correlated to building style/type) that would ensure variety in aesthetics. Since no identical elevations would be plotted adjacent to one another, no front yard landscape would be identical to the neighboring ones either.

2. Lot Coverage Permitted

a. Total lot coverage for the main structure including garage, patio and room addition shall not exceed 45% (forty five percent) of the total lot area.

The Project coverage is 32.6% for the GH zone and 32% in the R1 zone.

3. Two Story Units

a. When new two-story units are constructed abutting existing single-story units, the new units shall modify the window structure and location of windows to ensure compatibility. Methods which may be considered include (1) location of window, (2) spandrel or opaque glass, (3) architectural relief of the rear of the unit, and (4) installation of mature landscaping to the rear of the lot.

Lots 1-10 in the Moiola Park Residences are adjacent to both two-story and single-story structures along Redwood Street. All other proposed homes in the Project do not abut existing single-story units. The window placement and frosted glazing treatment of the proposed Moiola Park Residences on Lots 1-10 is consistent with the two story units requirements.

b. The floor area of the second story shall not be larger and/or equal to the area of the ground floor.

The floor area of the second story of each plan in the Moiola Park Residences project would be smaller than the area of the ground floor when including garage and vaulted ceiling areas consistent with the ‘Ratio of 2nd story building area to 1st story building’ requirements of FVMC 21.08.040, Table 2-3 with ratios ranging from 63% to 97%. Consistent with R1 zoning requirements, lots
1-9 will provide a ratio of 63%. Lot 10 in the R1 zone is a part of the PD Overlay request to exceed the maximum ratio in the R1 zone with a ratio of 97% but will provide a larger rear setback consistent with the other R1 lots (Lots 1-9) in the Project. Lots 11-74 will provide 2nd to 1st story ratios between 77% - 97%.

4. Perimeter Block Wall
   - Perimeter Block Wall – 6-foot block for perimeter of tract.
     a. Block wall(s) shall be a minimum of 6 feet from highest grade elevation.

The Project proposes to use existing walls where they are in place along the eastern boundary, to construct a new perimeter wall abutting the existing walls along the western boundary, and to build a 6-foot high block wall along the southerly boundary. Consistent with this requirement, the existing walls are generally 6 feet or taller within the project site; however, if the proposed grading would result in the wall height being less than 6 feet within the project site, the wall height would be increased to 6 feet or replaced with a new 6-foot wall. All 6-foot high block walls around the perimeter of the site would be a minimum of 6-feet from the highest elevation. The proposed residences facing Finch Avenue would not have a front yard wall.

b. Existing non-masonry wall and/or fence (chain link or wooden) shall be removed and construct new 6 ft. solid masonry wall.

The project includes development of a 6-foot high block wall around the perimeter of the site.

c. Fence detail shown on preliminary grading.

The detail of the 6-foot high block wall is shown on preliminary grading plans.

d. Type of material shall be either split-face or slump-stone block.

The 6-foot high block wall would be constructed of split-face or slump-stone block.

e. Lateral walls interior-solid masonry walls shall be provided on all side and rear property lines.

Solid masonry walls would be provided on all side and rear property lines.

5. Driveway Approach and Recreational Vehicle Access

a. All driveway approaches shall be constructed of concrete.

All driveway approaches would be constructed of concrete.

b. All R1 units shall incorporate a minimum side yard of 10 ft. on the garage side.
The lots proposed for R1 zoning (Lots 1-10) include side yard setbacks on the garage side of only 5 feet, which is less than the 10-foot minimum. However, adequate room for circulation to and from the drive isles and garages would be verified by the City’s traffic engineering review of project plans. Therefore, although inconsistent, the project would not conflict with this driveway approach and recreational vehicle access guideline.

c. Garages with setbacks of 20 feet or less shall utilize roll up doors for all doors, with an automatic garage door opener. Garages with setbacks greater than 20 feet may utilize swing-up garage doors.

All garages would have roll up doors with an automatic garage door opener.

d. In the event a three-car garage is adjacent to a three-car garage, the developer shall submit landscape plans as part of the application package.

The project only includes three-car garages adjacent to other three-car garages in the R1 zone (Lots 1-10). These homes will not provide the typical side by side by side three-car garage orientation but will instead provide tandem garages as a part of the Planned Development Overlay for the project. Nevertheless, the developer has provided typical front yard landscaping designs for Lots 1-10 as a part of their application package.

Policy 12.14.1 discusses “meeting community needs in the City for public safety, law enforcement, and fire prevention by providing adequate resources for prevention, detection, investigation and response to calls for service”. Due to the project site being currently vacant, development of the proposed 74 single-family residences would result in an incremental increase in demands on law enforcement services. However, the increase would not be significant when compared to the current demand levels. The residential population of the project site at full occupancy would be approximately 221 residents and based on the Police Department’s staffing of 1.02 officers per thousand population, the proposed project would require 0.23 percent of an additional officer. Furthermore, implementation of the Precise Plan and Tentative Tract Map would be required to adhere to the California Building and California Fire Code, as included in the City’s Municipal Code Chapter 17 and 18. As part of the permitting process, the Project plans would be reviewed by the City’s Building and Safety Division and Fire Departments to ensure that the project plans meet building and fire protection requirements. Therefore, the proposed project would meet community needs for public safety, law enforcement, and fire prevention.

Policy 2.14.2 of the General Plan discusses that the project should “work with water services, sewer, and flood control agencies to ensure the adequate maintenance of infrastructure facilities and provision for future maintenance and possible replacement or repair of such facilities”. Existing water and sewer infrastructure along Finch Avenue will serve the proposed community. Private domestic water lines, private fire water lines, and public sanitary sewer lines are proposed to run throughout the site. A new sewer lift station is also proposed at the northern end of the site to provide adequate domestic
sewer access per the City of Fountain Valley Municipal Code. In addition, the project would provide individual trash bins to each single-family residence: one for trash and one for recyclables, which will be picked up at the street in front of each home. Further, The Project would construct an onsite private storm drain system that would provide treatment for all the of the proposed single-family residences. The storm water quality would be treated by six modular wetland facilities dispersed throughout the site. Storm water will continue to outlet into the flood control channel; however, not until after the storm water is treated through the modular wetlands pursuant to NPDES requirements. The existing outlets to the channel will be relocated to support the Project and therefore will be consistent with Goal 2.14 as it will insure the maintenance or improvement of the existing quality of life in Fountain Valley.

Policy 2.14.4 of the General Plan discusses to “achieve an integrated, balanced, safe, and efficient transportation system that accommodates the demand for movement of people, goods, and services”. Access to the Project site will remain accessible via Finch Avenue, with Lots 39-42 fronting directly onto Finch Avenue, and the balance of the homes accessed from the four proposed private streets within the site. Regional access to the Project site is provided by the I-405 freeway via Ellis Avenue, located approximately 1.6 miles to the northeast and State Route 39 (SR-39) via Ellis Avenue, located 2.6 miles to the west. The proposed project is consistent with this goal as it would provide adequate access to services and major streets connecting to the project site. In addition, the proposed streets will accommodate the movement of people, goods, and services in the vicinity of the new residential neighborhood.

2. The proposed amendments would not be detrimental to the public convenience, health, interest, safety or welfare of the city.

The proposed General Plan and Zoning Map Amendments will change the existing use from a closed school site to single-family residences and a park use. These uses will not be directly detrimental to the health, safety or general welfare of the community since the residential uses are similar to the existing homes in terms of density, layout, and massing and the park will benefit the area by providing an improved recreational use in the area.

As noted above in Finding #1, the Amendments will facilitate the development of new housing stock that is consistent in layout, separation, design, height, and style to nearby residences and which will provide additional housing opportunities for current and future residents. The proposed Project will create a safe environment by providing new infrastructure including storm drain, sewer, and off-site improvements such as new sidewalks and street lights. The Amendments require and the Project has been designed to meet the development standards of the R1 and GH zoning districts with the approval of the Planned Development (PD) Overlay to allow for to allow for flexibility on the maximum coverage in the GH zoning (increase from a maximum of 30% to a maximum of 33% coverage), to allow a greater ratio of 2nd story building area to 1st story building for Lot 10 in the R1 zoning (increase from a maximum of 70% to 97%), and to allow tandem parking for Plans 3 and 4. In addition, the Amendments require and the Project has been designed to comply with contemporary building, safety, water quality, and energy efficiency standards. Lastly, the existing pedestrian bridge over the OCFD channel on the southeastern portion of the site is proposed to be retained which will enhance already established pedestrian connections to and through the property, thus facilitating public access to the proposed public park.
3. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city’s environmental review procedures.

As contained in Resolution ____, a MND and MMRP were prepared and incorporated into the Project. The City Council finds that the MMRP will mitigate or avoid potential significant impacts created by the Project. The MND was circulated for public review from December 3, 2020, to January 2, 2021, and considered prior to consideration of the Project and Amendments.

4. The site(s) is/are physically suitable (including access, provision of utilities, compatibility with adjoining land uses and absence of physical constraints) for the requested zoning designation(s) and anticipated land use development(s).

The site is appropriate to accommodate the Project with the proposed Amendments. As detailed in the Staff Report for the Project, the Project is of an appropriate size (approximately 13 acres) and is adequately designed to accommodate ten (10) single-family residences zoned R1 (Single-Family Residential) with a General Plan Designation of Low Density Residential, 64 single-family residences zoned GH (Garden Homes) with a General Plan Designation of Low-Medium Density Residential, and a 1.12-acre park zoned P/OS (Parks and Open Space) with a General Plan Designation of Park. The Moiola Park Residences community proposes single-family residential homes at a similar density as the neighboring homes to the west, north, and south of the Project with an overall Project density of 5.7 du/ac with a density of 4.72 du/ac for lots 1-10 (less than the maximum 5 du/ac in the R1 zone) and 6.69 du/ac for lots 11-74 (less than the maximum 10.8 du/ac in the GH zone). Safe access to the residential development is provided from Finch Avenue with internal circulation through the proposed private streets in the development. Additionally, pedestrian access will also be provided from the pedestrian bridge over the Flood Control Channel to Mt. Cimarron Circle. Utilities will be provided to serve the demands of the Project.

5. The proposed amendment is internally consistent with other applicable provisions of this title.

The proposed Amendments ensure consistency between the General Plan and Zoning Map land use designations, and the Fountain Valley Municipal Code.

SECTION 4

The City Council hereby amends the Land Use Element of the Fountain Valley General Plan for an approximate 13-acre property from Public Facilities and Park to Low Density Residential, Low Medium Density Residential, and Park for the development of 74 single-family residences as set forth in "Exhibit A", and attached hereto.

SECTION 5

The City Clerk is hereby authorized to make the documents adopting or amending the plan, including the diagrams and text, available to the public for inspection per Government Code Section 65357.
PASSED, APPROVED AND ADOPTED THIS 16TH DAY OF MARCH, 2021.

ATTEST:

_________________________________________________________  ________________________________
Rick Miller, City Clerk                                           Michael Vo, Mayor

APPROVED AS TO FORM

HARPER & BURNS LLP

_________________________________________________________
Colin Burns, Attorneys for the City

ATTACHED: “EXHIBIT A”
Exhibit A

Existing General Plan Map Designation

Proposed General Plan Map Designation
ORDINANCE NO.__________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY APPROVING ZONING MAP AMENDMENT NO. 431 TO CHANGE THE ZONING MAP DESIGNATION FROM PI – PUBLIC INSTITUTION TO R1 – SINGLE-FAMILY RESIDENTIAL, GH – GARDEN HOMES, AND P/OS – PARKS AND OPEN SPACE WITH A PLANNED DEVELOPMENT (PD) OVERLAY FOR AN INCREASE IN THE MAXIMUM LOT COVERAGE FROM 30% TO 33% IN THE GH ZONE, AN INCREASE OF THE 2ND TO 1ST STORY RATIO FOR LOT 10 IN THE R1 ZONE FROM A MAXIMUM 70% TO 97%, AND THE ALLOWANCE OF TANDEM GARAGES IN PLANS 3 AND 4 IN BOTH THE R1 AND GH ZONES LOCATED AT 9790 FINCH AVENUE

WHEREAS, the Fountain Valley School District closed the Fred Moiola Elementary School in 2012 because of declining enrollment and in 2018, decided to sell the school site and selected Brookfield after an extensive vetting process; and

WHEREAS, Brookfield Residential (“Applicant”) has submitted a request to subdivide a 13-acre, former Fred Moiola Elementary School property, which is located at 9790 Finch Avenue, into 74 single-family residences with private streets and a 1.12-acre public park (“Project”); and

WHEREAS the Project includes the following applications in accordance with the Fountain Valley Municipal Code (FVMC):

• Per FVMC 21.34, a General Plan Amendment is required for a change in land use designation from Public Facilities and Park to Low Density Residential, Low Medium Density Residential, and Park for the approximate 13-acre project site.

• Per FVMC 21.34, a Zoning Map Amendment is required to rezone the property from PI – Public Institution to R1 – Single-Family Residential, GH – Garden Homes, and P/OS – Parks and Open Space with a Planned Development (PD) Overlay to allow for the development of 74 single-family residences.

• Per FVMC Section 21.66.030(a), a Tentative Tract Map is required for the subdivision of an existing parcel into five (5) or more parcels in compliance with FVMC Chapters 21.66 through 21.84. The Tentative Tract Map would subdivide the existing approximate 13-acre parcel into 80 total lots broken out between the following:
  • Ten (10) lots for lots 1-10 for single-family detached residences totaling 1.77 acres;
  • 64 lots for lots 11-74 for single-family detached residences totaling 6.90 acres;
  • One (1) lot for a public park totaling 1.12 acres;
  • Five (5) lots for private streets totaling 3.21 acres.

• Per FVMC Chapter 21.44, a Precise Plan is required for the development of any proposed structures in the city, except for structures in the R1 zoning district.
• Per FVMC Section 21.08.030 Table 2-2, a Conditional Use Permit (CUP) is required for the development of single-family dwellings in the GH - Garden Home zoning district.

• Approval of a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Plan (MMRP) to address the environmental impacts associated with this Project.

WHEREAS, the Project is located at 9790 Finch Avenue (APN# 157-033-15), which is formally described as “S TWP 5 RGE 10 SEC 31 SEC 31 T 5 R 10 POR SE1/4” or “Newport Beach United State Geological Survey (USGS) 7.5-Minute Quadrangle and Section 31, Township 5 South, Range 10 West” (“Site”); and

WHEREAS, the General Plan is a long-range, comprehensive blueprint that guides the orderly development and growth of the City of Fountain Valley; and

WHEREAS, by its very nature, the General Plan must be updated and refined to reflect changing community needs and attitudes; and

WHEREAS, the General Plan Amendment would change the General Plan Map land use designation from Public Facilities and Park to Low Density Residential, Low Density Residential, and Park as shown in Resolution No. ____, approved on ____; and

WHEREAS, the Zoning Map Amendment would change the Zoning Map designation from PI – Public Institution to R1 – Single-Family Residential, GH – Garden Homes, and P/OS – Parks and Open Space with a Planned Development (PD) Overlay to allow for the development of 74 single family residences as shown in "Exhibit A" attached to this Ordinance; and

WHEREAS, the City has complied with the requirements of the Government Code Section 65300 et seq., the current State of California General Plan Guidelines, and the City’s applicable ordinances with respect to review and consideration of the proposed Project, including the General Plan and Zoning map amendments (together “Amendments”); and

WHEREAS, per the California Environmental Quality Act (CEQA), the Fountain Valley Planning Commission recommended the City Council approved the accompanying MND and MMRP prepared for the Project in a separate action, as contained in Resolution 21-01, by a vote of 5-0 at its noticed public hearing on February 24, 2021; and

WHEREAS, the Planning Commission recommended the City Council approve General Plan Amendment 20-01 and Zoning Map Amendment No. 431, as contained in Resolution No. 21-03, by a vote of 5-0 at its noticed public hearing on February 24, 2021; and

WHEREAS, the Planning Commission approved Tentative Tract Map No. 19069, Precise Plan No. 559, and Conditional Use Permit No. 1882 in a separate action, as contained in Resolution 21-02, by a vote of 5-0 at its noticed public hearing on February 24, 2021, contingent upon City Council approval of General Plan Amendment 20-01, Zoning Map Amendment No. 431, and the MND and MMRP; and

WHEREAS, the Fountain Valley Planning Commission considered the Project and
WHEREAS, per the California Environmental Quality Act (CEQA), the Fountain Valley City Council first considered the accompanying MND and MMRP prepared for the Project in a separate action, as contained in Resolution ____, at its noticed public hearing on March 16, 2021; and

WHEREAS, the City Council first considered Zoning Map Amendment No. 431 at its noticed public hearing on March 16, 2021; and

WHEREAS, the proposed Zoning Map Amendment No. 431 has been publicly noticed in accordance with State Law and the Fountain Valley Municipal Code; and

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

SECTION 1

The City Council finds that due notice of the public hearing on March 16, 2021, conducted in the Council Chambers, City Hall, 10200 Slater Avenue, was given as required by the FVMC, Title 21, and the Statutes of the State of California.

SECTION 2

Prior to consideration of the Zoning Map Amendment and as contained in Ordinance No. _____, the City Council found that the Project and Amendments would not have a significant adverse effect upon the environment and recommended approval of the MND and MMRP prepared for the Project. The City Council further found that the MMRP will ensure compliance during project implementation and that changes to the Project and/or mitigation measures have been incorporated into the Project and are fully enforceable through permit conditions, agreements, or other measures as required by Public Resources Code Section 21081.6.

The MND was circulated for public review from December 3, 2020, to January 2, 2021, and made available to the public and the City Council for review and consideration. The City Council has reviewed the MND, together will all comments and responses to those comments, and MMRP, and has found that the environmental document considers all environmental effects of the proposed Project, is complete and adequate, and fully complies with all requirements of CEQA and the CEQA Guidelines.

The City Council, as the Lead Agency, arrived at its independent judgement and found that on the basis of the MND and any comments received that there is no substantial evidence that the Project will have a significant adverse impact on the environment provided that the mitigation measures identified in the environmental document are incorporated into the Project.

SECTION 3
Pursuant to Fountain Valley Municipal Code section 21.34.050 the City Council does hereby find as follows:

1. The proposed amendments ensure and maintain internal consistency with the actions, goals, objectives and policies of the general plan, and would not create any inconsistencies with this title, in the case of a title amendment.

Goal 2.5 of the City’s Current General Plan discusses that the City should “Protect and enhance existing well-maintained neighborhood areas”. The Project site is mainly surrounded by existing single-family residential homes and an existing commercial development to the east. The proposed Moiola Park community would protect the single-family detached nature of the area and provide a new and highly functional approximately 1.12 acre park. Lots 1-10 along the western side of the Project will be zoned R1 – Single-Family Residential with minimum lot sizes of 7,200 square feet consistent with the abutting single-family homes to the west of the Project on Redwood Street. The rest of the homes in the Project (Lots 11-74) will be zoned GH – Garden Homes and will be detached single family residences on lots ranging from 4,350 to 5,313 square feet with an average lot size of 4,700 square feet.

Policy 2.6.1 discusses that the City should “Promote residential, commercial and industrial development which achieves harmony without monotony in the built environment”. The Moiola Park Residences community proposes new single-family detached homes of a similar density (overall density of 5.7 du/ac consisting of 4.72 du/ac for lots 1-10 and 6.69 du/ac for lots 11-74) as the neighboring homes (5 du/ac). Additionally, the Moiola Park Residences will provide various plans and styles to offer future residents a range of housing options. The community will also include an approximate 1.12-acre public park that will be available for the new Moiola Park Residences community as well as the public.

The Amendments will facilitate the development of new housing stock that is consistent in layout, separation, design, height, and style to nearby residences and which will provide additional housing opportunities for current and future residents. The Amendments require and the Project has been designed to meet the development standards of the R1 and GH zoning district with the approval of a Planned Development (PD) Overlay. The PD Overlay will include three components to: (1) allow for flexibility on the maximum coverage in the GH zoning (increase from a maximum of 30% to a maximum of 33% coverage), (2) allow a greater ratio of 2nd story building area to 1st story building for Lot 10 in the R1 zoning (increase from a maximum of 70% to 97%), and (3) to allow tandem parking for Plans 3 and 4.

FVMC 21.14.060(a) allows for the PD designation to be applied in areas where the city has determined that flexibility in the application of development standards may produce development projects of higher quality than might be achieved through the strict application of the development standards required by the primary zoning district. FVMC 21.14.060(d) states that Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be established in general compliance with the requirements of the primary zoning district and other applicable development standards (e.g., landscaping, parking and loading, etc.) in Chapters 21.16 through 21.30 of this title.
The first PD Overlay will provide a variation in the total site coverage from 30% to 33% to accommodate the planned 32.6% site coverage in the GH zone. The project will provide for an attractive and high quality neighborhood with private streets, bulb intersections, and enriched landscaping.

The second PD Overlay will allow Lot 10 to be built to a 97% ratio rather than the maximum 70% ratio in the R1 zone. This request will allow Brookfield Residential to construct a Plan 3 house from their proposed GH Zone on the proposed oddly shaped R1 zoned Lot 10 to help achieve a consistent rear setback with Lots 1-9 in the R1 zone. Lot 10 is the largest lot (over 11,600 square feet) in the subdivision but is a pit shaped lot with a narrow street frontage, which requires a larger front yard setback. To avoid setting the home closer to the existing homes along Redwood Street, lot 10 includes a smaller home with more 2nd story square footage than the other Plan 4 homes along the westerly side (Lots 1 – 9). This allows the home to maintain a minimum setback of 35 feet consistent with the rear setbacks of Lots 1-9 to maximize privacy to the existing homes on Redwood Street. The larger amount of 2nd story square footage results in a higher ratio of 2nd story square footage to 1st story square footage—97%—than the R1 zone allows (70%); therefore, included in the PD Overlay is an increased ratio to allow the proposed plan on lot 10.

Lastly, the third PD Overlay request will allow tandem garages in 23 Plan 3 and nine Plan 4 Lots that will allow a 3-car garage configuration with two side–by-side vehicle spaces and a tandem space to satisfy the 3-car garage requirement. FVMC 21.22.040 Table 3-3 states that for single-family homes with five bedrooms or more must have a minimum of three enclosed parking spaces. The proposed tandem configuration creates a more attractive home façade aesthetic as it reduces the garage-dominated façade provided with a 3-car side-by-side garage. A 3-car side-by-side garage would consume over 50% of the façade width of both Plan 3 and 4 home plans. Specifically, 75% of the Plan 3 façade width would be consumed by a 3-car side-by-side garage width and 60% of the Plan 4 façade would be consumed by a 3-car side-by-side garage width. The proposed driveways allow for easy reconfiguration of the cars in the tandem configuration without impeding traffic in the street. The car in the forward position can back out into the driveway to allow the car in the tandem position to exit and go around the car in the driveway and leave the property. Lastly, CC&Rs for the Moiola Park Residences community will include provisions that require full use of parking spaces in the garages for vehicles, not storage, and the HOA will enforce those provisions.

The Project will create a safe environment by providing new infrastructure including storm drain, sewer, and off-site improvements such as new sidewalks and streetlights. The proposed density and ratio variations allow the Project to dedicate the park and develop it at no cost to the City, produce additional housing, bring more customers in close proximity to the adjacent commercial center, and meet most all other development objectives of the site. For these reasons outlined, the PD Overlay designation will deliver a higher quality community than conventional zoning.

Policy 2.7.1 of the City’s General Plan states that residential development should “encourage creative site planning in residential development offering open space for semi-private, passive and active recreational uses.” The Project will include an
approximate 1.12-acre public park in addition to the proposed residential homes. The public park will provide a shade trellis, picnic tables, BBQ’s, park benches, shade trees, a tot lot, and an open lawn area that will provide space for informal sports, games, and leisure, and small turf mounds to act as playful landscape features and seating slopes. Lighting will consist of pole lights and up-lights of the entry sign and of signature trees. Concrete walkways will provide access across the park and wrap around the tot lot with nature play equipment and wood fiber surfacing. The park is planned to be a public park and maintained by the City with funding provided by Brookfield for an initial term. The addition of open space is consistent with Goal 2.7 of this project being a well-designed new residential development.

Policy 2.9.1 discusses that the City should “encourage landscaping to enhance streetscapes”. The proposed development will include offsite improvements to a portion of the Finch Avenue right-of-way consisting of an enhanced parkway with a new sidewalk and landscaping as well as new private parkways and sidewalks within the rest of the development. The addition of a new sidewalk and landscaping would be consistent with Goal 2.9 of the General Plan as the project encourages landscaping to enhance streetscapes.

Policy 2.10.1 mentions to “provide pedestrian corridors for convenience and recreation”. The existing pedestrian bridge over the OCFD channel on the southeastern portion of the site is proposed to be retained. This will enhance already established pedestrian connections to and through the property, facilitating public access to the proposed public park. Retaining the existing pedestrian bridge would be consistent with Goal 2.10 of safe and attractive pedestrian facilities as it will contribute to the safety of pedestrians accessing the proposed public park and contributes to the overall walkability of the neighborhood.

Policy 4.1.2 discusses the desire to “continue to develop neighborhood and community parks as well as special facilities such as interpretive nature parks, and bicycles or hiking trials”. The addition of the proposed public park to the existing residential community and in the Moiola Park Residences project will be consistent with Goal 4.1 as it will provide park and recreation opportunities that enable residents of all ages to use their leisure time in a rewarding, relaxing and creative manner. The park will utilize the space to maximize the public’s benefit as it promotes recreational activity in the neighborhood.

Policy 2.1.1 discusses to “encourage variety, quality, consistency and innovation in land use practice”. The proposed project is compatible with the surrounding land uses as it is mainly surrounded by existing single-family residential homes and an existing commercial development to the east. The project is compatible with existing uses adjacent to the project site and the close proximity of the commercial development to the east contributes to there being a variety of land uses in the area. Additionally, a PD Overlay is proposed to allow for the development of the 74 single-family residential community that will: 1) allow flexibility on the maximum coverage in the GH zoning (increase from a maximum of 30% to a maximum of 33% coverage), and 2) allow a greater ratio of 2nd story building area to 1st story building for Lot 10 in the R1 zoning (increase from a maximum of 70% to 97%), and 3) to allow tandem parking for Plans 3 and 4. Garden Home Zoning Districts permit one and two dwelling units with a minimum lot size of 1,800 square feet and maximum permitted density of 10.8 units
per acre. The proposed lot sizes would range from 4,500 SF up to 5,240 SF, with a density of approximately 6.69 units per acre. In the western portion of the site with R1 zoning, the minimum lot size would be 7,200 SF with a density of 4.7 units per acre. These homes also have generous rear setbacks—a minimum of 43 feet to the rear of the homes for lots 1 – 9 and 35 feet for lot 10—which are greater than the 25-foot rear yard requirement in the zone.

The Project will also meet most Residential Infill Guidelines adopted by the City Council on November 14, 1989, that address architectural compatibility, lot coverage, two-story units, perimeter block wall, and driveway approaches. A breakdown of how the project meets these requirements can be found below.

1. Architectural Compatibility
   a. Architectural design of the new housing structure shall be architecturally compatible with the surrounding neighborhood.

   The proposed Moiola Park Residences would be a maximum of two stories and approximately 27.4 (Plan 3 Spanish elevation) feet in height. Residences on the west side of the Project (Lots 1-9), in the proposed R1 zone, would have one-story elements such as one-story roof lines and a split-level house design, similar to the existing residences in the area. Residences to the west and northwest of the site, located on Redwood Street, include a mixture of one and two-story homes. Residences to the north along Callens Circle consist of two-story residences. Residences to the south along Red River Circle and at the end of the Mt. Cimarron Street are mostly two-story homes with some one-story residences. Similar exterior materials, such as stucco with wood, rock and/or brick accent treatments, and roofing are proposed in the Project as can be found in the adjacent residences. Elements of the proposed Ranch, Cottage, and Spanish architectural styles also can be found in many of the nearby existing homes.

   b. Variety of elevations and floor plans, including one- and two-story units.

   The Moiola Park Residences would range in size from approximately 2,696 square feet (sf) to 3,375 sf and include four different two-story floor plan options. The residences on the west side of the project (Lots 1-9) will have single-story elements which provide architectural interest, varied elevations and reduce massing; however only two-story residences are proposed. Therefore, the project is not completely consistent with this guideline at the project site level.

   However, when viewed at the areawide level, the project is visually compatible with homes on surrounding streets. The existing residences to the north and west of the site along Redwood Street include a mixture of one and two-story homes. The residences to the north along Callens Circle (that are also subject to these Infill Guidelines) consists only of two-story residences. Residences to the south along Red River Circle and at the end of the Mt. Cimarron Street are mostly two-story homes with some one-story...
residences. In addition, the recently approved Villa Serena (that is subject to the infill guidelines) consists of all two-story residences.

Because the proposed residences have one-story elements and are located within an area of both one-story and two-story residences, including tracts of new two-story homes, the project would not conflict with this architectural compatibility guideline.

c. Abutting units may not utilize the same exterior elevation.

The Moiola Park Residences would include four different two-story floor plan options and adjacent residences would not have the same exterior elevation. The proposed residences on the west side of the site (Lots 1-19) would be Plan 4 residences with three different architectural styles (Ranch, Cottage, and Spanish). Throughout the entire site, abutting units would not utilize the same exterior elevation.

d. Staggered front yard setbacks shall be incorporated into the design of the subdivisions so no abutting units have similar front yard setbacks. If a curved street condition exists, similar setbacks may be considered.

Front yard setbacks in the Project vary from 15 feet to over 20 feet, which results in a staggered appearance. Therefore, no abutting homes share the same setbacks. Several planting schemes are also proposed (correlated to building style/type) that would ensure variety in aesthetics. Since no identical elevations would be plotted adjacent to one another, no front yard landscape would be identical to the neighboring ones either.

2. Lot Coverage Permitted

a. Total lot coverage for the main structure including garage, patio and room addition shall not exceed 45% (forty five percent) of the total lot area.

The Project coverage is 32.6% for the GH zone and 32% in the R1 zone.

3. Two Story Units

a. When new two-story units are constructed abutting existing single-story units, the new units shall modify the window structure and location of windows to ensure compatibility. Methods which may be considered include (1) location of window, (2) spandrel or opaque glass, (3) architectural relief of the rear of the unit, and (4) installation of mature landscaping to the rear of the lot.

Lots 1-10 in the Moiola Park Residences are adjacent to both two-story and single-story structures along Redwood Street. All other proposed homes in the Project do not abut existing single-story units. The window placement and frosted glazing treatment of the proposed Moiola Park Residences on Lots 1-10 is consistent with the two story units requirements.
b. The floor area of the second story shall not be larger and/or equal to the area of the ground floor.

The floor area of the second story of each plan in the Moiola Park Residences project would be smaller than the area of the ground floor when including garage and vaulted ceiling areas consistent with the ‘Ratio of 2nd story building area to 1st story building’ requirements of FVMC 21.08.040, Table 2-3 with ratios ranging from 63% to 97%. Consistent with R1 zoning requirements, lots 1-9 will provide a ratio of 63%. Lot 10 in the R1 zone is a part of the PD Overlay request to exceed the maximum ratio in the R1 zone with a ratio of 97% but will provide a larger rear setback consistent with the other R1 lots (Lots 1-9) in the Project. Lots 11-74 will provide 2nd to 1st story ratios between 77% - 97%.

4. Perimeter Block Wall - Perimeter Block Wall – 6-foot block for perimeter of tract.

a. Block wall(s) shall be a minimum of 6 feet from highest grade elevation.

The Project proposes to use existing walls where they are in place along the eastern boundary, to construct a new perimeter wall abutting the existing walls along the western boundary, and to build a 6-foot high block wall along the southerly boundary. Consistent with this requirement, the existing walls are generally 6 feet or taller within the project site; however, if the proposed grading would result in the wall height being less than 6 feet within the project site, the wall height would be increased to 6 feet or replaced with a new 6-foot wall. All 6-foot high block walls around the perimeter of the site would be a minimum of 6-foot from the highest elevation. The proposed residences facing Finch Avenue would not have a front yard wall.

b. Existing non-masonry wall and/or fence (chain link or wooden) shall be removed and construct new 6 ft. solid masonry wall.

The project includes development of a 6-foot high block wall around the perimeter of the site.

c. Fence detail shown on preliminary grading.

The detail of the 6-foot high block wall is shown on preliminary grading plans.

d. Type of material shall be either split-face or slump-stone block.

The 6-foot high block wall would be constructed of split-face or slump-stone block.

e. Lateral walls interior-solid masonry walls shall be provided on all side and rear property lines.

Solid masonry walls would be provided on all side and rear property lines.
5. Driveway Approach and Recreational Vehicle Access

a. All driveway approaches shall be constructed of concrete.

   All driveway approaches would be constructed of concrete.

b. All R1 units shall incorporate a minimum side yard of 10 ft. on the garage side.

   The lots proposed for R1 zoning (Lots 1-10) include side yard setbacks on the garage side of only 5 feet, which is less than the 10-foot minimum. However, adequate room for circulation to and from the drive isles and garages would be verified by the City's traffic engineering review of project plans. Therefore, although inconsistent, the project would not conflict with this driveway approach and recreational vehicle access guideline.

c. Garages with setbacks of 20 feet or less shall utilize roll up doors for all doors, with an automatic garage door opener. Garages with setbacks greater than 20 feet may utilize swing-up garage doors.

   All garages would have roll up doors with an automatic garage door opener.

d. In the event a three-car garage is adjacent to a three-car garage, the developer shall submit landscape plans as part of the application package.

   The project only includes three-car garages adjacent to other three-car garages in the R1 zone (Lots 1-10). These homes will not provide the typical side by side by three-car garage orientation but will instead provide tandem garages as a part of the Planned Development Overlay for the project. Nevertheless, the developer has provided typical front yard landscaping designs for Lots 1-10 as a part of their application package.

Policy 12.14.1 discusses “meeting community needs in the City for public safety, law enforcement, and fire prevention by providing adequate resources for prevention, detection, investigation and response to calls for service”. Due to the project site being currently vacant, development of the proposed 74 single-family residences would result in an incremental increase in demands on law enforcement services. However, the increase would not be significant when compared to the current demand levels. The residential population of the project site at full occupancy would be approximately 221 residents and based on the Police Department’s staffing of 1.02 officers per thousand population, the proposed project would require 0.23 percent of an additional officer. Furthermore, implementation of the Precise Plan and Tentative Tract Map would be required to adhere to the California Building and California Fire Code, as included in the City’s Municipal Code Chapter 17 and 18. As part of the permitting process, the Project plans would be reviewed by the City’s Building and Safety Division and Fire Departments to ensure that the project plans meet building and fire protection requirements. Therefore, the proposed project would meet community needs for public safety, law enforcement, and fire prevention.
Policy 2.14.2 of the General Plan discusses that the project should “work with water services, sewer, and flood control agencies to ensure the adequate maintenance of infrastructure facilities and provision for future maintenance and possible replacement or repair of such facilities”. Existing water and sewer infrastructure along Finch Avenue will serve the proposed community. Private domestic water lines, private fire water lines, and public sanitary sewer lines are proposed to run throughout the site. A new sewer lift station is also proposed at the northern end of the site to provide adequate domestic sewer access per the City of Fountain Valley Municipal Code. In addition, the project would provide individual trash bins to each single-family residence: one for trash and one for recyclables, which will be picked up at the street in front of each home. Further, The Project would construct an onsite private storm drain system that would provide treatment for all the of the proposed single-family residences. The storm water quality would be treated by six modular wetland facilities dispersed throughout the site. Storm water will continue to outlet into the flood control channel; however, not until after the storm water is treated through the modular wetlands pursuant to NPDES requirements. The existing outlets to the channel will be relocated to support the Project and therefore will be consistent with Goal 2.14 as it will insure the maintenance or improvement of the existing quality of life in Fountain Valley.

Policy 2.14.4 of the General Plan discusses to “achieve an integrated, balanced, safe, and efficient transportation system that accommodates the demand for movement of people, goods, and services”. Access to the Project site will remain accessible via Finch Avenue, with Lots 39-42 fronting directly onto Finch Avenue, and the balance of the homes accessed from the four proposed private streets within the site. Regional access to the Project site is provided by the I-405 freeway via Ellis Avenue, located approximately 1.6 miles to the northeast and State Route 39 (SR-39) via Ellis Avenue, located 2.6 miles to the west. The proposed project is consistent with this goal as it would provide adequate access to services and major streets connecting to the project site. In addition, the proposed streets will accommodate the movement of people, goods, and services in the vicinity of the new residential neighborhood.

2. The proposed amendments would not be detrimental to the public convenience, health, interest, safety or welfare of the city.

The proposed General Plan and Zoning Map Amendments will change the existing use from a closed school site to single-family residences and a park use. These uses will not be directly detrimental to the health, safety or general welfare of the community since the residential uses are similar to the existing homes in terms of density, layout, and massing and the park will benefit the area by providing an improved recreational use in the area.

As noted above in Finding #1, the Amendments will facilitate the development of new housing stock that is consistent in layout, separation, design, height, and style to nearby residences and which will provide additional housing opportunities for current and future residents. The proposed Project will create a safe environment by providing new infrastructure including storm drain, sewer, and off-site improvements such as new sidewalks and street lights. The Amendments require and the Project has been designed to meet the development standards of the R1 and GH zoning districts with the approval of the Planned Development (PD) Overlay to allow for to allow for flexibility on the maximum coverage in the GH zoning (increase from a maximum of
30% to a maximum of 33% coverage), to allow a greater ratio of 2nd story building area to 1st story building for Lot 10 in the R1 zoning (increase from a maximum of 70% to 97%), and to allow tandem parking for Plans 3 and 4. In addition, the Amendments require and the Project has been designed to comply with contemporary building, safety, water quality, and energy efficiency standards. Lastly, the existing pedestrian bridge over the OCFD channel on the southeastern portion of the site is proposed to be retained which will enhance already established pedestrian connections to and through the property, thus facilitating public access to the proposed public park.

3. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city’s environmental review procedures.

As contained in Resolution _____, a MND and MMRP were prepared and incorporated into the Project. The City Council finds that the MMRP will mitigate or avoid potential significant impacts created by the Project. The MND was circulated for public review from December 3, 2020, to January 2, 2021, and considered prior to consideration of the Project and Amendments.

4. The site(s) is/are physically suitable (including access, provision of utilities, compatibility with adjoining land uses and absence of physical constraints) for the requested zoning designation(s) and anticipated land use development(s).

The site is appropriate to accommodate the Project with the proposed Amendments. As detailed in the Staff Report for the Project, the Project is of an appropriate size (approximately 13 acres) and is adequately designed to accommodate ten (10) single-family residences zoned R1 (Single-Family Residential) with a General Plan Designation of Low Density Residential, 64 single-family residences zoned GH (Garden Homes) with a General Plan Designation of Low-Medium Density Residential, and a 1.12-acre park zoned P/OS (Parks and Open Space) with a General Plan Designation of Park. The Moiola Park Residences community proposes single-family residential homes at a similar density as the neighboring homes to the west, north, and south of the Project with an overall Project density of 5.7 du/ac with a density of 4.72 du/ac for lots 1-10 (less than the maximum 5 du/ac in the R1 zone) and 6.69 du/ac for lots 11-74 (less than the maximum 10.8 du/ac in the GH zone). Safe access to the residential development is provided from Finch Avenue with internal circulation through the proposed private streets in the development. Additionally, pedestrian access will also be provided from the pedestrian bridge over the Flood Control Channel to Mt. Cimarron Circle. Utilities will be provided to serve the demands of the Project.

5. The proposed amendment is internally consistent with other applicable provisions of this title.

The proposed Amendments ensure consistency between the General Plan and Zoning Map land use designations, and the Fountain Valley Municipal Code.

SECTION 4
The City Council finds that the amendments noted in Zoning Map Amendment No. 431 as set forth in “Exhibit A”, and attached hereto, are consistent with the Fountain Valley Municipal Code, as well as the Fountain Valley General Plan.

SECTION 5

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

SECTION 6

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

PASSED, APPROVED AND ADOPTED THIS ___ DAY OF ______, 2021.

ATTEST:

____________________________________
Michael Vo, Mayor

____________________________________
Rick Miller, City Clerk

APPROVED AS TO FORM
HARPER & BURNS LLP

____________________________________
Colin Burns, Attorney for the City

ATTACHED: “EXHIBIT A”
1 ENVIRONMENTAL SETTING

1.1 PROJECT LOCATION

The Project site is located in northern Orange County, and within the southern portion of the City of Fountain Valley, south of Interstate 405 (I-405). The address of the property is 9790 Finch Avenue. The site is within the Newport Beach United State Geological Survey (USGS) 7.5-Minute Quadrangle and Section 31, Township 5 South, Range 10 West. The City of Fountain Valley is located approximately 7 miles southwest from Downtown Santa Ana and 30 miles southeast from Downtown Los Angeles. Regional access to the Project site is provided by I-405 via Ellis Avenue, located approximately 1.6 miles to the northeast and State Route 39 (SR-39) via Ellis Avenue, located 2.6 miles to the west.

The Project site is bound by Finch Avenue to the north, Orange County Flood Control (OCFD) channel to the south, Callens commercial shopping center to the east and residences on Redwood Street to the west. Finch Avenue provides local access to the Project site. The Project site and surrounding area is shown in the aerial below.

The Project site is the former Fred Moiola Elementary School site and is identified by one parcel with the following Assessor’s Parcel Number: 157-033-15.
1.2 EXISTING RESOURCES AND TOPOGRAPHY

In its existing condition, the Project site generally slopes downward from the northwest to the southeast portion of the site and provides a minimal change in elevation. There are no General Plan designated scenic views or vistas within the City, nor are there any unique or unusual features on the Project site that provide significant scenic aspects, as the majority of the Project site is surrounded by urban development and existing walls that limit scenic views.

As discussed in the City’s General Plan Conservation Element, most of the City is comprised primarily of alluvial sediments with interbedded silts and sands. It is anticipated that the Project site will contain similar soils, which are covered in vegetation such as grasses and forbs. As further noted in the City’s General Plan Conservation Element, all of the soils within the City are recommended for urban development¹.

As discussed in the City’s General Plan Conservation Element, Fountain Valley is almost fully developed, and the presence of significant biological resources seems to be virtually non-existent. All areas of Fountain Valley have been built upon or farmed, eliminating virtually all forms of natural vegetation or wildlife habitat². Specifically, the Project site is almost fully developed and does not contain any significant biological resources, such as special status plant or tree species.

1.3 EXISTING LAND USES

The site is located within an urbanized area of the city. The approximately 13-acre site currently consists of the former Fred Moiola Elementary School site, which has parking lots, buildings, paved sport courts and play areas, walkways, and grass fields. The school is currently unoccupied, but all of the school improvements remain in place and are regularly maintained. The Fred Moiola school closed in June 2012 and then a private school—LePort Montessori—occupied the school and then recently closed this location at the end of the 2018 school year.

In addition to Finch Avenue providing vehicular and non-vehicular access to the site, a pedestrian bridge provides access over the flood control channel at the southeastern portion of the site, connecting the site to the residences to the south on Mt. Cimarron Street.

1.4 SURROUNDING LAND USES

The Project site is located within an urban area that is either fully developed or planned for urban development as described in table below.

<table>
<thead>
<tr>
<th>North</th>
<th>Existing Land Use</th>
<th>General Plan Designation</th>
<th>Zoning Designation</th>
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<tbody>
<tr>
<td></td>
<td>Finch Avenue separates the site from Smith Farms and Single Family Residential;</td>
<td>Low Medium Density Residential</td>
<td>Garden Homes (GH), Single Family Residential (R-1), Local Business (C1)</td>
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</tbody>
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¹ City of Fountain Valley General Plan, Chapter 5, Conservation Element
² City of Fountain Valley General Plan, Chapter 5, Conservation Element
The Project site is mainly surrounded by existing single-family residential homes and an existing commercial development to the east. The single-family residences in the surrounding area consist of mostly single-story and two-story homes with private driveways, as well as consistent front and rear yard setbacks.

The Callens Corner commercial center to the east consists of a mix of one-story retail and restaurant uses within 8 separate horizontal buildings. Access to the commercial development is provided by existing driveways on Brookhurst Street and Ellis Avenue to the east.

### Existing General Plan and Zoning Designations

The Project site is designated as Public Facilities and Park under the City of Fountain Valley’s General Plan. The stated intent of Public Facilities designation is to provide an area for a variety of public facilities which support the community. This includes facilities such as schools, hospitals, fire stations, civic centers, and reservoirs. The stated intent of the Park designation consists of Neighborhood, Community, or Regional Parks.

The Project site has a zoning designation of PI-Public and Institutional. According to Title 21, Section 21.12.020 of the Fountain Valley Zoning Code, the PI zoning district is applied to areas suitable for public, civic, government, education, cultural or quasi-public services. The PI zoning district is consistent with the public facilities land use designation of the general plan.

### Project Description

#### 2.1 Project Overview

The proposed Project would redevelop an approximately 13-acre parcel, with a new single-family residential community including an approximately 1-acre public park (i.e., dedicated to City). The residential community would provide 74 single family residential homes on separate parcels. Implementation of the Project would include demolition of the existing Fred Moiola Elementary School, as described above, as well as site improvements related to the former school site. The Project would be implemented in one development phase. See Figure 1, Conceptual Site Plan.

The Project site is located within the City of Fountain Valley and is under the jurisdiction of the City. The Project proposes the following discretionary actions to be implemented by the City of Fountain Valley: A General Plan Amendment from Public Facilities and Park to Low Density Residential (LDR),
Low Medium Density Residential (LMDR) and Park to allow for the construction of the 74 single family residential homes and a 1.12 acre public park. A Zoning Reclassification is also proposed from PI-General Public Institution to R1-Single-Family Residential for Lots 1-10 on the western 1.86-acre portion of the site and from PI to GH-Garden Homes for Lots 11-74 (9.83 acres). A Planned Development Overlay (PDO) is also proposed to allow flexibility on the maximum coverage in the GH zoning and the ratio of 2nd story building area to 1st story building for Lot 10 in the R1 zoning. The PDO will also permit a 3-car garage design configuration in home plans 3 and 4 with 2 side-by-side vehicle spaces and a tandem space. Additionally, a zone change from PI to P/OS – Parks and Open Space is proposed for the approximately 1 acre public park. A Tentative Tract Map is also proposed to subdivide the Project site into 74 separate parcels, as well as separate parcels for the proposed public park and private streets. A CUP is required for the single-family homes in the GH zone.

2.2 PROJECT FEATURES

Development Summary
The proposed Project would replace the existing former school facilities on the site and develop a single-family residential community of 74 homes on the existing 13-acre site for a density of approximately 5.7 dwelling units per acre. The Project also includes a new approximately 1-acre public community park on the northwestern portion of the site adjacent to Finch Avenue. The residential community would also include offsite improvements to a portion of the Finch Avenue right-of-way consisting of an enhanced parkway with a new sidewalk and landscaping.

The Project site layout and architecture has been thoughtfully designed to be architecturally compatible with the surrounding uses. As mentioned above, to the east and north is a commercial center; to the north is a two-story, GH-zoned community and agriculture with R1 zoning; and to the west are one- and two-story single-family homes. To the south is a flood control channel and more one- and two-story single-family homes.

The adjacent commercial zone turns its back to the project; therefore, the Project generates its own identity with context-sensitive neighborhood planning, pedestrian-oriented streetscapes and quality architectural design reflected in the architectural plan package. Some examples of how this is done include the lots on the western edge of the Project site have been sized at a minimum of 7,200 SF to match the adjacent lots with generous rear setbacks—a minimum of 43 feet to the rear of the homes for lots 1 – 9 and 35 feet for lot 10—in keeping with the neighboring homes.

Lot 10 is the largest lot (over 11,600 feet) in the subdivision but has a narrow street frontage, which requires a larger front yard setback. To avoid setting the home closer to the existing homes along Redwood Street, lot 10 includes a smaller home with more 2 story square footage than the other R1 zoned homes along the westerly side (lots 1 – 9). This allows the home to maintain a minimum setback of 35 feet, which is supported by the homeowner behind lot 10 due to the additional privacy that the larger setback provides. The larger amount of 2nd story square footage results in a higher ratio of 2nd story square footage to 1st story square footage—97%—than the R1 zone allows (70%); therefore, included in the PDO is an increased ratio to allow the proposed plan on lot 10.

In addition to the larger-than-required setbacks provided on the lots adjacent to existing residences, an added privacy design feature incorporated into the proposed architecture is that all rear
windows have been designed to optimize privacy throughout the proposed community and with the existing neighbors. This includes frosted glazing on the rear facing 2nd story windows.

Despite the above, it is important to also note that the existing homes along the western edge are not prohibited from rebuilding or adding on a second story, which has occurred on one of the homes. Other homes across the street and nearby have also built 2 stories. The cost of land and housing plus some consumer preferences results in most all new home construction today consisting of two-stories. Smaller yards to maintain, larger kitchen, great rooms and bedrooms and more baths has led the housing industry to predominately 2-story construction for single family homes. Similar to the existing community, it is commonplace to find 2-story homes adjacent to single story homes; therefore, compatibility concerns, particularly with the design considerations above are unfounded.

This project has four home plans and three architectural styles – a variety of 12 possible combinations for 74 homes. All of the existing homes to the north are two-story and the majority of the existing homes to the south are two-story. And as previously noted, all adjacent one-story homes have the right to build second stories – over time, the site context will likely only get taller.

The home sizes would range from about 2,696 square feet (SF) to 3,375 SF of livable area excluding garage space and would feature four different floor plans with each floor plan consisting of two-stories and single-story elements on the sides of the proposed homes along the westerly boundary. An image board reflecting representative architectural styles and massing is included in the submitted plan set. All floor plans would have either private patios or private covered entries with private front yard and back yard space. The minimum lot size is 4,500 SF with minimum setbacks would be as shown in the following typical lot diagram (see Figure 1). Lots 1-10 would range up to over 7,200 SF along the western edge (see Figure 2).
Due to a low maximum lot coverage amount of 30% in the GH development standards, the project requires the use of a Planned Development Overlay, which allows for flexibility in the underlying development standards. The Project proposes a maximum of 33% coverage to accommodate the expected site coverage in the plan, which is approximately 32.8%. Justification for the proposed overlay is provided in Attachment 1.

The existing community wall separating the homes to the west will be maintained. However, if a new wall is required, Brookfield will coordinate with adjacent homeowners to replace the existing one. The eastern side will retain the existing walls separating the Callens Corner commercial center from the Project site. In addition, a new community wall is proposed to be constructed along the OCFD channel to the south for further privacy.

The existing pedestrian bridge over the OCFD channel on the southeastern portion of the site is proposed to be retained. This will enhance already established pedestrian connections to and through the property, facilitating public access to the proposed public park.

**Community Park**

The proposed approximately 1-acre public park will be a highlight of the Moiola Park Residences community. A community entry monument sign displaying the community name will be located on the corner of Finch Avenue to welcome residents and visitors. The park amenities include a shade trellis with picnic tables and BBQ’s underneath, which will be an entry gateway. Park benches will be situated under shade trees, with views of the tot lot and the open lawn. An open turf area will provide space for informal sports, games and leisure, and small turf mounds act as playful landscape features and seating slopes. Lighting will consist of pole lights (located pending photometric studies), and up lights of the entry sign and of signature trees. Concrete walkways provide access across the park and wrap around a tot lot with nature play equipment and wood fiber surfacing. The park is planned to be public (i.e., dedicated) and maintained by the City with funding provided by Brookfield for an initial term.

**Circulation and Parking**

As depicted in Figure 1, Conceptual Site Plan, access to the Project site will remain accessible via Finch Avenue, with Lots 39-42 fronting directly onto Finch Avenue, and the balance of the homes
accessed from the four proposed private, HOA-maintained streets within the site. Two of the
proposed streets will be oriented north-south extending from Finch Avenue. The first will provide
access to Lots 1-10 on the western portion of the Project site, and the second would provide access
to Lots 23-34 on the eastern portion of the site. The additional two proposed streets will be oriented
east-west and will provide access to the lots within the middle portion of the site.

Parking for the community will be provided in excess of the City of Fountain Valley Municipal Code.
All Plans 1 and 2 will have a 2-car garage and 2 parking spaces available in the driveway. All
Plans 3 and 4 will have a 3-car garage design configuration with 2 side-by-side vehicle spaces
and a tandem space, which will be authorized under the requested PDO. There are 23 lots with
Plan 3 homes and 9 lots with Plan 4 homes for a total of 32 homes with 3-car garages. In addition
to the garage and driveway spaces, 95 on-street parking spaces are provided, 80 of which are
provided on internal streets and 15 spaces on Finch Avenue. All of the 95 spaces are excess parking
spaces above what the Municipal Code requires. The on-street spaces will be unstriped.

Pedestrian access to the proposed public park will also be provided by new sidewalks along the
Project site’s new public streets and existing sidewalks along Finch Avenue. As stated previously,
the existing pedestrian bridge over the OCFD channel on the southeastern portion of the site is
proposed to be retained and will provide access to the proposed public park from existing
residences on Mt. Cimarron Street and Red River Circle.

Infrastructure Improvements

Water and Sewer
Existing water and sewer infrastructure along Finch Avenue will serve the proposed community.
Private domestic water lines, private fire water lines, and public sanitary sewer lines are proposed
to run throughout the site. A new sewer lift station is also proposed at the northern end of the site
to provide adequate domestic sewer access per the City of Fountain Valley Municipal Code.

Solid Waste
The trash company will provide individual trash bins to each single-family residence: one for trash
and one for recyclables, which will be picked up at the street in front of each home. Green waste
bins will be provided as needed.

Drainage
The Project would construct an onsite private storm drain system that would provide treatment for
all the of the proposed single-family residences. The storm water quality would be treated by six
modular wetland facilities dispersed throughout the site. Storm water will continue to outlet into the
flood control channel; however, not until after the storm water is treated through the modular
wetlands pursuant to NPDES requirements. The existing outlets to the channel will be relocated to
support the Project.

Construction Process
The project will be constructed in this order: demolition, which includes onsite crushing of concrete
and pavement, grading, infrastructure and horizontal improvements, model homes and then multiple
phases of home construction. Approximately 9 months of land development is anticipated with home
construction duration estimated at 12-18 months. During demolition of the current site improvements,
onsite crushing of asphalt and concrete will occur. The public park will be constructed in the early
phases of the development. Grading is expected to require the import of approximately 25,000
 cubic yards (cy) of dirt due to soil shrinkage.
2.3 DISCRETIONARY ACTION REQUESTED

The City of Fountain Valley and the following responsible agencies are expected to use the information contained in this Project Description for consideration of approvals related to and involved in the implementation of this Project. These include, but may not be limited to, the permits and approvals described below.

As part of the proposed Project, the following discretionary actions are being requested by the project proponent, the findings for which are provided in Attachment 1.

1. **General Plan Amendment** to change the land use designation of Public Facilities and Park to Low Density Residential, Low Medium Density Residential and Park.

2. **Zoning Reclassification** to do the following:
   
   a. change the zone from PI-Public Institution to R1-Single-Family Residential for Lots 1-10 on the western 1.86-acre portion of the site and from PI to GH-Garden Homes for Lots 11-74 (9.83 acres).
   
   b. A Planned Development Overlay (PDO) to:
      
      i. allow flexibility on the maximum coverage in the GH zoning by permitting up to 33 percent site coverage;
      
      ii. permit a greater ratio of 2nd story building area to 1st story building area for Lot 10 in the R1 zoning for enhanced privacy between the existing home to the rear and the proposed home; and,
      
      iii. allow a 3-car garage design configuration in home plans 3 and 4 with 2 side-by-side vehicle spaces and a tandem space to satisfy the requirement of Fountain Valley Municipal Code ("FVMC") § 21.22.040, Table 3-3 for single-family homes with 5 bedrooms or more to have 3 enclosed parking spaces.
      
   c. change the zone from PI to P/OS – Parks and Open Space for the approximately 1-acre public park.

3. **Tentative Tract Map** to subdivide the Project into 74 separate parcels, as well as parcels for an approximately 1.12-acre size Community Park and about 3.2 acres of private streets.

4. **Conditional Use Permit** to allow the proposed single-family dwellings in the GH zoning district.

In addition, Project development will require a number of other approvals, including, but not limited to the following:

- Grading Permit
- Building Permit

The following approvals are anticipated from responsible agencies:

- South Coast Air Quality Management District
  - Issuance of Air Quality permits for demolition
- Issuance of Air Quality permits for construction

  - Santa Ana Regional Water Quality Control Board
    - Issuance of a National Pollutant Discharge Elimination System (NPDES) Permit
    - Issuance of a Construction General Permit
Site Summary:

7,200 sf Lots and 4,500 sf Lots with Private Streets

Total Homes: 74
Site Area: 13.00 Acres
Gross Density: ±6.69 Homes/Acre
Typ. Lot Size: 60' x 120' (10)
50' x 90' (64)

Street Sections

Typical Private Street
Street at Northeast Corner

Legend
- Pedestrian access to park
- New community wall
- Existing community wall to remain
- Building Footprint *
- Covered Patio Area *
- Single Story Massing
- Concrete Driveways and Walks
- Front Yards, Parkways, Parks
- Private (Rear) Yards

* (2-Story Massing unless noted otherwise)

CONCEPTUAL SITE PLAN - 74 HOMES
MOLIOLA PARK RESIDENCES
Fountain Valley, California

SCALE: 1" = 50'-0"
Site Summary:

- 7,200 sf Lots and 4,500 sf Lots with Private Streets
- Total Homes: 74
- Site Area: 13.00 Acres
- Gross Density: ±5.69 Homes/Acre
- Typ. Lot Size: 60' x 120' (10 Lots)
  50' x 90' (64 Lots)

Legend:

- **R-1 Zone**
  (2.12 Acres, 10 Lots)
  Density: ±4.72 du/ac
  Coverage: 31.96%
  F.A.R.: 0.37

- **GH Zone**
  (9.56 Acres, 64 Lots)
  Density: ±6.69 du/ac
  Coverage: 32.57%
  F.A.R.: 0.45

- **P/OS Zone**
  (1.31 Acres)

- Roads & Sidewalks
  (part of R-1, GH & P/OS zones)

Note: PD Overlay proposed for the entire site

**CONCEPTUAL ZONING MAP**

MOIOLA PARK RESIDENCES

Fountain Valley, California

SCALE: 1" = 50'

369.18338

Note:

This yield study is for the purpose of estimating the maximum density of a residential product type on a site of a given configuration. If specific entitlement requirements differ from the criteria shown on the plan (such as setbacks, minimum lot sizes, street standards, retention requirements, etc. then the actual possible density may vary substantially.)
Site Summary:
7,200 sf Lots and 4,500 sf Lots with Private Streets

Total Homes: 74
Site Area: 13.00 Acres
Gross Density: ±5.69 Homes/Acre
Typ. Lot Size: 60' x 120' (10 Lots)

50' x 90' (64 Lots)

Legend

LDR
(2.12 Acres, 10 Lots)
Density: ±4.72 du/ac
Coverage: 31.96%
FAR: 0.37

LDMR
(9.56 Acres, 64 Lots)
Density: ±6.69 du/ac
Coverage: 32.57%
FAR: 0.45

Park
(1.12 Acres)
Roads & Sidewalks
(part of LDR, MDMR & Park)

Note:
This yield study is for the purpose of estimating the maximum density of a residential product type on a site of a given configuration. If specific entitlement requirements differ from the criteria shown on the plan (such as setbacks, minimum lot sizes, street standards, retention requirements, etc.), the actual possible density may vary substantially.
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**PLANTING SCHEDULES PUBLIC AREAS**

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**PLANTING SCHEDULES PRIVATE FRONT YARDS**

### PLANTING SCHEME 1 - SPANISH

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### PLANTING SCHEME 3 - PRAIRIE

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PLANTING SCHEDULES PRIVATE FRONT YARDS

PLANTING SCHEME 1 - SPANISH

**SYMBOL** | **BOTANICAL NAME** | **COMMON NAME** | **MINIMUM SIZE** | **TYPE** | **APPROPRIATE SPACING** | **EXHAUSTIVE** |
--- | --- | --- | --- | --- | --- | --- |
|  | GLADIOLUS TERRAGON | TERRAGON | 10" BOX | DECORATIVE | PER PLANT | PER PLANT |
|  | BURROGRASS | BURROGRASS | 10" BOX | DECORATIVE | PER PLANT | PER PLANT |
|  | LAVANDULA ANGUSTIFOLIA | LAWN LAVENDER | 12" BOX | DECORATIVE | PER PLANT | PER PLANT |
|  | RIBES X SABATICUM | GRAPEVINE | 10" BOX | DECORATIVE | PER PLANT | PER PLANT |
|  | VIBURNUM CARLTONIAE | CARLTONIA VIBURNUM | 12" BOX | DECORATIVE | PER PLANT | PER PLANT |
|  | SEDUM MANOLETIANUM | MANOLETIAN SEDUM | 12" BOX | DECORATIVE | PER PLANT | PER PLANT |
|  | SEDUM CHINATRA | CHINESE HEDGEHEDGE | 12" BOX | DECORATIVE | PER PLANT | PER PLANT |

PLANTING SCHEME 2 - CRAFTSMAN

**SYMBOL** | **BOTANICAL NAME** | **COMMON NAME** | **MINIMUM SIZE** | **TYPE** | **APPROPRIATE SPACING** | **EXHAUSTIVE** |
--- | --- | --- | --- | --- | --- | --- |
|  | ARBUTUS UNEDO | STONE PEAR | 12" BOX | DECORATIVE | PER PLANT | PER PLANT |
|  | ROSES LOBELIACEA | LOBELIA ROSE | 12" BOX | DECORATIVE | PER PLANT | PER PLANT |
|  | PHLOX paniculata | PANICULATED PHLOX | 12" BOX | DECORATIVE | PER PLANT | PER PLANT |
|  | WSISCHIA FERULIFOLIA | THYME | 12" BOX | DECORATIVE | PER PLANT | PER PLANT |
|  | LESSINIAE MELANGES | LESSINGIA | 12" BOX | DECORATIVE | PER PLANT | PER PLANT |
|  | COLUMBINA CROMWELL | CROMWELL COLUMBINE | 12" BOX | DECORATIVE | PER PLANT | PER PLANT |
|  | LANTANA CANDIDA | LANTANA | 12" BOX | DECORATIVE | PER PLANT | PER PLANT |

PLANTING SCHEME 3 - PRAIRIE

**SYMBOL** | **BOTANICAL NAME** | **COMMON NAME** | **MINIMUM SIZE** | **TYPE** | **APPROPRIATE SPACING** | **EXHAUSTIVE** |
--- | --- | --- | --- | --- | --- | --- |
|  | LAMIUM MEXICANUM | MEXICAN HOREHOUND | 12" BOX | DECORATIVE | PER PLANT | PER PLANT |
|  | MELIA GORDON | PEARLE | 12" BOX | DECORATIVE | PER PLANT | PER PLANT |
|  | ROSA DOMESTICA | ROSE | 12" BOX | DECORATIVE | PER PLANT | PER PLANT |
|  | SOLIDAGO VITACEA | GOLDENROD | 12" BOX | DECORATIVE | PER PLANT | PER PLANT |
|  | VIOLA TRIVIALIS | WILDFLOWERS | 12" BOX | DECORATIVE | PER PLANT | PER PLANT |
|  | SEDUM ‘ELDER’ | ELDER SEDUM | 12" BOX | DECORATIVE | PER PLANT | PER PLANT |

**NOTE:**
- Front yard landscape plans are presented for lots with front yard landscape areas existing as of 5/31/21. All refer to architectural plans. Landscaping shall be installed by the home owner.
- Landscape plans for floor plan 4, 5, 7, 10, 10B, 10C, 10D, 10E, 10F correspond with building facade types (Spanish, Craftsman, and Prairie). Refer to architectural plans for elevations. Landscape plan for lot 2 to be populated with any planting scheme depending on building facade type.
- Refer to sheet L1.04 for plant material names.
- Trees in landscape planters less than 17" in width or located closer than 3' from a paved surface or permanent structure shall be pruned with root barriers.
- Refer to architectural plans for building floor plans, elevations, and setback information.
PLANTING REFERENCE IMAGES PRIVATE FRONT YARDS

SCHEME 1 - SPANISH

SCHEME 2 - CRAFTSMAN

SCHEME 3 - PRAIRIE
FRONT

TRANSITIONAL SPANISH

LEFT

RIGHT

REAR

26'-10" OVERALL BUILDING HEIGHT

9'-1" Hdr. Ht.

3:12 PITCH

TIGHT RAKE

18" EAVE

CONCRETE ‘S’ TILE ROOF MATERIAL

P L A N  4 . A

M O I O L A  P A R K  R E S I D E N C E S

F o u n t a i n  V a l l e y ,  C a l i f o r n i a

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2031 Orchard Drive, Suite 100
tel. +1 949 553 9100
fax +1 949 553 0548

Newport Beach, CA USA 92660
ADOBE RANCH

1/4" = 1'-0"

26'-10" OVERALL BUILDING HEIGHT

8'-0"

Hdr. Ht.

9'-1"

9'-1"

REAR

1/8" = 1'-0"

FRONT

3:12

ROOF PLAN

PITCH: 4:12

RAKE: TIGHT

EAVE: 12"

ROOF MATERIAL: CONCRETE 'S' TILE

LEFT

RIGHT

PEARL

A.4-3

PLAN 4B
Adobe Ranch Elevation
MOIOLA PARK RESIDENCES
Fountain Valley, California

369.19116

02.03.21
FRONT TRANSITIONAL COTTAGE

26'-7" OVERALL BUILDING HEIGHT
8'-0"
9'-1"
1/8"=1'-0"

LEFT
RIGHT
REAR

ROOF PLAN

7:12
ROOF PITCH: 3:12
RACK: TIGHT
EAVE: 12"
ROOF MATERIAL: FLAT CONCRETE TILE
June 25, 2020

The Honorable Cheryl Brothers
10200 Slater Avenue
Fountain Valley, CA  92708
Sent via e-mail: Cheryl.Brothers@fountainvalley.org

Dear Mayor Brothers:

I would like to express my support for Brookfield Residential’s proposal for 74 homes and a park on the former Moiola Elementary School site.

As a partner in the building industry, I am an advocate for responsible development, especially during the current housing shortage here in Southern California. We need new housing—move-up opportunities for young couples with small children, expanding families needing a larger floor plan, and empty-nesters downsizing.

Brookfield Residential’s proposal for 74 homes and a park not only complements the neighborhoods around it, but it also provides suitable transitions between the varied uses in the area. Larger lots have been planned adjacent to neighborhoods with larger lots and smaller lots are planned adjacent to the commercial areas and smaller-lot developments. They have created a community with smart planning, cognizant of surrounding uses.

Revitalization of the old school site will undoubtedly help to increase local property values as well. Taxes generated can benefit the city’s infrastructure and public safety and provide much-needed resources for the city’s general fund.

This project will bring positive changes to the area. I hope you agree and vote to approve the plans when they are brought before you.

Sincerely,

Hersel Zahab
1520 Brookhollow Dr, Suite 33
Santa Ana, CA 92705

CC:  Brian.James@fountainvalley.org
CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

01/19/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor and City Councilmembers:

I support Brookfield Residential’s 74-home proposal for a new residential community on the site of the former Moiola school property.

Although Moiola Elementary School was a benefit to the neighborhood and will be missed, the addition of a new public park and quality homes will greatly improve our neighborhood. Having a variety of home sizes and styles is the most appropriate use of the neighborhood given the surrounding commercial and residential uses.

The removal of a blighted property that is an attractive nuisance to the homeless population and encourages illicit activity will be a welcomed change. Furthermore, the addition of this residential community will undoubtedly improve neighboring property values and provide new home opportunities for residents and those seeking to call Fountain Valley their home.

Brookfield Residential has engaged the neighborhood, soliciting comments and feedback on their proposal. We appreciate working with them toward a common goal of improving our neighborhood.

Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,

derek kokubun
derek.kokubun@gmail.com
(714) 642-2596
1476 W 179th, Apt 2
Gardena, CA 90248
January 12, 2020

The Honorable Michael Vo  
10200 Slater Avenue  
Fountain Valley, CA  92708  
Sent via e-mail: Cheryl.Brothers@fountainvalley.org

Dear Mayor Vo:

I am a local realtor writing in support of Brookfield Residential’s plans for revitalizing the Moiola school property.

The real estate industry has gone through many changes over the last several years. Buyer demand, seller objectives, and overall market analysis are constantly changing and affecting the way home builders plan their new communities.

Brookfield’s plan for 74 homes of varying lot sizes and a new public park is a good fit for this part of Fountain Valley. As a realtor, I prefer housing stock that appeals to a larger, more diverse group of buyers. For example, a larger lot may attract growing families, while a smaller lot may appeal to empty nesters or young couples.

With a housing shortage like the one we are experiencing, I will appreciate new housing stock to accommodate clientele. And, this improvement to the neighborhood will also increase the resale value of adjacent properties.

I hope you agree and approve this plan when it comes before you.

Sincerely,

Lily Campbell  
20100 Brookhurst Street  
Huntington Beach, CA 92708  
lily@lilycampbell.com  

Page 369
02/05/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor and City Councilmembers:

I support Brookfield Residential’s 74-home proposal for a new residential community on the site of the former Moiola school property.

Although Moiola Elementary School was a benefit to the neighborhood and will be missed, the addition of a new public park and quality homes will greatly improve our neighborhood. Having a variety of home sizes and styles is the most appropriate use of the neighborhood given the surrounding commercial and residential uses.

The removal of a blighted property that is an attractive nuisance to the homeless population and encourages illicit activity will be a welcomed change. Furthermore, the addition of this residential community will undoubtedly improve neighboring property values and provide new home opportunities for residents and those seeking to call Fountain Valley their home.

Brookfield Residential has engaged the neighborhood, soliciting comments and feedback on their proposal. We appreciate working with them toward a common goal of improving our neighborhood.

Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,

Bao Truong
btruong03@yahoo.com
(714) 276-5316
17870 Newhope Ste #104-164
Fountain Valley, CA 92708
For your records

Brian James
Planning and Building Director
City of Fountain Valley
714-593-4426
Brian.James@fountainvalley.ca.gov

City Hall is open for business. To protect the health of our customers and employees, please wear face masks and observe social distancing markings while at City Hall. Hard copies are accepted but will be quarantined for 24 hours. We are ready to assist you remotely so please contact Planning and Building Department staff by the following means:

- **Telephone:** Planning – (714) 593-4425. Building – (714) 593-4429. Housing – (714) 593-4428. Code Enforcement – (714) 593-4444
- **General email:** planning.building@fountainvalley.org
- **Websites:**
  - Planning: [https://www.fountainvalley.org/340/Planning-Building](https://www.fountainvalley.org/340/Planning-Building)
  - Housing: [https://www.fountainvalley.org/327/Housing-Community-Development](https://www.fountainvalley.org/327/Housing-Community-Development)
  - Building: [https://www.fountainvalley.org/393/Building-Division](https://www.fountainvalley.org/393/Building-Division)

Thank you for your understanding during this unique time.
I am writing in support of the proposal for homes on the site of the former Moiola school property. As an industry professional, I believe redeveloping this land into a residential neighborhood is the most compatible use.

We are in desperate need of a variety of housing types in Fountain Valley. Employees of local businesses living outside of the city would greatly benefit from new housing opportunities close to work, as well as young families wishing to return home to Fountain Valley.

As a resident, I look forward to progress being made to advance this project. There are many benefits to this new use for the surrounding neighborhood, including increased property values, the removal of a blight/attractive nuisance, increased public safety and additional funds generated in the form of developer’s fees. Please vote yes when it is brought before you for approval.

Sincerely,

Bobby Johnson
Fountain Valley Resident
Greenbrook Tract
February 1, 2021

Mayor Michael Vo  
Honorable City Council Members  
City of Fountain Valley  
10200 Slater Avenue  
Fountain Valley, CA 92808

Dear Mayor Vo and Honorable City Council Members,

The Building Industry Association of Southern California, Orange County Chapter (BIA/OC) is a non-profit trade association of over 1,100 member companies employing over 100,000 people affiliated with the home building industry. Our mission is to champion housing as the foundation of vibrant and sustainable communities.

Over the last year, we have seen unprecedented impacts to our local and global community. The State and Federal directives to remain home were nearly unimaginable until they were reality. The economic impact this will have cannot be overstated.

It is therefore important to realize that before the COVID-19 crisis, we in California were suffering from a Housing Supply Crisis. The orders to shelter in your homes exacerbated the crushing need for housing in California to meet the demand.

Thus, it is with great optimism we see the City of Fountain Valley leading the way through this difficult time with a proposal that will add much needed units to the City. This project will not only add vital housing units to a jobs rich area of the County, but it will also revitalize an underused school site to include tangible amenities for local residents to utilize. In this case, the plan places compatible housing next to existing residential with attainable price points. The density of the site is appropriate considering the surrounding conventional sized lots, and will reduce traffic generation compared to the school site by over 30%.

As for amenities, a one-acre park is being dedicated and fully equipped by Brookfield Residential at no cost to the tax payers, and the Fountain Valley School District will be relieved of the maintenance and liability burdens that the site current carries.

As the housing crisis in Southern California continues, we are desperate for new housing—move-up opportunities for grown children moving back to their “hometown,” expanding families needing a larger floor plan, and empty-nesters downsizing.

Thank you for your consideration.

Respectfully,

Steve LaMotte  
BIA/OC Executive Officer
02/06/2021

Mayor Michael Vo and Members of the City Council  
City of Fountain Valley  
10200 Slater Avenue  
Fountain Valley, CA 92708  

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property  

Dear Mayor and City Councilmembers:  

I support Brookfield Residential’s 74-home proposal for a new residential community on the site of the former Moiola school property.  

Although Moiola Elementary School was a benefit to the neighborhood and will be missed, the addition of a new public park and quality homes will greatly improve our neighborhood. Having a variety of home sizes and styles is the most appropriate use of the neighborhood given the surrounding commercial and residential uses.  

The removal of a blighted property that is an attractive nuisance to the homeless population and encourages illicit activity will be a welcomed change. Furthermore, the addition of this residential community will undoubtedly improve neighboring property values and provide new home opportunities for residents and those seeking to call Fountain Valley their home.  

Brookfield Residential has engaged the neighborhood, soliciting comments and feedback on their proposal. We appreciate working with them toward a common goal of improving our neighborhood.  

Please approve this neighborhood for 74 homes and a public park when it is brought before you.  

Sincerely,  
Breanna LePante  
Breannaochomes@gmail.com  
(949) 233-2508  
1634 Cliff Isle Way  
Costa Mesa, CA 92627
CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

02/09/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor and City Councilmembers:

I support Brookfield Residential’s 74-home proposal for a new residential community on the site of the former Moiola school property.

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Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,
An Nguyen
atngotmail@yahoo.com
(949) 295-5138
104 Luminous
Irvine, CA 92603
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02/09/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

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Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,
Miki Fujii
fujiiifun@gmail.com
(714) 393-9427
10568 Chinook Ave
Fountain Valley, CA 92708-4834
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02/10/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor and City Councilmembers:

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Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,
James Fujii
fujii.miki@gmail.com
(714) 393-9427
10568 CHINOOK AVE
Fountain Valley, CA 92708
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02/10/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor and City Councilmembers:

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Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,

jake fujii
miki.shikai@gmail.com
(714) 393-9427
10568 Chinook Ave
Fountain Valley, CA 92708-4834
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02/10/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

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Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,
jon fujii
wavejtf@aol.com
(714) 393-9427
10568 Chinook Ave
FOuntain valley, ca 92708
From: megan fujii
To: support@jcevans.com; Planning.Building; Michael Vo; Kim Constantine; Patrick Harper; Glenn Grandis; Ted Bui; Steven Ayers; Moiolaproperty@gmail.com
Subject: New Support Letter
Date: Tuesday, February 9, 2021 4:55:17 PM

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02/10/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor and City Councilmembers:

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Brookfield Residential has engaged the neighborhood, soliciting comments and feedback on their proposal. We appreciate working with them toward a common goal of improving our neighborhood.

Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,
megan fujii
wavejtf@gmail.com
(714) 393-9427
10568 Chinook
Fountain Valley, CA 92708
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02/10/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor and City Councilmembers:

I support Brookfield Residential’s 74-home proposal for a new residential community on the site of the former Moiola school property.

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Brookfield Residential has engaged the neighborhood, soliciting comments and feedback on their proposal. We appreciate working with them toward a common goal of improving our neighborhood.

Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,
Cory Hata
coryhata@gmail.com
(323) 351-5698
17947 Cashew St.
Fountain Valley, ca 92708
February 10, 2021

Mayor Michael Vo and City Council
Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Support for Brookfield Residential’s Proposal for the Former Moiola School Property

Dear Mayor and City Council members:

I support Brookfield Residential’s proposal for a new residential community on the site of the former Moiola school property.

Last October I learned from my realtor that there were plans to build homes where Moiola school now stands. I attended school at Moiola and have fond memories of my time there. This place holds a lot of sentimental value to me. My family is growing and I would love to come back home and be closer to family and relive my childhood days growing up in Fountain Valley and share those memories with my children.

I am very interested in living in this new neighborhood once it is approved by you and will be greatly anticipating purchasing a home once construction begins. My family and I will enjoy watching our home built and re-joining the Fountain Valley community.

Please approve this project when it is brought before you.

Sincerely,

[Signature]

David Quach
Davidquach82@icloud.com
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02/14/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor and City Councilmembers:

I support Brookfield Residential’s 74-home proposal for a new residential community on the site of the former Moiola school property.

Although Moiola Elementary School was a benefit to the neighborhood and will be missed, the addition of a new public park and quality homes will greatly improve our neighborhood. Having a variety of home sizes and styles is the most appropriate use of the neighborhood given the surrounding commercial and residential uses.

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Brookfield Residential has engaged the neighborhood, soliciting comments and feedback on their proposal. We appreciate working with them toward a common goal of improving our neighborhood.

Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,
Lauren Uchizono
laurenuchizono@gmail.com
(714) 906-5866
18381 Linden St
Fountain Valley, CA 92708
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02/15/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor and City Councilmembers:

I support Brookfield Residential’s 74-home proposal for a new residential community on the site of the former Moiola school property.

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Brookfield Residential has engaged the neighborhood, soliciting comments and feedback on their proposal. We appreciate working with them toward a common goal of improving our neighborhood.

Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,
Kevin LAM
KLATHH@GMAIL.COM
(714) 767-3564
9771 Calendula Avenue
Westminster, CA 92683
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02/15/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor and City Councilmembers:

I support Brookfield Residential’s 74-home proposal for a new residential community on the site of the former Moiola school property.

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Brookfield Residential has engaged the neighborhood, soliciting comments and feedback on their proposal. We appreciate working with them toward a common goal of improving our neighborhood.

Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,

KEVIN LAM
KLATHH@GMAIL.COM
(714) 767-3564
18450 SANTA CARLOTTA
FOUNTAIN VALLEY, California 92708
January 22, 2021

Connie & Vic Wadsley
9834 James River Circle
Fountain Valley, CA 92708

Mayor Michael Vo
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor Vo,

Vic and I live adjacent to the Moiola School Site that is being repurposed into luxury homes by Brookfield Residential. Because of our proximity to the site, we have followed the progress of the selling and proposed development closely. We received community updates, attended meetings held by Brookfield (first in person and now via zoom), attended the FVSD meetings during the bid and sale process, asked questions of the officials at Brookfield, visited the website frequently for updates and information. Three members of the Brookfield Team spent an hour in our home discussing the project and answering all our questions. Brookfield was a very generous sponsor of the FV Schools Foundation annual golf tournament.

We have found Brookfield to be responsive, transparent, and respectful in all of the above formats. Our questions have been answered honestly, we have been listened to as a community directly impacted by the future development, and changes were made based on community input. Because of these responses and open communication, we support the proposed 74 luxury home proposal. Are we thrilled with losing an open area where our children practiced soccer and used the swings, where we currently walk? Of course not. Do we think our homes in Devonwood Estate will become more valuable with the beautiful new adjacent homes? Yes. We are pleased that a 1-acre park is included in the plan. Of course, we also acknowledge the need for more housing in our city.

Brookfield Residential has engaged the neighborhood, soliciting comments and feedback on their proposal. We appreciate working with them toward a common goal of improving our neighborhood.

Michael, I urge you to approve this neighborhood plan for 74 homes and a public park when it is brought before you next month. Thank you for listening.

Sincerely,
01/07/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor and City Councilmembers:

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Brookfield Residential has engaged the neighborhood, soliciting comments and feedback on their proposal. We appreciate working with them toward a common goal of improving our neighborhood.

Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,

Chris Valenti
cjvalenti@gmail.com
(714) 856-2117
17564 Waterton Street
Fountain Valley, CA 92708
New Support Letter

Joseph Tuitea <no-reply@moiolaneighborhood.com> Thu, Jan 7, 2021 at 10:32 PM
Reply-To: Josephtuitea@gmail.com
To: support@jcevans.com, planning.building@fountainvalley.org, Michael.Vo@fountainvalley.org, kim.constantine@fountainvalley.org, patrick.harper@fountainvalley.org, Glenn.Grandis@fountainvalley.org, Ted.Bui@fountainvalley.org, Brian.James@fountainvalley.org, Steven.Ayers@fountainvalley.org, Moiolaproperty@gmail.com

01/08/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor and City Councilmembers:

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Brookfield Residential has engaged the neighborhood, soliciting comments and feedback on their proposal. We appreciate working with them toward a common goal of improving our neighborhood.

Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,

Joseph Tuitea
Josephtuitea@gmail.com
(714) 472-7153
326 Lantana Dr
Stanton, California 90680-4017
New Support Letter

Nguyen Tran <no-reply@moiolaneighborhood.com>  Thu, Jan 7, 2021 at 10:01 PM
Reply-To: t.tina.tran@gmail.com
To: support@jcevans.com, planning.building@fountainvalley.org, Michael.Vo@fountainvalley.org, kim.constantine@fountainvalley.org, patrick.harper@fountainvalley.org, Glenn.Grandis@fountainvalley.org, Ted.Bui@fountainvalley.org, Brian.James@fountainvalley.org, Steven.Ayers@fountainvalley.org, Moiolaproperty@gmail.com

01/08/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential's Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor and City Councilmembers:

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Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,

Nguyen Tran
t.tina.tran@gmail.com
(714) 797-8698
5802 Jones Ave
Westminster, CA 92683-2413
New Support Letter

Kelli Tran <no-reply@moiolaneighborhood.com>                      Thu, Jan 7, 2021 at 9:42 PM
Reply-To: Kellitran@yahoo.com
To: support@jcevans.com, planning.building@fountainvalley.org, Michael.Vo@fountainvalley.org,
kim.constantine@fountainvalley.org, patrick.harper@fountainvalley.org, Glenn.Grandis@fountainvalley.org,
Ted.Bui@fountainvalley.org, Brian.James@fountainvalley.org, Steven.Ayers@fountainvalley.org, Moiolaproperty@gmail.com

01/08/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor and City Councilmembers:

I support Brookfield Residential’s 74-home proposal for a new residential community on the site of the former Moiola school property.

Although Moiola Elementary School was a benefit to the neighborhood and will be missed, the addition of a new public park and quality homes will greatly improve our neighborhood. Having a variety of home sizes and styles is the most appropriate use of the neighborhood given the surrounding commercial and residential uses.

The removal of a blighted property that is an attractive nuisance to the homeless population and encourages illicit activity will be a welcomed change. Furthermore, the addition of this residential community will undoubtedly improve neighboring property values and provide new home opportunities for residents and those seeking to call Fountain Valley their home.

Brookfield Residential has engaged the neighborhood, soliciting comments and feedback on their proposal. We appreciate working with them toward a common goal of improving our neighborhood.

Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,
Kelli Tran
Kellitran@yahoo.com
New Support Letter

Christine Tran <no-reply@moiolaneighborhood.com>  
Thu, Jan 7, 2021 at 10:22 PM

To: support@jcevans.com, planning.building@fountainvalley.org, Michael.Vo@fountainvalley.org, 
kim.constantine@fountainvalley.org, patrick.harper@fountainvalley.org, Glenn.Grandis@fountainvalley.org, 
Ted.Bui@fountainvalley.org, Brian.James@fountainvalley.org, Steven.Ayers@fountainvalley.org, Moiolaproperty@gmail.com

01/08/2021

Mayor Michael Vo and Members of the City Council  
City of Fountain Valley  
10200 Slater Avenue  
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor and City Councilmembers:

I support Brookfield Residential’s 74-home proposal for a new residential community on the site of the former Moiola school property.

Although Moiola Elementary School was a benefit to the neighborhood and will be missed, the addition of a new public park and quality homes will greatly improve our neighborhood. Having a variety of home sizes and styles is the most appropriate use of the neighborhood given the surrounding commercial and residential uses.

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Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,

Christine Tran  
Tranchristinee@gmail.com  
(714) 383-1359  
14031 Hammon place  
Westminster, Ca 92683
Support for Brookfield Residential’s Proposal for Homes at Moiola / Request for Stop Sign

Curt Stratton <curtstratton@mac.com>  
Wed, Feb 10, 2021 at 2:43 PM
To: Michael.Vo@fountainvalley.org, PatrickHarper@fountainvalley.org, Kim.Constantine@fountainvalley.org, Glenn.Grandis@fountainvalley.org, Ted.Bui@fountainvalley.org, BrianJames@fountainvalley.org  
Cc: Moiola Property <moiolaproperty@gmail.com>

Dear Mayor Vo and Council members:

My wife and I live in the neighborhood adjacent to the Moiola school property. I am writing to let you know that we are in favor of the single-family detached home project being proposed by Brookfield Residential. We just love the neighborhood and want to see it continue to appreciate, and we feel that the Brookfield project would help. We’re currently in the process of remodeling our own home and would like stay in the neighborhood long term.

That being said, we are concerned about current traffic conditions as well as proposed traffic associated with this new development and hope that a stop sign can be placed at the intersection of Hawthorne and Starling to help manage the excessive speeds on Starling which will be a primary entrance/exit route to the Brookfield development.

We have appreciated the engagement by the Brookfield team and are glad they have included the neighbors in the process.

We hope you will vote to approve this project and maintain our single-family residential community.

Sincerely,

James (Curt) and Karrie Stratton - Homeowners  
9676 Starling Ave.  
Fountain Valley, CA 92708
Dear Mayor and City Councilmembers:

I support Brookfield Residential's 74-home proposal for a new residential community on the site of the former Moiola school property. Although Moiola Elementary School was a benefit to the neighborhood and will be missed, the addition of a new public park and quality homes will greatly improve our neighborhood. Having a variety of home sizes and styles is the most appropriate use of the neighborhood given the surrounding commercial and residential uses.

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Brookfield Residential has engaged the neighborhood, soliciting comments and feedback on their proposal. We appreciate working with them toward a common goal of improving our neighborhood.

Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,
Brian Seng
seng_brian@yahoo.com
(626) 384-9296
3328 Big Dalton Ave
Baldwin Park, CA 91706

01/08/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property
New Support Letter

Nguyet Tran <no-reply@moiolaneighborhood.com>  Thu, Jan 14, 2021 at 9:09 AM

To: support@jcevans.com, planning.building@fountainvalley.org, Michael.Vo@fountainvalley.org,
kim.constantine@fountainvalley.org, patrick.harper@fountainvalley.org, Glenn.Grandis@fountainvalley.org,
Ted.Bui@fountainvalley.org, Brian.James@fountainvalley.org, Steven.Ayers@fountainvalley.org, Moiolaproperty@gmail.com

01/14/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor and City Councilmembers:

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Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,

Nguyet Tran
elletran@gmail.com
(714) 837-3966
13694 Kingsbridge St
Westminster, CA 92683
01/12/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential's Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor and City Councilmembers:

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Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,
Peter An Nguyen
atngotmail@gm.com
(949) 295-5138
104 Luminous
Irvine, CA 92603
New Support Letter

Hai P. Nguyen <no-reply@moiolaneighborhood.com>  
Tue, Jan 12, 2021 at 1:12 PM

To: support@jcevans.com, planning.building@fountainvalley.org, Michael.Vo@fountainvalley.org, kim.constantine@fountainvalley.org, patrick.harper@fountainvalley.org, Glenn.Grandis@fountainvalley.org, Ted.Bui@fountainvalley.org, Brian.James@fountainvalley.org, Steven.Ayers@fountainvalley.org, Moiolaproperty@gmail.com

01/12/2021

Mayor Michael Vo and Members of the City Council  
City of Fountain Valley  
10200 Slater Avenue  
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor and City Council members:

I support Brookfield Residential’s 74-home proposal for a new residential community on the site of the former Moiola school property.

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Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,

Hai P. Nguyen  
Haichau4an@gmail.com  
(949) 690-8821  
12909 Dahlia Street  
Garden Grove, CA 92840
New Support Letter

Hanh Nguyen <no-reply@moiolaneighborhood.com> Thu, Jan 7, 2021 at 9:56 AM
Reply-To: 4264whisperingleaves@gmail.com
To: support@jcevans.com, planning.building@fountainvalley.org, Cheryl.Brothers@fountainvalley.org, Michael.Vo@fountainvalley.org, patrick.harper@fountainvalley.org, kim.constantine@fountainvalley.org, Steve.Nagel@fountainvalley.org, brian.james@fountainvalley.org, moiolaproperty@gmail.com, marlo@nabermole.com

01/07/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor and City Councilmembers:

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Brookfield Residential has engaged the neighborhood, soliciting comments and feedback on their proposal. We appreciate working with them toward a common goal of improving our neighborhood.

Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,
Hanh Nguyen
4264whisperingleaves@gmail.com

18376 Mount Waterman St
Fountain valley, CA 92708
New Support Letter

An Nguyen <no-reply@moiolaneighborhood.com>  Tue, Feb 9, 2021 at 1:10 PM

Reply-To: atngotmail@yahoo.com
To: support@jcevans.com, planning.building@fountainvalley.org, Michael.Vo@fountainvalley.org,
kim.constantine@fountainvalley.org, patrick.harper@fountainvalley.org, Glenn.Grandis@fountainvalley.org,
Ted.Bui@fountainvalley.org, Steven.Ayers@fountainvalley.org, Moiolaproperty@gmail.com

02/09/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential's Proposal for the Re-Use of the Former Moiola School Property

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Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,

An Nguyen
atngotmail@yahoo.com
(949) 295-5138
104 Luminous
Irvine, CA 92603
New Support Letter

Natalie Ngo <no-reply@moiolaneighborhood.com> Thu, Jan 7, 2021 at 9:55 AM
Reply-To: Natalie.ngo@gmail.com
To: support@icevans.com, planning.building@fountainvalley.org, Cheryl.Brothers@fountainvalley.org, Michael.Vo@fountainvalley.org, patrick.harper@fountainvalley.org, kim.constantine@fountainvalley.org, Steve.Nagel@fountainvalley.org, brian.james@fountainvalley.org, moiolaproperty@gmail.com, marlo@nabermole.com

01/07/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

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Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,
Natalie Ngo
Natalie.ngo@gmail.com
(714) 907-4488
17666 San Candelo St
Fountain Valley, CA 92708
Moiola Property <moiolaproperty@gmail.com>

New Support Letter

Jenni Luu <no-reply@moiolaneighborhood.com> 
Thu, Jan 7, 2021 at 9:29 AM

Reply-To: jenniluu3@gmail.com
To: support@jcevans.com, planning.building@fountainvalley.org, Cheryl.Brothers@fountainvalley.org,
Michael.Vo@fountainvalley.org, patrick.harper@fountainvalley.org, kim.constantine@fountainvalley.org,
Steve.Nagel@fountainvalley.org, brian.james@fountainvalley.org, moiolaproperty@gmail.com, marlo@nabermole.com

01/07/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential's Proposal for the Re-Use of the Former Moiola School Property

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Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,
Jenni Luu
jenniluu3@gmail.com
(714) 457-8886
10245 Bunting Ave
Fountain Valley, California 92708
New Support Letter

Tyler Lai <no-reply@moiolaneighborhood.com> Thu, Jan 7, 2021 at 9:52 AM
Reply-To: tylhlai@gmail.com
To: support@jcevans.com, planning.building@fountainvalley.org, Cheryl.Brothers@fountainvalley.org, Michael.Vo@fountainvalley.org, patrick.harper@fountainvalley.org, kim.constantine@fountainvalley.org, Steve.Nagel@fountainvalley.org, brian.james@fountainvalley.org, moiolaproperty@gmail.com, marlo@nabermole.com

01/07/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

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Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,

Tyler Lai
tyhlhai@gmail.com
(714) 726-2130
Bunting Street
Fountain Valley, CA 92708
New Support Letter

Nancy Lai <no-reply@moiolaneighborhood.com> Thu, Jan 7, 2021 at 9:24 AM
Reply-To: don.nancylai@gmail.com
To: support@jcevans.com, planning.building@fountainvalley.org, Cheryl.Brothers@fountainvalley.org, Michael.Vo@fountainvalley.org, patrick.harper@fountainvalley.org, kim.constantine@fountainvalley.org, Steve.Nagel@fountainvalley.org, brian.james@fountainvalley.org, moiolaproperty@gmail.com, marlo@nabermole.com

01/07/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential's Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor and City Councilmembers:

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Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,
Nancy Lai
don.nancylai@gmail.com
(714) 552-7676
18361 Linden St
Fountain Valley, CA 92708
01/08/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor and City Councilmembers:

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Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,

Chris Kaul
cckoc@yahoo.com
(949) 798-9866
10781 Laconia Dr
Villa Park, CA 92861
July 16, 2020

Mayor Cheryl Brothers and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA  92708

Sent via e-mail to: Cheryl.Brothers@fountainvalley.org, planning.building@fountainvalley.org, Michael.Vo@fountainvalley.org, PatrickHarper@fountainvalley.org, Kim.Constantine@fountainvalley.org, Steve.Nagel@fountainvalley.org, Brian.James@fountainvalley.org, moiolaproperty@gmail.com

Dear Mayor Brothers:

Working in the property/community management industry, I have first-hand knowledge of how surrounding properties affect the value of the neighborhood as well as quality of life. While having a school in the neighborhood is a valued commodity, an empty school is not. Abandoned school sites become blighted properties—magnets for vandalism, homeless, drugs, etc. It is important to have a plan for these properties as quickly as possible and equally important to have the right plan in place.

During this current housing crisis, a variety of homes are needed to house every demographic in the marketplace—empty-nesters, millennials, and young families. In infill developments like this, the new community also needs to fit in with the surrounding neighborhoods. Brookfield Residential is proposing a product that will appeal to a wide demographic, while fitting in with the commercial and residential uses surrounding it.

Developers and builders must work with the communities in which they build -- engaging the neighbors, working closely with city staff and including local leaders and organizations in the process. Together, they will help to create a cohesive community, pleasing to both new and existing residents. I’ve seen it time and again.

I have worked with Brookfield Residential. They build quality communities and work well with the community in creation and implementation. I am confident, if allowed the opportunity, they will bring a quality development to Fountain Valley.

I appreciate you taking a moment to read my perspective on this proposed new neighborhood community.

Kind Regards,

Wendy Bucknum
949-466-6070
CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

02/23/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor and City Councilmembers:

I support Brookfield Residential’s 74-home proposal for a new residential community on the site of the former Moiola school property.

Although Moiola Elementary School was a benefit to the neighborhood and will be missed, the addition of a new public park and quality homes will greatly improve our neighborhood. Having a variety of home sizes and styles is the most appropriate use of the neighborhood given the surrounding commercial and residential uses.

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Brookfield Residential has engaged the neighborhood, soliciting comments and feedback on their proposal. We appreciate working with them toward a common goal of improving our neighborhood.

Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,
tuyet chu
wonderhee2@gmail.com
(714) 980-1372
13108 mendocino lane
garden grove, CA 92843
February 24, 2021

Bill Spear
Chair, Planning Commission
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Moiola Neighborhood – SUPPORT

Dear Chair Spear and Commissioners,

Orange County Business Council (OCBC), the leading voice of business in Orange County, is dedicated to expanding Orange County’s supply of workforce housing to ensure that the county’s workforce can live where they work. OCBC is proud to support Brookfield Residential’s proposed Moiola Neighborhood, which would add 74 new homes by transforming the blighted former Moiola school property into a vibrant new community.

Nearly nine years ago, the 12.9-acre Moiola Elementary School permanently closed due to a decline in enrollment. In 2019, Fountain Valley Unified School District (FVUSD) awarded Brookfield Residential the right to purchase the site for future development over 19 other bidders in a competitive selection process. FVUSD chose Brookfield because the neighborhood’s property sales would directly support Fountain Valley’s students and teachers, the numerous community benefits Brookfield has offered and Brookfield’s reputation as a trusted developer.

Revitalizing the site would be extremely beneficial to the City. Nearby property values would increase, a new one-acre park would be created at no cost to the City, more members of the Fountain Valley workforce would be able to purchase a home and live closer to where they work, and Fountain Valley would be closer to reaching its Regional Housing Needs Allocation (RHNA) targets. The new neighborhood would also generate less traffic than an operating K-8 school would, alleviating concerns of increased congestion.

For these reasons, OCBC strongly supports the proposed Moiola Neighborhood and asks the Planning Commission to approve the development.

Sincerely,

Jennifer Ward
Senior Vice President of Advocacy and Government Affairs

cc: Members, Fountain Valley Planning Commission
CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

02/28/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor and City Councilmembers:

I support Brookfield Residential’s 74-home proposal for a new residential community on the site of the former Moiola school property.

Although Moiola Elementary School was a benefit to the neighborhood and will be missed, the addition of a new public park and quality homes will greatly improve our neighborhood. Having a variety of home sizes and styles is the most appropriate use of the neighborhood given the surrounding commercial and residential uses.

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Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,
Emmie Tran
Etran@h1mb.com
(714) 722-3343
12915 lotus st
Garden grove, Ca 92840
CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

02/25/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor and City Councilmembers:

I support Brookfield Residential’s 74-home proposal for a new residential community on the site of the former Moiola school property.

Although Moiola Elementary School was a benefit to the neighborhood and will be missed, the addition of a new public park and quality homes will greatly improve our neighborhood. Having a variety of home sizes and styles is the most appropriate use of the neighborhood given the surrounding commercial and residential uses.

The removal of a blighted property that is an attractive nuisance to the homeless population and encourages illicit activity will be a welcomed change. Furthermore, the addition of this residential community will undoubtedly improve neighboring property values and provide new home opportunities for residents and those seeking to call Fountain Valley their home.

Brookfield Residential has engaged the neighborhood, soliciting comments and feedback on their proposal. We appreciate working with them toward a common goal of improving our neighborhood.

Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,
Omar Khalil
khalilommar@yahoo.com
(714) 600-1732
9158 Mcbride River Ave
Fountain Valley, CA 92708
CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

02/25/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor and City Councilmembers:

I support Brookfield Residential’s 74-home proposal for a new residential community on the site of the former Moiola school property.

Although Moiola Elementary School was a benefit to the neighborhood and will be missed, the addition of a new public park and quality homes will greatly improve our neighborhood. Having a variety of home sizes and styles is the most appropriate use of the neighborhood given the surrounding commercial and residential uses.

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Sincerely,
thanh chau
Thanshsmailbox@gmail.com

8391 Hazelwood Cir
Westminster, California 92683
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03/04/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor and City Councilmembers:

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Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,
Dale Hata
dkh1122@yahoo.com
(323) 273-7331
1404 Todd Place
Montebello, California 90640
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03/04/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor and City Councilmembers:

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Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,
Ruby Tran
Rubytran001@gmail.com
(909) 520-4494
9375 Imperial ave
Garden Grove, Ca 92844
March 8, 2021

The Honorable Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

Dear Mayor Vo:

The Fountain Valley Chamber of Commerce is dedicated to the growth of business in our community through active leadership in civic, cultural, legislative, and educational programs. We work closely with city officials, business leaders and civic organizations to build a sound economic base and orderly growth that benefits our entire community. That is why we are advocating for our member, Brookfield Residential, as they plan for new homes at the former Moiola school site on Finch Avenue.

Fountain Valley needs a variety of housing types to meet the needs of its diverse workforce and families who call Fountain Valley home. The homes planned will serve as move-up opportunities for growing families; the homes they leave behind will then be available to first-time homebuyers. Additionally, from a land-use perspective, homes are a logical use for this property and the size ranges fit in with the surrounding existing residential and commercial uses.

In these uncertain economic times, where the city is looking for needed funds to offset the effects of the pandemic, homes of this size and price range are crucial to providing much-needed tax dollars for local infrastructure and public safety, among other needs. Additionally, the new homeowners will undoubtedly provide a new customer base for our local businesses and chamber members at a time when these businesses are working to recover from the economic impacts of the pandemic.

We ask that you vote to approve new homes at Moiola.

Respectfully,

Memory Rose Bartlett
President & CEO | Fountain Valley Chamber of Commerce
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03/07/2021

Mayor Michael Vo and Members of the City Council  
City of Fountain Valley  
10200 Slater Avenue  
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

Dear Mayor and City Councilmembers:

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Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,
Kellie Nguyen  
kellienguyenbroker@gmail.com

16441 Magnolia Street, Suite B  
Westminster, CA 92683
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03/10/2021

Mayor Michael Vo and Members of the City Council
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RE: Brookfield Residential’s Proposal for the Re-Use of the Former Moiola School Property

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Please approve this neighborhood for 74 homes and a public park when it is brought before you.

Sincerely,

Thao Hua
tiffthao@gmail.com
(714) 316-9750
9041 Lampson Ave
Garden Grove, CA 92841
To: Honorable Mayor and Members of the City Council

Agenda Date: March 16, 2021

SUBJECT: Special Capital Improvement Projects for Council Consideration

a. Police Station Locker Room Modernization/ Improvement Project
b. Fire Station 1 Modernization/Improvement Project
c. City Hall Remodel/Renovation

EXECUTIVE SUMMARY:

The City of Fountain Valley is a City that takes pride in their homes and businesses and invest in their maintenance to ensure they continue to have a high quality community. City facilities are also part of the Community and need proper maintenance to ensure they continue to provide a modern environment for staff to work in and serve our residents and business owners. One of the City’s strategic goals is to “maintain and enhance City facilities”. Three key facilities in need of investment for maintenance and enhancement are the City Police Station, Fire Station 1, and our City Hall. The following three Capital improvement projects are recommended to have Capital funding allocated to them to kick off final design and set up contracts to conduct these renovations.

The City of Fountain Valley’s Police and Fire Department workforce has changed significantly since the original buildings were constructed in 1984 for Police Station and 1958/1961 respectively for the Fire Stations. Both Police Station Locker and restroom facilities and Fire Stations living quarters need to be modernized. The City Hall is a focal point for all services rendered for residents and businesses (i.e. paying utility bills, business licenses, and submitting plans for plan check and processing various permits, questions regarding city services, etc.). The service counter is dated and lacks areas for customers who need to review plans or inquire with specific staff. The City Hall remodel also provides much-needed safety roll-up counter closure for the Human Resources area.

Staff prepared preliminary cost estimates for these facilities improvements for Council consideration for funding prioritization.

DISCUSSION:

Police Station Locker and Restroom Gender Diversity Improvements
The proposed project addresses old locker room and bathroom configuration that has outlived its useful service life and is no longer efficiently functional. Our Police force has changed some since 1984 when the facility was constructed. In the 1980s, most of the Police force was male with a very large men’s washroom and locker room area and a very limited female locker area. Today’s force has a much different gender distribution and likely more change is expected in the future. To provide equitable access for facilities to match modern times, we need a larger women’s locker area and private shower and changing areas in both locker sections to provide a professional workspace for our team. Police, Public Works, and the consultant architect are collaborating on refining the plans for functionality. Police Department is also soliciting inputs and feedback from the police officers representative for further refinement. The preliminary cost estimate for the renovation work and the needed temporary trailers for temporary locker and restroom use is approximately $2,800,000. This estimate includes engineering, construction, and temporary accommodations.

City staff including the Police Chief recommend this project be moved forward to address the current and future needs of our Police department staff.

Fire Station 1 and 2 Modernization Improvements

Fire Station 1 and 2 were constructed in 1958 and 1961 respectively. Both Fire Stations were designed and constructed prior to the City of Fountain Valley was being incorporated with a population of just over 2,000 residents. With an increase in population, the need for Fire Department service also grew along with NFPA safety requirements for minimum staffing levels. Both stations were designed and constructed in an era when non-male firefighters and individual privacy were not considered. The sleeping areas are all in a big common room and restrooms are locker room style with large open spaces without any privacy. A modern professional accommodation for our team should provide privacy during sleep periods and restroom use. In 2017, Fire Department consulted with an architect for preliminary layout plans to address these shortcomings and modernize the stations. The preliminary layouts offered two viable options for both fire stations but it is recommended that Fire Station #1 be focused on first. It is not recommended to conduct major Capital work at two Fire stations at the same time. Fire Station #2 work can be addressed once Fire Station #1 work is completed.

The Fire Station #1 study has resulted in two possible remodeling options. Option 1 includes the following improvements. (Optimized/recommended Renovation)

- Remodel all sleeping quarters to include private rooms with doors
- Remodel all restrooms to include doors and ensure privacy.
- Provide Battalion Chief office and officer quarters (FS 1 currently shares officer dorms and office space in open areas used for dressing bathroom pathways)
- Create full second story space on south portion of station to replace current sloped roof area.
• Repair all cracked concrete on driveways and approaches

Options 2 includes the following improvements. (Expanded Renovation)

• Includes all of the Option 1 improvements
• addition of the second story for additional dormitories (not currently required)
• training/conference rooms
• Additional storage areas

Both of these renovation options will address the need for private restrooms, dorm renovations, and other important improvements

Below is a summary of preliminary cost estimates which includes architectural services, engineering, construction, and possible temporary accommodations during construction.

<table>
<thead>
<tr>
<th></th>
<th>Option 1 Optimized/Recommended Renovation</th>
<th>Option 2 Full and expanded Renovation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire Station 1</td>
<td>$2.9 million</td>
<td>$6 million</td>
</tr>
<tr>
<td>Fire Station 2</td>
<td>$1.1 million</td>
<td>$3.3 million</td>
</tr>
</tbody>
</table>

City staff, including the Fire Chief recommend the Option 1 project for Station #1 as it addresses the core needs of the station within a reasonable budget. The increased benefit of Option #2 is not large enough to merit a cost increase of over $3 million more dollars.

City Hall Remodel/Renovation

The City Hall is a focal point for all services renders to our residents and businesses. Our City Hall is dated and functional improvements would extend the service life of the City Hall for many years to come. The current proposal reorganizes a few walls and doors to repurpose under-utilized spaces to create functional areas for customers and staff meeting engagement areas. Below is a brief list of renovation components.

• Create functional meeting areas for plan submittals
• Reorganize access to the Finance/City Manager area conference room
• Resurface front counter service center area
• Secure Human Resources area for sensitive personnel files
• Provide Finance area wall along the entry hallway. Currently, all of the Finance Department has a short partition that separates the hallway and offices and noise interferes with meetings and conference calls. There are no private offices for staff to conduct quiet meetings or discussions.
This improvement will add to functionality in how we service our customers and businesses when they come in for inquiries. The estimated cost for these improvements is approximately $250,000 depending on the countertop material.

City staff recommend this project be moved forward to modernize the customer service and meeting areas of City Hall.

FINANCIAL ANALYSIS:

All these projects are eligible for Capital Reserves funds. The City is projecting a Capital reserve balance of $20,781,000 at June 30, 2021, which is sufficient to support funding all three projects as recommended. At the pleasure of the Council, the Council may allocate capital reserve funds for these critical facilities Capital Improvement Program projects.

<table>
<thead>
<tr>
<th>Recommended Project List</th>
<th>Estimated Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Police Station Locker Room / Restroom Project</td>
<td>$2.8 million</td>
</tr>
<tr>
<td>2. Fire Station #1 Renovation Project</td>
<td>$2.9 million</td>
</tr>
<tr>
<td>3. City Hall Renovation</td>
<td>$250,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$5,950,000</strong></td>
</tr>
</tbody>
</table>

ATTORNEY REVIEW:

Legal review is not needed at this time.

ALTERNATIVES:

Alternative No. 1: Provide direction to staff for prioritizing Capital Reserve funds to the recommended projects.

Alternative No. 2: Do not provide direction to staff and defer these projects until a future date.

RECOMMENDATION:

Staff recommends the City Council approve Alternative No. 1, which is provides direction to staff on prioritizing Capital Reserve funds for the Police Station Locker, Fire Station 1 remodel, and City Hall renovation.

Prepared by: Hye Jin Lee, Director of Public Works
To: Honorable Mayor and Members of the City Council; Successor Agency, Housing Authority & Public Financing Authority Members

SUBJECT: Recommended Position Reclassifications

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**EXECUTIVE SUMMARY:**

The City of Fountain Valley provides excellent service to the community thanks to a superb team of staff dedicated to public service. The City has a Strategic Goal to “attract, develop, and retain quality staff.” Periodically the staffing distribution and classification of positions in the City are reviewed by the City Manager and Department Directors to determine if any adjustments are recommended, to ensure we are structured in the most effective way to both support excellent customer service and ensure the development and retention of staff. The most recent review of the City’s staffing allocation resulted in a recommendation to adjust 5 positions in the City without adding any additional FTE’s or funding. The City’s recent midyear budget update has shown that the City has fared well financially and the requested staffing adjustments result in a net savings of $34,993.

**DISCUSSION:**

Periodically the staffing distribution and classification of positions in the City are reviewed by the City Manager and Department Directors to determine if any adjustments are recommended, to ensure we are structured in the most effective way to both support excellent customer service and ensure the development and retention of staff. The most recent review of the City’s staffing allocation resulted in a recommendation to adjust 5 positions in the City without out adding any additional FTE’s or funding. It should be noted that 4 of the 5 recommendations being made were presented to the City Council last budget season but were not approved at that time due to the COVID shutdown and the uncertain financial impact that might occur from that event. The City’s recent midyear budget update has shown that the City has fared well financially and the requested staffing adjustments do not require any additional budgeted funds as additional costs are offset by savings.
**Recommended Position Adjustments**

**City Manager’s Office**

The City Manager’s office is currently comprised of 4.5 FTE (Full-Time Equivalents)

- 1.0 - City Manager
- 1.0 - Assistant to the City Manager
- 1.0 - City Clerk
- 1.0 - Vacant – Executive Assistant/Deputy Clerk
- 0.5 - Vacant - Management Aide

**Reclass “Assistant to the City Manager” to Deputy City Manager:** It is recommended that the Assistant to the City Manager position be moved to a Deputy City Manager title to more match the level of responsibility and oversight that this position does leading Economic Development and Business Outreach efforts, City Communications on the web and social media, managing the City’s legislative efforts and addressing escalated residents’ concerns. This title and position change will add this position to the Department Directors group and have an additional cost of **$13,000**.

**Combine Executive Assistant and 0.5 Management Aide into single Management Aide:** It is also recommended that both the vacant Executive Assistant and vacant half time Management Aide be combined into a single role of a full time Management Aide. The City Manager’s office requires a diverse set of assistance that ranges from assisting City Council with their schedules and appointments, to acting as the Deputy Clerk in assisting the City Clerk in his duties, answering the City Manager office calls, handling mail, and handling walk in visitors. In addition, we need to replace the work that the half time Management Aide did to assist the Assistant to the City Manager on Economic Development projects and Communication efforts. This work can efficiently and cost effectively be handled by combining the two positions into a single Management Aide position. Total savings of this change equals **($59,000)**.

**City IT Team**

**Reclass one IT Technician to Lead Technician** - The City has an extremely lean IT team with 3 IT Technicians and one IT Manager to serve all City functions from Police, Fire and City Hall staff, to networks, smartphone support and web cams. The Division would best operate with one of the IT technicians being reclassed to a Senior Technician to provide both more administrative and supervisory oversight and also to ensure there is a better career ladder to support succession planning and staff upward mobility. Total extra cost equals **$4,117**.

**Fire Department**

**Reclass one Fire Battalion Chief position to Fire Division Chief** – The City currently has 3 Battalion Chiefs, one for each of the 3 shifts that the Fire Department uses to run their operations. All Orange County Fire Departments except for Fountain Valley have a rank of
second in command. A Division or Deputy Chief handles oversight of Fire and Emergency Operations and coordinates with all other local agencies to ensure coordination and cooperation of operations. Additionally, the Division Chief position acts as the Fire Chief in their absence. Currently Fountain Valley has assigned the extra Division Chief duties to one of the Battalion Chiefs and this staff member collaborates with other Orange County Fire Departments and state authority in the capacity of a 40 hour position related to critical Fire Department Operations. This position acts on the Fire Chiefs behalf and supports the Fire Chief in a position that exceeds the expected job description of a Battalion Chief. This position existed prior to the economic downturn and after the retirement of the Chief holding that position, has not been filled since the late 2000’s, limiting staff from five critical positions to four. In order to allow Fountain Valley to function the same as all other modern County Fire Departments and contribute equally as a local and state partner, it is requested that one of the Battalion Chief positions be reclassed to the Division Chief level. Historically and before the economic downturn, special assignments for Battalion Chiefs were at 12.5% above their base pay. Chief Cookston has worked hard to minimize the impact of this request to limit the pay increase to 9%. In addition, he has recommended a reduction in Overtime Pay of almost $9,000 per year to offset more of the proposed increase. All told, the net increase for this position would equal $9,548 extra per year. I asked Chief Cookston to see if he could find additional savings and with the current vacancy of one of his administrative support staff, he will offer to have a vacant Management Aide position be reclassed to an Administrative Assistant which will save $10,835 per year. It should be noted that all the Battalion Chief’s and the Fountain Valley Firefighters Association support this proposed change. Total savings equals ($1,287)

<table>
<thead>
<tr>
<th>Fire Department</th>
<th>Department Operations Chief Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anaheim Fire</td>
<td>Division Chief</td>
</tr>
<tr>
<td>Brea Fire</td>
<td>Deputy Chief</td>
</tr>
<tr>
<td>Costa Mesa Fire</td>
<td>Division Chief</td>
</tr>
<tr>
<td>Fountain Valley Fire</td>
<td>Battalion Chief</td>
</tr>
<tr>
<td>Fullerton Fire</td>
<td>Deputy Chief</td>
</tr>
<tr>
<td>Huntington Beach Fire</td>
<td>Division Chief</td>
</tr>
<tr>
<td>Laguna Beach Fire</td>
<td>Division Chief</td>
</tr>
<tr>
<td>Newport Beach Fire</td>
<td>Assistant Chief</td>
</tr>
<tr>
<td>OCFA</td>
<td>Assistant Chief</td>
</tr>
<tr>
<td>Orange City Fire</td>
<td>Deputy Chief</td>
</tr>
</tbody>
</table>
Recreation Department

Reclass Recreation Coordinator position at Senior Center to Recreation Supervisor

In 2017 the Recreation Division transitioned and became their own Department. A number of staffing changes occurred at that time to set up the Department effectively. The Senior Center Coordinator position reclass was not completed at this time due to existing staff qualification requirements but as it is now a vacant position it should be reclassed to the Recreation Supervisor level. The position will also be taking on additional responsibilities such as working with the expanded social services, art, and transportation tasks now part of the Department’s responsibilities. Moving the position a Recreation Supervisor should also improve the retention of the employee in this role as Supervisors typically stay in their positions up to 5 years longer than Coordinators. Total additional cost equals **$8,117**

Overall Savings for Personnel request

To summarize it is proposed to make a small series of personnel changes to update our City structure to help the staff structure fit better to take on 2021 needs of the City. (brackets equals savings)

- Reclass to create Deputy City Manager position = **$13,000**
- Reclass Executive Assistant and remove 0.5 Management Aide = **($59,000)**
- Reclass IT Technician to Senior Technician = **$4,117**
- Reclass Battalion Chief to Division Chief = **($1,287)**
- Reclass Recreation Coordinator to Supervisor = **$8,177**

**Total savings of recommended personnel adjustments = Savings of $34,993**

FINANCIAL ANALYSIS:

Despite the economic uncertainty caused by the COVID pandemic when the FY20/21 budget was adopted, the City is projecting budgetary savings of approximately $6 million at fiscal year end. This savings reflects a resilient sales tax, increased building activity and associated fees as well as one-time payment from the Orange County Sanitation District project. The recommended position reclassifications would result in an annualized net savings of $34,993 to the General Fund.

LEGAL REVIEW:

This staff report and attachments have been reviewed by the Attorney for the City.

ALTERNATIVES:

**Alternative No.1:** Approve the Staffing Adjustments proposed for a net budget savings of $34,993.

**Alternative No. 2:** Do not approve the recommended action and provide direction to staff.
RECOMMENDATION:

Staff recommends approving Alternative No.1: Approve the Staffing Adjustments proposed for a net budget savings of $34,993.

Prepared by: Rob Houston, City Manager

Approved by: Rob Houston, City Manager