AGENDA
CITY COUNCIL/ SUCCESSOR
AGENCY TO THE FOUNTAIN
VALLEY AGENCY
FOR COMMUNITY DEVELOPMENT/
FOUNTAIN VALLEY HOUSING AUTHORITY
Closed Session 4:00 p.m.
Study Session 5:30 p.m.
Regular Meeting 6:00 p.m.
Tuesday, April 6, 2021
Council Chambers
10200 Slater Avenue
Fountain Valley, CA 92708
http://www.fountainvalley.org

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.

ZOOM LINK INFORMATION

- Participants that choose to watch the City Council meeting through zoom are automatically placed in the waiting room and will only be allowed into the Zoom meeting if they request to make a public comment. In order to make a public comment, you will indicate through the chat feature which item you would like to speak on, and click on the "raise hand" icon to let the administrator know you wish to speak.
- All participants are muted unless you are requesting to speak, at which time you will be allowed to unmute and make you comment.
- All public comments are allowed up to 3 minutes to speak.

Remote Meeting Log-In Instructions

Please click the link below to join the webinar:
https://us02web.zoom.us/j/85708427571?pwd=c0VVMkNlQWdsQlFzVkl2dGNqNGN1dz09

Meeting ID: 857 0842 7571
Passcode: 385904
One tap mobile
+16699006833,,85708427571##,*385904# US (San Jose)
+13462487799,,85708427571##,*385904# US (Houston)

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

4:00 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.

2. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9 (1 potential case)

3. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
Paragraph (1) of subdivision (d) of Section 54956.9
Name of case: WISP v. City of Fountain Valley FCC WT Docket No. 19-270

STUDY SESSION

CALL TO ORDER
5:30 P.M.

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.

4. Presentation from CalRecycle on Senate Bill 1383 — Presented by Jeff Taylor of CalRecycle

OPEN SESSION

CALL TO ORDER
6:00 p.m.

INVOCATION

SALUTE TO THE FLAG Mayor Michael Vo

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

- Proclamation Recognizing Tanya Hoxsie for her 26 years of Service to the Huntington Valley Boys and Girls Club
- Recognition of Tiffany Hoang for Receiving her Eagle Scout Award and Girl Scouts Gold Award
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 5 – 9 will be approved simultaneously with one motion, unless separate action/or discussion is requested.

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

6. Second Reading and Adoption of an Ordinance Approving Zoning Map Amendment 431 for the Moiola Park Residents at 9790 Finch Avenue Page 12

   Adopt the attached Ordinance of the City Council of the City of Fountain Valley approving Zoning Map Amendment 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.

7. AUTOMATIC AID AGREEMENT 2021 WITH THE ORANGE COUNTY FIRE AUTHORITY Page 51

   Staff recommends that City Council approve the update of the current "automatic aid agreement" with the Orange County Fire Authority and authorize the Fire Chief to sign the agreement document.

8. Request to Destroy Finance Department Records Page 64

   Staff recommends that the City Council approve Alternative 1: Authorize the City Clerk to destroy the Finance Department records contained in the records destruction requests.

9. 1) Approval of Amendment No. 3 to CON-19-33 for $139,832 for Architectural Design Services for the Police Department Locker and Restroom Modernization Project (the Project); and, 2) Amendment to the FY20/21 General Fund Budget for $129,782 for the Project, Project No. GF794 Page 68

   1) Approve Amendment No. 3 to CON-19-33 in the amount of $139,832 with TR Design for additional architectural design services; and, 2) Amend the FY20/21 General Fund budget for $129,782 for the proposed Interior Improvements to the Existing Fountain Valley Police Department Locker Rooms/Restrooms, Project No. GF794. This is the recommended action.
ADMINISTRATIVE ITEMS

10. **Strategic Plan Review Update** (Presentation by Rob Houston, City Manager) Page 81

   Staff recommends that the City Council receive and file the April 6, 2021 updated Six-Month Strategic Objectives Matrix.

11. **Senate Bill 34 (Umberg D) Libraries: Student Success Cards** (Presentation by Rob Houston, City Manager) Page 89

   Staff is seeking direction from City Council.

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 20, 2021 at 6:00 p.m., in the Fountain Valley Council Chambers, 10200 Slater Avenue, Fountain Valley.
MINUTES OF THE
CITY COUNCIL/ SUCCESSOR AGENCY TO THE FOUNTAIN VALLEY AGENCY
FOR COMMUNITY DEVELOPMENT/ FOUNTAIN VALLEY HOUSING AUTHORITY
Closed Session 4:30 p.m.
Study Session Immediately Following Closed Session
Regular Meeting 6:00 p.m.
Tuesday, March 16, 2021
Council Chambers

CLOSED SESSION

CALL TO ORDER
4:30 p.m.

PUBLIC COMMENTS (Closed Session matters only)

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.

No reportable Action

STUDY SESSION

CALL TO ORDER 5:46 p.m.

PUBLIC COMMENTS (Study Session matters only)
There were no public comments.

1. Community Services Department Review and Proposed Community Access Rental Program – Presented by Community Services Director Rob Frizzelle

Community Services employees; Christy Araiza, Brian Karr and Jake Hopkins presented department review and proposed community access rental program to the City Council.
OPEN SESSION

CALL TO ORDER
6:12 p.m.

INVOCATION
Mayor Michael Vo

SALUTE TO THE FLAG
Mayor Pro tem Patrick Harper

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

In regards to item 9 on the agenda, additional letters of support that were received after the agenda was posted were provided to the City Council and the public.

PRESENTATIONS

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

  Jake Hopkins presented the award that the Community Services Department received from the California Parks and Recreation Society

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

  Fire Chief Ron Cookston spoke about the recent fire and the heroics that occurred because of the fire and honored Maria Garcia as a local hero for her efforts during the fire.

PUBLIC COMMENTS (Scheduled Matters Only)

There were no public comments at this time.

CONSENT CALENDAR

Consent Calendar Items 3; 5 – 8 were 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

   ACTION: Move to approve the Draft Minutes of the March 2, 2021 Regular City Council Meeting
MOTION: Grandis    SECOND: Constantine

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

Item 4 was heard as a Public Hearing item

4. Vacation of Waterline Easement

Public Hearing Opened: 6:37 p.m.

There were no public comments on this item.

Public Hearing Closed: 6:38 p.m.

ACTION: Move to approve the Vacation of the Waterline Easement

MOTION: Harper    SECOND: Constantine

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

5. RESOLUTION FOR PREFERENTIAL PERMIT PARKING FOR SIX HOLIDAYS 2021

ACTION: Move to approve the Resolution for PRerfertial Permit Parking for six holidays in 2021

MOTION: Grandis    SECOND: Constantine

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

6. Housing Element Progress Report

ACTION: Move to approve the Housing Element Progress Report

MOTION: Grandis    SECOND: Constantine

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

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

ACTION: Move to approve the Second Reading and Adoption 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

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

ACTION: Move to approve the Purchase of a Bauer Verticon air bottle filling station for the amount of $55,456.90

MOTION: Grandis SECOND: Constantine

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

PUBLIC HEARINGS

9. Moiola Park Residences General Plan Amendment 20-01, Zoning Map Amendment 431, MND and MMRP

Public Hearing opened at 7:14 p.m.

Public Comments: Steve LaMotte, Mario Mole, James Stratton, Brian Genovese, Connor Medina, JoAn Hawley, Wendy Bucknam, Gretchen, Susan Saurastrri

Public Hearing Closed at 7:34 p.m.

ACTION: Move to approve the Moiola Park Residences General Plan Amendment 20-01, Zoning Map Amendment 431, MND and MMRP

MOTION: Bui SECOND: Constantine

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

ACTION: Police Station Locker Room Modernization/ Improvement Project was approved by consensus to move forward in the next phase with design construction

Fire Station 1 Modernization/Improvement Project was continued in order to bring back more options for the redesign and costs for various options

City Hall Remodel/Renovation was approved by consensus to move forward with the design phase

11. Recommended Position Reclassifications

ACTION: Move to approve the recommended position changes as presented

MOTION: Bui SECOND: Constantine

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

COUNCIL MEMBER ITEMS FOR FUTURE CONSIDERATION

Council Member Constantine requested the City Council consider a city council reporting of any contribution received over $250 if the contributor is seeking approval of a project before the city council. There was no second for the item.

Council Member Grandis requested that staff look into the possibility of a community garden. The request was seconded by Councilmember Constantine.

Council Member Bui requested that an amendment be made to the current sign ordinance prohibiting anyone from attaching a sign to a light pole with tape. The request was seconded by Mayor Vo
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

March 4      Attended the Advisory Committee for the persons with disabilities via zoom
March 11     Attended the GPAC meeting via zoom

Council Member Bui

March 16     Attended the League of Cities American Rescue Plan

Council Member Grandis

February     Attended the Coffee with the Chamber
February     Attended the American Red Cross Blood Donation event and donated blood
March 16     Attended the League of Cities American Rescue Plan

Mayor Pro Tem Harper

March 8      Attended the OCTA Board Meeting
March 10     Attended the OCTA Finance Committee meeting and OC Sanitation District meeting
March 11     Attended the GPAC meeting virtually
March 16     Attended the League of Cities American Rescue Plan

Mayor Vo

March 4      Attended the Rotary Club meeting
March 11     Attended the GPAC meeting virtually

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

Mayor Vo adjourned the meeting at 8:59 pm to the next Regular Meeting of the Fountain Valley City Council on April 6, 2021 at 6:00 p.m., in the Fountain Valley Council Chambers, 10200 Slater Avenue, Fountain Valley.

Michael Vo, Mayor

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Attest:

Rick Miller, City Clerk
EXECUTIVE SUMMARY:

At its meeting of March 16, 2021, the City Council introduced for a first reading an Ordinance approving Zoning Map Amendment (ZMA) 431 with a Planned Development (PD) Overlay for the Moiola Park Residences ("Project") located at 9790 Finch Avenue (attachment 2). The Ordinance was approved by a vote of 5-0 during the first reading without Amendment.

As detailed in the attached Staff Report (Attachment No. 1), the Ordinance approving ZMA 431 would 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 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. In addition to the ZMA, the City Council also approved a Resolution approving a MND and MMRP in accordance with CEQA for the project as well as a Resolution approving General Plan Amendment 20-01 to change the General Plan Land Use Designation of the Project site from Public Facilities and Park to Low Density Residential, Low Medium Density Residential, and Park.

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

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 MND 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.
Council Action Request
Second Reading – Adoption of an Ordinance approving Zoning Map Amendment 431 for the Moiola Park Residences
City Council Meeting April 6, 2021
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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 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. The MND includes a MMRP document to help staff track the applicant’s progress in meeting each mitigation measure required by the MND.

Prior to action on the entitlements, the City Council considered and approved a Resolution approving the MND and the MMRP by a vote of 5-0 at the regularly scheduled City Council meeting of March 16, 2021.

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 $176,331.15 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 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 for the public hearing on March 16, 2021.

ALTERNATIVES:
1. Adopt the attached Ordinance of the City Council of the City of Fountain Valley approving Zoning Map Amendment 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 adopt the attached Ordinance of the City Council of the City of Fountain Valley approving Zoning Map Amendment 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.

**RECOMMENDATION:**

Staff recommends that the City Council select Alternative No. 1 – Adopt the attached Ordinance of the City Council of the City of Fountain Valley approving Zoning Map Amendment 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

Attachment 1: November 17, 2020 Staff Report
Attachment 2: An Ordinance of the City Council of the City of Fountain Valley approving Zoning Map Amendment 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.
CITY OF FOUNTAIN VALLEY
CITY COUNCIL
COUNCIL ACTION REQUEST

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 (MMRP) 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.
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
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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 G-1 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 anc 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 P1 – 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 cut 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
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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.

Plan 1
2,696 square feet
4 bedroom, 3 bathroom, 2-car garage
Offered in GH zone only

Plan 2
2,895 square feet
4 bedroom, 3 bathroom, 2-car garage
Offered in GH zone only

Plan 3
3,069 square feet
5 bedroom, 3 bathroom, 3-car garage
Offered in GH zone and Lot 10 of R1 zone

Plan 4
3,375 square feet
5 bedroom, 4.5 bathroom, 3-car garage
Offered in R1 zone

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/acre), which falls below the maximum 5 du/acre 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,
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><strong>Required</strong></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>Balconies &amp; Decks</td>
</tr>
<tr>
<td>Max. Site Coverage</td>
</tr>
<tr>
<td>Min. 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>Min. Site Coverage</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><strong>Required</strong></td>
</tr>
<tr>
<td>Min. Lot Area</td>
</tr>
<tr>
<td>Min. Lot Width</td>
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<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>
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<tr>
<td>Max. Building Height</td>
</tr>
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<td>Max. Ratio 2nd story / 1st Story</td>
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<tr>
<td>Balconies &amp; Decks</td>
</tr>
<tr>
<td>Max. Site Coverage</td>
</tr>
<tr>
<td>Min. 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>Min. Site Coverage</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
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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 3 – GH Zoning Compliance Table (Plan 1 on lots 11-74)

<table>
<thead>
<tr>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Area</td>
<td>1,800 sf</td>
</tr>
<tr>
<td>Min. Lot Width</td>
<td>20'</td>
</tr>
<tr>
<td>Min. Lot Depth</td>
<td>Per commission</td>
</tr>
<tr>
<td>Max. Density</td>
<td>10.8 dwellings per acre</td>
</tr>
<tr>
<td>Max. Dwellings per Parcel</td>
<td>1</td>
</tr>
<tr>
<td>Min. Front Setback</td>
<td>Per commission</td>
</tr>
<tr>
<td>Min. Side Setback</td>
<td>Per commission</td>
</tr>
<tr>
<td>Min. Street Side Setback</td>
<td>Per commission</td>
</tr>
<tr>
<td>Min. Rear Setback</td>
<td>Per commission</td>
</tr>
<tr>
<td>Max. Building Height</td>
<td>30' / 2 story</td>
</tr>
<tr>
<td>Max. Ratio 2nd story / 1st Story</td>
<td>Per commission</td>
</tr>
<tr>
<td>Balconies &amp; Decks</td>
<td>Per commission</td>
</tr>
<tr>
<td>Max. Site Coverage</td>
<td>30% project coverage</td>
</tr>
<tr>
<td>Max. F.A.R.</td>
<td>Per commission</td>
</tr>
<tr>
<td>Min. Floor Area</td>
<td>1,500 sf</td>
</tr>
<tr>
<td>Min. Front Yard Landscape</td>
<td>50% of 750 sf (375 sf)</td>
</tr>
<tr>
<td>Parking / Bedroom Count</td>
<td>2 enclosed spaces / 4 BR</td>
</tr>
<tr>
<td>Max. Garage Size</td>
<td>450 sf (2 spaces)</td>
</tr>
<tr>
<td>Min. Rear Yard Area</td>
<td>320 sf</td>
</tr>
</tbody>
</table>

Table 4 – GH Zoning Compliance Table (Plan 2 on Lots 11-74)

<table>
<thead>
<tr>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Area</td>
<td>1,800 sf</td>
</tr>
<tr>
<td>Min. Lot Width</td>
<td>20'</td>
</tr>
<tr>
<td>Min. Lot Depth</td>
<td>Per commission</td>
</tr>
<tr>
<td>Max. Density</td>
<td>10.8 dwellings per acre</td>
</tr>
<tr>
<td>Max. Dwellings per Parcel</td>
<td>1</td>
</tr>
<tr>
<td>Min. Front Setback</td>
<td>Per commission</td>
</tr>
<tr>
<td>Min. Side Setback</td>
<td>Per commission</td>
</tr>
<tr>
<td>Min. Street Side Setback</td>
<td>Per commission</td>
</tr>
<tr>
<td>Min. Rear Setback</td>
<td>Per commission</td>
</tr>
<tr>
<td>Max. Building Height</td>
<td>30' / 2 story</td>
</tr>
<tr>
<td>Max. Ratio 2nd story / 1st Story</td>
<td>Per commission</td>
</tr>
<tr>
<td>Balconies &amp; Decks</td>
<td>Per commission</td>
</tr>
<tr>
<td>Max. Site Coverage</td>
<td>30% project coverage</td>
</tr>
<tr>
<td>Max. F.A.R.</td>
<td>Per commission</td>
</tr>
<tr>
<td>Min. Floor Area</td>
<td>1,500 sf</td>
</tr>
<tr>
<td>Min. Front Yard Landscape</td>
<td>50% of 750 sf (375 sf)</td>
</tr>
<tr>
<td>Parking / Bedroom Count</td>
<td>2 enclosed spaces / 4 BR</td>
</tr>
<tr>
<td>Max. Garage Size</td>
<td>450 sf (2 spaces)</td>
</tr>
<tr>
<td>Min. Rear Yard Area</td>
<td>320 sf</td>
</tr>
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</table>
Table 5 – GH Zoning Compliance Table (Plan 3 on Lots 11-74)

<table>
<thead>
<tr>
<th>GH ZONING COMPLIANCE TABLE - PLAN 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required</td>
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<tr>
<td>Max. Density</td>
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<tr>
<td>Max. Dwellings per Parcel</td>
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<tr>
<td>Min. Front Setback</td>
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<tr>
<td>Min. Side Setback</td>
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<tr>
<td>Min. Street Side Setback</td>
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<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>Balconies &amp; Decks</td>
</tr>
<tr>
<td>Max. Site Coverage</td>
</tr>
<tr>
<td>Max. F.A.R.</td>
</tr>
<tr>
<td>Min. Room 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>

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 Molina 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.
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, 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 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.
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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
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 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 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 story 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 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.

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 accumulator 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 (OCFCDD) 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 64 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 equals 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 3 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-exavagation agreement for a Native American monitor who has been approved by the Gabrielleutio 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 archeologist 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 6:00 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 Gabrielleño Band of Mission Indians-Kızıl 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 "archaeological 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
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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: NOT INCLUDED IN STAFF REPORT FOR SECOND READING
1. Resolution approving the MND, Appendices A-J which are available at https://www.fountainvalley.org/1365/Mololla-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
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 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 March 16, 2021; 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/O/S - 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-C3, 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 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 judgment 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, bulbéd
intersections, and enriched landscaping.

The second PD Overlay will allow Lot 10 to be built to a 97% ratio rather than the
maximum 76% 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
Moila 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 lot 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 1,500 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 southern 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 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 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 6TH DAY OF APRIL, 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”
Exhibit A

Existing Zoning

Proposed Zoning

Site Summary:
- 7,200 ft² Lots and 4,500 ft² Lots with Private Streets
- Total Homes: 74
  - Site Area: 13.9 Acres
  - Gross Density: 56.69 Homes/Acre
  - Typ. Lot Size: 50' x 90' (64 Lots)

Legend:
- R-1 Zone (2.73 Acres, 18 Lots)
- Density: 14.71 ft²/ft²
- F.A.R.: 0.37
- GH Zone (1.36 Acres, 64 Lots)
- Density: 56.69 ft²/ft²
- F.A.R.: 0.45
- ROWS Zone (0.31 Acres)
- Parks & Sidewalks (part of R-1, GH & ROWS zones)

Note: PD Cherry proposed for the entire site
To: The Honorable Mayor and Members of the City Council  
Agenda Date: April 6, 2021

Subject: AUTHORIZATION TO UPDATE THE CURRENT “AUTOMATIC AID AGREEMENT” WITH THE ORANGE COUNTY FIRE AUTHORITY AND AUTHORIZE THE FIRE CHIEF TO SIGN THE AGREEMENT DOCUMENT

EXECUTIVE SUMMARY:

Staff requests authorization to update the current "Automatic Aid Agreement" with the Orange County Fire Authority. Staff further requests that Council authorize the Fire Chief to sign the agreement document.

DISCUSSION:

Automatic Aid exists to enhance Fire and EMS coverage from city to city. The goal of this requested action is to update a previously written document which outlines the level of response the Fountain Valley Fire Department (FVFD) will provide to the Orange County Fire Authority, and, in return, the reciprocal level of response that the Orange County Fire Authority will provide to the City of Fountain Valley. It is recommended that the council authorize the Fire Chief to sign this updated agreement with the Orange County Fire Authority.

The Fire Department has had a long standing relationship with the OCFA and the Automatic Aid agreement beginning in 1981, continuing through several revisions over the years. These revisions occur to improve mutual agency operations and have been reviewed and considered acceptable by the Attorney for the City.

Automatic aid enhances coverage and reduces response times to our city for multiple unit incidents and backfilling when FVFD units are not available due to other emergencies. Fire equipment across Orange County are now equipped with automatic vehicle locators (AVL). This feature allows our fire dispatch centers to locate the "closest available unit" and respond them to medical aid, fire, and other emergencies. This new feature is the change in our automatic aid agreement that currently does not exist in the document.

Staff requests authorization to update an "Automatic Aid Agreement" with the Orange County Fire Authority. Staff further requests that Council authorize the Fire Chief to sign this Agreement document.
ALTERNATIVES:

Alternative #1: Approve the update of the current “automatic aid agreement” with the Orange County Fire Authority and authorize the Fire Chief to sign the agreement document

Alternative #2: Do not authorize the update of the current “automatic aid agreement.”

FINANCIAL ANALYSIS:

There is no financial impact with this decision. Staff will periodically monitor the reciprocal level of response generated by this contract, in order to assure an equitable Automatic Aid Agreement is maintained.

ATTORNEY REVIEW:

The City Attorney has reviewed and approved the documents as to form.

RECOMMENDATION:

Staff recommends that City Council approve the update of the current “automatic aid agreement” with the Orange County Fire Authority and authorize the Fire Chief to sign the agreement document.

Prepared By: Ron Cookston, Fire Chief
Legal Review By: Alexandra Halfman, Attorneys for the City
Fiscal Review By: Jennifer Lampman, Finance Director
Approved By: Rob Houston, City Manager

Attachment: Automatic Aid Agreement
AUTOMATIC AID AGREEMENT
THIS AGREEMENT, made and entered into this ___ day of __________, 2021,

Between the

ORANGE COUNTY FIRE AUTHORITY

AND

CITY OF FOUNTAIN VALLEY

RECITALS

Both the Orange County Fire Authority (hereinafter called "OCFA") and the City of Fountain Valley (hereinafter called "City"); City and OCFA are referred to individually herein as the "Party" or the "Agency", and are collectively referred to herein as the "Parties") maintain organized and equipped fire protection functions, charged with the duty of fire protection and rescue within their respective jurisdictions, and they agree it would be to the benefit of each Party that the services of each be, in some circumstances, extended outside of the jurisdictional boundaries; and

The Parties both desire that in some circumstances the fire department of the City will respond to emergency fire and emergency medical/rescue incidents outside of the boundaries of the City, and that in some circumstances the OCFA will respond to emergency fire and emergency medical/rescue incidents within the boundaries of the City. (Automatic Aid boundaries are specified on Exhibit "B".)

NOW, THEREFORE, AND IN CONSIDERATION OF THE MUTUAL PROMISES. COVENANTS AND CONDITIONS HEREIN AFTER SET FORTH, THE PARTIES HERETO TO AGREE AS FOLLOWS:

1. The specific details of the emergency services to be provided under this Agreement shall be determined by the respective Fire Chiefs of both the City Fire Department and the OCFA. These emergency services shall be detailed in an Operating Plan (Exhibit "A") which the Fire Chiefs shall develop and annually review. The Operating Plan and/or the Automatic Aid Boundaries and Maps (Exhibit "B") may be amended from time to time by written agreement of the Fire Chiefs and, as amended, shall become part of this Agreement and shall supersede or amend Exhibit "A" and/or Exhibit "B" consistent with the terms in such amendment. It is understood that all plans which deal with emergency response shall adhere as closely as practical to the "nearest unit auto-aid" concept which forms the basis, for this Agreement. This will not supersede the previously established business rules from the May 1, 2019 letter (Exhibit "C") that pertains to responses to Kaiser UCC, 3401 S. Harbor and Healthcare Partners UCC, 3501 S. Harbor. This Agreement is a guide for day to day operations and is not intended to replace or revise the Orange County Fire Services Operational Area Mutual Aid Plan.

2. Pursuant to the authority granted by Section 55632 of the California Government Code, and in furtherance of the objectives of the California Disaster and Civil Defense Master Mutual Aid Agreement, the Parties agree to respond to emergency alarms outside of their geographical jurisdictions, and into the geographical jurisdiction of the other Party in accordance with the terms set forth in this Agreement.

3. Each Party shall maintain Worker’s Compensation insurance covering its own employees without cost to the other Agency, and each Agency shall pay its own personnel without cost to the other Agency.

4. Each Party hereto shall be fully responsible for all repair and maintenance, including gas, oil, lubrication, parts, replacement and repair, of casualty damage of all of its own apparatus and
equipment used pursuant to this Agreement while said equipment is used outside of its geographical boundaries.

5. The Fire Chiefs of the Parties shall have joint authority and responsibility for the administration of this Agreement, which they may delegate to their agents or employees in their respective Fire Departments.

6. The Agency receiving aid shall provide (if possible) an officer of its Agency, who will be in charge and direct activities and assume the responsibility for releasing all fire department resources of both Agencies from the scene.

7. Wildland responses into a designated Mutual Threat Zone (MTZ) will follow the guidelines set forth in the Mutual Threat Zone Operations Guideline (MTZ) for that area, if applicable, including the latest approved version of the MTZ communications plan. Nothing in this Agreement is intended to amend or supersede the MTZ Agreement, and in the event of any conflict between this Agreement and the MTZ Agreement, the MTZ Agreement shall control.

8. Subject to any amendments to the Operating Plan agreed to by the Fire Chiefs, no payments of any kind shall be made between the Parties as compensation for services performed pursuant to this Agreement by normally staffed fire apparatus and identified overhead. Compensation for services shall be as set forth in the Operating Plan (Exhibit "A"), as amended, on the date of delivery of such services through the cost apportionment process. The Fire Chiefs may agree to amend the compensation requirements in the Operating Plan. Automatic Aid shall not be utilized for non-emergency responses or station coverage purposes. This coverage shall be ordered through the master mutual aid request process.

9. Each Agency may, upon its own initiative, go upon land which is within the boundaries of the other Agency to engage in emergency operations work without prior authorization, but such Agency shall provide notice to the other Agency of such work as soon as practical to do so; provided however, an Agency's forces shall not knowingly perform any act of a nature which will reflect to the discredit or which is contrary to the established policy of the other Agency.

10. When an emergency incident occurs along the border between protection jurisdictions, it is agreed that under no circumstances should there be any delay in response pending determination of the precise location. It is agreed policy that both Agencies shall send forces promptly to start appropriate action on borderline incidents.

11. Each of the Parties hereto shall be fully responsible for the preservation of evidence. Any incident related documentation shall be provided to the agency having jurisdictional responsibility as soon as practical following the close on the incident.

12. Each Party hereto shall defend, indemnify, and hold harmless the other Party and its respective council members, board members, officers, employees, and agents, from and against any and all liabilities, claims, demands, debts, suits, actions, and causes, arising out of any negligent or willful act or omission of such indemnifying Party or its officers, employees or agents, done or performed pursuant to the terms and conditions of this Agreement.

13. Joint training exercises and classes are to be carried out periodically under the direction of the Fire Chief or their designees for the purpose of maintaining efficient interdepartmental coordination.

14. This Agreement shall be effective as of the day and year hereinabove written and continue until terminated by either party be giving 90 (ninety) days written notice. Written notice shall be delivered or mailed to:
To OCFA:

Attn: Fire Chief Brian Fennessy
Orange County Fire Authority
1 Fire Authority Road
Irvine, CA 92602

To CITY:

Attn: Fire Chief Ron Cookston
Fountain Valley Fire Department
10200 Slater Avenue
Fountain Valley, CA 92708

IN WITNESS WHEREOF, the duly authorized officials of the parties here to have, in their respective capacities, set their hands as of the date first here in above written.

Dated: ________________________

CITY OF FOUNTAIN VALLEY

By: _____________________________
Michael Vo, Mayor

ATTEST:

By: _____________________________
City Clerk

APPROVED AS TO FORM:

HARPER & BURNS LLP

By: _____________________________
Attorneys for the City

Dated: ________________________

ORANGE COUNTY FIRE AUTHORITY

By: _____________________________
Brian Fennessy, Fire Chief

ATTEST:

By: _____________________________
Maria D. Huizar
Clerk of the Authority

By: _____________________________
David E. Kendig
General Counsel

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AUTOMATIC AID AGREEMENT
BETWEEN
ORANGE COUNTY FIRE AUTHORITY
AND
CITY OF FOUNTAIN VALLEY

"OPERATING PLAN"

This "Operating Plan" is adopted pursuant to the Automatic Aid Agreement dated _________, 2012, between the Orange County Fire Authority ("OCFA") and the City of Fountain Valley Fire Department ("City"). City and OCFA are referred to individually herein as the "Party" or the "Agency", and are collectively referred to herein as the "Parties". The following "Operating Plan" outlines the Dispatching and Emergency Incident Response elements to implement this Agreement.

This plan, and Exhibit "B" can be modified at any time with mutual written agreement by the Fire Chiefs for the Orange County Fire Authority and the City of Fountain Valley Fire Department.

If the OCFA and the City are parties to a Mutual Threat Zone Operations Guideline (MTZ), it shall be included as Exhibit "C." Nothing in this Operating Plan is intended to amend or supersede the MTZ. In the event of any conflict between this Operating Plan and the MTZ, the MTZ shall control.

DEFINITIONS

Battalion Chief: An officer capable of and responsible for commanding incident resources and overall scene management.

Engine: An Engine Company resource as identified in FIRESCOPE ICS 420-1 as type, staffing, and equipment. Assigned personnel must be trained to EMT-Basic level in compliance with Orange County EMSA policy.

Paramedic: Fire Department resource providing advanced life support services in compliance with Orange County EMSA policy.

850714.1

Truck: A Fire department resource capable of providing a minimum elevated stream and rescue capability of not less than 50 feet. Minimum staffing is three personnel.

EMERGENCY INCIDENT RESPONSE

1. Each of the Parties hereto will dispatch the appropriate apparatus and equipment to the geographical area noted in Exhibit "B", subject to availability of resources.

2. Both Agencies may provide to each other, upon request: any special equipment needed to meet unusual emergency needs, provided such special equipment is available. This shall include Chief Officer response as well as approved apparatus and equipment upon request.

3. The services to be rendered pursuant to this Agreement shall consist of providing First Alarm Fire Response and Emergency Medical/Rescue Services, and each Agency agrees to also provide, where possible, all of its own additional apparatus and equipment necessary in the event of a Second or Third Alarm involvement within its own geographical boundaries.
4. Map Exhibit "B" shows an area shaded in blue hash marks which designates the area within the City that the OCFA will automatically respond to with appropriate apparatus upon notification.

5. Map Exhibit "B" shows an area shaded in red hash marks which designates the area within the OCFA's jurisdiction that the City will automatically respond to with appropriate apparatus upon notification.

**DISPATCH PROCEDURE**

1. Dispatch into OCFA Automatic Aid areas per Exhibit "B" shall be as follows:

   City agrees to provide, if available, the following resources:

   In accordance with dispatch procedures, the first to fifth due engine, first battalion chief, truck/quint; or paramedic to districts within the AUTHORITY's jurisdiction where CITY resources are closer see Attachment B for responses.

   *OCFA will provide standard response for type of incident or dispatch level in addition to the provided City resources.

2. Dispatch into City Automatic Aid areas per Exhibit "B" shall be as follows:

   OCFA agrees to provide, if available, the following resources:

   In accordance with dispatch procedures, the first to fifth due engine, first battalion chief, truck/quint; or paramedic to districts within the CITY's jurisdiction where AUTHORITY resources are closer; see Attachment B for responses.

3. Upon receipt of an alarm involving these areas, the Agency receiving the alarm will immediately notify the Agency providing the resources.

4. Automatic Aid shall be performed for no compensation on staffed fire apparatus including Engines, Trucks, and Medic units. Unless reciprocal, this does not include identified "Specialty Apparatus" including:

   - Water Tenders
   - Helicopters
   - Type III Engines
   - Heavy Fire Equipment
   - Type VI Patrols
   - Foam Tenders

5. The Agency with jurisdiction over the Automatic Aid area receiving services shall compensate the Agency providing the services for all specialized services and equipment listed in Section 4. Such compensation shall be at the approved Assistance-by-Hire (ABH) rate.

6. Station coverage is not included in Automatic Aid, but may be requested separately, subject to availability and approval by both Agencies.

7. Automatic Aid shall apply only to emergency dispatches, and shall not apply to non-emergency situations such as water vacs, public assistance, etc.
Reviewed and Approved by:

Dated:__________________________

ORANGE COUNTY FIRE AUTHORITY

__________________________________
Brian Fennessy, Fire Chief

Dated:__________________________

CITY OF FOUNTAIN VALLEY

__________________________________
Ron Cookston, Fire Chief
Data Reference and Symbology

- OCFA Fire Stations
- Non OCFA Fire Stations
- City of Fountain Valley
- Automatic Aid Response Area

OCFA Automatic Aid Response Area
Fountain Valley  ATTACH. A

Information shown herein is a compilation of data from sources of varying accuracy and is provided as a convenience to the user. The Orange County Fire Authority does not guarantee its accuracy or completeness. It is the user's responsibility to verify all information used.

Z:\Projects\SpecialProjects\Mutual_Aid\Automatic_Response_Area_Fountain_Valley_Attach_A.mod
The City of Fountain Valley (City) has reviewed your response letter dated April 22, 2019 regarding the City's request to implement business rules. The City accepts your offer that Orange County Fire Authority (OCFA) will exclusively respond to the following target locations: Kaiser UCC, 3401 S. Harbor, and Healthcare Partners UCC, 3501 S. Harbor. The City further understands this is an attempt to balance automatic aid between Fountain Valley and OCFA and this arrangement shall be considered a pilot program. The City further agrees that AVL will be used in the event your ECC determines an ALS unit is immediately needed for a life threatening medical emergency.

The City's hope is that the aforementioned pilot will reduce the amount of responses Fountain Valley makes into the OCFA's jurisdictional area to a more manageable imbalance of 20 percent. The City requests OCFA begin the response pilot as soon as possible. Staff will assess the impact of any change monthly. If the desired impact is not realized and a significant automatic aid imbalance continues, the City will request further changes and/or business rules.

In your letter, you stated that on April 18, 2019 at a monthly Orange County Fire Chief's Association (OCFCA) meeting, the fire chiefs in attendance voted for a 90-day moratorium on any new business rules. The moratorium would allow the OCFCA Chiefs and Citygate & Associates to conduct a work plan for countywide automatic aid balancing. Fountain Valley was not present at the meeting, nor were we contacted and offered the ability to provide input on the issue. Had the City been contacted, we would have undoubtedly opposed the 90-day moratorium on business rules. We would have argued further that when the 180-day AVL pilot study began in 2016 OCFCA Chiefs agreed to immediately address imbalances by implementing business rules. Fountain Valley supports the countywide concept of holistically reviewing automatic aid imbalances; however, we also recognize each city within the county is unique and should adopt independent automatic aid agreements with boarding jurisdictions. Therefore, Fountain Valley will participate in the aforementioned automatic aid study while utilizing business rules as needed during the interim time.

The City supports the regional concept of AVL dispatching for medical emergencies and appreciates OCFA's willingness and attempt to balance automatic aid between the agencies by implementing the pilot study. Fountain Valley staff will monitor the effects of the pilot and work with OCFA to fine tune as needed. Please contact my office if you or your staff have questions.
Sincerely,

Tony Coppolino, Fire Chief
To: Honorable Mayor and Members of the City Council

Agenda Date: April 6, 2021

SUBJECT: Request to Destroy Finance Department Records

EXECUTIVE SUMMARY:

Pursuant to Government Code Section 34090, the head of a City Department may destroy a City record that is no longer required with the approval of the City Council by Resolution and the written consent of the Attorney for the City.

DISCUSSION:

The records sought to be destroyed by the Finance Department are attached to the Resolution authorizing their destruction. The records are not being permanently destroyed, as the documents have been scanned electronically into the city’s Laserfiche records system. Therefore, the Finance Department seeks City Council authorization by Resolution, and written approval of the Attorney for the City, to destroy the paper records.

FINANCIAL ANALYSIS

There are no financial impacts related to this update.

ATTORNEY REVIEW:

The Attorneys for the City reviewed this Council Action Request.

ALTERNATIVES:

Alternative No.1: Authorize the City Clerk to destroy the Finance Department records contained in the records destruction requests.

Alternative No.2: Do not authorize the City Clerk to destroy the Finance Department records contained in the records destruction requests. The records will be retained.
RECOMMENDATION:

Staff recommends that the City Council approve Alternative 1: Authorize the City Clerk to destroy the Finance Department records contained in the records destruction requests.

Prepared by: Rick Miller, City Clerk
Reviewed by: Alexandra M. Halfman, Attorneys for the City
Approved by: Rob Houston, City Manager

Attachment 1: Resolution and description of records being destroyed
RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS

WHEREAS, Government Code Section 34090 authorizes the destruction of City records upon compliance therewith; and

WHEREAS, the records and documents sought to be destroyed pursuant to Government Code Section 34090 are not records affecting title to real property, court records, records required to be kept by statute, records less than two years old, minutes, ordinances, or resolution of the City Council, or any board or commission; and

WHEREAS, Attorneys for the City have given consent to the destruction of said records, as required by law.

NOW, THEREFORE, the City Council of the City of Fountain Valley does hereby resolve that the records requested in the attached records destruction requests may be destroyed.

PASSED, APPROVED AND ADOPTED this 6th day of April, 2021, by the following vote:

Ayes:
Nays:
Absent:
Abstain:

ATTEST:

Rick Miller, City Clerk

Michael Vo, Mayor

APPROVED AS TO FORM AND CONTENT:

HARPER & BURNS LLP

Attorneys for the City
City of Fountain Valley  
Office of the City Clerk  
**Authority to Destroy Obsolete Records**

The below listed department/division records have been retained in accordance with the City's Records Management Program Policy and Procedures and with applicable federal and state laws as set forth in the City of Fountain Valley Retention Schedules.

In accordance with the City’s Records Management Program, with the consent of the Department/Division Head, and upon written approval of the City Clerk and City Attorney, these records will be properly destroyed/disposed of.

Note: Documents will be reviewed for historical value and, if applicable, retained in the archives. Documents involved in litigation or pending audit may not be requested to be destroyed.

<table>
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<tr>
<th>Department/Division: Finance</th>
<th>Date: 04/06/2021</th>
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<th>Of: 1</th>
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**All documents have been converted to electronic format, to easily locate and accessible to all. Requesting that all hard copies now be shredded.**

Department/Division Approval:  

Department/Division Head’s Signature  

City Clerk:  

Consent is hereby given to destroy the above-listed records:

City Attorney By:  

DESTRUCTION COMPLETED BY:  

Printed/Typed Name  

Signature  

Date
CITY OF FOUNTAIN VALLEY
CITY COUNCIL
COUNCIL ACTION REQUEST

To: Honorable Mayor and Members of the City Council

Agenda Date: April 6, 2021

SUBJECT: 1) Approval of Amendment No. 3 to CON-19-33 for $139,832 for Architectural Design Services for the Police Department Locker and Restroom Modernization Project (the Project); and, 2) Amendment to the FY20/21 General Fund Budget for $129,782 for the Project, Project No. GF794

EXECUTIVE SUMMARY:

The Police Department was constructed in 1984. The Department identified a need to improve the nearly 40-year-old Police Locker Room and Restroom facilities for the City Police Officers. In this effort, the City issued a request for proposals and received proposals from ten (10) professional consultant architects.

On June 25, 2019, City Council awarded a contract to TR Design, Inc. for $94,950 for the development of three design concepts, cost options, biddable plans & specifications for the Fountain Valley Police Department Locker and Restrooms Modernization, Project No. GF794. On September 17, 2019, Council approved Amendment No. 1 to the TR Design contract for $45,000 for additional conceptual architectural services. On January 27, 2021, the City Manager approved an administrative Amendment No. 2 to the TR Design contract for a time extension to the original contract.

During the initial development of the design concepts, the original project design scope and boundary made it challenging to address the needs of the Police Department (i.e. gender neutrality/diversity and privacy). After a comprehensive evaluation of under-utilized spaces beyond the original scope of design and conferring with the Police Department, a new concept layout would meet a myriad of needs (i.e. preserve the gym space without reduction, more favorable access, and functional lockers and restroom areas.)

The existing forensic lab has under-utilized space that could be repurposed as a gym and reorganized and would provide enough space to accommodate the additional improvements. These additional improvements include the following elements.

- Increase the women’s locker and restrooms to accommodate current needs for equity
Men and women’s locker rooms and restrooms upgrades for ADA compliance
Create gender-neutral locker rooms and restroom spaces
Provide all new lockers sufficiently sized for current personal protective gear and equipment
Provide new plumbing fixtures and improved HVAC system
Relocate and expand the gym
Repurpose and relocate underutilized forensic lab with modern equipment and improved HVAC system

Relocation of the forensic lab provides an opportunity to replace an almost 40-year-old forensic lab and its equipment and provide a proper HVAC system at a lower cost than if it would be bid as a separate project.

To address the expanded scope, additional design and development work will be necessary to create biddable and constructible plans and specifications to meet the needs of the Police Department. The Contract Amendment #3 for $139,832 to the contract with TR Design Group, Inc. is needed to complete the design. This includes the project costs related to expanding the conceptual plans, finalize plans/specifications, bid support, materials, and architectural submittal reviews.

A preliminary opinion of the total project cost from the architect is approximately $2,800,000.

Staff recommends that the City Council approve 1) Amendment No. 3 to CON-19-33 for $139,832 with TR Design Group, Inc. for additional architectural design services, and 2) Amend the FY20/21 General Fund budget for $129,782 for the proposed Fountain Valley Police Department Locker and Restrooms Modernization, Project No. GF794.

DISCUSSION:

The City owns and operates the Police Department building located at 10200 Slater Avenue. The Police Department building was constructed in 1984 nearly 40 years ago. The building has been well-maintained, however, the locker and restrooms are heavily utilized and are showing signs of age and deterioration. The current lockers are also undersized for current needs. The original plumbing, electrical, and fixtures do not meet current codes and need replacement. The project will update materials and finishes, replace toilets, sinks, urinals, and ensure compliance with current standards in the locker rooms/restrooms and provide gender-neutral locker rooms/restroom space.

On April 9, 2019, the City publicly issued a Request for Proposals (RFP) for the Architectural Design Services for the Fountain Valley Police Department Locker and Restrooms Modernization. On May 16, 2019, the City received ten (10) proposals.
On June 25, 2019, City Council awarded a contract to the highest-ranked firm, TR Design, Inc., for $94,950 for the development of three design concepts, cost options, biddable plans & specifications for the Project. The project design began in July 2019 and initial design concepts were developed based on the original project scope. The original scope of work was limited to the existing footprint of the restrooms/showers. After a discussion with Police Officers, staff and architects determined that existing lockers are too small to accommodate police officers' modern equipment and required gear.

On September 17, 2019, Council approved Amendment No. 1 to the TR Design contract for $45,000 for additional conceptual architectural services to include new concept plans to include larger lockers and modernize restrooms/showers within the current and existing space.

On January 27, 2021, Amendment No. 2 to the TR Design contract was approved for an administrative time extension to the original contract.

After a comprehensive evaluation of under-utilized spaces beyond the original scope of design and confering with the Police Department, a new concept layout would meet a myriad of needs (i.e. preserve the gym space without reduction, more favorable access, functional lockers, and restroom areas).

Amendment No. 3 will finalize the architectural design plans and specifications for the new concept plan that incorporates an under-utilized existing forensic lab space. This space can be repurposed and reorganized and would provide enough space to accommodate the necessary improvements by relocating the gym. These additional improvements include the following elements.

- Increase the women’s locker and restrooms to accommodate current needs for equity
- Men and women’s locker rooms and restrooms upgrades for ADA compliance
- Create gender-neutral locker rooms and restroom spaces
- Provide all new lockers sufficiently sized for current personal protective gear and equipment
- Provide new plumbing fixtures and HVAC system
- Relocate and expand the gym
- Repurpose and relocate underutilized forensic lab with modern equipment and HVAC system

Relocation of the forensic lab provides an opportunity to replace an almost 40-year-old forensic lab and its equipment and provide a modified HVAC system at a lower cost than if it would be bid as a separate project as this could otherwise be more costly.

The latest concept layout also eliminates the previous concept plan that required a costly structural modification of the exterior wall.
City Council Request
Amendment No. 3 to CON 19-33, PD Locker Room
April 6, 2021
Page 4

A contract amendment of $139,832 to the contract with TR Design Group, Inc. is needed to finalize the plans. This includes the project costs related to final biddable/constructible architectural/engineering plans, specifications, bid support, materials, and architectural submittal reviews.

FINANCIAL ANALYSIS:

Budget (General Fund) $180,000

Project Design Costs
TR Design Con No. 19-33 (approved on 6/25/19) $94,950
TR Design Con No. 19-33 Amendment No. 1 (approved on 9/17/19) $45,000
TR Design Con No. 19-33 Amendment No. 2 (approved on 1/27/21) time extension only
TR Design Con No. 19-33 Amendment No. 3 $139,832
Contingency $30,000
Project Design Costs $309,782

A budget amendment to the FY20/21 General Fund Budget for $129,782 will be needed to cover the cost of Contract No. 19-33 Amendment No. 3.

A preliminary opinion of the total project cost, including design and construction, from the architect is approximately $2,800,000.

However, the final project cost may vary due to the bidding climate at the time of the project bid. It should be noted that there has been a recent sharp increase in commodity prices in many areas including construction materials, gasoline, and oil and shipping which all play a major role in impacts to municipal construction bidding.

ATTORNEY REVIEW:
The Attorney for the City has reviewed and approved Amendment No. 3 to CON-19-33.

ALTERNATIVES:

Alternative No. 1: 1) Approve Amendment No. 3 to CON-19-33 in the amount of $139,832 with TR Design for additional architectural design services; and, 2) Amend the FY20/21 General Fund budget for $129,782 for the proposed Interior Improvements to the Existing Fountain Valley Police Department Locker Rooms/Restrooms, Project No. GF794. This is the recommended action.

Alternative No. 2: 1) Do not approve Amendment No. 3 to CON-19-33 in the amount of $139,832 with TR Design for additional architectural design services and do not 2) Amend the FY20/21 General Fund budget for $129,782
for the Interior Improvements to the Existing Fountain Valley Police Department Locker Rooms/Restrooms, Project No. GF794. This is not the recommended action as it will not allow additional architectural design services to develop a comprehensive set of concepts and plans, and will not allow for the inclusion of the needed, additional ADA requirements.

**Alternative No. 3:** Do not move forward with the project. This is not recommended as this project is needed to meet current functionality, building code, and ADA requirements, modernize various materials and finishes and prevent further deterioration in the facility. Not taking action now will lead to increased repair costs in the future.

**RECOMMENDATION:**

It is recommended that the City Council approve Alternative No. 1, which is to 1) approve Amendment No. 3 to CON-19-33 in the amount of $139,832 with TR Design Group, Inc. for additional architectural design services; and, 2) Amend the FY 20/21 General Fund budget for $129,782 for the Fountain Valley Police Department Locker and Restrooms Modernization, Project No. GF794.

---

**Prepared by:** Fatana Temory, Management Aide  
**Edited By:** Kyle Hilton, Associate Engineer/Project Manager  
**Reviewed by:** Temo Galvez, Deputy Director of Public Works/City Engineer  
**Approved by:** Hye Jin Lee, Director of Public Works  
**Fiscal Review by:** Jennifer Lampman, Finance Director/Treasurer  
**Approved by:** Rob Houston, City Manager

**Attachment 1:** Amendment No. 3 to CON-19-33
AMENDMENT NO. 3 TO CON-19-33
FOR ARCHITECTURAL DESIGN SERVICES

This THIRD AMENDMENT to CON-19-33 is entered into and made effective this 6th day of April, 2021, by and between the City of Fountain Valley (hereinafter “CITY”) and TR Design Group, Inc., (hereinafter “CONSULTANT”).

Whereas, CITY and CONSULTANT entered into Agreement CON-19-33 on June 25, 2019 (hereinafter “AGREEMENT”) for Architectural Design Services for Interior Improvements to the Existing Fountain Valley Police Department Locker Rooms/Restrooms for an amount not to exceed $94,950.00; and

Whereas, on September 17, 2019 the parties entered into a First Amendment to the AGREEMENT that extended the term of the AGREEMENT to December 31, 2020, and provided an additional $45,000 in compensation to CONSULTANT for extra work; and

Whereas, on January 27, 2021 the parties entered into a Second Amendment to extended services through January 25th, 2022, without exceeding the total contract sum, as increased by the First Amendment.

WHEREAS, the parties do now desire to expand the services called for under the AGREEMENT and provide additional compensation to the CONSULTANT in accordance with the proposal dated March 23, 2021 attached hereto as Attachment “A,” to provide architectural design services for the Interior Improvements to the existing Fountain Valley Police Department Locker Rooms/Restrooms, Project No. GF794.

Whereas, CITY will continue to need services of CONSULTANT beyond the January 25, 2022, expiration provided for in the Second Amendment; and

Now therefore, the parties do hereby agree that:

1. That the compensation provided to CONSULTANT shall be increased by an amount Not to Exceed $139,832 in accordance with Attachment “A.”

2. That the AGREEMENT, as amended, shall remain in effect until June 30, 2022.

3. Except as specifically stated herein, all other terms and conditions of the AGREEMENT, as amended, shall remain in full force and effect.

CITY OF FOUNTAIN VALLEY

______________________________
City Manager

APPROVED AS TO FORM: TR DESIGN INC.

Page 73
ATTACHMENT A
Additional Services Change Order #02
Page 1 of 5
March 23, 2021 Revision #2 TRD 19-031.02

ARCHITECT:
Thomas Riggle, Architect
License #: C24677
7179 Magnolia Avenue
Riverside, CA 92504
951-742-1119

CLIENT:
Temo Galvez, Deputy Director for Public Works/
City Engineer
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

PROJECT: FOUNTAIN VALLEY POLICE DEPARTMENT RESTROOMS AND LOCKER ROOM REMODEL LOCATED AT 10200 SLATER AVENUE, FOUNTAIN VALLEY, CA

SCOPE: ADDITIONAL IMPROVEMENTS TO THE LOCKER ROOMS / RESTROOMS INCLUDING:

REVISIONS / CHANGES TO THE MEN'S AND WOMEN'S LOCKER ROOMS / RESTROOMS:
A. INCREASING THE MEN'S LOCKER ROOMS AND RESTROOMS
B. RELOCATION AND EXPANSION OF THE GYM
C. INCREASING THE WOMEN'S LOCKER ROOMS AND RESTROOMS
D. RELOCATION OF THE EXISTING FORENSIC LAB

ORIGINAL AGREEMENT:
THIS DOCUMENT IS AN AMENDMENT TO THE AGREEMENT FOR CONSULTANT SERVICES DATED MAY 25, 2019 AND SIGNED ON JUNE 21, 2019. THIS ADDITIONAL SERVICES CHANGE ORDER #02 SHALL BE INCORPORATED INTO THAT AGREEMENT AND ALL TERMS AND CONDITIONS SHALL REMAIN IN FULL FORCE AND EFFECT.

PLEASE NOTE THAT WE ARE REQUESTING AN EXTENSION TO 6/30/2022 FOR THE AGREEMENT.
### Additional Services Change Order #02

**March 23, 2021**

**Revision #2**

**TRD 19-031.02**

**SCOPE / INTENT AND EXTENT OF ARCHITECT’S ADDITIONAL SERVICES:**

<table>
<thead>
<tr>
<th>Phase 01</th>
<th>Conceptual Plans</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prepare Additional Concepts and additional Opinions of Probable Construction Cost. Additional phone conferences to discuss alternatives and solutions.</td>
<td></td>
</tr>
<tr>
<td>* Major changes will require Additional Services.</td>
<td></td>
</tr>
<tr>
<td>** The required time to complete this Phase is 2-3 weeks depending on the availability of existing drawings and/or information.</td>
<td></td>
</tr>
<tr>
<td>†† Conceptual Drawings are not accurate for Construction or Bidding and shall not be construed as more than a &quot;sketch&quot; of a possible solution depending on further investigation and more accurate and detailed information.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Phase 02</th>
<th>Schematic Design (Not Required for this project)</th>
</tr>
</thead>
<tbody>
<tr>
<td>No additional scope applicable to this project.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Phase 03</th>
<th>Planning Phase</th>
</tr>
</thead>
<tbody>
<tr>
<td>No additional scope applicable to this project.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Phase 04</th>
<th>Design Development / Contract Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preparation of additional Construction Documents, specifications and details for the expansion. Additional coordination with the consultants.</td>
<td></td>
</tr>
<tr>
<td>* Major changes will require Additional Services.</td>
<td></td>
</tr>
<tr>
<td>** The required time to complete this Phase is 8-12 weeks depending on the Consultants’ preparation times. This Phase is complete upon the Construction Documents package being ready for submittal to the Agency.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Phase 05</th>
<th>Bidding Assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td>No additional scope applicable to this project.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Phase 06</th>
<th>Document Support / RFI’s &amp; Submittals Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional Document Support / RFI’s and Submittals Review up to 170 additional hours included. This phase of the services shall be required as part of the Architectural Services if the project is constructed.</td>
<td></td>
</tr>
<tr>
<td>* Changes during Construction will require Additional Services.</td>
<td></td>
</tr>
<tr>
<td>†† This proposal anticipates that a licensed, insured and bonded General Contractor will be constructing the project.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Phase 07</th>
<th>Post Construction Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>None.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Phase 08</th>
<th>Permitting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional Permit submittals and approvals (permits pulled by GC). Includes up to 40 hours of permitting time.</td>
<td></td>
</tr>
</tbody>
</table>

---

This page is part of the Agreement for the Consultant Services CON-19-33

---

Initial
Please note, the following items are NOT included in this proposal:

**General:** Any additional plans or drawing beyond those listed above. Unusual or project specific requests which the City may require. BIM or Revit. CAD files of our drawings. LEED. ADA work outside of the immediate area of work in the locker rooms, restrooms, and exterior Path of Travel to the building (including ramp). Exterior work to the building other than the Path of Travel (including ramp). Work in other rooms other than the locker rooms, restrooms, lab and gym. Moving of load bearing walls. Structural Modifications. Signage or Sign Permits. Materials Testing.

**Architectural:** Additional Concepts more than what is listed above. Perspectives, renderings, or other exhibits not listed above. Planning Dept. processing of any application.

**Property Information:** Title Report, Grant Deed, or other Title Information. Soils Reports or Testing. Hazardous Materials Removal, Testing or Inspections.


**Landscape:** Landscape or Irrigation Plans.

**MEP:** Fire Alarm or Fire Sprinkler Drawings. Commissioning. New HVAC units. Upgrading of any existing systems (sewer lines, electrical panels, mechanical systems, etc.).

**Permitting:** AQMD, Haz Mats, or other unusual permit submittals or assistance (this can be done as an Additional Service). Utility Coordination. Will server letters or coordination. Cable TV service Coordination. Internet Service Coordination.

**Bidding:** Value Engineering to bring the project in "under budget". Bid Forms. More than (1) bidding process.


**Post Construction:** Revised construction plans to conform or reflect the "As-Built Drawings" from the Contractor.

**Reimbursements:** Application fees, plan check fees, City Review Submittal fees, permit fees, or any other fees. Ownership listing notices, or the fee for the consultant to prepare them.

*** Services beyond the SCOPE/INTENT AND EXTENT OF ARCHITECT'S BASIC SERVICES will be billed as Time and Materials per the attached Rate Schedule.
**Additional Services Change Order #02**

**COMPENSATION FOR ADDITIONAL SERVICES OF THE ARCHITECT:**

*Shall be FIXED FEE in the amount as follows:*

<table>
<thead>
<tr>
<th>Architectural &amp; Consultant Services</th>
<th>Phase Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phase 01 Conceptual Plans</td>
<td>$ -</td>
</tr>
<tr>
<td>Phase 02 Schematic Design (Not Required for this project)</td>
<td>$ -</td>
</tr>
<tr>
<td>Phase 03 Planning Phase</td>
<td>$ -</td>
</tr>
<tr>
<td>Phase 04 Design Development / Contract Documents</td>
<td>$ 93,797.00</td>
</tr>
<tr>
<td>Architecture</td>
<td>TR Design Group</td>
</tr>
<tr>
<td>Civil Engineering</td>
<td>Topographic Survey and Precise Grading Plan for exterior ramp and Path of Travel.</td>
</tr>
<tr>
<td>Landscaping</td>
<td>Not included.</td>
</tr>
<tr>
<td>Structural Engineering</td>
<td>3TI Structural Engineers - Allowance for potential structural calculations or details.</td>
</tr>
<tr>
<td>Mech / Plumbing Engineering</td>
<td>Design West Engineering - Additional Engineering.</td>
</tr>
<tr>
<td>Electrical Engineering</td>
<td>Design West Engineering - Additional Engineering.</td>
</tr>
<tr>
<td>Other</td>
<td>Not included.</td>
</tr>
<tr>
<td>Phase 05 Bidding Assistance</td>
<td>$ -</td>
</tr>
<tr>
<td>Phase 06 Document Support / RFI's &amp; Submittals Review</td>
<td>$ 40,315.00</td>
</tr>
<tr>
<td>Phase 07 Post Construction Services</td>
<td>$ -</td>
</tr>
<tr>
<td>Phase 08 Permitting</td>
<td>$ 5,720.00</td>
</tr>
</tbody>
</table>

**TOTAL WITH PERMITTING**

$ 139,832.00

*Services on a Time and Materials basis will periodically be billed at the hourly rate schedule within.*

This page is part of the Agreement for the Consultant Services CON-19-33  _____ Initial
BASIS OF COMPENSATION:
FOR ADDITIONAL SERVICES, as described above, Additional Compensation shall be computed as follows:

**FIXED FEE IN THE AMOUNT OF:**
One Hundred Thirty Nine Thousand Eight Hundred Thirty Two Dollars and No Cents, $139,832.00.

**PAYMENT SCHEDULE:**
- Conceptual Plans previously invoiced under original contract Phase 06.
- $ 93,797.00 plus Reimbursables due during the Design Development / Contract Documents
- $ 40,315.00 plus Reimbursables due during Document Support / RFI's & Submittals Review
- $ 5,720.00 plus Reimbursables due during Permitting

**TOTAL plus Reimbursables**
- $ 139,832.00

**COMPENSATION FOR FURTHER ADDITIONAL SERVICES** beyond those listed in the basic services will be billed on an hourly basis as described in The Terms and Conditions.

**COMPENSATION FOR SERVICES OF THE ARCHITECTS CONSULTANTS:** All Consultants (if engaged as part of the Scope) including, but not limited to, civil, landscape, structural, mechanical, plumbing and electrical engineering shall be a multiple of one and one and fifteen one-hundredths (1.15) times the amounts billed to the Architect for such services.

**REIMBURSABLE EXPENSES:**
- Actual Reimbursables Budget As Required (usually less than 3% of contract amount) $ 4,194.96
To: Honorable Mayor and Members of the City Council

Agenda Date: April 6, 2021

SUBJECT: City of Fountain Valley Strategic Plan Review Update

EXECUTIVE SUMMARY:

On November 18, 2021 the City Council held a strategic planning session to help clearly define the goals and priorities of the City. The City Council and management staff met to review the progress toward the previous set of six-month strategic planning objectives, and to establish a new set of objectives for the next six months. This report is an update as to the progress staff has made toward accomplishing the six month objectives.

DISCUSSION:

During the City's Strategic Planning retreat on November 18, 2021, the City Council and management staff reviewed the previously established mission statement, three year goals and six-month strategic planning objectives. The strategic plan has and will continue to serve as a guideline for both the Council and staff as we work to achieve our goals over the next few years.

The mission statement that was developed in our Strategic Planning efforts is "The City of Fountain Valley delivers cost-effective quality public services to provide a safe and desirable community that enriches its residents and businesses."

The three year goals that the Council has adopted and staff has been working to achieve include:

- Maintain the culture and environment of "A Nice Place to Live"
- Attract and retain revenue producing businesses
- Achieve fiscal stability in accordance with the 20-Year Financial Plan
- Attract and retain quality staff

During the November 18, 2021 Strategic Planning Retreat six-month objectives were established in support of these goals. These objectives and staff's progress toward achieving them are attached for your reference under Attachment No. 1.
FINANCIAL ANALYSIS

There are no financial impacts related to this update.

ATTORNEY REVIEW:

City Attorney review was not necessary for this item.

ALTERNATIVES:

Alternative No. 1: Receive and file the updated Six-Month Strategic Objectives Matrix.

Alternative No. 2: Direct staff to take an alternate action.

RECOMMENDATION:

Staff recommends that the City Council receive and file the April 6, 2021 updated Six-Month Strategic Objectives Matrix.

Prepared By: Maggie Le, Deputy City Manager

Approved By: Rob Houston, City Manager

Attachment 1: Updated Six Month Strategic Objectives Matrix
## CITY OF FOUNTAIN VALLEY

### STRATEGIC OBJECTIVES

November 18, 2020 – May 1, 2021

### THREE-YEAR GOAL: MAINTAIN THE CULTURE AND ENVIRONMENT OF “A NICE PLACE TO LIVE”

<table>
<thead>
<tr>
<th>WHEN</th>
<th>WHO</th>
<th>WHAT</th>
<th>STATUS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>By March 15, 2021</td>
<td>Community Services Director</td>
<td>Present to the City Manager a list of opportunities for community engagement and events for consideration in 2021.</td>
<td>X</td>
<td>Planned events for the opening quarter of 2021 (through April) presented to City Manager. Spring / Summer events will be presented by March 15, 2021.</td>
</tr>
<tr>
<td>2. At the February 2, 2021 City Council meeting</td>
<td>City Manager</td>
<td>Conduct an informational study session with the City Council regarding the current status of homelessness in Orange County and Fountain Valley.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. By February 15, 2021</td>
<td>Public Works Director</td>
<td>Present to the City Council for action the contract for the Recreation Center Interior Rehabilitation.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>4. By March 15, 2021</td>
<td>Community Services Director</td>
<td>Present an update to the City Council on the Mile Square Park Master Plan (the project being led by Orange County Parks).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. At the April 20, 2021 City Council meeting</td>
<td>Public Works Director and Assistant to the City Manager</td>
<td>Present to the City Council an assessment and evaluation of Internet services in the City (e.g., 5G, fiber optic, small cell).</td>
<td>X</td>
<td>PW team is researching and gathering information from other cities.</td>
</tr>
<tr>
<td></td>
<td>Planning Director</td>
<td>Provided updates to CC on February 16, March 2 and March 31 joint PC/CC meeting to review GPAC's draft land use plan prior to initiation of the EIR for the GP update.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>------------------</td>
<td>---------------------------------------------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. By the April 20, 2021 City Council meeting</td>
<td>Report to the City Council on how the draft Land Use Plan being considered by the General Plan Advisory Committee balances the General Plan vision/goals, the Strategic Plan and the Regional Housing Needs Assessment (RHNA) allocation.</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### THREE-YEAR GOAL: ATTRACT AND RETAIN REVENUE PRODUCING BUSINESSES

<table>
<thead>
<tr>
<th>WHEN</th>
<th>WHO</th>
<th>WHAT</th>
<th>STATUS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. By February 15, 2021</td>
<td>Planning Director (lead), Public Works Director and Fire Chief</td>
<td>Implement a policy to communicate via email and phone call (with a record) with owners and contractors relating to development permits.</td>
<td>X</td>
<td>Staff implemented policy January 22. Policy placed on city website and included with building permit applications</td>
</tr>
<tr>
<td>2. At the February 16, 2021 City Council meeting</td>
<td>Planning Director</td>
<td>Present to the City Council at a Study Session an overview of the permitting processes.</td>
<td>X</td>
<td>Study session Dec. 15, 2020</td>
</tr>
<tr>
<td>3. At the March 16, 2021 City Council meeting</td>
<td>Planning Director and Assistant to the City Manager</td>
<td>Present to the City Council at a Study Session post-Covid options to continue allowing expanded outdoor dining for restaurants on a permanent basis.</td>
<td>X</td>
<td>Moved to May 18 CC meeting</td>
</tr>
<tr>
<td>4. By April 15, 2021 and quarterly thereafter</td>
<td>Planning Director (lead), Public Works Director and Fire Chief, in consultation with the HR Director</td>
<td>Assess the Building Division’s customer service at the front counter and report the results to the City Manager.</td>
<td>X</td>
<td>Report provided to City Manager February 4, 2021</td>
</tr>
<tr>
<td>WHEN</td>
<td>WHO</td>
<td>WHAT</td>
<td>STATUS</td>
<td>COMMENTS</td>
</tr>
<tr>
<td>------</td>
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</tr>
<tr>
<td>At the January 19, 2021 City Council meeting</td>
<td>Finance Director</td>
<td>Present to the City Council for action updated developer impact fees and other minor changes to the citywide fee schedule.</td>
<td>X</td>
<td>Updated fees were approved at the City Council meeting on 1/19.</td>
</tr>
<tr>
<td>At the January 19, 2021 City Council meeting</td>
<td>Finance Director</td>
<td>Present to the City Council an updated 20-Year Financial Plan with the goal of reducing the structural deficit by 2037 when Measure HH sunsets.</td>
<td>X</td>
<td>Presented as part of the Mid-Year Budget Review in February.</td>
</tr>
<tr>
<td>At the February 16, 2021 City Council meeting</td>
<td>Police Chief</td>
<td>Present to the City Council a patrol vehicle transition program.</td>
<td>X</td>
<td>The vehicle transition was presented to Council at the February 16 Council Meeting and Council approved to move forward. Currently assessing engine models and RFP contract for vehicle builds in FY 21/22.</td>
</tr>
<tr>
<td>At the March 2, 2021 City Council meeting</td>
<td>Fire Chief</td>
<td>Present to the City Council a gender diversity concept design for Fire Station One and Fire Station Two.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>At the March 2, 2021 City Council meeting</td>
<td>Public Works Director</td>
<td>Present to the City Council a complete design for Police Department locker room renovation.</td>
<td>X</td>
<td>Per council directive on March 16, staff solicited additional fee from architect to finish the new concept plan reviewed and endorsed by the Police Department.</td>
</tr>
<tr>
<td>At the March 16, 2021 City Council meeting</td>
<td>Fire Chief (lead) and Finance Director</td>
<td>Provide an update to the City Council on the status of the new ambulance program.</td>
<td>X</td>
<td>Data and revenue from the program are still unknown pending receipt of Medicare/Medical billing numbers. Should have more information available to report out in early May.</td>
</tr>
<tr>
<td>7. At the April 6, 2021 City Council meeting</td>
<td>Fire Chief</td>
<td>Present to the City Council an alternative back up plan for the out of service tiller truck.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FUTURE: At the May 4, 2021 City Council meeting</td>
<td>Finance Director</td>
<td>Provide an update to the City Council on the implementation of the new Enterprise Resource Program (ERP).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FUTURE: At the June 15, 2021 City Council meeting</td>
<td>Public Works Director</td>
<td>Present to the City Council an update to the City’s Bus Shelter and Bus Bench Program proposals.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FUTURE: By <em><strong>July 30</strong></em></td>
<td>IT Manager</td>
<td>Complete a City staff technology audit with recommendations for presentation to the City Manager.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### THREE-YEAR GOAL: ATTRACT AND RETAIN QUALITY STAFF

<table>
<thead>
<tr>
<th>WHEN</th>
<th>WHO</th>
<th>WHAT</th>
<th>STATUS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>By February 1, 2021</td>
<td>Review base compensation City-wide and identify positions at-risk for retention issues and present a report to the City Manager.</td>
<td></td>
<td>Pushing out to March 1, 2021.</td>
</tr>
<tr>
<td>2.</td>
<td>At the April 6, 2021</td>
<td>Identify a way to market the City as a great place to work, identify a City “brand” and present results to the City Council in a study session.</td>
<td></td>
<td>On hold.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>WHEN</th>
<th>WHO</th>
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<td></td>
<td>Pushing out to March 1, 2021.</td>
</tr>
<tr>
<td>2.</td>
<td>At the April 6, 2021</td>
<td>Identify a way to market the City as a great place to work, identify a City “brand” and present results to the City Council in a study session.</td>
<td></td>
<td>On hold.</td>
</tr>
</tbody>
</table>
CITY OF FOUNTAIN VALLEY
CITY COUNCIL
COUNCIL ACTION REQUEST

To: Honorable Mayor and Members of the City Council

Agenda Date: April 6, 2021

SUBJECT: Senate Bill 34 (Umberg D) Libraries: Student Success Cards

EXECUTIVE SUMMARY:

The Legislative Committee would like to discuss and evaluate Senate Bill 34 (Umberg D) Libraries: Student Success Cards (Attachment 2) that was introduced on December 7, 2020 and amended on February 24, 2021. This bill would require a local educational agency and would authorize multiple local educational agencies within a single county, to enter into a memorandum of agreement with the appropriate library district or public library to provide every public school pupil enrolled in the local educational agency with a student success card. The bill would require a memorandum of agreement to include specified elements and to be effective for five years, after which the memorandum of agreement may be renewed. The bill, on or before January 1, 2028, would require a library district or public library, after the expiration of each initial 5-year memorandum of agreement, to report specified statistics to the California State Library and the Legislature, including, among other statistics, any increase in the use of library books or eBooks during the preceding five years. As of March 24, 2021, Senate Bill 34 passed as amended and refer to the Committee on Governance and Finance. Senator Umberg staff is seeking support from the City for Senate Bill 34.

DISCUSSION:

The approved 2020 Legislative Platform (Attachment 1) adopted by the City Council on March 17, 2020 did not account for a bill like Senate Bill 34 (Umberg D) Libraries: Student Success Cards. This bill would require a local educational agency or multiple local educational agencies within a single county, to enter into a memorandum of agreement with the appropriate library district or public library to provide every public school pupil a student success card. The bill would require a memorandum of agreement to be effective for five years, after which the memorandum of agreement may be renewed. The bill, on or before January 1, 2028, would require a library district or public library, after the expiration of each initial 5-year memorandum of agreement, to report specified statistics to the California State Library and the Legislature, including, among other statistics, any increase in the use of library books or eBooks during the preceding five years.

By imposing new duties on local educational agencies, library districts, and public libraries, the bill would impose a state-mandated local program. The California
City Council Request
Senate Bill 34 (Umberg D) Libraries: Student Success Cards
April 6, 2021
Page 2

Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions. As of March 24, 2021, Senate Bill 34 passed as amended and re-refer to the Committee on Governance and Finance. Senator Umberg staff is seeking support from the City for Senate Bill 34.

Since SB 34 falls outside of the adopted 2020 Legislative Platform, the Legislative Committee would like to discuss and evaluate at the next City Council Meeting. The League of California Cities has not taken a position on SB 34 and currently watching SB 34. Staff is seeking City Council direction to support, oppose, or watch SB 34.

FINANCIAL ANALYSIS

SB 34 (Umberg D) Libraries: Student Success Cards will not have a fiscal impact to the City.

ATTORNEY REVIEW:

SB 34 (Umberg D) Libraries: Student Success Cards does not contain legal impacts.

ALTERNATIVES:

Alternative No. 1: Support SB 34 (Umberg D) Libraries: Student Success Cards

Alternative No. 2: Oppose SB 34 (Umberg D) Libraries: Student Success Cards.

Alternative No. 3: Take no action and watch.

RECOMMENDATION:

Staff is seeking direction from City Council.

Prepared By: Maggie Le, Deputy City Manager

Fiscal Review by: Jennifer Lampman, Finance Director/Treasurer

Approved By: Rob Houston, City Manager

Attachment No. 1: Approved 2020 Legislative Platform
Attachment No. 2: SB 34 (Umberg D) Libraries: Student Success Cards
CITY OF FOUNTAIN VALLEY
2020 LEGISLATIVE PLATFORM

Administrative and Employment Related
- Support legislation maintaining maximum local flexibility in all areas of its responsibility and operations.
- Support legislation that strengthens or reinforces management rights to include contracting and contract negotiations.
- Support legislation that reduces the City's liability exposure.
- Support legislation to allow alternative methods of meeting public notice requirements and to ensure ongoing public access and transparency.
- Support legislation that advocates fair and proportionate representation on countywide and regional boards.
- Oppose the imposition of unfunded or inadequately funded state mandates.
- Oppose state or federal efforts to "borrow" local revenues and encourage the state to find other methods of balancing its budget.

Recreation & Community Services
- Support legislation that provides funding for transportation services especially for senior citizens, local job-training programs especially for youth and young adults.
- Support legislation that promotes health & wellness for children and seniors, when financially feasible.
- Support measures that promote volunteerism.
- Support legislation and funding for the construction, rehabilitation and maintenance of public facilities, parks and open space.
- Support Federal and State funding opportunities that promote health and wellness services and education offered to youth, veterans, low income and senior communities.
- Support Federal and State funding opportunities that promote our ability to provide public access to technology at community facilities.
- Oppose efforts that erode funding for vital regional and community services that negatively impact California's access to parks, open space, bike lanes, after school programming, senior services, facilities that promote physical activity, protect natural resources and strengthen safety and security.
- Oppose legislation limiting Fountain Valley's ability to address homeless issues.

Environment
- Support measure which increase the water supply or improve water quality within the region, such as new desalination plants.
- Support measures that provide greater local control in meeting the environmental needs of the community (i.e. recycling/reclaiming of natural resources and energy efficiency measures).
- Support efforts designed to reduce or eliminate the spread of graffiti.
• Support measures that maintain and enhance local authority and economic flexibility to regulate solid waste and recycles.
• Support efforts to streamline and improve the California Environmental Quality Act (CEQA) process.
• Support legislation or grant opportunities for local governments that provide funding for development or enhancing alternative fueling stations for vehicles and energy efficiency upgrades to City facilities.
• Oppose legislation that imposes undue hardship on local agencies to implement environmental/air quality regulations.
• Oppose imposition of unreasonable and/or unfunded water testing and treatment requirements.

Housing, Land Use Planning and Community Development
• Support legislation that strengthens the concept of local control with regulatory tools to ensure the City can maintain quality of life over massage establishments, short-term rentals, congregate care facilities or group homes, and medical marijuana dispensaries.
• Support legislation that expands community and economic development tools and funding options for city services.
• Support legislation and funding for the adoption of effective state building codes to promote community building safety and mitigation of natural hazards.
• Support legislation that would increase available funding for affordable housing, especially funding for each community to meet the affordability requirement of the RHNA allocation within the eight-year housing element cycle and the express recognition that, absent funding, that the affordable RHNA allocations may be unattainable.
• Encourage Federal and State financial support for affordable housing for low-income elderly and disabled individuals.
• Oppose any legislation that is inconsistent with the doctrine of home rule, interferes with local exercise of police powers over local land use, or requires a federal, state, and/or county entity to develop model planning practices and policies.
• Oppose legislation that preempts local government's ability to regulate and exercise its enforcement powers.
• Oppose additional housing mandates without necessary funding or legislation that penalizes a city if units identified in the Regional Housing Need Assessment (RHNA) are not constructed.
• Oppose legislation that limits or eliminates local discretionary review of the installation of small cell wireless equipment or any wireless technology facilities on public infrastructure or in the public right of way and the ability for cities to charge fair market rental fees.
• Oppose regulatory efforts by Congress or the Federal Communications Commissioner to erode, limit or eliminate local government authority regarding siting of cellular communications towers, transmission sites or other infrastructure.
• Oppose any legislation mandate that supersedes local development standards or denies local governments the ability to enforce its development standards.
• Oppose legislation that mandates increases in density or reduction in parking standards in residential zones.

Public Safety
• Support legislative efforts to address the negative impacts of AB 109 (Public Safety Realignment), Proposition 47 (Reduced Penalties for Some Crimes) and Proposition 57 (Parole for Non-Violent Criminals) on local governments and provide local law enforcement with the appropriate tools to reduce criminal activity.
• Support legislation that provides funding support for disaster preparedness, earthquake preparedness, fire suppression and prevention, hazardous materials mitigation, rescue, emergency medical services, Homeland Security, State COPS program, booking fee reimbursement and other local law enforcement activities.
• Support legislation that provides local law enforcement agencies authority to recover any costs associated with complying with any federal, state or court-ordered licensing, registration and testing requirements.
• Support legislation to provide a greater share of and increased latitude to spend asset forfeiture funds.
• Support legislation and funding that promotes comprehensive and effective drug and alcohol education and rehabilitation programs.
• Support legislation and funding to strengthen and enforce legal protections for all individuals who are victims of human trafficking and crime, including minors and victims of family violence and sexual assault.
• Support efforts to address the illicit use of opioids and hold accountable those who illegally sell and distribute them.
• Support legislative efforts and additional funding to help address the issue of homelessness.
• Support legislation that prohibits drones from interfering with a firefighting operation or other public safety response.
• Support legislation that enhances the 9-1-1 system integration with technology to trace cell phone callers and their location.
• Oppose legislation to create new financial burdens or erode public safety through realignment implementation.
• Oppose legislation that would impede local law enforcement from addressing crime problems and recovering costs resulting from a crime committed by the guilty party.
• Oppose legislation that would decrease funding for the Assistance to Firefighters Grant Program within the Department of Homeland Security.

Revenue and Taxation
• Support legislation that leads to greater financial independence from federal, state and/or county government, and protects local resources from seizure by federal, state and/or county agencies.
- Supports any measure that would provide greater local control over how local funds are expended.
- Support legislation and funding that preserves and enhances a positive business climate and maintains and grows the business tax base.
- Support extending sales tax to E-Commerce as a means of fairness to “main street” retailers.
- Oppose legislative and administrative efforts by online travel companies to circumvent remittance of transient occupancy taxes to local governments from hotel reservations purchased using the internet.
- Oppose legislation that removes or limits the municipal bond tax exemption.
- Oppose any legislation that diminishes or does not assure local franchise fees for all utilities’ and communication carriers’ use of City right-of-way.
- Oppose efforts by the state legislature to assess taxes on public goods and services such as water and electricity.
- Oppose legislation that would lower the vote threshold as a method to impose new taxes or create new financing opportunities.
- Oppose any attempt or measures that seek to weaken or reverse Proposition 13 or other Constitutional provisions that strengthen taxpayer protections, or whose purpose is to raise tax revenues at the expense of the residential or business community.

**Transportation, Utilities and Public Works**

- Support legislation that provides for a more equitable distribution of federal and state highway funds that consider population growth as well as location of sales and gas tax generation.
- Support legislation that provides funding and resources for retrofitting municipal infrastructure to increase energy efficiency.
- Support legislation that would lift the minimum requirement of payment of prevailing wages on municipal Public Works projects.
- Support legislation that will reduce traffic congestion and support measures that provide local and regional funding opportunities for local transportation and system projects.
- Support legislation that encourages the use of design-build methods to facilitate a faster, stream-lined approach to project delivery.
- Support legislation such that funding for stormwater and water quality programs would be treated similarly to water, sewer, and solid waste under Proposition 218.

**Federal Legislation**

- Support efforts to reinstate funding for Safe Routes to Schools programs.
- Support streamlined environmental processing for federal regulatory permits.
- Support continued funding for the Energy Efficiency Block Grant Program in order to provide resources directly to local governments for programs that improve energy efficiency.
• Support collecting and remitting state and local sales taxes to the state and city in which the purchaser is residing (i.e. purchases made over the Internet; by mail order; by catalog, etc.).
• Support legislation to modify the Federal Fair Labor Standards Act (FLSA) as it relates to regulating public sector employment.
• Support legislation that provides tangible and productive tools and incentives to support job creation and retention.
• Support legislation and grant opportunities that preserve or increase funding for Community Development Block Grant (CDBG), HOME, and Section 8 Housing.
AMENDED IN SENATE FEBRUARY 24, 2021

SENATE BILL No. 34

Introduced by Senator Umberg

December 7, 2020

An act relating to elections. An act to add Chapter 4.7 (commencing with Section 18885) to Part 11 of Division 1 of Title 1 of the Education Code, relating to libraries, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST


(1) Existing law authorizes a library district to be organized and authorizes the library district to establish, equip, and maintain a public library for the dissemination of knowledge of the arts, sciences, and general literature. Existing law authorizes a library district to include incorporated or unincorporated territory, or both, in any one or more counties, as provided. Existing law establishes in the State Department of Education a division known as the California State Library.

This bill would require a local educational agency, as defined, and would authorize multiple local educational agencies within a single county, to enter into a memorandum of agreement, as specified, with the appropriate library district or public library to collaborate and connect for the purpose of providing every public school pupil enrolled in the local educational agency with a student success card. The bill would require a memorandum of agreement to include specified elements and to be effective for 5 years, after which the memorandum of agreement may be renewed. The bill would require the California State Library to make available sample language for memorandums of
agreement that may be used by local educational agencies, library
districts, and public libraries. The bill, on or before January 1, 2028,
would require a library district or public library, after the expiration
of each initial 5-year memorandum of agreement, to report specified
statistics to the California State Library and the Legislature, including,
among other statistics, any increase in the use of library books or
eBooks during the preceding 5 years. By imposing new duties on local
educational agencies, library districts, and public libraries, the bill
would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local
agencies and school districts for certain costs mandated by the state.
Statutory provisions establish procedures for making that
reimbursement.

This bill would provide that, if the Commission on State Mandates
determines that the bill contains costs mandated by the state,
reimbursement for those costs shall be made pursuant to the statutory
provisions noted above.

(3) This bill would declare that it is to take effect immediately as an
urgency statute.

Existing law sets forth procedures for the operation of polling places
and imposes various penalties for violating procedures related to the
conduct of elections.

This bill would state the intent of the Legislature to enact legislation
that would increase the penalties for operating a polling place that falsely
purports to be a location established by an elections official.

State-mandated local program: no-yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:
3 (a) The mission of public libraries in California is to provide
4 free and easy access to information, ideas, books, and technology
5 that can help to enrich, educate, and empower the lives of all
6 individuals.
7 (b) The mission of public schools in California is to provide
8 pupils with an education in a safe, caring environment and for
9 every pupil to be college prepared and career ready.
(c) Teacher librarians are the backbone of literacy in California, yet only 9 percent of schools have prioritized funding to maintain a full-time teacher librarian position as a resource to both teachers and pupils. Teacher librarians play a pivotal role in empowering and guiding pupils to use educational resources and become critical thinkers and competent researchers.

(d) President Barack Obama’s 2013 ConnectED initiative strives to enrich the education and opportunities of every pupil in kindergarten and grades 1 to 12, inclusive, through partnerships and cooperation.

(e) In April 2015, the White House launched the ConnectED Library Challenge, in which libraries and schools are encouraged to build partnerships to ensure that every child receives a library card.

(f) In 2016, the Los Angeles Unified School District entered into a memorandum of agreement with the City of Los Angeles’ Board of Library Commissioners to provide every pupil with a student success card.

(g) The Los Angeles Unified School District is composed of more than 800,000 pupils and is the second largest school district in the nation.

SEC. 2. Chapter 4.7 (commencing with Section 18885) is added to Part 11 of Division 1 of Title 1 of the Education Code, to read:

CHAPTER 4.7. CALIFORNIA STUDENT SUCCESS CARDS

18885. For purposes of this chapter, “local educational agency” means a school district, county office of education, or charter school.

18886. (a) (1) A local educational agency shall enter into a memorandum of agreement with the appropriate library district or public library to collaborate and connect for the purpose of providing every public school pupil enrolled in the local educational agency with a student success card. Multiple local educational agencies within a single county may join together in a single memorandum of agreement with the appropriate library district or public library.

(2) (A) A memorandum of agreement shall be effective for five years and may be renewed by the local educational agency and library district or public library.
(B) A memorandum of agreement may be reviewed annually by both parties to incorporate suggestions and lessons learned.

(C) If a memorandum of agreement is not renewed, then upon that nonrenewal the local educational agency, library district, or public library shall communicate with pupils within 60 days regarding how a pupil may continue to use a student success card in the absence of an active memorandum of agreement.

(3) A student success card issued to a pupil pursuant to the memorandum of agreement shall use the pupil's school-issued identification number, or, if the local educational agency and the library district or public library determine it is necessary and agree to its use, the pupil's statewide student identifier as the pupil's library account number.

(b) The local educational agency, library district, or public library shall, and more than one of those entities may, print and disseminate information to pupils and families at the beginning of each school year about the resources available through a student success card and how a parent or guardian may opt out pursuant to subdivision (c).

(c) A parent or guardian may opt their pupil out of a student success card.

(d) A local educational agency with a similar memorandum of agreement or memorandum of understanding in existence as of the effective date of the act adding this section, with a public library, library district, or similar library authority may retain and continue to operate under that memorandum of agreement or memorandum of understanding and is exempt from this chapter 18887. A memorandum of agreement shall include, but is not limited to, all of the following:

(a) Provisions ensuring the privacy of pupil information, consistent with applicable state and federal law.

(b) A stipulation for training opportunities for local educational agency teachers by library staff and for a sufficient time allotted for library staff to visit schools to educate pupils and to build and strengthen local partnerships.

(c) A provision allowing the replacement of lost, stolen, or damaged student success cards at no cost to pupils, local educational agencies, or schools.

(d) Provisions for the role of teacher librarians credentialed pursuant to Section 44269.
18888. A memorandum of agreement may include, but is not limited to, any of the following:
(a) A provision allowing pupils access to all or some library resources, which may include, but are not limited to, research and homework databases, web-based live homework help, learning resources, downloadable eBooks, audiobooks, music and magazines, video streaming, or tools or technology lending.
(b) A provision limiting the total number of borrowed physical materials to a specified number at a given time.
(c) A policy for assessing overdue fines for materials checked out with a student success card.
(d) A provision to provide a brief annual presentation by library staff at an all-school assembly or parent meeting to educate parents and guardians about the resources available at public libraries.
18889. The California State Library shall make available sample language for memorandums of agreement that may be used by local educational agencies, library districts, and public libraries pursuant to this chapter.
18890. On or before January 1, 2028, after the expiration of each initial five-year memorandum of agreement, a library district or public library shall report, in compliance with Section 9795 of the Government Code, to the California State Library and the Legislature the following statistics:
(a) The increase in the number of student success cards issued from the beginning of the initial memorandum of agreement period to the end of the initial memorandum of agreement period.
(b) Any increase in the use of library books or eBooks during the initial five-year memorandum of agreement period.
(c) Any measurable increases to the use of other library resources during the initial five-year memorandum of agreement period.
18891. Nothing in this chapter usurps school or county office of education library positions, programs, or funding.
SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within
the meaning of Article IV of the California Constitution and shall
go into immediate effect. The facts constituting the necessity are:
In order to enhance and facilitate distance learning by
California's pupils during the current and possibly future
coronavirus-related quarantines, it is necessary that this act take
effect immediately.

SECTION 1.—It is the intent of the Legislature to enact
legislation that increases the penalties for operating a polling place
that falsely purports to be a location established by an elections
official.