The Fountain Valley City Hall offices and Council Chambers are closed to the general public due to COVID-19. In an effort to protect public health and prevent the spread of COVID-19, we encourage you to watch on FVTV on the city’s website or via Spectrum Channel 3, Verizon FiOS Channel 21 and AT&T U-Verse Channel 99. Those desiring to testify on an item have two options: (1) in advance until 5:00 PM on April 22, 2020 by letter, email, or by telephone; and (2) until the close of public hearing on the item in question via email at PC.PublicComments@fountainvalley.org. In the subject line, please indicate the item number and include your name and address. If further information is desired, you may contact the Planning Department at (714) 593-4425.

Applicants and stakeholders may attend the meeting to address the Planning Commission in person. However, to prevent the spread of COVID-19, all attendees are required to wear a face mask and adhere to social distancing requirements. Please wait outside until your item is being considered. Each item will be announced and the Chair will allow time to clear and for applicants to enter the chambers between items.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in Planning Commission meetings, please contact the Planning Department at 714-593-4425. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting.

REGULAR MEETING

CALL TO ORDER

SALUTE TO THE FLAG

ROLL CALL: Cameron, Farrell, Saad, Gaston, Vice-Chair Osborn, Chair Spear

APPROVAL OF MINUTES
  • February 12, 2020

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS

It is customary for Commissioners to visit applicant sites. Unless any Commissioner has further disclosure statements at this time, it may be stated that no contact was made during the visit with the applicant, his/her agent or neighbors of the proposed project.

PUBLIC HEARINGS

1. CODE AMENDMENT NO. 20-04 – PERMANENT OUTDOOR DISPLAY AND SALES
   An Amendment to FVMC 21.10.050 to allow for permanent outdoor display and sales for grocery stores over 14,000 gross square feet and big box warehouse retail stores over 130,000 gross square feet.
CEQA Compliance: This request is categorically exempt from the provisions of California Environmental Quality Act (CEQA) (Class 15301).

Recommended Action: Staff recommends that the Planning Commission adopt Alternative #1 and recommend that the City Council approve the request.

2. CODE AMENDMENT NO. 19-10 – CROSSINGS SPECIFIC PLAN
An Amendment to the Fountain Valley Crossings Specific Plan pertaining to the following: allocation of residential units, allowance of residential on the ground floor, setbacks, CEQA requirements, requirements for gym’s and entertainment & recreation uses and additional minor edits.

Recommended Action: Staff recommends the Planning Commission continue Code Amendment No. 19-10 to the next regularly scheduled Planning Commission meeting of May 13, 2020.

3. CODE AMENDMENT NO. 20-02 COMMERCIAL SELF-STORAGE
An Amendment to the Fountain Valley Municipal Code (FVMC) Section 21.10.030 Table 2-6, the Harbor Blvd. South Island Specific Plan and the Warner Newhope Specific Plan to prohibit the development of new commercial self-storage facilities.

CEQA Compliance: This request is categorically exempt from the provisions of California Environmental Quality Act (CEQA) (Class 15060 and15061).

Recommended Action: Staff recommends that the Planning Commission adopt Alternative #1 and recommend that the City Council approve the request.

NEW BUSINESS
None.

UNFINISHED BUSINESS
None.

PUBLIC COMMENTS
Anyone wishing to speak on non-agendized items may do so at this time.

COMMENTS FROM STAFF

COMMENTS FROM COMMISSIONERS

ADJOURNMENT
Adjournment to the next regular Planning Commission meeting scheduled for May 13, 2020.
ALL ITEMS WHICH HAVE FINAL APPROVAL BY THE PLANNING COMMISSION MAY BE
APPEALED TO THE CITY COUNCIL WITHIN 20 CALENDAR DAYS OF THE COMMISSION'S
ACTION BY ANY APPLICANT OR PROPERTY OWNER WITHIN 500 FT. OF THE SUBJECT
PROPOSAL. PERSONS WISHING FURTHER INFORMATION SHOULD CONTACT THE
PLANNING DEPARTMENT (CHAPTER 21. 60 FVMC)

MATERIAL(S) RELATED TO AN ITEM ON THIS AGENDA SUBMITTED TO THE PLANNING COMMISSION AFTER
DISTRIBUTION OF THE AGENDA PACKET IS/ARE AVAILABLE FOR PUBLIC INSPECTION IN THE PLANNING
DEPARTMENT AT 10200 SLATER AVENUE, FOUNTAIN VALLEY DURING NORMAL BUSINESS HOURS.

Planning Commission meetings can be viewed on FVTV via Spectrum Cable Channel 3, Frontier
FiOS Channel 21, and AT&T U-Verse Channel 99. Commission Meetings are also posted on the
City’s website at www.fountainvalley.org.
Planning Commission Meeting Agenda
April 22, 2020
Page 2 of 3

**CEQA Compliance:** This request is categorically exempt from the provisions of California Environmental Quality Act (CEQA) (Class 15301).

**Recommended Action:** Staff recommends that the Planning Commission adopt Alternative #1 and recommend that the City Council approve the request.

2. **CODE AMENDMENT NO. 19-10 – CROSSINGS SPECIFIC PLAN**
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   **Recommended Action:** Staff recommends the Planning Commission continue Code Amendment No. 19-10 to the next regularly scheduled Planning Commission meeting of May 13, 2020.

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   **CEQA Compliance:** This request is categorically exempt from the provisions of California Environmental Quality Act (CEQA) (Class 15060 and15061).

   **Recommended Action:** Staff recommends that the Planning Commission adopt Alternative #1 and recommend that the City Council approve the request.

**NEW BUSINESS**
None.

**UNFINISHED BUSINESS**
None.

**PUBLIC COMMENTS**
Anyone wishing to speak on non-agendized items may do so at this time.

**COMMENTS FROM STAFF**

**COMMENTS FROM COMMISSIONERS**

**ADJOURNMENT**
Adjournment to the next regular Planning Commission meeting scheduled for May 13, 2020.
Planning Commission Meeting Agenda
April 22, 2020
Page 3 of 3

ALL ITEMS WHICH HAVE FINAL APPROVAL BY THE PLANNING COMMISSION MAY BE APPEALED TO THE CITY COUNCIL WITHIN 20 CALENDAR DAYS OF THE COMMISSION'S ACTION BY ANY APPLICANT OR PROPERTY OWNER WITHIN 500 FT. OF THE SUBJECT PROPOSAL. PERSONS WISHING FURTHER INFORMATION SHOULD CONTACT THE PLANNING DEPARTMENT (CHAPTER 21. 60 FVMC)

MATERIAL(S) RELATED TO AN ITEM ON THIS AGENDA SUBMITTED TO THE PLANNING COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKET IS/ARE AVAILABLE FOR PUBLIC INSPECTION IN THE PLANNING DEPARTMENT AT 10200 SLATER AVENUE, FOUNTAIN VALLEY DURING NORMAL BUSINESS HOURS.

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CITY OF FOUNTAIN VALLEY PLANNING COMMISSION MINUTES

CITY HALL COUNCIL CHAMBERS
10200 SLATER AVENUE

WEDNESDAY, FEBRUARY 12, 2020
STUDY SESSION – 5:30 P.M.
REGULAR MEETING – 6:00 P.M.

STUDY SESSION

CALL TO ORDER: 5:30 P.M.

1. COMMERICAL SELF-STORAGE STUDY SESSION
   Study Session to discuss a possible code amendment to prohibit or limit the development of new commercial self-storage facilities in the City.

   Planning Director Brian James presented the staff report and answered questions from the commissioners.

REGULAR MEETING

CALL TO ORDER: Chair Cameron called the meeting to order at 6:00 p.m.

SALUTE TO THE FLAG: Commissioner Cameron led the flag salute.

ROLL CALL:

PRESENT: Farrell, Osborn, Saad, Spear, Gaston, Chair Cameron

ABSENT: None.

APPROVAL OF MINUTES

- December 11, 2019

   Action: Approve the Planning Commission meeting minutes of December 11, as submitted.

   Motion: Saad Second: Spear
   AYES: Osborn, Saad, Spear, Cameron
   NAYS: None.
   ABSTAIN: Farrell, Gaston

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS

- Item #4 – Petitions, an article dated 2/11/20 by Dr. Mark A. Rafter, and a Google map of Auto Wash and VGC from Kevin Monson.
• Item #5 – Revised page 7 of 7 and of the staff report and page 9 of Exhibit A, Ordinance.

1. **CONDITIONAL USE PERMIT NO. 1835M2 – FOUNTAIN VALLEY SQUARE**

    Petition submitted by Joshua Binkley to modify the existing shared parking arrangement for the Fountain Valley Square shopping center located at the northeast corner of Brookhurst Street and Garfield Avenue.

    Chair Cameron opened the public hearing. Principal Planner Steven Ayers presented the staff report and answered questions from the commissioners. The applicant Joshua Binkley with Kornwasser Shopping Center Properties was present. With no one else in the audience wishing to speak on this item, Chair Cameron closed the public hearing.

    **Action:** Adopt Alternative #1 approving Conditional Use Permit No. 1835M2.
    **Motion:** Spear  Second: Osborn
    **AYES:** Farrell, Osborn, Saad, Spear, Gaston, Cameron
    **NAYS:** None.
    **ABSTAIN:** None.

2. **CONDITIONAL USE PERMIT NO. 1879 – MOUNTAIN MIKE’S PIZZA**

    Petition submitted by Mountain Mike’s Pizza to establish and operate a restaurant with a Type 41 beer and wine liquor license and accessory entertainment located at 18886 Brookhurst Street.

    Chair Cameron opened the public hearing. Assistant Planner Ron Vargas presented the staff report. The applicant Jeff Roberts, Director of Development for Mountain Mike’s Pizza answered questions from the commissioners. With no one else in the audience wishing to speak on this item, Chair Cameron closed the public hearing.

    **Action:** Adopt Alternative #1 approving Conditional Use Permit No. 1879.
    **Motion:** Saad  Second: Spear
    **AYES:** Farrell, Osborn, Saad, Spear, Gaston, Cameron
    **NAYS:** None.
    **ABSTAIN:** None.

3. **CONDITIONAL USE PERMIT NO. 1880 – CODE NINJAS**

    Petition submitted by Eric Kim to establish and operate a tutoring facility located at 18587 Brookhurst Street.

    Chair Cameron opened the public hearing. Senior Planner Matt Jenkins presented the staff report and answered questions from the commissioners. The applicant Eric Kim was present and answered questions from the commissioners. With no one else in the audience wishing to speak on this item, Chair Cameron closed the public hearing.

    **Action:** Adopt Alternative #1 approving Conditional Use Permit No. 1880.
    **Motion:** Saad  Second: Osborn
    **AYES:** Farrell, Osborn, Saad, Spear, Gaston, Cameron
    **NAYS:** None.
ABSTAIN: None.

4. **CONDITIONAL USE PERMIT NO. 1864, DEVELOPMENT REVIEW NO. 19-01 – FOUNTAIN VALLEY AUTO WASH – 10035 ELLIS AVENUE**

Petition submitted by Khosro Habibi to modify the existing car wash operations to allow for an automated “express car wash” and to add nine (9) new self-service vacuum/detailing stations located at 10035 Ellis Avenue. This item was continued from the August 14, 2019 Planning Commission meeting to a date uncertain.

Chair Cameron opened the public hearing. Senior Planner Matt Jenkins presented the staff report and answered questions from the commissioners. Paige Gosney representing the applicant was present and answered questions from the commissioners.

The following people spoke on this proposed project:

Kevin Monson, Attorney for the Valley Gardens Center
Roma Stromberg, Sound engineer, Ganddini Noise Study
Nancy Woo, Valley Gardens Center tenant
Brian Dauk, Valley Gardens Center property manager
Aaron Bettit, Acoustical consultant for Valley Gardens Center
Warren Caves, property owner of 18410 Brookhurst

Chair Cameron called forward the following speakers:
Khosro Habibi, applicant
Kevin Monsen
Warren Caves
Roma Stromberg
Brian Dauk

Discussion ensued regarding the three mitigation efforts to construct an 8-foot block wall to the north of the property adjacent to Valley Gardens Center, reducing the number of hoses, and commissioning supplemental noise studies.

**Action:** Adopt Alternative #1 approving Conditional Use Permit No. 1864 and Development Review No. 19-01.

Motion: Osborn Second: Saad

**AYES:** Farrell, Osborn, Saad, Spear, Gaston, Cameron

**NAYS:** None.

**ABSTAIN:** None.

5. **CODE AMENDMENT NO. 20-01 – ACCESSORY DWELLING UNITS (ADU'S)**

A Code Amendment to Fountain Valley Municipal Code 21.08.055 and 21.90.020 for the adoption of an ordinance for ADU’s.

Chair Cameron opened the public hearing. Principal Planner Steven Ayers presented the staff report and answered questions from the commissioners. With no one wishing to speak on this item, Chair Cameron closed the public hearing.
Action: Adopt Resolution No. 20-04 recommending the City Council approve a categorical exemption per the California Environmental Quality Act (CEQA) and approve Code Amendment No. 20-01 to amend the Fountain Valley Municipal Code (FVMC) Sections 21.08.055 and 21.90.020 for the adoption of an ordinance for Accessory Dwelling Units (ADU's).

Motion: Spear Second: Saad
AYES: Farrell, Osborn, Saad, Spear, Gaston, Cameron
NAYS: None.
ABSTAIN: None.

Chair Cameron called for a 5-minute recess.

ELECTION OF NEW PLANNING COMMISSION CHAIR AND VICE CHAIR

By a vote of 4-2, Commissioner Spear was elected as new Chair and Commission Osborn as new Vice-Chair.

ELECTION OF NEW SIGN COMMITTEE MEMBERS AND ALTERNATE

Ed Farrell and Bill Cameron were elected as Sign Committee members. Brad Gaston was elected as the Alternate.

Chair Spear continued the meeting with the next item on the agenda.

NEW BUSINESS

None.

UNFINISHED BUSINESS

None.

PUBLIC COMMENTS

None.

COMMENTS FROM STAFF

Planning Director Brian Director reminded commissioners of the upcoming Planning Academy on March 4-6 in Sacramento.

COMMENTS FROM COMMISSIONERS

Commissioner Cameron expressed that it has been a pleasure to serve as chair for the past year.

ADJOURNMENT
Chair Spear adjourned the meeting the next scheduled Planning Commission meeting of March 11, 2020.

APPROVED

______________________________  __________________________
Chairperson                      Secretary
Request for Planning Commission Action

To: Planning Commission  
From: Steven Ayers, Principal Planner  
Subject: CODE AMENDMENT NO. 20-04 – AN AMENDMENT TO FOUNTAIN VALLEY MUNICIPAL CODE (FVMC) SECTION 21.10.050 TO ALLOW FOR PERMANENT OUTDOOR DISPLAY AND SALES FOR GROCERY STORES OVER 14,000 GROSS SQUARE FEET AND BIG BOX WAREHOUSE RETAIL STORES OVER 130,000 GROSS SQUARE FEET

Location  
Citywide  

Proposal  

An amendment to FVMC Section 21.10.050 to allow for permanent outdoor display and sales for grocery stores over 14,000 gross square feet and big box warehouse retail stores over 130,000 gross square feet.

Current Code Requirement  

Per FVMC Section 21.48.050, outdoor displays/sales are permitted with the approval of a Temporary Use Permit for a maximum of 18 days within a 12-month period. Permanent outdoor displays and sales are not permitted.

Discussion  

On May 29, 2019, at a Special Meeting of the City Council Strategic Planning Study Session, direction was given to Planning & Building Director to present to the City Council options to address outdoor sales/displays at commercial businesses to help enhance economic development in the City of Fountain Valley. Such outdoor displays would allow retailers to market their merchandise and sales to customers as they pass a business in hopes of attracting them into the store to increase sales.

Planning Staff presented options to permit permanent outdoor display and sales at study sessions of the Planning Commission on September 11, 2019, and the City Council on September 17, 2019. Direction was provided to the Planning Department on what types of uses would be permitted to provide outdoor displays and sales, if the city wanted to consider a limited duration of the amendment as a test run, what requirements the city should look for, and enforcement of such an amendment.

Uses and Limited Duration

PAGE 1
In an attempt to “test the waters” of this proposed amendment, the Planning Commission and City Council provided direction to the Planning Department to limit the types of uses that would qualify for permanent outdoor displays and sales and the duration of such amendment. In the accompanying Ordinance (Attachment #1), staff is recommending that grocery stores over 14,000 gross square feet and big box warehouse retail stores over 130,000 gross square feet be the uses that would qualify for permanent outdoor displays and sales. This would allow the following grocery stores and big box warehouse retail stores in the city to take advantage of the proposed amendment:

- Grocery Stores over 14,000 gross square feet:
  - Albertsons
  - Ralphs
  - Stater Bros
  - Aldi
  - Grocery Outlet
  - Smart & Final
  - Sunrise Supermarket

- Big box warehouse retail stores over 130,000 gross square feet:
  - Costco
  - Sam’s Club

The Planning Commission and the City Council also gave direction to limit the duration of the amendment to one (1) year as a test run to evaluate the impacts and levels of enforcement. As such, staff is recommending an expiration date of this amendment of July 16, 2021. If successful, with no or limited enforcement issues, staff would return with a permanent change and may expand on the types of uses that may qualify for the amendment.

**Standards for Permanent Outdoor Displays and Sales**

The following standards will limit the size, location, height, aesthetics, operations, hours, maintenance, unpermitted uses, and revocation of permanent outdoor displays and sales areas. Permanent outdoor display and sales shall:

- Not encroach into public right-of-way, traffic sight areas, parking areas, driveways, shopping cart areas, accessible paths of travel, seating areas, landscape areas, or vehicular circulation areas, and maintain at least an 8’0” wide clearance from the public entrance and/or exit to the nearest driveway or, if fronting on a courtyard, as determined by the city.
- Be approved by the Planning Department. They shall be immediately abutting the grocery store or big box warehouse building and allowed on main public entry side of the building only.
- Maintain a professional appearance utilizing platforms, racks, shelves, containers that are themed or visually coordinated – no cardboard boxes, clothes racks, platforms on cinderblocks, pallets.
- Be physically demarcated with pavement materials or concrete seams, medallions, or monuments in the pavement – non-permanent markers such as paint, tape, chalk lines are not acceptable.
Only display and sell items outside that are normally sold in the store.
Be limited in linear length of display not exceeding 10% of the linear length of the business. Depth will be determined on a case-by-case basis depending upon sidewalk/courtyard clearances.
Be limited to a maximum display height of 6'0” from grade.
Allow unlimited signage that does not exceed 5"x5" in area and one (1) sign not exceeding 2 square feet per display.
Be restricted to the hours of operation of the corresponding business. All products must be moved inside the store at the close of business each day.
Be kept free of garbage and debris.
Prohibited uses in permanent outdoor display and sales areas include:
  o Displays that are unorganized, cluttered, careless, and messy look in appearance.
  o Vending machines, mechanical rides, or similar uses.
  o Mechanically produced sound, amplified sound, or live music.
  o Prohibited signs per the Sign Code.
  o Displays of goods or materials prohibited by the Municipal Code.
Be revoked or modified due to the following:
  o Circumstances under which the permit was granted have been changed that affect the public convenience, health, interest, safety, or welfare of the public.
  o Misrepresentation or omission of information on the application.
  o One or more requirements of the permit have not been fulfilled or have been violated.
  o Violation of any code, law, ordinance, regulation, or statute of the city, state, or federal government.
  o Outdoor display and sales becoming detrimental to the public convenience, health, interest, safety, or welfare of the public thus creating a nuisance.

In summary, the proposed code amendment would allow grocery stores over 14,000 gross square feet and big box warehouse retail stores over 130,000 gross square feet the ability to provide permanent outdoor displays and sales meeting the requirements of this section. Planning staff would verify compliance with the standard requirements with the applicant through a Permanent Outdoor Display and Sales Permit and the applicant's submittal of a site plan outlining their display area and photograph examples of display platforms, racks, shelves, or containers to be utilized (Attachment #2). Staff would then inspect the designated area to be utilized for the permanent outdoor display and sales and provide a final approval when the display is assembled.

**General Plan Consistency**

The proposed amendments will meet the City Council’s Strategic Plan Goal #3 to enhance economic development in the City of Fountain Valley. The amendment will also meet General Plan Goal 2.12.1 to enhance the city's economic base and business environment by assisting in the improvement and intensification of commercial development in the City of Fountain Valley. Additionally, the amendments will allow for outdoor displays and sales while preserving safety and aesthetics by limiting the size, location, height, operations, and maintenance of the areas as well as allow an avenue to revoke the Permanent Outdoor Display and Sales Permit if necessary.
Environmental Clearance

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 and can be determined categorically exempt pursuant to Class 1, Existing Facilities, Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, which establishes that additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less are exempt from CEQA. The proposed code amendment would allow for permanent outdoor display and sales of merchandise sold inside the store and would not involve additional construction or expansion of existing structures (Attachment #3).

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. Adopt Resolution No. 20-06 recommending that the City Council adopting a notice of exemption in accordance with the California Environmental Quality Act (CEQA) and approve Code Amendment No. 20-04 to allow for permanent outdoor display and sales for grocery stores over 14,000 gross square feet and big box warehouse retail stores over 130,000 gross square feet.

2. Do not adopt Resolution No. 20-06 recommending that the City Council adopting a notice of exemption in accordance with the California Environmental Quality Act (CEQA) and approve Code Amendment No. 20-04 to allow for permanent outdoor display and sales for grocery stores over 14,000 gross square feet and big box warehouse retail stores over 130,000 gross square feet.

3. Continue for further discussion.

Recommended Action

Staff recommends the Planning Commission adopt Alternative #1.

Prepared By:    Steven Ayers, Principal Planner
Reviewed By:    Matt Jenkins, Senior Planner
Reviewed By:    Ron Vargas, Assistant Planner
Approved By:    Brian James, Planning and Building Director

Attachments:   1. Resolution No. 20-06 including "Exhibit A"
               2. Draft Permanent Outdoor Display and Sales Permit
               3. Notice of Exemption
RESOLUTION NO. 20-06

A RESOLUTION OF THE FOUNTAIN VALLEY PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL APPROVE A CATEGORICAL EXEMPTION PER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND APPROVE CODE AMENDMENT (CA) NO. 20-04 TO AMEND THE FOUNTAIN VALLEY MUNICIPAL CODE (FVMC) SECTION 21.10.050 TO ALLOW FOR PERMANENT OUTDOOR DISPLAY AND SALES FOR GROCERY STORES OVER 14,000 GROSS SQUARE FEET AND BIG BOX WAREHOUSE RETAIL STORES OVER 130,000 GROSS SQUARE FEET

WHEREAS, the Fountain Valley City Council adopted the Development Code Update on December 7, 2000; and

WHEREAS, on May 29, 2019, at a Special Meeting of the City Council Strategic Planning Study Session, direction was given to Planning and Building Director to present to the City Council options to address outdoor displays at commercial businesses to help enhance economic development in the City of Fountain Valley; and

WHEREAS, on September 11, 2019, the Planning Department presented options to the Planning Commission during a study session to permit permanent outdoor display and sales areas and received input; and

WHEREAS, on September 17, 2019, the Planning Department presented options to the City Council during a study session to permit permanent outdoor display and sales areas and received input; and

WHEREAS, the amendment to FVMC 21.10.050 incorporates input received from both study sessions of the Planning Commission on September 11, 2019 and City Council on September 17, 2019; and

WHEREAS, the proposed Code Amendment No. 20-04 has been publicly noticed in accordance with State Law and the Fountain Valley Municipal Code; and

WHEREAS, the Fountain Valley Planning Commission considered the proposed Code Amendment No. 20-04 at a duly noticed public hearing on April 22, 2020.

SECTION 1

The Planning Commission hereby determines that Code Amendment No. 20-04 is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) – Class 1 (15301-Existing Facilities), which establishes that additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less are exempt from CEQA. The proposed code amendment would allow for permanent outdoor display and sales of merchandise sold inside the store and would not involve additional construction or expansion of existing structures.
Resolution No. 20-05  
Page 2 of 3

SECTION 2

The Planning Commission finds that due notice of the public hearing on March 25, 2020, conducted in the City Council Chambers, 10200 Slater Avenue, Fountain Valley, was given as required by the Fountain Valley Municipal Code, Title 21, and the State of California. Public notice of this hearing and a copy of the Planning Commission agenda were posted at City Hall, Recreation Center and the Fountain Valley Library.

SECTION 3

Pursuant to Fountain Valley Municipal Code section 21.34.050 the Planning Commission does hereby find as follows:

1. The proposed amendment ensures and maintains internal consistency with the actions, goals, objectives and policies of the General Plan, and would not create any inconsistencies with Title 21, in the case of a title amendment. The proposed amendment would enhance the city's economic base and business environment by assisting in the improvement and intensification of commercial development (General Plan Goal/Policy 2.12.1). FVMC Section 21.10.050 would be amended to allow for permanent outdoor display and sales for grocery stores over 14,000 gross square feet and big box warehouse retail stores over 130,000 gross square feet and will be internally consistent with Title 21.

2. The proposed amendment would not be detrimental to the public convenience, health, interest, safety or welfare of the city. The proposed amendment would clearly identify standards that must be met including aesthetic, area, height, clearance, and location standards that will prevent permanent outdoor displays and sales areas from being detrimental to the public convenience, health, interest, safety or welfare of customers visiting the stores.

3. The proposed amendment has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city's environmental review procedures as addressed in Section 1 above.

4. The proposed amendment is internally consistent with other applicable provisions of Title 21. As noted in finding 1 above, FVMC Section 21.10.050 would be amended to allow for permanent outdoor display and sales for grocery stores over 14,000 gross square feet and big box warehouse retail stores over 130,000 gross square feet and will be internally consistent with Title 21. There are no other known inconsistencies with the proposed amendment and other applicable provisions of Title 21.

SECTION 4

The Planning Commission finds that Code Amendment 20-04 is consistent with the Fountain Valley Municipal Code, as well as the Fountain Valley General Plan, and recommends the City Council approve Code Amendment No. 20-04 as set forth in "Exhibit A" attached hereto and incorporated herein.
PASSED APPROVED AND ADOPTED THIS 22ND DAY OF APRIL, 2020
"Exhibit A"

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY APPROVING A CATEGORICAL EXEMPTION PER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND APPROVING CODE AMENDMENT (CA) NO. 20-04 TO AMEND THE FOUNTAIN VALLEY MUNICIPAL CODE (FVMC) SECTIONS 21.10.050 TO ALLOW FOR PERMANENT OUTDOOR DISPLAY AND SALES FOR GROCERY STORES OVER 14,000 GROSS SQUARE FEET AND BIG BOX WAREHOUSE RETAIL STORES OVER 130,000 GROSS SQUARE FEET

WHEREAS, the Fountain Valley City Council adopted the Development Code Update on December 7, 2000; and

WHEREAS, on May 29, 2019, at a Special Meeting of the City Council Strategic Planning Study Session, direction was given to Planning and Building Director to present to the City Council options to address outdoor displays at commercial businesses to help enhance economic development in the City of Fountain Valley; and

WHEREAS, on September 11, 2019, the Planning Department presented options to the Planning Commission during a study session to permit permanent outdoor display and sales areas and received input; and

WHEREAS, on September 17, 2019, the Planning Department presented options to the City Council during a study session to permit permanent outdoor display and sales areas and received input; and

WHEREAS, the amendment to FVMC 21.10.050 incorporates input received from both study sessions of the Planning Commission on September 11, 2019 and City Council on September 17, 2019; and

WHEREAS, on April 22, 2020, the Fountain Valley Planning Commission considered the proposed Code Amendment No. 20-04 at a duly noticed public hearing and recommended the City Council approve a categorical exemption per CEQA and approve CA 20-04 to amend FVMC 21.10.050 to allow for permanent outdoor display and sales for grocery stores over 14,000 gross square feet and big box warehouse retail stores over 130,000 gross square feet; and

WHEREAS, the proposed Code Amendment No. 20-04 has been publicly noticed in accordance with State Law and the Fountain Valley Municipal Code.

SECTION 1

The City Council hereby determines that Code Amendment No. 20-04 is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) – Class 1 (15301-Existing Facilities), which establishes that additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less are exempt from CEQA. The proposed code amendment would allow for permanent outdoor display and sales of
merchandise sold inside the store and would not involve additional construction or expansion of existing structures.

SECTION 2

The City Council finds that due notice of the public hearing on ______, 2020, conducted in the City Council Chambers, 10200 Slater Avenue, Fountain Valley, was given as required by the Fountain Valley Municipal Code, Title 21, and the State of California. Public notice of this hearing and a copy of the Planning Commission agenda were posted at City Hall, Recreation Center and the Fountain Valley Library.

SECTION 3

Pursuant to Fountain Valley Municipal Code section 21.34.050 the City Council does hereby find as follows:

1. The proposed amendment ensures and maintains internal consistency with the actions, goals, objectives and policies of the General Plan, and would not create any inconsistencies with Title 21, in the case of a title amendment. The proposed amendment would enhance the city’s economic base and business environment by assisting in the improvement and intensification of commercial development (General Plan Goal/Policy 2.12.1). FVMC Section 21.10.050 would be amended to allow for permanent outdoor display and sales for grocery stores over 14,000 gross square feet and big box warehouse retail stores over 130,000 gross square feet and will be internally consistent with Title 21.

2. The proposed amendment would not be detrimental to the public convenience, health, interest, safety or welfare of the city. The proposed amendment would clearly identify standards that must be met including aesthetic, area, height, clearance, and location standards that will prevent permanent outdoor displays and sales areas from being detrimental to the public convenience, health, interest, safety or welfare of customers visiting the stores.

3. The proposed amendment has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city’s environmental review procedures as addressed in Section 1 above.

4. The proposed amendment is internally consistent with other applicable provisions of Title 21. As noted in finding 1 above, FVMC Section 21.10.050 would be amended to allow for permanent outdoor display and sales for grocery stores over 14,000 gross square feet and big box warehouse retail stores over 130,000 gross square feet and will be internally consistent with Title 21. There are no other known inconsistencies with the proposed amendment and other applicable provisions of Title 21.

SECTION 4

Section 21.10.050 is hereby amended to read as follows:
(a) Outdoor Dining, Display and Sales. This section provides development and operational standards for the establishment of outdoor uses, including temporary outdoor display and sales (subsection (1) (a) of this section), permanent outdoor display and sales (subsection (2)-(b) of this section) and outdoor dining and seating areas (subsection (3) (e) of this section), which shall be subject to the following criteria and standards:

(1) Temporary Outdoor Displays and Sales. Temporary outdoor displays and sales are allowed subject to the approval of a temporary use permit, in compliance with Chapter 21.48 of this title and the following standards:

(A) Provision for a fixed period of time as specified by the permit, or where not specified, not to exceed three days for a temporary event, and not to exceed a total of eighteen days per calendar year;

(B) Regulation of nuisance factors (e.g., prevention of glare or direct illumination on adjoining parcels, dirt, dust, gases, heat, noise, odors, smoke, waste and vibration);

(C) Regulation of operating hours and days, including limitation of the duration of the temporary event, as identified in subsection (a)(1) of this section;

(D) Provision for adequate temporary parking facilities, vehicular and pedestrian circulation, including vehicular ingress and egress, and public transportation, if applicable, in compliance with Chapter 21.22 (Parking and Loading) of this title;

(E) Submission of a performance bond or other surety measures, satisfactory to the planning director, to ensure that any temporary facilities or structures used would be removed from the site within a reasonable time following the event, the property would be cleaned of debris, litter or any other evidence of the temporary event upon completion or removal of the event, restored to the former condition (or better if deemed appropriate by the planning director), and shall continue to be used in compliance with this title;

(F) Provision for sanitary facilities, as deemed appropriate by the planning director;

(G) Provision for security and safety measures, if applicable and as deemed appropriate by the planning director;

(H) Appropriate setbacks shall be maintained to ensure adequate separation from adjoining land uses and a safe environment for vehicles and pedestrians;

(I) Signs shall be provided in compliance with Chapter 21.24 (Signs) of this title;

(J) Regulation of temporary structures and facilities, including location, height and size, location of equipment and open spaces, including buffer areas and other yards;

(K) Provision for solid, hazardous and toxic waste collection, recycling and/or disposal;

(L) Other conditions that would ensure the operation of the proposed temporary event in an orderly and efficient manner.

(2) Permanent Outdoor Display and Sales. Permanent outdoor display and sales are allowed in compliance with the following standards:
(A) Purpose. The purpose of this section is to allow and regulate permanent outdoor displays and sales in such a manner and to ensure that such uses do not obstruct pedestrian or vehicle circulation or create an unsightly appearance or visual clutter.

(B) Authorization. Permanent outdoor display and sales uses are only allowed pursuant to a city-issued permit. The approved permit must be posted and on display at the permanent outdoor display and sales use at all times and provided to City Personnel upon request. Failure to post or provide the approved permit shall be considered a violation of this Ordinance.

(C) Findings. A permanent outdoor display and sales permit may be approved, modified, or disapproved by the director. The director may defer action and refer the application to the commission. The director, or the commission on appeal or referral, may approve or conditionally approve a permanent outdoor display and sales permit if the following findings of fact can be made in a positive manner:

(i) The permanent outdoor display and sales permit use would be located, operated and maintained in compliance with all of the General Development and Operational Standards listed in Section 21.10.050(a)(2)(D).

(ii) The proposed permanent outdoor display and sales use complies with all of the provisions of the Fountain Valley Municipal Code, including the California Building Code adopted therein by reference.

(D) General Development and Operational Standards. The following general development and operational standards shall apply to all permanent outdoor uses:

(i) Permitted Uses. Permanent outdoor display and sales uses shall be permitted for the following uses:

1. Grocery stores with over 14,000 gross square feet of building area in commercial zoning districts.
2. Big box warehouse retail stores with over 130,000 gross square feet of building area in commercial and specific plan zoning districts.

(ii) Required Clearance. Permanent outdoor display and sales uses shall not encroach into any public right-of-way and, on private property, shall not block required traffic sight areas (see Section 21.18.040) or encroach into designated parking areas, driveways, shopping cart storage areas, designated accessible paths of travel, seating areas, landscape areas, or vehicular circulation areas. Permanent outdoor display and sales uses must be located such that a minimum four (4' 0") foot wide accessible path of travel is maintained along all pedestrian walkways and sidewalks, including from the public right-of-way and/or parking lot. A minimum eight foot (8'0") clear area must be maintained from the main public entrance and/or exit to the nearest driveway or, if fronting on a courtyard, another acceptable point determined by the City. No permanent outdoor display and sales uses use may obstruct these required pedestrian clearances in any manner, regardless of the width of the sidewalk or pathway.

(iii) Displays and Sales Area Location. Permanent outdoor display and sales areas shall be located in an approved and designated area immediately abutting the grocery store or
big box warehouse building(s) and shall only be located on the side of the building containing the main public entry.

(iv) Displays. Permanent outdoor display and sales areas shall maintain a professional appearance and shall be themed or visually coordinated. Merchandise shall be neatly organized and may be placed on a platform, rack, shelf or inside a container that is themed or visually coordinated. Cardboard boxes, clothes racks, platforms on exposed cinderblocks, and exposed pallets are not considered acceptable displays.

(v) Physical Demarcation. Permanent outdoor display and sales areas shall be physically demarcated. The physical demarcation shall be subject to the review and approval of the Planning & Building Director. Physical demarcation shall consist of physical lines formed by changes in the pavement materials or seams, the installation of medallions, or small monuments in the pavement to outline the area permitted for the permanent outdoor display and sales area. The use of paint, tape, chalk lines, or other non-permanent markers are not acceptable. Physical demarcation area shall be in place and subject to inspection prior to opening of the permanent outdoor display and sales area.

(vi) Associated Operations. Only those goods and materials associated with the existing on-site grocery store or big box warehouse use may be stored, sold, or displayed at the permanent outdoor display and sales use.

(vii) Maximum Area. The linear frontage width of the area used for permanent outdoor display and sales area shall not exceed ten (10%) percent of the linear frontage width of the tenant space of the corresponding grocery store or big box warehouse for which the permanent outdoor display or sale is granted. The maximum depth of the permanent display or sales area shall depend on the area available for display as noted in Section 21.10.050(a)(2)(C)(ii).

(viii) Height of Displayed Materials. The permanent outdoor display and sales area shall not exceed a maximum height of six (6' 0") feet from adjacent grade.

(ix) Signage. Signage for the permanent outdoor display and sales use shall be attached to the display or goods. There shall be no limit on signage that does not exceed 5" x 5" in area. One (1) sign not exceeding two (2) square feet in area shall be permitted for each separate display of goods. No additional signage or banners beyond this shall be permitted in association with a permanent outdoor display or sale use except for any separately approved temporary banners as noted in Section 21.24.080(e).

(x) Hours of Operation. Hours of operation for permanent outdoor display and sales uses shall coincide with the hours of operation for the corresponding grocery store or big box warehouse with which the outdoor use is granted. At the close of business each day, all items for outdoor display and sales shall be moved to the inside of the business.

(xi) Maintenance. All permanent outdoor display and sales uses shall be maintained free of garbage and other debris. Additional trash receptacles may be required for permanent outdoor displays and sales uses as determined by the City.

(xii) Parking. No additional parking requirements shall be required for permanent outdoor display and sales areas compliant with this section.
(E) Uses Prohibited. The following shall be prohibited in association with a permanent outdoor display or sale use:

(i) Displays that are unorganized, cluttered, careless, and/or messy in appearance.

(ii) Vending machines, mechanical rides, or similar uses.

(iii) The use of mechanically produced sound, amplified sound, or live music.

(iv) Prohibited signs per Section 21.24.110.

(v) The display of goods or materials prohibited by other sections of this Municipal Code.

(F) Revocation or Modification. A permanent outdoor display and sales area permit may be revoked or modified if any one of the following findings of fact can be made:

(i) Circumstances under which the permanent outdoor display and sales area permit was granted have been changed to a degree that the public convenience, health, interest, safety or welfare require the revocation or modification;

(ii) The permanent outdoor display and sales area permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application;

(iii) One or more of the requirements of the permanent outdoor display and sales area permit have not been substantially fulfilled or have been violated;

(iv) The improvement/use authorized in compliance with the permanent outdoor display and sales area permit approval is in violation of any code, law, ordinance, regulation or statute of the city, state or federal governments; or

(v) The improvement/use authorized in compliance with the permanent outdoor display and sales area permit has become detrimental to the public convenience, health, interest, safety or welfare, or the manner of operation constitutes or is creating a nuisance.

(G) Unlawful to operate without approval. It is unlawful for any owner, operator, tenant, or other person in control of property within the city for which the standards set forth in this section apply, to operate a permanent outdoor display and sales area without a permit, or to fail to comply with each and every condition of that permanent outdoor display and sales area permit.

(H) Revocations. If approval for a permanent outdoor display and sales area permit is revoked per Section 21.10.050(a)(2)(F), no other application for a permanent outdoor display and sales area permit shall be considered for a period of one year.

(I) Subsection (2) of this section shall remain in effect until July 16, 2021.

(3) (2) Outdoor Dining and Seating Areas. Outdoor dining and seating areas are allowed only on private property subject to the approval of a conditional use permit or small format restaurant permit and the following standards:

(A) Areas in which alcoholic beverages would be served shall comply with the standards established by the State Department of Alcoholic Beverage Control;

(B) Outdoor dining and seating areas shall comply with the following parking requirements:
(i) Parking requirements shall be calculated in compliance with Chapter 21.22 (Parking and Loading) of this title;

(ii) Outdoor dining areas that are not part of a specific restaurant, but are used in common with several restaurants or tenants within a commercial center, shall not be required to provide additional parking for those common outdoor areas.

(C) Outdoor dining areas, whether part of a restaurant or seating in common, shall provide adequate clean-up facilities, and associated procedures, in the following manner. Outdoor dining areas shall:

(i) Be cleaned on a continual basis for removal of litter and food items which would constitute a nuisance to the public health, safety and general welfare of the patrons and the community;

(ii) Contain waste receptacles for use by the public and/or restaurant employees.

(D) To ensure compatibility with surrounding uses and a high standard of quality, the following standards shall apply:

(i) Associated structural elements, awnings, covers, furniture, umbrellas or other physical elements that are visible from public rights-of-way, shall be compatible with the character of the main structure(s);

(ii) The relation of the outdoor facilities to churches, hospitals, public schools and residential uses shall be considered by the commission. Proper mitigation measures shall be applied to eliminate potential impacts related to glare, light, loitering and noise;

(iii) Outdoor facilities that provide dancing, entertainment or amplified music shall require the preparation of a noise analysis with appropriate mitigation measure, including limited hours of operation;

(iv) Outdoor facilities shall not obstruct vehicular or pedestrian traffic flow and not necessitate the removal of existing vehicular or pedestrian movement areas. Facilities shall comply with ADA requirements;

(v) Outdoor facilities shall be separated from residential uses by a minimum distance of two hundred feet, except in a mixed-use project.

(E) The use of awnings, plants, umbrellas and similar elements is encouraged to enhance the pedestrian experience.

(F) Waste receptacles shall be provided in outside seating areas, where and when deemed appropriate by the planning director.

(b) Emergency Shelters. This subsection provides standards for permanent emergency shelter facilities to provide temporary housing for the homeless.

(1) A single emergency shelter for thirty occupants, or a combination of multiple shelters with a combined capacity not to exceed thirty occupants, shall be allowed as a permitted use in the C-2 zone, consistent with Section 65583(4)(A) of the California Government Code. Emergency shelters up to thirty occupants are permitted in the C-2 zone by right.
(A) Shelters exceeding thirty occupants are permitted subject to the approval of a CUP.

(2) Stays at the facility shall be on a first-come first-served basis with clients only on-site and admitted to the facility between five p.m. to eight a.m. Clients must vacate the facility by eight a.m. and have no guaranteed bed for the next night.

(3) Maximum stay at the facility shall not exceed one hundred twenty days in a three hundred sixty-five-day period.

(4) Facility location shall be within a half mile from an OCTA bus stop, as measured from the property line.

(5) A minimum of five hundred feet shall be maintained from any other emergency shelter, as measured from the property line.

(6) A minimum of one staff member per fifteen beds shall be awake and on duty when the facility is open.

(7) Bike rack parking shall be provided by the facility.

(8) Exterior lighting shall be provided for the entire outdoor area of the site in compliance with Section 21.18.060.

(9) A waiting area shall be provided which contains a minimum of ten square feet per bed provided at the facility. The waiting area shall be in a location not adjacent to the public right-of-way, shall be screened from public view by a minimum six-foot tall visually screening mature landscaping or a minimum six-foot tall decorative masonry wall, and shall provide consideration for shade/rain provisions.

(10) Any outdoor storage, including, but not limited to, items brought on-site by clients for overnight stays, shall be screened from public view. Any outdoor storage areas provided shall be screened from public view by a minimum six-foot tall visually screening mature landscaping or a minimum six-foot tall decorative masonry wall.

(11) All facility improvements shall comply with the Fountain Valley Municipal Code and the most current adopted Building and Safety Code, specific to the establishment of dormitories.

(12) A trash enclosure shall be provided on-site per the requirements of Section 21.18.100.

(13) An operational plan shall be provided for the review and approval of the planning and building director. Plans may be required to address additional specific needs as identified by the director. The approved operational plan shall remain active throughout the life of the facility. At a minimum, said plan shall contain provisions addressing the topical areas outlined below:

(A) Sleeping areas addressing the separation of male/female sleeping areas as well as any family areas within the facility;

(B) Loitering control with specific measures regarding off-site controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on-site;
(C) Management of outdoor areas, including a system for daily admittance and discharge procedures, and monitoring of waiting areas with goals to minimize disruption to nearby land uses;

(D) Staff training with objectives to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income;

(E) Alcohol and illegal drugs addressing how the operator will control and regulate drug and alcohol use by clients on the premises;

(F) Communication and outreach with objectives to maintain good communication and response to operational issues which may arise from the neighborhood, city staff, or the general public;

(G) Screening of clients for admittance eligibility with objectives to provide first service to city of Fountain Valley residents;

(H) Counseling programs to be provided with referrals to outside assistance agencies, and provide an annual report on this activity to the city;

(I) Litter control with an objective to provide for the timely removal of litter attributable to clients within the vicinity of the facility;

(J) The operator shall provide the city with the most current contact information for the operator of the facility during the normal daytime office business hours, and the nighttime contact information for the person on duty when the emergency shelter is operating.

(14) The facility may provide the following services in designated areas separate from sleeping areas:

(A) A recreation area either inside or outside the shelter;

(B) A counseling center for job placement, education, health care, legal, or mental health services;

(C) Laundry facilities to serve the number of clients at the shelter;

(D) Kitchen for the preparation of meals;

(E) Dining hall;

(F) Client storage area (i.e., for the overnight storage of bicycles and personal items);

(G) Or similar services geared to homeless clients.

(15) An emergency shelter shall provide off-street parking at a ratio of one space per four beds, and/or one-half space per bedroom designed as a family unit with children, plus one per staff member.

(16) Floor area ratio, maximum building height, minimum lot size, maximum lot coverage, setbacks, signs, and landscaping shall comply with Section 21.10.040 Table 2-7.

(c) Single-Room Occupancy Housing. This subsection provides development and operational standards for the establishment of single-room occupancy housing (SRO).
(1) Conditional Use Permit. Single-room occupancy housing shall be allowed by conditional use permit in compliance with Chapter 21.36 (Conditional Use Permits) subject to the provisions of the applicable zoning district, and the regulations of this subsection.

(A) Management Plan. Each SRO project shall submit a management plan to the department as part of the conditional use permit application. This plan shall contain information regarding the development's projected staffing needs, facility management and operations, emergency procedures, security, rental procedures, and proposed rental rates.

(B) Revocations and Modifications of Conditional Use Permit. The city may revoke or modify the permit in compliance with Chapter 21.62 (Revocations and Modifications).

(2) Management Requirements.

(A) Resident Manager. Each SRO project containing sixteen or more units shall have a resident manager available on a twenty-four hour basis.

(B) Annual Report. Each SRO development owner shall file an annual report with the department. This report shall include the range of monthly rents, the monthly income of the residents, occupancy rates, and the number of vehicles owned by the residents.

(3) Tenant Occupancy and Income Restrictions.

(A) Length of Tenancy. Rental units shall be established for weekly and monthly tenancies only. Deposit requirements shall be specified for each type of tenancy. Less than monthly stay pays transient occupancy tax in accordance to Chapter 3.08.

(B) Tenant Income Restrictions. SRO developments shall be restricted to low and very low-income individuals as defined by the general plan housing element. This restriction shall not apply to an SRO project's twenty-four hour resident manager.

(4) Standards. The commission shall use the following standards and criteria when determining the appropriateness of granting the conditional use permit:

(A) Compliance with Codes. Single-room occupancy housing (SRO) projects shall comply with the most recent city building and housing codes.

(B) Room Size Requirements. Individual dwelling units within an SRO development shall have:

(i) Single Occupancy Rooms. Single occupancy room size of no less than one hundred fifty square feet and no greater than two hundred twenty square feet;

(ii) Double Occupancy Rooms. Double occupancy room size of no less than two hundred seventy-five square feet and no greater than four hundred fifty square feet;

(C) Allowable Percentage of Double Occupancy Rooms. Double occupancy rooms shall not make up more than ten percent of any SRO project.

(D) Access Requirements.

(i) Each development shall comply with federal, state, and local disabled person access requirements.
(ii) One disabled person accessible unit shall be required for each twenty rooms. The unit shall comply with all applicable disabled person access requirements.

(E) Kitchens. Each SRO unit shall contain a kitchen. Kitchens shall be required to contain a sink with garbage disposal, a countertop (sixteen inches by twenty-four inches minimum), refrigerator, and stove or microwave oven. If stoves are not provided in each unit, then stoves shall be provided in a common kitchen area accessible to the entire SRO project.

(F) Bathrooms. Each SRO unit shall contain a bathroom. Bathrooms shall be required to contain a sink, toilet, and shower or bathtub.

(G) Closets. Each SRO unit shall contain a closet/storage space no less than forty-eight cubic feet in size.

(H) Common Open Space Requirements.

(i) For SRO developments containing thirty or fewer units, a minimum of four hundred square feet of common open space shall be provided.

(ii) For SRO developments containing thirty-one or more units, four hundred square feet of common open space shall be provided, with an additional fifteen square feet required per each additional unit over thirty.

(I) Monitored Entrances. Each SRO project shall locate a single, controlled entrance to the project adjacent to and in full view of the manager’s desk.

(J) Mailboxes. A mailbox shall be provided for each SRO unit.

(K) Bicycle Parking. Each SRO project shall provide a secured bicycle parking area. This area shall be able to accommodate one bicycle for every three units.

(L) Storage Spaces. Each SRO project shall provide each unit with a lockable storage space not less than ten cubic feet in size within the development.

(M) Laundry Facilities. Each SRO project shall provide laundry facilities in a separate room or rooms located in close proximity to the units served. A minimum of one washer and one dryer shall be provided for each ten units or fraction thereof.

(N) Utility Closets. Each SRO project shall provide a supply storeroom and/or utility closet with at least one laundry tub with hot and cold water on every floor.

(O) Trash Area. Each SRO project shall provide a centralized trash area compliant with Section 21.18.100.

(P) Development Standards. Minimum lot size, setbacks, floor area ratio, maximum building height, landscaping, parking, and sign regulations shall comply with Section 21.10.040 Table 2-7.

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

SECTION 6

The City Clerk shall certify to the adoption of this ordinance and cause it to be published as required by law. This ordinance shall become effective thirty (30) days after the date of its adoption.

PASSED, APPROVED AND ADOPTED THIS ___ DAY OF __________, 2020.

ATTEST:

_________________________  _________________________
City Clerk                       Mayor

APPROVED AS TO FORM

HARPER & BURNS LLP

_________________________
Attorneys for the City
CITY OF FOUNTAIN VALLEY
PERMANENT OUTDOOR DISPLAY AND SALES PERMIT
[Ref: FVMC 21.10.050(a)(2)]

BUSINESS INFORMATION
BUSINESS NAME: ____________________________
ADDRESS: __________________________________
BUSINESS PHONE NUMBER: ____________________

APPLICANT INFORMATION
APPLICANT NAME: __________________________
BUSINESS PHONE NUMBER: ____________________
APPLICANT EMAIL: __________________________

PLANNING DEPARTMENT USE ONLY
APPLICATION APPROVED ___________ PERMIT NUMBER ______ DATE ______
INSPECTION FINAL APPROVAL ___________ INSPECTION FINAL DATE ______

- THIS PERMIT SHALL ONLY BE VALID UNTIL JULY 16, 2021
- THIS PERMIT IS ONLY VALID FOR BUSINESS LISTED ABOVE
- THIS PERMIT MAY BE TRANSFERRED UPON CLOSURE OR CHANGE OF OWNERSHIP UPON ISSUANCE OF A NEW PERMANENT OUTDOOR DISPLAY AND SALES PERMIT
- THIS PERMIT SHALL NOT BE VALID UNTIL AN ON-SITE INSPECTION BY CITY STAFF AND INSPECTION FINAL APPROVAL HAS BEEN GRANTED
- TO SCHEDULE INSPECTION TO VERIFY COMPLIANCE WITH CONDITIONS BELOW PLEASE CALL (714) 593-4425
Permanent Outdoor Display and Sales Requirements

1. Permanent outdoor display and sales uses must obtain a Permanent Outdoor Display and Sales Permit prior to operation. The approved permit must be posted and displayed at all times and provided to City Personnel upon request. Failure to post or provide the approved permit shall be considered a violation of the Ordinance.

2. Permanent outdoor display and sales uses shall only be permitted for Grocery Stores over 14,000 square feet and Big Box Warehouse Retail Stores over 130,000 square feet.

3. Permanent outdoor display and sales uses shall not encroach into any public right-of-way and, on private property, shall not block required traffic sight areas (see Section 21.18.040) or encroach into designated parking areas, driveways, shopping cart storage areas, designated accessible paths of travel, seating areas, landscape areas, or vehicular circulation areas. Permanent outdoor display and sales uses must be located such that a minimum four (4' 0") foot wide accessible path of travel is maintained along all pedestrian walkways and sidewalks, including from the public right-of-way and/or parking lot. A minimum eight foot (8'0") clear area must be maintained from the main public entrance and/or exit to the nearest driveway or, if fronting on a courtyard, another acceptable point determined by the City. No permanent outdoor display and sales uses use may obstruct these required pedestrian clearances in any manner, regardless of the width of the sidewalk or pathway.

4. Permanent outdoor display and sales areas shall be located in an approved and designated area immediately abutting the grocery store or big box warehouse building(s) and shall only be located on the side of the store containing the main public entry.
   a. A site plan outlining the approved area shall be attached to this permit and labeled “Attachment #1 – Site Plan.”

5. Permanent outdoor display and sales areas shall maintain a professional appearance and shall be themed or visually coordinated. Merchandise shall be neatly organized and may be placed on a platform, rack, shelf or inside a container that is themed or visually coordinated. Cardboard boxes, clothes racks, platforms on exposed cinderblocks, and exposed pallets are not considered acceptable displays.

6. Permanent outdoor display and sales areas shall be outlined in compliance with the standards in this section and subject to the review and approval of the Planning & Building Director. Such physical demarcation shall consist of physical lines formed by changes in the pavement materials or seams, the installation of medallions, or small monuments in the pavement to outline the area permitted for the permanent outdoor display and sales area. The use of paint, tape, chalk lines, or other non-permanent markers shall not be acceptable. Physical demarcation area shall be in place and subject to inspection prior to opening of the permanent outdoor display and sales area.

7. Only those goods and materials associated with the existing on-site grocery store or big box warehouse use may be stored, sold, or displayed at the permanent outdoor display and sales area.

8. The linear frontage width of the area used for permanent outdoor display and sales area shall not exceed ten (10%) percent of the linear frontage width of the tenant space of the corresponding grocery store or big box warehouse for which the permanent outdoor display or
sale is granted. The maximum depth of the permanent display or sales area shall depend on the area available for display as noted in Section 21.10.050(a)(2)(C)(ii).

9. The permanent outdoor display and sales area shall not exceed a maximum height of six (6' 0") feet from adjacent grade.

10. Signage for the permanent outdoor display and sales use shall be attached to the display or goods. There shall be no limit on signage that does not exceed 5" x 5" in area. One (1) sign not exceeding two (2) square feet in area shall be permitted for each separate display of goods. No additional signage or banners beyond this shall be permitted in association with a permanent outdoor display or sale use except for any separately approved temporary banners as noted in Section 21.24.080(e).

11. Hours of operation for permanent outdoor display and sales uses shall coincide with the hours of operation for the corresponding grocery store or big box warehouse with which the outdoor use is granted. At the close of business each day, all items for outdoor display and sales shall be moved to the inside of the business.

12. All permanent outdoor display and sales uses shall be maintained free of garbage and other debris. Additional trash receptacles may be required for permanent outdoor displays and sales uses as determined by the City.

13. No additional parking requirements shall be required for permanent outdoor display and sales areas compliant with this section.

14. The following items shall be prohibited in association with a permanent outdoor display or sale use:
   - Displays that are unorganized, cluttered, careless, and messy in appearance.
   - Vending machines, mechanical rides, or similar uses.
   - The use of mechanically produced sound, amplified sound, or live music.
   - Prohibited signs per Section 21.24.110.
   - The display of goods or materials prohibited by other sections of this Municipal Code.

15. A permanent outdoor display and sales area permit may be revoked or modified if any one of the following findings of fact can be made:
   - Circumstances under which the permanent outdoor display and sales area permit was granted have been changed by the applicant to a degree that the public convenience, health, interest, safety or welfare require the revocation or modification;
   - The permanent outdoor display and sales area permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application;
   - One or more of the requirements of the permanent outdoor display and sales area permit have not been substantially fulfilled or have been violated;
   - The improvement/use authorized in compliance with the permanent outdoor display and sales area permit approval is in violation of any code, law, ordinance, regulation or statute of the city, state or federal governments; or
   - The improvement/use authorized in compliance with the permanent outdoor display and sales area permit has become detrimental to the public convenience, health, interest, safety or welfare, or the manner of operation constitutes or is creating a nuisance.
16. It is unlawful for any owner, operator, tenant, or other person in control of property within the city for which the standards set forth in this section apply, to operate a business or land use in a zone requiring a permanent outdoor display and sales area permit without such a permit, or to fail to comply with each and every condition of that permanent outdoor display and sales area permit.

17. If approval for a permanent outdoor display and sales area permit is revoked per Section 21.10.050(a)(2)(F), no other application for a permanent outdoor display and sales area permit shall be considered for a period of one year.

18. This permit shall be valid until July 16, 2021.

BY SIGNING BELOW, THE APPLICANT ACKNOWLEDGES THEY HAVE READ ALL OF THE CONDITIONS LISTED ABOVE, AGREE TO ABIDE BY THE CONDITIONS LISTED ABOVE, AND ACCEPTS THIS PERMIT SUBJECT TO THOSE CONDITIONS AND WITH THE FULL AWARENESS OF THE PROVISIONS OF CHAPTER 21.10.050(a)(2) OF THE FOUNTAIN VALLEY MUNICIPAL CODE.

BY SIGNING BELOW, THE APPLICANT ACKNOWLEDGES ACCEPTANCE OF THE BENEFITS OF THIS PERMIT AND AGREES TO WAIVE ANY RIGHT TO LATER CHALLENGE ANY CONDITION(S) IMPOSED AS UNFAIR, UNNECESSARY, OR UNREASONABLE.

_________________________ / _______________________
Date Applicant Sign/Print

_________________________ / _______________________
Date Property Owner Sign/Print

Required Attachments Subject to City Approval:
1. Permanent Outdoor Display and Sales Site Plan
2. Photograph examples of proposed display platforms, racks, shelves, or containers
Notice of Exemption

TO: Office of Planning and Research
    P.O. Box 3044, Room 113
    Sacramento, CA 95812-3044

FROM: City of Fountain Valley
    10200 Slater Avenue
    Fountain Valley, CA 92708

County Clerk
County of Orange
12 Civic Center Plaza
Santa Ana, CA 92701

Project Title: Permanent Outdoor Display and Sales - Code Amendment No. 20-04

Project Location/Address: Citywide

Project Activity/Description: Code Amendment to Fountain Valley Municipal Code (FVMC) Section 21.10.050 to allow for permanent outdoor display and sales for grocery stores over 14,000 gross square feet and big box warehouse retail stores over 130,000 gross square feet.

Public Agency Approving Project: City of Fountain Valley, Orange County, California

Project Applicant: City of Fountain Valley

Project Applicant's Address: 10200 Slater Avenue, Fountain Valley, CA 92708

Phone Number: (714) 593-4425

Exempt Status: (check one):

☐ Ministerial (Sec. 21080 (b)(1); 15268);
☐ Declared Emergency (Sec. 21080 (b)(3); 15269 (a));
☐ Emergency Project (Sec. 21080 (b)(4); 15269 (b) (c));
☒ Categorical Exemption. State type and section number: 15301
☐ Statutory Exemptions. State code number:

Reasons why project is exempt:
Adoption of this Ordinance is exempt from CEQA pursuant to Class 1, Existing Facilities, Section 15301, which establishes that additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less are exempt from CEQA. The proposed code amendment would allow for permanent outdoor display and sales of merchandise sold inside the store and would not involve additional construction or expansion of existing structures.

Lead Agency
Contact Person: Steven Ayers, Planner
Contact Phone: 714-593-4431

If filed by applicant:
1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?: ☐ Yes ☐ No

Signature: ________________________________________________________________________ Date: ______________ Title: Principal Planner

☒ Signed by Lead Agency ☐ Signed by Applicant

PAGE 24
CITY OF FOUNTAIN VALLEY
Planning Department
10200 Slater Avenue, Fountain Valley, CA 92708
714-593-4425 – fountainvalley.org

Notice of Exemption

TO: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of Orange
12 Civic Center Plaza
Santa Ana, CA 92701

FROM: City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

Project Title: Permanent Outdoor Display and Sales - Code Amendment No. 20-04

Project Location/Address: Citywide

Project Activity/Description: Code Amendment to Fountain Valley Municipal Code (FVMC) Section 21.10.050 to allow for permanent outdoor display and sales for grocery stores over 14,000 gross square feet and big box warehouse retail stores over 130,000 gross square feet.

Public Agency Approving Project: City of Fountain Valley, Orange County, California

Project Applicant: City of Fountain Valley

Project Applicant's Address: 10200 Slater Avenue, Fountain Valley, CA 92708 Phone Number: (714) 593-4425

Exempt Status: (check one):

☐ Ministerial (Sec. 21080 (b)(1); 15268);

☐ Declared Emergency (Sec. 21080 (b)(3); 15269 (a));

☐ Emergency Project (Sec. 21080 (b)(4); 15269 (b) (c));

☒ Categorical Exemption. State type and section number: 15301

☐ Statutory Exemptions. State code number:

Reasons why project is exempt:
Adoption of this Ordinance is exempt from CEQA pursuant to Class 1, Existing Facilities, Section 15301, which establishes that additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less are exempt from CEQA. The proposed code amendment would allow for permanent outdoor display and sales of merchandise sold inside the store and would not involve additional construction or expansion of existing structures.

Lead Agency: Steven Ayers, Planner
Contact Person: Steven Ayers, Planner
Contact Phone: 714-593-4431

If filed by applicant:
1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?: ☐ Yes ☐ No

Signature: _______________________________ Date: _______________ Title: Principal Planner

☒ Signed by Lead Agency ☐ Signed by Applicant

PAGE 25
Request for Planning Commission Action

To: Planning Commission

From: Matt Jenkins, Senior Planner

Subject: CODE AMENDMENT NO. 19-10 - AN AMENDMENT TO THE FOUNTAIN VALLEY CROSSINGS SPECIFIC PLAN PERTAINING TO THE FOLLOWING: ALLOCATION OF RESIDENTIAL UNITS, ALLOWANCE OF RESIDENTIAL ON THE GROUND FLOOR, SETBACKS, CEQA REQUIREMENTS, REQUIREMENTS FOR GYM'S AND ENTERTAINMENT & RECREATION USES AND ADDITIONAL MINOR EDITS

Discussion:

On October 9, 2019, the Planning Commission held a study session to discuss possible amendments to the Fountain Valley Crossings Specific Plan (FVCSP). Then on October 15, 2019, the City Council conducted a study session to consider the Planning Commission's feedback, and discuss possible amendments to FVCSP.

Since that time, staff has been working to incorporate additional minor edits throughout the FVCSP document to bring back to the Planning Commission and City Council. At this time staff recommends the Planning Commission continue the proposed code amendment to allow staff additional time to review the proposed changes.

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.

Recommended Action:

Staff recommends the Planning Commission continue Code Amendment No. 19-10 to the next regularly scheduled Planning Commission meeting of May 13, 2020.

Prepared By: Matt Jenkins, Senior Planner

Approved By: Brian James, Planning and Building Director
Request for
Planning Commission Action

To: Planning Commission  
From: Matt Jenkins, Senior Planner

Subject: CODE AMENDMENT NO. 20-02 – AN AMENDMENT TO FOUNTAIN VALLEY MUNICIPAL CODE (FVMC) SECTIONS 21.90.020, DEFINITIONS, 21.10.030 TABLE 2-6, AND 21.22.040 TABLE 2-3; AN AMENDMENT TO SECTION 4.5.1 OF THE WARNER/NEWHOPE SPECIFIC PLAN; AND AN AMENDMENT TO SECTION 4.1.2 OF THE HARBOR BLVD. SOUTH ISLAND SPECIFIC PLAN TO PROHIBIT COMMERCIAL SELF-STORAGE FACILITIES

Location:

Summary Proposal:
The proposal is to prohibit new commercial self-storage facilities in the City of Fountain Valley. This will require amendments to the following provisions of the Municipal Code and Specific Plans:

- FVMC 21.90.020, Definitions, to create a clear definition of commercial self-storage facilities.
- FVMC 21.10.030 Table 2-6 (Allowable Land Uses and Permit Requirements) to prohibit commercial self-storage in all commercial and industrial zoning districts.
- FVMC 21.22.040 Table 2-3 (Parking Requirements by Land Use) to remove the parking requirement for the proposed prohibited land use.
- Warner/Newhope Specific Plan, Section 4.5.1 Permitted Uses to prohibit new commercial self-storage facilities in the specific plan.
- Harbor Blvd. South Island Specific Plan, Section 4.1.2 Permitted Uses to prohibit new commercial self-storage facilities in the specific plan.
Planning Commission Action – Code Amendment No. 20-02
April 22, 2020
Page 2 of 6

Background:

On February 12, 2020, the Planning Commission held a study session to discuss a possible code amendment to prohibit or limit the development of new commercial self-storage facilities in the City. The Planning Staff presented an overview of the five (5) existing self-storage facilities and described the issues with self-storage facilities.

On February 28, 2020, the City Council conducted a study session to consider the Planning Commission’s feedback, discuss a possible code amendment to prohibit or limit the development of new commercial self-storage facilities in the City, and provided direction for staff to return with a proposed code amendment to prohibit new commercial self-storage facilities.

Current Code Requirement – Zoning Districts:

Per FVMC Section 21.10.030 Table 2-6 (Figure 1), self-storage facilities are currently an allowed use subject to a conditional use permit (CUP) in the CM (Commercial Manufacturing) and M1 (Manufacturing) zoning districts.

<table>
<thead>
<tr>
<th>LAND USE (1)</th>
<th>P</th>
<th>CUP</th>
<th>Permitted Use</th>
<th>Conditional Use Permit</th>
<th>Specific Use Regs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>SERVICES</td>
<td></td>
<td></td>
<td></td>
<td>Use not allowed</td>
<td></td>
</tr>
<tr>
<td>Storage, personal self-service (mini-storage)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Self-storage facilities are currently defined in Section 21.90.020 as follows:

“Storage—Personal storage facility (mini-storage)” means a structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

Current Code Requirement – Specific Plan Areas:

Warner/Newhope Specific Plan
The Los Caballeros Sports Village located at 17200-17300 Newhope Street is regulated by the Warner/Newhope Specific Plan. Per Section 4.5.1, Permitted Uses, self-storage facilities are a permitted use in Planning Areas D, I and J of the Warner/Newhope Specific Plan (Figure 2). Currently, the self-storage facility, Public Storage, is located at the west end of the specific plan area along Newhope Street in Planning Area J.
Harbor Blvd. South Island Specific Plan
The Specific Plan regulates approximately 6.5 acres of industrial land on the east side of Harbor Blvd. adjacent to the Santa Ana River [(16790, 16800, 16830, and 16842 Harbor Blvd.) (Figure 3)]. Per Section 4.1.2, Permitted Uses, personal self-storage (mini-storage) is a permitted use in the Specific Plan. A-1 Self-storage is currently located at the southern end of the Specific Plan area, at 16842 Harbor Blvd. (Planning Area 3).

Discussion:

Self-storage facilities provide few benefits to the City beyond providing needed space for individuals and some businesses. Self-storage facilities provide fewer jobs, do not stimulate business activity and job incubation, and provide less in sales tax and revenues when compared to other industrial uses. Table 1 below compares average levels of jobs, sales taxes, property taxes, and business license revenue of self-storage facilities and other industrial uses. When revenues are factored together and aggregate to a common denominator (1,000 sf of lot), the City’s portion of revenue from self-storage is 55% lower than other comparable businesses.

In addition, the City has limited lands for industrial and employment uses and has desires to attract uses that generate greater levels of jobs and economic growth and activity, as noted below in the General Plan Consistency Section. Self-storage facilities consume the limited industrial land area but do not provide opportunities for meaningful permanent job creation or the generation of meaningful revenues. These facilities do not provide an employee base to help activate industrial areas or stimulate surrounding business activity. Finally, self-storage facilities do not provide opportunities for business incubation, other than providing storage space for some businesses to use.

<table>
<thead>
<tr>
<th>Table 1</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>Avg. Employees</td>
</tr>
<tr>
<td>Avg. Property Tax (city portion)</td>
</tr>
<tr>
<td>Avg. Sales Tax (city portion)</td>
</tr>
<tr>
<td>Avg. Measure HH (city portion)</td>
</tr>
<tr>
<td>Avg. Bus. Lic. Revenue</td>
</tr>
<tr>
<td>Avg. City Revenue (per 1,000 SF of lot)</td>
</tr>
</tbody>
</table>

There are five (5) existing self-storage facilities in the City as detailed in Table 2 totaling 305,445 square feet. This equates to 5.3 square feet of self-storage space per Fountain Valley resident. The national average is 5.4 square feet of self-storage space per person, meaning, Fountain Valley has its fair-share of commercial self-storage space.
Planning Commission Action – Code Amendment No. 20-02
April 22, 2020
Page 4 of 6

Table 2

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Lot Size</th>
<th>Building Size</th>
<th>Employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Stop Storage</td>
<td>16700 Harbor Blvd.</td>
<td>87,858</td>
<td>56,851</td>
<td>3</td>
</tr>
<tr>
<td>Public Storage</td>
<td>17200 Newhope St.</td>
<td>121,227</td>
<td>63,580</td>
<td>4</td>
</tr>
<tr>
<td>A-1 Self Storage</td>
<td>16842 Harbor Blvd.</td>
<td>70,306</td>
<td>57,985</td>
<td>3</td>
</tr>
<tr>
<td>The Storage Place*</td>
<td>18305 Mt. Langley</td>
<td>120,290</td>
<td>67,281</td>
<td>3</td>
</tr>
<tr>
<td>FV Self Storage</td>
<td>11345 Slater Ave.</td>
<td>184,815</td>
<td>67,748</td>
<td>3</td>
</tr>
</tbody>
</table>

* Include Caretakers units.

If the proposed Ordinance is approved, these self-storage facilities would become legal non-conforming uses. Per Chapter 21.56, Nonconforming Uses may continue to exist provided that the use shall not be enlarged or intensified, except where the addition or enlargement conforms to all applicable provisions of the zoning code.

Proposed Code Amendment:

Staff proposes the following amendments to the FVMC and Specific Plans that will prohibit self-storage facilities in the City:

Definition:

The existing definition of "storage, FVMC Section 21.90.020, will be amended as follows:

"Storage - Personal storage facility (mini-storage)" means a structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

"Storage – Commercial Self-Storage facility (mini-storage)" means any use for the purpose of renting or leasing individual storage space (indoor rooms, lockers, containers and/or outdoors) to customers, usually on a short-term basis, who utilize such a facility for the purposes of storing their materials and possessions. A Commercial Self-Storage facility may include a caretakers unit. A Commercial Self-Storage facility does not include warehousing, wholesaling, distribution, and logistics uses.

FVMC 21.10.030 Table 2-6, Allowable Land Uses and Permit Requirements:

<table>
<thead>
<tr>
<th>LAND USE (1)</th>
<th>PERMIT REQUIRED BY DISTRICT</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th>Specific Use Regs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>SERVICES</td>
<td>P</td>
<td>C1</td>
<td>C2</td>
<td>CM</td>
<td>M1</td>
<td></td>
</tr>
<tr>
<td>Storage, personal self-service (mini-storage) Commercial Self-Storage facility (mini-storage)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>CUP</td>
<td>CUP</td>
<td>—</td>
</tr>
</tbody>
</table>

FVMC 21.22.040 Table 2-3, Parking Requirements by Land Use:

<table>
<thead>
<tr>
<th>Land Use Type:</th>
<th>Vehicle Spaces Required:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail Trade</td>
<td></td>
</tr>
<tr>
<td>Storage, personal storage facilities</td>
<td>4 space for each 1,000 sq. ft of gross floor area, but not less than 5 spaces, plus 3 spaces for manager office/residence</td>
</tr>
</tbody>
</table>
Warner/Newhope Specific Plan, Section 4.5.1 Permitted Uses:

Self-storage will be removed as a permitted use in the Planning Areas D, I and J in the Warner/Newhope Specific Plan area as shown below:

<table>
<thead>
<tr>
<th>4.5 Planning Areas D, I, and J, Commercial Manufacturing</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.5.1 Permitted Uses</td>
</tr>
<tr>
<td>Self-storage</td>
</tr>
</tbody>
</table>

Harbor Blvd. South Island Specific Plan, Section 4.1.2 Permitted Uses:

Storage and personal self-storage (mini-storage) will be removed as a permitted use in the Harbor Blvd. South Island Specific Plan area as shown below:

<table>
<thead>
<tr>
<th>4.1.2 Permitted Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Storage, personal self-storage (mini-storage)</td>
</tr>
</tbody>
</table>

General Plan Consistency:

The proposed amendments will meet the City Council's Strategic Plan Goal #3 to enhance economic development in the City of Fountain Valley. The amendment will also meet General Plan Goal 2.12.1 to enhance the city's economic base and business environment by assisting in the improvement and intensification of commercial development in the City of Fountain Valley.

The proposed code amendment would prohibit new commercial self-storage facilities and preserve the City's commercial and industrial lands for productive uses in terms of job creation, tax generation, and the stimulation of the local economy. Preserving this limited land will foster the growth and development of innovative and high quality land uses beneficial to the residents and businesses in Fountain Valley consistent with the General Plan Goal 2.14.

Land uses that are more intense than commercial self-storage facilities encourage planning and design that is people oriented and promotes high quality architectural development (General Plan Goal 2.6, Policy 2.6.2).

The proposed amendments would help ensure that the City attracts industrial and employment uses that generate greater levels of jobs and economic growth and activity into its limited industrially designated lands.

Environmental Clearance:

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 and can be determined categorically exempt pursuant to CEQA Guidelines sections 15060(c)(2)(the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3)(there is no possibility the activity in question may have a significant effect on the environment). The proposed code amendment would prohibit new commercial self-storage facilities in the City of Fountain Valley.
Planning Commission Action – Code Amendment No. 20-02
April 22, 2020
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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. Adopt Resolution No. 20-08 recommending that the City Council adopt a Notice of Exemption in accordance with the California Environmental Quality Act (CEQA) and approve Code Amendment No. 20-02 to amend the Fountain Valley Municipal Code (FVMC) Sections 21.90.020, Definitions; 21.10.030 Table 2-6, and 21.22.040 Table 2-3; an amendment to Section 4.5.1 of the Warner/Newhope Specific Plan; and an amendment to Section 4.1.2 of the Harbor Blvd. South Island Specific Plan to prohibit commercial self-storage facilities.

2. Do not adopt Resolution No. 20-08 recommending that the City Council adopt a Notice of Exemption in accordance with the California Environmental Quality Act (CEQA) and deny Code Amendment No. 20-02.

3. Continue for further discussion.

Recommended Action:

Staff recommends the Planning Commission adopt Alternative #1.

Prepared By: Matt Jenkins, Senior Planner

Reviewed By: Steven Ayers, Principal Planner

Approved By: Brian James, Planning and Building Director

Attachments: 1. Resolution No. 20-08 including "Exhibit A"
2. Notice of Exemption
RESOLUTION NO. 20-08

A RESOLUTION OF THE FOUNTAIN VALLEY PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL APPROVE A CATEGORICAL EXEMPTION PER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND APPROVE CODE AMENDMENT (CA) NO. 20-02, AN AMENDMENT TO FOUNTAIN VALLEY MUNICIPAL CODE (FVMC) SECTIONS 21.90.020, DEFINITIONS, 21.10.030 TABLE 2-6 AND 21.22.040 TABLE 2-3; AN AMENDMENT TO SECTION 4.5.1 OF THE WARNER/NEWHOPE SPECIFIC PLAN; AND AN AMENDMENT TO SECTION 4.1.2 OF THE HARBOR BLVD. SOUTH ISLAND SPECIFIC PLAN TO PROHIBIT COMMERCIAL SELF-STORAGE FACILITIES

WHEREAS, the Fountain Valley City Council adopted the Development Code Update on December 7, 2000; and

WHEREAS, the Fountain Valley City Council adopted the Warner/Newhope Specific Plan on October 5, 2004 (Ordinance No. 1361); and

WHEREAS, the Fountain Valley City Council adopted the Harbor Blvd. South Island Specific Plan on April 19, 2016 (Ordinance No. 9549); and

WHEREAS, self-storage facilities provide few jobs, do not stimulate business activity and job incubation, and provide less in sales tax and revenues when compared to other industrial uses; and

WHEREAS, the City has limited lands for industrial and employment uses and has desires to attract uses that generate greater levels of jobs and economic growth and activity; and

WHEREAS, there are five (5) existing self-storage facilities in the City totaling 305,445 square feet, which equates to 5.3 square feet per resident as compared to 5.4 square feet of self-storage per person nationally; and

WHEREAS, on February 12, 2020, the Planning Commission held a study session to discuss a possible code amendment to prohibit or limit the development of new commercial self-storage facilities in the City; and

WHEREAS on February 18, 2020, the City Council conducted a study session to consider the Planning Commission's feedback, discuss a possible code amendment to prohibit or limit the development of new commercial self-storage facilities in the City, and provided direction for staff to return with a proposed code amendment to prohibit new commercial self-storage facilities in the City; and

WHEREAS, the proposed Code Amendment No. 20-02 has been publicly noticed in accordance with State Law and the Fountain Valley Municipal Code; and

WHEREAS, the Fountain Valley Planning Commission considered the proposed Code Amendment No. 20-02 at a duly noticed public hearing on April 22, 2020.
Resolution No. 20-08
Page 2 of 3

SECTION 1

The Planning Commission hereby determines that Code Amendment No. 20-02 is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c)(2)(the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3)(there is no possibility the activity in question may have a significant effect on the environment). The proposed code amendment would prohibit new commercial self-storage facilities in the City of Fountain Valley.

SECTION 2

The Planning Commission finds that due notice of the public hearing on April 22, 2020, conducted in the City Council Chambers, 10200 Slater Avenue, Fountain Valley, was given as required by the Fountain Valley Municipal Code, Title 21, and the State of California. Public notice of this hearing and a copy of the Planning Commission agenda were posted at City Hall, Recreation Center and the Fountain Valley Library.

SECTION 3

Pursuant to Fountain Valley Municipal Code section 21.34.050 the Planning Commission does hereby find as follows:

1. The proposed code amendments ensures and maintains internal consistency with the actions, goals, objectives and policies of the General Plan, and would not create any inconsistencies with Title 21, and the Warner/Newhope and Harbor Blvd. South Island specific plans. The proposed amendment would enhance the city’s economic base and business environment by assisting in the improvement and intensification of commercial development (General Plan Goal/Policy 2.12.1).

The proposed code amendment would prohibit new commercial self-storage facilities and preserve the City’s commercial and industrial lands for productive uses in terms of job creation, tax generation, and the stimulation of the local economy. Preserving this limited land will foster the growth and development of innovative and high quality land uses beneficial to the residents and businesses in Fountain Valley consistent with the General Plan Goal 2.14.

Land uses that are more intense than commercial self-storage facilities encourage planning and design which is people oriented and will promote high quality architectural development (General Plan Goal 2.6, Policy 2.6.2).

The proposed amendments would help ensure that the City attracts industrial and employment uses that generate greater levels of jobs and economic growth and activity into its limited industrially designated lands.

a. FVMC 21.10.030 Table 2-6, Allowable Land Uses and Permit Requirements would be amended to prohibit self-storage facilities in the commercial and industrial zoning districts; and
b. FVMC 21.22.040 Table 2-3, Parking Requirements by Land Use, would remove the parking requirement for storage/personal storage facilities; and

c. Self-storage will be removed as a permitted use in the Planning Areas D, I and J in the Warner/Newhope Specific Plan area; and

d. Storage and personal self-storage (mini-storage) will be removed as a permitted use in the Harbor Blvd. South Island Specific Plan area.

2. The proposed amendment would not be detrimental to the public convenience, health, interest, safety or welfare of the city. The proposed amendments would prohibit self-storage facilities in the City. Self-storage facilities provide fewer jobs, do not stimulate business activity and job incubation, and provide less in sales tax and revenues when compared to other industrial uses. The proposed amendments would preserve the city’s limited industrial lands for uses that generate greater levels of jobs and economic growth and activity.

3. The proposed amendment has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city’s environmental review procedures as addressed in Section 1 above.

4. The proposed amendments are internally consistent with other applicable provisions of Title 21, the Warner/Newhope and Harbor Blvd. South Island specific plans. As noted in Finding 1 above, FVMC 21.10.030 Table 2-6, would be amended to prohibit self-storage facilities in the commercial and industrial zoning districts and will be internally consistent with Title 21. FVMC 21.22.040 Table 2-3, would remove the parking requirement for self-storage facilities.

SECTION 4

The Planning Commission finds that Code Amendment No. 20-02 is consistent with the Fountain Valley Municipal Code, as well as the Fountain Valley General Plan, and recommends the City Council approve Code Amendment No. 20-02 as set forth in “Exhibit A” attached hereto and incorporated herein.

PASSED APPROVED AND ADOPTED THIS 22ND DAY OF APRIL, 2020

Chairperson

Secretary
"Exhibit A"

ORDINANCE NO._____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY APPROVING A CATEGORICAL EXEMPTION PER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND APPROVING CODE AMENDMENT (CA) NO. 20-02, AN AMENDMENT TO FOUNTAIN VALLEY MUNICIPAL CODE (FVMC) SECTIONS 21.90.020, DEFINITIONS, 21.10.030 TABLE 2-6, AND 21.22.040 TABLE 2-3; AN AMENDMENT TO SECTION 4.5.1 OF THE WARNER/NEWHOPE SPECIFIC PLAN; AND AN AMENDMENT TO SECTION 4.1.2 OF THE HARBOR BLVD. SOUTH ISLAND SPECIFIC PLAN TO PROHIBIT COMMERCIAL SELF-STORAGE FACILITIES

WHEREAS, the Fountain Valley City Council adopted the Development Code Update on December 7, 2000; and

WHEREAS, the Fountain Valley City Council adopted the Warner/Newhope Specific Plan on October 5, 2004 (Ordinance No. 1361); and

WHEREAS, the Fountain Valley City Council adopted the Harbor Blvd. South Island Specific Plan on April 19, 2016 (Ordinance No. 9549); and

WHEREAS, self-storage facilities provide few jobs, do not stimulate business activity and job incubation, and provide less in sales tax and revenues when compared to other industrial uses; and

WHEREAS, the City has limited lands for industrial and employment uses and has desires to attract uses that generate greater levels of jobs and economic growth and activity; and

WHEREAS, there are five (5) existing self-storage facilities in the City totaling 305,445 square feet, which equates to 5.3 square feet per resident as compared to 5.4 square feet of self-storage per person nationally; and

WHEREAS, on February 12, 2020, the Planning Commission held a study session to discuss a possible code amendment to prohibit or limit the development of new commercial self-storage facilities in the City; and

WHEREAS, on February 18, 2020, the City Council conducted a study session to consider the Planning Commission’s feedback, discuss a possible code amendment to prohibit or limit the development of new commercial self-storage facilities in the City, and provided direction for staff to return with a proposed code amendment to prohibit new commercial self-storage facilities in the City; and

WHEREAS, on April 22, 2020, the Fountain Valley Planning Commission considered the proposed Code Amendment No. 20-02 at a duly noticed public hearing and recommended the City Council approve a categorical exemption per CEQA and approve CA No. 20-02 to amend the Fountain Valley Municipal Code (FVMC) Section 21.90.020, Definitions; Section 21.10.030 Table 2-6; and Section 21.22.040 Table 2-3; amend Section 4.5.1 of the
Warner/Newhope Specific Plan; and amend Section 4.1.2 of the Harbor Blvd. South Island Specific Plan to prohibit commercial self-storage facilities in the City of Fountain Valley; and

WHEREAS, the proposed Code Amendment No. 20-02 has been publicly noticed in accordance with State Law and the Fountain Valley Municipal Code.

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

SECTION 1

The City Council hereby determines that Code Amendment No. 20-02 is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c)(2)(the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3)(there is no possibility the activity in question may have a significant effect on the environment). The proposed code amendment would prohibit new commercial self-storage facilities in the City of Fountain Valley.

SECTION 2

The City Council finds that due notice of the public hearing on ______, 2020, conducted in the City Council Chambers, 10200 Slater Avenue, Fountain Valley, was given as required by the Fountain Valley Municipal Code, Title 21, and the State of California. Public notice of this hearing and a copy of the Planning Commission agenda were posted at City Hall, Recreation Center and the Fountain Valley Library.

SECTION 3

Pursuant to Fountain Valley Municipal Code section 21.34.050 the City Council does hereby find as follows:

1. The proposed code amendment ensures and maintains internal consistency with the actions, goals, objectives and policies of the General Plan, and would not create any inconsistencies with Title 21 and the Warner/Newhope and Harbor Blvd. South Island specific plans. The proposed amendment would enhance the city's economic base and business environment by assisting in the improvement and intensification of commercial development (General Plan Goal/Policy 2.12.1).

The proposed code amendment would prohibit new commercial self-storage facilities and preserve the City's commercial and industrial lands for productive uses in terms of job creation, tax generation, and the stimulation of the local economy. Preserving this limited land will foster the growth and development of innovative and high quality land uses beneficial to the residents and businesses in Fountain Valley consistent with the General Plan Goal 2.14.

Land uses that are more intense than commercial self-storage facilities encourage planning and design which is people oriented and will promote high quality architectural development (General Plan Goal 2.6, Policy 2.6.2).
The proposed amendments would help ensure that the City attracts industrial and employment uses that generate greater levels of jobs and economic growth and activity into the City’s limited industrially designated lands.

a. FVMC 21.10.030 Table 2-6, Allowable Land Uses and Permit Requirements would be amended to prohibit self-storage facilities in the commercial and industrial zoning districts; and

b. FVMC 21.22.040 Table 2-3, Parking Requirements by Land Use, would remove the parking requirement for storage/personal storage facilities; and

c. Self-storage will be removed as a permitted use in the Planning Areas D, I and J in the Warner/Newhope Specific Plan area; and

d. Storage and personal self-storage (mini-storage) will be removed as a permitted use in the Harbor Blvd. South Island Specific Plan area.

2. The proposed amendment would not be detrimental to the public convenience, health, interest, safety or welfare of the city. The proposed amendments would prohibit self-storage facilities in the City. Self-storage facilities provide fewer jobs, do not stimulate business activity and job incubation, and provide less in sales tax and revenues when compared to other industrial uses. The proposed amendments would preserve the city’s limited industrial lands for uses that generate greater levels of jobs and economic growth and activity.

3. The proposed amendment has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city’s environmental review procedures as addressed in Section 1 above.

4. The proposed amendments are internally consistent with other applicable provisions of Title 21 and Warner/Newhope and Harbor Blvd. South Island specific plans. As noted in Finding 1 above, FVMC 21.10.030 Table 2-6, would be amended to prohibit self-storage facilities in the commercial and industrial zoning districts and will be internally consistent with Title 21. FVMC 21.22.040 Table 2-3, would remove the parking requirement for self-storage facilities.

SECTION 4

FVMC Section 21.90.020, Definitions, is hereby amended to read as follows:

"Storage—Personal storage facility (mini-storage)" means a structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

"Storage—Commercial Self-Storage facility (mini-storage)" means any use for the purpose of renting or leasing individual storage space (indoor rooms, lockers, containers and/or outdoors) to customers, usually on a short-term basis, who utilize such a facility for the purposes of storing their materials and possessions. A Commercial Self-Storage facility may include a caretakers unit. A Commercial Self-Storage facility does not include warehousing, wholesaling, distribution, and logistics uses.
SECTION 5

FVMC 21.10.030 Table 2-6, Allowable Land Uses and Permit Requirements, is hereby amended to read as follows:

<table>
<thead>
<tr>
<th>LAND USE (1)</th>
<th>P</th>
<th>CUP</th>
<th>Permit Required by District</th>
</tr>
</thead>
<tbody>
<tr>
<td>SERVICES (con't)</td>
<td>CP</td>
<td>C1</td>
<td>C2</td>
</tr>
<tr>
<td>Storage, personal self-service (mini-storage) Commercial Self-Storage facility (mini-storage)</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
</tbody>
</table>

SECTION 6

FVMC 21.22.040 Table 2-3, Parking Requirements by Land Use, is hereby amended to read as follows:

<table>
<thead>
<tr>
<th>Land Use Type:</th>
<th>Retail Trade</th>
<th>Vehicle Spaces Required:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Storage, personal storage facilities</td>
<td>4-space for each 1,000 sq. ft. of gross floor area, but not less than 6 spaces plus 2 spaces for manager office/residence.</td>
<td></td>
</tr>
</tbody>
</table>

SECTION 7

The Warner/Newhope Specific Plan, Section 4.5.1, Permitted Uses, is hereby amended to read as follows:

4.5 Planning Areas D, I, and J, Commercial Manufacturing
4.5.1 Permitted Uses
  – Self-storage.

SECTION 8

The Harbor Blvd. South Island Specific Plan, Section 4.1.2, Permitted Uses, is hereby amended to read as follows:

4.1.2 Permitted Uses
  – Storage, personal self-storage (mini-storage).

SECTION 9

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 10

The City Clerk shall certify to the adoption of this ordinance and cause it to be published as required by law. This ordinance shall become effective thirty (30) days after the date of its adoption.

PASSED, APPROVED AND ADOPTED THIS ___DAY OF __________, 2020.

ATTEST:

__________________________________________  ________________________________
City Clerk                                           Mayor

APPROVED AS TO FORM

HARPER & BURNS LLP

__________________________________________
Attorneys for the City
Notice of Exemption

TO: Office of Planning and Research
   P.O. Box 3044, Room 113
   Sacramento, CA 95812-3044

FROM: City of Fountain Valley
   10200 Slater Avenue
   Fountain Valley, CA 92708

Orange County Clerk - Recorder
County Administration South
601 N. Ross Street
Santa Ana, CA 92701

Project Title: Self-Storage - Code Amendment No. 20-02

Project Location/Address: Citywide in CM & M zoning district & the Harbor Blvd, South Island & Warner/Newhope Specific Plans

Project Activity/Description: Amendment to Fountain Valley Municipal Code (FVMC) Sections 21.90.020, Definitions, 21.10.030 Table 2-6, and 21.22.040 Table 2-3; an amendment to Section 4.5.1 of the Warner/Newhope Specific Plan; and an amendment to the Section 4.1.2 of the Harbor Blvd. South Island Specific Plan to prohibit commercial self-storage facilities.

Public Agency Approving Project: City of Fountain Valley, Orange County, California

Project Applicant: City of Fountain Valley

Project Applicant's Address: 10200 Slater Avenue, Fountain Valley, CA 92708 Phone Number: (714) 593-4425

Exempt Status: (check one):

☐ Ministerial (Sec. 21080 (b)(1); 15268);
☐ Declared Emergency (Sec. 21080 (b)(3); 15269 (a));
☐ Emergency Project (Sec. 21080 (b)(4); 15269 (b) (c));
☒ Categorical Exemption. State type and section number: 15060(c)(2) & 15061(b)(3)
☐ Statutory Exemptions. State code number:

Reasons why project is exempt: Adoption of this Ordinance is exempt from CEQA pursuant to Section 15060(c)(2) - the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment; and 15061(b)(3) - there is no possibility the activity in question may have a significant effect on the environment.

The proposed code amendment would prohibit new self-storage facilities in the City of Fountain Valley.

Lead Agency
Contact Person: Matt Jenkins, Senior Planner
Contact Phone: 714-593-4427

If filed by applicant:
1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?: ☐ Yes ☐ No

Signature: ____________________________________________ Date: ________________ Title: Senior Planner

☒ Signed by Lead Agency ☐ Signed by Applicant

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