In an effort to protect public health and prevent the spread of COVID-19, we encourage you to watch on FTVT on the city’s website or via Spectrum Channel 3, Verizon FiOS Channel 21 and AT&T U-Verse Channel 99. Those watching remotely but desiring to testify on an item have two options: (1) in advance until 5:00 PM on June 10, 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 also 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 physical distancing requirements. To limit crowds, 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: Farrell, Gaston, Saad, Vice-Chair Osborn, Chair Spear

APPROVAL OF MINUTES
  • May 13, 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. CONDITIONAL USE PERMIT NO. 1425A-M –TASTE OF BEAUTY
   Petition submitted by Luguan Yan to modify an existing conditional use permit to add a Type 47 liquor license, allow customer seating on the second floor, and allow for accessory live entertainment for the Taste of Beauty restaurant (former Mandarin Restaurant) located at 18420 Brookhurst Street.
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 approve the request as submitted.

2. CONDITIONAL USE PERMIT NO. 1883 – ARCH TO END PERMANENT COSMETICS
Petition submitted by Caroline Lam to establish and operate a beauty salon studios providing microblading, permanent makeup, and cosmetic tattooing located at 10221 Slater Avenue #115.

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 approve the request as submitted.

NEW BUSINESS

3. VEHICLE MILES TRAVELED (VMT) THRESHOLD GUIDELINES
Consideration of a Resolution recommending that the City Council adopt a Notice of Exemption in accordance with the California Environmental Quality Act and adopt the proposed Vehicle Miles Traveled Thresholds of Significance by Resolution. The proposal implements Senate Bill 743, which requires agencies to stop treating automobile delay as an environmental impact effective on July 1, 2020, and instead focus on the distance that an automobile travels.

CEQA Compliance: This item is statutorily exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3), which states that CEQA does not apply to project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Recommended Action: Adopt Resolution No. 20-11 recommending that the City Council adopt a Notice of Exemption in accordance with the California Environmental Quality Act and adopt the proposed Vehicle Miles Traveled Thresholds of Significance by Resolution.

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 July 8, 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 FVTW 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.
CALL TO ORDER
Chair Spear called the study session to order.

1. Study Session - New Traffic Analysis Methodology (VMT)
Study Session to introduce the pending state mandated switch to the Vehicle Miles Traveled (VMT) traffic analysis methodology and its ramifications on the CEQA process and future development.

Planning Director Brian James introduced Paul Herrmann with Fehr & Peers. Mr. Herrmann presented a PowerPoint presentation and answered questions from the commissioners. The Planning Commission took no action at this time.

REGULAR MEETING

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

Chair Spear stated that in an effort to protect public health and prevent the spread of COVID-19, we have taken a number of measures. So the public does not have to attend in-person, we are taking comments by email up until the close of the public hearing on the item you are interested in. If you submit a comment by email, please send it to PC.PublicComments@fountainvalley.org. In the subject line, please indicate the item number and include your name and address. Your comment will be read into the record in the order received.

SALUTE TO THE FLAG: Chair Spear led the flag salute.

ROLL CALL:
PRESENT: Farrell, Saad, Gaston, Osborn, Spear
ABSENT: Cameron

APPROVAL OF MINUTES

- April 22, 2020

Action: Approve the Planning Commission meeting minutes of April 22, 2020, as submitted.

Motion: Harper    Second: Saad
AYES: Farrell, Osborn, Saad, Spear
NAYS: None.
ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS

None.

PUBLIC HEARINGS

None.

NEW BUSINESS

1. DEVELOPMENT REVIEW NO 20-01 – FIVE BELOW
   Petition submitted by Michael Osbourne on behalf of the property owner, DS Fountain Valley LP, to modify the existing building located at 18309 Brookhurst Street.

   Senior Planner Matt Jenkins presented the staff report and answered questions from the commissioners. No public comments received by email and no one in the audience wished to speak on this item.

   Action: Adopt Alternative #1 and approve the request as submitted.

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

2. General Plan Conformance – Public Works Capital Improvements Program for FY 2020-2021
   Petition submitted by the Public Works Department to determine if the FY 2020-2021 Capital Improvements Program is consistent with the Fountain Valley General Plan.

   Deputy Public Works Director presented the staff report and answered questions from the commissioners. Public Works Director HyeJin Lee discussed Senate Bill 99 passed in 2013 Active Transportation Program. Discussion ensued regarding mid-block crosswalks in the city. No public comments received by email and no one in the audience wished to speak on this item.

   Action: Planning Commission made a determination that the Public Works Capital Improvement Program FY 2020-2021 is consistent with the City of Fountain Valley General Plan.

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

UNFINISHED BUSINESS

None.
PUBLIC COMMENTS
None.

COMMENTS FROM STAFF
None.

COMMENTS FROM COMMISSIONERS
None.

ADJOURNMENT
Chair Spear adjourned the meeting at 6:43 p.m. to the next scheduled Planning Commission meeting of June 10, 2020.

APPROVED

__________________________  __________________________
Chairperson                     Secretary
TO: Planning Commission
FROM: Matt Jenkins, Senior Planner
SUBJECT: TASTE OF BEAUTY – CONDITIONAL USE PERMIT NO. 1425A-M

TO:

DATE: June 10, 2020

FROM:

SUBJECT:

Location: 18420 Brookhurst Street (Valley Gardens Center)
Zoning: C1 – Local Business

Proposal:

Petition submitted by Luguan Yan to modify an existing Conditional Use Permit (CUP) to add a Type 47 liquor license, allow customer seating on the second floor, and allow for accessory live entertainment for the Taste of Beauty restaurant (former Mandarin Restaurant) located at 18420 Brookhurst Street.

Code Requirement:

Per Fountain Valley Municipal Code (FVMC) Section 21.10.030 Table 2-6, a CUP is required for a restaurant use as well as for on premise alcoholic beverage sales and for accessory uses such as live entertainment in the C1-Local Business zone.

Discussion:

Luguan Yan has submitted a request to modify the existing CUP to add a Type 47 liquor license, allow customer seating on the second floor, and allow for accessory live entertainment for the Taste of Beauty restaurant (former Mandarin Restaurant) located at 18420 Brookhurst Street (Attachment #1 and #2).

The Taste of Beauty restaurant will offer Chinese vegetarian dishes (Attachment #3). The 8,219 square foot restaurant will have indoor seating on the first and second floors with an outdoor patio with customer seating (Attachment #4). The total seating for all customer areas of the restaurant will be limited to 250 occupants. Plans are currently being reviewed by City...
Departments to obtain building permits for an interior remodel to update the existing restaurant space (Attachment #5). The proposed hours of operation will be from 6:00 a.m. to 1:00 a.m., seven (7) days a week, with the patio closing at 11:00 p.m. Sunday through Thursday, and 12:00 a.m. (midnight) on Friday and Saturday.

The applicant has also applied for a Type 47 liquor license through the California Department of Alcoholic Beverage Control (ABC). Staff has included specific conditions to help mitigate any negative affects the proposed alcohol license may have to the commercial center and adjacent neighbors (Attachment #6). They include the following:

- **Condition #5** – The Applicant shall post a prominent, permanent sign or signs stating, "No person under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages." These signs shall be included in the applicant’s plan check submittal to the Building Department and shall be installed prior to issuance of a certificate of occupancy;

- **Condition #6** – The applicant shall ensure all pertinent employees have obtained Licensee Education on Alcohol and Drugs (LEAD) Certificates and copies of such certificates shall be kept on-site;

- **Condition #7** – All requirements of a Type 47 ABC License and the City shall be observed at all times and such requirements shall be a condition of approval. The surrender, lapse, termination, suspension, or payment of a fine in-lieu of suspension/termination, of the Alcoholic Beverage License issued for the site by the ABC shall be grounds for revocation of the CUP.

**Entertainment:**

Taste of Beauty is also requesting to allow for accessory entertainment consisting of One (1) entertainer with one (1) musical instrument.

Staff has included specific conditions to help mitigate any negative affects the proposed entertainment may have to the commercial center and adjacent neighbors. These conditions of approval (COA’s) are similar to the existing approved COA’s for the Recess Room, which is explained later in this staff report.

- **Condition #19** - Accessory entertainment shall be limited to one (1) individual with one (1) amplified instrument at a time. All accessory entertainment shall be conducted indoors and only during the approved hours of operation.

- **Condition #20** - There shall be no televisions, speakers, or amplified sounds on the outdoor patio.

- **Condition #21** - There shall be no live amplified band entertainment [consisting of more than two (2) performers] within the facility.
Valley Gardens Center Restaurants:

The Taste of Beauty proposes to locate in an existing restaurant building in the Valley Gardens Center (VGC) commercial center on the east side of Brookhurst Street, approximately 150 feet north of Ellis Avenue. VGC consists of seven (7) freestanding buildings that include medical and professional offices, retail tenants, a Montessori School on the east side, and two (2) restaurants. Below is a summary of the approvals for the two (2) existing restaurants.

The Recess Room - 18380 Brookhurst Street

The Planning Commission originally approved CUP No. 167 for Coco’s restaurant in 1974 with a Type 41 ABC license. Coco’s restaurant closed in 2015 and in 2016, the Planning Commission approved a modification to the CUP to allow for a Type 47 ABC liquor license, accessory entertainment, a 650 sq. ft. outdoor patio, and a remodel for the exterior of the existing restaurant. COA’s in CUP 167A-M (Resolution No. 16-26) include:

- Condition # 13: Accessory entertainment shall be limited to one (1) individual with one (1) amplified instrument at a time and up to ten (10) televisions up to 60 inches in diagonal. All accessory entertainment shall be conducted indoors.
- Condition # 14: There shall be no speakers on the outdoor patio.
- Condition #16: There shall be no live amplified band entertainment within the facility.
- Condition # 25: Permitted hours of operation: 6:00 a.m. to 1:00 a.m., seven (7) days per week with the outdoor patio closing at 10:00 p.m., Sunday through Thursday, and 12:00 a.m. (midnight) on Friday and Saturday.

Kappo Honda – 18450 Brookhurst Street

The Japanese restaurant has been in existence since 1978. In 2014, the Planning Commission approved CUP 996B-M to extend the hours of operation from 11:00 a.m. to 1:00 a.m. with the sale and consumption of beer and wine. Live entertainment is not permitted for Kappo Honda.

The Fountain Valley Police Department has indicated they have not had any issues with the Recess Room since their 2016 opening or with Kappo Honda during the same time in the VGC.

Taste of Beauty (proposed) – 18420 Brookhurst Street

As indicated in Figure 1, the existing restaurant building and patio area is located approximately 180 feet south of the residential town home property to the north and approximately 290 feet west of the single-family homes along Los Canarios Street.
Conclusion:

Staff does not anticipate any negative impacts from the new restaurant tenant. The existing restaurant building is located in the middle of a commercial center, where a multi-tenant commercial building is located to the north, separating the existing restaurant building from the residential town homes to the north and the Montessori school building separates the building from the single-family homes to the east.

With the conditions of approval outlined in Resolution No. 20-10 regulating hours, entertainment, noise, and alcohol, staff supports the applicant’s request as submitted.

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 existing structures involved in negligible or no expansion of use beyond the previously existing are exempt from the provisions of CEQA. CUP (Attachment #7).

Notice Furnished:

Public hearing notices were mailed to all property owners and commercial tenants within 500 feet of the subject property. The item was published in the Fountain Valley View and notices were posted at City Hall and the Recreation Center.

Alternatives:

1. Adopt Resolution No. 20-10 adopting a Notice of Exemption in accordance with the California Environmental Quality Act (CEQA) and approving Conditional Use Permit No. 1425A-M to modify an existing conditional use permit to add a Type 47 liquor license, allow customer seating on the second floor, and allow for accessory live entertainment for the Taste of Beauty restaurant located at 18420 Brookhurst Street.

2. Continue the request and direct staff to prepare resolutions for denial.

3. Continue this request for additional information.

Recommended Action:

Staff recommends that the Planning Commission adopt Alternative #1: Adopt Resolution No. 20-10 adopting a Notice of Exemption in accordance with the California Environmental Quality Act (CEQA) and approving Conditional Use Permit No. 1425A-M to modify an existing conditional use permit to add a Type 47 liquor license, allow customer seating on the second floor, and allow for accessory live entertainment for the Taste of Beauty restaurant located at 18420 Brookhurst Street.
Prepared By: Matt Jenkins, Senior Planner
Reviewed By: Steven Ayers, Principal Planner
Approved By: Brian James, Planning and Building Director

Attachments: 1. Vicinity Map
2. Site Plan
3. Project Description Letter
4. Floor Plan
5. Interior Renderings
6. Resolution No. 20-10
7. Notice of Exemption
Vicinity Map
Conditional Use Permit 1425A-M
Taste of Beauty

18420 Brookhurst Street
VALLEY GARDENS CENTER
18420 Brookhurst St., Fountain Valley, CA 92708
Parcel # 156-051-18
Green Line is the Building Parcel
Taste of Beauty, a new Chinese vegetarian restaurant, is taking over the former Mandarin Restaurant’s building consisting of 8,219 square feet plus the patio located at 18420 Brookhurst St., Fountain Valley, CA. Taste of Beauty is requesting modification of the existing Conditional Use Permit No. 1425.

Taste of Beauty will be unlike any restaurant in Fountain Valley. We will offer Chinese vegetarian dishes that will be as beautiful to look at as good to eat. We will also offer traditional Chinese tea service.

The floor plan will consist of a reception area, dining area, private meeting/dining rooms and an outdoor patio. The upstairs dining area will offer the same service as downstairs.

Total interior and exterior seating will be a maximum of 250. This number is equal to the number in the CUP for the former Mandarin Restaurant. The existing parking are equal to the former Mandarin Restaurant.

The current Conditional Use Permit restricts the interior and patio hours of operation from 8:00 AM to 11:00 PM seven days a week and allows for beer and wine service. Taste of Beauty is requesting it be allowed a Type 47 ABC license and requests the hours of operation to be between 6:00 AM – 1:00 AM daily, with the patio closing at 11:00 PM Sunday – Thursday and 12:00 AM (midnight) Friday and Saturday. The 1:00 AM closing time is consistent with the CUPs for the rest of the Valley Gardens Center.

Taste of Beauty is requesting to be allowed entertainment which will consist of between 4 and 18 television screens larger than 32 diagonal inches. We are also requesting the ability to have a one person, one instrument musician for entertaining at a low volume level at various times.

The exterior materials will be coordinated to coexist with the other buildings of the Valley Gardens Center while also standing out on its own.

Valley Gardens Center ownership has indicated that the long term plans of the center will include upgrading the façade and elevations to compliment the colors and material used for the Taste of Beauty and Recess Room.

In summary, we feel Taste of Beauty will be a valuable addition to the City of Fountain Valley.

Various Information and Renderings Attached
TASTE OF BEAUTY LOCATION (OLD MANDARIN RESTAURANT)
Entrance area
RESOLUTION NO. 20-10

A RESOLUTION OF THE FOUNTAIN VALLEY PLANNING COMMISSION
ADOPTING A NOTICE OF EXEMPTION IN ACCORDANCE WITH THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING
CONDITIONAL USE PERMIT NO. 1425A-M FILED BY LUGUAN YAN TO
MODIFY AN EXISTING CONDITIONAL USE PERMIT TO ADD A TYPE
47 LIQUOR LICENSE, ALLOW CUSTOMER SEATING ON THE
SECOND FLOOR, AND ALLOW FOR ACCESSORY LIVE
ENTERTAINMENT FOR THE TASTE OF BEAUTY RESTAURANT
LOCATED AT 18420 BROOKHURST STREET

WHEREAS, an application for Conditional Use Permit No. 1425A-M was submitted by
Luguan Yan in accordance with Municipal Code, Title 21; and

WHEREAS, the Fountain Valley Planning Commission considered said application at
its noticed public hearing on June 10, 2020; and

WHEREAS, the Planning Commission has imposed conditions, pursuant to the
Conditional Use Permit process, which mitigate potential negative effects of the proposed
project; and

WHEREAS, the Planning Commission has determined that the proposed Conditional
Use Permit is consistent with the Fountain Valley General Plan.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1

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

SECTION 2

Findings and Supporting Facts: - The Planning Commission finds that the subject application
meets the criteria for a Conditional Use Permit found in Chapter 21.36 of the Fountain Valley
Municipal Code as follows:

1. The proposed use is allowed within the C1 zoning district with the approval of a
   Conditional Use Permit and complies with all other applicable provisions of the

   The proposed restaurant and Type 47 liquor license is an allowed use in the C1 zoning
district subject to the Planning Commission’s approval of a Conditional Use Permit. As
noted in the accompanying staff report, the proposed use complies with all other
applicable provisions of Title 21 Development Code and the Municipal Code.

2. The proposed use is consistent with the actions, goals, objectives, and policies of the
   General Plan and any applicable specific plan.
The proposed request for a restaurant with a Type 47 liquor license meets General Plan Goal 2.12, which is to enhance the city’s economic base and business environment by assisting in the improvement and intensification of existing commercial development (Goal/Policy 2.12). Adding the Type 47 liquor license and limited live entertainment will create a new experience for customers in the existing restaurant location. This use does not fall within any Specific Plans in the City of Fountain Valley.

3. The design, location, shape, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

The design, shape, and size of the tenant space for the restaurant fall within the envelope of the existing building in the Valley Garden Center. The restaurant is located in an existing restaurant building in the middle of the commercial center with its closest access off Brookhurst Street. The operations of the restaurant comply with the normal anticipated operating characteristics of a restaurant with a Type 47 liquor license in a commercial shopping center in the C1-Local Business zone. Conditions of approval in Exhibit 1 have been included to ensure the restaurant tenant will not be detrimental to surrounding businesses and residential properties.

4. The subject site is physically suitable for the type and density/intensity of use being proposed including the provision of public access (e.g., width and pavement type), facilities, and utilities (e.g., drainage, fire protection, sewers, water), shape, size, the absence of physical constraints, and compatibility with adjoining land uses.

The existing building has been used for a restaurant use since its original construction in 1999. Sufficient vehicular and pedestrian public access in the shopping center has been approved by the city through the remodel of the shopping center. Sufficient vehicular and pedestrian access is provided from both Brookhurst Street as well as Ellis Avenue to the Valley Garden Center. Sufficient facilities as well as drainage, fire protection, sewers, and water utilities will be provided for the existing restaurant building. The restaurant is adequate in shape and size for the shopping center, will not pose any physical constraints on the property, and is compatible with the existing commercial center’s use as well as uses in the area.

5. Granting the Conditional Use Permit would not be detrimental to the public convenience, health, interest, safety, or welfare, or injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

The proposed use will be located in an existing restaurant building. The operations of the restaurant are consistent with the normal anticipated operating characteristics of a restaurant with a Type 47 liquor license in a commercial shopping center in the C1-Local Business zone. The existing restaurant building is located approximately 180 feet south of the residential town home property to the north and approximately 290 feet west of the single-family homes along Los Canarios Street. The conditions of approval included in this resolution help ensure the operations of the restaurant will not be detrimental to the public convenience, health, interest, safety, or welfare, or injurious to persons, property, or improvements in the vicinity and C1-Local Business zoning district in which the business is located.
6. 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.

   *The proposed project has been reviewed in compliance with CEQA and is categorically exempt per Section 3 below.*

7. By signing this Resolution, the business owner/operator has demonstrated his/her understanding of the conditions imposed in the Conditional Use Permit (attached as Exhibit 1 herein) granted to him/her and has agreed on the record to abide by those conditions.

**SECTION 3**

The Planning Commission finds that the subject application meets all the criteria for a Conditional Use Permit found in the City's zoning regulations; moreover, the Commission finds that this project is categorically exempt from CEQA – Class 1 (15301-Existing Facilities), which establishes that existing structures involved in negligible expansion of use beyond the previously existing are exempt from CEQA. The proposed project is for a modification of operations for an existing restaurant use in an existing building in an established commercial center.

**SECTION 4**

The Planning Commission hereby approves Conditional Use Permit No. 1425A-M to modify an existing conditional use permit to add a Type 47 liquor license, allow customer seating on the second floor, and allow for accessory live entertainment for the Taste of Beauty restaurant located at 18420 Brookhurst Street.

PASSED, APPROVED AND ADOPTED THIS 10TH DAY OF JUNE, 2020.

______________________________     ________________________________
Chairman                                    Secretary

BY SIGNING THIS PERMIT, THE PERMITTEE ACKNOWLEDGES ALL OF THE CONDITIONS IMPOSED AND ACCEPTS THIS PERMIT SUBJECT TO THOSE CONDITIONS AND WITH THE FULL AWARENESS OF THE PROVISIONS OF CHAPTER 21.36 OF THE FOUNTAIN VALLEY MUNICIPAL CODE.

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

_________________________________     ________________________________
Date                                      Applicant Sign/Print
EXHIBIT 1

CONDITIONS OF APPROVAL
Conditional Use Permit No. 1425A-M

Taste of Beauty Restaurant
18420 Brookhurst Street
Fountain Valley, CA

The following Conditions of Approval [COA] apply to this project. The COA’s are specific conditions applicable to the proposed project. The property owner is responsible for the fulfillment of all conditions and standard development requirements, unless specifically stated otherwise.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, permittee expressly accepts and agrees to comply with the following Conditions of Approval of this Permit:

PLANNING DEPARTMENT CONDITIONS UNIQUE TO THIS PROJECT

Planning Department Conditions Unique to this Project

1. The floor plan dated March 31, 2020, (attached as Attachment #4 to the staff report for this project) have been reviewed and approved by the Planning Commission on June 10, 2020.

2. The number of persons shall not exceed the maximum occupancy load as determined by the Fire Department. If required by the Fire Department, signs indicating the occupant load shall be posted in a conspicuous place near the main entrance and must be posted prior to final inspection and prior to issuance of a certificate of occupancy.

3. Signs for the business shall comply with the sign regulations of the Valley Gardens Center.

4. The windows of the business shall be free of any obstruction, tinting, or painting, except for window signage as permitted by the Fountain Valley Sign Code.

5. The Applicant shall post a prominent, permanent sign or signs stating, "No person under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages." These signs shall be included in the applicant’s plan check submittal to the Building Department and shall be installed prior to issuance of a certificate of occupancy.

6. The applicant shall ensure all pertinent employees have obtained Licensee Education on Alcohol and Drugs (LEAD) Certificates and copies of such certificates shall be kept on-site and made available for inspection by a public official upon request.
7. All requirements of a Type 47 ABC License and the City shall be observed at all times and such requirements shall be a condition of approval. The surrender, lapse, termination, suspension, or payment of a fine in lieu of suspension/termination, of the Alcoholic Beverage License issued for the site by the ABC shall be grounds for revocation of the CUP.

8. The hours of operation shall be restricted to the hours of 6:00 a.m. to 1:00 a.m., seven (7) days a week, with the patio closing at 11:00 p.m. Sunday through Thursday, and 12:00 a.m. (midnight) on Friday and Saturday. Hours of delivery shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. Monday through Saturday, and no time on Sunday or legal holiday.

9. There shall be no trash dumping from the facility between the hours of 10:00 p.m. and 7:00 a.m., seven (7) days a week. The applicant shall work with the property owner to have signage installed near the trash dumpster prohibiting trash dumping during the hours of 10:00 p.m. – 7:00 a.m. compliant with FVMC 6.28.050. If not already provided by the property owner, signage shall be installed prior to issuance of the certificate of occupancy for the restaurant.

10. To prevent scavenging, illegal dumping, and to contribute to the general cleanliness of the shopping center, the business shall provide a refuse containment area with a screened and securable gate if not already provided by the property owner. Also, if not already provided by the property owner, exterior signage shall be provided outside of the trash enclosure prohibiting the scavenging of any material from the trash dumpster. Any refuse containment area and signage shall be included in the applicant’s plan check submittal to the Building Department and shall be installed prior to issuance of certificate of occupancy for the restaurant.

11. To maintain the cleanliness of the shopping center, the petitioner shall be responsible for maintaining the area adjacent to their premises over which they have control free of litter.

12. Install security cameras around the premises. These cameras should include, but are not limited to, visual coverage of the areas available to the public on the inside of the restaurant, as well as the parking area in front of the restaurant, and the alley behind the restaurant. These cameras will have high resolution and low-light capability. Video from all cameras will be recorded and made available to the Police Department upon request. A video camera plan shall be included in the applicant’s plan check submittal to the Building Department and security cameras shall be installed prior to issuance of certificate of occupancy for the restaurant.

Applicant’s Initials ________

13. The colors, materials and facades of the building shall not be changed without approval by the Planning Director and/or the Planning Commission.

14. The operator will ensure that there will be no drinking and/or loitering in the parking lot or within 100 feet of the establishment.
15. There shall be no exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages on the premises.

16. Food shall be required to be served at all hours that the establishment is open for business.

17. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period.

18. The business shall comply with Labor Code Section 6404.5 prohibiting smoking in restaurants and public places, such as eating establishments, and shall install "No Smoking" signage per the provisions of this statute.

19. Accessory entertainment shall be limited to one (1) individual with one (1) amplified instrument at a time. All accessory entertainment shall be conducted indoors.

20. There shall be no televisions, speakers, or amplified sounds on the outdoor patio.

21. There shall be no live amplified band entertainment [consisting of more than two (2) performers] within the facility.

Planning Department Standard Conditions

22. Conditional Use Permit No. 1425A-M shall be approved and in effect for a period of 12 months from the original date of approval by the City Council, and/or Planning Commission. If no development has commenced at the end of this 12-month time period, project approval shall expire and be determined void. A one-year extension may be granted at the discretion of the Planning Director. A request for an extension of time should be made in writing by the applicant thirty (30) days prior to the expiration date.

Date of Project Approval: ____________

Date of Project Expiration: ___________

23. The resolution is not effective unless it is signed by the applicant indicating and acknowledging his/her understanding of the conditions imposed herein. The failure of the applicant to sign this permit in no way shall be deemed to confer any greater rights than are contained in this permit.

24. By signing and accepting the resolution, the applicant accepts the benefits conferred by the permit subject to the conditions imposed therein. By accepting the right to operate pursuant to the permit, the applicant waives all rights to challenge any condition imposed as unfair or unreasonable.

25. The applicant agrees to indemnify, hold harmless, and defend the City, its officers, agents and employees, from any and all liability or claims that may be brought
against the City arising out of its approval of this permit, save and except that caused by City's active negligence. The applicant shall provide a copy of conditions of approval to each manager and to all employees.

26. The applicant shall comply with all federal, state, and local laws. Violations of any of those laws in connection with the use will be cause for revocation of this permit.

27. Violation of any condition of approval shall be a misdemeanor.

28. The Planning Director may interpret the implementation of each condition of approval and, with advanced notice, grant minor amendments to approved plans and/or conditions of approval based on changed circumstances, new information, and/or relevant factors as long as the spirit and intent of the approved condition of approval is satisfied. Permits shall not be issued until the proposed minor amendment has been reviewed and approved for conformance with the intent of the approved condition of approval. If the proposed changes are substantial in nature, an amendment to the original entitlement may be required pursuant to the provisions of the Fountain Valley Municipal Code.

29. This resolution supersedes previously approved resolutions for 18420 Brookhurst Street.

30. Applicant shall comply with FVMC 21.24.110(27) which prohibits vehicle signs for the principal purpose of advertising a business.

31. No satellite dishes greater than 2.2 meters shall be installed on the subject property without approval of the Planning Commission.

32. All new and/or replaced roof-mounted mechanical equipment (air conditioning, heating, ventilation ducts, exhaust, etc.) shall be screened from the view of adjacent properties and rights-of-way as specifically approved by the Planning Director. Roof treatment shall be common to the building and extended to all four (4) building elevations.

33. Street and unit numbers are to be maintained in such a manner as to be plainly visible, shall not be hidden from view by trees, shrubs, bushes, etc., and other obstructions on the property. Street numbers shall be located and be a minimum size so that they are clearly visible from the street and be maintained on the front and rear doors. All numbers shall not be less than 6 in. in height and 2 in. in stroke and be of contrasting color from the background. Street and unit numbers must be installed prior to issuance of Certificate of Occupancy of the restaurant.

34. The rear door facing north must remain closed 24 hours a day and shall only be used in cases of emergencies and deliveries.

35. The colors, materials and facades of the building shall be as approved by the Planning Commission. No changes to the colors or materials shall occur without approval by the Planning Director. Changes that the Planning Director deems to vary significantly from the originally approved design shall be forwarded to the
Planning Commission for its review and determination.

36. All vents, gutters, downspouts, flashings, electrical conduits, etc. shall be painted to match the color of the adjacent surface. Downspouts, electrical conduits, etc. shall be concealed within walls.

37. Refuse containment areas shall be provided with a screened and securable gate compliant with the Development Code and Rainbow Disposal specs.

38. The exterior lighting shall be scheduled to direct the light downward away from the residential properties. If needed, light shielding may be installed to prevent light spillage onto adjacent properties. No additional exterior lighting is to be added unless a photometric study concludes the added lighting will have zero lighting shed impact on adjacent properties.

39. Three or more sustained complaints within any one-year period received by the Fountain Valley Police Department regarding disturbances which have been caused by the business located at 18420 Brookhurst Street may be grounds for revocation proceedings.

40. The conditions herein contained shall run with the property and shall be binding on the applicant, and all heirs, executors, administrators, and successors in interest to the real property that is the subject of this approval.

Building Department Conditions

41. Install, maintain and provide for all California Disabled Access compliance per the California Building Code and the Division of State Architect. No encroachment into the disabled path of travel is allowed under any condition with the exception of emergency vehicles and personnel.

42. Projects must comply with the California Code of Regulations, Title 24; Fountain Valley Ordinances, and California law in effect at the time of plan submittal.

43. Grease interceptors are to be maintained in proper working order. Interceptors are to be inspected and accumulated fats, oils, and grease removed every three months at minimum. High use and/or production of fats, oils, or grease may mandate more frequent treatment. Records must be generated and remain onsite for all maintenance procedures for a minimum of three years. Records shall be made available upon request to Orange County Environmental Health Care Agency representatives and City Officials. Operation and maintenance shall comply with Fountain Valley Municipal Code Chapters 14.36, Sewers; and Chapter 14.40, Stormwater Regulations.

44. As deemed necessary by the Building Official, a grease interceptor shall be installed and sized per Section 1014 of the California Plumbing Code as adopted by the City of Fountain Valley in conformance with Chapter 14.38 of the Fountain Valley Municipal Code.
Fire Department Conditions


46. Premise Identification. Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. CFC 505.1

47. Portable Fire Extinguishers. Provide one 2A10BC State Fire Marshal tagged fire extinguisher for every 3,000 square feet of floor area. Travel distance not to exceed 75 feet. CFC 906.3

48. Commercial Cooking Systems. All existing dry chemical and wet chemical extinguishing systems shall comply with UL 300. Commercial cooking equipment that produces grease laden vapors shall be provided with a Type 1 Hood, in accordance with the California Mechanical Code, and an automatic fire extinguishing system that is listed and labeled for its intended use. CFC 904.11

49. Combustible Materials. All drapes, hangings, curtains, drops and all other decorative material, including Christmas trees that would tend to increase the fire and panic hazard. These materials may also include natural and artificial decorative vegetation. These materials shall be made from a nonflammable material, or shall be treated and maintained in a flame-retardant condition by means of a flame-retardant solution or process approved by the State Fire Marshal. The State Fire Marshal seal shall be attached to these items or a certificate of flame retardancy shall be provided to the Fire Department. CCR Title 19, Division 1, Section 3.08

50. CO2 storage. If more than 100 lbs. of CO2 storage is used, the following requirements apply.
   a. Provide a monitoring system for CO2 storage.
   b. See CFC Section 5307, California Health and Safety Code 6.95 and NFPA 55.
   c. Submit plans to FVFD and FVBD.
   d. An annual fire permit will be required.
   e. Electronic filing with the state website “CERS” is mandatory.
   f. An assembly permit will be issued after final inspection and every year thereafter.

51. Permits. Secure a permit to operate a Public Assembly from the Fire Department. CFC 105

52. Exits or exit access doorways. Where two exits or exit access doorways are required from any portion of the exit access, the exit doors or exit access doorways shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the building or area to be served measuring a straight line between exit doors or exit access doorways. CFC [B] 1015.2.1
53. Panic and fire exit hardware. Doors serving rooms or spaces with an occupant load of 50 or more in a Group A occupancy, shall not be provided with a latch or lock unless it is panic hardware or fire exit hardware listed in accordance with UL 305. CFC [B] 1008.1.10

54. Deferred submittal required for commercial hood system and fire suppression system. Submittal must be made to Fountain Valley Fire Department.
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: Taste of Beauty- Conditional Use Permit No. 1425A-M

Project Location/Address: 18420 Brookhurst Street, Fountain Valley, CA 92708

Project Activity/Description: Petition submitted by Luguan Yan to modify an existing CUP to add a Type 47 liquor license, allow customer seating on the second floor, and allow for accessory live entertainment for the Taste of Beauty restaurant located at 18420 Brookhurst Street.

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

Project Applicant: Luguan (Jeremy) Yan

Project Applicant's Address: 19800 MacArthur Blvd., Ste 400, Irvine, CA 92612 Phone Number: 305-498-6346

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: Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, which establishes that existing facilities involved in negligible or no expansion of use beyond the previously existing are exempt from the provisions of CEQA. The proposed project is for a modification or operations for an existing restaurant use in an existing building in an established commercial center.

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: 6/10/2020 Title: Senior Planner

☒ Signed by Lead Agency ☐ Signed by Applicant
Request forPlanning Commission Action

TO: Planning Commission

FROM: Ron Vargas, Assistant Planner

SUBJECT: Arch to End Permanent Cosmetics—CONDITIONAL USE PERMIT NO. 1883

Location: 10221 Slater Avenue #115

Zoning: C1 – Local Business

Proposal:

Petition submitted by Caroline Lam to establish and operate a beauty salon studio providing microblading, permanent makeup, and cosmetic tattooing located at 10221 Slater Avenue #115.

Code Requirement:

Per Fountain Valley Municipal Code (FVMC) Section 21.10.030 Table 2-6, a Conditional Use Permit (CUP) is required for tattoo establishments in the C1-Local Business zone. Per FVMC 21.90.020, tattoo establishment are defined as:

“Tattoo establishments” mean premises used for the business of marking or coloring the skin with tattoos and all furnishings, equipment, instruments, dyes, inks, and other facilities maintained therein incidental to such use.”

Microblading treatment is a semi-permanent tattoo technique used to create the illusion of fuller eyebrows. Staff consulted the City Attorney regarding microblading, and other forms of permanent makeup, and determined that this beauty technique falls under the definition of tattooing by the City and the State and a CUP is required to offer these services within the proposed beauty salon.

Background:

In December of 2010, the Fountain Valley City Council adopted a code amendment to require a CUP for tattoo establishments. Tattoo establishments were previously considered a “personal service” use (e.g., nail/hair salon, etc.) and were permitted by-right.

Tattoo establishments are different than other personal services in that there are health issues involving tattoos and body piercing when health and sanitation procedures are not followed. In addition, Police responses to tattoo businesses can also be higher than other personal services businesses.
In 2009 and in early 2010, several tattoo parlor establishments opened in the city where the only requirement to operate at the time was a city business license. Tattoo establishments were, and still are, required to register with the local health department and comply with the requirements for body art provided in the California Safe Body Art Act (SBAA).

By requiring a CUP for tattoo establishments, the City is able to apply project specific conditions and provide a mechanism to revoke a CUP if the business fails to comply. Since 2010, there have been no applications submitted to open a new tattoo establishment in the City. Currently, there are four (4) tattoo parlors in Fountain Valley that have been in existence since before the City’s requirements changed in 2010. These may continue to operate as a legal, nonconforming land use.

Discussion:

A petition has been submitted by Caroline Lam to establish and operate a beauty salon with microblading located at 10221 Slater Avenue #115 (Attachments #1 and #4). The beauty salon business proposes to offer professional beauty services consisting of eyebrow microblading, permanent make-up, micro-needling, microdermabrasion, and lip blush (Attachment #2), within the 1,222 square foot tenant space (Attachment #3).

Salon services are classified as a personal service use that is permitted by-right in the C1 – Local Business zoning district. However, as previously stated, microblading and other permanent makeup services, a CUP is required as the use falls under the definition of a tattoo establishment under the City’s zoning code.

In the County of Orange, the Health Care Agency, Environmental Health, is authorized to administer and enforce the SBAA, which was enacted July 1, 2012, to ensure safe operating procedures are practiced. The SBAA regulates tattooing, branding, body piercing, and permanent makeup, and classifies business that provide such services as a “Body Art Facility.” The Act requires all body art practitioners to annually register with the County, obtain annual blood-borne pathogen training, provide documentation of Hepatitis B vaccination status, obtain specific health information from clients, and obtain “informed consent” from clients. The SBAA also requires the owner of a body art facility to obtain a health permit, operate the facility in a safe and clean manner, maintain written procedures for the operation of the facility, and maintain records of training and equipment sterilization.

With conditions of approval outlined in Resolution No. 20-09 (Attachment #5), staff supports the applicants request as submitted.

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, which establishes that existing structures involved in negligible or no expansion of use beyond the previously existing are exempt from the provisions of CEQA. The project will establish a beauty clinic providing body art applications on customers in an existing multi-tenant commercial building (Attachment #6).
Notice Furnished:

Public hearing notices were mailed to all property owners and commercial tenants within 500 feet of the subject property. The item was published in the Fountain Valley View and notices were posted at City Hall and Recreation Center.

Alternatives:

1. Adopt Resolution No. 20-09 approving Conditional Use Permit No. 1883 submitted by Caroline Lam to establish and operate beauty salon studios with microblading located at 10221 Slater Avenue #115.

2. Continue the request and direct staff to prepare a resolution for denial.

3. Continue this request for additional information.

Recommended Action:

Staff recommends that the Planning Commission adopt Alternative #1: Adopt Resolution No. 20-09 approving Conditional Use Permit No. 1883 submitted by Caroline Lam to establish and operate beauty salon studios with microblading located at 10221 Slater Avenue #115.

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

Attachments: 1. Vicinity Map
2. Project Description Letter
3. Tenant Floor Plan
4. Building Floor Plan
5. Resolution No. 20-09
6. Notice of Exemption
10221 Slater Avenue #115
Project Description

Arch To End Permanent Cosmetics is a permanent cosmetic, or permanent make up, business specializing in Ombré Powder Eyebrows, Correction/Cover Up Eyebrows, and Lip Blush. All services provided are performed in a clean and safe environment between permanent make up artist/technician and client with proper sanitation procedures as approved and required by the Orange County Health Department. The facility is 1222sqft and services are listed below.

License/Insurance:

Caroline Lam, owner and sole employee- Bloodborne Pathogen Certified, Body Art Practitioner License (Orange County Health Department)
Arch To End- Body Art Facility License (Orange County Health Department)
General and Professional Liability Insured

Description of Services:

1) Ombré Powder Eyebrow- Ombré Powder Eyebrow service is a refined soft shading technique to create a light to dark gradient for a subtle and natural, but defined eyebrow frame. The machine-created pixelated style creates a soft front bulb that transitions to a dark sharp tail.

2) Correction/Cover Up Eyebrows- Correction/Cover Up Eyebrow service utilizes the Ombré Powder soft shading technique to cover up previous tattoo or microblading from other artists and correct any unsatisfactory work or fading.

3) Lip Blush- Lip Blush service utilizes the pixelated droplets created by machine in order to deposit colors to enhance the lips by naturally blushing them for the perfect, subtle pout.

Hours and Days of Operation:

Monday 9:00 a.m. – 5:00 p.m.
Tuesday 9:00 a.m. – 5:00 p.m.
Wednesday 9:00 a.m. – 5:00 p.m.
Thursday 9:00 a.m. – 5:00 p.m.
Friday 9:00 a.m. – 5:00 p.m.
Saturday 8:00 a.m. – 5:00 p.m.
Sunday 8:00 a.m. – 5:00 p.m.

The reason I am initiating this application for the Conditional Use Permit is to adhere to the city’s guidelines and requirements for operating a permanent cosmetics facility and business within the city of Fountain Valley.

Current surrounding uses in all directions are professional service businesses such as real estate offices, insurance agencies and law offices.
RESOLUTION NO. 20-09

A RESOLUTION OF THE FOUNTAIN VALLEY PLANNING COMMISSION
APPROVING CONDITIONAL USE PERMIT (CUP) NO. 1883 FILED BY
CAROLINE LAM TO ESTABLISH AND OPERATE BEAUTY SALON
STUDIOS WITH MICROBLADING AND PERMANENT MAKEUP
LOCATED AT 10221 SLATER AVENUE #115

WHEREAS, in 2010, the City Council adopted Code Amendment No. 10-02 requiring a
CUP for tattoo establishments; and

WHEREAS, a business that provides microblading and permanent makeup is
considered marking or coloring of the skin and falls under the City’s definition of a “tattoo
establishment” per Fountain Valley Municipal Code (FVMC) 21.90.020; and

WHEREAS, the Planning Commission has imposed conditions, pursuant to the CUP
process, which mitigate potential negative effects of the proposed project; and

WHEREAS, the Planning Commission has determined that the proposed CUP is
consistent with the Fountain Valley General Plan.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1

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

SECTION 2

Findings and Supporting Facts: - The Planning Commission finds that the subject application
meets the criteria for a CUP found in Chapter 21.36 of the Fountain Valley Municipal Code as
follows:

1. The proposed use is allowed within the C1 zoning district with the approval of a CUP and
complies with all other applicable provisions of the Development Code and the Municipal
Code.

   The proposed microblading/permanent makeup business is classified as tattoo
   establishment, which is an allowed use in the C1 zoning district subject to the Planning
   Commission’s approval of a CUP.

2. The proposed use is consistent with the actions, goals, objectives, and policies of the
General Plan and any applicable specific plan.

   The proposed use will maintain and enhance high quality development in the city by
   encouraging variety, quality, consistency, and innovation in land use practice and
   promoting quality commercial development. The proposed use meets General Plan Goal
   2.12, which is to enhance the city’s economic base and business environment by
assisting in the improvement and intensification of existing commercial development. Allowing the proposed business to provide microblading/permanent makeup services will provide new and innovative services to customers seeking beauty services.

3. The design, location, shape, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

The proposed use will occupy an existing tenant space in a long-established multi-tenant center. All business activities will be conducted inside the building with no impacts to surrounding uses. The design, location, shape, size, and operating characteristics of the proposed use are compatible with the existing and any future land uses in the commercial center.

The proposed beauty salon studios are complementary to the other uses in the business center, which includes restaurants, service uses, and retail shops. Its operating characteristics are similar to other service uses that are permitted by right, such as barber and beauty shops, nail salons, and acupuncture and acupressure services.

4. The subject site is physically suitable for the type and density/intensity of use being proposed including the provision of public access (e.g., width and pavement type), facilities, and utilities (e.g., drainage, fire protection, sewers, water), shape, size, the absence of physical constraints, and compatibility with adjoining land uses.

The proposed use will occupy an existing tenant space in a long-established multi-tenant commercial center. The proposed use will comply with public access, facilities, and utility requirements and is compatible with adjoining land uses.

5. Granting the CUP would not be detrimental to the public convenience, health, interest, safety, or welfare, or injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

The proposed use will be located in an existing long-established commercial center. The conditions of approval included in this resolution help ensure the proposed use is not detrimental to the public convenience, health, interest, safety, or welfare, or injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

The business will be required to comply with the California Safe Body Art Act (SBAA) that establishes health and safety standards for body art establishments. The Act requires all body art practitioners to annually register with the County, obtain annual blood-borne pathogen training, provide documentation of Hepatitis B vaccination status, obtain specific health information from clients, and obtain “informed consent” from clients. The SBAA also requires the owner of a body art facility to obtain a health permit, operate the facility in a safe and clean manner, maintain written procedures for the operation of the facility, and maintain records of training and equipment sterilization.

6. 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.

The proposed project has been reviewed in compliance with CEQA and is categorically exempt per Section 3 below.
7. By signing this Resolution, the business owner/operator has demonstrated his/her understanding of the conditions imposed in the CUP (attached as Exhibit 1 herein) granted to him/her and has agreed on the record to abide by those conditions.

SECTION 3

The Planning Commission finds that the subject application meets all the criteria for a CUP found in the City's zoning regulations; moreover, the Commission finds that this project is categorically exempt from CEQA – Class 1 (15301-Existing Facilities).

SECTION 4

The Planning Commission hereby approves CUP No. 1883 to establish and operate a beauty clinic with microblading located at 10221 Slater Avenue #115.

PASSED, APPROVED AND ADOPTED THIS 10TH DAY OF JUNE, 2020.

Chairman

Secretary

BY SIGNING THIS PERMIT, THE PERMITTEE ACKNOWLEDGES ALL OF THE CONDITIONS IMPOSED AND ACCEPTS THIS PERMIT SUBJECT TO THOSE CONDITIONS AND WITH THE FULL AWARENESS OF THE PROVISIONS OF CHAPTER 21.36 OF THE FOUNTAIN VALLEY MUNICIPAL CODE.

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

Date

Applicant Sign/Print
The following Conditions of Approval [COA] apply to this project. The COA’s are specific conditions applicable to the proposed project. The property owner is responsible for the fulfillment of all conditions and standard development requirements, unless specifically stated otherwise.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, permittee expressly accepts and agrees to comply with the following Conditions of Approval of this Permit:

**PLANNING DEPARTMENT CONDITIONS UNIQUE TO THIS PROJECT**

1. The floor plans dated June 10, 2020, (attached as Attachment #3 and #4) to the staff report for this project) have been reviewed and approved by the Planning Commission on June 10, 2020.

2. The business shall be limited to providing the services listed in their description letter (attached as Attachment #2 to the staff report for this project). Any additional services shall be reviewed and approved by the Planning and Building Director.

3. The number of persons shall not exceed the maximum occupancy load as determined by the Fire Department. If required by the Fire Department, signs indicating the occupant load shall be posted in a conspicuous place near the main entrance and must be posted prior to final inspection and prior to issuance of a certificate of occupancy.

4. The applicant and all practitioners shall comply with the rules and regulations for body art provided in the California Safe Body Art Act as regulated by the Orange County Health Department.

5. The applicant and all practitioners shall file a Body Art Practitioner Registration Application with the Orange County Environmental Health Division and shall provide proof of completion prior to issuance of a City of Fountain Valley business license and Certificate of Occupancy.

6. The applicant and all practitioners shall complete an approved Bloodborne Pathogen Exposure Control Training and shall provide proof of completion prior to issuance of a City of Fountain Valley business license and Certificate of Occupancy and, thereafter, upon request by City personnel.
7. The applicant shall maintain and follow a written Infection Prevention and Control Plan, which must be located onsite, and shall provide proof of completion prior to issuance of a City of Fountain Valley business license and Certificate of Occupancy and, thereafter, upon request by City personnel.

8. The applicant shall post the City of Fountain Valley business license, Orange County Department of Environmental Health permits, and the California Department of Health Certificate in a clear unobstructed view to the public.

9. Signs for the business shall comply with the sign regulations of the Fountain Valley Promenade shopping center.

10. The windows of the business shall be free of any obstruction, tinting, or painting, except for window signage as permitted by the Fountain Valley Sign Code.

11. The hours of operation shall be restricted to the hours of 7:00 a.m. to 10:00 p.m., seven (7) days a week. Hours of delivery shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. Monday through Saturday, and no time on Sunday or legal holiday.

12. There shall be no trash dumping from the facility between the hours of 10:00 p.m. and 7:00 a.m., seven (7) days a week. The applicant shall work with the property owner to have signage installed near the trash dumpster prohibiting trash dumping during the hours of 10:00 p.m. – 7:00 a.m. compliant with FVMC 6.28.050. If not already provided by the property owner, signage shall be installed prior to issuance of the certificate of occupancy for the business.

13. To prevent scavenging, illegal dumping, and to contribute to the general cleanliness of the shopping center, the business shall provide a refuse containment area with a screened and securable gate if not already provided by the property owner. Also, if not already provided by the property owner, exterior signage shall be provided outside of the trash enclosure prohibiting the scavenging of any material from the trash dumpster. Any refuse containment area and signage shall be included in the applicant’s plan check submittal to the Building Department and shall be installed prior to issuance of certificate of occupancy for the business.

14. To maintain the cleanliness of the shopping center, the petitioner shall be responsible for maintaining the area adjacent to their premises over which they have control free of litter.

15. Live Entertainment or “Accessory Entertainment Uses” as defined in the Fountain Valley Municipal Code shall be prohibited.

16. The operator will ensure that there will be no loitering in front of the business.

17. Install and maintain in good working order security cameras around the premises. These cameras should include, but are not limited to, visual coverage of the areas available to the public on the inside of the business. These cameras will have high resolution and low-light capability. Video from all cameras will be recorded and
made available to the Police Department upon request. A video camera plan shall be included in the applicant’s plan check submittal to the Building Department and security cameras shall be installed prior to issuance of certificate of occupancy for the business.

Applicant’s Initials ________

Planning Department Standard Conditions

18. Conditional Use Permit No. 1883 shall be approved and in effect for a period of 12 months from the original date of approval by the City Council, and/or Planning Commission. If no development has commenced at the end of this 12-month time period, project approval shall expire and be determined void. A one-year extension may be granted at the discretion of the Planning and Building Director. A request for an extension of time should be made in writing by the applicant thirty (30) days prior to the expiration date.

Date of Project Approval:       June 10, 2020
Date of Project Expiration:    June 10, 2021

19. The resolution is not effective unless it is signed by the applicant indicating and acknowledging his/her understanding of the conditions imposed herein. The failure of the applicant to sign this permit in no way shall be deemed to confer any greater rights than are contained in this permit.

20. By signing and accepting the resolution, the applicant accepts the benefits conferred by the permit subject to the conditions imposed therein. By accepting the right to operate pursuant to the permit, the applicant waives all rights to challenge any condition imposed as unfair or unreasonable.

21. The applicant agrees to indemnify, hold harmless, and defend the City, its officers, agents and employees, from any and all liability or claims that may be brought against the City arising out of its approval of this permit, save and except that caused by City’s active negligence. The applicant shall provide a copy of conditions of approval to each manager and to all employees.

22. The applicant shall comply with all federal, state, and local laws. Violations of any of those laws in connection with the use will be cause for revocation of this permit.

23. Violation of any condition of approval shall be a misdemeanor.

24. The Planning and Building Director may interpret the implementation of each condition of approval and, with advanced notice, grant minor amendments to approved plans and/or conditions of approval based on changed circumstances, new information, and/or relevant factors as long as the spirit and intent of the approved condition of approval is satisfied. Permits shall not be issued until the proposed minor amendment has been reviewed and approved for conformance with the intent of the approved condition of approval. If the proposed changes are
substantial in nature, an amendment to the original entitlement may be required pursuant to the provisions of the Fountain Valley Municipal Code.

25. This resolution supersedes previously approved resolutions for 10221 Slater Avenue, #115.

26. Applicant shall comply with FVMC 21.24.110(27) which prohibits vehicle signs for the principal purpose of advertising a business.

27. No satellite dishes greater than 2.2 meters shall be installed on the subject property without approval of the Planning Commission.

28. All new and/or replaced roof-mounted mechanical equipment (air conditioning, heating, ventilation ducts, exhaust, etc.) shall be screened from the view of adjacent properties and rights-of-way as specifically approved by the Planning and Building Director. Roof treatment shall be common to the building and extended to all four (4) building elevations.

29. The rear door must remain closed 24 hours a day and shall only be used in cases of emergencies and deliveries.

30. Refuse containment areas shall be provided with a screened and securable gate compliant with the Development Code and Rainbow Disposal specs.

31. The exterior lighting shall be scheduled to direct the light downward away from the residential properties. If needed, light shielding may be installed to prevent light spillage onto adjacent properties. No additional exterior lighting is to be added unless a photometric study concludes the added lighting will have zero lighting shed impact on adjacent properties.

32. Three or more sustained complaints within any one-year period received by the Fountain Valley Police Department regarding disturbances which have been caused by the business located at 10221 Slater Avenue, #115, may be grounds for revocation proceedings.

33. The conditions herein contained shall run with the property and shall be binding on the applicant, and all heirs, executors, administrators, and successors in interest to the real property that is the subject of this approval.

**Building Department Conditions**

1. Install, maintain and provide for all California Disabled Access compliance per the California Building Code and the Division of State Architect. No encroachment into the disabled path of travel is allowed under any condition with the exception of emergency vehicles and personnel.

2. Projects must comply with the California Code of Regulations, Title 24; Fountain Valley Ordinances, and California law in effect at the time of plan submittal.
Fire Department Conditions


2. Premise Identification. Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. CFC 505.1

3. Portable Fire Extinguishers. Provide one 2A10BC State Fire Marshal tagged fire extinguisher for every 3,000 square feet of floor area. Travel distance not to exceed 75 feet. CFC 906.3
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: Arch to End- Conditional Use Permit No. 1883
Project Location/Address: 10221 Slater Avenue #115, Fountain Valley, CA 92708
Project Activity/Description: Petition submitted by Caroline Lam to establish and operate a beauty clinic with microblading located at 18601 Brookhurst Street.

Public Agency Approving Project: City of Fountain Valley, Orange County, California
Project Applicant: Caroline Lam
Project Applicant’s Address: 7521 Edinger Ave, Unit #2015 Huntington Beach, CA Phone Number: 714-489-3879

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: Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, which establishes that existing facilities involved in negligible or no expansion of use beyond the previously existing are exempt from the provisions of CEQA. The project will establish a beauty clinic with microblading and permanent makeup within an established commercial center.

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: 6/2/2020 Title: Senior Planner

☑ Signed by Lead Agency ☐ Signed by Applicant
Request for
Planning Commission Action

To: Planning Commission

Agenda Date: June 10, 2020

Subject: VEHICLE MILES TRAVELED (VMT) THRESHOLD GUIDELINES

Location:
Citywide

Summary Proposal:

Senate Bill (SB) 743, signed by Governor Brown in 2013, changes the way traffic impacts are addressed in the environmental review of a project from automobile delay to the distance that an automobile travels. The intent of this change is to balance the needs of congestion management with State goals related to infill, active transportation, and reducing greenhouse gases (GHG).

Per SB 743, the California Environmental Quality Act (CEQA) Guidelines was changed and now states that by July 1, 2020, cities must use Vehicle Miles Traveled (VMT) as the new transportation methodology for identifying impacts. VMT will replace the traditional method of Level of Service (LOS), which focuses on auto delay. LOS can still be used outside of the CEQA review process for other transportation planning or analysis purposes.

The CEQA Guidelines allow each city to develop their own unique thresholds that will be used in determining the significance of environmental effects when reviewing projects. Fehr & Peers has been retained to help guide the City through the process of establishing these thresholds and to help develop the technical guidelines that will be used when conducting traffic studies.

The item being considered is to formally establish the thresholds for Fountain Valley, detailed below, which reflect the city’s character and growth goals. Staff recommends that the Planning Commission adopt the attached resolution recommending that the City Council adopt the suggested VMT thresholds of significance for purposes of analyzing transportation impacts as part of the CEQA process.
Planning Commission Action – VMT
June 10, 2020
Page 2 of 6

Discussion:

Background

CEQA generally requires cities to inform decision makers and the public about the potential environmental impacts of proposed projects, and to reduce those environmental impacts to the extent feasible. SB 743 changed the way cities will identify transportation impacts pursuant to CEQA. It changed the focus of transportation impact analysis from measuring the impacts of a project to drivers in relation to traffic flow and delay, to measuring the impact of driving on the environment. The change is being made by replacing LOS (i.e., traffic delay) with VMT. This shift in transportation impact focus is intended to better align transportation studies and mitigation measures with the State’s goals to reduce greenhouse gas emissions, encourage infill development, and improve public health through more active transportation.

VMT measures the amount and distance people drive to a destination. For purposes of the calculations, one VMT equates to one mile that a vehicle travels. Typically, development projects that are farther away and in areas without transit or active transportation infrastructure (bike lanes, sidewalks, etc.) will generate more driving than development near complementary land uses with robust mobility options. For example, a neighborhood market will generate fewer VMT versus a warehouse on the outskirts of town.

Proposed VMT Thresholds of Significance

Section 15064.3 (Determining the Significance of Transportation Impacts) of the CEQA Guidelines provides criteria for analyzing transportation impacts and identifies that, by July 1, 2020, all cities must use VMT as the transportation metric for identifying such impacts. Section 15064.3 identifies that a city has discretion to choose the most appropriate methodology to evaluate a project’s VMT, but must support its decision with substantial evidence that complies with CEQA.

The Draft Transportation Impact Assessment Guidelines for Land Use Projects in CEQA and for General Plan Consistency (Attachment 2) includes the following proposed VMT Thresholds of Significance, which staff is recommending for approval through the attached Resolution (Attachment 1). A project would result in a significant project-generated VMT impact if either of the following conditions exist:

1. The baseline project-generated VMT per service population exceeds the City’s General Plan Build-Out average VMT per service population, or
2. The cumulative project-generated average VMT per service population exceeds
Planning Commission Action – VMT
June 10, 2020
Page 3 of 6

the City’s General Plan Build-Out average VMT per service population.
The project’s effect on VMT would be considered significant if it resulted in the following:

1. The cumulative link-level boundary Citywide VMT per service population increases under the plus project condition compared to the no project condition.

Changes to the proposed VMT Thresholds of Significance would require amendment by
City Council resolution.

It should be noted that the California Governor’s Office of Planning and Research (OPR) developed a threshold for consideration by local agencies with the general expectation that land use projects should be measured against a 15% VMT reduction below that of existing baseline conditions. OPR’s recommendations are almost exclusively based on the State’s GHG and air pollution reduction goals. While this is one of the SB 743 legislative intent objectives, a less clear connection is made to the other legislative intent objectives to encourage infill development and promote active transportation. Since GHG impacts are already addressed in other CEQA sections, utilization of a GHG reduction target as a transportation metric does not address how VMT can be used as a metric to inform the efficiency of the land use and transportation network, which is a key consideration and value for the City.

Because lead agencies are encouraged to formally adopt their own significance thresholds, City staff considered the following information when choosing an alternative threshold:

1. The concern around using a statewide threshold (one size fits all) and a desire for some regional consistency when setting a reasonable threshold.

2. The interest in considering our General Plan as a basis for our VMT threshold since this was adopted through a public process, accounts for local context, and reflects Fountain Valley’s goals and values. Importantly, the General Plan is currently in the process of being updated to reflect current values, new State laws, and a sizable housing allocation that will alter the balance of jobs to housing that the City has worked hard to achieve.

Staff reviewed the existing General Plan and the input of the General Plan Advisory Committee on the on-going comprehensive update to determine if it was consistent with the legislative intent of SB 743. The existing General Plan Land Use Map and proposed opportunity areas address compact "infill" development, focusing on efficient land use patterns located at key locations near transportation corridors, bike lanes, and transit, accommodating the sizable 6th Cycle Regional Housing Needs Assessment allocation (over 4,800 units) and creating additional recreational, retail, and employment
opportunities within the City that increase the range of goods and services available to residents to help reduce the need to use an automobile.

In determining the VMT thresholds, it was important to balance the need to reduce GHG and VMT while meeting the goals of the community. Using the City's General Plan to set the VMT threshold was determined to be the most reasonable option to achieve this.

**Traffic Impact Analysis Guidelines**

In order to implement the proposed changes to traffic analysis to VMT, Staff will utilize the attached Draft Transportation Impact Assessment Guidelines for Land Use Projects in CEQA and for General Plan Consistency (Attachment 2) for CEQA analysis. This is the working level document that Staff and applicants will utilize when preparing traffic studies for projects that require CEQA review. Except for the thresholds of significance, these guidelines are not being considered for action but are provided so that the Commission can get a full picture of the TIA process. In summary, these guidelines:

1. Describe how and when LOS analysis will be utilized.

2. Describe when a TIA that includes VMT assessment will not be required. Generally, projects can be screened out (not subject to a VMT analysis) when they satisfy any of the following project screening criteria:
   - Transit Priority Areas Screening. Applies when a project is located within a half mile of an existing major transit stop or an existing stop along a high-quality transit corridor and meets certain conditions.
   - Low VMT-Generating Areas Screening. Applies to projects that generate VMT similar to existing land uses within a low VMT-generating area.
   - Project Type Screening. Applies to certain types of projects, such as local serving retail, public schools, affordable housing, re-tenanting of existing non-residential space, interior expansions, and local-serving hotels that by their nature do not produce significant VMT.

3. Describe the VMT assessment requirements, the CEQA thresholds (described above), and potential VMT mitigation measures that reduce the degree of impact to acceptable levels.

4. Describe the assessment process for transportation projects (e.g. roadway widenings).

5. Describe the format for traffic studies.
Planning Commission Action – VMT
June 10, 2020
Page 5 of 6

Level of Service

SB 743 does not prevent the City from continuing to analyze delay (or LOS) outside of CEQA review for other transportation planning or analysis purposes, but these metrics may no longer constitute the basis for CEQA impacts.

The City has adopted vehicle LOS policies that set standards that local traffic infrastructure will strive to maintain. These policies are contained in the General Plan and therefore apply to discretionary approvals of new land use and transportation projects. Because the General Plan relies on this standard, the City will continue to use these policies to judge potential changes in land use and transportation infrastructure. Therefore, the City’s TIA include instructions for vehicle LOS analysis consistent with General Plan requirements.

Environmental Clearance:

This item is statutorily exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3), which states that CEQA does not apply to project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment (Attachment 3). The proposal implements SB 743, codified in Public Resources Code section 21099, which requires agencies to stop treating automobile delay/LOS as an environmental impact effective on July 1, 2020, and instead focus on the distance that an automobile travels. The intent of this change is to balance the needs of congestion management with State goals related to infill, active transportation, and GHG reduction.

Public Notification:

This item was published in the agenda 72 hours in advance of the meeting.

Alternatives:

1. Adopt Resolution No. 20-11 recommending that the City Council adopt a Notice of Exemption in accordance with the California Environmental Quality Act and adopt the proposed Vehicle Miles Traveled Thresholds of Significance by Resolution.

2. Direct staff to prepare a Resolution recommending that the City Council not adopt a Notice of Exemption in accordance with the California Environmental Quality Act and not adopt the proposed Vehicle Miles Traveled Thresholds of Significance.
3. Continue for further discussion.

**Recommended Action:**

Staff is recommending Alternative No. 1: Adopt Resolution No. 20-11 recommending that the City Council adopt a Notice of Exemption in accordance with the California Environmental Quality Act and adopt the proposed Vehicle Miles Traveled Thresholds of Significance by Resolution.

Prepared By: Brian James, Planning and Building Director

**Attachments:**
1. Resolution No. 20-11
2. Draft Transportation Impact Assessment Guidelines for Land Use Projects in CEQA and for General Plan Consistency
3. Notice of Exemption
RESOLUTION NO. 20-11

A RESOLUTION OF THE FOUNTAIN VALLEY PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL APPROVE A CATEGORICAL EXEMPTION PER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND ADOPT THE PROPOSED VEHICLE MILES TRAVELED THRESHOLDS OF SIGNIFICANCE BY RESOLUTION

WHEREAS, Senate Bill (SB) 743, signed by Governor Brown in 2013, changes the way traffic impacts are addressed in the environmental review of a project from automobile delay to the distance that an automobile travels. The intent of this change is to balance the needs of congestion management with State goals related to infill, active transportation, and reducing greenhouse gases (GHG); and

WHEREAS, Specifically, the California Legislature amended the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the California Natural Resources Agency has amended the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), to change the metric for measuring development related transportation impacts to Vehicle Miles Traveled (VMT); and

WHEREAS, as a result, automobile delay, as measured by “level of service” (“LOS”) and other similar metrics, will generally no longer constitute a significant environmental effect under CEQA; and

WHEREAS, Section 15064.3 (Determining the Significance of Transportation Impacts) of the CEQA Guidelines provides criteria for analyzing transportation impacts and identifies that, by July 1, 2020, all cities must use VMT as the transportation metric for identifying such impacts; and

WHEREAS, Section 15064.3 of the CEQA Guidelines identifies that a city has discretion to choose the most appropriate methodology and thresholds to evaluate a project’s VMT, but must support its decision with substantial evidence that complies with CEQA; and

WHEREAS, CEQA Guidelines section 15064.7(a) defines a threshold of significance as "an identifiable quantitative, qualitative or performance level of a particular environmental effect, noncompliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant"; and

WHEREAS, CEQA Guidelines section 15064.7(b) requires that thresholds of significance must be adopted by ordinance, resolution, rule, or regulations, developed through a public review process, and be supported by substantial evidence; and

WHEREAS, in determining the VMT thresholds for Fountain Valley, it was important to balance State greenhouse gas reduction goals and State goals encouraging infill development and promoting active transportation while meeting the goals of the
Resolution No. 20-11
Page 2 of 3

community. Using the City's General Plan to set the VMT threshold was determined to be the most reasonable option to achieve this; and

WHEREAS, the existing General Plan Land Use Map and proposed opportunity areas in the ongoing General Plan update address compact "infill" development, focusing on efficient land use patterns located at key locations near transportation corridors, bike lanes, and transit, accommodating the 6th Cycle Regional Housing Needs Assessment allocation, and creating additional recreational, retail, and employment opportunities within the City that increase the range of goods and services available to residents to help reduce the need to use the automobile; and

WHEREAS, on May 13, 2020, the Planning Commission held a study session to discuss SB 743 and the pending change to VMT; and

WHEREAS on June 2, 2020, the City Council conducted a study session to discuss SB 743 and the pending change to VMT; and

WHEREAS, the Fountain Valley Planning Commission considered the proposed VMT Thresholds of Significance at a duly noticed public hearing on June 10, 2020.

SECTION 1

The Planning Commission hereby determines that this item is statutorily exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3), which states that CEQA does not apply to project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment (Attachment 3). The proposal implements SB 743, codified in Public Resources Code section 21099, which requires agencies to stop treating automobile delay/LOS as an environmental impact effective on July 1, 2020, and instead focus on the distance that an automobile travels. The intent of this change is to balance the needs of congestion management with State goals related to infill, active transportation, and GHG reduction.

SECTION 2

The Planning Commission hereby recommends that the City Council adopt the following VMT Thresholds of Significance, which will be contained in the Transportation Impact Assessment Guidelines for Land Use Projects in CEQA and for General Plan Consistency, which is attached to the accompanying staff report:

A project would result in a significant project-generated VMT impact if either of the following conditions exist:

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

The project’s effect on VMT would be considered significant if it resulted in the following:

1. The cumulative link-level boundary Citywide VMT per service population
RESOLUTION NO. 20-11
Page 3 of 3

increases under the plus project condition compared to the no project condition.

SECTION 3

The Planning Commission does hereby find as follows:

1. The Vehicle Miles Traveled Thresholds of Significance noted in Section 2 implement SB 743 and are consistent with State CEQA Guidelines and balance State greenhouse gas reduction goals and State goals encouraging infill development and promoting active transportation while meeting the goals of the community.

2. The Vehicle Miles Traveled Thresholds of Significance noted in Section 2 are consistent with the existing General Plan Land Use Map and proposed opportunity areas in the ongoing General Plan update that address compact "infill" development, focusing on efficient land use patterns located at key locations near transportation corridors, bike lanes, and transit, accommodating the 6th Cycle Regional Housing Needs Assessment allocation, and creating additional recreational, retail, and employment opportunities within the City that increase the range of goods and services available to residents to help reduce the need to use an automobile.

SECTION 4

This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

PASSED, APPROVED AND ADOPTED THIS 10TH DAY OF JUNE, 2020

Chairperson

Secretary
DRAFT Transportation Impact Assessment Guidelines for Land Use Projects in CEQA and for General Plan Consistency

Fehr & Peers

June 2020
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Background</strong></td>
<td>3</td>
</tr>
<tr>
<td>Background Information</td>
<td>4</td>
</tr>
<tr>
<td>Guidelines Organization</td>
<td>5</td>
</tr>
<tr>
<td><strong>Introduction</strong></td>
<td>6</td>
</tr>
<tr>
<td>CEQA Changes</td>
<td>7</td>
</tr>
<tr>
<td><strong>When is a TIA Required?</strong></td>
<td>8</td>
</tr>
<tr>
<td><strong>Transportation Assessment for General Plan Consistency</strong></td>
<td>10</td>
</tr>
<tr>
<td>Level-of-Service Analysis Procedure</td>
<td>11</td>
</tr>
<tr>
<td>Site Access Analysis</td>
<td>13</td>
</tr>
<tr>
<td>On-Site Parking Analysis</td>
<td>13</td>
</tr>
<tr>
<td><strong>CEQA Assessment - VMT Analysis</strong></td>
<td>14</td>
</tr>
<tr>
<td>Analysis Methodology</td>
<td>15</td>
</tr>
<tr>
<td>CEQA VMT Impact Thresholds</td>
<td>19</td>
</tr>
<tr>
<td>VMT Mitigation Measures</td>
<td>20</td>
</tr>
<tr>
<td><strong>CEQA Assessment - Active Transportation and Public Transit Analysis</strong></td>
<td>27</td>
</tr>
<tr>
<td><strong>Transportation Impact Study Format</strong></td>
<td>33</td>
</tr>
<tr>
<td><strong>Attachments</strong></td>
<td>39</td>
</tr>
<tr>
<td>Attachment A: Detailed VMT Forecasting Information</td>
<td>40</td>
</tr>
<tr>
<td>Attachment B: City of Fountain Valley SB 743 Implementation Mitigation and TDM Strategy Assessment Memorandum</td>
<td>Error! Bookmark not defined.</td>
</tr>
<tr>
<td><strong>Appendix</strong></td>
<td>43</td>
</tr>
<tr>
<td>Appendix A: Transit Priority Areas in Fountain Valley</td>
<td>44</td>
</tr>
<tr>
<td>Appendix B: Low VMT-Generating Areas in Fountain Valley</td>
<td>45</td>
</tr>
</tbody>
</table>
Background
Background Information

Senate Bill 743 (SB 743), signed by the Governor in 2013, has changed the way transportation impacts are identified and analyzed. Specifically, the legislation has directed the Office of Planning and Research (OPR) to look at metrics other than level of service (LOS) for identifying transportation impacts in CEQA documents. In December 2018, OPR released the final guidelines for analysis of transportation impacts, which indicate that Vehicle Miles of Travel (VMT) are generally the preferred metric for transportation impacts moving forward. The Natural Resources Agency completed the rule making process to modify the CEQA guidelines in December of 2018. The CEQA Guidelines identify that, by July of 2020 all lead agencies must use VMT as the new transportation metric for identifying impacts for land use projects.

In anticipation of the change to VMT, the City of Fountain Valley conducted an SB 743 Implementation Study to assist with answering important implementation questions about the methodology, thresholds, and mitigation approaches for VMT impact analysis. The study included the following main components:

- Thresholds Evaluation Memorandum – Potential thresholds Fountain Valley could consider when establishing thresholds of significance for VMT assessment
- Methodologies Memorandum – Types of methodologies that could be used to estimate VMT and the pros/cons associated with each approach
- Mitigation Memorandum – Types of mitigation that can be considered for VMT mitigation

As noted in CEQA Guidelines Section 15064.7(b) below, lead agencies are encouraged to formally adopt their significance thresholds, and this is a key part of the SB 743 implementation process.

(b) Each public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects. Thresholds of significance to be adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence. Lead agencies may also use thresholds on a case-by-case basis as provided in Section 15064(b)(2).

To complement the previous work, the City of Fountain Valley has produced these Transportation Impact Analysis (TIA) Guidelines to outline the specific steps for conducting a transportation impact analysis using the VMT methodology and how to address the applicable general plan consistency requirements.

It should be noted that CEQA requirements change as the CEQA Guidelines are periodically updated and/or legal opinions are rendered that change how analysis is completed. As such, the City of Fountain Valley will continually review these guidelines to ensure that the guidelines reflect the most recent guidance for project transportation impact assessment.
Is Level of Service Still Important?

The City of Fountain Valley has adopted vehicle LOS policies that set standards for which local infrastructure will strive to maintain. These policies are contained in its general plan and therefore apply to discretionary approvals of new land use and transportation projects. Therefore, these guidelines also include instructions for vehicle LOS analysis consistent with general plan requirements. The City Engineer reserves the right to request VMT analysis, Level-of-Service analysis, or both in a traffic study for any proposed project.

Guidelines Organization

The remainder of this guidelines document is organized as follows, with an eye toward organization that provides relevant background information, assessment for congestion management/General Plan Consistency (e.g. LOS analysis), and CEQA assessment (e.g. VMT analysis):

1. Introduction
2. Need for Transportation Impact Study
3. Transportation Assessment for General Plan Consistency
4. CEQA Assessment - VMT Analysis
5. CEQA Assessment - Active Transportation and Public Transit Analysis
6. Transportation Impact Analysis Format
Introduction
State laws require the correlation of Land Use Element building intensities in a General Plan with the Circulation Element capacity. A Traffic Impact Analysis (TIA) is required by the City of Fountain Valley so that the impact of land use proposals on the existing and future circulation system can be adequately assessed and to ensure that the California Environmental Qualities Act (CEQA) and Congestion Management Program laws and guidelines are met.

The following TIA requirements apply to all development projects for which a TIA is required in the City of Fountain Valley. These TIA requirements shall be used in conjunction with the City’s Local CEQA Guidelines and Municipal Code to guide the development review process.

For the past several decades, the preparation of a TIA was integrated into the CEQA process, in which the TIA was used primarily to analyze a project’s impacts under CEQA. However, with the passage of SB 743, changes to the TIA process are necessary. Specifically, a TIA that addresses LOS and site access may be needed for project approval outside of the CEQA process.

The purpose of these TIA Guidelines is to provide general instructions for analyzing the potential transportation impacts of proposed development projects. These guidelines present the recommended format and methodology that should generally be utilized in the preparation of TIAs.

**CEQA Changes**

Since the last TIA Guidelines update, SB 743 was signed into law. A key element of this law is the elimination of auto delay, level of service (LOS), and other similar measures of vehicular capacity or traffic congestion as a basis for determining significant impacts. This change is intended to assist in balancing the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions.

SB 743 contains amendments to current congestion management law that allows cities and counties to effectively opt-out of the LOS standards that would otherwise apply in areas where Congestion Management Plans (CMPs) are still used (including Orange County). Further, SB 743 required the Governor’s Office of Planning and Research (OPR) to update the CEQA Guidelines and establish criteria for determining the significance of transportation impacts. In December 2018, OPR released their final recommended guidelines based on feedback with the public, public agencies, and various organizations and individuals. OPR recommended Vehicle Miles Traveled (VMT) as the most appropriate measure of project transportation impacts for land use projects and land use plans. For transportation projects, lead agencies may select their own preferred metric but must support their decision with substantial evidence that complies with CEQA expectations. SB 743 does not prevent a city or county from continuing to analyze delay or LOS outside of CEQA review for other transportation planning or analysis purposes (i.e., general plans, impact fee programs, corridor studies, congestion mitigation, or ongoing network monitoring); but these metrics may no longer constitute the basis for CEQA impacts.
When is a TIA Required?
An applicant seeking project approval will submit the application for a proposed project to the Planning Department. The Planning Department will transmit the application to the City Engineer for preliminary review as part of its interdepartmental coordination process. After a preliminary review of the project by the City Engineer, the applicant will be notified by Planning Department as to whether a TIA is required.

The Traffic Impact Analysis should consider deficiencies in Level-of-Service (LOS) for General Plan consistency purposes, and transportation impacts under CEQA using Vehicle Miles Traveled (VMT). A Traffic Impact Analysis that includes LOS analysis shall be required for a proposed project that meets any of the following criteria, consistent with the Orange County Congestion Management Program (CMP):

- When either the AM or PM peak hour trip generation is expected to exceed 100 vehicle trips from the proposed development
- Projects on the Arterial Highway System which generate 1,600 Average Daily Trips (ADT)
- Projects that will add 51 or more trips during either the AM or PM peak hours to any intersection
- Any project where variations from the standards and guidelines provided in this manual are being proposed

A Traffic Impact Analysis that includes VMT assessment shall be required for a proposed project that does not satisfy any of the following project screening criteria:

- Transit Priority Areas Screening
- Low VMT-generating Areas Screening
- Project Type Screening

See section CEQA Assessment – Land Use Project VMT Analysis later in this document for details on this screening criteria. Projects may be screened from VMT analysis and require level-of-service analysis, or vice-versa. In cases where insufficient information is available to make a preliminary assessment of a proposal’s effect on traffic, the City Engineer shall determine, based on his/her professional judgment, whether a TIA will be required.

A TIA must be prepared under the direction of a registered traffic engineer or a registered civil engineer with documented experience in traffic engineering and transportation planning. The TIA shall be submitted to the Public Works Department in a draft form. Comments relative to the analysis shall be provided by the City Engineer, or his/her designee, in writing to the project proponent and its engineer so that any necessary revisions can be made prior to final submittal. The TIA is not deemed complete or final until it incorporates all necessary revisions and is prepared to the City’s satisfaction.

The use of a previously approved TIA for a project can be considered by the City Engineer if the land use assumptions, background conditions, and character of the traffic analyzed in the existing TIA are not significantly changed in a proposed project. This would require the projects to be located in the same TAZ (or very similar TAZ) and the project characteristics would need to be similar enough in order to draw the same conclusions regarding the project’s VMT per service population relative to the City’s threshold.
Transportation Assessment for General Plan Consistency
This section provides guidance for conducting Level-of-Service (LOS) assessment for General Plan Consistency. The scope of these assessments is at the discretion of the City Engineer on a project-by-project basis. Conclusions found in these analyses should be used for project approval but should not be used in the CEQA document to disclose transportation impacts.

**Level-of-Service Analysis Procedure**

LOS analysis will be conducted at identified mid-block segments and intersections within the study area and at all proposed access points to the project. Intersection capacity calculations will be made using the Intersection Capacity Utilization (ICU) method unless the consultant conducting the traffic study and/or City Engineer or designee identify locations that can be better evaluated using the Operational or Planning Analysis methodologies found in the latest editions of the Highway Capacity Manual (HCM). Pre-approval to use HCM shall be obtained in writing from the City Engineer or designee. Use of the HCM methodology, in addition to an ICU-type analysis, will be required at any study area intersection under the control of Caltrans.

A minimum clearance interval of .05 in conjunction with lane capacities of 1700 per hour of green time for through and turn lanes will be used for all volume/capacity calculations.

If the distance from the edge of the outside through lane is at least 19 feet and parking is prohibited during the peak period, right turning vehicles may be assumed to utilize this “unofficial” right turn lane. Otherwise, all right turn traffic shall be assigned to the outside through lane. If a right turn lane exists, right turn overlap may be assumed, if not prohibited at that location. However, the assumption of the number of vehicles turning right during the overlap phase cannot conflict with any other critical movement at that intersection. Any signal overlap assumptions must be clearly stated.

Pedestrian adjustments shall be performed on a case-by-case basis and assessed according to the procedures outlined in Chapter 16 of the latest version of the Highway Capacity Manual (HCM) for those intersection that have more than 100 pedestrians in the peak period.

Per the City’s General Plan Circulation Element and Growth Management Element, a volume/capacity ratio of 0.90 (Level of Service D) is the lowest acceptable Level of Service at intersections following implementation of roadway improvements. Improvements needed to bring intersections and roadway segments to the acceptable service levels must be identified.

When calculating future traffic conditions, vehicular volumes and level of service associated with existing condition and the various categories of projected volumes should be identified individually. Volume/capacity calculations that demonstrate the result of proposed improvements will be required for intersections where unsatisfactory levels of service are identified, and improvements are necessary.

The results of the various volume/capacity calculations should be summarized using figures that graphically represent the roadways within the study area.
Justification for installation of new traffic signal(s), or other traffic control devices, shall be discussed in the TIA, and based on the warrants stated in the latest edition of the Manual of Uniform Traffic Control Devices (MUTCD) or California Supplement. All traffic signal warrant calculations shall be provided in the appendix of the traffic study.

Whenever new public streets, full access driveways, or private streets are proposed to intersect arterial streets, an evaluation of the intersection capacity, spacing, queuing and pocket lengths will be required.

When improvements are identified to bring study intersection operations to acceptable conditions, project applicants will be required to pay an equitable fair share contribution towards the identified improvement.

**Transportation Effects**

An intersection will be deemed deficient and require improvements to achieve an acceptable LOS when the LOS is E or F (Final V/C Ratio>0.90) with the addition of the project.

**Transportation Systems Improvement Program (TSIP)**

If the traffic analysis indicates unacceptable service levels at mid-block arterial segments and/or intersections within the study area, a description of proposed improvements to mitigate the deficiencies shall be included. The following areas are required to be addressed in the discussion of improvements:

1. The location and nature of the improvements (This information should be summarized in exhibit form).
2. Volume/Capacity calculations showing the result of all proposed capacity improvements.
3. Implementation feasibility. (Including project cost.)
4. Feasibility of right-of-way acquisition where additional right-of-way is needed to implement improvements.
5. Consistency with acceptable design standards.
6. Timing of the proposed improvements.
7. A Table shall be submitted showing the Volume-to-Capacity ratios and Levels of Service of all studied intersections with and without project, and, with and without proposed improvements.
8. A single or a series of sketch plans shall be included within the body of the TIA graphically depicting all improvements dealing with roadway, parking, and access points. In cases where phased development of a project is proposed, a schedule identifying the improvements needed to improve traffic deficiencies at each phase will also be required.
The TIA should explain the project’s effect on the City arterials and intersections, which shall establish a nexus for any proposed improvements needed. For cumulative or long-range analysis (i.e., General Plan build-out) the project is expected to participate in future improvements on a fair-share basis.

**Site Access Analysis**

The project’s effect on access points and on-site circulation will be analyzed. The analysis will, as appropriate, include the following:

- Number of access points proposed for the project site.
- Spacing between driveways and intersections.
- Potential signalization of driveways.
- On-site stacking distance. (Including uses with a Drive-thru.)
- Shared access.
- Turn conflicts/restrictions.
- Adequate sight distance.
- Driveway improvements.
- Pedestrian Connections.
- Any other operational characteristics (as identified by City staff).

If the proposed project is a residential or commercial use with privacy gates, the applicant shall provide a stacking analysis for review and approval. The adequacy of the interface with the arterial network will need to be demonstrated and necessary improvements to adjacent intersections may be required.

**On-Site Parking Analysis**

A project provides adequate parking capacity if the project meets Fountain Valley Municipal Code parking code requirements. Parking studies are required to support deviations from parking code requirements or the use of reciprocal parking. The parking rates to be used are obtained from the Fountain Valley Municipal Code Chapter 17.34, “Off-Street Parking and Loading." In cases where the code does not address parking rates for a specific lane use, or where deviations from code are proposed, documentation must be included showing how or where the proposed rates were obtained. The parking analysis must demonstrate that proposed parking supply is adequate to accommodate demand.
CEQA Assessment – Land Use Project VMT Analysis
A key element of SB 743, signed in 2013, is the elimination of automobile delay and LOS as the sole basis of determining transportation impacts in CEQA documents. The most recent CEQA guidelines, released in December 2018, recommend VMT as the most appropriate measure of project transportation impacts. 743 does not prevent a city or county from continuing to analyze delay or LOS as part of other plans (i.e., the general plan), studies, or ongoing network monitoring, hence the non-CEQA transportation analysis discussed in the prior chapter.

The following recommendations assist in determining VMT impact thresholds and mitigation requirements for various land use projects' TIAs.

**Analysis Methodology**

For purposes of SB 743 compliance, a VMT analysis should be conducted for land use projects as deemed necessary by the City Engineer and/or Public Works Director and would apply to projects that have the potential to increase the average VMT per service population (e.g., population plus employment) compared to the City of Fountain Valley boundary. Normalizing VMT per service population provides a transportation efficiency metric that the analysis is based on. Using this efficiency metric allows comparison of the project to the remainder of the City for purposes of identifying transportation impacts.

The approach to a VMT assessment includes project screening as a first step to see if a full VMT assessment would be required. As outlined below, some projects can be assumed to result in a less-than-significant impact based on project type or location. If projects are not eligible to be screened from assessment, a full VMT impact assessment is required. If the assessment results in an impact, mitigation is required to bring the impact to a less-than-significant level.

**Project Screening**

There are three types of screening that the City will apply to screen projects from project-level assessment. These screening steps are summarized below:

**Step 1: Transit Priority Area (TPA) Screening**

If the entirety of the project is located within a TPA, it may be presumed to have a less than significant impact absent substantial evidence to the contrary. This presumption shall **NOT** be appropriate if the project includes any of the following:

---

1 A TPA is defined as a half mile area around an existing major transit stop or an existing stop along a high-quality transit corridor per the definitions below.

Pub. Resources Code, § 21064.3 - 'Major transit stop' means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus
1. Has a Floor Area Ratio (FAR) of less than 0.75;
2. Includes more parking for use by residents, customers, or employees of the project than required by the jurisdiction (if the jurisdiction requires the project to supply parking);
3. Is inconsistent with the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the Metropolitan Planning Organization); or
4. Replaces affordable residential units with a smaller number of moderate- or high-income residential units.

TPA's in Fountain Valley are mapped and shown on Appendix A. Please note that Fountain Valley is not in control of transit routes within the City as OCTA manages the network. Transit routes should be periodically reviewed and this document updated accordingly.

**Step 2: Low VMT Area Screening**

When a residential or office project is located within a low VMT-generating area it may be presumed to have a less than significant impact absent substantial evidence to the contrary. In addition, other employment-related and mixed-use land use projects may qualify for the use of this screening if the project can reasonably be expected to generate VMT per resident, per worker, or per service population that is similar to the existing land uses in the low VMT area.

To develop this screening in the City of Fountain Valley, the OCTAM travel forecasting model was used to measure VMT performance for individual jurisdictions and for individual traffic analysis zones (TAZs). TAZs are geographic polygons similar to Census block groups used to represent areas of homogenous travel behavior. Total daily VMT per service population (population plus employment) was estimated for each TAZ in Orange County. This presumption may not be appropriate if the project land uses would alter the existing built environment in such a way as to increase the rate or length of vehicle trips.

To identify if the project is in a low VMT-generating area, the analyst may review Appendix B, which provides a map of low VMT-generating zones in Fountain Valley as compared to the County. Additionally, as noted above, the analyst must identify if the project is consistent with the existing land use within that TAZ and use professional judgment that there is nothing unique about the project that would otherwise be misrepresented by using the data from the travel demand model.

---

routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

Pub. Resources Code, § 21155 - For purposes of this section, a 'high-quality transit corridor' means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.
Step 3: Project Type Screening

Local serving retail projects less than 50,000 square feet may be presumed to have a less than significant impact absent substantial evidence to the contrary. Local serving retail generally improves the convenience of shopping close to home and has the effect of reducing vehicle travel. Minor interior or exterior expansions could be screened from assessment. The increase in square footage applies to the net new or increase in square footage of a new project or re-tenanting of a project. The following uses can be presumed to have a less than significant impact absent substantial evidence to the contrary as their uses are local serving in nature:

- Local-serving K-12 schools
- Local parks
- Day care centers
- Local-serving retail uses less than 50,000 square feet, including:
  - Gas stations
  - Banks
  - Restaurants, bars, cocktail lounges
  - Shopping Center
  - Local serving offices such as dentists, medical clinics, travel agents, insurance providers, or tax accountants
  - Service uses such as hair salons, barbers, gyms, equipment sales and rentals, home electronics and small appliance repair, laundromats, tailors, and other uses listed as permitted in Section 21.10.030 of the Fountain Valley Municipal Code
- Local-serving hotels (e.g. non-destination hotels)
- Student housing projects on or adjacent to college campuses
- Local-serving assembly uses (places of worship, community organizations)
- Community institutions (Public libraries, fire stations, local government)
- Local-serving community colleges that are consistent with the assumptions noted in the RTP/SCS
- Affordable or supportive housing
- Assisted living facilities
- Senior housing (as defined by HUD)
- Re-tenanting of existing non-residential space
- Interior expansions
- Minor exterior expansions
• Projects generating less than 110 net new daily vehicle trips\textsuperscript{2,3}
  o This generally corresponds to the following “typical” development potentials:
    • 11 single family housing units
    • 16 multi-family, condominiums, or townhouse housing units
    • 10,000 sq. ft. of office
    • 15,000 sq. ft. of light industrial\textsuperscript{4}
    • 63,000 sq. ft. of warehousing\textsuperscript{3}
    • 79,000 sq. ft. of high cube transload and short-term storage warehouse\textsuperscript{3}
• Other local-serving projects as approved by the Planning and Building Director, City
  Engineer and/or Public Works Director

**VMT Assessment for Non-Screened Development**

Projects not screened through the steps above should complete VMT analysis and forecasting
through the OCTAM model to determine if they have a significant VMT impact. This analysis should
include ‘project generated VMT\textsuperscript{5}’ and ‘project effect on VMT\textsuperscript{6}’ estimates for the project TAZ (or
TAZs) under the following scenarios:

• Baseline conditions - This data is already available from OCTAM.
• Baseline plus project - The project land use would be added to the project TAZ or a
  separate TAZ would be created to contain the project land uses. A full base year model
  run would be performed and VMT changes would be isolated for the project TAZ and
  across the full model network. The model output must include reasonableness checks of
  the production and attraction balancing to ensure the project effect is accurately

\textsuperscript{2} Note that a redevelopment project replacing an existing use would estimate the net increase in trips above
  trips what already exists.

\textsuperscript{3} This threshold ties directly to the OPR technical advisory and notes that CEQA provides a categorical
  exemption for existing facilities, including additions to existing structures of up to 10,000 square feet, so
  long as the project is in an area where public infrastructure is available to allow for maximum planned
  development and the project is not in an environmentally sensitive area. (CEQA Guidelines, § 15301, subd.
  (e)(2).) Typical project types for which trip generation increases relatively linearly with building footprint
  (i.e., general office building, single tenant office building, office park, and business park) generate or attract
  an additional 110-124 trips per 10,000 square feet. Therefore, absent substantial evidence otherwise, it is
  reasonable to conclude that the addition of 110 or fewer trips could be considered not to lead to a
  significant impact.

\textsuperscript{4} Threshold may be higher depending on the tenant and the use of the site. This number was estimated
  using rates from ITE’s Trip Generation Manual.

\textsuperscript{5} Project generated VMT represents the VMT associated with trips produced or attracted by the project.
  Project generated VMT should be estimated using the Origin-Destination Methodology.

\textsuperscript{6} Project effect on VMT represents the difference on the Citywide VMT with and without the inclusion of
  the project under cumulative conditions. Project effect on VMT should be estimated using the Boundary
  Method to estimate link-level VMT within the City of Fountain Valley.
captured. If this scenario results in a less-than-significant impact, then additional cumulative scenario analysis may not be required (more information about this outcome can be found in the Thresholds Evaluation discussion later in this chapter).

- Cumulative no project - This data is available from OCTAM.
- Cumulative plus project - The project land use would either be added to the project TAZ or a separate TAZ would be created to contain the project land uses. The addition of project land uses should be accompanied by a reallocation of a similar amount of land use from other TAZs; especially if the proposed project is significant in size such that it would change other future developments. Land use projects will generally not change the cumulative no project control totals for population and employment growth. Instead, they will influence the land use supply through changes in general plan land use designations and zoning. If project land uses are simply added to the cumulative no project scenario, then the analysis should reflect this limitation in the methodology and acknowledge that the analysis may overestimate the project's effect on VMT.

Please note that the Project applicant consultant will be required to obtain the latest version of OCTAM from OCTA and complete the Model User Agreement.

The model output should include total VMT, which includes all vehicle trips and VMT per service population (population plus employment). Total VMT (by speed bin) is needed as an input for air quality, greenhouse gas (GHG), and energy impact analysis while total VMT per service population is recommended for transportation impact analysis.

Both "plus project" scenarios noted above will summarize two types of VMT: (1) project generated VMT per service population and comparing it back to the appropriate benchmark noted in the thresholds of significance, and (2) the project effect on VMT, comparing how the project changes VMT on the network looking at Citywide VMT per service population comparing it to the no project condition.

Project-generated VMT shall be extracted from the travel demand forecasting model using the origin-destination trip matrix and shall multiply that matrix by the final assignment skims. The project-effect on VMT shall be estimated using the City boundary and extracting the total link-level VMT for both the no project and with project condition.

A detailed description of this process is attached to these guidelines as Attachment A.

**CEQA VMT Impact Thresholds**

Fountain Valley selected the below thresholds concurrent with updating the City's General Plan. The City's General Plan goals and policies represent the values of the community. As such, City Staff determined the below thresholds of significance best balanced the local needs of congestion relief
and the goals of SB 743; to promote infill development, promote active transportation and reduce greenhouse gasses.

**VMT Impacts**

A project would result in a significant project-generated VMT impact if either of the following conditions exist:

1. The baseline project-generated VMT per service population exceeds the City’s General Plan Build-Out average VMT per service population\(^7\), or
2. The cumulative project-generated average VMT per service population exceeds the City’s General Plan Build-Out average VMT per service population

The project’s effect on VMT would be considered significant if it resulted in the following:

- The cumulative link-level boundary Citywide VMT per service population increases under the plus project condition compared to the no project condition.

Please note that the cumulative no project shall reflect the adopted RTP/SCS; as such, if a project is consistent with the regional RTP/SCS, then the cumulative impacts shall be considered less than significant subject to consideration of other substantial evidence.

**VMT Mitigation Measures**

To mitigate VMT impacts, the following choices are available to the applicant:

1. Modify the project’s built environment characteristics to reduce VMT generated by the project.
2. Implement transportation Demand Management (TDM) measures to reduce VMT generated by the project.
3. Participate in a VMT fee program and/or VMT mitigation exchange/banking program (if they exist) to reduce VMT from the project or other land uses to achieve acceptable levels.

As part of the City SB 743 Implementation Study, key TDM measures that are appropriate to the region were identified.

---

\(^7\) The City’s General Plan Build-Out scenario is the City of Fountain Valley future year (cumulative year). The land use assumptions are representative of the growth absorption within the City consistent with the land use plan adopted as part of the General Plan. This threshold should reflect the latest version of OCTAM and the SCAG RTP/SCS. The VMT per service population should be calculated using the Origin-Destination Methodology.
Measures appropriate for most of the City of Fountain Valley are summarized in Table 1 below and additional information on mitigation and TDM is provided in the SB 743 Implementation Mitigation and TDM Strategy Assessment Memorandum. It will be the responsibility of the applicant to demonstrate the effectiveness of the proposed TDM measures on VMT reduction. Please note that due to multiplicative dampening (the diminishing return of multiple TDM measures that target the same subset of drivers), the assumed maximum VMT reduction from voluntary TDM measures is 10%.

Evaluation of VMT reductions should be done using the latest industry accepted methodologies recognizing that many of the TDM strategies are dependent on building tenant performance over time. As such, actual VMT reduction cannot be reliably predicted and monitoring may be necessary to gauge performance related to mitigation expectations.

The State of California requires developers and the business community to assist in reducing peak hour and total vehicular trips by implementing Transportation Demand Management Plans (TDMs). The potential of a proposed project to reduce traffic through the use of a TDM plan should be addressed in the traffic study. This plan is in addition to Regulation 15 by the South Coast Air Quality Management District.

If a TDM plan is proposed as a mitigation measure for a project, and the traffic study attributes a reduction in peak and total traffic to the TDM plan, the following information must be provided:

1. A detailed description of the major components of the TDM plan and how it would be implemented and maintained on a continuing basis.
2. Case studies or empirical data that supports the anticipated reduction of traffic attributed to the TDM plan.
3. Additional Volume/Capacity ratio calculations that illustrate the circulation benefits of the TDM plan.
4. Enforcement Measures – how it will be monitored and enforced.
5. How does it comply with the South Coast Air Quality Management District Regulations.
<table>
<thead>
<tr>
<th>CAPCOA Category</th>
<th>CAPCOA #</th>
<th>CAPCOA Strategy</th>
<th>Appropriate Context</th>
<th>CAPCOA Reduction</th>
<th>Strength of Substantial Evidence for CEQA Impact Analysis</th>
<th>New Information Since CAPCOA Was Published in 2010</th>
<th>Change in VMT reduction compared to CAPCOA</th>
<th>Literature or Evidence Cited</th>
</tr>
</thead>
<tbody>
<tr>
<td>CAPCOA Category</td>
<td>CAPCOA #</td>
<td>CAPCOA Strategy</td>
<td>Appropriate Context?</td>
<td>CAPCOA Reduction</td>
<td>Strength of Substantial Evidence for CEQA Impact Analysis?</td>
<td>New Information Since CAPCOA Was Published In 2016</td>
<td>Change in VMT Reduction Compared to CAPCOA</td>
<td>Literature or Evidence Cited</td>
</tr>
<tr>
<td>----------------</td>
<td>---------</td>
<td>----------------</td>
<td>---------------------</td>
<td>-------------------</td>
<td>---------------------------------------------------------</td>
<td>--------------------------------------------------</td>
<td>--------------------------------------</td>
<td>-----------------------------------</td>
</tr>
</tbody>
</table>
| Land Use/Location | 3.1.5   | LUT-5 Increase Transit Accessibility: This strategy focuses on establishing Transit Oriented Development (TOD) within ½ mile of high-quality transit, with connected facilities for walking and biking. | Downtown only | 0.5%-24.6% reduction in VMT due to locating a project near high-quality transit | Adequate | 1) VMT reduction when transit station is provided within 1/2 mile of development (compared to VMT for sites located outside ½ mile radius of transit). Locating high density development within 1/2 mile of transit will facilitate the use of transit by people traveling to or from the project site. The use of transit results in a mode shift and therefore reduced VMT. 2) | 1) 6%-5.8%  2) 6%-7.3% | ni Lund, H. et al. (2004). Travel Characteristics of Transit-Oriented Development in California. Oakland, CA: Bay Area Rapid Transit District, Metropolitan Transportation Commission, and Caltrans.  
<p>| Neighborhood Site Enhancements | 3.2.1   | SDT 1 Provide Pedestrian Network Improvements: This strategy focuses on creating a pedestrian network within the project and connecting to nearby destinations. Projects in Fountain Valley range in size, so the emphasis of this strategy for smaller projects would likely be the construction of network improvements that connect the project sites directly to nearby destinations. For larger projects, this strategy could focus on the development of a robust pedestrian network within the project itself. Alternatively, implementation could occur through an impact fee program or benefit/assessment district based on local or regional plans. | Downtown and suburban | 0%-2% reduction in VMT for creating a connected pedestrian network within the development and connecting to nearby destinations | Adequate | VMT reduction due to provision of complete pedestrian networks. | 0.5%-5.7% | Handy, S. et al. (2014). Impacts of Pedestrian Strategies on Passenger Vehicle Use and Greenhouse Gas Emissions - Policy Brief and Technical Background Document. California Air Resources Board. Retrieved from: <a href="https://arb.ca.gov/cc/ab375/policies/policies.htm">https://arb.ca.gov/cc/ab375/policies/policies.htm</a> |
| Neighborhood Site Enhancements | 3.2.2   | SDT-2 Provide Traffic Calming Measures: This strategy combines the CAPCOA research focused on traffic calming with new research on providing a low-stress bicycle network. Traffic calming creates networks with low vehicle speeds and volumes that are more conducive to walking and bicycling. Building a low-stress bicycle network produces a similar outcome. Implementation options are similar to strategy 2 above. One potential change in this strategy over time is that e-bikes (and e-scooters) could extend the effective range of travel on the bicycle network, which could enhance the effectiveness of this strategy. | Downtown and suburban | 0.25%-1% VMT reduction due to traffic calming on streets within and around the development | Adequate | Reduction in VMT due to building out a low-stress bike network; reduction in VMT due to expansion of bike networks in urban areas. | 0%-1.7% | Zahabi, S. et al. (2016). Exploring the link between the neighborhood typologies, bicycle infrastructure and commuting cycling over time and the potential impact on commuter GHG emissions. Transportation Research Part D: Transport and Environment. 47, 89-103. |</p>
<table>
<thead>
<tr>
<th>CAPCOA Category</th>
<th>CAPCOA #</th>
<th>CAPCOA Strategy</th>
<th>Appropriate Context?</th>
<th>CAPCOA Reduction</th>
<th>Strength of Substantial Evidence for CEQA Impact Analysis?</th>
<th>New Information Since CAPCOA Was Published in 2010</th>
<th>Change in VMT reduction compared to CAPCOA</th>
<th>Literature or Evidence Cited</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood</td>
<td>3.4.9</td>
<td>TRT-9 Implement Car Sharing Programs: This strategy is appropriate for both downtown and suburban contexts and reduces the need to own a vehicle or reduces the number of vehicles owned by a household by making it convenient to access a shared vehicle for those trips where vehicle use is essential. Note that implementation of this strategy would require regional or local agency implementation and coordination and would not likely be applicable for individual development projects.</td>
<td>Downtown and suburban</td>
<td>0.4%-0.7% VMT reduction due to lower vehicle ownership rates and general shift to non-driving modes</td>
<td>Adequate</td>
<td>Vehicle trip reduction due to car-sharing programs; reduction assumes 1%-5% penetration rate. Car sharing effect on VMT is still evolving due to TNC effects. UCD research showed less effect on car ownership due to car sharing</td>
<td>0.3%-1.6%</td>
<td>Lovejoy, K. et al. (2013). Impacts of Carsharing on Passenger Vehicle Use and Greenhouse Gas Emissions - Policy Brief and Technical Background Document. California Air Resources Board. Retrieved from: <a href="https://arb.ca.gov/cc/">https://arb.ca.gov/cc/</a> sb375/policies/policies.htm Need to verify with more recent UCD research.</td>
</tr>
<tr>
<td>Site Enhancements</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transit System</td>
<td>3.5.3</td>
<td>TST-3 Expand Transit Network: This strategy reduces vehicle trips by increasing existing transit service hours and coverage. This creates a more convenient experience for transit riders and encourages higher rates of transit ridership. Please refer to the discussion below in “Increase transit service frequency and speed” for discussion of alternative options for demand-responsive service. Note that implementation of this strategy would require regional or local agency implementation, substantial changes to current transit practices, and would not likely be applicable for individual development projects.</td>
<td>Downtown only</td>
<td>0.1%-2.2% VMT reduction in response to increase in transit network coverage</td>
<td>Adequate</td>
<td>Reduction in vehicle trips due to increased transit service hours or coverage.</td>
<td>0.1%-18.5%</td>
<td>Handy, S. et al. (2013). Impacts of Transit Service Strategies on Passenger Vehicle Use and Greenhouse Gas Emissions - Policy Brief and Technical Background Document. California Air Resources Board. Retrieved from: <a href="https://arb.ca.gov/cc/sb375/policies/policies.htm">https://arb.ca.gov/cc/sb375/policies/policies.htm</a></td>
</tr>
</tbody>
</table>

24
<table>
<thead>
<tr>
<th>CAPCOA Category</th>
<th>CAPCOA #</th>
<th>CAPCOA Strategy</th>
<th>Appropriate Context?</th>
<th>CAPCOA Reduction</th>
<th>Strength of Substantial Evidence for CEQA Impact Analysis?</th>
<th>New Information Since CAPCOA Was Published in 2019</th>
<th>Change in VMT reduction compared to CAPCOA</th>
<th>Literature or Evidence Cited</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transit System 3.5.4</td>
<td>TST-4 Increase Transit Service Frequency/Speed:</td>
<td>Downtown and suburban</td>
<td>0.02%-2.5% VMT reduction due to reduced headways and increased speed and reliability</td>
<td>Adequate</td>
<td>Reduction in vehicle trips due to increased transit frequency/decreased headway.</td>
<td>0.3%-6.3%</td>
<td>Handy, S. et al. (2013), Impacts of Transit Service Strategies on Passenger Vehicle Use and Greenhouse Gas Emissions - Policy Brief and Technical Background Document. California Air Resources Board. Retrieved from: <a href="https://arb.ca.gov/cc/ob375/policies/policies.htm">https://arb.ca.gov/cc/ob375/policies/policies.htm</a></td>
<td></td>
</tr>
<tr>
<td>Transit System 3.5.1</td>
<td>TST-1 Provide a Bus Rapid Transit System:</td>
<td>Downtown only</td>
<td>0.02%-3.2% VMT reduction by converting standard bus system to BRT system</td>
<td>Adequate</td>
<td>No new information identified.</td>
<td>Same</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>CAPCOA Category</td>
<td>CAPCOA #</td>
<td>CAPCOA Strategy</td>
<td>Appropriate Context?</td>
<td>CAPCOA Reduction</td>
<td>Strength of Substantial Evidence for CEQA Impact Analysis?</td>
<td>New Information Since CAPCOA Was Published in 2010</td>
<td>Change in VMT reduction compared to CAPCOA</td>
<td>Literature or Evidence Cited</td>
</tr>
<tr>
<td>-----------------</td>
<td>----------</td>
<td>-----------------</td>
<td>----------------------</td>
<td>------------------</td>
<td>----------------------------------------------------------</td>
<td>------------------------------------------------</td>
<td>---------------------------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>Commute Trip Reduction</td>
<td>3.4.4</td>
<td>TRT-4 Implement Subsidized or Discounted Transit Program: This strategy focuses on incentivizing employees, students, or residents to take transit by subsidizing their transit fare. The effectiveness of the strategy depends on the ultimate building tenants and this should be a factor in considering the potential VMT reduction.</td>
<td>Downtown only</td>
<td>0.3%-20% commute VMT reduction due to transit subsidy of up to $6/day</td>
<td>Adequate - Effectiveness is building/tenant specific. Do not use with &quot;TRT-1 Implement CTR Program - Voluntary&quot; or &quot;TRT-2 Implement CTR Program - Required Implementation/Monitoring.&quot;</td>
<td>1) Reduction in vehicle trips in response to reduced cost of transit use, assuming that 10%-50% of new bus trips replace vehicle trips; 2) Reduction in commute trip VMT due to employee benefits that include transit; 3) Reduction in all vehicle trips due to</td>
<td>1) 0.3%-14% 2) 0%-16% 3) 6.1% to 6.9%</td>
<td>Victoria Transport Policy Institute. (2017). Understanding Transport Demands and Elasticities. Online TDM Encyclopedia. Retrieved from: <a href="http://www.vtpi.org/tdm/tdm11.htm">http://www.vtpi.org/tdm/tdm11.htm</a></td>
</tr>
<tr>
<td></td>
<td>3.4.6</td>
<td>TRT-6 Encourage Telecommuting and Alternative Work Schedules: This strategy relies on effective internet access and speeds to individual project sites/buildings to provide the opportunity for telecommuting. The effectiveness of the strategy depends on the ultimate building tenants and this should be a factor in considering the potential VMT reduction.</td>
<td>Downtown and suburban</td>
<td>0.07%-5.5% commute VMT reduction due to reduced commute trips</td>
<td>Adequate - Effectiveness is building/tenant specific. Do not use with &quot;TRT-1 Implement CTR Program - Voluntary&quot; or &quot;TRT-2 Implement CTR Program - Required Implementation/Monitoring.&quot;</td>
<td>VMT reduction due to adoption of telecommuting</td>
<td>0.2%-4.5%</td>
<td>Handy, S. et al. (2013). Policy Brief on the Impacts of Telecommuting Based on a Review of the Empirical Literature. California Air Resources Board. Retrieved from: <a href="https://www.arb.ca.gov/cc/np375/policies/telecommuting_telecommuting_brief120913.pdf">https://www.arb.ca.gov/cc/np375/policies/telecommuting_telecommuting_brief120913.pdf</a></td>
</tr>
<tr>
<td></td>
<td>3.4.3</td>
<td>TRT-3 Provide Ride-Sharing Programs: This strategy focuses on encouraging carpooling and vanpooling by project site/building tenants and has similar limitations as strategy 10 above.</td>
<td>Downtown and suburban</td>
<td>1%-15% commute VMT reduction due to employer ride share coordination and facilities</td>
<td>Adequate - Effectiveness is building/tenant specific. Do not use with &quot;TRT-1 Implement CTR Program - Voluntary&quot; or &quot;TRT-2 Implement CTR Program - Required Implementation/Monitoring.&quot;</td>
<td>Commute vehicle trips reduction due to employer ride-sharing programs</td>
<td>2.5%-8.3%</td>
<td>Victoria Transport Policy Institute. (2015). Rideharing: Carpooling and Vanpooling. Online TDM Encyclopedia. Retrieved from: <a href="http://vtpi.org/tdm/tdm34.htm">http://vtpi.org/tdm/tdm34.htm</a></td>
</tr>
</tbody>
</table>
CEQA Assessment - Active Transportation and Public Transit Analysis
Potential impacts to public transit, pedestrian facilities and travel, and bicycle facilities and travel shall be evaluated using the following criteria.

- A significant impact occurs if the project conflicts with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decreases the performance or safety of such facilities.

Therefore, the TIA should include analysis of a project to examine if it is inconsistent with adopted policies, plans, or programs regarding active transportation or public transit facilities, or otherwise decreases the performance or safety of such facilities and make a determination as to whether it has the potential to conflict with existing or proposed facilities supporting these travel modes.
CEQA Assessment – Transportation Project VMT Analysis
Analysis Methodology

Use of VMT as an environmental impact metric for transportation projects is discretionary under the Section 15064.3(b)(2) of the updated CEQA Guidelines. The City of Fountain Valley has identified the procedures outlined in the Caltrans Draft Transportation Analysis Framework (TAF) and Draft Transportation Impacts Analysis under CEQA for Projects on the State Highway System (TAC) as appropriate analysis methodology and procedures for evaluating potential transportation impacts due to transportation projects.

It is important that the analysis methodology and the forecasting account for any induced vehicle travel effects. OCTAM can be used to perform this analysis, but should be reviewed for induced vehicle travel sensitivity. The analysis should also account for potential increases in trip generation and changes in long-term land use patterns that may occur due to induced vehicle travel. These effects are not directly included in OCTAM, but its inputs and parameters can be modified to include additional sensitivity, or off-model analysis methods such as the use of research-based elasticities can be used to measure regional VMT changes associated with changes in lane-miles associated with proposed projects. The following resources should be consulted for induced vehicle travel recommended analysis practices.

- OPR Technical Advisory (http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf)

Using VMT as a transportation project impact metric allows for a variety of transit, bicycle, and pedestrian projects to be presumed to have a less than significant impact. Smaller roadway network modifications such as intersection restriping are also presumed to have a less than significant impact. Roadway capacity expansion projects are the types of projects that can increase vehicle travel and VMT by changing people's travel behavior including making new vehicle trips and making longer vehicle trips.

---

8 Source: http://resources.ca.gov/ceqa/docs/2018_CEQA_FINAL_TEXT_122818.pdf


Project Screening

If a project would likely lead to a measurable and substantial increase in vehicle travel, the lead agency should conduct an analysis assessing the amount of vehicle travel the project will induce.

Project types that would likely lead to a measurable and substantial increase in vehicle travel generally include:

- Addition of through lanes on existing or new highways, including general purpose lanes, HOV lanes, peak period lanes, auxiliary lanes, or lanes through grade-separated interchanges

Projects that would not likely lead to a substantial or measurable increase in vehicle travel, and therefore generally should not require an induced travel analysis, include:

- Rehabilitation, maintenance, replacement, safety, and repair projects designed to improve the condition of existing transportation assets (e.g., highways; roadways; bridges; culverts; Transportation Management System field elements such as cameras, message signs, detection, or signals; tunnels; transit systems; and assets that serve bicycle and pedestrian facilities) and that do not add additional motor vehicle capacity
- Roadside safety devices or hardware installation such as median barriers and guardrails
- Roadway shoulder enhancements to provide “breakdown space,” dedicated space for use only by transit vehicles, to provide bicycle access, or to otherwise improve safety, but which will not be used as automobile vehicle travel lanes
- Addition of an auxiliary lane of less than one mile in length designed to improve roadway safety
- Installation, removal, or reconfiguration of traffic lanes that are not for through traffic, such as left, right, and U-turn pockets, two-way left turn lanes, or emergency breakdown lanes that are not utilized as through lanes
- Addition of roadway capacity on local or collector streets provided the project also substantially improves conditions for pedestrians, cyclists, and, if applicable, transit
- Conversion of existing general purpose lanes (including ramps) to managed lanes or transit lanes, or changing lane management in a manner that would not substantially increase vehicle travel
- Addition of a new lane that is permanently restricted to use only by transit vehicles
- Reduction in number of through lanes
- Grade separation to separate vehicles from rail, transit, pedestrians or bicycles, or to replace a lane in order to separate preferential vehicles (e.g., HOV, HOT, or trucks) from general vehicles
- Installation, removal, or reconfiguration of traffic control devices, including Transit Signal Priority (TSP) features
- Installation of traffic metering systems, detection systems, cameras, changeable message signs and other electronics designed to optimize vehicle, bicycle, or pedestrian flow
- Timing of signals to optimize vehicle, bicycle, or pedestrian flow
• Installation of roundabouts or traffic circles
• Installation or reconfiguration of traffic calming devices • Adoption of or increase in tolls
• Addition of tolled lanes, where tolls are sufficient to mitigate VMT increase
• Initiation of new transit service
• Conversion of streets from one-way to two-way operation with no net increase in number of traffic lanes
• Removal or relocation of off-street or on-street parking spaces • Adoption or modification of on-street parking or loading restrictions (including meters, time limits, accessible spaces, and preferential/reserved parking permit programs)
• Addition of traffic wayfinding signage
• Rehabilitation and maintenance projects that do not add motor vehicle capacity
• Addition of new or enhanced bike or pedestrian facilities on existing streets/highways or within existing public rights-of-way
• Addition of Class I bike paths, trails, multi-use paths, or other off-road facilities that serve nonmotorized travel
• Installation of publicly available alternative fuel/charging infrastructure
• Addition of passing lanes, truck climbing lanes, or truck brake-check lanes in rural areas that do not increase overall vehicle capacity along the corridor

CEQA VMT Impact Thresholds

VMT Impacts

Potential impacts associated with increases in VMT due to transportation projects shall be evaluated using the following criteria:

• A significant impact would occur if the project causes a net increase in total citywide VMT compared to baseline conditions and cumulative no project conditions.
Transportation Impact Study Format
Prior to the beginning of any study, the project proponent shall coordinate with staff from the Planning Department and Public Works Department. A tentative schedule for reviewing and processing the TIA will be developed. Initial discussions shall also include a conversation of any key issues along with the development scope and boundaries of the study area. The proponent will submit a detailed site plan at this meeting. City staff will provide input into the following specific areas of the analysis:

- Defining the general study area boundaries.
- Project access.
- Approved development in the vicinity of the project for cumulative analysis.
- Approved General Plan (build-out) traffic volumes.
- Appropriate Trip Generation rates for the project.

The project proponent shall coordinate with the City Engineer and/or Public Works Director so that detailed and technical aspects of the analysis can be discussed prior to a formal submittal. Topics of discussion will include:

- Trip distribution and assignment assumptions.
- Intersections and roadway segments where capacity analysis will be required.
  - As a minimum, intersections where the project will add 51 or more trips during either the AM or PM peak hours will need to be analyzed. This threshold may be reduced, at the discretion of the City Engineer and/or Public Works Director, for intersections that are projected to or currently operate at Level of Service (LOS) “E” or “F”.
- Intersection Capacity Analysis assumptions.
- Potential for project level VMT screening
- VMT Analysis assumptions
- Inclusion of a Transportation Demand Management Plan (TDM) to mitigate traffic impacts and promote the use of alternate modes of transportation.
- Any specific issues that require special consideration such as pedestrian circulation, access, parking and on-site circulation.

The content and level of analysis necessary to evaluate a project will vary project-to-project and are dependent on the scope of the land use proposal and location within the City.

All traffic studies must be organized in the following order and contain, at a minimum, the following information:

1. Executive Summary

A clear concise summary of the study area, findings, and proposed improvements are required in the Executive Summary.

2. Introduction
   a. Site Location and Study Area Boundaries
Briefly describe the proposed development and the general geographical location of the project. Provide the study area limits mutually agreed upon by the applicant, its engineer, and the City.

b. Existing Land Uses and Project Proposals

The existing site conditions and the proposed project shall be identified. The specific land use proposed must be presented.

c. Committed and Proposed Developments in the Vicinity of the Proposed Project

Information pertaining to projects that would contribute traffic to the project study area, including both approved developments and proposed developments where an application has been submitted, shall be identified. The TIA should include a brief description of these projects, and their traffic-related impacts. During its preliminary meetings with the applicant, City staff will identify the need to assess impacts associated with approved and proposed developments.

d. Existing and Proposed Roadways and Intersections

Identify and describe the roadways and intersections within the study area and the role each will play in providing circulation and access to the project. Number of lanes, driveways locations, ultimate right-of-way, intersection geometrics, bus stops, bike lanes, sidewalks and traffic controls shall be included.

To summarize the information presented in the introduction, a vicinity map depicting the project site, study boundaries, existing lane configurations, traffic controls and any additional features that are pertinent to the study shall be provided.

3. Methodology and Thresholds

Identify the methodology used to calculate LOS and VMT. Include the criteria used for screening projects from project-level VMT analysis, if applicable. Identify the impact threshold for VMT, and deficient LOS operations for roadways and intersections.

4. Trip Generation

Trip generation must be calculated using the Orange County Traffic Analysis Model (OCTAM) and/or ITE rates, as directed by City. If the generation rates do not address proposed land use in sufficient detail, rates from other documented sources (i.e. SANDAG) may be used with prior approval from the City.

A table summarizing the types of land use; the corresponding generation rates and land use units and the resulting a.m. peak, p.m. peak, and total daily trip ends generated by the project is required.

5. Trip Distribution/Assignment
Description of trip distribution and directional approach for vehicle trips to and from the site along with the specific roadways that will be utilized by site-generated traffic is required. The basic methodology and assumptions used to develop trip distribution and assignments must be clearly stated. The City Engineer and/or Public Works Director will have significant input into these areas. Trip distribution and assignment assumptions are required during the preliminary stages of the study and subject to approval of the City Engineer and/or Public Works Director or designee prior to inclusion within the study report.

As part of the analysis, a graphic that shows project distribution by percentage and the direction of travel shall be included.

6. Existing & Projected Traffic Volumes

All traffic volume information used to represent existing conditions shall be no more than two years old. Additionally, the raw data from sources other than the City, on which existing conditions are based, must be supplied in the traffic study appendix identifying the source. The following five analysis scenarios should be evaluated (at the discretion of the City Engineer in coordination with Community Development) and summarized in a single table and throughout the analysis using the following designations:

a. Existing Conditions

Existing traffic conditions: data must have been collected within the previous 24-month period.

b. Existing Conditions + Approved and Pending Projects:

Existing traffic conditions plus ambient growth and traffic from all the development within the study area for which an application has been submitted ("pending projects"), or that have been approved but not yet constructed. This scenario represents project opening year "Without Project" scenario.

c. Existing Conditions + Approved and Pending Projects + Project:

Existing traffic conditions of existing, plus ambient growth and approved and pending developments, plus traffic generated by the proposed project. This scenario represents the project opening year "With Projects" scenario.

d. General Plan Development:

Build-out of City General Plan combined with build-out of circulation system. OCTAM Build-out projections will be used for this purpose. A General Plan build out analysis is generally required for any project that contributes traffic to an intersection projected to have unacceptable LOS, any project that requires a General Plan Amendment or otherwise proposes development that exceeds the land use intensity assumed for the General Plan, and/or at the discretion of the City Engineer.
e. General Plan Development + Project:

Cumulative traffic conditions of General Plan build-out plus proposed project.

For projects planned for construction more than two years beyond existing conditions, an ambient traffic growth factor shall be included to account for annual increases in background traffic (i.e. 1% per year). This factor will be determined by the City Engineer or designee.

Projects that are to be constructed in more than one phase will require interim year future analysis under both LOS and VMT analyses to address each phase of the development and its associated traffic effects. The year(s) to be analyzed will coincide with the scheduled phasing and will be approved by the City Engineer or designee.

7. Traffic Signal Warrant Analysis

Identify any unsignalized intersections which were studied and operate inefficiently. Perform a signal warrant analysis to determine if the installation of a traffic signal is warranted.

8. Site Access Analysis

See the Site Access Analysis on Page 13.

9. On-site Parking Analysis

See the On-Site Parking Analysis on Page 13.

10. Active Transportation and Public Transit Analysis

Refer to Page 23.

11. LOS Improvements and Recommendations

a. Proposed improvements at intersections
b. Proposed improvements at roadway segments
c. Recommended Improvements categorized by whether they are included in fee plan or not. (Identify if these improvements are included in an adopted fee program)

12. Vehicle Miles Traveled (VMT) Analysis

Present the Project VMT per person/employee for all analysis scenarios and the Project effect on VMT for all analysis scenarios. Data should be presented in tabular format. If the project meets the criteria for screening from project-generated VMT analysis, this should be documented. All VMT impacts should be identified in accordance with the VMT Impact Thresholds described above. Proposed VMT mitigation measures should be identified.

Appendix

a. Approved scope of work
b. Traffic counts
c. Intersection analysis worksheets
d. VMT and TDM calculations
e. VMT and TDM mitigation calculations
f. Signal warrant worksheets
Attachment A: Detailed VMT Forecasting Information

This section provides detailed VMT forecasting instructions for use with the OCTAM travel demand forecasting model. Please note that OCTA periodically updates OCTAM and the latest version available should be utilized for VMT assessment in the City of Fountain Valley. OCTA is also in the development of a VMT estimation tool for OCTAM. Upon completion of the tool, it should be reviewed for appropriateness for CEQA compliance before use on a City of Fountain Valley project.

OCTAM is a trip-based model that generates daily person trip-ends for each TAZ across various trip purposes (Home-based-work, home-based-other, and non-home-based for example) based on population, household, and employment variables. This may create challenges for complying with the VMT guidance because trip generation is not directly tied to specific land use categories. The following methodology addresses this particular challenge among others.

Production and attraction trip-ends are separately calculated for each zone, and generally: production trip-ends are generated by residential land uses and attraction trip-ends are generated by non-residential land uses. Focusing on residential and employment land uses, the first step to forecasting VMT requires translating the land use into model terms, the closest approximations are:

- Residential: home-based production trips
- Employment: home-based work attraction trips

Note that this excludes all non-home-based trips including work-based other and other-based other trips.

The challenges with computing VMT for these two types of trips in a trip-based model are 1) production and attraction trip-ends are not distinguishable after the PA to OD conversion process and 2) trip purposes are not maintained after the mode choice step. For these reasons, it not possible to use the VMT results from the standard vehicle assignment (even using a select zone re-assignment). A separate post-process must be developed to re-estimate VMT for each zone that includes trip-end types and trip purposes. In order to provide the most accurate estimates possible, Fountain Valley’s recommended approach to estimating VMT is outlined below. Deviating from this approach will require justification and approval from the City Engineer.

VMT Forecasting Instructions

This approach will calculate total Origin/Destination (OD) VMT using standard OCTAM model output files. The OD method for calculating total VMT includes all vehicle trips that start in a specific traffic analysis zone, and all vehicle trips that end in a specific traffic analysis zone. The major steps of this approach are listed as follows:

- Re-skim final loaded congested networks and adjust the external skim for each mode and time period to account for truncated trips
- Multiply appropriate distance skim matrices by OD trip matrices to estimate VMT by time period
- Sum matrices by time period and mode to calculate daily automobile VMT
- Calculate automobile VMT for individual TAZs

**Appropriateness Checks**

The number of vehicle trips from the total VMT estimation should match as closely as possible with the results from the traditional model process. The estimated results should be checked against the results from a full model run to understand the degree of accuracy. Note that these custom processes may or may not include full lengths of IX/XI trips (trips with origins or destinations outside of the model roadway network) or special generator trips (airport, seaport, stadium, etc.).

When calculating VMT for comparison at the study area, citywide, or regional geography, the same methodology that was used to estimate project-specific VMT should be used. The VMT for these comparisons can be easily calculated by aggregating the row or column totals for all zones that are within the desired geography.

**VMT Assessment Modeling Scenarios**

Projects required to complete VMT analysis and forecasting through the OCTAM model to determine if they have a significant VMT impact should include 'project generated VMT' and 'project effect on VMT' estimates for the project TAZ (or TAZs) under the following scenarios:

- **Baseline conditions** - This data is already available from OCTAM.
- **Baseline plus project** - The project land use would be added to the project TAZ or a separate TAZ would be created to contain the project land uses. A full base year model run would be performed and VMT changes would be isolated for the project TAZ and across the full model network. The model output must include reasonableness checks of the production and attraction balancing to ensure the project effect is accurately captured. If this scenario results in a less-than-significant impact, then additional cumulative scenario analysis may not be required (more information about this outcome can be found in the Thresholds Evaluation discussion later in this chapter).
- **Cumulative no project** - This data is available from OCTAM.
- **Cumulative plus project** - The project land use would either be added to the project TAZ or a separate TAZ would be created to contain the project land uses. The addition of project land uses should be accompanied by a reallocation of a similar amount of land use from other TAZs; especially if the proposed project is significant in size such that it would change other future developments. Land use projects will generally not change the cumulative no project control totals for population and employment growth. Instead, they will influence the land use supply through changes in general plan land use designations and zoning. If project land uses are simply added to the cumulative no
project scenario, then the analysis should reflect this limitation in the methodology and acknowledge that the analysis may overestimate the project's effect on VMT.
Appendix
Appendix A: Transit Priority Areas in Fountain Valley


Transit Priority Area
Appendix B: Low VMT-Generating Areas in Fountain Valley

City Boundary
0 to -15% below City Average
<-15% below City Average
Higher than City Average

Source: OCTAV Version 8, Base Year (2045), April, 2020

City Average: 27.51 VMT/SP

Daily VMT per Service Population Compared to City General Plan Build-Out Average (2045)
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

Project Title: Adoption of VMT Thresholds of Significance per SB 743

Project Location/Address: Citywide

Project Activity/Description: Adoption of VMT Thresholds of Significance per SB 743

The intent of this change is to balance the needs of congestion management with State goals related to infill, active transportation, and reducing greenhouse gases (GHG).

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: 15061(b)(3)
☐ Statutory Exemptions. State code number: _________________

Reasons why project is exempt: The proposal implements SB 743, codified in Public Resources Code section 21099 which requires agencies to stop treating automobile delay/LOS as an environmental impact effective on July 1, 2020, and instead focus on the distance that an automobile travels to balance the needs of congestion management with State goals related to infill, active transportation, and GHG reduction.

Lead Agency
Contact Person: Brian James, Director Contact Phone: 714-593-4426

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: Director of Planning and Building

☒ Signed by Lead Agency ☐ Signed by Applicant