In an effort to protect public health and prevent the spread of COVID-19, we encourage you to watch on FVTV on the city’s website or via Spectrum Channel 3, Verizon FiOS Channel 21 and AT&T U-Verse Channel 99. Those watching remotely but desiring to testify on an item have two options: (1) in advance until 5:00 PM on August 12, 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

- June 10, 2020

Anyone wishing to speak during Public Comments must fill out and submit a blue speaker card. The Planning Commission can take no action on this date, unless the item is agendized. Anyone wishing to speak on items not on tonight’s agenda may do so during Public Comments. Speakers on items scheduled for Public Hearing or non-public hearing items will be invited to speak when those items are heard. (Three minutes per speaker)

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS

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

PUBLIC HEARINGS
1. **CODE AMENDMENT NO. 19-10 – AN AMENDMENT TO THE FOUNTAIN VALLEY CROSSINGS SPECIFIC PLAN PERTAINING TO THE ALLOCATION OF RESIDENTIAL UNITS, ALLOWANCE OF RESIDENTIAL ON THE GROUND FLOOR, SETBACKS, CEQA REQUIREMENTS, REQUIREMENTS FOR GYM’S AND ENTERTAINMENT & RECREATION USES AND ADDITIONAL CLARIFYING EDITS**

An Amendment to the Fountain Valley Crossings Specific Plan pertaining to the following: allocation of residential units, allowance of residential on the ground floor, setbacks, CEQA requirements, requirements for gym’s and entertainment & recreation uses and additional minor edits. The City of Fountain Valley has completed an Addendum to the Crossings Specific Plan Final Environmental Impact Report (Final EIR) for the proposed amendments. The Planning Commission will conduct a public hearing to consider the adequacy of the Addendum and the merits of the proposed amendments to the existing approved Specific Plan.

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

2. **CODE AMENDMENT NO. 20-05 – 20 DAY APPEAL PERIOD**

An amendment to FVMC sections 21.08.060, 21.24.090, 21.28.090, 21.54.030, 21.60.050, 18.08.120, and 8.51.110 to change the 20 day appeal period for land use decisions to a ten day appeal period and clarify that the period is calendar days.

**CEQA Compliance:** This request is exempt from environmental review pursuant to CEQA Guidelines sections 15060(c)(2) and 15061(b)(3).

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

3. **Variance No. 333 – Orange County Water District (OCWD)**

Petition submitted by OCWD to install a security fence at 18700 Ward Street. The fence will be located along the Ellis Avenue and Ward Street property lines, within the required 20-foot setback, and will be up to 9.5 feet tall, exceeding the maximum 8-foot height requirement.

**CEQA Compliance:** This request is exempt from environmental review pursuant to CEQA Guidelines Section 15303.

**Recommended Action:** Staff recommends that the Planning Commission adopt Alternative #1 approving the request.

4. **Variance No. 335 – Nguyen Residence**

Petition submitted by Jessica Nguyen to deviate from the front yard landscape/hardscape requirements to install a new circular driveway at 10442 Warner Avenue.

**CEQA Compliance:** This request is exempt from environmental review pursuant to CEQA Guidelines Section 15301.

**Recommended Action:** Staff recommends that the Planning Commission adopt Alternative #1 approving the request.
NEW BUSINESS

5. DEVELOPMENT REVIEW NO. 20-02 – OCSD SOUTH PERIMETER IMPROVEMENTS
   Petition submitted by the Orange County Sanitation District (OCSD) to construct security and utility improvements at the south perimeter (west and south side) of OCSD’s Plant No. 1, located at 10844 Ellis Avenue. The project improvements include the construction of an 8-foot tall concrete block (CMU) wall and landscaping along Ward Street, new security lighting and electronic surveillance, and a new guardhouse at the existing contractor/employee entrance gate along Garfield Avenue.

   CEQA Compliance: This request is exempt from environmental review pursuant to CEQA Guidelines Section 15303.

   Recommended Action: Staff recommends that the Planning Commission adopt Alternative #1 approving the request.

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 September 9, 2020.

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

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

Planning Commission meetings can be viewed on FVTV via Spectrum Cable Channel 3, Frontier FiOS Channel 21, and AT&T U-Verse Channel 99. Commission Meetings are also posted on the City’s website at www.fountainvalley.org.
CALL TO ORDER: Chair Spear called the meeting to order at 6:00 p.m. Chair Spear announced the city’s COVID-19 health and safety instructions for anyone wishing to attend a commission meeting in person and instructions on how to submit comments by email up until the close of the public hearing item.

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

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

APPROVAL OF MINUTES
- May 13, 2020

Action: Approve the Planning Commission meeting minutes of May 13, 2020, as submitted.

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

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS

None.

PUBLIC HEARINGS
Chair Spear announced the city’s COVID-19 health and safety instructions for anyone wishing how to submit comments by email up until the close of the public hearing item.
   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. This request is categorically exempt from
   the provisions of California Environmental Quality Act (CEQA) (Class 15301).

   Chair Spear opened the public hearing. Senior Planner Matt Jenkins presented the staff
   report and answered questions from the commissioners. Valley Gardens Center Property
   Manager Brian Dauk representing the applicant was present and available to answer
   questions from the commissioners. No public comments received by email and no one in
   the audience wished to speak on this item. Chair Spear closed the public hearing.

   **Action:** Adopt Alternative #1 and approve the request with ambient-type music allowed
   in the outside patio area with no further reporting restrictions on this issue.

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

2. Conditional Use Permit No. 1883, Arch to End Permanent Cosmetics – 10221 Slater
   Avenue #115
   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.

   Chair Spear opened the public hearing. Senior Planner Matt Jenkins presented the staff
   report and answered questions from the commissioners. The applicant was not present
   due to the current pandemic situation. No public comments received by email and no one in
   the audience wished to speak on this item. Chair Spear closed the public hearing.

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

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

**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. 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.

Planning Director presented the staff report. Fehr & Peers consultant representative Paul Hermann presented a brief background on the state legislation SB743 and answered questions from commissioners.

**Action:** Adopt Alternative #1 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 Motion.

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

**UNFINISHED BUSINESS**

None.

**PUBLIC COMMENTS**

No public comments received by email and no one in the audience wished to speak on this item.

**COMMENTS FROM STAFF**

Planning Director Brian James announced the sad news that Planning Commissioner and former Chair Bill Cameron passed away after the last meeting. Mr. James read a condolence letter from former Planning Commissioner Herman Ajamian.

**COMMENTS FROM COMMISSIONERS**

Commissioners extended heartfelt sympathy to Commissioner Cameron’s wife Tracy Cameron.

**ADJOURNMENT**

Chair Spear adjourned the meeting in memory of Bill Cameron at 6:44 p.m. to the next scheduled Planning Commission meeting of July 8, 2020.

**APPROVED**

__________________________  ______________________
Chairperson  Secretary
Request for
Planning Commission Action

To: Planning Commission
From: Senior Planner, Matt Jenkins
Subject: CODE AMENDMENT NO. 19-10 - AN AMENDMENT TO THE FOUNTAIN VALLEY CROSSINGS SPECIFIC PLAN PERTAINING TO THE: ALLOCATION OF RESIDENTIAL UNITS, ALLOWANCE OF RESIDENTIAL ON THE GROUND FLOOR, SETBACKS, CEQA REQUIREMENTS, REQUIREMENTS FOR GYM'S AND ENTERTAINMENT & RECREATION USES AND ADDITIONAL CLARIFYING EDITS

Summary:

On January 23, 2018, the Fountain Valley City Council adopted the Fountain Valley Crossings Specific Plan (FVCSP). The FVCSP contains the development regulations for the Crossing Specific Plan area generally located south of Talbert Avenue, north of Ellis Avenue, east of Ward Street, and west of the Santa Ana River (Figure 1). As shown in Figure 1 below, the FVCSP is divided into the Activity Core Target Area, the Workplace Neighborhood District, the Workplace Gateway District, and the Mixed Industry District.

Figure 1
As staff, businesses, and property owners learn the intricacies of the Specific Plan’s provisions, a number of corrections, cleanups, and clarifications have come to light. Code Amendment No. 19-10 contains the following changes to the Crossings Specific Plan:

- Provide street setback standards for local streets to ensure clarity and consistency.
- Clarify CEQA approval process to remove ambiguity and ensure the intended streamlined review.
- Allow gyms on the ground floor as a permitted use in the Activity Core to encourage active uses and to facilitate the reuse of existing one-story buildings.
- Allow Entertainment & Recreation uses in the Workplace Gateway District with a conditional use permit to take advantage of the valuable freeway frontage and encourage active uses.
- Allow ground floor residential uses when commercial uses are located along the street frontage to provide design flexibility and development options that still meet the intent of activating the street.
- Specify the maximum number of residential units permitted and allocate residential units equitably.
- Allow Planning Director approvals for all exterior façade renovations to streamline the application process.
- All Specialty Goods Anchors (retail) by-right in the Workplace Neighborhood District to streamline the application process.
- Allow Community Oriented Anchors and Entertainment & Recreations uses by-right in the Workplace Neighborhood District to expand use options and serve residents.
- Allow vehicle sales outdoors with a conditional use permit in the Workplace Gateway & Mixed Industry Districts to accommodate a standard industry practice and allow options.
- Allow entertainment uses by-right in the Workplace Gateway District to expand use options in an area far from noise sensitive uses.
- Remove the minimum square footage requirement for Specialty Good Anchors (non-food retail stores) as it is an artificial and unnecessary limitation.
- Increase the number of allowable seats for eating/drinking establishments as a Convenience Use in all Districts to be consistent with recent amendments to the Municipal Code.
- Allow Financial Services by-right in all Districts to expand use options and serve residents.
- Add additional uses in the definition of Personal Services for all Districts.
- Require Indoor Veterinary Clinics to be prohibited when adjacent to residential uses in all Districts to minimize noise and odor impacts.
- Clarify that storage and warehousing is allowed as an accessory use for Light Industrial uses.
- Remove the maximum square footage requirement for Convenience Clusters in all Districts as it is an artificial and unnecessary limitation.
- Clarify the required public frontage improvement measurements for projects in all Districts.
Planning Commission Action – Code Amendment No. 19-10
August 12, 2020
Page 3 of 17

Staff recommends that the Planning Commission approve the proposed Addendum to the FVCSP Environmental Impact Report (EIR) and adopt the attached Resolution recommending that the City Council approve Code Amendment No. 19-10 amending the FVCSP to enact the changes noted above.

Background:

On October 9, 2019, the Planning Commission held a study session to discuss proposed amendments to the FVCSP. Then on October 15, 2019, the City Council conducted a similar study session to consider the Planning Commission’s feedback regarding the proposed amendments. The City Council directed that staff provide revisions to allowable entertainment & recreation uses in the Workplace Gateway District, street setback standards for local streets, and revisions to the CEQA process for proposed projects.

Discussion:

The FVCSP contains the development regulations for the Crossings Specific Plan area, consisting of the approximate 162-acres of light industrial/commercial uses in the southeastern portion of the City located south of Talbert Avenue, north of Ellis Avenue, east of Ward Street and west of the Santa Ana River. The FVCSP provides a design framework in which a community activity center district could be created through private investment.

The purpose of the FVCSP is to create a policy and zoning framework that will allow for additional land-use flexibility within the FVCSP area. Another purpose of the FVCSP is to foster the creation of a “Fountain Valley” scale main street experience for residents. This main street environment would provide a gathering place for families and all residents where they can shop and dine.

The FVCSP is intended to guide future development through new policies and development standards that enhance economic development with revenue-generating employment centers supported by compatible residential and commercial growth, while ensuring protection of the community’s quality of life and provision of community benefits.

In order to clarify Specific Plan procedures and intent, allow the reuse of existing buildings, and to encourage active uses to locate in the area, the following amendments to the FVCSP are proposed:

Amendment 1: Street Setbacks:

Each district contains street setback requirements in their respective development charts. The proposed amendment will define minimum front setback standards on the streets that were not previously identified to provide clear direction. If no change is adopted, it would result in the continued confusion regarding the location of buildings on the streets not identified.
<table>
<thead>
<tr>
<th>Section</th>
<th>Type</th>
<th>Minimum / maximum</th>
<th>Proposed Minimum / maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FVCSP 2.1.2. - Activity Core</strong></td>
<td></td>
<td></td>
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<tr>
<td>2.4.3 Front Yard Setback</td>
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<tr>
<td>Minimum / maximum – Talbert Ave.</td>
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<tr>
<td>Minimum – Newhoce St.</td>
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<td>0 ft. / 10 ft.</td>
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<tr>
<td><strong>FVCSP 2.1.2. - Activity Core</strong></td>
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<tr>
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<tr>
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<td>0 ft. / 10 ft.</td>
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<tr>
<td>Minimum – Newhoce St.</td>
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<tr>
<td><em>Condor Ave., Mt. Washington St., Euclid St., or any new streets</em></td>
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<td>10 ft.</td>
<td></td>
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<tr>
<td><strong>FVCSP 2.1.3.A - Workplace Neighborhood</strong></td>
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<tr>
<td>2.4.3 Front Yard Setback</td>
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<tr>
<td>Minimum / maximum – Talbert Ave.</td>
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<td>10 ft. / 25 ft.</td>
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<td>Minimum – Newhoce St.</td>
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<tr>
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<td>Minimum / maximum – Talbert Ave.</td>
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<tr>
<td>Minimum – Newhoce St.</td>
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<tr>
<td><em>Euclid St., Mt. Shay St., Kalama River Ave., Condor Ave., Mt. Washington St., or any new streets</em></td>
<td></td>
<td>10 ft.</td>
<td></td>
</tr>
<tr>
<td><strong>FVCSP 2.1.4.A – Workplace Gateway</strong></td>
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<td></td>
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<tr>
<td>2.4.3 Front Yard Setback</td>
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<tr>
<td>Minimum / maximum – Euclid St.</td>
<td></td>
<td>15 ft. / 25 ft.</td>
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<tr>
<td>Minimum – Newhoce St.</td>
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<tr>
<td><strong>FVCSP 2.1.4.A – Workplace Gateway</strong></td>
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<td>2.4.3 Front Yard Setback</td>
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<tr>
<td>Minimum – Newhoce St.</td>
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<tr>
<td><em>Kalama River Ave., Ward St., Condor St., Mt. Baldy Cir., Spencer Ave., Pacific St., Mt. Langley St., or any new streets</em></td>
<td></td>
<td>15 ft. / 25 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td><strong>FVCSP 2.1.5.A – Mixed Industry District</strong></td>
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</tr>
<tr>
<td>2.4.3 Front Yard Setback</td>
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</tr>
<tr>
<td>Minimum / maximum – Ellis Ave.</td>
<td></td>
<td>15 ft. / 25 ft.</td>
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</tbody>
</table>
Amendment 2: CEQA Approvals:

Currently there is an inconsistency in the FVCSP: the Planning Manager has been given the authority to approve or deny a CEQA exemption, Negative Declaration (ND), or Mitigated Negative Declaration (MND); however, the FVCSP also states that projects that are not exempt from CEQA— including a ND and MND— require Planning Commission approval. The proposed changes would eliminate this inconsistency and clarify that CEQA actions on Exemptions, NDs, and MNDs would be taken by the Planning Manager while the Planning Commission would have authority to act on any Environmental Impact Report (EIR) or EIR Addendum.

CEQA 15074(f)

When a non-elected official or decision making body of a local lead agency adopts a negative declaration or mitigated negative declaration, that adoption may be appealed to the agency’s elected decision making body, if one exists. For example, adoption of a negative declaration for a project by a city’s planning commission may be appealed to the city council. A local lead agency may establish procedures governing such appeals.

This update will provide clarification of environmental review in the FVCSP consistent with CEQA law and will validate the proposed change to FVCSP Section 2.0.5.D.1. The proposed amendment further clarifies the authority of the Planning Manager and the Planning Commission regarding CEQA approvals. If no change is adopted, it would result in the continued confusion regarding the appropriate responsibility for CEQA approvals.

2.0.5.D Environmental Determination

1. The Planning Manager has the authority to approve or deny a CEQA Exemption, Negative Declaration, or Mitigated Negative Declaration, or an Addendum to a Negative Declaration or Mitigated Negative Declaration.
   a. If a project includes an EIR or an Addendum to an EIR, does not qualify for an exemption, it shall be reviewed by the Planning Commission.
2. The Planning Commission decision-making body has the authority to certify an Environmental Impact Report.
Amendment 3: Ground Floor Health & Exercise Clubs:

As shown in Table 2.1.2.A, Ground Floor Health & Exercise Clubs require a conditional use permit (CUP) in the Activity Core. However, in Section 2.2.1 of the FVCSP, Health & Exercise Clubs are permitted by-right. In order to facilitate these active uses in the Activity Core, where they are desired, the proposed amendment would remove the requirement for a CUP in the Activity Core and allow for these uses to be permitted by-right. The proposed change would clarify an inconsistency and allow for gyms and fitness clubs to open for business quicker. These uses would still be subject to all requirements in the FVCSP and the municipal code, and would be required to provide the required parking per the FVCSP. If no change is adopted, an inconsistency would remain and CUP would be required for these uses in the activity core but not elsewhere.

### 2.1.2.A Development Standards Chart

<table>
<thead>
<tr>
<th>Use:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(U2) Live Entertainment and Dancing not permitted except conditional within a hotel</td>
</tr>
<tr>
<td>(U3) Large Scale Specialty Goods and Foods Only (see section 2.2.1)</td>
</tr>
<tr>
<td>(U5) Ground Floor Health &amp; Exercise Clubs are conditional</td>
</tr>
<tr>
<td>(U6) Telecommunications facilities are allowed pursuant to the requirements of FVMC Chapter 21.28 Wireless Communications</td>
</tr>
<tr>
<td>(U7) Only Health &amp; Exercise Clubs</td>
</tr>
</tbody>
</table>

### 2.2 Building Use Regulations

<table>
<thead>
<tr>
<th>Standards</th>
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</thead>
<tbody>
<tr>
<td>6. Entertainment &amp; Recreation permitted (U5)</td>
</tr>
</tbody>
</table>

Amendment 4: Entertainment & Recreation – Workplace Gateway District:

Currently the Workplace Gateway District does not permit Entertainment & Recreation uses, such as health and exercise clubs and small scale movie theaters. Given that this District contains all the freeway adjacent properties in the FVCSP, this is a lost opportunity to attract desired active uses to the City. Such uses can have a regional attraction, which would be enhanced by exposure from the 405 freeway. The proposed amendment would allow for Entertainment & Recreation uses subject to a CUP to evaluate the compatibility of the proposed use with the surrounding uses and the suitability of the use to the proposed site. By not adopting the proposed change, the uses would not be allowed and an opportunity to promote the growth of the FVCSP could be missed.
Amendment 5: Ground Floor Residential Uses:

Currently, the FVCSP requires that residential uses only be located above commercial uses. While the intent to activate the pedestrian level is clear, this requirement precludes viable design options such as tucking a separate residential building behind a commercial building fronting on the street, as shown in Figure 2. The current requirement restricts design options for developers. As illustrated in Figure 2 and in Special Condition #C14 in the table, residential will not be allowed as the main use on the ground floor. Commercial retail uses will still be required to occupy 80% of ground floor on the primary street frontage and at least 10% of the ground floor on the secondary street. Additional design elements will be required to create variations in architectural design such as building offsets, landscape pockets, private courtyards/balconies, etc. These design regulations are described in the following Sections of the FVCSP:

- Section 2.3 – Building Scale Regulations
- Section 2.4 – Frontage & Building Placement Regulations
- Section 2.6 – Open Space Regulations

If the proposed charges are not adopted, this will limit the developers design options, which may discourage viable mixed-use projects.
2. Multi-Family w/ Individual Entries  Permitted  
(C2-or C14)

Special Conditions:

<table>
<thead>
<tr>
<th>(C2)</th>
<th>Upper floors only</th>
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</thead>
<tbody>
<tr>
<td>(C10)</td>
<td>Courtyard buildings may exceed the indicated length as defined in 2.3.3 Building Length</td>
</tr>
<tr>
<td>(C14)</td>
<td>Permitted on upper floors only or on the ground floor in the following instances: (1) The project is a horizontal mixed-use design (separate residential and non-residential buildings) and the building on the primary street frontage is devoted to the retail uses noted in Section 2.1.2 Activity Core; or (2) The project is located on a corner and at least 80% of the ground floor on the primary street frontage and at least 10% of the ground floor on the secondary street frontage are devoted to the retail uses noted in Section 2.1.2, Activity Core. (3) Ground floor residential units fronting on a public street shall be designed with features such as, but not limited to, building offsets, landscape pockets, private courtyards/balconies, stoops, residential privacy screens, and other design options that serve to help buffer residences from sidewalks, eliminate blank building faces along sidewalks, to create variations in architectural design.</td>
</tr>
<tr>
<td>(C15)</td>
<td>Orly on half bay or one full bay of parking is permitted</td>
</tr>
</tbody>
</table>

Amendment 6: Residential Unit Allocation:

While the FVCSP does not indicate the maximum residential units allowed, the EIR specifically analyzed and states the potential maximum development of 491 residential units in the Workplace Neighborhood district. The maximum units should be noted in the FVCSP itself for clarity and ease of reference. In addition, a method to allocate the units among the various districts should be established so that one project does not absorb the entire or vast majority of these units. Staff proposes to allocate the residential units to the Activity Core Target Area and the Workplace Neighborhood District (boundaries depicted in Figure 3 below) such that a maximum of 245 residential units may be located in the Activity Core Target Area and 246 units may be located in the Workplace Neighborhood District.

Figure 3
FVCSP 2.2.1.F

F. Residential

Definition: All owner and renter-occupied dwelling units, including attached and detached houses, multi-unit buildings, and manufactured housing.

Special Conditions:

i. A maximum of 491 residential units may be constructed within the Activity Core Target Area and Workplace Neighborhood District. The units shall be allocated among the two districts as follows: 245 allocated to the Activity Core Target Area and 246 provided in the Workplace Neighborhood District.

ii. The units will be allocated on a first-come-first serve basis; however, any single project proposing to utilize more than 33% of the total unit allocation of the district in which it is proposed shall be designed to create and/or enhance a community gathering place by providing a public art component subject to review by the Planning Commission.

iii. Home occupations in any residential unit requires a home occupation permit (see City of Fountain Valley Municipal Code Chapter 21.42)

The Workplace Neighborhood district was chosen as the district where residential uses are allowed; however, the FVCSP did not provide standards to where these units could be placed. Essentially, a single project could proposed 491 units and the FVCSP would not allow any additional residential units. Requiring that a maximum of 245 residential units can be in the Activity Code and 246 in the Workplace Neighborhood will ensure that not all the residential units allowed could potentially be proposed in a single project. This allocation will spread residential uses in a wider area and help further the goal of activating the Activity Core District. If the proposed changes are not adopted, a single project could propose the maximum allowable residential units. This could result in an undesirable concentration of residential units on a single property.

Amendment 7: Miscellaneous Amendments:

The following miscellaneous amendments to the FVCSP are grouped by page number as identified in the FVCSP and shown in the appropriate code section:

Page 19 – Exterior Renovations – All Districts:

Consistent with the intent to streamline the application review process in the FVCSP, the proposed amendment would clarify that exterior façade renovations to existing buildings will be subject to approval from the Planning Director. To date, only one project has been approved in the FVCSP, an exterior façade remodel to 18060 Newhope Street. Currently, FVCSP Section 2.0.5.C.1.c, requires that exterior façade renovations require a Development Plan Review Hearing, which is a review by Planning Director. The proposed change will eliminate this requirement and streamline the application process for the remodel
the exteriors of the existing buildings, many of which are from the 1970's and 1980's. All façade renovations would still be required to meet the requirements in FVCSP, specifically Section 2.8, Architecture Regulations. If the proposed changes are not adopted, façade remodels would require Development Plan Hearing, which adds an additional layer to a projects approval.

| 2.0.1.A. New Development, Additions, Exterior Renovations, Reconsctions, and Site Improvements |
| "... |
| 5. Where exterior façade renovations (not additions or replacement) are made to existing buildings, architectural and sign regulations shall apply to that portion of the building being renovated and shall be subject to review and approval of the Planning Director. No other Specific Plan requirements shall be required. |
| ... |

Page 20 – Exterior Façade Renovations – All Districts:

FVCSP Section 2.C.5.C.1.c requires exterior façade renovations to be reviewed with a Development Plan Review Hearing. In order to maintain consistency within the specific plan, the proposed amendment will further clarify that the Planning Director shall review and approve exterior façade renovations in the FVCSP.

| 2.0.5.C Development Plan Review Hearings |
| "... |
| c. Exterier façade renovations that change the character of existing street facing facades or facades that are clearly visible from public right of ways shall be subject to review and approval of the Planning Director. |
| ... |

As previously indicated with the changes on page 19 regarding exterior façade renovations, the proposed change will maintain consistency in the FVCSP. The proposed change will eliminate this requirement and allow façade remodels to be reviewed and approved by the Planning Director. All façade renovations would still be required to meet the requirements in FVCSP, specifically Section 2.8, Architecture Regulations. If the proposed changes are not adopted, façade remodels would require Development Plan Hearing, which adds an additional layer to a projects approval.

Page 26 – Specialty Goods Anchors – Workplace Neighborhood District, Community Oriented Anchors, Entertainment & Recreation – Activity Core

Currently, Specialty Goods Anchors, such as general merchandise stores, quality home department stores, and electronic superstores require a CUP in the Workplace Neighborhood and Community Oriented Anchors and Entertainment & Recreation uses,
such as supermarkets, specialty food markets, and health & exercise clubs, are prohibited unless they are located in the Activity Core (Figure 1). Allowing more flexibility in the types of uses that are allowed in the Workplace Neighborhood district of the FVCSP will help attract investors and assist in future redevelopment. Staff proposes to make these land uses permitted uses. Supermarkets and health & exercise clubs provide a local destination that can generate significant pedestrian traffic when adjacent to retail businesses. Allowing these businesses by-right will allow these businesses to open in a shorter period of time and exploit advantages of proximity to the Costco-anchored retail cluster in the Southpark Specific Plan as well as the excellent freeway and arterial access. All proposed uses will still be required to meet the required parking for the proposed use per the FVCSP Section 2.7 – Parking Regulations. If the proposed changes are not adopted, the Specialty Good Anchors would require a CUP and Community Oriented Anchors and Entertainment & Recreations uses would not be permitted, keeping this restriction in place and limiting potential new projects and businesses that would help activate their perspective districts.

<table>
<thead>
<tr>
<th>VCSP 2.1.3 Workplace Neighborhood</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.2 Building Use Regulations</td>
</tr>
<tr>
<td>2.2.1 Use Types</td>
</tr>
<tr>
<td>A. Retail</td>
</tr>
<tr>
<td>1. Specialty Goods Anchors</td>
</tr>
<tr>
<td>2. Community Oriented Anchors</td>
</tr>
<tr>
<td>6. Entertainment &amp; Recreation</td>
</tr>
</tbody>
</table>

Page 28 – Vehicle Sales – Workplace Gateway District

The Workplace Gateway district allows for indoor-only vehicle sales subject to a CUP. Currently Mike Thompson’s RV, located at 18240 Ward Street, and Fam Vans, located at 10870 Kalama River Avenue, are located within the Workplace Gateway district and sell vehicles outdoors. This restriction ignores these existing businesses and is overly restrictive to the vehicle sales industry, which is a desirable use in this district. Amending this section will acknowledge standard industry practices and these existing businesses, which would then be classified as conforming uses. If the proposed changes are not adopted, vehicle sales would only be allowed with a CUP indoors, and the FVCSP regulations would result in Mike Thompson’s RV and Fam Vans being considered legal, nonconforming uses. Pursuant to FVMC, Chapter 21.56, there are limitations on how much a legal, nonconforming use can remodel or expand, that could place an unintended and detrimental restriction on those existing businesses.

<table>
<thead>
<tr>
<th>2.1.4 Workplace Gateway</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use:</td>
</tr>
<tr>
<td>(U4)</td>
</tr>
</tbody>
</table>
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Page 28 – Entertainment Uses – Workplace Gateway District:

Currently, entertainment uses, such as theaters and health and exercise clubs that provide activities for exercise and relaxation, are not permitted in the Workplace Gateway district. By permitting entertainment uses, these businesses can capitalize on the freeway visible, high-image locations along the 405 freeway, such as LA Fitness in Fountain Valley and 24 Hour Fitness in Huntington Beach, Costa Mesa and Irvine, and also the Century movie theaters at Bella Terra in Huntington Beach. By allowing these uses along the freeway, they will be able to draw a more regional attraction that can stimulate the district.

<table>
<thead>
<tr>
<th>2.2 Building Use Regulations</th>
<th>Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.2.1 Use Types</td>
<td></td>
</tr>
<tr>
<td>A. Retail</td>
<td></td>
</tr>
<tr>
<td>3. Entertainment Anchors</td>
<td>--- (--- to be deleted) permitted</td>
</tr>
<tr>
<td>6. Entertainment &amp; Recreation</td>
<td>--- (--- to be deleted) permitted</td>
</tr>
</tbody>
</table>

All proposed uses will still be required to meet the required parking for the proposed use per the FVCSP Section 2.7 – Parking Regulations. If the proposed changes are not adopted, the Entertainment Anchors and Entertainment & Recreations uses would not be permitted and limit potential new projects and businesses that could take advantage of the 405 freeway exposure.

Page 30 – Vehicle Sales – Mixed Industry District:

The Mixed Industry District allows for indoor-only vehicle sales subject to a CUP. Currently there are no vehicle sales businesses in the district. Amending this section will allow for new indoor/outdoor vehicle sales business with a CUP. Allowing vehicle sales businesses, both indoor and outdoor with a CUP, could potentially attract automotive sales businesses that can complement the existing automotive repair and customization businesses in the district. Vehicle sales also have the ability to generate a significant amount of sales tax revenue. With the CUP requirement in place, the City will be able to condition any outdoor vehicle sales business in terms of the number of vehicles on display, signage, and other operational items to ensure the compatibility of the vehicle sales use in the district. If the proposed change is not adopted, vehicle sales will be limited to indoor sales only.

| 2.1.5 Mixed Industry District |
| Use: Vehicle Sales – conditional as indoors-only |

Page 32 – Size of Specialty Good Anchors – All Districts:

Section 2.2.1.A.1 of the FVCSP defines Specialty Goods Anchors as non-food retail stores of at least 30,000 square feet in size. This requirement prohibits potential desirable businesses based on an arbitrary building size. The nature of big-box retail stores has been diminishing over the recent years with more online purchases and specialty retail stores
have been struggling, such as Fry's Electronics. Removing this size restriction would allow for stores such as a Petco/Petsmart and Staples/Office Depot that are less than 30,000 square feet in size to be allowed and can potentially generate pedestrian traffic adjacent to other retail businesses. The proposed amendment would remove this minimum square footage requirement to allow greater flexibility in uses. If the proposed change is not adopted, the size limitation would remain and potentially prohibit desirable businesses.

**FVCSP 2.2.1.A.1**

<table>
<thead>
<tr>
<th>A. Retail</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Specialty Goods Anchors</td>
</tr>
<tr>
<td><strong>Definition:</strong> A &quot;regional destination&quot; non-food retail store that is at least 30,000 square feet in size and can potentially generate significant pedestrian traffic to adjacent businesses, such as those listed.</td>
</tr>
</tbody>
</table>

**Page 32 - Eating and Drinking Establishments - All Districts:**

Section 2.2.1.A.7 of the FVCSP requires that eating & drinking establishments with less than 12 seats are a permitted use where small-scale convenience uses are allowed. The proposed amendment would change this threshold to a maximum of 50 seats, which would be consistent with a recent change to the zoning code allowing "small-format" restaurants with 50 seats or less as a permitted use. As many new restaurants are smaller in size and specialize in specific cuisines, they tend to have less customer seating. Eating & Drinking establishments will still be required to meet the required parking for the proposed use per the FVCSP Section 2.7 – Parking Regulations. Allowing these small restaurants by-right, will allow them to open for business in a shorter amount of time.

**FVCSP 2.2.1.A.7**

<table>
<thead>
<tr>
<th>A. Retail</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. Convenience Uses</td>
</tr>
<tr>
<td>Eating &amp; drinking establishments w/ less than 42 50 seats</td>
</tr>
</tbody>
</table>

**Page 32 - Financial Services - All Districts:**

Section 2.2.1.A.8 of the FVCSP lists financial services such as banks and credit unions, as a defined sub-category of Business Services and requires that a CUP be approved in order to establish these businesses. To be consistent with Title 21 of the Municipal Code and to acknowledge that the nature of these businesses do not necessitate additional scrutiny or study, the proposed amendment would remove the requirement for a CUP for financial services. Such financial services have the potential to generate pedestrian traffic that can benefit adjacent retail uses.

**FVCSP 2.2.1.A.7**

<table>
<thead>
<tr>
<th>A. Retail</th>
</tr>
</thead>
<tbody>
<tr>
<td>8. Business Services</td>
</tr>
<tr>
<td>Financial services</td>
</tr>
</tbody>
</table>
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Page 32 – Personal Services – All Districts:

Section 2.2.1.A.9 of the FVCSP lists self-service laundromats as a sub-category of Personal Services. The proposed amendment would remove the “self-service” language in this sub-category. This change would allow for all types of laundromats as personal service uses permitted by-right which is consistent with the Fountain Valley Municipal Code (FVMC, Title 21). Laundromats are typically small to medium sized businesses that provide services to local households that could also benefit any new multi-family housing projects in the specific plan.

The proposed amendment would also add the terms “dance, music and tutoring” to the sub-category of Yoga & martial arts studios. This addition will provide consistency with the municipal code definition; however, these uses will be permitted by-right in the specific plan.

<table>
<thead>
<tr>
<th>FVCSP 2.2.1.A.9</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Retail</td>
</tr>
<tr>
<td>9. Personal Services</td>
</tr>
<tr>
<td>Yoga, &amp; martial arts, dance, music studios, tutoring facilities, etc.</td>
</tr>
<tr>
<td>Self-service laundromats</td>
</tr>
</tbody>
</table>

Page 33 – Veterinary Clinics – All Districts:

Section 2.2.1.C.2 of the FVCSP allows for indoor veterinary clinics with a CUP. The proposed code amendment would prohibit indoor veterinary clinics when adjacent to residential uses. As multi-family residential along with indoor veterinary clinics are allowed in the FVCSP, staff recommends that the two land uses be separated due to the potential noise and smell impacts from indoor veterinary clinics. If the proposed change is not adopted, there would be no restrictions on the location of veterinary clinics.

<table>
<thead>
<tr>
<th>FVCSP 2.2.1.C.2</th>
</tr>
</thead>
<tbody>
<tr>
<td>C. Workplace</td>
</tr>
<tr>
<td>2. Medical Services</td>
</tr>
<tr>
<td>Indoor veterinary clinics *</td>
</tr>
</tbody>
</table>

*Prohibited when directly adjacent to existing residential uses

Page 33 – Indoor or Outdoor Storage or Warehousing – Mixed Industry District:

Section 2.2.1.C.3 of the FVCSP prohibits indoor or outdoor storage or warehousing. The proposed amendment would prohibit contractors/maintenance yards as well. These land uses are similar to indoor/outdoor storage that provide few jobs, do not stimulate business activity and job incubation, and provide less in sales tax and revenue when compared to other industrial uses. The uses also tend to be unsightly and are not consistent with the goal of creating a professional looking and active business district. Indoor or outdoor storage or warehousing shall be allowed as an accessory use as part of an approved use in the FVCSP,
as defined in FVMC 21.90.020, "Accessory Use". Industrial land uses typically have indoor and outdoor storage areas that supplement their main operations while contractors/maintenance yards store equipment and supplies for work performed off-site. The change will provide better clarification for staff when reviewing new industrial land uses in the district.

**FVCSP 2.2.1.C.3**

<table>
<thead>
<tr>
<th>C. Workplace</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.Light Industrial &amp; Telecommunications</td>
</tr>
<tr>
<td>Indoor or outdoor storage, or warehousing as a stand-alone business. Storage and warehousing when conducted as an Accessory Use as defined by FVMC 21.90.020 and as part of an approved use allowed within the district is not prohibited.</td>
</tr>
<tr>
<td>Contractors/maintenance yards</td>
</tr>
</tbody>
</table>

**Page 33 – 2.2.2 Special Retail Configurations – All Districts:**

Special Retail Configurations are intended to limit the size of individual tenants and the total amount of retail permitted for the Activity Core and Convenience Cluster retail “clusters” that are allowed throughout the FVCSP. It is believed that the size limitation was intended to foster pedestrian scale, attract small scale businesses, and to discourage large retail chain stores. However, these thresholds are arbitrary and limit potential desirable businesses from locating in the FVCSP. For example, if a desirable retail use, such as a Trader Joe’s, desired to locate in the area, they would be precluded by the size limitation. Since the intent is to stimulate active uses, pedestrian activity, and redevelopment in the FVCSP area, it is recommended to remove these type of arbitrary restrictions while maintaining the other standards that address design, bulk, parking, and building orientation. The proposed amendment would remove only the maximum square footage limitations for Convenience Clusters. Due to the size of the individual properties in the FVCSP and with the Building Scale Regulations in Section 2.3 of the FVCSP, any proposed retail project would be small in nature unlike a destination retail center such as the Costco Shopping Center. If the proposed change is not adopted, these size restrictions will remain in place and restrict potential development.

**FVCSP 2.2.2.B.2 Convenience Cluster**

| Definition: A small store or cluster of stores integrated into a larger building and facing a public street or open space. Convenience Clusters consist of (permitted) convenience uses, small-scale shopping and personal services that serve homes or businesses located within easy walking distance. |
| a. Special Conditions for Convenience Clusters: |
| i. A maximum size of two thousand five hundred (2,500) square feet per use. |
| ii. A maximum size of five thousand (5,000) square feet total per cluster. |
| iii. Conditional Use Permit: Individual uses larger than two thousand (2,500) square feet. Provided that the use is unique and not already provided within one (1) mile trade area. |
Convenience Cluster Retail must be located on the corner of a block, and the entrance must face a public street, square or plaza space.

Page 44 - 2.5 Street Regulations - All Districts:

Section 2.5 of the FVCSP contains development standards for public and private streets. As defined in Section 2.5 of the FVCSP, a developer is responsible for making required right-of-way improvements to the pedestrian areas (defined as public frontage in the FVCSP) and vehicular areas (defined as thoroughfare in the FVCSP). The proposed code amendment would help define the area for right-of-way improvements to the pedestrian areas by indicating that those improvements include the curb but the required width of those required improvements start at the back of the curb. For example, if the improvement requires a new eight (8) foot wide sidewalk, the improvement would result in an eight (8) foot wide sidewalk, exclusive of the curb. If the proposed change is not adopted, developers will continue to be confused if pedestrian public frontage improvements include, or don't include, the curb.

FVCSP 2.5.1.B.3.i Public Frontage Improvements

i. The installation of new public frontage improvements (from the back-of-sidewalk to the face of curb) is required as development occurs. Any required public frontage improvements with a required minimum dimension shall require improvements of the curb, but the required minimum dimension of the improvement shall be measured from the back-of-sidewalk to the back of curb.

Conclusion:

The proposed amendments will provide clarification and will relax certain criteria with the intention to spark interest in the FVCSP area.

Environmental Clearance:

The Environmental Impact Report (EIR) prepared for the Fountain Valley Crossings Specific Plan and was certified by the City Council on January 23, 2018. For reference, the Final EIR can be accessed at https://www.fountainvalley.org/1278/Fountain-Valley-Crossings. An Addendum to the EIR has been prepared to identify whether the proposed revisions would result in any new significant impacts (CEQA Guidelines Section 15162).

The Addendum determined that no new or substantially more severe significant impacts would occur as a result of the proposed changes. None of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent EIR or CEQA Guidelines Section 15163 requiring preparation of a supplemental EIR have occurred. This Addendum to the adopted EIR is an appropriate level of environmental review for the project revisions, as identified in CEQA Guidelines Section 15164.
Public Notification:

Public hearing notices were mailed to all property owners and commercial tenants within 500 feet of the Specific Plan area. This item was published in the *Fountain Valley View*. Public notices were posted at City Hall, Recreation Center, and Fountain Valley Library. Notices were also mailed to property owners and commercial tenants within the FVCSP area and well as those within a 500’ radius of the FVCSP area.

Alternatives:

1. Adopt Resolution No. 20-07 (Attachment #1) recommending that the City Council approve an Addendum to the FVCSP in accordance with the CEQA and approve Code Amendment No. 19-10, an Amendment to the FVCSP pertaining to the following: allocation of residential units, allowance of residential on the ground floor, setbacks, CEQA requirements, requirements for gym’s and entertainment & recreation uses and additional minor edits as detailed in the staff report.

2. Do not adopt Resolution No. 20-07 recommending that the City Council approve an Addendum to the FVCSP in accordance with the CEQA and Code Amendment No. 19-10 and provide appropriate direction to staff.

Recommended Action:

Staff recommends the Planning Commission adopt Alternative #1: Adopt Resolution No. 20-07 (Attachment #1) recommending that the City Council approve an Addendum to the FVCSP in accordance with the CEQA and approve Code Amendment No. 19-10, an Amendment to the FVCSP pertaining to the following: allocation of residential units, allowance of residential on the ground floor, setbacks, CEQA requirements, requirements for gym’s and entertainment & recreation uses and additional minor edits as detailed in the staff report.

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

Attachment: 1. Resolution No. 20-07 including an Addendum to the Crossings Specific Plan Environmental Impact Report
A RESOLUTION OF THE FOUNTAIN VALLEY PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ADDENDUM TO THE FOUNTAIN VALLEY CROSSINGS SPECIFIC PLAN (FVCSP) IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND CODE AMENDMENT NO. 19-10, AN AMENDMENT TO THE FVCSP PERTAINING TO THE FOLLOWING: ALLOCATION OF RESIDENTIAL UNITS, ALLOWANCE OF RESIDENTIAL ON THE GROUND FLOOR, SETBACKS, CEQA REQUIREMENTS, REQUIREMENTS FOR GYM'S AND ENTERTAINMENT & RECREATION USES AND ADDITIONAL MINOR EDITS INVOLVING THE FOLLOWING: ALLOW PLANNING DIRECTOR APPROVALS FOR ALL EXTERIOR FAÇADE RENOVATIONS; ALLOW SPECIALTY GOODS ANCHORS BY-RIGHT IN THE WORKPLACE NEIGHBORHOOD DISTRICT; ALLOW COMMUNITY ORIENTED ANCHORS AND ENTERTAINMENT & RECREATIONS USES BY-RIGHT IN THE WORKPLACE NEIGHBORHOOD DISTRICT; ALLOW VEHICLE SALES OUTDOORS WITH A CONDITIONAL USE PERMIT IN THE WORKPLACE GATEWAY & MIXED INDUSTRY DISTRICTS; ALLOW ENTERTAINMENT USES BY-RIGHT IN THE WORKPLACE GATEWAY DISTRICT; REMOVE THE MINIMUM SQUARE FOOTAGE REQUIREMENT FOR SPECIALTY GOOD ANCHORS; INCREASE THE NUMBER OF ALLOWABLE SEATS FOR EATING/DINKING ESTABLISHMENTS AS A CONVENIENCE USE IN ALL DISTRICTS; ALLOW FINANCIAL SERVICES BY-RIGHT IN ALL DISTRICTS; ADD ADDITIONAL USES IN THE DEFINITION OF PERSONAL SERVICES FOR ALL DISTRICTS; REQUIRE INDOOR VETERINARY CLINICS TO BE PROHIBITED WHEN ADJACENT TO RESIDENTIAL USES IN ALL DISTRICTS; CLARIFY THAT STORAGE AND WAREHOUSING IS ALLOWED AS AN ACCESSORY USE FOR LIGHT INDUSTRIAL USES; REMOVE THE MAXIMUM SQUARE FOOTAGE REQUIREMENT FOR CONVENIENCE CLUSTERS IN ALL DISTRICTS; AND CLARIFY THE REQUIRED PUBLIC FRONTAGE IMPROVEMENT MEASUREMENTS FOR PROJECTS IN ALL DISTRICTS

WHEREAS, the Fountain Valley City Council adopted the Fountain Valley Crossing Specific Plan (FVCSP) on January 23, 2018; and

WHEREAS, Section 2.1 of the FVCSP contains development standards for the four (4) established Districts; and

WHEREAS, Table 2.4 in each of the four (4) Districts of the FVCSP contains the provisions for street setbacks, respectively; and

WHEREAS, Code Amendment No. 19-10 proposes to adopt standards for street setbacks not already listed; and

WHEREAS, Section 2.0.5.C contains the provisions for new development approvals; and
WHEREAS, it is the City's intent to streamline the approval process and to allow for administrative approvals by the Planning Director for exterior façade remodels; and

WHEREAS, Table 2.1.2.A, ground floor health & exercise clubs require a conditional use permit (CUP) in the Activity Core District; however, Section 2.2.1.A.6 allows these uses by-right; and

WHEREAS, it is the City's intent to remove the CUP requirement and allow ground floor & exercise clubs by-right; and

WHEREAS, Section 2.1.4 contains development standards for the Workplace Gateway District; and

WHEREAS, Table 2.2.1.6 does not permit Entertainment & Recreation uses; and

WHEREAS, it is the City's intent to allow for Entertainment & Recreation uses in the Workplace Gateway District as these land uses can benefit from exposure to the 405 freeway; and

WHEREAS, Section 2.1.2 contains development standards for the Activity Core Overlay; and

WHEREAS, Table 2.1.2.F.1&2 requires that multi-family residential uses be located on upper floors only; and

WHEREAS, it is the City's intent to allow multi-family residential uses on the ground floor subject to certain requirements limiting the percentage of residential uses for a proposed project on the ground floor; and

WHEREAS, the FVCSP Environmental Impact Report (EIR) analyzed and limited the maximum amount of residential units at 491 in the Activity Core Target Area and the Workplace Neighborhood District; and

WHEREAS, it is the City's intent to specify that 491 units are allowed in the FVCSP and allocate a maximum of 245 residential units in the Activity Core Target Area and 246 units in the Workplace Neighborhood District to prohibit the concentration of the 491 units in a single project; and

WHEREAS, Code Amendment No. 19-10 proposes to make minor edits to bring sections into consistency and to allow certain land uses permitted by-right, as indicated in the Planning Commission staff report dated August 12, 2020; and

WHEREAS, the proposed Code Amendment has been publicly noticed in accordance with State Law and the Fountain Valley Municipal Code.
Resolution No. 20-07  
Code Amendment No. 19-10  
Page 3

WHEREAS, the Fountain Valley Planning Commission considered the proposed Code Amendment No. 19-10 at a duly noticed public hearing on August 12, 2020.

NOW, THEREFORE, THE CITY OF FOUNTAIN VALLEY PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

SECTION 1

The Environmental Impact Report (EIR) prepared for the FVCSP and was certified by the City Council on January 23, 2018. For reference, the Final EIR can be accessed at https://www.fountainvalley.org/1278/Fountain-Valley-Crossings

An Addendum to the EIR (Exhibit #1) has been prepared to identify whether the proposed revisions would result in any new significant impacts (CEQA Guidelines Section 15162).

The Addendum determined that no new or substantially more severe significant impacts would occur as a result of the proposed changes. None of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent EIR or CEQA Guidelines Section 15163 requiring preparation of a supplemental EIR have occurred. This Addendum to the adopted EIR is an appropriate level of environmental review for the project revisions, as identified in CEQA Guidelines Section 15164.

SECTION 2

The Planning Commission finds that due notice of the public hearing on August 12, 2020, conducted in the City Council Chambers, 10200 Slater Avenue, Fountain Valley, was given as required by the Fountain Valley Municipal Code, Title 21, and the State of California.

SECTION 3

The Planning Commission finds as follows:

1. The proposed amendment ensures and maintains internal consistency with the actions, goals, objectives, and policies of the General Plan, and would not create any inconsistencies with the FVCPS and/or Development Code. The FVCSP is intended to guide future development with adoption of new policies and development standards to enhance economic development with revenue-generating employment centers supported by compatible residential and commercial growth, while ensuring protection of the community's quality of life and provisions of community benefits; specifically:

   General Plan Goal 2.1  
   Maintain and enhance high quality development throughout the City.
The amendments will further the redevelopment of the Project area, transitioning from primarily industrial and manufacturing uses to high-value mixed-use developments that combine commercial and residential uses to create a cohesive workplace-residential oriented community.

General Plan Goal 2.12
Manage growth and development to insure the maintenance or improvement of the existing quality of life in Fountain Valley.

Implementation of the FVCSP will encourage and enhance development within the Project area by providing regulations to promote infusion of new high profile commercial and light industrial centers, increase visibility of a vibrant revitalized community from the I-405 corridor, attract local employees to become new City residents of the Workplace Neighborhood District, improve mobility within the Project area, and integrate efficient and economical community within the City's transportation network.

The proposed amendment does not propose to allow for any additional housing units nor will it allow for any larger non-residential projects previously analyzed in the EIR. Moreover, Table 3.7-1 of the Final EIR dated January 23, 2018 contains a detailed analysis as to the consistency with the General Plan goals and policies that are applicable to the FVCSP.

The staff report dated August 12, 2020, contains a detailed analysis for the proposed changes to the FVCSP that is determined to be consistent with the General Plan and the Development Code, Title 21;

2. The proposed amendment will not be detrimental to the public convenience, health, interest, safety or welfare of the City. The design, location, shape, size, operating characteristics and the provision of public and emergency vehicle access and public services and utilities (e.g., drainage, fire protection, sewers, water, etc.), will not be altered by the proposed amendments and will still ensure that the FVCSP will not endanger, jeopardize or otherwise constitute a hazard to the public convenience, health, interest, safety or welfare, or injurious to the property or improvements in the vicinity in the FVCSP area;

The FVCSP will provide community benefits such as road connectivity, transitional buffer areas, open space, and office, retail, and community oriented growth. The Specific Plan is also designed to ensure that new development adjacent to existing residential neighborhoods is shaped in scale and character for compatibility, including improvements to the streetscape aesthetic and functional use and that such designs provide for public and emergency vehicle access, public services and utilities. The proposed amendments will not alter these factors and is intended to clarify the elements of the FVCSP to further these outcomes;
3. The proposed amendments have been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's environmental review procedures as indicated in Section 1;

4. The proposed amendment is internally consistent with other applicable provisions of the Development Code. The FVCSP has been developed to provide flexibility and encourage land uses to further the objectives of the Specific Plan in compliance with the Development Code, Title 21. The proposed amendments include minor edits to clarify and ensure internal consistency.

SECTION 4

The Planning Commission finds that the amendments noted in Code Amendment No. 19-10 are consistent with the Fountain Valley General Plan, as noted in Section 3.

SECTION 5

The Planning Commission finds that Code Amendment No. 19-10 is consistent with the Fountain Valley Municipal Code, as well as the Fountain Valley General Plan, and recommends the City Council approve Code Amendment No. 19-10 as set forth in "Exhibit A" attached hereto and incorporated herein.

PASSED APPROVED AND ADOPTED THIS 12th DAY OF AUGUST, 2020

_________________________________  ___________________________________
Chairperson                     Secretary
ADDENDUM
To the
Fountain Valley Crossings Specific Plan

California Environmental Quality Act Guidelines
Section 15164
City Council Resolution No. _______

EXECUTIVE SUMMARY:

This document is an Addendum to the Final Environmental Impact Report (EIR), State Clearinghouse (SCH) No. 2015101042, prepared by the City of Fountain Valley (City) for the Fountain Valley Crossings Specific Plan (FVCSP), approved on January 23, 2018. The Final EIR can be accessed at https://www.fountainvalley.org/1279/Fountain-Valley-Crossings

PROJECT:

On January 23, 2018, the Fountain Valley City Council adopted the FVCSP that contains the development regulations for the Crossing Specific Plan area generally located south of Talbert Avenue, north of Ellis Avenue, east of Ward Street, and west of the Santa Ana River. The FVCSP is divided into the Activity Core Target Area, the Workplace Neighborhood District, the Workplace Gateway District, and the Mixed Industry District.

Code Amendment No. 19-10 (CA) contains the following changes to the Crossings Specific Plan:

- Provide street setback standards for local streets to ensure clarity and consistency.
- Clarify CEQA approval process to remove ambiguity and ensure the intended streamlined review.
- Allow gyms on the ground floor as a permitted use in the Activity Core to encourage active uses and to facilitate the reuse of existing one-story buildings.
- Allow Entertainment & Recreation uses in the Workplace Gateway District with a conditional use permit to take advantage of the valuable freeway frontage and encourage active uses.
- Allow ground floor residential uses when commercial uses are located along the street frontage to provide design flexibility and development options that still meet the intent of activating the street.
- Specify the maximum number of residential units permitted and allocate residential units equitably.
- Allow Planning Director approvals for all exterior facade renovations to streamline the application process.
- All Specialty Goods Anchors (retail) by-right in the Workplace Neighborhood District to streamline the application process.
- Allow Community Oriented Anchors and Entertainment & Recreations uses by-right in the Workplace Neighborhood District to expand use options and serve residents.
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- Allow vehicle sales outdoors with a conditional use permit in the Workplace Gateway & Mixed Industry Districts to accommodate a standard industry practice and allow options.
- Allow entertainment uses by-right in the Workplace Gateway District to expand use options in an area far from noise sensitive uses.
- Remove the minimum square footage requirement for Specialty Good Anchors (non-food retail stores) as it is an artificial and unnecessary limitation.
- Increase the number of allowable seats for eating/drinking establishments as a Convenience Use in all Districts to be consistent with recent amendments to the Municipal Code.
- Allow Financial Services by-right in all Districts to expand use options and serve residents.
- Add additional uses in the definition of Personal Services for all Districts.
- Require Indoor Veterinary Clinics to be prohibited when adjacent to residential uses in all Districts to minimize noise and odor impacts.
- Clarify that storage and warehousing is allowed as an accessory use for Light Industrial uses.
- Remove the maximum square footage requirement for Convenience Clusters in all Districts as it is an artificial and unnecessary limitation.
- Clarify the required public frontage improvement measurements for projects in all Districts.

PURPOSE OF ADDENDUM:

In accordance with the California Environmental Quality Act (CEQA) and Section 15164 of the CEQA Guidelines, an Addendum to a certified EIR may be prepared if only minor technical changes or additions are necessary or none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR have occurred.

CEQA Section 16164. ADDENDUM TO AN EIR OR NEGATIVE DECLARATION

(a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

(c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.

(d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.

(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the
project, or elsewhere in the record. The explanation must be supported by substantial evidence.

The City of Fountain Valley has evaluated the potential environmental impacts of the proposed modifications as set forth below. The City, acting as the Lead Agency, has determined that none of the CEQA conditions listed above apply and that this Addendum to the adopted Final EIR is the appropriate environmental documentation for the proposed modifications and fully complies with CEQA, as described in the CEQA Guidelines. An addendum does not need to be circulated for public review, but rather can be attached to the Final EIR (CEQA Guidelines §15164(c)). Prior to initiating the modified Project, the City will consider this Addendum together with the adopted Final EIR and will make a decision regarding the modified Project [CEQA Guidelines §15164(d)]

ENVIRONMENTAL ANALYSIS:

The California Environmental Quality Act (CEQA) requires an EIR analysis to "identify and focus on the significant environmental effects of a proposed project" (CEQA Guidelines, §15126.2(a) and Public Resources Code Section 21000(a). The emphasis of the EIR should be placed on the potential "physical" adverse effects of a proposed project.

CEQA Guidelines §15360 defines "environment" as the physical conditions that exist within the area that will be affected by a proposed project including, but not limited to, land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. The guidelines further define the area involved as the area in which significant effects would occur either directly or indirectly as a result of the project. The "environment" includes both natural and human-made conditions.

CEQA Guidelines §15382 further clarifies the definition of "significant effect on the environment" as a substantial, or potential substantial, adverse change in any of the physical conditions within the area affected by the project. An economic or social change by itself shall not be considered a significant effect on the environment. However, that economic or social change that may have a physical impact (such as urban decay) should be considered in an EIR (Bakersfield Citizens for Local Control v. City of Bakersfield (2004) 124 Cal.App.4th 1184).

For each impact section, thresholds for determining impact significance are identified along with descriptions of methodologies used to conduct the impact analysis. Determinations of impact significance levels in the EIR are made based on City impact significance guidelines and criteria for each impact topic, including Appendix G of the CEQA Guidelines. For some resource areas, such as air quality, transportation, and noise, the analysis of impacts are more quantitative in nature and involve the comparison of effects against a numerical threshold. For other resource areas, such as aesthetics and visual resources and land use, the analyses of impacts are inherently more qualitative, involving the consideration of a variety of factors, such as City policies.

The EIR impact discussions classify impact significance levels as:

1. **Significant and Unavoidable** - a significant impact to the environment that remains
significant even after mitigation measures are applied;

2. **Less Than Significant with Mitigation** - a significant impact that can be avoided or reduced to a less than significant level with mitigation;

3. **Less Than Significant** - a potential impact that would not meet or exceed the identified thresholds of significance for the resource area;

4. **No Impact** – no impact would occur for the resource area; and

5. **Beneficial** – a potential impact that would improve the resource area.

The following environmental impact topics were originally analyzed in the Final EIR for the FVSP adopted by the City Council on January 23, 2018. As outlined below, the proposed changes to the FVCSP will have **No Impact** on any identified environmental impacts.

**Aesthetics:**

The FVCSP includes development standards and design guidelines to ensure that future projects develop structures that would maintain and enhance the area’s visual character. The proposed CA does not affect any sections of the FVCSP pertaining to design guidelines, specifically 2.8, Architectural Regulations. The CA will establish setbacks for non-arterial streets consistent with established setbacks in the FVCSP to help ensure the aesthetics of the FVCSP meet the original vision and intent of the plan.

**Air Quality:**

The certified FVCSP Final EIR accounted for short-term construction impacts. When the EIR was evaluated against SCAQMD’s project-level thresholds, both the construction and operational emissions of land use changes anticipated to occur under the Project would not exceed SCAQMD’s project-specific thresholds. The impact was determined to be less than significant in the EIR. The proposed CA does not propose to allow for any additional housing units nor will it allow for any larger non-residential projects previously analyzed in the EIR. Therefore, the CA would not create new or additional impacts to air or change the analysis and conclusions provided in the Final EIR.

**Geology and Soils:**

The proposed CA does not propose to allow for any additional housing units nor will it allow for any larger non-residential projects previously analyzed in the EIR. No mitigation measures were required as indicated in the FVCSP EIR for geology and soils. Therefore, no new significant construction impacts affecting geology and soils would occur as a result of the proposed CA.

**Greenhouse Gas Emissions:**

The FVCSP EIR concluded that the Project would not conflict with any applicable plan, policy, or regulation pertaining to GHGs, and the impact would be less than significant. The
proposed CA does not propose to allow for any additional housing units nor will it allow for any larger non-residential projects previously analyzed in the EIR. Therefore, the CA would not create new or additional impacts to GHGs or change the analysis and conclusions provided in the Final EIR.

**Hazards and Hazardous Materials:**

The FVCSP EIR included one (1) mitigation measure requiring that prior to any demolition of existing structures, applicants shall conduct a comprehensive survey on hazards and hazardous materials and follow all applicable procedures related to the treatment, handling, and disposal of all hazardous materials to ensure public safety. Projects proposed in the FVCSP area will be required to undergo individual environmental review, including review of potential impacts related to hazards and hazardous materials that are applicable to that particular development site and proposed use. Additionally, land use changes in the FVCSP area will facilitate the safe removal of potentially hazardous building materials and the cleanup of contaminated properties, thus reducing the level of risk on a particular site in the nearby vicinity and within the Project area as a whole, compared to existing conditions. The proposed CA is regulatory and no physical project is proposed at this time. The mitigation measure will still be applicable to new development. Therefore, the proposal would not result in any new or more intense significant impacts.

**Hydrology and Water Quality:**

The proposed CA does not propose to allow for any additional housing units nor will it allow for any larger non-residential projects previously analyzed in the EIR. No mitigation measures were required as indicated in the FVCSP EIR. Therefore, no new significant construction impacts affecting hydrology and water quality would occur as a result of the proposed CA.

**Land Use and Planning Policies:**

In addition to cumulatively considered projects, all pending and future projects allowed under the FVCSP Project are required to be consistent with the FVCSP and may be required to undergo Development Review and/or Development Agreement processing and other discretionary land use actions to determine consistency with established land use policies and regulations.

As indicated in the Planning Commission staff report dated August 12, 2020, the following changes to the FVCSP are summarized as follows:

- Provide street setback standards for local streets to ensure clarity and consistency.
- Clarify CEQA approval process to remove ambiguity and ensure the intended streamlined review.
- Allow gyms on the ground floor as a permitted use in the Activity Core to encourage active uses and to facilitate the reuse of existing one-story buildings.
- Allow Entertainment & Recreation uses in the Workplace Gateway District with a conditional use permit to take advantage of the valuable freeway frontage and encourage active uses.
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- Allow ground floor residential uses when commercial uses are located along the street frontage to provide design flexibility and development options that still meet the intent of activating the street.
- Specify the maximum number of residential units permitted and allocate residential units equitably.
- Allow Planning Director approvals for all exterior façade renovations.
- All Specialty Goods Anchors (retail) by-right in the Workplace Neighborhood District.
- Allow Community Oriented Anchors and Entertainment & Recreation use by-right in the Workplace Neighborhood District.
- Allow vehicle sales outdoors with a conditional use permit in the Workplace Gateway & Mixed Industry Districts.
- Allow entertainment uses by-right in the Workplace Gateway District.
- Remove the minimum square footage requirement for Specialty Good Anchors (non-food retail stores)
- Increase the number of allowable seats for eating/drinking establishments as a Convenience Use in all Districts.
- Allow Financial Services by-right in all Districts.
- Add additional uses in the definition of Personal Services for all Districts.
- Require Indoor Veterinary Clinics to be prohibited when adjacent to residential uses in all Districts.
- Clarify that storage and warehousing is allowed as an accessory use for Light Industrial uses.
- Remove the maximum square footage requirement for Convenience Clusters in all Districts.
- Clarify the required public frontage improvement measurements for projects in all Districts.

The proposed CA will not implement any new land uses or building area that were not originally analyzed in the Final EIR. Any proposed new land use in the FVCSP area will be reviewed by the Planning Department in compliance with FVCSP and Title 21 of the Municipal Code.

Noise:

Cumulative projects in the area would contribute to increased traffic and related noise levels, primarily on arterials and major roadways; however, future development would require City planning review to ensure compliance with City noise policies and regulations. One (1) mitigation measure was required by the FVCSP EIR regarding projects that requires a construction noise management plan. The mitigation measure also requires that construction activities be compliant with Section 6.28.070 of the Municipal Code. This mitigation measure will still be applicable to new uses and development. The proposed CA will not result in any new or additional impacts to noise, or change the analysis and conclusions in the Final EIR.

Population and Housing:

The FVCSP EIR analyzed the potential impacts associated with the development of 491 residential units. The proposed CA will not increase the maximum number of residential units
allowed. Therefore the proposal will not result in any new or more intense significant impacts. The proposed CA will not result in any new or additional impacts to population, or change the analysis and conclusions in the Final EIR.

Public Services:

Individual development projects that occur in the FVCSP area would be subject to adopted City policies and regulations requiring the payment and contribution of development impact fees, which will adequately address the cumulative impacts on public facilities, infrastructure and parks to a cumulatively less than significant level. Further, with increased demand from development, the annual City budget allocation process would allow consideration of the hiring of additional public safety, library, or park personnel as needed. Fiscal impacts of such increases in staffing would also be addressed through standard budgetary review. The City Council will address police and fire departmental budget, staffing, and equipment needs as part of the annual budgetary process. The proposed CA does not propose any new development projects, increase in units or non-residential area, and there are no proposed land uses that were not originally analyzed in the Final EIR. The proposed CA will not result in any new or additional impacts to public services and facilities, or change the analysis and conclusions in the Final EIR.

Transportation, Circulation, and Traffic:

As indicated in the FVCSP EIR, build-out associated with the proposed Specific Plan would include up to 785,532 square feet of new office floor area, 134,010 square feet of new retail floor area, and up to 491 residential units projected to occur through 2035. The FVCSP EIR has implemented four (4) mitigation measures to mitigate construction and development fees for intersection improvements.

Mitigation Measures MM T-1. Construction Impact Mitigation Plan:

Future development occurring under the FVCSP shall be required to prepare a Construction Impact Mitigation Plan for review and approval prior to issuance of a grading or building permit to address and manage traffic during construction and shall be designed to:

- Prevent traffic impacts on the surrounding roadway network;
- Minimize parking impacts both to public parking and access to private parking to the greatest extent practicable;
- Ensure safety for both those constructing the project and the surrounding community; and
- Prevent substantial truck traffic through residential neighborhoods

The Construction Impact Mitigation Plan shall be subject to review and approval by the following City departments: Planning & Building, Public Works, and Police to ensure that the Construction Impact Mitigation Plan has been designed in accordance with this mitigation measure. Additionally, the plan shall be prepared and implemented in coordination with any affected agencies such as OCTA and Caltrans. The review of the plan shall occur prior to issuance of grading or building permits. With implementation of the mitigation measure for
construction traffic, construction-traffic impacts would be reduced to less than significant with mitigation.

**MM T-2a Amended Implementation and Funding/Financing Strategy for the Fountain Valley Crossings Specific Plan:**

The FVCSP requires to a subsequent fee justification study, identify costs for transportation improvements, apportion costs for improvements, and include fair share projected costs for each funded and unfunded improvement. Prior to approval of the first entitlements for a development within the Project area, the City must adopt the regular fee update schedule for identified intersection improvements. The City shall coordinate with neighboring jurisdictions to identify intersection improvements, apportion costs for improvements, and scheduling of proposed improvements.

**MM T-2b Intersection Improvements Impact Fee:**

The FVCSP requires a traffic signal to be installed at the intersection of Talbert Avenue & Mt. Washington Street. The traffic signal project was completed in February of 2020.

**MM T-7 Intersection Modifications:**

The FVCSP identified the need for capacity improvements at the intersection of Ellis Avenue and Ward Street. In accordance with MM T-2a, the approved improvements shall be included in the Implementation/Funding/Financing Strategy and any proposed development project applicants with in the FVCSP area shall pay a fair share contribution towards these improvements.

The proposed CA does not propose to allow for any additional housing units nor will it allow for any larger non-residential projects previously analyzed in the EIR. In addition, the mitigation measures will still be applicable to new uses and projects. The proposed CA will not result in any new or additional impacts to transportation, circulation and traffic, or change the analysis and conclusions in the Final EIR. Any new project proposed in the FVCSP will be reviewed in compliance with the findings in the Final EIR. Should a significant impact to transportation, circulation and traffic be determined for a proposed project, the appropriate CEQA analysis shall be required.

**Utilities:**

The FVCSP EIR included one (1) mitigation measure regarding projects that would potentially trigger the need for expansion or replacement of individual sewer lines. All new development projects shall be conditioned to be subject to payment of its fair share of any impact fees.

Planned and pending development in the City includes multiple mixed-use development, large scale commercial development, and capital improvement projects. These projects are also expected to contribute to additional population increases in the City either through residential development or through generation of additional employment opportunities, thereby increasing demand for the City's utility infrastructure services. New projects in the
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FVCSP have the potential to increase the demand on utility services; however, these projects would be required to comply with standards for the provision of adequate utility services set forth in the City’s General Plan and Municipal Code, and would be subject to City planning and review processes that would ensure that adequate utility infrastructure. Developers are required to pay development impact fees to offset any impacts to utility service infrastructure and capacities. As such, cumulatively the Project would not result in any significant or adverse effects on utilities and the provision of these services.

The proposed CA does not propose to allow for any additional housing units nor will it allow for any larger non-residential projects previously analyzed in the EIR. In addition, the mitigation measures will still be applicable to new uses and projects. The proposed CA will not result in any new or additional impacts to transportation, circulation and traffic utilities, or change the analysis and conclusions in the Final EIR.

Energy Conservation:

No mitigation measures were required as indicated in the FVCSP EIR with regards to energy conservation. Potential future development in the FVCSP would incrementally contribute to the need for regional energy production and distribution facilities. These facilities are operated and maintained by private utility companies that plan for anticipated growth. Electric and natural gas services are provided upon demand from consumers and expanded as needed to meet demand, consistent with applicable local, state, and federal regulations. Additionally, all new buildings must be designed to conform to the California Green Building Standards Code and the 2019 California Energy Code adopted by the City under Title 12 of the FVMC.

The proposed CA does not propose to allow for any additional housing units nor will it allow for any larger non-residential projects previously analyzed in the EIR. In addition, the mitigation measures will still be applicable to new uses and projects. The proposed CA will not result in any new or additional impacts to energy conservation, or change the analysis and conclusions in the Final EIR.

Tribal Cultural Resources:

Development of individual construction projects may result in excavation or grading that could potentially affect buried tribal cultural resources. The FVCSP EIR has implemented three (3) mitigation measures. Further, compliance with existing regulations prescribed in California Health and Safety Code Section 7050.5, CEQA Section 15064.5, and Public Resources Code Section 5097.98, would effectively mitigate adverse impacts to human remains. The proposed CA does not propose to allow for any additional housing units nor will it allow for any larger non-residential projects previously analyzed in the EIR. In addition, the mitigation measures will still be applicable to new uses and projects. The proposed CA will not result in any new or additional impacts to tribal cultural resources, or change the analysis and conclusions in the original EIR. Therefore, the proposed Project would not have a substantial contribution to cumulatively significant impacts to tribal cultural resources.
SUMMARY OF ENVIRONMENTAL EFFECTS:

As discussed in this Addendum, the proposed modifications would not change the conclusions of the certified Final EIR. The proposed modifications would not result in a new significant impact or substantially increase the severity of a previously identified significant impact. No mitigation is required beyond the existing commitments contained within the MMRP. All proposed development projects will be analyzed against the findings of the FVCSP EIR and be required to comply with the mitigation measures listed in the Final EIR. The proposed CA to the FVCSP does not meet any of the conditions that would require the preparation of a subsequent or supplemental EIR as set forth in Sections 15162 and 15163 of the CEQA Guidelines.

DETERMINATION:

Section 15164(a) of the CEQA Guidelines states the following:

The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for the preparation of subsequent EIR have occurred. The proposed modifications to the original Project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Furthermore, new information associated with the proposed modifications does not indicate that: the Project will have one or more significant effects not discussed in the adopted Final EIR; significant effects previously examined will be substantially more severe than shown in the adopted Final EIR; mitigation measures or alternatives previously found not to be feasible would in fact be feasible; or mitigation measures or alternatives which are considerably different from those analyzed in the adopted Final EIR would substantially reduce one or more significant effects on the environment. Accordingly, an addendum has been prepared as opposed to a supplemental or subsequent EIR. The City of Fountain Valley is adopting this Addendum in accordance with the CEQA Guidelines Section 16164.
ORDINANCE NO.__________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY APPROVING AN ADDENDUM TO THE FOUNTAIN VALLEY CROSSINGS SPECIFIC PLAN (FVCSP) IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND CODE AMENDMENT NO. 19-10, AN AMENDMENT TO THE FVCSP PERTAINING TO THE FOLLOWING: ALLOCATION OF RESIDENTIAL UNITS, ALLOWANCE OF RESIDENTIAL ON THE GROUND FLOOR, SETBACKS, CEQA REVIEW PROCEDURES, REQUIREMENTS FOR GYM'S AND ENTERTAINMENT & RECREATION USES AND ADDITIONAL MINOR EDITS INVOLVING THE FOLLOWING: ALLOWING PLANNING DIRECTOR APPROVALS FOR ALL EXTERIOR FACADE RENOVATIONS; ALLOWING SPECIALTY GOODS ANCHORS BY-RIGHT IN THE WORKPLACE NEIGHBORHOOD DISTRICT; ALLOWING COMMUNITY ORIENTED ANCHORS AND ENTERTAINMENT & RECREATIONS USES BY-RIGHT IN THE WORKPLACE NEIGHBORHOOD DISTRICT; ALLOWING VEHICLE SALES OUTDOORS WITH A CONDITIONAL USE PERMIT IN THE WORKPLACE GATEWAY & MIXED INDUSTRY DISTRICTS; ALLOWING ENTERTAINMENT USES BY-RIGHT IN THE WORKPLACE GATEWAY DISTRICT; REMOVING THE MINIMUM SQUARE FOOTAGE REQUIREMENT FOR SPECIALTY GOOD ANCHORS; INCREASING THE NUMBER OF ALLOWABLE SEATS FOR EATING/DRINKING ESTABLISHMENTS AS A CONVENIENCE USE IN ALL DISTRICTS; ALLOWING FINANCIAL SERVICES AND GYM'S IN ALL DISTRICTS; ADDING ADDITIONAL USES IN THE DEFINITION OF PERSONAL SERVICES FOR ALL DISTRICTS; REQUIRING INDOOR VETERINARY CLINICS TO BE PROHIBITED WHEN ADJACENT TO RESIDENTIAL USES IN ALL DISTRICTS; CLARIFYING THAT STORAGE AND WAREHOUSING IS ALLOWED AS AN ACCESSORY USE FOR LIGHT INDUSTRIAL USES; REMOVING THE MAXIMUM SQUARE FOOTAGE REQUIREMENT FOR CONVENIENCE CLUSTERS IN ALL DISTRICTS; AND CLARIFYING THE REQUIRED PUBLIC FRONTAGE IMPROVEMENT MEASUREMENTS FOR PROJECTS IN ALL DISTRICTS

WHEREAS, the Fountain Valley City Council adopted the Fountain Valley Crossing Specific Plan (FVCSP) on January 23, 2018; and

WHEREAS, Section 2.1 of the FVCSP contains development standards for the four (4) established Districts; and

WHEREAS, Table 2.4 in each of the four (4) Districts of the FVCSP contains the provisions for street setbacks, respectively; and

WHEREAS, Code Amendment No. 19-10 proposes to adopt standards for street setbacks not already listed; and
WHEREAS, Section 2.0.5.C contains the provisions for new development approvals; and

WHEREAS, it is the City's intent to streamline the approval process and to allow for administrative approvals by the Planning Director for exterior façade remodels; and

WHEREAS, Table 2.1.2.A, ground floor health & exercise clubs require a conditional use permit (CUP) in the Activity Core District; however, Section 2.2.1.A.6 allows these uses by-right; and

WHEREAS, it is the City's intent to remove the CUP requirement and allow ground floor & exercise clubs by-right; and

WHEREAS, Section 2.1.4 contains development standards for the Workplace Gateway District; and

WHEREAS, Table 2.2.1.6 does not permit Entertainment & Recreation uses; and

WHEREAS, it is the City's intent to allow for Entertainment & Recreation uses in the Workplace Gateway District as these land uses can benefit from exposure to the 405 freeway; and

WHEREAS, Section 2.1.2 contains development standards for the Activity Core Overlay; and

WHEREAS, Table 2.1.2.F.1&2 requires that multi-family residential uses be located on upper floors only; and

WHEREAS, it is the City's intent to allow multi-family residential uses on the ground floor subject to certain requirements limiting the percentage of residential uses for a proposed project on the ground floor; and

WHEREAS, the FVCSP Environmental Impact Report (EIR) analyzed and limited the maximum amount of residential units at 491 in the Activity Core Target Area and the Workplace Neighborhood District; and

WHEREAS, it is the City's intent to specify that 491 units are allowed in the FVCSP and allocate a maximum of 245 residential units in the Activity Core Target Area and 246 units in the Workplace Neighborhood District to prohibit the concentration of the 491 units in a single project; and

WHEREAS, Code Amendment No. 19-10 proposes to make minor edits to bring sections into consistency and to allow certain land uses permitted by-right, as indicated in the Planning Commission staff report dated August 12, 2020; and
WHEREAS, on August 12, 2020, the Fountain Valley Planning Commission considered the proposed Code Amendment No. 19-10 at a duly noticed public hearing and recommended the City Council approve an Addendum to the FVCSP Final EIR and approve CA 19-10 to amend FVCSP; and

WHEREAS, the proposed Code Amendment No. 19-10 has been publicly noticed in accordance with State Law and the Fountain Valley Municipal Code.

SECTION 1

The Environmental Impact Report (EIR) prepared for the Fountain Valley Crossings Specific Plan and was certified by the City Council on January 23, 2018. For reference, the Final EIR can be accessed at https://www.fountainvalley.org/1278/Fountain-Valley-Crossings

An Addendum to the EIR (Exhibit #1) has been prepared to identify whether the proposed revisions would result in any new significant impacts (CEQA Guidelines Section 15162).

The Addendum determined that no new or substantially more severe significant impacts would occur as a result of the proposed changes. None of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent EIR or CEQA Guidelines Section 15163 requiring preparation of a supplemental EIR have occurred. This Addendum to the adopted EIR is an appropriate level of environmental review for the project revisions, as identified in CEQA Guidelines Section 15164.

SECTION 2

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

SECTION 3

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

1. The proposed amendment ensures and maintains internal consistency with the actions, goals, objectives, and policies of the General Plan, and would not create any inconsistencies with the FVCPS and/or Development Code. The FVCSP is intended to guide future development with adoption of new policies and development standards to enhance economic development with revenue-generating employment centers supported by compatible residential and commercial growth, while ensuring protection of the community's quality of life and provisions of community benefits; specifically:
Exhibit “A”

General Plan Goal 2.1
Maintain and enhance high quality development throughout the City.

The amendments will further the redevelopment of the Project area, transitioning from primarily industrial and manufacturing uses to high-value mixed-use developments that combine commercial and residential uses to create a cohesive workplace-residential oriented community.

General Plan Goal 2.12
Manage growth and development to insure the maintenance or improvement of the existing quality of life in Fountain Valley.

Implementation of the FVCSP will encourage and enhance development within the Project area by providing regulations to promote infusion of new high profile commercial and light industrial centers, increase visibility of a vibrant revitalized community from the I-405 corridor, attract local employees to become new City residents of the Workplace Neighborhood District, improve mobility within the Project area, and integrate efficient and economical community within the City’s transportation network.

The proposed amendment does not propose to allow for any additional housing units nor will it allow for any larger non-residential projects previously analyzed in the EIR. Moreover, Table 3.7-1 of the Final EIR dated January 23, 2018 contains a detailed analysis as to the consistency with the General Plan goals and policies that are applicable to the FVCSP.

The Planning Commission staff report dated August 12, 2020, contains a detailed analysis for the proposed changes to the FVCSP that is determined to be consistent with the General Plan and the Development Code, Title 21;

2. The proposed amendment will not be detrimental to the public convenience, health, interest, safety or welfare of the City. The design, location, shape, size, operating characteristics and the provision of public and emergency vehicle access and public services and utilities (e.g., drainage, fire protection, sewers, water, etc.), will not be altered by the proposed amendments and will still ensure that the FVCSP will not endanger, jeopardize or otherwise constitute a hazard to the public convenience, health, interest, safety or welfare, or injurious to the property or improvements in the vicinity in the FVCSP area;

The FVCSP will provide community benefits such as road connectivity, transitional buffer areas, open space, and office, retail, and community oriented growth. The Specific Plan is also designed to ensure that new development adjacent to existing residential neighborhoods is shaped in scale and character for compatibility, including improvements to the streetscape aesthetic and functional use and that such designs provide for public and emergency vehicle access, public services and utilities. The proposed amendments will not alter these factors and is intended to clarify the elements of the FVCSP to further these outcomes;
Exhibit “A”

3. The proposed amendments have been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City’s environmental review procedures as indicated in Section 1;

4. The proposed amendment is internally consistent with other applicable provisions of the Development Code. The FVCSP has been developed to provide flexibility and encourage land uses to further the objectives of the Specific Plan in compliance with the Development Code, Title 21. The proposed amendments include minor edits to clarify and ensure internal consistency.

SECTION 4

The FVCSP is hereby amended to read as follows:

**Street Setbacks:**

<table>
<thead>
<tr>
<th><strong>FVCSP 2.1.2. - Activity Core:</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.4.3 Front Yard Setback</strong></td>
<td></td>
</tr>
<tr>
<td>Minimum / maximum – Talbert Ave.</td>
<td>0 ft. / 10 ft.</td>
</tr>
<tr>
<td>Minimum – Newhope St., Condor Ave., Mt. Washington St., Euclid St., or any new streets</td>
<td>10 ft.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>FVCSP 2.1.3.A – Workplace Neighborhood:</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.4.3 Front Yard Setback</strong></td>
<td></td>
</tr>
<tr>
<td>Minimum / maximum – Talbert Ave.</td>
<td>10 ft. / 25 ft.</td>
</tr>
<tr>
<td>Minimum – Newhope St., Euclid St., Mt. Shay St., Kalama River Ave., Condor Ave., Mt. Washington St., or any new streets</td>
<td>10 ft.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>FVCSP 2.1.4.A – Workplace Gateway</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.4.3 Front Yard Setback</strong></td>
<td></td>
</tr>
<tr>
<td>Minimum / maximum – Euclid St.</td>
<td>15 ft. / 25 ft.</td>
</tr>
<tr>
<td>Minimum – Newhope St., Kalama River Ave., Ward St., Condor St., Mt. Baldy Cir, Spencer Ave., Pacific St., Mt. Langley St., or any new streets</td>
<td>10 ft.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>FVCSP 2.1.5.A – Mixed Industry District</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.4.3 Front Yard Setback</strong></td>
<td></td>
</tr>
<tr>
<td>Minimum / maximum – Ellis Ave.</td>
<td>15 ft. / 25 ft.</td>
</tr>
<tr>
<td>Minimum – Lawson River Ave., Ward St., Bechler River Ave., Amistad St., Mt. Langley St., Bandelier Cir., Pacific St., Virginia Cir., or any new streets</td>
<td>10 ft.</td>
</tr>
</tbody>
</table>
Exhibit “A”

CEQA Approvals:

2.0.5.D Environmental Determination

1. The Planning Manager has the authority to approve or deny a CEQA Exemption, Negative Declaration, or Mitigated Negative Declaration, or an Addendum to a Negative Declaration or Mitigated Negative Declaration.
   a. If a project includes an EIR or an Addendum to an EIR, does not qualify for an exemption, it shall be reviewed by the Planning Commission.
2. The Planning Commission decision-making body has the authority to certify an Environmental Impact Report.

Ground Floor Health & Exercise Clubs:

2.1.2.A Development Standards Chart

<table>
<thead>
<tr>
<th>Use:</th>
<th>Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>(U2) Live Entertainment and Dancing</td>
<td>permitted (U5)</td>
</tr>
<tr>
<td>(U3) Large Scale Specialty Goods and</td>
<td></td>
</tr>
<tr>
<td>Foods Only (see section 2.2.1)</td>
<td></td>
</tr>
<tr>
<td>(U5) Ground Floor Health &amp; Exercise Clubs</td>
<td></td>
</tr>
<tr>
<td>(U6) Telecommunications facilities are</td>
<td></td>
</tr>
<tr>
<td>allowed pursuant to the requirements of</td>
<td></td>
</tr>
<tr>
<td>FVMC Chapter 21.29 Wireless Communications</td>
<td></td>
</tr>
<tr>
<td>(U7) Only Health &amp; Exercise Clubs</td>
<td></td>
</tr>
</tbody>
</table>

Entertainment & Recreation – Workplace Gateway District:

2.2 Building Use Regulations | Standards

2.2.1 Use Types

<table>
<thead>
<tr>
<th>Use:</th>
<th>Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Retail</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Entertainment &amp; Recreation</td>
<td>(--- to be deleted) conditional</td>
</tr>
</tbody>
</table>

...
Ground Floor Residential Uses

<table>
<thead>
<tr>
<th>FVCSP 2.1.2. Activity Core</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.2 Building Use Regulations</td>
</tr>
<tr>
<td>F. Residential</td>
</tr>
<tr>
<td>1. Multi-Family w/ Common Entry</td>
</tr>
<tr>
<td>2. Multi-Family w/ Individual Entries</td>
</tr>
</tbody>
</table>

Special Conditions:

(C2) Upper floors only

(C10) Courtyard buildings may exceed the indicated length as defined in 2.3.3 Building Length

(C14) Permitted on upper floors only or on the ground floor only in the following instances:

1. The project is a horizontal mixed-use design (separate residential and non-residential buildings) and the building on the primary street frontage is devoted to the retail uses noted in Section 2.1.2 Activity Core; or

2. The project is located on a corner and at least 80% of the ground floor on the primary street frontage and at least 10% of the ground floor on the secondary street frontage are devoted to the retail uses noted in Section 2.1.2, Activity Core.

3. Ground floor residential units fronting on a public street shall be designed with features such as, but not limited to, building offsets, landscape pockets, private courtyards/balconies, stoops, residential privacy screens, and other design options that serve to help buffer residences from sidewalks, eliminate blank building faces along sidewalks, to create variations in architectural design.

(C15) Only on half bay or one full bay of parking is permitted

Residential Unit Allocation:

FVCSP 2.2.1.F

F. Residential

Definition: All owner and renter-occupied dwelling units, including attached and detached houses, multi-unit buildings, and manufactured housing.

Special Conditions:

i. A maximum of 491 residential units may be constructed within the Activity Core Target Area and Workplace Neighborhood District. The units shall be allocated among the two districts as follows: 245 allocated to the Activity Core Target Area and 246 provided in the Workplace Neighborhood District.

ii. The units will be allocated on a first-come-first serve basis; however, any single project proposing to utilize more than 33% of the total unit allocation
Miscellaneous Amendments:

The following miscellaneous amendments to the FVCSP are grouped by page number and shown in the appropriate code section:

Page 19 – Exterior Renovations – All Districts:

2.0.1.A New Development, Additions, Exterior Renovations, Reconsctions, and Site Improvements
"...
5. Where exterior façade renovations (not additions or replacement) are made to existing buildings, architectural and sign regulations shall apply to that portion of the building being renovated and shall be subject to review and approval of the Planning Director. No other Specific Plan requirements shall be required.
"...

Page 20 – Exterior Façade Renovations – All Districts:

2.0.5.C Development Plan Review Hearings
"...
 c. Exterior façade renovations that change the character of existing street facing facades or facades that are clearly visible from public right of ways shall be subject to review and approval of the Planning Director.
"...

Page 26 – Specialty Goods Anchors – Workplace Neighborhood District, Community Oriented Anchors, Entertainment & Recreation – Activity Core

<table>
<thead>
<tr>
<th>VCSP 2.1.3 Workplace Neighborhood</th>
<th>Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.2 Building Use Regulations</td>
<td></td>
</tr>
<tr>
<td>2.2.1 Use Types</td>
<td></td>
</tr>
<tr>
<td>A. Retail</td>
<td>Conditional permitted</td>
</tr>
<tr>
<td>1. Specialty Goods Anchors</td>
<td>--- (--- to be deleted) permitted</td>
</tr>
<tr>
<td>2. Community Oriented Anchors</td>
<td>--- (--- to be deleted) permitted</td>
</tr>
<tr>
<td>6. Entertainment &amp; Recreation</td>
<td>--- (--- to be deleted) permitted</td>
</tr>
</tbody>
</table>
### Exhibit “A”

**Page 28 – Vehicle Sales – Workplace Gateway District:**

<table>
<thead>
<tr>
<th>2.1.4 Workplace Gateway</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Use:</td>
<td>--</td>
</tr>
<tr>
<td>(U4) Vehicle Sales – conditional <strong>as indoors-only</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2.2 Building Use Regulations</th>
<th>Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.2.1 Use Types</td>
<td></td>
</tr>
<tr>
<td>A. Retail</td>
<td></td>
</tr>
<tr>
<td>3. Entertainment Anchors</td>
<td><em><strong>--- (--- to be deleted) permitted</strong></em></td>
</tr>
<tr>
<td>6. Entertainment &amp; Recreation</td>
<td><em><strong>--- (--- to be deleted) permitted</strong></em></td>
</tr>
</tbody>
</table>

**Page 30 – Vehicle Sales – Mixed Industry District:**

<table>
<thead>
<tr>
<th>2.1.5 Mixed Industry District</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Use:</td>
<td>--</td>
</tr>
<tr>
<td>(U4) Vehicle Sales – conditional <strong>as indoors-only</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Page 32 – Size of Specialty Good Anchors – All Districts:**

**FVCSP 2.2.1.A.1**

<table>
<thead>
<tr>
<th>A. Retail</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Specialty Goods Anchors</td>
<td></td>
</tr>
<tr>
<td><strong>Definition:</strong> A “regional destination” non-food retail store that is at least 30,000 square feet in size and can potentially generate significant pedestrian traffic to adjacent businesses, such as those listed.</td>
<td></td>
</tr>
</tbody>
</table>

**Page 32 – Eating and Drinking Establishments – All Districts:**

**FVCSP 2.2.1.A.7**

<table>
<thead>
<tr>
<th>A. Retail</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>7. Convenience Uses</td>
<td></td>
</tr>
<tr>
<td>Eating &amp; drinking establishments w/ less than <strong>42 50 seats</strong></td>
<td>⬜</td>
</tr>
</tbody>
</table>

**Page 32 – Financial Services – All Districts:**

**FVCSP 2.2.1.A.7**

<table>
<thead>
<tr>
<th>A. Retail</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>8. Business Services</td>
<td></td>
</tr>
<tr>
<td>Financial services</td>
<td>⬜</td>
</tr>
</tbody>
</table>

**Page 32 – Personal Services – All Districts:**

**FVCSP 2.2.1.A.9**

<table>
<thead>
<tr>
<th>A. Retail</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>9. Personal Services</td>
<td></td>
</tr>
<tr>
<td>Yoga, martial arts, <strong>dance, music studios, tutoring facilities, etc.</strong></td>
<td>⬜</td>
</tr>
<tr>
<td><strong>Self-service laundromats</strong></td>
<td>⬜</td>
</tr>
</tbody>
</table>
FVCSP 2.2.1.C.2
C. Workplace
2. Medical Services
Indoor veterinary clinics *

*Prohibited when directly adjacent to existing residential uses

FVCSP 2.2.1.C.3
C. Workplace
3. Light Industrial & Telecommunications
Indoor or outdoor storage, or warehousing as a stand-alone business. Storage and warehousing when conducted as an Accessory Use as defined by FVMC 21.90.020 and as part of an approved use allowed within the district is not prohibited.
Contractors/maintenance yards

FVCSP 2.2.2.B.2 Convenience Cluster
Definition: A small store or cluster of stores integrated into a larger building and facing a public street or open space. Convenience Clusters consist of (permitted) convenience uses, small-scale shopping and personal services that serve homes or businesses located within easy walking distance.
a. Special Conditions for Convenience Clusters:
   i. A maximum size of two thousand five hundred (2,500) square feet per use.
   ii. A maximum size of five thousand (5,000) square feet total per cluster.
   iii. Conditional Use Permit: Individual uses larger than two thousand (2,500) square feet. Provided that the use is unique and not already provided within one (1) mile trade area.
   iv. Convenience Cluster Retail must be located on the corner of a block, and the entrance must face a public street, square or plaza space.

FVCSP 2.5.1.B.3.i Public Frontage Improvements
i. The installation of new public frontage improvements (from the back-of-sidewalk to the face of curb) is required as development occurs. Any required public frontage improvements with a required minimum dimension shall require improvements of the curb but the required minimum dimension of the improvement shall be measured from the back-of-sidewalk to the back of curb.
Exhibit "A"

SECTION 5

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

SECTION 6

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

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

ATTEST:

__________________________  ____________________________
City Clerk                                Mayor

APPROVED AS TC FORM

HARPER & BURNS LLP

__________________________
Attorneys for the City
Request for
Planning Commission Action

To: Planning Commission

From: Steven Ayers, Principal Planner

Subject: CODE AMENDMENT NO. 20-05 – AN AMENDMENT TO FOUNTAIN VALLEY MUNICIPAL CODE (FVMC) SECTIONS 21.08.060, 21.24.090, 21.28.090, 21.54.030, 21.60.050, 18.08.120, AND 8.51.110 TO CHANGE THE 20 DAY APPEAL PERIOD FOR LAND USE DECISIONS TO A TEN CALENDAR DAY APPEAL PERIOD

Location

Citywide

Proposal

An amendment to FVMC sections 21.08.060, 21.24.090, 21.28.090, 21.54.030, 21.60.050, 18.08.120, and 8.51.110 to change the 20 day appeal period for land use decisions in the City of Fountain Valley to a ten day appeal period and clarify that the period is calendar days.

Discussion

The City of Fountain Valley has initiated this code amendment to shorten the appeal period for decisions made on development projects by a reviewing person (Planning Director) and/or reviewing body (Planning Commission). The current appeal period, as noted in the FVMC sections above, is 20 calendar days. The proposed amendment will shorten the appeal period to ten calendar days.

The purpose of the appeal period is to allow applicants and/or the public the opportunity to appeal a decision made by the Planning Director or Planning Commission to the next level of review. Per FVMC 21.60, a decision made by the Planning Director may be appealed to the Planning Commission, and a decision made by the Planning Commission may be appealed to the City Council. Appeals may be initiated by the project applicant, any interested and aggrieved party owning land within a 500-foot radius of the exterior boundaries of the property under consideration, or by a majority vote of the Planning Commission or City Council. Appeal fees, which are not subject to change with this proposed code amendment, are due when the appeal is filed.

In the last five years, there have been no appeals of the Planning Director's decision on a project and only three appeals of the Planning Commission's decisions. The two appeals of the Planning Commission, which both occurred in 2014, were CUP 1776 for 24 Hour Fitness at 17200 Brookhurst Street and CUP 1780 for Planet Fitness at 16201-B & 16181 Harbor Boulevard. Most recently, the City Council received an appeal request on the Auto Wash facility located at 10035 Ellis Avenue that was reviewed by City Council on July 14, 2020. In
that same time period (last five years), the Planning Director has issued over 1,105 decisions on minor variances, sign permits, administrative wireless permits, conditional use permit resolution reviews, banner permits, parking lot sales, special events, and seasonal sales. Additionally there have been 11,911 building permits and plan checks issued without appeal and the Planning Commission has issued over 220 final decisions on conditional use permits, development reviews, precise plans, tentative tract maps, and variances.

During that same time period (last five years), building permit issuance on several of these projects has been delayed due to the length of the 20 day appeal period.

The City conducted a survey of the appeal period for land use decisions for several cities in Orange County. While there is a wide variety of appeal periods, a majority of the cities surveyed adhere to a ten day appeal period as shown in “Table 1: Appeal Periods in Orange County” below.

Table 1: Appeal Periods in Orange County

<table>
<thead>
<tr>
<th>City</th>
<th>Appeal Period Length</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brea</td>
<td>10 days</td>
<td>20.424.030</td>
</tr>
<tr>
<td>Buena Park</td>
<td>10 working days</td>
<td>19.120.030</td>
</tr>
<tr>
<td>Costa Mesa</td>
<td>10 days – Tentative or Parcel Maps</td>
<td>2-305</td>
</tr>
<tr>
<td></td>
<td>7 days – all other items</td>
<td></td>
</tr>
<tr>
<td>Dana Point</td>
<td>15 calendar days</td>
<td>9.61.110</td>
</tr>
<tr>
<td>Fullerton</td>
<td>10 working days</td>
<td>15.70.060</td>
</tr>
<tr>
<td>Garden Grove</td>
<td>21 days</td>
<td>9.32.120</td>
</tr>
<tr>
<td>Huntington Beach</td>
<td>10 calendar days</td>
<td>248.24</td>
</tr>
<tr>
<td>La Habra</td>
<td>10 working days</td>
<td>18.66.080</td>
</tr>
<tr>
<td>Lake Forest</td>
<td>15 days</td>
<td>2.04.110</td>
</tr>
<tr>
<td>Laguna Beach</td>
<td>14 calendar days</td>
<td>25.05.070</td>
</tr>
<tr>
<td>Placentia</td>
<td>10 calendar days</td>
<td>23.75.050</td>
</tr>
<tr>
<td>San Juan Capistrano</td>
<td>15 days</td>
<td>9-2.311</td>
</tr>
<tr>
<td>Santa Ana</td>
<td>10 calendar days</td>
<td>41-645</td>
</tr>
<tr>
<td>Seal Beach</td>
<td>15 days</td>
<td>11.4.60.050</td>
</tr>
<tr>
<td>Stanton</td>
<td>10 calendar days</td>
<td>20.615.040</td>
</tr>
<tr>
<td>Westminster</td>
<td>15 calendar days</td>
<td>17.530.025</td>
</tr>
<tr>
<td>Yorba Linda</td>
<td>15 days</td>
<td>18.36.810</td>
</tr>
<tr>
<td>Fountain Valley</td>
<td>20 days</td>
<td>21.60.050</td>
</tr>
</tbody>
</table>

The proposed amendment will amend FVMC Sections 21.08.060, 21.24.090, 21.28.09C, 21.54.030, 21.60.050, 18.08.120, and 8.51.110 as noted in Attachment #1.

FVMC 21.08.060 - Reasonable Accommodation
This section lays out appeals of the Planning Directors decision to provide reasonable accommodation in the application of the city’s zoning or building laws, policies, or procedures for persons with disabilities seeking fair access to housing under the Federal Fair Housing Administration Act of 1998 (FHA) and the California Fair Employment and Housing Act (FEHA). This section notes that if no appeal application is submitted within 20 days following the date the determination was rendered, the director’s determination shall be final. The
proposed code amendment would change the appeal time period from 20 days to ten calendar days.

FVMC 21.24.090 - Sign Permits
This section notes that decisions by the Planning Director and Sign Committee may be appealed within 20 days. The proposed code amendment would change the appeal time period for appeals from 20 days to ten calendar days.

FVMC 21.28.090 - Review and approval of wireless communications facilities on private property.
This section notes that the Planning Director will make a decision regarding a completed application within 60 calendar days of receipt and that decision will be final 20 days following the date of decision unless an appeal is filed in compliance with FVMC 21.60. The proposed code amendment would change the time period for appeals from 20 days to ten calendar days.

This section also notes that an applicant is required to provide the city written notice of the expiration of any shot clock, which the applicant shall ensure is received by the city no later than 20 days prior to expiration. The proposed code amendment would change the appeal time period from 20 days to ten calendar days.

FVMC 21.54.030 - Entitlement implementation, time limits, and extensions effective dates
This section notes that a conditional use permit, development review, home occupation permit, precise plan of design, temporary use permit or variance shall become effective on the 21st day following the date the decision is rendered by the applicable review authority. The proposed code amendment would change this code to make the decision effective the 11th calendar day following the date the decision is rendered by the applicable review authority.

FVMC 21.60.050 – Application filing, processing and review of, and action on appeals.
This section lays out the timing and form of appeals. The proposed code amendment would change the appeal time period from 20 days to ten calendar days.

FVMC 18.08.120 – Hearing decisions – Appeal
This section lays our the timeline for appeals to the Planning Commission’s decision on relocations permits to relocate a building into the city or from one location to another in the city. The proposed code amendment would change the appeal time period from 20 days to ten calendar days.

FVMC 8.51.110 – Appeal of plan denial or revocation.
This section applies to the appeals of decisions on shopping cart containment plans. The proposed amendment would change the appeal time period from 20 days to ten calendar days.

While the California Government Code does not provide a minimum appeal period for zoning actions, it does provide a ten day appeal period for subdivision projects per California Government Code 66452.5. While a ten day appeal period is a standard convention based on other code sections, such as that listed above, it also aligns with the minimum ten day public notice timelines. As other cities have done, staff wanted to maintain this convention.
Planning Commissioner Action – Code Amendment No. 20-05
August 12, 2020
Page 4 of 5

Changing the appeal time from 20 days to ten days also aligns with existing FVMC code requirements of appeals of the Police Chiefs, City Manager, Hearing Officer for nuisance abatement, and Fire Prevention decisions as noted in the following sections:

**FVMC Sections**
- 10.72.060
- 4.55.110
- 2.52.160
- 8.04.100
- 8.53.160
- 4.04.115
- 17.901.11

Staff does not anticipate negative impacts from the proposed code amendment. The amendment will simply achieve two goals for development projects reviewed by the Planning Director and Planning Commission.

1. Shorten the appeal period to allow approved projects to proceed to the building permit process stage as quickly as possible.
2. Provide an adequate appeal period, which is consistent with several other Orange County cities.

**General Plan Consistency**

The proposed amendment would help to enhance the City’s economic base and business environment by assisting in the preservation, improvement, and intensification of existing commercial development (General Plan Goal/Policy 2.12.1). Additionally, the proposed amendment will meet the General Plan Advisory Committee’s values and issues for the General Plan Update to provide for a fiscally sustainable municipal government and to ensure economic prosperity of the city. A reduction in the City of Fountain Valley’s appeal period from 20 days to ten days will enhance the City’s economic base, provide for a fiscally sustainable municipal government, and help ensure economic prosperity by helping to speed up the time applicants have to wait to process development permits approved by the Planning Commission and/or City Council while still allowing an appeal period consistent with other cities in Orange County.

**Environmental Clearance**

This request is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment). The code amendment will only shorten the appeal period for land use decisions from 20 days to ten days (Attachment #2).

**Public Notification**

The item was published in the Fountain Valley View and a public notice was posted at City Hall.
Alternatives

1. Adopt Resolution No. 20-12 recommending that the City Council adopt a notice of exemption in accordance with the California Environmental Quality Act (CEQA) and approve Code Amendment No. 20-05 to amend FVMC Sections 21.08.060, 21.24.090, 21.28.090, 21.54.030, 21.60.050, 18.08.120, and 8.51.110 to change the 20 day appeal period for land use decisions to a ten day appeal period.

2. Do not adopt Resolution No. 20-12 and provide direction to staff.

3. Continue for further discussion.

Recommended Action

Staff recommends the Planning Commission adopt Alternative #1.

Prepared By: Steven Ayers, Principal Planner

Reviewed By: Matt Jenkins, Senior Planner

Approved By: Brian James, Planning and Building Director

Attachments: 1. Resolution No. 20-12
               2. Notice of Exemption
RESOLUTION NO. 20-12

A RESOLUTION OF THE FOUNTAIN VALLEY PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE A CATEGORICAL EXEMPTION PER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND APPROVE CODE AMENDMENT (CA) NO. 20-05 TO AMEND THE FOUNTAIN VALLEY MUNICIPAL CODE (FVMC) SECTIONS 21.08.060, 21.24.090, 21.28.090, 21.54.030, 21.60.050, 18.08.120, AND 8.51.110 TO CHANGE THE 20 DAY APPEAL PERIOD FOR LAND USE DECISIONS TO A TEN CALENDAR DAY APPEAL PERIOD

WHEREAS, the Fountain Valley City Council adopted the Development Code Update on December 7, 2006; and

WHEREAS, FVMC Chapters 21.08.060, 21.24.090, 21.28.090, 21.54.030, 21.60.050, 18.08.120, and 8.51.110 establish an appeal period for land use decisions made by the Planning Director and Planning Commission of 20 days; and

WHEREAS, in the last five years the Planning Director has issued decisions on over 1,105 entitlements including minor variances, sign permits, administrative wireless permits, conditional use permit resolution reviews, banner permits, parking lot sales, special events, and seasonal sales; and

WHEREAS, in the last five years the Planning Director oversaw decisions on 11,911 building permits and plan checks without a single appeal; and

WHEREAS, in the last five years, the Planning Commission has issued over 220 final decisions on conditional use permits, development reviews, precise plans, tentative tract maps, and variances with only two (2) appeals; and

WHEREAS, in the last five years, the Planning Department has had to hold up building permit issuance on several projects that were ready to be issued due to the length of the code required 20 day appeal period; and

WHEREAS, the City of Fountain Valley General Plan Goal 2.12 is to enhance the City’s economic base and business environment by assisting in the preservation, improvement, and intensification of existing commercial development; and

WHEREAS, the City of Fountain Valley is currently undergoing the effort of a General Plan Update; and

WHEREAS, the General Plan Advisory Committee (GPAC) has been formed to advise staff, the Planning Commission, and City Council in matters regarding the future General Plan; and

WHEREAS, the GPAC has provided input on values and issues for the General Plan Update; and
WHEREAS, preliminary values identified by GPAC included 'a fiscally sustainable municipal government' and 'economic prosperity;' and

WHEREAS, a survey of other cities in Orange County shows that appeal periods of land use decisions range from ten to 30 days; and

WHEREAS, California Government Code does not provide a minimum appeal period for zoning actions, but does provide a ten day appeal period for subdivision projects per California Government Code 66452.5; and

WHEREAS, a ten day appeal period is a standard convention based on other code sections, e.g., California Government Code 66452.5, and aligns with the public notice timelines; and

WHEREAS, a reduction in the City of Fountain Valley's appeal period from 20 days to ten days will enhance the City's economic base, provide for a fiscally sustainable municipal government, and help ensure economic prosperity by reducing the time applicants have to wait to process development permits approved by the City while still allowing an appeal period consistent with other cities in Orange County; and

WHEREAS, the proposed Code Amendment No. 20-05 has been publicly noticed in accordance with State Law and the Fountain Valley Municipal Code; and

WHEREAS, the Fountain Valley Planning Commission considered the proposed CA No. 20-05 at a duly noticed public hearing on August 12, 2020.

SECTION 1

The Planning Commission hereby determines that CA No. 20-05 is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2)(the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3)(there is no possibility the activity in question may have a significant effect on the environment). Code Amendment No. 20-05 will only shorten the appeal period for land use decisions from 20 days to ten calendar days.

SECTION 2

The Planning Commission finds that due notice of the public hearing on August 12, 2020, conducted in the City Council Chambers, 10200 Slater Avenue, Fountain Valley, was given as required by the Fountain Valley Municipal Code, Title 21, and the State of California. Public notice of this hearing and a copy of the Planning Commission agenda were posted at City Hall, Recreation Center and the Fountain Valley Library.

SECTION 3

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

1. The proposed amendment ensures and maintains internal consistency with the actions, goals, objectives and policies of the General Plan, and would not create any inconsistencies with Title 21, in the case of a title amendment. The proposed
amendment would help to enhance the City’s economic base and business environment by assisting in the preservation, improvement, and intensification of existing commercial development (General Plan Goal/Policy 2.12.1). Additionally, the proposed amendment will meet the General Plan Advisory Committee’s values and issues for the General Plan Update to provide for a fiscally sustainable municipal government and to ensure economic prosperity of the city. A reduction in the City of Fountain Valley’s appeal period from 20 days to ten days will enhance the City's economic base, provide for a fiscally sustainable municipal government, and help ensure economic prosperity by reducing the time applicants have to wait to process development permits approved by the City while still allowing an appeal period consistent with other cities in Orange County.

2. The proposed amendment would not be detrimental to the public convenience, health, interest, safety or welfare of the city. The proposed amendment will both speed up the development process for applicants by shortening the appeal time from 20 days to ten days and still allow for an appeal period consistent with several other cities in Orange County.

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

4. The proposed amendment is internally consistent with other applicable provisions of Title 21. Amendments to FVMC Sections 21.08.060, 21.24.090, 21.28.090, 21.54.030, 21.60.050, 18.08.120, and 8.51.110 regarding appeals for land use decisions will be internally consistent with other applicable provisions of Title 21.

SECTION 4

The Planning Commission finds that Code Amendment 20-05 is consistent with the Fountain Valley Municipal Code, as well as the Fountain valley General Plan, and recommends the City Council approve Code Amendment No. 20-05 as set forth in "Exhibit A" attached hereto and incorporated herein.

PASSED, APPROVED AND ADOPTED THIS 12TH DAY OF AUGUST, 2020.

___________________________________________
Chairperson

___________________________________________
Secretary
ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY APPROVING A CATEGORICAL EXEMPTION PER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND APPROVING CODE AMENDMENT (CA) NO. 20-05 TO AMEND THE FOUNTAIN VALLEY MUNICIPAL CODE (FVMC) SECTIONS 21.08.060, 21.24.090, 21.28.090, 21.54.030, 21.60.050, 18.08.120, AND 8.51.110 TO CHANGE THE 20 DAY APPEAL PERIOD FOR LAND USE DECISIONS TO A TEN CALENDAR DAY APPEAL PERIOD

WHEREAS, the Fountain Valley City Council adopted the Development Code Update on December 7, 2006; and

WHEREAS, FVMC Chapters 21.08.060, 21.24.090, 21.28.090, 21.54.030, 21.60.050, 18.08.120, and 8.51.110 establish an appeal period for land use decisions made by the Planning Director and Planning Commission of 20 days; and

WHEREAS, in the last five years the Planning Director has issued decisions on over 1,105 entitlements including minor variances, sign permits, administrative wireless permits, conditional use permit resolution reviews, banner permits, parking lot sales, special events, and seasonal sales; and

WHEREAS, in the last five years the Planning Director oversaw decisions on 11,911 building permits and plan checks without a single appeal; and

WHEREAS, in the last five years, the Planning Commission has issued over 220 final decisions on conditional use permits, development reviews, precise plans, tentative tract maps, and variances with only two (2) appeals; and

WHEREAS, in the last five years, the Planning Department has had to hold up building permit issuance on several projects that were ready to be issued due to the length of the code required 20 day appeal period; and

WHEREAS, the City of Fountain Valley General Plan Goal 2.12 is to enhance the City's economic base and business environment by assisting in the preservation, improvement, and intensification of existing commercial development; and

WHEREAS, the City of Fountain Valley is currently undergoing the effort of a General Plan Update; and

WHEREAS, the General Plan Advisory Committee (GPAC) has been formed to advise staff, the Planning Commission, and City Council in matters regarding the future General Plan; and

WHEREAS, the GPAC has provided input on values and issues for the General Plan Update; and
WHEREAS, preliminary values identified by GPAC included 'a fiscally sustainable municipal government' and 'economic prosperity'; and

WHEREAS, a survey of other cities in Orange County shows that appeal periods of land use decisions range from ten to 30 days; and

WHEREAS, California Government Code does not provide a minimum appeal period for zoning actions, but does provide a ten day appeal period for subdivision projects per California Government Code 66452.5; and

WHEREAS, a ten day appeal period is a standard convention based on other code sections, e.g., California Government Code 66452.5, and aligns with the public notice timelines; and

WHEREAS, a reduction in the City of Fountain Valley's appeal period from 20 days to ten days will enhance the City's economic base, provide for a fiscally sustainable municipal government, and help ensure economic prosperity by reducing the time applicants have to wait to process development permits approved by the City while still allowing an appeal period consistent with other cities in Orange County; and

WHEREAS, the Fountain Valley Planning Commission considered the proposed CA No. 20-05 at a duly noticed public hearing on August 12, 2020, and by a vote of ___ recommended the City Council _______ CA No. 20-05; and

WHEREAS, the proposed CA No. 20-05 has been publicly noticed in accordance with State Law and the Fountain Valley Municipal Code.

SECTION 1

The City Council hereby determines that CA No. 20-05 is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2)(the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3)(there is no possibility the activity in question may have a significant effect on the environment). Code Amendment No. 20-05 will only shorten the appeal period for land use decisions from 20 days to ten calendar days.

SECTION 2

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

SECTION 3

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

1. The proposed amendment ensures and maintains internal consistency with the actions, goals, objectives and policies of the General Plan, and would not create
any inconsistencies with Title 21, in the case of a title amendment. The proposed amendment would help to enhance the City's economic base and business environment by assisting in the preservation, improvement, and intensification of existing commercial development (General Plan Goal/Policy 2.12.1). Additionally, the proposed amendment will meet the General Plan Advisory Committee's values and issues for the General Plan Update to provide for a fiscally sustainable municipal government and to ensure economic prosperity of the city. A reduction in the City of Fountain Valley's appeal period from 20 days to ten days will enhance the City's economic base, provide for a fiscally sustainable municipal government, and help ensure economic prosperity by reducing the time applicants have to wait to process development permits approved by the City while still allowing an appeal period consistent with other cities in Orange County.

2. The proposed amendment would not be detrimental to the public convenience, health, interest, safety or welfare of the city. The proposed amendment will both speed up the development process for applicants by shortening the appeal time from 20 days to ten days and still allow for an appeal period consistent with several other cities in Orange County.

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

4. The proposed amendment is internally consistent with other applicable provisions of Title 21. Amendments to FVMC Sections 21.08.060, 21.24.090, 21.28.090, 21.54.030, 21.60.050, 18.08.120, and 8.51.110 regarding appeals for land use decisions will be internally consistent with other applicable provisions of Title 21.

SECTION 4

Section 21.08.060(f) is hereby amended to read as follows:

"...
(f) Decision. The city staff shall review each application for reasonable accommodation and determine whether the application is complete. If the application is determined to be incomplete, city staff will promptly give written notice to the applicant of the additional information necessary to complete the application.

The planning director shall have the authority to consider and act on requests for reasonable accommodation. The director shall (1) approve the accommodation request, (2) approve the accommodation request subject to specified nondiscriminatory conditions, or (3) deny the request. A written determination shall be sent to the applicant by mail with factual findings, conclusions, and reasons for the decision. All written determinations shall give notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. If no appeal application is submitted within twenty ten calendar days following the date the determination was rendered, the director's determination shall be final.

...
"
Section 21.24.090(i) is hereby amended to read as follows:

"...
(i) Decision. A decision on a sign permit application shall be in writing. If a sign permit application is denied, the decision shall state the reasons for denial. (1) Denial by Director. If the application is denied by the director, the applicant shall have twenty ten calendar days to correct the deficiencies and resubmit the application without payment of additional fees. Alternatively, the applicant may appeal the director’s decision in compliance with the provisions of Chapter 21.60 (Appeals) of this title. (2) Denial by Sign Committee. If the application is denied by the sign committee, the applicant may appeal the denial to the planning commission within twenty ten calendar days of the committee’s action in compliance with the provisions of Chapter 21.60 (Appeals) of this title.
...
"

SECTION 6

Section 21.28.090(a) is hereby amended to read as follows:

"...
(a) Administrative Permit. Wireless communications facilities that are fully assimilated to surroundings, or collocated on an existing antenna-supporting structure, may be approved with an administrative permit. The purpose of the administrative wireless communication facilities permit is to provide planning/building director review of wireless communication facilities to ensure they meet the intent of the development code and the general plan. (1) Administrative Permit Procedure. (A) An application for an administrative wireless communication facilities permit should be filed with the planning department. Application fees for said permit shall be set by a separate resolution. (B) The planning/building director will make a decision regarding a completed application within sixty calendar days of receipt. This decision will be final twenty ten calendar days following the date of the decision unless an appeal is filed in compliance with Fountain Valley Municipal Code Chapter 21.60. A letter will be provided to the applicant describing the decision and any conditions of approval applicable to the project. (C) The planning/building director may refer a request to the planning commission when the planning/building director determines that the project’s complexity or the public interest warrants the referral.
...
"

SECTION 7

Section 21.28.090(d)(1) is hereby amended to read as follows:

"...

(1) The city acknowledges federal and state shot clocks which may apply to a proposed wireless communication facility. That is, federal and state law provide time periods in which the city must approve or deny a proposed wireless communication facility. As such, the applicant is required to provide the city written notice of the expiration of any shot clock, which the applicant shall ensure is received by the city (e.g., overnight mail) no later than twenty ten calendar days prior to expiration.

SECTION 8

Section 21.54.030 is hereby amended to read as follows:

"...
(a) Entitlements/Variances. A conditional use permit, development review, home occupation permit, precise plan of design, temporary use permit or variance shall become effective on the twenty-first eleventh calendar day following the date the decision is rendered by the applicable review authority.
(b) Plans/Amendments. Council actions to adopt or amend a development agreement, a specific plan, the zoning map, or this title shall become effective on the thirtieth day following the second reading by the council. An amendment to the general plan shall become effective immediately upon the council’s action.
(c) Issued on the effective date. Certificates and/or other entitlements shall not be issued until the effective date, provided that no appeal of the review authority’s decision has been filed, in compliance with Chapter 21.60 (Appeals) of this title.

SECTION 9

Section 21.60.050 is hereby amended to read as follows:

"...
(a) Timing and Form of Appeal.
   (1) Appeal applications shall be submitted in writing and filed with the department or city clerk, as applicable to the review authority, on a city application form, before 5:00 p.m. of the twentieth tenth calendar day following the date the decision was rendered by the director or the commission, as applicable.
   (2) An appeal by the original applicant from the decision of the commission shall be filed with the city clerk before 5:00 p.m. of the twentieth tenth calendar day following the date the decision was rendered by the commission. The council, by unanimous consent, may waive the twenty ten calendar day requirement, and allow the filing of a late appeal.
   (3) Any interested and aggrieved party owning land within a five hundred-foot radius of the exterior boundaries of the property under consideration may file an appeal before 5:00 p.m. of the twentieth tenth calendar day following the date the decision was rendered.
   (4) Appeal applications addressed to the commission shall be filed with the department, while appeals addressed to the council shall be filed with the city clerk.
(5) The appeal application shall:
   (A) Specifically state the pertinent facts of the case and the basis for the appeal;
   (B) Be accompanied by the information identified in the department handout for appeal applications; and
   (C) Be accompanied by the filing fee established by the city’s fee resolution.
   (b) Delay of Proceedings. Filing of an appeal shall delay all proceedings associated with the matter subject to the appeal (e.g., issuance of a building or grading permit, etc.), pending the city’s final action on the appeal.
   (c) Scheduling the Hearing. The director shall schedule the hearing within forty-five days of the filing of the appeal or the adoption by the commission or council of a motion to review an action, in compliance with Section 21.58.020 (Notice of Hearing) of this title and prepare a written report for consideration by the applicable review authority identified in subsection (a) of this section.
   (d) Withdrawal. An appeal may not be withdrawn nor dismissed before the scheduled public hearing without approval of the director.
   (e) Joining an Appeal.
   (1) Only those persons who file an appeal within the twenty ten calendar day appeal period in compliance with subsection (a) of this section, shall be considered appellants of the matter under appeal.
   (2) Any person who wishes to join an appeal shall follow the same procedures for an appellant in compliance with subsection (a) of this section.
   (3) A person(s) shall not be allowed to join an appeal after the end of the twenty ten calendar day appeal period.
   (f) Action. The appeal hearing shall be considered a hearing de novo and the review authority may consider any issue(s) associated with the appeal, in addition to the specific grounds for the appeal.
   (1) When reviewing an appeal the review authority may:
      (A) By resolution, affirm, affirm in part or reverse the action, the determination, or decision that is the subject of the appeal;
      (B) Adopt additional conditions of approval deemed reasonable and necessary, and may even address issues or concerns that go beyond the subject of the appeal; or
      (C) Disapprove the land use entitlement approved by the previous review authority, even though the appellant only requested a modification or elimination of one or more conditions of approval.
   (2) If new or different evidence is presented on appeal, the commission or council, may, but shall not be required to, refer the matter to the director or commission, as applicable, for further consideration.
   (g) Findings. When reviewing an appeal the review authority shall adopt findings in support of the intended action on the appeal. The nature of the findings shall be in compliance with the findings adopted by the original review authority (e.g., Conditional Use Permit—Chapter 21.36, Precise Plan of Design—Chapter 21.44, Variance—Chapter 21.50, etc.).
   (h) Mailing of Resolution. The director or city clerk, as applicable to the level of review authority, shall mail a copy of the resolution to the appellant, the applicant (if not the appellant), the commission, and the council after the decision is rendered.

SECTION 10

Section 18.08.120 is hereby amended to read as follows:
Within fifteen days after completion of said hearing by the planning commission, the planning commission shall render its decision on the matter. The decision of the planning commission and any provision or restriction imposed shall be final unless an appeal in writing to the city council is filed with the city clerk in accordance with the appeal provisions of Title 21. If the application is approved and no appeal filed within the twenty ten calendar day stay period, the planning commission shall return the application to the planning and building department for the issuance of a permit noting the restrictions and the requirements imposed by the planning commission, and a certification that all necessary charges and fees have been paid.

SECTION 11

Section 8.51.110 is hereby amended to read as follows:

"...

A shopping cart owner may appeal the imposition, denial or revocation of a shopping cart containment plan. The appeal must be submitted to the city clerk in writing within twenty ten calendar days of the date of mailing of the notice by the city informing the shopping cart owner of the imposition, denial or revocation of a cart containment plan. The appeal shall be accompanied by a nonrefundable fee to be set forth by city council resolution. Upon timely receipt of a written request for an appeal, the city manager or designee shall schedule a hearing which shall be held no later than thirty calendar days of receipt of the request for an appeal. The city manager or designee shall serve as hearing officer. At the hearing, the shopping cart owner shall be given the opportunity to present witnesses and relevant documentary evidence. The hearing will be conducted informally and the technical rules of evidence shall not apply. Any and all evidence which is deemed reliable, relevant and not unduly repetitious may be considered. The city manager shall provide the shopping cart owner with a written decision sustaining, reversing or modifying the shopping cart containment plan imposition, denial or revocation within ten calendar days after the hearing. The city manager’s decision shall be final.

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

ATTEST:

______________________________          ________________________
City Clerk                              Mayor

APPROVED AS TO FORM

HARPER & BURNS LLP

______________________________
Attorneys for the City
Request for Planning Commission Action

To: Planning Commission  
From: Principal Planner, Steven Ayers  
Subject: ORANGE COUNTY WATER DISTRICT (OCWD) – VARIANCE NO. 333

DATE: August 12, 2020

Location

18700 Ward Street

Zoning

M1 - Manufacturing

Proposal

OCWD has submitted a variance request for a maximum 9.5-foot tall security fence along the Ellis Avenue and Ward Street property lines for the property located at 18700 Ward Street (Attachment #1). The fence will be located within the required 20-foot setback, and will be up to 9.5 feet tall - exceeding the maximum 3-foot height limit within the front setback and 8-foot height limit on the side yard.

Discussion

OCWD has submitted a variance request for a security fence at 18700 Ward Street. The fence will be located along the Ellis Avenue and Ward Street property lines, within the required 20-foot front setback, and will be up to maximum of 9.5 feet tall.

The purpose of the OCWD Perimeter Security Fence Project is to better secure the campus by constructing a security fence along the open perimeter around the OCWD administrative building. Currently, the OCWD administrative building can be accessed by pedestrians along Ellis Avenue and Ward Street without checking in at the existing guard house. The new fencing would direct all visitors through the main entrance.

OCWD is responsible for the management of the groundwater basin that serves over half of the 34 incorporated cities in north and central Orange County. Infrastructure involved in District operations include:

- Recharge Facilities
- Diversion Facilities
- Wells, Pumps, Pipeline, Filter and Levee’s

The County Sanitation Operations were combined in 1954 under a single entity that later became known as the Orange County Sanitation District (OCSD). Operations include
recycling and wastewater collection and treatment for 2.5 million residents. Infrastructure involved in District operations include:

- Treatment plants
- Pump stations
- Sewer lines

Both agencies share a physical site in the City of Fountain Valley, with OCSD located at 10844 Ellis Avenue and OCWD located at 18700 Ward Street. OCWD and OCSD collaborate on a Groundwater Replenishment System that is the world’s largest water purification process for indirect potable reuse. This integrated GWRS system, developed at a cost of $481 million dollars, is considered critical infrastructure that could be susceptible to physical attack. The overall property design has an exterior perimeter and interior perimeter that has security implications for the GWRS facility as well as the operating infrastructure of both agencies.

In 2014, OCWD received a “Risk Assessment and Mitigation Report” from the Orange County Intelligence Assessment Center that provided a risk assessment of OCWD’s facility and recommended strategies to mitigate identified vulnerabilities. In 2016, a joint security vulnerability assessment of both the OCWD and OCSD Fountain Valley campuses was completed to review threats, vulnerability, and consequence via a physical interior and exterior inspection of the property and surrounding community relative to the effectiveness of existing physical protection systems. Ancillary issues reviewed included an evaluation of localized crime, potential natural hazards, emergency response and organizational safety strategies. Predicated on the totality of information gathered remotely and through onsite inspection, interviews and physical surveillance, it was determined there are gaps in the existing security framework designed to protect the OCWD facility. Primary areas of concern are:

- Degraded barrier protection as a result of insufficient exterior perimeter fencing
- Inconsistent access control and lack of integrated onsite security
- Exterior perimeter security gaps on one side of the property can adversely affect the interior perimeter and overall security for the entire site

Based on the results of the assessment performed by Pinkerton Specialists, “GWRS Security Assessment Report”, both agencies agreed to work together to enhance site security. Staffing of the existing guard shack during normal business hours, a video monitoring system at OCWD properties, and a perimeter fence around the OCWD administration building were a few of the suggestions made in the assessments.

The OCWD Perimeter Security Fence Project would construct a security fence around the Ellis Avenue and Ward Street perimeter of the OCWD administration building, securing the campus. As shown on Attachment #2 and #3, the fence would be approximately 1,500 linear feet, 6-feet tall and be set on top of the existing block wall that runs from Ellis Avenue to Ward Street. It would tie into the existing gate on Ellis Avenue and the existing guard shack off Ward Street. To ensure a uniform fence height, courses of the existing block wall (approximately 3-feet in height) may be removed or added such that in the resulting combined height of the block wall and new fence may reach up to maximum of 9.5 feet tall (Attachment #3). Due to the height and location of the wall, OCWD is applying for a variance. The proposed fence is known as omega-style, which is a mesh like see-through
fence that will allow OCWD to meet their security goals of providing a minimum 8-foot tall fence while allowing the public to continue to view the existing landscaping and buildings located behind the proposed fence.

Fountain Valley Municipal Code (FVMC) 21.10.040 Table 2-7 requires a 20-foot front setback for all structures. FVMC 21.18.070 also limits front yard walls to three feet within the front 20-foot setback and up to eight feet tall along arterial highways. Therefore, the variance request is to permit a combined fence and block wall that exceeds the three foot height limit within the front setback and the eight foot height limit on the side yard and to allow the wall to be located on the perimeter property lines on the north and west side of the property.

In order to support the proposed variance request, the applicant has submitted findings for Planning Commission review. FVMC 21.50.050 states that the Planning Commission may approve a variance request if the applicant demonstrates that special circumstances such as location, shape, size, or topography create a hardship or a situation where the property owner is deprived of property rights enjoyed by others in the vicinity. Further, the Planning Commission must determine that the following mandatory four (4) findings apply to the request. The following is a summary of the required findings and the applicant's justification:

1. What are the special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography or other conditions), so that the strict application of this title denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts or creates an unnecessary and non-self created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the development standards?

   The property is unique to the City of Fountain Valley in that it is the location of administrative offices, water laboratory, and infrastructure facilities associated with OCWD, a Special District that is subject to other federal and State of California governmental regulations. Specifically, the Orange County Intelligence Assessment Center has established recommended security requirements for certain critical facilities, which applies to OCWD. In order to meet these requirements, OCWD will need to construct a perimeter fence that would otherwise be non-compliant with the walls and fencing provisions in the applicable Zoning Code. Due to the unique operational and regulatory characteristics of the OCWD property, the application of the City's Zoning Code would deny OCWD the ability to meet mandatory security requirements that are needed to protect the critical regional infrastructure components that are located at the property. Additionally, due to the location of the property at a major intersection corner or Ellis Avenue and Ward Street and size of the property at 17.7 acres, an eight to nine and one half foot tall wall on the property line will ensure maximum security at the perimeter of the property.

2. Why is the variance necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district, and denied to the property owner for which the variance is sought?

   The granting of the variance would be necessary for OCWD to meet its security requirements. It is anticipated that the City would grant a variance for any similar properties in the vicinity or within the same zoning district in order to meet similar
security requirements, if necessary. The safe and continuous operation of the OCWD facility is critical to the preservation and enjoyment of property rights for owners of all other properties in the City of Fountain Valley as OCWD's operations ensure the safe and efficient management of the groundwater basin that the City utilizes for domestic water production.

3. Will the granting of the variance adversely affect the actions, goals, objectives and policies of the general plan and any applicable specific plan?

OCWD's facilities are unique in their characteristics and the granting of the variance to allow for the installation of a secure perimeter fence would not affect any of the City's General Plan or Specific Plan actions, goals, objectives and/or policies as no other properties in the City would be expected to have similar characteristics or regulatory requirements. The proposed fence will allow OCWD to meet their security goals of providing a minimum 8-foot tall fence while allowing the public to continue to view the existing landscaping and buildings located behind the proposed fence. The project will meet General Plan Goal 2.9, which is to provide attractive streetscapes throughout the city by encouraging landscaping to enhance streetscapes and to provide fencing treatment designed to be aesthetically pleasing (Goal/Policy 2.9.1 and 2.9.3).

4. Will the granting of the variance constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same zoning district?

OCWD's facilities are subject to regulatory requirements that would not be typical or otherwise anticipated for other properties within the City. The requested variance would not constitute a grant of special privileges as it would be necessary only to meet the unusual regulatory requirements that only the OCWD property is subject to.

5. Will the granting of the variance be materially detrimental to the public convenience, health, interest, safety or welfare of the city, or injurious to the property or improvements in the vicinity and zoning district in which the property is located?

The OCWD property consists of administrative offices, a water laboratory, and regional water purification facility, among other infrastructure components located at the site. Outside of invited visitors and Board meeting attendees, the property is not utilized by the public for any purpose. The installation of the perimeter fence would ensure that the critical groundwater infrastructure located on the property is protected for the safety and enjoyment of the greater public. Moreover, the installation of the security fence would only affect the subject property and would not be expected to have any adverse effects on the public convenience, health, interest, safety or welfare of the city nor would it be injurious to the property or improvements. The fence design will allow OCWD to meet their security goals of providing a minimum 8-foot tall fence while allowing the public to continue to view the existing landscaping and buildings located behind the proposed fence.

Staff has reviewed the request and feels that the applicant has demonstrated that the property is unique as it is the location of administrative offices, water laboratory, and infrastructure facilities associated with OCWD, a Special District that is subject to other federal and State of California governmental regulations. Additionally, due to the location of
the property at a major intersection corner or Ellis Avenue and Ward Street and size of the property at 17.7 acres, an eight to nine and one half foot tall wall on the property line will ensure maximum security at the perimeter of the property. With conditions of approval outlined in Attachment #4, Staff supports the 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 3, New Construction or Conversion of Small Structures, Section 15303 of the California Environmental Quality Act (CEQA) Guidelines, which establishes that new accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences are exempt from the provisions of CEQA. The project includes the construction of a new security fence accessory structure along the north and west sides of the property (Attachment #5).

Notice Furnished

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

Alternatives

1. Adopt Resolution No. 20-13 approving Variance No. 333 submitted by the Orange County Water District for a 9.5-foot tall security fence along the Ellis Avenue and Ward Street property lines for the property located at 18700 Ward Street (Attachment #3).

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

3. Continue this request for additional information.

Recommended Action

Staff recommends the Planning Commission adopt Alternative #1, Adopt Resolution No. 20-13 approving Variance No. 333 submitted by the Orange County Water District for a 9.5-foot tall security fence along the Ellis Avenue and Ward Street property lines for the property located at 18700 Ward Street.

Prepared By: Steven Ayers, Principal Planner

Approved By: Brian James, Planning and Building Director

Attachments: 1. Vicinity Map
2. Site Plan
3. Proposed fence elevations
4. Resolution No. 20-13
5. Notice of Exemption
Vicinity Map

Variance No. 333

Orange County Water District

18700 Ward Street
Rendering of Proposed Fence Along Ellis Avenue

Submitted 11/18/19
Rendering of Proposed Fence Along Ward Street

Submitted 11/18/19
RESOLUTION NO. 20-13

A RESOLUTION OF THE FOUNTAIN VALLEY PLANNING COMMISSION ADOPTING A NOTICE OF EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND APPROVING VARIANCE NO. 333 FILED BY THE ORANGE COUNTY WATER DISTRICT (OCWD) FOR A MAXIMUM 9.5 FOOT TALL SECURITY FENCE ALONG ELLIS AVENUE AND WARD STREET FOR THE PROPERTY LOCATED AT 18700 WARD STREET.

WHEREAS, an application for Variance No. 333 was submitted by OCWD in accordance with Municipal Code, Title 21; and

WHEREAS, Variance No. 333 is a request for a maximum 9.5 foot tall security fence along the property lines at Ellis Avenue and Ward Street for the property located at 18700 Ward Street. The security fence will be located on top of an existing block wall and located within the required 20-foot front setback and, when combined with the existing block wall, will be up to a maximum of 9.5 feet tall – exceeding the maximum 3-foot height limit within the front setback and the 8-foot height limit on the side yard; and

WHEREAS, such petition was processed in a time and manner prescribed by state and local law; and

WHEREAS, the Fountain Valley Planning Commission considered said application at its noticed public hearing on August 12, 2020 at which time interested persons had an opportunity to testify; and

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

WHEREAS, the Planning Commission has determined that the proposed Variance 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 Variance found in Chapter 21.50 of the Fountain Valley Municipal Code as follows:

Requirement 1

There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography or other conditions), so that the strict application of this title denies the property owner privileges enjoyed by other property owners in the vicinity and under identical
zoning districts or creates an unnecessary and non-self created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the development standards.

Finding

The property is unique to the City of Fountain Valley in that it is the location of administrative offices, water laboratory, and infrastructure facilities associated with OCWD, a Special District that is subject to other federal and State of California governmental regulations. Specifically, the Orange County Intelligence Assessment Center has established recommended security requirements for certain critical facilities, which applies to OCWD. In order to meet these requirements, OCWD will need to construct a perimeter fence that would otherwise be non-compliant with the walls and fencing provisions in the applicable Zoning Code. Due to the unique operational and regulatory characteristics of the OCWD property, the application of the City's Zoning Code would deny OCWD the ability to meet mandatory security requirements that are needed to protect the critical regional infrastructure components that are located at the property. Additionally, due to the location of the property at a major intersection corner or Ellis Avenue and Ward Street and size of the property at 17.7 acres, an eight to nine and one half foot tall wall on the property line will ensure maximum security at the perimeter of the property.

Requirement 2

Granting the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district, and denied to the property owner for which the variance is sought.

Finding

The granting of the variance would be necessary for OCWD to meet its security requirements. It is anticipated that the City would grant a variance for any similar properties in the vicinity or within the same zoning district in order to meet similar security requirements, if necessary. The safe and continuous operation of the OCWD facility is critical to the preservation and enjoyment of property rights for owners of all other properties in the City of Fountain Valley as OCWD's operations ensure the safe and efficient management of the groundwater basin that the City utilizes for domestic water production.

Requirement 3

Granting the variance would not adversely affect the actions, goals, objective and policies of the general plan and any applicable specific plan.

Finding

OCWD's facilities are unique in their characteristics and the granting of the variance to allow for the installation of a secure perimeter fence would not affect any of the City's General Plan or Specific Plan actions, goals, objective and/or policies as no other properties in the City would be expected to have similar characteristics or regulatory requirements. The proposed fence will allow OCWD to meet their security goals of providing a minimum 8-foot tall fence while allowing the public to continue to view the existing landscaping and buildings located behind the proposed fence. The project will meet General Plan Goal 2.9, which is to provide attractive streetscapes
Resolution No. 20-13
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throughout the city by encouraging landscaping to enhance streetscapes and to provide fencing treatment designed to be aesthetically pleasing (Goal/Policy 2.9.1 and 2.9.3).

Requirement 4

Granting the variance would not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same zoning district.

Finding

OCWD's facilities are subject to regulatory requirements that would not be typical or otherwise anticipated for other properties within the City. The requested variance would not constitute a grant of special privileges as it would be necessary only to meet the unusual regulatory requirements that only the OCWD property is subject to.

Requirement 5

Granting the variance would not be materially detrimental to the public convenience, health, interest, safety or welfare of the city, or injurious to the property or improvements in the vicinity and zoning district in which the property is located.

Finding

The OCWD property consists of administrative offices, a water laboratory, and regional water purification facility, among other infrastructure components located at the site. Outside of invited visitors and Board meeting attendees, the property is not utilized by the public for any purpose. The installation of the perimeter fence would ensure that the critical groundwater infrastructure located on the property is protected for the safety and enjoyment of the greater public. Moreover, the installation of the security fence would only affect the subject property and would not be expected to have any adverse effects on the public convenience, health, interest, safety or welfare of the city nor would it be injurious to the property or improvements. The fence design will allow OCWD to meet their security goals of providing a minimum 8-foot tall fence while allowing the public to continue to view the existing landscaping and buildings located behind the proposed fence.

Requirement 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.

Finding

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

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 3 (15303 – New Construction or Conversion of Small Structures),
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which establishes that new accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences are exempt from the provisions of CEQA. The project includes the construction of a new security fence accessory structure along the north and west sides of the property.

SECTION 4

By signing this Resolution, OCWD has demonstrated their understanding of the conditions imposed in the Variance (attached as Exhibit 1 herein) granted to them and have agreed on the record to abide by those conditions.

SECTION 5

The Planning Commission hereby approves Variance No. 333 for a maximum 9.5-foot tall security fence along the property lines at Ellis Avenue and Ward Street for the property located at 18700 Ward Street.

PASSED, APPROVED AND ADOPTED THIS 12TH DAY OF AUGUST, 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 21.50 OF THE FOUNTAIN VALLEY MUNICIPAL CODE.

BY SIGNING THIS RESOLUTION, THE APPLICANT ACKNOWLEDGES ACCEPTANCE OF THE BENEFITS OF THE VARIANCE 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
Variance No. 333

Orange County Water District
18700 Ward 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

1. The site plan and elevation plans dated November 18, 2019 (attached as Attachment #2 and #3 to the staff report for this project) have been approved by the Planning Commission on August 12, 2020.

2. No signage shall be placed on either side of the proposed fence at any time.

3. To maintain the cleanliness of the property, the property owner shall be responsible for maintaining the area adjacent to the proposed fence over which they have control free of litter, trash, debris, and graffiti at all times.

4. The colors and materials of the proposed fence 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.

5. No exterior lighting shall be installed directing light at, or from, the proposed fence.

PLANNING DEPARTMENT STANDARD CONDITIONS

6. Variance No. 333 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:     August 12, 2020
   Date of Project Expiration:   August 12, 2021
7. 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.

8. 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.

9. 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.

10. 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.

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

12. 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.

13. 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.

PUBLIC WORKS DEPARTMENT CONDITIONS

14. OCWD will provide the city access to inapect water lines that run through the property.

15. OCWD will be responsible for all waterline maintenance on the campus within the fenced area to include back flows, valves, hydrants, service lines, and fittings.

16. The wall approved through this entitlement shall be built entirely on the Orange County Water Districts property and shall not encroach into the city property.

17. The wall approved through this entitlement shall adhere to the 15-foot corner cutback line-of-sight triangle requirement near the intersection of Ward Street and Ellis Avenue.
18. Comply with the applicable provision of City ordinances concerning payment of fees or assessments, zoning regulations and subdivision development. All fees and assessments must be paid prior to the approval of the improvement plans and issuance of any permits.
Notice of Exemption

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

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

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

Project Title: Orange County Water District - Variance No. 333

Project Location/Address: 18700 Ward Street, Fountain Valley, CA 92708

Project Activity/Description: Variance request for a maximum 9.5-foot tall security fence along the Ellis Avenue and Ward Street property lines for the property located at 18700 Ward Street.

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

Project Applicant: Fernando Almario, P.E. - OCWD

Project Applicant’s Address: 16700 Ward Street, Fountain Valley, CA 92708  
Phone Number: (714) 378-8220

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: 15303
☐ Statutory Exemptions. State code number:

Reasons why project is exempt: Section 15303 of the California Environmental Quality Act (CEQA) Guidelines which establishes that any new accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fencos are exempt from the provisions of CEQA. The project includes the construction of a new security fence accessory structure along the north and west sides of the property.

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

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

Signature: [Signature]  
Date: 8/12/20  
Title: Principal Planner

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

To: Planning Commission

From: Principal Planner, Steven Ayers

Subject: NGUYEN RESIDENCE – VARIANCE NO. 335

DATE: August 12, 2020

Location

10442 Warner Avenue

Zoning

R1 – Single-Family Residential

Proposal

Jessica Nguyen has submitted a request to deviate from the front yard landscape/hardscape requirements for the R1 – Single-Family Residential zone to install a new circular driveway at 10442 Warner Avenue (Attachment #1).

Discussion

Jessica Nguyen has submitted a request to deviate from the front yard landscape/hardscape requirements for the R1 – Single-Family Residential zone to install a new circular driveway at 10442 Warner Avenue. The circular driveway (Attachment #2) will allow the applicant to safely exit the property onto Warner Avenue without having to back up into pedestrians, bicyclists, and high volumes of fast moving traffic traveling eastbound on Warner Avenue (see Fig 1 and 2 below). Additionally, the property at 10442 Warner is located behind an existing utility pole that may obscure vision of oncoming traffic from the existing driveway. Lastly, the applicant’s project description letter notes that the property is located at the beginning of a right turn lane for vehicles traveling eastbound on Warner Avenue to turn south onto Ward Street, thus adding an additional vehicular lane obstacle for the applicant to maneuver around when exiting the property (Attachment #3).
Per Fountain Valley Municipal Code (FVMC) 21.22.080.b.1.E, a driveway may be expanded per the requirements noted below:

"The maximum width of an expanded driveway shall not exceed fifty percent of the lot width for lots with widths greater than fifty feet, and sixty percent of the lot width for lots with widths of fifty feet or less."

Since the lot at 10442 Warner Avenue is 50 feet wide, the driveway width may only be expanded to 60% of the lot width with the remaining portion of the front yard utilized for landscaping per the landscaping requirements found in FVMC 21.20. Additionally, per the Public Works Department, only one curb cut approach may be utilized by each single-family home - unless the lot is located on a corner. This limit on curb cuts for single-family homes is enforced to provide as much street parking as possible. In this instance, the residence is located in front of a right turn lane thus eliminating the ability to provide street parking. If the variance is granted, the Public Works Department will allow a second curb cut on Warner Avenue in front of the project so the new circular driveway can be installed.

In order to support the proposed variance request, the applicant has submitted findings for Planning Commission review. FVMC 21.50.050 states that the Planning Commission may approve a variance request if the applicant demonstrates that special circumstances such as location, shape, size, or topography create a hardship or a situation where the property owner is deprived of property rights enjoyed by others in the vicinity. Further, the Planning Commission must determine that the following mandatory four (4) findings apply to the request. The following is a summary of the required findings and the applicant's justification:

1. What are the special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography or other conditions), so that the strict application of this title denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts or creates an unnecessary and non-self created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the development standards?

   The location of this property is one of a few single-family homes that front onto Warner Avenue. Normally, commercial properties, like gas stations and shopping plazas front onto major arterial streets like Warner Avenue. Warner Avenue has a speed limit of 45 mph and thousands of vehicles pass by every day. In comparison,
a typical single-family home in Fountain Valley is nested on a smaller street or cul-de-sac with a speed limit of 15-25 mph and a low volume of neighborhood vehicle traffic that allows for safer entry and exit of vehicles.

Additionally, while this property faces Warner Ave, it is also located within a right turning lane that provides traffic a route to Ward Street. Drivers would merge directly into this lane right in front of the house before turning right. This maneuver creates a dangerous situation by itself against fast-moving traffic for residents who are backing out of the driveway. It is especially dangerous since there is a large 50 foot tall utility pole situated on the west side of the property obscuring the driver’s view of oncoming traffic.

2. Why is the variance necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district, and denied to the property owner for which the variance is sought?

Granting the variance for a circular driveway is necessary because the driveway would provide safety to the public and preserves the enjoyment of the property to the homeowner. With a circular driveway, each time a car exits and enters the property, the driver (home occupants or guests) will be safer and not need to be concerned with possible accidents. Granting the variance is necessary for the property owners and occupants to have the same privilege, enjoyment, and benefit as other homeowners in Fountain Valley because the driveway will provide safe access to their property.

3. Will the granting of the variance adversely affect the actions, goals, objective and policies of the general plan and any applicable specific plan?

Granting the variance would not change the zoning and use of the property per Fountain Valley City code and ordinance. No alteration to the total square footage of the home or the land use of the property will be changed. Additionally, implementation of the project will help satisfy two General Plan Goals – General Plan Goal 2.6 and 2.10. General Plan Goal 2.6 aims to improve architectural quality of development within Fountain Valley by encouraging planning and design which is people oriented, sensitive to the needs of visitors and residents, and functionally efficient for its purpose (Goal/Policy 2.6.2). General Plan Goal 2.10 aims to provide for safe and attractive pedestrian facilities by providing for transit user safety and convenience (Goal/Policy 2.10.3). The creativity of the site planning of allowing a circular driveway at 10442 Warner Avenue is sensitive to the needs of visitors and residents of 10442 Warner Avenue, will be functionally efficient for its purpose, and will provide for transit user safety for vehicles, bicyclists, and pedestrians on Warner Avenue by allowing safer vehicular egress from the property.

4. Will the granting of the variance constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same zoning district?

Granting the variance would not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same zoning district. Other properties located in the R1 zone are located on smaller interior streets that
allow for safe travel from the property onto the street. This variance will allow the applicant to safely travel off the property without having to backup into heavy traffic along Warner Avenue.

5. Will the granting of the variance be materially detrimental to the public convenience, health, interest, safety or welfare of the city, or injurious to the property or improvements in the vicinity and zoning district in which the property is located?

Granting the variance would not be materially detrimental to the public convenience, health, interest, safety or welfare of the city, or injurious to the property or improvements in the vicinity and zoning district in which the property is located. Granting the variance will be beneficial to both the applicant’s and public’s convenience, health, interest, and safety because it will allow the applicant to safely travel off the property without having to backup into heavy traffic along Warner Avenue. Additionally, granting the variance will not be detrimental to the property or improvements in the vicinity and zoning district as it will not eliminate street parking along Warner Avenue. The project will include a second curb cut on Warner Avenue to complete the circular driveway. The Public Works Department normally does not allow a second curb cut in front of a residence because it eliminates street parking; however, the project is located on a major arterial road with a right turn lane that doesn’t allow for street parking.

Based upon the evidence, the site has a land related unique situation to justify the variance request. The property located at 10442 Warner Avenue is situated along a major arterial street with high volumes of fast moving traffic. Additionally, the property is located directly in front of the beginning of a right turn lane that adds another vehicular lane obstacle for the applicant to maneuver around when exiting the property. The addition of a circular driveway will allow the applicant to exit the property in a forward motion, rather than backing up into traffic. This will prove safer for the applicant and oncoming traffic along Warner Avenue – including vehicular, bicycle, and pedestrian traffic. With conditions of approval outlined in Attachment #4, staff supports the 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 facilities involved in negligible or no expansion of use beyond the previously existing are exempt from the provisions of CEQA. The proposed variance will allow for the construction of about 280 square feet of new paving in the front yard of 10442 Warner Avenue to allow for a circular driveway and to allow for safer egress from the property onto Warner Avenue (Attachment #5).

Notice Furnished

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

1. Adopt Resolution No. 20-14 approving Variance No. 335 submitted by Jessica Nguyen to deviate from the front yard landscape/hardscape requirements to install a new circular driveway at 10442 Warner Avenue.

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

3. Continue this request for additional information.

Recommended Action

Staff recommends the Planning Commission adopt Alternative #1: Adopt Resolution No. 20-14 approving Variance No. 335 submitted by Jessica Nguyen to deviate from the front yard landscape/hardscape requirements to install a new circular driveway at 10442 Warner Avenue.

Prepared 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. Resolution No. 20-14
5. Notice of Exemption
Vicinity Map

Variance No. 335

Nguyen Residence

10442 Warner Avenue
Project Description:
Circular Driveway

10442 Warner Avenue
Fountain Valley, CA 92708
APN: 169-061-68
Lot 9 of Tract No. 569

A new circular driveway to provide safe entry for occupants/residents to enter Warner Avenue without dangerously backs their vehicle into a major throughway (Warner Ave) despite going against high volumes of fast-moving traffic, pedestrians on the sidewalk, and bicyclists.

Unlike other homes in smaller streets or homes on frontage roads, residents at this house had to maneuver their vehicles backward into the Warner Avenue against high volumes of fast-moving vehicles, pedestrians, and bicyclists with limited time, lane spaces and confined turning radius. Drivers have an increased risk of causing accidents and serious injuries to pedestrians (fig 1).

Additionally, the property situates within a right turning lane of Ward Street that vehicles merge into before turning and the driver’s view of oncoming vehicles is obscured by a large utility pole, thus creating a dangerous situation each time residents enter Warner Avenue with their cars (fig 1).

A new circular driveway will provide an increased view of oncoming traffic blocked by the utility pole at the Northwest side of the sidewalk. A new circular driveway will give drivers a better position and opportunity to make safe judgments before proceeding to merge into Warner Avenue. A new circular driveway will minimize the need to back into fast-moving traffic and reduce the risk of accidents and injuries to others (fig 2).

Fig 1

Fig 2
RESOLUTION NO. 20-14

A RESOLUTION OF THE FOUNTAIN VALLEY PLANNING COMMISSION
ADOPTING A NOTICE OF EXEMPTION IN ACCORDANCE WITH THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND
APPROVING VARIANCE NO. 335 FILED BY JESSICA NGUYEN TO
DEViate FROM THE FRONT YARD LANDSCAPE/HARDSCAPE
REQUIREMENTS FOR THE R1 – SINGLE-FAMILY RESIDENTIAL ZONE
TO INSTALL A NEW CIRCULAR DRIVEWAY AT 10442 WARNER
AVENUE

WHEREAS, an application for Variance No. 335 was submitted by Jessica Nguyen in
accordance with Municipal Code, Title 21; and

WHEREAS, Variance No. 335 is a request to deviate from the front yard
landscape/hardscape requirements for the R1 – Single-Family Residential zone to install a new
circular driveway at 10442 Warner Avenue; and

WHEREAS, such petition was processed in a time and manner prescribed by state and
local law; and

WHEREAS, the Fountain Valley Planning Commission considered said application at
its noticed public hearing on August 12, 2020, at which time interested persons had an
opportunity to testify; and

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

WHEREAS, the Planning Commission has determined that the proposed Variance 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 Variance found in Chapter 21.50 of the Fountain Valley Municipal Code
as follows:

Requirement 1

There are special circumstances applicable to the property (e.g., location, shape, size,
surroundings, topography or other conditions), so that the strict application of this title denies the
property owner privileges enjoyed by other property owners in the vicinity and under identical
zoning districts or creates an unnecessary and non-self created hardship or unreasonable
regulation which makes it obviously impractical to require compliance with the development
standards.
Finding

The location of this property is one of a few single-family homes that front onto Warner Avenue. Normally, commercial properties, like gas stations and shopping plazas front onto major arterial streets like Warner Avenue. Warner Avenue has a speed limit of 45 mph and thousands of vehicles pass by every day. In comparison, a typical single-family home in Fountain Valley is nested on a smaller street or cul-de-sac with a speed limit of 15-25 mph and a low volume of neighborhood vehicle traffic that allows for safer entry and exit of vehicles.

Additionally, while this property faces Warner Ave, it is also located within a right turning lane that provides traffic a route to Ward Street. Drivers would merge directly into this lane right in front of the house before turning right. This maneuver creates a dangerous situation by itself against fast-moving traffic for residents who are backing out of the driveway. It is especially dangerous since there is a large 50 foot tall utility pole situated on the westside of the property blocking the driver's view of oncoming traffic.

Requirement 2

Granting the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district, and denied to the property owner for which the variance is sought.

Finding

Granting the Variance for a circular driveway is necessary because the driveway would provide safety to the public and preserves the enjoyment of the property to the homeowner. With a circular driveway, each time a car exits and enters in and out of the property, the driver (home occupants or guests) will be safer and not need to be concerned with possible accidents. Granting the variance is necessary for the property owners and occupants to have the same privilege, enjoyment, and benefit as other homeowners in Fountain Valley because the driveway will provide safe access to their property.

Requirement 3

Granting the variance would not adversely affect the actions, goals, objective and policies of the general plan and any applicable specific plan.

Finding

Granting the variance would not change the zoning and use of the property per Fountain Valley City code and ordinance. No alteration to the total square footage of the home or the land use of the property will be changed. Additionally, implementation of the project will help satisfy two General Plan Goals – General Plan Goal 2.6 and 2.10. General Plan Goal 2.6 aims to improve architectural quality of development within Fountain Valley by encouraging planning and design which is people oriented, sensitive to the needs of visitors and residents, and functionally efficient for its purpose (Goal/Policy 2.6.2). General Plan Goal 2.10 aims to provide for safe and attractive pedestrian facilities by providing for transit user safety and convenience (Goal/Policy 2.10.3). The creativity of the site planning of allowing a circular driveway at 10442 Warner Avenue is sensitive to the needs of visitors and residents of 10442 Warner Avenue, will be
functionally efficient for its purpose, and will provide for transit user safety for vehicles, bicyclists, and pedestrians on Warner Avenue by allowing safer vehicular egress from the property.

Requirement 4

Granting the variance would not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same zoning district.

Finding

Granting the variance would not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same zoning district. Other properties located in the R1 zone are located on smaller interior streets that allow for safe travel from the property onto the street. This variance will allow the applicant to safely travel off the property without having to backup into heavy traffic along Warner Avenue.

Requirement 5

Granting the variance would not be materially detrimental to the public convenience, health, interest, safety or welfare of the city, or injurious to the property or improvements in the vicinity and zoning district in which the property is located.

Finding

Granting the variance would not be materially detrimental to the public convenience, health, interest, safety or welfare of the city, or injurious to the property or improvements in the vicinity and zoning district in which the property is located. Granting the variance will be beneficia to both the applicant's and public's convenience, health, interest, and safety because it will allow the applicant to safely travel off the property without having to backup into heavy traffic along Warner Avenue. Additionally, granting the variance will not be detrimental to the property or improvements in the vicinity and zoning district as it will not eliminate street parking along Warner Avenue. The project will include a second curb cut on Warner Avenue to complete the circular driveway. The Public Works Department normally does not allow a second curb cut in front of a residence because it eliminates street parking; however, the project is located on a major arterial road with a right turn lane that doesn't allow for street parking.

Requirement 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.

Finding

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

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), 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 variance will allow for the construction of about 280 square feet of new paving in the front yard of 10442 Warner Avenue to allow for a circular driveway and to allow for safer egress from the property onto Warner Avenue.

SECTION 4

By signing this Resolution, the applicant has demonstrated his/her understanding of the conditions imposed in the Variance (attached as Exhibit 1 herein) granted to him/her and has agreed on the record to abide by those conditions.

SECTION 5

The Planning Commission hereby approves Variance No. 335 to deviate from the front yard landscape/hardscape requirements for the R1 – Single-Family Residential zone to install a new circular driveway at 10442 Warner Avenue.

PASSED, APPROVED AND ADOPTED THIS 12th DAY OF AUGUST, 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 21.50 OF THE FOUNTAIN VALLEY MUNICIPAL CODE.

BY SIGNING THIS RESOLUTION, THE APPLICANT ACKNOWLEDGES ACCEPTANCE OF THE BENEFITS OF THE VARIANCE 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
Variance No. 335

Nguyen Residence
10442 Warner Avenue
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

1. The site plan dated July 7, 2020 (attached as Attachment #2 to the staff report for this project) have been approved by the Planning Commission on August 12, 2020.

2. The new circular driveway extension shall not exceed 12 feet wide along any part of the circular driveway from the existing driveway leading to the existing garage on the west side of the property to the egress curb cut on the northeast side of the property.

3. All areas of the front yard (front 20 feet of the property) that are not utilized for the existing driveway (hardscape area) or the new circular driveway (hardscape area) must be kept and maintained as landscape (softscape) areas (as depicted in Attachment #2 to the staff report for this project). The front yard of the property shall provide a minimum 32%, or 320 square feet of landscaping at all times.

4. The new circular driveway extension approved under this permit shall be kept free and clear of any stored materials (e.g. trash, debris, construction material), equipment, and any operable or inoperable vehicles at all times that may impede egress off of the property and onto Warner Avenue. Onsite driveway parking for the property shall be permitted on the existing driveway leading to the existing garage only.

5. No structures (permanent or temporary) shall be installed along any area of the existing driveway or new circular driveway approved with this variance approval.

PLANNING DEPARTMENT STANDARD CONDITIONS

6. Variance No. 335 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: August 12, 2020

Date of Project Expiration: August 12, 2021

7. 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.

8. 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.

9. 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.

10. 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.

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

12. 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.

13. 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.

PUBLIC WORKS DEPARTMENT CONDITIONS

14. All public improvements, including but not limited to, streets, sewer, water, storm drain, traffic systems, traffic control, and street repairs shall be constructed in accordance with the most recent edition of the City of Fountain Valley Public Works Standard plans.

15. Without credit, provide for street improvements including, but not limited to, curbs, gutters, street paving, traffic control devices, ADA accessible driveway approaches, ADA curb ramps, and sidewalks within the public right-of-way.
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: Nguyen Residence - Variance No. 335

Project Location/Address: 10442 Warner Avenue, Fountain Valley, CA 92708

Project Activity/Description: Petition to deviate from the front yard landscape/hardscape requirements to install a new circular driveway at 10442 Warner Avenue

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

Project Applicant: Jessica Nguyen

Project Applicant’s Address: 10442 Warner Avenue, Fountain Valley, CA 92708 Phone Number: (562) 246-9999

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 CECA. The project will allow for the construction of about 280 square feet of new paving in the front yard of 10442 Warner Avenue to allow for a circular driveway and to allow for safer egress from the property onto Warner Avenue.

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

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

Signature: [Signature] Date: 8/12/20 Title: Principal Planner
☒ Signed by Lead Agency ☐ Signed by Applicant
Request for Planning Commission Action

TO: Planning Commission
FROM: Steven Ayers, Principal Planner
SUBJECT: DEVELOPMENT REVIEW NO. 20-02 – OCSD SOUTH PERIMETER IMPROVEMENTS

Location: 10844 Ellis Avenue
Zoning: SP – Sanitation District Specific Plan

Proposal:

The Orange County Sanitation District (OCSD) has submitted a request to construct security and utility improvements at the south perimeter (west and south side) of OCSD’s Plant No. 1, located at 10844 Ellis Avenue (Attachment #1). The project improvements include the construction of an 8-foot tall concrete block (CMU) wall and landscaping along Ward Street, new security lighting and electronic surveillance, and a new guardhouse at the existing contractor/employee entrance gate along Garfield Avenue (Attachment #2).

Code Requirements:

Sanitation District Specific Plan (SDSP) – Design Review, or Development Review, is required per the SDSP Section 3.3 for all structures, landscaping and irrigation, lighting, and block walls that can be viewed from adjacent streets. Additionally, the SDSP outlines that existing landscaping along Ellis Avenue and Ward Street shall be maintained to create a unifying element surrounding the project area, but may be changed by the OCSD with the approval of the Planning/Building and Public Works Directors.

Fountain Valley Municipal Code (FVMC) – Per FVMC 21.40.030, applications for all nonresidential architectural modifications (e.g., building materials, colors, doors, facades, landscaping, roof materials, windows, etc.) require the commission’s approval of a development review. Therefore, the applicant has applied for a Development Review for the proposed project.

Discussion:

The OCSD has submitted a request to construct security and utility improvements at the south perimeter (west and south side) of OCSD’s Plant No. 1. The project improvements include the construction of an 8-foot tall CMU wall and landscaping along Ward Street, new security lighting and electronic surveillance, and a new guardhouse at the existing contractor/employee entrance gate along Garfield Avenue. A summary of each area of the project is outlined below and addressed in the project plans (Attachment #3).

Block Wall and New Landscaping
The project proposes to replace the existing chain-link perimeter fencing along Ward Street with a new 8-foot tall block wall along the west perimeter of the property from the Orange County Water District (OCWD) southerly termination of their 8-foot CMU wall (approximately across from Falcon Avenue) to the intersection of Ward Street and Garfield Avenue. The wall will then tie into the existing block wall along the south perimeter of the property that runs from the intersection of Ward Street and Garfield Avenue to the Santa Ana River.

The new CMU wall along Ward Street will be designed similarly to the CMU block wall on Ellis Avenue at the northern part of the OCSD property, and will match the OCWD wall it will connect to on Ward Street with the same block color, texture, block module size, and bullnose cap. The wall will be located 2-3 feet inside the OCSD property to allow for shrub and vine planting (New Gold Lantana and Ficus Pumila Creeping Fig) on the outside of the wall to help soften the aesthetics of the 8-foot tall wall.

The addition of the wall near the property line will require the removal of all of the existing mature trees for several reasons outlined in the Arborist Report for the project (Attachment #4). Some of the main reasons why the existing mature landscaping must be removed include root damage during construction of the proposed wall to the existing trees, damage the existing trees and roots may have on the wall once built if the existing trees remain, and the fact that eucalyptus trees are prone to failure - especially when they grow in groups and some are removed leaving the remaining trees receiving the full effect of wind loading. Staff initially had concerns about the affect removing all of the trees would have on the environment and neighboring properties to the west, but removal of the trees will allow OCSD to plant new trees with root barriers that will not damage the proposed wall. Additionally, removal of the trees may preemptively resolve a catastrophic issue of failing eucalyptus trees.

In addition to the shrubs and vines proposed on the outside of the wall, OCSD proposes to install 80 new 36-inch Afghan Pine trees located 10 feet behind the proposed wall. The trees will be roughly 12-14 feet tall when planted, with a mature height of 30-50 feet, and will be spaced evenly 15-16 feet apart. Root barriers will be provided to help protect the proposed wall from the proposed trees.

Security Lighting and Surveillance

The project proposes to install new security lighting and security cameras along the Ward Street and Garfield Avenue. Proposed lighting will consist of 31 wall pack units mounted to the inside of the proposed wall along Ward Street seven feet above grade. In addition to the wall packs, 16 pole mounted lights will be installed 18 feet above grade along the southern property line off Garfield from Ward Street to the Santa Ana River. Security cameras will also be installed along the inside of the proposed wall along Ward Street and along the inside of the existing wall along Garfield Avenue. The cameras and video surveillance will provide high resolution and low-light capability.

Garfield Guardhouse

The project proposes to replace a portable guardhouse with a new more permanent prefabricated guardhouse at the contractor and employee entrance gates with an external screened location for a portable restroom and hand washing station. The new guardhouse will be 104 square feet and will be located on a concrete slab surrounded by curb and gutter between
Planning Commission Action – Development Review No. 20-02
August 12, 2020
Page 3 of 4

the employee and subcontractor access gates off Garfield Avenue. The new guardhouse will be setback 30 feet from the property line on Garfield Avenue and will be about 11 feet tall in compliance with the SDSP setback requirement of 30 feet and height limit of 50 feet. The guardhouse will be a pre-fabricated unit that will be connected to telecommunication service once installed. The guardhouse will be a customized version of Model Durasteel PC-128SW manufactured by Porta-King Building Systems. It shall have a footprint of 12-feet, 8 inches long by 8-feet, 2 inches wide and be configured to provide a 3-foot, 6-inches deep closet along the entire width of the unit to house IT/Communications cabinets, water supplies and miscellaneous storage items.

No lavatory will be installed in the guardhouse due to the fact that there is no sewer line near the Guard House. The nearest sewer line is the main in Ward Street and a connection via a gravity line is not possible due to the distance. OCSD also considered a small pump station but due to the potential for infrequent staffing at this guardhouse location, there is concern that the pump station would dry out, get clogged and be a maintenance problem. Therefore, OCSD is proposing to maintain a port-a-potty and wash station on the exterior of the guardhouse that will be screened from public view with a CMU wall.

Architecturally, the proposed guardhouse will provide a CMU veneer base, sliding and fixed windows, and painted exterior walls and a pitched standing seam metal roof to match the OCSD’s guardhouse at the Ellis Avenue entrance. The proposed guardhouse wall construction will consists of 14 gage painted galvanized steel outer panel with Continuous R-17 insulation and a 16 gage galvanized steel inner panel. Prefabricated walls will receive a CMU block veneer base with anti-graffiti coating, to sill height, around all sides of the structure. The floor shall be Aluminum Treadplate over R18 insulation. The guardhouse shall have a standing seam metal roof with R38 insulation.

The purpose of a Development Review is not to restrict imagination, innovation or variety, cut rather to focus on development and design standards/guidelines that can result in creative, imaginative solutions, and a quality design for the city. Additionally, the Development Review process is meant to assure consistency for the comprehensive review of development projects.

The proposed project improvements will be consistent with the rest of the OCSD property including:

- A block wall and landscaping design on the outside of the wall that is consistent with the existing block wall and landscaping along the north side of the OCSD property on Ellis Avenue. The block wall will also match the termination of the existing CMU wall of the OCWD in height, color, texture, block module size and have a matching bullnose cap. The new CMU wall extension on Ward Street will provide a continuous CMU fence at the perimeter of Plant 1.
- Replacement of mature trees that may damage the new wall with new 36 inch trees with a maturity height of 30-50 feet and a root barrier.
- Modernize security and provide lighting enhancements along the perimeter of the property.
- Provide a new guardhouse along the southern entrance to the property that is architecturally compatible with the guardhouse at the northern entrance to the property.

With conditions of approval in Resolution No. 20-15, staff supports the 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 3, New Construction or Conversion of Small Structures, Section 15303 of the California Environmental Quality Act (CEQA) Guidelines, which establishes that new accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences are exempt from the provisions of CEQA. The project includes the construction of a new 3-foot CMU wall and landscaping along Ward Street, new security lighting and electronic surveillance, and a new 104 square foot guardhouse at the existing contractor/employee entrance gate along Garfield Avenue. (Attachment #6).

Alternatives:

1. Adopt Resolution No. 20-15 adopting a Notice of Exemption in accordance with the California Environmental Quality Act (CEQA) and approving Development Review No. 20-02 submitted by OCSD to construct security and utility improvements at the south perimeter (west and south side) of OCSD’s Plant No. 1 located at 10844 Ellis Avenue consisting of an 8-foot CMU wall and landscaping along Ward Street, new security lighting and electronic surveillance, and a new guardhouse at the existing contractor/employee entrance gate along Garfield Avenue.

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

3. Continue this request for additional information.

Recommended Action:

1. Staff recommends that the Planning Commission adopt Alternative #1: adopt Resolution No. 20-15 adopting a Notice of Exemption in accordance with the California Environmental Quality Act (CEQA) and approving Development Review No. 20-02 submitted by OCSD to construct security and utility improvements at the south perimeter (west and south side) of OCSD’s Plant No. 1 located at 10844 Ellis Avenue consisting of an 8-foot CMU wall and landscaping along Ward Street, new security lighting and electronic surveillance, and a new guardhouse at the existing contractor/employee entrance gate along Garfield Avenue.

Prepared By:       Steven Ayers, Principal Planner

Approved By:      Brian James, Planning and Building Director

Attachments: 1. Vicinity Map
              2. Project Description Letter
              3. Project Plans
              4. Plant 1 Arborist Report
              5. Resolution No. 20-15
              6. Notice of Exemption
Vicinity Map
Development Review No. 20-02
Orange County Sanitation District

10844 Ellis Avenue
Project Introduction
The Orange County Sanitation District (OCSD) will construct security and utility improvements at the south perimeter of Plant No. 1. The project improvements include the construction of an 8-foot CMU wall and landscaping along Ward Street. They also include security lighting, electronic surveillance, and entry controls along both Ward Street and Garfield Avenue. Lastly, they include a new guard house at the existing contractor/employee entrance gate along Garfield Avenue.

Project Scope
The project area is defined along the west perimeter of Plant No. 1 from the Orange County Water District (OCWD) southerly termination of the 8-foot CMU wall (approximately across from Falcon Avenue) along Ward Street to the intersection of Ward Street and Garfield Avenue. It continues along the south perimeter from the intersection of Ward Street and Garfield Avenue to the Santa Ana River along Garfield Street.

The P1-134 South Perimeter Security and Utility Improvements include the following:

- Security Requirements
  - 8-foot tall CMU wall along Ward Street at the property line (from the OCWD wall to Garfield).
  - Security lighting, electronic surveillance and entry controls along both Ward Street and Garfield Avenue.
  - New prefabricated guard house at contractor and employee entrance gates, with screened location for portable restroom and hand washing station.

- Landscaping
  - Removal of all trees along Ward Street.
  - New landscaping on the street side of the new Ward Street CMU wall.
  - New trees on the Plant side of the new Ward Street CMU wall.

- Utilities
  - Connection of the existing potable water lines serving the southwest area fire hydrants and trailers shall be disconnected from the City of Fountain Valley water main in Garfield Avenue.
  - New water lines to connect the existing water supply piping for the OCSD trailers to the existing 12-inch P1 City Water loop.

Landscape Areas

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Exterior Materials
The new CMU wall along Ward Street will be designed similarly to the CMU block wall on Ellis Avenue, and will match the same block color and type as the OCWD wall.

The new guard house will be 104 square feet (*outside dimension including CMU veneer at base*), and will be located on a concrete slab surrounded by curb and gutter between the employee and subcontractor access gates off Garfield Avenue on the southern border of Plant 1. The guard house will be a pre-
fabricated unit that will be connected to telecommunication service when it is placed on the slab. No lavatory shall be installed in the guard house.

The guard house shall be a customized version of Model Durasteel PC-128SW manufactured by Porta-King Building Systems. It shall have a footprint of 12-feet, 8 inches long by 8-feet, 2 inches wide and be configured to provide a 3-foot, 6-inches deep closet along the entire width of the unit to house IT/Communications cabinets, water supplies and miscellaneous storage items.

The guard house wall construction consists of 14 gage painted galvanized steel outer panel with Continuous R-17 insulation and a 16 gage galvanized steel inner panel. Prefabricated walls will receive field applied CMU block veneer base with anti-graffiti coating, to sill height, all around. Floor shall be Aluminum Treadplate over R18 insulation. The guard house shall have standing seam metal roof with R38 insulation.

**Findings for the City Planning Commission to support the Development Review**

The design and layout of the proposed development would:

1. Be consistent with the actions, goals, objectives and policies of the general plan, any applicable specific plan and the development and design standards/guidelines of the applicable zoning district;

   *The proposed development is within the Sanitation Districts’ Plant No. 1 Specific Plan (SDP1SP) area. The proposed development includes perimeter security improvements including a new 8-foot tall concrete masonry unit (CMU) wall with landscaping on Ward Street, new plantside security lighting and electronic surveillance cameras along both Ward and Garfield streets, a pedestrian gate and a new prefabricated guard house. The existing fencing and vehicular gates on Garfield Avenue are to remain. A future porta potty and wash station will be screened behind a CMU wall. None of the above improvements are classified as prohibited uses outlined within SDP1SP Section 3.2.*

   *The new CMU wall at Ward Street will replace the current chain-link perimeter fencing on Ward Street providing an aesthetical upgrade to the fencing. The new wall will match the existing CMU of the OCWD perimeter wall in height, color, texture, block module size and have a matching bullnose cap. This new CMU wall extension on Ward Street will provide a continuous CMU fence at the perimeter of Plant 1 fulfilling the goals of the SDP1SP Section 3.1.G (Permitted use, Wall) and meeting the intent for decorative masonry block walls per Section 3.3.4.*

   *The new prefabricated guard house is less than 50 feet in height and setback 30 feet from property line on Garfield Avenue as permitted in SDP1SP Section 3.1.F (Permitted Use, Structure).*

2. Not interfere with the use and enjoyment of neighboring existing or future developments, and would not create traffic or pedestrian hazards; and

   *The proposed development will not create neighboring interference with any future developments as it is confined within the OCSD property and enhances the current conditions. The existing guard house is a simple portable structure that is in need of*
replacement. The new guard house will be upgraded in appearance which will be an improvement for the enjoyment of neighboring properties and future developments. This proposed development does not create new traffic or pedestrian hazards because it does not change existing use patterns. There is no added amenity to attract increased traffic. Existing vehicular gates shall remain in their current location. The existing pedestrian gate shall be relocated behind the guard house to allow the guard ease of access to the facilities; it is not as new staff entrance.

3. Provide a desirable environment for its occupants and visiting public as well as its neighbors through good, proper aesthetic use of materials, texture and color, and would remain aesthetically appealing and retain an appropriate level of maintenance.

The proposed development provides a safer and more aesthetically pleasing environment for the sanitation district employees, the public traveling on the street and the surrounding neighborhood by upgrading the existing Ward Street fence into a decorative masonry concrete block wall. The new guard house will have a CMU wainscot matching the new wall and a pitched metal roof to be similar in aesthetic to the OCSD main gate guard house on Ellis Avenue.

The architectural design of the proposed structure(s) would be compatible with the character of the surrounding neighborhood and would maintain and enhance the attractive, harmonious and orderly development contemplated by the actions, goals, objectives and policies of the general plan, any applicable specific plan and this chapter;

The architectural design of the guard house will match the aesthetics of the existing main gate guard house on Ellis Avenue. The new guard house will have a CMU wainscot matching the new Ward Street wall and have a pitched metal roof. The new CMU wall on Ward Street will match the existing CMU of the OCWD perimeter wall in height, color, texture, block module size and have a matching bullnose cap. The new CMU wall extension on Ward Street will provide a continuous CMU fence at the perimeter of Plant 1 which fulfills the design objective of the SDP1SP.

The proposed development would not:
i. Be detrimental to the public convenience, health, interest, safety or welfare, or materially injurious to the properties or improvements in the immediate vicinity; or

The proposed development will not be detrimental to, but instead have a neutral to positive impact on the public's convenience, health, interest, safety or welfare, by maintaining and enhancing an existing use. It will not be materially injurious to the properties or improvements in the immediate vicinity as the proposed development is an improvement to the existing conditions.

ii. Substantially depreciate property values in the immediate vicinity or interfere with the use or enjoyment of property in the surrounding neighborhood, because of excessive dissimilarity or inappropriateness of design in relation to the surrounding neighborhood.

The proposed development should have a neutral to positive impact on property values in the immediate vicinity. It will not interfere with the use or enjoyment of property in the surrounding neighborhood because it maintains or enhances the existing use and appearance with a design that is similar to and appropriate for the neighborhood.
ORANGE COUNTY SANITATION DISTRICT

PROJECT NO. P1-134
SOUTH PERIMETER SECURITY AND UTILITY IMPROVEMENTS AT PLANT NO. 1
VOLUME 3 OF 5 DRAWINGS

Submitted July 17, 2020
OCWD Wall Block to match
Pinus eldarica, Afghan Pine
Context Plan Photos
P1-134 OCSD Plant No. 1 South Perimeter Security and Utility Improvements

The following site photos are part of the Context Plan for the development review submittal of the above referenced project. Please see the Context Plan for locations where photos were taken.

Photo 1 – Date: 03/2020

Photo 2 – Date: 02/2018
Context Plan Photos
P1-134 OCSD Plant No. 1 South Perimeter Security and Utility Improvements

Photo 3 – Date: 02/2018

Photo 4 – Date: 02/2018
Context Plan Photos
P1-134 OCSD Plant No. 1 South Perimeter Security and Utility Improvements

Photo 5 – Date: 02/2018

Photo 6 – Date: 03/2020
Context Plan Photos
P1-134 OCSD Plant No. 1 South Perimeter Security and Utility Improvements

Photo 7 – Date: 03/2020

Photo 8 – Date: 02/2018
Context Plan Photos
P1-134 OCSD Plant No. 1 South Perimeter Security and Utility Improvements

Photo 9 – Date: 02/2018

Photo 10 – Date: 02/2018
Context Plan Photos
P1-134 OCSD Plant No. 1 South Perimeter Security and Utility Improvements

Photo 11 – Date: 03/2020

Photo 12 – Date: 02/2018
Context Plan Photos
P1-134 OCSD Plant No. 1 South Perimeter Security and Utility Improvements

Photo 13 – Date: 02/2018

Photo 14 – Date: 07/2019
Context Plan Photos
P1-134 OCSD Plant No. 1 South Perimeter Security and Utility Improvements

Photo 15 – Date: 03/2020

Photo 16 – Date: 03/2020
Context Plan Photos
P1-134 OCSD Plant No. 1 South Perimeter Security and Utility Improvements

Photo 17 – Date: 07/2019

Photo 18 – Date: 07/2019
Context Plan Photos
P1-134 OCSD Plant No. 1 South Perimeter Security and Utility Improvements

Photo 19 – Date: 07/2019

Photo 20 – Date: 04/2011
The Gardco SSA6 straight aluminum pole consists of a one-piece 6" square extruded aluminum lighting standard mounted to a structural quality carbon galvanized steel base tenon. This construction offers the corrosion resistance and flexibility of aluminum with the strength and integrity of steel. The poles are finished with either Architectural Class 1 anodizing or electrostatically applied TGIC polyester powdercoat. All poles include anchor bolts, full base cover, hand hole, ground lug and top cap.

### Ordering Guide

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1. Refers to steel base tenon size (length and thickness) based on wind load factors. L = Light, M = Medium, H = Heavy.
Poles 6" Straight Square Aluminum - Tenon Base

### Pole Data

<table>
<thead>
<tr>
<th>Catalog Number</th>
<th>Pole Size</th>
<th>Maximum Luminaire Loading</th>
<th>Anchor Bolt Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>SSA6-STB-15</td>
<td>3</td>
<td>25.8, 32.7, 42.5</td>
<td>11.0&quot; 1 x 36 x 4.5 5.0&quot;</td>
</tr>
<tr>
<td>SSA6-STB-18</td>
<td>3</td>
<td>18.3, 23.8, 31.5</td>
<td>11.0&quot; 1 x 36 x 4.5 5.0&quot;</td>
</tr>
<tr>
<td>SSA6-STB-20</td>
<td>3</td>
<td>14.5, 19.3, 26</td>
<td>11.0&quot; 1 x 36 x 4.5 5.0&quot;</td>
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<td>SSA6-STB-25</td>
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<td>7.3, 10.9, 15.9</td>
<td>11.0&quot; 1 x 36 x 4.5 5.0&quot;</td>
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<tr>
<td>SSA6-STB-28</td>
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<td>4, 7.7, 11.4</td>
<td>11.0&quot; 1 x 36 x 4.5 5.0&quot;</td>
</tr>
<tr>
<td>SSA6-STB-30L</td>
<td>3</td>
<td>1.8, 4.4, 8</td>
<td>11.0&quot; 1 x 36 x 4.5 5.0&quot;</td>
</tr>
<tr>
<td>SSA6-STB-30M</td>
<td>6</td>
<td>4, 6.9, 10.9</td>
<td>11.0&quot; 1 x 36 x 4.5 5.0&quot;</td>
</tr>
<tr>
<td>SSA6-STB-30H</td>
<td>9</td>
<td>6.5, 9.8, 14.4</td>
<td>12.0&quot; 1.25 x 42 x 6 5.0&quot;</td>
</tr>
<tr>
<td>SSA6-STB-33L</td>
<td>3</td>
<td>–, 1.5, 4.7</td>
<td>11.0&quot; 1 x 36 x 4.5 5.0&quot;</td>
</tr>
<tr>
<td>SSA6-STB-33M</td>
<td>6</td>
<td>1.1, 3.7, 7.2</td>
<td>11.0&quot; 1 x 36 x 4.5 5.0&quot;</td>
</tr>
<tr>
<td>SSA6-STB-33H</td>
<td>9</td>
<td>3.3, 6.1, 10</td>
<td>12.0&quot; 1.25 x 42 x 6 5.0&quot;</td>
</tr>
</tbody>
</table>

2. Warning: Additional wind loading, in terms of EPA, from banners, canopies, floodlights and other accessories attached to the pole, must be added to the luminaire(s) EPA before selecting the pole with the appropriate wind load capability.

3. Factory supplied template must be used when setting anchor bolts. Gardco will not honor any claim for incorrect anchorage placement resulting from failure to use factory supplied templates.

### Dimensions

- Cut hole in template 1/16" larger than diameter of anchor bolts used.
- 11" Bolt Circle
- 12" Bolt Circle refer to chart above
- 4" Cover Bracket
- 1" or 1 1/4" Anchor Bolts '4'
- Top Nuts (4) Lock Washer
- Flat Washers (8) Grout as desired after leveling pole**
- Leveling Nuts (4) Concrete footing to suit soil conditions

NOTE: Internal clearance of tenon/pole mounting bolts dictates allowable area for stub-ups.

* Anchor Bolt Lock Washers are not normally required and are not included in standard anchor bolt sets. They are available upon request at additional cost.

** Grouting should include a drainage slot or tube (by others) to permit water to drain from the base of the pole. Failure to provide drainage may weaken the pole base structure over time and may result in pole base failure, for which Gardco is not responsible.

NOTE: Factory supplied template must be used when setting anchor bolts. Gardco will not honor any claim for incorrect anchorage placement from failure to use factory supplied templates.
**Poles**  6" Straight Square Aluminum - Tenon Base

**Specifications**

**POLE SHAFT**
The pole shaft is a one-piece, 6" square, seamless 6000 series extruded aluminum tubing and is heat-treated to achieve a T6 temper with a guaranteed minimum yield strength of 31 KSI. Pole wall thickness is .170".

**BASE TENON ASSEMBLY**
The tenon anchor base assembly consists of structural quality carbon steel tubing with a minimum 46 KSI yield strength welded to a structural steel base with a guaranteed minimum yield strength of 50 KSI. The base plate telescopes the pole shaft and is circumferentially welded on both top and bottom. The entire assembly is hot-dipped galvanized. Four (4) mechanically galvanized fasteners secure the aluminum pole shaft to the base tenon assembly.

**ANCHOR BOLTS**
Anchor bolts are fabricated from a commercial quality hot rolled carbon steel bar that meets or exceeds a minimum guaranteed yield strength of 50,000 psi. Bolts have an "L" bend on one end and threaded on the opposite end. 1/2" anchor bolts are completely hot dipped galvanized, 1 1/4" anchor bolts are galvanized 12" on the threaded end. Four (4) properly sized bolts, each furnished with two (2) regular hex nuts and two (2) flat washers, are provided per pole, unless otherwise specified.

**BASE COVER**
A two-piece, fabricated aluminum cover completely conceals the entire base plate and anchorage. The base cover is secured to the base assembly with four (4) stainless steel fasteners.

**HAND HOLE**
The hand hole has a nominal rectangular 3" X 5" inside opening in the pole shaft and tenon assembly. Included is an aluminum cover plate with attachment screws. The hand hole is located 20" above the base and 180° clockwise with respect to the luminaire arm when viewed from the top of the pole for one arm. For two arms the hand hole is located directly under one arm.

**POLE TOP CAP**
Each pole assembly is provided with a removable composite friction-fit pole top cap.

**FINISH**
Poles are available with bronze, natural or black Aluminum Association Architectural Class I anodized finish. Electrostatically applied, thermally cured TIGC polyester powdercoat finish is also available.

---

**General Pole Information**

**DESIGN**
The poles as charted are designed to withstand dead loads and predicted dynamic loads developed by variable wind speeds with an additional 30% gust factor under the following conditions:
The charted weights include luminaire(s) and/or mounting bracket(s).
The wind velocities are based on 10 mph increments from 80 mph through 100 mph. Poles to be located in areas of known abnormal conditions may require special consideration.
For example: coastal areas, airports and areas of special winds.

Poles are designed for ground mounted applications. Poles mounted on structures (such as buildings and bridges) may also necessitate special consideration requiring Gardco's recommendation.
Height correction factors and drag coefficients are applied to the entire structure.
An appropriate safety factor is maintained based on the minimum yield strength of the material incorporated in the pole.

**WARNING**
This design information is intended as a general guideline only. The customer is solely responsible for proper selection of pole, luminaire, accessory and foundation under the given site conditions and intended usage. The addition of any items to the pole, in addition to the luminaire, will dramatically impact the EPA load on that pole. It is strongly recommended that a qualified professional be consulted to analyze the loads given the user's specific needs to ensure proper selection of the pole, luminaire, accessories, and foundation. Gardco assumes no responsibility for such proper analysis or product selections. Failure to insure proper site analysis, pole selection, loads and installation can result in pole failure, leading to serious injury or property damage.

**GENERAL INFORMATION**
Mounting height is the vertical distance from the base of the lighting pole to the center of the luminaire arm at the point of luminaire attachment.Twin arms as charted are oriented at 180° with respect to each other. For applications of two (2) arms at 90° or other multiple arm applications, consult the factory.

**WARRANTY**
Gardco poles feature a 1 year limited warranty. See Warranty Information on www.streetlighting.com for complete details and exclusions.
Poles  6" Straight Square Aluminum - Tenon Base

Orientation Information
Factory installed options and accessories

For Factory Installed Options and Accessories, Specify Orientation from Hand Hole and Height Above Pole Base Where Required.

Height Above Pole Base

Orientation is measured clockwise from the Hand Hole Center.

Standard arm mount luminaire orientation

D1 Drilled for Single Luminaire

D2 Drilled for 2 Luminares at 180°

D3 Drilled for 3 Luminares @ 90°

D4 Drilled for 4 Luminares at 90°

D2@90 Drilled for 2 Luminares at 90°
Philips Gardco Gullwing LED GL13 area luminaires combine LED performance excellence and advanced Gardco LED thermal management technology with the distinct Gullwing style to provide outdoor area lighting that is both energy efficient and aesthetically pleasing.

### Ordering guide

<table>
<thead>
<tr>
<th>Prefix</th>
<th>Controls</th>
<th>Mounting</th>
<th>Optical System</th>
<th>Wattage</th>
<th>LED Color</th>
<th>Voltage</th>
<th>Finish</th>
<th>Options</th>
</tr>
</thead>
<tbody>
<tr>
<td>GL13</td>
<td></td>
<td></td>
<td>Gullwing Standard Luminaire</td>
<td>2</td>
<td>70LA-6415</td>
<td>120</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GL13-DIM</td>
<td></td>
<td></td>
<td>Gullwing LED with D-30V Dimming</td>
<td>2</td>
<td>64LEDs, 250mA</td>
<td>208</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GL13-RK</td>
<td></td>
<td></td>
<td>Gullwing LED Retrofit Kit</td>
<td>2</td>
<td>64LEDs, 330mA</td>
<td>240</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GL13-APU</td>
<td></td>
<td></td>
<td>Gullwing LED with Automatic Profile Dimming</td>
<td>2</td>
<td>64LEDs, 330mA</td>
<td>277</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GL13-MRI</td>
<td></td>
<td></td>
<td>Gullwing LED with Motion Response Override (luminaire mounted sensor)</td>
<td>2</td>
<td>64LEDs, 330mA</td>
<td>410</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GL13-APU-MRI</td>
<td></td>
<td></td>
<td>Gullwing LED with AP/S with Motion Response Override (luminaire mounted sensor)</td>
<td>2</td>
<td>64LEDs, 330mA</td>
<td>120</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SW</td>
<td></td>
<td></td>
<td>Integral module</td>
<td>3</td>
<td>64LEDs, 330mA</td>
<td>208</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SW-MRI</td>
<td></td>
<td></td>
<td>Luminare mounted motion response option</td>
<td>3</td>
<td>64LEDs, 330mA</td>
<td>240</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Example:** GL13-APU-1-4-70LA-6435-NW-120-BRP-LF

---

1. Available 120-277V.
3. Available 120 or 277V only.
4. Luminare door frame and optic assembly provided standard with clear tempered glass lens.
5. Voltage must be specified.
6. Not available with 480V.
7. Works with 3-prong 5-pin NEMA photocell/dimming device.
8. If ordered with DIM, AP/S, MRI, APD-MRI, dimming will not be connected to NEMA receptacle.
9. Mounts to a 2-1/8" top tenon. Specify a round pole with a 3" O.D. for a smooth transition.
10. Not available in 120° mounting configurations.
11. Required for mounting to straight square poles.
12. SW option is not available with any other control options, with the exception of SW-MRI motion response options.
Gullwing G13 LED area luminaire, small

Dimensions and EPA

GL13-MRI or GL13-APD-MRI Units

EPA Data

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>2-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>.9 ft²</td>
<td>1.6 ft²</td>
<td>2.2 ft²</td>
</tr>
<tr>
<td>.07 m²</td>
<td>.15 m²</td>
<td>.20 m²</td>
</tr>
</tbody>
</table>

Approximate Weight
Single Luminaire

33 lbs / 14.969 kg

Technical Data

<table>
<thead>
<tr>
<th>Ordering Code</th>
<th>Total LEDs</th>
<th>LED Current (mA)</th>
<th>Average System Watts</th>
<th>Color Temp. (K)</th>
<th>Lumen Output (Lm)</th>
<th>Efficacy (L/W)</th>
<th>BUG Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>70LA-6435</td>
<td>64</td>
<td>350</td>
<td>70</td>
<td>4000</td>
<td>6652</td>
<td>96</td>
<td>B2-U0-G1</td>
</tr>
<tr>
<td></td>
<td>80</td>
<td>350</td>
<td>80</td>
<td>4000</td>
<td>8064</td>
<td>95</td>
<td>B2-U0-G1</td>
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<tr>
<td></td>
<td>105LA-6453</td>
<td>64</td>
<td>530</td>
<td>101</td>
<td>9365</td>
<td>93</td>
<td>B2-U0-G2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ordering Code</th>
<th>Total LEDs</th>
<th>LEU Current (mA)</th>
<th>Average System Watts</th>
<th>Color Temp. (K)</th>
<th>Lumen Output (Lm)</th>
<th>Efficacy (L/W)</th>
<th>BUG Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type 3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
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<td>70LA-6435</td>
<td>64</td>
<td>350</td>
<td>70</td>
<td>4000</td>
<td>6731</td>
<td>96</td>
<td>B1-U0-G2</td>
</tr>
<tr>
<td></td>
<td>80</td>
<td>350</td>
<td>80</td>
<td>4000</td>
<td>8072</td>
<td>94</td>
<td>B1-U0-G2</td>
</tr>
<tr>
<td></td>
<td>105LA-6453</td>
<td>64</td>
<td>530</td>
<td>101</td>
<td>9388</td>
<td>93</td>
<td>B2-U0-G2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ordering Code</th>
<th>Total LEDs</th>
<th>LEU Current (mA)</th>
<th>Average System Watts</th>
<th>Color Temp. (K)</th>
<th>Lumen Output (Lm)</th>
<th>Efficacy (L/W)</th>
<th>BUG Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type 4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>70LA-6435</td>
<td>64</td>
<td>350</td>
<td>70</td>
<td>4000</td>
<td>6731</td>
<td>96</td>
<td>B1-U0-G2</td>
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<tr>
<td></td>
<td>80</td>
<td>350</td>
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<td>4000</td>
<td>8072</td>
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<td>B1-U0-G2</td>
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<td>105LA-6453</td>
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<td>530</td>
<td>101</td>
<td>9388</td>
<td>93</td>
<td>B2-U0-G2</td>
</tr>
</tbody>
</table>

12. Wattage may vary by +/- 8% due to LED manufacturer forward volt specification and ambient temperature. Wattage shown is average for 120V through 277V input.
Actual wattage may vary by an additional +/- 3% to actual input voltage.

13. Contact Outdoorlighting.applications@philips.com for values not listed or if approximate estimates are required for design purposes.

14. LED diodes feature LEDs that provide from 80 to 100 lumens per watt when operated at 350 mA. Lumen values based on tests performed in compliance with IESNA LM-79.
Gullwing G13 LED area luminaire, small

Luminaire Configuration Information

GL13

Phillips Gardco Gullwing LED standard luminaire providing constant wattage and constant light output when power to the luminaire is energized.

GL13-DIM

Phillips Gardco Gullwing LED luminaire provided with 0–10V dimming for connection to a control system provided by Phillips or by others.

GL13-APD

Phillips Gardco Gullwing LED luminaire with Automatic Profile Dimming. Luminaire is provided with DynaDimmer, programmed to go to 50% power, 50% light output two (2) hours prior to night time mid-point and remain at 50% for six (6) hours after night time mid-point. Mid-point is continuously recalculated by the DynaDimmer based on the average mid-point of the last two full night cycles. Short duration cycles, and power interruptions are ignored and do not affect the determination of mid-point.

GL13-APD Dimming Profile:

<table>
<thead>
<tr>
<th>100%</th>
<th>2 hours</th>
<th>0 hours</th>
<th>100%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Power On</td>
<td>Mid Point</td>
<td>Power Off</td>
<td></td>
</tr>
</tbody>
</table>

The GL13-APD offers many of the advantages of a sophisticated control system, including an average energy savings of at least 33% versus constant wattage, constant light output systems, without the need for a control system.

GL13-MRI (Luminaire mounted sensor)

Luminaires with Integral Motion Sensor include the DynaDimmer module and an integral motion sensor. The location of the integral motion sensor is shown on page 2. The DynaDimmer is programmed to provide 50% power and light output, unless motion is detected. Power supplied by the motion sensor connected to the override line on the DynaDimmer takes the luminaire to high setting, 100% power and light output, when motion is detected. The luminaire remains on high until no motion is detected for the motion sensor duration period, after which the luminaire returns to low. Duration period is factory set at 15 minutes. Duration period is field adjustable. Available from 120V to 277V input only.

MRI luminaires are provided with the WattStopper FS-356-L3W motion sensor, with a maximum recommended 20 ft. mounting height. The area coverage and range of the integral sensors make them most suitable for applications not requiring long range detection.

GL13 Drill Template

SiteWise option is a fully integrated controller that connects to Philips SiteWise system in order to offer a complete area lighting management system. The communication signal is based on Philips patented central dimming technology. SiteWise delivers it deliver optimal energy savings using your site's existing cabling. No additional wiring required, installation and commissioning are simple. An intuitive, mobile app makes it easy for authorized users to set schedules to meet site specific lighting needs, local regulations, and energy codes.
SiteWise system

SiteWise is a complete area lighting management system including a luminaire integrated controller, dimming signal transmitter cabinet, and locally accessible user interface. Installation and commissioning are simple. The cabinet communicates with the Philips luminaires using a patented central dimming technology. The control signal is embedded on the existing electrical line - no new cabling is required. An intuitive, locally accessible interface makes it easy for authorized users to set schedules in order to meet site specific lighting needs, local regulations, and energy codes.

SiteWise system diagram

SiteWise system interface

SiteWise has an intuitive user interface that makes it easy to plan, edit, and implement lighting schedules for your site. Authorized users can access the interface via a local app.

To ensure that only authorized users can access your lighting, SiteWise offers two user types, each with different permissions. An advanced user, or administrator, can set and edit schedules using the ten pre-set scenes, assign those schedules to calendar days, and check system status.

For everyday use, a basic user can manually override a schedule that is currently running but cannot create or edit schedules.

SiteWise system specifications

The SiteWise system includes both luminaires and controls. The controls used for SiteWise are circuit load dependent. Required for a complete installation are the following Philips SiteWise components: user interface, control kit, dimming signal transmitter cabinet, and dimming signal receiver located in the Philips luminaire (SW option). Optional luminaire-Integrated or external motion sensors may also be specified as required. Within the electrical closet, the control kit and dimming signal transmitter cabinet are installed into the electrical system between the existing breaker panel and the site luminaires. New LED luminaires containing the dimming signal receiver are installed on the site. Once completed, use of the interface allows for scheduling and override capabilities. Wireless access point and tablet should be supplied by others. Complete information on the control system can be found on the SiteWise website at philips.com/sitewise
# Gullwing G13 LED area luminaire, small

## Specifications

### General Description

The Philips Gardco Gullwing LED CL-13 area luminaire is designed by its high performance, sleek profile and rugged construction. Gullwing LED luminaires combine LED performance excellence and advanced Philips Gardco LED thermal management technology with the distinct Gullwing style to provide outdoor area lighting that is both energy efficient and aesthetically pleasing.

### Housing

A one-piece die-cast aluminum housing mounts directly to a pole or wall without the need for a support arm. The low profile round form reduces the effective projected area of the luminaire to only 0.8 ft² / 0.07 m².

### IP Rating

Gullwing LED 13" optics are IP65 rated.

### Thermal Management

The Philips Gardco Gullwing LED provides extruded aluminum integral thermal radiation fins to provide the excellent thermal management so critical to long LED system life.

### LED Optical System

LED arrays are set to achieve IES Type II, Type III, Type IV, and Type V, available with internal shields for back light control. Individual LED arrays are replaceable. Luminaires feature high performance Class 1 LED systems.

### Electrical

Luminaires are equipped with an LED driver that accepts 120V through 277V, or 347V through 480V, 50Hz to 60Hz, input. Driver output is based on the LED wattage selected. Component-to-component wiring within the luminaire will carry no more than 80% of rated current and is listed by UL. Power factor is not less than 90%. Luminaire consumes 0.0 watts in the off state. Surge protector standard. 10kA per ANSI/UL 62.41.2.

### SiteWise network system

SiteWise system includes a controller fully integrated in the luminaire that enables the luminaires to communicate with a dimming signal transmitter cabinet located on site using Philips patented central dimming technology. A locally accessible mobile app allows users to access the system and set functionalities such as ON/OFF, dimming levels and scheduling. SiteWise is available with motion response options in order to bring the light back to 100% when motion is detected. Additional functionalities are available such as communication with indoor lighting and connection to BMS systems.

### Finish

Each standard color luminaire receives a fade and abrasion resistant, electrostatically applied, thermally cured, triphenyl isocyanurate (TPI) textured polyester powdercoating finish. Standard colors include bronze (BR), black (BL), white (WP), and natural aluminum (N). Consult factory for specs on optional or custom colors.

### Labels

All luminaires bear UL, or CUL (where applicable) Wet Location labels.

### Limited Warranty

5 year limited warranty. See philips.com/luminaires for complete details and exclusions.

## LED Performance:

<table>
<thead>
<tr>
<th>Ambient Temperature °C</th>
<th>Driver mA</th>
<th>Calculated Lₚ₁₀ Hours¹⁵</th>
<th>Lₚ Per TM-21⁹¹⁷</th>
<th>Lumen Maintenance % @ 60,000 hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>25°C</td>
<td>up to 530 mA</td>
<td>&gt;100,000</td>
<td>&gt;60,000</td>
<td>82%</td>
</tr>
</tbody>
</table>

¹⁵ Predicted performance derived from LED manufacturer’s data and engineering design estimates, based on IESNA LM-80 methodology. Actual appearance may vary due to field application conditions.

¹⁶ Lₚ is the predicted time when LED performance degrades to 70% of initial lumen output.

¹⁷ Calculated per IESNA TM21-11. Published Lₚ hours limited to 6 times actual LED test hours.
FEATURES & SPECIFICATIONS

INTENDED USE
Provides maintenance-free general illumination for outdoor use in residential and commercial applications such as retail, education, multi-unit housing and storage. Ideal for lighting building facades, parking areas, walkways, garages, loading areas and any other outdoor space requiring reliable security lighting.

CONSTRUCTION
Sturdy weather-resistant aluminum housing with a dark bronze finish.
High performance LEDs are powered by an MVOLT driver providing 2720 and 3970 delivered lumens at 3000K, 100,000 hours LED lifespan based on IESNA LM-80-08 results and calculated per IESNA TM-21-11 methodology. Fixture is maintenance-free.
Rated for outdoor installations -40°C minimum ambient.
Adjustable Dusk-to-Dawn, photocell standard automatically turns light on at dusk and off at dawn for convenience and energy savings.
Photocell can be disabled by rotating the photocell cover.

OPTICS
Precision-molded acrylic lenses provide optimal luminaire spacing with Type 3 distribution.
Nighttime-Friendly™ full cutoff above 90° angle, standard.

INSTALLATION
Wall or arm mount (mounting arm sold separately).
All mounting hardware included.

LISTINGS
UL Certified to US safety standards. C-UL Certified to Canadian safety standards. Wet location listed. Tested in accordance with IESNA LM-79 and LM-80 standards. DLC qualified product.

WARRANTY
5-year limited warranty. Complete warranty terms located at www.acluтиbrands.com/CustomerResources/Terms_and_conditions.aspx
Actual performance may differ as a result of end-user environment and application.
All values are design or typical values, measured under laboratory conditions at 25°C.
NOTE: Specifications are subject to change without notice.

OLW

<table>
<thead>
<tr>
<th>OLW</th>
<th>Lumen(s)/Color temperature (CCT)</th>
<th>Voltage</th>
<th>Features</th>
<th>Finish</th>
</tr>
</thead>
<tbody>
<tr>
<td>LED Wall Light</td>
<td>2720 delivered lumens / 3000K</td>
<td>MVOLT (120V-277V)</td>
<td>Photocell included</td>
<td>DDB Dark Bronze</td>
</tr>
<tr>
<td>3970 delivered lumens / 5000K</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Accessories: Order as separate catalog number
OMA 18 008 U 18’ Steel mounting arm

Example: OLW 23

Notes
1 Correlated Color Temperature (CCT) shown in nominal per ANSI Z87.1.
OLW LED Wall Light

PHOTOMETRICS

Full photometric data report available within 2 weeks from request. Consult factory.
Tested in accordance with IESNA LM-79 and 1M-80 standards.


OLW
FEATURES & SPECIFICATIONS

INTENDED USE — For wall or ceiling mounting, vertical or horizontal. The WL combines digital LED lighting and controls technologies with high-performance optical design to offer the most advanced wall-mount luminaire for general ambient lighting applications. High-efficiency light engine delivers long life and excellent color, ensuring a superior quality lighting installation that is highly efficient and sustainable.

CONSTRUCTION — Housing is roll-formed from cold-gage steel.

Reflector is retained in die-cast ends providing secure installation and easy maintenance.

Decorative die-cast end caps provide added durability.

Finishes: End caps are post-painted in white polyester powder coat for smooth finish. Post-painted channel available by selecting PAF option.

OPTICS — Impact-modified linear faceted reflector. Optically engineered for superior light distribution and maximum efficacy.

Crescent-shaped linear faceted reflector system obscures and integrates individual LED images and uniformly washes fixture surface with light.

ELECTRICAL — Long-life LEDs, coupled with high-efficiency drivers, provide superior quantity and quality of illumination for extended service life. 90% LED lumen maintenance at 60,000 hours (300/600,000). The LEDs have a CRI of 82.

eldolED driver options deliver choice of dimming range and choice for control, while assuring flicker-free, low-current intershunt, 89% efficiency and low EMI.

Driver disconnect provided where required to comply with US and Canadian codes.

Optional nLight® embedded controls continuously monitor system performance and allow for constant lumen management function.

Lumen Management: Unique lumen management system (option NMD) provides onboard intelligence that actively manages the LED light source so that constant lumen output is maintained over the system life, preventing energy waste created by the traditional practice of over-lighting.

SENSOR — Integrated sensor (individual control). Sensor Switch MSD7 (Passive Infrared (PIR)) integrated occupancy sensor photocell allows the luminaire to power off when the space is unoccupied. See page 4 for more details on the integrated sensor.

Integrated Sensor (nLight Wired Networking): The sensor is nLight enabled, meaning it has the ability to communicate over an nLight network. When wired using CAT-5 cabling with other nLight enabled sensors, power packs, or WolfPak, an nLight control zone is created. Once linked to a Gateway, directly or via a Bridge, the zone becomes capable of remote status monitoring and control via SensorView software. See page 4 for the nLight sensor options.

Integrated Smart Sensor (nLight Air Wireless Platform): The BES7 sensor is nLight Air-enabled, meaning it has the ability to communicate over the wireless nLight control platform. It is available with an automatic dimming photocell, and either a digital PIR or a microphonics dual technology occupancy sensor. It pairs to other luminaries and wall switches through our mobile app, CLARITY, which allows for simple sensor adjustment. See page 4 for more details on the Integrated Smart Sensor.

LISTINGS — CEC certified to meet U.S. and Canadian standards. Suitable for damp location (excluding sensor option).

Patents pending. DesignLights Consortium® (DLC) qualified product. Not all versions of the product may be DLC qualified. Please check the DLC Qualified Products List at www.desiglights.org/DLC, to confirm which versions are qualified.


NOTE: Actual performance may differ as a result of end-user environment and application.

All values are design or typical values, measured under laboratory conditions at 25°C. Specifications subject to change without notice.

**A+ Capable Luminaire**

This item is an A+ capable luminaire, which has been designed and tested to provide consistent color appearance and out-of-the-box control compatibility with simple commissioning.

- All configurations of this luminaire meet the Acuity Brands’ specification for chromatic consistency
- This luminaire is part of an A+ Certified solution for nLight® or iPoint™ Wireless control networks when ordered with drivers marked by a shaded background

To learn more about A+, visit www.acuitybrands.com/aplus.

*See ordering tree for details*
### WL2 Wall Bracket & Surface Mount LED

**Ordering Information**
Leads times will vary depending on options selected. Consult with your sales representative.

**Example:** WL2 18L EZ1 LP40

<table>
<thead>
<tr>
<th>WL2</th>
<th>Series</th>
<th>Lumens</th>
<th>Voltage</th>
<th>Driver</th>
<th>Color Temperature</th>
<th>nLight Interface</th>
</tr>
</thead>
<tbody>
<tr>
<td>WL2</td>
<td>2' wall-mount LED</td>
<td>08L</td>
<td>800 lumens</td>
<td>(blank)</td>
<td>LPR10 3000 K</td>
<td>nLight Wired</td>
</tr>
<tr>
<td></td>
<td></td>
<td>12L</td>
<td>1200 lumens</td>
<td>MIVOLT</td>
<td>LPR15 3500 K</td>
<td>(blank) No nLight Interface</td>
</tr>
<tr>
<td></td>
<td></td>
<td>18L</td>
<td>1800 lumens</td>
<td>EZ1</td>
<td>LPR40 4000 K</td>
<td>nLight* with 80% lumen management</td>
</tr>
<tr>
<td></td>
<td></td>
<td>22L</td>
<td>2200 lumens</td>
<td>E7B</td>
<td>LPR50 5000 K</td>
<td>nLight* with 80% lumen management. For use with generator supply EM power.</td>
</tr>
</tbody>
</table>

### nLight Wired
- **nLight Wired**
- **nLight* with 80% lumen management**
- **nLight* with 80% lumen management. For use with generator supply EM power.**

### nLight Wireless
- **nLight Wireless**
- **nLight* Air Generation 2 enabled**

### Control
- **nLight Wired**
  - (blank) No nLight control
  - NES7 nLight* nES 7 PIR integral occupancy sensor
  - NESFD7 nLight* nES FD7 dual technology integral occupancy control
  - NES7CXX nLight* nES 7 ADCC PIR integral occupancy sensor with automatic dimming photocell

### nLight Wireless
- **nLight Wireless**
  - NES7 nLight* Air PIR integral occupancy sensor with automatic dimming photocell
  - NESPDT nLight* Air microsensors dual technology integral occupancy sensor with automatic dimming photocell

### Individual Control
- **MSD7** Sensor Switch* MSD 7 PIR Integral Occupancy Control

### Standby mode
- (blank) Fixture turns off when unoccupied
- DIM10 Fixture dims to approximately 10% light output when unoccupied
- DIM50 Fixture dims to approximately 50% light output when unoccupied
- NDC NOC occupancy sensor disabled

### Options
- SC Surface conduit end cap provisions

### Finish
- (blank) White
- PAF Paint After Fabrication White

---

**Notes**
1. Approximate lumen output.
2. Not available with any Controls or sensor options.
3. Not available with nLight Interface or Controls.
4. nLight EAC option requires a connection to existing nLight network. Power is provided from a separate NIB or NNI enabled fixture.
5. Must order with RES, RESD1. Only available with EZ1 driver.
7. Requires NIB, NIBD, NIBEM, or NIBMEN.
8. Not available with nLight options or EZ1.
9. Only available with nLight Wired occupancy sensors options.
10. Can only be ordered in conjunction with EZ1, NLSHR2, RES2/RES/REX. Occupancy sensor disabled at factory but can be re-enabled upon commissioning.
11. For additional paint finishes, Architectural Colours.
WL2  Wall Bracket & Surface Mount LED

**nLight® Wired Control Accessories:**

<table>
<thead>
<tr>
<th>WallPad stations</th>
<th>Model number</th>
<th>Occupancy sensors</th>
</tr>
</thead>
<tbody>
<tr>
<td>On/Off</td>
<td>nPO2M [color]</td>
<td>Small motion 360°, ceiling (PIR / dual tech)</td>
</tr>
<tr>
<td>On/Off &amp; raise/lower</td>
<td>nPO2M DX [color]</td>
<td>Large motion 360°, ceiling (PIR / dual tech)</td>
</tr>
<tr>
<td>Graphic touchscreen</td>
<td>nPO2I-GF3 [color]</td>
<td>Wall switch with raise/lower</td>
</tr>
<tr>
<td>Photocell controls</td>
<td>Model number</td>
<td>Cat-5 cable (plenum rated)</td>
</tr>
<tr>
<td>Full range dimming</td>
<td>nCM ADDC-RJB</td>
<td>10' cable</td>
</tr>
<tr>
<td></td>
<td></td>
<td>30' cable</td>
</tr>
<tr>
<td></td>
<td></td>
<td>nCM 9 RB / nCM PDT 9 RB</td>
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<tr>
<td></td>
<td></td>
<td>nCM10 RB / nCM PDT 10 RB</td>
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<tr>
<td></td>
<td></td>
<td>nWX3 PDT 1V DX [color]</td>
</tr>
<tr>
<td></td>
<td></td>
<td>nWX3 PDT 2V DX [color]</td>
</tr>
</tbody>
</table>

**nLight® AIR Control Accessories:**

<table>
<thead>
<tr>
<th>Wall switches</th>
<th>Model number</th>
</tr>
</thead>
<tbody>
<tr>
<td>On/Off single pole</td>
<td>nPO2D [color] G2</td>
</tr>
<tr>
<td>On/Off two pole</td>
<td>nPO2D-2P [color] G2</td>
</tr>
<tr>
<td>On/Off &amp; raise/lower single pole</td>
<td>nPO2D BX [color] G2</td>
</tr>
<tr>
<td>On/Off &amp; raise/lower two pole</td>
<td>nPO2D 2P DX [color] G2</td>
</tr>
<tr>
<td>On/Off &amp; raise/lower single pole</td>
<td>nPO2DZ DX WH G2</td>
</tr>
</tbody>
</table>

**ORDERING INFORMATION**
Example: RCMS PDT 10 ARG2

<table>
<thead>
<tr>
<th>Series/Detection</th>
<th>Occupancy Detection</th>
<th>Lens (Required)</th>
<th>Operating Mode</th>
<th>Generation</th>
</tr>
</thead>
<tbody>
<tr>
<td>RCMS1</td>
<td>nLight AIR occupancy and daylight sensor</td>
<td>PIR detection</td>
<td>None</td>
<td>G2  Generation 2 compatibility</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dual Tech PIR/ Microphonic</td>
<td>AIR  Auxiliary Relay</td>
<td></td>
</tr>
</tbody>
</table>

1. RCMS requires low-voltage power from either RPP20-DC4V G2 or PS150L.
Integrated Sensor with Individual Control
The n557 PIR occupancy sensor is ideal for areas without obstructions and where daylight harvesting may be desired. Suggested applications include, but are not limited to, hallways, corridors, storage rooms, and breakrooms or other areas where people are typically moving.

**Sensor Options**

<table>
<thead>
<tr>
<th>Option</th>
<th>Automatic Dimming Photocell</th>
<th>Occupancy Sensing</th>
<th>Optional Wired Networking</th>
<th>Optional AIR Networking</th>
</tr>
</thead>
<tbody>
<tr>
<td>n557</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>n557</td>
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<td>n557PDT</td>
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<tr>
<td>n557PDT</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

**Basic nLIGHT Zone**

- nLIGHT Wired Networking
  - The n557 is ideal for small rooms without obstructions or areas with primarily walking motion. Ideal areas include hallways, corridors, storage rooms, and breakrooms. Additionally, the n557DCX includes an integrated photocell, which enables daylight harvesting controls.
  - For areas like restrooms, private offices, open offices, conference rooms or any space with obstructions, the n557PDT7 dual technology sensor is recommended. The n557PDT7 utilizes both PIR (passive infrared) and Microphonics technologies to detect occupancy.

- nLIGHT AIR Wireless
  - nLIGHT AIR is the ideal solution for retrofit or new construction spaces where adding additional wiring can be labor intensive and costly. nLIGHT AIR is available with or without an integral sensor. The integrated RST or RST-PDT smart sensors are part of each luminaire in the nLIGHT AIR network, which can be grouped to control multiple luminaires. The granularity of control with the digital PIR occupancy detection and daylight sensing makes a great solution for any application.

**Sequence of Operation**

- Recommended for walking motion detection from mounting heights between 8 ft (2.44 m) and 10 ft (3.04 m)
- Initial detection of walking motion along sensor axes at distances of 2x the mounting height up to 15 ft (4.57 m) and
- 1.75x up to 20 ft (6.10 m)
- Provides 12 ft (3.66 m) radial detection of small motion when mounted at 9 ft (2.74 m)
- Initial detection will occur earlier when walking across sensor's field of view than when walking directly at sensor

**Sensor Coverage Pattern**

- Mini 360° Lens

**9 FT Mounting**

- Lens rotation 15° to enable adjustment

**Simple as 1.2.3**

1. Install the nLIGHT AIR fixtures with embedded smart sensors
2. Install the wireless battery-powered wall switch
3. With CLARIITY app, pair the fixtures with the wall switch and if desired, customize the sensor settings for the desired outcome

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WL2 Wall Bracket & Surface Mount LED

<table>
<thead>
<tr>
<th>Performance Data</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lumen package</td>
<td>Input watts</td>
<td>Lumen</td>
<td>LFW</td>
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<tr>
<td>08L LP400</td>
<td>7.5</td>
<td>771</td>
<td>10.80</td>
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<tr>
<td>08L LP405</td>
<td>7.5</td>
<td>809</td>
<td>10.87</td>
</tr>
<tr>
<td>08L LP410</td>
<td>7.5</td>
<td>848</td>
<td>11.17</td>
</tr>
<tr>
<td>08L LP420</td>
<td>7.5</td>
<td>877</td>
<td>11.91</td>
</tr>
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<td>12L LP430</td>
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<td>1190</td>
<td>9254</td>
</tr>
<tr>
<td>12L LP415</td>
<td>12.2</td>
<td>1249</td>
<td>103.38</td>
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<td>12L LP440</td>
<td>12.2</td>
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<td>18L LP430</td>
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<td>9777</td>
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<td>18L LP433</td>
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<td>101.60</td>
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<td>17.5</td>
<td>1889</td>
<td>105.04</td>
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<td>18L LP450</td>
<td>17.5</td>
<td>1966</td>
<td>122.34</td>
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<td>22L LP430</td>
<td>21.0</td>
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<td>9933</td>
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<td>22L LP435</td>
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<td>22L LP440</td>
<td>21.0</td>
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<tr>
<td>22L LP450</td>
<td>21.0</td>
<td>2258.8</td>
<td>105.14</td>
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</table>

Notes
1 Actual wattage may differ by +/-5% when operating between 70-277V +/-10%.

PHOTOMETRICS
WL2 12E Z1 LP540, 1310.5 delivered lumens, test no. LTL25476P5, tested in accordance to IESNA LM-79

180°

<table>
<thead>
<tr>
<th>Coefficients of Utilization</th>
<th>pf</th>
<th>pc</th>
<th>80%</th>
<th>20%</th>
<th>50%</th>
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<td>90°</td>
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<td>5°</td>
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</table>

Zonal Lumen Summary

<table>
<thead>
<tr>
<th>Zone</th>
<th>Lumens</th>
<th>% Lamp</th>
<th>% Fixture</th>
</tr>
</thead>
<tbody>
<tr>
<td>0°-30°</td>
<td>280</td>
<td>21.9</td>
<td>21.9</td>
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<tr>
<td>0°-40°</td>
<td>466</td>
<td>35.6</td>
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<tr>
<td>0°-60°</td>
<td>824</td>
<td>62.9</td>
<td>62.9</td>
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<tr>
<td>0°-90°</td>
<td>1143</td>
<td>87.2</td>
<td>87.2</td>
</tr>
<tr>
<td>90°-120°</td>
<td>101</td>
<td>7.7</td>
<td>7.7</td>
</tr>
<tr>
<td>90°-130°</td>
<td>122</td>
<td>9.3</td>
<td>9.3</td>
</tr>
<tr>
<td>90°-150°</td>
<td>154</td>
<td>11.7</td>
<td>11.7</td>
</tr>
<tr>
<td>90°-180°</td>
<td>169</td>
<td>12.8</td>
<td>12.8</td>
</tr>
<tr>
<td>0°-180°</td>
<td>1310</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

MOUNTING DATA
For unit installation; surface ceiling or wall mounting.

LITHONIA LIGHTING
COMMERCIAL INDOOR: One Lithonia Way Conyers, GA 30012 Phone: 800-765-5884 (7378) www.lithonia.com © 2016-2019 Acuity Brands Lighting, Inc. All rights reserved. Rev. 11/15/19
FEATURES & SPECIFICATIONS

INTENDED USE — For wall or ceiling mounting, vertical or horizontal. The WL combines digital LED lighting and controls technologies with high-performance optical design to offer the most advanced wall-mount luminaire for general ambient lighting applications. High-efficacy light engines deliver long life and excellent color, ensuring a superior quality lighting installation that is highly efficient and sustainable.

CONSTRUCTION — Housing is rolled formed from code-gauge steel.
Refractor is retained in die-cast ends providing secure installation and easy maintenance.
Decorative die-cast end caps provide added durability.
Finish: End caps are post-painted in white powder coat for smooth finish. Post-painted channel available by selecting PAF option.

OPTICS — Impact modified linear faceted refractor. Optically engineered for superior light distribution and maximum efficacy.
Concave-shape linear faceted refractor system smoothly integrates individual LED images and uniformly washes fixture surface with light.

ELECTRICAL — Long-life LEDs, coupled with high-efficiency drivers, provide superior quantity and quality of illumination for extended service life. 90% LED lumen maintenance at 60,000 hours (90/60,000). The LEDs have a CRI of 82.

eldoLED driver options deliver choice of dimming range and control for dimming, with ensuring flicker-free, low-current load, 80% efficiency and low EMI.
Driver disconnect provided where required to comply with IES and Canadian code.
Optional nLight® embedded controls continuously monitor system performance and allow for constant lumen management function.

Lumen Management: Unique lumen management system (option LMD) provides onboard intelligence that actively manages the LED light source so that constant lumen output is maintained over the system life, preventing energy waste created by the traditional practice of over-lighting.

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Integrated Sensor (nLight Wired Networking): The sensor is nLight-enabled, meaning it has the ability to communicate over an nLight network. When wired using CAT 5-cabling with other nLight-enabled sensors, power packs, or WallPods, an nLight control zone is created. Once linked to a Gateway, directly or via a Bridge, the zone becomes capable of reporting status monitoring and control via SensorView software. See page 4 for more details on the integrated sensor.

Integrated Smart Sensor (nLight AIR Wireless Platform): The RES sensor is nLight AIR enabled, meaning it has the ability to communicate over the wireless nLight control platform. Its available with an automatic dimming photocell, and either a digital PIR or dual technology occupancy sensor. It pairs to other luminaires and wall switches through our mobile app, CLAIRITY, which allows for simple sensor adjustment. See page 4 for more details on the Integrated Smart Sensor.

LISTINGS — C-UL certified to meet U.S. and Canadian standards. Suitable for damp location (excluding sensor option).
Patents pending. DesignLights Consortium® (ELC) certified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.designlights.org/DQL to confirm which versions are qualified.


NOTE: Actual performance may differ as a result of end-user environment and application.
All values are design or typical values, measured under laboratory conditions at 25 °C.
Specifications subject to change without notice.

<sup>A</sup> Capable Luminaire

This item is an A+ capable luminaire, which has been designed and tested to provide consistent color appearance and out-of-the-box control compatibility with simple commissioning.

- All configurations of this luminaire meet the Acuity Brands’ specification for chromatic consistency
- This luminaire is part of an A+ Certified solution for nLight® or X10 wireless control networks when ordered with drivers marked by a shaded background*.

To learn more about A+, visit www.acuitybrands.com/aplus.

*See ordering tree for details
## WL4 Wall Bracket & Surface Mount LED

**Ordering Information**
Lead times will vary depending on options selected. Consult with your sales representative.

**Example:** WL4 30L EZ1 LP40

### WL4 Series

<table>
<thead>
<tr>
<th>Series</th>
<th>Lumens</th>
<th>Voltage</th>
<th>Driver</th>
<th>Color Temperature</th>
<th>nLight Interface</th>
</tr>
</thead>
<tbody>
<tr>
<td>WL4 4' wall-mount LED</td>
<td>20L 2000 lumens</td>
<td>(blank) MVOLT</td>
<td>EZ1 elediLED dims to 1%, 0-10V</td>
<td>LP500 3000 K</td>
<td>nLight Wired (blank) No nLight Interface</td>
</tr>
<tr>
<td></td>
<td>30L 3000 lumens</td>
<td>347 347V</td>
<td>EZ10 elediLED dims to 1%, 0-10V</td>
<td>LP535 3500 K</td>
<td>N80 nLight* with 80% lumen management</td>
</tr>
<tr>
<td></td>
<td>40L 4000 lumens</td>
<td>347 347V</td>
<td>GZ1 Dim to 1% (0-10V dimming)</td>
<td>LP440 4000 K</td>
<td>NBEENG nLight* with 80% lumen management: For use with generator supply EM Power 4</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>GZ10 Dim to 10% (0-10V dimming)</td>
<td>LP550 5000 K</td>
<td>NTOO nLight* without lumen management</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>SLB Step-level dimming</td>
<td></td>
<td>NTOEENG nLight* without lumen management: For use with generator supply EM Power 4</td>
</tr>
</tbody>
</table>

### Control *

- **nLight Wired**
  - (blank) No nLight control
  - RES7 nLight* NES PIR integral occupancy sensor
  - RESPD7 nLight* NES PDT 7 dual technology/integral occupancy control
  - RES7ACCC nLight* NES 7 AC/DC PIR integral occupancy sensor with automatic dimming photocell

- **nLight Wireless**
  - RES7 nLight* AIR PIR integral occupancy sensor with automatic dimming photocell
  - RES7PDT nLight* AIR microphone & dual technology integral occupancy sensor with automatic dimming photocell

### Individual Control
- M507 Sensor Switch M50 7 PIR Integral Occupancy Control

### Standby Mode *
- (blank) Fixture turns off when unoccupied
- DIM10 Fixture dims to approximately 10% light output when unoccupied
- DIM50 Fixture dims to approximately 50% light output when unoccupied
- NOC NOD Occupancy sensor disabled

### Options
- E17L 700 nominal lumen battery pack (Noncompliant with CA T20) *
- E14L 1400 nominal lumen battery pack (Noncompliant with CA T20) *
- E10WCP EM Self-Diagnostic battery pack, 10W Constant Power, Certified in UL 2034 MXED65 *
- SC Surface conduit end cap provisions

### Finish *
- (blank) White
- PAF Paint After Fabrication
- White

**Notes:**
1. Approximate lumen output.
2. Not available with any Controls or sensor options.
3. Not available with nLight Interface or Controls.
4. nLight ENG option requires a connection to existing nLight network. Power is provided from a separate N80 or W80 enabled fixture.
5. Must order with RES7, RES7PDT, or module. Only available with EZ1 drivers.
7. Requires N80, NW80, NBEENG, or NTOOENG.
8. Not available with nLight options or EZ1.
9. Only available with nLight Wired occupancy sensors option.
10. Can only be ordered in conjunction with EZ1, RES8, RES8PDT/PUE. Occupancy sensor disabled at factory but can be re-enabled upon commissioning.
11. Not available with 347V.
12. For additional paint finishes, refer to Architectural Colors.
WL4 Wall Bracket & Surface Mount LED

WL4 LED

COMMERCIAL INDOOR: One Lithonia Way Corners, GA 30012  Phone: 1-800-705-SEBV (7378)  www.lithonia.com ©2016-2019 Acuity Brands Lighting, Inc. All rights reserved.  Rev. 12/11/19
### Sensor Options

<table>
<thead>
<tr>
<th>Option</th>
<th>Automatic Dimming Photocell</th>
<th>Occupancy Sensing</th>
<th>nLight Wired Networking</th>
<th>nLight AIR Networking</th>
</tr>
</thead>
<tbody>
<tr>
<td>MS57</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NES7</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NES7ADCX</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>RESPD7</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES7</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>RES7PD1</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**Integrated Sensor with Individual Control**

The MS57/PIR occupancy sensor is ideal for areas without obstructions and where daylight harvesting may be desired. Suggested applications include, but not limited to, hallways, corridors, storage rooms, and breakrooms or other areas were people are typically moving.

### nLight Wired Networking

nLight Wired networking is ideal for small rooms without obstructions or areas with primarily walking motion. Ideal areas include hallways, corridors, storage rooms, and breakrooms. Additionally, the NES7ADXC includes an integrated photocell, which enables daylight harvesting controls.

For areas like restrooms, private offices, open offices, conference rooms or any space with obstructions, the nLight PD7 dual technology sensor is recommended. The nLight PD7 utilises both PIR (passive infrared) and Microphones technologies to detect occupancy.

### nLight AIR Wireless

nLight AIR is the ideal solution for retrofit or new construction spaces where adding additional wiring can be labor intensive and costly. nLight AIR is available with or without an integral sensor. The Integrated RES7 or RES7PD1 smart sensors are part of each luminaire in the nLight AIR network, which can be grouped to control multiple luminaires. The granularity of control with the digital PIR occupancy detection and daylight sensing makes a great solution for any application.

### Sensor Coverage Pattern

**Mini 360° Lens**

- Recommended for walking motion detection from mounting heights between 8 ft (2.44 m) and 20 ft (6.10 m)
- Initial detection of walking motion along sensor axes at distances of 2X, the mounting height (up to 15 ft or 4.57 m) and 1.75X upper to 20 ft (6.10 m)
- Provides 12 ft (3.66 m) radial detection of small motion when mounted at 9 ft (2.74 m)
- Initial detection will occur earlier when walking across sensor field of view than when walking directly at sensor

### 9 FT Mounting

<table>
<thead>
<tr>
<th>Lens Elevation (°)</th>
<th>55</th>
<th>46</th>
<th>37</th>
<th>27</th>
<th>18</th>
<th>09</th>
<th>00</th>
<th>09</th>
<th>18</th>
<th>27</th>
<th>37</th>
<th>46</th>
<th>55</th>
</tr>
</thead>
<tbody>
<tr>
<td>MIN</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LIGHTS ON</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17.5 MIN TIME DELAY</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.5 MIN AT A 1% LEVEL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LIGHTS OFF</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LIGHTS ON</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*The presetting on the automatic dimming photocell is 50.*
WL4 Wall Bracket & Surface Mount LED

### PERFORMANCE DATA

<table>
<thead>
<tr>
<th>Lumen package</th>
<th>Input watts</th>
<th>Lumens</th>
<th>LPW</th>
</tr>
</thead>
<tbody>
<tr>
<td>20L LP830</td>
<td>18.7</td>
<td>2050</td>
<td>11D</td>
</tr>
<tr>
<td>20L LP835</td>
<td>18.7</td>
<td>2352</td>
<td>11B</td>
</tr>
<tr>
<td>20L LP840</td>
<td>18.7</td>
<td>2355</td>
<td>12A</td>
</tr>
<tr>
<td>20L LP850</td>
<td>18.7</td>
<td>2610</td>
<td>12A</td>
</tr>
<tr>
<td>30L LP830</td>
<td>28.2</td>
<td>2952</td>
<td>11B</td>
</tr>
<tr>
<td>30L LP835</td>
<td>28.2</td>
<td>3095</td>
<td>11D</td>
</tr>
<tr>
<td>30L LP840</td>
<td>28.2</td>
<td>3251</td>
<td>11B</td>
</tr>
<tr>
<td>30L LP850</td>
<td>28.2</td>
<td>3299</td>
<td>11B</td>
</tr>
<tr>
<td>40L LP830</td>
<td>39.5</td>
<td>3927</td>
<td>9B</td>
</tr>
<tr>
<td>40L LP835</td>
<td>39.5</td>
<td>4114</td>
<td>10D</td>
</tr>
<tr>
<td>40L LP840</td>
<td>39.5</td>
<td>4215</td>
<td>11D</td>
</tr>
<tr>
<td>40L LP850</td>
<td>39.5</td>
<td>4571</td>
<td>11B</td>
</tr>
</tbody>
</table>

### DIMENSIONS

All dimensions are inches (centimeters) unless otherwise noted.

**Specifications**

- Length: with sensor - 50-15/16 (129.40)
  - without sensor - 46-13/16 (118.90)
- Height: with sensor - 3-7/8 (9.7)
  - without sensor - 3-1/16 (9.3)
- Width: 4-3/4 (12.0)

**How to Calculate Estimated Lumens in Emergency Mode**

Use the formula below to estimate the delivered lumens in emergency mode:

\[ \text{Delivered Lumens} = 1.25 \times P \times LPW \]

- \( P \) = Output power of emergency driver; \( P = 100 \)W for E100/WL0 option.
- \( LPW \) = Lumens per watt rating of the luminaire. This information is available on the ABL luminaire spec sheet.
- \( LPW \) = Lumens per watt rating of the luminaire. LPW information available in Performance Data section.

### PHOTOMETRICS

WL4 30EL4Z1 LP840, 3250.8 delivered lumens, test no. LTL25482P5, tested in accordance to IESNA LM-79

### MOUNTING DATA

For unit installation; surface ceiling or wall mounting.
Stonco LytePro LED medium wall sconce LPW16 features outstanding value in a compact, architectural design. This powerful and precise combination offers outstanding energy savings with excellent photometric performance. LPW16 is ideal for entryways and corridors in addition to wall lighting applications requiring strong lateral spacing and forward pattern projection.

Ordering guide

Example: LPW16-20-NW-G3-3-120-PCB-BZ

<table>
<thead>
<tr>
<th>Prefix</th>
<th>Wattage</th>
<th>LED Color/Gen</th>
<th>Distribution</th>
<th>Voltage</th>
<th>Options</th>
<th>Finish</th>
</tr>
</thead>
<tbody>
<tr>
<td>LPW16</td>
<td>20W, 30W, 50W</td>
<td>NW-G3 Neutral White, 4000K 70 CRI Generation 3</td>
<td>Type 3</td>
<td>120, 208, 240, 277, 347, 480, 120-277V (50/60Hz), 347-480V (50/60Hz)</td>
<td>PCB None, Photocontrol Button</td>
<td>Textured, BK Black, WH White, BZ Bronze, DGY Dark Gray, MGY Medium Gray</td>
</tr>
</tbody>
</table>

Customer specified
- RAL: Specify optional color or RAL (ex: OC-LG or OC-RAL/024)
- CC: Custom color (Must supply color chip for required factory quote)

Stocked luminaires - Ordering guide

<table>
<thead>
<tr>
<th>Catalog Number</th>
<th>Description</th>
<th>Master Pack, Qty</th>
<th>UPC Codes</th>
</tr>
</thead>
<tbody>
<tr>
<td>LPW16-G3-8-BZ</td>
<td>LPW16, 30W, 650mA, 4000K, Type 3, 120-277V, Bronze textured paint</td>
<td>6</td>
<td>8222528/3872</td>
</tr>
<tr>
<td>LPW16-G3-8-DGY</td>
<td>LPW16, 30W, 650mA, 4000K, Type 3, 120-277V, Dark gray textured paint</td>
<td>6</td>
<td>8222528/3885</td>
</tr>
</tbody>
</table>

Stocked accessories - Ordering guide (Must be ordered separately)

<table>
<thead>
<tr>
<th>Catalog Number</th>
<th>Description</th>
<th>Master Pack, Qty</th>
<th>UPC Codes</th>
</tr>
</thead>
<tbody>
<tr>
<td>LPWCVRPLT-BZ</td>
<td>LPW Universal wall cover mounting plate, Bronze textured paint</td>
<td>(none)</td>
<td>19009614860</td>
</tr>
</tbody>
</table>

1 Must specify voltage. Not available in 347V or 480V.
2 Other colors available upon request as made-to-order
LPW16 LytePro
LED medium wall sconce

Dimensions

Luminaire weight: 6ibs (2.7 kg)

Accessory dimensions (ordered separately)
LPWVC/RPLT-B2 LPW Universal wall cover mounting plate, 0.08" aluminum, bronze textured paint (used to cover larger pre-existing opening or surfaces, field installed). Offers same J-Box pattern as luminaire or may lagged to wall using (4) knockouts.

Universal J-Box mounting hole pattern

LED Wattage and Lumen Values

<table>
<thead>
<tr>
<th>Ordering Code</th>
<th>Total LEDs</th>
<th>LED Current (mA)</th>
<th>Color Temp.</th>
<th>Average System Watts</th>
<th>Lumen Output</th>
<th>BUG Rating</th>
<th>Efficacy (LPW)</th>
<th>Lumen Output</th>
<th>BUG Rating</th>
<th>Efficacy (LPW)</th>
</tr>
</thead>
<tbody>
<tr>
<td>LPW-16-20-NW-G3</td>
<td>16</td>
<td>400 4000</td>
<td>22.3</td>
<td>2,316</td>
<td>B1-U0-G1</td>
<td>104</td>
<td>2,242</td>
<td>B1-U0-G1</td>
<td>101</td>
<td>98</td>
</tr>
<tr>
<td>LPW-16-30-NW-G3</td>
<td>16</td>
<td>550 4000</td>
<td>34.3</td>
<td>3,474</td>
<td>B1-U0-G1</td>
<td>101</td>
<td>3,364</td>
<td>B1-U0-G1</td>
<td>98</td>
<td></td>
</tr>
<tr>
<td>LPW-16-50-NW-G3</td>
<td>16</td>
<td>900 4000</td>
<td>48.0</td>
<td>4,629</td>
<td>B1-U0-G1</td>
<td>96</td>
<td>4,482</td>
<td>B1-U0-G1</td>
<td>93</td>
<td></td>
</tr>
<tr>
<td>LPW-16-20-WW-G3</td>
<td>16</td>
<td>400 3000</td>
<td>22.3</td>
<td>2,132</td>
<td>B1-U0-G0</td>
<td>96</td>
<td>2,065</td>
<td>B1-U0-G1</td>
<td>93</td>
<td></td>
</tr>
<tr>
<td>LPW-16-30-WW-G3</td>
<td>16</td>
<td>650 3000</td>
<td>34.3</td>
<td>3,200</td>
<td>B1-U0-G1</td>
<td>93</td>
<td>3,098</td>
<td>B1-U0-G1</td>
<td>90</td>
<td></td>
</tr>
<tr>
<td>LPW-16-50-WW-G3</td>
<td>16</td>
<td>900 3000</td>
<td>47.5</td>
<td>4,263</td>
<td>B1-U0-G1</td>
<td>90</td>
<td>4,126</td>
<td>B1-U0-G1</td>
<td>87</td>
<td></td>
</tr>
</tbody>
</table>

Values from photometric tests performed in accordance with IESNA LM-79 and are representative of the configurations shown. Actual performance may vary due to installation and environmental variables, LED and driver tolerances, and field measurement considerations. It is highly recommended to confirm performance with a photometric layout.

NOTE: Some data may be scaled based on tests of similar (but not identical) luminaires. Contact factory for configurations not shown.

Predicted lumen depreciation data
Predicted performance derived from LED manufacturer's data and engineering design estimates, based on IESNA LM-80 methodology. Actual performance may vary due to field application conditions. L70 is the predicted time when LED performance deprecates to 70% of initial lumen output. Calculated per IESNA TM-21. Published L70 hours limited to 6 times actual LED test hours

<table>
<thead>
<tr>
<th>Ambient Temperature °C</th>
<th>Calculated L70 Hours</th>
<th>L70 per TM-21</th>
<th>Lumen Maintenance % at 60,000 hrs</th>
</tr>
</thead>
<tbody>
<tr>
<td>up to 40°C</td>
<td>&gt;200,000 hours</td>
<td>&gt;54,000 hours</td>
<td>&gt;96%</td>
</tr>
</tbody>
</table>

Optical distributions
Based on LPW16-30-NW-G3 at 15' mounting height

<table>
<thead>
<tr>
<th>3 MH</th>
<th>2 MH</th>
<th>1 MH</th>
<th>0</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 MH</td>
<td>3 MH</td>
<td>2 MH</td>
<td>1 MH</td>
</tr>
<tr>
<td>0</td>
<td>4 MH</td>
<td>3 MH</td>
<td>2 MH</td>
</tr>
</tbody>
</table>

LPW16 LytePro_sconce 08/19 page 2 o'3
**General Description**

LytePro LED medium wall sconce LPW16 combines excellent performance, design and value to meet the needs of the energy and budget conscious. The LPW16 is available for use in downward facing, surface wall mount applications, over recessed j-boxes or where power can be directly fed through back surface, whereby connections can be made inside the luminaire housing. Two SKU’s are available as in-stock configurations only (2-day quick ship).

**Housing**

Die-cast housing houses both the LED and driver assemblies. Design incorporates an integrated heat sink to maximize thermal performance and reliability. Backplate is corrosion free, composite polycarbonate, with built-in level bubble, offers integral interlocking hook and mount design for easy installation.

**Mounting**

Easy interlocking hook and mount housing/backplate design for easy installation. Mounts over 3.5"/4" octagonal j-boxes and single gang switch boxes or can be directly legged to surface. Ensure proper steps for gasket/sealing luminaire to surface.

**IP Rating**

Optical compartment is IP65 rated.

**LED Board and Array**

Provides up to 104 lm/W at the system level. Standard color temp is 4000K or 3000K +/- 250K, minimum 70 CRI.

**Electrical**

Driver efficiency (>90% standard), 120-277V and 347-480V available. All drivers are dimmable. Temp range: -40°C (-40°F) to 40°C (104°F). Open/short circuit protection, inherent surge protection up to (6kVA). RoHS compliant.

Surge protection (SPI): Surge protection device tested in accordance with ANSI/IEEE C62.45 per ANSI/IEEE C62.41.2 Scenario 1 Category C. High Exposure 10kV/10kA waveforms for Line-Ground, Line-Neutral and Neutral-Ground, and in accordance with DOE MSSLC Model Specification for LED Roadway Luminaire Appendix D Electrical Immunity high test level 10kV/10kA.

**Listings**

Product is cETLus listed suitable for wet Locations. Suitable for use in ambient from -40°C to 40°C (-40°F to 104°F). DesignLights Consortium® qualified.

**Finish**

Each luminaire receives a fade and abrasion resistant, electrosstatically applied, thermally cured, triglycidyl isocyanurate (TGIC) textured polyester powdercoat finish.

**Warranty**

LPW16 luminaires, the LED arrays, and the drivers are all covered by a 5-year limited warranty. See www.signify.com/warranties for details.
OCSD Plant 1
Vesting and Encumbrance Report

Property Location

Assessor's Parcel No: 156-101-01, 02, 04, 05; 156-181-01, 02, 03; 156-163-06, 09, 10, 11

Legal Description

See Vesting Deeds

Vestee

Orange County Sanitation Districts Nos. 1, 2, 3, 5, 6, 7 and 11; Orange County Sanitation District No. 1 of Orange County California, A Public Corporation; Orange County Sanitation District No.; Orange County Sanitation District, a County Sanitation District

Vesting Deeds South of Ellis Avenue

1. Grant Deed from Stephen Griset, Eugene Griset and Lula Griset to the City of Santa Ana recorded February 23, 1923 in Book 457 Page 147 of Official Records of Orange County California.

2. Grant Deed from Mellis M. Ellis to the City of Santa Ana recorded August 31, 1923 in Book 490 page 333 of Official Records of Orange County California.

3. A Grant Deed from Samuel Elsworth Hearn and Cora W. Hearn, husband and wife and Dennis Vincent Hearn, a single man to City of Santa Ana, A Municipal Corporation of the fifth class recorded May 25, 1942 in Book 1152 Page 143 of Official Records, Orange County California.

4. Quitclaim Deed from the City of Santa Ana, as contracting agent for Section One of the Orange County Joint Outfall Sewer to County Sanitation Districts 1, 5, 6 and 11 of Orange County, California, recorded July 30, 1954 in Book 2782 Page 221 of Official Records of Orange County California.
5. Quitclaim Deed from the City of Santa Ana to Orange County Sanitation Districts Nos. 1, 2, 3, 5, 6, 7 and 11, recorded July 12, 1956 in Book 3575 Page 317 of Official Records of Orange County California.


Vesting Deeds North of Ellis Avenue

9. Grant Deed from Bender Properties, a California limited partnership to Orange County Sanitation District, recorded February 24, 2017 as Instrument No. 2017000078740 of Official Records of Orange County California.

10. Grant Deed from K&A Investments LP, a California limited partnership to Orange County Sanitation District, recorded March 13, 2018 as Instrument No. 2018000087822 of Official Records, of Orange County California.

11. Grant Deed from Sukut Real Properties, LLC, a Delaware limited liability company to Orange County Sanitation District, a County Sanitation District, recorded August 29, 2018 as Instrument No. 2018000317827 of Official Records of Orange County California.

Encumbrances south of Ellis Avenue


C. A Grant of Easement from County Sanitation District No. 1 to Southern California Edison Company recorded October 11, 1958 in Book 4433 Page 244 of Official Records of Orange County California.

D. A Grant of Easement from County Sanitation District No. 1 to Southern California Edison Company recorded February 17 1977 in Book 12074 Page 1171 of Official Records of Orange County California.

E. A Grant of Easement from County Sanitation District No. 1 to the City of Fountain Valley, a municipal corporation recorded July 30, 1984 as Instrument No. 84-313034 of Official Records of Orange County California.

F. A Grant of Easement from County Sanitation District No. 1 to the City of Fountain Valley recorded March 27, 1985 as Instrument No. 85-106961 of Official Records of Orange County California.

G. A Grant of Easement from County Sanitation District No. 1 to Southern California Edison Company recorded July 22, 1987 as Instrument No. 87-417339 of Official Records of Orange County California.

H. A Grant of Easement from County Sanitation District Nos. 1, 2, 3, 5, 6, 7, 11, 13 & 14 to Southern California Edison Company recorded November 8, 1990 as Instrument No. 90-242752 of Official Records of Orange County California.

I. A Grant of Easement from County Sanitation District Nos. 1, 2, 3, 5, 6, 7, 11, 13 & 14 to Southern California Edison Company recorded July 21, 1992 as Instrument No. 92-486928 of Official Records of Orange County California

Encumbrances north of Ellis Avenue

J. A Grant of Easement dated June 29, 1971 between Pacific Coast Properties, Inc. (Grantor) and Southern California Edison Company, a corporation (Grantee) recorded July 21, 1971 in Book 9728 Page 248 of Official Records, Orange County, CA.

K. Covenants, conditions and restrictions contained in a document recorded November 19, 1971 in Book 9895 Page 770 of Official Records, Orange County, CA.
I. A Grant of Easement executed by Milton G. Upton or Eleanor L. Upton, Co-Trustees under the Inter Vivos Trust dated September 11, 1985 (Grantor) and GTF California Incorporated (Grantee), Recorded March 11, 1992 as Instrument No. 92-147398 of Official Records of Orange County.

PLEASE NOTE: In preparing this report, Paragon Partners searched Orange County public records in sufficient depth to be reasonably assured of the facts and issues presented here. While we are confident that the research presented in this report is accurate and consistent, there may be additional documents and facts that were not legible or otherwise available.

Prepared by:

[Signature]

Brett Brown
Title Supervisor
Note: Parcel and Easement lines are approximate and for reference use only.
November 16, 2018

Orange County Sanitation District

ATTN: Mr. Tom Grant
10844 Ellis Avenue
Fountain Valley, CA 92708

RE: Plant 1 Arborist Report

Mr. Grant,

Pursuant to your request this certified arborist report has been prepared to present recommendations for tree maintenance based on American National Standards Institute Inc. (ANSI) standards and International Society of Arboriculture (ISA) best management practices relevant to new wall construction work along Ward Street.

Background and Assignment

Orange County Sanitation district contacted WCA, Inc. requesting an arborist report to better plan for a proposed new wall construction project along Ward Street, north of Garfield Avenue. A list of specific trees was made in WCA’s Arbor Access On-Line system to be included in this report. The direction given by Mr. Tom Grant was to report on tree sites F-341 to F-420. The objective was to gain an understanding of the effects of tree removal and subsequent maintenance on preserved trees, to provide the city engineering and construction teams with useful guidance and specification information, and to update the inventory as necessary based on current condition. Specific information was requested including:

1. Specification on root pruning for trees to be preserved.

2. Specification on which trees to remove.

3. Recommendations on how to maintain the trees before and after they’ve been root pruned.

4. Discuss the expected health and viability of the remaining trees due to the loss of the surrounding, removed trees.

West Coast Arborists, Inc.

2200 E. Via Burton Street, Anaheim, CA 92806  714.991.1900  800.521.3714  Fax 714.956.3745
Discussion

Root and infrastructure conflicts present numerous challenges for municipalities. Tree canopy preservation is critical in a changing climate with multiple environmental and biological stresses including drought and exotic pests. Damage to roots during construction activities predispose trees to attack by pests and make them more likely to suffer from disease and decay organisms. In the most severe cases, root and trunk damage can cause instability in excessive wind load situations and cause trees to fail.

There are several important factors to consider in the planning phase of this project. The first is that the Eucalyptus trees that may remain may form surface roots or can cause infrastructure damage in the future. This is typical of this species and should be considered in long term maintenance.

With regards to pruning of roots intruding into the planned construction zone, pruning of roots is injurious which can damage tree in health and structure. The level of effect on trees depends on tree species, age, tree condition, proximity to the trunk, number and size of roots cut, and distribution of roots. Any method of root pruning that cleanly cuts without bending or tearing is acceptable.

There is no precise recommendation on the percentage of roots that can be pruned because each situation is unique. The District is advised to have a consulting arborist present during construction and inspect when roots greater than 2” in diameter are encountered. Generally, the fewer the roots pruned, and when only one side of the tree is pruned, the better off the tree will be.

The root protection distance from the trunk can vary based on the same factors mentioned above. Studies have shown that a minimum of three times the diameter at breast height, (4.5’), is necessary for preserved trees, and less than that a much higher rate of tree failure during loading can be expected. Using at least a 6” protection factor for each 1” of DBH of tree trunk would be advisable in this project. For example, a 20” diameter tree, multiplied by 6” equals 120” of protection, or a 10’ area where no root pruning takes place.

The last factor to consider is species tolerance to root loss. Eucalyptus trees are nearly all the trees within the proposed construction zone. Published information by L. R. Costello and K. S. Jones in Reducing Infrastructure Damage by Tree Roots 2003 stated that this species has been found to have an intermediate to intolerant level of root pruning, an indication that these trees are adversely affected and should be carefully evaluated prior to commencement of work.
ANSI and ISA Standards and Best Management Practices described in this report are intended to be used to help Orange County Sanitation District develop written specification for the Ward Street wall construction project and tree maintenance work. They apply to professionals who provide for, or supervise, the management of trees in the urban environment. There are relevant references in multiple documents that will provide the District with the information needed to plan their infrastructure projects in a way that will help protect trees and the public. In addition, Table 1, which follows the project reference images, displays the recommendations and maintenance notes. Below is a summary of the references in the Standards and BMPs that relate to the specific information requested on page one of this report:

ANSI A300 (Part 5)-2012 Management of Trees and Shrubs During Site Planning, Site Development, and Construction. “54.1.1 Avoid/minimize the physical loss of soil and roots that will compromise the health and structural stability of trees. 54.7.1.2 When the distance of 6-18 times the trunk diameter (DBH) cannot be met, appropriate mitigation or determination that the work will not impact tree health and stability shall be performed. 54.12.4 Excavation and construction equipment shall be selected, positioned, and operated to avoid damage to tree roots, branches, and trunks. 54.12.5 Roots should not be ripped or torn during excavation. 54.12.5.1 Roots should be pruned prior to excavation to minimize the damage from ripping. 54.12.6 Exposed roots should be covered with moisture retaining material such as wet burlap, or moist fill soil, and a covering such as a tarpaulin, to prevent drying of soil and roots.”

ISA Managing Trees During Construction Second Edition 2016 Best Management Practices. On page 10, the definition of a tree’s Critical Roots Zone (CRZ) is “the area immediately adjacent to the trunk where roots essential for tree health and stability are located. The CRZ is subjective; there is no accepted formula to biologically define it. However, there may be regulations that define it.” Refer to the pdf document “Strategies to reduce infrastructure damage” provided with this report for examples of root pruning specifications. On page 18, “Tree stability has been found to be compromised on some species when cuts are made within a distance of three times the trunk diameter from the trunk. For most species, when roots are cut closer than one- to one-and-a-half-times the dbh distance from the trunk, a serious reduction in stability can occur and long-term health and survival will be impacted. It is often better to remove than retain trees that have had large roots pruned close to the trunk. A risk assessment should be performed on trees with severely damaged roots.”
ISA Root Management Best Management Practices 2017. On page 21, “Severe loss of stability is common when cuts are made at a distance that is less than 1 to 1.5 times the trunk diameter. If a linear cut is made at the trunk, nearly all species will have a reduction in stability.”

ANSI A300 (Part 8) -2013 Root Management. “84.1.2 The extent and method of root pruning or cutting shall be based on the objectives, species, tolerance, environmental factors, timing, age, health, lean, and structural condition of the tree(s). 84.2.5 Where root removal is unavoidable, selective pruning shall be the preferred method. 84.3.1 The size and/or location of roots to be pruned shall be specified. 84.4.4 The trunk and buttress roots shall not be damaged beyond the scope of work. 84.5.3 Minimum distance from the trunk for root cutting should be adjusted according to trunk diameter, species tolerance to root loss, tree age, health, and site condition. 84.5.4 Root cutting distances from the trunk shall be adjusted for disease management, root location tree species and condition, and, site and soil conditions. 86.2 Root damage that affects the stability of the tree should be mitigated (see ANSI A300 (Part 9) – Tree Risk Assessment standard). 86.3 Post-root management care should be specified for an appropriate period of time based on the region, site conditions, and species. 86.4 Specifications for post root-management care should consist of, but are not limited to, one or more of the following: a. soil moisture management; b. mulching; c. integrated pest management; d. pruning (see ANSI A300 (Part 1) – Pruning standard); e. soil management (see ANSI A300 (Part 2) – Soil Management standard); f. maintenance/removal of tree support systems (see ANSI A300 (PART 3) – Supplemental Support Systems standard); g. appropriate use of growth regulator. Annex B B-7 Consider supporting, reducing, or thinning woody plants when stability of a root-pruned tree has been significantly decreased.
Conclusion

Refer to the individual recommendations and comments in Table 1. WCA also advises the District to consider that the trees that will be preserved grew in groups in competition and supported by other trees that may be removed. Because of this close-growing situation, compared to trees grown in a solitary environment receiving the full effect of wind loading, these trees along Ward Street may not have well-developed root structures that are sufficient to withstand strong winds. The wall construction would necessitate the removal of a long line of mature trees on the west side of a berm, and the remaining trees on the east side of the berm will receive wind loading from the west which had previously been buffered. Failure of trees to the east where targets are located from winds out of the west are possible. The District is advised to utilize the services of an I.S.A Tree Risk Assessment qualified certified arborist to assess the risk of the trees to be preserved. Based on that assessment, the District is advised to determine what level of risk is acceptable.

Though specifications and best management practices help ensure a project is performed professionally, it is impossible to maintain trees free of risk. The District is encouraged to consider monitoring the remaining, preserved trees on a regular basis, performing tree risk assessments, review the recommended maintenance annually, to reduce the crown of preserved trees per Table 1, and to look for changes in health and condition of the trees.

The intent of this report was to provide as complete and unbiased an opinion as possible. If you have any questions or require additional information, please feel free to contact me at (714) 412-1980.

Respectfully,

Timothy A Crothers

Tim Crothers
ISA Board Certified Master Arborist #WE-7655-BUM
ISA Qualified Risk Assessor
West Coast Arborists Inc.
Image 1. This view looks northwest from Garfield Avenue at the east side of the long line of trees. Note the targets to the east, and the larger trees to the west along Ward Street.
Image 2. In this view looking northward on Ward Street, one can see the west side trees which border the street right of way and would be removed as part of the proposed wall construction.
Image 3. A berm with mature trees on both sloped sides is typical within the project area. According to preliminary plans, a wall will be constructed in line with the two stakes in the right-center side of the image. The trees and shrubs on the street side of the berm would require removal, whereas the trees on the fence side of the berm would be retained and may require root pruning.
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</tr>
<tr>
<td>411</td>
<td>Dead</td>
<td>SHAMEL ASH</td>
<td>19-24</td>
<td>60+</td>
<td>Tree removal</td>
<td>Tree removal</td>
</tr>
<tr>
<td>412</td>
<td>Good</td>
<td>SILVER DOLLAR GUM</td>
<td>25-30</td>
<td>60+</td>
<td>Tree removal</td>
<td>Natural system, crown reduce 25% and crown clean.</td>
</tr>
<tr>
<td>413</td>
<td>Good</td>
<td>SILVER DOLLAR GUM</td>
<td>13-18</td>
<td>30-45</td>
<td>Root prune</td>
<td>Natural system, crown reduce 25% and crown clean.</td>
</tr>
<tr>
<td>414</td>
<td>Good</td>
<td>SILVER DOLLAR GUM</td>
<td>25-30</td>
<td>45-60</td>
<td>Root prune</td>
<td>Natural system, crown reduce 25% and crown clean.</td>
</tr>
<tr>
<td>415</td>
<td>Good</td>
<td>SILVER DOLLAR GUM</td>
<td>19-24</td>
<td>30-45</td>
<td>Tree removal</td>
<td>Natural system, crown reduce 25% and crown clean.</td>
</tr>
<tr>
<td>416</td>
<td>Good</td>
<td>SILVER DOLLAR GUM</td>
<td>19-24</td>
<td>45-60</td>
<td>Root prune</td>
<td>Natural system, crown reduce 25% and crown clean.</td>
</tr>
<tr>
<td>417</td>
<td>Good</td>
<td>SILVER DOLLAR GUM</td>
<td>25-30</td>
<td>45-60</td>
<td>Root prune</td>
<td>Natural system, crown reduce 25% and crown clean.</td>
</tr>
<tr>
<td>418</td>
<td>Good</td>
<td>RED IRONBARK</td>
<td>31+</td>
<td>60+</td>
<td>Root prune</td>
<td>Natural system, crown reduce 25% and crown clean.</td>
</tr>
<tr>
<td>419</td>
<td>Good</td>
<td>SILVER DOLLAR GUM</td>
<td>25-30</td>
<td>45-60</td>
<td>Tree removal</td>
<td>Natural system, crown reduce 25% and crown clean.</td>
</tr>
<tr>
<td>420</td>
<td>Fair</td>
<td>RED IRONBARK</td>
<td>19-24</td>
<td>15-30</td>
<td>Root prune</td>
<td>Natural system, crown reduce 25% and crown clean.</td>
</tr>
</tbody>
</table>
ASSUMPTIONS AND LIMITING CONDITIONS

1. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the Consultant can neither guarantee nor be responsible for the accuracy of information provided by others. Standard of Care has been met with regards to this project within reasonable and normal conditions.

2. The Consultant will not be required to give testimony or to attend court due to this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule and contract of engagement.

3. Loss or alteration of any part of this report invalidates the entire report.

4. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior written consent of the Consultant.

5. This report and any values expressed herein represent the opinion of the Consultant, and the Consultant’s fee is in no way contingent upon the reporting of a stipulated result, a specified value, the occurrence of a subsequent event, nor upon any finding to be reported.

6. Unless expressed otherwise: 1) information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection; and 2) the inspection is limited to visual examination of accessible items without dissection, excavation, or coring, unless otherwise stated. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the tree(s) or property in question may not arise in the future.

7. Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. It is highly recommended that you follow the arborist recommendations; however, you may choose to accept or disregard the recommendations and/or seek additional advice.

8. Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specific period.

9. Any recommendations and/or performed treatments (including, but not limited to, pruning or removal) of trees may involve considerations beyond the scope of the arborist’s services, such as property boundaries, property ownership, site lines, disputes between neighbors, and any other related issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist can then be expected to consider and reasonably rely on the completeness and accuracy of the information provided.

10. The author has no personal interest or bias with respect to the subject matter of this report or the parties involved. He/she has inspected the subject tree(s) and to the best of their knowledge and belief, all statements and information presented in the report are true and correct.

11. Unless otherwise stated, trees were examined using the tree risk assessment criteria detailed by ANSI A300 (Part 9)-2011 Tree Risk Assessment, a Tree Structure Assessment and A Photographic Guide to the Evaluation of Hazard Trees (Matheny & Clark).

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West Coast Arborists, Inc.

2200 E. Via Burton Street, Anaheim, CA 92806 714.991.1900 800.521.3714 Fax 714.956.3745
RESOLUTION NO. 20-15

A RESOLUTION OF THE FOUNTAIN VALLEY PLANNING COMMISSION ADOPTING A NOTICE OF EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND APPROVING DEVELOPMENT REVIEW NO. 20-02 SUBMITTED THE ORANGE COUNTY SANITATION DISTRICT (OCSD) TO CONSTRUCT SECURITY AND UTILITY IMPROVEMENTS AT THE SOUTH PERIMETER (WEST AND SOUTH SIDES) OF OCSD'S PLANT NO. 1 LOCATED AT 10844 ELLIS AVENUE TO INCLUDE THE CONSTRUCTION OF AN 8-FOOT TALL CMU WALL AND LANDSCAPING ALONG WARD STREET, NEW SECURITY LIGHTING AND ELECTRONIC SURVEILLANCE, AND A NEW GUARDHOUSE AT THE EXISTING CONTRACTOR/EMPLOYEE ENTRANCE GATE ALONG GARFIELD AVENUE.

WHEREAS, an application for Development Review No. 20-02 was submitted by OCSD in accordance with the Sanitation District Specific Plan and Municipal Code, Title 21; and

WHEREAS, the Fountain Valley Planning Commission considered said application at the Planning Commission meeting of August 12, 2020; and

WHEREAS, the Planning Commission has imposed conditions, pursuant to the Development Review process, to ensure that the design and general appearance of the proposed project is in compliance with the purpose of the Municipal Code, Title 21; and

WHEREAS, the Planning Commission has determined that the proposed Development Review 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 hearing 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 Development Review found in Chapter 21.40 of the Fountain Valley Municipal Code as follows:

1. The design and layout of the proposed development would:

   A. Be consistent with the actions, goals, objectives and policies of the general plan,
any applicable specific plan and the development and design standards/guidelines of the applicable zoning district.

The proposed development is within the Sanitation District Specific Plan (SDSP) area. The proposed development includes perimeter security improvements including a new 8-foot tall concrete masonry unit (CMU) wall with landscaping on Ward Street, new plant side security lighting and electronic surveillance cameras along both Ward and Garfield streets, a pedestrian gate and a new prefabricated guardhouse. The existing trees along Ward Street will be removed and new landscaping will be provided on the outside of the wall and new 36 inch trees will be provided behind the wall that will reach a maturity height of 30-50 feet. The existing fencing and vehicular gates on Garfield Avenue are to remain. A future porta potty and wash station will be screened behind a CMU wall adjacent to the proposed guardhouse. None of the above improvements are classified as prohibited uses outlined within SDSP Section 3.2.

The new CMU wall at Ward Street will replace the current chain-link perimeter fencing on Ward Street providing an aesthetical upgrade to the fencing. The new wall will match the existing CMU of the OCWD perimeter wall in height, color, texture, block module size and have a matching bullnose cap. This new CMU wall extension on Ward Street will provide a continuous CMU fence at the perimeter of Plant 1 fulfilling the goals of the SDSP Section 3.1.G (Permitted use, Wall) and meeting the intent for decorative masonry block walls per Section 3.3.4.

The new prefabricated guardhouse is less than 50 feet in height and setback 30 feet from property line on Garfield Avenue as permitted in SDSP Section 3.1.F (Permitted Use, Structure).

The project will also meet the objectives of the SDSP Section 2.5 to provide for future permitted uses which respond to anticipated needs of the Districts, and to assure that adequate supporting infrastructure exists to service future needs of the City and the Districts.

As detailed in the accompanying staff report, the proposed additions would be consistent and complimentary to the existing improvements on the OCSD property and will be consistent with the actions, goals, and objectives and policies of the general plan, and the development and design standards/guidelines of the applicable SDSP zoning district. The project will meet the goals and policies of the General Plan by maintaining and enhancing high quality development by encouraging variety, quality, and innovation in land use practice (Goal 2.1/Policy 2.1.2) and provide for a well-designed commercial development (Goal 2.8). Additionally, the project will meet General Plan Goal 2.9, which is to provide attractive streetscapes throughout the city by encouraging landscaping to enhance streetscapes and to provide fencing treatment designed to be aesthetically pleasing (Goal/Policy 2.9.1 and 2.9.3).

B. Not interfere with the use and enjoyment of neighboring existing or future
developments, and would not create traffic or pedestrian hazards.

The proposed development will not create neighboring interference with any future developments as it is confined within the OCSD property and enhances the current conditions. The existing guardhouse is a simple portable structure that is in need of replacement. The new guardhouse will be upgraded in appearance which will be an improvement for the enjoyment of neighboring properties and future developments. The existing trees along Ward Street will be removed and new landscaping will be provided on the outside of the wall and new 36 inch trees will be provided behind the wall that will reach a maturity height of 30-50 feet. This proposed development will not create new traffic or pedestrian hazards because it will not change existing use patterns. There is no added amenity to attract increased traffic. Existing vehicular gates shall remain in their current location. The existing pedestrian gate shall be relocated behind the guardhouse to allow the guard ease of access to the facilities; it is not as new staff entrance.

C. Provide a desirable environment for its occupants and visiting public as well as its neighbors through good/proper aesthetic use of materials, texture and color, and would remain aesthetically appealing and retain an appropriate level of maintenance.

The proposed development provides a safer and more aesthetically pleasing environment for the sanitation district employees, the public traveling on the street, and the surrounding neighborhood by upgrading the existing Ward Street fence into a decorative masonry concrete block wall. The new guardhouse will have a CMU wainscot matching the new wall and a pitched metal roof to be similar in aesthetic to the OCSD main gate guardhouse on Ellis Avenue. The existing trees along Ward Street will be removed and new landscaping will be provided on the outside of the wall and new 36 inch trees will be provided behind the wall that will reach a maturity height of 30-50 feet.

2. The architectural design of the proposed structure(s) would be compatible with the character of the surrounding neighborhood and would maintain and enhance the attractive, harmonious and orderly development contemplated by the actions, goals, objectives and policies of the general plan, any applicable specific plan and this chapter.

The architectural design of the guardhouse will match the aesthetics of the existing main gate guardhouse on Ellis Avenue. The new guardhouse will have a CMU wainscot matching the new Ward Street wall and have a pitched metal standing seam roof. The new CMU wall on Ward Street will match the existing CMU wall of the OCWD perimeter wall in height, color, texture, block module size and have a matching bullnose cap. The new CMU wall extension on Ward Street will provide a continuous CMU fence at the perimeter of Plant 1 which fulfills the design objective of the SDSP.

The project will meet the goals and policies of the General Plan by maintaining and
enhancing high quality development by encouraging variety, quality, and innovation in land use practice (Goal 2.1/Policy 2.1.2) and will provide for a well-designed commercial development (Goal 2.8). Additionally, the project will meet General Plan Goal 2.9, which is to provide attractive streetscapes throughout the city by encouraging landscaping to enhance streetscapes and to provide fencing treatment designed to be aesthetically pleasing (Goal/Policy 2.9.1 and 2.9.3).

3. The proposed development would not:

A. Be detrimental to the public convenience, health, interest, safety or welfare, or materially injurious to the properties or improvements in the immediate vicinity

The proposed development will not be detrimental to, but instead have a neutral to positive impact on the public’s convenience, health, interest, safety or welfare, by maintaining and enhancing an existing use. It will not be materially injurious to the properties or improvements in the immediate vicinity as the proposed development is an improvement to the existing conditions. The project will eliminate a chain link fence and aging existing eucalyptus trees that may be detrimental to the public safety and materially injurious to the properties in the immediate vicinity and replace them with a new CMU wall with new landscaping on the outside of the wall as well as new trees on the inside of the wall with a maturity height of 30-50 feet. Additionally, the project will increase the safety of the area by providing a new guard shack at the southern entrance to the OCSD property.

B. Substantially depreciate property values in the immediate vicinity or interfere with the use or enjoyment of property in the surrounding neighborhood, because of excessive dissimilarity or inappropriateness of design in relation to the surrounding neighborhood.

The proposed development should have a neutral to positive impact on property values in the immediate vicinity. It will not interfere with the use or enjoyment of property in the surrounding neighborhood because it maintains or enhances the existing use and appearance with a design that is similar to and appropriate for the neighborhood. The project will eliminate an unsightly chain link fence and aging existing eucalyptus trees and replace them with a new CMU wall, landscaping, and new trees with a maturity height of 30-50 feet. The new wall will not depreciate property values in the immediate vicinity or interfere with the use or enjoyment of property in the surrounding neighborhood as the proposed CMU wall will match the end of the existing OCWD wall along Ward Street in in height, color, texture, block module size and have a matching bullnose cap. The new CMU wall extension on Ward Street will provide a continuous CMU fence at the perimeter of Plant 1 which fulfills the design objective of the SDSP. Additionally the new trees will achieve a maturity height similar to the existing eucalyptus trees. Lastly, the project will increase the safety of the area by providing a new guard shack at the southern entrance to the OCSD property.
4. 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.*

**SECTION 3**

The Planning Commission finds that the subject application meets all the criteria for a Development Review found in the City's zoning regulations; moreover, the Commission finds that this project is categorically exempt from CEQA – Class 3, New Construction or Conversion of Small Structures, Section 15303 of the California Environmental Quality Act (CEQA) Guidelines, which establishes that new accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences are exempt from the provisions of CEQA. The project includes the construction of a new 8-foot CMU wall and landscaping along Ward Street, new security lighting and electronic surveillance, and a new 104 square foot guardhouse at the existing contractor/employee entrance gate along Garfield Avenue.

**SECTION 4**

By signing this Resolution, the applicant has demonstrated his/her understanding of the conditions imposed in the Development Review (attached as Exhibit 1 herein) granted to him/her and has agreed on the record to abide by those conditions.

**SECTION 5**

The Planning Commission hereby approves Development Review No. 20-02, petition submitted by OCSD to construct security and utility improvements at the south perimeter (west and south side) of OCSD's Plant No. 1 located at 10844 Ellis Avenue to include the construction of an 8-foot CMU wall and landscaping along Ward Street, new security lighting and electronic surveillance, and a new guardhouse at the existing contractor/employee entrance gate along Garfield Avenue.

PASSED, APPROVED AND ADOPTED THIS 12TH DAY OF AUGUST, 2020.

______________________________  ______________________________
Chairman                                      Secretary

BY SIGNING THIS RESOLUTION, THE APPLICANT ACKNOWLEDGES ACCEPTANCE OF THE BENEFITS OF THE DEVELOPMENT REVIEW 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
Development Review No. 20-02

Orange County Sanitation District
10844 Ellis Avenue
Fountain Valley, CA 92708

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 project plans dated July 17, 2020 (attached as Attachment #3 to the staff report for this project) have been approved by the Planning Commission on August 12, 2020.

2. Any exterior lighting shall be scheduled to direct the light downward away from 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.

3. To prevent scavenging, illegal dumping, and to contribute to the general cleanliness of the project, the property owner shall provide a refuse containment area with a screened and secureable gate. Also, 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 project.

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

5. 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.

6. 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.

7. Signs shall comply with the sign code of the Fountain Valley Municipal Code and shall be reviewed and approved by the Planning and Building Director and/or Sign Committee.

8. The windows of the guard shack shall be free of any obstruction, tinting, or painting.

9. The property owner shall install signage 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. Said signage shall be installed prior to certificate of occupancy of the building.

10. To prevent scavenging, illegal dumping, and to contribute to the general cleanliness of the property, the project shall provide a refuse containment area with a screened and securable gate. Also, 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 of the building.

11. To maintain the cleanliness of the property, the property owner 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 and maintain in working order. These cameras should include, but are not limited to, visual coverage of the areas available to the public on the inside of the building, as well as the parking area around the building. 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 of the project.

   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 wall mounted air conditioner shall be painted to match the guard shack.

15. Complete landscape plans shall be submitted to the Planning and Building Department. The landscape plans shall comply with the Fountain Valley Water Efficient Landscape Ordinance.

PLANNING DEPARTMENT STANDARD CONDITIONS

16. Development Plan Review No. 20-02 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 forty (40) days prior to the expiration date. The site plan, floor plans, elevations, and landscape plans submitted shall be marked "Exhibit A" and made part of this application approval and cannot be modified without prior approval by either the Planning Commission or the Planning Director.

Date of Project Approval: August 12, 2020

Date of Project Expiration: August 12, 2021

17. 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.

18. 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.

19. 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.

20. 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.

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

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

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

24. All roof-mounted equipment shall be screened from the view of adjacent properties and rights-of-way as specifically approved by the Planning/Building Director. Roof treatment shall be common and extended to all four (4) building elevations.

25. Refuse containment areas shall be provided with a screened and secureable gate compliant with the Fountain Valley Municipal Code and Rainbow Disposal specs.

26. 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.

27. The applicant shall provide signing on the trash enclosure prohibiting the salvage of any material from the trash dumpsters.

28. 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.

29. The petitioner shall be responsible for maintaining their area, and the area adjacent to which they have control, free of litter.

30. There shall be no storage of boats, trailers, campers, or the like on the premises.

31. All public telephones, if provided, shall be located on the interior of the guard shack.

32. An alarm system shall be installed and be of a type that sounds a signal when it is activated.

33. The petitioner shall be responsible for maintaining the premises free of graffiti.

34. The development review application shall become effective on the twenty-first day following the date the decision is rendered by the applicable review authority.

35. 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

36. 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.

37. 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.

PUBLIC WORKS DEPARTMENT CONDITIONS

38. All public improvements, including but not limited to, streets, sewer, water, storm drain, traffic systems, traffic control, and street repairs shall be constructed in accordance with the mos: recent edition of the City of Fountain Valley Public Works Standard plans.
39. Provide improvement plans as prepared by a Registered Civil Engineer for all improvements. The plans shall be 24 in. by 36 in. mylar with an appropriate engineering scale (1"=10', 1"=20', 1"=40'). The plans shall include, but not be limited to, paving, sidewalk, curb, gutter, street lighting and all underground utilities. Underground utilities shall include, but not be limited to: electrical, communications, street lighting, gas, sewer, water and appropriate storm drain facilities. The design, layout and location of the gas, electrical, communications and street lighting shall be in accordance with the requirements of the respective utility company.

40. Prior to securing permits, complete landscaping plans prepared and signed by a California licensed landscape architect shall be approved by the Public Works and Planning Directors. The plans shall be on 24"x36" mylar with a scale to be consistent with the site plans.

a. Prior to issuance of the Certificate of Occupancy, developer shall provide a certificate of substantial completion signed and sealed by the licensed landscape architect of record confirming the landscaping and irrigation system have been installed per approved plans.

41. A landscape bond subject to the approval of the City Attorney shall be posted with the City for a period of two years from the date of issuance of the initial Certificate of Occupancy guaranteeing proper maintenance of the landscaping. The amount of this bond shall be calculated as follows:

   Total Gross Acres of Development Site x 15 percent (percentage of landscaping required per development site) x $6,250.00 per acre per year x 2 years

42. All approved structural Best Management Practices (BMPs) and LID site design elements shall be designed so as to not allow the propagation and breeding of vectors such as mosquitoes, flies, and other insects, or rodents and other non-domesticated animals.

43. All approved structural Best Management Practices (BMPs) and LID site design elements shall be serviced or maintained at a minimum once per year so as to not allow the propagation and breeding of vectors such as mosquitoes, flies, and other insects, or rodents and other non-domesticated animals.

44. Abandon City water lines per City Std 702.

45. All landscape from OCSD security wall to the East curb on Ward shall be maintained by OCSD.

46. Tree selection will need to be approved by Public Works.

47. Any drainage improvements will need to be reviewed and approved by the City to ensure drainage runoff does not cause flooding and/or erosion to any City property.

48. Hold Harmless Agreement for drainage improvements will need to be prepared and signed by both agency's attorneys.
49. Any City facilities that are damaged during the construction of this development will need to be replaced in kind to the satisfaction of the City Engineer.

50. Comply with the applicable provision of City ordinances concerning payment of fees or assessments, zoning regulations and subdivision development. All fees and assessments must be paid prior to the approval of the improvement plans and issuance of any permits.
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: OCSD South Perimeter Improvements - Development Review No. 20-02

Project Location/Address: 10844 Ellis Avenue, Fountain Valley, CA 92708

Project Activity/Description: Request from the Orange County Sanitation District (OCSD) to construct security and utility improvements at the south perimeter (west and south side) of OCSD's Plant No. 1 located at 10844 Ellis Avenue to construct an 8-foot CMU wall and landscaping along Ward Street, new security lighting and electronic surveillance, and a new guardhouse at the existing contractor/employee entrance gate along Garfield Avenue.

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

Project Applicant: Tom Grant, OCSD

Project Applicant's Address: 10844 Ellis Avenue, Fountain Valley, CA 92704

Phone Number: (714) 593-7287

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: 15303
☐ Statutory Exemptions. State code number:

Reasons why project is exempt: Section 15303 of the California Environmental Quality Act (CEQA) Guidelines which establishes that new accessory (appurtenant) structures including garages, carports, patios, swimming pools, an fences are exempt from the provisions of CEQA. The project includes the construction of a new 8-foot CMU wall and landscaping along Ward Street, new security lighting and electronic surveillance, and a new 104 square foot guardhouse at the existing contractor/employee entrance gate along Garfield Avenue.

Lead Agency: Steven Ayers, Principal Planner

Contact Phone: (714) 593-4431

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

Signature: [Signature] Date: 8/12/2020 Title: Principal Planner

☐ Signed by Lead Agency ☐ Signed by Applicant