

**ORDINANCE NO. 1542**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY APPROVING CODE AMENDMENT NO. 19-03 – AN AMENDMENT TO THE FOUNTAIN VALLEY CROSSINGS SPECIFIC PLAN TABLE 2.7.1 PERTAINING TO PARKING REGULATIONS FOR ENTERTAINMENT AND RECREATION USES**

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

WHEREAS, Chapter 2.7 of the Specific Plan contains the Parking Regulations for the Crossing Specific Plan; and

WHEREAS, Table 2.7.1 of the Crossings Specific Plan contains the provisions for parking including the type of use and the minimum and maximum number of parking spaces required for new development, including the number of parking spaces required for uses with shared parking arrangements; and

WHEREAS, the number of parking spaces required for uses with shared parking arrangements is reduced from the number of parking spaces required for a stand-alone use for all types of uses with the exception of Entertainment and Recreation uses; and

WHEREAS, it is the City's intent to allow for a reduction in the number required parking spaces for Entertainment and Recreation uses when the parking is shared with other adjacent uses, consistent with all other uses outlined in the Crossings Specific Plan; and

WHEREAS, Code Amendment No. 19-03 proposes to adopt a change to Table 2.7.1 of the Crossings Specific Plan to allow for a reduction in the number parking spaces required for shared parking arrangements for Entertainment and Recreation uses; no other changes to the Crossings Specific Plan are proposed; and

WHEREAS, the following City Council action was reviewed for content by the Attorneys for the City; and

WHEREAS, the Fountain Valley Planning Commission considered the proposed Code Amendment at a duly noticed public hearing on January 9, 2019. By a vote of 3-0, the Planning Commission approved Resolution No. 19-12 recommending the City Council approve Code Amendment No. 19-03 regarding an amendment to the Fountain Valley Crossings Specific Plan Table 2.7.1 pertaining to parking regulations for Entertainment and Recreation uses; and

WHEREAS, the proposed Code Amendment has been publicly noticed in accordance with State Law and the Fountain Valley Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY DOES ORDAIN AS FOLLOWS:

SECTION 1

The City Council hereby determines that Code Amendment No. 19-03 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).

SECTION 2

The City Council finds that notice of the public hearing conducted on January 22, 2019 in the City Council Chambers, 10200 Slater Avenue, Fountain Valley, was duly given as required by the Fountain Valley Municipal Code, Title 21, and the State of California.

SECTION 3

The City Council finds as follows:

1. The proposed development is generally consistent with the actions, goals, objectives and policies of the general plan.

The proposed changes to the specific plan are generally consistent with the actions, goals, objectives and policies of the general plan. The proposed change would reduce the shared parking requirement for Entertainment and Recreation uses consistent with adopted standards for shared parking in the Crossings Specific Plan Table 2.7.1, which are 5 spaces/1,000 sf to 3 spaces/1,000 sf. This amendment would make the shared parking requirement for Entertainment and Recreation uses consistent with other shared parking requirements. This amendment will help guide future development 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. Moreover, Table 3.7.1 of the Revised Final Environmental Impact Report dated January 2018, and adopted by the City Council on January 23, 2018, contains a detailed analysis as to consistency with the General Plan goals and policies that are applicable to the proposed General Plan Amendment and the land use changes of the Fountain Valley Crossings Specific Plan. As evidenced in this detailed analysis, the Fountain Valley Crossings Specific Plan is consistent with the goals and policies of the General Plan.

2. 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.), would ensure that the proposed development would 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 and zoning district in which the property is located.

The reduction of the shared parking requirement from 5 spaces/1,000 sf to 3 spaces/1,000 sf would 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.) would ensure that the proposed project would 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 and zoning district in which the property is located. This proposed amendment would help enhance the City's economic base and business environment and would assist in the preservation, improvement, and intensification of commercial development within the Crossings Specific Plan.

3. The proposed development would ensure quality development by encouraging greater flexibility with more creative and aesthetically pleasing designs for major urban developments.

The reduction in the shared parking requirement for Entertainment and Recreation uses in the Crossings Specific Plan will help provide for greater flexibility in shared parking situations to allow for development of the Crossings Specific Plan area. This proposed amendment would help enhance the City's economic base and business environment and would assist in the preservation, improvement, and intensification of commercial development within the Crossings Specific Plan.

4. The proposed development would ensure the timely provision of essential public services and facilities consistent with the demand for the services and facilities.

The reduction in the shared parking requirement for Entertainment and Recreation uses in the Crossings Specific Plan will help provide for greater flexibility in shared parking situations to allow for development of the Crossings Specific Plan area. The Crossings Specific Plan would ensure the timely provision of essential public services and facilities consistent with the demand for the services and facilities. The Final EIR prepared for the project analyzed the adequacy of access, public services, and facilities that will support the project.

5. The proposed development would promote a harmonious variety of housing choices and commercial and industrial activities; attain a desirable balance of residential and employment opportunities and result in a high level of urban amenities and the preservation of the natural and scenic qualities of open space.

The reduction in the shared parking requirement for Entertainment and Recreation uses in the Crossings Specific Plan will help provide for greater flexibility in shared parking situations to allow for development of the Crossings Specific Plan area. The Crossings Specific Plan would promote a harmonious variety of housing choices and commercial and industrial activities, attain a desirable balance of residential and employment opportunities, and result in a high level of urban amenities and the preservation of the natural and scenic qualities of open space.

6. The subject property is physically suitable for the proposed land use designation(s).

The proposed amendment to the Fountain Valley Crossings Specific Plan would not affect the land use designation of the Fountain Valley Crossings Specific Plan. The amendment will only modify the shared parking requirement for Entertainment and Recreation uses from 5 spaces/1,000 sf to 3 spaces/1,000 sf. in the Fountain Valley Crossings Specific Plan.

7. 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 there would be no potential significant negative effects upon environmental quality and natural resources that would not be properly mitigated and monitored, unless a statement of overriding considerations is adopted by the council.

On January 23, 2018, the City Council adopted Resolution No. 9640 approving the Final Environmental Impact Report for the Fountain Valley Crossings Specific Plan. The reduction of the shared parking requirement from 5 spaces/1,000 sf to 3 spaces/1,000 sf for Entertainment and Recreation uses is categorically exempt from the provisions of CEQA and does not alter the original findings of Resolution No. 9640.

**SECTION 4**

Table 2.7.1 Parking Regulations for the Fountain Valley Crossings Specific Plan is hereby amended to read as follows:

2.7 Parking Regulations	Standards	Peak Parking Periods	Minimum Parking When Shared
<b>2.7.1 Provisions of Parking</b>			
4. Entertainment and Recreation			
Spaces per 1000 sf.	4 min/5 max	Evening, late night weekends	3 min

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

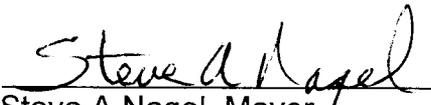
The City Clerk shall certify to the adoption of this ordinance and cause it to be published as required by law. This ordinance shall become effective thirty (30) days after the date of its adoption.

**PASSED, APPROVED AND ADOPTED** this 5<sup>th</sup> Day of February, 2019, by the following vote:

Ayes:	Constantine, Harper, Vo, Brothers, Nagel
Nays:	None
Absent:	None
Abstain:	None

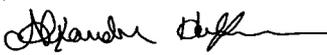
ATTEST:

  
\_\_\_\_\_  
Rick Miller, City Clerk

  
\_\_\_\_\_  
Steve A Nagel, Mayor

APPROVED AS TO FORM

**HARPER & BURNS LLP**

  
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Attorneys for the City