

ORDINANCE NO. 1619

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY APPROVING CODE AMENDMENT NO. 25-02 TO AMEND THE SOUTHPARK SPECIFIC PLAN TO ALLOW FOR UP TO 1,100 RESIDENTIAL UNITS

WHEREAS, the Southpark Specific Plan ("Specific Plan"), also known as the "Southpark Development Plan", was approved by the City Council on September 1, 1987; and

WHEREAS, the Specific Plan contains development standards and intensities for individual planning areas or "Blocks"; and

WHEREAS, the Specific Plan is being amended to be consistent with the Fountain Valley 2021-2029 Housing Element Update (Table H-22) and the overall 2045 General Plan (Table LU-2) to expand residential capacity and ensure state certification demonstrating compliance with state housing law; and

WHEREAS, the proposed amendment will continue to promote the development of the Specific Plan area in a manner that is sensitive to the surrounding community and environment; and

WHEREAS, prior to the City's approval of the 2045 General Plan Update, the City prepared an Environmental Impact Report (EIR) which analyzed the environmental impacts of buildout under the General Plan Update pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 2100, e. seq.), and the Fountain Valley City Council certified the General Plan Update Final EIR on November 21, 2023 (State Clearinghouse # 2022100563, including the proposed project (adding residential development as a permissible use in the Specific Plan) as identified in Appendix A (Tables 1 and 5); and

WHEREAS, the analysis in the General Plan Update EIR allows the use of CEQA exemption/streamlining provisions for projects that are consistent with the General Plan Update, including the proposed project; and

WHEREAS, Tribal Consultation was conducted and completed in accordance with the provisions of state law; and

WHEREAS, the Fountain Valley Planning Commission considered Code Amendment No. 25-02 at a duly noticed public hearing on January 8, 2025, and recommended approval of the Code Amendment to the City Council.

WHEREAS, the proposed Code Amendment No. 25-02 has been publicly noticed in accordance with State Law and the Fountain Valley Municipal Code; and

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

SECTION 1

Pursuant to Public Resources Code section 21083.3 and CEQA Guidelines section 15183, the project is exempt from further environmental analysis as the proposed project is within the scope of the General Plan EIR;

SECTION 2

The City Council finds that due notice of the public hearing on January 21, 2025, 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 City Council 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 maintain internal consistency with the actions, goals, objectives and policies of the general plan, and would not create any inconsistencies with this title, in the case of a title amendment. The Code Amendment to allow for up to 1,100 residential units in the Southpark Specific Plan area is consistent with the 2021-2029 Housing Element. Housing Element Program 1a, Program Category #1 Goal 1 states that the City shall amend the General Plan and Development Code to ensure sufficient capacity to accommodate the City's 2021-2029 RHNA allocation and to require a minimum of 20 and allow 30 du/ac or greater on all sites listed in the sites inventory. Code Amendment No. 25-02 will align the Southpark Specific Plan with the 2045 General Plan Update to help meet the City's Regional Housing Needs Assessment (RHNA) allocation of 4,839 units, including 2,093 units affordable to lower income households, 834 units affordable to moderate income households, and 1,912 units affordable to above-moderate income households.
2. The proposed amendments would not be detrimental to the public convenience, health, interest, safety or welfare of the city. The proposed amendment will not be detrimental to the public convenience, health, interest, safety or welfare of the city as it will help implement the 2021-2029 Housing Element as noted in Finding #1 above. The amendment will provide consistency between the Zoning Map and the General Plan Land Use Map as required by State Law Section 65860.
3. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city's environmental review procedures as addressed in Section 1 above.
4. The proposed amendment is internally consistent with other applicable provisions of Title 21. Code Amendment 25-02 is internally consistent with all other provisions of Title 21 of the Fountain Valley Municipal Code. It sets forth the ability to construct up to 1,100 residential units in the Southpark Specific Plan area and does not contradict

any development standard related to property development. It is further consistent with Title 21 of the Fountain Valley Municipal Code as all development standards to be used in conjunction with future residential development shall be consistent with either the R-5 or MU-2 Zones, except for the maximum density standards.

SECTION 4

The City Council hereby approves an amendment to the Specific Plan as follows. Page 1 of the Specific Plan shall be amended as follows:

“...

SOUTHPARK: A PLANNED MIXED-USE COMMUNITY

Southpark is a mixed-use community that will optimally meet the needs of the City of Fountain Valley, and the business community and residents within the City and its surrounding area. SOUTHPARK by the intent and design, will meet the goals and objectives of a quality, balanced, and community-sensitive area for living, shopping, and working. This constitutes a Development Plan for property as is provided in Chapter 21.33 of the Fountain Valley Municipal Code.

The Objectives of the SOUTHPARK mixed-use community include the following:

1. A mixed-use development sensitive to the needs of the surrounding community and environment.
2. A long-term development that is of the highest quality for the sites.
3. A variety of employment opportunities for local residents.
4. Implementation of a development under a comprehensive planning effort.
5. A development plan that is within the holding capacity established by the circulation system.
6. Phasing of development in an orderly manner.
7. Landscaping that is appropriate to the level of development and sensitive to the surrounding community.
8. A visually harmonious development as viewed both internally and externally.
9. Improvements to the existing flood control systems and other infrastructures in the vicinity of the business community.
10. A mixture of development to serve the needs of the local community.
11. An integrated sign program that visually enhances the business community and is harmonious with the adjacent environs.
12. A circulation system that is responsive to the needs of both vehicular and pedestrian travel; particularly pedestrian safety across major arterials serving the subject site.
13. Safe access for the young, elderly and the handicapped.
14. Building heights that are not obtrusive to the surrounding community.

- 15. Development that protects the environment from noxious fumes, toxic or hazardous materials.
- 16. Flexibility in development while achieving overall City and Community goals.
- 17. Plan for the residential capacity of 1,100 residential units as stand-alone uses or as part of mixed-use development.

...”

SECTION 5

The City Council hereby approves an amendment to the Specific Plan as follows. Page 4 of the Specific Plan shall be amended as follows:

“ ...

FLOOR AREA RATIO AND TRANSFER OF DEVELOPMENT RIGHTS

Authorized Change in Scope of Development

[No change to the first paragraph]

[Second paragraph removed]

Maximum Floor Area for Any One Block Without a Conditional Use Permit

The aggregate floor area ratio for non-residential building square footage in any one block shall not exceed 0.67 without a Conditional Use Permit. This limit shall not consider or apply to any square footage of a residential building or structured parking associated with a mixed-use residential project.

Potential For Reduction of Floor Area Ratio

The Planning Commission at its discretion may reduce the floor area ratio in conjunction with future phases of development (at 75 acres of development and 105 acres of development) below 0.43 if it finds that the project-generated traffic exceeds that projected for average daily trips in the 2023 General Plan EIR. The amount of floor area reduction shall not exceed that necessary to bring the traffic generation into line with that projected in the General Plan EIR. Notwithstanding the foregoing, in no event shall the floor area ratio be reduced to the point where a lot has no reasonable economic value.

...”

SECTION 6

The City Council hereby approves an amendment to the Specific Plan as follows. Table 1 Statistical Analysis shall be entirely replaced as follows:

“ ...

Table 1 Statistical Analysis

AREA ¹	ACREAGE	PERMITTED NON-RESIDENTIAL		PERMITTED RESIDENTIAL
		SQUARE FEET	FAR ²	

A	20.30	464,887	0.53	1,100 units (shared / combined maximum)
B	24.50	516,247	0.48	
C	10.10	163,350	0.37	
D	30.20	290,000	0.22	-
E	11.30	239,580	0.49	-
F	29.60	707,850	0.55	-
	126.00	2,381,914	0.43	1,100

1. Exhibit "A" Planned Community Development Plan indicates location of each area.
2. Floor Area Ratio (FAR) applies only to non-residential building square footage. This actual FAR of built development may vary consistent with the provisions stated in the discussion on Floor Area Ratio and Transfer of Development Rights.

..”

SECTION 7

The City Council hereby approves an amendment to the Specific Plan as follows. Part I, Section II, Subsection C shall be entirely replaced as follows:

“ ...

C. Retail Use Control

There shall be a Conditional Use Permit for any retail commercial center in excess of two acres. In no event shall the aggregate of retail commercial for Blocks A, B, C, E, and F exceed 108,900 sq. ft. of floor area (equivalent to approximately 10 acres). This limit does not apply to retail or restaurant uses incorporated into mixed-use residential projects, whether such uses are part of a horizontally- or vertically-mixed use project. Non-residential uses that are part of a horizontally- or vertically-mixed use project shall be permitted in accordance with the provisions of the R5 and MU-2 Zoning Districts, except for the maximum density standards. The required "Non-Residential Floor Area" identified in Table 2-11 of the Fountain Valley Municipal Code may be provided within the same building, in a separate building, or anywhere on Blocks A, B, or C.

...”

SECTION 8

The City Council hereby approves an amendment to the Specific Plan as follows. Part I, Section II, Subsection G shall be entirely replaced and Subsection H shall be added as follows:

“ ...

G. Residential Uses

Residential and mixed-use projects that include residential uses shall be permitted in Areas A, B, and C, in accordance with and subject to the standards for the R5 and MU-2 Zoning Districts, except for the maximum density standards (respectively), as contained in the Fountain Valley Municipal Code.

H. Other Uses Similar to the Above as determined by the Community Development Director

The Community Development Director shall determine the appropriate placement of similar uses in the categories above.

...”

SECTION 9

The City Council hereby approves an amendment to the Specific Plan as follows. Part III, Section L and M shall be added as follows:

“...”

L. Residential and Mixed-use Residential Uses

With the exception of maximum density, residential and mixed-use projects that include residential uses permitted in Areas A, B, and C (including future modifications to these projects (e.g. commercial change of use)), shall be subject to the standards for the R5 and MU-2 Zoning Districts (respectively) as contained in the Fountain Valley Municipal Code. Maximum density shall not be limited by the R5 and MU-2 density thresholds, but shall instead be determined by compliance with other applicable standards and the overall number of permitted units in the specific plan.

M. Inclusionary Housing

Residential development is subject to all provisions of the City's Inclusionary Housing Program. As an alternative means of compliance, due to amount of land under common ownership in the Southpark Specific Plan, a developer of a Residential Development Project may dedicate land in lieu of providing onsite Inclusionary Units.

1. *Dedication.* The land shall be dedicated at no cost to the City. Land donations consistent with California Government Code Section 65915 may also be donated to an affordable housing developer approved by the City.
2. *Location.* The land shall be located entirely within the City of Fountain Valley.
3. *Physical Characteristics and Quality.*
 - a. *Size and capacity.* The land shall be at least one acre and suitable in terms of property dimensions and configuration to accommodate a housing project.
 - b. *Land use designation and zoning.* The land shall be appropriately designated to permit high density multifamily residential development under the City's General Plan and zoning regulations. If the land is not already appropriately

designated, the applicant shall be required to secure the appropriate designation and zoning at its own cost, including environmental clearance, prior to obtaining approval of its market-rate units.

- c. *Infrastructure.* The land shall be served by existing utilities, streets, and other infrastructure improvements necessary to allow for the affordable units to be constructed.
 - d. *Suitability.* The applicant shall, at their own cost, provide property related report(s) to demonstrate the suitability and value of the land to be dedicated including but not limited to title report, appraisal report from a City-approved appraiser with MAI designation, and environmental site assessment(s). The City shall, in its sole discretion, make the determination as to whether the site is suitable for affordable housing development, and may reject a site offered as a means of alternative compliance.
4. *Value.* The value of the land shall be at least equivalent to the in-lieu fee that would be applicable to the Residential Development Project. If the value of the land is below the equivalent in-lieu fee, a combination of land dedication and in-lieu fee is allowed, provided that the land to be dedicated still satisfies all other requirements in this section.
5. *Density Bonus.* Any inclusionary units satisfied through the dedication of land shall not be used as the basis for a density bonus except as provided by state law.
6. *Issuance of certificate of occupancy.* Certificates of occupancy shall only be issued for Market Rate Units, in the case of compliance through land dedication, once all land to be dedicated has been legally transferred to the City.

..”

SECTION 10

The City Council hereby approves an amendment to the Specific Plan as follows. Part IV, Section F shall be added as follows:

“ ...

PART IV. LANDSCAPING

F. Residential and Mixed-use Residential Uses

Residential and mixed-use projects that include residential uses permitted in Areas A, B, and C shall be subject to the standards for the R5 and MU-2 Zoning Districts, except for the maximum density standards (respectively), as contained in the Fountain Valley Municipal Code.

...”

PASSED AND ADOPTED by the City Council of the City of Fountain Valley at a regular meeting this 4TH day of February, 2025.

Ayes: Grandis, Harper, Cunneen, Bui
Nays: None
Absent: None
Recused: Constantine

ATTEST:



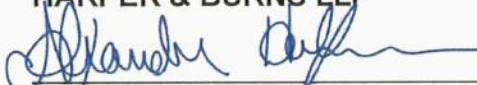
Rick Miller, City Clerk



Ted Bui, Mayor

APPROVED AS TO FORM

HARPER & BURNS LLP



Attorneys for the City
City of Fountain Valley