

FOUNTAIN VALLEY PLANNING COMMISSION AGENDA

**CITY HALL COUNCIL CHAMBERS
10200 SLATER AVENUE**

**WEDNESDAY, APRIL 8, 2026
REGULAR MEETING – 6:00 PM**

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.

ZOOM LINK INFORMATION

- Participants that choose to watch the Planning Commission meeting through zoom are automatically placed in the waiting room and will then be admitted into the meeting. In order to make a public comment, you will indicate through the chat feature which item you would like to speak on, or click on the “raise hand” icon to let the administrator know you wish to speak.
- All participants are muted unless you are requesting to speak, at which time you will be allowed to unmute and make you comment.
- All public comments are allowed up to 3 minutes to speak.

CFV is inviting you to a scheduled Zoom meeting.

Topic: CFV's Planning Commission Meeting

Time: Apr 8, 2026 06:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://fountainvalley.zoom.us/j/86262845608?pwd=1zCBhiZJOFtwK03UQzFWue9b0bDoxb.1>

Meeting ID: 862 6284 5608

Passcode: 059479

REGULAR MEETING

CALL TO ORDER

SALUTE TO THE FLAG

ROLL CALL: Vu, Brothers, Azcona, James, Vice-Chair Huebner, Chair Langer

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS

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 agendaized. 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)

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.

CONSENT CALENDAR

1. 03-25-2026 PLANNING COMMISSION MEETING MINUTES

Recommended Action: Receive and File the 03-25-2026 Planning Commission meeting minutes.

PUBLIC HEARING

2. CODE AMENDMENT (CA) 26-03 – OBJECTIVE DESIGN STANDARDS

A Code Amendment to amend Fountain Valley Municipal Code Sections 21.18.130 to establish citywide objective design standards for single-family residential, multi-family residential, and residential mixed-use development projects. The item is exempt from CEQA per Sections 15060 (c) (2), 15060 (c) (3), and 15061 (b) (3).

Recommended Action: Adopt Alternative No. 1, recommending that the City Council approve a Notice of Exemption in accordance with the California Environmental Quality Act (CEQA) and approve Code Amendment No. 26-03 to implement and adopt residential and mixed-use objective design standards.

NEW BUSINESS

None.

UNFINISHED BUSINESS

3. 8550 WARNER AVENUE PROJECT (PARKSIDE FV) – GENERAL PLAN AMENDMENT NO. 23-01, ZONING MAP AMENDMENT NO. 436, PRECISE PLAN 577, CONDITIONAL USE PERMIT NO. 1929, MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM

Recommended Action: Staff recommends that the Planning Commission adopt the following resolutions: (1) Adopt Resolution No. 26-06 denying Precise Plan No. 577 and Conditional Use Permit No. 1929 to construct a 72-unit apartment complex development in a new 76,076 square foot three-story building and an 800 square foot one-story clubhouse building and surface parking lot for the Parkside FV development located on a 2.119-acre site at 8550 Warner Avenue. (2) Adopt Resolution No. 26-07 recommending the City Council deny General Plan Amendment No. 23-01 to change the General Plan Land Use Map designation from General Commercial to High Density Residential and Zoning Map Amendment No. 436 to change the zoning map designation from C1-Local Business to R4-High Density Multiple Dwelling for the 72-Unit Parkside FV development located on a 2.119-acre site at 8850 Warner Avenue.

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 April 22, 2026.

ALL ITEMS WHICH HAVE FINAL APPROVAL BY THE PLANNING COMMISSION MAY BE APPEALED TO THE CITY COUNCIL WITHIN 10 CALENDAR DAYS OF THE COMMISSION'S ACTION BY ANY APPLICANT OR PROPERTY OWNER WITHIN 1,000 FT. OF THE SUBJECT PROPOSAL. PERSONS WISHING FURTHER INFORMATION SHOULD CONTACT THE PLANNING DEPARTMENT (CHAPTER 21. 60 FVMC)

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.gov.

CITY OF FOUNTAIN VALLEY PLANNING COMMISSION MINUTES

CITY HALL COUNCIL CHAMBERS
10200 SLATER AVENUE

WEDNESDAY, MARCH 25, 2026 – 6:00 P.M.

REGULAR MEETING

CALL TO ORDER: Vice-Chair Huebner called the meeting to order at 6:00 pm.

SALUTE TO THE FLAG: Vice-Chair Huebner led the flag salute.

ROLL CALL:

PRESENT: Vu, Brothers, Azcona, James, Vice-Chair Huebner

ABSENT: Chair Langer

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATION

None.

CONSENT CALENDAR

1. 02-25-2026, PLANNING COMMISSION MEETING MINUTES

Action: Receive and file 02-25-2026, Planning Commission meeting minutes.

Motion: Vu Second: Brothers

AYES: Vu, Brothers, Azcona, James, Huebner

NAYS: None.

ABSTAIN: None.

PUBLIC HEARING

2. 8550 WARNER AVENUE PROJECT (PARKSIDE FV) – GENERAL PLAN AMENDMENT NO. 23-01, ZONING MAP AMENDMENT NO. 436, PRECISE PLAN 577, CONDITIONAL USE PERMIT NO. 1929, MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM

Petition submitted by Robert Franklin, on behalf of the property owner, FV Center, Ip (“owner”), to amend the General Plan Land Use Map designation from General Commercial to High Density Residential, amend the Zoning Map from C1 – Local Business to R4 – high Density Multiple Dwelling, and construct a 72-unit apartment development in a new 76,076 square foot three-story building with an 800 square foot one-story clubhouse building and 10 deed restricted very-low-income units through a Precise Plan and Conditional Use Permit on a 2.119-acre site located at 8550 Warner Avenue. Per the California Environmental Quality Act, the City of Fountain Valley has prepared a Mitigated Negative Declaration (State Clearinghouse #2026010463) located at <https://www.fountainvalley.gov/1531/Parkside-FV>.

Vice Chair Huebner opened the public hearing. Principal Planner Steven Ayers presented the staff report and answered questions from commissioners. Consultant Giancarlo Ganddini, from the Ganddini Group and City Senior Civil Engineer Kyle Knoke answered questions from commissioners. Applicant Robert Franklin, Architect Serafini Maanan, from AO Architects, Property Leasing Agent William Hugrom, Market Economist Linda Congleton, from L.S. Congleton & Associates presented PowerPoint presentations. Public Speaker: Val Fox, Karl Romig, Perry Clitheue, Richard Sherman, Pat Neal, Rick Caruso, Larry Hadley, Katy Wright. With no one else wishing to speak on this item, Vice-Chair Huebner closed the public hearing.

Action: Alternative 2: Staff to return with Resolutions denying the Mitigated Negative Declaration, recommending the City Council deny General Plan Amendment 23-01 and Zoning Map Amendment 436, and denying Precise Plan 577 and Conditional Use Permit 1929.

Motion: James Second: Azcona

AYES: Vu, Azcona, James, Huebner

NAYS: Brothers

ABSTAIN: None.

NEW BUSINESS

None.

UNFINISHED BUSINESS

None.

PUBLIC COMMENTS

Katy Wright

COMMENTS FROM STAFF

None.

COMMENTS FROM COMMISSIONERS

Commissioner Vu thanked the city for the opportunity to attend last week's Planning Commissioners Academy in Anaheim.

ADJOURNMENT

Vice-Chair Huebner adjourned the meeting to the next regular Planning Commission meeting on April 8, 2026.

Chairperson

Secretary



Request for Planning Commission Action

TO: Planning Commission

DATE: April 8, 2026

FROM: Deputy City Manager/Community Development Director, Omar Dadabhoy

SUBJECT: Objective Design Standards for Residential and Mixed-Use Projects

Background:

In recent years, the State of California has enacted a series of housing bills with the overall aim to increase the state's housing inventory and reduce barriers to housing production. Several laws have impacted local land use authority by requiring cities to ministerially review and approve certain eligible residential development projects. Within this context, ministerial review means that an application is reviewed and approved administratively, without discretionary review or a hearing. As part of this ministerial review process, cities may review projects for compliance with local objective development and design standards. Standards are considered objective if they are measurable and verifiable and involve no subjective judgment by a city official.

Discussion:

The State's recent housing laws have implications for the City's local development review process as they enable a qualifying project to proceed through a streamlined review, bypassing typical discretionary planning applications. Consequently, eligible projects would not be subject to City Council or Planning Commission discretionary approvals, nor would there be a noticed public hearing. More significantly, this process circumvents the comprehensive evaluation typically conducted by City staff.

State law allows cities to impose objective development and design standards on eligible housing projects. The City's development standards, such as building setbacks to property lines and height limits, do not involve discretion or subjective judgment and are considered objective. However, the City's design guidelines, related to architectural principles and landscaping design are more qualitative and do involve discretion and subjective judgment. In response to recent state housing law(s), the City has undertaken an effort to prepare objective design standards to apply to new qualifying housing projects that are otherwise exempt from the City's discretionary process and design guidelines.

CA 26-03

The proposed Code Amendment ("CA 26-03") would amend Title 21 of the Fountain Valley Municipal Code to establish objective development standards that would apply to residential housing development projects when the City's discretionary review is limited or prohibited

while generating standards that support the requirements of state law to streamline the processing of housing projects. The design of residential projects would be required to meet the objective standards or alternatively, applicants would continue to have the opportunity to pursue design flexibility beyond these objective standards under the City's current discretionary review process.

Objective Development Standards Manual

If adopted, CA 26-03 would add Fountain Valley Municipal Code Section 21.18.130 and incorporate by reference a new standards manual entitled Residential and Mixed-Use *Objective Design Standards* ("the Manual"), which is attached as Attachment 3.

The purpose of the Manual is to provide the development community, design professionals, general public, and City personnel with objective criteria for eligible new multifamily and mixed-use residential development in the City. These criteria include, for example, objective standards related to site planning, building form, landscaping, and architectural design based on Fountain Valley's character, aesthetics, and the quality of the built environment. Consistent with existing state law, objective standards are those that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant and the public official prior to submittal. The intent of the Manual is to promote the construction of new housing and further City goals in yielding development projects that feature elevated design and architecture and foster an enhanced quality of life through the built environment.

Design principles and aesthetics are subject to change over time, making it essential for the Manual to remain adaptable. To address this, the proposed Zoning Code regulations (contained within Section 21.18.130 (d) (2)) authorize the Community Development Director to initiate amendments to the Manual. The ordinance also provides that the Manual shall be maintained as a City Council policy document while remaining on file with the Community Development Department. Because the Manual is incorporated by reference into the Zoning Code, future amendments would not be effective until they are approved by the City Council.

Environmental Clearance:

The proposed CA is determined to be categorically exempt from the California Environmental Quality Act ("CEQA") because it is an administrative activity that will not result in a direct or reasonably foreseeable indirect physical change to the environment and is thus not a "project" under State CEQA Guidelines 15378 (see State CEQA Guidelines, Section 15060(c)(2) and (3)). Alternatively, even if the adoption of CA 26-03 did qualify as a project under CEQA, it would be exempt from CEQA under State CEQA Guidelines Section 15061(b)(3), which provides that a project is exempt from CEQA 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. Adoption of CA 26-03 will not have a significant effect on the environment as it simply establishes objective design review standards for certain residential developments and remodels; it does not authorize any construction or development. Therefore, it is exempt from CEQA.

Notice Furnished:

The item was published in the Orange County Register and notices were posted at City Hall and at the City's website at www.fountainvalley.gov/AgendaCenter

Alternatives:

1. Adopt Resolution No. 26-04 recommending the City Council approve a Notice of Exemption in accordance with the California Environmental Quality Act (CEQA) and approve Code Amendment No. 26-03 to implement and adopt residential and mixed-use objective design standards.
2. Continue the request and direct staff to prepare a resolution recommending denial.
3. Continue this request for additional information.

Recommended Action:

Adopt Alternative No. 1, recommending that the City Council approve a Notice of Exemption in accordance with the California Environmental Quality Act (CEQA) and approve Code Amendment No. 26-03 to implement and adopt residential and mixed-use objective design standards.

Prepared By: Omar Dadabhoy, Community Development Director / Deputy City Manager

Attachments: 1. Resolution No. 26-04
2. City Council Ordinance
3. Residential and Mixed-Use Objective Design Standards

RESOLUTION NO. 26-04

A RESOLUTION OF THE FOUNTAIN VALLEY PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE CODE AMENDMENT (CA) 26-03 AMENDING FOUNTAIN VALLEY MUNICIPAL CODE (FVMC) SECTION 21.18.130 TO ESTABLISH CITYWIDE OBJECTIVE DESIGN STANDARDS FOR MULTI-FAMILY RESIDENTIAL AND RESIDENTIAL MIXED-USE DEVELOPMENT PROJECTS

WHEREAS, Section 65589.5 of the California Government Code requires cities and counties to approve or deny eligible housing development projects based on objective regulatory standards; and

WHEREAS, between 2017 and 2023, Senate Bill (SB) 35, SB 6, SB 167, SB 330, and Assembly Bill 2011 were signed into law, which amended state law to incentivize the construction of housing development projects through various streamlined permit review processes. Per these legislative bills, existing subjective design standards and guidelines are no longer enforceable for eligible housing development projects; and

WHEREAS, the City of Fountain Valley Community Development Department has initiated Code Amendment 26-03 (hereafter "CA 26-03") to amend the FVMC by introducing Chapter 21.18.130 Residential and Mixed-Use Development Objective Design Standards; and

WHEREAS, to accompany the Multi-family Residential and Residential Mixed-Use Development Objective Design Standards, a Residential and Mixed-Use Objective Design Standards Manual ("Manual") has been created which establishes reasonable, uniform, and comprehensive standards and procedures for multi-family residential and residential mixed-use development projects. This Manual is on file in the Community Development Department and is incorporated herein by this reference; and

WHEREAS, the proposed CA 26-03 would amend Fountain Valley Municipal Code Section 21.18.130 to establish objective development and design standards for qualifying residential and mixed-use projects; and

WHEREAS, pursuant to Article 5 of the CEQA Guidelines, the proposed project is covered by the General Rule Exemption [Section 15061(b)(3) of the CEQA Guidelines], for projects where it can be seen with certainty that the activity in question will have no significant effect on the environment; and

WHEREAS, the proposed CA 26-03 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 26-03 at a duly noticed public hearing on April 8, 2026.

SECTION 1

The Planning Commission finds, and recommends that the City Council find, that the adoption of CA 26-03 is exempt from the California Environmental Quality Act ("CEQA") because it is an administrative activity that will not result in a direct or reasonably foreseeable indirect physical change to the environment and is thus not a "project" under State CEQA Guidelines 15378 (see State CEQA Guidelines, Section 15060(c)(2) and (3)). Alternatively, even if the adoption of CA 26-03 did qualify as a project under CEQA, it would be exempt from CEQA under State CEQA Guidelines Section 15061(b)(3), which provides that a project is exempt from CEQA 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. Adoption of CA 26-03 will not have a significant effect on the environment as it simply establishes objective design review standards for certain residential developments and remodels; it does not authorize any construction or development. Therefore, it is exempt from CEQA.

SECTION 2

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

1. The proposed code amendment is consistent with the City of Fountain Valley General Plan because it will provide regulations that promote the development of high-quality housing. Specifically, the code amendment meets several objectives, policies, and proposed programs/activities/actions specified in the General Plan Housing Element. Relevant sections of the Housing Element are listed below:

Goals 2, Policy 2.2: Promote and encourage the use of innovative construction methods, design standards, lot configurations, and energy conservation techniques that will facilitate the production of quality, affordable, and attractive new housing which varies in type, design, form of ownership, and size, and is compatible with abutting development.

Goal 6, Policy 6.4: Continue to require compliance with the Americans with Disabilities Act standards in all new residential developments and continue to enforce the building code provisions requiring accessible design

2. The proposed amendment would not be detrimental to the public convenience, health, interest, safety or welfare of the city. CA 26-03 would protect the public convenience, health, interest, safety and welfare by providing a set of clear, objective standards for design of residential and mixed-use projects without the need for subjective standards.
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. The residential and mixed-use objective design standards are consistent and do not conflict with any adopted development standards or regulation. They are complementary to, and not in conflict with existing standards.

SECTION 3

The Planning Commission finds that Code Amendment 26-03 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. 26-03 as set forth in "Exhibit A" attached hereto and incorporated herein.

PASSED, APPROVED, AND ADOPTED THIS 8TH DAY OF April, 2026.

Chairperson

Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY APPROVING CODE AMENDMENT (CA) 26-03 AMENDING FOUNTAIN VALLEY MUNICIPAL CODE (FVMC) SECTION 21.18.130 TO ESTABLISH CITYWIDE OBJECTIVE DESIGN STANDARDS FOR MULTI-FAMILY RESIDENTIAL AND RESIDENTIAL MIXED-USE DEVELOPMENT PROJECTS

WHEREAS, Section 65589.5 of the California Government Code requires cities and counties to approve or deny eligible housing development projects based on objective regulatory standards; and

WHEREAS, between 2017 and 2023, Senate Bill (SB) 35, SB 6, SB 167, SB 330, and Assembly Bill 2011 were signed into law, which amended state law to incentivize the construction of housing development projects through various streamlined permit review processes. Per these legislative bills, existing subjective design standards and guidelines are no longer enforceable for eligible housing development projects; and

WHEREAS, the City of Fountain Valley Community Development Department has initiated Code Amendment 26-03 (hereafter “CA 26-03”) to amend the FVMC by introducing Chapter 21.18.130 Residential and Mixed-Use Development Objective Design Standards; and

WHEREAS, to accompany the Multi-family Residential and Residential Mixed-Use Development Objective Design Standards, a Manual has been created which establishes reasonable, uniform, and comprehensive standards and procedures for multi-family residential and residential mixed-use development projects. This Manual is on file in the Community Development Department and is incorporated herein by this reference; and

WHEREAS, the proposed CA conforms with the City of Fountain Valley General Plan and Zoning Ordinance; and

WHEREAS, CA 26-03 is considered a “project” as defined by the California Environmental Quality Act (CEQA); and

WHEREAS, pursuant to Article 5 of the CEQA Guidelines, the proposed project is covered by the General Rule Exemption [Section 15061(b)(3) of the CEQA Guidelines], for projects where it can be seen with certainty that the activity in question will have no significant effect on the environment; and

WHEREAS, the Fountain Valley Planning Commission considered the proposed CA 26-03 at a duly noticed public hearing on April 8, 2026, and by a vote of _____ recommended the City Council approve a Categorical exemption per CEQA and approve CA 26-03 to add FVMC Section 21.18.130 to create objective design standards for residential and mixed-use projects; and

“Exhibit A”

WHEREAS, the proposed CA 26-03 has been publicly noticed in accordance with State Law and the Fountain Valley Municipal Code.

WHEREAS, on _____, the City Council of the City of Fountain Valley considered information presented by the Community Development Department and other interested parties at a duly noticed public hearing; and

SECTION 1

The City Council finds that the adoption of CA 26-03 is exempt from the California Environmental Quality Act (“CEQA”) because it is an administrative activity that will not result in a direct or reasonably foreseeable indirect physical change to the environment and is thus not a "project" under State CEQA Guidelines 15378 (see State CEQA Guidelines, Section 15060(c)(2) and (3)). Alternatively, even if the adoption of CA 26-03 did qualify as a project under CEQA, it would be exempt from CEQA under State CEQA Guidelines Section 15061(b)(3), which provides that a project is exempt from CEQA 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. Adoption of CA 26-03 will not have a significant effect on the environment as it simply establishes objective design review standards for certain residential developments and remodels; it does not authorize any construction or development. Therefore, it is exempt from CEQA.

SECTION 2

The City Council finds that due notice of the public hearing on _____, 2026, 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 code amendment is consistent with the City of Fountain Valley General Plan because it will provide regulations that promote the development of high-quality housing. Specifically, the code amendment meets several objectives, policies, and proposed programs/activities/actions specified in the General Plan Housing Element. Relevant sections of the Housing Element are listed below:

Goals 2, Policy 2.2: Promote and encourage the use of innovative construction methods, design standards, lot configurations, and energy conservation techniques that will facilitate the production of quality, affordable, and attractive new housing which varies in type, design, form of ownership, and size, and is compatible with abutting development.

“Exhibit A”

Goal 6, Policy 6.4: Continue to require compliance with the Americans with Disabilities Act standards in all new residential developments and continue to enforce the building code provisions requiring accessible design

2. The proposed amendment would not be detrimental to the public convenience, health, interest, safety or welfare of the city. CA 26-03 would protect the public convenience, health, interest, safety and welfare by providing a set of clear, objective standards for design of residential and mixed-use projects without the need for subjective standards.
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. The residential and mixed-use objective design standards are consistent and do not conflict with any adopted development standards or regulation. They are complementary to, and not in conflict with existing standards.

SECTION 4

Section 21.18.130 is hereby added as follows:

21.18.130

- (a) Purpose and Intent. The purpose of the objective development and design standards of this section is to provide the development community, design professionals, general public, and City personnel with objective criteria for eligible new multifamily and mixed-use residential development in the City. These criteria include, for example, objective standards related to site planning, building form, landscaping, and architectural design based on Fountain Valley’s character, aesthetics, and the quality of the built environment. Consistent with existing state law, objective standards are those that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant and the public official prior to submittal. The intent is to promote the construction of new housing and further City goals in yielding development projects that feature elevated design and architecture and foster an enhanced quality of life through the built environment.
- (b) Applicability and Review. The provisions of this Section apply to all new residential and mixed-use residential projects that qualify for streamlined ministerial review under state law. If a project is subject to development and design review and is not required by state law to be reviewed only against objective standards, it may be

“Exhibit A”

subject to these objective standards or other discretionary design review and findings.

- (c) Relationship to Other Regulations. Eligible housing projects that qualify for streamlined ministerial review under state law must comply with these objective development and design standards and with all applicable development standards in the City’s regulatory documents, including but not limited to the Fountain Valley Municipal Code, and applicable Specific Plans. Where standards conflict, the more restrictive shall apply.
- (d) Objective Development and Design Standards Manual. The City of Fountain Valley’s Objective Design Standards Manual (“the Manual”) is hereby adopted and incorporated by reference into this Section as if fully set forth herein. If a provision is inconsistent with state law, it does not impact any other standards.
 - (1) Accessibility and Custody. The Manual shall be maintained as a City Council policy document and kept on file with the City of Fountain Valley Community Development Department (“Department”). Additionally, the Manual shall be made freely accessible to the public and shall be posted on the official City of Fountain Valley website.
 - (2) Amendments. The Manual may be amended in accordance with the following:
 - a. The Director may initiate amendments to the Manual. All proposed amendments shall be reviewed for compliance with state law and any amendment determined to be in violation of state law shall be rejected.
 - b. If a change in state law renders an existing portion of the Manual noncompliant, state law will govern and the Director shall initiate an amendment to bring the Manual into compliance as expeditiously as possible.
 - c. No amendment to the Manual will be effective until it is approved by the City Council.

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

“Exhibit A”

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 _____, 2026.

ATTEST:

Rick Miller, City Clerk

Jim Cunneen, Mayor

APPROVED AS TO FORM

HARPER & BURNS LLP

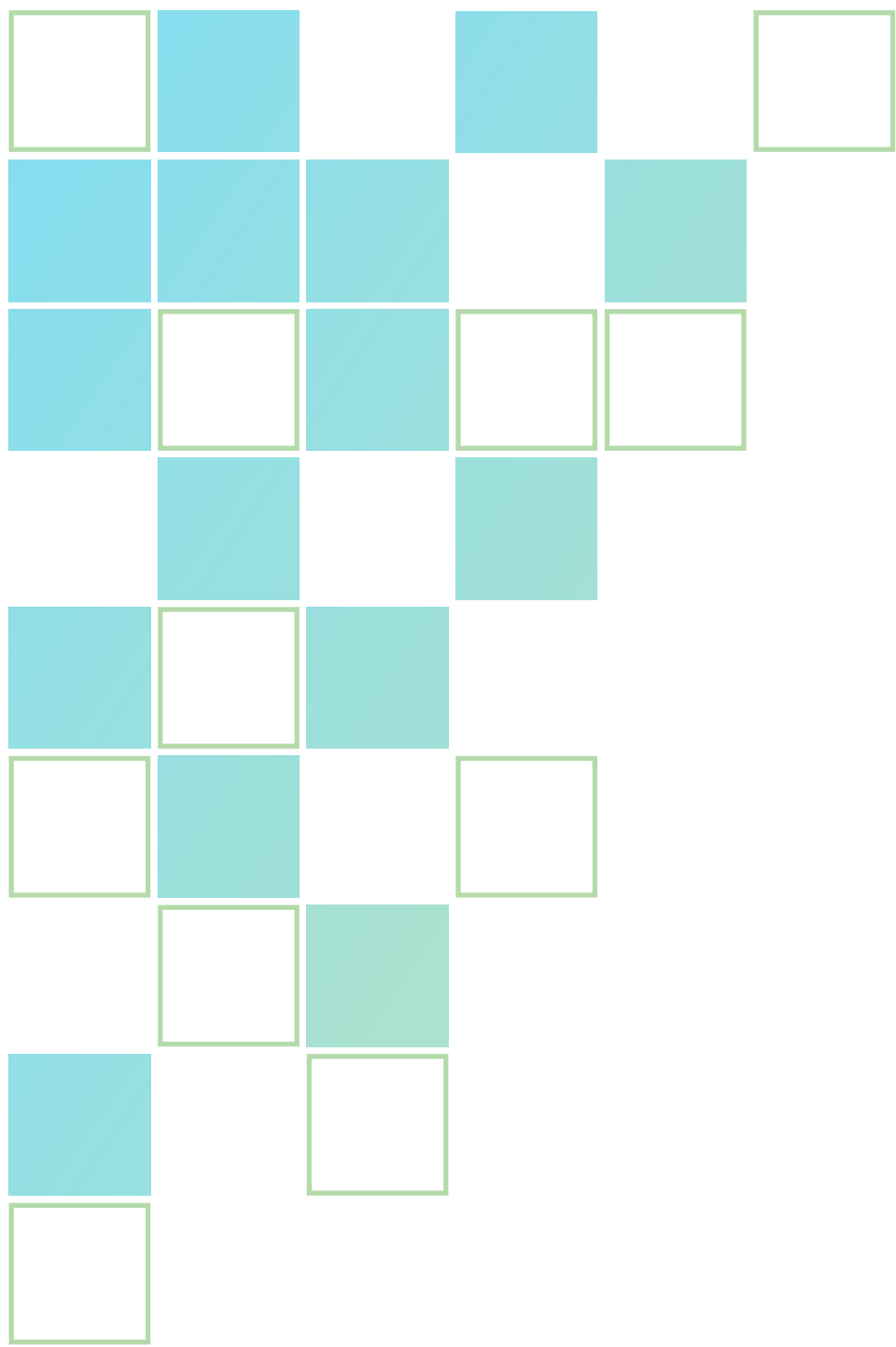
Attorneys for the City
City of Fountain Valley

An aerial photograph of Fountain Valley, California, showing a mix of residential and commercial areas. A semi-transparent grid of squares in various shades of blue and green is overlaid on the image. A simple white outline of a house is positioned in the center of the grid. A white rectangular box with a green border is located in the lower right quadrant, containing the title and subtitle.

Residential & Mixed-Use

Objective Design Standards

CITY OF FOUNTAIN VALLEY | CA
ADOPTED XX,XX,XXXX



ACKNOWLEDGMENT

Prepared for:



Prepared by:



Adopted by Ordinance: Month Day, Year

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1.0 PURPOSE

- 1.1 Introduction
- 1.2 Who Is This Document For?
- 1.3 Where Do These Standards Apply?
- 1.4 Document Organization
- 1.5 Administration
- 1.6 Multifamily and Mixed-Use Development
Scale Definitions

1.1 INTRODUCTION

Development and design standards regulate development intensity, style, size, and orientation. Objective design standards (ODS) are measurable, verifiable, and quantifiable, supporting consistent housing design in the community. Ultimately, the standards contained in this document will provide for a predictable and equitable path for new housing in the City of Fountain Valley.

The State of California continues to experience a housing crisis and the availability of and affordability of housing remains a key issue. This document provides the required, objective standards for housing development, streamlining design review and increasing transparency. Additionally, this document complies with Senate Bill (SB) 35 and SB 330, which requires jurisdictions to review new multifamily and mixed-use residential housing projects ministerially or “over-the-counter,” guided by objective design and development standards. These new laws prevent cities from denying approvals for certain multifamily housing projects based on discretionary design guidelines.

This document provides clear and useful guidelines and standards for the design, construction, review, and approval of single-family residential, multi-family residential, and mixed-use development in Fountain Valley. With this document, applicants, developers, and City staff have a clear and concise reference for the City's minimum design expectations. These standards are written as minimum standards for site and structure design but also offer various recommendations and guidelines for quality and character. However, this ODS document does not replace the City's existing development standards. Proposed projects must also comply with all applicable building permit requirements, zoning code requirements, and other development standards found in the City of Fountain Valley's Development Code.

SB 35

- A streamlined approval process for housing projects with a specified amount of affordable housing.
- Applies to jurisdictions that haven't made enough progress in meeting their Regional Housing Needs Allocation (RHNA).
- Applications must be for infill sites and comply with existing General Plan or Zoning provisions.
- Can only apply objective zoning, subdivision, or design review standards to determine consistency.
- <https://www.hcd.ca.gov/policy-research/docs/sb-35-guidelines-update-final.pdf>

1.2 WHO IS THIS DOCUMENT FOR?

Developers

The document provides clear direction for renovation and new construction. The required checklist serves as a tool for the property owner, the designer/developer, and staff during the review process; it also clarifies the aspects of quality design.

Property Owners

The document gives property owners a clear understanding of the design elements that are required for development projects in Fountain Valley. This document also works in conjunction with the General Plan and Fountain Valley Municipal Code and will provide a clear set of expectations and responsibilities.

City Staff

City staff use these standards to assist applicants and their representatives with project processing. The document and checklist serve as the basis for evaluating proposals for quality of design.

Review Bodies and Decision Makers

The document provides a basis for the City of Fountain Valley Planning Commission, City Council, Community Development Director, and other reviewing bodies to evaluate an application's quality of design.

1.3 WHERE DO THESE STANDARDS APPLY?

The City's ODS apply to new construction for single-family, multi-family and mixed-use developments, as well as substantive renovations or structural alterations of such buildings (i.e. when fifty (50) percent or more of the exterior walls or roof are demolished as part of the renovation) on a single lot.

For developments spanning multiple lots, these standards apply to all lots proposed for multi-family housing, mixed-use developments, and any associated amenities, open space, or utilities that would serve multi-family or mixed-use units.

These standards do not apply to sites/parcels that include a designated historic structure and/or resource, or sites/parcels that include a contributing property within a designated historic district. Such sites/parcels shall be reviewed under applicable historic resource design standards and guidelines, unless otherwise exempted from State Law. Vacant sites or non-contributing properties within historic districts shall be subject to these standards.

These standards do not apply to minor renovations (i.e. when fifty (50) percent or less of the exterior walls or roof are demolished as part of the renovation) and routine maintenance of residential (single-family, multi-family, and mixed use) developments.

These standards are in addition to the standards of the underlying base zone. In the event of conflicting standards between these standards and the base zone, the more restrictive standard shall apply. For projects located in a Specific Plan, and if there is a conflict between the City's ODS and the Specific Plan's objective standards, the Specific Plan's objective standards shall prevail. Proposed projects must also comply with all other applicable local and state ordinances and codes.

1.4 DOCUMENT ORGANIZATION

Fountain Valley's ODS act as a stand-alone illustrated document, empowered by appropriate reference within Fountain Valley's Development Code. These standards have been designed in a modular fashion, with differing sets of standards applying to projects at a different scale. For instance, a small development would be subject to less complex standards, while a larger project would be subject to more intensive standards.

This document is organized in a site-focused manner. Single-family standards are discussed first, followed by multi-family standards, with mixed-use provisions located at the document's end. Key site planning standards are discussed at the beginning of each section. These include site access, building orientation, pedestrian and vehicular circulation, mixing of uses, parking, and open space. Specific standards pertaining to the structure's architecture follow. These include height modulation, horizontal modulation, transitional massing, as well as a building's materials and details.

1.5 ADMINISTRATION

The Community Development Department shall be responsible for the administration of these objective design standards. If ambiguity arises concerning the meaning or appropriate application of provisions of these objective design standards, the Community Development Director shall make the appropriate determination.

A. DEVIATIONS

Up to twenty (20) percent deviations in Site Planning standards may be approved by the Community Development Director, provided that if one standard is modified to accommodate a project, another standard from the same section of these objective design standards is modified by an equivalent amount. A total of two (2) deviations from Site Planning standards are permitted.

Up to ten (10) percent deviations in Mass and Scale standards may be approved by the Community Development Director, provided that if one standard is modified to accommodate a project, another standard from the same section of these objective design standards is modified by an equivalent amount. A total of two (2) deviations from Mass and Scale standards are permitted.

B. SPECIAL CIRCUMSTANCES

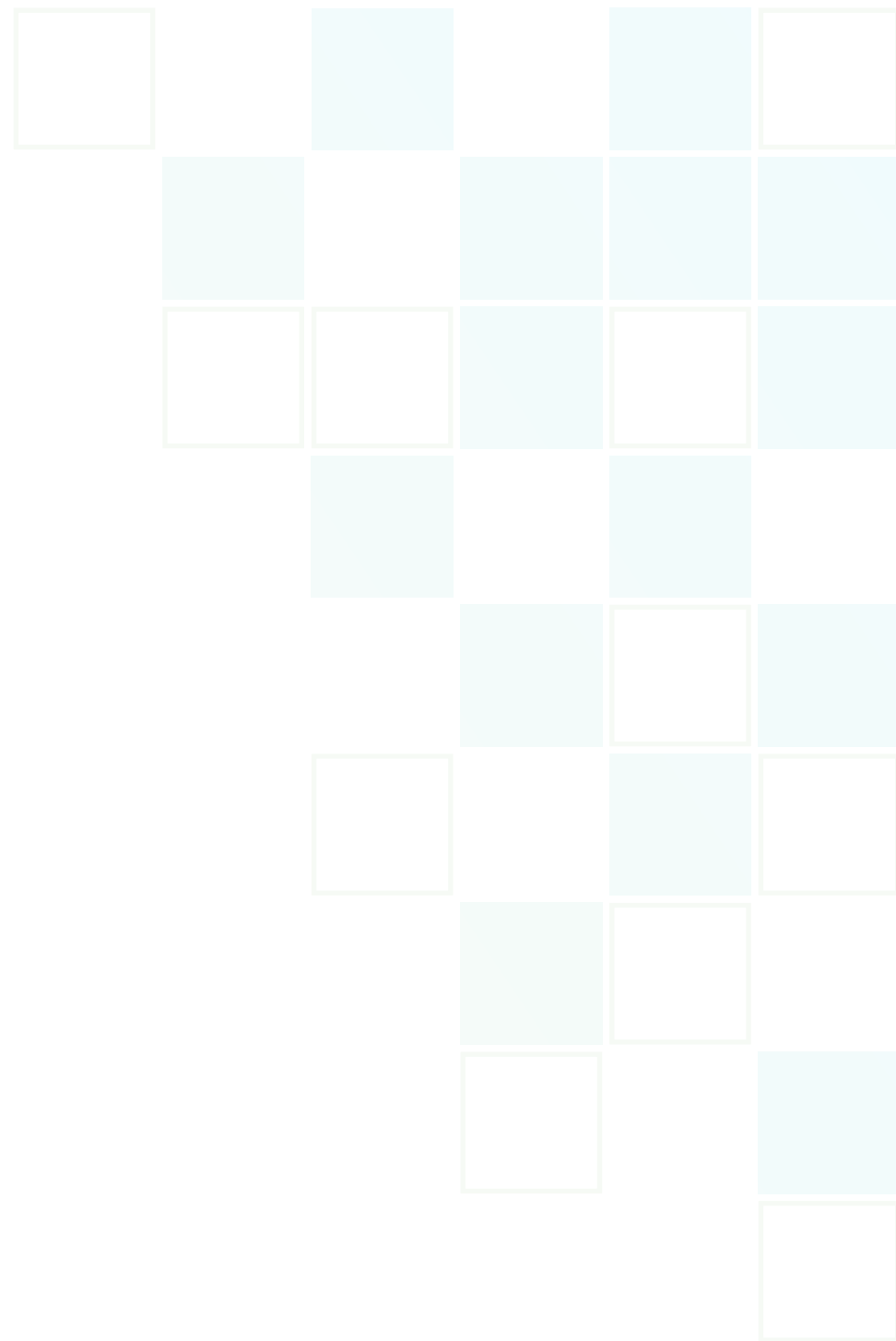
Sites located within, intersecting or adjacent to the following hazard areas/features may include up to twenty (20) percent deviation in the Site Planning and Mass and Scale Standards, as approved by the Community Development Director.

- Very High Fire Hazard Severity Zones
- Federal Emergency Management Act (FEMA) Special Flood Hazard Areas
- Adjacent to a Designated Historic Resource or Structure
- Controlled Access Freeways, Parkways and Toll Roads
- Electrical Transmission Lines
- Railroad Tracks
- Easements, including flood control canals

C. DETERMINATIONS

In doing so, the Community Development Director shall consider the following factors accordingly:

- a. The interpretation responds satisfactorily to the vision, intent, and purpose of the objective design standards;
- b. The interpretation does not alter the intent of the objective design standards;
- c. The decision constitutes a sound precedent for other similar situations; and
- d. The resulting project is consistent with the General Plan.



1.6 MULTIFAMILY AND MIXED-USE DEVELOPMENT SCALE DEFINITIONS

Development occurs at various scales and intensities and therefore requires variations to ensure that standards are both appropriate and do not create unnecessary constraints or unachievable development. This section defines the different scales of development and how to use this document accordingly for each.

	Small	Medium	Large
Site Size	Under 0.5- acres and	0.5- acres or	Larger than 2 acres or
Unit Count	2 - 25 units and	26 - 100 units	100+ units
Height	Up to 2 stories	n/a	n/a

In the event that a project includes criteria falling under two or more development scales, the project will be subject to the standards associated with the greater scale. For example, if a project is 3 stories and proposes 30 dwelling units, it would be classified as Medium Development. Alternatively, if a project is situated on 1.8 acres and proposes 108 dwelling units, it would be classified as Large Development.

Table 1.2: Applicability Chart for Multifamily & Mixed-Use Projects

Type	Topic	Small	Medium	Large	
Mixed-Use	Site Planning	Site Layout			X
		Building Orientation	X	X	X
		Street Frontage	X	X	X
		Site Access	X	X	X
		Pedestrian Circulation	X	X	X
		Vehicular Circulation	X	X	X
	Open Space	General	X	X	X
		Common Open Space	X	X	X
		Common Amenities	X	X	X
		Private Open Space	X	X	X
	Mass and Scale	Modulation	X	X	X
		Height Modulation		X	X
		Horizontal Modulation		X	X
		Medium and Large		X	X
	Materials and Details	Materials	X	X	X
		Color and Texture	X	X	X
		Doors and Windows	X	X	X
		Mailboxes	X	X	X
Vertical	Distribution of Uses	X	X	X	
	Entrances	X	X	X	
	Building Design	X	X	X	
	Height Averaging	X	X	X	
	Horizontal	Site Planning		X	X
		Building Design		X	X



2.0 SINGLE-FAMILY

Standards outlined below only apply to new construction or substantial remodels (fifty (50) percent or more of the existing walls and/or roof) of multifamily residences, as well as the residential component of a mixed-use project).

- 2.1 Site Planning
- 2.2 Mass and Scale
- 2.3 Materials and Details

2.1 SITE PLANNING

2.1.1 NEW DEVELOPMENTS

- a. Doors and windows of new single-family dwellings shall not directly face doors and windows of dwellings within twenty (20) linear feet. This shall be accomplished through offset windows at least twelve (12) inches from any windows in adjacent buildings within twenty (20) feet.
- b. New single-family homes shall feature front setbacks which vary by at least two (2) feet between adjacent residences, but which all meet the minimum front setback.
- c. New developments shall be surrounded by a six (6) to seven (7) foot tall block wall, consisting of split-face or slump-stone block, replacing any existing non-masonry walls or fences surrounding the development.

2.1.2 GARAGE FRONTAGE

- a. Where a garage is located on the front half of the lot and the garage door faces a street and the lot width is sixty (60) feet or less, the garage frontage including the door width shall not exceed thirty-three (33) feet.
- b. Garage doors facing the street shall have articulating elements consisting of at least **one (1)** of the following design elements on the facade:
 - i. Raised planters with a minimum height of twelve (12) inches and landscaping with a mature height of at least twelve (12) inches along one or more sides of the driveway.
 - ii. A roof overhang of at least eighteen (18) inches in depth.
 - iii. Windows.
 - iv. Decorative trellis.
 - v. Material change relative to materials used for the street-facing facade.

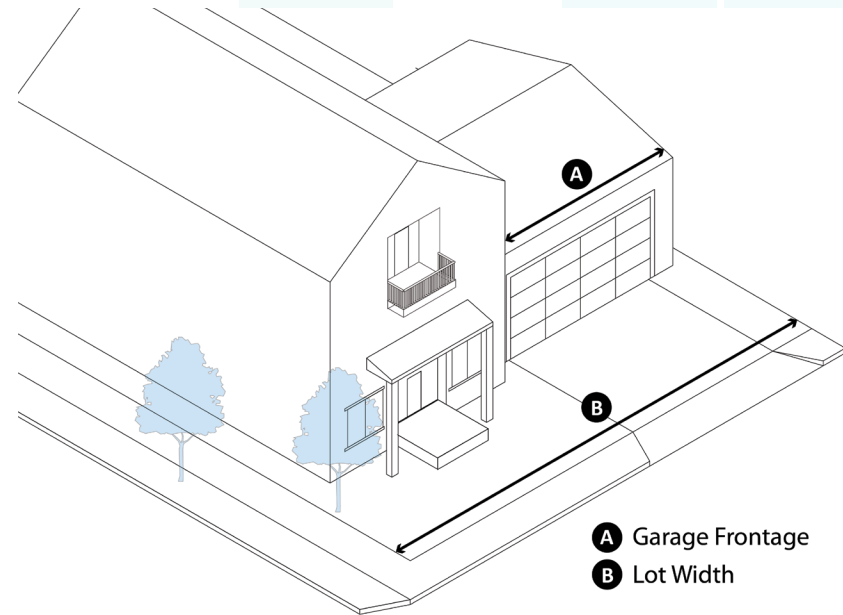


Figure 2.1. Garage Frontage

2.2 MASS AND SCALE

2.2.1 GENERAL MASSING

- a. All street-facing building facades shall not run in a continuous plane of more than twenty-five (25) feet without **one (1)** or more of the following treatments:
 - i. Incorporate a change in wall plane with a minimum of four (4) feet in depth for the facade.
 - ii. Provide a recessed entry of at least three (3) feet in depth.
 - iii. Use at least two (2) distinct materials and colors on each façade.
 - iv. Provide an upper story balcony or terrace.

2.2.2 UPPER STORY MASSING

- a. The square footage of a second story above the first story shall have a maximum floor area that is no more than seventy (70) percent of the floor area of the first story.
 - i. First floor calculation shall include all interior living areas, 50% of interior staircases, attached garages, as well as partially enclosed outdoor living areas (patio covers) that are enclosed on two (2) sides, including the side attached to the house; the remaining open walls of the outdoor living area are no more than 65% open to comply with the California Building Code; and when the exterior wall material and color, and roofing material and color, match the rest of the house.
 - ii. The floor area of upper stories is inclusive of all interior living area with walls; the remaining 50% of interior staircases; porches, decks, and balconies that are covered by a roof structure; and all cantilevered structures that extend beyond the first-floor footprint that do not extend to the ground, including but not limited to living area, roof decks, bay windows, chimneys, and staircases; as well as any mezzanines, lofts, or other partial floor areas.

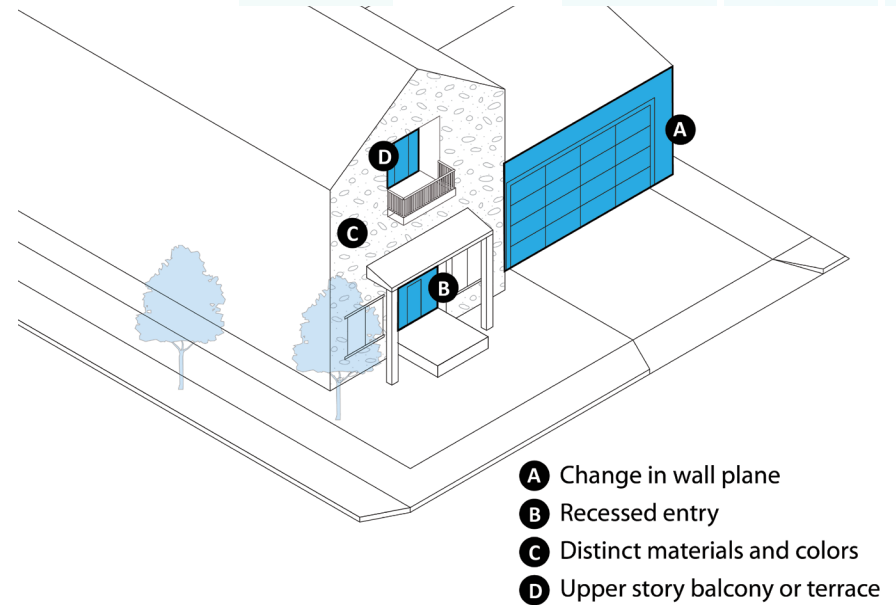


Figure 2.2. General Massing

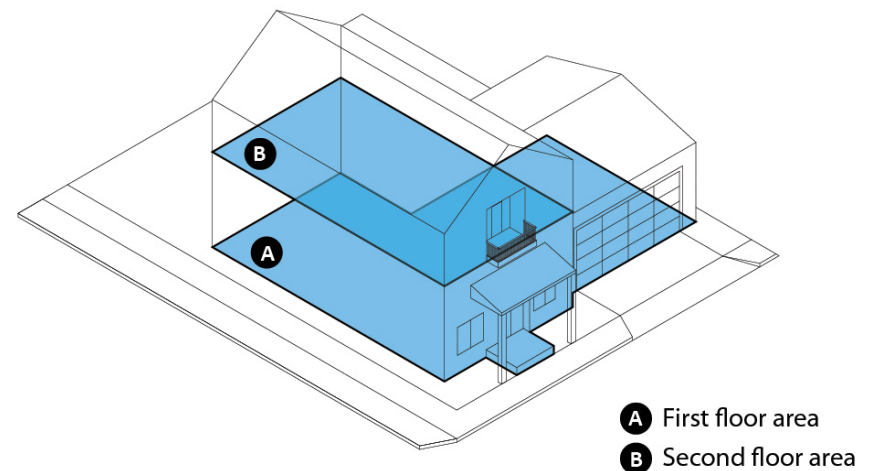


Figure 2.3. Upper Story Massing

2.3 MATERIALS AND DETAILS

2.3.1 MATERIALS

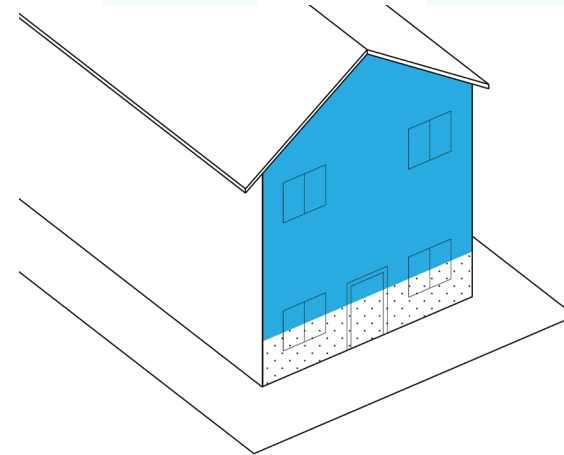
- a. All building façades shall be constructed with durable materials, such as natural stone, brick, siding, stucco, or similar materials that can withstand significant deterioration, decay, or discoloring due to wear or weathering. Materials that are short-lived or insubstantial, such as unfinished wood for exterior use, shall not be permitted.
- b. All building facades shall feature at least **two (2)** materials, with at least twenty (20) percent of a building's facades composed of the second material.

2.3.2 COLORS

- a. Structures shall have at least one primary color and two accent colors, in addition to roof color.
- b. Primary colors shall be utilized on a building's facades.
- c. Accent colors shall be reserved for window and door frames, recesses and projections associated with windows and doors (such as balconies, bay windows, etc.), as well as other decorative trim and exterior architectural features.

2.3.3 ROOF TREATMENTS

- a. Rooflines greater than forty (40) linear feet shall be articulated with at least **one (1)** of the following techniques:
 - i. Change in the height of the roof ridge and/or parapet;
 - ii. Use of cross-gable and/or hipped roof lines;
 - iii. Change in the shape of the roof form;
 - iv. Change in the angle of the roof slope; or
 - v. Use of dormers. Note that no architectural features, windows, etc., are permitted above the second story eave line.



Minimum 20 % Contrasting Material Finish Applied to Street-Facing Facade

Figure 2.4. Material Variation

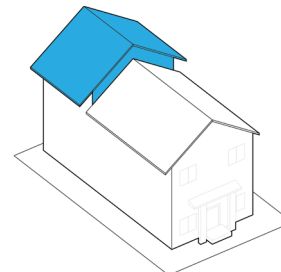


Figure 2.5. Ridgeline Change

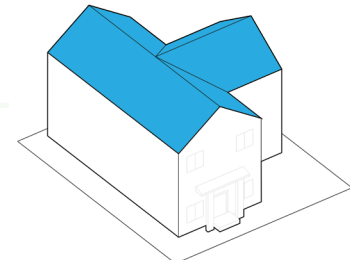


Figure 2.6. Cross Ridgeline

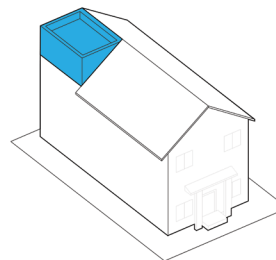


Figure 2.7. Form Change

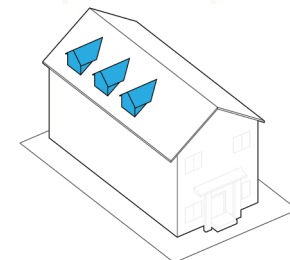


Figure 2.8. Dormers

2.3.4 PRIMARY ENTRY

- a. The primary entry shall incorporate at least **two (2)** of the following architectural treatments:
 - i. Façade projection or recess with a minimum depth of three (3) feet;
 - ii. Projecting element above the entrance with a minimum depth of twenty-four (24) inches;
 - iii. Window detailing;
 - iv. Decorative veneer or siding;
 - v. Porches or stoops; or
 - vi. Material and/or color variation.

2.3.5 LANDSCAPING

- a. Landscaping shall adhere to Section 21.20.040 of the Fountain Valley Development Code.

2.3.6 FENCING

- a. Fences, walls, screens, hedges and shrubs shall adhere to Section 21.18.070 of the Fountain Valley Development Code.

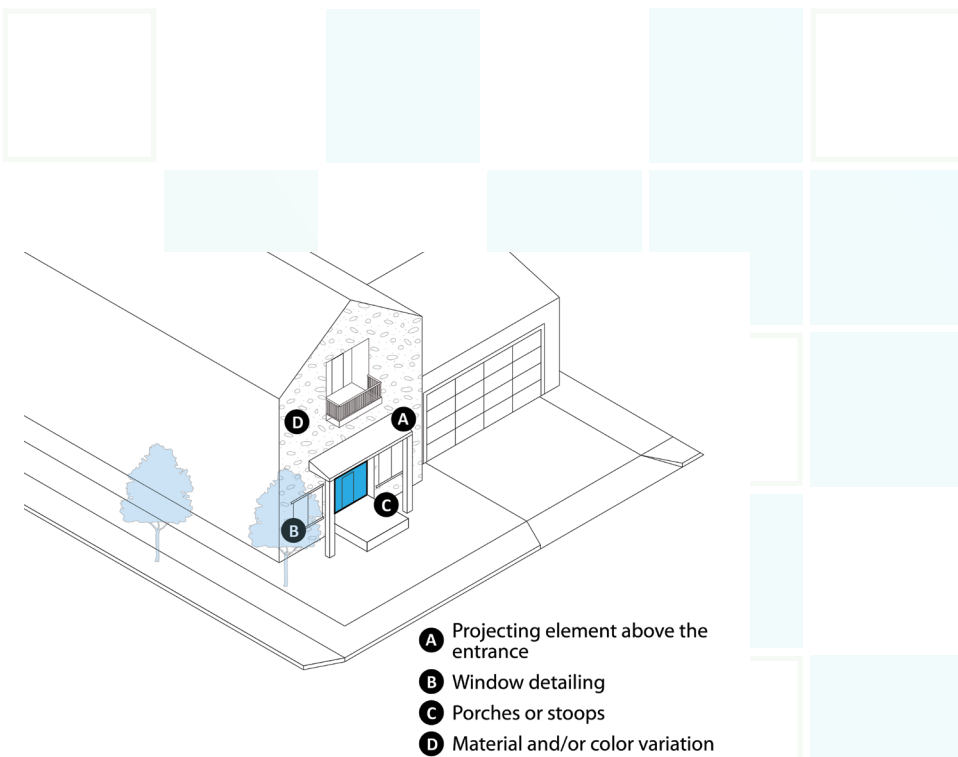


Figure 2.9. Primary Entry



3.0 MULTIFAMILY

Standards outlined below only apply to new construction or substantial remodels (fifty (50) percent or more of the existing walls and/or roof) of multifamily residences.

3.1 Site Planning

3.2 Open Space

3.3 Mass and Scale

3.4 Materials and Details

3.1 SITE PLANNING

3.1.1 SITE LAYOUT

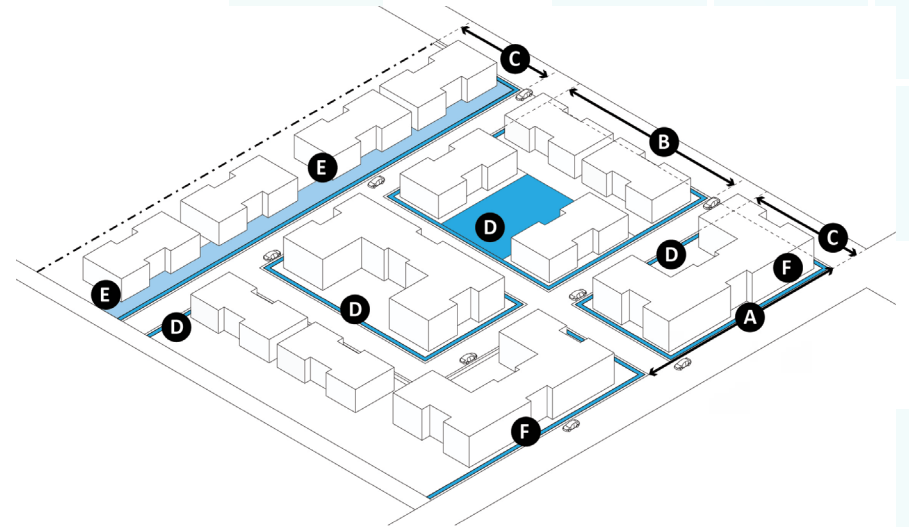
a. New development on parcels or aggregate sites larger than two and a half (2.5) acres in size shall be divided into multiple building pads. Such a division may be achieved by **one (1)** or more of the following methods:

- i. Legal subdivision of the property; or
- ii. Division by a public street(s); or
- iii. Division by a private street(s); or
- iv. Division by a private driveway(s); or
- v. Division by pedestrian paseos.

Alignment of streets, driveways and/or pedestrian paseos shall, where applicable, extend existing street grid into the subject site.

b. For large projects, through lots greater than half (0.5) acres in area, and with more than seventy-five (75) feet of street frontage, and located more than two hundred (200) feet from a street intersection as measured from the closest point of the lot, shall provide a publicly accessible sidewalk or walkway connecting the two streets.

- i. Paseos shall be physically and visually accessible from the public sidewalk and must connect a public street with at least one (1) different public street, alley, or adjacent paseo.
- ii. Paseos must have a minimum eight (8) feet wide travel path.
- iii. Paseos must be at the same elevation as the public sidewalk.
- iv. Security fences, walls, or entry gates shall not block passage of the paseo.



- A** Max. distance per vehicular access point
- B** Min. distance between driveways
- C** Min. distance of driveway from lotline or intersection
- D** Separate pedestrian walkways or open spaces from vehicular traffic
- E** Paseo connecting two streets
- F** Buildings forming a street wall

Figure 3.1. Site Layout

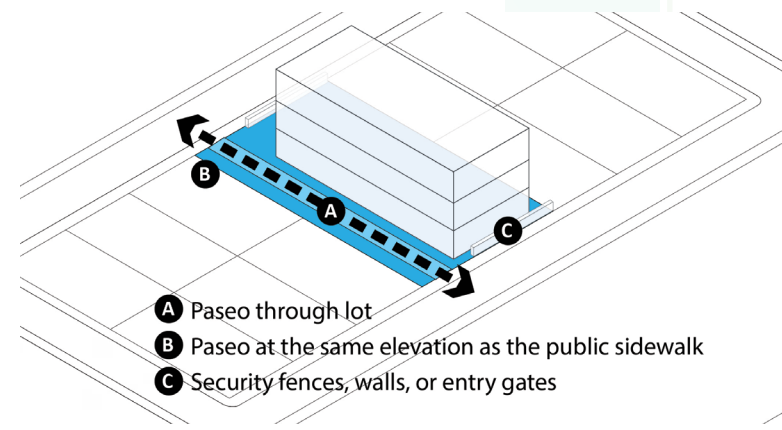
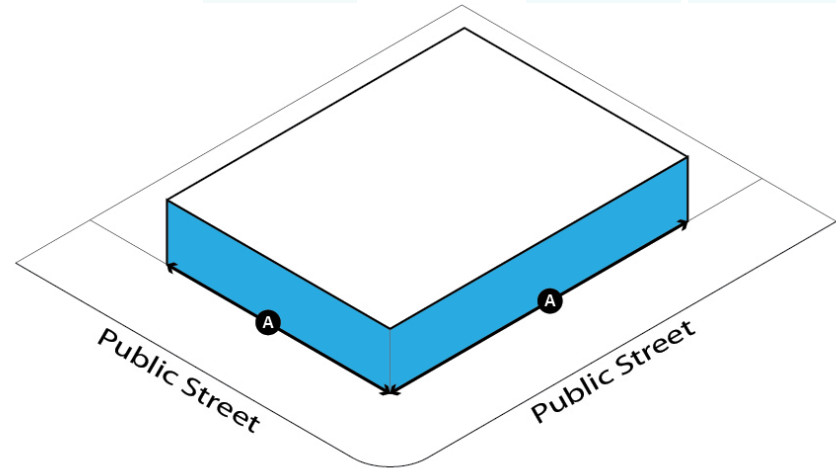


Figure 3.2. Through Lots

3.1.2 BUILDING ORIENTATION

- a. All buildings adjacent to a public street (meaning there are no additional buildings between the street and the proposed building) shall maintain a continuous “street wall,” formed by the edge of the building, for a minimum of seventy (70) percent of the building site frontage adjacent to the street.
- b. Primary ground-floor common entries or individual dwelling unit entries shall be oriented towards the primary street unless the primary street is an arterial or major arterial, and/or a street with a right-of-way greater than one hundred (100) feet. Entrances at building corners may be used to satisfy this requirement.
- c. All buildings within twenty (20) linear feet of an adjacent building within and outside of the project shall orient all windows, balconies, or similar openings so as not to have a direct line-of-sight into adjacent units or onto private patios or backyards. This can be accomplished through:
 - i. Offset windows at least twelve (12) inches from any windows in adjacent buildings within twenty (20) feet; or
 - ii. Use of clerestory windows, glass block, or opaque glass; or
 - iii. Eight (8) foot high landscaping within the rear or side setback areas.



A Min. continuous street wall along lot parcel frontage

Figure 3.3. Continuous Street Wall

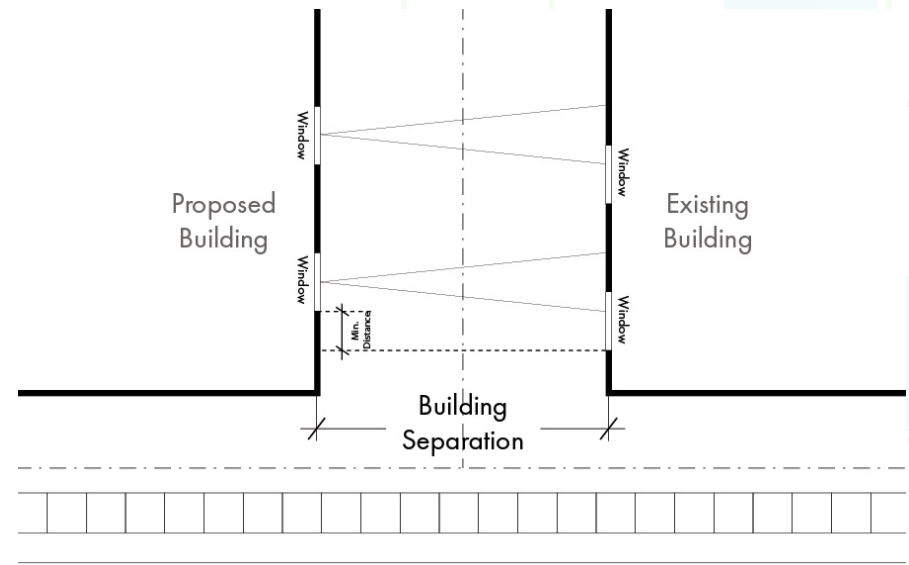


Figure 3.4. View Orientation

3.1.3 STREET FRONTAGE

- a. Buildings located along a major arterial in which individual dwelling unit entries are not oriented towards the primary street, shall provide at least **one (1)** of the following:
 - i. Pedestrian level articulation using high quality materials (as defined in Definitions, at the end of this document).
 - ii. Ground floor activation through leasing office, common space, gym/recreation room etc.
- b. If individual dwelling unit entries are oriented towards an arterial, major arterial, and/or a street with a right-of-way greater than one hundred (100) feet, dwelling units entries shall meet at least **two (2)** of the following:
 - i. Be accessed through a courtyard with a minimum area of six hundred twenty-five (625) square feet with a minimum dimension of twenty-five (25) feet in each direction, located between the unit entries and the sidewalk.
 - ii. Provide a minimum grade separation of two (2) feet from existing grade to finished floor.
 - iii. Provide an entry patio, with enclosure walls and/or railing. The lower thirty (30) percent portion of enclosure wall and/or railing shall be finished with an opaque material that matches the building.
 - iv. Be setback from the back of curb of twenty-five (25) feet.

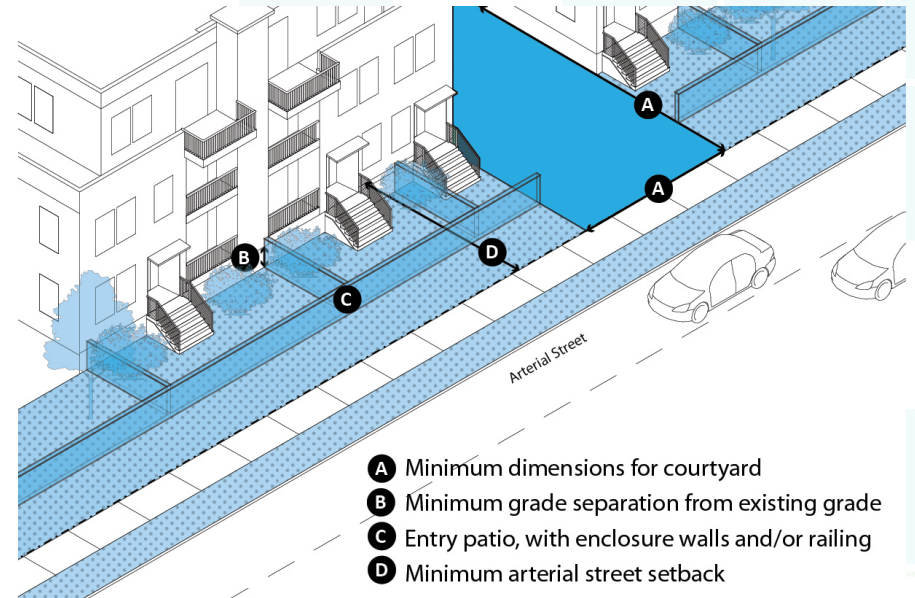


Figure 3.5. Buildings with unit entries fronting an arterial street

3.1.4 PEDESTRIAN CIRCULATION

A. SITE ACCESS

- a. Pedestrian entrances and circulation shall be adequately separated from vehicular traffic. Pedestrian entrances shall be clearly identified and easily accessible to minimize pedestrian/vehicle conflict.
- b. Where an intersection of pedestrian and vehicle access exists, enhanced paving treatment using patterned and/or colored pavers, brick, decorative colored concrete, stamped concrete, or permeable materials shall be used.

B. PEDESTRIAN CONNECTION

- a. The following pedestrian walkways shall be provided and interconnected within the site:
 - i. Pedestrian walkways shall connect residential dwelling units to areas throughout the site, such as vehicle parking areas, bicycle parking areas, common open space(s), waste and recycling enclosures, mailboxes, and other amenities.
 - ii. Pedestrian walkways shall connect public sidewalks, building entrances, and vehicle parking areas, including auto courts and common courts.
 - iii. Pedestrian crossings bisecting vehicle access shall feature enhanced paving with a minimum width of six (6) feet and span the length of the intersecting drive area.

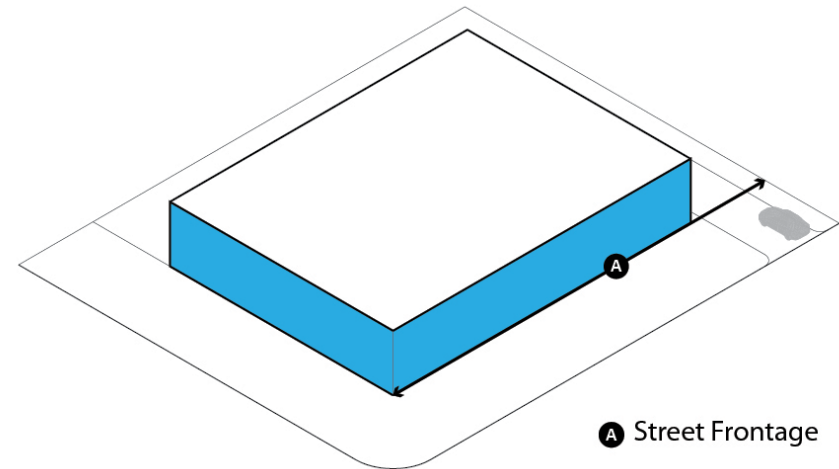


Figure 3.6. Vehicular Access

C. PEDESTRIAN WALKWAYS

- a. Pedestrian walkways on private property shall be designed as follows:
 - i. Dimensions. Walkways shall be a minimum of four (4) feet wide.
 - ii. Materials. Walkways shall be constructed of firm and slip-resistant materials, such as poured-in-place concrete (including stamped concrete), permeable paving, or concrete pavers.
 - iii. Setback. Walkways shall be setback a minimum of five (5) feet from building facades, and two (2) feet from patios and porches. The setback area shall be landscaped.
 - iv. Seating. Walkways shall provide eighty (80) inches of seating for every one hundred fifty (150) feet of continuous pathways or walkways. This shall not apply for walkways shorter than one hundred fifty (150) feet.

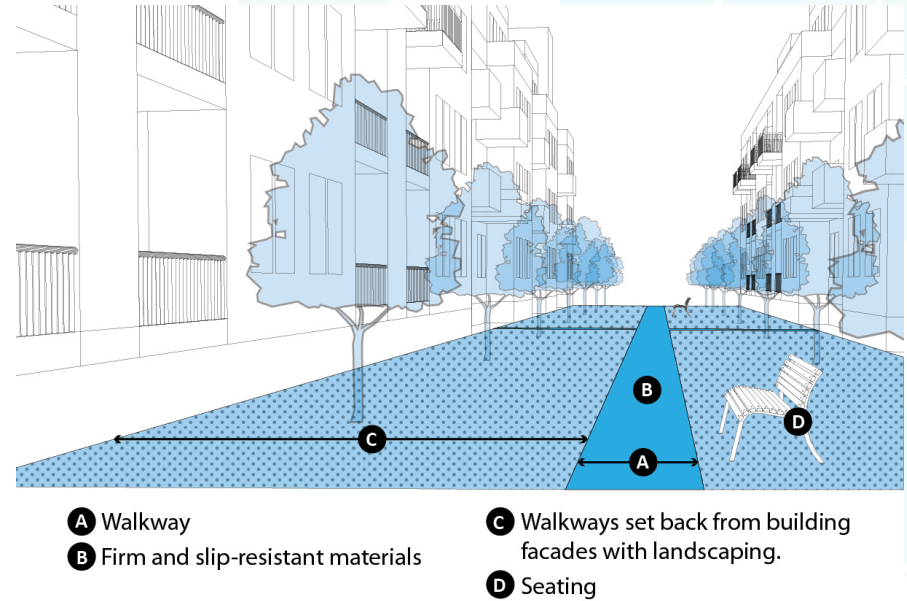


Figure 3.7. Pedestrian Walkways

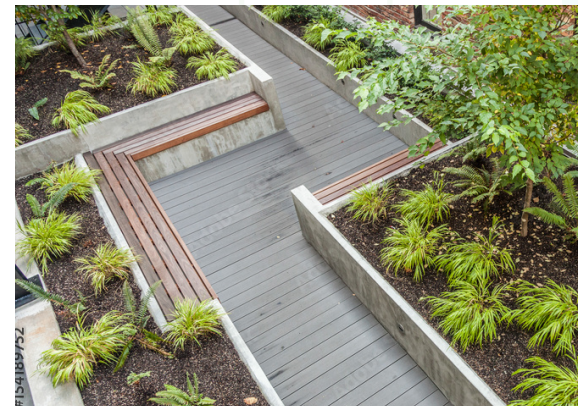


Figure 3.8. Example Seating

3.1.5 VEHICULAR CIRCULATION

A. PRIVATE STREETS

- a. Private streets are internal streets with a pedestrian-oriented sidewalk condition with streetlights, street trees, and curbs.
 - i. Private streets shall have a sidewalk with a minimum width of four (4) feet on at least one side of the street. The sidewalk must provide pedestrian streetlights, street trees, and curbs. Parallel parking is permitted along private streets.

B. AUTO COURTS

- a. Auto Courts provide vehicular access to multiple residences via a common driveway fronted with garages. Front doors to residences are not permitted on auto courts.
 - i. Auto courts shall not exceed one hundred fifty (150) feet in length.
 - ii. Auto courts shall not serve more than eight (8) individual residences.
 - iii. Primary pedestrian entrances are not permitted on auto courts.
 - iv. Auto courts shall have no through street access.

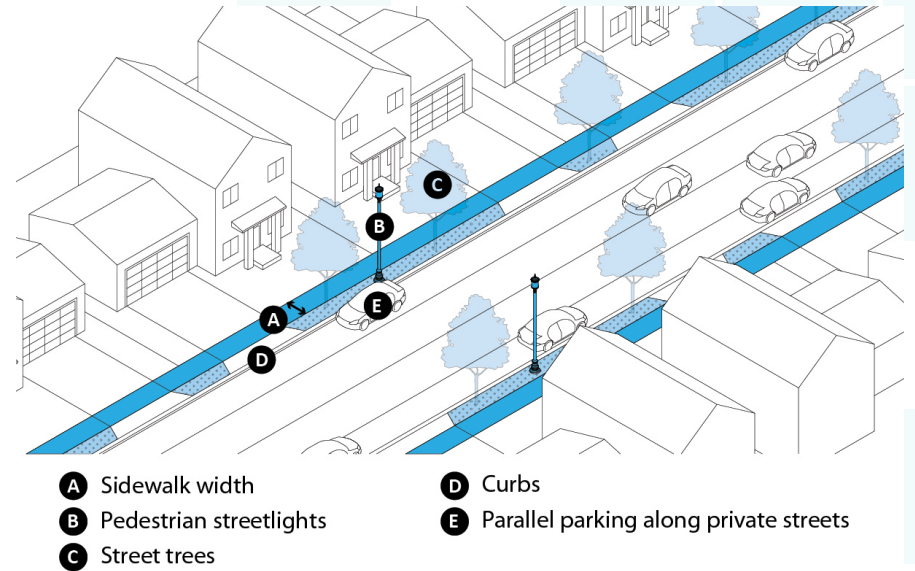


Figure 3.9. Private Streets

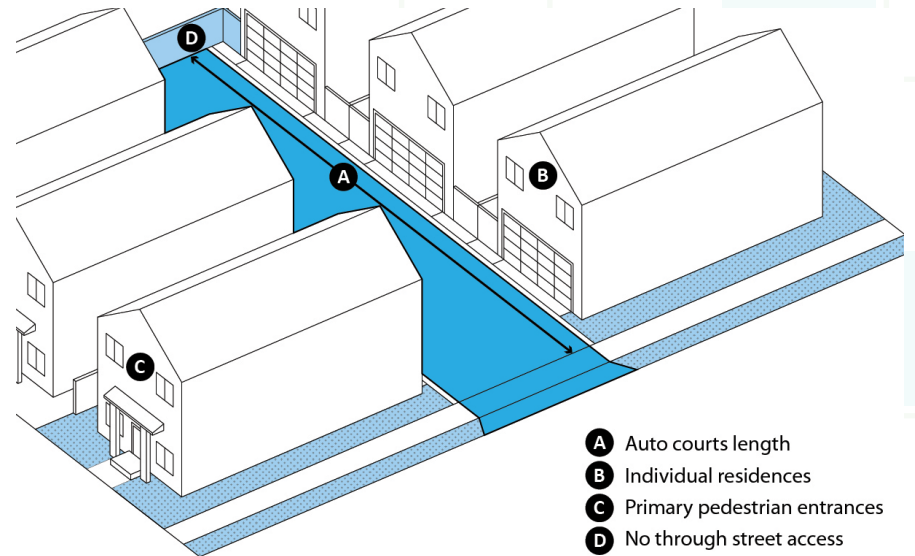
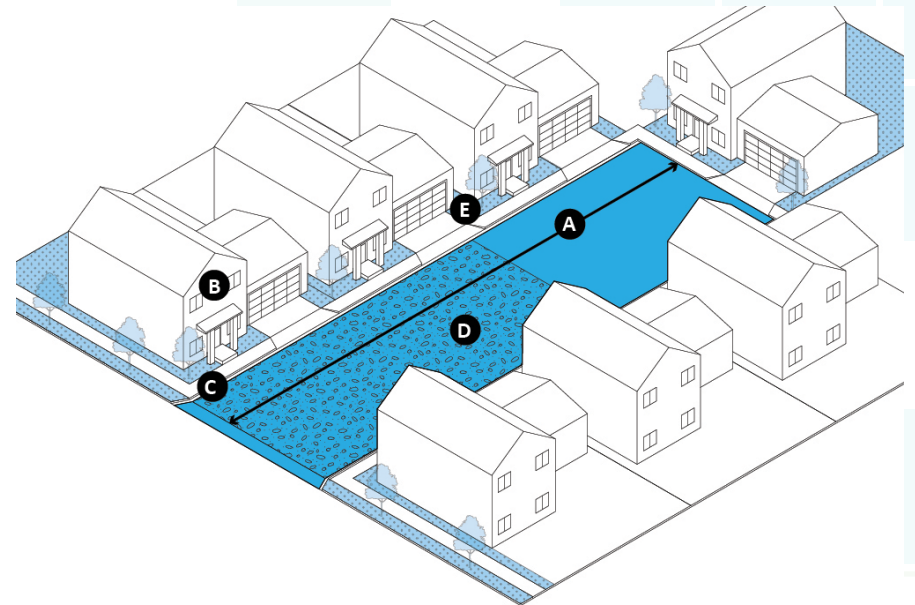


Figure 3.10. Auto Courts

C.COMMON COURTS

- a. Common courts provide both vehicular and pedestrian access to multiple residences. Front doors to residences and garages open to common courts.
- i. Common courts shall not exceed one hundred fifty (150) feet in length, unless provided with a connecting pedestrian access way.
- ii. Common courts shall not serve more than eight (8) individual residences, unless provided with a connecting pedestrian access way.
- iii. Common courts shall be elevated a minimum of six (6) inches from street-level traffic.
- iv. A minimum of fifty (50) percent of the paving shall be enhanced paving, such as patterned and/or colored pavers, brick, decorative colored concrete, stamped concrete, or permeable materials.
- v. A minimum of five (5) percent of the common court shall be landscaped.



- | | |
|---|--------------------------|
| A Common court length | D Enhanced paving |
| B Individual residences | E Landscaping |
| C Common courts elevated from street-level traffic | |

Figure 3.11. Common Courts

3.1.6 PARKING

A. SURFACE PARKING

- a. Parking shall be located to the rear or side of the primary building. There shall be no vehicular parking between primary building fronts and the public right-of-way. A deviation may be provided under special circumstances. See Administration.
- b. Carports
 - i. The rear and side walls of a carport shall feature the same colors and materials of the primary buildings.
 - ii. The covering of a carport shall feature the same roofing materials of the primary building.



Figure 3.12. Example Carport

B. STRUCTURED PARKING

- a. Ramps within the structure must be screened by spandrels or architectural treatments that create a level appearance from the exterior.
- b. Pedestrian and vehicular entrances must be distinctly marked with signage and differentiated by color or material treatment that contrasts with the primary façade.
- c. The parking structure must provide design details to reduce a monolithic appearance for all street-facing facades. This must include, at minimum, **two (2)** of the following methods:
 - i. Facades incorporating alternating projections and recesses, at least two (2) feet in depth and two (2) feet in length, applied every eighty (80) feet horizontally, or for every level above the ground level.
 - ii. Vehicular and pedestrian entrances utilizing the architectural elements of the adjacent buildings served by the parking structure.
 - iii. Elevators and covered stairwells which project at least five (5) feet from the edge of the ground level of the parking structure.
 - iv. Setting back the third level(s) and above at least five (5) feet from the edge of the ground level of the parking structure.



Figure 3.13. Example Parking Structure

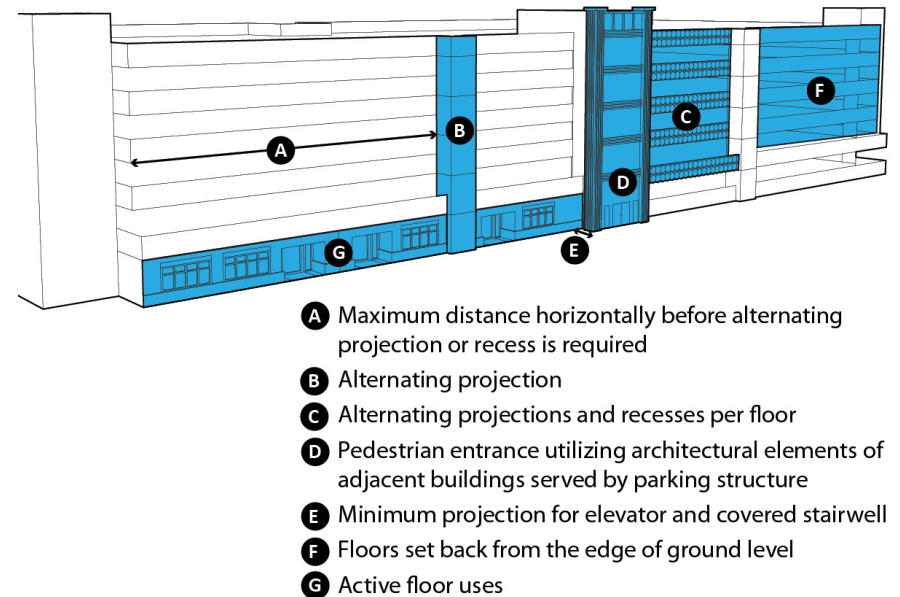


Figure 3.14. Parking Structure

3.2 OPEN SPACE

3.2.1 GENERAL

Open space shall follow the provisions and requirements set forth in the Fountain Valley Municipal Code and the following shall apply.

3.2.2 COMMON OPEN SPACE

Common open spaces may be located on roofs, parking podiums, or at grade. If common open space is provided, it shall conform with the following standards:

- a. Dimensions. Common open space shall have a minimum area of two hundred twenty-five (225) square feet with a minimum dimension of fifteen (15) feet in each direction.
- a. Site furniture shall use graffiti-resistant materials and/or coatings and skateboard deterrents.
- b. Distribution. No more than thirty (30) percent of common open space shall be provided in an enclosed structure with both roof and walls, or a conditioned space.
- c. Location. Every unit shall be located within a quarter (1/4) mile walking distance of common open space.

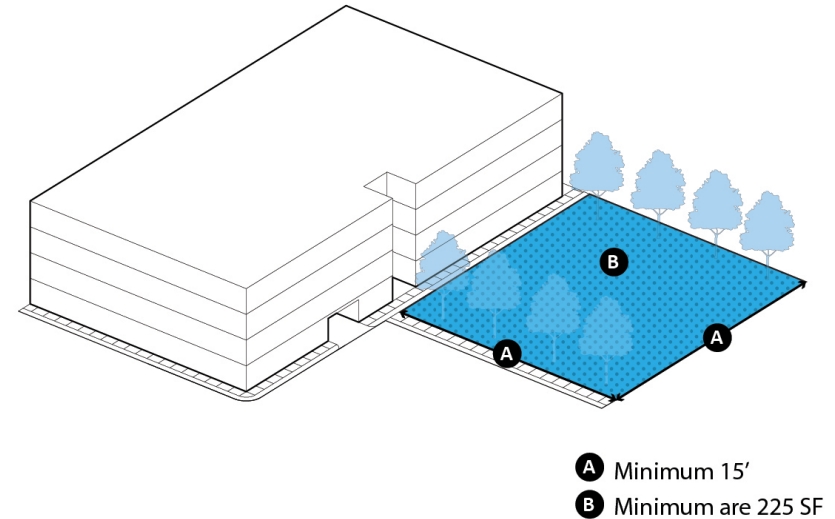


Figure 3.15. Common Open Space Size

A. OUTDOOR SPACE

- a. Outdoor common space shall conform to the following requirements:
 - i. Landscape. A minimum of twenty-five (25) percent of the total common open space shall be planted area with a minimum dimension of thirty (30) inches in length, width, and depth.
 - ii. Softscape. A maximum of fifty (50) percent of the total common open space may be finished with decomposed granite, gravel, natural stone, brick or concrete unit pavers, and/or similar permeable ground surfacing. Water features, including swimming pools, may count towards this requirement.
 - iii. Hardscape. A maximum of fifty (50) percent of the total common open space may be paved in standard concrete, textured and colored concrete, and/or concrete with exposed or special aggregate.
 - iv. Pedestrian walkways shall connect the common open space to a public right-of-way or building entrance.
 - v. Parks shall provide a minimum of thirty (30) percent shade via trees or structures.
 - vi. Outdoor common open space areas shall not be directly adjacent to arterial streets, service areas, or commercial development to ensure that they are sheltered from the noise and traffic of streets and incompatible uses, unless a minimum of ten (10) feet wide, dense landscaping is provided as screening.



Figure 3.16. Example Outdoor Open Space



Figure 3.17. Example Outdoor Space Features



Figure 3.18. Example Outdoor Space Landscape and Layout

B. INTERIOR OPEN SPACE

- a. Up to thirty (30) percent of the common open space may be accommodated in shared interior recreation spaces, such as lounges and gym/heath facilities.
- b. Interior recreation space shall have a minimum floor to ceiling height of twelve (12) feet and have at least one (1) glazed exterior wall.
- c. Interior open space shall have a minimum width of twenty (20) feet.
- d. Storage areas, bike parking, and mail rooms shall not count as interior open space.

3.2.3 COMMON AMENITIES

- a. Common amenities shared by individual units within the same development shall be provided at the ratios in Table 3.1 below. Major and minor amenities are described in Section 3.3.
- b. Project Phasing. For projects larger than 100 units, or phased projects, each phase of development shall comply with the respective requirements in Table 3.1, unless otherwise provided through an adopted development agreement.
 - i. For example, a 200 unit project with 4 phases, where each phase includes 50 units. Each phase shall include 2 major amenities, or 1 major amenity and 2 minor amenities.

Number of Units	Option 1	Option 2	Option 3
11-20	1 major amenity	1 minor amenity	--
21-30	1 major amenity	2 minor amenities	--
31-50	2 major amenities	1 major amenity, AND 2 minor amenities	--
51-100	3 major amenities	1 major amenity, AND 3 minor amenities	2 major amenities, AND 2 minor amenities
101-200	4 major amenities	2 major amenity, AND 3 minor amenities	3 major amenities, AND 2 minor amenities
201-400	5 major amenities	2 major amenities, AND 4 minor amenities	3 major amenities, AND 3 minor amenities
401+	6 major amenities	3 major amenities, AND 5 minor amenities	4 major amenities, AND 4 minor amenities

A. MAJOR AMENITIES:

The following listed major amenities satisfy the common open space requirements. Repeating the same amenity twice will not satisfy the requirement; however, additional amenities are encouraged. For projects with more than four hundred (400) units, one amenity may be utilized twice to count as two (2) major amenities:

- a. Park (minimum of fifty (50) percent of the area shall be landscaped) with a minimum area of seven hundred fifty (750) square feet with a minimum area of one thousand (1000) square feet, plus an additional twenty five (25) square feet for every dwelling unit up to four hundred (400) units.
- b. Clubhouse with a minimum interior area of seven hundred fifty (750) square feet, plus an additional three (3) square feet per dwelling unit, and with an associated exterior patio area directly adjacent and connected to the clubhouse with a minimum area of two hundred (200) square feet, plus an additional two (2) square feet per dwelling unit.
- c. Rooftop terrace with a minimum area of seven hundred fifty (750) square feet, plus an additional five (5) square feet for every dwelling unit up to four hundred (400) units.
- d. Swimming pool with a minimum dimension of fifteen (15) feet by thirty (30) feet or equal surface area, plus an additional one (1) square foot for every dwelling unit up to four hundred (400) units.
- e. Gymnasium with a minimum area of six hundred twenty-five (625) square feet, plus an additional one (1) square foot for every dwelling unit up to four hundred (400) units.
- f. Public-use easement or dedication of land for the purposes of expanding a city-wide open space network such as bike path or recreation corridor, as approved by the Director.



Figure 3.19. Example Major Amenity - Playground



Figure 3.20. Example Major Amenity - Rooftop



Figure 3.21. Example Major Amenity - Pool

B. MINOR AMENITIES:

The following listed minor amenities satisfy the common open space requirements. Each minor amenity may be utilized twice; further repeating the same amenity will not satisfy the requirement.

- a. Community room/lobby with a minimum area of five hundred (500) square feet.
- b. Tennis, pickleball, basketball (half court and/or full court), or volleyball courts, or other recreational courts.
- c. Children's play area with a minimum area of six hundred twenty-five (625) square feet with a minimum dimension of twenty (20) feet in each direction. Children's play areas shall be protected from any adjacent streets or parking lots with a fence or other barrier at least four feet in height.
 - i. Outdoor play areas shall provide a minimum of thirty (30) percent shade via trees or structures.
- d. Courtyard with a minimum area of six hundred twenty-five (625) square feet.
- e. Community garden with individual plots measuring at least five (5) feet by five (5) feet, with the number of plots being no fewer than twenty (20) percent of total units or thirty (30) total plots, whichever is less.
- f. Fire pit surrounded with a minimum of four (4) seating with a minimum area of two hundred (200) square feet.
- g. Dog park with a minimum dimension of six hundred twenty-five (625) square feet.
- h. Barbeque and picnic area with a minimum of two (2) grills with minimum seating for eight (8) with a minimum area of six hundred twenty-five (625) square feet.
- i. Additional minor amenities may be approved by the Director.



Figure 3.22. Example Minor Amenity - Garden



Figure 3.23. Example Minor Amenity - Dog Park



Figure 3.24. Example Minor Amenity - Fire Pit

3.2.4 PRIVATE OPEN SPACE

A. BALCONIES

- a. Private open space provided on a balcony shall have a minimum area of one hundred (100) square feet with a minimum dimension of ten (10) feet in any direction. This dimension excludes areas for permanent equipment and storage.
- b. Private open spaces shall be contiguous to the units they serve and screened to a minimum height of forty-two (42) inches by use of walls and/or fences.
- c. Balconies designed per the following standards may qualify as private open space:
 - i. All balconies utilized for required open space shall be recessed a minimum of twelve (12) inches partially recessed into the building façade. The maximum projection shall be fifty (50) percent of the balcony's full depth or six (6) feet, whichever is less.
 - ii. The underside of projecting balconies shall be finished with building material that matches or is otherwise compatible with the building.
 - iii. No balconies shall overhang into the public right-of-way or sidewalk, not including the portion of the building setback behind the existing lot line.
 - iv. Balconies shall not overhang into the building setback.
 - v. The lower thirty (30) percent portion of balcony rails shall be finished with an opaque material that matches or is otherwise compatible with the building.

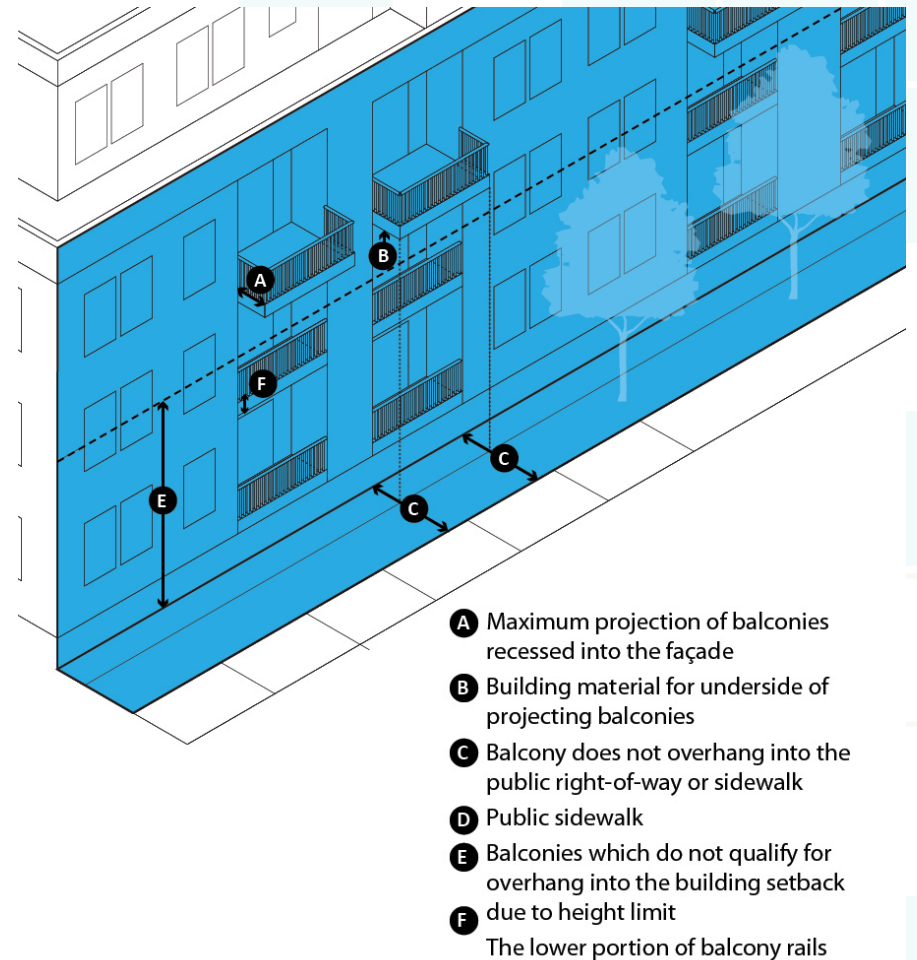


Figure 3.25. Balconies

B. PATIOS

- a. Private open space located at the ground level shall have a minimum area of one hundred fifty (150) square feet with a minimum dimension of ten (10) feet in each direction.
- b. Private open spaces shall be contiguous to the units they serve and screened to a minimum height of four (4) feet by use of walls and/or fences.

C. ROOF TERRACES

Private open space provided on a roof deck shall have a minimum area of one hundred (100) square feet with a minimum dimension of ten (10) feet in each direction. This dimension excludes areas for permanent equipment and storage.



Figure 3.26. Example Patio



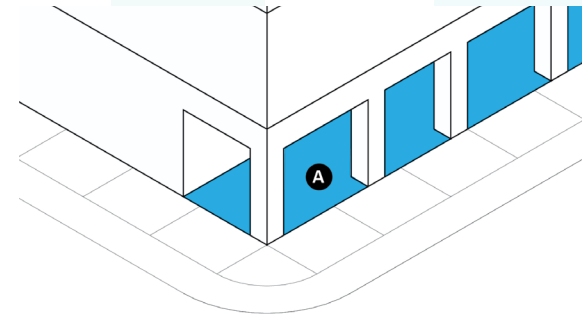
Figure 3.27. Example Rooftop

3.3 MASS AND SCALE

3.3.1 MODULATION

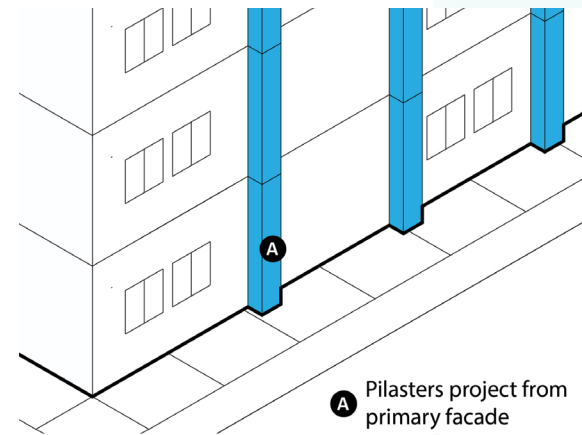
Each public street-facing façade (not including alleys) for buildings three stories or greater shall achieve modulation through at least **two (2)** of the following:

- a. Changes in façade materials, textures, and colors (Refer to Sections 3.4.1 - Materials, and 3.4.2 - Colors).
- b. Changes in type, size, number, and arrangement of façade doors and windows, permitting no more than two different types, sizes, and arrangements of faced doors and windows per building (Refer to Section 3.4.3 - Doors and Windows).
- c. Use of functional and/or decorative horizontal façade projections or recesses at transition lines.
- d. Changes in floor-to-floor heights at the second floor or above.



A Groundfloor Recessed

Figure 3.28. Recessed ground floor arcade, utilized as a functional horizontal facade recess.



A Pilasters project from primary facade

Figure 3.29. Pilasters, utilized as a decorative horizontal facade projection.

3.3.2 HEIGHT MODULATION

Buildings three (3) stories or greater shall incorporate at least **one (1)** of the following:

- a. Stepback. Minimum depth of five (5) feet for at least seventy-five (75) percent of the façade of uppermost floor, measured from the primary façade plane; or
- b. Roofline Variation. Variation in roof height and/or ridgeline of at least two (2) feet for every sixty (60) linear feet ; or
- c. Pitched roof variation. Use of dormers, cross-gable and/or hipped roof lines.

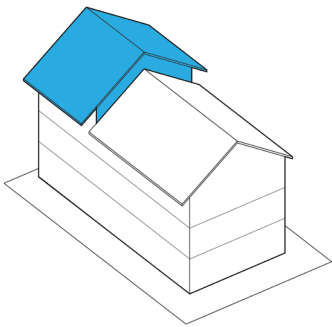


Figure 3.30. Ridgeline Change

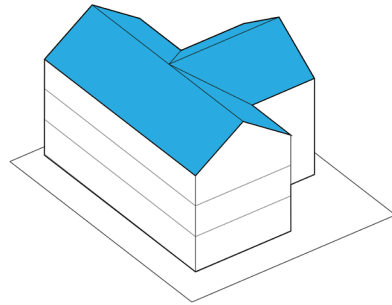


Figure 3.31. Cross Ridgeline

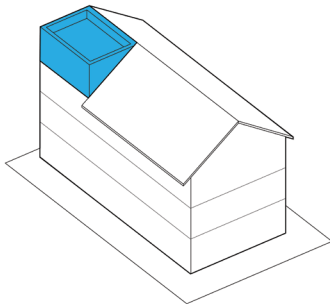


Figure 3.32. Form Change

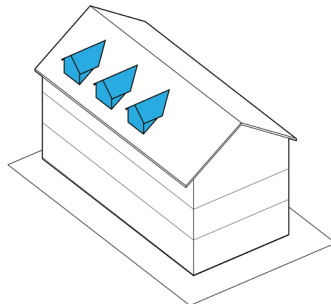


Figure 3.33. Dormers

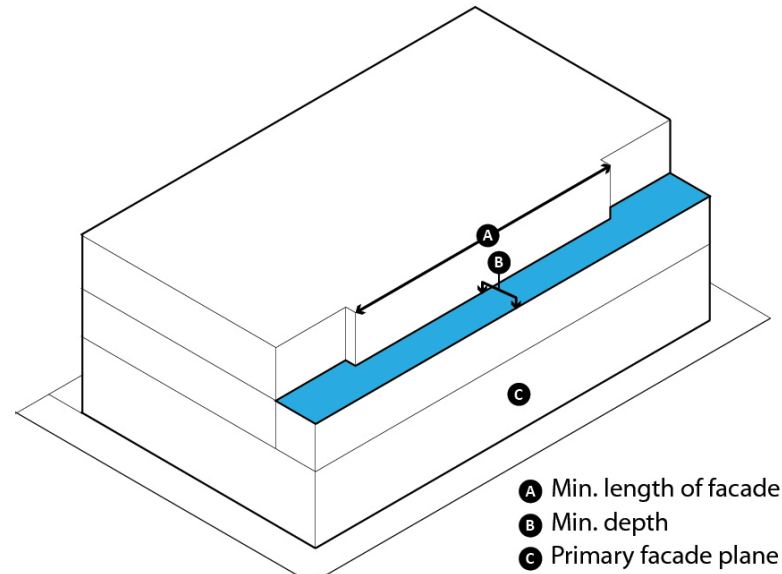


Figure 3.34. Stepback

- A Min. length of facade
- B Min. depth
- C Primary facade plane

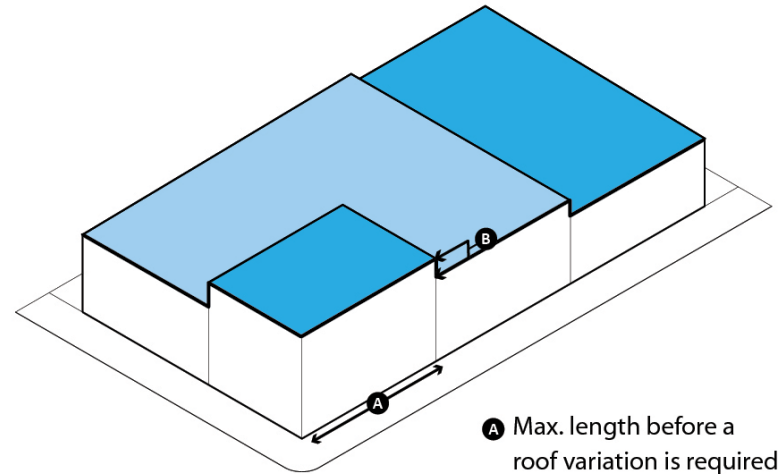


Figure 3.35. Roofline Variation

- A Max. length before a roof variation is required
- B Min. height variation

3.3.3 HORIZONTAL MODULATION

A. SMALL MULTIFAMILY DEVELOPMENTS

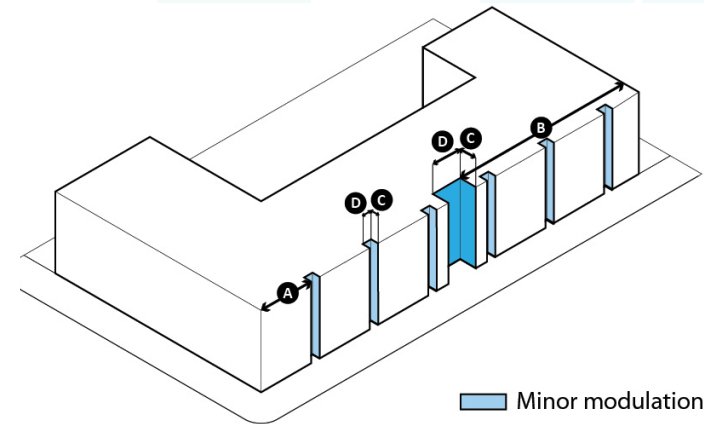
All design proposals shall comply with the following horizontal modulation standards:

- a. The wall plane of street-facing façades shall be modulated a minimum of one (1) foot perpendicular to the plane at least once every fifty (50) feet, as measured along the lot line. Façade area used to meet this standard may be recessed behind, or project out from, the primary façade plane.

B. MEDIUM AND LARGE MULTIFAMILY DEVELOPMENTS

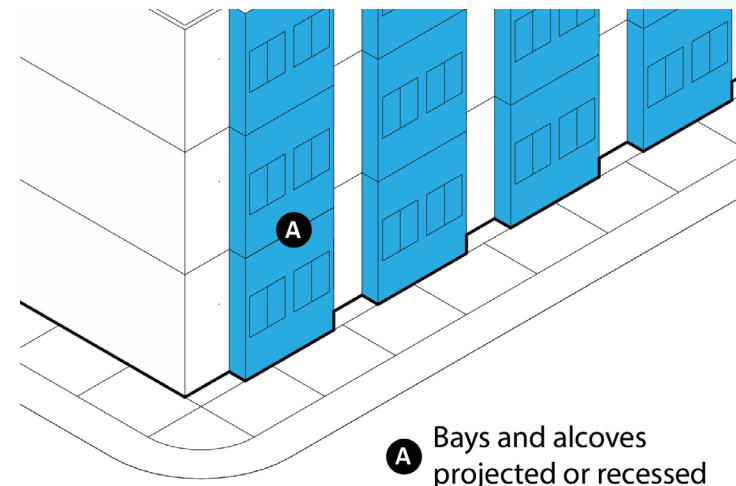
All design proposal shall comply with the following horizontal modulation standards:

- a. For every fifty (50) feet of street-facing façade, a minor modulation of that is a minimum of one (1) foot deep and two (2) feet wide from the primary façade plane. Façade area used to meet this standard may be recessed behind, or project out from, the primary façade plane and may be in one continuous section or a combination of sections across the façade.
- b. For every one hundred fifty (150) feet of street-facing façade, a minimum of one (1) major modulation shall be provided, in addition to the minor modulation required. The major modulation shall be at least two (2) deep and four (4) feet wide and extend from grade to highest story.



- A** Max. distance before minor modulation required
- B** Max. distance before major modulation required
- C** Min. depth of modulation
- D** Min. length of modulation

Figure 3.36. Horizontal Modulation



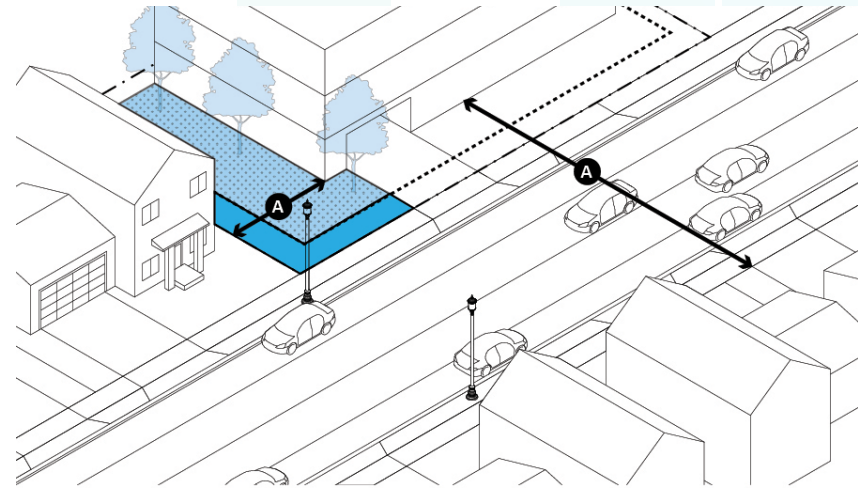
- A** Bays and alcoves projected or recessed

Figure 3.37. Bays and Alcoves used as Horizontal Modulation

3.3.4 ADDITIONAL STANDARDS FOR MEDIUM AND LARGE MULTIFAMILY DEVELOPMENTS

A. TRANSITIONAL MASSING

- a. The standards below apply to all buildings where the project site abuts or are located within one hundred fifty (150) feet of single-family residential neighborhoods, and/or historic structures.
 - i. Any required setback shall not count towards any required publicly accessible open space.
 - ii. All windows shall be offset at least twelve (12) inches from any windows in adjacent residential buildings and within twenty (20) linear feet to avoid direct line-of-sight.
 - iii. Within fifty (50) feet of a single-family zone, the front setback of a new multi-family or mixed-used development shall approximate the existing setbacks of the adjacent development, deviating up to five (5) feet.
 - iv. Within fifty (50) feet of an adjacent single-family zone, or a designated historic structure, the maximum height of a new multi-family or mixed-used development shall be thirty five (35) feet.



A Distance between project site and low-rise residential neighborhoods
■ Open space outside of setback

Figure 3.38. Adjacency to Single Family Structures

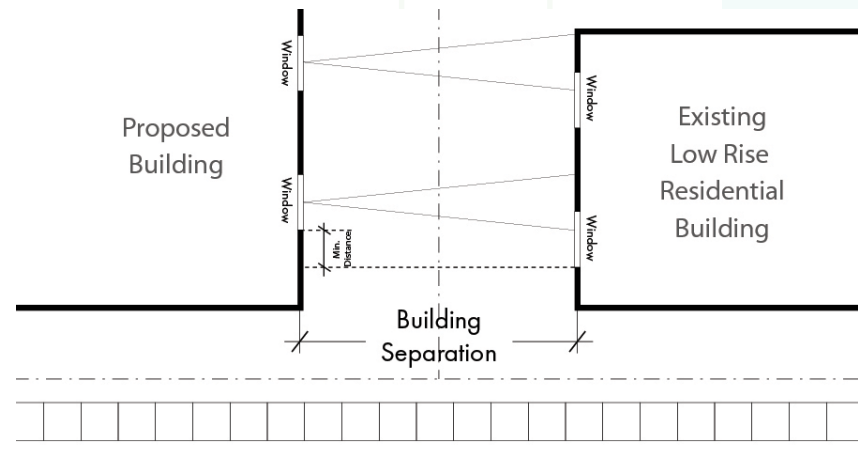


Figure 3.39. View Orientation

B. CORNER ELEMENTS

This applies to medium and large multifamily developments:

- a. Buildings located on a major arterial, secondary arterial, and/or street with a right-of-way greater than one hundred feet, and located at the visual termination of a street shall integrate at least **two (2)** of the following features centered on the terminating street centerline.
 - i. Massing element with a greater height than adjacent building facades by a minimum of ten (10) feet for a minimum of twenty (20) feet linear feet; or
 - ii. Massing element with a minimum of six (6) feet recess or projection from the primary façade with a minimum of twenty (20) linear feet and extend from grade to the building height; or
 - iii. Primary building entry and enhanced canopies or awnings; or
 - iv. Color and material variation from the primary façade with a minimum of twenty (20) linear feet and extend from grade to the building height; or
 - v. Open space or gathering areas with distinct paving or landscaping.

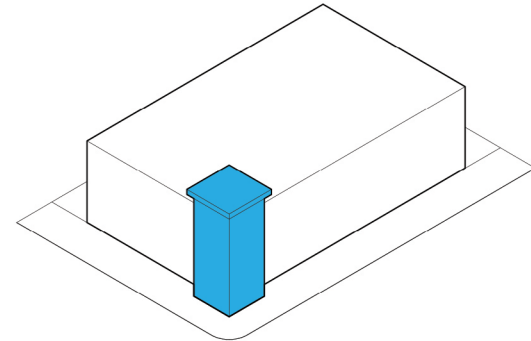


Figure 3.40. Corner Element



Figure 3.41. Example Corner Element

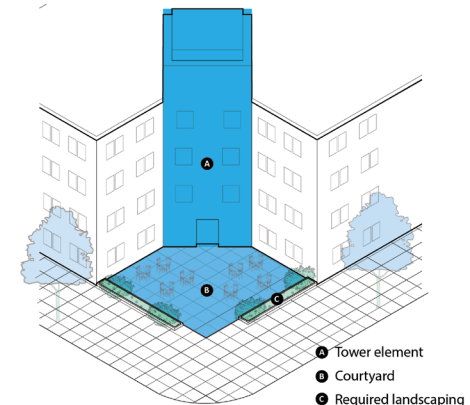


Figure 3.42. Corner Courtyard

C. TERMINATING VISTAS

This applies to medium and large multifamily developments:

- a. Buildings located on a major arterial, secondary arterial, and/or street with a right-of-way greater than one hundred feet, and located at the visual termination of a street shall integrate at least **two (2)** of the following features centered on the terminating street centerline.
 - i. Massing element with a greater height than adjacent building facades by a minimum of ten (10) feet for a minimum of twenty (20) feet linear feet; or
 - ii. Massing element with a minimum of six (6) feet recess or projection from the primary façade with a minimum of twenty (20) linear feet and extend from grade to the building height; or
 - iii. Primary building entry and enhanced canopies or awnings; or
 - iv. Color and material variation from the primary façade with a minimum of twenty (20) linear feet and extend from grade to the building height.

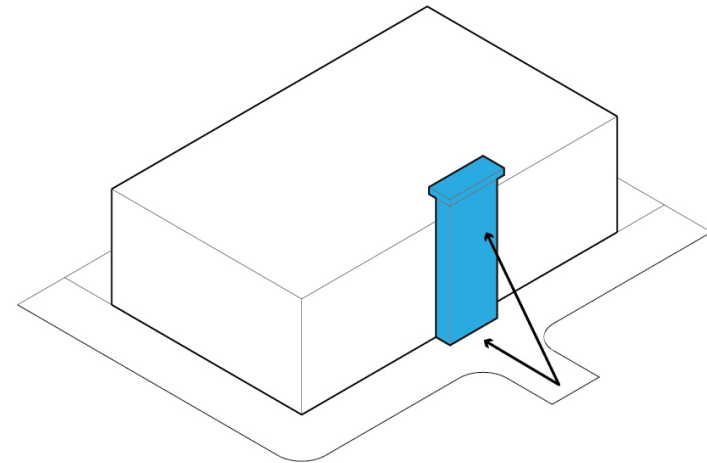
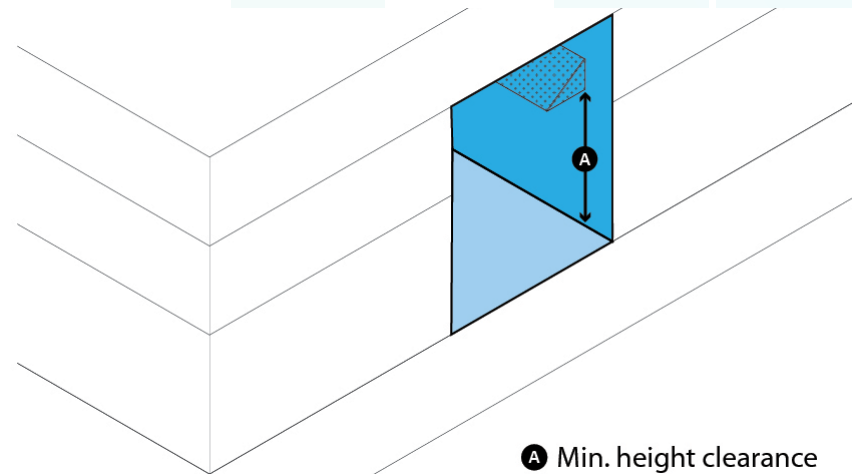


Figure 3.43. Terminating Vista

D. WALKWAY OPENINGS

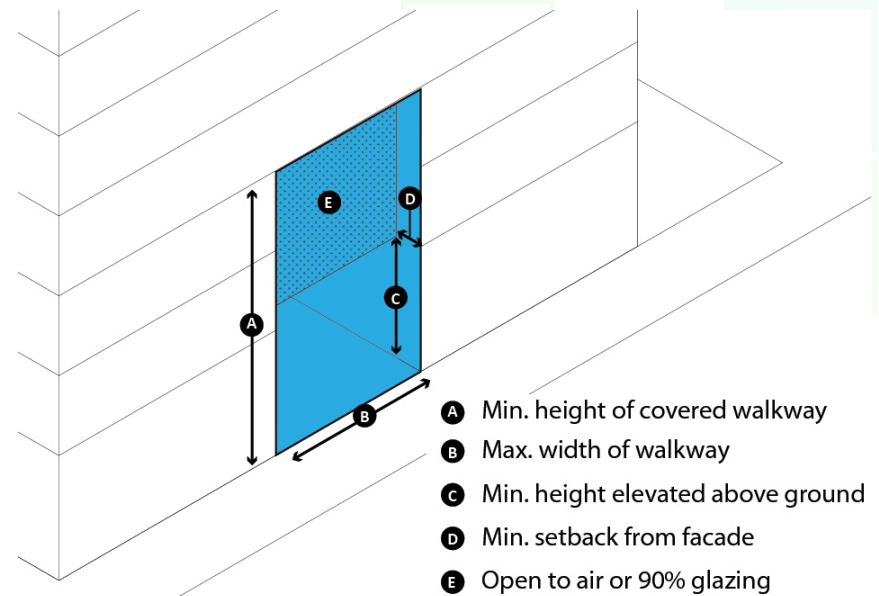
If walkway openings through buildings, connecting sidewalk with interior courts and/or open spaces are provided, it must conform to the following standards:

- For buildings three stories or less in height, the walkway opening must have at least ten (10) feet of height clearance from ground to ceiling.
- For buildings taller than three stories, the height of a covered walkway must be a minimum of twenty (20) feet.
- A pedestrian bridge or private or public common space may be located twelve (12) feet or higher above ground level. It shall be a maximum of fifteen (15) feet wide and be set back a minimum of three (3) feet from the primary building façade. It shall be open to the air or have ninety (90) percent façade glazing.



A Min. height clearance

Figure 3.44. Walkway Opening with buildings 3 stories or less



- A** Min. height of covered walkway
- B** Max. width of walkway
- C** Min. height elevated above ground
- D** Min. setback from facade
- E** Open to air or 90% glazing

Figure 3.45. Walkway Opening or Pedestrian Bridge

3.3.5 HEIGHT AVERAGING

- a. For projects with buildings greater than forty (40) feet, up to thirty (30) percent of the building footprint area may be up to twelve (12) feet taller than the maximum height allowed, provided an equal amount of building footprint area is at least twelve (12) feet shorter than the maximum allowed height. For projects with multiple buildings, up to thirty (30) percent of the buildings may be up to twelve (12) feet taller than the maximum height allowed, provided an equal number of buildings are at least twelve (12) feet shorter than the maximum allowed height.
- i. Height averaging shall not be permitted when it increases the height of a structure that is adjacent to a property that contains a sensitive structure or use, unless the height that is above the maximum is distanced from the sensitive structure or use by a ratio of one and a half (1.5) times the proposed height. Sensitive uses shall include an historic structure, single family residence, single family zone, solar panels, or open space amenity.
- b. The use of height averaging to lower a structure's height is encouraged when it is adjacent to sensitive structures or uses.

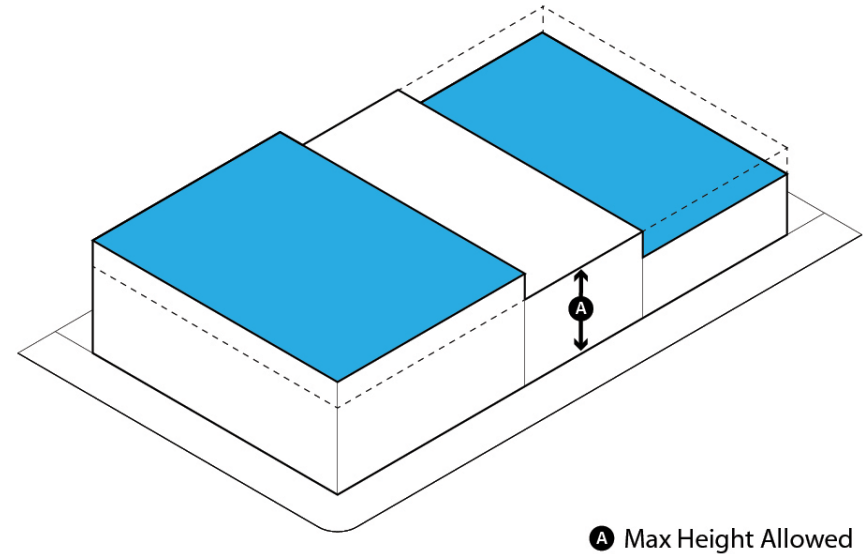


Figure 3.46. Height Averaging

3.4 MATERIALS AND DETAILS

3.4.1 MATERIALS

All materials for new projects and facade remodels shall conform to the following standards:

- a. All building façades, including alley-facing elevations, shall be treated equally with durable materials, such as natural stone, brick, siding, precast concrete, and factory-finished metal panels (heavy gauge only), or similar materials that can withstand significant deterioration, decay, or discoloring due to wear or weathering. Materials that are short-lived or insubstantial, such as unfinished wood for exterior use, shall not be permitted.
- b. Materials and texture variations shall distinguish a building's base, and/or middle, and/or top.
 - i. If a distinct building base is provided (extending from at least the ground to the ceiling of the ground floor), the building's middle and top may feature the same materials and textures.
 - ii. If a distinct building top is provided (extending up from the floorplate of the uppermost habitable floor), the building's base and middle may feature the same materials and textures.
 - iii. No more than fifty (50) percent of a building's façades may feature materials, colors and textures which extend uninterrupted from the ground to the roofline.

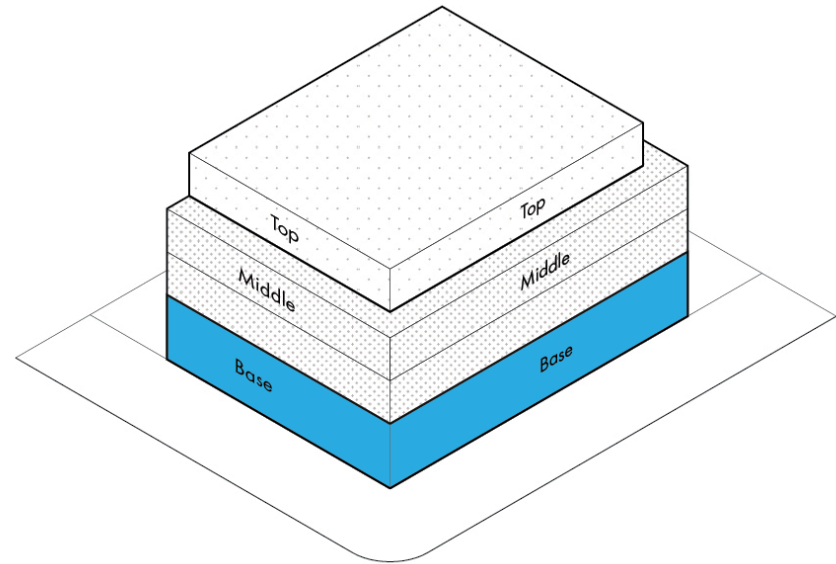


Figure 3.47. Building Materials



Figure 3.48. Example Material Variation

- c. Changes in material or color shall occur at inside corners of intersecting walls or at exterior architectural features that break up the wall plane, such as columns.
- d. All street-facing façade(s) of buildings over thirty (30) feet in height shall feature a contrasting material finish applied to at least sixty (60) percent of either the ground level or the topmost level façade surface (for example stone veneer versus stucco). This requirement may also be met with an equivalent numerical balance applied to both ground level and uppermost level facades (for example, half the ground floor and half the upper floor). For the purposes of this requirement, window glazing is considered a contrasting material.
- e. If employed on stucco facades, expansion joints shall reinforce the grid pattern created by window and door openings by aligning with:
 - i. Window and/or door jambs, sills, and/or headers; or
 - ii. The centerlines of windows and/or doors; or
 - iii. Wall breaks such as recesses and/or soffits created by balcony openings.

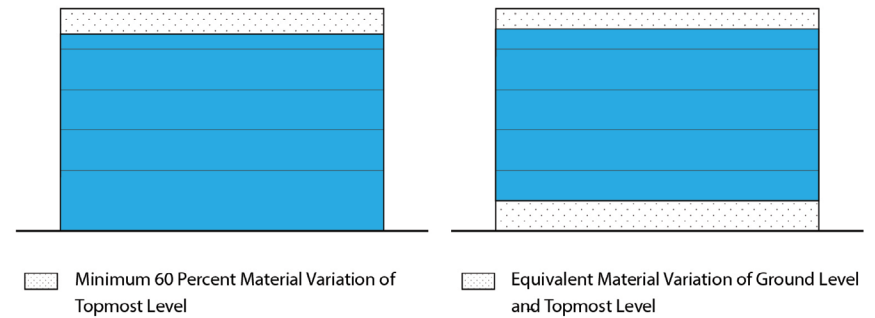


Figure 3.49. Material Variation

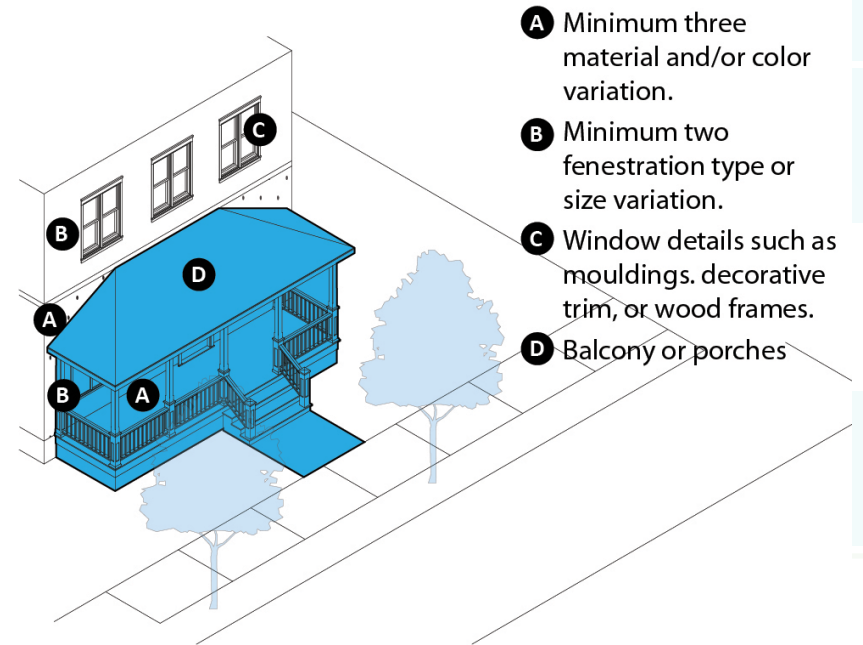


Figure 3.50. Example Expansion Joint Alignment

3.4.2 COLOR AND TEXTURE

All new development and façade remodels that require building permits shall comply with the following design standards:

- a. All building façades facing a street or public open space shall be articulated for at least eighty (80) percent of each façade length. All other building façades shall be articulated for at least sixty (60) percent of each façade length. Façade articulation shall be achieved through at least **four (4)** of the following architectural elements:
 - i. Minimum of three (3) material variations including contrasting accent colors for doors, awnings, etc.; or
 - ii. Minimum of two (2) window types and/or size variation; or
 - iii. Window details such as moldings, decorative trim, and wood frames; or
 - iv. Balconies and/or porches; or
 - v. Decorative light fixtures; or
 - vi. Decorative attic/gable vent; or
 - vii. Decorative moldings and/or cornices; or
 - viii. Trellis and/or arbor structures.



- A** Minimum three material and/or color variation.
- B** Minimum two fenestration type or size variation.
- C** Window details such as mouldings, decorative trim, or wood frames.
- D** Balcony or porches

Figure 3.51. Color and Texture

- b. Color Schemes – Single Structure
 - i. Structures shall have at least two primary colors and two accent colors, in addition to roof color.
 - ii. Structures shall have a maximum of three primary colors and four accent colors, in addition to roof color.
 - iii. Primary colors shall be utilized on a building's facades
 - iv. Accent colors shall be reserved for window and door frames, recesses and projections associated with windows and doors (such as balconies, bay windows, etc.), expansion joints, plane breaks, material breaks, as well as other decorative trim and exterior architectural features.
- c. Color Schemes – Multiple Buildings
 - i. Residential developments between three (3) and nine (9) habitable buildings shall provide a minimum of two distinct color schemes. A single color scheme shall be dedicated to no less than thirty (30) percent of all residential buildings.
 - ii. Residential developments with ten (10) or more habitable buildings shall provide a minimum of three distinct color schemes. A single color scheme shall be dedicated to no less than thirty (30) percent of all residential buildings.
- d. Portions of a facade without a window, balcony, ground floor windows, and/or doorways for at least thirty (30) feet in any direction shall feature at least **one (1)** of the following design treatments:
 - i. Architectural treatments (such as trellises, screens, or changes in materials) that cover at least fifty (50) percent of the blank façades surface.
 - ii. Vertical landscaping treatments that cover at least fifty (50) percent of the blank façade surface.



Figure 3.52. Blank Façades Treatment

3.4.3 DOORS AND WINDOWS

- a. All windows shall be offset at least two (2) feet from any windows in adjacent buildings within twenty (20) linear feet to avoid direct line-of-sight, and one (1) foot from any windows more than twenty (20) linear feet away.
- b. All windows shall either be recessed at least three (3) inches from the plane of the surrounding exterior wall or shall have a trim or windowsill at least one (1) inch in depth.
 - i. When trim is used, a minimum of one (1) inch by four (4) inch trim is required.
 - ii. With stucco walls, a minimum of one (1) inch deep, raised relief around the window is required.
 - iii. With brick, a minimum two (2) inch wide brickmold is required around windows.
- c. All windows facing a public street shall feature at least **two (2)** of the following treatments:
 - i. Variation in window types and/or sizes; or
 - ii. Moldings; or
 - iii. Wood frames; or
 - iv. Decorative trim; or
 - v. Shutters.

3.4.4 MAILBOXES

- d. Mailboxes shall be located in a highly visible location within one block of the residential units.
- e. A bench and/or seating area and a trash receptacle shall be located adjacent to the mailboxes.

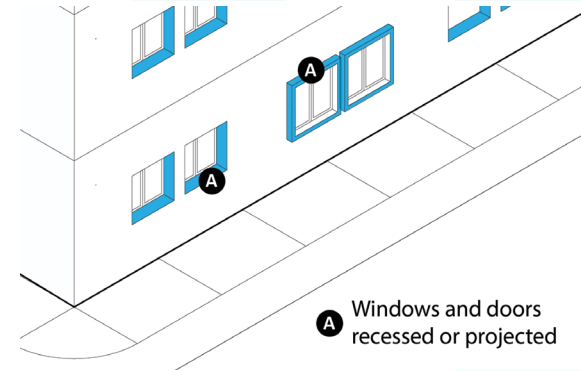


Figure 3.53. Recessed Doors and Windows



Figure 3.54. Example Mailboxes



4.0 MIXED-USE

Standards outlined below only apply to the new construction of mixed-use developments, or the substantial remodel and expansion fifty (50) percent or more of the existing walls and/or roof) of existing mixed-use developments.

4.1 Vertical Mix of Uses

4.2 Horizontal Mix of Uses

4.1 VERTICAL MIX OF USES

4.1.1 DISTRIBUTION OF USES

- a. A minimum of fifty (50) percent of a vertical mixed-use building's commercial or office components shall be located on the ground floor.
- b. A maximum of thirty (30) percent of a vertical mixed-use building's residential units may be located on the ground floor.

4.1.2 ENTRANCES

- a. Entrances to upper floor uses shall be provided through a common lobby entrance and/or by a common entrance along a façade fronting a street.
- b. All ground floor tenant spaces that have street frontage shall have entrances on a façade fronting a street.
- c. There shall be a ground-floor entrance to either a commercial, residential, or open space use every fifty (50) feet along the building's street-facing frontages.
- d. Structures with multiple commercial tenant spaces shall feature modulated entrances for at least half of its tenant entrances. A modulated entrance must be recessed by a minimum of three (3) feet deep, or projected at least three (3) feet out. These modulations may be combined with other modulation requirements.

4.1.3 BUILDING DESIGN

- a. Service entries, loading areas, and trash areas associated with commercial uses shall not be immediately adjacent to residential uses.
- b. The windows, doors, and other access points of commercial uses shall be oriented so as not to have a direct line-of-sight into residential uses.

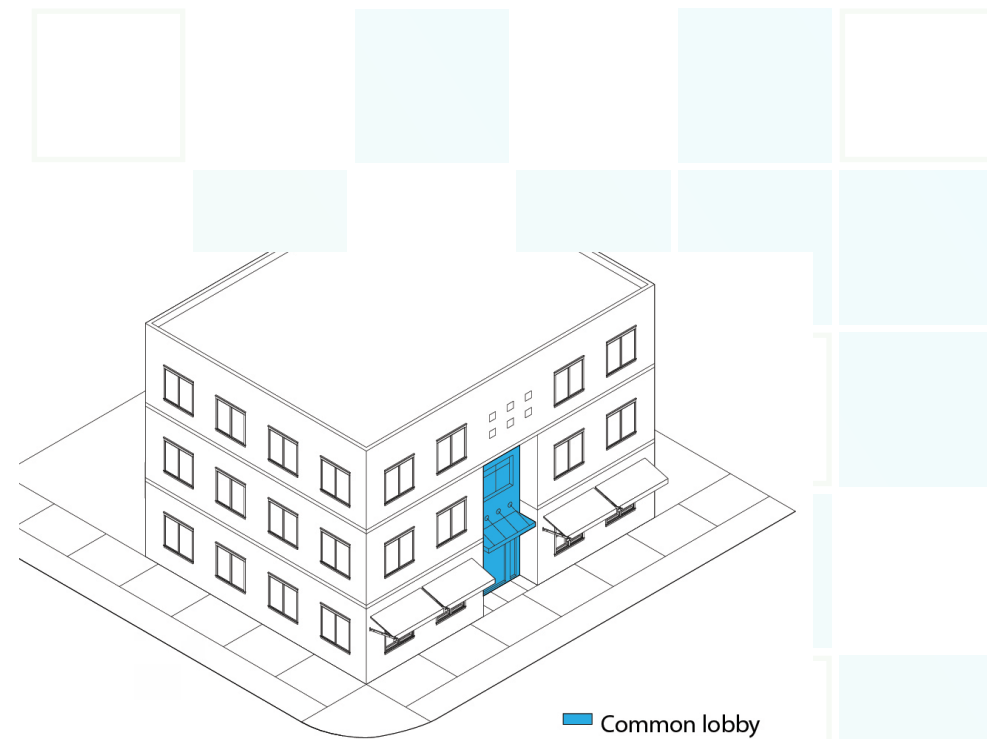


Figure 4.1. Common Lobby

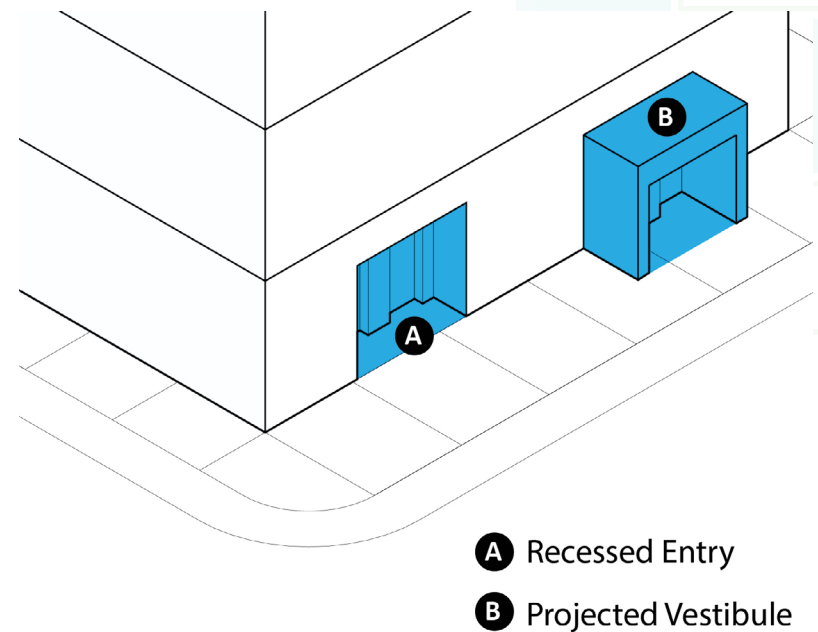


Figure 4.2. Commercial Entrances

4.2 HORIZONTAL MIX OF USES

4.2.1 SITE PLANNING

- a. Commercial buildings shall face public streets and engage the sidewalk.
- b. Residential uses shall be located at the rear or sides of the site.
- c. Parking for commercial uses shall be located at the center of the site, allowing the parking to provide a buffer from on-site residential uses and maximize shared parking opportunities between residential and commercial uses.
- d. If provided, dedicated private residential parking areas shall be located away from public commercial parking with a dedicated entrance.
- e. The commercial, residential, and open space areas of a horizontal mixed use project shall be connected via internal pathways.
- f. Common residential open space as part of a horizontal mixed-use project shall not be publicly-accessible.

4.2.2 BUILDING DESIGN

- a. Service entries, loading areas, and trash areas associated with commercial uses shall not be immediately adjacent to residential uses.
- b. The windows, doors, and other access points of commercial uses shall be oriented so as not to have a direct line-of-sight into residential uses.

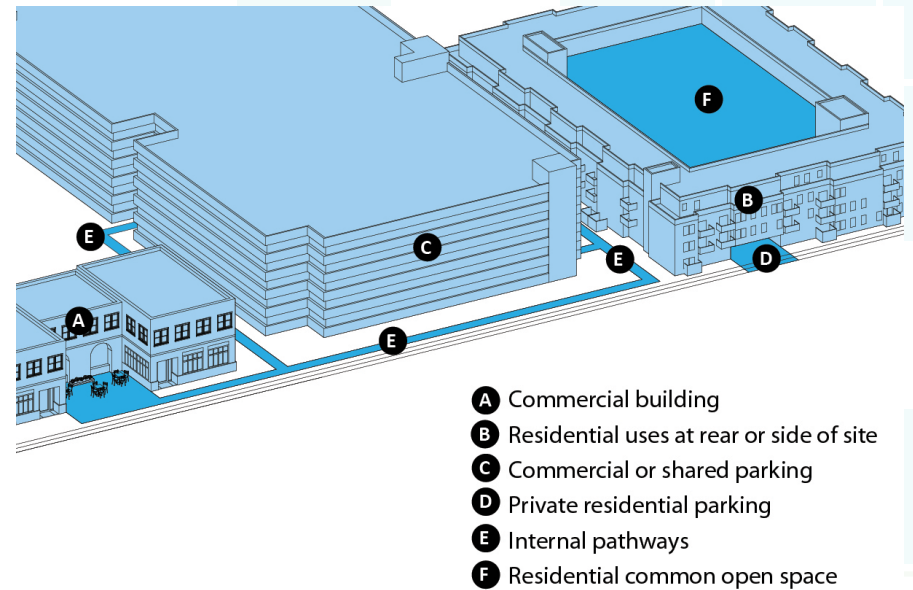


Figure 4.3. Horizontal Mix of Uses



5.0 DEFINITIONS

5.1 DEFINITIONS

Alley. A public or private roadway, generally not more than thirty feet wide that provides vehicle access to the rear or side of parcels having other public street frontage, that is not intended for general traffic circulation

Articulation. The process of stepping and recessing external walls of a building in plan and in section. This process essentially creates more corners and edges to a building, which reduces the potential for the presentation of large expanses of blank walls.

Awning. An architectural fabric or metal projection that provides weather protection, building identity, or decoration, and is wholly supported by the building to which it is attached. An awning consists of a lightweight frame structure over which a cover is attached.

Block. All property fronting upon one side of a street between intersecting and intercepting streets, or between a street and a waterway, dead end street, park, or city boundary. An intercepting street shall determine only the boundary of the block on the side of a street which it intercepts.

Building Mass (Massing). Mass refers to the general shape and form as well as size of a building.

Carport. An attached or detached accessory structure enclosed on no more than two sides.

Clerestory Windows. Vertical windows placed high on a wall, often above eye level.

Commercial Use. A non-residential use such as retail, service, automotive, medical, food service, hospitality, and office uses.

Corner Element. A distinct architectural treatment, expressed through a change in form, mass, decoration, or any combination thereof, located on the corner of a building.

Cornice. A horizontal moulding projecting along the top of a wall, building, etc.

Courtyard. An extent of open ground partially or completely enclosed by walls or buildings.

Detail. An element of a building such as trim, moldings, other ornamentation or decorative features.

Dome. A rounded roof or vault, usually built in the form of a hemisphere.

Dormer. A structure projecting from a sloping roof, usually housing a vertical window in a small gable or a ventilating louver.

Driveway. A paved area of a lot located between the public right-of-way and the garage, carport, or required parking space designed and intended as an access way between a private or public road and the garage, carport, or required parking space.

Driveway, Primary. A driveway providing both ingress and egress from a property.

Driveway, Secondary. A driveway providing either ingress or egress from a property.

Dwelling. A room or group of internally connected rooms that have sleeping, cooking, eating and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis.

Easement. A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.

Elevation. An orthographic view of the vertical features of a building (front, rear, side, interior elevation).

Exterior Architectural Feature. The architectural elements embodying style, design, general arrangement and components of all of the outer surfaces of an improvement, including, but not limited to, the kind, color and texture of the building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement.

Façade. The entire exterior side of a building; especially the architectural front, sometimes distinguished from the other sides by elaboration of architectural or ornamental details.

Fenestration. The stylistic arrangement of windows in a building.

Frontage or Fronting. the portion of a parcel which abuts a street right-of-way.

Gable Roof. A roof having a gable at one or both ends; a roof sloping downward in two opposite directions from a central ridge, forming a gable at each end.

Garage. An attached or detached accessory structure with a door, enclosed on at least three sides.

Glass Blocks. Thick blocks of glass, typically hollow, used as a building material.

Glass, Opaque. Glass that blocks the passage of light.

Hardscape. The non-living, structural elements of a landscape, such as patios, walkways, direways, and decks.

High-Quality Materials. Treated wood, stone, brick, stucco, fiber cement or other cementitious material, or composite wood or stone, with no unfinished edges.

Hipped Roof. A roof that slopes upward from all four sides of a building, requiring a hip rafter at each corner.

Lot. A recorded lot or parcel of real property under single

ownership, lawfully created as required by the Subdivision Map Act and city ordinances, including this title. Types of lots include the following.

Lot Line. Any recorded boundary of a lot.

Maintenance. The work of keeping something in proper condition; upkeep.

Mixed-Use. A project allowing for a combination of residential and nonresidential uses in a single Building Site.

Mixed-Use, Horizontal. A project allowing for a combination of residential and nonresidential uses on separate portions of a single Building Site.

Mixed-Use, Vertical. A project allowing for a combination of residential and nonresidential uses in the same building, typically with Commercial Uses on the ground floor, and residential dwellings above.

Modulation, Major. An articulation which extends from the ground level to roofline of a building.

Modulation, Minor. An articulation which does not extend from the ground level to the roofline.

Multi-family dwelling(s). A building or a portion of a building used and/or designed as residences for three or more families living independently of each other. Includes: triplexes, fourplexes (buildings under one ownership with three or four dwelling units, respectively, in the same structure) and apartments (five or more units under one ownership in a single building); townhouse developments (three or more attached single-family dwellings where no unit is located over another unit) and senior citizen multi-family housing.

Parapet. A retaining wall at the edge of a roof, porch, or

terrace.

Parcel. See *Lot*.

Parking. To put or leave (a vehicle) for a time in a certain location.

Pedestrian Paseos. Landscaped passageways that serve as midblock crossings and may additionally provide access to interior courtyards.

Rooflines. Various forms to a roof, such as pitch, ridge, hip, etc., often at different angles.

Setback. The distance a building is recessed from the property line, curb of the street, or the edge of the sidewalk.

Shade Trees. A twenty-four (24) inch box tree or larger.

Shutter. Each of a pair of hinged panels, often louvered, fixed inside or outside a window that can be closed for security or privacy or to keep out light.

Sidewalk. A paved walkway along the side of a street.

Sill. The horizontal exterior member at the bottom of a window or door opening, usually sloped away from the bottom of the window or door for drainage of water and overhanging the wall below.

Site. A parcel or adjoining parcels under single ownership or single control, considered a unit for the purposes of development or other use.

Softscape. The living elements of a landscape, primarily plants, such as trees, shrubs, flowers, grass, groundcover, and mulch.

Spire. A tall, pointed structure on top of a building.

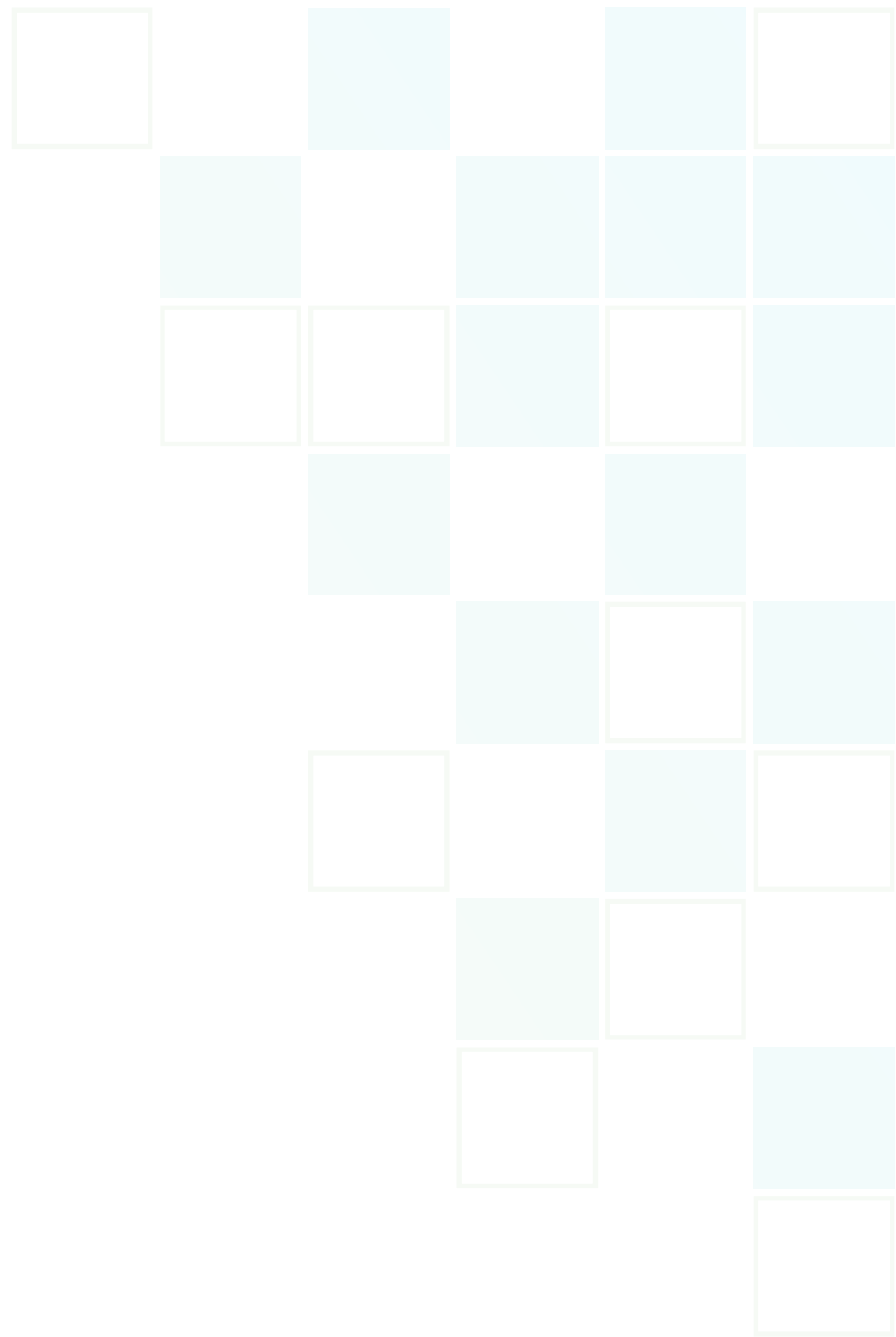
Stepback. The recessing of the upper part of the façade due to the smaller area of the upper floors.

Street. A public thoroughfare accepted by the city, which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley

Structure. Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground.

Terminating vista. In urban design, a terminating vista is a building or monument that stands at the end or in the middle of a road, so that when one is looking up the street.

Yard. An area between a lot line and a setback, unobstructed and unoccupied from the ground upward, except for projections.





Request for Planning Commission Action

TO: Planning Commission

DATE: April 8, 2026

FROM: Steven Ayers, Principal Planner

SUBJECT: 8550 WARNER AVENUE PROJECT (PARKSIDE FV) – GENERAL PLAN AMENDMENT NO. 23-01, ZONING MAP AMENDMENT NO. 436, PRECISE PLAN 577, CONDITIONAL USE PERMIT NO. 1929, MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM

Location

8550 Warner Avenue

Current Zoning

C1 – Local Business

Current General Plan Designation

General Commercial

Proposal

Robert Franklin has submitted an application, on behalf of the property owner, FV Center, LP (“Owner”), to amend the General Plan Land Use Map designation from General Commercial to High Density Residential, amend the Zoning Map from C1 – Local Business to R4 – High Density Multiple Dwelling, and construct a 72-unit apartment development in a new 76,076 square foot three-story building with an 800 square foot one-story clubhouse building and surface parking lot through a Precise Plan and Conditional Use Permit for the Parkside FV development located on a 2.119-acre site at 8550 Warner Avenue (“Project”).

The Project includes a request for an Affordable Housing Agreement that would include 10 deed restricted very-low-income units based on 15% of the permitted base density of the Project per the requirements of FVMC 21.17.

The Project also includes the request for a density bonus per State Density Bonus Law Section 65915. While the proposed Project is entitled to a density bonus of up to 50 percent under the California State Density Bonus Law, the proposed Project is requesting 13.2 percent for a total of 72 units (63 base units plus 9 density bonus units). With the requested density bonus, the applicant is requesting three (3) concessions. The proposal also includes acknowledgement of a density bonus from the maximum 30 dwelling units per acre to 34 dwelling units per acre and the reservation of 15 percent of its base units as affordable to very-low-income households.

Discussion:

On March 25, 2026, the Planning Commission held a public hearing to consider a proposal to amend the General Plan Land Use Map designation from General Commercial to High Density Residential, amend the Zoning Map from C1 – Local Business to R4 – High Density Multiple Dwelling, and construct a 72-unit apartment development in a new 76,076 square foot three-story building with an 800 square foot one-story clubhouse building and surface parking lot through a Precise Plan and Conditional Use Permit for the Parkside FV development located on a 2.119-acre site at 8550 Warner Avenue (Attachment #1).

The Planning Commission heard testimony from the public and by a vote of 4-1 directed staff to return with resolutions to deny Precise Plan 577, Conditional Use Permit 1929, and the Mitigated Negative Declaration and recommend that the City Council deny General Plan Amendment 23-01 and Zoning Map Amendment 436. Attached are confirming resolutions with the findings outlined by the Planning Commission from the March 25, 2026 Planning Commission meeting.

Recommended Action:

Staff recommends that the Planning Commission adopt the following resolutions:

- (1) Adopt Resolution No. 26-06 (Attachment #2) denying Precise Plan No. 577 and Conditional Use Permit No. 1929 to construct a 72-unit apartment complex development in a new 76,076 square foot three-story building and an 800 square foot one-story clubhouse building and surface parking lot for the Parkside FV development located on a 2.119-acre site at 8550 Warner Avenue.
- (2) Adopt Resolution No. 26-07 (Attachment #3) recommending the City Council deny General Plan Amendment No. 23-01 to change the General Plan Land Use Map designation from General Commercial to High Density Residential and Zoning Map Amendment No. 436 to change the zoning map designation from C1-Local Business to R4-High Density Multiple Dwelling for the 72-Unit Parkside FV development located on a 2.119-acre site at 8850 Warner Avenue;

Prepared By: Steven Ayers, Principal Planner

Approved By: Omar Dadabhoy, Deputy City Manager/Community Development Director

Attachments:

1. Planning Commission Staff Report – March 25, 2026
2. Resolution No. 26-06
3. Resolution No. 26-07



Request for Planning Commission Action

TO: Planning Commission

DATE: March 25, 2026

FROM: Principal Planner, Steven Ayers

SUBJECT: 8550 WARNER AVENUE PROJECT (PARKSIDE FV) – GENERAL PLAN AMENDMENT NO. 23-01, ZONING MAP AMENDMENT NO. 436, PRECISE PLAN 577, CONDITIONAL USE PERMIT NO. 1929, MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM

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Robert Franklin has submitted an application, on behalf of the property owner, FV Center, LP (“Owner”), to amend the General Plan Land Use Map designation from General Commercial to High Density Residential, amend the Zoning Map from C1 – Local Business to R4 – High Density Multiple Dwelling, and construct a 72-unit apartment development in a new 76,076 square foot three-story building with an 800 square foot one-story clubhouse building through a Precise Plan and Conditional Use Permit on a 2.119-acre site located at 8550 Warner Avenue (“Project”).

The Project includes a request for an Affordable Housing Agreement that would include 10 deed restricted very-low-income units based on 15% of the permitted base density of the Project per the requirements of FVMC 21.17.

The Project also includes the request for a density bonus per State Density Bonus Law Section 65915. While the proposed Project is entitled to a density bonus of up to 50 percent under the California State Density Bonus Law, the proposed Project is requesting 13.2 percent for a total of 72 units (63 base units plus 9 density bonus units). With the requested density bonus, the applicant is requesting three (3) concessions. The proposal also includes acknowledgement of a density bonus from the maximum 30 dwelling units per acre to 34 dwelling units per acre and the reservation of 15 percent of its base units as affordable to very-low-income households.

Code Requirements

The following entitlements that are required by the Fountain Valley Municipal Code (FVMC) to construct the Project:

1. General Plan Amendment (GPA) 23-01 – FVMC 21.34 requires the approval of a GPA for revisions to actions, goals, land use designations, policies or text within the General Plan. The Project includes a revision to the land use designation of the property from General Commercial to High Density Residential for the property located at 8550 Warner Avenue (*Recommendation to the City Council*).
2. Zoning Map Amendment (ZMA) 436 – FVMC 21.34 requires the approval of a ZMA when rezoning property from one zoning district to another. The Project includes a revision to the Fountain Valley Zoning Map from C1-Local Business to R4 – High Density Multiple Dwelling (*Recommendation to the City Council*).
3. Precise Plan (PP) 577 – FVMC 21.44 requires a PP for Structures in the city, except for structures in the R1 zoning district. The Project proposes the construction of a 72-unit apartment development in a new 76,076 square foot three-story building with an 800 square foot one-story clubhouse building on a 2.119-acre Project site (*Action approval by Planning Commission*).
4. Conditional Use Permit (CUP) 1929 – FVMC 21.08.030 requires a CUP for multi-family dwellings in the R4 – High Density Multiple Dwelling zone. The Project proposes to construct a 72-unit apartment development, which is considered a multi-family dwelling project. FVMC 21.90.020 (13) defines "Multi-family dwellings" as a building or a portion of a building used and/or designed as residences for three or more families living independently of each other. Includes: triplexes, fourplexes (buildings under one ownership with three or four dwelling units, respectively, in the same structure) and apartments (five or more units under one ownership in a single building); townhouse developments (three or more attached single-family dwellings where no unit is located over another unit) and senior citizen multi-family housing (*Action approval by Planning Commission*).
5. Environmental Review – FVMC 21.32.060 requires that after acceptance of a completed application, the project shall be reviewed in compliance the FVMC, CEQA, and the city's environmental review procedures, to determine the level of level of environmental review per CEQA. Per CEQA Guidelines Section 15070, the City of Fountain Valley, through its selected environmental consultant Rincon Consultants, Inc., prepared a Mitigated Negative Declaration for the Project(*Recommendation to the City Council*).
6. Affordable Housing Agreement – Per FVMC 21.17.040, all new residential developments shall include inclusionary units and the applicant shall execute a written affordable housing agreement with the city to determine project compliance with the requirements of Chapter 21.17 (*Action approval by City Council*).

Project Location and Housing Background Information

The Project Site, which is located at 8550 Warner Avenue, encompasses approximately 2.119 acres and is located approximately 500 feet east of Newland Street. The existing 18,782 sq ft commercial center, constructed in the mid 1970's, has approximately 14,782 sq ft devoted to general commercial uses and 4,000 sq ft designated as a restaurant pad, which is currently vacant. The Project Site fronts directly onto the south side of Warner Avenue, is east of the existing Warner Avenue Animal Hospital (currently under construction), west of the Southern California Easement (Westmont Park), and directly north of El Rancho Avenue in Tract 4696. The Project Site is currently used as a commercial shopping center.

In October 2022, the City Council adopted Resolution No. 9853 approving the 2021-2029 Housing Element. The Housing Element of the Fountain Valley General Plan identifies and establishes the City's strategy for the maintenance and development of housing to meet the needs of existing and future residents. Within the Housing Element, nine (9) opportunity sites were identified to help reach the City's Regional Housing Needs Assessment (RHNA) allocation of 4,839 units. In November 2023, the City Council certified the City of Fountain Valley General Plan Final Program Environmental Impact Report (State Clearinghouse [SCH]# 2022100563) (General Plan FEIR) and adopted the City of Fountain Valley General Plan (General Plan).

The proposed Project Site is not one of those listed in the Housing Element to meet the RHNA allocation of 4,839 units within the 2021-2029 Planning Period. Rezoning a property for housing that is not listed as an opportunity site or within the sites inventory of a city's approved Housing Element presents significant challenges as there is no "by-right" path to approval, the Zoning and General Plan changes are subject to City Council discretion, and the proposed change disrupts the city's pre-approved plan for meeting Regional Housing Needs Allocation (RHNA) requirements. The existing Housing Element sufficiently plans for the RHNA Allocation of 4,839 units without the Project Site. After 2029, the Project site could be considered as an opportunity site for the next RHNA Cycle. Moreover, in the case of the Proposed Project, removal of a commercial use for a residential use eliminates the site from future commercial tax revenue. The applicant notes that the current site produces little, to no, tax revenue, however a zone change from commercial to residential eliminates all potential for future commercial tax revenue through revitalization of the site. At the time of application, there was interest from commercial developers for the site, however, the property owner is not interested in selling the site or reinvesting to upgrade the center.

Discussion of Project

General Plan Amendment (GPA) and Zoning Map Amendment (ZMA)

The Project includes a revision to the land use designation of the property from General Commercial to High Density Residential for the property located at 8550 Warner Avenue. The Project also includes a revision to the Fountain Valley Zoning Map from C1-Local Business to R4 – High Density Multiple Dwelling. Both the GPA and ZMA would amend the property so that, if the Project is approved, commercial uses could no longer exist on the site and only residential uses could occupy the site. Both of these proposed entitlements are subject to review by the Planning Commission with a recommendation to the City Council for final approval. Whether the Planning Commission recommends approval of the GPA and ZMA or not, these proposed entitlements will be heard by the City Council at a public hearing.

Conditional Use Permit

The Project proposes to construct a 72-unit apartment development, which is considered a multi-family dwelling project. FVMC 21.90.020 (13) defines "Multi-family dwellings" as a building or a portion of a building used and/or designed as residences for three or more families living independently of each other. Includes: triplexes, fourplexes (buildings under one ownership with three or four dwelling units, respectively, in the same structure) and apartments (five or more units under one ownership in a single building); townhouse developments (three or more attached single-family dwellings where no unit is located over another unit) and senior citizen multi-family housing. The Conditional Use Permit would limit the use of the project so a multi-family development.

Precise Plan

As noted above, the Project includes a PP as required by the FVMC since it includes the development of a proposed structure in the city that is not located in the R1 zoning district. The Project includes the demolition of the existing 18,782 sf commercial shopping center, parking lot, and associated landscaping for the construction of a 72-unit apartment development in a new 76,076 square foot three-story building with an 800 square foot one-story clubhouse building, on-site surface parking, and new associated landscaping at 8550 Warner Avenue.

The three-story "U-Shaped" apartment building will front directly onto Warner Avenue with a parking lot located directly behind the structure between proposed apartment building and the single-family residential zone to the south. The architecture of the Project will feature a mix of texture finishes and colors to replicate a contemporary design that include stucco, stacked stone, horizontal siding, metal canopy awnings, and standing seam roofs. Each elevation will feature a maximum of 80% stucco surfaces with the remaining 20% made up of stacked stone and horizontal siding reaching all the way to the roof of the building in many locations (Attachment #1).

The main entrance to the Project will be located directly off Warner Avenue, from a shared access point with the Warner Avenue Animal Hospital, and through a community gate located at the southwest corner of the property. Additionally, an emergency egress point near the northeast corner of the property, through an 18-foot-tall opening in the proposed building, will be provided. Available parking will be provided outside the gated entry along the west side of the Project as well as behind the gated entry. All required parking will be provided on-site with 57 open parking spaces, 24 carports, and 26 garages for a total of 107 on-site parking spaces of which 45 parking spaces are EV charging capable. Additionally, carports along the southern property line will have rooftop solar panels which will supplement common electrical needs.

The project site would be accessible via two access points along Warner Avenue and Newland Street and one additional emergency egress point along Warner Avenue. The main access point is via a shared driveway with the Warner Avenue Animal Hospital from Warner Avenue. A secondary access point is available via an access easement behind the Warner Avenue Animal Hospital to Newland Street. The primary access to Warner Avenue would allow for right in right out movements only. Access through the easement to Newland Street would allow for all turn movements to travel to and from the north, south, and west.

Pedestrian access to the site would be provided via pedestrian facilities located along Warner Avenue directly to the front of the building as well as via a sidewalk to along the western edge of the property. Staircases within the apartment buildings would provide access to the upper floors.

The Project will feature nine (9) studio units, 37 1-bedroom units, and 26 2-bedroom units. Studio units will range from 547 to 565 square feet and will include 66 to 67 square foot balconies. 1-Bedroom units will range from 750 to 755 square feet and will include 85 to 106 square foot balconies. 2-Bedroom units will range from 998 to 1,160 square feet and will include 85 to 130 square foot balconies. All units will provide their own laundry facilities, and each unit will feature 9-foot ceiling heights (Attachment #2).

The proposed apartment building will be 30 ft tall (34 ft tall to the top of the parapet and 39 feet to the roof apex), three (3) stories in height, and will provide nine (9) studio units, 37 one-bedroom units, and 26 two-bedroom units totaling 68,507 square feet with 6,941 square feet of private open space in the form of balconies and patios. A one-story amenity building is also proposed in the center of the apartment complex property which will include a 122 square foot leasing office, a 663 square foot clubhouse, and an adjacent trellis structure with patio area. The architecture of the proposed project incorporates a mix of texture finishes and colors, stacked stone, horizontal siding, and standing seam roofs to reflect contemporary architectural design. Each floor will provide nine-foot ceilings, individual storage space is provided in the patio and balcony area of each unit, and bike lockers will be located throughout the complex. The Project will provide 107 total parking stalls in the form of 96 resident parking spaces and 11 guest parking spaces.

An analysis of how the Project meets the R4 development standards can be found below in 'Table1: Zoning Compliance.' The analysis shows the Project meets all proposed development standards in the R4 zone except for density, 3rd story setbacks, private open space, and parking.

The Project includes three (3) concessions to these code requirements as permitted by State Density Bonus Law (see section below). A concession, or waiver, to the City's parking requirements is not necessary as the Project includes a request for application of the State Density Bonus Law parking ratio [Government Code 65915(p)(1)] and therefore does not require a concession or waiver.

Table 1: Zoning Compliance

Development Feature	Required	Project Site Proposed
Minimum Lot Area	10,000 sf	2.119 acres (92303 sf)
Minimum Lot Width	60 ft	385 ft
Maximum Density	30 units per acre	34 units per acre*
Maximum Number of Dwelling Units per Parcel	1 unit per 1,452 sf	1.13 units per 1,452 sf*
Minimum Front Setback	20 ft.	21'-2"
Minimum Side Setback	5 ft, 10 ft corner lot	44'8" to the West 11'5" to the East
Minimum Rear Setback	25ft or 20% lot depth, whichever is less	27'
Second Story setback	2-story nonresidential or multi-family structures shall be set back 25 ft. from an existing single-family development; 3-story or taller structures shall be set	2 nd story – 27' 3 rd story – 37'9"*

	back from single-family residential a minimum of 100 ft.	
Height Limit	35 ft / 3 stories	30 ft to roof, 34 ft to parapet, 39 ft to apex of roof
Site Coverage	40%	33%
Minimum Floor Area	Studio – 500 sf 1-Bedroom – 750 sf 2-Bedroom – 950 sf	Studio – 547 sf 1-Bedroom – 750 sf 2-Bedroom – 998 sf
Private Open Space	100 sf per unit with no dimension smaller than 10 ft	Minimum 65 sf/unit with no dimension smaller than 7 ft*
Landscaping	15% of lot area (13,845 sf)	20% (18,701 sf)
Parking	City Code Studio/1-bedroom unit: 1.5 spaces/unit with 1 space per unit in a garage/carport 2-bedroom unit: 2 spaces/unit with 1 space per unit enclosed Guest Parking: 25% of total required spaces Total Required – 151 Density Bonus Law Studio/1-bedroom unit: 1 space 2-bedroom unit: 1.5 spaces Total Required – 85	107

Project Affordable Units, Density Bonus, Concession, and Waivers

Per FVMC 21.17.040, all new residential development projects shall include Inclusionary Units with at least 15% low-income units. As defined by FVMC 21.17.020(t), “Inclusionary Unit shall mean a dwelling unit intended for sale or rent that is required by Section 21.17.040 to be affordable to Extremely Low-, Very Low-, or Low-Income Households.” As such, the Project is proposed to be built with the inclusion of affordable units and is therefore permitted to request a density bonus, consistent with City and State law. The proposed density level of the Project is permitted with a maximum 30 dwelling units per acre, however, the Project would be built to 34 dwelling units per acre with a Density Bonus. The Projects’ reservation of 15 percent of its base units as affordable to very-low-income households earning less than 50 percent of the County median income, which equates to 10 on-site affordable units, would allow for up to a 50 percent density bonus pursuant to State Density Bonus Law consistent with Government Code Sections 65915-65918. This density bonus allows for a 31-unit density bonus, which would result in a maximum of 94 units. While the proposed Project is entitled to a density bonus of up to 50 percent under the California State Density Bonus Law, the Proposed Project is requesting 13.2 percent for a total of 72 units (63 base units plus 9 density bonus units).

Pursuant to State Density Bonus Law, the Project is also entitled to incentives, concessions and waivers or reduction of development standards and reduced parking ratio in accordance with State Density Bonus Law. Pursuant to Section Government Code Section 65915 (d)(2)(C), the Project is entitled to three (3) concessions. Pursuant to Government Code 65915(p), the Project is also entitled to provide parking in accordance with the standards of Density Bonus Law which is one (1) space for studio and 1-bedroom units, 1.5 spaces for 2–3-bedroom units, and 2.5 spaces for 4+ bedroom units.

Concessions, or incentives, as defined under State law, allow a developer to deviate from design standards and/ or development regulations, such as height, setbacks, parking, on-site open space requirements, etc. when such regulations potentially make the project economically

infeasible for the developer to build. Incentives/concessions include a reduction in site development standards or a modification of zoning code requirements or architectural design requirements that result in identifiable and actual cost reductions, to provide for affordable housing costs.

In accordance with State Density Bonus law, the City must grant a concession that would preclude the construction of the Project entitled to the benefits under State Density Bonus Law unless the City finds that the requested concession does not result in identifiable and actual cost reductions to provide for affordable housing costs; would have a specific, adverse impact upon health, safety, or the physical environment which cannot be mitigated; would have an adverse impact on any property listed in the California Register of Historical Resources; or that the waiver would be contrary to State or federal law.

The applicant is requesting concessions from certain development standards under the Fountain Valley Municipal Code (“FVMC”) for the Project in accordance with California Density Bonus Law (Gov. Code, §§ 65915, et seq.), in order for the Project to be able to accommodate the residential units, including the affordable housing units, planned for the Project. These reductions and waivers are necessary because, without them, the Project would be physically infeasible to implement and construct due to site constraints and certain City development standards, as described in more detail below. The requested concessions are submitted pursuant to subdivisions (e) and (o)(2) of Government Code section 65915.

The proposed concessions would not result in a direct physical impact on the environment due to a conflict with a regulation adopted for the purpose of avoiding or mitigating an environmental effect or be contrary to State or federal law. Additionally, the Project would not have an adverse impact on a property listed in the California Register of Historical Resources.

The applicant has requested three (3) concessions to the zoning standards for the Project including:

- *Concession #1* – Concession to the City’s Zoning Code (Fountain Valley Municipal Code [FVMC] Section 21.08.040) to allow for a 37-foot nine (9)-inch and 73-foot two (2)-inch third story rear setback in lieu of the required 100-foot setback adjacent to single-family residential development.
- *Concession #2* – Concession to the City’s Zoning Code (FVMC Section 21.08.040) to allow a reduced balcony size requirement. This concession would reduce the minimum requirement of 100 square feet of private open space per unit with a minimum 10-foot dimension (in width and depth) to a new minimum requirement of 65 square feet of private open space per unit with a minimum seven (7)-foot dimension (in width and depth).
- *Concession #3* – Concession to the City’s Zoning Code (FVMC 21.08.040) to allow for the increase in number of units per 1,452 square feet. This concession would increase the maximum number of units per 1,452 square feet from one (1) unit per 1,452 square feet to 1.13 units per 1,452 square feet.

Parking

The proposed Project includes a total of 107 parking spaces for residents and guests. Out of the total 107 spaces, there will be 96 resident parking spaces and 11 guest parking spaces. Also, out of the total 107 spaces, 26 spaces will be provided in enclosed garages, 24 spaces will be covered under a carport, and 19 spaces will be provided outside of the gated entry along the west side of the Project. All parking spaces will meet the minimum parking dimensions of 9'x19' with a 25-foot backup. The project would include accessible and electric vehicle stalls to meet or exceed local and State regulations.

The Project includes a request for application of the State Density Bonus Law vehicular parking ratio (Government Code Section 65915(p)(1)), although the final number of parking spaces provided are in excess of the State Density Bonus Law parking ratio.

Density Bonus Law prohibits local governments from requiring parking in excess of one (1) space for studio and 1-bedroom units and 1.5 spaces for 2-bedroom units. [Sec. 65915(p)(1)]. No additional parking may be required for guests.

The table below, “Table 2: Overall Parking” details the required parking spaces compared to those provided. State Density Bonus Law requires a minimum of 85 spaces and the applicant is providing 107 spaces (22 spaces more than required by Density Bonus Law).

Table 2: Overall Parking					
Unit Type	Number of Units	Required Parking Rate per Unit*	Required Parking*	Provided Parking	Excess/(Deficit)
Studio	9	1 space	9	10	+1
1 Bedroom	37	1 space	37	44	+7
2 Bedroom	26	1.5 spaces	39	42	+3
Guest			0	11	+11
TOTAL	72		85	107	22

*Residential parking rate based on Government Code Section 65915(p)

Landscaping

Landscaping would be provided on the Project Site totaling 18,701 sf (20% of the site area). With exception to pedestrian and vehicular pathways to the Project Site and units, the entire front and east side setbacks will be landscaped, and the rear of the property will provide a minimum 10-foot landscape area. Additional landscaping will be provided along the west side of the proposed building and within the parking lot. Landscaping will be comprised of an assortment of 24” and 36” box trees and shrubbery. Additionally, the Project will provide enhanced concrete paving near the gated entrance.

Highest and Best Use Analysis

The applicant provided a memo and presentation regarding their opinion on the highest and best real estate use for the Project Site (Attachment #3). The memo states that the Site is structurally flawed for continuing retail use with negative characteristics such as the retail building is too small to compete with larger anchored shopping centers, the site is not bordered by major streets, and the site has poor retail accessibility.

The memo later states that the Fountain Valley apartment market is ripe for new construction of market rate and affordable apartments and no new apartments have been built in Fountain Valley since 1986. However, just recently, the city has entitled 1,044 apartments [657 market rate and affordable apartments at the former Boomers Site, 304 market rate apartments and 83 senior affordable apartments at the Euclid/Heil Site (along with 219 for sale units)].

Environmental Review

The California Environmental Quality Act (CEQA) requires analysis of agency approvals of discretionary “projects”. A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” The proposed project is considered a project under CEQA. The environmental document prepared for the Project is Mitigated Negative Declaration (Attachment #4) and serves as the environmental review for the 8550 Warner Avenue Project (Parkside FV) pursuant to CEQA, Public Resources Code Sections 21000 et seq., and the State CEQA Guidelines.

On April 15, 2025 the City Council approved a contract with Rincon Consultants, Inc. to prepare an Initial Study/Mitigated Negative Declaration (MND) for the Project. The MND was published for the required 30-day comment period beginning on January 14, 2026 to February 13, 2026.

Nine (9) letters were received regarding the MND during the comment period. One was from the Department of Toxic Substances Control (DTSC) and the others from nearby residents noting concerns over traffic, parking, and noise. Rincon has prepared a Response to Comments Document that addresses each of the comment letters. In summary, all comments were addressed sufficiently in the Response to Comments document and were not deemed significant enough to warrant the preparation of revisions to the MND, as they will not change the analysis or conclusions of the MND.

MND and Mitigation Measures

The MND determined that the Project may have a potential significant effect on the environment that, however, will be mitigated to a level that is less than significant with the Mitigation Measures included in the Mitigation Monitoring and Reporting Program (MMRP). Where the application of these measures does not reduce an impact to below a level of significance, a project-specific mitigation measure is introduced. The mitigation measures are included in the Mitigation Monitoring and Reporting Program (MMRP) for the project to ensure their implementation, and as contained within the Appendix to the MND. These include specific mitigation measures outlined to assure compliance within the following areas of the CEQA review:

- Air Quality

- Biological Resources
- Cultural Resources
- Geology and Soils

Air Quality

The following measures are recommended to reduce construction emissions during project construction:

Mitigation Measure AQ-1 Construction Emissions Reduction

- All mobile off-road equipment (wheeled or tracked) greater than 25 horsepower used during construction activities shall meet the United States Environmental Protection Agency Tier 4 interim standards. Tier 4 certification can be for the original equipment or equipment that is retrofitted to meet the Tier 4 interim standards.
- These requirements shall be incorporated into the contract agreement with the construction contractor. A copy of the equipment's certification or model year specifications shall be available upon request for all equipment on-site.

Biological Resources

As the existing trees on the Site could provide nesting sites for some bird species, the following measure is recommended to mitigate potential impacts to nesting birds on the Site:

Mitigation Measure BIO-1 Nesting Bird Avoidance

- To avoid disturbance of nesting birds, including raptorial species protected by the California Fish and Game Code and Migratory Bird Treaty Act, construction activities related to the project, including, but not limited to, vegetation removal, ground disturbance, and construction and demolition shall occur outside of the bird breeding season (February 1 through August 31). If construction must begin during the breeding season, then a pre-construction nesting bird survey shall be conducted no more than seven (7) days prior to initiation of construction activities. The nesting bird pre-construction survey shall be conducted on foot in the project site, including a 50-foot buffer, and in inaccessible areas (e.g., private lands) the use of binoculars should be used to inspect trees and other suitable nesting areas. The survey shall be conducted by a qualified biologist familiar with the identification of avian species known to occur in Southern California.
- If nests are found, an avoidance buffer shall be determined and demarcated by a qualified biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone until the young have fledged or the nest is otherwise no longer active, as determined by the qualified biologist. No parking, storage of materials, or construction activities shall occur within this buffer until the biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

- A survey report by the qualified biologist documenting and verifying compliance with the mitigation and with applicable State and federal regulations protecting nesting birds shall be submitted to the City. The qualified biologist shall serve as a construction monitor during those periods when construction activities would occur near active nests to ensure that no inadvertent impacts on nesting birds would occur.

Cultural Resources

While there are currently no recorded archaeological sites within the project area, buried resources could potentially be unearthed during project activities. Therefore, the following mitigation measure is recommended to reduce potential cultural resource impacts to less than significant:

Mitigation Measure CUL-1 Unanticipated Discovery of Cultural Resources

- Prior to the start of ground-disturbing activities, the applicant shall retain an archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards (National Park Service 2020)(Qualified Archaeologist) to respond to and address any inadvertent discoveries identified for the duration of construction activities. The Qualified Archaeologist should possess experience and familiarity with historic-period and prehistoric archaeological resources in the region.
- In the event that archaeological resources are unexpectedly encountered during ground-disturbing activities, work within 50 feet of the find shall halt and the Qualified Archaeologist or other designated archaeologist working under the direction of the Qualified Archaeologist shall be contacted immediately to evaluate the resource. If the resource is determined by the qualified archaeologist to be prehistoric, then a Native American representative shall also be contacted to participate in the evaluation of the resource. If the Qualified Archaeologist and/or Native American representative determines it to be appropriate, archaeological testing for CRHR eligibility shall be completed. If the resource proves to be eligible for the CRHR and significant impacts to the resource cannot be avoided via Project redesign, a qualified archaeologist shall prepare a data recovery plan tailored to the physical nature and characteristics of the resource, per the requirements of California Code of Regulations (CCR) Section 15126.4(b)(3)(C). The data recovery plan shall identify data recovery excavation methods, measurable objectives, and data thresholds to reduce any significant impacts to cultural resources related to the resource. Pursuant to the data recovery plan, the qualified archaeologist and Native American representative, as appropriate, shall recover and document the scientifically consequential information that justifies the resource’s significance. The City shall review and approve the treatment plan and archaeological testing as appropriate. All resulting documentation, including the appropriate State of California Department of Parks and Recreation 523 series forms, shall be submitted to the City and the regional repository of the California Historical Resources Information System, per CCR Section 15126.4(b)(3)(C).

Geology and Soils

Mitigation Measure GEO-1: The following measures are recommended to reduce the impact of the project directly, or indirectly, destroying a unique paleontological resource or site or unique geologic feature:

Mitigation Measure GEO-1 Unanticipated Fossil Discovery

Paleontological Worker Environmental Awareness Program

- Prior to issuance of grading permit, the applicant shall retain a Qualified Professional Paleontologist meeting the Society of Vertebrate Paleontology (2010) standards to respond to and address any inadvertent discoveries identified for the duration of construction activities. Prior to the start of construction, the Qualified Professional Paleontologist or their designee shall conduct a paleontological Worker Environmental Awareness Program training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction personnel. The Worker Environmental Awareness Program shall discuss the potential to discover paleontological resources in the project site, legal obligations to protect paleontological resources, examples of paleontological resources that may be found in the project site, procedures in case a paleontological resource is discovered, and contact information for the Qualified Professional Paleontologist.

Unanticipated Discovery Of Paleontological Resources

- The project applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If a potential fossil is discovered during project construction, construction activity within 50 feet of the find shall cease until the discovery is examined by a Qualified Professional Paleontologist. If the find is determined to be significant, the Qualified Professional Paleontologist shall direct all mitigation efforts related to paleontological resources consistent with the Society of Vertebrate Paleontology (2010) standards, which may include, but are not limited to: paleontological monitoring; fossil salvage, preparation, and curation; and reporting to summarize the paleontological mitigation efforts. That report shall include a lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s). The report, when submitted to and accepted by the City, and the curation of all significant fossils in a fossil repository has occurred, shall signify satisfactory completion of the project program to mitigate impacts to any potential nonrenewable paleontological resources (i.e., fossils) that might have been lost or otherwise adversely affected without such a program in place.

Traffic

The proposed Project includes the construction of a 72-unit apartment complex on a site that is currently occupied by an 18,782 sf commercial shopping center. The MND includes a Transportation Screening Assessment (TSA) to determine if a traffic impact analysis with a Level of Service (LOS) or Vehicle Miles Traveled (VMT) analysis is necessary. The project has been assessed to determine if the preparation of a traffic impact analysis with level of service (LOS) analysis and vehicle miles traveled (VMT) analysis is necessary using the City-established criteria as specified in the City of Fountain Valley *Transportation Impact Assessment Guidelines* for Land Use Projects in CEQA and for General Plan Consistency (June 2020) ["City TIA Guidelines"].

As specified in the City TIA Guidelines, the requirement to prepare a transportation impact study (with Level of Service analysis) should be based on the following criteria:

1. When either the AM or PM peak hour project trip generation exceeds 100 vehicle trips.
2. Projects that generate 1,600 or more average daily trips (ADT) on the Arterial Highway System.
3. Projects that generate 51 or more vehicle trips during either the AM or PM peak hour to any intersection.

The TSA determined that the proposed project would generate fewer than 50 peak hour trips and would not warrant the preparation of an LOS analysis. According to the TSA, the proposed project would generate approximately 471 daily trips, including 31 AM peak hour trips, and 37 PM peak hour trips. The TSA also concluded there would be approximately 547 fewer net daily trips, 13 fewer AM peak hour trips, and 86 fewer PM peak hour trips, associated with the proposed project compared to the current land use. Moreover, the proposed project is forecast to generate fewer than 50 peak hour trips to any intersection of two streets designated as Collector or higher on the City's General Plan circulation system. Therefore, the project does not warrant the preparation of a transportation impact study with LOS analysis based on the City-established screening criteria and LOS impacts may be presumed to be negligible.

The Transportation Screening Assessment also provided a VMT screening assessment in accordance with City TIA Guidelines, which were developed based on guidance from the Office of Planning and Research (OPR) *Technical Advisory on Evaluating Transportation Impacts in CEQA* (State of California, December 2018) ["OPR Technical Advisory"].

VMT, signed into law in 2013 through SB 743, has changed the way transportation impacts are identified and analyzed. VMT refers to the total number of miles driven by all vehicles within a specific area and timeframe. It's essentially a measure of the amount of travel by private vehicles like cars, trucks, and motorcycles, regardless of the number of passengers. VMT is used to assess the impact of transportation on the environment, climate, and human health, as well as to evaluate the accessibility of destinations. VMT looks at metrics other than level of service (LOS) for identifying transportation impacts in CEQA documents. VMT is a key metric in transportation planning and policy-making, providing insights into travel demand and behavior.

The City TIA Guidelines identify screening criteria for certain types of projects that typically reduce VMT and may be presumed to result in a less than significant VMT impact. To qualify for VMT screening, the project need only satisfy one of the following screening criteria:

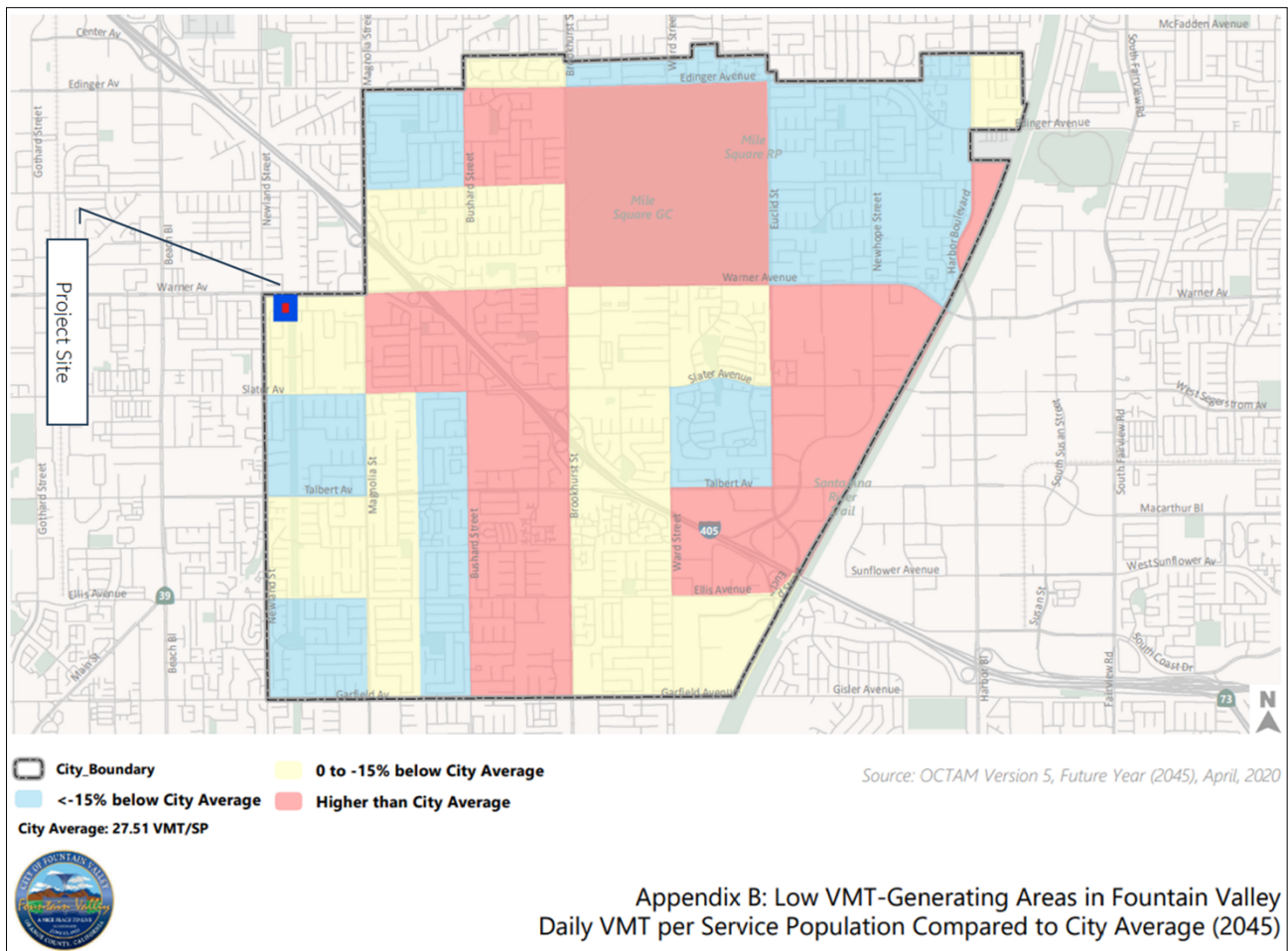
- Projects located within a Transit Priority Area (TPA)
- Projects located within a low VMT area
- Project Type Screening

The VMT Analysis for the Project concluded that the Project would screen out as it is within a low VMT-generating area. As noted in the City Guidelines, "When a residential or office project is located within a low VMT-generating area it may be presumed to have a less than significant impact absent substantial evidence to the contrary. In addition, other employment-related and mixed-use land use projects may qualify for the use of this screening if the project can

reasonably be expected to generate VMT per resident, per worker, or per service population that is similar to the existing land uses in the low VMT area.”

City Guidelines include a map, shown below, (Appendix B: Low VMT-Generating Areas map from the City’s Transportation Impact Assessment Guidelines) indicating areas of low VMT within the City of Fountain Valley to assist in identifying such areas. The proposed residential land use type for the Project aligns with the existing land uses in the Project’s transportation analysis zone (TAZ), and the Project is not expected to alter existing trip lengths or travel patterns within the TAZ. Furthermore, the Project is situated in an area where VMT per service population is 15% below the City’s average.

Therefore, in accordance with the City of Fountain Valley’s guidelines, the proposed Project is exempt from the preparation of any further VMT analysis and is presumed to have a less than significant CEQA-related transportation impact.



The TSA also includes an Active Transportation and Public Transit Analysis. The Analysis notes that the project site is located on the south side of Warner Avenue and Warner Avenue is classified as a Major Arterial (6-lanes divided) on the City of Fountain Valley General Plan Mobility Element. On-street parking is restricted along the project frontage and there are no designated bike facilities currently on Warner Avenue east of Newland Street; however, there is

a Class I bike path to the east of the project site in the existing green belt from Warner Avenue to south of Ellis Avenue. Sidewalks are provided along the project frontage. There is an existing OCTA (Orange County Transit Authority) bus stop with bench/shelter for Route 72 in front of the project site, and the site plan calls for coordination with OCTA to relocate the bus stop approximately 115 feet to the east of its existing location.

Community Outreach and Public Input

Outside of the MND Public Comment period, over the last two years or so, staff has received 14 public comment letters in opposition to the Project. Concerns raised in the letters include concerns over traffic, density, homeless and trash, and privacy concerns. The letters are provided for Planning Commissions consideration under Attachment #5.

Applicant's Public Outreach

The property owner conducted two community meetings to preview and discuss the proposed Project. One in December 2022 and another in November 2024. The 2022 meeting was held at the Project Site with four residents attending. The 2024 meeting was held at Heritage Park with three residents attending. Concerns raised by the residents at these meetings include:

- Traffic impacts to Warner Avenue and Newland Street
- Ingress and egress to the project
- Potential noise impacts from air conditioner units
- Overflow parking into the neighborhoods
- Privacy impacts to El Rancho Avenue households
- Short term construction impacts
- Height of the walls along the eastern and southern property line.

Conclusion

If the General Plan Amendment and Zoning Map Amendment are approved, the proposed project would comply with all development standards of the Zoning Code with the exception of density, 3rd story setbacks, private open space, and parking. The applicant has applied for concessions to these standards which are permitted by Density Bonus Law. Additionally, the applicant has stated that a change to residential is the highest and best use for the site. A change in use for the site from commercial to residential is often considered a permanent change without the possibility of reversal. Additionally, the Project Site is not one of those listed in the Housing Element to meet the RHNA allocation of 4,839 units within the 2021-2029 Planning Period. Rezoning a property for housing that is not listed as an opportunity site or within the sites inventory of a city's approved Housing Element presents significant challenges as there is no "by-right" path to approval, the Zoning and General Plan changes are subject to City Council discretion, and the proposed change disrupts the city's pre-approved plan for meeting Regional Housing Needs Allocation (RHNA) requirements. The existing Housing Element sufficiently plans for the RHNA Allocation of 4,839 units without the Project Site. After 2029, the Project site could be considered as an opportunity site for the next RHNA Cycle. Moreover, in the case of the Proposed Project, removal of a commercial use for a residential use eliminates the site from future commercial tax revenue. The applicant notes that the current site produces little, to no, tax revenue, however a zone change from commercial to residential eliminates all potential for

future commercial tax revenue through revitalization of the site. At the time of application, there was interest from commercial developers for the site, however, the property owner is not interested in selling the site or reinvesting to upgrade the center.

Notice Furnished

The item was published in the Orange County Register and public notices were posted at City Hall, Recreation Center, and Fountain Valley Library. Additionally, per the City’s new Public Notification Policy, the item was advertised on the Public Cable Television Authority channel, was posted on the City’s website, and notification was sent to all residents and occupants within 1,000 feet of the Project Site.

Alternatives

1. Direct staff to return with Resolutions approving the Mitigated Negative Declaration, recommending the City Council approve General Plan Amendment 23-01 and Zoning Map Amendment 436, and approving Precise Plan 577 and Conditional Use Permit 1929.
2. Direct staff to return with Resolutions denying the Mitigated Negative Declaration, recommending the City Council deny General Plan Amendment 23-01 and Zoning Map Amendment 436, and denying Precise Plan 577 and Conditional Use Permit 1929.
3. Continue this request for additional information.

Recommended Action:

Pleasure of the Planning Commission.

Prepared By: Steven Ayers, Principal Planner

Approved By: Omar Dadabhoy, Deputy City Manager/Community Development Director

Attachments:

1. Project Plans that include all Project Information, Plan Information Tables, Site Plans, Floor Plans, Elevation Plans, Tentative Tract Map Plans, Grading and Utility Plans, Lighting Plans, and Landscape Plans
2. Project Description Letter
3. Highest and Best Use Analysis
4. Final Mitigated Negative Declaration, Appendix J “Response to Comments on the Draft IS-MND”, and Appendix K “Mitigation Monitoring and Reporting Program.” All other Appendices to the Final Mitigated Negative Declaration can be found on the Parkside FV Project webpage located at <https://www.fountainvalley.gov/1531/Parkside-FV>
5. Comment Letters Submitted to City Prior to MND Review Period

RESOLUTION NO. 26-06

A RESOLUTION OF THE FOUNTAIN VALLEY PLANNING COMMISSION DENYING PRECISE PLAN NO. 577 AND CONDITIONAL USE PERMIT NO. 1929 TO CONSTRUCT A 72-UNIT APARTMENT COMPLEX DEVELOPMENT IN A NEW 76,076 SQUARE FOOT THREE-STORY BUILDING AND AN 800 SQUARE FOOT ONE-STORY CLUBHOUSE BUILDING AND SURFACE PARKING LOT FOR THE PARKSIDE FV DEVELOPMENT LOCATED ON A 2.119-ACRE SITE AT 8550 WARNER AVENUE

WHEREAS, an application for Precise Plan No. 577 (“PP 577”) and Conditional Use Permit No. 1929 (“CUP 1929”) was submitted by Robert Franklin (“Applicant”), on behalf of FV Center, LP, to construct a 72-unit apartment complex development in a new 76,076 square foot three-story building and an 800 square foot one-story clubhouse building and surface parking lot for the Parkside FV development located on a 2.119-acre site at 8550 Warner Avenue (“Project”); and

WHEREAS, FV Center, LP (“Owner”), is the owner of the Site at 8550 Warner Avenue (APN # 167-361-17), which is formally described in the legal description attached hereto as “Exhibit A” (“Site”); and

WHEREAS, the Fountain Valley Planning Commission considered said application at its noticed public hearing on March 25, 2026; and

WHEREAS, testimony was received from the public regarding the proposed Project; and

WHEREAS, the Planning Commission considered all evidence and testimony read at the public hearing; and

WHEREAS, on March 25, 2026, the Planning Commission, by a vote of 4-1, denied Precise Plan No. 577 and Conditional Use Permit No. 1929 and directed Staff to return with a resolution memorializing the denial; and

WHEREAS, the Planning Commission has determined that the proposed Precise Plan and Conditional Use Permit are not 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: In order to approve a Precise Plan, the Planning Commission must find that the following findings of fact can be made in a positive manner:

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 C1 zoning district.

The proposed Project would fail to meet the General Plan Goal LU-1 – An arrangement of compatible land uses that protects and maintains attractive and safe neighborhoods while promoting dynamic activity centers and preserving conventional commercial and industrial uses by failing to meet Policy LU-1.1 and Policy LU-1.2 as noted below.

The proposed Project would fail to meet Policy LU-1.1 of General Plan Goal LU-1: Land Use compatibility and viability – Require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. Require that new residential developments are located, scaled, buffered, and designed so as to not hinder the economic viability and continuity of areas planned for nonresidential uses.

Also, the proposed Project would fail to meet Policy LU-1.2 of General Plan Goal LU-1: Land Use Plan consistency – Consider proposed development that is consistent with the Land Use Plan (i.e., it does not require a change in Land Use Designations), to be generally compatible and consistent with surrounding land uses and a community's identity.

Additionally, the proposed Project would fail to meet the General Plan Goal LU-3 – Neighborhoods, places, and buildings that are well maintained, demonstrate pride and reinvestment, and reinforce a sense of community by failing to meet Policy LU-3.2 as noted below.

The proposed Project would fail to meet Policy LU-3.2 of General Plan Goal LU-3: Scale and character – Ensure that all new development is compatible with the scale and character of the surrounding neighborhoods in Fountain Valley.

The proximity of the Project to, and proposed high density of the Project, would not be compatible with the surrounding low density single-family residential uses, would provide too much of a drastic transition between adjacent land use density (low density residential immediately adjacent to high density residential), and would not be designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. The proposed change in land use from commercial to high density residential would negatively affect the economic viability and continuity of the site, an area planned for nonresidential uses. Additionally, the Project would not be consistent with the established Land Use Plan and would

therefore not be compatible and consistent with surrounding land uses and the community's identity. Also, the scale and character of the Project would not be compatible with the scale and character of the surrounding neighborhoods which are comprised of one-story low density single-family homes with second story elements to the south, a one-story low density single-family home neighborhood in the City of Huntington Beach to the north with only 7 out of 37 homes with second story elements, and commercial uses to the west.

Lastly, the Project Site is not listed as an opportunity site in the Housing Element to meet the Regional Housing Needs Assessment (RHNA) allocation of 4,839 units within the 2021-2029 Planning Period. The development of the Housing Element, including the inclusion of the opportunity sites to help the city meet its RHNA target, began in 2019 and concluded on October 4, 2022, when the City Council adopted Resolution No. 9853 approving the 2021-2029 Housing Element. When the Proposed Project was submitted to the city under a preliminary review application on August 15, 2022, selection and analysis of the opportunity sites had already been completed.

Rezoning a property for housing that is not listed as an opportunity site or within the sites inventory of a city's approved Housing Element presents significant challenges as there is no "by-right" path to approval, the Zoning and General Plan changes are subject to City Council discretion, and the proposed change disrupts the city's pre-approved plan for meeting RHNA requirements. The existing Housing Element sufficiently plans for the RHNA Allocation of 4,839 units without the Project. The Housing Element of the Fountain Valley General Plan identifies and establishes the City's strategy for the maintenance and development of housing to meet the needs of existing and future residents. Within the Housing Element, nine (9) opportunity sites are identified to help reach the City's RHNA allocation of 4,839 units. Additionally, with State HCD's blessing, within the approved RHNA allocation, the city has planned for 384 accessory dwelling units. As of April 1, 2026, there have been 290 ADU's built and the city anticipates reaching the projected number of ADU's by the end of next year, much earlier than anticipated by 2029. Therefore, sufficient planning and growth toward achieving the RHNA allocation by 2029 has been addressed. Additionally, AB 1397 (2017) restricts the re-use of "opportunity sites" from previous planning periods if they were not developed with housing. Also, SB 166 requires that a jurisdiction maintain adequate sites to meet their RHNA at all times. If a site fails to develop, the municipality must find a replacement site to meet their requirements. For all these reasons, the city wishes to promote development of the sites that are identified as opportunity sites in the Housing Element and not promote development of sites that are not identified as opportunity sites in the Housing Element.

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

The proximity of the Project to, and proposed high density of the Project, would not be compatible with the surrounding low density single-family residential uses, would provide too much of a drastic transition between adjacent land use density

(low density residential immediately adjacent to high density residential), and would not be designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. The proposed change in land use from commercial to high density residential would negatively affect the economic viability and continuity of the site, an area planned for nonresidential uses. Additionally, the Project would not be consistent with the established Land Use Plan and would therefore not be compatible and consistent with surrounding land uses and the community's identity. Also, the scale and character of the Project would not be compatible with the scale and character of the surrounding neighborhoods which are comprised of one-story low density single-family homes with second story elements to the south, a one-story low density single-family home neighborhood in the City of Huntington Beach to the north with only 7 out of 37 homes with second story elements, and commercial uses to the west. As noted in the Mitigated Negative Declaration prepared for the Project, the Project would not create any traffic or pedestrian hazards. The Project is anticipated to generate 31 am peak hour trips and 37 pm peak hour trips and a total of 471 average daily traffic. Additionally, the Project is screened from VMT as it is located within a low VMT generating area. Additionally, the Project will include the relocation of the nearby bus stop 115 feet east to directly in front of the Project. With that said, public testimony and Planning Commissions concerns noted that Project traffic was still a concern. The reasons indicated above would interfere with the use and enjoyment of neighboring, existing or future developments, and may create traffic or pedestrian hazards.

- 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 Project would use a variety of building materials and the proposed architecture of the Project would be fully finished on all elevations of the buildings.

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 proposed Project would involve the demolition of a 18,782 square foot building and site area that would be replaced with a new 76,076 square foot three-story building, and an 800 square foot one-story clubhouse building, and site improvements. Although a new contemporary architectural design is proposed for the property, the scale of the Project would not comply with General Plan Policy LU-1.1 of General Plan Goal LU-1: Land Use compatibility and viability, Policy LU-1.2 of General Plan Goal LU-1: Land Use Plan consistency, and General Plan Policy LU-3.2 of General Plan Goal LU-3: Scale and character. The proximity of the Project to, and proposed high density of the Project, would not be compatible with the surrounding low density single-family residential uses, would provide too much of a drastic transition between

adjacent land use density (low density residential immediately adjacent to high density residential), and would not be designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. The proposed change in land use from commercial to high density residential would negatively affect the economic viability and continuity of the site, an area planned for nonresidential uses. Additionally, the Project would not be consistent with the established Land Use Plan and would therefore not be compatible and consistent with surrounding land uses and the community's identity. Also, the scale and character of the Project would not be compatible with the scale and character of the surrounding neighborhoods which are comprised of one-story low density single-family homes with second story elements to the south, a one-story low density single-family home neighborhood in the City of Huntington Beach to the north with only 7 out of 37 homes with second story elements, and commercial uses to the west.

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 project would be detrimental to the welfare of the adjacent properties. The proximity of the Project to, and proposed high density of the Project, would not be compatible with the surrounding low density single-family residential uses, would provide too much of a drastic transition between adjacent land use density (low density residential immediately adjacent to high density residential), and would not be designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. The proposed change in land use from commercial to high density residential would negatively affect the economic viability and continuity of the site, an area planned for nonresidential uses. Additionally, the Project would not be consistent with the established Land Use Plan and would therefore not be compatible and consistent with surrounding land uses and the community's identity. Also, the scale and character of the Project would not be compatible with the scale and character of the surrounding neighborhoods which are comprised of one-story low density single-family homes with second story elements to the south, a one-story low density single-family home neighborhood in the City of Huntington Beach to the north with only 7 out of 37 homes with second story elements, and commercial uses to the west.

- 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.

Property values of the single-family homes to the south could potentially suffer due to the change in land use and density of the Project. The proposed Project would not be consistent with General Plan Policy LU-1.1 of General Plan Goal LU-1: Land Use compatibility and viability, Policy LU-1.2 of General Plan Goal LU-1: Land Use Plan consistency, and and General Plan Policy LU-3.2 of General Plan Goal LU-3: Scale and character. The proximity of the Project to, and proposed high density

of the Project, would not be compatible with the surrounding low density single-family residential uses, would provide too much of a drastic transition between adjacent land use density (low density residential immediately adjacent to high density residential), and would not be designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. The proposed change in land use from commercial to high density residential would negatively affect the economic viability and continuity of the site, an area planned for nonresidential uses. Additionally, the Project would not be consistent with the established Land Use Plan and would therefore not be compatible and consistent with surrounding land uses and the community's identity. Also, the scale and character of the Project would not be compatible with the scale and character of the surrounding neighborhoods which are comprised of one-story low density single-family homes with second story elements to the south, a one-story low density single-family home neighborhood in the City of Huntington Beach to the north with only 7 out of 37 homes with second story elements, and commercial uses to the west.

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.

Pursuant to CEQA Section 15270, CEQA does not apply to projects which a public agency rejects or disapproves.

SECTION 3

Findings and Supporting Facts: - In order to approve a Conditional Use Permit, the Planning Commission must find that the following findings of fact can be made in a positive manner:

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

The proposed project includes entitlement applications to amend the General Plan Land Use Map from General Commercial to High Density Residential through General Plan Amendment No. 23-01 ("GPA 23-01") and amend the Zoning Map from C1-Local Business to R4-High Density Multiple Dwelling through Zoning Map Amendment No. 436 ("ZMA 436"). With the approval of these entitlements, the proposed use of multifamily dwellings is an allowed use in the R4 zoning district subject to the Planning Commission's approval of a Conditional Use Permit. Without the approval of GPA 23-01 and ZMA 436, the proposed use is not permitted in the C1 zone.

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

The proposed Project would fail to meet the General Plan Goal LU-1 – An arrangement of compatible land uses that protects and maintains attractive and safe neighborhoods while promoting dynamic activity centers and preserving conventional commercial and industrial uses by failing to meet Policy LU-1.1 and Policy LU-1.2 as noted below.

The proposed Project would fail to meet Policy LU-1.1 of General Plan Goal LU-1: Land Use compatibility and viability – Require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. Require that new residential developments are located, scaled, buffered, and designed so as to not hinder the economic viability and continuity of areas planned for nonresidential uses.

Also, the proposed Project would fail to meet Policy LU-1.2 of General Plan Goal LU-1: Land Use Plan consistency – Consider proposed development that is consistent with the Land Use Plan (i.e., it does not require a change in Land Use Designations), to be generally compatible and consistent with surrounding land uses and a community's identity.

Additionally, the proposed Project would fail to meet the General Plan Goal LU-3 – Neighborhoods, places, and buildings that are well maintained, demonstrate pride and reinvestment, and reinforce a sense of community by failing to meet Policy LU-3.2 as noted below.

The proposed Project would fail to meet Policy LU-3.2 of General Plan Goal LU-3: Scale and character – Ensure that all new development is compatible with the scale and character of the surrounding neighborhoods in Fountain Valley.

The proximity of the Project to, and proposed high density of the Project, would not be compatible with the surrounding low density single-family residential uses, would provide too much of a drastic transition between adjacent land use density (low density residential immediately adjacent to high density residential), and would not be designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. The proposed change in land use from commercial to high density residential would negatively affect the economic viability and continuity of the site, an area planned for nonresidential uses. Additionally, the Project would not be consistent with the established Land Use Plan and would therefore not be compatible and consistent with surrounding land uses and the community's identity. Also, the scale and character of the Project would not be compatible with the scale and character of the surrounding neighborhoods which are comprised of one-story low density single-family homes with second story elements to the south, a one-story low density single-family home neighborhood in the City of Huntington Beach to the north with only 7 out of 37 homes with second story elements, and commercial uses to the west.

Lastly, the Project Site is not listed as an opportunity site in the Housing Element to meet the Regional Housing Needs Assessment (RHNA) allocation of 4,839 units within the 2021-2029 Planning Period. The development of the Housing Element, including the inclusion of the opportunity sites to help the city meet its RHNA target, began in 2019 and concluded on October 4, 2022, when the City Council adopted Resolution No. 9853 approving the 2021-2029 Housing Element. When the Proposed Project was submitted to the city under a preliminary review application on August 15, 2022, selection and analysis of the opportunity sites had already been completed.

Rezoning a property for housing that is not listed as an opportunity site or within the sites inventory of a city's approved Housing Element presents significant challenges as there is no "by-right" path to approval, the Zoning and General Plan changes are subject to City Council discretion, and the proposed change disrupts the city's pre-approved plan for meeting RHNA requirements. The existing Housing Element sufficiently plans for the RHNA Allocation of 4,839 units without the Project. The Housing Element of the Fountain Valley General Plan identifies and establishes the City's strategy for the maintenance and development of housing to meet the needs of existing and future residents. Within the Housing Element, nine (9) opportunity sites are identified to help reach the City's RHNA allocation of 4,839 units. Additionally, with State HCD's blessing, within the approved RHNA allocation, the city has planned for 384 accessory dwelling units. As of April 1, 2026, there have been 290 ADU's built and the city anticipates reaching the projected number of ADU's by the end of next year, much earlier than anticipated by 2029. Therefore, sufficient planning and growth toward achieving the RHNA allocation by 2029 has been addressed. Additionally, AB 1397 (2017) restricts the re-use of "opportunity sites" from previous planning periods if they were not developed with housing. Also, SB 166 requires that a jurisdiction maintain adequate sites to meet their RHNA at all times. If a site fails to develop, the municipality must find a replacement site to meet their requirements. For all these reasons, the city wishes to promote development of the sites that are identified as opportunity sites in the Housing Element and not promote development of sites that are not identified as opportunity sites in the Housing Element.

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

The design, location, shape, size, and operating characteristics of the proposed use would not be compatible with the existing and future land uses in the vicinity. The proximity of the Project to, and proposed high density of the Project, would not be compatible with the surrounding low density single-family residential uses, would provide too much of a drastic transition between adjacent land use density (low density residential immediately adjacent to high density residential), and would not be designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. The proposed change in land use from commercial to high density residential would negatively affect the economic viability and continuity of the site, an area planned for nonresidential uses. Additionally, the Project would not be consistent with the established Land Use Plan and would therefore not be compatible and consistent with surrounding land uses and the community's identity. Also, the scale and character of the Project would not be compatible with the scale and character of the surrounding neighborhoods which are comprised of one-story low density single-family homes with second story elements to the south, a one-story low density single-family home neighborhood in the City of Huntington Beach to the north with only 7 out of 37 homes with second story elements, and commercial uses to the west.

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

Although public access, facilities, and utilities would be adequately provided to the Project as depicted in the MND, the subject site would not physically be suitable for the type and density/intensity of the use being proposed and therefore would not be compatible with adjoining land uses. The proximity of the Project to, and proposed high density of the Project, would not be compatible with the surrounding low density single-family residential uses, would provide too much of a drastic transition between adjacent land use density (low density residential immediately adjacent to high density residential), and would not be designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. The proposed change in land use from commercial to high density residential would negatively affect the economic viability and continuity of the site, an area planned for nonresidential uses. Additionally, the Project would not be consistent with the established Land Use Plan and would therefore not be compatible and consistent with surrounding land uses and the community's identity. Also, the scale and character of the Project would not be compatible with the scale and character of the surrounding neighborhoods which are comprised of one-story low density single-family homes with second story elements to the south, a one-story low density single-family home neighborhood in the City of Huntington Beach to the north with only 7 out of 37 homes with second story elements, and commercial uses to the west.

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

The proposed project would be detrimental to the welfare of the adjacent properties. The proximity of the Project to, and proposed high density of the Project, would not be compatible with the surrounding low density single-family residential uses, would provide too much of a drastic transition between adjacent land use density (low density residential immediately adjacent to high density residential), and would not be designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. The proposed change in land use from commercial to high density residential would negatively affect the economic viability and continuity of the site, an area planned for nonresidential uses. Additionally, the Project would not be consistent with the established Land Use Plan and would therefore not be compatible and consistent with surrounding land uses and the community's identity. Also, the scale and character of the Project would not be compatible with the scale and character of the surrounding neighborhoods which are comprised of one-story low density single-family homes with second story elements to the south, a one-story low density single-family home neighborhood in the City of Huntington Beach to the north with only 7 out of 37 homes with second story elements, and commercial uses to the west.

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.

Pursuant to CEQA Section 15270, CEQA does not apply to projects which a public agency rejects or disapproves.

7. By signing this Resolution, the applicant has demonstrated his/her understanding of the conditions imposed in the Conditional Use Permit granted to him/her and has agreed on the record to abide by those conditions.

Not applicable. There are no conditions of approval for this denial of the Precise Plan No. 577 and Conditional Use Permit No. 1929.

SECTION 4

The Planning Commission hereby denies Precise Plan No. 577 and Conditional Use Permit No.1929 to construct a 72-unit apartment complex development in a new 76,076 square foot three-story building and an 800 square foot one-story clubhouse building and surface parking lot for the Parkside FV development located on a 2.119-acre site at 8550 Warner Avenue.

DENIED ON THIS 8TH DAY OF APRIL, 2026

Chairman

Secretary

ATTACHED: "EXHIBIT A"

Exhibit A

Legal Description

A.P.N.: 167-361-17

The Land referred to herein below is situated in the City of Fountain Valley, County of Orange, State of California, and is described as follows:

PARCEL NO. 1, AS SHOWN ON A MAP RECORDED IN BOOK 131, PAGES 46 AND 47 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM AN UNDIVIDED ONE-HALF INTEREST IN ALL OIL, GAS, MINERALS, AND HYDROCARBON SUBSTANCES LYING BELOW A DEPTH OF 500 FEET FROM THE SURFACE OF SAID LAND, BUT WITHOUT THE RIGHT OF ENTRY UPON ANY PORTION OF THE SURFACE OF SAID LAND FOR REMOVING OR MARKETING SAID SUBSTANCES, AS RESERVED IN THE DEED FROM C.C. BREADING AND WIFE, RECORDED JULY 15, 1955 IN BOOK 3139, PAGE 583, OFFICIAL RECORDS.

RESOLUTION NO. 26-07

A RESOLUTION OF THE FOUNTAIN VALLEY PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL DENY GENERAL PLAN AMENDMENT NO. 23-01 TO CHANGE THE GENERAL PLAN LAND USE MAP DESIGNATION FROM GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL AND ZONING MAP AMENDMENT NO. 436 TO CHANGE THE ZONING MAP DESIGNATION FROM C1-LOCAL BUSINESS TO R4-HIGH DENSITY MULTIPLE DWELLING FOR THE 72-UNIT PARKSIDE FV DEVELOPMENT LOCATED ON A 2.119-ACRE SITE AT 8850 WARNER AVENUE

WHEREAS, an application for General Plan Amendment No. 23-01 (“GPA 23-01”) to change the General Plan Land Use Map Designation from General Commercial to High Density Residential and Zoning Map Amendment No. 436 (“ZMA 436”) to change the Zoning Map Designation from C1-Local Business to R4-High Density Multiple Dwelling was submitted by Robert Franklin (“Applicant”), on behalf of FV Center, LP, for the 72-unit Parkside FV development located on a 2.119-acre site at 8550 Warner Avenue (“Project”); and

WHEREAS, FV Center, LP (“Owner”), is the owner of the Site at 8550 Warner Avenue (APN # 167-361-17), which is formally described in the legal description attached hereto as “Exhibit A” (“Site”); and

WHEREAS, the Fountain Valley Planning Commission considered said application at its noticed public hearing on March 25, 2026; and

WHEREAS, the City has complied with the requirements of the Government Code Section 65300 et seq., the current State of California General Plan Guidelines, and the City’s applicable ordinances with respect to review and consideration of the proposed Project, including the General Plan and Zoning Map Amendments (together “Amendments”); and

WHEREAS, the Planning Commission also considered Precise Plan No. 577 and Conditional Use Permit No. 1929 in a separate action, as contained in Resolution 26-06, at its noticed public hearing on March 25, 2026; and

WHEREAS, the Fountain Valley Planning Commission considered GPA 23-01 and ZMA 436 at its noticed public hearing on March 25, 2026; and

WHEREAS, testimony was received from the public regarding the proposed Project; and

WHEREAS, the Planning Commission considered all evidence and testimony read at the public hearing; and

WHEREAS, on March 25, 2026, the Planning Commission, by a vote of 4-1, recommended that the City Council deny GPA 23-01 and ZMA 436 and directed Staff to return with a resolution memorializing the denial; and

WHEREAS, the Planning Commission has determined that the proposed GPA 23-01 and ZMA 436 are not 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 FVMC, Title 21, and the Statutes of the State of California.

SECTION 2

Pursuant to CEQA Section 15270, CEQA does not apply to projects which a public agency rejects or disapproves.

SECTION 3

Findings and Supporting Facts: The Planning Commission finds that the Project meets the criteria for a General Plan Map Amendment, a Zoning Map Amendment, and a Code Amendment found in Chapter 21.34 of the FVMC as follows:

1. The proposed Amendments ensure 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 proposed Project would fail to meet the General Plan Goal LU-1 – An arrangement of compatible land uses that protects and maintains attractive and safe neighborhoods while promoting dynamic activity centers and preserving conventional commercial and industrial uses by failing to meet Policy LU-1.1 and Policy LU-1.2 as noted below.

The proposed Project would fail to meet Policy LU-1.1 of General Plan Goal LU-1: Land Use compatibility and viability – Require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. Require that new residential developments are located, scaled, buffered, and designed so as to not hinder the economic viability and continuity of areas planned for nonresidential uses.

Also, the proposed Project would fail to meet Policy LU-1.2 of General Plan Goal LU-1: Land Use Plan consistency – Consider proposed development that is consistent with the Land Use Plan (i.e., it does not require a change in Land Use Designations), to be generally compatible and consistent with surrounding land uses and a community's identity.

Additionally, the proposed Project would fail to meet the General Plan Goal LU-3 – Neighborhoods, places, and buildings that are well maintained, demonstrate pride and reinvestment, and reinforce a sense of community by failing to meet Policy LU-3.2 as noted below.

The proposed Project would fail to meet Policy LU-3.2 of General Plan Goal LU-3: Scale and character – Ensure that all new development is compatible with the scale and character of the surrounding neighborhoods in Fountain Valley.

The proximity of the Project to, and proposed high density of the Project, would not be compatible with the surrounding low density single-family residential uses, would provide too much of a drastic transition between adjacent land use density (low density residential immediately adjacent to high density residential), and would not be designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. The proposed change in land use from commercial to high density residential would negatively affect the economic viability and continuity of the site, an area planned for nonresidential uses. Additionally, the Project would not be consistent with the established Land Use Plan and would therefore not be compatible and consistent with surrounding land uses and the community's identity. Also, the scale and character of the Project would not be compatible with the scale and character of the surrounding neighborhoods which are comprised of one-story low density single-family homes with second story elements to the south, a one-story low density single-family home neighborhood in the City of Huntington Beach to the north with only 7 out of 37 homes with second story elements, and commercial uses to the west.

Lastly, the Project Site is not listed as an opportunity site in the Housing Element to meet the Regional Housing Needs Assessment (RHNA) allocation of 4,839 units within the 2021-2029 Planning Period. The development of the Housing Element, including the inclusion of the opportunity sites to help the city meet its RHNA target, began in 2019 and concluded on October 4, 2022, when the City Council adopted Resolution No. 9853 approving the 2021-2029 Housing Element. When the Proposed Project was submitted to the city under a preliminary review application on August 15, 2022, selection and analysis of the opportunity sites had already been completed.

Rezoning a property for housing that is not listed as an opportunity site or within the sites inventory of a city's approved Housing Element presents significant challenges as there is no "by-right" path to approval, the Zoning and General Plan changes are subject to City Council discretion, and the proposed change disrupts the city's pre-approved plan for meeting RHNA requirements. The existing Housing Element sufficiently plans for the RHNA Allocation of 4,839 units without the Project. The Housing Element of the Fountain Valley General Plan identifies and establishes the City's strategy for the maintenance and development of housing to meet the needs of existing and future residents. Within the Housing Element, nine (9) opportunity sites are identified to help reach the City's RHNA allocation of 4,839 units. Additionally, with State HCD's blessing, within the approved RHNA allocation, the city has planned for 384 accessory dwelling units. As of April 1, 2026, there have been 290 ADU's built and the city anticipates reaching the projected number of ADU's by the end of next year, much earlier than anticipated by 2029. Therefore, sufficient planning and growth toward achieving the RHNA allocation by 2029 has been addressed. Additionally, AB 1397 (2017) restricts the re-use of "opportunity sites" from previous planning periods if they were not developed with housing. Also, SB 166 requires that a jurisdiction maintain adequate sites to meet their RHNA at all times. If a site fails to develop, the municipality must find a replacement site to meet their requirements. For all these reasons, the city wishes to promote development of the sites that are identified as opportunity sites in the Housing Element and not promote development of sites that are not identified as opportunity sites in the Housing Element.

2. The proposed Amendments would not be detrimental to the public convenience, health, interest, safety or welfare of the city.

The proposed project would be detrimental to the welfare of the adjacent properties. The proximity of the Project to, and proposed high density of the Project, would not be compatible with the surrounding low density single-family residential uses, would provide too much of a drastic transition between adjacent land use density (low density residential immediately adjacent to high density residential), and would not be designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. The proposed change in land use from commercial to high density residential would negatively affect the economic viability and continuity of the site, an area planned for nonresidential uses. Additionally, the Project would not be consistent with the established Land Use Plan and would therefore not be compatible and consistent with surrounding land uses and the community's identity. Also, the scale and character of the Project would not be compatible with the scale and character of the surrounding neighborhoods which are comprised of one-story low density single-family homes with second story elements to the south, a one-story low density single-family home neighborhood in the City of Huntington Beach to the north with only 7 out of 37 homes with second story elements, and commercial uses to the west.

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.

Pursuant to CEQA Section 15270, CEQA does not apply to projects which a public agency rejects or disapproves.

4. Additional Finding for Zoning Map Amendments. The site(s) is/are physically suitable (including access, provision of utilities, compatibility with adjoining land uses and absence of physical constraints) for the requested zoning designation(s) and anticipated land use development(s).

Although public access, facilities, and utilities would be adequately provided to the Project as depicted in the MND, the subject site would not physically be suitable for the type and density/intensity of the use being proposed and therefore would not be compatible with adjoining land uses. The proximity of the Project to, and proposed high density of the Project, would not be compatible with the surrounding low density single-family residential uses, would provide too much of a drastic transition between adjacent land use density (low density residential immediately adjacent to high density residential), and would not be designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. The proposed change in land use from commercial to high density residential would negatively affect the economic viability and continuity of the site, an area planned for nonresidential uses. Additionally, the Project would not be consistent with the established Land Use Plan and would therefore not be compatible and consistent with surrounding land uses and the community's identity. Also, the scale and character of the Project would not be compatible with the scale and character of the surrounding neighborhoods which are comprised of one-story low density single-family homes with second story elements to the south, a one-story low density single-family home neighborhood in the City of Huntington Beach to the north with only 7 out of 37 homes with second story elements, and commercial uses to the west.

SECTION 4

The Planning Commission finds that the Amendments noted in GPA 23-01 and ZMA 436 are

not consistent with the Fountain Valley Municipal Code, as well as the Fountain Valley General Plan.

SECTION 5

NOW, THEREFORE, BE IT FURTHER RESOLVED, PURSUANT TO THE ABOVE FINDINGS, that the Planning Commission recommends the City Council deny General Plan Amendment No. 23-01 to change the General Plan Land Use Map Designation from General Commercial to High Density Residential and Zoning Map Amendment No. 436 to change the Zoning Map Designation from C1-Local Business to R4-High Density Multiple Dwelling for the 72-unit Parkside FV development located on a 2.119-acre site at 8550 Warner Avenue.

PASSED, APPROVED AND ADOPTED THIS 8TH DAY OF APRIL, 2026

Chairman

Secretary

ATTACHED: "EXHIBIT A"

Exhibit A

Legal Description

A.P.N.: 167-361-17

The Land referred to herein below is situated in the City of Fountain Valley, County of Orange, State of California, and is described as follows:

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EXCEPTING THEREFROM AN UNDIVIDED ONE-HALF INTEREST IN ALL OIL, GAS, MINERALS, AND HYDROCARBON SUBSTANCES LYING BELOW A DEPTH OF 500 FEET FROM THE SURFACE OF SAID LAND, BUT WITHOUT THE RIGHT OF ENTRY UPON ANY PORTION OF THE SURFACE OF SAID LAND FOR REMOVING OR MARKETING SAID SUBSTANCES, AS RESERVED IN THE DEED FROM C.C. BREADING AND WIFE, RECORDED JULY 15, 1955 IN BOOK 3139, PAGE 583, OFFICIAL RECORDS.