In an effort to protect public health and prevent the spread of COVID-19, we encourage you to watch on FVTV on the city’s website or via Spectrum Channel 3, Verizon FiOS Channel 21 and AT&T U-Verse Channel 99. Those watching remotely but desiring to testify on an item have two options: (1) in advance until 5:00 PM on May 12, 2021 by letter, email, or by telephone; and (2) until the close of public hearing on the item in question via email at PC.PublicComments@fountainvalley.org. In the subject line, please indicate the item number and include your name and address. If further information is desired, you may contact the Planning Department at (714) 593-4425.

Applicants and stakeholders may also attend the meeting to address the Planning Commission in person. However, to prevent the spread of COVID-19, all attendees are required to wear a face mask and adhere to physical distancing requirements. To limit crowds, please wait outside until your item is being considered. Each item will be announced and the Chair will allow time to clear and for applicants to enter the chambers between items.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in Planning Commission meetings, please contact the Planning Department at 714-593-4425. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting.

REGULAR MEETING

CALL TO ORDER 6:00 P.M.

SALUTE TO THE FLAG

ROLL CALL: Farrell, Lopez, Saad, Tahir, Vice-Chair Osborn, Chair Spear

APPROVAL OF MINUTES
- March 31, 2021 and April 14, 2021

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

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS

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

PUBLIC HEARING

1. **CONDITIONAL USE PERMIT NO. 1888 – UNION BANK FOUNTAIN VALLEY**
   Petition submitted by LK Design Group to install and operate an Automated Teller Machine (ATM) and night-drop at the future Union Bank to be located at 18050 Brookhurst Street.
Planning Commission Meeting Agenda
May 12, 2021
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CEQA Compliance: This request is exempt from environmental review pursuant to CEQA Guidelines section 15301.

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

NEW BUSINESS

2. GENERAL PLAN CONFORMANCE – PUBLIC WORKS CAPITAL IMPROVEMENTS PROGRAM FOR FY 2021-2022
Petition submitted by the Public Works Department to determine if the FY 2021-2022 Capital Improvements Program is consistent with the Fountain Valley General Plan.

Recommended Action: Staff recommends that the Planning Commission make a determination that the Public Works Capital Improvement Program for FY 2021-2022 is consistent with the City of Fountain Valley General Plan.

UNFINISHED BUSINESS
None.

PUBLIC COMMENTS
Anyone wishing to speak on non-agendized items may do so at this time.

COMMENTS FROM STAFF

COMMENTS FROM COMMISSIONERS

ADJOURNMENT
Adjournment to the next regular Planning Commission meeting scheduled for June 9, 2021.

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 500 FT. OF THE SUBJECT PROPOSAL. PERSONS WISHING FURTHER INFORMATION SHOULD CONTACT THE PLANNING DEPARTMENT (CHAPTER 21.60 FVMC)

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

Planning Commission meetings can be viewed on FVTV via Spectrum Cable Channel 3, Frontier FiOS Channel 21, and AT&T U-Verse Channel 99. Commission Meetings are also posted on the City’s website at www.fountainvalley.org.
MINUTES OF THE JOINT
CITY COUNCIL AND PLANNING COMMISSION STUDY SESSION

Study Session 6:00 p.m.
Wednesday, March 31, 2021
Center at Founders Village

STUDY SESSION

CALL TO ORDER: 6:00 P.M.

CITY COUNCIL / PLANNING COMMISSION ROLL CALL

Council Members: Bui, Constantine, Grandis, Mayor Pro Tem/Vice Chair Harper, Mayor/Chair Vo

All members were present

Planning Commissioners: Farrell, Lopez, Saad, Tahir, Vice-Chair Osborn, Chair Spear

All Commissioners were present

STUDY SESSION

1. REVISED Conceptual General Plan Land Use Plan

A follow-up Special Study Session of the City Council and Planning Commission regarding the revised conceptual General Plan Land Use Map proposed by the General Plan Advisory Committee (GPAC). This is a scoping meeting to review options and each decision making body will be asked to provide direction on the plan that should move forward for environmental analysis in accordance with the California Environmental Quality Act (CEQA). This is not a final vote, but a mid-point opportunity to provide direction on the land use plan before embarking on the environmental analysis. City staff will study the preferred Land Use Plan through a programmatic environmental impact report (EIR) and conduct an EIR Scoping Meeting in Spring 2021. The public hearings and actions by each body will occur in late 2021 after the EIR has been completed.

ACTION

By Unanimous consensus, the City Council and Planning Commission recommended that staff move forward with a compliant plan, while trying to come up with more solutions to minimize high density housing.
PUBLIC COMMENTS

Ursula Whiteford, Ron Dudash, Brian Schneider, Eileen Asahi, Cindy Helliwell, Scott Peffers, Darryl Nance, Leston Trueblood, Susan Saurastri, Diane Edmonds, Roger Stanton and Jeff Chang spoke in person.

Bridgette, Jaye Towne, Steve Edwards and Jan De Luca spoke via Zoom.

ADJOURN THE JOINT MEETING OF THE CITY COUNCIL/SUCCESSOR AGENCY/HOUSING AUTHORITY

Mayor Vo adjourned the meeting at 10:07 P.M.

Michael Vo, Mayor

Attest:

Rick Miller, City Clerk
CITY OF FOUNTAIN VALLEY PLANNING COMMISSION MINUTES

CITY HALL COUNCIL CHAMBERS
10200 SLATER AVENUE

WEDNESDAY, APRIL 14, 2021 – 6:00 P.M.

REGULAR MEETING

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

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

ROLL CALL:

PRESENT: Farrell, Lopez, Saad, Tahir, Vice-Chair Osborn, Chair Spear
ABSENT: None.

APPROVAL OF MINUTES

- February 24, 2021

Action: Approve the Planning Commission meeting minutes of February 24, 2021, as presented.

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

ELECTION OF NEW PLANNING COMMISSION CHAIR AND VICE CHAIR

By a unanimous vote, Chair Spear was re-elected as Chair. By a vote of 4-2, Vice Chair Osborn was re-elected as Vice Chair.

ELECTION OF NEW SIGN COMMITTEE MEMBERS AND ALTERNATE

Commissioner Ahmad Tahir and Commissioner Richard Lopez were elected as Sign Committee members, and Commissioner Saad was elected as Sign Committee alternate.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS

- Item No. 1 staff report and conditions of approval with changes as provided by staff.

PUBLIC HEARING

1. CONDITIONAL USE PERMIT NO. 1884M – KIN KRAFT RAMEN

Petition submitted by Catherine Dinh for a modification for an existing Conditional Use Permit to allow for the onsite sale, service, and consumption of alcohol (Type 41 Beer and Wine ABC License) within the existing Kin Kraft Ramen located at 16185 Brookhurst Street.
Planning Commission Meeting Minutes
April 14, 2021
Page 2 of 3

Chair Spear opened the public hearing. Principal Planner Steven Ayers presented the staff report and answered questions from the commissioners. The applicant was not present. No public comments received by email and no one in the audience wished to speak on this item. Chair Spear closed the public hearing.

**Action:** Adopt Alternative #1 approving Conditional Use Permit No. 1884M with changes as provided by staff.

**Motion:** Saad  **Second:** Tahir

**AYES:** Farrell, Saad, Tahir, Osborn, Spear

**NAYS:** None.

**ABSTAIN:** None.

**NEW BUSINESS**

2. **SIGN COMMITTEE PROGRAM UPDATE**
An update of Sign Committee actions from the meeting of April 14, 2021.

A. **SIGN PERMIT NO. 20-01 – ARCO – 18480 Brookhurst Street**
Sign Resource Identity has submitted a request to convert the existing monument price sign into a digital/changeable copy LED sign at the Arco gas station, located at: 18480 Brookhurst Street.

Planning Director Brian James presented the staff report. No public comments received by email and no one in the audience wished to speak on this item.

**UNFINISHED BUSINESS**

None.

**PUBLIC COMMENTS**

None.

**COMMENTS FROM STAFF**

Planning Director Brian James announced a follow-up joint study session with the Planning Commission and City Council to present an alternative that attempts to reduce the density on some of the opportunity sites and shift it to a new site which will take place at the end of the month. The General Plan Advisory Committee will look at the same plan a week before on April 22; and that commissioners are welcome to attend by zoom or in person.

**COMMENTS FROM COMMISSIONERS**

None.
Planning Commission Meeting Minutes
April 14, 2021
Page 3 of 3

ADJOURNMENT

Chair Spear adjourned the meeting at 6:20 pm to the next meeting of a Joint Planning Commission and City Council Meeting scheduled for April 28, 2021.

APPROVED

_________________________  __________________________
Chairperson                Secretary
Request for
Planning Commission Action

TO: Planning Commission
FROM: Principal Planner, Steven Ayers
SUBJECT: UNION BANK ATM – CONDITIONAL USE PERMIT NO. 1888

DATE: May 12, 2021

Location: 18050 Brookhurst Street (Southeast corner of Brookhurst Street and Talbert Avenue)
Zoning: C1 – Local Business

Proposal:

LK Design Group has submitted a request, on behalf of the property owner, to install and operate an Automated Teller Machine (ATM) and night-drop at the future Union Bank under construction at 18050 Brookhurst Street.

Code Requirement:

The Fountain Valley Municipal Code (FVMC) 21.10.030 states that a Conditional Use Permit (CUP) is required to operate an ATM machine in the C1 – Local Business zone.

Discussion:

LK Design Group has submitted a request, on behalf of the property owner, to install and operate an ATM and night-drop (“Project”) at the future Union Bank to be located at 18050 Brookhurst Street (Attachment #1). The Project will be located on the north side of the building currently being constructed at 18050 Brookhurst Street that is replacing the Claim Jumper Restaurant that was approved by the Planning Commission on November 13, 2019, through Precise Plan 558.

The Project will be located on the north elevation of the building adjacent to the entrance of the future Union Bank and facing the California Fish Grill and Dunkin Donuts building at 18020-18022 Brookhurst Street. The design and colors of the ATM’s and drop-box will be compatible with the building approved through Precise Plan 558 and will incorporate an illuminated acrylic face (Attachment #2). The Project will also install a permanent horizontal and vertical awning shade structure compatible with the other awnings approved for the new building to help protect customers from the elements. Parking will not be impacted as the ATM itself does not require additional parking. Furthermore, the staff report for Precise Plan 558 noted that the shopping center would operate with a surplus of parking as the previous use at 18C50 Brookhurst was a restaurant with a requirement of 199 parking stalls and the anticipated uses in the new building at 18050 Brookhurst would require 108 parking spaces. The Project will operate 24 hours a day, seven days a week. The project will be conditioned to meet California
Financial Code adequate lighting standards and will be prohibited from displaying signage on the shade structure over and adjacent to the ATM. With conditions of approval in Resolution No. 21-09 (Attachment #3), staff supports the request as submitted.

Environmental Clearance:

The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city’s environmental review procedures and can be determined categorically exempt pursuant to Class 1, Existing Facilities, Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, which establishes that existing structures involved in negligible or no expansion of use beyond the previously existing are exempt from the provisions of CEQA. The project will establish a new ATM and night-drop box on the exterior of a bank in an established shopping center located at 18050 Brookhurst Street (Attachment #4).

Notice Furnished:

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

Alternatives:

1. Adopt Resolution No. 21-09 adopting a Notice of Exemption in accordance with the California Environmental Quality Act (CEQA) and approving Conditional Use Permit No. 1888 to establish and operate an Automated Teller Machine (ATM) and night-drop at the future Union Bank to be located at 18050 Brookhurst Street.

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

3. Continue this request for additional information.

Recommended Action:

Staff recommends that the Planning Commission adopt Alternative #1 - Adopt Resolution No. 21-09 adopting a Notice of Exemption in accordance with the California Environmental Quality Act (CEQA) and approving Conditional Use Permit No. 1888 to establish and operate an Automated Teller Machine (ATM) and night-drop at the future Union Bank to be located at 18050 Brookhurst Street.

Prepared By: Steven Ayers, Principal Planner

Approved By: Brian James, Planning and Building Director

Attachments: 1. Vicinity Map
2. Site Plan, Elevations, and Project Description
3. Resolution No. 21-09
4. Notice of Exemption
Vicinity Map
Conditional Use Permit 1888
ATM and Night Drop – Future Union Bank

18050 Brookhurst Street
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PROJECT DESCRIPTION

APPLICATION REQUEST

This application packet submission requests approval of ATM machine placement in a portion of the wall at the North façade of the Fountain Valley Retail Plaza at 18050 Brookhurst Street, Fountain Valley, CA. The ATM machine will provide rapid access to banking needs for tenant clientele in the area.

The proposed installation will have a minimal impact in the existing wall. Two small openings will be created in order to place a depository and ATM machine. The machines will have a surround provided by tenant placed around them. The entire system will occupy 57 sq ft of the wall. Storefront systems, side doors, and accent exterior materials will not be affected by the aforementioned. The proposed ATM machine will serve bank's clientele in the area while respecting other existing architectural elements in the building.

SITE AND VICINITY

18050 Brookhurst st #6, Fountain Valley, CA is a community: shopping plaza, shopping center, mini-mall property that contains 112,554 sq ft. Sq ft and was originally built in 1973. The new building consists of single story multi-tenant commercial / retail bldg. Proposed uses to be restaurant / retail and bank. Minor immediate site improvements are involved such as new parking stalls, new landscaping, loading and trash enclosure.

Union Bank Business Hours: Weekdays: The branches are open Monday through Thursday 9am to 5pm and Friday 9am to 6pm, local time. In the event a holiday falls on a weekday, the branches are closed for the day. Weekends: The branches are open Saturday 9am to 1pm, local time. Total number of employees estimated to be 12.

Directly across Brookhurst street is a medical center (Orange Coast Memorial medical center). To the north is a commercial zone C1 consisting of office buildings and a car wash. The south and east sides are made up of retail buildings and further south residential zones.
ELEVATION PLAN ELEMENTS
BUILDING ELEVATIONS - SHELL PER PRECISE PLAN No. 558 (FOR REFERENCE ONLY)
SCALE 3/16=1'-0"
ELEVATION PLAN ELEMENTS
BUILDING ELEVATIONS - SHELL PER PRECISE PLAN No. 558 (FOR REFERENCE ONLY)
SCALE 3/16=1'-0"

WEST ELEVATION

EAST ELEVATION
## ELEVATION PLAN ELEMENTS

COLORS AND MATERIALS - SHELL PER PRECISE PLAN No. 555 (FOR REFERENCE ONLY)

|--------------------------------------------|--------------------------------------------|--------------------------------------------|--------------------------------------------|--------------------------------------------|

| WALL TILE: MARAZZI                         | WALL TILE: MARAZZI                         | WALL TILE: MARAZZI                         | METAL PANELS: OMEGAITE                     | METAL ROOF AND FASCIA: BERRIDGE            |
| COLOR: ITALIANO BK48                       | COLOR: TOUPE 12X24                          | COLOR: WENGE 6X48                          | COLOR: BRIGHT SILVER (MTLC)                | COLOR: DARK BRONZE                         |

16010 Via Shavano, San Antonio, TX 78249 Tel. (210) 824-8825
http://www.ilkdesigngroup.com/

**Page:** 09
ELEVATION PLAN ELEMENTS
EXTERIOR LIGHT FIXTURES - PER Precise PLAN No. 558 (FOR REFERENCE ONLY)

EXTERIOR LIGHTING: SCONCE
MODEL: EATON-LUMIERE 9003
COLOR: CITY SILVER FINISH

EXTERIOR LIGHTING: GROUND MOUNTED LED PATHWAYLANDSCAPE
MODEL: EATON-LUMIERE-EON 303-PL-LED81
COLOR: CITY SILVER FINISH

EXTERIOR LIGHTING: LED WALLPACK
MODEL: LITHONIA-WDE1 LED

EXTERIOR LIGHTING: 4" RECESSED DOWNLIGHT
MODEL: ACUTY BRANDS
ELEVATION PLAN ELEMENTS
ROOFTOP EQUIPMENT PER PRECISE PLAN No. 558 (FOR REFERENCE ONLY)
SCALE 1/8" = 1'-0"

KEYNOTES
RF1 EXISTING HVAC UNITS
RF2 EXISTING ROOF AND OVERFLOW DRAIN LOCATION
RF3 EXISTING ROOF ACCESS HATCH
RF4 ROOF CRICKETS
RF5 NEW UNITS - 22" TALL LOWER THAN 4 FT PARAPET HEIGHT
RF6 WALKWAY MAT BY ROOFING MANUFACTURER
RF7 PREFAB METAL CANOPY, GC TO PROVIDE METAL SAMPLE AND SHOP DRAWINGS FOR APPROVAL
RESOLUTION NO. 21-09

A RESOLUTION OF THE FOUNTAIN VALLEY PLANNING COMMISSION ADOPTING A NOTICE OF EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND APPROVING CONDITIONAL USE PERMIT NO. 1888 FILED BY LK DESIGN GROUP TO INSTALL AND OPERATE AN AUTOMATED TELLER MACHINE (ATM) AND NIGHT-DROP AT THE FUTURE UNION BANK LOCATED AT 18050 BROOKHURST STREET

WHEREAS, an application for Conditional Use Permit No. 1888 was submitted by LK Design Group in accordance with Municipal Code, Title 21; and

WHEREAS, the Fountain Valley Planning Commission considered said application at its noticed public hearing on May 12, 2021; and

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

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1

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

SECTION 2

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

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

   The proposed ATM and night drop are allowed uses in the C1 zoning district subject to the Planning Commission's approval of a Conditional Use Permit. The proposed use complies with all other applicable provisions of Title 21 Development Code and the Municipal Code.

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

   The proposed request for a new ATM with night drop meets General Plan Goal 2.12, which is to enhance the city's economic base and business environment by assisting in
the improvement and intensification of existing commercial development (Goal/Policy 2.12). Adding the ATM and night drop will allow an additional service to be offered by the bank for customers. This use does not fall within any Specific Plans in the City of Fountain Valley.

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

The design, shape, and size of the ATM and night drop for the bank will be a small addition to the building currently being constructed at 18050 Brookhurst Street in the Fountain Valley Plaza shopping center. The ATM and night drop will be located on the north side of the building with its closest access off Brookhurst Street. The operations of the ATM and night drop comply with the normal anticipated operating characteristics of an ATM and night drop in a commercial shopping center in the C1-Local Business zone. The ATM will operate 24 hours a day, seven days a week and sufficient parking is provided in the shopping center to accommodate the ATM and night drop.

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

The construction of the building at 18050 Brookhurst Street recently received approval from the Planning Commission on November 13, 2019, through Precise Plan 558. The staff report for Precise Plan 558 noted that the shopping center would operate with a surplus of parking as the previous use at 18050 Brookhurst was a restaurant with a requirement of 199 parking stalls and the anticipated uses in the new building at 18050 Brookhurst would require 108 parking spaces. Sufficient vehicular and pedestrian access is provided from Brookhurst Street to the ATM and night drop. Sufficient facilities as well as drainage, fire protection, sewers, and water utilities will be provided to the ATM and night drop. The ATM and night drop is adequate in shape and size for the shopping center, will not pose any physical constraints on the property, and is compatible with the existing shopping center’s use as well as uses in the area.

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

The proposed use will be located in an existing shopping center. The nearest residential property line is about 380 feet away to the south. The proposed shade structure will help protect ATM and night drop customers from the elements while doing business at the ATM. The conditions of approval included in this resolution help ensure the operations of the ATM and night drop will not be detrimental to the public convenience, health, interest, safety, or welfare, or injurious to persons, property, or improvements in the vicinity and C1-Local Business zoning district in which the business is located.

6. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city’s environmental review procedures.
Resolution No. 21-09
Page 3 of 3

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

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

SECTION 3

The Planning Commission finds that the subject application meets all the criteria for a Conditional Use Permit found in the City's zoning regulations; moreover, the Commission finds that this project is categorically exempt from CEQA – Class 1 (15301-Existing Facilities), which establishes that existing structures involved in negligible expansion of use beyond the previously existing, such as the addition of an ATM and night drop on the exterior of a bank in an established shopping center, are exempt from CEQA.

SECTION 4

The Planning Commission hereby approves Conditional Use Permit No. 1888 to establish and operate an ATM and night drop at the future Union Bank located at 18050 Brookhurst Street.

PASSED, APPROVED AND ADOPTED THIS 12TH DAY OF MAY, 2021.

__________________________  __________________________
Chairman  Secretary

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

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

__________________________  __________________________
Date  Applicant Sign/Print
EXHIBIT 1

CONDITIONS OF APPROVAL
Conditional Use Permit No. 1888

Union Bank ATM
18050 Brookhurst Street
Fountain Valley, CA

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

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

PLANNING DEPARTMENT CONDITIONS UNIQUE TO THIS PROJECT

Planning Department Conditions Unique to this Project

1. The site plan and floor plan dated April 6, 2021, (attached as Attachment #2 to the staff report for this project) have been reviewed and approved by the Planning Commission on May 12, 2021.

2. No signage of any kind shall be permitted on the horizontal or vertical shade structure around the ATM and night drop.

3. The ATM and night drop shall be permitted to operate 24 hours a day, seven (7) days a week.

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

Applicant's Initials ___________

5. The colors, materials and facades of the ATM, night drop, and horizontal/vertical shade structure shall not be changed without approval by the Planning Director and/or the Planning Commission.

6. There shall be no outdoor storage or display of any kind other than that permitted with a Temporary Use Permit.
7. Three or more sustained complaints within any one-year period received by the Fountain Valley Police Department regarding disturbances which have been caused by the business located at 18050 Brookhurst Street may be grounds for revocation proceedings.

8. Applicant shall provide a 12" X 18" placard located on the kiosk wall, adjacent to the ATM, stating, "Double parking not permitted in drive aisles."

9. Applicant shall provide adequate lighting per the California Financial Code.

10. The petitioner shall be responsible for maintaining free of litter the area adjacent other premises over which he has control.

11. The petitioner shall be responsible for maintaining the premises free of graffiti.

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

Planning Department Standard Conditions

13. Conditional Use Permit No. 1870 shall be approved and in effect for a period of 12 months from the original date of approval by the City Council, and/or Planning Commission. If no development has commenced at the end of this 12-month time period, project approval shall expire and be determined void. A one-year extension may be granted at the discretion of the Planning Director. A request for an extension of time should be made in writing by the applicant thirty (30) days prior to the expiration date.

   Date of Project Approval: May 12, 2021
   Date of Project Expiration: May 12, 2022

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

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

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

17. The applicant shall comply with all federal, state, and local laws. Violations of any of those laws in connection with the use will be cause for revocation of this permit.
18. Violation of any condition of approval shall be a misdemeanor.

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

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

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

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

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

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

Building Department Conditions

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

26. Projects must comply with the California Code of Regulations, Title 24, Fountain Valley Ordinances, and California law in effect at the time of plan submittal.
CITY OF FOUNTAIN VALLEY
Planning Department
10200 Slater Avenue, Fountain Valley, CA 92708
714-593-4425 – fountainvalley.org

Notice of Exemption

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

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

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

Project Title: LK Design Group ATM and night drop - Conditional Use Permit No. 1888

Project Location/Address: 18050 Brookhurst Street, Fountain Valley, CA 92708

Project Activity/Description: Petition to establish and operate an ATM and night drop at the future bank located at 18050 Brookhurst Street.

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

Project Applicant: Meghan Ruffo

Project Applicant's Address: 16010 Via Shavano, San Antonio, TX 78261 Phone Number: (210)824-8825

Exempt Status: (check one):

☐ Ministerial (Sec. 21080 (b)(1); 15268);
☐ Declared Emergency (Sec. 21080 (b)(3); 15269 (a));
☐ Emergency Project (Sec. 21080 (b)(4); 15269 (b) (c));
☐ Categorical Exemption. State type and section number: 15301

☐ Statutory Exemptions. State code number: _______________________

Reasons why project is exempt: Section 15301 of the California Environmental Quality Act (CEQA) Guidelines which establishes that existing facilities involved in negligible or no expansion of use beyond the previously existing are exempt from the provisions of CEQA. The project will establish an ATM and night drop on the exterior of a bank in an established shopping center.

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

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

Signature: ___________________________ Date: 5/12/21 Title: Planner

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

TO: Planning Commission  
FROM: Public Works Director  
DATE: May 12, 2021

SUBJECT: GENERAL PLAN CONFORMANCE - PUBLIC WORKS CAPITAL IMPROVEMENTS PROGRAM FOR 2021-2022

BACKGROUND
The City of Fountain Valley Public Works Department prepares a Ten-Year Capital Improvement Program (CIP), which is a planning document for a short- and long-range capital improvements. Each year the City reviews and updates the CIP by prioritizing new projects, depending on infrastructure need and funding availability and removing completed projects from the program.

The CIP acquires, repairs, replaces the major infrastructure and capital assets to deliver its services to the City of Fountain Valley residents and businesses.

The CIP projects include but not limited to the following categories of capital improvement projects.

- City Facility Improvements
- Street Pavement rehabilitation
- Traffic Safety Improvements
- Water and Sewer Utilities Improvements
- Park Improvements

GENERAL PLAN CONSISTENCY
Pursuant to Section 65103 (c) of the State of California Planning, Zoning and Development Laws, the Planning Commission is required to review the Public Works Capital Improvements Program proposed for Fiscal Year 2021-2022 for a determination of consistency with the General Plan. The attached program overview identifies anticipated Public Works projects for Fiscal Year 2021-2022. These programs include:

<table>
<thead>
<tr>
<th>General Fund Projects</th>
<th>General Plan Element</th>
<th>Proposed Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sports Park Outbuildings (Interior Rehab)</td>
<td>Park and Open Space</td>
<td>$500,000</td>
</tr>
<tr>
<td>Fire Station No. 1 Reconstruction Design</td>
<td>Public Safety</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>I-405 Improvement</td>
<td>Circulation Element</td>
<td>$976,265</td>
</tr>
<tr>
<td>Sports Park Road Network Rehab</td>
<td>Park and Open Space</td>
<td>$650,000</td>
</tr>
<tr>
<td>All Accessible Playground Equipment at the Sports Park</td>
<td>Park and Open Space</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>City Hall Interior Remodel</td>
<td>Land Use</td>
<td>$250,000</td>
</tr>
<tr>
<td>Police Locker Room/Showers Remodel</td>
<td>Public Safety</td>
<td>$2,800,000</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th><strong>Gas Tax Fund Projects</strong></th>
<th><strong>General Plan Element</strong></th>
<th><strong>Proposed Budget</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>School Area Pedestrian Ramps</td>
<td>Circulation</td>
<td>$575,000</td>
</tr>
<tr>
<td>Residential Roadway Rehab (D2)</td>
<td>Circulation</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Re-striping Various Areas</td>
<td>Circulation</td>
<td>$50,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Traffic Improvement Fund</strong></th>
<th><strong>General Plan Element</strong></th>
<th><strong>Proposed Budget</strong></th>
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</thead>
<tbody>
<tr>
<td>Pavement Rehabilitation and Resurfacing:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Euclid Street – Edinger/Warner (construction)</td>
<td>Circulation</td>
<td>$1,800,000</td>
</tr>
<tr>
<td>Heil Street –Euclid to Harbor &amp; Ward (design)</td>
<td>Circulation</td>
<td>$120,000</td>
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<tr>
<td>Traffic Signal Improvements:</td>
<td></td>
<td></td>
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<tr>
<td>Traffic Signal Equipment Update Citywide</td>
<td>Circulation</td>
<td>$400,000</td>
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<tr>
<td>Traffic Signal Modification Improvements (8 Intersections)</td>
<td>Circulation</td>
<td>$2,000,000</td>
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<tr>
<td>Euclid/Condor &amp; Talbert/Bushard Sig MOD</td>
<td>Circulation</td>
<td>$80,000</td>
</tr>
<tr>
<td>Slater – Regional Traffic Signal Synchronization</td>
<td>Circulation</td>
<td>$150,000</td>
</tr>
<tr>
<td>Bus Shelter at Edinger/ Harbor</td>
<td>Circulation</td>
<td>$35,000</td>
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<tr>
<td>Talbert – Regional Traffic Signal Synchronization</td>
<td>Circulation</td>
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<tr>
<td>Warner – Regional Traffic Signal Synchronization</td>
<td>Circulation</td>
<td>$85,000</td>
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<tr>
<td>Edinger – Regional Traffic Signal Synchronization</td>
<td>Circulation</td>
<td>$65,000</td>
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<tr>
<td>Continuing Appropriations:</td>
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<tr>
<td>Magnolia St Traffic Signal Synchronization</td>
<td>Circulation</td>
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<tr>
<td>Brookhurst St Traffic Signal Synchronization</td>
<td>Circulation</td>
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<tr>
<th><strong>Drainage Fund</strong></th>
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<th><strong>Proposed Budget</strong></th>
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<tbody>
<tr>
<td>Talbert Channel Repair Construction</td>
<td>Conservation</td>
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</table>

<table>
<thead>
<tr>
<th><strong>Sewer Enterprise Fund</strong></th>
<th><strong>General Plan Element</strong></th>
<th><strong>Proposed Budget</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Sewer Structural Improvements SF620-5</td>
<td>Conservation (Water Resources)</td>
<td>$2,000,000</td>
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<tr>
<td>I-405 Utility Facilities Relocation</td>
<td>Conservation (Water Resources)</td>
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<tr>
<td>Sewer Master Plan</td>
<td>Conservation (Water Resources)</td>
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<tr>
<td>Sewer Manhole Rehabilitation</td>
<td>Conservation (Water Resources)</td>
<td>$65,000</td>
</tr>
<tr>
<td>Water Fund</td>
<td>General Plan Element</td>
<td>Proposed Budget</td>
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<td>------------------------------------------</td>
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</tr>
<tr>
<td>Well No. 6 Improvements</td>
<td>Conservation (Water Resources)</td>
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<td>Well No. 8 Improvements</td>
<td>Conservation (Water Resources)</td>
<td>$800,000</td>
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<tr>
<td>Well No. 10 Improvements</td>
<td>Conservation (Water Resources)</td>
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<tr>
<td>Well No. 11 Improvements</td>
<td>Conservation (Water Resources)</td>
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<tr>
<td>Hydrogeological/Well Rehabilitation Consultant</td>
<td>Conservation (Water Resources)</td>
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<tr>
<td>Pipeline Condition Assessment Project</td>
<td>Conservation (Water Resources)</td>
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<tr>
<td>Chlorine Generators</td>
<td>Conservation (Water Resources)</td>
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<tr>
<td>Mt. Baldy/Euclid Pipeline Replacement</td>
<td>Conservation (Water Resources)</td>
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<tr>
<td>Water Master Plan</td>
<td>Conservation (Water Resources)</td>
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<tr>
<td>OCTA Pipeline Replacement Agreement</td>
<td>Conservation (Water Resources)</td>
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<tr>
<td>I-405 Utility Facilities Re-location</td>
<td>Conservation (Water Resources)</td>
<td>$290,682</td>
</tr>
</tbody>
</table>

Above list of projects conform to multiple policies of the General Plan elements listed below.

These projects are consistent with the City’s adopted Water and Sewer Utility Master Plans, the Recreation Element, the Circulation Element and the Open Space Element of the General Plan. Copies of these documents are available in the Planning and Public Works Departments upon request.

**Recommended Action:**

Staff recommends that the Planning Commission make a determination that the attached Public Works Capital Improvements Program for Fiscal Year 2021-2022 is consistent with the City of Fountain Valley General Plan and policies as listed below.
General Plan Conformance

Land Use Element
2.14.1: Meet community needs in the City including public safety, fire prevention
2.14.2: Water services, sewer, and flood control facilities
2.14.3: Maintain streets sidewalks, alleys, storm drains & sewers
2.14.4: Achieve safe & efficient transportation that accommodates the movement of people, goods & services.
2.14.5: Reduce regional traffic impacts, improve air quality and manage growth.
2.14.7: Provide for sufficient park, recreational and community service opportunities for FV community

Circulation Element
Goal 3.2: Existing Circulation System
Goal 3.3: Future Circulation System
Goal 3.4: Goals and Policies

Park and Open Space
4.2: Existing Parklands

Conservation
Goal 5.1: Conserve, protect and enhance the natural resources in Fountain Valley to ensure their optimal use and support to the benefit of all present and future citizens of the City
Goal 5.2: Protect Fountain Valley’s existing and future water resources

Public Safety
Goal 6.6: A safe and secure environment for the City’s residents, workers and visitors

Prepared By:    Fatara Temory, Management Aide
Reviewed By:    Temo Galvez, Deputy Public Works Director/City Engineer
Approved By:    HyeJin Lee, Public Works Director