The Fountain Valley City Hall offices and Council Chambers are closed to the general public due to COVID-19. In an effort to protect public health and prevent the spread of COVID-19, we encourage you to watch on FVTVC on the city's website or via Spectrum Channel 3, Verizon FiOS Channel 21 and AT&T U-Verse Channel 99. Those desiring to testify on an item have two options: (1) in advance until 5:00 PM on May 13, 2020 by letter, email, or by telephone; and (2) until the close of public hearing on the item in question via email at PC.PublicComments@fountainvalley.org. In the subject line, please indicate the item number and include your name and address. If further information is desired, you may contact the Planning Department at (714) 593-4425.

Applicants and stakeholders may 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 social distancing requirements. 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.

STUDY SESSION

CALL TO ORDER – 5:30 PM

1. Study Session - New Traffic Analysis Methodology (VMT)
   Study Session to introduce the pending state mandated switch to the Vehicle Miles Traveled (VMT) traffic analysis methodology and its ramifications on the CEQA process and future development. This study session is informational only and no action will be taken by the Planning Commission at this time.

REGULAR MEETING

CALL TO ORDER

SALUTE TO THE FLAG

ROLL CALL: Cameron, Farrell, Saad, Gaston, Vice-Chair Osborn, Chair Spear

APPROVAL OF MINUTES
   • April 22, 2020

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

PUBLIC HEARINGS
None.

NEW BUSINESS
1. DEVELOPMENT REVIEW NO. 20-01 – FIVE BELOW
   Petition submitted by Michael Osbourne on behalf of the property owner, DS Fountain Valley LP, to modify the existing building located at 18309 Brookhurst Street.

   CEQA Compliance: This request is categorically exempt from the provisions of California Environmental Quality Act (CEQA) (Class 15061).

   Recommended Action: Staff recommends that the Planning Commission adopt Alternative #1 and approve the request as submitted.

2. General Plan Conformance – Public Works Capital Improvements Program for FY 2020-2021
   Petition submitted by the Public Works Department to determine if the FY 2020-2021 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 FY 2020-2021 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 10, 2020.
ALL ITEMS WHICH HAVE FINAL APPROVAL BY THE PLANNING COMMISSION MAY BE APPEALED TO THE CITY COUNCIL WITHIN 20 CALENDAR DAYS OF THE COMMISSION'S ACTION BY ANY APPLICANT OR PROPERTY OWNER WITHIN 500 FT. OF THE SUBJECT PROPOSAL. PERSONS WISHING FURTHER INFORMATION SHOULD CONTACT THE PLANNING DEPARTMENT (CHAPTER 21.60 FVMC)

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

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

CITY HALL COUNCIL CHAMBERS
10200 SLATER AVENUE

WEDNESDAY, APRIL 22, 2020
REGULAR MEETING – 6:00 PM

REGULAR MEETING

CALL TO ORDER: Chair Spear called the meeting to order at 6:04 p.m.

Chair Spear stated the Fountain Valley City Hall offices and Council Chambers are closed to the public due to COVID-19. The meeting streams on FTVTV on the city’s website or via Spectrum Channel 3, Verizon FiOS Channel 21 and AT&T U-Verse Channel 99. Anyone wishing to speak during Public Comments on a specific agenda item or during the Public Comment portion of the agenda, please submit your comment via email to PC.PublicComments@fountainvalley.org. Comments are accepted continuously during the meeting and will be read into the record up to the time limit of three minutes. Any portion of comment not read aloud due to time restrictions will still be included in the record.

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

Commissioners Cameron and Gaston were available via video conference however, due to technical difficulties did not participate in the meeting.

ROLL CALL:

PRESENT: Farrell, Saad, Vice-Chair Osborn, Chair Spear
ABSENT: Cameron, Gaston

APPROVAL OF MINUTES

- April 22, 2020

Action: Approve the Planning Commission meeting minutes of April 22, 2020, as submitted.

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

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS

None.
Planning Commission Meeting Minutes  
April 22, 2020  
Page 2 of 3  

Chair Spear stated anyone wishing to speak during Public Comments on a specific agenda item or during the Public Comment portion of the agenda, please submit your comment via email to PC.PublicComments@fountainvalley.org. Comments are accepted continuously during the meeting and will be read into the record up to the time limit of three minutes. Any portion of comment not read aloud due to time restrictions will still be included in the record.

PUBLIC HEARINGS

1. **CODE AMENDMENT NO. 20-04 – PERMANENT OUTDOOR DISPLAY AND SALES**  
An Amendment to FVMC 21.10.050 to allow for permanent outdoor display and sales for grocery stores over 14,000 gross square feet and big box warehouse retail stores over 130,000 gross square feet.

Chair Spear opened the public hearing. Principal Planner Steven Ayers presented the staff report and answered questions from the commissioners. No public comments received by email and no one in the audience wished to speak on this item. Chair Spear closed the public hearing.

**Action:** Adopt Alternative #1 and recommend that the City Council approve the request.

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

2. **CODE AMENDMENT NO. 19-10 – CROSSINGS SPECIFIC PLAN**  
An Amendment to the Fountain Valley Crossings Specific Plan pertaining to the following: allocation of residential units, allowance of residential on the ground floor, setbacks, CEQA requirements, requirements for gym’s and entertainment & recreation uses and additional minor edits.

**Action:** Continue Code Amendment No. 19-10 to the next regularly scheduled Planning Commission meeting of May 13, 2020.

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

3. **CODE AMENDMENT NO. 20-02 COMMERCIAL SELF-STORAGE**  
An Amendment to the Fountain Valley Municipal Code (FVMC) Section 21.10.030 Table 2-6, the Harbor Blvd. South Island Specific Plan and the Warner Newhope Specific Plan to prohibit the development of new commercial self-storage facilities.
Planning Commission Meeting Minutes
April 22, 2020
Page 3 of 3

Chair Spear opened the public hearing. Senior Planner Matt Jenkins presented the staff report and answered questions from the commissioners. No public comments received by email and no one in the audience wished to speak on this item. Chair Spear closed the public hearing.

Action: Adopt Alternative #1 and recommend that the City Council approve the request.

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

NEW BUSINESS

None.

UNFINISHED BUSINESS

None.

PUBLIC COMMENTS

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

COMMENTS FROM STAFF

Planning Director Brian James introduced new Director of Public Works HyeJin Lee.

COMMENTS FROM COMMISSIONERS

Chair Spear thanked everyone for helping to take precautions associated with COVID-19 and that we will try a new way of video conferencing for the next meeting if we need to.

ADJOURNMENT

Chair Spear adjourned the meeting at 6:24 p.m. to the next scheduled Planning Commission meeting of May 13, 2020.

APPROVED

__________________________  __________________________
Chairperson  Secretary
Request for Planning Commission Action

TO: Planning Commission
FROM: Brian James, Planning and Building Director
SUBJECT: Study Session – Vehicle Miles Traveled Traffic Analysis Methodology

DATE: May 13, 2020

Senate Bill 743 changes the methodology that has historically been used to gauge traffic impacts (Level of Service). The new methodology is called Vehicle Miles Traveled (VMT) and is based on travel distances. Starting in July, VMT will be used for all traffic analyses required as part of the CEQA process. Fehr and Peers has been retained to help the City develop its methodology in compliance with State law.

This Study Session is for informational/discussion purposes only to introduce VMT and no action will be taken by the Commission. Attached is the presentation that will be provided to the Commission.

Attachment:
Senate Bill 743 CEQA Analysis of Transportation Impacts
SB 743 OVERVIEW

Intent of Legislation

Appropriately balance the needs of congestion management with statewide goals related to:

- Infill Development
- Promote public health through active transportation (e.g. walking, biking)
- Reducing Greenhouse Gas Emission
(b)(2) Upon certification of the guidelines by the Secretary of the Natural Resources Agency pursuant to this section, automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any.
SB 743 OVERVIEW
What is it trying to change?

Changes the discussion in CEQA on the analysis of transportation impacts on the environment.

- Eliminates using auto delay, level of service (LOS), and other similar measures of vehicular capacity or traffic congestion as a basis for determining significant impacts on the environment.

  ➢ Currently use LOS as a threshold in CEQA to determine the widening of roadways and intersections.
SB 743 OVERVIEW
What is it trying to change?

Changes the discussion in CEQA on the analysis of transportation impacts on the environment

- Requires **Vehicle Miles Traveled (VMT) per capita** to be the new analysis metric for determining impacts on the environment from transportation

- Changes where **significant impacts** occur and mitigation
SB 743 OVERVIEW
What is it trying to change?

What is VMT?
https://youtu.be/UE4TJItVdJ8
Key Questions That Need to be Answered?

- What type of VMT are we looking at? Total VMT, or VMT/person?
- How do we calculate VMT (methodology)?
- What Impact Significance Threshold is appropriate?
- What are our Mitigation Options?

- Other Question:
  Is Level of Service still important?
How does the City Comply with SB 743?

- Adopt new thresholds and guidance for development projects

- Analyze VMT for all projects
  Step 1) Calculate VMT generated by project
  Step 2) Compare project VMT to adopted threshold
  Step 3) Document impact
  Step 4) Mitigate impact
Fountain Valley's Approach

- Utilize examples from other OC Cities to inform decision making process
- Utilize OCTA tools
- Select final methodology and significance thresholds
- Update impact study guidelines
- Adopt through City Council
- Create screening tool
Types of Projects Screened from VMT analysis

OPR Technical Advisory Recommends that certain projects can be screened from VMT Assessment:

- Projects that generate less than 110 daily trips
- Local serving retail less than 50,000 sq. ft
- Local serving projects (schools, day care, public institutions..)
- Affordable Housing
- Development in a **Transit Priority Area (TPA)** and consistent with the Regional Transportation Plan (RTP) / Sustainable Communities Strategy (SCS)
- Development in a **low VMT generating area**, consistent with the RTP/SCS, and consistent with development currently in that zone
TPAs in Fountain Valley

Ref: https://www.octa.net/ebusbook/routePdf/15Min.pdf
TPAs in Fountain Valley

Ref:
OCTA, May, 2020,
http://www.octa.net/Bus/Routes-and-Schedules/Overview/
Request for Planning Commission Action

TO: Planning Commission
FROM: Matt Jenkins, Senior Planner
SUBJECT: DEVELOPMENT REVIEW NO. 20-01 – FIVE BELOW

Date: May 13, 2020

Location: 18309 Brookhurst Street
Zoning: C1 – Local Business

Proposal:

Petition submitted by Michael Osbourne on behalf of the property owner, DS Fountain Valley LP, to modify the existing building located at 18309 Brookhurst Street (Attachment #1).

Code Requirement:

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

Discussion:

Michael Osbourne has submitted a request on behalf of the property owner, DS Fountain Valley LP, to modify the building façade located at 18309 Brookhurst Street (Attachment #2). Five Below is a new discount retail store that will be located in the former Dress Barn clothing store location (Figure 1) in the Fountain Valley Promenade shopping center.

![Figure 1: Dress Barn](image1)

![Figure 2: Five Below](image2)

As shown in Figure 2 above, a new store front is proposed that is flanked by two (2) architectural columns on the sides of the store front for Five Below. A taller façade is proposed with cornice treatment matching the other large tenants in the center; specifically, 24 Hour Fitness, that is approximately 37 feet tall. The applicant has indicated that the colors for the new façade will match the colors of the adjacent in-line tenants at the Promenade shopping center.
Planning Commission Action – Development Review No. 20-01
May 13, 2020
Page 2 of 2

The plans have included the proposed sign for Five Below; however, signs for businesses located in shopping centers that are consistent with an approved sign program only require a sign permit issued by the Building Department and are not included in this DR review.

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

The proposed façade will match the adjacent in-line tenants in terms of color and architectural style and will bring a focal store front to this new retail establishment. With conditions of approval in Resolution No. 20-09, staff supports the request as submitted.

Environmental Clearance:

This request is categorically exempt from the provisions of CEQA – Class 1, Existing Facilities, Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, which establishes that minor exterior alterations to existing facilities are exempt from the provisions of CEQA. The proposed façade remodel will be located on an existing building and will not have a negative impact on the environment (Attachment #4).

Alternatives:

1. Adopt Resolution No. 20-09 adopting a Notice of Exemption in accordance with the California Environmental Quality Act (CEQA) and approving Development Review No. 20-01, a petition submitted by Michael Osbourne on behalf of the property owner, DS Fountain Valley LP, to modify the existing building located at 18309 Brookhurst Street.

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

3. Continue this request for additional information.

Recommended Action:

Staff recommends that the Planning Commission adopt Alternative #1.

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

Attachments: 1. Vicinity Map
2. Plans
3. Resolution No. 20-09
4. Notice of Exemption
Vicinity Map
Development Review No. 20-01
Five Below

18309 Brookhurst Street
**Front (West) Elevation**

Scale: 3/32" = 1'-0"

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**SIGN A**
- 48' Five Below
- Individual Channel Letters
- Internally Illuminated LED
- 133.08

**SIGN B**
- Five Below
- Diff Under canopy sign
- Non-Illuminated
- 4.38

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**Storefront Work:**
- LL to engineer and build up parapet, height to match 24 Hour Fitness
- LL to refurbish existing storefront to like-new condition, pending survey verification
- LL to locate 8' tall storefront doors per tenant's final plans
- LL to relamp existing lighting and add additional light over the doors
- LL to install H/L/Ti eyebolts in facade for temporary banners, see A00 for loc.
- LL to install curb cut near storefront entry
- LL to provide unobstructed permanent access to signage mountable; see connect area
- LL to provide electrical to center of all applicable sign mountable areas
- LL to provide black tint to windows where designated on tenant's plans

**Signage:**
- Primary Sign: 48' Internally Illuminated channel letters
- Walkway sign: 15' x 42' UC Sign
- Pylon Panel: LL to provide tenant with a sign panel on the common pylon sign.
  If a panel is not available, tenant has the right to take an open panel when available.

**Finishes by LL:**
- Facade: LL to paint A1816 Tawny Birch
- Signage EIFS: LL to paint SW Blue Chip #699
- Frame EIFS: 4' wide Dryvit 210 China White
- Cornice EIFS: LL to paint A0002 Soft White
- Pileaters: LL to paint A1802 Brazil Nut

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**Diagram:**

- Dimensions: 90'-0" Lease Dimension
- Exterior Graphics
- Sign B

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**Apex Sign Group**

- 18309 Brookhurst St
  - Fountain Valley, CA 92708-6703

**Project ID#:** 121669
**Project Mgr:** Robert Young
**Designer:** Emily Hardy
**Created on:** 03/12/2020

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**Notes:**
- 02/21/20 - Updated Windo Graphics presentation on all relevant pages
- 03/18/20 - EH. Updated windows with graphics and notes concerning list
**SIGN A**

**Sign Type:** Individual Channel Letters  
**Illumination:** Internally Illuminated LED  
**Square Footage:** 113.68

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**fivE bElOw**

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**Sign Layout Detail**  
**Scale:** 1/4" = 1'-0"

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**Electrical Detail:**

- **White LED's**  
- 3 (4) 60 W Power Supplies  
- Total amps: 4.60  
- UL listed

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**General Notes:**

This sign is to be installed in accordance with the requirements of Article 600 of the National Electrical Code.
- Grounded and bonded per NEC 600.77/NEC 250  
- Existing branch circuit in compliance with NEC 600.5, not to exceed 20 amps  
- Sign is to be UL listed per NEC 600.3  
- UL disconnect switch per NEC 600.6- required per sign component before leaving manufacturer. For multiple signs, a disconnect is permitted but not required for each section  
- The location of the disconnect switch after installation shall comply with article 600.6 (A) (1) per NEC

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**Specifications: Channel Letters**

1. Existing Facade: To be determined  
2. .040 Aluminum letter returns painted to match silver  
3. 1" trim cap (silver) bonded to face, #6 pan head screws to returns. Note: 2" trimcaps for letters 54" and larger  
4. .125" ACM backs (pre-finished white) fastened to returns. Seal w/ VOC compliant 360 white latex caulk to prevent moisture penetration. (interior of sign can ptd white for max illumination)  
5. White LEDs  
6. 3/16" White Acrylic faces  
7. Disconnect switch UL Outdoor rated toggle type w/ neoprene boot per NEC 600-6  
8. Primary electrical feed in UL conduit / customer supplied UL junction box  
9. Power Supplies within UL enclosure (removable lid), 1/4" x 1" min screws  
10. Mounting Hardware to suit

---

**Section @ LED Channel Letter**  
**Front-Lit (Remote)**  
**Scale:** N.T.S.
**Specifications:**

1. Facade: To be determined
2. 1" aluminum cabinet painted white with first surface applied vinyl, Arlon Blue #2600-67
3. 5' x 5' x 1/4" aluminum plate w/ welded 1 1/2" x 1 1/2" aluminum square tube sleeve (4' length) for top mount. 1" x 1" aluminum square tube supports welded to 1' x 4' x 1/4" aluminum plate at bottom. All painted Matthews White (Satin Finish).
4. Mounting hardware to suit
Panel Replacement - Existing (D/F) Pylon

**QTY 2 (1 SET)**

**Specifications:**
1. New 3/16" white lexan
2. New Vinyl to match: ■ Artion Blue#2500-67
3. Existing Retainers
**COMING SOON! SEASON YEAR**

**five BELOW**

Visit us at
 fivebelow.com

Banner Layout Details

Scale: 3/8" = 1'-0"

White Banner material w/ applied vinyl graphics to match Blue #2500-67 Blue. Grommets @ 24" O.C. all around perimeter.

"Season Year" Copy to be provided
Font: Franklin Gothic Heavy

---

**GRAND OPENING**

**MONTH, DAY, YEAR**

Front Side

"Day of week, Month, Day, Time" Copy to be provided
Font: Franklin Gothic Heavy

---

**NOW OPEN**

Back Side

White Banner material w/ applied vinyl graphics to match Blue #2500-67 Blue. Grommets @ 24" O.C. all around perimeter.

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Sections for different wall types to be used when permitting or landlord requires. Typical installation would be corded from grommets to fasteners on wall or rigged with sandbags on roof, etc. No section required.

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Banner material w/ applied vinyl graphics. Grommets @ 24" O.C. all around perimeter.

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Steeple Anchor with Eye Bolt

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**Revision**

R1 03/12/20  OI - Updated Windoow Graphics presentation on all relevant pages
R2 03/16/20 EH - Updated windows with graphics and notes concerning tint

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**Apex Sign Group**

18309 Brookhurst St
Fountain Valley, CA 92708-6703

Project ID#: 121669
Project Mgr: Robert Young
Designer: Emily Hardy
Created on: 03/12/2020
RESOLUTION NO. 20-09

A RESOLUTION OF THE FOUNTAIN VALLEY PLANNING COMMISSION ADOPTING A NOTICE OF EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND APPROVING DEVELOPMENT REVIEW NO. 20-01 SUBMITTED BY MICHAEL OSBOURNE ON BEHALF OF THE PROPERTY OWNER, DS FOUNTAIN VALLEY LP, TO MODIFY THE EXISTING BUILDING LOCATED AT 18309 BROOKHURST STREET

WHEREAS, an application for Development Review No. 20-01 was submitted by Michael Osborne on behalf of the property owner, DS Fountain Valley LP, in accordance with Municipal Code, Title 21; and

WHEREAS, the Fountain Valley Planning Commission considered said application at the Planning Commission meeting of May 13, 2020; and

WHEREAS, the Planning Commission has imposed conditions (Exhibit 1), pursuant to the Development Review process, to ensure that the design and general appearance of the proposed project is in compliance with the purpose of the Municipal Code, Title 21; and

WHEREAS, the Planning Commission has determined that the proposed Development Review is consistent with the Fountain Valley General Plan.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1

Findings and Supporting Facts: - The Planning Commission finds that the subject application meets the criteria for a Development Review found in Chapter 21.40 of the Fountain Valley Municipal Code as follows:

1. The design and layout of the proposed development would:

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

As detailed in the accompanying staff report, the proposed additions would be complimentary to the existing in-line tenants at the Fountain Valley Promenade shopping center such that it will be consistent with the actions, goals, and objectives and policies of the general plan, and the development and design standards/guidelines of the applicable zoning district. The project will meet the goals and policies of the General Plan by maintaining and enhancing high quality development by encouraging variety, quality, and innovation in land use practice (Goal 2.1/Policy 2.1.2) and provide for a well-designed commercial development (Goal 2.8).
B. Not interfere with the use and enjoyment of neighboring existing or future developments, and would not create traffic or pedestrian hazards.

The project will not interfere with the use and enjoyment of neighboring existing or future developments and would not create traffic or pedestrian hazards. The proposed façade remodel will not be located in any required drive aisles, reduce parking levels below required for the property, or obstruct any required ADA accessibility.

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 façade remodel will be designed to match the existing architectural style of the adjacent façades and buildings in the shopping center. A prominent façade for the new retail tenant will provide a focal point for visiting customers while matching adjacent major retail tenant’s facades.

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.

As detailed in the accompanying staff report, the proposed façade remodel will be consistent with the actions, goals, and objectives and policies of the general plan, and the development and design standards/guidelines of the applicable zoning district. The project will meet the goals and policies of the General Plan by maintaining and enhancing high quality development by encouraging variety, quality, and innovation in land use practice (Goal 2.1/Policy 2.1.2) and will provide for a well-designed commercial development (Goal 2.8).

The proposed façade remodel will be designed to be architecturally compatible with the adjacent in-line tenants at the Promenade shopping center with regards to color and materials that will provide for a well-designed and aesthetically pleasing project.

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 façade remodel is designed to be architecturally compatible with the adjacent in-line tenants. The proposed façade remodel will not be located in any required drive aisles, reduce parking levels below required for the property, or obstruct any required ADA accessibility.
Resolution No. 20-09
Page 3 of 4

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.

By designing the proposed façade remodel to be compatible with other major tenant's facades and providing a prominent focal point for the entrance, will attract new retail customers which will increase the property value of the shopping center. The project will incorporate similar materials and colors, and provide for a clean and aesthetically pleasing commercial development.

4. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city's environmental review procedures.

The proposed project has been reviewed in compliance with CEQA and is categorically exempt per Section 2 below.

5. By signing this Resolution, the applicant has demonstrated his/her understanding of the conditions imposed in the Resolution for a Development Review granted to him/her and has agreed on the record to abide by those conditions.

SECTION 2

The Planning Commission finds that the subject application meets all the criteria for a Development Review found in the City's zoning regulations; moreover, the Commission finds that this project is categorically exempt from CEQA – Class 1, Existing Facilities, Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, which establishes that minor exterior alterations to existing facilities are exempt from the provisions of CEQA. The proposed façade remodel will be located on an existing building and will not have a negative impact on the environment.

SECTION 3

The Planning Commission hereby approves Development Review No. 20-01, petition submitted by Michael Osbourne on behalf of the property owner, DS Fountain Valley LP, to modify the existing building located at 18309 Brookhurst Street.

PASSED, APPROVED AND ADOPTED THIS 13TH DAY OF MAY, 2020.

Chairman

Secretary

Resolution No. 20-09
Page 4 of 4

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

________________________________________  /  
Date                                       Applicant Sign/Print
EXHIBIT 1

CONDITIONS OF APPROVAL
Development Review No. 20-01

Five Below
18309 Brookhurst Street
Fountain Valley, CA

The following Conditions of Approval [COA] apply to this project. The COAs are specific conditions applicable to the proposed project. The business owner/operator 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

1. The building elevations dated March 18, 2020, (attached as Attachment #2 to the staff report for this project) have been reviewed and approved by the Planning Commission on May 13, 2020.

2. The colors, materials and facades of the proposed façade remodel shall be as approved by the Planning Commission. No changes to the colors or materials shall occur without approval by the Planning and Building Director. Changes that the Director deems to vary significantly from the original approved design shall be forwarded to the Planning Commission for its review and determination.

3. All vents, gutters, downspouts, flashings, electrical conduits, etc. shall be painted to match the color of the adjacent surface. Downspouts, electrical conduits, etc. shall be concealed within walls.

PLANNING DEPARTMENT STANDARD CONDITIONS

4. This Development Review application 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 subject to Fountain Valley Municipal Code 21.54. 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 13, 2020

    Date of Project Expiration:    May 13, 2021

5. 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.
6. 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.

7. 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.

8. 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.

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

10. 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.

11. Signs shall comply with the approved sign program for the Fountain Valley Promenade shopping center and shall be reviewed and approved by the Planning and Building Director and/or Sign Committee.

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

13. All new and/or replaced roof-mounted equipment (air conditioning, heating, ventilation, exhaust, etc.) shall be screened from the view of adjacent properties and rights-of-way as specifically approved by the Planning Director.

14. The windows of the business shall be free of any obstruction, tinting or painting, except for window signage as permitted by the Fountain Valley Sign Code.

15. The business shall be responsible for maintaining the premises free of graffiti and litter.

16. Maintenance for the property shall be restricted to the hours of 7:00 a.m. to 10:00 p.m., Monday through Saturday, and no time on Sunday or legal holiday.

17. 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

18. 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.

19. 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.

20. Existing buildings which cannot meet current standards for disabled access, may be required to consult a Disabled Access Consultant to verify unreasonable hardship status or to provide alternative means for compliance.

FIRE DEPARTMENT


22. Premise Identification. Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property CFC 505.1

23. Portable Fire Extinguishers. Provide one 2A10BC State Fire Marshal tagged fire extinguisher for every 3,000 square feet of floor area. Travel distance not to exceed 75 feet. CFC 906.3
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: DEVELOPMENT REVIEW NO. 20-01 - FIVE BELOW

Project Location/Address: 18309 Brookhurst St, Fountain Valley, CA 92708

Project Activity/Description: Petition submitted by Michael Osborne, on behalf of the property owner, DS Fountain Valley LP, to modify the existing building located at 18309 Brookhurst Street.

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

Project Applicant: Michael Osborne

Project Applicant’s Address: 200 E. Baker St, Costa Mesa, CA 92626 Phone Number: 714-966-6475

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: Class 1, Existing Facilities, 15301
☐ Statutory Exemptions. State code number:

Reasons why project is exempt: The project is categorically exempt from the provisions of CEQA - Class 1, Existing Facilities, Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, which establishes that minor exterior alterations to existing facilities are exempt from the provisions of CEQA.

The proposed facade remodel will be located on an existing building and will not have a negative impact on the environment.

Lead Agency: Matt Jenkins, Senior Planner
Contact Person: Matt Jenkins, Senior Planner
Contact Phone: 714-593-4427

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: ___________ Title: ___________________________

☑ Signed by Lead Agency ☐ Signed by Applicant

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Request for
Planning Commission Action

TO: Planning Commission
FROM: Public Works Director
SUBJECT: GENERAL PLAN CONFORMANCE - PUBLIC WORKS CAPITAL IMPROVEMENTS PROGRAM FOR 2020-2021

BACKGROUND
The City of Fountain Valley Public Works Department prepares a Five-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.

- 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 2020-2021 for a determination of consistency with the General Plan. The attached program overview identifies anticipated Public Works projects for Fiscal Year 2020-2021. These programs include:

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<thead>
<tr>
<th>General Fund Projects</th>
<th>General Plan Element</th>
<th>Proposed Budget</th>
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<tbody>
<tr>
<td>Sports Park Outbuildings</td>
<td>Land Use Element</td>
<td>$500,000</td>
</tr>
<tr>
<td>Recreation Center Interior Remodel</td>
<td>Land Use Element</td>
<td>$1,100,000</td>
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<tr>
<td>EVP System Phase 1</td>
<td>Circulation Element</td>
<td>$375,000</td>
</tr>
<tr>
<td>I-405 Improvement</td>
<td>Circulation Element</td>
<td>$1,490,000</td>
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<tr>
<td>NPDES Consulting Services</td>
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<td>$50,000</td>
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<td>Circulation Element</td>
<td>$3,500</td>
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<tr>
<td>Audible Pedestrian Signals</td>
<td>Circulation Element</td>
<td>$12,500</td>
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<tr>
<td>Pavement Management System</td>
<td>Circulation Element</td>
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<tr>
<td>Residential Roadway Rehab Area D7</td>
<td>Circulation Element</td>
<td>$2,400,000</td>
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<tr>
<td>Re-striping Various Areas</td>
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<tr>
<td>School Area ADA Pedestrian Ramps</td>
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<tr>
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<td><strong>Pavement Rehabilitation and Resurfacing:</strong></td>
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<tr>
<td>Euclid Street – Heil/Warner (Design)</td>
<td>Circulation Element</td>
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<tr>
<td>Warner – Brookhurst/Euclid (Construction)</td>
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<td>$1,900,000</td>
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<td><strong>Traffic Signal Improvements:</strong></td>
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<tr>
<td>Citywide Signal Timing Maintenance</td>
<td>Circulation Element</td>
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<tr>
<td>Citywide Signal Communication Maintenance</td>
<td>Circulation Element</td>
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<tr>
<td>Traffic Signal Equipment Update Citywide</td>
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<tr>
<td>PPLT Traffic Signal Improvements</td>
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<td>Euclid/Condor &amp; Talbert/Bushard Sig MOD</td>
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<tr>
<td>Slater – Regional Traffic Signal Synchronization</td>
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<tr>
<td>Talbert – Regional Traffic Signal Synchronization</td>
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<td>Warner – Regional Traffic Signal Synchronization</td>
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<td>Edinger – Regional Traffic Signal Synchronization</td>
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<td><strong>Continuing Appropriations:</strong></td>
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<tr>
<td>Harbor Blvd Traffic Signal Synchronization</td>
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<td>Magnolia St Traffic Signal Synchronization</td>
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<td>Brookhurst St Traffic Signal Synchronization</td>
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<tr>
<th><strong>Pollution Reduction Fund</strong></th>
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<tr>
<td>Mechanic training for alternative fuel vehicles and staff administration</td>
<td>Land Use Element</td>
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<tr>
<th><strong>Sewer Enterprise Fund</strong></th>
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<tbody>
<tr>
<td>Sewer Structural Improvements SF620-5</td>
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<td>Sewer Structural Improvements SF620-4</td>
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<td>Sewer Infrastructure GIS Mapping</td>
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<td>Sewer Manhole Rehabilitation</td>
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<td>Fats, Oils, Grease (FOG) Consulting Services</td>
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<tr>
<td>I-405 Utilities Facilities Relocation</td>
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<table>
<thead>
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<th>Water Fund</th>
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<tr>
<td>Well No. 6 Improvements</td>
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<td>Well No. 8 Improvements</td>
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<td>Well No. 11 Improvements</td>
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<td>Annual Meter Replacement</td>
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<td>Fire Hydrant Replacement Project</td>
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<td>Water Infrastructure GIS Update</td>
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<td>Water Conservation Program</td>
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<td>Pipeline Condition Assessment Project</td>
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<td>Chlorine Generators</td>
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<td>Urban Water Management Plan</td>
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<td>OCTA Pipeline Agreement</td>
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<tr>
<td>I-405 Utility Relocation</td>
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</tbody>
</table>

Many of these projects conform to multiple policies of the General Plan elements listed below.

These projects are consistent with the City’s adopted 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 2020-2021 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
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Circulation Element
Goal 3.2: Existing Circulation System
Goal 3.3: Future Circulation System
Goal 3.4: Goals and Policies

Prepared By: Fatana Temory, Management Aide

Reviewed By: Temo Galvez, Deputy Public Works Director/City Engineer

Approved By: HyeJin Lee, Public Works Director