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 September 9, 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 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

SALUTE TO THE FLAG

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

APPROVAL OF MINUTES
- August 12, 2020

Anyone wishing to speak during Public Comments must fill out and submit a blue speaker card. The Planning Commission can take no action on this date, unless the item is 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 HEARINGS

1. **Conditional Use Permit No. 1884 – Kin Craft Ramen**
   Petition submitted by Kin Ramen, LLC. to establish and operate a restaurant with more than 50 seats located at 16185 Brookhurst Street.

   **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. **Development Review No. 20-03 – Coastal Community Church**
   Petition submitted by Timothy Nguyen, on behalf of the property owner, to add a new 285 square foot building entrance facing the new parking lot along Slater Avenue and extend the existing building parapet line along the north elevation for the church located at 10460 Slater Avenue (attachment #1).

   **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.

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 October 14, 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)
Planning Commission Meeting Agenda
September 9, 2020
Page 3 of 3

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, AUGUST 12, 2020

REGULAR MEETING

REGULAR MEETING

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

Chair Spear announced the city's COVID-19 health and safety instructions for anyone wishing to attend a commission meeting in person and instructions on how to submit comments by email up until the close of the public hearing item.

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

ROLL CALL:
PRESENT: Gaston, Saad, Osborn, Spear
ABSENT: Farrell

APPROVAL OF MINUTES

- June 10, 2020

Action: Approve the Planning Commission meeting minutes of June 10, 2020, as submitted.

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

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS

- Item 5 – Orange County Sanitation District - Changes to Conditions of Approval, pages 1 through 6.

PUBLIC HEARINGS

Chair Spear announced the city's COVID-19 health and safety instructions for anyone wishing how to submit comments by email up until the close of the public hearing item.
1. **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. The City of Fountain Valley has completed an Addendum to the Crossings Specific Plan Final Environmental Impact Report (Final EIR) for the proposed amendments. The Planning Commission will conduct a public hearing to consider the adequacy of the Addendum and the merits of the proposed amendments to the existing approved Specific Plan.

   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:** Gaston, Osborn, Saad, Spear
   **NAYS:** None.
   **ABSTAIN:** None.

2. **Code Amendment No. 20-05 – 20 Day Appeal Period**
   An amendment to FVMC sections 21.08.060, 21.24.090, 21.28.090, 21.54.030, 21.60.050, 18.06.120, and 8.51.110 to change the 20 day appeal period for land use decisions to a ten day appeal period and clarify that the period is calendar days. This request is exempt from environmental review pursuant to CEQA Guidelines sections 15060(c)(2) and 15061(b)(3).

   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: Gaston
   **AYES:** Gaston, Osborn, Saad, Spear
   **NAYS:** None.
   **ABSTAIN:** None.

3. **Variance No. 333 – Orange County Water District (OCWD)**
   Petition submitted by OCWD to install a security fence at 18700 Ward Street. The fence will be located along the Ellis Avenue and Ward Street property lines, within the required 20-foot setback, and will be up to 9.5 feet tall, exceeding the maximum 8-foot height requirement. This request is exempt from environmental review pursuant to CEQA Guidelines Section 15303.
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. Applicant OCWD Engineer Fernando Almario was present to answer questions from the commissioners. Planning Director Brian James distributed fence samples to the commissioners. Chair Spear closed the public hearing.

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

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

Petition submitted by Jessica Nguyen to deviate from the front yard landscape/hardscape requirements to install a new circular driveway at 10442 Warner Avenue. This request is exempt from environmental review pursuant to CEQA Guidelines Section 15301.

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 approving this request.

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

NEW BUSINESS

5. Development Review No. 20-02 - OCSD South Perimeter Improvements - 10844 Ellis
Petition submitted by Orange County Sanitation District to build a new west wall, new landscaping along west side of property, new guard shack and gates on the south side of the property, utility improvements.

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 approving this request.

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

UNFINISHED BUSINESS
None.

PUBLIC COMMENTS
None.

COMMENTS FROM STAFF
None.

COMMENTS FROM COMMISSIONERS
Commissioners agreed that it is nice to see changes made in Crossings to get the area developed as times goes on to make the city better.

ADJOURNMENT
Chair Spear adjourned the meeting at 6:58 p.m. to the next scheduled Planning Commission meeting of September 9, 2020.

APPROVED

__________________________  _______________________
Chairperson  Secretary
Request for
Planning Commission Action

TO: Planning Commission
FROM: Principal Planner, Steven Ayers
SUBJECT: KIN CRAFT RAMEN – CONDITIONAL USE PERMIT NO. 1884

DATE: September 9, 2020

Location: 16185 Brookhurst Street
(Fountain Valley Town Center – SW corner Brookhurst/Edinger)

Zoning: C1 – Local Business

Proposal:

Kin Craft Ramen, LLC has submitted a request to establish and operate a restaurant located at 16185 Brookhurst Street.

Code Requirement:

Per Fountain Valley Municipal Code (FVMC) Section 21.10.030 Table 2-6, a Conditional Use Permit (CUP) is required to establish a Large Format Restaurant use in the C1-Local Business zone.

Background:

On June 11, 2014, the Planning Commission approved Variance (VAR) No. 311 to increase the percentage of high impact parking uses (restaurant, medical, fitness, and theater) in the Fountain Valley Town Center to 35%. The shopping center previously obtained approval to increase from the code maximum 20% to 25% on November 9, 2011, through VAR 296.

Discussion:

Kin Craft Ramen, LLC has submitted a request to establish and operate a restaurant located at 16185 Brookhurst Street (Attachment #1). Kin Craft Ramen will be a modern Japanese ramen noodle restaurant that will include full service dining, take out, and third party food delivery services (Attachment #2). The 3,827 square foot restaurant will include 94 customer seats within the interior of the restaurant with no exterior seating proposed (Attachment #3). The restaurant will employ a total of 40 employees with 20 employees onsite during a shift during proposed hours of operation of 11:00 am – 9:00 pm Monday through Friday and 11:00 am – 10:00 pm Friday – Sunday.

FVMC Section 21.22.040 Table 3-3 states that shopping centers shall be parked at 5.5 parking spaces per 1,000 square feet of gross floor area with up to 20% of the floor area allowed for
restaurants, theaters, fitness centers and medical uses. As outlined in the Background section above, the Planning Commission approved VAR 311 to increase that percentage to 35% on June 11, 2014. Currently, the percentage of high impact parking uses in the shopping center is 30.9%. The addition of Kin Craft Ramen will increase the percentage to 33.81%. Based on these figures, parking will not be impacted in the shopping center as the percentage of high impact parking uses in the shopping center fall below the maximum percentage granted by the Planning Commission through VAR 311. Additionally, the location of the proposed restaurant provides ample parking both located in the front and back of the restaurant.

Staff does not anticipate any other negative impacts from the proposed restaurant. All customer seating will be within the interior of the restaurant with no exterior seating proposed. The nearest residential property line is approximately 60 feet away to the south and, other than deliveries and trash dumping, no other activity is anticipated from the rear of the restaurant. Deliveries and trash dumping are conditioned to occur during specific hours outlined in the FVMC and Conditions 6 and 7 of the attached Resolution (Attachment #4).

With conditions of approval from the Planning, Building, Fire, Public Works, and Police Departments outlined in Resolution No. 20-16, staff supports the applicants 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 restaurant in an established shopping center (Attachment #5).

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, Recreation Center and the Fountain Valley Library.

Alternatives:

1. Adopt Resolution No. 20-16 adopting a Notice of Exemption in accordance with the California Environmental Quality Act (CEQA) and approving Conditional Use Permit No. 1884 to establish and operate a restaurant located at 16185 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.
Attachments: 1. Vicinity Map  
2. Project Description Letter  
3. Site Plan and Floor Plan  
4. Resolution No. 20-16  
5. Notice of Exemption
Vicinity Map

Conditional Use Permit 1884

Kin Craft Ramen

16185 Brookhurst Street
LETTER OF DESCRIPTION

The CUP application is for a project consisting of a modern Japanese ramen noodle concept with the proposed use to include providing full-service dining, take-out, and third-party food delivery services. The square footage of the space is 3,827 sq. ft. and the proposed hours of operation will be from 11am to 9pm (Monday to Thursday) and from 11am to 10pm (Friday to Sunday). We are estimating about 40 total employees, with about 20 employees on each shift at the restaurant at any given time.

The reason for the CUP application submission is to change the use from an existing office to a food service restaurant. The restaurant will not provide any accessory entertainment uses as defined in the Fountain Valley Municipal Code (FVMC). We are not planning to serve alcohol at the restaurant and not intended to apply ABC License in this CUP application.

The store to our east is a retail store providing shipping / logistic services and to our west is a full service restaurant, Denny’s Restaurant. To the south is the rear of the plaza, which includes overflow parking, trash enclosures, and back-of-house logistic services. To our north includes parking, and a variety of offices, retail stores, and restaurants.
RESOLUTION NO. 20-16

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. 1884 FILED BY KIN
CRAFT RAMEN, LLC TO ESTABLISH AND OPERATE A RESTAURANT
LOCATED AT 16185 BROOKHURST STREET

WHEREAS, an application for Conditional Use Permit No. 1884 was submitted by Kin Craft Ramen, LLC in accordance with Municipal Code, Title 21; and

WHEREAS, the Fountain Valley Planning Commission considered said application at its noticed public hearing on September 9, 2020; 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 restaurant is an allowed use 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 restaurant 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. The new restaurant
will improve and intensify the newly remodeled shopping center. 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 tenant space for the restaurant fall within the envelope of the existing building in the Fountain Valley Town Center. The restaurant will be located on the south side of the center with its closest access off Brookhurst Street. The operations of the restaurant comply with the normal anticipated operating characteristics of a restaurant in a commercial shopping center in the C1-Local Business zone. The Fountain Valley Town Center’s approved variance (Variance No. 311) allows high impact parking uses such as restaurants, medical, fitness, and theater uses to comprise a maximum of 35% of the center. With the proposed restaurant, the Fountain Valley Town Center will be comprised of 33.81% high impact parking uses.

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 Fountain Valley Town Center operates under Variance No. 311, which allows up to 35% high impact parking uses such as restaurant, medical, fitness, and theater uses. With the proposed restaurant, the Fountain Valley Town Center will be comprised of 33.81% high impact parking uses. The restaurant will be located along the southern portion of the shopping center with available parking both in front and behind the restaurant. Sufficient vehicular and pedestrian access is provided from both Brookhurst Street as well as Edinger Avenue to the proposed restaurant. Sufficient facilities as well as drainage, fire protection, sewers, and water utilities will be provided to the restaurant. The restaurant 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. Customer seating will be within the interior of the restaurant and the operations of the restaurant are consistent with the normal anticipated operating characteristics of a restaurant in a commercial shopping center in the C1-Local Business zone. The nearest residential property line is approximately 60 feet away to the rear (south) of the restaurant and conditions of approval included in this resolution address deliveries and trash dumping. The conditions of approval included in this resolution help ensure the operations of the restaurant 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.

    *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 herein) 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 are exempt from the provisions of CEQA. The project will establish a new restaurant in an existing shopping center.

SECTION 4

The Planning Commission hereby approves Conditional Use Permit No. 1884 to establish and operate a restaurant located at 16185 Brockhurst Street.

    PASSED, APPROVED AND ADOPTED THIS 9TH DAY OF SEPTEMBER, 2020

_________________________________________  ______________________________
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. 1884

Kin Craft Ramen
16185 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 July 20, 2020, (attached as Attachment #3 to the staff report for this project) have been reviewed and approved by the Planning Commission on September 9, 2020.

2. The sale of alcoholic beverages shall be prohibited unless a CUP is approved per Section 21.10.030 of the Fountain Valley Municipal Code.

3. The number of persons shall not exceed the maximum occupancy load as determined by the Fire Department. If required by the Fire Department, signs indicating the occupant load shall be posted in a conspicuous place near the main entrance and must be posted prior to final inspection and prior to issuance of a certificate of occupancy for the restaurant.

4. Signs for the business shall comply with the sign regulations of the Fountain Valley Town Center shopping center.

5. 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.

6. The hours of operation shall be restricted to the hours of 11:00 am to 9:00 pm, Monday through Thursday and 11:00 am to 10:00 pm Friday through Sunday. Hours of delivery 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.

7. There shall be no trash dumping from the facility between the hours of 10:00 p.m. and 7:00 a.m., seven (7) days a week. The applicant shall work with the property owner to have signage installed near the trash dumpster prohibiting trash dumping during the hours of 10:00 p.m. – 7:00 a.m. compliant with FVMC 6.28.050. If not already provided
by the property owner, signage shall be installed prior to issuance of a certificate of occupancy for the restaurant.

8. To prevent scavenging, illegal dumping, and to contribute to the general cleanliness of the shopping center, the business shall provide a refuse containment area with a screened and securable gate if not already provided by the property owner. Also, if not already provided by the property owner, exterior signage shall be provided outside of the trash enclosure prohibiting the scavenging of any material from the trash dumpster. Any refuse containment area and signage shall be included in the applicant’s plan check submittal to the Building Department and shall be installed prior to issuance of certificate of occupancy for the restaurant.

9. To maintain the cleanliness of the shopping center, the petitioner shall be responsible for maintaining the area adjacent to their premises over which they have control free of litter.

10. The business shall comply with Labor Code Section 6404.5 prohibiting smoking in restaurants and public places, such as eating establishments, and shall install "No Smoking" signage per the provisions of this statute.

Planning Department Standard Conditions

11. Conditional Use Permit No. 1884 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:         September 9, 2020
    Date of Project Expiration:      September 9, 2021

12. 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.

13. 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.

14. 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.

15. 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.

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

17. 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.

18. This resolution supersedes previously approved resolutions for 16185 Brookhurst Street.

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

20. No satellite dishes greater than 2.2 meters shall be installed on the subject property without approval of the Planning Commission.

21. The operator will ensure that there will be no loitering in the parking lot or within 100 feet of the establishment.

22. All new and/or replaced roof-mounted mechanical equipment (air conditioning, heating, ventilation ducts, exhaust, etc.) shall be screened from the view of adjacent properties and rights-of-way as specifically approved by the Planning Director. Roof treatment shall be common to the building and extended to all four (4) building elevations.

23. Street and unit numbers are to be maintained in such a manner as to be plainly visible and 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 a certificate of occupancy for the restaurant.

24. The rear door facing south must remain closed 24 hours a day and shall only be used in cases of emergencies and deliveries.

25. The colors, materials and facades of the building 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.

26. All vents, gutters, downspouts, flashings, electrical conduits, etc. shall be painted to match the color of the adjacent surface.
27. Permittee acknowledges that Education Code Section 48200 et. seq. provides that persons between the ages of 6 and 18 are subject to compulsory education and are required to be in school unless exempted. Permittee agrees not to allow the business to become a "hang out" for truants and agrees not to allow youths to congregate or otherwise loiter in or around the business. Permittee shall take reasonable steps to control the conduct of others on this property so that it does not become a nuisance or otherwise disturb the peace and quiet of the neighborhood or peace, health and safety of the community.

28. An alarm system shall be installed and be of a type that sounds a signal when it is activated.

29. 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 16185 Brookhurst Street may be grounds for revocation proceedings.

30. 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.

31. Refuse containment areas shall be provided with a screened and securable gate compliant with the Development Code and Rainbow Disposal specs.

32. The exterior lighting shall be scheduled to direct the light downward away from the residential 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.

33. 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

34. 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.

35. 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.

36. 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 of compliance.

37. Grease interceptors are to be maintained in proper working order. Interceptors are to be inspected and accumulated fats, oils, and grease removed every three months at
minimum. High use and/or production of fats, oils, or grease may mandate more frequent treatment. Records must be generated and remain onsite for all maintenance procedures for a minimum of three years. Records shall be made available upon request to Orange County Environmental Health Care Agency representatives and City Officials. Operation and maintenance shall comply with Fountain Valley Municipal Code Chapters 14.36, Sewers; and Chapter 14.40, Stormwater Regulations.

38. As deemed necessary by the Building Official, a grease interceptor shall be installed and sized per Section 1014 of the California Plumbing Code as adopted by the City of Fountain Valley in conformance with Chapter 14.38 of the Fountain Valley Municipal Code.

Fire Department Conditions


40. 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 fronging the property. CFC 505.1

41. 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

42. Commercial Cooking Systems. All existing dry chemical and wet chemical extinguishing systems shall comply with UL 300. Commercial cooking equipment that produces grease laden vapors shall be provided with a Type 1 Hood, in accordance with the California Mechanical Code, and an automatic fire extinguishing system that is listed and labeled for its intended use. CFC 904.11

43. Combustible Materials. All drapes, hangings, curtains, drops and all other decorative material, including Christmas trees that would tend to increase the fire and panic hazard. These materials may also include natural and artificial decorative vegetation. These materials shall be made from a nonflammable material, or shall be treated and maintained in a flame-retardant condition by means of a flame-retardant solution or process approved by the State Fire Marshal. The State Fire Marshal seal shall be attached to these items or a certificate of flame retardancy shall be provided to the Fire Department. CCR Title 19, Division 1, Section 3.08

44. CO2 storage. If more than 100 lbs. of CO2 storage is used, the following requirements apply.
   a. Provide a monitoring system for CO2 storage.
   b. See CFC Section 5307, California Health and Safety Code 6.95 and NFPA 55.
   c. Submit plans to FVFD and FVBD.
   d. An annual fire permit will be required.
   e. Electronic filing with the state website "CERS" is mandatory.
   f. An assembly permit will be issued after final inspection and every year thereafter.

45. Permits. Secure a permit to operate a Public Assembly from the Fire Department. CFC
46. Exits or exit access doorways. Where two exits or exit access doorways are required from any portion of the exit access, the exit doors or exit access doorways shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the building or area to be served measuring a straight line between exit doors or exit access doorways. CFC [B] 1015.2.1

47. Panic and fire exit hardware. Doors serving rooms or spaces with an occupant load of 50 or more in a Group A occupancy, shall not be provided with a latch or lock unless it is panic hardware or fire exit hardware listed in accordance with UL 305. CFC [B] 1008.1.10

48. General. Fire Safety during construction shall comply with Chapter 33 of the 2016 California Fire Code as well as the following:

49. Access for Fire Fighting. Provide Fire Department access roads prior to the start of combustible construction. Roads shall be installed to Fire Department and Public Works standards. CFC 3310

50. Portable Fire Extinguishers. Structures under construction, alteration or demolition shall be provided with not less than one approved portable fire extinguisher in accordance with Section 906 and sized for not less than ordinary hazard as follows:
   1. At each stairway on all floor levels where combustible materials have accumulated.
   2. In every storage and construction shed.
   3. Additional portable fire extinguishers shall be provided where special hazards exist including, but not limited to, the storage and use of flammable and combustible liquids. CFC 3315.1

51. The proposed floor plan with seating plan will require two (2) exit doors spaced at least 2/3rds of the greatest diagonal of the dining area per Ch. 10 of the CBC. Panic hardware and illuminated exit signage will be required for each door (required exits).

Public Works Department Conditions

52. Install a reduced pressure principle device on the domestic water supply line to the buildings as required by the City Engineer.

53. Pay a Traffic Impact Fee in the amount of $59 per net increase in vehicle trips ends generated by subject development as determined by City Engineer. The developer may, at its cost, contract the services of a Registered Traffic Engineer to prepare a trip generation analysis study for purposes of identifying the net increase in vehicle trip ends. The results of such study shall be subject to the approval of the City Engineer. No reduction for linked trips is allowed. Traffic Impact Fee is estimated to be $13,119.24.

54. Pay development fees prior to plan approval.

55. A backflow prevention assembly will need to be installed by the applicant's contractor. Installation inspection shall be completed by the Fountain Valley Water Department.
Police Department Conditions

56. There shall be no live entertainment within the facility. Live Entertainment or "Accessory Entertainment Uses" as defined in the Fountain Valley Municipal Code shall be prohibited.

57. Install and maintain in proper 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 on the inside of the restaurant, as well as the parking area in front of the restaurant, and the alley behind the restaurant. 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 ________

58. Permittee acknowledges that Education Code Section 48200 et. seq. provides that persons between the ages of 6 and 18 are subject to compulsory education and are required to be in school unless exempted. Permittee agrees not to allow the business to become a "hang out" for truants and agrees not to allow youths to congregate or otherwise loiter in or around the business. Permittee shall take reasonable steps to control the conduct of others on this property so that it does not become a nuisance or otherwise disturb the peace and quiet of the neighborhood or peace, health and safety of the community.

59. An alarm system shall be installed and be of a type that sounds a signal when it is activated.

60. The petitioner shall be responsible for maintaining the premises free of graffiti.
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: Kin Craft Ramen - Conditional Use Permit No. 1884

Project Location/Address: 16185 Brookhurst St., Fountain Valley, CA 92708

Project Activity/Description: Petition to establish and operate a restaurant located at 16185 Brookhurst Street.

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

Project Applicant: Kin Craft Ramen, LLC

Project Applicant’s Address: 16185 Brookhurst Street, Fountain Valley, CA 92708

Phone Number: (714) 334-4302

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.

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: ____________ Title: ___________________________

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

TO: Planning Commission
FROM: Steven Ayers, Principal Planner
SUBJECT: DEVELOPMENT REVIEW NO. 20-03 – COASTAL COMMUNITY CHURCH

Location: 10460 Slater Avenue
Zoning: R1 – Single-Family Residential

Proposal:

Petition submitted by Timothy Nguyen, on behalf of the property owner, to add a new 285 square foot building entrance facing the new parking lot along Slater Avenue and extend the existing building parapet line along the north elevation for the church located at 10460 Slater Avenue (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:

Timothy Nguyen has submitted a request, on behalf of the property owner, to add a new 285 square foot building entrance facing the new parking lot along Slater Avenue and extend the existing building parapet line along the north elevation for the church located at 10460 Slater Avenue (Attachment #2). The new entrance will serve as the main entrance to the church facing the new parking lot along Slater Avenue. The new entrance will have a 21-foot tall, sloped roof and a glass front and a cross located 20 feet behind the new glass front wall. The existing cross attached to the northeast corner of the building that extends above the roofline of the building will be removed. The project also includes raising the existing parapet of the building along the north elevation to the same height as the portion of the building at the northeast corner of the building. This will provide a consistent 23 foot height and a finished look to the entrance of the church along the north elevation facing Slater Avenue.

The proposed project meets all applicable zoning requirements for the R1 – Single-Family Residential zone including setbacks, height, site coverage, landscaping, and parking as noted below.
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setbacks</td>
<td>20 feet front 192 feet</td>
</tr>
<tr>
<td></td>
<td>5 feet side    72 feet</td>
</tr>
<tr>
<td></td>
<td>25 feet rear   65+ feet</td>
</tr>
<tr>
<td>Height</td>
<td>27 feet       21 feet</td>
</tr>
<tr>
<td>Site Coverage</td>
<td>55%          12%</td>
</tr>
<tr>
<td>Landscaping</td>
<td>15%          41.4%</td>
</tr>
<tr>
<td>Parking</td>
<td>48 spaces    96 spaces</td>
</tr>
</tbody>
</table>

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 enhance and provide an attractive main entrance to the church building and will provide a consistent parapet roof façade behind the proposed entrance that will match the building in color and architectural style. With conditions of approval in Resolution No. 20-17 (Attachment #3), 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. 20-17 adopting a Notice of Exemption in accordance with the California Environmental Quality Act (CEQA) and approving Development Review No. 20-03, a petition submitted by Timothy Nguyen, on behalf of the property owner, to add a new 285 square foot entrance facing the new parking lot along Slater Avenue and extend the existing building parapet line along the north elevation for the church located at 10460 Slater Avenue.

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:** Steven Ayers, Principal Planner

**Approved By:** Brian James, Planning and Building Director

Attachments: 1. Vicinity Map
2. Project Plans
3. Resolution No. 20-17
4. Notice of Exemption
Vicinity Map
Development Review No. 20-03
Coastal Community Church

10460 Slater Avenue
RESOLUTION NO. 20-17

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. 20-03 SUBMITTED BY TIMOTHY NGUYEN, ON BEHALF OF THE PROPERTY OWNER, TO ADD A NEW 285 SQUARE FOOT ENTRANCE FACING THE NEW PARKING LOT ALONG SLATER AVENUE AND EXTEND THE EXISTING BUILDING PARAPET LINE ALONG THE NORTH ELEVATION FOR THE CHURCH LOCATED AT 10460 SLATER AVENUE

WHEREAS, an application for Development Review No. 20-03 was submitted by Timothy Nguyen, on behalf of the property owner, in accordance with Municipal Code, Title 21; and

WHEREAS, the Fountain Valley Planning Commission considered said application at the Planning Commission meeting of September 9, 2020; and

WHEREAS, the Planning Commission has imposed conditions, 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 project will be complimentary to the existing church building and 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 will improve architectural quality of development by promoting residential development which achieves harmony without monotony in the built environment and provides for a design that is people oriented, sensitive to the needs of visitors and residents, and functionally efficient for its purpose.
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 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 project will be designed to provide a focal point to enhance the main entrance to the church and raise the parapet of the building to match the existing building parapet line along the north elevation of the building.

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 project 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 improve architectural quality of development by promoting residential development which achieves harmony without monotony in the built environment and provides for a design that is people oriented, sensitive to the needs of visitors and residents, and functionally efficient for its purpose (Goal 2.6/Policy 2.6.1 and 2.6.2).

The project will be designed to be architecturally compatible with the existing church building with an enhanced entrance to the church and a raised parapet to match the existing building parapet line along the north elevation of the building with similar colors and materials.

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 project is designed to be architecturally compatible with the existing church building. The project will not be detrimental to the public or materially injurious to the properties or improvements in the immediate vicinity as it will not be located in any required drive aisles, reduce parking levels below required for the property, or obstruct any required ADA accessibility.
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.

The project will enhance the value of properties in the immediate vicinity by enhancing the main entrance to the church and raising the parapet of the church building to match the existing building parapet line along the north elevation of the building. The project design will be appropriate for the church property and surrounding neighborhood as it will provide a focal point for visitors while matching adjacent parapet lines with similar material.

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 (attached as Exhibit 1 herein) 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 project includes a 285 square foot expansion and an extension of a parapet to match the existing building parapet line.

SECTION 3

The Planning Commission hereby approves Development Review No. 20-03, petition submitted by Timothy Nguyen, on behalf of the property owner, to add a new 285 square foot entrance facing the new parking lot along Slater Avenue and extend the existing building parapet line along the north elevation for the church located at 10460 Slater Avenue for the church located at 10460 Slater Avenue.

PASSED, APPROVED AND ADOPTED THIS 9TH DAY OF SEPTEMBER, 2020

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 AND CHAPTER 21.44
OF THE FOUNTAIN VALLEY MUNICIPAL CODE.

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. 20-03

Coastal Community Church
10460 Slater Avenue
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 project plans dated August 4, 2020, (attached as Attachment #2 to the staff report for this project) have been reviewed and approved by the Planning Commission on September 9, 2020.

2. As outlined on Sheet TS under Scope of Work on the project plans dated August 4, 2020 (attached as Attachment #2 to the staff report for this project), the project shall include the removal of the existing cross attached to the northeast corner of the top parapet of the building.

3. The colors, materials, roofing material, and facades of the proposed project 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.

4. 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

5. 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: September 9, 2020
Date of Project Expiration: September 9, 2021
6. 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.

7. 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.

8. 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.

9. 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.

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

11. 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.

12. Signs shall comply with the Fountain Valley Sign Code and shall be reviewed and approved by the Planning and Building Director and/or Sign Committee.

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

14. 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.

15. 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.

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

17. 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.

18. 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

19. 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.

20. 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.

21. 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.
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: Coastal Community Church - Development Review No. 20-03

Project Location/Address: 10460 Slater Avenue, Fountain Valley, CA 92708

Project Activity/Description: Petition to add a new 285 square foot entrance facing the new parking lot along Slater Avenue and extend the existing building parapet line along the north elevation for the church located at 10460 Slater Avenue.

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

Project Applicant: Timothy Nguyen

Project Applicant’s Address: 2961 W. MacArthur Blvd Suite 210, Santa Ana, CA 92704  
Phone Number: (714) 883-6001

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 includes a 285 square foot expansion and an extension of a parapet to match the existing building parapet line.

Lead Agency  
Contact Person: Steven Ayers, Principal 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: ______________  Title: ___________________________

☒ Signed by Lead Agency  ☐ Signed by Applicant