Minutes

Planning Commission City of Orange Monday 7:00 p.m.

PRESENT: Commissioners Buttress, Gladson, Grangoff, and Steiner

ABSENT: Commissioner Merino

STAFF

PRESENT: Alice Angus, Community Development Director

Ed Knight, Assistant Community Development Director

Robert Garcia, Associate Planner Lucy Yeager, Contract Planner Gary Sheatz, Assistant City Attorney Sandi Dimick, Recording Secretary

ADMINISTRATIVE SESSION

Chair Steiner opened the Administration Session of the Planning Commission Meeting at 6:51 p.m. Commissioner Buttress stated on the meeting minutes of September 19, 2011, there was a correction to a statement she had made; the correction was noted. Chair Steiner stated there were two Public Hearings to be presented. He stated he had reviewed the correspondence from the Fennessy's and he asked if they were the nay sayers on the project. Contract Planner, Lucy Yeager, stated yes.

Chair Steiner asked if there was anything else in their folders that needed discussion. The Commissioner's stated no. Chair Steiner asked Staff if the numerous conditions of approval were satisfactory to the applicant's on the Chapman proposal? Ms. Yeager stated yes.

Commissioner Buttress asked if the 20' set back request was facing Palm Street? Ms. Yeager stated yes, that was correct. Chair Steiner stated he wondered why the set back requirements were not addressed in the Specific Plan. Commissioner Gladson stated that would be an issue that she wanted to discuss on the dais.

Administrative Session adjourned @ 6:57 p.m.

PUBLIC PARTICIPATION: None

REGULAR SESSION:

Consent Calendar:

(1) APPROVAL OF MINUTES FROM THE REGULAR SCHEDULED MEETING OF SEPTEMBER 19, 2011

Commissioner Buttress made a motion to approve the minutes from the regular scheduled Planning Commission Meeting of September 19, 2011 with the correction as noted during the Administrative Session.

SECOND: Commissioner Gladson

AYES: Commissioners Buttress, Gladson, Grangoff and Steiner

NOES: None ABSTAIN: None

ABSENT: Commissioner Merino

MOTION CARRIED

NEW HEARING:

(2) VARIANCE NO. 2211-11 (SETBACK); VARIANCE NO. 2210-11 (HEIGHT); MAJOR SITE PLAN NO. 0667-11; DESIGN REVIEW COMMITTEE NO. 4550-11 – CHAPMAN UNIVERSITY HISTORIC CORE CLASSROOM BUILDING (HCCB)

LOCATION: Vacant property on Chapman University's Main Campus, east of

Smith Hall and southwest of Memorial Hall (Palm Ave./Orange St.

Intersection)

NOTE: The proposed project is fully and adequately addressed in the previously

approved certified Final Environmental Impact Report (FEIR) No. 1717-03 prepared for the Chapman University Specific Plan Amendment No. 5.

RECOMMENDED ACTION:

Adopt Planning Commission Resolution 20-11 allowing the construction of a 2-story building plus a basement, totaling 17,059 gross square feet having 9 classrooms with 234 seats, 2 seminar rooms, 1 lounge, 14 offices, storage, other support ancillary uses, including an outdoor patio located on vacation property on Chapman University's Main Campus.

Contract Planner Lucy Yeager presented a project overview consistent with the Staff Report.

Chair Steiner asked if any further communication had been received on the agenda item, there was none. Chair Steiner opened the Public Hearing and invited the applicant to address the Commission.

Ken Ryan, address on file, stated he was representing the University and he was pleased to have the project before the Planning Commission; a project that maintained the integrity of the mall area and was consistent with the Campus Plan and the neighborhood. He had a PowerPoint presentation which he would briefly go through and he would also address some of the concerns that had been brought forth by one of the neighbors. He wanted to ensure that the presentation provided their responses to those concerns. The team that had worked on the proposed project was present and available for any specific questions that might come up. Kris Olsen with Chapman University was present, Bob Luther the landscape architect, Gail Bovary the project's architect and their historic architect was also present for questions that might come up. Ryan stated that the core classroom building was located along Palm near Glassell. The main idea was to locate the project and think about the design as it related to Reeves Hall, Roosevelt Hall, Smith Hall and Memorial Hall and to the historic district that the University was located in. They used the Neoclassical Architecture that mirrored Roosevelt Hall; which would accommodate classrooms, seminar rooms and offices. The uses proposed were allowed in the Specific Plan and on the graphic that he was presenting. Smith and Reeves Halls were built in 1913 and Memorial Hall in 1921, Roosevelt in 1928 and the historic core classrooms that were being presented would be located in an area he pointed to on the graphic that was displayed before the Planning Commissioners. The Variance request would allow the building to maintain

the historic integrity of the mall. The Specific Plan that had been prepared 10 years ago had some good principles in having 20' setbacks overall for the University's boundaries. The Variance that was before them would allow for the building to be located 10', the same distance as Smith Hall. The 10' setback would allow the new building to be at the same setback and to fit in with the overall integrity of the mall. The same was true with the height variance that was being requested. The Specific Plan allowed for 55' going into the property and they wanted the proposed building to be at the same heights as the other four buildings on the quad. He pointed out the buildings on the graphic being displayed.

Mr. Ryan stated the proposal incorporated the suggestions made by the DRC; he pointed those out on the graphics. The view from Glassell showed the existing Smith Hall on the right with the proposed building on the left. There were additional graphics which he would share that were in addition to the graphics provided in the Planning Commissioner's packets. The additions were largely in response to the neighbor's concerns who had asked the question of what the building would look like, the noise impacts, etc. There was a view from Palm looking down from Glassell with the proposed building. One of the issues that would be addressed would be to use a very matted color palette to help with any glare and soften the over all building's appearance. The use of landscape and the addition of Magnolia trees would also soften the building and add to the integrity of the site itself. There was a question of how the building would feel to the neighbors across the way? They were in receipt of a letter from the Fennessy's; and Mr. Ryan pointed out where the Fennessy home was located in relation to the proposed building. He pointed to different graphics that displayed the buildings from various vantage points and their relationship and location to the Fennessey's property.

Mr. Ryan stated the building was compatible with the existing buildings and the historic setting. There would be an outdoor patio area, a landscape zone along the street, and additional landscape around the building perimeter. There was a landscape plan that illustrated the new street trees, foundation shrubs and massing shrubs, with additional hedge treatments. The important issue from an historic integrity perspective, was that the proposed project complied with the Standards and Design Criteria within the Old Towne Historic District and the Secretary of Interior Standards and Guidelines. The variance was important due to the 50'from front to back of the proposed building which was the same as Smith Hall and 105' along the building's length; which was reflective of Roosevelt Hall. The proposed building mirrored the architecture of the buildings in the mall. He pointed out the various buildings in the graphics and the heights of the other buildings in comparison to the proposed building. The DRC recognized that it was not their purview to approve variances, as that was the responsibility of the Planning Commission; however, in the review by the design the DRC, they commented that the variance for the setback was important in maintaining the aesthetics of the project and an important component of the project.

Mr. Ryan stated they had conducted various outreach opportunities to the public and noticed over 7,000 constituents; 7,500 Orange residents were invited to neighborhood meetings. They had a good turn out and a positive exchange in addressing issues that were brought forth. They had two neighborhood meetings and his team had gone door to door on the homes along Palm Avenue between Glassell and Grand. Meetings were held with the Old Towne Preservation Association and the Orange Barrio Historic Society on January 18 and September 20; and most

recently with OTPA, both groups supported the project that was being presented. Mr. Ryan stated they had been busy over the last few days in response to neighbor concerns that had been brought to their attention via correspondence that had been received. He pointed out the home across from the project in a graphic and he stated there were a couple of important issues. He pointed out the area that would be associated with the Variance that was being requested and explained that the setback would keep the proposed building in line with the existing building. He noted that the red area in the graphic he referred to was the area that the current specific plan allowed for, a building with a 20' setback and a gradual elevation to 55'. He stated from the historic architects involved in the project, it would not be consistent with the intent of maintaining historic integrity. They were asking to have the proposed building mirror the footprint of the existing buildings with a 10' setback.

The correspondence from the neighbor asked what would the project look like and how would it affect their privacy, noise, glare, etc? What he wanted to share was the proposed plan that depicted the Magnolia trees that would be planted in the parkway, and the DRC had suggested the use of larger trees and they proposed to use 36" box trees; and it was not unrealistic to expect that the trees would appear as in the rendering he presented within a few years time. There would also be shrubbery along the buildings and there would be a distance of 82' between the proposed building and the neighbor's property and that was significant. To address the issue of privacy; the second story would not have classrooms and along the façade that faced Palm Avenue, there would be office space. Understanding there would be landscaping and 82' of separation, parkways and a road in between was significant. The building would not be utilized after 10:00 p.m. and there would be light sensors in the building. The only activity that would occur in the building later in the evening would be janitorial services.

They had a noise consultant provide information on the noise the new building would bring; and typically for the use proposed, the decibel level was 45 at 50' away from a structure. The proposed project would have an 82' separation from building to building and be at 41 decibels, at 92' there would be a 1 decibel difference with the City standard at 55 DBA for residential dwellings. They were within the range of expected noise occurrence. A 10' vs. 20' setback would only provide for a 1 decibel difference and would not be discernable to the human ear. The thought in regard to internal noise would be that the new building would shield noise when activities were occurring within the mall area. There had been a question regarding the reflective nature of the building and the building would be painted the same color as Memorial and Roosevelt Halls, which reflected a more muted and softer color. They would use the same Dunn Edwards 6157 Bisque Tan that would help in minimizing the reflective nature of the other white buildings that would also be painted the same color.

Mr. Ryan presented a graphic that answered the question of what the building would look like and he pointed out the details of the use of the building. There had been a question about lighting and there was a lighting package included in the packets provided to the Commissioners. There was no ingress or egress along Palm Ave. The lighting would be located at the main entrance which was an interior entry, there would be sconces which would be very modest and the same light elements that were being used on the other buildings would be used on the proposed new building. He was available for any further questions.

Chair Steiner asked if there were any questions for the applicant.

Commissioner Buttress asked if there was safety lighting proposed for the new building?

Mr. Ryan stated they would use the street lighting and the additional sconces that would be attached to the building. Those would be largely for security issues and safety issues. There would be no additional lighting on the Palm side of the building.

Commissioner Grangoff stated with no exits on Palm Avenue, he imagined there would be minimal activity there and what would the addition of a new building add to student activity that would occur?

Mr. Ryan stated he believed that the landscaping and the directional opportunities of the building allowed for better control; and when activities occurred, the building would actually mitigate noise.

Commissioner Grangoff asked what type of classes would take place at the new site.

Mr. Ryan stated there would be general classes.

Commissioner Gladson asked for a bit of history on the Specific Plan for Chapman University, and that would be in terms of not planning for everything and understanding that there was flexibility in such a document; she was curious in the particular element of height and not knowing the heights of the existing buildings? She asked for clarification on that point and with the discussion at the DRC level, he had shared with those members an historical reference to Orange High School and the thought that the fourth building may have been planned, she asked if Mr. Ryan could share some information on that point as well?

Mr. Ryan referred to graphics in the PowerPoint presentation and stated the Specific Plan had been prepared 10 years ago and the big idea that had come from that area was that the core area of the University was for future uses to make the architecture contextual to the area. In the core area using the Neoclassical architecture, the proposed building used architecture that would provide for the feel of the classic core campus; over by the railroad tracks the buildings would be a bit more gritty and industrial and over in the residential area to be more residential and less monumental. There had been discussion about the University and how it related to the When the Specific Plan was drafted, the proposed building had not been neighbors. contemplated. There had been an overall boundary of the Specific Plan and the adoption of a 20' setback for a nice graduation from the neighbors. The Specific Plan overall had very good standards; but in their proposal a Variance, which was not to be taken lightly. The historic resource folks in Orange and their own historic architect had felt that the Variance was valid. There was no historical proof of a campus plan or proof that there had been a plan for a fifth building. They had intuitively assumed that when the buildings were built in 1913 and when Wilkinson existed and then in 1929 to add Memorial and Roosevelt's layout, they believed there had been a thought process for the new site; however, there was no proof of that.

Chair Steiner invited the Public Speakers to address the Commission.

Mike Fennessy, address on file, stated he had lived in his home for 25 years and one of the reasons they chose the house was due to the historical aspect. In 1989 the City was just completing the process of getting historical designation. One of the reasons they stayed in their home was because of the 20' setback. There was a setback and height requirement that had been built into the Specific Plan. He understood earlier in the year that a new building would be added and that something would be built in the vacant area. Last week when they had received the Variance information they were shocked as the University wanted to go outside what the City had agreed upon and the applicant had wanted the Variance that would move the building closer to his home. The only compelling reasons from the applicant were that it would mirror the footprint of Smith Hall. The architecture had fit into the Specific Plan; however, it had requirements that the applicant would need to abide by. He was asking that they keep the plan, keep the location, but to back it off to the 20' setback, it was the back of the building. The historical groups would be looking at everything from the mall and everyone who was looking at that building would be looking at the back of the building. Chapman wanted to refer to the area as a business zone along Palm, but it was not business/commercial; it was across from his residence. They were looking at the architectural integrity and the concerns that were addressed in their letter. There was the privacy issue, the solar effects and the reflection issue, and he would take a bit of disagreement with the information presented. Anytime a building was moved 10' it was a 6 decibel level difference, not 1; the significance would depend where someone lived.

On the privacy issue, there had been discussion about night lighting and there would be people going in and out of there, going to class and other events and with one more building there would be more people and more noise. The point that he was making was to use the guidelines and push the building 10' back, to the setback that everyone had agreed on in 1989; 20' back and 35' in height and they would be willing to work with that. They were neighbors and the University had not come to them, he only had a week's time and he was glad that he had not been on vacation when this occurred or they would have missed the meeting. He had been there a long time and he wanted to go back and re-meet, to look at it and to remain within the plan that they had all agreed upon, a plan that the businesses, historical district and the University had to abide by.

Denise Fennessy, address on file, stated she wanted to add a couple of points; the regulations were put into place for a reason and to protect the residents of the City of Orange. They had consulted with construction and architect professionals in regard to the noise issues and having a building in the proposed location would create more noise as sound would bounce off the building and into their home. Privacy was an issue and she was not certain changing the color of the building would absorb the light and illumination or reduce the heat gain in their home. In regard to the patio that was proposed on the University project, her concern was that people would use the space to be out their smoking and the smoke drift would go into their home. The University stated that the building would act as a buffer to some of the activities in the mall; they were talking about negative affects to their property value and quality of life that they would experience everyday and not just with special events. They knew the University was there and they had hoped that the University would respect the boundaries of the residential area and to keep that in mind when planning their construction. She and her husband were both in public

health for the County and spent their days protecting the community and she would hope that her City would do the same for them and protect her home and her family.

Jeff Frankel, address on file, representing the OTPA, stated he was present for support and would allow others with the same comments to speak.

Steve Bennett, address on file, representing the OTPA, stated he was present for support and would allow others with the same comments to speak.

Michelle Carder, address on file, representing the OTPA, stated it was not often that the OTPA could stand up with pleasure to recommend approval of a project. They had met and discussed the proposed project at length with the Chapman Staff, architects and preservation consultants. The OTPA believed the design, bulk and mass of the addition was appropriate in the context of the other historic structures in the area and enhanced the historical character of the site. The building was designed with subtle architectural differences that distinguished the building from the rest, and showed that the building was not artifice and would allow the building to be distinguished from the other historic buildings. The OTPA wholeheartedly advocated for the project and they commended Chapman for adhering to the process. They appreciated Chapman abiding by the procedures that were set forth by the City, the Secretary of Interior Standards and by their own Specific Plan. The project was completely compliant and they gave 100% of their support to the project.

Chair Steiner invited Mr. Ryan to address the Commissioner in terms of a response to the comments stated by the Fennessy's.

Mr. Ryan stated they had listened and had reached out; and they had gone to the neighbor's door, personally, and had left their cards with names and phone numbers and had invited them to their neighborhood meetings. The big picture in terms of the landscaping and the setback of 10' vs. 20' was not an issue of the University attempting to skirt the rules; but they had worked with the community and with the OTPA and the proposal was the appropriate fit for the site. On the patio, there would be no direct access from the building; it would be a casual space for people to be in. It was not an area that people leaving the building would have direct access to, there were no doors opening to the patio or ingress or egress to the space. He provided the PowerPoint slide of the patio and explained the area, location, and location of building exits.

Commissioner Gladson asked if Chapman had a procedure in place with their other outdoor patios to regulate the areas; if for example there was mischief at 1:00 or 2:00 a.m.

Mr. Ryan stated the activity and mischief was under the entire responsibility of the University, but Randy Burba headed that up and the University had a good working relationship with the City of Orange Police Department. If there was any type of activity that should not be occurring they shared the phone numbers with all of the neighbors and it was also on the website. At their last neighborhood meeting, there was Orange Police Department representation as well as the University security to answer questions. They recognized that they were not perfect, but the goal was to work toward the short term and long term to resolve issues.

Chair Steiner asked if there was a mitigation program in place.

Mr. Ryan stated they had a group in place that would ensure that all the mitigation guidelines were followed.

Chair Steiner asked if there had been a shadow analysis.

Mr. Ryan stated they had conducted a shade and shadow analysis with the results of that study showing no impact on the neighbors.

Commissioner Grangoff asked if other design options had been explored in using the 20' setback.

Mr. Ryan stated yes they had and every historic expert that they consulted told them it would be a big mistake for the University. The historic architect that they hired got them on the mark of what was appropriate for the space and the testimony from the OTPA representative was a confirmation of that process. Those were important foundational aspects for the building's design, right from the start. He also learned that the building should not be an exact duplication of the other historic buildings, and they worked hard on those details. The 10' vs. 20' setback was not to skirt the issue; but to address the integrity of the historic nature.

Commissioner Gladson asked if there was thought to amending the Specific Plan, rather than requiring a Variance.

Mr. Ryan stated there needed to be updating and Community Development Director Alice Angus had been an advocate of that need. They were dealing with the projects on a case by case situation; but it was time to open up the Specific Plan and to review some of the components. The University was solely driven by private donations and it was what changed their priority; the current project was funded and ready to go. They were open to amending the Specific Plan of the University. There were a few projects in the works that they would review on a case by case basis.

Commissioner Gladson asked if he had a sense of when the review would take place.

Mr. Ryan stated he believed it would be within a year. There were other projects in the works. It would be a major outreach effort to update the Specific Plan, but they were ready to do it.

Chair Steiner stated having been a Councilman 17 years ago, the University had come a long way in terms of being a good neighbor and they had not always been able to meet everyone's expectation. Having the OTPA's endorsement and an ally was important. The letter from the Fennessy's was very well written and they had brought forward some legitimate concerns. He was not certain how they could get any closer to what had been proposed.

Chair Steiner closed the Public Hearing and brought the item back to the Commission for any further comments or action.

Commissioner Gladson stated she was reluctant to grant Variances. If a Variance was granted consistently that stated to her that there was a bigger problem; either at the City level or with a Specific Plan area that brought forth a concern. In review of the materials in the Staff Report, there had been a legitimate reason for the Variance that convinced her with the legal findings that there needed to be the rare occurrence of granting the Variance for the proposed project. It was something that needed careful consideration. It was appropriate for the proposal before them and there were grounds for the Variance. She wanted to share with her colleagues to encourage Chapman University to review their Specific Plan carefully and to amend the areas that needed updating; especially in light of other projects that would be coming forth. She would want to avoid looking at Variances each time they came before the City. She would support what the Design Review Committee had recommended and the design was impeccable, the architecture was handsome, and the landscape was appropriate; she was reluctant to recommend approvals on Variances unless they were really, really necessary.

In the project before her, there were grounds for a Variance that had been presented. The speculation of whether a building had been planned for that space was irrelevant; it was lovely and appropriate for the campus and she was sensitive to the neighbors and she felt it was a communication issue and that the details could be worked out. She had a minor technical question on the civil plan; there were notes on a sump pump and she wanted to ensure that would not be visible?

Mr. Ryan stated there would be nothing visible above ground.

Commissioner Buttress stated with the other projects that would be coming to them later, had the University anticipated that they would be requiring Variances on those projects?

Mr. Ryan stated on Filmmakers Village, there were Variances on that proposal; there were some unusual circumstances on that project and he agreed that variances were not to be taken lightly.

Commissioner Buttress asked if he thought by 2012 that the Specific Plan would be addressed.

Mr. Ryan stated yes.

Chair Steiner stated the statement that was made by Commissioner Gladson was thoughtful and something that should be considered; he also knew that the Chapman University project was also very complex and that the Planning Commission and City Council would deal with the issues on a case by case basis and that issues that arise would be worked out preemptively with the community.

Commissioner Gladson made a motion to adopt PC Resolution 20-11, approving Variance No. 2211-11(setback); Variance No. 2210-11(height); Major Site Plan No. 0667-11; Design Review Committee No. 4550-11-Chapman University Core Classroom Building (HCCB), subject to the conditions contained in the Staff Report, noting that the previously approved and certified EIR was the appropriate environmental document for such action.

SECOND: Commissioner Buttress

AYES: Commissioners Buttress, Gladson, Grangoff and Steiner

NOES: None ABSTAIN: None

ABSENT: Commissioner Merino

MOTION CARRIED

(3) CONDITIONAL USE PERMIT 2823-11; DESIGN REVIEW COMMITTEE 4564-11; AND MINOR SITE PLAN REVIEW 0657-11 – VERIZON WIRELESS

The applicant proposes to install a 51' tall stealth mono-palm wireless facility with ground mounted equipment within a block masonry enclosure. The facility will consist of 12 panel antennas, 4 GPS antennas, 4 equipment cabinets and 1 emergency generator.

LOCATION: 809 S. Esplanade Street

NOTE: This project is categorically exempt from the provisions of the California

Environmental Quality Act (CEQA) per CEQA Guidelines Section 15303 (Class 3 – New Construction or Conversion of Small Structures) because

the project consists of a new wireless facility.

RECOMMENDED ACTION:

Adopt Planning Commission Resolution 21-11 allowing the installation of a 51' tall stealth mono-palm wireless facility with ground mounted equipment and an emergency generator within a block masonry enclosure.

Associate Planner Robert Garcia presented a project overview consistent with the Staff Report.

Chair Steiner opened the hearing for Public Comment and asked if any further communications had been received? There were none. He invited the applicant to address the Commission.

Peter Blied, address on file, thanked Mr. Garcia for handling the presentation. He stated that they had spent a lot of quality time with the DRC in working out some of the kinks; one of the issues had been a microwave dish that had been removed and was no longer needed and made for a better overall project. One item to note was that the vendor that created the faux monopalm tree had been put to task to create a new bark profile and it would be a detail that would take the trees to a new level.

They had read the Staff Report and were ready to accept the Conditions of Approval as written.

Commissioner Gladson stated the particular area where the installation would be was a gap area for the service provider and was that why the site had been sought out?

Mr. Blied stated it was a bit of a gap and the area was mostly residential which precluded them from locating in certain zones. There was a good location with the proposed installation that would also fill the gap, but the new installation would also support the system as there were so many users on their system and it was necessary in order to handle the shear volume of data transfer.

Chair Steiner closed the Public Hearing and brought the item back to the Commission for further discussion or action.

Commissioner Grangoff made a motion to adopt PC Resolution 21-11, approving, CUP No. 2823-11; Design Review Committee No. 4564-11; and Minor Site Plan Review No. 0657-11-Verizon Wireless, subject to the conditions contained in the Staff Report.

Chair Steiner noted the item was categorically exempt from CEQA.

SECOND: Commissioner Buttress

AYES: Commissioners Buttress, Gladson, Grangoff and Steiner

NOES: None ABSTAIN: None

ABSENT: Commissioner Merino

MOTION CARRIED

(4) ADJOURNMENT:

Adjournment to the next regular Planning Commission Meeting scheduled for Monday October 17, 2011.

Commissioner Buttress made a motion for adjournment to the next regular scheduled meeting of the Planning Commission on October 17, 2011.

SECOND: Commissioner Gladson

AYES: Commissioners Buttress, Gladson, Grangoff and Steiner

NOES: None ABSTAIN: None

ABSENT: Commissioner Merino

MOTION CARRIED

Meeting Adjourned @ 8:04 p.m.