DESIGN REVIEW COMMITTEE
AGENDA ITEM

AGENDA DATE:	MAY 16, 2012
TO:	Chair Woollett and Members of the Design Review Committee
THRU:	Leslie Aranda Roseberry, Planning Manager
FROM:	Doris Nguyen, Associate Planner
SUBJECT:	DRC No. 4621-12 – Menchie's Signs

SUMMARY

The applicant is proposing two wall signs and one window sign within the Tustin Redevelopment District.

RECOMMENDED ACTION – FINAL DETERMINATION

Staff is requesting that the DRC approve the proposed project.

BACKGROUND INFORMATION

Applicant/Owner:	AKC Services Inc for Menchie's Yogurt
Property Location:	1267 North Tustin Street
General Plan Designation:	General Commercial (GC)
Zoning Classification:	C-TR (Limited Business-Commercial Tustin Redevelopment)
Existing Development:	Four-tenant building on parcel at the corner of Katella Ave/Tustin St. Michaels, Petco and Wendy's are on a separate parcel.
Property Size:	9,300 SF
Associated Applications:	None
Previous DRC Project Review:	None

PUBLIC NOTICE

No Public Notice was required for this project.

ENVIRONMENTAL REVIEW

Categorical Exemption: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15301 (Existing

Facilities) because the project includes wall sign replacements. There is no environmental public review required for a categorical exemption.

PROJECT DESCRIPTION

The applicant is proposing to add two new walls signs and one window sign to the building. All three signs would be illuminated. The Menchie's wall sign on the south elevation would be 6'-8.75" W x 1'-6" H (10 SF). The circular logo and text on the southwest corner would be 9' W x 2'H (18 SF). The logo would be 2' in diameter and the text not more than 18" in height. The south facing circular frozen yogurt window sign would be 2' in diameter (4 SF).

The proposed changes would typically be signed over-the-counter, because they meet the Orange Municipal Code (OMC) sign requirements. However, the project is within the Tustin Redevelopment zone, which is governed by the Tustin Street Design Standards. The Standards require the DRC review "for any changes in signage and for any alteration to the visible portions of a building within the Tustin Street Project Area". Since this is not a sign program for the entire center, this sign program only applies to the 1,636 SF suite located at 1267 North Tustin Street.

EXISTING SITE

The existing 7,676 SF building has four commercial tenants within a 9,300 SF lot, located on the south east corner of Tustin Street and Katella Avenue. The subject tenant space is 1,636 SF.

EXISTING AREA CONTEXT

Surrounding property to the north, south, east and west are commercial/retail properties.

EVALUATION CRITERIA

Orange Municipal Code (OMC) Section 17.10.070 establishes the general criteria the DRC should use when reviewing the project. This section states the following:

The project shall have an internally consistent, integrated design theme, which is reflected in the following elements:

1. **Architectural Features**.
    a. The architectural features shall reflect a similar design style or period.
    b. Creative building elements and identifying features should be used to create a high quality project with visual interest and an architectural style.
2. **Landscape**.
    a. The type, size and location of landscape materials shall support the project's overall design concept.
    b. Landscaping shall not obstruct visibility of required addressing, nor shall it obstruct the vision of motorists or pedestrians in proximity to the site.

c. Landscape areas shall be provided in and around parking lots to break up the appearance of large expanses of hardscape.

3. **Signage**. All signage shall be compatible with the building(s) design, scale, colors, materials and lighting.

4. **Secondary Functional and Accessory Features**. Trash receptacles, storage and loading areas, transformers and mechanical equipment shall be screened in a manner, which is architecturally compatible with the principal building(s).

ANALYSIS/STATEMENT OF THE ISSUES

Issue 1 Signage:
The signage meets both the requirements of the Tustin Street Design Guidelines and OMC Sign Ordinance.

The Tustin Street Design Guidelines signage criteria is more restrictive than the OMC Sign Ordinance in that it limits signs to 24" in height; and more specifically, limits the height of individual letters within main wall signs to 18" tall. The sign has been redesigned to fit within these requirements. The logo is 24" tall and the text, including ascenders does not exceed 18" in height; therefore, it meets the Tustin Street Design Guidelines requirements.

On the west elevation, the OMC Sign Ordinance would have allowed a wall sign that is 6'-8" in height because the sign area is 10' tall. Since the store frontage is 38'-11" wide, the sign could have been nearly 39 SF. The wall sign is 24" tall and 18 SF; therefore, it meets the OMC requirements.

On the south elevation, the OMC Sign Ordinance would have allowed a wall sign that is 6'-8" in height because the sign area is 10' tall. Since the south facing store frontage is 40'-1" wide, the sign could have been 40 SF. The wall sign is 18" tall and 10 SF; therefore, it meets the OMC requirements.

The OMC Sign Ordinance limits windows signs to cover 25% of each window pane. The window pane is 28SF; therefore, a 7 SF window sign would be permitted. Since the sign is 2' in diameter, the 4 SF sign would be permitted under the OMC regulations. The Tustin Street Design Guidelines are more restrictive in that it permits window signs to be 20% of the window pane, which is 5.6 SF allowed; therefore, the 4 SF sign meets both criteria.

ADVISORY BOARD RECOMMENDATION

None

STAFF RECOMMENDATION AND REQUIRED FINDINGS

The courts define a "Finding" as a conclusion which describes the method of analysis decision makers utilize to make the final decision. A decision making body "makes a Finding," or draws a conclusion, through identifying evidence in the record (i.e., testimony, reports, environmental documents, etc.) and should not contain unsupported statements. The statements which support the Findings bridge the gap between the raw data and the ultimate decision, thereby showing the rational decision making process that took place. The "Findings" are, in essence, the ultimate conclusions which must be reached in order to approve (or recommend approval of) a project. The same holds true if denying a project; the decision making body must detail why it cannot make the Findings.

The Findings are applied as appropriate to each project. Based on the following Findings and statements in support of such Findings, staff recommends the DRC approve the project with recommended conditions.

1. *In the Old Towne Historic District, the proposed work conforms to the prescriptive standards and design criteria referenced and/or recommended by the DRC or other reviewing body for the project (OMC 17.10.070.F.1).*

   This project site is not within the Old Towne Historic District; therefore, this finding does not apply.

2. *In any National Register Historic District, the proposed work complies with the Secretary of the Interior's standards and guidelines (OMC 17.10.07.F.2).*

   This project site is not within the National Register Historic District; therefore, this finding does not apply.

3. *The project design upholds community aesthetics through the use of an internally consistent, integrated design theme and is consistent with all adopted specific plans, applicable design standards, and their required findings (OMC 17.10.07.F.3).*

   The project is located within the C-TR zone; and therefore, is subject to the Tustin Street Design Guidelines. The signs were modified to meet the requirements for both the Tustin Street Design Guidelines and the Orange Municipal Code. The signs uphold the community aesthetics by complying with the adopted Design Guidelines.

4. *For infill residential development, as specified in the City of Orange Infill Residential Design Guidelines, the new structure(s) or addition are compatible with the scale, massing, orientation, and articulation of the surrounding development and will preserve or enhance existing neighborhood character (OMC 17.10.07.F.4).*

   This project is not an infill residential development; therefore, this finding does not apply.

CONDITIONS

The approval of this project is subject to the following conditions:

1. Prior to issuance of a building permit, the applicant shall provide the City with two copies of the final approved plans which incorporates any comments from the DRC.
2. All construction shall conform in substance and be maintained in general conformance with plans and exhibits labeled Attachment 3 in the staff report (date stamped received May 7, 2012), including modifications required by the conditions of approval, and as recommended for approval by the Design Review Committee. Further, signage color and materials shall conform to the plans approved by the Design Review Committee on May 16, 2012.
3. 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 the City's active negligence.
4. The applicant, business owner, managers, successors, and all future assigns shall comply with all Federal, State and local laws, including all City regulations. Violation of any of those laws in connection with the use will be cause for revocation of this permit.
5. Except as otherwise provided herein, this project is approved as a precise plan. After any application has been approved, if changes are proposed regarding the location or alteration of any use or structure, a changed plan may be submitted to the Community Development Director for approval. If the Community Development Director determines that the proposed change complies with the provisions and the spirit and intent of the approval action, and that the action would have been the same for the changed plan as for the approved plot plan, the Community Development Director may approve the changed plan without requiring a new public hearing.
6. Prior to the issuance of building permits, the applicant shall pay all applicable development fees.
7. Construction permits shall be obtained for all construction work, as required by the City of Orange, Community Development Department's Building Division. Failure to obtain the required building permits will be cause for revocation of this permit.
8. The final approved conditions of approval shall be reprinted on the first or second page of the construction documents when submitting to the Building Department for the plan check process.
9. If not utilized, project approval expires twenty-four months from the approval date. Extensions of time may be granted in accordance with OMC Section 17.08.060. The Planning entitlements expire unless Building Permits are pulled within 2 years of the original approval.

ATTACHMENTS

1. Vicinity Map
2. Existing Site Photos
3. Site Plan, Elevations, Floor Plans, & Roof Plan (date stamped received May 7, 2012)

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