DESIGN REVIEW COMMITTEE
AGENDA ITEM

AGENDA DATE:	OCTOBER 3, 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. 4633-12 – PANDA EXPRESS FAÇADE REMODEL

SUMMARY

The applicant proposes to modify an existing 1,905 SF vacant restaurant by adding 40 SF to square off the north east corner, repaint the tower, add 2 awnings, and replace 1 tree. Signage is not part of this application.

RECOMMENDED ACTION – FINAL DETERMINATION

Staff is requesting that the DRC approve the proposed project.

BACKGROUND INFORMATION

Applicant/Owner:	Panda Express at The Village at Orange Mall
Property Location:	2318 North Tustin Street, Suite C
General Plan Designation:	General Commercial (GC)
Zoning Classification:	C-TR (Commercial Tustin Redevelopment)
Existing Development:	1,905 SF Vacant restaurant building attached to two other tenants
Property Size:	61 acres
Associated Applications:	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 15302 (Replacement or Reconstruction) because the project includes a façade remodel for an existing

building of substantially the same size. There is no environmental public review required for a Categorical Exemption.

PROJECT DESCRIPTION

The applicant is requesting to modify the exterior façade of an existing vacant restaurant, previously Fat Burger. The modifications include increasing the restaurant 40 SF from 1,906 SF to 1,946 SF. Currently, there is a diagonal cut in the northeast corner of the building, highlighting the main entrance double doors. The applicant is requesting to square off the NE corner of the building to remove the diagonal cut off, adding 40 SF to the building. A single storefront door would be installed on the east elevation to replace the double-door that was previously used as the main entrance at the corner cut off.

The north elevation currently has a single storefront door entrance with an ADA access ramp. The single door will be converted to a double door and serve as the new main entrance to the restaurant.

The applicant is requesting to add two new awnings to the north elevation. The shorter eastern awning would be 3' deep by 15'-0.25" wide and the western awning would be 3' deep by 23'-6.75" wide. Both awnings would be 5' tall and the highest point of the awning would be attached to the wall at 13' above grade. The awning would be red with black and white checkered trim at the base.

As part of the awning installation, the applicant is also proposing to remove the existing mature eucalyptus tree and install a 15-gallon eucalyptus tree between the two awnings. This is discussed further in the Analysis Section below.

The applicant is proposing to paint all sides of the tower Sherwin Williams Reynard (P-110). The main body of the building would remain as is.

Signage is not part of this proposal. The signage shown on the plans is incorrect. Signage shall comply with the Village at Orange Sign Program or the applicant must submit an application to modify the Sign Program.

EXISTING SITE

The existing space is one of three restaurants that are part of a freestanding building. The other 2 restaurants are Rubio's on the south corner and Yogurtland in the middle. The subject tenant space and Rubio's both have matching towers with hip roofs that front Tustin Street and visually separate the spaces. The building is mostly stucco with a rectangular trim lining the top. The main entrance is currently a double door corner cut off on the north east corner, fronting Tustin Street.

EXISTING AREA CONTEXT

Surrounding property to the north, south, and west include other commercial tenants within the Village at Orange Mall. The uses to the east across Tustin Street are retail and restaurant uses.

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: Awnings and Tree Replacement

The applicant proposes to install 2 awnings on the north elevation of the building. Both awnings are 36" deep at the base. In the location where the 15' long awning is proposed to be installed, there is currently a eucalyptus tree which has a trunk that is 30" away from the face of the wall. Since the awning is 36" deep, it would hit the tree. Therefore, the applicant is proposing to remove the eucalyptus and replace it with a new 15-gallon eucalyptus tree to be planted in the gap between the two new awnings. The applicant is proposing a 15-gallon tree because the planter is 4' wide and the landscape installer felt that a smaller tree is more likely to survive in the small space. Staff would like direction from the DRC as to whether a 15 gallon tree is an appropriate exchange for the taller, more mature tree that currently exists. Also, given the small space, is a eucalyptus tree appropriate for the location.

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 Village at Orange is part of Thematic District 2 of the Guidelines. The changes to the façade meet the requirements for the Tustin Street Design Guidelines because they are adding awnings to make the building a more human scale and replacing landscaping that they are removing.

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. Signage shall comply with the Village at Orange Sign Program or the applicant shall submit an application to modify the Sign Program.
2. Following the DRC meeting, and prior to issuance of a building permit, the applicant shall provide the City with two copies of the final sign package which incorporates any comments from the DRC.
3. All construction shall conform in substance and be maintained in general conformance with plans and exhibits labeled Attachment 4 in the staff report (date stamped received September 17, 2012), including modifications required by the conditions of approval, and as recommended for approval by the Design Review Committee. Further, exterior building color and materials shall conform to the plans and color and materials board approved by the Design Review Committee on October 3, 2012. Any change to the exterior of the building from the approved plans shall be subject to review and approval by the Design Review Committee.
4. 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.
5. 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.
6. 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.
7. Prior to the issuance of building permits, the applicant shall pay all applicable development fees including but not limited to: City sewer connection, Orange County Sanitation District Connection Fee, Transportation System Improvement Program, Fire Facility, Police Facility, Park Acquisition, Sanitation District, and School District, as required.
8. Construction permits shall be obtained for all construction work, as required by the City of Orange, Community Development Department's Building Division and Public Works

Grading Division. Failure to obtain the required building permits will be cause for revocation of this permit.

9. All structures shall comply with the requirements of Municipal Code – Chapter 15.52 (Building Security Standards), which relates to hardware, doors, windows, lighting, etc. (Ord. 7-79). Approved structural drawings shall include sections of the security code that apply. Specifications, details, or security notes may be used to convey the compliance.
10. 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.
11. 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. Photo of Color Board
4. Site Plan, Floor Plan, Details, Color Elevations (date stamped received September 17, 2012)

cc: Gary Wang & Associates
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