



# *DESIGN REVIEW COMMITTEE*

## AGENDA ITEM

AGENDA DATE: APRIL 17, 2013  
TO: Chair Fox and Members of the Design Review Committee  
THRU: Leslie Aranda Roseberry, Planning Manager  
FROM: Daniel Ryan, Historic Preservation Planner  
SUBJECT: DRC No. 4677-13 – BRUXIE – EXPANSION OF AWNINGS

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### **SUMMARY**

The applicant proposes replacing and expanding awnings, for the former “Dairy Treet” building that is currently a new specialty waffle sandwich shop called “Bruxie”. The proposal includes relocation of some existing seating, and the installation of new awnings to protect patrons. No expansion of the building is proposed only new and expanded awnings totaling 560 square feet in area.

### **RECOMMENDED ACTION – FINAL DETERMINATION**

Staff recommends the DRC approve the awnings and seating as submitted.

### **BACKGROUND INFORMATION**

Applicant: Dean Simon (Bruxie OC LLC)  
Owner: Jean M. Burns  
Property Location: 292 N. Glassell Street, Old Towne Orange Historic District  
General Plan Designation: OTMU (Old Towne Mixed Use, 6-15 du/ac; Maximum 0.6 FAR)  
Zoning Classification: OTMU -15S (Old Towne Mixed Use, Spoke Street)  
Existing Development: 600 square feet, one story commercial building  
Property Size: .11 Acre (4,833 sq. ft.)  
Associated Applications: None  
Previous DRC Review: DRC No. 4506-11

### **PUBLIC NOTICE**

No Public Notice was required for this project.

## **ENVIRONMENTAL REVIEW**

**Categorical Exemption:** This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15301 (Class 1- Existing Facilities) consists of the repair, maintenance, or minor alteration of existing private structures, exterior alterations and/or topographical features.

## **PROJECT DESCRIPTION**

The applicant is proposing to expand the existing awnings on the north, south and east sides of the building to provide protection to patrons of the establishment. The existing and original awnings cover approximately 330 square feet; the proposed expansion is 230 square feet in area for a total awning area of 560 square feet. On the north elevation the awning will be setback from the property line 4-1/2", and the setback on the east or front elevation is 2". One new and one existing steel columns will support the canopy new overhang with new black awning fabric. No expansion of the 600 square foot building is proposed. The applicant is proposing to install exterior heating and misting equipment for the benefit of clients during the winter and summer months. No expansion of the building is proposed only new and expanded awnings.

## **EXISTING SITE**

The proposed 600 square foot one-story building was the former "Dairy Treet" a fast food/ice cream shop positioned at the corner of Glassell Street and Palm Avenue. In 2010, the use changed to a specialty waffle stand. The building has a wrap around awning on the front and south sides of the building that provides shading for the fixed seating below. Between the outside, the seating areas and the property line, are rows of steel bollards around the north, south and east sides of the building. The front of the shop has two service windows a long counter with the upper part of the wall contains a full menu. There are six open parking spaces that surround the fast food establishment. A 98 square foot unisex bathroom and small storage addition was added to the southwest corner of the building in 2012. Outdoor dining tables are placed along the front and sides of the building (See Attachment No. 2- Site Photographs).

## **EXISTING AREA CONTEXT**

A single-family residence is located on the west end of the same parcel and is separated by fencing. The City's Historic Building Survey lists the residential property at 118 West Palm as contributing residence; however, the former "Dairy Treet" was constructed in 1949 and is listed as a non-contributing building. The west side of the 200 Block of North Glassell Street contains a mix of residential and commercial 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.**
- a. All signage shall be compatible with the building(s) design, scale, colors, materials and lighting.
  - b. Awnings - Awnings that contain signs, graphics, logos, or marks shall be considered signs, and shall be calculated as part of the total allowable area for wall signs. Signage on awnings shall not exceed 30% of the projected area of the valance awning. Projected area is that area as indicated when drawn as part of the buildings elevation.

### **ANALYSIS/STATEMENT OF THE ISSUES**

As the existing establishment has awnings, and some areas of seating are not protected from the elements, the proposal to provide additional awning over the seating areas outside is reasonable and necessary. The design of the expanded awnings is complementary to the existing awnings and does not impact the existing architecture of the building. The proposed awnings, and related support columns do not extend into the required right-of-way. The plans highlight the original location of awnings on the building. Staff has no issues with the proposal as submitted.

### **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 as submitted and conditioned.

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).*
  - a. The existing and proposed expansion of awnings will not obscure or damage existing architectural features of the building.
  - b. The proposed fabric material on the canopy and the proposed black color is acceptable and compatibility with the building color scheme.
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).*

The new awnings are compatible to the 1950's styled fast food stand and the placement of the awnings will not obscure or damage existing architectural features of the non-contributing building.

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).*

As the project is located within the Old Towne Historic District, the proposed work conforms to the prescriptive standards (matching architectural style and design elements) and criteria referenced and/or recommended by the Design Review Committee. The proposal is based upon sound principles of land use, in that it complies with the Old Towne Design Standards and the Secretary of the Interior's Standards for Rehabilitation.

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).*

As the *City of Orange Infill Residential Design Guidelines* do not apply to projects located within the Old Towne Orange Historic District, this finding does not apply.

## **CONDITIONS**

Staff recommends the Design Review Committee approve DRC 4677-13 subject to the conditions listed below and any conditions that the Design Review Committee deems appropriate:

1. All construction shall conform in substance and be maintained in general conformance with plans labeled Attachment 3, dated February 27, 2013 and as recommended for approval by the Design Review Committee.
2. Prior to building permit issuance, the applicant shall pay all of the applicable Development Impact Fees in accordance with the most current fee schedule.
3. Building 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 design review permit.
4. These conditions shall be reprinted on the second page of the construction documents when submitted to the Building Division for the plan check process.
5. Subsequent modifications to the approved architecture and color scheme shall be submitted for review and approval to the Community Development Director or designee. Should the modifications be considered substantial, the modifications shall be reviewed by the City's Design Review Committee.
6. 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 permits, save and except that caused by the City's active negligence. The City shall promptly notify the applicant of any such claim, action, or proceedings and shall cooperate fully in the defense.
7. The applicant 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.
8. Design Review Committee No. 4677-13 shall become void if not vested within two years from the date of approval. Time extensions may be granted for up to one year, pursuant to OMC Section 17.08.060.
9. 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 plan, the Community Development Director may approve the changed plan without requiring a new public hearing.
10. In conjunction with construction, all activity will be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Saturday. No construction activity will be permitted on Sundays and Federal holidays.
11. Prior to Building Permit issuance, the applicant shall pay any outstanding monies due to the City of Orange for Planning Division entitlement activities related to this project.

12. Plans submitted for Building Plan Check shall comply with the California Building and Fire Code as amended by the City and as frequently amended, and in effect, at the time of application for a Building Permit.

## **ATTACHMENTS**

1. Vicinity Map
2. Site and Elevation Photographs
3. Small Scale Site, Elevation, and Awning Plans, dated February 27, 2013.

CC: Dean Simon  
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