DESIGN REVIEW COMMITTEE
AGENDA ITEM

AGENDA DATE:	MAY 15, 2013
TO:	Chair Fox and Members of the Design Review Committee
THRU:	Leslie Aranda Roseberry, Planning Manager
FROM:	Chad Ortlieb, Senior Planner
SUBJECT:	DRC 4612-12, Kona Cleaners, 821 W Taft Avenue

SUMMARY

The applicant has modified the façade remodel project from the April 4, 2012 Design Review Committee approved project plans. The applicant proposes removal of a large horizontally-spanned, corner-wrapping window element in addition to elimination of landscaping, elimination of architectural embellishments on a disabled person access ramp at the prominent public entry and, use of alternate paint colors for trim elements.

RECOMMENDED ACTION— FINAL DETERMINATION

Staff recommends that the Design Review Committee (DRC) review the proposed façade modifications, make conditions and/or suggestions for improvements, and approve the project subject to recommended findings and conditions and any modifications or additional findings and/or conditions desired by the DRC.

BACKGROUND INFORMATION

Applicant/Owner:	Bobby Patel
Property Location:	821 W. Taft Avenue
General Plan Designation:	Light Industrial Max. 1.0 FAR (3 Story ht. limit) (LI)
Zoning Classification:	Industrial Manufacturing (M-2)
Existing Development:	The site is improved with a 9,400 square foot single story industrial building with 19 parking spaces.
Property Size:	21,750 square feet
Associated Applications:	None

Previous DRC Project Review: April 4, 2012

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 (Class 1 – Existing Facilities) because the project is not increasing the building footprint and is merely conducting façade, access, and landscape improvements. There is no public review required.

PROJECT DESCRIPTION

The applicant originally proposed and received approval to occupy a vacant industrial building with a dry cleaning batch plant business. As stated in the attached April 4, 2012 staff report, approved plans, meeting minutes, and approval letter with final conditions, exterior façade improvements were approved to the south and east elevations of the building which are most visible to the Taft Avenue street front. Minor landscaping improvements and removal of a chain link fence with barbed wire were also approved.

The applicant proposes revisions to the project as follows:

1. Retention of an existing chain link fence and gate capped with barbed wire that serves to restrict access to the parking lot.
2. Elimination of a stone veneer lined planter on the outer barrier of the new access ramp and between the ramp and the building. The planter was approved with a little less than two feet of planting space within it. The planter was to be filled with plants that compliment the business' Hawaiian theme and name (Kona Cleaners) and have Beach Rock fill between plants. The planter/ramp walls are proposed for replacement with an outer railing on top of the concrete ramp. The concrete portion of the ramp is not proposed to be adorned with stone veneer as previously shown.
3. Elimination of two palm trees approved to be located on each side of the entry at the top of the stair landing.
4. Elimination of long horizontal linear bands of glazing merged at the southwest building corner and continuing to the south and west elevations. The result of the glazing removal would result in a bare stucco wall instead.
5. Elimination of a tri-sectional and horizontally-rectangular window from the right side of the south elevation. The result of the glazing removal would result in a bare stucco wall instead.
6. Condition 47 of the project approval requires "That the landscaped areas all receive the beach rock ground cover, in the planted areas and also in the side driveway concrete damaged area with an additional recommendation to slightly crown that area." The side driveway area is not proposed to be replaced with landscaping.

7. Replacement of a "faded grey" fascia trim color with a painted purple color over textured stucco.
8. Existing landscaping is shown on the April 4, 2012 approved plans between the building front and property line. However, the landscaping was not specified. The existing photos for the site show the area currently has no real landscaping.

The project as now proposed is visible in the attached revised project plans and photographs of existing work completed to date.

Condition 5 of the project as approved by the DRC on April 4, 2012 states:

> "Any modifications to the plans including, but not limited to, the landscaping and parking as a result of other Department requirements such as Building Codes, water quality, Fire, or Police 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 and approved by the Design Review Committee."

Pursuant to authority in Condition 5, the Community Development Director authorized change number two (removal of the planter features from alongside the ramp) and six (landscaping in the driveway adjacent area) from the project scope during building plan check. The other changes to the project resulted after plan check and during construction. Change number six was authorized because it was interpreted as a recommendation per the "suggestion" language reflected in Committee Member McCormack's statements in the meeting minutes and compounded by Chair Woollett's concluding statement in the meeting minutes that there was one recommended condition.

The applicant received a Temporary Certificate of Occupancy (TCO) from the City to open the business and may now be open to the public. In exchange for granting of the TCO, the City is holding a cash deposit from the applicant to ensure that, in the event the DRC does not approve the changes, the cash deposit will be used to leverage compliance with the April 4, 2012 DRC project approval and/or any approved modifications approved in association with the review of revisions. The applicant is basing their request for the modifications on unexpectedly exceeding costs necessary to complete the full scope of the plans as approved by the DRC on April 4, 2012. The applicant asks to retain the ability to complete the window elements for the project at a later date as approved on the April 4, 2012 plans. Staff recommends and has included a condition to allow such ability.

EXISTING SITE

The site is improved with an existing flat roof, stucco-walled, horizontally and vertically-rectilinear industrial serving building. Photographs are attached to this staff report showing the building and improvements to date.

EXISTING AREA CONTEXT

Other industrial buildings of similar industrial serving function, shape, and setbacks exist along this segment of the Taft Avenue corridor.

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 Plan Revisions:

The proposed plan revisions are cumulatively and in some cases individually significant from the April 4, 2012 approval. The below discussion correlates to items 1-7 of the project description section of this staff report.

1. Barbed wire is not permitted in the City and chain link fencing is not a feature that the City wishes to display as visible along any street in the City, including industrial properties. No permit could be located to show when the chain link fence was recognized by the City and that legal non-conforming rights exist to maintain barbed wire.

Therefore, staff is recommending a condition to require removal of the chain link fence and associated barbed wire. The condition authorizes future replacement with a tube steel fence not exceeding six feet tall.

2. Staff has opined that the replacement of the planters on each side of the access ramp with railing is acceptable individually. However, staff believes that the stone veneer should be placed on the outside of the concrete ramp in order to provide the appearance of a substantial base that helps the building achieve visual balance atop of the ramp.
3. Staff does not believe that the palm trees of the approved plans should be authorized for removal. Areas next to the entry stairs exist to allow the planting of palms. A condition is recommended to require the applicant to provide plans to staff showing the location of palms adjacent to the main entry and to subsequently implement the planting of the palms.
4. Staff believes that the omission of the window features on the south and west building elevations presents that building much differently than originally presented. Omission of the window features is the predominant feature that staff finds merits the whole of changes to be considered by the DRC. Staff concurs with the applicant request to allow the windows to be implanted on the building at some time in the future in accord with the April 4, 2012 plans. However, in the interim, staff believes that some architectural element such as hanging art imagery, vine and trellis, alternative colors and/or materials are merited over the voids left where the windows were approved to be. Staff recommends a discussion by the DRC that leads to a condition formulated by the DRC for a solution to the voids.
5. Staff opinion on change number 5 is the same as number 4 above.
6. Staff has opined that the driveway-adjacent paved area need not be landscaped.
7. The applicant proposes replacement of a "faded grey" fascia trim color with a painted purple color over textured stucco. Staff believes that the purple color draws greater attention to the fascia than to other elements of the building. Staff believes that the purple color is not as desirable as the prior color scheme. The purple paint would create a need for more routine painting due to fading inherent in the color hue. Furthermore, the contrast of the purple color over rough stucco accentuates the lack of ability to provide a neat line for the transition between the fascia and eave color.
8. The existing photos for the site show the front yard setback area currently has no real landscaping. Landscaping is required in the front yard setback. Staff believes that the area could be improved with themed shrubs dispersed between beach rock, lava rock, sand, or full irrigated landscaping. Staff recommends a discussion by the DRC that leads to a condition formulated by the DRC for a solution to the landscaping needs of the applicant and site.

<u>Issue 2 Project Findings:</u>

The findings previously approved by the Design Review Committee for the project have changed based on the design changes conducted/proposed. Therefore, if the Design Review Committee wishes to approve this project, they will need to make the findings to show how the project

upholds community aesthetics and is internally consistent with design standards. The Design Review Committee may consider implementing conditions as part of a finding for approval.

ADVISORY BOARD RECOMMENDATION

The Staff Review Committee reviewed the plans on February 15, 2012, and had no issues with the proposal at that time. The Staff Review Committee did not discuss the proposed revisions because the changes were initiated by the applicant without benefit of plans first being provided to the City.

STAFF RECOMMENDATION AND REQUIRED FINDINGS

Staff recommends that the DRC approve the project revisions subject to recommended findings and conditions.

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.

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).*

   The project is not in the Old Towne Historic District.

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 project is not in a National Register Historic District.

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).*

   To be provided by the Design Review Committee at the meeting.

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).*

   The project is not infill or residential in nature.

CONDITIONS

The below recommended conditions include modifications, deletions and additions from the April 4, 2012 DRC approved conditions. Additions are underlined and deletions have strikethrough text. Additions were added based on the modified project and to correct prior errors. Deletions occurred due to condition fulfillment to date.

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

1. The project shall conform in substance and be maintained in general conformance with plans and exhibits date stamped ~~April 4~~May 1, 2013, including any modifications required and/or allowed by conditions of approval, and as approved by the Design Review Committee.
2. 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.
3. 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.
4. Approval of the modifications for DRC 4312-12 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.
5. Any modifications to the plans including, but not limited to, the landscaping and parking as a result of other Department requirements such as Building Codes, water quality, Fire, or Police 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 and approved by the Design Review Committee.
6. 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 Design Review Committee.
7. 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.
8. 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 may be cause for revocation of this entitlement.

9. 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.
10. These conditions shall be reprinted on the second page of the construction documents when submitted to the Building Division for the plan check process.
11. Any graffiti shall be removed within 72 hours from the time the City of Orange Notice of Violation is received by the applicant/property owner.
12. Prior to Certificate of Occupancy, all landscaping improvements shall be completed according to the approved plans and to the satisfaction of the Community Development Director.
13. In conjunction with the operation of the business, all loading areas and the trash area shall be maintained and kept clean and free of debris.
14. Prior to the operation of the business the applicant shall file for or, if applicable, amend a business license with the Business License Division. Failure to obtain the required business license will be cause for revocation of this approval.
15. Prior to Building Permit issuance, the applicant shall pay all of the applicable Development Impact Fees in accordance with the most current fee schedule.
16. 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.
17. In conjunction with the operation of the dry cleaner business the property owner shall be responsible to maintain the property to a level deemed adequate by the Community Development Director. This includes, but is not limited to, the building, landscape, trash areas, signage, utilities, and property walls.
18. The term "applicant" shall refer to the entity that requests approval of this action or any successor in interest to this approval.
19. In conjunction with the operation of the business, signage for the tenant shall contain individual channel letters.
20. In conjunction with the operation of the business, exposed raceways shall not be permitted. Individual channel letters shall be attached directly to the wall.
21. Prior to issuance of a sign permit, the applicant shall obtain approval from the Planning Division for any and all signage associated with the proposed project and/or business. Building signage shall be centered over the store entrance in compliance with sign code standards as verified by staff.

~~22. The final plans submitted to the Building Division for the exterior improvements shall show a door where the loading bay door exists or shall show retention of the existing loading bay door.~~

~~23.~~22. Prior to building permit issuance, construction plans shall show that all structures shall comply with the requirements of Municipal Code (Chapter 15.52 Building Security Standards), which relates to the use of specific hardware, doors, windows, lighting, etc (Ord. No. 7-79). Architect drawings shall include sections of the Ordinance that apply under "Security Notes". An "Approved Products List 1/08" of hardware, windows, etc is available upon request.

~~24.~~23. The address number of the building shall be illuminated during the hours of darkness so that it shall be easily visible from the street. The numerals in these numbers shall be no less than six inches in height and be of a color contrasting to the background.

~~25. Plans submitted for Building Plan Check~~All plan revisions shall comply with the California Fire Code as amended by the City and as frequently amended and as in effect ~~at the time of application for Building Permit.~~

~~26.~~24. ~~The Fire Department notes provided to the project applicant shall be provided within the plans submitted for Building Plan Check. However, the plans shall comply with current Fire Codes regardless of the codes quoted in the notes provided in the letter~~.

~~27.~~25. In regard to the design of Fire Department Connections (FDC), the following shall be considered:

a. The fire department connection shall not be affixed to the building;
b. The fire department connection shall be located at least 40 feet away from the building;
c. The fire department connection shall be located on the address side of the building;
d. The fire department connection shall be located within 40 feet of a hydrant on the same side of the street as the hydrant;
e. The fire department connection shall not provide pressure on the on-site hydrants.~~-~~

~~28. Prior to the issuance of a building permit, the applicant shall submit a water improvement plan to the Water Division for any new fire hydrants, domestic water services, fire services, landscape services, and or any other proposed improvements or relocations affecting the public water system appurtenances for review and approval. The applicant shall be responsible for the costs associated with the proposed improvements~~

~~29. Prior to the issuance of a building permit, the applicant shall be responsible for the installation/relocation of the proposed/existing public water system appurtenances as necessitated by the proposal to a location and of a design as approved by the Water Division.~~

~~30. Plans submitted during plan check shall show that the water improvement plans are consistent with any necessary fire suppression plans and/or fire master plan. The applicant's consultant preparing the water improvement plans shall coordinate their plans with the consultant preparing the fire suppression plans and or fire master plan so that their designs concur.~~

~~31.~~26. Prior to the issuance of a Certificate of Occupancy, the applicant shall be responsible for the installation of any necessary fire hydrants and fire services as determined by the Fire Department and Water Division.

~~32. Prior to the issuance of a building permit plans shall show that the building shall be protected with a separate fire service unless otherwise approved by the Fire Department and Water Division.~~

~~33. Prior to building permit issuance, the Water Division shall approve the type and location of the City's fire service (detector check) device.~~

~~34. If any new or relocated water facilities are deemed necessary for the project during detailed plan check, the final plans submitted shall show that a minimum twenty-foot (20') separation will be maintained from the public water system facilities to the~~

~~proposed/existing buildings and structures per the City of Orange Location Of Underground Utilities Standard.~~

~~35. If City review of plans submitted during plan check results in identifying a need for the installation of sewer or water mains in the vicinity of each other, the applicant shall ensure that the installation is conducted per the Water Division's Standard No. 113.~~

~~36. If City review of plans submitted during plan check results in identifying a need for the installation of sewer or water mains the applicant shall ensure that the final plans show that a six foot minimum horizontal clearance and a one foot minimum vertical clearance would be maintained between City water mains, laterals, services, meters, fire hydrants and all other utilities except sewer.~~

~~37.~~27. ~~Plans submitted during plan check shall show that an~~An eight-foot minimum clearance ~~is~~shall be provided between City water mains, and signs, trees or other substantial shrubs, bushes, or plants.

~~38. Plans submitted during plan check shall show that the minimum water and sewer line separation requirements are met and that each of the various designers' plan sets match. The applicant's consultant preparing the improvement and utility plans shall coordinate their plans with the consultants preparing the landscape, architectural, surface water quality management, fire master and or fire suppression plans so that their designs are consistent.~~

~~39.~~28. ~~Plans submitted during plan check shall show that permanent~~Permanent signs, awnings, surface water quality management features such as but not limited to infiltration planters, basins, pervious paving structures or other structures ~~are~~shall not be installed over the City's water mains, laterals, services, meters, and fire hydrants.

~~40. Plans submitted during plan check shall show that each property, residence, main building or structure shall have a separate meter service unless otherwise approved by the Water Division.~~

~~41. Prior to approval of the water improvement plan, the applicant shall satisfy all water main connection, plan check, and inspection charges as determined by the Water Division.~~

~~42.~~29. All hot taps required on existing City mains to provide water service to any lot, parcel or subdivision shall be performed by City crews at the developer's expense in accordance with the fee schedule established by resolution of the City Council.

~~43. That a minimum of fourteen calendar days prior construction, the applicant's civil engineer shall prepare and provide product material submittals consistent with the approved water improvement plans for all proposed public water system facilities to the Water Division for review and approval.~~

~~44.~~30. Prior to the issuance of a Certificate of Occupancy, the applicant shall furnish and install individual pressure regulators on new services where the incoming pressure exceeds eighty pounds per square inch.

~~45. Prior to issuance of a building permit, the applicant shall submit a Non-priority Project WQMP for review and approval to the Public Works Department that:~~

- ~~Addresses Site Design BMPs (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas;~~
- ~~Incorporates the applicable routine structural and non-structural source control BMPs, as defined in the Drainage Area Management Plan (DAMP);~~

- ~~Generally describes the long-term operation and maintenance requirements for structural control BMPs,~~
- ~~Identifies the entity that will be responsible for long-term operation, maintenance, repair and or replacement of the BMPs;~~
- ~~A copy of the forms to be used in conducting maintenance and inspection activities;~~
- ~~Adheres to record keeping requirements (forms to be kept for 5 years).~~

~~46.~~31. Prior to the issuance of certificates for use of occupancy, the applicant shall demonstrate the following to the Public Works Department:

- That all applicable structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with the approved plans and specifications;
- That applicant is prepared to implement all non-structural BMPs described in the Project WQMP;
- That an adequate number of copies of the project's approved final Project WQMP are available for the future occupiers.

32. Indirect lighting shall be utilized for the project entry steps and disabled access ramp.
33. The applicant shall retain the ability to complete the window elements for the project at a later date as approved on plans approved by the Design Review Committee on April 4, 2012.
34. Prior to issuance of a Certificate of Occupancy, removal of the chain link fence and associated barbed wire shall occur. A tube steel fence and gate not exceeding six feet tall may replace the chain link fence and associated barbed wire at any point in the future without need for Design Review Committee approval.
35. Prior to issuance of a Certificate of Occupancy, the applicant shall provide plans to staff showing the location of palm trees adjacent to the main entry and subsequently, the applicant shall plant the palms in the approved location.
36. Reserved – Potential condition to address the stucco void resulting from window omission.
37. Reserved – Potential landscaping condition to specify the type of landscape and hardscape treatment to be used in the front setback.

ATTACHMENTS

1. Vicinity Map
2. Site Photographs
3. Staff Report dated April 4, 2012
4. Meeting Minutes dated April 4, 2012
5. Approved Plans dated April 4, 2012
6. Color and Material Board from April 4, 2012
7. Approval letter with final conditions for April 4, 2012 DRC meeting
8. Revised/Proposed Project Plans

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