

Minutes

Planning Commission
City of Orange

May 6, 2013
Monday 7:00 p.m.

PRESENT: Commissioners Buttress, Cathcart, Gladson, and Steiner
ABSENT: None

STAFF

PRESENT: Leslie Aranda Roseberry, Planning Manager
Doris Nguyen, Associate Planner
Gary Sheatz, Assistant City Attorney
Sandi Dimick, Recording Secretary

REGULAR SESSION:

Chair Steiner called the meeting to order at 7:00 p.m.

Roll Call

All Commissioners present.

PUBLIC PARTICIPATION:

None

PLANNING MANAGER REPORT:

Planning Manager Leslie Aranda Roseberry stated there was nothing additional to report.

Chair Steiner reviewed the appeal process.

Consent Calendar:

**(1) APPROVAL OF MINUTES FROM THE REGULAR SCHEDULED
PLANNING COMMISSION MEETING OF APRIL 15, 2013**

Commissioner Buttress made a motion to approve the meeting minutes from the April 15, 2013 Planning Commission meeting as written.

SECOND: Commissioner Gladson
AYES: Commissioners Buttress, Cathcart, Gladson, and Steiner
NOES: None
ABSTAIN: None
ABSENT: None

MOTION CARRIED

NEW HEARINGS:

(2) CONDITIONAL USE PERMIT NO. 2887-12; VARIANCE NO. 2221-12; DESIGN REVIEW COMMITTEE NO. 4660-12; AND MINOR SITE PLAN NO. 0713-12 – McDONALD’S RESTAURANT

The applicant proposes to demolish the existing 3,665 SF McDonald’s restaurant in order to construct a new 3,796 SF McDonald’s restaurant.

LOCATION: 606 N. Tustin

NOTE: 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 replacement of a commercial structure with substantially the same size, purpose, and capacity.

RECOMMENDED ACTION:

Adopt Planning Commission Resolution 21-13 allowing the construction of a 3,796 SF fast food restaurant with a dual drive thru window.

Associate Planner Doris Nguyen presented a project overview consistent with the Staff Report.

Chair Steiner opened the item to any questions for Staff.

Commissioner Gladson asked Ms. Nguyen if she could provide some further details on the permit for the McDonald’s, back in whenever that was, when the sign was incorporated into the building’s design plan for the freestanding monument sign. The code must have changed to provide the sign with a legal non-conforming status.

Ms. Nguyen stated Staff found building permits in the file for the sign as the sign currently existed; however, the entitlements were not located. Staff entered into a very exhaustive search for dates from the 1960s to the 1970s. Building permits were found and therefore, the sign was legal. The codes had changed and there had been a major overhaul of the codes in the mid 1990s and the allowable sign size had been reduced to 15’.

Commissioner Gladson stated that was a 7’ reduction of a free standing monument sign.

There may be more questions about the new driveway and the requested variance associated with that, and they might touch on that later. The variance for that was just 1’ or 2’.

Ms. Nguyen stated it was 2', for a one-way drive aisle. The code requirement was 12' minimum and the applicant was requesting 10'. There had been an opportunity for a reduction in the landscape to accommodate a longer drive aisle; however, in trade and discussions with the Traffic Division, they had felt that 10' would be adequate and therefore the landscape setback had not been reduced. The landscape situation and setbacks were important for future remodels along the street.

Commissioner Gladson asked if there was a code setback to the property line for a free standing monument sign.

Ms. Nguyen stated 2'.

Chair Steiner asked on the legal non-conforming status of the signs, was that due to reconstruction and building of a new McDonald's Restaurant?

Ms. Nguyen stated because the sign would be cut down and physically moved it lost the legal non-conforming status.

Chair Steiner stated he was relieved that the sign had not been named an historic structure and could not be torn down. It had been there a long time.

The original sign had been at that site since the 1970s, replacing the original sign.

Chair Steiner opened the hearing for public comment and invited the applicant to address the Commission.

Jim Bickel, address on file, stated Ms. Nguyen had been fantastic through the process in assisting them to shepherd a very difficult project. There were a number of challenges in taking a very successful operating business that unfortunately had worn out its building and try to keep the business running and conform to the modern world. They fully recognized that the limit had been pushed for the number of variances that were being requested. His team had worked very closely with Staff to mitigate as much as possible. When dealing with WQMD requirements, ADA requirements and structural considerations that the original building had not had to conform to made the re-build very difficult. For all intents and purposes the size of the new building was the same size as the existing building with the dining room being reduced in size. The reason for the reduction was that McDonalds had recognized that the majority of their business was brought in by drive-thru customers. It was a nationwide effort to provide a better drive-thru experience for their customers and create less impact on the site and the roads and to adapt to those needs. The proposal was for a side-by-side drive-thru. He had been working with McDonalds for approximately 4 years and initially it was something very new, but now more and more people had experienced the double drive-thru for themselves and realized how nice it worked. The drive-thru situation allowed for a more efficient drive-thru queuing, and to not have cars drag out into the parking lot and block cars, or to have cars block cars when turning in from the street. Hopefully it was self recognizable that there was a by-pass lane, a lane in front of the restaurant and the street

which was very valuable to the patrons. As customers turned in off the street, if they happened to miss the drive-thru or had a second thought about the drive-thru, it would allow them to sweep back, swing around and return to the drive-thru without having to reenter from the street. In an effort to alleviate traffic that design was being used. It also helped with potential traffic hazard problems of someone turning out into the center median, or even worse to quickly cut back across, which had anecdotally happened at sites across the country. He was joined by various members of the McDonalds team including the owner/operator and they were available for questions.

Commissioner Gladson stated the benefit of the review process for the Planning Commissioners was having the minutes from the Design Review Committee meeting. The DRC had looked at the architecture and also the circulation at the site and the pattern that Mr. Bickel had described with the sweep lane. There had been two Committee Members that had been very concerned with the circulation and the use of the by-pass lane. Those members had requested that the Planning Commission review that element of the project. It was stated during the applicant's presentation that there were other locations that the drive-thru and by-pass lanes had been executed successfully. She was familiar with several of the Orange County remodels, but not certain if she had experienced the sweep lane. She asked Mr. Bickel what the reasoning behind the use of these lanes was.

Mr. Bickel stated in situations where there was a one-way aisle, he could not think of one location which he had been involved in a recent remodel that had not used the by-pass lane or sweep lane. In the Staff Report, traffic information had been provided along with other Orange County McDonalds and West Covina data where the lanes were very successful.

Commissioner Gladson stated she was familiar with the McDonalds at 17th Street in Santa Ana that had a by-pass lane and she wanted to clarify that further, as it had been a concern from the DRC. On the relocation of the freestanding monument sign, she asked if there had been other alternatives for the location of the sign. It was proposed to be located on the south edge and she asked if there was an option to locate the sign at the north property line and reorient the motorcycle parking to south side. Had that been considered? Her reason for suggesting that was that it could be a vertical icon or identification. In driving south or north bound on Tustin, a sign could function as an entry arrow or a way finding sign to designate the turn into the restaurant. Possibly there was a barrier that the option for another location had not been explored. Some obstacle and possibly the change of the sign's location could assist with having people going out onto the north drive aisle.

Mr. Bickel stated the sign location had been studied extensively and to be honest, it had been quite some time and he was not certain for the exact reason to not locate the sign at the north. That option had been explored, but it had not proven feasible.

Chair Steiner stated the proposed project carried a lot of variances, however, what had been presented by Staff provided him with a comfort level for the need for variances at

the site. In discussing drive aisles that were 10' instead of 12', it was a situation that Public Works had reviewed and they had not had any safety issue concerns with the proposal and it presented more validity to the variances sought. He wanted to ensure that the applicant was okay with the Conditions of Approval, all 68 of them. He asked Mr. Bickel if he was in agreement with the Conditions of Approval.

Mr. Bickel stated the Conditions of Approval had been reviewed and discussed with the owner/operator of the restaurant and there was just one very minor change being requested. For the undergrounding of the electrical components, it would be from the power pole at the rear of the site to the restaurant; there was merely a language change being requested to clarify the intent of the condition.

Ms. Nguyen stated Mr. Bickel was requesting modification of Condition of Approval No. 20. Staff suggested alternative language as follows at the end of the statement; the condition currently read: "Prior to issuance of a grading or building permit, plans shall show that all utility lines shall be constructed underground, including areas of public streets and easements, including power and communication lines from the Edison power pole to onsite facilities". Staff was suggesting a deletion of the second half of the last sentence, to strike: "from the Edison power pole to onsite facilities". With the addition of the following language to replace the stricken text: "the utility poles along the west property lines may remain above ground. However, utility lines from the pole to the subject property shall be underground from the pole".

Commissioner Gladson asked if the lines would run north/south.

Ms. Nguyen stated the power lines were currently on the west property line. They ran overhead to the adjacent residences. What would occur was that the power pole would remain onsite, above ground, with pipes running down to the ground, then run underground on the subject property site to the new building. The utility lines from the pole to the building would run underground. The power pole would remain above ground onsite.

Commissioner Buttress stated the current site had power lines that ran over head and what was being proposed would be that the new service would run underground from an existing wood pole that would house the transformers with service lines running underground.

Chair Steiner asked Mr. Bickel if he was in agreement with the proposed change to the language for Condition No. 20.

Mr. Bickel stated yes, he was acceptable of the change in language.

Commissioner Buttress stated the Staff Report was excellent and although there were a number of variances being requested, the reasoning for those variances had been explained very well and the reason that she had minimal questions.

Commissioner Buttress made a motion to adopt PC Resolution No. 21-13, approving 2887-12, Variance No. 2221-12, Design Review Committee No. 4660-12 and Minor Site Plan No. 0712-13-McDonald's Restaurants written in the resolution and subject to the conditions contained in the Staff report and noting the items categorical exemption from CEQA, noting the change in language, as presented, to Condition No. 20.

Commissioner Gladson stated she was not a big supporter of variances; however, the conclusions for the variances were grounded in good logic and good planning. She had the most trouble with the very tall monument sign. It was quite large and quite tall, but had believed that the sign carried a cultural identity. She would suggest for the applicant's consideration that the site plan and landscape plan return to the DRC. That would give the applicant a chance to explore the placement of the monument sign to the north side of the property. In granting the variance, the sign would be legal and changes could be made to the sign as long as the sign met the code and it would provide for flexibility to play with the sign copy. This would be an opportunity to get the sign to match up with the signs that were part of the sign program.

Commissioner Cathcart stated in the minutes from the Design Review Committee meeting there had been a comment that there would not be a landscape architect on the Planning Commission and he resembled that remark. He had not had an issue with the tree variance or in saving the pine trees. He was pleased with the new trees that were being added and he was looking forward to getting back to that McDonalds for his quarter pounder with cheese.

SECOND: Commissioner Gladson
AYES: Commissioners Buttress, Cathcart, Gladson, and Steiner
NOES: None
ABSTAIN: None
ABSENT: None

MOTION CARRIED

**(3) CONDITIONAL USE PERMIT NO. 2902-13 – ORANGE EMPIRE
RESALES**

The applicant is proposing to relocate their used automobile dealership to the industrial district. A CUP is required for the retail sales and showroom of used automobiles in the industrial district.

LOCATION: 1940 N. Glassell

NOTE: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act CEQA Guidelines Section 15301 (Class 1 – Existing Facilities) because the project includes no expansion of the existing building.

RECOMMENDED ACTION:
Adopt Planning Commission Resolution 19-13 allowing a used automobile dealership in the industrial zone.

Planning Manager Leslie Aranda Roseberry presented a project overview consistent with the Staff Report.

Chair Steiner opened the item for any questions for Staff. There were none.

Chair Steiner opened the Public Hearing and invited the applicant to address the Commission.

Stu Livingston, address on file, stated he was available for questions.

Chair Steiner stated he was pleased to understand that the present location would still be able to be used by Volkswagen. Orange Empire had been in the community for a number of years and he appreciated the business continuing on in the City of Orange.

Commissioner Gladson asked for some clarification on the photo lab?

Mr. Livingston stated the new storefront was the internet and the manner in which a business's merchandise was presented on the internet was critical. The photo lab was an area that the lighting was precise and the cars were run through an assembly line with a screen set up and specific lighting.

Chair Steiner brought the item back to the Commission for further discussion or action.

Chair Steiner made a motion to adopt PC Resolution No. 19-13, approving CUP No. 2902-13-Orange Empire Resales, subject to the conditions contained in the Staff Report, noting the item was categorically exempt from CEQA.

SECOND: Commissioner Buttress
AYES: Commissioners Buttress, Cathcart, Gladson, and Steiner
NOES: None
ABSTAIN: None
ABSENT: None

MOTION CARRIED

(4) ADJOURNMENT

Commissioner Buttress made a motion for adjournment to the next regular scheduled meeting of the Planning Commission on Monday, May 20, 2013.

SECOND: Commissioner Gladson

AYES: Commissioners Buttress, Cathcart, Gladson, and Steiner

NOES: None

ABSTAIN: None

ABSENT: None

MOTION CARRIED

Meeting Adjourned @ 7:30 p.m.