# *DESIGN REVIEW COMMITTEE*
## AGENDA ITEM

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| AGENDA DATE: | JANUARY 15, 2014 |
| TO: | Chair Fox and Members of the Design Review Committee |
| THRU: | Leslie Aranda Roseberry, Planning Manager |
| FROM: | Marissa Moshier, Historic Preservation Planner |
| SUBJECT: | DRC No. 4691-13 – The Filling Station |

## SUMMARY

The applicant proposes to construct a patio cover over existing outdoor dining at a restaurant in the Old Towne historic district.

## RECOMMENDED ACTION – FINAL DETERMINATION

Staff recommends the DRC approve the proposed project subject to conditions of approval contained in the staff report and any conditions that the DRC determines appropriate to support the required findings.

## BACKGROUND INFORMATION

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| Applicant/Owner: | Evonne Morton, Patio Warehouse for The Filling Station Café, Inc. |
| Property Location: | 201 N. Glassell Street, Old Towne Historic District |
| General Plan Designation: | Old Town Mixed Use (OTMU) |
| Zoning Classification: | Old Town Mixed Use (OTMU 15S) |
| Existing Development: | 2,167 SF Restaurant |
| Property Size: | 7,552 SF Lot |
| 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 15301 (Existing

Facilities) because the project consists of construction of a patio cover addition over existing outdoor dining with no expansion of the use or capacity of the building. There is no environmental public review required for a Categorical Exemption.

## PROJECT DESCRIPTION

The applicant proposes to construct a 252 SF free-standing patio cover over existing outdoor dining at The Filling Station restaurant in the Old Towne historic district. The proposed patio cover will be supported by 3" x 3" steel posts wrapped in wood trim to match the posts on the existing building canopy. The proposed fascia will be wood and will match the dimensions, detailing and materials of the fascia on the existing canopy. The applicant is proposing a motor-operated aluminum louver system to shade the patio.

## EXISTING SITE

The existing building is a former gas station, constructed circa 1915, with several later additions and alterations. The property has a large outdoor dining patio fronting N. Glassell Street that is partially covered by a canopy. The property is identified as a non-contributor to the Old Towne historic district in the 1997 National Register of Historic Places (National Register) designation. In the 2005 Historic Resources Survey Update, it received California Historical Resource Status Code 6Z, meaning "found ineligible for National Register, California Register, or Local Designation through survey evaluation." The property is thus a non-contributor to both the local and National Register-listed Old Towne historic districts.

## EXISTING AREA CONTEXT

The property is located immediately north of the National Register-listed Plaza historic district. Surrounding properties to the south, east, and west are 1 and 2 story commercial properties. The property to the north is a multi-family residential property.

## 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

The proposed patio cover is free-standing and is compatible with the height and scale of the existing building canopy. The Eucalyptus tree in the outdoor dining patio will not be affected by its construction. The aluminum louvers are a proposed alternate material for a wood canopy. The Old Towne Design Standards for Spoke Street Corridors state that "material substitutes will be considered during project review (fiber-glass columns, tin cornices, etc.); however, traditional detailing and intent shall be maintained;" and "marquees, canopies, awnings and material substitutes will be permitted provided that traditional detailing, finishes, and intent are maintained" (p. 21). The proposed wood fascia and post finishes and detailing match the existing building canopy and utilize in-kind materials that are compatible with the historic district. The aluminum louvers will be minimally visible from the public right of way. In conformance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, the aluminum louvers are clearly differentiated from historic wood canopies and from the existing building canopy.

## 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).*

   The proposed project is consistent in size and scale with the non-contributing building and with surrounding contributing buildings. It utilizes wood finishes and detailing that match the existing building canopy and are compatible with the historic district. The aluminum louvers are a compatible alternate material that differentiates the new construction from historic wood canopies, while maintaining traditional wood finishes and detailing in the patio cover fascia and posts.

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).*

   Projects found to be in conformance with the Old Towne Design Standards are considered to be in conformance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. The proposed project is compatible with the massing, size, scale, and architectural features of the historic district, is differentiated from historic wood canopies through the use of alternate materials, and does not negatively impact the integrity of the 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).*

   As the project is located within the Old Towne historic district, the proposed work must conform with the prescriptive standard and design criteria referenced and/or recommended by the Design Review Committee. As described above, the project conforms with the Old Towne Design Standards.

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 historic district, this finding does not apply.

## CONDITIONS

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

1. 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 January 2, 2014), 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.

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 permit, save and except that caused by the City's active negligence.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
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. Site Photographs
3. Louver System Manufacturer's Brochure
4. Plans, date stamped January 2, 2014
5. DPR 523 Form for 201 N. Glassell

cc: Patio Warehouse, Inc.
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