DESIGN REVIEW COMMITTEE
AGENDA ITEM

AGENDA DATE:	JULY 16, 2014
TO:	Chair Imboden and Members of the Design Review Committee
THRU:	Leslie Aranda Roseberry, Planning Manager
FROM:	Anne E. Fox, Contract Staff Planner
SUBJECT:	DRC No. 4660-12 – MCDONALD'S FINAL LANDSCAPE PLAN

SUMMARY

The applicant proposes modifications to an approved Final Landscape Plan previously considered by the Design Review Committee (DRC) on September 13, 2013; the result of a condition of approval included in the initial consideration and recommendation for approval of DRC No. 4660-12 on April 3, 2013; which allowed the demolition of an existing 3,665 square foot McDonald's restaurant in order to construct a new 3,796 square foot McDonald's restaurant along with related site improvements.

RECOMMENDED ACTION – FINAL DETERMINATION

Staff is recommending that the DRC approve the modified Final Landscape Plan.

BACKGROUND INFORMATION

Applicant/Owner:	Bickel Underwood for the Holman Revocable Trust
Property Location:	606 North Tustin Street
General Plan Designation:	General Commercial Maximum 1.0 FAR (GC)
Zoning Classification:	C-1 (Limited Business)
Existing Development:	3,665 square foot freestanding McDonald's restaurant
Property Size:	30,000 square feet (0.69 acre)
Associated Applications:	CUP 2887-13; VAR 2221-12, & MNSP 713-12

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 replacement of a commercial structure with substantially the same size, purpose, and capacity. There is no environmental public review required for a Categorical Exemption.

PROJECT DESCRIPTION

The overall project plans were originally reviewed by the DRC on April 3, 2013, where a recommendation for approval to the Planning Commission was made; including a condition that Final Landscape Plans be submitted for final review and approval by the DRC prior to the issuance of Building permits. The Planning Commission approved the project on May 6, 2013. In compliance with the condition, the applicant submitted their Final Landscape Plan to the DRC on September 18, 2013 and it was approved (Attachment 2). The applicant has submitted into the Building plan check process and is awaiting permit issuance.

Recently, the applicant contacted Staff due to a need to modify the approved Final Landscape Plan that had included retaining three existing pine trees in the northwest corner of the property. At both the April 3, 2013 and September 18, 2013 DRC meetings, it was opined by the DRC that these trees were desirable as they would serve to screen a pole and the power lines in this corner. The minutes from those meetings are provided for the DRC's reference as Attachments 3 & 4, respectively.

The subject pine trees are located within a Southern California Edison (SCE) easement and their agency is requiring their removal (see redline comment noted in Attachment 5) in order to pull power from the power pole to the new transformer located in the same northwest corner. SCE has indicated to the applicant that the trees are not only in the way of the conduit installation, but that they are not the type appropriate under power lines. Therefore, the applicant is presenting a modified Final Landscape Plan (Attachment 6) for consideration by the DRC. The only modification is that the three mature pine trees would be removed, and replaced with three 24-inch box Magnolia Trees (Magnolia G. 'Victoria'). Two of these species of tree are proposed to be planted adjacent to the new transformer, while one will be added to the row of this same species being planted on the westerly property line.

EXISTING SITE

The existing space is a 3,665 SF freestanding McDonald's restaurant. The building is mostly stucco with a store front system. The roof is a red tile mansard shape with white striping and roof signs. The building is painted in tan and red colors. The driveway is a one-way path where patrons enter from the north entrance and exit through the south driveway. 38 parking spaces line the outer limits of the parcel, with an additional six spaces surrounding the existing freestanding monument. The CMU trash enclosure is currently in the southwest corner of the parcel. There are two King Palms in the northeast corner of the parcel and two more King Palms on the southeast corner. There are three Canary Island Pines in the northwest corner of the parcel and one Indian Laurel tree in the southwest corner, near the trash enclosure.

EXISTING AREA CONTEXT

Surrounding property to the north, south, and east include other commercial properties in the C-1 zone. Properties to the west include single-family residences in the R-1-6 zone. The architecture of the neighborhood is eclectic with buildings constructed at different time periods. The neighboring properties to the north and south of the subject property have parking fronting Tustin Street with the buildings set back. The colors used on neighboring buildings are white, tan, brown, red, and natural stone or brick. The Sizzler restaurant to the south has a green roof.

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.

ANALYSIS/STATEMENT OF THE ISSUES

Issue 1: Removal and replacement of the existing pine trees in the northwest corner

The DRC requested that the three existing pine trees in the northwest corner of the property remain onsite because they were screening the utility pole in that location. In the originally proposed Final Landscape Plan (Attachment 2), the applicant was able to retain the existing pine trees in the northwest corner by locating the transformer closer to the trash enclosure. However, SCE is requiring the transformer in a more northerly location, and is requiring the applicant to remove these three existing pine trees (Attachment 5). As a result, the applicant has provided an alternative Final Landscape Plan that indicates three new replacement trees consistent with the species and size being utilized along the project's westerly border. Additionally, the original project approval had included a Variance from the total number of trees required, allowing a total of 22 for the site instead of the 35 that would have been required using the City's stipulated calculation. The alternative Final Landscape Plan as proposed in Attachment 6 would still result in providing a total of 22 trees on the project site, using a tree species and box size that is

consistent with those that had already been approved for use in this portion of the site. Staff believes that this is an acceptable solution; respecting the original concerns and intent of the DRC's actions related to appropriate tree sizes, spacing and types; and therefore, considers the issue resolved, subject to the approval by the DRC of the modified Final Landscape Plan.

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 removal of the three existing pine trees and replacement with three new trees consistent with the species and size previously considered and approved by the DRC upholds the community aesthetics by providing consistency of the plant material at the project site to achieve an integrated design.

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

There are no new conditions recommended. The approval of DRC No. 4660-12 remains subject to the conditions that were approved by the Planning Commission in PC Resolution 21-13

ATTACHMENTS

1. Vicinity Map
2. DRC September 18, 2013 Approved Final Landscape Plan
3. April 3, 2013 DRC Meeting Minutes
4. September 18, 2013 DRC Meeting Minutes
5. SCE Corrections Note on Final Design Plans for Transformer/Conduit
6. Modified Final Landscape Plan (Date Labeled July 16, 2014)

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