CITY OF ORANGE DESIGN REVIEW COMMITTEE MINUTES – FINAL

June 2, 2010

Committee Members Present: Bill Cathcart

Adrienne Gladson Tim McCormack Craig Wheeler Joe Woollett

Committee Members Absent: None

Staff in Attendance: Leslie Aranda Roseberry, Planning Manager

David Khorram, Building Official Sonal Thakur, Assistant Planner Sandi Dimick, Recording Secretary

Administrative Session – 5:00 P.M.

Chair Cathcart opened the Administrative Session with a review of the minutes from the regular meetings of May 5, 2010 and May 19, 2010.

Committee Member Gladson made a motion to adjourn the Administrative Session.

SECOND: Craig Wheeler

AYES: Bill Cathcart, Adrienne Gladson, Tim McCormack, Craig Wheeler, Joe Woollett

NOES: None ABSTAIN: None ABSENT: None

MOTION CARRIED.

Administrative Session adjourned at 5:19 p.m.

Regular Session - 5:30 P.M.

ROLL CALL:

All Committee Members were present.

PUBLIC PARTICIPATION:

Opportunity for members of the public to address the Design Review Committee on matters not listed on the Agenda.

There was none.

CONSENT ITEMS:

All matters that are announced as Consent Items are considered to be routine by the Design Review Committee and will be enacted by one motion. There will be no separate discussion of said items unless members of the Design Review Committee, staff or the public request specific items to be removed from the Consent Items for separate action

(1) APPROVAL OF MINUTES: (a) May 5, 2010 and (b) May 19, 2010

Committee Member McCormack made a motion to approve the minutes from the regular Design Review Committee Meetings of May 5, 2010 and May 19, 2010, with changes and corrections noted during the Administrative Session.

SECOND: Craig Wheeler

AYES: Bill Cathcart, Adrienne Gladson, Tim McCormack, Craig Wheeler, Joe Woollett

NOES: None ABSTAIN: None ABSENT: None

MOTION CARRIED.

AGENDA ITEMS:

Continued Items:

- (2) DRC No. 4479-10 and CUP No. 2788-10 STADIUM PROMENADE REVISED SIGN PROGRAM
 - A proposal to modify the existing sign program for the Stadium Promenade center, to provide for additional theater signage.
 - 1701 W. Katella Avenue
 - Staff Contact: Sonal Thakur, 714-744-7239, sthakur@cityoforange.org
 - Item Continued from DRC Meeting of May 5, 2010
 - DRC Action: Recommendation to the Planning Commission

Assistant Planner, Sonal Thakur, presented a project overview consistent with the Staff Report.

Applicant, Don Horton, address on file, stated he had nothing further to add and Ms. Thakur had been very thorough. He had taken into account the information and guidance provided by the DRC in the revised proposal and they had reviewed several options. They came up with two options; and his own personal preference was Option No. 1.

Public Comment

None.

Chair Cathcart opened the item to the Committee for discussion.

Committee Member Wheeler stated he only had one word for Option No. 1; he thought it was scrumptious. He liked it very much and it would be a very nice addition to the building. He also mentioned that on the drawings, in "bubble 5", it had not matched to anything.

Mr. Horton stated it had not pointed to anything and they could clean that up.

Committee Member Wheeler stated other than that one item he thought Option No. 1 was wonderful, it was suitable.

Committee Member McCormack stated he concurred with Committee Member Wheeler.

Committee Member Woollett stated he concurred with Committee Member Wheeler.

Committee Member Gladson stated she was in agreement and she liked Option No. 1.

Committee Member Wheeler made a motion to recommend approval of DRC No. 4479-10 and CUP No. 2788-10, Stadium Promenade Revised Sign Program, to the Planning Commission, approving Option No. 1 as presented, subject to the conditions contained in the Staff Report and with the following condition:

1. Permit 5 signs to be installed on the building.

SECOND: Adrienne Gladson

AYES: Bill Cathcart, Adrienne Gladson, Tim McCormack, Craig Wheeler, Joe Woollett

NOES: None ABSTAIN: None ABSENT: None

MOTION CARRIED.

New Agenda Items:

- (3) DRC No. 4486-10, CUP No. 2774-09, and CUP No. 2791-10 CASA DE LAGO (24 CARROTS)
 - A proposal to legalize a 2,018 square foot enclosed patio expansion, to be used in association with a 5,697 existing building for catered banquet events.
 - 1615 E. Lincoln Avenue
 - Staff Contact: Sonal Thakur, 714-744-7239, sthakur@cityoforange.org
 - DRC Action: Preliminary Comment

Chair Cathcart stated the item was being presented for preliminary comment only.

Assistant Planner, Sonal Thakur, stated she would excuse herself to locate the Building Official, David Khorram, as he would provide additional comments on the item. Upon her return, she presented a project overview consistent with the Staff Report.

Public Comment

None.

Chair Cathcart opened the item to the Committee for discussion.

Committee Member Woollett stated he was wondering if the building had been looked at from a structural standpoint. He had not been inside the building and it was not his purview, however, just walking around the outside of the building it occurred to him that there could be some significant problems. They could spend a lot of time on how the work that was there could be somehow justified with design issues, but then only to find out it would not be substantial enough anyway. The building appeared to be built on a retaining wall and it had not been designed for that purpose. It was not just the structure, but there were other code issues. He wondered about insulation, water intrusion, and things like that; if the slab was high enough from the surrounding dirt, was there a drainage system, would the retaining wall keep water from getting out, and there were things of that nature that could be code issues.

Applicant, George Mobayed, address on file, stated unfortunately they were faced with non-permitted items that had been performed by a previous tenant. He believed that a former restaurant owner had completed those back in the 1980's. In researching it, he had found correspondence that had approved the patio cover addition through a City Permit and somewhere along the lines there were other plans developed that were never approved through the Building Division. Here they were several years and restaurants later and they had discovered that there had been permit problems. During the entire discovery, they had found issues with the retaining wall on the side of the building. They had processed an improvement plan with the City which had called for some "helvetica coils" to be installed to support the structure.

Committee Member Woollett asked for an explanation of the coils?

Mr. Mobayed stated "helvetica coils" were installed to support the existing retaining walls and it had been addressed very early on. The coils were structural coils that were screwed directly into the dirt.

Building Official, David Khorram, stated he had reviewed plans for the retaining wall that had been failing and that issue had been resolved. It was a pretty extensive civil plan and he could rely on those plans for the stability of the walls. There was not a lot of load on that wall and the extent of the repairs that had been completed insured the integrity of the wall. The patio cover was basically a post and beam system and there was not much of a load sitting on the exterior face of the building; there was some minor load that sat on the retaining wall, plus the retaining load itself. He was not aware of the code, but was aware of the pilasters that were placed underneath to stabilize the retaining wall.

Mr. Mobayed stated they had since contracted for structural calculations to be computed on the remainder of the structure to confirm its integrity. Some supplements had been suggested for installation and those had been processed through the Building Division.

Mr. Khorram stated he had reviewed the proposal for additional structural elements and it would tie the building together for lateral purposes. The beams and posts that existed supported the vertical structure. He was not too concerned, in response to Committee Member Woollett's concerns about the structural stability of the site. There were some code violations such as sprinklers, disabled access compliance both inside and outside of the building, bathroom upgrades, and kitchen upgrades that presented an assortment of issues. The City had been speaking with the tenant.

Mr. Mobayed stated they were in the process of developing plans to address the ADA issues, extension of the bathrooms, addition of fire sprinklers, and retrofitting of the building. All the plans had been processed through Building; and it was his understanding that the plan had been approved by Building and Fire.

Ms. Thakur stated the plans had been preliminarily approved, providing the addition was approved by the Planning Commission.

Mr. Mobayed stated the preliminary plans had been put out to contractor bid and there would be in excess of \$115,000.00 of improvements to date.

Committee Member Wheeler asked if the Building Official was okay with the unprotected wall being so close to the property line?

Mr. Khorram stated that was a great question. It was an exterior wall of the building and if there had been another wall next to it, it would need to be fire rated; but when there was street adjacent to the building, or a public park, the property line lost its value and moved to the center line of the street or somewhere in the middle of the park. Protection of an exterior wall was only a problem if it was next to another structure.

Committee Member Wheeler stated it seemed clear that there had been some other additions to the building, for example, on the north side and on the east side. Ms. Thakur had a drawing from a microfiche that apparently had an east side addition that had been approved. He reviewed the drawings with the applicant. He pointed out an area on the building that was not included in the drawings that had been built.

Mr. Khorram stated it appeared to be part of the patio enclosure that was not part of the original building.

Committee Member Wheeler stated there were solid doors in that area. The drawing showed that the building was right on the property line; however, he had noticed indications of a recent survey on the property and the marks placed the property line approximately a foot and a half away.

Mr. Mobayed stated it was his understanding that the property line was inside a line he pointed to on the drawings.

Committee Member Wheeler stated he was confused on the drawings as he had gotten the feeling that what the applicant was attempting to show was an area that had never been built, although it already existed and there was some conflict in the roof plan.

Mr. Mobayed stated several areas were labeled existing and others as new; he had been a bit confused by the architect's notations.

Committee Member Wheeler stated there was an area that was marked as existing and it was an area that was un-permitted.

Ms. Thakur stated what the architect had been attempting to communicate was the as-built conditions and the new, which would be the improvements as approved through Building and Fire to legalize what existed.

Committee Member Wheeler stated the roof plan needed some work and the hip form had not been shown on the plans; on the mechanical spaces the dimensions appeared wrong. He was concerned with the aesthetics of the property and the west-facing wall was a real mess; there was no rhythm and the fenestration was designed to fit the stepping of the exterior retaining wall. The fact was that parts of the wall were extended beyond the roof overhang and there was a very tacky flashing that attempted to extend it. Those items were things that in review by the DRC as a proposed change would never be approved.

Mr. Mobayed stated he would never design it in that manner either.

Committee Member Wheeler stated he felt it was only fair to treat the proposed project as one that had not been built yet; they would treat it the same as a proposal and he would want to think of a different approach to the west elevation.

Mr. Mobayed stated they were attempting to have the economics of the project work in their favor, for both the City and for themselves, as they had to live with whatever they ended up with. There were changes that had been done beyond their control and he was aware of the improvements that were necessary for 24 Carrots/Case De Lagos, or whoever came along; there could come a point where the economics of the situation would not work. They could not spend several hundreds of dollars attempting to gain approval if the DRC required the building to be completely re-designed; they would need to look at other options. It was very difficult to acquire good tenants and they were fortunate enough to have the 24 Carrot group interested in the building.

Committee Member Gladson stated she felt his comments were very helpful and she understood where he was coming from in terms of the economics of the project. The DRC was charged with the aesthetics of things and she respected that element; she tended not to get into too much of the economics, as it was more of a business decision whether a building owner wanted to pursue a use for the building. They were not out to be onerous on costs and she appreciated her colleagues comments about the looks of the site. When visiting the building, she had not been aware that the building had un-permitted work on it. It was an unfortunate situation and the reality was that it needed to be dealt with, in order for the project to move forward. It was unfortunate the building had not taken advantage of the park exposure sides of the building and she imagined that could have been a part of the imagery to create an open style patio with the ambiance of being outside and to also have the coverage; and she wondered if it was not the way a future tenant would want to go. She knew outdoor patios had a nice feel to them and before it became legalized she wondered if that option had been considered. The item was being presented for preliminary feedback and the project would return to them.

Mr. Mobayed stated the park was part of the attraction of the building and it could become part of extended patio. When people toured, it was the part that they loved; it was a covered patio with a beautiful park and view of the lake.

Committee Member Gladson stated that was what she liked about restaurants such as Orange Hill, the open patio; and Orange County Mining Company had not had the open patio area and out of the two she would choose the open patio.

Committee Member McCormack stated he had the dubious honor of being part of the original design team on the project and the site had originally been designed with the outdoor patio theme and a trellis. He was reviewing the project from an aesthetics point of view and he mirrored Committee Member Gladson's comments regarding the business decisions. He asked if there had been a cost analysis to demo the building?

Mr. Mobayed stated they had not considered that as they were pursuing having the building permitted as built.

Committee Member McCormack stated in his opinion, as the building appeared to be nothing the applicant would have chosen to do and not a project the DRC would have accepted, the other option would be to start over and put the building back to its original state. To have people be out next to the park and not in a green house space. They could spend so much time and money

attempting to gild a very dead lily and not like it anyway; from that point of view he would not want to spend a lot of money on a building that would not have been approved.

Mr. Mobayed stated if he would take that information back to his partners, would there be grandfather provisions in regard to not having to fire sprinkle and other items?

Ms. Thakur stated she would defer that question to the Building Official.

Mr. Mobayed stated there were ADA and fire issues and asked if they would be able to gain grandfather provisions on the building?

Committee Member Gladson stated it would be going back to its original state and his question had some merit. She was not certain the Building Official would be able to comment on that option without further review.

Mr. Khorram stated from inside the aesthetic issues were not visible; from outside obviously it was a different impact and that was the issue. The question was if a good atmosphere was created inside was there any service done for the community as far as the design or look. He walked the building and there were a lot of issues; from a practical side the inside looked good, there could be parties held there and money could be made. The outside had issues; rather than demolition of the building, and the building was not the prettiest, and what he had heard from both a financial situation and the aesthetic issues, he was somewhat in the middle. It was difficult for a Building Official to state take away parts and they would provide leniency on the ADA issues; it would be as if they were going back 20 years. The ultimate solution, in his opinion, would not to go back 20 years as it would not provide a benefit for the community; however, there was room to assist the owner and to have the property become better and that was what he would recommend.

Committee Member Gladson stated based on the knowledge that the restaurant would be requesting ABC licensing would that change be a factor?

Mr. Khorram stated it would not change the use. The structure had changed.

Ms. Thakur stated due to the additional square footage for ABC licensing there was additional space that required permitting and the additional square footage required documentation.

Committee Member Woollett stated he wanted some clarification on actual requirements. What he was hearing was that from the standpoint of codes and ordinances if a building or portion of a building was found to have been constructed without a permit, the building would need to be brought up to code in effect at the time it was discovered, and not to the code that existed when the building was initially built. For example, the original building was built in 1965, and the code violations were found in 2010; the building would need to be brought up to 2010 requirements. He asked if that was correct.

Ms. Thakur stated that was correct if the applicant was looking to legalize the building.

Committee Member Woollett asked what was meant by if they legalized it; would they have a choice?

Mr. Thakur stated there were two choices, as far as she could tell: (1) to tear down the building and return the building back to the open patio that had existed before; or (2) to attempt to gain legalization of the structure as it existed and the applicant would need to conform to current codes and ordinances. One other option would be if the project would not be approved then the applicant would need to come up with another design that complied with current codes and ordinances.

Committee Member Woollett stated if he was hearing Mr. Khorram correctly, there were some real advantages to the City and the community to have the building comply with current codes and ordinances, rather than attempting to return the building to its original state. For one thing, the community would not be served without the ADA requirements fulfilled and it would present some rather difficult issues in attempting to work through all of the requirements if returned to its original form. He stated the DRC could provide suggestions that might facilitate the project having a more acceptable exterior aesthetically.

Committee Member Wheeler stated they needed to remember that they were not only speaking of the patio enclosure, but other changes that were also made and he pointed to an area on the plans that had a wall pushed out to the retaining wall. With that change a lot of the original character of the building was lost. All the walls had been pushed out to the roof edge and beyond; they needed to come up with a solution or compromise that would include changes to those features.

Committee Member McCormack stated in reviewing the façade, if they removed some of those additions that had been made, the whole flat area could be returned to an exterior space and it would not require dramatic removals of the structure. What was unappealing to him was the glass that went all the way out.

Committee Member Wheeler stated he agreed; the glass went all the way out and lost the exposed 4 x beams that were a rhythm of the building all the way around.

Committee Member Woollett stated that was also onerous to him, but they had to be very careful to have the building remain consistent with the original design of the building. It was not a Mission style, it was kind of a Western style and consistency was important. He noticed that some of the elements of the patio area had some consistency to some of the other windows and it was a type of a Southwestern Ranch style. For one thing if the roof projected beyond the windows and had the projected rafter tails it would do a lot to make the design work.

The Committee Members reviewed the plans and photos and made suggestions on the roof and the elements that could work for the proposed project. To get the windows back under the roof more and if the former patio cover was moved back with articulation between the other forms that existed. There were too many varied window sizes and that could be corrected. The Committee Members discussed the building form. There were very few straight planes on the original building and that was part of the building's original character.

Committee Member McCormack stated what he was hearing was that if the project was turned into a design competition, figuring out what to do, instead of an exercise to fix the illegal actions of the code, they could come up with some very interesting ideas on what could be done. He felt that the building had an outdoor room and it would not need glass all around it; he felt the glass could be pulled back to the original form and there could be a very beautiful outdoor space.

Committee Member Wheeler suggested having a lesser removal of the glass; as long as the facia extended beyond the glass and if the roof were to remain flat as it currently existed they would want to do something to screen the mechanical equipment.

Committee Member Gladson stated there were all kinds of ways to review design and aesthetics and for her it was all about the internal consistency and was not about whether she liked it or not. If the applicant could execute consistency with the visual aesthetics of the building than they had achieved what the DRC's findings needed to be in any action they would take. It sounded to her that the applicant and his architect had not had the benefit of reviewing the original plans. Maybe it would be helpful to go back and take a look at the articulation and movement of all the wall planes; to study it further. They could come up with options such as pulling the glass back and bringing out some neat elements. She thought the building was built in the 1970's and the building had an element of architecture that she enjoyed; whether they wanted to close it all in had not bothered her. Right or wrong the changes were made without permitting and they needed to deal with getting the project to a good place and she was open to some compromise.

Committee Member Wheeler stated he would want to leave the applicant with the suggestion to attempt to return the project closer to what it had originally been and to return it to more of a visual affect of what the building had. The walls would need to be moved back, exposing the columns, eliminating the curved glass and to attempt to design it with more thought.

Mr. Mobayed stated he would take that information back to the architect.

Committee Member Woollett stated he would be willing to have another meeting similar to the current meeting with some sketches to review in order to see how the project might be handled and some alternatives to discuss. It was hard for an architect to second guess anyone else. In the current situation it needed to be somewhat of a collaboration; not that they were designing, but to gain information on what was important.

Committee Member Wheeler stated sketches would be good and not to go to the expense of final drawings.

Committee Member McCormack suggested not only limiting it to sketches but they could use a study model; not a very expensive model, but the form with some alternatives.

Committee Member Wheeler stated a study model was more often used to explain projects to people who would not be familiar with reading drawings; they were familiar with that and simple sketches would be what they needed.

Committee Member Gladson stated something created on a computer could help too.

Committee Member Woollett stated the applicant needed to think about their costs.

Mr. Mobayed stated he would share their discussion with the partners and the architect. He asked that if they were to return to the original architecture, where would it leave them with the building as far as requirements were concerned?

Chair Cathcart stated he concurred with Committee Member Wheeler that the building would not need to return to its original form, but somewhere between the current form and to take some of the aspects back to regain articulation on the building. He wanted to concentrate on roof screening without the typical black sprayed screen.

Mr. Mobayed asked where would this all currently leave him and would they be able to continue with holding banquets at the facility?

Ms. Thakur stated that would need to be discussed with the Director and the Fire Department. She understood there were specific events that the applicant had been allowed to continue to operate and she was not certain if there was a specific time line on the continuance of that operation.

Committee Member Gladson stated the applicant was making progress and that was a good thing; that they were making good faith efforts to make progress was helpful.

Ms. Thakur stated she would not want to speak on behalf of the Fire Department. They had been initially reluctant and it was something that they generally would not allow to occur. She was not certain how much leniency the Fire Department would offer.

Mr. Khorram stated he would not want to see the project go backward; sometimes property owners felt if they went backward they would save money, but due to the changes the building had gone through and looking toward the future of additional uses, they would not want to go through the discussion each time the applicant wanted to apply for an improvement.

Mr. Mobayed stated he agreed with that.

Chair Cathcart stated the proposal had been presented for preliminary review and a motion was not necessary.

ADJOURNMENT:

Committee Member Gladson made a motion to adjourn to the next regular scheduled Design Review meeting on Wednesday, June 16, 2010. The meeting adjourned at 6:26 p.m.

SECOND: Tim McCormack

AYES: Bill Cathcart, Adrienne Gladson, Tim McCormack, Craig Wheeler, Joe Woollett

NOES: None ABSTAIN: None ABSENT: None

MOTION CARRIED.