

DESIGN REVIEW COMMITTEE AGENDA ITEM

AGENDA DATE: APRIL 17, 2013

To: Chair Fox and Members of the Design Review Committee

THRU: Leslie Aranda Roseberry, Planning Manager

FROM: Robert Garcia, Associate Planner

SUBJECT: DRC No. 4667-13 – STARBUCKS COFFEE DRIVE THRU

SUMMARY

The applicant is proposing to construct a new 24-hour 890 SF Starbucks coffee shop consisting of a drive-thru, walk-up service window, and a 200 SF outdoor seating area on a vacant lot. There is no indoor seating at this location.

RECOMMENDED ACTION - RECOMMENDATION TO THE PLANNING COMMISSION

Staff is requesting that the Design Review Committee (DRC) recommend approval to the Planning Commission (PC).

BACKGROUND INFORMATION

Applicant/Owner: Starbucks Coffee Company
Property Location: 1630 E. Chapman Avenue
General Plan Designation: General Commercial (GC)

Existing Development: Vacant

Property Size: 13,000 SF lot

Associated Applications: CUP 2894-13; VAR 2224-13, & MNSP 721-13

Limited Business (C-1)

PUBLIC NOTICE

Zoning Classification:

No Public Notice was required for this project.

ENVIRONMENTAL REVIEW

Categorical Exemption: The proposal is Categorically Exempt from the California Environmental Quality Act (CEQA) review per CEQA Guidelines Section 15303 (Class 3, New Construction or Conversion of Small Structures) because the project consists of a new building, less than 10,000 square feet of floor area.

PROJECT DESCRIPTION

The applicant is requesting to construct a new 24-hour Starbucks coffee shop consisting of a single story 890 SF drive-thru building. No public counter or seating will be provided within the building's interior. In addition to the drive-thru component, a walk-up window and a 200 SF outdoor patio seating area are proposed on the west side of the building. The drive-thru Starbucks shop consists of a T-shape building which will house the beverage preparation area, dry storage, and a public restroom. Starbucks is finding that for this type operation with no interior seating approximately 80% of their sales are attributed to drive-thru.

The building will have a parapet roof with metal screens to hide the roof mounted mechanical equipment. The design includes the use of various materials on building's exterior elevations. The building facades will be covered with smooth stucco painted "Barn Swallow" and reclaimed wood in a light and dark color. The building will also include painted metal canopies, screens and wall caps. Signage is not part of this proposal.

EXISTING SITE

The existing site is currently vacant. As a result of the City's street widening efforts along the intersection of Chapman Avenue and Tustin Street the former existing service station was demolished.

EXISTING AREA CONTEXT

Surrounding property to the north, west, south, and east include other commercial properties in the C-1 and O-P zones.

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**.

- The architectural features shall reflect a similar design style or period.
- Creative building elements and identifying features should be used to create a high quality project with visual interest and an architectural style.

2. Landscape.

- The type, size and location of landscape materials shall support the project's overall design concept.
- Landscaping shall not obstruct visibility of required addressing, nor shall it obstruct the vision of motorists or pedestrians in proximity to the site.
- Landscape areas shall be provided in and around parking lots to break up the appearance of large expanses of hardscape.

3. 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: Site Layout

There are 5 parking spaces that would be designated as a loading area along the southern property line, starting from the west. There would be pole signs that state, "Loading Zone-No parking between the hours of 8 PM to 6 AM" at the designated spaces. These are the hours when the drive-thru is at its non-peak hour demand.

Issue 2: Landscape

The applicant is proposing to install 3,420 SF of landscape. The proposal meets the landscape Code requirements within the setbacks, 10% landscape in the parking areas, and screening parking from the public ROW. The applicant is proposing to provide 13 trees on-site; however, OMC Section 17.18.060.B requires that the proposal provide 17 trees. In addition a minimum 4 foot wide landscaped planter, clear inside dimension, is required on at least 2 sides of all trash enclosures, the applicant is providing 4 feet on one side and 2 feet on another side, thus requiring a landscape Variance.

ADVISORY BOARD RECOMMENDATION

The Staff Review Committee (SRC) reviewed the proposal on March 6, 2013 and provided comments to the applicant on the submittal prior to making a recommendation. On April 3, 2013 the SRC reviewed the revised submittal and made a recommendation to approval with conditions.

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 recommend approval 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).

Although the project is located within the Orange Amended Tustin Redevelopment Area; there are no design standards for this area. The State has closed all the Redevelopment Districts; however, the City Council has not rescinded the designation.

Building elements and identifying features are used to create a visual interest and a cohesive architectural style for the building in question. The theme of the proposed plan will help to uphold and improve the aesthetics of the community at the intersection of Chapman Avenue and Tustin Street. The design of the project creates an architecturally cohesive theme since the proposal utilizes building forms, which are compatible to other restaurants in the chain.

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

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 date labeled April 17, 2013, 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 on April 17, 2013. Any change to the exterior of the building from the approved plans shall be subject to review and approval by the Design Review Committee.
- 2. In conjunction with the operation of the business, all loading and unloading (i.e. deliveries) activities shall only occur in the designated 5 parking space loading zone on of the subject site. These are the hours when the drive-thru is at its non-peak hour demand.
- 3. In conjunction with the operation of the restaurant, the drive-up window will not be limited in its hours of operation. The drive-thru shall be allowed to operate 24-hours, seven days a week.

- 4. Prior to the issuance of a Certificate of Occupancy, all parking lot and landscaping improvements shall be completed according to the approved plans and to the satisfaction of the Community Development Director or designee.
- 5. Prior to building permit issuance, the applicant shall prepare a final landscaping and irrigation plan consistent with the grading plans, site plans, and the conceptual landscaping plan as proposed for the project for the review and approval of the Director of Community Development and Community Services Directors or their designees.
- 6. Prior to building permit issuance, final landscaping plans for the project shall be designed to comply with the City's Water Efficient Landscape Guidelines as described in Section IX et al of the City of Orange Landscape Standards and Specifications.
- 7. In conjunction with the operation of the business, all loading areas and the trash enclosure shall be maintained and kept clean and free of debris.
- 8. Security and design measures that employ Defensible Space concepts shall be utilized in development and construction plans. These measures incorporate the concepts of Crime Prevention through Environmental Design (CPTED), which involves consideration such as placement and orientation of structures, access and visibility of common areas, placement of doors, windows, addressing and landscaping.
- 9. The address number on the commercial 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. In addition, any business which has vehicular access to the rear through any driveway, alleyway or parking lot shall also display the same numbers on the rear of the building.
- 10. Prior to issuance of a Building Permit, a photometric study shall be reviewed and approved by the Police Department. A minimum of one foot candle shall be maintained on all surfaces of the parking lot, from dusk until the termination of business every operating day. The applicant shall ensure that lighting on the site shall be directed, controlled, and screened in such a manner so as to refrain from shining directly on surrounding properties, such as adjacent residences.
- 11. Plans submitted for Building Plan Check shall comply with the California Building and Fire Code as amended by the City and as frequently amended and in effect at the time of application for Building Permit.
- 12. At the time of building permit issuance, a copy of the fire master plan shall be provided to the Fire Department in PDF format minimum print size of 8 ½ x 11 and maximum 11 x 17.
- 13. Submit a Grading Plan and Geotechnical Report for plan check. An approved Grading Plan from Public Works Department shall be required. The Grading Plan shall include phased Erosion and Sediment Control Plans and any Site Demolition Plan, if required.
- 14. The contractor shall obtain a Grading Permit from Public Works Department prior to start of any site demolition, clearing and grubbing, and grading prior to the issuance of a building permit.
- 15. All public infrastructures, including street sections, sidewalk, driveway apron, and utilities shall comply with City of Orange Standard Plans and Specifications.

- 16. All utility lines from public street and easement, including power line and telecommunication line, shall be constructed underground.
- 17. Show all sewer and storm drain lines on the Grading Plan for plan check review. Other utility lines, such as water lines, may also be shown on Grading Plan for reference.
- 18. Show all structural BMPs for water quality purpose on Grading Plan. Water quality features shown on the Grading Plan must match WQMP.
- 19. A Street Improvement Plan for all improvement on streets shall be submitted for review and approval.
- 20. All driveway aprons shall comply with City of Orange Standard Plans and Specifications for Commercial Driveway Aprons and conform to current ADA sidewalk access requirements.
- 21. Any unused driveway approaches shall be restored with full height curb and gutter, and sidewalk. Repair any cracked, uneven, or damaged public sidewalk, curb and gutter along project frontage.
- 22. All work within the public right-of-way and public utility easements will require Encroachment Permits. This includes sidewalk and driveway construction and utility connection.
- 23. Coordinate with City's Tree Service Coordinator for street tree requirements.
- 24. Prior to the issuance of a building permit, the applicant shall submit a water improvement plan to the Water Division for new fire hydrants, domestic water services, fire suppression 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.
- 25. 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 per the improvement plans as approved by the Water Division.
- 26. Plans submitted during plan check shall show that the water improvement plans are consistent with the 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.
- 27. Prior to the issuance of a certificate of occupancy, the applicant shall be responsible for the installation of necessary fire hydrants and fire suppression services as determined by the Fire Department and Water Division.
- 28. Prior to building permit issuance, the Water Division shall approve the type and location of the landscape irrigation back flow prevention device and fire suppression service back flow prevention device for proposed City services.
- 29. Prior to building permit issuance, construction documents shall show that the installation of sewer mains in the vicinity of water mains is done per the Water Division's Standard No. 113 and as approved by the Water Division.

- 30. Prior to building permit issuance, construction documents shall 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.
- 31. Prior to building permit issuance, construction documents shall show that the minimum 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.
- 32. Prior to building permit issuance, construction documents shall show that permanent signs, awnings, surface water quality management features such as but not limited to infiltration planters, basins, pervious pavement or other structures are not installed over the City's water mains, laterals, services, meters, and fire hydrants.
- 33. 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.
- 34. A minimum of fourteen-calendar days prior to public water construction, the applicant's civil engineer shall prepare and provide product material submittals consistent with the approved water improvement plans as approved by the Water Division for all proposed public water system facilities to the Water Division for review and approval.
- 35. Prior to the 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 (i.e. pervious concrete areas);
 - 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).
- 36. 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 BMPs (i.e. pervious concrete areas) 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.
- 37. 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.
- 38. 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.
- 39. 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. Changes not within substantial conformance or appeals of the Director's decision shall be made to the Planning Commission.
- 40. 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.
- 41. 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.
- 42. 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.
- 43. 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.
- 44. 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. Existing Site Photos
- 3. Site Plan, Floor Plan, Color Elevations date labeled April 17, 2013

cc: Matz Properties C/o Terry Matz 600 N. Tustin Avenue #150 Santa Ana, CA 92705