

**TO:** Chair and Members of the Design Review Committee

**THRU:** Anna Pehoushek, Assistant Community Development Director

**FROM:** Vidal F. Márquez, Assistant Planner

## **1. SUBJECT**

..title

Design Review No. 5026-21, Popeyes Louisiana Kitchen, 584 N. Tustin Street

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## **2. SUMMARY**

..recommendation

Recommendation to the Planning Commission

..body

The applicant proposes to demolish an existing vacant full-service restaurant and to construct a new 2,344 square foot drive-through restaurant with associated site improvements.

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## **3. BACKGROUND INFORMATION**

Applicant: Petrossi & Associates, Inc.

Property Location: 584 N. Tustin Street

General Plan Designation: General Commercial (GC)

Zoning Classification: Limited Business (C-1)

Existing Development: 3,468 square foot restaurant

Associated Application: Conditional Use Permit No. 3126-21, Minor Site Plan No. 1038-21 and Administrative Adjustment No. 0281-21

Previous DRC Project Review: None

## **4. PROJECT DESCRIPTION**

The applicant proposes to demolish an existing 3,468 square foot restaurant (former Sizzler Restaurant) and construct a new 2,344 square foot drive-through Popeyes Louisiana Kitchen restaurant building, trash enclosure, surface parking, landscaping, signage and related site improvements. The project proposes to provide 22 parking stalls and a drive-through with queuing capacity for 19 vehicles. A ten percent parking reduction is being requested through an Administrative Adjustment.

### **Architecture**

The proposed single-story building will be 20 feet in height with some roofline projections at 22 feet, 8 inches along the east and south elevations. The building design utilizes a contemporary Popeyes brand architectural style with varied flat roof lines, articulated wall

planes, and projecting metal awnings over windows, entry doors and drive-through windows. Exterior materials and colors also contribute to the contemporary style including vertical cedar wood panel siding, brick veneer, 'Moonlight White' painted smooth textured plaster, 'Stonington Grey' wainscot accent trim, 'Black Iron' painted parapet cornice, 'Oceanic Teal' painted decorative shutters, and dark bronze aluminum storefront windows with orange main entrance doors. The overall color scheme of the building will incorporate tones of white, black, and grey with highlights of orange from proposed signage, exterior light fixtures and doors. The exterior materials and finish schedule is identified on Elevation sheet A-4 (Attachment 3) and the Color and Material board is included in Attachment 7.

A new freestanding 290 square foot trash enclosure will be constructed of concrete masonry block with a smooth plaster finish, flat metal roof cover, mesh screen and metal gates. The materials and colors will coordinate with the design of the proposed building.

### **Landscaping**

Proposed project landscaping includes a variety of trees, shrubs and ground cover along front yard area, perimeter planters and a central landscape island behind the proposed building. A 24-inch box Marina Strawberry tree, and 36-inch box Western Redbud tree are proposed with Trailing Lantana and Common Yarrow ground cover in the front yard planter adjacent to the driveway entrance. 5-gal. Dwarf Myrtle, Butterscotch Ruffles Daylily shrubs with Silver Carpet Dymondia, and Trailing Lantana ground covers are at the front of the proposed building. A 24-inch box Purple Leaf Plum, and Australian Willow trees, Whynabbie Gem, Slim Weeping Bottlebrush, and Little John Bottlebrush shrubs with Trailing Lantana groundcover are proposed in along the north, west, and southern property line planters. The central landscape island consists of a 24-inch box Marina Strawberry tree, and three 24-inch box Natchez Crepe Myrtle trees with all varieties of proposed shrubs and groundcover. The total landscaped area proposed will be 4,630 square feet (23% of the site). Parking areas, drive aisles and pedestrian walkways consists of standard concrete paving. Finally, one new 24-inch box Brisbane Box street tree will be planted in the right-of-way located in compliance with Public Works standards.

### **Lighting**

The restaurant proposes LED gooseneck wall mounted fixtures in a orange finish on south, east and north building elevations with the light projecting in a downward direction. Two wall pack light fixtures will be at the rear westerly building elevation. In addition, various freestanding perimeter 20 feet high LED light standards will also be provided for site illumination. All project lighting will be installed and directed to prevent light spillage beyond the exterior boundaries of the property.

### **Signage**

The applicant has included a sign concept that meets Code requirements and is generally compatible with the contemporary building design through the use of a similar color palette. The existing 15-foot tall, double-faced pole sign, located within a landscape planter along the property frontage will remain in place, and be refaced. Building signage will include illuminated Popeyes Louisiana Kitchen brand logos on the south, east, and north elevations, as well as typical drive-through restaurant illuminated digital preview menu, and menu boards, drive-through lane signage, and directional signage. All free

standing, building signs, and directional signs will be subject to the City's standard sign regulations. Condition #7 has been included that requires final sign plans to be approved by the Community Development Director prior to issuance of building permits.

### **Access and Circulation**

The project will remove an existing two-way entrance drive approach at the center of the site in order to accommodate a new two-way drive approach and a secondary one-way drive-through lane that wraps around the perimeter of the restaurant building. The project proposes to provide 22 parking stalls and a drive-through queue lane capacity of 19 to avoid spillout onto Tustin Street.

## **5. EXISTING SITE**

The .46-acre project site is located on the east side of North Tustin Street directly across from the intersection of North Tustin Street and Orange Grove Avenue. The site is currently developed with a 3,468 square foot vacant restaurant, paved parking lot, existing freestanding sign, trash enclosure, and minimal landscaping concentrated along the property frontage. The site is currently accessed via a two-way driveway at the center of the site.

## **6. EXISTING AREA CONTEXT**

The site is surrounded by single-family residences to the west and a variety of restaurant and commercial uses to the north, south and east. The properties to the north, west and south are zoned Limited Commercial (C-1); the properties to the east are zoned and Single-Family Residential (R-1-6).

## **7. ANALYSIS AND STATEMENT OF THE ISSUES**

### Issue 1 Landscaping:

The proposed project's landscaping plan provides a variety of trees, shrubs, and ground cover along front yard areas, perimeter planters, and a central landscape island behind the proposed building. Based on the City's benchmark calculation for tree quantity, 29 trees are required for the project. The initial project proposal provided the total benchmark quantity of trees however, Planning staff and the City's Senior Landscape Coordinator concluded that the number of code-required amount of trees overwhelmed the site landscaping, particularly within the proposed planters along the northern property line and the central landscape island. Tree placement in planters at the northern property line would be in competition with the existing trees in the abutting planter at the McDonald's drive-through restaurant at 606 N. Tustin Street. Staff directed the applicant to reduce the number of trees along northern property line and the central landscape island to create a more sustainable distribution throughout the project site. In response, the applicant revised the plans to include 19 trees total. The proposed landscape plan meets the minimum of 25% of trees to be 24-inch box in size, the number, and size of shrubs are provided, and the sizes of planter dimensions are met for parking areas and around the trash bin enclosure.

Overall, the project's landscaping plan provides an integrated design theme with a variety of trees, shrubs, and ground cover along front yard areas, perimeter planters, and a central landscape island. The new trees are placed in a balanced manner throughout the

project area and the overall site will be improved with new landscaping compliant with City's Water Efficient Landscape Guidelines.

## **8. ADVISORY BOARD RECOMMENDATION**

The Streamlined Multidisciplinary Accelerated Review Team (SMART) conducted a review of the project on February 10, 2021, May 12, 2021 and on June 30, 2021 recommended that the project proceed to the Design Review Committee.

## **9. PUBLIC NOTICE**

No Public Notice was required for Design Review Committee (DRC) review of the project.

## **10. ENVIRONMENTAL REVIEW**

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15303 (Class 3 - New Construction or Conversion of Small Structures) because the project consists of the construction of a new, small (<10,000 square foot in urbanized area) structure zoned for such use, not involving the significant use of hazardous substances, where all necessary public services are available, and where the area is not environmentally sensitive. There is no environmental public review or notice required for a categorical exemption.

## **11. STAFF RECOMMENDATION AND REQUIRED FINDINGS**

Findings for DRC applications come from four sources:

- The Orange Municipal Code (OMC)
- The Infill Residential Design Guidelines
- The Historic Preservation Design Standards for Old Towne (commonly referred to the Old Towne Design Standards or OTDS)
- Orange Eichler Design Standards

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 to the Planning Commission the project with recommended conditions.

- 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 subject property is not within a specific plan area or established district with applicable design standards. The proposed drive-through restaurant improves the appearance of the site and streetscape by bringing a new building and significant amount of new landscaping to the property site. The exterior design, including colors and materials, provides an internally consistent and integrated design theme that upholds community aesthetics. The proposed design has incorporated a one-story scale along the street frontage that takes into consideration pedestrians and adjacent commercial and residential properties. The proposed landscaping, including trees, shrubs and ground covers will complement the project design and integrate well with neighboring commercial properties along the North Tustin Street commercial corridor. Additionally, lighting and

other site features have been planned to minimize potential conflicts with neighboring residences.

## **12. CONDITIONS**

The recommendation for 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 as Attachment 3 in the staff report, including modifications required by the conditions of approval, and as recommended for approval by the Design Review Committee.
2. 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 administratively.
3. Subsequent modifications to the approved architecture and color scheme shall be submitted for review and approval to the Community Development Director or designee. Should the modifications be considered substantial, the modifications shall be reviewed by the Design Review Committee.
4. 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 permits, save and except that caused by the City's active negligence. The City shall promptly notify the applicant of any such claim, action, or proceedings and shall cooperate fully in the defense.
5. The applicant 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.
6. Building permits shall be obtained for all future construction work, as required by the City of Orange, Community Development Department's Building Division. Failure to obtain the required building permits will be cause for revocation of this permit.
7. Final sign plans shall be approved by the Community Development Director prior to building permit issuance.
8. If not utilized, project approval expires twenty-four months from the approval date. Extensions of time may be granted, if requested in writing in accordance with OMC Section 17.08.060. The Planning entitlements expire unless Building Permits are pulled within two years of the original approval.
9. In conjunction with construction, all activity will be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Saturday. No construction activity will be permitted on Sundays and Federal holidays.

10. These conditions shall be reprinted on the second page of the construction documents when submitted to the Building Division for the plan check process.
11. Any graffiti shall be removed within 72 hours from the time the City of Orange Notice of Violation is received by the applicant/property owner.
12. Any new lighting on the premise shall be installed in such a way to direct, control, and screen the lighting to prevent off site light spillage onto adjoining properties and shall not be a nuisance to any point beyond the exterior boundaries of the property.
13. Prior to issuance of Certificate of Occupancy, the applicant shall schedule a light reading inspection with the Crime Prevention Bureau. The lighting shall be tested and confirmed to determine if the lighting meets or exceeds the exterior boundary standards. The applicant shall use shielding so as to ensure that the light standards meet the requirements of OMC Section 17.12.030 for areas beyond the property's exterior boundaries; light spillage or pollution to surrounding residential areas shall not exceed a maintained minimum of 0.5 foot-candle.
14. Prior to building permit issuance, the applicant shall demonstrate to the satisfaction of the Community Development Director that all mechanical and air conditioning equipment shall be shielded and screened from view from adjacent streets and properties. The screening shall be integrated architecturally with the building and painted to match the walls of the building.
15. Prior to building permit issuance, the applicant shall obtain approval from the Planning Division for any and all signage associated with the proposed project and/or business.
16. Plans submitted for Building Plan Check shall comply with the California Fire Code as amended by the City and as frequently amended and in effect at the time of application for Building Permit.
17. 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.
18. 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 Director.

### **13. ATTACHMENTS**

- Attachment 1 Vicinity Map
- Attachment 2 Applicant Project Description
- Attachment 3 Project Plans
- Attachment 4 Sign Plans
- Attachment 5 Landscape Thumbnail Imagery
- Attachment 6 Building Renderings

- Attachment 7 Colors and Materials Board