



# City of Orange

## Legislation Text

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

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

**FROM:** Marissa Moshier, Historic Preservation Planner

### 1. SUBJECT

Design Review No. 5022-21, Finney's Craffhouse & Kitchen, 204 W. Chapman Avenue

### 2. SUMMARY

Final Determination.

The applicant proposes to rehabilitate a historic commercial building for a new restaurant including an outdoor patio in the Old Towne Historic District.

### 3. BACKGROUND INFORMATION

Applicant: Brad Finefrock, Finney's Craffhouse & Kitchen

Owner: The Ricci Family Revocable Trust dated 2/11/06

Property Location: 204 W. Chapman Avenue

General Plan Designation: Old Towne Mixed Use 24

Zoning Classification: Old Towne Mixed Use 24 (Santa Fe Depot Specific Plan)

Existing Development: 6,576 square foot one-story historic commercial building, constructed c. 1916

Associated Application: Minor Site Plan Review No. 1034-21. The property has a Mills Act Contract approved in 2016.

Previous DRC Project Review: Preliminary review on July 21, 2021

### 4. PROJECT DESCRIPTION

Major project components include:

- Converting three existing fixed storefront windows on the Chapman Avenue elevation and one on the Olive Street elevation to operable inward swing awning windows. The original transoms, mullions, and frame will be maintained and repaired. The fixed glass panes and wood stops will be removed to accommodate installation of the new awning windows. The wood stops will be repaired or replaced to match the existing after installation of the awning window sashes.
- Removing the existing recessed front door and window and replacing them with a

contemporary wood and glass door and large fixed window.

- Removing three non-original storefront windows on the Olive Street elevation and replacing them with multi-fold windows with higher sills.
- Adding two new multi-fold windows with higher sills in existing solid bays on the Olive Street elevation.
- Relocating one wood window from the rear elevation to the existing roll-up door opening on the Olive Street elevation.
- Adding a metal, multi-lite garage door on the rear elevation in place of the relocated window.
- Converting the 3,710 square foot open space at the rear of the property to outdoor dining, including construction of a free-standing trellis shade structure, trash and electrical enclosures, fencing, and landscaping.
- Installing a new service door in the existing garage door opening on the rear elevation and infilling the remaining extent of the opening with wood siding.
- Removing the texture coating on the building and replacing it with a mild sand finish cement plaster.
- Installing new parapet bracing with 3x3 plates and throughbolts, painted to match the cement plaster on the north, east, and south elevations.

The applicant provided additional updated information in Attachment 6 Design Review Memorandum and Attachment 7 Parapet Bracing Memorandum.

## 5. EXISTING SITE

The site is developed with a one-story commercial building constructed circa 1916. The building is clad in a rough-textured stucco, which appears to have been added on top of an older sand finish cement plaster. The Chapman Avenue north façade consists of four fixed wood storefront windows with hopper-style transoms above and a recessed entrance. The Olive Street east elevation appears to have had a number of different window styles over time. From north to south, the current elevation consists of one wood storefront window with hopper-style transoms, matching the Chapman Avenue elevation, three similar wood storefronts with fixed transoms, three solid bays, possibly infilled from earlier windows, and a roll-up metal garage door opening.

The rear elevation has three wood windows with high brick sills in poor condition and a large garage-style opening with a wood sliding door. The fenced open space at the rear of the property does not contain any structures. The south end of the property contains an easement providing access to the rear of the adjacent property.

Inside the building, the roof is supported by glulam beams, likely installed in the mid-20<sup>th</sup> century. Some remnants of the older truss system are located at the south end of the building. The building currently shares an interior door passage with the adjacent building to the west. This opening will be closed as part of the restaurant rehabilitation.

The applicant provided additional information, based on the Design Review Committee's (DRC) comments from the preliminary review, on changes to the building over time and the Olive Street elevation in Attachment 6 Design Review Memorandum.

## 6. EXISTING AREA CONTEXT

The intersection of Chapman Avenue and Olive Street is a major gateway into the historic Plaza and serves a mix of users throughout the day, including pedestrians, bicyclists, passenger vehicles, delivery trucks, and buses. Surrounding properties contain a mix of commercial uses on the ground floor with offices or residential units above. Surrounding zoning is Old Towne Mixed Use-15 or -24.

## 7. ANALYSIS AND STATEMENT OF THE ISSUES

At the preliminary review on July 21, 2021, the DRC provided comments to the applicant on the project approach. These included recommendations to treat the Olive Street elevation as a secondary, utilitarian side of the building, eliminate added door openings on the rear elevation, maintain existing historic materials or provide additional information on the existing conditions and/or development of the building over time to justify proposed changes, and provide additional information on the scope of the proposed parapet bracing.

The applicant responded to these comments with updates to the project plans and Design Review Memorandum and provided an additional Parapet Bracing Memorandum.

### Issue 1 Awning Windows

The proposed operable awning windows will maintain and repair the majority of the original storefront windows on the Chapman Avenue and Olive Street elevations. Based on the updated window details in the project plans, the only elements of the windows to be removed are the large single panes of glass and the wood stops around the windows. The remainder of the original window elements will be repaired in place. The approximately three inch wood elements of the operable sashes will result in slightly smaller glass than the original windows. While this is a change to the appearance of the windows, it is minor and does not affect the historic pattern of large storefront windows at the primary elevation of the building.

The proposal maintains historic materials and the historic character of the property with a reasonable opportunity for minor changes that support a new use in the building and is in conformance with the Historic Preservation Design Standards.

### Issue 2 Olive Street Elevation

It appears that all of the bays on the Olive Street elevation have been altered, with the exception of the northernmost storefront window, which is visible in a photograph of the building circa 1925. Current interior photographs of the Olive Street wall show different types of masonry units in the solid wall sections. The applicant's Design Review Memorandum (Attachment 6) states that this may indicate different periods of infill and changes to the openings on this elevation over time.

It is possible that the majority of this elevation originally contained windows with a high sill, matching the remaining windows on the rear elevation. It is also possible that the south end of the elevation had different sized openings to accommodate the period when the building was divided into multiple tenant suites. See Attachment 3 Historic Photographs and Sanborn Map Extracts, which show the building divided into three businesses in 1922, including one that fronted Olive Street. However, beyond the northeast corner of the building, it is difficult to firmly establish the historic configuration of this elevation.

Without concrete evidence of the specific configuration of the Olive Street elevation during the historic period, the applicant is proposing an approach that maintains the rhythm of columns and windows that characterizes the remaining original pattern of solids and voids in the building. The proposed new multi-fold window style is differentiated from the original storefront windows and has a

higher sill to create a smaller opening.

In response to the DRC's comments about treating the Olive Street elevation as a secondary side of the building, the applicant is proposing to leave one bay infilled with a solid wall to reflect the changing history of this side of the building. The southernmost bay (currently the roll-up door) will receive a relocated window from the rear elevation to help maintain one of the original windows in the building and to reflect the more utilitarian character of this elevation.

With consideration given to the limited information available about this elevation of the building and the proposed differentiation of the new windows from the original materials, staff recommends that the proposal is acceptable under the Historic Preservation Design Standards.

### Issue 3 Parapet Bracing

The applicant provided a written description of the requirements for parapet bracing in Attachment 7 and details of the proposed bracing in the project plans. The City's Building Division confirmed that an exemption from the structural requirements necessitating the bracing is not available to the project under the California Historical Building Code or Existing Building Code.

The number of plates and spacing on each elevation has been reduced as much as possible. Staff believes that the proposed bracing is not ideal, but would be required for any likely change of use to the building. The applicant has reduced the effect of the bracing by painting the plates and through bolts to match the adjacent plaster surface, making the proposal acceptable under the Design Standards.

A more costly option would allow elimination of the through bolts by field-welding each bolt to the back of the plate, leaving only the plate exposed. The applicant is requesting to maintain the original design with exposed through bolts due to the cost.

### Issue 4 Cement Plaster

The applicant has clarified the proposed exterior finish, based on review of the existing building and comparable historic buildings from the same period. The proposal has been updated to a mild sand finish, rather than a smooth plaster, and is compatible with the historic building.

## **8. ADVISORY BOARD RECOMMENDATION**

The City's interdepartmental staff review committee (SMART) reviewed the project on January 27, 2021 and May 5, 2021 and recommended approval to the DRC.

## **9. PUBLIC NOTICE**

Notification of the DRC meeting to consider the project was posted in two places at the property on August 23, 2021, per the requirements of the Orange Municipal Code for Minor Site Plan Review projects. No public notice is required for Design Review applications.

## **10. ENVIRONMENTAL REVIEW**

The 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) and 15331 (Class 31 - Historical Resource Restoration/Rehabilitation). The project consists of the conversion of an existing commercial building to a restaurant, consistent with the property's General Plan designation and zoning. The building to be converted totals less than 10,000 square feet and the property is located in an urbanized area where all necessary public services and facilities are available. The historic building will be rehabilitated in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties (SOI Standards) and the Historic

Preservation Design Standards for Old Towne. There is no public review required for a Categorical Exemption.

## 11. STAFF RECOMMENDATION AND REQUIRED FINDINGS

Findings for applications come from three sources:

- The Orange Municipal Code
- The Infill Residential Design Guidelines
- The Historic Preservation Design Standards for Old Towne

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.

### Design Review

- 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.G.1).

The proposed project is in conformance with the Historic Preservation Design Standards for Old Towne, which are the prescriptive design criteria for projects within the Old Towne Historic District. The design retains and repairs historic features of the building. Proposed new features are differentiated from the original materials and are compatible with the character of the building. New elements in the outdoor patio are freestanding and will not affect the historic materials of the building. As a result, the project is consistent with the context of the Historic District and surrounding historic properties.

- In any National Register Historic District, the proposed work complies with the Secretary of the Interior's Standards and Guidelines (OMC 17.10.07.G.2).

Projects found to be in conformance with the Historic Preservation Design Standards for Old Towne are generally considered to be in conformance with the SOI Standards. In conformance with Standard 1 of the SOI Standards, the change of use to a restaurant allows retention of the historic features of the building. The majority of the elements of the original storefront windows will be maintained and repaired. Where changes are proposed to original windows to allow operability, they are minor and do not substantially change the character of the building. Windows on the rear elevation will be repaired in place; one window will be repaired and relocated to the Olive Street elevation, reflecting the secondary, utilitarian character of the side of the building. In conformance with Standard 9, new features of the design, such as the new multi-fold windows or new recessed entrance, will not destroy historic materials or features that characterize the historic building. In conformance with Standard 10, the materials and design features are compatible with the scale, materials, and design of the historic building and are appropriately differentiated from the historic building. The proposed project is in conformance with the SOI Standards.

- 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.G.3).

Projects located within the Old Towne Historic District must comply with the Historic Preservation Design Standards for Old Towne and SOI Standards (as applicable). As

described above, the proposed work complies with these design standards. The design also incorporates features and materials that are compatible with the architectural style and character of the historic property to create an internally consistent site.

### Minor Site Plan Review

- The project design is compatible with surrounding development and neighborhoods.

The project is compatible with the character of the Plaza Historic District in that it promotes pedestrian-oriented activity in the historic downtown and is compatible with the historic character of the surrounding historic buildings. The design and materials for the project are in keeping with the history of the property and meet the required design standards for the Historic District.

- The project conforms to City development standards and any applicable special design guidelines or specific plan requirements.

The project conforms to City development standards for the OTMU-24 zone. As described above, the project is in conformance with the Historic Preservation Design Standards for Old Towne and the SOI Standards.

- The project provides for safe and adequate vehicular and pedestrian circulation, both on- and off-site.

The project has clearly defined pedestrian access points and is oriented to encourage walking and other alternative modes of transportation, in keeping with the primary pedestrian focus of the Plaza. The proposed project removes unused driveways, improves sidewalk conditions around the building, and provides for safe and adequate circulation.

- City services are available and adequate to serve the project.

The project has been reviewed by relevant staff departments to ensure that City services are available and adequate to serve the property. The project incorporates design features that address Code requirements and provides building and infrastructure systems that maximize safety and ensure adequate utility services to the site.

- The project has been designed to fully mitigate or substantially minimize adverse environmental effects.

No adverse environmental effects have been identified. 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) and 15331 (Class 31 - Historical Resource Restoration/Rehabilitation).

## **12. CONDITIONS**

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

1. The project shall conform in substance and be maintained in general conformance with plans and exhibits labeled Staff Report Attachment 9 Project Plans including any modifications required by conditions of approval, and as approved by the Design Review Committee. Any future expansion in area or in the nature and operation of the use approved by Design Review No. 5022-21 and Minor Site Plan Review No. 1034-21 shall require an application for a new or amended Site Plan Review.

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 plan, the Community Development Director may approve the changed plan without requiring a new public hearing. Should the modifications be considered substantial, the modifications shall be reviewed and approved by the Planning Commission and/or Design Review Committee.
3. These conditions shall be reprinted on the second page of the construction documents when submitted to the Building Division for the plan check process.
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. Design Review No. 5022-21 and Minor Site Plan Review No. 1034-21 shall become void if not vested within two years from the date of approval. Time extensions may be granted for up to one year, pursuant to OMC Section 17.08.060.
6. Building permits shall be obtained for all construction work, as required by the City of Orange Building Division. Failure to obtain the required building permits may be cause for revocation of this entitlement.
7. Prior to issuance of building permits for the project, 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.
8. The project approval includes certain fees and/or other exactions. Pursuant to Government Code Section 66020, these conditions constitute written notice of the fees and/or exactions. The applicant is hereby notified that the ninety (90) day protest period commencing from the date of approval of the project has begun. If the applicant fails to file a protest regarding these conditions or requirements, the applicant is legally barred from later challenging such exactions per Government Code Section 66020.
9. In conjunction with the operation of the project, the property owner shall be responsible for maintaining the property to a level deemed adequate by the Community Development Director or designee. This includes, but is not limited to, the buildings, landscaping, recreational facilities, trash areas, signage, utilities, walls, fences, gates, and parking areas.
10. The applicant shall comply with all Federal and state regulations regarding the handling and disposal of asbestos and lead-based paint.
11. All rooftop equipment shall be screened from view from the surrounding streets. If any rooftop equipment is visible after installation, the applicant shall install screening, approved by the Community Development Department, prior to issuance of a certificate of occupancy.
12. Plans submitted for Building Plan Review 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.

13. The applicant shall prepare and submit a Lot Line Adjustment application to combine the two legal lots into one parcel to the Public Works Department for review and approval prior to issuance of a building permit.
14. All work within public right-of-way and public utility easements shall obtain Encroachment Permits, including sidewalk and driveway constructions and utility main and lateral constructions.
15. All public infrastructures, including street sections, sidewalk, driveway apron, and utilities shall comply with City of Orange Standard Plans and Specifications.
16. Prior to issuance of a certificate of occupancy, utilities serving the development, such as electric, cable television, street lighting and communication shall be installed underground, completed and approved by the appropriate utility provider.
17. Prior to issuance of a certificate of occupancy, the applicant shall remove unused driveway approaches and restore them to full height curb and gutter, including any sidewalk restoration at the driveway apron.
18. Driveway aprons shall conform to Public Works Standard Plan 115 and 116 for commercial driveway with ADA accessibility. The driveway apron in use at the easement shall be reconstructed in its entirety to conform to this standard prior to issuance of a certificate of occupancy.
19. All private ways shall conform to Engineering Standard Plan 108.
20. An unobstructed pedestrian access way of 5 feet width shall be maintained at all time for the sidewalk. The unobstructed access shall increase to 6 feet when there is no planting strip between the sidewalk and the street curb.
21. Adequate wheelchair accessibility shall be provided around driveway aprons that do not conform to current ADA standards.
22. Any cracked, uneven, or damaged public sidewalk, curb and gutter along property frontage shall be repaired prior to issuance of a certificate of occupancy.
23. Sanitary sewer system connecting from the buildings to public mainline shall be private and maintained by the property owner.
24. The applicant shall submit a grading plan in compliance with City standards for review and approval by the Public Works Director. All grading and improvements on the subject property shall be made in accordance with the Manual of Grading and Standard Plans and Specifications to the satisfaction of the Public Works Director. The applicant may be required to include Phased Erosion and Sediment Control Plans, Site Demolition Plan, and Utility Plan as parts of the grading plan.
25. A geotechnical report shall accompany the grading plan review.
26. The contractor shall obtain a Grading Permit from the Public Works Department prior to start of any site demolition, clearing and grubbing, and grading.
27. Any soil imported or exported shall require a Transportation Permit from Public Works Traffic Division.
28. Upon submittal of grading plan for plan check, the applicant shall submit a deposit to cover



plan check and inspection services related to the grading activities.

29. The grading plan shall detail all of the locations where retaining walls will be constructed. Geometric detail of retaining walls shall be shown on the grading plan, including material type, dimensions, backfill, and subdrains. A building permit is also required for retaining walls over 4 feet in height measured from the bottom of the footing to the top of the wall prior to construction. Structural details and design calculations shall be submitted as a separate document and will be reviewed and permitted by City's Building Division.
30. Any grading outside of the owner's property boundary shall require the applicant to either obtain a temporary construction easements or permission by adjacent property owners in a form suitable to the Public Works Director.
31. Trash receptacle locations and details shall be included on the Grading Plan. The trash storage area shall be constructed per Public Works Standard Plan 409.
32. All sewer and storm drain lines shall be shown on the Grading Plan. Other utility lines, such as water lines, may also be shown on Grading Plan for reference.
33. All structural BMPs for water quality purposes shall be shown on the Grading Plan. Water quality features shown on the Grading Plan must match the approved Water Quality Management Plan.
34. The property owner shall maintain in good condition all on-site driveways where heavy-duty trucks would travel.
35. Prior to issuance of a building permit, a Certificate Letter of Line and Grade shall be submitted to Public Works Construction Inspector demonstrating that the site grading and pad elevation are completed according to the grading plan.
36. Prior to building permit issuance, the applicant shall submit improvement plans to the Water Division for review and approval for any new fire hydrants, domestic water services, fire services, landscape services, and any other proposed improvements or relocations affecting the public water system facilities.
37. All unused services shall be abandoned per Water Division standards. If existing 1" domestic service will be reused, an Orange Water Division approved backflow prevention device shall be installed within the building, directly behind the wall that is directly behind the sidewalk and meter due to spacing limitations. Plans shall show if the existing service is to be abandoned or remain in place.
38. Plans shall show the locations and sizes of all proposed domestic, fire, and irrigation services, meters, and backflow prevention devices. A 3-foot clearance around the backflow prevention devices shall be maintained for accessibility and testing purposes.
39. Prior to issuance of the certificate of occupancy, the applicant shall be responsible for the installation of necessary fire hydrants and fire services as approved by the Fire Department and Water Division.
40. Prior to building permit issuance, the Water Division shall approve the type and location of landscaping and fire service (backflow prevention) device for all services. Devices shall be located directly behind the meter within the nearest soft-scape or directly behind the wall that is directly behind the sidewalk and meter due to spacing limitations.
41. 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. The Water Division shall review and approve the construction documents.

42. Prior to building permit issuance, construction documents shall show that an eight-foot minimum clearance is provided between City water mains, laterals, services, meters, fire hydrants, signs, or trees or other substantial shrubs and plants as required by the Water Division. The Water Division shall review and approve the construction documents.
43. Prior to building permit issuance, construction documents shall show that permanent signs, awning, surface water quality management features or other structures are not built over water mains, laterals, services, meters, or fire hydrants as required by the Water Division.
44. Prior to building permit issuance for the first phase of work, the applicant shall be responsible for obtaining approval of all necessary encroachment permits from affected agencies for all public water construction work.
45. Prior to approval of a water improvement plan, the applicant shall satisfy all water main connection, plan check, and inspection charges as determined by the Water Division.
46. Prior to the issuance of any grading permit, the applicant shall construct all public and/or private improvements to the satisfaction of the Water Division. The applicant may be required to enter into an agreement with the City of Orange, and post security in a form and amount acceptable to the City Engineer and/or Water Division to ensure construction of said improvements.
47. 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.
48. Plans submitted during plan check shall show that the minimum separation requirements are met and that each of the various designer's 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.
49. At least 14 calendar days prior to commencing construction, the applicant's civil engineer shall prepare and provide product material submittals consistent with the water improvement plans for all proposed public water system facilities to the Water Division per the City of Orange General Water Construction Notes for review and approval.
50. Prior to issuance of certificate of occupancy, the applicant shall furnish and install individual pressure regulators on new services where the incoming pressure exceeds eighty-pounds per square inch.
51. Prior to the issuance of any building or grading permits, 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 applicable structural control BMPs;
- 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; and
- Adheres to record keeping requirements (forms to be kept for 5 years).

52. 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 best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with the approved plans and specifications;
- That the applicant is prepared to implement all non-structural BMPs described in the Project WQMP; and
- That an adequate number of copies of the project's approved final Project WQMP are available for the future occupiers.

### **13. ATTACHMENTS**

- Attachment 1 Vicinity Map
- Attachment 2 Applicant Letter of Explanation
- Attachment 3 Historic Photographs and Sanborn Map Extracts
- Attachment 4 Historic Resource Survey Form
- Attachment 5 Mills Act Contract Rehabilitation Plan
- Attachment 6 Design Review Memorandum
- Attachment 7 Parapet Bracing Memorandum
- Attachment 8 DRC Meeting Minutes July 21, 2021
- Attachment 9 Project Plans