



# 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:** Monique Schwartz, Associate Planner

### 1. SUBJECT

Design Review No. 4898-17, Shell Service Station Remodel and New Drive-Through Automatic Car Wash, 2640-2658 N. Santiago Boulevard.

### 2. SUMMARY

Staff recommends that the Design Review Committee (DRC) recommend project approval to the Planning Commission, subject to the required findings for Design Review and conditions of approval contained in the staff report.

The applicant proposes to renovate an existing full-service gas station to include the conversion of existing service bays to convenience store area, expansion of the convenience store building, sale of beer and wine for off-site consumption, construction and operation of a new drive-through automatic car wash, and related site improvements.

### 3. BACKGROUND INFORMATION

Applicant: Design Concepts: Shiv Talwar

Owner: Surinder Multani

Property Location: 2640-2658 N. Santiago Boulevard

General Plan Designation: General Commercial (GC)

Zoning Classification: Limited Business Tustin Redevelopment Project Area (C-TR)

Existing Development: Shell service station with a 1,942 square foot building containing a convenience store and three service bays, an attached fuel canopy with associated fuel pumps, a 6,144 square foot multi-tenant retail building, surface parking, and related site improvements.

Associated Applications: Conditional Use Permit No. 3039-17, Conditional Use Permit No. 3054-17, and Minor Site Plan No. 0896-17.

Previous DRC Project Reviews: The project was reviewed by the DRC on May 15, 2019, November 6, 2019, and June 3, 2020 whereby the project was continued at each meeting. On August 5, 2020, the DRC conducted a fourth review and continued the project by a 5-0 vote. Final Minutes from the August 5, 2020 meeting are provided as Attachment 2 to this staff report.

## **4. PROJECT DESCRIPTION**

The applicant proposes to renovate an existing full-service gas station to include the conversion of existing service bays to convenience store area, expansion of the convenience store building, sale of beer and wine for off-site consumption, construction and operation of a new drive-through automatic car wash, and related site improvements. Access to the single drive-through lane begins at the northeast driveway entrance where the cars form a queue around the northern perimeter of the multi-tenant retail building leading to the automatic pay booth at the entrance of the car wash tunnel. The project has been provided with 39 parking spaces and drive-through queuing capacity for 10 vehicles.

The existing convenience store/service bay building, fuel canopies, fuel pumps, and multi-tenant retail building will remain in the same locations as part of this proposal. Access to the site also remains the same, with three driveway approaches along North Santiago Boulevard.

### **Convenience Store:**

The convenience store/service bay building will be expanded on the east side, under the existing roof canopy and remodeled on the interior to eliminate the two service bays in order to enlarge the convenience store floor area. The interior of the building will be configured with a restroom, storage room, walk-in cooler, self-service food counters, open merchandise shelving, and cashier counter.

The gabled roof edge on the north side of the building will be modified to a hipped roof design to better match the roofline of the fuel canopy and south side of the building. The exterior façade will maintain the existing building design and utilize similar materials and finishes in the area of the addition, including new matching windows, painted stucco finish, and vertical wood trim details.

### **Car Wash:**

The new 2,340 square foot drive-through automatic carwash building will be located to the rear of the convenience store and multi-tenant buildings, at the top of an existing landscape slope, and adjacent to the west property line and the State Route 55 freeway (SR 55). Access to the car wash tunnel will be provided by a designated drive-through lane, located at the northeast corner of the property. The interior of the building will be configured with a car wash tunnel, mechanical equipment room, and office area. The exterior design of the building will incorporate similar architectural features and materials as the adjacent convenience store and multi-tenant building, including a terra cotta hip style roof with exposed rafter details, large windows along the west elevation, painted stucco finish, vertical wood trim, metal wall light fixtures, and painted metal utility doors.

### **Accessory Structure:**

A new concrete masonry trash enclosure will be located within a landscape planter adjacent to the southwest corner of the site. The enclosure exterior design will utilize matching colors and materials as the other buildings on the site, including painted stucco finish, painted metal doors, and painted overhead wooden trellis.

### **Multi-tenant Retail Building and Overall Site:**

The gabled end roofline on the south side of the existing multi-tenant building will be modified to a hipped roof end in order to match the roof design on the north end of the building, and coordinate with the rooflines of the convenience store, fuel canopy, and new carwash building. No other modifications are proposed, except that the exterior of the building will be re-painted to match the

newly expanded convenience store and new car wash building.

The proposed exterior color scheme for the entire project will incorporate an earth tone color palette of gold, dark brown and light beige. All existing permanent signage on the property, including ground and wall signs will remain unchanged, except for one ground sign along the east property line that will be removed and replaced. All signs are not included in this proposal.

### **Landscaping:**

The project proposes to maintain thirteen existing on-site trees (Eucalyptus, Queen Palm, and Canary Island Pine), and one Bradford Pear street tree. Landscape planters adjacent to the three driveway entry points along Santiago Boulevard will be modified and extended. Street frontage landscaping will include existing Queen Palms, Samuel Sommer Magnolia (standard) trees, and a variety of shrubs and ground cover.

New landscape planters are proposed at the northeast and southeast corners, adjacent to parking space #27, at the northwest corner and along the west side of the drive-through lane, and adjacent to the car wash drive-through exit lane. An existing landscape planter located between the convenience store and multi-tenant retail building will be replaced with hardscaping, one circular tree planter, two succulent fountains, bench seating, and potted plants. The project perimeter and interior landscaping will include existing Canary Island Pine and Eucalyptus trees, Samuel Sommer Magnolia (standard), Fern Pine (standard), and Chinese Elm (standard) trees, as well as a mix of shrubs and ground cover including Rosenka Bougainvillea, orange Daylily, gold Lantana, Cape Honeysuckle, and Blue Star Creeper.

While City Code requires approximately 62 trees on the site, a total of 56 (13 existing and 43 new) trees are proposed. In considering the proposed site layout and the limitations of pre-existing buildings and landscape planter locations and sizes, the Community Services Senior Landscape Coordinator has determined that the proposed conceptual landscape plan is adequate for the project.

### **Lighting:**

New LED wall mounted light fixtures, with the light projecting in a downward direction, are proposed on the north and south sides of the multi-tenant and convenience store buildings, as well as on the east side of the car wash building and south side of the trash enclosure. The project perimeter will include new 25-foot tall, pole mounted LED light fixtures located in landscape planters adjacent to the car wash tunnel entrance and exit, at the northwest corner of the site, along the south property line, and property frontage. Sheet LT-1 (Photometric Site Plan) illustrates how the proposed fixtures will illuminate the parking areas and drive-through lane, but will be shielded and oriented to prevent glare or light spillage onto neighboring properties.

## **5. EXISTING SITE**

The site is presently developed with a Shell service station that includes a 1,942 square foot one-story building containing a convenience store and three service bays, an attached fuel canopy and associated fuel pumps, a 6,144 square foot, detached, one-story multi-tenant retail building, trash enclosure, three ground signs along the property frontage and one freeway pylon sign at the rear of the property along the State Route (SR) 55, surface parking, minimal interior and perimeter landscaping, and related on-site improvements.

## **6. EXISTING AREA CONTEXT**

To the north of the project site is a one-story, freestanding multi-tenant commercial building. To the south is a one-story commercial office complex (The Orchard). To the east is Santiago Boulevard.

Also to the east across Santiago Boulevard is a single-family residential neighborhood on an upward sloping topography. To the west is the SR 55 interchange with Lincoln Avenue and Nohl Ranch Road. The architecture of the surrounding development is eclectic and typical of strip commercial development dating from the 1960's through the 1980's.

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

On May 15, 2019, November 6, 2019, and June 3, 2020, the DRC conducted reviews of the proposed project and provided comments to the Applicant regarding the inconsistency and inaccuracy of the project plans, building architecture, landscaping, height of the retaining wall adjacent to the trash enclosure, topography of the site, on-site circulation, tree count, location of the west property line and existing chain link fencing along the Caltrans right-of-way as it relates to landscaping on the rear slope, lighting, and maintaining existing trees. On August 5, 2020, the DRC conducted a fourth review and provided comments relating to continued plan inconsistencies, location of the west property line and Caltrans right of way, landscaping on the rear slope adjacent to the freeway, retaining wall details and screening, size/location of the new car wash building, wrought iron fencing, trash enclosure roof attachment details, landscape curbing and pole lights, tree count, and the balance of hardscaping versus landscaping for the project. Final Minutes from the August 5, 2020 meeting are included as Attachment 2, and the Applicant's responses to comments concerning the August 5, 2020 meeting are included as Attachment 3 to this report.

### **August 5, 2020 DRC Review:**

There were a number of comments and concerns expressed by the DRC at the August 5, 2020 meeting including:

- Continued plan inaccuracies and discrepancies between trades.
- Clarification regarding the location of the west property line, existing chain link fencing, and Caltrans right-of-way along the freeway edge. Requested an ALTA survey.
- The car wash building is too large and being pushed out over the narrow slope.
- Suggested shifting the car wash building to the north to alleviate pinch point issues.
- The combination retaining wall/wrought iron fence should tie into the southwest corner of the carwash building and the lower wrought iron fence should be eliminated.
- The placement of the wrought iron fence, suggesting that it should be parallel to the T-wall, rather than at an angle.
- Suggested combining retaining walls into a single retaining wall to open options for site design.
- Requested the distance between the car wash retaining wall and the retaining wall that separates the Caltrans easement.
- The height of the retaining wall adjacent to the trash enclosure and adequate screening due to lack of space.
- The retaining wall footing configuration in section CC does not appear buildable.
- Suggested removing one or two parking spaces and moving the trash enclosure nine feet to the east.
- Requested details on how the wood structure over the trash enclosure is attached to the masonry structure.
- Requested clarification on placement of trees and tree count.
- The survivability of plants and delivery of irrigation on the 2:1 slope.
- Suggested fence access points along the top of the slope for landscape maintenance

purposes.

- Suggested the elimination of Iceberg roses on the slope due to the high frequency of maintenance required and difficult access on the slope.
- The viability of trees proposed close to the car wash building given a 36-inch roof overhang.
- The amount of landscape and hardscape is grossly out of balance.
- The lack of landscaping west of the chain link fence.
- The lack of protection of the light poles in the landscape planters in the queueing lane because there are no curbs.
- The project does not reflect a clear understanding of the slope and does not address concerns that the Committee has had from the beginning.
- The overall feasibility of the project and inability to make findings if the Site Plan does not match the site conditions and if the mitigation that is being proposed is not achievable.

### **Applicant's Responses to DRC Comments:**

In response to the DRC's comments, the applicant has modified the submittal plans to create greater consistency between the Architectural Site Plan, Elevations, Civil Plans, and Conceptual Landscape Plan (Sheets T-1.2, A-1 - A-3, C-1, and LI). The Applicant has also provided an ALTA survey within the plan set that clearly delineates the project boundaries, chain link fencing along the rear landscape slope, and the Caltrans right-of-way location.

The Applicant has reduced the length of the new car wash building by 10 feet on the south side (from 100 feet to 90 feet), which in turn has created a larger landscape buffer between the southwest corner of the building and the west property line. This would allow for the sustainability of the proposed Fern Pine trees that will provide screening along the western boundary. In addition, the Applicant has shifted the trash enclosure approximately 9 feet to the east, eliminating one surplus parking space, and reducing the height of the tall retaining wall condition adjacent to the trash enclosure (Sheets T-1.2, C-1, A-2.0, and L1). These revisions have been reviewed by SMART committee members for compliance with City standards.

The combination retaining wall/wrought iron fence has been revised to tie into the southwest corner of the car wash building, while the wrought iron fencing between the retaining wall and existing chain link fence has been eliminated. In addition, access gates and stairs have been added adjacent to the west side of the trash enclosure and at the top of the slope at the northwest corner of the site for slope maintenance purposes. The retaining wall footing detail has also been revised to provide additional clarity, and detail #16 has been added on Sheet AD-1 to show how the wood structure over the trash enclosure is attached to the masonry wall (Sheets T-1.2, A-2.0, AD-1, and C-1).

The Conceptual Landscape Plan (Sheet L1) has been adjusted to show the correct number of existing trees to remain, street tree, and proposed trees for the project. The plan has been modified to accurately show the proposed landscaping between the Caltrans easement chain link fencing and the retaining wall at the top of the rear slope. A dense grouping of Chinese Elm and Fern Pine trees are provided along the slope to address the mass of the new car wash building and rear view of the multi-tenant building, and between the convenience store and multi-tenant building. The Applicant has indicated that the plant material selected for the slope are varieties that can withstand harsh weather conditions. The proposed irrigation will be a drip system with emitters built into the tubing, spaced every 18-inches. The drip tubing will be pinned into the slope with metal stakes manufactured for this purpose and the tubing will be covered with 3 inches of mulch. The mulch will have fibrous bark that will cling to the slope. In addition, the applicant has adjusted the location of trees along the

slope so as to not impede on the car wash building roof overhang. Lastly, a six-inch curb has been added to the landscape planter along the queue lane for protection of the proposed pole light fixtures.

The proposed project has been designed to coordinate with the simple one-story architectural design of the existing buildings. The expanded convenience store, new car wash building, and trash enclosure incorporate similar design features, colors, and materials that contribute to the distinctive architectural character. The new landscape palette within existing and new planters will complement the overall project design by providing additional landscaping adjacent to the reconfigured parking stalls, adjacent to the carwash tunnel entrance and exit, and around the perimeter of the site. With the overall coordinated architectural style, use of matching colors and materials for all structures, as well as modifications to the site plan and landscaping, the development presents an integrated design theme. All site modifications and the implementation of additional landscaping provides an updated and refreshed appearance to the existing commercial property.

## **8. ADVISORY BOARD RECOMMENDATION**

The Streamlined Multidisciplinary Accelerated Review Team (SMART) conducted reviews of the project on September 27, 2017, April 25, 2018, and September 12, 2018. On April 10, 2019, SMART recommended that the project proceed to the DRC.

The project was reviewed by the DRC on May 15, 2019, November 6, 2019, and June 3, 2020 whereby the project was continued at each meeting. On August 5, 2020, the DRC conducted a fourth review and continued the project by a 5-0 vote in order for the Applicant to adequately address the Committee's comments and concerns.

## **9. PUBLIC NOTICE**

No Public Notice was required for DRC review of the project.

## **10. ENVIRONMENTAL REVIEW**

**Categorical Exemption:** 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 it consists of the construction of a new, small (< 10,000 SF 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
- The Infill Residential Design Guidelines
- The Historic Preservation Design Standards for Old Towne (commonly referred to the Old Towne Design Standards or OTDS)
- The 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 approve 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 project is not located within a specific plan; however, it is located within Thematic District #1 of the Tustin Street Design Standards. This area is isolated from Tustin Street by the SR 55 freeway. The property is visible from the freeway, and the uses generally serve residential developments to the east and freeway motorists. The design guidelines of the document indicate that “building scale, materials and plant materials shall relate to residential uses”.

Modifications to the existing convenience store/service bay building, multi-tenant building, new car wash building, and associated landscaping and site improvements are generally in conformance with the Tustin Street Design Standards for Thematic District #1 and complement the existing commercial site. The simple one-story architectural design with hip style terra cotta roofing, painted stucco finish and wood trim details, as well as project landscaping blends with the adjacent residential neighborhoods to the east. The project provides an updated, internally consistent, and integrated design theme which upholds community aesthetics.

## 12. 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 labeled as Attachment 4 in the staff report (date stamped received July 14, 2020), 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 Building Division. Failure to obtain the required building permits will be cause for revocation of this permit.
7. Prior to building permit issuance, the applicant shall demonstrate that the trash enclosure shall conform to City Standard Plan 409.
8. Prior to building permit issuance, the applicant shall demonstrate that the trash enclosure shall utilize similar materials, colors, and finishes as the associated buildings, including any roofing.
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 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.
14. 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.
15. 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.
16. 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.
17. If not utilized, project approval expires 24 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.

### **13. ATTACHMENTS**

- Attachment 1 - Vicinity Map
- Attachment 2 - Final Minutes from the August 5, 2020 DRC Meeting
- Attachment 3 - Applicant's Responses to Comments from the August 5, 2020 DRC Meeting
- Project Plans, including Site Photographs and Color and Material Board, Date Stamped August 23, 2021