

Agenda Report

DATE: AUGUST 19, 2002

TO: CITY COUNCIL

FROM: CYNTHIA J. KURTZ, CITY MANAGER

SUBJECT: APPEAL OF DESIGN COMMISSION DECISION TO DENY THE APPLICATION FOR CONSOLIDATED DESIGN REVIEW FOR A NEW SAV-ON DRUG STORE WITH DRIVE-THRU AT THE SOUTH EAST CORNER OF 670 NORTH FAIR OAKS AVENUE, AND 12-28 EAST ORANGE GROVE BOULEVARD

CITY MANAGER'S RECOMMENDATION:

It is recommended that the City Council

1. Acknowledge that the Zoning Hearing Officer adopted a Negative Declaration for this project on July 3, 2001; and
2. Find that the design of the project complies with the Citywide Design Principles and Criteria in the Land Use Element of the General Plan; Fundamental Qualities of Buildings and Open Space of the General Plan; the Purposes of Design Review in §17.92.010 of the Zoning Code; the Fair Oaks/Orange Grove Specific Plan (adopted by City Council on January 29, 2002); the Villa Parke Redevelopment Plan, and the PD-2 Villa Parke District Development Standards; and based on this finding;
3. Reverse the decision of the Design Commission and approve the application for consolidated design with the conditions listed in Attachment A.

RECOMMENDATION FROM THE DESIGN COMMISSION:

1. Find that the design of the project does not comply with the Fair Oaks/Orange Grove Specific Plan; and
2. Deny the application for consolidated design review.

DECISION BY THE DESIGN COMMISSION:

On June 10, 2002, the Design Commission reviewed the application for Consolidated Design Review [as a call for review of a staff decision] and voted to deny the application on a 5-3 vote. The Commission determined that the design of the project did not comply with *the Fair Oaks/Orange Grove Specific Plan, Building Entries and Access (see below)* and asked that the building entrance be relocated to the intersection facing the corner of Fair Oaks Avenue and Orange Grove Boulevard or along the "major street frontage." The Commission decided that Fair Oaks Avenue should be determined to be the major street frontage because it has the shorter street presence (160 linear feet compared to 230 linear feet along the Orange Grove Boulevard Frontage).

In support of its decision, the Commission cited the *Fair Oaks/Orange Grove Specific Plan, Section 5.64, Building Entries and Access:*

- *To promote an active, pedestrian-friendly street, business establishments and residential lobbies shall be oriented to and accessible from the major street frontage, and directly accessible from a public sidewalk.*

The Commission also requested a redesign of the building to increase visual transparency into the facility. It decided that the amount of unobstructed views into the store does not comply with the visual transparency *guideline in Section 5.87, Windows and Awnings of the Fair Oaks/Orange Grove Specific Plan:*

- *Retail buildings should provide windows at street level with a majority of the building wall, fronting the street, having windows with vision glass (glass through which people can see in both directions, as opposed to mirror or deeply tinted glazing). As a guideline, approximately 60 percent of the building façade should provide visual display. A minimum of 50 percent of this display area (30 percent) should provide visual transparency into the building interior, as opposed to display windows. The window area requirement may include display windows to reinforce street activity (No merchandise storage should be allowed in the storefront windows.*

APPLICANT RESPONSE:

In response to the decision by the Design Commission, the applicant, World Premier Investments, contends that the placement of the storefront entrance on Orange Grove Boulevard complies with the Fair Oaks/Orange Grove Specific Plan, which identifies Orange Grove Boulevard as a "major street." The applicant also claims that a Fair Oaks Avenue entrance is problematic because of the shared driveway between Sav-on and the adjacent auto body shop. The confluence of pedestrian and automobile activity at this location would create a dangerous condition and may lead to conflicts between pedestrians and vehicles. For this reason, the developers concluded that the Orange Grove entrance is a more functional location.

In response to the Commission's request to provide a storefront entrance at the intersection facing the corner of Fair Oaks Avenue and Orange Grove Boulevard, the applicant contends that a second entrance adjacent to the parking area would need to be retained to provide access for customers arriving by automobile. This configuration would eliminate display areas and maintaining two storefront entrances would create security issues.

Regarding the visual transparency requirement, the applicant states that compliance with the guidelines would compromise operations of the facility. As part of design negotiations with staff, the applicant increased the amount of views into the store, but insisted that full compliance with the 60% visual transparency guideline will create a hardship and sacrifice shelf space for product displays and internal operations of the facility.

STAFF ANALYSIS:

Storefront Entrance

Staff believes that the location of the proposed storefront entrance along Orange Grove Boulevard complies with the *Fair/Oaks Orange Grove Specific Plan, Section 5.64, Building Entries and Access*:

- *The primary building entry for commercial, industrial and mixed-use buildings shall be located at the front yard and may be set back a maximum of 15 feet from the front property line to the front surface of the doorway. In a complex with multiple buildings such as a business park, building should continue to face the major street and provide entries from the public sidewalk and major-street.*

As designed, the storefront entrance along Orange Grove Boulevard is placed at a 45-degree angle along the northeast building elevation. This site design allows the front entrance to have a visible presence from the sidewalk and adjoining parking lot. It is staff's opinion that this approach complies with the *Fair Oaks/Orange Grove Specific Plan*. While it is noted that a corner entrance might be a superior urban design solution, it is staff's opinion that the Specific Plan does not mandate selection of such a superior solution.

As part of design review, staff requested that the applicant increase the amount of landscaping within the parking lot to screen the building from the adjacent residential properties to the east. As a result, the proposed development is smaller than the typical Sav-on prototype. In addition, staff directed the applicant to increase transparency into the store; to increase landscaping along the edge of the street; to position the storefront entry to have a presence on Orange Grove Boulevard, and to upgrade building materials. Each of these items was discussed as an alternative to the corner entry.

It is staff's opinion that the site plan for the proposed development complies with the specific plan requirement, to place entries on a major street. The intersection and street segments along Fair Oaks Avenue and Orange Grove Boulevard are Principal

Mobility Corridors, as identified by the Mobility Element of the General Plan, Section 4.5).

Visual Transparency

The proposed design does not comply with the visual transparency guideline outlined by *Section 5.87, Windows and Awning of the Fair Oaks/Orange Grove Specific Plan*). As proposed, the design offers storefront windows and doors at the entrance of the building, and transom windows on the north and west building elevations, accounting for approximately 20 percent transparency into the building. As a guideline, the specific plan encourages that approximately 30 percent of the building façade should provide visual transparency into the building interior. It is staff's opinion that guidelines are intended to be a flexible threshold to be obtained when possible. In this case, the developers increased the amount of glazing as the design evolved during meetings with the staff.

The Fair Oaks/Orange Grove Specific Plan "...provides for the creation of a pedestrian-and transit-oriented community supporting businesses and residential uses in the area." The General Plan Design Objectives and Principles also support the development of traditional urban design form and historic character and assign a high priority to: placement of buildings to define the street-edge; encourage visual transparency into buildings; create frequent points of interest along the street; strive for architectural and design excellence in buildings, and to discourage poor quality development.

The first design located the building at the back of the lot with parking adjacent to both Fair Oaks Avenue and Orange Grove Boulevard. Siting the building in this manner did not comply with the Fair Oaks/Orange Grove Specific Plan or with the Objectives of the General Plan. Staff and the Fair Oaks Avenue Project Area Committee worked with the applicant to ensure that the project proposal addressed the General Plan policies through: placing the building at the street corner to define the street edge; articulating the building facades; increasing the area of the storefront windows; improving views into retail spaces, and upgrading the quality of the building materials. Staff believes that the building successfully unifies the intersection by providing both traditional and contemporary design features. The building provides a substantial landscaped edge along the street and is an improvement to one of the city's most important intersections.

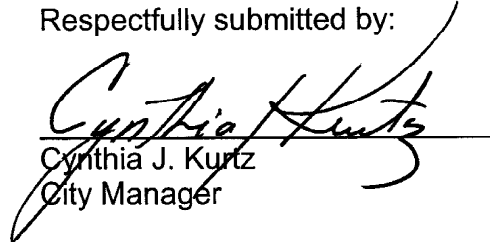
It should also be noted that the applicant revised the plan since it was presented to the Design Commission. The design changes were made to achieve greater transparency into the building. The applicant will present this plan to City Council for consideration on August 19, 2002.

The recommended conditions of design approval, Attachment A, to this report will ensure the project's consistency with the General Plan objectives and policies and compliance with the Fair Oaks/Orange Grove Specific Plan.


FISCAL IMPACT:

Fees for design review of the proposed new building are waived for commercial projects in the Northwest Enterprise Zone. Upon completion, the project would generate tax increment funds to the redevelopment project area and sales tax revenues to the City.


Respectfully submitted by:


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Approved by:


Richard J. Bruckner, Director
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LIST OF ATTACHMENTS:

- Attachment A Recommended Conditions of Approval
- Attachment B Request for Appeal of Design Commission Decision
- Attachment C Project Plans and Elevations

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