



STAFF REPORT

Date: 1/4/2016

To:	City Council 
From:	Kenneth Strelo , Senior Planner

SUBJECT: 150 E. Acme Street Building Renovation Design Review (DR 11-15)

Summary

This is a request by Michael Rasooly ("Applicant") for Design Review approval of renovation, including new siding and building colors, of a dilapidated 5,880 square foot building located at 150 E. Acme Street. The project is zoned "SP-4" (Downtown Specific Plan) District. APN 035-121-005.

Staff recommends the City Council adopt the resolution approving 150 E. Acme Street Building Renovation Design Review (DR 11-15), as conditioned.

Background

General Plan and Zoning - The General Plan Land Use Designation for the project site is *Commercial Downtown* (CD) as depicted in [Oakley 2020 General Plan](#) Figure 2-2 (Land Use Diagram). The site is zoned SP-4 ([Downtown Specific Plan](#)) District, and the property lies within the "Downtown Core Area" of the Downtown Specific Plan ("DSP").

Existing Conditions and Surrounding Uses – The building at 150 E. Acme Street is currently the subject of a City Code Enforcement Case (CE-15-0552). Initially, extensive improvements including removal of trash and debris, repairs to the roof and windows, control of vector, repair/removal of vandalism, and controlling squatter activity were all included in the list of corrections, and resulted in the City issuing an Emergency Abatement for cleanup. After cleanup was complete, additional inspections were conducted and it was found that the building was unsafe for occupancy and a Red Tag was issued on the building followed up by a Notice of Order to Repair or Demolish. This design review application is one part of several steps required to bring the building back to a state of being safe and able to be occupied by business.

The building on this property is surrounded by existing business in the Downtown Core, including an auto repair shop directly to the west and on the same parcel. The Oakley Senior Center (former location of Fire Station 93, which moved to 530 O'Hara Avenue) to the south across Acme Street, and the Contra Costa Sheriff's Annex, which abuts the west side of the Oakley Senior Center.

Although not a part of the code enforcement case, the applicant has provided plans for renovations to the existing auto shop on the same property, which may take place at a future date. For the purposes of this design review, renovations to that building will be treated as a phase 2, and not required in order to comply with the corrections required by the code enforcement case.

Project Description

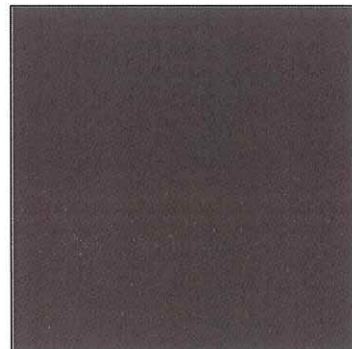
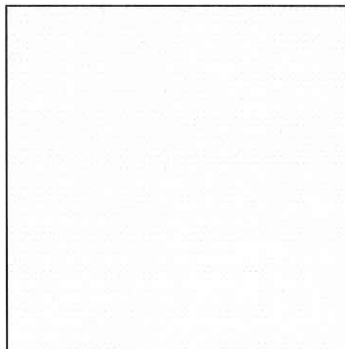
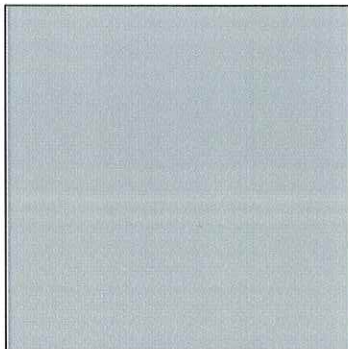
The building proposed for renovation at 150 E. Acme Street is also the subject of an open code enforcement case related to its dilapidated and unsafe condition. Compliance with the code enforcement case requires specific tenant improvements, as well as some exterior modifications. Through discussions with Staff, the applicant has submitted this design review application and proposed 1 foot by 8 foot horizontal cement siding panels for the exterior of the building. The exterior of the building is also proposed to be repainted with a light teal body, cream-colored doors, and "Bordeaux-style" burgundy trim. Below is a table with samples and links to the name brand colors for each portion of the building. A printed colors sample is also attached as part of the applicant's plans.

Color Samples and Links (Name Brand: Behr)

Main Building: [Quiet Teal](#)

Doors: [Elderflower](#)

Trim: [Rich Bordeaux](#)



Environmental Review

The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1 – Existing Conditions) of the State CEQA Guidelines. This project is exempt pursuant to Class 1 because it results in restoration or rehabilitation of a deteriorated or damaged structure to meet current standards of public health and safety (CEQA Guidelines Section 15301(d)).

Analysis

The proposed building renovation, including colors and materials, has been analyzed for consistency with the Design Guidelines for commercial development as adopted in Chapter VI of the DSP. Overall, the renovations and building colors provide for an improvement to the building. The contrasting building, door, and trim colors will add visual interest without being garish. The concrete panel siding will add texture to an

otherwise plain wall, and the proposal of windows above the storefront entry doors will provide much needed architectural elements to the upper portion of the façade.

There are applicable several areas of the guidelines that have not been met with the proposed plans. Below is a list of items that could potentially be added to the plans to bring the proposed design review into more complete compliance with the Design Guidelines of the DSP:

- Add vertical architectural features (e.g. columns, piers, etc.) to the façade to assist in breaking up the horizontal spacing. There are two areas on both the front and rear elevations of the building where features could be added. Also, for phase 2, the front elevation of the west building has spaces for two features. It is recommended the applicant work with Staff to provide this element at the time of building permit submittal.
- Add a distinct base or wainscot to the buildings' street frontages and sides allowing pedestrian access. Ideally, the material would match that being proposed for the vertical features suggested in the above bullet.
- Windows should be recessed a minimum of 2 inches from the face of the building and include mullions or muntins to provide for multi-pane windows. Pursuant to the DSP, "snap in" muntins shall not be used.

With the addition of vertical architectural features, a base or wainscot to the building base, and recessed windows with mullions or muntins, the proposed building would result in a positive improvement that is substantially consistent with the Downtown Specific Plan Design Guidelines.

Because this Design Review is tied to an existing Code Enforcement Case, Staff has included Conditions of Approval that require building permit plans to be submitted and pulled by a specific date in order to validate this approval. Failure to validate this approval could result in further action through the Code Enforcement Case.

Findings

Complete draft findings are included in the attached resolution.

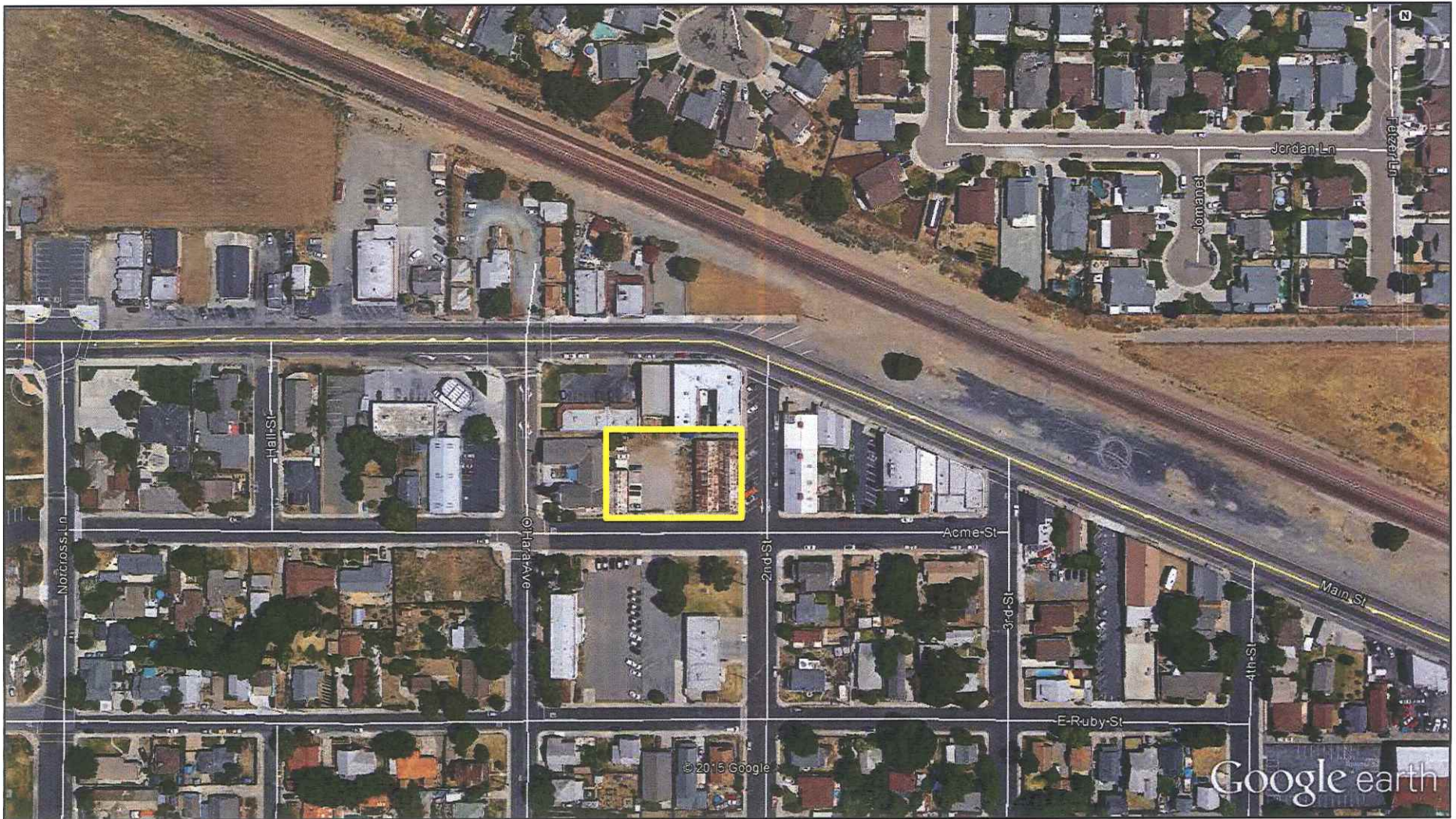
Recommendation

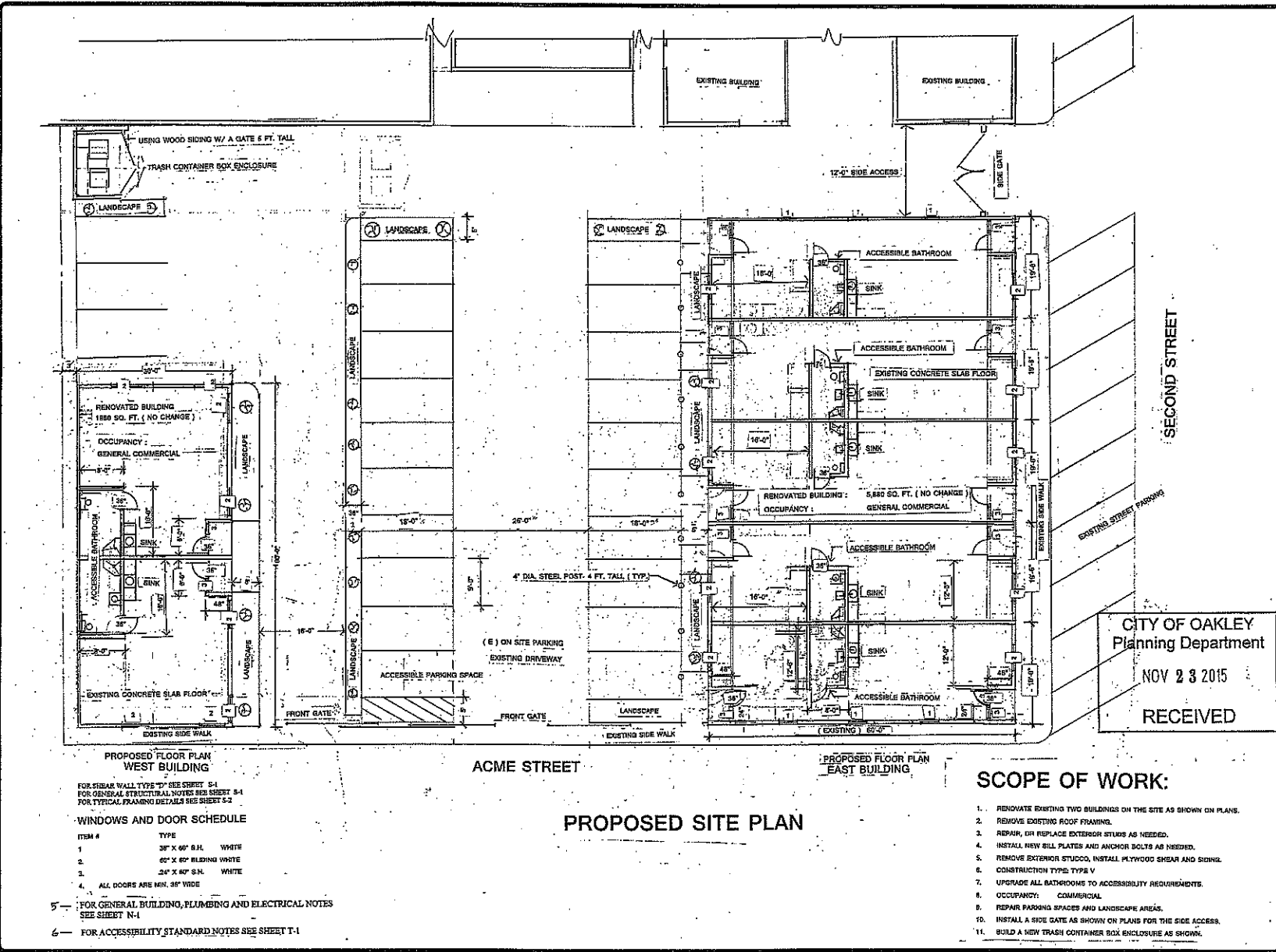
Staff recommends the City Council adopt the resolution approving 150 E. Acme Street Building Renovation Design Review (DR 11-15), as conditioned.

Attachments

1. Vicinity Map
2. Applicant's Plans
3. Existing Building (Google Street View May 2015)
4. Draft Resolution

Vicinity Map
150 E. Acme Street Building Renovation Design Review (DR 11-15)
APN 035-121-005





REVISIONS	BY

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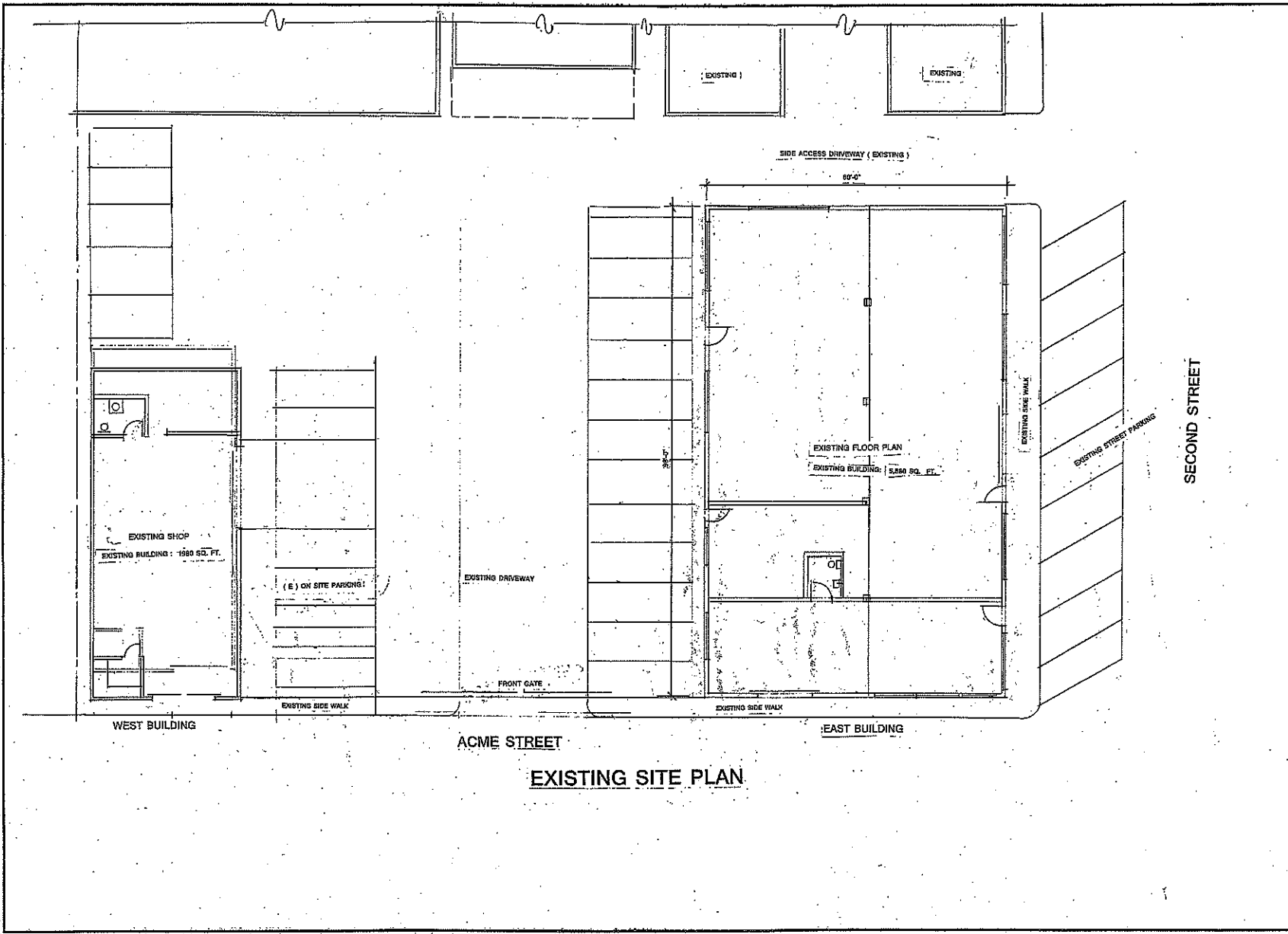
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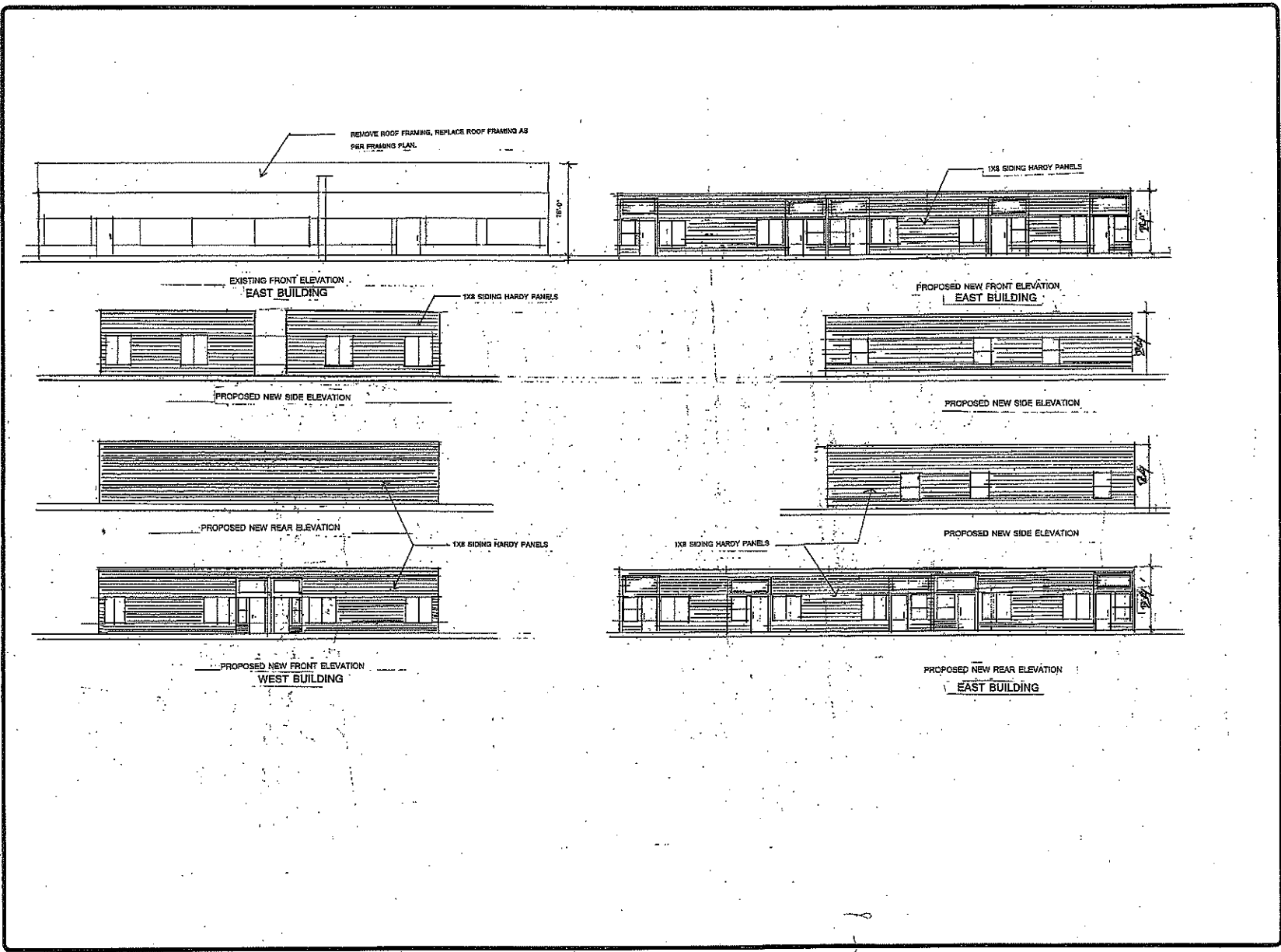


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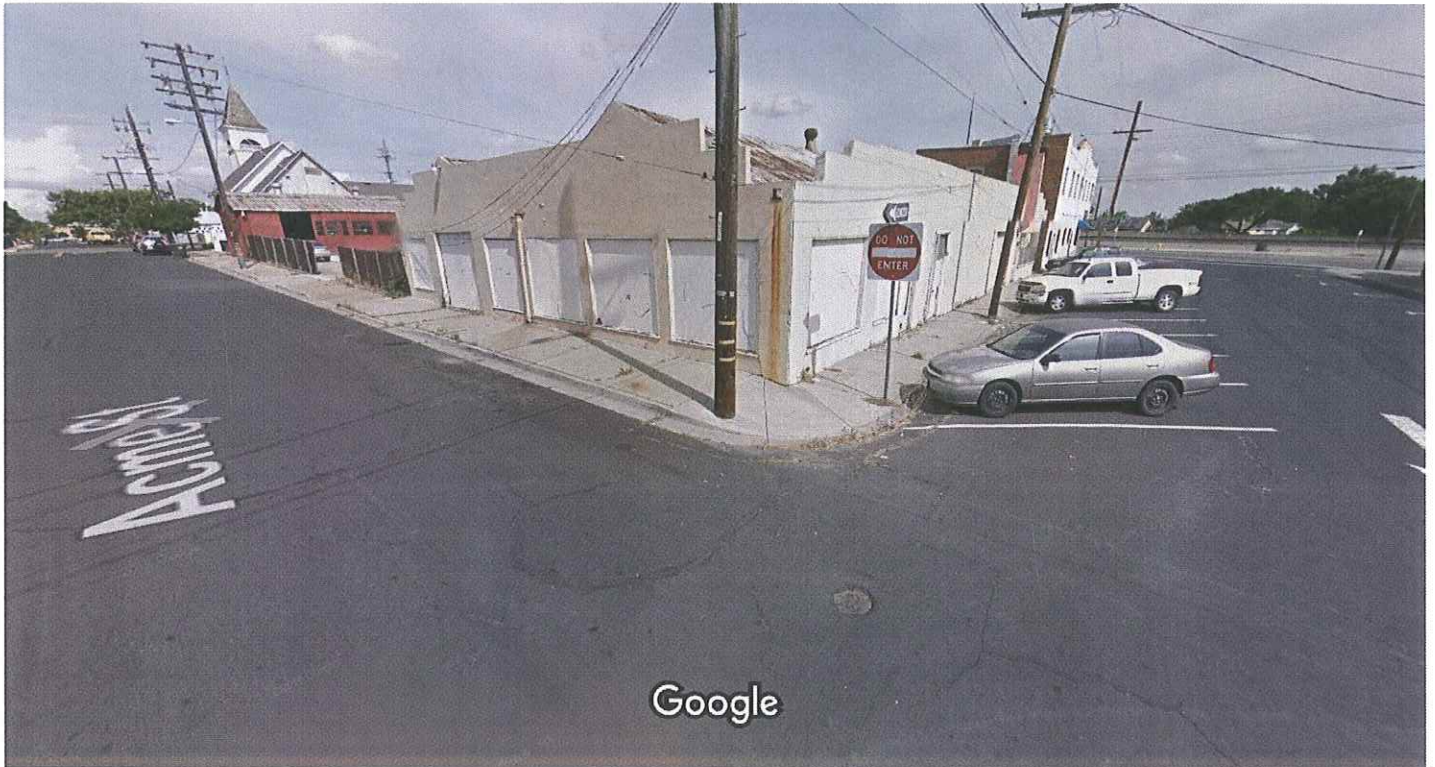
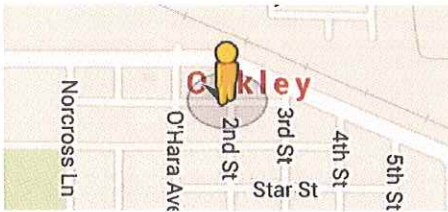


Image capture: May 2015 © 2016 Google

Oakley, California

Street View - May 2015



06-16

RESOLUTION NO. XX-16

A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS AND APPROVING DESIGN REVIEW FOR 150 E. ACME STREET BUILDING RENOVATION DESIGN REVIEW (DR 11-15) LOCATED AT 150 E. ACME STREET

FINDINGS

WHEREAS, on November 23, 2015, Michael Rasooly (“Applicant”) submitted an application requesting Design Review approval of renovation, including new siding and building colors, of a dilapidated 5,880 square foot building located at 150 E. Acme Street (“project”). The project site is zoned “SP-4” (Downtown Specific Plan) District: APN 035-121-005; and

WHEREAS, the Design Review application was submitted as a requirement of a City Code Enforcement Case (CE-15-0552); and

WHEREAS, on December 23, 2015 the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the project site is designated Commercial Downtown (CD) on the Oakley 2020 General Plan Land Use Map, and zoned “SP-4” (Downtown Specific Plan) District; and

WHEREAS, the request for design review approval is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15301, “Existing Facilities.” The renovation results in restoration or rehabilitation of a deteriorated or damaged structure to meet current standards of public health and safety; and

WHEREAS, pursuant to Oakley Municipal Code section 9.1.1604 (Design Review), the proposed renovation is considered significant [design] changes to the exterior of the building and shall be heard as a Regular Calendar item; and

WHEREAS, on January 12, 2016, the City Council received a report from City Staff, and deliberated on the project. At the conclusion of its deliberations, the City Council took a vote and adopted this resolution to approve the project, as revised by the City Council during its deliberations; and

WHEREAS, if any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City; and

WHEREAS, these Findings are based on the City’s General Plan, the City’s Zoning Ordinance, the Oakley Downtown Specific Plan, the City of Oakley Commercial and Industrial Design Guidelines, the applicant’s plans, and the information submitted to

the City Council at its January 12, 2016 meeting, both written and oral, including oral information provided by the applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the project (hereafter the "Record").

NOW, THEREFORE, BE IT RESOLVED THAT, on the basis of the above Findings and the entire Record, the City Council makes the following additional findings in support of the recommended approvals:

- A. Regarding the application requesting Design Review approval for the project, the City Council finds that the proposed new siding and color changes, with the addition of vertical architectural features, a base to the building, and window mullions or muntins, as conditioned herein, are consistent with the applicable Design Guidelines of the Downtown Specific Plan. The proposed colors use quality paint (Behr brand) and are compatible, subdued and not garish; and
- B. The Project complies with Measure J Growth Management requirements.

BE IT FURTHER RESOLVED THAT, on the basis of the above Findings and the Record, the City Council approves the applicant's request for Design Review approval of 150 E. Acme Street Building Renovation Design Review (DR 11-15), subject to the following conditions:

Planning Division Conditions

General Planning Conditions:

1. This Design Review is approved as described in the Staff Report dated January 12, 2016, and as conditioned herein.
2. All conditions of approval shall be satisfied by the owner/developer. All costs associated with compliance with the conditions shall be at the owner/developer's expense.
3. Applicant shall indemnify, defend, and hold harmless the City of Oakley, the City Approving Authorities, and the officers, agents, and employees of the City from any and all claims, damages and liability (including, but not limited to, damages, attorney fees, expenses of litigation, costs of court).
4. Applicant shall comply with the requirements of the Oakley Municipal Code and applicable Conditions of Approval. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the plans received by the Community Development Department and made a part of the City Council's meeting packet for January 12, 2016.
5. Applicant shall use quality cement siding with wood stamping for the new siding. The body, door and trim colors shall match the Behr brand colors

described in the Staff Report. Any dimensional trim shall be painted to the point it intersects with the main vertical wall of the building.

Building Additions Conditions:

6. Applicant shall work with Staff to include the following additions to the final building design:
 - a. Vertical architectural features (e.g. columns, piers, etc.) shall be added to the façade to assist in breaking up the horizontal spacing. There are two areas on both the front and rear elevations of the building where features could be added. Also, for phase 2, the front elevation of the west building has spaces for two features. It is recommended the applicant work with Staff to provide this element at the time of building permit submittal.
 - b. Add a distinct base or wainscot to the buildings' street frontages and sides allowing pedestrian access. The material and/or color shall match that being proposed for the vertical features suggested herein.
 - c. Windows shall be recessed a minimum of 2 inches from the face of the building and include mullions or muntins to provide for multi-pane windows. Pursuant to the Downtown Specific Plan, "snap in" muntins shall not be used.

Code Enforcement and Building Divisions Conditions

Timing Conditions:

7. In order to keep this Design Review approval valid, Applicant shall have a maximum 30 days from the date of this approval to revise and resubmit building plans, pursuant to any plan check comments and modifications required through this resolution, to the Building Permit Center. Failure to meet this deadline may result in further action in Code Enforcement Case (CE-15-0552).
8. In order to keep this Design Review approval valid, Applicant shall have a maximum 21 days from the date Applicant is notified by mail, email and/or phone that building permits are ready for issuance to pull the building permits and pay the appropriate fees. Failure to meet this deadline may result in further action in Code Enforcement Case (CE-15-0552).
9. In order to keep this Design Review approval valid, Applicant shall have a maximum 180 days from the date building permits are issued to complete improvements to the building. The Building Official may grant individual time extensions if the Applicant provides a written request with good reason and has shown ongoing progress in completing the improvements. Decisions of the Building Official are non-appealable and final. Failure to meet this

deadline may result in further action in Code Enforcement Case (CE-15-0552).

Public Works and Engineering Conditions

10. The plans submitted do not show or call out construction of any new impervious areas such as paving in the parking lot and no new impervious is approved at this time. If, at some time in the future, the applicant intends to add new impervious, a detailed site plan shall be submitted to the City for review and approval prior to commencing any construction activities. The site plan shall be prepared by a registered civil engineer. The City reserves the right to require preparation and submittal of a Storm Water Control Plan for the project if, after review of the site plan, it is determined by City staff to be needed to comply with the requirements of the Municipal Regional Stormwater NPDES Permit. The applicant shall execute any agreements required by the Stormwater Control Plan which pertain to the transfer of ownership and/or long term maintenance of stormwater treatment mechanisms required by the plan.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 12th day of January, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Kevin Romick, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date