



# *DESIGN REVIEW COMMITTEE*

## AGENDA ITEM

AGENDA DATE: JULY 18, 2012  
TO: Chair Woollett and Members of the Design Review Committee  
THRU: Leslie Aranda Roseberry, Planning Manager  
FROM: Doris Nguyen, Associate Planner  
SUBJECT: DRC No. 4586-11 – ROSSITER RANCH LOT 5 LARSON RESIDENCE

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### **SUMMARY**

The applicant proposes to construct a new 5,485 SF single family residence plus 1,779 SF of attached garage space garage on a vacant lot. There are two separate garages that total 1,779 SF; both are attached to the house.

### **RECOMMENDED ACTION – FINAL DETERMINATION**

Staff is requesting that the DRC approve the proposed project.

### **BACKGROUND INFORMATION**

Applicant/Owner: LSUND LLC for owners Raymond & Diane Larson  
Property Location: 1450 Nicky Way  
General Plan Designation: Estate Residential (ESTR)  
Zoning Classification: Single-Family Residential (R-1-40)  
Existing Development: Vacant Lot  
Property Size: 43,775 SF  
Associated Applications: None  
Previous DRC Project Review: March 21, 2012 and May 16, 2012

### **PUBLIC NOTICE**

No Public Notice was required for this project.

### **ENVIRONMENTAL REVIEW**

**Categorical Exemption:** The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15301 (Class 3 –

New Construction) because the project includes the construction of one single family residence in a residential zone. There is no environmental public review required for a Categorical Exemption.

## **PROJECT DESCRIPTION**

The applicant is proposing to construct the 5th lot within a six-lot subdivision called Rossiter Ranch Estates, located within the most northwestern portion of the Orange Park Acres Specific Plan area. The new single-family residential home is proposed to be 5,485 SF with 1,779 SF of attached garage area, totaling 7,264 SF. There are two separate garages that total 1,779 SF; the first is a 4-car garage on the west side of the house and the other is a 2-car garage on the east side. Both garages are attached to the house. The house would have 5 bedrooms and 5 full and 1 half bathrooms. The applicant is also proposing a 16'-2" X 14' (226 SF) detached shed to store garden tools in the west side yard. In the rear yard, they would construct a 36 SF detached powder room with sink and toilet, underneath the 17'-8" X 22'-6" solid hipped roof patio cover, near the swimming pool. There would be an additional 16' X 20'-9" wood lattice patio cover on the south side of the master bedroom.

Overall, the size of the rear yard has decreased to ensure that the south retaining wall would be a maximum of 10' in height.

The DRC reviewed the proposed new house for a second time on May 16, 2012 and had comments regarding the following items:

1. Clean up the roof plan inconsistencies.
2. Wrap the stone at the outside corners.
3. Provide clear definition, perhaps a detail of the eave treatments.
4. Use a consistent cap at the top of the river rock and continue a sill for the windows.
5. Resolve the roof configuration or pitch on the pavilion structure and the beam issue.
6. Remove the block wall at the front of the property.
7. Call out the location of the pool fence.
8. Specify planting information/remove the stairs and planter boxes near the southwest corner of the south retaining wall.
9. Clarify where the stepping of the block wall would occur, including contours.
10. Resolve the design issues for the rear retaining wall and if guard rail was included.
11. Provide an exhibit showing the equestrian trails.
12. Drafting error on the north elevation of the pavilion.
13. Additional roof vents.
14. Suggestion regarding the removal of the Joshua trees was again restated.

The comments will be discussed in detail below in the Analysis Section.

### **Corrections to the plans**

The applicant would like to note the following corrections to the plans submitted to the DRC because his drafter is out of town and could not make the changes in time for distribution:

- A. Sheet A-1: The powder room should be listed as 36 SF instead of 24 SF. The shed should be listed as 226 SF instead of 224 SF.
- B. Sheets A-1 and A-2 show the stone wrapping on the south side of the house along the gallery, pantry, and the southwest wall of the breakfast nook. This should be corrected to show that the stone ends at the intersection of the pantry and breakfast nook, which is the inside corner. It should not extend along the wall of the breakfast nook.
- C. Sheet A-3: The South Elevation should be corrected to show that there would be stone added to the walls of the pantry, ending at the intersection of the pantry and breakfast nook.
- D. Sheet L-101 should be corrected to show that the 6' tall tubular steel fence will be located between contour lines 414 and 415. Sheets A-2 and L-103 show the tubular steel fence in the correct location.

### **EXISTING SITE**

The one-acre site is a vacant parcel within a six-lot subdivision (Tract 16405). The subject site is located on Nicky Way, which is a public street that intersects with Santiago Canyon Road, approximately 650 feet to the north. The subject site is located within the boundaries of the Orange Park Acres Specific Plan.

### **EXISTING AREA CONTEXT**

Surrounding properties to the south and east have been developed with single-family residences that are equestrian-oriented and on lots generally one-acre or greater in size. Properties to the north and west have been developed at higher densities with minimum lots sizes ranging between 8,000 and 20,000 square feet in size. Although the Rossiter Ranch tract was designed with potential equestrian facilities in mind, none of the home owners within the development currently have horses or horse facilities on-site.

### **EVALUATION CRITERIA**

Orange Municipal Code (OMC) Section 17.10.070 establishes the general criteria the DRC should use when reviewing the project. This section states the following:

The project shall have an internally consistent, integrated design theme, which is reflected in the following elements:

1. **Architectural Features.**
  - a. The architectural features shall reflect a similar design style or period.
  - b. Creative building elements and identifying features should be used to create a high quality project with visual interest and an architectural style.
2. **Landscape.**
  - a. The type, size and location of landscape materials shall support the project's overall design concept.
  - b. Landscaping shall not obstruct visibility of required addressing, nor shall it obstruct the vision of motorists or pedestrians in proximity to the site.

- c. Landscape areas shall be provided in and around parking lots to break up the appearance of large expanses of hardscape.
3. **Signage.** All signage shall be compatible with the building(s) design, scale, colors, materials and lighting.
4. **Secondary Functional and Accessory Features.** Trash receptacles, storage and loading areas, transformers and mechanical equipment shall be screened in a manner, which is architecturally compatible with the principal building(s).

### **ANALYSIS/STATEMENT OF THE ISSUES**

#### Issue 1 DRC Comments from May 16, 2012 Meeting:

Below is a discussion of the comments that were discussed at the May 16, 2012 and how the applicant addressed the issues.

1. Clean up the roof plan inconsistencies: The applicant has stated that their consultants reviewed and corrected the errors between the roof plan and elevations. The applicant has stated their consultants reviewed roof slopes and lines to ensure that they would be feasible. See the roof plan in Attachment 6.
2. Wrap the stone at the outside corners: The south elevation has been modified to remove the stone around the master bedroom. It is the applicant's intent to line the gallery wall and the pantry. The applicant does not intend to line the breakfast nook with stone, as the DRC suggested in the 5-16-12 DRC meeting minutes.
3. Provide a clear definition, perhaps a detail of the eave treatments: The applicant has stated that the eave soffit will be covered in stucco. A detail has been provided in Attachment 6, Sheet A-3.1 Detail 5.
4. Use a consistent cap at the top of the river rock and continue a sill for the windows: The elevations show that in the locations where the bottom window sill meets the stone cap, the bottom window sill has been removed to eliminate the look of a second cap.
5. Resolve the roof configuration or pitch on the pavilion structure and the beam issue: Sheet L-102 of Attachment 6 shows that the pavilion in the rear yard will have a hip roof.
6. Remove the block wall at the front of the property: The block walls have been removed at the front (north) of the property and replaced with 6' tall tubular steel fencing.
7. Call out the location of the pool fence. It is not the applicant's intent to satisfy the Pool Barrier Ordinance through fencing. They intend on using a pool cover to comply with the Ordinance.

8. Specify planting information/remove the stairs and planter boxes near the southwest corner of the south retaining wall: The plans show that the stairs and planter boxes have been removed so there is no direct access to the slope from the flat portion of the rear yard.
9. Clarify where the stepping of the block wall would occur, including contours: Contour lines have been added to the Site Plan (Sheet A-1) and Landscape Plan (Sheet L-101) of Attachment 6. The applicant provided a cross section (Section A-A) on Sheet L-103 of the rear yard showing the western CMU wall stepping down.
10. Resolve the design issues for the rear retaining wall and if guard rail was included: Staff checked with David Khorram, Building Official, and he stated that the City would not require a railing over the 10' tall retaining wall. In this case, the land on both sides of the wall is owned by the same private property owner so it is their own liability. There is nothing in the Building Code that would require them to install a guard rail.

The south retaining wall was moved in closer, creating a smaller backyard so that the developer could ensure that it would not need to be taller than 10' in height. The 10' tall retaining wall is located at the 410 contour line. The applicant has also added a 6' tall tubular steel fence between the 414 and 415 elevation lines as shown on Sheets A-1 and L-103. The plans call out a distance of 5'-1" between the retaining wall and tubular steel fence.

11. Provide an exhibit showing the equestrian trails: An exhibit showing the recreational trails is provided as Attachment 5.
12. Drafting error on the north elevation of the pavilion: The line running through the north elevation of the pavilion has been removed (see Attachment 6, Sheet L-102).
13. Additional roof vents: Additional roof vents have been added to the roof. There are currently 40 vents shown on the elevations versus the 12 vents shown on the previous set of plans.
14. Suggestion regarding the removal of the Joshua trees was again restated: The applicant removed all six Joshua trees from the Landscape Plan, see Sheet L-101.

### **ADVISORY BOARD RECOMMENDATION**

None

### **STAFF RECOMMENDATION AND REQUIRED FINDINGS**

Staff recommends that the DRC approve the application.

The courts define a "Finding" as a conclusion which describes the method of analysis decision makers utilize to make the final decision. A decision making body "makes a Finding," or draws

a conclusion, through identifying evidence in the record (i.e., testimony, reports, environmental documents, etc.) and should not contain unsupported statements. The statements which support the Findings bridge the gap between the raw data and the ultimate decision, thereby showing the rational decision making process that took place. The “Findings” are, in essence, the ultimate conclusions which must be reached in order to approve (or recommend approval of) a project. The same holds true if denying a project; the decision making body must detail why it cannot make the Findings.

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.

1. *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.F.1).*

This project site is not within the Old Towne Historic District; therefore, this finding does not apply.

2. *In any National Register Historic District, the proposed work complies with the Secretary of the Interior’s standards and guidelines (OMC 17.10.07.F.2).*

This project site is not within the National Register Historic District; therefore, this finding does not apply.

3. *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 located within the Orange Park Acres (OPA) Specific Plan. The Specific Plan calls for ranch style homes. The design of the house is loosely based off of the ranch style in that it mimics the long, linear, and single story nature of a ranch style home. The OPA Plan also calls for open fencing, restricting the use of CMU, solid, or opaque fencing. The plans call out block walls surrounding the east, south, and portions of the west side of the property. The applicant has modified the plans to install tubular steel along the portion of the lot that is directly adjacent to the recreational trail and the north (front) elevation. A map of the Rossiter Ranch Recreational Trails is included as Attachment 5.

4. *For infill residential development, as specified in the City of Orange Infill Residential Design Guidelines, the new structure(s) or addition are compatible with the scale, massing, orientation, and articulation of the surrounding development and will preserve or enhance existing neighborhood character (OMC 17.10.07.F.4).*

This project site is an infill residential development. The proposal demonstrates the incorporation of the objectives outlined in the Infill Residential Design Guidelines for massing and materials. The design of the single story custom home also supports the rural feel of the Orange Park Acres community.

## **CONDITIONS**

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

1. The only plumbing fixtures permitted inside the detached powder room located near the BBQ, underneath the patio cover, include a toilet and sink. An exterior rinse off shower is permitted. Any additional fixtures inside of the building require a Conditional Use Permit.
2. An approved precise grading permit shall be obtained through the Public Works Department prior to issuance of a building permit.
3. Prior to the issuance of a grading permit, a Non-Priority Water Quality Management Plan shall be reviewed and approved by the Public Works Department.
4. For the portion on the west parcel line, where the equestrian trail fencing abuts the wrought iron fence, the two fences shall be directly adjacent to each other so that there is no gap between them.
5. A Variance is required for any freestanding wall/fence that is over 6' in height, or retaining wall that is over 10' in height as measured from the lowest elevation contiguous to the fence. If the walls require a Variance, the plans shall be reviewed and approved by the DRC prior to review by the Zoning Administrator.
6. All construction shall conform in substance and be maintained in general conformance with plans and exhibits labeled Attachment 6 in the staff report (date stamped received June 9, 2012), including modifications required by the conditions of approval, and as recommended for approval by the Design Review Committee. Further, exterior building color and materials shall conform to the plans and color and materials board approved by the Design Review Committee on July 18, 2012. Any change to the exterior of the building from the approved plans shall be subject to review and approval by the Design Review Committee.
7. 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 permit, save and except that caused by the City's active negligence.
8. 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.
9. Except as otherwise provided herein, this project is approved as a precise plan. After any application is 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 change complies with the provisions, 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.
10. Prior to the issuance of building permits, 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.

11. Construction permits shall be obtained for all construction work, as required by the City of Orange, Community Development Department's Building Division and Public Works Grading Division. Failure to obtain the required building permits will be cause for revocation of this permit.
12. All structures shall comply with the requirements of Municipal Code – Chapter 15.52 (Building Security Standards), which relates to hardware, doors, windows, lighting, etc. (Ord. 7-79). Approved structural drawings shall include sections of the security code that apply. Specifications, details, or security notes may be used to convey the compliance.
13. Applicant/developer shall be aware that all work within the public right-of-way requires the issuance of an Encroachment Permit. Such work includes, but is not limited to, work on the sidewalk, driveway construction, and utility laterals.
14. The final conditions of approval shall be reprinted on the second page of the construction documents when submitting to the Building Department for the plan check process.
15. If not utilized, project approval expires twenty-four months from the approval date. Time extensions may be granted in accordance with OMC Section 17.08.060. The Planning entitlements expire unless Building Permits are pulled within 2 years of the original approval.

## **ATTACHMENTS**

1. Vicinity Map
2. Existing Site Photos
3. Photo of Color Board
4. March 21, 2012 and May 16, 2012 DRC meeting minutes
5. Recreational Trails Exhibit for the Rossiter Ranch Development as approved through Tract 16405
6. Site Plan, Roof Plan, Floor Plans, Elevations, Landscape Plan & Details (date stamped received July 9, 2012)

cc: LSUND LLC  
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File

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