# *Planning Commission*
# Agenda Item

**June 17, 2013**

**TO:** **Chair Steiner and**
**Members of the Planning Commission**

**FROM:** **Leslie Aranda Roseberry**
**Planning Manager**

## SUBJECT

**PUBLIC HEARING**: Conditional Use Permit No. 2884-12, Design Review Committee No. 4658-12, Minor Site Plan No. 0712-12 – Yaghi Residence – 437 S. Olive Street – *Old Towne Historic District*

## SUMMARY

The applicant proposes to relocate an existing one-car garage, add 198 square feet to an existing contributing 1920 Bungalow home and construct a new two-story 1,301 sq. ft. detached second unit with an enclosed 248 sq ft garage. The property is zoned R-4 and the General Plan Land Use Designation is Medium Density Residential.

## RECOMMENDED ACTION

Adopt Planning Commission Resolution No. 27-13 entitled:

> **A RESOLUTION OF THE PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 2884-12, DESIGN REVIEW COMMITTEE NO. 4658-12, AND MINOR SITE PLAN NO. 0712-12 TO ALLOW THE RELOCATION OF AN EXISTING ONE-CAR GARAGE, THE CONSTRUCTION OF A 198 SQUARE FOOT ADDITION TO A CONTRIBUTING 1920 BUNGALOW HOME AND THE CONSTRUCTION OF A TWO-STORY 1,301 SQUARE FOOT DETACHED SECOND UNIT WITH AN ENCLOSED ONE CAR GARAGE AT 437 S. OLIVE STREET IN THE OLD TOWNE HISTORIC DISTRICT**

## AUTHORIZATION/GUIDELINES

Orange Municipal Code (OMC) Section 17.10.030 authorizes the Planning Commission to review and take action on Conditional Use Permit requests and shall approve, approve with conditions, or deny an application. A Conditional Use Permit is required for residential second story development

in the Old Towne Historic District. OMC Section 17.10.070 requires the approval of Design Review when a development project requires action by the Planning Commission and for all projects within a Redevelopment Project Area. OMC Section 17.10.060 requires a Minor Site Plan Review for projects that meet the minimum criteria for consideration as a Minor Site Plan application. Pursuant to OMC 17.08.20, the Planning Commission has the final project determination on the Conditional Use Permit, Design Review, and Minor Site Plan Review. The final determination by the Planning Commission on these applications may be appealed to the City Council pursuant to the time periods and requirements established in the OMC for appeals.

## PUBLIC NOTICE

On June 6, 2013, the City sent a Public Hearing Notice to a total of 51 property owners/tenants within a 300-foot radius of the project site, and persons specifically requesting notice. The project site was also posted in one location with the notification on that same date.

## 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 the proposal include the construction of a second dwelling unit in a residential zone, Section 15331 (Class 31 -- Historic Resource Restoration/Rehabilitation) consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, and Section 15332 (Class 32 – In-Fill Development Projects) because the project proposal includes the construction an addition to an existing unit as well as the construction of a new unit. There is no public review required.

## PROJECT BACKGROUND

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| *Applicant:* | Shucri "Chuck" Yaghi |
| *Property Owner:* | Shucri "Chuck" Yaghi |
| *Property Location:* | 437 S. Olive |
| *Existing General Plan Land Use Element designation:* | Medium Density Residential |
| *Existing Zoning Classification:* | R-4 |
| *Old Towne:* | Yes |
| *Specific Plan/PC:* | No |
| *Site Size:* | .17 acre (7,212 sq ft) |
| *Circulation:* | The property is located on the west side of Olive Street. Olive Street is considered a residential collector. |
| *Existing conditions:* | The City's Historic Building Survey lists the property as |

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| | a 1920 contributing one-story, 720 square foot Bungalow residence. The residence is located 21 feet back from the front property line and has a 12 foot setback on the north (which serves the existing driveway), and an 18'-7" setback on the south side. The existing one story residence has a roof height of 16'-5" to grade. The property has an existing contributing one-car detached garage which is located one-foot from the north property line and within 3'-6" of the rear of the existing Bungalow residence |
| *Surrounding land uses and Zoning:* | The property is located on the east side of Olive Street that contains ten (10) residential parcels. There is a mix of one, one and one-half and two-story residences including apartment buildings. Four residences are non-contributing and five are contributing historic residences including the subject property. The architectural styles are Contemporary, Bungalow, Craftsman Bungalow and Craftsman styles, ranging in construction dates of 1919 to 1990. The lot sizes range from 6,050 to 14,010 square feet in area with the subject property having 7,212 square feet. The floor area ratio (FAR) for the subject property with the existing one-car detached garage is .13 FAR. The floor area for the block ranges from .12 to .58 FAR, with an average .28 FAR. The existing site is surrounded with contemporary two-story apartment buildings and duplexes. The adjoining side yard of the property to the north has two-story (approximately 25 feet in height) with a row of windows overlooking the subject property. To the south is a two-story, three unit apartment that is approximately 22 feet in height |
| *Previous Applications/Entitlements:* | None |

## PROJECT DESCRIPTION

The applicant proposes to construct a 1,301 sq. ft. 2-story detached second unit with an attached 248 square foot enclosed one-car garage, a new 198 sq. ft. addition to the rear of a contributing 1920 Bungalow, and relocate a one-car contributing garage to the rear of a 7,212 sq. ft. lot located within the Old Towne Orange Historic District. The property is currently zoned for multi-family development. The goal of the project is to restore the existing Bungalow and construct a 198 square foot addition to the rear, structurally, brace and relocate the original one-car detached garage to the rear of the lot, and design a complementary detached second-unit that fits within the neighborhood context.

The subject block has a mix of both historic and non-historic development. The one-story Bungalow is surrounded with contemporary styled two-story multi-family or duplex apartment units constructed in the 1950's, 70's, and 90's. More recently a new three-unit apartment was constructed to the southeast of the subject property. The floor area ratio (FAR) for the subject property with the existing one-car detached garage is .13 FAR. The floor area for the block ranges from .12 to .58 FAR, with an average .28 FAR.

The 198 square foot addition to the rear of the 720 square foot Bungalow will provide a new second bathroom, walk-in closet, breakfast room and laundry. The new addition has a lower gable roof which is tucked under the existing gable roof, and the sides are set in approximately one foot to provide a line of demarcation. The addition is finished in matching wood lap siding, wood gable vents, corner trims, and matching wood double-hung wood windows and trim

The new detached two-story second unit will have a rectangular building form with matching front and side (north facing) gable roofs and a small gable roof centered on the north elevation that covers the recessed porch and main entrance. The double gable roof on both the front and north projecting gables with two-foot wide eaves that wrap around the east and west elevations provide a horizontal break to the existing vertical wall planes.

The proposed layout provides for two open parking spaces, one between the relocated garage and north side of the second-unit and one open space along the west side of the new second unit and adjacent to the existing residence. An enclosed one-car garage is incorporated on the west elevation of the second-unit.

The existing nine-foot wide driveway has 12 feet of clearance and is adequate to serve the property. The applicant has submitted a landscape plan that offers the installation of vine pockets to soften the existing masonry wall located on the north property line, as well as planting of trees and foundation shrubs. Wood fencing is recommended at the front building line on the south side of the residence to enclose proposed recreational open space and screen the open parking space.

On April 17, 2013, the DRC recommended approval to the Planning Commission (Attachments 6 – 8).

***Development Standards***

| | **Required** | **Proposed** | **Code Section** |
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| *Building Height* | 32' – 2 stories | The addition to the existing residence is proposed to be 12'6 ¾" high (the existing residence is 16.5' high) and the new two-story unit is proposed to be 20' 1" at its tallest point. | 17.14.070 |

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| *Distance between structures* | 15 feet between building fronts.<br>8 feet between any other configuration. Applicable setback between principal and accessory structures is six feet. | There is a 10' separation between the existing residence and proposed residence. There is a 11'9" separation between the proposed residence and proposed new location of the existing one-car garage. | 17.14.120 |
| *Fence height* | Front yard – 3.5 feet<br>Side or Rear yard – 6 feet | 6' | 17.40.070 |
| *Floor Area Ratio (FAR)* | .60 | Existing FAR -- 0.13<br>Proposed FAR-- 0.37 | 17.14.070 |
| *Lot size (residential)* | 6,000 sq ft | 7,212 sq ft | 17.14.070 |
| *Lot frontage* | 60' | Existing lot – 54.69' | 17.14.070 |
| *Lot depth* | No requirement | 132' | 17.14.070 |
| *Open space, common (residential)* | Minimum depth and width shall be 10 by 10 feet | There are two areas of common open space. One to the side of the existing residence 344 sq ft in area. The second to the rear of the relocated garage 155 sq ft in area (Attachment 5) | 17.14.110 and Table 17.14.070 |
| *Open space, private (residential)* | At least one area of private usable open space accessible directly from the living area of the unit in the form of a fenced yard or patio, a deck or balcony. To count toward the open space requirement below, the minimum | The 620 sq ft private open space for the existing residence is located between the residence and the south property line.<br><br>The 392 sq ft private open space for the proposed two-story residence is located to the rear of the proposed unit. | 17.14.110 and Table 17.14.070 |

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| | dimension needs to be 10 by 10 feet for decks or patios and 7 by 7 feet for balconies. | | |
| *Open space, useable (residential)* | 150 square feet per unit = 300 square feet<br>Minimum depth and width shall be 10 by 10 feet<br>Private open space may account for a total of one-third of the required usable open space. | The combined private and common open space totals 1,167 sq ft. and meet dimension requirements. | 17.14.110 and Table 17.14.070 |
| *Parking (residential)* | Two 2-bedroom units require 2.0 spaces per unit with one space per unit covered. | Two open spaces and two spaces within two one-car garages. | 17.34.060.A |
| *Parking, guest (residential)* | .20 spaces per unit totally .40 guest spaces required.<br><br>Based on Section 17.34.060, any fractional space less than on-half shall not be counted. Therefore there is no requirement for guest parking. | No guest spaces provided per code. | 17.34.060 |
| *Setback, Front* | 20’ Old Towne | 21.33’ existing | 17.14.070 |
| *Setback, Rear* | 10’ | 10’ | 17.14.070 |
| *Setback, Side* | 0’ | The proposed northerly side setback is 3.5’ from the relocated garage to the side property line. | |
| *Setback, Side* | 5’ | The southerly side setback is proposed at 5’. | 17.14.070 |

## APPLICATION(S) REQUESTED/ REQUIRED FINDINGS

**Major Site Plan:** The applicant is proposing a Major Site Plan to construct an addition to the existing residence, relocate an existing one-car garage, and construct a new two-story residence.

*Required Findings:*

1. The project design is compatible with surrounding development and neighborhoods.
2. The project conforms to City development standards and any applicable special design guidelines or specific plan requirements.
3. The project provides for safe and adequate vehicular and pedestrian circulation, both on- and off-site.
4. City services are available and adequate to serve the project.
5. The project has been designed to fully mitigate or substantially minimize adverse environmental effects.

**Conditional Use Permit:** The applicant is requesting a Conditional Use Permit to construct a new two-story residence.

*Required Findings:*

1. A Conditional Use Permit shall be granted upon sound principles of land use and in response to services required by the community.
2. A Conditional Use Permit shall not be granted if it will cause deterioration of bordering land uses or create special problems for the area in which it is located.
3. A Conditional Use Permit must be considered in relationship to its effect on the community or neighborhood plan for the area in which it is located.
4. A Conditional Use Permit, if granted, shall be made subject to those conditions necessary to preserve the general welfare, not the individual welfare of any particular applicant.

**Design Review Committee:** The applicant is requesting approval of a Design Review Committee application to construct an addition to the existing residence, relocate an existing one-car garage, and construct a new two-story residence.

*Required Findings:*

1. In the Old Town Historic District, the proposed work conforms to the prescriptive standards and design criteria referenced and/or recommended by the Design Review Committee or other reviewing body for the project.
2. In any National Register Historic District, the proposed work complies with the Secretary of the Interior's standards and guidelines.

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.
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.

## ANALYSIS/STATEMENT OF THE ISSUES

Issue 1: Architectural

The proposed design of the new two-story residence is derived from the 1920 printed addition of "Beautiful Orange Homes" that highlighted low-profile period two-story Craftsman residences within Old Towne (Attachment 4). The proposal incorporates details of the period and balances the design elements found on the existing Bungalow including matching wood gable vents, corner trims, and matching wood double-hung wood windows and trim. The design features of the new infill unit reflect similar Craftsman residences in the historic district. The new construction of the second-unit can be recognized as new construction due in part to its slab on grade design, built-in one-car garage, and its orientation to the north.

The 198 square foot addition to the rear of the existing residence will provide an improved floor plan and amenities including a second bathroom, walk-in closet, breakfast room and laundry room. The design and placement of the new addition at the rear of the residence respects the original roof form by having a lower gable roof that is tucked under the existing gable roof, this combined with the north and south wall planes set in approximately one foot will provide a line of demarcation. The design of the new work is compatible with the architectural character of the historic setting in terms of size, scale, design, material, color, and texture.

The DRC recommended approval of the project to the Planning Commission with the additional condition that the double hung window on the existing residential structure to be maintained in the corner with a new casement window to be added to meet the egress requirements, to match in size with the existing double hung window and to include a mutton bar at mid point.

Issue 2: Second Story Addition Massing and Floor Area Ratio

During the DRC meetings, both the DRC and the public expressed concern regarding the visibility of the second story as well as the overall FAR and massing. The front of the new second-story addition will be visible to the public view and is proposed to be located approximately 80' back from the front property line.

In response to those comments, the plans before the Planning Commission have an increase to the westerly setback of the second floor as well as a smaller second floor, thereby decreasing the massing of the second floor. The building height of the new two-story in-fill project is 20'-9" and the existing roof height of the one-story Bungalow is 16'-5", a difference of less than five feet.

A review of the neighborhood Floor Area Ratio (FAR) indicates that the project's proposed .37 FAR is under the established .42 FAR for the Grand Street Study. For comparative purposes, the adjoining properties to the north and south have FAR of .55 and .58 FAR. In this project, the total FAR is .37 FAR of which the second story floor area is .10 FAR, which is 50% less that most existing two-story development within Old Towne and substantially under the given range of massing in the immediate context of the project.

During the discussion, the one DRC member mentioned that a although a comparison of the FARs on the surrounding properties had not been done for the DRC meetings, that perhaps the comparison could be done for the Planning Commission. The attached map (Attachment 6) shows the ranges of FARs of Olive Street between La Veta and Culver.

In addition, the DRC discussed the usability of landscaping to further screen the massing of the two-story residence. The DRC recommended approval to the Planning Commission with the added two conditions 1) the trees along the southern edge of the property shall be maintained as tall, vertical, pyramidal, evergreen trees as part of the approval and maintained in perpetuity as a visual screen and 2) the trees along the northern edge shall be maintained.

Given these factors and the overall architectural design, the DRC determined the massing is compatible with the site and surrounding neighborhood. The project is consistent with the Old Towne Design Standards in that the project addresses the massing, location, placement height, wall articulations, varying roof forms, architectural design and materials that are compatible with the neighborhood.

Issue 3: Garage Relocation

The applicant proposes to move the existing one-car garage 32 feet back from its existing location to provide access and circulation for additional parking areas at the rear of the lot. The orientation will remain the same with the original garage facing Olive Street although the setback is increased to 3.5' from the northerly side yard setback. In this case, the relocation of the garage to the rear of the property will not impact the established setting or relationship between existing buildings. The garage will retain its historic features, materials, workmanship, feeling and association. Special cautions are noted for relocating historic structures within Old Towne to ensure that the building can be moved safely and without danger of collapse. A qualified engineer and house mover shall review the structure, the method of bracing and moving plan as part of the approval process.

## ADVISORY BOARD RECOMMENDATION

**Staff Review Committee:**

The Staff Review Committee reviewed the project on December 5, 2012 and recommended approval.

**Design Review Committee:**

On April 17, 2013, the Design Review Committee voted 3-0 to recommend approval to the Planning Commission with Committee Member Wheeler recused and Committee Member Woollett absent.

## ATTACHMENTS/EXHIBITS

Attachments to Report:

1. Planning Commission Resolution
2. Vicinity Map
3. Site Photos
4. Beautiful Orange Homes
5. Open Space Depiction
6. FAR comparison for Olive Street
7. Design Review Committee February 6, 2013 Staff Report
8. Design Review Committee Minutes February 6, 2013
9. Design Review Committee Staff Report April 17, 2013
10. Design Review Committee Minutes April 17, 2013

Exhibits provided to the Planning Commission:

A. Submitted Plans and Exhibits dated June 17, 2013

CC: Chuck Yaghi
112 E. Chapman Avenue, Suite "D",
Orange, CA 92866

Jon Califf
369 N. Harwood Street,
Orange, CA 92866