



DESIGN REVIEW COMMITTEE

AGENDA ITEM

AGENDA DATE: MARCH 19, 2014
TO: Chair Imboden and Members of the Design Review Committee
THRU: Leslie Aranda Roseberry, Planning Manager
FROM: Anna Pehoushek, Principal Planner
SUBJECT: **DESIGN REVIEW NO. 4518-10 – POMEROY DUPLEX**

SUMMARY

The applicant is proposing to rehabilitate an existing contributing residential structure, including removal of substandard construction that includes a living unit, and construct a new unit at the rear of the property. The existing structure would revert to being a single dwelling unit. The proposal originally included a Conditional Use Permit request to allow for a 2-story structure in the Old Towne Historic District. The project no longer requires a Conditional Use Permit as revisions to the plans have been made in order for the new unit to fall within the 1½-story height limit allowed in the Residential Quadrants of Old Towne.

RECOMMENDED ACTION – RECOMMENDATION TO THE PLANNING COMMISSION

Staff is requesting that the DRC approve the proposed project.

BACKGROUND INFORMATION

Applicant/Owner: Leason Pomeroy
Property Location: 468 North Olive Street, Old Towne Orange Historic District
General Plan Designation: Low Density Residential (LDR)
Zoning Classification: Residential Duplex (R-2-6)
Existing Development: 1-story, 1916 Vernacular Cottage
Property Size: 6,600 square feet
Associated Applications: Conditional Use Permit No. 2813-10 (no longer needed)
Previous DRC Review: February 16, 2011 and February 5, 2014

PUBLIC NOTICE

Public Notice is not required for this project.

ENVIRONMENTAL REVIEW

This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15301 (Class 1 – Existing Facilities), Section 15303 (Class 3 – New Construction or Conversion of Small Structures) and Class 15331 (Class 31– Historical Resource Restoration/Rehabilitation) as the project involves rehabilitation of a historic structure, removal of substandard structures, and construction of a new duplex unit.

PROJECT DESCRIPTION

The applicant proposes to rehabilitate an existing historic residential structure and construct a new 1½-story unit. A series of sub-standard additions containing one of the existing units would be demolished to accommodate the construction of a single-story 900 sq. ft. addition to the 336 sq. ft. historic structure (1,236 sq. ft. total) and the new 1,252 sq. ft. unit. The plans presented on February 5, 2014 involved relocation of the historic structure 15' closer to the front property line to establish a 20' front yard setback. The revised proposal provides two options; one that leaves the historic structure on its original footprint, and another that moves the structure 15' closer to the front property line in order to create space for an additional parking space. The property is located within the Old Towne Orange Historic District.

An earlier version of the project received a recommendation from the DRC on February 16, 2011 (Attachment 3). That concept involved a complete demolition of the existing structure and construction of a new 2-story Prairie style duplex. The item was scheduled for a public hearing before the Planning Commission on June 6, 2011. At that time, the applicant requested a continuance in order to resolve conflicting information about the historic status of the property. The project returned to the DRC on February 5, 2014 with a revised development program consisting of rehabilitation of the historic structure, and new construction of a contemporary design aesthetic and a significantly larger new unit (2,742 sq. ft.). The project was continued by the DRC based on concerns related to design, floor area ration (FAR), building relocation, and overall contextual compatibility.

EXISTING SITE AND AREA CONTEXT

The subject site is located on the west side of Olive Street mid-block between Sycamore and Walnut Avenues. Two single-story residential buildings having 1,141 square feet occupy the site consisting of a main residence and a smaller detached second-unit behind the main residence. The 1916 Cottage residence was originally a wood sided building. Sometime in the 1950's the building had several additions and a detached second unit was added behind the residence. Most of the windows and doors have been changed out and the majority of the exterior covered with stucco and masonry. Both buildings have been vacant and are in substandard condition. There is no garage on the site.

The Old Towne Orange National Register Historic District records identify the structure as a contributor to the Historic District. However, the City's 2010 Historic Resources Inventory reclassifies the property as a non-contributing building based on the extent of alterations to the character defining features of the original historic structure. While there is a conflict between the National Register and City records, the property's National Register status serves as the basis for the development concept and review criteria for the project. Upon project completion, the City will review the 2010 Historic Resources Inventory status as well as the National Register status of the property and update or reconcile as appropriate.

Existing Context:

The west side of Olive Street between Walnut and Sycamore Avenues has 13 residential parcels. Of the 13 residences, four have two-units and the remaining nine have single-family residences. According to the City's Historic Survey, six are contributing residences and seven are non-contributing residences constructed between 1914 and 1947. The architectural styles are mostly Bungalow with one Contemporary styled residence. Twelve buildings are 1-story and one is 2-story; they range in area from 624 sq. ft. to 2,059 sq. ft. The lots range in size from 3,200 to 6,600 in size. The Floor Area Ratio ranges from .11 to .40 with an average of .22 FAR. The FAR for the parcels on the east side of the 400 block of North Lemon Street ranges from .14 to .50, with an average of .23 FAR.

The east side of Olive Street between Walnut and Sycamore Avenues has nine residential parcels. Of these residences, one is single-family, four are duplexes, and the remaining four are multi-family residential units. Three are contributing residences and six are non-contributing residences constructed between 1916 and 1966. The architectural styles are a mix of Bungalow and contemporary styled residences or apartments. Seven buildings are 1-story, one is 1½ story and one is 2-stories in height. The buildings range in area from 865 square feet to 3,184 square feet. The lots range from 4,758 to 6,600 square feet in area. The Floor Area Ratio ranges from .13 to .64 with an average of .38.

EVALUATION CRITERIA

Orange Municipal Code:

Orange Municipal Code (OMC) Section 17.10.070 establishes the general criteria the Design Review Committee 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. **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).

Old Towne Design Standards:

The *Old Towne Design Standards* call for building design in the Residential Quadrants to complement other residences on the block with respect to factors including orientation, massing, scale, proportion, and building pattern. With respect to materials, the Standards require residential buildings to incorporate traditional materials such as wood, stucco, brick and stone.

Secretary of Interior Standards:

The *Secretary of Interior's Standards* call for new additions to be differentiated from the historic structure and to be compatible with the massing, size, scale and architectural features of the property. Additions are also to be undertaken in a manner that maintains the essential form and integrity of the historic structure.

ANALYSIS/STATEMENT OF THE ISSUES

At its February 5th meeting, the DRC expressed concerns about the following:

- The contemporary style of the additions and new unit in relation to the onsite historic building, surrounding context, and guidance in the Old Towne Design Standards.
- The significant increase in FAR in relation to the surrounding context.
- Relocation of the historic building closer to the front property line and the impact on the historic streetscape.
- Design details related to the floor plan and construction methods, and proposed front porch treatment.

The applicant's responses to the DRC's feedback are presented on Sheet 2 of Attachment 1.

Issue No. 1 – Architectural Style:

At the February 5th DRC meeting, the DRC commented that the contemporary design of the proposed historic structure addition and new unit were not consistent with *Old Towne Design Standards* guidance related to appropriate architectural style for additions and new construction. There was extensive discussion about how the *Old Towne Design Standards* and *Secretary of Interior Standards* might be applied to the project with respect to a design that was both

compatible, but allowed for differentiation between the historic structure and new construction. The DRC concluded that the proposed contemporary design was not appropriate for the proposed project and surrounding context, and suggested that the applicant reference historic building forms and massing more characteristic of the neighborhood.

Resolution:

Historic Structure and Addition

The applicant has revised the design of the addition to include a simple gabled roof (16') of a form similar to that of the historic structure. The exterior walls would have a smooth plaster finish to provide a contrast with the rehabilitated board-and-batten siding of the historic structure. The addition would also incorporate historically referenced double-hung wood windows, and a gable vent detail similar to the historic residence.

The design of the front porch reconstruction has also been revised to make it more substantial, and more closely reflect the front porch treatment of neighboring properties per DRC feedback.

New Unit

The design of the new unit at the rear of the structure has also been revised. The position of the unit on the site has been rotated whereby the new unit spans the width of the lot, with the garage door having a direct alignment with the driveway. The height of the unit has been reduced to 1½-stories (21'). The design and form has been modified to reflect a style of accessory building more commonly found in the residential quadrants of Old Towne. Specifically, the new unit includes a gabled roof, simple rectangular footprint, and historically referenced double-hung wood windows, vent and rafter tails. Similar to the house addition, the exterior of the new unit would be finished with smooth plaster.

The overall height of the proposed unit is 7.5' taller than the roof peak of the historic structure, and 5' taller than the proposed addition the historic structure. Given the manner in which the new unit would be setback from Olive Street, it would be visible to a limited extent from the Olive Street streetscape due to the consistent pattern of residences along the street. The greatest exposure from the streetscape would be the direct view down the driveway.

The new unit would be most visible from the immediately adjacent properties to the north and south. The applicant intends to retain existing mature trees along the north property line that will screen a portion of the new structure from view. This vegetation, combined with the 1½-story height of the structure and property line wall, will minimize the visual impact of the new structure from the adjacent property.

With respect to the property to the south, the new unit would be 5' from the property line under the revised concept. While this is substantially closer than the 18' separation provided for on the February 5th plans, here again, the height of the unit and property line wall will minimize the visual impact from the adjacent property.

Issue No. 2 – Floor Area Ratio (FAR):

On February 5th the DRC suggested the applicant revisit the development intensity on the site, and strive for an FAR closer to .40. The revised development concept achieves a .40 FAR. The existing onsite FAR is .30. The revised plans represent a significant reduction from the .51 FAR presented at the February 5th DRC meeting, as well as the .54 FAR associated with the project originally accepted by the DRC in February 2011.

As noted earlier in this report, the maximum existing FAR on the west side of North Olive Street is .40, while the average is .22. The maximum FAR on the east side of the street is .64, while the average is .38. There are nine parcels on these two sides of the street with FARs in the .30-.40 range. Of the remaining, five exceed a .40 FAR and nine fall below a .30 FAR. Therefore the proposed conditions would fall in the mid-range of the typical FAR for the block. Information about FAR on the 400 block of North Olive Street is provided in Attachment 3 to this report.

Resolution:

Staff believes that the FAR of the revised development proposal is compatible with prevailing neighborhood conditions.

Issue No. 3 – Relocation of Structure:

The plans presented at the February 5th DRC meeting included relocation of the existing structure 15' closer to the front property line to a 20' setback. The DRC questioned the appropriateness of moving the historic structure forward on the lot with respect to the streetscape condition as well as for purposes of accommodating more development at the rear of the lot.

The applicant has revised the plans to leave the historic structure in its present location, maintaining the existing 35' front setback. However, based on comments made by both the Staff Review Committee and DRC regarding on-site parking demand, the applicant has also prepared a site plan alternative where the historic structure could be moved forward on the lot to a 20' setback in order to accommodate an additional open parking space between the front and rear units.

Resolution:

The site plan option that leaves the historic structure in its present position on the site will maintain the historic streetscape condition. Staff also believes that the site plan alternative that places the structure at a 20' setback would not be detrimental to the established historic streetscape pattern, and would be an acceptable scenario in order to accommodate an additional onsite parking space.

Staff is seeking direction from the DRC on a site plan preference.

Issue No. 4 – Design Details:

On February 5th the DRC requested that additional construction details be incorporated into the plans representing eaves, vents and windows.

Resolution:

The applicant has incorporated details on Sheet 6 of the revised plans (Attachment 1). Information about exterior finishes and materials is presented on Sheet 3 of the plans.

Issue No. 5 – Landscaping:

The applicant is proposing a combination of trees, shrubs, groundcover, and vines for the project site. Detailed plant choices and quantities have not been identified at this time. The applicant also intends to install a new street tree in accordance with City standards.

Resolution:

Due to the fact that the landscape plan included in Attachment 1 is merely conceptual at this time, staff has included Condition #14 in the Conditions of Approval requiring a final landscape plan to be submitted for DRC review and approval.

ADVISORY BOARD RECOMMENDATION

The Staff Review Committee recommended approval of the revised project proposal on February 5, 2014 subject to conditions.

STAFF RECOMMENDATION AND REQUIRED FINDINGS

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 recommend Planning Commission approval of 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).*

The proposed project addresses the *Old Towne Design Standards* through the use of in-kind or historically referenced building materials in the historic structure rehabilitation, and simple building forms and fenestration in the new construction that are compatible with, but subordinate to the historic structure. The proposed alterations return the historic structure on the project site and streetscape of the 400 block of North Olive Street to a

higher level of historic integrity. The simple design and height of the new construction and placement behind the footprint of the historic structure facilitates its integration with the existing site and neighborhood context.

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 and OTDS.)*

The proposed building rehabilitation and new construction are in compliance with the *Secretary of Interior's Standards and Guidelines* in that existing historic building material will be retained and repaired to the maximum extent possible. Where material is found to be in irreparable condition, it will be replaced in-kind. The new construction has been designed in a manner that references the modest scale and simplicity of the historic structure, and is differentiated from the historic building by its smooth plaster exterior. The proposed project re-establishes the historic structure's character defining features, ability to be recognized as a historic residential structure, and relationship with its surroundings.

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 design of the proposed project complies with the *Old Towne Design Standards* and the *Secretary of Interior's Standards for the Treatment of Historic Properties*. The rehabilitation of the historic structure will improve the historic integrity and aesthetic appearance of the west side of the 400 block of North Olive Street. The design of the new elements is simple, yet references the historic residential structure. The siting and simple style of the new construction does not interfere with an ongoing understanding of the historic relationship between the subject property and surrounding neighborhood. The aesthetic values of the community are upheld through rehabilitating a dilapidated historic structure in the middle of a block of modest historic homes that retain a high level of integrity. While the new living unit will be visible from adjacent properties to the north and south, and also down the driveway from Olive Street, the exposure will be limited. It is positioned on the site in a manner that the line of sight is interrupted by the 1-story houses on either side of the project site and existing mature trees.

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).*

The proposed project is an infill residential project, however the *Infill Residential Design Guidelines* defer to the *Old Towne Design Standards* for infill residential development within the boundaries of the Old Towne Historic District.

CONDITIONS

Staff recommends Design Review Committee approval of DRC 4518-10 subject to the conditions listed below and any conditions that the Design Review Committee deems appropriate to support the required findings and ensure the preservation of community aesthetics:

1. All construction shall conform in substance, and be maintained in general conformance, with plans labeled Attachment 1 (dated February 11, 2014) and as modified by the Design Review Committee.
2. Prior to building permit issuance, the applicant shall pay all of the applicable Development Impact Fees in accordance with the most current fee schedule. Building permits shall be obtained for all construction work, as required by the City of Orange, Community Development Department's Building Division. Failure to obtain the required building permits will be cause for revocation of this design review permit.
3. Prior to building permit issuance, construction plans shall show that all structures shall comply with the requirements of Municipal Code (Chapter 15.52 Building Security Standards), which relates to the use of specific hardware, doors, windows, lighting, etc (Ord. No. 7-79). Architect drawings shall include sections of the Ordinance that apply under "Security Notes". An "Approved Products List 1/08" of hardware, windows, etc is available upon request.
4. These conditions shall be reprinted on the second page of the construction documents when submitted to the Building Division for the plan check process.
5. 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 City's Design Review Committee.
6. 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.
7. 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.
8. Design Review No. 4518-10 shall become void if not vested within two years from the date of approval. Time extensions may be granted for up to one year, pursuant to OMC Section 17.08.060.
9. 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 plan, the Community Development Director may approve the changed plan without requiring a new public hearing.

10. 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.
11. Prior to Building Permit issuance, the applicant shall pay any outstanding monies due to the City of Orange for Planning Division entitlement activities related to this project.
12. The term “applicant” shall refer to the entity that requests approval of this action or any successor in interest to this approval.
13. Plans submitted for Building Plan Check shall comply with the California Fire and Building Code as amended by the City and as frequently amended, and in effect, at the time of application for a Building Permit.
14. The applicant shall submit a final landscape plan for review and approval by the Design Review Committee prior to the issuance of building permits. The landscape plan shall be developed in collaboration with the Fire Department to ensure that plant material and placement does not interfere with emergency response.
15. Prior to the issuance of a Building Permit, the applicant shall submit improvement plans to the Water Division for new fire hydrants, domestic water services, fire services, landscape services, and any other proposed improvements or relocations affecting the public water system appurtenances for review and approval.
16. Prior to the issuance of a Building Permit, the applicant shall be responsible for the installation/relocation of the proposed/existing public water system appurtenances as necessitated by the proposal to a location and of a design as approved by the Water Division.
17. Plans submitted during plan check shall show that the water improvement plans are consistent with the fire suppression plans and or fire master plan. The applicant’s consultant preparing the water improvement plans shall coordinate their plans with the consultant preparing the fire suppression plans and or fire master plan so that their designs concur. The Fire Department shall confirm consistency/compliance prior to the issuance of a Building Permit.
18. Prior to the issuance of a Certificate of Occupancy, the applicant shall be responsible for the installation of necessary fire hydrants and fire services as determined by the Fire Department and Water Division.
19. Prior to the issuance of a Building Permit, plans shall show that each building shall be protected with a separate fire service unless otherwise approved by the Fire Department and Water Division.
20. Prior to the issuance of a Building Permit, the Water Division shall approve the type and location of fire service (detector check) device.

21. Plans submitted during plan check shall show that each property, residence, main building or structure shall have a separate meter service unless otherwise approved by the Water Division. This shall be confirmed by the Water Division prior to the issuance of a Building Permit.
22. Prior to approval of the water improvement plan, the applicant shall satisfy all water main connection, plan check, and inspection charges as determined by the Water Division; all hot taps required on existing City mains to provide water service to any lot, parcel or subdivision shall be performed by City crews at the developer's expense in accordance with the fee schedule established by resolution of the City Council.
23. A minimum of fourteen-calendar days prior to the start of construction, the applicant shall provide material submittals for all proposed public water system facilities to the Water Division for review and approval.
24. Prior to the issuance of a Certificate of Occupancy, the applicant shall furnish and install individual pressure regulators on new services where the incoming pressure exceeds eighty pounds per square inch.
25. The application shall pay TSIP fees for one of the dwelling units prior to the issuance of a Building Permit.
26. The new unit will be required to have a sprinkler system in accordance with the Residential Building Code. This shall be represented on the building plans prior to the issuance of a Building Permit.
27. The two units shall be addressed as separate buildings. This shall be indicated on building plans prior to the issuance of a Building Permit.

ATTACHMENTS

1. Plans dated February 11, 2014
2. Draft Design Review Committee Minutes, February 5, 2014
3. Design Review Committee Staff Report Dated February 5, 2014 (including Vicinity Map and Site Photos, City of Orange Historic Resources Inventory Form, Contextual FAR Information, Sanborn Maps, February 16, 2011 Design Review Committee Minutes, and February 16, 2011 Design Review Committee Staff Report)

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