

# DESIGN REVIEW COMMITTEE AGENDA ITEM

AGENDA DATE: JUNE 20, 2012

To: Chair Woollett and Members of the Design Review Committee

THRU: Leslie Aranda Roseberry, Planning Manager FROM: Daniel Ryan, Historic Preservation Planner

SUBJECT: DRC NO. 4475-10 YAGHI – ACCESSORY 2<sup>nd</sup> UNIT

# **SUMMARY**

The Design Review Committee requested to review and make a determination on the historic status of the principle residence and review of the proposed new accessory second-unit and garage to be located at the front of the property. The new 616 square foot accessory second unit and detached 220 sq. ft. one car garage with an open parking space will be located between the new accessory unit and the existing residence. Project includes expansion of the existing one-car attached garage to meet current parking standards. Project includes Administrative Adjustments for parking backup distance and reduced front yard setback.

Based on research required by the Design Review Committee (DRC), an architectural historian has determined that the subject property is not a contributing historic structure and therefore, the new accessory unit and one car garage, to be located at the front of the property, can be reviewed as an in-fill project.

# RECOMMENDATION TO THE ZONING ADMINISTRATOR

Staff recommends the DRC recommend approval of the addition to the Zoning Administrator.

# BACKGROUND INFORMATION

Applicant/Owner: Shucri Yaghi

Property Location: 812 E. Washington Street, Old Towne Orange Historic District

General Plan Designation: LDR (Low Density Residential)

Zoning Classification: R 2-6 (Duplex Residential District) 6,000 sq. ft. lot size

Existing Development: One-story, single-family 1921 Bungalow

Property Size: 6,413 square feet

Associated Applications: Administrative Adjustment No. 0178-11

Previous DRC Review: September 1, October 6, and December 1, 2010 Design Review

Committee meetings (continued from December 1, 2010 meeting).

# **PUBLIC NOTICE**

No Public Notice was 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 15303 (Class 3 - Construction of a second dwelling unit in a residential zone).

# PROJECT DESCRIPTION

The proposed project for a new 616 square foot accessory second unit at the front of the lot with a new detached 220 sq. ft. one car garage and open parking space was scheduled for the Design Review Committee in March of 2012. Due to a lack of a meeting quorum, the project was continued. Due to changes on the Design Review Committee, the DRC project can now be considered by the DRC. The Administrative Adjustments are to permit a 20% reduction in front setback from the required 20' to 16', and a second to allow a 10% reduction in parking back-up distance for the new one-car garage. The project will necessitate the removal of a 16" diameter tree thus requiring a Tree Removal Permit.

Three prior reviews were conducted and continued by the Design Review Committee:

- 1. On September 1, 2010, the DRC explored a move-on building proposal and discussed development of the site including setbacks and whether the property was contributing (See Attachment No. 4).
- 2. On October 6, 2010, the DRC requested the applicant to explore an alternate design that would be compatible with the block and to research the historic status of the property (See Attachment No. 6).
- 3. On December 1, 2010, the DRC reviewed a revised proposal of the additions to the residence, placement of the accessory second unit and took Staff information on the history of the site. The DRC bifurcated that proposal into two separate actions (See Attachment No. 8).
  - a. The DRC made a final determination approving a 283 square foot family room addition to the existing Bungalow, a new 72 square foot entry area at the front and removal of a 12 square foot closet on the east elevation that encroached into the required side yard.
  - b. Continued the proposed accessory unit as a second phase of the project pending further research on the building's historic status by an architectural historian. The applicant hired Cynthia Ward, an architectural historian, who prepared the Historic Resource Assessment determining the historic status of the property (See Attachment No. 10- dated October 2011).
  - c. The proposed accessory second unit consists of a new 616 square foot accessory second unit at the front of the lot with a new detached 220 sq. ft. one car garage and open parking space located between the new accessory unit and the existing

residence. The proposed accessory unit will be one-story with a similar roof pitch and gable design as the main structure. The front elevation includes a small covered open porch with wood railings and a projecting three-window bay picture window. The unit will have two bedrooms, kitchen, bath and living room.

## EXISTING SITE AND AREA CONTEXT

The property is on the south side of the 700 - 800 block of East Washington Avenue. The block contains 10 structures constructed between 1917 and 1928. Ten structures are one-story and seven structures are contributing one-story Bungalow, Craftsman Bungalow, Gable Roof Cottage or Provincial Revival styled residences. The streetscape pattern of existing setbacks for residences on the south side of Washington varies from 15'-7" to 66' for the subject property. The existing residence and garage consists of 1,290 square feet of area on the 6,413 sq. ft. lot yielding an existing .20 Floor Area Ratio (FAR). With the approved family room, new entry and closet removal the residence will have 1,633 sq. ft. in area and a .25 FAR., with the garage expansion.

The original residence was constructed in 1922 and consisted of 320 square feet in area. Over time five or six additions and a one-car garage was added to the structure bringing its area to 1,290 sq. These changes have been inconsistent with its original design and have obscured the original features of the building. Two smaller additions were completed before 1936; one a 216 square foot addition on the east side and a 160 sq. ft. addition to the rear. During the period of 1936 to 1947 or later, five other additions, including an attached garage, were added to the original residence. This inappropriate remodeling has resulted in an irregular plan that lacks continuity of design. According to the recently updated City's Historic Building Survey and the consultant's research, the residence is considered as a non-contributing building. The specific classification is rated as 6-Z (Found ineligible for NR, CR or Local designation through survey evaluation).

#### EVALUATION CRITERIA

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).

# ANALYSIS/STATEMENT OF THE ISSUES

#### Issue No 1 – Historic Status of Property

Several issues or questions were raised by the Design Review Committee including:

- 1. Will the new accessory unit development on the block impact the existing residence, the historic streetscape and/or established neighborhood context?
- 2. Is there additional supporting historical evidence, other than the Sanborn Insurance Maps, that indicate the building's age and determines its period of significance?

This resulted in a separate Design Review Committee action to approve the addition to the residence at the rear, and to continue the review of the new in-fill accessory second unit pending additional research on the historic status of the residence.

#### Background and Request For Additional Research on Historic Status of Residence

The information on the existing construction presented at the last Design Review Committee was based mostly on a review of Sanborn Insurance Maps that showed a different placement of the subject building on the site. The speculation was that the original structure on the site was demolished and/or relocated. The existing building materials on the additions and garage, however, appeared to be from an earlier period (1920 rather than 1946). Concerned that the insurance maps were incorrect, further research was requested of the applicant. The pivotal question was how the project was to be reviewed "either as a contributing or non-contributing building". If non-contributing, the design of the in-fill project would be reviewed, whereas, if contributing, the historic setting and visibility of the resource from the street would take precedence. Based on two prior "Windshield" surveys, the subject property was classified as a contributor to the Local and then the National Registered Historic Districts in Orange.

An in-depth intensive historic evaluation report and survey was completed by local architectural historian Cynthia Ward who determined that the main residence did not meet the criteria for listing as a contributing resource.

Such evaluation reports, at a minimum, describe architectural elements, conditions, alterations and additions, and include a photographic record and description of the structure and its context. The report shall evaluate the historical significance of the structure, both individually and as a contributor to the City's designated historic district(s), and shall ultimately make a determination as to whether the structure meets the definition of an historical resource as defined (CEQA Guidelines Sec.15064.5). The report shall address the age of the structure, and evaluate its architectural/structural integrity (See Aspects of Integrity Att. No.2).

To provide consistency between any new Local Historic Survey status classifications changes and the current list of properties listed in the Old Towne Orange National Registered Historic

District, Staff has updated all local survey listings including the current subject property and is in the process of amending the National Registered Historic District survey to reflect these changes.

#### **Determining the Historic Context**

A statement of significance, whether designed to show that a property is or is not significant, should be developed first by identifying the historic context, the property types within the context or contexts to which the property could relate, and their relevant characteristics required to qualify it as part of the context. The discussion at the Design Review Committee also focused on the relationship and placement of the residence at the very rear of the property and that this historic relationship should remain as a unique characteristic of the site. The Secretary of the Interior's Standards consider the relationships, placement of buildings, structures and objects in relation to each other, the property, as well the same spatial relationships of adjoining and neighboring resources within the historic district.

In examining the use of the site from an historical perspective, its setting, in relationship to the site, neighborhood and district, is to review related farm or agricultural development within the immediate context. There was speculation that one of the owners or early tenants used the front of the property to repair farm equipment. No further information was found to support this information.

The comparative context would be the "farm lots" on East Culver Avenue. These lots were designed as small farm lots, 65 to 80 feet wide by 300 feet deep, some were double lots. Up to recent time, some lots still had orange groves and some still have related accessory farm buildings. All of the original lots have residential structures constructed at the front. Clearly, these lots were designed as farm lots and historically have this unique context. In contrast, the context developed for the lots on Washington Avenue are residential and not intended for agriculture or farm use. The lots were standard of size and were developed or sold for construction of single-family residential housing. The consultant's research indicated the property's original construction of a 320 sq. ft cottage home was, in fact, for the rental market.

The block has residential sized lots with an established streetscape pattern and context where the buildings having similar front setbacks. The existing spatial relationship does not match the context for this neighborhood group; it is an anomaly and does not follow the developed pattern established during the period of significance. New in-fill and construction should fit within this established pattern to remain consistent with the neighborhood context.

#### Documenting the Period of Significance

A determination of whether a building or property is historically significant is based upon qualities that would make it eligible for listing in the National Register of Historic Places. Department of the Interior regulations describe the criteria for listing as follows:

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, workmanship, feeling, and association and—

- (a) that are associated with events that have made a significant contribution to the broad patterns of our history; or
- (b) that are associated with the lives of persons significant in our past; or
- (c) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant distinguishable entity whose components may lack individual distinction; or
- (d) that have yielded, or may be likely to yield, information important in our history. (Advisory Council on Historic Preservation 1986: 8).

Satisfaction of these guidelines requires that decision makers consider whether the property (1) is associated with an important event, individual person, people, or movement in history, and (2) retains the historic integrity of its features as to convey the significance structure or site.

## Supporting Evidence

Information provided in the report does indicate that the 1922-1950 Sanborn Insurance Maps were incorrect as to the placement of the original residence on the rear of the property. The consultant reviewed other primary record sources that indicated the date of the original construction, its size and placement on the lot, the numerous additions and generalized dates or period of construction including the attached garage. The evidence gathered to date by the outside consultant and reviewed by Staff indicates that the subject property is not a contributor to the historic district (See Attachment No. 6 - Historic Resource Assessment).

Understanding the original construction and subsequent changes would establish the property's "period of significance". This would be based on:

- The specific dates or period of time when the resource achieved its importance (e.g., date of construction).
- Representation of a style, period, or method of construction.
- Quality of style, design, or workmanship.

The consultant's report does discuss the multiple additions constructed at different times or between different periods (1936, 1938, 1947 and later). In this case, the date of construction of the original 320 square foot residence is 1922, all of the additions and garage construction falls outside the period of significance. This fact was not recognized in the original and subsequent "windshield surveys". Upon close inspection, the building does not have sufficient integrity of its original construction or features to be classified as a contributor to the district. Additionally, none of the changes to the property have acquired historic significance in their own right. The new additions covered, destroyed existing features and impaired the essential form and integrity of the original historic property.

The style period or method of construction including the quality, design or lack of workmanship provides additional evidence that the structure would not qualify as a contributor to the historic district today. The varied and different materials, including three different types of siding,

different roof form and overall miss-match of design elements and style add to the building's lack of integrity, character and significance.

Included in the report are notations from the "City of Orange Historic Resources Survey Methodology", Chattle Architecture, Planning & Preservation, page 7, New determinations of non-eligibility due to alterations. Significant alterations, which may impact the integrity of a potential; resource top such an extent that it is no longer eligible for listing include the following (most alterations are in combination with each other):

- Siding altered/siding replaced/applied stucco: does not reflect the time and place of the period of significance and can cover significant features or details of a building.
- Windows altered: most commonly wood windows replaced with aluminum or vinyl slider windows.
- Doors altered: or new doors.
- In filled/altered porches: original porches enclosed and/or supports or base altered.
- Roof altered: roofing material inappropriately replaced and/or roof line altered.
- Additions: inappropriate additions made to the building.

#### <u>Issue No 2 – Streetscape Alignment of New In-fill Accessory Unit:</u>

Aside from the information provided in the Issue No. 1, on "Historic Context", the Old Towne Design Standards criteria address new in-fill development. The proposed placement of the accessory second unit on the front of the lot fits within the setback range for the south side of Washington Street, as there are two properties (828 and 838) that have existing setbacks of 15'-7", less than the proposed setback of 16"-0" for the subject property. The existing garage and house, which has setbacks of 66' and 71'-7", creates a void in the existing setback pattern on the south side of the 800 block. The new in-fill development would eliminate this void and provide a uniform setback consistent with the block and residential neighborhood context.

The proposed side yard setback pattern (12' and 5') at the front of the lot is less than the block average (12' and 12'); however, it is more than the existing side yard pattern of the original Bungalow which has a three-foot side yard on each side. The new placement of the 616 square foot one-story residence fits the block context as to front setback patterns found on the south side of Washington.

#### Issue No 3 – Massing and Floor Area Ratio:

The ten residential parcels on the 700-800 block of the south side of Washington Street all have one-story residences that were constructed between 1908 and 1938. There is a mixture of Bungalow, Craftsman Bungalow, Gable Roofed Cottage and Provincial Revival architecture. The Floor Area Ratio (FAR) ranges from .11 to .24 FAR; the average is .18 FAR. The proposed new infill unit, new one car garage, expansion of the attached garage, and the existing new addition and residence will have a .39 FAR. Even though this is above the block average and the existing highest is .24 FAR, Staff believes the one-story development will not create a visual impact to the neighborhood.

#### <u>Issue No 4 – Architectural Review of Accessory Second Unit:</u>

The proposed in-fill accessory second unit carries over simple features: a side facing gable roof with an off-set recessed covered porch, centered three bay window, wood lap siding, exposed rafters, six panel door, and double-hung wood windows. The scale, massing, roof design and pitch are complementary to other existing residences in the neighborhood.

The proposed work complies with the City's Local CEQA Guidelines in the use of appropriate materials, secondary roof height, massing, placement and orientation of the addition in relation to the site, block and surrounding Historic District.

The project, as proposed, follows general criteria in making a project determination:

- Compatibility of the project with surrounding development and neighborhoods:
- The development shall be consistent in size, scale and context with surrounding development.
- The proposed development maintains the established historic relationship between buildings, streetscape pattern and open space.
- The development shall not erode or adversely affect an historic resource or district.

#### Issue No 5 – Conforming Garage Dimensions:

The existing attached one car garage has less than the required interior dimensions as to depth of the required parking space (existing 16', required 20') the applicant is proposing to increase its depth approximately five-feet to meet existing parking requirements. The garage was constructed sometime after 1947, and is therefore, considered non-contributing. The applicant will have the same features, only that it will be expanded approximately five-feet to the south.

#### <u>Issue No 6 – Landscape:</u>

The applicant proposes to install two 24"-box California Sycamore trees in the front yard, and install a mow strip at the front of the new driveway. Staff is also requesting that a final landscape plan and Tree Removal Permit be submitted for Staff review and approval prior to the issuance of building permits.

# **ADVISORY BOARD RECOMMENDATION**

None

# 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.

#### Old Towne Historic District – Applies to all projects within the district.

- 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 and OTDS).
  - a. The project is compatible with surrounding development and neighborhoods.
  - b. The development is consistent in size, scale and context with surrounding development.
  - c. The proposed development maintains the established historic relationship between buildings, streetscape pattern and open space.
  - d. The development shall not erode or adversely affect an historic resource or district.
  - e. Features, Materials and Building Elements of the in-fill residence are complementary in architectural style and use wood windows, doors and trim.

# Old Towne Historic District – National Register Historic District -- additional finding applies to sites within the National Register Historic District.

- 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).
  - a. The preponderance of evidence demonstrates that the resource is no longer historically or culturally significant and for purposes of this application, the review of this project focuses on the compatibility of new in-fill development.
  - b. 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.
  - c. The new exterior addition is compatible with the character of the site and preserves the relationships between the building or buildings and landscape features.
- 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).
  - As the project is located within 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. The proposal is based upon sound principles of land use in that it complies with the Old Towne Design Standards and the Secretary of the Interior's Standards for Rehabilitation.
- 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).

As the City of Orange Infill Residential Design Guidelines do not apply to projects located within the Old Towne Orange Historic District, this finding does not apply.

# **CONDITIONS**

Should the Design Review Committee recommend approval of DRC 4475-10 to the Zoning Administrator as submitted, Staff recommends including the conditions listed below and any conditions that the Design Review Committee deems appropriate:

- 1. All construction shall conform in substance, and be maintained in general conformance, with plans labeled Attachment No. 11, (dated March 13, 2012, for identification purposes) and as recommended by the Design Review Committee and the Zoning Administrator.
- 2. Applicant to submit a final landscape plan and Tree Removal Permit for Staff review and approval prior to the issuance of building permits.
- 3. 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.
- 4. 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.
- 5. These conditions shall be reprinted on the second page of the construction documents when submitted to the Building Division for the plan check process.
- 6. 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.
- 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 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.
- 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. Design Review Committee No. 4475-10, and Administrative Adjustment No. 0178-10 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.

- 10. 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.
- 11. 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 may be cause for revocation of this entitlement.
- 12. 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.
- 13. Any graffiti shall be removed within 72 hours from the time the City of Orange Notice of Violation is received by the applicant/property owner.
- 14. 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.
- 15. The term "applicant" shall refer to the entity that requests approval of this action or any successor in interest to this approval.
- 16. Plans submitted for Building Plan Check shall comply with the California Fire Code as amended by the City and as frequently amended, and in effect, at the time of application for a Building Permit.

# **ATTACHMENTS**

- 1. Vicinity Map
- 2. Aspects of Integrity Guide
- 3. Design Review Staff Report dated, September 1, 2010
- 4. Design Review Committee Minutes, dated September 1, 2010
- 5. Design Review Staff Report dated, October 6, 2010
- 6. Design Review Committee Minutes, dated October 6, 2010
- 7. Design Review Staff Report dated, December 1, 2010
- 8. Design Review Committee Minutes, dated December 1, 2010
- 9. Photographs
- 10. Historic Resource Assessment, dated September, October 2011 Cynthia Ward
- 11. Small Scale black-line plans dated March 13, 2012

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