# CITY OF ORANGE DESIGN REVIEW COMMITTEE MINUTES – FINAL

June 20, 2012

Committee Members Present: Carol Fox

Robert Imboden Tim McCormack Craig Wheeler

Committee Members Absent: Joe Woollett

Staff in Attendance: Chad Ortlieb, Senior Planner

Dan Ryan, Historic Preservation Planner

Lucy Yeager, Contract Planner Anna Pehoushek, Principal Planner Sandi Dimick, Recording Secretary

#### Administrative Session – 5:00 P.M.

Vice Chair Wheeler opened the Administrative Session at 5:12 p.m. with a review of the Agenda.

Senior Planner, Chad Ortlieb, stated there were no changes to the Agenda and it would be his last meeting to sit in as Administrator for the meeting. There was a six month rotation of Staff members and Anna Pehoushek would be sitting in for the next rotation period. He thanked the DRC Committee Members for their service to the City of Orange. He stated there were no minutes to review.

Vice Chair Wheeler stated he would recuse himself from Item No. 2, Yaghi Accessory Second Unit, as he was the architect for the project. Committee Member Imboden stated he would have a disclosure on the item, however, he could participate in the discussion.

Committee Member Fox made a motion to adjourn the Administrative Session.

SECOND: Robert Imboden

AYES: Carol Fox, Robert Imboden, Tim McCormack, Craig Wheeler

NOES: None ABSTAIN: None

ABSENT: Joe Woollett

MOTION CARRIED.

Administrative Session adjourned at 5:15 p.m.

Regular Session - 5:30 P.M.

### **ROLL CALL:**

Chair Woollett was absent.

## **PUBLIC PARTICIPATION:**

Opportunity for members of the public to address the Design Review Committee on matters not listed on the Agenda.

There were no speakers.

## **CONSENT ITEMS:**

(1) Approval of Minutes: None

#### **AGENDA ITEMS:**

### Continued Items:

#### (2) DRC No. 4475-10 – YAGHI – ACCESSORY SECOND UNIT

- A proposal to construct a new detached accessory 2<sup>nd</sup> unit and one car garage on the front of a residential lot. Project includes findings from a Historic Resource Assessment as to the historic status of the property.
- 812 E. Washington Ave. (Old Towne Orange Historic District)
- Staff Contact: Daniel Ryan, 714-744-7224, dryan@cityoforange.org
- Continued from DRC meeting of December 1, 2010
- DRC Action: Recommendation to Zoning Administrator

Vice Chair Wheeler recused himself from the item's presentation as he was the architect for the project. Committee Member McCormack would chair the item.

Committee Member Imboden stated he wanted to disclose that he had worked on a different project with the same applicant and per his conversation with the Assistant City Attorney, that would not present a conflict and he would be participating in the discussion.

Historic Preservation Planner, Dan Ryan, presented a project overview consistent with the Staff Report.

Applicant, Shucri Yaghi, stated he had nothing additional to add.

The Applicant's representative, Cynthia Ward, address on file, was available for questions.

#### **Public Comment**

Stephen Bennett, address on file, representing the OTPA, stated he had a number of issues he wanted to address. The Staff Report, on its original presentation before the DRC, listed the residence at 812 E. Washington as a contributor to the National Registry District; only after the proposed design received resistance from the DRC and the Community as being an inappropriate project for a historic property, the Staff report began stating that the residence was non-contributing. In the DRC Staff Report dated December 1, 2010, it clearly stated that the subject residence was non-contributing; that was false. Nowhere had the State statute or Orange Municipal Code allowed City Staff to determine the contributing status of a property. After determining that further review would be required to determine historic status on the building, City Staff approved and the DRC voted to approve the addition to the existing residence, but to hold off on approval of the remainder of the project. At that time City Staff had informed the DRC members that an addition to the rear structure would not require Planning Commission approval. The proposed net addition of 343 square feet would constitute an addition that exceeded 20% of the existing floor area, and required Planning Commission approval. In order to meet parking requirements the project proposed a new one-car garage to be built in front of

the existing single family residence. That portion of the project was not included in the approval to the additions to that structure. Endorsed by City Staff, the DRC had approved the addition while ignoring the associated parking requirements. The existing structure already exceeded current code in regard to required side yard set backs at both side yards. The proposed second unit requested relief from the minimum front yard set back. The Staff analysis of the front yard set back in comparison to the existing streetscape was not accurate, in that the measurements provided were from property line to open porches and not to the front of the structure. The author of the historic resource assessment had not provided any credentials or previous education or experience to validate the reports provided. The information provided made only occasional references to sources and there was no bibliography or situations provided. The Staff Report contended that the building was not a contributor to the National Registered district; the Staff Report had not noted if the property had been reviewed by the State Office of Historic Preservation and determined the property to be a non-contributor. Mr. Bennett asked that the DRC request from City Staff verification of the matter to avoid any further discrepancies with the proposed project. In spite of being designed by a DRC Committee Member and in having been presented numerous times to the DRC, the project fell short of meeting the requirements of the Orange Municipal Code, the Old Towne Design Standards, the Secretary of the Interior's Standards and CEQA. He respectfully requested that the project be denied.

Jeff Frankel, address on file, representing the OTPA, stated he assumed that past record regarding the project and that the DRC members were well aware of the OTPA's position on the proposed project. Due to lack of time he would not repeat those comments. The historic assessment report concluded that Staff attempted to refute earlier surveys in their accuracy of significant dates and construction of the subject property. It also indicated that the property had not met the minimum requirements for eligibility as a contributing resource for a Nationally Registered district. While the report included a great deal of information regarding previous ownership, construction history, and contemporary context; it fell short in providing substantiating evidence that invalidated earlier survey data, nor the basis of the original nomination. In many ways the report confirmed and strengthened the property's eligibility in that it had not identified any significant changes outside of the stated period of significance or since it was nominated and placed on the National Registry by the State Office of Historic Preservation. The report stated the structure lacked integrity to be considered for listing. While the report asserted that the character-defining features were no longer present or identifiable; but had not identified the character-defining features it claimed were not longer present. In fact the building readily portrayed the simple workers cottage vernacular form and style and was easily identified by the wood siding, corner trim boards, wooden double hung windows and trim, exposed rafter tail and barge rafter, and slatted gable attic vents. According to the National Parks Service: All properties change over time, it was not necessary for a property to retain all of its historic features or characteristics. The property must maintain the essential physical features that enable it to convey its historic identity. A property that has lost some of its historic details could be eligible if it retained the majority of those features, etc. Mr. Frankel stated that the report provided was unable to determine that any of those characteristics had changed since the period of significance or since it's listing as a contributing structure, the report failed to substantiate its claims for eligibility. None of those arguments were needed to convince the DRC members to deny the request before them; the project must be denied on the basis that the keeper of the list, which was the California State Office of Historic Preservation, had not modified the status of the property and it remained a contributor in the National Registered

district. As he had stated in the past hearings for the project, the applicant, the historian, City Staff, nor the Design Review Committee had the authority to modify the historic status of the property. Only the State Office had the authority to de-list a property. The required findings provided in the Staff Report could not be made. The historic status of the property remained unchanged. One last but important note which the OTPA found to be disturbing is that the Staff Report indicated that the City's Historic Building survey had been updated based upon the stated findings of the Historic Resource Assessment. Through preservation on-line he was able to verify that the inventory had been modified to state that the property was not considered a contributing structure through a 6Z designation. They had strong reservations in such a change occurring based on a report that was submitted. He found it more troubling that the inventory was not modified through an update survey form, but instead the previous inventory form prepared by Robert Chattel's office, it had been altered. The Secretary of the Interior's Standards discouraged modifications that created a false sense of history and he thought that just happened, and not in a way anyone would have imagined. The OTPA felt with five previous agendas and four hearings that the DRC had accommodated and offered due process to the unusual and unorthodox proposal. Considering the issues he urged the DRC Committee Members to once and for all deny the application before them. He personally had spoken to individuals at the State office, Jay Correa, who was in charge of State listings, his supervisor, Lucida Woodward, numerous times regarding listing and de-listing of properties; he had a State document that outlined the proper listing and de-listing requirements of a historic structure. He provided that to the DRC members for their review. In reading the form, the State needed to receive and access the information with evidence that the property was no longer contributing, but it needed to be forwarded to the Federal Agency as well for their review and approval. None of that occurred and the OTPA had spoken about it many times and during many of the hearings; he was surprised that the project was before them again as the information had to go to the State before a determination could be made. Mr. Frankel stated the City hired a consulting firm in the 1990's to complete a report, it was not a windshield survey, that Ages Report was not listed as a reference anywhere. That report listed the property as "worker housing" and they listed the property as significant, which in turn meant it was a contributing structure. The report also listed the integrity of the property on a scale of 1 to 4, as a 4. The condition of the property was listed as good and nothing had changed on the property since the 1990's and he was surprised that the DRC was again discussing the project without going to the State first for their approval.

Committee Member McCormack opened the item to the Committee for discussion.

Committee Member Fox stated in Mr. Frankel's discussion about the change in designation on the property of the proposed project and the information he provided on the State's involvement in de-listing a property, she asked Mr. Ryan if he could respond to the comments made?

Mr. Ryan stated he understood that there was an alternate process where information could be sent to the State or to Washington if a survey was being amended. Currently the City had updated the local survey and instead of taking one property to the State, they would be taking approximately 60 properties that they were seeking changes to, to the State as a group. It was true that an individual action could be taken on a property or they could be submitted as a group. The City was in the process of identifying properties and talking to the State and sending them on to Washington.

Committee Member Fox asked how long would that process take and how far were they?

Mr. Ryan deferred the questions to Staff, Anna Pehoushek, Principal Planner.

Ms. Pehoushek stated she was not certain on the timing. The City was about to submit all of the properties that had changed designations. There were properties that had gone from contributing to non-contributing, some to non-contributing to contributing and they were going through the process to reconcile the City's survey; and as Mr. Frankel mentioned a narrative of what it was about each property had lead to the status change.

Committee Member Fox asked if the properties would be evaluated individually?

Mr. Ryan stated he understood that the State looked at the justification or as to why the property had changed classification. Basically, in the past, properties were submitted with a paragraph of information.

Committee Member McCormack asked if the State's action would trump any action that was taken by the DRC?

Mr. Ryan stated that was not what he understood in his conversation with the Assistant City Attorney, Gary Sheatz. The City was entitled to make their own determinations on historic resources. The inconsistency that was addressed, as far as CEQA was concerned, was that there had been an identification of what the changes were or processing them as a group to gain consistency. There was no other information, from any source, that supported the project property site was contributing.

Committee Member Fox stated she had not been involved in any of the previous submittals for the project, but she had read previous minutes and there had been a lot of discussion about an original home that had a gable in one direction and now the gable was in a different direction and she asked what that was about?

Mr. Ryan stated there were differences between the aerials and Sanborn maps. The shape of the building and knowing that the gable would run with the ridge and that was the summation made from reviewing the information; that had not been the case as there had been different buildings constructed at different times.

Committee Member Fox stated on the original structure that was 312 square feet, she saw it on one of the documents, and she asked if that was the original structure?

Ms. Ward stated the structure had been added to over time, but she had not believed anything was removed.

Committee Member Fox stated she had not known what had happened with the previous submittals and there had been a lot of discussion about the gable. There was no debate whether that was the original structure.

Mr. Ryan stated in reviewing the Sanborn maps it was difficult to determine which way the gable went.

Committee Member Fox stated nobody was denying that the original structure was the 312 square foot unit.

Mr. Ryan stated that was correct.

Mr. Yaghi stated the back house was already approved. The Committee reviewed the photos and plans with the applicant.

Mr. Ryan stated there was another issue that brought about the 20% increase in floor area and that was only for a contributing building. Basically, that went out the window with a non-contributing status.

Committee Member Fox stated that was what was confusing to her, the debate of whether the home was contributing and now they had a historian's report that stated it was not a contributing structure.

Ms. Ward stated her bread and butter was not in de-listing, but in listing properties. Whenever she came at properties she was looking at it from whether she could get a Mills Act contract if they came to her. If someone had come to her asking for a Mills Act on the subject property she would not take the job, as she could not see a government body approving that.

Committee Member Fox stated she was trying to gain clarification as that seemed to be an issue during the previous hearings. The request was then to have a historian review the property and provide a report, but the property was not de-listed, that was what she was understanding.

Mr. Ryan stated the DRC was reviewing the project to make a determination, from a local viewpoint, of whether the property was contributing or not. There were two things, whether the building was contributing or not and based on the information he had, it was not. Taking that information and grouping it with all the other properties and sending it up through the process to have the State take care of the classification.

Committee Member Fox stated that answered her questions and she would reserve comment until others had weighed in on the project.

Committee Member Imboden stated they had addressed the Planning Commission approval and if that would be required and the answer had been that it was not required if it was non-contributing. There had been the parking requirement issue brought up; since it was an accessory structure it had been his understanding that there was not a requirement for enclosed parking and he asked if that was accurate?

Mr. Ryan stated accessory structures required one additional parking space, open or enclosed.

Committee Member Imboden asked regarding the parking garage that was a part of the project, was that being driven by the addition to the rear?

Mr. Ryan stated for the single family residence on the parcel that required enclosed parking for two cars and how was that divided if they built another one-car garage, they could have an attached one-car garage that would take care of the single family house and the one open parking space took care of the accessory unit.

Committee Member Imboden stated the comments that were made was that the addition was approved but the garage was not and was that accurate?

Mr. Ryan stated the expansion of the existing garage attached to the rear building was approved along with the addition to the back of the garage.

Mr. Yaghi stated the rear unit was already approved.

Committee Member Imboden asked if the garage proposed a single-car garage?

Mr. Ryan stated no.

Committee Member Imboden asked if it was triggered by the rear addition?

Mr. Ryan stated yes.

Committee Member Fox stated just the addition of the rear residence was triggering the need for two parking spaces.

Committee Member Imboden stated not unless there was an addition to it. The DRC had approved an addition that required parking to be addressed, but there had not been an approval for parking and that was a question that was raised and something he was attempting to understand.

Mr. Ryan stated the nexus was that with the accessory second unit all parking on the site needed to be brought up to code. Currently there was an existing property with a one-car garage that they could add square footage to.

Committee Member Fox stated the garage space was made more legitimate.

Chad Ortlieb, Senior Planner, stated it was allowable to add on to a single family dwelling that had non-conforming parking, as long as it was no more than 25% of the home or 500 square feet; that was how the prior addition was able to be approved without requiring the additional garage parking space.

Committee Member Imboden asked if the addition had not exceeded either one of those, as that had been another issue raised, what was the amount of the addition?

Mr. Ortlieb stated with the second unit being proposed.

Committee Member Imboden stated he was not speaking to that but the percentage of addition to the rear unit.

Mr. Ryan stated if it was contributing it would go to the Planning Commission.

Committee Member Imboden stated that was not what he was asking and answers were being given for questions he was not asking. There was an addition approved for the rear and a comment that was made was that it exceeded 20%; Staff had made a comment that a garage was required when the addition exceeded 25%; his question was how much of an addition was approved for the rear of the property?

Mr. Ortlieb stated he would check that.

Staff and the Committee Members reviewed the square footage notations and discussed the calculation of square footage.

Committee Member Imboden stated they could work on the numbers while he continued his discussion. The comment was made that the historian's report lacked citations; and he stated that he agreed with that. He worked with those types of reports and worked on them. The State office expected verifiable information and the report lacked that.

Ms. Ward asked what had she not verified and she would be happy to include anything that was missed.

Committee Member Imboden stated he had not wanted to get into a debate with her, but there were dates provided and those sorts of things, but there were not citations of those and no bibliography that was provided. There were resources noted, but not the exact location of that information. He was speaking from his own experience and from what he knew was required.

Ms. Ward stated that was an oversight.

Mr. Ryan stated the calculation was 320 and 322 would be 25%.

Committee Member Imboden stated it was just under. For the time of changes to the structure, in reading the report what he understood was other than a few small additions to the rear the assertion was that the property as it currently stood was primarily developed after 1922 and there were additions to the property in late 1930's and other changes that were in place by 1940 based on aerial photos. On the modifications to the DPR form that were brought up, when the project came through he had attempted to look it up and he saw the current form that they had as a 6Z, but in the report it sounded that it was not the report that Mr. Chattel had, it was the finding from the report. He asked Mr. Ryan if that was correct?

Mr. Ryan stated yes.

Committee Member Imboden stated the assertion that an earlier survey was altered was correct.

Mr. Ryan stated yes. Mr. Chattel just duplicated the earlier findings, which was a windshield survey.

Committee Member Imboden stated his contention would be to require a new DPR, and not a modification to one that was authored by someone else. In getting back to the question that was raised by Committee Member Fox, he also contacted Jay Correa at the State to ask what the status of the project was and it was what Staff had confirmed, that as of today as far as the State was concerned the property was a contributing structure. He understood what Staff was stating, that there was a packet of several properties that was being sent to the State, but at the end of the day the property that they were speaking to required State approval. It may or may not go before the Historic Resource Commission, for their approval; then it would go onto the Feds for their approval; and as none of those processes had occurred and they sat before the project the DRC was being asked to take action on a property that has been inventoried on three prior occasions and was listed on a National Registry as if none of that occurred. Committee Member Imboden stated he was having difficulty with the required findings and he had not even spoken to the design of the project before them. He asked if there was a reason the property was not submitted to the State to gain their approval prior to the item being brought forth to the DRC?

Mr. Ryan stated his understanding was that they had the flag pole into the State for a year and a half and they had not received anything back.

Committee Member Imboden stated the State had time lines for submissions.

Mr. Ryan stated with other properties that were in the same situation, Staff had not received anything in writing in regards to classification, as far as from architectural historians for the same stuff; Staff had no comments in writing back as far as the findings other than stating it was contributing. Rather than deal with each specific issue, as it raised questions on any development in Old Towne, there was this disparity with the survey and every property was held hostage. An architectural historian was hired to deal with that and in the mean time Staff realized they had 60 other properties that they were dealing with to be classified either up or down and the process was that there would be that issue until the local survey was resolved and they needed the National Registry application in order to do that. The easiest process that they found was to provide the information as to only the changes from the last survey, the National Registry survey; of those changes send those to the State and the Feds at the same time.

Committee Member Imboden stated the difficulty he had with that information was that the other 60 properties were not proposing changes, and they were not before the DRC. The question he had for the applicant's historian, based on his experience, was she able to speak to the two components the State would look for?

Ms. Ward stated when reviewing the property from the sidewalk there was an assumption that the garage was original to the property, and yet they knew that it was not.

Committee Member Imboden asked if there was any evidence that it was initially in that placement?

Ms. Ward stated she could not find any evidence that it was elsewhere on the property, until it finally became visible much later. It created a false sense of history and that was contrary to classifying a property as contributing.

Committee Member Imboden asked if her report had not asserted that the garage was moved during the period of significance?

Ms. Ward stated yes, but it looked as if it was original.

Committee Member Imboden stated it would not need to be original if it took its present form during the period of significance. It was not a false sense of history – that was the history.

Ms. Ward stated the style of that period, that's fine, but moving something from an earlier period onto the lot was not consistent with that.

Committee Member Imboden stated he was not certain where that comment came from. There was not a date of construction, or was there a date?

Ms. Ward stated in the report it appeared between 1946 and 1947.

Committee Member Imboden stated the report asserts that it was moved from another property and it could have been moved from the subject property and just relocated. There had been a garage about the same size that existed at the subject property site.

Ms. Ward stated no. She could not find any evidence in the Sanborn, aerials, or anything.

Committee Member Imboden asked what Sanborn was she presented with?

Ms. Ward stated 1922 and 1950.

Committee Member Imboden asked if the 1922 Sanborn showed a garage?

Ms. Ward stated no, it showed a tiny thing.

The Committee Members reviewed the photos.

Committee Member Fox stated what was confusing to her was there appeared a tiny box toward the back of the property on both the 1922 and 1950 Sanborn map.

Ms. Ward stated there was just the one structure.

Committee Member Fox stated yes that was the original structure, and asked what was in error on the maps?

Ms. Ward stated the 1950 Sanborn map showed the same small footprint, but they knew from the 1947 aerial those showed the garage and some additions on the property. Those were not reflected on the Sanborn maps and those were generally very accurate.

Committee Member Imboden stated there was no evidence of where the garage had come from, whether it was relocated on the property or came from another property. He asked if Ms. Ward's assertion was that it was from a different period and style from the house?

Ms. Ward stated the problem was that it was not built to the period where it appeared, if it was built in 1947 the expectation would be that it would have been built in a 1947 style; but it was not and lead to a false impression that it was the original garage built when the house was built, but that was not true.

Committee Member Imboden stated the question he kept coming back to was that there was no information on where the garage came from or when it had been moved to the subject property site.

Ms. Ward stated they had an estimated time frame and knew it was not built there earlier.

Committee Member Fox stated in 1938 it was not there and in 1947 it was there.

Committee Member Imboden stated it made a difference in whether the garage was there during the period of significance and that had not been determined and the question that he had been asking. As that could not be determined it was being determined that it was not there during that period and that was the difficulty he was having, that it had not been defined.

Mr. Ryan stated in 1922 there was a 320 square foot residence.

Committee Member Imboden stated he was speaking of the survey period of significance and not the period of significance or the context of how the building was nominated to the National Registry.

Mr. Ryan stated they would need to look at the context statement, and he thought that would not tell them much.

Committee Member Imboden stated that was not the reason it was nominated.

Committee Member Fox asked was the DRC charged with making a determination about that?

Committee Member Imboden stated that was the issue, they could not make that determination.

Mr. Ryan stated the DRC could make a determination on the local survey, whether the building was contributing or not. The issue was would it be consistent with the National Registry rating and if not, would that be changed by the State?

Ms. Ward stated according to the reconnaissance survey for the property, 1921 to 1941, the garage was put in between 1938 and 1947; so there was a very narrow window where it possibly could have been there, but it was very unlikely.

Committee Member Imboden thanked Ms. Ward for her statement and stated there was nothing that refuted that the garage was outside of the period that it was originally nominated. The period of significance, that she referenced, was not the period for which the building was nominated in. They were arguing against something that was not relevant. The period of significance was from 1885 or 1887 to 1941 for Old Towne and he asked Staff if that was accurate?

Mr. Ryan stated the period of significance was related to the survey that was done by Mr. Chattel that had the dates on it.

Committee Member Imboden stated that was not true, what they were discussing was the building existing as a contributor to a National Registry district; it was nominated and accepted under the original period of significance and context statement.

Mr. Ryan asked what date had the original survey listed for the period of significance?

Committee Member Imboden stated there was just one period. The original nomination used a much broader period of significance and a much broader development pattern. They were reviewing the building against periods of significance that came out as of a later survey and were not part of the nomination; under which the building was nominated. He was really struggling with it.

Mr. Ryan asked if he had not accepted Mr. Chattel's survey on the property?

Committee Member Imboden stated it was not up to him to accept it. It had already been accepted.

Mr. Ryan asked if he agreed or disagreed with the period of significance that was on that report?

Committee Member Imboden stated it was not relevant and it had not applied to what they were reviewing; the DRC was reviewing a project that was being called non-contributing based on a survey, and not a National Registered nomination, and he could go write a survey with a context statement that had nothing to do with it and it would not change the status of the building with the State.

Committee Member Fox stated they could speculate all they wanted to, but if the process worked itself through, the State might agree and de-list the property or the State might disagree and keep it on the list. At any rate they could discuss all they wanted to.

Committee Member Imboden stated the reason he was bringing all of the issues up were because it was vitally important as the City Council was in the process of re-zoning Old Towne. As part of that they were also relaxing the requirements for accessory units; it was the first time that the DRC had a project before them where as part of the proposal it was requesting de-listing as a contributing resource, and it was also the first proposal that asked to place an accessory unit in front of what was today, a contributing resource. If the standards were going to be relaxed, the DRC Members needed to be diligent in understanding the documents that were before them. He

would have had a very different opinion about the project had it been vetted through the State; the State was the keeper of the list and made determinations.

Committee Member Fox stated if the State came back with an agreement to de-list, it was a different situation.

Committee Member Imboden stated he could not make the findings that could not be supported by the reality of the property. He was not comfortable basing the findings on a report that he felt lacked the proof of what it was claiming. He was not stating it was wrong, however, the report had not provided evidence of the claims it made. He had contacted the State to ascertain the status of the property and the State was adamant that the property was a contributing resource and that they had not received any request to make a different determination.

Mr. Ryan stated all correspondence was sent, with no response.

Committee Member Imboden asked if an official request had been made?

Mr. Ryan stated no, there was not an official reply; there was a schedule of when to submit.

Committee Member Imboden asked if there had been any follow up by Staff via phone calls? He had spoken with Jay Correa, the master of the list, and he stated that he had not received any information on the property they were speaking to. No requests.

Mr. Ryan stated no official request had been submitted, but information had been sent to him.

Committee Member Imboden stated that had been his question, whether an official request for de-listing had been sent to the State?

Mr. Ryan stated they had spoken with the National Registry group and found that an application could be sent at the same time to the State and to the keeper. The State was not the keeper but the Federal designee.

Committee Member McCormack stated what he was hearing was that they could not take any action on the item.

Committee Member Imboden stated he had not understood how there could be findings stating that the property was non-contributing, when as of today the property was listed as a contributing property to the National Registry.

Mr. Ryan stated his question would be that if it was a contributor locally and not in the National Registry would the report be accepted?

Committee Member Imboden stated he could get into a discussion about local listings as well, and that was something he was unclear on. He asked what the local listing was, were there surveys that deemed a property to be eligible at the local level, and was that what was considered the local listing? Was there any criteria for that, or was the criteria established by the person doing the survey?

Mr. Ryan stated there was criteria for that.

Committee Member Imboden asked what was the criteria?

Mr. Ryan stated there was A through C, 1 through 4, person, events, architectural materials and such.

Committee Member Imboden stated a context statement to validate that finding was not required.

Mr. Ryan stated the local district had a context statement, but not to the extent of the State's requirement.

Committee Member Imboden asked if the Orange Municipal Code had language that dealt with the de-listing of local resources?

Mr. Ryan stated there was not one for nomination of historic resources; that was handled by a zoning overlay.

Committee Member Imboden stated they were not creating policy and he was surprised that they would not, as most City's did.

Mr. Ortlieb stated if he could request clarification for the minutes of how the conversation was going toward the project's design?

Committee Member Imboden stated he had no problem doing that as he was the one questioning the findings and the applicant deserved that as well; obviously the applicant was interested in bringing the project forward for review and they were not able to get out of the gate on it. He felt that it was something that the DRC had asked for several times or maybe there was a misinterpretation at the Staff level. At the heart of the matter the DRC wanted to know if the property was contributing or not?

Committee Member McCormack stated that was the driving force. If the property was a contributing structure the site plan could not be approved. He had been through the whole thing and reviewing the context of the neighborhood and the anomaly of the project along Washington Street, there was the argument if it was non-contributing; would the project work within the context of the neighborhood?

Mr. Ryan stated there were two things, whether the report was complete and if the State would change status of the property, there could be a third issue about the design. The State needed to make a determination.

Committee Member Fox stated they were attempting to move the football down the field with the State, and if the State came back as de-listed, the applicant could return only to find the DRC was not pleased with the design. It was only fair to at least talk about the project's design. She would hate to have Mr. Yaghi wait three years, if the State came back with an agreement to delist, only to find there were comments on the design.

Committee Member McCormack stated the proposed design had not fit in with the context of Washington Street. There were porches, set backs that were further back, and frankly he always had a problem with the streetscape not matching Washington Street.

Mr. Yaghi stated in a previous meeting Committee Member McCormack had stated he liked the design and told him it had not needed to match and now Committee Member McCormack was changing his mind.

Committee Member McCormack stated he had driven Washington Street and any property should have some compatibility and should compliment the context of the neighborhood.

Committee Member Fox stated there were properties that matched the submitted design, it was not the typical house on the block, but there were similar designs. For the research that she got from the reports, was that the original house that had been built was 312 square feet set way back and she looked at that as someone wanting to build a primary structure at some point in time, and there was a pattern of that on the street. It was also built as a rental from the get go; it was not ever a primary structure and she felt that the intent had been for a primary structure to have been built in front of it. The person who originally built it might be laughing at them for the requirement to have the set back maintained. It was conjecture, but it was her feeling, if it was a non-contributing structure, in concept having a structure built in front was fine. If it was contributing she would have issue with it. She had issues as the parking requirements pushed everything around, she would want a larger unit in the front, however, with the restraints of the parking it might not work.

Committee Member Imboden stated he agreed with her 100%, whether it was a contributing structure or not, it was all in where the accessory structure was placed and the concern he had was as they moved forward in the process, was compliance to the front yard set back. Where would they draw the line and he had not felt it was a good way to preserve Old Towne by dropping new units in front of the home. If it was a non-contributing structure, based on the design of the unit behind it, if it could be respectful on the site, but he had a problem with encroachment to the street.

Committee Member McCormack stated he agreed. To move the item along he was hearing a few things, from the comments presented by Committee Member Imboden and there was the issue with designation by the State. That being stated, could the DRC trump the State issue and make a finding as presented? The item was a recommendation to the Zoning Administrator and it was not moving to the Planning Commission. They would be setting a precedent with their action in regard to the set back change and allowing a building in front of a contributing structure.

Mr. Ryan stated there were design issues that needed to be addressed and to express what the concerns were in that regard. They would need to wait until the State signed off on the historic district changes and the item would need to return to revisit that issue. The ability to make comments to the applicant would be helpful; to provide a clear direction to the applicant on the set back issue and design.

Committee Member Fox asked if the proposed garage exceeded the required depth? What she was getting at is if there was a way to pull the structure back to allow for a larger set back; she would endorse a front set back of 15' 7" if it was just a porch and not the main structure.

Committee Member Imboden asked if it was required to bump that forward?

Mr. Ryan stated it was needed to bring the one- car garage up to code.

Committee Member Fox stated if that would not happen could everything move back? What she was thinking was that there was square footage on the porch that was pushing part of the house back, if the porch could encroach a bit, but the house could maintain the set back that would be a compromise to capture some of the square footage back into the house.

Committee Member Imboden stated he had not wanted to get into anything too specific, they had not known when the item might return.

Committee Member Fox stated the same design had been before the DRC already three times and there had not been comments made about the design. To move the ball slightly down the field if the property was de-listed then at least they would have commented on some of the design issues.

Committee Member Imboden stated his frustration was not for the applicant coming forward three times, but his frustration was with the applicant having to come forward three times and they could not get out of the gate on it; as the main issue had not yet been dealt with.

Committee Member Fox stated from what she had reviewed and read in the minutes no one had ever commented on the design of the project.

Committee Member McCormack stated he had always had a problem with the design being out of context with the homes on Washington Street. That was always his issue. In stating that, he was not stating that he had not liked what had been done, but he always had the approach that the design should match the context of the neighborhood.

Mr. Yaghi stated last time Committee Member McCormack had stated that he had not wanted the street to appear as tract housing; it was an older development and now he was stating he wanted the house to match. He commented that Committee Member McCormack was being inconsistent.

Committee Member McCormack stated it was the set back.

Mr. Ryan stated there could be some adjustments made to the garage length to still have it be functional and then shift everything back to pick up another 4' and be closer to the front yard set back requirement with a porch extended out front.

Committee Member McCormack stated it depended on whether it was conforming or non-conforming.

Committee Member Fox stated if the property came back as non-contributing she wanted Mr. Yaghi to have some feedback on the design.

Committee Member Imboden stated he had not understood what Committee Member McCormack meant by conforming, non-conforming.

Committee Member McCormack stated it was what Mr. Ryan had stated.

Mr. Ryan stated there was an opportunity to pick up 4', which would bring the building set back to 19' or 20' with a porch.

Committee Member Imboden stated he had not wanted to get into any specifics, if the other Committee Members wanted to do that they could.

Committee Member Fox stated there was another side to this that she wanted to bring up; if the State was backed up and broke and there was not staff that could review it and things were slowed down, how long could they hold projects hostage?

Committee Member Imboden stated that was a poor reference to use, as he understood the formal request had not been made. Only after a formal request was made, the State had a time line to respond. Staff had not attempted to do that and that was his frustration and they were continuing to deal with the contributing/non-contributing issue associated with the project. The same design had returned in front of the DRC over and over again and he was not certain that the applicant knew what to do next.

Committee Member McCormack asked if he was hearing a motion. Based on the information provided, a motion they made might not be valid.

Committee Member Fox stated she had wanted to provide feedback on the design in the event the property was de-listed.

Committee Member Imboden stated it was not up to the DRC to discuss feet and inches and those types of things.

Committee Member Fox stated aside from feet and inches she felt the design of the structure with the corner porch was not the only case of that type of structure on the street. It was appropriate. It would not need to be like every other porch.

Committee Member Imboden stated with what was on the property already, and if it returned before the DRC again he would hope it was simple in form and should not have a grand porch; but he had not wanted to reference a stucco box that was built in 1960 and may not be relevant to the project before them.

Mr. Ryan stated to Mr. Yaghi if he submitted his cultural resources report to the State and if they had not responded within a 30 day period.

Committee Member Imboden stated he was not certain it was a 30 day period and he asked Mr. Ryan if he was certain of the 30 day period?

Mr. Ryan stated the agenda that was set was usually 45 days before the meeting, so they would need to respond. Mr. Correa, at the State Department, would have to review the information submitted and write a report within that time frame. The applicant could go in that direction and Staff could continue with submittal for all the other properties they were reviewing for changes.

Mr. Yaghi asked if they were giving him a choice to submit his property?

Mr. Ryan stated that was one way as an individual thing.

Committee Member Fox stated instead of waiting with the other 60 properties.

Mr. Yaghi stated that was what he wanted to do initially.

Mr. Ortlieb stated the DRC's decision would be to approve, deny, or continue. They could ask the applicant what he preferred and a denial would allow the applicant to appeal their decision.

Committee Member Imboden stated the applicant could ask for a decision, which had not looked favorable that the applicant upon a denial could appeal the DRC's decision and go the Planning Commission. The other options were to wait until all the properties went in or Mr. Yaghi could submit it on his own.

Mr. Yaghi stated at the last DRC meeting he was asked to hire a historian and that was what he had done, and now after an hour and a half discussion they had not gotten anywhere.

Committee Member McCormack stated if there had been a decision from the State they would have all been home already.

Mr. Yaghi stated that Mr. Ryan was asking for a local approval.

Mr. Ryan stated the question was whether or not Mr. Yaghi wanted to take the report and add further information.

Committee Member Imboden stated he had not felt further information from the historian was required for the DRC members; they were looking for a determination from the State that would allow the project to move forward to meet the required findings.

Committee Member Fox stated she could not approve the project as submitted due to not knowing if the property would be de-listed from the National Register. Even as it stood the project could not be approved based on the set back issue.

Committee Member McCormack stated he believed the choice for the applicant would be either a denial or a continuance.

Mr. Yaghi asked if he submitted to the State would he need to wait 30 days?

Committee Member Imboden stated he was not certain what the time frame was as there were differences based on different circumstances. He had not wanted to commit to a time line. There were protocols and requirements for de-listing.

Committee Member McCormack asked for a motion.

Mr. Yaghi stated he would want to continue the project, but last time he was before the DRC he was asked to hire a historian and he had done that, now he was having to go back.

Committee Member Imboden stated they were obligated to follow State Law and meet the required findings, the findings presented could not be met based on the undetermined status of the property. He asked Mr. Ortlieb if they continued the project was it appropriate to still speak to the findings as the basis, or was that no longer necessary?

Mr. Ryan stated it would be a continuance to resolve the status of the property.

Mr. Yaghi asked if that was the only issue they had?

Committee Member Fox stated no, there were issues with the set back.

Committee Member Imboden made a motion to continue DRC No. 4475-10, Yaghi Accessory Second Unit, on the basis that the DRC was unable to accept the required findings as presented in the Staff Report and most particularly to the required finding No. 2, that in the National Registered District the work complied with the Secretary of the Interior's Standards, and in particular the preponderance of evidence demonstrated that the resource was no longer historically or culturally significant, and the DRC could not come to that conclusion without the response from the State or without a formal submittal to the State to make that determination. For No. 3 in regard to the design theme, the Committee Members expressed some general concerns about the manner in which it was proposed.

Mr. Ryan asked if he could add State or National Register?

Committee Member Imboden stated he was not familiar with the process Mr. Ryan spoke of and he tended to think he was pretty familiar with the process; he would not change his motion.

SECOND: Carol Fox

AYES: Carol Fox, Robert Imboden, Tim McCormack

NOES: None ABSTAIN: None

ABSENT: Joe Woollett RECUSED: Craig Wheeler

MOTION CARRIED.

## (3) DRC No. 4577-11 - FOUNTAIN CARE FAÇADE REMODEL

- A proposal to remodel the façade of an existing 157,082 sq. ft. building.
- 1835 W. La Veta Avenue and 1800 & 1832 W. Culver Avenue
- Staff Contact: Chad Ortlieb, 714-744-7237, cortlieb@cityoforange.org
- Continued from DRC meeting of March 21, 2012
- DRC Action: Final Determination

Senior Planner, Chad Ortlieb, presented a project overview consistent with the Staff Report.

Applicant, Irais Torres, address on file, stated on the items that had been issues she would provide clarification on those.

Committee Member Imboden stated on the additional conditions, the first was sign location and the second was window, what?

Mr. Ortlieb stated that was for the inset color of the window.

Committee Member Fox asked for the location of the sign?

Ms. Torres stated originally the sign was approved by the City of Orange and they would still keep the sign in the same place, but change the elevation to match the new design of the building.

Mr. Ortlieb stated it was to clarify the location as well.

#### **Public Comment**

None.

Vice Chair Wheeler opened the item to the Committee Members for discussion.

Committee Member Fox stated the design was much clearer and she had no issues with the proposal.

Vice Chair Wheeler stated it was much more developed, there were a few drafting errors but nothing too significant. He felt the sign was consistent for the location.

Ms. Torres stated there had been a notation error on the plans.

Vice Chair Wheeler stated there were quite a few notation errors; he went through those on the plans. They were not significant enough that it made a huge difference. He went through the plans with the applicant and then had no other concerns.

Committee Member McCormack asked if there was a genesis for the landscape concept as it was presented as a more formal design and he asked what the cross hatching was on the landscape area, it was not noted in the legend? The Dodonaea was a fast growing shrub and would get extremely big, it was shown at 4' to 5' in diameter. That shrub, if left alone, would get to 8' to 15' and would grow into a tree if left alone.

Ms. Torres stated the intent for those trees would be to create a buffer between the parking lot and patient windows. There was a site management group that would be responsible for the maintenance. The cross hatch represented the Confetti Lantana.

Committee Member McCormack stated that plant would grow to an 8' to 10' diameter and it was placed 2' on center and what could occur is that maintenance personnel would chop it on the edges to keep it trimmed and the plant would appear brown. The Committee Members reviewed the landscape plans.

Committee Member Imboden stated that plant was proposed at 5' on center.

Committee Member McCormack stated there were other plant choices on their legend that would remain more confined. He suggested the use of Geraniums or a more confined edge of Wheeler's dwarf and it grew to a certain amount and would not require trimming and would provide a natural and green edge. There was a photo of a very conical type tree, it was letter H, but he had not seen where that was proposed.

Ms. Torres pointed out where the Emerald green would be located. She reviewed the location with Committee Member McCormack.

Committee Member McCormack asked if there was just a flat wall on the other side of the fountain?

Ms. Torres stated that was correct.

Committee Member Fox asked if there would be tables and chairs in that space?

Ms. Torres stated yes, it would be a seating area.

Committee Member Fox made a motion to approve DRC No. 4577-11, Fountain Care Façade Remodel, subject to the conditions and findings contained in the Staff Report and with the following suggestion:

• The Lantana be changed to use Geraniums or Wheeler's dwarf on the east side.

SECOND: Robert Imboden

AYES: Carol Fox, Robert Imboden, Tim McCormack, Craig Wheeler

NOES: None ABSTAIN: None

ABSENT: Joe Woollett

MOTION CARRIED.

### New Agenda Items:

## (4) DRC No. 4565-11 - CHAPMAN UNIVERSITY-FILMMAKER'S VILLAGE

- A proposal to consider detailed lighting plans (focus only relative to the parking structure and the "Commissary" building) with conditions to the Community Development Director which has final consideration of the project.
- On the Chapman University Campus, bounded by N. Cypress Street to the east [addresses 220, 228, 264, 296], W. Maple Avenue to the south, the Atchison, Topeka & Santa Fe Railroad tracks to the west, and W. Palm Avenue to the north
- Staff Contact: Lucy Yeager, 714-744-7239, lyeager@cityoforange.org
- Continuation of Previously Approved Project
- DRC Action: Recommendation to the Community Development Director

Committee Member Imboden recused himself from the item's presentation due to his association with Chapman University Scholarship program.

Contract Planner, Lucy Yeager, presented a project overview consistent with the Staff Report.

Applicant, Ken Ryan, KTGY Group, address on file, stated he had members of his team available for questions. He agreed with all the conditions of approval. There had been a great deal of time spent reviewing the Filmmaker's Village project and the information before them was just for the lighting for the historic building on Maple and Cypress Streets as well as the parking structure. Nothing else had changed on those structures. There had been a site change; the area that had been designated for the commissary would take a different use as there had been chemicals found under that building, which Chapman would be resolving. The University would be cleaning that up; they were dealing with the reality of the situation and although Chapman University would be taking care of the clean up, the site that had been designated for student housing would most likely be used for something else. There was not an application for that yet, they would be keeping the Baja façade, but their thought might be to place a recreational use there. Mr. Ryan presented photos of how the restoration of the corner was coming along. They would be using vintage-style lighting on the building and the acorn lights along Maple and Cypress and the same strategy would be used in the parking structure that was used on the residence hall. It would be safe, but also took in the setting. There would be parapet lights on the top floor and smaller lights in the center.

#### **Public Comment**

None.

Vice Chair Wheeler opened the item to the Committee for discussion.

Committee Member McCormack stated with lighting he always liked to understand the prioritization; if everything was evenly lit there was not an accent or level. He asked what were the priority lighting areas?

Applicant, Tom Ruzika, address on file, stated in reviewing the images that they created he pointed out the tower and entry where the feature areas would be. There was tight washing of that area and on the historic tower; there would be lighting up there to pick up the Sunkist or Villa Park images that would be up there. In front of the old commissary there would be some very simple festoon lights for the plaza area, and back to the historic corner the lighting would be hood lamps to pick up the corners. On the front section there would be a wash of the corrugated metal and then depending on what would occur with the plaza, more festoon lighting. The idea was a very low level of light with key elements being picked up on the facility.

Committee Member McCormack asked if there would be up-lighting of the trees?

Mr. Ruzika stated no.

Committee Member Fox asked if there would still be a plaza area, although it would not be an eating area?

Applicant, Kris Olsen, Chapman University, address on file, stated it would still be a gathering area. It may or may not have food associated with it, but it would still be a gathering area.

Committee Member McCormack asked, overall, what would be the light source?

Mr. Ruzika stated of the metal hal lights it would be ceramic tube metal hal lights, which were non-used car lot lighting; it was a much softer lighting. The hood lights would be LED, a warm tone LED.

Committee Member Fox asked if the flood type lights would be aiming down with the other ones aiming up? (Committee Member Fox pointed out the areas she was referring to on the drawings.)

Mr. Ruzika stated there were lights at a 45 degree angle on an arm aiming up.

Committee Member Fox stated she had not noticed the K's being called out on the plans, she found them on the tower element, or were they using a different type of lighting?

The applicants reviewed the plans with Committee Member Fox and pointed out where the lighting would occur.

Committee Member Fox stated those were up high and she just wanted to understand the look of that lighting.

Committee Member McCormack asked if those lights were a more modern looking light?

Mr. Ruzika stated those were a more contemporary fixture.

Committee Member Fox stated she was not understanding how the stair system worked in the parking structure. In the corner there was a wall pack there and she was not certain how that worked. In reviewing the elevation she could not tell if it was visible from the street.

The applicants pointed out how the stair system worked and how it was hidden from the street and where the access was located.

Committee Member Fox asked, regarding the tower, would the proposed lighting fixture be an appropriate use?

Mr. Olsen stated the tower was 46' in the air and it would be difficult to distinguish the detail of those fixtures from the ground level.

Committee Member McCormack asked how were the lights spaced?

Mr. Ruzika stated three on the long side and two on the short side. The south elevation had two and the east/west elevation had three. They were on an arm.

Committee Member Fox stated in looking up, was there a different fixture that could be used?

Vice Chair Wheeler stated on the wall sconces on the historic building, it showed the standard Chapman sconce, and as those would be very visible and they were on the historic building could they use a different fixture?

Mr. Ruzika stated the attempt was to not attract attention to the light source, but to have the affect of the illumination.

Committee Member Fox stated that Vice Chair Wheeler was not speaking to the lighting on the tower, but a separate issue.

Vice Chair Wheeler asked if the tower could be up-lit?

Mr. Ruzika stated they would need to have enough space to not have the lights go directly up into the air but onto the building, and it was a possibility.

Committee Member Fox stated the down lighting was more appropriate and more historic. The tower was the coolest part of the building.

Mr. Olsen stated the tower was historic in an iconic sense; it was not truly historic as it had been built in 1970. When people think about that structure, the tower was what was important on that site.

Committee Member McCormack stated his question was always how would the fixtures appear during the day, and would they look foreign to the structure and were they okay with that. It wasn't about lighting at night but how had it looked during the day?

Mr. Ruzika stated they had echoed the historic look of the building with the fixture selection. The parking garage had fluorescent lights. With everything that went on the building they chose fixtures that fit in.

Mr. Olsen stated with the fixtures on the tower those were difficult to see from the sidewalk and they had not wanted to create a false history by installing a more historic fixture on that component of the site. To them it had a historic feel, but it was not analogous to the different architectural types of lighting that they had throughout the campus; they attempted to use fixtures that fit, but were consistent with the fixtures used throughout Chapman University.

Committee Member McCormack asked if they had done studies on the tower to understand if the lighting scalloped or had they wanted it to scallop?

Mr. Ruzika stated there would be some scalloping but it depended on how the spacing was.

Vice Chair Wheeler stated there was something and it was not a topic to make any determination on with the application before them, but with the changes in use of the housing complex at some point they would want to look at the traffic patterns. They had reviewed the traffic patterns with the understanding that there would be pedestrian traffic from people going from the film school to the housing area and much of the traffic would be internal. With the change in use there would seem that there would be more pedestrian traffic crossing from the parking structure to the film school.

Mr. Ryan stated they would look at that with future submittals as it would be important to understand how those intersections would work; not only at Maple but also up the street. He felt the flow would not change that much.

Mr. Olsen stated the film school would park itself and the structure would handle the new use for the historic building. The thought would be that the site would be used for a digital arts center to further the use of the film school and there would be labs and classrooms that would fill the parking 2/3rds by itself and they would end up with a surplus of parking.

Vice Chair Wheeler stated on the festoon lighting the cut sheet called out for the option of xenon lamps with clear globes, which to him would appear more traditional.

Mr. Ruzika stated they would be duplicating what was at Beckman dining plaza. It was a clear globe with an LED light.

Mr. Olsen stated the festoon lights initially had incandescent lights, but since they were on every night they only lasted approximately 800 hours. Therefore, they changed to an LED pinpoint warm lighting and they got about 50,000 hours out of them.

Vice Chair Wheeler stated, nothing for tonight, but when they returned with a signage program he encouraged them to consider neon signage. Another sconce was used at the dance studio to the south and he suggested that fixture be used. It projected out and had an industrial wire guard on it. When the site was developed further, he understood that they would review the lights for the back of the Baja building.

Committee Member McCormack asked where were the transformers and those components located?

Mr. Ruzika stated they were tucked into the corners and integrated into the fixtures.

Committee Member Fox made a motion to recommend approval to the Community Development Director, DRC No. 4565-11 Chapman University, Filmmaker's Village-Detailed Lighting, subject to the conditions and findings contained in the Staff Report, with Condition No. 1 amended as presented by Staff.

SECOND: Tim McCormack

AYES: Carol Fox, Tim McCormack, Craig Wheeler

NOES: None ABSTAIN: None

ABSENT: Joe Woollett RECUSED: Robert Imboden

MOTION CARRIED.

## **ADJOURNMENT:**

Committee Member Fox made a motion to adjourn to the next regular scheduled Design Review Committee meeting on Thursday, July 5, 2012.

SECOND: Tim McCormack

AYES: Carol Fox, Tim McCormack, Craig Wheeler

NOES: None ABSTAIN: None

ABSENT: Robert Imboden, Joe Woollett

MOTION CARRIED.

Meeting adjourned at 7:57 p.m.