#### **Minutes**

Planning Commission June 4, 2012 City of Orange Monday 7:00 p.m.

PRESENT: Commissioners Buttress, Cathcart, Gladson and Grangoff

ABSENT: Commissioner Steiner

STAFF

PRESENT: Leslie Aranda Roseberry, Planning Manager

Anna Pehoushek, Principal Planner Dan Ryan, Historic Preservation Planner

Robert Garcia, Associate Planner Gary Sheatz, Assistant City Attorney Sandi Dimick, Recording Secretary

### **ADMINISTRATIVE SESSION**

Vice Chair Buttress opened the Administration Session of the Planning Commission Meeting at 6:49 p.m.

Vice Chair Buttress asked if there were any comments on the minutes and noted that she would abstain from the vote on the set of minutes from May 21, 2012. Commissioner Gladson stated she would record an abstention for the set of minutes from the May 7, 2012 Planning Commission Meeting. Commissioner Gladson stated if Chair Steiner was not present for the meeting, she asked if those not present at the meetings could vote an abstention in order to have a quorum? Assistant City Attorney, Gary Sheatz, stated that was correct.

Historic Preservation Planner, Dan Ryan, stated he had received correspondence on the Agenda Item for the Allen Residence; it was a letter in support of the project. Vice Chair Buttress stated she had driven by the project site and could understand why the neighbors would be anxious for the project to get started.

Planning Manager, Leslie Aranda Roseberry, stated there were no changes to the items before the Commission and she expected them to move forward.

There was no further discussion.

Administrative Session adjourned @ 6:55 p.m.

#### **PUBLIC PARTICIPATION:**

None

#### **REGULAR SESSION**:

#### **Consent Calendar:**

# (1) APPROVAL OF MINUTES FROM THE REGULAR SCHEDULED MEETING OF MAY 7, 2012

Commissioner Buttress made a motion to approve the minutes as written.

SECOND: Commissioner Grangoff

AYES: Commissioners Buttress, Cathcart and Grangoff

NOES: None

ABSTAIN: Commissioner Gladson ABSENT: Commissioner Steiner

#### **MOTION CARRIED**

# (2) APPROVAL OF MINUTES FROM THE REGULAR SCHEDULED MEETING OF MAY 21, 2012

Commissioner Gladson made a motion to approve the minutes as written with correction.

SECOND: Commissioner Grangoff

AYES: Commissioners Gladson and Grangoff

NOES: None

ABSTAIN: Commissioner Buttress and Cathcart

ABSENT: Commissioner Steiner

### **Commission Business:**

## (3) GENERAL PLAN CONFORMANCE FINDING FOR FY 2012-2013 THROUGH 2018-2019 - SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM

The Capital Improvement Program (CIP) serves as a single comprehensive plan of proposed capital improvement projects for the budget year FY 2012-2013 and the six years thereafter. In accordance with state law, the City must determine that the CIP is consistent with the General Plan.

#### NOTE:

Staff has reviewed the list of projects identified in the CIP and determined that a number of projects will involve the need for preparation of environmental documentation in accordance with the California Environmental Quality Act (CEQA). Those documents will be prepared during project refinement and finalized prior to the awarding of contracts by the City Council.

The General Plan conformity determination report is not a project under CEQA.

#### **RECOMMENDED ACTION:**

Find the projects identified within the proposed seven-year Capital Improvement Program are consistent with the City's General Plan.

Principal Planner, Anna Pehoushek, presented a project overview consistent with the Staff Report.

Vice Chair Buttress asked if there were any questions for Staff. There were none.

Commissioner Cathcart stated he had reviewed the proposal and it was very well done and very clear.

Vice Chair Buttress stated on the issue of the State deciding the necessity of having redevelopment funds and in the past, she believed some of those funds assisted with Capital Improvement Projects; she asked if there was a hold on those projects?

Ms. Pehoushek stated projects that were carried over from the previous CIP and some new projects had been identified as not using redevelopment money and there were a number of different possible sources and the timeframe for some of the projects extended over multiple years. In most instances, there had been a specific funding source identified or there was money through grant funding and other State programs.

Commissioner Gladson made a motion to approve General Plan Conformance Finding

for FY 2012-2013 through 2018-2019-Seven Year Capital Improvement Program, in accordance with the findings presented and contained in the Staff Report.

Commissioner Gladson stated the program provided for a nice road map on where the City was headed and the ability to understand projects were being funded in the long term interest of the community.

SECOND: Commissioner Cathcart

AYES: Commissioners Buttress, Cathcart, Gladson and Grangoff

NOES: None ABSTAIN: None

ABSENT: Commissioner Steiner

### **New Hearings:**

# (4) CONDITIONAL USE PERMIT NO. 2841-11 AND DESIGN REVIEW COMMITTEE NO. 4534-11 – ALLEN RESIDENCE

The applicant is proposing to demolish and reconstruct a non-contributing rear porch addition and basement. The proposal also includes converting an existing attic into a bedroom and bath with a walk-out deck on a one-story contributing 1895 Victorian residence.

**LOCATION:** 202 N. Cambridge

**NOTE:** The proposed project is categorically exempt from the provisions

of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15302 (Class 2 – Replacement or Reconstruction) consists of replacement or reconstruction of existing structures where the new structure will be located on the same site and have substantially the same purpose as the structure replaced and Section 15331 (Class 31 – Historical Resource Restoration and Rehabilitation) consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing

Historic Buildings.

#### RECOMMENDED ACTION:

Adopt Planning Commission Resolution No. 05-12 approving the demolition and replacement of an addition and basement including a second-story deck for as contributing residence.

Commissioner Cathcart recused himself from the item's presentation as he had been a member of the Design Review Committee when the item had gone before that body.

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

Vice Chair Buttress opened the item for any questions for Staff.

Commissioner Gladson stated for the non-architect in the room, she referred to her color photo of the subject site, and asked on the non-contributing portion of the home was there a sense of the age of that portion of the home and why it was considered non-conforming?

Mr. Ryan stated the Sanborn maps had been reviewed and it was difficult to determine what the age of that portion of the house was. The materials were clearly different from the original structure.

Commissioner Gladson stated the addition would be at the furthest west portion of the property and match up with that area in terms of alignment and pick up the same materials of the existing property.

Mr. Ryan stated the north and south sides would be maintained. There would be new windows in the south side, but the walls would be maintained with the same building footprint. A portion at the top of those walls would have a band board below the eaves that would extend into the exiting eave line to match.

Commissioner Gladson stated one of the things she had noticed in the minutes from the Design Review Committee meeting was a concern about the foundation and exactly where the line of demarcation would occur between the old and new. She asked for further information on those issues?

Mr. Ryan stated one of the issues was that the plans had not noted an actual line of demarcation. Generally there was a horizontal line and he was not certain that the DRC had focused on that issue.

Commissioner Gladson stated that had been a condition and it would be handled or picked up in plan check.

Mr. Ryan stated it was something that could be conditioned.

Vice Chair Buttress invited the applicant to address the Commission.

Kevin Allen, address on file, stated he was a long time resident of Orange and he loved the area. He wanted to improve his house. The foundation was brick and mortar and the mortar was coming apart. He was starting with the bottom and improving it to the top with matching materials, whatever was newly installed would match what was already there. There would be new plumbing and insulation, a new roof and paint job, complete from porch and all the details. There would be some changes to the home.

In regard to the line of demarcation, there had been some discussion about where that should be; as originally submitted it was past the window under the roof line. It had been suggested that on the outside of the house that the demarcation be noted at the service porch area. He was starting from the bottom to the top and maintaining the original character of the home. His attic had boxes in it and he wanted to make it another bedroom and bathroom in that space. Everyone had told him to build over the garage and not mess with the house, but that was not what he had wanted, he wanted to stay within the original foot print of the house and even dealing with the siding that ran up the side of

the house, to replace some of the damaged areas. On the walk out deck, at first it had been presented with a railing, but the DRC had not felt it was historical and he then suggested that the deck area be under the roof line so it would not be as visible.

Commissioner Grangoff asked Mr. Allen if he was in agreement with all of the conditions of approval.

Mr. Allen stated he had been working on the proposal for so long that he would do whatever was required.

Commissioner Gladson stated on the front window that faced Cambridge the condition from the DRC was for that window to be a casement window.

Mr. Allen stated they had gone back and forth on the window size for the required light and egress; and the proposed window met the requirements.

Vice Chair Buttress opened the item for Public Comment.

Jeff Frankel, address on file, representing the OTPA, stated they had commented on the project at the DRC level. Unfortunately the plans available at that time were not clear and there had been a partial demolition of the contributing structure. The plans were not available at the library for public review and he was not certain as to what changes had been made, and he assumed there had not been changes. The demolition was also missed in the DRC Staff Report, and not included in their comments at that time. It was only after the DRC meeting that it had been brought up by Committee Member Wheeler. The OTPA supported adding living space in attic or basement areas and appreciated the replacement of aluminum windows with wood and also understood about the foundation situation. The OTPA was opposed to any demolition of a contributing structure and there needed to be some mitigating measures, Mitigated Negative Declaration, it was a four to one DRC vote with Committee Member Wheeler being opposed to the proposed project.

There had not been discussion by other DRC members about a partial demolition or other issues with the Standards; those being: new additions shall be undertaken in such a manner that if removed in the future the historic property would remain unimpaired. In removing one wall, the structure would not be unimpaired and the OTPA was opposed to that. It was important to determine when the addition was built. The Standards also stated that new additions, exterior alterations, or related new construction shall not destroy historic features or historic materials that characterized the property. The project would impact the original porch and front gable vent that was quite large and of a Victorian style. Both components were character defining features of the site. Committee Member Wheeler also had concerns with the visibility of the changes from the street as it would affect the street scape. All projects in Old Towne must meet the Standards.

Vice Chair Buttress closed the item to Public Comment and asked Staff for comments on

the concerns that had been brought up by Mr. Frankel?

Mr. Ryan stated the Staff Report had noted that in the last 3 environmental reviews, the examples were for projects that had not changed the building's foot print and used materials that were similar or in kind. One of the reasons for maintaining the north and south walls, on the proposal before them, was to in fact have the only change be the roof location. Mr. Frankel brought up a good point, as the DRC had wanted the window in the front that would permit egress; it was a double hung window. He recalled another project that had incorporated a screened vent on the outside of the window that would pull back to maintain the historic feature. It had not been mentioned during the DRC meeting, but it was a suggestion of Committee Member Wheeler on another project. It was noted that there were two conditions that were not in the Resolution; one for the wood paneled style door for the second floor deck and another for the plans to reflect a wood or metal cap for the roof surround in the back of the deck. Those were in the DRC minutes, but had not been carried over in the Resolution.

Vice Chair Buttress asked if there was any way to discover when the added shed had been added.

Mr. Ryan stated he had looked through all of the Sanborn maps and there had been two separate additions to the back, the early aerials of 1948 showed some portion of that, but there was no further information to make a specific determination.

Commissioner Grangoff made a motion to adopt PC Resolution No. 5-12, approving CUP No. 2841-11 and DRC No. 4534-11-Allen Residence, subject to the conditions contained in the Staff Report.

Vice Chair Buttress stated she would second the motion and also close the Public Hearing.

Planning Manager Leslie Aranda Roseberry asked the maker of the motion and on the second if that included the two additional conditions from the DRC, as noted in the presentation that had been omitted in the Resolution?

Commissioner Grangoff stated provided that the applicant was in agreement.

Vice Chair Buttress stated the applicant had agreed to that.

Commissioner Gladson stated now that a motion was before them, they could discuss and deliberate and go through it, frankly, what had been brought before her had her in a bit of a quandary. She was not certain that they had enough information to tell if the shed was contributing or not and they were headed down a slippery slope to allow for the demolition of something that when it was gone it would be gone. It was the only piece of the proposal that was troubling her and she might be in the minority in terms of that position. She commended Mr. Allen in the restoration of the home, but the shed issue

and the vent issues were troubling. She was not certain if she followed Mr. Ryan's discussion on the vent issue. She was struggling with being able to support a project that she had not had enough information about and the fact that she had to support the finding with the Design Standards of an Old Towne project. They needed to be careful and cautious, especially when it came to demolitions. Maybe they needed to contemplate a continuance of the proposal before them.

Commissioner Grangoff stated as the maker of the motion he was ready to move approval. The things he looked at, and especially with Old Towne Orange projects, was how had the DRC weighed in on the proposal as they reviewed it in much more detail. With a project that came through to the Planning Commission on a four to one vote, that gave him confidence in his decision making. He was not troubled by it and he was pleased to see someone taking such an interest in their piece of property to make it better and he would not want to hold that up. He was supportive of the proposal before them.

Vice Chair Buttress asked Mr. Ryan if there were further things that could be done to determine the age of the shed, if there was something out there- a stone unturned?

Mr. Ryan stated the shed addition had a different shed form and different materials and that it was not the original porch. In reviewing the original home's design and the porch situation that existed it was determined that the shed portion had not been part of the original form. What they had was a property owner that had the opportunity to repair and replace portions of a historic structure and restore the original porch and that was what the DRC had looked at and they had not considered the shed to be a portion of the contributing structure. The exterior walls would be maintained on the north and south side and the same building foot print was being maintained, currently there was a mix of architecture that existed at the site. On the vent, there had been instances, where the vent had been attached to the bottom portion of the window and it would swing out.

Commissioner Gladson stated she understood it now. On the portion that was referred to as the old porch, which had an aluminum window, there was vertical siding; was the plan to continue horizontal siding all the way to the new addition? It would all match up and it helped with the argument that the shed portion had been an addition.

Mr. Ryan stated the material was different in size. The DRC in the past asked for a line of demarcation with the use of different material size.

Vice Chair Buttress stated were they ready to vote.

Commissioner Grangoff stated sure.

Vice Chair Buttress stated let's vote.

SECOND: Commissioner Buttress

AYES: Commissioners Buttress, Gladson and Grangoff

NOES: None ABSTAIN: None

ABSENT: Commissioner Steiner

# (5) CONDITIONAL USE PERMIT NO. 2849-12 – CAREER NETWORK INSTITUTE (CNI)

The applicant requests to be allowed to have an ultimate enrollment of 125 students and 28 staff members at the 702 W Town and Country building. A CUP is required for the expansion of the school use and for the shared parking agreement.

LOCATION: 702 W. Town and Country Road

NOTE: The proposed project is categorically exempt from the provisions

of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 1301 (Class 1 – Existing Facilities) because the project proposes no change to an existing building

with an existing tenant.

## RECOMMENDED ACTION:

Adopt Planning Commission Resolution No. 23-12 approving the expansion with up to 125 students and 28 staff members.

Associate Planner, Robert Garcia, presented a project overview consistent with the Staff Report.

Vice Chair Buttress opened the item to any questions for Staff. There were none.

Vice Chair Buttress invited the applicant to address the Commission.

James Buffington, address on file, stated he was available for questions.

Vice Chair Buttress brought the item back to the Commission for action or a motion.

Commissioner Grangoff made a motion to adopt, PC Resolution No. 23-12, approving CUP No. 2849-12-Career Network Institute (CNI), subject to the conditions contained in the Staff Report and noting the proposed project was categorically exempt from CEQA.

SECOND: Commissioner Gladson

AYES: Commissioners Buttress, Cathcart, Gladson, and Grangoff

NOES: None ABSTAIN: None

ABSENT: Commissioner Steiner

### (6) CONDITIONAL USE PERMIT NO. 2852-12 – TOKYO CAFÉ

The applicant is requesting an Alcohol Beverage Control Type 41 (On-Sale Beer and Wine – Eating Place) license for their Japanese restaurant.

LOCATION: 161 N. Glassell

NOTE: The proposed project is categorically exempt from the provisions

of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15301 (Class 1 – Existing Facilities) because the project involves the licensing of alcohol sales and no

new construction or expansion with the request.

#### **RECOMMENDED ACTION:**

Adopt Planning Commission Resolution 24-12 approving an Alcoholic Beverage Control License Type 41.

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

Vice Chair Buttress opened the item to any questions for Staff? There were none.

Vice Chair Buttress invited the applicant to address the Commission.

Tony Wang, address on file, stated they had a family owned business and had been in Orange for almost 10 years. The only reason that they had not applied for the CUP in the past was that there had been an agreement in their lease that they would not serve alcohol. Over the years they had established a good relationship with the property owner and he had agreed to allow them to serve alcohol as they had proved to be a responsible tenant. His mother owned the establishment and he managed the restaurant, there was always a family member there. They were very responsible.

Commissioner Gladson stated they had received a nice letter that laid out a previous history with another establishment that served alcohol and she asked what had been his experience there?

Mr. Wang stated he had always helped out in the family business and they had previously owned a Chinese restaurant in San Bernardino, that business had been sold and he had mentioned it as a reference. There had been a full bar license there without any problems.

Commissioner Gladson stated for Condition No. 34, which was a condition regarding the training of employees to handle the care and feeding of folks that were consuming

alcohol and she asked if he was prepared to implement that request?

Mr. Wang stated he was.

Vice Chair Buttress closed the public hearing and brought the item back for further discussion or action.

Commissioner Gladson made a motion to adopt PC Resolution No. 24-12, approving CUP No. 2852-12-Tokyo Café, subject to the conditions contained in the Staff Report and noting the project was categorically exempt from CEQA.

SECOND: Commissioner Cathcart

AYES: Commissioners Buttress, Cathcart, Gladson and Grangoff

NOES: None ABSTAIN: None

ABSENT: Commissioner Steiner

#### **MOTION CARRIED**

#### (7) ADJOURNMENT:

Vice Chair Buttress stated before they adjourned she wanted to thank the Staff for their very thorough presentations and for Mr. Ryan's clarification on many of the issues that were addressed on the projects presented.

Adjournment to the next Planning Commission Meeting scheduled for Monday, June 18 2012.

Commissioner Cathcart made a motion for adjournment to the next regular scheduled meeting of the Planning Commission on Monday, June 18, 2012.

SECOND: Commissioner Grangoff

AYES: Commissioners Buttress, Cathcart, Gladson, and Grangoff

NOES: None ABSTAIN: None

ABSENT: Commissioner Steiner

**MOTION CARRIED** 

Meeting Adjourned @ 7:56 p.m.