

DESIGN REVIEW COMMITTEE AGENDA ITEM

AGENDA DATE: SEPTEMBER 5, 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. 4616-12 - MICHA – ACCESSORY SECOND - UNIT

SUMMARY

The applicant is proposing to develop a new detached accessory unit on the rear of the property, relocate the existing one car garage and provide access for two new open parking spaces. The project will require final approval by the Planning Commission due to the relocation of the historic garage and a Variance to allow one enclosed parking space instead of two enclosed parking spaces as required.

RECOMMENDED TO PLANNING COMMISSION

Staff recommends the DRC recommend approval to the Planning Commission as conditioned.

BACKGROUND INFORMATION

Applicant: Doug Ely

Owner: John and Vicki Micha

Property Location: 545 E. Jefferson Avenue, Old Towne Orange Historic District

General Plan Designation: LDR (Low Density Residential)

Zoning Classification: R 1-6 (Single-Family Residential District)

Existing Development: One-story, single-family 1920 Provincial Revival

Property Size: 6,057 square feet

Associated Applications: Variance No. 2215-12

Previous DRC Review: April 18, 2012

PUBLIC NOTICE

No Public Notice is 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 Sections 15303 and 15331. Section 15303 (Class 3 - Construction of a second dwelling unit in a residential zone), and Section 15331 (Class 31 consisting of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources). There is no public review required.

PROJECT DESCRIPTION

Following the preliminary Design Review on April 18, 2012, the City Council, in May, adopted a resolution exempting accessory second units from the calculation for lot coverage as to accessory units not to exceed 50% of the size of the principle structure. Following this change, the applicant has submitted revised plans in the relocation of the existing historic garage and revised the design and placement of the accessory second unit.

The property contains a 1920 contributing 785 square foot Provincial Revival residence and contributing 200 sq. ft. one car detached garage. An existing 300 square foot, unpermitted residential unit attached to the rear of the contributing garage will be demolished. The applicant proposes to construct a 640 square foot detached accessory second unit at the rear of the property.

The existing garage will be relocated approximately 22'-8" to the north. The relocation will allow access to two new open parking spaces located between the existing residence and the proposed accessory unit.

The redesign of the residence reflects a more simplified "L" building form. A cross gable roof design has been accomplished by repositioning the building by removing several existing trees in the rear yard which had affected the form of the prior building design. The area between the new unit and the relocated garage is wider and the entry porch is now more pronounced. The main roof is a side facing gable roof, with a secondary double front facing gable that forms the "L" building form. One shed dormer with three clearstory horizontal windows is placed on the north gable roof not visible to the street. The applicant is proposing to use 5" exposed wood lap siding, wood double-hung windows, and wood sliding door. A plain wood slab door is proposed to cover the proposed water-heater enclosure on the east elevation of the accessory unit. Exposed rafters and wood gable vents are proposed.

Applicant is requesting a Variance to permit less than the required enclosed parking (one vehicle instead of two enclosed spaces required for the single-family residence).

EXISTING SITE AND AREA CONTEXT

The property is on the north side of the 500 - 600 block of East Jefferson Avenue. The block contains 10 structures constructed between 1920 and 1946. All structures are one-story in height. Seven structures are contributing one-story residences and three are non-contributing contemporary styled residences. Architectural styles are Classical Revival, Provincial Revival, Mediterranean Revival, and Bungalow. The existing residence, garage and unpermitted units consist of 785+200+300 square feet of area on the 6,057 sq. ft. lot yielding an existing .21 Floor

Area Ratio (FAR). With the proposed accessory second unit, the property will have 1,819 sq. ft. in area and a .30 FAR.

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 Relocated One-Car Garage

The applicant proposes to relocate the existing one-car garage approximately 22 feet north from the existing location. The orientation of the historic garage will remain the same, facing Jefferson Avenue. The National Register's criteria limits the consideration of moved properties because the significance is embodied in locations and setting as well as the properties themselves. Moving a property destroys the relationships between the property and its surroundings and destroys the associations with historic events and persons. A moved property must retain enough historic features to convey its architectural values and retain integrity of design, materials workmanship, feeling and association. Considering the above requirements, relocating the garage within the same site, with the same alignment and pattern as found within the historic district will have the least impact. The placement of the garage on the lot fits the historic pattern for placement of garages within the Old Towne Historic District. Special cautions are noted for relocating historic structures within Old Towne to ensure that the building can be moved safely and without danger of collapse. A qualified engineer and house mover shall review the structure, the method of bracing, and moving plan as a condition of the approval process. Rather than demolish and reconstruct a new two car garage to meet the required enclosed parking for a single-family residence, the applicant is applying for a Variance to allow only one enclosed parking space, which allows the contributing one-car garage to remain on the property. As part of this proposal, the applicant will provide all of the required parking for both the single-family residence and the accessory unit on the existing site.

<u>Issue 2 – Determination if City's Demolition Ordinance Applies:</u>

The proposal includes relocating the existing provincial revival one-car garage farther to the north by approximately 22 feet. According to the City's Demolition Ordinance, moving a building is considered an action of demolition as it may impair its structural and architectural integrity. As the proposal is to relocate the garage within the property, in a location that reflects the traditional setting and placement for garages in Old Towne, the project would not be viewed as a demolition under the City's Demolition Ordinance. The building is not being removed from the site and it will be braced for moving so as to not permanently impair its structural integrity (OMC 17.10.090, C.).

Issue No. 3 - Building Form and Design Elements of the Accessory Unit:

The existing Provincial Revival residence has a simple "L" plan, with a steep pitched roof, limited gables, and an entry at the apex of the "L" via a small portico. The proposed in-fill accessory second unit has an "L" shaped foot print and is placed on the site to maintain the side yard setback pattern and is not visible to public view. The orientation and wider approach now defines the entry and porch. The new construction is compatible with the historic structure through similarities in size, shape, materials, building elements and detailing, yet be discernible as new construction.

The proposed in-fill accessory second unit's roof form is secondary in roof height and massing. The 8:12 roof pitch is complementary but does not duplicate the same pitch of the existing Provincial Revival residence. The proposed shed dormer style is more complementary with the side facing gable roof at the rear and not visible to the street. The shed dormer is proposing three clearstory horizontal windows to allow additional ceiling area and light for the living area of the accessory unit. A plain wood slab door is proposed to cover the proposed water-heater enclosure on the east elevation of the accessory unit. Staff is recommending that a wood panel door be installed.

Overall the proposed material finishes, siding and windows are complementary and in keeping with the new design. The proposed accessory unit design is now complementary as to building form, roof height, pitch and location of proposed dormer. The proposed layout and placement of the accessory unit is consistent with the historic development pattern as found in Old Towne.

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. Site and Neighborhood Context As proposed, the location for the new accessory unit and parking area will not have issues with streetscape, side yard setback patterns, and/or visibility as seen from the street. The relocation of the historic one-car garage will maintain the structure on the site and its relationship with the principle structure. The new construction is compatible with the historic structure through similarities in size, shape, materials building elements and detailing, yet be discernible as new construction.
 - b. Materials, Features and Building Elements
 The applicant is proposing to use matching wood windows, trim, siding, and attic
 vents. The design carries over a roof and gable design with exposed rafters. The
 wider approach area between the accessory unit and the relocated garage now
 defines the entry and porch elements of the building.

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 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.
 - b. Overall the proposed material finishes, siding and windows are complementary and in keeping with the new design. The proposed accessory unit design is now complementary as to building form, roof height, pitch and location of proposed dormer.
 - c. The proposed layout and placement of the accessory unit and detached garage is consistent with the historic development pattern as found in Old Towne.
 - d. The relocation of the historic garage approximately 22 feet to the north, will allow the historic garage to remain and contribute to the historic setting of the site and neighborhood.

- 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 Towne Historic District, the proposed work conforms to the prescriptive standards and design criteria referenced and/or recommended by the Design Review Committee. The proposal, as conditioned, 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).

The proposed project does not involve in-fill residential development. Furthermore, the *City of Orange Infill Residential Design Guidelines* do not apply to projects located within the Old Towne Orange Historic District. Hence, this finding does not apply.

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

The approval of this project is subject to the following conditions:

- 1. All construction shall conform in substance and be maintained in general conformance with plans labeled Attachment No. 2 (dated July 18, 2012) and/or as recommended by the Design Review Committee for approval to the Planning Commission.
- 2. A wood panel door shall be installed on the hot-water heater enclosure.
- 3. A qualified engineer and house mover shall review the structure, the method of bracing, and provide a moving plan prior to the issuance of a building permit to ensure that the garage can be safely relocated.
- 4. 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.
- 5. 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.
- 6. These conditions shall be reprinted on the second page of the construction documents when submitted to the Building Division for the plan check process.

- 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. 4616-12 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. Small Scale black-line plans dated July 18, 2012

cc: Dr. John and Vicki Micha C/o Micha Investment Corporation, 351 Hospital Road, Suite 507 Newport Beach, CA 92663

> Doug Ely 145 S. Olive Street, Orange, CA 92866

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