# CITY OF ORANGE DESIGN REVIEW COMMITTEE MINUTES – FINAL

December 1, 2010

Committee Members Present: Bill Cathcart

Adrienne Gladson Tim McCormack Craig Wheeler Joe Woollett

Committee Members Absent: None

Staff in Attendance: Leslie Aranda Roseberry, Planning Manager

Dan Ryan, Historic Preservation Planner Sandi Dimick, Recording Secretary

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

Chair Cathcart opened the Administrative Session at 5:05 p.m.

Planning Manager, Leslie Aranda Roseberry, stated there were no changes to the Agenda.

The Committee Members reviewed the Minutes from the regular Design Review Committee Meeting of November 17, 2010. Changes and corrections were noted.

Committee Member Woollett made a motion to adjourn the Administrative Session of the Design Review Committee Meeting.

SECOND: Adrienne Gladson

AYES: Bill Cathcart, Adrienne Gladson, Tim McCormack, Craig Wheeler, Joe Woollett

NOES: None ABSTAIN: None ABSENT: None

MOTION CARRIED.

Administrative Session adjourned at 5:15 p.m.

#### Regular Session - 5:30 P.M.

#### **ROLL CALL:**

All Committee Members were present.

### **PUBLIC PARTICIPATION:**

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

There was none.

All matters that are announced as Consent Items are considered to be routine by the Design Review Committee and will be enacted by one motion. There will be no separate discussion of said items unless members of the Design Review Committee, staff, or the public request specific items to be removed from the Consent Items for separate action.

## **CONSENT CALENDAR:**

(1) APPROVAL OF MINUTES: November 17, 2010

Committee Member Woollett made a motion to approve the minutes from the regular Design Review Committee Meeting on November 17, 2010, with the changes and corrections noted during the Administrative Session.

SECOND: Tim McCormack

AYES: Bill Cathcart, Adrienne Gladson, Tim McCormack, Craig Wheeler, Joe Woollett

NOES: None ABSTAIN: None ABSENT: None

MOTION CARRIED.

#### **AGENDA ITEMS:**

#### Continued Items:

# (2) DRC No. 4475-10 – CHUCK YAGHI–ACCESSORY 2<sup>ND</sup> UNIT

- A proposal for a new detached accessory second-unit and rehabilitation of an existing single-family residence.
- 812 E. Washington Street, Old Towne Historic District
- Staff Contact: Daniel Ryan, 714-744-7224, dryan@cityoforange.org
- Item Continued from October 6, 2010 DRC Meeting & rescheduled from DRC Meeting of November 17, 2010 due to lack of quorum
- DRC Action: Recommendation to the Planning Commission

Committee Member Wheeler stated he would be recused from the item's presentation as he was the architect for the project. Committee Member Woollett stated he would be recused from the item's presentation as Mr. Yaghi was his consultant.

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

Applicant, Chuck Yaghi, address on file, stated he had the letter from Craig Wheeler that provided information on the most appropriate design and what they had gone through to get the design and they would do whatever was proposed in regards to changing the roof. He asked the Committee Members for their approval of the proposed project.

#### **Public Comment**

Jeff Frankel, address on file, representing the OTPA, stated the OTPA's position on the project remained the same, and the proposed project could not be supported as it had not met the Secretary of the Interior's Standards or the Old Towne Design Standards. The OTPA considered the structure a contributing structure and it had not gone through the process to be de-listed. As Mr. Ryan had mentioned, the SHIPPO office had been contacted. Mr. Frankel stated he had spoken with Lucinda Woodward, a supervisor, and she had referred him to contact Jay Corella who handled listings and registers. Mr. Corella had confirmed that the City would not have the authority to list or de-list properties and there was a process for de-listing. Evidence must be presented to substantiate the reason for the de-listing and why the applicant or the City would deem the property non-contributing. The information would be forwarded to the State Historic Commission for review and they would make the decision. In the conversation he had with Mr. Corella, he had explained what evidence had been presented such as the oral history and the Sanborn maps and he had responded that an oral history would depend on what type of oral history it was and it might not be enough evidence for de-listing a property and he also had agreed that Sanborn maps were not always accurate. A qualified preservation consultant or a preservation historian might need to be hired by the applicant to access the property and the structure to determine if the property was in fact non-contributing; or evidence of the property being moved to the site. Local government had not had the authority to list or de-list a property.

Mr. Frankel stated until the process was adhered to, the property would remain a historic property and all ordinances and standards would apply. Basically, as far as the OTPA was concerned, it took them back to the very end of the previous presentation before the DRC.

Chair Cathcart opened the item to the Committee for discussion.

Committee Member McCormack stated it was a tough situation and based on the information provided it seemed that a review by another body was required.

Mr. Ryan stated yes, that was correct.

Chair Cathcart asked what the difference between guidelines and the terms shall do and may do; what he was asking for was when Mr. Frankel discussed de-listing that there was a process and what had that meant?

Mr. Ryan stated every five years the City updated their historic survey.

Chair Cathcart stated two years ago there was a presentation in the Council Chambers about rehabilitation and the Secretary of the Interior's Standards and a question had been asked what occurred when someone changed the character of a property and the answer had been that the property was erased from the book. He asked what the penalty would be for changing a resource? At this point, as Mr. Frankel had stated, it had not been proven beyond a reasonable doubt that the proposed site was a contributing structure. It might or might not be. It had not been proven.

Mr. Ryan stated that Mr. Frankel was questioning what the process was for amending or changing the survey or any resource in it. There was a process that had been established and the City kept track of properties over time and those changes were updated every five years with changes sent to the State.

Chair Cathcart asked what consequences could the State impose?

Mr. Ryan stated he understood what the States concern was; it was to review the Historic District as a whole and all the contributors into the district and it was the collection of buildings that made the district whole. The State would look at the level of changes over time to a group of buildings that could diminish the quality of the district. The question was would the qualities still remain with a level of integrity from the properties previous significance. The significance for the block, where the proposed property was located, and the age of the site had been determined to be around 1915. Staff looked at the information available and they would make a determination and someone else would make a different determination and at that point they would look at the design standards and how the process for listing an individual property worked. The process would include the hiring of an Architectural Historian to present the information; and he believed the process to de-list would require the same investigation by an expert. Mr. Ryan stated his thoughts on the project would be to make only the changes that would be appropriate. The question remained that if they followed the Standards and treated the building as contributing; even if the finding had not been determined, they would be okay. It then became a question of site integrity and would in-fill be allowed at the front of the residence.

If the building was determined to be historic the question would be how to deal with that and the impact. As he reviewed the project the changes followed the Standards and were straight forward, whether the property was contributing or not and it was a good direction for the project. The next thing that needed to be determined was whether the changes would impact the site or the structure to the rear.

Committee Member Gladson stated because the property was currently listed, and it had been listed in 1996 as part of a collection of buildings in the Historic District that had been completed by another entity, outside of the City of Orange, it had been completed as a group application and done separately as not to place the City in an awkward position. All the buildings were listed and the proposed property was one of those properties. She felt they needed to take the site as currently listed and treat it in that sense until the determination was made otherwise. There appeared to be some strong evidence that perhaps the building was not contributing and it might be worth pursuing; but until that was determined she felt she was not in a position to treat the site as anything less than historic for the main house. It was the first question she wrestled with. Placing an in-fill structure in front of it was another wrinkle that she had a hard time with and felt the project needed to be looked at in two pieces. If the applicant had moved the structure from Pixley to the site they would not have the current challenges with rehabilitation. Committee Member Gladson stated she was struggling with those two things and until it was proven to be a non-contributing structure she had a difficult time placing an in-fill structure in front of it. If it was deemed non-contributing the applicant could gain her support in placing an in-fill structure in the front.

Chair Cathcart stated with no slight to the preservationist, and he felt Mr. Frankel had done a fine job in holding everyone's feet to the fire, it seemed the OTPA was doing everything to stop the project until something else got in the way. He had heard it before that a Sanborn map had been used to prove that a structure was historic and now they had wanted to use it as "it would not matter". Chair Cathcart stated his problem was that it appeared to be a delaying tactic to wear the applicant out, rather than to justify that due diligence had been done. They could carry the process on adnauseaum and then state that they had done their homework and found the site to be non-contributing based on the Sanborn map and other research and he had a problem with that.

Committee Member Gladson stated she understood that Chair Cathcart was frustrated with the process.

Chair Cathcart stated no, there was no process. They seemed to attempt to make up a process as they went along to stop the project from moving forward and it would be nice if the DRC had a bright line that stated yes or no; but the maybe drove him crazy. Another point was that it sounded like the Gestapo would take the applicant to jail if he moved forward and what he had previously heard it was just erased from the book. He realized it was a very simplistic attitude, but he had not wanted a "stall" attitude that placed people in an awkward situation. Sooner or later someone would state to the [City Attorney] Dave DeBerry that their property had been taken by eminent domain and the property owner had not been allowed to do what they wanted and the City would need to purchase the property if they had not liked what was being done.

Mr. Frankel stated being a historic structure it would not be a taking of rights and there had been many court cases that had been documented as not a taking of rights.

Chair Cathcart stated so far the evidence presented had not proven the property was historic.

Mr. Frankel stated there was a process that legally needed to be followed to list and de-list.

Chair Cathcart asked what would the State do, if the DRC made a mistake?

Mr. Frankel stated probably nothing.

Chair Cathcart stated that was his point and with the information provided they would need to come to a decision or advise Mr. Yaghi that they would see him whenever the process would allow them to speak with him; and he felt that was unacceptable.

Committee Member Gladson stated the penalty for not abiding with the rules was not a reason for not following the rules.

Chair Cathcart stated they were not rules, they were guidelines.

Committee Member Gladson stated she viewed them as standards.

Chair Cathcart stated they were mentioned in the same breath, standards and guidelines.

Mr. Frankel stated they worked hand-in-hand with each other.

Chair Cathcart stated they had many of these same situations come to the DRC and they had danced around the issue and what needed to happen was there needed to be guidelines or standards and the definition was not clear. He felt they owed it to applicants and to themselves to have their act together.

Mr. Ryan stated that was why he had suggested breaking the project into two pieces; the back structure which the only thing that would change would be the roof form. If it was looked at as an in-fill, to assure that the addition was appropriate to the front and had it met the design standards. Another component would be whether there was an impact and he was not certain that had been asked of the State.

Mr. Frankel stated it was not.

Mr. Ryan stated whether the site was historic or not and it was set back 80 feet from the front. It would also need to be determined if they were building a compatible structure that met the guidelines in the front.

Chair Cathcart stated the setback had been used for the repair of farming equipment.

Committee Member Gladson stated it was a use that was connected with agriculture.

Chair Cathcart stated his point being how would that be treated?

Mr. Ryan stated the use was looked at and the use had changed over time, and they reviewed patterns of setbacks for the other properties along the street and the subject property fell within that. What was the impact and had the property fit the streetscape pattern, and it had. The last question was how would the new structure impact the structure to the rear?

Committee Member McCormack stated the setback document was a powerful exhibit and it clearly identified that the proposed project site was the only property that was further out and was the property historic or considered non-historic because it had been moved there, although if it had not been moved there would it be a historic property?

Mr. Ryan stated they would review the date the property was moved and then determine if the property that had been moved there was historic?

Committee Member McCormack asked if that had been determined?

Mr. Ryan stated they had come up with a date.

Committee Member Gladson stated the Sanborn maps had some information on the turning of the building and the gables.

Committee Member McCormack stated when he looked at the proposed project pragmatically, the structure in the back if it had never been moved would that be historic and his answer would be yes. Because someone made a mistake in the orientation of another structure that had been moved there, it was not non-historic. He looked at the line he drew in terms of the streetscape and the proposed project would be the only new one.

Mr. Yaghi stated the property next door was brand new, it was under construction currently.

Committee Member McCormack stated if the existing structure was moved up and the new construction at the back would that not be a better approach, or had that been looked at?

Mr. Ryan stated that might have been discussed early on and what was the condition of the foundation and whether it would need to be replaced.

Mr. Yaghi stated they had looked at that but it had not made sense, it would be too wide. If the structure was moved to the front of the lot there would not be a way to get to the back.

Committee Member McCormack stated if the goal was to create a structure that had a separate entity, he understood that it would be difficult. Walking to it could be done, but getting a car back there would be difficult. He had not wanted to hamper the applicant from building on the lot, but he was having a problem with placing a new structure on the front and he asked if another option had been looked at?

Mr. Ryan stated the garage had been designed as detached from the residence; they were built in three different periods.

Chair Cathcart stated they were getting back to the setback being part of the setting and if the property was moved to the front it would destroy that.

Mr. Ryan stated typically they would want to keep the building where it was and could they complete an in-fill project that would not impact the building in the back. If the back structure was treated appropriately and the treatment fit the Standards, the question remained was whether an in-fill would affect the site.

Committee Member Gladson stated she was in support of rehabilitation of the structure and to continue to call it a contributing structure and treat it as historic and if the proposed project could be bifurcated and the DRC wanted to move the project forward, she would not be supportive of the in-fill structure and that was what it came down to for her. She understood the project could be designed and executed wonderfully and the applicant had great professionals working for him and it could look compatible.

Chair Cathcart stated they could bifurcate the project.

Committee Member Gladson stated she understood it was time consuming, but the determination could be made whether the property warranted de-listing.

Mr. Ryan asked if it was the pleasure of the DRC to approve the roof changes to the back and the rehabilitation of the addition and then to wait on the other piece until they received a determination from the State.

Chair Cathcart stated he felt the atmosphere of the Committee was moving in that direction and it would be the best way to allow the applicant to proceed. He wanted to ensure that there was a point when the people who were bound and determined to deal with the whole setting as a big issue; if the applicant came through the process and it was determined that the project was non-contributing he asked if the OTPA would buy that or would they continue to be obstructionist and that was his concern.

Committee Member Gladson made a motion to approve DRC No. 4475-10, Chuck Yaghi Accessory 2<sup>nd</sup> Unit, subject to the conditions contained in the Staff Report and with the following action:

1. To bifurcate the project in terms of approving the remodel and rehabilitation of the back structure as depicted in the general drawings and deleting the reference of the second unit in the front, with Staff's recommended change of the roof form to the rear elevation and breezeway.

Leslie Aranda Roseberry, Planning Manager, stated she wanted clarification and asked if the Committee was moving approval on the rear structure rehabilitation of the existing structure and the denial of the second unit?

Chair Cathcart stated they were not denying the project.

Ms. Aranda Roseberry stated it needed to be clear as it was a recommendation to the Planning Commission.

Mr. Ryan stated if it was just the approval for the rehabilitation of the rear structure it would not need to go to the Planning Commission.

Chair Cathcart stated there would be a continuance for the remainder of the project until a determination was made as to the historic significance of the property.

SECOND: Tim McCormack

AYES: Bill Cathcart, Adrienne Gladson, Tim McCormack

NOES: None ABSTAIN: None ABSENT: None

RECUSED: Craig Wheeler, Joe Woollett

MOTION CARRIED.

#### (3) DRC No. 4508-10 - WESTENHOFER RESIDENCE

- A proposal for a new 464 sq. ft. single-story addition to a contributing Bungalow.
- 626 W. Culver Avenue, Old Towne Historic District
- Staff Contact: Daniel Ryan, 714-744-7224, dryan@cityoforange.org
- Item Continued from October 20, 2010 DRC Meeting
- DRC Action: Recommendation to the Planning Commission

Committee Member McCormack stated he would be recused from the item's presentation as his wife was a consultant of the architect.

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

Chair Cathcart stated it became complicated as in just reviewing the square footage increase there was a false sense that the property would become a huge mansion, when the square footage of the site to begin with was not very large. It was not good in using that as the only criteria.

Committee Member Wheeler asked if the Mills Contract covered the garage?

Mr. Ryan stated it covered all the buildings on the property.

Applicant, Doug Ely, address on file, stated Mr. Ryan had given a very thorough presentation and he stated he had a number of things he wanted to bring up. The project ended up being evaluated after the previous DRC meeting of October 20, 2010 and all the alternatives were evaluated. The floor plan that was previously submitted was really the plan that would work the best for the property and he would present those differences with the other options. In reviewing the residence for economic viability and what would be the best plan for the neighborhood, and it was the initial plan. One thing the Westenhofer's had mentioned to him that he was not aware of was that the existing residence consisted of several different remodels; he was not certain it meant anything. He had put together a letter and he had hoped the Committee Members had a chance to read the letter. The original residence was just one room and it could have been a shack for a farm worker. On the outside of the house the seams were visible and there had been an addition to the rear and another addition for the kitchen. He had crawled up into the attic and he could tell that there had been different types of construction and based on the lumber used appeared to possibly be historic. He had looked through the City's microfiche and there had not been much available to determine the dates of the construction of the residence.

Committee Member Woollett asked if Mr. Ely was stating that his investigation concluded that the three additions occurred maybe 50 years ago?

Mr. Ely stated it was quite possible, but could not be determined. The original house was built in 1923 (he presented a drawing of the original house). He was not certain it meant anything, but the addition he proposed would be over a subsequent addition to the original residence. As far as the Secretary of the Interior's Standards for rehabilitation and the Staff Report identified the standards for rehabilitation and as well as the Old Towne Design Standards and local CEQA

guidelines; in reviewing the information line for line and verbatim, he could view it from a perspective that the proposed project was compliant. He would take them through that rationale.

He would also correct the Staff Report as well; in the Staff Report it stated that several design options were being proposed and actually they were proposing one design. alternatives that they had not wanted to go with. The tabulation in the Staff Report on page 6, spoke about average lot size and it stated that the average FAR for the block ranged from .14 to .34, with an average of .24. His calculations came up with roughly the same evaluation, that the average was .24. The correction was that the Staff Report stated the subject property had a building area of 1,011 square feet; and the average FAR was the habitable building area divided by the lot size. The 1,011 square feet also included the garage, so the .34 tabulation was not the FAR, it was the lot coverage. In reviewing what was proposed it was an addition of 450 square feet and that was equitable to a .25 FAR. In relationship to the street, he presented an exhibit for the Committee's review; it had been taken from an aerial view of the street and he pointed out where the subject property was located. There was a description that tabulated the number of homes and there was only one home that was under 675 square feet and it was the Westenhofer's home. There was a home on the opposite side of the street that was 810 square feet, others at 880, 819, 712, and an addition to a home according to the City records it was listed as a 712 square foot home when in fact it was 1,053 square feet. The City's records were not updated to what actually existed. His own house which he had added on to in the 1990's showed the square footage of his home when it was purchased in 1985. If the tabulations were based on old information it was not viable information that should be used to evaluate the project before them. To provide a comparison to other properties on the street the FAR was tabulated and the average came to .24; with the average lot coverage being .35. On the Westenhofer's side of the street there was a 1,034 square foot home, a 1,465 square foot home, and a 1,650 square foot home and there were larger residences on the south side of the street. The proposed project would bring the home to 1,067 square feet which was comparable to the other homes on the street and smaller than three other homes on the south side of the street.

In terms of overall lot coverage the proposed property was in concert with the lot coverage of the other homes on the street. The last thing was the 73%, it seemed to be a lot, but they were starting with a 617 square foot home that was one bedroom and one bathroom. The increase would be to go to a 3-bedroom/2 bathroom home. In order for that addition to occur they had proposed several ways with the floor plan that they wanted to go with, which would provide the best economically viable residence for the property owners. The bedrooms would be approximately 100 square feet with enough storage. In looking at alternative designs those would have very little storage and weird configurations. He had looked at what would be the best approach for the property.

In addition to that there had been comments made about additions to the west side of a property and it appeared that the OTS was verbatim to the guidelines. The DRC would have the ultimate decision based upon the information. At the site and from the street, an area he pointed to on the drawings, would not be visible until there was an approach from the driveway. He had come up with a design that was sensitively placed and if the addition had been completed during the period the home was built it would be similar to what would have been done at that time. In reviewing the OTS, it stated a new addition would meet the standards if it was located at the rear or on another inconspicuous elevation of the building, had he met that, he felt they had. The size

and scale were appropriate for the historic building, he looked at that in the context of the neighborhood and he found it comparable to what existed in the neighborhood. The new addition would not obscure character-defining features; he was not certain an addition obscured character-defining features. In looking at the residence what were the character-defining features. Those would be features visible from the street? What was visible was a gable roof and transverse gable, all the elements and the character defining features would be preserved. The fact that one wall would be affected that was not visible and building elements that were similar to that would not be obscuring character defining features. Another statement was the new addition would differentiate the old from the new; a lot of times it had been determined to accomplish that would be by using new materials or to have a line of demarcation between the old and the new. He had alternative designs, but wanted to stop there and review the proposed project before them.

Mr. Ryan asked Mr. Ely if he had brought a roof plan for option no. 3?

Mr. Ely stated he had.

### **Public Comment**

Jeff Frankel, address on file, representing the OTPA, stated he wanted to discuss comments that had been made at the previous meeting. The Secretary of the Interior's Standards were part of the City's Ordinances and they were the law and they were in place to preserve historic resources and not in place to be twisted or interpreted to meet the designer's needs. A project must meet and comply with the Standards. The Design Review Committee's required finding was that the project met the Old Towne Design Standards which included the Secretary of Interior's Standards. The OTPA interpreted that to mean if a project had not met the requirements the project should return to the drawing board and be re-designed to meet the standards. They understood that not all the Members agreed with the Standards but with any law it needed to be abided by whether it was agreed with or not. At times the DRC had manipulated and skirted some of the Standards in an attempt to bring a project into compliance. At the last hearing some of the comments heard were "it was not George Washington's home," "not so historically significant that it needed to be preserved," "it was a small house," "it was not a museum," and the fact remained that it had not matter what size the structure was, who lived there or if an important event occurred at the site or how historically significant it was; it was classified as a contributor as it was historically significant. All that needed to be taken into consideration was that the structure was contributing and if that was the case the Standards applied and should be applied uniformly to all contributing structures.

He also mentioned that most people in town considered the District a museum. The District was a historically permanent collection of historically significant buildings available for public viewing and fit the definition of a museum. As far as the interpretation of the Secretary of Interior's Standards were concerned, there were the 10 Standards that used the terms "shall be avoided," "shall be used," "shall be preserved," and "shall not be undertaken," they were not recommendations. The identical 10 Standards were found in each guideline section of the Secretary of Interior's Standards and the City's Ordinances. The guideline sections were there for specific clarification to assist in meeting the 10 Standards and stated what was or was not recommended. Why would they not follow those recommendations that were in place to

preserve historic resources? The recommendations were written to be followed as they related to structures and were not meant to be optional.

It was obvious to him that rather than extensive arguing to find ways to manipulate the Standards to find compliance, a project should be designed to comply with the Standards and that would save a lot of time and money. The applicant had not followed the Committee's direction or suggestions to bring the project within compliance. The new proposal altered the roof height and form, the roof form was a character defining feature and the proposal was to alter it. The Standards stated the removal of historic materials or alteration of character defining features shall be avoided, new additions, exterior alterations shall not destroy historic materials that characterized the property. Distinctive features that characterize the property shall be preserved. The home was small and he was not certain the contrary evaluation of the sizes of the structures on the block were correct and he would not get into that evaluation; as Mr. Ely discussed the size of the addition met the context of the lot but not necessarily of the existing structure. The OTPA could not support a project that had not complied with the Secretary of Interior's Standards and the project before them had not complied. They were not opposed to additions to historic structures as long as they complied.

The OTPA had supported many additions to historic structures in the district and those were always to the rear and always out of public view, a few had slipped by, but they were rare and the property before them had a Mills Contract. Mills Contract homes were scrutinized a bit more than other properties as there was a tax benefit to preserve the structure and it was a preservation tool. Character-defining features were not only those visible from the street, they were features that were present on all elevations and features on the side, rear or front of the property.

Chair Cathcart opened the item to the Committee for discussion.

Committee Member Woollett stated the comments regarding the DRC that Mr. Frankel related to were mostly his comments and he wanted to explain what he meant. By saying President Washington had not lived in the residence meant that as he read the Standards there was nothing about the house that would require it to be preserved in its entirety, that it would be allowed to be rehabilitated or modified. The same went for his comment about the home not being a museum, in a sense the whole District was a museum, but a museum was a place in which items were placed that were as untouched as possible and the regulations had not stated that properties in the District could not be changed or rehabilitated. With respect to size the property was small on a small lot and it was a home that was unusually small on a small lot and it would cause any addition to the property to be of a much higher percentage of the existing size as a normal addition. If a home had one room and another room of equal size was added the size would be doubled. Adding a small room onto a more reasonably sized house would equate to a much smaller percentage and that had been his concern with previous comments and it was currently a concern with the proposed project. He also wanted to address Mr. Frankel's comments about twisting and manipulating; it was all a point of view and the Standards required interpretation, which had not meant that they attempted to change them but to find out what they really meant. The Standards were in some areas written to not be very specific and it was sometimes difficult to discover their intent. He saw that as part of the role the DRC to figure out what the Standards really intended. He agreed that it was difficult to define "character-defining"; sometimes it was fairly easy and other times it was very hard. Some of the members were more sensitive to

historic structures and he was not an expert on historic styles; it was not his expertise and he had to interpret "character-defining" to the best of his ability. There were some comments in the staff report referencing cathedral ceiling and Committee Member Woollett asked for an explanation.

Mr. Ryan stated that vaulted ceiling had been one of the suggestions by the DRC.

Committee Member Wheeler stated it was a way to bring the plate down.

Mr. Ryan stated it was to get slab on grade to get some more space and height in the room there could be an open ceiling.

Committee Member Woollett stated it would be a way to keep the overall roof height lower. Mr. Ryan stated if the concern was having a secondary roof plane on the addition in adding a cathedral ceiling or slab on grade or a combination of; it would allow for more usable space and it would not impact the visibility of the roof from the street.

Committee Member Woollett stated what Mr. Ely had to state about sizes of the buildings on the street and ratios was important and he seemed to differ with Mr. Ryan's analysis and he asked Mr. Ryan if he could explain that?

Mr. Ryan stated many times the Assessor's office had the size of the residence that had not included the garage and also where additions had been added the records were not updated; and the only way to obtain an accurate number was to go out and conduct a field survey of every building on every lot and calculate those numbers.

Committee Member Woollett asked Mr. Ely how had he arrived at his numbers?

Mr. Ely stated they had done an aerial survey and it was scaled off using the Westenhofer's residence as a moderator knowing what that size was and used that as a defining scale. The City's information was pulled and where the City's information had matched up they used that, but there were some properties that were 500 square feet larger and they went with the scaled off information that they had arrived at.

Committee Member Woollett stated that by using an aerial survey they would be viewing roofs and they had to use the walls and not the roof.

Mr. Ely stated they had made allowances for overhang and they used the overhang on the Westenhofer's home and located the wall locations from there. They were able to get their numbers close. They were within 30 square feet with the Westenhofer's residence and applying the same scale to everything else was close enough; 30 square feet divided by 617 was approximately 2%.

Chair Cathcart stated if it was a comparison analysis it would be reasonable to believe the numbers were okay.

Committee Member Woollett stated it appeared okay to him and he asked Mr. Ryan if he would challenge the survey?

Mr. Ryan stated when exact surveys were done they would go out and look at all the buildings and go use the same process as Mr. Ely had gone through.

Mr. Ely stated he had the photographs and he presented those for the Committee to review.

Committee Member Gladson stated to throw in another part of the equation was that Mr. Ely had not known which homes had originally been starter homes, or a very small structure. They had not known all the history of the building permits issued prior to 1996 and the Staff Report mentioned that the block in the 1970's, 1980's and early 1990's saw additions to properties that would not have had to meet the standards and if that information was assessed there could be a whole new discussion. It could have been a block of starter homes.

Committee Member Wheeler stated they had encountered that often where an applicant would state the neighbors had done it and why couldn't they? The thing they always came back to was that the addition had been done prior to the designation of the historic district.

Mr. Ely asked what was the FAR that was included in the Staff Report, was that an assessment of what should have been without the remodels?

Mr. Ryan stated it may include properties that additions had not been recorded for and it was quite common that 3 story buildings in the district were not recorded.

Committee Member Woollett stated from purely a design stand point, aside from the Standards they were evaluating, the proposed project worked very well. It was efficient and got a lot for the amount of square footage of the home. In terms of the "character-defining" issues, the recommended scheme that raised a portion of the ridge by about 10", which was visible from the street. Quite frankly he would not have been surprised if that had been an original feature of the home. He felt it was not a change in style and it was not changing character-defining issues in terms of the style of the building. To his thinking, it could have been done originally. They were not preserving the small cottage, they were rehabilitating and adding to it which was allowed. H'e had not had a problem with a higher ridge which could have occurred previously. He asked what they were doing to the western side of the building and to the rear where the addition was? It was an addition that was on a rear portion of the west wall which was not visible from the street and it had not bothered him.

Mr. Ryan asked Mr. Ely if he wanted to show the roof plan for option no. 3?

Mr. Ely stated he could and one thing they may want to review was a 3D view of the roof that would stick up and he presented that to allow the Committee Members a better view of the roof.

Committee Member Wheeler asked what was the reason for wanting a future 2-car garage.

Mr. Ryan stated in Old Towne there were many 1-car garages; and if square footage was added over time there would be a need to comply with building a 2-car garage.

Committee Member Wheeler asked if that was for a building addition of over 500 square feet?

Mr. Ryan stated that was correct, however, the City had found that in the past people would add onto their homes every three years and there would not be enough parking spaces to meet the off street parking standards. When a project was looked at they would want to ensure that in the future it would comply.

Committee Member Wheeler stated the only way the applicants could comply would be to tear the garage down, and it was a contributing garage.

Mr. Ryan stated that issue had been addressed once by the Planning Commission. There was a case where there had been a very pristine 1 car garage and the determination was that it would have an adverse affect on the site and the garage remained. The overriding consideration was the historic setting of the property. There had never been a follow up to that in changing the Standards or reviewing the zoning code to seek alternative parking situations and to keep historic structures.

Committee Member Wheeler asked if there was anything in the zoning code that stated there needed to be a provision of space for a 2-car garage if 500 square feet was not being added to a residence?

Mr. Ryan stated the premise for that was that people would come in every so many years and continue to add to their homes.

Ms. Aranda Roseberry stated that was in the code as well, that if 500 square feet was added within a specified period of time, and she could not remember if it was 5 or 10 years and even if only 200 square feet was added the first time and another 200 square feet the second and 100 the third time, once it met the 500 square feet within a span of time it required the additional parking.

Committee Member Wheeler asked if Staff was assuming something was going to occur that could not happen?

Mr. Ryan stated if there was a stable contributing nice 1-car garage and open parking could be provided on site that would be an acceptable alternative.

Committee Member Wheeler stated it occurred to him that he would be loathe to recommend approval on a project that would remove the garage and if that was the case the garage would not be able to be built and therefore more than 500 square feet would not be able to be added. The building was historic and the applicant proposed to add 400 and some square feet and not 500 square feet; and the code had stated that if not more than 500 square feet was being added the lot had not needed to be brought up to the current code and he was arguing that if they were to add more square footage in the future the DRC would not allow them to add a two car garage by removing the contributing structure.

Mr. Ryan stated or by removing part of the existing property that was there currently.

Committee Member Gladson stated she would have a hard time making that finding as well.

Committee Member Wheeler suggested to ignore that requirement of a future two car garage and to see what type of design could be created. He thought it would be something that would be keeping in line with what everyone wanted. Another thought he had was in commenting on the Preservation Briefs there were issues that had been highlighted, however, one was missed that applied, on page 3 and he read, one way to minimize overall material loss was to simply reduce the size of the new addition in relationship to the historic building and if a new addition would abut the historic building along one elevation or wrap around a side or rear elevation integration of historic and new interiors could result in a high degree of loss. What that meant to him was if they abutted to just one elevation it would be more appropriate. His suggestion would be if the other Committee Members agreed was whether the garage requirement should be considered and to see what could be done with a more simple rectangular form to the rear of the property and not have it be necessary for there to be a separation due to a future, mythical garage. As to the design of the current structure; everything appeared to agree in form and then they got into the problem of whether it should agree in form or should it be more contemporary as some of the guidelines suggested and he stated he could just imagine what it would be like if every four to five years someone added a contemporary addition to their home in Old Towne. The one area that concerned him was where the gable popped up above the roof and it looked as if there should be a flush barge board on the gable and he asked if that gable wall could be reduced by setting the gable roof back to have an overhang that would match the others?

Mr. Ely stated he had noticed that and he had massaged that with a slight revision to the roof plan, he presented the plans to the Committee and reviewed the changes he had made.

Committee Member Wheeler stated it was preferable, but emphasized the form and made it bigger in viewing it from the street, it was better as it had not fallen on the ridge which he had found to be awkward.

Mr. Ryan stated it was still a change in roof height and the gable was being shifted which he felt had an adverse impact to the defining features. They needed to preserve the building in the front. He asked if Mr. Ely had the option 3 roof plan?

Mr. Ely stated he felt it was in character with the original residence, however, it was a new roof and it had the gable form which was not there before. He presented other alternatives and stated on option 2 if the future garage was there and incidentally he had proposed from the onset that a future garage not be a part of the project. The option he presented had not worked as it had not met the open space requirement; he reviewed the plan with the Committee Members. In looking at the layout and he presented the floor plan and compared the proposed project to the alternative he was presenting. With the alternative the home would have a long linear hallway, with master bedroom at the end and a couple of closets; a lot of space was chewed up with the circulation of the plan and the actual configuration was incongruent to what was typical, again it was a response to the future 2 car garage requirement. The actual size of the rooms would be smaller and there was far more storage space with the preferred original proposal. Mr. Ely presented the external view of the plan and pointed out the various sides of the home.

Committee Member Wheeler stated if Mr. Ely was to have made the assumption that the 2-car garage would never be built the space would allow for a very nice patio.

Mr. Ely stated the other option had not been a desirable floor plan. In going back to the Old Towne Design Standards, Secretary of Interior's Standards and CEQA he had not found that they precluded the type of development he was proposing. Mr. Frankel had made a harsh comment and he had not felt that the project was manipulative at all, the Standards were the Standards it was black and white. If the Standards were read and applied to the proposed project there were questions on a couple of them and that was why the guidelines existed, and in reviewing the guidelines those had specifically stated that in conditions as presented they could not control the fact that a portion of the façade would require removal to expand upon, and emphasis should be made to what was visible from the public right of way.

Committee Member Wheeler stated it was clear in the Standards that it was better to remove less of the existing façade and some weight could be given to a design that went in that direction. Also to a design that would not add a new roof form. He had not known if the DRC had the authority to remove the requirement for the 2-car garage, or if they could make a recommendation.

Mr. Ryan stated they could base it on the fact that the addition was not 500 square feet and it would be more appropriate to the site if that was the feeling of the Committee Members.

Committee Member Gladson stated she would surmise that the majority of single car garages serving a home were predominantly in Old Towne and would be a value to maintain those secondary structures as a part of the fabric of the district.

Committee Member Wheeler stated there was also the extra argument that the property carried a Mills Contract. To him it would be even more difficult to allow a future removal of the existing garage; could the DRC state it was just not going to happen? If we, as a Committee, stated it would not occur, would there be a way to allow a re-design of the project better and to get the applicant back to the original plan and amenities.

Committee Member Gladson stated she may be the lone soul that may even have a hard time supporting findings for a substantial addition to the back of the home with the least amount of historic fabric being removed. She appreciated the attachment that was submitted with the applicant's letter, and she had re-read the Secretary of Interior Standards 3 or 4 times to get a better understanding. The reality for her and the wording that she came back to was minimal and character defining and to her she viewed it as all 360 degrees of the house and the elements of the structure that were original features were character defining to her. For her the most minimal addition to the structure would be where she could support something. The Standards over time on a historic structure that had not had a bathroom, in time the interior space would be used to add that, and also things such as electrical service and those things could be handled internally and in the footprint of the original home. The floor pattern or circulation could be changed, but where she was not comfortable and could not be in favor of the project would be in adding a substantial size to the small starter home. She could support a small addition to the rear, in conformance to the Old Towne Design guidelines and the Secretary of Interior Standards. For her the size and scale were critical in making the findings they needed to come to as a

Committee. There was also the compliance to CEQA and not having an adverse impact. The amount of square footage they were attempting to add had an adverse impact. It was a very modest house. She may be the only one with that viewpoint and she would attempt to persuade her colleagues to understand her viewpoint. She felt there were grounds if an entity wanted to challenge the project from a CEQA perspective, and the major course of evidence for her was the Mills Contract. The applicant was very nice, they had a very nice project and they wanted to grow a family, but they had signed a contract to preserve the home and that was a contract to maintain the home to perpetuity. A very minimal modest addition could be pursued. On the garage issue she concurred with Committee Member Wheeler's suggestion.

Committee Member Wheeler stated he agreed with the sentiment, it was attempting to squeeze two big feet into one small shoe. But, there was nothing that he could grab a hold of that stated there was a specific amount the applicant should be allowed to add. Large additions had been allowed in the past. There was no hard line and it was difficult to do something different from what had been allowed in the past.

Committee Member Gladson stated the project before her was the smallest property she had had to review since being a part of the DRC. When she had voted in support of additions, those had been on more typical homes. She understood the math and the context of the neighborhood, but she had to go back to the Secretary of Interior's Standards and the Old Towne Guidelines had more flexibility. The Secretary of Interior's Standards had more environmental issues connected to the site and there were the CEQA issues and there was a binding legal contract also connected to the property. She admitted that she was being fairly hard-lined.

Mr. Ryan asked if she was specifically speaking of the preferred proposal or the others that were presented?

Committee Member Gladson stated on the initial proposal it was way out of character, option no. 3 was going in a better direction but the size was still a problem, it was not minimal.

Mr. Ely stated he had a problem with the clarification based on the Mills Contract that the site should be treated differently and shouldn't all of the homes be treated equally in the historic district? He had not understood why there should be different treatment based on whether it was a Mills Contract house, or George Washington's house, or whoever; they should all abide by the same standards.

Committee Member Gladson stated they all had to abide by the same guidelines and codes. The Mills Contract was an added tax benefit that the property owners had agreed to and to not damage anything in the next 15 to 20 years as repairs were done.

Mr. Ryan stated it was not the primary emphasis of the Mills Contract program to apply for new additions, it was a secondary thing.

Mr. Frankel stated as the new plans presented were not a part of the first discussion was he able to add comments about the new plans?

Chair Cathcart stated he could add those comments on the plan that was presented as option no. 3.

Mr. Frankel stated option no. 3 was going in the right direction and he agreed with Committee Member Gladson's comments and also the comments made regarding the garage, and there needed to be some sort of compromise and the compromise could be the option no. 3. There had been concessions made in the past regarding the garages and there would be no way to demolish the existing garage without receiving complaints; especially from OTPA and it appeared that the applicant's intention was to retain the garage. In regards to the Mills Contract, all properties should be treated the same, but there was that extra little benefit and why Mills properties were treated a little differently. Option no. 3 was going in the right direction and the OTPA's main concern was to not alter the roof form which was one of the biggest character defining features of any structure. Altering the roof would be a definite violation of the Standards. CEQA also stated that any alteration that may have an adverse impact needed to be investigated.

Chair Cathcart stated before they spent all night discussing they should get to the point. He agreed with Committee Member Wheeler that the 2 car garage option would not work. He could not vote to have the single car garage demolished. He liked option no. 3 as it had more outdoor courtyard space and if the applicant reworked it to not have anything visible from the street view and he was not concerned with the east, west or north sides of the property, the south side was his concern and if that was not visible from the street they had his vote.

Committee Member Wheeler stated it might be wise if they continued the item to allow the applicant to study what changes could be done and with the information to ignore the 2 car garage requirement. His promise would be to cast his vote to recommend to the Planning Commission to not have that requirement.

Chair Cathcart agreed with those comments.

Mr. Ryan stated there was a Mills Contract and it was a historic property and the parking requirement could be accommodated by keeping the 1 car garage and providing an additional parking space on the site.

Mr. Ely stated he had one other option that he presented to the Committee. The design would have the same footprint with the roof going up and they would add a break pitch to the roof. It was not what they would want to do, there would be a break in the bedroom, but the roof would not be visible from the street. He had not liked break pitches, but it might be a way to address the situation. He presented 3D views of the break pitch, there was a bit of a problem with the door and there could not be an extensive overhang there.

Committee Member Wheeler stated he would suggest that the room could be a service porch with the low windows.

Mr. Ely stated they could treat that space differently. Mr. and Mrs. Westenhofer would be able to maintain the layout that really worked for the house and for them. The addition would not be visible from the street.

Applicant, Peter Westenhofer, stated they were being very respectful in what they were doing and following precedent. The original structure had not facilitated what the resident's needs were and they increased the original property which was now 200% of what had initially been built there.

Chair Cathcart stated he agreed and appreciated Mr. Westenhofer's comments and he disagreed with the comments that the square footage was too much; and it was a perspective issue based on a comparative analysis. Given the fact that the initial home was very small and 450 square feet was not that big of a deal and he would be willing to support that and suggested that they look upon themselves to move forward with a continuance based on the information presented without the need to accommodate for a 2-car garage.

Committee Member Wheeler stated that with the long roof plane there was no line of demarcation and suggested dropping the roof back with a different ridge to show a line of demarcation and to take advantage that the garage would not happen and explore what to do with that space.

Committee Member Gladson stated in the photos it appeared that off of the existing kitchen there was a cellar door and she asked if that element would be removed?

Mr. Ely stated yes; there would be a ladder going down. Basically the access to the basement would leave that location and would be abandoned and it was a very small area. The plans covered over that access, the linear plan would allow the access to remain.

Committee Member Gladson stated that was a character defining feature to her, and there were not many homes that had a basement access. She felt option no. 3 was worth considering.

Mr. Ryan stated as they had reviewed all the options it appeared that the Committee agreed that there was merit in keeping the 1 car garage and there was more consideration for option no. 3 and maybe the size could be reworked with the roof plan addressing the line of demarcation.

Committee Member Woollett stated he would not want to eliminate the possibility of the most recent option presented, 1B with the break pitch in the roof. He would not want that one eliminated as it could work and with option no. 3 there would be alot lost. With the garage situation they might have difficulty coming up with something that was acceptable.

Mr. Ely stated he had studied the plans adnauseum and the problem they would have with the linear approach would be that they lose area that could have been used as a bedroom and the square footage was pushed in one manner and the best way to accomplish what the homeowner wanted was to use the extra space, the other options were not as efficient. He was willing to go back and review the project without the need for the 2-car garage accommodation which he had been requesting from day one and it had been very limiting in what he could design, and now with that going away he had not known what could be done at this point.

Committee Member Wheeler stated he could look at it as now useable space and in studying the early California courtyard houses with the galleries around the courtyard and they could have a window wall along the long hallway.

Mr. Ely stated there was no doubt that they could incorporate some nice space.

Mr. Ryan stated at this point they could provide a feel as to which option most closely met the Standards and findings, his point of view was option no. 3, with the square footage issue and with a break in the roof they were almost there. He was not certain what the OTPA's feelings were, but he still had issues with stating the findings were met on the Mills Contract with the other proposals.

Applicant, Heather Westenhofer, stated she had not liked option no. 3 and she would not spend the money to build it for many reasons; it involved many more changes to the existing building and moving of the existing bathroom and made it much, much, much more expensive than option no. 1, with either roof, and it was closer to the setbacks and they would need to remove their beloved fruit trees and it took out a huge chunk of the backyard which she really loved and for so many reasons, option no. 3 was not an option for her. In maintaining the property value, something that maintained the backyard and the open areas that existed was a much greater value plus presented better plans with larger closets and having larger bedrooms. If reworked they might be able to change it, it would still be a long building with the mass in the back with the loss of yard and taking out their trees and adding to their costs.

Committee Member Wheeler stated that would not necessarily need to be the case; if they approached the property to gain the same square footage without the 2-car garage requirement the whole thing could be shortened and they could gain a whole new buildable area and it was the kind of thing they needed to explore. He would suggest that they did as much as possible to limit the removal of exterior existing walls.

Mr. Ely stated the way he looked at it, and in not having to work the plan with a 2-car garage it gave them some opportunities that they had not previously had. It was very frustrating because he had not thought the garage requirement should have been there in the first place and he had spent a lot of time and effort on the studies and then to be told it was not necessary to consider that. He agreed with Mrs. Westenhofer that the proposed optional plan had not worked well and they would need to explore alternatives. He saw the direction the proposed project was going in and they would not move forward until alternate solutions were presented.

Chair Cathcart stated there were a couple of the Committee Members who were willing to look at the option 1B, because Mr. Ryan was stating that he was hearing option 3 that had not meant it would be the only solution they would review.

Committee Member Gladson stated the Committee Members could disagree with Staff and if they decided to go in a different direction it was their prerogative.

Committee Member Wheeler suggested they needed to look at alternatives and to come up with something that the applicants liked.

Mr. Ely stated what he was hearing was that he needed to re-work the option 3 plan before they would consider moving forward on the option 1B plan.

Committee Member Woollett stated he believed there were two Committee Members who would move on the optional proposed plan 1B, however, they were only two members and the vote would be split.

Mr. Ely asked what occurred with a split?

Committee Member Gladson stated it was a "no."

Mr. Ely stated he wanted to go over the process, as they had responded to deadlines and it had not been processed very expeditiously. He asked if he could get a commitment?

Ms. Aranda Roseberry asked when was the applicant submitted?

Mr. Ely stated September 3, 2010 and they had not gotten heard until October 20, 2010. They were back again the following week after October 20 and he had been promised that the item would go on the next DRC Agenda and it had not been done as promised and it was very frustrating.

The DRC voiced opinions that the six week timeframe from submittal to DRC meeting was "pretty good".

Mr. Ryan stated they had not promised the next day, but when the submittal had been completed.

Committee Member Woollett asked what would be the possibility of having the proposed project before them at the next meeting?

Ms. Aranda Roseberry stated it would depend on how quickly the applicant could get the project completed. The Staff Report was due to her on Monday.

Mr. Ely stated he would get it to Staff in the morning.

Ms. Aranda Roseberry stated the project would need to be evaluated and then it could start the paper process.

Mr. Ely asked if that would enable them to be heard at the next DRC meeting?

Committee Member Gladson stated the reality was, and not to circumvent the Chair, Mr. Ely would need to study the other options without the need for the 2-car garage and she was not certain whether he would cut himself short in attempting to get the project back so quickly.

Mr. Ely stated he had spent so much time on the project it would not be difficult to do.

Committee Member Wheeler stated there might be a problem with the egress bedroom windows; and what they had allowed in the past was to use simulated double hung that were casement windows.

Committee Member Wheeler made a motion to continue DRC No. 4508-10, Westenhofer Residence, based on the comments made during the DRC discussion.

SECOND: Bill Cathcart

AYES: Bill Cathcart, Adrienne Gladson, Craig Wheeler, Joe Woollett

NOES: None ABSTAIN: None ABSENT: None

RECUSED: Tim McCormack

MOTION CARRIED.

New Agenda Items: None

# **ADJOURNMENT:**

Committee Member Gladson made a motion to adjourn to the next regular scheduled Design Review Committee Meeting on Wednesday, December 15, 2010.

SECOND: Craig Wheeler

AYES: Bill Cathcart, Adrienne Gladson, Craig Wheeler, Joe Woollett

NOES: None ABSTAIN: None

ABSENT: Tim McCormack

MOTION CARRIED.

Meeting adjourned at 8:03 p.m.