

RESOLUTION NO. PC 12-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORANGE APPROVING ENT NO. 25-0051, FOR A 545 SQUARE FOOT ADDITION TO THE FIRST FLOOR, A NEW 806 SQUARE FOOT SECOND STORY, TO REBUILD AND ENLARGE THE ATTACHED GARAGE TO BE A TOTAL OF 701 SQUARE FEET WITH AN 11-FOOT TALL GARAGE DOOR, AND TO CONSTRUCT A 270 SQUARE FOOT BELOW GRADE STORAGE AREA LOCATED AT 443 N CLINTON STREET.

APPLICANT: RON WITTEVEEN, ARCHITECT

WHEREAS, the Planning Commission has authority per Orange Municipal Code (OMC) Section 17.08.020.B.2.a. to review and take final action on ENT No. 25-0051 to allow a 545 square foot addition to the first floor, a new 806 square foot second story, to rebuild and enlarge the attached garage to be a total of 701 square feet with an 11-foot tall garage door, and to construct a 270 square foot below grade storage area located at 443 N Clinton Street; and

WHEREAS, ENT No. 25-0051 was filed by Ron Witteveen, project applicant, in accordance with the provisions of the OMC; and

WHEREAS, ENT No. 25-0051 is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15303 (Class 3 – New Construction or Conversion of Small Structures), because the request consists of the addition of 1,351 square feet to an existing 1,347 square foot single family residence, the rebuilding and enlargement of the attached two-car garage to 701 square feet, and the construction of a 270 square foot below grade storage area on an existing 6,688 sq. ft. lot; and

WHEREAS, ENT No. 25-0051 was processed in the time and manner prescribed by state and local law; and

WHEREAS, the Planning Commission conducted a duly advertised public hearing on Monday, November 3, 2025, at which time interested persons had an opportunity to testify either in support of or opposition to ENT No. 25-0051 at 443 N. Clinton Street as reflected on the site plan.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission approves ENT No. 25-0051 based on the following findings:

SECTION 1 – FINDINGS

Variance

1. *That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.*

The subject property is uniquely constrained by its location on a corner lot and the presence of an existing, legally non-conforming 10-foot-long driveway with a steep 30% slope. To address this topographical challenge and ensure safe and functional access, the project proposes to demolish the existing 413-square-foot garage and construct a new 701-square-foot garage in the same location, with the garage floor lowered by three feet to create a flat driveway surface. This change necessitates an increase in garage door height from 8 feet to 11 feet.

The property is zoned R-1-6, and current development standards require a 12-foot-wide, 20-foot-long driveway for new attached two-car garages. All other corner lots within the same subdivision tract and zoning classification feature similarly sized 10-foot-long driveways accessed from North Clinton Street. Therefore, enforcing the 20-foot driveway length requirement on this property, despite the common use of 10-foot driveways on comparable lots, would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning.

2. *That the variance granted shall be subject to such conditions which will ensure that the authorized adjustment shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is located.*

The granting of this variance to allow a reduced 10-foot driveway length for a new two-car garage does not constitute a special privilege inconsistent with the limitations imposed on other properties in the vicinity and within the same zoning classification. All corner lots within the same tract and zoning designation feature garages accessed via 10-foot-long driveways, consistent with the configuration proposed for the subject property.

This variance allows the subject property to maintain a driveway length consistent with established development patterns in the neighborhood. It does not authorize any use or development intensity beyond what is typical for similarly situated properties, nor does it confer any advantage not already enjoyed by other corner lots in the vicinity and under identical zoning classification.

To ensure continued consistency and to prevent the granting of any unintended special privilege, the variance will be conditioned to apply solely to the current configuration of the garage and driveway, and any future changes will be subject to compliance with applicable zoning regulations in effect at that time.

Minor Site Plan Review

1. *That the project design is compatible with surrounding development and neighborhoods.*

The Project has been designed to comply with the development standards of the R-1-6 zone and to be compatible with the adjacent surrounding residential development. The proposed building materials, design, and scale are in harmony of the character of the existing neighborhood. Overall, the proposed Project presents an integrated design that provides a renewed, updated, and improved appearance to the site and to the surrounding residential district.

2. *That the project conforms to City development standards and any applicable special design guidelines or specific plan requirements.*

The Project as proposed conforms to City development standards for the R-1-6 zoning district. The project is also subject to the Infill Residential Design Guidelines and achieves the key design objectives related to site planning, scale, architectural considerations, topography and natural features, and accessory features.

3. *That the project provides for safe and adequate vehicular and pedestrian circulation, both on and off site.*

The Project provides safe and adequate access and circulation for vehicles and pedestrians from North Clinton Street. The project improves both vehicular and pedestrian safety by lowering the floor of the garage to achieve a flat driveway thereby, increasing visibility for both other vehicles and pedestrians.

4. *That City services are available and adequate to serve the project.*

The project consists of a residential addition to an existing single-family dwelling located within an established neighborhood that is already served by City infrastructure and utilities. All necessary municipal services, including water, sewer, electricity, solid waste, police, and fire protection, are currently available to the property and are adequate to accommodate the proposed addition without requiring off-site extensions or capacity upgrades. Because the project does not introduce a new dwelling unit or intensify land use beyond what is typical for the zoning district, it will not create a significant demand on City services. Therefore, adequate public services and facilities are available to serve the project.

5. *That the project has been designed to fully mitigate or substantially minimize adverse environmental effects.*

The project has been determined not to have a significant effect on the environment, and therefore, is considered exempt from the provisions of the California Environmental Quality Act.

Design Review

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.*

N/A.

2. *In any National Register Historic District, the proposed work complies with the Secretary of the Interior's standards and guidelines.*

N/A.

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.*

The proposed addition has been designed to complement the existing single-family residence through the use of consistent architectural style, roof forms, building materials, and colors, thereby achieving an internally integrated design theme. The project does not introduce conflicting design elements or materials and maintains compatibility with the established residential character of the neighborhood. Furthermore, the addition complies with all applicable zoning regulations, and residential design standards governing the site.

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.*

The proposed addition complies with the City of Orange Infill Residential Design Guidelines by maintaining the home's orientation, scale, and architectural character in a manner consistent with surrounding residences. The project's design avoids excessive bulk and massing, ensuring compatibility with the neighborhood and preservation of its established character.

SECTION 2 – ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15303 (Class 3 – New Construction or Conversion of Small Structures), because the request consists of the addition of 1,351 square feet to an existing 1,347 square foot single family residence, the rebuilding and enlargement of the attached two-car garage to 701 square feet, and the construction of a 270 square foot below grade storage area on an existing 6,688 sq. ft. lot.

BE IT FURTHER RESOLVED that the following conditions are imposed with approval:

1. Except as otherwise provided herein, this project is approved as a precise plan. All work shall conform with the plans presented at the November 3, 2025, Planning Commission Meeting (date stamped approved September 30, 2025, and in the project case file). After any application has been approved, if plan modifications are proposed regarding the location or alteration of any use or structure, or deviations become necessary to site improvements including, but not limited to, landscaping and parking because of unforeseen requirements from any City Department, utility provider, or State or Federal statute, 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 findings, conditions, 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. Should the modifications be considered substantial, the modifications shall be reviewed and approved by the Planning Commission.
2. The applicant agrees, as a condition of City's approval of ENT No. 25-0051, to indemnify, defend, and hold harmless, at applicant's expense, the City, its officers, agents, and employees ("City") from and against any claim, action or proceeding brought against the City, including, but not limited to, any claim, action or proceeding commenced within the time period provided in Government Code Section 66499.37 to attack, review, set aside, void or annul the City's approval, to challenge the determination made by the City under the California Environmental Quality Act ("CEQA") or to challenge the reasonableness, legality or validity of any condition attached hereto. City shall promptly notify applicant of any such claim, action or proceeding to which the City receives notice and to cooperate fully with the applicant in the defense thereof. Applicant shall reimburse the City for any and all costs and expenses, including, but not limited to, court costs and attorney's fees that the City may be required to pay, including any expenses ordered by a court or expenses incurred through the Office of the City Attorney in connection with said claim, action or proceeding. City may, in its sole discretion, participate in the defense of any claim, action or proceeding but such participation shall not relieve applicant of the obligations of this condition. In the event the applicant is required to defend City in connection with such claim, action or proceeding, City shall have the right to approve counsel to so defend the City, approve all significant decisions concerning the manner in which the defense is conducted and approve any all settlements, which approval(s) shall not be unreasonably withheld. The obligations set forth herein remain in full force and effect throughout all stages of litigation including any and all appeals of any lower court judgment rendered in the proceeding. Further, applicant agrees to indemnify, defend and hold harmless the City for all costs and expenses incurred in enforcing this provision.
3. 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 may be cause for revocation of this permit.

4. The final approved conditions of approval shall be reprinted on the first or second page of the construction documents when submitting to the Building Division for the plan check process.
5. Construction permits shall be obtained for all future construction work, as required by the City of Orange, Building Division. Failure to obtain the required building permits will be cause for revocation of this permit.
6. ENT No. 25-0051 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.

ADOPTED this 3rd day of November 2025.

Alison Vejar, Planning Commission Chair

I hereby certify that the foregoing Resolution was adopted by the Planning Commission of the City of Orange at a regular meeting thereof held on the 3rd day of November 2025, by the following vote:

AYES:

NOES:

ABSENT:

Hayden Beckman, Planning Manager