



Agenda Item

Planning Commission

Item #: 5.2.

2/17/2021

File #: 21-0019

TO: Chair and Members of the Planning Commission

THRU: Anna Pehoushek, Assistant Community Development Director

FROM: Marissa Moshier, Historic Preservation Planner

1. SUBJECT

Public Hearing: General Plan Amendment No. 2019-001, Zone Change No. 1298-19, Mitigated Negative Declaration No. 1868-19, Major Site Plan Review No. 0976-19, Variance No. 2251-19, Design Review No. 4977-19, Administrative Adjustment No. 0274-19, Orange County Ronald McDonald House, 383 S. Batavia Street and 802 W. Culver Avenue

2. SUMMARY

The applicant proposes to construct a three-story 17,325 square foot addition to the Orange County Ronald McDonald House at 383 S. Batavia Street with associated surface parking, landscaping, and utilities and to convert a historic single-family residence at 802 W. Culver Avenue to an associated office on a 60,670 square foot site. A General Plan Amendment and Zone Change are requested to align the institutional use of the Orange County Ronald McDonald House with City land use policy and development standards.

3. RECOMMENDED ACTION

Adopt the following Resolutions:

Planning Commission Resolution No. PC 05-21 entitled:

A Resolution of the Planning Commission of the City of Orange recommending to the City Council approval of Mitigated Negative Declaration No. 1868-19 and associated Mitigation Monitoring and Reporting Program for the construction of a 17,325 square foot addition to the Orange County Ronald McDonald House located at 383 S. Batavia Street and conversion of a historic single-family residence at 802 W. Culver Avenue to an associated office

Planning Commission Resolution No. PC 06-21 entitled:

A Resolution of the Planning Commission of the City of Orange recommending to the City Council approval of General Plan Amendment No. 2019-001, a request to change the General Plan Designation of a 60,670 square foot site from Low Density Residential (LDR) to Public Facilities and Institutions (PFI) on a site located at 383 S. Batavia Street and 802 W. Culver Avenue

Planning Commission Resolution No. PC 07-21 entitled:

A Resolution of the Planning Commission of the City of Orange recommending to the City Council approval of Zone Change No. 1298-19, a request to change the Zoning designation of a 60,670

square foot site from Single-Family Residential (R-1-6) to Public Institution (PI) on a site located at 383 S. Batavia Street and 802 W. Culver Avenue

Planning Commission Resolution No. PC 08-21 entitled:

A Resolution of the Planning Commission of the City of Orange recommending to the City Council approval of Major Site Plan Review No. 0976-19, Variance No. 2251-19, Design Review No. 4977-19, and Administrative Adjustment No. 0274-19 for the construction of a 17,325 square foot addition to the Orange County Ronald McDonald House located at 383 S. Batavia Street and conversion of a historic single-family residence at 802 W. Culver Avenue to an associated office

4. AUTHORIZING GUIDELINES

Orange Municipal Code (OMC) Table 17.08.020 establishes the authority of the City's reviewing bodies to make decisions or recommendations for land use applications. This project involves, among other entitlements, a General Plan Amendment and Zone Change, both of which require a final determination by the City Council. Table 17.08.020 establishes the Planning Commission's advisory power for the subject applications. Table 17.08.020 also states that when more than one type of application is filed for a single project, the application requiring the highest level of approval shall dictate the review process for the entire group of applications. Therefore, the Planning Commission acts in an advisory capacity to the City Council for all applications for the subject project.

5. PROJECT BACKGROUND

<i>Applicant:</i>	Orange County Ronald McDonald House
<i>Property Owner</i>	Ronald McDonald House Charities of Southern California, Inc.
<i>Property Location</i>	383 S. Batavia Street and 802 W. Culver Avenue
<i>Existing General Plan Land Use Element Designation</i>	Low Density Residential (LDR)
<i>Existing Zoning Classification</i>	Single-Family Residential (R-1-6)
<i>Old Towne</i>	Yes
<i>Specific Plan/PC</i>	No
<i>Site Size</i>	60,670 square feet
<i>Circulation</i>	The Orange County Ronald McDonald House is currently accessed from two driveways on S. Batavia Street, which is designated as a Secondary Arterial. The historic house at 802 W. Culver is accessed from a driveway on W. Culver Avenue, which is classified as a local street.

<i>Existing Conditions</i>	383 S. Batavia Street contains the 12,580 square foot Ronald McDonald House with 21 guest rooms, shared living spaces, and administrative offices. A surface parking lot is located on the south side of the building. A play area surrounded by the remnant of an orange grove and a gravel parking lot are located south of the parking lot. 802 W. Culver Avenue is a historic single-family residence and a contributor to the local Old Towne Historic District. It was relocated from S. Batavia Street to its current location on W. Culver Avenue in 2003, during development of the medical office building, Sycamore Plaza, to the south of the Ronald McDonald House property. The two-car garage was constructed soon after the relocation.
<i>Surrounding Land Uses and Zoning</i>	North: Single-Family Residential (R-1-6) consisting of single- and multi-family residences East: Single-Family Residential (R-1-6) and Office Professional (OP) consisting of single-family residences and the Batavia Woods medical office center South: Office Professional (OP) consisting of the Sycamore Plaza and Batavia Woods offices West: Public Institution (PI) consisting of the Sisters of St. Joseph campus, St. Joseph Hospital, and Children’s Hospital Orange County (CHOC)
<i>Previous Applications/Entitlements</i>	Conditional Use Permit No. 1618 to permit the original Ronald McDonald House, a 20-unit residence for short-term use by families of children hospitalized at Children’s Hospital Orange County in a three-story building which exceeded the height limitations of the R-3 zone.

6. PROJECT DESCRIPTION

The applicant is requesting a General Plan Amendment and Zone Change to align with the institutional use and operational needs of the Orange County Ronald McDonald House expansion for the project site. The General Plan designates the project site as Low Density Residential (LDR), and the project site is zoned Single-Family Residential (R-1-6). The request would designate the site as Public Facilities and Institutions (PFI) in the General Plan and re-zone it to Public Institution (PI).

The proposed project consists of construction of a 17,325 square foot addition to the existing 12,580 square foot three-story Ronald McDonald House. The number of guest rooms will expand from 21 to 44.

Architecture

The addition is designed in a contemporary Craftsman-influenced style intended to complement the existing building and the surrounding neighborhood. The materials of the addition include fiber cement siding, cement plaster, and wood frame windows.

The three-story addition on the south side of the existing building is designed with a recessed area at the upper floors, which acts as a hyphen between the existing building and the addition. The mass of the upper floors of the addition is modulated at the front and side elevations with changes in roof and wall planes. The upper floors and front porch posts of the addition are in line with the setback of the existing upper floors of the building. The new central main entrance at the front porch is slightly recessed and highlighted with a trellis structure and gable roof. The rear elevation of the addition provides a greater separation from the rear property line than the existing building. A small two-story addition will also be constructed at the northeast corner of the building to accommodate additional

kitchen and storage space.

Parking

The new surface parking lot to the south will contain 43 parking spaces with associated landscaping, a trash enclosure, and electrical equipment. It will be accessed by two new driveways from S. Batavia Street. Parking spaces on the north side of the parking lot will be tucked under the south side of the addition.

Landscaping

The project includes removal of 49 trees on the site, including a total of 29 orange trees. Existing trees to be retained on site include one large Chinese Flame tree in the front yard of the Ronald McDonald House, six *Tristania* trees along the fence line between the Ronald McDonald House and 802 W. Culver Avenue, and a variety of smaller trees at 802 W. Culver Avenue. 52 new trees would be planted. Additional landscaping includes a seating area at the back of the property, a second floor deck with seating, and a green screen to provide additional privacy along the east property line.

802 W. Culver Avenue

The historic single-family residence will be converted to an administrative office for support staff or volunteers. Changes to the site include the addition of a ramp at the rear of the building for accessibility, new landscaping, and a play area for children. Staff and volunteers will park and enter 802 W. Culver from the Ronald McDonald House site, using the S. Batavia driveway. A pedestrian path will be provided between properties accessing the rear door of 802 W. Culver. All deliveries will be made to the Ronald McDonald House property.

Development Standards

Required development standards are provided for the proposed Public Institution zone.

	Required	Proposed	Code Section
<i>Building Height</i>	32 feet, 2 stories	Addition: 36 feet 7 inches, 3 stories Existing: 38 feet 8 inches, 3 stories	Additional height permitted under CUP No. 1618 for original Ronald McDonald House
<i>Fence height</i>	6 feet	8 feet on east property line (Variance requested for additional height)	OMC 17.24.075
<i>Floor Area Ratio (FAR)</i>	2.0	0.54	General Plan Land Use Element
<i>Required Trees</i>	50 trees	58 trees	OMC 17.24.090
<i>Lot Area</i>	6,000 square feet	60,670 square feet	OMC 17.24.050
<i>Parking (non-residential)</i>	1 space per guest room	43 spaces (Administrative Adjustment requested for 1 parking space)	OMC 17.34.060

Setback, Front	20 feet	15 feet (Variance requested to match existing front yard setback)	OMC 17.24.070
Setback, Rear	10 feet	Addition: 20 feet Existing : 10 feet	OMC 17.24.070
Setback, Side	0 feet	North side: 6 feet South side: 109 feet	OMC 17.24.070

7. ANALYSIS AND STATEMENT OF THE ISSUES

Issue 1: Land Use

The Orange County Ronald McDonald House provides housing and support to families with seriously ill children receiving treatment at nearby hospitals. The Ronald McDonald House operates similar to a bed-and-breakfast with private guest rooms and shared amenities, including communal kitchens, dining rooms, play areas, living rooms, and a chapel. It also contains offices for staff and meeting rooms.

The Ronald McDonald House was permitted in 1987 through Conditional Use Permit No. 1618, which approved a 20-unit residence for short-term use by families of children hospitalized at Children's Hospital Orange County. At the time, the property was zoned Multi-Family Residential (R-3) and the use was permitted as the equivalent to a boarding house. The Conditional Use Permit also permitted a three-story structure, exceeding the height limitations of the zone.

In 2010, the property's General Plan designation was changed from Medium Density Residential (MDR) to Low Density Residential (LDR). This was part of the broader effort of the General Plan Update to reduce the permitted density of residential properties in the Old Towne Historic District to preserve historic single-family residences. In 2012, the property's zoning was changed to the corresponding Single-Family Residential (R-1-6). 802 W. Culver was also rezoned to R-1-6 at the same time.

The R-1-6 zoning does not permit boarding houses or similar uses that correspond to the unique service provided by the Ronald McDonald House. As a result, the Ronald McDonald House cannot expand under the existing zoning.

The General Plan Amendment and Zone Change are necessary to permit the project. The proposed PFI General Plan designation and PI zoning reflect the property's connection with the hospitals and medical uses to the west and are consistent with the General Plan and zoning across Batavia Street. It also recognizes the Ronald McDonald House as a community-serving institution and provides the opportunity for a reasonable expansion consistent with the non-profit's mission.

Issue 2: Project Design

The project design is intended to balance internal consistency with the existing Ronald McDonald House with compatibility with this neighborhood in the Old Towne Historic District. The design has a residential, contemporary Craftsman influence with fiber cement siding, cement plaster, and wood frame windows.

The Design Review Committee (DRC) commented extensively on the project at three DRC meetings. Principal concerns expressed by the DRC included the building massing and scale in the

neighborhood context, potential privacy impacts to adjacent properties, and proposed tree removal.

In response, the applicant reduced the size of the addition by 3,158 square feet from the initial plan presented at the first DRC review. This included elimination of 749 square feet from the third floor addition and 439 square feet from the second floor addition. The applicant also increased the rear setback of the south addition to 20 feet from the property line, consistent with the property's existing Single-Family Residential (R-1-6) zoning. The existing building's rear yard setback is ten feet.

The height of the addition is 36 feet seven inches, two feet shorter than the height of the existing building. In addition, the applicant modified the roof forms at the front elevation to create a series of hipped roofs to reduce the appearance of a large mass of building on S. Batavia Street.

Responding to privacy concerns, the applicant increased the sill height of the majority of windows on the rear elevation to five feet six inches. Larger windows that are required for egress are recessed into alcoves in the building and angled away from adjacent properties to limit views. A six foot ten inch landscape screen is provided at the second floor deck.

Related to landscaping, seven mature trees will be retained on the Ronald McDonald House property. Approximately thirteen trees will be retained at 802 W. Culver Avenue. Existing trees will be protected with a Tree Protection Zone during project construction, as outlined in Mitigation Measure BIO-2 in Mitigated Negative Declaration No. 1868-19.

A total of 49 trees will be removed and 52 new trees will be planted. New trees include Brisbane Box for shade in the parking lot and Crape Myrtle trees as accent trees to complement the Crape Myrtle street trees on S. Batavia Street. Italian Cypress will be added as screening for the east property line.

At its December 16, 2020 meeting, the DRC voted to recommend denial of the project by a 4-1 vote.

After the DRC meeting, the applicant made additional changes to the project design based on comments from some DRC members and meetings with the Old Towne Preservation Association. These changes include:

- Reducing the roof pitch of the hip roofs at the front elevation of the addition
- Changing the gable roof of the "hyphen" between the existing building and the addition to be a flat roof
- Changing the wall color at the hyphen to white and reducing the height of the soffit wall at the third floor balcony/hyphen
- Moving the trash enclosure/transformer east into the parking lot at five parking stalls to reduce visibility from the street
- Changing the fiber cement siding at the new building from horizontal siding to vertical board and batten siding with a darker taupe color to differentiate the addition from the existing building
- Painting the horizontal fiber cement siding on the existing building an earth tone color and replacing the river rock veneer with a darker brown fiber cement siding that carries around the first floor of the addition to the parking lot
- Replacing the circular windows facing S. Batavia Street on the existing building with square windows

These changes are reflected in Attachment 13 Revised Design Elements and Attachment 14 Design Progression. The applicant is requesting approval of the project with the design changes shown in Attachment 13.

Issue 3: Variances and Administrative Adjustment

The applicant is requesting three modifications to development standards: 1) Variance for a decrease in the required front yard setback from 20 feet to 15 feet; 2) Variance for an increase in the fence height at the rear property line from the six foot maximum permitted to eight feet; and 3) Administrative Adjustment for a reduction of one parking space.

The southern end of S. Batavia Street at W. La Veta Avenue has been widened over time through a series of City road projects. As a result, the lot dimensions and area of the property containing the Ronald McDonald House have been reduced. In requesting the variance for a fifteen foot front yard setback, the applicant is proposing to maintain the front yard setback of the existing Ronald McDonald House for the new addition. This places the addition in line with the majority of the residential properties to the north and maintains the existing street edge along Batavia Street. Granting the variance allows the property to enjoy a similar front yard setback to adjacent properties in the block.

The maximum fence height for any zoning district is six feet. However, this maximum does not take into account varying interfaces between residential and institutional properties such as the Ronald McDonald House. The Ronald McDonald House is permitted to build to three stories under a Conditional Use Permit approved for the construction of the original building. This condition interfaces with adjacent low-rise residential properties to the east. The variance will improve the edge conditions between these adjacent uses to reduce potential privacy or noise concerns. The specific surroundings of the property warrant an increase in fence height to ensure that adjacent residential units can continue the reasonable enjoyment of their properties.

The required parking rate for the property is one space per bedroom, which is the typical rate required in the OMC for a hotel or bed-and-breakfast. This rate was determined to be the most compatible with the function of the Ronald McDonald House. However, given the close proximity of the Ronald McDonald House to hospitals and the out-of-state residence of some guests, it is unlikely that each guest will at all times need space to park a vehicle on the property. The applicant chose to remove the parking space in order to respond to the DRC's comments on the addition's massing and scale and interface between the parking lot, building entrance, and landscape. The Administrative Adjustment allows a more compatible building and landscape design and should not result in parking impacts to the neighborhood because of the varied parking demand for the use.

8. PUBLIC NOTICE

On February 4, 2021, the City sent a Public Hearing Notice to a total of 130 property owners/tenants within a 300-foot radius of the project site and persons specifically requesting notice. A notice was published in the Orange City News newspaper, and the project site was posted in three locations on that same date.

9. ENVIRONMENTAL REVIEW

Mitigated Negative Declaration: Mitigated Negative Declaration (MND) No. 1868-19 (State Clearinghouse No. 2020120130, Attachment 10) was prepared to evaluate the physical environmental impacts of the project, in conformance with the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15070 and in conformance

with Local CEQA Guidelines.

The analysis contained in the MND determined that implementation of the project may result in significant environmental effects without mitigation. These impacts are related to Biological Resources, Cultural Resources, Geology/Soils, and Tribal Cultural Resources. CEQA Guidelines requires that mitigation measures be identified for such impacts in an effort to reduce such impacts to a less than significant level and that mitigation be fully enforceable through permit conditions, agreements, or other legally binding instruments.

The MND includes mitigation measures, referenced in the project Conditions of Approval and adopted with the certification of the MND, that reduce potential impacts to a less than significant level. The Mitigation Monitoring and Reporting Program of the Final MND summarizes the project's mitigation measures and responsible party for implementation and monitoring. Incorporation of the mitigation measures into the project results in a reduction of significant impact to a less than significant level to the impacts listed above.

The Notice of Intent (NOI) to adopt this environmental document was mailed to residents, property owners, and tenants within 300 feet of the subject property. Additionally, it was advertised in the Orange County Register on December 7, 2020. The public review period began on December 7, 2020 and ended on January 6, 2021. Copies of the document were available for public review at the Libraries and at City Hall.

Staff received one written comment letter during the public review period. A response to Comments to address feedback relevant to environmental impacts received during the public review period was incorporated into the final MND (Attachment 10).

10. ADVISORY BOARD ACTION

Staff Review Committee

The inter-departmental staff review committee (SMART) reviewed the project and provided comments to the applicant on April 24, 2019; September 25, 2019; and July 1, 2020. On October 7, 2020, SMART recommended approval of the project with conditions.

Design Review Committee

The DRC reviewed the project at its December 4, 2019, February 5, 2020, and December 16, 2020 meetings. At its December 16, 2020 meeting, the DRC recommended denial of the project by a 4-1 vote. The minutes for that meeting are provided in Attachment 8.

11. ATTACHMENTS

- Attachment 1 Planning Commission Resolution No. PC 05-21
- Attachment 2 Planning Commission Resolution No. PC 06-21
- Attachment 3 Planning Commission Resolution No. PC 07-21
- Attachment 4 Planning Commission Resolution No. PC 08-21
- Attachment 5 Vicinity Map
- Attachment 6 Site and Surrounding Photographs
- Attachment 7 Historic Resource Survey Forms

- Attachment 8 DRC Meeting Minutes
- Attachment 9 Public Comments Received at DRC Meetings
- Attachment 10 Final Mitigated Negative Declaration No. 1868-19
- Attachment 11 Mitigation Monitoring and Reporting Program
- Attachment 12 Project Plans
- Attachment 13 Revised Design Elements
- Attachment 14 Design Progression

Ayes: Simpson, Vazquez, Glasgow, Martinez, and Willits
Noes: None
Absent: None

3. COMMISSION BUSINESS

None

4. CONTINUED HEARINGS

None

5. NEW HEARINGS

5.1. Public Hearing: Conditional Use Permit No. 3131-20, Royal Wok Type 41 ABC License, 1868 N. Tustin Street

Danny Tat, applicant, spoke on behalf of the project.

Chair Simpson opened public hearing.

No public comments were received for this item.

Chair Simpson closed the public hearing.

A motion was made by Vice-Chair Vazquez and seconded by Commissioner Willits to adopt Planning Commission Resolution No. 10-21 entitled:

A Resolution of the Planning Commission of the City of Orange approving Conditional Use Permit No. 3131-20 for a State of California, Department of Alcoholic Beverage Control, Type 41 License (On-Sale Beer & Wine) for a 3,000 square foot restaurant located at 1868 N. Tustin Street with the finding of public convenience.

Ayes: Simpson, Vazquez, Glasgow, Martinez, and Willits
Noes: None
Absent: None

5.2. Public Hearing: General Plan Amendment No. 2019-001, Zone Change No. 1298-19, Mitigated Negative Declaration No. 1868-19, Major Site Plan Review No. 0976-19, Variance No. 2251-19, Design Review No. 4977-19, Administrative Adjustment No. 0274-19, Orange County Ronald McDonald House, 383 S. Batavia Street and 802 W. Culver Avenue

Vice-Chair Vazquez recused himself from this item, as he lives within 500 feet of the subject property, and left the meeting at 7:15 p.m.

Commissioners Simpson, Glasgow, Willits, and Martinez disclosed that they met with the applicant and staff last week.

Noel Burcelis, Executive Director of the Ronald McDonald House, Jan van Dijs, project manager, Eric Pan, architect, and Bob Stone, Landscape Architect, spoke on behalf of the project.

The commissioners had questions about tree maintenance, outreach efforts with residents regarding changes in the project, parking, number of families served, average

stay, selection process and bungalows.

Chair Simpson opened the public hearing.

Adam Feliz, Old Towne Preservation Association, expressed OTPA's partial support of the project.

In addition, staff received 5 written comments in opposition and 4 in favor.

Chair Simpson closed the public hearing.

A motion was made by Commissioner Glasgow, seconded by Commissioner Willits, to adopt the following Resolution:

Planning Commission Resolution No. PC 05-21 entitled:

A Resolution of the Planning Commission of the City of Orange recommending to the City Council approval of Mitigated Negative Declaration No. 1868-19 and associated Mitigation Monitoring and Reporting Program for the construction of a 17,325 square foot addition to the Orange County Ronald McDonald House located at 383 S. Batavia Street and conversion of a historic single-family residence at 802 W. Culver Avenue to an associated office.

The motion carried by the following vote:

Ayes: Simpson, Glasgow, Martinez, and Willits

Noes: None

Absent: None

Abstain: Vazquez

A motion was made by Commissioner Glasgow, seconded by Commissioner Martinez, to adopt Planning Commission Resolution No. PC 06-21 entitled:

A Resolution of the Planning Commission of the City of Orange recommending to the City Council approval of General Plan Amendment No. 2019-001, a request to change the General Plan Designation of a 60,670 square foot site from Low Density Residential (LDR) to Public Facilities and Institutions (PFI) on a site located at 383 S. Batavia Street and 802 W. Culver Avenue.

The motion carried by the following vote:

Ayes: Simpson, Glasgow, Martinez, and Willits

Noes: None

Absent: None

Abstain: Vazquez

A motion was made by Commissioner Willits, seconded by Commissioner Glasgow, to adopt Planning Commission Resolution No. PC 07-21 entitled:

A Resolution of the Planning Commission of the City of Orange recommending to the City Council approval of Zone Change No. 1298-19, a request to change the Zoning designation of a 60,670 square foot site from Single-Family Residential (R-1-6) to Public Institution (PI) on a site located at 383 S. Batavia Street and 802 W. Culver Avenue.

The motion carried by the following vote:

Ayes: Simpson, Glasgow, Martinez, and Willits
Noes: None
Absent: None
Abstain: Vazquez

A motion was made by Commissioner Martinez, seconded by Commissioner Willits, to adopt Planning Commission Resolution No. PC 08-21 entitled:

A Resolution of the Planning Commission of the City of Orange recommending to the City Council approval of Major Site Plan Review No. 0976-19, Variance No. 2251-19, Design Review No. 4977-19, and Administrative Adjustment No. 0274-19 for the construction of a 17,325 square foot addition to the Orange County Ronald McDonald House located at 383 S. Batavia Street and conversion of a historic single-family residence at 802 W. Culver Avenue to an associated office

The motion carried by the following vote:

Ayes: Simpson, Glasgow, Martinez, and Willits
Noes: None
Absent: None
Abstain: Vazquez

Meeting recessed at 8:33 p.m. and reconvened at 8:39 p.m. with all members present.

5.3. **Public Hearing: Accessory Dwelling Unit Ordinance Update**

The Commissioners had questions on the following:

- Options for Code conformance with State Law
- Number of recently added Accessory Dwelling Unit's
- Landscape objectives
- Inspection process
- Parking impacts
- Owner occupancy requirements
- Various zones for Chapman University properties
- Using Urban Mixes Use Zone

Chair Simpson opened the public hearing.

Alisa Driscoll, Vice President of Community Relations at Chapman University expressed concerns about student housing and dormitories, such as Panther Village, not being allowed in the Urban Mixed-Use Zone.

Staff received 2 written comments in favor, 1 with suggestions and 13 in opposition of ADU's.

Chair Simpson closed the public hearing.

A motion was made by Vice-Chair Vazquez and seconded by Commissioner Glasgow