

INTRACORP



Building the Extraordinary

January 31, 2024

City of Orange
Community Development Department
300 E Chapman Ave
Orange, CA 92866

RE: Response to DRC Meeting – December 5, 2023
TTM 19253 – 901 E Katella

This written correspondence is in response to the DRC Meeting held on December 5, 2023, to support the proposed development at 901 E Katella. The following material and responses are intended to help facilitate your review.

The included attachments are as follows:

1. Letter of Justification – Trash Variance (SLO)
2. Trash collection examples

PLANNING DIVISION
RECEIVED

JAN 31 2024

CITY OF ORANGE

Plans

3. Architectural Package
4. Civil Engineering TTM Package + Fire Master Plan
5. Landscape Package
6. Photometric Plan

Summary of Comments:

1. **Privacy Along the North Edge**

- The Plan 3 (Units 1-12) was able to be modified to step back 2-5 feet along the second story (2 feet in the primary and 5 feet in the primary bath). This will provide additional relief to the northern adjacency. Please note that this does not change the footprint of the Plan 3.
 - See sheets **L-18 to L-22** to reference
 - See sheet **A 4.2, A 4.4, A 4.7, A 4.9** for floorplan modification
- The Plan 3 Primary bedroom swapped window locations so that the egress is on the westerly (Units 1-6) or easterly (Units 7-12) wall. The northerly wall is now housing two high-glass windows that are located out of line-of-sight for additional privacy to the neighbors.
 - See sheets **L-18 to L-22** to reference
 - See sheet **A 4.2, A 4.4, A 4.7, A 4.9** for floorplan modification
 - See sheet **A 4.3, A 4.5, A 4.8, A 4.10** for exterior elevation of the Plan 3
 - ** Please note "windows to be vinyl in bronze color" on all elevation sheets in the "A" set
- Lined the entire north boundary with 24" box podocarpus
 - This will add additional screening and respect necessary GO 95 clearances from the existing power lines
 - See Sheet **L-32-34** for plant imagery and conceptual planting plan
- Added more trees along the north boundary (one tree between each set of homes) and changed the species from the Crape Myrtle and Cypress to the Little Gem Magnolia
 - See Sheets **L-18 to L-22** to reference concept renderings
 - See conceptual planting schedule on **L-34**
- Added a larger tree (Southern Live Oak) and taller hedges to the central common space to provide a larger canopy for privacy from the 3rd story and rooftop views from Units 19-21.
 - See Sheets **L-29- L-30** for concept views
 - See Sheets **L-27** and **L-28** for concept views of park area
 - See conceptual planting schedule on **L-34**

INTRACORP

Building the Extraordinary

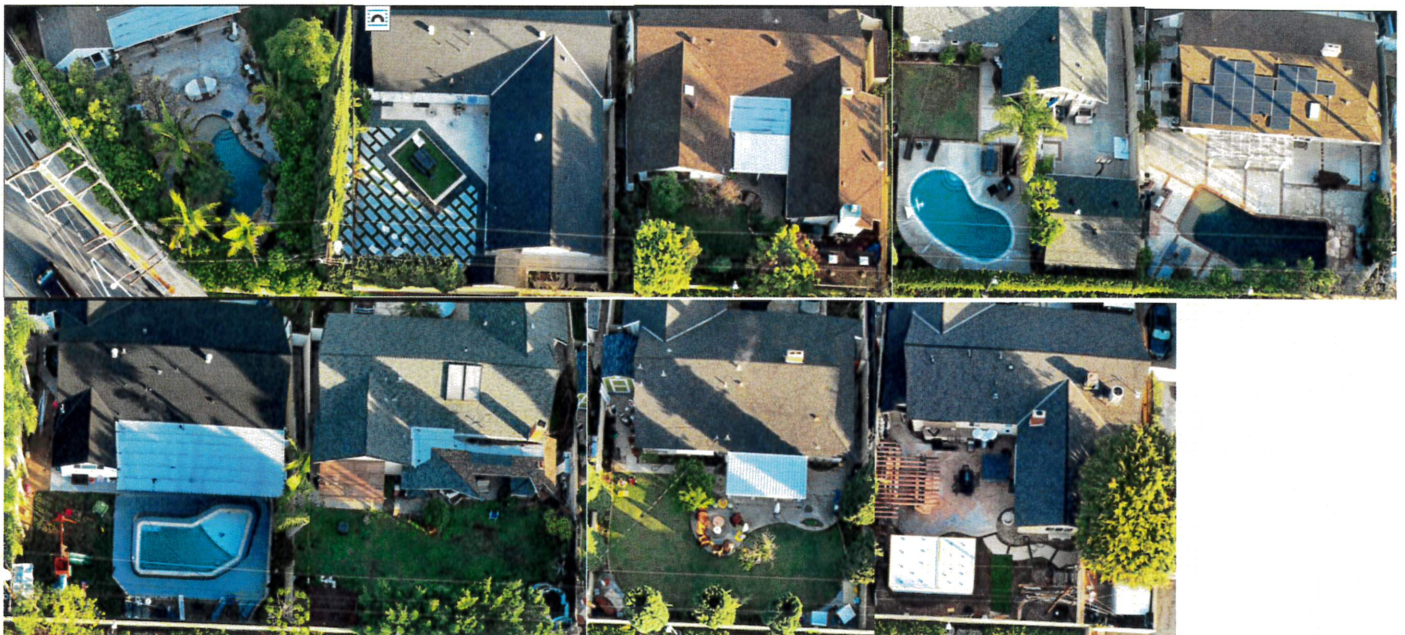
2. Pathway to Access the Pocket Park

- Units 1-12 were shifted slightly so that we could accommodate a pathway leading to the central open space. There is now 6.17' between homes (previously there was 6.33').
 - Reference Sheet **A 1.0, A 1.1**
 - Reference Sheet **L-2** to reference concrete path
 - Pathway will be delineated from the parking stalls in scored concrete to connect to pavers

3. Shade Study

- We added an "existing conditions" sheet for the Shadow Analysis to compare against the proposed condition (Sheet **L-7 - L-8**)
 - L-8**: The existing conditions sheet shows how the current vegetation and screen wall cast shadows at the harshest condition (winter solstice)
- Sheet **L-7**: See a "typical" shadow section for winter and summer solstice.
- Sheet **L-7**: Shows a screenshot from Google Earth showing backyard conditions in relation to existing shading
- Updated Shadow Analysis for "Proposed Conditions" seen on Sheet **L-9** and **L-10**
 - Sheet **L-9**: Shows winter solstice conditions from harshest time (7:00AM) to 9:30AM, when shadow from proposed conditions is off the existing structures
 - Sheet **L-10**: Shows the conditions at the harshest condition (7:00AM) for March, June, and September conditions. One time of day was shown to demonstrate that at the harshest condition, we are not casting shadow on the existing structures.
- Planting:
 - Land Concern paid specific attention to use DRC's comments regarding shade/sunlight sensitive plants and made changes as needed
See concept planting schedule on Sheet **L-34**
** See plant palette sheets: **L-32 - L-33**

Drone Photos taken 1/17/24 at 7:50AM:



INTRACORP SW, LLC

895 Dove Street, Suite 400 | Newport Beach CA 92660 | www.intracorphomes.com

INTRACORP



Building the Extraordinary

4. Line of Sight From Adjacent Properties

- Sheet **L-11 to L-15** – updated the line of sight sections (reference red line section “A” – “E” for location)
- Added colored view cones from the existing neighbors and from the proposed rooftop decks to facilitate interpretation of perspectives
- For height dimensions of rooftop deck, see **Sheet 3.11**

5. View from 3-Story Project

- **L-29** View from Rooftop Deck on Unit 20 through park area
- **L-30** View from 3rd story bedroom window through park area
- Sheet **L-11 to L-15** – updated the line of sight sections (reference red line section “A” – “E” for location)
*** Please note: additional views being generated but not able to provide in the timeframe needed for DRC submittal*

Additional Items:

- Trash Exhibit on Sheet **L-6**
 - Trash Management Justification letter enclosed herein.
- A/C Condensers shown in the rear yards of Lots 1-12. See Sheet **L-2**
- Transformers (5) plotted on the landscape plan – Reference **L-2**
 - *Note: We removed the spotted locations for all below-grade equipment*
 - On Sheet **L-2**: Please note that “Keynote 5” was removed due to redundancy, but list was not renumbered. This is now notated.
- Three additional trees (1 is existing) are added to the street scene on Katella – See Sheet **L-34** and **L-2**
- Callout for artificial turf is added to the legend under “Groundcover Schedule” on the Planting Plan – Sheet **L-34**
- Plan 3 Reverse Floorplan shown - Reference pages **A 4.7 – A 4.10**
- Plan 3 Reverse Floorplan called out on Conceptual Site plan – **Sheet A 1.0**
- Sheets **A 1.0 and A 1.1**:
 - Both unit summary and parking summary now reflect the same number of 4BR units being proposed (18 units)
- Sheet **A 1.0**
 - Elevation type (A / B) added to the site plan A 1.0
 - Removed the “X” Plans in Unit Table and the Floorplan Sheets
 - **Plan 2** = The 18 four (4) bedroom units
 - **Plan 2 “Alt”** = The two “Plan 2” floorplans plotted with a loft in lieu of a 4th bedroom. This was done to uphold parking calcs. The lots are predetermined and will be conditioned to not change during CD approvals (Lots 47 and 49 see table on **Sheet A 1.0**)
- Exterior light added to rear elevation of the Plan 3 – See Sheet **A 4.3, A 4.5, A 4.8, A 4.10**
See second sheet of photometric plan – Sheet **EP1.2**
- Double Wall condition cap detail *previously* shown on Wall and Fence Plan
 - UPDATE: We were able to eliminate the need for a retaining condition on the northeast corner of the property (near Lot 12) through grading adjustments. We NO LONGER need a retaining wall, which would create a small double wall condition. Therefore, no detail is shown for the cap within the landscape set.

If any additional information is needed, please let me know and I will facilitate getting to you. Thank you for your support.

Best regards,

Emilie Simard
Intracorp Homes

JUSTIFICATION FOR LOCATION OF TRASH ENCLOSURES

A. THE PROJECT. Intracorp Homes has filed an application for approval of a 49-unit single-family project located at 901 E. Katella. That application requests approval of:

1. Tentative Tract Map No. 0051-22, creating a small lot subdivision;
2. General Plan Amendment No. 0004-22;
3. Zone Change No. 1307-22;
4. Major Site Plan Review No. 1111-22;
5. Design Review o. 5092-22; and
6. Mitigated Negative Declaration No. 1882-22.

B. THE SRC LETTER. On September 28, 2023, the City sent a letter to Intracorp providing Staff Review Committee comments on Intracorp’s application. The SRC Letter states that the “application has been deemed incomplete at this time” and would remain so “until all comments in attached Table A are resolved.” It also suggested that a Variance may resolve trash enclosure issues. This Justification addresses Comments 14 and 80 of the SRC Letter and provides the factual and legal information to support either (i) a Variance pursuant to OMC Section 17.10.050, (ii) an Administrative Adjustment pursuant to OMC Section 17.10.050, or (iii) a determination that the Project, as proposed, complies with the small lot requirements for trash enclosures.

C. PRIMARY QUESTIONS. There are three key questions to address:

1. ***Is the proposed project a commercial or multi-family project, or is it a single-family project?*** This is a single-family project under both State and local law.
2. ***Does OMC Section 17.14.270.C.11 require that communal trash enclosures be distributed throughout the neighborhood, rather than within individual garages and side yards?*** This does not appear to be the case, particularly where a single-family development provides garages and/or side yards, as well as setbacks from the street for trash day pickups.
3. ***If trash collection areas are within the garages and/or side yards of single-family homes, must they “be screened from view on three sides by a six-foot high masonry wall”?*** While Intracorp understands how Footnote 11 in OMC 17.14.270 might be susceptible to that interpretation, it does not appear to reflect the intent of the code as is evidenced by the City’s own interpretation in the Orange Small Lot Subdivision Guidelines (the “Guidelines”).

D. IMPORTANT FACTS.

1. The Project consists *only* of single-family homes.
2. Typical of single-family homes, each home will have a garage with room for two cars and three standard CR&R trash carts. Most of the homes also will have a side yard that can accommodate three standard CR&R trash carts and will be screened from street view.

3. There is adequate setback in front of the homes for the trash carts to be set out for trash collection without encroaching into the street.
4. CR&R has indicated that trash pickup at individual homes is not a problem for their trucks.
5. Project design does not require a “trash truck to turn around on-site once it services one side of the street.”
6. The Project will have an HOA and CC&Rs. The CC&Rs, enforceable by the HOA, will (i) limit the storage of trash carts to garages and side yards and (ii) provide rules for the time and manner of the placement of those carts for trash collection.

E. IS THE PROPOSED PROJECT A COMMERCIAL OR MULTI-FAMILY PROJECT, OR IS IT A SINGLE-FAMILY PROJECT?

Comment 80 of the SRC Letter states that “Per Senate Bill (SB) 1383 and the Orange Municipal Code (OMC), the proposed development falls under the Commercial part of the Solid Waste requirements.” That statement is not accurate.

The Project consists of *single-family homes* on small lots. Neither SB 1383 (now Government Code Section 66499.40) nor the OMC says otherwise. The very purpose of SB 1383 and the City’s small lot subdivision ordinance is to allow the construction of single-family homes (and **ONLY** single-family homes) on small lots in areas zoned for multi-family uses. That zoning does not make the homes multi-family or commercial. Key provisions related to the “label” of these homes are:

1. **Subdivision Map Act - GC 66499.40(b)(2):** SB 1383 added to the Subdivision Map Act the definition of a “small home lot development.” Its stated purpose is to facilitate the construction of “single-family housing units on fee simple ownership lots” and nothing more. The word “commercial” does not appear in SB 1383.
2. **OMC 17.14.270 A:** The City’s small lot subdivision ordinance was adopted pursuant to SB 1383 and must be read in the context of SB 1383. That again means the Project is a single-family home project as is further clarified by the Guidelines. Intracorp has not found any provision in the OMC that requires these single-family homes to be treated as a commercial or even a multi-family project.
3. **Orange Small Lot Subdivision Guidelines:** The Guidelines were adopted to implement the City’s small lot subdivision ordinance. On Page 3 of the Guidelines, a statement is made further clarifying that the end product is a single-family home: *“The small lot subdivision ordinance allows for the development of smaller fee simple, single-family residential lots in the multi-family residential zones (R-3 and R-4) and in the NMU-24 mixed use zone.”*

There is no viable argument that the Project is anything other than a single-family home project. Neither State law nor the OMC provides, as Comment 80 mistakenly states, that “The development is required to provide commercial service.”

F. DOES FOOTNOTE 11 REQUIRE COMMUNAL TRASH ENCLOSURES AND PROHIBIT HAVING CARTS LOCATED WITHIN INDIVIDUAL GARAGES AND SIDE YARDS?

Footnote 11 reads:

Trash Enclosures. All small lot subdivision developments shall provide trash (including trash, recycling, and green waste) collection areas adequately and conveniently placed throughout the development. These collection areas shall be screened from view on three sides by a six-foot high masonry wall. A view obscuring gate shall be provided.

Does Footnote 11 require every small lot subdivision, irrespective of its design, to provide communal trash enclosures throughout the community, thus requiring individual homeowners to walk their trash to those enclosures through rain and shine? We believe not.

Footnote 11 presents two components. The first is that “collection areas” must be “adequately and conveniently placed throughout the development.” With the Project, trash carts indeed will be “placed throughout the development” by being enclosed within the garage and/or side yard of each home. As a result, the Project meets this requirement of Footnote 11.

Perhaps more important are the words “adequately” and “conveniently.” Please keep in mind that (i) CR&R has advised Intracorp that the Project’s proposed trash pickup plan is fully manageable, (ii) no trash trucks will need to turn around within the Project, and (iii) as with the City’s other single-family homes, all trash carts will be screened from public view other than on trash collection day. As a result, Intracorp’s plan appears to “adequately” address each of those concerns. That leaves the question of “convenience.” Is it more “convenient” for single-family homeowners – and particularly for seniors and persons with disabilities – to (i) place their trash in carts kept either inside the garage or on the side yard or (ii) walk to communal bins carrying the household trash, open the gates, lift the lid of a very large bin, and toss the garbage bags into that bin – perhaps in the rain? Comment 80 states that “*Cart Service compared to Bin Service generates a substantial amount of more stops. (156 weekly stops with carts vs an estimated 15 weekly stops with bin service).*” But rather than focusing on CR&R’s convenience, isn’t it more convenient for the Project’s residents to be allowed to manage their personal trash in the same manner as other single-family residents in the City?

G. IF TRASH COLLECTION AREAS ARE WITHIN THE GARAGES AND/OR SIDE YARDS OF INDIVIDUAL SINGLE-FAMILY HOMES, MUST THEY “BE SCREENED FROM VIEW ON THREE SIDES BY A SIX-FOOT HIGH MASONRY WALL”?

The second component of Footnote 11 is the provision that “*These collection areas shall be screened from view on three sides by a six-foot high masonry wall. A view obscuring gate shall be provided.*” This is specific language that might require an Administrative Adjustment or a Variance. However, the Guidelines seem to reflect that a harsh interpretation is not what Footnote 11 requires. On Page 14, in Paragraph 4f, the Guidelines state: “*Trash containers should*

be screened from public view by opaque walls or fences subject to the rest of the recommendations under these guidelines and to OMC Section 17.14.270(I)."

The Guidelines' (and, therefore, the City's) view of what the OMC requires indicates that the OMC's intent is that trash containers (carts in this case) "be screened from public view by opaque walls or fences." By placing trash carts either in garages or on side yards, each cart would be screened as required. Intracorp is agreeable to adding to its CC&Rs a requirement that trash carts be kept inside garages and/or side yards other than for trash pickup.

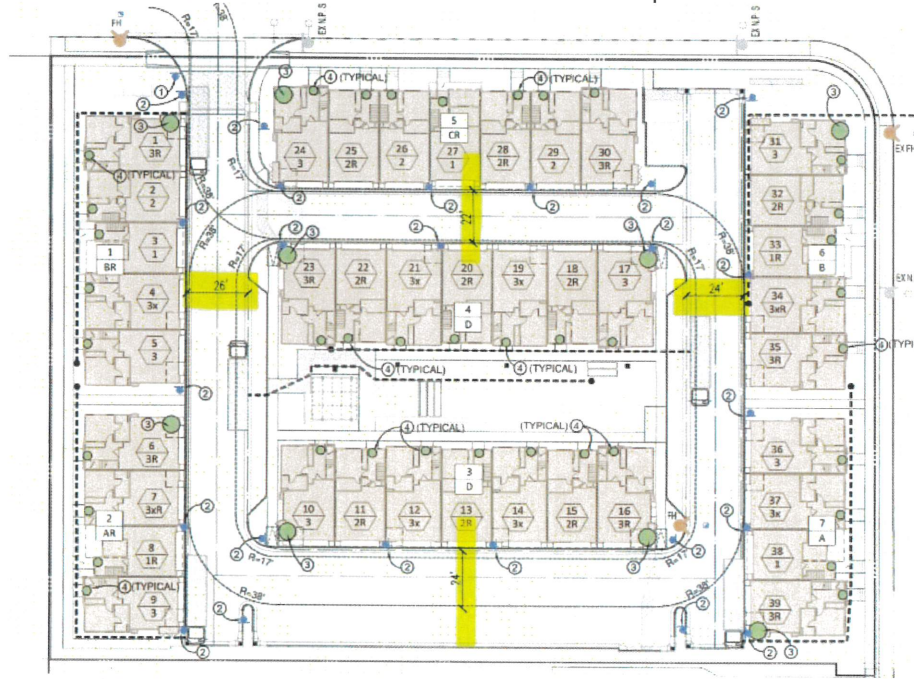
CONCLUSION. Intracorp believes the City has three alternatives:

1. Find that the project design complies with SB 1383, the City's Small Lot Subdivision Standards (OMC 17.14.270) and the Guidelines.
2. Grant an Administrative Adjustment pursuant to OMC 17.10.050(D)(3) through findings that storing trash carts within garages and side yards (i) would "not be detrimental to the public health, safety, and general welfare of persons residing or working on the subject property or in the vicinity" and would, in fact, benefit the health and safety of those persons residing on the property, and (ii) does not compromise the OMC, but rather furthers the intent of the City's small lot subdivision ordinance.
3. Although Intracorp believes that the appropriate action is the approval of an Administrative Adjustment, if, after reviewing this Justification, Planning Staff prefers a Variance, then the information provided by this Justification also provides the basis for the required findings.

To be clear, it is Intracorp's hope that the information provided within this Justification will lead Planning Staff to conclude that neither an Administrative Adjustment nor a Variance is required.

LUX Irvine

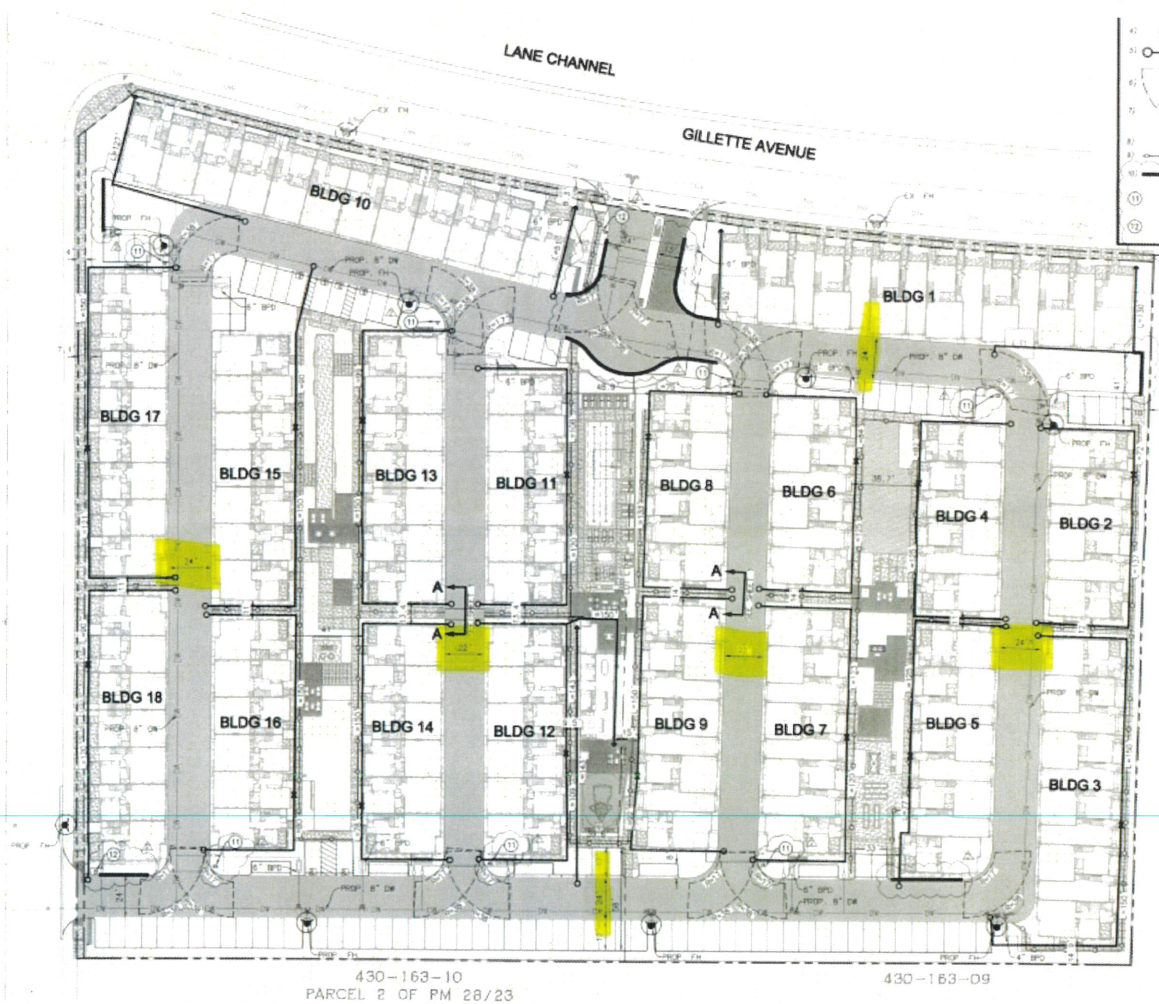
22-26-foot interior drive where carts are placed



Placement Along the 22-Foot Alleyway



MDL Irvine
24-foot interior drive / 22-foot alleyways where carts are placed



C2E Irvine

24-foot interior drive / 22-foot alleyways where carts are placed



24-foot Interior Drive

22-foot Alleyway

