

December 5, 2022

Planning Commission Meeting

Public Comment

Public Comments

Item 5.1

Appeal No. 0560-22

Design Review No. 5077-22

Duplex Unit at 529 South Grand St.

memo

To: Members of the Planning Commission, City of Orange
From: Alison and Michael Vukovich
CC: City Clerk
Gary Sheatz, City Attorney
Date: December 5, 2022
Re: Appeal No. O560-22
Agenda Item #5.1

Dear Planning Commission,

We are submitting this letter to you to provide some background information for the proposed duplex unit at 529 S. Grand St. As property owners and local members of the community, we respectfully request that the Planning Commission review the Staff Report (File 22-0673) in detail prior to making a determination regarding the appeal to the Design Review Committee approval.

Before addressing the reasons outlined in the appeal, we would like to state the fact that the unit is actually 1,329 SF not 1,556 SF. The attached garage is 227 SF. Additionally, this property is zoned R-2 and a second unit is allowed. We have spent a significant amount of time and work to design a second unit that is sensitive to the neighborhood and Old Towne aesthetic.

The basis for the appeal states that the design (1) does not conform to Historic Preservation Design Standards, (2) nor the Secretary of the Interior's Standards for same, (3) negatively impacts the community aesthetics, and (4) does not qualify for a CEQA exemption.

We would like to address these concerns as follows:

1. The project does conform with Historic Preservation Design Standards.
 - a. The project was originally presented to the Design Review Committee (DRC) on September 21, 2022. Public comments and feedback from the DRC was heard.
 - b. We spent considerable time and effort modifying the design to lessen the bulk and mass of the project. The design is subordinate in nature with slab-on-grade construction with a lower plate height and roof form. We also minimized the entry.
 - c. Our design is more sensitive than most pre-existing R-2 properties with 2nd units.
 - d. The total FAR is far less than the average FAR for properties on the block.

- e. The 2nd unit has been carefully planned for the least amount of visibility from the street. It is offset from rear and side property lines for lesser impact and visibility to neighbors.
- 2. The project does not conform to the Secretary of the Interior's Design Standards.
 - a. The Standards apply to historic structures but do not preclude growth, change and adaptability
 - b. Great care was taken to ensure that the historical qualities of the historic residence are not impeded or obstructed.
- 3. The project negatively impacts the community aesthetics.
 - a. Great care consideration was taken to make sure the project is sensitive to the community aesthetics.
 - i. Most importantly, we have planned for additional vehicle parking with the 2nd unit, which would not be required and would not be provided for with a standard ADU.
 - ii. A second unit is entitled as a by-right in R-2 zoning.
 - iii. Our proposed design is most advantageous option since it complies with all requirements and has on-site parking.
 - iv. The DRC approved the project based on the consideration that was taken to the design aesthetic.
 - b. The project does not qualify for a CEQA exemption.
 - i. This project is categorically exempt from CEQA.
 - ii. CEQA is prohibited by law from being a restriction on small residential properties.

In addition to the above, we also wanted to address the community's concern regarding additional traffic and street parking that the dwelling may cause. We will require that the garage be used as a parking stall, rather than for storage.

Old Towne Orange is a treasure to the local community. We look forward to continuing to honor the community with our proposed design, which is sensitive to the community's concerns, by providing a well-designed, subordinate dwelling, with off-street parking and design characteristics that are sensitive to the historical nature of the neighborhood.

To: Planning Commission Public Comment
Cc: Ernie Glasgow; David Simpson; Rick Martinez; David Vazquez; Jonathan Trapesonian
Subject: Public Comment Item #: 5.1

Follow Up Flag: Follow up
Flag Status: Flagged

December 5, 2022

Re: 529 S Grand St; Orange CA Project - Planning Commission Agenda Item #5.1

Orange Planning Commission

David Vazquez - Chair
Ernest Glasgow - Vice-Chair
Dave Simpson - Commissioner
Rick Martinez - Commissioner
Jonathan Trapesonian - Commissioner

Dear Planning Commission Chair and Commissioners,

The Old Towne Preservation Association, in evaluating the project at 529 St Grand St in Old Towne Orange's historic Nutwood Tract, OTPA finds issues as follows:

- The elements noted in the appeal (scale and massing, departure from historic patterns of development, and that accessory structures should be of a utilitarian design) are all in conflict with the City of Orange's Historic Preservation Design Standards for Old Towne Orange, and therefore with the Secretary of the Interior's Standards.

- The City's Staff Report for the project indicates that it is categorically exempt from CEQA. OTPA is not in agreement with this assertion as there appear to be exceptions to the exemption that have not been considered:

- **Substantial "cumulative impacts"** - 529 S Grand St and the adjacent property, 515 S Grand St (also owned by the same developer) exist side-by-side on a narrow, single-loaded parking street. While only 529 S Grand is being considered this evening, these projects should be evaluated together, not separately. Any proposed ADUs for the 529 S Grand St project, and/or 515 S Grand St, while allowable ministerially under State law, should also be considered as a contributor to the cumulative impacts as required by CEQA.

Regarding cumulative impacts of the proposed projects, there have been numerous projects over the last several years in the historic district that have intensified development, particularly projects intended primarily for student housing. **OTPA suggests a study as to whether the intensified development has had a significant cumulative impact on the district as a whole before more "successive projects of the same type in the same place" are considered exempt under CEQA.** Within the City's own CEQA documents, it currently states "In such periodic reports, the Community Development Director shall evaluate threats of loss or destruction of the qualities which caused original formation of the local historic district, listing in and/or determination of eligibility for listing in the National or California Register". These two side-by-side projects would appear to meet that threshold.

- **"Substantial adverse changes in the significance of a historical resource"**. The 500 block of the East side of Grand St is characterized by the presence of 3 excellent examples of historic single family Craftsman homes, and 1 prominent Victorian architecture home. The introduction of multi-family housing into this environment constitutes an adverse impact on the three various historic districts - (1) the two contributing properties with proposed projects on the table, (2) Nutwood Place (also known as the Nutwood Tract), the first subdivision in Orange, (3) and the Historic District as a whole, all of which are considered the "historic resource". Per the City's own CEQA documents, Page 18, **"Substantial adverse changes in the significance of a historical resource means physical demolition, destruction, relocation or alteration of the resource, or its immediate surroundings such that the significance of an historical resource would be materially impaired."**

- **Traffic impacts** are also required to be considered by CEQA. With the likely impacts of multiple residents backing automobiles out of long, narrow driveways onto a narrow street, coupled with the additional opportunities for vehicle-to-vehicle impacts as cars attempt to cross or make a left turn on to La Veta (a very busy street with higher vehicle speeds), traffic concerns are very real. In addition, after 11PM, when Hart Park is closed, this block may be the only egress for residents and/or emergency vehicles – an illegally parked car could preclude residents and/or emergency vehicles from entering or exiting the area.

To evaluate future projects, OTPA would also respectfully suggest, if not already in place, that the City develop and utilize a written, consistent, verifiable, transparent, and replicable process for determining if proposed projects are subject to CEQA, such that they can be easily examined by interested stakeholders. While critical for every proposed project, it is especially so for those within our National Register Historic Districts. **It would seem that within the largest National Register District within the State of California, that categorical exemptions would be rare, and not the rule!** A transparent process, as noted above, would shed light on why that's so (or why it shouldn't be so); our unique historic district deserves that, at the very least.

At a recent City Council meeting, several Council Members suggested that as a community we have to stop the "commercialization of our residential neighborhoods". This project, and its proposed sister project at 515 S Grand St, are just that – commercialization of our neighborhoods to provide private, for-profit, student housing for Chapman University students – all to the detriment of our unique historic neighborhood. You have the authority to halt this type of development.

Thank you for your consideration of this information – we look forward to many years of mutual collaboration towards preserving all of our National Register Historic Districts.

Sincerely,

Tony Trabucco
Preservation Co-Chair/Past President
Old Towne Preservation Association
(OTPA)



To: Planning Commission Public Comment
Subject: Public Comment Item # 5.1 Appeal No. 0560-22; an appeal of Design Review Committee approval of Design Review No. 5077-22

Follow Up Flag: Follow up
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I would like to comment on Appeal No. 0560-22; an appeal of Design Review Committee approval of Design Review No. 5077-22

The Design

Standards for Old Town state: "The design of secondary buildings should be subordinate to the primary building on the lot." This project is a three-bedroom, two bath house. It is bigger than the house my family lives in. It is not appropriate to the neighborhood.

A major concern is the increase in cars and traffic. The Design Review Committee felt that this concern was not under their purview. I hope that the Planning Commission will take this into consideration. Grand Street is a narrow street with parking only on one side. Grand Street is the only ingress and egress for some of the people who live in the Nutwood Place neighborhood. The architect claimed at a previous meeting that parking by Chapman students would not be a problem—it already is a problem from the students currently renting. It has become difficult and dangerous to get in and out of the neighborhood with all of the cars parked on the street.

The design standards refer to the "setbacks of historic buildings" and "the spatial relationships that characterize the property." This project simply fills the space with rooms to rent. The point of the design standards is to "guide the design of new construction so that it relates respectfully to historic buildings." This project does not relate respectfully to the existing historic home or to the historic Nutwood Place neighborhood.

Linda Maxwell-Jordan



-----Original Message-----

From: Tara Klasna

Sent: Monday, December 5, 2022 7:08 PM

To: Planning Commission Public Comment <pcpubliccomment@cityoforange.org>

Subject: 5.1 appeal no.0560-22

I am waiting to voice my objections to the proposal at 529 s. Grand. I live at _____ directly next door to this property. I have lived in old town for 30 years and in my current residence for the past 15 years.

I chose the Nutwood neighborhood as our home because of the quiet neighborhood and old town charm. Both of these features are threatened by over-development of residential property.

Specifically, I am asking the planning commission to take a closer look at the extreme nature of this duplex expansion. To this date, I am unclear why CEQA exemption is granted without a more thorough examination of the detrimental effects to the residents' quality of life. South Grand is a narrow street with limited parking. Young families are now moving into the neighborhood and I am truly concerned for their safety.

Thank you,

Tara Klasna

Sent from my iPhone

Public Comments

Item 6.2

Conditional Use Permit No. 3126-20
In-N-Out Burger and CEQA Exemption
Finding

To: Planning Commission Public Comment
Subject: FW: Conditional Use Permit No. 3126-20, In N Out Burger

Follow Up Flag: Follow up
Flag Status: Flagged

My name is Tiffany Praisuwan and I am the Community Manager at AMLI Uptown Orange, a 334- unit apartment community in Orange, CA. We are located right across the street from El Torito 3520 The City Way East.

I am reaching out to you regarding the proposal to demolish El Torito and construct an In N Out restaurant. I agree that El Torito needs to be demolished as we've encountered numerous noise issues from their establishment, i.e. loud music in the evenings and during Sunday brunchtime. However, we respectfully oppose the proposal to build an In N Out in that location due to the following concerns:

- late night activity since In N Out operates until 1:30am at most locations
- loud cars using the drive through and parking lot
- crowds gathering in and around their vehicles to enjoy their food, which could bring loud music and late-night chatter
- increase in transients loitering around this establishment. We've historically had issues prior with the homeless population, mainly due to them sleeping along our sidewalks and/or open occupied resident patio spaces. We've even had residents transfer off-site due to this.

Our residents were also notified of this proposal, and a sizeable cohort have already voiced their concerns. Our community attracts respectful residents who positively contribute to our city. The majority of our residents work in the healthcare field (doctors from UCI, CHOC, and St. Josephs,) followed closely by the finance and education industries. We'd like to keep attracting valuable residents to our community/city and would not want to be located nearby any obvious feature that may discourage that.

Should this proposal for an In N Out establishment be approved, we would hope that the city conditions the approval with restrictions for the establishment to keep all parties satisfied, such as but not limited to, noise regulations, on-site security after 10 pm, signage to direct traffic.

Please feel free to contact me directly should you have any questions or concerns. I appreciate your time.

Thank you.

TIFFANY PRAISUWAN | Community Manager, ACM


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