



Agenda Item

Design Review Committee

Item #: 4.2.

11/1/2023

File #: 23-0729

TO: Chair and Members of the Design Review Committee

THRU: Chad Ortlieb, Principal Planner

FROM: Ani Mnatsakanyan, Associate Planner - Historic Preservation

1. SUBJECT

A request to construct a second-story balcony deck at the rear of an existing duplex, 413/415 S. Center Street, (Design Review No. 5115-23)

2. SUMMARY

The applicant proposes to construct a second-story 277 square foot balcony-deck addition at the rear of an existing duplex with steel columns and Douglas fir framing and railings. The property is not a contributor to the Historic District.

3. RECOMMENDED ACTION

Approval by the Design Review Committee.

4. BACKGROUND INFORMATION

Applicant: Michael Margerum, Architect

Owner: Ronald Hodges

Property Location: 413/415 S. Center Street

General Plan Designation: Low-Medium Density Residential (LMDR)

Zoning Classification: Residential Duplex (R-2-6)

Existing Development: Two-story non historic residential duplex

Associated Application: None.

Previous DRC Project Review: None.

5. PROJECT DESCRIPTION

The major components of this project include:

- A second-story balcony-deck at the rear of the two-story duplex building. The balcony will be supported by 5"x5" steel columns painted to match existing and will have pressure treated douglas fir deck and railings. The proposed balcony deck will be accessed by an existing douglas fir staircase and landing located at the south elevation of the duplex. The new railings and deck will match the existing staircase in style, material, and color. It will extend 10 feet

into the rear property and will be situated over the existing 10 foot concrete slab.

6. EXISTING SITE

The existing site is developed with a two-story vernacular foursquare duplex building constructed in 1954. The building is clad in plaster and has a hipped roof with composition shingles and exposed rafter tails. There is a one-story projection at the first bay of the front (west) elevation with a hipped roof and exposed rafter tails. The entrance to the first story unit is centrally located. Fenestration consists of double hung windows with shutters. A wood staircase at the south elevation leads to the entrance to the second-story unit. There is an existing 10 foot concrete slab at the rear, over which the proposed balcony will be constructed. There is also a detached two-car garage at the southeast corner of the property at the rear and two unenclosed spaces. The property is enclosed by a chain link fence similar to the chain link fences at of the postwar duplex units between East Culver Avenue and East La Veta Avenue.

The existing FAR of the property is .32. There is no change proposed in the FAR because the applicant is only proposing a second story balcony.

7. EXISTING AREA CONTEXT

The subject property is located on the east side of 400 block of S. Center Street between E. Culver Avenue and E. La Veta Avenue. The zoning on the west side of S. Center Street is R-1-6, and the zoning on the east side of the street is R-2-6. All but three properties on the west side of the street are contributors to the Historic District. The four southernmost buildings on the east side of S. Center Street are also contributors to the Historic District. The duplex is part of a larger postwar duplex development between S. Center and S. Shaffer Streets. All duplexes in this development block are identical in a vernacular foursquare style, plaster cladding, and hipped roofs. The parking spaces for all units are accessed through a central alleyway that is accessed off E. Culver Avenue.

All the two-story duplex properties in this development have windows that face towards the rear of the properties and the alleyway and the adjacent properties that provide second story views at the rear. In addition, residents can have access to second story views from the second story landing of the staircase. The views from the landing, as exhibited in Attachment 8, are primarily to the rear of the property and do not increase privacy concerns.

8. ANALYSIS AND STATEMENT OF THE ISSUES

Issue 1 Visibility of Rear Balcony:

The Historic Preservation Design Standards allow for an addition at the rear that would not be significantly visible from the street view. The balcony is proposed at the rear of the existing two-story duplex unit. It will project east into the rear yard of the property. The existing landing at the south elevation will be extended to accommodate access to the rear balcony. The balcony addition will be minimally visible from S. Center Street. However, it will be visible from the alleyway and from E. Culver Avenue. Although it is visible from the alleyway, the balcony will be compatible in the material, style, and color to the existing landing.

Issue 2 Compatibility of Balcony Addition:

The Historic Preservation Design Standards allow for staff-level review and determination for exterior patio covers and decks in the rear yard that are not visible from the street. A deck is typically defined as a ground level structure. Per the Orange Municipal Code Section 17.14.090.C.3, a patio cover is at grade and unenclosed on at least two sides, may project into the rear yard setback, no closer than

10 feet from the rear property line. Whereas a balcony is installed on a second story or higher. As a result, balconies are not reviewed in the same capacity as a patio cover or deck through the Minor Design Review process and is reviewed instead by the DRC.

The two-story duplex units development between S. Center Street and S. Shaffer Street are characterized by the symmetrical and contemporary interpretation of a vernacular American foursquare style residence. The second story units at the duplexes are accessed by a side yard exterior staircase. Although the balcony will be compatible in its style, materials, and color to the primary structure, none of the buildings in this grouping of postwar development has a second story balcony. While it is compatible in material, size, color, and scale, and it is not visible from the Center Street frontage, the project will introduce a new feature at the rear of the unit.

Issue 3 Privacy:

The second story balcony will allow tenants to have additional outdoor space at the rear of the subject property. As mentioned above, the second story balcony will introduce a new feature at the rear of the residence. It may potentially trigger privacy concerns. However, the existing duplex residences currently have symmetrical windows at the rear of the residence that provide visibility to the rear alleyway and the rear yards. Therefore, staff does not believe that the addition of the balcony will provide any additional concerns for privacy. With the addition of the balcony, there will be about 59 feet from the edge of the proposed balcony to the rear property line. The view distance from the balcony will primarily be into the residents' own back yard. Furthermore, the location of the two car garages at the rear property line obscure some of the views into the rear yards.

Staff is in support of the proposed project and believes that the balcony is compatible in size, material, style, and color. Although it is introducing a new feature at the rear of the duplex, the balcony will be minimally visible from the primary elevation and will not pose any additional privacy concerns.

9. ADVISORY BOARD RECOMMENDATION

None.

10. PUBLIC NOTICE

Notice was provided to 154 owners and occupants within 400 feet of the project on or before October 19, 2023, and the site was posted on or before that date.

11. ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15301 (Class 1 - Existing Facilities), because it consists of an addition of less than 10,000 square feet to an existing residence, in conformance with allowable development in the General Plan and in an area where public facilities and services are available.

12. STAFF RECOMMENDATION AND REQUIRED FINDINGS

Findings for DRC applications come from four sources:

- The Orange Municipal Code
- The Infill Residential Design Guidelines
- The Historic Preservation Design Standards for Old Towne (commonly referred to the Old Towne Design Standards or OTDS)
- Orange Eichler Design Standards (or OEDS)

The Findings are applied as appropriate to each project. Based on the following Findings and statements in support of such Findings, staff recommends the DRC approve the project with recommended conditions.

- 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 (OMC 17.10.070.G.1).

The balcony addition will be minimally visible from the street and will be compatible in material, design, and style with the existing structure and second story wooden stairway and landing. The balcony will be minimally visible from S. Center Street, which is the front elevation of the building. The balcony will be visible from E. Culver Avenue and the alley at the rear. However, the balcony will be compatible in material and color and will appear to be in conformance with the existing staircase at the south elevation when viewed from the alleyway.

- In any National Register Historic District, the proposed work complies with the Secretary of the Interior's standards and guidelines (OMC 17.10.07.G.2).

Since the property is not a contributor to the Historic District, the Secretary of Interior's Standards apply to how the proposed work will affect the Historic District as a whole, and not the individual building. Consistent with Standard 9, new construction will not destroy historic materials that characterize the property. While differentiation is not necessary for non-contributors, the balcony will be differentiated with the use of steel columns as opposed to the wood posts at the landing. The balcony will not impact the streetscape of S. Center Street. It will be visible from E. Culver Avenue, but it will be obscured by the rooflines of the detached garages that characterize the rear of the properties at the block.

- 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 (OMC 17.10.07.G.3).

As mentioned above, the project has an internally consistent, integrated design that is compatible with the Historic District in its material, scale, and size.

- 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 (OMC 17.10.07.G.4).

The new balcony addition is compatible with the existing two-story residence and the surrounding development with the scale, mass, and orientation of the addition. Although it is introducing a new feature to the building, it is located at the rear, minimally visible, and is compatible in design and material. It will not have a detrimental impact on the existing neighborhood character and will not result in a loss of integrity of the Historic District.

13. CONDITIONS

The approval of this project is subject to the following conditions:

1. This project is approved as a precise plan. All work shall conform in substance and be maintained in general conformance with the plans (date stamped approved November 1, 2023, and in the project case file), including modifications required by the conditions of approval, and as recommended for approval by the Design Review Committee. Any changes

from the approved plans shall be subject to subsequent review and approval by the Design Review Committee.

2. After any application has been approved, if changes are proposed regarding the location or alteration of any use or structure, 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 provisions 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 meeting.
3. The applicant agrees, as a condition of City's approval of Design Review No. 5115-23, 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.
4. 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.
5. 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.
6. 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.
7. Design Review No. 5115-23 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.

14. ATTACHMENTS

- Attachment 1 - Vicinity Map
- Attachment 2 - Letter of Explanation
- Attachment 3 - Project Plans
- Attachment 4 - DPR Form
- Attachment 5 - Existing Conditions Photographs
- Attachment 6 - Historic Aerial Appendix
- Attachment 7 - Development Standards Table
- Attachment 8 - Pictures from the Second Story Landing