

RESOLUTION NO. 11438

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE DENYING APPEAL NO. 0561-22 AND APPROVING DESIGN REVIEW NO. 5077-22 TO CONSTRUCT A NEW DUPLEX UNIT LOCATED AT 529 SOUTH GRAND STREET

APPLICANT: WILLIAM DUNSTON, DSEA, INC.

WHEREAS, Design Review No. 5077-22 was filed by William Dunston, DSEA, Inc. for the construction of a 1,102 sq. ft. duplex with an attached 227 sq. ft. garage at 529 S. Grand Street in accordance with the provisions of the OMC; and

WHEREAS, Design Review No. 5077-22 was processed in the time and manner prescribed by state and local law; and

WHEREAS, on October 5, 2022, the Design Review Committee reviewed Design Review No. 5077-22 and approved the application subject to conditions and findings; and

WHEREAS, on October 20, 2022, Appeal No. 0560-22 was filed, appealing the Design Review Committee's approval of the project to the Planning Commission; and

WHEREAS, on December 5, 2022, the Planning Commission considered the staff report and backup documentation, the grounds for the appeal and accepted public testimony at a public hearing, denied Appeal No. 0560-22, and upheld the Design Review Committee's approval of the project; and

WHEREAS, on December 16, 2023, Appeal No. 0561-22 was filed, appealing the Planning Commission's approval of the project to the City Council; and

WHEREAS, on February 14, 2023, the City Council considered the staff report and backup documentation, the grounds for the appeal, and accepted public testimony at a public hearing.

NOW, THEREFORE, BE IT RESOLVED that the City Council denies Appeal No. 0561-22 and approves Design Review No. 5077-22 to construct a new 1,102 sq. ft. duplex with an attached 227 sq. ft. garage located at 529 S. Grand Street. The denial of the Appeal and approval of the project are based on the following findings:

SECTION 1 – FINDINGS

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 (OMC 17.10.070.G.1).*

The proposed project is in conformance with the Historic Preservation Design Standards for Old Towne, which are the prescriptive design criteria for projects within the Old Towne Historic District. The second unit is compatible with the mass, scale, and setbacks of the existing building, and the roof forms are consistent with the surrounding houses in the neighborhood. The second unit would be minimally visible from the street and will not affect the appearance of the historic district. Traditional building materials in the windows are used and compatible with the historic district. The new unit is subtly differentiated from the original primary residence by its slab on grade construction, fiber cement siding, and vertical gable roof vent detail.

2. *In any National Register Historic District, the proposed work complies with the Secretary of the Interior's standards and guidelines (OMC 17.10.070.G.2).*

Projects located in the Old Towne Historic District must comply with the Historic Preservation Design Standards for Old Towne. As described above, the proposed work conforms with these design standards.

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 (OMC 17.10.070.F.3).*

Projects located in the Old Towne Historic District must comply with the Historic Preservation Design Standards for Old Towne. As described above, the proposed work conforms with these design standards. The architecture, scale and massing of the proposed unit facilitates the integration of the new unit with the original residence and overall site. The roof forms, fenestration, and materials are also compatible with the historic residence and garage. The project is not located in a specific plan area.

There is no specific plan or applicable design standards applicable to this property.

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 (OMC 17.10.070.G.4).*

The new duplex unit is minimally visible from the street and is compatible with the scale of surrounding development. It is subordinate to the existing historic building and would continue to maintain a generally low FAR for the property compared to the adjacent buildings in the vicinity. The scale and massing of the structure, combined with the roof plan and fenestration are consistent with surrounding neighborhood character.

SECTION 2 – ENVIRONMENTAL REVIEW

Categorical Exemption: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15303 (Class 3 – New Construction), because it consists of construction of a new duplex residential unit resulting in a total number of units below the maximum allowable in the Low Medium Density Residential General Plan land use designation (6-15 dwelling units per acre) and Duplex Residential (R-2-6) zoning district, and is in an area where public facilities and services are available.

SECTION 3– CONDITIONS OF APPROVAL

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

1. This project is approved as a precise plan. All work shall conform in substance and be maintained in general conformance with the plans (attached to the DRC staff report dated October 5, 2022, 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 to indemnify, hold harmless, and defend the City, its officers, agents and employees from any and all liability or claims that may be brought against the City arising out of its approval of this permit, save and except that caused by the City's active negligence.
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, Public Works Department's Building Division. Failure to obtain the required building permits will be cause for revocation of this permit.
7. If not utilized, project approval expires 24 months from the approval date. Extensions of time may be granted in accordance with OMC Section 17.08.060.

ADOPTED this 14th day of March 2023.



Jon Dumitru, Councilmember, City of Orange

ATTEST:



Pamela Coleman, City Clerk, City of Orange

STATE OF CALIFORNIA).
COUNTY OF ORANGE) ss.
CITY OF ORANGE)

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Resolution was duly and regularly adopted by the City Council of the City of Orange at a regular meeting thereof held on the 14th day of March 2023, by the following vote:

AYES: COUNCILMEMBERS: Dumitru, Tavularis, Bilodeau, and Gyllenhammer
NOES: COUNCILMEMBERS: Gutierrez
ABSENT: COUNCILMEMBERS: None
RECUSED: COUNCILMEMBERS: Barrios, and Slater



Pamela Coleman, City Clerk, City of Orange