Minutes

Planning Commission September 19 2011 City of Orange Monday 7:00 p.m.

PRESENT: Commissioners Buttress, Gladson, Grangoff, Merino and Steiner

ABSENT: None

STAFF

PRESENT: Alice Angus, Community Development Director

Ed Knight, Assistant Community Development Director

Jennifer Le, Senior Planner

Gary Sheatz, Assistant City Attorney Sandi Dimick, Recording Secretary

ADMINISTRATIVE SESSION

Chair Steiner opened the Administrative session @ 6:50 p.m. and stated that there were the minutes to approve and one Agenda item. On the meeting minutes of September 7, 2011, Commissioners Grangoff and Merino would abstain from the vote as they had not been present at that meeting. Commissioner Gladson noted a correction to the minutes to correct the City of Santa Monica to read Santa Margarita.

Chair Steiner asked the Commissioners if they had any questions on the Zone Change item.

Commissioner Merino stated based on the emails and correspondence that they had received, he wanted to be sure that Staff was clear on what the meaning of a vote for the affirmative or for the negative would mean in terms of Staff's recommended action on the item. Chair Steiner stated the re-zoning would be consistent with the components of the General Plan.

Chair Steiner stated there were 5 different zones with many of the zones being grandfathered in. He had not anticipated that the public had much anxiety with the rezoning and the legal non-conforming properties would be that way indefinitely. Commissioner Gladson stated they could have a good discussion on the dais. Chair Steiner asked if there was a crowd expected? Mr. Knight stated he anticipated there would be a couple of speakers from the public.

Chair Steiner stated the re-zoning would be a recommendation to the City Council and there were 3 main issues on the Agenda item before them. Commissioner Buttress stated they had received a lot of emails in their folders.

Chair Steiner stated the Community Development Director, Alice Angus, was present. Ms. Angus stated she was present to watch the proceedings from the audience and Senior Planner Jennifer Le had the pleasure of presenting the item to the Planning Commission.

Chair Steiner stated he had received emails both in support and against the zone change agenda item. Commissioner Buttress stated there were 3 negative responses and the remainder were positive. Commissioner Merino stated there was support for and against the proposal, but most of the correspondence indicated people wanted the same thing.

Chair Steiner asked if there was anything further to discuss? There was no further discussion.

Administrative Session adjourned @ 7:00 p.m.

PUBLIC PARTICIPATION: None

REGULAR SESSION:

Consent Calendar:

(1) APPROVAL OF MINUTES FROM THE REGULAR SCHEDULED MEETING OF SEPTEMBER 7, 2011

Commissioner Gladson made a motion to approve the minutes from the regular scheduled Planning Commission Meeting of September 7, 2011 with the correction as noted during the Administrative Session.

SECOND: Commissioner Buttress

AYES: Commissioners Buttress, Gladson, Steiner

NOES: None

ABSTAIN: Commissioners Grangoff and Merino

ABSENT: None

MOTION CARRIED

(2) ZONE CHANGE NO. 1261-11 – REZONE CERTAIN PROPERTIES IN THE OLD TOWNE HISTORIC DISTRICT TO SINGLE FAMILY (R-1-6)

The City of Orange General Plan update was adopted in March 2010. Included in Plan adoption were changes to the City's Land Use Policy Map affecting portions of the residential quadrants of Old Towne. Specifically, multiple blocks and properties previously designated Low Medium Density Residential (6-15 dwelling units/acre) and Medium Density Residential (16-24 dwelling units/acre). Old Towne Mixed Use and Public Facilities were re-designated Low Density Residential (2-6 dwelling units/acre). The Zoning classification that corresponds to the Low Density Residential (LDR) land use designation is Single Family Residential (R-1). There are also portions of the Old Towne residential quadrants that have had a long-standing LDR General Plan designation, but not R-1 zoning.

NOTE:

Final Environmental Impact Report (EIR) No. 1815-09 for the Comprehensive General Plan Update was certified on March 9,2010 and prepared in accordance with the California Environmental Quality Act. The proposed activity is within the scope of the previously approved General Plan and is adequately described in the previously certified General Plan Program EIR for purposes of CEQA.

RECOMMENDED ACTION:

Adopt Planning Commission Resolution No. 19-11 recommending City Council approval and adoption of Ordinance No. 09-11establishing consistency between the Low Density Residential Land Use Designations and Zoning classification in portions of Old Towne in accordance with State law.

Chair Steiner opened the Public Hearing and stated there had been approximately 20 letters, emails and correspondence received on the Agenda Item.

Senior Planner Jennifer Le presented a project overview consistent with the Staff Report.

Chair Steiner opened the item for any questions for Staff?

Commissioner Merino stated the General Plan Update lead folks to believe that low density residential would keep a single family designation within the Old Towne District. He asked if there was a significant difference or would the alignment to the zoning in the General Plan in anyway change that, and if so in what manner?

Ms. Le stated the LDR General Plan Land Use Designation was for the purpose of single family residential. The R-1 zoning district was the zoning district that corresponded to that Low Density Residential designation. In re-zoning properties to R-1 to be consistent with the LDR General Plan Designation reinforced the single family residential neighborhood character.

Commissioner Merino stated one of the concerns and whether it was founded or not, seemed to be that somehow with the re-designation or alignment that a particular lot could be developed with multiple family units rather than a single family residence with perhaps a granny flat. He asked if that was an accurate assessment of the issue.

Ms. Le stated the R-1 zoning would allow for single-family residential development as well as things such as an accessory second unit, but not multi-family.

Chair Steiner opened the hearing for Public Comment.

Steve Bennett, address on file, stated he was with the OTPA. They had been vigorously supporting the effort for the last 20 years to get the R-1 zoning and it was something that was pretty common in historical districts and he was totally for the passage of the item.

Sue, address on file, stated property owners would still be allowed to build granny units but not second units, if she understood it correctly? The first thing most agencies would do when there was a national historic designation was to re-zone to R-1. Not approving the R-1 zoning change would set them back and undo all the hard work that had been done and it would also reduce property values. It had been discussed for the past 20 years and she agreed with the zoning change.

Chair Steiner asked Ms. Le to address the speaker's question.

Ms. Le stated under the R-1 zoning, an accessory second unit would be allowed. An accessory second unit was also referred to as a granny flat. The main distinction would be that an accessory second unit was less that 640 square feet and if it was greater than 640 square feet, it would be considered a second unit.

Tom Loughrey, address on file, stated he lived in the 200 block of north Orange and when he had moved to Orange and had redone his house a dozen years ago. He had not realized the nature of the street they had moved on. They loved the house and saw what could be done with it and they had gone ahead with the changes. If he had known what existed on the street he would have had second thoughts about the home. Directly across the street was a house that had 6 to 7 units in it and every one of the cars was parked out in the street, not in the driveway and not in the garage space. The garage spaces were filled with storage. The driveways were not used and all of the on-street parking was used. It was not the only house like that on the street. It was directly across the street and created an unpleasant living environment; although the neighbors over the years that had been in and out of there had been hospitable. The landlord unfortunately had not maintained the property well, and not to say single family homes were always maintained, but he understood the business the landlord was in and that he was making as much money as he could off the home. It was an unfortunate state of affairs and it could be corrected with getting the property re-zoned to R-1 and ultimately over the years he would hope for a better neighborhood there.

Diana Zdenek, address on file, stated she was in favor of the R-1 zoning.

Michael Oats, address on file, stated he was part of the OTPA and he agreed with all of his neighbors and their valid concerns that they had. He stated that he and his wife supported the R-1 re-zoning of the Old Towne Historic District.

Dan Slater, address on file, stated he was a realtor and a property rights advocate and he had several properties in Old Towne that would be affected by the vote. His personal residence on Pine Street was zoned R-1 and the street directly behind him was zoned R-2. The highest and best use of properties in the neighborhood were as an historic district and anything the City Government could do to promote that would be the right thing to do. Returning the area to R-1 was the right thing to do and he supported that. There were areas that were R-2, R-3 and R-4 and the statement that he made to buyers and investors was that the City was not happy with the way the area was originally developed and that they wanted change, redevelopment and increased density. He believed that was not what they wanted for the historic district. It deteriorated the historic district and what improved the district was when homeowners moved in and improved the homes. Over the years what he had seen more often than not, with multiple unit homes, was to change them back into single family homes. Residents had been asking for the change for 20 years and he asked the Planning Commission to not wait any longer.

Andrea McCulley, address on file, stated she had an interest in maintaining the historic district and she knew that people outside of the district also enjoyed the historic nature and Old Towne feel. Old Towne was the largest contiguous residential historic district west of the Mississippi and that was something worth preserving. She would like to see the City work toward the future and do everything to preserve the district.

Jeannette McClain, address on file, stated she supported the R-1 re-zoning of the Old Towne Historic District and she believed it would benefit the historic nature of the community. The density was enough.

Chair Steiner brought the item back to the Commission for discussion or a motion.

Commissioner Merino stated that an affirmative vote by the Planning Commission would insure that there was alignment within the General Plan. The zoning for the Old Towne Historic District would insure that the intent of the General Plan would be to keep low density single family properties in place.

Ms. Le stated that was correct.

Commissioner Gladson stated there was a point she wanted to add to the discussion. One of the points that is part of the Staff Report was the element of the term "grandfathering" in uses and buildings. If the Commission took action to recommend approval to the City Council of the zone change, were there properties that could retain their use and also maintain the structure.

Ms. Le stated for properties that already had multiple units or another use that was not single family residential as a result of the re-zone, the use and structure could continue to

operate as they had done before. The limitations of the legal non-conforming portion of the ordinance essentially limited additions or major alterations or expansions of the use. The existing use and structure could continue on.

Commissioner Grangoff stated the properties would remain that way in perpetuity, even when the property changed hands.

Ms. Le stated that was correct.

Commissioner Merino stated there was not an intent or restriction on a property owner should they wish to pursue a zone change. It would be an applicant's right to bring the request for a zone change before the Planning Commission or City Council.

Ms. Le stated that was correct.

Chair Steiner stated there had been a great deal of support for the re-zoning.

Commissioner Merino made a motion to adopt PC Resolution No. 19-11, recommending approval to the City Council Zone Change No. 1261-11-Rezone certain properties in the Old Towne Historic District to single family (R-1-6) and adoption of Ordinance No. 09-11.

Chair Steiner stated he was aware that findings were not necessary, but that the reason for passage of the Resolution was clear in relationship to the amendment of the General Plan and that the environmental determination was clear.

Ms. Le stated yes and that would be done with the adoption of the Resolution.

Assistant Community Development Director Ed Knight stated that was correct and included in Section No. 1 Findings and Section No. 2 Environmental Reviews; in adopting the Resolution the findings were being made.

SECOND: Commissioner Gladson

AYES: Commissioners Buttress, Gladson, Grangoff, Merino and Steiner

NOES: None ABSTAIN: None ABSENT: None

MOTION CARRIED

Chair Steiner stated before the Planning Commission adjourned, he wanted to acknowledge Commissioner Merino's deployment by the United States Navy to Guantanamo, Cuba and he wished Commissioner Merino well in his service to his country. He looked forward to his return to the Planning Commission.

(3) **ADJOURNMENT**:

Adjournment to the next regular Planning Commission Meeting scheduled for Monday, October 3, 2011.

Commissioner Gladson made a motion for adjournment to the next regular scheduled meeting of the Planning Commission on October 3, 2011.

SECOND: Commissioner Buttress

AYES: Commissioners Buttress, Gladson, Grangoff, Merino and Steiner

NOES: None ABSTAIN: None ABSENT: None

MOTION CARRIED

Meeting Adjourned @ 7:25 p.m.