Planning Commission
Agenda Item

March 4, 2013

TO: **Chair Steiner and**
Members of the Planning Commission

THRU: **Leslie Roseberry**
Planning Manager

FROM: **Anna Pehoushek, Principal Planner**

SUBJECT

PUBLIC HEARING: Zone Change No. 1269-13 to rezone properties in the Lemon Street Corridor 2010 General Plan Land Use Focus Area south of Hoover Avenue and north of Collins Avenue to ***Multiple Family Residential*** (R-3), ***Light Manufacturing*** (M1), and ***Industrial Manufacturing*** (M2) in order to achieve consistency between the existing ***Medium Density Residential*** (MDR), ***Light Industrial*** (LI), and ***Industrial*** (I) General Plan land use designations and zoning in accordance with State law.

SUMMARY

The City of Orange General Plan update was adopted in March 2010. The Lemon Street Corridor 2010 General Plan Land Use Focus Area, located south of Hoover Avenue and north of Collins Avenue, has properties designated ***Medium Density Residential*** (MDR), ***Light Industrial*** (LI), and ***Industrial*** (I). Presently, Zone Change properties falling within the:

- MDR General Plan designation are zoned ***Light Manufacturing*** (M1) or unzoned. The zoning classification that corresponds to the MDR General Plan land use designation is ***Multiple Family Residential*** (R-3);
- LI General Plan designation are zoned ***Industrial Manufacturing*** (M2) or unzoned. The zoning classification that corresponds to the LI General Plan land use designation is ***Light Manufacturing*** (M1); and
- I General Plan designation is split-zoned, both, ***Light Manufacturing*** (M1) and ***Industrial Manufacturing*** (M2). The zoning classification that corresponds to the I General Plan land use designation is ***Industrial Manufacturing*** (M2).

State law requires consistency to be established between the General Plan land use designation and zoning classifications. Zone Change No. 1269-13 establishes General Plan and Zoning consistency for the affected properties.

RECOMMENDED ACTION

1) Adopt Planning Commission Resolution No. PC 08-13 entitled:

> **A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL APPROVE ZONE CHANGE NO. 1269-13 AND ADOPT AN ORDINANCE REZONING PROPERTIES IN THE LEMON STREET CORRIDOR 2010 GENERAL PLAN LAND USE FOCUS AREA TO RESIDENTIAL MULTIPLE FAMILY (R-3), LIGHT MANUFACTURING (M1), AND INDUSTRIAL MANUFACTURING (M2) TO ESTABLISH CONSISTENCY BETWEEN THE MEDIUM DENSITY RESIDENTIAL, LIGHT INDUSTRIAL, AND INDUSTRIAL GENERAL PLAN LAND USE DESIGNATIONS IN ACCORDANCE WITH STATE LAW**

AUTHORIZATION/GUIDELINES

Orange Municipal Code (OMC) Section 17.10.020 requires City Council approval of amendments to the Zoning Map, and also establishes procedures by which the Planning Commission reviews such amendments and makes recommendations to the City Council.

PUBLIC NOTICE

Public notice of the proposed Ordinance Amendment was published in the Orange City News newspaper on February 21, 2013. A total of 125 notices were mailed to the owners of affected properties and owners of properties within 300 feet of the affected properties. Notices were also posted at City Hall and Library posting locations.

ENVIRONMENTAL REVIEW

Final Program 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 (CEQA). 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.

PROJECT BACKGROUND

The City's 2010 General Plan was adopted on March 9, 2010. The 2010 General Plan Land Use Element included re-designation of certain properties of the Lemon Street Corridor 2010 General Plan Land Use Focus Area. A map depicting the General Plan changes that occurred in the area

is provided as Attachment 2 to this report. In some instances, properties with Industrial (I) land use designations from the 1989 General Plan remained unchanged.

The Lemon Street Corridor properties affected by the subject Zone Change are concentrated on the west side of Lemon Street and include properties that were re-designated from I to MDR or LI in the General Plan Update and have inconsistent industrial zoning classifications or are Unzoned.

In accordance with State planning law (Government Code §65860), the City must establish consistency between the General Plan and its zoning. Furthermore, Implementation Program I-1 of the General Plan Implementation Plan calls for consistency between General Plan and zoning designations to be established.

PROJECT DESCRIPTION

A portion of the Lemon Street Corridor 2010 General Plan Land Use Focus Area south of Hoover Avenue and north of Collins Avenue on the west side of Lemon Street have conflicting General Plan land use designations that would be reconciled by the Zone Change are presented below, along with the proposed consistent zoning:

General Plan Land Use	Existing Zoning	Proposed Zoning
MDR	M1 Unzoned	R-3
LI	M2 Unzoned	M1
I	Split zoned M1 and M2	M2

The proposed R-3 zoning allows for apartments, condominiums, and townhomes. The proposed M1 zoning allows light industrial uses. The proposed M2 zoning accommodates heavy industrial uses.

Thus, Zone Change No. 1269-13 establishes General Plan and Zoning consistency for the affected properties. There is not a development project associated with this Zone Change.

APPLICATION(S) REQUESTED/ REQUIRED FINDINGS

The request involves a Zone Change/Ordinance Amendment. Zone Change No. 1269-13 will establish consistency between the General Plan land use designations and property zoning classifications on the subject properties.

> *Required Findings:* There are no required findings for an Ordinance Amendment or Zone Change since it is considered a legislative action. However, OMC Section 17.10.020 requires that when the Planning Commission makes a recommendation to the

City Council, the Planning Commission include in its decision: 1) the reasons for the recommendation; 2) the relationship of the proposed amendment to the General Plan and applicable Specific Plans; and 3) the environmental determination. These three items are addressed in the Planning Commission Resolution. By adopting the Resolution, the Planning Commission will have complied with this Code provision.

ANALYSIS/STATEMENT OF THE ISSUES

Issue 1: On-the-Ground Uses in Relation to Zoning

The proposed re-zoning of properties in the area affected by the Zone Change does not reflect long-standing on-the-ground conditions. Existing uses are largely consistent with the former Industrial General Plan designation. Given the underutilized nature of the industrial property at the north end of Lemon Street and its adjacency to existing apartment development and a mobile home park, the City made a conscious decision during the General Plan update to reposition the Lemon Street corridor to accommodate additional multi-family residential development in order to encourage the creation of a more cohesive neighborhood environment and neighborhood revitalization. Since the adoption of the General Plan in 2010, the Citrus Grove project was granted a change in zoning to R-3 to establish General Plan consistency for that parcel and project. The M1 zoning south of the existing and proposed R-3 zoned parcels provides a transition to the M2 property at the southernmost end of the Lemon Street Corridor focus area.

M1 Zoning

Existing M1 zoned properties proposed to be rezoned R3 are located on the west side of Lemon Street, south of Hoover Avenue and north of Wilson Avenue. The properties are presently occupied with light industry and small business storage; however, multi-family residential housing are located to the south and east of the subject properties. A mobile home park is also located across Lemon Street to the southeast of the affected parcels.

M2 Zoning

Properties currently zoned M2 that would be rezoned M1 include five parcels zoned M2 that are grouped at the west end of Brenna Lane. They are occupied by a mixture of light industrial uses.

The property that is split-zoned M1 and M2 is accessible from Collins Avenue and represents a mapping error, which has divided a small northern portion of the property, currently used for yard storage. Metal forming, a heavy industrial use, remains the primary use on-site.

Unzoned Property

Two former railroad right-of-way parcels are presently Unzoned. These parcels are presently vacant. The northern parcel abuts the proposed residential zone, which is occupied by storage, commercial business and residential multiple family development. The southern parcel runs the length of an Industrial Manufacturing parcels, ending at Collins Avenue.

Resolution:

The proposed Zone Change establishes:

- R-3 zoning on all MDR General Plan designated properties;
- M1 zoning on all LI General Plan designated properties; and
- M2 zoning on all I General Plan designated properties.

The R3 zoning is appropriate given the City's long-term vision for enhancing and repositioning the North Lemon/Hoover and Wilson area to be a more cohesive multiple family residential district. The M1 and M2 zoning are appropriate based on the types of uses that occupy the area. All of the proposed zoning changes are consistent with the General Plan designations.

Issue 2: Legal Non-Conforming Uses

Certain remaining light industrial uses in the area would become legal non-conforming as a result of the proposed Zone Change. In conjunction with adoption of the 2010 General Plan, the City Council adopted Ordinance No. 12-09 (OMC Section 17.38.065), making special accommodations for properties made non-conforming by the land use changes of the General Plan. These provisions are detailed in Attachment 3, and include permitting a legal non-conforming use to remain indefinitely and also to expand. Hence, properties or uses made legal non-conforming by the new zoning can remain as is after the change in zoning occurs.

ADVISORY BOARD RECOMMENDATION

The proposed Zone Change was not reviewed by either the Staff Review Committee or the Design Review Committee due to the fact that it does not involve a specific development project, and implements a land use designation that was discussed extensively by the Planning Commission and City Council during General Plan development and adoption.

ATTACHMENTS/EXHIBITS

Attachments to Report:

1. Draft Planning Commission Resolution No. PC 08-13
   1-A. Draft Ordinance
   1-B. Maps depicting areas of Zone Change
2. 2010 General Plan Focus Area Map for Lemon Street Corridor
3. OMC Section 17.38.065