

Planning Commission Agenda Item

October 21, 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. 1271-13 to rezone properties in the Old Towne Orange 2010 General Plan Land Use Focus Area (Old Towne Focus Area) to Duplex Residential (R-2-6) and Multiple-Family Residential (R-3) in order to establish consistency between the General Plan land use designations and zoning classifications in accordance with State law.

SUMMARY

The City of Orange General Plan update was adopted in March 2010. Certain portions of the Old Towne Focus Area have had long-standing General Plan-Zoning inconsistencies. The subject Zone Change addresses Zoning inconsistencies on properties with Low Medium Density Residential (LMDR) and Medium Density Residential (MDR) General Plan land use designations carried forward from the 1989 General Plan to the 2010 General Plan Update. The affected properties are presently zoned Single Family Residential (R-1-6), Duplex Residential (R-2-6), and Limited Business (C-1). State law and the City's General Plan Implementation Plan require consistency to be established between the General Plan land use designation and zoning classifications. The zoning classifications that correspond to the LMDR and MDR General Plan land use designations that are appropriate for the affected areas are Duplex Residential (R-2) and Multiple-Family Residential (R-3). Zone Change No. 1271-13 establishes General Plan and Zoning consistency for the affected properties.

RECOMMENDED ACTION

1) Adopt Planning Commission Resolution No. PC 37-13 entitled:

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL APPROVE ZONE CHANGE NO. 1271-13 AND ADOPT AN ORDINANCE REZONING PROPERTIES IN THE OLD

TOWNE ORANGE 2010 GENERAL PLAN LAND USE FOCUS AREA WITH LOW MEDIUM DENSITY AND MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATIONS TO DUPLEX RESIDENTIAL (R-2-6) AND MULTIPLE-FAMILY RESIDENTIAL (R-3) TO ESTABLISH CONSISTENCY BETWEEN THE GENERAL PLAN LAND USE DESIGNATIONS AND ZONING CLASSIFICATIONS 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 October 9, 2013. A total of 904 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 retaining the higher density residential land use designations of certain properties in the residential quadrants of the Old Towne Focus Area based on existing development conditions. A map depicting the Old Towne Focus Area is provided as Attachment 2 to this report.

There are a number of parcels east of Batavia Street, west of the railroad corridor, south of Walnut Avenue, and north of Culver Avenue that have General Plan land use designations of Low Medium Density Residential (LMDR) (6-15 du/acre) and Medium Density Residential (MDR) (15-24 du/acre). In most cases, these properties are already developed with apartments, condominiums or duplexes. The residential zoning that corresponds to the LMDR and MDR General Plan designations in Old Towne are R-2 and R-3. Existing zoning is either inconsistent or split on the parcels affected by the subject zone change.

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

Portions of the Old Towne Focus Area between Batavia Street, the railroad tracks, Walnut Avenue and Culver Avenue have General Plan land use designations of LMDR and MDR. The residential zoning that corresponds to the LMDR and MDR General Plan designations in Old Towne are R-2 and R-3. Existing zoning on the parcels affected by the proposed Zone Change includes Limited Business (C-1), Single-Family Residential (R-1), and Duplex Residential (R-2). One of the properties has split zoning of both R-2 and R-3.

The proposed Zone Change would change the zoning classification of the parcels in this area to R-2 or R-3 as presented in Attachment 1, establishing General Plan and Zoning consistency for the affected properties.

APPLICATION(S) REQUESTED/ REQUIRED FINDINGS

The request involves a Zone Change/Ordinance Amendment. Zone Change No. 1271-13 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

<u>Issue 1: On-the-Ground Uses in Relation to Zoning</u>

The properties affected by the subject Zone Change are presently developed as follows (see Attachment 3):

- **Area 1:** Condominiums (presently a split zoning condition exists where a portion of a condominium complex is zoned R-3 and a portion is zoned R-2).
- Area 2: Apartments.

- **Area 3:** Combination of historic (single-family) and contemporary (multi-unit) residential development.
- **Area 4:** Laundromat surrounded by contemporary apartments.
- **Area 5:** Contemporary single-family dwellings.

At the time of the General Plan Update, staff reviewed existing development conditions in these areas in relation to their General Plan land use designations and determined, with concurrence from the Council, that the base land use designations were appropriate given existing development conditions.

Resolution:

The proposed Zone Change establishes new zoning as follows:

- **Area 1:** Changes the R-2-6 zoning to R-3 to establish uniform R-3 zoning across the entire condominium complex.
- Area 2: Changes the R-2-6 zoning to R-3 consistent with existing development.
- Area 3: Changes the R-2-6 zoning to R-3 consistent with the prevailing R-3 zoning of the larger block and existing abutting development to the east and south.
- Area 4: Changes the C-1 zoning to R-3 consistent with the prevailing R-3 zoning of the larger block and existing abutting development to the east and north.
- **Area 5:** Changes the R-1 zoning to R-2 consistent with the predominant R-2 zoning to the east.

Generally, the proposed changes to zoning either establish zoning that is consistent with on-the-ground uses, or provides increased development potential for the subject properties. In the case of the laudromat site, it is a smaller parcel surrounded by the significantly larger apartment parcels to the east and north. The change in zoning would render the laundromat a legal non-conforming use.

Issue 2: Legal Non-Conforming Uses

As noted above, the laundromat would become a legal non-conforming use 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 4, and include permitting a legal non-conforming use to remain indefinitely and also to expand. Hence, the laudromat 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 2010 General Plan development and adoption.

ATTACHMENTS/EXHIBITS

Attachments to Report:

- Draft Planning Commission Resolution No. PC 37-13
 1-A. Draft Ordinance including maps depicting areas of Zone Change
- 2. Old Towne General Plan Focus Area Map
- 3. Zone Change Area Breakout
- 4. OMC Section 17.38.065