



Agenda Item

City Council

Item #: 8.1.

10/8/2024

File #: 24-0544

TO: Honorable Mayor and Members of the City Council

THRU: Tom Kisela, City Manager

FROM: Russell Bunim, Community Development Director

1. SUBJECT

Public Hearing to consider introduction and First Reading of an ordinance of the City Council of the City of Orange amending Title 17 of the Orange Municipal Code related to application expiration, noticing requirements, and time for appeal; and finding of CEQA exemption. Ordinance No. 28-24.

2. SUMMARY

The City is proposing changes to Title 17 to amend certain provisions of the Orange Municipal Code to streamline processes and to remove unnecessary and unclear language. Specifically, the proposed Ordinance would amend provisions related to application expiration, noticing requirements, and time for appeal.

3. RECOMMENDED ACTION

1. Conduct and close Public Hearing.
2. Introduce and conduct First Reading of Ordinance No. 28-24. An Ordinance of the City Council of the City of Orange amending Title 17 of the Orange Municipal Code related to application expiration, noticing requirements, and time for appeal.
3. Find that the Ordinance is exempt from the California Environmental Quality Act ("CEQA") because it is not a project under CEQA, per State CEQA Guidelines Section 15378, because it involves administrative activities of the city that will not result in direct or indirect physical changes in the environment.

4. FISCAL IMPACT

None.

5. STRATEGIC PLAN GOALS

Goal 4: Provide outstanding public service

- b: Provide facilities and services to meet customer expectations.

6. DISCUSSION AND BACKGROUND

The Community Development Department has continued to undertake a review and evaluation of the Zoning Ordinance to streamline procedures, delete unnecessary and/or unclear language, and address issues that require more explicit language.

The following are proposed revisions to the Orange Municipal Code (OMC) recommended by staff

and approved by the Planning Commission:

- Section 17.08.030: Deletes excess and confusing verbiage further rendered unnecessary by the additional clean-up efforts in this proposed Ordinance.
- Section 17.08.030(G): Shortens the time-period in which an application expires due to inactivity, from the current six months to three months. The language was also revised to delete a requirement that the applicant be notified prior to expiration and given an opportunity to “reactivate” the application (which was not defined).
- Section 17.08.040(A): Removes repetitive language.
- The Table at Section 17.08.040(A): Eliminates the noticing requirement for appeals.
- Section 17.08.040(B)(4): Deletes repetitive verbiage.
- Section 17.08.040(B)(5): States explicitly that public hearings are not required for “administrative determinations” made at a staff level (such as by the Community Development Director). Language revisions have also been made to clarify noticing procedures for administrative determinations.
- Section 17.08.050(D): Shortens the appeal period from 15 days to five business days.

More detailed information about the proposed OMC changes is in the Ordinance, Attachment 1.

7. ADVISORY BOARD ACTION

Planning Commission:

The Planning Commission conducted a public hearing for the Ordinance on August 19, 2024, and unanimously recommended that the City Council adopt the Ordinance with one amendment, that the appeal period shall state “business” days rather than “calendar” days. This recommended amendment is in the Ordinance. The Planning Commission staff report and meeting minutes are Attachments 3 and 4.

8. ENVIRONMENTAL REVIEW

Not a Project: This proposed Ordinance is not a project under the California Environmental Quality, (“CEQA”) per State CEQA Guidelines Section 15378, because it involves administrative activities of the city that will not result in direct or indirect physical changes in the environment.

9. ATTACHMENTS

- Attachment 1 Ordinance No. 28-24
- Attachment 2 Ordinance No. 28-24 (Redlined)
- Attachment 3 Planning Commission Resolution No. 24-24
- Attachment 4 Planning Commission Staff Report dated August 19, 2024
- Attachment 5 Planning Commission Meeting Draft Minutes dated August 19, 2024
- Attachment 6 Planning Commission August 19, 2024, Written Public Comment