



Agenda Item

Planning Commission

Item #: 5.2.

4/1/2024

File #: 24-0206

TO: Chair and Members of the Planning Commission

FROM: Anna Pehoushek, Assistant Community Development Director

1. SUBJECT

Public Hearing to consider rezoning of public parks to Recreation-Open Space to establish consistency with the Open Space and Open Space-Park General Plan Land Use Designations (Zone Change No. 1314-24).

2. SUMMARY

Public parks have a General Plan Land Use Designation of Open Space or Open Space-Park yet several have a long-standing residential or commercial zoning, or are un-zoned. The Zoning Classification that corresponds to the Open Space and Open Space-Park General Plan designation is Recreation Open Space. State law requires zoning to be consistent with the General Plan. The subject Zone Change addresses this requirement.

3. RECOMMENDED ACTION

Adopt Planning Commission Resolution No. 12-24. A Resolution of the Planning Commission recommending that the City Council approve Zone Change No. 1314-24 by adopting an Ordinance re-zoning public parks to establish consistency between the Open Space and Open Space-Park General Plan Land Use Designation and Zoning Classification in accordance with State law.

4. AUTHORIZING GUIDELINES

Orange Municipal Code (OMC) Section 17.10.020 authorizes the City Council to approve changes to the Zoning map, and also establishes procedures by which the Planning Commission reviews such changes and makes a recommendation to the City Council.

5. PROJECT BACKGROUND

Several public parks in Orange have had long-standing residential and commercial zoning or are un-zoned despite having established General Plan Land Use Designations of Open Space (OS) or Open Space-Park (OS-P). The Zoning Classification that corresponds to the OS and OS-P General Plan Land Use Designations and that is appropriate for the public parks is Recreation Open Space (R-O). State law requires zoning to be consistent with the General Plan designation. The subject Zone Change is part of the ongoing reconciliation of scattered citywide General Plan and Zoning inconsistencies, which has become a priority based on Council direction and changes in the law.

6. PROJECT DESCRIPTION

The proposed Zone Change involves public park re-zoning as follows:

Park	Address	General Plan	Existing Zoning	Proposed Zoning
Eisenhower Park	2864 N. Tustin St. 1339 E. Buena Vista St.	OS-P	R-1-7 & R-1-7(P)	R-O
El Modena Park	555 S. Hewes St.	OS-P	R-1-8	
Handy Park	2143 E. Oakmont Ave.	OS-P	R-1-6	
Hart Park	701 S. Glassell St.	OS	R-1-6, R-2-6 R-3 & R-O	
La Veta Park	3705 E. La Veta Ave.	OS-P	R-1-7 & Unzoned	
Olive Park	2841 N. Glassell St.	OS-P	R-1-7 & C-1	
Plaza Park	Chapman/Glassell	OS-P	Unzoned	
Shaffer Park	1930 N. Shaffer St.	OS-P	C-1 & R-1-8	

Key:

General Plan:

Open Space: OS

Open Space-Park: OS-P

Zoning:

Limited Business: C-1

Single Family Residential (6,000 sq ft minimum lot size): R-1-6

Single Family Residential (7,000 sq ft minimum lot size): R-1-7

Single Family Residential (8,000 sq ft minimum lot size): R-1-8

Duplex Residential (6,000 sq ft minimum lot size): R-2-6

Recreation Open Space: R-O

Parking Overlay: (P) Belmont, Fred Barrera, Santiago Hills, Serrano, and Steve Ambriz Parks are not included in the re-zoning because their Planned Community zoning is consistent with the General Plan. In the case of Cerro Villa and Pitcher Parks, they both have a Low Density Residential General Plan designation and consistent Single-Family Residential zoning. Killefer Park is a joint use facility that is part of the Orange Unified School District's Richland Continuation High School campus and has a split General Plan Land Use Designation that warrants a separate cleanup effort to establish a single uniform land use designation prior to re-zoning. Similarly, the El Modena basin experiences a split General Plan Land Use Designation for cleanup prior to re-zoning.

7. ANALYSIS AND STATEMENT OF THE ISSUES

The Zone Change contained in the proposed Ordinance is the part of ongoing efforts to ensure that all properties within the City are zoned consistent with the City's General Plan, adopted in 2010, as required by law. This clean-up effort is based on both Council direction and recent changes to State law highlighting the importance of General Plan and Zoning Classification consistency.

State law has long required that the General Plan, which establishes long-term objectives and policies for a city, and Zoning Ordinances, be consistent. (Government Code Section 65860(a)). The Legislature, by adoption of Assembly Bill 821 ("AB 821") in 2023, made changes strengthening remedies for residents and property owners, requiring cities, under certain circumstances, to make zoning consistent with their General Plans within 180 days of the submission of the development agreement or continue to process the development application applying objective general plan standards but not inconsistent zoning standards. (Government Code Section 65860(c)(2)) The law had already authorized any resident or property owner to bring an action or proceeding within 90 days of the enactment of any new zoning ordinance or the amendment of any existing zoning ordinance, and that a zoning ordinance be amended within a reasonable time so that it is consistent with the General Plan in the event that the zoning classification becomes inconsistent with the

General Plan by reason of amendment. (Government Code Section 65860(b))

The identified public park site properties have Zoning Classifications inconsistent with the General Plan, as they are currently zoned with residential or commercial classification at all. The consistent Zoning Classification for the OS and OS-P General Plan Land Use Designation would be R-O. Further, while State law generally allows residential development where the General Plan allows for it (and zoning does not), if residential is not an allowed use under the General Plan, no residential development is permitted. Therefore, here, the park school-sites could not be developed with residential uses because the General Plan Land Use Designation does not allow for housing. Staff is requesting that the Planning Commission recommend that the City Council re-zone these properties in order to make the Land Use Designation and Zoning Classification consistent and in compliance with State law.

8. PUBLIC NOTICE

On March 21, 2024, a notice was published in the Orange County Register newspaper.

9. 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.

10. ADVISORY BOARD ACTION

None needed.

11. ATTACHMENTS

- Attachment 1 Planning Commission Resolution No. PC 12-24 (including Ordinance)