



Agenda Item

City Council

Item #: 11.3.

11/10/2020

File #: 20-247

TO: Honorable Mayor and Members of the City Council

THRU: Rick Otto, City Manager

FROM: Gary A. Sheatz, City Attorney

1. SUBJECT

Continued Public Hearing to consider Introduction and First Reading of an Ordinance amending sections of Title 12 (Streets, Sidewalks and Public Places), Title 16 (Subdivisions) and Title 17 (Zoning) of the Orange Municipal Code related to the Design Review Committee. Ordinance No. 13-20. (Continued from 10/13/20)

2. SUMMARY

An Ordinance amending sections of Title 12, 16 and 17 of the Orange Municipal Code to revise the duties and responsibilities of the Design Review Committee to focus on projects in historic districts and involving historic properties and effect other minor cleanup.

3. RECOMMENDED ACTION

Introduce and approve Ordinance No. 13-20 for First Reading. An Ordinance of the City Council of the City of Orange Amending Title 12, Title 16 and Title 17 of the Orange Municipal Code to Update Duties and Responsibilities of the Design Review Committee Effect Other Minor Cleanup.

4. FISCAL IMPACT

None.

5. STRATEGIC PLAN GOALS

Goal 4: Provide Outstanding Public Service

- b: Provide facilities and services to meet customer expectations
- d: Foster an environment of leadership, teamwork, and innovation

Goal 5: Recognize, Promote, and Preserve Orange's Rich Heritage

- b: Expand and strengthen processes and practices related to protection and cultural resources.

6. DISCUSSION AND BACKGROUND

Origins of the Design Review Committee

In 1974, the City Council adopted Ordinance No. 4-74, creating a Design Review Board, later renamed the Design Review Committee (DRC). The City Council's stated intent was to promote "appropriate standards for the design of new buildings and design of structures" and the DRC was to "review all development and building projects except those exempted by resolution of the City

Council.” Over the past 46 years, the purview of the DRC expanded to include review of demolition permits in Old Towne, signs and sign programs, landscaping, recommendations on tentative tract maps, variances, Conditional Use Permits (CUPs) and all site plan reviews. Simultaneous with the expansion of DRC responsibilities, there has been an enormous expansion in the population of Orange, with its attendant development. The quantity and complexity of projects falling within the responsibilities of the DRC increased significantly. Concomitant with the increase in the number of projects requiring DRC review, the length and number of meetings needed to accomplish those tasks also increased significantly.

Prior Zoning Code Amendments Relating to the DRC

In 2011, the City contracted with Management Partners Associates (“MP”), to perform an organizational assessment of the City’s development services department. MP conducted an in-depth analysis of the existing development processes, staffing levels, procedural requirements and conducted interviews with staff and project applicants. MP’s report and conclusions were delivered to the City Council on June 12, 2012. In its Summary of Findings and Recommendations for Development Process Review, MP stated “customers expressed dissatisfaction with the length of time to obtain entitlements” and identified 39 recommendations for improvement. Its recommendations included:

- Enhance customer service by designating the Community Development Director as the person responsible for the overall development review process.
- Streamline the entitlement process by improving coordination between departments and eliminating steps that add less value.
- Examine how specific types of projects can be removed from the Design Review Committee process and/or Planning Commission review.
- Evaluate design review requirements and develop recommendations for changing the requirement for projects to be reviewed by both the DRC and the Planning Commission

At the September 25, 2012 City Council meeting, staff reported that the Planning Division identified several potential changes to the Code, most of which involved removing proposed projects from Zoning Administrator, DRC and/or Planning Commission review. The City Council commented that “the DRC should be focused on Old Towne issues and the historic districts” and directed the Staff to return with changes to update the Zoning Code.

At the October 15, 2012 City Council meeting, Staff presented a list of 20 application types where streamlining could occur. The recommendations included the changing DRC review to Community Development Director review for minor remodels of commercial/industrial centers, sign programs, and new single family residences. The City Council directed staff to prepare a Zoning Code amendment to effect streamlining of the development review process.

On August 27, 2013, the City Council approved Ordinance No. 09-13. The staff report pointed out that many applications reviewed by the DRC did not result in substantive changes to the project yet caused the applicant to incur additional time and expense. The Ordinance revised the Design Review process by establishing an Administrative Design Review process in which certain types of development applications would be reviewed by staff and approved by the Community Development Director instead of going before the DRC. These included single-family residences outside of Old Towne, new buildings subject to a Minor Site Plan Review, new construction not visible from the

public right-of-way, minor changes to sign programs and minor facade renovations. Ordinance 09-13 became effective in October 2013.

Current Proposed Ordinance

Earlier in 2020, the City Council requested a thorough review of the development approval process requirements in the Orange Municipal Code with the goal of increasing the efficiency while focusing the efforts of the DRC on one of this City's most valuable resources, namely the historic districts and buildings and structures of historical significance. The issues prompting this action were identical to those analyzed in 2012, namely, the length of time for applicants to obtain approval of projects which may involve multiple reviews by the DRC, the expense involved in the lengthy process, and the uncertain value of having an extra layer of design review for projects outside of Old Towne, when staff review and/or Planning Commission review is an option. To that end, proposed Ordinance No. 13-20 is a continuation of the City Council's direction, beginning in 2012, to streamline the development approval process and concentrate the efforts of the DRC on historic properties, while maintaining a high level of design review.

Comparison with Other Orange County Cities

Among the cities in Orange County, 19 have no separate design review group, including Anaheim, Tustin, and Fullerton, which all have a significant number of properties on the National Register of Historic Places. Nine cities delegate design review to their Planning Commissions, or a subcommittee thereof. Orange is one of only five cities with a Design Review Commission (or similar body). Other cities include Cypress, Huntington Beach, Laguna Beach, and San Juan Capistrano. Santa Ana has a Historic Resources Commission that is responsible for reviewing projects involving historic properties.

Planning Commission Action

The Planning Commission conducted a hearing on the proposed Ordinance on August 17, 2020. The Commission considered the entire record, including the staff report and public comments, and adopted Resolution No. PC 23-20, unanimously recommending approval to the City Council by a vote of 4-0.

Prior City Council Hearing

On September 8, 2020, the City Council conducted a public hearing to consider the proposed Ordinance. A number of public comments were received, including correspondence from members of the DRC and the Old Towne Preservation Association. The City Council continued the item to the October 13, 2020, meeting in order to give the City Council more time to consider all the information and comments. At the October 13, 2020, meeting, the City Council continued the item to the November 10, 2020, meeting.

Since the September 8 public hearing, the proposed Ordinance has been revised to include clarification: (1) that landscaping and signage integral to an applicable project is subject to DRC review [Sections 17.08.020.D.1.a and 17.10.060.G.14]; (2) that recommendations relating to Major Site Plan Reviews reviewed by the DRC shall be submitted to the Planning Commission [Section 17.10.060.E.2]; and (3) that all legally required hearing procedures shall be followed [Section 17.10.070.D].

Analysis

The DRC will continue to review and recommend/approve development projects in historic districts and involving buildings or structures identified as significant in the City's Historic Resources Survey. The Director of Community Development will have approval authority and/or make recommendations to the Planning Commission for projects outside of a historic district. It is important to note, however, that the proposed Ordinance grants the Director the discretion to direct any other projects to the DRC. Examples include projects that may have historical significance but are not on the City's Historic Resources Survey; projects that are large scale that may impact the character of a neighborhood; and/or projects where the Director is seeking additional design review assistance and guidance. Reorienting the DRC's focus onto design issues involving historic districts and structures will concentrate its expertise on historical resources. The resulting flow for processing applications will be streamlined and result in shorter turnaround for applicants.

Summary of Amendments

The Ordinance updates the following sections of the Orange Municipal Code:

OMC 12.18.080.O - Streets, Sidewalks and Public Places - Outdoor Dining on Public Walkways - Outdoor Dining Permit Standards

- Approval of outdoor dining signage will be by the Director of Community Development in place of the DRC.

OMC 16.35.060 - Subdivisions - Vesting Tentative Maps - Filing

- Subdividers will obtain plans and drawings approval from the Director in place of the DRC.

OMC 17.08 - Zoning - General Administrative Procedures

- All design review processes will be consolidated (administrative and other) and the Director's responsibilities will reflect this change.
- DRC recommendations on CUPs and variances will be eliminated.
- DRC site plan review will be limited to those in historic districts.
- DRC review of other land use applications will be limited to those in historic districts or involving a building or structure listed on the City's Historical Resources Survey.
- Landscaping and signage integral to the design of a proposed project will be subject to DRC review.
- A new provision will authorize the DRC to make a recommendation to the Planning Commission, on temporary uses in historic districts.
- The Director will be able to refer other projects to the DRC in the Director's discretion.

OMC 17.10 - Zoning - Specific Administrative Procedures

- The DRC will review temporary use permits in historic districts only.
- The DRC will review Minor and Major Site Plans for historic districts only.
- For site plan review of projects in historic districts or involving historic buildings or structures, the DRC may recommend conditions relating to architectural design, including massing and scale, color palette, landscaping and signage integral to the design of the proposed project and context.
- Description of the types of projects subject to design review will be revised to be more specific.
- Redundant language regarding CEQA review and findings in historic districts will be deleted.
- Provision for Administrative Design Review will be deleted.

OMC 17.12 - Zoning - General Regulations

- References to the Old Towne Historic District will be updated to include all historic districts.

OMC 17.13 - Zoning - Master Land Use Table

- Mandatory DRC review of CUP for minor use not associated with a historic district will be eliminated.

OMC 17.36 - Zoning - Sign Regulations

- The Director will approve sign programs for multitenant buildings and mixed use/major commercial centers located outside of a historic district, in place of the DRC.
- The Director will make recommendations to the Planning Commission for creative signs and murals located outside of a historic district, in place of the DRC.

Project Examples

For illustrative purposes, the following projects will continue to be automatically reviewed by the DRC:

- All development projects in a historic district.
- All development projects involving a building or structure on the City's Historic Resources Survey.
- All demolitions in a historic district.
- All Non-recurring Temporary Use Permits in a historic district.
- Sign programs in a historic district.

The following projects/entitlements will no longer be automatically reviewed by the DRC, but may be subject to DRC review at the discretion of the Community Development Director:

- Hot Dog Carts
- Variances in historic districts
- Conditional Use Permits in historic districts
- Sign programs outside of a historic district.
- Development projects outside of a historic district, e.g., Orange Express Car Wash on N. Tustin, Orange Senior Housing on Katella.

Environmental

The subject Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3), because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, because there is no possibility it will have a significant effect on the environment, and because it is not a "project" as defined in Section 15378 of the State CEQA Guidelines. As such, no further analysis is warranted or required.

7. ATTACHMENTS

- Ordinance No. 13-20 - CLEAN
- Ordinance No. 13-20 - REDLINED (with changes since the 9/8/20 hearing highlighted)
- See File No. 20-116 for attachments from 9/8/20 Public Hearing