



# Agenda Item

## City Council

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**Item #:** 10.2.

**5/13/2025**

**File #:** 25-0129

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**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 re-zoning certain properties in the historic Cypress Barrio neighborhood to establish consistency between the Low Density Residential General Plan Land Use Designation in accordance with state law; and finding that Zone Change No. 1267-12(B) is within the scope of the previously certified Final Program Environmental Impact Report No. 1815-09 for the Comprehensive General Plan Update certified on March 9, 2010. Ordinance No. 06-25.

### 2. SUMMARY

State law requires the zoning of property to be consistent with the General Plan. Re-zoning of certain properties in the historic Cypress Barrio neighborhood from Residential Duplex to Residential Single Family is necessary to achieve consistency with the Low Density Residential General Plan land use designation for the properties.

### 3. RECOMMENDED ACTION

1. Conduct and close Public Hearing.
2. Introduce and conduct First Reading of Ordinance No. 06-25. An Ordinance of the City Council of the City of Orange approving Zone Change No. 1267-12(B) re-zoning certain properties in the historic Cypress Barrio neighborhood to establish consistency between the Low Density Residential General Plan Land Use Designation in accordance with State law.
3. Find that Zone Change No. 1267-12(B) is within the scope of the previously certified Final Program Environmental Impact Report No. 1815-09 for the Comprehensive General Plan Update certified on March 9, 2010.

### 4. FISCAL IMPACT

None.

### 5. STRATEGIC PLAN GOALS

Goal 6: Ensure the Preservation of Historic Resources

### 6. DISCUSSION AND BACKGROUND

Zoning of properties in the historic Cypress Barrio neighborhood have had long-standing Duplex Residential (6,000 sq ft min. lot size) (R-2-6) and Light Industrial (M-1) zoning despite having an

established General Plan Land Use designation of Low Density Residential (LDR) (2-6 dwelling units per acre). The Zoning Classification that corresponds to the LDR General Plan Land Use designation is Residential Single Family (R-1). 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. Detailed information about relevant legislative requirements is provided in Attachment 3.

### **On-the-Ground Uses**

The subject properties are presently developed with a mix of single-family and multi-unit residential uses. There is a concentration of parcels with M-1 zoning on the north end of the 300 block of North Cypress Street that are developed with a small collection of residential uses, are vacant, or occupied in recent years by contractor offices, auto wheel repair, and other light industrial uses. Business License records suggest that presently some non-residential buildings have low level or no occupancy. In summary, the parcels affected by the Zone Change have the following on-the-ground conditions:

- 61% developed with one residential unit
- 22% developed with two residential units
- 10% developed with three or more residential units
- 3% developed with non-residential uses
- 3% vacant

While the change in zoning will result in some properties becoming legal non-conforming uses, given the housing legislation enacted in recent years, the unit configurations on many properties are also likely to comply with the various multi-unit scenarios now accommodated on residential properties with single-family zoning. Over 80% of the properties have no more than two residential units. For those with two units, many are likely consistent with standards for Accessory Dwelling Units (ADU).

Furthermore, following adoption of the 2010 General Plan Update, in conjunction with the re-zoning of other Old Towne quadrants the City Council amended the Code to address properties made “non-conforming” by the land use changes of the General Plan (Attachment 3). These Code provisions include allowing a “legal non-conforming” use to remain indefinitely and also to expand (provided no new units are added). Hence, non-residential properties or uses can remain as they are today. Under this Code section, non-conforming uses may also be replaced with an equivalent non-conforming use or physically expanded (provided any proposed improvements comply with Code).

### **Previous Planning Commission and City Council Consideration**

Re-zoning of the subject properties was considered by the Planning Commission on December 3, 2012. The Planning Commission recommended approval of the Zone Change to the City Council. The item went before the City Council on February 12, 2013 and March 12, 2013 as part of a multi-area Zone Change for Old Towne neighborhoods west of Glassell Street. Much of the area was successfully re-zoned but the motion to approve re-zoning in the Cypress Barrio neighborhood failed due to concerns about potential for diminished property value. The Minutes from the Planning Commission and City Council hearings are provided as part of Attachment 3 to this report.

For the sake of establishing General Plan-Zoning consistency, acknowledging the historic Cypress Barrio as a distinctive portion of the Old Towne Orange Historic District and protecting the neighborhood from further development pressure, staff believes that the proposed change in Zoning is appropriate. With state legislation in recent years designed to promote housing production, additional units can continue to be accommodated in the form of ADUs and Junior ADUs. In the case of vacant properties, the re-zoning would ensure that any new development would consist of residential uses allowed in the R-1 zoning district and have a single-family residential character. This would also be true in the case of properties with existing non-residential development that may transition to residential use.

## **7. 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.

## **8. ATTACHMENTS**

- Attachment 1 Ordinance No. 06-25
- Attachment 2 City Council Minutes, March 12, 2013
- Attachment 3 City Council Staff Report, March 12, 2013

(with attachments including: February 12, 2013 City Council Staff Report and Minutes; December 3, 2012 Planning Commission Resolution, Staff Report, and Minutes; and OMC Section 17.38.065)