

Draft Minutes

Planning Commission  
City of Orange

August 17, 2020  
7:00 p.m.

**STAFF PARTICIPATION VIA TELECONFERENCE:**

Mary Binning, Sr. Assistant City Attorney  
Anna Pehoushek, Assistant Community Development Director  
Jessica Wang, Administrative Specialist  
Simonne Fannin, Recording Secretary

**REGULAR SESSION**

**1. OPENING:**

**1.1 CALL TO ORDER:**

Chair Simpson called the meeting to order at 7:01 p.m.

**1.2 FLAG SALUTE:**

Commissioner Vazquez led the flag salute.

**1.3 ROLL CALL:**

Present: Commissioners Simpson, Glasgow, Willits, Vazquez  
Absent: Commissioner Martinez

**1.4 PUBLIC PARTICIPATION:**

Chair Simpson read the executive order and public comment process into the record.

Chair Simpson opened public comment.

Jessica Wang, Administrative Specialist, read a comment from Reggie Mundekis regarding her objection to the time limitation on public comments.

**1.5 CONTINUED OR WITHDRAWN ITEMS:**

Anna Pehoushek, Assistant Community Development Director, asked that item 3.1 be continued to the regularly adjourned meeting on August 24, 2020.

A motion was made to continue the item 3.1 to the regularly adjourned meeting on August 24, 2020.

**MOTION:** Simpson  
**SECOND:** Vazquez  
**AYES:** Simpson, Glasgow, Vazquez, and Willits  
**NOES:** None  
**ABSENT:** Martinez

**MOTION CARRIED**

**1.6 ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR REPORTS:**

Tonight's Planning Commission meeting will adjourn to August 24, 2020.

**1.7 ANNOUNCEMENT OF THE APPEAL PROCEDURES**

**2. CONSENT CALENDAR:**

**2.1 APPROVAL OF MINUTES: August 3, 2020**

A motion was made to approve the August 3, 2020 minutes as written:

- MOTION:** Willits
- SECOND:** Glasgow
- AYES:** Simpson, Glasgow, Vazquez, and Willits
- NOES:** None
- ABSENT:** Martinez

**MOTION CARRIED**

**3. NEW HEARINGS:**

**3.1 Mitigated Negative Declaration No. 1862-18, Zone Change No. 1301-20, Design Review No. 5008-20, and Tentative Parcel Map No. 0016-20; Fire Station No. 1 and Headquarters Project; 105 S. Water Street and 180 S. Water Street.**

The City of Orange is proposing a new 16,574 square foot Fire Station No. 1 building and attached 11,353 square foot Fire Headquarters office at 105 S. Water Street, an associated parking lot across the street at 180 S. Water Street, and to utilize an existing 3,780 on-site building, currently used by the Water Division, for reserve apparatus.

**RECOMMENDED ACTION:**

Adopt Planning Commission Resolution No. PC 20-20 entitled:

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT MITIGATED NEGATIVE DECLARATION NO. 1862-18 AND APPROVE ZONE CHANGE NO. 1301-20, DESIGN REVIEW NO. 5008-20, AND TENTATIVE PARCEL MAP NO. 0016-20 FOR THE CONSTRUCTION OF FIRE STATION NO. 1 AND HEADQUARTERS LOCATED AT 105 S. WATER STREET AND THE ASSOCIATED PARKING LOT LOCATED AT 180 S. WATER STREET.

**NOTE:** Mitigated Negative Declaration No. 1862-18 was prepared to evaluate the physical environmental impacts of the project, in conformance with the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15070 and in conformance with the Local CEQA Guidelines (Attachment 7). The Mitigated Negative Declaration finds that the project will have less than significant impacts to the environment, with the implementation of

standard conditions and mitigation measures.

Item continued to August 24, 2020.

The Commissioners agreed to move item 3.3 prior to 3.2.

**3.3 An Ordinance amending sections of Title 12, Title 16, and Title 17 of the Orange Municipal Code, related to the Design Review Committee.**

An ordinance of the City Council of the City of Orange amending Title 12 (streets, sidewalks and public places), Title 16 (subdivisions) and Title 17 (zoning) of the Orange Municipal Code to update duties and responsibilities of the Design Review Committee and effect other minor revisions.

**RECOMMENDED ACTION:**

Adopt Planning Commission Resolution No. 23-20 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORANGE RECOMMENDING CITY COUNCIL ADOPTION OF AN ORDINANCE AMENDING TITLES 12, 16 AND 17 OF THE ORANGE MUNICIPAL CODE TO UPDATE THE DUTIES AND RESPONSIBILITIES OF THE DESIGN REVIEW COMMITTEE TO FOCUS ON PROJECTS IN HISTORIC DISTRICTS OR OTHERWISE INVOLVING HISTORIC BUILDINGS AND STRUCTURES AND EFFECTING OTHER MINOR REVISIONS.

**NOTE:** The draft Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15378(b)(5) (Organizational or administrative activities of governments that will not result in any physical change in the environment).

Mary Binning, Senior Assistant City Attorney provided an overview of the Ordinance consistent with the staff report and outlined the amendments to the Municipal Code. Ms. Binning stated, for the record, that the Commissioners were briefed on the ordinance prior to the meeting.

The Commission had questions on the following:

- The Design Review Committee's purview over the Historical District and Eichler neighborhoods.
- The Design Review Committee's oversight over general signage and historic preservation signage.
- Utilization of the Design Review Committee's expertise, on an as-needed basis, for other significant projects as determined by the Community Development Director.
- Staff versus the Design Review Committee oversight for landscape and fences.

Chair Simpson opened public comment.

Ms. Wang stated that staff received the following:

- A voicemail in opposition from Tony Trabucco on behalf of Old Towne Preservation Association.
- Two emails in favor of the item which were received after the deadline for public comment.

Chair Simpson closed public comment.

The Commission had questions and comments on the following:

- The Commissioners agreed the Design Review Committee has been valuable over the years; however, this method will streamline the process to get City projects processed more quickly while continuing with the preservation of the Historic District.
- Commissioners feel staff is very qualified and capable and trust that they will utilize the Design Review Committee if needed.

A motion was made to adopt Planning Commission Resolution No. 23-20 entitled a Resolution of the Planning Commission of the City of Orange recommending City Council adoption of an ordinance amending Titles 12, 16 and 17 of the Orange Municipal Code to update the duties and responsibilities of the Design Review Committee to focus on projects in Historic Districts or otherwise involving historic buildings and structures and effecting other minor revisions.

**MOTION:** Glasgow  
**SECOND:** Willits  
**AYES:** Simpson, Glasgow, Vazquez, and Willits  
**NOES:** None  
**ABSENT:** Martinez

**MOTION CARRIED**

**3.2 An Ordinance Amending Title 5 of the Orange Municipal Code by adding Chapter 5.94 regulating the licensing and establishment of Short Term Rental businesses in the city and amending Title 17 by adding a definition, zoning requirements and conditions for Short Term Rental use.**

The proposed Ordinance amends Title 5 (Business Taxes and Regulations) and Title 17 (Zoning) of the Orange Municipal Code to regulate the licensing and establishment of short-term rental businesses. The action of the Planning Commission pertains to the Zoning Ordinance.

**RECOMMENDED ACTION:**

Adopt Planning Commission Resolution No. 21-20 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORANGE RECOMMENDING CITY COUNCIL ADOPTION OF AN ORDINANCE AMENDING TITLE 5 OF THE ORANGE MUNICIPAL CODE BY ADDING CHAPTER 5.94

REGULATING THE LICENSING AND ESTABLISHMENT OF SHORT TERM RENTAL BUSINESSES IN THE CITY AND AMENDING TITLE 17 OF THE ORANGE MUNICIPAL CODE BY ADDING A DEFINITION, ZONING REQUIREMENTS AND CONDITIONS REGULATING THE USE OF RESIDENTIAL PROPERTY FOR SHORT TERM RENTAL PURPOSES.

**NOTE:** 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.

Ms. Pehoushek and Ms. Binning provided an overview of the Ordinance consistent with the staff report and noted for the record the Commissioners were briefed prior to the meeting.

Shawn Horning, Finance Coordinator, and Aaron Schulze, Senior Analyst, were available to answer questions.

The Commissioners had questions and comments on the following:

- The City Council's method for determining the maximum number of permits allowed in the City.
- Whether the proposed Ordinance establishes hold harmless agreement and insurance requirements for homeowners, platforms and the City.
- Police Department versus Code Enforcement oversight for complaints.
- Analysis process used to draft the Ordinance.
- E-signatures versus a physical signed copy and requirement of minor's signatures.
- Allocation of City resources to administer the program and revenue from fees to recoup staff expenditures.
- Short term rentals and other types of businesses allowed in the residential zone.
- Reconsider the 30 minute response time; it may not be feasible.
- Struggles other cities have encountered with their Ordinances.
- Consideration of allowing LLC ownership of short term rentals.
- Whether the City Ordinance overrides home owners association rules and regulations regarding short term rentals.
- The calculation process for the number of short term rentals in apartments and condominiums.

Chair Simpson opened public comment.

Ms. Pehoushek and Ms. Wang read public comments into the record from the following:

Via phone:

- Dean W. Kayhill – Opposed

Via e-mail and phone:

- Donald Dawson – opposed
- Robert Bell – in favor
- Conny Truax – opposed

Via e-mail:

- Paula Clark – opposed
- Betsy Davis – opposed
- Adrienne Gladson – neutral with questions
- Andy Ingram – in favor
- Kathryn Levassiur – in favor with suggestions for the Ordinance
- Michael MacIsaac – in favor with suggestions for the Ordinance
- April Paredes – in favor with suggestions for the Ordinance
- Karen Peterson – in favor
- Sandra Po – in favor with suggestions for the Ordinance
- James and Bo Snow – in favor
- Susan Tillou – in favor with suggestions for the Ordinance
- Tony – in favor
- Joe Hatchell – opposed
- Susie Huber – Neutral with Questions
- Janey Huynh – In Favor
- Reggie Mundekis – Opposed
- Laura Wells – Opposed

Ms. Wang also noted that two more emails in opposition were received after the deadline for public comments.

Vice-chair Glasgow closed public comment.

The Commissioners had questions and comments on the following:

- Chair Simpson stated the City does not have a policy for short term rentals; the proposed Ordinance provides a tool to regulate and provide enforcement.
- Vice-Chair Glasgow inquired about the conversion process from residential to office use in the Office Professional Zone.

Ms. Pehoushek responded that the Office Professional Zone may have candidates for short term rental use. In the OP Zone on East Chapman, homes that have not been converted to office use would be eligible for short term rental status.

Commissioner Vazquez stated the Ordinance establishes a mechanism where rules are defined with the possibility for penalty and permit revocation for violations. He's in favor of the minimum stay, maximum occupancy limits and maximum number of short term rentals in multi-unit facilities.

Commissioner Willits stated that short term rentals need regulation and enforcement is the

key. Although he is not an advocate of short term rentals, he supports the ordinance. It is an important source of income for property owners and serves a purpose.

Vice Chair Glasgow stated that the Ordinance brings everyone under the same rules and provides an avenue to penalize those who do not follow the rules. It ensures homeowners responsibility. He feels the 30-minute response time is adequate. He preferred to see each building, in multi-unit facilities, be subject to the same percentage of units as the cumulative percentage for the complex in order to keep the total number of allowable short term rentals from being concentrated in one building.

A motion was made to Adopt Planning Commission Resolution No. 21-20 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORANGE RECOMMENDING CITY COUNCIL ADOPTION OF AN ORDINANCE AMENDING TITLE 5 OF THE ORANGE MUNICIPAL CODE BY ADDING CHAPTER 5.94 REGULATING THE LICENSING AND ESTABLISHMENT OF SHORT TERM RENTAL BUSINESSES IN THE CITY AND AMENDING TITLE 17 OF THE ORANGE MUNICIPAL CODE BY ADDING A DEFINITION, ZONING REQUIREMENTS AND CONDITIONS REGULATING THE USE OF RESIDENTIAL PROPERTY FOR SHORT TERM RENTAL PURPOSES.

**MOTION:** Glasgow  
**SECOND:** Vazquez  
**AYES:** Simpson, Glasgow, Vazquez, and Willits  
**NOES:** None  
**ABSENT:** Martinez

**MOTION CARRIED**

**4. ADJOURNMENT: 9:26 p.m.**

The continued Planning Commission Meeting will be held on Monday, August 24, 2020, at 7:00 p.m.

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Anna Pehoushek , Assistant Community Development Director