



Agenda Item

Planning Commission

Item #: 5.1.

4/1/2024

File #: 24-0124

TO: Chair and Members of the Planning Commission

FROM: Anna Pehoushek, Assistant Community Development Director

1. SUBJECT

Public Hearing to consider rezoning of public school properties to Public Institution to establish consistency with the Public Facilities and Institutions General Plan Land Use Designation (Zone Change No. 1313-24).

2. SUMMARY

Public school elementary, middle, and high school campuses have a General Plan Land Use Designation of Public Facilities and Institutions yet have a long-standing residential and Recreation Open Space zoning. The Zoning Classification that corresponds to the Public Facilities and Institutions General Plan Designation is Public Institution. 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. 09-24. A Resolution of the Planning Commission recommending that the City Council approve Zone Change No. 1313-24 by adopting an Ordinance re-zoning public school properties to establish consistency between the Public Facilities and Institutions General Plan Land Use Designation and Zoning Classifications 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

Public school campuses in Orange have had long-standing residential and recreational open space Zoning Classifications despite having established General Plan Land Use Designation of Public Facilities and Institutions (PFI). The Zoning Classification that corresponds to the PFI General Plan Land Use Designation and that is appropriate for the school sites is Public Institution (PI). 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 school site re-zoning as follows:

Facility	Address	General Plan	Existing Zoning	Proposed Zoning
California Inspire Academy	1080 N. California St.	PFI	R-1-6	PI
Cambridge Elementary School	425 N. Cambridge St.	PFI	R-1-6	
Early Learning Center Parkside Education Center EDGE Virtual Academy	2345 E. Palmyra Ave. 250 S Yorba St. 250 S Yorba St.	PFI	R-O	
El Modena High School	3920 Spring St.	PFI	R-1-7	
Esplanade Elementary School	381 N. Esplanade St.	PFI	R-1-7	
Fletcher Mandarin Language & GATE Academy	515 W. Fletcher Ave.	PFI	R-1-7	
Handy Elementary School	860 N. Handy St.	PFI	R-1-6	
Jordan Academy of Language and Computer Science	4319 E. Jordan Ave.	PFI	R-1-7	
La Veta Elementary	2800 E. La Veta Ave.	PFI	R-1-8	
Linda Vista Elementary School	1200 N. Cannon St.	PFI	R-1-8	
McPherson Magnet School/Sports Park	333 S. Prospect St.	PFI	R-1-7	
Olive Elementary	3038 Magnolia Ave.	PFI	R-1-7	
Orange High School	525 N. Shaffer St.	PFI	R-1-6	
Palmyra GATE Magnet	1325 E. Palmyra Ave.	PFI	R-1-6	
Peralta Middle School/ Super Sports	2190 N. Canal St.	PFI	R-1-8	
Portola Middle School	270 N. Palm Dr.	PFI	R-1-6	
Prospect Elementary School	379 N. Virage St.	PFI	R-1-7	
Richland Continuation High School (portion)	615 N. Lemon St.	PFI	R-3	
Santiago Charter Middle School	515 N. Rancho Santiago Blvd.	PFI	R-1-7	
Taft Elementary	1829 N. Cambridge St.	PFI	R-1-8	
Yorba Middle School	935 N. Cambridge St.	PFI	R-1-6	

Key:

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

Multiple Family Residential: R-3

Recreation Open Space: R-O

The Chapman Hills Elementary School is not included in the re-zoning because its Planned Community zoning is consistent with the General Plan. In the case of Sycamore Elementary School, a portion of the Richland Continuation School, and the OUSD offices/Villa Park campus, there are split General Plan designations that warrant a separate cleanup effort to establish a single uniform land use designation prior to re-zoning.

7. ANALYSIS AND STATEMENT OF THE ISSUES

The Zone Change contained in the proposed Ordinance is 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 school site properties have Zoning Classifications inconsistent with the General Plan, as they are currently zoned with residential or open space classifications. The consistent Zoning Classification for the Public Facilities and Institutions Land Use Designation would be Public Institutions. 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 public 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.

It should be noted that the PI zoning district allows the development of housing affiliated with the institutional use it shares a site or campus with. Representative projects in Orange with the development of housing associated with an institutional use include the Villa St. Joseph project through which the Motherhouse at the Sisters of St. Joseph campus is being adaptively re-used as affordable senior housing, and the ActivCare Memory Care facility developed as a use related to the Chapman Global Medical Center and St. Joseph medical office building.

8. PUBLIC NOTICE

On March 21, 2024, a notice was published in the Anaheim Bulletin 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 09-24 (including Ordinance)