



Agenda Item

Planning Commission

Item #: 4.1.

8/19/2024

File #: 24-0477

TO: Chair and Members of the Planning Commission

FROM: Anna Pehoushek, Assistant Community Development Director

1. SUBJECT

Public Hearing to consider a Zone Text Amendment to Update Title 17 of the Orange Municipal Code (Zoning Ordinance) to amend provisions related to application expiration, noticing requirements, and time for appeal.

2. SUMMARY

The City has proposed changes to update Title 17 to amend certain provisions of the OMC to streamline processes and to remove unnecessary and unclear language in the OMC. Specifically, the proposed Ordinance would amend provisions related to application expiration, noticing requirements, and time for appeal.

3. RECOMMENDED ACTION

Adopt Planning Commission Resolution No.24-24. A Resolution of the Planning Commission of the City of Orange recommending the City Council approve an Ordinance amending Title 17 of the Orange Municipal Code to amend provisions related to application expiration, noticing requirements, and time for appeal.

4. AUTHORIZING GUIDELINES

Orange Municipal Code (OMC) Section 17.08.020 authorizes the Planning Commission to review and make a recommendation to the City Council on Zoning Ordinance amendments.

5. PROJECT BACKGROUND

The Community Development Department has continued to undertake a review and evaluation of the Zoning Ordinance in order to streamline procedures, delete unnecessary and/or unclear language and address issues that require more explicit language.

6. PROJECT DESCRIPTION

The following are proposed changes to the OMC:

- Section 17.08.030: This Section has been revised to delete excess and confusing verbiage further rendered unnecessary by the additional clean-up efforts in this proposed Ordinance.
- Section 17.08.030(G): This Section has been revised to shorten the time-period in which an application expires due to inactivity, from the current six months to a proposed three months. The language was also revised to delete a requirement that the applicant be notified prior to expiration and given an opportunity to "reactivate" the application (which was not defined).

Staff believes this will increase efficiently by reducing the number of “stale” applications that staff maintains responsibility for and ensures that applicants continue to diligently and efficiently seek approval of their projects.

- Section 17.08.040(A): This Section has been revised to remove repetitive/unnecessary language.
- The Table at Section 17.08.040(A): This Table has been revised to remove the following language-“Notification shall occur in the same manner as was required for the original permit issuance”, which was vague and only applicable to “appeals,” with lettering changed accordingly. The new footnote for appeals will be the former (c) which provides that no noticing or notification is required for an appeal, to simplify the appeal procedure by having appeal applications heard more quickly, increasing certainty for the appellant and the public as to whether a project will or will not be approved.
- Section 17.08.040(B)(4): This Section has been revised to delete repetitive/unnecessary verbiage.
- Section 17.08.040(B)(5): This Section has been revised to provide explicitly that public hearings are not required for “administrative determinations.” These are, generally-speaking, determinations that are made at a staff level (such as by the Community Development Director) and not by a body or committee, and typically memorialized by email or other correspondence. This section clarifies noticing procedures for administrative determinations.
- Section 17.08.050(D): The Section has been revised to provide for a shortened appeals period, from 15 days to a proposed 5 days.

Staff recommends these changes to the Planning Commission.

7. PUBLIC NOTICE

A notice was published in the Anaheim Bulletin on August 8, 2024.

8. ENVIRONMENTAL REVIEW

This proposed Ordinance is not a project under the California Environmental Quality, (“CEQA”) per State CEQA Guidelines Section 15378, because it involves administrative activities of the city that will not result in direct or indirect physical changes in the environment.

10. ADVISORY BOARD ACTION

None.

11. ATTACHMENTS

- Attachment 1 Planning Commission Resolution No. 24-24 (including redlined Ordinance