



# AGENDA ITEM

## PLANNING COMMISSION

August 17, 2020

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**TO: CHAIR SIMPSON AND MEMBERS OF PLANNING COMMISSION**

**THRU: Anna Pehoushek, Assistant Community Development Director** *ACP*

**FROM: Mary Binning, Senior Assistant City Attorney** *MEB*

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### 1. SUBJECT

Public Hearing: 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.

### 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 revisions.

### 3. 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.

### 4. AUTHORIZATION GUIDELINES

Orange Municipal Code (OMC) Table 17.08.020 authorizes the Planning Commission to review and make a recommendation to the City Council on Zoning Ordinance amendments. OMC Section 17.10.020 establishes procedures by which the Planning Commission reviews ordinance amendments and makes recommendations to the City Council.

### 5. BACKGROUND

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, 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 has also increased significantly.

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.

## **6. PROJECT DESCRIPTION**

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 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.
- The DRC will make a recommendation, not a final decision, on temporary uses in historic districts only.
- 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 only.
- 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 hot dog carts will be eliminated.

#### OMC 17.08 – Zoning – Sign Regulations

- The Director will approve sign programs for multitenant building sign programs and mixed use/major commercial centers, 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.

## **7. ANALYSIS AND STATEMENT OF THE ISSUES**

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. Reorienting the DRC's focus onto historic districts and structures will concentrate their expertise on historical resources. The resulting flow for processing applications will be streamlined and result in shorter turnaround for applicants.

## **8. PUBLIC NOTICE**

On August 6, 2020, the City published a Planning Commission Public Hearing Notice in the Orange City News newspaper. Because of the citywide applicability of the proposed Ordinance, no single property was posted. Noticing occurred on the City website and via posting at City libraries and City Hall.

## **9. ENVIRONMENTAL REVIEW**

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.

## **10. ADVISORY BOARD RECOMMENDATION**

The Ordinance does not involve physical development and addresses only administrative revisions to the Orange Municipal Code. Review by other staff departments or advisory boards was not required.

## **11. ATTACHMENTS**

1. Planning Commission Resolution No. 23-20
2. Draft Ordinance Amendment (clean)
3. Draft Ordinance Amendment (redlined)

**RESOLUTION NO. PC 23-20**

**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**

**APPLICANT: CITY OF ORANGE**

Moved by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_ that the following Resolution be adopted:

**WHEREAS**, the City of Orange Design Review Committee (formerly the Design Review Board) was established in 1974 by Ordinance No. 4-74 for the purpose of upholding community aesthetics by reviewing the architectural design of new buildings and structures; and

**WHEREAS**, the number and complexity of development projects in the City of Orange have greatly increased since formation of the Design Review Committee; and

**WHEREAS**, the City wishes to increase the effectiveness of the Design Review Committee by focusing its efforts on development projects in historic districts and involving historic structures as defined; and

**WHEREAS**, this Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt, consistent with the findings in Sections 1 and 2 of this Resolution; and

**WHEREAS**, the Planning Commission, having considered the proposed changes to the Orange Municipal Code contained herein at a public hearing held on August 17, 2020, including review of the staff report and having received public testimony on the item, has determined that the proposed Ordinance, as it relates to the Zoning Code, is justified and recommends approval thereof.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission recommends that the City Council approve the subject Ordinance, shown as Attachment A, attached hereto, based on the following findings:

## **SECTION 1 - FINDINGS**

The subject Ordinance supports the General Plan Vision for Orange, and goals and policies of the Land Use and Cultural Resources & Historic Preservation Elements by providing a framework and regulation for protecting and enhancing land uses in historic districts or involving historic structures or buildings so that they will exist in harmony with their surroundings, while maintaining their historical significance.

## **SECTION 2 - ENVIRONMENTAL REVIEW**

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.

**BE IT FURTHER RESOLVED** that the Planning Commission recommends that Title 17 of the Orange Municipal Code be amended as shown in Attachment A.

I hereby certify that the Planning Commission of the City of Orange adopts the foregoing resolution on \_\_\_\_\_, 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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David Simpson, Planning Commission Chair

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Date

## **ORDINANCE NO. XX-20**

### **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 AND EFFECT OTHER MINOR REVISIONS**

**WHEREAS**, the City of Orange Design Review Committee (formerly the Design Review Board) was established in 1974 by Ordinance No. 4-74 for the purpose of upholding community aesthetics by reviewing the architectural design of new buildings and structures; and

**WHEREAS**, the number and complexity of development projects in the City of Orange have greatly increased over the past 46 years; and

**WHEREAS**, the City wishes to increase the effectiveness of the Design Review Committee by focusing its efforts on development projects in historic districts and involving historic buildings and structures as defined.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORANGE DOES HEREBY ORDAIN AS FOLLOWS:**

#### **SECTION I:**

This Ordinance is not a project under the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15061(b)(3) and 15378, because it is an administrative activity undertaken by a local government, involves general City policy and procedure, and its adoption does not have the potential to result in direct or indirect physical changes to the environment

#### **SECTION II:**

Section 12.18.080.O of the Orange Municipal Code, “Streets, Sidewalks and Public Places - Outdoor Dining on Public Walkways - Outdoor Dining Permit Standards,” is hereby amended in its entirety to read as follows:

O. No signs are permitted in the outdoor dining area with the exception of a menu sign. Business names may be permitted on the valance of the awnings and/or umbrellas, as approved by the Director; however, commercial and product logos are not permitted on the valance of awnings and/or on umbrellas or in any other outdoor display.

#### **SECTION III:**

Section 16.35.060 of the Orange Municipal Code, “Subdivisions – Vesting Tentative Maps - Filing,” is hereby amended in its entirety to read as follows:



### **16.35.060 - Filing.**

A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports as set forth in other provisions of Title 16 for a tentative map, except as hereinafter provided:

A. Subdivider shall obtain Community Development Director preliminary approval of development prior to filing a vesting tentative map. Processing and content shall be as detailed in City's document entitled "Design Review Committee Submittal Procedure."

B. Subdivider shall obtain all necessary zone changes prior to or concurrent with filing a vesting tentative map.

C. At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words: "Vesting Tentative Map."

D. At the time a vesting tentative map is filed, a subdivider shall also supply the following information:

1. Community Development Director approved plans and drawings;
2. Sewer, water, storm drain, and road details;
3. Geological studies;
4. Flood control information;
5. School impact analysis;
6. Traffic impact analysis;
7. Detailed grading plans;
8. Solar access, passive or natural heating or cooling opportunities analysis;
9. Signing program (advertising, locational, and safety signing systems);
10. Any other material considered essential to the proper evaluation of the project (e.g. open space maintenance responsibilities, provisions made for trails and/or parks and their maintenance responsibilities).

NOTE: All developments require compliance with the California Environmental Quality Act. Some of the above information may be included in reports prepared for that purpose. If so, the information requested above need only a reference to the EIR.

### **SECTION IV:**

Table 17.08.020, "Zoning – General Administrative Procedures – Reviewing Bodies," is hereby amended in its entirety to read as follows:

<b>Type of Procedure, Permit or Hearing</b>	<b>CDD</b>	<b>DRC</b>	<b>ZA</b>	<b>PC</b>	<b>CC</b>
Zoning Ordinance Amendment	A			A	X
Zone Change	A			A	X
Conditional Use Permit	A		X(1)	X(1)	X(1)
Variance	A		X(1)	X	
Administrative Adjustment Permit			X		
Temporary Use (Non-Recurring) Permit	A	A(1)	X		

Design Review	A/X(1)	A/X(1)		X(1)	
Historic District Demolition Permit		A		X(1)	X
Site Plan Review—Minor	X	A(1)			
Site Plan Review—Major	A	A(1)		X	
Tentative Tract Map	A			A	X
General Plan Amendment	A			A	X
Environmental Documentation	A			X(1)	X(1)

## **SECTION V:**

Section 17.08.020.B.2.c of the Orange Municipal Code, “Zoning – General Administrative Procedures – Reviewing Bodies – Planning Commission – Powers and Duties,” is hereby amended in its entirety to read as follows:

c. Authority to act upon an appeal of any order, requirement, permit, decision or determination made by an administrative or appointed official or body in the administration or enforcement of this chapter.

## **SECTION VI:**

Section 17.08.020.D of the Orange Municipal Code, “Zoning – General Administrative Procedures – Reviewing Bodies – Design Review Committee,” is hereby amended in its entirety to read as follows:

D. Design Review Committee. The Design Review Committee (DRC) is established to uphold community aesthetics by reviewing the architectural design of projects in historic districts and any building or structure identified as a historic resource in the City’s Historic Resources Survey.

### **1. Purpose.**

- a. To review development projects as provided herein, by considering the elements of architectural design, massing and scale, color palette, and context to ensure that projects are compatible with surrounding development and community aesthetics;
- b. To interpret and apply adopted design guidelines and standards;
- c. To assist in formulating design policy;
- d. To encourage the preservation of cultural historic resources, while allowing for orderly development.

### **2. Powers and Duties. The DRC shall have the authority to:**

- a. Review and make recommendations to the Planning Commission and/or make final determinations, as appropriate, on Design Review for development projects in historic districts or involving a building or structure identified in the City’s Historic Resources Survey.
- b. Review and make recommendations to the Planning Commission on proposed demolitions in historic districts.

c. Review and make recommendations to the Planning Commission on Major Site Plan Review for development projects in historic districts or involving a building or structure identified in the City's Historic Resources Survey.

d. Review and make recommendations to the Community Development Director on Non-Recurring Temporary Use Permits and Minor Site Plan Review matters in historic districts or involving a building or structure identified in the City's Historic Resources Survey.

e. Review and make recommendations to the Community Development Director on other matters referred by the Director.

3. Meetings.

a. The DRC shall meet in regular session on dates and at times to be determined by resolution of the City Council. All meetings shall be open to the public, and provisions of the Brown Act shall apply.

b. Three members shall constitute a quorum. A majority vote of the quorum present shall be required for all DRC actions. Failure to achieve a majority vote of members present shall constitute a denial of the proposed action.

c. The DRC shall adopt rules and regulations for the conduct of its business consistent with this chapter.

4. Membership and Compensation. Membership and compensation of the DRC shall be as determined by resolution of the City Council.

5. Terms of Office/Officers.

a. The terms of office for each member of the DRC shall be four years and shall continue to and include June 30th of the year in which the term expires, and thereafter until a successor for the member whose term is expiring has been appointed.

b. At the first meeting after June 30th of every other year, the DRC shall select a chairman and a vice-chairman to serve two-year terms.

**SECTION VII:**

Section 17.08.020.E of the Orange Municipal Code, "Zoning – General Administrative Procedures – Reviewing Bodies – Community Development Director – Powers and Duties," is hereby amended in its entirety to read as follows:

E. Community Development Director. The Community Development Director, in conjunction with a staff review committee designated by the City Manager, shall review development proposals in order to ensure that yards, open space, structures, parking, loading facilities, landscaping, streets and similar uses and the development of the land remains compatible with surrounding properties reflecting the highest quality of land planning and design.

1. Powers and Duties. The Community Development Director, after consultation with a staff review committee designated by the City Manager, shall have the authority to:

a. Decide upon minor site plan applications.

b. Decide upon, or make recommendations to the Planning Commission, as appropriate, on design review applications as specified in Chapter 17.10;

c. Review and make recommendations to the Planning Commission on zoning ordinance amendments, zone changes, conditional use permits, variances, major site plans, tentative tract maps, general plan amendments and other discretionary applications as specified in Chapter 17.10;

- d. Consider minor modifications to previously approved site plans and determine whether such modifications are in substantial conformance with the approved plans;
- e. Review and make recommendations to the Planning Commission on environmental documentation and all duties defined in City environmental review guidelines.
- f. Refer matters to the Design Review Committee as appropriate.

#### **SECTION VIII:**

Section 17.08.050.A of the Orange Municipal Code, “Zoning – General Administrative Procedures – Appeals – Right of Appeal,” is hereby amended in its entirety to read as follows:

A. Right of Appeal. Any final action taken by the Community Development Director, Zoning Administrator or the Design Review Committee in the administration or enforcement of the provisions of this chapter may be appealed by any person aggrieved, or by an officer, commission or department of the City. Such appeals may be made to the Planning Commission. Any decision wherein the Planning Commission is authorized to make a final determination may be appealed to the City Council.

#### **SECTION IX:**

Section 17.10.035.C.6 of the Orange Municipal Code, “Zoning – Specific Administrative Procedures – Temporary Use Permits – Temporary Use Permit for Uses of Limited, Specific Duration (Nonrecurring) – Design Review,” is hereby amended in its entirety to read as follows:

6. Design Review. Nonrecurring temporary uses on properties located within a historic district shall require Design Review Committee review prior to Zoning Administrator approval of the temporary use permit.

#### **SECTION X:**

Section 17.10.035.E.10 of the Orange Municipal Code, “Zoning – Specific Administrative Procedures – Temporary Use Permits – Conditions of Approval,” is hereby deleted in its entirety.

#### **SECTION XI:**

Section 17.10.060.D.2 of the Orange Municipal Code, “Zoning – Specific Administrative Procedures – Site Plan Review – Minor Site Plan Review - Procedure,” is hereby amended in its entirety to read as follows:

2. Procedure. The Community Development Director shall be responsible for minor site plan review. Once an application for minor site plan review has been deemed complete, the Director shall, in conjunction with a staff review committee designated by the City Manager, and the Design Review Committee for projects in a historic district or involving a building or structure identified in the City’s Historic Resources Survey, consider and approve, approve with conditions, deny, or refer the project to the Planning Commission for final action. A continuance may be granted upon mutual consent of the applicant and the Director. Appeals from decisions by the

Director shall be made in accordance with the City appeal procedures set forth in Section 17.08.050.

## **SECTION XII:**

Section 17.10.060.E.2 of the Orange Municipal Code, “Zoning – Specific Administrative Procedures – Site Plan Review – Major Site Plan Review - Procedure,” is hereby amended in its entirety to read as follows:

2. Procedure. The Community Development Director shall serve as the preliminary reviewing body for major site plan review. Once an application for major site plan review has been deemed complete, the Director, and the DRC for projects in a historic district or involving a building or structure identified in the City’s Historic Resources Survey, shall independently consider and make a recommendation to approve, approve with conditions, or deny the project. A continuance may be granted upon mutual consent of the applicant and Director. The recommendations shall be forwarded to the Planning Commission secretary for placement on the Commission's consent calendar, and shall be noticed as provided in Section 17.08.040. The Commission, in considering a site plan review application, shall review the recommendations of the Director. The Commission shall act to approve, approve with conditions or deny the application. A continuance may be granted upon mutual consent of the applicant and Commission. Planning Commission action shall be deemed final unless appealed in accordance with Section 17.08.050.

## **SECTION XIII:**

Section 17.10.060.G of the Orange Municipal Code, “Zoning – Specific Administrative Procedures – Site Plan Review – Conditions of Approval,” is hereby amended in its entirety to read as follows:

G. Conditions of Approval. The Community Development Director may recommend or require reasonable conditions of approval which may include, but not be limited to those items listed below.

1. A revised site plan;
2. Modifications of building height, bulk, mass or scale;
3. Increased setbacks;
4. Division or sound walls;
5. Mitigation of potential project related environmental impacts;
6. Increased open space;
7. Screening of parking areas, trash receptacles, mechanical equipment, storage areas;
8. Increased landscaping;
9. Relocation of buildings;
10. Revised interior circulation or parking area design;
11. Off-site improvements;
12. Revised grading plan;
13. Any other changes or additions the Director feels are necessary to further the goals of the site plan review process; and

14. For a major site plan review of projects in a historic district or involving a building or structure identified in the City's Historic Resources Survey, the Design Review Committee may recommend conditions of approval relating to architectural design in accordance with Section 17.08.020.D.

#### **SECTION XIV:**

Section 17.10.070.B of the Orange Municipal Code, "Zoning – Specific Administrative Procedures – Design Review – When Design Review is Required," is hereby amended in its entirety to read as follows:

B. When Design Review is Required. Design review is required for all projects listed below:

1. Projects requiring major site plan review;
2. Signs as specified in [Chapter 17.36](#);
3. Projects within a historic district or involving a building or structure identified in the city's Historic Resources Survey, except where otherwise exempted by adopted design standards and/or adopted specific plan(s);
4. External remodeling of commercial, industrial, institutional and large scale multiple family developments, except where otherwise exempted by City codes, including adopted design standards and/or adopted specific plans(s) including:
  - a. Facade renovation of the majority of a multi-family residential complex, multi-tenant commercial or industrial center, or institutional property.
  - b. Introduction of new structural architectural elements to the facade of individual in-line or freestanding pad tenants within a multi-tenant commercial or industrial center.
  - c. Projects that involve exterior remodeling of an individual freestanding commercial, industrial, or institutional building on an individual parcel that is not part of a larger center or campus, including changes in exterior building material, roof form, and window or door openings.
5. Projects requiring minor site plan review that also involve exterior remodeling of residential, commercial, industrial, and institutional development.
6. Infill residential development as specified in the Orange Infill Residential Design Guidelines.

#### **SECTION XV:**

Section 17.10.070.C of the Orange Municipal Code, "Zoning – Specific Administrative Procedures – Design Review – Initiation and Application," is hereby amended in its entirety to read as follows:

C. Initiation and Application. Design review applications shall be filed in accordance with application and submittal requirements as determined by the City. Application materials may include site, building and landscape plans, photographs, colored elevations and/or renderings and color and material boards. Submittal materials shall also include information pertaining to scale, massing, streetscape, landscaping and open space. This information must be of sufficient detail to allow the reviewing body to determine the compatibility of the change to the existing structure, area, or district and that the project meets established design standards and criteria.

## **SECTION XVI:**

Section 17.10.070.D of the Orange Municipal Code, “Zoning – Specific Administrative Procedures – Design Review – Design Review Procedure and Criteria,” is hereby amended in part to read as follows:

D. Design Review Procedure and Criteria. The reviewing body shall make a recommendation or final determination as authorized by Section 17.08.020 to approve, approve with conditions or deny a project. In making such recommendation or determination, the reviewing body shall consider adopted design standards and guidelines (where applicable), the Secretary of the Interior's Standards and Guidelines for Rehabilitation (where applicable) and the following general criteria in making a project determination:

## **SECTION XVII:**

Section 17.10.070.E of the Orange Municipal Code, “Zoning – Specific Administrative Procedures – Design Review – Administrative Design Review,” is hereby deleted in its entirety.

## **SECTION XVIII:**

Section 17.10.070.G of the Orange Municipal Code, “Zoning – Specific Administrative Procedures – Design Review – Findings Required,” is hereby amended in its entirety to read as follows:

F. Findings Required. The reviewing body shall make a finding that the project design upholds community aesthetics through the use of an internally consistent, integrated design theme and is consistent with all adopted specific plans, applicable design standards and their required findings.

## **SECTION XIX:**

Section 17.12.025.B.2 of the Orange Municipal Code, “Zoning – General Regulations Applicable to All Districts – Wireless Communications Facilities – Application Procedure,” is hereby amended in part to read as follows:

2. Building- or structure-mounted stealth antennas in A-1, RO, SG, PI, OP, CP, C1, C2, C3, CR, M1 and M2 districts outside of a historic district and not on a building or structure identified in the City’s Historic Resources Survey with completely enclosed or screened support equipment may be approved administratively by Planning Division staff under the following circumstances:

## **SECTION XX:**

Section 17.12.025.B.3 of the Orange Municipal Code, “Zoning – General Regulations Applicable to All Districts – Wireless Communications Facilities – Application Procedure,” is hereby amended in its entirety to read as follows:

3. A recommendation from the Design Review Committee will be required for building- or structure-mounted stealth antennas located within a historic district or involving a building or structure identified in the City's Historic Resources Survey.

#### **SECTION XXI:**

Section 17.12.025.B.5 of the Orange Municipal Code, "Zoning – General Regulations Applicable to All Districts – Wireless Communications Facilities – Application Procedure," is hereby amended in its entirety to read as follows:

5. Any owner of a wireless communication facility and any person or entity leasing property for a wireless communication facility shall provide written notification to the Community Development Director of the discontinuance of the use of a wireless communication facility for wireless communication purposes for any period longer than thirty (30) days. The notice shall state the date the use was discontinued and shall be provided within thirty-one (31) days of such discontinuance.

#### **SECTION XXII:**

Section 17.12.025.B.7 of the Orange Municipal Code, "Zoning – General Regulations Applicable to All Districts – Wireless Communications Facilities – Application Procedure," is hereby amended in its entirety to read as follows:

7. Ground-mounted stealth facilities outside of a historic district and not on a building or structure identified in the City's Historic Resources Survey are permitted in all A-1, RO, SG, PC, residential, commercial, industrial, and public institutional zones subject to minor site plan review provided that the installation conforms to the criteria specified in subsections C and D of this section.

#### **SECTION XXIII:**

Section 17.12.025.B.9.b of the Orange Municipal Code, "Zoning – General Regulations Applicable to All Districts – Wireless Communications Facilities – Application Procedure," is hereby amended in its entirety to read as follows:

b. Ground-mounted stealth and all nonstealth facilities located within a historic district or involving a building or structure identified in the City's Historic Resources Survey.

#### **SECTION XXIV:**

The Wireless Communication Facility Review Matrix in Section 17.12.025.B of the Orange Municipal Code, "Zoning – General Regulations Applicable to All Districts – Wireless Communications Facilities – Application Procedure," is hereby amended in its entirety to read as follows:

#### **Wireless Communication Facility Review Matrix**



<b>Zone</b>	<b>Stealth (Building- Mounted)</b>	<b>Stealth (Ground- Mounted)</b>	<b>Nonstealth</b>	<b>Co-Located (Stealth)</b>	<b>Co-Located (Nonstealth)</b>
Any Historic District or Historic Building/Structure	DRC <sup>1</sup>	DRC/CUP <sub>3</sub>	DRC/CUP <sub>3</sub>	SPR/DRC	DRC/CUP
Residential Districts per Chapter 17.14 and Planned Community District (residential use) per Chapter 17.26	SPR <sup>2</sup>	SPR <sup>2</sup>	-	SPR <sup>2</sup>	SPR
Commercial Districts per Chapter 17.18	Staff <sup>1</sup>	SPR	CUP	SPR	SPR
Industrial Districts per Chapter 17.20	Staff <sup>1</sup>	Staff <sup>1</sup>	SPR	Staff <sup>1</sup>	SPR
Public Institution District per Chapter 17.24	Staff <sup>1</sup>	SPR	CUP	SPR	SPR
A1, RO, SG, and PC (nonresidential use)	Staff <sup>1</sup>	SPR	CUP	SPR	SPR

<sup>1</sup>. Minor site plan review may be required depending on the location of any support equipment.

<sup>2</sup>. CDD may approve facilities on institutional or quasi-institutional sites.

<sup>3</sup>. Nonstealth facilities are not permitted on residentially zoned property in a historic district or on a building or structure identified in the City's Historic Resources Survey.

CDD = Community Development Director

CUP = Conditional Use Permit

DRC = Design Review Committee

SPR = Minor Site Plan Review

- = Not Permitted

## **SECTION XXV:**

Section 17.13.040.II.9 of the Orange Municipal Code, "Zoning – Master Land Use Table – Special Use Regulations – Homeless Shelter – Design Review Required," is hereby amended in its entirety to read as follows:

9. Design Review Required. Design review is required if the project meets the criteria established in Section 17.10.070. The reviewing body's discretion in requiring conditions of approval and approving homeless shelters is limited to ensuring compliance with applicable design-related standards and guidelines.

## **SECTION XXVI:**

Section 17.13.050.Z.12 of the Orange Municipal Code, "Zoning – Master Land Use Table – Conditional Use Regulations – Hot Dog Vending Carts," is hereby deleted in its entirety.

## **SECTION XXVII:**

Section 17.36.060.A.1 of the Orange Municipal Code, “Zoning – Sign Regulations – Signs General – Sign Program – Multitenant Buildings,” is hereby amended in part to read as follows:

1. Multitenant Buildings. A sign program for all multitenant buildings shall be required to ensure proper design of signage and adequate identification of building tenants. Such programs shall provide for consistency in the size, color and placement of signs within a property and shall be approved by the Community Development Director.

## **SECTION XXVIII:**

Section 17.36.060.A.3 of the Orange Municipal Code, “Zoning – Sign Regulations – Signs General – Sign Program – Mixed Use Zones and Major Commercial Centers,” is hereby amended in part to read as follows:

3. Mixed Use Zones and Major Commercial Centers. Sign programs for major commercial centers on sites which are located in the C-TR, C-R, C-2 or C-3 zones and are larger than twenty-five (25) acres, and for mixed use, multi-family residential, or multi-tenant commercial uses in the OTMU, NMU and UMU zones, regardless of the size of the site may include criteria that differ from the limitations contained in this chapter. Sign programs for major commercial centers are subject to the review and approval of a conditional use permit by the Planning Commission. Sign programs in mixed use zones are subject to review and approval by the Community Development Director. Sign programs shall be reviewed based on the following criteria:

## **SECTION XXIX:**

Section 17.36.060.A.3.k of the Orange Municipal Code, “Zoning – Sign Regulations – Signs General – Sign Program – Mixed Use Zones and Major Commercial Centers,” is hereby amended in its entirety to read as follows:

k. Any sign program is subject to initial review and recommendation by the Community Development Director. Sign applications for individual tenants will be subject to final approval by the Director unless the sign program is specific in describing the height, width and design components of signs for each tenant space.

## **SECTION XXX:**

Section 17.36.150.I of the Orange Municipal Code, “Zoning – Sign Regulations – Special Purpose Sign Regulations – Creative Signs,” is hereby amended in part to read as follows:

I. Creative Signs. Creative signs are allowed in the UMU zone. The intention of these provisions is to encourage signs of unique design that exhibit a high degree of imagination, inventiveness, spirit and thoughtfulness. Creatively designed signs should make a positive visual contribution to the overall image of the City, while mitigating the impacts of large, obtrusive or unusually designed signs. Creative signs may be allowed in addition to other project identification

signs allowed by this chapter subject to approval of a sign program. Creative signs, either on their own or as part of a sign program in combination with other project signage, shall be reviewed by the Community Development Director and approved by the Planning Commission. Creative signs located in a historic district shall also be reviewed by the Design Review Committee prior to Planning Commission approval. Review shall be subject to the following criteria:

**SECTION XXXI:**

Section 17.36.150.J of the Orange Municipal Code, “Zoning – Sign Regulations – Special Purpose Sign Regulations – Murals,” is hereby amended in part to read as follows:

J. Murals. Murals are allowed in the OTMU, NMU and UMU zones. Murals should make a positive visual contribution to the overall image of the City and may be allowed in addition to other project identification signs allowed by this chapter. Murals, either on their own or as part of a sign program in combination with other project signage, shall be reviewed by the Community Development Director and approved by the Planning Commission. Murals located in a historic district shall also be reviewed by the Design Review Committee prior to Planning Commission approval. Review shall subject to the following criteria:

**SECTION XXXII:**

If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

**SECTION XXXIII:**

The City Clerk is hereby directed to certify the adoption of this Ordinance and cause a summary of the same to be published as required by law. This Ordinance shall take effect thirty (30) days from the date of adoption.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mark A. Murphy, Mayor, City of Orange

ATTEST:

\_\_\_\_\_  
Pamela Coleman, City Clerk, City of Orange

STATE OF CALIFORNIA    )  
COUNTY OF ORANGE     )  
CITY OF ORANGE         )

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2020, and thereafter at the regular meeting of said City Council duly held on the \_\_\_\_ day of \_\_\_\_\_, 2020 was duly passed and adopted by the following vote, to wit:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

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Pamela Coleman, City Clerk, City of Orange

## **ORDINANCE NO. XX-20**

### **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 AND EFFECT OTHER MINOR REVISIONS**

**WHEREAS**, the City of Orange Design Review Committee (formerly the Design Review Board) was established in 1974 by Ordinance No. 4-74 for the purpose of upholding community aesthetics by reviewing the architectural design of new buildings and structures; and

**WHEREAS**, the number and complexity of development projects in the City of Orange have greatly increased over the past 46 years; and

**WHEREAS**, the City wishes to increase the effectiveness of the Design Review Committee by focusing its efforts on development projects in historic districts and involving historic buildings and structures as defined.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORANGE DOES HEREBY ORDAIN AS FOLLOWS:**

#### **SECTION I:**

This Ordinance is not a project under the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15061(b)(3) and 15378, because it is an administrative activity undertaken by a local government, involves general City policy and procedure, and its adoption does not have the potential to result in direct or indirect physical changes to the environment

#### **SECTION II:**

Section 12.18.080.O of the Orange Municipal Code, “Streets, Sidewalks and Public Places - Outdoor Dining on Public Walkways - Outdoor Dining Permit Standards,” is hereby amended in its entirety to read as follows:

O. No signs are permitted in the outdoor dining area with the exception of a menu sign. Business names may be permitted on the valance of the awnings and/or umbrellas, as approved by the ~~Design Review Board~~ **Director**; however, commercial and product logos are not permitted on the valance of awnings and/or on umbrellas or in any other outdoor display.

#### **SECTION III:**

Section 16.35.060 of the Orange Municipal Code, “Subdivisions – Vesting Tentative Maps - Filing,” is hereby amended in its entirety to read as follows:

### 16.35.060 - Filing.

A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports as set forth in other provisions of Title 16 for a tentative map, except as hereinafter provided:

A. Subdivider shall obtain ~~Design Review Committee~~Community Development Director preliminary approval of development prior to filing a vesting tentative map. Processing and content shall be as detailed in City's document entitled "Design Review Committee Submittal Procedure."

B. Subdivider shall obtain all necessary zone changes prior to or concurrent with filing a vesting tentative map.

C. At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words: "Vesting Tentative Map."

D. At the time a vesting tentative map is filed, a subdivider shall also supply the following information:

1. ~~Design Review Committee~~Community Development Director approved plans and drawings;
2. Sewer, water, storm drain, and road details;
3. Geological studies;
4. Flood control information;
5. School impact analysis;
6. Traffic impact analysis;
7. Detailed grading plans;
8. Solar access, passive or natural heating or cooling opportunities analysis;
9. Signing program (advertising, locational, and safety signing systems);
10. Any other material considered essential to the proper evaluation of the project (~~i.e.g.~~; open space maintenance responsibilities, provisions made for trails and/or parks and their maintenance responsibilities).

NOTE: All developments require compliance with the California Environmental Quality Act. Some of the above information may be included in reports prepared for that purpose. If so, the information requested above ~~the~~ need only ~~be a~~ referenced to the ~~E.I.R.EIR~~.

### SECTION IV:

Table 17.08.020, "Zoning – General Administrative Procedures – Reviewing Bodies," is hereby amended in its entirety to read as follows:

Type of Procedure, Permit or Hearing	CDD	DRC	ZA	PC	CC
Zoning Ordinance Amendment	A			A	X
Zone Change	A			A	X
Conditional Use Permit	A	<del>A(1)</del>	X(1)	X(1)	X(1)
Variance	A	<del>A(1)</del>	X(1)	X	
Administrative Adjustment Permit			X		

Temporary Use (Non-Recurring) Permit	<u>A</u>	<u>A(1)</u>	X		
Design Review	<u>A/X(1)</u>	A/X(1)		X(1)	
<del>Administrative Design Review</del>	<del>X(1)</del>				
<del>Old Towne</del> Historic District Demolition Permit		A		X(1)	X
Site Plan Review—Minor	X	<u>A(1)</u>			
Site Plan Review—Major	A	<u>A(1)</u>		X	
Tentative Tract Map	A			A	X
General Plan Amendment	A			A	X
Environmental Documentation	A			X(1)	X(1)

## **SECTION V:**

Section 17.08.020.B.2.c of the Orange Municipal Code, “Zoning – General Administrative Procedures – Reviewing Bodies – Planning Commission – Powers and Duties,” is hereby amended in its entirety to read as follows:

c. Authority to act upon an appeal of any order, requirement, permit, decision or determination made by an administrative or appointed official or body ~~such as the Community Development Director, Zoning Administrator or Design Review Board~~ in the administration or enforcement of this chapter.

## **SECTION VI:**

Section 17.08.020.D of the Orange Municipal Code, “Zoning – General Administrative Procedures – Reviewing Bodies – Design Review Committee,” is hereby amended in its entirety to read as follows:

D. Design Review Committee. The Design Review Committee (DRC) is established to uphold community aesthetics by reviewing the architectural design of projects in historic districts and any building or structure identified as a historic resource in the City’s Historic Resources Survey. ~~Recognizing that the inclusion of specific aesthetic development standards is impracticable due to the variable nature of architectural concepts, construction materials and aesthetic goals from one time period to another and from one neighborhood to another, it is in the public interest to establish an authority for project review.~~

### **1. Purpose.**

- a. To review development projects as provided herein, by considering the elements of architectural design, massing and scale, color palette, and context, ~~landscaping and signage~~ to ensure that projects are compatible with surrounding development and community aesthetics;
- b. To interpret and apply adopted design guidelines and standards;
- c. To assist in formulating design policy;
- d. To encourage the preservation of cultural historic resources, while allowing for orderly development.

2. Powers and Duties. The ~~Design Review Committee~~DRC shall have the authority to:
- ~~a. Make final determination on signs and sign programs in accordance with Chapter 17.36 of this code;~~
  - ~~b. Make final determination on architectural and landscaping design matters for minor site plan review applications when referred by Community Development Director;~~
  - ~~ca. Make Review and make final determination recommendations to the Planning Commission and/or make final determinations, as appropriate, on architectural and landscaping~~ Design Review matters for external remodeling of commercial, industrial, institutional and large scale multiple family developments projects in historic districts or involving a building or structure identified in the City's Historic Resources Survey, except for minor site plan review projects acted upon by the Community Development Director;
  - ~~db. Make Review and make final determination recommendations to the Planning Commission on architectural and landscaping design matters proposed demolitions for projects in the Old Towne Historic District historic districts, when no Planning Commission review is otherwise required;~~
  - c. Review and make recommendations to the Planning Commission on Major Site Plan Review for development projects in historic districts or involving a building or structure identified in the City's Historic Resources Survey.
  - d. Review and make recommendations to the Community Development Director on Non-Recurring Temporary Use Permits and Minor Site Plan Review matters in historic districts or involving a building or structure identified in the City's Historic Resources Survey.
  - ~~e. Review and make recommendations to the Planning Commission on architectural and landscaping design matters for all development projects and proposed demolitions requiring Planning Commission recommendation or approval.~~
  - e. Review and make recommendations to the Community Development Director on other matters referred by the Director.
3. Meetings.
- a. The ~~Design Review Committee~~DRC shall meet in regular session on dates and at times to be determined ~~from time to time~~ by resolution of the City Council. All meetings shall be open to the public, and provisions of the Brown Act shall apply.
  - ~~b. Committee members shall be compensated for each meeting as determined by resolution of the City Council.~~
  - eb. Three members shall constitute a quorum. A majority vote of the quorum present shall be required for all ~~Committee~~DRC actions. Failure to achieve a majority vote of members present shall constitute a denial of the proposed action.
  - c. The DRC shall adopt rules and regulations for the conduct of its business consistent with this chapter.
4. Membership and Compensation. Membership and compensation of the DRC shall be as determined by resolution of the City Council.
- ~~a. The Design Review Committee shall consist of five members of the public. Committee members shall be persons who, as a result of their training, knowledge and experience, are qualified to analyze and interpret architectural and site planning information, including but not limited to, licensed landscape architects and architects, urban planners, engineers, and licensed general contractors. At least two of the members shall have professional experience in urban planning, architectural history or historic preservation and shall have general knowledge of architectural styles prevalent in Old Towne.~~



~~\_\_\_\_\_ b. Appointed members of the Committee shall live or work in the City and shall be appointed for four-year terms.~~

~~\_\_\_\_\_ c. Staff expertise in historic preservation and landscaping shall be available as a resource to the Committee;~~

5. ~~Officers Terms of Office/Officers Terms of Office.~~

a. ~~The terms of office for each member of the DRC shall be four years and shall continue to and include June 30th of the year in which the term expires, and thereafter until a successor for the member whose term is expiring has been appointed.~~

b. ~~At the first meeting after June 30th of every other year, the DRC shall select a chairman and a vice-chairman to serve two-year terms. Officers shall consist of a Chairman and Vice chairman, both of whom shall be selected by the members of the Committee.~~

b. ~~The terms of office for each member of the Committee shall continue to and include June 30th of the year in which the term shall expire, and thereafter until a successor for the member whose term is expiring has been appointed.~~

6. ~~Rules and Regulations. The Design Review Committee shall adopt and amend, by the affirmative vote of three members, rules and regulations for the conduct of the Committee's business consistent with this chapter subject to approval by the City Council.~~

## **SECTION VII:**

Section 17.08.020.E of the Orange Municipal Code, “Zoning – General Administrative Procedures – Reviewing Bodies – Community Development Director – Powers and Duties,” is hereby amended in its entirety to read as follows:

E. Community Development Director. The Community Development Director, in conjunction with a staff review committee designated by the City Manager, shall review development proposals in order to ensure that yards, open space, structures, parking, loading facilities, landscaping, streets and similar uses and the development of the land remains compatible with surrounding properties reflecting the highest quality of land planning and design.

1. Powers and Duties. The Community Development Director, after consultation with a staff review committee designated by the City Manager, shall have the authority to:

a. Decide upon minor site plan applications.

b. Decide upon, or make recommendations to the Planning Commission, as appropriate, on administrative design review applications as specified in Chapter 17.10;

c. Review and make recommendations to the Planning Commission on zoning ordinance amendments, zone changes, conditional use permits, variances, major site plans, tentative tract maps, general plan amendments and other discretionary applications as specified in Chapter 17.10;

d. Consider minor modifications to previously approved site plans and determine whether such modifications are in substantial conformance with the approved plans;

e. Review and make recommendations to the ~~City~~ Planning Commission on environmental documentation and all duties defined in City environmental review guidelines.

f. Refer matters to the Design Review Committee as appropriate.

## **SECTION VIII:**

Section 17.08.050.A of the Orange Municipal Code, “Zoning – General Administrative Procedures – Appeals – Right of Appeal,” is hereby amended in its entirety to read as follows:

A. Right of Appeal. Any final action taken by the Community Development Director, Zoning Administrator or the Design Review Committee in the administration or enforcement of the provisions of this chapter may be appealed by any person aggrieved, or by an officer, commission or department of the City. Such appeals may be made to the Planning Commission. Any decision wherein the Planning Commission is authorized to make a final determination may be appealed to the City Council.

#### **SECTION IX:**

Section 17.10.035.C.6 of the Orange Municipal Code, “Zoning – Specific Administrative Procedures – Temporary Use Permits – Temporary Use Permit for Uses of Limited, Specific Duration (Nonrecurring) – Design Review,” is hereby amended in its entirety to read as follows:

6. Design Review. Nonrecurring temporary uses on properties located within ~~the Old Towne Historic District~~ historic district shall require ~~the approval of the~~ Design Review Committee review prior to Zoning Administrator approval ~~the establishment~~ of the temporary use permit.

#### **SECTION X:**

Section 17.10.035.E.10 of the Orange Municipal Code, “Zoning – Specific Administrative Procedures – Temporary Use Permits – Conditions of Approval,” is hereby deleted in its entirety.

~~10.—Referral to the Design Review Committee; and~~

#### **SECTION XI:**

Section 17.10.060.D.2 of the Orange Municipal Code, “Zoning – Specific Administrative Procedures – Site Plan Review – Minor Site Plan Review - Procedure,” is hereby amended in its entirety to read as follows:

2. Procedure. The Community Development Director, ~~pursuant to Section 17.08.020E,~~ shall be responsible for minor site plan review. Once an application for minor site plan review has been deemed complete, the ~~Community Development~~ Director shall, in conjunction with a staff review committee designated by the City Manager, and the Design Review Committee for projects in a historic district or involving a building or structure identified in the City’s Historic Resources Survey, consider and approve, approve with conditions, deny, or refer the project to ~~the Design Review Committee and/or the Planning Commission~~ for final action. A continuance may be granted upon mutual consent of the applicant and the ~~Community Development~~ Director. Appeals from decisions by the ~~Community Development~~ Director shall be made in accordance with the City appeal procedures set forth in Section 17.08.050.

#### **SECTION XII:**

Section 17.10.060.E.2 of the Orange Municipal Code, “Zoning – Specific Administrative Procedures – Site Plan Review – Major Site Plan Review - Procedure,” is hereby amended in its entirety to read as follows:

2. Procedure. The Community Development Director ~~and Design Review Committee~~ shall serve as the preliminary reviewing ~~bodies-body~~ for major site plan review. Once an application for major site plan review has been deemed complete, ~~both-the~~ Community Development Director, and the DRC for projects in a historic district or involving a building or structure identified in the City’s Historic Resources Survey, and Design Review Committee shall independently consider and make a recommendation to approve, approve with conditions, or deny the project. A continuance may be granted upon mutual consent of the applicant and Community Development Director. The recommendations shall be forwarded to the Planning Commission secretary for placement on the Commission's consent calendar, and shall be noticed as provided ~~for in Section 17.08.040. Procedures for acting on consent calendar items shall be established by the Planning Commission and shall be adopted by resolution.~~ The Commission, in considering a site plan review application, shall review the recommendations of the Community Development Director ~~and Design Review Committee~~. The Commission shall act to approve, approve with conditions or deny the application. A continuance may be granted upon mutual consent of the applicant and Planning Commission. Planning Commission action shall be deemed final unless ~~an appeal to the City Council is filed within fifteen (15) days of the decision~~ appealed in accordance with Section 17.08.050.

### **SECTION XIII:**

Section 17.10.060.G of the Orange Municipal Code, “Zoning – Specific Administrative Procedures – Site Plan Review – Conditions of Approval,” is hereby amended in its entirety to read as follows:

G. Conditions of Approval. The Community Development Director may recommend or require reasonable conditions of approval which may include, but not be limited to those items listed below. ~~The Design Review Committee may recommend conditions of approval for major site plan review in accordance with Section 17.10.070(E).~~

1. A revised site plan;
2. Modifications of building height, bulk, mass or scale;
3. Increased setbacks;
4. Division or sound walls;
5. Mitigation of potential project related environmental impacts;
6. Increased open space;
7. Screening of parking areas, trash receptacles, mechanical equipment, storage areas;
8. Increased landscaping;
9. Relocation of buildings;
10. Revised interior circulation or parking area design;
11. Off-site improvements ~~;~~ ;
12. Revised grading plan; ~~or~~
13. Any other changes or additions the Committee-Director feels are necessary to further the goals of the site plan review process; and

14. For a major site plan review of projects in a historic district or involving a building or structure identified in the City's Historic Resources Survey, the Design Review Committee may recommend conditions of approval relating to architectural design in accordance with Section 17.08.020.D.

#### **SECTION XIV:**

Section 17.10.070.B of the Orange Municipal Code, "Zoning – Specific Administrative Procedures – Design Review – When Design Review is Required," is hereby amended in its entirety to read as follows:

B. When Design Review is Required. Design review is required for all projects listed below:

~~1. Development projects requiring any Planning Commission or City Council approval;~~

~~21. Any projects~~ requiring major site plan review;

~~32. Signs as specified in Chapter 17.36;~~

~~43. All projects within Old Towne or other historic districts or involving a building or structure identified in the city's Historic Resources Survey as established,~~ except where otherwise exempted by adopted design standards and/or adopted specific plan(s);

~~54. External remodeling of commercial, industrial, institutional and large scale multiple family developments, except where otherwise exempted by City codes, including adopted design standards and/or adopted specific plans(s) including:~~

a. Facade renovation of the majority of a multi-family residential complex, multi-tenant commercial or industrial center, or institutional property.

b. Introduction of new structural architectural elements to the facade of individual in-line or freestanding pad tenants within a multi-tenant commercial or industrial center ~~where such elements project more than twelve (12) inches from any exterior wall plane.~~

~~c. Projects that involve exterior remodeling of an individual freestanding commercial, industrial, or institutional building on an individual parcel that is not part of a larger center or campus, including changes in exterior building material, roof form, and window or door openings.~~

~~65. Projects subject to requiring Minor minor Site-site Plan-plan Review-review that also involve exterior remodeling of residential, commercial, industrial, and institutional development that is visible from the public right-of-way.~~

~~6. Infill residential development as specified in the Orange Infill Residential Design Guidelines.~~

#### **SECTION XV:**

Section 17.10.070.C of the Orange Municipal Code, "Zoning – Specific Administrative Procedures – Design Review – Initiation and Application," is hereby amended in its entirety to read as follows:

C. Initiation and Application. Design review applications shall be filed in accordance with application and submittal requirements as determined by the ~~Design Review Committee~~City. Application materials may include site, building and landscape plans, photographs, colored

elevations and/or renderings and color and material boards. Submittal materials shall also include information pertaining to scale, massing, streetscape, landscaping and open space. This information must be of sufficient detail to allow the reviewing body to determine the compatibility of the change to the existing structure, area, or district and that the project meets established design standards and criteria. ~~In addition, to comply with provisions of the California Environmental Quality Act, most projects in historic districts will require an application for environmental review in accordance with Section 17.08.0~~Submittal materials shall also include information pertaining to scale, massing, streetscape, landscaping and open space.

## **SECTION XVI:**

Section 17.10.070.D of the Orange Municipal Code, “Zoning – Specific Administrative Procedures – Design Review – Design Review Procedure and Criteria,” is hereby amended in part to read as follows:

D. Design Review Procedure and Criteria. The ~~Design Review Committee~~reviewing body shall make a recommendation or final determination as authorized by Section 17.08.020~~(D)~~ to approve, approve with conditions or deny a project ~~at a public meeting~~. In making such recommendation or determination, the ~~Committee~~reviewing body shall consider adopted design standards and guidelines (where applicable), the Secretary of the Interior's Standards and Guidelines for Rehabilitation (where applicable) and the following general criteria in making a project determination:

## **SECTION XVII:**

Section 17.10.070.E of the Orange Municipal Code, “Zoning – Specific Administrative Procedures – Design Review – Administrative Design Review,” is hereby deleted in its entirety.

~~E. Administrative Design Review.~~

~~1. Purpose and Intent. The administrative design review process is established to allow for a simplified review process for specific types of new development, exterior building alterations, and sign modifications which the City anticipates will not adversely affect surrounding properties.~~

~~2. Actions Eligible for Administrative Design Review. The following types of projects are eligible for Administrative Design Review:~~

~~a. Projects subject to Minor Site Plan Review that also involve exterior remodeling of residential, commercial, industrial, and institutional development that is not visible from the public right-of-way.~~

~~b. Projects that involve exterior remodeling of an individual free-standing commercial, industrial, or institutional building on an individual parcel that is not part of a larger center or campus, including changes in exterior building material, roof form, and window or door openings.~~

~~c. Infill residential development as specified in the City of Orange Infill Residential Design Guidelines.~~

~~d. Modifications to existing sign programs that involve changes in color, font style, height, width, method of illumination or sign area that are otherwise in compliance with the provisions of Section 17.36.~~

~~3. Initiation and Application. Applications for administrative design review shall be filed in accordance with submittal requirements as determined by the Community Development Director. Additional information may be requested from an applicant to allow for thorough design review of a project.~~

~~4. Procedure and Criteria. The Community Development Director, pursuant to Section 17.08.020, shall be responsible for administrative design review. Once an application for administrative design review has been deemed complete, the Community Development Director shall consider and approve, deny or refer the project to the Design Review Committee. In making such determination, the Community Development Director shall consider adopted design standards and guidelines where applicable, the general criteria set forth in Section 17.10.070.D, and the findings required in subsections 17.10.070.G.3 and 4. Appeals of decisions by the Community Development Director shall be made in accordance with the City appeal procedures set forth in Section 17.08.050. Notification of administrative design review action shall be posted at the property in a location clearly visible from the public right of way for the duration of the appeal period.~~

## **SECTION XVIII:**

Section 17.10.070.G of the Orange Municipal Code, “Zoning – Specific Administrative Procedures – Design Review – Findings Required,” is hereby amended in its entirety to read as follows:

~~GF. Findings Required. The reviewing body shall make a findings that the for all projects based upon design criteria stated above. A specific finding shall be made for projects as follows:~~

~~1. In the Old Town Historic District, the proposed work conforms to the prescriptive standards and design criteria referenced and/or recommended by the Design Review Committee or other reviewing body for the project.~~

~~2. In any National Register Historic District, the proposed work complies with the Secretary of the Interior's standards and guidelines.~~

~~3. The project design upholds community aesthetics through the use of an internally consistent, integrated design theme and is consistent with all adopted specific plans, applicable design standards and their required findings.~~

~~4. For infill residential development, as specified in the City of Orange infill residential design guidelines, the new structure(s) or addition are compatible with the scale, massing, orientation, and articulation of the surrounding development and will preserve or enhance existing neighborhood character.~~

## **SECTION XIX:**

Section 17.12.025.B.2 of the Orange Municipal Code, “Zoning – General Regulations Applicable to All Districts – Wireless Communications Facilities – Application Procedure,” is hereby amended in part to read as follows:

2. Building- or structure-mounted stealth antennas in A-1, RO, SG, PI, OP, CP, C1, C2, C3, CR, M1 and M2 districts outside of ~~the Old Towne Historic District~~ a historic district and not on a building or structure identified in the City’s Historic Resources Survey with completely



enclosed or screened support equipment may be approved administratively by Planning Division staff under the following circumstances:

#### **SECTION XX:**

Section 17.12.025.B.3 of the Orange Municipal Code, “Zoning – General Regulations Applicable to All Districts – Wireless Communications Facilities – Application Procedure,” is hereby amended in its entirety to read as follows:

3. ~~A recommendation from the Design Review Committee will be required for Buildingbuilding- or structure-mounted stealth antennas located within the Old Towne Historic Distrieta historic district or involving a building or structure identified in the City’s Historic Resources Survey, or those in nonresidential districts outside of the Historic District determined by Planning Division staff not to be adequately integrated or architecturally compatible with the existing structure, must obtain approval from the Design Review Committee.~~

#### **SECTION XXI:**

Section 17.12.025.B.5 of the Orange Municipal Code, “Zoning – General Regulations Applicable to All Districts – Wireless Communications Facilities – Application Procedure,” is hereby amended in its entirety to read as follows:

5. Any owner of a wireless communication facility and any person or entity leasing property for a wireless communication facility shall provide written notification to the ~~City~~ Community Development Director of the discontinuance of the use of a wireless communication facility for wireless communication purposes for any period longer than thirty (30) days. The notice shall state the date the use was discontinued ~~and shall be addressed to City of Orange, Community Development Director, 300 East Chapman Avenue, Orange, CA 92866~~ and shall be placed in the United States mailprovided within thirty-one (31) days of such discontinuance. ~~This requirement applies to all wireless communication facilities and shall appear as a condition in any conditional use permits granted for a wireless communication facility.~~

#### **SECTION XXII:**

Section 17.12.025.B.7 of the Orange Municipal Code, “Zoning – General Regulations Applicable to All Districts – Wireless Communications Facilities – Application Procedure,” is hereby amended in its entirety to read as follows:

7. Ground-mounted stealth facilities outside of ~~the Old Towne Historic Distrieta historic district~~ and not on a building or structure identified in the City’s Historic Resources Survey are permitted in all A-1, RO, SG, PC, residential, commercial, industrial, and public institutional zones subject to minor site plan review provided that the installation conforms to the criteria specified in subsections C and D of this section.

#### **SECTION XXIII:**

Section 17.12.025.B.9.b of the Orange Municipal Code, “Zoning – General Regulations Applicable to All Districts – Wireless Communications Facilities – Application Procedure,” is hereby amended in its entirety to read as follows:

b. Ground-mounted stealth and all nonstealth facilities located within ~~the Old Towne Historic District~~ a historic district or involving a building or structure identified in the City’s Historic Resources Survey.

#### **SECTION XXIV:**

The Wireless Communication Facility Review Matrix in Section 17.12.025.B of the Orange Municipal Code, “Zoning – General Regulations Applicable to All Districts – Wireless Communications Facilities – Application Procedure,” is hereby amended in its entirety to read as follows:

**Wireless Communication Facility Review Matrix**

<b>Zone</b>	<b>Stealth (Building-Mounted)</b>	<b>Stealth (Ground-Mounted)</b>	<b>Nonstealth</b>	<b>Co-Located (Stealth)</b>	<b>Co-Located (Nonstealth)</b>
<del>Old Towne Historic District</del> <u>Any Historic District or Historic Building/Structure</u>	DRC <sup>1</sup>	DRC/CUP	DRC/CUP <sub>3</sub>	SPR/DRC	DRC/CUP
Residential Districts per Chapter 17.14 and Planned Community District (residential use) per Chapter 17.26	SPR <sup>2</sup>	SPR <sup>2</sup>	-	SPR <sup>2</sup>	SPR/ <del>DRC</del>
Commercial Districts per Chapter 17.18	Staff <sup>1</sup>	SPR	<del>DRC</del> /CUP	SPR	SPR/ <del>DRC</del>
Industrial Districts per Chapter 17.20	Staff <sup>1</sup>	Staff <sup>1</sup>	SPR/ <del>DRC</del>	Staff <sup>1</sup>	SPR
Public Institution District per Chapter 17.24	Staff <sup>1</sup>	SPR	<del>DRC</del> /CUP	SPR	SPR
A1, RO, SG, and PC (nonresidential use)	Staff <sup>1</sup>	SPR	<del>DRC</del> /CUP	SPR	SPR

<sup>1</sup>. Minor site plan review may be required depending on the location of any support equipment.

<sup>2</sup>. CDD may approve facilities on institutional or quasi-institutional sites.

<sup>3</sup>. Nonstealth facilities are not permitted on residentially zoned property in ~~the Old Towne Historic District~~ a historic district or on a building or structure identified in the City’s Historic Resources Survey.

CDD = Community Development Director

CUP = Conditional Use Permit

DRC = Design Review Committee

SPR = Minor Site Plan Review



- = Not Permitted

#### **SECTION XXV:**

Section 17.13.040.II.9 of the Orange Municipal Code, “Zoning – Master Land Use Table – Special Use Regulations – Homeless Shelter – Design Review Required,” is hereby amended in its entirety to read as follows:

9. Design Review Required. Design review is required if the project meets the criteria established in Section 17.10.070. ~~DRC's~~ The reviewing body's discretion in requiring conditions of approval and approving homeless shelters is limited to ensuring compliance with applicable design-related standards and guidelines.

#### **SECTION XXVI:**

Section 17.13.050.Z.12 of the Orange Municipal Code, “Zoning – Master Land Use Table – Conditional Use Regulations – Hot Dog Vending Carts,” is hereby deleted in its entirety.

~~12.—Decision of the Design Review Committee shall be received prior to public hearing for the conditional use permit.~~

#### **SECTION XXVII:**

Section 17.36.060.A.1 of the Orange Municipal Code, “Zoning – Sign Regulations – Signs General – Sign Program – Multitenant Buildings,” is hereby amended in part to read as follows:

1. Multitenant Buildings. A sign program for all multitenant buildings shall be required to ensure proper design of signage and adequate identification of building tenants. Such programs shall provide for consistency in the size, color and placement of signs within a property and shall be approved by the ~~Design Review Committee~~ Community Development Director.

#### **SECTION XXVIII:**

Section 17.36.060.A.3 of the Orange Municipal Code, “Zoning – Sign Regulations – Signs General – Sign Program – Mixed Use Zones and Major Commercial Centers,” is hereby amended in part to read as follows:

3. Mixed Use Zones and Major Commercial Centers. Sign programs for major commercial centers on sites which are located in the C-TR, C-R, C-2 or C-3 zones and are larger than twenty-five (25) acres, and for mixed use, multi-family residential, or multi-tenant commercial uses in the OTMU, NMU and UMU zones, regardless of the size of the site may include criteria that differ from the limitations contained in this chapter. Sign programs for major commercial centers are subject to the review and approval of a conditional use permit by the Planning Commission. Sign programs in mixed use zones are subject to review and approval by the ~~Design Review Committee~~ Community Development Director. Sign programs shall be reviewed based on the following criteria:

## **SECTION XXIX:**

Section 17.36.060.A.3.k of the Orange Municipal Code, “Zoning – Sign Regulations – Signs General – Sign Program – Mixed Use Zones and Major Commercial Centers,” is hereby amended in its entirety to read as follows:

k. Any sign program is subject to initial review and recommendation by ~~Design Review Committee (DRC)~~the Community Development Director. Sign applications for individual tenants will be subject to final approval by ~~DRC~~the Director unless the sign program is specific in describing the height, width and design components of signs for each tenant space.

## **SECTION XXX:**

Section 17.36.150.I of the Orange Municipal Code, “Zoning – Sign Regulations – Special Purpose Sign Regulations – Creative Signs,” is hereby amended in part to read as follows:

I. Creative Signs. Creative signs are allowed in the UMU zone. The intention of these provisions is to encourage signs of unique design that exhibit a high degree of imagination, inventiveness, spirit and thoughtfulness. Creatively designed signs should make a positive visual contribution to the overall image of the City, while mitigating the impacts of large, obtrusive or unusually designed signs. Creative signs may be allowed in addition to other project identification signs allowed by this ~~Chapter~~chapter subject to approval of a sign program. Creative signs, either on their own or as part of a sign program in combination with other project signage, shall be reviewed by the ~~Design Review Committee~~Community Development Director and approved by the Planning Commission. Creative signs located in a historic district shall also be reviewed by the Design Review Committee prior to Planning Commission approval. Review shall be subject to the following criteria:

## **SECTION XXXI:**

Section 17.36.150.J of the Orange Municipal Code, “Zoning – Sign Regulations – Special Purpose Sign Regulations – Murals,” is hereby amended in part to read as follows:

J. Murals. Murals are allowed in the OTMU, NMU and UMU zones. Murals should make a positive visual contribution to the overall image of the City and may be allowed in addition to other project identification signs allowed by this ~~Chapter~~chapter. Murals, either on their own or as part of a sign program in combination with other project signage, shall be reviewed by the ~~Design Review Committee~~Community Development Director and approved by the Planning Commission. Murals located in a historic district shall also be reviewed by the Design Review Committee prior to Planning Commission approval. Review shall subject to the following criteria:

## **SECTION XXXII:**

If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof,

irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

**SECTION XXXIII:**

The City Clerk is hereby directed to certify the adoption of this Ordinance and cause a summary of the same to be published as required by law. This Ordinance shall take effect thirty (30) days from the date of adoption.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mark A. Murphy, Mayor, City of Orange

ATTEST:

\_\_\_\_\_  
Pamela Coleman, City Clerk, City of Orange

STATE OF CALIFORNIA    )  
COUNTY OF ORANGE     )  
CITY OF ORANGE         )

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2020, and thereafter at the regular meeting of said City Council duly held on the \_\_\_\_ day of \_\_\_\_\_, 2020 was duly passed and adopted by the following vote, to wit:

AYES:           COUNCILMEMBERS:  
NOES:           COUNCILMEMBERS:  
ABSENT:        COUNCILMEMBERS:  
ABSTAIN:       COUNCILMEMBERS:

\_\_\_\_\_  
Pamela Coleman, City Clerk, City of Orange