

ORDINANCE NO. 13-20

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 CLEANUP

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:

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		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, landscaping and signage integral to the proposed project, 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 pursuant to this ordinance 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 and the DRC. 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, massing and scale, color palette, landscaping and signage integral to the proposed project, 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 pursuant to the procedures required by this Title 17 and state law. 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

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

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

². CDD may approve facilities on institutional or quasi-institutional sites.

³. 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 or Design Review Committee for sign programs in a historic district.

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 or Design Review Committee for sign programs in a historic district. 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 applicable reviewing body. Sign applications for individual tenants will be subject to final approval by the Director or DRC, as applicable, 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:

Pamela Coleman, City Clerk, City of Orange