

§ 17.08.020. Reviewing Bodies.

There are five reviewing bodies established to administer the provisions of the zoning ordinance and general plan. These five reviewing bodies have authority to make decisions and/or recommendations for applications as outlined in Table 17.08.020:

Table 17.08.020					
Type of Procedure, Permit or Hearing	CDD	DR HC	ZA	PC	CC
Administrative Design Review	X(1)				
Administrative Adjustment Permit			X		
Alcohol Production Permit			X		
Conditional Use Permit	A	A(1)	X(1)	X(1)	X(1)
Design Review - Historic	X(1)	A/X(1)		X(1)	
Design Review - Non-Historic	X(1)				
Environmental Documentation	A			X(1)	X(1)
General Plan Amendment	A			A	X
Neighborhood Preservation Overlay Applications		A/X(1)	X(1)		
Director Administrative Interpretations	X				
Demolition Permit - Historic		AX		X(1)	X
Demolition Permit - Non-Historic	X(1)				
Reasonable Accommodation	X(1)				
Site Plan Review—Major	A	X(1)		X	
Site Plan Review—Minor	X				
Sober Living Permit	X				
Temporary Use (Non-Recurring) Permit	A	X(1)	X(1)		
Temporary Use (Recurring) Permit	X				
Tentative Parcel Map	X(1)			X(1)	X(1)
Tentative Tract Map	A			A	X
Variance	A	A(1)	X(1)	X	
Zone Change	A			A	X
Zoning Ordinance Amendment	A			A	X

Key:

CDD = Community Development Director

~~DRHC~~ = ~~Design Review Committee~~Heritage Commission

ZA = Zoning Administrator

PC = Planning Commission

CC = City Council

A = Advisory

X = Final project determination

(1) = Restricted to certain applications or properties ~~that meet the Historic Threshold~~as specified in Chapter 17.17

NOTES:

- (a) All items may be finally decided by the City Council upon appeal.
- (b) When more than one type of application is filed for a single project, the application requiring the highest level of approval shall dictate the review process for the entire group of applications.

The five reviewing bodies are established and described as follows:

- A. City Council. The City Council is established through the incorporation of the City and has final review of all matters relating to planning and zoning.
- B. Planning Commission. The Planning Commission is established through the provisions of Title 2, Chapter 2.64 of this code.
 - 1. Purpose.
 - a. To make land use decisions in accordance with state law, that are consistent with City's general plan goals and policies as formally adopted by the City Council.
 - b. To provide technical and advisory assistance to the City Council regarding land use matters.
 - c. To assist in formulating development policy.
 - d. To make environmental assessments in accordance with California Environmental Quality Act (CEQA) provisions and the City's environmental review guidelines.
 - e. To encourage the preservation of cultural historic resources, while allowing for orderly and compatible development.
 - 2. Powers and Duties. The Planning Commission shall have all the powers and duties of a Board of Adjustment pursuant to Section 65901 of the Government Code of the State in appropriate cases and, subject to appropriate conditions and safeguards.

- a. Authority to hear and decide:
 - i. Applications for conditional use permits with the exception of those made to the Zoning Administrator pursuant to Section 17.10.030(E);
 - ii. Applications for variances with the exception of those made to the Zoning Administrator pursuant to Section 17.10.040(D);
 - iii. Applications for major site plan review;
 - iv. Applications for negative declarations and mitigated negative declarations;
 - v. Applications for design review for those projects requiring Planning Commission approval of a land use permit or environmental documentation (as described in the City's environmental review guidelines), including development projects within the Old Towne Historic District, and replacement structures in conjunction with demolition permits within the Old Towne Historic District.
 - b. Authority to review and make recommendations to the City Council:
 - i. Applications for zone changes and zone ordinance amendments;
 - ii. Applications for land divisions—tentative tract maps;
 - iii. Applications for general plan amendments;
 - iv. Conditional use permit applications as listed in Section 17.10.030(D);
 - v. Environmental documentation including environmental impact reports (EIRs), negative declarations and mitigated negative declaration as described in the City's environmental review guidelines.
 - 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.
 - d. In exercising the powers given by this chapter, the Planning Commission may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination previously rendered by the Planning Commission.
3. Meetings.
- a. The Planning Commission shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this chapter. Meetings

shall be held in accordance with Section 2.64.040 of this code at the call of the Chairperson and at such other times as the Commission may determine. All meetings shall be open to the public.

- b. The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its own examinations and other official action, all of which shall be a public record and be immediately filed in the office of the Community Development Department.
 - c. In the event of a tie vote, the matter upon which such vote is being cast shall fail, which shall have the effect of a denial or recommendation of denial, as appropriate. Alternatively, the Planning Commission may approve a "resolution of no decision" to the City Council. In the case of an appeal, a tie vote shall constitute a denial of the appeal, which shall have the effect of affirming in whole the determination of the lower body.
- C. Zoning Administrator. The Zoning Administrator is appointed to perform certain duties as described below pursuant to the authority granted to municipalities by the State Planning Act. The City Manager shall appoint the Zoning Administrator and determine qualifications for the office.
 - 1. Purpose.
 - a. To provide a method by which minor adjustments from ordinance requirements may be permitted without the necessity of the delays incident to the setting of such matters for public hearing before the Planning Commission;
 - b. To relieve the Planning Commission from the performance of certain functions of a more routine nature which tend to divert this body from the planning and major zoning functions entrusted to the Commission by the Orange Municipal Code and the laws of the State; and
 - c. To provide more expedient service to the citizens of the City and to those persons desiring to develop projects within the City through the reduction of the time necessary to consider minor adjustments from ordinance requirements.
 - 2. Powers and Duties. The Zoning Administrator shall have authority to grant administrative adjustment permits as provided for herein and to hear and grant applications for certain variances, conditional use permits and other matters more particularly specified in Chapter 17.10. The Zoning Administrator shall have the following additional duties and authority:
 - a. Authority to make a declaration as to what constitutes the front of a lot;
 - b. Authority to permit the use of a mobile home for temporary office and/or storage use in commercial and industrial zones in accordance with policy

set forth in City Council Resolution No. 3252. This authority does not extend to temporary construction trailers;

- c. Authority to approve nonrecurring temporary uses subject to the provisions of Section 17.10.035;
- d. Authority to permit the production of alcohol as set forth in Section 17.30.070;
- e. Decide upon administrative adjustments.

- 3. Meetings. The Zoning Administrator shall adopt rules and regulations to govern the procedures at public meetings within his or her jurisdiction and to set a time for such meetings. All public hearings shall be held in the Council Chambers of the City Hall and shall be open to the public.

D. ~~Design Review Committee~~Heritage Commission. The ~~Design Review~~Heritage Commission ~~Committee~~ is established to provide guidance on Historical Resource management and historic preservation matters in the City including identification, documentation, management, preservation, and registration of Historical Resources.~~uphold community aesthetics. 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, by considering the elements of architectural design, massing and scale, color palette, 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. When a matter or application meets the ~~Historic-Threshold~~criteria specified in Chapter 17.17., the ~~Design Review-Committee~~Heritage Commission shall have the authority to:

- a. ~~b.a.~~ Make final determination on signs and sign programs in accordance with Chapter 17.36 of this code
Prepare and maintain the Orange Register;
- ~~e.b.~~ Make final determination on architectural and landscaping design matters for minor site plan review applications when referred by Community Development Director
Prepare and maintain the Orange Inventory;
- ~~d.c.~~ ^{b-e} Recommend eligible Historical Resources for designation and approval of Neighborhood Character Areas;
- 1. ~~d.~~ 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
Approve or deny in whole, or in part, applications for the demolition, alteration or relocation of properties listed in the Register or Inventory, consistent with Chapter 17.17;
- e. Approve or deny, in whole or in part, applications for infill or new construction within historic districts listed in the Register or Inventory;
- f. Review and provide advisory comments on decisions and documents prepared by the City or other public agencies when such decisions or documents may affect Historical Resources within the City including, but not limited to evaluations and environmental compliance studies prepared pursuant to federal and state laws such as CEQA;
- g. Participate in, support, and promote public informational, educational, and interpretive programs relating to historic preservation;
- h. Support and recommend efforts to protect, enhance, appreciate, and utilize properties of cultural, historical, architectural, community, or aesthetic importance that, though not designated as Historical Resources, are worthy of recognition;
- i. Review Mills Act Contract applications and other preservation incentive program requests and submit recommendations to the City Council;
- j. Provide recommendations to the Planning Commission, when requested by the Planning Commission or City staff, on zoning and General Plan amendments related to historic preservation goals and policies; and
- k. Undertake any other responsibilities assigned by the City Council through resolution or other formal action related to historic resources.

~~Make final determination on design review of applications for additional bedrooms or bathrooms in a historic district pursuant to Section 17.28.080D.1.a-~~

3. Meetings.

- a. The ~~Design Review Committee~~Heritage Commission 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~~Commission members shall be compensated for each meeting as determined by resolution of the City Council.
- c. Four members shall constitute a quorum. A majority vote of the quorum present shall be required for all ~~Committee~~Commission actions. Failure to achieve a majority vote of members present shall constitute a denial of the proposed action.

4. Membership.

- a. The ~~Design Review Committee~~Heritage Commission shall consist of seven members of the public. ~~Committee~~Commission 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~~three 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 the Historic Districts.
- b. Appointed members of the ~~Committee~~Commission 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~~Commission;

5. Officers/Terms of Office.

- a. Officers shall consist of a Chairperson and Vice-Chairperson, both of whom shall be selected by the members of the ~~Committee~~Commission.
- b. The terms of office for each member of the ~~Committee~~Commission 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~~Heritage Commission shall adopt and amend, by the affirmative vote of three members, rules and regulations for the conduct of the ~~Committee's~~Commission's business consistent with this chapter subject to approval by the City Council.
- 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 remain compatible with surrounding properties reflecting the highest quality of land planning and design.
1. Powers and Duties. The Community Development Director, after consultation with appropriate staff as determined by the Director, shall have the authority to:
 - a. Decide upon minor site plan applications;
 - b. Decide upon administrative design review applications as specified in Chapter 17.10;
 - c. Review and make recommendations to the Planning Commission on major site plans 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 the City's environmental review guidelines;
 - f. Decide upon sober living permits;
 - g. Decide upon reasonable accommodation requests;
 - h. Decide upon temporary use (recurring) permits;
 - i. Decide upon the conformity of unlisted uses to the zoning district and similar uses pursuant to Section 17.13.070;
 - j. Decide upon applications to install walls and fences within five feet of one another pursuant to Section 17.12.070(A)(1)(a);
 - k. Decide upon Neighborhood Preservation Overlay District applications pursuant to Section 17.28.080(C);
 - l. Decide upon deviations from required number of parking spaces for

nonresidential land uses pursuant to Section 17.34.060;

- m. Decide upon parking requirements for uses not specified pursuant to Section 17.34.070;
- n. Decide upon density bonus applications and review, approve and execute density bonus housing agreements, with concurrence of the City Attorney.

~~(Prior code 17.86.050, 17.86.110, 17.92.020, 17.92.080, 17.92.120, 17.94.010, 17.94.080, 17.94.090, 17.96.020, 17.96.060, 17.96.070, 17.96.090, 17.96.100; Ord. 80-62; Ord. 13-65; Ord. 35-70; Ord. 4-74; Ord. 20-82; Ord. 4-87; Ord. 12-94; Ord. 16-94; Ord. 12-95; Ord. 15-98; Ord. 10-99; Ord. 3-02; Ord. 11-02; Ord. 3-03; Ord. 09-13, 2013; Ord. 07-20, 2020; Ord. 17-21, 2022; Ord. 10-22, 2022; Ord. 01-23, 2023; Ord. 05-24, 4/23/2024; Ord. 18-24, 7/23/2024; Ord. 18-24, 7/23/2024; Ord. 18-25, 11/12/2025)~~