



Continuation or Deletion Request

Date: May 4, 2020
To: Clerk of the Board of Supervisors
From: Khalid Bazmi, Interim OC Public Works Director *Khalid Bazmi*
Re: ASR Control #: 19-001409, Meeting Date 5/5/20 Agenda Item No. # 50
Subject: Approve Zoning Code Amendment CA 16-01 Comprehensive Zoning Code Update

Request to continue Agenda Item No. # 50 to the July 28, 2020 Board Meeting.

Comments:

Request deletion of Agenda Item No. # _____

Comments:



Continuation or Deletion Request

Date: March 19, 2020
To: Clerk of the Board of Supervisors
From: Khalid Bazmi, Interim OC Public Works Director *Khalid Bazmi*
Re: ASR Control #: 19-001409, Meeting Date 3/24/20 Agenda Item No. # 50
Subject: Approve Zoning Code Amendment CA 16-01 Comprehensive Zoning Code Update

Request to continue Agenda Item No. # 50 to the May 5, 2020 Board Meeting.

Comments:

Request deletion of Agenda Item No. # _____

Comments:



AGENDA STAFF REPORT

ASR Control 19-001409

MEETING DATE: 03/24/20

LEGAL ENTITY TAKING ACTION: Board of Supervisors

BOARD OF SUPERVISORS DISTRICT(S): All Districts

SUBMITTING AGENCY/DEPARTMENT: OC Public Works (Approved)

DEPARTMENT CONTACT PERSON(S): Julie Lyons (714) 667-9701
Colby Cataldi (714) 667-8860

SUBJECT: Approve Zoning Code Amendment CA 16-01 Comprehensive Zoning Code Update

CEO CONCUR	COUNTY COUNSEL REVIEW	CLERK OF THE BOARD
Concur	Approved Ordinance to Form	Public Hearing
		3 Votes Board Majority

Budgeted: N/A **Current Year Cost:** N/A **Annual Cost:** N/A

Staffing Impact: No **# of Positions:** **Sole Source:** N/A

Current Fiscal Year Revenue: N/A

Funding Source: N/A **County Audit in last 3 years:** No

Prior Board Action: 1/28/2020 #29, 9/24/2019 #39, 2/26/2019 #46

RECOMMENDED ACTION(S):

1. Find Negative Declaration IP No. 16-383 “Orange is the New Green,” County of Orange Comprehensive Zoning Code Update reflects the independent judgment of the County of Orange as lead agency and satisfies the requirements of CEQA for the County of Orange Comprehensive Zoning Code Update. Adoption of Negative Declaration IP No. 16-383 is recommended for the proposed project based upon the following findings:
 - a. Negative Declaration and comments on the Negative Declaration received during the public review period have been considered and Negative Declaration No. IP 16-383 is adequate in addressing potential impacts related to the project;
 - b. On the basis of the whole administrative record, there is no substantial evidence that the project, with implementation of the mitigation measures if any, that are included in the Negative Declaration, will have a significant effect on the environment; and
 - c. Negative Declaration IP No. 16-383 is adequate to satisfy the requirements of CEQA for the County of Orange Comprehensive Zoning Code Update.

2. Read the title of the Ordinance.

3. Order further reading of the Ordinance be waived.

4. Conduct public hearing.
5. Consider the matter and adopt Zoning Code Amendment CA 16-01, amending the County of Orange Zoning Code to incorporate a comprehensive update of the County of Orange Zoning Code.

SUMMARY:

Approval of the County of Orange Comprehensive Zoning Code Update will amend: 1) the County of Orange Zoning Code’s format, 2) land use regulations and site development standards, 3) permit requirements and 4) parking regulations. The amendments will also clarify and revise language to limit misinterpretations, incorporate some current trends in planning and development and comply with State of California law.

BACKGROUND INFORMATION:

After successfully obtaining a \$200,000 Sustainability Planning Grant from the Southern California Association of Governments (SCAG), OC Development Services embarked on an effort to “green” the County of Orange Zoning Code (Zoning Code). The Zoning Code was evaluated to identify barriers to healthier communities, explore flexibility in site design regulations and address cost-effectiveness. The Zoning Code was also reviewed to identify inconsistencies, outdated language and formatting. The consultant firm, Dyett and Bhatia, was selected by the County of Orange (County), in consultation with SCAG, to serve as a Co-Project Manager, along with OC Development Services, for the County of Orange Comprehensive Zoning Code Update (CZCU).

On April 13, 2016, the Planning Commission authorized staff to initiate Zoning Code Amendment CA 16-01 (ZC 16-01), an update to the Zoning Code to incorporate sustainable practices and revise provisions to resolve inconsistencies, reduce misinterpretations and ensure compliance with State law.

OC Development Services circulated informational flyers, brochures and press releases to the community to provide updates on informational meetings and to seek input from the public on the Zoning Code update. OC Development Services also created a website devoted to the CZCU, which was consistently updated with drafts, comment letters and meeting dates.

OC Development Services conducted a robust community engagement program and the proposed CZCU was presented to the public at various Planning Commission meetings. In total, the Planning Commission held nine meetings and workshop/study sessions. OC Development Services also conducted 15 community engagement workshops throughout the County (Attachment A).

During the development of the Zoning Code update, OC Development Services prepared and circulated three drafts for public review. Below is a list of the public comment periods for each draft.

Draft	Public Comment Period
First Draft	April 26, 2018, to June 26, 2018
Second Draft	October 30, 2018, to November 30, 2018
Third Draft	October 19, 2019, to November 19, 2019

After circulating each draft, OC Development Services reviewed the comments and identified and made appropriate changes. All public comments (Attachment B) were uploaded to the County’s website for public review. To date, the County has received a total of 160 comment letters in response to the First, Second and Third Drafts.

Summary of Revisions

The revisions made as part of the CZCU fall into five main categories:

- **Format Changes and Fixes**

The proposed CZCU includes a new format intended to make the Zoning Code more “user friendly” by clarifying or revising language to limit misinterpretation, as well as revising and adding exhibits/figures to better depict regulations and/or standards. The following represents an outline of the new organization of articles in the Zoning Code:

1. Article 1 – Decision-Making Bodies
2. Article 2, Subarticle 1 – Introductory Provisions
3. Article 2, Subarticle 2 – Base Districts
4. Article 2, Subarticle 3 – Overlay, Combining and Other Districts
5. Article 2, Subarticle 4 – Site Development Regulations
6. Article 2, Subarticle 5 – Standards for Specific Uses and Activities
7. Article 2, Subarticle 6 – Administration and Permits
8. Article 2, Subarticle 7 – General Terms

- **Zoning Code Amendments Occurring During the Period the CZCU was Being Developed**

Since the CZCU was initiated in 2016, Zoning Code Amendments have been approved and are incorporated into the Third Draft. These amendments could not, for several reasons, await consideration and approval of the CZCU. Zoning Code Amendment CA 18-01, which was adopted by the Board of Supervisors (Board) on February 26, 2019, updated the floodplain regulations to comply with the requirements of the National Flood Insurance Program, thereby maintaining the County’s continued eligibility to participate in the National Flood Insurance Program. Additionally, on September 24, 2019, the Board adopted Zoning Code Amendment CA 19-01 regarding community care facilities and group homes to address the increase in licensed care facilities and group homes in residential neighborhoods. Updates to Zoning Code Amendment CA 19-01 were approved by the Board on January 28, 2020, through Zoning Code Amendment CA 20-01. Approved changes included: 1) a separation requirement of 1,000 feet between two alcoholism or drug abuse recovery/treatment facilities (seven persons or more), between an alcoholism or drug abuse recovery/treatment facility (seven persons or more) and any sober living home, or between any two sober living homes; 2) language on the anti-curbing process for emergency eviction from, or involuntary termination of, residency in a group home; and 3) clarification that group homes of seven residents or more are permitted only in multi-family residential districts subject to a Use Permit.

- **Sustainable Best Practices**

Sustainable best practices are incorporated in the CZCU, and include various measures, including options to use pervious materials in driveways and allowing carport roof solar panels with no additional permit requirements. Additional language is proposed relating to electric vehicle charging stations, hedges are added as a type of wall or fence and alternative parking calculations are permitted along with new parking lot landscaping requirements. The following new sections are proposed as part of the CZCU:

Community Gardens will be allowed in some residential and commercial areas subject to a discretionary permit. Proposed regulations include fencing and sign requirements, along with operational standards.

Farmers Markets will be allowed in some residential and commercial areas subject to a discretionary permit. Proposed regulations include permit requirements, parking requirements, hours of operation, waste disposal and live performances.

Fruit and Vegetable Gardening will be permissible to support the sale of raw produce on the weekends during daylight hours with specified limitations on temporary signs to be used for advertisement.

Mixed-Use Overlay District regulations have been introduced to provide the opportunity to develop high density housing in commercial areas. These regulations are intended to facilitate the vertical and horizontal mixing of retail, office and residential uses and the development of mixed-use buildings accommodating both residential and employment activities.

- **Development Trends**

The CZCU proposes new language to address current trends in planning and development:

Parking regulations. New parking regulations are proposed to address development trends, including: (1) availability to request a reduction in parking requirements; (2) an increase in on-site parking requirements for single-family residential units with greater than four bedrooms; (3) requirement that off-street parking be located within 200 feet of walking distance along a pedestrian path of the dwelling unit they serve; and (4) regulations on parking garages surrounded by residential units.

Tree Preservation regulations. Regulations governing the removal and preservation of certain trees is proposed for the Silverado-Modjeska area. The regulations include provisions for a Tree Preservation Permit, a Tree Replacement Installation Certification and post-installation process. Also, new incentives, such as allowing additional square footage for guesthouses and accessory dwelling units, may be requested by those installing additional protected trees.

State Density Bonus regulations. In compliance with AB 1763, new regulations are proposed to address the housing crisis and facilitate the production of higher density affordable housing units. An 80 percent density bonus is available for projects in which 100 percent of the units (exclusive of the manager's units) are affordable to lower- and moderate-income households with a maximum of 20 percent of the units affordable to moderate-income households and the remainder affordable to lower-income households. The CZCU will also increase and exceed the density bonus and number of incentives that developers can obtain through application of the state's Density Bonus Law.

Accessory Dwelling Unit (ADU) regulations. In accordance with the October 2019 passage of AB 68, AB 881, AB 587, AB 671 and SB 13, the Zoning Code update proposes required changes to the requirements on ADUs, making the process ministerial and less restrictive for homeowners.

- **Options for Short-Term Rentals (STR) and Separation Requirements for Group Homes**

STR regulations are another area of law that has developed in response to the prevalence of STR in residential communities. In November 2019, the Board discussed STR and directed staff to

return with a variety of regulatory options. A set of five options for STR regulations are outlined in Attachment C and are presented for recommendation and approval. In summary, the options range from prohibiting STR in single-family residential districts or single-family residential areas, only applying STR provisions within the Coastal Zone in the County, to allowing STR subject to several types of permits and approvals.

The Board adopted group home regulations on September 24, 2019, and amended these on January 28, 2020. In addition, in response to community comments, OC Public Works is proposing to clarify that group homes of seven residents or more are permitted only in multi-family residential districts subject to a Use Permit.

Planning Commission Action

On December 11, 2019, via resolution, the Planning Commission recommended Board adoption of ZC 16-01, CZCU, with the following specific deletions and selections of options: (1) deletion of the tree preservation regulations [proposed at 7-9-69, et. seq.]; (2) selection of Option C for STRs regulations, which permits STRs in single-family, multi-family and commercial districts subject to a ministerial STR permit and revision from three violations to two violations before suspension of the STR permit for one year [Option C, section 7-9-93(e)(3)]; and (3) selection of the 1,000 feet of separation between two alcoholism or drug abuse recovery/treatment facilities (seven persons or more), between an alcoholism or drug abuse recovery/treatment facility (seven persons or more) and any sober living home or between any two sober living homes.

See Attachment D for Planning Commission Staff Report dated December 11, 2019, and Attachment E for Planning Commission Resolution No. 19-06.

CEQA COMPLIANCE: Initial Study/Negative Declaration (IS/ND) No. IP 16-383 (Attachment F) was prepared to study and address the potential environmental impacts of the proposed project. The document was posted for a 20-day public review period from December 3, 2018, to December 24, 2018.

No comments were received during the comment period; however, on December 10, 2019, a comment was received from the East Orange County Water District where they agreed with the County's environmental assessment of no impact. The comment letter does not present substantial evidence of a fair argument that the proposed project may have a significant impact on the environment.

Based on the IS/ND, and the administrative record as a whole, there is no substantial evidence of a fair argument that the CZCU may have a significant impact on the environment. Therefore, the adoption of IS/ND No. IP 16-383 satisfies the requirements of CEQA and the County Local CEQA Procedures Manual for the CZCU.

FINANCIAL IMPACT:

N/A

STAFFING IMPACT:

N/A

ATTACHMENT(S):

Attachment A - Workshops

Attachment B - Public Comments on the First, Second and Third Drafts of the County of Orange
Comprehensive Zoning Code Update

Attachment C - Short-Term Rental Options

Attachment D - Planning Commission Staff Report dated December 11, 2019

Attachment E - Planning Commission Resolution No. 19-06

Attachment F - IP No. 16-383 Negative Declaration for “Orange is the New Green” County of Orange
Comprehensive Zoning Code Update

Attachment G - Proposed Zoning Code Amendment CA 16-01 – Comprehensive Zoning Code Update -
Redline

Attachment H - Ordinance