



**ITEM #3**

**DATE:** January 26, 2022

**TO:** Orange County Planning Commission

**FROM:** OC Development Services/Planning

**SUBJECT:** Initiation of General Plan Amendment LUE 22-01 and Zoning Code Amendment CA 22-01

**PROPOSAL:** To ensure compliance with existing State housing law, recent State mandates related to housing, and the County's Housing Element, staff is requesting authorization to initiate a General Plan Amendment to the Land Use Element to revise the sections related to housing and to initiate a Zoning Code Amendment that will revise the Housing Opportunities Overlay District regulations.

**ZONING/  
GENERAL  
PLAN:** N/A

**LOCATION:** Unincorporated Areas of Orange County

**APPLICANT:** OC Development Services

**STAFF  
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**RECOMMENDED ACTION(S):**

OC Development Services/Planning recommends the Planning Commission:

- a. Receive staff report and public testimony.
- b. Authorize staff to initiate General Plan Amendment LUE 22-01 (Land Use Element) to revise sections regarding housing to ensure compliance with existing State housing law, recent State mandates related to housing, and the County's Housing Element.
- c. Authorize staff to initiate Zoning Code Amendment CA 22-01 to revise the Housing Opportunities Overlay District regulations to ensure compliance with existing State housing law, recent State mandates related to housing, and the County's Housing Element.

**BACKGROUND:**

The County of Orange is in the process of completing its Housing Element Update for the Sixth Housing Element Update Cycle, as mandated by State law. Each Update provides goals, policies, and objectives the County will pursue in order to meet its existing and projected housing needs for the next eight-year planning period, including its allocation of the Regional Housing Needs Assessment (RHNA) assigned by Southern California Association of Governments (SCAG). More specifically, the Housing Element Update will (1) analyze existing housing stock, projected housing needs, and availability of housing for special needs groups; (2) provide an inventory of land suitable for residential development; (3) identify and analyze potential and actual barriers to the construction of new housing units; and, (4) identify specific programs the County will undertake to achieve its stated goals and objectives.

State housing law also mandates if any jurisdiction adopts programs in its Housing Element Update that require subsequent Zoning Code amendments and/or the re-zoning of any parcels within its jurisdiction prior to implementation, these amendments/zone changes must be completed within one or three years of October 15, 2021. The County intends to adopt both a Zoning Code and General Plan amendment to implement one of its programs included in the draft Housing Element Update.

**PROPOSED PROJECT:**

One of the programs included in the County's Draft Sixth Cycle Housing Element Update, is to revise its Housing Opportunities Overlay District (Zoning Code section 7-9-44) regulations to allow higher densities for projects providing affordable multifamily housing. Allowing higher densities on sites designated for commercial and industrial uses is intended to facilitate the

development of affordable housing in the unincorporated area during the next planning period. This program will also require the amendment of the County's Land Use Element to ensure internal consistency with the Housing Element Update.

Due to the County not meeting the February 17, 2022 deadline for adoption of a substantially compliant Housing Element Update, the County is required to complete all required subsequent Zoning Code and General Plan amendments no later than October 15, 2022. (Gov't Code § 65583(c)(1)(A).) Therefore, the proposed Zoning Code and General Plan amendments must be adopted by the Board of Supervisors no later than October 15, 2022.

Prior to Board adoption, the proposed Zoning Code and General Plan amendments will be submitted for Planning Commission review and consideration of recommendation for adoption by the Board of Supervisors.

**CEQA COMPLIANCE:**

This action is not a project within the meaning of CEQA Guidelines Section 15378 and is therefore not subject to CEQA, since it does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The approval of this item does not commit the County to a definite course of action in regard to a project since the action being authorized involves the initiation of a General Plan Amendment and Zoning Code Amendment to ensure compliance with existing State housing law, recent State mandates related to housing, and the County's Housing Element, which is administrative. This proposed activity is therefore not subject to CEQA. Any future action connected to this approval that constitutes a project will be reviewed in compliance with CEQA.

Submitted by:

Reviewed by:





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OC Development Services/Planning

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OC Public Works/OC Development Services