

**ORDINANCE NO. 14-18**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE APPROVING A ZONE CHANGE TO CREATE A HISTORIC DISTRICT OVERLAY ZONE FOR THREE EICHLER TRACTS AND AMENDING ORANGE MUNICIPAL CODE SECTION 17.17.060 TO INCLUDE THE ADOPTION THE ORANGE EICHLER DESIGN STANDARDS.**

**ZONE CHANGE NO. 1291-18  
APPLICANT: CITY OF ORANGE**

**WHEREAS**, the three tracts developed by Eichler Homes, Inc. in the City of Orange (Fairhaven, Fairhills, and Fairmeadow) are distinctive examples of postwar Modernist housing in California. The 340 houses in three tracts are the largest concentration of Eichler Homes in southern California and the only examples in Orange County; and

**WHEREAS**, the Eichler neighborhoods in the City of Orange have a high degree of historic integrity, reflecting the care of generations of homeowners since their development in the early 1960s; and

**WHEREAS**, the residents of the Orange Eichlers have long recognized the importance and historic character of their neighborhoods and have advocated for the protection of the neighborhoods as historic districts since the early 2000's; and

**WHEREAS**, the residents' efforts prompted the City of Orange Community Development Department to conduct a historic resources survey of the tracts in 2005, which identified the Eichler neighborhoods as potential historic districts; and

**WHEREAS**, the City Council adopted the City of Orange 2010 Historic Resources Inventory, including survey results and a historic context statement for the Eichler Homes, through Resolution No. 10426 in March 2010; and

**WHEREAS**, the City of Orange 2010 General Plan includes a Goal and Implementation Program to designate the Eichler neighborhoods as local historic districts; and

**WHEREAS**, in the summer of 2016, the City Council received a petition supporting the concept of historic district designation from over 80 percent of Eichler residents; and

**WHEREAS**, in the fall of 2017, the City Council directed Planning staff to start the process for designation of historic district overlay zones for the three neighborhoods; and

**WHEREAS**, Orange Municipal Code (OMC) Chapter 17.17 establishes that “application for a historic district shall comply with the zoning amendment procedure for a change in the zoning district classification upon designation approval by City Council as prescribed under OMC Section 17.10.020”; and

**WHEREAS**, a historic district overlay zone includes additional regulations over the base zoning of a particular area to encourage historic preservation and complementary new development; and

**WHEREAS**, the Orange Eichler Design Standards (OEDS) were developed with extensive community input to accompany the historic district overlay zone in order to provide rules and guidelines on how to preserve the historic features and character of the Eichler Historic Districts while allowing for change that is compatible with the aesthetics of Eichler designs; and

**WHEREAS**, a nine person Advisory Committee, consisting of three homeowners from each Eichler tract, met four times with City staff and the consultant team between February and April 2018 to provide input on the topics to be included in the OEDS; and

**WHEREAS**, the City held community workshops on local historic district designation and design standards on February 8, 2018 and May 3, 2018; and

**WHEREAS**, the first public review draft of the OEDS was released on July 12, 2018 and a community workshop on the draft was held on July 19, 2018; and

**WHEREAS**, the Design Review Committee held study sessions on the draft OEDS on August 1, 2018 and August 29, 2018; and

**WHEREAS**, the City received over 200 comments on the draft OEDS and prepared revised drafts based on the comments; and

**WHEREAS**, the Design Review Committee having considered the Orange Eichler Design Standards at a public meeting held on September 19, 2018, including review of the staff report and having received public testimony on the item, determined the adoption of the OEDS is justified and recommended approval thereof to the Planning Commission and City Council by a vote of 3-0; and

**WHEREAS**, the Planning Commission, having considered the proposed Ordinance and Zone Change at a public hearing held on October 15, 2018, including review of the staff report and having received public testimony on the item, determined the proposed historic district overlay zone and adoption of the OEDS is justified and recommended approval thereof to the City Council by a vote of four in favor and one against; and

**WHEREAS**, the City Council held a duly advertised public hearing on November 13, 2018, for the purpose of considering Zone Change No. 1291-18 as it pertains to the Orange Eichler Historic Districts as shown in the attached Exhibits “A”, “B”, and “C”.

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

**SECTION I:**

The boundaries of the local Eichler Historic Districts are depicted on the maps attached hereto as Exhibit "A" and incorporated herein by reference. The contributing and non-contributing properties within the Eichler Historic Districts are depicted on the map in Exhibit "A" and described in the historic resources survey forms attached hereto as Exhibit "B" and incorporated herein by reference. The City of Orange Historic Resources Inventory is hereby updated to include the historic resources survey forms attached hereto as Exhibit "B." The Orange Eichler Design Standards, attached hereto as Exhibit "C" and incorporated herein by reference, shall apply to all properties within the boundaries of the Eichler Historic Districts as depicted in the maps in Exhibit "A".

**SECTION II:**

Orange Municipal Code Section 17.17.060 is hereby amended to read as follows:

**17.17.060 - Development Standards.**

A historic district zone includes additional regulations and uses over base zoning of a particular area to encourage historic preservation and complementary new development. To promote orderly development and preservation within historic districts the following standards and their amendments shall apply: Old Towne Historic Preservation Design Standards, The Southwest Project Area Design Standards, the Orange Eichler Design Standards, the General Plan's Historic Preservation Element sample guidelines including the Secretary of the Interior's Standards and Guidelines for Rehabilitation.

**SECTION III:**

The historic district overlay zone and adoption of the Orange Eichler Design Standards described in Sections I and II are categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15308 (Class 8 – Actions by Regulatory Agencies for Protection of the Environment) and 15331 (Class 31 – Historical Resource Restoration/Rehabilitation). The overlay zone is established for the protection of historic resources and makes no changes to the land uses permitted by the base zoning. It assures the maintenance and protection of the environment through the preservation of historic resources and appropriate standards for new construction in the historic districts, as required by the Class 8 exemption.

In addition, the Orange Eichler Design Standards are written such that projects that are found to be in conformance with the Design Standards also will be in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties (SOI Standards). The regulatory

process for projects within the historic district overlay zone involves review to ensure conformance with the Orange Eichler Design Standards and the SOI Standards, as required by the Class 31 exemption. Creation of the historic district overlay zone ensures that historic resources will be preserved and protected from changes that may affect the integrity of the historic character, design, materials, and features.

#### **SECTION IV:**

##### **General Plan Consistency**

The Eichler historic district overlay zone achieves goals of the General Plan Cultural Resources and Historic Preservation Element and the Implementation Program. The Zone Change and Orange Eichler Design Standards provide long-term assurance that historic resources will be used, maintained and rehabilitated in conformance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties (SOI Standards)*. Projects in the Eichler Historic Districts will be reviewed for conformance with the Orange Eichler Design Standards, which are consistent with the *SOI Standards*. Designation of the Historic Districts also provides access to incentives for preservation including the Mills Act Program and California Historical Building Code.

Consistent with General Plan Implementation Program 1-18, the historic district overlay zone is established using procedures for local historic district designation, including notification of property owners. The historic district overlay is consistent with the criteria in Orange Municipal Code Section 17.17.050, as enumerated in the findings in the staff report and incorporated herein as if fully set forth. The Orange Eichler Design Standards have been developed for project review in the Eichler Historic Districts to preserve the character of historic resources.

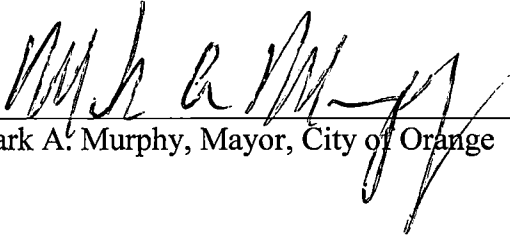
#### **SECTION V:**

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 VI:**

A summary of this ordinance shall be published and a certified copy of the full text of this ordinance shall be posted in the Office of the City Clerk at least 5 days prior to the City Council meeting at which this ordinance is adopted. A summary of this ordinance shall also be published once within 15 days after the ordinance's passage in a newspaper of general circulation, published, and circulated in the City of Orange. The City Clerk shall post in the Office of the City Clerk a certified copy of the full text of such adopted ordinance along with the names of those City Councilmembers voting for and against the ordinance in accordance of Government Code Section 36933. This ordinance shall take effect 30 days from and after the date of its final passage.

ADOPTED this 11th day of December 2018.

  
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Mark A. Murphy, Mayor, City of Orange

ATTEST:

  
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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 13th day of November 2018, and thereafter at the regular meeting of said City Council duly held on the 11th day of December 2018, was duly passed and adopted by the following vote, to wit:

AYES: COUNCILMEMBERS: Alvarez, Murphy, Nichols, Monaco  
NOES: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None

  
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Pamela Coleman, City Clerk, City of Orange

**ORDINANCE NO. 14-18**

**NOTE:** A fully executed copy of Ordinance No. 14-18 is on file in the City Clerk vault. It is located on the Shelf No. 123, designated for Ordinance books only.

**Eichler Homes, Inc.**

**RE: Zone Change No. 1291-18**

**Applicant: City of Orange**

November 15, 2018

CITY OF ORANGE  
CITY CLERK'S OFFICE