NOTICE OF PUBLIC HEARING

BY THE ORANGE COUNTY BOARD OF SUPERVISORS

SUBJECT:	County of Orange Zoning Code Amendment CA 11-02
LOCATION:	Unincorporated Areas of Orange County
PROPOSAL:	Zoning Code Amendment CA 11-02 regarding Emergency Shelters, Affordable Housing, Supportive Housing, Transitional Housing, and Reasonable Accommodation
Applicant:	County of Orange
Hearing Date:	October 1, 2013
Hearing Time:	9:30 a.m.
Hearing Location:	333 West Santa Ana Blvd., Santa Ana, First Floor (corner of Broadway and Santa Ana Blvd.)

All persons either favoring or opposing this proposal are invited to present their views at the hearing. It is requested that any documents or written response be submitted to OC Public Works prior to the hearing date. If you challenge the action taken on this proposal in court you may be limited to raising only those issues you or someone else raised prior to the close of the public hearing.

The proposed Zoning Code Amendment CA 11-02 may be found on the ocplanning.net website at the following link: http://ocplanning.net/hearing. To request a copy to be mailed to you and/or for further information about the proposal, please contact Ruby Maldonado at (714) 667-8855 or come to the Development Processing Center at the address indicated below before the hearing date.

OC Planning
P.O. Box 4048
300 North Flower Street
Santa Ana, California 92702-4048

By order of the Board of Supervisors
Susan Novak
Clerk of the Board

OC PublicWorks
Integrity, Accountability, Service, Trust

County of Orange
Proposed Zoning Code Amendment CA 11-02 Regarding
Emergency Shelters, Affordable Housing, Supportive Housing,
Transitional Housing, and Reasonable Accommodation

The County of Orange is required to adopt an ordinance which would amend its Zoning Code to satisfy State housing law including the provisions of SB 2 (2007) regarding emergency shelters, supportive housing, and transitional housing.

The proposed amendment to the Zoning Code includes the following:

1. Add emergency shelters as an allowable use in commercial and industrial zoned areas, subject to administrative approval, under the Housing Opportunities Overlay Zone regulations (Section 7-9-148). Site development standards regarding the number of beds allowed and operation of the shelters, as allowed under SB 2, will be included in the amendment.

2. Incorporate a "graduated density zoning" program into the Housing Opportunities Overlay Zone regulations (Zoning Code Section 7-9-148) intended to encourage the consolidation of small lots into a larger, single building site.

Parcel Size	Allowable Base Density *
Less than 0.50 acre	25 units/acre
0.50 to .99 acre	27.5 units/acre (10% increase)
1.00 acre or more	30 nits/acre (20% increase)

* Excluding density bonus

3. Add a definition of "Transitional Housing" to Section 7-9-41 (Definitions "T"), and a definition of "Supportive Housing" to Section 7-9-40 (Definitions "S"), that describes each as residential uses, subject to the same requirements and procedures as other residential uses of the same type in the same zoning district.

4. Add the "reasonable accommodation procedures" that the County will follow to ensure compliance with accessibility standards. These accessibility standards are intended to remove architectural barriers for persons with disabilities in residential units.

5. Revise "Affordable Housing or Senior Citizen Housing Incentive Use Permit" (Sec. 7-9-140) to reflect current State Density Bonus Law which allows increased density for residential projects that provide affordable and/or senior housing.

6. Add or revise definitions of "senior citizen," "senior citizen housing," and "community care" to ensure they remain consistent with other proposed revisions.

For more information, please contact Ruby Maldonado at 714-667-8855 or ruby.maldonado@ocpw.ocgov.com.

DRAFT ZONING CODE AMENDMENT CA 11-02

OCTOBER 1, 2013

ORDINANCE NO. _____
AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA ADDING SECTION 7-1-2 OF THE CODIFIED ORDINANCES OF THE COUNTY OF ORANGE RELATED TO REASONABLE ACCOMMODATION

The Board of Supervisors of the County of Orange ordains as follows:

SECTION 1. Section 7-1-2 is hereby added as follows:

Sec. 7-1-2 Reasonable Accommodation

This chapter describes County procedures for reviewing and approving requests for reasonable accommodation in housing for persons with disabilities in conformance with applicable fair housing laws.

(a) Notice to the Public of Availability of Accommodation Process.

Notice of the availability of reasonable accommodation shall be displayed at OC Public Works/OC Planning (department) and on the department's web site. A fact sheet regarding the County's reasonable accommodation process shall also be available.

(b) Requesting Reasonable Accommodation.

(1) Any eligible person may request a reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures.

(2) Requests for reasonable accommodation shall be in writing, may be submitted concurrently with any application for discretionary or ministerial permit, and shall include the following information:

a. Name and address of the individual(s) requesting reasonable accommodation;

b. Name and address of the property owner(s);

c. Address of the property for which accommodation is requested;

d. Description of the requested accommodation and the regulation(s), policy or procedure for which accommodation is sought; and

e. Reason the requested accommodation is necessary for the individual(s) with the disability to use and enjoy the dwelling.

(3) Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

(4) A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not remove an individual's obligations to comply with other applicable regulations.

(5) If an individual needs assistance in making the request for reasonable accommodation, the County will provide assistance.

(c) Reviewing Authority.

(1) For purposes of this Section, the "Reviewing Authority" is the Director, OC Planning.

(2) Requests for reasonable accommodation shall be reviewed by the Reviewing Authority, using the criteria set forth in Sec. 7-1-2(d).

(3) The Reviewing Authority shall notify the applicant within thirty (30) calendar days of the application submittal date whether the application is deemed complete or incomplete.

(4) The Reviewing Authority shall issue a written decision on a request for reasonable accommodation within sixty (60) days of the date the application has been determined to be complete, and may either grant, grant with specified reasonable conditions, or deny a request for reasonable accommodation in accordance with the required findings set forth in Sec. 7-1-2(d).

(5) If necessary to reach a determination on the request for reasonable accommodation, the Reviewing Authority may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event a request for additional information is made, the sixty (60) day period to issue a decision will not begin until after the application has been deemed complete.

(d) Required Findings.

The written decision to grant, grant with specified reasonable conditions, or deny a request for reasonable accommodation shall be based on the following factors:

(1) Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under the law;

(2) Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the law;

(3) Whether the requested accommodation would impose an undue financial or administrative burden on the County and;

(4) Whether the requested accommodation would require a fundamental alteration in the nature of the County's land use and zoning or building program.

(e) Written Decision on the Request for Reasonable Accommodation.

(1) The written decision on the request for reasonable accommodation shall explain in detail the basis of the decision, including the Reviewing Authority's findings on the criteria set forth in Sec. 7-1-2(d). All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth below. The notice of decision shall be sent to the applicant by certified mail.

(2) The written decision of the Reviewing Authority shall be final unless an applicant appeals it to the Planning Commission pursuant to Section 7-9-150.4, as applicable.

(3) If the Reviewing Authority fails to render a written decision on the request for reasonable accommodation within the sixty (60) day time period from the date the application is deemed complete pursuant to Sec. 7-1-2(c), the request shall be deemed granted.

(4) While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

(f) Appeals.

(1) Within thirty (30) days of the date of the Reviewing Authority's written decision, an applicant may appeal an adverse decision. Appeals shall be made in writing.

(2) If an individual needs assistance in filing an appeal on an adverse decision, the County provide assistance to ensure the appeals process is accessible.

(3) All appeals shall contain a statement of the grounds for the appeal. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

(4) Nothing in this procedure shall preclude an aggrieved individual from seeking any other remedy available.

(5) Appeals of any decision by the Director, OC Planning shall be to the Planning Commission. The order of the Planning Commission shall be final.

DRAFT ZONING CODE AMENDMENT CA 11-02

OCTOBER 1, 2013

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA AMENDING SECTIONS 7-9-24, 7-9-26, 7-9-40 AND 7-9-41 OF THE CODIFIED ORDINANCES OF THE COUNTY OF ORANGE RELATED TO DEFINITIONS OF COMMUNITY CARE FACILITY, EMERGENCY SHELTER, SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING

The Board of Supervisors of the County of Orange ordains as follows:

SECTION 1. Section 7-9-24 is hereby amended as follows:

Community Care Facility: Any facility which may or may not require a State license to provide nonmedical ~~residential care~~ day care for children, adults, or both, including physically handicapped and mentally incompetent persons. This includes child day care facilities/day care nurseries and family day care homes. Community Care Facility shall be distinct from Congregate Care Facilities, Supportive Housing, Transitional Housing and Emergency Shelters as defined in this Article. Notwithstanding the foregoing definition, Foster Family Homes, as defined by state law, shall be considered Community Care Facilities.

SECTION 2. Section 7-9-26 is amended to add the following definition:

"Emergency Shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of 180 consecutive days or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

SECTION 3. Section 7-9-40 is amended to add the following definition:

"Supportive Housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing shall be subject to the same requirements as other residential uses of the same type in the same district and shall not include a Congregate Care Facility, as defined in Section 7-9-24.

DRAFT ZONING CODE AMENDMENT CA 11-02

OCTOBER 1, 2013

SECTION 4. Section 7-9-41 is amended to add the following definition:

"Transitional Housing" and "transitional housing development" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months and no longer than twenty-four (24) months. Transitional housing shall be subject to the same requirements as other residential uses of the same type in the same district.

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DRAFT ZONING CODE AMENDMENT CA 11-02

OCTOBER 1, 2013

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA AMENDING SECTION 7-9-34 AND SECTION 7-9-148, ET. SEQ., OF THE CODIFIED ORDINANCES OF THE COUNTY OF ORANGE RELATED TO THE DEFINITION OF MULTI-SERVICE CENTER FOR THE HOMELESS, HOUSING OPPORTUNITIES OVERLAY REGULATIONS, AND EMERGENCY SHELTER/MULTI-SERVICE CENTER FOR THE HOMELESS SITE DEVELOPMENT STANDARDS AND OPERATIONAL REQUIREMENTS

The Board of Supervisors of the County of Orange ordains as follows:

SECTION 1. The following is added to Section 7-9-34:

Sec. 7-9-34. Definitions. (M)

"Multi-Service Center for the Homeless": Means a facility which is operated under the auspices of a government or non-profit agency for the purpose of bringing together essential services to meet the needs of homeless clients. A Multi-Service Center for the Homeless shall have an emergency shelter component limited to occupancy of six (6) months or less and a resource/services component that provides assistance to individuals and families experiencing homelessness. A Multi-Service Center for the Homeless shall include intake, assessment and individualized case management services for homeless clients. Services provided shall address basic and immediate necessities, such as overnight shelter, showers, food, medical attention and mental health services, as well as higher level needs including, but not limited to, computer access, job training and placement, life skills coaching and legal assistance.

SECTION 2. Section 7-9-148.1 is hereby amended to read as follows:

Sec. 7-9-148.1. Purpose and intent.

The purpose of this section is to provide for the development of affordable rental housing within commercial and/or industrial districts, and on building sites zoned for high density residential uses adjacent to specified arterial highways, in which all of the housing units are reserved for households which earn 80% or less of the County median income as verified by the County of Orange, and 70% of the units are reserved for low income households and 30% of the units are reserved for very low income households. This section also provides regulations intended to facilitate the establishment of Emergency Shelters and Multi-Service Centers for the

Homeless pursuant to applicable state law. The intent is to facilitate the realization of affordable housing objectives presented in the Orange County Housing Element of the General Plan.

SECTION 2. Section 7-9-148.2 is hereby amended to read as follows:

Sec. 7-9-148.2. Application.

(a) This section applies to residential rental projects that are 100 percent affordable, to Emergency Shelters, as defined in Section 7-9-26, and Multi-Service Centers for the Homeless, as defined in Section 7-9-34, which satisfy the purpose and intent stated above and which are located in the following base zoning districts:

C1 "Local Business" District.
C2 " General Business" District.
CC "Commercial Community" District.
CH "Commercial Highway" District.
CN "Commercial Neighborhood" District.
PA "Professional and Administrative Office" District.
M1 "Light Industrial" District

This section also applies to residential rental projects that are 100 percent affordable which satisfy the purpose and intent stated above and which are located on building sites adjacent to specified arterial highways in the following districts:

R2 "Multifamily Dwellings" District
R3 "Apartment" District
R4 "Suburban Multifamily Residential" District
RP "Residential-Professional" District

(b) For this section, the specified arterial highways are those defined on the Master Plan of Arterial Highways (MPAH) as follows:

Principal (8 lane divided)
Major (6 lane divided)
Primary (4 lane divided)
Secondary (4 lane undivided)

(c) Residential rental projects and Emergency Shelters to which this section applies include the following:

(1) Projects located on building sites and/or within structures without existing residential, commercial and/or industrial uses.

(2) Projects located on building sites and/or within structures that include residential, commercial and/or industrial uses.
(3) Projects wherein residential uses replace residential, commercial and/or industrial uses in a pre-existing structure.

In all cases, the residential projects and Emergency Shelter uses must satisfy these regulations, including the site development standards in sections 7-9-148.7 and 7-9-148.8.

Any commercial, and/or industrial uses must satisfy the base district regulations.

SECTION 3. Section 7-9-148.3 is hereby amended to read as follows:

Sec 7-9.148.3. Site development permit.

The residential projects, Emergency Shelters, and Multi-Service Centers for the Homeless allowed herein shall be subject to the approval of an administrative site development permit per section 7-9-150 unless otherwise stated.

SECTION 4. Section 7-9-148.4 is hereby amended to read as follows:

Sec. 7-9-148.4. Temporary uses permitted.

Certain temporary uses, permitted per section 7-9-136, are allowed.

SECTION 5. Section 7-9-148.5 is hereby amended to read as follows:

Sec. 7-9-148.5. Accessory uses permitted.

The following accessory uses and structures are permitted when customarily associated with, and subordinate to, a permitted residential use on the same building site and when consistent with the approved site development permit for the project.

(a) Uses per section 7-9-137 which include:

(1) Garages and carports

(2) Fences and walls

(3) Patio covers

(4) Swimming pools

(b) Signs per section 7-9-144 except no roof signs or projecting signs.

(c) Noncommercial keeping of pets and animals per section 7-9-146.3.

(d) Home occupations per section 7-9-146.6.

(e) Manager's unit which is exempt from affordability requirements.

(f) Child day care facility per Housing Opportunities Manual.

(g) Accessory uses and structures which the Director finds consistent with the design of the development project and consistent with the purpose and intent of these regulations.

SECTION 6. Section 7-9-148.6 is hereby amended to read as follows:

Sec. 7-9-148.6. Housing Opportunities Manual.

The Planning Commission shall adopt such guidelines, design criteria, and procedures as may be necessary or convenient to administer this section in compliance with the Housing Element. Such guidelines, design criteria, and procedures shall be referred to as the "Orange County Housing Opportunities Manual."

SECTION 7. Section 7-9-148.7 is hereby amended to read as follows:

Sec. 7-9-148.7. Residential site development standards.

(a) The site development standards for residential uses shall be as follows:

(1) Base district site development standards.

(2) Maximum density of 25 dwelling units per gross acre for sites located in commercial or industrial zoning districts.

(3) Off-street parking per the residential requirements of section 7-9-145.

(4) Other standards as may be provided in the Orange County Housing Opportunities Manual.

(b) Density bonuses, development incentives, and/or waivers of development standards may be granted pursuant to section 7-9-140.

SECTION 8. Section 7-9-148.8 is hereby amended to read as follows:

Sec. 7-9-148.8. Emergency shelter and Multi-Service Center for the Homeless (Multi-Service Center) site development standards and operational requirements.

(a) One County-sponsored multi-service center may be permitted in the unincorporated area with a maximum of 200 beds.

(b) An emergency shelter or multi-service center shall not be allowed on parcels or building sites which share a side parcel line with a residential use.

(c) An emergency shelter or multi-service center shall comply with the site development standards of the base district.

(d) In addition to the base district site development standards, an emergency shelter or multi-service center shall comply with the following standards and requirements:

(1) A Management and Operations Plan shall be submitted for review and approval prior to operation of the emergency shelter or multi-service center. The Management and Operations Plan shall be in compliance with the provisions of the Orange County Housing Opportunities Manual.

(2) No facility shall be permitted less than 300 feet from another emergency shelter or multi-service center, measured from the nearest property lines.

(3) Emergency shelters may have a maximum of fifty (50) beds. Larger emergency shelters, up to a maximum of 150 beds, may be permitted subject to approval of a Use Permit per section 7-9-150.

(4) Multi-service centers shall be associated with an emergency shelter and have the same limitations as section 7-9-148.8(d)(3) unless co-sponsored by the County as set forth in Section 7-9-148.8(a).

(5) Off-street parking shall be provided at a rate of one (1) space per four (4) beds, plus one (1) space for each staff person (paid or volunteer) on duty.

(6) An intake and waiting area shall be provided at a minimum floor area of ten (10) square feet per bed. Exterior waiting area shall be physically separated and visually screened from the public right-of-way and be of sufficient size to prevent queuing in public right-of-way.

(7) One toilet and shower shall be provided for each ten (10) beds. Separate facilities shall be provided for men and women.

(8) Bike racks shall be provided on site for use by staff and clients.

(9) The following may be provided but shall be located inside the facility: kitchen, dining hall, laundry facilities and storage lockers.

(10) On-site management shall be required at all times that the shelter is in operation and the number of staff on duty shall be addressed in the approved management plan.

(11) An on-site covered trash enclosure shall be provided.

(12) An emergency shelter or multi-service center shall be open 24 hours a day, unless an exemption is granted.

(13) Maximum consecutive length of stay shall be 180 days.

(14) Facility operator shall remove any trash from the premises daily and ensure there is no loitering.

(e) In the event of a conflict between the base district regulations and these standards, the provisions of this section shall control.

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DRAFT ZONING CODE AMENDMENT CA 11-02

OCTOBER 1, 2013

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA AMENDING SECTION 7-9-40 AND SECTION 7-9-140 OF THE CODIFIED ORDINANCES OF THE COUNTY OF ORANGE RELATED TO THE DEFINITION OF SENIOR CITIZEN AND SENIOR CITIZEN HOUSING, AND DENSITY BONUS REGULATIONS

The Board of Supervisors of the County of Orange ordains as follows:

SECTION 1. Section 7-9-40 is hereby amended as follows:

Section 7-9-40. Definitions. (S)

Senior Citizen: A person fifty-five years of age or older. ~~(Note: For the purposes of an Affordable/Senior Citizen Housing Incentive Use Permit, the definition of senior citizen is located in the Orange County Density Bonus Implementation Manual.)~~

Senior Citizen Housing: A residential development consisting of at least thirty-five (35) dwelling units which is developed for, or substantially rehabilitated or renovated for, senior citizens. ~~(Note: For the purposes of an Affordable/Senior Citizen Housing Incentive Use Permit, the definition of senior citizen is located in the Orange County Density Bonus Implementation Manual.)~~

SECTION 2. Section 7-9-140 is hereby deleted and replaced with the following:

Sec. 7-9-140. Density Bonus and Other Incentives ~~Affordable Housing or Senior Citizen Housing Incentive Use Permit~~.

~~In any district which permits residential uses, a housing incentive use permit application to permit more dwelling units than allowed by zoning, and/or establish special site development standards, may be approved subject to the provisions of this section for the purposes of facilitating affordable and/or senior citizen housing developments.~~

(a) Purpose and intent.

This section is intended to comply with the requirements of California Government Code Section 65915 *et seq.* ("state density bonus law"), as it may be amended from time to time, regarding the provision of density bonus or other incentives to facilitate the production of affordable housing, senior citizen housing, or child care facilities. The amount of density bonus and the number and type of incentives shall be

determined in a manner consistent with state density bonus law, as it may be amended from time to time.

~~The purpose of these regulations is: (1) to establish a procedure to grant certain incentives for developers of affordable and/or senior citizen housing projects; and (2) to enumerate any exclusions and required findings.~~

(b) Procedure.

A request for density bonus or other incentives pursuant to state density bonus law ~~housing incentive use permit application~~ shall be processed as part of an application in compliance with and subject to the provisions and requirements of section 7-9-150. No additional discretionary approval shall be required as a result of a request for or the granting of a density bonus or other incentive that is available pursuant to current state density bonus law.

~~and the "Orange County Density Bonus Implementation Manual." Approval of any housing incentive use permit application shall be by the Planning Commission.~~

~~The approval of any housing incentive use permit application shall result in the granting of either: 1) a density bonus above existing zoning and one additional incentive, if necessary, 2) a financial equivalent. When a housing incentive use permit application has been approved, the density bonus, or other incentives specified by the use permit shall be in addition to the applicable zoning district regulations during the period of validity of the use permit. Planning and development of the subject property may proceed in compliance with applicable standards with, or without, a density bonus.~~

A "Density Bonus Compliance Plan" shall be approved concurrently with approval of the project requesting a density bonus or other incentive. ~~the housing incentive use permit by the Planning Commission~~. This Density Bonus Compliance Plan must stipulate the terms of the affordability and/or occupancy requirements, including ~~for~~ the duration of the restrictions, upon the housing development. Compliance with the terms of this Density Bonus Compliance Plan will be monitored on a regular basis by the County of Orange.

~~Approval action does not constitute a guarantee or commitment on the part of the County of Orange that other required approval actions for the project will be granted.~~

(c) Construction with Other Applicable Zoning Regulations. ~~Exclusions.~~

Notwithstanding any permitted density bonus, any project receiving a density bonus hereunder shall otherwise be consistent with the applicable zoning and land use regulations and requirements, including permitted uses.

~~A housing incentive use permit shall not be approved when it would result in the following:~~

~~(1) Multiple-family uses on a site zoned only for single-family uses.~~

~~(2) An increase in dwelling units above the maximum permitted by a zoning condition of approval or a General Plan Amendment condition of approval when such condition states that the maximum number of units includes all density bonuses.~~

(d) Required Findings.

A request for density bonus or other incentives that is consistent with the provisions of state density bonus law shall be approved unless one of the following findings is made:

(1) A density bonus has been approved as part of a previous project approval on the same site and that project is still in place; or

(2) The requested density bonus or incentive is not required to provide affordable or senior citizen housing; or

(3) The incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households; or

(4) The incentive would be contrary to state or federal law.

~~A housing incentive use permit application may be approved only after the Planning Commission has made the following findings:~~

~~(1) All of the findings required for approval of a use permit by section 7-9-150.~~

~~(2) The use permit does not constitute an additional density bonus where increased density has been approved to facilitate affordable and/or senior citizen housing as part of a previous land use element amendment, zone change, or use permit.~~

~~(3) The number of dwelling units permitted by the use permit is compatible with existing and planned infrastructure facilities.~~

~~(4) Adequate evidence exists to indicate the development of the property in compliance with this use permit will result in the provision of onsite affordable housing or senior citizen housing in the manner consistent with the purpose and~~

~~intent of this section and the "Orange County Density Bonus Implementation Manual."~~

~~(5) The granting of the incentive(s) will not impose an undue financial hardship on the County.~~

~~If it is determined that an additional incentive is unnecessary, the Planning Commission shall make the following written finding:~~

~~(1) The granting of an additional incentive is not necessary to make the project economically feasible to provide affordable or senior citizen housing.~~

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DRAFT ZONING CODE AMENDMENT CA 11-02

OCTOBER 1, 2013

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA ADDING SECTION 7-9-148.7(C) OF THE CODIFIEDORDINANCES OF THE COUNTY OF ORANGE RELATED TO GRADUATED DENSITY ZONING

The Board of Supervisors of the County of Orange ordains as follows:

SECTION 1. Section 7-9-148.7, Housing Opportunities Overlay Regulations, is amended as follows:

Sec. 7-9-148.7. Site development standards.

(a) The site development standards for residential uses shall be as follows:

(1) Base district site development standards.

(2) Maximum density of 25 dwelling units per gross acre for sites located in commercial or industrial zoning districts.

(3) Off-street parking per the residential requirements of section 7-9-145.

(4) Other standards as may be provided in the Orange County Housing Opportunities Manual.

(b) Density bonuses, development incentives, and/or waivers of development standards may be granted pursuant to section 7-9-140.

(c) A graduated density incentive shall be granted when parcels smaller than 0.50 acre are consolidated as part of a project. The increased density shall be in addition to any other density bonus pursuant to Section 7-9-140 and shall be calculated as follows:

Project Size (after lot consolidation)	**Base Density**
Less than 0.50 acre	25 units/acre
0.50 to 0.99 acre	27.5 units/acre (10% increase)
1.00 acre or more	30 units/acre (20% increase)