

# ORANGE COUNTY HOUSING OPPORTUNITIES MANUAL

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# Orange County Housing Opportunities Manual

County of Orange

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# I. Introduction

County of Orange

## A. Purpose of the Housing Opportunities Manual

1. The purpose of this Manual is to provide implementation guidelines for the Housing Opportunities Overlay Regulations pursuant to Section 7-9-148.6 of the Orange County Zoning Code and the Housing Element of the General Plan. The Overlay Regulations permit the development of affordable housing in commercial and industrial districts, as well as certain residentially-zoned arterial highway frontage parcels, in the unincorporated area. This residential use is consistent with the Orange County Zoning Code and Orange County General Plan and is therefore “by-right.”

The Manual will serve to facilitate the development of affordable housing in the following commercial and industrial districts by providing design guidelines for proposed projects and a description of the application submittal and review process:

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

The Overlay Regulations, and this Manual, also apply to residential projects that are 100 percent affordable which satisfy the purpose and intent stated above and which are located on building sites adjacent to “Principal”, “Major”, “Primary”, and “Secondary” arterial highways in the following districts:

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

2. Section VI of this Manual sets forth the specific procedures to be followed in reviewing and approving affordable housing projects. Applications submitted under the Housing Opportunities Overlay Regulations will be subject to an administrative review process and pursuant to Government Code Section 65583.2 (i) will “not require a conditional use permit, planned unit development permit or other discretionary local government review or approval that would constitute a ‘project’ for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code” (CEQA).

3. The designated official will review the design merits of a project and may call for a project proponent to make design-related modifications, but will not deliberate the project's merits or exercise judgment to reject or deny the residential use itself. If the official finds that a project complies with the Housing Opportunities Overlay Regulations, other applicable ordinances, and the guidelines, standards and procedures set forth in this Manual, the project shall then be approved.
4. The administrative review process does not include the requirement for a public hearing.

B. Eligibility Criteria

To be considered a “Qualified Housing Development,” the affordable housing development must meet the following criteria:

1. Rental project.
2. 100% of the units must be affordable to low and very-low income households. (Manager's unit is exempted).
3. 70% of the total number of units must be reserved for low-income households. (This percentage may be decreased if there will be greater than 30% of the total number of units reserved for very-low income households.)
4. At least 30% of the total number of units must be reserved for very-low income households.
5. Project must meet all the provisions set forth in Orange County Zoning Code Section 7-9-148.

C. Relationship to State Density Bonus Law

State density bonus law (Government Code Sections 65915-65918) was significantly revised by Senate Bill 1818 in 2004. Among other things, state density bonus law requires that a density bonus on a sliding scale up to 35% must be granted to projects that provide units affordable to lower- or very-low-income households or to projects providing an onsite child care facility.

In addition, qualifying projects that provide affordable units are entitled to request incentives and waivers to development standards. The applicant must show that such waivers are necessary to make the project economically feasible.

Density bonus law applies to all Qualified Housing Developments under the Housing Opportunities Overlay Regulations, as well as other projects on residentially zoned land that are not subject to the Overlay Zone. Since the affordability requirements of the Overlay Regulations are more restrictive than those in state density bonus law, it is assumed that any project that qualifies under the Overlay Regulations will also qualify for a density bonus, if necessary to make a project economically feasible.

D. Parking Standards, Incentives and Waivers

If the development meets the criteria set forth in Government Code Section 65915 (State Density Bonus Law) and is eligible to receive a density bonus, the applicant may request that the required number of parking spaces set forth in Government Code Section 65915 be applied to the project.

Parking space requirements for projects eligible for a density bonus are as follows (inclusive of handicapped and guest parking):

|                        |   |
|------------------------|---|
| Zero to one bedroom:   | one on-site parking space               |
| Two to three bedrooms: | two on-site parking spaces              |
| Four or more bedrooms: | two and one-half on-site parking spaces |

These parking space requirements are considered an alternative site development standard applied to the project and will not be considered as one of the incentives that the project is eligible for.

In addition to the reduced parking space requirements, applicants with projects that qualify for a density bonus are entitled to request from one to three incentives that would result in the reduction of affordable housing costs. The following is a list of available incentives:

1. Reduction of up to 20% in minimum side setbacks, and up to 35% reduction in front and rear setbacks.
2. Increased maximum lot coverage (up to 65% coverage).
3. Increased maximum building height up to 10 feet and one additional story. Where a project shares an interior side property line with a single-family residence on a parcel zoned for single-family residential use, for every additional foot in height above the maximum allowed in the basic zone, the portion of the building exceeding the basic height limit shall be stepped back an additional foot (and may be determined from a modified yard/setback) from adjoining residential properties, except that roof structures and architectural features may be allowed within the step-back portion up to 42 inches in height.

Incentives not included on this list may also be requested by the applicant.

The requested incentives will be granted unless one of the following findings is made:

1. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c) of Government Code Section 65915.
2. The concession or 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.

Applicants may also request additional waivers to development standards. Each waiver requested must be accompanied by financial documentation that the waiver is necessary to make the housing units economically feasible. Approval of these additional requested waivers to development standards will be made on a case-by-case basis.



## II. Definitions

County of Orange

For purposes of this Manual, the following words, terms and phrases shall have the following meanings:

*“Affordable Rent”* means a monthly rental rate that qualifies as Lower- Income or Very-Low Income affordable rent pursuant to the Health and Safety Code Section 50053.

*“Affordable Unit”* means a dwelling unit within a Qualified Housing Development which is occupied or available for occupancy by a Lower- or Very-Low-Income Household at an Affordable Rent.

*“Incentive”* is defined in Government Code Section 65915 and includes reduction in site development standards, modification of zoning code requirements, approval of mixed use zoning and other incentives that would result in cost reductions.

*“Child Care Facility”* (Day Care Center or Day Care Nursery) is defined as any state licensed facility operated by a person, corporation or association used for the provision of nonmedical daytime care (12 hours or less) for children twelve (12) years of age or younger who are residents of the qualified housing development.

*“Density Bonus”* means the density increase over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date of application by the applicant to the county.

*“Density Bonus Units”* means those residential units granted pursuant to the provisions of this Manual that exceed the otherwise Maximum Allowable Residential Density for the Development Site.

*“Development Site”* means the site on which the Qualified Housing Development will be constructed.

*“Development Standard”* means site or construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, charter amendment, or other local condition, law, policy, resolution, or regulation.

*“Lower-Income Household”* is defined in Section 50079.5 of the California Health and Safety Code.

*“Market-Rate Unit”* means a unit that is not an Affordable Unit.

*“Maximum Allowable Residential Density”* means the density allowed under the zoning ordinance, or if a range of density is permitted, means the maximum allowable density for the specific zoning range applicable to the project.

*“Qualified Housing Development”* means a rental housing project that meets the eligibility criteria set forth in this Manual.

*“Very-Low Income Household”* is defined in Section 50105 of the California Health and Safety Code.

*“Zoning Code”* is defined as Orange County Codified Ordinances (OCCO) Sections 7-9-01 to 7-9-157.



### III. APPLICABLE SITE DEVELOPMENT STANDARDS

County of Orange

#### A. Site Development Standards for Residential Uses in the Housing Opportunities Overlay Zone

In districts where qualified affordable housing developments are allowed pursuant to the Housing Opportunities Overlay Regulations, the site development standards for residential uses shall be the base site development standards of the zoning district in which the Qualified Housing Development is located. The maximum density for each development site shall be 25 dwelling units per gross acre, or the allowable density of the base zone for residential parcels, whichever is higher. Parking requirements shall be per the residential requirements of Orange County Zoning Code section 7-9-145 “Residential Off-street Parking Requirements” or according to Government Code Section 65915.

Child care facilities may be included in the qualified housing development at the discretion of the applicant and will be subject to an administrative review process and will not require a separate use permit. The child care facility would be available only to children who reside in the qualified housing development.

The following are the base district site development standards for residential uses and co-located child care facilities in the zoning districts where Qualified Housing Developments can be developed. If there exists a discrepancy between the charts below and the current Zoning Code, the site development standards in the current Orange County Zoning Code shall prevail.

| Orange County Zoning District                      | Commercial and Industrial Base District Site Development Standards |                 |  |                        |   |
|--|--|-----------------|--|------------------------|---|
|  | Building Site Area   | Building Height | Building Setbacks (per Building Lines Chart) | Off-Street Parking (3) | Maximum Density (dwelling units per gross acre) |
| C1<br>“Local Business”                             | No minimum   | 35’ maximum     | See chart below                              | (3)                    | 25  |
| C2<br>“General Business”                           | No minimum   | 35’ maximum     | See chart below                              | (3)                    | 25  |
| CC<br>“Commercial Community”                       | No minimum   | 65’ maximum     | See chart below                              | (3)                    | 25  |
| CH (1)<br>“Commercial Highway”                     | No minimum   | 35’ maximum     | See chart below                              | (3)                    | 25  |
| CN<br>“Commercial Neighborhood”                    | No minimum   | 35’ maximum     | See chart below                              | (3)                    | 25  |
| PA (2)<br>“Professional and Administrative Office” | 10,000 sq. ft. minimum   | 35’ maximum     | See chart below                              | (3)                    | 25  |
| M1<br>“Light Industrial”                           | 10,000 sq. ft. minimum   | 35’ maximum     | See chart below                              | (3)                    | 25  |

- (1) Building Site Coverage is 35% maximum in a CH “Commercial Highway” District
- (2) Building Site Coverage is 35% maximum and Site Width is 75 feet minimum in a PA “Professional and Administrative Office” District
- (3) Per Section 7-9-145 or Gov. Code Section 65915

| Orange County Zoning District    | Residential Base District Site Development Standards |                     |                   |                             |                   |                        |                      |                  |
|----------------------------------|--|---------------------|-------------------|-----------------------------|-------------------|------------------------|----------------------|------------------|
|                                  | Building Site Area                                   | Building Height (1) | Area per unit (2) | Distance between structures | Building Setbacks | Off-Street Parking (3) | Lights               | Land-scaping (4) |
| R2<br>“Multifamily Dwellings”    | 7,200 s.f. minimum                                   | 35’ maximum         | 1,000 s.f.        | 10 feet minimum             | See chart below   | (3)                    | Confined to premises | (4)              |
| R3<br>“Apartment”                | 7,200 s.f. minimum                                   | 65’ maximum         | 1,000 s.f.        | 15 feet minimum             | See chart below   | (3)                    | Confined to premises | (4)              |
| R4<br>“Suburban Multifamily”     | 7,200 s.f. minimum                                   | 35’ maximum         | 3,000 s.f.        | 15 feet minimum             | See chart below   | (3)                    | Confined to premises | (4)              |
| RP<br>“Residential-Professional” | 7,200 s.f. minimum                                   | 35’ maximum         | 3,000 s.f.        | N/A                         | See chart below   | (3)                    | Confined to premises | (4)              |

- (1) Except for Section 7-9-126.1
- (2) Minimum net land per dwelling unit except per section 7-9-126.1
- (3) Per Section 7-9-145 or Gov. Code Section 65915
- (4) Per Section 7-9-132.2

BUILDING LINES CHART (Section 7-9-127.1)

| Commercial, Industrial and Residential<br>Setback Distance In Feet |                                  |      |      |   |         |  |   |           |  |      |
|--|----------------------------------|------|------|---|---------|--|---|-----------|--|------|
| Orange<br>County<br>Zoning<br>District                             | From Ultimate<br>Street R/W Line |      |      | From Alley                                |         |  | From Property<br>Line Abutting<br>A, R, or E<br>Districts |           | From Property<br>Line Abutting<br>Districts<br>Other Than A, R<br>or E Districts |      |
|  | Front                            | Side | Rear | Front                                     | Side    | Rear   | Side  | Rear      | Side   | Rear |
| C1   | 0                                | 0    | 0    | 0   | 0       | 5  | 0   | 10        | 0  | 10   |
| C2   | 0                                | 0    | 0    | 0   | 0       | 5  | 0   | 10        | 0  | 10   |
| CC   | 5                                | 5    | 5    | 5   | 5       | 5  | 20  | 20        | 0  | 0    |
| CH   | 53                               | 10   | 10   | 0   | 0       | 0  | 10  | 10        | 0  | 0    |
| CN   | 20                               | 20   | 20   | 20  | 20      | 20   | 20  | 20        | 0  | 0    |
| PA   | 10                               | 10   | 20   | 10  | 0       | 10   | 10  | 10        | 10*  | 10   |
| M1   | 20                               | 20   | 20   | 20  | 10      | 10   | 30 or (A)   | 30 or (A) | 20*  | 10   |
| RP   | 20                               | 5    | 25   | 20  | 5       | 25   | 5   | 25        | 5  | 25   |
|  | From Ultimate<br>Street R/W Line |      |      | From Property Line<br>Not Abutting Street |         | On Panhandle Building Site<br>from Any Property Line |   |           |  |      |
|  | Front                            | Side | Rear | Side                                      | Rear    |  |   |           |  |      |
| R2   | 20                               | 5    | 25   | 5   | 25 or D | 10   |   |           |  |      |
| R3   | 20                               | B    | 25   | B   | 25 or D | 10   |   |           |  |      |
| R4   | 20                               | 5    | 25   | 5   | 25 or D | 10   |   |           |  |      |

\* Required for one side of building site only.

- (A) If no openings, such as windows, doors and circulation vents, exist on the side of the building facing the property line, this setback may be reduced to fifteen (15) feet.
- (B) Five (5) feet: add one (1) foot for each additional story over two (2).
- (D) In computing the depth of a rear setback from any building where such setback opens on an alley, private street, public park or public beach, one-half of the width of such alley, street, park, or beach may be deemed to be a portion of the rear setback, except that under this provision, no rear setback shall be less than fifteen (15) feet.

B. Site Development Standards for Child Care Facilities

The following sites development standards shall apply to child care facilities co-located with residential uses in the Housing Opportunities Overlay Zone. In addition, child care facilities shall demonstrate compliance with all State licensing requirements set forth in Title 22, Division 12 of the California Code of Regulations and the local Fire code. Child care facilities shall be available only to children who reside in the qualified housing development.

| <b>Child Care Facility Site Development Standards</b> |  |
|---|--|
| <b>Category</b>                                       | <b>Standard</b>  |
| Indoor Classroom Space                                | 35 square feet per child (exclusive of hallways, bathrooms, office, kitchen and other non-classroom space)   |
| Fence or Wall (Security and Noise Mitigation)         | Must surround the outdoor play area and be at least 6 feet high with no “slats” wider than 2 <sup>3</sup> / <sub>8</sub> inches or “crib-width.” Fences and/or walls adjacent to roads, driveways or parking areas must be reinforced.   |
| Landscaping (Screening and Noise Mitigation)          | Shall be tall enough to buffer noise and screen fence or wall. Must appear on the landscaping plan for the project and include only plants that are non-poisonous, have no thorns or stickers and are effective in buffering noise (thick, fleshy, bend and vibrate).                                    |
| Hours of Operation                                    | Monday through Friday, 6:00 a.m. to 6:00 p.m. only   |
| Outdoor Activities                                    | Not before 8:00 a.m. and no later than 5:00 p.m. or sunset, whichever occurs earlier. No more than 24 children allowed in the play yard at one time.   |
| Noise Mitigation Plan                                 | Must include appropriate measures to mitigate noise of outdoor play areas. Use of solid wall or fence must be enhanced with landscaping. Wood chips and/or sand, or other “soft” materials, may also be used to buffer noise. Exterior noise must not exceed 65 dBA and interior must not exceed 60 dBA. |
| Signs   | Directional signs allowed on the interior of the residential development only  |

C. Landscaping Requirements

Landscaping shall be installed and maintained as provided by Orange County Zoning Code section 7-9-132.2.



## IV. DESIGN GUIDELINES

County of Orange

The following Design Guidelines are established in order to ensure that projects developed under the Housing Opportunities Overlay Regulations are assets to the community in which they are located. The guidelines are intended to provide both project proponents and County staff with clear, objective criteria by which projects will be reviewed and approved by-right, thereby streamlining the design and administrative review process.

### A. General Requirements

1. The project shall consist of not less than 16 units, provided that, the Director, OC Planning, in his or her discretion, may permit a project with fewer units to qualify as a Qualified Housing Development upon a finding that the project is financially capable of supporting the cost of Professional On-Site Management.
2. Occupancy of each unit shall not exceed two persons per bedroom plus one.
3. Prior to issuance of an occupancy permit, the owner shall submit a Management Plan that provides for on-site property management in a manner meeting the approval of the Director, OC Community Services.
4. Units shall remain affordable in the original affordability category for a period of not less than 55 years.
5. In determining the maximum Affordable Rent, the following HUD guidelines regarding household and unit size assumptions shall be used:

| <u>Unit Size</u> | <u>Household Size</u> |
|------------------|-----------------------|
| Studio           | 1 person              |
| 1-bedroom        | 2 persons             |
| 2-bedroom        | 4 persons             |
| 3-bedroom        | 6 persons             |
| 4-bedroom        | 8 persons             |

6. A building façade color and materials palette must be submitted for approval by the Director, OC Planning, prior to issuance of any grading or building permit.

### B. Site Design Considerations

#### 1. Building Location

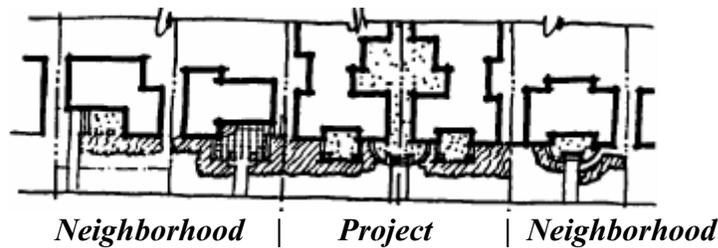
##### a. Site Entry and Circulation

Emphasize the main entrance and place central and shared facilities there if possible. Respect the street and locate buildings on the site so that they reinforce street frontages.

b. Setbacks

To the extent possible, maintain the existing setback patterns within the immediate vicinity of the building (Figure 1). Avoid locating a building far in front of or far behind the average setback lines of the four to five properties located on either side of the proposed project. Respect the prevalent side yard and rear yard setback lines prevalent in the area.

Figure 1.



2. Building Shape

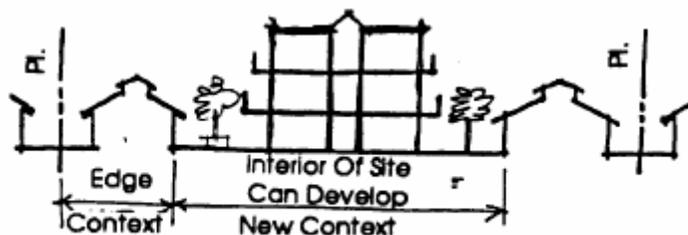
a. Building Height

To the extent feasible, relate the overall height of the new structure to that of adjacent structures and those of the immediate neighborhood. Consider how the first floor level relates to the street and whether this is consistent with the first floors in neighboring buildings.

b. Building Scale and Massing

To the extent possible, relate the size and bulk of the new structure to the prevalent scale in other buildings in the immediate neighborhood or utilize positioning of the building and architectural detail to soften any transition in scale and massing of the building if varying from adjacent structures (Figure 2).

Figure 2.



c. Building Form

Consider utilizing a variety of building forms and roof shapes rather than box-like forms with large, unvaried roofs. Consider clusters of units, variations in height, setback and roof shape (Figure 3).

*Figure 3.*



d. Protection of Privacy

Design measures should be taken to protect the privacy of adjacent existing residential uses. These measures could include the use of opaque and/or non-operable windows, landscape screening, balconies with “solid” railings, window placement, etc.

3. Size and Rhythm of Openings

- a. Respect the rhythm and proportion of openings prevalent in the immediate area surrounding the new building.

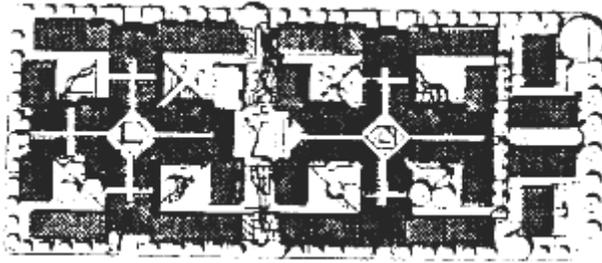
4. Materials and Color

- a. Use materials and color for the facade treatment and roofing that is compatible with those in similar good quality buildings in the surrounding neighborhood or region.
- b. Avoid introducing drastically different colors and materials than those of the surrounding neighborhood.
- c. Use materials that do not require extensive maintenance.

5. Individual Identities

- a. Whenever possible, divide repetitive structures into smaller clusters to promote individuality and a sense of place for residents (Figure 4).
- b. Consider strategies that allow residents to enhance the exterior appearance of their units.

Figure 4.



*Cluster structures to promote a sense of place.*

## 6. Entries for Projects and Units

- a. Provide a prominent and visible entry (Figure 5).
- b. Consider transitional spaces such as an entry porch to help make the transition from public to semi-private or private space.
- c. Consider issues of shelter, security, lighting and identity.

Figure 5.



## 7. Roof Top Equipment

- a. All roof top equipment shall be screened from view.
- b. No free standing wood screens permitted.
- c. Screening shall be achieved through the use of parapet walls and other permanent building features.

## 8. Windows

- a. Window size and placement should maximize daylighting and natural ventilation.
- b. Consider neighboring buildings and uses when determining placement of windows.
- c. Placement should relate to building interior layout.
- d. Plant-on mullions are discouraged.

- e. Consider ways to screen and physically separate ground floor windows from sidewalk to provide privacy and security.
- f. Low-emissivity glass is suggested for all south and west facing windows and encouraged for east facing windows.
- g. Overhangs for south facing windows are recommended.

9. Roofing

- a. Light colors are encouraged for energy benefit.

10. Unit Access / Corridors

Avoid corridors of excessive length, i.e greater than 100 feet of unbroken length. Whenever possible avoid corridors that are not naturally lighted. Natural ventilation is encouraged. Enclosed corridors are discouraged.

11. Unit Sizes

|                          |                       |
|--------------------------|-----------------------|
| Studio (or “0”-Bedroom): | 300 - 500 sq. ft. *   |
| 1-Bedroom:               | 475 - 699 sq. ft.     |
| 2-Bedroom:               | 700 - 999 sq. ft.     |
| 3-Bedroom:               | 1,000 - 1,200 sq. ft. |
| 4-Bedroom:               | 1,200 - 1,400 sq. ft. |

- \* Less than 300 sq. ft. for a Studio (“0”- Bedroom) may be requested by an applicant with justification for the reduced square footage (i.e., rehabilitation of existing smaller units) and will be considered on a case-by-case basis.

12. Parking

- a. Overall Impact

Avoid letting garages, driveways and parking lots dominate the streetscape. Consider placing them at the rear or side of the site to allow a majority of dwelling units to “front on” the street. Consider planting trees and shrubs to soften the overall impact of parking areas and to provide shade and noise reduction (Figure 6). At buildings with parking garages, avoid large areas of blank wall facing the street and consider incorporating decorative elements to soften its visual impact.

Figure 6.



b. Access and Surveillance

Provide locations for parking that minimize walking distance between dwelling units and cars and that allow for casual surveillance of cars from a number of different units. Avoid remote parking. Avoid large lots. Consider breaking them into multiple, smaller lots to enhance safety and accessibility and minimize the aesthetic impact of large, unbroken rows of cars. Locate handicapped and elderly parking with immediate access to their respective units. Locate visitor drop off and parking near main entrances and clearly mark all visitor parking spaces.

Figure 7.



c. Vehicle/Pedestrian Interaction

Design to minimize conflicts between vehicles and pedestrians. Consider separating bicycle and pedestrian paths from vehicular traffic (Figure 7). Consider linking open spaces so that they form an uninterrupted network of vehicle-free areas. Avoid parking layouts that erode a project's open space until only "leftover" areas are available for pedestrian use. Consider traffic calming strategies to slow down cars within the project.

d. Car Maintenance

Recognize that parking areas will be used for car repair and maintenance. Consider providing a space, with access to water and electricity and with adequate drainage, for this purpose.

e. Security

In underground or multi-story parking structures, provide a limited number of secure entry points. Ensure that all parking areas are well-lighted, but avoid lighting strategies that cause glare or otherwise negatively impact surrounding buildings. Consider locating parking in areas that can be informally observed by passersby.

f. “Tuck-under Parking”

Where tuck-under parking is utilized, provide adequate landscaping and site furniture. Consider integrating planters, lighting, trellises, benches and other site furniture with unit and building entries into a coherent open space plan.

g. Carports

Lighting should be provided underneath carports and carport roofs should be non-reflective.

13. Public Open Space

a. Open Space

Avoid undifferentiated, empty spaces. Consider the types of activities that will occur in the open space including cultural or social activities unique to specific user groups, and design the shared open space to accommodate these activities.

b. Access

Provide direct access to open space from the dwelling units that the open space is intended to serve. At the same time consider designing in ways to control nonresident access to these spaces. When terraces or balconies are used as shared open space, consider locating so they serve as extensions of indoor common areas.

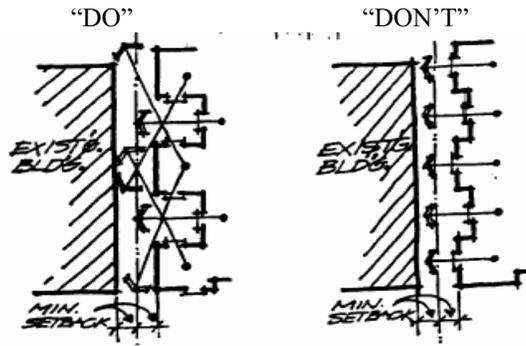
c. Play Areas

Consider play—and play areas—as critical to the successful functioning of any family housing project. Consider how play areas will be used by different age children (2-5 years, 5-12 years, and teenagers) and design these areas accordingly. Avoid “one space fits all” solutions. Locate play areas for small children so that they allow for adult supervision from dwelling units and/or from a central facility such as a laundry. Design play areas so that adults can also congregate and provide supervision.

d. Surveillance

Provide visual access to shared open spaces from individual units, preferably from the kitchen, living room or dining room (Figure 8).

Figure 8.



*Increase visibility of entries from within living spaces.*

e. Boundaries

Provide clear boundaries between publicly controlled spaces (streets), community controlled spaces (shared open space) and privately controlled spaces (dwellings and private open space). Consider enclosing or partially enclosing open space with project building(s) to provide clear boundaries.

Figure 9.



f. Nighttime Lighting

Consider a lighting plan for shared open spaces that provides light from a variety of sources (Figure 9). Match lighting intensity and quality to the use for which it is intended; i.e. the lighting required for a pedestrian path is substantially different from that required to illuminate a parking garage. Avoid lighting which shines directly into dwelling units or is overly intense and bright. Consider energy efficient lighting whenever possible.

14. Private Open Space

a. Private Outdoor Space for All Dwelling Units

Provide each household in the project with some form of private open space: patio, porch, deck, balcony, or yard. In certain instances, consider shared entry porches and/or shared balconies. Avoid building layouts where front yards face back yards.

The following guidelines should be considered:

- 1) 60 sq. ft. per ground floor unit, and 30 sq. ft. per non-ground floor unit, with a minimum dimension of 5 ft.
- 2) Area may be a patio, deck, porch, yard or balcony
- 3) Primary access to private open space should not be from bedrooms.

b. Access

Ensure that private open space is easily accessible—physically and visually—from individual units.

c. Adequate Size

Ensure that private open space is large enough so that it can actually be used. Avoid spaces, particularly balconies, decks and porches, that are too narrow to accommodate furniture.

d. Balconies

Attempt to locate balconies adjacent to living rooms. Avoid screening balconies with solid walls. Instead, consider screening materials that provide privacy but also allow residents, particularly small children, to look out. Avoid horizontal railings and other designs which enable children to climb up. Carefully consider how and where balconies will drain.

e. Fencing

Consider providing fencing around all yards and patios to provide privacy and to help define boundaries between public and private open space. Consider using automatic closers on common entry gates and incorporating decorative designs or landscaping to soften the appearance of concrete block walls.

f. Storage

Provide outdoor storage for outdoor tools, equipment and furniture.

15. Landscaping

a. Landscaping Plans

Landscaping plans must be prepared by a landscape architect licensed in the State of California.

b. Plantings

Provide as rich a variety of plantings—trees, shrubs, groundcover, and grass areas—as possible. Anticipate mature sizes and avoid crowding trees, shrubs and buildings. Use hardy, native species of trees and plants that are well suited to the project location and are easy to water and maintain.

c. Appropriate Plantings

Consider how the landscape will be used by project occupants and specify appropriate plantings. In general, assume heavy use in all landscaped areas. Avoid delicate plants and shrubs in heavily trafficked areas, especially in locations where they can be trampled by children. Instead, consider such plantings in areas that are out of the main traffic flow (e.g., as privacy planting next to buildings). Avoid providing only grass areas for children to play in. Consider a mix of grass and paved areas instead. Also, consider raising or otherwise protecting grass areas that are not meant for play.

d. Paved Areas

Recognize that some paved area will be necessary in family housing to facilitate children’s play. However, large, empty paved areas should be avoided. Consider using alternative landscape approaches—plantings and grass—to break these areas up into smaller functional units. Where appropriate, permeable paving materials are recommended (e.g. pervious concrete, turf block, pavers, etc.).

e. Edges

Where planted areas, other than lawns, meet hard surfaces include some form of raised edge to contain the soil and discourage cutting across the bed. Consider designing the edges so they can also serve as outdoor seating areas.

f. Outdoor Seating

Outdoor seating should be an integral part of any landscape plan and should be thoughtfully designed and located. Avoid simply scattering seats at random through the site. Consider what the seating looks at and what looks at it. Consider how the seating is oriented with respect to the sun and breezes and whether it needs protection from rain or wind. Avoid “one type fits all” solutions, particularly in larger projects. Consider providing different seating for different users.

g. Paths

Pedestrian paths and walkways are critical to the smooth functioning of any affordable housing project, particularly larger, multi-unit developments. Consider the wide range of uses that any path must accommodate—children, adults, bicycles, shopping carts, walkers, pets, furniture moving, etc.—and design with this range of uses in mind. Avoid paths that are too narrow to accommodate multiple users at the same time. Consider rounded corners at all intersections and direction changes, especially in projects with children. Ensure that paths are well lighted so that users can see where they are going and be seen by other people. Consider designing path edges so that they encourage users to stay on the path and not trample on adjacent plantings (e.g. through changes in slope or materials or by providing raised edges).

h. Storage

Provide adequate space to store landscape maintenance equipment and materials.

C. Crime Prevention Through Environmental Design (CPTED)

1. Safe neighborhoods are encouraged through the implementation of Crime Prevention Through Environmental Design (CPTED). The basic premise of CPTED is that the nature of buildings and layout of a community can attract offenders and make it easier for them to commit crimes and escape arrest. CPTED focuses on eliminating these features at the design stage to reduce crime and the fear of crime.

The five overlapping concepts or strategies which are incorporated in CPTED are:

- a. Access Control
  - b. Surveillance
  - c. Territorial Reinforcement
  - d. Activity Support
  - e. Image and Maintenance
2. Architectural and site plans should implement CPTED principles by:
    - a. Providing clear border definitions of controlled space.
    - b. Providing clearly marked transitional zones that indicate movement from public to semi-public to private space.
    - c. Relocating gathering areas to locations with natural surveillance.
    - d. Placing unsafe activities in safe spots to overcome the vulnerability of these activities with natural surveillance and access control of the safe area.
    - e. Redesigning space to increase the perception or reality of natural surveillance.
    - f. Carefully planning a reduced number of entry points.
    - g. Placing signage to advise visitors what the access restrictions are and where they must go if they are authorized to enter your territory.

- h. Eliminating blind spots around the project site where individuals approaching the site cannot be observed.
- i. Including fencing and landscaping to direct the circulation flow of persons to a select observable pathway.
- j. Making sure that landscape plant material that is selected will not block windows and eliminate opportunities for natural surveillance.
- k. Plant low vegetation with thorns or other repelling qualities adjacent to first floor windows to prevent outsiders from approaching windows.
- l. Providing good outdoor lighting standards that illuminate pathways evenly and without shadow pockets.
- m. Pre-wiring for future security cameras is recommended.



## V. AMENDMENTS TO THE ORANGE COUNTY HOUSING OPPORTUNITIES MANUAL

County of Orange

- A. Any amendment to the Orange County Housing Opportunities Manual will be approved by the Orange County Planning Commission.
- B. All references to California State Law are as of the date of the approval of the Orange County Housing Opportunities Manual or as may be amended, repealed or renumbered in the future.
- C. All references to the Orange County Codified Ordinances (including the Zoning Code) are as of the date of the approval of the Orange County Housing Opportunities Manual or as may be amended, repealed or renumbered in the future.

A. General

The following general instructions are for preparing applications for Administrative Site Development Permits for affordable housing projects that are located on eligible sites as described in Zoning Code Section 7-9-148 – Housing Opportunities Overlay Zone Regulations. Prior to filing your application, if you have questions or would like a meeting with staff, please call (714) 834-5126 or speak with a planner in the Development Processing Center (DPC), 300 North Flower Street, Santa Ana. The DPC is open Monday through Friday from 8:00 a.m. to 3:30 p.m.

The applications for Administrative Site Development Permits must be prepared in compliance with the “*Planning Application Filing Instructions For Discretionary Zoning Permits*” and Housing Opportunities Overlay Manual. Applications that are incomplete or incorrectly prepared will not be reviewed. When the application is ready to be filed, the owner or agent shall bring all the exhibits described below into the DPC (please do not mail exhibits).

B. Processing Fee/Deposit

A deposit must be paid with each application and maintained at a level to cover all costs relevant to this project. Costs are charged to this deposit based upon actual time spent on the project by department staff. Failure to maintain an adequate deposit will result in the stoppage of work. The County does not provide credit. When your deposit balance gets low, a letter or email will be sent asking that an additional deposit be made. We encourage prompt response to avoid work having to stop. When a project is complete, any deposits remaining in excess of costs will be refunded to the legally entitled party.

C. Pre-Submittal

Items to consider prior to submitting application:

1. Request a “pre-filing” meeting with OC Planning staff to discuss application process. If financing assistance is requested, a representative from Housing & Community Services may also attend the pre-filing meeting.
2. Inquire at DPC about potential development impact fees (dependant upon geographical location of site):
  - school
  - firelibrary
  - park
  - road
3. Check with OCPW/Traffic Engineering section to determine ultimate street right-of-way or any future proposed road improvements.
4. Determine requirements for your project under the NPDES (National Pollutant Discharge Elimination System) implementation program.

5. Contact Orange County Fire Authority (OCFA) to request information regarding their planning application process.

6. Ensure the availability of adequate water and sewer capacity.

D. Submittal

The owner or agent/applicant prepares the required exhibits listed below. All plans, legal descriptions and other documents must be submitted on sheets not less than 11” x 17” in size.

Plans must be carefully drawn and easily readable. If the plan is not so drawn, it will not be accepted for filing. Large plans shall be folded to a size not larger than 8 ½” x 14” and assembled and stapled in sets prior to acceptance. See folding instructions on page 7.

1. Plans: Seven (7) copies or as determined by the planner, drawn to scale, or scalable dimensioned not less than 11” x 17” in size, and containing the following information: (Note: Reduced scale plan are permitted provided 5 full size to scale plans are submitted.)

a. Plot Plan/Site Plan to include:

- 1) Vicinity map. Use a scale of approximately 4” = 1 mile (or greater).
- 2) Title Block (name and address of property owner of record and name of agency/contact person).
- 3) Scale and north arrow and date prepared and identification of all lines shown on plot plan.
- 4) Property lines of building site and their dimensions.
- 5) Ultimate street right-of-way lines designated. (Streets: location, name and width, and existing improvements including sidewalks.)
- 6) Easements: locations, purpose and width.
- 7) Building footprints and rooflines (existing and proposed): showing location, size and distances from property lines.
- 8) Access (driveways, etc.): existing and proposed.
- 9) Parking areas (covered and uncovered): show typical space size and back-up area, and give a tabulation of required and proposed parking stall numbers.
- 10) Fencing and walls (including retaining walls): existing and proposed; height and materials.
- 11) Setback of all structures, existing and proposed, from property lines and easement lines.

12) A separate plan that depicts all adjacent lots including: lot usage, existing building footprints and distances from property lines, height of existing buildings, drainage channels, circulation system (streets, alleys, rail lines, bus service) and all existing trees 10 inches or greater in diameter.

13) Sight-line study of project in relation to adjacent existing residential uses.

b. Floor Plans and Elevation Plans to Include:

- 1) Floor plans: dimensioned and use identified (existing and proposed).
- 2) Elevations: height of all structures drawn to scale and showing dimensions.
- 3) Fences and Walls (including retaining walls): height and materials (existing and proposed).

c. Grading Plans and Landscape Plan to Include:

- 1) Existing and proposed topography including driveway grades.
- 2) If grading is proposed, include number of cubic yards (cut, fill and over-ex).
- 3) Landscape areas (detailed landscape plans per the Housing Opportunities Manual).

d. Other Plans (if applicable) to include:

- 1) Signs: location, type, height, dimensions, and a sign copy. State if lighted and type of lighting.
- 2) Other: \_\_\_\_\_ (as determined) \_\_\_\_\_

2. The plans should be stapled in the following order: site plans, floor plans, elevations, grading plans, and landscape/fuel modification plans. The number of sheets in a set of plans shall be ten (10) or less.
3. Site Color Photos (2 sets, each 8 ½” x 11”).
4. Letter of Justification/Explanation – Two copies (in binders) written by the owner or agent which clearly describes and explains the following in detail:
  - a. Provide a narrative of the purpose and the scope of your project.
  - b. Identify the neighborhood you will serve. Attach a map and identify boundaries.
  - c. Summarize the condition of the housing stock in the neighborhood.
  - d. Document neighborhood services (public transportation, schools, shopping, etc.)

- e. Explain how the project affirmatively promotes fair housing.
  - f. Discuss any other relevant issues regarding land use including design measures taken to protect privacy of adjacent existing residential uses.
  - g. If a Density Bonus is requested, provide the following information:
    - 1) Discuss why the proposed development is eligible for consideration of a density bonus.
    - 2) Provide the proposed number of units prior to density bonus and number of units that will be reserved for lower or very-low income households.
    - 3) Percentage of density bonus requested and the total number of units that will result if the density bonus is granted.
    - 4) List the number and type of incentives that are requested for the project (based upon eligibility).
    - 5) Describe all waivers to development standards requested for the project. Provide information on the necessity of each waiver to make the housing units economically feasible.
  - h. If a child care facility is proposed to be included in the development, provide information regarding its design and operation to demonstrate compliance with the site development standards described in this Manual.
5. Legal Description of Existing Building Site – One copy of the recorded grant deed if the property is not located in a recorded subdivision map. When the parcel or lots is in a recorded map, that information may be noted on the plot plan.
6. Planning Application Information Form – The PAIF is not the Planning Application. The Planning Application is computer generated at the time of filing using the information on the PAIF. The PAIF is available from the DPC and also can be found on the department’s website.
7. Signature Requirement – If the landowner does not sign the Planning Application, at the time of filing the project, the owner’s agency must have a letter of authorization from the property owner in order to sign the Planning Application.
8. Environmental Information Form – All applications must be accompanied by a completed Environmental Information Form. The form and instructions for its preparation are available from the DPC and can also be found on the department’s website. All projects must receive an environmental determination prior to administrative decisions.
9. Affordable Housing Project Narrative – All applications must provide the following information regarding the proposed affordable housing development:

- a. Project Pro Formas – Pro formas must demonstrate project feasibility for the proposed target population and should include:
  - 1) Total Development Cost
  - 2) Rent Schedule
  - 3) Operating Expenses
  - 4) Cash Flow Analysis/Project Pro Formas
  - 5) Tax Credit Equity Calculation (if applicable)
  - 6) Threshold Basis Limits (if applicable)
  - 7) Financing
- b. Development Team
  - 1) Provide the name, address, contact person, telephone number, fax number, e-mail address for all members of the development team.
  - 2) Describe the development team’s experience in real estate and affordable rental housing development and/or management and ownership.
- c. Sources and Uses of Funds
  - 1) Acquisition Funding
  - 2) Construction Period Funding
  - 3) Permanent Funding
- d. Proposed Structure Information
  - 1) Proposed Configuration of New Construction
  - 2) Unit Mix
  - 3) Unit Type and Affordability Summary
- e. Neighborhood Revitalization and Innovation
  - 1) Describe the appropriateness of the design, unit mix and any other features that meet the occupants’ needs.
  - 2) Describe the extent to which the project involves a new or innovative approach to meet the needs for lower or very-low income households.
- f. Property Management Plan – Provide a copy of the property management plan for the proposed affordable housing development.
- g. Child Care Facility Management Plan – Provide a copy of the management plan for any proposed onsite child care facility.
- h. Description of restrictive covenants or regulatory agreements that will ensure continued affordability of project for at least 55 years.
  - 1) Describe any required submittals to provide evidence of continued affordability on a monthly, quarterly or annual basis.

10. Include discussion of any design elements which were either not included or are different from the Design Guidelines contained in the Housing Opportunities Manual, Section IV.

E. Affordable Housing Agreement

Prior to issuance of a building permit, an Affordable Housing Agreement meeting the approval of the Director, OC Planning and the Director, OC Community Services, shall be recorded and shall be binding on all future owners and successors in interest. The Affordable Housing Agreement shall include, at a minimum, the following:

1. The total number of units approved for the Qualified Housing Development, including the number of Affordable Units, the location, unit sizes (square feet), and number of bedrooms of each of the Affordable Units;
2. The standards for determining the Affordable Rent for each Affordable Unit;
3. A term of at least fifty-five years;
4. A description of the Density Bonus, Modified Parking Standards and Development Incentive(s), if any, being provided by the County;
5. If the Qualified Housing Development has received a modified parking standard under Density Bonus law, a plan for parking management, which shall include a map depicting which parking spaces are reserved and which are not, and shall include procedures for removal of inoperable vehicles and a limitation on the aggregate number of vehicles permitted in the Qualified Housing Development;
6. The obligation of the owner to provide for Professional On-Site Management of the Qualified Housing Development including maintenance thereof. On-Site Management shall also monitor the use of parking spaces within the Development to assure that the parking spaces are provided, maintained and used in accordance with the terms of the Affordable Housing Agreement;
7. The obligation of the owner to pay the costs of monitoring the continued affordability of the project by OC Community Services. The monitoring program and associated fees shall be established by OC Community Services.
8. A limitation on occupancy of each unit in the Qualified Housing Development not to exceed more than such number of persons as is equal to the sum of the number of bedrooms in the unit, multiplied by two, plus one;

9. A description of any approved child care facility located within the Qualified Housing Development.
10. The obligation of the owner to meet established criteria, requirements and applicable State and local (fire) laws for any child care facility located within the Qualified Housing Development.
11. The obligation of the owner to comply with a management plan approved by the Director, OC Community Services setting forth the owner’s policies and procedures for renting, managing, maintaining and operating the Qualified Housing Development, including child care facility, to assure a healthy and secure living environment for the residents; which is consistent with reasonable business practices and property management standards established in Orange County, California, which shall be attached to the Affordable Housing Agreement;
12. A description of remedies for breach of the agreement by either party (the County may identify tenants as third party beneficiaries under the agreement); and
13. Other provisions to ensure implementation and compliance with the Orange County Housing Opportunities Overlay Regulations, the Housing Opportunities Manual, matters addressed in the application, and the Affordable Housing Agreement.

F. Application Processing Procedures:

1. Each application submitted under the Housing Opportunities Overlay Regulations will be reviewed by OC Planning/Land Use Planning, OC Community Services, and may include other County divisions and agencies, such as:
  - County Property Permits (CPP)
  - Environmental Planning (CEQA)
  - Flood Control Program (FP zoned only)
  - Grading Plan Check (Drainage)
  - Traffic Engineering
  - Road Program
  - Water Quality (NPDES)
  - Orange County Child Care Coordinator
  - Orange County Fire Authority (OCFA)
2. Applications will be reviewed for compliance with the provisions of the Housing Opportunities Overlay Regulations (Orange County Zoning Code section 7-9-148), other applicable codes, and the provisions of this Housing Opportunities Manual. Although affordable housing projects authorized pursuant to the Housing Opportunities Overlay regulations are a permitted use within any commercial, industrial and certain multifamily residential zoning district, the design of those projects will be considered in accordance with these guidelines. Projects shall be administratively reviewed and approved, pursuant to Government Code Section 65583.2 (i), if all of the following standards in support of the required findings set forth in section 7-9-150.3 (e) of the Zoning Code are met:
  - a. The project is consistent with the General Plan and Zoning Code.

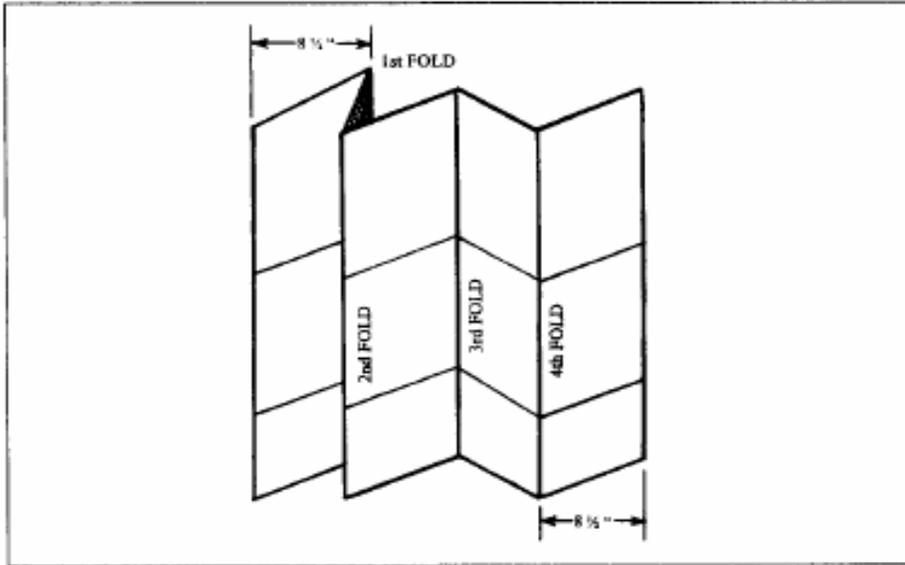
- b. The project complies with the Housing Opportunities Overlay Regulations and other applicable codes and ordinances;
  - c. The design of the project complies with this Housing Opportunities Manual;
  - d. The design of the project is compatible with the scale and character of the existing neighborhood and nearby land uses; and
3. Each application will be reviewed and acted upon by the Director, OC Planning, or designee. Notwithstanding the first paragraph of Orange County Zoning Code section 7-9-150.3, the Director shall not refer the initial application, pursuant to this procedure, to the Zoning Administrator or Planning Commission.
4. The applicant will be notified in writing within five (5) days of the completion of the review and a determination of “approval” or “denial” rendered by the Director.
5. Any appeal of a decision rendered by the Director must be made within 15 days of the decision and will be made to the Planning Commission pursuant to section 7-9-150.4 of the Orange County Zoning Code. Appeals must be based only on the project’s consistency with the requirements set forth in the Housing Opportunities Manual.



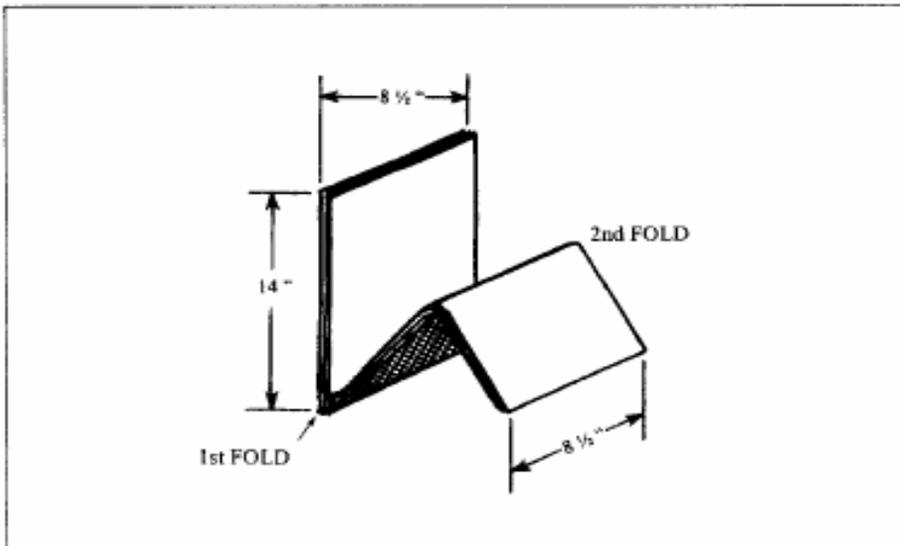
# Map Folding Instructions

County of Orange

1st Step: Fold all maps and drawings to a finished size of 8 ½” x 14”. Fold first from left to right with 8 ½” folds. If the size of the map or drawing exceeds equal folds of 8 ½”, adjust text to the last fold, to allow a final fold of 8 ½”.



2<sup>nd</sup> Step: Fold from top to bottom with 14” folds, leaving the project name clearly in view.



# APPENDIX A

**EFFECTIVE JANUARY 9, 2009**

**ORDINANCE NO. 08-016**

**AN ORDINANCE OF THE COUNTY OF ORANGE,  
CALIFORNIA, AMENDING SECTION 7-9-148  
OF THE CODIFIED ORDINANCES OF THE  
COUNTY OF ORANGE REGARDING THE  
HOUSING OPPORTUNITIES OVERLAY REGULATIONS.**

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

SECTION 1. Sec. 7-9-148 through Sec. 7-9-148.7 are hereby amended as follows:

**Sec. 7-9-148. Housing Opportunities Overlay Regulations.**

All references to this section shall include sections 7-9-148.1 to 7-9-148.7.

**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. The intent is to facilitate the realization of affordable housing objectives presented in the Orange County Housing Element of the General Plan.

**Sec. 7-9-148.2. Application.**

(a) This section applies to residential projects that are 100 percent affordable 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 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:

## APPENDIX A

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 projects 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 uses must satisfy these regulations, including the site development standards in section 7-9-148.7.

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

### **Sec 7-9.148.3. Site development permit.**

The residential projects allowed herein shall be subject to the approval of an administrative site development permit per section 7-9-150.

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

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

### **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.

## APPENDIX A

- (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.

### **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."

### **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.

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