



# AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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## AGENDA ITEM 2

May 16, 2024

**TO:** Commissioners/Alternates

**FROM:** Julie Fitch, Interim Executive Officer

**SUBJECT:** County of Orange Proposed General Plan Amendment LU 24-01 (Land Use Element), Zoning Code Amendment CA 24-01 (Mixed-Use District, Housing Opportunities Overlay District, and Technical Revisions), and Zone Change ZC 24-01 (Select properties in unincorporated areas)

The County of Orange (“County”) has submitted proposed General Plan Amendment LU 24-01 (Land Use Element), Zoning Code Amendment CA 24-01 (Mixed-Use District, Housing Opportunities Overlay District, and Technical Revisions), and Zone Change ZC 24-01 (Select properties in unincorporated areas) (“Project”) for a consistency review. Unincorporated areas of the County impacted by the Amendments are located in the Notification/Planning Areas for both John Wayne Airport and Joint Forces Training Base (JFTB) Los Alamitos. (See Attachment 1).

### Background

In November and December 2021, the Airport Land Use Commission (ALUC) reviewed and made findings on the County’s General Plan Amendment H 20-01 - Housing Element Update 2021-2029 (“Update”). The Update identified five opportunity areas where the County could accommodate the 10,406 residential units as required by Regional Housing Needs Assessment (RHNA). The five areas included: Rancho Mission Viejo; Coyote Canyon; Santa Ana Country Club; Brea Canyon; and an existing Housing Opportunity Overlay with 3,721 units throughout the County. The proposed Update revised the Housing Opportunities Overlay District regulations to allow higher densities for projects providing affordable multifamily housing. Of the “new” housing sites identified, the Santa Ana Country Club and one parcel within the Housing Opportunity Overlay were within the Planning Area for John Wayne Airport.

At the November 18, 2021 ALUC meeting, the Commission found the Update to be inconsistent with the *Airport Environs Land Use Plan for John Wayne Airport (AELUP for JWA)* due to noise and safety issues regarding three proposed housing sites which were in close proximity to John Wayne Airport (JWA).

In December, the County submitted a modified proposal which removed two sites from the Update and modified the boundary of the third site to be outside the noise contours for JWA. The revised Update with these modifications was found by the ALUC to be consistent with the *AELUP for JWA* on December 16, 2021. The submittal did not include sites within the Planning Areas for JFTB Los Alamitos or Fullerton Municipal Airport, therefore consistency with those AELUPs was not reviewed. In response to direction from your Commission, ALUC staff also provided an update/history of the County's Housing Opportunities Overlay District at the December 2021 meeting.

In September 2022, the County submitted General Plan Amendment LU 22-01 (Land Use Element) and Zoning Code Amendment ZCA 22-01 (Housing Opportunities Overlay District and Technical Revisions). This submittal included an amendment to the policies of the County's Land Use Element, and a modification to the development standards in the Zoning Code to facilitate housing development as required by the RHNA. Additional technical modifications to several sections of the Comprehensive Zoning Code were also included. Your Commission found the submittal to be consistent with the *AELUP for JWA* and the *AELUP for JFTB Los Alamitos*. See Attachment 2 for the Housing Opportunities Overlay ZCA 22-01. Staff reports and minutes for these items are available on ALUC website:

<https://www.ocair.com/about/administration/airport-governance/commissions/airport-land-use-commission/>.

### **Proposed Project**

On April 1, 2024, the County submitted the Project to ALUC, and on May 1, 2024, the County resubmitted the Project with additional information requested by ALUC staff (sites in relation to noise contours and a table showing current and proposed height limitations). While there are numerous proposed changes which will affect over 2,000 parcels within the County unincorporated areas, this report focuses on the changes which would impact property within the Airport Planning/Notification Areas for JFTB Los Alamitos and JWA. Specifically, the County's Project impacts two area within the Airport Planning/Notification Area for JWA, and twelve properties within the Airport Planning/Notification Area for JFTB Los Alamitos as shown in Attachment 1. The Project includes the following changes:

#### Zone Changes ZC 24-01

To meet the RHNA requirements, the County is proposing to rezone commercially zoned properties to Mixed-Use with a minimum density of 30 dwelling units per acre. Note that the Commercial sites located at 2651 Irvine Blvd. (The Ranch at Newport Bay) and Santa Ana County Club (parking lot) at 20382 Newport Blvd. were removed from the Housing Element and will be excluded from the Zone Change due to proximately to JWA. All Residential-Professional zoned sites would be rezoned to Mixed Use, and all Two-Family Residential sites will be rezoned too Multifamily. While parcels would change from Commercial (where residential is currently permitted due to the Housing Opportunities Overlay) to Mixed-Use, or from

Residential Professional to Mixed Use, the zone change will not result in an actual change to the allowable use for the affected parcels.

#### Zoning Code Amendments CA 24-01

The County is proposing to modify multifamily residential standards (R2, R3 and R4) to require a minimum density of 30 dwelling units per acre (currently 18 du/acre). This will impact properties in the John Wayne Airport Planning shown in Attachment 1. The ALUC submittal letters from the County state, “These rezonings are required to demonstrate to HCD that the County has realistic capacity to meet our RHNA and to comply with the minimum densities now required Section 65583.2 and the Court of Appeal decision in *Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193 (“*Martinez*”).” In addition, the Housing Opportunities Overlay Zone would be amended to apply to the new Mixed Use Zoning District. Other “technical” revisions would be made, including allowing right-by-approval for projects that meet certain affordable housing standards. Excerpts from ZC 24-01 and CA 24-01 are provided in Attachment 3.

#### General Plan Land Use Element LU 24-01

Amendments are proposed to the Land Use Element of the General Plan to incorporate language included in the proposed Zoning Code revisions related to the Commercial and Multi-Family zoning districts. Excerpts from the proposed Land Use Element are included as Attachment 4. No changes to the Land Use Map are proposed at this time.

The public hearing schedule for the County of Orange regarding this item is as follows:

May 8, 2024,	Planning Commission (recommended approval)
June 25, 2024 (tentative)	County Board of Supervisors

The complete Orange County Planning Commission staff report, along with the proposed General Plan Amendment, Zoning Code Amendment, Zone Change and Initial Study/Negative Declaration can be found on the County’s website at:

<https://ocds.ocpublicworks.com/service-areas/oc-development-services/planning-development/hearings-meetings/planning-commission>

#### **AE LUP for JWA Issues**

##### **Regarding Aircraft Noise Impacts:**

The sites that will be affected by the Project are outside of the noise contours for JFTB Los Alamitos. There are existing residential sites within the JWA 60 dBA CNEL contour that will not have a Zone Change but will experience an increase in maximum allowable density from the current 18 units per acre to a minimum of 30 units/acre. The sites in relation to the noise contours for both airports are show on Attachment 5.

The County's Land Use Element continues to include appropriate land use discussions and policies related to residential and similar noise-sensitive uses, as well as non-residential development. The proposed Land Use Element Amendment LU 24-01 does not change any of the existing discussion or policies related to noise.

The Noise Element of the County's General Plan includes Policies 2.1 through 2.4 related to health effects, mitigation, notification of overflight, and aviation easements for property within the 60 dB CNEL noise contours for all airports within Orange County. Also included in the Noise Element is reference to the County's Noise Referral Zones which are defined as areas within the 60 dB CNEL noise contours. These policies remain in place and no changes to the Noise Element are proposed.

The County's Housing Element includes language regarding noise policies which prohibit residential development in the 65 dBA CNEL. See Attachment 6 for excerpts from the Housing and Noise Elements.

#### **Regarding Height Restrictions:**

Some unincorporated County areas are within the Federal Aviation Administration (FAA) Notification Area and the Federal Aviation Regulation (FAR) Part 77 Obstruction Imaginary Surfaces for JFTB Los Alamitos and JWA. As shown on Attachment 7, several properties are within the Los Alamitos Horizontal and Conical Surfaces, of 182.4' and 200+/-' AMSL respectively. These sites are currently located within the Housing Opportunities Overlay District which limits the height of buildings to 35 feet above ground level, or 65' if the project is 100% affordable. The new Mixed-Use designation would allow for a maximum of 65' regardless of affordability. The exceeding point for the Notification Area is 88' AMSL.

With an approximate ground elevation of 19' and a proposed maximum height of 65' Above Ground Level (AGL), the maximum height could reach 84' AMSL. The existing and proposed Land Use Element states, "In accordance with FAR Part 77, applicants proposing buildings or structures that penetrate the 100:1 Notification Surface shall file a Form 7460-1 Notice of Proposed Construction or Alteration with the Federal Aviation Administration (FAA). A copy of the FAA determination shall be submitted to ALUC, and the applicant shall provide the County with FAA and ALUC responses." In addition, it states: "Buildings and structures shall not penetrate Federal Aviation Regulation (FAR) Part 77 Imaginary Obstruction Surfaces for John Wayne Airport unless found consistent by the Airport Land Use Commission (ALUC).

There are two locations within the JWA Notification Area and Obstruction Imaginary Surfaces that will be affected by the Project. The maximum heights for these properties are currently 35', or 65' for projects that are 100% affordable. The Project would not change these height limits. With ground elevations of 66-69', the Notification Area would be penetrated at 104' to 120'. As with the current height standards, if a project were proposed with the maximum heights of 65', a Form 7460-1 would be required. The proposed maximum height would be well below the horizontal surface of 206 feet above mean sea level (AMSL). Attachment 7 shows the location of

affected sites for both airports, and Attachment 8 is a table showing existing and proposed building heights for all properties affected by the Project.

**Regarding Flight Tracks and Safety Zones:**

Attachment 9 shows that the location of existing residential uses that will experience an increase in the maximum allowable density from the current 18 units per acre to the state-required 30 units per acre, are located in Safety Zone 6 for JWA. The Caltrans Airport Land Use Planning Handbook indicates that Safety Zone 6 is the Traffic Pattern Zone and residential uses are normally allowed. The Handbook indicates that noise and overflight should be considered for residential uses. Attachment 10 shows JWA flight tracks for three different days in April 2024. While there is some overflight in the area, the exhibits show that the main flight path for JWA is to the east of the sites. Although there are no Safety Zones for JFTB Los Alamitos, the current Flight Routes for the Base are also included in Attachment 10, and indicate that the sites on the west side of JFTB are outside of the flight paths, and the sites to the east are 3.8 miles away from the runway.

**Regarding Heliports:**

No heliports are proposed as part of the Update, therefore, consistency with the AELUP for Heliports was not evaluated. The Safety Element of the County's General Plan includes an action item stating that proposals for new heliports must be submitted through the County to the ALUC for review and action pursuant to Public Utilities Code Section 21676.

**Conclusion**

Attachment 11 to this report contains excerpts from the County of Orange submittals dated April 1, 2024 and May 1, 2024. As stated above the complete draft documents can be found on the County's website.

ALUC staff has reviewed the Project for compliance with the *AELUP for John Wayne Airport (JWA)* and the *AELUP for JFTB Los Alamitos*, including review of noise, height restrictions, safety, and overflight. The properties located within the JWA Planning Area that would be affected by the Project would not experience a change in use, or height, but would be eligible for a higher density if the area is redeveloped. While the location of these sites is within the 60 dBA CNEL, they are currently in multifamily residential use and the County has noise mitigation measures in place. The sites are located outside of the flight path for JWA. The properties within the JFTB Planning Area are outside of the noise contours and outside of the JFTB flight path.

**Recommendation:**

That the Commission find the County of Orange Proposed General Plan Amendment LU 24-01 (Land Use Element), Zoning Code Amendment CA 24-01 (Mixed-Use District, Housing Opportunities Overlay District, and Technical Revisions), and Zone Change ZC 24-01 (Select

properties in unincorporated areas) to be consistent with the *AELUP for JWA* and *the AELUP for JFTB Los Alamitos*.

Respectfully submitted,

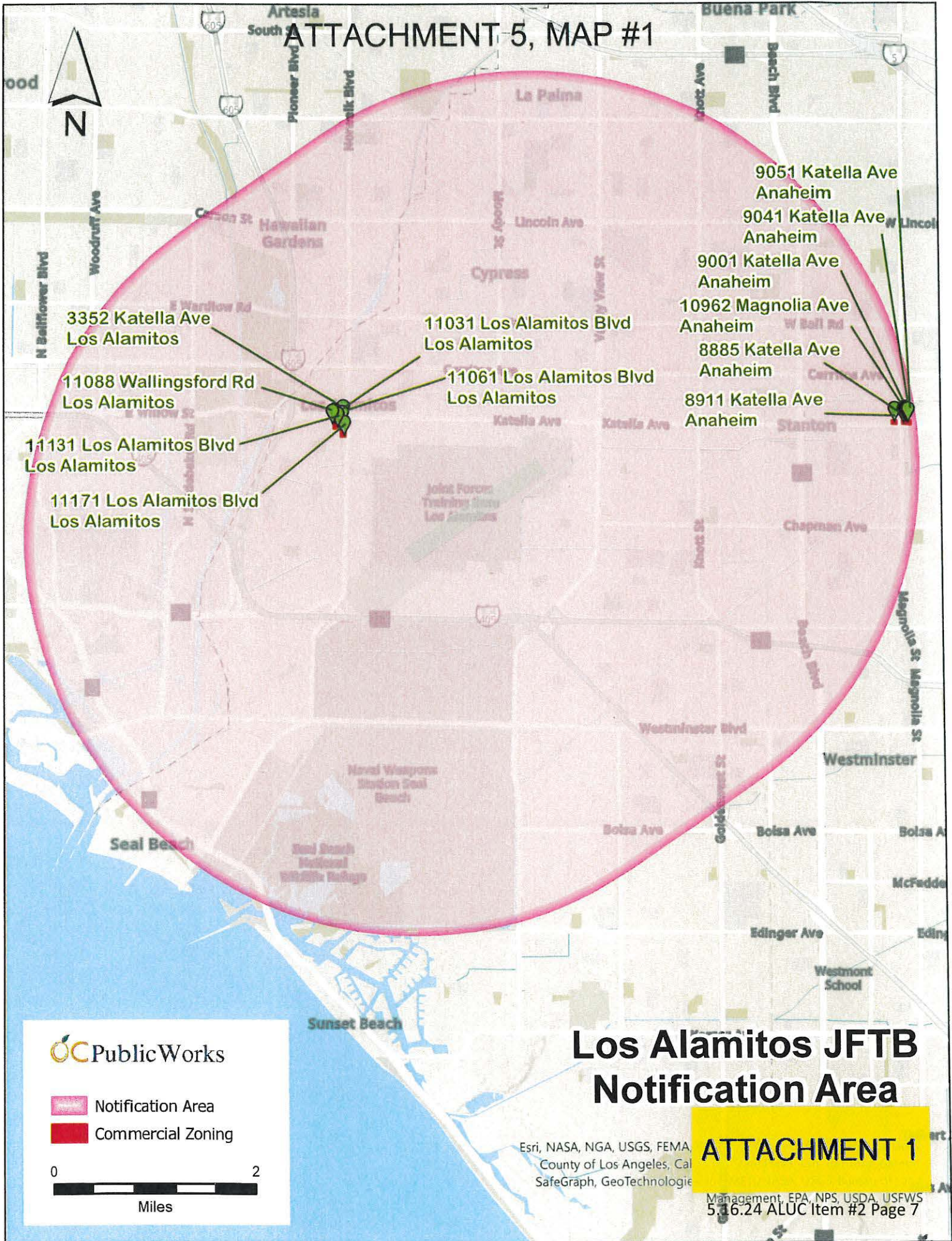


Julie Fitch  
Interim Executive Officer

Attachments:

1. Notification Areas for JWA and JFTB Los Alamitos
2. Housing Opportunities Overlay ZCA 22-01
3. Excerpts from ZC 24-01 and CA 24-01
4. Excerpts from LU 24-01
5. Noise Contour Exhibits
6. Excerpts from General Plan Elements Related to Noise
7. Obstruction Imaginary Surface Exhibits
8. Current and Proposed Maximum Building Heights and Zoning
9. Safety Zone Exhibit
10. Flight Track Exhibits
11. County of Orange Submittal Letters and Form

# ATTACHMENT 5, MAP #1



3352 Katella Ave  
Los Alamitos

11088 Wallingsford Rd  
Los Alamitos

11131 Los Alamitos Blvd  
Los Alamitos

11171 Los Alamitos Blvd  
Los Alamitos

11031 Los Alamitos Blvd  
Los Alamitos

11061 Los Alamitos Blvd  
Los Alamitos

9051 Katella Ave  
Anaheim

9041 Katella Ave  
Anaheim

9001 Katella Ave  
Anaheim

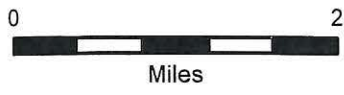
10962 Magnolia Ave  
Anaheim

8885 Katella Ave  
Anaheim

8911 Katella Ave  
Anaheim

OC Public Works

- Notification Area
- Commercial Zoning



## Los Alamitos JFTB Notification Area

ATTACHMENT 1



# ATTACHMENT 5, MAP #2

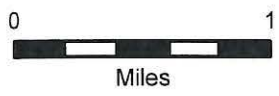


Santa Ana Ave  
Costa Mesa

Irvine Ave  
Newport Beach

 OC Public Works

-  Suburban Multi-Family
-  Planning Area



## John Wayne Airport Notification Area

City of Costa Mesa, City of Newport Beach, County of Los Angeles, Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA,



**ZONING CODE AMENDMENT CA 22-01 (STRIKETHROUGH)  
HOUSING OPPORTUNITIES OVERLAY DISTRICT AND TECHNICAL REVISIONS**

**Deleted language is struck and new language is underlined**

(Contains portions of Zoning Code sections.)

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**Subarticle 3. Overlay, Combining, and Other Districts**

**Sec. 7-9-44. H "Housing Opportunities" Overlay District.**

All references to this section shall include sections 7-9-44.1 through 7-9-44.8.

**Sec. 7-9-44.1. Purpose and intent.**

The purpose of the H "Housing Opportunities" Overlay District (H) 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 in which all of the housing units are reserved for households which earn eighty (80) percent or less of the County median income as verified by the County of Orange, and seventy (70) percent of the units are reserved for low income households and thirty (30) percent 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~~ and low-barrier navigation centers the homeless for persons experiencing homelessness 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.

**Sec. 7-9-44.2 Application.**

- (a) These H overlay district regulations apply to residential rental projects that are one hundred percent (100%) affordable and, emergency shelters, ~~and~~ multi-service centers, and low-barrier navigation centers for persons experiencing homelessness for the homeless that are located in one of the following base commercial or industrial zoning districts.
- (1) C1 "Local Business "District.
  - (2) C2 "General Business" District.
  - (3) CC "Commercial Community" District.
  - (4) CH "Commercial Highway" District.
  - (5) CN "Commercial Neighborhood" District.
  - ~~(6)~~ PA "Professional and Administrative Office" District.
  - ~~(6)(7)~~ M1 "Light Industrial" District.

- (b) The H overlay district regulations apply to residential rental projects that are one hundred percent (100%) affordable that are located on building sites without an existing multifamily residential use in one of the following multifamily zoning districts.
  - (1) R2 "Multifamily Dwellings" District.
  - (2) R3 "Apartment" District.
  - (3) R4 "Suburban Multifamily Residential" District.
- (c) Residential rental projects and, emergency shelters, and low-barrier navigations centers 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.
- (d) In all cases, residential projects, emergency shelters, multi-service centers, and low-barrier navigation centers ~~emergency shelter uses~~ shall conform to all of the regulations in this section, including the site development standards.
- (e) Any commercial, and/or industrial uses shall satisfy the base district regulations.

**Sec. 7-9-44.3. Site Development Permit.**

The residential projects, emergency shelters, ~~and~~ multi-service centers, and low-barrier navigation centers for persons experiencing homelessness for the homeless allowed herein shall be subject to the approval of a Site Development Permit unless otherwise stated.

**Sec. 7-9-44.4. Temporary uses permitted.**

Certain temporary uses, permitted per section 7-9-117, are allowed.

**Sec. 7-9-44.5. Accessory uses permitted.**

The following accessory uses and structures are permitted when 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 and any other regulations in this Zoning Code that apply.

- (a) Garages and carports.
- (b) Fences and walls.
- (c) Patio covers.
- (d) Swimming pools.
- (e) Signs per section 7-9-114 except no roof signs or projecting signs.
- (f) Noncommercial keeping of pets and animals.
- (g) Home occupations.

- (h) Manager's unit, which is exempt from affordability requirements.
- (i) Child day care center/early education facility per the Housing Opportunities Manual.
- (j) Accessory uses and structures that the Director finds are consistent with the design of the project and the purpose and intent of these overlay regulations.

**Sec. 7-9-44.6. 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. The Director shall revise these guidelines, design criteria, and procedures as necessary to administer this section. If the subject revisions are substantial or significant as determined by the Director, the proposed revisions may be referred to the Planning Commission for adoption. Such guidelines, design criteria, and procedures shall be referred to as the "Orange County Housing Opportunities Manual."

**Sec. 7-9-44.7. ~~Residential~~ Site development standards for residential uses.**

- (a) The site development standards for residential uses shall be as follows.
  - (1) For sites located within a multifamily residential zoning district, the base district site development standards shall apply except that the base density shall be 70 dwelling units per acre (net development area).
  - (2) For sites located within a commercial or industrial zoning district, the site development standards for the R3 "Apartment" District shall apply except that the base density shall be 70 dwelling units per acre (net development area) and maximum building height shall be ~~thirty-five (35)~~ sixty-five (65) feet.
  - (3) The number of off-street parking spaces required shall be calculated using one of the following:
    - a. The parking requirements set forth in State Density Bonus Law or other applicable State law.
    - b. The County's residential off-street parking requirements for affordable housing pursuant to section 7-9-70.
  - (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 7-9-87.
- (c) A graduated density incentive shall be granted when parcels smaller than one-half (0.5) acre are consolidated as part of a project. The increased density shall be in addition to any other density bonus available under this Zoning Code, to a maximum of forty-five percent (45%) total, and shall be calculated as follows.

Project Size (after lot consolidation)	Base Density (per net development area)
Less than 0.50 acre	<del>70</del> 43 units/acre
0.50 to 0.99 acre	<del>77</del> 48 units/acre (10% increase)
1.00 acre or more	<del>84</del> 52 units/acre (20% increase)

**Sec. 7-9-44.8. Emergency shelter and multi-service center for persons experiencing homelessness ~~the homeless~~ (multi-service center) site development standards and operational requirements.**

- (a) One (1) County-sponsored multi-service center may be permitted in the unincorporated area with a maximum of two hundred (200) beds. The County-sponsored multi-service center may be granted a waiver from the standards and requirements of this section by the Director.
- (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 and/or multi-service center. The management and operations plan shall comply with the Orange County Housing Opportunities Manual.
  - (2) No facility shall be permitted less than three hundred (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 one hundred fifty (150) beds, may be permitted subject to approval of a Use Permit per section 7-9-126.2.
  - (4) Multi-service centers shall be associated with an emergency shelter and shall be subject to the same limitations as section 7-9-44.8 (d)(3) above unless co-sponsored by the County.
  - (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 with 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 (1) 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 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 twenty-four (24) hours a day, unless an exemption is granted.
  - (13) Maximum consecutive length of stay shall be one hundred eighty (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.

**Sec. 7-9-44.9. Low-Barrier Navigation Center site development standards and operational requirements.**

A Low-Barrier Navigation Center is a housing-first, low-barrier, service-enriched shelter focused on moving people experiencing homelessness into permanent housing that provides temporary living facilities (i.e., emergency shelter) while case managers connect persons experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low-barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

- (1) The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
  - (2) Pets.
  - (3) The storage of possessions.
  - (4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.
  - (5) Eligibility and intake requirements should be minimal and simple to promote access, and should not exclude persons who are experiencing mental health and substance use concerns, and/or medical issues, or establish requirements that these areas be address prior to entry.
- a) A County-sponsored Low-Barrier Navigation Center may be granted a waiver from the standards and requirements of this section by the Director.
- (b) A Low-Barrier Navigation Center shall be permitted in nonresidential zones permitting multifamily uses.

- (c) A Low-Barrier Navigation Center shall not be allowed on parcels or building sites which share a side parcel line with a residential use.
- (d) A Low-Barrier Navigation Center shall meet the following requirements.
  - (1) It shall offer services to connect people experiencing homelessness to permanent housing.
  - (2) It shall be linked to a coordinated entry system and the Homeless Management Information System.
  - (3) It shall implement the use of "Housing First" pursuant to Welfare and Institutions Code section 8255.
- (e) Within 30 days of receipt of an application for a Low-Barrier Navigation Center, the County shall notify a developer whether the developer's application is complete pursuant to Section 65943.
- (f) Within 60 days of receipt of a completed application for a Low-Barrier Navigation Center development, the County shall act upon its review of the application.
- (g) A Low-Barrier Navigation Center shall comply with the site development standards of the base district.
- (h) In addition to the base district site development standards, Low-Barrier Navigation 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 Low-Barrier Navigation Center. The management and operations plan shall comply with the Orange County Housing Opportunities Manual and the County of Orange Standards of Care for Emergency Shelter Providers (Standards of Care).
  - (2) No facility shall be permitted less than three hundred (300) feet from another Low-Barrier Navigation Center, emergency shelter, or multi-service center, measured from the nearest property lines.
  - (3) The emergency shelter portion of the Low-Barrier Navigation Center shall have a maximum of two-hundred (200) beds.
  - (4) 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.
  - (5) An intake and waiting area shall be provided with 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.
  - (6) One (1) toilet and shower shall be provided for each ten (10) beds. Separate facilities shall be provided for men and women.
  - (7) Bike racks shall be provided on site for use by staff and clients.
  - (8) The following may be provided inside the facility, kitchen, dining hall, laundry facilities, and storage lockers.

- (9) 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.
  - (10) An on-site covered trash enclosure shall be provided.
  - (11) The Low-Barrier Navigation Center shall be open twenty-four (24) hours a day, unless an exemption is granted.
  - (12) Maximum consecutive length of stay in the Low-Barrier Navigation Center shall be one hundred eighty (180) days.
  - (13) Facility operator shall remove any trash from the premises daily and ensure there is no loitering.
- (i) In the event of a conflict between the base district regulations and these standards, the provisions of this section shall control.

### **Subarticle 7: General Terms**

#### **Sec. 7-9-134. Use Classifications.**

##### **Sec. 7-9-134.3. - Public/semi-public uses.**

- (e) *Emergency shelters.* As defined by Section 50801 of the California Health and Safety Code, as may be amended, housing with minimal supportive services for ~~homeless~~ persons experiencing homelessness that is limited to occupancy of one-hundred eighty (180) consecutive days or less ~~by a homeless person~~ and from which no individual or household may be denied emergency shelter because of an inability to pay. This classification includes facilities that provide temporary shelter, meals, showers, and other related services to persons experiencing homelessness ~~who are homeless~~ and where on-site supervision is provided whenever the shelter is occupied.
- (f) *Government buildings.* Administrative, clerical, or public contact offices of a government agency, including postal facilities and courts, together with incidental storage and maintenance of vehicles. This classification includes law enforcement stations, fire stations, corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment.
- (g) *Health care facility.* Health care facilities are licensed by the State and include facilities that provide outpatient treatment to patients and those facilities that provide care to patients admitted for a 24-hour stay or longer.
  - (1) Pursuant to Health and Safety Code Section 1200, as may be amended, a "clinic" means an organized health facility that provides direct medical, surgical, dental, optometric, or podiatric services, or treatment, to patients who remain less than 24 hours. This includes primary care clinics such as community clinics and free clinics, and specialty clinics such as surgical clinics, chronic dialysis clinics, rehabilitation clinics, and alternative birth centers.

- (2) Pursuant to Health and Safety Code Section 1250, as may be amended, a "health facility" means a facility, place, or building that is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness for one (1) or more persons, and to which persons may be admitted for a 24-hour stay or longer. This includes general acute care hospitals ("hospitals"), skilled nursing facilities, hospices, congregate living health facilities, and intermediate care facilities.

(h) *Low-Barrier Navigation Center.* Pursuant to Government Code Section 65660, as may be amended, a "Low Barrier Navigation Center" means a Housing First, low-barrier, service-enriched shelter focused on moving people experiencing homelessness into permanent housing that provides temporary living facilities while case managers connect persons experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low Barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

- (1) The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
- (2) Pets.
- (3) The storage of possessions.
- (4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.
- (5) Eligibility and intake requirements should be minimal and simple to promote access, and should not exclude persons who are experiencing mental health and substance use concerns, and/or medical issues, or establish requirements that these areas be address prior to entry.

Pursuant to Government Code Section 65662, as may be amended, a Low-Barrier Navigation Center shall:

- (1) Offer services to connect people to permanent housing through a services plan that identifies services staffing.
- (2) Be linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing. "Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
- (3) Comply with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
- (4) Have a system for entering information regarding client stays, client demographics, client income, and exit destination as well as a service provision occurring within the Low-Barrier Navigation Center through the local Homeless



Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

- (i) Multi-service center for ~~people experiencing homelessness~~ ~~the homeless~~. A facility which serves as a regional resource hub that provides emergency shelter beds and supportive services, and is operated under the auspices of a government or non-profit agency. A multi-service center for people experiencing homelessness ~~the homeless~~ shall have an emergency shelter component and a resource/services component that provides supportive services to individuals and families experiencing homelessness. These supportive services include intake, assessment, and linkages to public benefits, mental health, behavioral health, physical health, and employment and housing resources. Services provided by the emergency shelter component 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.
- (j) ~~(i)~~ Park. An area of outdoor natural, semi-natural, or planted space set aside for enjoyment and recreation by the general public, or for the protection of wildlife or natural habitats.
- (1) Passive. Parks that are designed for activities that require only minimal disruption of natural sites with limited vehicle access and may include riding and hiking trails, viewpoints, and wildlife corridors.
  - (2) Active. Parks developed with attractions that are intended to facilitate active and/or team play such as playgrounds, playing fields, swimming pools, outdoor fitness stations, golf courses, and sport courts. These parks may also offer picnic areas, community centers, and a variety of concessions.
- (k) ~~(j)~~ Park and recreation facilities. Typically located in public parks, this classification includes playing fields, sport courts, gymnasiums, swimming pools, picnic facilities, golf courses, bicycle rentals, community centers, and botanical gardens, as well as food concessions. These facilities may also provide access to historical, archeological, and paleontological sites, wildlife preserves, or marine preserves.
- (l) ~~(k)~~ Parking, vehicle, public or private. Surface lots and structures for use of occupants, employees, or patrons on the subject site or offering automobile parking to the public when such use is not incidental to another on-site activity.

**Sec. 7-9-33. Commercial Districts.**

**Sec. 7-9-33.1. Purpose and intent.**

The purpose of the Commercial Districts is to accommodate a range of retail, office and community uses and services to serve surrounding neighborhoods, the larger community, and the region and are sited at appropriate locations and compatible with surrounding development. Commercial development and other non-residential uses and services shall be sited at locations accessible to all transportation modes where a safe means of travel can be provided to users along the right-of-way. Residential rental projects that are one hundred percent (100%) affordable and emergency shelters, multi-service centers, and low-barrier

navigation centers that provide services for persons experiencing homelessness, are also permitted in Commercial Districts, pursuant to section 7-9-44, "Housing Opportunities" Overlay District.

- (a) The C1 "Local Business" District is established to provide for the development and maintenance of medium-intensity commercial uses serving the needs of both the surrounding neighborhood and the local community. All commercial uses and their related products in the C1 districts shall be contained entirely within a completely enclosed structure, except for parking and loading areas, and except for outdoor uses expressly permitted by an approved Site Development Permit or Use Permit.
- (b) The C2 "General Business" District is established to provide for the development and maintenance of high-intensity commercial uses which serve the local community but which may not be compatible with surrounding residential uses or certain commercial uses.
- (c) The CC "Community Commercial" District is established to provide for the development and maintenance of high-intensity commercial uses which serve the local community and regional area and are compatible with surrounding residential uses. All commercial uses and their related products in the CC district shall be contained entirely within a completely enclosed structure, except for parking and loading areas and except for outdoor uses expressly permitted by an approved Site Development Permit or Use Permit.
- (d) The CH "Commercial Highway" District is established to provide for the development and maintenance of medium-intensity commercial uses which serve the needs of the motoring public in the local community and the regional area. It is intended to provide an environment which shall take advantage of the superior access afforded by freeways and highways without undue detrimental effects on traffic flow or safety.
- (e) The CN "Commercial Neighborhood" District is established to provide for the development and maintenance of low-intensity commercial uses which serve the immediate needs of the surrounding neighborhood. Such uses are to be grouped in small areas of three (3) to eight (8) acres and designed so that adverse impacts on residential properties are minimized. Business hours in the CN District shall be limited to the hours between 6:00 a.m. and 10:30 p.m. unless otherwise provided for by a Use Permit approved by the Zoning Administrator. All commercial uses and their related products in the CN district shall be contained entirely within a completely enclosed structure, except for parking and loading areas and except for outdoor uses expressly permitted by an approved Site Development Permit or Use Permit.

**Sec. 7-9-33.2. Land Use Regulations.**

TABLE 7-9-33.2: LAND USE REGULATIONS—COMMERCIAL DISTRICTS						
	C1	C2	CC	CH	CN	Additional Regulations
<b>RESIDENTIAL</b>						
Congregate Living Health Facility	UP	UP	UP	UP	-	Per section 7-9-134/135
<a href="#">Multifamily Dwelling – Affordable Only</a>	<a href="#">SDP</a>	<a href="#">SDP</a>	<a href="#">SDP</a>	<a href="#">SDP</a>	<a href="#">SDP</a>	<a href="#">Per section 7-9-44</a>
Short-Term Rentals	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	Applicable if located within a continuing permitted residential use Per section 7-9-93

**Sec. 7-9-34. Employment Districts.**

**Sec. 7-9-34.1. Purpose and Intent.**

The Employment Districts are areas intended for use by employment generators, which are usually light and service industries or professional-administrative uses that have few nuisance or hazard problems. The uses shall be compatible with one another and with surrounding development. Locations shall be transit accessible and provide opportunities for transportation demand management measures to reduce the potential for congestion and facilitate access to transit. Sites shall be designed to promote safe and comfortable travel by pedestrians, bicyclists, and public transportation riders.

- (a) The RP "Residential Professional" District is established to provide for the development and maintenance of moderate density/intensity residential and office uses to produce an integrated mixed-use neighborhood of superior quality. All commercial uses and their related products in the RP district shall be contained entirely within a completely enclosed structure, except for parking and loading areas, and except for outdoor uses expressly permitted by an approved Site Development Permit or Use Permit.
- (b) The M1 "Light Industrial" District is established to provide for the development and maintenance of light industrial uses and industry-supporting activities. Industry-supporting activities are those activities which tend to promote the vitality of light industrial areas by providing a convenient location for services incidental to the conduct of business of the permitted uses, thus internalizing vehicle trips for such services. Industry-supporting activities are typically those which naturally locate in an industrial area because the principal part of their business activity is derived from such areas. It is intended that these regulations promote the effective operation of light industrial uses

by site design and by excluding incompatible uses. It is also intended that potentially significant adverse environmental impacts on the surrounding community be prevented. In those areas of the district where a wide mix of older general retail commercial uses have been established, a secondary intent shall be to support appropriate new uses of high quality over simple consistency with these older, established uses.

Residential rental projects that are one hundred percent (100%) affordable and emergency shelters, multi-service centers, and low-barrier navigation centers that provide services for persons experiencing homelessness, are also permitted in the M1 “Light Industrial” District, pursuant to section 7-9-44, “Housing Opportunities” Overlay District.

**Sec. 7-9-34.2 Land Use Regulations.**

TABLE 7-9-34.2: LAND USE REGULATIONS—EMPLOYMENT DISTRICTS			
	RP	M1	Additional Regulations
<b>RESIDENTIAL</b>			
Multifamily Dwelling	UP	-	Shall have no more than four (4) dwelling units
<u>Multifamily Dwelling – Affordable Only</u>	-	<u>SDP</u>	<u>Per section 7-9-44</u>
Single-Room Occupancy (SRO)	-	-	Per section 7-9-88

**Sec. 7-9-25. Zones and districts.**

**Sec. 7-9-25.2. Establishment of districts and interpretation of district boundaries.**

(c) Designation of base zoning districts.

Table 7-9-25.2(c) lists the base zoning districts into which the County is divided with their map symbols and corresponding General Plan land use designations.

TABLE 7-9-25.2(c) - BASE ZONING DISTRICTS		
<i>Map Symbol</i>	<i>Full Name</i>	<i>General Plan Land Use Designation</i>
<b>Agriculture/Open Space Districts</b>		
A1	General Agricultural	Rural Residential
B1	Buffer	Open Space
OS	Open Space	Open Space
<b>Single-Family Residential Districts</b>		
AR	Agricultural Residential	Suburban Residential

E1	Estates	Suburban Residential
E4	Small Estates	Suburban Residential
RE	Residential Estates	Suburban Residential
RHE	Residential Hillside Estates	Suburban Residential
RS	Residential, Single-Family	Suburban Residential
R1	Single-Family Residence	Suburban Residential
<b>Multifamily Residential Districts</b>		
R2D	Two-Family Residence	Suburban Residential
R4	Suburban Multifamily Residential	Suburban Residential
R2	Multifamily Dwelling	Urban Residential
R3	Apartment	Urban Residential
<b>Mixed-Use and Commercial Districts</b>		
C1	Local Business	Community Commercial
CC	Commercial Community	Community Commercial
CN	Commercial Neighborhood	Community Commercial
C2	General Business	Regional Commercial
CH	Commercial Highway	Regional Commercial
RP	Residential Professional	Suburban Residential
<b>Employment Districts</b>		
PA	Professional and Administrative	Employment
M1	Light Industrial	Employment
<b>Other District</b>		
SG	Sand and Gravel Extraction	Open Space

**Sec. 7-9-70.9. Alternatives to off-street parking regulations.**

- (d) *Required Findings for Approval.* In addition to the required findings for approval of any Use Permit in section [7-9-125.6](#) ~~TBD~~ Required Findings, an application for a Use Permit for a parking reduction shall only be approved if the decision-making body makes all of the findings of this section that are applicable to the particular project, as stated.

**Sec. 7-9-40.5. Exemptions.**

- (d) Repair or maintenance activities that do not result in any addition to, enlargement, or expansion of, the object of such repair or maintenance activities, with the exception of the following.
- (1) Repair or maintenance of a sea wall revetment, bluff retaining wall, breakwater, groin, culvert, outfall or similar shoreline work which involves substantial alteration of the foundation, including pilings and other surface and subsurface structures.
  - (2) The placement, whether temporary or permanent, of riprap, or artificial berms of sand, or any other form of solid material, on a beach or in coastal waters, streams, wetlands, estuaries, or on shoreline protective works.
  - (3) The replacement of twenty (20) percent or more of the materials of an existing structure with materials of a different kind.
  - (4) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area or, coastal bluff or within twenty (20) feet of coastal waters or streams.
  - (5) Any method of routine maintenance dredging that involves.
    - a. The dredging of one hundred thousand (100,000) cubic yards or more within a twelve (12) month period.
    - b. The placement of dredged spoils of any quantity on any sand area, within fifty (50) feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within twenty (20) feet, of coastal waters or streams.
    - c. The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the Coastal Commission has declared by resolution to have a critically short sand supply that shall be maintained for protection of structures, coastal access or public recreational use.
  - (6) Any repair or maintenance to facilities or structures or work located in any sand area, within fifty (50) feet of the edge of a coastal bluff or environmentally sensitive habitat area; or within twenty (20) feet of any coastal waters or streams that include.
    - a. The placement or removal, whether temporary or permanent, of riprap, rocks, sand or other beach materials or any other forms of solid materials.

- b. The presence, whether temporary or permanent, of mechanized equipment or construction materials.

~~(e)(7)~~ The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this district.

~~(f)(8)~~ The replacement of any structure, other than a public works facility, destroyed by natural disaster, provided any such replacement structure conforms to applicable current zoning regulations, is designed and intended for the same use as the destroyed structure, does not exceed the floor area, height, or bulk of the destroyed structure by more than ten (10) percent, and is sited in the same location on the same building site as the destroyed structure.

~~(g)(9)~~ Development projects on tidelands, submerged lands, or on public trust lands, whether filled or unfilled, when such projects are permitted pursuant to a Coastal Development Permit issued by the Coastal Commission.

~~(h)(10)~~ Projects normally requiring a Coastal Development Permit but which are undertaken by a public agency, public utility or person performing a public service as emergency measures to protect life and property from imminent danger or to restore, repair or maintain public works, utilities and services during and immediately following a natural disaster or serious accident, provided the Director, and the Executive Director of the Coastal Commission are notified within three (3) days after the disaster or discovery of the danger regarding the type and location of the emergency measures to be performed. This exemption does not apply to the erection, construction, or placement of any structure with an estimated cost or market value in excess of twenty-five thousand dollars (\$25,000.00) in a permanent location.

~~(i)(11)~~ Ongoing routine repair and maintenance activities of local governments, state agencies, and public utilities (such as railroads) involving shoreline works protecting transportation roadways, as specified in Board of Supervisors' Resolution No. 82-1917, adopted on December 22, 1982.

**Sec. 7-9-66. Grading and excavation.**

(a) Grading and excavation regulations adopted in a planned community text or a specific plan shall supersede this section.

(b) A Site Development Permit issued pursuant to section 7-9-125 shall be required if any grading operation involves:

- (1) More than ~~ten thousand (10,000)~~ ~~five thousand (5,000)~~ cubic yards on a building site; or
- (2) More than five hundred (500) cubic yards on a slope greater than thirty percent (30%).

**Sec. 7-9-61.12. Building line on shallow building site.**

When a building site has an average depth of less than one hundred (100) feet ~~or less~~ but more than seventy-five (75) feet, any required front and rear building line setbacks need not be more than twenty percent (20%) of such average depth; and when a building site has an average depth of seventy-five (75) feet or less, any required front and rear building line setbacks need not be more than fifteen percent (15%) of such average depth, but in no event shall any required front or rear building line setback be less than five (5) feet.

**Sec. 7-9-114.10. Permits required.**

(e) *Site Development Permit.* Signs in other than public road right-of-way areas and not part of a master sign program may be allowed subject to a Site Development Permit approved per section 7-9-125, subsections a. through f. above, and the following additional regulations.

- (1) Each sign structure shall require a separate Site Development Permit and Sign Permit per the Sign Code.
- (2) The Site Development Permit shall have a time limit of three (3) ~~two (2)~~ years maximum.
- (3) The application for the Sign Permit shall be accompanied by financial security meeting the approval of the Director for the purpose of covering the cost of removing the sign structure. If the sign structure is not removed when the permit expires, the County shall have the right to remove the sign structure.



Table 7-9-25.2(c) lists the base zoning districts into which the County is divided with their map symbols and corresponding General Plan land use designations.

<b>TABLE 7-9-25.2(C) - BASE ZONING DISTRICTS</b>		
<i>Map Symbol</i>	<i>Full Name</i>	<i>General Plan Land Use Designation</i>
<b>Agriculture/Open Space Districts</b>		
A1	General Agricultural	Rural Residential
B1	Buffer	Open Space
OS	Open Space	Open Space
<b>Single-Family Residential Districts</b>		
AR	Agricultural Residential	Suburban Residential
E1	Estates	Suburban Residential
E4	Small Estates	Suburban Residential
RE	Residential Estates	Suburban Residential
RHE	Residential Hillside Estates	Suburban Residential
RS	Residential, Single-Family	Suburban Residential
R1	Single-Family Residence	Suburban Residential
<b>Multifamily Residential Districts</b>		
<del>R2D</del>	<del>Two-Family Residence</del>	<del>Suburban Residential</del>
R4	Suburban Multifamily Residential	Suburban Residential
R2	Multifamily Dwelling	Urban Residential
R3	Apartment	Urban Residential
<b>Mixed-Use and Commercial Districts</b>		
<del>C1MX</del>	<del>Local Business Mixed-Use</del>	<del>Community Commercial</del> <del>Suburban Residential</del> <del>Urban Residential</del>

<del>CC</del>	<del>Commercial Community</del>	<del>Community Commercial</del>
CN	Commercial Neighborhood	Community Commercial
C2	General Business	Regional Commercial
<del>CH</del>	<del>Commercial Highway</del>	<del>Regional Commercial</del>
<del>RP</del>	<del>Residential Professional</del>	<del>Suburban Residential</del>
<b>Employment Districts</b>		
M1	Light Industrial	Employment
<b>Other District</b>		
SG	Sand and Gravel Extraction	Open Space

(c) Designation of Overlay and Combining Districts.

Table 7-9-25.2(d) lists Overlay, Combining, and Other Districts into which the County is divided with their map symbols. These districts may be combined with the base zoning districts listed in Table 7-9-25.2(c), Base Zoning Districts pursuant to Article 2, Subarticle 3 of the Zoning Code. In any district where the base zoning district symbol is followed by one of the following district symbols, the additional requirements, limitations, and standards of the overlay or combining district may apply.

CD	Coastal Development Combining
E	Equine Combining
FP	Floodplain Overlay
GPI	General Plan Implementation Combining
H	Housing Opportunities Overlay
<del>MX</del>	<del>Mixed-Use Overlay</del>
O	Oil Production Combining

Article 2, Subarticle 2: Base Districts.

**Sec. 7-9-32. - Multifamily Residential Districts.**

**Sec. 7-9-32.1. - Purpose and intent.**

The purpose of the Multifamily Residential districts is to provide for medium- to high-density residential development including large-lot estates to medium-density ~~single family attached and detached~~ residential neighborhoods. These districts also include a variety of neighborhood-serving facilities and services such as schools, childcare facilities, community assembly facilities as well as local and community open space, trails, and parks.

~~(a) The R2D "Two-Family" District is established to provide for the development and maintenance of medium-high density single family and duplex residential neighborhoods. Only those uses are permitted that are complementary to and can exist in harmony with such a residential neighborhood.~~

~~(a)~~ ~~(b)~~ The R2 "Multifamily Dwelling" District is established to provide for the development and maintenance of very-high-density multifamily residential neighborhoods with a low building height and a minimum amount of open space at a minimum density of thirty (30) dwelling units per acre. Those uses are permitted that are complementary to and compatible with such a residential neighborhood.

~~(b)~~ ~~(c)~~ The R3 "Apartment" District is established to provide for the development and maintenance of very-high-density multifamily residential neighborhoods with taller buildings and a minimum amount of open space at a minimum density of thirty (30) dwelling units per acre. Only those uses which are compatible with very-high-density residential uses are permitted.

~~(c)~~ ~~(d)~~ The R4 "Suburban Multifamily" District is established to provide for the development and maintenance of high-density multifamily residential neighborhoods with a moderate amount of open spaces at a minimum density of thirty (30) dwelling units per acre. Only those uses are permitted that are complementary to and are compatible with such a residential neighborhood.

**Sec. 7-9-32.2. Land use regulations.**

Table 7-9-32.2 and section 7-9-32.4, "Supplemental regulations," prescribes the land use regulations for Multifamily Residential Districts. The regulations for each district are established by letter designations listed below. These designations apply strictly to the permissibility of land uses; applications for buildings or structures may require discretionary review.

- (a) "P" designates principal permitted uses.
- (b) "SDP" designates uses that are principal permitted uses subject to the approval of a Site Development Permit.
- (c) "UP" designates uses that are principal permitted uses subject to the approval of a Use Permit.
- (d) "#" indicates the use classification shall comply with specific limitations listed at the end of the table.
- (e) "—" designates uses that are not permitted.
- (f) "NA" designates development standards that are not applicable.

Land use classifications and definitions are located in sections 7-9-134 and 7-9-135. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and sub-classifications not listed

- (2) Doorways providing direct access from a publicly accessible exterior area into a residential unit shall only be allowed in common living areas subject to the following exceptions:
    - a. One (1) doorway into one (1) bedroom for each residential unit.
    - b. Doorways into a garage.
    - c. Doorways into areas with no internal access to the residential unit (e.g. storage closets).
    - d. Doorways required by other local governmental agencies (e.g. Orange County Fire Authority, Orange County Health Care Agency, etc.).
  - (3) If a stairwell is separated by an interior doorway or other partially framed-in opening from other common living areas there shall be no direct exterior access into the stairwell area.
  - (4) A maximum of one (1) kitchen for each residential unit shall be permitted.
  - (5) The floor plan shall not be designed in a way that would allow splitting into two (2) or more separate residential units with simple or minor changes as determined by the Director.
  - (6) Multifamily residential projects with two (2) or more units shall provide a minimum of one hundred fifty (150) square feet of exterior open space per dwelling unit of which a minimum of one hundred (100) square feet shall be private and accessible directly from the residential unit. The balance of open space shall be provided on-site as common open space area.
- (b) In Table 7-9-32.3, additional regulations are denoted with section numbers in the right-hand column, which refer to other related sections of this Zoning Code.

TABLE: 7-9-32.3: SITE DEVELOPMENT STANDARDS— MULTIFAMILY RESIDENTIAL DISTRICTS					
Standard	<del>R2D</del>	R2	R3	R4	Additional Standards
<b>BUILDING HEIGHT AND SITE REQUIREMENTS</b>					
Maximum Building Height (ft)	<del>35</del>	35	65	35	An accessory structure within required setback area shall be limited to 12 ft. in height; if within 3 ft. of the property line, it shall be limited to 8 ft. in height  Except for section 7-9- 61.2  <u>Except for section 7-9-124.3</u>
Maximum Building Site Coverage (% of lot)	<del>60</del>	NA	NA	NA	Per section 7-9-135
<u>Minimum Density (du/ac)</u>		<u>30</u>	<u>30</u>	<u>30</u>	<u>Minimum required density of project net development area</u>

**Notes:**

R/W: Right-of-Way

A Districts: Agricultural Districts

E Districts: Estates Districts

R Districts: Residential Districts

\* Required for one (1) side of building site only.

- A. Ten (10) percent of average ultimate net width of building site—Maximum twenty (20) feet.
- B. Five (5) feet; add one (1) foot for each additional story over two (2).
- C. Ten (10) feet one (1) side only or ten (10) feet total of two (2) sides combined.
- D. In computing the depth or a rear setback from any building where such setback opens on alley, private street, public park or public beach, one-half (0.5) 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.
- E. 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.

**Sec. 7-9-34.4. - Supplemental regulations.**

- (a) Accessory uses and structures: Per section 7-9-116.
- (b) Landscaping and irrigation: Per section 7-9-68.
- (a) Lighting and illumination: Per section 7-9-67.
- (b) Nonconforming uses and structures: Per section 7-9-115.
- (c) Off-street parking and loading: Per section 7-9-70.
  - (1) For M1: All loading operations shall be performed on the building site and shall be screened by a landscape or architectural feature in such a manner as not to be visible from a public street or from adjacent residential or agricultural districts.
- (d) Screening and landscaping: Per section 7-9-71.
- (e) Signs: Per section 7-9-114.
- (f) Temporary uses and structures: Per Section 7-9-117.
- (g) Trash and Storage Area: All storage of cartons, containers and trash shall be enclosed by a building or by a wall not less than six (6) feet in height. If unroofed, no such area shall be located within forty (40) feet of any district zoned for residential or agricultural use.
- (h) Waste management and hazardous materials: Per section 7-9-118.

**Sec. 7-9-36. - MX "Mixed-Use" District.**

All references to this section shall include sections 7-9-36.1 through 7-9-36.6.

**Sec. 7-9-36.1. - Purpose and intent.**

The purpose of the "Mixed-Use" District (MX) regulations is to facilitate the vertical and horizontal mixing of retail, office, and multifamily residential uses and the development of mixed-use buildings accommodating both high-density residential and employment activities. In both infill contexts and in larger projects, these regulations shall facilitate the inclusion of cultural, civic, educational, and urban recreational uses and support transit-oriented development and alternative modes of transportation.

**Sec. 7-9-36.2. Uses Permitted.**

- (a) All mixed-use projects containing market-rate multifamily residential units and commercial space, shall be subject to a Use Permit acted on by the Planning Commission.
- (b) Projects that contain only multifamily residential units shall be permitted subject to a Use Permit acted on by the Planning Commission.
- (c) Multifamily residential projects that reserve 100% of its units for lower income households, shall be subject to a ministerial Affordable Housing Permit as set forth in section 7-9-124.3

**Sec. 7-9-36.3. Additional land use regulations.**

- (a) All mixed-use projects shall provide multifamily residential units on no less than fifty percent (50%) of the total floor area for the project.
- (b) Only dwelling units shall be allowed above the ground level in any mixed-use building.
- (c) No automobile/vehicle sales and services shall be allowed, including automobile/vehicle service and repair (major and minor), service and gas stations, and automobile/vehicle washing and services as part of the mixed-use project.
- (d) No wholesale trade, warehouse, storage, and distributions shall be allowed.

**Sec. 7-9-36.4. Site development standards.**

The following base district development standards and parking regulations may be modified if requested by the applicant as an incentive in the density bonus application process pursuant to section 7-9-87 and the Orange County Housing Opportunities Manual. Notwithstanding section 7-9-36., all fully residential projects shall be subject to the Land Use Regulations, Site Development Standards, and Supplemental Regulations set forth in section 7-9-32 and applicable to the R3 "Apartment" District. For mixed-use developments within Specific Plan areas and/or Planned Communities, the relevant Specific Plan or Planned Community development standards shall apply.

- (1) (a) Maximum building height. Shall be sixty-five (65) feet. An increase in the maximum building height of up to twelve (12) feet may be approved as an incentive if the project is eligible for a density bonus pursuant to section 7-9-87.
- (b) Building setbacks. Shall be the minimum required setbacks pursuant to section 7-9-61.9.
- (c) Minimum residential density. The minimum residential density for a mixed-use, or fully residential project, shall be thirty (30) dwelling units per acre (net development area) with a minimum area of one thousand-four hundred (1,400) square feet per unit.
- (d) Maximum residential density. The maximum residential density for a mixed-use, or fully residential project, shall be forty-four (44) dwelling units per acre (net development area) with a minimum area of one thousand (1,000) square feet per unit.
  - (1) An increase in residential density may be achieved if the project is eligible for a density bonus pursuant to section 7-9-87.
- (e) Minimum usable open space for residential uses. One hundred fifty (150) square feet per dwelling unit of which one hundred (100) square feet shall be private and accessible from the dwelling unit. The balance may be provided by common area open space.
- (f) Off-street parking for mixed-use projects. The number of parking spaces required for both commercial and residential uses shall be consistent with Government Code 65863.2. If the development is located farther than one-half (½) mile from public transit, the following parking

~~Sec. 7-9-45. MX "Mixed-Use" Overlay District.~~

All references to this section shall include sections ~~7-9-45.1 through 7-9-45.6.~~

~~Sec. 7-9-45.1. Purpose and intent.~~

The purpose of the "Mixed-Use" Overlay District (MX) regulations is to provide the opportunity to develop high density housing in commercial areas. These regulations are intended to facilitate the vertical and horizontal mixing of retail, office, and residential uses and the development of mixed-use buildings accommodating both residential and employment activities. In both infill contexts and in larger projects, these regulations shall facilitate the inclusion of cultural, civic, educational, and urban recreational uses and support transit-oriented development and alternative modes of transportation.

~~Sec. 7-9-45.2. Application.~~

- ~~(a) These "Mixed-Use" overlay district regulations may be combined with any of the following base zoning districts:
 
  - ~~(1) C1 "Local Business" District.~~
  - ~~(2) C2 "General Business" District.~~
  - ~~(3) CC "Commercial Community" District.~~
  - ~~(4) CH "Commercial Highway" District.~~
  - ~~(5) CN "Commercial Neighborhood" District.~~~~

~~Sec. 7-9-45.3. Use Permit.~~

All mixed-use projects shall be subject to a Use Permit to the Planning Commission.

~~Sec. 7-9-45.4. Additional land use regulations.~~

- ~~(a) Only dwelling units shall be allowed above the ground level in any mixed-use building.~~
- ~~(b) No automobile/vehicle sales and services shall be allowed, including automobile/vehicle service and repair (major and minor), service and gas stations, and automobile/vehicle washing and services.~~
- ~~(c) No wholesale trade, warehouse, storage, and distributions shall be allowed.~~

~~Sec. 7-9-45.5. Site development standards.~~

The following base district development standards and parking regulations may be modified if requested by the applicant as an incentive in the density bonus application process pursuant to section 7-9-87 and the Orange County Housing Opportunities Manual.

- ~~(a) *Maximum building height.* Shall be the maximum building height of the base district.
 
  - ~~(1) An increase in the maximum building height of up to twelve (12) feet may be approved as an incentive if the project is eligible for a density bonus pursuant to section 7-9-87.~~~~
- ~~(b) *Building setbacks.* Shall be the minimum required setbacks of the base district.~~
- ~~(c) *Maximum residential density.* The maximum residential density for a mixed-use project shall be thirty three (33) dwelling units per acre (net development area) with a minimum area of one thousand (1,000) square feet per unit.
 
  - ~~(1) An increase in residential density may be achieved if the project is eligible for a density bonus pursuant to section 7-9-87.~~~~

## **Sec. 7-9-87. - Density bonus and other incentives.**

### **Sec. 7-9-87.1. - Purpose and intent.**

This section is intended to comply with the requirements of California Government Code Section 65915 et seq. ("State Density Bonus Law"), and Government Code Section 65915-7, et.seq., as may be amended from time to time, regarding the provision of a 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 and Government Code Section 65915-7, as may be amended from time to time.

### **Sec. 7-9-87.2. - General provisions.**

- (a) *State law governs.* When a conflict occurs between the provisions of this section and State law, State law *shall* govern.
- (b) *Compatibility.* Affordable and market-rate units shall be comparable in appearance, materials, and finish quality. Affordable units shall also be dispersed throughout the entire development.
- (c) *Density compliance plan.* A "Density Bonus Compliance Plan" shall be approved concurrently with approval of the project requesting a density bonus or other incentive. This Density Bonus Compliance Plan shall stipulate the terms of the affordability and/or occupancy requirements on the housing development, including, but not limited to, the duration of the restrictions. Compliance with the terms of this Density Bonus Compliance Plan shall be monitored on a regular basis by the County of Orange. The Plan shall be recorded as a restriction on the parcel or parcels on which the affordable housing units shall be constructed.
- (d) *Construction with other applicable zoning regulations.* Notwithstanding any permitted density bonus or incentive granted pursuant to this section, any project receiving a density bonus hereunder shall otherwise be consistent with the applicable zoning and land use regulations and requirements, including permitted uses.
- (e) *Availability.* Affordable housing units shall be constructed concurrently with and made available for qualified occupants at the same time as market-rate units within the same project, unless both the County and the developer agree in the Density Compliance Plan to an alternative schedule for development.
- (f) *Effect of granting density bonus.* The granting of a density bonus under this section shall not, in and of itself, be interpreted to require a General Plan amendment, Zoning Code or Zoning Map amendment, or other discretionary approval.
- (g) *Parking.* The developer may request to utilize the parking requirements set forth in State Density Bonus Law or the County's residential off-street parking requirements for affordable housing projects.



**Sec. 7-9-87.3. - Requirements and standards for granting a density bonus and incentives.**

- (a) *Granting a density bonus and incentives for a mixed-use development project.* The granting of a density bonus and incentives for a mixed-use development project shall comply with the provisions of Government Code Section 65915.7, et. seq., as may be amended.
- (b) *Granting a density bonus and incentives for a housing development project.* The County shall grant one (1) density bonus when an applicant seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded, that shall contain housing for any one of the following household income groups, as defined by State law.
- (1) *Very Low Income Households.* A minimum of five percent (5%) of the total dwelling units of a housing development for very low income households Section 50105 of the Health and Safety Code, as may be amended.
  - (2) *Low Income Households.* A minimum of ten percent (10%) of the total dwelling units of a housing development for lower-income households as defined in Section 50079.5 of the Health and Safety Code, as may be amended.
  - (3) *Senior Citizen Housing Development.* A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, as may be amended, or mobile home park that limits residency based on age requirements for housing for older persons, pursuant to Section 798.76 or 799.5 of the Civil Code, as may be amended.
  - (4) *Student Housing Developments.* A minimum of twenty percent (20%) of the total dwelling units for lower income students in housing developments for students, as defined by Government Code Section 65915, as may be amended.
  - (5) *Transitional Foster Youth, Disabled Veterans, or Homeless Persons Housing Developments.* A minimum of ten percent (10%) of the total dwelling units with rents restricted at very low income level in housing developments for: transitional foster youth as defined by the Education Code, Section 66025.9, as may be amended, disabled veterans as defined by Government Code Section 18541, as may be amended, or homeless persons as defined by the Federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq., as may be amended.
  - (6) ~~*Common Interest For-Sale Housing Developments.*~~ A minimum of ten percent (10%) of the total dwelling units in a common interest development, ~~as defined in Section 4100 of the Civil Code, as may be amended,~~ are sold to persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, as may be amended, provided that all units in the development are offered to the public for purchase.
  - (7) *100% Affordable Housing Development.* Pursuant to Government Code Section 65915, as may be amended, housing developments with one hundred percent (100%) of the units affordable to lower income households (excluding the manager's unit), except that up to twenty percent (20%) of the total units may be for moderate income households, are eligible for a density bonus of up to eighty percent (80%) of the number of lower income units.
- ~~(7)~~ (c) *Second density bonus available. A second density bonus may be available to projects meeting the requirements for the second density bonus under Government Code section 659715, subdivision (v).*

(dε) *Calculation of density bonus(es).* The amount of bonus density to which a developer is entitled shall vary according to the amount by which the percentage of affordable housing units equals or exceeds the percentage established in State Density Bonus Law. The density bonus shall not be included when determining the number of housing units that are to be affordable. The calculation of the density bonus awarded shall be pursuant to Government Code Section 65915, et. seq., as may be amended.

<b>TABLE 7-9-87.3: POTENTIAL DENSITY BONUS – VERY LOW INCOME UNITS</b>	
<i>Percentage of Affordable Units</i>	<i>Percentage Density Bonus</i>
5	20
6	22.5
7	30
8	32.5
9	35
10	37.5
11	40
12	42.5
13 and above	45

<b>TABLE 7-9-87.3 – POTENTIAL DENSITY BONUS – LOW INCOME UNITS</b>	
<i>Percentage of Affordable Units</i>	<i>Percentage Density Bonus</i>
10	25
11	26.5
12	28
13	29.5

14	31
15	32.5
16	35.5
17	37
18	38.5
19	40
20	41.5
21	43
22 and above	44.5

<b>TABLE 7-9-87.3: POTENTIAL DENSITY BONUS – SENIOR CITIZEN HOUSING DEVELOPMENT</b>	
<i>Percentage of Units for Seniors</i>	<i>Percentage Density Bonus</i>
100	20

<b>TABLE 7-9-87.3: POTENTIAL DENSITY BONUS – STUDENT HOUSING DEVELOPMENT</b>	
<i>Percentage of Low Income Units</i>	<i>Percentage Density Bonus</i>
20	35

<b>TABLE 7-9-87.3: POTENTIAL DENSITY BONUS – TRANSITIONAL FOSTER YOUTH HOUSING DEVELOPMENT</b>	
<i>Percentage of Units with Rents Restricted at Very Low Income Level</i>	<i>Percentage Density Bonus</i>
10	20

<b>TABLE 7-9-87.3: POTENTIAL DENSITY BONUS-- DISABLED VETERANS HOUSING DEVELOPMENT</b>	
<i>Percentage of Units with Rents Restricted at Very Low Income Level</i>	<i>Percentage Density Bonus</i>
10	20

<b>TABLE 7-9-87.3: POTENTIAL DENSITY BONUS-- HOMELESS PERSONS HOUSING DEVELOPMENT</b>	
<i>Percentage of Units with Rents Restricted at Very Low Income Level</i>	<i>Percentage Density Bonus</i>
10	20

<b>TABLE 7-9-87.3: POTENTIAL DENSITY BONUS-- COMMON INTEREST DEVELOPMENT (FOR SALE)</b>	
<i>Percentage of Moderate Income Units</i>	<i>Percentage Density Bonus</i>
10	5
For each additional 1% increase above 10% in the "Percentage of Affordable Units," the "Percentage Density Bonus" shall be increased by 1% up to a maximum of 35%	
40	35%

<b>TABLE 7-9-87.3: POTENTIAL DENSITY BONUS-- 100% AFFORDABLE HOUSING DEVELOPMENT (UP TO 20% MODERATE INCOME)</b>		
<i>Percentage of Lower Income Units</i>	<i>Percentage of Moderate Income Units</i>	<i>Percentage Density Bonus</i>

Pursuant to California Government Code Section 65915,  
as may be amended

(e) Incentives. In addition to a density bonus, an applicant whose project meets the requirements of this section may request up to five (5) ~~three (3)~~ incentives pursuant to State Density Bonus Law. For projects that are one hundred percent (100%) affordable to Low and Very-Low income households, the number of incentives available increases to five (5) as set forth in Table 7-9-87.4: Incentives.

<u>Table 7-9-87.4: Incentives</u>		
<u>Unit Affordability Level</u>	<u>Percentage of Total Housing Units</u>	<u>Number of Incentives</u>
<u>Very Low Income (Rental)</u>	<u>5%</u>	<u>1</u>
	<u>10%</u>	<u>2</u>
	<u>15%</u>	<u>3</u>
	<u>16%</u>	<u>4</u>
	<u>100%</u>	<u>5</u>
<u>Low Income (Rental)</u>	<u>10%</u>	<u>1</u>
	<del>17</del> <u>20%</u>	<u>2</u>
	<del>24</del> <u>30%</u>	<u>3</u>
	<u>100%</u>	<u>5</u>
<u>Moderate Income (For Sale)</u>	<u>10%</u>	<u>1</u>
	<u>20%</u>	<u>2</u>
	<u>30%</u>	<u>3</u>
	<u>45%</u>	<u>4</u>
<u>100% Affordable Housing Development</u>	<u>100% Low Income Or</u>	<u>5</u>

	<u>Up to 20% Moderate Income</u>	
<u>Student Housing (Low Income Rental)</u>	<u>20%</u>	<u>1</u>
<u>100% Affordable Housing Development (Up to 20% Moderate Income)</u>	<u>Pursuant to California Government Code Section 65915</u>	

TABLE 7-9-87.4: INCENTIVES		
Unit Affordability Level	Percentage of Total Housing Units	Number of Incentives
Very Low Income	5%	1
	10%	2
	15%	3
	100%	5
Low Income	10%	1
	20%	2
	30%	3
	100%	5
Moderate Income	10%	1
	20%	2
	30%	3
100% Affordable Housing Development (Up to 20% Moderate Income)	Pursuant to California Government Code Section 65915	

#### Sec. 7-9-87.4. - Procedure.

A request for density bonus or other incentives pursuant to State Density Bonus Law shall be processed as part of an application in compliance with and subject to the provisions and requirements of section 7-9-125. 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.

~~(a) — 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 (1) of the following findings is made based on substantial information in the record:~~

- ~~(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.~~
- ~~(2) The requested density bonus or incentive is not required to provide affordable or senior citizen housing as defined in Civil Code Sections 51.3 and 51.12, as may be amended.~~
- ~~(3) The incentive would have a specific adverse impact, as defined in California Government Code Section 65589.5, as may be amended, 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.~~

- (4) ~~The incentive would be contrary to State or Federal law.~~

~~(f)(g) Parking.~~

- (1) ~~The developer may request to utilize the parking requirements set forth in State Density Bonus Law or the County's residential off street parking requirements for affordable housing projects.~~



**Subarticle 6: - Administration and permits.**

**Sec. 7-9-124. Ministerial permits and procedures.**

The purpose of sections 7-9-124 through 7-9-124.4 is to define a set of procedures that are common to the application for, and processing of ministerial permits and approvals provided for in the Zoning Code, except as superseded by a specific requirement of the Zoning Code or State law.

**Sec. 7-9-124.1 – Ministerial permits and procedures**

<u>Table 7-9-124.1 Title</u>		
<u>Discretionary Permit/Action Type</u>	<u>Code Section</u>	<u>Review/Decision-Making Body</u>
<u>Short-term Rental Permit</u>	<u>7-9-93</u>	<u>Director</u>
<u>Group Homes</u>	<u>7-9-95.6</u>	<u>Director</u>
<u>Flexible Development Standards</u>	<u>7-9-124.2</u>	<u>Director</u>
<u>Affordable Housing Permit</u>	<u>7-9-124.3</u>	<u>Director</u>

**Sec. 7-9-124.2 Flexible Development Standards.**

Purpose and Intent. The purpose of this section is to provide the Director with the authority to allow deviations from the minimum development standards for setbacks and height as otherwise set forth in this Ordinance provided that certain conditions exist. The intent of this section is to promote the orderly and efficient development and redevelopment of property within the County.

(a) Application. The Flexible Development standards apply to multifamily developments that are in one of the following base multifamily or mixed-use zoning districts.

- (1) R2 "Multifamily Dwellings" District.
- (2) R3 "Apartment" District.
- (3) R4 "Suburban Multifamily Residential" District.

(4) MX "Mixed-Use"

(b) Flexible Development Standard Permit. Determination of the applicability of flexible development standards shall be subject to the approval of a Flexible Development Standard Permit.

(c) The following flexible development standards may be applicable where adherence to setback and/or height requirements would preclude the properties' ability to meet the minimum density standards established by the zoning district:

(1) Setbacks. A reduction in the required setbacks set forth in Sec 7-9-32.3 and Sec 7-9-36.3, may be requested for a minimum of five (5) feet or up to a ten percent (10%) reduction, whichever is greater.

(2) Height. Requests for height increases may be made for up to sixty-five (65) feet in height.

**Sec. 7-9-124.3- Affordable Housing Permit.**

The purpose of the Affordable Housing Permit is to ensure the provide for the development of affordable rental housing within the Mixed-Use and high density residential districts in which all of the housing units are reserved for households which earn eighty (80) percent or less of the County median income as verified by the County of Orange. The intent is to facilitate the realization of affordable housing objectives presented in the Orange County Housing Element of the General Plan.

(b) The Affordable Housing permit regulations apply to residential rental projects that are at least twenty percent (20%) affordable that are located in one of the following base zoning districts.

(1) R2 "Multifamily Dwellings" District.

(2) R3 "Apartment" District.

(3) R4 "Suburban Multifamily Residential" District.

(4) C1 "Local Business "District.

(5) C2 "General Business" District.

(6) CN "Commercial Neighborhood" District.

(7) M1 "Light Industrial" District.

(8) MX "Mixed-Use" District

(c) Residential projects that are one hundred percent (100%) affordable shall also conform to regulations in section 7-9-44.

- (d) In all cases, residential projects shall conform to all of the regulations in this section, including the site development standards.
- (e) Determination of the applicability of affordable housing development standards shall be subject to the approval of an Affordable Housing Permit.
- (f) Temporary uses permitted. Certain temporary uses, permitted per section 7-9-117, are allowed.
- (g) Accessory uses permitted. The following accessory uses and structures are permitted when 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 and any other regulations in this Zoning Code that apply.

  - (1) Garages and carports.
  - (2) Fences and walls.
  - (3) Patio covers.
  - (4) Swimming pools.
  - (5) Signs per section 7-9-114 except no roof signs or projecting signs.
  - (6) Noncommercial keeping of pets and animals.
  - (7) Home occupations.
  - (8) Manager's unit, which is exempt from affordability requirements.
  - (9) Child day care center/early education facility per the Housing Opportunities Manual.
  - (10) General administrative office permitted only if ancillary to the primary permitted use not to exceed twenty five percent (25%) of total permitted primary use.
  - (11) Accessory uses and structures that the Director finds are consistent with the design of the project and the purpose and intent of these overlay regulations.
- (h) Site Development Standards. The site development standards for affordable housing residential uses shall be as follows.

  - (1) For sites located within the Mixed-Use or a multifamily residential zoning district, the base district site development standards shall apply.
  - (2) For sites located within a commercial or industrial zoning district, the site development standards for the R3 "Apartment" District shall apply.

(3) The parking requirements set forth in State Density Bonus Law or other applicable State law.

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

(i) Density bonuses, development incentives, and/or waivers of development standards may be granted pursuant to section 7-9-87.

**Sec. 7-9-125. - Discretionary permits and procedures.**

The purpose of sections 7-9-125 through 7-9-125.12 is to define a set of procedures that are common to the application for and processing of all discretionary permits and approvals provided for in the Zoning Code, except as superseded by a specific requirement of the Zoning Code or State law.

( Ord. No. 20-006 , § 1, 7-28-20)

# ATTACHMENT 2

## CHAPTER III. LAND USE ELEMENT

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### RELATIONSHIP TO OTHER ELEMENTS

State law requires the Land Use Element to achieve internal consistency with all elements of the General Plan. Although the Land Use Element provides the basis for land use decisions, it does not replace or supersede any of the other General Plan elements. Instead, the Land Use Element complements the other elements by incorporating and implementing their land use concerns and recommendations.

The Land Use Element supports the Resources Element's open space and natural resource plans through the designation of an Open Space land use category and an Open Space Reserve land use overlay. The Transportation, Recreation, Safety, and Housing elements are implemented by incorporating their land use recommendations into policies and programs.

The Land Use Element is also consistent with the Noise Element in that the land use plan reflects noise level concerns. Therefore, the Land Use Element, at the time of its adoption, is the most current expression of County land use policy and is internally consistent with the other General Plan elements.

### PLANNING CONSTRAINTS & DEFICIENCIES

This section identifies existing and potential constraints upon achievement of the objectives and policies identified ~~above and~~ in the following chapters. While these constraints do not constitute absolute barriers, they may inhibit the timely achievement of the objectives.

These constraints have been categorized below into four categories: environmental, fiscal, economic and market constraints, and governmental constraints.

#### Environmental Constraints

Five major environmental conditions constrain development in Orange County: noise, floods, fires, geologic/seismic hazards, and natural and cultural resources. More detailed discussion of these constraints is found in the Noise, Safety, and Resources Elements (Chapters VIII, IX, and VI respectively).

**ATTACHMENT 4**

# ATTACHMENT 2

## CHAPTER III. LAND USE ELEMENT

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### ***NOISE***

The major sources of significant noise in Orange County are aircraft and highway vehicles. While both can usually be mitigated to acceptable levels indoors, aircraft noise cannot be fully mitigated outdoors because of its airplanes are an overhead source. State law and County policy prohibit residential development and similar noise sensitive uses in high-noise (+65 CNEL) areas near John Wayne Airport, through the adopted Airport Environs Land Use Plan.

Noise in nonresidential developments must be attenuated to protect users in these areas covered by the Airport Environs Land Use Plan. Near major streets and highways, noise must also be attenuated to protect sensitive uses. Thus, high noise conditions may preclude certain uses in some areas and may increase development costs. CNEL noise contour maps and more detailed information related to noise are found in Chapter VIII, the Noise Element.

### ***FLOOD HAZARDS***

Portions of Orange County are located in floodplain areas of varying degrees of risk. Figure III-1a identifies areas subject to 100- and 500-year flooding as identified by the Flood Insurance Rate Maps (FIRM) provided by the Federal Emergency Management Agency (FEMA) and floodplain maps from the California Department of Water Resources (DWR). In many cases, development can occur in these areas through proper site planning, but costs may be high. There are, however, some areas where development is precluded because of extreme flood potential. In all development scenarios, water quality and watershed protection principles must also be considered in the site planning and stormwater facility design process.

### ***FIRE HAZARDS***

The foothill areas of Orange County are considered high to very high fire hazard areas. Future development in these areas must minimize potential fire hazards and adequate fire protection must be maintained. Both these actions may raise development costs but will not preclude development. In areas identified as very high fire hazard severity zones, insurance costs may make development infeasible from an economic perspective. Figure III-1b depicts the location of these fire hazard areas.

# ATTACHMENT 2

## CHAPTER III. LAND USE ELEMENT

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### LAND USE CATEGORIES

The land use categories described below and depicted in Map III-1, the *General Plan Land Use Element Map*, the Land Use Designations, provide broad guidance directing the development of Orange County.

#### **Residential**

The residential land use categories identify those areas suitable for residential development. Residential uses are divided into categories on the basis of density, relation to the County's street system and to transit, compatibility with the natural terrain, and conformance with the County's residential growth projections. Housing types ranging from rural, large-lot estates in outlying areas to high-density residential units in appropriate urban locales are encouraged.

The broad residential categories include allowances for local and community open space, local schools, childcare facilities, neighborhood commercial centers, and other facilities needed for neighborhood services, as well as for trails and complete streets to improve neighborhood access and connectivity to other land uses.

Neighborhood/convenience commercial sites are assumed to be consistent with Suburban Residential areas, subject to the Neighborhood Commercial guidelines contained herein. These sites are not identified on the General Plan Land Use Element Map.

Since 2006, affordable housing development has been a permitted use on parcels zoned for commercial and industrial uses through the implementation of the Housing Opportunities Overlay Zone (HOO). In 2008, the ~~Housing Opportunities Overlay Zone~~HOO was extended to apply to high-density residential sites as well, and was updated in 2022 to authorize higher density development for affordable projects and again in 2024 to expand the areas to which it applies, to provide the opportunity for higher density, affordable residential development throughout most areas of the County. Since the establishment of this overlay zoning district, several affordable housing developments have replaced underutilized sites and attractive nuisances that had become problematic in their neighborhoods. These housing developments have increased the number of rental units in the unincorporated area and have provided their residents with the opportunity for an improved quality of life.

# ATTACHMENT 2

## CHAPTER III. LAND USE ELEMENT

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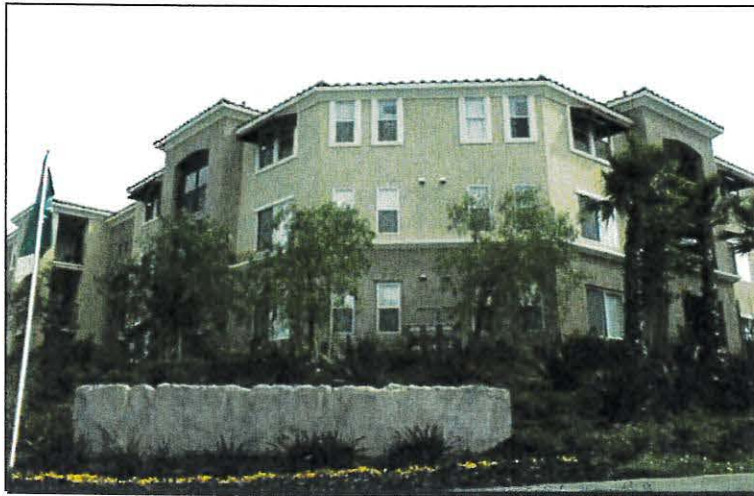
In 2024, the Board of Supervisors adopted an ordinance creating a Mixed-Use zoning district that permits development projects to contain both multifamily residential and commercial uses subject to specific development standards. The Mixed-Use district is made up of parcels throughout the unincorporated area that were previously zoned for commercial uses. To facilitate the development of housing for all income levels, the County's HOO may be applied to projects in the Mixed-Use zoning district.



# ATTACHMENT 2

## CHAPTER III. LAND USE ELEMENT

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- ***SUBURBAN RESIDENTIAL (1B)***

These areas are characterized by a wide range of housing types, from estates on large lots to attached dwelling units (townhomes, condominiums, ~~and~~ clustered arrangements, apartments, and mixed-use developments).

This category permits the greatest flexibility for residential development. Building intensity, or density, for Suburban Residential ranges from 0.25 to 43.5~~+8.0~~ DU/AC.

- ***URBAN RESIDENTIAL (1C)***

This category is applied to areas where intensive residential development is compatible with surrounding urban development.

Development within this category is characterized by intensive residential uses such as apartments, condominiums, townhomes, ~~and~~ clustered residential units, and mixed-use developments. Building intensity, or density, for Urban Residential is 30~~+8~~ DU/AC and above.

# ATTACHMENT 2

## CHAPTER III. LAND USE ELEMENT

### Commercial

Commercial land uses are depicted on the General Plan Land Use Element Map as either Community Commercial or Regional Commercial uses. The designated areas relate to commercial opportunities rather than to specific development sites. Commercial uses can also be found in mixed-use developments located in the Mixed-Use zoning district.

Generally, commercial development occurs on sites in centers sited located along arterial highways or at intersections of arterial highways and serves a specified threshold population. Ideally, commercial development should be sited at locations accessible to all transportation modes, where the infrastructure promotes a safe means of travel for all users along the right of way.

Since 2006, affordable housing development has been a permitted use on parcels zoned for commercial and industrial uses through the implementation of the Housing Opportunities Overlay Zone HOO. Several affordable housing developments have replaced underutilized sites and attractive nuisances that had become problematic in their neighborhoods. The availability of this alternative permitted use has resulted in a marked increase in the number of affordable rental units for the residents of the unincorporated area and have provided them with an opportunity for an improved quality of life. In 2024, the HOO's Overlay Zone's applicability was expanded to include the County's Mixed Use zoning district.



# ATTACHMENT 2

## CHAPTER III. LAND USE ELEMENT

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### BUILDING INTENSITY/ DEVELOPMENT STANDARDS AND POPULATION DENSITY ESTIMATES

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The General Plan, as required by Government Code §65302(a), ~~must~~ requires that the General Plan contain standards for building intensity and estimates of population density for each of the land use categories identified in the Land Use Element. Table III-1 lists types of permitted land uses, building intensities, and indicators of population densities for each land use category.

~~It should be noted that~~ The population densities for residential land uses do not represent County policy or development standards but are simply used to estimate the potential number of residents based upon the maximum number of dwelling units allowed per net acre. The persons per unit estimates are based upon the most current information available from the California Department of Finance.

#### **Building Intensity**

Building intensity refers to the degree of development possible within each land use category. These standards refer to the maximum amount of development permitted for each land use designation. Development must also comply with the County of Orange Zoning Code or Specific Plan requirements, and is not guaranteed to achieve the maximum designated intensity.

The standard for describing building intensity for residential land use categories is stated as the density, or number of dwelling units per gross acre<sup>1</sup> (DU/AC). Residential building intensity in excess of the standard density identified in Table III-1 may be accomplished, in certain circumstances, through a residential density bonus. Residential density bonuses may be considered for projects meeting certain affordability criteria and/or providing housing for senior citizens. The residential building intensity/density standards are intended to apply to broad geographic designations for residential land use shown on the General Plan Land Use Element Map and include allowances for land for public streets and other rights of way and storm drainage that may be dedicated to the County. The County's zoning regulations establish detailed requirements for land use and development standards for building height, setbacks, and the

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<sup>1</sup> "Gross acre" is defined as the total acreage within a project which is devoted to principal uses including, but not limited to, building sites, local streets, driveways, private recreation areas, ordinance required local park land, additional publicly- and privately-owned open space within project areas, minor easements serving the project, and customary uses and structures accessory to residential development.

# ATTACHMENT 2

## CHAPTER III. LAND USE ELEMENT

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number of dwelling units permitted within individual zoning districts. Site-specific General Plan amendments are not required if a project fulfills certain conditions. First, the proposed development is on a small site, generally less than five acres, and does not exceed the average density range for surrounding geographic area where the General Plan land use designation applies. Second, the project conforms to the applicable zoning, which has been determined to be consistent with the General Plan.

Standards for building intensity are also stated in terms of maximum allowable floor-area ratios (FAR) for commercial, employment, and public facilities land use categories. FARs indicate the ratio of gross building square footage permitted on a parcel to gross square footage of the parcel.

For example, on a parcel with 10,000 net square feet of land area, a FAR of 1.00 will allow 10,000 square feet of gross square feet of building floor area to be built, regardless of the number of building floors (e.g., 5,000 square feet per floor on two floors or 10,000 square feet on one floor). On the same lot, a FAR of 0.5 would allow 5,000 square feet of floor area and a FAR of 0.25 would allow 2,500 square feet. Figure III-2 illustrates how buildings of one, two and four stories could be developed on a given parcel with a FAR of 1.0.

The standard for building intensity for Open Space is defined by maximum building height and maximum lot coverage.

Building intensity standards for Urban Activity Centers are stated as DU/AC and as the number of persons per acre. This can be calculated by multiplying the number of dwelling units per acre by the average number of persons per dwelling unit. For the year 2022, the average number of persons per dwelling unit in the unincorporated area is 3.07<sup>2</sup> which is used in Table III-1.

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<sup>2</sup>“Average persons per dwelling unit” factors used to calculate residential “population density” are determined by the California Department of Finance (DOF). The persons per acre ranges are offered as an indicator of residential population density and do not restrict occupancy of units.

# ATTACHMENT 2

## CHAPTER III. LAND USE ELEMENT

**TABLE III-1. BUILDING INTENSITY AND POPULATION DENSITY ESTIMATES**

CATEGORY	TYPICAL INTENSITY, CHARACTERISTICS, AND USES	DENSITY STANDARDS AND POPULATION ESTIMATES
Rural Residential (1A)	<ul style="list-style-type: none"> <li>Limited residential use compatible with the natural character of the terrain</li> <li>Development may require special consideration due to topography and other factors</li> </ul>	<ul style="list-style-type: none"> <li>0.025 to 0.5 Dwelling Units per Acre (DU/AC)</li> <li>3.07 Persons per DU</li> <li>0-2 Persons Per Acre</li> </ul>
Suburban Residential (1B)	<ul style="list-style-type: none"> <li>Wide range of housing types, from estates on large lots to attached dwelling units (townhomes, condominiums, <del>and</del>-clustered arrangements, <u>apartments, and mixed-use projects</u>)</li> <li>Permits the greatest flexibility for residential development</li> </ul>	<ul style="list-style-type: none"> <li><del>0.25</del> to <del>43.5</del><sup>18.0</sup> DU/AC</li> <li>3.07 Persons per DU</li> <li>1-<del>134</del><sup>56</sup> Persons per Acre</li> </ul>
Urban Residential (1C)	<ul style="list-style-type: none"> <li>Intensive residential uses such as apartments, condominiums, townhomes, <del>and</del>-clustered residential units, <u>and mixed-use projects</u></li> </ul>	<ul style="list-style-type: none"> <li><del>30</del><sup>18</sup> and above DU/AC</li> <li>3.07 Persons per DU</li> <li><del>&gt;92</del><sup>56</sup> Persons per Acre</li> </ul>

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## CHAPTER III. LAND USE ELEMENT

TABLE III-1. BUILDING INTENSITY AND POPULATION DENSITY ESTIMATES		
CATEGORY	TYPICAL INTENSITY, CHARACTERISTICS, AND USES	DENSITY STANDARDS AND POPULATION ESTIMATES
Community Commercial (2A)**	<ul style="list-style-type: none"> <li>Provides a wide range of facilities for convenience goods and retail trade including tourist recreation businesses, and community services (i.e., childcare facilities)</li> <li>Typical tenants include supermarkets, restaurants, movie theaters and banks</li> <li>Affordable multifamily residential developments are allowed in the Housing Opportunities Overlay District which extends to all commercial and industrial zoning districts subject to a Site Development Permit</li> </ul>	<p><u>Non-Residential Uses</u></p> <ul style="list-style-type: none"> <li>Generally limited in scope to approximately 10 to 40 acres</li> <li>Intended to serve a market area exceeding 20,000 persons</li> <li>0.50 FAR</li> <li>45 Employees per Acre</li> </ul> <p><u>Residential Uses</u></p> <ul style="list-style-type: none"> <li>3.07 Persons per DU</li> <li>Multifamily Residential Example: 3.07 Persons per DU x 43 DU/AC = 132 Persons per Acre</li> </ul>

# ATTACHMENT 2

## CHAPTER III. LAND USE ELEMENT

**TABLE III-1. BUILDING INTENSITY AND POPULATION DENSITY ESTIMATES**

CATEGORY	TYPICAL INTENSITY, CHARACTERISTICS, AND USES	DENSITY STANDARDS AND POPULATION ESTIMATES
Regional Commercial (2B)**	<ul style="list-style-type: none"> <li>Identifies major, high-intensity commercial activities requiring centralized locations in order to serve large urban populations at the regional or subregional level</li> <li>Typical tenants include major department stores and specialty shops</li> <li>Childcare facilities will be permitted, if appropriate.</li> <li>Greater intensity may be permitted in transit-served areas provided identified impacts are mitigated.</li> <li>Affordable multifamily residential developments are allowed in the Housing Opportunities Overlay District which extends to all commercial and industrial zoning districts subject to a Site Development Permit</li> </ul>	<p><u>Non-Residential Uses</u></p> <ul style="list-style-type: none"> <li>Generally, range between 75 and 125 acres in size</li> <li>Serves a market area in excess of 100,000 persons</li> <li>0.50 FAR or more in transit-served areas</li> <li>45 Employees per Acre</li> </ul> <p><u>Residential Uses</u></p> <ul style="list-style-type: none"> <li>3.07 Persons per DU</li> <li>Multifamily Residential Example: 3.07 Persons per DU x 43 DU/AC = 132 Persons per Acre</li> </ul>

# ATTACHMENT 2

## CHAPTER III. LAND USE ELEMENT

**TABLE III-1. BUILDING INTENSITY AND POPULATION DENSITY ESTIMATES**

CATEGORY	TYPICAL INTENSITY, CHARACTERISTICS AND USES	DENSITY STANDARDS AND POPULATION ESTIMATES *
Employment (3)**	<ul style="list-style-type: none"> <li>• Typical tenants include employment generators, usually light and service industries or professional-administrative office uses</li> <li>• Characterized by few nuisance or hazard problems</li> <li>• Locations of individual employment facilities intended to be compatible with one another and with surrounding areas</li> <li>• Greater intensity may be permitted in transit-served areas provided identified impacts are mitigated.</li> <li>• Materials recovery/recycling facilities permitted, if appropriately located and compatible with surrounding uses</li> <li>• Childcare facilities permitted, if appropriate</li> <li>• Affordable multifamily residential developments are allowed in the Housing Opportunities Overlay District which extends to all commercial and industrial zoning districts subject to a Site Development Permit</li> </ul>	<p><u>Non-Residential Uses</u></p> <ul style="list-style-type: none"> <li>• 0.75 FAR or more in transit-served areas</li> <li>• 130 + Employees per Acre</li> </ul> <p><u>Residential Uses</u></p> <ul style="list-style-type: none"> <li>• 3.07 Persons per DU</li> <li>• Multifamily Residential Example: 3.07 Persons per DU x 43 DU/AC = 132 Persons per Acre</li> </ul>



# ATTACHMENT 2

## CHAPTER III. LAND USE ELEMENT

**TABLE III-1. BUILDING INTENSITY AND POPULATION DENSITY ESTIMATES**

CATEGORY	TYPICAL INTENSITY, CHARACTERISTICS, AND USES	DENSITY STANDARDS AND POPULATION ESTIMATES *
Urban Activity Center (6)**	<ul style="list-style-type: none"> <li>Identifies locations intended for high intensity mixed-use development designed to enable people to walk to uses within the center and to transit facilities serving the center</li> <li>Appropriate land uses include, but are not limited to, residential, commercial, office, industrial park, materials recovery/recycling facility, civic, cultural, educational facilities, and childcare facilities</li> <li>Characterized by a diversity of housing opportunities at various densities and at all income levels; the vertical and horizontal mixing of retail, office, and residential uses (<u>mixed-use</u>); the development of mid-rise structures accommodating both residential and employment activities; and the inclusion of cultural, civic, educational, and urban recreational uses promoting both daytime and evening activities; and support for transit-oriented development and all transportation modes</li> <li>Located adjacent to major transportation corridors and accessible to public transit facilities; supports development of and links to trails and a countywide bike system.</li> <li>Ensures that sidewalks, crosswalks, public transportation stops and facilities and other aspects of transportation right of way are compliant with the Americans with Disabilities Act and meet the needs of people with different types of disabilities including mobility impairments, vision impairments, hearing impairments and others.</li> <li>Full development of an Urban Activity Center is a long-term process (probably in excess of 20 years) due to its complexity and size. Interim uses may, therefore, be appropriate</li> <li>Necessary to apply special development regulations, tailored to each center, to ensure that the ultimate development pattern is consistent with the intent of the category</li> </ul>	<p><u>Residential Uses</u></p> <ul style="list-style-type: none"> <li>30+8 and above DU/AC</li> <li>&gt;57 Persons per Acre</li> </ul> <p><u>Non-Residential Uses</u></p> <ul style="list-style-type: none"> <li>0.75 FAR or more in transit-served areas</li> <li>130 + Employees per Acre</li> <li>Intensity bonus available for transit-oriented development provided identified impacts are mitigated</li> </ul>

# ATTACHMENT 2

## CHAPTER III. LAND USE ELEMENT

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### **OBJECTIVES AND POLICIES**

This section presents the ~~future~~ objectives and policies of the Land Use Element.

Market forces will determine which areas develop first and which remain undeveloped or underdeveloped by the 2025 horizon year. However, the policy projections and the General Plan Land Use Element Map will be the tools for project evaluation and consistency determination to ensure that development coincides with the guiding policies of the Land Use and Transportation Elements regarding infrastructure provision.

This section describes thirteen major land use policies that guide implementation of the Land Use Element. The intent of these policies is to articulate issues that should be addressed when considering development proposals.

These policies are implemented through the programs contained in the Implementation Programs section. Two ~~LUE~~ Land Use Element (LUE) interpretive policies that guide administration of the LUE map and land use categories are described in the section immediately following these thirteen land use policies.

### **MAJOR LAND USE ELEMENT POLICIES**

The fifteen major land use policies set forth in this section apply to all geographic areas of the unincorporated portion of the County. They are adopted for the purpose of guiding the planning and development of those areas for both the short-term and long-term future.

Each policy has been stated in a single sentence. A policy can be referred to by its short title. A statement of purpose for each policy is given to aid in its interpretation.

#### ***1. BALANCED LAND USE***

*To plan urban land uses with a balance of well-connected residential, industrial, commercial, and public land uses.*

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## CHAPTER III. LAND USE ELEMENT

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The purpose of the Balanced Land Use Policy is to ensure that communities at all levels are developed in a manner whereby residential, industrial, commercial, and public land uses are proportionally balanced and well-connected, accommodating all modes of travel. This balance is intended to aid in developing a sense of community by distributing the various land uses and employment base more evenly throughout the County, reducing the impacts on the County's transportation system, making it easier and safer for people to walk, bike and use transit, and positively affecting air quality. This policy does not require completely self-contained communities.

### 2. PHASED DEVELOPMENT

*To phase development consistent with the adequacy of public services and facilities within the capacity defined by the General Plan.*

The purpose of the Phased Development Policy is to ensure that development coincides with the adequacy of public services and facilities, especially where the public health, safety, and welfare are concerned.

Proper phasing of new development within the designated General Plan capacity through the provision of public services and facilities is necessary to ensure that new development will not overload the existing facilities or be allowed to be completed without adequate facilities. Phasing should be a basic minimum requirement for land use intensification on larger or undeveloped sites. Phasing may also take the form of infill development in areas where adequate public services and facilities to serve the development are already in place but where the site is presently underused or underdeveloped.

### 3. INFILL AND TRANSIT-ORIENTED DEVELOPMENT

*To encourage infill and transit-oriented development through incentives, concentrating development close to transit stops and ensuring access by all travel modes.*

The purpose of the Infill and Transit-Oriented Development (TOD) Policy is to promote compact, mixed use development in already urbanized areas near transit and to provide various safe and easy transportation options that will make it safe and easy for people to walk, ride bikes and use transit. Incentives available in "Transit Priority Areas," as

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## CHAPTER III. LAND USE ELEMENT

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identified in SCAG's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) may include density and intensity (FAR) bonuses for TOD and infill development, pedestrian amenities, and employer-provided bicycle facilities. Walking, biking, and transit riding can be facilitated and encouraged through integrated physical planning, reduced fares for eligible riders, pedestrian-oriented street-level design, and street design features, such as protected bike lanes, wide shoulders, and street trees. Reduced parking may be approved in transit-served areas and in centers offering common and shared parking facilities, or providing bike or car sharing locations.

The incorporation of Vehicle Miles Traveled (VMT) into the Transportation Impacts analysis for California Environmental Quality Act review, through SB 743, promotes infill development, encourages multimodal transportation networks, and reduces GHG emissions. Similarly, changes to state law pertaining to secondary residential units, accessory dwelling units, and expansions to existing single-family residences promote infill development by providing reduced parking incentives for development near high quality transit corridors, which in turn, promotes multimodal transportation networks.

### 4. HOUSING DENSITIES

*To provide a variety of residential densities which permit a mix of housing opportunities affordable to the county's labor force.*

The purpose of the Housing Densities Policy is to provide a wide range of housing densities within the unincorporated County that will permit a mix of housing opportunities, including both rental and ownership housing. The mix of densities is intended to make it possible to develop housing which is affordable to the County's labor force and offer those who work here a reasonable choice of living accommodations. In addition, transit-oriented development and projects designed to promote walkability and transportation choices may be supported through housing density bonuses.

SB 743, which adopted VMT for Transportation Impact CEQA analysis encourages density bonuses as a potential mitigation strategy. In particular, a density bonus shall be allowed if a project includes both residential and employment land uses, and if a project includes affordable housing. Changes to state law pertaining to secondary residential units, accessory dwelling units, and junior accessory dwelling units which reduce or minimize regulatory requirements for new development prioritize transit-oriented development and promote the

# ATTACHMENT 2

## CHAPTER III. LAND USE ELEMENT

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development of additional housing types and densities. The County additionally offers new residential developments in multiple different zoning districts the opportunity to increase density through the application of the HOO, with higher densities being available to affordable housing developments, thereby promoting the development of varied housing types and densities.

### 5. **LAND USE/TRANSPORTATION INTEGRATION**

*To plan an integrated land use and transportation system that accommodates travel demand for all modes of transit.*

The purpose of the Land Use/ Transportation Integration Policy is to ensure that transportation planning is assimilated into the land use planning process. The transportation system should support the land use plan as a whole, and individual circulation links should be in balance with localized land uses in order to provide an adequate transportation system for the County with diverse transportation choices enabling safe, comfortable, and attractive access for all users. When local or regional imbalances occur or when safety is an issue, development should be deferred until appropriate improvements to the circulation system can be provided or adequate project mitigation measures can be developed (e.g., improvements for public safety, such as better lighting, sidewalks and crosswalks, and traffic calming, public transit, employee housing programs, pedestrian and bicycle connections, and Safe Routes to Schools improvements undertaken by the County in partnership with local jurisdictions and local transportation agencies). Design principles that will guide implementation of this policy are shown on the following page. Also, the “2020 Updated Transportation Implementation Manual” includes an attachment that provides examples of potential mitigation. It is not an exhaustive list of feasible mitigation measures that may be applied to a project. As in previous CEQA practice, the applicant/project proponent will be required to identify mitigation measures to reduce, avoid, or offset the specific project-related impacts identified in an individual environmental document.

### 6. **COMMERCIAL AND INDUSTRIAL CENTERS/TRANSPORTATION ACCESS**

*To locate major commercial and industrial centers in areas that are easily accessible to existing or planned major transportation facilities.*

# ATTACHMENT 2

## CHAPTER III. LAND USE ELEMENT

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### **7. NEW DEVELOPMENT COMPATIBILITY**

*To require new development to be compatible with adjacent areas.*

The purpose of the New Development Compatibility Policy is to ensure that new development is compatible with adjacent areas and the character of local streets and that it provides either a land use buffer or transition to reduce the effects of one land use on the other.

Sensitive treatment is required where one urban use transitions to another and where an urban use is introduced into an essentially undeveloped area.

New development within the Foothill-Trabuco Specific Plan planning area shall be designed to maintain a buffer between urban development and the Cleveland National Forest, to be compatible with the area, and to reflect the goals and objectives of that Plan.

Within airport planning areas, all new development will comply with Orange County Airport Environs Land Use Plan compatibility criteria.

### **8. CREATIVE DESIGN CONCEPTS**

*To encourage innovative concepts which contribute to the solution of land use problems.*

The purpose of the Creative Design Concepts Policy is to encourage the use of innovative planning ideas that give variety to the character of development and solve certain site development, parking, and site access problems. New design concepts can facilitate environmentally sensitive development, access by all modes of transit, coordinated parking management, and the economic and efficient provision of services and facilities. They can also reduce development costs and enhance property values.

### **9. ENHANCEMENT OF ENVIRONMENT**

*To guide development so that the quality of the physical environment is enhanced.*

# ATTACHMENT 2

## CHAPTER III. LAND USE ELEMENT

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Promote, support, and require innovative site planning and development techniques that allow for implementation of LID principles while taking into consideration specific hydrology and geology conditions.

Encourage, support, and require the use of LID as part of an overall strategy to mitigate stormwater impacts from new development and redevelopment projects consistent with current NPDES permit requirements.

Encourage and support, where applicable, the use of buffer zones to protect natural water bodies, including but not limited to, wetlands and riparian corridors. Where infeasible, require other measures to protect natural water bodies.

Identify and evaluate potential changes to land use development regulations to support and promote stormwater management techniques and ensure regulations do not inhibit compliance with current NPDES permit requirements.

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### 15. AIRPORT LAND USE PLANS

*To ensure consistency between proposed development and Airport Environs Land Use Plans (AELUPS) for Orange County airports.*

1. Pursuant to Public Utilities Code (PUC) 21676(a), those proposed amendments to the County of Orange General Plan and Comprehensive Zoning Code that are required to be submitted to the Airport Land Use Commission (ALUC) for determination of consistency with the AELUPS for Orange County airports, shall be submitted prior to adoption by the Orange County Board of Supervisors.
2. Buildings and structures shall not penetrate Federal Aviation Regulation (FAR) Part 77 Imaginary Obstruction Surfaces for John Wayne Airport unless found consistent by the Airport Land Use Commission (ALUC). Additionally, in accordance with FAR Part 77, applicants proposing buildings or structures that penetrate the 100:1 Notification Surface shall file a Form 7460-1 Notice of Proposed Construction or Alteration with the Federal Aviation Administration (FAA). A copy of the FAA determination shall be submitted to ALUC and the applicant shall provide the County with FAA and ALUC responses.

# ATTACHMENT 2

## CHAPTER III. LAND USE ELEMENT

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32. Development projects that include structures higher than 200 feet above existing grade shall be submitted to the ALUC for review. In addition, projects that exceed a height of 200 feet above existing grade shall file Form 7460-1 with the Federal Aviation Administration (FAA).
43. Applicants for County approval of a heliport or helistop shall provide evidence that the proposed heliport or helistop complies fully with State of California permit procedures and with any and all conditions of approval imposed by the Federal Aviation Administration (FAA), the Airport Land Use Commission for Orange County (ALUC), and by the Caltrans Division of Aeronautics.

### LAND USE ELEMENT INTERPRETIVE POLICIES

#### **1. TRANSITIONAL USE POLICY**

Transitional uses that are not specifically permitted by LUE land use categories may still be deemed appropriate under certain circumstances and, therefore, may not require LUE amendments. The following are examples of circumstances under which transitional uses may be considered for specific sites:

- a) Where a conflict exists between the LUE land use category and policies contained within other General Plan elements.
- b) Where a conflict exists between the LUE land use category and a major LUE policy.
- c) Where environmental conditions, such as high noise levels, traffic levels, or site configuration, render the site no longer suitable for the uses permitted by the LUE land use category.

#### **2. LAND USE CATEGORY BOUNDARY INTERPRETATIONS**

The LUE map shows boundaries that appear to follow topographic or manmade features. In certain instances, these boundaries may require interpretation in order to respond to existing conditions. Boundary interpretation may be utilized as the basis for a LUE consistency determination for certain projects if both of the following conditions exist:



# ATTACHMENT 2

## CHAPTER III. LAND USE ELEMENT

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- a) The proposed use would be compatible with and connected to, as appropriate, the uses identified in the LUE for the surrounding area.
- b) No significant environmental, transportation or public service impacts will be created as a result of the boundary interpretation.

### IMPLEMENTATION PROGRAMS

This section establishes eight land use programs that directly implement Land Use Element policies. These programs are necessary to effectuate the intent and purpose of the LUE policies. Future development in the County will be reviewed for compliance with the LUE policies through the following programs.

#### 1. GROWTH MANAGEMENT PROGRAM

**Policy Mandate:**

- 1) Phased Development Policy
- 2) Land Use/Transportation Integration Policy

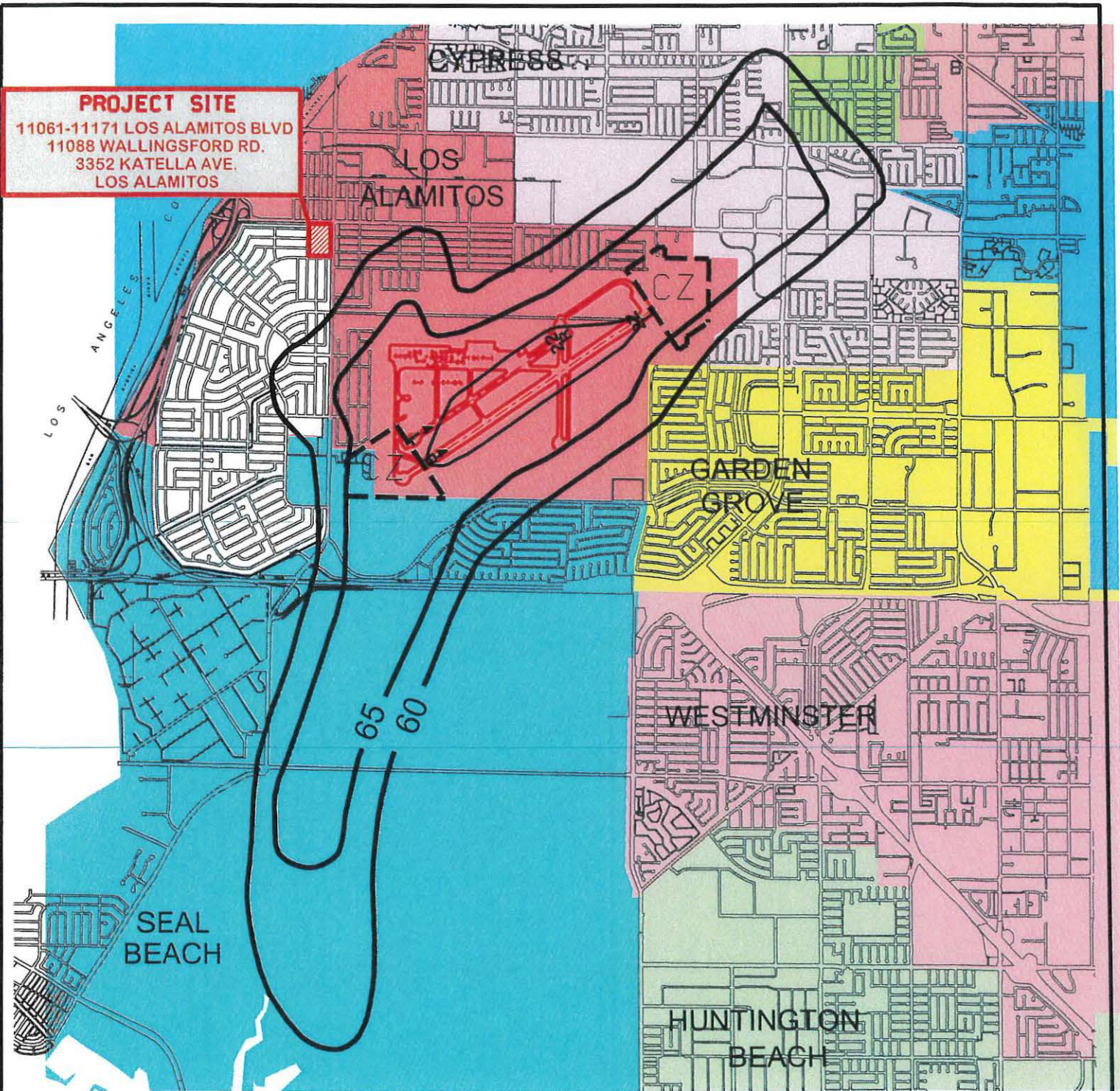
**Program Implementation Schedule:** On-going

**Responsible Agency:** OCPW/OC Development Services.

**Discussion:**

This program implements the Phased Development and Land Use/ Transportation Integration policies of the LUE through a requirement that developers of major projects submit annual reports projecting deficiencies in infrastructure and stating mitigation measures.

All major development proposals will be reviewed on the basis of the infrastructure analysis contained in their annual monitoring reports. Projects which would create infrastructure imbalances or deteriorate service capabilities will be recommended for modification or deferred until services are adequate.



**PROJECT SITE**  
 11061-11171 LOS ALAMITOS BLVD  
 11088 WALLINGSFORD RD.  
 3352 KATELLA AVE.  
 LOS ALAMITOS

Note: County Unincorporated areas are shown in white.

## Los Alamitos Impact Zones Joint Forces Training Base

**ATTACHMENT 5**



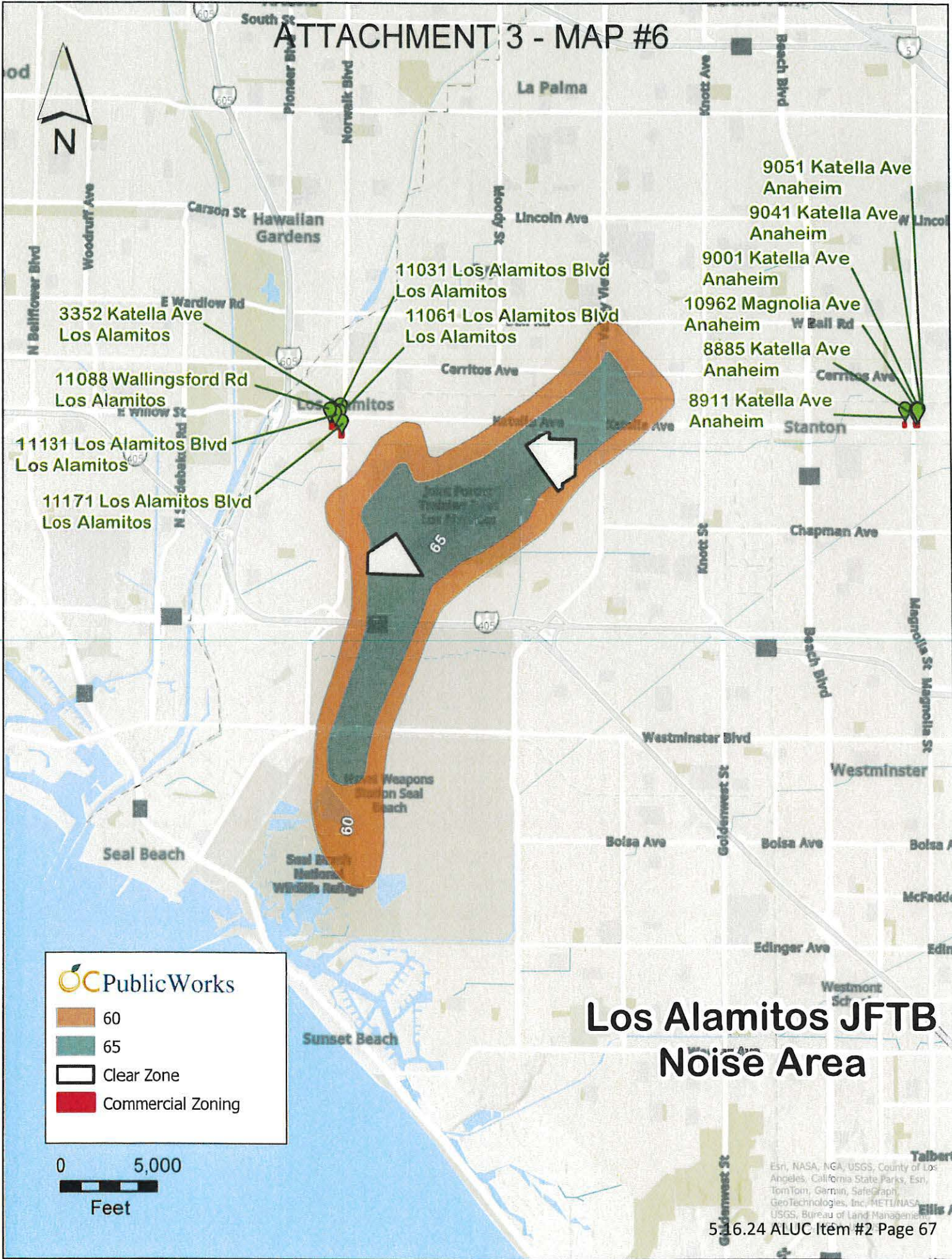
- LEGEND**
- 60- CNEL CONTOUR
  - RUNWAY PROTECTION ZONE
  - CITY BOUNDARIES

Adopted by the Air \_\_\_\_\_ County

5.16.24 ALUC Item #2 Page 66  
 \_\_\_\_\_ Date

Lea Choum, Executive Officer

# ATTACHMENT 3 - MAP #6



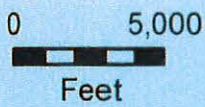
- 3352 Katella Ave  
Los Alamitos
- 11088 Wallingsford Rd  
Los Alamitos
- 11131 Los Alamitos Blvd  
Los Alamitos
- 11171 Los Alamitos Blvd  
Los Alamitos

- 11031 Los Alamitos Blvd  
Los Alamitos
- 11061 Los Alamitos Blvd  
Los Alamitos

- 9051 Katella Ave  
Anaheim
- 9041 Katella Ave  
Anaheim
- 9001 Katella Ave  
Anaheim
- 10962 Magnolia Ave  
Anaheim
- 8885 Katella Ave  
Anaheim
- 8911 Katella Ave  
Anaheim

**PublicWorks**

- 60
- 65
- Clear Zone
- Commercial Zoning



## Los Alamitos JFTB Noise Area

Esri, NASA, NGA, USGS, County of Los Angeles, California State Parks, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management



# ATTACHMENT 7

## CHAPTER X – HOUSING ELEMENT

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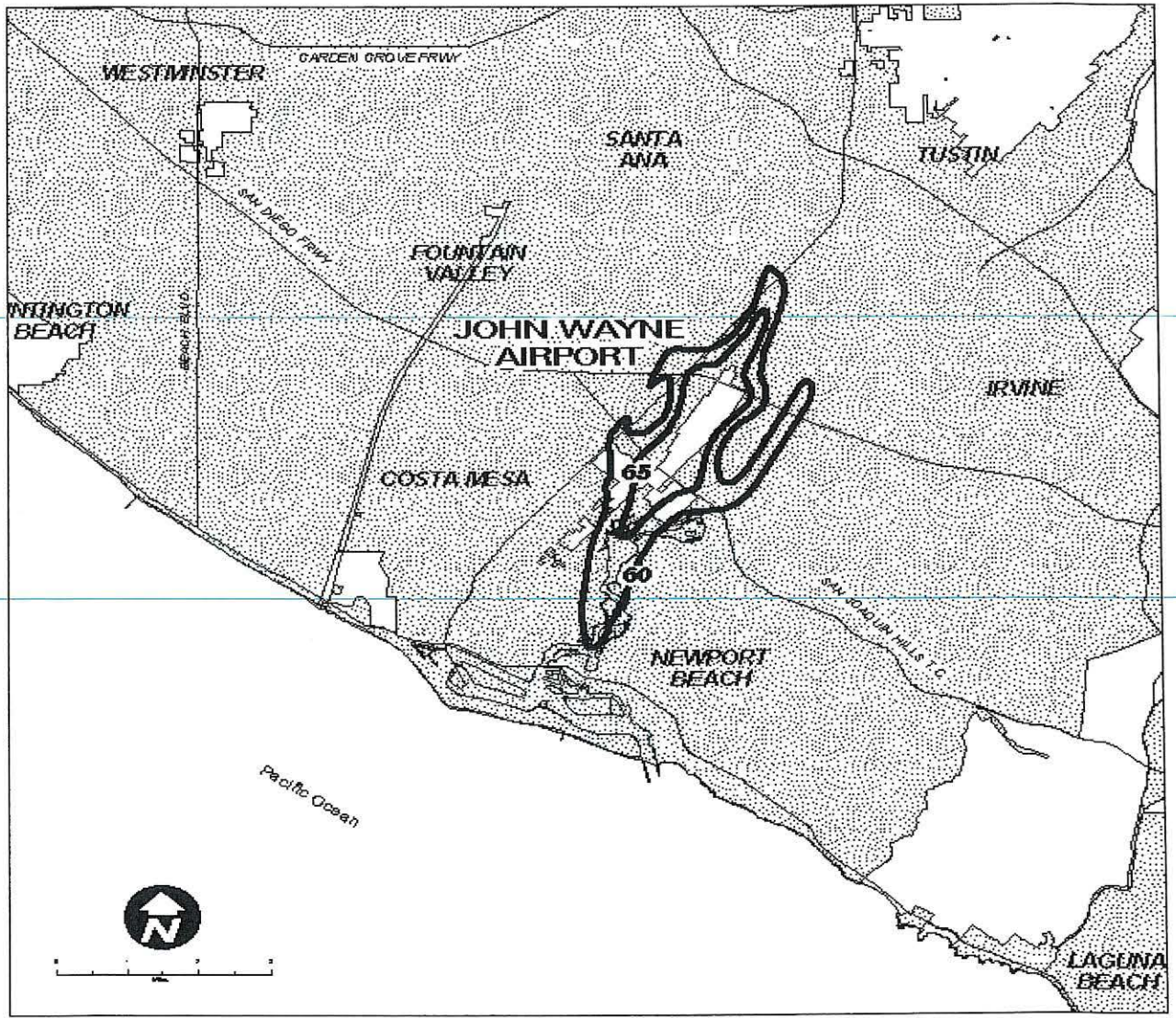
- **Noise:** The major sources of significant noise in Orange County are aircraft and highway vehicles. While both can usually be mitigated to acceptable levels indoors, aircraft noise cannot be mitigated outdoors because of its overhead source. State law and County policy prohibit residential development and similar noise sensitive uses in high-noise (+65 CNEL) areas near John Wayne Airport. Noise in non-residential developments must be attenuated to protect users in those areas. Near major streets and highways, noise must also be attenuated. Thus, high-noise conditions may preclude certain uses in some areas and may increase development costs.
- **Flood Hazards:** Portions of Orange County are located in floodplain areas of varying degrees of risk, subject to “100-” and “500-year” floods. In many cases, development can occur in these areas through proper site planning, although mitigation costs may be high. There are, however, some areas where development in a floodplain is difficult and expensive to protect a project from extreme flood hazard.
- **Fire Hazards:** The foothill areas of Orange County are considered high to very high fire hazard areas. Future development in these areas must minimize potential fire hazards and adequate fire protection must be maintained. These requirements may raise development costs, but will not preclude development.
- **Geologic/Seismic Hazards:** Like the entire Southern California region, Orange County is located within an area of high seismic activity. Potential slope and seismic hazards constrain development in certain parts of the County. While both conditions seldom preclude development, they may ultimately increase the cost of construction.
- **Natural and Cultural Resources:** The presence of natural or cultural resources on vacant land may influence its future use. For example, critical habitat areas or archaeological sites may require preservation or sensitive planning. Such conditions may preclude development or increase the cost of construction.

### *Infrastructure Constraints*

Many rapidly growing areas – especially southern portions of the County – have found it difficult to expand infrastructure fast enough to keep up with new

CHAPTER VIII. NOISE ELEMENT

Figure VIII-2



**GENERALIZED NOISE EQUIVALENT LEVEL CONTOURS  
From Air Facilities**

**CHAPTER VIII. NOISE ELEMENT**

develop estimates will be improved as new evidence becomes available. The accuracy of the data base will be improved by the acquisition of new data through various national and international efforts. When improved analytical models are available, it may be appropriate to recalculate the noise contours contained in this document.

There are fiscal constraints which affect the future noise environment as well.

Attenuation measures all have a cost associated with them. Those that are to be paid for by public agencies (such as acoustical barriers along freeways or arterial highways) must compete for scarce resources with other public needs. Cost considerations are particularly critical for retroactive improvements.

**Noise Referral Zones**

The noise contours depicted on the maps in the Existing Noise Environment section of this Element reflect transportation noise sources (i.e., arterial highways, rail lines and airports) which are, and are expected to remain, major sources of noise in unincorporated areas of Orange County.

The contours shown on the maps indicate noise-affected areas which constitute Noise Referral Zones for purposes of this Element. Such a zone is defined as that area with a total noise environment of 60 decibels Community Noise Equivalent Level (CNEL) or more. It is the level at which either State or Federal laws and standards related to land use become important and, in some cases, supersede local laws and regulations.

Any development proposed which may be impacted by a CNEL from each noise source of 60 or more decibels will be evaluated on a project specific basis. The contour figures in the Existing Noise Environment section of this Element for railroads and arterial highways depict a "worst case" situation. As used here, "worst case" means the maximum area that might be impacted, given that:

- a) No sound absorbing or attenuating effects of topography or man-made features have been considered; and
- b) The contours reflect operation of the facilities at their design level (which may be greater than the current level of traffic and may be less than that generated if the facility were upgraded after adoption of this Element).

The intent of the Noise Referral Zone is to act as a triggering mechanism or flag for development proposals in areas potentially adversely affected by high noise levels. If a development proposal falls within a Noise Referral Zone, it will be subject to evaluation and review to determine whether the project is indeed within an area where the CNEL is 60 or more decibels. It is during this initial evaluation of a project that the effect of existing development, topographic features, or other such noise attenuation measures is considered, although at a very general level of detail.

Acoustical analysis reports shall be prepared in any instance where there is the possibility

<b>COMMON NOISE SOURCE LEVELS</b>
<b>70 dBA:</b> television
<b>80-90 dBA:</b> blender
<b>100 dBA:</b> wood-working class
<b>130 dBA:</b> jack-hammer
<b>157 dBA:</b> balloon pop

## CHAPTER VIII. NOISE ELEMENT

of unacceptable noise impacts. Thus, unless it can be shown with certainty that the project is outside the area that has a CNEL of 60 or more decibels, an acoustical analysis report will be required.

### **OBJECTIVES AND POLICIES**

This section contains the key objectives and assumptions that have guided the

development of the Noise Element. They are either explained fully or are referenced with information as to where a full explanation can be found and a unifying characteristic of all assumptions is that they are consistent with those used in other elements of the General Plan.

### **Objectives, Assumptions, and Definitions**

A key objective of this Noise Element is to ensure that each County resident's quality of life is not affected adversely by high noise levels. Thus mitigation of noise is of paramount importance.

Noise affects all land uses. Residential uses are the most noise sensitive because of structural design, 24-hour per day duration of use and because such uses typically need, and are designed to incorporate outdoor living areas. Other noise sensitive uses include schools, hospitals, and places of worship. While mitigation of the effects of excessive noise in enclosed or interior areas are feasible (if expensive), it becomes more difficult for outdoor areas (particularly for aircraft noise sources).

In general, any development that results in a situation where there is an unacceptable level of noise in any living area (interior or exterior), must be mitigated or the project or use revised to avoid the conflict.

Aircraft noise as it affects outdoor living areas<sup>3</sup> is particularly critical because it is generally impracticable to provide sufficient noise control to achieve an acceptable noise environment.

Noise sensitive land uses are defined as those specific land uses that have associated indoor and/or outdoor human activities that may be subject to stress and/or significant interference from noise produced by community sound sources.

<sup>4</sup>“Outdoor living area” is a term used by the County of Orange to define spaces that are associated with residential land uses typically used for passive recreational activities or other noise-sensitive uses. Such spaces include patio areas, barbecue areas, jacuzzi areas, etc. associated with residential uses; outdoor patient recovery or resting areas associated with hospitals, convalescent hospitals, or rest homes; outdoor areas associated with places of worship which have a significant role in services or other educational purposes which may be adversely impacted by noise. Outdoor areas usually not included in this definition are: front yard areas, driveways, greenbelts, maintenance areas, and storage areas associated with residential land uses; exterior areas at hospitals that are not used for patient activities; outdoor areas associated with places of worship and principally used for short-term social gatherings; and outdoor areas associated with school facilities that are not typically associated with educational uses prone to adverse noise impacts (for example, school play yard areas).



**CHAPTER VIII. NOISE ELEMENT**

As a result of the Board of Supervisors' adoption of the Santa Ana Heights Land Use Compatibility Plan (LUCP), a projected 65-decibel CNEL noise contour was adopted for John Wayne Airport reflecting expected future flight levels and a reasonable mix of aircraft types. The policy implementation lines can only be changed as part of a Noise Element Amendment.

noise in outdoor living areas, such uses are incompatible.

Noise sensitive uses which have no outdoor living areas may be compatible. These uses shall be considered compatible if and only if all standards contained in this Element are met.

Non-noise sensitive uses are compatible so

The County also has a regular program of monitoring noise in the vicinity of John Wayne Airport. The noise-monitoring program is used to provide supporting data to confirm applicability of the fixed policy implementation lines. The locations of other CNEL contours are plotted for both of these facilities, as well. The 60-decibel CNEL contour is the boundary of the noise referral zone. The other contours are not as important for land use planning purposes since key development policies are not based upon them.

long as interior noise levels meet the policies and standards established by this Noise Element.

**Policies**

Tables VIII-2 and VIII-3 were derived from the policies that are contained in narrative form in this chapter, from state requirements and standards and from other policies of the Board of Supervisors that relate to noise environments. The tables are meant to convey, in objective terms, the compatibility of, and standards for, the integration of land use planning and either calculated or measured noise environments.

All new residential uses, schools, places of worship, and convalescent hospitals are generally incompatible within the 65-decibel CNEL contour for any other airport or air station or for any other source of noise. These uses normally require outdoor living areas for functional or therapeutic purposes or, in the case of nearly all residential projects, to afford the full life style that is the goal of the County's General Plan. For these reasons, the ability to mitigate the effects of noise on these outdoor living areas is of paramount importance. Since it is generally impracticable to mitigate aircraft-induced

Three general types of noise-impact and noise-mitigation situations can be identified and related to the noise environment.

First are those situations where a new use is being proposed that is impacted by an existing noise source. "New" in this context refers both to the initial development of land from an unimproved state and to the redevelopment of land in which one use is replaced by another. This is the most

CHAPTER VIII. NOISE ELEMENT

common situation and is typified by a residential tract adjacent to, and impacted by, noise from an arterial highway.

Mitigation of project noise through project design in this situation is clearly a preventative approach to assure compatibility of land use with long-term outdoor noise.

A second situation occurs when an existing use is impacted by a new or expanded source of noise. This situation is typified by general planning of a new transportation facility close enough to existing uses to have noise impacts on them or the expansion of such a facility beyond currently planned levels. Again, noise mitigation through

project design is a preventative approach in that noise/land use incompatibilities are avoided. This situation is one in which the project proponent is obliged to mitigate the impacts of the new source of noise.

For the first two situations, the applicable standards are depicted on Tables VIII-2 and VIII-3. In the first situation, any project that is approved must meet the standards specified through appropriate noise mitigation measures, or the project must be modified to ensure consistency with the Noise Element.

In the second situation, there must be a similar application of noise mitigation or other steps taken by the project proponent to avoid the inconsistency. In either case, the acceptable levels of noise in affected areas are as specified on Tables VIII-2 and VIII-3.

The third situation is one in which land uses and noise sources were established prior to adoption of noise policies and standards and are thus rendered incompatible "after fact." (The Noise Element's initial adoption was in 1975.) This situation is one in which existing uses are located within noise impact areas from existing sources. In most instances, these inconsistencies predate both the current knowledge of, and concern for, the deleterious effects of noise and the resulting statutes (e.g., the California Environmental Quality Act and planning laws related to local general plans). In the third situation, remedial action would be required to obtain consistency with the Noise Element's standards identified on Tables VIII-2 and

VIII-3. Such action would lead to retroactive compatibility. While County policy stresses the desirability of such steps; they are voluntary on the part of individual property owners or project proponents.

• **Major Noise Element Policies**

The policies listed below help guide the implementation of the Noise Element. They provide the link between the noise related goals of the General Plan and the programs that have been designed to accomplish the goals.

**I. INTERGOVERNMENTAL COOPERATION**

To cooperate with other County agencies and levels of government to bring about a comprehensive and

**CHAPTER VIII. NOISE ELEMENT**

coordinated effort to reduce noise levels.

- 1.1 To recommend needed changes in Federal and State legislation which will be effective in reducing noise and can be efficiently administered.
- 1.2 To cooperate in efforts to develop mechanisms to assure coordination of all governmental jurisdictions in the field of noise control.

These policies involve cooperative efforts with other jurisdictions in order to achieve greater compatibility between noise and land uses. They acknowledge the regional aspects of many noise-related issues. They are implemented primarily through existing cooperative mechanisms such as Southern California Association of Governments and the County Supervisors Association of California.

**2. PUBLIC INFORMATION AND NOTIFICATION**

To disseminate public information regarding noise and programs to reduce noise levels and their impacts.

- 2.1 To provide information to the public regarding the health effects of high noise levels and means of mitigating such levels.
- 2.2 To provide information regarding Noise Referral Zones and noise attenuation measures to developers and the public.

- 2.3 To cooperate with industry to develop public information programs on noise abatement.
- 2.4 To require that prospective purchasers or end users of property be notified of overflight, sight and sound of routine aircraft operations by all effective means including:

- a) Requiring new residential subdivisions which are located within the 60-decibel CNEL noise contour or are subject to overflight, sight and sound of aircraft operating from John Wayne Airport to have such information included in the State of California Final Subdivision Public Report.
- b) Requiring that Declaration and Notification of Aircraft Noise and Environmental Impacts be recorded and available to prospective purchasers or end users of property located within the 60-decibel CNEL noise contour for any airport or air station or is subject to routine aircraft overflight.
- c) Requiring an Aviation Easement across property that is within the 60-decibel CNEL noise contours for any airport or Los Alamitos air station or is subject to routine aircraft overflight.

**CHAPTER VIII. NOISE ELEMENT**

- d) Requiring the posting of noise impact notification signs in all sales offices associated with new residential development that is located within the 65-decibel CNEL contour from any airport or air station.
- e) Any other appropriate means as specifically directed by the Board of Supervisors.

vehicles in areas of the County except where designated for that purpose.

- 3.4 To study commercial truck movements and operations in the County and establish truck routes away from noise-sensitive areas where feasible.

- 3.5 To encourage development of a mass multi-modal transit system with reduced noise emission characteristics.

- 3.6 To review the Federal Railroad Noise Standards of 1974 for possible adoption by Orange County.

These policies are implemented at various stages of the development review process. The intent of this section is to utilize the most efficient means of providing appropriate noticing. Thus, some of these steps occur at the tract map stage; others at the building permit stage.

- 3.7 To continue the current policy of encouraging the use of noise reducing modifications to jet engines and the use of quieter jet aircraft at John Wayne Airport.

**3. TRANSPORTATION SYSTEM NOISE CONTROL**

To encourage the control of noise from transportation systems as the most efficient and effective means of reducing noise at the source.

- 3.8 To employ noise mitigation measures in the design of new arterials consistent with funding capability and to support efforts by the State Department of Transportation for remedial acoustical protection for existing highways where needed by the County.

- 3.1 To enforce noise sections of the State Motor Vehicle Code.
- 3.2 To encourage the State to require adequate noise suppression devices (mufflers, etc.) for all motor vehicles operated within the County.
- 3.3 To restrict the use of trail bikes, mini-bikes and other off-road motor

Since the County has little direct control over vehicle noise-level standards, cooperative efforts with state and

**CHAPTER VIII. NOISE ELEMENT**



federal offices are important. In those instances where the County is directly involved (usage in County parks, for example), these policies are implemented through ordinances and operating procedures.

**4. NOISE MONITORING AND ABATEMENT**

To monitor noise levels, and adopt and enforce noise abatement programs.

- 4.1 To enforce the County's Noise Ordinance to prohibit or mitigate harmful and unnecessary noise within the County.
- 4.2 To encourage Orange County cities to adopt the County's model noise ordinance.
- 4.3 To develop and enforce standards in addition to those presently included in the Noise Ordinance to regulate noise from construction and maintenance activities and commercial public and industrial

land uses.

- 4.4 To consider noise reduction as a factor in the purchase of County maintenance equipment and the use of such equipment by County contractors and permittees.

- 4.5 To require that noise from motors, appliances, air conditioners, and other consumer products does not disturb the occupants of surrounding properties.

- 4.6 To continue identification of noise-producing sources, such as helicopter operations, as part of subsequent amendments to the Noise Element.

These policies are implemented jointly by the County Health Care Agency and the Resources and Development Management Department through the Noise Ordinance, and by RDMD in its procurement process for new and replacement vehicles and equipment.

**5. NOISE/LAND USE PLANNING**

**CHAPTER VIII. NOISE ELEMENT**

**INTEGRATION**

To fully integrate noise considerations in land use planning to prevent new noise/land use conflicts.

5.1 To utilize the criteria of acceptable noise levels for various types of land uses as depicted on Tables VIII-2 and VIII-3 in the review of development proposals.

5.2 To prohibit new residential land uses within the 65-decibel CNEL contour from any airport or air station.

5.3 To limit new non-residential noise-sensitive land uses that are within a 65-decibel CNEL area from any source. Noise sensitive land uses will be permitted if, and only if, appropriate mitigation measures are included such that the standards contained in this Element and in appropriate State and Federal Codes are met. Specifically, non-residential noise-sensitive land uses include: hospitals, rest homes, convalescent hospitals, places of worship, and schools.

5.4 To stress the importance of building and design techniques in future site planning for noise reduction.

5.5 To utilize the California Noise Standards for Airports in planning for areas surrounding military as well as civilian airports.

These policies are implemented at different stages in the review of projects on which the County takes discretionary action. Tables VIII-2 and VIII-3 succinctly depict the County policies related to land uses and acceptable noise levels. The tables are the primary tools which allow RDMD to ensure integrated planning for compatibility between land uses and outdoor noise.

**6. NOISE SENSITIVE LAND USES**

To identify and employ mitigation measures in order to reduce the impact of noise levels and attain the standards established by the Noise Element, for both interior areas and outdoor living areas for noise sensitive land uses.

6.1 To encourage all property owners within the identified Noise Referral Zones to acoustically insulate all living quarters. This will be optional to the property owner.

6.2 To continue enforcement of Chapter 35 of the Uniform Building Code, currently adopted edition, and the California Noise Insulation Standards (Title 25 California Administrative Code).

6.3 To require that all new residential units have an interior noise level in living areas that is not greater than 45 decibels CNEL with it being understood that standard construction practices reduce the noise level by 12 decibels CNEL with the windows open and 20

**“Silence is exhilarating at first-as is noise-but there is sweetness to silence outlasting exhilaration..”**

*Edward Hoagland*

## CHAPTER VIII. NOISE ELEMENT

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decibels CNEL with the windows closed. Higher attenuation than listed above may be claimed if adequate field monitoring or acoustical studies are provided to and approved by the County.

6.4 To require that all new residential units have an interior noise level in habitable rooms that does not exceed acceptable levels as caused by aircraft fly-overs or as caused by individual passing railroad trains.

6.5 All outdoor living areas associated with new residential uses shall be attenuated to less than 65 decibels CNEL.

6.6 To urge the use of acoustical insulation programs for schools located in the county, and where

subject to County approval, to insure that new buildings for school uses meet state and local acoustical standards.

6.7 To apply noise standards as defined in the Noise Element for noise-sensitive land uses.

These policies also are reflected in Tables VIII-2 and VIII-3. They are implemented in all phases of project review.

<sup>5</sup>An arterial highway, as long as it is shown on the Master Plan of Arterial Highways, may exist in its ultimate form, may exist in a partial configuration, or may only be planned. Designation of the arterial highway on the plan and the traffic and noise projections which accompany this designation are, in this context, the "existing noise source."

CHAPTER IX. SAFETY ELEMENT

**GOALS, OBJECTIVES AND  
POLICIES:**

**AIRCRAFT ENVIRONMENT**

Orange County is unique among California counties because commercial, general, and military aviation installations are located within its boundaries. Air traffic generated by these facilities, coupled with air traffic transiting through the County, presents an image of crowded skies heightening the chances of aircraft accidents. However, accidents occur infrequently compared to the number of operations.

This section of the Safety Element presents a specific aircraft safety goal and policies intended to minimize existing aircraft hazards and promote aviation safety.

**Goals and Objectives**

The following specific goal is in addition to the General Public Safety Component Goals and Objectives found earlier in this chapter.

**Goal 1**

To protect the health, safety, and general welfare by ensuring the orderly expansion of airports and the adoption of measures that minimize the public's exposure to safety hazards within areas around airports.

**Policies**

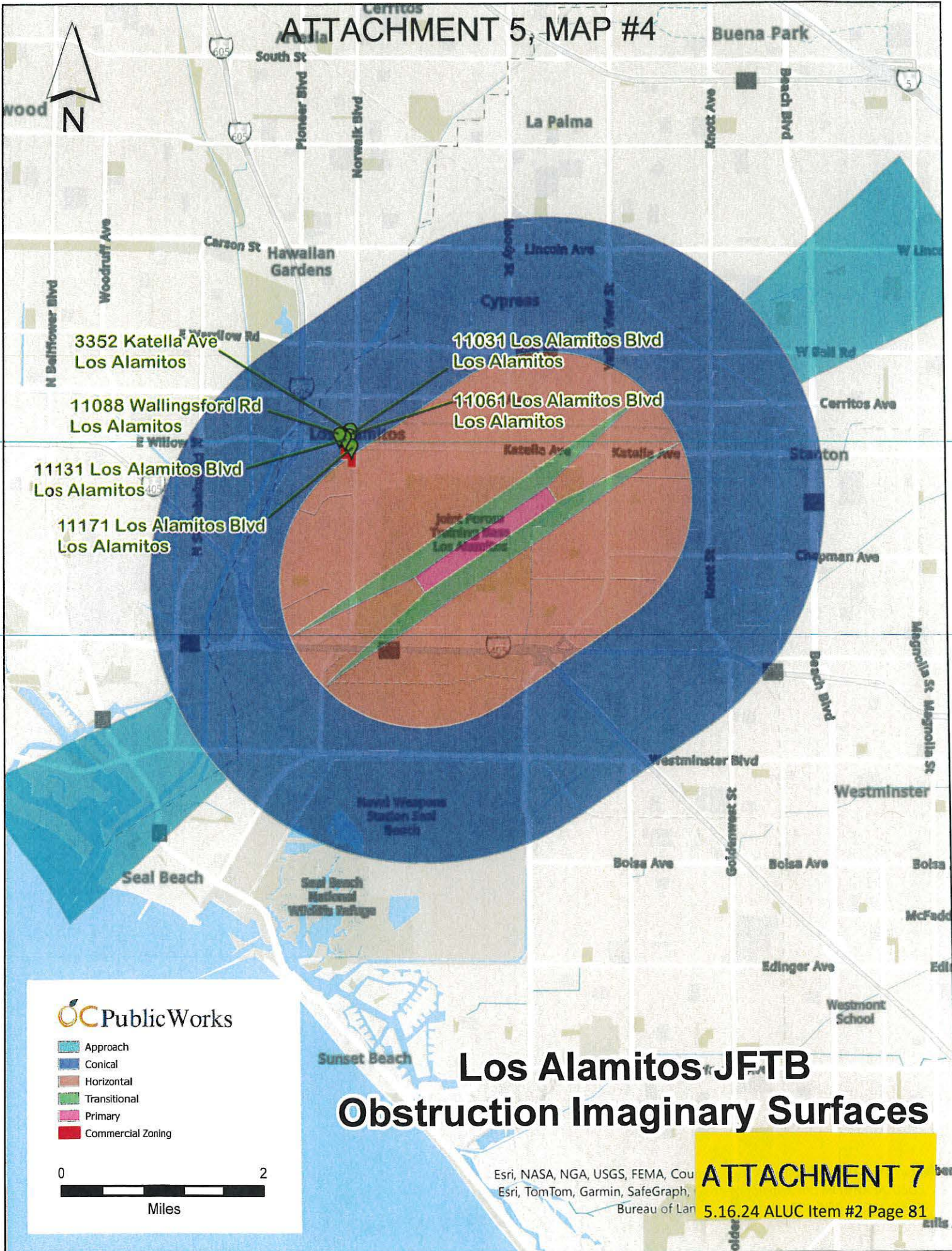
1. To utilize the most recent adopted Air Installations Compatible Use Zone (AICUZ) studies for military air

installations (i.e., Los Alamitos Army Airfield) as the basis for safety compatibility planning in the vicinity of the facility.

2. To refer projects, as required by Section 21676 of the Public Utilities Code, to the Airport Land Use Commission for Orange County prior to their adoption or approval to determine consistency of the projects with the Airport Environs Land Use Plan (AELUP). Said projects include, but are not limited to, General Plan amendments, Zone Changes, or other discretionary action for the purpose of construction or alteration of a structure more than 200' AGL (Above Ground Level) and applicants seeking approval for the construction or operation of a heliport or helistop.
3. To support the creation of regulations requiring aircraft detection equipment.
4. To encourage the creation and updating of detailed flight charts and publications for the airspace in Orange County.
5. To encourage cooperative agreements between the County and the air installations to provide relief services in times of natural disaster.



# ATTACHMENT 5, MAP #4



- 3352 Katella Ave  
Los Alamitos
- 11088 Wallingsford Rd  
Los Alamitos
- 11131 Los Alamitos Blvd  
Los Alamitos
- 11171 Los Alamitos Blvd  
Los Alamitos

- 11031 Los Alamitos Blvd  
Los Alamitos
- 11061 Los Alamitos Blvd  
Los Alamitos

OC Public Works

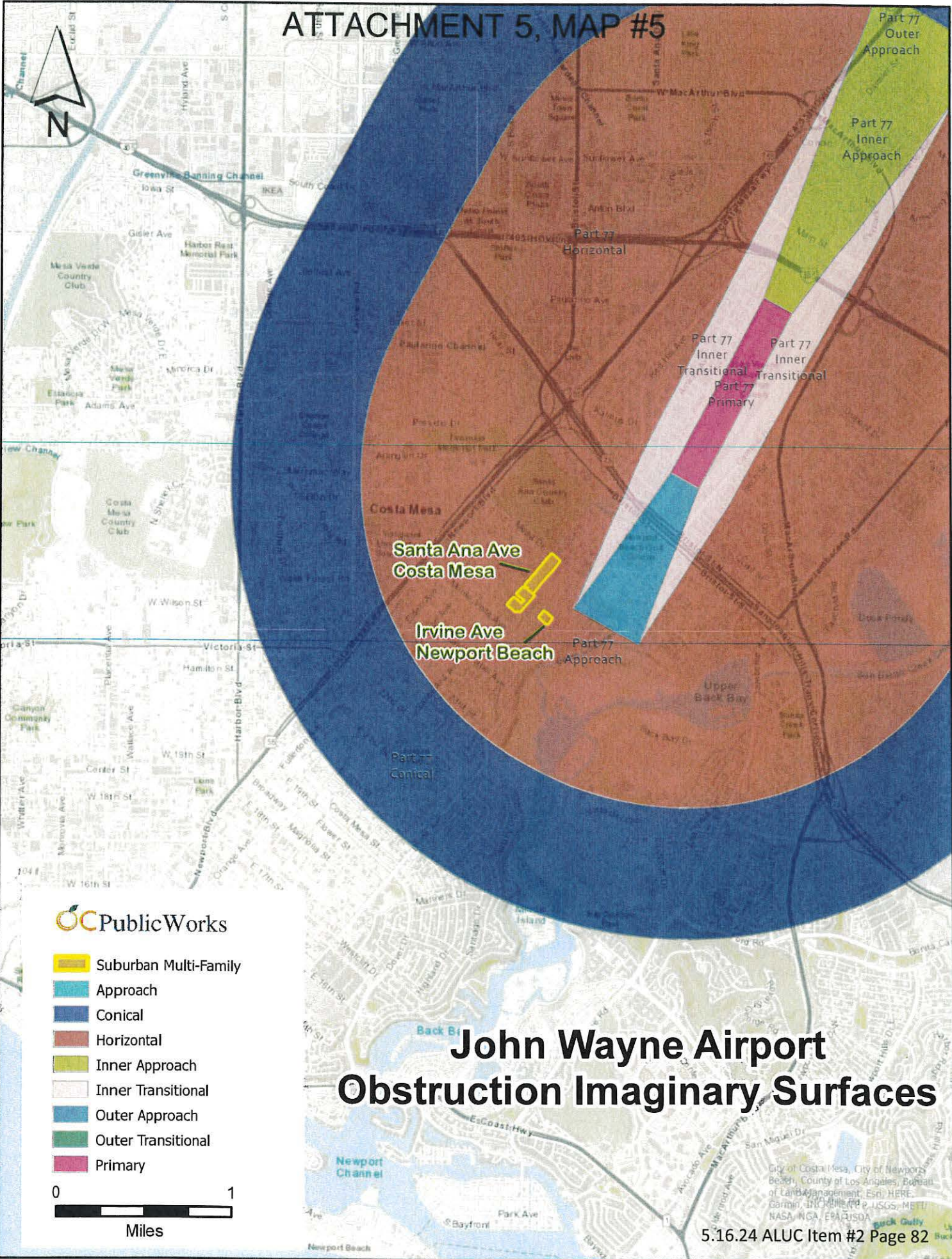
- Approach
- Conical
- Horizontal
- Transitional
- Primary
- Commercial Zoning



## Los Alamitos JFTB Obstruction Imaginary Surfaces

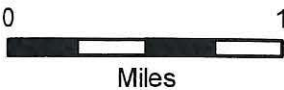
**ATTACHMENT 7**

# ATTACHMENT 5, MAP #5



Public Works

- Suburban Multi-Family
- Approach
- Conical
- Horizontal
- Inner Approach
- Inner Transitional
- Outer Approach
- Outer Transitional
- Primary



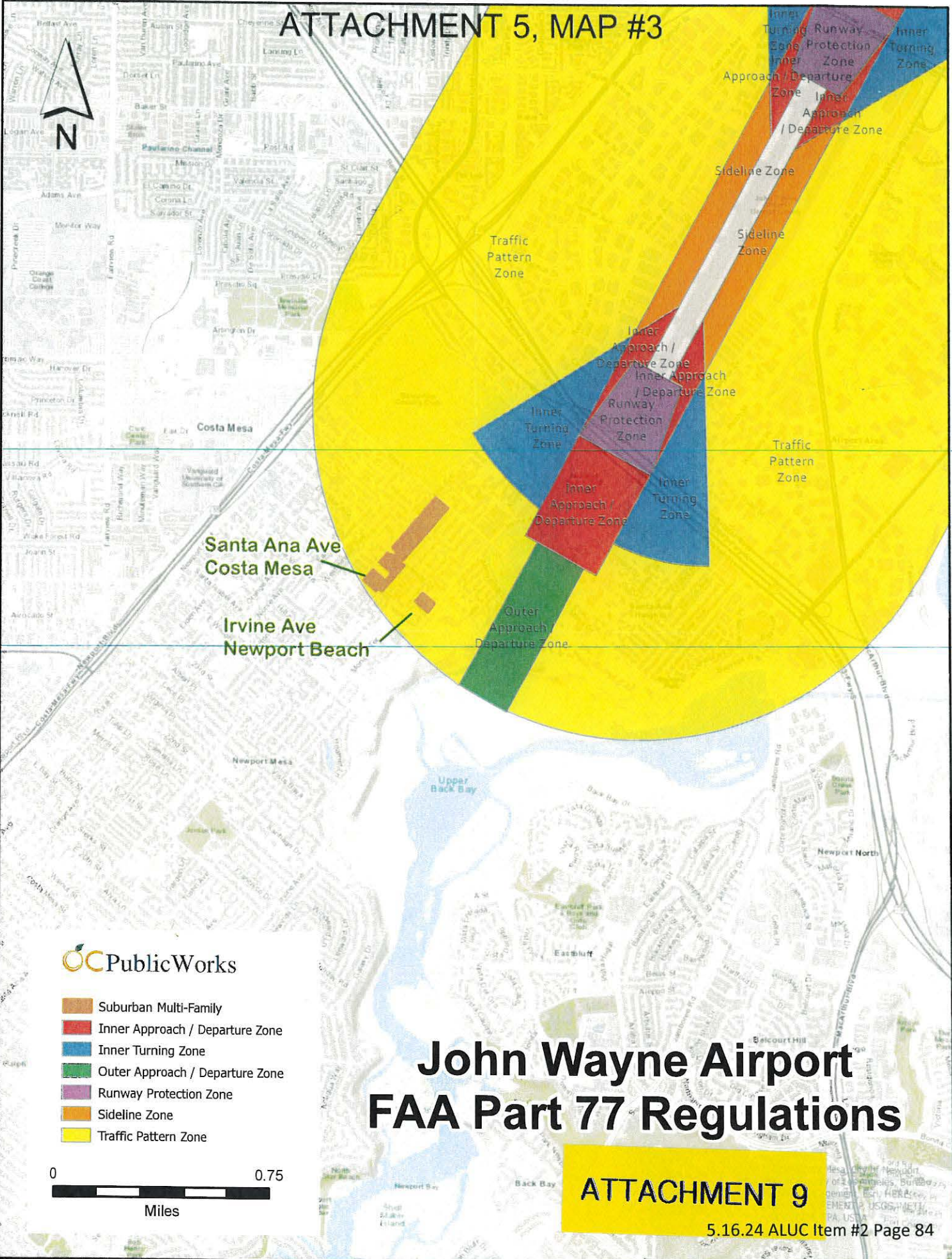
## John Wayne Airport Obstruction Imaginary Surfaces

**ATTACHMENT 2**

**CURRENT AND PROPOSED HEIGHT OF DEVELOPMENT IN AIRPORT PLANNING AREAS**

Address	Current Use	Current Zoning	Current Maximum Height Allowed per Base Zoning (Feet)	Current Maximum Height Allowed for Affordable Housing Developments (Feet)	Proposed Zoning	Proposed Maximum Height Allowed for Proposed Zoning (Feet)
<b>Los Alamitos Training Base</b>						
11061 Los Alamitos Blvd, Los Alamitos	Commercial/retail	C2(H)	35	65	MX "Mixed-Use"	65
11031 Los Alamitos Blvd, Los Alamitos	Commercial/office	C1(SS)(H)	35	65	MX "Mixed-Use"	65
3352 Katella Ave, Los Alamitos	Church	C2(H)	35	65	MX "Mixed-Use"	65
11131 Los Alamitos Blvd, Los Alamitos	Commercial/office	C2(SS)(H)	35	65	MX "Mixed-Use"	65
11088 Wallingsford Rd, Los Alamitos	Church	C2(SS)(H)	35	65	MX "Mixed-Use"	65
11171 Los Alamitos Blvd, Los Alamitos	Gas station	C2(SS)(H)	35	65	MX "Mixed-Use"	65
8885 Katella Ave, Anaheim	Commercial	C1(H)	35	65	MX "Mixed-Use"	65
8911 Katella Ave, Anaheim	Affordable multifamily housing	C1(H)	35	65	MX "Mixed-Use"	65
10962 Magnolia Ave, Anaheim	Commercial	C1(H)	35	65	MX "Mixed-Use"	65
9001 Katella Ave, Anaheim	Commercial	C1(H)	35	65	MX "Mixed-Use"	65
9041 Katella Ave, Anaheim	Commercial	100-C1-10,000 (H)	35	65	MX "Mixed-Use"	65
9051 Katella Ave, Anaheim	Affordable multifamily housing	100-C1-10,000 (H)	35	65	MX "Mixed-Use"	65
<b>John Wayne Airport</b>						
Multifamily-zoned parcels located along Santa Ana Ave, southwest of Mesa Drive, Costa Mesa	Multifamily residential development	R4 "Suburban Multifamily"	35	65	R4 "Suburban Multifamily"	35
Multifamily-zoned parcels located along Irvine Ave, southwest of University Drive, Newport Beach	Multifamily residential development	R4 "Suburban Multifamily"	35	65	R4 "Suburban Multifamily"	35

# ATTACHMENT 5, MAP #3



OC Public Works

- Suburban Multi-Family
- Inner Approach / Departure Zone
- Inner Turning Zone
- Outer Approach / Departure Zone
- Runway Protection Zone
- Sideline Zone
- Traffic Pattern Zone

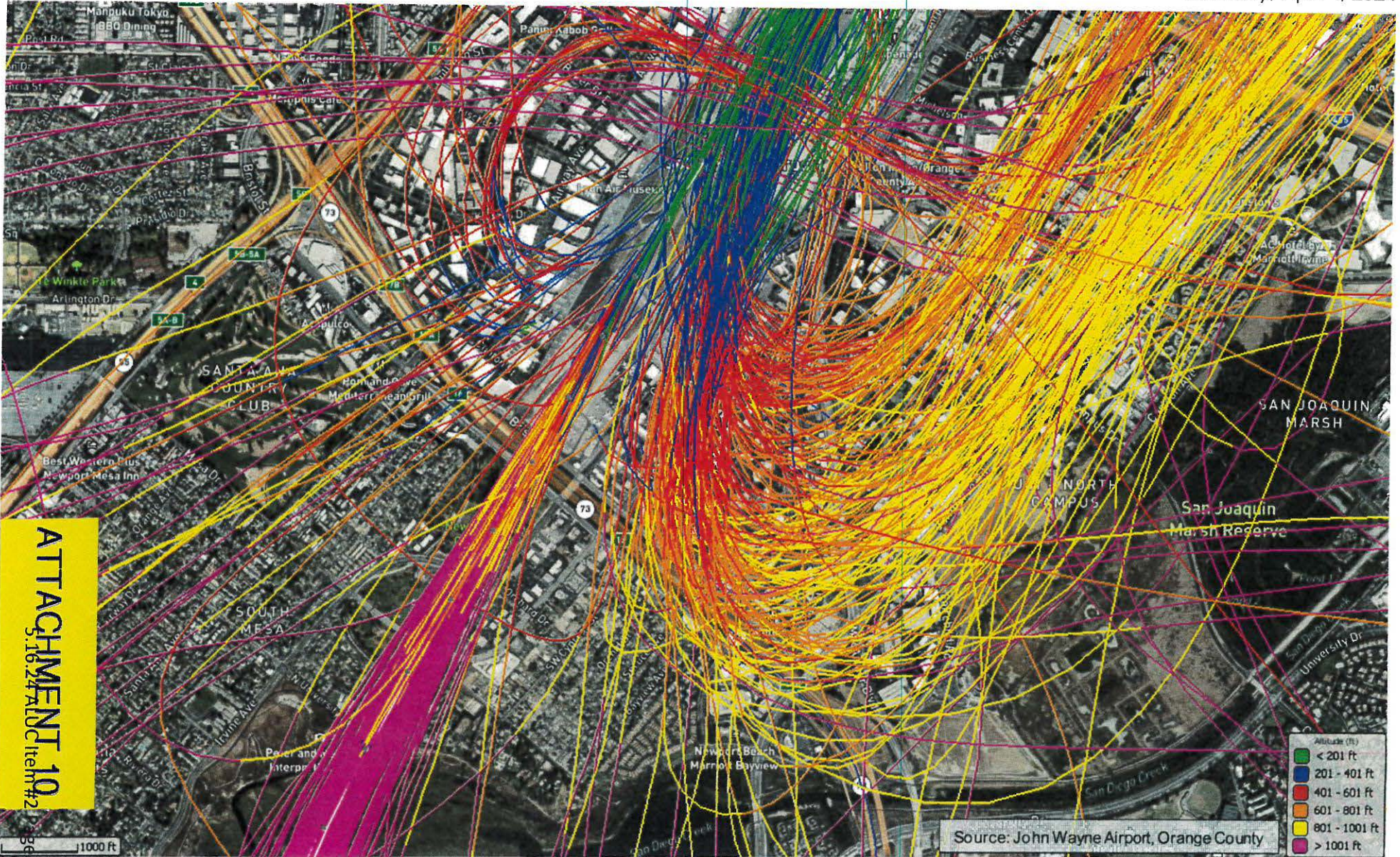
0 0.75  
Miles

## John Wayne Airport FAA Part 77 Regulations

**ATTACHMENT 9**



John Wayne Airport Altitude Analysis  
589 Operations  
Thursday, April 4, 2024

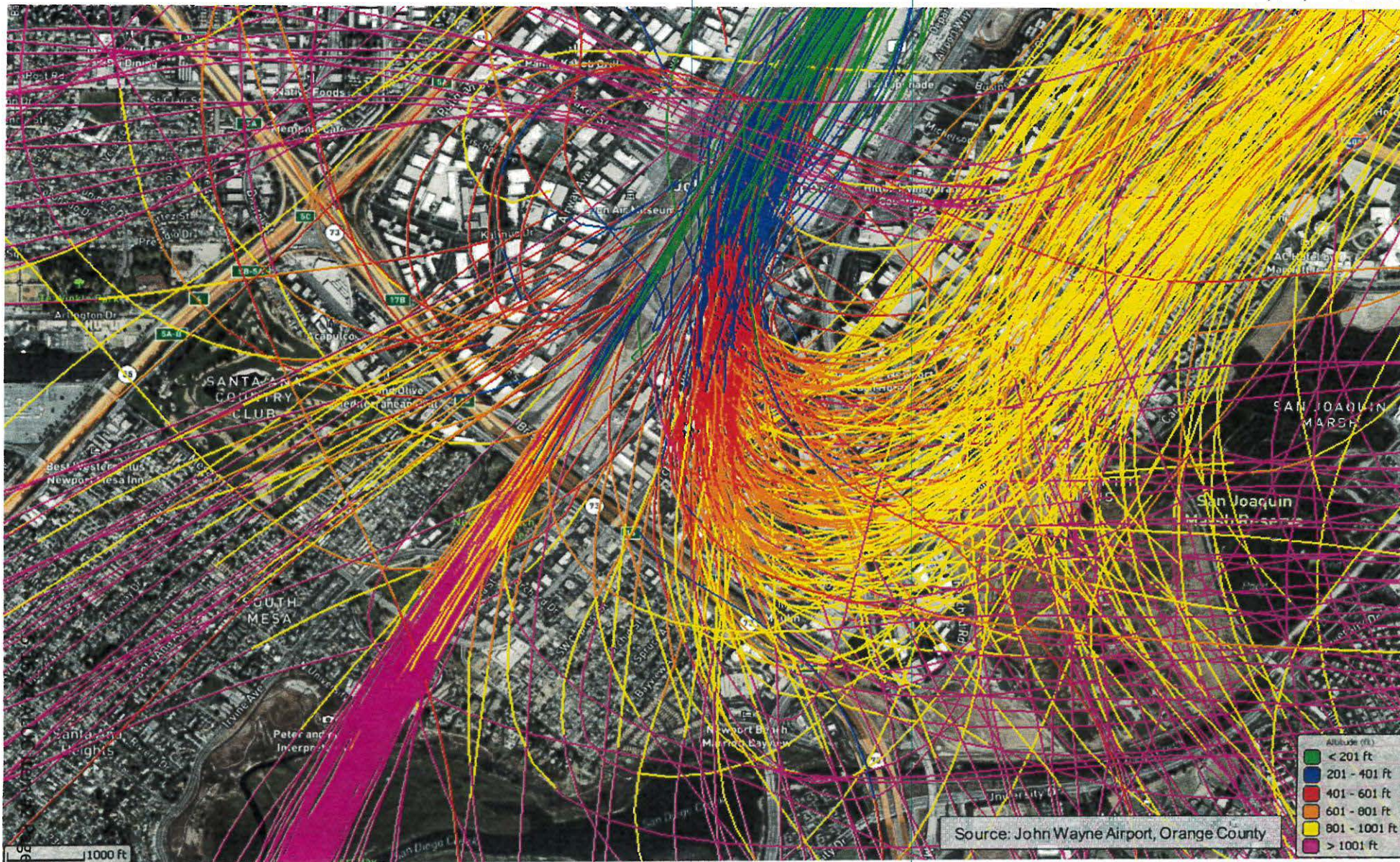


ATTACHMENT 10  
5.16.24 ALUC Item #2

1000 ft

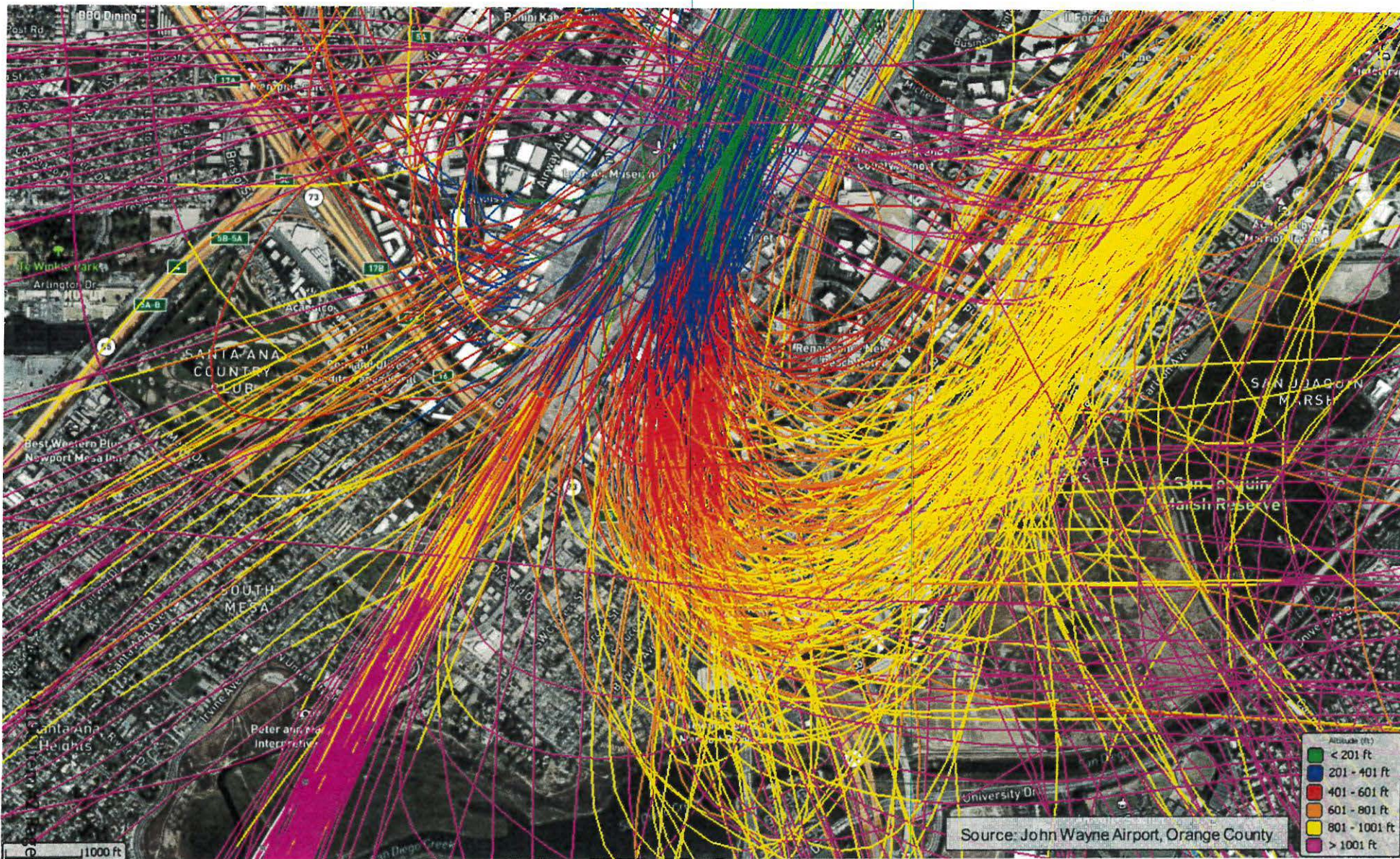


John Wayne Airport Altitude Analysis  
561 Operations  
Saturday, April 6, 2024





John Wayne Airport Altitude Analysis  
629 Operations  
Tuesday, April 2, 2024



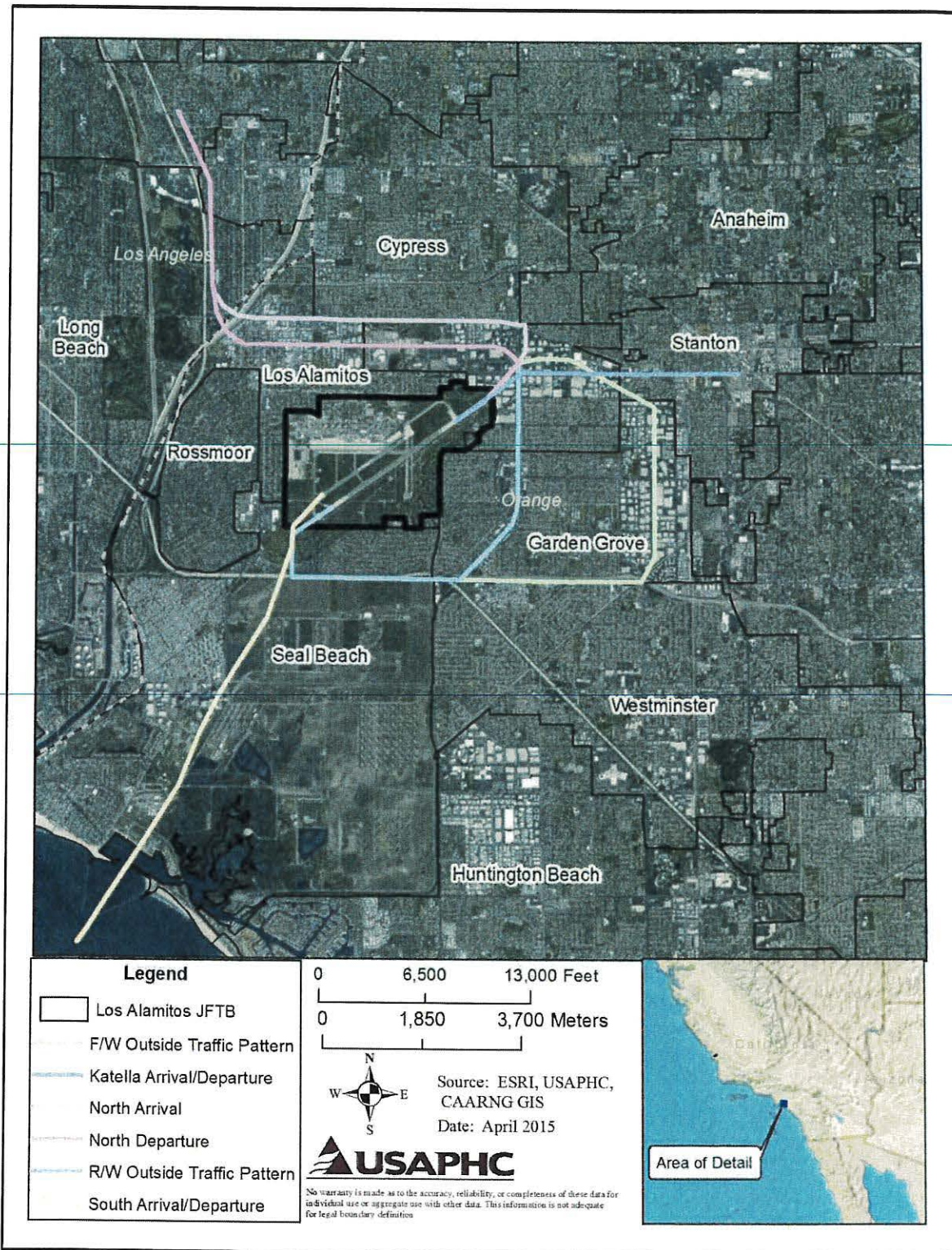


Figure 3-1. JFTB Los Alamitos Flight Routes





# ORANGE COUNTY Public Works

May 1, 2024

**RECEIVED**

**MAY 01 2024**

**AIRPORT LAND USE COMMISSION**

County Administration South  
601 North Ross Street  
Santa Ana, CA 92701  
P.O. Box 4048  
Santa Ana, CA 92702

Julie Fitch, Interim Executive Officer  
Airport Land Use Commission  
3160 Airway Avenue  
Costa Mesa, CA 92626

(714) 667-8800

info@ocpw.ocgov.com

OCPublicWorks.com

Subject: County of Orange Proposed General Plan Amendment LU 24-01 (Land Use Element), Zoning Code Amendment CA 24-01 (Mixed-Use District, Housing Opportunities Overlay District, and Technical Revisions), and Zone Change ZC 24-01 (Select properties in unincorporated areas)

Dear Ms. Fitch,

This letter is intended to provide additional information prior to the Airport Land Use Commission’s consideration of the County’s request for a determination of consistency for the adoption of General Plan Amendment LU 24-01 (Land Use Element), Zoning Code Amendment CA 24-01 (Mixed-Use District, Housing Opportunities Overlay District, and Technical Revisions), and Zone Change ZC 24-01 (Select properties in unincorporated areas) (hereinafter, collectively, Amendments) with the Airport Environs Land Use Plan (AELUP) from the Airport Land Use Commission (ALUC). Pursuant to Public Utilities Code Section 21676, the County of Orange (County) hereby submits additional information regarding the proposed General Plan Amendment LU 24-01 (Land Use Element), Zoning Code Amendment CA 24-01 (Mixed-Use District, Housing Opportunities Overlay District, and Technical Revisions), and Zone Change 24-01 (Select properties in unincorporated areas) to ALUC for consideration at the meeting scheduled for May 16, 2024.

Background

The County of Orange (“County”) is in the process of completing its Housing Element (HE) Update for the 6th Housing Element Update Cycle, as mandated by State law. Each Update provides goals, policies, and objectives the County will pursue to meet its existing and projected housing needs for the next eight-year planning period, including its allocation of the Regional Housing Needs Assessment (RHNA) assigned by Southern California Association of Governments (SCAG). The County’s RHNA allocation for this 6th Cycle Housing Element is 10,406 units.

**ATTACHMENT 11**

-  Administrative Services
-  OC Development Services
-  OC Facilities Design & Construction Management
-  OC Facilities Maintenance & CUF
-  OC Fleet Services
-  OC Construction
-  OC Environmental Resources
-  OC Operations & Maintenance
-  OC Infrastructure Programs
-  OC Survey

On September 28, 2023, OC Development Services and County Counsel received the third round of comments on the further revised HE Update from HCD. Since receiving the September 2023 Comment Letter, OC Development Services and County Counsel have been revising the HE Update to address HCD comments and to account for new and updated legal requirements, specifically portions of Government Code Section 65583.2. The greatest challenges have been identifying adequate sites for the Land Use Inventory to meet the RHNA and calculating realistic unit capacity for those sites, which must be supported by evidence that achieving the claimed densities can be accomplished within the planning period.

To meet the RHNA, the County will be required to rezone commercial and residential professional zoned properties to “Mixed Use” and amend the minimum densities for multifamily residentially zoned properties if the properties are: (1) currently nonvacant; and/or (2) planned to be used to meet our lower income RHNA obligations. These rezonings are required to demonstrate to HCD that the County has realistic capacity to meet our RHNA and to comply with the minimum densities now required Section 65583.2 and the Court of Appeal decision in *Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193 (“*Martinez*”). Minimum densities for both rezoned Mixed Use and Multifamily properties must be at 30 dwelling units per acre (du/ac).

The additional information provided in this letter is intended to demonstrate the compatibility of the proposed zoning of parcels in the vicinity of Orange County’s airports. Although the zoning for some parcels will change from commercial to mixed-use, or from residential professional to mixed use, the zone change will not result in an actual change in the allowable use for the affected parcels, including those in the vicinity of an airport.

It should be noted that some specific parcels are being excluded from the proposed Zone Change. The following commercial zoned parcels in the JWA vicinity will be excluded from the proposed Zone Change and the zoning applied to these parcels will not change (including the continued application of the Housing Opportunities Overlay which allows a maximum height of 65 feet for affordable housing developments)

- Costa Mesa Island parcels including:
  - Santa Ana Golf Course parking lot located along Newport Boulevard
  - “The Ranch at Newport Bay” commercial center located at the corner of Mesa Drive and Irvine Boulevard
- Silverado Canyon commercial area
- Commercial parcels located within Banning Ranch located along Pacific Coast Highway

Additionally, it should also be noted that the parcels zoned for commercial and residential uses located in the vicinity of John Wayne Airport are not included in the County of Orange Housing Element Land Inventory.

Discussion:

*Airport Noise:*

The attached maps depicting the noise contours for both the John Wayne Airport and Los Alamitos Joint Training Base (see Attachments 3 and 4) show the locations of the unincorporated parcels that will be affected by the proposed zoning code amendment and zone changes.

**Los Alamitos Joint Training Base** – No affected parcels are located within either the 60 or 65 CNEL noise contour of this airport, nor within its safety zone. However, the unincorporated parcels located at the southwest corner of Los Alamitos Blvd. and Katella Ave. are within the airport's Planning Area. A majority of these parcels are currently zoned for commercial uses (with an Affordable Housing Overlay which allows a maximum height of 65 feet) and will have a change in zoning to mixed-use (commercial and residential in the same building or 100% residential). Those parcel(s) currently zoned R4 will not have a change in zoning. Airport noise is not expected to be an issue for any residential uses that may be developed at this location in the future as they are not located within the 60 or 65 CNEL and residential uses are currently located in the City of Los Alamitos immediately adjacent to the base and between the base and these unincorporated parcels.

**John Wayne Airport** – The zoning for unincorporated parcels in the Costa Mesa island zoned for commercial uses will not change. There are, however, affected parcels within the 60 CNEL currently developed with multifamily residential uses. The zoning for these parcels will not change but a new minimum density will be established at 30 dwelling units per acre for any future development.

*Compatibility with an Airport Use:*

**Los Alamitos Joint Training Base** – The unincorporated parcels located at the corner of Los Alamitos Blvd and Katella Ave currently zoned for commercial uses, with an Affordable Housing Overlay, will be changed to mixed-use zoning. Since 2006, when the Affordable Housing Overlay Regulations were adopted by the Board of Supervisors, these parcels could have been redeveloped into multifamily residential uses utilizing the Housing Opportunities Overlay. Multifamily residential has been a permitted use on all the unincorporated parcels at this location for almost 20 years. This zone change will require that all future development at this location be either a mixed-use or a 100% residential use. This zone change will also increase the maximum building height of future development from the current limit of 35 feet to 65 feet (see Attachment 2). It should be noted that the Housing Opportunities Overlay Regulations currently allow multifamily housing to be built to a height of 65 feet at this location. This height is also similar to the maximum height of 60 feet that a development can build to with the issuance of a conditional use permit from the City of Los Alamitos for the parcels located directly across Katella Ave. and Los Alamitos Blvd. Any future residential uses developed at this location would therefore be compatible with airport use.

**John Wayne Airport** – There will be no changes to the permitted uses and site development standards of parcels zoned for commercial uses in the vicinity of John Wayne Airport (including the application of the Housing Opportunities Overlay). There will also be no changes to the permitted uses for the multifamily residential areas located southwest of JWA, but these parcels will have revisions to their site development standards that will affect future development. These include the addition of a mandated minimum density of 30 dwelling units per acre. There will be no changes to the permitted uses on these residential parcels. The previous determination of the consistency of these commercial and residential uses with the AELUP for John Wayne Airport should therefore not be affected.

**Project Description**

*Location:*

The Amendments will apply to unincorporated Orange County areas.

*Existing and Proposed General Plan and Zoning Designations:*

**General Plan:** The following changes to the Land Use Element land use designations are proposed:

- Suburban Residential (1B) density from .5 to 18 du/ac, to .025 to 43.5 du/ac.
- Urban Residential (1C) density from 18 du/ac and above, to 30 du/ac and above.
- Addition of Mixed-Use developments as an allowable use in commercial and residential land use designations.

**Zoning:** Revisions are proposed for the Mixed-Use, Multifamily Residential, Commercial, and Housing Opportunities Overlay district regulations and development standards.

*Existing Uses:*

**General Plan:** No changes to existing uses are proposed.

**Zoning:** No changes to existing uses are proposed, however, the proposed Zone Change will affect approximately 185 residential parcels and approximately 80 commercial parcels. This change in the base zoning from Commercial to Mixed-Use is proposed for a majority of parcels currently zoned for commercial use. In addition, a change to the development standards for multifamily zoning districts is also proposed. These changes would affect future redevelopment of these parcels and/or new development on these parcels.

*Approval Schedule:*

On April 10, 2024, the Planning Commission held a study session regarding the Amendments during which they received a report from staff and also public comments. Comments from the study session did not warrant any changes. Letters regarding these proposed actions have been mailed to the owners of all affected properties in the unincorporated area. The Planning Commission will consider the final Amendments at a public hearing on May 8, 2024, and it is anticipated that the Planning Commission will recommend adoption by the Board of Supervisors.

The Board of Supervisors will then subsequently consider the Amendments at a public hearing in Summer 2024.

*Airport Notification/Planning Area:*

**Fullerton Municipal Airport:** There are no affected parcels located within the Fullerton Municipal Airport Notification/Planning Area.

**Los Alamitos Training Base:** The following sites have been identified within the Los Alamitos Training Base Notification/Planning Area and will be affected by the proposed Land Use Element Amendment, Zoning Code Amendment, and/or Zone Change:

- 11061 Los Alamitos Blvd, Los Alamitos (Commercial/retail use, rezone proposed to Mixed-Use)
- 11031 Los Alamitos Blvd, Los Alamitos (current Commercial/office use, rezone proposed to Mixed-Use)
- 3352 Katella Ave, Los Alamitos (Church use/commercial zoning, rezone proposed to Mixed-Use)
- 11131 Los Alamitos Blvd, Los Alamitos (Commercial/office use, rezone proposed to Mixed-Use)
- 11088 Wallingsford Rd, Los Alamitos (Church use/commercial zoning, rezone proposed to Mixed-Use)
- 11171 Los Alamitos Blvd, Los Alamitos (Gas station/commercial zoning, rezone proposed to Mixed-use)
- 11152 Wallingsford Rd, Los Alamitos (Residential use, proposed modifications to development standards only)
- 8885 Katella Ave, Anaheim (Commercial use, rezone proposed to Mixed-Use)
- 8911 Katella Ave, Anaheim (Commercial zoning/affordable housing development, rezone proposed to Mixed-Use)
- 10962 Magnolia Ave, Anaheim (Commercial use, rezone proposed to Mixed-Use)
- 9001 Katella Ave, Anaheim (Commercial use, rezone proposed to Mixed-Use)
- 9041 Katella Ave, Anaheim (Commercial use, rezone proposed to Mixed-Use)
- 9051 Katella Ave, Anaheim (Commercial zoning/affordable housing development, rezone proposed to Mixed-Use)

**John Wayne Airport:** The following sites have been identified within John Wayne Airport's Airport Notification/Planning Area and will be affected by the proposed Land Use Element Amendment, Zoning Code Amendment, and/or Zone Change:

- Multifamily-zoned (R4 "Suburban Multifamily") parcels located along Santa Ana Ave, southwest of Mesa Drive, Costa Mesa (Modifications to development standards only)
- Multifamily-zoned (R4 "Suburban Multifamily") parcels located along Irvine Ave, southwest of University Drive, Newport Beach (Modifications to development standards only)

Community Noise Equivalent Level (CNEL) Noise Contours

**Fullerton Municipal Airport and Los Alamitos Training Base:** All unincorporated areas are located outside of the 60 and 65 CNEL for Los Alamitos Training Base and Fullerton Municipal Airport.

**John Wayne Airport:** All unincorporated areas are located outside of the 65 CNEL for John Wayne Airport with the exception of a small northeasterly portion of Santa Ana Golf Course (APN 119-201-21) that is zoned “General Agricultural” District - A1 (SR). This parcel will not be affected by the proposed Amendments. The following sites have been identified within the 60 CNEL for John Wayne Airport. These parcels will not be affected by the proposed Land Use Element Amendment or Zone Change. However, the Zoning Code Amendment will result in the addition of a mandated minimum density of 30 dwelling units per acre for future development:

- Multifamily-zoned (R4 “Suburban Multifamily”) parcels located along Santa Ana Ave, southwest of Mesa Drive, Costa Mesa
- Multifamily-zoned (R4 “Suburban Multifamily”) parcels located along Irvine Ave, southwest of University Drive, Newport Beach

Airport Safety Zones

**Fullerton Municipal Airport and Los Alamitos Training Base:** All unincorporated areas are located outside of the Airport Safety Zone for Fullerton Municipal Airport and the Impact Zone for Los Alamitos Training Base.

**John Wayne Airport:** The following sites have been identified within John Wayne Airport’s Airport Safety Zone/Traffic Pattern Zone and will not be affected by the proposed Land Use Element Amendment or Zone Change. However, the Zoning Code Amendment will result in the addition of a mandated minimum density of 30 dwelling units per acre for future development:

- Multifamily-zoned (R4 “Suburban Multifamily”) parcels located along Santa Ana Ave, southwest of Mesa Drive, Costa Mesa
- Multifamily-zoned (R4 “Suburban Multifamily”) parcels located along Irvine Ave, southwest of University Drive, Newport Beach

Obstruction Imaginary Surfaces

**Fullerton Municipal Airport:** There are no affected parcels within the Obstruction Imaginary Surfaces for Fullerton Municipal Airport.

**Los Alamitos Training Base:** The following commercially-zoned sites have been identified within the Los Alamitos Training Base’s Obstruction Imaginary Surfaces and will be affected by the proposed Land Use Element Amendment, Zoning Code Amendment, and/or Zone Change:

- 11061 Los Alamitos Blvd, Los Alamitos (Commercial/retail use, rezone to Mixed-Use)
- 11031 Los Alamitos Blvd, Los Alamitos (current Commercial/office use, rezone proposed to Mixed-Use)

- 3352 Katella Ave, Los Alamitos (Church use/commercial zoning, rezone proposed to Mixed-Use)
- 11131 Los Alamitos Blvd, Los Alamitos (Commercial/office use, rezone proposed to Mixed-Use)
- 11088 Wallingsford Rd, Los Alamitos (Church use/commercial zoning, rezone proposed to Mixed-Use)
- 11171 Los Alamitos Blvd, Los Alamitos (Gas station/commercial zoning, rezone proposed to Mixed-use)
- 11152 Wallingsford Rd, Los Alamitos (Residential use, proposed modifications to development standards only)

**John Wayne Airport:** The following sites have been identified within John Wayne Airport's Obstruction Imaginary Surfaces via Part 77 Obstruction Surface 2L/20R only and will be affected by the proposed Land Use Element Amendment, Zoning Code Amendment, and/or Zone Change:

- Multifamily-zoned (R4 "Suburban Multifamily") parcels located along Santa Ana Ave, southwest of Mesa Drive, Costa Mesa (Modifications to development standards only)
- Multifamily-zoned (R4 "Suburban Multifamily") parcels located along Irvine Ave, southwest of University Drive, Newport Beach (Modifications to development standards only)

#### Noise Impact, Safety Compatibility, and Height Restriction Zones

The Land Use Element serves as a policy document which provides descriptions of land use categories that have been applied to parcels throughout the unincorporated areas. Application of these land use categories took into consideration several factors to determine appropriateness of permitted land uses in each residential, commercial, employment, or open space category. The County's Comprehensive Zoning Code further refines these permitted uses and establishes development standards for each parcel within a General Plan land use category and zoning district.

Adoption of the proposed Amendments will not approve any development. Although adoption of the Zone Change(s) will affect the future allowable uses on many parcels, concerns regarding noise, safety, and height restrictions will continue to be evaluated as part of the review and approval process of all discretionary permit applications for parcels in the unincorporated areas.

#### CEQA Determination

Find the circumstances of this project are substantially the same as Initial Study/Negative Declaration (IS/ND) No. IP 22-0133 (see Attachment 5) approved by the Board of Supervisors on September 27, 2022, and Addendum No. 1 to Initial Study/Negative Declaration (IS/ND) No. IP 22-0133 (see Attachment 6) includes minor changes or additions necessary, and both documents adequately address the effects of the proposed Project. No substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the Project is being undertaken, and no new information of substantial importance to the Project which was not

known or could not have been known when Initial Study/Negative Declaration (IS/ND) No. IP 22-0133, and Addendum No. 1 to Initial Study/Negative Declaration (IS/ND) No. IP 22-0133, were adopted have become known; therefore, no further environmental review is required.

The environmental document does not grant any land use entitlements, authorize development, change base zoning districts, or involve any direct physical changes to the environment. Should development be proposed, a planning review and additional CEQA evaluation would be required, as appropriate. Based on the IS/ND and the administrative record as a whole, staff found that there is no substantial evidence of a fair argument that the Project may have a significant impact on the environment.

The County of Orange thanks the Airport Land Use Commission for its consideration and looks forward to receiving its findings of consistency of the proposed project with the John Wayne Airport AELUP. Please contact me at (714) 667-8895 or via email at [Justin.kirk@ocpw.ocgov.com](mailto:Justin.kirk@ocpw.ocgov.com), and/or Cindy Salazar at (714) 667-8870 or via email at [Cindy.salazar@ocpw.ocgov.com](mailto:Cindy.salazar@ocpw.ocgov.com), if there are any questions.

Sincerely,



Justin Kirk  
Deputy Director  
OC Development Services

cc: Nicole Walsh, Senior Assistant County Counsel, Office of County Counsel  
Cindy Salazar, Planning Division Manager, OC Development Services

Attachments:

1. Revised Submittal Checklists for Land Use Element Amendment LU24-01, Zoning Code Amendment CA 24-01, and Zone Change ZC 24-01
2. Current and Proposed Maximum Height of Development in Airport Planning Areas
3. Map #6 – Los Alamitos Training Base Noise Contours
4. Map #7 – John Wayne Airport Noise Contours
5. Initial Study/Negative Declaration (IS/ND) No. IP 22-0133
6. Addendum No. 1 to Initial Study/Negative Declaration (IS/ND) No. IP 22-0133





# AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY

## SUBMITTAL FORM: GENERAL PLAN • SPECIFIC PLAN • ZONING CODE

1. Name of City or County: County of Orange
2. Contact Information - Name/Title Cindy Salazar, Land Use Manager  
Agency: OCPW/OC Development Services/Planning  
Address: 601 N. Ross St, Santa Ana 92701  
Phone/email: (714) 667-8870, cindy.salazar@ocpw.ocgov.com
3. Airport Planning Area(s):  
 John Wayne Airport     Fullerton Municipal Airport     JFTB - Los Alamitos
4. Item being submitted for review (submit each item separately): General Plan Amendment  
Name of General Plan Element, Specific Plan or Planned Community: General Plan Amendment  
LU 24-01 (Land Use Element)
5. Scheduled date of Planning Commission Public Hearing: May 2024
6. Tentative date of City Council/Board of Supervisors Public Hearing: Summer 2024
7. Requested date of ALUC Review: April 18, 2024  
*(Complete submittals must be received by the first day of the month for the next meeting).*
8. Does the item submitted propose a change of land use or heights within the airport Notification/Planning Area\*?  No (skip items # 9-12).  Yes (continue below).
9. Does the item propose a change of land use within the  60 CNEL or  65 CNEL noise contours of the airport(s)\*? Please attach an exhibit showing location(s) of the proposed new uses in relation to noise contours. The item does not propose the change of land use for any parcel within the 60 or 65 CNEL of any OC airport.
10. Are noise policies or mitigation measures identified in the proposed item or elsewhere in the General Plan?  No  Yes - Please attach pages with current (and proposed if applicable) noise policies/mitigation measures highlighted.
11. Does the item submitted propose a change of land use within the Runway Protection Zone (RPZ), Clear Zone (CZ), or Airport Safety Zones of the airport\*?  No  Yes - Please attach exhibit showing location(s) of proposed uses.
12. Does the item submitted propose a change of land use within the Obstruction Imaginary Surfaces\*?  No  Yes JWA only
13. Please indicate current C2 – 35 feet and proposed Mixed-Use – 65 feet maximum heights allowed.

### SUBMITTAL CHECKLIST: General Plan · Specific Plan · Zoning Code

- Cover letter on City/County letterhead.
- Completed Submittal Form.
- Link to existing <https://ocds.ocpublicworks.com/service-areas/oc-development-services/planning-development/codes-and-regulations/general-plan> and proposed See Attachments General Plan Element, Specific Plan or Zoning Code for this submittal.
- Attachment showing proposed changes to General Plan Element, Specific Plan or Zoning Code Section(s) with strikethrough/underline.
- Exhibit showing location(s) of proposed new uses within the Notification Area/Planning Area for airport(s). Los Alamitos Training Base only
- Exhibit showing location(s) of proposed new uses in relation to noise contours for airport(s).
- Exhibit showing location(s) of proposed new uses in relation to Airport Safety Zones.
- Exhibit showing location(s) of proposed new uses in relation to the Obstruction Imaginary Surfaces.
- x Attachment showing current and proposed noise policies/mitigation measures.
- x Explanation of how the General Plan, Specific Plan, or Zoning Code address the AELUP standards for noise impact, safety compatibility, and height restriction zones. See cover letter.
- x Describe height and density changes in cover letter and attach pages of General Plan, Specific Plan and/or Zoning Code where maximum heights are specified.

\*For airport planning/notification areas, noise contours, safety zones and obstruction imaginary surfaces see Appendix D of the applicable Airport Environs Land Use Plan (AELUP) at: <https://www.ocair.com/about/administration/airport-governance/commissions/airport-land-use-commission/>

Noise sensitive uses include but are not limited to community facilities such as: churches, libraries, schools, preschools, day-care centers, hospitals, and nursing/convalescent homes.

Mail or Email Submittal Form, Checklist and attachments to: Airport Land Use Commission for Orange County,  
Attn: Executive Officer, 3160 Airway Avenue, Costa Mesa, CA 92626 / Phone: (949) 252-5170

[ALUCinfo@ocair.com](mailto:ALUCinfo@ocair.com)

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# AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY

## SUBMITTAL FORM: GENERAL PLAN • SPECIFIC PLAN • ZONING CODE

1. Name of City or County: County of Orange
2. Contact Information - Name/Title Cindy Salazar, Land Use Manager  
Agency: OCPW/OC Development Services/Planning  
Address: 601 N. Ross St, Santa Ana 92701  
Phone/email: (714) 667-8870, cindy.salazar@ocpw.ocgov.com
3. Airport Planning Area(s):  
 John Wayne Airport     Fullerton Municipal Airport     JFTB - Los Alamitos
4. Item being submitted for review (submit each item separately): Zone Change  
Name of General Plan Element, Specific Plan or Planned Community: Zone Change ZC 24-01
5. Scheduled date of Planning Commission Public Hearing: May 2024
6. Tentative date of City Council/Board of Supervisors Public Hearing: Summer 2024
7. Requested date of ALUC Review: April 18, 2024  
*(Complete submittals must be received by the first day of the month for the next meeting).*
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See cover letter.
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Noise sensitive uses include but are not limited to community facilities such as: churches, libraries, schools, preschools, day-care centers, hospitals, and nursing/convalescent homes.

Mail or Email Submittal Form, Checklist and attachments to: Airport Land Use Commission for Orange County,  
Attn: Executive Officer, 3160 Airway Avenue, Costa Mesa, CA 92626 / Phone: (949) 252-5170

[ALUCinfo@ocair.com](mailto:ALUCinfo@ocair.com)

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03.23



# AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY

## SUBMITTAL FORM: GENERAL PLAN • SPECIFIC PLAN • ZONING CODE

1. Name of City or County: County of Orange
2. Contact Information - Name/Title Cindy Salazar, Land Use Manager  
Agency: OCPW/OC Development Services/Planning  
Address: 601 N. Ross St, Santa Ana 92701  
Phone/email: (714) 667-8870, cindy.salazar@ocpw.ocgov.com
3. Airport Planning Area(s):  
 John Wayne Airport    Fullerton Municipal Airport    JFTB - Los Alamitos
4. Item being submitted for review (submit each item separately): Zoning Code Amendment  
Name of General Plan Element, Specific Plan or Planned Community: Zoning Code Amendment CA 24-01
5. Scheduled date of Planning Commission Public Hearing: May 2024
6. Tentative date of City Council/Board of Supervisors Public Hearing: Summer 2024
7. Requested date of ALUC Review: April 18, 2024  
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- Completed Submittal Form.
- Link to existing <https://ocds.ocpublicworks.com/service-areas/oc-development-services/planning-development/codes-and-regulations/general-plan> and proposed See Attachments General Plan Element, Specific Plan or Zoning Code for this submittal.
- Attachment showing proposed changes to General Plan Element, Specific Plan or Zoning Code Section(s) with strikethrough/underline.
- Exhibit showing location(s) of proposed new uses within the Notification Area/Planning Area for airport(s). Los Alamitos Training Base only
- Exhibit showing location(s) of proposed new uses in relation to noise contours for airport(s).
- Exhibit showing location(s) of proposed new uses in relation to Airport Safety Zones.
- Exhibit showing location(s) of proposed new uses in relation to the Obstruction Imaginary Surfaces.
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Click or tap here to enter text.
- x Describe height and density changes in cover letter and attach pages of General Plan, Specific Plan and/or Zoning Code where maximum heights are specified.

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Attn: Executive Officer, 3160 Airway Avenue, Costa Mesa, CA 92626 / Phone: (949) 252-5170

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# ORANGE COUNTY Public Works

April 1, 2024

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APR 01 2024

AIRPORT LAND USE COMMISSION

County Administration South  
601 North Ross Street  
Santa Ana, CA 92701

P.O. Box 4048  
Santa Ana, CA 92702

(714) 667-8800

info@ocpw.ocgov.com


OCPublicWorks.com


 Administrative Services


 OC Development Services

 OC Facilities Design & Construction Management


 OC Facilities Maintenance & CUF

 OC Fleet Services

 OC Construction

 OC Environmental Resources

 OC Operations & Maintenance

 OC Infrastructure Programs

 OC Survey

Julie Fitch, Land Use Manager  
Airport Land Use Commission  
c/o John Wayne Airport  
3160 Airway Avenue  
Costa Mesa, CA 92626

Subject: County of Orange Proposed General Plan Amendment LU 24-01 (Land Use Element), Zoning Code Amendment CA 24-01 (Mixed-Use District, Housing Opportunities Overlay District, and Technical Revisions), and Zone Change ZC 24-01 (Select properties in unincorporated areas)

Dear Ms. Fitch,

The County of Orange seeks a consistency determination for the adoption of General Plan Amendment LU 24-01 (Land Use Element), Zoning Code Amendment CA 24-01 (Mixed-Use District, Housing Opportunities Overlay District, and Technical Revisions), and Zone Change ZC 24-01 (Select properties in unincorporated areas) (hereinafter, collectively, Amendments) with the Airport Environs Land Use Plan (AELUP) from the Airport Land Use Commission (ALUC). Pursuant to Public Utilities Code Section 21676, the County of Orange (County) hereby submits the proposed General Plan Amendment LU 24-01 (Land Use Element), Zoning Code Amendment CA 24-01 (Mixed-Use District, Housing Opportunities Overlay District, and Technical Revisions), and Zone Change 24-01 (Select properties in unincorporated areas) to ALUC for consideration at the meeting scheduled for April 18, 2024.

Background

The County of Orange ("County") is in the process of completing its Housing Element (HE) Update for the 6th Housing Element Update Cycle, as mandated by State law. Each Update provides goals, policies, and objectives the County will pursue to meet its existing and projected housing needs for the next eight-year planning period, including its allocation of the Regional Housing Needs Assessment (RHNA) assigned by Southern California Association of Governments (SCAG). The County's RHNA allocation for this 6th Cycle Housing Element is 10,406 units. Though the County is required to identify areas with adequate zoning to accommodate this future growth, it the County is not required to develop these housing units.

On September 28, 2023, OC Development Services and County Counsel received the third round of comments on the further revised HE Update from HCD. Since receiving the September 2023 Comment Letter, OC Development Services and County Counsel have been revising the HE Update to address HCD comments and to account for new and updated legal requirements, specifically portions of Government Code Section 65583.2. The greatest challenges have been identifying adequate sites for the Land Use Inventory to meet the RHNA and calculating realistic unit capacity for those sites, which must be supported by evidence that achieving the claimed densities can be accomplished within the planning period.

To meet the RHNA, the County will be required to rezone commercial and residential professional zoned properties to “Mixed Use” and amend the minimum densities for multifamily residentially zoned properties if the properties are: (1) currently nonvacant; and/or (2) planned to be used to meet our lower income RHNA obligations. These rezonings are required to demonstrate to HCD that the County has realistic capacity to meet our RHNA and to comply with the minimum densities now required Section 65583.2 and the Court of Appeal decision in *Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193 (“*Martinez*”). Minimum densities for both rezoned Mixed Use and Multifamily properties must be at 30 dwelling units per acre (du/ac).

Discussion:

Government Code Section 65583.2, subdivisions (c) and (h), requires that **base** zoning (not an overlay) must be residential, and the density set to the minimum required by Section 65583.2 (for the County, 30 dwelling units/acre [du/ac]). Additionally, Subdivision (h) of Section 65583.2, requires that “[a]t least 50 percent of the very low and low-income housing need shall be accommodated on sites designated for residential use and for which nonresidential uses or mixed uses are not permitted, except that a city or county may accommodate all of the very low and low-income housing need on sites designated for mixed use if those sites allow 100 percent residential use and require that residential use occupy 50 percent of the total floor area of a mixed-use project.”

Based on Section 65583.2(h), a zoning code amendment to change the minimum density to 30 du/ac and a zone change to rezone commercial and residential professional zoning designations to “Mixed-Use” is required.

The “Mixed-Use” Zoning District (MX) will facilitate the vertical and horizontal mixing of retail, office, and multifamily residential uses and the development of mixed-use buildings accommodating both high-density residential and employment activities. The Mixed-Use district will allow the development of commercial uses with a minimum of 50 percent multifamily residential or the development of 100 percent multifamily residential.



### Project Description

To gain certification of the County’s Housing Element and comply with recent statutory and caselaw requirements, OC Development Services is proposing the following Amendments:

### Proposed General Plan and Zoning Code Amendments, and Zone Changes

#### **General Plan Amendment – LU 24-01 (Land Use Element) (Attachment 2)**

- Revise language to be consistent with the proposed rezone of commercial zoning districts to mixed-use zoning districts.
- Revise language to be consistent with the proposed changes to the Housing Opportunities Overlay District Regulations.

#### **Zoning Code Amendments – ZC 24-01 (Attachment 3)**

- Amend development standards for sites zoned Multifamily Dwellings (R2), Apartment (R3), and Suburban Multifamily Residential (R4) to require a minimum density of 30 du/ac and maximum density of 43.5 du/ac.
  - For purposes of the HE Land Use Inventory and accommodating our RHNA, R2, R3, R4, sites within high quality transit areas and with a higher potential of utilizing the HOO will be assumed to have a realistic capacity of 55 du/acre.
- Amend HOO to apply to the new Mixed Use Zoning District
- Amend requirement for Site Development Permit for affordable sites and allow by-right approval, “Affordable Housing Permit” to meet “by-right approval” state-mandated requirement.
- Technical revisions and updates to comply with State Law

#### **Zone Changes – ZC 24-01 (Attachment 4)**

- The following sites will be excluded from Zone Change ZC 24-01:
  - Commercial sites located along Silverado Canyon Road, Silverado Canyon
  - Commercial site located at 2651 Irvine Blvd., Newport Beach (The Ranch at Newport Bay)
  - Santa Ana County Club (parking lot), 20382 Newport Blvd., Costa Mesa
- All Commercially Zoned (Local Business (C1), General Business (C2), Commercial Community (CC), Commercial Highway (CH), and Commercial Neighborhood (CN) zoning designations sites will be rezoned to Mixed Use with the minimum density of 30 du/acre. Apartment (R3) development standards for residential projects will apply to 100% residential projects. The regulations for Mixed Use will require that 100% residential or at least 50% residential be allowed on these sites pursuant to Section 65583.2(h).

- o All Residential Professional (RP) zoned sites will be rezoned to Mixed Use with a minimum of 50% residential required. Apartment (R3) development standards for residential projects will apply to 100% residential projects.
- o All Two Family Residential (R2D) zoned sites will be rezoned to Multifamily Dwellings (R2) (for areas in Stanton/Anaheim) or Suburban Multifamily Residential (R4) (for areas in El Modena).
- o Rezone 8 parcels making up the La Purisima Church in El Modena to Suburban Multifamily Residential (R4).

With these Amendments, the County can meet the RHNA for all income categories.

Following this ALUC meeting, the Planning Commission will consider the rezones and Amendments, followed by the Board of Supervisors subsequent to that. The goal is to complete the rezonings and amendments, make all necessary revisions to the Housing Element, and re-submit to HCD no later than the end of September 2024.

#### Location

The Amendments will apply to unincorporated Orange County areas.

#### Existing and Proposed General Plan and Zoning Designations

General Plan: The following changes to the Land Use Element land use designations are proposed:

- 1) Suburban Residential (1B) density from .5 to 18 du/ac, to .025 to 43.5 du/ac.
- 2) Urban Residential (1C) density from 18 du/ac and above, to 30 du/ac and above.
- 3) Addition of Mixed-Use developments as an allowable use in commercial and residential land use designations.

Zoning: Revisions are proposed for the Mixed-Use, Multifamily Residential, Commercial, and Housing Opportunities Overlay district regulations and development standards.

#### Existing Uses

General Plan: No changes to existing uses are proposed.

Zoning: No changes to existing uses are proposed, however, the proposed Zone Change will affect approximately 185 residential parcels and approximately 80 commercial parcels. This change in the base zoning from Commercial to Mixed-Use is proposed for a majority of parcels currently zoned for commercial use. In addition, a change to the development standards for multifamily zoning districts is also proposed. These changes would affect future redevelopment of these parcels and/or new development on these parcels.

#### Approval Schedule

On April 10, 2024, the Planning Commission will hold a study session regarding the Amendments during which they will receive a report from staff and also public comments. Letters regarding these proposed actions have been mailed to the owners of all affected properties in the unincorporated area.

The Planning Commission will consider the final Amendments at a public hearing in May 2024.

The Board of Supervisors will then subsequently consider the Amendments at a public hearing in Summer 2024.

Airport Notification/Planning Area

**Fullerton Municipal Airport:** There are no affected parcels located within the Fullerton Municipal Airport Notification/Planning Area.

**Los Alamitos Training Base:** The following sites have been identified within the Los Alamitos Training Base Notification/Planning Area and will be affected by the proposed Land Use Element Amendment, Zoning Code Amendment, and/or Zone Change (see Attachment 5, Map #1):

- 1) 11061 Los Alamitos Blvd, Los Alamitos (Commercial/retail use, rezone proposed to Mixed-Use)
- 2) 11031 Los Alamitos Blvd, Los Alamitos (current Commercial/office use, rezone proposed to Mixed-Use)
- 3) 3352 Katella Ave, Los Alamitos (Church use/commercial zoning, rezone proposed to Mixed-Use)
- 4) 11131 Los Alamitos Blvd, Los Alamitos (Commercial/office use, rezone proposed to Mixed-Use)
- 5) 11088 Wallingsford Rd, Los Alamitos (Church use/commercial zoning, rezone proposed to Mixed-Use)
- 6) 11171 Los Alamitos Blvd, Los Alamitos (Gas station/commercial zoning, rezone proposed to Mixed-use)
- 7) 11152 Wallingsford Rd, Los Alamitos (Residential use, proposed modifications to development standards only)
- 8) 8885 Katella Ave, Anaheim (Commercial use, rezone proposed to Mixed-Use)
- 9) 8911 Katella Ave, Anaheim (Commercial zoning/affordable housing development, rezone proposed to Mixed-Use)
- 10) 10962 Magnolia Ave, Anaheim (Commercial use, rezone proposed to Mixed-Use)
- 11) 9001 Katella Ave, Anaheim (Commercial use, rezone proposed to Mixed-Use)
- 12) 9041 Katella Ave, Anaheim (Commercial use, rezone proposed to Mixed-Use)
- 13) 9051 Katella Ave, Anaheim (Commercial zoning/affordable housing development, rezone proposed to Mixed-Use)

**John Wayne Airport:** The following sites have been identified within John Wayne Airport's Airport Notification/Planning Area and will be affected by the proposed Land Use Element Amendment, Zoning Code Amendment, and/or Zone Change (see Attachment 5, Map #2):

- 1) Multifamily-zoned (R4 "Suburban Multifamily") parcels located along Santa Ana Ave, southwest of Mesa Drive, Costa Mesa (Modifications to development standards only)
- 2) Multifamily-zoned (R4 "Suburban Multifamily") parcels located along Irvine Ave, southwest of University Drive, Newport Beach (Modifications to development standards only)

### Community Noise Equivalent Level (CNEL) Noise Contours

**Fullerton Municipal Airport and Los Alamitos Training Base:** All unincorporated areas are located outside of the 65 CNEL for Los Alamitos Training Base and Fullerton Municipal Airport.

**John Wayne Airport:** All unincorporated areas are located outside of the 65 CNEL for John Wayne Airport with the exception of a small northeasterly portion of Santa Ana Golf Course (APN 119-201-21) that is zoned “General Agricultural” District - A1 (SR). This parcel will not be affected by the proposed Amendments.

### Airport Safety Zones

**Fullerton Municipal Airport and Los Alamitos Training Base:** All unincorporated areas are located outside of the Airport Safety Zone for Fullerton Municipal Airport and the Impact Zone for Los Alamitos Training Base.

**John Wayne Airport:** The following sites have been identified within John Wayne Airport’s Airport Safety Zone/Traffic Pattern Zone and will be affected by the proposed Land Use Element Amendment, Zoning Code Amendment, and/or Zone Change (see Attachment 5, Map #3):

- 1) Multifamily-zoned (R4 “Suburban Multifamily”) parcels located along Santa Ana Ave, southwest of Mesa Drive, Costa Mesa (Modifications to development standards only)
- 2) Multifamily-zoned (R4 “Suburban Multifamily”) parcels located along Irvine Ave, southwest of University Drive, Newport Beach (Modifications to development standards only)

### Obstruction Imaginary Surfaces

**Fullerton Municipal Airport:** There are no affected parcels within the Obstruction Imaginary Surfaces for Fullerton Municipal Airport.

**Los Alamitos Training Base:** The following commercially-zoned sites have been identified within the Los Alamitos Training Base’s Obstruction Imaginary Surfaces and will be affected by the proposed Land Use Element Amendment, Zoning Code Amendment, and/or Zone Change (see Attachment 5, Map #4):

- 1) 11061 Los Alamitos Blvd, Los Alamitos (Commercial/retail use, rezone to Mixed-Use)
- 2) 11031 Los Alamitos Blvd, Los Alamitos (current Commercial/office use, rezone proposed to Mixed-Use)
- 3) 3352 Katella Ave, Los Alamitos (Church use/commercial zoning, rezone proposed to Mixed-Use)
- 4) 11131 Los Alamitos Blvd, Los Alamitos (Commercial/office use, rezone proposed to Mixed-Use)
- 5) 11088 Wallingsford Rd, Los Alamitos (Church use/commercial zoning, rezone proposed to Mixed-Use)

- 6) 11171 Los Alamitos Blvd, Los Alamitos (Gas station/commercial zoning, rezone proposed to Mixed-use)
- 7) 11152 Wallingsford Rd, Los Alamitos (Residential use, proposed modifications to development standards only)

**John Wayne Airport:** The following sites have been identified within John Wayne Airport's Obstruction Imaginary Surfaces via Part 77 Obstruction Surface 2L/20R only and will be affected by the proposed Land Use Element Amendment, Zoning Code Amendment, and/or Zone Change (see Attachment 5, Map #5):

- 1) Multifamily-zoned (R4 "Suburban Multifamily") parcels located along Santa Ana Ave, southwest of Mesa Drive, Costa Mesa (Modifications to development standards only)
- 2) Multifamily-zoned (R4 "Suburban Multifamily") parcels located along Irvine Ave, southwest of University Drive, Newport Beach (Modifications to development standards only)

#### Noise Impact, Safety Compatibility, and Height Restriction Zones

The Land Use Element serves as a policy document which provides descriptions of land use categories that have been applied to parcels throughout the unincorporated areas. Application of these land use categories took into consideration several factors to determine appropriateness of permitted land uses in each residential, commercial, employment, or open space category. The County's Comprehensive Zoning Code further refines these permitted uses and establishes development standards for each parcel within a General Plan land use category and zoning district.

Adoption of the proposed Amendments will not approve any development. Although adoption of the Zone Change(s) will affect the future allowable uses on many parcels, concerns regarding noise, safety, and height restrictions will continue to be evaluated as part of the review and approval process of all discretionary permit applications for parcels in the unincorporated areas.

#### CEQA Determination

Initial Study/ Negative Declaration (IS/ND) No. IP 22-0133 (Attachment 6) was prepared to analyze implementation of a policy framework necessary to meet the RHNA allocation through housing-related amendments. IS/ND No. 22-0133 was made available for public review on the County website from July 12, 2022, to August 10, 2022. The Notice of Intent to Adopt a Negative Declaration (NOI) was emailed to Housing Distribution list serve and advisory committees. In addition, the NOI was posted at County Administration South, Hall of Administration bulletin board, and uploaded to the State's CEQANet database (assigned SCH # 2022070228).


The environmental document does not grant any land use entitlements, authorize development, change base zoning districts, or involve any direct physical changes to the environment. Should development be proposed, a planning review and additional CEQA evaluation would be required,

County of Orange – General Plan Amendment LU 24-01, Zoning Code Amendment CA 24-01, and Zone Change 24-01  
April 1, 2024  
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as appropriate. Based on the IS/ND and the administrative record as a whole, staff found that there is no substantial evidence of a fair argument that the Project may have a significant impact on the environment.

The County of Orange thanks the Airport Land Use Commission for its consideration and looks forward to receiving its findings of consistency of the proposed project with the John Wayne Airport AELUP. Please contact me at (714) 667-8895 or via email at [Justin.kirk@ocpw.ocgov.com](mailto:Justin.kirk@ocpw.ocgov.com), and/or Cindy Salazar at (714) 667-8870 or via email at [Cindy.salazar@ocpw.ocgov.com](mailto:Cindy.salazar@ocpw.ocgov.com), if there are any questions.

Sincerely,

DocuSigned by:  
  
51B5455254B94FA...

Justin Kirk  
Deputy Director  
OC Development Services

cc: Nicole Walsh, Senior Assistant County Counsel, Office of County Counsel  
Cindy Salazar, Land Use Manager, OC Development Services

Attachments:

- 1) Land Use Element Amendment LU24-01, Zoning Code Amendment CA 24-01, and Zone Change ZC 24-01 Submittal Forms and Checklists
- 2) Draft General Plan Amendment LU 24-01 (Land Use Element)
- 3) Draft Zoning Code Amendment CA 24-01 (Mixed-Use District, Housing Opportunities Overlay District, and Technical Revisions)
- 4) Draft Zone Change 24-01 (Select properties in unincorporated areas)
- 5) Maps #1 through #5
- 6) Initial Study/ Negative Declaration (IS/ND) No. IP 22-0133
- 7) County of Orange General Plan – Current Policies Regarding Noise