

Zoning Code Amendments Redlines

Chapter 18.04 DEFINITIONS

18.04.030 Terms defined.

“Accent window” means a window that provides an aesthetic value to a building. Window types include transom windows, dormer awning windows, picture windows, arch and circle windows, and art glass.

“Accessory building” means a detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located on the same lot ~~with~~ **as** the main building or use.

“Accessory dwelling unit” shall have the same meaning as in **California Government Code Section 65852.2** ~~ast~~ that section may be amended from time to time. As of the effective date of the ordinance establishing this definition, the term means an attached or a detached residential dwelling unit, **or located within the living area of an existing primary dwelling unit** that provides complete independent living facilities ~~for one or more persons~~ and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following: an efficiency unit; and a manufactured home, as defined in Section 18007 of the **California Health and Safety Code**. **An accessory dwelling unit may also consist of space within the primary dwelling unit that is converted into an independent living unit.**

“Accessible parking space” means a parking space provided for use by persons **with disabilities** as described in the Americans with Disabilities Act (ADA) and the requirements established by the state of California.

“Accessory use” means a use naturally and normally incidental to, subordinate to and devoted exclusively to the main use of the premises.

“Affordable housing agreement” means an agreement between the applicant and the City guaranteeing the affordability of rental or ownership units. ~~in accordance with the provisions the Inclusionary and the Density Bonus and Affordable Housing Unit Ordinances.~~

“Affordable housing costs” means the amount set forth in the California Health and Safety Code Sections 50052.5 and 50053, as the same may be amended from time to time.

“Affordable housing covenants” means the plan that is part of the affordable housing agreement which ensures the continued affordability of inclusionary housing units in a particular residential or mixed-use development and describes the real estate and financial terms and requirements of the inclusionary housing units.

“Affordable housing plan” means the plan that is part of the affordable housing agreement which provides the location of the inclusionary housing units within the overall residential development project.

“Alley” means a public way not over ~~twenty~~ **20** feet in width permanently reserved as a secondary means of access to abutting property.

~~“Apartment hotel” means a building or portion thereof designed for or containing both individual guestrooms or suites of rooms and dwelling units.~~

~~“Apartment house” means a building or portion thereof, designed for or occupied by three or more families living independently of each other.~~

“Applicant” means a person, business, or organization filing an application ~~to city for reasonable accommodation in the strict~~ pursuant to the requirements of this title.

“Approving body” means the planning commission or the city council.

“Arcade” means a roofed passageway or lane. A series of arches supported by columns, piers, or pillars, either freestanding or attached to a wall to form a gallery.

“Area median income” or **“AMI”** means the annual median income for Orange County, adjusted for household size, as published periodically in the California Code of Regulations, Title 25, Section 6932, or its successor provision, or as established by the city of La Habra in the event that such median income figures are no longer published periodically in the California Code of Regulations.

“Automobile” means and includes passenger automobiles of every description, trucks, racing cars, off-road vehicles, dune buggies, horseless carriages, motorized golf carts, motor homes, motorbikes and recreational vehicles.

“Automobile service/repair” means a retail place of business serving vehicles. It provides services directly related to the operation and maintenance of the vehicle. All services must be performed entirely within a closed building and includes such services as follows: battery service, hand washing, waxing and polishing of automobiles, the sale and repair of tires (excluding recapping), cleaning and flushing of radiators, lubrication of automobiles, wheel balancing, testing, adjustment and replacement of carburetors, coils, condensers, distributor caps, fan belts, filters, generators, points, rotors, spark plugs, voltage regulators, water hoses and wiring and brake service limited to servicing

and replacement of brake cylinders and brake shoes. No machine work, body work or paint spraying is permitted outside of an enclosed building. Internal motor or drive train repairs may be performed only when they are incidental to other repairs being performed and they may not be done as a regular repair service.

“Automobile service station” means a retail place of business serving vehicles. It is primarily engaged in the sale of motor fuels and lubricants, but it also provides incidental services directly related to the operation and maintenance of the vehicle. These incidental services include battery service, hand washing, waxing and polishing of automobiles, the sale and repair of tires (excluding recapping) and the cleaning and flushing of radiators (excluding steam cleaning and radiator repair). If performed entirely within an enclosed building, such services as lubrication of automobiles, wheel balancing, testing, adjustment and replacement of carburetors, coils, condensers, distributor caps, fan belts, filters, generators, points, rotors, spark plugs, voltage regulators, water hoses, wiring and brake service limited to servicing and replacement of brake cylinders and brake shoes are permitted. No machine work, body work or paint spraying is permitted. Internal motor or drive train repairs may be performed only when they are incidental to other repairs being performed and they may not be done as a regular repair service. Brake drum turning and the necessary machine work required to facilitate automotive brake repair and reconditioning is permitted if done within an enclosed building.

“Automotive parking areas” means parking areas for use of motor vehicles for the owner(s), employees and customers of the allowed land use. “Automotive parking areas” as used in this title are not for the display of vehicles for sale or for the storage of vehicles.

“Automotive reconditioning” means a business primarily serving automobile dealers **that.** It is engaged in detail work, such as cleaning, waxing and polishing, upholstering, touchup painting and minor body repairing to improve the condition of an automobile for sale.

“Awning” means an architectural fabric or metal projection that provides weather protection, building identity, or decoration, and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight frame structure over which a cover is attached.

“Balloon” means a flexible bag that can be inflated with a gas, such as helium, hydrogen, nitrous oxide, oxygen, and air.

“Beacon light” or “searchlight” means any light with one or more beams, capable of being directed in any direction or directions.

“Billiard/pool halls” means any premises in which there are two or more pool or billiard tables used for the purpose of playing pool or billiards or other game, for which a compensation of any kind is paid to the owner, proprietor, manager,

lessee or possessor thereof. A premises in which there are no more than two coin-operated pool or billiard tables, which is used in conjunction with some other business, shall not be a pool or billiard hall ~~parlor~~ for the purpose of this title ~~chapter~~.

“Boarding house” and “rooming house” mean a residence, dwelling or portion thereof, other than a hotel, which is used to accommodate with or without individual or group cooking facilities, for compensation, three or more individuals under separate rental, lease, or sublease agreements, either written or oral, whether or not the owner resides therein. The word “compensation” includes compensation in money, services or other things of value. This term shall not include **group homes as defined by this chapter**. ~~a residential care facility, as defined in this chapter, serving six or fewer residents.~~

“Bracket” means a projection from a vertical surface providing structural or visual support under cornices, balconies, windows, or any other overhanging member.

“Building” means any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels or property of any kind.

“Building face” means any front, rear, or side vertical surface of a building elevation in which the business is located. The area of the face of a building shall be the total area of such surface, including the area of doors and windows which open into such surface.

“Building height” means the vertical distance from the average finished ground level of the site to the highest point of the structure.

“Building mass or massing” means the general shape and form as well as size of a building.

“Building site” means the ground area of a building or group of buildings together with all open spaces as required by this ~~title~~**chapter**.

“Canopy” means a structural, ornamental, roof-like appendage, either freestanding or attached to a building.

“Carport” means a permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter and storage.

“Certificate of occupancy” means the permit issued by the city ~~La Habra~~ building and safety division authorizing the occupancy of a commercial or residential unit or development.

“Change of occupancy” means a discontinuance of an existing use and substitution therefore of a use of a different kind or class.

“Child care facility” or “child day care facility” means any place or building in which less than twenty-four hour per day nonmedical care and supervision, as defined in Section 101152(c)(2), are provided to children in a group setting.

~~1.—“Small family child care home” means a home that provides family child care for up to six children, or for up to eight children if the criteria in Section 102416.5(b) are met. These capacities include children under age ten who live in the licensee’s home.~~

~~2.—“Large family child care home” means a home that provides family child care for up to twelve children, or for up to fourteen children if the criteria in Section 102416.5(c) are met. These capacities include children under age ten who live in the licensee’s home and the assistant provider’s children under age ten. California Code Regulations Title 22, Section 102352(f)(1).~~

“Chief building official” means the manager of the building and safety division, and or his/her designee.

“City” means the City of La Habra.

“Cladding” means an application of one material over another to add an extra skin or layer to the building. Commonly used exterior wall cladding materials include brick, vinyl, wood, stone, fiber cements, metal, concrete, and stucco.

“Club” means an association of persons, whether incorporated or unincorporated, for some common purpose, but not including groups organized primarily to render a service carried on as a business.

“Code” means the La Habra Municipal Code.

“Commercial coach” means a vehicle, with or without motive power, designed and equipped for human occupancy for industrial, professional or commercial purposes.

“Commercial recreation” means any use or development either public or private providing amusement, pleasure or sport, which is operated or carried on primarily for financial gain.

“Commercial repair” means and includes any repair, construction or assembly process conducted or performed for consideration, either monetary or in kind. Examples of this include, but are not limited to, lawn mower repair, engine and transmission rebuilding, boat repair, and trailer repair.

“Common interest development” means a condominium project as defined by Section 1351(f) of the California Civil Code, or a planned development as defined by Section 1351(k) of the California Civil Code, as the same may be amended from time to time.

“Community amenities” means any combination of indoor or outdoor spaces created to provide for both active and passive recreational/social activity space for the residents and their guests. Types of amenities include, but are not limited to, pools, spas, tot lots, outdoor exercise equipment, sports courts, barbecues, gazebos, outdoor seating areas, workout rooms, clubhouse, meeting room, and business centers.

~~“Congregate living health facility” has the meaning provided in Health and Safety Code Section 1250(i)(1) as it may be amended from time to time. As of the effective date of the ordinance establishing this definition, that section defines the term as: “a residential home with a capacity, except as provided in Health and Safety Code Section 1250(i)(4), of no more than eighteen beds, that provides inpatient care, including the following basic services: medical supervision, twenty-four hour skilled nursing and supportive care, pharmacy, dietary, social, recreational, and at least one type of service specified in Health and Safety Code Section 1250(i)(2). The primary need of congregate living health facility residents shall be for availability of skilled nursing care on a recurring, intermittent, extended or continuous basis. This care is generally less intense than that provided in general acute care hospitals but more intense than that provided in skilled nursing facilities.”~~

~~“Congregate housing” means a residential facility with shared common living areas, restricted by an agreement approved by the city for occupancy by low and very low-income households, providing services which may include meals, housekeeping, child care, and other services as well as common areas for residents of the facility.~~

~~“Congregate housing for the elderly” has the meaning provided in Health and Safety Code Section 1250(i)(1) as it may be amended from time to time. As of the effective date of the ordinance establishing this definition, the term means: “a housing development, as defined by Health and Safety Code Section 50073.5, which is planned, designed, and managed to include facilities and common space that allow for direct services and support services that maximize the residents’ potential for independent living and which is occupied by elderly or handicapped persons or households, as defined in Health and Safety Code Sections 50067 and 50072. Direct services and support services which are provided or made available shall relate to the nutritional, social, recreational, housekeeping, and personal needs of the residents and shall be provided or made available at a level necessary to assist the residents to function independently.”~~

“Construction scheduling and phasing” means the estimated timing for each phase of the construction of a project (commercial, residential, and affordable housing).

“Contiguous property” means any parcel of land that is:

- 1. Touching another parcel at any point;**

2. Separated from another parcel at any point only by a public right-of-way, private street or way, or public or private utility, service, or access easement; or
3. Separated from another parcel only by other real property of the applicant which is not subject to the requirements of this title ~~chapter~~ at the time of the planning permit application by the applicant.

“Cladding” means an application of one material over another to add an extra skin or layer to the building. Commonly used exterior wall cladding materials include brick, vinyl, wood, stone, fiber cements, metal, concrete, and stucco.

“Corner lot” means a lot situated at the intersection of two or more streets having an angle of intersection of not more than ~~one hundred thirty-five~~ 135 degrees.

“Cornice” means a horizontal molding projecting along the top of a wall or building.

“Cornice return” means is a way to transition the eave and the main fascia board around the gable end of a house.

“Council” or “city council” means the elected legislative body of the City of La Habra.

~~“Density” means the development capacity of residential dwelling units per acre of land excluding street rights-of-way. The maximum permitted number of units shall be based on the implementing zone or the general plan land use designation of a site with the MX overlay.~~

“Department” means the community and economic development department of the city.

“Development standard” means and includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential, mixed use, and commercial development pursuant to any ordinance, general plan element, specific plan, or other local condition, law, policy, resolution, or regulation.

“Development Site” means a parcel or group of contiguous parcels that are proposed for development as one project.

“Director” means director of community and economic development department.

~~“Disability” means an individual who has a physical or mental impairment that substantially limits one or more of that person’s major life activities; anyone who is regarded as having such impairment; or anyone who has a record of having such an impairment, but not including an individual’s current, illegal use of a controlled substance.~~

“Drive-in restaurant” or “drive-in” means any premises or place of business where beverages, foods or refreshments are served to patrons for consumption on the premises at tables or stands, in open or unenclosed areas, or for sale to or consumption by persons in any vehicle stopped, standing or parked in or upon the premises of such drive-in restaurant or drive-in, or in or upon any street, alley, lane, parking area or real property immediately adjacent to or adjoining any street or public right-of-way abutting such premises. If at least fifty percent of the premises is designed for, constructed for or used for the purposes enumerated herein, then such place of business shall be deemed to be a drive-in restaurant or a drive-in.

“Dormer” means a projecting vertical window from a roof slope and has a roof of its own.

“Dwelling” means a building or portion thereof designed for or occupied for residential purposes, including ~~one-family, two-family~~ **single-unit** and multiple-**unit family** dwellings, but not including hotels, boardinghouses, lodging houses and trailers.

“Dwelling unit” means ~~a group of interconnected rooms located within an attached or detached building forming~~ a single and independent habitable unit with **living** facilities which is ~~are~~ used or intended to be used for living, sleeping, cooking and eating ~~for the exclusive occupancy by one family and not having more than one kitchen. All bedrooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit. All exterior exits shall be accessible to all rooms within the dwelling.~~

“Educational institution” means an institution of learning giving general academic instruction equivalent to the standards prescribed by the State Board of Education; including day care, preschool, private tutoring or learning facility.

“Eligible person” means an individual with a disability, a representative of such individual, or a developer of housing for individuals with disabilities.

~~As used in this chapter, “Emergency” means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of this city, requiring the combined forces of other political subdivisions to combat. (Ord. 1756 § 1, 2015; Ord. 892 § 2, 1973)~~

“Emergency shelter” **has a meaning set forth in subdivision (e) of Section 50801 of the California Health and Safety Code, and** means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

“Employee housing” has the meaning set forth subdivision (b) of California Health and Safety Code Section 17008.

“Erect” means to build, construct, attach, hang, place, suspend, or affix.

“Factory-built housing” has the same meaning as in **California Health and Safety Code Section 19971** as it may be amended from time to time. As of the effective date of the ordinance establishing this definition, the term means “a residential building, dwelling unit, or an individual dwelling room or combination of rooms thereof, or building component, assembly, or system manufactured in such a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly, damage, or destruction of the part, including units designed for use as part of an institution for resident or patient care, that is either wholly manufactured or is in substantial part manufactured at an offsite location to be wholly or partially assembled onsite in accordance with building standards published in the **California Building Standards Code** and other regulations adopted by the commission pursuant to **California Health and Safety Code Section 19990**. Factory-built housing does not include a mobile home, as defined in **California Health and Safety Code Section 18008**, a recreational vehicle, as defined in **California Health and Safety Code Section 18010.5**, or a commercial modular, as defined in **California Health and Safety Code Section 18012.5**.”

“Fair housing laws” means the Fair Housing Amendments Act of 1988 (42 U.S.C. Section 3601, et seq.), including reasonable accommodation required by 42 U.S.C. Section 3604(f)(B)(3), and the “California Fair Employment and Housing Act” (California Government Code Section 12900, et seq.), as any of these statutory provisions may be amended from time to time.

~~“Family” means a collective body of two or more persons doing their own cooking and living together as a separate housekeeping unit in relationship based upon birth, marriage, adoption or other such like domestic bond.~~

“Family daycare home” means a facility that regularly provides care, protection, and supervision for 14 or fewer children, in the provider’s own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family daycare home or a small family daycare home that is licensed in accordance with the requirements of the California Health and Safety Code. A family daycare home includes a detached single-unit dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multi-unit dwelling in which the underlying zoning allows for residential uses. A small family daycare home or large family daycare home is where the daycare provider resides, and includes a dwelling or a dwelling unit that is rented, leased, or owned. As used herein, a “small family daycare home” means a facility that provides care, protection, and supervision for eight or fewer children, including children under 10 years of age who reside at the home, as set forth in Section 1597.44 of the California Health and Safety Code and as defined in implementing

regulations. As used herein, a “large family daycare home” means a facility that provides care, protection, and supervision for seven to 14 children, inclusive, including children under 10 years of age who reside at the home, as set forth in Section 1597.465 of the California Health and Safety Code and as defined in implementing regulations.

“Flag” means a piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as the symbol or emblem of a country or institution.

“Floor area ratio” means the ratio between gross floor area of all buildings on a lot and the total area of the lot. For the purposes of this definition, “gross floor area” means the amount of leasable floor area of the structure. Exception: ~~M~~mezzanines, as described by the Uniform Building Code, shall not be considered as floor area.

“Food-to-go restaurant” means any premises or retail place of business where beverages, foods or refreshments are prepared, processed or treated for retail sale on the premises, with limited on-site consumption. A maximum of five tables and ten seats may be provided for waiting food orders and/or food consumption.

“Frontage, building” means the portion of a building on, adjacent to, or oriented to a public right-of-way.

“Frontage, business” means the property lines or lease lines at the front of the building in which a business is located and on which the primary entrance, accessible to the general public, is located.

“Frontage, display” means the lineal footage of display frontage for those businesses where the principal display of merchandise is located outside of a main building.

“Frontage, lot” means the length of a lot along a public or private street or right-of-way, but not including such length along an alley, watercourse, or railroad.

“Freeway” means a highway with respect to which the owners of abutting lands have no right of easement or access to or from their abutting lands, or in respect to which such owners have only limited or restricted easement or access and which is declared to be such in compliance with the **California** Streets and Highways Code ~~of the state~~.

“Front lot line” means the property line dividing a lot from a street. On a corner lot only one street line shall be considered as a front line and the shorter street frontage shall be considered the front lot line.

“Front yard” means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

“Gable roof” means a roof with two sloping planes supported at their ends by a trainable upward extension of two walls, so as to form a gable at each end.

“Garage” means an enclosed building or portion of a building in which motor vehicles used by the occupants or tenants of the main building or buildings on the premises are stored or kept.

“Garage Sale” means the occasional public sale of secondhand household and other goods incidental to household uses by a person or persons from a residential property, also to include yard, estate, and other home-based sale.

“General plan” means the City of La Habra General Plan.

“Grade” means the lowest point of elevation of the graded surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

“Grand opening” means a promotional activity used by newly established businesses, to inform the public of their location and contribution to the community. Grand opening does not mean an annual or occasional promotion of retail sales by a business.

“Gross floor area” or “GFA” means the floor area within the perimeter of the exterior walls of the building. It is the sum of the gross areas of all floors including levels below grade.

“Gross leasable area” or “GLA” means the area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, corridors, stairways, closets, the thickness of interior walls, columns or other features.

“Group homes” means housing shared by unrelated persons with disabilities that provide peer and other support for their residents’ disability related needs and in which residents share cooking, dining, and living areas, and may, in some group homes, participate in cooking, housekeeping, and other communal living activities. This can include:

“Alcohol or other drug (AOD) facilities” means residential facilities that must obtain licenses from DHCS because they provide alcoholism or drug addiction recovery and treatment services.

“Licensed group homes” means group homes that provide services that require licenses under state law.

1“Recovery residences” or “sober living homes” means group homes for persons recovering from alcoholism or drug addiction in which the

residents mutually support each other's recovery and sobriety and that do not require licenses from DHCS because they do not provide alcoholism or drug addiction recovery and treatment services

“Residential care facilities” means a facility licensed by the state of California to provide living accommodations or unlicensed, 24-hour care for persons requiring personal services, supervision, protection, or assistance with daily tasks. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This classification includes those both for and not-for-profit institutions but excludes Supportive Housing and Transitional Housing.

***Small.* A facility that provides care for six or fewer persons.**

***Large.* A facility that provides care for more than six persons.**

“Unlicensed group homes” means group homes that may provide some supportive services for their residents but not services that require licenses under state law.

~~“Group dwelling” means a combination or arrangement of dwellings on one building site.~~

“Half story” means a story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor area immediately below it.

“Hipped roof” means a roof which slopes upward from all four sides of a building, requiring a hip rafter at each corner.

“Home occupation” means an accessory use of a dwelling unit conducted by the occupant of the dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services.

~~“Homeless shelter” means a residential facility which provides is a temporary housing accommodations to homeless persons and/or families and which meet standards for shelters contained in Title 25 California Administrative Code, Part 1, Chapter F, Subchapter 12, Section 7972. The facility may provide, or contract with recognized community organizations to provide, emergency or temporary shelter, and may also provide meals, child care, counseling, and other services. Such facility may have individual rooms, but is not developed with individual dwelling units, with the exception of manager units. The term “temporary accommodations” means that a person or family will be allowed to reside at the shelter for a time period not to exceed six months.~~

~~“Homeowner’s Association” means a private organization within the residential or commercial condominium community that establishes and enforces its rules for maintenance and operations.~~

~~“Housekeeping unit” means a collective body of two or more persons doing their own cooking and living together as a separate housekeeping unit in relationship based upon birth, marriage, adoption or other such like domestic bond.~~

“Housekeeping unit” means any group of individuals living together in one dwelling unit where the residents may share household responsibilities and activities such as living expenses, chores and eating meals together.

“Housing administrator” means the city staff person that reviews the affordable housing agreement and its affordable housing plan, inclusionary housing plan, and affordable housing covenants for any residential or mixed-use development that is required to provide inclusionary or affordable housing units.

“Hospital” means any building or portion thereof used for the accommodation and medical care of sick, injured or infirm persons, and including sanitariums.

“Hotel” means any structure or any portion of any structure which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, for time periods limited to thirty consecutive days or less, and includes, but is not limited to, any hotel, inn, tourist home or house, motel, studio hotel, ~~bachelor hotel,~~ lodging house, rooming house, apartment house, dormitory, public or private club, but not used as the legal residence or principal dwelling place of the occupant(s), except for one or more caretaker/manager residential unit(s) which conform to the requirements for multi-unit ~~ple family~~ residential units in this title. “Hotel” does not mean any convalescent home or facility, home for the aged, hospital, jail, or military installation.

“Inclusionary housing developer” means the developer that is selected by the city to construct the inclusionary housing units that may be required for a particular residential development in accordance with the provisions of this title. ~~To be considered as the city’s selected inclusionary housing developer, all potential developers shall submit pro-formas, construction schedules, financial documentation, administration costs, and other related information to the city. The city shall review and consider this material in selecting the inclusionary housing developer.~~

“Inclusionary housing in-lieu fee fund” means the fee fund where all acquired in-lieu fees shall be deposited. Deposited fees ~~shall~~ are used by the city to enter into joint venture agreements with developers to construct the required inclusionary housing units. Collected fees could also be used for city staff that conduct periodic inspections to ensure that the constructed inclusionary housing units comply with the affordable housing agreement, affordable housing plan, inclusionary housing plan, affordable housing covenants, and all other city and zoning requirements.

“Inclusionary housing plan” means the plan that is part of the affordable housing agreement, which describes the design, features, and affordability of the inclusionary housing units as required by this title ~~chapter~~.

“Inclusionary housing unit” means a dwelling unit required by this title to be affordable to very low-, low-, or moderate-income households.

“Individual with a disability” means an individual who has a physical or mental impairment that limits one or more of that individual’s major life activities; anyone who is regarded as having such impairment; or anyone who has a record of having such an impairment, but not including an impairment resulting from individual’s current, illegal use of a controlled substance or other drug.

“Interior lot” means a lot other than a corner lot.

“Integrated development” means a development consisting of two or more interrelated business establishments designed around common driveways and common on-site parking facilities.

“Juliet balcony” means a balcony with a small platform with a French door or full-length window with railing on the outer-lower half of the wall plane that gives the appearance of a balcony when the window is fully open.

“Key lot” means the first interior lot to the rear of a reversed corner lot, whether or not separated by an alley.

“ksf” means one thousand square feet.

“Live/work unit” means a unit that combines a work space and incidental residential occupancy and used by a single household. The residential and commercial portions of the live/work units shall be developed in compliance with the California Building Code. The working space is reserved for and regularly used by an occupant of the unit. Living space includes, but is not limited to, a sleeping area, a food preparation area with reasonable work space, and a full bathroom including bathing and sanitary facilities which satisfy the provisions of applicable codes.

“Lot” means a parcel of real property as shown with a separate and distinct number or letter on a plot recorded or filed with the recorder of the county under procedures established by the city and state, or, a parcel of real property abutting upon at least one public street and held under separate ownership prior to the effective date of this title.

“Lot area” means the total horizontal area within the lot lines of a lot.

“Low-barrier navigation center” means a housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals 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.

“Low-income household” shall have the definition given in California Health and Safety Code Section 50079.5.

~~“Lower income student” means a student who has a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in paragraph (1) of subdivision (k) of Section 69432.7 of the Education Code. The eligibility of a student to occupy a unit for lower income students under this section shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education in which the student is enrolled or by the California Student Aid Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver from the college or university, the California Student Aid Commission, or the federal government.~~

“Manufactured home” has the same meaning as in **California Health and Safety Code** Section 18007 as it may be amended from time to time. As of the effective date of the ordinance establishing this definition, the term means: “a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or **forty 40** body feet or more in length, in the traveling mode, or, when erected on site, is **320 three hundred twenty** or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. ‘Manufactured home’ includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., **Section**. 5401 et seq.), ~~and following).~~”

“Marijuana related use and activity” **means and** includes dispensing, cultivation, manufacture, processing, storing, testing, labeling, relabeling, packaging, repackaging, transporting, delivery, distribution, provision, or sale, or any combination thereof, of marijuana, except as set forth in California **Business and Professions Code** Section 19319, related to qualifying patients. “Marijuana-related use and activity” also has the same meaning as “commercial cannabis activity” set forth in California Business and Professions **Code** Section 19300.5(j).

“Market rate unit” means a new dwelling unit in a residential development that is not an inclusionary housing unit and can be purchased or rented at market rates. These units are not considered to be affordable units.

“Mixed-use projects” means projects that combine residential and commercial uses. Mixed-use projects may be arranged vertically (ground level commercial uses with residential units above) or horizontally (commercial uses on a portion of the property linked by pedestrian connections to residential units as part of a unified development project).

“Mobile home” means a structure as defined by Section 18008 of the **California Health and Safety Code** as it may be amended from time to time. As of the effective date of the ordinance establishing this definition, the term means: ~~“a structure that was constructed prior to June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or **forty 40** body feet or more in length, in the traveling mode, or, when erected onsite, is **three-hundred-twenty 320** or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. “Mobilehome” includes any structure that meets all the requirements of this paragraph and complies with the state standards for mobilehomes in effect at the time of construction. “Mobile home” does not include a commercial modular, as defined in Section 18001.8 of the **California Health and Safety Code**, factory-built housing, as defined in Section 19971 of the **California Health and Safety Code**, a manufactured home, as defined in Section 18007 of the **California Health and Safety Code**, a multifamily manufactured home, as defined in Section 18008.7 of the **California Health and Safety Code**, or a recreational vehicle, as defined in Section 18010 of the **California Health and Safety Code.**”~~

“Moderate income household” shall have the definition given in California Health and Safety Code Section 50093(b), except that for the purposes of moderate income rental inclusionary units that are located upon the same site as the market rate residential development rental units, “moderate income household” means a household earning no more than eighty percent of area median income.

“Molding” means a projecting material that provides ornamental variations of outlines or contours to wall planes, windows, doors, or headers.

“Motel”—See “Hotel.”

“Motor vehicles” means a motor driven device by which any person or property may be propelled, moved, or drawn upon a highway.

~~“Multiple-family unit dwelling” means a building containing three or more independent dwelling units, or portion thereof, designed for occupancy by three or more individuals and/or families with living independently of each other., and containing three or more dwelling units.~~

“Multiple-occupancy building” means a building wherein two or more separately independently owned or operated suites, units or occupancies are contained.

“Muntin” means a secondary framing member to hold panes in a window, window wall, or glazed door; an intermediate vertical member that divides panels of a door.

“Murals” means an artistic picture or scene applied or painted onto a building wall or other structure, but containing no advertising message and not associated with graffiti or related acts of vandalism.

“Nonconforming building” means a building or structure or portion thereof conflicting with the **current** provisions of this title applicable to the zone in which it is situated.

“Nonconforming use” means the use of a structure or premises conflicting with the **current** provisions of this title.

“Occupied” means and includes arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.

“Off-premises” **means** on an alcoholic beverage license means the license privilege is for alcoholic beverages to be sold in original, unopened packages for consumption off the premises where sold.

~~“One-family dwelling” means a detached building designed exclusively for occupancy by one family and containing one dwelling unit.~~

“On-premises” **means** on an alcoholic beverage license means the license privilege is for alcoholic beverages sold on the premises to be consumed on the premises where sold.

~~“Parolee” means an individual who has been released from a prison term prior to its expiration and who is subject to regular monitoring by a law enforcement officer for a set period of time. It shall include all of the following:~~

- ~~1.—An individual who was convicted of a federal crime, was sentenced to a United States federal prison, and received conditional and revocable release in the community under the supervision of a federal parole officer;~~
- ~~2.—An individual who is serving a period of supervised community custody, as defined in California Penal Code Section 3000, following a term of imprisonment in a state prison, and is under the jurisdiction of the California Department of Correction, Parole and Community Services Division;~~
- ~~3.—An adult or juvenile individual who was sentenced to a term in the California Youth Authority and received conditional and revocable release in the community under the supervision of a Youth Authority parole officer; and~~
- ~~4.—An individual who meets the above equivalent criteria in another state.~~

“Pennant” means any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

“Person” means any individual, firm, co-partnership, joint adventure, association, club, fraternal organization, corporation, estate, trust, receiver, organization, syndicate, city, county, municipality, district or other political subdivision, or any other group or combination acting as a unit.

“Persons and families of moderate income” means persons and families defined in Section 50093 of the California Health and Safety Code, as the same may be amended from time to time.

“Physical needs assessment” means a report by a qualified housing professional identifying those items that are necessary repairs, replacements and/or maintenance at the time of the assessment or that will likely require repair or replacement within three years of the assessment. Estimated cost of repairs should be included in the assessment. All required repairs must be completed prior to occupancy of the repaired inclusionary housing unit.

“Plate height” means the interior vertical distance from the ground surface of a floor to the floor ceiling.

“Primary zone” or “base zone” shall mean the zoning designation of a property.

“Private garage” means an enclosed building or portion of a building in which motor vehicles used by the occupants or tenants of the main building or buildings on the premises are stored or kept.

“Public garage” means an enclosed building or portion of a building, open to the public in which motor vehicles are stored or kept, either for a fee or as a courtesy.

“Qualified nonprofit housing corporation” means a nonprofit housing corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the California Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

“Rafter” means a structural component that is used as part of a roof construction.

“Rafter tails” means the portion of the rafter that hangs over the wall.

“Rear lot line” means the line opposite the front lot line.

“Rear yard” means a yard extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be

measured horizontally from the nearest part of a main building toward the nearest part of the rear lot line.

“Recreational vehicles” means a vehicle, boat, vessel or other type of portable structure, with or without a mode of power, and without permanent foundation, which can be towed, hauled, sailed, flown or driven, and is designed, used, or maintained primarily for recreational purposes, such as, but not limited to, travel trailers, tent trailers, camping trailers, motor homes, buses converted to recreational or other noncommercial uses, vans, trucks with camper shells, campers, motorcycles, off-road vehicles, aircraft, boats or other vessels.

“Recycling center” means a facility that accepts recyclable materials from the public as either a donation, redemption or for sale. A recycling **facility center** may consist of mobile recycling containers, kiosk type units, bulk vending machines, automated and unattended recycling machines (also known as reverse vending machines), or unattended containers placed for the donation of recyclable materials.

~~“Residential care facility” means any facility, place, or building that is maintained and operated to provide non-medical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, and includes the following, as defined by the California Community Care Facilities Act (California Health and Safety Code Section 1500, et seq.): “residential facility,” “adult day program,” “therapeutic day services facility,” “foster family agency,” “foster family home,” “small family home,” “social rehabilitation facility,” “community treatment facility,” “full-service adoption agency,” “non-custodial adoption agency,” “transitional shelter care facility,” and “transitional housing placement facility.” The term “residential care facility” does not include “congregate housing,” “domestic violence shelters,” “homeless shelters,” “senior hotels,” “single room occupancy,” or “transitional housing projects” which are defined in and shall be governed by Chapter 18.30 of this code. The term “residential care facility” shall also include the following health facilities, as set forth in California Health and Safety Code Section 1250: an intermediate care facility/developmentally disabled habilitative, an intermediate care facility/developmentally disabled nursing, or a congregate living health facility, as well as the following: residential care facilities for persons with chronic life-threatening illnesses, as set forth in California Health and Safety Code Section 1568.0831; residential care facilities for the elderly, as set forth in California Health and Safety Code Section 1569.85; alcoholism or drug abuse recovery or treatment facility, as set forth in California Health and Safety Code Section 11834.23; pediatric day health and respite care facilities, as set forth in California Health and Safety Code Section 1761.4; and any state-authorized, certified, or licensed family care homes, foster homes, or group homes serving mentally disordered or otherwise handicapped persons or dependent and neglected children, as set forth in California Welfare and Institutions Code Section 5116. The term “residential care facility” shall include any other facilities which are deemed by any other applicable law to be a residential use of property and required by law to be treated the same as other single-family residences for local zoning~~

~~purposes. Notwithstanding anything to the contrary above, the term “residential care facility” is limited to those facilities, places or buildings that are both subject to regulation by the state of California and actually licensed by the state of California. No facility, place or building that may otherwise be regulated by the state of California, but which is not actually licensed by the state of California, shall be deemed a “residential care facility” for purposes of this chapter.~~

“Residential care facility for the elderly” has the meaning provided in **California Health and Safety Code** Section 1569.2 as it may be amended from time to time. As of the effective date of the ordinance establishing this definition, the term means: “a housing arrangement chosen voluntarily by persons sixty years of age or over, or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, personal care, or health-related services are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility. Persons under sixty years of age with compatible needs may be allowed to be admitted or retained in a residential care facility for the elderly as specified in **California Health and Safety Code** Section 1569.316.”

“Reversed corner lot” means a corner lot the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

“Roof line” means the top edge of a roof, mansard, or parapet wall of any building or other structure, which forms the top line of the building silhouette, exclusive of any sign tower, determined as a horizontal line projected from the top of the ridge, or in the case of flat or single-slope roofs, from the highest point of the rafter, roof beam or roof joist.

“Seat” as used in this title means eighteen lineal inches of seating space when arranged in bleachers, benches or pews. For uses with no permanent seats, a seat is equal to seven square feet of floor area.

“Senior housing” means age-restricted multi-unit housing with covenants in place to assure that the units will remain age-restricted for the life of the property.

“Setback” means the minimum required distance from a structure to a property line on the subject lot. When required for landscaping purposes, setback means the distance from a street front property line to the depth of required landscape area.

“Shared parking” means the use of parking space by vehicles generated by two or more individual land uses without conflict. The ability to share parking is based on two conditions: (1) variation in times of use; and (2) relationship among the land uses that result in visiting multiple land uses on the same auto trip.

“Shingle” means a small thin piece of building material often with one end thicker than the other for laying in overlapping rows as a covering for the roof or sides of a building.

“Short-term residential rental” means the rental of a residential dwelling unit by the owner thereof to another party for a continuous period of thirty days or less, in exchange for any form of monetary or non-monetary consideration such as, but not limited to, trade, fee, swap or any other in lieu of cash payment; and also means “hotel” as that term is defined in this section.

“Shutter” means a pair of hinged panels, often louvered, fixed inside or outside a window that can be closed for security or privacy or to keep out light.

“Side lot line” means any lot lines other than front lot lines or rear lot lines.

“Side yard” means a yard between the main building and the side lot line extending from the rear line of the required front yard, or the front lot line where no front yard is required, to the rear yard the width of which side yard shall be measured horizontally from, and at right angles to, the nearest point of a side lot line towards the nearest part of a main building.

“Siding” means an exterior wall covering of horizontal boards nailed to a wood frame.

“Sign” means any means any device, fixture, surface, or structure of any kind or character, made of any material whatsoever, displaying letters, words, texts, illustrations, symbols, forms, patterns, colors, textures, shadows, or lights, or any other illustrative or graphic display designated, constructed, or placed on the ground, on a building canopy, wall, post, or structure of any kind, in a window, or on any other object for the purpose of advertising, identifying, or calling visual attention to any place, structure, firm, enterprise, profession, business, service, product, commodity, person or activity, whether located on the site, in any structure on the site, or in any other location.

“Sign, animated” means any sign which is designed and constructed to give a message or image through a sequence of progressive changes of parts by either action and motion, flashing or color changes requiring electric, wind, or manual energy.

“Sign area” means the entire area within a rectangle or series of rectangles enclosing the extreme limits of writing, representation, emblem, or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed, and superficial, nonilluminated column covers, ornamental trim, and other such incidental objects attached thereto which are not designed to convey a message; and excluding a reasonable amount of nonencompassed open area. Where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face, if the two are of unequal area. In the case of spherical or cylindrical signs, the area shall be one-half of the surface area of the signs. In the case of semi cylindrical signs, the surface area shall be the total surface area.

“Sign, attached” means any sign which is supported wholly by a building wall or structure, other than by a sign structure.

“Sign, awning” means a sign painted or printed onto the canvas or valance of an awning.

“Sign, banner” means any sign of fabric, plastic or similar material, whether or not enclosed in a rigid frame, that is attached by one or more edges or corners to a building, structure or pole.

“Sign, bench” means any sign which is located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

“Sign, billboard” means any sign not advertising the business, industry or pursuit conducted on the premises on which the sign is erected or maintained. This definition does not include a noncommercial sign or City-posted public information sign or temporary real estate signs.

“Sign, bulletin board” means a board for displaying notices, posters, cards, sheets, or other printed, illustrated, or written matter.

“Sign, campaign” means a sign indicating the name and/or picture of an individual seeking election to a public office, or relating to a forthcoming public election, referendum, or initiative.

“Sign, can or cabinet” means a metal framed sign with a plastic or similar material face and lettering and utilizing internal illumination.

“Sign, canopy” means any sign placed on or supported entirely by a rigid shelter or other structure projecting out from any exterior wall or portion of a building or other structure.

“Sign, channel letter” means an individual sign can for each letter of sign copy.

“Sign, changeable copy” means a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign. This sign type does not include digital display signs or billboards.

“Sign, commercial” means any sign that does not meet the definition of a noncommercial sign.

“Sign, construction” means any sign stating the name and address of those individuals or firms directly connected with a construction project and the name of the owner or developer.

“Sign, convenience” means a sign not larger than two square feet which conveys information such as “restrooms,” “no parking,” “entrance,” and the like but does not contain land, trade, advertising or business identification and is designed to be viewed on site by customers and pedestrians.

“Sign copy” means any words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.

“Sign, digital display” means display methods utilizing light emitting diode (LED), liquid crystal display (LCD), plasma, projected images, or any functionally equivalent technology, and which is capable of automated remote or computer control to change the image, either in a “slide show” manner (series of still images), or full motion animation, or any combination of them. Also known as dynamic signs and commercial electronic variable message signs (CEVMS).

“Sign, directory” means a sign on which the names and locations of occupants or the use of a building(s) is given.

“Sign, double-face” means a single sign structure with two parallel sign faces back to back.

“Sign, electric” means any sign containing electrical wiring for the purpose of illumination, but not including signs illuminated by an exterior light source.

“Sign, electronic message” means a sign whose primary advertising focus is the intermittent display, stream, or movement of electronic, computerized, digital or similarly produced letters, numerals, words, or messages as part of the advertising message. Any sign, or portion of a sign, that uses changing lights to form a sign message or messages in text form where the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. An electronic message sign is different from an illuminated or electric sign in that the illumination of the display creates the message, rather than an internal or external light source illuminating the message.

“Sign, feather” means a type of freestanding temporary portable sign of flexible material that is plain or includes copy and/or graphics and is supported by a horizontal or vertical pole, including but not limited to feather, flutter, bow, and tear drop flag signs.

“Sign, flashing” means any sign which contains or is illuminated by lights which are intermittently on and off, which change intensity, or which create the illusion of motion in any manner. This type of sign is also referred to as a “running” or “blinking” sign.

“Sign, freestanding” means any sign that is wholly self-supported by one or more uprights or columns anchored in the ground and not attached to any building. Freestanding signs include, monument, pylon and pole signs.

“Sign, future development” means any temporary sign that advertises a new business or development project prior to or during the construction phase of that project.

“Sign height” means the vertical distance measured from the top of curb elevation adjacent to the sign to the highest point of the sign or sign structure(s).

“Sign, human advertisement” means any person who is located anywhere within the City, and whose intent is to advertise, and whose actions do advertise, a business or service, by way of his or her actions, including, but not limited to, by holding a temporary sign, wearing a costume, or wearing body paint.

“Sign, illegal” means any sign which was erected in noncompliance with any provision of ~~the La Habra Municipal Code~~ **this code** pertaining to signs which were in effect at the time such sign was erected.

“Sign, illuminated” means any sign which has characters, figures, letters, designs or outlines illuminated internally or externally by electric lights or luminous tubes as a part of the sign proper.

“Sign, indirectly illuminated” means a sign whose illumination is reflected from its source by the sign display surface to the viewer’s eyes, the source of light not being visible from the street or from abutting property, or any sign for which the light travels through a shield or material other than the bulb or tubing necessary to enclose the light source, which shield or material has the effect of dispersing the light before it strikes the eye of the viewer.

“Sign, inflatable advertising device” means any device constructed of vinyl, fabric, rubber or plastic or other air-tight material, which relies for its shape and support on inflation by a compressed gas or by an air blower or fan conducting air into it, and which uses any color, form, graphic, symbol or writing to identify or communicate a commercial or noncommercial message, announce the purpose of or identify the purpose of a person or entity, or to communicate information of any kind to the public.

“Sign, inflatable character” means an inflatable, balloon-like character, character representation, logo, or other design, generally tethered to the ground or to the roof of a structure.

“Sign, logo” means a visual symbol identifying the business or service provided, which may be all or part of a sign.

“Sign, marquee” means a sign constructed within, or a wall sign attached to, the face of, a permanent, roofed structure attached to and supported by the building and projecting over public property or over a walkway located on private property, but used by the public.

“Sign, memorial” means a sign or tablet, containing the name of a building, and/or date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials mounted on the face of a building or wall.

“Sign, menu board” means any wall or monument sign displaying a list of items available at a drive-through business for the purpose of taking drive-through orders.

“Sign, monument” means a low-profile freestanding sign connected to the ground with a solid base and which reflects and complements the architectural theme of the buildings on the same property, and on which copy is limited to identification of the center and/or businesses located on the premises.

“Sign, multi-tenant” means a sign used to advertise businesses that occupy a commercial or industrial center or complex of two or more tenants.

“Sign, nameplate” means a sign serving to designate only the name, or the name and professional occupation, of a person or persons residing in or occupying space in a building located on the premises upon which the sign is located.

“Sign, neon or neon lighting” means any electric gas tube lighting or any sign containing argon, neon, krypton, helium, or xenon.

“Sign, non-advertising or non-commercial” means any sign posted on private property upon which no advertising matter is displayed.

“Sign, non-appurtenant” means a sign which advertises a business, products, services or other uses which are not associated with the premises where the sign is located.

“Sign, nonconforming” means any lawfully erected sign, which does not fully comply with all provisions of this code. This definition does not include any sign that has been illegally erected, or maintained in violation of any safety or health provision of this code, or that otherwise constitutes a danger to health or safety.

“Sign, off-site or off-premises” means a sign which advertises or directs attention to products or activities that are not provided on the site upon which the sign is located.

“Sign, one-time event (residential)” means a sign displayed at a residential property during the occurrence of a one-time event held at the property such as, a yard, garage or estate sale, birthday party, or wedding reception.

“Sign, on-site or on-premises” means a sign which advertises or directs attention to products or activities that are provided on the site upon which the sign is located.

“Sign, painted” means any sign or representation painted directly on the exterior surface of any building or structure, except on the vertical face or valance of an awning or canopy.

“Sign, portable” means any moveable outdoor sign that is not permanently secured or attached to the ground or to an approved sign structure or building.

“Sign, projecting” means any sign which is affixed or attached to, and is supported solely by, a building wall or structure, and extends beyond the building structure or any part thereof more than 18 inches. No projecting sign shall have a clearance less than eight feet above finished grade or the walkway below.

“Sign, pump-top video display terminal” means any video screen or electronic display, monitor or terminal that is located on, or affixed to, a fuel-dispensing pump that broadcasts, displays, emits, exhibits or shows audio and/or visual content or material.

“Sign, real estate” means a sign that indicates a property that is For Sale, Lease, or Rent and/or to advertise the opportunity to view the property (an “open house”).

“Sign, revolving” means a sign which completely or partially rotates, either on an intermittent or continuous basis.

“Sign, roof” means any sign erected, constructed and maintained wholly upon or over the roof of any building and which is principally supported from or upon the roof structure.

“Sign structure” means the supports, uprights, bracing, and framework of a sign. The area of such structure shall not be included in computing the aggregate surface of the area of the sign which it supports.

“Sign, seasonal commercial sales lot” means a temporary sign that is erected in conjunction with a special event permit for a seasonal commercial sales lot for seasonal items such as pumpkins or Christmas trees.

“Sign, subdivision” means a temporary sign that indicates the name of the subdivision, the names of the architects, engineers, landscape architects, contractors, or similar artisans and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the project.

“Sign, temporary” means any sign constructed of wood, paper, cloth, canvas, or other similar lightweight material, with or without frames, and all others including painted windows intended to be displayed for a limited period of time.

“Sign, under canopy” means a permanent sign installed suspended below the canopy of a building.

“Sign, vehicle” means a sign which is attached to, or painted on, a vehicle or trailer and placed on any property so as to attract attention to a product, activity or business by such means as advertisement of sales prices, provision of direction to the business or activity, or similar promotional copy.

“Sign, wall” means any sign attached to or erected against the wall of a building or structure with the exposed surface of the sign in a plane parallel with the plane of the wall and extending not more than eighteen inches from the face of the building, having the advertisement either of solid face construction or individual letters. Wall signs shall extend no higher than the roofline or the top of the front parapet, whichever is higher.

“Sign, window” means a sign painted, attached, glued, or otherwise affixed to either the exterior or interior side of a window or door, having copy visible from a public street, right-of-way, or parking lot.

“Single-unit dwelling” means a stand-alone dwelling unit designed and/or used for a single household occupancy.

“Single-room occupancy housing (SRO)” means a cluster of guest units within a residential hotel providing sleeping and living facilities restricted by an agreement approved by the city for occupancy by low and very low-income individuals, designed for occupancy for periods of one month or longer.

“Storage garage” means an enclosed building or a portion of a building in which motor vehicles are stored.

“Story” means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

“Street” means a public thoroughfare other than an alley which affords the principal means of access to abutting property.

“Structure” means anything constructed or erected, which requires location on the ground or attached to something having a location on the ground, but not including fences or walls used as fences less than six feet in height.

“Student housing” means housing for university or college students as an alternative to on-campus housing. This includes dormitories, fraternity houses, and sorority houses.

“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community as specified in California Government Code Section 65582.

“Target population” means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to

the Lanterman Developmental Disabilities Services Act (Division 4.5 commencing with Section 4500 of the California Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

“Temporary commercial enterprise” means any activity involving commercial use of property located within the city which continues for a period of 45 days or less.

~~“Total units” or “total dwelling units” for the purpose of calculating density for a project with inclusionary or affordable housing units means a calculation of the number of units that:~~

- ~~1. 1. Excludes a unit added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.~~
- ~~2. 2. Includes a unit designated to satisfy an inclusionary zoning requirement of a city, county, or city and county.~~

“Traffic index (TI)” is a single number used to express the total weight expected to be borne through tires onto the roadway surface during the design lifetime of the pavement.

“Trailer park or camp” means any area or premises where two or more house trailers are located and used as living or sleeping quarters. “Trailer park or camp” means any area or premises where two or more house trailers are located and used as living or sleeping quarters.

“Transitional housing” means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance as specified in California Government Code Section 65582.

“Through lot” means a lot having frontage on two parallel or approximately parallel streets.

“Two-unit family dwelling or “duplex” means either a building containing two-attached independent dwelling units or two-detached single-unit dwellings.

“Use” means the purpose for which land or a building is designed, arranged or intended, or for which either is or may be occupied or maintained.

“Vending machine” means any device that dispenses product(s) for monetary reimbursement.

Permitted = P																
Conditional Use Permit = CUP																
Not Permitted = -	R-1a	R-2	R-5													
	R-1b	R-3	R-6	MHP	C-R	C-P	C-1	C-2s	C-2	C-3	OS	PC-I	M-1(5)	SP-1	MX	
Special Event Permit = S	R-1c	R-4	R-7					C-2sH								Overlay
Home Occupation Permit = H																
Junior Accessory Dwelling Unit																
Factory-built housing or Manufactured home (less than 10 years old)	P	P	P	P	P	-	-	-	-	-	-	-	-	P(2)	P(2)	
Home Occupations	H	H	H	H	H(1)	-	-	-	-	-	-	-	-	H(1)	H	
Boarding and rooming houses (3 or more individuals)	CUP	CUP	CUP	CUP	CUP	-	-	-	-	-	-	-	-	CUP(1)	CUP	
Student Housing Fraternity houses, sorority houses, and dormitories	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	-	-	-	CUP	CUP	
Hotels/motels (provided not more than 20% of the units contain kitchen/kitchenettes)	-	-	-	-	-	CUP	CUP	CUP	CUP	CUP	-	CUP	-	CUP	CUP	
Group Homes	P	P	P	P	P	-	-	-	-	-	-	-	-	P(1)	P(1)	
Residential care facilities for the Elderly (serving 6 or fewer persons, allowed per Health & Safety Code 1569.85)	P	P	P	P	P(1)	-	-	-	-	-	-	-	-	P(1)	P(1)	
Residential care facilities for the Elderly (serving 7 or more persons, allowed per Health & Safety Code 1569.85)	CUP	CUP	CUP	CUP	CUP	-	CUP	CUP	CUP	CUP	-	-	-	CUP	CUP	
Congregate living health facilities (serving 6 or fewer persons, per Health & Safety Code 1267.16)	P	P	P	-	P(+)	-	-	-	-	-	-	-	-	P(+)		
Congregate living health facilities (serving 7 or more persons, per Health &	CUP	CUP	CUP	CUP	CUP(+)	-	CUP	CUP	CUP	CUP	-	-	-	CUP		

Permitted = P																
Conditional Use Permit = CUP																
Not Permitted = -	R-1a	R-2	R-5													
Special Event Permit = S	R-1b	R-3	R-6	MHP	C-R	C-P	C-1	C-2s	C-2	C-3	OS	PC-I	M-1(5)	SP-1	MX	
Home Occupation Permit = H	R-1c	R-4	R-7					C-2sH							Overlay	
Safety Code 1267.16)																
Short Term Residential Rentals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Small Family day care home (per California Health and Safety Code Section 1597.45(b))	P	P	P	P	P	-	-	-	-	-	-	-	-	P(1)	P(1)	
Large family day care home (per California Health and Safety Code Section 1597.456(a))	CUP	-	-	-	-	-	-	-	-	-	-	-	-	PCUP (+)	-	
Small family home (per California Social Security Code Section 80001(s)(3))	P	P(1)	P(1)	-	-	-	-	-	-	-	-	-	-	P(1)	P(1)	
Sports courts (residential) with lights (tennis, basketball, handball, etc.)	CUP	CUP	CUP	CUP	CUP	-	-	-	-	-	-	-	-	CUP(1)	P(1)	
Domestic violence shelter	-	CUP	PCUP	-	P-CUP	-	CU P	CU P	CU P	CU P	CU P	CU P	CU P	CU P	CU P	CU P
Senior hotel	-	CUP	CUP	-	CUP	-	CU P	CU P	CU P	CU P	CU P	CU P	CU P	CU P	CU P	CU P
Single-room occupancy housing	-	CUP	CUP	-	CUP	-	CU P	CU P	CU P	CU P	CU P	CU P	CU P	CUP	CUP(2)	CUP
Supportive Housing	P	P	P	P	P(1)	-	-	-	-	-	-	-	-	P(1)	P(1)	
Transitional Housing	P	P	P	P	P(1)	-	-	-	-	-	-	-	-	P(1)	P(1)	
Emergency and homeless shelter	-	-	-	-	-	-	-	-	-	-	-	-	P(3)	-	-	
Low Barrier Navigation Center	-	P	P	P	P	-	-	-	-	-	-	-	-	P	P	
Employee Housing for 6 or fewer employees (HSC 17021.5)	P	P	P	P	P(1)	-	-	-	-	-	-	-	-	P(1)	P(1)	
COMMERCIAL—RECREATIONAL																
Adult cabaret	-	-	-	-	-	-	-	CU P	CU P	CU P	-	-	CUP	-	-	-

Permitted = P																
Conditional Use Permit = CUP																
Not Permitted = -	R-1a	R-2	R-5					C-2s								
	R-1b	R-3	R-6	MHP	C-R	C-P	C-1		C-2	C-3	OS	PC-I	M-1(5)	SP-1	MX	
Special Event Permit = S	R-1c	R-4	R-7					C-2sH							Overlay	
Home Occupation Permit = H																
Churches, or other places used for religious worship	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	-	CUP	CUP	CUP	CUP	
COMMERCIAL—MEDICAL																
Animal hospital/veterinary clinic	-	-	-	-	-	CUP	CUP	CUP	CUP	CUP	-	CUP	CUP	CUP	-	
Clinic/urgent care facility (medical offices with outpatient treatment; no overnight stays)	-	-	-	-	-	CUP	CUP	CUP	CUP	CUP	-	CUP	CUP	CUP	-	
Convalescent hospitals	-	-	-	-	-	CUP	CUP	CUP	CUP	CUP	-	CUP	CUP	CUP	-	
Hospitals/medical centers	-	-	-	-	-	CUP	CUP	CUP	CUP	CUP	-	CUP	CUP	CUP	-	
Doctor/dentist office	-	-	-	-	-	P	P	P	P	P	-	P	P	P	P	
Medical laboratories (not part of a medical office)	-	-	-	-	-	P	P	P	P	P	-	P	P	P	-	
COMMERCIAL—OFFICES																
Administrative, medical and professional offices	-	-	-	-	P	P	P	P	P	P	-	P	CUP	P	P	
General business offices	-	-	-	-	-	P	P	P	P	P	-	P	CUP	CUP	P	
COMMERCIAL—RETAIL																
Bakeries with less than 10 employees on premises	-	-	-	-	-	P	P	P	P	P	-	P	P	P	P	
Banks (with or without ATM machines)	-	-	-	-	-	P	P	P	P	P	-	P	CUP	P	P	
Coin-operated laundries	-	-	-	-	-	-	CUP	CUP	CUP	CUP	-	-	-	CUP	CUP	
General retail	-	-	-	-	-	-	P	P	P	P	-	P	CUP	P	P	
Motor vehicle sales and services (as defined in the California Vehicle Code)	-	-	-	-	-	-	CUP	CUP	CUP	CUP	-	CUP	CUP	CUP	-	
Retail nursery (garden center)	-	-	-	-	-	CUP	CUP	CUP	CUP	CUP	-	CUP	CUP	CUP	CUP	

Permitted = P																
Conditional Use Permit = CUP	R-1a	R-2	R-5													
Not Permitted = -	R-1b	R-3	R-6	MHP	C-R	C-P	C-1	C-2s	C-2	C-3	OS	PC-I	M-1(5)	SP-1	MX	
Special Event Permit = S	R-1c	R-4	R-7					C-2sH							Overlay	
Home Occupation Permit = H																
Public utility or public service structures and uses	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Radio and television transmitters	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Recycling centers	-	-	-	-	-	CUP	CUP	CUP	CUP	CUP	-	CUP	CUP	-	-	-
Recycling centers—Reverse vending machine (indoors)	-	-	-	-	-	P	P	P	P	P	-	P	P	P	-	-
Remediation systems	CUP	CUP		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Showrooms	-	-		-	-	CUP	CUP	CUP	CUP	CUP	-	CUP	CUP	CUP	CUP	CUP
Tattoo parlors	-	-		-	-	-	-	CUP	CUP	CUP	-	CUP	CUP	CUP	CUP	CUP
Wireless communication facilities	CUP	CUP		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP

Notes

1. For a lot developed with a residence
2. For a lot meeting General Plan requirements for residential uses
3. For a lot within the ES overlay zone
4. A mobilehome park in a residential zone must comply with Chapter 18.28 as if it were in a MHP zone
5. For lots with the ES overlay, residential uses shall be allowed as permitted in the MHP zone.

Chapter 18.10 REASONABLE ACCOMMODATIONS IN HOUSING TO DISABLED INDIVIDUALS

18.10.010-Intent and Purpose.

~~It is the purpose of this chapter, pursuant to Fair Housing Laws, to provide individuals with disabilities reasonable accommodation in the application of the city's rules, policies, practices and procedures, as necessary to ensure equal access to housing. The purpose of this chapter is to provide a process for individuals with disabilities to make requests for, and be provided, reasonable accommodation from the various land use,~~

~~zoning, or building laws, rules, policies, practices and/or procedures of the city, where warranted. (Ord. 1719 § 1, 2010)~~

- A. The intent of this chapter is to provide flexibility in the application of the city's zoning and building code requirements for individuals with a disability when flexibility is necessary to eliminate barriers to housing opportunities. This chapter will facilitate compliance with fair housing laws and promote housing opportunities for residents of La Habra.**
- B. The purpose of this chapter is to establish a procedure for individuals with disabilities to make requests for a reasonable accommodation in the application of the city's land use, zoning and building laws, rules, policies, practices and procedures pursuant to fair housing laws to ensure equal access to housing.**

18.10.020 Definitions.

See Chapter 18.04, Definitions.

~~A.—Applicant. A person, business, or organization making a written request to city for reasonable accommodation in the strict application of land use or zoning provisions of this title.~~

~~B.—City. The city of La Habra.~~

~~C.—Code. The La Habra Municipal Code.~~

~~D.—Department. The community development department of the city.~~

~~E.—Director. The community development director of the city.~~

~~F.—Disabled or Handicapped Person. An individual who has a physical or mental impairment that substantially limits one or more of that person's major life activities; anyone who is regarded as having such impairment; or anyone who has a record of having such an impairment, but not including an individual's current, illegal use of a controlled substance.~~

~~G.—Fair Housing Laws. The "Fair Housing Amendments Act of 1988" (42 U.S.C. Section 3601, et seq.), including reasonable accommodation required by 42 U.S.C. Section 3604(f)(3)(B), and the "California Fair Employment and Housing Act" (California Government Code Section 12900, et seq.), including reasonable accommodation required specifically by California Government Code Sections 12927(c)(1) and 12955(1), as any of these statutory provisions now exist or may be amended from time to time. (Ord. 1719 § 1, 2010)~~

18.10.030 Notice to the public of availability of accommodation process.

~~The department shall prominently display in the public areas of the planning and building and safety department at city hall a notice advising those with disabilities or their representatives that they may request a reasonable accommodation in accordance with the procedures established in this chapter. City employees shall direct individuals to the display whenever they are requested to do so or reasonably believe that individuals with disabilities or their representatives may be entitled to a reasonable accommodation. (Ord. 1719 § 1, 2010)~~

Notice of the city's reasonable accommodation procedures along with the application form shall be displayed at public information counters of the planning and building and safety divisions and on the city's website. City employees shall direct individuals to such documents whenever they are requested to do so or reasonably believe that individuals with disabilities or their representatives may be entitled to a reasonable accommodation.

18.10.040 Requesting a reasonable accommodation.

A. In order to make specific housing available to an individual with a disability, ~~a disabled person or representative may request reasonable accommodation, pursuant to this chapter, relating to the application of various land use, zoning, or building laws, rules, policies, practices and/or procedures of the city.~~ **any eligible person, as defined in this title, may request a reasonable accommodation in the city's land use, zoning, or building laws, rules, policies, practices and/or procedures by filing an application with the department.**

~~B.—If an individual or representative needs assistance in making a request for reasonable accommodation, or appealing a determination regarding reasonable accommodation, the department will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant or representative. The applicant may be represented at all stages of the proceeding by a person designated by the applicant as his or her representative.~~

~~C.—A request for reasonable accommodation in laws, rules, policies, practices and/or procedures must be filed on an application form provided by the department and shall include the following information:~~

- ~~1.—A description of how the property will be used by the disabled individual(s);~~
- ~~2.—The basis for the claim that the Fair Housing Laws apply to the individual(s) and evidence supporting the claim, which may be in the form of a letter from a medical doctor or other licensed healthcare professional, a handicapped license, or other appropriate evidence; and~~

~~3.—The specific reason the requested accommodation is necessary to make particular housing available to the disabled individual(s).~~

~~D.—No filing fee shall be required. A filing fee in an amount as determined from time to time by resolution of the city council, but not to exceed the reasonable estimated costs to the city in processing the application. (Ord. 1719 § 1, 2010)~~

B. The application shall include the following information:

1. Name and address of the individual(s) requesting reasonable accommodation;
2. Name and address of the property owner(s);
3. Address of the property for which accommodation is requested;
4. Description of the requested accommodation and the regulation(s), policy or procedure for which accommodation is sought; and
5. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.

C. If necessary to reach a determination on the request for reasonable accommodation, the city may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required.

D. Any information submitted as part of a reasonable accommodation request shall be kept confidential, shall be retained in a manner so as to respect the privacy rights of the applicant, and shall not be made available for public inspection.

E. If an individual needs assistance in making the request for reasonable accommodation, the city will provide assistance to ensure that the process is accessible.

F. No filing fee shall be required.

18.10.050 ~~Decision on application.~~ Timing of request

~~A.—The director shall have the authority to consider and act on requests for reasonable accommodation. The director shall issue a written determination within thirty days of the date of receipt of a completed application and may (1) grant the accommodation request, (2) grant the accommodation request subject to specified nondiscriminatory conditions, (3) deny the request, or (4) may refer the matter to the planning~~

~~commission, which shall render a decision on the application in the same manner as it considers an appeal. All written determinations shall give notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The notice of determination shall be sent to the applicant by first class mail.~~

~~B.— If necessary to reach a determination on the request for reasonable accommodation, the director may request further information from the applicant consistent with this chapter, specifying in detail what information is required. In the event a request for further information is made, the thirty-day period to issue a written determination shall be stayed until the applicant reasonably responds to the request. (Ord. 1719 § 1, 2010)~~

- A. A request for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing.**
- B. If the project for which the request is being made also requires one or more discretionary approvals (including, but not limited to, design review, conditional use permit, variance, or subdivision), then, to the extent feasible, the applicant shall file the request for reasonable accommodation together with the related application for discretionary approval.**

18.10.060 Review procedures and decision on application.

- A. The chief building official shall have the authority to consider acts or request pertaining to the California Building Code. The planning manager, or designee shall have the authority to consider acts or request pertaining to this title. These city employees shall herein be considered as “city staff” for the purposes of this chapter.**
- B. The city staff shall have the authority to consider and act on requests for reasonable accommodation and shall make reasonable accommodations in laws, rules, policies, practices, procedures, or services when those accommodations may be necessary to afford individuals with disabilities equal opportunities to use and enjoy housing opportunities.**
- C. The city staff shall issue a written determination on a request for reasonable accommodation within a timely manner but no later than thirty days of the date of receipt of a completed application and may (1) grant the accommodation request; (2) grant the accommodation request subject to specified nondiscriminatory conditions of approval; or (3) deny the request. All written determinations shall give notice of the right to appeal. The notice of determination shall be sent to the applicant by first class mail or in a format reasonably requested by the applicant.**
- D. If necessary to reach a determination on the request for reasonable accommodation, the city staff may request further information from the**

applicant consistent with this chapter, specifying in detail what information is required. In the event a request for further information is made, the thirty-day period to issue a written determination shall be stayed until the applicant reasonably responds to the request.

- E. For requests for a reasonable accommodation involving related applications for discretionary approval, the application shall be processed and considered separately from any discretionary elements of the same proposal. If the request for a reasonable accommodation cannot be effectuated until a final decision is rendered on the related discretionary approval(s), a “provisional decision” may be granted within the thirty-day time frame and shall become final at the same time as the discretionary approval(s). The applications for the discretionary approval(s) shall be separately considered and shall be subject to the procedures specified in the applicable chapter of this title. The appropriate decision-making body shall act on all discretionary permits, but not the reasonable accommodation request.

18.10.0670 Required findings.

The following findings must be made in order to approve a request for reasonable accommodation:

A. In order to grant a request for a reasonable accommodation, the chief building official or planning manager shall make the following findings:

1A. The housing, which is the subject of the request for reasonable accommodation, will be used by **one or more individuals with disabilities** ~~an individual~~ protected under the Fair Housing Laws.

2B. The request for reasonable accommodation is necessary to make specific housing available to one or more individuals **with disabilities** protected under the Fair Housing Laws.

3C. The requested reasonable accommodation will not impose an undue financial or administrative burden on the city.

4D. The requested accommodation will not require a fundamental alteration of the zoning or building laws, policies and/or procedures of the city. ~~If, based upon all of the evidence presented to the director, the above findings may reasonably be made, the director shall grant the requested reasonable accommodation. (Ord. 1719 § 1, 2010)~~

If, based upon all of the evidence presented to the city staff, the above findings may reasonably be made, the city staff shall grant the requested reasonable accommodation.

B. None of the findings set forth in this section are intended to supersede any other findings which may be required for a discretionary permit that is reviewed concurrently with the request for reasonable accommodation.

18.10.080 Finality of decision.

- A. For requests for reasonable accommodations not involving related land use permits, a decision by the chief building official, shall become final ten calendar days after the date of decision.**
- B. For requests for reasonable accommodations involving related land use permits, a decision by the planning manager, or designee, shall become final ten calendar days after the date of decision on the related land use permit or the date of denial of the provisional permit; whichever is later.**
- C. In the event that the last date of appeal falls on a weekend, holiday or when city offices are closed, the next date such offices are open for business shall be the last date of appeal.**

18.10.0970 Appeals.

A. Within ~~thirty~~ ten days of the date the director's ~~issues a~~ written determination, any ~~person aggrieved or affected by a decision on an application requesting the accommodation may~~ applicant may appeal an adverse decision., such determination in writing to the planning commission or to the city council, as applicable. Appeals from the adverse decision shall be made in writing.

~~B.— All appeals shall contain a statement of the grounds for the appeal.~~

~~C.— No such appeal shall be accepted unless there is, paid contemporaneously with the filing of such letter, a filing and processing fee in a sum to be set by resolution of the city council. Upon receipt of a timely filed appeal, together with the filing and processing fee, the secretary of the planning commission or the city clerk shall set the matter for a de novo hearing before the planning commission or city council, as applicable, at its next most convenient meeting.~~

~~D.— Appeals shall be to the planning commission, or the city council as applicable, which shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than sixty days after an appeal has been filed, or after an application has been referred to it by the director. All determinations shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.~~

~~E.—An applicant may request reasonable accommodation in the procedure by which an appeal will be conducted.~~

~~F.—Any determination by the planning commission or city council on an application or appeal shall be by a de novo hearing.~~

~~F.—An applicant requesting the accommodation may appeal an adverse determination or any conditions or limitations imposed by the director to the planning commission and the planning commission's decision to the city council, in accordance with this section and such decision. In the case of an appeal of the director's decision to the planning commission or the planning commission's decision to the city council, the planning commission and city council decisions shall be final. (Ord. 1719 § 1, 2010)~~

B. If an individual needs assistance in filing an appeal on an adverse decision, the city will provide assistance to ensure that the appeal process is accessible.

C. All appeals shall contain a statement of the grounds for the appeal. Any information submitted as part of the appeal shall be kept confidential, shall be retained in a manner so as to respect the privacy rights of the applicant, and shall not be made available for public inspection.

D. Appeals shall be heard by the director within thirty days of filing an appeal. The director shall issue a written decision within ten days of the hearing and the decision shall be final.

E. Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available.

18.10.080 100 Waiver of time periods.

Notwithstanding any provisions in this chapter regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this chapter or may request a continuance regarding any decision or consideration by the city of the pending appeal. Extensions of time sought by applicants shall not be considered delay on the part of the city, shall not constitute failure by the city to provide for prompt decisions on applications and shall not be a violation of any required time period set forth in this chapter. (~~Ord. 1719 § 1, 2010~~)

Chapter 18.14 OFF-STREET PARKING REQUIREMENTS

18.14.030 Definitions.

See Chapter 18.04, Definitions.

~~In addition to the definitions contained in this code, the following words and phrases shall, for the purposes of this chapter, be defined as follows, unless it is clearly apparent from the context that another meaning is intended. Should any of the definitions be in conflict with the current provisions of this code, these definitions shall prevail:~~

~~“Accessible parking space” means a parking space provided for use by persons as described in the Americans with Disabilities Act (ADA) and the requirements established by the state of California.~~

~~“Accessory apartment/secondary dwelling unit” means any residential dwelling unit which provides complete independent living facilities on the same parcel where one and only one, legal single-family residence exists and includes the permanent provisions for living, sleeping, eating, cooking and sanitation in compliance with the development standards established in Section 18.24.070(G).~~

~~“Automotive parking areas” are parking areas for use of motor vehicles for the owner(s), employees and customers of the allowed land use. “Automotive parking areas” as used in this title are not for the display of vehicle for sale or for the storage of vehicles.~~

~~“Billiard/pool halls” means any premises in which there are two or more pool or billiard tables used for the purpose of playing pool or billiards or other game, for which a compensation of any kind is paid to the owner, proprietor, manager, lessee or possessor thereof. A premises in which there are no more than two coin-operated pool or billiard tables, which is used in conjunction with some other business, shall not be a pool or billiard parlor for the purpose of this chapter.~~

~~“Boardinghouse” and “rooming house” mean a residence, dwelling or portion thereof, other than a hotel, which is used to accommodate with or without individual or group cooking facilities, for compensation, three or more individuals under separate rental, lease, or sublease agreements, either written or oral, whether or not the owner resides therein. The word “compensation” includes compensation in money, services or other things of value. This term shall not include a residential care facility, as defined in this chapter, serving six or fewer residents.~~

~~“Carport” means a permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter and storage.~~

~~“Commercial use” means any use which includes as a part of its operation sales of merchandise, goods or services to the general public, except those uses which are conducted on residential property by the residential property owner, such as garage sales, lawn sales, yard sales, etcetera.~~

~~“Congregate housing” means a residential facility with shared common living areas, restricted by an agreement approved by the city for occupancy by low and very low-~~

~~income households, providing services which may include meals, housekeeping, child care, and other services as well as common areas for residents of the facility.~~

~~“Domestic violence shelter” means a residential facility which provides temporary accommodations to persons and/or families who have been the victims of domestic violence. Such a facility may provide meals, child care, counseling, and other services. The term “temporary accommodations” means that a person or family will be allowed to reside at the shelter for a time period not to exceed six months.~~

~~“Garage” means an enclosed building or portion of a building in which motor vehicles used by the occupants or tenants of the main building or buildings on the premises are stored or kept.~~

~~“Gross floor area (GFA)” means the floor area within the perimeter of the exterior walls of the building. It is the sum of the gross areas of all floors including levels below grade.~~

~~“Gross leasable area (GLA)” means the area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, corridors, stairways, closets, the thickness of interior walls, columns or other features.~~

~~“Homeless shelter” means a residential facility which provides temporary accommodations to homeless persons and/or families and which meet standards for shelters contained in Title 25 California Administrative Code, Part 1, Chapter F, Subchapter 12, Section 7972. The facility may provide, or contract with recognized community organizations to provide, emergency or temporary shelter, and may also provide meals, child care, counseling, and other services. Such facility may have individual rooms, but is not developed with individual dwelling units, with the exception of manager units. The term “temporary accommodations” means that a person or family will be allowed to reside at the shelter for a time period not to exceed six months.~~

~~“Hotel” means any structure or any portion of any structure which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, for time periods limited to thirty consecutive days or less, and includes but is not limited to, any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, but not used as the legal residence or principal dwelling place of the occupant(s), except for one or more caretaker/manager residential unit(s) which conform to the requirements for multiple family residential units in this title. “Hotel” does not mean any convalescent home or facility, home for the aged, hospital, jail, or military installation.~~

~~“ksf” means one thousand square feet.~~

~~“Landscape setback” means the front yard or side street setback required by this title to be landscaped.~~

~~“Motor vehicles” means a motor driven device by which any person or property may be propelled, moved, or drawn upon a highway.~~

~~Motel. See “Hotel.”~~

~~“Recreational vehicles” means a vehicle, boat, vessel or other type of portable structure, with or without a mode of power, and without permanent foundation, which can be towed, hauled, sailed, flown or driven, and is designed, used, or maintained primarily for recreational purposes, such as, but not limited to, travel trailers, tent trailers, camping trailers, motor homes, buses converted to recreational or other noncommercial uses, vans, trucks with camper shells, campers, motorcycles, off-road vehicles, aircraft, boats or other vessels.~~

~~“Required side yard” means a yard between the main building and the side lot line extending from the rear line of the required front yard, or the front lot line where no front yard is required, to the rear yard the width of which side yard shall be measured horizontally from, and at right angles to, the nearest point of a side lot line towards the nearest part of a main building.~~

~~“Seat” as used in this section means eighteen lineal inches of seating space when arranged in bleachers, benches or pews. For uses with no permanent seats, a seat is equal to seven square feet of floor area.~~

~~“Senior hotel” means a cluster of guest units with shared common living areas, restricted for occupancy by persons who are sixty-two years of age or older, providing services which may provide meals, housekeeping and other services.~~

~~“Senior housing” means age-restricted multiunit housings with covenants in place to assure that the units will remain age-restrictive for the life of the property.~~

~~“Shared parking” means the use of parking space by vehicles generated by two or more individual land uses without conflict. The ability to share parking is based on two conditions: (1) Variation in times of use; and (2) relationship among the land uses that result in visiting multiple land uses on the same auto trip.~~

~~“Single-room occupancy housing” means a cluster of guest units within a residential hotel providing sleeping and living facilities restricted by an agreement approved by the city for occupancy by low and very low-income individuals, designed for occupancy for periods of one month or longer.~~

~~“Temporary commercial enterprise” means any activity involving commercial use of property located within the city which continues for a period of forty-five days or less.~~

~~“Traffic index (TI)” is a single number used to express the total weight expected to be borne through tires onto the roadway surface during the design lifetime of the pavement.~~

~~“Transitional housing” means a residential facility that provides accommodations to low and very low-income persons and families for periods of up to two years, and which also may provide meals, child care, counseling, and other services, as well as common areas for residents of the facility. (Ord. 1719 § 1, 2010)~~

18.14.060 Number of spaces required.

A. Residential.

1. ~~Single-Family-unit~~ **dwelling and two-unit dwelling**. For every single-family unit dwelling **and two-unit dwelling** there shall be provided and maintained on the same lot or parcel of land at least two parking spaces ~~for each dwelling unit~~. Each such parking space shall be located in a private garage. Each garage shall have a minimum inside dimension of not less than ~~twenty~~ **20** feet wide and ~~twenty~~ **20** feet long.

a. For each mobile home/modular housing unit within a mobile home park there shall be two parking spaces located within the park. If said spaces are located on the mobile home space area tandem parking may be utilized.

b. ~~The requirements of this section do not apply to accessory dwelling units.~~

~~2.—Secondary Dwelling Unit. A secondary dwelling unit as defined in this title shall provide one off-street parking space in addition to the required parking for the existing dwelling unit. This additional parking space may be covered or uncovered and shall meet all parking space locations, dimensions, and surfacing requirements of this chapter.~~

~~2.3.~~ Multiple-Family-unit ~~d~~**D**wellings. For each multiple family unit dwelling unit there shall be provided the following minimum parking spaces for each unit:

Table 18.14.060.A.3

Type of Unit	Minimum Parking Spaces Required
Bachelor unit Studio	1 space
One-bedroom unit	2 spaces
Two-bedroom unit	2 1/2 spaces
Three-bedroom unit	3 spaces
Each additional bedroom	1 space
Senior housing unit (condominiums/apartments)	1 space

a. ~~The required parking for a bachelor unit shall be provided in a garage.~~ a. **Covered garages are not required for parking spaces for studios in**

multi-unit dwellings. However, all other units shall have two parking spaces within a garage. The additional required parking spaces per unit need not be located in a garage, but must be located on an approved, paved area on the same lot or parcel and must be equally convenient to all dwelling units.

b. In no case may a garage be constructed within twenty feet of any public street right-of-way when the garage door faces the street.

c. A carport, as defined in this chapter, may not face or open onto a public street and shall be located to the rear of all main buildings. On a corner lot, the side of the carport facing the side street shall be enclosed. The side of a carport facing an alley need not be enclosed.

d. Any multiple-~~family~~ unit **dwelling** developments shall include additional parking equal to one-half space per dwelling unit for the use of guests. Such parking shall be uncovered and shall be conveniently located for vehicular access from the street and pedestrian access to the units. Where the accumulated parking totals includes a half of a space, one complete space shall be provided.

4. Special Needs Housing. For each dwelling unit there shall be provided the following minimum parking spaces:

Table 18.14.060.A.4

Type of Unit	Minimum Parking Spaces Required
Congregate housing, domestic violence shelter and transitional housing	2 spaces per facility plus 1/2 space per bedroom and 1/4 space per bedroom for guest parking
Group homes	Same as the residential use allowed in the zone.
Transitional and Supportive housing	Same as the residential use allowed in the zone.
Homeless shelter	1/4 space for every bed
Emergency Shelter	Required parking, as determined by the director, shall be based on the minimum spaces needed to provide sufficient parking to accommodate all staff working in the emergency shelter during one shift but in no event shall the required parking be more than the parking required for other commercial uses within the same zone.
Senior hotel	1/4 space per unit plus 1/4 space per unit for guest parking

Single-room occupancy housing (SROs)

~~1 space per unit plus 1/4 space per unit for guest parking~~
0.5 space per unit

- a. Notwithstanding the foregoing, if supportive housing development is located within one-half mile of a public transit stop, no parking spaces are required for the units occupied by supportive housing residents pursuant to California Government Code Section 65654.

Chapter 18.26 (R-2, R-3, R-4, R-5, R-6 and R-7 Multiple-Family Dwelling Zones

Regulations	Zones				Additional Requirements
	R-2	R-3 R-4	R-5 R-6	R-7	
Allowed Density (dwelling units per acre)					
Maximum	14	R-3: 15 R-4: 24	R-5: 30 R-6: 36	50	
Minimum Setbacks (feet)					
Front, First 2 Stories	15	15	15	15	See Section 18.26.040.C
Front, 3rd Story and Above			20	20	See Section 18.26.040.C
Side Corner, First 2 Stories	10	10	15	15	
Side Corner, 3rd Story and Above		15	20	20	
Side Interior, First 2 Stories	5	5	10	10	
Side Corner, 3rd Story and Above		10	15	15	
Rear, First 2 Stories	10	10	15	15	
Rear, 3rd Story and Above		15	20	20	
Maximum Lot Coverage (percentage)					
Lot Coverage	35%	40%	50%	60%	See Section 18.26.040.D.1
Maximum Height and Number of Stories (feet)					
Primary Building	35	36 26	48	60	See Section 18.26.040.B
Accessory Building	15	15	15	15	
Number of Stories	2.5	3	4	5	
Open Space Requirement (square feet per dwelling unit)					
Private Usable Yard Area	250				See Section 18.26.040.E
Common Useable Yard Area	400				
Minimum Dwelling Unit Size (square feet per dwelling unit)					
One Family Dwelling	1,000				
Multi unit family studio unit	480				

Regulations	Zones				Additional Requirements
	R-2	R-3 R-4	R-5 R-6	R-7	
Multi-unit family one bedroom unit	700				
Multi unit family two bedroom unit	900				
Multi unit family three bedroom plus	900 + 150 for each additional bedroom				
Area Requirements					
Under 10,000 square feet	3,350	R-3: 3,000 R-4: 2,850	R-5: 1,800 R-6: 1,450	1,200	
10,001 through 20,000 square feet	3,100	R-3: 2,600 R-4: 2,100	R-5: 1,600 R-6: 1,300	1,000	
20,001 square feet +	2,850	R-3: 2,350 R-4: 1,800	R-5: 1,450 R-6: 1,200	870	

Chapter 18.30 SPECIAL NEEDS HOUSING

18.30.010 Purpose.

The purpose of this chapter is to establish uniform standards, land use regulations and permit processes for the development of ~~congregate housing, domestic violence shelters,~~ emergency shelters, **low barrier navigation centers** ~~homeless shelters,~~ ~~senior hotel,~~ single-room occupancy housing (SROs), **supportive,** and transitional housing; and to implement general plan policies, **consistent with state law,** regarding special needs households **to ensure equality of treatment for all residential uses regardless of the occupant(s).** (~~Ord. 1835 § 3, 2021; Ord. 1719 § 1, 2010).~~

18.30.020 Definitions.

See Chapter 18.04, Definitions.

~~“Congregate living health facility” has the meaning provided in Health and Safety Code Section 1250(i)(1) as it may be amended from time to time. As of the effective date of the ordinance establishing this definition, that section defines the term as: “a residential home with a capacity, except as provided in Health and Safety Code Section 1250(i)(4), of no more than eighteen beds, that provides inpatient care, including the following basic services: medical supervision, twenty-four hour skilled nursing and~~

~~supportive care, pharmacy, dietary, social, recreational, and at least one type of service specified in Health and Safety Code Section 1250(i)(2). The primary need of congregate living health facility residents shall be for availability of skilled nursing care on a recurring, intermittent, extended or continuous basis. This care is generally less intense than that provided in general acute care hospitals but more intense than that provided in skilled nursing facilities.”~~

~~“Congregate housing” means a residential facility with shared common living areas, restricted by an agreement approved by the city for occupancy by low and very low-income households, providing services which may include meals, housekeeping, child care, and other services as well as common areas for residents of the facility.~~

~~“Congregate housing for the elderly” has the meaning provided in Health and Safety Code Section 1250(i)(1) as it may be amended from time to time. As of the effective date of the ordinance establishing this definition, the term means: “a housing development, as defined by Health and Safety Code Section 50073.5, which is planned, designed, and managed to include facilities and common space that allow for direct services and support services that maximize the residents’ potential for independent living and which is occupied by elderly or handicapped persons or households, as defined in Health and Safety Code Sections 50067 and 50072. Direct services and support services which are provided or made available shall relate to the nutritional, social, recreational, housekeeping, and personal needs of the residents and shall be provided or made available at a level necessary to assist the residents to function independently.”~~

~~“Domestic violence shelter” means a residential facility which provides temporary accommodations to persons and/or families who have been the victims of domestic violence. Such a facility may provide meals, child care, counseling, and other services. The term “temporary accommodations” means that a person or family will be allowed to reside at the shelter for a time period not to exceed six months.~~

~~“Emergency shelter” has the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code.~~

~~“Homeless shelter” means a residential facility which provides temporary accommodations to homeless persons and/or families and which meet standards for shelters contained in Title 25 California Administrative Code, Part 1, Chapter F, Subchapter 12, Section 7972. The facility may provide, or contract with recognized community organizations to provide, emergency or temporary shelter, and may also provide meals, child care, counseling, and other services. Such facility may have individual rooms, but is not developed with individual dwelling units, with the exception of manager units. The term “temporary accommodations” means that a person or family will be allowed to reside at the shelter for a time period not to exceed six months.~~

~~“Low-income family” means any household whose income exceeds fifty percent but does not exceed eighty percent of median income adjusted for household size as~~

~~defined by the U.S. Department of Housing and Urban Development for the Anaheim-Santa Ana Primary Metropolitan Statistical Area.~~

~~“Residential care facility for the elderly” has the meaning provided in Health and Safety Code Section 1569.2 as it may be amended from time to time. As of the effective date of the ordinance establishing this definition, the term means: “a housing arrangement chosen voluntarily by persons sixty years of age or over, or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, personal care, or health-related services are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility. Persons under sixty years of age with compatible needs may be allowed to be admitted or retained in a residential care facility for the elderly as specified in Health and Safety Code Section 1569.316.”~~

~~“Senior hotel” means a cluster of guest units with shared common living areas, restricted for occupancy by persons who are sixty-two years of age or older, providing services which may provide meals, housekeeping and other services.~~

~~“Single-room occupancy housing” means a cluster of guest units within a residential hotel providing sleeping and living facilities restricted by an agreement approved by the city for occupancy by low and very low income individuals, designed for occupancy for periods of one month or longer.~~

~~“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community as specified in Government Code Section 65582.~~

~~“Target population” means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.~~

~~“Transitional housing” means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance as specified in Government Code Section 65582.~~

~~“Very low income” means any household whose income does not exceed fifty percent of median income adjusted for household size as defined by the U.S. Department of~~

~~Housing and Urban Development for the Anaheim-Santa Ana Primary Metropolitan Statistical Area. (Ord. 1835 § 3, 2021; Ord. 1719 § 1, 2010)~~

18.30.030 Applicability.

A. The specific requirements of this chapter are applicable to the development of ~~congregate housing, domestic violence shelters,~~ emergency shelters, **low barrier navigation centers,** ~~homeless shelters, senior hotels,~~ single-room occupancy housing (SROs), **supportive, and** transitional housing as defined in **Chapter 18.04. of this title Section 18.30.020.**

B. ~~Congregate housing, domestic violence shelters, e~~Emergency shelters, **low barrier navigation centers,** ~~homeless shelters, senior hotels,~~ single-room occupancy housing (SROs), **supportive** and transitional housing **shall be permitted in compliance with Section 18.06.040, Table 18.06.040.A – Land Use Matrix.** ~~projects are permitted within commercial, industrial, and high density land use designated areas within multiple family zones with an approved conditional use permit pursuant to the procedures established in Chapter 18.66.~~

~~C.—Emergency shelters are allowed ministerially within the ES overlay zone. In all cases emergency shelters shall conform to all standards of development of the zone in which it is located except as provided in this section. (Ord. 1835 § 3, 2021; Ord. 1719 § 1, 2010)~~

~~18.30.040 General provisions.~~

~~A.—All facilities shall maintain a scale, character, and design consistent with the area and compatible with the surrounding developments.~~

~~B.—All congregate housing, domestic violence shelter, homeless shelter, senior hotel, single-room occupancy (SROs) and transitional housing projects within permitted commercial, industrial, and residential zones shall be subject to the special development standards established in Section 18.12.070.~~

~~C.—Site Access. A single controlled entryway for routine ingress to the site shall be situated adjacent to and in full view of the manager's office.~~

~~D.—Laundry Facilities. Washer and dryer shall be provided in a separate room in a location accessible to all the residents of the facility. Washers and dryers may be coin-operated.~~

~~E.—Child Care Area. All facilities providing child care on-site shall provide yard area in compliance with all state regulations. The yard area required for child care shall be provided in addition to the required usable yard area for the facility.~~

~~F.—Pay Telephone. A minimum of two pay telephones shall be provided in the facility.~~

~~G.—On-Site Manager. Each congregate housing, domestic violence shelter, homeless shelter, single-room occupancy (SROs), senior citizen hotel and transitional housing project shall have a twenty-four hour on-site manager.~~

~~H.—Management Plan. A management plan shall be submitted for review and approval with the conditional use permit application. The management plan shall contain the following information, as applicable:~~

~~1.—Child care;~~

~~2.—Emergency procedures;~~

~~3.—Maintenance plans;~~

~~4.—Management policies;~~

~~5.—Operation of the facility;~~

~~6.—Rental procedures and policies;~~

~~7.—Residency rules;~~

~~8.—Screening of residents to insure compatibility with services provided at the facility;~~

~~9.—Security programs.~~

~~10.—Services, training, counseling, and treatment programs for residents to be provided by the facility, including services to assist resident to obtain permanent income and shelter;~~

~~11.—Staffing needs;~~

~~12.—Staff training;~~

~~13.—Tenants responsibility.~~

~~I.—Project Review.~~

~~1.—Annual Review. Each project shall be subject to annual review by the city which includes the review of management services. The project owner shall be responsible for filing an annual report to the city which includes the range of monthly rents, average length of tenancy, range of monthly income of residents,~~

~~occupancy rates, number of family served, the number of vehicles owned by the residents, and services provided at the facility;~~

~~2.— Management Plan Revisions. Management plan revisions shall be reviewed and approved by the chief planner, before implementation of changes. Substantive changes or revisions as determined by the chief planner shall be approved by the planning commission. (Ord. 1835 § 3, 2021; Ord. 1719 § 1, 2010)~~

~~18.30.050 Congregate housing, domestic violence shelter and transitional housing.~~

~~Congregate housing, domestic violence shelter and transitional housing shall conform to all standards of development of the zoning in which it is located except as provided in this section.~~

~~A.— Density.~~

~~1.— In high density residential land use designated areas within multiple family residential zones, the number of families shall not exceed the number of families permitted pursuant to the appropriate zoning designation provided for in Table 18.26.040.A, plus twenty-five percent.~~

~~2.— In all commercial and industrial zones, the number of families shall not exceed that pursuant to the zoning designation provided in Table 18.30.050.A, plus twenty-five percent. The maximum floor area ratio (FAR) shall not exceed that established within the appropriate land use designation of the general plan land use element.~~

Table 18.30.050.A

Total Area of Parcel Being Developed	Minimum Area Per Family Within: CP; C-1; C-2; C-3; PC-I; M-1
Under 10,000 square feet	1,980
10,001 through 20,000 square feet	1,742
20,001 square feet and over	1,555

~~B.— Building Design.~~

~~1.— Each facility within the high density residential, commercial, and industrial land use designated areas shall contain common kitchen, dining and living room areas adequate for the number of residents serviced.~~

~~a.—Bathrooms shall contain lavatory, toilet, and shower or bathtub adequate for the number of residents serviced;~~

~~b.—Each bedroom shall have access to a bathroom;~~

~~c.—Each bedroom shall have a minimum of eighteen square feet of closet/storage space;~~

~~d.—Bedroom occupancy shall be determined in accordance with the Uniform Building Code or as limited by the planning commission;~~

~~2.—Each facility shall provide private sleeping areas per families serviced in accordance with the requirements of the building code.~~

~~C.—Recreational and Usable Yard Area.~~

~~1.—Minimum Area Per Parcel. Such usable yard area shall have no dimension of less than fifteen feet. This area may be provided at any location on the lot except in the required front yard or in a required side yard abutting a street. This area may be divided into not more than two separate sub-areas:~~

~~a.—Within the multiple family zone, no parcel of land shall have less than one thousand square feet of usable yard area plus one hundred square feet per bedroom.~~

~~b.—Within commercial and industrial zones, no parcel of land shall have less than eight hundred square feet of usable yard area plus eighty square feet per bedroom.~~

~~D.—Parking.~~

~~1.—Automobiles. For each facility located within an allowed designation, a minimum of two parking spaces shall be provided per the standards established in Chapter 18.14. (Ord. 1835 § 3, 2021; Ord. 1719 § 1, 2010)~~

18.30.0640 Emergency and homeless shelter

A. Allowed zones. Emergency shelters are allowed ministerially within the ES overlay zone. In all cases, an emergency shelter shall conform to all standards of development of the zone in which it is located except as provided in this section.

~~Emergency and homeless shelters shall conform to all standards of development of the zoning in which it is located except as provided in this section.~~

A.B. Development Standards

~~Density.~~

~~1. In high density residential land use designated areas within a multiple family zone, the number of beds shall be limited to three times the maximum units permitted within the zoning designation in which the facility is located as established in Table 18.26.040.A.~~

~~2. In all commercial and industrial zones, the number of beds shall be limited to three times the maximum number of units allowed within the commercial/industrial zone as provided in Table 18.30.050.A. The proposed development shall not exceed the maximum floor area ratio (FAR) established under the M-1 (Light Manufacturing) base zone. within the general plan land use element for the appropriate land use designation.~~

~~B. Building Design.~~ **1. Amenities**

~~a.1.~~ Each facility shall provide common kitchen and dining room area adequate for the number of residents serviced.

~~b. 2.~~ Each facility shall provide bathroom with lavatory, toilet, and showers adequate for the number of residents serviced.

~~C.2.~~ **Recreational and Usable Yard Area. Each facility shall provide recreational and usable yard area as follows:**

a. There shall be no less than 500 square feet of usable yard area plus 10 square feet of additional usable yard area per each additional bed over 25.

~~b.1. Minimum Area Per Parcel. Such U~~usable yard area shall have no dimension of less than fifteen feet. Subareas may be divided into not more than two separate sub-areas.

~~a.—Within multiple family zones, no parcel of land shall have less than one thousand square feet of usable yard area plus sixty-two square feet per bed.~~

~~D.3.~~ **Parking. See Chapter 18.14, Off-Street Parking Requirements.**

E. Operating and Location Requirements.

~~1.—No more than one federal, state or youth authority parolee shall be allowed to live in an emergency shelter or homeless shelter at any one time.~~

~~2.—The conditional use application submitted for any emergency or homeless shelter shall provide information, including identifying information such as the full name and age of the parolee and the proposed time of residency at the facility, regarding any proposed residents who will be, at the time of proposed residency in~~

~~the emergency or homeless shelter, federal, state or youth authority parolees. Such information shall be updated with the city by the owner or landlord of the facility as to each lessee, renter, resident or occupant upon the signing, entering into, or otherwise commencing any rental or lease agreement, arrangement or accommodation within three business days. Exception: emergency shelter located in the ES emergency shelter overlay zone is exempt from the conditional use permit requirement.~~

~~3.—All emergency or homeless shelters shall require residents or occupants to sign an agreement that provides that a conviction for any criminal violation, not including infractions and minor traffic violations, during residency or occupancy in the transitional shelter/house, is grounds for termination of the residency, tenancy, occupancy or accommodations of that resident or occupant, whether the rental, lease, or sublease agreement is written or oral.~~

~~4.—Emergency or homeless shelters shall be in compliance with all requirements of the city's zoning code at all times, as well as any other applicable provisions of this code, including obtaining any other permits or licenses, such as building permits or a business license, required before establishing, expanding or maintaining the use.~~

~~5.—No emergency or homeless shelter shall be maintained as a nuisance. The conduct of any homeless shelter within the city in violation of any of the terms of this chapter or other applicable provisions of this code found and declared to be a public nuisance, and the city attorney or the district attorney may, in addition or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for the abatement, removal and enjoinder thereof, in the manner provided by law; and shall take other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate or remove such homeless shelter and restrain and enjoin any person from conducting, operating or maintaining an emergency shelter or homeless shelter contrary to the provisions of this chapter or code.~~

~~6.—Any violation of any local, state or federal laws by residents or occupants of an emergency shelter or homeless shelters while on the premises shall be grounds for revocation of the emergency or homeless shelter's conditional use permit, including, but not limited to, any violations of this section or California Penal Code Section 3003.5, where the property owner contributed to or did not take all reasonable steps to protect against or prevent the violation.~~

~~7.—Any owner, operator, manager, employee or independent contractor of an emergency shelter or homeless shelter violating or permitting, counseling, or assisting the violation of any of the provisions of this chapter or applicable provisions of this code regulating emergency or homeless shelters shall be subject to any and all civil remedies, including conditional permit revocation, criminal penalties pursuant to Chapter 1.08 of this code, and/or administrative citations pursuant to Chapter 1.20. All remedies provided herein shall be cumulative and not~~

~~exclusive. Any violation of these provisions shall constitute a separate violation for each and every day during which such violation is committed or continued. (Ord. 1835 § 3, 2021; Ord. 1719 § 1, 2010)~~

~~18.30.070 Senior hotel.~~

~~Senior hotels shall conform with all local state and federal requirements for senior housing. Each facility shall conform to all property development standards of the zoning in which it is located except as provided in this section.~~

~~A.—Density.~~

~~1.—In high density residential land use designated areas within multiple family residential zoned areas, the number of units shall not exceed that pursuant to the zoning designation provided in Table 18.26.040.A, plus twenty-five percent.~~

~~2.—In all commercial and industrial zones, the number of units shall be limited by the maximum floor area ratio (FAR) as established within the general plan land use element for the appropriate land use designation.~~

~~B.—Building Design. Each guest unit shall contain a bathroom.~~

~~1.—Bathrooms shall contain a lavatory, toilet, and shower or bathtub.~~

~~2.—Each unit shall have a minimum forty-eight cubic feet of closet/storage space.~~

~~C.—Recreational and Usable Yard Area.~~

~~1.—Minimum Area Per Parcel. Such usable yard area shall have no dimension of less than fifteen feet. This area may be provided at any location on the lot except in the required front yard or in a required side yard abutting a street.~~

~~a.—Within multiple family zones, no parcel of land shall have less than one thousand square feet of usable yard area plus one hundred square feet per bedroom.~~

~~b.—Within the commercial and industrial zones, no parcel of land shall have less than one thousand square feet of common usable yard area plus fifteen square feet of common recreational area per guest unit for projects over twenty-five units.~~

~~2.—Common recreational space may be indoor or outdoor provided there is at least forty percent allotted towards outdoor space; the balance may be indoors or outdoors.~~

~~D.—Parking. See Chapter 18.14.~~

~~E.—Common Facilities. The development may provide one or more of the following common facilities for the exclusive use of the senior citizen residents:~~

- ~~1.—Central cooking and dining room;~~
- ~~2.—Recreation room;~~
- ~~3.—Library;~~
- ~~4.—Beauty salon and barber shop;~~
- ~~5.—Small pharmacy;~~
- ~~6.—Laundry facilities or laundry services.~~

~~F.—Occupancy.~~

- ~~1.—No more than one person shall be permitted to reside in any unit which is less than two hundred twenty square feet in size. No more than two persons shall be permitted to reside in any unit.~~
- ~~2.—Residential occupancy shall be limited to single persons sixty-two years of age or older, or to couples in which one person is sixty-two years of age or older. (Ord. 1835 § 3, 2021; Ord. 1719 § 1, 2010)~~

18.30.0850 Low barrier navigation centers

- A. Allowed zones. Low barrier navigation centers shall be permitted in any zone that allows mixed use and in nonresidential zones that allow multiple-unit dwelling uses provided they meet the requirements of this chapter. In all cases, a low barrier navigation center shall conform to all standards of development of the zone in which it is located except as provided in this section.**
- B. Requirements. Low barrier navigation centers shall be subject to a building permit and shall comply with the following requirements:**
 - 1. The low barrier navigation center offers services to connect people to permanent housing through a services plan that identifies services staffing;**
 - 2. The low barrier navigation center is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect individuals to permanent housing. “Coordinated entry system” is generally described as 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. The low barrier navigation center complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the California Welfare and Institutions Code;
4. The low barrier navigation center has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information Systems, as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

C. Development standards.

1. **Density.** For a low barrier navigation center in high density residential land use designated areas within a multi-unit dwelling zone or within the MX overlay zone, the number of beds shall be limited to three times the maximum density permitted within the zoning designation in which the facility is located as established in Section 18.26.040.A, Table 18.26.040.A of this title.
2. **Amenities.**
 - a. Each facility shall provide common kitchen and dining room area.
 - b. Each facility shall provide bathroom with lavatory, toilet, and showers.
3. **Recreational and usable yard area.** Recreational and usable yard area shall be as follows:
 - a. Usable yard area shall have no dimension of less than 15 feet. This area may be provided at any location on the lot except in the required front yard or in a required side yard abutting a street. Subareas may be divided into not more than two separate sub-areas.
 - b. For low barrier navigation centers located within the MX overlay zone, no less than 500 square feet of usable yard area plus 10 square feet of additional usable yard area per each additional bed over 25.

A. Sunset.

1. Subject to subsection (D)(2) below, this section shall remain in effect until January 1, 2027, and as of that date is repealed.

2. If the legislature amends California Government Code Section 65668 to extend the effective date of California Government Code Section 65660 et seq., then this section shall remain in effect until the date on which California Government Code Section 65660 et seq. is repealed.

18.03.0960 Single-room occupancy housing (SROs).

A single-room occupancy housing (SRO) projects shall conform to all standards of development of the zoning in which it is located except as provided below.

A. Density.

1. In high density residential land use designated areas with ~~in~~ multi-unit ~~ple~~ family residential zones, the number of units shall not exceed ~~that the number~~ permitted pursuant to the zoning designation as provided in Table 18.26.040.A, plus twenty-five percent.
2. In all commercial and industrial zones, the number of units shall be limited by the maximum floor area ratio (FAR), as established within the appropriate land use designation of the general plan land use element.

B. Building Unit Design.

1. ~~Unit Size. Minimum unit size for all SROs shall be one hundred seventy square feet and maximum unit size for all SROs shall be four hundred square feet. SRO units shall be a minimum of 170 square feet in size and a maximum of 400 square feet in size.~~
2. Each unit shall contain a kitchen and bathroom.
 - a. Kitchens shall contain a sink with garbage disposal, counter top minimum ~~16 sixteen~~ by ~~24 twenty-four~~ inch, refrigerator, and stove or microwave oven.
 - b. If stoves are not provided in each unit, then stoves shall be provided in a common kitchen area(s).
 - c. Bathrooms shall contain a ~~sink lavatory~~, toilet, and shower or bathtub.
 - d. Each unit shall have a minimum ~~48 forty-eight~~ cubic feet of closet/storage space.

C. Recreational and Usable Yard Area. Recreational and usable yard area shall be as follows:

1. ~~Minimum Area Per Parcel.~~

a. Within multi-unit ~~ple-family~~ zones, no parcel of land shall have less than one thousand square feet of usable yard area plus one hundred square feet per unit.

b. Within the commercial and industrial zones, no parcel of land shall have less than five hundred square feet of common usable yard area plus fifteen square feet of common recreational area per unit for projects over twenty-five units. Such usable yard area shall have no dimension of less than fifteen feet. This area may be provided at any location on the lot except in the required front yard or in a required side yard abutting a street.

2. Common recreational space may be indoor or outdoor provided there is at least forty percent allotted towards outdoor space; the balance may be indoors or outdoors.

D. Parking. See Chapter 18.14, **Off-Street Parking Requirements**.

E. Occupancy. No more than one person shall be permitted to reside in any unit which is less than two hundred twenty square feet in size. No more than two persons shall be permitted to reside in any unit. (~~Ord. 1835 § 3, 2021; Ord. 1719 § 1, 2010~~)

18.30.090 070 Supportive and Transitional housing project.

- 1. Supportive and Transitional housing shall be permitted in any zone that allows residential uses, and subject only to the provisions and development standards applicable to residential uses of the same type in the same zone.**
- 2. Supportive housing shall be permitted by-right in any zone where multiple-unit dwellings and mixed uses are permitted, if the proposed housing development satisfies all of the requirements of California Government Code Section 65651 (a). The housing shall be subject to the provisions and development standards applicable to those zones.**

~~Transitional housing projects shall also comply with the following operating and location requirements:~~

~~A.—No more than one federal, state or youth authority parolee shall be allowed to live in a transitional housing project at any one time.~~

~~B.—No transitional housing project shall be within five hundred feet of any other transitional housing project. The distance requirement herein shall be measured from property line to property line, along a straight line extended between the two points.~~

~~C.—The conditional use application submitted for any transitional housing project shall provide information, including identifying information such as the full name and age of~~

~~the parolee and the proposed time of residency at the facility, regarding any proposed residents who will be, at the time of proposed residency in the transitional housing project, federal, state or youth authority parolees. Such information shall be updated with the city by the owner or landlord of the facility as to each lessee, renter, resident or occupant upon the signing, entering into, or otherwise commencing any rental or lease agreement, arrangement or accommodation within three business days.~~

~~D.—All transitional housing projects shall require residents or occupants to sign an agreement that provides that a conviction for any criminal violation, not including infractions and minor traffic violations, during residency or occupancy at the transitional housing project, is grounds for termination of the residency, tenancy, occupancy or accommodations of that resident or occupant, whether the rental, lease, or sublease agreement is written or oral.~~

~~E.—Transitional housing projects shall be in compliance with all requirements of the city's zoning code at all times.~~

~~F.—No transitional housing project shall be maintained as a nuisance. The conduct of any transitional housing project within the city in violation of any of the terms of this chapter or other applicable provisions of this code found and declared to be a public nuisance, and the city attorney or the district attorney may, in addition or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for the abatement, removal and injunction thereof, in the manner provided by law; and shall take other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate or remove such transitional housing project and restrain and enjoin any person from conducting, operating or maintaining a transitional housing project contrary to the provisions of this chapter or code.~~

~~G.—Any violation of any local, state or federal laws by residents or occupants of transitional housing projects while on the premises shall be grounds for revocation of the transitional housing project's conditional use permit, including, but not limited to, any violations of this section or California Penal Code Section 3003.5, where the property owner contributed to or did not take all reasonable steps to protect against or prevent the violation.~~

~~H.—Any owner, operator, manager, employee or independent contractor of a transitional housing project violating or permitting, counseling, or assisting the violation of any of the provisions of this chapter or applicable provisions of this code regulating transitional housing projects shall be subject to any and all civil remedies, including conditional permit revocation, criminal penalties pursuant to Chapter 1.08 of this code, and/or administrative citations pursuant to Chapter 1.20. All remedies provided herein shall be cumulative and not exclusive. Any violation of these provisions shall constitute a separate violation for each and every day during which such violation is committed or continued. (Ord. 1835 § 3, 2021; Ord. 1719 § 1, 2010)~~

Chapter 18.54 MIXED-USE OVERLAY ZONES (MX)

18.54.010 Generally.

A. The objective of the mixed-use (MX) overlay zone is to provide a framework that allows for the development of ~~mixed-use-zoned~~ properties in a manner consistent with the ~~La Habra G~~general ~~P~~plan 2035. ~~The MX overlay zone is intended to allow greater flexibility of development standard and building types than what would be permitted under the base zone for the site.~~

B. The regulations of this chapter are intended to permit a diversity of uses, relationships and heights of buildings and open spaces in planned building groups while ensuring substantial compliance with the spirit, intent and provisions of this code.

C. The provisions of this chapter shall not apply to property that has been, or is proposed to be, developed entirely under the base zone, except for the maximum permitted floor area ratio as noted in LHMC 18.54.050.C.2.b.

D. Development within the MX Overlay zone shall subject to the approval of ~~D~~design ~~R~~review, in accordance with the requirements of Chapter 18.68 (Design Review) of this title and any other applicable land use approvals.

E. Mixed-use projects shall be subject to the limitations set forth in the ~~La Habra G~~general ~~P~~plan.

F. Properties in the MX overlay zone may be developed or modified to provide all residential, all commercial, or a mixed-use project.

FG. Mixed-use ~~developments~~ **projects** can be horizontally or vertically integrated. Horizontal mixed-use ~~development~~ **projects** consists of two or more attached or detached buildings of differing use categories (e.g., residential and commercial) within the same project area. Vertical mixed-use ~~development~~ **projects** consists of one or more different uses placed over another use within the same building (e.g., residential over commercial).

H. A project area may encompass a single parcel or multiple parcels, planned and constructed as one, coordinated and unified project. (Ord. 1805 § 3, 2019)

18.54.020 Uses permitted.

See Chapter 18.06 - **Table 18.06.040.A – Land Use Matrix** ~~Section 18.06.040.~~

~~In the MX overlay zone, the following uses are permitted: Commercial or residential uses consistent with the general plan land use designation and the primary zone, along~~

~~with a combination of residential and commercial uses. Specific uses as listed in Table 18.06.40.A (Ord. 1805 § 3, 2019)~~

18.54.030 Definitions.

See Chapter 18.04, Definitions.

~~For the purposes of this chapter, the following shall apply:~~

~~“Community amenities” means any combination of interior and exterior spaces created to provide for both active and passive recreational/social activity space for the residents and their guests. Samples of amenities include, but are not limited to, pools, spas, tot lots, outdoor exercise equipment, sports courts, barbeques, gazebos, outdoor seating areas, workout rooms, clubhouse, meeting room, business centers.~~

~~“Development site” means a parcel or group of contiguous parcels that are proposed for development as one project.~~

~~“Mixed-use projects” means projects that combine residential uses with one or more of the following uses: office, retail, entertainment, restaurant, or community facilities. Mixed-use projects may be arranged vertically (ground level retail, office, restaurant, entertainment, or community facility with residential uses above) or horizontally (commercial uses on a portion of the property linked by pedestrian connections to residential uses as part of a unified development project).~~

~~“MX precise plan” shall mean the site, floor and elevation plans submitted by an applicant for the development of the site, as may be modified during the public hearing process and incorporating all project conditions. The MX precise plan is also the document(s) submitted to the city building department for the issuance of building permits.~~

~~“Primary or base zone” shall mean the zoning designation of a property in the absence of the MX overlay, e.g., the property is in an underlying zoning designation of R-1, C-2, M-1, etc. (Ord. 1805 § 3, 2019)~~

18.54.040 Applicability.

The regulations set forth in this chapter shall apply to **the development of any property within the use of any property with the MX Overlay zone, in conjunction with the underlying zone(s). The provisions of this chapter shall not apply to any property that has been, or is proposed to be, developed entirely under the base zone, except as in Table 18.54.050.C.** ~~The regulations set forth in this chapter shall be in addition to those regulations set forth in the underlying zone. In the event of a conflict between the provisions of the mixed-use overlay zone and the provisions of the underlying zone, the provisions of the mixed-use overlay zone shall prevail, when a~~

~~mixed-use project is being developed. If the mixed-use overlay zone is silent in relation to any development standard, the development standard identified in the underlying zone shall prevail.~~

A. Relationship between overlay zone standards and base zone standards. ~~The regulations in this chapter allow mixed-use development as an alternative to the type of development allowed under the base (underlying) zone standards, for property within a mixed-use overlay zone~~

- ~~1. B. In the event of a conflict between the provisions of the MX overlay zone and the provisions of the base zone, the provisions of the MX overlay zone shall prevail. If the MX overlay zone is silent in relation to any development standard, the development standard identified in the base zone shall prevail.—The provisions in this chapter shall apply to all properties within their respective mixed-use overlay zones. The provisions only supersede the underlying base zone provisions when property is developed as mixed-use.~~
- ~~2. New, non-mixed-use projects may be developed in compliance with the existing underlying base zone.~~
3. C. Regulations, development standards, and requirements ~~in-of~~ the **underlying** base zone shall continue to apply to those projects that are currently developed according to ~~the existing said~~ standards.
4. D. Legal nonconforming uses (i.e., uses that do not comply with the provisions of the base zone or this chapter), **shall be subject to** the provisions **set forth** in Section [18.08.070](#) (Nonconforming buildings and uses) **shall apply of this title**.

~~B.—Exceptions.~~

- ~~1.—Additions to, or remodeling of existing single-family dwellings located within an MX overlay zone are exempt from planning commission and city council review; however, all single-family dwellings shall comply with all the appropriate development standards for the zone in which they are located and shall be architecturally compatible with the existing structure.~~
- ~~2.—Façade changes or site plan alterations that do not involve any increase in usable floor area to existing commercial buildings in all zones, and existing residential structures in multiple family zones shall be exempt from the review requirements of this chapter, but shall be subject to design review as established in Chapter [18.68](#) of this title.~~
- ~~3.—The Planning Division of Community Development may approve minor building permits for interior building changes, minor landscaping modifications, parking lot plans, minor repair to the exterior of the building, walls and fences, mechanical equipment and similar projects for all existing nonconforming uses.~~

~~C.— Applicable regulations after completion of development. Once a property is developed in compliance with the provisions of this chapter, the provisions of this chapter completely supersede the provisions of the underlying base zone. Whenever the requirements of the overlay zone impose a more or less restrictive standard than the provisions of the base (underlying) zone, the requirements of the overlay zone shall govern. (Ord. 1805 § 3, 2019)~~

~~18.54.050 Uses expressly prohibited.~~

~~Uses prohibited in the primary zone, except for residential uses as noted in Section 18.54.020. (Ord. 1805 § 3, 2019)~~

~~18.54.060 Standards of development.~~

~~Generally, the standards for development in the underling zone shall apply, unless modified or superseded by Section 18.54.070, Special development standards, as part of an “MX precise plan” (Ord. 1805 § 3, 2019)~~

~~18.54.070~~ **50 Special Development Standards.**

For property owners that choose to develop or modify their property in accordance with In the MX overlay zone, the following special development standards shall apply. **These standards do not apply if the property owner chooses to develop or modify existing structures on their property in accordance with the base zone.** ~~to all mixed-use projects and any residential project in a commercial zone. All other uses shall comply with the standards of the base zone.~~

~~A.— Designated Standards. Modifications to the base standards required for the primary zone in which the property and the proposed use are located, as are clearly defined in the “MX precise plan”, as approved by the planning commission and city council.~~

~~Mixed-use. The regulations of this chapter are intended to permit a diversity of uses, relationships and heights of buildings and open spaces in planned building groups while ensuring substantial compliance with the spirit, intent and provisions of this code.~~

~~B.— Economic Potential. The planning commission and/or city council may impose such other development standards (i.e. economic studies, public space enhancements) as may reasonably enhance the benefit of any development to the city.~~

~~C.A.~~ **Open Space/Common Area Amenities**

- 1. Dwelling units. Each dwelling unit shall have a minimum of 250 square feet of usable open space. This can be provided through private or common open space area. Mixed-use and residential projects shall provide private**

open space area such as patios or balconies adjacent to at least fifty percent (50%) of the units. Roof top decks may also be used to meet this requirement.

~~Non mixed-use projects shall comply with the open space requirements of the base zone.~~

2. Community amenities. ~~both~~ Indoor and outdoor **community amenities** shall be provided for passive and active recreation. These amenities shall enhance the overall quality of development, and contribute to the character of the area. ~~The size of the amenities shall be proportional to number of dwelling units provided.~~

~~3. All mixed-use projects shall provide private open space area such as patios or balconies adjacent to at least fifty percent of the units. Roof top decks may also be used to meet this requirement.~~

~~B.D.~~ Parking. ~~For non-mixed-use project, the~~ **Residential and mixed-use projects shall comply with the** provisions of Chapter [18.14](#), **Off-Street Parking Requirements** ~~shall apply.~~ ~~For mixed-use project, the~~ The following **additional** provisions shall apply:

1. Guest parking and parking for non-residential uses shall be located or assigned in such a way as to distinguish it from residential parking assigned to individual units.

2. ~~For new mixed-uses development within the MX overlay zone, a parking~~ A reduction in the number of parking spaces required in Chapter [18.14](#), ~~Off-Street Parking Requirements, of the zoning title of this code,~~ may be permitted, **by subject to the approval of** the planning commission ~~and city council~~, based upon information contained in a parking demand study prepared by a California-licensed, independent traffic engineer, at the developer's expense.

3. Due to variations in parking demand and needs of mixed-use projects, vehicle parking requirements and the design of parking areas, may be modified as part of the site plan review process based upon information contained in a circulation study prepared by a California-licensed, independent traffic engineer, at the developer's expense.

~~C. E.~~ **Residential** Densities **and floor area ratios**

1. **Residential densities.** ~~For all of the properties within the mixed-use overlay zone, a minimum of one acre is required for a project that is one hundred percent residential. Maximum Density shall conform to line three of Table 18.54.070.E~~

~~2.~~ All **developments exclusively involving residential units within the MX overlay zone, shall be developed in compliance with the parcel's general plan land use maximum permitted density as summarized in** ~~mixed-use projects~~

within the mixed-use overlay zone shall conform to as summarized in Table 18.54.0570.CE.

Table 18.54.070.E				
Lot size (in Square feet)		General Plan Designation		
		TRA MUC-1 CMU1	MUC-2 GDM-2 CMU-2 CMU-3	GDM-1 MUC-3
1	Less than 10,000	2,850 per unit	1,450 per unit	1,200 per unit
2	10,001-20,000	2,100 per unit	1,300 per unit	1,000 per unit
3	20,001+	1,800 per unit	1,200 per unit	870 per unit
TRA = Transitional MUC = Mixed-use Center CMU = Corridor Mixed-use GDM = Central District Mixed-use				

2. Floor area ratio (FAR)

- a) Commercial development projects exclusively involving commercial buildings shall comply with the maximum permitted FAR as allowed by the parcel's general plan land use designation per Table 18.54.050.C below.

Table 18.54.050.C

General Plan Designation	Maximum Density	Maximum FAR
• <u>Transitional (TRA)</u>	<u>23 du/ac</u>	0.4
• <u>Mixed-use Center 1 (MUC 1)</u> • <u>Corridor Mixed-use 1 (CMU 1)</u>	<u>24 du/ac</u>	0.5
• <u>Mixed-use Center 2 (MUC 2)</u> • <u>Corridor Mixed-use 2 (CMU 2)</u>	<u>36 du/ac</u>	0.5

<ul style="list-style-type: none"> • <u>Central District Mixed-use 2 (CDM 2)</u> • <u>Corridor Mixed-use 3 (CMU 3)</u> 	36 du/ac	0.8
<ul style="list-style-type: none"> • <u>Mixed-use Center 3 (MUC 3)</u> • <u>Central District Mixed-use 1 (CDM 1)</u> 	50 du/ac	0.8

b) All mixed-use projects that include residential units shall have a maximum FAR of 1.5 for all of the combined uses. The maximum permitted residential densities do not apply to mixed-use development. The commercial uses shall not exceed the maximum permitted FAR for the parcel as specified in Table 18.54.050.C.

D. F. Objective design standards. ~~Site Planning Standards.~~ All multi-unit and mixed-use development must comply with the objective design standards set forth in Chapter 18.09 (Objective Design Review Standards for Multi-unit Residential and Mixed-use Development) of this title.

~~1.—Lot Layout and Design.~~

~~a.—Primary vehicle access shall be from a public street. Developments with more than fifty dwelling units shall provide a second primary access.~~

~~b.—Proposed building(s) shall relate appropriately to surrounding land uses and streets by creating a cohesive visual identity for attractive street scenes; by promoting efficient site layout in terms of vehicular and pedestrian circulation patterns; by increasing the potential for greater privacy of both existing and proposed residents through careful siting of buildings window-to-window sight lines between adjacent buildings. Additionally~~

~~-buildings shall be designed around a common open space, public open space (e.g., a linear park/paseo), or community amenity such as swimming pools or other recreational facilities.~~

~~c.—Pedestrian connections shall include an on-site system of pedestrian walkways designed to provide convenient access and connections to and between the primary entrance or entrances to each building(s) and any sidewalks or walkways on adjacent commercial properties or along perimeter streets.~~

~~i.—On-site pedestrian walkways and sidewalks shall be minimum of four feet wide except walkways that are directly adjacent to a parking area where parked cars may overhang them. Such walkways shall be a minimum of six feet wide.~~

~~f d.—Building height transition shall be provided between multi-story buildings to one-story and two-story buildings on adjacent sites. Consideration shall be given to the size, proportion, scale, and orientation of the buildings. The height transition applies to side-to-side situations but may also apply to rear-to-rear, front-to-front, or other situations.~~

~~G.—Architectural Guidelines and Standards. Architectural guidelines found in the mixed-use zone designation also apply to single lot development in the mixed-use zone designation.~~

~~1.—Massing and Form.~~

~~a.—Design shall incorporate visually heavier and more massive elements at the building base and lighter elements above. Any second story, or higher, shall not appear to be unbalanced or heavier or to have greater mass than the first or street level.~~

~~b.—Building masses shall be organized as simple and well-scaled volumes. Excessive roof breaks and overly complicated hipped or gabled roofs shall be avoided.~~

~~c.—The design of a building should be consistent with a determined architectural style.~~

~~d.—The overall volumetric composition of new buildings the choice of their architectural elements, and the relationship between these should determine their character and compatibility with the surrounding urban fabric.~~

~~d.—Building masses and building façades shall be designed with simple, harmonious proportions. Arbitrary proportions shall be avoided.~~

~~e.—New multi-family buildings shall be designed as simple assemblies of house-scale forms in a variety of unit combinations and massing compositions.~~

~~f.—Design shall incorporate building elements such as towers, bays, etc. that can make such buildings memorable places within the immediate neighborhood. Buildings shall be articulated by using bays, insets, balconies, porches, or stoops related to entrances and windows.~~

~~g.—The majority of a building's architectural features and treatments such as bays, balconies, or accent materials shall not be restricted to building fronts. Rather, all sides of building shall display a similar level of quality and architectural interest.~~

~~2. Materials and Variety. Subtle variations in color and materials shall be used. Materials shall include a mix of natural or synthetic stone or brick (solid or veneer),~~

~~integrally colored, textured or glazed concrete masonry units, board and batten, lap siding, and/or stucco or other similar material. Vinyl or recycled wood and composite products may be used as an ancillary material for trim, deck railings and planks, and other accent features. Foam extrusions may be used for decorative building accents or details.~~

~~3.—Roofs. On buildings where sloping roofs are the predominant roof type, each building shall have a variety of roof forms. For instance, a gable or hip configuration shall be used with complementary sheds, dormers, and other minor elements. Roof forms shall be designed to correspond and denote building elements and functions such as entrances and arcades.~~

~~4.—Windows. Windows should be carefully selected, combined and arranged to establish clear and rhythmic patterns, particularly on the front façades of all buildings. Windows shall be located to maximize the possibility of occupant surveillance of the adjacent streets, parking areas, public parks, and common community areas or buildings.~~

~~5.—Site Lighting. Site lighting shall be at a pedestrian scale with light poles and lighting structures being no more than twenty feet in height. Site lighting shall be shielded downward and inward, and should not exceed 1.0 foot candle beyond the property line. (Ord. 1805 § 3, 2019)~~

~~18.54.0860 Application Pre-application coordination.~~

~~Before filing any application for a mixed-use development, the prospective applicant shall provide to the development review committee (DRC) preliminary plans, and sketches, along with basic site information for consideration and advice. Such plans shall be submitted to the planning division of community development for presentation to the (DRC). (Ord. 1805 § 3, 2019)~~

~~18.54.085 Application.~~

~~A.—Permit Required. Mixed-use developments shall require a mixed-use development permit for each such development. Such permit shall be subject to the regulations and requirements of this title and shall be processed in accordance with the terms of this chapter, including a public hearing before the planning commission and city council.~~

~~B.—Application for Permit.~~

~~1.—Fee. The fee for an MX overlay zone is the same the planned unit development fee as established pursuant to the provisions of Chapter 18.70 shall accompany any application for mixed-use development permit under the provision of this chapter.~~

~~2.—Processing. Such application shall be processed by the planning division, which shall make a recommendation to the planning commission for denial, approval, or approval subject to conditions, and shall schedule a public hearing thereon as provided in Section 18.54.090. The application shall then be reviewed by the planning commission and forwarded to the city council with a recommendation for its approval or disapproval, identifying any conditions the planning commission finds appropriate to impose. The city council may approve, disapprove or refer the same back to the planning commission for further consideration. Any such permit is subject to the final approval of the city council.~~

~~3.—Application Contents. Every application for a mixed-use development shall be accompanied by the following, in the level of detail required in the city's application form, available from the city's planning division, of community development:~~

~~a.—A legal description or boundary survey map of the property. (A tentative subdivision map may be substituted for this requirement if the applicant proposes to subdivide the property.)~~

~~b.—A plot plan and description of the property involved showing the location of all existing and proposed buildings; plans and descriptions of the proposed use of the property with ground plans and elevations for all proposed buildings;~~

~~c.—A general development plan with at least the following details shown to scale and dimensioned:~~

~~i.—The proposed land ownerships, the uses, dimensions and locations of all proposed structures and of areas reserved for vehicular and pedestrian circulation, open spaces, landscaping, recreation or other public uses,~~

~~ii.—Architectural drawings and sketches showing the design and character of the proposed uses and their relation to one another. A sample material board is to be submitted detailing colors to be used along with samples of the building materials.~~

~~iii.—Location and design of automobile parking areas and signs (plans to be in color);~~

~~iv.—Type of surfacing proposed for walks and driveways,~~

~~v.—A preliminary water quality management plan shall be required to be submitted, which must show the proposed method for control and disposal of water flowing into, across or from the development,~~

~~vi.—Tables showing the total number of acres and their distribution by use, and the percentage of the whole designated for dwellings of different~~

~~types, nonresidential uses, streets, off-street parking, public uses and open spaces,~~

~~vii.—Landscape design plans showing the types of planting materials to be used. A plant materials booklet is to be submitted providing photographs of all types of plant materials proposed to be used. The landscape design plan shall include a site elevation scheme accurately showing projected landscape heights at the time of development and a second design showing landscape heights five years after development,~~

~~viii.—A time schedule for the proposed development with evidence of the intent and the ability of the applicant to carry out the plan within such time,~~

~~ix.—Operational characteristics of proposed use(s), including days and hours of operation, number of employees, etc., if applicable,~~

~~x.—A scaled model showing the proposed project and the adjacent areas within five hundred feet of the site.~~

~~xi.—Such other pertinent information as staff may reasonably require at the time of submittal or that the planning commission may reasonably require at the time of its consideration of the development in order to complete its evaluation of the intent and impact of the proposal;~~

~~d.—A list containing the name and address of each property owner within three hundred feet of the exterior boundaries of the property involved, verified for accuracy by the person or entity preparing the list. For this purpose the last known name and address of such owners as shown upon the last assessment roll of the city or county and a radius map depicting all such property owners.~~

~~C.—California Environmental Quality Act (CEQA). The applicant shall complete and provide the environmental assessment form provided by the planning division. Once an application is submitted and deemed complete, by city staff, staff will notify the applicant of the determination of which environmental document, will be required to be prepared in connection with the proposed mixed-use development. All requirements of the California Environmental Quality Act, including time limits, notice requirements, and review and documentation requirements, shall be complied with by the applicant and staff prior to public hearing on the application. (Ord. 1805 § 3, 2019)~~

~~18.54.090 Public hearing.~~

~~A.—Following the receipt in proper form of any MX permit application, and upon determination by the planning division of a “complete application”, in accordance with the permit streamlining act and applicable California Environments Quality Act (CEQA) requirements a time and place shall be set for a public hearing thereon. Not less than ten days before the date of such public hearing, notice of the date, time, place of~~

hearing and location of the property and the nature of the request shall be given in the following manner:

- ~~1.—By publishing once in a newspaper of general circulation in the city.~~
- ~~2.—By mailing a notice, postage prepaid, to the applicant, to each member of the planning commission, and to the owners of all property within three hundred feet of the exterior boundaries of the property involved, using for this purpose the last-known name and address of such owners as shown upon the last assessment roll of the city or county.~~

~~B.—Public hearings as provided for in this chapter shall be held before the planning commission and/or the city council at the time and place for which public notice has been given as required in this section. A summary of all pertinent testimony offered at a public hearing, together with the names and addresses of all persons testifying shall be recorded and made a part of the permanent files of the case. Any such hearing may be continued; provided, that prior to the adjournment or recess thereof, the presiding officer at such hearing shall announce the time and place to which such hearing will be continued. (Ord. 1805 § 3, 2019)~~

~~18.54.095 Planning commission review.~~

~~A.—The commission shall not recommend approval of the proposal unless it finds that the Mixed-use development is or may be conditioned to be in full conformance to the general purposes of this chapter, and in particular unless it finds as follows:~~

- ~~1.—That the location, design and proposed uses are compatible with the character of existing with surrounding uses and development patterns;~~
- ~~2.—That the plan will produce, internally, an environment of stable and desirable character, and will not tend to cause any traffic congestion on surrounding or access streets;~~
- ~~3.—That there is on-site compatibility of residential and nonresidential uses;~~
- ~~4.—That the project combines residential with nonresidential uses in the same building or building site in a manner that creates an active street life, enhance the vitality of businesses, and reduces the need for automobile travel;~~
- ~~5.—That a meaningful blend of residential and nonresidential uses enhances and builds upon the city's commercial base;~~
- ~~6.—That the project provides additional housing options for people, who want to live near their workplace and/or near retail and other nonresidential uses;~~

~~7.—That it consolidates small parcels into viable, block-size mixed-use development;~~

~~8.—That the proposed project complies with all requirements of the California Environmental Quality Act;~~

~~9.—That there is substantial compliance with the spirit and intent of this title;~~

~~B.—The planning commission shall make a recommendation of approval, approval with conditions, or denial of an application considered by it pursuant to this chapter along with any permits and/or applications considered in conjunction with such application, to the city council for its consideration.~~

~~C.—The decision rendered by the planning commission shall be transmitted to the applicant in writing and shall be forwarded to the city clerk for scheduling a public hearing. (Ord. 1805 § 3, 2019)~~

~~18.54.100 City council review.~~

~~A.—After receiving the planning commission's recommendation on any application(s), the city council shall conduct a public hearing on such application(s), according to the provisions of this chapter. After such hearing, the city council shall approve, approve with conditions, or deny such application(s), taking into account everything submitted to and considered by the planning commission.~~

~~B.—The city council shall grant approval of a mixed-use development permit only if it makes all of the required findings considered by the planning commission pursuant to Section 18.54.095.~~

~~C.—The granting, either with or without conditions or the denial of such application by the city council shall be final.~~

~~D.—Any decision rendered by the city council shall be in writing and shall be transmitted (within forty-eight hours) upon issuance to the permit holder and the property owner. The city council shall issue a written decision within forty-five days after the hearing on such matter. Reference shall be made, in the notice of written decision to the applicant, to the fact judicial review of the decision is governed by the time limits set forth in California Code of Civil Procedure Section 1094.6. (Ord. 1805 § 3, 2019)~~

~~18.54.110 Conformance.~~

~~The approved mixed-use development project plan along shall be dated and signed by the director of community development or designee. One copy of the adopted ordinance, which includes all the project conditions and/or mitigation measures, shall be mailed to the applicant. No permits shall thereafter be issued for any building, structure~~

~~or use except in substantial conformance with the approved plan. The director of community development may approve minor modifications provided; they are in keeping with the spirit and intent of the city council. (Ord. 1805 § 3, 2019)~~

~~18.54.120 Violation.~~

~~A.—In the event that the property owner/business operator violates or fails to comply with any of the conditions of approval of this permit, the city may take measures to cure such violations, including but not limited to, administrative citation and full reimbursement of the city for its costs and expenses, including, but not limited to, attorney's fees, in undertaking such corrective action. Reimbursement of enforcement costs shall constitute a civil debt and may be collected by any means permitted by law. In the event that violations of this permit occur, the city shall refrain from issuing further permits, licenses or other approvals until such violations have been fully remedied.~~

~~B.—Further, the planning commission or city council may hold a public hearing, and if satisfied that any provision of the mixed-use development ordinance, applicable regulation, development standard, general provision or condition is not being complied with, or if the planning commission or city council finds that a change in conditions on the property or as a result of the use of the property has occurred which makes the continuation of the permit incompatible with the general welfare of the surrounding neighborhood, may do one or more of the following:~~

- ~~1.—Impose additional conditions on the mixed-use development permit;~~
- ~~2.—Revoke any applicable conditional use permits associated with the property;~~
- ~~3.—Revoke and/or preclude the issuance of business licenses associated with the property;~~
- ~~4.—Revoke and/or preclude the issuance of building or demolition permits;~~
- ~~5.—Revoke, preclude, suspend or otherwise render void any other entitlements to use and/or develop the property as is reasonable under the circumstances and serves to ensure future compliance with this chapter and title or the mixed-use development permit, plan or ordinance. (Ord. 1805 § 3, 2019)~~

~~18.54.130 Expiration.~~

~~If construction of an approved MX precise plan has not commenced within two years from the final adoption of the project by the city council, said plan shall expire and become null and void. However, a one year time extension may be approved by the director of community and economic development upon the submission of substantial evidence to support the extension. (Ord. 1805 § 3, 2019)~~

Chapter 18.68 DESIGN REVIEW

18.68.010 Generally.

Design review is established in order to ensure that site design, buildings, structures, signs, and landscaping will be in harmony with other structures and improvements in the vicinity of the proposed development and consistent with the general plan and the zoning. (~~Ord. 1744 § 2, 2013; Ord. 1719 § 1, 2010~~). **All multifamily and mixed-use developments shall also comply with the Objective Design Standards under Chapter 18.24 of the La Habra Municipal Code, unless stated either wise under the zoning designation or prevailing Specific Plan of the subject site.**

18.68.050 Findings.

In order for the planning commission to approve a design plan, the following finding must be made:

- A. The proposed plan is consistent with the city's general plan.
- B. The proposed plan is consistent with the city's zoning ordinance.
- C. The proposed plan is in the best interests of the public health, safety, and welfare of the community.
- D. **The proposed project is consistent the objective design standards under Chapter 18.24 of the La Habra Municipal Code.** ~~The nature of the proposed land uses and the design is appropriate for the proposed location is compatible to the surrounding land uses and improvements.~~
- E. The project complies with all requirements of the California Environmental Quality Act. (Ord. 1719 § 1, 2010)

Chapter 18.80 DENSITY BONUS AND OTHER AFFORDABLE HOUSING INCENTIVES

18.80.010 Purpose; ~~of affordable housing incentives applicability.~~

~~When an applicant seeks a density bonus for a housing development within the city or donates land that meets the requirements of this chapter, upon request of the applicant, the city shall provide a density bonus and incentives or concessions for the production of housing units and childcare facilities, as prescribed in this chapter. The purpose of~~

~~this chapter is to increase the housing supply and availability in the city and satisfy the requirements of Government Code Section 65915, et seq., as amended (the “Density Bonus Law”). (Ord. 1792 § 1, 2018; Ord. 1719 § 1, 2010).~~

- A. The purpose of this chapter is to establish how the state density bonus law, as set forth in California Government Code Section 65915 et seq. (“Density Bonus Law”), will be implemented and to promote the construction of affordable housing within the city.**
- B. This chapter shall apply to any housing development that is entitled to receive a density bonus pursuant to the Density Bonus Law.**

18.80.020 Definitions.

The definitions found in the Density Bonus Law shall apply to the terms contained in this chapter. See Chapter 18.04, Definitions, for additional definitions.

~~For the purpose of this chapter, the following definitions shall apply:~~

~~“Affordable housing agreement” means an agreement between the applicant and the city guaranteeing the affordability of rental or ownership units in accordance with the provisions of this chapter.~~

~~“Affordable housing costs” means the amount set forth in the Health and Safety Code Sections 50052.5 and 50053, as the same may be amended from time to time.~~

~~“Approving body” means the planning commission, city council, or housing authority board approving the housing development of which the density bonus request is a part. Where there is an appeal, the “Approving body” shall mean the city council.~~

~~“Childcare facility” means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school-age childcare centers.~~

~~“Common interest development” means a condominium project as defined by Section 1351(f) of the Civil Code, or a planned development as defined by Section 1351(k) of the Civil Code, as the same may be amended from time to time.~~

~~“Concession(s)” or “incentive(s)” means:~~

- ~~1.—A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would~~

~~otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Section 18.80.100.~~

~~2.—Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.~~

~~3.—Other regulatory incentives or concessions proposed by the developer or the city that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Section 18.80.100.~~

~~“Density bonus” means a density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the city, or if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density. The amount of density increase to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in Section 18.80.050.~~

~~“Development standard” means and includes site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.~~

~~“Housing development” means a development project for five or more residential units, including mixed-use developments. “Housing development” also includes a subdivision or common interest development, as defined in Section 4100 of the Civil Code, approved by a city, county or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4 of the Government Code, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.~~

~~“Located within one-half mile of a major transit stop” means that any point on a proposed development, for which an applicant seeks a density bonus, other incentives or concessions, waivers or reductions of development standards, or a vehicular parking ratio~~

~~pursuant to this section, is within one-half mile of any point on the property on which a major transit stop is located, including any parking lot owned by the transit authority or other local agency operating the major transit stop.~~

~~“Lower income households” means households defined in Section 50079.5 of the Health and Safety Code, as the same may be amended from time to time.~~

~~“Lower income student” means a student who has a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in paragraph (1) of subdivision (k) of Section 69432.7 of the Education Code. The eligibility of a student to occupy a unit for lower income students under this section shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education in which the student is enrolled or by the California Student Aid Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver from the college or university, the California Student Aid Commission, or the federal government.~~

~~“Major transit stop” has the same meaning as defines in subdivision (b) of Section 21155 of the Public Resources Code.~~

~~“Maximum allowable residential density” means the density allowed under the zoning ordinance and land use element of the general plan, or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.~~

~~“Persons and families of moderate income” means persons and families defined in Section 50093 of the Health and Safety Code, as the same may be amended from time to time.~~

~~“Qualified nonprofit housing corporation” means a nonprofit housing corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.~~

~~“Senior citizen housing development” means a project as defined by Sections 51.3 and 51.12 of the Civil Code, as the same may be amended from time to time.~~

~~“Study” does not include reasonable documentation to establish eligibility for the concession or incentive or to demonstrate that the incentive or concession meets the definition of “Concession(s)” or “incentive(s)” set forth herein.~~

~~“Total units” or “total dwelling units” means a calculation of the number of units that:~~

~~1.— Excludes a unit added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.~~

~~2.— Includes a unit designated to satisfy an inclusionary zoning requirement of a city, county, or city and county.~~

~~“Very low income households” means households defined in Section 50105 of the Health and Safety Code, as same may be amended from time to time. (Ord. 1839 § 3, 2022; Ord. 1792 § 1, 2018; Ord. 1719 § 1, 2010)~~

18.80.030 ~~Application requirements~~ Density bonus, concessions or incentives, waivers, and parking standards.

The city shall provide density bonuses, concessions or incentives, waivers or reductions of development standards, and ratios in accordance with the requirements of the Density Bonus Law, as the same may be amended from time to time. In the event of any conflict between this chapter and the Density Bonus Law, the Density Bonus Law shall prevail.

~~A conditional use permit is required for any project in which agreement with the city is entered pursuant to the Density Bonus Law (Government Code Section 65915 et seq.). The permit shall be obtained prior to the effective date of such agreement.~~

~~B.— A development plan submittal in accordance with usual development application requirements is required which shall contain the following:~~

~~1.— Location of dwelling units within the project intended for affordable housing.~~

~~2.— Total number of rental dwelling units and for sale dwelling units within the project.~~

~~3.— Proposed rent schedules and/or sale prices. (Ord. 1792 § 1, 2018; Ord. 1719 § 1, 2010)~~

18.80.040 ~~Appeal process~~ Density bonus calculations and requirements.

~~Any appeal relating to density bonuses, incentives, concessions, or waivers/modifications of development standards shall be handled in a manner established in La Habra Municipal Code Section 18.66.080. (Ord. 1792 § 1, 2018; Ord. 1719 § 1, 2010)~~

A. In determining the total number of units to be granted, each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separated rounded up to the next whole number.

- B. When calculating the number of affordable units needed for a given density bonus, any fractions of affordable units shall be rounded up to the next whole number.
- C. The density bonus units shall not be included in determining the number of affordable units required to qualify a housing development for a density bonus pursuant to the Density Bonus Law.
- D. The granting of a density bonus and/or related concession(s) or incentive(s) shall not be interpreted, in and of itself, to require a general plan amendment, zone change, or other discretionary approval.
- E. Nothing prohibits the city from granting a density bonus greater than what is described in the Density Bonus Law for a development that meets the requirements of the Density Bonus Law or from granting a proportionately lower density bonus than what is required by the Density Bonus Law for developments that do not meet the requirements of the Density Bonus Law.

18.80.050 ~~Density bonus requirements, calculations and location.~~ APPLICATION.

- A. **Applicable submittal.** An affordable housing application for a density bonus, including any incentive, concession, waiver and/or reduction, shall be filed with the department concurrently with an application for a housing development.
- B. **Application Contents.** An application shall be accompanied by the following:
 - 1. Site plan to show the total number of units, number and location of affordable dwelling units and location of proposed density bonus units. The plan must also include a breakdown of the units (e.g., unit sizes, number of bedrooms and baths, the amount of private or common open space dedicated to the units, and the total number of parking spaces).
 - 2. Summary table showing the greatest number of units permitted by the zoning or general plan excluding any density bonus units, number of proposed affordable units by income level, proposed density bonus percentage, number of bonus units proposed, and total number of units.
 - 3. Tenure (rental versus for-sale) of affordable units and proposal for ensuring affordability.
 - 4. A description of all dwelling units existing on-site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period. If dwelling units on the site are currently rented, income and household size, if known, of all residents of currently occupied units. If any dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size, if known of residents occupying dwelling units when the site contained the maximum number of dwelling units.

5. Description of any recorded covenant, ordinance, or law applicable to the site that restricts rents to levels affordable to very low- or low-income households in the five-year period preceding the date of the submittal of the application.
 6. Description of any requested incentive(s) or concession(s) that result in identifiable and actual cost reductions to provide for the affordable housing, included written documentation evidencing the need for such incentive(s) or concession(s).
 7. Description of any requested waiver(s) and/or reduction(s) of development standards that would have the effect of physically precluding the construction of the housing development at the permitted densities or with the concession(s) or incentive(s) permitted by the Density Bonus Law.
 8. Description of requested parking ratios.
- C. The department will process the application concurrently with any other applications required for the housing development. Staff shall review the application for the completeness and will notify the applicant whether the application is complete in accordance with the provisions of applicable law.
- D. If a proposed housing development would be inconsistent with this title or the Density Bonus Law, the city shall provide the applicant notice of such inconsistency in accordance with the Housing Accountability Act, California Government Code Section 65589.5.
- E. A density bonus application shall be approved or denied in conjunction with the housing development application by the approving body within the timeframes required for approval of such development.

~~A.—Density Bonus Development Requirements. Upon written request of an applicant, the approving body for a housing development shall grant one density bonus as specified under subsection B of this section and if requested by the applicant and consistent with the applicable requirements of this chapter, incentives or concessions, pursuant to Section 18.80.060, waivers or reductions of development standards, and parking ratios, as described in Section 18.80.070 when the applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this chapter, that will contain at least any one of the following:~~

- ~~1.—Ten percent of the total units of a housing development for rental or sale to lower income households, as defined in Section 50079.5 of the Health and Safety Code.~~
- ~~2.—Five percent of the total units of a housing development for rental or sale to very low income households, as defined in Section 50105 of the Health and Safety Code.~~

~~3.—A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a 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.~~

~~4.—Ten percent of the total dwelling units of a housing development are sold to persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.~~

~~5.—Ten percent of the total units of a housing development for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Government Code Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Section 11301 et seq.). The units described in this paragraph shall be subject to a recorded affordability restriction of fifty-five years and shall be provided at the same affordability level as very low income units.~~

~~6.—Twenty percent of the total units for lower income students in a student housing development that meets the following requirements:~~

~~a.—All units in the student housing development will be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. In order to be eligible under this subclause, the developer shall, as a condition of receiving a certificate of occupancy, provide evidence to the city that the developer has entered into an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from the institution or institutions. An operating agreement or master lease entered into pursuant to this subclause is not violated or breached if, in any subsequent year, there are not sufficient students enrolled in an institution of higher education to fill all units in the student housing development.~~

~~b.—The applicable twenty-percent units will be used for lower income students.~~

~~c.—The rent provided in the applicable units of the development for lower income students shall be calculated at thirty percent of sixty-five percent of the area median income for a single-room occupancy unit type.~~

~~d.—The development will provide priority for the applicable affordable units for lower income students experiencing homelessness. A homeless service provider, as defined in paragraph (3) of subdivision (e) of Section 103577 of the Health and Safety Code, or institution of higher education that has~~

~~knowledge of a person's homeless status may verify a person's status as homeless for purposes of this subclause.~~

~~7.— For purposes of calculating a density bonus granted pursuant to this section, the term “unit” as used in this section means one rental bed and its pro-rata share of associated common-area facilities. The units described in this subparagraph shall be subject to a recorded affordability restriction of fifty-five years.~~

~~8.— One hundred percent of all units in the development, including total units and density bonus units, but exclusive of a manager’s unit or units, are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to twenty percent of the units in the development, including total units and density bonus units, may be for moderate-income households, as defined in Section 50053 of the Health and Safety Code.~~

~~B.— An applicant who requests a density bonus pursuant to this section shall elect whether the bonus shall be awarded on the basis of subsection A.1, A.2, A.3, A.4, A.5, A.6 or A.8.~~

~~1.— For housing developments meeting the criteria of subsection A.1, the density bonus shall be calculated as follows:~~

Percentage Low Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35
21	38.75
22	42.5
23	46.25
24	50

~~2.— For housing developments meeting the criteria of subsection A.2, the density bonus shall be calculated as follows:~~

Percentage Very Low-income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
12	38.75
13	42.5
14	46.25
15	50

~~3.—For housing developments meeting the criteria of subsection A.3, the density bonus shall be twenty percent of the number of senior housing units.~~

~~4.—For housing developments meeting the criteria of subsection A.5, the density bonus shall be twenty percent of the number of the type of units giving rise to a density bonus under that subsection.~~

~~5.—For housing developments meeting the criteria of subsection A.6, the density bonus shall be thirty-five percent of the student housing units.~~

~~6.—For housing developments meeting the criteria of subsection A.8, the following shall apply:~~

~~a.—Except as otherwise provided in section b, the density bonus shall be eighty percent of the number of units for lower income households.~~

~~b.—If the housing development is located within one-half mile of a major transit stop, the city shall not impose any maximum controls on density.~~

~~7.—For housing developments meeting the criteria of subsection A.4, the density bonus shall be calculated as follows:~~

Percentage Moderate-income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10

Percentage Moderate-Income Units	Percentage Density Bonus
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35
41	38.75
42	42.5
43	46.25
44	50

~~C.—Density Calculation. All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.~~

~~D.—Location of Density Bonus Units. The density bonus units shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.~~

~~E.— Design Requirements. Affordable units developed in conjunction with a market rate development shall be of similar design and quality as the market rate units. Exterior and floor plans of affordable units shall be similar to the market rate units; interior finishes need not be the same.~~

~~F.— Location Distribution Requirements for Affordable Units. Affordable units shall be dispersed throughout the housing development rather than clustered in a single area or a few areas. Location of affordable units with a housing development shall be approved by the approving body.~~

~~G.— Except as provided in Section 18.80.060, the granting of a density bonus shall not require or be interpreted to require the waiver of a local ordinance or provisions of a local ordinance unrelated to development standards.~~

~~H.— Nothing prohibits the city from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section. (Ord. 1839 § 3, 2022; Ord. 1792 § 1, 2018; Ord. 1719 § 1, 2010)~~

18.80.060 ~~Concessions or incentives.~~ Requirements.

- A. The applicant for a density bonus shall enter into a regulatory agreement with the city in a form to be approved by the city attorney and said agreement shall be recorded against the property. The regulatory agreement shall be approved by the approving body. If an appeal is taken of the project, then the regulatory agreement shall be approved by the decision-maker on appeal.**
- B. The applicant shall be required to pay the city's costs for any third-party consultants required to assist the city in drafting a regulatory agreement, developing guidelines, verifying the eligibility of owners or tenants of the affordable units, or any other matter relating to the density bonus.**
- C. The required affordable units shall be constructed concurrently with the market-rate units unless both the approving body and the developer agree within the regulatory agreement to an alternate schedule for development.**
- D. The affordable units shall be similar in size and number of bedrooms to the market-rate units. If the development project includes a range of unit sizes, then the affordable units shall provide a range of unit sizes in proportion to the market-rate units.**

1. The affordable units shall be similar in size and number of bedrooms to the market-rate units. If the development project includes a range of unit sizes, then the affordable units shall provide a range of unit sizes in proportion to the market-rate units.
 2. If the project includes a subdivision, the lots with affordable units shall be of similar size to the lots with market rate units. If the development project includes a range of lot sizes, the lots with affordable units shall be no smaller than the smallest lots with market-rate units.
- E. The affordable units shall have the same amenities as the market-rate units, including the same access to and enjoyment of common open space, parking, storage, and other facilities in the residential development, provided at an affordable rent or at affordable ownership cost specified by California Health and Safety Code section 50052.5 and California Code of Regulations Title 25, Section 6910 – 6924, as the same may be amended from time to time. Developers are strictly prohibited from discriminating against tenants or owners of affordable units in granting access to and full enjoyment of any community amenities available to other tenants or owners outside of their individual units.
- F. If the development project is for units that will be sold, then the affordable dwelling units shall also be for-sale units. The regulatory agreement may make provisions for rental of the units for the same level of affordability that qualified the applicant for the density bonus if the unit is not sold within a period of time specified in the agreement.
- G. Affordable units shall be dispersed throughout the housing development rather than clustered in a single area or a few areas. Location of affordable units within a housing development shall be specified in the regulatory agreement.

~~A.—Evidence for Concession and Incentives. An applicant for a density bonus pursuant to Section 18.80.050 may submit to the community development department a proposal for the specific incentives or concessions that the applicant requests pursuant to this chapter and may request a meeting with the director of community and economic development or his/her designee to discuss the proposal. However, the approving body shall grant the concession or incentive requested by the applicant pursuant to subsection B of this section unless the city council makes a written finding, based upon substantial evidence, of any of the following:~~

- ~~1.—The concession or incentive does not result in identifiable and actual cost reductions, consistent with the definition of “concession(s)” or “incentive(s)” in Section 18.80.020, to provide for affordable housing costs, as defined in Section~~

~~50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Section 18.80.100.~~

~~2.—The concession or incentive would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), as the same may be amended from time to time, upon the 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-income and moderate income households.~~

~~3.—The concession or incentive would be contrary to state or federal law.~~

~~B.—Number of Incentives or Concessions. The applicant shall receive the following number of incentives or concessions as provided in Table 18.80.060.B.~~

~~Table 18.80.060.B~~

~~Additional Density Bonus Concessions or Incentives~~

Household Income of Units	Percent of Units	Concessions or Incentives
Very Low-income	5%	1
	10%	2
	15%	3
Lower Income	10%	1
	17%	2
	24%	3
Moderate Income Units in Common Interest Development	10%	1
	20%	2
	30%	3
Lower Income Students in a Student Housing Development	20%	1

~~C.—Four incentives or concessions for a project meeting the criteria in Section 18.80.050.A.8. If the project is located within one-half mile of a major transit stop, the applicant shall also receive a height increase of up to three additional stories, or thirty-three feet.~~

~~D.—Nothing in this chapter shall be interpreted to require the city to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon health, safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this chapter shall be interpreted to require the city to grant an~~

~~incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.~~

~~E.—The granting of a concession or incentive shall not require or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, study, or other discretionary approval. For purposes of this section, “study” does not include reasonable documentation to establish eligibility for the concession or incentive or to demonstrate that the incentive or concession meets the definition set forth in this chapter.~~

~~F.—This section does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, or the waiver of fees or dedication requirements.~~

~~G.—In no case may the city apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of this section at the densities or with the concessions or incentives permitted by this chapter.~~

~~H.—Waiver of Development Standards. An applicant may submit to the community development department a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of this section at the densities or with the concessions or incentives permitted under this chapter. The waiver or reduction of development standards must comply with the following conditions and requirements:~~

~~1.—Nothing in this section shall be interpreted to require the city to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), as the same may be amended from time to time, upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.~~

~~2.—Nothing in this section shall be interpreted to require the city to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources or to grant any waiver or reduction that would be contrary to state or federal law.~~

~~3.—A proposal for the waiver or reduction of development standards pursuant to this section shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to this section.~~

~~4.—A housing development that receives a waiver from any maximum controls on density pursuant to Section 18.80.050.B.6.b shall only be eligible for a waiver or reduction of development standards as provided in Sections 18.80.060.C and 18.80.050.B.6.b unless, the city agrees to additional waivers or reductions of development standards.~~

~~5.—Any discretionary actions for modification or waiver shall be processed in conjunction with the housing development application. However, regardless of whether the housing development application required a public hearing, such a hearing shall be held before the planning commission if a discretionary action is required. (Ord. 1839 § 3, 2022; Ord. 1792 § 1, 2018; Ord. 1719 § 1, 2010)~~

18.80.070 ~~Parking standards.~~ Appeals.

Any appeal relating to density bonuses, incentives, concessions, or waivers/reductions of development standards shall be filed and processed in accordance with the requirements set forth in La Habra Municipal Code Section 18.66.080.

~~A.—Maximum Parking Requirements for Density Bonus Units. Except as provided in subsections B, C, and D upon request of the applicant, the city shall not require a vehicular parking ratio, inclusive of accessible and guest parking, to the entire housing development that meets the criteria of Sections 18.80.050 and 18.80.100 that exceeds the following ratios:~~

- ~~1.—Zero to one bedroom: One on-site parking space.~~
- ~~2.—Two to three bedrooms: One and one-half on-site parking spaces.~~
- ~~3.—Four and more bedrooms: Two and one-half parking spaces.~~

~~B.—Notwithstanding subsection A of this section, if a development includes at least twenty percent low-income units for housing developments meeting the criteria of Section 18.80.050.A.1 or at least eleven percent very low-income units for housing developments meeting the criteria of Section 18.80.050.A.2, is located within one-half mile of a major transit stop, and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, the city shall not impose a vehicular parking ratio, inclusive of accessible and guest parking, that exceeds 0.5 spaces per unit. Notwithstanding subsection A above, if a development includes at least forty percent moderate-income units for housing developments meeting the criteria of Section 18.80.050.A.4, is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and the residents of the development have unobstructed access to the major transit stop from the development then, upon the request of the developer, the city shall not impose a vehicular parking ratio, inclusive of accessible and guest parking, that exceeds 0.5 spaces per bedroom.~~

~~C.—For purposes of this section, “unobstructed access to the major transit stop” means a resident is able to access the major transit stop without encountering natural or constructed impediments. For purposes of this subparagraph, “natural or constructed impediments” includes, but is not limited to, freeways, rivers, mountains, and bodies of~~

water, but does not include residential structures, shopping centers, parking lots, or rails used for transit.

~~D.— Notwithstanding subsection A of this section, if a development consists solely of rental units, exclusive of a manager’s unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code, then, upon the request of the developer, the city shall not impose a vehicular parking standard if the development meets either of the following criteria:~~

~~1.— The development is located within one-half mile of a major transit stop, and there is unobstructed access to the major transit stop from the development.~~

~~2.— If the development is a for-rent housing development for individuals who are sixty-two years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code, and the development has either paratransit service or unobstructed access, within a one-half mile, to fixed bus route service that operates at least eight times per day.~~

~~E.— Notwithstanding subsections A and J, if a development consists solely of rental units, exclusive of a manager’s unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code, and the development is either a special needs housing development, as defined in Section 51312 of the Health and Safety Code, or a supportive housing development, as defined in Section 50675.14 of the Health and Safety Code, then, upon the request of the developer, the city shall not impose any minimum vehicular parking requirement. A development that is a special needs housing development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.~~

~~F.— Parking Calculations. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.~~

~~G.— Allowed Parking Types. For the purpose of this section, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.~~

~~H.— This section shall apply to a development that meets the requirements of Sections 18.80.050 and 18.80.100, but only at the request of the applicant. An applicant may request parking incentives or concessions beyond those provided in this section, pursuant to Section 18.80.060.~~

~~I.— This section does not preclude the city from reducing or eliminating a parking requirement for development projects of any type in any location.~~

~~J.—Notwithstanding subsections B and D, if the city or an independent consultant has conducted an area wide or jurisdiction wide parking study in the last seven years, then the city may impose a higher vehicular parking ratio not to exceed the ratio described in subsection A, based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market rate and subsidized developments, and the lower rates of car ownership for low income and very low income individuals, including seniors and special needs individuals. The city shall pay the costs of any new study. The city shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio.~~

~~K.—A request pursuant to this section shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Section 18.80.060. (Ord. 1839 § 3, 2022; Ord. 1792 § 1, 2018; Ord. 1719 § 1, 2010)~~

~~18.80.080 Donation of land.~~

~~A.—Density Bonus with Land Donation. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the city that meets the requirements of this section, the applicant shall be entitled to a fifteen percent increase above the otherwise maximum allowable residential density for the entire development as follows:~~

Percentage Very Low income	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32

Percentage Very Low-income	Percentage Density Bonus
28	33
29	34
30	35

~~B.— Requirements for Donated Land. This increase shall be in addition to any increase in density mandated by Section 18.80.050, up to a maximum combined mandated density increase of thirty-five percent if an applicant seeks an increase pursuant to both this section and Section 18.80.050.~~

~~C.— Density Calculation. All density calculations resulting in fractional units shall be rounded up to the next whole number.~~

~~D.— Additional Density Bonus. Nothing in this section shall be construed to enlarge or diminish the authority of a city to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described herein if all the following conditions are met:~~

- ~~1.— The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.~~
- ~~2.— The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low-income households in the amount not less than ten percent of the number of residential units of the proposed development.~~
- ~~3.— The transferred land is at least one acre in size or of sufficient size to permit development of at least forty units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of Section 65583.2 of the Government Code, and is or will be served by adequate public facilities and infrastructure.~~
- ~~4.— The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low-income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the local government may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 of the Government Code, if the design is not reviewed by the local government prior to the time of transfer.~~

~~5.—The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 18.80.100, which shall be recorded on the property at the time of transfer.~~

~~6.—The land is transferred to the city or to a housing developer approved by the city. The city may require the applicant to identify and transfer the land to the developer.~~

~~7.—The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.~~

~~8.—A proposed source of funding for the very low-income units shall be identified no later than the date of approval of the final subdivision map, parcel map, or residential development application. (Ord. 1839 § 3, 2022; Ord. 1792 § 1, 2018; Ord. 1719 § 1, 2010)~~

~~18.80.090 Provision of childcare facilities.~~

~~A.—When an applicant proposes to construct a housing development that conforms to the requirements of Section 18.80.050 and includes a childcare facility, that will be located on the premises of, as part of, or adjacent to, the project, the city shall grant either of the following:~~

~~1.—An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the childcare facility.~~

~~2.—An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.~~

~~B.—The city shall require, as a condition of approving the housing development, that the following occur:~~

~~1.—The childcare facility shall remain in operation for a period of time that is as long or longer than the period of time during which the density bonus units are required to remain affordable pursuant to Section 18.80.100.~~

~~2.—Of the children who attend the childcare facility, the children of very low-income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low-income households, lower income households, or families of moderate income pursuant to Section 18.80.050.~~

~~C.—Notwithstanding any requirement of this chapter, the city reserves the right to deny a requested density bonus or concession for a childcare facility if it finds, based upon~~

~~substantial evidence, that the community has adequate childcare facilities. (Ord. 1839 § 3, 2022; Ord. 1792 § 1, 2018; Ord. 1719 § 1, 2010)~~

~~18.80.100 Continued affordability.~~

~~A.—An applicant shall agree to, and the city shall ensure, the continued affordability of all very low and low-income rental units that qualified the applicant for the award of the density bonus for fifty-five years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 50053 of the Health and Safety Code.~~

~~B.—For housing developments meeting the criteria of Section 18.80.050.A.8, rents for all units in the development, including both base density and density bonus units, shall be as follows:~~

~~1.—The rent for at least twenty percent of the units in the development shall be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code.~~

~~2.—The rent for the remaining units in the development shall be set at an amount consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee.~~

~~C.—An applicant shall agree to ensure, and the city shall ensure, that a for-sale unit that qualified the applicant for the award of the density bonus meets either of the following conditions:~~

~~1.—The unit is initially occupied by a person or family of very low, low, or moderate income, as required, and it is offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code and is subject to an equity sharing agreement.~~

~~2.—The unit is purchased by a qualified nonprofit housing corporation pursuant to a recorded contract that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code and that includes all of the following:~~

~~a.—A repurchase option that requires a subsequent purchaser of the property that desires to resell or convey the property to offer the qualified nonprofit corporation the right to repurchase the property prior to selling or conveying that property to any other purchaser.~~

~~b.—An equity sharing agreement.~~

~~c.—Affordability restrictions on the sale and conveyance of the property that ensure that the property will be preserved for lower income housing for at least forty five years for owner-occupied housing units and will be sold or resold only to persons or families of very low, low, or moderate income, as defined in Section 50052.5 of the Health and Safety Code.~~

~~D.—An applicant shall agree to, and the city shall ensure that, the initial occupant of all for-sale units that qualified the applicant for the award of the density bonus are persons and families of very low, low, or moderate income, as required, and that the units are offered at an affordable housing cost, as the cost is defined in Section 50052.5 of the Health and Safety Code. The city shall enforce an equity sharing agreement required pursuant to subsection C.1 or C.2 of this section unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity sharing agreement:~~

~~1.—Upon resale, the seller of the units shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. Except as provided in subsection D.4 of this section, the city shall recapture any initial subsidy, as defined in subsection D.2, and its proportionate share of appreciation, as defined in subsection D.3, which amount shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote home ownership.~~

~~2.—For the purposes of this section, the city's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.~~

~~3.—For the purposes of this section, the city's proportionate share of appreciation shall be equal to the ratio of the city's initial subsidy to the fair market value of the home at the time of initial sale.~~

~~4.—If the unit is purchased or developed by a qualified nonprofit housing corporation pursuant to subsection C.2 of this section the city may enter into a contract with the qualified nonprofit housing corporation under which the qualified nonprofit housing corporation would recapture any initial subsidy and its proportionate share of appreciation if the qualified nonprofit housing corporation is required to use one hundred percent of the proceeds to promote homeownership for lower income households as defined by Health and Safety Code Section 50079.5 within the jurisdiction of the city.~~

~~E.—An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling~~

~~units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low-income households, unless the proposed housing development replaces those units, and either of the following applies:~~

~~1.—The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in Section 18.80.050.~~

~~2.—Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or low-income household.~~

~~F.—For the purpose of this paragraph, "replace" shall mean either of the following:~~

~~1.—If any dwelling units described in subsection E, are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. If the income category of the household in occupancy is not known, it shall be refutably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. For unoccupied dwelling units described in subsection E, in a development with occupied units, the proposed housing development shall provide units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household in occupancy is not known, it shall be refutably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least fifty-five years. If the proposed development is for sale units, the units replaced shall be subject to subsection C.~~

~~2.—If all dwelling units described in subsection E, have been vacated or demolished within the five-year period preceding the application, the proposed housing development shall provide at least the same number of units of equivalent size as existed at the highpoint of those units in the five-year period preceding the~~

~~application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, it shall be refutably presumed that low-income and very low-income renter households occupied these units in the same proportion of low-income and very low-income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least fifty-five years. If the proposed development is for sale units, the units replaced shall be subject to subsection C.~~

~~G.— Notwithstanding subsection F, for any dwelling unit described in subsection E, that is or was, within the five-year period preceding the application, subject to a form of rent or price control through a local government's valid exercise of its police power and that is or was occupied by persons or families above lower income, the city may do either of the following:~~

~~1.— Require that the replacement units be made available at affordable rent or affordable housing cost to, and occupied by, low-income persons or families. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least fifty-five years. If the proposed development is for sale units, the units replaced shall be subject to subsection C.~~

~~2.— Require that the units be replaced in compliance with the jurisdiction's rent or price control ordinance, provided that each unit described in subsection E, is replaced. Unless otherwise required by the jurisdiction's rent or price control ordinance, these units shall not be subject to a recorded affordability restriction.~~

~~H.— For the purposes of this section, "equivalent size" means that the replacement units contain at least the same total number of bedrooms as the units being replaced.~~

~~I.— Affordable Housing Agreement. Affordability shall be ensured by requiring that the applicant enter into an affordable housing agreement in accordance with this chapter and in form and substance acceptable to the city, which agreement shall be approved by the city attorney, recoded, and run with the land. (Ord. 1839 § 3, 2022; Ord. 1792 § 1, 2018; Ord. 1719 § 1, 2010)~~

~~18.80.110 Development bonus, mixed-use projects.~~

~~A.— When an applicant for approval of a commercial development has entered into an agreement for partnered housing described in subsection C of this section to contribute affordable housing through a joint project or two separate projects encompassing~~

~~affordable housing, the city shall grant to the commercial developer a development bonus as prescribed in subsection B. Housing shall be constructed on the site of the commercial development or on a site that is all of the following:~~

- ~~1.— Within the boundaries of the city.~~
- ~~2.— In close proximity to public amenities including schools and employment centers.~~
- ~~3.— Located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code.~~

~~B.— The development bonus granted to the commercial developer shall mean incentives, mutually agreed upon by the developer and the city, that may include, but are not limited to, any of the following:~~

- ~~1.— Up to a twenty-percent increase in maximum allowable intensity in the general plan.~~
- ~~2.— Up to a twenty-percent increase in maximum allowable floor area ratio.~~
- ~~3.— Up to a twenty-percent increase in maximum height requirements.~~
- ~~4.— Up to a twenty-percent reduction in minimum parking requirements.~~
- ~~5.— Use of a limited-use/limited-application elevator for upper floor accessibility.~~
- ~~6.— An exception to a zoning ordinance or other land use regulation.~~

~~C.— For the purposes of this section, the agreement for partnered housing shall be between the commercial developer and the housing developer, shall identify how the commercial developer will contribute affordable housing, and shall be approved by the city.~~

~~D.— For the purposes of this section, affordable housing may be contributed by the commercial developer in one of the following manners:~~

- ~~1.— The commercial developer may directly build the units.~~
- ~~2.— The commercial developer may donate a portion of the site or property elsewhere to the affordable housing developer for use as a site for affordable housing.~~
- ~~3.— The commercial developer may make a cash payment to the affordable housing developer that shall be used towards the costs of constructing the affordable housing project.~~

~~E.— For the purposes of this section, subparagraph (A) of paragraph (3) of subdivision (c) of Section 65915 of the Government Code shall apply.~~

~~F.— Nothing in this section shall preclude any additional allowances or incentives offered to developers by local governments pursuant to law or regulation.~~

~~G.— If the developer of the affordable units does not commence with construction of those units in accordance with timelines ascribed by the agreement described in subsection C, the city may withhold certificates of occupancy for the commercial development under construction until the developer has completed construction of the affordable units.~~

~~H.— In order to qualify for a development bonus under this section, a commercial developer shall partner with a housing developer that provides at least thirty percent of the total units for low-income households or at least fifteen percent of the total units for very low-income households.~~

~~I.— Nothing in this section shall preclude an affordable housing developer from seeking a density bonus, concessions or incentives, waivers or reductions of development standards, or parking ratios under Section 65915 of the Government Code.~~

~~J.— A development bonus pursuant to this section shall not include a reduction or waiver of the requirements within an ordinance that requires the payment of a fee by a commercial developer for the promotion or provision of affordable housing.~~

~~K.— The city shall submit to the Department of Housing and Community Development, as part of the annual report required by Section 65400 of the Government Code, information describing a commercial development bonus approved pursuant to this section, including the terms of the agreements between the commercial developer and the affordable housing developer, and the developers and the local jurisdiction, and the number of affordable units constructed as part of the agreements.~~

~~L.— For purposes of this section, “partner” shall mean formation of a partnership, limited liability company, corporation, or other entity recognized by the state in which the commercial development applicant and the affordable housing developer are each partners, members, shareholders or other participants, or a contract or agreement between a commercial development applicant and affordable housing developer for the development of both the commercial and the affordable housing properties.~~

~~M.— This section (18.80.110) shall remain in effect only until January 1, 2022, and as of that date is repealed. (Ord. 1792 § 1, 2018)~~

Chapter 18.82 INCLUSIONARY HOUSING UNITS

18.82.020 Definitions.

See Chapter 18.04, Definitions.

The following definitions shall apply to this chapter:

~~“Affordable housing cost” means the housing cost for dwelling units as defined by California Health and Safety Code Section 50052.5 for owner-occupied housing and the affordable rent for rental units as defined by California Health and Safety Code Section 50053, as applicable.~~

~~“Affordable housing covenants” means the plan that is part of the affordable housing agreement which ensures the continued affordability of inclusionary housing units in a particular residential development and describes the real estate and financial terms and requirements of the inclusionary housing units.~~

~~“Affordable housing plan” means the plan that is part of the affordable housing agreement which provides the location of the inclusionary housing units within the overall residential development project.~~

~~“Area median income” or “AMI” means the annual median income for Orange County, adjusted for household size, as published periodically in the California Code of Regulations, Title 25, Section 6932, or its successor provision, or as established by the city of La Habra in the event that such median income figures are no longer published periodically in the California Code of Regulations.~~

~~“Certificate of occupancy” is the permit issued by the La Habra Building and Safety division authorizing the occupancy of a residential unit.~~

~~“Construction scheduling and phasing” shall apply to the construction area as identified in the affordable housing plan and shall include the estimated timing for each phase of construction.~~

~~“Contiguous property” means any parcel of land that is:~~

- ~~1.— Touching another parcel at any point;~~
- ~~2.— Separated from another parcel at any point only by a public right-of-way, private street or way, or public or private utility, service, or access easement; or~~
- ~~3.— Separated from another parcel only by other real property of the applicant which is not subject to the requirements of this chapter at the time of the planning permit application by the applicant.~~

~~“Density bonus” shall allow higher densities for residential development if affordable units are provided pursuant to California Government Code Section 65915 et seq., and Chapter 18.80 of the La Habra Municipal Code.~~

~~“Homeowner’s association” means a private organization within the residential subdivision community that establishes and enforces its rules for maintenance and operations.~~

~~“Housing administrator” means the city staff person that reviews the affordable housing agreement and its affordable housing plan, inclusionary housing plan, and affordable housing covenants for any residential development that is required to provide inclusionary housing units.~~

~~“Inclusionary housing developer” means the developer that is selected by the city to construct the inclusionary housing units that may be required for a particular residential development in accordance with the provisions of this chapter. To be considered as the city’s selected inclusionary housing developer, all potential developers shall submit proformas, construction schedules, financial documentation, administration costs, and other related information to the city. The city shall review and consider this material in selecting the inclusionary housing developer.~~

~~“Inclusionary housing in-lieu fee fund” means the fee fund where all acquired in-lieu fees shall be deposited. Deposited fees shall be used by the city to enter into joint venture agreements with developers to construct the required inclusionary housing units. Collected fees could also be used for city staff that conduct periodic inspections to ensure that the constructed inclusionary housing units comply with the affordable housing agreement, affordable housing plan, inclusionary housing plan, affordable housing covenants, and all other city and zoning requirements.~~

~~“Inclusionary housing plan” means the plan that is part of the affordable housing agreement, which describes the design, features, and affordability of the inclusionary housing units as required by this chapter.~~

~~“Inclusionary housing unit” means a dwelling unit required by this chapter to be affordable to very low, low, or moderate income households.~~

~~“Low-income household” shall have the definition given in California Health and Safety Code Section 50079.5.~~

~~“Market rate unit” means a new dwelling unit in a residential development that is not an inclusionary housing unit and can be purchased or rented at market rates. These units are not considered to be affordable units.~~

~~“Moderate income household” shall have the definition given in California Health and Safety Code Section 50093(b), except that for the purposes of moderate income rental inclusionary units that are located upon the same site as the market rate residential development rental units, “moderate income household” means a household earning no more than eighty percent of area median income.~~

~~“Physical needs assessment” means a report by a qualified housing professional identifying those items that are necessary repairs, replacements and/or maintenance at the time of the assessment or that will likely require repair or replacement within three years of the assessment. Estimated cost of repairs should be included in the assessment. All required repairs must be completed prior to occupancy of the repaired inclusionary housing unit.~~

~~“Planning permit” means a tentative map, parcel map, conditional use permit, site development permit, planned development permit, development agreement, or special use permit, or any discretionary permit excluding general plan amendments, zoning and rezoning, annexation, specific plans, and area development policies.~~

~~“Very low income household” means a household earning no more than the amount defined by California Health and Safety Code Section 50105. (Ord. 1833 § 3, 2021)~~

18.82.040 Exemptions.

This chapter shall not apply to any of the following:

- A. Projects that are not proposing residential units.
- B. Residential projects which are developed in accordance with the terms of a development agreement that was approved by the city prior to enactment of the ordinance codified in this chapter.
- C. Residential developments for which a planning **application permit** ~~has been~~ **was** formally submitted to the city and accepted by the city before July 1, 2021. Should the planning **application permit** for an ~~approved~~ residential project **approved by such date** expire or be revoked by the city, the requirements of this chapter shall ~~then~~ apply if a new planning **application permit** is resubmitted for the residential project.
- D. The director ~~of community and economic development~~ **director** may exempt a residential development from the requirements of this chapter if applicable federal, state or local laws are changed which result in conflict with this chapter. ~~(Ord. 1833 § 3, 2021)~~

18.82.050 Inclusionary housing requirements.

All residential development that will construct ten **(10)** or more units will be required to comply with this chapter and provide inclusionary housing units. If inclusionary housing units are required, the following provisions shall apply:

- A. ~~Either~~ **f**For-sale **and/or** rental inclusionary housing units may be provided, subject to the following affordability requirements for each unit type.

1. If the applicant chooses to **exclusively** provide for-sale inclusionary housing units, fifteen percent (**15%**) of the total number of dwelling units proposed with the residential development **shall can** be made available for purchase to those households earning no more than one hundred ten percent (**110%**) of the area median income.
2. If the applicant chooses to **exclusively** provide rental inclusionary housing units, nine percent (**9%**) of the total number of dwelling units proposed with the residential development **shall can** be made available for rent to moderate income households, or six percent of the total number of dwelling units **of the total number of dwelling units proposed with the residential development shall be made available** for rent to very-low and low income households.
3. If both for-sale and rental units are being provided, the for-sale units shall comply with those provisions described in subsection (A)(1) above **and. T**the rental units shall comply with those provisions described in subsection (A)(2) above.

B. In calculating the required total number of inclusionary housing units, all fractional units shall be rounded up to the next higher whole number.

C. If an applicant owns or controls contiguous properties, the applicant shall not avoid the requirements of this chapter by submitting piecemeal planning **permit** applications. The first planning **permit** application for the residential development shall identify all contiguous properties under common ownership and control, as applicable. (~~Ord. 1833 § 3, 2021~~)

18.82.090 Affordable housing agreement.

Applicants that are required to provide inclusionary housing units, ~~in accordance with the provisions of this chapter,~~ shall prepare an affordable housing agreement that describes the design and location of the inclusionary housing units and their affordability requirements. The following describes those plans that shall be included in the affordable housing agreement and how the affordable housing agreement will be approved by the city.

A. Plans ~~i~~included in the **A**affordable **H**housing **A**greement.

1. Affordable **H**housing **P**plan. ~~These~~**is plans** shall show the location of the inclusionary housing units within the overall residential project site.
2. Inclusionary **H**housing **P**plan. ~~These~~**is plans** shall describe the inclusionary housing units that will be provided, as follows:
 - a. Will the inclusionary housing units be for-sale or rental.

- b. How will the inclusionary housing requirements be satisfied pursuant to this chapter.
- c. The number of inclusionary housing units that are required and will be provided, unit types, number of bedrooms and baths, unit size, design features and amenities, etc.
- d. Anticipated construction activities, phasing, and completion schedule.
- e. How will the inclusionary housing units be marketed.
- f. How will tenant incomes be verified for rental inclusionary units (if applicable).
- g. Provide a financing program for the ongoing administration and monitoring of rental inclusionary units.
- h. How will the affordability of the inclusionary housing units be maintained.
- i. Any other information that is necessary to evaluate the compliance of the affordability of the inclusionary housing units with the provisions of this chapter and the city's affordable housing agreement requirements.

3. Affordable **H**ousing **C**ovenants. These covenants shall ensure the continued affordability of inclusionary housing units in the overall residential development.

a. Affordable housing covenants shall include the following, as applicable: inclusionary housing and regulatory terms, promissory notes, deeds of trust, resale restrictions, rights of first refusal, options to purchase, and/or other relevant financial and administration documents.

b. Affordable housing covenants shall require that all inclusionary housing units remain affordable to the targeted income group for no less than the time periods set forth in California **Health and Safety Code** Sections 33413(c)(1) and (2). A longer term of affordability may be required if the residential development receives a subsidy of any type, including, but not limited to, loan, grant, mortgage financing, mortgage insurance, or rental subsidy, and whether the subsidy program requires a longer term of affordability.

B. Approval of the **A**ffordable **H**ousing **A**greement.

1. For those residential developments that are required to provide inclusionary housing units, the affordable housing plan and inclusionary housing plan shall be reviewed as part of the overall residential development's **P**lanning **permit** application(/s).

2. The affordable housing agreement, including the affordable housing plan, inclusionary housing plan, and affordable housing covenants shall be approved by city council resolution, prior to issuance of any building permit for the overall residential development.

3. Upon submittal, the affordable housing administrator shall determine if the affordable housing agreement, including the affordable housing plan, inclusionary housing plan, and affordable housing covenants are complete and conform to the provisions of this chapter and city's housing requirements.

~~4. The city council can also establish fees for the ongoing administration and monitoring of the inclusionary housing units. Said fees can be updated periodically, as required. (Ord. 1833 § 3, 2021)~~

18.82.100 Monitoring and enforcement.

All applicants shall either construct their required inclusionary housing units or pay appropriate in-lieu fees, prior to issuance of the last certificate of occupancy for the overall residential development project. To ensure that the constructed inclusionary housing units are properly maintained and have incorporated satisfactorily into the overall residential development project, the following provisions shall be implemented.

A. **When** Inclusionary housing units, ~~regardless if the units~~ are for-sale ~~or rental~~, **units** shall be within a newly established homeowner's association or incorporated into an existing homeowner's association. ~~If the inclusionary housing units are constructed on-site, as part of the larger residential development, said inclusionary housing units must be included within the newly established homeowner's association. If said inclusionary housing units are constructed off-site, these units must either be within a newly established homeowner's association or be incorporated into an existing homeowner's association that may have been established with the existing off-site property.~~

B. The homeowner's association shall prepare and submit annual compliance reports to the city to ensure that the inclusionary housing units continue to comply with the affordable housing agreement, affordable housing plan, inclusionary housing plan, affordable housing covenants, and all other city requirements.

C. City staff may conduct periodic inspections to also ensure compliance with the affordable housing agreement, affordable housing plan, inclusionary housing plan, affordable housing covenants, and all other city and zoning requirements.

D. The city council may adopt fees to cover the costs for city inspections and monitoring. These fees shall be deposited into the inclusionary housing in-lieu fee fund.

~~D~~**E.** The city shall evaluate the effectiveness of this chapter every three years after the operative date of this chapter. ~~Subsequent revisions to this chapter will require city council review and approval.~~

~~E.~~ ~~The city attorney is authorized to provide legal support and review, as necessary, for all affordable housing agreements, affordable housing plans, inclusionary housing plans, affordable housing covenants, other regulatory agreements and covenants, resale restrictions, promissory notes, deeds of trust, and other legal documents. (Ord. 1833 § 3, 2021)~~

18.82.110 Adjustments or waivers.

Adjustments and/or waivers from the provisions and requirements of this chapter may be considered by the city on a project-by-project basis. Adjustments and/or waivers of the following circumstances and conditions may be proposed by the applicant, subject to city approval. Procedures and requirements for city review and approval of any adjustment or waiver request are ~~described as follows~~ **as set forth in this section.**

A. Circumstances and ~~C~~conditions.

1. Residential developments for which a planning application(~~/s~~) ~~permit~~ has been approved by the city prior to enactment of this chapter shall be waived from the provisions and requirements of this chapter. However, should the planning application(~~/s~~) ~~permit~~ expire or is revoked by the city, the requirements of this chapter shall ~~then~~ apply if a new planning application(~~/s~~) ~~permit~~ is/are resubmitted for the residential project.

2. An applicant may propose an alternative method of meeting the inclusionary housing requirements described in this chapter. The ~~director of community and economic development~~ **director** may approve the recommended alternative **if the director** ~~determines~~ that the alternative will provide as much or more affordable housing units; the alternative will benefit the same or lower income levels; affordable units will be constructed of the same or superior design quality; and the alternative will provide greater public benefit.

3. The requirements of this chapter may be waived, adjusted, or reduced if an applicant shows, based on substantial evidence, that there is no reasonable relationship between the impact of the proposed residential development and the requirements of this chapter, or that the requirements of this chapter will **effect a taking of** property in violation of **California federal or state** laws.

B. City ~~R~~review and ~~A~~approval of ~~A~~adjustment and ~~W~~waiver ~~R~~requests.

1. Any request for a waiver or adjustment shall be submitted to the city concurrently with the planning ~~permit~~ application(~~/s~~), affordable housing plan or inclusionary housing plan for the particular residential development.

2. The applicant is responsible for presenting substantial evidence to support the requested waiver or adjustment.

3. The director ~~of community and economic development~~ **director** may exempt a residential development from the requirements of this chapter or approve any adjustment or waiver request if the applicant provides substantial evidence to support said exemptions or requests, and if applicable federal, state or local laws are changed which conflict with this chapter. (~~Ord. 1833 § 3, 2021~~)