

## RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING ZONE CHANGE 23-05 TO ADD A NEW CHAPTER 18.84 (MULTI-UNIT RESIDENTIAL AND MIXED-USE DEVELOPMENT MINISTERIAL REVIEW PROCESS) TO TITLE 18 (ZONING) OF THE LA HABRA MUNICIPAL CODE IN ACCORDANCE WITH SENATE BILL 35 AND FIND THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER SECTION 15061(B)(3) (COMMON SENSE EXEMPTION) OF THE CEQA GUIDELINES

THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA HEREBY FINDS AND DECLARES AS FOLLOWS:

- A. On September 19, 2022, the La Habra City Council approved Resolution No. 6085, adopting the 2021-2029 (6th Cycle) Housing Element of the La Habra General Plan 2035 and directing the City Manager to make any technical or clerical revisions to the Housing Element as may be necessary to obtain a finding of substantial compliance from the Department of Housing and Community Development (HCD).
- B. On November 15, 2022, pursuant to Government Code Section 65585, HCD provided a letter identifying the necessary additional refinements to the Housing Element. Additionally, HCD considered public comments from David Kellog and Nossaman LLP pursuant to Government Code Section 65585, subdivision (c).
- C. On February 23, 2023, the City Manager authorized making technical and clerical revisions to the Housing Element and the City re-submitted the Housing Element with revisions to HCD.
- D. On April 21, 2023, the City received a letter of certification from HCD notifying the City that the adopted Housing Element is in substantial compliance with State Housing Element Law (Article 10.6 of the Government Code).
- E. In accordance with the adopted Housing Element, the City initiated Zone Change 23-05 to add Chapter 18.84 (Multi-Unit Residential and Mixed-Use Development Ministerial Review Process) to Title 18 (Zoning).
- F. To comply with the adopted Housing Element, the City is required to implement a variety of housing programs. The proposed amendments under Zone Change 23-05 will specifically fulfill Housing Programs B2 (Efficient Processing) and B6 (Residential Design Standards), which require the City to expedite the entitlement process for housing projects consistent

with local priorities and ensure that objective development and design standards will not unduly constrain the housing development.

- G. The proposed new chapter, Chapter 18.84 (Multi-Unit Residential and Mixed-Use Development Ministerial Review Process), under Zone Change 23-05 is consistent with the City's General Plan and more specifically, supports several of the City's land use and housing goals and objectives that will enable future housing development.
- H. On November 13, 2023, the Planning Commission held a duly noticed public hearing to consider Chapter 18.84 (Multi-Unit Residential and Mixed-Use Development Ministerial Review Process) to be added to the Title 18 of the La Habra Municipal Code under Zone Change 23-05, at which time it considered all material and evidence presented, whether written or oral.
- I. In making the various findings and recommendations, the Planning Commission has considered all of the evidence presented by staff and the public, whether written or oral, and has considered the procedures and standards required by the La Habra Municipal Code.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA HEREBY RESOLVES AS FOLLOWS:

**SECTION 1. CALIFORNIA ENVIRONMENTAL QUALITY ACT.** The Planning Commission recommends that the City Council find that the proposed ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) since it can be seen with certainty that there is no possibility that the zone change may have a significant effect on the environment.

**SECTION 2. CONSISTENCY WITH GENERAL PLAN.** The Planning Commission finds and determines that the proposed amendments to Title 18 (Zoning) of the La Habra Municipal Code are consistent with the goals and objectives of the La Habra General Plan.

**SECTION 3. ZONE CHANGE.** The Planning Commission recommends that the City Council adopt the ordinance attached hereto as Exhibit A to approve Zone Change 23-05 to add a new Chapter 18.84 (Multi-Unit Residential and Mixed-Use Development Ministerial Review Process) to Title 18 (Zoning) of the La Habra Municipal Code, as required by State Housing Laws and the City's Housing Element.

**SECTION 4. RECORD.** Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the action taken. All summaries of information in the findings which precede this section are based on the entire record. The

absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

**SECTION 5. EFFECTIVE DATE.** This Resolution shall take effect immediately.

**SECTION 6. CERTIFICATION.** The Secretary shall certify the passage of this Resolution.

PASSED, APPROVED, AND ADOPTED this 13th day of November, 2023.

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Esther Rojas, Chair

I, Veronica Lopez, Secretary to the Planning Commission of the City of La Habra, do hereby certify that the foregoing Resolution No. \_\_\_\_\_ was adopted at a regular meeting of the City of La Habra Planning Commission held on November 13, 2023 by the following vote:

AYES:            COMMISSIONERS:  
NOES:            COMMISSIONERS:  
ABSTAIN:        COMMISSIONERS:  
ABSENT:         COMMISSIONERS:

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Veronica Lopez, Secretary

**EXHIBIT A**

**DRAFT  
ORDINANCE**

**DRAFT ORDINANCE NO.**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, APPROVING ZONE CHANGE 23-05 TO ADD A NEW CHAPTER 18.84 (MULTI-UNIT RESIDENTIAL AND MIXED-USE DEVELOPMENT MINISTERIAL REVIEW PROCESS) TO TITLE 18 (ZONING) OF THE LA HABRA MUNICIPAL CODE IN ACCORDANCE WITH SENATE BILL 35 AND MAKING A DETERMINATION THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER SECTION 15061(B)(3) (COMMON SENSE EXEMPTION) OF THE CEQA GUIDELINES

THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA HEREBY FINDS AND DECLARES AS FOLLOWS:

**WHEREAS**, on September 19, 2022, the La Habra City Council approved Resolution No. 6085, adopting the 2021-2029 (6th Cycle) Housing Element of the La Habra General Plan 2035 and directing the City Manager to make any technical or clerical revisions to the Housing Element as may be necessary to obtain a finding of substantial compliance from the Department of Housing and Community Development (HCD);

**WHEREAS**, on November 15, 2022, pursuant to Government Code Section 65585, HCD provided a letter identifying the necessary additional refinements to the Housing Element. Additionally, HCD considered public comments from David Kellog and Nossaman LLP pursuant to Government Code Section 65585, subdivision (c);

**WHEREAS**, on February 23, 2023, the City Manager authorized technical and clerical revisions to the Housing Element and the City re-submitted the Housing Element with revisions to HCD;

**WHEREAS**, on April 21, 2023, the City received a letter of certification from HCD notifying the City that the adopted Housing Element is in substantial compliance with State Housing Element Law (Article 10.6 of the Government Code);

**WHEREAS**, in accordance with the adopted Housing Element, the City of La Habra initiated Zone Change 23-05 to add Chapter 18.84 (Multi-Unit Residential and Mixed-Use Development Ministerial Review Process) to Title 18 (Zoning) of the La Habra Municipal Code;

**WHEREAS**, to comply with the adopted Housing Element, the City is required to implement a variety of housing programs. The proposed amendments under Zone Change 23-05 will specifically fulfill Housing Programs B2 (Efficient Processing) and B6 (Residential Design Standards), which require the City to expedite the entitlement

process for housing projects consistent with local priorities and ensure that objective development and design standards will not unduly constrain the housing development;

**WHEREAS**, the proposed code amendments under Zone Change 23-05 to add Chapter 18.84 (Multi-Unit Residential and Mixed-Use Development Ministerial Review Process) are consistent with the La Habra General Plan and more specifically, support several of the City's land use and housing goals and objectives that will enable future housing development;

**WHEREAS**, on November 13, 2023, the Planning Commission held a duly noticed public hearing to consider Zone Change 23-05 to add Chapter 18.84 (Multi-Unit Residential and Mixed-Use Development Ministerial Review Process) to Title 18 (Zoning) of the La Habra Municipal Code, at which time it considered all material and evidence presented, whether written or oral, and recommended that the City Council approve the proposed Zone Change; and

**WHEREAS**, on \_\_\_\_\_, the City Council held a duly noticed public hearing to consider Zone Change 23-05, at which time it considered all material and evidence presented, whether written or oral, including the Planning Commission's recommendation.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Recitals.** The above recitals are true and correct and are incorporated herein.

**SECTION 2. Consistency with General Plan.** The City Council finds and determines that the proposed amendments to Title 18 (Zoning) of the La Habra Municipal Code are consistent with the goals and objectives of the La Habra General Plan.

**SECTION 3. California Environmental Quality Act.** The City Council finds and determines that the proposed ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) ("Common Sense Exemption") since it can be seen with certainty that there is no possibility that the zone change may have a significant effect on the environment.

**SECTION 4. Amend Title 18 to Add Chapter 18.84.** Title 18 (Zoning) of the La Habra Municipal Code is hereby amended to add Chapter 18.84 (Multi-Unit Residential and Mixed-Use Development Ministerial Review Process) to read as follows:

**Chapter 18.84 MULTI-UNIT RESIDENTIAL AND MIXED-USE DEVELOPMENT MINISTERIAL REVIEW PROCESS**

**18.84.010 Purpose and applicability.**

- A. Purpose. The purpose of this chapter is to establish a streamlined ministerial procedure for the review and approval of eligible multi-unit residential and mixed-use development on infill sites that provide a minimum number of lower income housing units in accordance with California Government Code Section 65913.4.
- B. Applicability. This chapter shall apply to eligible projects as defined in California Government Code Section 65913.4.
  - 1. In the event of any conflict between the provisions of this chapter and the provisions of California Government Code Section 65913.4, the provisions of California Government Code Section 65913.4 shall prevail.
  - 2. In the event of any conflict between the provisions of this chapter and the Streamlined Ministerial Approval Process Guidelines adopted by the Department of Housing and Community Development (HCD) (“HCD guidelines”), the provisions of the HCD guidelines shall prevail.
  - 3. Notwithstanding the provisions of this chapter and Chapter 18.80 (Density Bonus and Other Affordable Housing Incentives) of this title, affordable housing units shall be reviewed in the same manner and concurrently with the ministerial review under this chapter.
  - 4. In compliance with Section 300(f) of HCD guidelines, the city shall not adopt or impose any requirement, including, but not limited to, increased fees or inclusionary housing requirements, or rent levels other than what is defined in the HCD guidelines for very-low income, lower-income, and moderate-income, that applies to a project solely or partially on the basis that the project is eligible to receive streamlined processing.

**18.84.020 Definitions.**

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

**18.84.030 Development eligibility.**

A multi-unit residential or a mixed-use development that satisfies the eligibility requirements set forth in California Government Code Section 65913.4 shall be eligible for the streamlined, ministerial approval process.

**18.84.040 Required standards.**

An eligible multi-unit residential and mixed-use development shall comply with the following provisions:

- A. La Habra General Plan. Eligible projects shall be consistent with the La Habra General Plan.
- B. La Habra Municipal Code. Eligible projects shall comply with all objective zoning and/or specific plan development standards as those standards as required by the base zone and subdivision requirements as established in La Habra Municipal Code.
- C. Objective design review standards. All eligible multi-unit residential and mixed-use projects shall comply with the objective design review standards set forth in Chapter 18.09 (Objective Design Standards for Multi-Unit Residential and Mixed-Use Development) of this title.
- D. Parking. One parking space shall be required per unit, unless the development meets any of the criteria set forth in California Government Code Section 65913.4(e)(1) or Section 300(e)(1) of the HCD guidelines, as the same may be amended from time to time.

**18.84.050 Ministerial procedures.**

- A. Notice of intent (NOI) to submit and determination of qualification. Before submitting an application for the streamlined, ministerial approval process, the applicant shall submit a notice of intent in the form of a preliminary application that includes all of the information described in California Government Code Section 65941.1 and provide all information specified on the city's ministerial review development checklist.
- B. Scoping consultation. Upon receipt of a complete NOI, the director or designee shall engage in the tribal consultation process outlined in California Government Code Section 65913.4(b). After concluding the tribal consultation process, the city shall notify the applicant whether an application may be submitted for the proposed development in accordance with California Government Code Section 65913.4(b).
- C. Ministerial review.
  - 1. Director review. The director or designee shall review the application and determine if the project is consistent with the standards specified under Section 18.84.040 of this chapter. The director's review shall be completed within 60 days of submittal of an application pursuant to this chapter if the development contains 150 or fewer housing units or within 90 days of submittal of an

- application pursuant to this chapter if the development contains more than 150 housing units.
- a. If the director determines that the development is in conflict with any of the standards set forth in Section 18.84.040 of this chapter, the director shall provide the applicant written documentation in support of its denial identifying with specificity the standard or standards the development conflicts with, and an explanation of the reason or reasons the development conflicts with the standard or standards, within the timeframes required by this section. If the application can be brought into compliance with minor changes to the proposal, the city, in lieu of making the foregoing detailed findings, will allow the applicant to correct any deficiencies within the timeframes required by this section.
  - b. If the city provides written comments regarding any conflicts with the standards specified under Section 18.84.040 of this chapter, then the 60 or 90-day timeline will restart upon the applicant's submittal of a revised development application in response to such written notice.
  - c. If the city fails to provide the required documentation determining consistency within the timeframes required by this section, the development shall be deemed to satisfy the city's objective planning standards and shall be deemed consistent.
  - d. The director's determination shall be forwarded to the City Council for Council consideration as part of the ministerial design review/public oversight process as provided for in subsection C.2, below, under California Government Code Section 65913.4(d).
2. Planning commission design review/public oversight. The planning commission, at a public meeting, shall undertake ministerial design review and public oversight as authorized by California Government Code Section 65913.4(d).
    - a. The planning commission's review shall include review of the director's determination as outlined in subsection C.1. above. Such review shall comply with California Government Code Section 65913.4.
    - b. The planning commission's review and a final determination on whether an application complies with the criteria under California Government Code Section 65913.4 shall be completed within 90 days for projects with 150 or fewer units and within 180 days for projects with more than 150 units, measured from the date of the application submittal. Notwithstanding the

foregoing, if the planning commission determines that a proposed development is in conflict with any of the city's objective standards, it shall provide the applicant written documentation of which objective standard or standards the development conflicts with, and an explanation of the reason or reasons the development conflicts with that objective standard or standards in accordance with the timelines set forth in subsection C.1 above.

- c. In accordance with California Government Code Section 65913.4, the planning commission's review shall not in any way inhibit, chill or preclude the ministerial approval of the project if it is in compliance with criteria specified in California Government Code Section 65913.4. Written notice of the planning commission's decision shall be provided to the applicant.
  - d. If the planning commission does not complete the design review within the timelines set forth in this section, the project shall be deemed consistent with the objective design review standards.
2. Issuance of subsequent permits.

Once a project is approved pursuant to this chapter, the applicant shall obtain all required subsequent permits, as defined in the HCD guidelines. The city shall process applications for such permits and issue such permits in accordance with the HCD guidelines.

3. Modifications, expiration and extensions.
- a. Modifications. Proposed modifications to projects approved pursuant to this chapter shall be reviewed and approved in accordance with the provisions of California Government Code Section 65913.4 and the HCD guidelines.
  - b. Expiration. Projects approved pursuant to this chapter shall remain valid in accordance with the provisions of California Government Code Section 65913.4 and the HCD guidelines.
  - c. Extensions. Projects approved pursuant to this chapter may be extended in accordance with the provisions of California Government Code Section 65913.4 and the HCD guidelines.

**SECTION 5. Inconsistencies.** Any provision of the La Habra Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

**SECTION 6. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of La Habra declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

**SECTION 7. Effective Date.** This Ordinance shall take effect thirty (30) days after its final passage.

**SECTION 8. Certification.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
James Gomez, Mayor

ATTEST:

\_\_\_\_\_  
Rhonda J. Barone, CMC  
City Clerk

STATE OF CALIFORNIA }  
COUNTY OF ORANGE } SS.  
CITY OF LA HABRA }

I, Rhonda J. Barone, CMC, City Clerk of the City of La Habra, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. \_\_\_\_ introduced at a regular meeting of the City Council of the City of La Habra held on the \_\_\_\_ day of \_\_\_\_, 2023, and was thereafter adopted at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2023, by the following vote:

AYES:            COUNCILMEMBERS:

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NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:

Said ordinance has been published or posted pursuant to law.

Witness my hand and the official seal of the City of La Habra this \_\_\_\_ day of \_\_\_\_\_,  
2023.

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Rhonda J. Barone, CMC  
City Clerk