

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 23-03 TO AMEND CHAPTERS 18.04 (DEFINITIONS), 18.06 (ZONES ESTABLISHED), 18.10 (REASONABLE ACCOMMODATIONS IN HOUSING TO DISABLED INDIVIDUALS), 18.14 (OFF-STREET PARKING REQUIREMENTS), 18.26 (R-2, R-3, R-4, R-5, R-6 AND R-7 MULTIPLE FAMILY DWELLING ZONES), 18.30 (SPECIAL NEEDS HOUSING), 18.80 (AFFORDABLE HOUSING INCENTIVES), AND 18.82 (INCLUSIONARY HOUSING UNITS) OF TITLE 18 (ZONING) OF THE LA HABRA MUNICIPAL CODE FOR CONFORMANCE WITH STATE LAW AND AS REQUIRED BY THE CITY'S 2021-2029 HOUSING ELEMENT 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 23-03 to amend various chapters of Title 18 (Zoning) pertaining to housing regulations and standards.

- 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 23-03 will specifically fulfill Housing Programs B2 (Efficient Processing), B3 (Affordable Housing Ordinance), B5 (Mixed Use Development), B6 (Residential Design Standards) B8 (Zoning Code and General Plan Amendment), D2 (People with Disabilities), D3 (Homeless Services), and D7 (Constraints to Group Homes and Housing for Disabled People) of the Housing Element.
- G. The proposed amendments under Zone Change 23-03 are consistent with the City's General Plan and more specifically, support 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 the proposed amendments to Title 18 of the La Habra Municipal Code under Zone Change 23-03, 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 23-03 to amend various chapters of 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 proposed action. 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.

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:

Veronica Lopez, Secretary

EXHIBIT A

DRAFT ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, APPROVING ZONE CHANGE 23-03 TO AMEND CHAPTERS 18.04 (DEFINITIONS), 18.06 (ZONES ESTABLISHED), 18.10 (REASONABLE ACCOMMODATIONS IN HOUSING TO DISABLED INDIVIDUALS), 18.14 (OFF-STREET PARKING REQUIREMENTS), 18.26 (R-2, R-3, R-4, R-5, R-6 AND R-7 MULTIPLE FAMILY DWELLING ZONES), 18.30 (SPECIAL NEEDS HOUSING), 18.80 (AFFORDABLE HOUSING INCENTIVES), AND 18.82 (INCLUSIONARY HOUSING UNITS) OF TITLE 18 (ZONING) OF THE LA HABRA MUNICIPAL CODE FOR CONFORMANCE WITH STATE LAW AND AS REQUIRED BY THE CITY'S 2021-2029 HOUSING ELEMENT 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 State's 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 making 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 initiated Zone Change 23-03 to amend various chapters of Title 18 (Zoning) of the La Habra Municipal Code pertaining to housing regulations and standards;

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 23-03 will specifically fulfill Housing Programs B2 (Efficient Processing), B3

(Affordable Housing Ordinance), B5 (Mixed Use Development), B8 (Zoning Code and General Plan Amendment), D2 (People with Disabilities), D3 (Homeless Services), and D7 (Constraints to Group Homes and Housing for Disabled People) of the Housing Element;

WHEREAS, the proposed amendments under Zone Change 23-03 are consistent with the City's 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 the proposed amendments to Title 18 of the La Habra Municipal Code under Zone Change 23-03, at which time it considered all material and evidence presented, whether written or oral, and recommended that the City Council approve the proposed code amendments; and

WHEREAS, on _____, the City Council held a duly noticed public hearing to consider the proposed amendments to Title 18 of the La Habra Municipal Code under Zone Change 23-03, 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 incorporate 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 this 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. Repeal and Replace Section 18.04.030. Section 18.04.030 (Terms Defined) of Chapter 18.04 (Definitions) of Title 18 (Zoning) of the La Habra Municipal Code is hereby deleted in its entirety and replaced as follows:

18.04.030 Terms defined.

For the purposes of this title, the following definitions shall apply:

“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 as the main building or use.

“Accessory dwelling unit” shall have the same meaning as in California Government Code Section 65852.2 as 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 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.

“Affordable housing costs” means the amount set forth in 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 20 feet in width permanently reserved as a secondary means of access to abutting property.

“Applicant” means a person, business, or organization filing an application 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 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.

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

“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 for the purpose of this title.

“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.

“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.

“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 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.

“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, barbeques, gazebos, outdoor seating areas, workout rooms, clubhouse, meeting room, and business centers.

“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 at the time of the planning permit application by the applicant.

“Corbel” means a structural piece of stone, wood or metal jutting from a wall to carry a super-incumbent weight, a type of bracket.

“Corner lot” means a lot situated at the intersection of two or more streets having an angle of intersection of not more than 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.

“Drive-in restaurant” or “drive-in” means any premises or place of business where beverages, food 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 single-unit, two-unit and multi-unit dwellings, but not including hotels, boardinghouses, lodging houses and trailers.

“Dwelling unit” means a single and independent habitable unit with living facilities which are used or intended to be used for living, sleeping, cooking and eating.

“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.

“Emergency shelter” has the 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 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: 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, food 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.

“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:

1. “Alcohol or other drug (AOD) facilities” means residential facilities that must obtain licenses from the California Department of Health Care Services (DHCS) because they provide alcoholism or drug addiction recovery and treatment services.
2. “Licensed group homes” means group homes that provide services that require licenses under state law.
3. “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.
4. “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.
 - a. *Small*. A facility that provides care for six or fewer persons.
 - b. *Large*. A facility that provides care for more than six persons.

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

"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.

"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, 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 residential units in this title. "Hotel" does not mean any convalescent home or facility, home for the aged, hospital, jail, or military installation.

"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.

"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.

"Inclusionary housing in-lieu fee fund" means the fee fund where all acquired in-lieu fees shall be deposited. Deposited fees 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.

“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.

“Land development project” means any residential tract or subdivision, or industrial or commercial development within the city. Subject development may include parcel improvements only, and the developer need not construct buildings thereupon.

“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.

“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 40 body feet or more in length, in the traveling mode, or, when erected on site, is 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 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.).

“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 40 body feet or more in length, in the traveling mode, or, when erected onsite, is 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. “Mobile home” includes any structure that meets all the requirements of this paragraph and complies with the state standards for mobile homes 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.”

“Multi-unit dwelling” means a building containing three or more independent 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.

“Mural” 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 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 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.

“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.

“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 vehicle” 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 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 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.

“Setback line” means a space or area between any public right-of-way and an imaginary line on all properties within which no buildings or structures shall be erected, placed or located.

“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 non-encompassed 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 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.

“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.

“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.

Permitted = P	R-1a	R-2	R-5														
Conditional Use Permit = CUP	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
Not Permitted = -	R-1c	R-4	R-7					C-2sH									Overlay
Special Event Permit = S																	
Home Occupation Permit = H																	
& Safety Code 18214).																	
Accessory Dwelling Unit or Junior Accessory Dwelling Unit	P	P	P	P	P(1)	-	-	-	-	-	-	-	-	P(1)			P(1)
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	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
Short Term Residential Rentals	-	-	-	-	-	-	-	-	-	-	-	-	-	-			-
Family day care home (per California Health and Safety Code Section 1597.45)	P	P	P	P	P	-	-	-	-	-	-	-	-	P(1)			P(1)
Small family home (per	P	P(1)	P(1)	-	-	-	-	-	-	-	-	-	-	P(1)			P(1)

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																
California Social Security Code Section 80001(s)(3))																
Sports courts (residential) with lights (tennis, basketball, handball, etc.)	CUP	CUP	CUP	CUP	CUP	-	-	-	-	-	-	-	-	CUP(1)	P(1)	
Single-room occupancy housing	-	CUP	CUP	-	CUP	-	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP(2)	CUP	
Supportive Housing	P	P	P	<u>P</u>	P(1)	-	-	-	-	-	-	-	-	P(1)	P(1)	
Transitional Housing	P	P	P	<u>P</u>	P(1)	-	-	-	-	-	-	-	-	P(1)	P(1)	
Emergency Shelter	-	-	-	-	-	-	-	-	-	-	-	-	P(3)	-	-	
Low Barrier Navigation Center	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Employee Housing for 6 or fewer employees (HSC 17021.5)	P	P	P	P	P(1)	-	-	-	-	-	-	-	-	P(1)	P(1)	
COMMERCIAL—RECREATIONAL																
Adult cabaret	-	-	-	-	-	-	-	CUP	CUP	CUP	-	-	CUP	-	-	
Batting cages	-	-	-	-	-	-	-	CUP	CUP	CUP	CUP	-	CUP	-	-	
Bowling alleys	-	-	-	-	-	-	-	CUP	CUP	CUP	CUP	-	CUP	-	CUP	
Commercial recreation	-	-	-	-	-	-	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Pool halls and billiard halls	-	-	-	-	-	-	-	CUP	CUP	CUP	-	CUP	CUP	CUP	CUP	
Health clubs/spa	-	-	-	-	-	CUP	CUP	CUP	CUP	CUP	-	CUP	CUP	CUP	CUP	
Golf courses	-	-	-	-	-	-	-	-	-	-	CUP	-	-	-	-	
Golf driving ranges (indoor or outdoor)	-	-	-	-	-	-	-	-	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Tennis courts (commercial)	-	-	-	-	-	-	CUP	CUP	CUP	CUP	P	P	P	-	-	
Theaters, cinemas, and auditoriums (public assembly)	-	-	-	-	-	-	CUP	CUP	CUP	CUP	-	CUP	CUP	CUP	CUP	
COMMERCIAL—INSTITUTIONAL																
Art galleries, exhibit halls	-	-	-	-	-	P	P	P	P	P	-	CUP	-	CUP	P	

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																
(commercial and industrial)																
Educational institutions including private schools, elementary, middle, and high schools, colleges, and universities, daycare, tutoring	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Commercial schools (dance studios, martial arts, music and vocal instruction, etc.)	-	-	-	-	-	CUP	CUP	CUP	CUP	CUP	-	CUP	CUP	CUP	CUP	CUP
Institutions of a philanthropic or eleemosynary nature	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Lodges, clubs and fraternal organizations	-	-	-	CUP	P	CUP	CUP	CUP	CUP	CUP	-	-	-	CUP	CUP	CUP
Libraries, museums and public buildings	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Churches, or other places used for religious worship	CUP	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	CUP	-
Clinic/urgent care facility (medical offices with outpatient treatment; no overnight stays)	-	-	-	-	-	CUP	CUP	CUP	CUP	CUP	-	CUP	CUP	CUP	CUP	-
Convalescent hospitals	-	-	-	-	-	CUP	CUP	CUP	CUP	CUP	-	CUP	CUP	CUP	CUP	-
Hospitals/medical centers	-	-	-	-	-	CUP	CUP	CUP	CUP	CUP	-	CUP	CUP	CUP	CUP	-
Doctor/dentist office	-	-	-	-	-	P	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	P	-
COMMERCIAL—OFFICES																

Permitted = P	R-1a	R-2	R-5													
Conditional Use Permit = CUP																
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(s)	SP-1	MX	
Special Event Permit = S	R-1c	R-4	R-7					C-2sH							Overlay	
Home Occupation Permit = H																
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	
Retail stores selling pre-owned merchandise	-	-	-	-	-	-	CUP	CUP	CUP	CUP	-	CUP	-	CUP	CUP	
Smoking lounges	-	-	-	-	CUP	CUP	CUP	CUP	CUP	CUP	-	CUP	CUP	CUP	CUP	
Temporary commercial enterprises and seasonal sales lots	-	-	-	-	-	-	S	S	S	S	-	S	S	S	S	
COMMERCIAL—SERVICES																
Automobile service/repair	-	-	-	-	-	-	-	-	CUP	CUP	-	CUP	P	CUP	-	
Automobile service stations	-	-	-	-	-	-	CUP	CUP	CUP	CUP	-	CUP	CUP	CUP	CUP	
Check cashing or payday advance	-	-	-	-	CUP	CUP	CUP	CUP	CUP	CUP	-	CUP	-	CUP	-	
Commercial repair	-	-	-	-	-	-	CUP	CUP	CUP	CUP	-	CUP	P	CUP	CUP	
Car wash, coin-operated and automated	-	-	-	-	-	-	-	-	CUP	CUP	-	CUP	P	CUP	-	
Day spa	-	-	-	-	-	CUP	CUP	CUP	CUP	CUP	-	CUP	CUP	CUP	CUP	
Dry cleaning, pressing and laundry businesses	-	-	-	-	-	P	P	P	P	P	-	P	CUP	P	P	

Permitted = P	R-1a	R-2	R-5													
Conditional Use Permit = CUP																
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																
Fortunetelling establishments	-	-	-	-	-	P	P	P	P	P	-	P	CUP	P	CUP	
Funeral parlors/mortuaries	-	-	-	-	-	CUP	CUP	CUP	CUP	CUP	-	CUP	CUP	CUP	CUP	
Restaurants	-	-	-	-	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Restaurants – food to go	-	-	-	-	P	P	P	P	P	P	CUP	CUP	CUP	P	P	
Upholstery shops (excluding furniture refinishing)	-	-	-	-	-	-	CUP	CUP	CUP	CUP	-	CUP	P	CUP	CUP	
INDUSTRIAL																
Hazardous waste facility	-	-	-	-	-	-	-	-	-	-	-	CUP	CUP	-	-	
Industrial park (multiple or mix of services and warehousing)	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	
Manufacturing/heavy industrial (any process that creates toxins, odors, byproducts or processing of any byproducts)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Manufacturing/light industrial	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	
Mini-warehouse/self-storage	-	-	-	-	-	-	-	-	-	CUP	-	CUP	CUP	-	-	
Storage yards	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	
Vehicle impound/tow yards	-	-	-	-	-	-	-	-	-	-	-	CUP	CUP	-	-	
Vehicle storage lots, including recreational vehicles	-	-	-	-	-	-	-	-	CUP	CUP	-	CUP	CUP	-	-	
Warehouse	-	-	-	-	-	-	-	-	-	-	-	P	P	-	CUP	
Wholesaling uses	-	-	-	-	-	-	CUP	CUP	CUP	CUP	-	P	P	-	-	
Wrecking yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
SPECIALTY USES																
Alcoholic beverage sales and services	-	-	-	-	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Cemeteries, columbarium, crematories and mausoleums	-	-	-	-	-	-	-	-	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															
Dog kennels	-	-	-	-	-	CUP	CUP	CUP	CUP	CUP	-	CUP	CUP	CUP	CUP
Mobile home sales areas (modular housing)	-	-	-	-	-	-	-	-	CUP	CUP	-	-	CUP	-	P
Model homes sales offices	CUP	CUP	CUP	CUP	CUP	-	-	-	-	-	-	-	-	-	-
Natural resources development	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	-
Outdoor sales (including vending machines)	-	-	-	-	-	CUP	CUP	CUP	CUP	CUP	-	CUP	-	CUP	CUP
Outdoor sales—Temporary (small event)	-	-	-	-	-	S	S	S	S	S	-	S	S	S	S
Outdoor sales—Temporary (large event)	-	-	-	-	-	S	S	S	S	S	-	S	S	S	S
Parks, playgrounds and community buildings	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Public utility or public service structures and uses	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
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
Showrooms	-	-		-	-	CUP	CUP	CUP	CUP	CUP	-	CUP	CUP	CUP	CUP
Tattoo parlors	-	-		-	-	-	-	CUP	CUP	CUP	-	CUP	CUP	CUP	CUP
Wireless communication facilities	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.

SECTION 6. Repeal and Replace Chapter 18.10. Chapter 18.10 (Reasonable Accommodations in Housing to Disabled Individuals) of Title 18 (Zoning) of the La Habra Municipal Code is hereby deleted in its entirety and replaced as follows:

Chapter 18.10 REASONABLE ACCOMMODATION PROCEDURES

18.10.010 Intent and purpose.

- 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.

18.10.030 Notice to the public of availability of accommodation process.

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 housing available to an individual with a disability, 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. 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 Timing of request.

- 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.

18.10.070 Required findings.

- A. In order to grant a request for a reasonable accommodation, the city staff shall make the following findings:
 - 1. The housing which is the subject of the request for reasonable accommodation will be used by one or more individuals with disabilities protected under the fair housing laws.
 - 2. 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.
 - 3. The requested reasonable accommodation will not impose an undue financial or administrative burden on the city.
 - 4. 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 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.

18.10.090 Appeals.

- A. Within ten days of the date of the city staff's written decision, an applicant may appeal an adverse decision. Appeals from the adverse decision shall be made in writing.
- 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.

18.10.100 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.

SECTION 7. Amendments to Chapter 18.14. Sections 18.14.030 (Definitions) and 18.14.060 (Number of Spaces Required), of Chapter 18.14 (Off-Street Parking Requirement) of Title 18 (Zoning) of the La Habra Municipal Code shall be amended to read as follows:

18.14.030 Definitions.

See Chapter 18.04, Definitions.

18.14.060 Number of spaces required.

A. Residential.

1. Single-unit dwellings and two-unit dwellings. For every single-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. Each such parking space shall be located in a private garage. Each garage shall have a minimum inside dimension of not less than 20 feet wide and 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. Multi-unit dwellings. For each multi-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
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. 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 20 feet of any public street right-of-way when the garage door faces the street.
 - c. A carport, as defined in this title, 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 multi-unit dwelling developments shall include additional parking equal to one-half space per dwelling unit for guest parking. Such parking can 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 one-half of a space, one complete space shall be provided.
3. Special needs housing. For each dwelling unit of the following categories of special needs housing there shall be provided the following minimum parking spaces:

Table 18.14.060.A.4

Type of Unit	Minimum Parking Spaces Required
Group homes	Same as the residential use allowed in the zone.
Transitional and supportive housing	Same as the residential use allowed in the zone.
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.
Single-room occupancy housing (SROs)	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.

SECTION 8. Amendment to Section 18.26.040. Table 18.26.040.A of Section 18.26.040 (Standards of Development) of Chapter 18.26 (R-2, R-3, R-4, R-5, R-6 and R-7 Multiple-Family Dwelling Zones) of Title 18 (Zoning) of the La Habra Municipal Code is hereby amended to read as follows:

Table 18.26.040.A

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	

Regulations	Zones				Additional Requirements
	R-2	R-3 R-4	R-5 R-6	R-7	
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	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 studio unit	480				
Multi-unit one bedroom unit	700				
Multi-unit two bedroom unit	900				
Multi-unit 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	

SECTION 9. Repeal and Replace Chapter 18.30. Chapter 18.30 (Special Needs Housing) of Title 18 (Zoning) of the La Habra Municipal Code is hereby deleted in its entirety and replaced to as follows:

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 emergency shelters, low barrier navigation centers, 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).

18.30.020 Definitions.

See Chapter 18.04, Definitions.

18.30.030 Applicability.

- A. The specific requirements of this chapter are applicable to the development of emergency shelters, low barrier navigation centers, single-room occupancy housing (SROs), supportive, and transitional housing as defined in Chapter 18.04 of this title.
- B. Emergency shelters, low barrier navigation centers, 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 of this title.

18.30.040 Emergency shelters.

- 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.
- B. Development standards.
 - 1. Amenities.
 - a. Each facility shall provide a common kitchen and dining room area.
 - b. Each facility shall provide bathrooms with sinks, toilets, and showers.
 - 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. Usable yard area shall have no dimension of less than 15 feet. Subareas may be divided into not more than two separate sub-areas.

3. Parking. See Chapter 18.14, Off-Street Parking Requirements.

18.30.050 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 bathrooms with sinks, toilets, 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.
4. Parking. See Chapter 18.14, Off-Street Parking Requirements.

D. 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.

18.30.060 Single-room occupancy housing (SROs).

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

A. Density.

1. In high density residential land use designated areas within multi-unit residential zones, the number of units shall not exceed the number permitted pursuant to the zoning designation as provided in Section 18.26.040, Table 18.26.040.A of this title, plus twenty-five percent (25%).
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 applicable land use designation of the general plan land use element.

B. Unit design.

1. 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, countertop that measures a minimum of 16 inches by 24 inches, 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) accessible to the entire SRO project.
 - c. Bathrooms shall contain a sink, toilet, and shower or bathtub.
 3. Each unit shall have a minimum of 48 cubic feet of closet/storage space.
- C. Recreational and usable yard area. Recreational and usable yard area shall be as follows:
1. Within multi-unit zones, no parcel of land shall have less than 1,000 square feet of common usable yard area plus 100 square feet per unit.
 2. Within the commercial and industrial zones, no parcel of land shall have less than 500 square feet of common usable yard area plus 15 square feet per unit for projects over 25 units. Such 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.
 3. Common recreational space may be indoor or outdoor provided there is at least 40% 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 220 square feet in size. No more than two persons shall be permitted to reside in any unit.

18.30.060 Supportive and transitional housing.

- A. 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.
- B. Supportive housing shall be permitted by-right in any zone where multi-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 the zone in which it is located.

SECTION 10. Repeal and Replace Chapter 18.54. Chapter 18.54 (Mixed-Use Overlay Zones (MX)) of Title 18 (Zoning) of the La Habra Municipal Code is hereby deleted in its entirety and replaced as follows:

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 properties in a manner consistent with the general plan.
- 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 design 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 general plan.
- F. Properties in the MX overlay zone may be developed or modified to provide all residential, all commercial, or a mixed-use project.
- G. Mixed-use projects can be horizontally or vertically integrated. Horizontal mixed-use projects consist 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 projects consist 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.

18.54.020 Uses permitted.

See Chapter 18.06, Section 18.06.040, Table 18.06.040.A – Land Use Matrix.

18.54.030 Definitions.

See Chapter 18.04, Definitions.

18.54.040 Applicability.

The regulations set forth in this chapter shall apply to the development or modification of any property within the MX overlay zone, when a property owner chooses to develop or modify existing structures in accordance with the MX overlay zone.

- A. The regulations set forth in this chapter shall be in addition to those regulations set forth in the base zone.
- 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.
- C. Regulations, development standards, and requirements of the base zone shall continue to apply to those projects that are currently developed according to said standards.
- 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) of this title.

18.54.050 Special development standards.

For property owners that choose to develop or modify their property in accordance with 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.

- 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.
 - 2. Community amenities. 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.
- B. Parking. Residential and mixed-use projects shall comply with the provisions of Chapter 18.14 (Off-Street Parking Requirements) of this title. 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. A reduction in the number of parking spaces required in Chapter 18.14 may be permitted subject to the approval of the planning commission, 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. Densities and floor area ratios.

1. Residential densities. 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 Table 18.54.050.C.
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 as summarized in Table 18.54.050.C.

Table 18.54.050.C

General Plan Designation	Maximum Density	Maximum FAR
<ul style="list-style-type: none"> • Transitional (TRA) 	23 du/ac	0.4
<ul style="list-style-type: none"> • Mixed-use Center 1 (MUC 1) • Corridor Mixed-use 1 (CMU 1) 	24 du/ac	0.5
<ul style="list-style-type: none"> • Mixed-use Center 2 (MUC 2) • Corridor Mixed-use 2 (CMU 2) 	36 du/ac	0.5
<ul style="list-style-type: none"> • Central District Mixed-use 2 (CDM 2) • Corridor Mixed-use 3 (CMU 3) 	36 du/ac	0.8

<ul style="list-style-type: none">• Mixed-use Center 3 (MUC 3)• Central District Mixed-use 1 (CDM 1)	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. Objective design 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.

SECTION 11. Repeal and Replace Chapter 18.80. Chapter 18.80 (Affordable Housing Incentives) of Title 18 (Zoning) of the La Habra Municipal Code is hereby deleted in its entirety and replaced as follows:

Chapter 18.80 DENSITY BONUS AND OTHER AFFORDABLE HOUSING INCENTIVES

18.80.010 Purpose; applicability.

- 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.

18.80.030 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 parking 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.

18.80.040 Density bonus calculations and requirements.

- 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 separately 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 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 restricted 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, including 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 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.

18.80.060 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.

18.80.070 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.

SECTION 12. Amendments to Chapter 18.82. Sections 18.82.020 (Definitions), 18.82.040 (Exemptions), 18.82.050 (Inclusionary Housing Requirements), 18.82.090 (Affordable Housing Agreement), 18.82.100 (Monitoring and Enforcement) and 18.82.110 (Adjustments or Waivers) of Chapter 18.82 (Inclusionary Housing Units) of Title 18 (Zoning) of the La Habra Municipal Code are hereby amended to read as follows:

18.82.020 Definitions.

See Chapter 18.04, Definitions.

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 was formally submitted to the city and accepted by the city before July 1, 2021. Should the planning application for a residential project approved by such date expire or be revoked by the city, the requirements of this chapter shall apply if a new planning application is resubmitted for the residential project.
- D. The 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.

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. 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 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 be made available for rent to moderate income households, or six percent (6%) 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 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 applications. The first planning application for the residential development shall identify all contiguous properties under common ownership and control, as applicable.

18.82.090 Affordable housing agreement.

Applicants that are required to provide inclusionary housing units 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 included in the affordable housing agreement.
1. Affordable housing plan. This plan shall show the location of the inclusionary housing units within the overall residential project site.
 2. Inclusionary housing plan. This plan 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 housing covenants. 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 affordable housing agreement.

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 planning 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.

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 apply.

- A. When inclusionary housing units are for-sale, units shall be within a newly established homeowner's association or incorporated into an existing homeowner's association.
- 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.
- E. The city shall evaluate the effectiveness of this chapter every three years after the operative date of this chapter.

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 as set forth in this section.

- A. Circumstances and conditions.

1. Residential developments for which a planning application(s) 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) expire or is/are revoked by the city, the requirements of this chapter shall apply if a new planning application(s) 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 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 federal or state laws.

B. City review and approval of adjustment and waiver requests.

1. Any request for a waiver or adjustment shall be submitted to the city concurrently with the planning 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 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.

SECTION 13. Amendments to Terms in Title 18. Title 18 (Zoning) of the La Habra Municipal Code shall be amended to replace the terms set forth below.

- a. All references in Title 18 to the term “one-family” and “single-family” shall be replaced with “single-unit”.
- b. All references in Title 18 to the term “two-family” shall be replaced with “two-unit”.

- c. All references in Title 18 to the term “multiple-family”, “multi-family”, and “multifamily” shall be replaced with “multi-unit”.
- d. All references in Title 18 to the term “bachelor” shall be replaced with “studio”.

SECTION 14. Amendment to Chapter Titles in Title 18. Chapters 18.24 (R-1a, R-1b and R-1c One-Family Dwelling Zones) and Chapter 18.26 (R-2, R-3, R-4, R-5, R-6 and R-7 Multiple-Family Dwelling Zones) shall be amended as follows:

- a. The title of Chapter 18.24 shall be amended to read: “Chapter 18.24 R-1a, R-1b and R-1c Single-Unit Dwelling Zones”.
- b. The title of Chapter 18.26 shall be amended to read: “Chapter 18.26 R-2, R-3, R-4, R-5, R-6 and R-7 Multi-Unit Dwelling Zones”

SECTION 15. 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 16. 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 17. Effective Date. This Ordinance shall take effect thirty (30) days after its final passage.

SECTION 17. 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:
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.

Rhonda J. Barone, CMC
City Clerk