



# CITY COUNCIL

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## CITY OF LA HABRA

**JUNE 2, 2025**

**ZONE CHANGE 25-0001**



# ZONE CHANGE PROPOSAL

- Initiated by City Council
  - Create a more “Business-Friendly” Environment
  - Reduce costs to establish certain businesses
- Repeal and Replace La Habra Municipal Code (LHMC) Chapter 18.66: Conditional Use Permits (CUPs)
  - Clarify processing requirements for CUPs
  - Establish new category of CUP: Minor CUP/MCUP
- First step in a two-part process
  1. Establish the MCUP process
  2. Identify uses that will be subject to a MCUP
- Planning Commission recommends City Council Approval

# WHAT IS A CUP?

- A permit that requires discretionary approval from a city.
- For a use not allowed by-right in a particular zone
  - Table 18.06.040.A (Land Use Matrix)
- Issued at the discretion of a local jurisdiction.
- Approved under a set of conditions.
- Requires Planning Commission to make certain findings.

# WHAT ARE CUP FINDINGS?

The Planning Commission must make the following conclusions before approving a CUP:

- The LHMC (“Code”) requires a CUP for the use.
- The granting of the CUP will not be:
  - Detrimental to the public welfare;
  - Unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties; or
  - Impair the character of the zone in which it is to be located.
- The site is physically suitable for the use.
- The use complies with applicable Code requirements.
- The use is consistent with the General Plan.

# HOW IS A CUP APPROVED?

- Reviewed by the Planning Commission at a public hearing
- 10-day notice of public hearing
  - Published in OC Register
  - Mailed to property owners within 300-feet
- Staff report and draft resolution
  - Posted on City website
  - 72-hours before public hearing
- Public Hearing
  - Staff presentation
  - Public Comments
  - Deliberation
  - Approve, deny or continue
- Decision may be appealed to City Council
  - Within 10-days of approval

# PROPOSED MCUP vs. CUP

## Approval Authority

CUP: Planning Commission

- Decision may be appealed to City Council

MCUP: Director of Community and Economic Development (“Director”) unless:

- Director receives objections to MCUP application
- MCUP is in conjunction with a request that requires Planning Commission approval
- MCUP is not exempt from CEQA
- Director’s decision may be appealed to Planning Commission

# PROPOSED MCUP vs. CUP

## Public Hearing/Noticing

### CUP: Public Hearing Required

- Notice published in OC Register
- Notices sent to property owners within 300-foot radius

### MCUP: No Public Hearing

- Notices sent to adjacent property owners
- If objections are received from adjacent property owners that cannot be resolved - Director refers request to Planning Commission as a CUP

# PROPOSED MCUP vs. CUP

## Cost

CUP: \$6,759

\$458 and up for CEQA review

MCUP: Same as Administrative Adjustment (\$386)

\$458 for CEQA Exemption

Same application materials required

Same findings required

# OTHER REVISIONS

## Other revisions to Chapter 18.66 (Conditional Use Permits)

- Application Requirements

- Minor revisions/reorganization of information, including findings
- Requires description of operations
- Different mail lists required for CUP and MCUP

- Expiration/Termination

**Current Requirements:** If the CUP is or has been unused, abandoned or discontinued for a period of one year, the conditional use permit is automatically terminated; CUP may be extended by one additional year, subject to the approval of the Planning Commission or City Council

**Proposed:**

- Unused CUPs expire after two years; CUP may be extended by one additional year subject to the approval of the Director
- If a business license for a different use is approved, any previously-approved CUP is automatically terminated
- No longer automatically terminates CUP if the use is abandoned or discontinued for one year; provides due process for termination with notification requirements and appeal process

# RECOMMENDATION

That the City Council consider and approve the first reading of ORDINANCE NO. CC 2025-\_\_ ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING ZONE CHANGE 25-0001 REPEALING AND REPLACING CHAPTER 18.66 (CONDITIONAL USE PERMITS) OF TITLE 18 (ZONING) OF THE LA HABRA MUNICIPAL CODE RELATING TO CONDITIONAL USE PERMITS AND ESTABLISHING PROCEDURES FOR MINOR CONDITIONAL USE PERMITS AND MAKING THE 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