



City of
LA HABRA

Planning Commission Report

Item No. 2.

MEETING DATE: May 12, 2025

TO: PLANNING COMMISSION

FROM: SUSAN KIM, DIRECTOR OF COMMUNITY & ECONOMIC DEVELOPMENT
By: Sonya Lui, Planning Manager

SUBJECT: CONSIDER AND PROVIDE A RECOMMENDATION TO THE CITY COUNCIL REGARDING AN ORDINANCE APPROVING ZONE CHANGE 25-0002 TO AMEND SECTION 18.04.030 (TERMS DEFINED) OF CHAPTER 18.04 (DEFINITIONS) AND REPEAL AND REPLACE SECTION 18.12.150 (ACCESSORY DWELLING UNITS) OF CHAPTER 18.12 (SPECIAL DEVELOPMENT STANDARDS) OF TITLE 18 (ZONING) OF THE LA HABRA MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS IN ORDER TO COMPLY WITH STATE LAW

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

Zone Change 25-0002 was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be exempt pursuant to Public Resources Code Section 21080.17, which provides that CEQA does not apply to the adoption of an ordinance to implement State accessory dwelling unit (ADU) law.

RECOMMENDATION:

That the Planning Commission approve and adopt:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING ZONE CHANGE 25-0002 TO AMEND SECTION 18.04.030 (TERMS DEFINED) OF CHAPTER 18.04 (DEFINITIONS) AND REPEAL AND REPLACE SECTION 18.12.150 (ACCESSORY DWELLING UNITS) OF CHAPTER 18.12 (SPECIAL DEVELOPMENT STANDARDS) OF TITLE 18 (ZONING) OF THE LA HABRA MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND MAKING A DETERMINATION THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.17

DISCUSSION:

Zone Change 25-0002 is proposed to update the La Habra Municipal Code (LHMC) to comply with State law requirements pertaining to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), codified in California Government Code Sections 66310 through 66342 ("State ADU Law"). Both ADUs and JADUs are commonly referred to as Granny Flats, In-Law Units, or Guest Houses, are mandated by State ADU Law, and have been identified as a viable affordable housing option in La Habra.

The City's regulations on ADUs and JADUs have continually evolved over the years in order to keep up with the continual changes to the State ADU Law. In February 2004, the City approved amendments to Title 18 of the La Habra Municipal Code (LHMC) to allow for the ministerial approval of second dwelling units. In February 2017, the term "second dwelling unit" was replaced by "accessory dwelling unit" and amendments were approved pursuant to Senate Bill 1069 and Assembly Bill 2299 to streamline the ADU review process and lift regulations that would otherwise limit ADU construction. In April 2018, the City approved additional amendments in response to Senate Bill 229 and Assembly Bill 484, which stipulated that the maximum size of an attached ADU shall not exceed 50 percent

of the existing primary dwelling, the maximum size of a detached ADU shall not exceed 1,200 square feet and parking for ADUs shall not exceed one parking space per unit. Since the City last amended its ADU ordinance in 2018, the State legislature has continued to pass several laws to update State ADU Law. As a result of the State's ongoing legislative updates, portions of the City's existing ADU ordinance are now considered inconsistent with State ADU Law. An ADU ordinance that is not in full compliance with State ADU Law becomes invalid at the time any new amended State ADU Laws take effect. In that the LHMC is currently not consistent with State ADU Law, staff have been and will continue to refer to State ADU Law until Zone Change 25-0002 is adopted.

In summary, the changes proposed under Zoning Change 25-0002 encompass the following:

1. Definitions:

The LHMC references "Accessory Dwelling Unit", but the definition does not make reference to its common acronym name, "ADU". The LHMC also does not include definitions for "primary dwelling" and "multi-unit dwelling".

To clarify that an "Accessory Dwelling Unit" is the same as an "ADU", the LHMC definition has been updated to reflect this acronym, and definitions for "primary dwelling" and "multi-unit dwelling" have also been added.

2. Processing Time:

The LHMC requires the City to "act on" an application to create an ADU or JADU within 60 days from the date that the City receives a completed application if there is an existing single-family or multi-family dwelling on the lot.

New State ADU Law states that the City must "approve or deny" an application to create an ADU or JADU within 60 days of receipt of an application. The timing has not changed to process an application, just the terminology. Additionally, if the City denies an application for an ADU or JADU, the City must provide, in writing, a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant within that time period.

3. Demolition Permits:

The LHMC is silent on the issuance of demolition permits when a detached garage is demolished for the construction of an ADU or JADU.

New State ADU Law requires that a demolition permit for a detached garage that is to be replaced with an ADU be reviewed with the application for the ADU and issued at the same time.

4. Maximum Number of Units:

The LHMC presently specifies a maximum of one attached or detached ADU and one JADU for a single-unit dwelling lot. It also states that sites with existing multi-unit dwellings may have no more than two detached ADUs or up to 25 percent of the existing units on-site. On a lot without existing multi-unit dwellings, it specifies that up to two new detached ADUs may be constructed.

New State ADU Law specifies a maximum of one ADU and one JADU may be built on a single-unit residentially zoned lot when processed under the ministerial provisions of State ADU Law. Moreover, new regulations continue to allow up to two detached ADUs (converted or new construction) and conversion of non-habitable space to 25 percent of the number of units for existing multi-unit dwelling units. However, State ADU Law has been amended to now allow up to eight detached ADUs (not to exceed the number of existing units on the lot) on a lot with an existing multi-unit dwelling structure. On a lot with a proposed multi-unit dwelling structure, up to two detached ADUs are allowed.

5. Maximum Size:

According to the LHMC, the maximum unit size of a detached ADU is 1,200 square feet and the maximum size of a new attached ADU is 850 square feet for an ADU with zero to one bedrooms, or 1,000 square feet for an ADU of two or more bedrooms.

The aforementioned maximum unit size standards are still consistent with State ADU Law; however, State ADU Law states that if there is an existing dwelling, the total floor area of an attached ADU shall also not exceed 50 percent of the size of the existing primary dwelling. Therefore, this 50 percent limit is proposed to be added to the LHMC. Additionally, in keeping with State ADU Law, the proposed Zone Change adds language to the LHMC specifying that there is no size limit on an ADU created within (not attached to) an existing or proposed primary dwelling.

6. Front Setbacks:

Currently, the LHMC states that an ADU must comply with certain minimum front, side and rear setback requirements; side and rear setbacks may be reduced to a minimum of four feet, while the minimum front setback

requirement varies depending on the zone.

New State ADU Law limits the City from imposing a front yard setback that would prohibit the creation of an ADU that is at least 800 square feet. The Zone Change adds language to the LHMC providing that front yard setback requirements will be waived to the extent required to allow the construction of an 800 square foot ADU. The Zone Change also adds language to the LHMC requiring the waiver of other development standards, such as size based on a percentage of the primary dwelling, limits on lot coverage, floor area ratio, open space, building separation, and minimum lot size to the extent required to allow construction of an 800 square foot ADU.

7. Nonconforming Zoning Conditions:

The LHMC prohibits the City from requiring the correction of nonconforming zoning conditions as a condition of approval or permit application for the construction of an ADU or Junior ADU.

New State ADU Law expands the prohibition by prohibiting the City from denying an application for an ADU or Junior ADU due to the need to correct nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the ADU or Junior ADU.

8. Unpermitted Structures Built Prior to January 1, 2020

New State ADU Law generally prohibits the City from denying a permit for an unpermitted ADU or JADU constructed prior to January 1, 2020. The Zone Change adds language to the LHMC consistent with State ADU Law requirements regarding unpermitted ADUs and JADUs built prior to January 1, 2020.

9. Parking:

The LHMC currently requires an applicant to provide one parking space per ADU with several exceptions including being located within one-half mile walking distance of a bus stop, being located within an architecturally and historically significant historic district, when an ADU is part of a proposed or existing residence or accessory structure, when on-street parking permits are required to park in the City but not offered to the occupant of the ADU, or when there is a car share vehicle located within one block of the ADU.

New State ADU Law provides an additional exception stating that the City shall not impose any parking standards for an ADU when a permit application for an ADU is submitted with a permit application to create a new single-family dwelling or multi-family dwelling on the same lot, provided that the ADU or the parcel does not meet any of the other criteria listed above for exceptions. The Zone Change adds language to the LHMC consistent with the New State ADU Law.

10. JADUs:

The LHMC currently requires a JADU to be built within the existing walls of the existing home and include an existing bedroom. JADUs must also provide a separate entrance from the entrance that is provided for the main dwelling unit.

A new section is proposed to the LHMC for JADU development standards separate from ADUs, clarifying JADU requirements including where a JADU is allowed, efficiency kitchen standards, separate entrance requirement, need for sanitation facilities, parking standards, building standards, consideration as a separate unit and deed restrictions.

11. Owner Occupancy:

The LHMC is silent on owner occupancy requirements for ADUs.

New State ADU Law stipulates that local agencies cannot impose owner-occupancy requirements. Local agencies must still impose owner-occupancy requirements on JADUs absent specified circumstances.

12. Operational Standards:

The LHMC expressly prohibits short-term rentals or the rental of residential dwellings for a period of 30 days or less. The City has also determined that ADUs may not be sold separately.

State ADU Law provides that a city may require an ADU to be rented for terms of 30 days or longer. State ADU Law also provides that when an ADU is approved under the mandatory provisions, the minimum rental term must be 31 days. As the LHMC already prohibits short term rentals of 30 consecutive days or less, language is proposed to be added to the LHMC to clarify that ADUs and JADUs shall not be rented for periods of less than 31 days. The LHMC is proposed to be further amended to provide that an ADU shall not be sold or conveyed separately from the primary dwelling, except as allowed by California Government Code Section 66341.

13. Objective Design Requirements:

The LHMC currently has no design requirements for ADUs and JADUs on single-unit residential zoned properties. The City adopted Objective Design Standards for multi-unit residential zoned properties in 2024.

Staff is proposing that language be added requiring a minimum of three architectural treatments be provided along any street facing elevation of an ADU.

FISCAL IMPACT/SOURCE OF FUNDING:

Costs associated with City-initiated amendments to the LHMC are included as part of the Planning Division's annual budget.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES):

Not applicable.

GENERAL PLAN RELEVANCE/CITY COUNCIL GOALS & OBJECTIVES:

The proposed zoning code amendment will achieve the following Land Use and Housing Element goals:

- Goal LU-7: Livable Neighborhoods. A City composed of neighborhoods with a variety of housing types that are desirable places to live, contribute to the quality of life, and well maintained.
- Goal LU-9: Multi-family Neighborhoods. Multi-family residential neighborhoods that provide ownership and rental opportunities, are well designed, exhibit a high quality of architecture, and incorporate amenities for their residents.
- Goal HE-2: Housing Opportunities. Well-designed housing opportunities throughout the city that are diverse in type, tenure, location, and affordability levels; that minimize environmental health hazards and incompatible land uses; and that enhance the quality of life for residents.
- Goal HE-3: Provision of Affordable Housing. Assist in the development, provision, and retention of long-term affordable housing opportunities for extremely low, very low, low, and moderate-income households, including individuals and families with special needs

The proposed zoning code amendment will also achieve the following Fiscal Year 2024-2025 City Council Goals and Objectives:

- Goal 5 -- Development Activity and Business Assistance
- Objective M. Update, implement and provide annual performance reports for the General Plan in compliance with State law.
- Objective O. Review the Zoning Code on an on-going basis and process amendments that ensure compliance with recent State legislation, streamline project processing, remove unnecessary regulations, and/or make the Zoning Code easier to implement.

Attachments

Attachment 1 - Resolution

Attachment 2 - La Habra Municipal Code Section 18.12.150