

ORDINANCE NO. CC-2025-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, APPROVING ZONE CHANGE 25-0004 (ZCA 25-0004) ADDING A NEW SECTION 17.12.070 (PARCEL MAPS FOR URBAN LOT SPLITS) TO CHAPTER 17.12 (PARCEL MAPS) OF TITLE 17 (SUBDIVISIONS) AND A NEW SECTION 18.24.060 (TWO-UNIT HOUSING DEVELOPMENT) TO CHAPTER 18.24 (R-1A, R-1B AND R-1C SINGLE-UNIT DWELLING ZONES) OF TITLE 18 (ZONING) OF THE LA HABRA MUNICIPAL CODE TO IMPLEMENT THE PROVISIONS OF SENATE BILL 9 (2021) AND SENATE BILL 450 (2024) RELATING TO TWO-LOT SUBDIVISIONS AND TWO-UNIT HOUSING DEVELOPMENTS AND MAKING A DETERMINATION THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 65852.21(k) AND 66411.7(n)

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

WHEREAS, the State Legislature has added two provisions to State law relating to two-unit housing developments and urban lot splits for two parcels; and

WHEREAS the City of La Habra wishes to amend the provisions of its Municipal Code to be implement and be compliant with State law; and

WHEREAS on September 8, 2025, the Planning Commission held a duly noticed public hearing to consider the proposed amendments to Title 17 (Subdivisions) and Title 18 (Zoning) of the La Habra Municipal Code under Zone Change 25-0004, at which time it considered all evidence presented, both written and oral; and

WHEREAS at the close of the public hearing, the Planning Commission adopted a resolution recommending that the City Council adopt this Ordinance; and

WHEREAS on _____, 2025, the City Council held a duly noticed public hearing to consider the proposed amendments to Title 17 and Title 18 of the La Habra Municipal Code under Zone Change 25-0004, at which time it considered all material and evidence presented, whether written or oral, including the Planning Commission's recommendation; and

WHEREAS, all legal requirements prior to the adoption of this Ordinance have occurred.

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

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

SECTION 2. Consistency with General Plan. The City Council finds and determines that the proposed amendments to Title 17 (Subdivisions) and Title 18 (Zoning) of the La Habra Municipal Code are consistent with the goals and objectives of the La Habra General Plan as the changes are required to comply with State law.

SECTION 3. California Environmental Quality Act. The City Council finds and determines that this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to the provisions of California Government Code sections 65852.21(k) and 66411.7(n), which provide that an ordinance adopted to implement these statutes is not considered a project under CEQA.

SECTION 4. Amendment to Chapter 17.12. In compliance with California Government Code Section 66411.7, Chapter 17.12 (Parcel Maps) of Title 17 (Subdivisions) of the La Habra Municipal Code is hereby amended to add a new Section 17.12.070 to read as follows:

17.12.070 Parcel maps for urban lot splits.

A. Definitions. For purposes of this section, the following definition shall apply:

1. "Urban lot split" means a lot split of a single-unit residential lot into two parcels that meets the requirements of this section.

B. Requirements for Approval. The city shall ministerially approve a parcel map for an urban lot split that meets the following requirements:

1. The parcel is located within a single-unit residential zone.
2. The parcel map divides an existing parcel to create no more than two new parcels of approximately equal lot area, provided that one parcel shall not be smaller than forty percent of the lot area of the original parcel.
3. Each of the newly created parcels is no smaller than one thousand two hundred square feet in area.
4. The parcel is not located in any of the following areas and does not fall within any of the following categories:
 - a. A historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the California Public Resources Code, or within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance.

- b. A hazardous waste site that is listed pursuant to California Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to California Health and Safety Code Section 25356, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
- c. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the city's building department.
- d. A special flood hazard area subject to inundation by the one percent annual chance flood (one-hundred-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subsection and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site. A development may be located on a site described in this subsection if either of the following is met:
 - i. The site has been subject to a letter of map revision prepared by FEMA and issued to the city; or
 - ii. The site meets FEMA requirements necessary to meet minimum floodplain management criteria of the National Flood Insurance Program as further spelled out in California Government Code Section 65913.4(a)(6)(G)(ii).
- e. A regulatory floodway as determined by FEMA in any of its official maps, published by FEMA unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subsection and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site.
- f. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq.), the California Endangered Species Act

(Chapter 1.5 (commencing with Section 2050) of Division 3 of the California Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the California Fish and Game Code).

5. The proposed urban lot split would not require demolition or alteration of any of the following types of housing:
 - a. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
 - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power;
 - c. Housing that has been occupied by a tenant in the last three years; or
 - d. A parcel or parcels on which an owner of residential real property exercised rights under California Government Code Section 7060 et seq. to withdraw accommodations from rent or lease within fifteen years before the date of the application.
 - e. The application shall provide information regarding the above, signed under penalty of perjury. The application shall indicate that filing false information on an application is a criminal offense.
 6. The urban lot split does not result in more than two units on a parcel, including any accessory dwelling units or junior accessory dwelling units.
 7. The split does not create a flag lot.
 8. The parcel has not been established pursuant to an urban lot split in accordance with this section.
 9. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel in accordance with this section. For purposes of this section, "acting in concert" shall include, but not be limited to, where the owner of a property proposed for an urban lot split is the same, related to, or connected by partnership to the owner, buyer or seller (if transferred within the previous three years) of an adjacent lot.
- C. Time Limit for Action. The city shall approve or deny an application within sixty days from the date the city receives a completed application. If the application is denied, the city shall return 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

within the sixty-day time period. Any application not acted upon within this time period shall be deemed approved.

D. Standards and Requirements. Notwithstanding any other provisions of this code to the contrary, the following requirements shall apply:

1. The urban lot split shall conform to all applicable objective requirements of the Subdivision Map Act and this title, except as the same are modified by this section.
2. No setback shall be required for an existing structure, or a structure constructed in the same location and to the same dimensions as an existing structure.
3. Except for circumstances described in subsection D.1 of this subsection, the setback for side and rear lot lines shall be four feet.
4. The applicant shall provide easements for the provision of public services and facilities as required.
5. Landlocked parcels created by an urban lot split shall have an access easement over the other parcel on the same map. Unless a larger width is required pursuant to the requirements of a utility company or the fire department, the easement shall be not less than ten feet in width and must connect to the same curb cut and apron as the other parcel on the same map.
6. Residential units developed on a lot created pursuant to this section shall be subject to the provisions of Section 18.24.060 of this code.

E. Limitations. The city shall not require or deny an application based on any of the following:

1. The city shall not require dedications of rights-of-way or the construction of off-site improvements for the parcels being created as a condition of issuing a parcel map.
2. The city shall not impose any subdivision standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than eight hundred square feet.
3. The city shall not require the correction of nonconforming zoning provisions as a condition for the urban lot split.
4. The city shall not deny an application solely because it proposes adjacent or connected structures provided that all building code safety standards are met, and they are sufficient to allow a separate conveyance.

- F. Affidavit. An applicant for an urban lot split shall be required to sign an affidavit in a form approved by the city attorney to be recorded against the property stating the following:
1. That applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of approval. This requirement does not apply when the applicant is a “community land trust” or a “qualified nonprofit corporation” as the same are defined in the California Revenue and Taxation Code.
 2. That the uses shall be limited to residential uses.
 3. That any rental of any unit created by the urban lot split shall be for a minimum of thirty-one days.
 4. That the maximum number of units to be allowed on each parcel is two, including units otherwise allowed as an accessory dwelling units or junior accessory dwelling units.
- G. Requirements for Denial. The city may deny an urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in California Government Code Section 65589.5(d)(2), upon the public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

SECTION 5. Amendment to Chapter 18.24. In compliance with California Government Code Section 65852.21, Chapter 18.24 (R-1a, R-1b, R-1c Single-Unit Dwelling Zones) of Title 18 (Zoning) of the La Habra Municipal Code is hereby amended to add a new Section 18.24.060 to read as follows:

18.24.060 Two-unit housing development.

- A. Definitions. For purposes of this section, the following definitions shall apply:
1. “Housing development” shall mean a development with no more than two primary units on a single lot within a single-unit zone that meets the requirements of this section. The two units may consist of two new units or one new unit and one existing unit.
 2. “Primary unit” shall mean a residential unit that is not otherwise classified as an accessory dwelling unit or junior accessory dwelling unit pursuant to California Government Code Section 66313.
 3. “Unit” shall mean a primary dwelling unit, as well as an accessory dwelling unit or a junior accessory dwelling unit.

4. "Urban lot split" shall have the same meaning as set forth in Section 17.12.070.
- B. Requirements for Ministerial Approval. The city shall ministerially approve a housing development containing no more than two primary units if it meets the following requirements:
1. Number of units:
 - a. On a lot which has not been divided pursuant to Section 17.12.070 of this code, a maximum of four units, no more than two of which may be a primary unit.
 - b. On a lot which has been divided pursuant to Section 17.12.070, no more than two units, at least one of which shall be a primary unit.
 2. The parcel is not located in any of the following areas and does not fall within any of the following categories:
 - a. A historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the California Public Resources Code, or within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance.
 - b. A hazardous waste site that is listed pursuant to California Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to California Health and Safety Code Section 25356, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
 - c. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the city's building department.
 - d. A special flood hazard area subject to inundation by the one percent annual chance flood (one-hundred-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subsection and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city

that is applicable to that site. A development may be located on a site described in this subsection if either of the following are met:

- i. The site has been subject to a letter of map revision prepared by FEMA and issued to the city; or
 - ii. The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program as further spelled out in California Government Code Section 65913.4(a)(6)(G)(ii).
- e. A regulatory floodway as determined by FEMA in any of its official maps, published by FEMA unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subsection and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site.
- f. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the California Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the California Fish and Game Code).
3. The housing development does not require demolition or alteration of any of the following types of housing:
- a. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
 - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power; or
 - c. Housing that has been occupied by a tenant in the last three years.
 - d. The application shall provide information regarding the above, signed under penalty of perjury. The application shall indicate that filing false information on an application is a criminal offense.

4. The housing is not on a parcel or parcels on which an owner of residential real property exercised rights under California Government Code Section 7060 et seq. to withdraw accommodations from rent or lease within fifteen years before the date of the application.
- C. Approval or Denial of Application. The city shall approve or deny an application within sixty days from the date the city receives a completed application. If the application is denied, the city shall return 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 within the sixty-day time period. Any application not acted upon within this time period shall be deemed approved.
- D. Standards and Requirements. Notwithstanding any other provisions of this code to the contrary, the following requirements shall apply in addition to all other objective standards applicable to the underlying zone:
1. Setbacks.
 - a. No setback shall be required for an existing structure, or a structure constructed in the same location and within the same dimensions as an existing structure.
 - b. Except for those circumstances described in subsection D.1.a of this section, the setback for side and rear lot lines shall be four feet.
 - c. For landlocked parcels, side yard setback requirements shall apply to all property lines.
 2. The applicant shall provide easements for the provision of public services and facilities as required.
 3. One parking space per unit shall be required on the lot unless the parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined by California Public Resources Code Section 21155(b) or a major transit stop as defined in California Public Resources Code Section 21064.3, or there is a car share vehicle located within one block of the parcel.
 4. For units connected to an onsite wastewater treatment system, a percolation test must have been completed within the last five years, or, if the percolation test has been recertified, within the last ten years.

E. Limitations on City Actions.

1. The city shall not impose any zoning or design standards that would have the effect of physically precluding the construction of two units on a lot or that would result in a unit size of less than eight hundred square feet.
2. The city shall not deny an application solely because it proposes adjacent or connected structures, provided that all building code safety standards are met, and they are sufficient to allow a separate conveyance.

F. Affidavit. An applicant for a two-unit housing development on a lot shall be required to sign an affidavit in a form approved by the city attorney to be recorded against the property stating the following:

1. That the uses shall be limited to residential uses.
2. That the rental of any unit created pursuant to this section shall be for a minimum of thirty-one days.
3. That the maximum number of units to be allowed on the parcels shall be as specified in subsection B.1, above.

G. Requirements for Denial. The city may deny the housing development if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in California Government Code Section 65589.5(d)(2), upon the public health and safety for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

SECTION 6. 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 7. 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 8. Effective Date. This Ordinance shall take effect thirty (30) days after its final passage.

SECTION 9. 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 _____, 2025.

Rose Espinoza, 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 _____, 2025, and was thereafter adopted at a regular meeting held on the ____ day of _____, 2025, 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 _____, 2025.

Rhonda J. Barone, CMC
City Clerk