

Veronica Lopez

From: James Lloyd <james@calhdf.org>
Sent: Monday, May 12, 2025 2:13 PM
To: Maria Mahecha; Roy Ramsland; Jason Manley; Danitza Cardenas; Ginger Logan-Cannon
Cc: Jim Sadro; CC (City Clerk's Office); rdj@jones-mayer.com; Susan Kim; Veronica Lopez; Sonya Lui
Subject: public comment re item 2 for Planning Commission meeting of May 12, 2025
Attachments: La Habra - ADU Ordinance - PC - 12 May 2025.pdf

Dear La Habra Planning Commission,

The California Housing Defense Fund (“CalHDF”) submits the attached public comment concerning item 2 on the agenda for the Planning Commission meeting scheduled for May 12, 2025, an amendment to the City’s regulations for ADUs and JADUs.

Sincerely,

James M. Lloyd
Director of Planning and Investigations
California Housing Defense Fund
james@calhdf.org
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May 12, 2025

**City of La Habra
110 East La Habra Boulevard
La Habra, CA 90631**

**By email: mmahecha@lahabraca.gov; rramsland@lahabraca.gov;
jmanley@lahabraca.gov; dcardenas@lahabraca.gov;
GLoganCannon@lahabraca.gov**

**Cc: jsadro@lahabraca.gov; cc@lahabraca.gov; rdj@jones-mayer.com;
SKim@lahabraca.gov; VLopez@lahabraca.gov; slui@lahabraca.gov**

Re: Proposed Amendments to the City's Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations

Dear La Habra Planning Commission,

The California Housing Defense Fund ("CalHDF") submits this letter as a public comment concerning item 2 on the agenda for the Planning Commission meeting scheduled for May 12, 2025, an amendment to the City's regulations for ADUs and JADUs. CalHDF applauds the City for making changes to its ADU regulations to keep pace with changes in state law. However, the proposed ordinance fails to comply with state law in two specific ways, and the City should address this issue before approving the ordinance.

Background

The law gives local governments authority to enact zoning ordinances that implement a variety of development standards on ADUs. (Gov. Code, § 66314.) The standards in these local ordinances are limited by state law so as not to overly restrict ADU development. (See *id.*) Separately from local ADU ordinances, Government Code section 66323 establishes a narrower set of ADU types that local governments have a ministerial duty to approve. "Notwithstanding Sections 66314 to 66322 ... a local agency shall ministerially approve" these types of ADUs. (Gov. Code, § 66323, subd. (a).) This means that ADUs that satisfy the minimal requirements of section 66323 must be approved regardless of any contrary provisions of the local ADU ordinance. (*Ibid.*) Local governments may not impose their own standards on such ADUs. (*Id.* at subd. (b) ["A local agency shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a)."].)

In addition, ADUs that qualify for the protections of Government Code section 66323, like other ADUs, must be processed by local governments within 60 days of a complete permit application submittal. (Gov. Code, § 66317, subd. (a).)

State law also prohibits creating regulations on ADU development not explicitly allowed by state law. Government Code Section 66315 states, “No additional standards, other than those provided in Section 66314, shall be used or imposed, including an owner-occupant requirement, except that a local agency may require that the property may be used for rentals of terms 30 days or longer.”

Impact Fee Exemption

Code section 18.12.150(D)(2)(a) exempts ADUs less than 250 square feet in size from impact fees. However, state law requires that the City exempt all ADUs less than 750 square feet in size from impact fees. Government Code section 66324, subdivision (c) (1): “A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.”

The City should therefore amend its code to exempt all ADUs less than 750 square feet in size from impact fees.

Unlawful Prohibition of Section 66323 ADUs

Code section 18.12.150(E) allows the City engineer to ban ADU development in certain sections of the City. This section includes a disclaimer, “This subsection shall not apply to ADUs approved pursuant to Section 18.12.150.M, below.” [Section 18.12.150(M) regulates the development of JADUs.]

However, the City may not ban the development of ADUs developed pursuant to Government Code section 66323 in any part of the City. These ADUs are regulated by City Code Section 18.12.150(N).

Government Code section 66323, subdivision (a) obligates the City to “... ministerially approve an application for a building permit within a residential or mixed-use zone to create [any of the four types of section 66323 ADUs]”

Government Code section 66323, subdivision (b) forbids the City from imposing any local design or development standards on section 66323 ADUs: “A local agency shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a).”

HCD has issued guidance pursuant to its authority under Government Code section 66327 (the January 2025 HCD ADU [Handbook](#), page 18) affirming the duties of local agencies regarding section 66323 ADUs. From page 20 of the Handbook:

What design, zoning, or other local standards can be imposed on 66323 Units?
A local agency may not impose development or design standards, including both local standards and standards found in State ADU Law, on 66323 Units that are not specifically listed in Government Code section 66323. (Gov. Code, § 66323, subs. (a), (b).) This includes, but is not limited to, parking, height, setbacks, or other zoning provisions (e.g., lot size, open space, floor area ratio, etc.).

A blanket ban on ADUs in certain parts of the City is certainly a development standard, and the City therefore may not impose it on section 66323 ADUs.

It is entirely possible that this code provision is simply a typo. The code section states, “This subsection shall not apply to ADUs approved pursuant to Section 18.12.150.M, below.” However, Code Section 18.12.150(M) regulates JADUs, not ADUs. Additionally, Code Section 18.12.150(M) provides development standards for JADUs, whereas 18.12.150(N) provides a separate, building permit-only development pathway for ADUs. Given these inconsistencies, it is very possible that this code section was meant to state, “This subsection shall not apply to ADUs approved pursuant to Section 18.12.150.N, below.”



CalHDF appreciates the City’s thorough effort to implement state law governing ADU construction. However, the City should amend its ordinance to ensure that it complies with state law.

CalHDF is a 501(c)(3) non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at www.calhdf.org.

Sincerely,



Dylan Casey
CalHDF Executive Director

A handwritten signature in black ink that reads "James M. Lloyd". The signature is written in a cursive, flowing style.

James M. Lloyd
CalHDF Director of Planning and Investigations