



City of  
**LA HABRA**

Planning Commission Report

Item No. 1.

**MEETING DATE: February 9, 2026**

**TO: PLANNING COMMISSION**

**FROM: SUSAN KIM, DIRECTOR OF COMMUNITY & ECONOMIC DEVELOPMENT**

**By: Cynthia Bastreri, Code Enforcement Supervisor**

**SUBJECT: DULY NOTICED PUBLIC HEARING TO CONSIDER AND PROVIDE A RECOMMENDATION TO THE CITY COUNCIL REGARDING AN ORDINANCE APPROVING ZONE CHANGE 26-0001 (ZC 26-0001) TO AMEND VARIOUS SECTIONS OF THE LA HABRA MUNICIPAL CODE PERTAINING TO REGULATIONS FOR PUBLIC NUISANCES**

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**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):**

Zone Change 26-0001 was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be exempt pursuant to Sections 15378(b)(5) and 15061(b)(3) of the CEQA Guidelines. The Zone Change is not a project pursuant to Section 15378(b)(5) of the CEQA Guidelines because it is an administrative activity of the City that will not result in the direct or indirect physical changes in the environment. Even if the Zone Change were considered a project under CEQA, it would be exempt pursuant to Section 15061(b)(3) (Common Sense Exemption) of the CEQA Guidelines because the proposed amendments to the La Habra Municipal Code have no possibility of having a significant effect on the environment.

**RECOMMENDATION:**

That the Planning Commission approve and adopt:

RESOLUTION NO. 26-03 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING ZONE CHANGE 26-0001 TO REPEAL CHAPTER 18.74 (NEIGHBORHOOD PRESERVATION, CODE ENFORCEMENT AND ABATEMENT) OF TITLE 18 (ZONING) AND CHAPTER 10.36 (ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES) OF TITLE 10 (VEHICLES AND TRAFFIC), ADD CHAPTER 8.16 (PUBLIC NUISANCES) TO TITLE 8 (HEALTH AND SAFETY), AMEND CHAPTER 18.72 (ENFORCEMENT) AND SECTIONS 18.12.120 (EXCEPTIONS TO PROVISIONS OF SECTIONS 18.12.100 AND 18.12.110) OF CHAPTER 18.12 (SPECIAL DEVELOPMENT STANDARDS), 18.16.060 (GENERAL REQUIREMENTS) OF CHAPTER 18.16 (WATER EFFICIENT LANDSCAPING AND WATER CONSERVATION), 18.23.100 (REMOVAL OF ILLEGAL SIGNS AND ABANDONED SIGNS - PUBLIC NUISANCE ABATEMENT) AND 18.23.110 (NONCONFORMING SIGNS) OF CHAPTER 18.23 (SIGN STANDARDS), 18.62.060 (STANDARDS OF DEVELOPMENT) OF CHAPTER 18.62 (WIRELESS COMMUNICATION FACILITIES), AND 18.64.040 (APPLICATIONS - CONTENTS) OF CHAPTER 18.64 (COMMERCIAL, INDUSTRIAL, AND RESIDENTIAL CONDOMINIUM CONVERSION) OF TITLE 18 (ZONING), SECTIONS 13.20.030 (DESIGN) OF CHAPTER 13.20 (TEMPORARY SANITARY FACILITIES) AND 13.31.030 (IMPLEMENTATION) OF CHAPTER 13.31 (GROUNDWATER EXTRACTION AND EXPORTATION) OF TITLE 13 (PUBLIC SERVICES), AND SECTION 10.26.020 (BAIL SCHEDULE) OF CHAPTER 10.26 (BAIL SCHEDULE FOR PARKING OFFENSES) OF CHAPTER 10 (VEHICLES AND TRAFFIC) OF THE LA HABRA MUNICIPAL CODE AND MAKE A DETERMINATION THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTIONS 15378(b)(5) AND 15061(b)(3) OF THE CEQA GUIDELINES

**DISCUSSION:**

On March 18, 2024, the City Council initiated amendments to the La Habra Municipal Code (LHMC or Code) related to noise variances, special event permits, and public nuisances (see Attachment 15). The City Council subsequently approved ordinances related to special event permits and noise variances on November 3, 2025. The ordinance that is the subject of this staff report fulfills the Council's direction to staff to prepare amendments to the LHMC related to public nuisances.

Title 18 (Zoning) of the LHMC primarily regulates public nuisances through Chapters 18.72 (Enforcement) and 18.74 (Neighborhood Preservation, Code Enforcement and Abatement). Some examples of the public nuisances that are regulated by these chapters include, but are not limited to, overgrown vegetation, maintenance of dilapidated structures, trash cans in public view, and abandoned buildings. Chapter 18.72 was adopted by Ordinance 729 in 1968 (as Chapter 10.5) and has not been significantly updated since that time, other than to renumber the chapter from 10.5 to 18.72, as part of a comprehensive Zoning Code update in 2010. Chapter 18.74 was adopted by Ordinance 1478 in 1994, and has only been updated to clarify the penalty for not maintaining a property (in 2000), requirements to maintain and secure vacant properties (in 2003), changes in chapter numbering (in 2010), and maintenance requirements for artificial turf (in 2011). In addition, Chapter 10.36 (Abandoned, Wrecked, Dismantled or Inoperative Vehicles), which was adopted by Ordinance 1032 in 1978, and amended by Ordinance 1211 in 1983 and Ordinance 1499 in 1996, addresses nuisances created by abandoned, wrecked, dismantled or inoperative vehicles.

Chapters 18.72 (Enforcement) and 18.74 (Neighborhood Preservation, Code Enforcement and Abatement) are primarily implemented by the Community and Economic Development (CED) Department's Code Enforcement staff, which consist of two inspectors, a senior inspector, and a supervisor, in close consultation with the City Attorney's Office. Chapter 10.36 (Abandoned, Wrecked, Dismantled or Inoperative Vehicles) identifies the Chief of Police as the enforcer of this chapter, when in practice Code Enforcement staff typically processes these cases. Code Enforcement staff recently processed several public nuisance cases and, as a result of these cases, identified the need to update these chapters to more accurately and comprehensively reflect best practices and current procedures for enforcement and abatement of public nuisances. Some examples of the issues that staff identified and how they have proposed to resolve them are described in the paragraphs below.

Chapter 4 (Zoning Regulations) of Division 1 (Planning and Zoning) of Title 7 (Planning and Land Use) of the California Government Code identifies the regulations that are typically included in a Zoning Code. Generally, these pertain to the use of buildings, structures, and land; signs; the size and use of lots, yards, courts, and other open spaces, including landscaping; the percentage of a lot which may be occupied by a building or structure; the intensity of land use; off-street parking and loading; building setback lines; and affordable housing. While Chapter 18.72 (Enforcement) pertains to violations of the Zoning Code; Chapter 18.74 (Neighborhood Preservation, Code Enforcement and Abatement) pertains primarily to public nuisances that directly impact the health and safety of the community. The proposed ordinance recommends retaining Chapter 18.72 (Enforcement) in Title 18 (Zoning). The proposed ordinance would also repeal Chapter 10.36 (Abandoned, Wrecked, Dismantled or Inoperative Vehicles) and Chapter 18.74 (Neighborhood Preservation, Code Enforcement and Abatement) and move these regulations to a new chapter 8.16 (Public Nuisances) within Title 8 (Health and Safety).

The Planning Commission typically has purview over discretionary decisions related to the Zoning Code; however, as identified above, the content of Chapter 18.74 (Neighborhood Preservation, Code Enforcement and Abatement) is more aligned with Title 8 (Health and Safety). Therefore, in addition to moving Chapter 18.74 (Neighborhood Preservation, Code Enforcement and Abatement) to Title 8 (Health and Safety), the proposed ordinance changes the review authority for an appeal of a Public Nuisance Determination from the Planning Commission to the City Council.

Staff has identified that the definitions and conditions that pertain to what constitutes a public nuisance are not sufficiently detailed within the LHMC; nor is there a public nuisance process in place to declare a property nuisance with follow-up steps to ensure effective abatement. The proposed ordinance clarifies these regulations, expands the list of public nuisances and includes a new public nuisance abatement process. For internal consistency, the proposed ordinance also replaces references to Chapter 18.74 with references to the new Chapter 8.16 in various sections of the La Habra Municipal Code.

Staff worked with the City Attorney to prepare Zone Change 26-0001 pertaining to public nuisances (See Attachment Nos. 2 through 14 to view the original code language and proposed redlined changes). Under Zone Change 26-0001, staff is proposing to amend each of the following sections of the LHMC as summarized in the table below:

Ordinance Section	Code Reference	Proposed Change

2	Section 18.12.120 ("Exceptions to Provisions of Section 18.12.100 and 18.12.110") of Chapter 18.12 ("Special Development Standards")	Remove reference to Chapter 18.74 (redline text is provided in Attachment 2)
3	Subparagraph (C)(3) of Section 18.16.060 ("General Requirements") of Chapter 18.16 ("Water Efficient Landscaping and Water Conservation")	Removes reference to Chapter 18.74 (redline text is provided in Attachment 3)
4	Subparagraph (A)(2) and Subparagraph (B)(1)(d) of Section 18.23.100 ("Removal of Illegal Signs and Abandoned Signs – Public Nuisance Abatement") of Chapter 18.23 ("Signs Standards")	Removes references to Chapter 18.74 and replaces them with references to Chapter 8.16 (redline text is provided in Attachment 4)
5	Subparagraph (H) and Subparagraph (I) of Section 18.23.110 ("Nonconforming Signs") of Chapter 18.23 ("Signs Standards")	Removes references to Chapter 18.74 and replaces them with references to Chapter 8.16 (redline text is provided in Attachment 5)
6	Subparagraph (C) of Section 18.62.060 ("Standards of Development") of Chapter 18.62 ("Wireless Communications Facilities")	Remove reference to Chapter 18.74 (redline text is provided in Attachment 6)
7	Subparagraph (B)(7) of Section 18.64.040 ("Applications – Contents") of Chapter 18.64 ("Commercial, Industrial, and Residential Condominium Conversion")	Remove reference to Chapter 18.74 (redline text is provided in Attachment 7)
8	Chapter 18.74 ("Neighborhood Preservation, Code Enforcement and Abatement")	Repeal in its entirety (existing text is provided in Attachment 8 in redline)
9	Chapter 18.72 ("Enforcement")	Changes references to the Building and Safety Department to the Community and Economic Development Department. Provides more flexibility towards abatement of zoning violations. (redline text is provided in Attachment 9)
10	Section 13.20.030 ("Design") of Chapter 13.20 ("Temporary Sanitary Facilities")	Changes provide that temporary restroom facilities be screened from public view. Violations can be declared a public nuisance. (redline text is provided in Attachment 10)
11	Subparagraph (C) of Section 13.31.030 ("Implementation") of Chapter 13.31 ("Underground Extraction and Exportation")	Removes reference to Chapter 18.74 and replaces it with a reference to Chapter 8.16 (redline text is provided in Attachment 11)
12	The reference to LHMC Section 10.36.030 in the table set forth in Section 10.26.020 ("Bail Schedule") of Chapter 10.26 ("Bail Schedule for Parking Offenses")	Removes reference to Section 10.36.030 and replaces it with a reference to Section 8.16.050(E) (redline text is provided in Attachment 12)
13	Chapter 10.36 ("Abandoned, Wrecked, Dismantled or Inoperative Vehicles")	Repeal in its entirety (existing text is provided in Attachment 13 in redline)
14	Chapter 8.16 ("Public Nuisances")	Creates a new Chapter 8.16 that comprehensively addresses public nuisance regulations, as previously regulated by Chapters 18.74 (Neighborhood Preservation, Code Enforcement and Abatement) and 10.36 (Abandoned, Wrecked, Dismantled or Inoperative Vehicles). The new chapter includes several new categories of public nuisances, including exterior lighting spilling into adjacent properties, storage pods on private property, canopies located in the front yard setbacks of residential properties, and storage of portable restrooms in public view.

As proposed, Chapter 8.16 will include the following subsections:

- 8.16.010 Findings
- 8.16.020 Definitions
- 8.16.030 Substandard Property Conditions Designated
- 8.16.040 Nuisances Designated
- 8.16.050 Vehicles
- 8.16.060 Vacant Lots
- 8.16.070 Owner's responsibility for property maintenance
- 8.16.080 Notices and Citations
- 8.16.090 Abatement methods
- 8.16.100 Declaration of nuisance
- 8.16.110 Abatement hearing -- Notice
- 8.16.120 Abatement hearing -- Procedure
- 8.16.130 Appeal
- 8.16.140 Abatement order service.
- 8.16.160 Abatement cost -- Report.
- 8.16.170 Abatement cost -- Hearing
- 8.16.180 Abatement cost -- Collection
- 8.16.190 Violation -- Penalty
- 8.16.200 Violation -- Civil proceedings
- 8.16.210 Emergency Abatement
- 8.16.220 Unlawful interference.
- 8.16.230 Code Enforcement Fees.

The entire chapter is provided as Attachment 14.

Per the Council's direction, staff prepared the attached draft resolution and ordinance (Attachment No. 1) for the Planning Commission's consideration and recommendation to the City Council. Following the Commission's action on the subject resolution, the City Council will then consider the proposed ordinance and Planning Commission's recommendation at a noticed public hearing. Once the ordinance has received a first and second reading and been adopted by the City Council, it will become effective 30 days after said adoption.

The amendments proposed under Zone Change 26-0001 will provide the tools that will enable code enforcement staff to enforce public nuisances more efficiently. Therefore, staff recommends that the Planning Commission approve and adopt the resolution recommending that the City Council approve Zone Change 26-0001.

**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):**

The proposal only consists of amending the La Habra Municipal Code, as such no disturbance of soil is proposed. Thus, the proposal is exempt from the City's National Pollutant Discharge Elimination System (NPDES) Municipal Permit, the Local Implementation Plan (LIP), and the Model Water Quality Management Plan (WQMP), Section 7.2.

**GENERAL PLAN RELEVANCE/CITY COUNCIL GOALS & OBJECTIVES:**

The above amendments will also achieve the following Land Use goals:

- Goal LU 4.5: Community Maintenance. Eliminate and prevent deteriorating conditions in areas of the City containing buildings that are aging and not properly maintained through private and public conservation and rehabilitation programs.
- Goal LU 5.6: Building Rehabilitation. Encourage the rehabilitation of existing commercial buildings and signage that are deteriorated or inconsistent with the intended character and quality of the City.
- Goal LU 7.10: Code Enforcement. Preserve and enhance residential neighborhoods through enforcement of land use and property standards, ensuring that adjacent nonresidential uses are buffered from residences in harmonious and attractive ways.

The proposed amendments will also achieve the following Fiscal Year 2025-2026 City Council Goals and Objectives:

- Goal 5 -- Development Activity and Business Assistance

- Objective A. Identify blighted properties within the community and prepare targeted strategies to address the challenge.
- Objective C. Work closely with commercial and residential property-owners to improve and maintain the appearance of their properties.

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### **Attachments**

Attachment 1 - Resolution and Draft Ordinance

Attachment 2 - Amendments to Section 18.12.120

Attachment 3- Amendments to Section 18.16.060

Attachment 4- Amendments to Section 18.23.100

Attachment 5 - Amendments to Section 18.23.110

Attachment 6- Amendments to Section 18.62.060

Attachment 7 - Amendments to Section 18.64.040

Attachment 8 - Repeal of Chapter 18.74

Attachment 9 - Amendments to Chapter 18.72

Attachment 10- Amendments to Section 13.20.030

Attachment 11- Amendments to Section 13.31.030

Attachment 12 - Amendments to Section 10.26.020

Attachment 13 - Repeal of Chapter 10.36

Attachment 14 - New Chapter 8.16

Attachment 15- Council Direction for Code Amendments

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