

ORDINANCE NO. CC 2025-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, 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

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

WHEREAS, State law regarding Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) has been continually amended by the State legislature; and

WHEREAS, the City of La Habra desires to amend its provisions on ADUs and JADUs to be compliant with State law; and

WHEREAS, the proposed amendments under Zone Change 25-0002 are consistent with the City's General Plan; and

WHEREAS, on May 12, 2025, the Planning Commission held a duly noticed public hearing to consider the proposed amendments to Title 18 of the La Habra Municipal Code under Zone Change 25-0002, at which time it considered all material and evidence presented, whether written or oral, and recommended that the City Council approve the proposed code amendments; and

WHEREAS, on July 21, 2025, the City Council held a duly noticed public hearing to consider the proposed amendments to Title 18 of the La Habra Municipal Code under Zone Change 25-0002, 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 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 18 (Zoning) of the La Habra Municipal Code are consistent with the goals and objectives of the La Habra General Plan.

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 Public Resources Code Section 21080.17, which provides that CEQA does not apply to an ordinance to implement State ADU law.

SECTION 4. Amendment to Section 18.04.030. Section 18.04.030 (Terms Defined) of Chapter 18.04 (Definitions) of Title 18 (Zoning) of the La Habra Municipal Code is hereby amended to read as follows:

18.04.030. Terms defined.

“Accessory dwelling unit” or “ADU” shall have the same meaning as in California Government Code Section 66313 as the same may be amended from time to time. As of the effective date of the ordinance establishing this definition, the term means an attached or a detached residential dwelling unit, or located within the living area of an existing primary dwelling unit that provides complete independent living facilities and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-unit or multi-unit dwelling is or will be situated. An ADU also includes the following: an efficiency unit; and a manufactured home, as defined in Section 18007 of the California Health and Safety Code. An ADU may also consist of space within the primary dwelling unit that is converted into an independent living unit.

SECTION 5. Repeal and Replace Section 18.12.150. Section 18.12.150 (Accessory Dwelling Units) of Chapter 18.12 (Special Development Standards) of Title 18 (Zoning) of the La Habra Municipal Code is deleted in its entirety and replaced as follows:

18.12.150. Accessory dwelling units and junior accessory dwelling units.

A. Generally.

1. This section establishes standards for accessory dwelling units (ADUs) in accordance with California Government Code Section 66314 et seq. and junior accessory dwelling units (JADUs) in accordance with California Government Code Section 66333 et seq. These standards are intended to allow for ADUs and JADUs as important forms of affordable housing, while preserving the character and integrity of La Habra’s residential uses and neighborhoods.
2. For purposes of this section, “primary dwelling” shall mean as follows:

- a. In the case of a single-unit residential zone, the existing single-unit dwelling, or the larger of two proposed units.
 - b. In the case of any other residential or mixed-use zone in which a single-unit dwelling exists on the property, the existing dwelling.
 - c. In the case of a multi-unit or mixed-use zone which allows a residential use, the existing or proposed multi-unit units.
3. For purposes of this section, "multi-unit dwelling" shall have the same meaning as "multifamily dwelling" as defined under State ADU law, which means a structure with two or more attached dwellings on a single lot.
 4. The definitions set forth in California Government Code Section 66313 et seq. relating to ADUs and JADUs shall control if not defined herein.
 5. In cases of conflict between this section and any other provision of this title, the provisions of this section shall prevail. To the extent that any provision of this section is in conflict with state law, the mandatory requirement of state law shall control, but only to the extent legally required.

B. Applications – ADUs and JADUs.

1. Applications for ADUs and JADUs shall be ministerially approved or denied within sixty days of receipt of a complete application. An application shall be approved if it complies with the requirements of this section.
 - a. If the application is submitted in conjunction with an application for a new single-unit or multi-unit dwelling, the application for the ADU or JADU shall not be approved or denied until the application for the new single-unit or multi-unit dwelling is approved.
 - b. If the application is denied, the city shall return a full set of comments in writing to the applicant with a list of items that are defective or deficient with a description of how the application can be remedied by the applicant. These comments shall be provided to the applicant within sixty days of a complete application.
 - c. If a detached garage is to be replaced with an ADU, the demolition permit shall be reviewed with the application for the ADU and issued at the same time.
 - d. The city shall grant a delay if requested by the applicant.
 - e. If the city does not approve or deny the completed application within sixty days, the application shall be deemed approved.

- f. Notwithstanding the above, if the applicant uses a plan for an ADU that has been preapproved by the city or a plan that is identical to a plan used in an application for a detached ADU approved by the city within the current triennial California Building Standards Code cycle, the application shall be approved or denied within thirty days from the date of a complete application.
2. All applications for ADUs and JADUs shall be accompanied by an application fee.
 3. ADUs and JADUs shall be subject to application, inspection and permit fees.
 4. An application for an ADU or a JADU shall not be denied 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 unit.
 5. Approval of an ADU or a JADU shall not be conditioned on the correction of a nonconforming zoning condition.
- C. Unpermitted Structures Constructed Prior to January 1, 2020. The following provisions apply to structures constructed prior to January 1, 2020.
1. No application or permit shall be denied for an unpermitted ADU or JADU that was constructed prior to January 1, 2020, based on either of the following:
 - a. The ADU or JADU is in violation of building standards pursuant to Article 1 of Chapter 5 of Part 1.5 of Division 13 of the California Health and Safety Code (commencing with Section 17960); or
 - b. The ADU or JADU does not comply with state law or the provisions of the La Habra Zoning Code regulating ADUs or JADUs.
 2. The provisions of Section 18.12.150.C.1, above, shall not apply if the city makes a finding that correcting the violation is necessary to comply with the standards specified in California Health and Safety Code Section 17920.3 or if the building is deemed substandard pursuant to California Health and Safety Code Section 17920.3.
 3. The city shall inform a homeowner that, before submitting an application for a permit for an unpermitted structure, the homeowner may obtain a confidential third-party code inspection from a licensed contractor to determine the unit's existing condition or potential scope of building improvements before submitting an application for a permit.

4. Upon receiving an application to permit a previously unpermitted ADU or JADU constructed before January 1, 2020, an inspector from the city may inspect the unit for compliance with health and safety standards and provide recommendations to comply with such standards in order to obtain a permit. The city shall not penalize an applicant for having the unpermitted ADU or JADU and shall approve necessary permits to correct noncompliance with health and safety standards. Such inspection will be subject to applicable inspection fees.
5. A homeowner shall not be required to pay impact fees or connection or capacity charges for a previously unpermitted unit except when utility infrastructure is required to comply with California Health and Safety Code Section 17920.3 and when the fee is authorized by California Government Code Section 66324(e).
6. Until January 1, 2030, the city shall issue a statement along with a notice to correct a violation of any provision of any building standard relating to an unpermitted ADU that substantially reads as follows:

You have been issued an order to correct violations or abate nuisances relating to your ADU. If you believe that this correction or abatement is not necessary to protect the public health and safety you may file an application with the Director of Community and Economic Development. If the Building Official determines that enforcement is not required to protect the health and safety, enforcement shall be delayed for a period of five years from the date of the original notice.

D. Utilities and Fees.

1. All ADUs and JADUs must be connected to public utilities including water, electric, and sewer services.
2. Impact fees.
 - a. No impact fee shall be imposed on any ADU less than 750 square feet in size.
 - b. For ADUs 750 square feet or greater, impact fees shall be charged proportionately in relation to the square footage of the primary dwelling.
 - c. All applicable public service and recreation impact fees shall be paid prior to occupancy in accordance with California Government Code Sections 66000 et seq. and 66012 et seq.
 - d. For purposes of this section, "impact fee" shall have the same meaning as set forth in California Government Code Section 66324.

3. Connection Fees/Capacity Charges.

- a. An ADU shall not be considered to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including for water and sewer service, unless the ADU is being constructed with a new single-unit dwelling.
 - b. For an ADU contained within a proposed or existing single-unit dwelling meeting the requirements of Section 18.12.150.N.1.a, below, the city shall not impose a connection fee or capacity charge, unless the unit is being constructed with a new single-unit dwelling. For all other ADUs, the city shall charge a connection fee or capacity charge that is proportionate to the burden of the proposed ADU based on the size of the unit or number of plumbing fixtures.
 - c. A JADU shall not be considered to be a separate or new dwelling unit for purposes of providing water, sewer, or power.
- E. Areas of Insufficient Water and Sewer Service. New ADUs are prohibited if the city engineer determines the surrounding residential neighborhood has insufficient water or sewer service and such area has been designated on a map created and maintained by the city engineer showing these areas. Such map shall be posted on the city's website and promptly made available to the public upon request. The city engineer shall update the map periodically. This subsection shall not apply to ADUs approved pursuant to Section 18.12.150.N, below.
- F. Prohibition Against Separate Sale of ADU. An ADU shall not be sold or conveyed separately from the primary dwelling, except as allowed by California Government Code Section 66341.
- G. Number of ADUs and JADUs. Except as specified in Section 18.12.150.N, below, only one ADU and one JADU may be built on a single-unit residentially zoned lot. ADUs shall only be allowed in conjunction with multi-unit dwelling units as provided for in Section 18.12.150.N, below.
- H. ADUs as Transient Lodging. ADUs and JADUs may not be rented for periods of less than thirty-one days.
- I. General Standards.
1. ADUs and JADUs are not included in density calculations, are considered residential uses consistent with zoning and general plan designations, and may count as a dwelling unit for purposes of identifying adequate sites for housing.
 2. ADUs and JADUs must satisfy the requirements of Title 15 of this Code ("Buildings and Construction") and any other applicable provisions of the

California Building Standards Code, except that the construction of an ADU shall not constitute a Group R occupancy change unless the building official makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety.

3. Fire sprinklers shall not be required if they are not required for the primary dwelling and the construction of an ADU shall not trigger a requirement for sprinklers to be installed in the existing primary unit.
 4. The floor area of an ADU and JADU (either attached or detached) may not be less than the floor area required for an efficiency dwelling unit as provided by California Health and Safety Code Section 17958.1.
- J. Nonconformities. ADUs and JADUs approved under this section shall not be required to correct lawfully constructed physical improvements that do not conform with current zoning standards.
- K. Development Standards – ADUs.
1. Where Allowed. An ADU is permitted on any lot where single-unit or multi-unit dwellings are a permitted use. An ADU is also allowed on a lot where single-unit or multi-unit dwellings are a conditionally permitted use, provided that the lot contains or will contain either a single-unit or multi-unit dwelling. An ADU is allowed within, attached to, or detached from the primary unit in accordance with the provisions of this section.
 2. ADUs must be constructed using the same roof style as the primary unit.
 3. Any street-facing elevation of an ADU must include a minimum of three features that compose a unified architectural style, including but not limited to:
 - a. Wall cladding (siding, stone and/or veneer, or similar)
 - b. Window trims/sills
 - c. Window awning or shutters
 - d. Plaster bands to distinguish first and second stories
 - e. Architectural exterior light fixtures
 4. Height. ADUs are subject to the same height standards that apply to primary dwellings on the lot in the applicable zoning district as set forth in Section 18.12.020 of this code.

5. Relationship to Residential Structures.

- a. An ADU may be within, attached to, or detached from an existing or proposed single-unit or multi-unit residential structure or accessory structures, including garages.
- b. An ADU must have kitchen and bathroom facilities that are separate from the primary dwelling.
- c. An ADU may be constructed above an existing, lawfully constructed structure, provided it does not exceed the height limits set forth in Section 18.12.150.K.4, above.

6. Maximum Unit Size.

- a. Existing accessory structure 1,050 square feet or less. When an existing accessory structure with a floor area of 1,050 square feet or less is converted to an ADU, the floor area may be increased up to a maximum of 1,200 square feet.
- b. Existing accessory structure greater than 1,050 square feet. The physical dimensions of an existing accessory structure with a floor area greater than 1,050 square feet may be increased by not more than 150 square feet, but only for the purpose of providing ingress or egress.
- c. New construction. The floor area of a new detached ADU may not exceed 1,200 square feet. The floor area of a new attached ADU may not exceed 850 square feet for an ADU with zero to one bedrooms, or 1,000 square feet for an ADU of two or more bedrooms. Notwithstanding the foregoing, the total floor area of a new attached ADU shall not exceed fifty percent of the existing primary dwelling.
- d. Existing home designated as ADU. If a lot contains an existing single-unit dwelling of no more than 1,200 square feet in size, the existing single-unit dwelling may be designated as an ADU as part of a project to construct a new single-unit dwelling on the lot.
- e. There is no size limit on an ADU created within an existing or proposed primary dwelling.

7. Setbacks.

- a. Front setback: Per the base zoning standard.
- b. Side setback: Four feet.
- c. Rear setback: Four feet.
- d. Building separation: Detached ADUs must be at least ten feet from any other building on the lot.
- e. Conversion of existing structure. No additional setbacks are required for an existing constructed structure that is converted to an ADU.
- f. Second story. No additional setbacks are required when constructing an ADU above an existing lawfully constructed structure.

8. Parking.

- a. In addition to the required parking for the primary dwelling, one parking space shall be provided for an ADU unless the ADU has no bedrooms (e.g., a studio), in which case no parking space is required. The required parking space may be provided as tandem parking on a driveway in a manner that does not encroach onto a public sidewalk or in a setback area, and otherwise complies with city parking requirements unless the director determines that parking in the setback or tandem parking is not feasible based upon specified site or regional topographical or fire and life safety conditions.
- b. Notwithstanding the foregoing, no parking space(s) shall be required for an ADU if:
 - i. It is located within one-half mile walking distance of public transit such as a bus stop, bus station, train station, etc.;
 - ii. It is located within an architecturally and historically significant district;
 - iii. It is part of a proposed or existing primary residence or an accessory structure;
 - iv. On-street parking permits are required but not offered to the occupant of the ADU;
 - v. There is a car share vehicle located within one block of the ADU; or

vi. The permit application for the ADU is submitted with a permit application to create a new single-unit dwelling or new multi-unit dwelling on the same lot, provided that the ADU or the parcel satisfies all other criteria listed in this subsection relating to parking requirements.

c. When a garage, carport, covered parking space, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted into an ADU, those off-street parking spaces need not be replaced.

L. Waiver of Development Standards. Development standards relating to the size of an ADU, including size based on a percentage of the primary dwelling, limits on lot coverage, floor area ratio, open space, front setbacks, building separation and minimum lot size shall be waived to the extent required to allow construction of an 800 square foot ADU.

M. Development Standards – JADUs.

1. Where Allowed. One JADU shall be allowed within an existing or proposed single-unit dwelling, including in an attached garage. A JADU may also be allowed on the same lot as an ADU permitted under Section 18.12.150.N, below.
2. Efficiency Kitchen. A JADU shall be required to contain at least an efficiency kitchen which includes a sink, cooking appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the JADU.
3. Separate Entrance. A JADU shall be required to have a separate entrance from the primary dwelling which shall be located on a different side of the residence than the front door of the primary dwelling.
4. Sanitation Facilities. A JADU may, but is not required to, include separate sanitation facilities. If separate sanitation facilities are not provided, the JADU shall share sanitation facilities with the single-unit residence and shall have direct access to the single-unit residence from the interior of the dwelling unit.
5. Parking. No additional parking shall be required for a JADU.
6. Building Standards. JADUs shall be required to comply with applicable building standards, except that fire sprinklers shall not be required if they were not required for the single-unit residence.
7. JADU Not a Separate Unit. For the purposes of applying any fire or life protection ordinance or regulation, or providing service water, sewer, or power,

including a connection fee, a JADU shall not be considered to be a separate or new dwelling unit.

8. Deed Restriction. The owner of any new JADU shall record against the property a deed restriction, which shall run with the land, in a form that meets the approval of the city attorney and which establishes the following:
 - a. The JADU shall not be sold separately from the single-family residence.
 - b. The JADU is restricted to the maximum size of 500 square feet.
 - c. The JADU may not be rented for a period of less than thirty-one days.
 - d. A restriction that the owner must reside either in the primary dwelling or in the JADU. This restriction shall not apply if the owner of the single-family dwelling is a governmental agency, land trust, or housing organization.
 - e. The deed restriction shall be binding upon any successor in ownership of the property.

N. Mandatory Approvals.

1. Notwithstanding any other provision of this section, pursuant to California Government Code Section 66323, the city shall ministerially approve an application for a building permit within any residential or mixed-use zone to create any of the following:
 - a. One ADU and one JADU within the existing or proposed space of a single-unit dwelling or accessory structure.
 - i. An existing accessory structure may be expanded by up to 150 square feet solely for the purpose of accommodating ingress and egress to an ADU.
 - ii. The ADU and/or JADU must have exterior access from the proposed or existing single-unit dwelling.
 - iii. The side and rear setbacks must be sufficient for fire and safety.
 - iv. If the unit is a JADU, it must comply with the requirements of California Government Code Section 66333 et seq, as further set forth in Section 18.12.150.M, above.
 - b. One detached, new construction ADU that does not exceed four-foot side and rear yard setbacks for a lot with an existing or proposed single-unit dwelling. The ADU may be combined with a JADU described in Section

18.12.150.N.1.a, above. The ADU shall not exceed 800 square feet and shall not exceed the height limits allowed in the underlying zone as set forth in Section 18.12.020 of this code.

- c. On a lot with an existing multi-unit dwelling structure, up to 25 percent of the total multi-unit dwelling units, but no less than one ADU, within portions of existing multi-unit dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that each ADU complies with state building standards.
 - d. On a lot with an existing multi-unit dwelling structure, up to eight detached ADUs, provided that the number of ADUs on the lot shall not exceed the number of existing units on the lot. Setbacks shall be limited to side and rear setbacks of no more than four feet. If the existing multi-unit dwelling has a rear or side setback of less than four feet, the city shall not require modification as a condition of approving the application for the proposed ADU(s). The height shall not exceed the height limits allowed in the underlying zone as set forth in Section 18.12.150 of this code.
 - e. On a lot with a proposed multi-unit dwelling structure, up to two detached ADUs. Side and rear yard setbacks shall be no more than four feet. The height shall not exceed the height limits allowed in the underlying zone as set forth in Section 18.12.020 of this code.
2. The city shall not require the correction of nonconforming zoning conditions as a condition of approving the application for the proposed ADU(s).
 3. An ADU and/or JADU created pursuant to this subsection shall not be rented for periods of less than thirty-one days.
- O. Certificate of Occupancy. No certificate of occupancy shall be issued for an ADU or JADU until the certificate of occupancy is issued for the primary unit.

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.

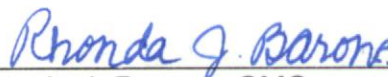
SECTION 9. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

PASSED, APPROVED, AND ADOPTED this 4th day of August, 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. CC 2025-05 introduced at a regular meeting of the City Council of the City of La Habra held on the 21st day of July, 2025, and was thereafter adopted at a regular meeting held on the 4th day of August, 2025, by the following vote:

AYES: COUNCILMEMBERS: Espinoza, Medrano, Gomez, Nigsarian, Lampkin
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE
ABSTAIN: COUNCILMEMBERS: NONE

Said ordinance has been published or posted pursuant to law.

Witness my hand and the official seal of the City of La Habra this 4th day of August, 2025.

Rhonda J. Barone.
Rhonda J. Barone, CMC
City Clerk