

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, APPROVING ZONE CHANGE 22-02 TO AMEND TITLE 18 ZONING OF THE LA HABRA MUNICIPAL CODE (LHMC), CHAPTER 18.12 SPECIAL DEVELOPMENT STANDARDS, SECTION 18.12.140 OUTDOOR SEATING AREA, MODIFYING THE OUTDOOR SEATING REQUIREMENTS FOR RESTAURANTS AS PER EXHIBIT "A."

The City Council of the City of La Habra does hereby resolve as follows:

Section 1. The City Council does hereby find and determine that:

- a. City staff initiated proceedings for Zone Change 22-02 to amend a section of Title 18 Zoning of the La Habra Municipal Code.
- b. This project was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be exempt pursuant to Section 15061(b)(3) of the CEQA guidelines which covers activities with no possibility of having a significant effect on the environment because there is no development project being proposed under Zone Change 22-02. An environmental analysis and determination will be completed as part of future Conditional Use Permit and/or Administrative Adjustment applications in accordance with CEQA.
- c. The proposal has been reviewed pursuant to the requirements of 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. Since no disturbance of soil will occur, this project is exempted by the Water Quality Ordinance from the preparation of a WQMP.
- d. The Planning Commission held a duly noticed public hearing on August 22, 2022 to consider Zone Change 22-02 for an amendment to Title 18 Zoning of the La Habra Municipal Code. The Planning Commission, after considering all the written and oral evidence offered including the staff report and all attachments, recommended that the City Council approve the code amendment.
- e. The City Council held a duly noticed public hearing on September 19, 2022 to consider the proposed Zone Change 22-02 for amendments to Title 18 Zoning of the La Habra Municipal Code. The City Council, after considering all the written and oral evidence offered, including the Planning Commission's recommendation, the staff report and all attachments, approves the code amendment.

Section 2. The City Council further finds and determines that:

- a. The public necessity, convenience, general welfare and good zoning practices justify the proposed amendment to the La Habra Municipal Code.
- b. The proposed amendment to the La Habra Municipal Code is consistent with the goals and objectives of the La Habra General Plan 2035.

Section 3. Based upon the foregoing, the City Council of the City of La Habra does approve an Ordinance adopting Zone Change 22-02 for amendments to Title 18 Zoning as per Exhibit "A."

PASSED, APPROVED AND ADOPTED this 19th, day of September, 2022.

Jose Medrano, Mayor

APPROVED AS TO FORM:

Baron J. Bettenhausen, City Attorney

ATTEST:

Rhonda Barone, CMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF LA HABRA)

I, Rhonda Barone, 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 19th day of September, 2022, and duly adopted at a regular meeting held on the _____ day of _____, 2022, by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

Witness my hand and the official seal of the City of La Habra this _____ day of _____, 2022.

Rhonda Barone, CMC
City Clerk

EXHIBIT "A"

Title 18 Zoning, Chapter 18.12 Special Development Standards, Section 18.12.140, Outdoor Dining Areas

- A. Permit Requirement. Permanent outdoor seating/dining areas can be permitted for approved restaurants on private property subject to the following requirements:
1. Outdoor dining areas that are less than or equal to 50 percent of the restaurant's total floor area are subject the approval of an Administrative Adjustment.
 2. Outdoor dining areas that are larger than 50 percent of the restaurant's total floor area are subject to the approval of a Modification to a restaurant's Conditional Use Permit.
- B. Operational Restrictions.
1. Patron tables and other outdoor dining area components shall be located on the same site as the restaurant, on private property.
 2. Approval to serve alcoholic beverages within the outdoor dining area is subject to the following:
 - a. Restaurants with a Conditional Use Permit to serve alcoholic beverages inside the restaurant may serve alcoholic beverages in the outdoor dining area subject to the approval of an Administrative Adjustment if the outdoor dining area is less than or equal to 50 percent of the restaurant's total floor area.
 - b. Restaurants with a Conditional Use Permit to serve alcoholic beverages inside the restaurant may serve alcoholic beverages in the outdoor dining area subject to the approval of a Modification of a Conditional Use Permit if the outdoor dining area is greater than 50 percent of the restaurant's total floor area.
 - c. Restaurants without a Conditional Use Permit to serve alcoholic beverages inside the restaurant may concurrently request to serve alcoholic beverages inside the restaurant and within the outdoor dining areas subject to the approval of a Conditional Use Permit.
 - d. New restaurants may concurrently request to serve alcoholic beverages inside the restaurant and within the outdoor dining areas subject to the approval of a Conditional Use Permit.

3. The display of merchandise within the outdoor dining area is prohibited.
4. All proposed furnishings shall not obstruct or restrict motor vehicle lines of sight.
5. Applicants that request outdoor dining areas that are larger than 50 percent of the restaurant's total floor area shall prepare a parking study to analyze the on-site parking impacts, prepared by a California licensed civil or traffic engineer.
6. Outdoor dining areas located within the front setback or street side setback are not permitted.
7. Outdoor dining area components shall be arranged so as to comply with all Federal, State and Local Laws, including but not limited to the Americans with Disability Act.
8. Access to fire hydrants, fire lanes and building entrances/exits shall not be obstructed.
9. Restaurant operator is required to obtain Orange County Health Care Agency approval.
10. The use of amplified music or live entertainment within the outdoor dining area is prohibited.
11. Appropriate outdoor lighting shall be provided.

C. Design Requirements.

1. All fences/enclosures shall be of durable materials, structurally sound, aesthetically pleasing and compatible with onsite improvements.
2. The use of temporary tents or canopies is prohibited.

D. Application Requirements.

1. Completed Administrative Adjustment or Modification application form, as applicable per the above requirements.
2. Application fees as per the Master Fee Schedule.
3. A site plan of the property, drawn to scale, that identifies the location of the outdoor dining area.

4. Floor plan of the outdoor dining area, drawn to scale, that identifies all proposed tables, chairs, umbrellas, lighting, fencing/enclosure materials, gates, and any other proposed structural improvements.
 5. Radius map package for public notification.
 6. Operational characteristics to include proposed hours of operation for the outdoor dining area.
- E. Violations. Failure to comply with the conditions of approval may involve possible suspension or revocation of the Administrative Adjustment or Modification pursuant to La Habra Municipal Code (LHMC) 18.66.100. (Ord. 1719 § 1, 2010; Ord. 1839 § 5, 2022)