

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE 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 Planning Commission of the City of La Habra does hereby resolve as follows:

Section 1. The Planning Commission does hereby find and determine that:

- a. Based on the direction by the City Council on August 1, 2022, City staff initiated proceedings for Zone Change 22-02 to amend sections 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.
- 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 amendments 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 amendments.

Section 2. The Planning Commission further determines that:

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

EXHIBIT "A"

Zoning Change 22-02 will further amend regulations for outdoor dining. Proposed new text is shown using a **bold** typeface. Text that is proposed to be deleted will appear with a ~~strike through~~.

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 ~~25~~ **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 ~~25~~ **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. ~~Outdoor dining areas are limited to the serving and consumption of food and non-alcoholic beverages.~~ Approval to serve alcoholic beverages within the outdoor dining area **is subject to the following:** ~~may require a separate Conditional Use Permit or an additional Modification to the restaurant's Conditional Use Permit.~~
 - 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 **25 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)