

RESOLUTION NO. 23-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING ZONE CHANGE 23-01 TO AMEND TITLE 18 (ZONING) OF THE LA HABRA MUNICIPAL CODE RELATING TO GENERAL RETAIL USES, PERSONAL SERVICES AND THEIR HOURS OF OPERATION WITH POTENTIAL HOUR LIMITS TO BE DETERMINED BY THE CITY COUNCIL

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

- A. On February 6, 2023, the City Council directed City staff to initiate proceedings to amend Title 18 (Zoning) of the La Habra Municipal Code related to 24-hour general retail uses and their hours of operation.
- B. Investigations made by this Commission and on its behalf reveal the following facts:
 - 1. Pursuant to Table 18.06.040.A (Land Use Matrix) of Section 18.06.040 (Land Uses) of Chapter 18.06 (Zones Established – Zoning Map Boundaries and Land Uses) of Title 18 (Zoning) of the La Habra Municipal Code, the establishment and operation of general retail businesses is permitted by right within the City's commercial zones.
 - 2. Because general retail uses are permitted by right in the City's commercial zones, the City cannot regulate the hours of operation or related safety measures for such establishments.
 - 3. Section 18.04.030 (Terms Defined) of Chapter 18.04 (Definitions) of Title 18 (Zoning) of the La Habra Municipal Code does not define the terms "general retail" or "personal services".
 - 4. Historically, the City has categorized personal service businesses, such as beauty salons, nail salons, barbershops, and diet and nutrition centers, as general retail.
- C. On May 8, 2023, the Planning Commission held a duly noticed public hearing to consider proposed amendments to Title 18 (Zoning) of the La Habra Municipal Code, at which time it considered all material and evidence presented, whether written or oral.
- D. In making the various findings, the Planning Commission has considered all of the evidence presented by staff, and the public,

whether written or oral, and has considered the procedures and standards required by the La Habra Municipal Code.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA HEREBY RESOLVES AS FOLLOWS:

SECTION 1. CALIFORNIA ENVIRONMENTAL QUALITY ACT. The Planning Commission recommends that the City Council find that adoption of the proposed ordinance is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (Common Sense Exception) of the CEQA Guidelines. The proposed amendments to the La Habra Municipal Code have no possibility of having a significant effect on the environment.

SECTION 2. CONSISTENCY WITH GENERAL PLAN. The Planning Commission 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. ZONE CHANGE. The Planning Commission recommends that the City Council adopt the ordinance attached hereto as Exhibit A, to approve Zone Change 23-01 to amend Title 18 (Zoning) of the La Habra Municipal Code relating to 24-hour general retail uses and personal services and their hours of operation.

SECTION 4. RECORD. Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the proposed action. All summaries of information in the findings which precede this section are based on the entire record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately.

SECTION 6. CERTIFICATION. The Secretary shall certify the passage of this Resolution and transmit a copy thereof to the City Clerk.

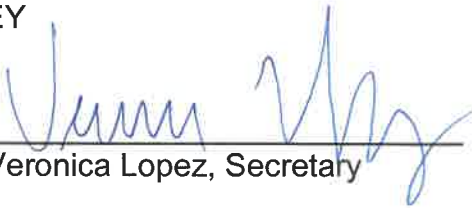
PASSED, APPROVED, AND ADOPTED this 8th day of May, 2023.



Esther Rojas, Chair

I, Veronica Lopez, Secretary to the Planning Commission of the City of La Habra, do hereby certify that the foregoing Resolution No. 23-05 was adopted at a regular meeting of the City of La Habra Planning Commission held on May 8, 2023 by the following vote:

AYES: COMMISSIONERS: BERNIER, ROJAS, SURICH
NOES: COMMISSIONERS: MAHECHA
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: MANLEY


Veronica Lopez, Secretary