



## Agenda Report

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Item #: 24-003

Meeting Date: 01/16/2024

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**TITLE: SECOND READING AND ADOPTION OF ORDINANCE NO. 2024-01 AMENDING TITLE 13 (PLANNING, ZONING, AND DEVELOPMENT) OF THE COSTA MESA MUNICIPAL CODE TO MODIFY THE CITY'S OUTDOOR DINING PROVISIONS (CODE AMENDMENT PCTY-23-0002)**

**DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION**

**PRESENTED BY: CAITLYN CURLEY, ASSISTANT PLANNER**

**CONTACT INFORMATION: CAITLYN CURLEY, ASSISTANT PLANNER, 714-754-5692**

### **RECOMMENDATION:**

Staff recommends the Council give second reading to and adopt Ordinance No. 2024-01 approving Code Amendment PCTY-23-0002, amending Title 13 (Planning, Zoning, and Development) of the Costa Mesa Municipal Code to modify the City's Outdoor Dining provisions.

### **BACKGROUND:**

The Planning Commission reviewed the proposed code amendment on November 13, 2023, and recommended the City Council approve the amendment with modifications regarding application review thresholds, parking operation standards and outdoor dining area aesthetics.

*November 13, 2023 Planning Commission Staff Report:*

<https://costamesa.legistar.com/View.ashx?M=A&ID=1135455&GUID=7ECD4C06-87E5-4283-8149-4BFF97215AA2>

*Video:*

[https://costamesa.granicus.com/player/clip/4063?view\\_id=14&redirect=true&h=f22a251337c41beeb55301395ff67cc2](https://costamesa.granicus.com/player/clip/4063?view_id=14&redirect=true&h=f22a251337c41beeb55301395ff67cc2)

The City Council reviewed the proposed code amendment as recommended by the Planning Commission on December 5, 2023. The City received over 270 written comments regarding the proposed project. The majority of the comments expressed support of the code amendment and encouraged the City to continue to approve outdoor dining areas and to allow existing outdoor dining areas established during the COVID-19 pandemic to remain in place. The City received one letter of opposition of allowing outdoor dining for Trenta Pizza. Trenta Pizza has an approved land use entitlement for an outdoor dining area, and is not directly affected by the proposed ordinance.

Staff presented the proposed project as recommended by the Planning Commission. After considering the recommendation and public comments, the City Council recommended approval by a vote of 4-2, with the modifications outlined below:

- 1) Update footnote 1 of Table 13-47(b) to permit previously approved outdoor dining areas within the drive aisle provided they do not interfere with the minimum required site access or circulation.
- 2) Update section 13-48(a)(1)(a) to prioritize outdoor dining areas within front setbacks, and classify outdoor dining areas within side and rear setbacks as a secondary preference.
- 3) Update section 13-48(a)(1)(e) to strike out “circulation standards” to also facilitate previously approved outdoor dining areas within the drive aisle.
- 4) Update section 13-48(a)(1)(w) to strike out “on-street,” to permit outdoor dining customers to park in “public parking lots” as well as on-street public parking spaces.
- 5) Update section 13-48(a)(2)(b) to prioritize the preservation of mature trees in the design of outdoor dining areas.

*December 5, 2023 City Council Staff Report:*

<https://costamesa.legistar.com/View.ashx?M=F&ID=12494749&GUID=5B83F550-AD7E-44DF-BDF4-CF96BB3BBD05>

*Video:*

[https://costamesa.granicus.com/player/clip/4067?view\\_id=14&redirect=true&h=79ce604bb91fe3c205b90efd6d607da1](https://costamesa.granicus.com/player/clip/4067?view_id=14&redirect=true&h=79ce604bb91fe3c205b90efd6d607da1)

### **PUBLIC NOTICE:**

Pursuant to Government Code Section 36933, a summary of the proposed Ordinance was published once in the newspaper no less than 5 days prior to the January 16, 2024 second reading. A summary of the adopted ordinance will also be published within 15 days after the adoption.

Public comments received prior to the January 16, 2024 City Council meeting may be viewed at this link: [CITY OF COSTA MESA - Calendar \(legistar.com\)](#)

### **ALTERNATIVES:**

The City Council may give second reading and adopt the Ordinance as proposed, modify the Ordinance, or not adopt the Ordinance. If the City Council chooses to make substantive modifications to the Ordinance, the modified Ordinance would need to be brought back at a future meeting for second reading and adoption

### **FISCAL REVIEW:**

The adoption of the proposed Ordinance will not have any fiscal impact.

### **LEGAL REVIEW:**

The proposed Ordinance and this report have been prepared in conjunction with and approved by the City Attorney's Office.

**CONCLUSION:**

Staff recommends the City Council give second reading to and adopt Ordinance No. 2024-01 approving Code Amendment PCTY-23-0002, amending Title 13 of the Costa Mesa Municipal Code (Zoning Code) to modify the City's outdoor dining provisions.