

ORDINANCE NO. CC 2026-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, APPROVING ZONE CHANGE 25-0005 (ZCA 25-0005) AMENDING SECTION 18.04.030 (TERMS DEFINED) OF CHAPTER 18.04 (DEFINITIONS) AND 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 TO DEFINE SMOKE SHOPS, TOBACCO RETAILERS AND TO PROHIBIT THE ESTABLISHMENT OF ANY NEW SMOKE SHOP AND MAKING A DETERMINATION THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTIONS 15378(b)(5) AND 15061(b)(3) OF THE CEQA GUIDELINES

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

WHEREAS, according to the World Health Organization, the tobacco epidemic is one of the biggest public health threats the world has ever faced, responsible for over seven (7) million deaths annually as well as disability and long-term suffering from tobacco-related diseases; and

WHEREAS, according to California Department of Tax and Fee Administration (CDTFA) records, in 2024, there were 68 locations within La Habra licensed by the State of California for the retail sale of tobacco; and

WHEREAS, City staff identified 20 retailers within La Habra that appear to sell tobacco as their primary category of merchandise, 14 of which have opened in the past five years; and

WHEREAS, the City has seen a significant increase in the number of retailers whose principal or core business involves selling tobacco products and related paraphernalia; and

WHEREAS, the City Council is concerned about this increase and the harmful effects of tobacco on the residents of the City; and

WHEREAS, the City has no regulations specific to retailers whose principal or core business involves selling tobacco products and related paraphernalia; and

WHEREAS, on August 4, 2025, the City Council directed City staff to prepare an urgency ordinance to establish a temporary moratorium on retailers whose principal or core business involves selling tobacco products and related paraphernalia to allow City staff the opportunity to study options to regulate these retailers and to initiate amendments to the La Habra Municipal Code relating to such retailers; and

WHEREAS, on August 18, 2025, in accordance with California Government Code section 65858, the City Council adopted an urgency ordinance placing a moratorium on all new smoke shops, defined as defined as any retailer who: (1) devotes at least 20% of the floor or display area of the business to tobacco products and/or related paraphernalia; (2) derives at least 60% of gross sales from tobacco products and/or related paraphernalia; or (3) includes a tobacco product and/or related paraphernalia in at least 50% of all retail sales transactions, in the City; and

WHEREAS, on September 8, 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 25-0005, at which time it considered all material and evidence presented, whether written or oral, and recommended that the City Council not approve the proposed code amendments; and

WHEREAS, on July 20, 2026, 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 25-0005, at which time it considered all material and evidence presented, whether written or oral, including the Planning Commission's recommendation; and

WHEREAS, the proposed amendments under Zone Change 25-0005 are consistent with the City's General Plan and, more specifically, support General Plan Policies EJ 1.2 and EJ 7.3 of monitoring liquor and tobacco stores to ensure compliance with City and state law and continuing to raise the public's and decisionmakers' awareness of the importance of a healthy environment, the issues affecting a health community and how the City can further this goal; 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 Sections 15378(b)(5) and 15061(b)(3) of the CEQA Guidelines. The Zone Change is not a project pursuant to Section 15378(b)(5) of the CEQA Guidelines because it is an administrative activity of the City that will not result in direct or indirect physical changes in the environment. Even if the Zone Change were considered a project under CEQA, it would be exempt pursuant to Section 15061(b)(3) (Common Sense Exemption) of the CEQA Guidelines because the proposed amendments to the La Habra Municipal Code have no possibility of having a significant effect on the environment.

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 add the term “smoke shop” as follows:

“Smoke shop” means as any retailer that: (1) devotes at least twenty percent of the floor or display area of the business to tobacco products and/or related paraphernalia; (2) derives at least sixty percent of gross sales from tobacco products and/or related paraphernalia; or (3) includes a tobacco product and/or related paraphernalia in at least fifty percent of all retail sales transactions.

SECTION 5. Amendment to Section 18.06.040. In 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 Commercial—Retail category is hereby amended to add smoke shops and tobacco retailers and establish that smoke shops and tobacco retailers are prohibited in all zones. All other provisions remain the same.

Table 18.06.040.A—Land Use Matrix															
Permitted = P	R-1a	R-2	R-5	M	C-R	C-P	C-1	C-2, C-2.5H	C-2	C-3	O	PC-1	M-1	SP-1	MX Overlay
Conditional Use Permit = CUP	R-1b	R-3	R-6	H							S				
Not Permitted = -	R-1c	R-4	R-7	P											
Special Event Permit = S															
Home Occupation Permit = H															
COMMERCIAL—RETAIL															
Bakeries with less than 10 employees on premises	—	—	—	—	—	P	P	P	P	P	—	P	P	P	P
Banks (with or without ATM machines)	—	—	—	—	—	P	P	P	P	P	—	P	CUP	P	P

Coin-operated laundries	—	—	—	—	—	—	CUP	CUP	CUP	CUP	—	—	—	CUP	CUP
General retail	—	—	—	—	—	—	P	P	P	P	—	P	CUP	P	P
Motor vehicle sales and services (as defined in the California <u>Vehicle Code</u>)	—	—	—	—	—	—	CUP	CUP	CUP	CUP	—	CUP	CUP	CUP	—
Retail nursery (garden center)	—	—	—	—	—	CUP	CUP	CUP	CUP	CUP	—	CUP	CUP	CUP	CUP
Retail stores selling pre-owned merchandise	—	—	—	—	—	—	CUP	CUP	CUP	CUP	—	CUP	—	CUP	CUP
Smoking lounges	—	—	—	—	CUP	CUP	CUP	CUP	CUP	CUP	—	CUP	CUP	CUP	CUP
Smoke shops	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Temporary commercial enterprises and seasonal sales lots	—	—	—	—	—	—	S	S	S	S	—	S	S	S	S

SECTION 6. Effect on Existing Uses. This Ordinance shall not apply to any smoke shop that is legally existing as of the effective date of this Ordinance. "Legally existing" means that in addition to any required City licenses and permits, the business has the required State license.

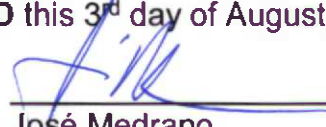
SECTION 7. Inconsistencies. Any provision of the La Habra Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 8. 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 9. Effective Date. This Ordinance shall take effect thirty (30) days after its final passage.

SECTION 10. 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 3rd day of August, 2026.



José Medrano
Mayor

ATTEST:

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

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

I, Rhonda J. Barone, CMC, City Clerk for the City of La Habra, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. CC 2026-07 introduced at a regular meeting of the City Council of the City of La Habra held on the 20th day of July, 2026, and was thereafter adopted at a regular meeting held on the 3rd day of August, 2026, by the following vote:

AYES:	COUNCILMEMBERS: Medrano, Gomez, Espinoza, 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 3rd day of August, 2026.

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