

## Title 18. Zoning

### Article I. General

## Chapter 18.12. SPECIAL DEVELOPMENT STANDARDS

### § 18.12.170. Smoking lounges.

- A. Definition. "Smoking lounge" means a business establishment that is dedicated, in whole or in part, to the smoking of tobacco, including, but not limited to, establishments known variously as cigar lounges, hookah cafés, tobacco clubs or tobacco bars.
- B. Permit Requirements. Smoking lounge is a use permitted by a conditional use permit within the C-1 (limited commercial zone), C-2S (community shopping center zone), C-2 (commercial zone), C-3 (general commercial zone), SP-1 (La Habra Boulevard specific plan), and PC-I (planned commercial-industrial) zones.
- C. Location Restrictions.
  - 1. The tenant space shall not be located within two hundred feet of any residential zone boundary within the city.
  - 2. The tenant space shall be a minimum distance of one thousand feet from any educational institution as defined in Section 18.04.260 within the city.
- D. Operational Restrictions.
  - 1. The business shall be owner-operated or otherwise exempt from the prohibition of smoking in the workplace set forth in California **Labor Code** Section 6404.5.
  - 2. No alcoholic beverages shall be sold or consumed on the business premises within any area where the smoking of tobacco or other substances is allowed, including any outdoor seating area. Should food service be proposed, the owner-operator shall comply with California **Labor Code** Section 6404.5.
  - 3. No person under eighteen years of age shall be permitted within any of the business premises where the smoking of tobacco or other substances is allowed.
  - 4. No live entertainment, including, but not limited to singers, DJs, dancers, and comedians, shall be permitted within the business except as authorized pursuant to Chapter **5.32** (Entertainment, Amusement and Dance Permits).
  - 5. All business related activities shall be conducted wholly within a building, with the exception of outdoor seating areas approved as part of the conditional use permit. Operation of outdoor barbeques or braziers or lighting coals shall not be permitted.
  - 6. No admittance fee, cover charge, or requirement of any charge or minimum payment as a condition of entry shall be permitted.
  - 7. Uniformed security guards shall be provided, as deemed necessary by the chief of police.

8. No window coverings shall prevent visibility of the interior of the tenant space from outside the premises during operating hours. Any proposed window tint shall be approved in advance by the director of community development.
9. The interior of the business shall be maintained and adequately illuminated to make the conduct of patrons within the premises readily discernable to persons of normal visual acuity.
10. Adequate ventilation shall be provided for the heating of coals in accordance with all requirements imposed by the chief building official and fire chief, or as otherwise required by state or federal law.
11. Parking shall be provided using the standard for restaurant with bar (twelve spaces per one thousand GFA).
12. The business shall conform to all other city, state, and federal laws.

E. Application Requirements.

1. Application for a conditional use permit shall be filed in accordance with Chapter **18.66** (Conditional Use Permits);
2. The exact nature and location of the activity for which the conditional use permit is requested and an estimate of the numbers of patrons of the establishment;
3. A security plan for control of customers;
4. A plan for control of noise affecting nearby premises;
5. The business plan including the hours of operation of the establishment;
6. Such other information pertaining to public health and safety as may be required by director of community development to ensure compliance with the provisions of this section.

(Ord. 1719 § 1, 2010)