



MEETING DATE: 03/18/2024

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: JIM SADRO, CITY MANAGER
By: Susan Kim, Director of Community & Economic Development

SUBJECT: CONSIDER THE INITIATION OF ZONE CHANGE 24-01 TO AMEND THE LA HABRA MUNICIPAL CODE RELATED TO THE REQUIREMENTS FOR NOISE VARIANCES, PUBLIC NUISANCES, AND SPECIAL EVENT PERMITS

RECOMMENDATION:

That the City Council direct staff to initiate Zone Change 24-01 to amend the La Habra Municipal Code related to Noise Variances, Public Nuisances, and Special Event Permits.

DISCUSSION:

Staff has identified three areas of the La Habra Municipal Code (LHMC or "Code") that they believe should be updated: Noise Variances, Public Nuisances, and Special Event Permits.

Noise Variances

Chapter 9.32 (Noise Control) of the LHMC provides policy direction towards controlling unnecessary, excessive and annoying sounds. This chapter sets standards for interior and exterior noise. Exterior noise levels are generally limited to 55 decibels ("dB(A)"), during the day between 7:00 am and 10:00 pm, and 50 dB(A), at night between 10:00 pm and 7:00 am. Interior noise levels are generally limited to 55 dB(A), during the day between 7:00 am and 10:00 pm, and 45 dB(A), at night between 7:00 am and 10:00 pm. For reference, 40 dB(A) is about the sound of a quiet library and 60 dB(A) is about the sound of a normal conversation. These are general limitations; there are several exceptions, including noise sources associated with construction, repair, remodeling, or grading of any real property, provided the activities do not take place at night, between 8:00 pm and 7:00 am, or at any time on Sunday or a federal holiday. The City Council last updated Chapter 9.32 (Noise Control) in 1989. The full text of Chapter 9.32 is provided as Attachment 1.

Staff have recently received requests for noise variances to allow for construction work during nighttime hours. Upon review of Chapter 9.32, staff identified that the variance process outlined in Chapter 9.32 includes outdated references to County of Orange ordinances and a "Noise Variance Board" of individuals appointed by the Orange County Board of Supervisors. Therefore, staff is requesting to update Chapter 9.32, to give the Director of Community and Economic Development approval authority for these requests, and allow the decision of the Director to be appealed to the Planning Commission.

Public Nuisances

Chapters 18.72 (Enforcement) and 18.74 (Neighborhood Preservation, Code Enforcement and Abatement) both regulate the actions that the City can take in the event of a public nuisance. Chapter 18.72 was adopted by Ordinance 729 in 1968 (as Chapter 10.5) and hasn't been significantly updated since that time. In 2010, as part of a comprehensive zoning code update, the chapter was renumbered Chapter 18.72. The full text of Chapter 18.72 is provided as Attachment 2. Chapter 18.74 was adopted by Ordinance 1478 in 1994, and has only been updated to clarify the penalty for not maintaining a property (2000), requirements to maintain and secure vacant properties (2003), changes in chapter numbering (2010), and maintenance requirements for artificial turf (2011). The full text of Chapter 18.74 is provided as Attachment 3. Staff has recently processed several public nuisance determinations. As a result of these cases, staff has identified the need to update these chapters. Therefore, staff is requesting to update and consolidate Chapters 18.72 and 18.74 to more accurately and comprehensively reflect current procedures, enforcement and abatement.

Special Event Permits

The requirements to hold temporary outdoor promotional events conducted as part of an existing business or in conjunction with a non-profit organization are permitted within the City of La Habra upon the granting of a Special Event Permit. Temporary outdoor sales do not include seasonal commercial sales, such as Pumpkin Patches and Christmas Tree Lots, which are governed by LHMC Section 5.04.610. The requirements and fees to process a Special Event Permit are identified in the application document, and for large events, additional information is required to be submitted through the Planning Division General Information Packet (see Attachments 4 and 5). However, these requirements and fees are not codified in the LHMC, which can result in issues related to enforcement and fee increases. Therefore, staff is requesting to amend the LHMC to codify the City's requirements for Special Event Permits.

Next Steps

If the City Council initiates the requested updates to the LHMC, staff will prepare a draft ordinance and staff report for review by the Planning Commission at a noticed public hearing. The Planning Commission will, by resolution, make a recommendation to the City Council on the adoption of the draft ordinance. The City Council will then review the Zone Change at public hearing and will introduce the draft ordinance. If the City Council chooses to adopt the ordinance, the adoption will occur at a subsequent meeting and become effective 30 days later.

FISCAL IMPACT/SOURCE OF FUNDING:

Costs associated with City-initiated amendments to the LHMC are included as part of the Planning Division's annual budget.

GENERAL PLAN RELEVANCE/CITY COUNCIL GOALS & OBJECTIVES:

Applicable General Plan Goals:

- Goal LU 11: Diverse Districts and Corridors. Vital, active, prosperous, and well-designed commercial districts that provide a diversity of goods, services, and entertainment and contribute to a positive experience for visitors and community residents.
- Goal ED 2: Business Attraction, Retention and Assistance. Responsive support of new and expanding businesses within the community.
- Goal H 2: Housing Maintenance and Conservation. Maintained and conserved housing in each neighborhood in a decent, safe, and sanitary condition where adequate public facilities and services are provided and the quality of life is protected from encroachment of other uses or environmental hazards.
- Goal N 1: Noise Environment. Ambient noise levels that are compatible with La Habra's small town character and are not disruptive to the residents' quality of life.
- Goal N 3: Stationary Noise Sources. Minimized noise impacts of non-transportation-related sources on sensitive receptors.

Applicable City Council Goal and Objectives: Goal 5: Development Activity and Business Assistance:

- Objective A: Identify blighted properties within the community and prepare targeted strategies to address the challenge
 - Objective C: Work closely with commercial and residential property-owners to improve and maintain the appearance of their properties
 - Objective D: Continue to improve the City's business retention and expansion program
 - Objective E: Continue to evaluate and improve the City's development review process and continue to foster a "business friendly" environment within all City departments
 - Objective O: Review the Zoning Code on an on-going basis and process amendments that ensure compliance with recent State legislation, streamline project processing, remove unnecessary regulations, and/or make the Zoning Code easier to implement
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