

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 12/10/07		Item Number: <u>A-5</u>	
AGENDA ITEM: Discussion of Smoking Prohibition Options and Direction to Staff to Begin the Process of Evaluating the Expansion of Specified Smoke Free Areas if Desired.			
Contact Person/Dept.: Shelly Wolfberg		Phone Number: (310) 253-6008	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☒	Attachments: ☒
Public Notification: Culver City Chamber of Commerce, Downtown Business Association, County of Los Angeles Department of Health Services, and Master Notification List (12/05/07).			
Department Approval: Martin R. Cole (12/04/07)		City Attorney Approval: Carol Schwab (by H. Iker) (12/03/07)	
Fiscal Impact Review: Marlee Chang (12/04/07)		City Manager Approval: Jerry B. Fulwood (12/05/07)	

RECOMMENDATION:

Staff recommends the City Council discuss smoking prohibition options and direct staff to begin the process of evaluating the expansion of specified smoke free areas, if desired.

BACKGROUND:

On November 27, 2006, then-Mayor Gary Silbiger requested support and received consensus to agendize a discussion regarding "smoke-free outdoor areas" policies and to find out what other cities are doing in this regard. The Council has previously adopted an ordinance prohibiting smoking in public parks. That ordinance, consistent with state law, reflects the dangers posed by the inhalation of second-hand smoke, the risk of children ingesting discarded cigarette butts and other smoking materials, and the degradation to aesthetics caused by improper disposal of smoking waste.

Many Culver City restaurants have open areas that allow patrons an indoor-outdoor dining experience permitted under current State law. Because current state law allows persons to smoke in outdoor dining areas, in those cities which have not determined to enact more stringent regulations on smoking, patrons may be impacted by secondhand smoke while sitting in a designated smoke-free area. Other individuals who may be impacted by second hand smoke include those who wait in line outdoors for services, or those who are participating in events, and individuals in a common area of a multi family dwelling unit complex.

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DISCUSSION:

Staff has reviewed Culver City's existing ordinance (Attachment 1) and conducted research of various cities' ordinances which are found in Attachments 2-5. As to smoking ban measures in general, several cities have adopted a variety of measures. For instance, Davis, Calabasas, Burbank, Berkeley, Beverly Hills, Santa Barbara, Los Gatos, Laguna Hills, Palo Alto and San Ramon prohibit smoking in outdoor dining areas where food is served. Additionally, Davis, Berkeley and others prohibit smoking in waiting areas, and within 20 feet of doors and windows of businesses and public facilities, unless the smoker is just passing by.

Should the City Council determine it wishes to pursue additional smoking regulations, the following list outlines a variety of components that could become a part of implementing expanded outdoor smoking prohibitions:

1. Prohibition of smoking in all outdoor dining areas
2. Prohibition of smoking in outdoor service areas-such as ATM machine lines, waiting to purchase theatre tickets, etc.
3. Prohibition of smoking at outdoor events
4. Prohibition of smoking in common areas of multi-unit residential buildings

If the City Council wishes to move forward on any type of expanded smoke free areas in Culver City, then staff recommends the following process:

1. Determine which outdoor areas staff should direct its efforts for expanded smoking prohibitions.
2. Direct the Community Development Department staff to work with the Culver City Chamber of Commerce, Downtown Business Association or other user groups to discuss smoking prohibitions as part of a public outreach effort.
3. Direct City staff to meet and discuss the enforcement program associated with implementing new smoking prohibitions in Culver City.
4. Direct the City Attorney to Draft a Smoking Prohibition Ordinance and return to City Council to Introduce the Ordinance.
5. If an ordinance is adopted, direct staff to develop a public outreach campaign to educate the public of the new law. This outreach would include publicity on the City's website, Channel 35, Culver City Living and other City prepared documents.

FISCAL ANALYSIS:

There would be some costs associated with the community outreach process that could be absorbed through staff time and existing budget resources. Any costs that

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could not be absorbed in the FY 07-08 Budget would be brought back to City Council for consideration and approval of a budget amendment.

ATTACHMENTS:

1. Culver City Municipal Code Chapter 9.11: Smoking Regulations
2. Smoking Prohibition Ordinance-Beverly Hills
3. Smoking Prohibition Ordinance-Burbank
4. Smoking Prohibition Ordinance-Calabasas
5. Smoking Prohibition Ordinance-Santa Monica

MOTION:

That the City Council:

1. Discuss smoking prohibition options and direct staff to begin the process of evaluating the expansion of specified smoke free areas if desired;

If the City Council does desire to move forward with additional regulation of smoking, then

2. Determine which outdoor areas staff should direct its efforts for expanded smoking prohibitions; and,
3. Direct the Community Development Department staff to work with the Culver City Chamber of Commerce, Downtown Business Association or other user groups to discuss smoking prohibitions as part of a public outreach effort; and,
4. Direct City staff to meet and discuss the enforcement program associated with implementing new smoking prohibitions in Culver City;; and,
5. Direct the City Attorney to Draft a Smoking Prohibition Ordinance and return to City Council to Introduce the Ordinance;

or

6. Provide other direction to staff.