



**Memorandum**

**To:** Mayor and City Council

March 17, 2009

**From:** Suja Lowenthal, Second District *SL*  
Gary DeLong, Third District *GD*  
Rae Gabelich, Eighth District *RG*

**Subject:** Regulatory Process for Smoking Lounges

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**REQUESTED ACTION:**

Respectfully request the City Manager and City Attorney develop a regulatory process for reviewing, approving and enforcing related building and public health codes for smoking lounges as defined in Long Beach Municipal Code 8.68 and return with proposed regulatory changes to the City Council within 60 days for review and approval.

Request initiating a one-year moratorium to prohibit the establishment of any new smoking lounges as defined in Long Beach Municipal Code 8.68 beyond those tobacco-related businesses currently operating in the City of Long Beach.

Request the City Manager provide recommendations to the Planning Commission to restrict smoking lounges to those tobacco-related businesses currently operating in the City of Long Beach.

**BACKGROUND:**

On February 17, Long Beach Municipal Code 8.68 was amended to allow smoking of tobacco products in public spaces known as "smoking lounges". As a result, smoking may now occur in cigar lounges, hookah lounges and smoking clubs so long as separate ventilation is provided and businesses conform to existing law.

With the recent amendment, residents and City staff expressed concern that the City lacks standards, policy and regulations for 1) businesses interested in satisfying the conditions to operate a smoking lounge, 2) businesses required to install appropriate ventilation systems, 3) imposing a fee, if any, for operation of a smoking lounge, 4) responding to complaints, enforcement of non-compliant businesses and the issuance of citations.

We believe this ordinance needs a strong regulatory structure to protect the public and provide our business community with clear expectations for operation.

Concern was also expressed that with this amendment, Long Beach would experience a proliferation of tobacco-related businesses interested in having smoking lounges. We share

this concern and therefore, wish to restrict the number of smoking lounges operating in Long Beach through our zoning process.

We are requesting that the City Council adopt a minute order initiating a one-year interim (moratorium) ordinance pursuant to Chapter 21.50 of the Municipal Code. The moratorium would temporarily prohibit the establishment of new smoking lounges as defined in Municipal Code 8.68. In this way, the status quo can be maintained while staff and the Planning Commission undertake a study to determine the appropriate controls or zoning regulations that are related to smoking lounge operations.