



Legislation Details (With Text)

File #:	09-0286	Version:	1	Name:	CD2, 3 & 8 - Regulatory process for smoking lounges
Type:	Agenda Item	Status:		Status:	Approved
File created:	3/9/2009	In control:		In control:	City Council
On agenda:	3/17/2009	Final action:		Final action:	3/17/2009
Title:	<p>Recommendation to respectfully request City Manager and City Attorney to 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 Chapter 8.68 and return with proposed regulatory changes to the City Council within 60 days for review and approval;</p> <p>Request City Council adopt a minute order initiating a one-year moratorium to prohibit the establishment of any new smoking lounges as defined in Long Beach Municipal Code Chapter 8.68 beyond those tobacco-related businesses currently operating in the City of Long Beach; and</p> <p>Request 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.</p>				
Sponsors:	COUNCILMEMBER SUJA LOWENTHAL, SECOND DISTRICT, COUNCILMEMBER GARY DELONG, THIRD DISTRICT, COUNCILWOMAN RAE GABELICH, EIGHTH DISTRICT				
Indexes:					
Code sections:					
Attachments:	1. 031709-R-11sr.pdf				

Date	Ver.	Action By	Action	Result
3/17/2009	1	City Council	approve recommendation	Pass

Recommendation to respectfully request City Manager and City Attorney to 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 Chapter 8.68 and return with proposed regulatory changes to the City Council within 60 days for review and approval;

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

Request 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.

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.

Approve recommendation.

Suja Lowenthal, Second District
Gary DeLong, Third District
Rae Gabelich, Eighth District