




R-24
Additional
Attachment

Date: November 3, 2009

To: Honorable Mayor and Members of the City Council

From: Council Member Tonia Reyes Uranga, Seventh District 

Subject: **Smoking Lounge Permit Ordinance**

On December 2, 2008, the City Council approved the following motion to request an ordinance amending Chapter 8.68 of the Long Beach Municipal Code to provide an exemption for "private smokers lounge" or cigar bars:

"Recommendation to request City Attorney to draft an ordinance amending Chapter 8.68 of the Long Beach Municipal Code to provide an exemption for "private smokers lounge" or cigar bars."

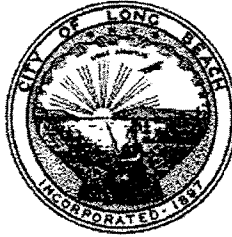
On February 17, 2009, the City Council adopted an ordinance amending the Long Beach Municipal Code Chapter 8.68 to provide an exemption for all smoking lounges, including cigar lounges and hookah lounges. Subsequently on March 17, 2009 in response to the City Council's approval of the smoking lounge exemption, the City Council requested the City Manager and City Attorney develop a regulatory process for overseeing smoking lounges as defined in the Long Beach Municipal Code. Specifically, the Council Letter submitted for Agenda Item R-11 stated:

"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."

The City's Health Department and the City Attorney's office have been diligently working on the development of a proposed regulatory process and ordinance requiring smoking lounge permits pursuant to City Council direction. I would like request that this matter be referred to the Economic Development and Finance Committee for review and to make recommendations for City Council consideration.

Recommended Action: Refer the matter of drafting an ordinance amending the Long Beach Municipal Code to regulate smoking lounges as requested on March 17, 2009 to the Economic Development and Finance Committee for discussion and formulating a recommendation to the City Council.

Attachment: City Council Agenda Letter (Item R-25) Dated December 3, 2008
City Council Agenda Letter (Item R-11) Dated March 17, 2009



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

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.
