

Agenda Report

TO: CITY COUNCIL

DATE: April 7, 2008

THROUGH: PUBLIC SAFETY COMMITTEE

FROM: CITY MANAGER

SUBJECT: NO SMOKING IN CERTAIN OUTDOOR PUBLIC PLACES

RECOMMENDATION:

It is recommended that City Council direct the City Attorney to amend the City's municipal code as follows:

1. Prohibit smoking in outdoor malls, shopping areas/centers.
2. Prohibit smoking in outdoor dining areas.
3. Prohibit smoking within 20-feet of business entrances/exits.
4. Prohibit smoking in public service waiting lines (e.g. movie theatre lines, ATM lines, bus stops).
5. Prohibit smoking in public outdoor gathering events/special events/parades/fairs (other than parkland).

BACKGROUND:

This report addresses questions raised at the February 4, 2008 Public Safety Committee meeting regarding smoking in public places within Pasadena. Staff was asked to provide: 1) an update on the results of the local community opinion survey addressing the issues of smoking in public places [Attachment A]; 2) recommendations to further protect the public's exposure to secondhand smoke in outdoor public places; and 3) a description of policy provisions that reflect an American Lung Association "A" grade versus a "B" grade relative to their report card evaluation of cities' tobacco control regulations.

Smoking in outdoor venues exposes people to levels of harmful secondhand smoke as high as levels existing in indoor spaces where smoking is unrestricted. Evidence regarding the harmful effects of secondhand smoke is well documented in medical and scientific literature and substantiates the need for stronger policies to regulate secondhand smoke in outdoor public places. Additionally, prohibiting smoking within a defined distance from building entrances/exits will further protect the public's health by preventing people from breathing in

concentrated, unwanted carcinogenic secondhand smoke as they enter or exit buildings, particularly persons with respiratory disabilities.

Enforcement of the proposed policies would be built into an existing enforcement mechanism operated by the Public Health Department Tobacco Control Program. This mechanism is a complaint-driven process with a telephone number and website for the public to register complaints. Staff will also develop a comprehensive proactive public education communications effort, coupled with clear and prominent signage to notify the public about the newly adopted policies.

Results of Local Survey:

Since August 2007, staff has worked with 15 community volunteers to conduct a community intercept survey to obtain public opinion and gauge community readiness about outdoor tobacco smoke regulations in public places. This survey was completed by 900 respondents representing Pasadena's daytime population. Although this was not a randomized sample, significant efforts were made to reach a diverse demographic of respondents from various parts of the city. The analysis was conducted by an independent research consulting firm and the results indicate the following:

- 76% would support a policy to prohibit smoking in all public places.
- 82% would support a policy to prohibit smoking in public service waiting lines.
- 78% would support a policy to prohibit smoking in all outdoor gathering events (other than parkland).
- 81% would support a policy to prohibit smoking in outdoor dining.
- 82% would support a policy to prohibit smoking within a certain distance from the main building entrance or exits.

Update on Other California Communities with Existing Outdoor Tobacco Smoke Policies in Public Places

As of June 2007, 42 cities have policies regulating tobacco smoke in outdoor dining, 46 cities have an entryway policy, and 29 cities have adopted policies related to service lines, waiting lines, bus stops, and taxi shelters. The City of Glendale is currently considering outdoor tobacco smoke and drifting tobacco smoke in multi-unit housing policies. It may also ban smoking on sidewalks in all commercial zones. Culver City is considering policies to prohibit smoking in outdoor dining.

Tobacco Control Policy Elements of an "A" Grade Ordinance versus a "B" Grade Ordinance

In February 2008, the American Lung Association held a press conference to release its first ever local Tobacco Control report card, highlighting the cities with the most comprehensive tobacco control ordinances in Los Angeles and Orange County cities.

Grading for tobacco prevention is based on the Centers for Disease Control and Prevention's (CDC) 1999 Best Practices for Comprehensive Tobacco Control Programs. Cities and Counties were rated on a grade scale (A – F) and were measured on how city leaders and officials protect their citizens from harmful secondhand smoke exposure in city parks and recreation areas, entryways, service lines, outdoor dining, and apartments. Local governments were also graded on preventing youth access to tobacco through tobacco retailer licensing laws.

While the City of Pasadena has remained a leader in preventing youth access to tobacco products, it has lagged behind other communities in secondhand smoke policies. The City obtained a “**C**” grade, citing the need to upgrade local policies that further reduce the public’s exposure to secondhand smoke.

An “A” grade ordinance is primarily based on its comprehensiveness in protecting the public from exposure to secondhand smoke. According to the Center for Policy and Organizing, a statewide agency that monitors local tobacco control ordinances, there are seven policy elements of a comprehensive outdoor air ordinance when approaching a prohibition of smoking in all public places:

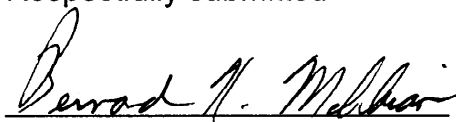
1. **Dining Areas** – defined as outdoor seating at restaurants, bars, etc.
2. **Entryways** – defined as within a certain distance of doors, windows, and other openings into enclosed areas (many entryways restrictions prohibit smoking within a certain distance of all areas where smoking is prohibited, not just openings into buildings).
3. **Public Events** – defined as farmer’s markets, fairs, concerts, etc.
4. **Recreation Areas** – defined as parks, beaches, trails, sports fields, etc.
5. **Service Areas** – defined as bus stops, ATM lines, ticket lines, taxi stands, etc.
6. **Sidewalks** – defined as public sidewalks, such as sidewalks around downtown shopping and business areas.
7. **Worksites** – defined as any outdoor working area, such as construction areas

Cities and counties that have comprehensive ordinances include Calabasas, Santa Rosa, Santa Monica, Contra Costa County, Marin County, Laguna Woods, Baldwin Park, Burbank, Temecula, El Cajon, Belmont, Ross and Berkeley.

FISCAL IMPACT:

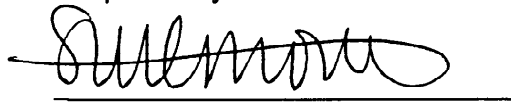
There would be a nominal cost for staff time related to enforcement, signage and the public education campaign to inform the public about the new restrictions on smoking in public.

Respectfully submitted



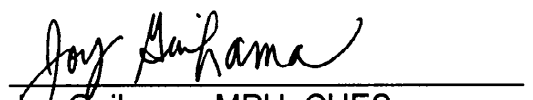
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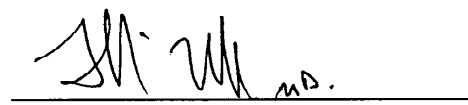
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