

Agenda Report

March 8, 2010

TO: Honorable Mayor and City Council

THROUGH: Public Safety Committee (March 1, 2010)

FROM: Public Health Department

**SUBJECT: AMENDMENT TO TOBACCO USE PREVENTION ORDINANCE
TO REMOVE THE SMOKING EXEMPTION FOR THE CLUBHOUSE
PATIO AT BROOKSIDE PARK GOLF COURSE**

RECOMMENDATION:

It is recommend that the City Council direct the City Attorney to amend the Tobacco Use Prevention Ordinance, Pasadena Municipal Code Section 8.78.051 (Prohibition of Smoking in Public Parks) to remove the smoking exemption for the Brookside Clubhouse patio.

BACKGROUND:

In February 2004, City Council adopted tobacco control policies that amended the Tobacco Use Prevention Ordinance to include smoke-free public parks, tobacco retail licensing, and conditional use permit policies that restricted tobacco-only retail stores from establishing and operating within 1,000 feet of sensitive-use locations, such as schools and libraries. At that time, Council also discussed whether or not to prohibit smoking at the Brookside Park golf course and Clubhouse patio because of the park land location. At the first reading of the 2004 Ordinance, the Council approved the staff recommendation to require all city-owned parks to be 100% smoke-free, but decided to exempt the Brookside Park golf course and Clubhouse patio.

In October 2008, City Council adopted additional amendments to the Tobacco Use Prevention Ordinance to prohibit smoking in certain outdoor public places, specifically 1) outdoor areas of shopping malls, 2) in service waiting lines or within 20 feet of such lines, 3) outdoor public gathering events/special events/parades/fairs, and 4) unenclosed areas of bars and restaurants.

Although the Brookside Clubhouse patio was exempted from the 2008 smoking prohibitions, in actuality the management of the Brookside Clubhouse has not allowed smoking in the patio area and signs to that effect are currently in place. Removing the exemption would make the ordinance consistent with actual practice and consistent with city policy to prohibit smoking in the unenclosed areas (such as patios) of restaurants.

COUNCIL POLICY CONSIDERATION:

The City of Pasadena has adopted progressive environmental policies which include the United Nations Green Cities Declaration and Urban Environmental Accords, the Green City Action Plan and the Green Building Program. In 2005, City Council approved the Green Building Practices Ordinance (PMC 14.90), which adopts the US Green Building Council's Leadership in Energy and Environmental Design (LEED) green building rating system. The LEED green building rating system is a point based system which evaluates multiple criteria, including indoor environmental air quality.

Addressing exposure to secondhand tobacco smoke closely aligns with the City's green policy. A prerequisite requirement under LEED is reducing Environmental Tobacco Smoke (ETS) or secondhand smoke. These LEED policies include improving indoor environmental air quality, environmental health and reducing toxins.

ENVIRONMENTAL ANALYSIS:

The public health need for protection from secondhand smoke is even greater today with even more scientific research and conclusions regarding the health hazards of secondhand smoke exposure. Secondhand smoke is classified by the Environmental Protection Agency as a Class A carcinogen, a substance known to cause cancer in humans. In 2006, the California Air Resources Board identified secondhand smoke as a Toxic Air Contaminant (TAC), with no safe level of exposure. Tobacco smoke is now formally identified as an airborne toxic substance that may cause or contribute to death or serious illness.

FISCAL IMPACT:

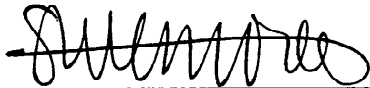
Given that smoking is currently prohibited at the Brookside Clubhouse formalizing this policy will not have a negative impact on operational revenues for the Clubhouse or result in additional costs.

Respectfully submitted,



TAKASHI WADA, MD, MPH
Director/Health Officer
Public Health Department

Prepared by:



Statrice Wilmore
Tobacco Control Program Coordinator II

Concurred by:



Joy Guhama, MPH
Health Promotion and Policy Division
Manager

Approved by:



MICHAEL J. BECK
City Manager