

CITY OF SANTA ROSA  
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL  
SUBJECT: SMOKING REGULATIONS UPDATE: CHAPTER 9-20  
(SMOKING REGULATIONS) AND ZONING CODE SECTION  
20-70 (DEFINITIONS OF SPECIALIZED TERMS AND  
PHRASES)  
STAFF PRESENTER: ERIN MORRIS, SENIOR PLANNER  
COMMUNITY DEVELOPMENT  
AGENDA ACTION: INTRODUCTION OF ORDINANCES

---

ISSUES

- Shall the Council introduce an ordinance to replace Chapter 9-20, titled “Prohibiting Smoking In and Around Workplaces and Public Places,” with a revised Chapter 9-20 titled “Smoking Regulations?”
- Shall the Council introduce an ordinance amending Zoning Code Section 20-70.020 (Definitions of Specialized Terms and Phrases) to include revised definitions related to tobacco/smoke shops and a definition of electronic smoking devices?



COUNCIL GOALS/STRATEGIES

City Council Goal 6 is to “Commit to Making Santa Rosa a Healthy Community Where People Feel Safe to Live, Work, and Play.” Strategic Objective #2 is to expand the City’s smoking ordinance for public/private places.

BACKGROUND

1. The Council initiated changes to the City’s smoking regulations on August 26, 2014. Based on Council direction, the following changes are proposed to City Code Chapter 9-20, which would be retitled “Smoking Regulations:”
  - A. Prohibit smoking in attached multifamily housing, including duplexes, apartments, and condominiums and any building that contains two or more attached residential units.
  - B. Eliminate any allowance for smoking on City-owned recreational properties including parks.

- C. Prohibit smoking at all City-owned properties including (but not limited to) office buildings, recreation centers, public safety facilities, parking garages, and parking lots.
  - D. Prohibit smoking in outdoor service areas, including ATM lines, outdoor food vending, movie theater lines, bus stops and bus shelters.
  - E. Revise the definition of “smoking” in City Code Chapter 9-20 and the definition of “tobacco or smoke shop” in the Zoning Code to explicitly include use and sale of electronic smoking devices.
  - F. Increase the percentage of guest rooms within hotels and motels that must be smoke free from 50% to 75%.
  - G. Increase the reasonable distance, defined as “a distance that ensures that occupants of an area in which smoking is prohibited are not exposed to secondhand smoke created by smokers outside the area,” from 20 feet to 25 feet.
- 2. In addition to the above direction, the Council asked staff to research declaring secondhand smoke a nuisance. This declaration has been included in the draft smoking ordinance.
  - 3. Following two Community Meetings held in September and October 2014 and public input, a draft of Chapter 9-20 (Smoking Regulations) was made available to the public on October 15, 2014.
  - 4. The Planning Commission held a public hearing and considered the Zoning Code revisions on October 23, 2014. The Commission voted 5-0-1 to recommend approval of the zoning changes.
  - 5. A Study Session was held by the Council on December 16, 2014 to review draft Chapter 9-20 (Smoking Regulations). Council had various comments and questions. The Council requested further evaluation regarding declaring secondhand smoke a nuisance and had questions about medical marijuana use in multifamily residences and about smoking regulations in other Sonoma County cities.
  - 6. On January 7, 2015, the Council received a memo from Community Development staff responding to Council questions about these three topics. The memo is attached to this staff report. These topics, and other topics raised by the Council, are addressed more fully in this staff report.
  - 7. In response to public and Council comments, additional minor revisions were undertaken. On January 12, 2015, a revised version of the draft Chapter 9-20

(Smoking Regulations) was posted on the City of Santa Rosa's web site. On February 27, 2015, a final revised version was posted on the web site.

## ANALYSIS

### 1. Proposed Smoking Regulations

The proposed smoking regulations revise the definition of smoking and address smoking in four main areas: 1) City owned property; 2) Unenclosed nonresidential places; 3) Enclosed nonresidential places; and 4) Multifamily Residences.

Below, staff has discussed the definition of smoking and outlined each regulatory area, noted where changes have been made to the draft ordinance since the initial public draft dated October 15, 2014, and responded to issues identified by the Council and members of the public.

#### **Definition of Smoking**

The current smoking ordinance, which was adopted in 2006, defines "smoking" as follows:

"Smoking" means inhaling, exhaling, burning or carrying any lighted pipe, cigar or cigarette of any kind, or any other combustible substance.

This definition includes all kinds of smoking that involves burning organic materials, including the smoking of tobacco and marijuana. The proposed changes to the smoking regulations include updating the definition of smoking to clarify that use of electronic smoking devices is regulated the same as other kinds of smoking, and to explicitly reference marijuana.

The proposed revised definition of "smoking" is as follows:

"Smoking" means igniting, inhaling, exhaling, burning, vaping, operating, or carrying any lighted cigar, cigarette, pipe, hookah, electronic smoking device, tobacco product, or any other combustible substance including marijuana.

#### *Electronic Smoking Devices*

Electronic smoking devices, also known as "electronic cigarettes," "e-cigarettes," "hookah pens," or "electronic nicotine delivery systems" are battery operated devices that convert liquid nicotine into a mist, or vapor, that the user inhales. They are designed to be used in a manner similar to conventional tobacco products. The use of electronic smoking devices is referred to as "vaping" because they produce vapor that is inhaled and exhaled by the user.

Electronic smoking devices are a relatively new technology that are gaining in popularity with consumers around the world. Some companies that manufacture and retail the devices advertise the devices as a way to help people quit smoking tobacco because electronic smoking devices provide an alternative nicotine-delivery system. Claims of efficacy for quitting smoking are unsupported by the scientific evidence to date.

### *Scientific Studies*

A report prepared by the American Industrial Hygiene Association<sup>1</sup> focused on indoor air quality concluded that using and inhaling the vapor from an electronic cigarette is not without risk, especially for nearby persons in areas with limited ventilation and persons with compromised health conditions. The report cites studies that evaluated the potential hazardous effects of the natural and/or synthetic chemicals used in e-cigarettes and found that there are potential health effects reported for both users and those exposed secondhand.

In early 2015, the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) revised its indoor air quality standards to add electronic cigarette emissions and marijuana smoke to the definition of “Environmental Tobacco Smoke” (ETS). ASHRAE has concluded that acceptable indoor air quality is incompatible with the presence of ETS. ASHRAE’s ventilation standards are widely adopted into the building codes throughout the United States as well as in other countries, thus this new addendum provides additional support for efforts aimed at limiting the use of electronic cigarettes in indoor settings.

On January 28, 2015, California Health Officer Dr. Ron Chapman issued an advisory warning Californians of the toxicity of electronic cigarettes. The report<sup>2</sup> states the following regarding secondhand exposure to emissions from electronic smoking devices:

“While electronic smoking devices pollute the air less than traditional cigarettes, e-cigarettes do not emit a harmless water vapor, but a concoction of chemicals toxic to human cells in the form of an aerosol. Vapors are purely gases, whereas aerosols also contain particulate matter. Although several studies have found lower levels of carcinogens in e-cigarette aerosol compared to smoke emitted by traditional cigarettes, the mainstream and secondhand e-cigarette aerosol has been found to contain at least ten chemicals that are on California’s list of chemicals known to cause cancer, birth defects, or other reproductive harm, including acetaldehyde, benzene, cadmium, formaldehyde, isoprene, lead, nickel, nicotine, nitrosonornicotine, and toluene. There is also evidence that e-

---

<sup>1</sup> “White Paper: Electronic Cigarettes in the Indoor Environment,” American Industrial Hygiene Association, October 19, 2014.

<sup>2</sup> “State Health Officer’s Report on E-Cigarettes – A Community Health Threat,” State of California, January 2015.

cigarette aerosol contains propylene glycol and higher levels of other toxicants including heavy metals (tin, nickel) and silicate nanoparticles than are present in traditional cigarettes.

Overall, research confirms that e-cigarettes are not emission-free and their pollutants could be of health concern for both users and those exposed to the secondhand aerosol. Although it may not be as dangerous as secondhand smoke from cigarettes, people passively exposed to e-cigarette aerosol absorb nicotine at levels comparable to passive smokers. They are also exposed to volatile organic compounds (VOCs) and fine/ultrafine particles. These ultrafine particles can travel deep into the lungs and lead to tissue inflammation.”

Santa Rosa’s smoking regulations have historically focused on reducing the impacts of second hand smoke on nonsmokers. While it is clear that emissions from electronic smoking devices have different physical characteristics than smoke, secondhand exposure of electronic smoking device emissions is a health concern. The inclusion of use of electronic smoking devices in the definition of smoking would protect the public from secondhand vapor. Should the Council wish to exclude electronic smoking devices from the definition of smoking in private or public places, this could be achieved by modifying the draft ordinance.

### **City Owned Property**

Proposed Section 9-20.050 addresses unenclosed nonresidential areas where smoking is prohibited. Smoking would be prohibited on all City owned properties, such as City Hall, Laguna Treatment Plant, public safety buildings, and community centers.

### **Unenclosed Nonresidential Places**

Smoking would be prohibited entirely in parks and recreational areas, including parks, gardens, playgrounds, picnic and barbeque areas, ball fields, sport courts, golf courses, swimming pools, and nature trails. As proposed, smoking would be prohibited on the entire property of City parks and recreation facilities, and within a reasonable distance of these areas.

“Reasonable distance” means a distance that ensures that occupants of an area in which smoking is prohibited are not exposed to secondhand smoke created by smokers outside the area. These restrictions would not prevent people from smoking along a public sidewalk abutting a park while actively passing on the way to another destination and without entering the area where smoking is prohibited.

Smoking would also be prohibited in outdoor service areas, which are any publicly or privately owned area, including streets and sidewalks, that is designed to be used or is regularly used by one or more persons to wait for or receive a service or make a transaction, such as ATM lines, outdoor food vending, movie

theater lines, and taxi cab stands. The term "service area" includes all bus stops and other transit facilities.

For City owned properties and parks, the draft ordinance allows the City Manager to authorize designated smoking areas that are at least 25 feet from operable doors, windows, vents, or other openings into an enclosed area, from unenclosed recreational areas primarily used by children, and from areas that have improvements that facilitate physical activity including tennis courts, swimming pools, walking paths, and sports fields.

### *Bennett Valley Golf Course*

Staff was asked to explore whether smoking should be allowed at the Bennett Valley Golf Course (BVGC). The proposed ordinance and current practice does not allow smoking at the BVGC. The rule is not actively enforced on the golf course because the BVGC property is almost 160 acres, groups of golfers are typically staged at great distances from each other, and staff does not patrol the course. There are "no smoking" signs near the clubhouse.

Staff researched smoking at City- and County-owned golf courses in Sonoma, Napa, and Marin Counties and determined that there are six municipal courses including BVGC. Smoking is not allowed on publicly owned recreation properties in unincorporated Sonoma County and in Healdsburg, which affects the Healdsburg Golf Club and the Sonoma County Fairgrounds site where smoking is not allowed. Smoking is not prohibited at the other three municipal courses, including Mount St. Helena Golf Course in Calistoga, Mill Valley Golf Club in Mill Valley, and the Foxtail Golf Club in Rohnert Park. The Windsor Golf Club, a public course owned privately, allows smoking.

Based on this research, staff concludes that prohibiting smoking at BVGC is consistent with the rules at two other municipal golf courses and would maintain consistency between the BVGC and other City-owned recreation and park lands. Should the Council wish to allow smoking at the BVGC, staff recommends that smoking not be allowed within 25 feet of buildings, the practice putting green, and the driving range.

### **Enclosed Nonresidential Places**

The revised smoking regulations would increase the percentage of hotel and motel rooms that must be smoke free from 50 percent to 75 percent. This would potentially affect 26 hotels and motels located in Santa Rosa. Staff contacted each hotel and motel and determined that most hotels and motels are already 75 to 100 percent smoke free. The change will affect some existing establishments. Information about the update was mailed to each hotel and motel and no comments have been received.

### **Attached Multifamily Housing**

As proposed, smoking would be prohibited on residential properties containing two or more units with one or more shared walls, floors or ceilings. These prohibitions would include electronic smoking devices. The definition of "multifamily residence" includes apartments, residential condominiums, duplexes, and other attached housing. "Multifamily residence" does not include a single family home with an attached or detached second dwelling unit, or residential care facilities for seniors licensed by the State of California.

Smoking would be prohibited in any new unit of a multifamily residence, and in all common areas, once the ordinance is in effect. It is expected that new leases would include smoking prohibitions, and that signs would be installed by property owners in common areas identifying that smoking is prohibited. Beginning one year from the effective date of the ordinance, estimated as May 9, 2016, smoking would be prohibited in any existing unit of an attached multifamily residence. It is expected that property owners and managers would transition units from smoking to nonsmoking units over the course of the year. This would be accomplished by adding language to leases regarding the smoking prohibition. Enforcement is discussed in greater detail below.

The proposed ordinance allows a landlord or homeowners' association to designate a portion of the common area as a designated smoking area if the designated smoking area is located at least 25 feet in any direction from any operable doorway, window, vent or other opening into an enclosed area, from unenclosed recreational areas that are primarily used by children, from unenclosed areas that have improvements that facilitate physical activity including playgrounds, tennis courts, swimming pools, walking paths and sports fields, and from all perimeter property lines abutting residential uses.

The following changes were made to the initial public draft in response to public input:

- a. Section 9-20.030 (Definitions) updated to define "new unit" as a multifamily residence that is issued a certificate of occupancy or final inspection on or after July 8, 2015. This date change (from June 1, 2015) is intended to make the implementation date consistent with other dates in the ordinance.
- b. Section 9-20.070 (Prohibition of smoking in multifamily residences) modified to:
  - 1) Update the effective date of the ordinance, which would be March 27, 2015 based on the anticipated adoption date. This date reflects that the ordinance would require a second reading and would go into effect the 31<sup>st</sup> day afterward.

- 2) Clarify that multifamily residences on a month-to-month rental basis and owner-occupied units must be smoke-free within 60 days of the effective date of the ordinance;
  - 3) Explain appropriate steps that landlords can take to demonstrate compliance with the ordinance, such as posting signs, sending every tenant information on the requirements of this ordinance, and contacting individual tenants in the event of a complaint to further educate on the requirements this ordinance; and
  - 4) Clarify that landlords who make a good faith effort to implement appropriate steps are not subject to penalties. These changes address issues that were raised by the California Apartment Association and North Coast Rental Housing Association and members of the public.
- c. Section 9-20.130 (Posting of signs) modified to clarify that “no smoking” signs are not required to be posted inside the units of multifamily residences including outdoor private use areas.

#### *Medical Marijuana and Electronic Smoking Devices*

The proposed smoking regulations treat the byproducts of marijuana usage (smoke or vapor) the same as other kinds of smoke. The Council asked whether users of medical marijuana would be able to smoke the drug within an attached multifamily unit if smoking is prohibited in multifamily units. The short answer is “no,” since the proposed regulations address all types of smoke and vapor. Regulating smoking of tobacco and medical marijuana the same is consistent with guidelines from the California State Office of the Attorney General/ Department of Justice which state that, “Medical marijuana may not be smoked...where smoking is prohibited by law...”

While federal and state housing law requires that landlords provide “reasonable accommodations” to tenants with disabilities to ensure that tenants with disabilities have equal opportunities as other tenants to use and enjoy a dwelling unit or common area, it is not clear that landlords would be allowed to grant a reasonable accommodation to allow the smoking of medical marijuana. There are other ways of ingesting medical marijuana orally through oils, tinctures, and tonics.

Sebastopol is one of few cities in California that specifically excludes smoking medical marijuana from the definition of smoking. Union City is another city that takes a similar approach. Staff reviewed both cities’ ordinances and did not find a legal or scientific basis for the approach taken by these two cities. Because



the secondhand effects of marijuana smoking are the same as tobacco smoking, and in light of the recent health advisory regarding electronic cigarettes issued by the State Health Officer, staff recommends that the Council treat marijuana the same as tobacco.

### **Options for the Council's Consideration**

Should the Council wish to provide an allowance for medical marijuana to be used in a multifamily residential setting, staff recommends that the allowance be for use of medical marijuana through use of electronic smoking devices such as medical marijuana vaporizers only. While State law clearly prohibits the smoking of medical marijuana where other kinds of smoking is prohibited, it does not expressly address use of electronic smoking devices.

The following language could be added to the draft ordinance:

Notwithstanding any other provision of this chapter, use of an electronic smoking device in a multifamily residence by a qualified medical cannabis patient as defined in California Health and Safety Code Section 11362.7 et. seq, as amended, is not prohibited by this ordinance.

Staff does not recommend this option due to concerns about enforceability and about secondhand impacts associated with the use of electronic smoking devices.

## **2. Secondhand Smoke as a Nuisance**

As directed by Council, staff researched the proposal to declare secondhand smoke a nuisance. This was initially requested by residents of detached single family homes affected by secondhand smoke generated on adjacent properties. These residents requested that the City declare that secondhand smoke is a nuisance in order to assist residents with private legal action against secondhand smoke.

Cities have the authority under the police power to declare which activities constitute a nuisance by ordinance. The effect of such a declaration is to make the activity a nuisance *per se*, which means that a private party pursuing a legal action against secondhand smoke would not have to prove that unwanted secondhand smoke is a nuisance. Since few jurisdictions have declared secondhand smoke a nuisance, the effects of the declaration on city resources or the public is unclear. For this reason, staff did not initially recommend including a nuisance declaration in the updated smoking ordinance.

In response to the Council discussion at the study session, staff conducted further research and identified jurisdictions in California which have declared secondhand smoke a nuisance since 2006. Detailed information was provided to

the Council in the January 7, 2015 memo. To staff's knowledge, the nuisance provisions have not been utilized except in one documented instance. This may be because implementation of the provisions by a private party requires both the willingness and ability by the complainant to pursue a private legal action which can involve extensive time and energy.

Two cities in Sonoma County identify secondhand smoke as a nuisance. Rohnert Park's "Use of Tobacco" ordinance (Chapter 8.32) states that smoking in any area where smoking is prohibited constitutes a public nuisance. There are at least four other California cities, including Alameda, Baldwin Park, Compton, and Tiburon, that take a similar approach by declaring that smoking in areas where smoking is prohibited constitutes a public nuisance.

Sebastopol's ordinance takes a broader approach, in that it states that "for all purposes within the City, nonconsensual exposure [to] smoke is a nuisance, and the uninvited presence of smoke on property is a nuisance and a trespass." Six other cities, including Belmont, Calabasas, Carpinteria, Dublin, Larkspur, and Union City identify nonconsensual exposure to smoke as a nuisance.

#### *Options for Council's Consideration*

Should the Council choose to declare secondhand smoke a nuisance, it could do so broadly or in a more narrow fashion. Below, staff has presented three options with sample ordinance language for each.

Option 1: Broadly declare secondhand smoke a nuisance.

Analysis: This would allow anyone within the City of Santa Rosa affected by unwanted secondhand smoke to pursue private action to abate secondhand smoke. This option is responsive to public interest expressed at various meetings to provide a tool that would help private parties pursue abatement of the smoke through private legal action. This approach is consistent with Sebastopol, Menlo Park, and Dublin.

Proposed language: "Secondhand smoke constitutes a nuisance. Notwithstanding any other provisions of this chapter, a private citizen may bring a legal action to abate secondhand smoke as a nuisance."

Option 2: Declare secondhand smoke a nuisance only when it trespasses onto residential properties.

Analysis: This would allow residents and owners of residential property affected by unwanted secondhand smoke to pursue private legal action to abate the smoke. This option is responsive to public interest expressed at various meetings to provide residents affected by secondhand smoke at their home with a tool that would help them pursue abatement of the

smoke through private legal action. This approach is consistent with Larkspur, San Anselmo, and Union City.

Proposed language: “Secondhand smoke occurring on or drifting into residential property constitutes a nuisance. Notwithstanding any other provisions of this chapter, a private citizen may bring a legal action to abate such secondhand smoke as a nuisance.”

Option 3: Declare smoking in any area where smoking is prohibited a nuisance.

Analysis: While this approach is consistent with Rohnert Park’s ordinance, and the ordinances of several other communities including Alameda, Compton, and Fairfax, it does not address nonconsensual secondhand smoke exposure on properties where smoking is not prohibited, such as properties developed with single family detached residences. However, it may provide an additional tool to abate illegal smoking on properties where smoking is prohibited.

Proposed language: “Smoking in any area where smoking is prohibited is a nuisance.”

Based on the Council’s interest in declaring secondhand smoke a nuisance to address the impacts of nonconsensual exposure to secondhand smoke, staff recommends Option 1. This language is included in the revised draft of Chapter 9-20 Smoking Regulations as Section 9-20.160. This option is most responsive to demonstrated public interest. Should the Council not wish to address secondhand smoke as a nuisance, this section could be deleted.

### 3. Matrix Comparing Local Regulations

At its December study session, the Council asked how Santa Rosa’s proposed smoking regulations compare to other Sonoma County jurisdictions. In the January 7 memo, the Council was provided a matrix with this information. The matrix, attached to this report, has been updated to reflect that Healdsburg prohibits smoking in dining areas and in bars, consistent with 6 other jurisdictions and in compliance with State law.

As depicted in the matrix, there are differences between various local jurisdictions, but Santa Rosa’s proposed smoking regulations are similar to others. Of the jurisdictions with recently updated regulations, the majority have adopted regulations that prohibit smoking in multifamily housing.

### 4. Scope of Smoking Prohibitions in Residential Areas

The Council asked staff whether partially attached multifamily residences, single family homes with minimal to no setback such as “zero lot line” homes, or other

kinds of single family detached residences in proximity to other residences would be affected by the proposed smoking prohibitions. The proposal would not affect these types of units unless there are two or more units that share walls, floors or ceilings. Based on the proposed definition of multifamily residence, it is expected that approximately 25,000 housing units will be smoke-free by March 2016, which represents 36 percent of Santa Rosa's housing units.

Staff does not recommend broadening the smoking prohibitions to affect additional housing units at this time. However, should the Council wish to broaden the ordinance to include single family properties, staff would recommend that additional public outreach be conducted. Based on cursory research, it appears that prohibiting smoking on lots smaller than 5,000 square feet would encompass most of Santa Rosa's smaller and uniquely shaped lots. However, this idea has not been vetted with the public.

## 5. Implementation of New Regulations

There were questions about the implementation of the revised smoking regulations. A schedule has been outlined based on the draft ordinance and anticipated events:

Date	Action
March 31, 2015	City Council introduces ordinance
April 7, 2015	Second reading of ordinance
April 8, 2015 to May 8, 2015	30 day waiting period
May 9, 2015 <i>Effective date of ordinance</i>	The following areas are required to be smoke free: <ul style="list-style-type: none"> <li>• Multifamily common areas.*</li> <li>• City parks and recreation lands</li> <li>• City owned properties and facilities</li> <li>• Outdoor service areas, i.e. bus stops and ATM lines</li> <li>• 75% hotel/motel rooms</li> </ul>
July 8, 2015 <i>60 days after ordinance is effective</i>	<ul style="list-style-type: none"> <li>• Multifamily residences that are on a month-to-month lease/agreement or owner-occupied transition to smoke-free at earliest date possible, by no later than July 8, 2015 (60 days).</li> <li>• All new units must be smoke free including new housing and units that are rented or leased for the first time.</li> </ul>
May 9, 2015 – May 9, 2016 <i>One year time period from date ordinance is effective</i>	<ul style="list-style-type: none"> <li>• Smoke-free provisions added to leases and rental agreements as existing leases/agreements expire.</li> </ul>
May 9, 2016	All multifamily residences will be smoke-free.

\* Property owner/landlord has the option to establish a designated smoking area in compliance with Sections 9-20.030 and 9-20.070.

Staff has received varied comments about the timing of the ordinance. There is correspondence from Santa Rosa residents stating that the ordinance should go into effect immediately to provide relief from secondhand smoke exposure. There are others, particularly landlords, who have requested additional time in order to transition their rental housing units to smoke-free.

As summarized above, if the Council adopts the draft ordinance, multifamily common areas, City parks and recreation lands, City owned properties and facilities, and outdoor service areas would be expected to be smoke-free on the date the ordinance would go into effect, estimated as May 9, 2015. At that time, 75% of hotel and motel rooms would be expected to be smoke-free. Multifamily residential properties would be expected to transition to smoke-free over the course of one year. Should the Council wish to change these time frames, revisions could be made to the ordinance.

6. Displacement

Concern was expressed that people who smoke may be displaced from their homes if the multifamily residential smoking prohibition is approved. Staff does not believe people who smoke will be displaced, because they will still be able to smoke in a designated smoking area, if there is one on the property, in their car, or in other outdoor areas such as public sidewalks. The purpose of smoke-free housing policy is to protect residents from nonconsensual exposure to secondhand smoke. This policy is generally intended to advance social justice and equity in housing for everyone.

Only 12% of Sonoma County residents smoke. Sonoma County Department of Health Services regularly receives phone calls from people on limited or fixed incomes with newborns and young children, seniors, people with asthma, or other chronic diseases such as emphysema or bronchitis, and people with disabilities who are affected by their neighbors' smoking and cannot afford to relocate even if they can find available housing. Because of limited financial resources, these residents have few options to escape from the drifting smoke infiltrating their homes.

7. Enforcement

Landlords have expressed concern about their role in implementing and enforcing the new regulations for multifamily residential, and the Council asked for clarification about this issue. The County's "Breathe Easy" web site has significant materials to assist landlords, including toolkits, signs, and other guidance. County staff will assist landlords in understanding and implementing the new requirements in support of the City's ordinance. In addition to the web site and phone support, two workshops will be held in April and May 2015 to help landlords and tenants.

8. Smoking Cessation Methods

At the request of the Council, information is included in the packet about approved smoking cessation methods. The Breathe Easy web site includes smoking cessation resources including classes and support groups. There are seven pharmacotherapies, medical treatments involving drugs, approved by the FDA for smoking cessation. These include various nicotine products, including gum, inhaler, lozenge, nasal spray, and patch. There are also two orally-ingested prescription drugs. The FDA has not approved electronic smoking devices as a smoking cessation method.

10. Public Outreach Plan

The Council asked how public outreach about the revised regulations will be conducted. An initial public outreach plan has been developed to identify how the public will be informed of the changes to the City's regulations. Sonoma County Department of Public Health's "Breathe Easy" web site and phone hotline will be publicized widely, because the web site offers many resources for the public including property owners, managers, and tenants.

The changed regulations will be advertised through the City's web site, newspaper ads, utility bill inserts, signs inside buses and at bus stops, and direct mailings to property owners and managers. Two public workshops hosted by Sonoma County Department of Health Services will be held in April and May to provide information and resources to property owners, managers, and tenants about how to comply with the new regulations.

Since many of the changes affect City-owned facilities, such as parking garages, parks, and public safety buildings, information will be sent to all departments. Signage will be installed in key locations. Both the Police Department and Code Enforcement will be notified as well. Front-line customer service staff throughout the City organization will be provided with the County's "Breathe Easy" phone number to provide to Santa Rosa residents who contact the City for assistance in resolving smoking-related issues.

RECOMMENDATION

It is recommended by the Community Development Department that the Council introduce an ordinance replacing Chapter 9-20 (Smoking in and Around Workplaces and Public Places) with Chapter 9-20 (Smoking Regulations). It is further recommended by the Community Development Department and the Planning Commission that the Council introduce an ordinance to amend Chapter 20-70.020 (Definitions of Specialized Terms and Phrases) of the Zoning Code to include revised

definitions related to tobacco/smoke shops and a definition of electronic smoking devices.

Author: Erin Morris, Senior Planner

Attachments:

- Attachment 1 – Draft Chapter 9-20 Smoking Regulations
- Attachment 2 – Draft Revised Zoning Code Definitions
- Attachment 3 – Memo to Council dated January 7, 2015
- Attachment 4 – Matrix of Smoking Regulations in Sonoma County Cities and Unincorporated Sonoma County
- Attachment 5 – Previous Staff Report – December 16, 2014
- Attachment 6 – Smoking Cessation Therapies
- Attachment 7 – Technical Studies
- Attachment 8 – Public Correspondence
- Attachment 9 – Planning Commission Resolution No. 11687
- Attachment 10 – Planning Commission Minutes – October 23, 2014
- Attachment 11 – Electronic Cigarettes: A Summary of Public Health Risks and Recommendations for Health Care Professionals, California Department of Public Health Advisory, January 28, 2015