



**CITY OF SANTA CLARITA
AGENDA REPORT**

PUBLIC HEARINGS

CITY MANAGER APPROVAL:

Ken Stripling

DATE: November 12, 2019

SUBJECT: CONSIDERATION OF AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CLARITA, CALIFORNIA, EXTENDING A MORATORIUM ON THE ESTABLISHMENT OF NEW TOBACCO RETAILERS WHO SELL FLAVORED TOBACCO PRODUCTS FOR AN ADDITIONAL 10 MONTHS AND 15 DAYS, THROUGH AND INCLUDING OCTOBER 7, 2020

DEPARTMENT: City Manager's Office

PRESENTER: Joseph Montes

RECOMMENDED ACTION

City Council:

1. Conduct a public hearing.
2. Consider adoption of an urgency ordinance entitled: "AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CLARITA, CALIFORNIA, EXTENDING A MORATORIUM ON THE ESTABLISHMENT OF NEW TOBACCO RETAILERS WHO SELL FLAVORED TOBACCO PRODUCTS FOR AN ADDITIONAL 10 MONTHS AND 15 DAYS, THROUGH AND INCLUDING OCTOBER 7, 2020."

BACKGROUND

On October 1, 2019, the Los Angeles County (County) Board of Supervisors adopted an ordinance that requires tobacco retailers in the County unincorporated areas to obtain a business license, as well as a Tobacco Retailers License. The ordinance also prohibits the sale of flavored tobacco products, including electronic cigarette and vaping products, beginning 180 days from the effective date of the County ordinance.

The County's stated rationale for the ordinance is based largely on health concerns, especially health concerns for youth.

The Los Angeles City Attorney recently submitted a report to the Los Angeles City Council recommending a ban on flavored tobacco products. The report describes the results of a study funded by the National Institute on Drug Abuse, the National Institutes of Health, the Food and Drug Administration, and the Department of Health and Human Services, which found that the vast majority of youth who self-reported ever experimenting with a tobacco product reported that they started with a flavored tobacco product. A copy of that report was provided to the City Council on October 8, 2019.

City of Santa Clarita (City) staff has met with representatives of the County Sheriff's Department to begin to explore the extent of the issues of youth vaping and smoking in Santa Clarita. City staff also intends to reach out to representatives of the various school districts in the Santa Clarita Valley to evaluate these issues.

City staff intends to continue to monitor pending legislation as well as the effectiveness of the legislative approaches taken by various local jurisdictions to generate options for Council consideration.

City staff is aware that several existing retailers in the City are selling flavored tobacco products. City staff is concerned that during this period of research and study, the County's ordinance could have the effect of causing tobacco retailers in the County to relocate to Santa Clarita to avoid the new County regulations.

The potential for additional retailers to proliferate in the City while City staff is exploring the scope of the health issues and possible legislative solutions presents an immediate threat to the health and welfare of the City's residents—especially youth in the City. Government Code section 65858 authorizes the adoption of an interim urgency ordinance to protect the public health, safety, and welfare, and to prohibit land uses that may conflict with land use regulations that a city's legislative bodies are considering, studying, or intending to study within a reasonable time. Adoption of this ordinance as a temporary urgency interim zoning regulation will preserve the status quo in the City and afford sufficient time for City staff to present more permanent options for the City Council's consideration.

On October 8, 2019, the City Council adopted an urgency ordinance that imposed a moratorium on the establishment of new tobacco retailers that sell flavored tobacco. Per the terms of Government Code Section 65858, that ordinance can only remain in effect for 45 days, unless extended by 10 months and 15 days (for a total of one year), after the conduct of a public hearing. If extended, the moratorium can be extended for one additional year beyond that.

As an urgency ordinance, this ordinance will require adoption by a 4/5 vote of the City Council and will extend the current moratorium by an additional 10 months and 15 days.

The report required by Government Code Section 65858(d) was made available at the City Clerk's office starting November 1, 2019, and is attached for the Council's reference.

ALTERNATIVE ACTION

Other action as determined by City Council.

FISCAL IMPACT

No fiscal impact.

ATTACHMENTS

Public Hearing Notice

Ordinance

10 Day Report for Flavored Tobacco Moratorium