



# CITY COUNCIL AGENDA REPORT

MEETING DATE: SEPTEMBER 15, 2015

ITEM NUMBER: **OB-1**

**SUBJECT: SECOND READING OF ORDINANCE NO. 15-10 FOR CODE AMENDMENT CO-15-02 RELATED TO SMOKING AND VAPING USES**

**FROM: DEVELOPMENT SERVICES DEPARTMENT / PLANNING DIVISION**

**PRESENTATION BY: STEPHANIE ROXAS, ASSOCIATE PLANNER**

**DATE: SEPTEMBER 9, 2015**

**FOR FURTHER INFORMATION CONTACT: STEPHANIE ROXAS, AICP (714) 754-5667  
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## **RECOMMENDATION**

Give second reading to Ordinance No. 15-10 approving Code Amendment CO-15-02, an amendment to Title 8 and Title 13 of the Costa Mesa Municipal Code related to vaping in public facilities and the regulation of smoking and vaping lounges and retail businesses.

## **BACKGROUND**

On July 27, 2015, the Planning Commission held a public hearing and recommended approval of the proposed Code amendment.

On September 1, 2015, City Council conducted a public hearing and gave first reading of the ordinance by a 5-0 vote. The motion included the following changes:

- Preclude the establishment of a smoking/vaping retail business within one thousand (1,000 feet) of a public or private primary or secondary educational school facility [See Section 13-200.81.(b)]. Because the draft ordinance was initially focused on the regulation of lounge uses, minor changes have been made throughout the ordinance to incorporate smoking/vaping retail businesses;
- Indicate that two existing smoking/vaping retail businesses (Mesa Vape at 891 W. Baker Street, Suite B-11 and Empire Tobacco at 1175 Baker Street, Suite 10-D) are within 1,000 feet of a school and shall be considered legal non-conforming uses subject to Title 13, Chapter X of the Costa Mesa Municipal Code [See Section 13-200.81.(b)(1)]; and
- Clarify that required ventilation systems shall assure smoke from a lounge does not migrate outdoors [See Section 13-200.83.(o)].

As requested by the City Council, Attachment 2 includes a map exhibit illustrating a 1,000-foot and 750-foot buffer from the schools.

**ANALYSIS**

The ordinance does not require any existing, legally-permitted smoking lounge, hookah parlor, smoke shop, or electronic cigarette/vaping retail business to close or relocate their business. The ordinance is intended to allow existing businesses to continue their current business operations, while creating standards to ensure new smoking and vaping uses operate in a manner that is compatible with the surrounding area.

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STEPHANIE ROXAS, AICP  
Associate Planner

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GARY ARMSTRONG, AICP  
Economic Development & Development  
Services Director / Deputy CEO

- Attachments: 1. [Ordinance No. 15-10](#)  
2. [Map with existing smoking/vaping lounges and retailers in relation to public and private schools](#)

cc: Chief Executive Officer  
Assistant Chief Executive Officer  
Economic Development & Development Services Director / Deputy  
CEO  
City Attorney  
Public Services Director  
Transportation Svs. Mgr.  
City Engineer  
City Clerk (9)  
Staff (7)  
File (2)