

City of Brisbane

Agenda Report

TO: Honorable Mayor and City Council

FROM: Community Development Director via City Manager

SUBJECT: Status Report- Vape Shop Regulations

DATE: Meeting of December 8, 2015

City Council Goals:

To protect the public safety, health, and welfare of the community.

Purpose:

To update the City Council on the measures taken to date to alleviate the conditions which led to adoption of the urgency ordinance (Ord No. 603) banning establishment and operation of any new retailer that specializes in selling electronic cigarette products (ie “vape shops”)

Recommendation:

That the City Council issue this report pursuant to Government Code Section 65858 (d).

Background:

On November 19, 2015 the City Council adopted an urgency ordinance (Ord# 603) banning establishment and operation of any new retailer that specializes in selling electronic cigarettes products (ie “vape shops”). Ordinance #603 expires 45 days from adoption (January 3, 2016) unless extended. The moratorium can be extended an additional 10 months and 15 days upon approval by the City Council following a public hearing. A public hearing to extend the urgency ordinance has been scheduled for City Council consideration on December 17, 2015.

Discussion:

Pursuant to Government Code Section 65858 (d) this report outlines the steps taken to date in response to the adopted urgency moratorium. Only a short period of time has elapsed between adoption of the urgency ordinance and the date of this status report, and staff is in the process of developing a work program for the drafting of an ordinance for consideration by the Planning Commission as directed by the City Council.

The work program is intended to: (1) assess and address community concerns regarding the establishment and operation of vape shops and other electronic cigarette retailers in the City; (2) consider the potential impacts that electronic cigarette retailers may have on public health, safety and welfare; (3) study and determine what local regulations may be appropriate or necessary for electronic cigarette retailers; (4) study and determine the appropriate zoning and location for electronic cigarette retailers; and (5) determine appropriate controls over the sale of electronic cigarette products for protection of public health and welfare.

Specific tasks will include researching ordinances and regulations that are adopted and/or under consideration by other local jurisdictions. Staff is aware of several jurisdictions in the East Bay that are considering vape shop regulations. Staff also intends to contact public health experts with relevant expertise that will inform the analysis as it pertains to potential public health risks. Once staff has completed its preliminary research and identified a range of regulatory options, one or more public workshops will be scheduled before the Planning Commission to obtain further direction in crafting a draft ordinance for the Planning Commission's consideration. Any draft ordinance will ultimately be subject to a formal public hearing process before both the Planning Commission and City Council. Staff anticipates completing its preliminary work to allow for workshops to be held in mid-2016. This would allow sufficient time for the formal public hearing process to be completed before the urgency ordinance expires in late 2016.

Fiscal Impact:

None.

Measure of Success:

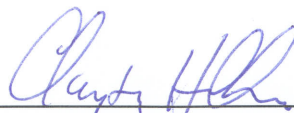
Consideration and adoption of regulations pertaining to the sale of e-cigarettes and related products as deemed necessary by the City Council to protect public health, safety, and welfare.

Attachments:

None.



John Swiecki, Community Development Director



Clay Holstine, City Manager