

Office of
The City Attorney
City of San Diego

MEMORANDUM
MS 59

(619) 236-6220

DATE: March 29, 2007

TO: Council President Scott Peters
Councilmember Kevin Faulconer

FROM: City Attorney

SUBJECT: Two Versions of Smoking Ordinance

Pursuant to your requests, and the direction of your staff, I have prepared an edited version of the smoking ordinance which includes clean-up language to prohibit smoking on boardwalks, seawalls, municipal piers and the Cabrillo Bridge in Balboa Park.


The City Attorney also prepared a proposal to ban outdoor smoking at City-owned or controlled public spaces, including the Civic Concourse and the Parkade. Although staff has indicated that the Council would like to more narrowly consider the ban on boardwalks, seawalls, municipal piers and the Cabrillo Bridge, the City Attorney requests that the Council President docket both versions of the proposed ordinance for Council consideration.

As you are aware, a number of anti-smoking organizations, including the American Lung Association, have been aggressively lobbying municipalities to extend their bans on outdoor smoking. Several California municipalities have extended bans to outdoor spaces including privately-owned sidewalk cafes at restaurants and bars. The City of Calabasas has banned smoking in common areas of multi-unit residential developments. The City of Santa Monica has banned smoking on its Third Street Promenade, at farmer's markets, and within twenty (20) feet of the entrance to any publicly-accessed facility (including office buildings, retail stores, meeting halls and restaurants).

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Given that such anti-smoking advocacy exists locally, and that municipalities may, under state law, extend smoking bans further than the City proposes to do, it is the City Attorney's recommendation that the Council consider banning smoking at City-owned or controlled public spaces.

MICHAEL J. AGUIRRE, City Attorney

By 
Alex W. Sachs
Deputy City Attorney

AWS:aws

Attachments

cc: Tracy Cambre, Policy Advisor, Council President Peters
Jamie Fox Rice, Policy Advisor, Councilmember Faulconer
Jeff Van Deerlin
Andrew Field, Deputy Director, Parks & Recreation Department