CITY COUNCIL STAFF REPORT
Meeting: June 1, 2021

Subject
Consider and act on Ordinance No. 21-2227: "An Ordinance of the City Council of the City of Cupertino amending City Code Chapter 10.90 of Title 10 (Public Peace, Safety, and Morals) to prohibit smoking in multi-unit housing and certain outdoor areas," with multi-unit housing/residence defined for the purposes of the Ordinance to include attached single family homes and other property containing two or more attached units.

Recommended Action
Conduct the second reading and enact Ordinance No. 21-2227: "An Ordinance of the City Council of the City of Cupertino amending City Code Chapter 10.90 of Title 10 (Public Peace, Safety, and Morals) to prohibit smoking in multi-unit housing and certain outdoor areas," which includes a finding that the Ordinance is exempt from CEQA

Discussion
Council conducted the first reading of Ordinance No. 21-2227 to reduce secondhand smoke in multi-unit housing and certain outdoor areas at the May 18, 2021 Council meeting. At this meeting, Council voted to amend the draft ordinance to exempt detached single-family homes with or without attached or detached accessory dwelling units (ADUs), junior accessory dwelling units (JADUs), or second units. Ordinance No. 21-2227 (Attachment A) reflects this change and is shown in redline in Attachment B.

Sustainability Impact
No impact.

Fiscal Impact
The City has been awarded $54,979 to cover the costs of developing the proposed regulations and conducting the associated outreach. No additional funding is requested at this time.

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Prepared by: Astrid Robles, Management Analyst
Reviewed by: Katy Nomura, Assistant to the City Manager
Approved for Submission by: Dianne Thompson, Assistant City Manager
Attachments:
    A – Draft Ordinance to Regulate the Sale of Tobacco Products

B – Draft Ordinance to Regulate the Sale of Tobacco Products - Redline