

## **ORDINANCE NO. 807U**

### **AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA, CALIFORNIA, PROHIBITING VAPE/E-CIGARETTE SHOPS, DECLARING THE URGENCY THEREOF, AND FINDING THE SAME EXEMPT FROM CEQA.**

The City Council of the City of Lomita does hereby find and ordain as follows:

#### **RECITALS**

- A. The City Council has adopted its zoning ordinance allowing certain uses to locate in various zones of the City of Lomita.
- B. The C-R (Commercial Retail) and C-G (Commercial General) zones currently permits Vape/E-Cigarette Shops by right. According to the Centers for Disease Control and Prevention (CDC), as of December 3, 2019, 2,291 lung injury cases associated with the use of e-cigarette, or vaping products have been reported to CDC from all 50 states, the District of Columbia, and 3 U.S. territories. Forty-eight deaths have been confirmed in 25 states.
- C. Analysis of the appropriate location (if any) and the adoption of development and operational standards (if applicable) for Vape/E-Cigarette Shops is necessary to protect the public safety, health and welfare.
- D. The City will soon review the impacts of Vape/E-Cigarette Shops on the community, which may result in changes to the standards for these uses. The City will soon present to the Planning Commission for study and recommendation to the City Council a possible ordinance addressing Vape/E-Cigarette Shops. Since time is required to study and prepare new regulations to update the Zoning Ordinance, this ordinance is intended to place an interim prohibition on the establishment of new Vape/E-Cigarette Shops until the City can complete its study.
- E. The federal and state governments have publicly stated that they are considering possible regulation of Vaping/E-Cigarette products including, but not limited to, regulating or prohibiting the sale of flavored products.
- F. For the foregoing reasons, there is a current and immediate threat to the public health, safety and welfare and the approval of additional Vape/E-Cigarette shops would result in that threat to public health, safety or welfare.
- G. Government Code section 65858 allows the City Council to adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated zoning proposal that the City Council, the Planning Commission, or the City Staff intends to study within a reasonable time.

**NOW, THEREFORE**, the City Council of the City of Lomita does ordain as follows:

Section 1. Moratorium.

Notwithstanding the zoning ordinance of the Lomita City Code, no new Vaping/E-Cigarette Shops shall be established in the City, and no site plan review, zone clearance, conditional use permit, building permit or other entitlement for use shall be issued for any such facilities while this interim ordinance, or any extension thereof, is in effect. For purposes of this interim ordinance, a vape/e-cigarette shop shall mean an establishment where a substantial portion of its stock-in-trade, a majority of its floor area, or a majority of its revenue is derived from vaping/e-cigarette products. Substantial/majority shall mean more than 50%.

Section 2. CEQA

The adoption of this interim ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to sections 15061(b)(3), 15262 and 15306 of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that such adoption may have a significant effect on the environment; such adoption involves only feasibility and planning studies for possible future adoption of an ordinance that has not yet been prepared or adopted; and such adoption is for the purpose of allowing data collection and research as to locating and creating possible development and operational standards for Vape/E-Cigarette Shops. It also only temporarily prohibits new vaping/e-cigarette shops, which should have a positive impact on the environment.

Section 3. Expiration.

This interim ordinance shall be of no further force or effect 45 days from its date of adoption, unless extended as provided by Government Code section 65858.

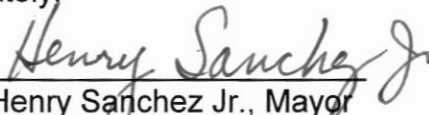
Section 4. Certification.

Ten days prior to the expiration of this interim ordinance, or any extension thereof, the City Council shall issue a written report describing the measures taken to alleviate the threat to the public health, safety and welfare that led to the adoption of the ordinance.

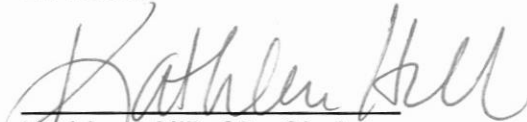
Section 5. Publication.

Within 15 days after adoption of this ordinance, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the City.

This ordinance is passed, approved and adopted as an urgency measure on this 17<sup>th</sup> day of December 2019, to become effective immediately.

  
Henry Sanchez Jr., Mayor

ATTEST:

  
Kathleen Hill, City Clerk



APPROVED AS TO FORM:

  
City Attorney

Any action to challenge the final decision of the City made as a result of the public hearing on this application must be filed within the applicable time limits under state law, including the Code of Civil Procedure, the Government Code and the California Environmental Quality Act. Persons wishing to challenge the City's final action in Superior Court may be limited to raising only those issues they or someone else raised the public hearing or in written correspondence delivered to the City at or before the public hearing.

**STATE OF CALIFORNIA**       )  
**COUNTY OF LOS ANGELES**   ) **SS**  
**CITY OF LOMITA**            )

I, **Kathleen Hill**, City Clerk of the City of Lomita, California, do hereby certify that the foregoing Interim Urgency Ordinance No. 807U was duly passed, approved, and adopted by the City Council of the City of Lomita at its regular meeting held on December 17, 2019, by the following vote, to wit:


**AYES:**       Council Members: Savidan, Segawa, Waronek, and Mayor Sanchez

**NOES:**       Mayor Pro Tem Gazeley

**ABSENT:**   None

**RECUSE:**   None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Lomita, California this 18th day of December, 2019.

  
**Kathleen Hill, CMC, City Clerk**  
**City of Lomita, California**

