

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda date: July 7, 2008
Reviewed by: BP

SUBJECT: Extension of Interim Urgency Ordinance, #08-04 restricting and/or prohibiting, suspending and/or denying any permits for, or otherwise restricting the approval of tobacco related establishments

FROM: Jeff Bond, Planning Manager

STAFF RECOMMENDATION

Adopt Ordinance No. 08-07 extending interim urgency Ordinance No. 08-04 for a period of ten (10) months and fifteen (15) days, which would set the expiration date at May 18, 2009.

BACKGROUND

On May 19, 2008, the Albany City Council adopted interim urgency ordinance #08-04 “restricting and/or prohibiting, suspending and/or denying any permits for, or otherwise restricting the approval of tobacco related establishments and suspending for a period not to exceed 45 days, the issuance of permits, approvals, or other entitlements which would result in the opening of any tobacco related establishments within the City of Albany.”

DISCUSSION

City staff has commenced a study of possible amendments to the City’s municipal code related to tobacco-oriented uses, and this process is ongoing. Staff from the Community Development and Police Departments are in the process of compiling data from throughout the state on the impacts of tobacco retailers and options for regulating them, including land-use and/or licensing procedures.

The interim ordinance/temporary prohibition, adopted pursuant to Government Code § 65858, expires in 45 days unless it is extended by at least a 4/5th majority vote after holding a public hearing on the matter. This proposed ordinance would extend the interim ordinance for an additional 10 months and 15 days. Afterward, the interim ordinance would expire unless extended once more for up to one additional year. At the present time, staff is not able to estimate how much time will be required in order to compile the available data and develop a suitable regulatory approach.

Attachments

1. Ordinance No. 08-07 extending Interim Urgency Ordinance No. 08-04
2. Ordinance No. 08-04