

## **ATTACHMENT 1**

# **Study of Proposals to Create Smokefree Outdoor Dining, Smokefree Entryways, and Smokefree Multi-family Housing**

**Report to the City Council**

**City of Sunnyvale**

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**February 9, 2016**

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Mayor Jim Griffith  
Members of the City Council  
City of Sunnyvale  
456 West Olive Avenue  
Sunnyvale, CA 94088

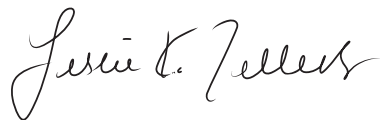
Dear Mayor Griffith and Members of the City Council,

I am pleased to present this “Study of Proposals to Create Smokefree Outdoor Dining, Smokefree Entryways, and Smokefree Multi-family Housing.” This report was prepared pursuant to City Council Study Issues DPS 15-01 and OCA 14-03(b).

I am an attorney with more than 20 years of experience in public health. I work to advance health and wellbeing through legal and policy work for nonprofit and government agencies. My primary area of expertise is tobacco control. For 15 years I directed tobacco control policy work at ChangeLab Solutions, a nonprofit organization that works to create environments where healthy options and lifestyles are available to all residents. In this role I helped dozens of California communities adopt laws to create smokefree areas or regulate how tobacco products are sold. I currently provide services to organizations such as the Alameda County Tobacco Control Program and the Campaign for Tobacco-Free Kids.

Thank you for providing me with the opportunity to conduct this study for the City Council of the City of Sunnyvale.

Sincerely,

A handwritten signature in cursive script that reads "Leslie K. Zellers".

Leslie K. Zellers

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## Report Summary

In response to Council Study Issues DPS 15-01 and OCA 14-03(b), I have conducted a study to examine ways to reduce or eliminate exposure to the harmful effects of secondhand smoke in three areas:

1. Outdoor dining;
2. Within a specified distance of building entryways; and
3. In all units and common areas of multi-family residences.

As part of this study I partnered with city staff to conduct extensive public outreach on the issue, including two online surveys which received more than 500 responses. Nearly 90% of survey respondents favor restricting smoking in outdoor dining areas and business entryways. More than 80% of respondents support prohibiting smoking in multi-family housing common areas and near doors and windows of multi-family housing. A majority of respondents (59%) also favor prohibiting smoking inside all multi-family units, including apartments and condominiums.

Based on my research, I offer the policy options listed below for consideration by the City Council. These options are based on current best practices to protect the public health from exposure to harmful secondhand smoke; input from individuals who work in, live in, or visit Sunnyvale; and a review of how other jurisdictions in California have regulated this area.

1. **Require 100% smokefree outdoor dining**, including bars, restaurants, and cafes.
2. **Require a 25 foot smokefree buffer zone** around the entryways of all locations where smoking is prohibited, including businesses, offices, grocery stores, restaurants, bars, places of worship, etc.
3. **Require smokefree multi-family housing** (apartments, condominiums, townhomes, and duplexes), including:
  - a. Smokefree outdoor common areas;
  - b. A 25 foot smokefree buffer zone around doors and windows of multi-family housing; and
  - c. in 100% of units in multi-family housing.
4. **Require smokefree public areas**, including Murphy Ave., public events, and transit stops.

## Background

The dangers of tobacco use and exposure to secondhand smoke are well documented. More than 480,000 people die each year from smoking-related diseases, making tobacco use the

nation's leading cause of preventable death.<sup>1</sup> The U.S. Surgeon General has concluded that there is no safe level of exposure to secondhand smoke and the California Air Resources Board has classified secondhand smoke as a toxic air contaminant.<sup>2</sup> Secondhand smoke is responsible for an estimated 41,000 heart disease-related and lung cancer deaths each year.<sup>3</sup> According to the Centers for Disease Control, the only way to fully protect nonsmokers is to eliminate smoking in all homes, worksites, and public places.

Studies have shown that exposure to secondhand smoke outdoors can reach levels attained indoors depending on the amount of wind and number and proximity of smokers.<sup>4</sup> Additionally, residents of multi-family housing can be exposed to neighbors' secondhand smoke, which seeps under doorways, through wall cracks, and vents.<sup>5</sup>

California is a national leader in protecting people from unwanted exposure to secondhand smoke. State law prohibits smoking in most indoor areas, as well as within 20 feet of entrances and exits to government buildings.<sup>6</sup> The City of Sunnyvale has expanded these protections by prohibiting smoking in parks (with the exception of public golf courses), prohibiting smoking in 60% of outdoor eating areas, and including electronic smoking devices within the definition of "smoking".<sup>7</sup>

Despite existing laws, an increasing number of residents are asking for smokefree air in outdoor areas and where they live. Not only does prohibiting smoking in such locations decrease exposure to harmful secondhand smoke, it also decreases fire risk and reduces the amount of cigarette butt litter.

In recent years, Sunnyvale has fallen behind other cities in adopting laws that are more restrictive than the state law to protect people from secondhand smoke exposure. In 2015, Sunnyvale received a "D" grade from the American Lung Association's State of Tobacco Control report.<sup>8</sup> The grade for smokefree outdoor air laws was a "C" and smokefree housing was an "F".

A more lenient grading system is used by the Community's Health Tobacco Report Card, which is sponsored by the Tobacco-Free Coalition of Santa Clara County and other partners. Sunnyvale received a "B" grade on this report card for 2013 -2014.<sup>9</sup>

## City Council Direction

In January 2015, after receiving complaints from residents, the City Council directed staff to study options to prohibit smoking in multi-family housing common areas and in individual units (Study Issue DPS 15-01). This study issue was combined with a previous study issue to expand smoking regulations near entrances to commercial businesses and in outdoor dining areas (Study Issue OCA 14-03(b)). This study issue was initiated in response to complaints from merchants about smoke drifting into their businesses.

The City was awarded a \$95,000 grant from the Santa Clara County Department of Public Health in Spring 2015 to support this study. The grant funds a review of ways to reduce or eliminate exposure to the harmful effects of secondhand smoke in outdoor dining areas; within a specified distance of business entryways; and in all units and common areas of multi-family residences.

## Public Input

The Department of Public Safety conducted two online surveys through Sunnyvale Open City Hall asking for feedback on proposed smoking restrictions. (See Appendices A, C, and D.) More than 500 people responded to the two surveys. The first survey, which was available from 8/19/15 – 9/14/15, was viewed by 910 people and completed by 349 people. The second survey was conducted to receive additional input on smokefree multi-family housing. This survey was viewed by 476 people and completed by 182 new respondents between 12/18/15 - 1/6/16.

In the first survey, 71% of the 349 survey respondents reported that they live in a single family home in Sunnyvale, 25% live in an apartment, duplex, condominium or townhouse in Sunnyvale; 12% work in Sunnyvale; and 5% own or operate a business in Sunnyvale (numbers add up to more than 100% as multiple options could be selected). Ninety-three percent of survey respondents reported that they do not smoke; 3% reported that they smoke; and 4% chose not to answer.

For the second survey, a concerted effort was made to reach residents and owners/managers of multi-family housing in Sunnyvale. This survey repeated the three questions from the first survey about whether smoking should be prohibited in multi-family housing. In the second survey, 53% of the 182 respondents reported that they live in an apartment, condominium, townhouse, or duplex; 30% live in a single-family home; 14% own or manage multi-family rental property; and 7% selected “other”.

Nearly 90% of survey respondents support proposals to require smokefree outdoor dining and smokefree entryways. More than 80% of respondents support smokefree multi-family common areas (82%) and smokefree areas around multi-family housing (84%). A majority of respondents (59%) support requiring individual units in multi-family housing to be non-smoking.

More than 3,000 people were notified about the first survey and public outreach meetings via email or through the following channels:

- City of Sunnyvale website (as a featured news item)
- City of Sunnyvale Facebook page
- Nextdoor
- Nixle

- City of Sunnyvale Open City Hall website
- Sunnyvale neighborhood associations
- Sunnyvale Downtown Association
- Sunnyvale Chamber of Commerce
- Sunnyvale businesses (through the Sunnyvale Economic Development Division)
- Tri-County Division of the California Apartment Association
- Silicon Valley Association of Realtors (SILVAR)
- Santa Clara County Department of Public Health
- Sunnyvale Homeowners' Association officers (where email addresses were available)
- Sunnyvale subsidized housing (where email addresses were available)

The second survey was aimed at residents and owners/managers of multi-family housing. Information about the survey was sent to:

- Property management companies that do business in Sunnyvale (38)
- Owners of rental property in Sunnyvale with 3 or more units (637)
- Affordable housing providers in Sunnyvale
- City of Sunnyvale Facebook page
- Nextdoor
- Nixle
- City of Sunnyvale Open City Hall website
- Sunnyvale neighborhood associations
- Tri-County Division of the California Apartment Association
- Silicon Valley Association of Realtors (SILVAR)
- Santa Clara County Department of Public Health

The Department of Public Safety hosted a total of six public outreach meetings to receive public input on the proposals. The meetings were advertised through the same methods as the online survey. The first four meetings solicited input on all topics being considered by the study: 8/31/15 from 3-4 pm and 6-7 pm; 9/3/15 from 3-4 pm and 6-7 pm. Although few people attended the meetings, everyone who did attend was in support of the proposals.

The final two meetings (1/4/16 from 4-5 pm and 6-7 pm) focused solely on the proposals to create smokefree multi-family housing. These meetings were attended by two owners of apartment complexes in Sunnyvale and the president of a Homeowners' Association. The attendees were mostly in favor of smokefree multi-family housing. However, some raised questions about enforcement of such a law.

I also conducted a phone survey of 40 apartment complexes in the City with 100 or more units. Of the 25 complexes reached, 22 reported that they have a policy to prohibit smoking in common areas and 16 have a policy to prohibit smoking inside units (covering approximately 3,725 units).

## Policy Options

As directed by the Study Issues, I researched options to expand Sunnyvale's smoking laws and offer the policy options listed below for consideration by the City Council. These options are based on current best practices to protect the public health from exposure to harmful secondhand smoke; input from individuals who Sunnyvale work in, live in, or visit Sunnyvale; and a review of how other jurisdictions in California have regulated these areas.

1. **Require 100% smokefree outdoor dining**, including bars, restaurants, and cafes.
2. **Require a 25 foot smokefree buffer zone** around the entryways of all locations where smoking is prohibited, including businesses, offices, grocery stores, restaurants, bars, places of worship, etc.
3. **Require smokefree multi-family housing** (apartments, condominiums, townhomes, and duplexes), including:
  - a. Smokefree common areas;
  - b. A 25 foot smokefree buffer zone around doors and windows of multi-family housing; and
  - c. in 100% of units in multi-family housing.
4. **Require smokefree public areas**, including Murphy Ave., public events, and transit stops.

These options are discussed in more detail below.

### 1. Smokefree Outdoor Dining

Currently Sunnyvale requires 60% of outdoor eating areas to be smokefree. In order to protect customers and the general public from exposure to secondhand smoke, the City Council could require 100% smokefree outdoor dining areas, including restaurants, bars, and cafes.

Prohibiting smoking in outdoor dining areas not only would protect public health, it would also respond to public demand and potentially increase business for such establishments by nonsmokers who are currently avoiding outdoor eating areas that allow smoking.

In March 2012, City staff recommended a complete ban on smoking in outdoor eating areas, which was not approved by the City Council. However, the Council asked to revisit the issue of prohibiting smoking in outdoor dining areas on March 18, 2014, as part of the OCA 14-03(b) study issue.



As of March 2014, 73 municipalities in California have adopted laws to prohibit smoking in all outdoor dining areas, according to the American Lung Association's Center for Tobacco Policy and Organizing,<sup>10</sup> and many others are currently considering it. In Santa Clara County, seven communities completely prohibit smoking in outdoor dining areas: Campbell, Cupertino, Los Gatos, Mountain View, Palo Alto, San Jose, and Santa Clara County. (See Appendix B). Many individual restaurants and cafes (such as Starbucks) have adopted a policy prohibiting smoking in outdoor patios.

In the online survey, an overwhelming 88% of respondents believe smoking should be prohibited in outdoor dining areas where food or beverages are served, e.g., restaurant and bar patios. Support for this measure increases to 95% based on responses from individuals who work in the City of Sunnyvale. (See Appendices A and C for the complete survey results.) Some of the comments from survey respondents include:

- I avoid eating outside at some restaurants due to the smoking.
- Non smokers should feel free to sit outside in clean air.
- Definitely. We choose restaurants on Murphy Street less often because we have been forced to breathe second-hand smoke while eating outside.
- I'm shocked this isn't already prohibited. The City has a nice selection of outdoor eating places, which add real value to the dining experience, and they are ruined when even one person smokes in those locations.
- I often walk with my newborn in downtown Sunnyvale. We cannot eat/sit in outdoor dining places because there are always people smoking there.
- It's horrible that people have to walk through a cloud of cigarette smoke in order to enter or exit a restaurant. It's bad for people to have to just walk past the haze of smoke on sidewalks where people congregate to smoke!

The few survey respondents who opposed a complete ban on smoking in outdoor dining suggested that the decision be left up to individual businesses or that bar patios be excluded.

There are 288 restaurants in Sunnyvale and 58 have been approved for outdoor dining. It is unknown how many restaurants currently allow smoking in outdoor dining areas.

## 2. Smokefree Entryways

The City Council has received complaints from business operators about smoke drifting into their businesses, requiring them to close their doors or endure the impact and odor of smoke. Study Issue OCA 14-03(b) asked for information on whether to expand smoking regulations near entrances to commercial businesses.

California law prohibits smoking within 20 feet of entrances, exits, or operable windows of government buildings. Many communities have adopted local laws creating smokefree buffer zones around non-government buildings, such as restaurants and shops.

According to the American Lung Association's Center for Tobacco Policy and Organizing, 90 municipalities in California have adopted laws to prohibit smoking within 20 feet or more from the entryways of all buildings as of March 2014.<sup>11</sup> In Santa Clara County, six communities prohibit smoking within 20 feet or more of non-government building entryways: Campbell (20 feet), Cupertino (25 feet), Morgan Hill (25 feet) Mountain View (25 feet), Palo Alto (25 feet), and Santa Clara County (30 feet). (See Appendix B).

In the online survey, an overwhelming 89% of respondents believe that smoking should be prohibited within 20 feet of the entrances, exits, and windows to buildings where smoking is prohibited. This number increases to 100% when viewing responses from individuals who work in the City of Sunnyvale.

Additionally, a number of survey respondents asked for a larger buffer zone, such as 50 or 100 feet, or encouraged the city to prohibit smoking entirely in commercial areas with multiple businesses such as Murphy Ave. Respondents cited the impact of wind on secondhand smoke and the difficulty in determining how far 20 feet extends. Additionally, research has shown that a person may have to move nearly 23 feet away from the source of the smoke to be completely free from exposure to secondhand smoke in outdoor areas.<sup>12</sup> For these reasons, the policy recommendation in this area is to prohibit smoking within 25 feet of business entrances, exits, and windows rather than the 20 feet queried in the online survey.

Some of the comments from survey respondents include:

- Part of my job involves field work in commercial areas. I do not think I should have to be exposed to a known carcinogen in the course of my duties.
- It is hard to walk in downtown Sunnyvale with kids because tons of people smoke right in front of the restaurants and where pedestrians walk. Why do we need to breathe the smoke?
- Those of us who do not smoke should be able to safely get in and out of a non-smoking building.
- Yes, for non-smokers, it's offensive to walk out of a building into a cloud of smoke. Especially problematic with kids as you want to avoid exposure for them, if smokers are right outside an entrance, there's no way to avoid them.

The few survey respondents who opposed smokefree entryways suggested that the decision be left up to individual businesses or that designated smoking areas be created.

### 3. Smokefree Multi-family Housing

In response to complaints from residents of multi-family housing who are negatively impacted by neighbors who smoke, the City Council asked for a study of the possibility of creating smokefree common areas and units in multi-family housing. (Study Issue 15-01). For purposes of this study, multi-family housing is defined to include includes apartments, condominiums, townhomes, duplexes, four-plexes, etc.

In order to protect residents of multi-family housing from the negative effects of drifting secondhand smoke, the City Council could consider:

- a. Prohibiting smoking in multi-family **common areas**, such as walkways, courtyards, and pool areas (with an option for a designated outdoor smoking area that meets certain criteria);
- b. Prohibiting smoking in outdoor areas **within 25 feet** from the doors and windows of multi-family housing units; and
- c. Prohibiting smoking **in individual units**, including patios and balconies, of multi-family housing.

Based on data from the Santa Clara County Department of Public Health, 42% of the Sunnyvale population lives in multi-unit housing, compared with 27% for all of Santa Clara County.<sup>13</sup> Close to one-third (29%) of adults who live in multi-unit housing in Santa Clara County reported smelling tobacco smoke drifting into their home in the previous week.<sup>14</sup> The rate of secondhand smoke exposure was even higher among Latino adults living in multi-unit housing (39%), those with less than a high school diploma (38%), and adults with household incomes less than \$15,000 (36%).<sup>15</sup> Several studies on drifting secondhand smoke in multi-unit housing have confirmed that secondhand smoke can and does transfer between units, creeping under doorways and through wall cracks.<sup>16</sup> Because people spend a considerable amount of time at home, smoke-free policies in residential settings can significantly protect residents from second-hand smoke.

Multiple surveys show an increased demand for smokefree housing. In a survey conducted by Santa Clara County, 96% of Santa Clara County apartment residents believe that smokers should not be allowed to smoke wherever they want; and 84% of Santa Clara County apartment residents surveyed said that they would support a no-smoking policy at their multi-unit housing complex.<sup>17</sup> According to a poll conducted by the American Lung Association, nearly half of California apartment owners and managers have had tenants complain about secondhand smoke drifting into their apartments.<sup>18</sup>

Increasingly, landlords are choosing to adopt smoking restrictions in properties they own or manage for a number of reasons, including: (1) to reduce cleaning costs from a unit with a smoker; (2) to lower the fire risk and related insurance costs; and (3) in response to tenant

demand. The California Apartment Association's sample lease form contains a provision indicating that smoking is prohibited everywhere on the property, unless the owner has adopted a different policy.

Some communities considering a smokefree multi-family housing ordinance have questioned how such a law will impact people who smoke. Currently, only 10% of adults in Santa Clara County smoke, which is half the national average of 20%.<sup>19</sup> Additionally, people who smoke are not required to quit smoking in order to live in multi-family housing that is designated nonsmoking. The law would only require them to smoke elsewhere. Currently two-thirds (65%) of adults voluntarily choose to completely prohibit smoking in or around their home in Santa Clara County.<sup>20</sup>

Given that many current smokers would like to quit, a restriction on smoking in multi-family housing may provide an additional incentive. If the ordinance is adopted, city staff could provide residents with information on cessation resources.

Additionally, a number of communities allow multi-family properties the option of creating a designated smoking area, so long as it meets certain criteria (e.g., a certain distance away from units or children's play areas). Such an area would allow tenants a place to smoke and to dispose of their cigarette litter.

#### a. Common Areas

Under California law, indoor common areas of multi-family housing are required to be smokefree if any employees enter the premises. However, there is no law prohibiting smoking in outdoor common areas in the City of Sunnyvale, such as walkways, courtyards, playgrounds, and pool areas.

In California, 68 jurisdictions have adopted laws to require smokefree outdoor common areas in multi-family housing,<sup>21</sup> including two in Santa Clara County (San Jose and the County) and six in San Mateo County (Belmont, Burlingame, Daly City, Foster City, Menlo Park, and San Mateo County). (See Appendix B.) Although prohibiting smoking in common areas is appealing as a first step in limiting exposure to secondhand smoke in multi-family housing, many communities found that such restrictions had the unanticipated consequence of driving smokers back inside their unit—or on their balcony or patio—to smoke, all of which negatively affects neighboring tenants. As a result, communities are increasingly pairing smokefree common area laws with a prohibition on smoking inside of units.

In the two online surveys, 82% of respondents believe smoking should be prohibited in outdoor common areas of multi-family housing. Some of the comments from survey respondents include:

- If you live in multi-family housing, why should you have to inhale second hand smoke?
- No one should have to be exposed to known carcinogens against their will.
- I have lived in multi-family housing and could always smell second-hand smoke through the vents and in the common areas. Second-hand smoke negatively affects pregnant women and their babies, children and the elderly disproportionately. Not only are health costs driven up due to the exposure, it is wrong to force anyone to be exposed to a hazard.
- Especially with the current housing market, people who are bothered by smoke can't simply leave.
- Smoking is unhealthy for everyone (smokers and non-smokers), I know because I was a smoker and I developed COPD as well as Sleep Apnea. People who live a healthy life should not be banned from enjoying outdoor activities because of smokers. If smokers want to continue living an unhealthy life by smoking, then they should be banned from common areas. They are only polluting the air space that others also use. Smoke lingers on and even when you walk past smokers, the smoke falls on your hair and clothes. You take that back into your own home with you.

The small number of people who opposed a restriction on smoking in common areas suggested that the decision be left up to individual landlords or developments; commented that smokers have rights and should be allowed some place to smoke; and wondered how such a provision would be enforced.

#### b. Buffer Zones

As with commercial buildings, many people are exposed to secondhand smoke from neighbors who smoke outside their unit near the doorway or on a patio or balcony. This policy option would prohibit smoking in outdoor areas within 25 feet from any area of multi-family housing that is required to be smokefree. Twenty-five feet is suggested rather than 20 feet in order to provide additional protections to residents and to be consistent with the distance recommendation outside other buildings.

In the two online surveys, 84% of respondents believe smoking should be prohibited within 20 feet from doors and windows of multi-family housing, with many respondents asking for a larger buffer zone of 50 or 100 feet. Some of the comments from survey respondents include:

- I often have to close my window because my neighbor smokes in his balcony.
- I pray that a law is passed to prohibit smoking in apartment communities. I have lived in my apt. community for over 10 years and smokers smoking on their balconies is a big problem. The smoke comes into my apartment and it is so unfair because I have my windows open on a hot day or I just want to air out my place and am forced to breath in the cancer causing smoke.

- Absolutely as this is where people personally live. Just like the questions about 20 ft from businesses et al, smoking needs to be kept as far away as possible and limit all incidents of drift or incursion as housing is the most personal of space. People should be comfortable and healthy in their own home space.
- Smoking should be prohibited in EVERY situation where second hand smoke enters any place where any person can not escape from. Such as smoke entering through a window, air conditioning vents, even a closed door. A person can't even sleep during HOT summer nights with their window open because the second hand smoke from adjacent neighbors is MISERABLE!!!! Headaches, sore throat, coughing, etc.
- I'm VERY strongly in favor of banning smoking within 20 feet from doors and windows! We are homeowners at Sunnyvale Meadows on Reed Ave. Our next door neighbors smoke and it is incredibly stressful when second hand smoke comes into your bedroom window at night. We have nowhere to go, and on hot nights we have to breathe this foul-smelling cigarette smoke. We have lots of children here and some people with asthma. It is completely unfair to them to be trapped in their homes. And unfortunately our HOA does not do their part in preventing this (they just want the city to handle it).
- Yes, yes, yes, please pass this law. It is a huge difference when someone smokes outside our complex vs inside the common area. Kids are everywhere and I have seen the smokers drop their cigarette butts, still lit, on the ground. It's a safety and fire hazard.
- This will really help with the kids, I have a neighbor who just smokes outside of his door and all smoke travel through our windows.
- Yes, many multi-family housing units are home to low-income children. Smoke can make its way in through windows and doors especially when they need to keep them open during the summer heat.
- I'm a homeowner who lives in a Sunnyvale Homeowner's Association. My next-door neighbors frequently smoke outdoors in their fenced patio, which is designated as an "exclusive-use common-area." The wind hits our building in such a way that any smoke near our window is immediately sucked into our unit. Our windows are 10 feet away from their cigarette, and words can't convey how sick, trapped and powerless we feel each time this happens. I have complained to the homeowner's association directors, who informed me that no action can be taken without a city ordinance. I strongly urge the City of Sunnyvale to pass an ordinance prohibiting this behavior. Smokers should be free to make decisions about their own health, but they do not have the right to impose a toxic atmosphere on my family in my own home.
- The whole complex should be 100% smoke-free!

The few survey respondents who opposed such a restriction commented that such a provision may be unworkable if it covers the whole complex; requested that private patios be excluded; asked for designated smoking areas; or encouraged that such a decision be left up to each development.

### c. Individual Units

Beginning with Belmont in 2007, 38 California jurisdictions have required smokefree multi-family housing within a certain percentage of units or in all units. According to the Center for Tobacco Policy and Organizing, all of the ordinances adopted in California since October 2012 that prohibit smoking in multi-family housing units apply to 100% of such units.<sup>22</sup> The U.S. Department of Housing and Urban Development recently proposed a rule to require all public housing to prohibit smoking indoors and within 25 feet of buildings.<sup>23</sup>

In Santa Clara County, currently only the County prohibits smoking in multi-family housing units, requiring 100% of units to be smokefree. Palo Alto is considering restricting smoking in multi-family housing after conducting a survey showing that 90% of respondents were in favor of smoking restrictions in multi-family housing.<sup>24</sup> Additionally, the Housing Authority of Santa Clara County prohibits smoking at all of their properties. In neighboring San Mateo County, four cities—Belmont, Burlingame, Daly City, Foster City—and the County prohibit smoking within 100% of multi-family housing units. (See Appendix B for more information.)

A minority of the California laws that regulate smoking in individual units require only a portion of such units to be smokefree (e.g., 75% or 80%).<sup>25</sup> In some cases these laws have different restrictions for new housing than for existing housing. For example, Sausalito requires 100% of new multi-family housing units to be smokefree but only 80% of existing multi-family housing units.

However, ordinances that prohibit smoking in only a portion of the units are problematic for a number of reasons. A significant disadvantage of such ordinances is that residents whose units border smoking units are not protected from secondhand smoke exposure since there is no way to truly prevent smoke from drifting between units. Communities also have found that implementation of such ordinances is significantly more complicated if one set of rules applies to certain units and another set of rules applies to other units. Ensuring compliance with such ordinances is also challenging as tenants may not be fully aware of where smoking is and is not prohibited.

All of the recently adopted California ordinances require 100% smokefree multi-family housing units, including apartments and condominiums. If the Council chooses to consider regulating smoking in multi-family housing, I recommend that a prohibition apply to all units.

In the two online surveys, a majority of respondents (59%) believe smoking should be prohibited inside all units within multi-family housing. Some of the comments from survey respondents include:

- We have a chain smoker next door and if our windows are open smoke fills our house.

- Air (and cigarette smoke) flows readily from unit to unit in our complex. I was awakened recently to my bedroom smoke detector shrieking at 2:00am. The reason? Cigarette smoke emanating from a shared wall. I had to disable the smoke detector to sleep, which put my family and the building at risk.
- Smokers force their smoke into my family's lungs and we have no way to refuse. Please help us.
- Yes, because that air does not stay inside the smoker's unit, but spreads to the homes of others.
- If you live in an apartment, you shouldn't have to breathe or smell smoking.
- I lived in an apartment for a year and had cigarette smoke wafting into my studio so I had to keep the doors and windows closed at all times even during the hot summer. I could not complain as this was the landlord and his wife who were chainsmoking next door.
- I have owned 20 units since 1977 on Kodiak Ct., Sunnyvale. I included no smoking anywhere in the units, and on the property inside and outside since ~ 1985 as part of my Rental Agreement. It has not been a problem to enforce. A tenant has to stand in the street to smoke. They shortly stop smoking. I have many young children living in my units that should not be exposed to smoke.
- I would love to see our city implement fair smoking rules that protect those in and around their homes, in particular multi-tenant condo complexes -- we own our condo and desperately need these regulations. Our HOA does not want the responsibility of dealing with smoking and prefers to defer to the city and police who cannot do anything. It has been very difficult for us to live next to inconsiderate smokers who smoke directly beneath our bedroom windows. We need your help and are so thrilled you are addressing this issue!

Although a majority of respondents support creating 100% smokefree multi-family units, others commented that people should have the right to do as they wish in their own house; suggested allowing smoking in a small percentage of the complex; asked that the decision be left up to property owners and tenants; and questioned how such a law could or would be enforced. Some of the comments from survey respondents include:

- What people do in their own home is no one's business but their own.
- As a smoker I need to be polite, aware of others that dislike or are allergic to smoke and know that many cities have banned outdoor smoking, but smoking inside my home in my business. Since buying cigarettes/cigars is still legal I don't believe government should be directing my lifestyle in the condo I own.
- Is there no end to government intrusion into the private lives of citizens? What's next, checking to make sure that consenting adults are observing safe sex practices in their bedrooms?
- Each complex should be able to set its own policies and the tenants can live with it or move.



- Allow each place to decide. Rental costs in the SFBA are some of the highest in the nation. Paying \$2400 per month and being told you cannot smoke (or drink any alcohol, or cook pork, etc.) INSIDE your own space is an anti-liberty concept.
- No - where would smokers live and/or smoke?
- Suggest designating some buildings as smoke free in all developments, but all could be problematic, esp. with low income housing
- As long as the smoke isn't bothering me or my family, multi-family housing units should still be considered private residences.
- I do not think this would/could be enforced
- I think this would be great--I just worry about enforcement and the feuds this may exacerbate among residents. It's tough to proscribe what people can do in their own homes.

#### 4. Additional Smokefree Areas

Increased complaints about exposure to secondhand smoke outdoors and about excessive cigarette butt litter have led other communities to adopt even more extensive restrictions on smoking in outdoor locations such as:

- Service areas (where people wait to receive a service or to make a transaction, such as information kiosks, ATMs, ticket lines, bus stops or shelters, or cab lines)
- Public events
- Commercial areas with a high density of businesses

To address this issue, the City Council could require additional areas to be smokefree, such as all of Murphy Ave., public events, and transit stops.

In Santa Clara County, five communities currently prohibit smoking in service areas, such as bus stops or shelters, ATM lines, and ticket lines: Campbell, Morgan Hill, Palo Alto, San Jose, and Santa Clara County. Seven communities have at least some restrictions on smoking at public events such as Farmer's Markets or public festivals: Campbell, Los Gatos, Morgan Hill, Mountain View, Palo Alto, San Jose, and Santa Clara County. (See Appendix B.) Additionally, Palo Alto prohibits smoking in all commercial areas, including downtown, the California Avenue business district, and Stanford shopping center.

The online survey asked if there are any other areas in the City where smoking should be prohibited. The most common response was to prohibit smoking in parks, which is already prohibited. Other common responses were:

- Bus stops, light rail stops, the Caltrain station
- Service lines
- Public sidewalks near essential services such as hospitals, stores, banks, and schools

- Outdoor events such as Farmer's Market, Art & Wine, street fairs, Murphy Ave. summer festivals
- All of Murphy Ave.
- All public areas, including parking lots
- Near schools
- Everywhere. Sunnyvale would be fantastic as a smoke free city.

Some residents pleaded with the city to take additional steps:

- Please put an end to this battle. My daughter is 7 years old and I have been fighting this battle since I was pregnant. Children [have] no rights to say no to smoke. We have rights to say no to smoke because it is dangerous to our family's health and safety. Murphy avenue is very disappointing with smoke and bars.
- It is truly amazing to me that Sunnyvale, in this year of 2015, still allows people to smoke on Murphy Avenue. This is not a very progressive city when it comes to health and comfort issues. I have lived here for 21 yrs and it embarrasses me to take visitors over to Murphy on a Friday/Saturday night due to all the smokers lining the street. It's crazy to see this in the heart of Silicon Valley.

## Implementation and Enforcement

As smokefree outdoor area laws have become more prevalent, communities generally have experienced high rates of compliance with such laws. These measures are largely self-enforcing once stakeholders—such as restaurant owners and businesses—are notified about the law and provided with educational materials. The presence of no-smoking signs is also critical both in educating the public about prohibited behavior and also providing support to members of the public who wish to notify or remind people who are smoking about the law.

In the City of Sunnyvale, according to staff, there have been few complaints about smoking in parks or in other locations where smoking is currently prohibited, such as restaurants. Staff believes the conspicuous no-smoking signs in Sunnyvale parks are the primary reason for the low number of complaints.

Enforcement of laws prohibiting smoking in outdoor common areas and within a certain distance from multi-family housing units are analogous to other smokefree area laws. The violations are publicly visible, residents will be notified of the new laws, and no-smoking signs can be posted. As a last resort, the Department of Public Safety can cite an individual for smoking in violation of the law, however staff will first conduct education to encourage compliance or issue warnings.

Enforcement of laws prohibiting smoking within multi-family housing units is an emerging area. Although there is no published data about enforcement of such laws, I have gathered

information from several communities about how their laws are implemented and enforcement.

Laws prohibiting smoking in multi-family housing units generally include a phase-in period (e.g., 6 months or a year) in order to notify residents and property owners/managers of the new requirements. During this period, the City also can provide information about cessation services to residents who wish to quit smoking.

In addition to potential enforcement by the government, many smokefree housing laws also require the ordinance provisions to be incorporated into a tenant's lease. New tenants who move in after the ordinance's effective date would sign the updated lease agreement including the smoking restrictions. Existing tenants would have their leases updated on a rolling basis as the leases are renewed.

Following the education period about the new ordinance, enforcement is complaint-driven. In general, communities that have adopted smokefree multi-family housing laws have not been overwhelmed by complaints and even fewer complaints have led to citations or evictions. For example, in the City of Richmond, the police department's regulatory unit has found that education and warnings about that city's law to be sufficient. Education and enforcement by landlords is also very effective.

In San Mateo County, three communities have implemented their smokefree multi-family housing laws: Belmont, Daly City, and Foster City. According to staff from the San Mateo County Department of Public Health, each city has experienced a high degree of compliance. There have been few complaints and only one known citation. The San Mateo County health department maintains a hotline for complaints. If a complaint is received, staff send a letter to the landlord and the tenant who is alleged to be smoking to encourage compliance. In Santa Clara County, if the county health department receives a complaint in the unincorporated area, staff visit the site to ensure that signs are properly displayed and to provide education.

Although existing smokefree housing ordinances allow law enforcement to cite an individual for smoking in violation of the law, generally staff first conduct education to encourage compliance or issue warnings. Additionally, as mentioned above, landlords are able to enforce the smoking restrictions as a lease violation, as they would enforce any other lease term. Condominium complexes could enforce the smoking restrictions as a violation of the CC&Rs. Some ordinances specify that landlords not be liable for failing to enforce no-smoking provisions; however, when landlords, HOAs, and government officials enforce concurrently, compliance rates improve. Finally, some ordinances allow tenants the option of suing a smoking neighbor who violates the ordinance.

## Conclusion

As demonstrated by the survey results, an overwhelming majority (80% - 90%) of Sunnyvale residents and visitors support creating smokefree outdoor dining areas, smokefree entryways, smokefree multi-family housing common areas, and smokefree areas around multi-family housing. These measures would protect residents, employees, and visitors from harmful exposure to secondhand smoke and would demonstrate the city's commitment to protecting the health of its community. Amending the city's smoking ordinance also would keep pace with other neighboring cities and raise the City of Sunnyvale's tobacco control grade from a "D" to a "B".

Requiring all units in multi-family housing (apartments, condominiums, townhomes, and duplexes) to be smokefree was supported by a majority (59%) of survey respondents and is steadily becoming the new norm in California. Prohibiting smoking in multi-family units will provide an opportunity for everyone in Sunnyvale to live smokefree, including the city's most vulnerable populations.

## Appendices

- A. Creating Smokefree Areas: Survey Results
- B. Santa Clara and San Mateo County Smokefree Area Laws
- C. Creating Smokefree Areas (first survey): Complete Response
- D. Creating Smokefree Multi-family Housing (second survey): Complete Response

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<sup>1</sup> U.S. Department of Health and Human Services, The Health Consequences of Smoking — 50 Years of Progress A Report of the Surgeon General Executive Summary (2014), available at: [www.surgeongeneral.gov/library/reports/50-years-of-progress/exec-summary.pdf](http://www.surgeongeneral.gov/library/reports/50-years-of-progress/exec-summary.pdf).

<sup>2</sup> U.S. Department of Health and Human Services. 2006 Surgeon General's Report—The Health Consequences of Involuntary Exposure to Tobacco Smoke (2006); available at: [www.cdc.gov/tobacco/data\\_statistics/sgr/2006/index.htm](http://www.cdc.gov/tobacco/data_statistics/sgr/2006/index.htm); California Environmental Protection Agency Air Resources Board, Environmental Tobacco Smoke: A Toxic Air Contaminant, California Environmental Protection Agency Air Resources Fact Sheet (2006), available at: [www.arb.ca.gov/toxics/ets/factsheetets.pdf](http://www.arb.ca.gov/toxics/ets/factsheetets.pdf).

<sup>3</sup> Centers for Disease Control and Prevention, Secondhand Smoke (SHS) Facts (2014), available at: [www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/secondhand\\_smoke/general\\_facts/index.htm](http://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/general_facts/index.htm).

<sup>4</sup> Klepeis N, Ott W, Switzer P, *Real-Time Monitoring of Outdoor Environmental Tobacco Smoke Concentrations: A Pilot Study* (2004), available at: [http://exposurescience.org/pub/reports/Outdoor\\_ETS\\_Final.pdf](http://exposurescience.org/pub/reports/Outdoor_ETS_Final.pdf); Klepeis NE, Ott WR, Switzer P, Real-time measurement of outdoor tobacco smoke particles, *J Air Waste Manag Assoc.* 2007;57 (August 2013):522–534.

<sup>5</sup> Wagner J, Sullivan DP, Faulkner D, et al. "Environmental Tobacco Smoke Leakage from Smoking Rooms," *Journal of Occupational and Environmental Hygiene*, 1: 110-118 (2004), available at: <http://eetd.lbl.gov/IEP/pdf/LBNL-51010.pdf>.

<sup>6</sup> California Labor Code Section 6404.5; California Government Code Sections 7596 - 7598.

<sup>7</sup> Sunnyvale Municipal Code, Chapter 9.28.

<sup>8</sup> American Lung Association, State of Tobacco Control 2015 – California Local Grades, available at <http://www.lung.org/local-content/california/our-initiatives/current-initiatives/state-of-tobacco-control/2015/2015-state-of-tobacco-control-county-grades.html>.

<sup>9</sup> Santa Clara County Public Health Department, Tobacco-Free Coalition of Santa Clara County, Community Advocate Teens of Today, “Community’s Health Advocate Teens of Today, “Community’s Health on Tobacco Report Card” (2013-2014), available at: <https://www.sccgov.org/sites/sccphd/en-us/Partners/TobaccoPrevention/Documents/ALL%20Community's%20Health%20on%20Tobacco%20Report%20Card%202014.pdf>.

<sup>10</sup> American Lung Association, Center for Tobacco Policy & Organizing, List of Municipalities that Restrict Smoking in Outdoor Dining Areas (March 2014), available at: <http://center4tobaccopolicy.org/wp-content/uploads/2014/03/List-of-Municipalities-that-Restrict-Smoking-in-Outdoor-Dining-Areas-March-2014.pdf>.

<sup>11</sup> American Lung Association, Center for Tobacco Policy & Organizing, List of Municipalities that Restrict Smoking near Entryways (March 2014), available at <http://center4tobaccopolicy.org/wp-content/uploads/2014/03/Entryways-March-2014.pdf>.

<sup>12</sup> Klepeis NE, Ott WR, Switzer P, Real-time measurement of outdoor tobacco smoke particles, J Air Waste Manag Assoc. 2007;57 (August 2013):522–534; Repace J, Benefits of Smokefree Regulations in Outdoor Settings: Beaches, Golf Courses, Parks, Patios, and in Motor Vehicles, William Mitchell Law Rev. 2008;34(4):1621–1638. Available at: [www.repace.com/pdf/Repace\\_Ch\\_15\\_Outdoor\\_Smoke.pdf](http://www.repace.com/pdf/Repace_Ch_15_Outdoor_Smoke.pdf).

<sup>13</sup> U.S. Census Bureau, 2007-2011 American Community Survey 5-Year Estimates, available from the Santa Clara County Department of Public Health.

<sup>14</sup> Santa Clara County Public Health Department, 2013-2014 Behavioral Risk Factor Survey, available at: <https://www.sccgov.org/sites/sccphd/en-us/Partners/Data/Pages/Tobacco-Use.aspx>.

<sup>15</sup> Santa Clara County Public Health Department, Smoke-free Multi-Family Housing: Bringing Healthy Air Home, available at: [https://www.sccgov.org/sites/sccphd/en-us/Partners/TobaccoPrevention/Documents/MUH%20Fact%20Sheet\\_2015.PDF](https://www.sccgov.org/sites/sccphd/en-us/Partners/TobaccoPrevention/Documents/MUH%20Fact%20Sheet_2015.PDF).

<sup>16</sup> See, e.g., Snyder K, Vick JH, King BA, Smoke-free multiunit housing: a review of the scientific literature, Tob Control, 2015;0:1–12; Martínez-Sánchez JM, Sureda X, Fu M, et al. Secondhand smoke exposure at home: Assessment by biomarkers and airborne markers, Environ Res., 2014;133:111–116.

<sup>17</sup> Santa Clara County Public Health Department, Smoke-free Multi-Family Housing: Bringing Healthy Air Home, available at: [https://www.sccgov.org/sites/sccphd/en-us/Partners/TobaccoPrevention/Documents/MUH%20Fact%20Sheet\\_2015.PDF](https://www.sccgov.org/sites/sccphd/en-us/Partners/TobaccoPrevention/Documents/MUH%20Fact%20Sheet_2015.PDF).

<sup>18</sup> Id.

<sup>19</sup> Santa Clara County Public Health Department, 2013-2014 Behavioral Risk Factor Survey, available at: <https://www.sccgov.org/sites/sccphd/en-us/Partners/Data/Pages/Tobacco-Use.aspx>.

<sup>20</sup> Id.

<sup>21</sup> American Lung Association, Center for Tobacco Policy & Organizing, “Local California Smokefree Housing Policies: Detailed Analysis,” (September 2015), available at: <http://center4tobaccopolicy.org/wp-content/uploads/2013/12/FINAL-Local-California-Smokefree-Housing-Policies-Sept-2015.pdf>.

<sup>22</sup> Id.

<sup>23</sup> Department of Housing and Urban Development, Proposed Rule: Instituting Smoke-Free Public Housing (Oct. 22, 2015), available at: <http://portal.hud.gov/hudportal/documents/huddoc?id=smoke-freepublichousing.pdf>.

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<sup>24</sup> Palo Alto Online, “Palo Alto mulls raising age for buying tobacco,” (Nov. 4, 2015), available at: <http://paloaltoonline.com/news/2015/11/11/palo-alto-mulls-raising-age-for-buying-tobacco>.

<sup>25</sup> American Lung Association, Center for Tobacco Policy & Organizing, Matrix of Strong Local Smokefree Multi-Unit Housing Ordinances, (September 2015), available at: <http://center4tobaccopolicy.org/wp-content/uploads/2013/12/FINAL-Matrix-of-Strong-Local-MUH-Ord-Sept-2015.pdf>.







## Appendix A

### Creating Smokefree Areas: Survey Results



The Sunnyvale Department of Public Safety conducted two online surveys asking for input on proposed amendments to create smokefree areas in the city. A total of 349 people responded to the first survey between August 19 - September 14, 2015. Survey results are provided below and are also available online at: <http://peakdemocracy.com/2985>.

An additional 182 people responded to a second survey, which asked about smokefree multi-unit housing (repeating questions 4-6, below). The second survey was open between December 18, 2015 – January 6, 2016. Full results for the second survey are available at <http://peakdemocracy.com/3330>. Additionally, results for the second survey are provided below (question 1a.) and combined with results from the first survey (questions 4-6).

#### 1. Tell us about yourself (check all that apply):<sup>1</sup>

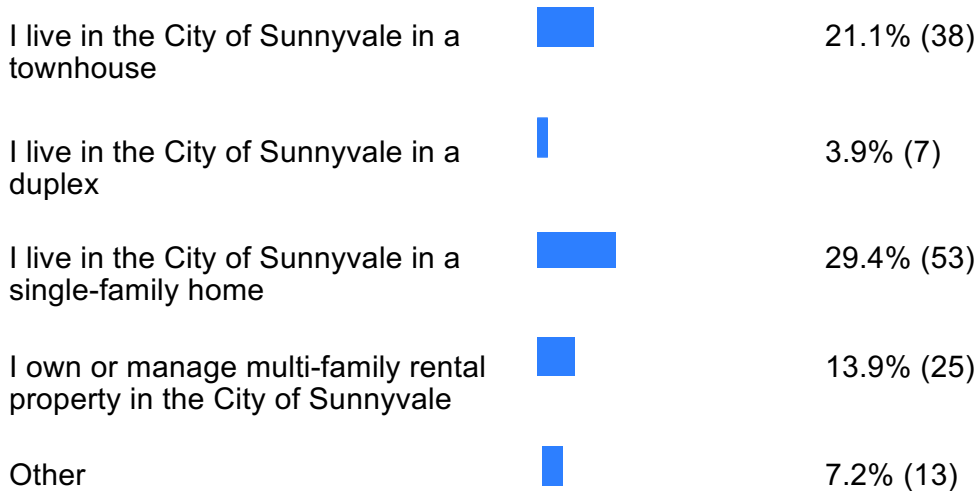
I live in the City of Sunnyvale in a single family home		70.6% (243)
I live in the City of Sunnyvale in an apartment, duplex, condominium, or townhouse		25.0% (86)
I work in the City of Sunnyvale		12.2% (42)
I own or operate a business in the City of Sunnyvale		4.9% (17)

#### 1a. Tell us about yourself (check all that apply):<sup>2</sup>

I live in the City of Sunnyvale in an apartment		15.6% (28)
I live in the City of Sunnyvale in a condominium		13.3% (24)

<sup>1</sup> Results from the first survey: 8/19/15 – 9/14/15.

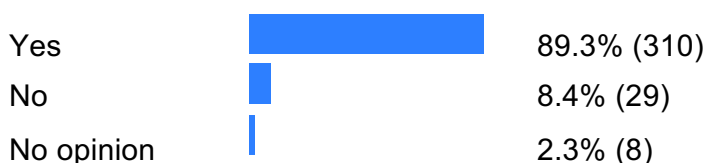
<sup>2</sup> Results from the second survey: 12/18/15 – 1/6/16.



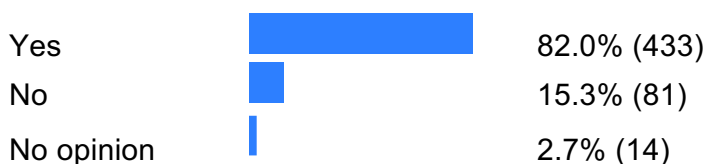
**2. Do you think smoking should be prohibited in outdoor dining areas where food or beverages are served (e.g., restaurant and bar patios)?**



**3. Do you think smoking should be prohibited within 20 feet of the entrances, exits, and windows to buildings where smoking is prohibited? (This would apply to businesses, offices, grocery stores, restaurants, bars, places of worship, etc.)**



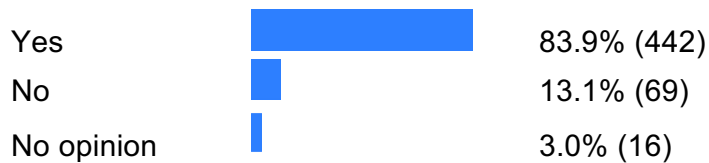
**4. Do you think smoking should be prohibited in outdoor common areas of multi-family housing, such as walkways, courtyards, pool areas, etc.? (Multi-family housing means housing with more than one residence and includes apartments, duplexes, condominiums, and townhouses.)<sup>3</sup>**



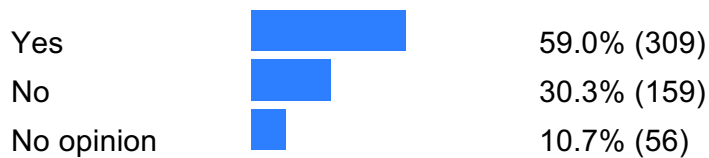
<sup>3</sup> Combined results from first and second survey.



**5. Do you think smoking should be prohibited within 20 feet from doors and windows of multi-family housing?<sup>4</sup>**



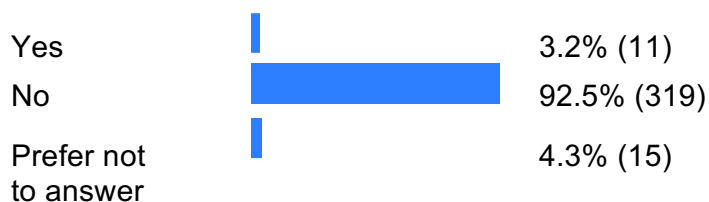
**6. Do you think smoking should be prohibited inside all units within multi-family housing?<sup>5</sup>**



**7. Are there any other areas in the City where you think smoking should be prohibited?**



**8. Do you smoke?**



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<sup>4</sup> Combined results from first and second survey.

<sup>5</sup> Combined results from first and second survey.

## Appendix B

### Outdoor Smokefree Area Laws Santa Clara County

		Outdoor Dining	Entryways	Service Areas <sup>6</sup>	Public Events
<b>Santa Clara County</b>	Campbell	Yes	Yes (20 feet)	Yes	Yes
	Cupertino	Yes	Yes (25 feet)		
	Gilroy	Partial (50% smokefree)			
	Los Gatos	Yes			Yes (seating areas only)
	Morgan Hill	Yes, with exceptions for private events	Yes (25 feet)	Yes	Yes (on a public right of way)
	Mountain View	Yes	Yes (25 feet)		Some (outdoor amphitheater seating areas)
	Palo Alto	Yes	Yes (25 feet)	Yes	Yes
	San Jose	Yes		Yes	Some (seating at outdoor stadiums and sports arenas)
	Santa Clara County (unincorporated)	Yes	Yes (30 feet)	Yes	Yes
	Sunnyvale	Partial (60% smokefree)			

<sup>6</sup> Generally refers to areas where people wait to receive a service or to make a transaction, such as information kiosks, automatic teller machines (ATMs), ticket lines, bus stops or shelters, or cab lines.

## Smokefree Housing Laws Santa Clara and San Mateo Counties

	Community/ Date Passed	Common Areas	Units	Implementation	Enforcement Provisions
<b>Santa Clara County</b>	San Jose April 2012	Prohibits smoking in indoor and outdoor common areas.  Allows landlords and HOA's to designate smoking areas outdoors that meet certain criteria.			Enforced by the city and subject to penalties outlined in the municipal code.
	Santa Clara County (unincorporated) November 2010	Prohibits smoking in indoor and outdoor common areas.  Allows landlords and HOA's to designate smoking areas outdoors that meet certain criteria.	Prohibits smoking in 100% of the units of new and existing apartment complexes with two or more units (including patios and balconies).  Applies to apartments and condominiums.	New Units: 1 month  Existing Units: 14 months	Violations are punishable as an infraction with fines starting at \$100 and subject to civil action by the county.  Requires lease agreements to contain language stating that the unit is nonsmoking and that other tenants in the building may enforce the no-smoking lease term.
<b>San Mateo County</b>	Belmont October 2007	Prohibits smoking in indoor and outdoor common areas.  Allows landlords to designate smoking areas outdoors that meet certain criteria.	Prohibits smoking in all new and existing apartments and condominiums that share a common floor and/or ceiling.	14 month grace period for current smokers, including new lease terms for current tenants.	Enforced by any peace officer or code enforcement official. Each violation is an infraction subject to a \$100 fine. Violations are subject to civil action brought by the city.  Landlords are not required to enforce the new no-smoking lease terms nor are they required to evict a tenant who smokes in a nonsmoking unit.  Requires every lease of a unit where smoking is prohibited to contain language that states the unit is nonsmoking and that other tenants in

	Community/ Date Passed	Common Areas	Units	Implementation	Enforcement Provisions
					the building may enforce the no- smoking lease term.
	Burlingame July 2015	Prohibits smoking in common areas.	Smoking is prohibited in 100% of new and existing units with 2 or more units.  Applies to apartments and condominiums.	180 days	Violations are punishable as an infraction w/fines starting at \$100. Also includes civil and criminal penalties.
	Daly City October 2012	Prohibits smoking in indoor and outdoor common areas.  Allows landlords to designate a portion of outdoor areas that meet certain criteria as smoking areas.	Smoking is prohibited in 100% of new and existing complexes with 2 or more units, unless there is no shared wall or ceiling.  Does not apply to condominiums.	New Units: Immediately  Existing Units: 14 months	Enforced by any peace officer or code enforcement official.  Violations are punishable as an infraction with a \$100 fine, and are subject to a civil action brought by the city.
	Foster City December 2014	Prohibits smoking in indoor and outdoor common areas.	Smoking is prohibited in 100% of new and existing units with 2 or more units.  Applies to apartments and condominiums, includes electronic cigarettes.	New Units: Immediately  Existing Units: 1 year	The City Manager is in charge of enforcement. Any citizen may make a complaint with the City Manager. Permits any citizen to bring civil action to compel compliance.  Violations are punishable with the following fines: 1 <sup>st</sup> Violation: \$250; 2 <sup>nd</sup> Violation: \$500; 3 <sup>rd</sup> Violation: \$1000
	Menlo Park September 2010	Prohibits smoking in indoor and outdoor common areas of multi-unit housing with two or more units.  Includes apartments and condominiums.			Violations are punishable in accordance with the municipal code.  A private person may also bring legal action to enforce the provisions.
	San Mateo County	Prohibits smoking in indoor	Smoking is prohibited in 100% of new and existing	New Units: 6 months	Enforced by the community health director and

	Community/ Date Passed	Common Areas	Units	Implementation	Enforcement Provisions
	(unincorporated)  October 2014/ May 2006	and outdoor common areas.	units with 2 or more units.  Applies to apartments and condominiums, includes electronic cigarettes.	Existing Units: 14 months	his/her designees.  Violations are punishable as infractions with the following fines: 1 <sup>st</sup> Violation: \$100; 2 <sup>nd</sup> Violation: \$250; 3 <sup>rd</sup> Violation: \$500; > 3 in 1 year: Misdemeanor  Tenants have third-party beneficiary status and can enforce lease's smoking restrictions.  Requires lease agreements to contain language stating the unit is nonsmoking, that smoking in a designated nonsmoking unit is a material breach of contract.

Information in this table is from the American Lung Association's Center for Tobacco Policy and Organizing:  
<http://center4tobaccopolicy.org/tobacco-policy/smokefree-multi-unit-housing/>.

## **Appendix C**

### **Creating Smokefree Areas Survey: Complete Responses**

The Sunnyvale Department of Public Safety created an online survey asking for input on proposed amendments to create smokefree areas in the city. A total of 349 people responded to the survey between August 19 - September 14, 2015. Complete responses to survey questions are provided below and are also available online at: <http://peakdemocracy.com/2985>.

#### **2. Do you think smoking should be prohibited in outdoor dining areas where food or beverages are served (e.g., restaurant and bar patios)?**

**Comments:** answered: 90; skipped: 257

- I avoid eating outside because cigarette smoke is harmful and triggers my allergies.
- Keep to one edge
- Diffuse 2nd hand smoke is only an annoyance, not a serious health threat, to virtually all non-smokers. Why not ban products containing peanuts as well? Some people could have a reaction and some could even die. Point is don't go overboard with this. If you don't like the smell, sit upwind.
- YES!!!! Its awful downtown sometimes.
- Bar owners would lose business...lets not go crazy!!
- Absolutely, this is not a personal choice question, but for the common good, which in fact includes the smokers, who are emphatically encouraged to shake off this health detriment for their own good, not to mention the overall healthcare cost.
- Smoking should not be permitted in outdoor dining areas because it is rude and requires all diners to inhale the second hand cancer-causing, allergy-provoking smoke. To me it is not much different than allowing someone to take out a gun and start shooting at all the diners.
- It is difficult even to walk through these sidewalk areas when someone is smoking.
- It's horrible that people have to walk through a cloud of cigarette smoke in order to enter or exit a restaurant. It's bad for people to have to just walk past the haze of smoke on sidewalks where people congregate to smoke!
- Cigarette smoke causes migraines and makes food taste like ashes.
- Smoking is unhealthy.
- It is known for a fact that smoking causes cancer. This is not a case of correlation does not equal causation. Therefore, people have the right to not be exposed to cigarette (or other) smoke while enjoying food outdoors.
- It should be prohibited in any customer business.
- Yes, restaurants, no, bar patios
- It depends if in a public area such as Murphy street, then no. But if it is a private patio away from public then ok to allow.
- I enjoy dining in Downtown Sunnyvale on Murphy Ave. I also have Asthma and cigarette/cigar smoke makes me wheeze. It can be difficult to enjoy the outside tables. I often have to get up and run from a smoker until they are finished.
- already downtown Sunnyvale, Murphy, is unbearable in the evenings when people dine out.
- Especially around downtown where the summer live concerts are.
- Smokers not only litter their butts, but also creates a disgusting odor for people who just want to enjoy their coffee

- It irritates my sinus and really ruins my dining experience.
- The smokers need somewhere to go- but I don't want to be around it and it seems to be a binary option- either there is smoke or not. Still it seems harsh to have nowhere for smokers to go.
- NO smoking in food areas..Its a no brainer.
- Restaurants OK. Bars, no....
- I remember when there used to be no smoking areas in airports or on airplanes. Second hand smoke (and third hand smoke) always was a problem for people who do not want to be exposed to it.
- No smoking in restaurants means, the whole restaurant.
- Sometimes the weather is great and you want to sit outdoors. It would be nice to be able to enjoy it smoke free.
- Sitting outside at DishDash on Murphy, some guy at the next table lit up a CIGAR. Queasy, gross, ruined the meal
- Outdoor dining is why I eat out in the summer!
- It's very unpleasant and unhealthy to inhale someone else's smoke, and it's healthier for others not to smoke anyway.
- Yes!!!
- Yes. Second smoke is harmful.
- Including a buffer beyond patio border, or tables on sidewalks.
- Smoking on a patio outside interferes with the taste and smell of food, and the harmful smoke still doesn't disperse quickly enough in the outside air to be "healthy" for bystanders.
- Smoking on public streets near restaurants/food/beverage establishments or within 20 feet of entrances, exits or bus stops should be prohibited.
- It would be very helpful. One will inhale a lot of second hand tobacco smoke, sitting downwind from a smoker.
- It's up to the business and the customers they want to attract.
- While I hate smoke, especially while eating, I support businesses deciding if they want to allow it or not. I frequent those that do not.
- It also needs to be enforced though. People are always smoking by the library entrance, and I have hold my breath to get inside.
- No, especially if it's a private business on a private patio
- I think this should be up to the proprietor and not the city to enforce.
- people must not smoke and walk on the streets as well.
- I ALWAYS avoid outdoor areas / businesses that permit smoking.
- This should be between businesses and customers. Why does the government need to prevent people from making their own choices?
- You can't tell of someone who has respiratory issues unless they are on oxygen or wear a mask. I have COPD (I do not wear a mask of need to be on oxygen) but I immediately cover my nose with my hand or the neckline of my shirt when I someone near me has a lit cigarette. If I'm behind a driver who is smoking with his cigarette hanging out his window, I immediately switch to inside air flow. In addition, there are pregnant woman who should not be exposed to cigarette, cigar, or pipe smoke.
- maybe allow 1 or 2 tables downwind for the smokers
- Depending on the direction of the wind, second-hand smoke can be unavoidable.
- Let businesses decide. 2) There is no smoking in dining areas, waiting areas and perhaps waiting outside the door. Do smokers no longer have rights or privileges to enjoy themselves in one small area?
- Inevitably, smoke drifts and interferes with pleasant dining. Why allow addicted people to

impose their smoke on others?

- individual business decisions should be posted and prevail
- I have a lung problem and do not go to some dining areas due to smoking outside. Even if you are inside, when every time the door opens the smoke pours in the room.
- I have a lung disease and my mom died of lung cancer.
- I'm not opposed to people smoking in a fenced-in outdoor dining area. But, people smoking in front of businesses such as the dining areas next to sidewalks on Murphy St. are unpleasant.
- For non-smokers, who are making a life choice to avoid carcinogenic smoke, it is very unhealthy and unappetizing to be around smoking. Smokers are choosing to smoke, which is their right, but because their life choice can be dangerous to one's health, others should not have to suffer those choices.
- Smoking should be prohibited anywhere that non-smokers may be exposed to secondhand smoke.
- There's a few restaurants in downtown Sunnyvale that allow smoking in their outdoor areas and it prevents me from sitting outside and enjoying the weather. It forces me to sit inside, and part of eating out is to enjoy the outdoor areas. Unfortunately, I don't ever eat at those places, and that is a bummer. I'm sorry, but if you choose to smoke, you should have to stay far away from food areas, especially areas that children can also be in.
- for the comfort of other non-smoking diners
- Yes, my family and I cannot enjoy outdoor dining if a smoker is present.
- I often walk with my newborn in downtown Sunnyvale. We cannot eat /sit in outdoor dining places because there are always people smoking there.
- Yes, but BBQ & cooking smoke should NOT be included
- Do not allow smoking on Murphy Avenue, it ruins the entire outdoor experience.
- I would love to support sunnyvale business' on Murphy Street, but there is so much smoking, it is an unwelcome environment for health conscious individuals.
- I could see occasional exceptions, but I'd like them to be rare.
- I'm shocked this isn't already prohibited. The City has a nice selection of outdoor eating places, which add real value to the dining experience, and they are ruined when even one person smokes in those locations.
- My opinion also includes "vaping" or "E-cigarettes"
- I've left places because someone nearby lit up and ruined it for me.
- Yes, absolutely. The smoke just carries into the restaurant from the outdoor area. It's like the old Smoking sections on airplanes.
- I prefer to eat outside in smokefree areas
- health hazed to non smokers and also an irritating nuisance
- Definitely. We choose restaurants on Murphy Street less often because we have been forced to breathe second-hand smoke while eating outside.
- It ruins the outdoor dining experience where people want to be enjoying fresh air and open space. Smoking fouls the air and the drifting smoke does not mind implied human boundaries of smoking area vs a non-smoking area....it just blends together as a smoking area.
- Non smokers should feel free to sit outside in clean air.
- Important to prevent smoking in seated areas.
- secondhand smoke is a health hazard for non smokers
- Many times smoke wafts in from outdoor smoking areas and significantly bothers me when I'm dining out.
- My family is highly allergic to smoke, even lightly wafting through the air. Asthma is also an



issue. Not only are these health issues traumatic when they flare up, but they are expensive to the entire community through overall healthcare costs.

- We find the smoke smell and eye irritation very unpleasant. We would avoid such establishments if a smoker was too close.
- Government should keep out of individual courtesy!
- We dine outdoors routinely and often someone starts smoking after we have been at the restaurant for awhile. Impossible to move, so we have to be exposed to cancer causing chemicals against our will.
- There should be designated places for smokers which do not conflict with non-smokers or children.
- I avoid eating outside at some restaurants due to the smoking.
- Smoking effects all of those around. The air quality is already bad and I should not be forced to inhale smoke from others around me.
- Smokers force their smoke into my family's lungs and we have no way to refuse. Please help.
- Smoking is a disgusting habit and should be done in private away from people.
- Study finds no link between secondhand smoke and cancer, which the EPA report is based are statistical studies that can show only correlation and cannot prove causation.
- Smoke while dining is the most offensive type of smoke there is, as it puts off nonsmokers meal, wasting their time and money. If we create new smokefree areas at all, dining areas should be the leading candidate to do so.
- Food & Beverages Yes <><>But if you serve Alcohol then you must allow smoking
- As a consumer, I avoid restaurants, bars and dining areas in which people are smoking. This is partially due to health concerns, but more to do with the fact that it greatly interferes with my enjoyment of a meal or drink. I suspect that the vast majority of consumers in the bay area feel as I do- restaurants are probably losing business because they're sometimes unable to fill outdoor seating in close proximity to smokers.
- Unfortunately, smoking is a habit that negatively affects others who breathe (all of us).
- example where it annoys me: Fire House backyard
- In the past it was nice to sit outside on the patios, but now it's where the smokers congregate. This makes the non-smokers have to sit inside.

**3. Do you think smoking should be prohibited within 20 feet of the entrances, exits, and windows to buildings where smoking is prohibited?**

**Comments:** answered: 74; skipped: 273

- I'd like to see designated smoking areas provided not just the prohibition.
- Wouldn't 10 or 15 feet be enough?
- Smoke will come drifting into the buildings, where it lingers.
- I believe state law already requires this.
- But MOST smokers are very good about this
- 20-foot range is NOT wide enough, in consideration based on common sense.
- Some exceptions might be appropriate for bars and restaurants where a smoking area is not comingled an outdoor dining area.
- Smoking should not be permitted on the property of any public building, not just within 20 feet. If someone is smoking in the parking lot near where I am parked, I either have to hold my breath and hurry to my car or wait until the smoker leaves and his/her trails of smoke have drifted away.

- Yes, for non-smokers, it's offensive to walk out of a building into a cloud of smoke. Especially problematic with kids as you want to avoid exposure for them, if smokers are right outside an entrance, there's no way to avoid them.
- This needs to be backed up with signs at the 20 ft line because many people have no idea what 20 ft away looks like.
- See above.
- You still have to walk through a cloud of smoke no matter how far away.
- Smoking is unhealthy. Those of us who care about the air we breathe should not have to suffer the bad habits of smokers.
- 20 feet is not actually enough. It should be 75 feet as best practice.
- The smoke-free distance should be even greater.
- Nothing worse than bicycle commuting to grocery store and having smoke right outside.
- Yes. Those of us who do not smoke should be able to safely get in and out of a non-smoking building.
- This would be nice. Smoke always makes its way into the restaurant when smokers stand outside the doors. It pretty much makes smoking inside the restaurant meaningless. I also always end up running away from the entrances of grocery stores to avoid the fumes, especially if my baby is with me.
- Yes. However, it should be enforceable by someone official besides the owner. Downtown Sunnyvale has some owners smoking next to the door way and they won't turn themselves in. Make it viable to enforce.
- People still have a right to smoke in public, and would be very difficult to enforce.
- Absolutely, I'd say 40' because people don't understand what 20' looks like unless they have a way to measure it.
- Smoke drifts into buildings when smokers are just outside--20' shouldn't inconvenience the smokers.
- Perhaps even more than 20 feet. Smoke should not drift into openings from even further away.
- Not sure what I think about this, but sometimes it can be a nuisance
- businesses can build smoking booths away from entrances.
- I really would love it if every area near buildings would be smoke-free. Why should non-smokers need to walk through it to do their regular business?
- It will help if the area is clearly designated by the business owner.
- Not appropriate to use government force to prevent smoking.
- Same comment as above
- I think this will be difficult to enforce, however.
- Most of these buildings have positive air pressure, so very little smoke gets in when someone is around them when someone smokes near them.
- This should be between establishments and patrons.
- 20 feet isn't enough. smoke is airborne, remember?
- It should be beyond 20 feet. When I was a smoker (I quit 01/21/2004), I was standing at my company's door entrance with others smoking cigarettes. A pregnant woman came up the walkway to enter the building. From that point on I stood farther away from the entrance when I was still a smoker.
- 50+ feet minimum
- 1) Will city REQUIRE a 20-ft marking and notice signs? 2) Should not include "emergency" exits not normally used, 3) should not include windows that do not open. 4) Businesses should be required to erect a rain/sun cover to protect smokers from the elements (they shouldn't have to stand in the driving rain or blistering sun)

- It should be more than 20 feet.
- 20 feet is too close! If it is a little windy the smoke finds its way inside. I think 40-50 feet is good
- Should be 100 ft
- See above. I am a non-smoker who is married to a man who previously smoked for most of his adult life. For my 50th birthday, the gift he gave me was a promise to never smoke again, which was worth more to me than anything materially.
- It should be more than 20 feet.
- I'd like it to be further. I'd prefer a smoke free downtown. I've seen smokers outside of businesses and their smoke blows right back into the building and I hate walking down the sidewalk and through multiple smokers. My family holds our breath as we walk by. No smoking anywhere downtown is my vote.
- Such a health hazard for all, I strongly feel it should be prohibited wherever possible.
- It is hard to walk in downtown Sunnyvale with kids because tons of people smoke right in front of the restaurants and where pedestrians walk. Why do we need to breathe the smoke?
- 20 feet isn't very far - I think 50 feet would be better
- In the cases of multiple businesses, say for example, along a street such as downtown Sunnyvale (Murphy), smoking should be prohibited completely.
- I thought smoking was already supposed to be prohibited near doors of such buildings.
- Actually, I believe 30-50 feet is better. Very few people know how far 20 ft actually is.
- Yes. Doesn't Sunnyvale already do this. I thought most cities in the Bay Area already did this.
- I dislike having to smell smoke on my way into or out of buildings
- 40 feet at least!
- prohibit altogether
- except for bars/restaurants with outside smoking areas
- Seems like a no-brainer that customers/employees should not be subjected to cigarette smoke while entering a building.
- Persons who smoke often "huddle" near entrances to smoke. People entering and leaving buildings must pass through this smoked up zone. Additionally, smoke often gets pulled into buildings by air handling systems via opening doors, windows, etc. Keep the smoke as far away as possible from the building/establishment and from points of air flow entry.
- 100 ft is good as 20 ft is not enough because of wind
- This would help to reduce smoke that wafts into buildings.
- Simply holding one's breath while passing through a toxic cloud to enter or exit a building does not prevent the contamination from unhealthy air. The smoke and physical debris remains problematic and the unhealthy, long-term effects are too serious to ignore.
- Cigarette smoke permeates and is very unpleasant to us as non-smokers. We would strongly prefer to avoid strong unpleasant smells.
- I grew up in a home with smokers, am 81 years old with no problems.
- Part of my job involves field work in commercial areas. I do not think I should have to be exposed to a known carcinogen in the course of my duties.
- More than 20 feet would be more appropriate. Smoke drifts. It's stinky, ruins the outing.
- The state legislature should expand the existing law prohibiting smoking near public buildings. It would be interesting to see how many people have been cited for violating that law. Enforcement seems to be nonexistent.
- Non-smokers shouldn't have to walk through smokers to get in the front door of their office.
- Most definitely
- It should be at least 50+ feet, not just the short 20 feet.

- Smokers force their smoke into my family's lungs and we have no way to refuse. Please help us.
  - totally ban smoking in downtown such as Murphy St.
  - 100ft minimum
  - Surgeon general's report concluded involuntary smoking caused lung cancer, but it offered only weak epidemiological evidence to support the claim
  - I don't know. This type of thing is occasionally a problem, but not often. I feel bad for smokers who can't find a place to smoke.
  - If alcohol is served, bought or offered then you must allow smoking
  - Smoke travels significant distance: 20 feet seems like a reasonable buffer zone around building entrances.
  - Actually, it needs to be more like 100 feet. Twenty feet is too close for the smoke to blow into the doorway.
- 4. Do you think smoking should be prohibited in outdoor common areas of multi-family housing, such as walkways, courtyards, pool areas, etc.? (Multi-family housing means housing with more than one residence and includes apartments, duplexes, condominiums, and townhouses.)**

**Comments:** answered: 68; skipped: 279

- too hard to enforce
- Again, designated smoking areas should be provided.
- A whiff of smoke once in a while isn't going to kill anyone. Let's not get too PC like up in the city!
- Common areas only...these people are paying high rents and should have the freedom that everyone else has!!
- Same comments as previously stated.
- I think smoking should be prohibited in ALL areas where there is even the chance that ONE person would need to walk in that area. To me smoking is no different than someone spraying poison into the air.
- This is a health issue. If you are paying to have pool and courtyard availability and don't want second-hand smoke....
- Since I don't live in multi-family housing, I don't think I should be able to weigh in with my opinion.
- smoke causes multiple health issues for non-smokers!
- Smoking is unhealthy. Second-hand smoke is noxious.
- I lived in an apartment for a year and had cigarette smoke wafting into my studio so I had to keep the doors and windows closed at all times even during the hot summer. I could not complain as this was the landlord and his wife who were chainsmoking next door.
- It should apply single family houses. Sunnyvale is city. Neighbor house is very close.
- Yes, many multi-family housing units are home to low-income children who play outside. They deserve to have clean air and a chance to grow up WITHOUT lung and other health issues too, even if they live in a lower cost housing. But then smokers need a place to smoke legally. Not sure what to do about that.
- Yes, but this is a tough question- there is no separation of air between a private balcony and the sidewalk next to it. Alternatively, for condos, you could leave it up to the HOA to set the rules.
- It is important to protect those who do not want to be exposed to second and third hand

smoke.

- Smoking is bad for you, but it is still legal. Where would someone who chooses to smoke, do so, if they had to live in such an area?
- This will really help with the kids, I have a neighbor who just smokes outside of his door and all smoke travel through our windows
- 100% YES! Smoking in a common area does nothing when it's 100 degrees out and the breeze blows the smell into your home. My husband has asthma and after working a very long week it's is frustrating to live near chain smokers, impossible to enjoy the day.
- If you live in multi-family housing, why should you have to inhale second hand smoke?
- so kids don't see it
- This is a private area. While I do not support smoking of any kind. I do not believe the City of Sunnyvale should regulate private residences.
- Again, 2nd hand smoke shouldn't be forced upon others who do not smoke.
- 100% yes.
- It's up to the owners of the buildings
- Smoking in a multi-family complex ruins others' ability to enjoy their own space. Much like loud noise.
- That should be the property owners decision
- Outside, in the open it's perfectly fine to smoke. There's more than enough air motion to whisk the smoke away before it can be hazardous to anyone, and it's minimally troublesome.
- This should be between the owners/renters.
- I'm OK with smoking in common areas far away from residences. As long as it is not a bother to residents in their homes.
- Smoking is unhealthy for everyone (smokers and non-smokers), I know because I was a smoker and I developed COPD as well as Sleep Apnea. People who live a healthy life should not be banned from enjoying outdoor activities because of smokers. If smokers want to continue living an unhealthy life by smoking, then they should be banned from common areas. They are only polluting the air space that others also use. Smoke lingers on and even when you walk passed smokers, the smoke falls on your hair and clothes. You take that back into your own home with you.
- When visiting friends I would prefer this but, as I live in a single family dwelling, I don't feel I have the right to make a call on this.
- Let each development decide where/when it is prohibited and enforce via their own rules.
- YES! Otherwise, the 2nd hand smoke deprives most others from use of those common areas. Children should enjoy pools without smoke!
- However, the responsibility for enforcement should not be placed upon landlords
- Residents' decision should prevail and be posted
- Children should not be subjected to second-hand smoke.
- Yes - the smoke blows right back into windows. I live in a single family neighborhood near Ponderosa Park. I have a neighbor next door that smokes and while he tries to be considerate and smokes standing out at the curb, away from our houses, the smoke blows right inside my open windows and my cars now smell like smoke since I park in my own driveway...but the smoke filters in. I'm a non-smoker, yet our cars smell like smoke!
- why our kids have to breath smoke while in the swimming pool.
- Especially with the current housing market, people who are bothered by smoke can't simply leave.
- This has a big impact on residents with respiratory ailments
- Why would someone go swimming for exercise and have to breathe someone's second

hand smoke? It's gross.

- Yes, and can you prohibit smoking in single family houses as well. My neighbor causing my little kids to cough all the time.
- Residents of multi-family housing should be able to enjoy smoke-free common areas
- I enjoy smoking on my back patio, where I don't believe it negatively affects anybody but myself.
- prohibit altogether
- except if the smoke is coming from a unit surrounding these areas
- People should be free to use common areas of their home without negatively impacting their health. And this may be me in the future.
- Common areas are shared by all and need to be uniformly accessible and healthy for a common good; in this case, clean breathable air. Also, as common areas join private areas, if smoking is allowed in a common area it usually ends up invading private areas including those for people desiring a smoke free home.
- I think smoking should be banned 100% inside and outside.
- yes it is a nuisance for the neighbors
- Second-hand smoke is bad for anybody else using these areas.
- I think people should ask others if they'd mind not smoking here.
- Who will enforce this?
- I have lived in multi-family housing and could always smell second-hand smoke through the vents and in the common areas. Second-hand smoke negatively affects pregnant women and their babies, children and the elderly disproportionately. Not only are health costs driven up due to the exposure, it is wrong to force anyone to be exposed to a hazard.
- No one should have to be exposed to known carcinogens against their will
- Please include balconies in this.
- If secondhand smoke consistently migrates into non-smoking areas, it should be banned.
- we have a chain smoker next door and if our windows are open smoke fills our house.
- Absolutely. Smoke doesn't stay confined to a nice 20 foot box.
- Smokers force their smoke into my family's lungs and we have no way to refuse. Please help us.
- This is too restrictive; smokers should have at least some rights and this sounds like overkill
- yes on pool areas.
- The surveys studied more than 35,000 California never-smokers over a 39-year period and found no statistically significant association between exposure to SHS and lung cancer mortality.
- If a smoker lives in a multifamily unit, can't they just smoke inside their unit? Why do they have to do it at the pool?
- I'm a homeowner who lives in a Sunnyvale Homeowner's Association. My next-door neighbors frequently smoke outdoors in their fenced patio, which is designated as an "exclusive-use common-area." The wind hits our building in such a way that any smoke near our window is immediately sucked into our unit. Our windows are 10 feet away from their cigarette, and words can't convey how sick, trapped and powerless we feel each time this happens. I have complained to the homeowner's association directors, who informed me that no action can be taken without a city ordinance. I strongly urge the City of Sunnyvale to pass an ordinance prohibiting this behavior. Smokers should be free to make decisions about their own health, but they do not have the right to impose a toxic atmosphere on my family in my own home.
- I used to live in an apt. and had a downstairs neighbor that smoked on his patio. I had to keep my windows closed. It wasn't ideal.

- I live in a property that prohibits public smoking, yet residents do it all the time. Plus, they often choose places that are convenient to them, without realizing they are blowing smoke directly into another resident's home or into the pool area.
- It should also be prohibited in Mobile home parks sense we are so close together

**5. Do you think smoking should be prohibited within 20 feet from doors and windows of multi-family housing?**

**Comments:** answered: 67; skipped: 280

- they need to have someplace to smoke
- Again, with designated smoking areas provided.
- Not 20 feet, maybe 10?
- multi-family units are always within 20-feet, so this means smoking will not be permitted at all, this is discrimination of a legal substance
- Same comments as previously stated.
- I think it should be prohibited on the entire grounds, but at least within 20 feet of doors and windows.
- See above
- same as above responses
- Smoking is unhealthy. Second-hand smoke is noxious.
- 20 feet is not actually enough. It should be 75 feet as best practice.
- The smoke-free distance should be even greater.
- Yes, many multi-family housing units are home to low-income children. Smoke can make its way in through windows and doors especially when they need to keep them open during the summer heat.
- Tough problem again- if my air intake is close to where they are smoking, it will come into my home. 20 feet beyond doors and windows of multi-family housing effectively puts them in public space or a very narrow strip of land, getting rained on.
- As long as they provide a covered smoking area.
- Why not 50 feet..., 100.... why not make smoking a felony. Smoking is a bad idea, but a choice. Making "No Smoking" zones extend outside, into public areas is not right.
- I often have to close my window because my neighbor smokes in his balcony.
- This will really help with the kids, I have a neighbor who just smokes outside of his door and all smoke travel through our windows
- Yes, yes, yes, please pass this law. It is a huge difference when someone smokes outside our complex vs inside the common area. Kids are everywhere and I have seen the smokers drop their cigarette butts, still lit, on the ground. It's a safety and fire hazard.
- If it is not prohibited, smoke can enter your apartment.
- Seems overly restrictive
- 100% yes.
- See my other comments
- Smoking in a multi-family complex ruins others' ability to enjoy their own space. Much like loud noise.
- This should be done with extreme care. While I don't personally want people to smoke around my windows, others may not care, and may not have an impact. And this may have a negative impact on those who smoke and don't have much choice in housing.
- This should be between the owners/renters.
- I'm VERY strongly in favor of banning smoking within 20 feet from doors and windows! We

are homeowners at Sunnyvale Meadows on Reed Ave. Our next door neighbors smoke and it is incredibly stressful when second hand smoke comes into your bedroom window at night. We have nowhere to go, and on hot nights we have to breathe this foul-smelling cigarette smoke. We have lots of children here and some people with asthma. It is completely unfair to them to be trapped in their homes. And unfortunately our HOA does not do their part in preventing this (they just want the city to handle it).

- 50 feet would be better
- Again, it should be much further away from doors and windows because the smoke will linger, and again, you carry that back into your home if any of it gets on your hair and clothes.
- Smoking sb prohibited in EVERY situation where second hand smoke enters any place where any person can not escape from. Such as smoke entering through a window, air conditioning vents, even a closed door. A person can't even sleep during HOT summer nights with their window open because the second hand smoke from adjacent neighbors is MISERABLE!!!! Headaches, sore throat, coughing, etc.
- I assume you mean 20 feet AND outdoors.
- 50+ feet minimum
- Again, when visiting friends I would prefer this but, as I live in a single family dwelling, I don't feel I have the right to make a call on this.
- Let each development decide where/when it is prohibited and enforce via their own rules.
- It should be 50 feet.
- However, the responsibility for enforcement should not be placed upon landlords
- I would be renting an apartment for me not to smell smoke. My mother never smoked, yet she died from 2nd hand smoke!!!!
- 100 feet
- As many multi-family complexes don't have air conditioning, opening windows is the only way to vent the heat in summer. Having a neighbor's second-hand smoke blow into your window is unhealthy and unpleasant.
- It should be more than 20 feet.
- Further please. I don't know where smokers should go. I respect choices.....but their choice impacts me since I can't get away from their smoke. It's disgusting and just plain awful.
- I say "no" to any form of second hand smoke
- 20 feet isn't very far - I think 50 feet would be better
- 20 feet isn't enough! Most smokers are unaware of how far smoke travels.
- Again, I think 30-50 feet is a better distance.
- Residents of multi-family housing should be able to open their doors and windows without allowing smoke to enter
- prohibit altogether
- Of course people should be able to open their windows and expect clean air. Smoking outside a door or window of a person's home means that the resident inside is forced to breathe dirty air.
- Absolutely as this is where people personally live. Just like the questions about 20 ft from businesses etal, smoking needs to be kept as far away as possible and limit all incidents of drift or incursion as housing is the most personal of space. People should be comfortable and healthy in their own home space.
- The whole complex should be 100% smoke-free!
- Second-hand smoke is bad for anybody else using these areas.
- Smoke and ground debris remains, and these pollutants harm all residents and visitors. Smoke pollutes the air and it seeps into vents, ducts, filters, carpets, drapes, wood - even



concrete. There is no escape from the pollution.

- We recently lived somewhere that a smoker would walk nearby our windows, and suddenly our place would be filled with the unpleasant smell that would linger long after.
- I think the government should keep to the Constitution.
- This is a big problem where I live. The smoke drifts into my apartment when I want my windows open for fresh air.
- Let the residents decide the issue. Who will enforce this?
- we have a chain smoker next door and if our windows are open smoke fills our house.
- It should be at least 50 feet
- Smokers force their smoke into my family's lungs and we have no way to refuse. Please help.
- 100ft minimum
- Not if the 20 ft. is on a personal patio adjacent to someone's patio. Private property issue.
- I do not believe it is right to use fallacious claims to support the policies, and I think it is unfortunate that policy makers are being misled in the name of promoting the public's health
- Seems completely unworkable. That type of range describes essentially the whole complex.
- I'd make this buffer more, if I could.
- Smoking should be prohibited on individual apartment balconies/patios as well.
- Again, needs to be more like 100 feet. Twenty feet is too close.
- My son has asthma the people that live behind me smoke and it blows into our house even when the windows are closed. Especially sense it has been very hot there is nothing that I can do.
- I sometimes wake up at night from somebody smoking in front of my window

**6. Do you think smoking should be prohibited inside all units within multi-family housing?**

**Comments:** answered: 91; skipped: 256

- The smoke inside can stick to walls and can harm others inside. This would protect the nonsmokers.
- Each complex should be able to set its own policies and the tenants can live with it or move.
- Unless its a rental, it should depend on the owners (not the City). This is still private property.
- Definitely prohibit inside. It's dangerous (fire hazard), and potentially harmful to children and people with breathing problems.
- This one may be the most contentious, but allowing smoking would expose the children and sensitive adults in one unit to the smoke of their neighbor
- This is REALLY going too far.. !!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!
- I think smoking should be prohibited inside all units because as soon as a window or door is opened, the smoke escapes ready to attack and innocent victim.
- This is a difficult one. If all ventilation is completely separate, with all air intakes separate, that's probably the only way that smoking in one's apartment should be allowed.
- Smoke doesn't stay in one area, it can permeate throughout domicile. Children should not be exposed to second hand smoke no matter where it's originating from. Also, trying to get rid of the cigarette smoke odor is near impossible and it can be uncomfortable for the next renter (if it's a rental unit).
- smoke goes through the ventilation systems contaminating everywhere!
- As long as they keep their door closed, let smokers stink up their own home.

- Multi family housing should offer some non-smoking units
- I wish but it doesn't seem practical or enforceable.
- Smoking can be prohibited in rental multi family housing. Owners in multi family units can do whatever they are pleased. This is one of the perks of being a home owner!
- But only in new buildings after building code is updated to protect odor migration.
- Prohibited by the apartment manager yes, but not necessarily prohibited by the city.
- The building owner should decide the policy.
- If you live in an apartment, you shouldn't have to breath or smell smoking
- This would be best for the sake of low-income children. If you ban outdoor smoking, the parents are going to end up smoking inside and that could have an even worse effect on the children and other family members.
- I'd prefer it- but the culmination of these would mean that there is no place to smoke in Sunnyvale and it seems unfair to people who may smoke and can't move out of Sunnyvale- either because of age or they are underwater on their mortgage or whatever. However, smoking inside shouldn't result in smoke going into the neighbor's home.
- what people do inside is their business, but when I have to breathe my neighbors' smoke, when they smoke on their patios or in common areas, that is not ok. they are free to poison themselves, but leave me alone.
- I actually am of mixed opinion here. I realize that some people would like to smoke. The only problem is that in multi-family housing, if someone who smokes has their windows open, then their smoke will quite likely affect others who do not want to be exposed to it. Maybe if you want to smoke in your own unit, then you have to keep all windows and doors closed.
- Like motels/hotels, make "Smoking" & "Non-Smoking" wings/floors
- If I lived in a multi-family unit, I would prefer smoking was prohibited inside all units. However, this does seem to tread on the rights of smokers. Ideas: some buildings could be designated for smokers and others non-smoking? A separate area allowed for smoking?
- This is a blatant infringement on people's rights to be "secure" in their personal residence.
- Smokers sit by windows, we don't have much airspace between units. I can smell everyone's dinner, I don't want to smell anyone's second hand smoke. I don't want it coming into my home and affecting my family.
- There are pros and cons here.
- Suggest designating some buildings as smoke free in all developments, but all could be problematic, esp. with low income housing
- This should be up to the Landlord
- Again, this is not the same as a public office, street, or restaurant/bar. It is a private residence. It should not be regulated in this fashion by the City. If it is to do this, what else will it regulate? I do not support smoking, but there are limits, I believe to the scope of municipal authority.
- As long as the smoke isn't bothering me or my family, multi-family housing units should still be considered private residences.
- 100% yes.
- owner gets to decide not me not you
- Smoking in a multi-family complex ruins others' ability to enjoy their own space. Much like loud noise.
- Property owners decision
- I think this would be great--I just worry about enforcement and the feuds this may exacerbate among residents. It's tough to proscribe what people can do in their own homes.
- Definitely not. Not only should a resident be allowed to do as they wish inside their home, this will drastically negatively impact the lives of lower income people

- Strongly agree with this one. Because second hand smoke passes through the vents into other units and the fear of someone falling asleep while smoking that may cause fire and involve the whole building
- Is there no end to government intrusion into the private lives of citizens? What's next, checking to make sure that consenting adults are observing safe sex practices in their bedrooms?
- I'm strongly in favor of this! Second hand smoke drifts from inside units to other nearby units.
- By all means. Smokers go out on their balconies/porch and smoke and if others have their windows opened, the smoke goes into their home. I had a neighbor that lived across the street from me who smoked on her front steps. Each time she came out to smoke, I had to run around the house and shut the windows because the smoke came into my home. She quit smoking after she had a stroke.
- Also, in single family homes unless their windows are tightly closed, and second hand smoke does not enter inside adjacent neighbors homes, nor in adjacent neighbors backyards. Why should people be LOCKED inside their single family homes because of neighbor's smoke? Single family homes should have the RIGHT to breathe smoke free air. And smokers have their right to smoke INSIDE their single family home WITH THEIR DOORS / WINDOWS tightly closed!!! It becomes a WIN WIN situation
- Landlords should have the right to have a smoke-free property if they choose.
- Again, when visiting friends I would prefer this but, as I live in a single family dwelling, I don't feel I have the right to make a call on this.
- When I lived in an apartment, the smoke permeated the walls easily.
- Huge safety issue
- Allow each place to decide. Rental costs in the SFBA are some of the highest in the nation. Paying \$2400 per month and being told you cannot smoke (or drink any alcohol, or cook pork, etc.) INSIDE your own space is an anti-liberty concept.
- Only if the air system is not separate in each unit.
- Yes, smoke gasses inevitably affect others, despite caulking, fans and smokeless ash trays.
- However, the responsibility for enforcement should not be placed upon landlords
- Again Residents or landlords' posted policies should prevail
- There should be smoke FREE places to live.
- No, unless units share common air/heat vents.
- If the house's ducting runs throughout a building such that all occupants are exposed to the second-hand smoke coming through the vents, I think smoking should be prohibited. Of course, I'm not sure if this is even how apartments are set up. But adults should be allowed to smoke within the confines of their own independent homes.
- I can't even imagine how bad the smoke would be as it carries thru air ducts, windows, fireplaces, etc.
- Smoke out by the street and supply ash trays or butt traps.
- I think what happens in your home should be private and if ventilation systems are in place and installed properly, it should not be an issue for your neighbors.
- neighbors should not be second hand smokers.
- I do not think this would/could be enforced
- Yes may be preferred but expect controlling smoking in these locations to be near impossible.
- The problem with allowing smoking inside is that most buildings are pretty leaky, and smoke gets into other units.
- Second hand smoke KILLS.

- This says that smokers have no rights at all. That is wrong.
- Hard to enforce, but potentially life saving and reduce fire risk.
- Personally, I'd prefer this, but it might be going a bit too far, and would be hard to enforce.
- If the HVAC system in the housing is common to all units, then absolutely!
- If people want to smoke in their own place, that's okay
- this would be an absolute violation of people's individual freedoms inside their own homes
- fire hazed also it will affect the neighbors house catching fire
- I don't want to dictate how other people live in their homes
- Yes, because that air does not stay inside the smoker's unit, but spreads to the homes of others.
- This is a difficult question. If the housing is of high quality construction and can guarantee that smoke from one home unit can not possibly enter another private space or the common area, then I would say NO. However, in the real world, most construction and existing buildings and open windows and doors allow smoke to go everywhere and prevents non-smoking residents from the full enjoyment of their healthy home environments, so I would have to say YES.
- I think what people do within their own houses should not be dictated by the government rules. If their family/housemates are ok with it, it should be allowed.
- People should be allowed to smoke in their own home even in multi-family housing.
- it is a fire hazed which will affect the neighbors
- People should have a right to smoke within their own apartment.
- Toxins from airborne smoke and ground litter do now stay in one place. These carcinogens affect ALL residents and visitors, even those who care about their health. There are numerous laws already in place to prevent dwellings to exist in toxic environments. There is no sense in creating a toxic environment for residents who cannot escape these health hazards.
- We should enable property owners to set restrictions whether unit can be smoked in. Then an owner could decide that their property, or section of units, is more appealing to renters (and possibly price), like a hotel with non-smoking rooms. Non-smokers don't want a unit that had previously been used to smoke. We once lived above an apartment whose windows lined up with ours, and bad smells drafted right in our windows and was a horrible experience. But we left and it was the owners problem to find a new renter. It might be possibly invasive to force owners & renters, but ideally owners would want to designate non-smoking units & areas to avoid mixing the odors.
- We need to preserve freedom above all: Give me liberty or give me death.
- If walls and ventilation between units are sealed then yes. Otherwise no
- Let the residents decide the issue.
- because smoke can seep in adjacent units.
- Yes, smoking causes far too many long term health issues and people should not be forced to deal with it.
- Smokers force their smoke into my family's lungs and we have no way to refuse. Please help us. Smoking should be prohibited in a rental home too. We own a home we were violated by the smoke. Please help.
- Oh, is that so? You believe that, see a psychiatrist right away! You need help!
- No - where would smokers live and/or smoke?
- I think smoking could be permitted in a percentage of the total area of large complexes, but these areas should be a small percentage of the total area and must be well isolated from the rest of the complex.
- You have the right to do as you wish in your own house

- Air (and cigarette smoke) flows readily from unit to unit in our complex. I was awakened recently to my bedroom smoke detector shrieking at 2:00am. The reason? Cigarette smoke emanating from a shared wall. I had to disable the smoke detector to sleep, which put my family and the building at risk.
- Plus, doing so would make the units more rentable which benefits the property and the city
- As a smoker I need to be polite, aware of others that dislike or are allergic to smoke and know that many cities have banned outdoor smoking, but smoking inside my home in my business. Since buying cigarettes/cigars is still legal I don't believe government should be directing my lifestyle in the condo I own.

**7. Are there any other areas in the City where you think smoking should be prohibited?**

**Comments:** answered: 180; skipped: 167

- Public parks
- Any place with high foot traffic, like downtown Murphy street, Caltrain station, parks, entrance to grocery stores, restaurants, and coffee shops, etc.
- Public Parks - again designated smoking areas should be provided.
- Prohibit smoking on all City-owned property, especially Civic Center and Library campus
- All parks and open areas with athletic fields. Little league fields. Twin creeks
- Smoking is fast becoming a non-issue. Don't beat a dead horse.
- 20-feet from businesses that are for children (e.g. schools and parks, clinics and hospitals)
- yes public parks where children play
- Smoking should be permitted only in designated, well-ventilated areas which are not ventilated into public areas or onto public roads/sidewalks
- Children's play areas in public parks
- 20 feet from playground structures.
- downtown on Murphy street as you cannot be 20 ft from any business door without being within 20 ft of another
- Any enclosed spaces.
- Parks. I know it is currently prohibited but it is not enforced as I can often see people smoke in the parks.
- All public areas, indoors or outdoors.
- Smoking should be prohibited in all public areas including parking lots of stores and public parking, hospital grounds, school and university grounds, parks, grocery store parking lots, public sidewalks, etc.
- Buffer zones around schools, day care centers, home based day care.
- Bus stops should have the 20 ft rule as well.
- Parks, all areas of the library including the parking lot. School property. Many of these areas are already designated as non-smoking areas but there is no enforcement.
- parks,
- stadiums, bleachers
- Parks where children play, schools, in national parks (where it is a fire hazard as well as unfair to people with asthma, allergies, or are immune compromised to go outdoors to escape city pollution and end up hiking/camping with smokers).
- Any public places. Park and parking lot.
- parks within 20 feet of play ground equipment or sports fields
- Yes, but this doesn't have to be done all at once. Drive down smoking by making it harder to buy cigarettes, more expensive to buy cigarettes, and reducing places to smoke.

- Parks and school grounds
- bus stops
- parks
- Public sidewalks
- Please ban smoking from all outdoor public areas.
- Parks, specifically in picnic areas or near restrooms.
- Downtown events such as Wednesday night rock and Saturday night Jazz.
- Parks should be enjoyed without smoke
- Inside public buildings or enclosed courtyards. I believe this is already in place.
- bus stops, train stations.
- Any areas that is not completely private to the smoker.
- All public places such as parks, libraries
- Indoors
- anywhere youth sports are played.
- Everywhere.
- Parks, shopping strips, shopping malls
- live concerts downtown
- Parks, Caltrain stations, and parking lots.
- any and all events. This would include music events downtown, wine and craft shows, farmers markets, etc.
- Wherever children are present. All public areas.
- Yes- at the Farmer's market - along sidewalks as well as down the middle of the street.
- Everywhere ;)
- patios in condo complexes
- At parks, playgrounds, and near schools -- any area where children might be exposed unnecessarily.
- anywhere outdoor seriously! It is a pain to walk in the evenings and inhale the bad stuff
- Around playgrounds in parks.
- Parks
- Bus Station, Bus Pickup areas
- Farmers market
- On trails
- In the parks, same issue with cigarette butts on the ground being a fire and safety hazard for kids.
- All smoking should be banned on Murphy Street considering all of the outdoor dining patios and various community events!
- Public parks, schools
- VTA bus stops
- Anywhere frequented by children & pregnant women, or areas that general public can't avoid such as on sidewalks, etc.
- every place that you share with other citizens, who are subject to second hand smoke.
- City parks, especially areas where children are present
- Any nature trails or multi-use paths
- Everywhere
- stop trying to control people's lives - what happened to freedom?
- Around picnic tables and playgrounds in city parks
- any areas that are where people gather.
- City parks, trails, schools, bus stops, city events (downtown music, farmer's market, art &

wine festival, Hands on the Arts, etc.)

- If not already covered, then outside City office / establishments (e.g. outside public library)
- public areas like parks, tennis courts.
- Publicly held private spaces where the smoke cannot be separated from those who are affected by it (2nd hand smoke).
- All public areas, including sidewalks, etc.
- Anywhere near the Library -- entrance, patio, etc.
- Choose areas where there is little traffic and possibly no kids.
- Smoking should be prohibited in all areas except smoking lounges (<http://goo.gl/tljPIS>)
- Public parks and trails.
- Similar to the Mountain View anti-smoking ordinance
- I think Mobile Home Parks should be included with the multi housing as the houses are in very close proximity to one another.
- I would prefer no smoking anywhere!
- Parks, but I think there's already a no smoking there
- Everywhere possible
- The library entrance. It's never enforced and people smoke there all the time. :(
- all parks in Sunnyvale, in front of the library
- Any smoking provision should, yet again, be done with care as to not be used to marginalize already marginalized people.
- streets of the city.
- All public schools, parks / recreation facilities, transit stops.
- smoking should be prohibited within 50 feet of other people in public
- On Murphy Street during the Wednesday and Saturday evening concerts downtown. I hate it when you're trying to eat your dinner outdoors and people all around you are smoking. I think I even questioned a city employee in 2014 if it was allowed or not.
- Street fairs, Murphy Avenue summer festivals.
- Farmers markets
- Everywhere. Especially around grocery stores and shopping malls areas. It is not fun to walk through the employee smoking area to enter a store
- Single Family homes when their windows / doors are even slightly open, and when their second hand smoke enters adjacent neighbor's property.
- All locations where cigarette smoke may reach non-smokers, e.g. bus stops and sidewalks.
- Public Parks, Swimming Pools, Library, Community Center, Schools and the areas near them
- Smoking should be prohibited anywhere anyone breathes.
- All public
- Public areas, especially parks and other family gathering areas.
- Public parks
- Smoking in the presence of children should be prohibited. This includes parents walking with children, or adults driving in a car with children.
- In cars, the drive thru, drive in, parking lots
- Public parks. Anywhere that kids/babies frequent.
- Once upon a time in this country a person was at liberty to be left alone in his/her own private space. As we crowd together some people complain. Today it's tobacco smoke. Will tomorrow bring us limits on cooking red meat? Or fish? Maybe garlic and onions ought be prohibited. Where do we draw the line? People so sensitive that odors from a unit with all windows closed should not be living in multi-unit housing. Their problem, not everyone else's.

- City parks
- Parks and schools inside and outside
- On public sidewalks near essential services such as hospitals and medical offices, post offices, grocery stores, banks & schools.
- Parks
  - in common area outside main library entrance, in commonly used entrance areas for medical facilities.
  - Parks where children play
  - schools, day care, anywhere else with small children
  - parks, store fronts, playgrounds, schools
  - should only be allowed in closed cars and in single family dwellings.
  - areas where kids are - daycare, playgrounds
  - In the waiting areas of restaurants (even of those are outside and more than 20ft long).
  - Public parks come to mind, or is that already not allowed?
- Bus stops
  - parking structures, certain areas in the parks such as 50' around children play structures, and bus stops
- Places where people stand in line (e.g. bus stops, ticket lines, etc).
- The whole city
- City sponsored events, Murphy St, Caltrain station, business parking lot.
- In all public areas
- Smoking should be prohibited wherever possible.
- Murphy Avenue & Parks
- Smoking should also be prohibited in public parks, sporting venues, pools, etc.
- I know Sunnyvale would probably never be smoke free, but it would be my dream. And, I was born and raised her, as was my mom.
- Hotel and Motel property. No smoking in Parking Lots. Smoke enters cars.
- I believe all outdoor public and shared areas should prohibit smoking
- farther away than 20ft. from all schools and health facilities, bus stops
- near schools and libraries
- EVERYWHERE!!!
- City parks, especially near children's play areas.
- Downtown Sunnyvale (Murphy Street), anywhere near the train station, any plaza or business complex (including parking lots)
- Medical facilities or campus
- playgrounds, school yards, nears schools, and include e-cigs as well
- Everywhere. Sunnyvale would be fantastic as a smoke free city.
- train station waiting area
- Smokers should stay in a contained area to limit the amount of second hand smoke exposure to all, even in residential areas.
- Public parks. Litter from cigarette butts is pervasive, unhealthy, and annoying.
- I would love to ban smoking all together - I'm sick of breathing smoke and seeing cig. butts littered everywhere.
- Single family homes, backyards, and sidewalks.
- Anywhere near parks, schools, dogparks
- At bus stops and light rail stops. And it needs to be enforced.
- sidewalks
- city parks



- Parks near eating areas like BBQ and tables
- Sunnyvale city should be a smoke free city and be an example to other cities in the US. City drains get clogged, more work for public utilities department, environmental hazed with the millions of tons of undecaying butts.
- Parks, but that has already happened.
- Farmers market, Art & Wine and other outdoor events.
- Any public area where people may stay around for a longer time
- Service lines, outdoor dining, bus stops!
- Yes. Childcare facilities.
- parks, shopping malls, public areas
- Anywhere near city-owned buildings.
- Parks and other outdoor spaces where children tend to frequent
- parks, childrens playgrounds
- parks and playgrounds where children play. Parking lots
- city parks picnic areas
- Everywhere
- All places open to the public.
- Open windows of automobiles. Very tormenting when sitting behind an auto at a stop light.
- Enforce the existing laws regarding littering with ashes and cigarette butts.
- parks
- Any public area
- Only locations that don't impact others. Locations with prevalent winds that don't go toward people.
- Parks, parking lots, and all public areas where people gather
- Any area open to the public and any location that is not a single family non-attached private structure should not allow smoking of any kind.
- Cupertino, Palo Alto, San Jose, Mountain View, San Francisco, Los Gatos, Campbell, Santa Clara
- 100% Ban on smoking
- Any area that can hold two or more people.
- Smoking in parks is not enforced.
- The most frequently discriminated against are smokers and people who are overweight.
- inside cars with non-smoking passengers, or with children riding in them
- If the city allows alcohol to be sold or bought within it's limits then the city must allow tobacco to be sold and used
- I think society has an obligation to protect people (children) who are frequently exposed without consent to the devastating health effects of cigarette smoke. I don't know what this looks like from a legal perspective, however.
- parks, pool areas, gardens, camping sites, schools, playgrounds, tennis courts, basketball courts, hospitals, medical clinics, doctor/dental offices
- near any cycling or recreational/gym locations. Nothing worse than getting a lungful of smoke after a long bike ride or workout.
- Bus stops, bus shelters
- All public spaces.
- Mobile home parks with housing so close. Stores and shopping areas outdoors.
- Parks, Playgrounds, Farmers Market

## 8. Provide any additional comments.

Answered: 114; Skipped: 233

- While I don't smoke, I'm sympathetic to those that do. It's a very hard habit to break. So while I think the public has a right to not be subject to unwanted smoke, we need to do something to provide alternatives for those that do smoke. Having designated places will help to eliminate the temptation to break the "rules" and also reduce conflict over this habit.
- As a former smoker, I understand how relaxing it is after a meal or when drinking and I do not have the zeal of the newly converted (i.e. fear of backsliding). Smoking is still a legally permitted activity so if the right to smoke outdoors is taken away then offsetting "smoking permitted" locations need to be established. You can not tell the smokers to simply go to Santa Clara if they want to light up and you cannot discriminate in this regard against apartment dwellers compared to single-family homeowners.
- used to smoke
- Don't turn Sunnyvale into San Francisco.
- Even as a non smoker...I refuse to jump on this hysterical bandwagon, and burn smokers at the stake...I have not been around smokers in this city that are not really trying to avoid contact with other people...I think the city would be better served if they were more concerned with traffic issues!!!!!!!!!!!!!!!!!!!!!!!!!!!!
- In addition to setting up new areas prohibiting smoking, the city should enforce the rules of non-smoking in public areas like parks. I often see people smoking in my neighborhood part (Washington Park). Calling police for that seems a weird idea, and I do not want to confront them myself, it ends up to be a rule that gets no respect.
- I thank my parents for the upbringing
- I am an ex-smoker
- Certainly by now everyone is aware of the adverse effects of smoking on both the smoker and those who inhale the second hand smoke. To me cigarettes are no different than guns - both can be lethal and should be prohibited. Many smokers throw their cigarette butts out the windows of their cars and cause disgusting litter and can cause fires, especially with all the dry vegetation along the roadsides. Please do whatever you can to limit if not eliminate smoking in ALL public areas and any area where other people are breathing.
- I just quit smoking and appreciate not smelling the smoke everywhere I go. I want my daughter to grow up in a smoke free environment.
- Some people, like me, are quite allergic to tobacco smoke. It's not just the risk of long-term health problems; the problem comes on immediately. Just as we don't serve peanuts on airplanes anymore due to the danger to someone with a peanut allergy, we need to provide people with tobacco smoke allergies with some measure of protection.
- Smoking is a known health hazard and it should be actively discouraged. The county health department should spend some money on campaigns for residents to stop smoking for everyone's health. Also, the littering of cigarette butts along roads and sidewalks is disgusting. There should also be a campaign to educate and shame smokers into not dropping their butts and polluting our environment.
- My parents and sister smoked and it caused them health issues, and I suffered migraines any time I was around them. I cannot visit my family in NC because of the smoking allowed everywhere! Travel is challenging and limited due to the health issues I encounter when some other person's addiction is allowed.
- Thank you for restricting and deterring smoking.
- Thank you very much for Sunnyvale is taking steps for cleaner and healthier city. Old law are made when tobacco's effect was not known public.

- We need update for now and future.
- Simple question is that do you want your children or grandchildren smoke.
- Many smokers throw away garbage after they've done. Most of the case, it has fire. It is very bad manner and dangerous especially in drought.
- Electronic cigarette must be considered as cigarette.
- Thank you.
- This smoking issue is to big brother like. Enough trying to control people!
- People with asthma can be highly sensitive to smoke and so should be able to go about their business without having to be exposed to smoke. Children should also be protected from smoke.
- I hope by smoking you mean ALL smoking not just cigarette smoking. A lot of smoke free apartment complexes have hard time enforcing the no smoking rule because of medicinal marijuana smokers.
- I think that the only place people should be allowed to smoke is inside their own private residence or personal car with the windows all closed. Also, no smoking outside if the smoke can drift to a public area or another residence, so not in a back yard if it drifts to another back yard.
- If I had my way, my family and I would never have to breath second hand smoke no matter where we were in Sunnyvale.
- I believe smokers should have the right to smoke outside (non-enclosed areas). It is my understanding that the laws limiting smoking from enclosed areas is to protect people from contracting disease associated with second-hand smoke. In unenclosed areas, I believe the risk of second-hand smoke is relatively small.
- Rather than spending our tax dollars to single out smokers who are already required to smoke outside, why not spend it on tighter controls to protect citizens from more dangerous issues such as limiting the places citizens can carry handguns.
- Ex smoker.
- Stop the paranoia!
- Smoking is an unhealthy habit.
- Most smokers are aware of how non-smokers do not like second hand smoke and are considerate. However, there will always be those that could care less. Second hand smoke is a nuisance and a health risk that can not be ignored. We need to insure that those of us that don't want to breath second hand smoke can enjoy public events without this menace.
- Can we just provide places where people are allowed? What is driving this? What are the enforcement mechanisms?
- I would prefer some regulation in multi-family dwellings where a person could smoke outside their home, but would have to move or stop if the neighbor complained - that allows people to smoke if they want to, but allows the sensitive parts of the population to avoid impact. I'm less concerned about the neighborhood pot smokers, partially because they tend to generate less smoke per person per day. I like the idea of a person in a shared household (renting a room, unrelated renters, family with adult children) having the option to bring in a smoker (and help cover housing costs) but provide a mechanism to smoke outside in some way.
- As much as I don't like smoking, I think that effectively banning smokers from the city isn't good policy.
- Setting a fixed distance from a doorway often results in a semicircle of smokers just out of legal range, but non-smokers have to still walk through that to get into or out of the building.
- Most smokers are aware of non smokers rights, and are polite if they are in a public area. PLEASE, we have plenty of laws..... NO MORE!!!!!!!!!!!!!!

- I try to be polite, never smoke upwind of others, but second-hand cigarette smoke is far less toxic than the gasoline fumes from passing cars...
- (Don't believe me? Let's each go into a tightly closed one-car garage; you let the car idle for an hour, I'll chain-smoke for an hour. We'll see who walks out alive...)
- I have an auto-immune disease and should not have to be exposed to toxins and chemicals by second hand smoke.
- I don't smoke. I despise smoking and smokers. But I will fight for their right to smoke because we live in America, where everyone has the right to pursue happiness.
- Sunnyvale has more important things to do than enforcing "No-Smoking" rules on the SMALL NUMBER of people who still smoke.
- It is important to have signs to notify people of the law once its implemented in a new area. The signs should be posted in spots where people most commonly smoked in the past.
- It is amazing how one cigarette from a driver at the front of a line of stopped cars can pollute the air for the next 6 cars' drivers behind it. I often don't eat at restaurants outside because of the high probability of someone walking by smoking which would ruin the taste of my food. I do believe that there should be approved areas for smokes much like you would find in Disneyland - away from the general population but comfortable/inviting for them.
- I have never smoked in my life and personally think it's disgusting, especially as a healthcare provider. It's not my fault that others who do smoke picked up that habit, it should affect me or my family's health.
- Used to smoke heavily. Paying a price now. Not a rabid anti-smoker, but it really interferes with my enjoyment of life (or food!:) to be in a cloud of 2nd hand smoke.
- I smoked for about 20 years. I would walk away from people when I smoked so that neither them or I ended up smelling of smoke. The only places I smoked inside was at bars and once in a while on long flights (yes, this clearly dates me). I grew up in NY, where the smoking was out of control, and recall vacations to CA and being wildly impressed with the absence of smoking inside restaurants. I quit smoking over 10 years ago, I don't hate smokers but I don't feel they have a right to smoke where it causes me or my family to inhale it, smell like it or step over it. I am thankful my kids view it as dirty and disgusting.
- All smoking should be banned on Murphy Street considering all of the outdoor dining patios and various community events!
- It is hard to exclude smokers, however, the health problems of second hand smoke are too numerous to ignore. Having family with asthma and allergies I am very sensitive to the impact of passing a smoker on the street or in a public venue. Would also like to see effort made to limit marketing & sales, and increase education to teens for cigarettes and e-cigs.
- Leave people alone - too much intrusion and rules and regulations already!
- yay! Please ban smoking at restaurant doors. I hate choking on smoke when I'm trying to enjoy and expensive meal.
- Some people are allergic to the smoke and others are medically unable to be around smoke. Why should the majority suffer for the minority?
- Smoking is a bad habit that can cause many negative health effects not only to the smoker, but also to those in the space where the smoke is present or has been present (residue). Those who choose to smoke should have the courtesy to do so where it does not have a negative effect on others. Cities however, should not make decisions about smoking beyond their normal scope.
- Being an ex-smoker I am very opinionated! However, smoking is very offensive to me and I believe harmful
- I quit smoking over two years ago, and still understand how difficult it is to beat addiction. Instead of over-regulating smoking in private residences, make it more difficult to smoke in or around public areas like restaurants, make the citation fee/fine low, and put that revenue

toward helping smokers become former smokers. Don't punish people for smoking in their own homes, multi-family or not--it will cause people to leave Sunnyvale and take their much needed tax money away, too.

- I have not noticed smoking being a serious problem in Sunnyvale public spaces, and I hate the smell and health hazard. I think it is inappropriate for the city to forbid people renting their homes to smoke in the privacy of their own homes.
- This is a matter of public health. Please act decisively and quickly.
- Used to smoke but have quit 6 years ago
- Smoking is injurious to health. I would like to prevent poor health choices made by some people to affect others like my 2 year old son. I'd recommend creating special areas for smoking like they have in European airports (<http://goo.gl/tljPIS>)
- I smoked for 30 years and wish I hadn't. There's no question that it's a health hazard. Kids, especially, should not have to breathe smoke.
- I do not smoke. I enjoy freedoms and liberty that you have no right to take away from property owners with your nanny state laws. Adults can make better decisions for themselves than government ever can. Smoking is not a problem in Sunnyvale.
- I understand that smokers and non-smokers all have rights. I don't think non-smokers and especially children should be subjected to cancer causing second hand smoke. In my opinion the non-smokers rights in this case outweigh the rights of a smoker.
- It should be up to property owners rather than the city to decide each's own smoking policy.
- Prohibiting it but not enforcing it is not really very useful.
- Any smoking regulation should be done with extreme care, as it can have direct and drastic negative impact on the poorest among us, those who can't get the aid to quit. Forcing people not to smoke in their own homes does not make them quit, it more of makes them leave; this should not be done as to not hurt the diversity of Sunnyvale. I personally move to Sunnyvale because of its greater diversity than Mountain View and I don't want to see that hurt.
- Please include electronic cigarette devices into the "smoking" regulations. The exhaust vapor is not free of contaminants.
- Butt out! The government is not my mother; it should stop trying to behave like it is. The burning desire of busybodies to regulate private behavior reminds me of Mencken's definition of Puritanism: "the haunting fear that someone, somewhere, may be happy."
- I would love to see our city implement fair smoking rules that protect those in and around their homes, in particular multi-tenant condo complexes -- we own our condo and desperately need these regulations. Our HOA does not want the responsibility of dealing with smoking and prefers to defer to the city and police who cannot do anything. It has been very difficult for us to live next to inconsiderate smokers who smoke directly beneath our bedroom windows. We need your help and are so thrilled you are addressing this issue!
- I'm happy to say that I finally quit on 01/21/2004, but unfortunately I was diagnosed with both COPD and Sleep Apnea in 2008. I always hope and pray that I am never diagnosed with lung cancer.
- Since my family and I do not smoke, we would love every where to be smoke free. However, people should be able to smoke outside their home, work area, and when they go out.
- This is a WRONG question!!!! A better question is to ask: Do you think it is a civil right to breathe smoke free air on your private property? Does it really matter asking "Do you smoke?" What does matter is taking away the RIGHT to breathe clean air, to thrive in a happy, healthy, and thriving environment!!!
- I would like vaping to be considered separately from Smoking, to encourage vaping as a safer alternative. I don't smoke, but I have encouraged my husband to vape instead as it doesn't affect my asthma the way his smoking does.

- Should consider to prohibit smoking (any kind of smoking) in areas where there are children around.
- Prefer Sunnyvale becomes a leader and bans all tobacco and ecigarettes within City of Sunnyvale!!
- I often have to close the windows to my home when people are outside smoking (I live on a heavily traveled street) or neighbors have guests, etc. Cigarette butts are a HUGE source of litter, too. I all for banning smoking where ever possible.
- I live with my elderly mother (81) who chain smokes in the house and I cannot stand it. I grew up with 2 parents who smoked. I'm so sensitive to smoke it really makes me sick, anywhere I smell it. I don't feel I should have to wear a mask everywhere. Prohibit smoking in all public places! That should also alleviate messy cigarette butt garbage in streets, parking lots & sidewalks.
- Being asthmatic, my wife is terribly sensitive to cigarette smoke.
- I object to the rapidly diminishing boundaries where people can be left alone from busybodies and complainers. Look, if you or someone in your family has an illness most of us will make reasonable attempts to accommodate. Reasonable ones. If the sensitivity is so bad you're uncomfortable with odors or byproducts from neighbors even when they're closed up tight, perhaps you need to move to a single unit or a filtered room. It would be just as unreasonable if you were allergic to, say onions to expect ALL of your neighbors to forever remove onions from their dining and cooking. That is not their problem it is yours. You deal with it.
- Stopped smoking over 35 years ago
- I breathe my neighbors' smoke in my condominium home next to Sunnyvale.
- Thank you for providing Sunnyvale residents with the opportunity to express our views on this polarizing subject which affects more than just the smoker and for taking on the challenge of trying to make our city as healthy as possible for everyone.
- All great ideas, but I suspect that there will be zero enforcement of these new statutes. If there is no real plans to enforce these changes, then this will be a waste of the council's time and the city's money.
- Smoking is an addiction that we should not enable
- Excellent, very forward thinking plan!
- Data is very clear on the harmful affects of cigarette smoke. It should not be allowed in public areas that can affect other areas. Sunnyvale should become a leader in this. No other harmful behavior of such magnitude would ever be allowed in public.
- Sorry to the smokers. Sure, they have a right to smoke, but even when they are outside, it impacts me. The smoke travels thru windows and doors and I was in downtown Svale last Wednesday night for the summer series event and had to leave 3 areas because of smokers. 2 were outdoor dining areas, and one was down at the corner where a pack of smokers were standing.....I had to walk thru it and started gagging. Sorry - but I prefer a smoke free city - no smoking anywhere! I realize that would never happen. :(
- Ex smoker. I thing using vapers is dangerous like sigs.
- It is truly amazing to me that Sunnyvale, in this year of 2015, still allows people to smoke on Murphy Avenue. This is not a very progressive city when it comes to health and comfort issues. I have lived here for 21 yrs and it embarrasses me to take visitors over to Murphy on a Friday/Saturday night due to all the smokers lining the street. It's crazy to see this in the heart of Silicon Valley.
- There isn't any reason why Sunnyvale could not institute even stricter policy on smoking since it demonstrated superior capability to enact extremely strict gun laws.
- I think a concerted effort should be made to stop smokers from tossing their cigarette butts everywhere as well.

- Sunnyvale has an opportunity to create a healthy welcoming environment along Murphy Street by enforcing no smoking. There has been an increase in the number of smoke shops, hookah and e-cig shops which fosters the belief Sunnyvale doesn't care about smoking. Many residents travel to Mt View or Los Altos to dine as there is less outdoor smoking. Sunnyvale also received a "D" grading, compared to other local cities because of the lack of action to restrict exposure to smoke. I hope strong action will come from this survey to bring healthy changes to our downtown.
- Stop making laws to enforce what should be handled by common courtesy.
- If you do pass this law, allow bystanders to enforce using squirt guns on the offenders.
- I strongly dislike cigarette smoke, and at first I thought I'd skip this survey since I haven't been bothered by it recently, but then I caught a whiff in a public location the other day and decided I should actually take the survey.
- I'm allergic to cigarette smoke. I also despise the smell. If we can't ban it totally it needs to be relegated to away from any place the general public would have need to go. I think your proposed list covers most of it. I'm fortunate not to live in a multi-family, but anyone claiming the smoke in their unit doesn't get into other units is lying (or totally naive). If people want to smoke and kill themselves, fine, but they have zero right to infect their smoke and odor on me if I'm trying to go somewhere. I'm not sure how you ban smoker reek on people/clothes after they smoke and come inside, but that would sure be nice too.
- Smoking is a horrible habit - it stinks, it is unhealthy for anyone near it, and smokers should not have the right to pollute everyone else's air.
- I wish something could be done about cigarette butts thrown away on sidewalks or streets next to sidewalks. I don't think people consider that littering, but it is disgusting. Thanks.
- P.S. Some signs reminding people to NOT LITTER all over Sunnyvale would be a good idea too.
- I am extremely sensitive to second-hand smoke and cannot be around it. I immediately start sneezing, coughing and my eyes get red and tear. It is so horrible to not be able to escape second-hand smoke when waiting for the bus or light rail or in parking lots/ other public places.
- In my area we have a few large apartment buildings and people stand around on sidewalks and smoke and then they just drop them on the ground. In some cases they drop in front of drains that say it goes to the bay. I see hundreds of butts on sidewalks, I think apartment managers should have someone clean up this mess.
- Thank you for considering more smoke-free areas in Sunnyvale. It feels great when you breathe fresh air and so horrible when you are struggling to catch a clean breath.
- Smoking should be banned in areas where the public gathers, such as outdoor restaurant seating and courtyards. If someone wants to smoke in front of or close to their home, where others won't be affected, that should be permitted.
- Please protect our resident and employee rights to breathe smoke-free air.
- Please make sure that the scope of this study includes "vaping" which many vape / electronic cigarette / electronic vaporizer users do not consider smoking. Also, there needs to be some considerations for those persons with legitimate medical marijuana needs so their smoking does not override the nonsmoking rights of others, especially in common area spaces and multi-family housing.
- Along with these prohibitions if they are passed, it would be helpful to smokers to offer subsidized help in getting out of the habit so as to not frustrate them. This would lead to their better health too.
- Need to clarify to say that windows are able to be open (as part of the designation "near window").
- As a society we need to do as much as possible to reduce smoking, for everyone's benefit,

including the smoker.

- I have seen special rooms constructed in airports for those who choose to smoke. The idea seemed reasonable and fair. A glassed-in, sealed room where people could smoke and all of the toxic air was contained to only those who chose to enter. I'm not sure how the HVAC managed all those carcinogens, but it was not recirculated back into the terminal. People in the rest of the terminal were not exposed, and the smokers were able to feed their addiction. Providing some sort of closed-off/sealed smoke room could be an answer to providing a non-toxic environment for the majority of the population who are concerned about their health.
- If a smoker offends me I can ask him to move away, or I can move away.
- I pray that a law is passed to prohibit smoking in apartment communities. I have lived in my apt. community for over 10 years and smokers smoking on their balconies is a big problem. The smoke comes into my apartment and it is so unfair because I have my windows open on a hot day or I just want to air out my place and am forced to breathe in the cancer causing smoke.
- It is good policy to ban smoking in public areas and to limit the exposure to second-hand smoke, a known carcinogen, or cancer-causing agent.
- Businesses or HOAs in the case of multifamily complexes should make this decision themselves, not a governmental agency.
- In this day and age, I'm surprised that this issue is still being debated. There is no debate about the fact that smoking is harmful to the health of the smoker and to everyone in their vicinity, even long after they've finished smoking. This is an obvious situation where regulation is needed for the greater good, at the expense of a few individuals who don't fully consider the effects of their smoking on those around them. If those individuals wish to harm their own health, so be it, but they should not be allowed to affect the health of those around them.
- I have bad allergies to smoke, to the point where I can get migraines. I understand that I am more sensitive than most, but firmly stand by all my answers and I believe that no one person's actions should harm or bother another's.
- People smoke across the street from our office. The afternoon breeze blows the smoke directly into our office. Cigarette butts go from the gutters to the storm drains.
- Please also ban the wood fires people have in their fire places during the winter. That smoke is even more toxic than the cigarette smoke.
- The effects of second-hand smoke are clearly documented. Non-smokers should not be subjected to second-hand smoke.
- smoking is known hazard to health and to me it impacts adjacent property owners rights to clean air. Cigarette butts are huge litter problem.
- Smoking is a terrible addiction that pollutes the immediate air space of all; and presents a fire hazard whether indoors or outdoors. I would like to see more smoke free areas so that we can enjoy our community without the hazards of second hand smoke and fire risk.
- I am grateful to be an ex-smoker for over 10 years.
- Please put an end into this battle. My daughter is 7 years old and I have been fighting this battle since I was pregnant. Children has no rights to say no to smoke. We have rights to say no to smoke because it is dangerous to our family's health and safety. Murphy avenue is very disappointing with smoke and bars.
- In full agreement with bans on businesses, stores, etc and even on bans outside of same but when you start to ban smoking from people's residence either apartments, condos, etc including walkways and the like, it reeks of gov't overkill. Smokers have been banned from almost all public places, let's not take away their rights in or about their residence
- Why do some lifelong smokers never get lung cancer, and others Who don't smoke end up



getting it? How much secondhand smoke does a nonsmoker get anyway? Who says smoking cigarettes is so bad? Science study at least there are 5 health benefits of smoking.

- The ATF is a federal organization which regulates the use alcohol, tobacco and firearms in the USA. The federal government collects the tax revenue for the sale and use of all three and therefore promotes the use of all three products. Local governments may restrict the use in certain areas but by no means has the authority to prohibit these products use, That would be a violation of one's Constitutional Rights
- I've smoked in the past. I'm not a temperance-minded zealot, but I firmly believe that someone's right to smoke doesn't extend into my own nose and lungs.
- Grew up with a father who was a chain smoker and died of cancer (suffocation with the cancer strangling his esophagus). My mother suffered such bad second-hand smoke that her liver tried to shut down. No one benefits from second-hand smoke, and it costs our society in quality of life as well as medical expenses for resolving related illnesses.
- I have a child which makes me worry even more about passive smoking
- I think we've done enough already to punish smokers. Those smokers I know go out of their way to not offend non-smokers. Cigarettes are legal. Let them smoke without further hassles.

## Appendix D

### Creating Smokefree Multi-Family Housing Survey: Complete Responses

The Sunnyvale Department of Public Safety created a second online survey asking for input on proposed amendments to create smokefree multi-family housing in the city. A total of 182 people responded to the survey between December 18, 2015 – January 6, 2016. Complete responses to survey questions are provided below and are also available online at: <http://peakdemocracy.com/3330>.

**2. Do you think smoking should be prohibited in outdoor common areas of multi-family housing, such as walkways, courtyards, pool areas, etc.? (Multi-family housing means housing with more than one residence and includes apartments, duplexes, condominiums, and townhouses.)**

Answered: 44; skipped: 138

- residents are smoking on patios, the wind blows the smoke inside the unit.
- BUT I do think there should be a designated area so non smoking tenants can have smoking guests leave their home to smoke. It should be well ventilated and away from other doors and windows and have adequate butt disposal and shelter.
- As long as cigarettes are still legal then common areas outside belong to everyone. If you ban smoking outside, then you need to ban the smell of Kurri which makes people sick as it does me.
- while I would like it- what do you do with all the smokers currently living in the complex? tell them to smoke in their cars? I'm ok with smoking on decks as long as the neighbors don't complain.
- Nonsmokers should be able to enjoy common areas without smoke
- This should be up to the rental owner (apartments/duplexes) or HOA
- I'm not worried about secondhand smoke in this situation, but it stinks and wafts into open windows where it annoys other people.
- Or some designated area where smoking is allowed.
- It should also be banned inside the units as well since walls and windows are not smoke proof
- Second hand smoking is deadly for everyone, worse for young children
- Second hand smoke is deadly
- Yes, maybe in areas such as pools. I think it is hard to say don't smoke in an outdoor walk way. We now want to say a person can't walk and smoke. I am not a fan of cigarettes, but they are still legal.
- Smoke follows the wind direction and it can be blown into people's apartments through windows and air intake. Smoking should be banned in common areas.
- Adult smoking is not an appropriate topic for city regulations, if apartment owners or HOAs would like to take this action let them. It's not your place to enforce your will on everyone.
- On hot days, I have my windows open. If my neighbor smokes on his balcony, it blows into my living room. Not okay.
- There are enough smoking restrictions already.
- except a designated smoking area (if it has sufficient separation from other areas)
- my child has asthma.

- Some people have allergies and asthma or strong reaction to tobacco smoke so these areas should be kept open and accessible to them.
  - See reason below.
  - Definitely!
  - Yes, I'm an educator and trying to be a voice for children.
  - and not underneath peoples windows
  - second hand smoke is terrible
  - Smoke lingers and people are exposed to it. Not safe
  - We share the walkways, the pool, etc. Most importantly, we share the air. I can't choose to stop breathing because someone needs nicotine. I also have a kind of allergic reaction, which from my understanding is not uncommon.
  - Lived in apartments until buying our home, and had to put up with smoke. ughh..
  - A neighbor smokes outside his unit. I can smell it, and I don't like it.
  - It should be up to the property owner, but prospective residents should know the policy in advance.
  - Do not restrict freedom too much
  - Cigarette smoke is very pervasive and offensive. You can't control where it blows and one person can ruin many units' air just by walking by.
  - smoking drifts from one house towards the next, and goes in open windows.
  - I think it should be up to the individual multi-family housing property (e.g. the HOA of a condo complex)
  - Litter, fire hazard and inhalation hazard. Need more reasons to prohibit smoking?
  - I think there should be at a minimum designated areas in which people can smoke.
  - Second hand smoke kills children and pets
  - Even on balconies too.
  - There needs to be an area set aside for smokers so there aren't driven to smoke on the sidewalk.
  - I used to be a smoker, but even then smoking in common areas bothered me.
  - If you ban it from units you need to allow it areas like common areas so there are places for people to smoke.
  - My neighbor smokes and the smoke blows into our front door/Windows every time he's outside, especially in the summer time. I have young children and I am forced to close the door/window even though it's really hot in the summer.
  - Some smokers cannot keep their waste under control and make a mess for everyone with their ashes and butts strewn around.
  - residents should be able to enjoy common areas without health risk.
  - It is good for all the others and including smokers to keep the environment clean.
- 3. Do you think smoking should be prohibited within 20 feet from doors and windows of multi-family housing?**

Answered: 34; skipped: 148

- Yes, as 2nd hand smoke is more dangerous
- I think that smoking should be prohibited further than 20 feet. I can smell cigarette smoke from smokers across the street (Morse Drive).
- 20 feet is not enough. The wind conditions are such that we get the smoke in the unit constantly.
- In my case, this would prevent smoking in my outdoor patio which is adjacent to the neighbors patio/door. Goes both ways so that would be good
- smoke can get still get inside the building from 20ft away. smokes in a line 20 ft from the door can create a curtain of smoke to walk through.
- Again, should be up to the apartment owners or HOA
- Smoking should be prohibited 30 feet from doors and windows.
- Even in single-family homes adjacent neighbor's smoking can be a problem
- Yes, but this is complex. What if my patio is less than 20 feet from someone else's window? Could I still smoke in my own patio. (I think this type of scenario is the difficult situation to solve).
- Adult smoking is not an appropriate topic for city regulations, if apartment owners or HOAs would like to take this action let them. It's not your place to enforce your will on everyone.
- See above - I don't want anyone else's smoke in my living room.
- Unwanted odors are a result of high density housing.
- may need to specify longer distance for downwind
- should be even further. wind blows and i could smell the cigarette smell of my neighbor but there's nothing i can do because he's stands at the 20 feet zone.
- 20 feet might be too short for preventing smoke to getting to 2nd floor an up windows by wind
- People should have freedoms within their units.
- See reason below.
- Absolutely!
- At least 20 feet
- or more
- definitely! smoke wafts into open doors or windows and stinks up the whole house
- Smoke lingers and people are exposed to it. Not safe
- Even farther would be better
- IMO, smoking near nonsmokers can constitute assault; random people coming in and out haven't consented as residents can.
- Smoking is bad under all circumstances. I do not want second hand smoke
- If only this rule was followed now.
- Litter, fire hazard and inhalation hazard. Need more reasons to prohibit smoking?
- Same reason as above
- Especially if window open
- 10 feet. All fireplace, wood burning pits should also be banned in multi family units as that smoke is also highly toxic and frankly makes my lungs seize up. There are fireplaces in some of the units of my complex, if you ban all smoking you should ban all fireplace use and fire pit use as well as that smoke is highly toxic and annoying as well. Just to be fair

- I lived in an apartment and this noxious cloud I had to navigate to get inside did my asthma no good at all!
- residents have the right to breathe clean air in their homes.
- Children live in the community. They deserve to have unpolluted atmosphere around them.
- People ignore this law

**4. Do you think smoking should be prohibited inside all units within multi-family housing?**

Answered: 52; skipped: 130

- I would like to see this prohibition but would be very concerned with the process of enforcement.
- I want to answer "yes" but it's hard to justify
- We can frequently smell what our neighbors are cooking, even with all windows/doors shut. Smoke would be just as bad, but fortunately we don't have neighbors who smoke.
- I think smoke eating ashtrays and vaping should be the norm but I do not think you can intrude on the smokers' rights in their own home. If your building is so shoddily put together that the insulation and weather stripping allows smoke to drift into other apartments, then you need to fix those issues, this is a sign that you are wasting energy as well because a/c and heating is bleeding through the same areas. Your failure to adhere to the building code and the city's failure to enforce it correctly, is not the smokers' fault.
- What people do in their own home is no ones business but their own...
- How about no-smoking buildings in housing complexes?
- For apartments and condos it could be a problem depending on where the smoke drifts. It is less of an issue for townhouses.
- If they can keep it contained, I still have some fire risk. I would prefer no one smoke indoors, but I have some empathy for smokers. It may make more sense to have the individual complex set some of the rules. It does not have to be entirely driven by the city.
- Why not have specific units that allow smoking, like hotels.
- Don't like the idea of Big Brother telling everyone what to do. As long as the smoke is fully contained within someone's home, I think it should then be up to the HOA or to the owner of the property if an apt.
- Certainly for rental properties this is possible, but not for "owned" homes.
- If common ducting is used, smoke can be delivered to other units, too.
- Too restrictive. And where would these people go and smoke? I go back to my earlier comment - smoking is still legal
- Smoke is observed into walls and carpets so it is in the landlord's interest to keep it smoke free to protect their unit's value and the future tenants' health.
- Adult smoking is not an appropriate topic for city regulations, if apartment owners or HOAs would like to take this action let them. It's not your place to enforce your will on everyone.
- What you do inside your home is your business. If it doesn't impact my quality of life, I don't care.
- Don't create un-enforceable laws, the nanny state should have limits.

- Rental units which allow smoking & units immediately nearby should be marked as such to potential renters; owner should have no restriction on smoking inside their unit
- People should have freedom within their units
- See reason below.
- Most certainly!
- We prohibit smoke inside all our units because it discolors the paint requiring a total wall and ceiling repaint minimally costing \$1200 when they vacate which cannot be deducted from their deposit. Most new tenants, who do not smoke, will smell the smoke in the apartment and will not be willing to rent if the smell is not mitigated prior to showing. This means units will not likely re-rent until it has been vacated and all work is completed to remove all evidence of smoking. This typically results in a significant loss of revenue. For these reasons, there is already ample motivation for landlords to prohibit smoking without any government involvement.
- I think this would have to be a landlord concern...
- When I lived in an apartment, I was very much bothered by the smell of cigarettes coming through walls, and cracks of (closed) windows.
- Smoke is pervasive, particularly in denser housing.
- Most definitely yes. Smoke wafts through open windows or when smoking on their balcony. I've had that situation several times over the years...luckily my neighbors have been understanding when I've brought it to their attention.
- i think this is a great policy. it's tough, but definitely moving in the right direction. people shouldn't be allowed to do things to harm others (smoke).
- As long as the windows are closed so smoke does not travel to the houses/apartments next door.
- Smoke will damage walls, linger in drapes, carpet, etc. It can be a real problem to clean.
- Absolutely. One unit rarely burns without affecting the others. Many people suffer.
- smoke goes through ventilation systems and creeps into other apartments
- It should be OK for someone to smoke inside his/her home.
- It should be up to the property owner, but prospective residents should know the policy in advance, and the owner should be allowed to charge extra detoxification and damage fees.
- Smoking per se is bad. Second hand smoke is also bad.
- If you could contain the smoke to one unit that would be fine but you can't so it should be prohibited.
- Seriously? People who smoke would now have to buy a single-family home in Sunnyvale? So we'd now be effectively charging people a million dollars to smoke?
- Light, occasional smoking may not be a problem. Still, it stinks up the houses. Very hard to enforce, in any case.
- In 2011, an estimated 17,600 smoking-material home structure fires caused 490 civilian deaths (19% of all home structure fire deaths), 1,370 civilian injuries and \$516 million in direct property damage. Ref NFPA.ORG
- Smoking addiction isn't cured by banning within a home; treatment options must be available instead of an outright ban
- As long as it doesn't get through the walls/floors/ceilings what someone does in their own dwelling is their own business and they should be allowed to smoke if they want.
- Exposure to children should be a guiding principle.
- No, but "yes" if any shared airway, such as heating ducts, exist

- Second hand smoke kills
- Smoke passes from one unit to another. It is unfair for non-smokers to have to smell smoke in their unit, that comes in through an adjacent unit. Especially with young children and babies.
- It should up to the property owner to decide if he wants smoking inside a rental dwelling unit.
- The smoke (and smell) do travel in insidious ways.
- In a perfect world
- Limit it to a small percentage of the units then those who want a smoke free zone can move there. We have one of the very few 3 bedroom units... Don't restrict smoking in units that are so limited in number.
- Any fire started by careless smoking will likely affect many units in the building other than that of the smoker!
- units are not sealed. toxic air spreads unit to unit.
- Smoke goes around because they live under one roof.
- You can smell it through the walls and windows/hallways

#### **5. Provide any additional comments.**

Answered: 74; Skipped: 108

- Smoking is dangerous to not only smokers but also their family members; specially children
- Especially when any children are present.
- We live in a town house complex. The air conditioning units that are allowed are not the most energy efficient because they can only be installed under patios. That's why we try to cool down the house by opening windows and save energy. Residents in the neighboring unit consistently smoke on their patio in the hours we need the windows open. The smoke gets to the living room, kitchen and bedroom. The smell is pretty strong and it happens almost every day. I think the smoking should be prohibited everywhere in the complex.
- As I answer these questions I imagine a neighbor who is smoking pot, whether it be legally or not. I wouldn't want that smoke wafting over into my home if I have my patio door open.
- a rented unit is still seen as the private residence of the individual inhabiting it. You cannot make a set of laws that remove privacy protection for a group of people. If smoke is being smelled or seen in neighboring units make the building owner bring the building up to code on insulation and weather stripping and no shared ducts. (I don't want to smell your smoke, your perfume or your horrifying kitchen experiments, if I can smell any of that, the building cheated a code somewhere)
- Who lived in the unit first? If it was a smoker, then the landlord needs to tell new tenants there are smokers in the building.
- I, too suffered from the second-hand smoke of neighbors in the apartment building where I lived. I would hate to have to do that again, especially as I grow older.
- On the rare occasion I have issues with smoke from others it's generally been from a contractor working on my neighbor's house who smokes while walking past my unit. I don't see how you would notify or enforce a nonsmoking policy with occasional visitors like that. Otherwise these areas they are walking through are quasi-public areas even if

privately owned.

- These guidelines should provide a scenario for the existing smokers who have high transaction costs to move. While I would prefer that there be no tobacco smokers at all, they do exist and banning them from town seems extreme while not addressing their addiction. I have non-smoking home, but if the smokers visit, they have to smoke outside. Its somewhat inconsistent, but I prefer the pot smokers over the tobacco smokers. I would like to see some system to notify incoming residents (owners, residents) whether a smoker or a smoke sensitive person resides nearby- give precedence to the person already there if they so declare. Restrict smoke in common areas with lots of people ( pool, courtyards walkway) - but allow it in less populated places (on your own deck?) if no one objects. Harder to enforce, but a better balance. What do you do about people who are living in a fixed income, own their own place and smoke ?
- Very supportive of reducing smoke in multi-family housing. Saves money and lives.
- First, let me say I find the smell of smoke offensive. I grew up in the 50's and 60's. There wasn't a place you could go where there wasn't cigarette smoke, yet we all survived and thrived (we had less health issues than children today). While there is no disputing smoking is harmful to your health, prohibiting smoking in your own home (if it's not single family) or not being able to smoke in your own back yard or balcony is going too far. In some multiunits like ours, a 20 foot restriction would effectively ban smoking altogether.
- Nothing was more irritating on a lovely summer evening enjoying a nice breeze through my sliding doors or windows than for someone on the sidewalk below or a lower level apt. to light up and stand outside. This required me to either shut the doors and windows or run a fan pointed at the door to send the smoke outside. I don't think it will cause me health issues in that amount, but it surely creates a great deal of annoyance. The smoker is allowed to "enjoy" smoking, but the other residents have their environment polluted. If multi-family homes with limited outdoor space are allowing outdoor smoking, it should be located away from other residences and either filtered or blown away from the homes.
- Second hand smoke has been proven to cause lung cancer, and no one should be forced to be exposed to it where they live.
- smokers have rights to smoke, sure, but not when it can hurt others in the process as well. Multi family units are notorious for smoking within short distance from kids even from their own family members
- The dangers of second hand smoke have been clearly documented.
- Smoking and second hand smoke is a health issue for our society. If we are to have a healthy society, people need to be smoke-free by choice. While I don't like these sorts of rules, in general, our smoking population has not been accommodating to non-smokers and children. This helps the non-smoking majority on a public health issue.
- Smoking is horrible for health. Why should non-smokers be subject to toxic air and pay for the cost of cigarette butt removal. Many people suffer because of a nasty habit of smokers. We need much stricter laws against smokers
- It's mostly about the health of kids.
- This is a difficult issue. I don't like smoking or having to smell smoke from cigarettes. However, if we over restrict where people smoke - where are they going to go? Is this a back door mechanism to eliminate smoking?
- Please take a tough stance on non-smoking initiatives. Smoking is so bad for health and no one should have to suffer because of the actions of smokers. It really smells



bad.

- It's a fine line to tread, protecting my rights to clean air without infringing others' rights to enjoy their own living space. I believe that banning smoking outdoors will adequately preserve my rights without unfairly infringing theirs.
- This idea is a waste of time. Sunnyvale has more important problems to solve, fix the traffic, access to healthcare and downtown problems first.
- It's important to allocate reasonable smoking areas, and to educate smokers about non-smokers with allergies/etc.. If a smoker doesn't understand they're causing an asthma attack in someone across the street, they have no reason to change their behavior.
- Residents deserve clean air.
- The regulation shall consider spaces that might comply with distance but might be affected by environment conditions: specially wind.
- Where neighbors have the option and ability to close windows, doors etc. home owners should have the right to smoke on their own property, including exclusive use common areas, such as patios.

In common areas where other residents do not have the option to block or avoid second hand smoke in order to enjoy the area then smoking should be prohibited in those areas.

Home owners may have purchased their home based on the ability to smoke on their own property and should not be discriminated against or forced to relocate because of their life style choice.

- The Federal Government endorses smoking and the use of alcohol. They also promote the ownership of firearms. Tax revenue is collected on alcohol and tobacco. The ATF was established to monitor and ensure that regulations are adhered to for the sale and use of tobacco. Therefore I also endorse the use of these products. And I oppose any restrictions in regards to where smoking is to be allowed. Of course common sense tells you that eating establishments, near infants or within a public gathering place such as movie theaters, indoor shopping facilities, etc.,etc. are not places one should engage in cigarette use. To consider placing a ban on cigarette use in or on property that is partially owned or rented or fully owned is violation of one's constitutional rights. What's to stop extremist's complaining about the way a person conducts a fantasy sex act with their spouse within the home they own. Pretty soon you will not be able to kiss your own children on the cheek or ride a motorcycle because some complaining little whiner says it's not healthy. If a person's got an issue they can move somewhere else. End of comment
- No one in my house smokes and smoking is not allowed. Anyone in our rental is not allowed to smoke. That is our choice as property owners. If we wished to allow a smoker into our rental, then that would also be our choice. Government does not have the right to decide for both the property owner and the tenant who shall be allowed to smoke and who shall not.
- Home owners should be able to do what they choose, including smoking, in their own homes as long as they don't smoke in common areas or balconies.
- 2nd hand smoke in unhealthy for everyone including adults, children and pets.
- It's the only way that makes sense : )
- I hate smoking
- I am not a smoker. I am sorry for the addicted smokers. However, they need wherever they live to have the right to smoke in privacy. Many may not be able to afford to live in a single family home and may be obliged to use only cheaper lodging.  
Also, we want to avoid that desperate smokers, not allowed to smoke anywhere

became gun shooter and kill peoples. Please don't push addicted peoples out of their box.

- Secondary smoke damages the health of non-smokers nearby. This is an unfair burden on non-smoking residents.
- As an employee of local government, I am continually shocked and embarrassed by the number of nanny laws constantly being proposed and imposed on citizens.
- I've lived in multi-family units for a long time. Every time smoking is allowed, I cannot enjoy my unit in "quiet comfort". I can't open windows, use common areas, etc. Please ban smoking.
- While I believe that it's someone's right to smoke in their own home, I don't believe it's okay if it is infringing on someone else's ability to breathe. Breathing is not optional activity. We should be thinking about children and the effects of the exposure (not just the smell but the sight of it) and realize that they are not included in this survey (I'm just merely trying to be a voice for them as well). I'd also like to see that if laws are passed that there are consequences that can be enforced (and will be enforced) if people do not comply. It's the same as cell phone usage while operating a vehicle...what's the point of making the laws if no one is actually going to enforce them?
- Property owners should be able to declare all indoor & outdoor areas smoke-free, and advertise their places as such. In case property owners are not willing to make their properties smoke-free, let them designate just one area far away from common areas, windows & doors, where smoking may be permitted.
- Inside their own property should be the owners option.
- I live at the Cherry Blossom and as of Jan 1 we will be non smoking
- I have asthma and cannot breathe when smoke comes my way! Smoking should be prohibited! Or have one far corner where all smokers can go out of the way of the public!!!
- I have owned 20 units since 1977 on Kodiak Ct., Sunnyvale. I included no smoking anywhere in the units, and on the property inside and outside since ~ 1985 as part of my Rental Agreement. It has not been a problem to enforce. A tenant has to stand in the street to smoke. They shortly stop smoking. I have many young children living in my units that should not be exposed to smoke.
- What do you plan to do about people with medical pot ? They say they can smoke inside their apt, and have a medical card.
- I remove myself from situations where there is cigarette smoke. If it is coming in the window from my neighbor, I am forced to close my windows. It is inconvenient and I don't like it, but it's not impossible.

My main concern is fire. I diligently follow fire-safety guidelines to protect myself and my neighbors. However, someone else's single badly-placed, unattended, forgotten, or slept-on cigarette can cause a fire and put multiple families out of their homes causing financial burdens and basic chaos. Worst case is that someone dies or is injured either in the fire itself, from smoke, trying to escape, or trying to rescue someone.

Smokers may suffer the brunt of physical health problems but second-hand smoke is dangerous to the rest of us. Fire affects all of us--not just the smoker. Why are they allowed to make those risk-taking decisions for us by smoking in proximity to our dwellings?

I believe that individuals who smoke should bear responsibility for their habit by smoking away from buildings and common areas where it does not inconvenience or have the potential for hurting others.

I am sure there are statistics on the health hazards of second-hand smoke and the number of kids and adults with asthma, but check out these facts on smoking-related

fires alone:

From FEMA, national estimates of residential building smoking-related fires and losses in 2010

number of fires: 7,600

number of deaths: 350

number of injuries: 950

Dollar Loss: \$286,200,000

Now how many of these numbers do we want to see coming from Sunnyvale? Our neighborhood? Our building?

- Passive smoking is hazardous and people who don't smoke have to pay price for sake of some nasty smokers. In my last apartment, we had this regular issue of some stray smoking fumes entering our unit, and community always washed hands blaming on city laws. I wish Sunnyvale passes this law to give non-smokers right to breathe non tobacco air.
- Other people's smoking causes me health problems (migraines, coughing, wheezing) and it should not be allowed in any public space--which includes all public housing and public spaces.
- This issue is important for neighbors of smokers who have asthma or other health issues that are exacerbated by cigarette smoke. I don't have a health issue, but I can't stand the smell!
- I should be able to do what I want with my own property, as long as I don't thereby impose costs on others. This is approximate; I'm sure lengthy treatises have been written on the nuances.
- I may be wrong but it appears that Sunnyvale is on track to becoming a secular theocracy. If you wish to make tobacco illegal, and bring it to the voters, that's one thing. Criminalization of private behavior (esp when such activities are not against the law) crosses the line for me.
- Some smokers have good common sense and know where to go so they don't bother others. Too sad that many don't.
- I don't object to individual multi-family properties imposing non-smoking rules (indeed, I think I might vote in favor of that here in my complex), but having a citywide regulation about something so personal just sounds ridiculous to me. Might as well also ban punk rock music or Indian curry cooking. Both also affect neighbors and discomfit non-participants.
- Smoking is a personal freedom
- One out of four fatal victims of smoking-material fires is not the smoker whose cigarette started the fire. <http://www.nfpa.org/research/reports-and-statistics/fire-causes/smoking-materials>
- It should be up to each renter and each landlord to determine whether or not they want to allow smoking in their homes. I do not smoke, I do not like smoking, but I understand the need for health remediation over an outright ban.
- Please be careful with the legislation of smoking and multifamily dwellings. Smokers are more often than not people on the poorer end of the economic scale; especially when they are in rental apartments. This could have the potential of putting many poorer people out on the streets if they aren't allowed to smoke within or around their homes.
- The kids need to be smoke free when outdoors and I want to be able to open my windows without having to get all the smoke from my neighbors
- There typically are not many smokers within these complexes. But there are a few. They should smoke indoors and away from common areas where kids and families can

smell the second hand smoke.

- As a person who will have a asthma attack near cigarette smoke, yes I agree on this. Also no child should be subject this toxin.
- Multi family houses share houses & smoke snell easily goes across homes. It little kids have exposure to second-hand smoke due to this. We should definitely dis-allow indoor smoking & within few feet of the house. Additionally, smoking should be prohibited in parks & near schools.
- No one wants to smell smoke--bad for lungs and pets and children and non smokers with asthma. Ban it!!!
- I live in a single family home. I have to close windows when someone smokes outside next door. I can imagine it is worse in high density living.
- Smoking should be prohibited anywhere smoke from a cigarette can reach non-smokers.
- It is not just cigarette smoke, cannabis smoke also gets passes to adjacent units too, and currently the law does nothing to help other unit renters or owners from having their unit filled with cigarette or cannabis smoke.
- There are more important and urgent matters that local government should be focusing on in Sunnyvale. Three examples are the homeless, employment and mental health.
- I have had an experience with this issue. My neighbor smoked outside in her fenced-in patio area frequently, day and night. Our bedroom windows were above and our house filled with the smell of smoke-we are side by side and down wind from them. We simply could not keep our windows closed, especially in summer and our bedrooms are upstairs. Difficult situation, nice neighbors, but mom smoked (only outside), thankfully have moved. In multi family homes, there is no easy resolution when smoking is permitted. It is too much risk to health, property and neighbor/community peace.
- Smoking should be prohibited in all areas where non-smokers might spend a significant amount of time, such as pool areas. It should not be prohibited in areas where non-smokers only pass through (such as parking lots).
- The city has no business telling anyone what to do inside their home.
- Live and let live.
- Most people if asked will smoke elsewhere. I do not allow smoking in my apartment but will allow it on our balcony by guests as long as it's fine with my neighbors, if not my mom, the only person who visits us ( once a year from Alaska and is about to turn 80 ) goes to the central open common area where there are benches and is away from apartments to smoke.... Hard on her as she is having more and more mobility issues and is unpleasant for her if it's raining but she does if one of the neighbors wants her to. She only comes for 2 weeks out of the year in winter to take a break from the Alaska cold. At 80 ( in less than 2 weeks) she's not going to be able to stop smoking. When she can no longer live alone she likely will have to move in with us down here as I no longer work and can care for her, at which point I'd still want her to be able to smoke on our balcony...I can't get her to switch to e-cigs. I'm sure there are others with similar situations and it's unrealistic and unreasonable to take such drastic measures. Perhaps making a section of the property a smoke free zone? Our complex is quite a few buildings. They only allow pets in a few of them ( not ours unfortunately ) maybe they could make part of the complex smoke free but then you should require an easy to get to with seating covered area for smokers. I see such restrictive smoking ban as unfair. People can't just stop smoking at the drop of a hat... Just like alcoholics cant stop drinking. Esp if that person is elderly like my mom, it would probably take her longer to kick the habit than she would have left on this earth...and it's wrong to deny us the time

together. Which is what you would be doing if you put in place such a restrictive ban. Please take situations like this into account. And what would you do about medical marijuana smokers who need that now that has been legalized for them? Thank you for listening... But as much as I hate being around smoke and I hate it, I don't think taking away someone's liberties like that is right. I also hate alcohol and it can be unsafe for those around people who use it who drive when drunk or start fights, or who disrupt our sleep ( which is bad for our health and safety to be sleep deprived) because they don't stop drinking in their apartments ( yes eventually they get kicked out for noise complaints but it's a lengthy process ). So unless you're also going to restrict people's right to consume alcohol on the premises as well don't restrict others right to smoke.

- please protect all multi family residents from toxic smoke, especially children, those with lung issues and other vulnerabilities. probably a public information campaign will be needed.
- The city should not be stepping between the landlord and tenant's contractual relationship unless it is a public safety (police) matter.
- All should live in smoke free area including the smokers.
- Owners should be able to prohibit smoking all together on their property