

Outdoor Smoking Ordinance Task Force
Summary Notes
June 25, 2010
2:00 p.m. – 5:00 p.m.

Plummer Park Community Rooms 5 & 6

Present: Steven Gallegos, Health Advocate; Oscar Cisneros for Trip Wilmont, East-West Lounge; Todd Steadman, Sunset Strip Business Association; Rodney Scott, Christopher Street West/L.A. Pride; Jan Henningson, The Standard; Sandy Hutchens, Consultant; Rich Grossi, Eleven; Pat Rogers, Here Lounge; Josh Kurpies, Rent Stabilization Commissioner; David Codell, Law Offices of David Codell; Mito Aviles, Resident; Genevieve Morrill, West Hollywood Chamber of Commerce; Joan Hennehan, West Hollywood Chamber of Commerce; **City Staff:** Paul Arevalo, City Manager; Anne McIntosh, Community Development Director; Jeffrey Huffer, Economic Development Manager; Jeffrey Aibel, Code Compliance Manager; Dan Mick, Code Compliance Supervisor; Maribel Louie, Economic Development Analyst; Guest Speaker – Lauren Feldman, Jenkins & Hogan.

City Manager Paul Arevalo called the meeting to order at 2:11 p.m.

The City Manager welcomed the Task Force members and introduced Lauren Feldman from the City Attorney's Office who would present the items for today's discussion.

In response to the feedback from the May 18, 2010 meeting, Ms. Feldman presented updated definitions of business types that would be affected, including discussion about how to address businesses that transition from one use to another, such as businesses that function as restaurants during the day, but that function more as nightclubs at night. Previous discussions examined whether it made sense to allow smoking in those establishments once they limited access to customers of a certain age. It was generally agreed that if this direction were pursued, that the minimum age should be 18, rather than 21. This would allow a business to choose how it would operate. It was suggested that businesses be required to post signage as to when smoking would be allowed or prohibited during the hours of operation.

Ms. Feldman also discussed how buffer zones may be applied as part of the ordinance. Buffer zones vary widely and can be as little as 5 feet to as far as 40 feet from a smoke-free area. While further research as to how buffer zones are applied will occur, she asked for the Task Force's thoughts about where buffer zones would make the most sense. The City has some built-in constraints to the practical application of buffer zones around dining areas. In some instances outdoor dining areas are directly adjacent to outdoor areas of bars and nightclubs. This may present a challenge should those establishments be exempted. It was suggested that the City consult the cities of Glendale, Pasadena and the City of Los Angeles' Larchmont neighborhood to see how they apply buffer zones in their community.

In previous discussions, dining areas of private clubs were considered to likely be exempt. However, it was recommended that private clubs that have restaurants not be exempt from the ordinance in order to have a consistent policy applied to restaurants throughout the City.

In previous discussions a grace period of one year had been discussed in order to allow people to get used the new ordinance. The Task Force recommended that an anti-smoking education campaign that would educate people on the dangers of smoking and ways to quit smoking be included as part of the outreach to be conducted during the grace period. Thirty days after the ordinance is approved a temporary sign would be required to be followed by a permanent sign that have to be in place on the date the ordinance becomes effective.

It was also suggested that the City review and consider businesses that have a cover charge to determine how the ordinance may impact those businesses.

It was recommended that staff consider how the ordinance would apply to businesses that may be able to designate outdoor areas as smoking and non-smoking, such as the Rainbow and some hotels.

Paul Arevalo asked for an approval of the May 18 meeting summary. Sandy Hutchens motioned for approval of the summary; it was seconded by Pat Rogers and carried unanimously.

Public Comment:

- Janice Chow-Ng spoke in favor of an ordinance.
- Carolyn Montagu spoke in opposition to an ordinance.
- Wendy Goldman spoke in favor of an ordinance.
- Jeanne Dobrin spoke in favor of an ordinance.

Next Steps:

At the next meeting staff will present preliminary information regarding enforcement and implementation issues related to an ordinance.

Meeting adjourned: 3:10 p.m.