

**Outdoor Smoking Ordinance Task Force
Summary Notes
August 20, 2010
10:00 a.m. – 12:00 p.m.**

Plummer Park Community Rooms 5 & 6

Present: Steven Gallegos, Health Advocate; Todd Steadman, Sunset Strip Business Association; Rodney Scott, Christopher Street West/L.A. Pride; Jan Henningson, The Standard; Sandy Hutchens, Consultant; Rich Grossi, Eleven; Jude Tade for Pat Rogers, Here Lounge; Boe Trumbull, SBE/The Abbey; Josh Kurpies, Rent Stabilization Commissioner; John Altschul, Planning Commissioner; David Codell, Law Offices of David Codell; Genevieve Morrill, West Hollywood Chamber of Commerce; Nic Adler, The Roxy; Jeffrey Seymour, Seymour Consulting Group **City Staff:** Paul Arevalo, City Manager; Anne McIntosh, Community Development Directory; Dan Mick, Code Compliance Supervisor; Maribel Louie, Economic Development Analyst; Megan McDonald, Intern.

City Manager Paul Arevalo called the meeting to order at 10:11 a.m.

The City Manager welcomed the Task Force members and asked for a motion to approve the summary notes of the previous meeting held July 23, 2010. Rodney Scott made a motion to approve the summary notes; it was seconded by John Altschul and carried unanimously.

City Manager, Paul Arevalo reviewed the purpose of today's meeting and next steps. He stated the staff report the Task Force will review today attempts to provide the Council with an overview of the Task Force's deliberations and seeks to highlight areas where there is a gap in philosophy and to have the Council provide additional guidance and policy direction.

Once the Council provides direction, staff will complete a final draft of the ordinance and bring that back to the Task Force to review before the final ordinance is brought back to the City Council.

Mr. Arevalo then introduced Maribel Louie who gave a brief overview of the draft staff report and solicited input from the Task Force.

Ms. Louie asked the Task Force to point out areas where ideas may not have been presented as expressed by the Task Force emphasizing that these corrections are critical to ensure that the staff report reflects as accurately as possible, the sentiments of the Task Force, including areas where there is no consensus.

The timeline as presented in the staff report was raised as a point for discussion. It was expressed that the language in the report states that most favored a one

year timeline, but there was an opinion that the majority actually favored less than one year. Staff was asked to neutralize the language so that it simply stated that there was disagreement as to the preferred timeline.

As an alternative to the one year timeline, it was also suggested that perhaps the timeline coincide with the economic recovery.

Discussed then moved to the issue of incentives. Ms. Louie asked for clarification regarding an idea that had been raised by the Task Force at a previous meeting. The ideas centered on providing incentives to businesses that voluntarily chose to have smoke-free outdoor areas. Two ideas emerged. The first involved the idea that perhaps an incentive be offered to businesses that chose to be smoke-free in lieu implementing an ordinance. For example, a business that wanted to extend an outdoor patio could do so without having to provide additional parking or the City could waive the encroachment fees if the outdoor patio were designated as smoke-free. Another suggestion would allow these incentives prior to an ordinance going into effect.

A question was raised regarding the implementation of an ordinance in West Hollywood and how any future state regulations would impact what the City is currently attempting to do. Mr. Arevalo explained that should the State at some point look to implement a statewide ordinance regarding outdoor smoking that they would likely look to existing local ordinances as a point of reference. This is similar to what occurred with indoor smoking policies. Therefore, the work the City and the Task Force are currently undertaking could help frame future policies implemented by the State.

The issue of buffer zones was addressed. There was concern that the staff report did not provide a direction. However, staff indicated that its hope is that the Council will provide some direction as to a reasonable buffer area and that analysis would be based on an area directed by the Council.

There was concern expressed that the issue of businesses that morph from one use to another has not yet been resolved.

Additionally, it was expressed that information on how hotels is presented in the staff report was a bit confusing. It was not clear what areas were being discussed. Clarification was provided that essentially two areas were being presented for consideration: restaurants in hotels and outdoor common areas/service areas of hotels.

A question was raised about whether the City is currently informing new business license applicants about the potential for an outdoor smoking ordinance. It was stated that it would be helpful for businesses to know this information before they make any type of investment to accommodate smoking. Code Compliance indicated that they would inform businesses as applications come in.

Public Comment:

- Bo Smith spoke in favor of an ordinance prohibiting smoking in outdoor dining areas.
- Jeanne Dobrin spoke in favor of an ordinance and suggested that any signage include translated language for international visitors.

Next Steps:

The staff report will be presented to the City Council on September 7, 2010. The Task Force will reconvene once a final staff report is ready before staff returns to City Council with a final ordinance at a date to be determined.

Meeting adjourned: 11:03 a.m.