

**Outdoor Smoking Ordinance Task Force  
Summary Notes  
April 16, 2010  
3:00 p.m. – 5:00 p.m.**

**Plummer Park Community Rooms 5 & 6**

**Present:** Steven Gallegos, Health Advocate; Trip Wilmont, East-West Lounge; Todd Steadman, Sunset Strip Business Association; Sam Borelli, Public Safety Commissioner; Rodney Scott, Christopher Street West/L.A. Pride; Kim Okeson, Andaz Hotel; Jan Henningson, The Standard; Sandy Hutchens, Consultant; Rich Grossi, Eleven; Pat Rogers, Here Lounge; Boe Trumbull, SBE/The Abbey; Mark Rosenthal, Raleigh Enterprises; Josh Kurpies, Rent Stabilization Commissioner; John Altschul, Planning Commissioner; David Codell, Law Offices of David Codell; Mito Aviles, Resident **City Staff:** Mayor Abbe Land; Councilmember John Duran, Paul Arevalo, City Manager; Anne McIntosh, Community Development Director; Jeffrey Huffer, Economic Development Manager; Dan Mick, Code Compliance Supervisor; Maribel Louie, Economic Development Coordinator  
**Guest Speaker:** David Schulman, City of Los Angeles

City Manager Paul Arevalo called the meeting to order at 3:00 p.m.

The City Manager welcomed the Task Force members and asked for a motion to approve the summary notes of the previous meeting held March 5, 2010. Pat Rogers moved to approve the summary notes; it was seconded and approved by consensus.

City Manager, Paul Arevalo asked Maribel Louie to provide an update of the research findings and to introduce the guest speaker. Ms. Louie provided an overview of the handouts sent to the Task Force prior to the meeting and highlighted where each had been updated to reflect information the Task Force requested during its first meeting. Items included the approval date for ordinances in other cities, the implementation date, and additional information regarding enforcement strategies of other cities. She reported that research findings regarding the economic impact of smoking bans tend to only look at economic impact of *indoor* smoking bans - which overwhelmingly conclude that such bans actually have a positive impact on sales receipts - and a limited number of studies document the economic impact of outdoor smoking bans. The Task Force was provided with a study done by the City of Beverly Hills that showed that there was no direct correlation between the implementation of an outdoor smoking ban and a drop in sales receipts for businesses. Copies of the City of West Hollywood's existing ordinance were provided for the Task Force as well.

Ms. Louie introduced David Schulman, an attorney with the City of Los Angeles who is the author of the City's Outdoor Smoking Ordinance which was passed earlier this year. He was invited to provide the Task Force with an overview of the key aspects of the ordinance and will answer questions from the Task Force.

David Schulman described his professional background as an introduction to how he came to work on the City of Los Angeles Outdoor Smoking Ordinance. In 1986 he became the nations first government aids discrimination attorney and since that time has worked on cases which have become an emerging body of legal practice centered on issues of public health, which most recently includes the City of Los Angeles Outdoor Smoking Ordinance.

Mr. Schulman noted that the AIDS epidemic and AIDS related civil rights laws renewed a relationship between public health and law as a central element in defining what public health does. Since AIDS, public health has come to realize that a whole range of health determinants that are social, rather than biological in nature, are critical to promoting wellness, and that control is a perfect example of the challenge of what public health faces in dealing with a social determinant, like the addition to tobacco. He further explained that in the City of Los Angeles it was decided to further limit the public space where smoking was prohibited.

Mr. Schulman outlined the following items as important elements of the City of Los Angeles Ordinance and responded to questions from the Task Force:

- Violations of the ordinance are considered infractions with a maximum fine of \$250 for individuals who smoke in prohibited areas.
- Violations of the ordinance on the part of a business establishment with respect to refusing to properly post signage and removing ashtrays would result in a fine of \$250. Business would not be fined if a patron is observed smoking in their area of business. The fines that apply to businesses only have to do with posting and proper placement of required signage.
- A 10 foot perimeter prohibiting smoking in restaurants and food courts was included.
- An education period was also included in the ordinance. That is, the ordinance does not go into effect until a year later to allow for public education and awareness.
- With respect to enforcement, the City did not assign enforcement duties to any particular City office given an understanding that the ordinance, when implemented in other cities, is self-enforced by most people. It is not expected that code compliance or police officers will be sent (unless complaints are filed) to issue tickets to either individuals or businesses.
- The City also exempted bars and nightclubs as a compromise to businesses. It was felt that a graduated approach was appropriate so that people who smoke do not feel that they are being punished.
- The ordinance distinguishes between restaurants that serve dinner during the early evening hours and turns into a bar later in the evening.
- Other exemptions include a private event, including dining events that are completely private.

#### **Public Comment:**

- Steve Carson spoke in opposition to an outdoor smoking ordinance because of his concern of the economic impact to his business.
- Jim Adams spoke in opposition to an outdoor smoking ordinance.
- Jeanne Dobrin spoke in favor of an outdoor smoking ordinance.

- Wendy Goldman spoke in favor of an outdoor smoking ordinance.
- Xavier Guerin spoke in opposition to an outdoor smoking ordinance because of concern of the economic impact to his business.

**Next Steps:**

The Task Force discussed options to proceed toward drafting an ordinance and agreed to come together to the next meeting to review as an entire body a draft outline of elements to include in an outdoor smoking ordinance. Staff will prepare an outline and present to the Task Force for feedback at the next meeting.

**Meeting adjourned: 4:30 p.m.**