AGENDA REPORT

Meeting Date: May 7, 2019
Item Number: F-1
To: Honorable Mayor and City Council
From: Logan Phillippo, Policy & Management Analyst
Subject: HEALTH AND SAFETY COMMISSION RECOMMENDATIONS FOR AN ORDINANCE PROHIBITING THE SALE OF ALL TOBACCO PRODUCTS
Attachments: 1. Draft ordinance
                2. Proposed changes to Article 21 the Municipal Code
                3. Outreach letters/notices
                4. Public letters/input received

RECOMMENDATION

Staff has prepared a draft ordinance for City Council review that would prohibit the sale of tobacco products in Beverly Hills. The draft ordinance includes previous City Council direction, recommendations from the Health and Safety Commission and input from the City Council Health and Safety Commission Liaisons. Staff recommends City Council review the Commission’s recommendations and provide input on the key policy provisions presented in this report and the draft ordinance.

If City Council supports the proposed ordinance as presented, Staff will incorporate any modifications, as directed, and present a final ordinance for its First Reading on the May 21 Agenda.

If City Council chooses an alternate approach to regulation, City Council may choose to consider other options for a potential ban on the sale of all tobacco products in Beverly Hills.

INTRODUCTION

At the February 5 Study Session, City Council directed the Health and Safety Commission to study and recommend key policy provisions for an ordinance that would ban the sale of all tobacco products in Beverly Hills. The Health and Safety Commission has discussed key policy provisions and options to assist tobacco retailers mitigate associated impacts of a ban. The City Council Health and Safety Commission Liaisons, consisting of Mayor Mirisch and Councilmember Gold, provided input on April 9.
Attachment 1 to this report includes a draft ordinance that incorporates policy recommendations from the Health and Safety Commission and City Council Liaisons.

Attachment 2 includes changes to the Municipal Code as modified by the draft ordinance.

Attachment 3 includes outreach letters and notices disseminated to community stakeholders regarding various public meetings.

Attachment 4 includes all public letters/input received prior to submittal of this staff report.

Staff seeks City Council input and direction on the Commission’s recommendations and on the proposed draft ordinance.

DISCUSSION

According to a report from the California Department of Public Health, tobacco use is a risk factor for numerous chronic diseases including cancer, cardiovascular disease, emphysema, chronic obstructive pulmonary disease, pneumonia, diabetes, and arthritis. Exposure to tobacco smoke also poses a risk for chronic disease. In 2016, it was estimated that 34,000 people in California died from diseases attributed to smoking. In California, 63.6% of cigarette smokers started by the age of 18. Another study from the Centers for Disease Control and Prevention estimated that over 40,000 annual deaths in California are related to smoking and that 440,600 California youths under age 18 will die prematurely from smoking. According to the Centers for Disease Control and Prevention, the total economic cost of smoking is more than $300 billion a year, including nearly $170 billion in direct medical care for adults and more than $156 billion in lost productivity due to premature death and exposure to secondhand smoke.

Background

Restricting the sale of tobacco products differs from restricting smoking activity. The following two paragraphs distinguish these two concepts.

Smoking Activity. In order to promote healthy living, the City has long supported no-smoking policies. Most recently in 2017, the City prohibited smoking in the public-right-of-way, increased the open air dining no-smoking buffer zone from five feet to 20 feet, and adopted a new ordinance to prohibit smoking in multi-unit residences. These policies address the locations where smoking is prohibited. This includes the smoking of traditional tobacco products, electronic cigarette products and marijuana products.

Sale of Tobacco Products. While the City prohibits smoking in many locations, the City does permit the sale of non-flavored tobacco products. On August 21, 2018, the City Council formally adopted an ordinance prohibiting the sale of flavored tobacco products. The ban on the sale of flavored products became effective in-full on December 21, 2018 after two Health and Safety Commission meetings that included a discussion of policy details as well as input from tobacco retailers.

The City currently has a tobacco and electronic cigarette retailer permitting process, which was implemented through an ordinance adopted in 2010. Since then, tobacco retailers have been required to obtain a City-issued Tobacco and Electronic E-cigarette Retailer Permit, in addition to State licensing, in order to sell tobacco products in Beverly Hills.
To Staff’s knowledge, no city in the United States has adopted a regulation to ban the sale of all types of tobacco products.

**Legal Context**

The City could legally adopt a ban on the sale of all tobacco products. Neither Federal nor California law would preempt a comprehensive ban on tobacco sales. Federal law grants the U.S. Food & Drug Administration authority to regulate all tobacco products and expressly preserves the power of local governments to enact additional or “more stringent” regulations related to or prohibiting tobacco sales. Since the California legislature has not fully occupied the field of tobacco sales, California cities are free to implement any tobacco sales regulation or restriction provided they do not involve the collection of taxes or the penal aspects of tobacco sales to minors.

Courts have not yet reviewed citywide bans on tobacco sales, however, so there is still uncertainty as to whether a court would uphold this type of ban if challenged. Local tobacco sales regulations have been challenged on grounds beyond the lack of state or federal preemption.

Given that no other City in the United States has adopted a comprehensive ban on all tobacco products, the City is likely to face legal challenges. The City should be willing to appropriately address these challenges, which could include substantial litigation expenses with the tobacco industry. There may be organizations that could potentially provide legal assistance to the City for addressing legal challenges, however, until the City finalizes a draft ordinance it may be premature to request support.

**Tobacco Product Definition**

The Beverly Hills Municipal Code (“BHMC”) currently defines a tobacco product as including:

a) Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco;

b) Any electronic cigarette; and

c) Any component, part, or accessory intended or reasonably expected to be used with a tobacco product, whether or not sold separately.

The Municipal Code definition of a tobacco product does not include a drug, device, or combination product authorized for sale by the U.S. Food & Drug Administration as a tobacco use cessation product such as nicotine patches, gum or lozenges.

If the City moves forward with a ban on the sale of tobacco products, the inclusion of Subsection C, above, may have some unintended consequences. For example, lighters, ashtrays and cigar papers are all reasonably expected to be used with a tobacco product. However, because these products can come in many various forms (i.e. a cigarette lighter versus a generic lighter), this clause might present several unintended code enforcement complications where it is unclear whether an item being sold constitutes a tobacco product.

As such, Staff recommends replacing Subsection C of the City’s definition of tobacco product with “Tobacco and Electronic Cigarette Paraphernalia”. The Municipal Code already defines this term, as shown below.
“Tobacco and Electronic Cigarette Paraphernalia Includes cigarette papers or wrappers, pipes, electronic cigarettes and their component parts, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking or ingestion of tobacco or products prepared from tobacco.” (BHMC 4-2-2102)

Tobacco Retailers in Beverly Hills

There are currently 28 establishments with active City-issued Tobacco and Electronic Cigarette Retailer Permits. Three retailers appear to be cigar lounges. Two are grocery stores, six are gas stations, eight are associated with hotels, and nine consist of convenience stores or pharmacies. The three cigar lounges are that sell primarily tobacco products or allow smoking include the Buena Vista Cigar Club, the Grand Havana Room, and Nazareth’s Fine Cigars.

19 of the City’s existing tobacco retailers have held permits since 2010, when the City adopted such requirements. One has held a permit one since 2011, two since 2012, four since 2015, one since 2017, and one since 2018.

Composition of Existing Retailers

<table>
<thead>
<tr>
<th>Category</th>
<th>Number of Retailers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cigar lounges</td>
<td>3</td>
</tr>
<tr>
<td>Grocery stores</td>
<td>2</td>
</tr>
<tr>
<td>Gas stations</td>
<td>6*</td>
</tr>
<tr>
<td>Associated with hotels (i.e. gift shops)</td>
<td>8</td>
</tr>
<tr>
<td>Convenience stores or pharmacies</td>
<td>9</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>28</strong></td>
</tr>
</tbody>
</table>

*One gas station has two active permits.

Summary of Public Outreach and Meetings

Staff has notified retailers multiple times by mail, email, and phone call of upcoming meetings and discussions and has been in contact with several business owners who have participated in public discussions. The City’s website has been continually updated with the latest information and multiple notices were disseminated notifying retailers and interested parties of Commission recommendations and schedule updates. Additionally, the following public meetings have taken place:

- February 5, 2019 – City Council Study Session;
- February 25, 2019 – Health and Safety Commission Regular Meeting;
- March 25, 2019 – Health and Safety Commission Regular Meeting;
- April 9, 2019 – City Council Health and Safety Commission Liaisons Meeting;
- April 22, 2019 – Health and Safety Commission Regular Meeting; and

Staff provided multiple updates to the Chamber of Commerce and Conference and Visitors Bureau at various meetings, including speaking at multiple Government Affairs Committee and other Chamber meetings.
On February 25, Staff introduced a framework for policy discussions and provided an introduction of the topic to the Commission. This included a planned series of four Commission meetings ending on May 20 and a presentation of Commission recommendations to City Council at the first Study Session in June. Five individuals or organizations expressed support for a potential ban. Four individuals or organizations expressed opposition to a potential ban. Two individuals or organizations made a public comment without indicating a position.

Following the February 25 meeting, Mayor Mirisch requested Staff present Commission recommendations to City Council at the first Study Session in May. Staff revised the timeline and noticed stakeholders. On March 25, the Commission voted on key policy provisions. More than 140 members of the public attended the Commission meeting and the Commission heard public comment from 57 speakers.

Additional Commission meetings included a discussion specific to mitigating the impact to businesses on April 22 and April 29 and a discussion specific to hotels on April 29.

As of the time of submitting this report, the City has received 170 letters from the public on this topic. 11 letters have expressed general support for tobacco sales ban in concept and 11 letters have expressed general opposition to a ban. 148 of these letters have advocated for an exemption (to any future ban) for all cigar lounges in the city. There are three cigar lounges Staff has identified from a list of active permitted retailers: Grand Havana Room, Buena Vista Cigar Club and Nazareth's Fine Cigars. While there were several individuals who submitted letters or spoke in support of Buena Vista Cigar Club or cigar lounges in general, the vast majority of letters and speakers specifically referenced Grand Havana Room.

Health and Safety Commission Key Policy Recommendations

The Commission has voted to recommend several key provisions for a draft ordinance to prohibit the sale of all tobacco products in Beverly Hills. After significant public input and a comprehensive discussion, the Commission approved the following recommendations for City Council’s consideration.

- An exemption/carve out for all existing cigar lounges, as of March 25, 2019;
- Effective January 1, 2020:
  - Hotels may only sell to guests of the same hotel, provided that sales only take place through a concierge service or room service and are not on display to the public;
  - Pharmacies shall not sell tobacco products.
- Effective January 1, 2021:
  - Gas stations, convenience stores, liquor stores and newsstands shall not sell tobacco products.
- Effective January 1, 2022:
  - Hotels may no longer sell tobacco products at all (including to hotel guests).
- One year after the effective date of any City Council adopted ordinance:
  - Grocery stores and any other permitted retailer not otherwise enumerated in a category above shall not sell tobacco products; and
- An immediate moratorium on the issuance of new permits.

An “exemption/carve out” means that any business categorized as an existing cigar lounge or an existing or future hotel would be allowed to sell tobacco products.
Businesses subject to an exemption/carve out would be permitted to sell tobacco products in Beverly Hills in perpetuity, until such time in the future, if ever, the law were to be changed.

A majority of the public comment was in support of an exemption/carve out for existing cigar lounges, and the Commission supported an exemption/carve out. Through public dialogue, information was presented that indicated smoking might not be permitted under California state law if food or alcohol is served at the premises of a private smoker’s lounge. Staff is currently researching this matter and will follow up as appropriate.

On March 25, the Commission initially supported (by 3-2 vote) a permanent exemption/carve out for hotels from the ban, provided that hotels only sold to guests of the same hotel starting January 1, 2020. On April 22, at the request of Chair Ross, the Commission annulled the two recommendations regarding hotels and set a Special Meeting to discuss the matter again.

At the April 29 Special Meeting, the Commission modified the original recommendations such that during the period starting January 1, 2020 and ending December 31, 2021, hotels can only sell tobacco products to guests of the same hotel through a concierge service or room service. Additionally, tobacco products could not be on display to the public. Effective January 1, 2022 hotels would no longer be permitted to sell tobacco products.

City Council Health and Safety Commission Liaison Discussion

On April 9, the City Council Liaisons, Mayor Mirisch and Councilmember Gold, discussed the Commission’s recommendations. Chair Ross noted the numerous speakers at public meetings, mentioned the Commission motions that passed and highlighted the key policy recommendations, including a moratorium on the issuance of tobacco retail permits. Chair Ross also stated that he would request the Commission annul its previous recommendations regarding hotels and to discuss the issue again at a Special Meeting on April 29. Due to timing constraints between the April 29 Special Meeting and the May 7 Study Session, the Commission’s final recommendations for hotel businesses were not presented to the Liaisons.

At the April 9 meeting, the City Council Liaisons indicated support that if the City were to allow hotels to continue selling tobacco products, that they not be on display to the public and made available to hotel guests only. The Liaisons also requested that the ordinance include a mandated City Council review three years after its adoption so that the City could conduct an economic study and evaluate the business impacts. The draft ordinance incorporates a three-year review. A corresponding provision has been included in the draft ordinance.

ADDITIONAL POLICY ELEMENTS

Additional policy elements included in the draft ordinance are discussed below.

Hardship Exemption

A hardship exemption provision is necessary to mitigate any challenges to a ban and offer businesses an opportunity to demonstrate the extent to which they are affected by an impending ban. At least 90 days prior to the end of the phase-in period, the permitted tobacco retailer/applicant could submit a completed application to the City requesting an
extension of the permit. In determining whether to grant the hardship exemption, the hearing officer would consider, among other factors, the following information:

1. The term of the requested extension;
2. The percentage of the retail sales over the last three years that have been derived from tobacco products;
3. The amount of investment in the business;
4. The present actual and depreciated value of any business improvements dedicated to the retail sale of tobacco products;
5. The applicable Internal Revenue Service depreciation schedule or functional non-confidential equivalent;
6. The remaining useful life of the business improvements that are dedicated to the sale of tobacco products;
7. The remaining lease term, if any;
8. The ability of the tobacco and electronic cigarette retailer to sell other products;
9. The opportunity for relocation of the business and the cost of relocation; and
10. A business plan demonstrating how long the business will need to sell tobacco products and tobacco and electronic cigarette paraphernalia to recoup any investment backed expectations, and a plan for phasing out the sale of those products.

The hearing officer would determine whether to approve or deny the request. If granting the request, the hearing officer would also determine the length of time of the hardship exemption (i.e. how long the business would be permitted to continue selling tobacco products). The hearing officer's decision could be appealed to City Council by the applicant. A permit holder would only be permitted to apply for a hardship exemption one time.

Permits Non-Transferable

BHMC 4-2-2107 already provides: "a tobacco and electronic cigarette retailer permit is nontransferable and is valid only for the person(s) and location specified in the permit application. If a permittee changes business location, that permittee, prior to the permits expiration, must obtain a new permit prior to acting as a tobacco and electronic cigarette retailer at the new location. If a business permitted to conduct tobacco and electronic cigarette retailing is sold, the new owner must obtain a permit for that location before acting as a tobacco and electronic cigarette retailer."

Because permits are non-transferable and the City would no longer accept new permit applications, staff is recommending that the ordinance also allow for a hardship exemption from this non-transfer provision. As such, the permitted tobacco retailer would be required to demonstrate that the imposition of the non-transferability clause, above, would constitute an undue hardship on their business. For example, the death of a family-member whose name was originally listed on the permit application might constitute an undue hardship. Or, a landlord with knowledge that a permitted tobacco retailer cannot transfer permits to new locations, might attempt to increase rent substantially at a permitted location above fair market value, recognizing that a permitted tobacco retailer would have no options to maintain a permit and seek alternate business locations.
Enforcement

For existing permitted retailers, BHMC 4-2-2115 already sets forth the enforcement provisions of the existing City's tobacco and electronic cigarette retailer permitting regulations. The proposed ordinance would be subject to these same enforcement provisions. Additionally, the Municipal Code includes a provision for compliance monitoring that allows a "youth decoy" to participate in compliance checks supervised by a peace officer or code enforcement official of the City. On an annual basis, the Police Department conducts sting operations with a youth decoy to monitor compliance for checking photo identification as well as other permit requirements.

The City would continue enforcing existing permits in this manner with already established enforcement mechanisms. This includes escalating fines and civil penalties. A first violation is $250. A second violation within a five-year period is $750 and suspends the retailer permit for 90 days. A third violation within a five-year period is $1,000 and revokes the permit.

If a non-permitted retailer were to sell tobacco products, enforcement would default to the general provisions of the Municipal Code whereby at the discretion of the City Attorney or City Prosecutor, violations could be prosecuted as infractions or misdemeanors. In addition, the City could impose administrative penalties pursuant to BHMC 1-3-3. The City could also seek to declare the property a public nuisance or bring a civil action against the business.

Staff presented the above enforcement information to the Health and Safety Commission. The Commission did briefly discuss the possibility of revoking a permit permanently in the hypothetical context of a hotel selling a tobacco product to a non-guest. The Commission also briefly discussed increasing the number of Police Department sting operations per year. The Commission did not discuss these items in detail due to time constraints. Staff will review conducting additional sting operations and compliance checks as the ban is implemented.

FISCAL IMPACT

Should City Council choose to adopt a ban on the sales of all tobacco products, the most direct fiscal impact to the City would be the elimination of revenue from issuing the Tobacco and Electronic Cigarette Retailer permits. The 2018/19 fee for these permits is $236, paid on an annual basis by each retailer. Since there are currently 28 permit holders in the City, Staff estimates the loss of permit revenue to be approximately $6,608, using FY 2018/19 fee amounts. This is a cost recovery fee, so Staff time involved in administration and enforcement of the permits could be reallocated to other activities.

Community stakeholders have stated that a tobacco sales ban would negatively affect tourism and commerce in Beverly Hills. A joint letter from the Chamber of Commerce, the Conference and Visitors Bureau and the Rodeo Drive Committee, states that approximately 80% of guests/tourists were from cities outside of the United States and that smoking continues to be very popular in many of the international feeder markets that come to Beverly Hills. The letter further states their concern that a ban on tobacco sales will deter such visitors, including prominent dignitaries, from staying in Beverly Hills when they can just as easily go to hotels nearby outside of Beverly Hills where they will be able to get the experience they desire. To Staff's knowledge, there is no reliable data available to accurately measure the extent to which tourism in Beverly Hills could be affected.
Meeting Date: May 7, 2019

**Business Impact Mitigation**

Several tobacco retailers, including gas stations, convenience stores, cigar lounges and have participated in public meetings and provided various figures as to the extent to which a ban on tobacco sales could impact their business or affect their revenues.

The Commission has discussed various options to assist these small businesses in mitigating impact of revenue lost from tobacco sales. On April 29, a representative from the Small Business Development Center ("SBDC") at El Camino College provided a presentation of the services that are offered to local businesses. SBDC offers one-on-one advising with small business experts to help them avoid many of the common problems faced by entrepreneurs. Other services include assistance with locating and applying for small business loans, including financing, and educational workshops and events.

The representative also provided information about the SCORE program. SCORE is the nation's largest volunteer, expert business mentoring program. A resource partner for the Small Business Administration (SBA), their business mentorship program gives entrepreneurs a unique opportunity to receive personal counseling by someone with over 20 years of experience in their desired industry. Mentors retain accessibility with clients via email and by scheduling in person appointments to meet with and mentor existing and future business owners. They also have available a large variety of hosted webinars, interactive online training modules, and workshop.

The City, through its partnership with the Chamber of Commerce, already pays a membership fee so that one-on-one advising services may be provided locally in Beverly Hills. Consultants may meet business owners, as many times as necessary, at their place of business or other available locations such as the Chamber of Commerce. Provided that a retailer is showing progress in meeting goals defined by SBDC and the retailer, there is no limit to the number of consultations a business may receive. Staff will connect business owners with these resources.

Pamela Mottice-Muller

Approved By
Attachment 1
ORDINANCE NO. 19-O-_____

DRAFT

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING ARTICLE 21 OF CHAPTER 2 OF TITLE 4 OF
THE BEVERLY HILLS MUNICIPAL CODE TO PROHIBIT
THE RETAIL SALE OF TOBACCO PRODUCTS AND
ELECTRONIC CIGARETTE PARAPHERNALIA, AND
MAKING A FINDING OF EXEMPTION UNDER THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, tobacco use causes death and disease and continues to be an urgent public health threat, as evidenced by the fact that 480,000 people die prematurely in the United States from smoking-related diseases every year, making tobacco use the leading cause of preventable death. Tobacco use can cause disease in nearly all organ systems and is responsible for 87 percent of lung cancer deaths, 79 percent of all chronic obstructive pulmonary disease deaths, and 32 percent of coronary heart disease deaths. The World Health Organization estimates that tobacco accounts for the greatest cause of death worldwide accounting for nearly 6 million deaths per year.

WHEREAS, according to the Centers for Disease Control and Prevention, cigarette smoking remains the leading cause of preventable death and disability in the United States, despite a significant decline in the number of people who smoke. Over 16 million Americans have at least one disease caused by smoking.

WHEREAS, according to the Centers for Disease Control and Prevention, secondhand smoke causes stroke, lung cancer, and coronary heart disease in adults; in addition, it increases risks for sudden infant death syndrome, middle-ear disease, respiratory symptoms, and slows lung growth in children.

WHEREAS, tobacco use leads to more than $300 billion in health care and lost worker productivity costs each year.

WHEREAS, the City Council of Beverly Hills recognizes that the use of tobacco products has devastating health and economic consequences.

WHEREAS, the City Council of Beverly Hills recognizes that young people are particularly susceptible to the addictive properties of tobacco products, and are particularly likely to become lifelong users.

WHEREAS, an estimated 5.6 million youth aged 0 to 17 are projected to die prematurely from a tobacco-related illness if prevalence rates do not change.

WHEREAS, national data show that about 95 percent of adult smokers begin smoking before they turn 21. The ages of 18 to 21 are a critical period when many smokers move from experimental smoking to regular, daily use.
WHEREAS, in an undercover operation conducted in 2018, close to half of the tobacco retailers that are operating in Beverly Hills sold tobacco products to persons under the age of 21 in violation of both State law and Beverly Hills Municipal Code section 4-2-2109.

WHEREAS, despite the City’s ban on smoking tobacco products in certain designated areas of the City, in February 2019, the City’s Ambassador Program reported 397 incidents of individuals smoking in prohibited areas in violation of local law. The City Council anticipates that reducing access to tobacco products in the City will lead to less people smoking these products and increased compliance with the City’s smoking regulations.

WHEREAS, it is the intent of the City Council of the City of Beverly Hills to provide for the public’s health, safety, and welfare in part by protecting youth from commencing the inherently dangerous activity of smoking, and protecting the public health and safety of the general public, while balancing business interests of existing City businesses.

WHEREAS, cigar lounges do not permit persons under the age of 21 to enter the premises and only those persons that want to be exposed to second hand smoke patronize these locations. If cigar lounges were not permitted to sell tobacco products, these businesses would be forced to go out of business.

WHEREAS, the Beverly Hills Conference & Visitors Bureau, Rodeo Drive Committee and the Beverly Hills Chamber of Commerce has informed staff that in the summer of 2018, approximately 80% of the City’s guests were from cities outside of the United States, and from countries where smoking is still popular. The City Council therefore needs to balance the public health and safety concerns that warrant banning the sale of tobacco products against the reality that such a ban in hotels could deter prominent dignitaries and other international tourists from staying at the City’s hotels, and could greatly impact the tourist industry in the City. The City Council finds that the public health will be protected by ensuring that, after a limited period of time, tobacco products will not be made available to the general public and will not be displayed in a manner that is easily accessible to hotel guests.

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Code Amendment. Section 4-2-2101 (PURPOSE) of Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code is hereby amended to read as follows (with additions shown in underlined text, and deletions shown in strikethrough text):

“The City Council recognizes the inherent danger of tobacco products and that the use of tobacco products has devastating health and economic consequences. The City Council further recognizes that tobacco use is the leading cause of preventable illness and death in the United States, and that tobacco product use is started and established primarily during adolescence.
Allowing tobacco products to be sold in the City increases access to these harmful and dangerous products and does not promote the City’s image as a healthy city. To that end, no tobacco products shall be sold in the City except as specifically enumerated below.

For those limited number of tobacco and electronic cigarette retailers that will be permitted to operate in the City, it is the intent of the City Council to encourage responsible tobacco and electronic cigarette retailing and to discourage violations of tobacco and electronic cigarette related laws, especially those that discourage the sale or distribution of electronic cigarettes, tobacco and nicotine products to minors."

Section 2. Section 4-2-2102 (DEFINITIONS) of Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code is hereby amended to read as follows (additions shown in underlined text, deletions shown in strikethrough text), with all other provisions of Section 4-2-2102 remaining unchanged:

“CIGAR LOUNGE: a retail or wholesale tobacco shop that (1) contains an enclosed area in or attached to a retail or wholesale tobacco shop that is dedicated to the use of cigars and pipes, (2) does not sell cigarettes, e-cigarettes, vaping products or flavored tobacco products, and (3) only permits patrons who are 21 years of age or older to enter the premises.”

“CONVENIENCE STORE: a retail business that sells prepared and ready-to-eat food and drink products, magazines, toiletries, or any combination thereof. “Convenience store” includes liquor stores and newsstands. “Convenience store” does not include grocery stores, or retail stores containing a licensed pharmacy.”

“GROCERY STORE: a retail business that sells fresh produce, fresh meats, and dairy products.”

“TOBACCO AND ELECTRONIC CIGARETTE RETAILER (sometimes referred to as RETAILER): Any person or business that operates a store, stand, booth, concession or other place at which the person or business sells, offers for sale, or exchanges or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco and electronic cigarette paraphernalia.”

“TOBACCO PRODUCT: Includes: a) any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, including, but not limited to, cigarettes, cigars, cigarillo, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco; and b) any electronic cigarette; and c) any component, part, or accessory intended or reasonably expected to be used with a tobacco product, whether or not sold separately. “Tobacco product” does not include a drug, device, or combination product authorized for sale by the United States Food and Drug Administration as a tobacco use cessation product.”

Section 3. Code Amendment. Section 4-2-2103 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMIT REQUIRED) of Article 21 (TOBACCO AND
ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code is hereby amended to read as follows (additions shown in underlined text, deletions shown in strikethrough text):

“A. It shall be unlawful for any person to sell a tobacco product or tobacco and electronic cigarette paraphernalia in the City without first obtaining a tobacco and electronic cigarette retailer permit.

B. It shall be unlawful for any person to act as a tobacco and electronic cigarette retailer without first obtaining and maintaining a valid tobacco and electronic cigarette retailer permit pursuant to this article for each location at which that activity is to occur.

C. Notwithstanding the provisions of chapter 1, article 1 of this title (“general provisions”), the issuance, suspension, and revocation of a tobacco and electronic cigarette retailer permit, and all related procedures, shall be governed solely by this article.

D. Failure to obtain a tobacco and electronic cigarette retailer permit prior to commencing the sale of tobacco products, or tobacco or electronic cigarette paraphernalia, shall constitute a separate violation of this section for each day such business is carried on without a permit.

E. Beginning May 21, 2019, the City shall not issue any new tobacco and electronic cigarette retailer permits except as set forth in Section 4-2-2115 and 4-2-2116.”

Section 4. Code Amendment. Section 4-2-2104 (APPLICATION PROCESS) of Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code is hereby amended to add a new subsection “D” to read as follows, with all other provisions of Section 4-2-2104 remaining unchanged:

“D. Beginning May 21, 2019, the City shall not accept or process an application for a tobacco and electronic cigarette retailer permit, except in compliance with Sections 4-2-2115 or 4-2-2116.”

Section 5. Code Amendment. Section 4-2-2106 (ISSUANCE AND RENEWAL OF PERMIT) of Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code is hereby amended to read as follows (with additions shown in underlined text and deletions shown in strikethrough text):

A. Upon receipt of both the application for a tobacco and electronic cigarette retailer permit and the permit fee, the Director of Finance or his or her designee, shall issue a tobacco and electronic cigarette retailer permit to the extent allowed pursuant to Sections 4-2-2115 or 4-2-2116 unless:
1. The application is incomplete or the information presented in the application is inaccurate or false;

2. The application seeks authorization for tobacco and electronic cigarette retailing by a proprietor who has a suspended or revoked tobacco and electronic cigarette retailer permit;

3. The application seeks authorization for tobacco and electronic cigarette retailing that is prohibited pursuant to this article, or that is unlawful pursuant to any other local, State or Federal law;

4. The proprietor has not obtained a valid State tobacco and/or electronic cigarette retailer permit, as applicable, from the California Board of Equalization: If such permits are not issued by the California Board of Equalization for electronic cigarette retailers, then failure to obtain a permit from the California Board of Equalization shall not be grounds for denial of an application to sell electronic cigarettes pursuant to a tobacco and electronic cigarette permit from the City;

5. The City has determined that the applicant or his or her agents or employee(s) has violated any local, State or Federal tobacco or electronic cigarette control law at the location for which the permit or renewal of the permit is sought within the preceding thirty (30) day period.

B. A tobacco and electronic cigarette retailer permit shall be valid for one year and must be renewed not later than thirty (30) days prior to the expiration of the permit, but no earlier than sixty (60) days prior to the expiration of the permit. Unless revoked on an earlier date, all permits shall expire one year after the date of issuance, or the dates set forth in Section 4-2-2115(B), whichever is earliest.

C. A tobacco and electronic cigarette retailer permit that is not timely renewed shall expire at the end of its term. To reinstate a permit that has expired, or to renew a permit not timely renewed, the proprietor must:

1. Submit the permit fee plus a reinstatement fee and the application renewal form; and

2. Submit a signed affidavit affirming that the proprietor has not sold and will not sell any tobacco product or tobacco and electronic cigarette paraphernalia after the permit expiration date and before the permit is renewed.

D. Where the permit is not approved or renewed, the Director of Finance shall notify the applicant of the specific grounds for the denial in writing. The notice of denial shall be served personally or by mail not later than five (5) calendar days after the date of the denial. If by mail, the notice shall be placed in a sealed envelope, with postage paid, addressed to the applicant at the address as it appears on the application. The giving of notice shall be deemed complete at the time of deposit of the notice in the United States mail without extension of time for any reason. In lieu of mailing, the notice may be served personally by delivering to the person to be served and service shall be deemed complete at the time of such delivery. Personal
service to a corporation may be made by delivery of the notice to any person designated pursuant to the Code of Civil Procedure to be served for the corporation with summons and complaint in a civil action.”

Section 6. Section 4-2-2107 (PERMITS NONTRANSFERABLE) of Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code is hereby amended to read as follows (with additions shown in underlined text):

“A. A tobacco and electronic cigarette retailer permit is nontransferable and is valid only for the person(s) and location specified in the permit application. If a permittee changes business location, that permittee must obtain a new permit prior to acting as a tobacco and electronic cigarette retailer at the new location. If a business permitted to conduct tobacco and electronic cigarette retailing is sold, the new owner must obtain a permit for that location before acting as a tobacco and electronic cigarette retailer.

B. Notwithstanding subsection A above, a person may apply for a hardship exemption allowing for the transfer of a permit. Applications shall be submitted to the Finance Department on the form supplied by the City and shall contain, at minimum, the following information:

1. Name of applicant;
2. Relationship of applicant to the permittee (if applicable);
3. Explanation of why the transfer request is being requested;
4. Explanation of why the applicant will suffer undue hardship if the transfer request is denied;
5. Any supporting document;
6. Any additional information requested by the Director of Finance.

The Director of Finance shall approve the transfer request if the applicant can demonstrate the applicability of the non-transferability clause would constitute an undue hardship on the applicant. Examples of undue hardship include, but are not limited to, death of a family member whose name was originally listed on the permit application. The Director of Finance shall act upon the application within thirty days of receipt of the transfer request and shall provide notice to the applicant of the decision. If the request is denied, the Director of Finance shall notify the applicant of the specific grounds for the denial in writing. The Director of Finance’s decision on the transfer request shall be final. The notice of denial shall be served personally or by mail not later than five (5) calendar days after the date of the denial. If by mail, the notice shall be placed in a sealed envelope, with postage paid, addressed to the applicant at the address as it appears on the application. The giving of notice shall be deemed complete at the time of deposit of the notice in the United States mail without extension of time for any reason. In lieu of mailing, the notice may be served personally by delivering to the person to be served and service shall be deemed complete at the time of such delivery. Personal service to a corporation may be made by delivery of the notice to any person designated pursuant to the Code of Civil Procedure to be served for the corporation with summons and complaint in a civil action.”

-6-
Section 7. Section 4-2-2113 (HEARINGS, GENERALLY) of Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code is hereby renamed as “HEARINGS REGARDING DENIAL, SUSPENSION OR REVOCATION OF PERMIT.”

Section 8. Section 4-2-2115 (ENFORCEMENT) of Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code is hereby renumbered as Section 4-2-2117.

Section 9. Code Amendment. A new Section 4-2-2115 (EXCEPTIONS AND LIMITATIONS) is hereby added to Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code to read as follows:

A. Notwithstanding any section to the contrary, a cigar lounge that is operating in compliance with State law and that holds a valid tobacco and electronic cigarette retailer permit on March 25, 2019 may apply annually to renew an existing tobacco and electronic cigarette retailer permit, and said application shall be approved if all criteria set forth in Section 4-2-2106 is satisfied.

B. Tobacco and electronic cigarette retailers, other than cigar lounges, that hold a valid tobacco and electronic cigarette retailer permit on May 21, 2019 shall be permitted to apply annually to obtain a renewal of that permit, and will be permitted to operate as tobacco and electronic cigarette retailers as follows:

1. Pharmacies until January 1, 2020. Any retailer that also holds a license issued by the California State Board of Pharmacy to operate a pharmacy on the premises shall be considered a pharmacy for purposes of this article.

2. From the effective date of this ordinance until January 1, 2020, hotels shall be permitted to sell tobacco products and tobacco and electronic cigarette paraphernalia to the general public. From January 2, 2020 through January 1, 2022, hotels shall only be permitted to sell tobacco products and tobacco and electronic cigarette paraphernalia to their hotel guests who can present proof of current hotel occupancy. Any sale of tobacco products and tobacco and electronic cigarette paraphernalia shall be conducted through a hotel “service,” such as through concierge services, guest services, room service, and not through a retail location that is open to the public. Any retailer that operates on the premises of a hotel shall be considered a hotel for purposes of this article.

4. Grocery stores, and all other tobacco and electronic cigarette retailers that do not fit into any of the above-referenced categories until [insert date that is one year from the date that the ordinance goes into effect].

C. To the extent the City is preempted by State law, a person shall not be prohibited from selling tobacco and electronic cigarette paraphernalia if that paraphernalia will be used for a substance that is not a tobacco product or flavored tobacco product.

Section 10. A new Section 4-2-2116 (HARDSHIP EXEMPTION) is hereby added to Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code to read as follows:

A. Any permittee that wishes to operate a tobacco and electronic cigarette retailer after the time periods set forth in Section 4-2-2115(B), may apply for one hardship exemption as provided for in this section.

B. A permittee must submit a complete application for a hardship exemption at least ninety (90) days before the permit is set to expire, but no sooner than six months before the permit is set to expire. Such application shall be made in writing on a form prescribed by the Director of Finance and shall be accompanied by the filing fee established by resolution of the City Council. The permittee shall bear the burden of proof in establishing by a preponderance of the evidence, that the application of Section 4-2-2115 to the permittee’s business is unreasonable, and will cause significant hardship to the permittee by not allowing the permittee to recover his or her investment backed expectations. The permittee applying for the exemption shall furthermore be required, in order to meet its burden of proof, to submit the documents set forth in this section.

C. A complete application for a hardship exemption shall include the following:

1. The permittee’s name and street address of business;

2. The address to which notice is to be mailed, at the permittee’s option, a telephone number and/or email address;

3. The permittee’s signature;

4. A declaration, under penalty of perjury, that all the information in the application is true and correct;

5. The term of the requested extension;

6. Documentation relevant to the information requested in subsection (D) of this Section; and

7. The required filing fee.
D. In determining whether to grant a hardship exemption to the permittee, and in determining the appropriate length of time that the permittee will be authorized to continue to operate as a retailer, the hearing officer, or City Council on appeal by the applicant, may consider, among other factors:

1. The percentage of the retail sales over the last three years that have been derived from tobacco products and tobacco and electronic cigarette paraphernalia;
2. The amount of investment in the business;
3. The present actual and depreciated value of any business improvements dedicated to the retail sale of tobacco products and tobacco and electronic cigarette paraphernalia;
4. The applicable Internal Revenue Service depreciation schedule or functional non-confidential equivalent;
5. The remaining useful life of the business improvements that are dedicated to the sale of tobacco products and tobacco and electronic cigarette paraphernalia;
6. The remaining lease term of the business, if any;
7. The ability of the tobacco and electronic cigarette retailer to sell other products;
8. The opportunity for relocation of the business and the cost of relocation; and
9. A business plan demonstrating how long the business will need to sell tobacco products and tobacco and electronic cigarette paraphernalia to recoup any investment backed expectations, and a plan for phasing out the sale of those products.

E. The hardship exemption hearing shall be conducted by an Administrative Hearing Officer appointed pursuant to Section 1-3-317 of this Code and shall be conducted pursuant to the procedures set forth in Section 4-2-2113. Written notice of the time and place of the hearing shall be given at least ten (10) calendar days prior to the date of the hearing to the permittee by the City either by causing a copy of such notice to be delivered to the permittee personally or by mailing a copy thereof, postage prepaid, addressed to the permittee at the address shown on the hardship exemption application.

F. Within forty-five (45) days after a completed application is filed, the hearing officer shall open the hearing on the hardship exemption. The hearing officer shall receive and consider evidence presented by the permittee, and shall determine whether to grant or deny the hardship exemption, and if granting the hardship exemption, the length of time that the tobacco and electronic cigarette retailer will be permitted to operate. The hearing officer shall make writing findings in support of the decision. The decision of the hearing officer shall be final and conclusive, unless a timely and complete appeal is filed by the applicant with the City Clerk pursuant to subsection (G) of this Section.
G. Any decision of the hearing officer may be appealed by the applicant by filing a complete notice of appeal with the City Clerk within fifteen (15) days after notice of the decision was mailed to the applicant. To be deemed complete, the notice of appeal shall be signed by the applicant, shall state the grounds for disagreement with the decision of the hearing officer, and shall be accompanied by the filing fee established by resolution of the City Council.

H. Failure of any person to file a timely appeal in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to an administrative hearing and a final adjudication of the hardship exemption.

I. A retailer may continue to sell tobacco, tobacco products, or tobacco and electronic cigarette paraphernalia while a hardship exemption application is pending before a hearing officer or on appeal to the City Council.

J. Only those matters or issues specifically raised by the appellant in the appeal notice shall be considered in the hearing of the appeal.”

Section 11. CEQA. The City Council hereby finds that the adoption of this Ordinance is not a project pursuant to CEQA Guidelines Section 15378(b)(2) which provides that a project does include general policy and procedure making. The adoption of this Ordinance is also not a project pursuant to CEQA Guidelines Section 15378(b)(5) which provides that a project does not include organizational and administrative action of government which will not result in direct or indirect physical changes in the environment.

In the alternative, the City Council finds that if the adoption of the Ordinance is a project, it is subject to exemption. It can be seen with certainty that there is no possibility the adoption of this Ordinance will have a significant adverse effect on the environment because the Ordinance prohibits the sale of tobacco products. The adoption of this Ordinance is therefore exempt from California Environmental Quality Act review pursuant to CEQA Guidelines Section 15061(b)(3) because the Ordinance is covered by the general rule common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The adoption of this Ordinance is also exempt from CEQA pursuant to CEQA Guidelines Section 15305 which exempts minor alterations in land use limitations. This Class 5 exemption consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density. Here, tobacco products and tobacco and electronic cigarette paraphernalia shall not be permitted to be sold by certain tobacco and electronic cigarette retailers after a specified date, and the areas where these retailers operate have an average slope of less than 20%. Additionally, the adoption of the Ordinance will not change land uses because the permitted use is retail and will be after the Ordinance takes effect. Moreover, the adoption of the Ordinance will not result in any changes in density because it is not altering the uses permitted on the land. Staff is directed to file a Notice of Exemption with the Los Angeles County Clerk.

Section 12. City Council review. Staff is hereby directed that within three years of the effective date of the ordinance, a study session item shall be scheduled whereby the City Council can assess the impacts that the ordinance has had on local businesses and tourism.
Section 13. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 14. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation, published and circulated in the city within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance and shall cause this Ordinance and the City Clerk’s certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this city.

Section 15. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:  
Effective:  

JOHN A. MIRISCH  
Mayor of the City of Beverly Hills

ATTEST:  

___________________________ (SEAL)  
LOURDES SY-RODRIGUEZ  
Assistant City Clerk

APPROVED AS TO FORM:  
APPROVED AS TO CONTENT:  

___________________________  
LAURENCE S. WIENER  
City Attorney

___________________________  
City Manager
Attachment 2
4-2-2101: PURPOSE

The City Council recognizes the inherent danger of tobacco products and that the use of tobacco products has devastating health and economic consequences. The City Council further recognizes that tobacco use is the leading cause of preventable illness and death in the United States, and that tobacco product use is started and established primarily during adolescence.

Allowing tobacco products to be sold in the City increases access to these harmful and dangerous products and does not promote the City’s image as a healthy city. To that end, no tobacco products shall be sold in the City except as specifically enumerated below.

For those limited number of tobacco and electronic cigarette retailers that will be permitted to operate in the City, it is the intent of the City Council to encourage responsible tobacco and electronic cigarette retailing and to discourage violations of tobacco and electronic cigarette related laws, especially those that discourage the sale or distribution of electronic cigarettes, tobacco and nicotine products to minors. There is no intent, however, to expand or reduce the degree to which the acts regulated by Federal or State law are criminally proscribed or to alter the penalties provided therein.

4-2-2102: DEFINITIONS

For purposes of this article, the following words and terms shall be defined as follows:

CHARACTERIZING FLAVOR: A taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product or any byproduct produced by the tobacco product, including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen, fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice.

CIGAR LOUNGE: a retail or wholesale tobacco shop that (1) contains an enclosed area in or attached to a retail or wholesale tobacco shop that is dedicated to the use of cigars and pipes, (2) does not sell cigarettes, e-cigarettes, vaping products or flavored tobacco products, and (3) only permits patrons who are 21 years of age or older to enter the premises.

CONVENIENCE STORE: a retail business that sells prepared and ready-to-eat food and drink products, magazines, toiletries, or any combination thereof. “Convenience store” includes liquor stores and newsstands. “Convenience store” does not include grocery stores, or retail stores containing a licensed pharmacy.

GROCERY STORE: a retail business that sells fresh produce, fresh meats, dairy products and fresh bakery goods, and contains a deli market.

ELECTRONIC CIGARETTE: An electronic and/or battery operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of nicotine or other substances. The term includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an e-cigarette, an electronic cigar, an electronic cigarillo, an
electronic pipe, an electronic hookah, or any other product name or descriptor. The term does not include any inhaler prescribed by a licensed doctor.

FLAVORED TOBACCO PRODUCT: Any tobacco product that imparts a characterizing flavor. A public statement or claim made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such tobacco product, that such tobacco product has or produces a characterizing flavor shall constitute presumptive evidence that the tobacco product is a flavored tobacco product.

PERMITTEE: Any proprietor holding a permit issued by the City pursuant to this article.

PERSON: Any individual, partnership, copartnership, firm, association, joint stock company, corporation, or combination of the above in whatever form or character.

PROPRIETOR: A person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a person has a ten percent (10%) or greater interest in the stock assets, or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a person can or does have, or can or does share ultimate control over the day to day operations of a business.

TOBACCO AND ELECTRONIC CIGARETTE PARAPHERNALIA: Includes cigarette papers or wrappers, pipes, electronic cigarettes and their component parts, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking or ingestion of tobacco or products prepared from tobacco.

TOBACCO AND ELECTRONIC CIGARETTE RETAILER (sometimes referred to as RETAILER): Any person or business that operates a store, stand, booth, concession or other place at which the person or business sells, offers for sale, or exchanges or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco and electronic cigarette paraphernalia.

TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMIT: A permit issued by the City authorizing a proprietor to engage in tobacco and electronic cigarette retailing.

TOBACCO AND ELECTRONIC CIGARETTE RETAILING: The selling, offering for sale or exchanging or offering to exchange for any form of consideration tobacco, tobacco products, or tobacco or electronic cigarette paraphernalia products.

TOBACCO PRODUCT: Includes: a) any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco; and b) any electronic cigarette; and c) any component, part, or accessory intended or reasonably expected to be used with a tobacco product, whether or not sold separately. “Tobacco product” does not include a drug, device, or combination product authorized for sale by the United States Food and Drug Administration as a tobacco use cessation product.
4-2-2103: TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMIT REQUIRED

A. It shall be unlawful for any person to sell a tobacco product or tobacco and electronic cigarette paraphernalia in the City without first obtaining a tobacco and electronic cigarette retailer permit.

A- B. It shall be unlawful for any person to act as a tobacco and electronic cigarette retailer without first obtaining and maintaining a valid tobacco and electronic cigarette retailer permit pursuant to this article for each location at which that activity is to occur.

B- C. Notwithstanding the provisions of chapter 1, article 1 of this title ("general provisions"), the issuance, suspension, and revocation of a tobacco and electronic cigarette retailer permit, and all related procedures, shall be governed solely by this article.

B D. Failure to obtain a tobacco and electronic cigarette retailer permit prior to commencing the sale of tobacco products, or tobacco or electronic cigarette paraphernalia, shall constitute a separate violation of this section for each day such business is carried on without a permit.

E. Beginning May 21, 2019, the City shall not issue any new tobacco and electronic cigarette retailer permits except as set forth in Section 4-2-2115 and 4-2-2116.

4-2-2104: APPLICATION PROCESS

A. An application for a tobacco and electronic cigarette retailer permit shall be submitted in the name of each proprietor proposing to conduct tobacco and electronic cigarette retailing and shall be signed by each proprietor or an authorized agent thereof. An application is required for each location where retail tobacco or electronic cigarettes or tobacco and electronic cigarette paraphernalia sales are to occur.

B. All applications shall be submitted to the Finance Department on a form supplied by the City and shall contain the following information:

1. The name, address, and telephone number of each proprietor;

2. The business name, address, and telephone number of the fixed location for which a tobacco and electronic cigarette retailer permit is sought;

3. The name and mailing address authorized by each applicant to receive all permit related communications and notices (the "authorized address"). Failure to supply an authorized address shall be understood to consent to the provision of notice at the business address specified in subsection B2 of this section;

4. Whether any applicant has previously been issued a permit pursuant to this article that is or was at any time suspended or revoked and, if so, the dates of the suspension period or the date of revocation;
5. Proof that the location for which a tobacco and electronic cigarette retailer permit is sought has been issued a valid State tobacco and/or electronic cigarette retailer permit, as applicable, by the California Board of Equalization; if such permits are not issued by the California Board of Equalization for electronic cigarette retailers, this proof of permit shall not be required for electronic cigarette sales;

6. Such other information as the City deems necessary for the administration or enforcement of this article.

C. All information required to be submitted in order to apply for a tobacco and electronic cigarette retailer permit shall be updated whenever the information changes. A tobacco and electronic cigarette retailer shall provide the City in writing with any updates within ten (10) business days of a change.

D. Beginning May 21, 2019, the City shall not accept or process an application for a tobacco and electronic cigarette retailer permit, except in compliance with Sections 4-2-2115 or 4-2-2116.

4-2-2105: PERMIT FEES

The annual fee for a tobacco and electronic cigarette retailer permit shall be established by resolution of the City Council. A tobacco and electronic cigarette retailer permit is invalid if the appropriate fee has not been timely paid in full.

4-2-2106: ISSUANCE AND RENEWAL OF PERMIT

A. Upon receipt of both the application for a tobacco and electronic cigarette retailer permit and the permit fee, the Director of Finance or his or her designee, shall issue a tobacco and electronic cigarette retailer permit to the extent allowed pursuant to Sections 4-2-2115 or 4-2-2116 unless:

1. The application is incomplete or the information presented in the application is inaccurate or false;

2. The application seeks authorization for tobacco and electronic cigarette retailing by a proprietor who has a suspended or revoked tobacco and electronic cigarette retailer permit;

3. The application seeks authorization for tobacco and electronic cigarette retailing that is prohibited pursuant to this article, or that is unlawful pursuant to any other local, State or Federal law;

4. The proprietor has not obtained a valid State tobacco and/or electronic cigarette retailer permit, as applicable, from the California Board of Equalization: If such permits are not issued by the California Board of Equalization for electronic cigarette retailers, then failure to obtain a permit from the California Board of Equalization shall not be grounds for denial of an application to sell electronic cigarettes pursuant to a tobacco and electronic cigarette permit from the City;
5. The City has determined that the applicant or his or her agents or employee(s) has violated any local, State or Federal tobacco or electronic cigarette control law at the location for which the permit or renewal of the permit is sought within the preceding thirty (30) day period.

B. A tobacco and electronic cigarette retailer permit shall be valid for one year and must be renewed not later than thirty (30) days prior to the expiration of the permit, but no earlier than sixty (60) days prior to the expiration of the permit. Unless revoked on an earlier date, all permits shall expire one year after the date of issuance, or the dates set forth in Section 4-2-2115(B), whichever is earliest.

C. A tobacco and electronic cigarette retailer permit that is not timely renewed shall expire at the end of its term. To reinstate a permit that has expired, or to renew a permit not timely renewed, the proprietor must:

1. Submit the permit fee plus a reinstatement fee and the application renewal form; and

2. Submit a signed affidavit affirming that the proprietor has not sold and will not sell any tobacco product or tobacco and electronic cigarette paraphernalia after the permit expiration date and before the permit is renewed.

D. Where the permit is not approved or renewed, the Director of Finance shall notify the applicant of the specific grounds for the denial in writing. The notice of denial shall be served personally or by mail not later than five (5) calendar days after the date of the denial. If by mail, the notice shall be placed in a sealed envelope, with postage paid, addressed to the applicant at the address as it appears on the application. The giving of notice shall be deemed complete at the time of deposit of the notice in the United States mail without extension of time for any reason. In lieu of mailing, the notice may be served personally by delivering to the person to be served and service shall be deemed complete at the time of such delivery. Personal service to a corporation may be made by delivery of the notice to any person designated pursuant to the Code of Civil Procedure to be served for the corporation with summons and complaint in a civil action.

4-2-2107: PERMITS NONTRANSFERABLE

A. A tobacco and electronic cigarette retailer permit is nontransferable and is valid only for the person(s) and location specified in the permit application. If a permittee changes business location, that permittee must obtain a new permit prior to acting as a tobacco and electronic cigarette retailer at the new location. If a business permitted to conduct tobacco and electronic cigarette retailing is sold, the new owner must obtain a permit for that location before acting as a tobacco and electronic cigarette retailer.

B. Notwithstanding subsection A above, a person may apply for a hardship exemption allowing for the transfer of a permit. Applications shall be submitted to the Finance Department on the form supplied by the City and shall contain, at minimum, the following information:

1. Name of applicant;
2. Relationship of applicant to the permittee (if applicable);
3. Explanation of why the transfer request is being requested;
4. Explanation of why the applicant will suffer undue hardship if the transfer request is denied;
5. Any supporting document;
6. Any additional information requested by the Director of Finance.

The Director of Finance shall approve the transfer request if the applicant can demonstrate the applicability of the non-transferability clause would constitute an undue hardship on the applicant. Examples of undue hardship include, but are not limited to, death of a family member whose name was originally listed on the permit application or an increase in rent of more than ten percent at the current business location that necessitates the business moving locations. The Director of Finance shall act upon the application within thirty days of receipt of the transfer request and shall provide notice to the applicant of the decision. If the request is denied, the Director of Finance shall notify the applicant of the specific grounds for the denial in writing. The Director of Finance’s decision on the transfer request shall be final. The notice of denial shall be served personally or by mail not later than five (5) calendar days after the date of the denial. If by mail, the notice shall be placed in a sealed envelope, with postage paid, addressed to the applicant at the address as it appears on the application. The giving of notice shall be deemed complete at the time of deposit of the notice in the United States mail without extension of time for any reason. In lieu of mailing, the notice may be served personally by delivering to the person to be served and service shall be deemed complete at the time of such delivery. Personal service to a corporation may be made by delivery of the notice to any person designated pursuant to the Code of Civil Procedure to be served for the corporation with summons and complaint in a civil action.

4-2-2108: PERMIT CONVEYS A LIMITED, CONDITIONAL PRIVILEGE

Nothing in this article shall be construed to grant any person obtaining and maintaining a tobacco and electronic cigarette retailer permit any status or right other than the limited conditional privilege to act as a tobacco and electronic cigarette retailer at the location identified on the face of the permit. A tobacco and electronic cigarette retailer permit does not make the retailer a "retail or wholesale tobacco shop" for the purposes of California Labor Code section 6404.5.

4-2-2109: REQUIREMENTS FOR OPERATION

A. It is the responsibility of each tobacco and electronic cigarette retailer to be informed of the laws affecting the issuance of a tobacco and electronic cigarette retailer's permit.

B. The sale of tobacco products and tobacco and electronic cigarette paraphernalia from other than a fixed location, including, but not limited to, tobacco and electronic cigarette retailing by persons on foot or from vehicles is prohibited and no permit shall be issued under this article for any such activity.

C. The display of an advertisement relating to tobacco products or tobacco and electronic cigarette paraphernalia that promotes the same or distribution of such products from the tobacco and electronic cigarette retailer's location or that could lead a reasonable consumer to believe that
such product can be obtained at that location without first obtaining and maintaining a valid 
tobacco and electronic cigarette retailer's permit pursuant to this article, is prohibited.

D. The tobacco and electronic cigarette retailer shall prominently display the tobacco and 
electronic cigarette retail permit in a publicly and readily visible location at the permitted 
location.

E. No person engaging in tobacco and electronic cigarette retailing shall sell or transfer a 
tobacco product or tobacco and electronic cigarette paraphernalia to another person who appears 
to be under the age of thirty (30) years without first examining the identification of the recipient 
to confirm that the recipient is at least the minimum age under State law to purchase and/or 
possess the tobacco products or electronic cigarettes.

F. No person who is younger than the minimum age established by State law for the 
purchase or possession of any tobacco product or electronic cigarette shall engage in tobacco and 
electronic cigarette retailing.

G. It shall be a violation of the tobacco and electronic cigarette retailer permit for a 
permittee or his or her agent or employee to violate any local, State, or Federal tobacco or 
electronic cigarette related law.

H. It shall be unlawful for any tobacco retailer or any of the tobacco retailer's agents or 
employees to sell or offer for sale any flavored tobacco product. This regulation is not intended 
to impose any requirement which is different from, or in addition to, any requirement under the 
provisions of the Family Smoking Prevention and Tobacco Control Act relating to tobacco 
product standards, premarket review, adulteration, misbranding, labeling, registration, good 
manufacturing standards, or modified risk tobacco products.

4-2-2110: COMPLIANCE MONITORING

The City shall not enforce any law establishing a minimum age for tobacco product and 
electronic cigarette purchases or possession against a person who otherwise might be in violation 
of such law because of the age of a purchaser of tobacco or tobacco and electronic cigarette 
paraphernalia (hereinafter "youth decoy") if the potential violation occurs when: a) the youth 
decoy is participating in a compliance check supervised by a peace officer or a code enforcement 
official of the City; or b) the youth decoy is participating in a compliance check funded in part, 
either directly or indirectly through subcontracting, by the Los Angeles County Health 
Department or the California Department of Health Services.

4-2-2111: SUSPENSION OR REVOCATION OF TOBACCO AND ELECTRONIC 
CIGARETTE RETAILER PERMIT

A. In addition to any other remedy authorized by law, the following penalties shall be 
imposed if the City finds that the permittee or his or her agents or employees has or have violated 
any of the provisions of this article:
1. Upon a finding by the City of a first violation within any five (5) year period, the permittee shall pay a civil penalty to the City in the amount of two hundred fifty dollars ($250.00).

2. Upon a finding by the City of a second violation within any five (5) year period, the tobacco and electronic cigarette retailer permit shall be suspended for ninety (90) days and the permittee shall pay a civil penalty to the City in the amount of seven hundred fifty dollars ($750.00).

3. Upon a finding by the City of a third violation within any five (5) year period, the tobacco and electronic cigarette retailer permit shall be revoked and the permittee shall pay a civil penalty to the City in the amount of one thousand dollars ($1,000.00).

B. A tobacco or electronic cigarette retailer permit shall be revoked if the City finds that either one or both of the following conditions exist:

1. One or more of the bases for denial of a permit under section 4-2-2106 of this article existed at the time the application was made or at any time before the permit was issued.

2. The information contained in the permit application, including supplemental information, if any, is found to be false in any material respect.

C. In the event the City suspends or revokes a permit, written notice of the suspension or revocation shall be served upon the permittee within five (5) days of the suspension or revocation in the manner prescribed in section 4-2-2106 of this article. The notice shall contain:

1. A brief statement of the specific grounds for such suspension or revocation;

2. A statement that the permittee may appeal the suspension or revocation by submitting an appeal, in writing, in accordance with the provisions of section 4-2-2112 of this article, to the City Clerk, within ten (10) calendar days of the date of service of the notice; and

3. A statement that the failure to appeal the notice of suspension or revocation will constitute a waiver of all rights to an administrative appeal hearing, and the suspension or revocation will be final.

D. A permittee for whom a permit suspension is in effect must remove all tobacco products, tobacco and electronic cigarette paraphernalia and tobacco and electronic cigarette related advertising from public view at the address that appears on the suspended permit.

4-2-2112: DENIAL, SUSPENSION AND REVOCATION; APPEALS

A. Any applicant or permittee aggrieved by a decision denying, suspending, or revoking a permit, may appeal the decision by submitting a written appeal to the City Clerk within ten (10) calendar days from the date of service of the notice of denial, suspension, or revocation. The written appeal shall contain:
1. A brief statement in ordinary and concise language of the specific action protested, together with any material facts claimed to support the contentions of the appellant;

2. A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested action should be reversed or otherwise set aside;

3. The signatures of all parties named as appellants and their official mailing addresses; and

4. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

B. The appeal hearing shall be conducted by an Administrative Hearing Officer appointed pursuant to section 1-3-317 of this Code.

C. Written notice of the time and place of the hearing shall be given at least ten (10) calendar days prior to the date of the hearing to each appellant by the City either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

D. Failure of any person to file a timely appeal in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to an administrative hearing and a final adjudication of the notice and order, or any portion thereof.

E. Only those matters or issues specifically raised by the appellant in the appeal notice shall be considered in the hearing of the appeal.

F. Any suspension or revocation of a permit shall be stayed during the pendency of an appeal which is properly and timely filed pursuant to this section.

4-2-2113: HEARINGS, GENERALLY REGARDING DENIAL, SUSPENSION OR REVOCATION OF PERMIT

A. At the time set for hearing, the Hearing Officer shall proceed to hear the testimony of the City, the appellant, and other competent persons respecting those matters or issues specifically listed by the appellant in the notice of appeal.

B. The proceedings at the hearing shall be electronically recorded. Either party may provide a certified shorthand reporter to maintain a record of the proceedings at the party's own expense.

C. The Hearing Officer may, upon request of the appellant or upon request of the City, grant continuances from time to time for good cause shown, or upon his or her own motion.

D. In any proceedings under this article, the Hearing Officer has the power to administer oaths and affirmations and to certify official acts. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

4-2-2114: FORM AND CONTENTS OF DECISION; FINALITY OF DECISION
A. If it is shown, by a preponderance of the evidence, that one or more bases exist to deny, suspend, or revoke the permit, the hearing examiner shall affirm the City’s decision to deny, suspend, or revoke the permit. The decision of the hearing examiner shall be in writing and shall contain findings of fact and a determination of the issues presented.

B. The notice of decision shall inform the appellant that the decision is a final decision and that the time for judicial review is governed by California Code of Civil Procedure section 1094.6. Copies of the decision shall be delivered to the parties personally or sent by certified mail to the address shown on the appeal. The decision shall be final when signed by the hearing examiner and served as provided in this section.

4-2-2115: EXCEPTIONS AND LIMITATIONS

A. Notwithstanding any section to the contrary, a cigar lounge that is operating in compliance with State law and that holds a valid tobacco and electronic cigarette retailer permit on March 25, 2019 may apply annually to renew an existing tobacco and electronic cigarette retailer permit, and said application shall be approved if all criteria set forth in Section 4-2-2106 is satisfied.

B. Tobacco and electronic cigarette retailers, other than cigar lounges, that hold a valid tobacco and electronic cigarette retailer permit on May 21, 2019 shall be permitted to apply annually to obtain a renewal of that permit, and will be permitted to operate as tobacco and electronic cigarette retailers as follows:

1. Pharmacies until January 1, 2020. Any retailer that also holds a license issued by the California State Board of Pharmacy to operate a pharmacy on the premises shall be considered a pharmacy for purposes of this article.

2. From the effective date of this ordinance until January 1, 2020, hotels shall be permitted to sell tobacco products and tobacco and electronic cigarette paraphernalia to the general public. From January 2, 2020 through January 1, 2022, hotels shall only be permitted to sell tobacco products and tobacco and electronic cigarette paraphernalia to their hotel guests who can present proof of current hotel occupancy. Any sale of tobacco products and tobacco and electronic cigarette paraphernalia shall be conducted through a hotel “service,” such as through concierge services, guest services, room service, and not through a retail location that is open to the public. Any retailer that operates on the premises of a hotel shall be considered a hotel for purposes of this article.


4. Grocery stores, and all other tobacco and electronic cigarette retailers that do not fit into any of the above-referenced categories until [insert date that is one year from the date that the ordinance goes into effect].

C. To the extent the City is preempted by State law, a person shall not be prohibited from selling tobacco and electronic cigarette paraphernalia if that paraphernalia will be used for a substance that is not a tobacco product or flavored tobacco product.
4-2-2116: HARDSHIP EXEMPTION

A. Any permittee that wishes to operate a tobacco and electronic cigarette retailer after the time periods set forth in Section 4-2-2115(B) may apply for one hardship exemption as provided for in this section.

B. A permittee must submit a complete application for a hardship exemption at least ninety (90) days before the permit is set to expire, but no sooner than six months before the permit is set to expire. Such application shall be made in writing on a form prescribed by the Finance Director and shall be accompanied by the filing fee established by resolution of the City Council. The permittee shall bear the burden of proof in establishing by a preponderance of the evidence, that the application of Section 4-2-2115 to the permittee’s business is unreasonable, and will cause hardship to the permittee. The permittee applying for the exemption shall furthermore be required, in order to meet its burden of proof, to submit the documents set forth in this section.

C. A complete application for a hardship exemption shall include the following:

1. The permittee’s name and street address of business;
2. The address to which notice is to be mailed, at the permittee’s option, a telephone number and/or email address;
3. The permittee’s signature;
4. A declaration, under penalty of perjury, that all the information in the application is true and correct;
5. The term of the requested extension;
6. Documentation relevant to the information requested in subsection (D) of this Section; and
7. The required filing fee.

D. In determining whether to grant a hardship exemption to the permittee, and in determining the appropriate length of time that the permittee will be authorized to continue to operate as a retailer, the hearing officer, or City Council on appeal by the applicant, may consider, among other factors:

1. The percentage of the retail sales over the last three years that have been derived from tobacco products and tobacco and electronic cigarette paraphernalia;
2. The amount of investment in the business;
3. The present actual and depreciated value of any business improvements dedicated to the retail sale of tobacco products and tobacco and electronic cigarette paraphernalia;
4. The applicable Internal Revenue Service depreciation schedule or functional non-confidential equivalent;

5. The remaining useful life of the business improvements that are dedicated to the sale of tobacco products and tobacco and electronic cigarette paraphernalia;

6. The remaining lease term of the business, if any;

7. The ability of the tobacco and electronic cigarette retailer to sell other products;

8. The opportunity for relocation of the business and the cost of relocation; and

9. A business plan demonstrating how long the business will need to sell tobacco products and tobacco and electronic cigarette paraphernalia to recoup any investment backed expectations, and a plan for phasing out the sale of those products.

E. The hardship exemption hearing shall be conducted by an Administrative Hearing Officer appointed pursuant to Section 1-3-317 of this Code and shall be conducted pursuant to the procedures set forth in Section 4-2-2113. Written notice of the time and place of the hearing shall be given at least ten (10) calendar days prior to the date of the hearing to the permittee by the City either by causing a copy of such notice to be delivered to the permittee personally or by mailing a copy thereof, postage prepaid, addressed to the permittee at the address shown on the hardship exemption application.

F. Within forty-five (45) days after a completed application is filed, the hearing officer shall open the hearing on the hardship exemption. The hearing officer shall receive and consider evidence presented by the permittee, and shall determine whether to grant or deny the hardship exemption, and if granting the hardship exemption, the length of time that the tobacco and electronic cigarette retailer will be permitted to operate. The hearing officer shall make writing findings in support of the decision. The decision of the hearing officer shall be final and conclusive, unless a timely and complete appeal is filed by the applicant with the City Clerk pursuant to subsection (G) of this Section.

G. Any decision of the hearing officer may be appealed by the applicant by filing a complete notice of appeal with the City Clerk within fifteen (15) days after notice of the decision was mailed to the applicant. To be deemed complete, the notice of appeal shall be signed by the applicant, shall state the grounds for disagreement with the decision of the hearing officer, and shall be accompanied by the filing fee established by resolution of the City Council.

H. Failure of any person to file a timely appeal in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to an administrative hearing and a final adjudication of the hardship exemption.

I. A retailer may continue to sell tobacco, tobacco products, or tobacco and electronic cigarette paraphernalia while a hardship exemption application is pending before a hearing officer or on appeal to the City Council.
J. Only those matters or issues specifically raised by the appellant in the appeal notice shall be considered in the hearing of the appeal.

4-2-21154-2-2117: ENFORCEMENT

A. In addition to any other remedy, any person violating any provision of this article shall be guilty of a misdemeanor for each day such violation continues.

B. In addition to other remedies provided by this article or by other law, any violation of this article may be enforced by a civil action brought by the City Prosecutor, including for example, administrative or judicial nuisance abatement proceedings; Civil or Criminal Code enforcement proceedings; and suits for injunctive relief. The City may recover reasonable attorney fees and costs of suit in any civil action brought by the City Prosecutor to remedy any violation of this article.

C. Any violation of this article may, in the discretion of the City Prosecutor, be prosecuted as infractions or misdemeanors.

D. Violations of this article are hereby declared to be public nuisances subject to abatement by the City.

E. In addition to criminal sanctions and other remedies set forth in this article, administrative penalties may be imposed pursuant to title 1, chapter 3, article 3 of this Code against any person violating any provision of this article. Imposition, enforcement, collection and administrative review of administrative penalties imposed shall be conducted pursuant to title 1, chapter 3, article 3 of this Code.

F. The remedies provided by this article are cumulative and in addition to any other remedies available at law or in equity.

G. The City shall not enforce a violation of subsection 4-2-2109H of this article against any tobacco retailer that is lawfully operating in the City until December 21, 2018.
Attachment 3
January 16, 2019

RE: CITY COUNCIL STUDY SESSION DISCUSSION ON PROHIBITING THE SALE OF ALL TOBACCO PRODUCTS IN BEVERLY HILLS

As part of the regularly scheduled City Council Study Session on Tuesday, February 5, 2019, at 2:30 PM, the Beverly Hills City Council will discuss the development of a policy that could prohibit the sale of all tobacco products in Beverly Hills.

The public is welcome to attend this meeting and provide comment on the topic. The meeting is located at 455 N Rexford Drive, Beverly Hills, 90210 in the Council Chamber on the 2nd Floor.

If you are interested, but unable to attend, meetings are recorded live and posted online, typically within 3 days after the meeting.

- To view live video during the meeting time shown above, watch BHTV10 or visit the following link: http://www.beverlyhills.org/watchlive/

- To view posted recorded videos (not live), please visit the following link: http://www.beverlyhills.org/living/beverlyhillstelevision/citycouncilmeetings/

- To submit a letter for the public record, please send to the following email address: mayorandcitycouncil@beverlyhills.org

If you have any additional questions, please contact (310) 285-1014.
February 14, 2019

RE: UPCOMING HEALTH AND SAFETY COMMISSION MEETING DISCUSSIONS ON PROHIBITING THE SALE OF ALL TOBACCO PRODUCTS IN BEVERLY HILLS

At the Study Session meeting on February 5, 2019, the Beverly Hills City Council discussed the development of a policy that could prohibit the sale of all tobacco products in Beverly Hills and directed the Health and Safety Commission to explore the topic and to return to City Council with recommendations. This meeting video can be viewed by visiting http://www.beverlyhills.org/smoking and clicking on Businesses.

Over the next three to four months, the Health and Safety Commission will study the issue in detail to make recommendations to the City Council. On February 25, 2019, the Commission will hear an introduction to this issue. More detailed presentations and discussions will take place starting March 25, 2019. The next four meetings are scheduled as indicated below.

- Monday, February 25, 2019 at 4:00 PM
- Monday, March 25, 2019 at 4:00 PM
- Monday, April 22, 2019 at 4:00 PM
- Monday, May 20, 2019 at 4:00 PM

The meetings are located at 455 N Rexford Drive, Beverly Hills, 90210 in room 280A on the 2nd Floor. The public is welcome to attend all meetings and provide comment on the topic. If you are interested, but unable to attend, meetings are recorded live and posted online, typically within 3 days after the meeting.

- To view live video during the meeting time shown above, watch BHTV10 or visit the following link: http://www.beverlyhills.org/watchlive/
- To view posted recorded videos (not live), please visit the following link: http://beverlyhills.org/living/beverlyhillstelevision/citycommissionmeetings/healthsafetycommission/
- To submit a letter for the public record, please send to the following email address: mayorandcitycouncil@beverlyhills.org. All letters will be read into record during the Health and Safety Commission meeting.

If you have any additional questions, please contact (310) 285-1014. For more detailed information, please visit http://www.beverlyhills.org/smoking.
March 15, 2019

RE: UPDATE: UPCOMING HEALTH AND SAFETY COMMISSION MEETING DISCUSSIONS ON RECOMMENDATIONS PROHIBITING THE SALE OF ALL TOBACCO PRODUCTS IN BEVERLY HILLS

On Monday, March 25, 2019 at 2:00 pm the Health and Safety Commission will finalize discussions on the development of a recommendation regarding a policy that could prohibit the sale of all tobacco products in Beverly Hills. A detailed presentation, discussions and recommendations will occur. The Commission anticipates completing their recommendations at this time.

These recommendations will be presented to the City Council on May 7 at 2:30 pm.

The meetings are located at City Hall 455 N Rexford Drive, Beverly Hills, 90210. The Commission meeting is held in room 280A on the 2nd Floor. The City Council meeting is held in the City Council Chambers on the 2nd floor. The public is welcome to attend both meetings and provide comment on the topic.

If you are interested, but unable to attend, you may submit a letter for the public record, please send to the following email address: mayorandcitycouncil@beverlyhills.org.

Please note:

- Meetings are recorded live and posted online, typically within 3 days after the meeting.

- To view live video during the meeting time shown above, watch BHTV10 or visit the following link: http://www.beverlyhills.org/watchlive/

- To view posted recorded videos (not live), please visit the following link: http://beverlyhills.org/living/beverlyhills-television/citycommissionmeetings/healthsafetycommission/

If you have any additional questions, please contact (310) 285-1014. For more detailed information, please visit http://www.beverlyhills.org/smoking.
April 11, 2019

RE: UPONING MEETING DISCUSSIONS ON PROHIBITING THE SALE OF ALL TOBACCO PRODUCTS IN BEVERLY HILLS

On March 25, 2019, the Health and Safety Commission voted to recommend to the City Council a ban on the sale of all tobacco products in Beverly Hills with the following key provisions: (1) a permanent carve out for existing cigar lounges, (2) a permanent carve out for hotels selling to guests of their hotel only, and (3) a phase-out period for the remaining retailers.

On Monday, April 22, 2019 at 4:00 pm the Commission will discuss possible partnerships and business alternatives related to those that could be affected by the policy to ban the sale of all tobacco products in Beverly Hills. There will be discussion to potentially hold an additional Special Meeting on Monday, April 29, 2019 at 3:00 pm to reconsider the Commission’s previous decision to recommend a permanent carve out for hotels.

These recommendations will be presented to the City Council on Tuesday, May 7, 2019 at 2:30 pm at the Study Session meeting.

The meetings are located at City Hall 455 N Rexford Drive, Beverly Hills, 90210. The Commission meeting is held in room 280A on the 2nd Floor. The City Council meeting is held in the City Council Chambers on the 2nd floor. The public is welcome to attend both meetings and provide comment on the topic.

If you are interested, but unable to attend, you may submit a letter for the public record, please send to the following email address: mayorandcitycouncil@beverlyhills.org.

Please note:

- Meetings are recorded live and posted online, typically within 3 days after the meeting.
- To view live video during the meeting time shown above, watch BHTV10 or visit the following link: http://www.beverlyhills.org/watchlive/
- To view posted recorded videos (not live), please visit the following link: http://beverlyhills.org/living/beverlyhillstelevision/citycommissionmeetings/healthsafetycommission/

If you have any additional questions, please contact (310) 285-1014. For more detailed information, please visit http://www.beverlyhills.org/smoking.
April 23, 2019

RE: UPCOMING MEETING DISCUSSIONS ON PROHIBITING THE SALE OF ALL TOBACCO PRODUCTS IN BEVERLY HILLS

On March 25, 2019, the Health and Safety Commission voted to recommend to the City Council a ban on the sale of all tobacco products in Beverly Hills with the following key provisions: (1) a permanent carve out for existing cigar lounges, (2) a permanent carve out for hotels selling to guests of their hotel only, and (3) a phase-out period for the remaining retailers.

On April 22, 2019, the Commission voted to annul its motion to carve out/exempt existing and future hotels from selling tobacco products. A Special Meeting of the Health and Safety Commission will take place on **Monday, April 29, 2019 at 3:00 pm** to reconsider the Commission’s previous decision to recommend a permanent carve out for hotels.

These recommendations will be presented to the City Council on **Tuesday, May 7, 2019 at 2:30 pm** at the Study Session meeting.

The meetings are located at City Hall 455 N Rexford Drive, Beverly Hills, 90210. The Commission meeting is held in room 280A on the 2nd Floor. The City Council meeting is held in the City Council Chambers on the 2nd floor. The public is welcome to attend both meetings and provide comment on the topic.

If you are interested, but unable to attend, you may submit a letter for the public record, please send to the following email address: mayorandcitycouncil@beverlyhills.org.

Please note:

- Meetings are recorded live and posted online, typically within 3 days after the meeting.
- To view live video during the meeting time shown above, watch BHTV10 or visit the following link: [http://www.beverlyhills.org/watchlive/](http://www.beverlyhills.org/watchlive/)
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If you have any additional questions, please contact (310) 285-1014. For more detailed information, please visit [http://www.beverlyhills.org/smoking](http://www.beverlyhills.org/smoking).

In accordance with the Americans with Disabilities Act, Room 280A is wheelchair accessible and is equipped with audio equipment for the hearing impaired. If you need special assistance to attend this meeting, please call the City Manager’s Office at (310) 285-1080 or TTY (310) 285-6881. Please notify the City Manager’s Office at least forty-eight (48) hours prior to the meeting if you require captioning service so that reasonable arrangements can be made.
May 1, 2019

RE: UPDATE REGARDING CITY COUNCIL DISCUSSION ON PROHIBITING THE SALE OF ALL TOBACCO PRODUCTS IN BEVERLY HILLS

The City of Beverly Hills Health and Safety Commission recommendations regarding a potential ban on the sale of all tobacco products in Beverly Hills will be presented to City Council on: TUESDAY, MAY 7, 2019 AT 7:00 PM at the Formal Session meeting. Please note that the meeting time has changed, and was previously scheduled for the 2:30 pm Study Session.

The meeting is located in City Hall at 455 N Rexford Drive, Beverly Hills, 90210 and will be held in the City Council Chambers on the 2nd Floor. The public is welcome to attend the meeting and provide comment on the topic.

If you are interested but unable to attend, you may submit a letter for the public record, please send to the following email address: mayorandcitycouncil@beverlyhills.org.

• Meetings are recorded live and posted online, typically within 3 days after the meeting.
• To view live video during the meeting time shown above, watch BHTV10 or visit the following link: http://www.beverlyhills.org/watchlive/
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  Health and Safety Commission Meetings
  http://beverlyhills.org/living/beverlyhillstelevision/citycommissionmeetings/healthsafetycommission/
  City Council Meetings
  http://www.beverlyhills.org/living/beverlyhillstelevision/citycouncilmeetings/

If you have any questions, please contact (310) 285-1014 or visit www.beverlyhills.org/smoking.

In accordance with the Americans with Disabilities Act, the City Council Chambers are wheelchair accessible and are equipped with audio equipment for the hearing impaired. If you need special assistance to attend this meeting, please call the City Manager’s Office at (310) 285-1080 or TTY (310) 285-6881. Please notify the City Manager’s Office at least forty-eight (48) hours prior to the meeting if you require captioning service so that reasonable arrangements can be made.
Attachment 4
In Favor of a
Cigar Lounge Exemption
Honorable Members of the Health and Safety Commission:

I am writing to you all to address the new proposed ban on prohibiting the sale of tobacco products in Beverly Hills based on the concerns of the dangers of cigarettes and e-cigarettes. Specifically, I would like to strongly recommend that you consider exempting the Grand Havana Room from this potential new legislation.

The Grand Havana does not sell, market or promote cigarettes, e-cigarettes, vaping goods or any flavored tobacco products. In fact, Grand Havana prohibits the use of cigarettes and flavored tobacco products in the club. Grand Havana is a private members-only club that caters only to adults; a club whose members are composed predominantly of Beverly Hills residents. Members use the club as a ‘home away from home’ to escape the everyday stresses of work and life.

Grand Havana is a licensed and regulated business that has been around for almost 25 years; a place where it has hosted some of this century’s most affluent people. A place where new business happens, new companies are formed and new ventures are explored. Personally, Grand Havana has been one of the few places that I can go to to escape some of the hardships of my life. It has been a very welcomed and needed place where I can go and unwind. It has reduced my stress levels which resulted in a healthier me.

One of the greatest things about living in this great country of ours, is that it allows us certain liberties and freedoms that other parts of the world, unfortunately do not. There are not many places in Beverly Hills that allow tax paying citizens the luxury of escaping the often times, stresses of everyday life. Grand Havana is that to many people, they offer an environment that allows its members a place to do such. An environment, that does not affect the general public, in fact, the club itself is not easily recognized by anyone who is not familiar with its location.

For all of the foregoing reasons, I respectfully request that, to the extent the Commission recommends to the City Council a policy that could prohibit the sale of tobacco products in Beverly Hills, it recommends the non-inclusion or exemption of existing, licensed Private Smokers’ Lounges that do not sell cigarettes, e-cigarettes, vaping goods or flavored tobacco products.

Thank you for your consideration.

Sincerely,

Nate Blonde
Beverly Hills Resident
To whom it may concern,

My name is Susan Castillo and I work for Grand Havana Room- Beverly Hills. The proposed ban on the sale of tobacco products in Beverly Hills may have negative consequences that need to be investigated further. I personally have worked at my job for 24 years. The proposed ban could potentially harm the employees of Grand Havana and other companies that sell tobacco. If your reasoning for wanting to ban the sale of tobacco products is for people’s health, you should consider how many employees will lose their jobs and health insurance if this ban is approved. I am supporting 4 people. My family depends on my income. Please be aware of the multiple lives that will be affected by this decision.

Banning the sale of tobacco products will do little to deter people from smoking, yet it could force many businesses to close. It would be very easy to go to the next city over and buy tobacco products there and bring them back to use in Beverly Hills.

Thank you for your consideration.

Susan Castillo
Grand Havana Room
Accounting
Health and Safety Commission  
City of Beverly Hills  
455 N Rexford Drive  
Beverly Hills, California 90210

RE: Proposed Prohibition of the sale of all Tobacco Products in Beverly Hills

Commission Members:

I am writing on behalf of the Grand Havana Room, which is a private lounge in Beverly Hills. I have been a member for the last five years. The Havana Room has been in existence for almost two and a half decades. Over its history, the club has become and remains an indelible part of the fabric of the community in Beverly Hills.

The regulations that were enacted in October 2017 which restrict smoking in virtually all public places and multi-housing units comports with State Law which recognizes private lounges as lawfully permitted areas to smoke. In its entirety, this legislation accurately protects the public from unwanted exposure to smoke and with the exemption of private lounges provides adults with places to smoke without subjecting the public to unwanted smoke.

In contemplation of the new regulation banning the sale of tobacco, I would ask that the commission consider the same exemption for private lounges. The Havana Room does not sell cigarettes, vaping goods, e-cigarettes, only cigars. Cigars are only sold to members or guests of members and does not sell cigars to anyone in the general public.

I believe that an exemption for private lounges in a proposed ban on the sale of tobacco would be fully in keeping with October 2017 regulations that dictate where tobacco products can be consumed in Beverly Hills.

Sincerely,

Todd Sugimoto
February 21, 2019

Health and Safety Commission
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, California 90210

Re: Prohibiting the Sale of all Tobacco Products in Beverly Hills

Honorable Members of the Health & Safety Commission:

We are writing on behalf of our client, the Grand Havana Room, in connection with the Commission's exploration of a potential policy that could prohibit the sale of all tobacco products in Beverly Hills. The Grand Havana Room opened its doors in April 1995, and is one of three Private Smokers' Lounges in Beverly Hills. The Grand Havana Room is an establishment of international repute that has hosted numerous foreign and national dignitaries, including President Bill Clinton. Approximately, two-thirds of the members of the Grand Havana Room live or work in Beverly Hills, and it provides a 'home-away-from-home' for members of New York's Grand Havana Room on their business and personal visits to Southern California.

On behalf of the Grand Havana Room, and on behalf of its many members, as the Commission begins its work we would like to bring to the Commission's attention, and ask that it consider, the differences between Private Smokers' Lounges such as the Grand Havana Room, and general retailers that sell tobacco products.

The Grand Havana Room does not sell, and has no interest in selling, marketing or promoting cigarettes, e-cigarettes, vaping goods, or flavored tobacco products. Unlike those products, premium cigars are handmade products that are primarily produced by family-owned or specialty companies, and are typically enjoyed like fine wines and other specialty items. The Grand Havana Room is a members-only club that caters only to adults.

The mission of the Grand Havana Room is to provide a safe and discrete environment where cigar connoisseurs can purchase and enjoy them without disturbing others, enjoy the camaraderie of those with similar lifestyle interests, and entertain clients and friends. In this regard, Private Smokers' Lounges, such as the Grand Havana Room are wholly different from general retailers and convenience stores that, as an incident of their larger retailing business or other services, sell mass-marketed tobacco products to customers who are indifferent as to where they purchase them or use them.

In light of these material differences, and the important social function that Private Smokers' Lounges provide, regulatory agencies have already recognized that Private Smokers'
Lounges, such as the Grand Havana Room, should be regulated differently than the sellers of cigarettes, and other places of public accommodation, such as restaurants.

For all of the foregoing reasons, we respectfully request that, to the extent the Commission recommends to the City Council a policy that could prohibit the sale of tobacco products in Beverly Hills, it recommend the non-inclusion or exemption of existing, licensed, Private Smokers' Lounges that do not sell cigarettes, e-cigarettes, vaping goods, or flavored tobacco products.

Thank you for your consideration.

Sincerely,

[Signature]

Allan J. Abshez
Partner

cc: Logan Phillippo, Policy and Management Analyst
2/27/2019

Hi my name is Hope Saldivar I work for The Grand Havana Room Beverly Hills. I have been working here for 5 years and if The Grand Havana Room, Beverly Hills would close down due to the ban of tobacco sales. I would have no means of any income or my excellent health care insurance. And I have had a lot of health issues. My children and grandchildren and my elderly parents depend on my income. I am the only person at this moment that is bringing in enough income to support my family. I truly need my job and my health insurance.

Hope Saldivar
Accounting Department
Grand Havana Room, Beverly Hills
March 4, 2019

City of Beverly Hills
City Council

Dear Honorable Council Members

My name is Richard Morita, and I am an employee of the Grand Havana Room in Beverly Hills and Stanley Shuster. I have been employed by Mr. Shuster for 22 years, meaning I have spent over half my working life with Grand Havana Room. If you ban the selling of cigars in the city, Grand Havana Room will cease to exist as a location for upscale cigar smokers. This will cause my colleagues and I to become unemployed, and at my age, unable to find suitable new employment. I am currently helping to support 2 of my 3 grown children, and all 3 of my grandkids. Two of those grandchildren will begin college in the fall of 2020.

I understand the need to curb smoking in general; however I fail to see how stopping cigar sales in a private tobacco bar will help to facilitate smoking cessation. Grand Havana Room is not open to the general public, only to members and their invited guests. Perhaps the smoking ban could pertain to the selling of tobacco products to the general public.

Thank you for your time and service.

Sincerely,

Richard T. Morita
Employee of Grand Havana Room-Beverly Hills
301 N. Canon Dr. Ste 215
Beverly Hills CA 90210
DATE: March 5, 2019
TO: Health and Safety Commission - City of Beverly Hills
FROM: DRA
RE: Threatened Prohibition on the Sale of Tobacco Products
VIA: Email - MayorandCityCouncil@beverlyhills.org

As a former resident of Beverly Hills, I am deeply concerned about an apparent proposal by your Commission to recommend that the City adopt a policy to prohibit the sale of all tobacco products within the City of Beverly Hills. While I understand the overwhelming public concern surrounding cigarette smoking, and smoking devices such as e-cigarettes and vaping products, I have personal concerns about the over-reach of such a policy specifically as it would impact the private, members only establishment called the Grand Havana Room ("GHR"), located at a discrete off street location on Canon Drive, of which I have been a member for the better part of two decades.

In particular, the GHR has been a globally recognized Beverly Hills landmark for 24 years. It enjoys an incredible and respected reputation, as well as a loyal following amongst its members and their guests. Over the years that I have been a member, the GHR has been a frequent venue for a variety of charitable fund raising events for local based charities, as well as a broad spectrum of candidates for public office not only for Beverly Hills city offices, but state, City of Los Angeles and federal candidates for office as well. It is a meeting place for Beverly Hills-based business executives and their guests, many of which are frequent visitors to the city from not only other parts of the US, but international locations as well.

GHR enjoys a membership that includes current and retired public servants, professional athletes, lawyers, bankers, school teachers, physicians, bankers and real estate professionals - many of whom live and work within the City of Beverly Hills. The GHR actively promotes diversity amongst its members (all of whom must be age 21 or older) as well as its staff, several of which have been employed for the better part of 20 years.

To my knowledge, GHR does not sell cigarettes. Its limited tobacco products offered for sale solely to members consist mainly of premium cigars that are hand made and, in large part, made by specialty and family owned companies. There is no public access allowed to the GHR.

As an attorney, I am generally aware the there are substantial differences between typical public retail establishments that sell cigarettes and other products that your Commission believes should be banned and private, members-only establishments are regulated very differently than public
retailers. Threatening to prohibit the sale of all tobacco products without an appropriate exclusion for establishments such as GHR is out of synch with not only comparable policies in other jurisdictions, it would have an immediate material detrimental economic impact on the GHR, its members, their guests and GHR’s employee staff who would all be in danger of losing a very special meeting place and place of employment within the City of Beverly Hills.

Therefore, I respectfully request that if you are going to take action to recommend that the City Council adopt a measure to prohibit the sale of tobacco products within the City of Beverly Hills, which most assuredly will create a negative economic impact on a lot of retail businesses within the City, that you carve out non-public, members only private establishments that do not sell cigarettes and products such as e-cigarettes, vape pens and/or flavored tobacco products.

Respectfully,

[Signature]

David R. Altshuler

DRA:sp
March 5, 2019

Health and Safety Commission  
City of Beverly Hills  
455 N. Rexford Drive  
Beverly Hills, CA 90210  
Via email to mayoran.citycouncil@beverlyhills.org

Re: Proposed Prohibition of Sale of all Tobacco Products in Beverly Hills

Dear Members and Staff of the Health and Safety Commission:

I am writing in connection with your proposed prohibition of the sale of all Tobacco Products in Beverly Hills.

I live and operate my business in Beverly Hills (where I have lived for most of my life and operated my business for most of my adult life). I quit smoking cigarettes years ago and frankly I am quite pleased that non-smokers can dine at any public restaurant in Beverly Hills without being bothered by diners who are smoking in a different section of the restaurant, however your proposed prohibition would be significantly different if it were applied to private cigar clubs.

I am a decades-long patron of the Grand Havana Room, where I occasionally enjoy a fine cigar with like-minded friends and business associates. Over the years I have enjoyed the company of people from all walks of life including ambassadors and other political dignitaries, professionals (including doctors), business and entertainment and other industry professionals and even my wife joins us from time to time. It’s a place where important business is conducted and close friendships are struck and maintained.

There are many significant differences between the sale of cigarettes to the general public at a grocery or drug store, and the sale of high-end cigars to members of the Grand Havana Room (which does not sell to the general public and does not sell cigarettes or e-cigarettes at all). I am concerned that if a blanket prohibition on the sale of all tobacco is blanketly imposed (without an exception for private cigar clubs) it will drive the Grand Havana Room out of business (or out of Beverly Hills).

I urge you to exclude private cigar clubs, like the Grand Havana Room, from your proposed prohibition on the sale of tobacco products in Beverly Hills. Thank you in advance for your consideration.

Respectfully,

Emerson Glazer
Re: Grand Havana Room.

I am Richard J. Shemin, M.D., the Robert and Kelly Day Professor and Chairman of Cardiac Surgery at UCLA. I am a member of the Grand Havana Room (GHR). I come to the GHR several times a week to relax and enjoy a cigar.

The Grand Havana Room is a unique club. It is a social club where the members enjoy a cigar together. It is designed to not impact the environment or infringe on the smoke free public areas in Beverly Hills. It provides employment to many individuals (some for over 15 years). In addition, our members support a local restaurant.

The members are there to have a meal together, enjoy sports on TV and attend special events (such as a jazz band, etc.).

The club owners have been responsible Beverly Hills citizens for decades. The members are responsible leaders in government, medicine, the financial and movie industry.

We sincerely hope the club can continue to operate and provide its unique membership the benefits and environment they have enjoyed for years.

I personally hope an appropriate compromise can be reached to allow the Grand Havana Room to operate.

I reiterate, at the end of a busy doing cardiac surgery, I go to the Grand Havana Room to relax and enjoy the company of friends.

I am always available to discuss its future.

Sincerely,

Richard J. Shemin, MD

Richard J. Shemin, M.D.
Robert and Kelly Day Professor & Chief Cardiothoracic Surgery
David Geffen UCLA School of Medicine
Executive Vice Chairman of Surgery
Co Director of the Cardiovascular Center
UCLA Ronald Reagan Medical Center
I am writing you with respect to the potential prohibition of the sale of all tobacco products in Beverly Hills. I am a life-long resident of the City of Beverly Hills, having attended Beverly Hills Presbyterian Pre-School, Hawthorne Elementary and Beverly Hills High School. I currently live in the City of Beverly Hills, as do my parents, my siblings, my grandmother and various other family members. I respectfully request that, to the extent you are considering a policy that prohibits the sale of tobacco products in Beverly Hills, private smoker lounges, such as the Grand Havana Room in Beverly Hills, be exempted from that regulation. I have been a member of the Grand Havana Room for a number of years and I use it primarily to entertain business associates. I enjoy spending as much time in the City of Beverly Hills as possible, particularly at the Grand Havana Room. The Grand Havana Room does not sell or promote cigarettes or the like. Thank you.

Kamyar Shabani
Optimus Properties, LLC
1801 Century Park East, Suite 2100
Los Angeles, California 90067
(310) 203-8991; (310) 432-5541 (facsimile)
www.optimuspropertiesllc.com
To: Honorable Members of the Health & Safety Commission:

I write this letter in support of The Grand Havana Room’s request that it be excluded or exempt from any regulations this Commission may recommend to City Council, in connection with the Commission’s exploration of a potential policy that could prohibit the sale of all tobacco products in Beverly Hills.

The Grand Havana Room is a well-known and highly respectable establishment in Beverly Hills. Since opening its doors in 1995, it has become a landmark in Beverly Hills. Approximately, two-thirds of the members of the Grand Havana Room live or work in Beverly Hills, and it provides a ‘home-away-from-home’ for its members.

On behalf of the Grand Havana Room, as the Commission begins its work, I would like to bring to the Commission’s attention, and ask that it consider, the differences between Private Smokers' Lounges such as the Grand Havana Room, and general retailers that sell tobacco products. The difference is huge and should be seriously considered as the Commission explores potential policies and regulations.

The Grand Havana Room does not sell, and has no interest in selling, marketing or promoting cigarettes, e-cigarettes, vaping goods, or flavored tobacco products. Unlike those products, premium cigars are handmade products that are primarily produced by family-owned or specialty companies, and are typically enjoyed like fine wines and other specialty items. The Grand Havana Room is a members-only club that caters only to adults. The Grand Havana Room is wholly different from general retailers and convenience stores that, as an incident of their larger retailing business or other services, sell mass-marketed tobacco products to customers who are indifferent as to where they purchase them or use them.

In light of these material differences, and the important social function that the Grand Havana Room provides, it is imperative that you make sure the Grand Havana Room, a private club with no interest in selling, marketing or promoting cigarettes, e-cigarettes, vaping goods, or flavored tobacco products be regulated differently than the sellers of cigarettes, and other places of public accommodation, such as restaurants.

For all of the foregoing reasons, I respectfully request that, to the extent the Commission recommends to the City Council a policy that could prohibit the sale of tobacco products in Beverly Hills, it also recommends the non-inclusion or exemption of existing, licensed, Private Smokers’ Lounges that do not sell cigarettes, e-cigarettes, vaping goods, or flavored tobacco products.

Thank you for your consideration.

Sincerely;

Jack H. Chammas, Managing Attorney
Chammas Law Office, APLC
Tel: (213) 250-4400
Fax: (213) 250-4468
Web: www.chammaslaw.com
Although we are not members of the Grand Havana Room, we have been fortunate to accompany members there many times. For the last twenty plus years, we have had the pleasure of attending parties and enjoying friend's company in this very warm and welcoming atmosphere. We have been residents of Beverly Hills since 1984, and love our city very much.

We are writing to you to voice our opinion on the possible prohibition of the sale of tobacco products in Beverly Hills. We would like to suggest that the Grand Havana Room not be impacted by this possible rule. The purpose of this private club is not to sell cigarettes or the multitude of items such as e-cigarettes, flavored vaping products, etc. The Grand Havana Room is a restaurant who allows cigar smoking on their premises for their adult members and their guests. We look forward to enjoying the Grand Havana Room in Beverly Hills. Thank you for taking the time to read our letter.

Sincerely,

Sally and Michael Warner
Dear Mayor and City Council Members:

I have been a member of the Grand Havana Room since approximately 1995. Please accept this email as a request that if the City of Beverly Hills prohibits the sale of tobacco products, that the GHR be exempt.

Thank you.

Clifford H. Pearson
Pearson | Simon ■ Warshaw, LLP
15165 Ventura Blvd., Suite 400
Sherman Oaks, CA 91403
cpearson@pslaw.com
(818) 205-2800 Direct
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Dear Mayor & City Council:

I am a life long resident of Beverly Hills, and have two children currently in the BHUSD. I am NOT a member of the Grand Havana Room, but have had many business meetings at the establishment. This is an iconic cigar lounge, and recognized world wide. I am not a smoker, but enjoy visiting the club very much. It would be a travesty for the City of Beverly Hills to close the club. I am in favor of granting the Grand Havana Room an exemption to continue its tradition in our city.

Sincerely,

Philip Krevoy
Dear Commission,

I am deeply saddened to learn that the City and its leadership have set on this path. Tobacco is not the enemy. Premium Cigars aren’t the vehicle youth are seeking to experiment or experience. The culture of premium cigars is a tightly wound community of enthusiasts. You don’t ever hear a 12 years old sneaking a cigar from his old mans humidor to share with classmates behind the school. I find it hypocritical to target something that has the least effect on both the city and its constituents. I believe there is a public record put out by the Beverly Hills Police Department annually that indicates the types of crimes committed within the city. Tobacco wasn’t on that list in 2018, but what was, was multiple DUI’s including four fatalities, Alcohol related domestic violence, underage possession of alcohol, drunk and disorderly complaints. If the City is going to prohibit something that has a grave effect on youth and its community it should limit alcohol. But we both know that would never happen. Tourism would tank and you’d have more lawsuits than the city has money to defend.

What I would like to see is an exemption of Premium Cigars Baring in mind that Cigar are NOT cigarettes. They are NOT machine made my definition. They don’t contain any of the byproducts. The White Owl days of 1950’s are long gone. Premium Cigars like those sold at Nazareth and Grand Havana Room are made by hand, they’re expensive. They’re not available to anyone under 21. In all reality, I don’t think you’d find anyone under 25 in a cigar shop in Beverly Hills or anywhere else for that fact. But the fact is that creating a prohibition of this nature won’t really stop youth from acquiring vape or ecigs from online retailers, or from locations outside of beverly hills, it will although effect the closure of iconic tobacco shops and lounges, it will displace those business owners and likely bankrupt them, it will have a direct effect on tourism and it will likely cause lawsuits and unnecessary expense to the city.

I vote NO. Exempt Premium Cigars if anything, or exempt the shops and lounges that presently exist.

Best Regards,

PAT POTTER
Managing Director

2325 Wilshire Blvd. Suite 207
Santa Monica, Ca 90403
+ 1 310 393 3100

150 Fifth Avenue, PH
Pelham, NY 10508
+ 1 212 810 2119
To the Beverly Hills Health & Safety Commission
c/o the Mayor and City Council

In regards to the discussion about prohibiting the sale of tobacco within the city of Beverly Hills, I would like to say a few words about the Grand Havana Room and why it should be exempt. Having been a member for nearly 25 years, I have come to know the club as an important meeting place for businessmen and women and friends alike and it has become a well-known and beloved club throughout the world. In just the past few months, I have entertained clients there from Nashville, Florida, Germany, UK, and Australia. My college from Australia said it was on his bucket list to come to the famous Grand Havana Room in Beverly Hills.

I feel it’s important that the Grand Havana Room be allowed to keep it’s tradition alive and be exempt from this proposed ban. It’s a private club that does not sell cigarettes or e-cigerattes and is not available to the general public (you must be a member or guest of a member) or anyone under the age of 21. I have sat in the club with the likes of Muhammad Ali, Sylvester Stallone, and Bill Clinton as well as countless film, TV and music executives and producers. It has become an institution here in Beverly Hills and I feel taking away the character of it makes it a less desirable place for others to come and do business.

For more information about my background, please see the attached bio.

Sincerely,
Andy Gould
CEO of Spectacle Entertainment Group
From: David Park  
Sent: Tuesday, March 5, 2019 8:14 PM  
To: WebCBH MAYORANDCITYCOUNCIL  
Cc: stan@grandhavana.com  
Subject: HEALTH & SAFETY COMMISSION / GRAND HAVANA ROOM

Honorable Members of the Health & Safety Commission:

My name is David Park and I am senior partner at United Talent Agency (UTA) in Beverly Hills where I have worked for over 23 years in good standing. I am writing on behalf of the Grand Havana Room in Beverly Hills, a private cigar club for which I have been a member for over 18 years. It has come to my attention that the City of Beverly Hills is exploring a potential policy that could prohibit the sale of all tobacco products in Beverly Hills, which if passed, could negatively affect the Grand Havana Room’s business operations tremendously.

The Grand Havana Room has singularly been the central social and business hub for me and a number of my friends for almost two decades. It is where I go multiple times a week to conduct business with clients and executives in privacy, enjoy a social night out with drinks or dinner between friends, and generally relax and enjoy a nice cigar at the end of a long day. Many of my actor, writer, and director clients have enjoyed the hospitality of the Grand Havana Room with me and share my enthusiasm for the club’s incredibly amazing environment the Grand Havana Room is not just a club to me, it’s my true second office and home away from home. I am an avid cigar smoker and aficionado, and it’s the rare combination of being able to enjoy a fine cigar in such a unique haven with other like minded enthusiasts that truly makes me appreciate being a member and working in Beverly Hills. Only in this great town have I been able to both freely work hard in the industry I love while simultaneously pursuing my cigar passion responsibly with distinction.

It is with all of this in mind that I respectfully request that the City Council exempts the Grand Havana Room from any anti-tobacco policy it is currently considering. The Grand Havana Room is not a convenience store open to the public selling cigarettes, but a private members-only club that carries the finest high-end cigars that cater directly to local cigar enthusiasts like me. I personally can’t imagine life in Beverly Hills without the Grand Havana Room, and truly hope that I never have to.

Please don’t hesitate to contact me directly if you have any questions or would like any more information from me.

Sincerely,

David Park

David Park  
Partner / Agent  
UNITED TALENT AGENCY  
9336 Civic Center Drive  
Beverly Hills, CA 90210

[Signature]

[Logo]
Dear Mayor and City Council Members,

My name is Darrel Casalino and I am the owner of Sleeping Tiger Films which specializes in film finance and production.

I have been going to the Grand Havana Room since 2001.

It is currently 2019 and it is fair to say that I go to the club on a nearly daily basis.

On some days I decide to sit by myself and enjoy a fine cigar.

On other days I spend time with countless friends that I have met at the club.

Being a member of the Havana Room is like being a member of an exclusive country club.

I would hope that the city of Beverly Hills does not view the Havana Room in the same vein as a retail location that sells cigarettes and the like.

If the City decides to ban establishments that sell cigarettes and the like, I hope that they realize that the Havana Room is a private club and does not promote the sale of tobacco products to the public.

Sincerely,

Darrel Casalino
To whom it may concern;

We recently found out about the proposed new ordinance to ban the sale of tobacco products in Beverly Hills. While we support the concept of the new ordinance, we don’t feel a well-established business that has been in Beverly Hills for over the last 20 years supporting the community should be forced to close its doors because of it. The Grand Havana club is a member’s only club that provides a gathering place for people to have dinner, enjoy their friends and partake in an occasion cigar. Its business model does not promote cigarettes or other types of products including e-cigarettes or flavored vaping products. The membership opportunity applies to adults only.

We are not current members of the club but over the last 20 years we have been invited to and attended several social gathering there. The staff was very professional and the club has a very welcoming atmosphere. We have been residents of Beverly Hills since 1986. We appreciate being a part of this community. We feel that the Grand Havana club should be exempt from this proposed ordinance if it goes into effect.

We look forward to sharing my more social occasions, with our friends, at the Grand Havana club in the future. We thank you for taking the time to read our letter.

Sincerely,

Vickie and Fred Kaplan
March 6, 2019

Health & Safety Commission

City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, California 90210

RE: Prohibiting the Sale of all Tobacco Products in Beverly Hills

Honorable Members of the Health & Safety Commission:

As a Member of the Grand Havana Room ("GHR") for nearly 2 decades, I have been informed of an initiative under consideration regarding the sale of tobacco products in Beverly Hills.

I understand this idea is currently being evaluated. I live in Westlake Village and conduct business on the Westside, primarily in Beverly Hills, at least 2 to 3 times each week. I am a member of GHR because, among other considerations, the fact that in addition to the convenience of being able to purchase cigars if needed, and more importantly provide the opportunity for my guests to purchase cigars while at GHR, has been an important part of how I do business.

I am sure you know that people who buy cigars at GHR smoke them there, as opposed to people buying cigars (or other tobacco products). As you know, too, GHR is a premier world-recognized private club, so only members and their guests are permitted in the club, and guests only when members are present. It would be unfortunate if this was not allowed.

On behalf of myself, the founder of GHR and all members, I request that if some type of regulation is ultimately decided upon, it will exclude or 'grandfather' GHR from being impacted by such a determination.

Thank you.

Respectfully,

Lee Appleby
Honorable Members of the Health & Safety Commission:

As a private member of the Grand Havana Room and a business owner in Beverly Hills, I am writing to express my concern regarding the proposal to prohibit the sale of tobacco in Beverly Hills and how it would affect the Grand Havana Room.

GHR does not sell or market cigarettes, e-cigarettes, vaping goods or flavored tobacco. They do sell premium cigars to their private members and not openly to the public. As a member of GHR for many years, I highly value the environment created by GHR to enjoy the camaraderie of others and to entertain clients and friends in a comfortable and discrete environment.

To enable the Grand Havana Room to continue its long tradition of grand hospitality in Beverly Hills, I respectfully request that the City exempt private smokers' lounges, such as the GHR, from the proposed ban on selling tobacco products.

I am unable to attend the meeting on March 25, 2019 but sincerely hope that this written appeal will be taken into consideration as a patron of the Grand Havana Room and a business owner in Beverly Hills. Thank you for your time and consideration.

Sincerely,

Andrew Brandon-Gordon
Owner, Nerano Beverly Hills
March 6, 2019

RE: Proposed Tobacco Ban in Beverly Hills

To whom it may concern,

As a member of the community and owner of multiple buildings in the golden triangle of Beverly Hills, I would like to request the city of Beverly Hills exempt existing, licensed, Private Smokers’ Lounges — such as the Grand Havana Room. While I support the concept of the new ordinance, I do not feel a well-established business that has been supporting the community for over 25 years should be forced to close its doors because of it.

The Grand Havana club is a member’s only club, not a retailer. It provides a safe and discrete environment for members and their guest to have dinner, conduct business meetings, and partake in an occasion cigar without disturbing others. The Grand Havana Room sells only premium cigars, which are handmade products that are primarily produced by family-owned or specialty companies. They are typically enjoyed like fine wines and other specialty items. Its business model does not promote cigarettes or other types of products including e-cigarettes or flavored vaping products and therefore it should fall within the criteria for the exemption.

Thank you for your time and consideration.

Sincerely,

Paul Daneshrad

CEO
March 06, 2019

Health and Safety Commission
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 01210

Re: Prohibiting the Sale of all Tobacco Products in Beverly Hills

Honorable Members of the Health and Safety Commission:

I am writing to you as a 20-plus year member of the Grand Havana Room, in connection with the Commission’s exploration of a potential policy to prohibit the sale of all tobacco products in Beverly Hills.

I am deeply concerned that the Commission understands the difference between a Private Smokers’ Lounge, such as The Grand Havana Room, from general retailers or public venues that sell tobacco.

The Grand Havana Room does not sell, market or promote cigarettes, e-cigarettes, vaping goods or flavored tobacco products. The cigar products it sells are high-end premium products, primarily produced by specialty companies, and are enjoyed by myself, my guests and other Club members, just as we enjoy the fine food, wine and camaraderie the Club provides.

As a members-only Club, The Grand Havana Room provides a safe, private and discreet place for adults to socialize. It is vastly different from other places of public accommodation, so it should be regulated differently from these other venues.

The Grand Havana Room functions as an important part of my social life, while it expresses the best of what Beverly Hills is and should be. It would be a terrible mistake to lump it into the same category of other dining venues and tobacco resellers.

As such, I respectfully request the Commission to recommend either a non-inclusion or exemption of Private Smoker’s Lounges, such as The Grand Havana Room, that do not sell cigarettes, e-cigarettes, vaping goods or flavored tobacco products, in the event the Commission recommends to the City Council a tobacco prohibition policy.

Sincerely,

Seth Krugliak, GHR Member
March 6, 2019

Health and Safety Commission
City of Beverly Hills
455 N, Rexford Drive
Beverly Hills, CA 90210

Re. Prohibiting the Sale of all Tobacco Products in Beverly Hills

Honorable Members of the Health and Safety Commission:

I was informed that you are exploring and considering a recommendation to the City Council to ban the sale of all tobacco products in Beverly Hills. This recommendation will impact the Grand Havana Room.

I have frequented the Grand Havana Room since its opening in 1995 and have been a member for approximately 10 years. I am a pastor and the former owner's representative and general counsel of the Fabulous Forum in Inglewood which I sold to New York's Madison Square Garden in 2012.

In a professional capacity, I have conducted discrete meetings in the privacy of the Grand Havana Room with fellow premium cigar aficionados; the success of those meetings contributed to the change of the entertainment landscape of Southern California. I have fond memories discussing the sale of the Forum in the privacy of the club.

As you will discover, the Grand Havana Room is world-renown-its privacy legendary. In fact, the only reason President Obama didn't stop by on one of his trips while president, was because the club didn't have a pool table. The president appreciated the Private Smoker's Lounge brand that Mr. Shuster built here in Beverly Hills and in New York.

It is my personal desire to remain a patron of the Grand Havana Room and to continue to bring patrons from all around the world into Beverly Hills to enjoy the private lounge as I have for so very long. Toward that end, I ask that any recommendation to the Council distinguish and exempt Private Smoker's Lounges such as the Grand Havana Room from any ban on tobacco sales.

Should you require testimony from me before the City Council, I will remain available.

Regards,

Pastor Marc T Little
General Counsel
March 6, 2019

Health and Safety Commission  
City of Beverly Hills  
455 N. Rexford Drive  
Beverly Hills, California 90210

RE: Prohibiting the Sale of all Tobacco Products in Beverly Hills

Exemplary Members of the Health & Safety Commission:

Although we are not members of the Grand Havana Room, we have been lucky to be invited there many times. Over the last twenty plus years, we have had the pleasure of attending parties and enjoying friend’s company in this very warm atmosphere. We have been residents of Beverly Hills since 1983 and love our city very much.

We are writing to you because of the possible prohibition of the sale of tobacco products in Beverly Hills. We would like the Grand Havana Room not to be impacted by this possible rule. The purpose of this private club is not to sell cigarettes or the multitude of items such as e-cigarettes, flavored vaping products, etc. The Grand Havana Room is a private club who allows cigar smoking on their premises for their adult members and their guests.

We would like to continue having fun at the Grand Havana Room in Beverly Hills. Thank you for your valuable time and reading our letter.

Sincerely,

[Signature]

Charlotte and Daniel Skura
March 6, 2019

Health and Safety Commission
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, California 90210

RE: Prohibiting the Sale of all Tobacco Products in Beverly Hills

Dearest Members of the Health & Safety Commission:

I have been lucky to be invited to the Grand Havana Room many times. Over the last eight plus years, I have had the pleasure of attending parties and enjoying friends' company at the Grand Havana Room. I have been a resident of Beverly Hills for many years and love our city very much.

I am writing to you because of the possible prohibition of the sale of tobacco products in Beverly Hills. I would like the Grand Havana Room not to be impacted by this possible rule. The purpose of this private club is not to sell cigarettes or the multitude of items such as e-cigarettes, flavored vaping products, etc. The Grand Havana Room is a private club who allows cigar smoking on their premises for their adult members and their guests.

It would be a pleasure to continue enjoying the Grand Havana Room in Beverly Hills. I appreciate your valuable time and thank you for reading my letter.

Kindest regards,

David Skura
Hi my name is Bob Teitel and I have been a member of the Grand Havana Room for 14 yrs now.

I truly treasure my membership there and throughout the years the friendships that I have made and this place being a home away from home has been priceless. As I work and live near by I see this as my second home.

Thru the years I have held several events for guests and have even hosted a fundraiser for the former Governor of ILLINOIS Pat Quinn.

For the record I would like to date that GHR does not sell or promote and e-cigarettes products or does have any member use those products. It's just a private club with like minded people like myself who like to congregate and enjoy one another's company.

Please do consider not putting GHR in the same category as the e-cigarettes law and possibly see this amazing institution close its doors.

Thank you
Bob Teitel

Sent from my iPhone
March 25, 2019

To: City of Beverly Hills Health & Safety Comm.

My name is Yossi Lev and I have lived in the Truesdale Estates for over 20 years.

I have been a member at the Grand Havana club since 2001. The Grand Havana club is a place where I can go at the end of a hard day and enjoy a meal, a drink and a cigar in privacy. I enjoy these things with different members of the club and I have made long lasting friendships with them over the years. I ask that you keep the law the way it is and not put a ban on cigar lounges that offer a service that many enjoy. There are no other public places in the city limits where you are allowed to do this.

Thank you,

Yossi Lev
March 6, 2019

Members of the Health and Safety Commission
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210

Members of the Health and Safety Commission:

My name is Kye Hellmers and I am writing with respect the Commission’s on-going policy discussion to prohibit the sale of all tobacco products in the City of Beverly Hills.

While I fully understand and appreciate the public policy goals being explored by the Commission, I strongly recommend that an exemption from any final policy be allowed for existing, private, non-public lounges or clubs.

Specifically, I have been a member of the Grand Havana Room in Beverly Hills for over 20 years. This is a private Club that is not open to the general public and restricts its members and guests to adults. The Grand Havana Room sells premium cigars but does not sell cigarettes, e-cigarettes, vaping products or flavored tobacco. The purpose of the Grand Havana Room is to provide an environment where like-minded individuals can meet, relax, engage in conversation, conduct business and entertain friends. As such, I believe it offers a great value its members, guests and the City of Beverly Hills.

It is also clear that the Grand Havana Room operates in stark contrast to those general retail establishments which offer cigarettes and related tobacco products to the general public. For this reason, too, an exemption from the pending policy seems appropriate.

I very much appreciate the opportunity to submit my views for your consideration and please contact me directly at: [if you would like to speak to me directly]

Thank you.

Sincerely,

Kye Hellmers
Principal
Hellmers Consulting
www.HellmersConsulting.com
Mayor and Members of the Health and Safety Commission:

I wholeheartedly support your decision to remove e-cigarettes, cigarettes and vaping from the shelves of Beverly Hills due to the risk to children but please don’t throw the baby out with the bath water. The Grand Havana Room is a private institution that caters only to adults and also only sells premium cigars in a completely private setting (no store front or ability for children to enter and purchase). The club has been a fixture in the community for almost 25 years. The club serves as a catalyst for many locals to connect and as a long time member I ask you to consider exempting this business given the zero risk to children and the club's commitment to NEVER sell any form of cigarettes, e-cigarettes and vaping materials in the club. This institution is a treasure and a globally recognized brand that should be preserved and not negatively impacted by what is in fact a good new law for the city of Beverly Hills. Thanks for hearing me and for making the right choice here.

Respectfully,

Kyle Theodore, CFA
From: Avi Korein  
Sent: Wednesday, March 6, 2019 10:21 AM  
To: WebCBH MAYORANDCITYCOUNCIL  
Cc: stan@grandhavana.com  
Subject: Grand Havana Room

Dear mayor and/or council member,

I trust this email finds you well.

As you can see from the addresses below, our head office is in Beverly Hills. I have had our headquarters in Beverly Hills for many years (since 1996).

I have also been one of the original members of the Grand Havana Room (GHR) since 1995. In our work as a security firm to many high net worth and or high profile clients, we often experience the lack of privacy, photographers, autograph seekers and other elements that occur in public establishments.

Ever since I, and many of our clients, have joined the GHR, we are able to spend quality time in Beverly Hills, and enjoy the privacy of the club, the adults only sophisticated atmosphere, and the privacy rules that GHR is known for.

It is clear to all of us that GHR is an oasis, and the cigars and other tobacco products are to remain within the premises and are to never be taken outside.

As a business owner in Beverly Hills, I believe the GHR is an addition to the uniqueness and attractiveness of our city, and contributes to our local businesses and economy. All while never interrupting any of the neighbors or visitors to our city.

I hope you can see the long-time value that GHR has brought to our city and allow it to continue and operate in its current, and always high standards, form.

I’d be happy to answer any questions or testify in person if requested.

With thanks,

Regards,

Avi Korein

S.I.S.S Ltd.
www.sissltd.com

9300 Wilshire Blvd. Suite 450
Beverly Hills CA 90212
+1 310-274-3740
Hello,

My name is Tarek Kutrieh and I am a friend of Beverly Hills. While I am not a resident of the City, I have a number of business interests that bring me to the City on a regular basis. I have regular meetings with The Gores Group and the law firm of Kanin Soffer, my dentist and doctor are both located in the City, my favorite restaurant is Mastro's, and my wife loves to shop at the various stores in the Golden Triangle. However, by far the most important activity that brings me to the City is the Grand Havana Room (GHR).

I have been a member of GHR for 5 years and it is a wonderful part of my social and business life. I have regular business meetings and dinners at the Club. My wife had her 40th birthday on the patio at the club. I have made new friends and keep in touch with old friends at GHR. Not a week goes by when I do not enjoy the social atmosphere of the Club.

As you can imagine, I was quite concerned when I recently learned of the proposed legislation to ban the sale of tobacco in the City of Beverly Hills. I want to share my deep concern at the negative impact this proposed legislation could have on GHR. Obviously a cigar club would be seriously hurt if the sale of tobacco were to apply. While I understand the desire to reduce the sale of highly addictive cigarettes or the sale of tobacco to minors, the sale of premium cigars in a private club environment is clearly a different situation. I hope that the Commission will see this difference and ensure that any potential legislation does not negatively affect GHR.

I would be happy to discuss this topic if helpful. Feel free to reach out to me at stan@grandhavana.com.

Regards,

Tarek Kutrieh
To Whom It May Concern,

I have been the closing manager of the Grand Havana Room five nights a week for the past seventeen years. In fact, I moved to Los Angeles in June of 2002 and I began my employment at the GHR that very same month. It is the only job I have ever known here. I don’t know what I would do without the job. I have grown into it and now consider myself an ambassador to this very special place.

Ten years ago I purchased a condo and this job has been my sole income to pay the mortgage. The condo fairly represents how I keep my lifelong girlfriend and all our dogs and cats safe and sound. This job, the only job I’ve ever truly loved, keeps us in that condo. Without this job I would surely lose the modest yet agreeable life we’ve carved out for ourselves.

The members of the club have become like family to me, as well as to each other. It is a safe gathering place for people of all stripes, where we can enjoy the Lakers and the Rams and the Kings and Clippers on the TVs during their respective seasons. It would be such a negative life-changer for all of us, to lose this iconic spot in the heart of Beverly Hills.

I hope to work here, and enjoy here, for many years to come. Thank you for your consideration.

Sincerely,

David JD Fryberger
Honorable Members of the Health and Safety Commission:

Please allow this communiqué to serve as a humble request and petition for The Grand Havana Room ("GHR") to be exempt from a potential policy that would prohibit the sale of Tobacco products in City of Beverly Hills.

For thousands of years a coveted brotherhood and exchange of ideas has mutually flowed through sharing of organic unfiltered tobacco, i.e. cigars and pipes. Today that tradition lives on at the Grand Havana Room and the establishment offers a unique and private oasis for responsible adult enthusiasts. Without careful examination and only a cursory understanding of GHR one might think it is simply a purveyor of tobacco products. GHR does not and will not sell or distribute cigarettes, e-cigarettes, vaping goods, etc. and only sells cigars. GHR provides a safe self-contained setting as a destination to many of those who partake in a great meal, conversation, a glass of wine and a cigar. On its second floor above Via Alloro the venue is completely out of the public eye as are the aromas that emanate.

I plead with the Commission to carve out an exemption for GHR as it is the last bastion for cigar enthusiasts to enjoy an atmosphere that is so coveted among its esteemed Membership base. Beverly Hills has always been known for its exclusiveness and prestige and GHR epitomizes this. It is venues like GHR that make Beverly Hills unique and distinctive. I pray that a broad stroke policy doesn’t destroy the very essence of City’s grand reputation.

Moreover, I trust that the Commission will closely review and exempt GHR from a broad stroke policy. I am always at the Commission’s convenience to shed further details on this delicate situation.

Yours Truly,

Marcos M. De Mattos
Principal

2021 N. Lincoln St. Burbank, CA 91504

www.cinemills.com
March 7, 2019

Dear Mayor Gold,

It has come to our attention that the sale of tobacco may soon be further restricted within the Beverly Hills city limits. While we see value in keeping cigarettes, vapes and other tobacco products out of the hands of minors, we do have a very significant concern with the unnecessarily broad and impactful reach of this legislation.

Specifically, it is disturbing that the city is attempting to use this new law to stop the very popular Grand Havana Room from selling tobacco and/or allowing the club’s members to enjoy such products on their premise. This institution is a gathering place for adults to socialize and enjoy their select smoke items. The members are a group of private and respectful connoisseurs. Notably, in all these years, we have no recollection of the club’s actions impacting or disturbing the public in any way.

We are not members of the Grand Havana Room but have had the opportunity many times to be guests of members. It is such a relaxing atmosphere and it allows us to smoke our tobacco products in a happy, social environment without hiding behind our building or smoking alone. We hope that The Grand Havana Room will not be affected by this new law.

Respectfully,

Kenneth and Elle Guarino
March 7, 2019

City of Beverly Hills
Mayor Julian A. Gold, M.D.
Members of the City Council
455 Rexford Drive
Beverly Hills, CA 90210

Also delivered by Email to mayorandcitycouncil@beverlyhills.org

Re: Proposed Ordinance Prohibiting Sale of all Tobacco Products within City of Beverly Hills

Dear Honorable Mayor Gold and Distinguished Members of the City Council:

I am writing this letter, not in any representative capacity of the Grand Havana Room, but rather as a proud member of that establishment, which I know to be the finest existing sanctuary for the pleasure of smoking a great cigar, within the company of both interesting and engaging like-minded adults. I have been a member for nearly ten years.

As a self-styled cigar connoisseur, I have always exercised an abundance of caution in forbearing my socially frowned upon indulgence, at the expense, health or inconvenience of others. That is precisely why I don't smoke a cigar while walking down a street, or in any public place, where my wafting smoke may annoy or distress someone else. For me, GHR is a protective sanctuary, not only for its members but also for the public. The idea that members can smoke their cigars in a protected place, physically removed and segregated from the general public would seem to be a sound and reasonable basis to consider an exemption from the inevitable ban on the sale of all tobacco products within the City.
GHR is a private members lounge, which facilitates both cigars and comradery amongst its members. It is quite dissimilar to a convenience store or retail tobacco shop, which may serve to draw customers through signage or advertising. GHR, to my knowledge, has never sold any tobacco products other than fine cigars. They do not permit vaping and I don’t believe they even sell cigarettes.

Life and government need to be in balance. I would urge you to consider balancing the health and welfare of the public against the actual value of retaining an exception, permitting GHR not to be constrained in selling its fine cigars to its members and their guests. Also, keep in mind the cigar smokers here will less likely to be walking the sidewalks as they confine their partaking within a controlled and physically segregated environment, away from the general public.

Thank you for your consideration,

COREY A. INGBER
CAI:amc
March 7, 2019

Health and Safety Commission
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210

Re: Tobacco Product Sales in Beverly Hills

Honorable Members of the Health and Safety Commission:

I am writing in support of The Grand Havana Room that, as you may be aware, is a world-renowned private smoker’s lounge located in Beverly Hills. Given that I have been a member of GHR for several years, it is incumbent upon me to provide members of the Health and Safety Commission (the “Commission”) with my honest and direct input with respect to the issue of a proposed ban on all tobacco products in the city of Beverly Hills.

GHR is a private lounge whose members enjoy cigars in a private environment with absolutely no direct or indirect adverse impact to individuals and areas in close proximity. That is, the sale of cigars at GHR is solely for the benefit and use of its members and not for retail or non-member consumption. As a result, it would be not only unfortunate but unjust if any proposed ordinance or similar action prohibiting the sale of tobacco products extends to private smoker’s lounges, including GHR.

I would be pleased to attend and convey my thoughts to you in person at the next hearing of the Commission.

Very Truly Yours,

[Signature]
Dear members of the Beverly Hills City council:

I'm not a member of the Grand Havana Room, but have enjoyed being a guest over the years ... it's a historic venue, celebrated and enjoyed by so many in the community, and admired by others from around the world.

The club's members are a community of individuals (who enjoy cigars) that have accomplished much in life over many generations...This includes business leaders, writers, entertainers, sports stars, and many more. I'm sure many of them will write to you — expressing their hope that this wonderful iconic landmark will remain and unbundled from being pooled into the Vape and Cigarette smoking world.

To enable the Grand Havana Room to continue its tradition of grand hospitality in Beverly Hills, I am asking that the City exempt private smokers' lounges, such as the Grand Havana Room, from the proposed ban.

Sincerely,

Bill Gerber

PS: The food is some of the best in Beverly Hills.
To Whom it May Concern,

I recently learned that the Beverly Hills City Council is considering a law that would prohibit the sale of all tobacco products in Beverly Hills, which would also include cigars, potentially impacting The Grand Havana Room, a private club located on the corner of Canon and Dayton.

I was devastated to learn the news. I joined the club back in 2006, while I was working for General Electric’s former office at 350 South Beverly Drive. Although I recently moved from my home in Beverlywood, to a new home in Pasadena, I continue to maintain my main mailing address in the city, and I visit the club on a regular basis, at least twice a week. Since I am so often at the club, I also continue to frequent the many businesses and restaurants in the area, including my main medical doctor, Dr. Alexander Ford, and my dentist, Dr. Naz Khodayari (both on Beverly Drive). I also regularly shop in Beverly Hills, including recent large purchases made at Tumi, and Armani, and in addition to the club, I regularly entertain clients at restaurants and hotels close to the club, including Mastros, Villa Alloro, Sushi Kiyono, the Montage, and the Beverly Hilton, to name a few.

I understand that the city has concerns about the dangers of cigarette and e-cigarette smoking, and because of such Beverly Hills City Council is considering prohibiting the sale of tobacco products. Let it be known, although I don’t support such a ban, I can understand your concerns, but I beg you to acknowledge that cigars are very different than the other tobacco products the city seems to be worried about. In addition, the Grand Havana Room does not sell, market or promote cigarettes, e-cigarettes, vaping goods or flavored tobacco. The Grand Havana Room is a special place, and has a sophisticated clientele that would be devastated if our beloved club was negatively impacted by any new anti-tobacco laws in the city. I hope you can acknowledge the difference in a private club, versus a tobacco shop, and in the event such legislation passes, I hope the law will exempt the Grand Havana Room.

In the event I was to lose my ability to fully enjoy this special establishment, due to any far-reaching tobacco laws, you have my word that Beverly Hills would cease to be my number one destination outside of my home in Pasadena. Honestly, I would see no reason to make the trip there any longer.

Sincerely,

Clark D. Griffith
To the City of Beverly Hills Health & Safety Commission:

I recently became aware of the proposed ban on the sale of tobacco products by my friends and fellow members at the Grand Havana Room (“GHR”) in Beverly Hills. I am writing to urge the Commission to exclude private smoking lounges such as the GHR from any proposed Ban. The inclusion of a club like GHR not only affects me deeply (both professionally and personally), I believe wholeheartedly that it will be have a significant negative impact to the great city of Beverly Hills. I’ve outlined my reasons below:

- **Cigars are not a nuisance like some other tobacco products:** We often see users of cigarettes, vaping goods and flavored tobaccos (products that the GHR does not offer or promote) littering or polluting the air of public outdoor spaces in Beverly Hills. However, I seldom see cigar smokers doing the same. Cigar smoking is a social activity or an activity that in individual does to unwind after a long day. The vast majority of cigar smokers enjoy them similar to the way a wine connoisseur enjoys a fine bottle of wine - with friends, colleagues and other enthusiasts — and they serve as an important conduit to bond friendships and business partnerships. I’ve never seen a cigar smoker leave a restaurant dinner to “have a quick smoke” outside. The ban as it would apply to cigars is senseless.

- **Negative Revenue Effect on Beverly Hills:** The Grand Havana Room, an icon of Beverly Hills for elegance and exclusivity, provides its several hundred members a unique place to conduct business. We members, particularly those with large expense accounts through our businesses, each spend tens of thousands of dollars at the club each year to provide our local, Beverly Hills based clients a unique experience surrounding fine crafted cigars. I personally have held events that have attracted attendees not just from Beverly Hills firms, but from all around LA and Orange County. These professionals attend because of Stan Shuster’s iconic cigar lounge. It’s an experience they can get nowhere else. Without this club, and the great cigars it offers, our marketing dollars would undoubtedly be spread around to different cities.

- **The Personal Impact:** I have been a member of the club for 10 years, attending 4 - 6 times a month. The Grand Havana Room is not just another private club. It’s a home to many of us that have made great friendships and business partnerships while we all shared a love for cigars. I learned about a great job opportunity at a private cigar event on the patio of the club - a job that I eventually landed and catapulted my career to what it is now, managing billions of dollars for private equity and venture capital firms in the area. This club helped me get through my divorce, and have a community to turn to when times were hard. I feel very strongly that we have to do all we can to keep this club thriving.

Again, I urge you to exclude the Grand Havana Room and other similar private lounges from any proposed legislation banning the sale of tobacco products (cigars in particular). My plan is to attend the hearing on the 25 and make my views known should I be given the opportunity to do so. Thank you,

Vik Thadani

Managing Director / Global Fund Banking

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**Vik Thadani**

**Managing Director / Global Fund Banking**
My name is Shannon Taylor and I have worked for the Grand Havana Room in Beverly Hills for 25 years.

I am very concerned about the proposed ban on the sale of tobacco products and the impact that will have on my employment and my coworkers. I am sure the proposed ban was designed with good intentions but not enough thought has gone into the negative consequences this would have.

I have devoted almost my entire working life to the Grand Havana Room and had no plans for that to change. The owners and my coworkers have become family to me. This is my career.

I am solely responsible for financially supporting my 72 year old mother as well as my brother’s family of 7 as much as I can. Am I to understand that I’m just supposed to go out and look for another job if this law passes? As if that is so easy? My coworkers who have also worked for Grand Havana for 20+ years are just supposed to go and find another job when they all have children and grandchildren and other family members that they support?

I don’t believe this ban will have the effect that you intended. It isn’t going to keep anyone from smoking when you can buy tobacco products everywhere else. But it will certainly put people out of business and a lot of people out of jobs. Myself included.

I am asking you to exclude the Grand Havana Room from this ban if it passes. We are an upscale private lounge that sells premium cigars to our members (who are adults) and should not be lumped into the same category as cigarettes and vaping products.

I appreciate your consideration.

Sincerely,

Shannon Taylor
March 6, 2018

Mayor and Members of the Health and Safety Commission:

As long time residents of Beverly Hills, we have had the opportunity to visit the Grand Havana Room on several occasions over the years. We are not members but have friends that have been members for many years. We find it to be elegant, unique and an oasis for adults that like to relax and enjoy a cigar.

The Grand Havana Room has been a staple in Beverly Hills for over 20 years. We ask that as a minimum, The Grand Havana Room be excluded from the proposed ban.

Thank you for your time,

Jeff & Marie Green
March 8, 2019

Health and Safety Commission  
City of Beverly Hills  
455 N. Rexford Drive  
Beverly Hills, CA 90210

Sent via email: mayorandcitycouncil@beverlyhills.org

Re: Prohibiting the Sale of all Tobacco Products in Beverly Hills

Honorable Members of the Health & Safety Commission:

We are business owners in Beverly Hills and my husband is a private member of the Grand Havana Room. I am writing to express my concern regarding the proposal to prohibit the sale of tobacco in Beverly Hills and how it would affect the Grand Havana Room.

GHR does not sell cigarettes, e-cigarettes, vaping goods or flavored tobacco. They sell premium cigars to their private members and not openly to the public. As the spouse of a member of GHR for many years, we highly value the environment created by GHR to enjoy the camaraderie of others and to entertain our clients and friends in a comfortable environment.

To enable the Grand Havana Room to continue its long tradition of exceptional hospitality in Beverly Hills, I respectfully request that the City exempt private smokers’ lounges, such as the Grand Havana Room, from the proposed ban on selling tobacco products.

We are unable to attend the meeting on March 25, 2019 but sincerely hope that this appeal in writing will be taken into consideration as a patron of the Grand Havana Room and a business owner in Beverly Hills. Thank you for your time and consideration.

Sincerely,

Carlo J. Brandon-Gordon  
Owner, Nerano Beverly Hills
March 8, 2019

Health and Safety Commission
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, California 90210

Re: Prohibiting the Sale of all Tobacco Products in Beverly Hills

Honorable Members of the Health and Safety Commission:

I am proud to say that I have been a member of the Grand Havana Room for many years. I live and work in the Beverly Hills area, and I have had the pleasure of entertaining many of my clients and friends in this elite, members only, very private Smokers’ Lounge. I often stop by at the end of my day to enjoy a premium cigar with my friends and other members.

I applaud the Grand Havana Room’s mission of providing a safe and discrete environment where I can savor an exceptional cigar without disturbing others who may not appreciate the ambiance and camaraderie that the members share. As members, many of us have very similar lifestyle interests and here, we are able to relax and let go of the everyday demands while we share our passion and enjoyment of the very best cigars.

I respectfully request that this commission recommends that the Grand Havana Room be granted an exemption to the City Councils possible proposal of a new policy prohibiting the sale of all tobacco products in Beverly Hills, and protect the world-wide iconic Grand Havana Room as the exclusive, discrete, Private Smokers’ Lounge that has been a draw of grand hospitality for many distinguished, high profile members since opening its doors in 1995.

Thank you for your consideration.

Sincerely,

Dan Charlier

Dan Charlier
Member of the Grand Havana Room
Dear Sir or Madam:

I have been a member of the Grand Havana Room for over 20 years. During that time, the GHR has essentially served as a home base for me and my guests whenever I have dined, shopped or otherwise spent time in Beverly Hills. The GHR has hosted many events for me, my family and my business associates over the last two decades. If the GHR is not exempt from the ban under consideration, it will definitely adversely impact the amount of time that I am in Beverly Hills.

Thank you for your consideration.

Very truly yours,

JEFFREY L. REUBEN

cc: Mr. Stan Shuster (via e-mail - stan@grandhavana.com)
March 8, 2019

Attn: Health and Safety Commission

Dear Sirs,

My name is Hagop Sargisian. I have been a faithful member of the Grand Havana Room for 20 plus years. During this time period, I have developed long-term relationships, shared wonderful conversations as equally important coveting a quiet place where I can embrace peace during stressful times. The Grand Havana room has become a sanctuary of sorts. Giving me the charity to embrace the calmness of enjoyment, a premium cigar in pleasurable surroundings.

I have participated in many wonderful events, provided by the Grand Havana room, including my wife’s 50th surprise birthday party. Many memories I cherish and look forward to many more. There are times when exceptions must be deeply considered and made. This is one of them. Beyond the scope of a premium cigar, the Grand Havana room discreet in nature shall remain a place where patrons can relax in privacy and comfort entertain clients, friends and family in a safe private environment. California approves the following areas for individual smokers lobby, meeting rooms, and banquet rooms. Smoking may be permitted in non-work space safe and hazard free. The Grand Havana room has taken all the necessary precautions addressing these points.

It must be made apparent beyond the privacy of an intimate cigar room it is a member only pleasure in a very private environment. Furthermore, we look at the balance of words stated in our Declaration of Independence, individual rights refer to the liberties of each individual to pursue life and goals. Without the interference from other individuals, the individual right pursuit of happiness. And not to be construed as a retail establishment. Common sense should dictate the apparent private environment virtue setting of the Grand Havana room to its members and worldwide audience.

Sincerely yours,

Hagop Sargisian
Honorable Mayor and City Council members of Beverly Hills,

My name is Sam Sleiman and I am a member of the Grand Havana room located in Beverly Hills

To start, I would like to congratulate you and applaud you on putting forward a proposal to ban the sale of harmful tobacco products in your city

As a father of three I wish every city on earth would do the same, as these various derivatives of cigarettes are created and marketed to be addictive to young people and hook them for the rest of their lives.

Obviously the essence of your proposal is to eliminate the harm that these products inflict on society

Being that the spirit of your bill is to do no harm, I also believe that this proposal should do no harm to establishments that are doing no harm.

The Grand Havana room is a private cigar lounge that does not even allow entry to persons under 21 years of age, and only sells cigars. No flashy advertising or eye candy promotions to the general public.

In fact, the Grand Havana room is located on a second floor and has no signs or advertising. Most people walking around Beverly Hills, or walking right by the lounge don’t even know it exists.

It’s a quiet classy establishment that has been around for almost 3 decades, all of its members absolutely love this place and so I ask you to keep this sensible bill sensible, by not harming this establishment that does no harm to society, and IN FACT does Beverly Hills a service; because the real danger to society would be to have a bunch of rich guys roaming Beverly Hills causing havoc because they have nowhere to hang out. ;)

I appreciate you taking the time to hear me out and I hope you can grant the Grand Havana room an exemption from your proposal

Best wishes,

Sam Sleiman

Sent from my iPhone.
Hi Blair,

How are you?

Mr. Mattioli asked that I send the attached to you. He would like to express to the Mayor’s Office that he has been a member of the Grand Havana Room Cigar Club for 20 years and is an active patron. He would not be in support of any plans that would harm their business and limit the sale and use of cigars / tobacco on their premise.

Thank you for passing this along and your time and consideration.

Kind Regards,

Christi Parker
Executive Assistant to Giacomo Mattioli, Chairman & CEO
From: Kenneth Barton

Sent: Saturday, March 9, 2019 3:12 PM
To: WebCBH MAYORANDCITYCOUNCIL
Cc: Stan Shuster
Subject: Prohibiting the Sale of all Tobacco Products in Beverly Hills

March 9th, 2019

Health and Safety Commission
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210

Dear Members of the Health and Safety Commission:

I have been a resident of Beverly Hills for over ten years. I have been a member of the Grand Havana Room since its’ opening in 1995. The Grand Havana Room has an international reputation as a discrete luxury haven where members can enjoy themselves over fine dining, drinks and great cigars in a very private setting. The members cherish the setting as a hub for connecting personally and professionally while enjoying a great cigar.

As a private smoker’s lounge each member enjoys a great cigar. The club does not promote other tobacco related products. This is a very different setting then public restaurants, cafe’s and meeting places.

I am respectfully requesting that the Commission recommends an exemption or non-inclusion for The Grand Havana Room regarding any policy prohibiting the sale of tobacco products in the City of Beverly Hills (where I live and call home).

Respectfully,
Kenneth Barton
President and CEO
March 10, 2019

Health and Safety Commission  
City of Beverly Hills  
455 N. Rexford Drive  
Beverly Hills, CA 90210

Re: Prohibiting the Sale of all Tobacco Products in Beverly Hills

Honorable Members of the Health & Safety Commission:

The proposal to ban all tobacco products within the city limits of Beverly Hills should consider exempting the use of tobacco products within Private Smokers Lounges in Beverly Hills.

The Grand Havana Room (GHR) is much more than just a Beverly Hills ‘Cigar Smoking’ lounge. Since 1995 it has become a safe meeting place for VIPs, dignitaries and community leaders (from all around the nation). The GHR is also known, within the leadership ranks of law enforcement agencies and organizations, as a company that supports their missions by providing and donating event space for meetings, dinners, and also supports promotion and retirement events.

The GHR is also my home away from home. I worked as a law enforcement executive in the Los Angeles area who was promoted back to Washington, DC. Now when I am back in Beverly Hills on business it always includes a meeting, dinner and a cigar at the GHR.

I look forward to continuing to visit Beverly Hills and to bringing my business associates to the GHR. I respectfully request that the Commission recommend to the Beverly Hills City Council that an exemption be offered to the GHR (which is an existing, licensed, Private Smokers’ Lounge).

I thank you in advance for your support and consideration.

Sincerely,

Anthony Chapa

Anthony Chapa  
Assistant Director (retired)  
US Secret Service

cc: Stan Shuster
March 11, 2019

SENT VIA E-MAIL

Health and Safety Commission
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, California 90210
Email: mayorandcitycouncil@beverlyhills.org

Re: The Grand Havana Room

Dear Honorable Members of the Health & Safety Commission:

I am writing to you as a long-standing member of the Grand Havana Room in Beverly Hills. I understand that the Health and Safety Commission (the "Commission") is exploring a potential policy that could prohibit the sale of all tobacco products in Beverly Hills. The Grand Havana Room opened its doors in April 1995 and is an establishment of international repute that has hosted numerous foreign and national dignitaries.

As a member of the Grand Havana Room, I respectfully request that the Commission consider the differences between Private Smokers' Lounges such as the Grand Havana Room, and general retailers that sell tobacco products. The Grand Havana Room does not sell, and has no interest in selling, marketing or promoting cigarettes, e-cigarettes, vaping goods, or flavored tobacco products. Unlike those products, premium cigars are handmade products that are primarily produced by family-owned or specialty companies and are typically enjoyed like fine wines and other specialty items. The Grand Havana Room is a members-only club that caters only to adults.

Further, Private Smokers' Lounges such as the Grand Havana Room provide a safe and discrete environment where cigar connoisseurs can purchase and enjoy them without disturbing others, enjoy the camaraderie of those with similar lifestyle interests, and entertain clients and friends.

For all of the foregoing reasons, I respectfully request that, should the Commission recommend to the Beverly Hills' City Council a policy that could prohibit the sale of tobacco products in Beverly Hills, it recommend that Private Smoker’s Lounges, such as the Grand Havana Room, be exempted from any such policy.

Sincerely,

[Signature]

Stan Bharti
March 11, 2019

Health and Safety Commission
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210

Re: Prohibiting the Sales of all Tobacco Products in Beverly Hills

Honorable members of the Health & Safety Commission:

We have been members of the Grand Havana Room for nearly 20 years. The club has been a place where we’ve met to conduct business (both in Beverly Hills and New York), and a central location to commune with friends and family - both before and after dining at many of the areas restaurants. In short, the club provides a relaxed and discrete environment for many of our employees and Beverly Hills based clients who live and work in the area.

The clubs members are almost universally cigar enthusiasts. And as such cigarette smoking, vaping and flavored tobacco use are disallowed as they detract from the ambiance surrounding the traditional cigar experience. The club sells only very select, hand rolled premium cigars from small family owned specialty companies.

Because the club only allows for the admission of its private adult members – we believe the GHR should be exempted from the newly proposed legislation which appears to target the sale of mass produced/marketed tobacco products to the general public.

In light of the above - and because of the important social and business contribution the club has provided and continues to provide to the Beverly Hills community – we would ask that an exemption be incorporated into any newly proposed legislation for private clubs that do not sell vaping products, e-cigarettes, flavored tobacco or cigarettes.

Thank you for your time..

Sincerely,

Michael K. Fairchild, Esq.
March 11, 2019

Health and Safety Commission
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210

Re: Prohibiting the Sale of all Tobacco Products in Beverly Hills

Honorable Members of the Health & Safety Commission:

It’s my understanding that there is consideration being made for a policy that could potential prohibit the sale of all tobacco products in Beverly Hills. While I can understand to some extent the reasoning for establishing such a policy, but consideration should also be made to exempt this policy from Private Smoking Establishments such as the Grand Havana Room (GHR) which only sales unique and fine cigars for its members and guests to enjoy in the private club. As I am sure you are aware, the purchase of a fine cigar from any establishment is difficult because you cannot just go anywhere and to fine such cigar products, it’s not like the availability of cigarettes or other non-cigar tobacco products that can be found in convenience stores.

The GHR, which has been in existence for several decades, does not sale cigarettes or other non-cigar tobacco products. The products (cigars) sold at the GHR are for members who pay to have an exclusive club/establishment where they can smoke cigars and ability to purchase the selection of these fine cigar products in the same manner as they would purchase and select a fine wine.

This is important for such an establishment in the City of Beverly Hills to continue to maintain its private club status as well as the ability to sell cigars to its members and guests. I arrived in California to head up the Criminal Division of the FBI for Los Angeles County and six of the surrounding counties just prior to the 9/11 incident. The Country and the way law enforcement engage in its mission to prevent terrorism forever changed. Of all the Iconic places I had to worry about to prevent a terrorist attack, the City of Beverly Hills was number one on my list of areas that were well known in the International world as a potential Iconic target. My mission included liaison efforts with both local and International law enforcement executives. The one place they all enjoyed was to be a guest of a member from the GHR to enjoy a fine cigar and have the ability to discuss business without the worry of those who may be around them, as appose to being in a public setting. There have been events (Hollywood related and other International functions) in the City of Beverly Hills where we needed the cooperation and exchange of critical intelligence between all agencies locally as well as Internationally to keep these events safe.
Law enforcement members, especially in the executive level are a unique group of individuals. You may ask yourself, who would want to risk their lives and the lives of those who work for them to serve and ensure the safety and well-being of the public, well they do. A symbol of friendship and professionalism in law enforcement for a job well done or the celebration of a major accomplishment (preventing a terrorist act) is generally done by a nice dinner and a smoke of a cigar between colleagues.

I have hosted, through the invitation of members of the GHR, senior executive law enforcement from Asia, Latin America, Europe and the Africa/Middle-East regions at the GHR. All of these individuals where very pleased with the private club setting and the ability to purchase fine cigar products at the GHR. They too viewed Beverly Hills as a very unique and Iconic place in California that is known globally. When I would travel to these regions, not only as an FBI executive, but later after I retired from the FBI, as the Global Security manager for a major International company, these law enforcement executives who were hosted at the GHR took me to locations in their country similar to the GHR to extend the same curtesy. To this day, I would be invited with my International guests to the GHR where the camaraderie continues to exist.

These International law enforcement executives indirectly provide the City of Beverly Hills a great service as they also look for information in their regions that may prevent a terrorist attack here, because of the hospitality of its members at the GHR and the ability to enjoy a fine cigar there in a private setting.

So, I respectfully and strongly request that the Commission, if it recommends to the City Council a policy that could prohibit the sale of tobacco products in Beverly Hills, consider an exemption which will allow for the sale of cigars in private smokers’ lounges, such as the GHR. Such an exemption will allow myself and others in similar positions to continue to host through the guests of the GHR, key individuals who will always keep a close eye on the safety of the City of Beverly Hills, as they consider the environment at GHR as a home away from home.

Respectfully,

Richard T. Garcia
Assistant Director (retired)
Federal Bureau of Investigation

cc: Mr. Stan Shuster
March 11, 2019

Health and Safety Commission
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90212

Re: Banning the Sale of Tobacco Products in Beverly Hills

Honorable Members of the Health and Safety Commission:

I had my office in Beverly Hills for 20 years and recently moved mostly due to rent levels. During the time I was in Beverly Hills, continuing to the present, I frequented the Buena Vista Cigar Club in Beverly Hills, owned by Rigo Fernandez, where I enjoy having a drink and cigar with friends and associates.

I have also frequented the Grand Havana Room meeting and having lunch with friends and associates and having a cigar over lunch or drinks.

I do not smoke anything other than cigars and frankly, having a place like Buena Vista Cigar Club and Grand Havana Room available, is conducive to doing business and meeting in Beverly Hills for business and pleasure.

Both of these businesses are commercial enterprises, not located among apartments or condominiums. Thus, the exposure to tobacco fumes, if any, is to those persons whom decide to be so exposed of their own free will.

Frankly, I don’t see the reason for banning the sale/smoking of cigars at these locations and urge you to either not to pass the ban or to exempt (grandfather) these locations from the effect of any such ban. Thank you.

Sincerely,
RONALD J. GRANT LAW CORPORATION

[Signature]

Ronald J. Grant, Esq.

RJG:hs
March 11, 2019

Health and Safety Commission
City of Beverly Hills
455 N. Rexford Dr.
Beverly Hills, CA 90212

Re: Banning the sale of all tobacco products in Beverly Hills

Honorable members of the Health and Safety Commission:

My name is Joseph Inga and I am a professional. I own and operate a business in Beverly Hills. I am a regular patron of The Buena Vista Cigar Club, one of the three smokers’ lounges in Beverly Hills. I find the establishment a very good outlet to wind down the day. It has also allowed me to develop friendships and business relationships.

The business does not sell cigarettes. The clientele are typically middle aged and it does not attract younger people. Premium cigars are pricey and not an affordable item for most young people.

A radical ban of the sale of all tobacco products that includes the Cigar establishments in Beverly Hills in my view would overreaching. The economics of the cigar experience and the age bracket of people that it appeals to are not targeted at young people.

I respectfully request that the commission consider the exemption of the existing cigar lounges from the tobacco products sales ban.

Respectfully,

Joseph Inga, CPA
March 11, 2019

Health and Safety Commission
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, California 90210

Re: Prohibiting the Sale of all Tobacco Products in Beverly Hills

Honorable Members of the Health & Safety Commission:

I am fortunate to have become a recent member of the Grand Havana Room, and am writing you regarding a potential policy to prohibit the sale of all tobacco products in Beverly Hills. The Grand Havana Room is an internationally renowned private, members only, cigar lounge. I am sure, that by now, you are already aware that the only tobacco product sold at the GHR are cigars, to be enjoyed by their members and their guests — no cigarettes, e-cigarettes, vaping goods or flavored tobacco products.

We bought a home here six years ago, and the Grand Havana Room has provided me a beautiful, relaxing, and safe atmosphere to purchase and enjoy cigars, without bothering or disturbing others. I have been able to meet new friends, with similar interests in lifestyle and business, which I never would have otherwise met, if not for my membership.

I strongly encourage, that should the Commission vote to recommend a ban on the sale of tobacco products in Beverly Hills, that it provide an exemption for licensed private clubs, such as the Grand Havana Room, that sell cigars only to their members and guests.

Thank you for your consideration.

Respectfully,

Jay R. Lerner
March 11, 2019

Health and Safety Commission
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, California 90210

Re: Prohibiting the Sale of all Tobacco Products in Beverly Hills

Honorable Members of the Health & Safety Commission:

As a frequent visitor and long time member of the Grand Havana Room I am writing regarding the Commission's potential proposal to ban all tobacco products and sales in Beverly Hills. The Grand Havana Room is one of only very few non-public smokers' lounges in Beverly Hills, a city famous for its five-star hotels, restaurants, and international visitors.

I originally joined the Grand Havana Room shortly after it was established. I am a Certified Public Account with multiple business investments at several different locations in Beverly Hills and adjacent areas. I frequently have the pleasure of hosting guests from in and out of town at this unique facility.

The Grand Havana Room is a members-only club catering to adults. They do not currently sell or market any cigarettes or vaping products and have no intentions of doing so in the future because "cigarette smoke interferes with the flavor of cigars," and cigars are their only product. Since the club is not open to the general population, it poses no health hazard to those adverse to tobacco products. It should be considered a private residence and not fall under the same jurisdiction as establishments such as retail stores or restaurants.

Smoking cigars is not a vice or a public nuisance, and no one is forced to go into a private club where men and women are smoking them. No one has to work there or even associate with the people who enjoy this leisure activity. The beauty of a free society is that we get to choose whether or not to smoke cigars, and banning the sale of them in the Grand Havana Room in Beverly Hills is not going to stop the connoisseurs of fine cigars from enjoying a smoke. They will just not be smoking in Beverly Hills, which could potentially have a negative economic impact on the exceptional clubs, hotels, and restaurants in this internationally famous city.

If the ban on selling tobacco and smoking has become this ubiquitous, is another Prohibition movement going to follow closely behind? It is a well-established fact that the anti-alcohol movement was once as insidious as the current anti-smoking ban, and its goal was to take away this freedom to choose from everyone. How it started was similar, a ban here, a ban there, and when it was all said and done, people lost their right to choose.

Prohibiting exclusive clubs from selling cigars seems to be a political issue as much as a health concern. In a democracy, if it were a personal concern about your well being, you would not purchase cigars or go to places that permitted people to smoke. However, the only way you can coerce consenting adults to give up a pleasure they enjoy is to make it illegal and to do that you need to change the laws.

It seems ludicrous that on any given day of the week, a group of people sharing a friendly environment, puffing on a fine cigar and enjoying collective camaraderie, should be potentially prohibited from enjoying this pasttime. I know my own life has been improved by friendships made at The Grand Havana Room during get togethers with cigars, and this is an indulgence worth defending. For this reason, I request the Commission recommend the exemption of licensed private smokers' lounges selling only cigars from any policy that prohibits the sale of tobacco.

Thank you for your consideration.

Sincerely,

[Signature]

Michael C. Paline
March 11, 2019

Members of the Health & Safety Commission:

Great cities are defined by their great people, places, and institutions, and the Grand Havana Room is a signature location where these three things come together in Beverly Hills. For almost 25 years, the Grand Havana Room has brought together men and women from diverse walks of life to share the company of one another over the enjoyment of a premium cigar. The Grand Havana Room, which I have been a member of since its inception, provides a treasured home away from home where community members, businessmen and businesswomen, artists, authors, educators, film-makers, priests, pastors, rabbis, doctors, lawyers, and political leaders all gather. It is unthinkable that the city might adopt a policy that would intentionally or unintentionally cause the closure of this character-defining institution, and it should not do so.

I understand the Commission’s mission, and when it comes to public health and fitness, and creating a healthy future for our children, I am right there with you. In 1990, I was appointed chairman of the President’s Council on Physical Fitness and Sports, and I later served as chairman for the California Governor’s Council on Physical Fitness and Sports. As Governor, as part of an effort to stem teen obesity, I signed legislation that bans sodas and junk food from public high schools, that required foods sold in school vending machines to meet state nutritional standards, and that provided funding to support the provision of more fruits and vegetables in school meal programs. As is also well known, as Governor I signed California’s Global Warming Solutions Act of 2006, and in 2011 I founded the R20 Regions of Climate Action to promote the development of a sustainable, low carbon economy. In addition, I also signed a number of anti-smoking measures such as banning smoking in cars with children, and requiring youth-rated movies to include anti-smoking advertisements, so I agree with your battle to protect people from the dangers of tobacco smoke.

As the Commission does its important work, I trust that it will recognize the fundamental difference between, on the one hand, general retailers that sell cigarette products only as an incident of their larger business or other services to customers who are indifferent as to where they purchase them or use them and, on the other hand, private social clubs, such as the Grand Havana Room, that provide an altogether too rare venue for adults who choose to visit, and where the sharing of a meal, drink, and a premium cigar promotes camaraderie, relaxation, and the healthy exchange of ideas and experiences.

To the extent you recommend to the City Council a policy that could prohibit the sale of tobacco products in Beverly Hills, I sincerely hope that you will exempt existing licensed private smokers’ lounges, such as the Grand Havana Room, that do not sell cigarettes, e-cigarettes, vaping goods, or flavored tobacco products.

Thank you for your consideration.

Sincerely,

Arnold Schwarzenegger
Honorable Mayor and City Council members of Beverly Hills,

My name is Warren Zide and I am a member of the Grand Havana room since the late 90’s.

The Grand Havana Room has become the place I go to everyday. Personal, business, it’s a friendly low key environment where members can relax or do work. I’ve been a resident of Beverly Hills for years and enjoy the opportunity to go to the Grand Havana Club.

The Grand Havana room is a private cigar lounge where you have to be over 21 to enter. Furthermore it is on the second floor thereby being secluded and not a threat to others. In fact because of the low key nature of the club it is often times hard to give directions to someone to visit.

All of its members love the club and so I ask you to please keep this home away from home open.

I truly hope you can grant the Grand Havana room an exemption from your proposal and I truly don’t know what I would do without it.

Thank you.
March 11, 2019
Health and Safety Commission
City of Beverly Hills
455 N. Rexford Dr.
Beverly Hills, CA 90212
Re: Banning the sale of all tobacco products in Beverly Hills
Honorable members of the Health and Safety Commission:
My name is Rigoberto Fernandez, resident of Beverly Hills and owner/operator of the Buena Vista Cigar Club, one of the three smokers’ lounges in Beverly Hills. The Buena Vista Cigar Club is a family-owned business established in March of 2000 with the main purpose of retailing premium cigars (very high quality and high priced cigars) and providing a low key and safe environment where cigar connoisseurs can purchase and enjoy them without disturbing others. For the record, we have never engaged in the sale, marketing nor promotion of cigarettes, E-Cigarettes, vaping goods, or other tobacco products. We should also underscore that we do not advertise, promote, or market our business. We do not even display the name of our business anywhere on premises.
Premium cigars are not intended nor attractive to teen-agers or adolescents. Our clientele consists mainly of responsible males, successful middle-aged and older individuals whose professions range from: religious leaders from different faiths, to politicians, medical doctors, lawyers, IT personnel, TV and movie personalities, athletes, business executives, Law Enforcement, etc.

Our business is not a threat to society, and our clientele is extremely aware and familiar with the product we provide; in many cases they are more knowledgeable about cigars than some of us who have been working in this business for over 40 years.
Premium cigars are elite luxury items produced in a completely different way than all other tobacco products and are enjoyed all over the world in a manner similar to fine wine and spirits. In this regard, cigar lounges are considered to be unique, distinctive institutions which provide high quality services while serving as important social gathering venues, which are very different from ordinary retailers. This is what Buena Vista Cigar Club is.

A radical ban of the sale of all tobacco products will have a devastating effect on my business and my family; it will force us out of business. It will also be rather impossible to reinvent our self after spending the last 19 years building the reputation of an establishment that is considered by respected travel, leisure, and other industry magazines to be a one of a kind institution as well as an icon of the industry.

For the reasons stated above, we are respectfully soliciting that the commission consider the exemption of the existing cigar lounges from the tobacco products sales ban.

Thank you for your consideration.

Respectfully,

Rigoberto Fernandez

President,

Buena Vista Cigar Club, Inc.
Dear Mayor and City Council-

My name is Anthony Nex, and while I am not a resident of Beverly Hills I have lived in the nearby community my entire life.

I am writing you to urge you to exempt the 3 existing Cigar Lounges in Beverly Hills from your proposed tobacco ban.

While I sympathize with doing everything possible to keep tobacco away from minors, I feel including these lounges is misguided. They do not cater to young smokers nor is the partaking of cigars habit forming like vaping, cigarettes and chewing tobacco.

I typically visit one of these lounges, Buena Vista, about once a month. While there I bring a significant amount of revenue into the city, as several friends will often join me, and we’ll order food from nearby restaurants. Additionally, since being introduced to Buena Vista I’ve gotten in the habit of dining and shopping in Beverly Hills much more than I had previously.

Beverly Hills is unique for its high end restaurants, bars, and shops. The existence of cigar lounges is just one more thing that brands Beverly Hills as a high end luxury destination. These lounges do not attract young smokers nor do anything to promote any tobacco consumption other than cigars- in fact, I’ve rarely seen a cigar smoker that indulges in any other form of tobacco consumption.

For these reasons and many others I urge you to exempt these 3 lounges from any legislation prohibiting their existence. I will be closely watching your vote, and greatly appreciate you taking the time to read this message.

Sincerely,

Anthony Nex
Dear Mayor and City council members

I am an avid cigar smoker, I live in Brentwood. For years, my girlfriend and friends of ours have enjoyed a drink and cigars at Rigo’s Buena Vista Cigar Bar. I have many friends who are fond of Rigo’s and friends also who are members at The Grand Havana Room. Cigar smoking is a friend gathering, a social business event and always an opportunity to engage with fine people. Beverly Hills is lucky to have these establishments in town, these are lounges that do not infringe on the rights of others not to breathe second hand smoke. These are self contained businesses that survive off the memberships and regular clientele who’s lives often include a daily cigar (s) and or a drink. Beverly Hills has long been a non smoking city on its streets, please don’t take away these great spots and the livelihoods of these great people.

Thanks,

Jimmy Cohn

JC Print Packaging & Display, Inc
818 266 4603
Honorable Mayor and Councilmembers

I was born and raised in Beverly Hills, and still run a business here. I have never smoked cigarettes and am strongly against subjecting others to second hand smoke of any kind. That said, so long as cigarettes and other forms of tobacco are legal, I see no problem with these items being enjoyed in concert by consenting adults so long as absolutely no minors or non-consenting adults are affected.

I, personally, enjoy an occasional cigar, and have frequently done so at Buena Vista. I find this to be a comfortable, judgment free, cigar lovers’ zone. Rigo’s stewardship of Buena Vista is a credit to the Beverly Hills level of entrepreneurship and customer service that I grew up with in the 60s and 70s.

I sincerely hope that in looking to protect those who clearly deserve our protection, you don’t also restrict the rights of those who are not, in any manner, participating in any behavior that threatens others. Losing Buena Vista and the personal freedoms that go with it would be a loss not only to its patrons, but to the City.

Many thanks,

Layne David Dicker

Layne David Dicker
The Management Group

This message is intended solely for the use of the individuals to whom it is addressed and may contain information that is privileged and/or confidential. If you are not the intended recipient, then you have received this transmission in error and any review, dissemination, printing or copying of this transmission, the information contained herein and/or any attachments hereto are prohibited. Under these circumstances, it would be greatly appreciated if you would immediately notify us, by reply e-mail, of this mis-transmission as well as to permanently delete this message and any/all of its attachments from your computer. Thank you for your assistance.
To the Honorable Members of the Health and Safety Commission:

My name is Richard Barkhordarian and I am a tax paying resident here in Beverly Hills. While I appreciate what you are trying to do with your proposed ordinance of a tobacco sales ban in Beverly Hills, blindly shutting down all venues that sell tobacco products would harm certain unique venues like the Buena Vista Cigar Club (located on little Santa Monica Blvd.) while not getting you any closer to achieving your goal of the ordinance.

I love and appreciate what the Buena Vista Cigar Club offers to the public. It’s a nice, clean and friendly place for adults to sit down, enjoy a nice cigar, some scotch and great conversation. This location is completely enclosed and does not add to any second hand smoke to let’s say people walking by. The owner, Rigo, is also very responsible not to allow anyone under the age of 21 to even enter his establishment. The bottom line is that this venue as well as the other 2 enclosed cigar lounges in Beverly Hills, do not bother or harm anyone, they do not contribute to any cigar or cigarette smoke to travel outside of its four walls and it’s a wonderful high end spot that adds to the allure of Beverly Hills. The Buena Vista Cigar Club also brings added charm to the City as well as nightlife options (which is limited to begin with) to the residence of Beverly Hills.

As a resident here in Beverly Hills, if you are going to push to pass the ordinance banning tobacco sales in Beverly Hills, I am respectfully requesting that you exempt completely enclosed cigar lounges like the Buena Vista Cigar Club. I really believe that by blindly getting rid of it without any exemption if the ordinance passes would rob the affluent residents of Beverly Hills from this wonderful and unique cigar bar.

Thank you for your time, understanding and for taking my email seriously.

Richard Barkhordarian, Esq.
Barkhordarian Law Firm, PLC
6047 Bristol Parkway
Culver City, CA 90230
T. 323-450-2777
F. 310-215-3416
W. www.barklawfirm.com

PLEASE NOTE OUR NEW ADDRESS FOR YOUR RECORDS
Honorable Mayor and Councilmembers,

I have been a resident of Beverly Hills in the past, and, though I live on the east side of town now, I have, for over 20 years, visited Buena Vista Cigar Club for great nights of conversation with friends, and to enjoy the occasional pleasure of a drink and a fine cigar.

It would be a travesty to shut down this establishment which has provided so much enjoyment to consenting adults. While I sympathize with the goal of restricting tobacco products to those who are underage, and support efforts to maintain a smoke-free environment in public places, the BVCC has never impinged on the rights of others, and, indeed, provides a friendly place for people who enjoy fine cigars to congregate without having to worry about offending or harming anyone.

Rigo has been a warm and gracious host, and has actually provided a big reason for me to leave the comfort and great cuisine that now exists downtown and east of Hollywood, and patronize the restaurants and entertainment spots in Beverly Hills once again.

I implore you not to restrict the rights of consenting adults, who enjoy the pleasure of a fine cigar. To penalize a fine, upstanding business owner like Rigo would be heartless.

Thank you,
Gary Stockdale

--

Spotify

YouTube
March 12 2019

Health & Safety Commission
City of Beverly Hills
455 North Rexford Drive
Beverly Hills, CA 90210

Dear Members of the Health and Safety Commission:

I am writing this letter as a member of the Grand Havana Room and a lifelong resident of Beverly Hills. I grew up on North Rexford Drive, attended Hawthorne Elementary School and Beverly Hills High School, and my daughter is currently a 4th grader at Beverly Vista.

I joined the Grand Havana Room approximately ten years ago and it has been an invaluable asset both personally and professionally. Aside from the genuine friendships I have forged there over time, it has proven time and time again to be an incredible resource when entertaining co-workers, potential clients and influential guests. I work in film finance and production and many of my guests are recognizable entertainers or high-net worth individuals. The Grand Havana Room provides a relaxed yet exclusive atmosphere that offers a level of comfort that is almost impossible to recreate elsewhere. It is hands-down the place my guests, clients and investors want to go for both formal and informal meetings.

As the father of a nine-year old, I appreciate your efforts to limit the accessibility of cigarettes and e-cigarettes. However, this is not what the Grand Havana Room is. As I am sure you will hear from every member to a person, the club is a special place. It is a members-only enclave in Beverly Hills, tucked away, where we can enjoy friendship and a unique environment to conduct business. I ask that you please exempt the Grand Havana Room from the policy you are currently recommending.

Thank you very much in advance.

Sincerely,

Eric Brenner
March 12, 2019  
Health and Safety Commission  
City of Beverly Hills  
455 N. Rexford Dr.  
Beverly Hills, CA 90212  

Re: Banning the sale of all tobacco products in Beverly Hills  

Honorable members of the Health and Safety Commission:  

My name is Brett Johnson and I am frequent visitor of Beverly Hills for work and spending family time with our friends.  

In those trips I am frequent patron of Buena Vista Cigar club. Such a frequent visitor that I consider the Fernandez family close friends and will be for life.  

I commend you for wanting to target the “Vape” stores and cigarettes. Those are manufactured with one thing in mind by big tobacco companies. I am a father of 3 young boys and my boys are all well educated on what smoking / vaping does to your body and health. But they also know that cigars are different and know that their dad and many others they know enjoy them as adults in moderation and comradery.  

Cigars, especially the ones found at Buena Vista Cigar lounge, are made with pure forms of tobacco in very traditional methods of rolling and curing. High end Cigar manufacturers take pride in purity and not adding addicting materials or malicious ingredients.  

I implore the members of this commission when considering this new regulation take into account that the Cigar lounges including Buena Vista Cigar club as social lounges that should remain in operation. Cigar lounges and establishments do not advertise nor appeal to children, they do not add harmful chemicals to the products to increase addiction and they are not there for a quick sale and move on. There is a big difference in the operation, advertising and goals of tobacco/vape stores and cigar lounges.  

I can personally say that Buena Vista Cigar club is more of a social club than just a cigar lounge. I have met many people there of all walks of life that come together and discuss, banter and enjoy connecting with others. It is something so desperately needed into today’s society where so many people are depressed or don’t feel connected to society. Our connections with others is what helps us grow, develop confidence and truly love those around us, Buena Vista Cigar club provides an avenue for these connections.  

To conclude I am asking you to allow the three cigar clubs in Beverly Hills, including specifically Buena Vista Cigar club, to remain open and actively conducting business as they do today. Allow families such as the Fernandez family to continue supporting their families and connecting people.  

Respectfully,  

Brett Johnson  
Patron of Buena Vista Cigar Club
March 12, 2019

Health and Safety Commission
City of Beverly Hills
455 N. Rexford Dr
Beverly Hills, CA 90210

Re: Prohibiting the Sale of all Tobacco Products in Beverly Hills

Dear Honorable Members of the Health and Safety Commission:

I’m writing on behalf of and in support of the Grand Havana Room, in connection with the Commission’s exploration of a potential policy that could prohibit the sale of all tobacco products in Beverly Hills.

Having been a member for more than 20 years, I can attest to the fact that the Grand Havana Room does not sell, market nor promote cigarettes, e-cigarettes, vaping goods nor flavored tobacco products. Instead, it is a Private Smokers’ Lounge for cigar aficionados, like myself, and many of my colleagues and clients.

I am a commercial real estate broker and have been instrumental in the sale of over $5 billion of product in Beverly Hills. I can assure you that the club poses no threat nor nuisance to the general public, in fact, the opposite. It allows members like myself a ‘home away from home’ to entertain our clients in the private confines of a special place, nestled away from the general public.

Please allow this letter to represent my support of the Grand Havana Room and to the extent the Commission recommends to the City Council a policy that could prohibit the sale of tobacco products in Beverly Hills, it recommend the exemption of existing, licensed, Private Smokers’ Lounges that do not sell cigarettes, e-cigarettes, vaping goods nor flavored tobacco products.

Thank you for your consideration,

Bob Safai
Madison Partners

Cc: Stan Shuster, Grand Havana Room
March 12, 2019

Health and Safety Commission
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210

Re: Prohibiting the Sales of all Tobacco Products in Beverly Hills

Honorable members of the Health & Safety Commission:

I have been a member of Grand Havana Room for more than 9 years and have been going to GHR for more than 20 years. This has been a place where I meet clients, friends or just to end a long week of stressful meetings. One of the big attractions for me to join was it is a private club, where it becomes a safe haven for people that enjoy cigars and good company. Since it is private membership club and 99.99% of the guest smoke cigars and not cigarettes, Vape or flavored tobacco I really feel this new law should exempt GHR.

The new law could pertain to most sellers of Tobacco products in Beverly Hills. Since Grand Havana Room has been in the community for more 24 years and has provided a place for connoisseurs to enjoy a cigar in a very private and discreet environment, they should be excluded from the new regulation of tobacco sales in Beverly Hills.

Thank you for your consideration.

Sincerely,

Ahmad Shahriar
President
North America
To the BH Mayor and Council members,

I lived in Beverly Hills for many years and have since moved to Michigan. I read about the possible closing of the Buena Vista Cigar Club on Little Santa Monica. I'm not sure what the reasoning behind it is, I can tell you that the BHCC has been a social gathering place for me and my friends for the last two decades. Whenever I'm in town that is a stop I am sure to make.

I understand the city wants to stop the availability of cigarettes and vaping to minors. I completely agree with that but I have never seen a minor at the BHCC. Rigo the owner of BHCC would never allow a minor on the premises.

Whenever my friends and I gather at the BHCC we order food from the restaurants in the vicinity and I'm not sure you want to take income away from those establishments.

Maybe the new ordinance can be tweaked to allow a business like BHCC to continue providing a great place to meet and enjoy life.

Thank you,

Mark Gerson
To Whom It May Concern,

I understand there is a hearing scheduled for March 25th regarding the sale of tobacco products in the City. The City Council needs to make sure that the prohibition does not include private smoking lounges it should exempt private lounges and/or clubs like the Grand Havana.

Grand Havana is my second home and I visit the lounge at least 2 to 3 times a week to meet up with friends, use the lounge to watch sporting events or attend a business meeting.

I urge the City Council to exclude private lounges from the ordinance.

Sincerely,

Abe Mathalon
Continental Real Estate Services, Inc.
Good afternoon,

I have been a member of the Grand Havana Room for the last 11 years and believe it would be a travesty to not allow the Grand Havana Room to continue its business as it is now. I have utilized the Grand Havana for all these years as my second office. I am at the Club two to three times a week and specifically drive from my home in La Canada to the Club to meet with clients, colleagues and friends who drive in from all over Los Angeles and from out of the State specifically to go to the Grand Havana Room. We also use the Club as a dinner spot or as a launching pad for a night out in Beverly Hills. This establishment is a desired and sought after invitation from people of all socioeconomic backgrounds and ethnicities.

I cannot express in an email or by words what the Grand Havana Room means to my business and to me personally. I would have little need to travel to Beverly Hills without the Club and truly hope that you review the potential impact that any regulation would have on the Club and for all the potential visitors that make it into Beverly Hills just to attend the Grand Havana Room.

Thanks for your time and consideration.
Dear Honorable Members of the Health & Safety Commission,

My wife Jill Roberts-Freeman and I are both residents and a business owner in the City of Beverly Hills. My wife and I own the Jill Roberts Boutique located at 423 N Bedford Drive. We have been operating the Jill Roberts brand in 4 different retail locations within the city of Beverly Hills for over 18 years. We are also 20 year residents in Beverly Hills residing at [redacted]. Both our 2 sons Drew and Davis Freeman attended El Rodeo and Beverly Hills High School. I was an active board member on the Beverly Hills Education Foundation (BHEF).

My wife and I are writing on behalf of our support to exempt the Grand Havana Room from the potential policy to prohibit the sale of all tobacco products in Beverly Hills. The Grand Havana Room to people around the world is iconic yet invisible and non disruptive to the local community. The nondescript upstairs location on Canon could not be a better spot for the premier PRIVATE smoking lounge. As both a Cancer survivor and a non smoker I personally support this private establishment and the ability to offer their tobacco products to their exclusive membership and guests. Beverly Hills has and must continue its worldwide reputation for the “finer things in life” and The Grand Havana Room has this premier reputation.

We hope you will allow The Grand Havana Room to continue to operate under their existing license for Private Smokers Lounges that do not sell cigarettes, e-cigarettes, vaping goods, or flavored tobacco products.

Thank you

Jill Roberts-Freeman and Mark Freeman
From: Brandell Davis
Sent: Tuesday, March 12, 2019 9:42 PM
To: WebCBH MAYORANDCITYCOUNCIL
Cc: Rigo Fernandez
Subject: Banning the sale of all tobacco products in Beverly Hills

Ms. Brandell Davis

March 12, 2019

Health and Safety Commission
City of Beverly Hills
455 N. Rexford Dr
Beverly Hills, CA 90212

Re: Banning the Sale of all Tobacco Products in Beverly Hills

Good Day: I’ve had the opportunity of being a patron of Buena Vista Cigar Club for over 10 years. It’s an experience that I like to introduce my commercial real estate clients, vendors, family and friends to whenever they are in the Beverly Hills area. There is nothing like having a wonderful business dinner at Wally’s or Mastro’s and then having a cigar/nightcap at Buena Vista Cigar Club to end the evening. Buena Vista Cigar Club has opened doors for my professional career by allowing me access to key players in the Beverly Hills/Los Angeles/Global business sector.

The major luxury hotels in Beverly Hills always refer business professionals staying at their hotel to Buena Vista Cigar Club. With that said, the patrons of the cigar club are typically a higher caliber customer. For me as a female and cigar aficionado that is key. When I walk through the door the owners greet me as if I’m a friend of family. The patrons of the cigar bar are quite respectful. In this countries current climate we engage in conversations about today’s political times, economy, small business growth in the Los Angeles market. There are times that we have differences of opinion on the topics mentioned. But that’s the spirit of Buena Vista Cigar Bar. It’s a platform for professionals of all kinds to come in, enjoy a cigar, cocktail and great conversation that has meaning.

While I understand that the City of Beverly Hills’ initiative on banning the sale of tobacco products to those under the age of 18 is vital. This however, doesn’t relate to the overall operations of Buena Vista Cigar Club because the bar does not serve nor sell cigars to anyone under the age of 21 years old. I’ve observed ownership take extra measures to ensure that the clientele remain professional and respectful at all times. For those who do not meet those requirements they have been politely escorted off the premises.

Please consider that Buena Vista Cigar Club is platform for many professionals of Beverly Hills and Los Angeles to entertain business associates as well as interact with like-minded individuals that want to continue to see small business such as Buena Vista Cigar Bar succeed in Beverly Hills given the current decline within retail/restaurant occupancy in Beverly Hills.

Looking forward to attending the City Council Meeting on March 25th.

Sincerely,

Brandell Davis
To the members of the health and safety commission.

I have been a member of the Grand Havana Room for almost 15 years. It is my “home away from home”. My company is based in Beverly Hills and I live on Benedict Canyon.

The Grand Havana Room provides an atmosphere conducive to business and friendship. I have made several close friends through my membership. As a film producer, I have also conducted numerous business meetings there that have led to movies being financed and produced. Guests enjoy the warm atmosphere where they can have a cigar along with their favorite drink. Comfortable couches lend to the ambience of the club.

I can understand your concerns about selling cigarettes and vaping goods (which Grand Havana does not do). Grand Havana is an adult only private members club. We should not be treated the same as sellers of cigarettes.

I request that if the commission recommends to the City Council a policy that could prohibit the sale of tobacco products in Beverly Hills; that an exemption or non inclusion of the Grand Havana Room as a private members only facility be granted.

Thank you for your consideration.

Sincerely,

Paul Hertzberg
From: Ross Weitzner  
Sent: Wednesday, March 13, 2019 3:51 PM  
To: WebCBH MAYORANDCITYCOUNCIL  
Cc:  
Subject: Tobacco Productions Exemption for Buena Vista Cigar Club

Good day:

I live in Cleveland, OH, and I travel every week for business. As such, I have come to find places which are favorite destinations when I visit for work and pleasure.

Every two to three months, a friend of mine and I take day trips to LA. So the logistics of this are tricky, as you might imagine. I leave CLE at ~6 am, and arrive LAX ~11 am. We may have something to eat around The Grove, but the real reason for our visit is to go to Buena Vista Cigar Club (BVCC).

Rigo has made us feel so welcome that we endeavour to spend hundreds of dollars just to get there and enjoy a cigar for an hour or two, as well as a glass of delicious scotch; leave from there, go back to LAX, and fly the red eye home. To most, it seems like an absurd amount of effort, when we could go anywhere. And it's true. There are dozens of cities across the city that have wonderful purveyors of fine cigars and scotches that would be much closer. But Rigo is in Beverly Hills. So we go to Beverly Hills.

I know that Beverly Hills City Council is currently considering prohibiting the sale of all tobacco products in Beverly Hills, including cigars. the sale, marketing or promotion of cigarettes, E-cigarettes, vaping, or flavor tobacco. BVCC has never engaged in the sale, marketing or promotion of cigarettes, E-cigarettes, vaping or flavor tobacco. It would be a pity to penalize a family owned and operated business with such a myopic and draconian policy. Assuredly, the people who patronize BVCC aren't interested in, "cigarettes, E-cigarettes, vaping or flavor tobacco."

BVCC is like no other place I've been. A prohibition of this sort would put BVCC out of business, and for someone like me, it would reduce my interest in the city of Beverly Hills to practically zero.

If you peruse my Instagram account you'll find several photographs from BVCC, so you know my intentions are genuine:

Thank you for your consideration.

* * *

Ross Weitzner
To the Mayor and City Council of Beverly Hills

I respectfully request that you please do not put the Buena Vista Cigar Club out of business. I have known the Fernandez family for 19 years and they run a clean and decent business selling cigars to many business people here in Beverly Hills.

BVC brings visitors from all over the world together to share a cigar and cocktail in a safe and pleasant environment.

They do not sell cigarettes and no one under 21 is allowed in the club.

If you do ban tobacco sales in Beverly Hills, please grandfather in the BVC.

Mark Chatinsky
Mayor Gold

We have been members since the Grand Havana Room opened in 1995. I am one of the first 10 members of the Grand Havana Room. We have lived in the city of Beverly Hills the last 35 years. We have put our 4 children through the public school system of Beverly Hills. We also have a business on La Cienega Blvd. "Paulee Body Shop" since 1950. Most of our clients reside in Beverly Hills and I've been working with Beverly Hills Mercedes since 1970 and Beverly Hills Porsche.

We are a big part of this community and what this city means to us and our adult children.

We are writing to you to voice our opinion since we are strongly opposed to the possibility of the proposed tobacco ban. The Grand Havana Room does not sell tobacco, it is a private club that we love and enjoy. We entertain our clients, friends and family members at the Grand Havana Room for many, many years.

To enable the Grand Havana Room to continue its tradition of grand hospitality in Beverly Hills, we are asking that the City exempt private smokers lounges, such as the Grand Havana Room, from the proposed ban.

Respectfully,

Kenny and Cica Fleiner
From: Lewin Edwards
Sent: Wednesday, March 13, 2019 5:55 PM
To: WebCBH MAYORANDCITYCOUNCIL
Cc: 
Subject: Cigar clubs in Beverly Hills

Mr. Mayor and City Councilmembers,

I write with deep concern on learning that it is proposed to ban the sale of tobacco products within Beverly Hills. Specifically I request that you consider the unintended consequences of this ban, and amend it appropriately.

I live in Florida. I fly to Los Angeles several times a year for literally no other purpose than to visit the Beverly Hills area for fine dining, a good whiskey or cocktail, and a premium cigar enjoyed at a cigar lounge with business associates and/or friends, typically the Buena Vista Cigar Club (BVCC). The cigar lounge stop is, for many individuals, a key ingredient to an elegant "evening on the town". I fly in; I have brunch; I do some shopping; I dine; I visit BVCC for a single malt Scotch and a cigar, and I fly back home that evening.

The goals of reducing harm from cigarettes, e-cigarettes and vaping are possibly laudable, but cigar lounges such as the BVCC do not contribute to such harm in any way and should not be caught in the fallout of this draconian legislative experiment. BVCC does not sell or promote, and has never sold nor promoted, these products. It is a premium destination where adults gather privately to enjoy a superior hospitality experience of top-shelf liquors, convivial company, and a shared interest in high-quality cigars. It harms no member of the public (indeed, it is essentially invisible to the public); it displays no billboards; it encourages no youth to pick up a cigarette or vape device. Indeed, it does not even lead nonsmokers into cigar smoking; nobody visits such a venue unless they already enjoy cigars.

I therefore respectfully urge you to ensure that this ban, if enacted, includes a permanent exemption for the existing cigar lounges within your jurisdiction.

-- Lewin Edwards
Dear Honorable members of the Health and Safety Commission:

My name is Hector Padilla and I reside locally. My wife and I have been enjoying the Buena Vista Cigar Club for over 12 years.

This is one of Beverly Hills premiere lounges. The Buena Vista is family owned and operated by a truly lovely family (The Fernandez Family).

This is a classy place that offers connoisseurs premium cigars in a quiet, elegant and save environment.

And they do NOT sell cigarettes, vaping pens, glass pipes, or other products.

This type of affluent business does NOT cater to or attract teen-agers or young adults.

A ban of the sale of ALL tobacco products is radical.

What’s next? The ban of alcohol? The ban of walking the city after 10pm?

Furthermore, this would have a devastating effect on the families that own and operate these fine lounges and their employees.

Why not allow these reputable cigar lounges to continue to serve their mature clients?

My wife and I respectfully encourage that the commission consider the exemption of the existing cigar lounges from the tobacco products sales ban.

Have A Peaceful Day,
Hector Padilla
President

HP Capital Investments, Inc.
“A Real Estate Acquisition & Investment Firm”
Family Owned & Operated. Celebrating 41 Years of Business
From: Noonan, Tim
Sent: Wednesday, March 13, 2019 9:59 PM
To: WebCBH MAYORANDCITYCOUNCIL
Subject: Prohibiting the Sale of Tobacco Products in Beverly Hills

Dear Honorable Members of the Health and Safety Commission,

I am writing this letter as a member of the Grand Havana Room and a long term resident of the Beverly Hills community, residing off of Coldwater Canyon, just north of the Beverly Hills Hotel. Having been a member for more than 15 years, I can attest to the fact that the Grand Havana Room does not sell, market or promote cigarettes, e-cigarettes, vaping goods or flavored tobacco products. Additionally, it is a Private Smokers’ Lounge for cigar aficionados, like myself, and many of my colleagues and clients.

The Grand Havana Room has, and continues to be, an invaluable asset both personally and professionally. Aside from the genuine friendships I have fostered while at this fine establishment over the years, it has proven time and time again to be an incredible resource when entertaining co-workers, potential clients and influential guests. As President & CEO for Lockton Insurance Brokers, LLC, the world's largest privately held insurance brokerage firm, I host many high net-worth clients and colleagues both domestically and internationally throughout the year. The Grand Havana Room provides a relaxed, yet exclusive, atmosphere that offers a level of comfort that is almost impossible to duplicate elsewhere. It has become the “Cheers” of Beverly Hills, where everybody knows your name, and everyone wants to gather after a long day at the office to further discuss business in a relaxed environment, or simply to enjoy the comradery of each other while enjoying a fine cigar and delectable meal.

As the father of a 12-year old son and a 15 year old daughter, I appreciate and respect your efforts to limit the accessibility of cigarettes and e-cigarettes. However, this is not the foundation of what the Grand Havana Room is all about. More importantly, the Grand Havana Room is an adult only private membership club, whereby, it should not be treated the same as sellers of cigarettes. I would venture to say, every member considers the Grand Havana Room to be a special and sacred space. The exclusive “members-only” ambience and atmosphere in the Beverly Hills triangle, personally affords me the good fortune of being able to entertain my clients and conduct business in a safe and unobtrusive space.

I kindly request that if the commission recommends to the City Council a policy that could prohibit the sale of tobacco products in Beverly Hills, that an exemption or non-inclusion of the Grand Havana Room as a private members only facility be granted.

Thank you for your time and consideration.

Tim

Timothy J. Noonan
President & CEO
Lockton Insurance Brokers, LLC
Mayor Gold and Distinguished Members of Council,

Greetings! I hope this message finds you all well! I am humbly writing this letter to you in request and in support of you exempting the Buena Vista Cigar Club and 2 other cigar lounges from the looming ban on tobacco products in the wonderful City of Beverly Hills. As a long standing and responsible patron of the Buena Vista Cigar Club and advocate of family owned business, it is my understanding that the intent of the ordinance is primarily around Underage abuse of tobacco.

I urge you to strongly consider exempting these community gathering spaces from this ban for the sake of us the patrons but more importantly Rigo and the entire Fernandez family. BVCC is a destination largely visited by the global community and us locals who need a place of reprieve from taxing day to day work life. This place is not a place that should be penalized by the changing world around us!

This is not a place where teenagers are even attempting to purchase tobacco products and Rigo has and does operate with the utmost integrity. He is a long standing business owner in this community who deserves to be heard. We stand behind him and anticipate to be present for the hearing 3/25 to let our voices be heard.

Please hear us out and together we can get to a solution. Whether it be stricter governance or Identification display or Some other creative solution, it is important to keep BVCC in business.

I thank you in advance for the consideration and beg you take a closer look at this issue! I have cc Rigo on this communication to show my unwavering support. Perhaps we can schedule a group meeting to discuss this issue and come with creative solutions.

Best,

Greg Plummer

Sent from my iPhone
March 15, 2019

Health and Safety Commission
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210

Re: Prohibiting the Sale of Tobacco Products in Beverly Hills

To Whom it May Concern:

I have recently come to learn the City is looking into a ban of the sale of tobacco products in Beverly Hills. That seems very Draconian.

I am writing, in large part, because I have been a member of the Grand Havana Room for many years. As a business owner in Beverly Hills, the Grand Havana Room has provided me with privacy, comfort and services that have allowed me to promote my company, as well as opportunities to make new friends. While at the Grand Havana Room, I have never purchased tobacco products, nor am I aware of the sale of such. I utilize the Grand Havana Room for its social environment and for meals, which are conveniently provided by Via Alloro located on the lower level of the club.

Please reconsider the ban you are proposing. It seems out of place and not in the spirit of free enterprise. I also believe it impedes on the ability of a private club within the City from engaging in commerce for their own benefit and, of course, the City's as well. More importantly, it impacts its members. I respectfully request that, as a private membership only club, the Grand Havana Room be excluded from any such potential ban.

Sincerely,

[Signature]
March 14, 2019

Dear Honorable Members of the Health and Safety Commission,

I am writing this letter as a member of the Grand Havana Room in Beverly Hills, CA. I have been a member for 15 years, and I can confirm that the Grand Havana Room does not sell or promote cigarettes, e-cigarettes, vaping goods, or flavored tobacco products.

I respectfully request that if the commission recommends to the City Council a policy that could prohibit the sale of tobacco products in Beverly Hills, that an exemption or non-inclusion of the Grand Havana Room as a private members only facility be granted.

The Grand Havana Room is an adult-only private membership club, and as the exclusive "members-only" venue in Beverly Hills, it allows me to entertain business associates in a private and safe environment. I am an investor and operator of healthcare companies nationally, and the Grand Havana Room has been invaluable to me in meaningfully hosting business events and dinner meetings with physicians, political leaders, and industry colleagues from around the country. Everyone leaves with a greater appreciation of the Grand Havana Room and Beverly Hills.

Further, as a father of three sons, I greatly appreciate your efforts to limit access to those type of tobacco products, and I am hopeful that others will follow you lead.

Thank you for consideration.

Sincerely,

Sam Lee
Hi,

I recently moved to the Wilshire Corridor. This debate about Cigar bars has me thinking about city council meetings in Malibu. Let me explain.

Prior to the Malibu fires the big debate was about banning plastic straws I'm really not sure what side I am on the plastic vs. paper straw debate but this is what I know. It's trivia. My home and over 900 others burned to the ground because there was no water pressure, the volunteers organized through the city had no ability to communicate, and just generally there was no plan nobody, especially those of us who lost EVERYTHING gives a rip now about plastic straws. And there is about 1000 times the environmental disaster from all of the toxins in peoples home which burned into the soil.

Which brings me to banning the sale of cigars, putting people like Rigo out of business. Really, this is what you are going to waste your time doing? Meanwhile people are being attacked by homeless which litter and urinate on the streets. While we have major traffic problems. While the next big earthquake is around the corner. Really?

I appreciate the cigar bar which allows me to make new friends, become part of the community, share ideas and just relax enjoying a great cigar.

I hope you all will come to your senses and move on to some things that you were elected by the people to do which are important.

Best,

Brad Ruben
March 16, 2019

Health and Safety Commission
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210

Dear Honorable Members of the Health & Safety Commission:

I’m an Executive Producer on Marvel’s Agents of S.H.I.E.L.D., and I have been a member of the Grand Havana Room for twenty years. I’m writing to tell you my story and to express what this club means to me personally and professionally.

When I first joined I was just beginning my career as a writer and was a very introverted person. At first I went to the club, at most, once a month and always sat by myself with a book to read – the universal sign of “Do Not Disturb.” Nevertheless, every time I was there someone would approach me, introduce themselves, and ask to join me. Even though I was annoyed I always agreed... then I kept on reading. Slowly things began to change. I began to put the book down, have conversations, and get to know people. Much to my surprise, I began to crawl out of my shell and I was able to actually enjoy and appreciate the company. I started to come to the club more regularly and I began to leave the books at home. During the next few years, I got to know heart surgeons, politicians, musicians, entrepreneurs, actors, foreign dignitaries, an astronaut, and a renowned spiritual guru (I won’t name names out of respect for the club’s privacy policies but... he was pretty awesome). I made many lifelong friends and now I’m the person who introduces myself and asks, “May I join you?”

I cannot stress enough how big of a deal this was for me. It is no cliché or exaggeration to say that being a member of the Grand Havana Room has changed my life. I have grown in ways I never could have imagined. Because of my “out of shell” experiences at the club, I was able to evolve from being solely an introverted writer to being an introverted writer/extroverted producer combo. Being a member of the Grand Havana Room also, quite literally, opened up my world. I’m embarrassed to admit I rarely traveled before joining this club and even as late as my forties I had never traveled overseas (see “introvert”). It was because of the influence of another member that I was able to venture out, joining him on trips to Europe and Cuba. Now I travel all the time and I’ve been all over the world. Is it any wonder that I call the Grand Havana Room “my
therapy" and "my cure"? It's a very special place for me and I cannot imagine a
day when it might not be there.

Perhaps the greatest gift this club has given me (and the other members) is a
real and diverse community. It's always fun for me to bring guests there. When I
mention we're going to a private cigar club, I know what they're thinking: a room
full of old white fuddy-duddies who look like Winston Churchill. I love the looks on
their faces when they discover, instead, an exceptionally diverse community of
young, old, black, white, Latino, Asian, gay, straight, male, female, liberal,
conservative, doctors, lawyers, rappers, athletes, politicians... all of us equal,
respectful, and bonded over our common love and appreciation for cigars.

I know it's easy to lump cigars in with other tobacco products like cigarettes. After
all, cigars are made of tobacco... you smoke them... But the similarities end
there. Cigars really are something special and unique and a big part of it has to
do with community. I'm currently working on a PhD in Mythological Studies and
while studying the myths and rituals of Native American cultures, the image of the
"peace pipe" kept reoccurring. This was a central part of their community, their
rituals, and their communion with other tribes. It dawned on me, crazy as it may
sound, that a version of this ritual exists in cigar clubs around the world.

When I travel the world, my first stop in every city is always a cigar club. I
introduce myself to the other cigar enthusiasts (I could never imagine twenty
years ago that I could be so bold), ask to join them, and then have deep and
open conversations with people of all races, religions and backgrounds from all
over the world (they have all heard of the Grand Havana Room and it is highly
regarded). I have stayed in contact with many of them and several have come to
the Grand Havana Room as my guests when they're in town. (There are no
better ambassadors to the world for Beverly Hills and the United States then the
members of the Grand Havana Room.) By the time my international guests
leave, they have made several new lifelong friends... and the cycle continues.
The Grand Havana Room makes all this possible. It's a beautiful thing, a
necessary thing, and a part of my life (and the world) that I'm deeply grateful for.

I hope you will consider my story as only one of many and that I have been able
to convey the importance and value of the Grand Havana Room not just to me
but to the community of Beverly Hills and to a larger worldwide community. It
really is a special place and I hope it will be allowed to continue and be exempt
from any proposal prohibiting the sale of tobacco products in Beverly Hills.

Sincerely,

Craig Titley
Dear Members of the Beverly Hills City Council and Members of the Health and Safety Commission

It is an honor and privilege to address the leadership of America's greatest city. I am reaching out regarding the upcoming meeting of the Health and Safety Commission on March 25th. I served as the Senior Rabbi of Beth Jacob Congregation of Beverly Hills and as the Dean of Harkum Hillel Academy of Beverly Hills and now serve as the Senior Managing Director of an International organization called the Orthodox Union. Beverly Hills has always been a thought leader and a community that has made the environment of its citizens and many visitors a welcoming and warm experience. The Commission is going to discuss the banning of all tobacco sales in Beverly Hills. My great concern and worry is that that ban not include the sale of Cigars at the Grand Havana Room which is America's Iconic and Most Revered private lounge.

Allow me to explain the value to Beverly Hills and the greater LA community of the Grand Havana Room. Stan Shuster and his extremely professional and warm team have created an institution in which conversations, meetings, and gatherings have shaped the lives of men and women for the past 25 years. First as a guest and then a member since 2002, I have observed and partaken in meetings where foreign dignitaries, world leaders, American leaders, Generals, prospective husbands and wives, students and teachers of the Bible and Talmud, leaders of financial, film, and corporate industries as well as friends and family have bonded and connected in a manner that could NEVER be replicated outside of the Grand Havana Room. Stan Shuster and his team created a cigar friendly atmosphere that allows men and women to bond, engage and have meaningful, in depth conversations that no restaurant or bar could ever replicate.

The atmosphere is one of warmth, thoughtfulness, bonding and camaraderie that is impossible to create without the cigar. Because people's guard is relaxed (in a healthy way without the need for alcohol or other external stimulants), people connect in a profound way that transcends the superficial. The tenor of the conversation in a business, dating, or social meeting enables people to attain real relationships and discuss topics to a degree of depth that otherwise wouldn't happen.

During the last 17 years, I have never once seen inappropriate behavior by a member or guest. What bar or restaurant can make that claim?? This is not an accident!! The Grand Havana Room attracts thoughtful people who want to engage in thoughtful conversation. That isn't going to happen without the decor and culture of the way the lounge is designed for a cigar bonding experience. This lounge is a private, members only experience that doesn't advertise or publicly promote tobacco sales and consumption. It has shaped the film, music, and financial industries. Personally, I have had many heart to heart meetings with two Beverly Hills Mayors and a former Chief of Police of Beverly Hills at the Grand Havana Room. The depth and breadth of those conversations would never have been attained in their office, my office or a restaurant.

I appreciate your reading this impassioned plea to allow a Diamond and Jewel, the Grand Havana Room, the world's most iconic cigar club and lounge to impact the lives of many of Beverly Hill's finest residents and guests. Not including the Grand Havana Room in the cigarette and e-cigarette ban will enable those residents and guests to continue their journey through a meaningful life that has been enhanced, transformed and enlightened by their experiences at the Havana Room.

Sincerely
Rabbi Steven Weil
The Buena Vista Cigar Club is my local bar and social club. It's a self-contained venue for adults who choose to smoke or hang out in a place, the one place in the city of Beverly Hills where like-minded people can participate in these activities. I support keeping it open with the ability to sell cigars and alcohol and beg you to PLEASE, keep it open for business.

We will see you at the city council meeting on March 25th to express my support for the BVCC.

Thanks
David Geiger
Hi. I am writing this letter to request that Grand Havana room be untouched in the potential removal of Tobacco and etc sales in Beverly Hills.

As a long term member of this amazing establishment that does not promote the sale of any tobacco products, it would be very detrimental to my business to have Grand Havana no longer exist. I understand the need for less tobacco products on the street but this is a private club that prides itself on bringing people together in a special environment, by choice.

I have 3 children and definitely can empathize with what may be the intention, but to remove a place that is home to so many people and private, is very difficult to swallow as a citizen that chooses to attend this place.

Please consider the many folks that would be devastated if the Grand Havana Room is no longer existent. Thanks for your consideration!

Sent from my iPhone
Health and Safety Commission Members,

Please exempt Buena Vista Cigar Club as well as the other cigar lounges in Beverly Hills from the proposed prohibition of tobacco products.

Since 2010, I have made regular visits to the Buena Vista Cigar Club to enjoy cigars and would like to continue to do so.

I have made many good friends (including Rigo) there, and most importantly have a place to enjoy cigars with others who also enjoy cigars.

Thank you,

Bartholomew Wolcott, Esq.
March 19, 2019
Health and Safety Commission
City Of Beverly Hills
455 N. Rexford Drive
Beverly Hills, California 90210

Re: Prohibiting the Sale of all Tobacco Products in Beverly Hills

Honorable Members of the Health & Safety Commission:

I am writing this letter, on behalf of The Grand Havana Room, myself and its many members. As the Commission begins its work we would like to bring to its attention and ask that it consider, the differences between Private Smokers’ Lounges such as the Grand Havana Room, and general retailers that sell tobacco products.

The Grand Havana Room does not sell, and has no interest in selling, marketing or promoting cigarettes, e-cigarettes, vaping goods, or flavored tobacco products. Unlike those products, premium cigars are handmade products that are primarily produced by family-owned or specialty companies and are typically enjoyed like fine wines and other specialty items. The Grand Havana Room is a members-only club that caters only to adults. I have been a member since 1996.

The Grand Havana Room provides a safe and discrete environment, where cigar connoisseurs can purchase and enjoy them without disturbing others while enjoying the camaraderie of those with similar lifestyle interests. Many members also entertain clients and friends in this upscale and unique setting. In this regard, Private Smokers’ Lounges such as The Grand Havana Room, are wholly different from general retailers and convenience stores. These type stores sell mass-marketed tobacco products to customers who are indifferent as to where they purchase them or use them.

In light of these material differences, and the important social function that Private Smokers’ Lounges provide, regulatory agencies have already recognized that Private Smokers’ Lounges, such as The Grand Havana Room, should be regulated differently than the sellers of cigarettes and other places of public accommodation, such as restaurants.

For all of the foregoing reasons, we respectfully request that the Commission recommends to the City Council, a policy that could prohibit the sale of tobacco products in Beverly Hills. It recommends the non-inclusion or exemption of existing, licensed, Private Smoker’s Lounges that do not sell cigarettes, e-cigarettes, vaping goods, or flavored tobacco products.

Thank you for your consideration.

Sincerely,

Joseph C. Cabone III
President/Founder
March 19, 2019

Mr. Stan Shuster  
Grand Havana Room  
Via Email

Dear Stan,

I just wanted to send you a note of thanks for your tremendous support in hosting our annual “All in for a Cure” Texas Hold ‘Em Poker Tournament at The Grand Havana Room over the years. This year marked our eleventh year of partnership with you in raising funds to benefit the Diabetes Research Institute (DRI). In total, this event has raised over $5 million (and counting) towards finding a cure.

We not only credit this to the wonderful crowds that attend from business, social and celebrity communities, because of the venue serving as an elite “destination” on both coasts, but also to our wonderful relationship with you, your staff and both the New York City and Beverly Hills venues.

We look forward to continuing our successful partnership with you for years to come.

On behalf of the team of doctors and researchers at the Diabetes Research Institute and the staff at the Foundation, and all of those affected by this terrible disease, we thank you again and wish you the best for a wonderful year ahead.

Sincerely,

Amy Epstein  
Special Events Director, Northeast Region  
Diabetes Research Institute Foundation
March 20, 2019

Health and Safety Commission
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, California 90210

Re: Prohibiting the Sale of all Tobacco Products in Beverly Hills

Honorable Members of the Health & Safety Commission:

By way of introduction, I am the Global Co-Chair of the Complex Litigation and Arbitration Practice Group for Paul Hastings LLP. I am resident in the Los Angeles office, and have been a member of the Grand Havana Room since January 23, 2002.

California Labor Code Section 6404.5, regulates smoking in areas where “employees” work. I understand that the Beverly Hills City Council intends to place further restrictions that could impact social Private Smoking Lounges such as the Grand Havana Room, which has no interest or desire to sell cigarettes, e-cigarettes, vaping goods, or flavored tobacco products, which appear to be the products of concern of the City Council. Therefore, I STRONGLY recommend that the City Council not pass legislation on top of the state wide scheme that would adversely impact the Grand Havana Room. The issues are simply not the same for such establishments, which are frequented by individuals such as myself and my fellow members.

Thank you in advance for your thoughtful consideration.

Very truly yours,

Dennis S. Ellis, Esq.
DSE:mji
March 20, 2019

Health & Safety Commission
City of Beverly Hills

Dear Honorable Members of the Health & Safety Commission,

I am writing in support of non-inclusion or exemption of the Grand Havana Room from the Commission’s exploration of a potential policy that could prohibit the sale of all tobacco products in Beverly Hills. As a member, it has become a place where I go for fellowship, refuge and to entertain clients, friends and out of town guests. Moreover, since opening its doors in 1995, the goal of Grand Havana Room has been to provide cigar aficionados a place to enjoy premium cigars in a discrete way without disturbing other members of the Beverly Hills community. The club has done just that for the past 24 years.

More importantly, unlike convenience stores and other retail establishments, Grand Havana Room does not engage in the sale or marketing of cigarettes, e-cigarettes, vaping products or flavored tobacco products. This separates our club from the intent of the policy change the Commission is exploring. As such, I believe the Grand Havana Room should be excluded or exempted from any new policies enacted by the Health & Safety Commission in recognition of the differences between a Private Smokers’ Lounge like Grand Havana Room and convenience stores and other retailers as it pertains to the sale and marketing of cigarettes, e-cigarettes, vaping products and flavored tobaccos.

Sincerely,

Silas Myers
March 20, 2019

VIA U.S. MAIL AND
E-MAIL: mayorandcitycouncil@beverlyhills.org

Health and Safety Commission
City of Beverly Hills
455 North Rexford Drive
Beverly Hills, California 90210

Re: Grand Havana Room and Potential Ban on the Sale of Tobacco Products in Beverly Hills

Honorable Members of the Health and Safety Commission:

I write to you in my capacity as one of the original members of the Grand Havana Room ("GHR"), which has operated as a private cigar lounge in the City of Beverly Hills ("the City") for almost a quarter century. By way of background, I am a partner in the international law firm of Jones Day and currently serve as the managing partner of its Los Angeles office. I am also a former federal prosecutor and former president of the Los Angeles Regional Foodbank and the National Asian Pacific American Bar Association. I have been a frequent patron at the GHR over all these years and have had ample opportunity to experience and witness the benefits it brings to its members and guests, as well as its contribution to the betterment of the City and its residents.

It is my understanding that the City’s Health and Safety Commission ("the Commission") is considering adopting a measure which would prohibit the sale of tobacco products in the City. It is my further understanding that the Commission is focused and concerned specifically about addressing the advent of e-cigarettes, vaping goods and flavored tobacco products and its potential harmful impact on our younger generation. While recognizing the genuine concerns of the Commission, I write to urge that the GHR be exempted from any proscription on the sale of tobacco products in the City given its long history of community support and the fact that its primary activities and purpose as a private smoking lounge in no way implicates or threatens the public. Some further background on the GHR may better explain the basis for my position.

Over the years, the GHR has become nationally known as a gathering place for an extremely diverse group of cigar enthusiasts. Its patrons include many prominent members of our community and other parts of the country, including members from the GHR’s sister club in New York City. Members and their guests include CEOs, prominent figures in the entertainment
industry, civic leaders, members of law enforcement and community leaders, amongst many others.

In addition, the GHR by no means focuses on the retail sale of tobacco products. To the contrary, most members and their guests consume cigar products acquired from locales and venues outside of the City. Notably, most of the GHR’s revenue is largely derived from member dues and food and beverage services, much of which is sourced from the independently owned restaurant located on the ground level, Via Alloro. Indeed, many other local nearby restaurants, such as the Palm, Spago and Mastro’s Steakhouse, derive significant business from GHR members who have lunch or dinner before or after coming to the GHR. These social activities therefore bring in substantial revenue to establishments located within the City and, unlike a liquor store or retail store that sells tobacco products, the GHR’s primary function and mission is to offer a private retreat for its members and guests — all of whom are adults — to enjoy and pursue their shared passion of smoking premium cigars in a safe and discrete environment.

In sum, there is in my mind no doubt that the GHR, as a private smoking lounge, presents none of the concerns or issues that have prompted the Commission and the City to consider a ban on the sale of tobacco products. Throughout its rich history, the GHR has become an integral part of the fabric of the City. I urge the City and the Commission to recognize this fact and to provide an exemption to the GHR from any contemplated ban on the sale of tobacco products within the City.

Thank you for your attention in this matter.

Very truly yours,

Brian A. Sun, Esq.

cc: stan@grandhavana.com
March 20, 2019

Health and Safety Commission

City of Beverly Hills

455 N. Rexford Dr.

Beverly Hills, CA 90212

Re: Banning the sale of all tobacco products in Beverly Hills

Honorable members of the Health and Safety Commission:

My name is Don Johnson and I wish to write you to offer my support for the Buena Vista Cigar Club in Beverly Hills and also the other two cigar clubs within the city. I am a frequent visitor to the area and I always go to the Buena Vista Cigar Club when I am in Beverly Hills. I find it to be a very enjoyable place to enjoy a cigar and a beverage. The establishment is first class and it is always an important part of my trips to your area. I encourage the commission to exempt the three cigar clubs from your ban on tobacco products within the city.

Thank you for listening and I sincerely hope that you will take my point of view into consideration.

Respectfully,

Don Johnson
Dear Beverly Hills Health and Safety Commission,
I am writing to express my view regarding the upcoming proposed legislation regarding the sale of tobacco products in Beverly Hills.
As a long time Beverly Hills resident, and member of the Grand Havana Room, I wanted to voice an opinion for the committee.
While I am a strong advocate for ANY way to improve the health and well being of my friends, family and neighbours in life, I also believe there has to be a practical application of implementation of the rules and regulations that, although have good intentions, and often are necessary, can be too far reaching in some aspects.
In the case of cigarette smoking, I am a child of parents and grandparents where it was rare a cigarette was not in their hands growing up.
Thankfully attitudes and social stigma has changed since then.
As adults, and in the case of cigars, there is a marked difference in social stigma. Cigars (in my opinion) are rarely seen in social situations - other than in places and situations where astute adults are in a situation where they are surrounded by like-minded people.
In the case of the Grand Havana Room (and other establishments that cater to fine cigar smoking — sales and consumption), I don’t believe anyone would be within proximity to be affected that hasn’t chosen to be there.
I would like to express my opinion that the committee consider a reasonable exception for cigar establishments in their upcoming ruling. In particular, in social clubs and cigar-themed establishments where clearly attendees frequent these establishments specifically to enjoy a cigar as mature, informed, adults.
Thank you for your time,
Ray Bertrand
Dear Mr Mayor and Distinguished Members of the City Council,

What is Freedom? Many of us will state daily, that as Americans, we live in a free society. That we are a free people. The last line in our National Anthem is: "O' er the land of the free and the home of the brave".

Few cities understand this concept as does Beverly Hills, a true melting pot for those who cherish the idealism of Freedom, and Freedom of Association. My parents fled Sicily, during the reign of Benito Mussolini, for the Freedom of Argentina. I was born in New York City, my parents left Argentina when they felt the beginning of subjugation of totalitarian rule. Many of Beverly Hills finest citizens are escapees of the Iranian Revolution.

I understand your concerns about the dangers of cigarette and e-cigarette smoking, I also understand why you are considering banning the sale of all tobacco products in Beverly Hills, including cigars. I do ask you this question, excluding minors from this conversation, is it the place in a free society for one segment of people to restrict the freedom of another segment? Cigars to the best of my knowledge are legal. Benjamin Franklin once said: "Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety."

The Grand Havana Room is a private membership club of like-minded individuals. In a free society who should make the decision of choice on what a person does with their body? I am asking you in the name of Freedom to allow the Freedom of Choice for those who are not breaking the law, who are not in the presence of minors, and are just asking for the right of self-determination.

I do not live in a world of rose-colored glasses, I fully understand the risks. I also recognize the fundamental role of every government is to provide security for its citizens and to maintain public order. This cannot be done without legislating against certain choices. Even in a free country, citizens are not free to choose in any absolute sense. Some choices are lawful, and some are not; however, there is a big difference between a "bad" decision and a "criminal" decision. Smoking is a bad decision. Burning your neighbor’s house down is a criminal decision. Drinking too much alcohol is bad. Driving drunk is criminal. This City Council should allow people the legal freedom to make bad choices, but the law must do all it can to prohibit criminal choices.

It is beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the ‘liberty’ assured by the Due Process Clause of the Fourteenth Amendment. Freedom of association encompasses both an individual’s right to join or leave groups voluntarily, the right of the group to take collective action to pursue the interests of its members, and the right of an association to accept or decline membership based on certain criteria. Freedom of Association is the right of coming together with other individuals to collectively express, promote, pursue and/or defend common interests. Freedom of Association is both an individual right and a collective right, guaranteed by all modern and democratic legal systems, including the United States Bill of Rights.

I implore you to allow the Grand Havana Room to remain intact and to vote in favor of freedom.

Ralph Odierna
Health and Safety Commission  
City of Beverly Hills  
455 North Rexford Drive  
Beverly Hills, CA 90210

Re: Prohibition of All Tobacco Product Sales in Beverly Hills vis-à-vis the Grand Havana Room

Dear Honorable Commissioners:

As a charter member of the internationally renowned Private Smokers' Lounge, the Grand Havana Room at 301 North Canon Drive, since its 1995 founding, I am writing to urge that careful consideration be given, because of its classification as a private, membership-based community, to exempting the club from any newly-adopted citywide policy that would prohibit the retail sale of all tobacco products.

For me and to many comrades and acquaintances, the GHR has been a welcoming and incomparably valuable place to converge and socialize across the past two-and-a-half decades. I have made lasting friendships there with like-minded individuals who have enhanced and broadened my life and world-view, which, prior to the opening of the GHR, tended to be quite solitary and largely work-driven. My interest in smoking premium cigars does not blind me to the health concerns that nonsmokers have; indeed, in my everyday life, I do not consciously indulge in public areas where I recognize such pursuit would annoy or distress others, both at home and at work.

That is why the GHR is one of Beverly Hills' most singular attractions to me, and because of my regular custom there, I also patronize nearby grocery stores and eating establishments within Beverly Hills, which I would not otherwise do without the GHR as a frequent baseline. The club is rigorously regulated as an adult establishment accessible to members and their guests only, and does not offer mass-marketed tobacco products, as do general retailers and convenience stores, which tend to sell these indiscriminately to customers walking in off the street.

Because an overarching tobacco ban without precise exemptions might jeopardize the continuance of this establishment that I hold in deep regard for its ongoing social value and the camaraderie of its clientele, I ask that you seriously consider and adopt a Private Smokers Lounge exemption in your upcoming Tobacco Product Sales Prohibition deliberations at your final Monday March 25 meeting on this topic and afterward.

Thank you for your kind attention in this matter.

Sincerely,

Michael Finnegan
Honorable members of the Health & Safety Commission:

I am writing in regards to the wonderful and welcoming home-away-from-home” Grand Havana Room. Unfortunately I have heard that the Beverly Hills City Council is considering prohibiting the sale of all tobacco products in Beverly Hills, including cigars. This would be heart breaking to me and a multitude of other members who appreciate this safe and distinct environment.

Since the opening of their doors in 1995, their exclusive mission has always been to provide a comfortable and discrete place where members can purchase and savor premium cigars, enjoy the camaraderie of others with similar interests, and entertain clients and friends. Their dedication to that mission has made the Grand Havana Room a world-wide icon, and a place that I, like many others enjoy greatly.

To enable the Grand Havana Room to continue its tradition of grand hospitality in Beverly Hills, they are asking that the City exempt private smokers’ lounges, such as the Grand Havana Room, from the proposed ban. And I stand firmly with them! Private Smokers’ Lounges such as Grand Havana Room, have absolutely nothing to do with general retailers and convenience stores - so I can not fathom why they would be treated as such and have to abide by the same regulations.

I hope that in light of these very clear differences as well as the overwhelming support from its patrons like myself, that the Commission recommend the non-inclusion or exception of the {private Smokers Lounges that do not sell cigarette, e-cigarette, vaping goods, etc.

Thank you for your time and consideration.

Arturo Sandoval
In this new world where the almighty hand of government tells us to such a shocking extent what we can and cannot do...

...what harm is there in allowing (continuing?) an exception for the small Grand Havana Club in Beverly Hills for cigars only? It harms no one. No one is forced to visit and smell cigar smoke. It’s on the top floor of the building so the smoke goes up, and there’s no one up there to breathe it.

It’s just a small group of members who enjoy getting out of the house or office from time to time to enjoy great food, a nice glass of wine and occasional cigar in the company of other like-minded members and our guests.

We don’t create trouble for anyone. My office is in Hollywood so it’s a bit of a drive for me. I use the Club primarily for business lunches and dinners and it is a special treat for my guests. I always ask them in advance if the smell of cigars bothers them or will get them in trouble that night on their clothes when they return home! I can only recall one person in the years and years I’ve been a member who voiced an objection, and we simply ate somewhere else. That was the singer Joe Cocker, and he had to sing the next night and didn’t think it would help his voice!

No harm, no foul. Even my wife loves the place. And, we both hate cigarettes! This is cigars only and religiously enforced.

As you consider this new potential prohibition, please think how few true freedoms we have left, freedoms that don’t encroach on a single person without their knowledge.

Sure appreciate it. Thank you.

Fred Davis

Fred N. Davis III, CEO, Strategic Perception Inc.
6158 Mulholland Highway, Hollywood, CA, 90068
323-860-3043 voice 323 876-4403 fax
http://strategicperception.com
March 21, 2019

Mayor and City Council@beverlyhills.org

Mayor John Mirisch and City Council
City of Beverly Hills
455 N. Rexford Dr.
Beverly Hills, CA 90210

Dear Mayor Mirisch and members of the Beverly Hills City Council,

I am writing with respect to the proposed ban on the sale of all tobacco products in Beverly Hills, and in specific, with respect to the impact such a ban would have on the Grand Havana Room in Beverly Hills.

My family has made premium cigars for over 100 years. The Grand Havana Room has been our customer, and the owners have been our friends, since the day the Grand Havana room opened in 1995. The Grand Havana room is part of the culture of Beverly Hills, and it contributes to the appeal of the city for residents and visitors alike. It is a luxurious members-only establishment for adults. We are proud to be associated with such a successful, sophisticated and reputable establishment. The Grand Havana Room would be an asset to any great city.

We respectfully disagree with your proposed ban on the sale of all tobacco products in Beverly Hills for many reasons, but we particularly wish to encourage you to consider exempting the Grand Havana Room from any such legislation. The Grand Havana Room’s clientele are successful adults who wish to enjoy a cigar in elegant surroundings. The Grand Havana Room does not sell cigarettes, e-cigarettes, or other similar goods. It is a private environment where adults can exercise their individual right to choose to smoke a cigar, while surrounded by friends and business associates.

Sincerely,

Carlos P. Fuente

Cc: Stanley Shuster, President, Grand Havana Room

ARTURO FUENTE CIGARS
1310 N. 22nd Street, Tampa, FL 33605-5317 U.S.A.
P.O. Box 5175, Tampa, FL 33675-5175 U.S.A.
Telephone: +1-813-241-1907 Fax: +1-813-242-4980
www.arturofuente.com
Via Email & U.S. Mail
mayorandcitycouncil@beverlyhills.org

Health and Safety Commission City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, California 90210

Re: Prohibiting the Sale of all Tobacco Products in Beverly Hills
Members of the Health & Safety Commission:

Gentlepersons:

This letter is written in connection with the Commission's evaluation of a potential policy that could or would prohibit the sale of all tobacco products in Beverly Hills.

I am a member of the Grand Havana Room ("GHR") and have been a member since the day it opened in April 1995. For 24 years I have enjoyed my membership in this private, members only club/smoking lounge and have entertained many clients and friends, in addition to making many new friends over the years, many of whom are also members. I have spent numerous days and afternoons working at GHR while enjoying a fine cigar with a glass of wine or scotch on occasion. GHR is not and should not be considered a general retailer of tobacco products such as cigarettes, vapes, e-cigarettes, or other products such as flavored tobacco products. It is much different and these differences between a private smokers' lounge and a general retailer are very important and must be considered in any policy you are seeking to implement for Beverly Hills. Based on my personal experience GHR does not sell, market or promote, has never sold, marketed or promoted and because of my long history with GHR, I am certain that it does not intend in the future to sell, cigarettes, e-cigarettes, vaping goods, or flavored tobacco products. GHR sells handmade premium cigars that are primarily produced by top brand specialty companies, some of which are family owned. These cigars are enjoyed like fine scotches or fine wines.
GHR has always provided an adult environment where people like me, my clients and friends can purchase and enjoy fine cigars with similar like-minded people. As an adult I can and should be permitted to make a choice to belong to GHR and enjoy a cigar from time to time with whomever I want whenever I want. The activities within GHR does not disturb anyone. As such GHR as a private smokers’ lounge is vastly different from a retailer of cigarettes, vapes, flavored tobacco products and the like.

I trust that you take into consideration the substantial difference between a private, members only smokers’ lounge and a general retailer of tobacco products when setting any policy negatively impacting my right and the rights of my fellow members to enjoy a cigar in a private setting when and if I chose.

I strongly urge that in any recommendation by the Commission the City Council take into consideration the differences between GHR and sellers of general tobacco products such that a private, members only smokers’ lounge like GHR be exempt from any policy that would prohibit it from allowing cigar smoking and the sale of premium cigars to it patrons.

Thank you for your consideration.

Very truly yours,

JEFFREY F. GERSH

JFG:abm
March 21, 2019

Health & Safety Commission
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210

Honorable Members of the Health & Safety Commission,

I am writing to highly urge you to exempt private members-only clubs, like the Grand Havana Room from your potential policy prohibiting the sale of all tobacco products in Beverly Hills. I understand your concerns about the dangers of cigarette and cigarette smoking in Beverly Hills, but I feel that private clubs like The Grand Havana Room provide a safe haven, as well as an important business meeting place, for those of us who enjoy premium hand-made cigars in the privacy of a private club and are willing to pay for the privilege to do so. As a television writer and producer I hold the business aspect of the club very dear and hope that you can see your way to allowing us to maintain it. Although I do not live in Beverly Hills, it keeps me coming to this wonderful city.

Thank you for your consideration.

Sincerely,

Joey Gutierrez
TV Writer & Producer
“The Kids Are Alright”
ABC
March 21st, 2019

Dear Mayor Mirish and the Beverly Hills City Council,

In support of the Buena Vista Cigar Club, I humbly write to ask that you consider exempting this adult retreat from your ban on cigarette sales.

As a frequent patron, I have shared many great conversations and nurtured even better memories at this lovely lounge. During that time, I have never witnessed a single cigarette being smoked nor the presence of children. This is a local haven for mature adults looking to enjoy a premium cigar. Accordingly, I fear the proposed tobacco ban will impart unintentional, and absolutely dire consequences on a local business that has been completely dedicated to hosting an elite, luxurious experience to guests for nearly 20 years.

Please consider my plea to exempt the club echoed by the hundreds of loyal regulars who would consider the ban, and resulting closure of the cigar club an absolute shame.

Thank you for considering,

Gabriel del Rio
Local business owner, former resident

-----------------------
Gabriel del Rio - GdR PR
gabriel@gdr.pr – www.gdr.pr

310/500-8972
Dear City of Beverly Hills,

It has been a great pleasure to come to Beverly Hills and spend time at The Grand Havana Room. Although I live out of town, my partner in my Entertainment company lives there. I have been a member of the club for many years! It is a major asset to the city and an amazing place that I have had the pleasure of entertaining heads of state, CEO’s, movie stars and simply great friends! I urge you to keep the doors of the The Havana Room open as its a special place and an asset to the city!  

Sincerely,

James Otis
Dear Mayor:

I hear that there is a meeting and discussion over restricting smoking and other related products in Beverly Hills. While I do agree with the idea in all public places, I have also been appraised that there is consideration to close the Grand Havana Room.

I have been a member of this club for 15 years and as you know this is a private club that’s membership only. I would strongly ask that you and the council reconsider any proposal to close or restrict the Grand Havana Room as this club is truly one of the few bastions in the city that one can relax with colleagues, have a private smoke and enjoy a lovely dinner without affecting anybody.

The club has remained and will always be an exclusive high end place where attorneys, producers, directors, doctors, investment bankers, venture capitalists, screen writers, actors, politicians and all like minded people can relax in a casual yet private environment.

I have personally conducted and have seen many business deals made here and many of them I am sure benefit the wonderful city of Beverly Hills.

I sincerely hope that my letter and many others that you may have received will help you and the council make the right decision.

With Best Regards

Neel

Neel Anand, MD
Professor of Orthopaedic Surgery
Department of Orthopaedic Surgery
Director, Spine Trauma
Minimally invasive Spine Surgery
Editor, Grays Anatomy

Spine Center
Cedars Sinai Medical Center
444 S San Vicente Blvd,
Los Angeles CA 90048

Sent from my iPhone
March 22, 2019

Health & Safety Commission
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, California 90210

Re: Prohibiting the Sale of all Tobacco Products in Beverly Hills

Honorable Members of the Health & Safety Commission:

I am writing this letter in connection with the Health & Safety Commission’s (the Commission’s) consideration of recommending a potential policy that could prohibit the sale of all tobacco products in Beverly Hills.

While I am a smoker, I do recognize and appreciate the purpose of a policy that would restrict or otherwise prohibit the sale and use of cigarettes, e-cigarettes, vaping goods, or other flavored tobacco products in certain non-exempt public areas, such as restaurants, etc. I have continued to adapt to this “reality” — and, in my case, I have been able to do so by enjoying being a member of a Private Smokers’ Lounge (the Grand Havana Room (the GHR)).

The GHR provides a private, isolated environment where we members (and our guests) can enjoy cigars, without imposing on others. I am at the GHR at least four times per week for both personal and business purposes. I frequently host friends and family members for special occasions; and, as a partner with a global professional services firm, I frequently entertain clients and prospective clients, many being Beverly Hills-based executives of private equity, entertainment and technology businesses. I also host my fellow partners and employees as well. In all instances noted above, I host my guests at the GHR at their request — needless to say, my fellow members and I truly enjoy the benefits of the GHR both personally and professionally and, at the same, help support a Beverly Hills business as a patron.

Given the above reasons, I respectfully request that, to the extent the Commission recommends to the City Council a policy that may prohibit the sale of tobacco products as well as any restrictions on the use of tobacco in Beverly Hills, it recommend the exemption of existing, licensed Private Smokers’ Lounges such as the GHR.

Thank you for your attention and consideration.

Very Truly Yours,

Scott M. Cacurak, CPA

Cc: Stan Shuster – Grand Havana Room
March 22, 2019

Health & Safety Commission
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210

Re: Prohibiting the Sale of All Tobacco Products in Beverly Hills

Esteemed Members of the Health & Safety Commission:

As a member of the Grand Havana Room, I support the exemption of private smoker’s lounges from the proposed tobacco ban. My jewelry company is owned and operated in Beverly Hills. The Grand Havana Room has played an integral role in building relationships which allow my business to thrive. It is a home away from home, a space where I can entertain clients and a community where I have developed lifelong friendships.

I know my business and many others in Beverly Hills rely on the social function that the Grand Havana Room provides. It would be devastating to see their doors close. It is a place where adults can enjoy premium cigars and the company of fellow professionals with similar interests. Additionally, as a members-only club, the Grand Havana Room does not sell, market or promote cigarettes, e-cigarettes, vaping goods or flavored tobacco. I respectfully ask that you please take this into consideration when making your decision.

Sincerely,

Michael Greene
Greene & Co. CEO & Founder
Grand Havana Room Member
March 22, 2019

To Whom It May Concern,

My Name is Nicholas Loloee, I am writing this letter on behalf of the Grand Havana Room in Beverly Hills, in connection with the commission's exploration of a potential policy that could prohibit the sale of all tobacco products in Beverly Hills.

As a member it is critical that my views be made known. I wanted to take the time to express my support for the exemption The Grand Havana Room needs, in order for me and my fellow members to continue utilizing The Grand Havana room as our home away from home. The lounge serves a both a place to relax with fellow members and conduct business meetings. The majority of my business meetings are held at the Grand Havana Room.

The Grand Havana Room is a members-only Private Smokers' Lounge that has no interest in selling, marketing or promoting cigarettes, e-cigarettes, vaping goods, or flavored tobacco products. Their only interest is in promoting premium cigars which are handmade products that are primarily produced by family-owned or specialty companies. Along with my fellow members I conduct the majority of my business meetings in the quiet, private lounge of The Grand Havana Room. If this new policy is put in place without an exemption for preexisting Private Smokers' Lounges it will have a huge impact on my business.

The mission of the Grand Havana Room is to provide a safe and discrete environment where cigar connoisseurs can purchase and enjoy them without disturbing others, enjoy the camaraderie of those with similar lifestyle interests, and entertain clients and friends. In this regard, Private Smokers' Lounges, such as the Grand Havana Room are wholly different from general retailers and convenience stores that, as an incident of their larger retailing business or other services, sell mass-marketed tobacco products to customers who are indifferent as to where they purchase them or use them.

Thank you for your consideration,

Nicholas Loloee
Dear Honorable Members of the Health and Safety Commission,

I am a 10-year resident of the City of Beverly Hills and homeowner. Three of my six children attended grade school and high school in the Beverly Hills Unified School District.

I relocated my company to Beverly Hills in 2011 and employ more than 60 people from our headquarters located here. I also chose to take my company public on the Nasdaq Stock Market in 2017, while remaining headquartered in Beverly Hills – one of the few public companies headquartered in our city. We own and operate the Fatburger, Ponderosa & Bonanza, Hurricane Grill & Wings and several other national and international restaurant brands, doing business in 32 countries around the world from Beverly Hills.

I have been a member of The Grand Havana Room for more than 20 years and two of my adult children are also separate members. We frequently use the facilities to conduct business entertaining with clients from all over the country and world, hosting internal business and social gatherings and meeting at GHR with friends socially. GHR affords us the opportunity to privately enjoy the premium cigar smoking experience, along with food and beverages rather than being restricted to our homes. I am not an advocate for the mass sale of cigarettes, vape type products or e-cigarettes, much like a convenience store would do.

I would ask that the Commission consider separating GHR as a Private (membership with invited guests only) Smoker’s Lounge from the general retail mass selling of tobacco products and exempt it from any such contemplated legislation.
Sincerely,

[Signature]

Andrew A. Wiederhorn
President & Chief Executive Officer
Health and Safety Commission  
City of Beverly Hills  
455 N. Rexford Drive  
Beverly Hills, California 90210  

Re: Prohibiting the Sale of all Tobacco Products in Beverly Hills  

Honorable Members of the Health & Safety Commission  

I am an individual business owner who works and dines in Beverly Hills, and have been a member of the Grand Havana Room for 18 years. It provides a place to entertain clients as well as a 'home-away-from home' when my wife and I are out dining.  

The Grand Havana Room is a safe and discrete Private Smokers Lounge that does not sell or promote cigarettes, e-cigarettes, vaping goods, or flavored tobacco products and should be regulated differently. Unlike those products, premium cigars are handmade products that are primarily produced by family-owned or specialty companies, and are typically enjoyed like fine wines and other specialty items. The Grand Havana Room is a members-only club that caters only to adults.  

I am writing to respectfully request that, to the extent the Commission recommends to the City Council a policy that could prohibit the sale of tobacco products in Beverly Hills, it recommends to the City Council the non-inclusion or exemption of existing, licensed, Private Smokers' Lounges that do not sell cigarettes, e-cigarettes, vaping goods, or flavored tobacco products.  

Thank you for your consideration  

Sincerely,  

Jeffrey Walden  

March 22, 2019
From: Terrence McKelvey <tmckelvey@stratoswp.com>
Sent: Friday, March 22, 2019 10:22 AM
To: WebCBH MAYORANDCITYCOUNCIL
Subject: Tobacco Ban

Please exclude Cigar shops/lounges from this. Cigar smoking only attracts quality and adds to a positive environment that is great for business meetings and comradery.

Terrence A. McKelvey, CFP®
ChFC®, CRPC®, CRPS®
Partner | Wealth Advisor
Stratos Wealth Partners, Ltd.

9595 Wilshire Blvd, Suite #900
Beverly Hills, CA 90212

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Web: www.FiduciaryInvesting.net

I appreciate all referrals, as I consider them to be the greatest compliment for a job well done. Thank you again for your business.

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Honorable Members of the Health and Safety Commission,

I am writing concerning the proposed ban on the sale of all tobacco products in Beverly Hills. This seems to be a knee jerk reaction to the e-cigarette and vaping that has been attracting youth in great numbers. Not all tobacco products are the same. Handmade premium cigars do not attract or are used by underage high school students. They are consumed by mature adults.

The Grand Havana Room has been in existence since 1995. It is a private club where their members meet to have a drink, a meal and a premium cigar in a relaxing and friendly environment. It is not logical or right to group the Grand Havana Room with retailers that sell e-cigarettes and vaping paraphernalia. The Grand Havana Room sells handmade premium cigars to its members.

Whenever I travel to Los Angeles, I spend a few evenings at the Grand Havana Room where I meet with colleagues and friends. I live in Philadelphia and the Grand Havana Room is my home in Los Angeles. It would not be right to hurt or destroy it for no practical reasons. The FDA is going to regulate or ban flavored e-cigarettes and vaping. The Grand Havana Room and premium, handmade cigars are far removed and have nothing to do with those products.

The average age of members of the Grand Havana Room is probably in their 50’s. Please consider exempting the Grand Havana Room from this legislation.

Thank you for your consideration.

Sincerely,

Robert Levin
Dear sirs, I am writing to you in regards to the proposed ban on the sale of tobacco products in the city of Beverly Hills. The presumed goal of any ban of such products would be to limit their distribution to minors, and others to whom it would be deemed inappropriate. However, a blanket ban on sales may harm a number of businesses that would not be involved in said distribution, but would merely be collateral damage, resulting in potentially significant reduction in city revenue. There are several businesses, including tobacco stores and a private club that would be essentially put out of business, while not achieving any of the stated goals.

An alternative to a blanket ban would achieve the underlying goals without harming businesses not involved in sales to the public, or to minors and others. If in fact, sales were banned in convenience stores, liquor stores, pharmacies, and markets only, and excluding tobacco shops and private clubs, a near perfect result could be achieved without putting the specialty shops and private clubs in jeopardy. In other words, ban tobacco product sales in non-specialty stores but exclude tobacco shops and private clubs that would not be involved in sales to people you would wish to prevent. The Grand Havana Room, and Buena Vista club are the two prime examples of these. It would be no advantage to the city to attempt to close these down. It would certainly result in potentially significant, expensive litigation, and ultimately loss of city revenues, as these very limited locations are solely reliant on tobacco sales, that don’t include sales to the public or minors.

Sincerely, Jayson Hymes MD MPH

Sent from my iPad
From: Steven Samblis <info@envision.tv>
Sent: Friday, March 22, 2019 6:43 PM
To: WebCBH MAYORANDCITYCOUNCIL
Cc: Stan Shuster
Subject: MY support for Grand Havana Room

Honorable Mayor and City Council members of Beverly Hills,

My name is Steven Samblis and I have been member of the Grand Havana room for the last 7 years. This is a place I go to on a daily basis. I moved to LA 8 years ago and the Grand Havana Room is the one constant in my life that has truly kept me in Beverly Hills. It is where I have met most of my friends and the place I meet most of my friends. The is the place where I can relax or do work. GHR is just a huge part of my life. It is the main reason I remain in LA.

The Grand Havana Room is a private cigar lounge where you have to be over 21 to enter. It is on the second floor which requires a members key to go up the elevator to. GHR is secluded and not a threat to anyone. All of us members love this club and many of us consider it a home away from home.

I feel the membership of the club most likely has a large and positive impact on the businesses in Beverly Hills. I have dinner at the club at least 4 times a week and when not having dinner there, I patronize the many other restaurants in Beverly Hill. My Doctor's is in Beverly Hills. The Pharmacy I use is here and I shop here. The reason I do all this is because Grand Havana Room is the anchor that brings me here. There are hundreds of members just like me that are here and supporting this community because of the Grand Havana Room.

I pray you can grant the Grand Havana Room an exemption from your proposal so I don’t lose this incredibly important place which is such a fixture in my life.

Thank you.

Steven Samblis
CEO/Founder, Envision Media Partners

www.Envision.tv
March 23, 2019

Health and Safety Commission
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210

Re: Prohibiting the Sale of all Tobacco Products in Beverly Hills

Dear Members of the Health and Safety Commission,

My name is Dean DeBlois. I am a Golden Globe winning, two time Oscar-Nominated filmmaker, known for such films as Disney's "Lio & Stitch" and DreamWorks "How to Train Your Dragon" trilogy. Several years ago, I became a member at The Grand Havana Room, and it has since become my favorite private club in all of Los Angeles County. The Grand Havana Room is known around the world as the finest establishment for premium cigar aficionados. Its relaxed social setting provides a discrete destination for club members to gather, converse, and conduct meetings in elegant ambiance. It has become a home away from home and a central rendezvous point for important matters of business, as it has a large and vibrant membership of producers, directors, and actors. I have enjoyed the great pleasure and privilege of meeting many significant people in my field at The Grand Havana Room, and its contribution to the careers of many, and the entertainment industry as a whole, cannot be underestimated.

The Grand Havana Room is an establishment that permits its members to engage in the appreciation of premium cigars in an enclosed environment, without disturbing others. It enables its membership and their guests to sample the finest cigars available, in much the same way wine connoisseurs gather to appreciate the best of the world's vintages. The club setting also provides fine dining and premium alcohol. The club does not sell or encourage cigarettes or their use. It is wholly different from an establishment selling mass-marketed tobacco products.

On this basis, The Grand Havana Room and similar private smokers' lounges provide a comfortable and contained club atmosphere that is fundamentally different to other establishments which offer tobacco products. I ask that it would be considered in this light and be regulated differently than tobacco sellers and other establishments that cater to the public, such as restaurants or cafés.

I therefore respectfully add my name to the many club members who believe strongly that The Grand Havana Room should be exempted from any regulation banning the sale or use of tobacco in the city of Beverly Hills.

With much respect,

[Signature]

Dean DeBlois
Dear Sirs:

I wanted to state my support to allow for private smokers' lounges such as the Grand Havana Room to be exempt from the tobacco sale ban.

While the health and safety of the public is always paramount to governance of public space, the private smokers lounge is use and sale specific enough to ensure that it is not promoting any sale of products other than premium cigars.

The Grand Havana Room is a terrific amenity to have in the Beverly Hills area and I hope that a carve out can be created for it and similar users.

Thank you for your consideration.

Best regards,

David Kim
Greetings Honorable Members of the Health & Safety Commission,

I am an active member at the Grand Havana Room and I am a cigar connoisseur.

I use this private club’s facilities on a regular basis, where I can enjoy the environment both leisurely and professionally. The club gives me a place, where I can enjoy a cigar without disturbing anyone, who dislikes cigar smoke.

The club works for me as a place to grab dinner or lunch with friends, who also enjoy cigar smoking. Given that this is a completely private members-only club, no one is bothered with and only people who enjoy cigar smoking is present. The club serves as a world famous legendary establishment in the middle of this great city. I often have visitors from around the world coming to see me there and for them to experience a great cigar in an amazing environment.

For the above reasons, I request that such private cigar smoking lounges not be included in the proposed prohibition of sale of tobacco products within the city.

Thank you for your consideration,

My warmest regards

Michael Rasmussen
Mr. Mayor and Members of the Beverly Hills City Council:

My name is David Gross and I have been a member of the Grand Havana Room for 5 years.

The Grand Havana Room is my sanctuary. My happy place. It is my weekly meeting spot where I can spend time with family and friends and the only opportunity I have to relax. The staff and other members have become extended family to me. The outrageous attempt to ban tobacco sales in Beverly Hills is essentially a termination of employment to so many who have worked there for a great portion of their lives with plans to retire at the GHR. This law will force them on the street or have to try to find some low paying employment in unknown industries while supporting their families and loved ones. It’s not so easy just to pick up and start over.

For me, it takes away my place and opportunity to spend time with my closest friends. The dinners that we all look forward to because it is the only time we have to sit and enjoy each other’s company and enjoy a cigar and a drink.

I have two young kids and work crazy hours and the club is my place to unwind when I can.

Please do not ban the sale of tobacco products in Beverly Hills. At the very least, please consider an exemption for this establishment that make so many of us feel at home.

With respect,

David G. Gross
Bridge Street Jewelers
March 24, 2019

Health & Safety Commission,

I am writing to ask that you exempt private social clubs like the Grand Havana Room from your proposed ban on the sale of cigarette products in the City of Beverly Hills.

The Grand Havana has been around for 25 years as a place to gather for people of all walks of life who love a great cigar, good food, libations and conversation.

The sale of cigars is essential to the Grand Havana Room very existence not incidental to what they do.

I respectfully request that you take the above into account and exempt existing private social clubs from the proposed ordinance.

Sincerely,

[Signature]

Antonio R. Villaraigosa
Dear Mayor and City Council of Beverly Hills,

I’m a 20+ year Angeleno and a 15+ year Grand Havana Room member.

Throughout the ups and downs of my time in LA, there’s been but one constant: The Grand Havana Room.

From business dinners to personal celebrations, first dates to anniversaries, weekly gatherings to school fundraisers, The Grand Havana Room has consistently provided a positive and memorable experience for all.

We enjoy a cigar, relax with a drink and share sumptuous meals (some of the best sushi in LA!) over the course of hours of conversation.

Yes, conversation, people actually talking to each other, listening to each other, understanding each other in one of the few phones-down environments in the city.

The pleasure of a cigar is about the people you enjoy it with. And I can honestly tell you, some of the best people I’ve met are because of The Grand Havana Room. They’ve become friends, colleagues and family.

As you consider your proposed ban on cigarette products, I ask that you understand the difference between a cigarette and a cigar, because, sometimes, a cigar is just a cigar.

But, there’s nothing in the world like the Grand Havana Room, its people and their contribution to our community are irreplaceable.

With appreciation,

Mike Tankel
Good morning,

I have been a member at the Grand Havana room for over ten years. The establishment provides a tranquil environment for members to enjoy cigars as well as having the ability to have an enjoyable meal.

The club maintains a private entrance not visible from the street as well as not displaying any signage indicating a private smoking establishment. The members and club itself are also not visible to public view and in no way promotes smoking to children or other members of the community.

The Grand Havana Room has been a long standing reputable business in the community which attracts a quality clientele into the city of Beverly Hills.

Thanks for your consideration,

Selman Shaby

Sent from my iPhone
March 24, 2019

City of Beverly Hills
455 N. Rexford Dr.
Beverly Hills, CA 90212

Dear Sirs!

My name is Emil Lotyanu, I am a resident of the City of Beverly Hills and an active supporter of the Beverly Hills Police and Fire Departments.

I'm a long time client of the Buena Vista Cigar Club, one of the three smokers' lounges in Beverly Hills. Over the years I have become friends with Mr. Rigoberto Fernandez, who is an owner and operator of the Buena Vista Cigar Club.

It is a family-owned business established in March of 2000 with the main purpose of retailing premium cigars and providing a low key and safe environment where cigar connoisseurs can purchase and enjoy them without disturbing others.

In more than 18 years Buena Vista Cigar Club has truly become a unique social gathering spot rather than point of sale of tobacco products and one of the City's attractions. It is well known outside of Beverly Hills, and many people come to our city specifically to enjoy cigars and experience atmosphere of this fine lounge.

It is the only place in our city, that is open to the general public and where residents and guests can mingle and build community ties while enjoying a drink or a cigar in a relaxed and a low-key setting.

Buena Vista Cigar Club have never been engaged in the sale, marketing nor promotion of cigarettes, vaping goods, or other tobacco products. It does not advertise, promote, or market its business.

I'd like to underscore, that Buena Vista Cigar Club lounge doesn't have an outdoor patio, and therefore other people are not exposed to a secondhand smoke.

Premium cigars are not intended nor attractive to teen-agers or adolescents.

Being a regular customer of Buena Vista I can attest that I have never seen youngsters in this establishment.

A radical ban on sale of all tobacco products will force Buena Vista Cigar Club out of business, and the City of Beverly Hills would loose one of it's beloved landmarks.

Therefore, I'd like to voice my opinion and strongly urge you to grant an exemption for the existing cigar lounges, Buena Vista Cigar Club included, from the tobacco products sales ban, if such a ban would be adopted by the City of Beverly Hills.

Yours truly,

Emil Lotyanu
March 25, 2019

Health and Safety Commission
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, California 90210

Re: Prohibiting the Sale of all Tobacco Products in Beverly Hills

Honorable Members of the Health & Safety Commission:

I am writing with regards to the Commission's exploration of a potential policy that could prohibit the sale of all tobacco products in Beverly Hills. I am a member of a private cigar lounge in Beverly Hills called The Grand Havana Room. It is one of three Private Smokers' Lounges in Beverly Hills. GHR as we call it, is a home away from home for almost all members, including myself. At GHR, we enjoy fine cigars and amazing food and drink all at the comfort of a private members only lounge. I personally spend at least 4-5 days out of the week at GHR, holding meetings, conducting business and socializing with other members. The Grand Havana Room does not sell, market or promote cigarettes, e-cigarettes, vaping goods, or flavored tobacco products. They only have premium cigars. Unlike those products, premium cigars are handmade products, and are typically enjoyed like fine wines and other specialty items. The Grand Havana Room is a members-only club that caters only to adults. It is privately located on a 2nd floor and is difficult to locate for the general public. GHR provides a safe and private environment where cigar connoisseurs can purchase and enjoy them without disturbing others. It is very much different then a general store that sells tobacco products and should be regulated differently than the sellers of cigarettes, and other places of public accommodation, such as restaurants.

For all of the these reasons above, I respectfully request that the Commission recommends to the City Council a policy that could prohibit the sale of tobacco products in Beverly Hills, but recommend the non-inclusion or exemption of existing, licensed, Private Smokers' Lounges such as the Grand Havana Room that do not sell cigarettes, e-cigarettes, vaping goods, or flavored tobacco products.

Thank you for your consideration.

Respectfully,

Asko Akopyan
CEO/President
March 25, 2018

Health and Safety Commission City of Beverly Hills

Dear Health and Safety Commission,

I am writing in reference to the proposed ban on the sale of all tobacco within the City of Beverly Hills.

The city of Beverly Hills should consider exempting the sale and use of tobacco products within Private Smokers Lounges. I have been acquainted with the The Grand Havana Room (GHR) for about 10 years. During that time I have witnessed the GHR as an avid supporter of law enforcement and the charities that support them from across the country.

The GHR has also welcomed City, State and Federal law enforcement leadership from across the country with private meeting space that enhances relationships and public safety. They have hosted several non profit law enforcement charities and retirement celebrations with meeting space as well.

As an retired DEA Special Agent of 28 years, I fully understand the negative effects of tobacco and drugs and support the tobacco initiative for public sales in a general sense. I would urge you to consider exempting private smokers lounges from the proposed ban on the sale of tobacco, to ensure the GHR can continue to operate and support law enforcement and your local community.

Should you require more information, feel free to contact my office at 202-905-8885. Thank you for your consideration.

Sincerely,

Richard J. Crock
Chairman

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The DEA Survivors Benefit Fund is not part of the U.S. Department of Justice (DOJ) or Drug Enforcement Administration (DEA) but, instead, is a private 501(c)(3) organization that supports the families of DEA agents, employees, and task force officers that gave their lives in the line-of-duty. Neither the DOJ nor DEA approves, endorses, or authorizes the DEA Survivors Benefit Fund, its materials, or its fundraising efforts.
March 25, 2019

Health and Safety Commission
City of Beverly Hills
455 Rexford Drive
Beverly Hills CA 90210

Re: Prohibiting the Sale of all Tobacco Products in Beverly Hills

Honorable Members of the Health and Safety Commission:

I am writing on behalf of The Grand Havana Room, a private cigar lounge where I have been a member for the last seven years. I am a Beverly Hills based physician and I am very sensitive to the matter of primary and secondary smoke contamination. Other physicians also frequent this lounge.

The Grand Havana Room is a private venue that provides a safe and discreet environment for many in the Beverly Hills business community to socialize and smoke a cigar with dinner or to accompany a libation. Many members order meals while in the club from Via Alloro, an Italian restaurant located at the street level, thereby enhancing their business. The lounge does not offer retail sales of any cigarettes, e-cigarettes or vaporizers.

In conclusion, I recommend to the Commission to grant a waiver to The Grand Havana Room so that it may continue to offer a relaxing private venue for its members to dine, socialize and enjoy the occasional cigar.

Respectfully submitted,

Richard S. Horowitz, M.D., F.A.C.P.
Dear Mayor and Members of The Beverly Hills City Council:

Saturday, I learned that the Beverly Hills City Council is considering prohibiting the sale of all tobacco products in Beverly Hills, including cigars.

I would have known about this sooner, but I had neglected to update my email address with The Grand Havana Room’s corporate office since I joined two months after it opened. That’s right, I joined the club two months after it opened, over 24 years ago!

The Grand Havana Room is extremely important to me both professionally and personally.

I own an advertising agency with clients including Lexus, Toyota, and Pioneer Electronics. When clients from all over the world visit Los Angeles the first thing they ask me, or really tell me is “let’s go to The Grand Havana Room.”

I’m also the Founder and CEO of Essential Lab Solutions, a company building and managing Analytical Agricultural Testing Laboratories in California, Canada, and Australia. We’ve conducted several all-day meetings at the club and have several more scheduled.

And that’s exactly what The Grand Havana Room is – a Club. For professionals.

In my 24 years as a member I’ve never seen anyone under 21 there. Or members and their guests smoking anything but cigars and the occasional cigarette. And, the club’s HVAC system is amazing. The air is continually filtered and recirculated.

If you don’t allow The Grand Havana Room to continue its over 24 year tradition of allowing professionals a private place to conduct business, relax and smoke a cigar, you’ll not only hurt my business, but the businesses and life styles of many others.

The Grand Havana Room isn’t a “public place” it’s a “Private Club”. I implore you to look past the issues of public smoking and allow The Grand Havana Room to continue to provide a unique venue and haven.

It’s not the problem you’re trying to solve. It’s actually a solution.

Sincerely,

Michael Malkasian

CEO

Essential Labs Solutions, Inc.
To whom it may concern

I’m writing to you in regards to the proposed tobacco sale ban being debated today at the City Council meeting. I, and every single one of my peers with which I have discussed the issue, feel that this is an egregious overreach of power. Essentially, the Council is proposing a ban on the sale of something that is 100% legal to purchase for anyone over the age of 18 in every other corner of our 50 states.

One can only assume that the purpose for the Council’s proposal is to look after the health of its citizens, which is an admirable goal, but starts us down a path that becomes very slippery. What’s next on the list? An alcohol ban? I’m sure the restaurants and hotels in the Beverly Hills area would find that to be a hard pill to swallow. Maybe we should ban carbs since a majority of nutritionists point the finger at pasta as the main cause for our growing waistlines. Or perhaps we should just force everyone to sign up for a gym membership? This may sound preposterous but it’s not a stretch to think this could be the next item on the agenda if this tobacco ban is approved.

As a regular patron of a cigar lounge in the Beverly Hills area, I have enjoyed the social aspect of meeting new people over a nice cigar and cocktail as well as creating new business relationships through connections created in this environment. Most of these rendezvous’ come after having a group dinner at one of the fine Beverly Hills restaurants that serve as a prelude to a great night. This is crucial to the fabric of what Beverly Hills has to offer at night. Imposing this tobacco ban would put these social clubs out of business and just force these patrons outside of the city limits. These social behaviors will not change as a result of this ban, they will just take place down the road in West Hollywood or Century City.

I urge you to reconsider this ill-advised legislation. It will put long standing Beverly Hills business owners out of business without achieving the desired outcome that the legislation hopes to achieve.

Thank you for your consideration,

Henk Drakulich
Dear City Council,

I’ve been around people who smoke cigars all 38 years of my life. My great uncle smoked cigars, he lived to 100. My great aunt smoked cigarettes, she lived to 70 and died of lung cancer. My grandfather smoked cigars, lived till 98, always with a cigar in his mouth and a smile on his face. My father is in his mid-70s now, he’s been smoking cigars for 50+ years, no health issues. Maybe we’re just lucky and have great genes...other than my aunt?

When I was 15 my best friend took me with him to visit his father Ellis who lived in the Caribbean over a summer break. Ellis was a cigar carnosaur. I never had much in common with my own father, but when I came back from the Caribbean with some nice cigars, a new knowledge and passion, my father and I sat down outside and began enjoying something we both loved. It brought us closer together. I still don’t have much in common with my father, we share very different life views, but no matter what differences, I can always sit with him and enjoy a great cigar.

My older brother Randy lived in Los Angeles when I first moved to LA nearly 16 years ago at the age of 23. Randy was in advertising and he also was a cigar smoker. One of his clients had introduced him to the Grand Havana Room, where my brother quickly joined having an equal passion for cigars. I would bribe Randy with cigars to bring me along with him to the Grand Havana Room. Sure, we could smoke cigars anywhere, but when at GHR we knew we were with others who were equally passionate about the fine tobacco and complexities of cigars. A hobby akin to those who enjoy fine wines of various varieties.

I was also starting out in the film business as an aspiring producer and among other things, relationships I learned, were invaluable to getting a foot in the door. Through the common interest of cigars and the Grand Havana Room, I was able to meet other likeminded people, nurture friendships, share meals, drinks, cigars with, and I am forever grateful to Stan Shuster when he allowed me to also join the club nearly 13 years ago, which at the time, I held the title for youngest member.

GHR became my home away from home, my often daytime office where I would read and write and take clients and pitch movie ideas. At night it was my getaway from a long day’s work where I can take friends, meet with other members, and bond over the love of a great smoke. I’ve known many smokers... Members of the club, people in my family, friend’s families, and so on. I’ve never once heard of anyone becoming ill from cigar smoking, only from other uses of tabaco, cigarettes for the most part. That said, smoke of any kind might be offensive to some, and I, and others at the club understand and respect that. We don’t force anyone to come to Grand Havana. I have friend’s that won’t step foot in the club, because of the smoke. That’s okay. We do other things together. Unless someone chooses to walk through the doors of The Grand Havana Room, there’s no public exposure or offence to those who are not likeminded.
For us to lose this wonderful oasis, this staple fixture in Beverly Hills, because the city categorizes cigars as the same risk level as cigarettes, would be a great loss to all us who know differently.

We live in America. Knowing the risks, we should have the freedom, in the privacy of our members only club, to smoke cigars and enjoy the company of others who enjoy smoking cigars. If you pass the tobacco ban, I kindly, and humbly ask, that private social clubs, like the Grand Havana Room, be exempt.

Cigars are not cigarettes. They don't contain the manufactured poisons that cigarettes and other manufactured smoking products have. They are pure tobacco leaf with no additives and I've known many cigar smokers, some, including family, that have lived to their 90s and beyond with no health complications from their love of cigars. The risk factors are just not the same as cigarettes and they joy, the relaxation, the comradery we get from having the Grand Havana Room is quite significant.

There aren't many places one can go, sit with someone regardless of their career, title, social status, political view, race, religion, sexual orientation, and so on; and still be able to strike up a conversation instantly over the appreciation of a fine cigar.

In a world that tries to divide us, more than ever, we need more places like the Grand Havana Room to bring us together.

Please exempt The Grand Havana Room. We bother no one. If anything, this establishment brings many much joy.

Sincerely,
Joseph Nathan Weisman
March 25

Health & Safety Commission
City of Beverly Hills
455 North Redford Drive
Beverly Hills, CA 90210

Dear Members of the Health and Safety Commission:

I'm writing this letter as a member of the Grand Havana Room and a longtime resident of Beverly Hills.

I joined the Grand Havana Room 12 years ago and it was an incredible asset both personally and professionally. I made great friends over there and also had an invaluable opportunity to entertain co-workers and influential guests. I'm an actor and producer and many of my guests are very recognizable entertainers. The Grand Havana Room provides exclusive and great atmosphere that is almost impossible to recreate elsewhere in my opinion.

As a 3 time Mr. Universe, I really appreciate your efforts to limit the accessibility of cigarettes and e-cigarettes. However, the Grand Havana Room is a special members-only place, where we can enjoy friendship and conduct business. I ask you please exempt the Grand Havana Room from the policy you are currently recommending.

All the best wishes,

Alexander Nevsky
March 26th, 2019

Health and Safety Commission  
City of Beverly Hills  
455 N. Rexford Dr.  
Beverly Hills, CA 90210

RE: Prohibiting the sale of all Tobacco Products in Beverly Hills

To Whom it May Concern:

I am writing this letter to you as one of the original members of the Grand Havana Room going back to 1995. It is my understanding that the city of Beverly Hills would like to ban the sale of tobacco products in an effort to expand upon the existing tobacco laws already in place. As an individual, I understand and appreciate the desire to reduce exposure to tobacco products as a whole, especially to young people, and I support those efforts.

However, the Grand Havana Room does not and should not fall under the same scope for three main reasons. First, it is not a retailer of your typical tobacco products like cigarettes or the current trend of vaping. Enforcing a ban against a private cigar lounge would not be concurrent with the city’s proposed goal. Second, the lounge provides a place away from the general public, away from homes, and away from other places in the city to enjoy tobacco. In my opinion, this only lends to what the city would like to accomplish. Lastly, The Grand Havana Room is less about tobacco and more about being a private lounge where individuals with similar tastes can enjoy time with their friends and entertain business relationships. It does not allow or cater to children or young adults and it is not advertised or open to people walking by. It simply provides a place to enjoy an upscale product in a manner which the city should appreciate: in private and with like-minded adults only.

It is for these reasons, and many others, which I respectfully request that you exempt private smoking lounges from the proposed city-wide ban. The Grand Havana Room has been a staple of Beverly Hills for over 30 years now and a place which I have long considered to be a cornerstone of the business that makes the city what it is.

Thank you for your time,

Patrick Gallagher  
Vice President of Production
March 26, 2019

Health and Safety Commission
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, California 90210

Re: Prohibiting the Sale of all Tobacco Products in Beverly Hills

Honorable Members of the Health & Safety Commission:

I am writing this letter about the Grand Havana Room in connection with the Commission’s exploration of a potential policy that could prohibit the sales of all tobacco products in Beverly Hills. I recently became a member because we do a lot of business in the city of Beverly Hills with the automotive industry. I personally use the Grand Havana Room for lunch meetings, dinner meetings and more or less a remote office. In this short time that I have been a member, I have realized it is not just a ‘smoking’ lounge, but more a social club with business networking like atmosphere.

The mission of the Grand Havana Room, to me, is a discrete environment where cigar connoisseurs, like myself, can purchase and enjoy them without having to worry about disturbing the public, or those around me. The Grand Havana Room is a place I can go whether it be to be with friends or clients and provides an undisturbed time to focus on my current daily matters. This is a place that sets its own standard, amongst the general retails, convenience stores that are focused on a much larger retailer based of tobacco products, such as cigarettes or vaping products.

In conclusion, the Grand Havana Room is a much more meaningful place than just to buy a cigar and have a drink. It’s a home away from home, it’s a second office, and it’s a small
peace of mind for me at the end of a busy day. It is a private club, so it is not to bother the public or be disturbed by any unwanted anomalies. For all of the stated reasons, I respectfully request that, to the extent the Commission recommends to the City Council a policy that could prohibit the sales of tobacco products in Beverly Hills, it recommend the non-inclusion or exemption of existing, license, Private Smokers’ lounges that do not sell cigarettes, e-cigarettes, vaping goods, or flavored tobacco products.

Thank you for your consideration.

Sincerely,

Vicken B. Labejian
Owner
Honorable Members of the Health & Safety Commission:

I appreciate the opportunity to testify yesterday. Thank you for your understanding and open-mindedness regarding a exemption for The Grand Havana Room of Beverly Hills.

As mentioned in my brief statement, The Grand Havana Room has been a key to my success professionally, as well as a genuine source of enjoyment personally for many years.

Best,

Kenny Golds | Founder & CEO
Star Communications, Inc.
1901 Avenue of the Stars | Suite 1025 | Los Angeles, CA 90067
www.starcomm.com
On Mar 26, 2019, at 3:18 PM, Ron Woolley <ronwoolley@example.com> wrote:

I write to you today as a premium cigar patron to express my opposition to any possible proposal that seeks to implement an across-the-board sales ban on tobacco products in the City of Beverly Hills.

In the City of Beverly Hills that are specialty tobacco stores and premium cigar lounges that cater to an adult clientele. Any ban on the sale of tobacco products, would directly inflict irreparable economic harm on those businesses that sell premium handmade cigars.

Premium cigars are an artisan handmade all natural product, that do not carry the stigma of addiction, inhalation, mortality, and youth access associated with other tobacco products.

I respectfully ask that you consider the differences that exist with premium cigars before you formalize any proposal to ban tobacco sales in Beverly Hills.

Thank you for your time and attention to this request. Ron Woolley

Sent from my iPhone
On Mar 26, 2019, at 3:30 PM, Erling Hedkvist wrote:

Dear Ms Bosse,

I write to you today as a premium cigar patron to express my opposition to any possible proposal that seeks to implement an across-the-board sales ban on tobacco products in the City of Beverly Hills.

In the City of Beverly Hills that are specialty tobacco stores and premium cigar lounges that cater to an adult clientele. Any ban on the sale of tobacco products, would directly inflict irreparable economic harm on those businesses that sell premium handmade cigars.

Premium cigars are an artisan handmade all natural product, that do not carry the stigma of addiction, inhalation, mortality, and youth access associated with other tobacco products.

I respectfully ask that you consider the differences that exist with premium cigars before you formalize any proposal to ban tobacco sales in Beverly Hills.

Thank you for your time and attention to this request.

Best regards
Erling Hedkvist
Dear Mayor and City Council of Beverly Hills,

I would like to add my name and support to the petition of The Grand Havana Room (GHR) for an exemption from the proposed tobacco ban in Beverly Hills. GHR is not promoting the sale of cigarettes or other addictive types of e-cigarette devices. As a former cigarette smoke and now as a non-inhaling cigar smoker for 30 years I can attest to the difference. GHR is an oasis amidst the crazy warp and woof of daily life. It offers camaraderie and conviviality that is the core of fine cigar interaction. My membership in GHR is a bright spot in my life.

Your positive attention to this matter is greatly appreciated.

Sincerely

James C Vogelzang
Dear Sirs,
My name is Gregory Jones and I’m a ten year member of the Grand Havana Room in Beverly Hills. I’d like to respectfully add my name to those requesting our private club be exempted from the proposed tobacco product sales prohibition being considered by the Council. Our club does not sell tobacco products other than premium cigars and only those to members and guests out of reach to the general public. The club serves its members solely as a place of solace, camaraderie, networking and business interactions. This ban would negatively impact its purpose and in my view should not apply to our private club. I would therefore urge you to appropriately apply an exemption should it be approved for the broader community.

Sent from my iPad
On Mar 26, 2019, at 4:53 PM, michael moore <michael.moore@beverlyhills.com> wrote:

Members of the Beverly Hills City Council,

I enjoy fine cigars. I frequent establishments in Beverly Hills that sell fine cigars and have made accommodations for cigar lovers. This includes hotels, cigar shops, cigar clubs and lounges. Myself and a number of other powerful people oppose your proposed banning of tobacco sales in Beverly Hills. We will begin a campaign against anyone and everyone who votes for such a tyrannical policy.

Sincerely,

Michael Moore
Dear esteemed members of the City Council:

I am appreciative of your time and efforts enhancing the lives of Beverly Hills inhabitants and visitors.

Let me share a few thoughts with respect to the upcoming May 7th public hearing on exempting the Grand Havana Room from the upcoming tobacco retailer ban.

Many of our members quietly, with no fanfare, support local charities, museums, and religious institutions domiciled in Beverly Hills. We do not need to be thanked. We also bring significant commerce to the local merchants, hotels, and restaurants through business entertainment. We don’t need to be thanked. It is our pleasure. We love and cherish Beverly Hills.

However, when a well intentioned edict is drawn up that imposes on our private club, where we celebrate friendships, engage in business meetings, and enjoy cigars in an adult only, secure environment, with no harmful cigarette sales occur, that gets our attention. It is simply an over reach of local government. Just as you would not consider closing liquor stores, or dry cleaners that use harmful chemicals, or restaurants that serve sugar glazed food that is highly caloric, threatening the health of our community, one has to draw the line with private clubs too. Local government must let its citizens make thoughtful decisions about daily lifestyle. In our case, we are not impinging on other’s rights. The Beverly Hills public has no access to our adults only club unless they choose to come by invitation.

I trust that you will collectively do the right thing and uphold the City’s Health and Safety Commission’s suggested exemption for our club and the other two clubs in Beverly Hills.

Wishing you continued success in all your efforts to beautify our city and daily life.

Repectfully,

Aubrey M. Sharfman
Dear Honorable Members of the Beverly Hills City Council,

I have been following the proposed ordinance prohibiting the sale of tobacco products in Beverly Hills with great interest. As a member of the Grand Havana Room in Beverly Hills, I would like to add my voice in articulating the differentiation between this private club and general retailers that sell tobacco products.

The Grand Havana Room provides a private venue to dues-paying, adult clientele where people who share an interest in cigars may meet, entertain, unobtrusively smoke cigars, and enjoy fellowship. Cigars may be purchased at the Grand Havana Room by its clients. However, the sale of cigars is, in my opinion, not core to the Grand Havana Room operating model, but rather an important service they provide to their membership. And it is worth pointing out that this service is exclusive to the members only, rather than the general public.

I work in the Beverly Hills area and truly enjoy all elements of this world-class city. Respectfully, I ask that the city council and administration provide and exemption for legacy Private Cigar Venues like the Grand Havana Room.

Thanks you and Best Regards,

Bradley Unruh
NICOLAS KUBLICKI, ESQ.

March 28, 2019

VIA EMAIL: mayorandcitycouncil@beverlyhills.org

Health and Safety Commission
City of Beverly Hills
455 North Rexford Drive
Beverly Hills, California 90210

Re: Proposed ban on sale of tobacco products in the City of Beverly Hills

Dear honorable members of the Health and Safety Commission:

I had intended to attend and speak at the public hearing of the Commission yesterday, but was unable to do so due to my childrens’ schedule, so I am writing instead.

I most respectfully request that, in considering the proposed ban on the sale of tobacco products in the City of Beverly Hills, the Commission exempt private cigar lounges due to their material difference from retail establishments that sell tobacco products.

I have resided in the Beverly Hills area since birth and have been a member of the Grand Havana Room, a private cigar lounge at 301 North Cañon Drive in the City of Beverly Hills, for 24 years since its founding in 1995. The Grand Havana Room is materially different from retail establishments that sell tobacco products. Unlike retail establishments that sell tobacco products of all types, including cigarettes, e-cigarettes, and vaping equipment, which are visible to the public and children then often consumed in public, the Grand Havana Room is a private members-only cigar lounge restricted to those over 21 that sells premium cigars to its cigar aficionado patrons for consumption on its second floor premises that benefit from extensive and intensive air filtration.

Much like an upscale restaurant sells fine wines to its diners, the Grand Havana Room sells premium cigars to its patrons. Having a long list of premium cigars available for sale at the Grand Havana Room is an essential reason why patrons come to the establishment. In theory, patrons can bring their own cigars to the Grand Havana Room just as diners can bring their own wine to a restaurant. However, restricting the availability of a wide range of premium cigars at a private members only cigar lounge would remove a principal reason for coming to the establishment, just as eliminating a long and diverse wine list would remove a major reason for dining at an upscale restaurant. Moreso, in fact, because although many restaurant diners do not consume...
wine, patrons of the Grand Havana Room come there specifically to enjoy premium cigars.

For the foregoing reasons, I most respectfully request that you exempt private cigar lounges from any ban on the sale of tobacco products in the City of Beverly Hills.

Thank you for your consideration.

Very Truly Yours,

Nicolas Kublicki
I write to you today as a premium cigar patron to express my opposition to any possible proposal that seeks to implement an across-the-board sales ban on tobacco products in the City of Beverly Hills.

In the City of Beverly Hills there are specialty tobacco stores and premium cigar lounges that cater to an adult clientele. Any ban on the sale of tobacco products, would directly inflict irreparable economic harm on those businesses that sell premium handmade cigars.

Premium cigars are an artisan handmade all natural product, that do not carry the stigma of addiction, inhalation, mortality, and youth access associated with other tobacco products.

I respectfully ask that you consider the differences that exist with premium cigars before you formalize any proposal to ban tobacco sales in Beverly Hills.

Thank you for your time and attention to this request.
City Council of Beverly Hills,

I write to you today as a premium cigar patron to express my opposition to any possible proposal that seeks to implement an across-the-board sales ban on tobacco products in the City of Beverly Hills.

In the City of Beverly Hills there are specialty tobacco stores and premium cigar lounges that cater to an adult clientele. Any ban on the sale of tobacco products, would directly inflict irreparable economic harm on those businesses that sell premium handmade cigars.

Premium cigars are an artisan handmade all natural product, that do not carry the stigma of addiction, inhalation, mortality, and youth access associated with other tobacco products.

I respectfully ask that you consider the differences that exist with premium cigars before you formalize any proposal to ban tobacco sales in Beverly Hills.

Thank you for your time and attention to this request.

Respectfully,

COL(R) Art Bradshaw
Mayor and Councilmembers:

I write to you today as a premium cigar patron to express my opposition to any possible proposal that seeks to implement an across-the-board sales ban on tobacco products in the City of Beverly Hills.

In the City of Beverly Hills there are specialty tobacco stores and premium cigar lounges that cater to an adult clientele. Any ban on the sale of tobacco products, would directly inflict irreparable economic harm on those businesses that sell premium handmade cigars.

Premium cigars are an artisan handmade all natural product, that do not carry the stigma of addiction, inhalation, mortality, and youth access associated with other tobacco products.

I respectfully ask that you consider the differences that exist with premium cigars before you formalize any proposal to ban tobacco sales in Beverly Hills.

Thank you for your time and attention to this request.

Marc E Miller
Honorable City Council Members and Mayor:

As a future potential tourist, I write to you today as a premium cigar patron to express my opposition to any possible proposal that seeks to implement an across-the-board sales ban on tobacco products in the City of Beverly Hills.

In the City of Beverly Hills, there are specialty tobacco stores and premium cigar lounges that cater to an adult clientele. Any ban on the sale of tobacco products would directly inflict irreparable economic harm on those businesses that sell premium handmade cigars.

Premium cigars are an artisan, handmade, all-natural product, that do not carry the stigma of addiction, inhalation, mortality, and youth access associated with other tobacco products. You may as well ban ice cream cones, fedora hats, and calliope music.

I respectfully ask that you consider the differences that exist with premium cigars before you formalize any proposal to ban tobacco sales in Beverly Hills.

Thank you for your time and attention to this request.

Most Respectfully,

James Rainwater
Lake City, Minnesota
From: Hector Padilla  
Sent: Thursday, April 11, 2019 7:24 PM  
To: WebCBH MAYORANDCITYCOUNCIL <MAYORANDCITYCOUNCIL@beverlyhills.org>  
Cc: Gabrielle Ressa  
Subject: Mayor and City Council reg Tabaco

Health and Safety Commission  
City of Beverly Hills  
455 N. Rexford Dr.  
Beverly Hills, CA 90212

Regarding: Banning the sale of all tobacco

Honorable Mayor and members of the Health and Safety Commission:

My name is Hector Padilla and I reside locally. My wife and I have been enjoying the Buena Vista Cigar Club for over 12 years.

This is one of Beverly Hills premiere lounges. The Buena Vista is family owned and operated by a truly lovely family (The Fernandez Family).

This is a classy place that offers connoisseurs premium cigars in a quiet, elegant and save environment.

They do NOT sell cigarettes, vaping pens or glass pipes.

This type of affluent business does NOT cater to or attract teen-agers or young adults.

A ban of the sale of ALL tobacco products in the entire city, is radical.

What’s next?  
The ban of alcohol?  
The ban of walking the city after 10pm?

Furthermore, this would have a devastating effect on the families that own and operate these fine lounges and their employees.

Why not allow these reputable cigar lounges to continue to serve their mature adult clients?

My wife and I respectfully encourage that the commission consider the exemption of the existing cigar lounges from the tobacco products sales ban.

Have A Peaceful Day,  
Hector Padilla  
President

HP Capital Investments, Inc.  
"A Real Estate Acquisition & Investment Firm"  
Family Owned & Operated. Celebrating 42 Years of Business  
11949 Jefferson Blvd. Suite #103  
Culver City, CA 90230  
(310) 204-8971
Dear Mr. Mayor and Members of City Council:

My name is Ilya Kosten. I am a 51-year old attorney who has lived in Beverly Hills/Century City for 40 years. I discovered the Buena Vista Cigar Lounge about a decade ago and have enjoyed coming there on a regular basis and bringing dozens of my friends, clients, and colleagues over time. I am proud to call myself one of Buena Vista's "regulars."

Buena Vista is a quiet refuge for highly-stressed professionals, like myself, to enjoy a couple of hours of "away time" with friends over a cocktail and a fine cigar while watching some sports on TV and enjoying a quiet conversation. There is no other place around like this, that spares patrons from loud music, long lines, and crowds. It is unique because of its quiet and unassuming exterior and homelike decor on the inside. It's not a bar with loud music or high-traffic. It is home to "regulars" like me who come to enjoy the atmosphere and each other's company a couple of hours a week.

Buena Vista does not attract young customers. (No offense, regulars, who may see this.) There are no flavored tobacco products, vaping merchandise, or any other tobacco items for sale other than just terrific, traditional cigars. In all my time at BVC, I have never seen any customers under 40. It is not a place that attracts youthful customers, nor does it try to.

I, along with my friends, clients, and colleagues who have enjoyed spending time at BVC, urge you all to grant BVC an exemption from the City Ordinance relating to the sale of tobacco products. Please understand that if BVC does not receive an exemption, you will be stripping cigar aficionados like myself of the only "retreat" we have left.

We thank you in advance for your consideration and appreciate your understanding. If you have any questions whatsoever, please do not hesitate to respond to this email or call my cell at: 

Best regards,

--

Ilya A. Kosten
From: Bart Wolcott  
Sent: Wednesday, May 1, 2019 11:24 AM  
To: Gabrielle Ressa; WebCBH MAYORANDCITYCOUNCIL <MAYORANDCITYCOUNCIL@beverlyhills.org>  
Subject: Re: UPDATE REGARDING CITY COUNCIL DISCUSSION ON PROHIBITING THE SALE OF ALL TOBACCO PRODUCTS IN BEVERLY HILLS

Beverly Hills Health and Safety Commission and City Council Members:

This letter is to voice support for the exemption of the three existing cigar lounges in Beverly Hills.

I have been a customer of Buena Vista Cigar Lounge for over eight years.

I believe it is a wise decision to exempt these existing cigar lounges and would like the continuing option of being able to smoke cigars with other cigar enthusiasts.

Thank you,

Bartholomew Wolcott, Esq.
General Support
To the Beverly Hills Health & Safety Commission  
Re: Prohibiting the sale of tobacco products, February 25, 2019 meeting

Dear Commissioners,

Thank you for this opportunity to weigh in on your discussions regarding prohibiting the sale of all tobacco products. Action on Smoking and Health (ASH) is the nation’s oldest anti-tobacco organization, and we congratulate Beverly Hills for considering this path, and for placing health squarely above corporate profits.

As you embark on this discussion, ASH would like to make a few general comments that we hope are helpful to you.

1. Beverly Hills is on solid legal ground. As you heard at the study session on February 5th, both federal and state law give the city jurisdiction on this issue. What’s more, there is a growing consensus under global human rights laws and norms that the marketing of tobacco products amounts to a violation of basic human rights. Some would argue that in addition to having the right, governments have a human rights duty to phase out the sale of tobacco products.

2. We urge you to continue to make this discussion about the behavior of the tobacco industry, rather than tobacco users. Smokers are victims of an industry that intentionally addicted them to a deadly substance. Ending tobacco sales is a positive step for smokers, most of whom want to quit. In considering enforcement, please don’t add penalties for individual purchasers or users.

3. We urge you to consider a phase-in period. This allows current smokers time to quit, and retailers time to alter their business models. The phase-in period should be long enough to allow for preparation and consideration. Academics have suggested three to five years as an ideal timeframe. There are several policy options to achieve a phase-in, and ASH would be happy to supply more information as your discussion advances.

4. Please ensure that smokers have access to robust cessation aid. No doubt many smokers in Beverly Hills will react to this initiative by trying to quit (which most have attempted and failed). It is in everyone’s interest that they succeed.

5. We urge you to avoid exceptions, for several reasons. First, the tobacco industry has demonstrated their ability and willingness to reengineer products to fit exceptions. Second, there is no public health reason to exempt certain products or venues. And finally, exceptions risk opening up new avenues for litigation by the tobacco industry.

Best wishes as you embark on this historic discussion. We look forward to celebrating Beverly Hills as the first jurisdiction in the nation put a stop to the tobacco epidemic.

February 18, 2019

Dear Health Commissioners:

I write in regards to the charge from the Beverly Hills City Council to develop a recommendation for ending sales of tobacco products in Beverly Hills. As you will recall, I am a Professor at UC San Francisco and I spoke to this topic briefly at your meeting and again at the City Council Study session held earlier this month. My research group at UCSF has been researching, writing and thinking about this topic for almost a decade, in projects funded by the NIH, the California Tobacco-Related Disease Research Program, and the California Tobacco Control Program.

Our current research using internal tobacco company documents archived in the online TRUTH Tobacco Industry Documents Library shows that other communities have attempted to enact such a measure in the past and uncovers the strategies tobacco companies and their allies have used to defeat or kill such previous efforts. We would be happy to meet with you to further discuss our findings, some of which are summarized briefly below.

**Common messaging strategies from the industry and its allies** include the following:

*“Slippery slope”:* Ending sales of one product could lead to ending sales of many other products.

*“Prohibition”:* Harks back to alcohol prohibition in the U.S. and claims it “did not work”; however, the policy actually did reduce alcohol consumption. (Alcohol was also not killing half its longtime users). Further, prohibition also criminalized possession and use, which is not contemplated here.

*“Freedom of Choice”:* Consumers should be able to use harmful products if they wish to and are not harming others. However, no product in history has been as harmful as the cigarette. Further, nicotine’s addictiveness and the highly engineered nature of these products calls into question how freely consumers “choose” to use them.

*“Black market”:* Some illegal sales are likely to occur. However, a large published research literature demonstrates that industry predictions about black markets are exaggerated and that tobacco companies have been involved in smuggling and other black market activities.

Negative economic consequences: Loss of tax dollars is a consideration, but as policymakers concerned with health, it seems problematic to argue that public health and safety must depend on sales of deadly and addictive products.

*“Legal product”:* A common industry argument against banning sales is the somewhat circular “tobacco is a legal product.” However, a product may be legal to make or even to use without being sanctioned to be freely sold.

**Litigation strategies:** Several legal arguments have been discussed regarding a sales ban. However, independent legal analysis and specific language in the Congressionally-passed Family Smoking Prevention and Tobacco Control Act indicates that states and localities retain the right to prohibit sales of any product. Examples include “dry” counties.

**Recommendations:**

Based on our research, we would recommend that the Health Commission consider the following approach:
1. A three to five year phased strategy, announced in advance and using a succession of policy changes to first reduce the number of tobacco retailers through both voluntary and compulsory measures and then institute a sales ban.

2. Incentives for retailers who voluntarily exit the tobacco business, to reformulate their business model as tobacco sales continue to decline. This could involve new product lines, store interior displays, marketing, etc. These incentives could be monetary or in the form of business consultation services, or both.

3. Elimination of tobacco sales in pharmacies, a legal policy strategy that has already been successfully defended in court and that is widely supported by pharmacists.

4. A minimum price for tobacco products that doubles each year. Minimum prices should extend to all tobacco products, as research shows that price increases result in shifts to different lower priced products. The policy must include a prohibition on price discounting, couponing, etc. as these are strategies used by tobacco companies to undercut minimum price laws. Such a policy might be used to help fund the incentives discussed above.

5. A funded messaging campaign that helps build public support for the phase-out strategy, including understanding Big Tobacco’s role in creating the tobacco epidemic. This might also feature former smokers talking about how seeing tobacco for sale everywhere made it harder for them to finally quit, and retailers who voluntarily end sales talking about why they decided to get out of doing Big Tobacco’s dirty work.

6. If legally allowable, an increase in the local licensing fees for tobacco retailers.

7. A campaign to help current tobacco users quit, focused on freeing themselves in advance of the end of sales in the community and offering coaching and resources to help.

Thank you for your efforts to protect public health and to demonstrate genuine leadership on the biggest preventable cause of premature death and terrible diseases. Please feel free to contact me if I can be of assistance to your efforts.

Sincerely,

Ruth E. Malone, RN, PhD, FAAN
Professor and past Chair, Department of Social and Behavioral Sciences
School of Nursing
University of California, San Francisco
March 22, 2019

Dear Health Commissioners:

I write again in regards to the charge from the Beverly Hills City Council to develop a recommendation for ending sales of tobacco products in Beverly Hills. As you will recall, I am a Professor at UC San Francisco and I spoke to this topic briefly at your previous meeting and again at the City Council Study session held in February. My research group at UCSF has been researching, writing and thinking about this topic for almost a decade, in projects funded by the NIH, the California Tobacco-Related Disease Research Program, and the California Tobacco Control Program. In terms of my expertise to offer comment, I also have served since 2009 as editor-in-chief of Tobacco Control, the top international policy research journal in the field.

Recommendations:

Based on our research, we have prepared the attached “menu” of policy options that should be considered as part of a phased strategy to accomplish the stated goal and would respectfully suggest the following approach may be possible and logical:

1. A 2-3 year, widely announced phased strategy, beginning with the following in Year 1:

   --eliminating tobacco sales in pharmacies within 6 months. The pharmacy sales ban must include grocery or other chain stores with in-house pharmacies, in line with the San Francisco policy that has already been successfully litigated.

   --a substantial increase in minimum price for all tobacco products within 6 months, perhaps doubling each year until the ban on sales is final. The 2010 US Surgeon General's Report on the Health Consequences of Smoking recommended a minimum price of at least $10 a pack; given that was 5 years ago, consider a price target of $15-20. The policy must include a prohibition on price discounting, couponing, etc. as these are strategies used by tobacco companies to undercut minimum price laws.

   --A policy that no new tobacco retail licenses will be granted in the jurisdiction.

   -- A funded messaging campaign that helps build public support for the phase-out strategy, including understanding Big Tobacco’s role in creating the tobacco epidemic. This might also feature former smokers talking about how seeing tobacco for sale everywhere made it harder for them to finally quit, and retailers who voluntarily end sales talking about why they decided to get out of doing Big Tobacco’s dirty work.

   -- A campaign to help current tobacco users quit, focused on freeing themselves in advance of the end of sales in the community and offering coaching and resources to help.

This set of policies would quickly reduce the number of retailers, allow existing retailers to sell down stock, and the higher minimum price would reduce sales at remaining retailers.
2. In Year 2:
   -- Offer incentives for retailers who voluntarily exit the tobacco business prior to the end of
   the year, to reformulate their business model as tobacco sales continue to decline. This could
   involve new product lines, store interior displays, marketing, etc. These incentives could be
   monetary or in the form of business consultation services, or both.

   -- Completely ban vending machines (currently permitted in adult-only establishments such as
   bars)

   -- If legally allowable, an increase in the local licensing fees for all tobacco retailers.

   -- By the end of Year 2, prohibit all sales of commercial cigarettes and “cig-alike” products
   (cigarillos and other small cigars that are used like cigarettes). Roll your own tobacco, whether
   in the establishment or self-rolled, should likewise be included. These combustible products
   have the highest harm profile of all tobacco products.

3. In Year 3:

   -- End sales of other tobacco products

As the conversation about how to end the tobacco epidemic continues worldwide, your efforts
may be compared to John Snow disabling the pump that spread cholera. We do not require a
single additional study to prove that cigarettes are inherently defective, unsafe and deadly
when used as intended, and yet almost 70 years after the landmark studies showing cigarettes
caused cancer, they are still widely sold, undermining the basic message of public health. Your
efforts may finally change that situation, and change the conversation about these products.

Thank you for your efforts to protect public health and to demonstrate genuine leadership on
the biggest preventable cause of premature death and terrible diseases.

Sincerely,

Ruth E. Malone, RN, PhD
Professor and past Chair, Department of Social and Behavioral Sciences, School of Nursing
University of California, San Francisco
Editor-In-Chief, Tobacco Control
### POLICY OPTIONS FOR A STEPWISE PHASE OUT OF TOBACCO PRODUCT SALES

<table>
<thead>
<tr>
<th>Reduce the retail availability of cigarettes</th>
<th>California cities/counties that have adopted</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Ban cigarette sales in pharmacies</td>
<td>• San Francisco, Alameda, Berkeley, Cloverdale, Contra Costa (County Unincorporated), Daly City, Fairfax, Half Moon Bay, Healdsburg, Hollister, Los Gatos, Marin (County Unincorporated), Novato, Palo Alto, Portola Valley, Richmond, San Mateo (County Unincorporated), Santa Clara (County Unincorporated), Saratoga, Sonoma (County Unincorporated) and Tiburon</td>
</tr>
<tr>
<td>• Ban cigarette sales in grocery stores</td>
<td>• None</td>
</tr>
<tr>
<td>• Cap the number of tobacco retail licenses issued per district</td>
<td>• San Francisco</td>
</tr>
<tr>
<td>• Reduce the number of available tobacco licenses</td>
<td>• None</td>
</tr>
<tr>
<td>• Completely ban vending machines (currently permitted in adult-only establishments such as bars)</td>
<td>• Sacramento, San Francisco</td>
</tr>
<tr>
<td>• Limit cigarette sales to tobacco- or adult-only stores</td>
<td>• None</td>
</tr>
<tr>
<td>• Develop incentive program for retailers who permanently commit to end cigarette/tobacco sales</td>
<td>• None, although San Francisco has a “Healthy Retailers” program aimed at reducing retail presence of tobacco in favor of fresh produce</td>
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<tr>
<th>Reduce the affordability of cigarettes</th>
<th>California cities/counties that have adopted</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Establish minimum price</td>
<td>• Sonoma County and city of Alameda (both set at $7.00 per pack)</td>
</tr>
<tr>
<td>• Raise minimum price regularly [and steeply]</td>
<td>• None</td>
</tr>
<tr>
<td>• Prohibit redemption of cigarette discounts and coupons</td>
<td>• Berkeley, Oakland</td>
</tr>
</tbody>
</table>

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<tr>
<th>Reduce access to cigarettes</th>
<th>California cities/counties that have adopted</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Prohibit cigarette sales to persons born after a certain date (i.e., year 2000)</td>
<td>• None</td>
</tr>
<tr>
<td>• Raise minimum age of purchase above age 21</td>
<td>• None</td>
</tr>
</tbody>
</table>

Information collected by Malone Tobacco Policy Research Group, University of California, San Francisco
Contact: Prof. Ruth Malone, ruth.malone@ucsf.edu, 1-415-476-3273
March 22, 2019

The Beverly Hills Health and Safety Commission
455 North Rexford Drive
Beverly Hills, CA 90210

Re: Letter supporting a ban on tobacco sales in the City of Beverly Hills

Dear Health and Safety Commissioners:

The Tobacco Education and Research Oversight Committee (TEROC) is a legislatively mandated oversight committee that monitors the use of Proposition 99 and Proposition 56 tobacco tax revenues for tobacco control, prevention education, and tobacco-related research in California (Health & Safety Codes §§ 104365-104370, Rev. & Tax. Code § 30130.56(e)). TEROC advises the California Department of Public Health; the University of California; and the California Department of Education with respect to policy development, integration, and evaluation of tobacco education programs funded by Proposition 99 and Proposition 56.

TEROC supports the City of Beverly Hills in banning the sale of all tobacco products. Tobacco products are available for sale in multiple retail environments, including convenience stores, liquor stores, pharmacies, small markets, and supermarkets as well as non-traditional locations such as hotels. While intended for adult use, tobacco products nevertheless attract youth. A 2017 survey of tobacco retailers found that 9.6% of stores displayed at least one tobacco product near kid-friendly items, 36.3% of stores displayed a tobacco advertisement at children’s eye-level, 36.7% of stores displayed at least one marketing material for cigarettes outside, and 32.7% of stores had at least a third of clear windows or doors covered with tobacco advertisement.1

Advertising and availability of tobacco products to youth influences the age at which someone begins smoking. Sixty-four percent of current smokers in California indicate they began smoking by age 18 and 96.3% indicate they began by age 26.2 A higher number of tobacco retailers in a community is associated with an increased number of non-smokers beginning to smoke.3 Additionally, when youth are exposed to tobacco products in a store multiple times per week, they are more likely to begin smoking within 12 months of visiting the store or ever smoke, compared to youth who are exposed less to tobacco products in a retail environment.3

A ban on the sale of tobacco products would also help support cessation efforts of smokers seeking to quit. Easy availability of tobacco products normalizes smoking behavior and can trigger cravings as well as lead to impulse purchases of those who are trying to quit.3 According to data collected from a 2015-2016 study, 72.6% of California adult smokers thought about quitting in the next six months while 58.3% made an attempt to quit in the past year. Of current and former high school smokers, 45.1% indicate they attempted to quit in the past year.2
March 22, 2019

We understand that cigar shops may in particular oppose the proposed ban on the sale of tobacco products and would like to point out, that cigar smoking is associated with significant health risks and from a health perspective, there is no reason to treat cigar sales differently from the sale of other tobacco products. Regular cigar smoking is associated with an increased risk for cancers of the lung, esophagus, larynx, lip, tongue, mouth, and throat. It is also associated with gum disease and tooth loss. Heavy cigar smoking increases the risk of heart disease and respiratory diseases such as emphysema and chronic bronchitis. Use of cigars in California is low compared to other products, about 2 percent of adults smoke cigars; however, marketing efforts promote cigars as symbols of a luxury and successful lifestyle, which is attractive to youth and young adults. Therefore, eliminating the sale of cigars is important to denormalizing tobacco use altogether. Additionally, past experience demonstrates that exempting some flavored tobacco products from sales restrictions has unintended consequences. For example, while well-intentioned, the U. S. Food and Drug Administration’s 2009 removal of non-menthol flavored cigarettes from the market was at least partially back-filled by the sale of other flavored tobacco products. Since 2008, sales of flavored cigars increased by almost 50% with low cost packs of 2-3 flavored cigars that are frequently used by young adults increasing from less than 1% of cigar sales to 40% between 2008 and 2015.

A ban of the sale of tobacco products aligns with TEROC’s 2018-2020 Master Plan, New Challenges, New Promises for All, Objective 4: Protect Youth and Young Adults and Objective 5: Help Californians Quit Tobacco Product Use. Strategies to protect youth and young adults include building on previous successes in preventing the onset of tobacco use and expanding the adoption of smoke- and tobacco-free laws and policies contributing to a healthier environment for youth and young adults. Strategies that support Californians quitting tobacco product use include creating tobacco and smoke free environments and reducing accessing to tobacco products with retail restrictions. For these reasons, TEROC strongly supports the City of Beverly Hills in banning the sale of all tobacco products.

Sincerely,

Michael K. Ong, M.D., Ph.D.
Chairperson
Reference List:

Dear Ms. Ressa, Ms. Mottice-Muller, and Dr. Chang,

I am in support of the ban on sales of all tobacco and tobacco-related products in Beverly Hills. This includes cigarettes, cigars, smokeless tobacco, and vape pens.

I am a practicing Pulmonologist in the City of Beverly Hills and the past Clinical Chief of Pulmonary & Critical Care at Cedars-Sinai Medical Center.

Tobacco products are a public health hazard. And we should do everything in our power to limit their use.

I would like to have these comments included in the Commission packet, and I would like to have these comments read into the record.

Sincerely,

C Andrew Schroeder, M.D., F.C.C.P
Pulmonary Medicine & Critical Care Medicine
Clinical Instructor of Medicine,
UCLA, David Geffen School of Medicine
Clinical Chief of Pulmonary & Critical Care Medicine, Emeritus
Cedars-Sinai Medical Center
Diplomate A.B.M.
March 25, 2019

The Beverly Hills Health and Safety Commission
455 North Rexford Drive
Beverly Hills, CA 90210

Re: Letter supporting a ban on tobacco sales in the City of Beverly Hills

Dear Health and Safety Commissioners:

The American Academy of Pediatrics (AAP) is a professional organization of nearly 70,000 pediatricians in the U.S. We are a trusted source of information on children’s health for patients, parents and policymakers. As president of the Southern California chapter of the AAP, I represent over 1500 pediatricians in seven counties. I am writing to express my deep concern about the impact of tobacco use in youth.

In December 2018, U.S. Surgeon General Jerome Adams declared an “epidemic” of teenage vaping. National datasets reveal that the percentage of 12th graders who had vaped in the last 30 days nearly doubled, from 11% in 2017 to 21% in 2018. The Centers for Disease Control and Prevention (CDC) reported in February 2019 that 21% of high school and 5% of middle school students are current users of e-cigarettes.

While the City of Beverly Hills already has a ban on flavored tobacco products, any product availability is a health threat to our youth. E-cigarettes are being marketed directly to children by promoting flavors. About 70% of middle and high school students who use a tobacco product have used a flavored product. Companies like Juul are using a wide variety of media channels and approaches previously used with success by the tobacco industry to market conventional tobacco products to youth. E-cigarette advertising has effectively reached youth and young adults and is associated with current e-cigarette use. Once addicted to a flavored nicotine product, smokers will settle for any form of nicotine delivery.

The increasing use of e-cigarettes among youth threatens five decades of public health gains in successfully deglamorizing, restricting, and decreasing the use of tobacco products. In addition, numerous toxicants and carcinogens have been found in e-cigarette solutions. Finally, adolescents and young adults who use e-cigarettes are at high risk of transitioning to traditional cigarettes, which can
increase cardiovascular and cancer risk and chronic illnesses such as asthma.

To prevent children, adolescents, and young adults from transitioning from e-cigarettes to traditional cigarettes and to minimize the potential public health harm from e-cigarette use, there is a critical need for e-cigarette regulation, legislative action, and counterpromotion to help youth live tobacco-free lives. I urge you to support a ban on all tobacco products in the City of Beverly Hills. By doing so, you will be setting an example for the surrounding municipalities and eventually the state of California.

Sincerely,

Alice Kuo, MD, PhD, MBA, FAAP
President, Southern California Chapter
March 25, 2019 testimony to Beverly Hills Health & Safety Commission. My name is William McCarthy, Ph.D. I am a professor of public health at UCLA and have been conducting tobacco control research for over three decades. I also represent the American Cancer Society Cancer Action Network.

I support the proposed prohibition on the retail sale of tobacco products in the city of Beverly Hills. I think that it is smart governance to harmonize the city's regulations with respect to other combustible or vaporizable psychoactive products. Unlike the case for marijuana, there is no medical benefit to using tobacco products.

In 2010, the Tobacco Industry and its business allies succeeded in passing state proposition 26 that requires cities to obtain at least a 2/3rds supermajority vote by the voting public to impose a litter fee on cigarettes sold within city limits. Hence, the more practical approach for cities seeking to reduce the taxpayer costs of picking up cigarette butts on city streets and sidewalks is simply to prohibit the retail sale of tobacco products within city limits. City council support for the proposed prohibition would send the message that city taxpayers will no longer subsidize tobacco retailers for city costs of cleaning up tobacco product-related litter.

The Tobacco Industry and its retailers are not paying the full medical care costs associated with tobacco use. For every dollar of profit they make, the taxpayers are on the hook for $6 of extra, avoidable, government-supported health care expenditures attributable to tobacco use. It is just plain common sense for governments wanting to reduce future tobacco-related, taxpayer-paid medical care costs to prohibit the sale of tobacco products within their jurisdictions. City council support for the proposed prohibition would send the message that city taxpayers want to stop having taxpayers subsidize tobacco manufacturers and their retailers.

Prohibiting the retail sale of tobacco products within the city of Beverly Hills will reduce tobacco use by Beverly Hills teenagers. Our research showed that 34% of California high school smokers, 14% of middle school smokers, purchased their tobacco from local tobacco retailers. The greater the density of tobacco retailers around California high schools, the higher were the rates of tobacco use reported by the students. The City's own recent oversight efforts have revealed that almost half of the City's tobacco retailers are selling tobacco products to customers under the age of 21, contrary to state law. Prohibiting tobacco retailers from being located within a mile of every school in Beverly Hills would reduce the number of Beverly Hills students who engage in tobacco use. Requiring tobacco retailers to locate at least one mile from every school in the city, however, is equivalent to a citywide prohibition on the retail sale of tobacco products. If the City is committed to preventing Beverly Hills teenagers from using tobacco products as it is to preventing Beverly Hills teenagers from using marijuana, then it should support the proposed prohibition on selling any tobacco products within city limits.

References


For more information, contact Professor McCarthy at: wmccarth@ucla.edu or 310-794-7587
Dear Beverly Hills City Council,

I am a double board certified otolaryngologist and facial plastic surgeon in Beverly Hills.

Having also trained locally in Los Angeles prior, I have seen many patients suffer from head and neck cancer requiring large surgical resections and complex reconstruction. In addition, many of these patients require chemotherapy and radiation. Despite the best medical treatments and well thought out plans, there is not only a high incidence of morbidity, but also mortality. Additionally, those who may not smoke but are around and exposed to people who do, also have increased health risks.

Head and neck cancers aside, in the realm of elective surgery, the use of tobacco and nicotine can compromise the results of surgery and thus patients are educated to stop smoking prior to and after surgery.

I believe that by banning the sale of tobacco products and educating the public, we are taking a small first step in the initiative of improving public health.

Thank you for your consideration.

I would like my comments included in the Commission packet, and that I would like to have my comments read into the record.

Grace Lee Peng, M.D., F.A.C.S.
Facial Plastic and Reconstructive Surgery
120 S. Spalding Drive
Suite 302
Beverly Hills, CA 90212
310.275.2467
I was unable to speak at the meeting of the Health & Safety Commission on March 25, 2019. I hope this letter is not considered too late for consideration.

I understand that the Commission carved out an exemption for Cigar Bars in Beverly Hills. Unfortunately, these cigar bars, wonderful as they are as described in letters and testimony, may not be legal in California. The California Smokefree Workplace Law, 6404.5 of the Labor Code requires no smoking in most workplaces. The intent of the law was to protect people from tobacco smoke where they worked. There was however an exemption in that law for “a Private Smokers Lounge” which means “any enclosed area in or attached to a retail or wholesale tobacco shop that is dedicated to the use of tobacco products, including but not limited to, cigars and pipes.” This was apparently an attempt to placate cigar smokers which probably included at that time many members of the State Legislature.

However, the attorney general’s office made it very clear that any business that was a restaurant/bar or a bar alone had to be smokefree. The Smokefree Workplace Law became effective in 1995 and bars became smokefree in 1998. Perhaps the Buena Vista Cigar Club and the Grand Havana Room started as “a private smokers lounge” and then grew into restaurants with bars.

I have just read quickly through all the letters that were sent to the Health & Safety Commission which urged that there be a Carve Out for the Cigar Clubs. The clubs that were mentioned in these letters included the Buena Vista Cigar Club and the Grand Havana Room. Four of the letters mentioned meals being available, six of the letters mentioned great scotch being available and three of the letters mentioned that both of these, meals and drinks, were available at these locations. One or two letters mentioned entertainment sometimes being available at these locations. Even the letter from former governor Arnold Schwarzenegger mentioned sharing a meal, a drink and a cigar at the Grand Havana.

According to the Mayo Clinic, the secondhand smoke from cigars is as dangerous as the secondhand smoke from cigarettes. Working in a place like the Buena Vista Cigar Club or the Grand Havana Room is extremely dangerous, especially because cigars are so much larger than cigarettes and so they last much longer. Perhaps changes can be made so that these clubs can continue to flourish as important social and economic meeting places. My suggestion is that the smoking be accommodated in a separate room from the area where food and drink are served. No staff should be required to work in the smoking permitted area and that area would need to be built in a way that smoke could not move between the cigar area and the restaurant/bar. That can be done but it is expensive. Or the cigar smoking could be conducted in an outdoor area heated in the winter. Again, care would need to be
taken that the smoke not enter the restaurant/bar areas of the clubs.

Perhaps the cigar clubs could still receive a “carve out” to sell cigars and allow smoking, but with the changes suggested above, the State law would be respected. Another aspect of this is that even if people with certain disabilities were invited to attend these cigar clubs, (disabilities like asthma, lung disease, heart disease, cancer and cancer survivors) they could not or should not attend. That is a violation of the Americans With Disabilities Act, which is a Federal law.

Although many of the cigar smokers wrote enthusiastic letters about the special safety of cigars, unfortunately smoking cigars also causes illnesses and like other tobacco products, they cause enormous harm to the environment. Attached are documents to support the information in this e-mail. I will provide this information and copies of the attachments if I am able to speak in the future at appropriate meetings.

<<...>> <<...>> <<...>> <<...>> <<...>> (Also from the World Health Org. 2017, 72 pages)

Esther Schiller, Smokefree Air For Everyone (S.A.F.E.)
Cigar Club Carve Out May Be Illegal Under State Workplace Law 6404.5

Good afternoon members of the Safety and Health Commission. I am Esther Schiller of the non-profit organization Smokefree Air For Everyone. I realize that at a previous meeting the Commission carved out an exemption for Cigar Clubs in Beverly Hills, that smoking could still be permitted and cigars could continue to be sold in these locations. Unfortunately, allowing smoking in these cigar clubs may not be legal under the California Smokefree Workplace Law, 6404.5 of the Labor Code which requires no smoking in most workplaces. There is an exemption in 6404.5 for “a Private Smokers Lounge” which means (quote)“any enclosed area in or attached to a retail or wholesale tobacco shop that is dedicated to the use of tobacco products, including but not limited to, cigars and pipes.”

However, the attorney general’s office made it very clear in 1998 that any business that was a restaurant/bar or a bar alone had to be smokefree. Perhaps the Cigar Clubs started as “a private smokers lounge” but over time became restaurants with bars.

Some of the letters that were sent to the Health & Safety Commission which urged there be a Carve Out for the Cigar Clubs actually mentioned meals being available or drinks being available or both meals and drinks being available at both Buena Vista and the Grand Havana Room. One or two letters mentioned entertainment sometimes being available at these locations. Even the letter from former governor Arnold Schwarnenegger mentioned sharing a meal, a drink and a cigar at the Grand Havana.

Being a worker in a place like the Buena Vista or the Grand Havana Room could be very dangerous, especially because cigars are so much larger than cigarettes and so they last much longer and give off more smoke. But perhaps changes can be made so that these clubs can
continue to flourish. My suggestion is that the sale and smoking of cigars be accommodated in a separate place from the area where food and drink are served. No staff should be required to work in the smoking permitted area and that area would need to be designed so that smoke could not move between the cigar area and the restaurant/bar. Or the cigar smoking could be conducted in an outdoor area which is heated in the winter. Perhaps with the changes I am suggesting, workers would be protected and the State law would be respected.

Smoking cigars can cause illnesses and like other tobacco products, they cause harm to the environment. I realize this issue is about politics as well as health. Thank you.
April 29, 2019 testimony to Beverly Hills Health & Safety Commission. My name is William McCarthy, Ph.D. I am a professor of public health at UCLA and have been conducting tobacco control research for over three decades. I also represent the American Cancer Society Cancer Action Network.

I thank the Health & Safety Commission for its support of the proposed prohibition on the retail sale of tobacco products in the city of Beverly Hills. I support Chairman Ross's insistence that this proposed ban not include a loophole that would permit hotels to sell tobacco products to non-registered guests or to the public and I support Chairman Ross’ recommendation that the carve out be temporary. If specific hotels seem intent on circumventing this ban in any way, then I favor removing their carve out from this ban before the scheduled end of the carve out for hotels. To this end, the commission might include language withdrawing the carve out from those specific hotels found to be violating the City's ban.

Tobacco products are an example of what economists call a market failure. National and state politicians have protected the tobacco industry from having to pay the full societal costs of cigarette smoking, with the result that we taxpayers have ended up paying the lion’s share of the medical care costs, fire insurance costs, and tobacco-litter-related costs associated with cigarette smoking. It is entirely appropriate for the Beverly Hills taxpayers to stop subsidizing the tobacco industry.

I am disappointed that some Beverly Hills hotels are asking for a permanent exemption from this proposed ban on retail sales of tobacco products within the City. "Hotel" and "hospital" have the same etymological origin, which is why hotels are included in what is known as the hospitality industry. Hotels are supposed to be places where weary travelers can recover from the stresses of their journey and restore their health, not places where exposure to cigarette smoke will shorten their lives. Even brief exposures to cigarette smoke can increase nonsmokers' risk of a heart attack. Putting their patrons’ lives at risk for an extra buck may look good on the bottom line but it undermines the typical hotel meme that they are there to help you in every way and undermines their reputation for hospitality.

Beverly Hills has been recognized for its past leadership in protecting the public from involuntary exposure to cigarette smoke. It is appropriate for the City to reaffirm its commitment to protecting the health of its residents and visitors and to protecting the pocketbooks of their taxpayers by banning the retail sale of tobacco products throughout the City, and ensuring that its hotels don’t use a narrowly-defined carve out to sell tobacco products to non-registered guests or to the general public.

References


For more information, contact Professor McCarthy at: wmccarth@ucla.edu or 310-794-7587
General Opposition
February 4, 2019

Mayor Julian A. Gold, M.D.
Vice-Mayor John Mirisch
Council Members Lili Bosse, Lester Friedman and Robert Wunderlich
Beverly Hills City Hall
455 N. Rexford Dr.
Beverly Hills, CA 90210

RE: Study Session on Prohibiting the Sale of Tobacco Products

Dear Mayor Gold, Vice-Mayor Mirisch and Council Members Bosse, Friedman and Wunderlich:

As the Executive Director and Legal Counsel for the National Association of Tobacco Outlets (NATO), a national retail trade association with member stores located in Beverly Hills, I am writing with our concerns about a proposal to prohibit all tobacco sales in the city.

Banning All Tobacco Sales Would Have a Twofold Financial Impact on Retailers

To understand the severe financial impact of adopting a total ban on the sale of all tobacco products, it is important for the Beverly Hills City Council to know two things. First, the business model for the average convenience store relies on gasoline sales at the pump and tobacco sales in the store, with tobacco sales accounting for approximately 36% of all in-store sales.

Second, while we understand that the underlying intent of prohibiting the sale of tobacco products relates to public health issues, Beverly Hills residents and visitors who purchase tobacco products would not stop using the products. Rather, they will patronize stores in adjacent cities and buy not only their preferred tobacco products at other retail stores, but also their gasoline, food, snacks and beverages at the same time.

That is, prohibiting the sale of tobacco products has the added impact of customers leaving the city to buy other kinds of products as well. So, the total impact on a retailer’s sales will be significantly higher than 36% of in-store tobacco product sales. In fact, the impact will be so severe that retailers would be forced to lay-off employees and possibly even close their stores since it would be virtually impossible to sell some other kind of product and make up the amount of lost sales of tobacco products, gasoline, food and beverages.

A separate unintended consequence of a full tobacco product sales ban would be the antagonism that customers show toward store clerks when they learn tobacco products are no longer for sale in Beverly Hills. The task of directly informing customers of the prohibition will fall on store clerks who could then be subjected to angry outbursts from furious customers. Our retailers treat
their customers with respect, but such a drastic policy of completely banning the sale of legal tobacco products will lead to customer anger, the brunt of which will be focused at store employees.

**Banning Tobacco Sales Would Not Reduce Youth Access or Benefit Public Health**

Cigarette smoking rates nationally and in California have been in decline for decades. Youth smoking rates have also been in steady decline and those declines have only accelerated during the time that vapor products have been on the market. We share concerns about illegal youth initiation and usage of vapor products. In looking to address the issue, it is critically important to rely on facts and not often-misleading media reports.

U.S. Food and Drug Administration sponsored surveys demonstrate that over 86 percent of youth do not acquire cigarettes from traditional retailers (who check IDs and suffer financial consequences for illegal sales) but rather from social sources – family, friends and even strangers. Those same surveys demonstrate that over 89 percent of youth illegally obtain vapor products from social sources. California has already increased the legal age of purchase for these products to twenty-one. A total tobacco product sales ban will not affect youth access to, or use of such products, it will only force adults over age twenty-one to patronize stores in neighboring cities.

Additionally, the FDA, U.S. National Academies of Sciences, Engineering and Medicine (NASEM), the American Academy of Public Health Physicians and even the American Cancer Society have publicly acknowledged the public health gains that can be achieved by smokers using non-combustible tobacco and nicotine products. In fact, in a recent study to be published in the *Annual Review of Public Health*, Dr. David Abrams explains that “Nicotine patches and gums have long been the best method of safely getting nicotine into the bloodstream. But electronic-cigarettes have already proven to be more satisfying and productive at getting smokers to quit for good.”

A study published in the *New England Journal of Medicine* last week found that vapor products are twice as effective as nicotine gums and patches in helping smokers quit for good. While the FDA has expressed concerns about youth use of these products, the agency is also attempting to devise strategies that do not restrict the vast public health potential of non-combustible products. If improving health is the goal, it is paramount that these products be accessible to adult smokers who can benefit from them.

We appreciate the opportunity to discuss our members’ concerns on this important issue. Our retailers look forward to working constructively with you to promote good public policy and increase compliance with existing laws. However, for the reasons expressed above, we strongly urge you to not proceed with a proposal that would ban the sale of legal tobacco products. Prohibition has been tried before and proven to be an unsuccessful policy.

Sincerely,

*Thomas A. Briant*

NATO Executive Director and Legal Counsel
February 4, 2019

Beverly Hills City Council
City Hall
455 N. Rexford Drive
Beverly Hills, CA 90210

Re: Proposed ban on tobacco sales

Dear Mayor and City Councilmembers,

I write on behalf of the American Petroleum and Convenience Store Association (APCA), a grassroots organization of independent gasoline and convenience store owners located throughout the state of California.

We are opposed to the City’s proposed ban on all tobacco sales. Tobacco is a highly regulated, highly taxed legal product. In Beverly Hills, tobacco retailers are licensed by the State of California and the City. Retailers are subject to frequent compliance checks by the FDA, State Board of Equalization and local law enforcement to ensure compliance with all state and local regulations including the City’s recent ban on the sale of flavored tobacco products.

For retailers located in Beverly Hills, a total ban on tobacco sales will drive business into West Hollywood and Los Angeles. This proposed ban will negatively impact hotels, convenience stores, liquor stores, gas stations, and cigar shops and clubs. Lost revenue extends beyond tobacco sales as fewer customers frequent businesses that no longer sell their preferred tobacco product. Local retailers have reported significant drop in foot traffic and overall sales as a result of the flavor ban which began enforcement in December 2018.

When the City of Oakland banned flavored tobacco products in July 2018, one of our members compared total sales from July 2017 (pre-flavor ban) to July 2018 (post flavor ban) at his gas station. Total store sales dropped 20%. Gasoline sales dropped by over 8,000 gallons when compared to gasoline sales in July 2017. The retailer lost over $15,000 in total sales in one month. These types of losses are unsustainable.

Should the City decide to move forward with a total tobacco sales ban, the city must compensate licensed tobacco retailers for the loss of business revenue that will result and conduct an economic impact analysis to understand the impact that a total tobacco sales ban will have on the city’s sales and occupancy tax revenue.

Sincerely yours,

Joe Johal
Chairman
To whom it may concern,

My name is John Pouldar and I’ve been working with my father in the gas station industry for quite some time. My father operated the 76 gas station located at 9460 w Olympic Blvd in Beverly Hills since 1998. Since then we’ve made sure to provide excellent service to Beverly Hills residents as well as customers working in Beverly Hills or people passing thru. Recently, city of Beverly Hills decided to pass a flavor ban to all tobacco retailers in Beverly Hills. I’ve personally spoken to other retailers in the area, and just like my own business their sales have dropped. People that once came to our businesses to shop for any of the products they wanted as well as flavored cigarettes, i.e. menthols, cloves etc. Now they take their business elsewhere outside of the city which is an extra 10 minute walk or 3 minute drive. Now the city plans on passing a new ban, banning all tobacco products in Beverly Hills. Therefore killing businesses sales and pushing customers to purchase outside of the city.

First hand, i can tell you that’s unacceptable. The fact that city is indirectly killing small businesses in the area isn’t right. My first question to the city is why? Why a flavor ban? Why banning all tobacco? I understand that city recently also adapted a no smoking policy in the streets of Beverly Hills. I have an idea that all of this is because the city acknowledges that too many children who aren’t the age of 21 are smoking tobacco products such as juul electronic pens. I can speak for my own business and say they are not purchasing it from me unless they are of the age of 21 with proper ID check as well as even a credit card matching their name if my employees aren’t sure that it’s theirs. We have never received any ticket for tobacco from the board of equalization nor from any police undercover unit. I can tell you, if kids of the age of 18 are smoking, they are not getting it from places in Beverly Hills, however they are most likely getting it from other businesses outside of the city or their parents purchase it for them. These days, online purchases have increased for many items as well as tobacco.

My thoughts are, if the city feels like a ban is necessary to limit people from smoking, well that’s not going to solve anything. You cannot force people to quit because you as the city do not want to sell it in the area. You are now making it difficult for those who are car-less to get the items they would want. I’ve personally spoken to many of my customers at my business and told them what the city plans on doing. And many of them, are shocked that the city would even consider this as a study session. Like many of us both business Owners and customers, the city will do what they want to do at the end of the day, regardless of what people may or may not say.

My question is what will the city decide on next? Ban soda? Ban energy drinks? Ban beer, wine, and hard liquor? The city might as well destroy small businesses in the process who are in the retail industry of selling a good to a consumer. It’s discrimination.

Thank you

John Pouldar
Beverly Hills oil
9460 Olympic Blvd
Beverly Hills, CA 90212

Sent from my iPhone
February 28, 2019

Beverly Hills Health and Safety Commission
City of Beverly Hills
455 North Rexford Drive
Beverly Hills, CA 90210

Dear Honorable Chair Ross and Members of the Beverly Hills Health and Safety Commission:

The Beverly Hills Conference & Visitors Bureau, Rodeo Drive Committee and Beverly Hills Chamber of Commerce jointly write to you regarding the City’s evaluation of potential policies that would prohibit the sale of tobacco.

We thank you for addressing this issue and understand the serious health impacts of smoking. This is an important issue and one that deserves serious consideration.

We do have concerns that a ban on tobacco sales would be harmful to a number of our businesses, including many that support tourism.

As a frame of reference, during the summer of 2018, approximately 80% of our guests were from cities outside of the United States. Smoking continues to be very popular in many of the international feeder markets that come to our City. Beverly Hills is a world-class tourist destination that is a center of luxury and, as part of that experience, many guests purchase tobacco at our hotels. It is our concern that a ban on tobacco sales will deter such visitors, including prominent dignitaries, from staying in Beverly Hills when they can just as easily go to hotels on our City borders where they will be able to get the experience they desire. In short, we need to make sure we are seen as a friendly tourist destination.

A ban would effectively put lounges such as the Grand Havana Room that serve as meeting points in the City and deal in high end cigars out of business. A ban would also harm convenience stores who rely on sales of such items for a portion of their revenue and to drive the purchase of other store items. Several retailers have reported to the Chamber of Commerce that they would experience serious losses from a ban, even if phased in.

Based on the above, we respectfully request that if further restrictions on tobacco sales are imposed, that existing businesses as well as new hotels, be “grandfathered” in and permitted to continue selling these products. We are otherwise supportive of a ban on new permits.
We are looking forward to working with you to establish a policy that supports healthy living but that also protects our business and tourist community. We look forward to working with you on next steps.

Sincerely,

Todd Johnson  
President and CEO  
Beverly Hills Chamber of Commerce

Sincerely,

Julie Wagner  
CEO  
Beverly Hills Conference & Visitors Bureau

Sincerely,

Kathy Davoudi-Gohari  
Chair  
Rodeo Drive Committee
March 18, 2019

Beverly Hills Health and Safety Commission
455 N. Rexford Drive
Beverly Hills CA 90210

Re: Prohibiting the Sale of All Tobacco in Beverly Hills

Dear Commission Members,

I am the owner of Vendome Wine and Spirits, a 56-year old Beverly Hills business. Our current location, at 270 S. Robertson Blvd. is across the street from the City of Los Angeles.

I opposed the flavored tobacco ban and I oppose a total ban on tobacco sales. Since the flavored tobacco ban took effect in December, I have experienced a 50% decline in tobacco sales. It is too soon to calculate the impact that this ban has had on ancillary sales but I know that customers that used to come to my store and purchase flavored tobacco also purchased other items from my store. These former customers literally walk across the street to Los Angeles to purchase flavored tobacco products that I can no longer sell.

I cannot believe that the City is now contemplating a complete ban on tobacco sales. In addition to cigarettes, I also sell premium cigars. If I lose the ability to sell these products, I estimate a 20% drop in total store revenue.

If I can’t sell these tobacco products in my store, customers who come into my store to purchase cigars, wine, and spirits will take their business to Los Angeles or online. The financial loss to my business is not just tobacco sales; it is all the ancillary sales of wine and spirits that I will lose along with it. The average customer in my store spends $50-$60 per visit. To lose even a handful of these regular customers due to a total tobacco sales ban adds up quickly.

Vendome currently employs 18 people, approximately half full-time. If a total tobacco sales ban is enacted, I will be forced to cut my workforce by 2-3 people.

My store relocated from Olympic Blvd. to Robertson Blvd. a few years ago. Had I known that the City was contemplating this type of sales ban, I would have moved out of the City. When I relocated to Robertson Blvd, I made long-term financial commitments based on my business model that included the sale of tobacco products. Now the city is changing the rules without any consideration of the irreparable harm that it will cause to long-standing businesses.

In addition to the day-to-day revenue loss, the flavored tobacco sales ban and proposed total tobacco sales ban will reduce the total value of my business by about 20%. When I purchased this business in 1992, I reviewed the financials and they included tobacco sales. The price I paid for the business assumed continued tobacco sales. A total tobacco sales ban will lower yearly sales and consequently, lower the price the next buyer will be willing to pay. I will never be able to recoup this loss.
The City has already banned smoke and vape shops, banned the sale of flavored tobacco and severely restricted the places where people may smoke in public.

The Commission should reject this overreaching and unnecessary sales ban. However, if the Commission chooses to move forward, you must grandfather existing businesses. There are only a handful of businesses that sell tobacco in the City and for the reasons I have explained in this letter, it is unfair for the city to change the rules for these businesses. If the City is unwilling to grandfather existing businesses, it must fully compensate businesses for economic loss that results from the taking of our property rights.

Sincerely,

Keith Chan
From: Maria Blackman
Sent: Friday, March 22, 2019 11:08 AM
To: WebCBH MAYORANDCITYCOUNCIL
Subject: Concerning local tobacco legislation.

Name Maria Blackman
Email
Message

Dear Council Member:

As a retailer, I am writing to urge you to oppose the ordinance that would ban the sale of all tobacco products in Beverly Hills.

No elected official should have the power to prohibit the sale of an entire category of a legal product. Prohibition has been tried in the United States before and failed.

If you plan to prohibit the sale of all tobacco products, why are you not at the same time considering a ban on all alcohol and liquor sales? Both tobacco and alcohol are regulated, adult-only products. This focus on tobacco is a double standard that has no basis in law or fact. I wonder how many of you consume alcohol and what your response would be if not a single store, bar or club in Beverly Hills could sell or serve liquor and alcohol.

Moreover, this ordinance would open the door for an illicit market for tobacco products and more crime. A city council should not adopt a local law that encourages illegal activity.

Most importantly, banning all tobacco product sales will no doubt result in store closings. A retailer’s business model includes tobacco sales, which cannot be replaced by the sale of other products. What would you suggest I tell my employees that will lose their jobs when my store needs to close? They rely on the jobs I provide and you should not have the authority to cause hard working people to be terminated.

Finally, no reasonable business person would ever consider opening a new store in Beverly Hills because of the severe anti-business environment that would exist if the ordinance is adopted.

The right thing to do is let my store continue to sell legal tobacco products in a responsible manner.
Dear Council Member:

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Finally, no reasonable business person would ever consider opening a new store in Beverly Hills because of the severe anti-business environment that would exist if the ordinance is adopted.

The right thing to do is let my store continue to sell legal tobacco products in a responsible manner.
This is in regards to the ban of cigarette sells in the city of BH. I am against this ban as it negatively will affect many people I know. In addition, it affects the city of BH as they will lose money by no longer taxing it.

Simon Shamoulia
April 17, 2019

Beverly Hills Health and Safety Commission
City of Beverly Hills
455 North Rexford Drive
Beverly Hills, CA 90210

Dear Honorable Chair Ross and Members of the Beverly Hills Health and Safety Commission:

The Beverly Hills Chamber of Commerce writes to you regarding the City’s evaluation of potential policies that would prohibit the sale of tobacco. We thank you for addressing this important issue.

As we have stated, the position of the Chamber is that should any ban on tobacco sales be implemented, all existing businesses in Beverly Hills should be “grandfathered” in. This protects the business as well as the jobs of people employed there. In this respect, we oppose any effort to single out retailers for exclusion from any exemption.

Additionally, we oppose any effort to rescind the Commission's recommendation exempting existing and new hotels from a ban. Tourism is the life blood of our economy. Last summer, approximately 80% of our guests were from cities outside of the United States, many from cultures where smoking is more prevalent. Beverly Hills is a world-class tourist destination that is a center of luxury and, as part of that experience, many guests expect to be able to purchase tobacco at our hotels. It is our concern that a ban on tobacco sales will deter such visitors, including prominent dignitaries, from staying in Beverly Hills, and will both hurt hotel revenues upon which the City depends as well as encourage people to stay elsewhere.

We therefore strongly urge you to keep intact the exemption for hotels as part of any recommendation.

Sincerely,

[Signature]

Todd Johnson
President and CEO
Beverly Hills Chamber of Commerce
April 19, 2019

Beverly Hills Health & Safety Commission
City of Beverly Hills
455 North Rexford Drive
Beverly Hills, CA 90210

Dear Honorable Chair Ross and Members of the Beverly Hills Health and Safety Commission:

Thank you for reviewing the City of Beverly Hills’ proposed policy that would prohibit the sale of tobacco. We appreciate your thorough review of this policy.

On behalf of Montage Beverly Hills Hotel, I would like to convey our support that any ban on the sale of tobacco “grandfather” hotels. Montage Beverly Hills opposes any reconsideration of the Commission’s exemption of hotels from this policy.

Beverly Hills, California is an international destination. A destination, where not all those that desire, have the means to visit. Our unique clientele come to this location for respite and to experience a world class city. Montage Beverly Hills Hotel is located in the heart of the Golden Triangle and boasts balconies, many overlooking the Beverly Canon Gardens. Our unique location lends itself as the idea destination to enjoy all the comforts that Beverly Hills has to offer.

Banning the sale of tobacco in our hotel, will be considered a flaw and limit the experience of tourists and our guests. As competition continues to grow in the surrounding areas outside of Beverly Hills, we ask that you continue to exempt hotels from the proposed policy to avoid anything that would prohibit clients, guests and tourists from choosing our unique destination.

We respectfully request that you keep the exemption for hotels within any proposed policy.

Sincerely,

Rick Riess
VP, Montage International
April 22, 2019

Beverly Hills City Council  
City of Beverly Hills  
455 North Rexford Drive  
Beverly Hills, CA 90210  

Dear Honorable Mayor Mirisch and Members of the Beverly Hills City Council:  

The Beverly Hills Chamber of Commerce and Beverly Hills Conference and Visitors Bureau jointly write to you regarding proposed signage to be placed in Beverly Hills describing rules about smoking.

As we understand it, the City is presently considering a couple primary options for signage, one of which says “Smoking is Prohibited in Most of Our City” or alternatively, “No Smoking or Vaping” with a crossed out e-cigarette/vape and small disclaimer language below.

This signage is too harsh and suggests that smoking is prohibited on public streets when that is not in fact the law. We encourage the City to phrase the signage in the positive and to convey that the City encourages healthy living. We believe this message will resonate more strongly without scaring away tourists, visitors and others who spend money in our City.

We look forward to working with you to establish policies that support healthy living but that also protect our business and tourist community.

Sincerely,

Todd Johnson  
President and CEO  
Beverly Hills Chamber of Commerce

Julie Wagner  
CEO  
Beverly Hills Conference & Visitors Bureau
April 22, 2019

Beverly Hills Health and Safety Commission
City of Beverly Hills
455 North Rexford Drive
Beverly Hills, CA 90210

Dear Honorable Chair Ross and Members of the Beverly Hills Health and Safety Commission:

On behalf of Beverly Hills Conference & Visitors Bureau, I am writing you regarding the City’s due diligence of a policy that would ban the sale of tobacco products in Beverly Hills. We appreciate the commission’s focus on improving the health and wellness of residents and visitors to the City.

As the city’s destination marketing organization, we also oppose any effort to rescind the Commission’s recommendation exempting existing and new hotels from the ban. Tourism is the economic driver for Beverly Hills with $2.8 billion in annual economic impact from direct and indirect visitor spend. Tourism generates $57 million in tourism-related taxes to the City that helps fund essential city services, as well as support 13,000 local jobs. Beverly Hills hosts visitors from around the globe and smoking is still socially acceptable in many of those countries. We believe that a ban on tobacco sales will deter these visitors from staying in Beverly Hills and drive hotel business to nearby destinations. Therefore, we strongly urge you to maintain an exemption for existing and new hotels as part of any ban on the sale of tobacco products in Beverly Hills.

Sincerely,

Julie Wagner
CEO
Beverly Hills Conference & Visitors Bureau