

LONG BEACH CIGAR LOUNGE OWNERS FOR A RESPONSIBLE FUTURE

November 11, 2009

Dear Honorable Committee Members Gabelich, Uranga and DeLong,

We seek your assistance today in helping us to implement your vision and create a smoking lounge ordinance that protects the small businesses in Long Beach. We properly obtained a business license to operate when we decided to open our doors in this great city. We are looking to work with you to create a win-win situation that will allow us to continue to service our customers and also protect those who do not want to be affected or harmed by a smoke filled environment.

The way the proposed ordinance is currently written, it goes against the council's actions 8 months ago as well as their intent in drafting the ordinance to help those small mom and pop businesses that have long been established. Our goal is to take the smoke out of the public's way and into a safe and private atmosphere where only those that choose to enter will be affected. Common sense says that if you walk into a cigar lounge, there is a pretty good chance, you might smell cigar smoke. The same can be said that if you enter a nail salon, there is a pretty good chance, you will inhale the fumes of nail polish and nail polish remover.

Our biggest concern is that the Health Department not oversee this new "smoking lounge" permit. They already oversee the "tobacco retail" permit and they have a clear conflict of interest as their mission is to see the elimination of all tobacco use throughout the City. This ordinance is drafted with numerous "traps" and other "punishment" tools that go above and beyond what is required and could only be construed as the "possibility" for harassment. The new "smoking lounge" permit is about ventilation, land use planning and proper business licensing therefore we believe that it best to be overseen by Business Licensing.

The tobacco retail fee is already close to \$500 and while that fee was originally supposed to be a cost neutral program, they now have a reserve of over \$200,000. We believe this issue would best be served by adding a simple nominal fee to the Business License fee already collected each year. Business licensing already has designations for pool table shops, pawn shops, gun shops and more, this would be one more possible designation for them to add on. I would like to note that Long Beach Cigar Lounges currently already have/pay for 5 separate permits from the state and city governments totaling over \$2000 a year.

We approached you about doing this right and creating an ordinance that reflected state law, allowing us to compete with surrounding cities and protect small business jobs in an already terrible economy. Your concerns were valid and justified, that this did not create a proliferation of smoking lounges throughout the city. Your interests are protected in this new ordinance and the bar has been set high for any new lounge wanting to come in and operate in the City of Long Beach. The fact remains though that it is still much easier to own and operate a lounge in the surrounding cities. We want to partner with you, the city, where we have chosen to own and operate our businesses as well as live and raise children. Nobody wants to harm children and that is why none of our shops have ever sold tobacco to a minor, we are very proud of that record. We don't target them and our demographic is very different than them.

Accordingly, we respectfully request that:

- A. That the health officer nominated to head regulation in the proposed new smoking lounge ordinance be replaced by business licensing.
- B. That food and beverage regulations only be limited to sales.
- C. That the license fee be nominal and added on to the business license currently automatically renewed every year.
- D. That the new law give special consideration to the 7 current operating lounges who already currently have separate ventilation systems installed, and those that operate in stand alone buildings be exempt. We ask that the new regulations not be burdensome financially with the goal of putting us out of business.

- E. That the smoking lounge permit be appealable to the entire city council when it comes to revocation and not the Health Officer similar to that of your alcohol licenses.
- F. That the section relating to the possibility of appealing to the City based on undue financial hardship be re-instated back into the ordinance and not eliminated.

We reach out our hands to work with you, not against you and we appreciate the time and effort spent on this piece of legislation. We realize in the big scheme of things it is not high on the priority list, but we want you to know that it is very important to us, as this is our livelihoods and for that we are eternally grateful.

Sincerely,

Long Beach Cigar Owners

Bo's Cigar Lounge
Big Daddy's Cigar Lounge
Second Street Cigars
Anto's Cigar Lounge
Smoke Temple Cigar Lounge
Taylor's Cigar Shop