



**Beverly Hills City Council Liaison / Health and Safety Commission Committee will conduct a Special Meeting, at the following time and place, and will address the agenda listed below:**

**CITY OF BEVERLY HILLS  
455 N. Rexford Drive  
Room 280A  
Beverly Hills, CA 90210**

**IN-PERSON / TELEPHONIC / VIDEO CONFERENCE MEETING**

**Beverly Hills Liaison Meeting**  
**<https://beverlyhills-org.zoom.us/my/committee>**  
**Meeting ID: 516 191 2424**  
**Passcode: 90210**

**You can also dial in by phone:**  
**+1 669 900 9128 US**  
**+1 833 548 0282 (Toll-Free)**

**One tap mobile**  
**+16699009128,,5161912424# US**  
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**Tuesday, January 31, 2023**  
**4:00 PM**

***Please be advised that pre-entry metal detector screening requirements are now in place in City Hall. Members of the public are requested to plan visits accordingly.***

*In the interest of maintaining appropriate social distancing, members of the public can view this meeting through live webcast at [www.beverlyhills.org/live](http://www.beverlyhills.org/live) and on BH Channel 10 or Channel 35 on Spectrum Cable, and can participate in the teleconference/video conference by using the link above. Written comments may be emailed to [mayorandcitycouncil@beverlyhills.org](mailto:mayorandcitycouncil@beverlyhills.org) and will also be taken during the meeting when the topic is being reviewed by the Beverly Hills City Council Liaison/ Health and Safety Commission Committee. Beverly Hills Liaison meetings will be in-person at City Hall.*

**AGENDA**

- 1) Public Comment
  - a. Members of the public will be given the opportunity to directly address the Committee on any item listed on the agenda.
- 2) Resolution of the Beverly Hills City Council Liaison / Health and Safety Commission Committee continuing to authorize public meetings to be held via teleconferencing pursuant to Government Code Section 54953(e) and making findings and determination regarding the same.

Recent legislation was adopted allowing the Beverly Hills City Council Liaison / Health and Safety Commission Committee to continue virtual meetings during the COVID-19 declared emergency subject to certain conditions and the proposed resolution implements the necessary requirements.

- 3) Health and Safety Commission 2022 Accomplishments
- 4) Discussion of 2023 Incoming Chair's Focus Area Topics, Areas of Interest and Work Plan Initiatives
- 5) City Council Request to Explore Eliminating the Exception to the City's Smoking Ordinance which Allows Smoking while Actively Travelling on the Public Right of Way
- 6) Future Agenda Items
- 7) Adjournment



**Huma Ahmed**  
**City Clerk**

**Posted: January 27, 2023**

**A DETAILED LIAISON AGENDA PACKET IS AVAILABLE FOR REVIEW AT**  
**[WWW.BEVERLYHILLS.ORG](http://WWW.BEVERLYHILLS.ORG)**



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RESOLUTION NO. CCL-HSCC-03

RESOLUTION OF THE CITY COUNCIL LIAISON / HEALTH AND SAFETY COMMISSION COMMITTEE OF THE CITY OF BEVERLY HILLS CONTINUING TO AUTHORIZE PUBLIC MEETINGS TO BE HELD VIA TELECONFERENCING PURSUANT TO GOVERNMENT CODE SECTION 54953(e) AND MAKING FINDINGS AND DETERMINATIONS REGARDING THE SAME

WHEREAS, the City Council Liaison / Health and Safety Commission Committee is committed to public access and participation in its meetings while balancing the need to conduct public meetings in a manner that reduces the likelihood of exposure to COVID-19 and to support physical distancing during the COVID-19 pandemic; and

WHEREAS, all meetings of the City Council Liaison / Health and Safety Commission Committee are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code Sections 54950 – 54963), so that any member of the public may attend, participate, and watch the City Council Liaison / Health and Safety Commission Committee conduct its business; and

WHEREAS, pursuant to Assembly Bill 361, signed by Governor Newsom and effective on September 16, 2021, legislative bodies of local agencies may hold public meetings via teleconferencing pursuant to Government Code Section 54953(e), without complying with the requirements of Government Code Section 54953(b)(3), if the legislative body complies with certain enumerated requirements in any of the following circumstances:

1. The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the

emergency, meeting in person would present imminent risks to the health or safety of attendees.

3. The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency in response to the COVID-19 pandemic (the “Emergency”); and

WHEREAS, the Centers for Disease Control and Prevention continue to advise that COVID-19 spreads more easily indoors than outdoors and that people are more likely to be exposed to COVID-19 when they are closer than 6 feet apart from others for longer periods of time; and

WHEREAS, the Los Angeles County “Responding together at Work and in the Community Order (8.23.21)” provides that all individuals and businesses are strongly encouraged to follow the Los Angeles County Public Health Department Best Practices. The Los Angeles County Public Health Department “Best Practices to Prevent COVID-19 Guidance for Businesses and Employers”, updated on September 13, 2021, recommend that employers take steps to reduce crowding indoors and to support physical distancing between employees and customers; and

WHEREAS, the unique characteristics of public governmental buildings is another reason for continuing teleconferenced meetings, including the increased mixing associated with bringing people together from across several communities, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to fully participate in public

meetings and the challenge of achieving compliance with safety requirements and recommendations in such settings; and

WHEREAS, the Beverly Hills City Council has adopted a resolution that continues to recommend steps to reduce crowding indoors and to support physical distancing at City meetings to protect the health and safety of meeting attendees; and

WHEREAS, due to the ongoing COVID-19 pandemic and the need to promote social distancing to reduce the likelihood of exposure to COVID-19, the City Council Liaison / Health and Safety Commission Committee intends to continue holding public meetings via teleconferencing pursuant to Government Code Section 54953(e).

NOW, THEREFORE, the City Council Liaison / Health and Safety Commission Committee of the City of Beverly Hills resolves as follows:

Section 1. The Recitals provided above are true and correct and are hereby incorporated by reference.

Section 2. The City Council Liaison / Health and Safety Commission Committee hereby determines that, as a result of the Emergency, meeting in person presents imminent risks to the health or safety of attendees.

Section 3. The City Council Liaison / Health and Safety Commission Committee shall continue to conduct its meetings pursuant to Government Code Section 54953(e).

Section 4. Staff is hereby authorized and directed to continue to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code Section 54953(e) and other applicable provisions of the Brown Act.

Section 5. The City Council Liaison / Health and Safety Commission Committee has reconsidered the circumstances of the state of emergency and finds that: (i) the state of emergency continues to directly impact the ability of the members to meet safely in person, and (ii) state or local officials continue to impose or recommend measures to promote social distancing.

Section 6. The Secretary of the City Council Liaison / Health and Safety Commission Committee shall certify to the adoption of this Resolution and shall cause this Resolution and her certification to be entered in the Book of Resolution of the City Council Liaison / Health and Safety Commission Committee of this City.

Adopted:        January 31, 2023

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LILI BOSSE  
Presiding Councilmember of the City  
Council Liaison / Health and Safety  
Commission Committee of the City of  
Beverly Hills, California



CITY OF BEVERLY HILLS  
FIRE DEPARTMENT

MEMORANDUM

**TO:** Beverly Hills City Council Liaison/Health and Safety Commission Committee  
**FROM:** Gregory Barton, Fire Chief  
Gabriella Yap, Senior Policy and Management Administrator, Public Safety  
**DATE:** January 31, 2023  
**SUBJECT:** Health and Safety Accomplishments 2022

This memo is to provide the Beverly Hills City Council Liaison/Health and Safety Commission Committee, comprised of Mayor Bosse and Councilmember Gold, with an overview of the Health and Safety Commission’s accomplishments for the calendar year 2022. These accomplishments were reviewed by the Health and Safety Commission at their December 19, 2022 meeting.

Kirk Y. Chang, MD, and Lee Hilborne, MD, MPH, served as the Chair and Vice Chair respectively from January 2022 to December 2022.

The areas of interest for 2022 included:

- Health and Safety Emergency Preparedness
- COVID-19 Education, Outdoor Siren Warning System Initiative, Smoking Education, Outreach and Cessation, and Mental Health.
- Develop and complete opportunities for the Commission on a variety of health and safety disaster preparedness related topics.
- Continue to support the Health and Safety Awards, and the Community Emergency Response Team (CERT) and JUST IN CASE BH programs.

During this time, the Health and Safety Commission accomplished the following:

1. Continued learning about health and safety emergency preparedness related topics, programs, presentations, outreach and education.

January	<p>City Cameras and Surveillance System. An informational presentation on the different ways the Police Department utilizes technology.</p> <p>Emergency Preparedness for Seniors and People with Disabilities. An informational presentation on emergency preparedness for seniors and those with disability and access/functional needs.</p> <p>Tips to add to your Mental Health Tool Kit. An informational discussion on ways to become more resilient during tough times by Health and Safety Commissioner and Clinical Neuropsychologist Erica Felsenthal, PhD.</p>
February	Jewish Family Services’ Beverly Hills Care Management Program. An

	<p>overview of the Beverly Hills Care Management Program funded by the City's Community Assistance Grant Fund program - comprehensive client assessments and care plans, home care assistance and home meal delivery, and hoarding programs and various mental health resources.</p> <p>Emergency Preparedness for Seniors and People with Disabilities. An informational presentation on emergency preparedness for seniors and those with disability and access/functional needs.</p> <p>Fire Department's Nurse Practitioner Program Updates and Highlights.</p> <p>The Use of Drone Technology. An informational presentation on ways the Police Department utilizes drone technology.</p> <p>Beverly Hills City Council Liaison / Health and Safety Commission Liaison Committee Meeting Highlights.</p>
March	<p>Beverly Hills Fire Department International Accreditation. An informational update on the Fire Department's internationally-accredited agency status.</p> <p>Cardio Pulmonary Resuscitation (CPR) Program Information and Basic First Aid Tips. A presentation by CPR Administrative Coordinator Les Bronte dedicated to teaching skills that save lives.</p> <p>April – Earthquake Preparedness Month and tips on how to be prepared in the event of an earthquake.</p> <p>Outdoor Warning Siren System. A multi-hazard alerting tool for the City to notify residents in of a potential wildfire.</p>
April	<p>Social Media Safety. Information about navigating safely through social media and mental health impacts of unsafe use.</p> <p>Beverly Hills Fire Department Peer Support Program. Information on Fire Department peer and mental health support.</p>
May	<p>Mandatory Commissioner Training – special meeting.</p>
May	<p>Organic Waste Management Program. Presentation by the City asking residents to include organic material of food scraps, food-soiled paper, yard trimmings, and nonhazardous wood waste into green yard bins, and for commercial businesses to subscribe to the City's collection services in accordance to the California Senate Bill 1383 (SB 1383) that was passed on January 1, 2022.</p> <p>Fire Department's Community Risk Reduction and Home Hardening. Provided information on increasing a home's survivability to wildfires.</p>
June	<p>WELL Health-Safety Rating. The Health and Safety Commission provided a recommendation to the International Well Building Institute's (IWBI) WELL Health-Safety Rating's proposed services.</p>



July	<p>Fire Department's JUST IN CASE BEVERLY HILLS (JICBH) Program Update.</p> <p>Beat the Heat. Addressed sun safety information, resources, and tips to beat the heat.</p> <p>Fire Department's Nurse Practitioner Program Updates and Highlights.</p>
August	<p>Outdoor Warning Siren System. A multi-hazard alerting tool for the City to notify residents in of a potential wildfire.</p> <p>Power Outages and Preparedness Tips. A presentation by Southern California Edison on electrical power outages and preparedness.</p> <p>National Preparedness Month. Information on a nationwide campaign held each September on emergency preparedness.</p> <p>Consumer Confidence Report (Water Quality). A presentation on the 2021 Water Quality Report for the City of Beverly Hills.</p> <p>Climate Action and Adaptation Plan (CAAP) Update. A progress summary for the Climate Action and Adaptation Plan, including activities completed to date and upcoming steps towards the adoption of the Climate Action and Adaptation Plan.</p>
September	<p>Meeting Cancelled due to Rosh Hashanah.</p>
October	<p>WELL Health-Safety Rating Follow-up Review. The Health and Safety Commission provided a recommendation on the services and proposal related to the International Well Building Institute's WELL Health-Safety Rating Program.</p> <p>Great Shakeout Drill. An informational presentation on how to DROP, COVER and HOLD and protect ourselves when an earthquake occurs.</p> <p>Programs Operations Specialist, Gabriel Mier, shared a demonstrational video highlighting various aspects of the Fire Department's CERT program.</p> <p>2022 Conflict of Interest Code. State Law requires that each local agency review its Conflict of Interest Code every year.</p>
October	<p>Police Department's Presentation on Halloween Safety and Fentanyl Concerns.</p> <p>Anger Management: Prevention, Coping and Seeking Help. A presentation by Kathleen Kim, Director of the Briskin Wilder Welcome Center at the Maple Counseling Center.</p> <p>National Pediatric Readiness Program. An informational presentation on the Fire Department's pre-hospital care new Pediatric Readiness Program.</p>

November	<p>Drought Update. A presentation from the City's Water Conservation Administrator on current drought conditions and other environmental programs.</p> <p>Enhanced Services for the Unhoused. A presentation from City staff on the City's efforts and recent Council actions to further assist the unhoused in Beverly Hills.</p> <p>2023 Health and Safety Commission Meeting Dates. The proposed 2023 meeting dates schedule for the Health and Safety Commission.</p>
December	The Commission began incorporating year over year data and charts for context when reviewing calls for response from Police and Fire.

- Every month, Commissioner Erica Felsenthal, PhD, led the Commission in a "Moment of Mindfulness."

January	An exercise titled Grounding through the Five Senses, also known as Centering.
March	A meditation to balance and shift our awareness to increase a sense of wellbeing.
April	An exercise titled Mindful Rings.
May	A mindfulness exercise called Mindful Breathing as a Pleasant Event.
June	Commissioner Felsenthal spoke on well-being and led the group in a mindful meditation focusing on gratitude.
July	A breath exercise followed by a mindful meditation titled Labeling.
October	A special guided meditation with silent reflection.
November	Commissioner Felsenthal shared a parable and led a guided meditation titled, "Self Embrace."

- Vice Chair Hilborne and Commissioner Felsenthal's involvement in the Community Advisory Committee (CAC) for the City's Climate Action and Adaptation Plan (CAAP) aimed at helping the community come up with measures to reduce the City's greenhouse gas emissions and manage the future effects of climate change.
- Continued the Health and Safety Recognition Program, honoring individuals, businesses, and groups who have demonstrated leadership in the field of health and safety issues or made a contribution to the mission of the Health and Safety Commission.

February	The Commission will recognize Jason Malone, Executive Director of Sunshine Beverly Hills. Selected by Commissioner Rosenthal.
April	The Commission recognized Licensed Clinical Social Worker Susan Belgrade, Senior Director of Multipurpose and Senior Centers, Jewish Family Services Los Angeles. Selected by Commissioner Erica Felsenthal.
June	The Commission recognized Diane Shader Smith, writer and cystic fibrosis advocate. Selected by Commissioner Cathy Baker.
August	The Commission recognized community leader Shirley Reitman for the Health and Safety Recognition Program. Selected by Vice Chair

	Hilborne.
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- The Health and Safety Commission presented Employee Excellence Awards to recognize employees who have gone beyond their daily responsibilities to contribute to the City’s health and safety efforts.

January	Chris Ley, Video Production Supervisor, Information Technology Department.
March	Tania Schwartz, Senior Management Analyst, Public Works Department.

- The Health and Safety Commission continued its pro-health intermission called the “Seventh Inning Stretch” every other month to focus on the need to stay active via a short demonstrational video, which addressed the positive aspects of stretch relief, injury prevention, blood circulation and mind rejuvenation. These intermissions were led via pre-recorded video.

February	Neuro Activated Advanced Meditation (NAAM) yoga instructors Renata Spironello and Alyssa Gaustad
May	Dogpound Gym Certified Personal Trainer Nick Trice
June	NAAM yoga instructors Renata Spironello and Alyssa Gaustad.
September	NAAM yoga instructors Renata Spironello and Alyssa Gaustad.
October	NAAM yoga instructors Renata Spironello and Alyssa Gaustad.

The Beverly Hills Unified School District (BHUSD) provided monthly updates on the following topics:

- Presentation on various topics related to COVID-19, to include testing and cases, and other proactive prevention interventions happening at the schools.
- Return to school efforts.
- Staffing activity.
- The mental health resources that the school district offers to students to encourage mental wellness through the Norman Aid Wellness Center as well as the new building in partnership with Bulldog Aid for Mental Health.
- An evening event addressing mental health and awareness focused on the social and emotional elements of learning.
- The Safety and Security Committee’s review of the schools’ safety procedures and plan.
- Director of School Safety Mark Mead spoke on the topic of emergency management, partnership with private security company NASTEC and social and emotional wellness.
- Horace Mann Elementary multi-cultural event, Hawthorne High School Harvest Festival, Unity Day.
- The formation of the District Wellness Committee.

16. Various awards including the Common Sense School Award; and Michelle Stradford was one of sixteen teachers selected for Teacher of the Year in the Los Angeles County.
17. School programs like 'Dude Be Nice', the Grandparents Permit, Community Spotlight, Bulldog Aid for Mental Health, Beverly Hills Education Foundation, Not Today Cancer 5K, and participation in the Great Shakeout Drill.
18. The award of six gold medals at the California Interscholastic Federation 2022 Swimming & Diving Championships.
19. The BHUSD strategic plan.
20. The BHUSD's Community Pledge and Civility Bylaw.
21. Active Shooter training and Fire and lockdown drills.
22. Fentanyl drug and counseling services.

The Beverly Hills Police Department provided monthly updates on the following topics:

23. Events and safety information.
24. Newly appointed Chief of Police Mark Stainbrook made a formal introduction to the Commission.
25. The assignment of the Community Relations position to Sergeant Jesse Perez.
26. Police Officer recruitment, staffing, and training.
27. Community outreach events like Guac with a Cop, Coffee with a Cop, Black and White Gala, and National Night Out.
28. The Department's participation in a joint press conference with federal partners and the Anti-Defamation League advocating standing united against hate and committing resources to fight against it.
29. Updates regarding Police Department activities including the recent metrics, commercial and residential burglaries, and thefts from motor vehicles.
30. Increased private armed security companies assisting the Police Department patrol the City.
31. The launch of the Citizens Academy program.
32. The launch of the Mental Health Evaluation Team (MHET) who will respond to mental health related calls and provides on-scene assessment.
33. The launch of the Real-Time Watch Center.

34. The Police Department's Mental Health Evaluation Team with two clinicians for anyone who may be in need.
35. Program updates for Just in Case, BH, the Police Department Explorer, and the Neighborhood Watch Programs, Home Hardening, 2022 Junior Police Camp, and participation with Team BH.
36. Police activities, enforcement and major incidents like DUI/driver license checkpoint, smash and grabs, armed robbery.
37. Safety tips and crime prevention.
38. Safety mitigation measures for the Halloween holiday.

The Beverly Hills Fire Department provided monthly updates on the following topics and programs:

39. General operations regarding fire inspections.
40. Firefighter recruitment, staffing, and training.
41. Community Risk Reduction operations, community outreach, and activities.
42. Stop the Bleed, Business Emergency Response Team (BERT), Community Emergency Response Team (CERT), Cardiopulmonary Resuscitation (CPR), and Employee Emergency Response Team (EERT) training, including monthly newsletters.
43. The Nurse Practitioner and the JUST IN CASE BH programs.
44. Community outreach events like Community Preparedness Day, the return of Fire Service Day, and the first-ever Girls' Empowerment Camp.
45. Fire Department responses, call volumes, and incidents metrics.
46. Large and major incidents like traffic accidents with extrication, cooking fires, brush fires, and structure fires.
47. Red flag activations.
48. Information on various Strike Team deployments to the Laguna Niguel Fire and the Paxton Fire. Rapid Extraction Module Support (REMS) at the Oak Fire in Mariposa County, Yeti Complex Fire in San Mateo County, and the Mosquito Fire in El Dorado County, and provided resources to assist in firefighting efforts in the Pacoima area of the San Fernando Valley.
49. The completion of the 2021 Annual Los Angeles County Emergency Medical Services Agency Advanced Life Support Audit.
50. Newly-appointed Deputy Fire Chief Alfred Poirier made a formal introduction to the Commission.

51. The Fire Department's new Type VI Cal OES fire engine that went into circulation in April 2022 to assist the State of California in suppressing wildfires.
52. Presentation on the topic of Mutual Aid responses.
53. Fire Chief Officers' participation in a Multi-Agency Command Training (which covered wildfire and active shooter simulations).

#### COVID-19:

54. Staff regularly kept the Commission updated with COVID-19 statistics in both Beverly Hills and Los Angeles County.
55. Masking mandates, traveling, therapeutics, and testing.
56. Information on local, state, and nationwide COVID-19 statistics, the City's continued response, testing and vaccines, resources for residents, and the current health order.
57. Presentations discussing Emergency Use Authorization regarding COVID-19 vaccines, planning, contact tracing and how to receive vaccines and booster shots.
58. Received important information on the upcoming flu season and how to prepare with vaccines, as well as how it is affected by COVID-19.
59. Staff spoke on virus variants, post complications, and isolation requirements.
60. Provided an overview on Monkeypox.

#### Smoking and Tobacco Quarterly Reports:

61. Smoking and Tobacco Informational Report: 2021 Year in Review.
62. Code Enforcement and Ambassador efforts, and the associated hardship exemption applications from retailers in regards to the City's ordinance.
63. No-smoking/vaping banners in the City.
64. Cedars-Sinai Smoking Cessation program.
65. Shared quarterly statistics related to smoking, vaping, complaints and investigations, as well as information about tobacco retail enforcement for 2022.

#### Active Transportation Programs Update:

The Transportation Department provided quarterly updates on the following topics related to mobility:

66. The Roxbury Protected Bike Lane Pilot Project
67. Connect Beverly Hills

- 68. Slow Streets
- 69. Minimum Grid Bikeway Network
- 70. Self-propelled, human-powered mode of transportation (walking and bicycling)
- 71. Announced the installation of the Real-Time Bike Counts Display on North Santa Monica Boulevard near Rodeo Drive.
- 72. The feasibility study for a Bike Boulevard on Clifton Way and Le Doux Road.

Other Health and Safety Related Topics:

- 73. Conducted Commission business including approving the 2023 Health and Safety Commission meeting dates, and adopting the resolution of the Health and Safety Commission of the City of Beverly Hills continuing to authorize public meetings to be held via teleconferencing, pursuant to government code section 54953(e), including making findings and determinations to streamline meetings.
- 74. Environmental Compliance and Sustainability Programs Manager, Josette Descalzo, presented to the Commission on the Public Works Department's Climate Action and Adaptation Plan (CAAP) and discussed a City-wide plan to become carbon neutral by 2045; supporting the goals of the State of California for carbon neutrality.
- 75. Presentation from the City's Public Works Department regarding the annual Water Quality Report.
- 76. Adopted the 2022 Conflict of Interest Code.
- 77. Heard presentations from the City's Conservation Manager on water conservation and drought.

Attendance and Events:

- 78. In-process scheduling of a Health and Safety Commission Liaison Committee meeting in January to review the 2022 accomplishments and approve the 2023 Health and Safety work plan.
- 79. Attended Earth Day at the Farmer's Market.
- 80. Attended Business with Bosse events and promoted the initiative.
- 81. Promoted 2022 Arbor Day.
- 82. Attended Commissioner training in May.
- 83. Attended Movie Night at Roxbury Park in regards to the Climate Action and Adaptation Plan.
- 84. Promoted National Mosquito Control Awareness Week.
- 85. Participated in the Great Shakeout on October 20, 2022, a nationwide earthquake drill.

86. Reminded the community that September is National Preparedness Month.
87. Chair Chang attended the monthly Mayor's Cabinet Meetings to report on Commission updates.
88. No Commissioner recusals and only one absence.

Supplemental Information included in packets:

- Home Heating Fires
- The Truth About "72 Hours"
- Beverly Hills Fire Department - Exit Drills In The Home (E-D-I-T-H)
- Mapping Out Your Escape Plan (Single-Family and Multi-Family Structures)
- Family Emergency Preparedness Kit Check-List
- Community Emergency Response Team (CERT) Newsletter January 22, 2022
- Ready! Set! Go! Your Personal Wildfire Action Plan (COBH FD)
- Older Adults and Depression (National Institute of Mental Health)
- Hoarding Fact Sheet (International OCD Foundation)
- Protecting Youth Mental Health: The U.S. Surgeon General's Advisory
- Community Emergency Response Team (CERT) Newsletter February 26, 2022
- Earthquake Safety Checklist (Red Cross)
- Family Disaster Plan Template (Red Cross)
- Parent Tips for Helping Adolescents after Disasters (PFA)
- Parent Tips for Helping Infants and Toddlers after Disasters (PFA)
- Parent Guidelines for Helping Children after an Earthquake (NCTSN)
- Tips to Survivors: Coping with Grief after a Disaster or Traumatic Event (SAMHSA)
- Community Emergency Response Team (CERT) Newsletter March 28, 2022
- Autism Spectrum Disorder (NIH)
- Stand up to Stress – Coloring & Activity Book (for Kids Ages 8-12)
- Age Related Reactions to Traumatic Events (NCTSN)
- JUST IN CASE BH Program Community Outreach Flier
- JUST IN CASE BH Program Roles & Responsibilities
- Be Aware, Be Prepared, Take Action – A Guide for Alerts and Warnings
- City of Beverly Hills Arbor Day April 29, 2022
- Community Emergency Response Team (CERT) Newsletter April 2022
- Benefits of Mindfulness (Help Guide)
- Be Red Cross Ready – Fire Prevention & Safety Checklist
- Taking Care of Your Emotional Health (CDC)
- Community Emergency Response Team (CERT) Newsletter May 2022
- Climate Action Movie Night at Roxbury Park
- Beverly Hills Fire Department Presents: Preventable Heat Related Illness
- City of Beverly Hills Fire Department Fireworks Awareness
- I'm So Stressed Out! from the National Institute of Mental Health
- Generalized Anxiety Disorder (National Institute of Mental Health)
- Social Anxiety Disorder: More Than Just Shyness (National Institute of Mental Health)
- Community Emergency Response Team (CERT) Newsletter June 2022



- Action Steps for Helping Someone in Emotional Pain from the National Institute of Mental Health
- Caring for Your Lawn Water Conservation Tips
- American Red Cross – Children and Home Fires
- Prepare with Pedro – Disaster Preparedness Activity Book
- Community Emergency Response Team (CERT) Newsletter July-August 2022
- A Suicide Prevention Strategic Plan 2020-2025
- Warning Signs of Suicide
- Frequently Asked Questions About Suicide
- Community Emergency Response Team (CERT) Newsletter September 2022
- After the Earthquake: Helping Young Children Heal (NCTSN)
- Do's and Don'ts Fire Escape in Home & Home Fire Escape Plan (BHFD)
- Home Safety Tips for Kids (NFPA)
- Cooking Safety in the Kitchen (NFPA) Cooking Safety in the Kitchen (NFPA)
- Beverly Hills Girls' Empowerment Camp 2022
- JUST IN CASE BH – Stay Connected, Informed, Prepared for an Emergency
- Teen Community Emergency Response Training (CERT) 2022
- Beverly Hills Fire Department Presents: Halloween Safety
- Halloween Safety Tips: Costumes, Candy, and Colored Contact Lenses
- 10 Tips to Boost your Mental Health
- 8 Things to Know About Mind and Body Approaches for Health Problems Facing Military Personnel and Veterans
- Community Emergency Response Team (CERT) Newsletter October 2022
- Beverly Hills Fire Department Presents Do's and Don'ts for Fire Escape In a Home
- Panic Disorder: When Fear Overwhelms
- Simple Activities for Children and Adolescents
- COVID-19 Information

The following continues to be the goals of the Commission:

- To Create a “Community Culture of Awareness and Preparedness.”
- To Encourage Good Decision Making and Battle Complacency on Health and Safety Matters.
- To Serve as Ambassadors to the Community on Health and Safety-related Resources and Information.



## CITY OF BEVERLY HILLS

### FIRE DEPARTMENT

#### MEMORANDUM

**TO:** Beverly Hills City Council Liaison/Health and Safety Commission Committee

**FROM:** Gregory Barton, Fire Chief  
Gabriella Yap, Senior Policy and Management Administrator, Public Safety

**DATE:** January 31, 2023

**SUBJECT:** Discussion of 2023 Incoming Chair's Focus Area Topics, Areas of Interest, and Work Plan Initiatives

**ATTACHMENTS** None

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The purpose of this memo is to request review and approval by the Beverly Hills City Council Liaison/Health and Safety Commission Committee, consisting of Mayor Bosse and Councilmember Gold, of the Health and Safety Commission (Commission) calendar year 2023 work plan.

#### **BACKGROUND**

It has been the practice of the Commission that the Commission Chair names *an Area of Focus* for their term and that they provide suggestions and seek input on other *Areas of Interest* the Commission may want to cover or highlight in the coming year. This format was designed by the previous Commissioners to establish a map or guideline for the Commission to follow that provides a clear direction and focus and allows the Chair to highlight a specific topic. Also historically, in December the Commission identifies a work plan item to be included in the budget.

**Area of Focus:**

One umbrella topic the Chair would like the Commission to focus on during their term.

**Items of Interest:**

Subject matter/topics of interest to the Commission. Commission may want to study or have a staff member, or a subject area expert or a community member provide information to the Commission or public.

**Work Plan Items:**

An actual task that will be completed by the Health and Safety Commission e.g. Health and Safety Awards. This is reflected in the City's budget and is based on the fiscal year.

Commissioners provide input and seek approval for any other areas of interest to be heard in 2023.

## **DISCUSSION**

For 2023, incoming Commission Chair Lee Hilborne requested the following **area of focus** and corresponding **items of interest**:

### **AREA OF FOCUS: Community Engagement**

- A. Create a cohesive engagement plan for residents, businesses and staff to champion health and safety issues for our community, leverage the commitment and engagement from Just In Case BH and Neighborhood Watch programs.

### **ITEMS OF INTEREST:**

The following are items of interest for the Commission

- 1) Expand programs in the Beverly Hills community to address challenges experienced by individuals recovering from the medical (e.g., long COVID) and psychological (e.g., Isolation) effects as we emerge from the pandemic.
  - 2) Promote healthier living, building on initiatives that have been the focus of the City Council in the past 5 years.
  - 3) Public Health Preparedness for future health challenges.
  - 4) Consideration of recommendations from the Beverly Hills Climate Action and Adaption Plan, specifically those recommending Health and Safety Commission engagement.
  - 5) Promote full vaccination and boosters to protect residents against COVID-19.
  - 6) Continue the past efforts of the Health and Safety Commission and City Council to reduce exposure to secondhand smoke.
  - 7) Further develop and disseminate a "Mental Health First Aid Cabinet" in conjunction with the Just In Case BH Program, including promotion of mindfulness.
  - 8) Assure every resident has sufficient emergency potable drinking water.
  - 9) The Nurse Practitioner Program and other EMS support for the community.
  - 10) Ongoing support for the Smoking Ordinance, including examination of successes and opportunities.
- A. Topics will rotate monthly, every other month and quarterly. A schedule will be set accordingly.

### **Work Plan Items for FY 2022-2023/FY 2023-2024 (Budget)**

- Work with Beverly Hills Fire Department (BHFD) to provide access for residents to purchase fire extinguishers (previously discussed at CERT and BHFD).
- Continue to support the Health and Safety Awards.

## **RECOMMENDATION**

The Commission requests the Beverly Hills City Council Liaison/Health and Safety Commission Committee review and approve the Commission's focus and item of interest for the calendar year 2023 and the work plan items for the second half of fiscal year 2022-2023 and first half of fiscal year 2023/2024.



**CITY OF BEVERLY HILLS**  
**FIRE DEPARTMENT**

**MEMORANDUM**

**TO:** Health and Safety Commission Liaison Committee

**FROM:** Cynthia Owens, Municipal Affairs Program Manager

**DATE:** January 31, 2023

**SUBJECT:** City Council Request to Explore Eliminating the Exception to the City's Smoking Ordinance which Allows Smoking while Actively Travelling on the Public Right of Way; and

Discussion by the Health & Safety Commission Liaison Committee for Other Recommendations to Modify the Current Smoking Regulations in Beverly Hills

**ATTACHMENT:** 1. Beverly Hills Ordinance 17-O-2730  
2. Public Comment

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**INTRODUCTION**

During the adoption of the Fiscal Year 2022-2023 City Council Priorities, Councilmember John Mirisch requested, and the City Council supported, exploring the possibility of eliminating the allowance for smoking while actively traveling on a public right of way from the City's Smoking Ordinance. This exception was created during the adoption of Ordinance 17-O-2730 (Attachment 1) most likely due to the request of the City's business community.

As this Ordinance was created by working with the Health & Safety Commission ("Commission"), staff is returning to the Health and Safety Commission Liaison Committee (Liaisons) for direction on this matter as well as to provide an opportunity for the Liaisons to make other recommendations to modify the current smoking regulations in Beverly Hills

**DISCUSSION**

**Background**

At the December 6, 2016 Study Session, the City Council tasked the Commission with exploring areas to strengthen and expand current City smoking regulations, in addition to the Commission's current consideration of smoking regulations in multi-family unit housing.

The Commission reviewed the topic strengthening and expanding smoking regulations at their regularly scheduled December and January 2016 meetings, and conducted a Special Meeting in February 2017.

At the [City Council Study Session on February 17, 2017](#) the Commission's recommendations were presented to the City Council which included the following items:

1. Expanding smoking restrictions near open air dining to twenty feet (previously this was five feet);
2. Prohibiting smoking in the public right of way (including sidewalks and alleyways) unless actively traveling;

3. Keeping special events and hotel smoking regulations as currently regulated; and
4. Allocating funding for enforcement of these additional regulations.

At the [City Council Formal Meeting on February 21, 2017](#), a first reading of the ordinance strengthening the City's smoking regulation occurred. A second reading of the ordinance occurred at the [City Council Formal Meeting on April 4, 2017](#). The ordinance became effective on May 5, 2017.

### **Review of the Exception of Smoking while Actively Traveling on a Public Right of Way from the City's Smoking Prohibition**

The Commission, during their December 16, 2016 meeting, identified areas to expand and strengthen smoking regulations such as expanding smoking restrictions near open air dining and prohibiting smoking in the public right of right. The Commission requested staff reach out to the business community for input on how strengthening smoking regulations may affect their businesses.

Staff performed community outreach through a variety of methods including:

- Attending meetings with the City's business partners (Beverly Hills Chamber of Commerce, Beverly Hills Conference and Visitors Bureau, and the Rodeo Drive Committee),
- Performing outreach to the business community which included hotels, and
- Conducting an online survey.

The business community expressed resistance to strengthening the smoking regulations due to concerns that stricter rules could lead to a loss of businesses, especially with foreign tourists. This stance was further expressed by the City's business partners in a letter to the Commission.

The concerns in 2017 listed by the businesses included, but were not limited to:

- Multi-day events/conferences were used as an example of how strengthening regulations by removing designated smoking areas in public gatherings/special events may affect a business significantly. These events can attract thousands of attendees from many different countries. Removing designated smoking areas may negatively affect these visitors, especially those from countries where smoking is more common place.
- Hotels expressed concerns about strengthening smoking regulations by removing designated smoking areas around pools and outside adjoining areas. Pursuant to state regulations, smoking inside hotels' places of employment, such as lobbies, lounges, waiting areas, restrooms, etc. is already prohibited. Therefore, if a patron desires to smoke, they either need to go outside and locate a smoking area or utilize a hotel's designated area. The concern was that smoking patrons, especially those from foreign countries, may find the expanded smoking regulations too restrictive and desire to stay elsewhere.
- One retail business shared that their average transaction is approximately \$43,000. In deliberating over these large purchases, it is quite common for patrons to step outside before the transaction occurs and smoke with others in their party. Staff was told that the quick smoke assists their patrons in the deliberation process. In fact, this business keeps lighters on hand knowing that the activity occurs.

Since 2017, staff has not conducted a follow up survey to see if similar concerns remain in the business community, but it is possible the feedback from the business community may still be

similar to 2017 as businesses are still recovering from the impacts of COVID-19. Staff has also not had an opportunity to perform outreach to the business community for any impacts they may believe they will experience should smoking while actively traveling in the public right of way be prohibited.

Additionally, the Liaisons may wish to consider directing staff to outreach to residents in multi-family units as the only avenue for tenants in multi-unit housing to smoke is by actively traveling in a public right of way. This is due to the City’s multi-unit smoking regulations preventing smoking in all multi-unit dwellings as of January 1, 2019. The ability of a tenant to be cited while being observed on a public right of way smoking may inadvertently cause a tenant to go back into their rental unit to smoke where they cannot be observed, thereby limiting the ability of the City to take action against the tenant.

### Smoking Rates & Trends

The City is well-known as an international tourist destination for dining at our restaurants, shopping in our stores, and staying at our hotels. Tourists are typically from Saudi Arabia, Qatar, the United Arab Emirates (“UAE”), China, Indonesia, United Kingdom, Canada, and Mexico. These tourists traditionally play a significant role in contributing to the revenue of these businesses.

In 2017, there were concerns expressed that tourists from certain geographical areas around the world may be apprehensive about visiting Beverly Hills should the City prohibit smoking while actively traveling in a public right away. Businesses believed a smoking patron may desire to visit another city or location that better caters to their smoking preference, especially those regions where smoking is more prevalent, such as in China and other parts of Asia, Europe and the Middle East.

In response to concerns that foreign tourism may be affected by additional smoking regulations, staff reviewed research and data on worldwide smoking rates. The following is a breakdown of smoking prevalence by nation for those who are most likely to visit Beverly Hills:

**Percent of Population by Country Who Use Tobacco<sup>1</sup>**

Country	Total Percent of Population
Canada	13.0%
China <sup>2</sup>	25.6%
Indonesia	37.6%
Mexico	13.1%
Qatar	11.8%
Saudi Arabia	14.3%
United Kingdom	15.4%
United States <sup>3</sup>	12.5%
United States – California <sup>4</sup>	10.0%

<sup>1</sup> All data for 2020 from the World Health Organization except for the United States and California – as of January 24, 2023 this is the most current published information

<sup>2</sup> The rate for men in China is 41.5% versus 1.5% for women per OECD Health Statistics 2021

<sup>3</sup> Date from the Centers of Disease Control as of 2020, last checked January 24, 2023

<sup>4</sup> California data obtained from the Centers for Disease Control and Prevention and is as of 2019 – last checked January 24, 2023

## Smoking Near Entryways

The American Lung Association published their [State of Tobacco Control 2022](#) report for California in May 2022. This report provides grades to every city in California for their progress in five key tobacco control policies as follows:

- Smokefree outdoor air,
- Smokefree housing,
- Reducing tobacco sales,
- Flavored tobacco restrictions, and
- An overall tobacco control grade which is calculated based on the grades the city or county receives in specific areas.

The City of Beverly Hills received an A for overall tobacco control as well as an A in smokefree outdoor air, smokefree housing, reducing tobacco sales, and restricting the sales of flavored tobacco products.

In the Smokefree Outdoor Air category, cities are evaluated on the following criteria:

- Dining Areas (0-4 points)
- Entryways (0-4 points)
- Public Events (0-4 points)
- Recreations Areas (0-4 points)
- Services Areas (0-4 points)
- Sidewalks in Commercial Areas (0-1 points)
- Worksites (0-1 points)

Beverly Hills scored an A in the Smokefree Outdoor Air category, receiving the maximum score in all of the areas except for entryways (2 out of 4) and public events (3 out of 4).

The American Lung Association provides the following information for rating cities on their tobacco polices related to entryways:

### **Description**

Restrictions on smoking in places within a certain distance of doors, windows, and other openings into all enclosed areas where smoking is prohibited.

### **State Law**

Smoking is prohibited within 20 feet of entrances, exits, or operable windows of a public building, which includes state, county and city buildings.

### **Criteria**

- 4 – Smoking prohibited within 20 or more feet of entryways
- 3 – Smoking prohibited within 15-19 feet of entryways
- 2 – Smoking prohibited within some distance less than 15 feet of entryways or within an unspecified distance of entryways
- 0 – No smoking restrictions for entryways

The City's Municipal Code currently states the following regarding entryways:

### **5-4-14: PROHIBITION OF SMOKING IN PUBLIC AND PRIVATE PLAZAS:**

Smoking is prohibited in all public and private plazas except in areas of private plazas that are specifically set aside for smoking and designated by posted signage, **provided that such areas are not within twenty feet (20') of building entrances or exists or designated pathways.** For purposes of this section, a "public and private plaza" shall mean any unenclosed place, other than a publicly owned sidewalk, that is paved and permanently

set aside for pedestrian use, including, for example, a courtyard, plaza or promenade. (Ord. 15-O-2680, eff. 7-9-2015)

When Commissioner Baker inquired with the American Lung Association as to why the City had scored only two points out of the possible four points for entryways, given the City's Municipal Code does prohibit smoking within 20 feet of an entryway, they made a recommendation the City consider amending our policy to specifically state smoking is prohibited within 20 feet or more entryways in all enclosed places where smoking is prohibited, including doors and windows.

Depending on the direction given by the Liaisons for staff to explore the possibility of prohibiting smoking while actively traveling on a public right of way, there may not be a need to update the Beverly Hills Municipal Code ("BHMC") should the direction be to prohibit all smoking in a public right of way and the City Council adopts an ordinance to that effect. An additional option could be to draft specific language prohibiting smoking within 20 feet of an entryway immediately to address the American Lung Association's points while the Commission performs outreach for the broader ordinance.

### **RECOMMENDATION**

Staff recommends the Liaisons provide direction to staff regarding the City Council priority to explore the possibility of prohibiting smoking while actively traveling on a public right of way and on the next steps as far as:

- 1) Obtaining information from the community,
- 2) Types of outreach to perform,
- 3) Prohibiting smoking within 20 feet of an entryway, and
- 4) Any other direction the Council liaisons may wish to provide.



# **Attachment 1**

**ORDINANCE NO. 17-O- 2730**

**AN ORDINANCE OF THE CITY OF BEVERLY HILLS  
AMENDING CHAPTER 5 OF THE BEVERLY HILLS  
MUNICIPAL CODE TO ADOPT STRICTER SMOKING  
REGULATIONS**

WHEREAS, the City seeks to strengthen and expand its current smoking regulations to protect the health and safety of its children, residents and visitors who are exposed to second hand smoke.

WHEREAS, tobacco use and exposure to secondhand smoke cause death and disease and impose great social and economic costs as evidenced by the fact that 480,000 people die prematurely in the United States from smoking-related diseases every year, including more than 41,000 deaths resulting from secondhand smoke exposure.<sup>1</sup>

WHEREAS, the Centers for Disease Control and Prevention has found that tobacco-related diseases is the nation's leading cause of preventable death.<sup>2</sup> The World Health Organization estimates that tobacco accounts for the greatest cause of death worldwide accounting for nearly 6 million deaths per year, and current trends show that tobacco use will cause more than 8 million deaths annually by 2030.<sup>3</sup>

WHEREAS, the U.S. Surgeon General,<sup>4</sup> the U.S. Environmental Protection Agency<sup>5</sup> and, the California Environmental Protection Agency<sup>6</sup> have found secondhand smoke to be a public health risk and have classified secondhand smoke as a group A carcinogen, the most dangerous class of carcinogen.<sup>7 8</sup>

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<sup>1</sup> U.S. Department of Health and Human Services. *The Health Consequences of Smoking — 50 Years of Progress A Report of the Surgeon General Executive Summary*. 2014. Available at: [www.surgeongeneral.gov/library/reports/50-years-of-progress/exec-summary.pdf](http://www.surgeongeneral.gov/library/reports/50-years-of-progress/exec-summary.pdf).

<sup>2</sup> U.S. Department of Health and Human Services. *The Health Consequences of Smoking — 50 Years of Progress A Report of the Surgeon General Executive Summary*. 2014. Available at: [www.surgeongeneral.gov/library/reports/50-years-of-progress/exec-summary.pdf](http://www.surgeongeneral.gov/library/reports/50-years-of-progress/exec-summary.pdf).

<sup>3</sup> World Health Organization. *Tobacco Fact Sheet No. 339*. July 2015. Available at: <http://www.who.int/mediacentre/factsheets/fs339/en/>

<sup>4</sup> U.S. Department of U.S. Department of Health and Human Services. *2006 Surgeon General's Report—The Health Consequences of Involuntary Exposure to Tobacco Smoke*. 2006. Available at: [www.cdc.gov/tobacco/data\\_statistics/sgr/2006/index.htm](http://www.cdc.gov/tobacco/data_statistics/sgr/2006/index.htm).

<sup>5</sup> U.S. Environmental Protection Agency. *Respiratory Health Effects of Passive Smoking: Lung Cancer and Other Disorders*. <https://www.epa.gov/aboutepa/epa-designates-passive-smoking-class-or-known-human-carcinogen>

<sup>6</sup> *Chemicals known to the state to cause cancer or reproductive toxicity. State of California Environmental Agency Office of Health Hazard Assessment Safe Drinking Water and Toxic Enforcement Act of 1986*. 2015. Available at: [www.oehha.ca.gov/prop65/prop65\\_list/files/P65single012315.pdf](http://www.oehha.ca.gov/prop65/prop65_list/files/P65single012315.pdf).

<sup>7</sup> U.S. Department of Health and Human Services. *The Health Consequences of Smoking — 50 Years of Progress A Report of the Surgeon General Executive Summary*. 2014. Available at: [www.surgeongeneral.gov/library/reports/50-years-of-progress/exec-summary.pdf](http://www.surgeongeneral.gov/library/reports/50-years-of-progress/exec-summary.pdf).

WHEREAS, secondhand smoke is a human carcinogen and has long term risks to persons exposed to it. Acute effects of secondhand smoke are serious and include increased frequency and severity of asthma attacks, the initiation of asthma, respiratory symptoms such as coughing and shortness of breath, and respiratory infections such as bronchitis and pneumonia.<sup>9</sup>

WHEREAS, exposure to secondhand smoke increases the risk of coronary heart disease by about 25 percent to 30 percent<sup>10</sup> and increases the risk of stroke by 20 to 30 percent.<sup>11</sup>

WHEREAS, in 2016, the California legislature enacted five separate bills, Senate Bills 5 and 7 and Assembly Bills 7, 9 and 11 (collectively “the Smoking Legislation”), which regulate tobacco and tobacco products. With limited exceptions, the Smoking Legislation does not prohibit the adoption of local standards, or enforcement of local ordinances, that impose greater restrictions than the State standards.

WHEREAS, it is the intent of the City Council in enacting this Ordinance to provide for the public health, safety, and welfare by discouraging smoking and tobacco use around non-tobacco users, where they live, work, and play; by reducing the potential for children to wrongly associate smoking and tobacco use with a healthy lifestyle and by affirming and promoting a healthy environment in Beverly Hills.

WHEREAS, the City Council does hereby find that tobacco smoke is detrimental to the health, welfare and comfort of the general public and that the health, safety and general welfare of the residents of, persons employed in, and persons who frequent this city would be furthered by expanding the prohibition on smoking near open air dining and prohibiting smoking in the public right of way. The purpose of this ordinance is to ensure a healthier environment within the city, improve public safety by reducing litter from smoking waste and the risk of fire from smoking, and enhance the welfare of residents, workers, and visitors by reducing exposure to second hand smoke, which studies confirm can cause negative health effects in non-smokers, and balance the needs of persons who smoke with the needs of nonsmokers, including children and youth, to be free from the discomforts and health threats created by exposure to second-hand smoke.

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<sup>8</sup> Institute of Medicine. *Secondhand Smoke Exposure and Cardiovascular Effects: Making Sense of the Evidence*. Washington, DC; 2010. Available at: [www.iom.edu/en/Reports/2009/Secondhand-Smoke-Exposure-and-Cardiovascular-Effects-Making-Sense-of-the-Evidence.aspx](http://www.iom.edu/en/Reports/2009/Secondhand-Smoke-Exposure-and-Cardiovascular-Effects-Making-Sense-of-the-Evidence.aspx).

<sup>9</sup> California Department of Public Health, California Tobacco Control Program. *California Tobacco Facts and Figures 2016*. California Department of Public Health; 2015.

<sup>10</sup> Institute of Medicine. *Secondhand Smoke Exposure and Cardiovascular Effects: Making Sense of the Evidence*. October 2009.

<sup>11</sup> U.S. Department of Health and Human Services. *The Health Consequences of Smoking — 50 Years of Progress A Report of the Surgeon General Executive Summary*. 2014. Available at: [www.surgeongeneral.gov/library/reports/50-years-of-progress/exec-summary.pdf](http://www.surgeongeneral.gov/library/reports/50-years-of-progress/exec-summary.pdf).

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

Section 1. Code Amendment. The City Council hereby amends Section 5-4-2 (SMOKING IN OPEN AIR DINING AREAS PROHIBITED) of Chapter 4 (SMOKING REGULATIONS) of Title 5 (PUBLIC HEALTH, WELFARE, AND SANITATION) of the Beverly Hills Municipal Code to read as follows:

“Smoking is prohibited in all open air dining areas located on private or public property, including the public right of way. In addition, smoking is prohibited within twenty feet (20') of an open air dining area, except smoking will be allowed if, and only if, the smoker is actively passing by the open air dining area. Notwithstanding this prohibition, smoking shall be allowed in up to twenty five percent (25%) of contiguous deck space surrounding hotel swimming pools.”

Section 2. Code Amendment. The City Council hereby renumbers Section 5-4-17 (PENALTIES AND ENFORCEMENT) as Section 5-4-18 (PENALTIES AND ENFORCEMENT) and adds a new Section 5-4-17 (PROHIBITION OF SMOKING IN THE PUBLIC RIGHT OF WAY) to the Chapter 4 (SMOKING REGULATIONS) of Title 5 (PUBLIC HEALTH, WELFARE, AND SANITATION) of the Beverly Hills Municipal Code to read as follows:

“Smoking is prohibited in the public right of way (including all public sidewalks and alleyways) in the City, except smoking will be allowed if, and only if, the smoker is actively traveling on the public right of way.”

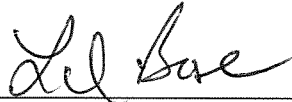
Section 3. CEQA. The City Council hereby finds that it can be seen with certainty that there is no possibility the adoption of this Ordinance will have a significant adverse effect on the environment because the Ordinance only expands upon existing smoking use restrictions. It is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

Section 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 5. 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.

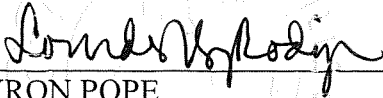
Section 6. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted: April 4, 2017  
Effective: May 5, 2017




\_\_\_\_\_  
LILI BOSSE  
Mayor of the City of Beverly Hills


ATTEST:

*for*  (SEAL)  
\_\_\_\_\_  
BYRON POPE  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
MAHDI ALUZRI  
City Manager

# **Attachment 2**



CHAMBER  
of  
COMMERCE



CONFERENCE &  
VISITORS BUREAU  
*Love Beverly Hills*

July 25, 2022

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

Dear Dr. Chang and members of the Beverly Hills Health and Safety Commission Members:

The Beverly Hills Conference & Visitors Bureau, Rodeo Drive Committee and Beverly Hills Chamber of Commerce jointly write to you in opposition to the complete ban of smoking in Beverly Hills.

While we previously supported increased restrictions on smoking on public walkways and near restaurants, Our customers and visitors have expressed that a total smoking ban in the city would be detrimental to their desire to stay in our city.. As a frame of reference, during the summer of 2018, approximately 7.4M travelers came to our city. Smoking continues to be very popular in many of the domestic and international feeder markets that visit. Beverly Hills is a world-class tourist destination that is a center of luxury and, as part of that experience, we believe that our guests should be able to continue to smoke while moving in the city if that is required to make their stay enjoyable. It is our concern that a complete smoking ban in the city will deter such visitors from staying in Beverly Hills when they can just as easily go to hotels and shop in other areas of Los Angeles County where they will be able to get the experience they desire.

Below is a chart with numbers from the World Health Organization in 2020 which shows the percentage of the population that smokes in our key feeder markets. If we look at just 1% of those total populations and considering that pre-pandemic tourism resulted in \$2.1 billion in direct and indirect spend in the city, we are looking at a loss of at a minimum, \$46.5M to our businesses. Again, this is just for our key feeder markets. We see additional tourism spend from residents of South America, Europe and other Asian countries.

Country	Total Percent of Population	1% of Smoker Population	1% of Direct and Indirect Spend of \$2.1B
Australia	16.20%	0.16%	\$ 3,360,000
Canada	16.50%	0.17%	\$ 3,465,000
China	25.60%	0.26%	\$ 5,376,000
Indonesia	37.60%	0.38%	\$ 7,896,000
Mexico	13.10%	0.13%	\$ 2,751,000
Qatar	11.80%	0.12%	\$ 2,478,000
Saudi Arabia	14.30%	0.14%	\$ 3,003,000
UAE	18.20%	0.18%	\$ 3,822,000
United Kingdom	15.40%	0.15%	\$ 3,234,000
Singapore	15.50%	0.16%	\$ 3,255,000
Switzerland	25.10%	0.25%	\$ 5,250,000
United States	12.50%	0.13%	\$ 2,625,000
<b>TOTAL</b>			<b>\$46,515,000</b>

As you all know the past few years have been very difficult on the tourism economy and recovery has been filled with many starts and stops. Currently there are many barriers to coming to the United States and the Los Angeles area as a whole. The recent crimes in our city have reached the global press, U.S. visa wait times are 3 to 6 months and of course homelessness in Los Angeles County continues to be a deterrent. We feel that this additional barrier will only give travelers one more reason to view our city as too restrictive and uninviting.

We, as your partners support a healthier way of life and continue to support the existing restrictions on smoking but feel that a total ban would be harmful to our city's economic vitality and ask that you not impose any further tobacco restrictions.

Sincerely,



Todd Johnson  
President and CEO  
Beverly Hills Chamber of Commerce

Sincerely,



Julie Wagner  
CEO  
Beverly Hills Conference & Visitors  
Bureau

Sincerely,



Kathy Davoudi-Gohari  
President  
Rodeo Drive Committee