

8/25/15 AGENDA, ITEM 5a: TOBACCO RETAILERS AND E-CIGARETTES ORDINANCE
SUPPLEMENTAL LETTER FROM VARIOUS HERMOSA RETAILERS SUBMITTED TO THE CITY
MANAGER'S OFFICE ON 8/24/15

August 24, 2015

The Hon. Carolyn Petty
The Hon. Michael DiVirgilio
The Hon. Hany Fangary
The Hon. Peter Tucker
The Hon. Nanette Barragan
Hermosa Beach City Council
1315 Valley Dr.
Hermosa Beach, CA 90254

Dear Mayor and Councilmembers:

I am writing in regard to the tobacco licensure ordinance before you tomorrow. I am located near a "sensitive use" and have been for many years. I was alarmed to learn that if you adopt this ordinance, I will be unable to renew my tobacco license in the future. This will effectively put me out of business. Tobacco sales are not only a significant percentage of my business but it also brings foot traffic to my market and drives sales of many other products.

My family and I have invested everything we have in this store and work very hard to make it successful. If you adopt this ordinance, you will destroy my investment entirely. I won't even be able to sell the market to someone else because it will be worth a fraction of its current value without the ability to sell tobacco. As an independent business owner, I don't have stock options and a 401(k), the store is my families investment.

I respectfully request that you reexamine the impact on small businesses and allow current and long-time businesses to continue to service this community.

Sincerely,



ARUN L. SINGH

**MANHATTAN
MART**
SPECIALITY FOOD STORE
IMPORTED FINE WINE & BEER

2641, MANHATTAN AVENUE
HERMOSA BEACH, CALIFORNIA-90254
TEL : 310-376-9966 FAX : ~~310-376-9966~~
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To: Hermosa Beach City Council

I see that you want to start licensing tobacco retailers in order to protect minors from cigarettes. There were a lot of studies cited in your staff report about youth smoking but none of the studies you listed actually asked kids where they get their cigarettes.

Here's a fact you left out of your report from an information sheet entitled, "Where do Youth Smokers Get Their Cigarettes?" from the Campaign for Tobacco Free Kids:

A 2005 study based on the California Tobacco Survey found that 82 percent of adolescent ever smokers obtained their cigarettes from others, most of whom were friends.

If 82% of kids are getting cigarettes from others, most of whom were friends, how on earth is forcing me to get a tobacco license going to dramatically reduce youth access to tobacco products as your staff report states?

Is this about protecting kids or making sure Hermosa Beach doesn't get another "D" from the American Lung Association? Your report states that "several retailers in Hermosa Beach were cited for selling to minors in 2014. By whom? The Federal Drug Administration (FDA) conducts inspections of tobacco product retailers to determine a retailer's compliance with federal laws and regulations. In 2014 and 2015, the FDA conducted compliance inspections at 18 tobacco retailers in Hermosa Beach and NONE of the businesses that were inspected was cited for selling tobacco to minors.

I'm all for protecting kids from cigarettes and I do my part. I don't sell tobacco to minors. It is against the law. I resent being blamed and held solely responsible for a problem that is much more complex than making me get a license. Why don't you go down to the junior high school and high school and hand out tickets to every kid under the age of 18 that has tobacco, e-cigs, alcohol, marijuana and other drugs in their possession?

If it is truly your intent to keep tobacco away from minors, then draft an ordinance that addresses how 82% of kids obtain cigarettes. If this ordinance is just about raising your grade and getting an "A" from the Lung Association, at least be honest with the businesses that you will be harming who, according to the FDA survey, don't sell tobacco to minors.

**BOCCATO'S GROCERIES
3127 MANHATTAN AVE.
HERMOSA BEACH, CA 90254**



May's Gas Station & Minimart
AM/PM Market
1131 Pacific Coast Hwy
Hermosa Beach, CA

August 24, 2015

Hermosa Beach City Council
City Hall, 1315 Valley Drive
Hermosa Beach CA 90254

Re: OPPOSE Tobacco Retail License

Dear City Councilmembers,

I am opposed to the Tobacco Retail License ordinance.

The ordinance would prohibit any retailer from selling tobacco within 500 feet of school or youth populated area or 500 feet from another tobacco retailer. How am I supposed to know if my business is located near one of these uses? What if a new school, day care, park, preschool or youth center wants to open near my store in the future? Are you going to DENY a license for a new day care center that wants to open within 500 feet of my LEGAL business?? What if 2 retailers are within 500 feet of each other? Who are you going to allow to continue to sell tobacco?

Tobacco represents 40% of my inside sales and helps drive sales of gas and other grocery items. How does the city intend to compensate me when I have to give up selling a legal product that comprises a significant percentage of my revenue? I do not sell tobacco to minors. Why am I being treated as if I have broken the law?

This ordinance goes way too far and it's clear that very little thought was given to the consequences this will have on impacted businesses. I hope you will direct staff to go back and try again.

Sincerely,



May Mohit



Mayor and City Council
City of Hermosa Beach
1315 Valley Drive
Hermosa Beach, CA 90254

Dear Mayor Petty and Councilmembers DiVirgilio, Fangary, Tucker and Barragan:

Thank you for the opportunity to address an important issue before Council this week. As a retailer, I am very concerned with the ordinance that would ban cigar sales in the city. Cigar sales are not the most important product on my shelf but it is still important to my bottom line. I hope you understand that we survive on a small margin of profit so taking away a percentage of my business can easily destroy the business I work so hard to build. Also, some of my customers enjoy a cigar from time to time and in order to keep their business I need to carry the products they want. Losing a customer means that I lose all of their business not just the sale of a cigar.

I think that another tobacco license is redundant and expensive for me, but it is the cigar ban that concerns me the most. I respectfully ask that you remove the cigar ban from the draft ordinance.

Thank you,

The Hon. Carolyn Petty
City of Hermosa Beach
City Hall
1315 Valley Drive
Hermosa Beach, CA 90254

Dear Mayor Petty,

I am a long-time convenience store owner in Hermosa Beach writing to you to urge your reconsideration of the draft ordinance restricting tobacco sales. Specifically, "Section J" under "Operating Requirements." This section will ban all cigars including all premium cigars from my shelves. It is illegal to sell any tobacco products including all cigars to anyone under 18. I have passed all of my tobacco compliance checks and don't illegally sell to minors. The removal of all of my cigars will hurt my business and make it impossible to compete with retailers outside the city limits. Plus I would not have enough time to even sell my existing stock before the law goes into effect.

I hope that more time is given to understand the retail business before passing a law that will have a huge negative impact. At the very least, I urge you to delete Section J from the draft ordinance. Thank you for your time and consideration.

Sincerely,



ANTONIO GUADE
DAWN TO DUSK LIQUOR
2 HERMOSA AVE
HERMOSA BEACH, CA 90254

Cc: City Council Members Michael DiVirgilio, Hany Fangary, Peter Tucker, Nanette Barragan

Hermosa Beach City Council
1315 Valley Drive
Hermosa Beach CA 90254

Dear Members of the City Council,

I recently learned that you will vote on a law that bans the sale of single cigars and outlaw the sale of tobacco near schools and other tobacco retailers. I urge you not to do this. Existing businesses that sell tobacco should be allowed to continue to operate. It is unfair to suddenly change the rules and dictate what legal products we can sell in our store.

Tobacco products are important to the success of our store because it brings foot traffic into the store and those customers buy many other grocery items when they come in. Plus we don't sell any tobacco products to minors and we have passed all of our inspections.

All this ordinance will do is hurt local businesses. Since there are only a few retailers in Hermosa Beach, I think that a city tobacco license with continued enforcement is all that is necessary.

Sincerely yours,


Beach Market, INC.