

Two months after passing a tough
no-smoking ordinance, Arlington, Texas,
restaurants survey the damage

TOWN WITHOUT SMOKE

BY DON NICHOLS

FOR 21 YEARS, OWEN HENN has owned and operated an International House of Pancakes in Arlington, Texas. For the first time in nearly a decade, his business is down—by 20%. And the blame, says an angry Henn, falls squarely on local politicians. Since they enacted one of the country's toughest no-smoking ordinances on March 1, traffic has plummeted, and "I'm not happy," he barks.

A study of smoking bans in other towns and cities found no adverse effect on restaurant sales. Business actually

increased after smoking was prohibited in the restaurants of Telluride, Colo., and Palo Alto, Calif., according to the data compiled by the University of California at San Francisco.

But those findings don't jibe with the experiences of operators in Arlington, a city of 275,000 people and 300 restaurants about midway between Dallas and Fort Worth.

Sales also are off 20% at Bale Vietnamese Restaurant; 15% at Al's Hamburgers; more than 10% at Burger Box, a three-unit hamburger chain; and they're off 5% at one of the city's four

SAY WHAT?: The day the town's smoking ban took hold, smokers converged at Veterans Park to protest



Denny's. At the same time, restaurants that have put off compliance say they've had a surge in traffic. The ordinance requires eating places to either go smoke-free or install a ventilator system in a separate smoking section encompassing no more than 30% of their seating. The city agreed to give a 90-day extension to restaurants that needed time to check out the exhaust option.

The 70 that filed for the extension say they've become a refuge for consumers who still want a butt with their meal. "I'm getting people coming from Denny's, Waffle House, IHOP, Pancho's, and other places," says Old Main Street Cafe owner Judy Lundberg, who estimates that her business is up 40%. "New customers are coming in and telling me they turned around and walked out of other restaurants when they were told they couldn't smoke."

Business is also up at restaurants in Pantego and Dalworthington Gardens, two incorporated cities of 2,000 people each that lie within Arlington. The ordinance does not apply in those landlocked cities. "New faces are coming in and I've also noticed a lot more repeat business," says Jimmy Davis, owner of David's Barbecue in Pantego, where sales have risen 15% since Arlington began its snuff-out.

"Our business is up 25%," adds Sam Saxton, manager of Camp Verde restaurant in Dalworthington Gardens. "I'm seeing a lot of first-time customers and a lot of it has to do with the smoking situation." When the ordinance first went into effect, he adds, the restaurant was receiving up to 20 phone calls a day from people wanting to know if it still allowed smoking. It's still getting at least five calls a day.

A smoker himself, Saxton says he, too, has stopped frequenting Arlington restaurants. Instead of eating at the local Olive Garden a couple of times a month, he now goes to places outside of town.

ARLINGTON RESTAURATEURS grumble that customers don't even have to leave town to evade the new law. Bars are exempted if they don't permit anyone under 18 inside, and the city left in a loophole for eight restaurants that were developed while the ordinance was being passed. Those places are allowed to designate up to 50% of their seating for smoking. "It's not a level playing field," says Lane Cardwell, executive vice president of Brinker International, which is about to build its fourth restaurant in Arlington. "They grandfathered in a few restaurants that opened by a certain date, but all other new ones must comply with the ordinance."

Robert Byrd, assistant director of community development for the Arlington health department, says those places were merely allowed to operate as expected when they were being built. "Those restaurants weren't grandfathered. They have ventilator systems and they complied with the ordinance that was in effect before the city passed the new one," he says. That rule said the restaurants would be permitted to designate 50% of their seats as a smoking area if they were built with the right ventilation systems.

Managers of two of those eight restaurants say they aren't cashing in on any unfair advantage. "We don't have a lot of smokers come into the restaurant. Our smoking section is our smallest section and it has very little business," says Dena Peterson, manager of Emiliano's, which opened in December.

"We're still doing about the same amount of business since the smoking ordinance passed," says Greg Stephens, a manager at Applebee's, which opened early last year.

But plenty of other operators say they'd like to be in that situation. "I've seen a steady increase in business for eight years, but now this smoking ban is hurting me," says Henn.

"We've done business in Arlington for 18 years, but I no longer feel any friendship with the city. They are totally out of bounds on this issue," says Burger Box president Steve Box, who's trying to lure back customers with specials like a burger, fries, and drink for \$2.99. He's also considering new menu items.

Ventilation systems that exhaust air directly to the outside every 15 minutes let operators offer at least some okay-to-smoke seating. But bitter restaurateurs complain that such systems are expensive—some have received bids as high as \$17,000—and will increase their monthly energy bills by up to one-third.

They also fret about investing in equipment that might soon be use-

CHANGE OF PLAN: Al Mathews yanks the sign that used to offer his customers a non-smoking area



less. "Are the feds going to be telling us in two years to unplug these systems? I've heard there are bills in the House and Senate proposing smoking bans in restaurants," says Randy Ford, owner of J. Gilligan's Bar and Grill. "If they ban smoking, there's talk the feds may allow restaurants to have ventilation systems. But what if they require a different system than what some Arlington restaurant operator just spent \$10,000 to \$15,000 to install?"

It'll all go up in smoke.

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