



**Environmental
Quality and Energy
Conservation Commission**

The Environmental Quality and Energy Conservation Commission is an advisory body to the City Council on matters pertaining to oil, animal, energy conservation, and other environmental matters. Regular meetings are scheduled on the first Thursday of the month at 7:00 p.m. in the West Annex Commission Meeting Room.

Staff reports are available for review at the Community Development Department, Civic Center Main Library, and the City Clerk's Office. Direct questions or concerns to Deputy Director Linda Cessna at 310.618.5930. Agendas and Minutes are posted on the City of Torrance Home Page – www.TorranceCA.Gov.

Decisions by the Environmental Quality and Energy Conservation Commission may be appealed to the City Council. Such appeals shall be in writing, accompanied by the filing fee, and shall be filed with the City Clerk within fifteen (15) calendar days following the decision of the Environmental Quality and Energy Conservation Commission.

In compliance with the Americans with Disabilities Act, if special assistance is needed to participate in this meeting, please contact the City Manager's Office at 310.618.5880. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28CFR 35.102-104 ADA Title II].

HOURS OF OPERATION

**Monday through Friday from
7:30 a.m. to 5:30 p.m.**

Offices are closed alternate Fridays.

City Hall will be closed:

Friday, November 8, 2019
Monday, November 11, 2019*
Friday, November 22, 2019
Thursday, November 28, 2019*
Friday, November 29, 2019*

*Denotes City Holiday

ENVIRONMENTAL QUALITY AND ENERGY CONSERVATION COMMISSION

WEST ANNEX COMMISSION MEETING ROOM
CITY HALL, 3031 TORRANCE BOULEVARD
TORRANCE, CALIFORNIA 90503

THURSDAY, NOVEMBER 7, 2019
7:00 P.M.

AGENDA

1. **CALL TO ORDER**
2. **ROLL CALL/MOTIONS FOR EXCUSED ABSENCE**
3. **FLAG SALUTE**
4. **REPORT ON POSTING OF AGENDA**
5. **ORAL COMMUNICATIONS FROM THE PUBLIC**
6. **APPROVAL OF MINUTES: October 3, 2019**
7. **ENVIRONMENTAL MATTERS:**
 - A. LUS19-00002: City of Torrance (Multi-Family Residential Smoking Regulation)
8. **ORAL COMMUNICATION**
9. **ADJOURNMENT: December 5, 2019**

**MINUTES OF A REGULAR MEETING OF
THE ENVIRONMENTAL QUALITY AND
ENERGY CONSERVATION COMMISSION**

1. CALL TO ORDER

The Torrance Environmental Quality and Energy Conservation Commission convened in a regular session at 7:00 p.m. on Thursday, October 3, 2019 in the West Annex meeting room, Torrance City Hall. Due to the absences of Chairperson Montgomery and Vice-Chairperson Wright, Commissioner Martin led the meeting.

2. ROLL CALL:

Present: Commissioners Deemer, DeWitt, Endo-Roberts, Martin, and Stecker.

Absent: Chairperson Montgomery and Vice-Chairperson Wright.

Also Present: Deputy Community Development Director Cessna and Senior Environmental Quality Officer Duncan.

MOTION: Commissioner Endo-Roberts moved to grant the excused absences of Chairperson Montgomery and Vice-Chairperson Wright from the Commission meeting of October 3, 2019. Commissioner Stecker seconded the motion; a roll call vote reflected 5-0 approval (absent Chairperson Montgomery and Vice-Chairperson Wright).

MOTION: Commissioner DeWitt moved to grant Commissioner Endo-Roberts an excused absence from the September 5, 2019 Commission meeting. Commissioner Deemer seconded the motion; a roll call vote reflected 4-0 approval (absent Chairperson Montgomery and Vice-Chairperson Wright, and with Commissioner Endo-Roberts abstaining).

3. SALUTE TO THE FLAG

Commissioner Endo-Roberts led the Pledge of Allegiance.

4. POSTING OF THE AGENDA

Deputy Director Cessna reported the agenda for this meeting was properly posted on the Public Notice Board.

5. ORAL COMMUNICATIONS FROM THE PUBLIC

None.

6. APPROVAL OF MINUTES: SEPTEMBER 5, 2019

MOTION: Commissioner DeWitt moved to approve the September 5, 2019 Commission meeting minutes as presented. Commissioner Stecker seconded the motion; a roll call vote reflected 4-0 approval (absent Chairperson Montgomery and Vice-Chairperson Wright, and with Commissioner Endo-Roberts abstaining).

7. ENVIRONMENTAL MATTERS

7A. GREEN RECOGNITION PROGRAM

Deputy Community Development Director Cessna recalled that at the September 5 Commission meeting, Commissioners indicated an interest in establishing an award program to recognize green or environmental initiatives in the community. She described the previous Green Pride in Torrance recognition program and some of the awards given, and indicated the Commission could revive this program or structure a new one. She suggested some categories that Commissioners could consider: name/title of program/award; time of year and frequency of recognition; who makes nominations; number of nominations/awards per cycle; and what the awards recognize.

Commissioner Stecker distributed a handout of the 2019 City of Encinitas Environmental Award Program and Nomination Form, and noted the City of Davis also has a good program. He indicated these programs and criteria could be a good starting point rather than reinventing the wheel. He stated it is important to have a purpose of award statement and raised the possibility of looking for co-sponsors. In response to his inquiry, Deputy Director Cessna explained that Green Pride in Torrance winners were recognized at Commission meetings as well as City Council meetings.

Commissioner Endo-Roberts voiced her support for having recognitions twice a year and received clarification from staff that they could consider all school grade levels.

Commissioner DeWitt suggested including categories that would recognize businesses, residential, schools, and community. He stated the Commission could set themes for the awards, awards should not be limited to one individual or group, and should not be political.

In response to Commissioner Deemer's inquiries, Deputy Director Cessna stated the Environmental Services Center is no longer active due to loss of funding and the South Bay Business Environmental Coalition's Seed Awards primarily focus on recycling.

Patricia Monahan stated it is important to collect and share information on what awardees are doing well so they can be a resource. She indicated that the program could be an incentive for schools to make sustainability and recycling more of a priority.

Commissioner Deemer suggested announcing the award program at the beginning of City Council meetings and incorporating ideas in the Stewardship of the Environment priority in the Strategic Plan.

Erin Shaw suggested branding the award with a name and logo that awardees would want to display.

Mark Bodziak stated the name should be short and include the word "green." He recommended researching what the Cities of Santa Monica and Culver City are doing.

Commissioners suggested possible names for the awards program that included Green Power, Green Business and Sustainable Quality, Excellence in Stewardship of the Environment, Torrance Environmental Quality and Energy Conservation, Torrance Environmental, and to retain the name Green Pride in Torrance.

Following discussion, consensus was to keep brainstorming and bring back possible names for the program, to have the first award in conjunction with the Environmental Fair in June, to give out awards a maximum of two times a year, and to start the program with nominations made by staff and Commissioners.

Michelle Cullen suggested applying the name of the program to the Environmental Fair to help brand it, and to invite environmental leaders to speak with visitors.

8. ORAL COMMUNICATION

Michelle Cullen discussed the possibility of extending composting areas at Columbia and Lago Seco Parks.

Commissioners Deemer, Martin, Stecker, and Endo-Roberts spoke.

Deputy Director Cessna informed the Commission that City Council is asking them to look into development of an ordinance that would ban smoking in multi-family dwellings.

9. ADJOURNMENT

MOTION: At 8:20 p.m., Commissioner Endo-Roberts moved to adjourn the meeting to November 7, 2019 at 7:00 p.m. in the West Annex meeting room, Torrance City Hall. Commissioner Stecker seconded the motion and, hearing no objection, Commissioner Martin so ordered.

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AGENDA ITEM NO. 7A

TO: Members of the Environmental Quality and Energy Conservation Commission

FROM: Planning Division

SUBJECT: Land Use Study LUS19-00002/City of Torrance (Residential Smoking Regulation)

LOCATION: City-wide

This is an item related to information requested regarding residential smoking regulation. The subject of residential smoking regulation as a means to promote better air quality and limit second-hand smoke among youth has been brought forth to this commission in the past by community members. The following is an analysis of such policies and residential smoking regulations as requested by the City Council and deferred to the Torrance Environmental Quality and Energy Conservation Commission in August of 2019.

BACKGROUND AND ANALYSIS

On August 20th, 2019 Councilmember Mattucci requested staff bring back an item regarding a city-wide no-smoking ordinance in multifamily apartment buildings. Councilmember Griffith recommended that this oral be deferred to the Environmental Quality and Energy Conservation.

Research was conducted on cities within California that have adopted ordinances regarding residential smoking regulation. Staff initially wanted to conduct research on local municipalities but was limited in the number of cities who have passed ordinances on this matter. The cities that were used for research purposes are: Calabasas, Santa Monica, Sausalito, San Rafael, and Huntington Park. Additionally, the County of Marin was included which encompasses 27 cities (San Rafael & Sausalito within) that have multi-unit residential smoking regulations in place.

The City of Torrance does not currently have any type of municipal code writing regulating residential smoking. The City of Torrance does prohibit any form of smoking on city-owned property such as: the Madrona Marsh, Victor E. Benstead Plunge, Charles "Chuck" Lobb Viewing Deck – General Aviation Center, the Torrance Transit Center, and workplaces for city employees (§45.15.010). Additionally, any form or manner of smoking is prohibited in Torrance public parks (§49.2.11) and Torrance beaches (§44.3.26).

Residential Smoking Regulation:

There are commonalities in the municipal code across all cities. They each prohibit smoking in common areas of multi-unit residences. A common area is defined as every area of a multi-unit residence that residents of more than one unit of that multi-unit residence are entitled to enter or use, including, for example, halls and paths, lobbies and courtyards, elevators and stairs, community rooms and playgrounds, gym facilities and

swimming pools, parking garages and parking lots, shared restrooms, shared laundry rooms, shared cooking areas, and shared eating areas.

They each establish the need for “smoke-free buffer zones.” Marin County, Sausalito, and Calabasas state that a reasonable distance is necessary but do not quantify that distance. Santa Monica and Huntington Park state that the distance must be at least 20 feet from play areas or any designated non-smoking unit/area. The City of Huntington Park has the strictest code as they require a distance of 25 feet from play areas or any designated non-smoking unit/area. All cities prohibit smoking on private balconies, porches, patios or decks as they do not meet the minimum distance required for buffer zones.

All cities have similar guidelines for their designated smoking area within the multi-unit residences. Each municipality uses their buffer zone distance previously mentioned for the distance required from this area to recreational areas and or non-smoking units/areas. The designated smoking area must have a clearly marked perimeter and be completely unenclosed. The area must not overlap with any enclosed or unenclosed area in which smoking is otherwise prohibited. Lastly, the smoking area must be identified by conspicuous signage that has 1” letters at the minimum and displays the international No-Smoking symbol.

All ordinances have increased responsibilities for landlords/property managers. All landlords of multi-unit residences are mandated to create a floor plan diagram indicating where smoking/non-smoking units are located, non-smoking areas are located, and the designated smoking area is located. Landlords must mention to prospective and new tenants the history of the unit that they may be moving into. They must also present them with the floor plan diagram aforementioned and provide them with the designation documents for their unit. Landlords must also submit their floor plan diagram along with unit designation to the City Manager’s office for record purposes. All cities provide a code section with required and implied lease terms for all new and existing units in rental complexes. They also include generic clauses to various provisions of code to make the updated lease terms easier to write for landlords. Lastly, all municipalities state that any code language written in their ordinance regarding multi-unit residential smoking does not grant the landlord the authority to terminate a tenancy.

All municipalities except for the City of Calabasas declare all new units created after the adoption of the ordinance must be designated non-smoking units. They all state that non-smoking units should be grouped together whether it be on the same floor or the same building structure and where possible have physical separation from designated smoking buildings. All cities have code for tenants who smoke in a non-smoking unit/area stating that they are to be held liable by the landlord and adjacent neighbors for damages caused. The consequences vary in severity depending on the jurisdiction.

The City of Calabasas has unique code language in regards to designating units smoking or non-smoking. Their code permits at least 80% of units must be non-smoking but allows tenants of new and existing multi-unit residences to vote for the remaining percentage. If the tenants vote to make each unit a non-smoking unit then the entire complex may be

designated as smoke free. Tenants may request to have their unit designated as a smoking unit through a written letter to the landlord. In regards to their designated smoke area guidelines, the area must not take up more than 25% of total unenclosed area on the premises. They have a clause in their code stating that if a tenant who designates their unit as a smoking unit moves units within the same multi-unit residence, both units will be deemed as smoking units. They allow one violation of the ordinance which warrants a small fine and if a tenant receives a second violation, they can be evicted from the residence. Lastly, the City of Calabasas is the only city that adds a clause stating that if a design for a designated smoking area is not possible on a multi-unit property; the requirement can be exempted at the discretion of the City Manager.

The City of Santa Monica has a designation process for existing units that is different than all other municipalities. The tenants have a choice between smoking/non-smoking and if they choose not to designate their unit as either, they can remain undesignated. They allow undesignated/smoking units to convert to non-smoking through a written letter. If a tenant vacates an undesignated unit, the new tenant will have the same designation choice between smoking/non-smoking. The City of Santa Monica states that the designated smoking area must not be greater than 25% of a multi-unit residence total unenclosed area.

The City of Huntington Park states in their code that all existing units are to be non-smoking unless members of the multi-unit residence vote to designate a portion (No more than 20%) as smoking units. The designations chosen by the tenants are permanent and if they vacate their unit, it will be automatically designated as a non-smoking unit. The City of Huntington Beach states that the designated smoking area must not be greater than 10% of a multi-unit residence total unenclosed area.

The City of Sausalito states that a minimum of 80% of existing units must be designated as non-smoking units. The entire multi-unit residence may be designated as non-smoking if the current tenants vote to make it so. The City of Sausalito adds a condition that 80% of their hotel guest rooms shall be designated as non-smoking units. The City of Sausalito states that the designated smoking area must not be greater than 10% of a multi-unit residence total unenclosed area.

The City of San Rafael states that all existing units must be designated as non-smoking a year after the adoption of the ordinance. They also state that the designated smoking area within multi-unit residences must not be greater than 10% of a multi-unit residence total unenclosed area and be located 100 feet from areas primarily used by children or places of physical activity. Those areas include schools, day cares, parks, swimming pools, and gym facilities. The City of San Rafael issues a citation to any tenant that breaches the non-smoking provision and a new citation is issued for every offense. Lastly, the no-smoking signs posted throughout a multi-unit residence in San Rafael will be accompanied by another sign issued by the City Manager with a complaint number to report provision violators.

provision is subject to a fine and/or community service. Each violation thereafter increases in price and/or more hours of community service. Lastly, Marin County is the only one that explicitly states any code language regarding e-cigarettes and they do not prohibit the use of e-cigarettes within non-smoking areas.

If the Commission believes this is an item worth further research; there are a few suggestions from staff on potential issues of implementation. First, there may be costs for property owners to assume as increased ventilation is highly recommended. Secondly, tenants who choose to smoke in their multi-unit residence may be strongly opposed to a new citywide ordinance. Thirdly, implementing an ordinance will increase work for property owners. Lastly, property owners may need to reposition current tenants who do smoke to grant physical separation of buildings or separation of floors from those who choose not to. Beyond a smoking ban either complete or for 80% of units, the commission could consider regulation making all new units non-smoking; establishing prohibition of smoking in common areas; establish designated smoking areas on multi-unit properties; working on educational outreach or providing sample lease language for property owners interested in restricting smoking on their properties.

The Commission at this point has several options in which to direct Staff. The Environmental Commission may:

- A. Direct Staff to forward to Council with a recommendation of no action;
- B. Direct Staff to conduct further research in a specified area and present at a future TEQECC meeting;
- C. Direct Staff to forward the matter to the City Council for consideration with any recommendations for action from the Commission.

Based on the results of the research, the Community Development Director does not recommend that the Environmental Quality and Energy Conservation Commission recommend creating an ordinance banning residential smoking at this time due to staff, the difficulty of enforcing and budgetary constraints. However, creating regulation requiring new units to be non-smoking, prohibition of smoking in common areas, establishing designated smoking areas on multi-unit properties or educational outreach could be effective 1st steps.

Prepared by,



Louis Ortega Jr.
Planning Intern II

Respectfully submitted,

Linda Cessna
Deputy Community Development Director

Attachments:

1. Notice of Public Meeting



CITY OF TORRANCE
Community Development Department
3031 Torrance Boulevard
Torrance, CA 90503

NOTICE OF PUBLIC MEETING

NOTICE IS HEREBY GIVEN that a public meeting will be held before the City of Torrance Environmental Quality Commission at **7:00 P.M., November 7, 2019**, in the West Annex Meeting Room, City Hall 3031 Torrance Boulevard, Torrance, California, on the following matter:

LUS19-00002: CITY OF TORRANCE (MULTI-FAMILY RESIDENTIAL SMOKING REGULATION)

Environmental Quality Commission consideration of potential Torrance Municipal Code Amendments related to the regulation of smoking in multi-family residential buildings in Torrance. Potential amendments are exempted from the California Environmental Quality Act, Article 18, Section 15061 (b)(3).

Material can be reviewed in the Community Development Department. All persons interested in the above matter are requested to be present at the hearing or to submit their comments to the Community Development Department, City Hall, 3031 Torrance Boulevard, Torrance, CA 90503.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at 618-5990. If you need a special hearing device to participate in this meeting, please contact the City Clerk's office at 618-2870. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28CFR35.102-35.104 ADA Title ii]

For further information, contact the PLANNING DIVISION of the Community Development Department at (310) 618-5990.

DANNY E. SANTANA
Community Development Director

ATTACHMENT 1