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Direct questions or concerns to the Commission Liaison at (310) 618-5912, or individual department head prior to submission to the Commission. Parties will be notified if the complaint will be included on a subsequent agenda.

Security procedures: Members of the public will be directed to enter City Hall on the East side of the building through the sliding door. All other entrances will remain locked for entry. Oversized bags or backpacks will not be allowed in the Council Chamber or Commission meeting room. All bags are subject to search.

Any correspondence received after 2:00 p.m. on March 30, 2023 on any item on the agenda will be provided to the Commission electronically and available for public inspection in the City Clerk's Office. A copy of the correspondence will be available for public inspection in a binder at the back of the Council Chamber or Commission Meeting room.

**TORRANCE ENVIRONMENTAL QUALITY AND ENERGY CONSERVATION  
COMMISSION AGENDA  
APRIL 06, 2023  
REGULAR MEETING  
7:00 P.M. IN WEST ANNEX COMMISSION MEETING ROOM  
AT 3031 TORRANCE BOULEVARD  
TORRANCE, CA 90503**

**ENVIRONMENTAL QUALITY AND ENERGY CONSERVATION COMMISSION MAY  
TAKE ACTION ON ANY ITEM LISTED ON THE AGENDA**

**1. CALL MEETING TO ORDER**

**ROLL CALL:** Commission members: Endo-Roberts, Hill, Jendrucko, Love, Seferian, Wright, and Chair Stecker

**2. FLAG SALUTE**

**3. REPORT OF THE STAFF ON THE POSTING OF THE AGENDA**

The agenda was posted on the Public Notice Board at 3031 Torrance Bl. and on the City's Website on Thursday, March 30, 2023.

**4. ANNOUNCEMENT OF WITHDRAWN, DEFERRED, AND/OR SUPPLEMENTAL ITEMS**

**5. ORAL COMMUNICATIONS (Limited to a 15 minute period)**

*This portion of the meeting is reserved for comment on items on the Consent Calendar or not on the agenda. Under the Ralph M. Brown Act, the Commission cannot act on items raised during public comment, but may respond briefly to statements made or questions posed; request clarification; or refer the item to staff. **No longer than 1 minute per speaker.** If presenting handout material to Commission, please provide 10 copies to staff before speaking.*

**6. CONSENT CALENDAR**

*Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, that item will be removed by a Councilmember from the Consent Calendar and considered separately.*

**6A. Approve Commission Minutes: March 02, 2023**

**7. ADMINISTRATIVE MATTERS**

**7A. Torrance Transit– Presentation by Transit Department on the Los Angeles County Metropolitan Transportation Authority C-Line Extension-Recommendation of the Community Development Director that the Torrance Environmental Quality and Energy Conservation Commission accept and file the report from staff regarding the C-Line Extension to Torrance.**

**7B. Community Development – Review and Discuss a Revised Ordinance to Prohibit Smoking In and Around Multi Unit Residences** - Discuss options for the revised draft ordinance regarding the regulation of smoking in multifamily residential uses.

**8. PUBLIC HEARINGS**

**9. COMMISSION ORAL COMMUNICATIONS**

**10. ADJOURNMENT**

**10A.** Adjournment of Environmental Quality and Energy Conservation Commission Meeting to Thursday, May 4, 2023, at 7:00 p.m. in the Commission Meeting Room.

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

**1. CALL TO ORDER**

The Torrance Environmental Quality and Energy Conservation Commission convened in a regular session at 7:01 p.m. on Thursday, March 2, 2023, in the West Annex Commission Meeting Room City Hall.

**ROLL CALL**

Present: Commissioners Endo-Roberts, Love, Seferian, Wright, and  
Chair Stecker

Absent: Commissioners Hill and Jendrucko

Also Present: Staff Liaison Nora Duncan and Community Development Director  
Michelle Ramirez

**MOTION:** Commissioner Seferian moved excuse the absence of Commissioner Hill. Commissioner Wright seconded the motion; a roll call vote reflected a 5-0 approval (Commissioners Hill and Jendrucko absent).

**2. FLAG SALUTE**

Commissioner Seferian led the Pledge of Allegiance.

**3. REPORT OF STAFF ON THE POSTING OF THE AGENDA**

Staff Liaison Duncan reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, February 23, 2023.

**4. WITHDRAWN, DEFERRED, AND/OR SUPPLEMENTAL ITEMS**

None.

**5. ORAL COMMUNICATIONS**

None.

**6. CONSENT CALENDAR**

**6A. APPROVAL OF MINUTES: FEBRUARY 2, 2023**

**MOTION:** Commissioner Wright moved to approve the February 2, 2023 minutes as presented. Commissioner Love seconded the motion; a roll call vote reflected 4-0 approval (Commissioner Endo-Roberts abstained and Commissioners Hill and Jendrucko absent).

**7. ADMINISTRATIVE MATTER**

**7A. COMMUNITY DEVELOPMENT – REVIEW AND DISCUSS AN ORDINACE TO PROHIBIT SMOKING IN AND AROUND MULTI-UNIT RESIDENCES**

Staff Liaison Duncan presented the discussion of an ordinance to prohibit smoking in and around multi-unit residences:

- Proposed Ordinance will amend Torrance Municipal Code by adding Chapter 19 entitled “Smoking in Multi-Family Dwellings” to Division 4 of the Torrance Municipal Code.
- The Ordinance is to prohibit smoking in/around multi-unit residences to protect the health, safety, and general welfare of Torrance residents.
- Multi-unit residences include apartments, townhomes, condominiums, senior/assisted living and long-term health care facilities. Multi-unit residences do not include hotels, single-family homes, accessory dwelling units, junior accessory units, and mobile homes/mobile home parks.
- Proposed Ordinance will cover purpose and intent, definitions, smoking prohibitions in multi-unit resident units, smoking prohibitions in multi-unit residence common areas (except designated smoking areas), notice and signage requirements, lease agreement requirements, exceptions for products authorized by the United States Food and Drug Administration, smoking, prohibitions that apply to cannabis, medical marijuana, education, administrative enforcement, enforcement, termination of tenancy requirements, and authority to adopt regulations to implement this chapter in the Torrance Municipal Code.
- Staff requested the Commission to consider: 1) direct staff to finalize proposed Ordinance, request for City Attorney’s review of the Ordinance, and bring back before the Environmental Quality and Energy Conservation Commission consideration at a future date. 2) Accept and file with no changes to the Torrance Municipal Code and direct staff to report the Environmental Quality and Energy Conservation Commission’s findings to City Council.

Commissioner Wright inquired if other cities with similar Ordinances had been investigated. Community Development Director Ramirez replied and confirmed, stating that the Ordinance is based on looking at different Ordinances.

Commissioner Wright stated that prohibiting smoking in one’s unit is overstepping unless there’s an issue of smoke getting into other people’s units. Community Development Director Ramirez replied that smoke does get into the vents and seep into neighboring units.

Commissioner Wright inquired if there was a Grandfather Clause for tenants who could already smoke in multi-unit residences. Community Development Director Ramirez replied that there was no Grandfather Clause.

Commissioner Wright inquired if there had been complaints regarding the smoking issue from the community. Community Development Director Ramirez replied that only (2) persons contacted her within a year’s time to complain about the smoking issue. Staff Liaison Duncan stated that there had not been many complaints received recently.

Commissioner Wright inquired if marijuana and vaping were covered in the Ordinance. Community Development Director Ramirez replied that marijuana and vaping are included (medical marijuana exempted).

Commissioner Wright stated he would like to see a point of contact for the City listed if there are any issues. Community Development Director Ramirez replied that this would be under Administration and Enforcement; through this section, there will be verbiage stating that there will be three warnings before a notice or fine is given.

Commissioner Stecker inquired how the enforcement would happen. Community Development Director Ramirez replied that Code Enforcement could be called and/or emailed and a report could be made. Staff would follow up on the complaint, an investigation could be done, and a letter explaining that a complaint has been made attached with the Ordinance, and a number for inquiries, will be included.

Members of the public spoke.

Community Development Director Ramirez explained the Ordinance process to the Commission.

Commissioner Love stated that she would like to have a 6-month educational outreach included. Community Development Director acknowledged the request.

Commissioner Seferian stated that not being able to smoke inside your unit would be too drastic.

Commissioner Endo-Roberts agreed that personal space should be off limits.

Community Development Director Ramirez stated that the idea of the non-smoking Ordinance in multi-unit dwellings is also not to smoke in one's unit, this is how Ordinances in other cities are written, but anything can be done. The Ordinance could be reworded where one would need to have proper ventilation and/or humidifiers and could be investigated to see if this could pass through the City Attorney's Office.

Community Development Director Ramirez stated that the Commission could bring back the Item to a future meeting.

Chair Stecker requested that a 6-month educational outreach be included, that the city's legal staff investigate a way to smoke within one's unit/personal space, and that options be presented regarding investigation requirements to not infringe on one's neighbor. Community Development Director Ramirez acknowledged the request and stated that she will talk with legal and present options to the Commission for their final decision.

**MOTION:** Commissioner Wright moved to have staff bring back a draft with options to either smoke or not smoke within one's personal space along with the 6-month educational outreach for discussion at the April 2023 meeting. Commissioner Seferian seconded the motion; a roll call vote reflected a 5-0 approval (Commissioners Hill and Jendrucko absent).

## **8. PUBLIC HEARINGS**

None.

**9. COMMISSION ORAL COMMUNICATIONS**

Commissioner Wright encouraged everyone to look at the Metro pamphlet the City of Torrance sent out and requested that the pamphlet be filled out and sent back in.

Commissioner Wright provided a flyer to the Commission regarding the Ozone hole shrinking.

Chair Stecker stated that the Climate Smart Awards application is not showing on the Torrance website. Staff Liaison Duncan acknowledged the request and stated that she will investigate the matter.

Chair Stecker stated that the Climate Smart Awards need to be promoted and inquired how the word can get out. Community Development Director replied that City Cable can be reached out to start putting out information through all the City's social media accounts.

Community Development Director Ramirez stated that staff will investigate why the Climate Smart Awards application is not on the City's website and will notify the Commission once it's back online.

Chair Stecker inquired on the City Yard Fair. Staff Liaison Duncan stated that she will provide information during the April 2023 Commission meeting.

Commissioner Endo-Roberts requested a follow-up with other Commissions to vote for individuals for the Climate Smart Awards. The Commission and staff acknowledged the request.

**10. ADJOURNMENT**

**MOTION:** At 8:21 p.m., Commissioner Love moved to adjourn the meeting to Thursday, April 6, 2023 at 7:00 p.m. The motion was seconded by Commissioner Wright; a roll call vote reflected a 5-0 approval (Commissioners Hill and Jendrucko absent).

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Environmental Quality and Energy Conservation Commission meeting of  
**4/6/2023**

**Agenda Item No. 7A**

TO: Environmental Quality and Energy Conservation Commission  
FROM: Kim Turner, Transit Director  
SUBJECT: Los Angeles County Metropolitan Transportation Authority C-Line Extension

**RECOMMENDATION**

The Transit Director recommends that the Environmental Quality and Energy Conservation Commission receive and file the report from staff regarding the C-Line Extension to Torrance.

**BACKGROUND**

Los Angeles County Metropolitan Transportation Authority (LA Metro) is currently studying the extension of its passenger light rail system to Torrance. The C-Line, formerly known as the Green Line, will extend from its existing terminus in Redondo Beach following two potential alignments. These two alignments include following existing LA Metro railroad right-of-way (ROW) or following alongside I-405, then utilizing the median of Hawthorne Blvd. before returning to ROW at 190<sup>th</sup> St. There will be two new stations established – one in Redondo Beach near the South Bay Galleria and another in Torrance adjacent to the Mary K. Giordano Regional Transit Center.

There are three potential options being studied by LA Metro. The first, named the Proposed Project: Metro ROW Elevated/Street-Level, follows existing LA Metro owned railroad right-of-way. The second, named the Trench Option, follows along the same alignment, but adds a below-grade trench between Inglewood Ave and 182<sup>nd</sup> St. The last option, named the Hawthorne Blvd. Option, leaves LA Metro owned right-of-way to travel along I-405, then travels south through the median of Hawthorne Blvd. from 162<sup>nd</sup> St. to 190<sup>th</sup> St. At south of 190<sup>th</sup> St., all options travel along LA Metro owned right-of-way.

The following is a chronology of previous events related to the issue:

June 29, 2018 Release of Supplemental Alternatives Analysis

On June 29, 2018 LA Metro released the Supplemental Alternatives Analysis to establish the need for a passenger light rail extension, determine the project area, outline the goals for the project, and augment earlier alternatives analyses that had been completed prior to the passing of Measure M.

August 16, 2022 LA Metro Community Meeting

On August 16, 2022, LA Metro staff hosted a community meeting at the Toyota Meeting Hall in Torrance to provide members of the public information about the C-Line Extension project. Residents of Torrance and the surrounding communities were given the opportunity to speak directly with LA Metro staff to ask any questions or raise any concerns or hopes regarding the project.

### September 28, 2022 Transportation Committee Meeting

On September 28, 2022, the City Council Transportation Committee met to hear updates from staff regarding the service changes relating to the opening of the Mary K. Giordano Regional Transit Center, service duplication with Long Beach Transit and the current resolution process, and the Los Angeles County Metropolitan Transportation Authority's (Metro) C-Line Extension to Torrance.

Metro staff provided background and a potential timeline for the C-Line Extension project. City staff reaffirmed the city's position that the C-Line Extension project should utilize Metro's existing Right of Way. The Committee also affirmed their support for The Right of Way Alignment and request that Metro's Board of Supervisors consider an alternative that would place the passenger light rail underground.

### October 25, 2022 City Council Meeting

On October 25, 2022, City Council voted to accept and file the report of the Transportation Committee, and voted unanimously to submit a letter to LA Metro's Board of Directors that established the council's official position of preference for the Proposed Project: Metro ROW Elevated/Street-Level.

### January 26, 2023 LA Metro Release of Draft Environment Impact Report

On January 26, 2023, LA Metro released the Draft Environmental Impact Report (DEIR) related to the C-Line Extension project. This DEIR has informed all staff analysis of impacts on the City of Torrance and its residents.

### February 21, 2023 LA Metro Public Hearing

On February 21, 2023, LA Metro held a public hearing in Torrance at the Toyota Meeting Hall. This hearing gave residents of Torrance and the surrounding communities the opportunity to learn more about the project options, and allowed community members to speak directly to LA Metro staff about their concerns or hopes for the project.

## **ANALYSIS**

The purpose of tonight's presentation is to provide an analysis of impacts to the City of Torrance based on LA Metro's released DEIR on the C-Line Extension project.

The extension of LA Metro's passenger light rail system will provide a number of benefits to the City of Torrance and the South Bay Region as a whole. The project provides an alternate mode of transportation to those who would otherwise be traveling on I-405 and displaces an estimated 17,083,851 on-road vehicle miles travelled annually. This reduction in vehicle miles travelled reduces greenhouse gas emissions in the region by approximately 2,369.4 metric tons of CO<sub>2</sub> equivalent annually.

The project also serves as a driver of economic growth, serving an estimated 65,000 jobs in the project area by 2042. Connections to a number of high value destinations are also provided, such as a seat-ride to LAX, SoFi Stadium via the Inglewood Transit Connector, the South Bay Galleria, Del Amo Fashion Center, and Old Torrance. The majority of ridership will travel in and out of Torrance, with projected new daily trips of 10,600 to 16,200. Riders on the new extension are projected to save around 23.1 minutes per rider.



The extension also improves equity by serving 18% of the low-income communities and 47% of the minority communities in the project area, will also providing connections with local transit agencies and the rest of the South Bay.

City Council has unanimously voted to support the Proposed Project: Metro ROW Elevated/Street-Level. This option is the most cost-effective, costing an estimated \$1.96 billion, with an estimated completion of Fall 2033. This option does not encroach on I-405, and avoids traffic and parking impacts on Hawthorne Blvd. and other arterial roads. This option also avoids costly impacts to businesses and residents along Hawthorne Blvd.

The Trench option has an estimated completion of Spring 2036 with an estimated cost of \$2.84 billion. Major construction work would be required and would result in considerable air quality impacts.

The Hawthorne Blvd. Option will have the greatest negative impacts on the city of Torrance and its residents. The estimated cost is the highest at \$2.96 billion, with an estimated completion of Fall 2035. This option fails to fully utilize existing investment in transit infrastructure by creating a walk between the newly established Redondo Beach Transit Center and proposed South Bay Galleria Station.

Throughout construction, the communities surrounding Hawthorne Blvd. would be subject to significant and unavoidable levels of both noise and vibration. The Hawthorne Blvd. option would also require a considerable amount of property acquisition from LA Metro, both on Hawthorne Blvd. itself as well as at the intersection of Hawthorne Blvd. and 190<sup>th</sup> St. where the passenger light rail would return to existing right-of-way.

LA Metro evaluated the following items during the DEIR process:

- Transportation
- Land Use and Planning
- Aesthetics
- Air Quality
- Greenhouse Gas Emissions
- Noise and Vibration
- Biological Resources
- Geology, Soils and Paleontological Resources
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Utilities/Service Systems
- Energy
- Cultural Resources
- Tribal Resources
- Public Services/Recreation
- Other CEQA Consideration

During their evaluation process, LA Metro found that there were significant and unavoidable impacts for each project option even after mitigation measures are implemented. For the Proposed Project, noise during construction and operation and vibration during construction are considered significant and unavoidable impacts. The Trench Option has significant and unavoidable impacts for air quality, noise, and vibration, all during construction.

Impacts from noise and vibration during construction were also considered significant and unavoidable for the Elevated Hawthorne Option.

Respectfully submitted,

Kim Turner  
Transit Director

A handwritten signature in black ink, appearing to read "David Mach", written over a horizontal line.

By  
David Mach  
Senior Business Manager

Attachment 1: Presentation for C-Line Extension to Torrance



# L.A. Metro C-Line Extension: Regional Benefits

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PRESENTED BY TORRANCE TRANSIT



# Project Background

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- **L.A. Metro is bringing passenger light rail to the South Bay via an extension of the existing C-Line (formerly referred to as the “Green Line”)**
- **Studying two potential alignments (with 3 possible options)  
– existing railroad Right-Of-Way owned by L.A. Metro or utilization of Hawthorne Blvd.**
- **Torrance City Council has voted unanimously to support Proposed Project: Right-of-Way with Elevated/At-Grade Option**



# Why does the region need the C-Line passenger light rail extension?

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- **Provides an alternate mode of transportation for those traveling along the I-405 corridor**
  - Time spent commuting expected to increase by approximately **30%** by 2045
- **Reduces air pollution and greenhouse gas emissions by making transit a more viable transportation choice**
- **Avoids and minimizes environmental impacts on environmental resources to the maximum extent feasible**
- **Provides more equitable access to regional destinations by improving connections to the L.A. Metro regional rail system**

# Who would utilize this project?

- **Those traveling on I-405**
- **Travelers using major arterials within the South Bay Region (Hawthorne Blvd., Crenshaw Blvd., etc.)**
- **South Bay region-wide commuters (traveling to Downtown L.A., Orange County, or beyond)**
- **LAX Passengers – expected to increase to 151 million annually by 2045**



Source: KEVORK DJANSEZIAN/GETTY IMAGES



**Ridership**

Estimated to serve **65,000** jobs in the project area by **2042**

Majority of ridership traveling to and from Torrance

Los Angeles drivers spent an average of **95** hours in traffic, costing **\$1,601** per driver annually

Displaces an estimated **17,083,851** on-road vehicle miles traveled annually

Reduce greenhouse gas emissions by approximately **2,369.4** metric tons of CO<sub>2</sub> equivalent annually

**Auto Trips and Emissions**



# Regional Benefits

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- **Improves equity by serving 18% of low-income communities and 47% of minority/non-white communities in the project area**
- **Provides connections with local transit agencies and surrounding South Bay and Gateway Cities:**
  - L.A. Metro Bus and Rail
  - Torrance Transit
  - Beach Cities Transit
  - Los Angeles Department of Transportation Commuter Express
  - Gardena Transit
  - Long Beach Transit
  - Norwalk Transit
  - Lawndale Beat





# Regional Benefits

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- **Connections to a number of high value destinations:**
  - **One seat ride to LAX**
  - **SoFi Stadium via Inglewood Transit Connector**
  - **South Bay Galleria**
  - **Redondo Beach Performing Arts Center**
  - **Mary K. Giordano Regional Transit Center**
  - **Del Amo Fashion Center**
  - **Old Torrance**
- **Projected to generate between 10,300 – 16,200 new daily transit trips**
- **Estimated travel time savings of up to 23.1 minutes per rider**

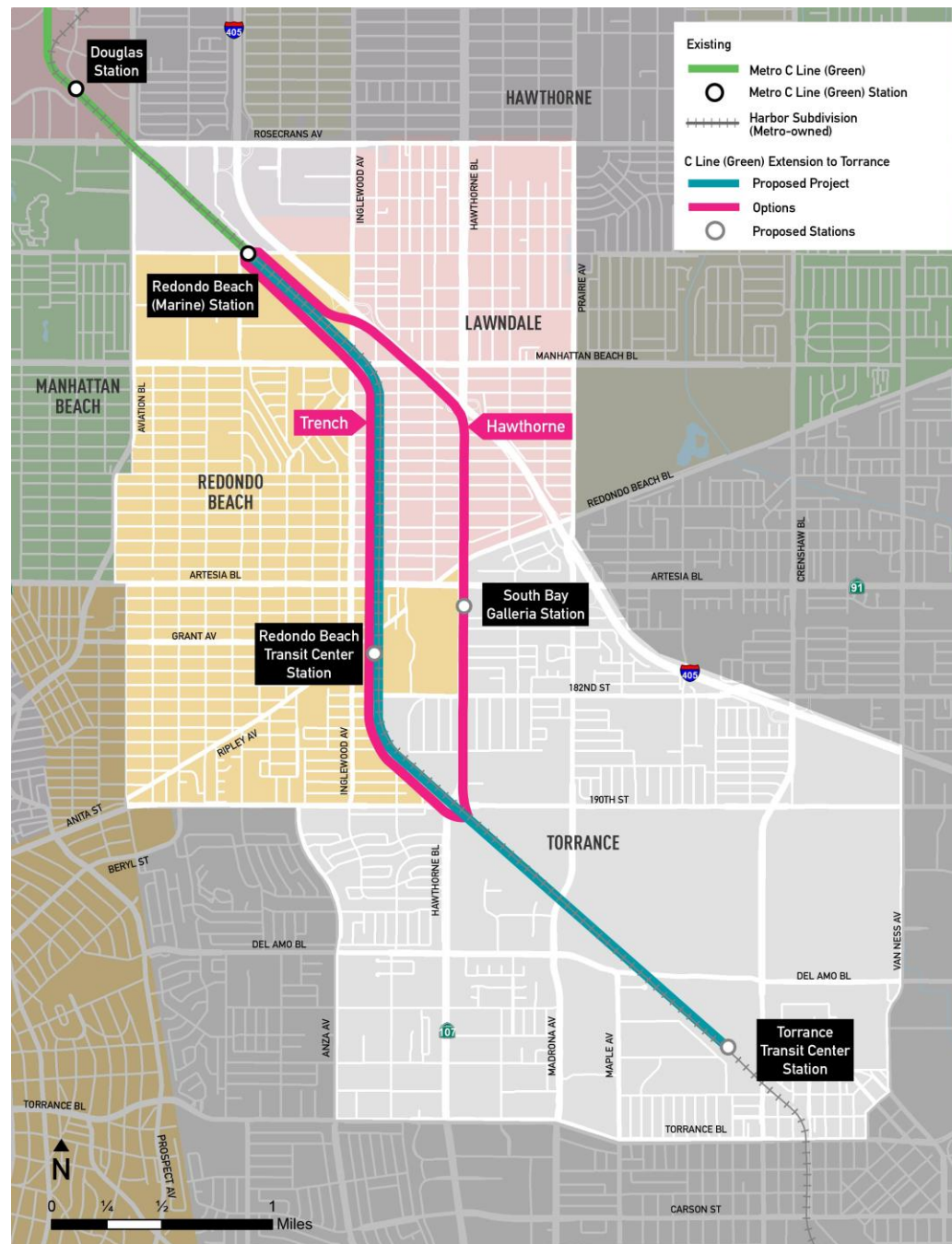


# Regional Benefits from the Mary K. Giordano Regional Transit Center

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- **At the Mary K. Giordano Regional Transit Center, the C-Line will connect with Torrance Transit's:**
  - **Line 1**
  - **Rapid 3**
  - **Line 4X**
  - **Line 5**
  - **Line 6**
  - **Line 10**
  - **Future planned Red Car Urban Trolley**
- **Torrance Transit Center Station would provide the majority of estimated ridership gains**

# Project Options



Source: L.A. Metro

# Project Options – Proposed Project (Elevated/At-Grade)

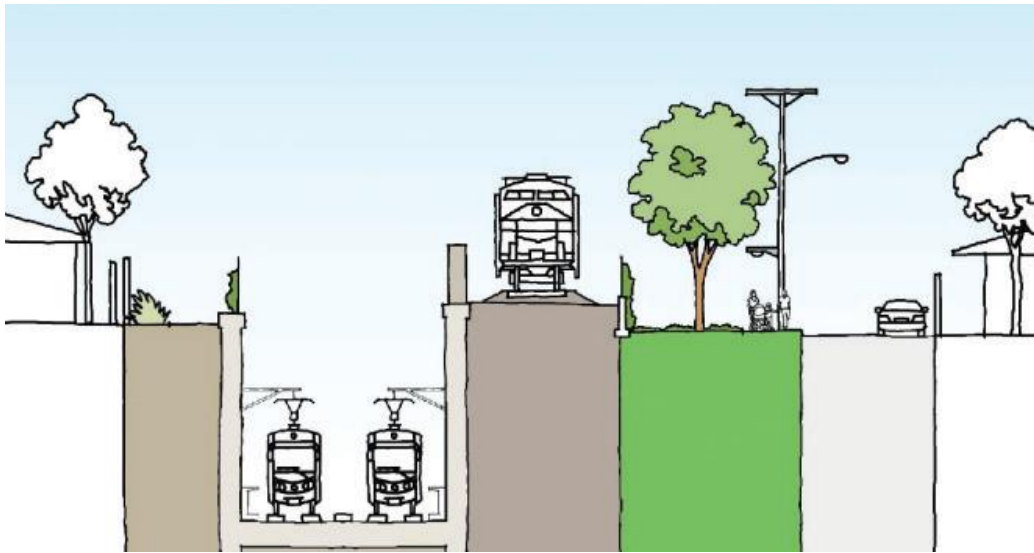
- Utilizes existing L.A. Metro Right-of-Way with combination of elevated and at-grade segments
- **Most cost effective (Estimated \$1.96 billion)**
- Estimated completion Fall 2033
- Does not encroach on I-405
- Avoids traffic and parking impacts on Hawthorne Blvd and other arterial roads
- Avoids impacts to businesses and residents near Hawthorne Blvd



Source: L.A. Metro

**Supported by Torrance City Council**

# Project Options – Right-of-Way/Trench

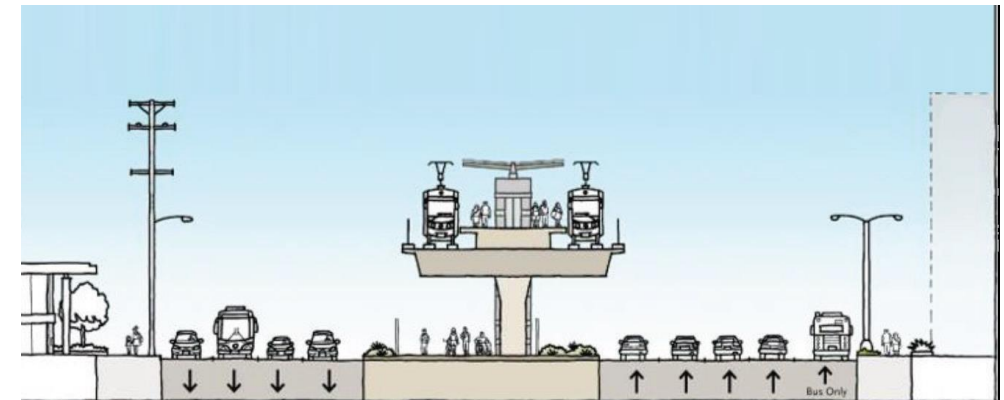


Source: L.A. Metro

- Follows existing Right-of-Way and includes a combination of trench and at-grade segments
- Estimated completion early 2036
- Estimated cost of \$2.84 billion
- Major construction work required
- Major air quality impact due to construction

# Project Options – Elevated Hawthorne Blvd.

- **Elevated rail structure along the center median of Hawthorne Blvd.**
- **Most expensive (costs \$2.96 billion)**
- **Estimated completion of Fall 2035**
- **Significantly impact to residents and local businesses along Hawthorne Blvd.**
- **Adds longer walk for connections to new Redondo Beach Transit Center. Does not utilize existing transit investments**
- **Significant noise and vibration during construction**
- **Requires modification of travel lanes**
- **More property acquisitions**



Source: L.A. Metro

# What did LA Metro Evaluate?

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- **Transportation**
- **Land Use and Planning**
- **Aesthetics**
- **Air Quality**
- **Greenhouse Gas Emissions**
- **Noise and Vibration**
- **Biological Resources**
- **Geology, Soils and Paleontological Resources**
- **Hazards and Hazardous Materials**
- **Hydrology and Water Quality**
- **Utilities/Service Systems**
- **Energy**
- **Cultural Resources**
- **Tribal Resources**
- **Public Services/Recreation**
- **Other CEQA Considerations**



# What did LA Metro Find?

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- **Each Project Option was found to have significant and unavoidable impacts for some CEQA metrics even after mitigation measures are put in place**
- **Proposed Project**
  - **Noise (Construction and Operation)**
    - 170<sup>th</sup> and 182<sup>nd</sup> St. Crossings
  - **Vibration (Construction)**
- **Trench Option**
  - **Air Quality (construction)**
  - **Noise (Construction)**
  - **Vibration (Construction)**
- **Elevated Hawthorne Option**
  - **Noise (Construction)**
  - **Vibration (Construction)**





# Getting Involved

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- **Support for the C-Line Extension to Torrance and the Proposed Project R.O.W. Alignment can be provided to Metro via:**
  - **Email – [greenlineextension@metro.net](mailto:greenlineextension@metro.net)**
  - **Phone – 323-330-4015**
  - **Mail: Georgia Sheridan, Senior Director, Mobility Corridors  
One Gateway Plaza, MS 99-22-2 Los Angeles, CA 90012**
  - **General questions can be directed to Georgia Sheridan, Project Manager**
    - **Phone – 213-922-4004**
- **Comments regarding City of Torrance’s position can be provided to David Mach:**
  - **Email – [Dmach@TorranceCA.gov](mailto:Dmach@TorranceCA.gov)**
  - **Phone – 310-781-6294**

Chair and Members  
of the Environmental Quality and Energy Conservation Commission  
City Hall  
Torrance, California

Members of the Commission:

**SUBJECT: Community Development – Review and Discuss an Ordinance to Prohibit Smoking In and Around Multi Unit Residences**

During the Environmental Commission meeting of March 2, 2023, the Commission directed staff to continue the item and return a revised smoke-free multi-unit housing ordinance for further review due to changes made to the Ordinance.

**BACKGROUND**

In 2019, the City Council directed the Community Development Department to prepare an informational item regarding residential smoking regulation. On November 7, 2019, staff presented the Environmental Commission with a Land Use Study (Attachment 1) offering several options for the Commission.

At the meeting, staff responded to Commissioner inquiries related to understanding the study and potential regulations and provided the Commission the following options:

- 1) Direct Staff to forward the item to Council with a recommendation of no action;
- 2) Direct Staff to conduct further research in a specified area and present at a future TEQECC meeting; or
- 3) Direct Staff to forward the matter to Council for consideration with any recommendations for action from the Commission.

After public input and Commission discussion, a motion to recommend adoption of an ordinance to the City Council banning any form of smoking in all common areas, including balconies and patios, in rental properties having three or more units, and allowing owners to declare their properties non-smoking without any action taken by the City passed.

Due to a Cyber attack and the COVID-19 pandemic in early 2020, the item was not taken to City Council as planned. Additionally, pending State legislation was also looking to regulate smoking in multi-family developments. On February 2, 2023, staff reintroduced the item to the Environmental Commission for discussion. At the conclusion of the item, the Commission directed staff to prepare a draft ordinance that would prohibit smoking in and around multi-unit residences.

At the March 2, 2023 meeting, staff presented the Environmental Commission with a draft Ordinance offering the following options for the Commission:

- 1) Direct staff to finalize the proposed ordinance, request the City Attorney's Office review, and bring it back for the Environmental Commission's consideration at a future date; or
- 2) Accept and file, with no changes to the TMC, and direct staff to report the Environmental Commission's findings to the City Council.

After public input and Commission discussion, the Commission directed staff to bring back a draft ordinance with the option to smoke within an individual unit along with a 6-month educational outreach for discussion at the April 6, 2023 Environmental Commission meeting.

## **DISCUSSION**

The proposed ordinance would amend the Torrance Municipal Code (TMC) by adding Chapter 19 entitled "Smoking in Multi-Family Dwellings" to Division 4 of the Torrance Municipal Code. The purpose and intent of the ordinance is to prohibit smoking in and around Multi-Unit Residences to protect the health, safety, and general welfare of residents within the City of Torrance. The original draft ordinance would require multi-unit residences to be smoke-free in the following areas:

- Indoor and common areas, such as halls, pathways, lobbies, stairwells, mail areas/rooms, community rooms, playgrounds, pools, laundry rooms, and parking lots;
- Individual units, including exclusive use balconies, porches, decks and patios; and
- A buffer zone of 25 feet around any doorway, window, opening or vent into a multi-unit residence.

For purposes of the proposed ordinance, a "multi-unit residence" includes, but is not limited to, apartments, townhomes, condominium complexes, senior and assisted living facilities, and long-term health care facilities. The following types of housing are not considered a multi-unit residence: hotels; single-family homes; accessory dwelling units, junior accessory dwelling units, and mobile homes in a mobile home park.

The original proposed ordinance covers the following matters:

- Purpose and Intent
- Definitions
- Smoking Prohibition in Multi-Unit Residence Units
- Smoking Prohibition in Multi-Unit Residence Common Areas Except in Designated Smoking Areas
- Smoking Prohibition within Buffer Zones
- Responsibility of Persons with Legal Control of Nonsmoking Areas
- Notice and Signage Requirements
- Lease Agreement Requirements
- Exception for Drug, Device, or Combination Product Authorized by United States Food and Drug Administration
- Smoking and Smoke Generally
- Prohibitions Apply To Cannabis
- Medical Marijuana
- Education
- Administrative Enforcement
- Enforcement
- Termination of Tenancy; Requirements, and
- Authority to Adopt Regulations to Implement this Chapter.

The revision to the ordinance include the following changes:

- Grandfathering existing smokers, to allow continued smoking in Individual units, including exclusive use balconies, porches, decks and patios; until the unit becomes vacant, or the original tenant(s) included on the lease no longer occupy the unit and
- Compliance by the property owner and/or property management expected 60 days from the effective date of the ordinance.


## **RECOMMENDATION**

Staff requests that the Environmental Commission consider the following options:

- 1) Direct staff to finalize the proposed ordinance with the changes, request the City Attorney's Office review, and bring it back for the Environmental Commission's consideration at a future date;
- 2) Accept and file, with no changes to the TMC, and direct staff to report the Environmental Commission's findings to the City Council.

Respectfully submitted,

MICHELLE G. RAMIREZ  
COMMUNITY DEVELOPMENT DIRECTOR

By   
Nora Duncan  
Sr. Environmental Quality Officer

Attachments: 1) No Smoking in Multi-Family Unit Revised DRAFT Ordinance.  
2) Municipalities with Smokefree Multi-Unit Housing-California.

**ORDINANCE NO. \_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, ADDING ARTICLE 19 ENTITLED "SMOKING IN MULTI-FAMILY DWELLINGS" TO DIVISION 4 OF THE TORRANCE MUNICIPAL CODE**

**RECITALS**

**WHEREAS**, tobacco use causes death and disease and continues to be an urgent public health threat; and

**WHEREAS**, secondhand smoke has repeatedly been identified as a health hazard; and

**WHEREAS**, exposure to secondhand smoke causes death and disease; and

**WHEREAS**, nonsmokers who live in multi-unit dwellings can be exposed to neighbors' secondhand smoke; and

**WHEREAS**, harmful residues from tobacco smoke can be absorbed by and cling to virtually all indoor surfaces long after smoking has stopped and then be emitted back into the air, making this "third hand smoke" a potential health hazard; and

**WHEREAS**, smoking is a leading cause of fire deaths and fire-related injury, and contributes to fire-related health inequities; and

**WHEREAS**, the Surgeon General has concluded that eliminating smoking in indoor spaces is the only way to fully protect nonsmokers from secondhand smoke exposure and that separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot completely prevent secondhand smoke exposures; and

**WHEREAS**, several studies have confirmed that smoke free multi-unit housing policies are the most effective method to fully reduce secondhand smoke exposure in multi-unit housing' and

**WHEREAS**, secondhand smoke exposure in multi-unit housing contributes to tobacco-related health inequities; and

**WHEREAS**, secondhand smoke in multi-unit housing is a significant threat to the health and safety of California children; and

**WHEREAS**, there are significant saving from adopting a smoke free multi-unit housing policy; and

**WHEREAS**, a majority of multi-unit housing residents, including a large portion of smokers, support smoke free policies in multi-unit residences; and

**WHEREAS**, secondhand smoke can seep under doorways and through wall cracks; and

**WHEREAS**, there is no Constitutional right to smoke; and

**WHEREAS**, California law declares that anything which is injurious to health or obstructs the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance; and

**WHEREAS**, California law prohibits smoking in virtually all indoor places of employment reflecting the state policy to protect against the dangers of exposure to secondhand smoke; and

**WHEREAS**, a local ordinance that authorizes residential rental agreements to include a prohibition on smoking within rental units is not prohibited by California law; and

**WHEREAS**, local governments have broad latitude to declare nuisances and are not constrained by prior definitions of nuisance.

**NOW, THEREFORE**, the City Council of the City of Torrance does hereby ordain as follows:

**SECTION 1**

The City Council of the City of Torrance hereby finds and determines that all the above Recitals are true and correct and incorporates such Recitals into this Ordinance.

**SECTION 2**

Chapter 19 is added to Division 4 of the Torrance Municipal Code to read in its entirety as follows:

**“CHAPTER 19**

**SMOKING IN MULTI-FAMILY DWELLINGS**

**419.1.010 PURPOSE AND INTENT.**

It is the purpose and intent of the City Council of the City of Torrance to prohibit smoking in and around Multi-Unit Residences to protect the health, safety, and general welfare of residents within the City of Torrance.

**419.1.020 DEFINITIONS.**

Except as otherwise expressly set forth herein, the following words and terms as used in this Chapter shall have the following meanings:

“Adjacent Unenclosed Property” means any Unenclosed Area of property, publicly or privately owned, that abuts a Multi-Unit Residence, but does not include a Lot containing a single-family home.

“Cannabis” has the meaning set forth in California Business and Professions Code section 26001, as that section may be amended from time-to-time.

"City" means the City of Torrance or its designated representative.

"City Manager" means the City Manager of the City of Torrance, or his or her designee.

“Common Area” means every Enclosed Area and every Unenclosed Area of a Multi-Unit Residence that residents of more than one Unit are entitled to enter or use, including, but not limited to, halls, pathways, lobbies, courtyards, balconies, elevators, stairs, community rooms, playgrounds, gym facilities, swimming pools, parking garages, parking lots, grassy or landscaped areas, restrooms, laundry rooms, cooking areas, and eating areas.

“Department” means the Community Development Department of the City of Torrance and its authorized representatives, designees, or agents.

"Director" means the Community Development Director of the City.

“Electronic Smoking Device” means an electronic device that can be used to deliver an inhaled dose of nicotine, or substances, including any component, part, or accessory of such a device, whether or not sold separately. “Electronic Smoking Device” includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

“Enclosed Area” means an area in which outside air cannot circulate freely to all parts of the area, and includes an area that has:

- 1) Any type of overhead cover, whether or not that cover includes vents or other openings, and at least three (3) walls or other vertical constraints to airflow, including, but not limited to, vegetation of any height, whether or not those boundaries include vents or other openings; or
- 2) Four (4) walls or other vertical constraints to airflow, regardless of composition, including, but not limited to, vegetation, that exceed six (6) feet in height, whether or not those boundaries include vents or other openings.

"Enforcement Officer" means any Police Officer, Code Enforcement Officer, Environmental Quality Officer, or other personnel employed by the City and designated by the City Manager.

“Landlord” means any Person or agent of a Person who owns, manages, or is otherwise legally responsible for a Unit in a Multi-Unit Residence that is leased to a residential tenant, except this term does not apply to a tenant who sublets their Unit.

“Lot” means a separate parcel of land shown and identified as such on the records of the county recorder or on the final map of an approved and recorded subdivision.

“Multi-Unit Residence” means a Lot with two or more Units, including, but not limited to, apartments, townhomes, condominium complexes, senior and assisted living facilities, and long-term health care facilities; or a Lot with a Unit attached to another Unit on an adjacent Lot, including but not limited to attached townhomes. For the purpose of determining whether a property is a Multi-Unit Residence, the following do not constitute “Units”: hotels; single-family homes; duplexes on a single-family Lot, accessory dwelling units, as defined by Torrance Municipal Code Section 92.2.10(b)(1); junior accessory dwelling units, as defined by Torrance Municipal Code Section 92.2.11(b)(1); and, mobile homes in a mobile home park, as defined by California Civil Code Section 798.3.

“Nonsmoking Area” means any Enclosed Area or Unenclosed Area in which Smoking is prohibited by this Chapter or other law.

“Person” means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

“Smoke-Free Residence” means a multi-unit residence that complies with the requirements of this Chapter as of 60 days from the effective date of this Chapter.

“Smoking” means inhaling, exhaling, burning, or carrying any lighted, heated, or ignited cigar, cigarette, cigarillo, pipe, hookah, electronic smoking device, or any other device that delivers to a Person nicotine or other substances, including substances derived from Cannabis. “Smoking” includes using an electronic device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral device for the purpose of circumventing the prohibition of Smoking.

“Unenclosed Area” means any area that is not an Enclosed Area.

“Unit” means a personal dwelling space, even one lacking cooking facilities or private plumbing facilities, and includes any associated exclusive use Enclosed Area or Unenclosed Area, such as a private balcony, porch, deck, or patio. “Unit” includes, without limitation, an apartment unit; a condominium unit; a townhouse; a room in a senior facility; a room in a long-term health care facility, assisted living facility, or hospital; a room in a hotel or motel; a dormitory room; a room in a single-room occupancy (“SRO”) facility; a room in a homeless shelter. This definition does not include a room in an unlicensed group living facility with 6 or fewer residents. This definition does not include accessory dwelling units, as defined by Torrance Municipal Code Section 92.2.10(b)(1); junior accessory dwelling units, as defined by Torrance Municipal Code Section 92.2.11(b)(1); and, mobile homes in a mobile home park, as defined by California Civil Code Section 798.3.



**419.1.030 SMOKING PROHIBITION IN MULTI-UNIT RESIDENCE UNITS.**

Smoking is prohibited in all Units of a Multi-Unit Residence, including any associated exclusive use Enclosed Areas or Unenclosed Areas, such as a private balcony, porch, deck, or patio.

**419.1.040 SMOKING PROHIBITION IN MULTI-UNIT RESIDENCE COMMON AREAS EXCEPT IN DESIGNATED SMOKING AREAS.**

- a) Smoking is prohibited in Common Areas of a Multi-Unit Residence, except within a designated Smoking area meeting the following requirements:
  - 1) The designated Smoking area is established by Persons with legal control over a Common Area, such as a Landlord or homeowners' association.
  - 2) The designated Smoking area is:
    - A. An Unenclosed Area;
    - B. At least twenty-five (25) feet from Unenclosed Areas primarily used by children, Unenclosed Areas of K-12 school campuses, and Unenclosed Areas with improvements that facilitate physical activity including, for example, playgrounds, tennis courts, and swimming pools, including any accessory features (e.g., seating, water fountains) but not including parking facilities;
    - C. At least twenty-five (25) feet from any Nonsmoking Area;
    - D. At least twenty-five (25) feet from any doorway, window, opening, or other vent into an Enclosed Area, including an Enclosed Area not regulated by this Chapter.
    - E. No more than ten percent (10%) of the total Unenclosed Area of the Multi-Unit Residence for which it is designated;
    - F. Clearly marked with a perimeter;
    - G. Identified by conspicuous signs; and
    - H. Not within any Enclosed or Unenclosed Area where Smoking is otherwise prohibited by this Chapter or other law.
- b) No Person with legal control over a Common Area in which Smoking is prohibited by this Chapter or other law shall permit the presence of ashtrays, ashcans, or other receptacles primarily used for disposal of Smoking waste within the Common Area.

**419.1.050 SMOKING PROHIBITION WITHIN BUFFER ZONES.**

- a) Smoking is prohibited in Adjacent Unenclosed Property located within twenty-five (25) feet of any doorway, window, opening, or other vent into an Enclosed Area of a Multi-Unit Residence. This area shall be known as a “Buffer Zone.”
- b) Section 419.1.050(a) above does not apply to a Person who is Smoking in a Buffer Zone while actively passing on the way to another destination where Smoking is permitted.

**419.1.060 GRANDFATHERING**

Existing smokers who reside in a Multi-Unit Residence will be “grandfathered,” and thus allowed to continue smoking in their units, until such a time that the unit becomes vacant, or the original tenant(s) included on the lease at the time the unit is grandfathered no longer occupy it, at which time the grandfathered unit must be converted to a Nonsmoking unit.

No later than 60 days from the effective date of this Chapter, every Landlord/Person responsible for a Multi-Unit Residence must provide the unit number and name(s) of the person(s) on the lease that will remain as smoking units to the City’s Community Development Director. Only those units provided within the required timeframe will be grandfathered. Thereafter, by June 30<sup>th</sup> of each year, every Landlord/Person responsible for a Multi-Unit Residence must provide an updated list on those units certifying whether they are still designated as smoking units or have converted to smoke-free status. For those units still designated as smoking units, the Landlord/Person must also certify that there has been no change to the name(s) of persons on the lease. If such verification is not provided by June 30<sup>th</sup> of each year, the originally designated smoking units will be considered smoke-free units.

While a Multi-Unit Residence is transitioning to smoke-free status, a Landlord is required to address complaints about second-hand smoke infiltrating units from grandfathered units. Additionally, all new tenants must be notified in writing that the Multi-Unit Residence still has units that allow smoking within them.

**419.1.070 RESPONSIBILITY OF PERSONS WITH LEGAL CONTROL OF NONSMOKING AREAS.**

No Person with legal control over any Nonsmoking Area, including property owners, tenants, and subtenants, shall permit or suffer Smoking in a Nonsmoking Area in violation of this Chapter. For property subject to a lease agreement, a Landlord shall not be held responsible, and will not be liable, for a tenant’s violation of this Chapter.

#### **419.1.080 NOTICE AND SIGNAGE REQUIREMENTS.**

- a) No later than 60 days from the effective date of this Chapter, every Person responsible for establishing rules in a Multi-Unit Residence shall deliver to each Unit of a Multi-Unit Residence a written notice meeting the requirements of Section 419.1.080(d).
- b) Beginning 60 days from the effective date of this Chapter, prior to the signing of a lease agreement every Landlord shall provide prospective tenants written notice meeting the requirements of Section 419.1.070(d).
- c) Beginning 60 days from the effective date of this Chapter, prior to any sale every seller of a Multi-Unit Residence or Unit within shall provide the buyer a written notice meeting the requirements of Section 419.1.070(d).
- d) Written notice must provide the following information:
  - 1) Beginning 60 days from the effective date of this Chapter, Smoking is prohibited in all Units, including any associated exclusive use Enclosed Area or Unenclosed Area, such as a private balcony, porch, deck, or patio; and
  - 2) Beginning 60 days from the effective date of this Chapter, Smoking is prohibited in all Common Areas except within specifically designated Smoking areas, if applicable.
- e) Beginning 60 days from the effective date of this Chapter, Persons with legal control over Common Areas shall post and maintain clear and unambiguous “No Smoking” signs in sufficient numbers and locations in Common Areas where Smoking is prohibited by this Chapter or other law. Additionally, signs shall be posted in sufficient numbers and locations in the Multi-Residence to indicate that Smoking is prohibited in all Units. Such signs shall be maintained by the Persons with legal control over the Common Areas. The absence of signs shall not be a defense to a violation of any provision of this Chapter. “No Smoking” signs are not required inside or on doorways of Units.
- f) No Person with legal control over any Nonsmoking Area shall permit Smoking in the Nonsmoking Area, except as provided in Section 419.1.040(a).

#### **419.1.090 LEASE AGREEMENT REQUIREMENTS.**

- a) Beginning 60 days from the effective date of this Chapter, every Landlord shall cause all lease agreements for a Multi-Unit Residence regulated by this Chapter to meet the following requirements:
  - 1) The agreement must contain a provision stating all requirements in Section 419.1.070(d).

- 2) For an agreement in effect on or before the effective date of this Chapter, the agreement shall be amended at the time the unit becomes vacant, or the original tenant(s) included in the lease no longer occupy the unit.
- b) Whether or not a Landlord complies with Section 419.1.080(a), this section shall be implied and incorporated by law into every agreement to which Section 418.1.080 (a) applies and shall become effective as of the earliest possible date on which the Landlord could have made the insertions pursuant to said section.
- c) A tenant who breaches a Smoking provision of a lease or other rental agreement for the occupancy of a Unit in a Multi-Unit Residence, or who knowingly permits any other Person subject to the control of the tenant or present by invitation or permission of the tenant, shall be liable for the breach to the Landlord and any occupant of the Multi-Residence who is exposed to Smoke or who suffers damages as a result of the breach.
- d) This Chapter shall not create additional liability for a Landlord to any Person for a tenant's breach of any Smoking provision in a lease or other rental agreement for the occupancy of a Unit in a Multi-Unit Residence if the Landlord has fully complied with this Section.

**419.1.100 EXCEPTION FOR DRUG, DEVICE, OR COMBINATION PRODUCT AUTHORIZED BY UNITED STATES FOOD AND DRUG ADMINISTRATION.**

Notwithstanding any provision to the contrary, nothing in this Chapter shall be interpreted to restrict or otherwise regulate the use of a drug, device, or combination product authorized for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act. This exception does not apply to tobacco products regulated by the United States Food and Drug Administration.

**419.1.110 SMOKING AND SMOKE GENERALLY.**

- a) The provision of this Chapter is restrictive only and establish no new rights for a Person who engages in Smoking. Notwithstanding (1) any provision of this Chapter, (2) any failure by any Person to restrict Smoking under this Chapter, or (3) any explicit or implicit provision of this Chapter that allows Smoking in any place, nothing in the Chapter shall be interpreted to limit any Person's legal rights under other laws with regard to Smoking, including for example, rights in nuisance, trespass, property damage, personal injury or other legal or equitable principles.
- b) Nonconsensual exposure to Smoke occurring on or drifting into residential property is a nuisance, and the uninvited presence of Smoke on residential property is a nuisance and a trespass.

#### **419.1.120 PROHIBITIONS APPLY TO CANNABIS.**

California Health and Safety Code Section 11362.3(a)(2) and 11362.79(a), as may be amended or renumbered from time-to-time, prohibits Smoking cannabis wherever Smoking tobacco is prohibited. Notwithstanding Section 419.1.120, the prohibitions on Smoking in Multi-Unit Residence found in this article expressly apply to the Smoking of Cannabis.

#### **419.1.130 MEDICAL MARIJUANA.**

Notwithstanding any other provision of this Chapter, Smoking marijuana for medical purposes, as permitted by California Health and Safety Code Section 11362.7 et seq. in any Unit of a Multi-Residence is not prohibited by this Chapter, so long as the Smoke is not detectable by or an annoyance to other tenants.

#### **419.1.140 EDUCATION.**

- a) The City shall educate community members about the requirements in this Chapter.
- b) The City shall establish and implement a process for issuing warnings. Each warning shall be accompanied by educational materials explaining the requirements of this Chapter.

#### **419.1.150 ADMINISTRATIVE ENFORCEMENT.**

- a) Upon a finding that a Person has violated any provision of this Chapter, the Enforcement Officer designated by the Department shall give written notice of the violation to the Person in possession of the Unit; or to an owner, landlord, or homeowners' association for a violation of Sections 419.1.070 or 419.1.080. Such notice shall be provided by any means deemed adequate to the City, which includes but is not limited to, physical delivery, delivery by first class mail, delivery by overnight carrier service, or delivery by digital and shall include a copy of this Chapter and a statement describing the section(s) found to be violated.
- b) Any Person in violation of any provisions of this Chapter may be issued an administrative citation by an Enforcement Officer as prescribed in Article 8, Chapter 2, Division 1 "Administrative Citations and Fines" of the Torrance Municipal Code."
- c) The Department shall not issue any written notice of violation for or impose any administrative penalties upon a Person unless they have been issued at least three warnings.

- d) The City at its discretion may pursue any and all legal and equitable remedies for the collection of unpaid administrative penalties, interest and penalties (e.g. private collection agencies, Franchise Tax Board (FTB) Interagency Intercept Collection (IIC) Program, etc.).

**419.1.160 ENFORCEMENT.**

- a) The remedies provided by this Chapter are cumulative and in addition to any other remedies available at law or in equity.
- b) Violations of this Chapter are subject to a civil action brought by the City Attorney, punishable by a civil fine of not less than two hundred fifty dollars (\$250) and not exceeding one thousand dollars (\$1,000) per violation.
- c) Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Chapter shall also constitute a violation of this Chapter and shall be subject to enforcement as described in Section 419.1.140.
- d) In addition to other remedies provided by this Chapter or by other law, any violation of this Chapter may be remedied by a civil action brought by the City, including, for example, civil or criminal Code enforcement proceedings, and suits for injunctive relief.

**419.1.170 TERMINATION OF TENANCY; REQUIREMENTS.**

No Landlord may terminate a tenancy for a Multi-Unit Residence regulated by this Chapter based on a tenant's violation of this Chapter prohibiting Smoking unless the Department has issued at least three written notices of violation to the tenant.

**419.1.180 AUTHORITY TO ADOPT REGULATIONS TO IMPLEMENT THIS CHAPTER.**

The Department may adopt rules and regulations that are necessary or appropriate to implement, administer, and enforce the provisions of this Chapter.

**SECTION 3**

Any provisions of the Municipal Code or its appendices, or any other ordinances of the City of Torrance inconsistent with this ordinance to the extent of inconsistencies and no further, are repealed.

**SECTION 4**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council of the City of Torrance hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections,

sentences, clauses, phrases or other portions might subsequently be declared invalid or unconstitutional.

**SECTION 5**

This ordinance was reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, et seq., the "CEQA Guidelines"). This ordinance is exempt pursuant to CEQA Guidelines 15378, because the activity undertaken involves general text amendments that would not cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and does not meet the definition of a "Project" under CEQA. The proposed Ordinance is also exempt from CEQA Guidelines under Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment. The ordinance consists only of bolstering public nuisance regulations. Adoption of this ordinance will not have the effect of deleting or substantially changing any regulatory standards or required findings.

**SECTION 6**

This ordinance will take effect thirty days after the date of its adoption. Within fifteen days following adoption, this ordinance or a summary of this ordinance, if authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

**INTRODUCED** and **APPROVED** this \_\_\_\_\_ day \_\_\_\_\_ 2023.  
**ADOPTED** and **PASSED** this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Mayor George Chen

APPROVED AS TO FORM:  
PATRICK Q. SULLIVAN, City Attorney

ATTEST:

by \_\_\_\_\_  
Tatia Y. Strader, Assistant City Attorney

\_\_\_\_\_  
Rebecca Poirier, City Clerk



# AMERICAN NONSMOKERS' RIGHTS FOUNDATION

## U.S. Laws for 100% Smokefree Multi-Unit Housing

January 1, 2023

This list represents communities with laws that regulate smoking in **private units** of multi-unit housing.

As of January 1, **77 municipalities** have enacted a law at the city or county level that prohibits smoking in **100% of private units** of rental multi-unit housing properties. Of these municipalities, **70** have laws that prohibits smoking in **100% of private units** of both rental **and** owner-occupied multi-unit housing properties. The vast majority of the laws—66 municipalities—apply to properties with 2 or more units.

For public housing policies, see [U.S. Public Housing Authority Policies Restricting or Prohibiting Smoking](#).

See Definitions and Explanatory Notes starting on page 4.

Visit our smokefree multi-unit housing page at [no-smoke.org/at-risk-places/homes/](https://no-smoke.org/at-risk-places/homes/) for more information.

### Municipalities with Laws for 100% Smokefree Multi-Unit Housing:

This table represents communities that have **municipal laws** at the city or county level that prohibit smoking in **100% of private units** of all specified types of multi-unit housing. These laws apply to both privately-owned and publicly-owned multi-unit residences, as well as all existing and future buildings, and do not permit current residents to continue smoking in the building (i.e. no “grandfather” clause). Most, but not all, municipal laws include condominiums and other owner-occupied properties.

Municipalities marked with # require multi-unit buildings to be 100% smokefree when the law is in full effect as of the listed Final Effective Date. Municipalities marked **Some** under “% of Units Currently Smokefree” will be 100% when the law is in full effect.

Municipality	State	% of Units Currently Smokefree	Final Effective Date	Minimum Number of Units	Includes Patio/Balcony	Includes Condos
1. Alameda	CA	100%	1/1/2013	2	Yes	Yes
2. Alameda County	CA	100%	7/1/2022	2	Yes	Yes
3. Albany	CA	100%	3/24/2018	2	Yes	Yes
4. Bell Gardens	CA	100%	6/1/2021	3	Yes	Yes
5. Belmont	CA	100%	1/8/2009	2	Yes	Yes
6. Belvedere	CA	100%	11/9/2017	2	Yes	Yes
7. Benicia	CA	100%	9/2/2020	2	Yes	Yes
8. Berkeley	CA	100%	5/1/2014	2	Yes	Yes
9. Beverly Hills	CA	100%	1/1/2019	2	Yes	Yes
10. Brisbane	CA	100%	6/3/2017	2	Yes	Yes
11. Burlingame	CA	100%	2/13/2016	2	Yes	Yes
12. Clayton	CA	100%	5/1/2019	2	Yes	Yes
13. Compton	CA	100%	1/1/2013	3	Yes	Yes
14. Concord	CA	100%	1/1/2021	2	Yes	Yes
15. Contra Costa County	CA	100%	7/1/2019	2	Yes	Yes
16. Corte Madera	CA	100%	6/17/2022	2	Yes	Yes
17. Cotati	CA	100%	1/1/2017	2	Yes	Yes



Municipality	State	% of Units Currently Smokefree	Final Effective Date	Minimum Number of Units	Includes Patio/Balcony	Includes Condos
18. Crescent City	CA	100%	1/1/2022	2	Yes	Yes
19. Cudahy	CA	100%	1/3/2020	2	Yes	Yes
20. Culver City	CA	100%	5/26/2016	2	Yes	Yes
21. Cupertino	CA	100%	10/1/2021	2	Yes	Yes
22. Daly City	CA	100%	1/21/2014	2	Yes	No
23. Danville	CA	100%	5/1/2016	3	Yes	Yes
24. El Cerrito	CA	100%	10/1/2015	2	Yes	Yes
25. El Monte	CA	100%	8/19/2017	3	Yes	Yes
26. Emeryville	CA	100%	7/1/2019	2	N/S	Yes
27. Firebaugh	CA	100%	7/1/2019	2	Yes	Yes
28. Foster City	CA	100%	11/5/2015	N/S	Yes	Yes
29. Fresno	CA	100%	1/1/2022	2	No	No
30. Guadalupe	CA	100%	8/27/2020	2	Yes	Yes
31. Half Moon Bay	CA	100%	1/15/2020	2	Yes	Yes
32. Healdsburg	CA	100%	5/6/2020	2	N/S	Yes
33. Hercules	CA	100%	6/13/2020	10	Yes	Yes
34. Huntington Park	CA	100%	7/1/2013	2	Yes	Yes
35. Larkspur	CA	100%	9/17/2022	2	Yes	Yes
36. Los Gatos	CA	100%	6/25/2017	2	Yes	No
37. Manhattan Beach	CA	100%	5/5/2017	3	Yes	Yes
38. Marin County	CA	100%	10/14/2021	2	Yes	Yes
39. Mill Valley	CA	100%	11/18/2016	2	Yes	Yes
40. Millbrae	CA	100%	1/1/2020	2	Yes	Yes
41. Milpitas	CA	100%	1/1/2022	2	Yes	Yes
42. Monte Sereno	CA	100%	10/1/2020	2	Yes	Yes
43. Moorpark	CA	100%	2/1/2019	2	Yes	No
44. Morro Bay	CA	100%	8/1/2020	2	Yes	Yes
45. Mountain View	CA	100%	1/1/2022	3	Yes	Yes
46. Novato	CA	100%	1/1/2018	2	Yes	Yes
47. Pacific Grove	CA	100%	10/1/2021	2	Yes	Yes
48. Pacifica	CA	100%	10/9/2020	2	Yes	Yes
49. Palo Alto	CA	100%	1/1/2018	2	Yes	Yes
50. Pasadena	CA	100%	1/1/2013	2	Yes	Yes
51. Petaluma	CA	100%	1/1/2014	2	Yes	Yes
52. Pleasanton	CA	100%	10/4/2018	2	Yes	No
53. Rancho Cordova	CA	100%	11/4/2021	2	N/S	Yes
54. Redwood City	CA	100%	1/1/2019	2	Yes	Yes
55. Richmond	CA	100%	1/1/2011	2	Yes	Yes
56. Rohnert Park	CA	100%	4/23/2018	2	Yes	Yes
57. Ross	CA	100%	2/9/2020	2	Yes	Yes
58. San Anselmo	CA	100%	1/8/2016	2	Yes	Yes
59. San Bruno	CA	100%	2/22/2018	2	Yes	Yes
60. San Carlos	CA	100%	7/8/2020	2	Yes	Yes
61. San Mateo	CA	100%	11/14/2015	2	Yes	Yes
62. San Mateo County	CA	100%	2/4/2016	2	Yes	Yes
63. San Pablo	CA	100%	7/1/2021	2	Yes	No
64. San Rafael	CA	100%	11/14/2013	3	Yes	Yes
65. Santa Clara	CA	100%	8/1/2019	2	Yes	Yes

Municipality	State	% of Units Currently Smokefree	Final Effective Date	Minimum Number of Units	Includes Patio/Balcony	Includes Condos
66. Santa Clara County	CA	100%	2/9/2012	2	Yes	Yes
67. Santa Rosa	CA	100%	8/7/2016	2	Yes	Yes
68. Saratoga	CA	100%	9/16/2016	4	Yes	Yes
69. Sebastopol	CA	100%	11/2/2011	2	Yes	Yes
70. Sonoma	CA	100%	12/12/2016	2	Yes	Yes
71. Sonoma County	CA	100%	1/12/2013	2	Yes	Yes
72. South San Francisco	CA	100%	11/9/2017	2	N/S	Yes
73. Sunnyvale	CA	100%	9/23/2016	2	Yes	Yes
74. Tiburon	CA	100%	10/16/2018	4	Yes	Yes
75. Union City	CA	100%	2/23/2012	2	Yes	No
76. Walnut Creek	CA	100%	1/30/2014	2	Yes	Yes
77. Windsor	CA	100%	8/15/2017	2	Yes	Yes

# = Law requires multi-unit buildings to be 100% smokefree, but the law is not yet fully in effect.

### Municipalities with Laws that Partially Restrict Smoking in Multi-Unit Housing:

This table represents communities that have **municipal laws** at the city or county level that **restrict smoking in some private units** of multi-unit housing, but do not require multi-unit buildings to be 100% smokefree.

The trend is now for communities to adopt laws that require multi-unit properties to be 100% smokefree, as listed in the chart above. It is not recommended that communities adopt the types of partial laws represented in the chart below.

Municipalities marked **Some** under “All Units Currently Smokefree?” have some buildings that are required to be 100% smokefree. Often, these laws prohibit smoking in all newly occupied buildings or newly leased units, but either do not address smoking in existing buildings or only apply to a certain percent of units in existing buildings.

Municipalities marked **No** under “All Units Currently Smokefree?” have no buildings required to be 100% smokefree now or in the future. These laws may apply to only a certain percent of units in existing and future buildings, or permit current residents to continue smoking in the building indefinitely (a “grandfather” clause).

Additionally, communities not represented on this list may have local laws that do not address smoking in private units, but restrict smoking in multi-unit housing to a lesser extent, such as by prohibiting smoking in indoor common areas or only on patios and balconies.

Municipality	State	All Units Currently Smokefree?	Min. % of Units Currently Smokefree	Initial Effective Date	Final Effective Date	Min. # of Units	Includes Condos
1. Baldwin Park	CA	Some	80%	6/21/2012	Not Specified	2	Yes
2. Burbank	CA	No	N/S		5/1/2011	N/S	Yes
3. Calabasas	CA	No	N/S		Not Specified	2	No
4. Dublin	CA	No	75%		1/1/2013	16	N/S
5. Fairfax	CA	No	75%		9/1/2012	4	N/S
6. Fremont	CA	Some	N/S	2/1/2017	Not Specified	2	Yes
7. Glendale	CA	Some	N/S	6/27/2013	Not Specified	2	Yes

Municipality	State	All Units Currently Smokefree?	Min. % of Units Currently Smokefree	Initial Effective Date	Final Effective Date	Min. # of Units	Includes Condos
8. Jurupa Valley	CA	Some	N/S		Not Specified	3	No
9. Lafayette	CA	Some	N/S	2/10/2014	Not Specified	3	Yes
10. Loma Linda	CA	No	N/S		Not Specified	2	No
11. Oakley	CA	No	N/S	4/1/2014	4/1/2014	2	Yes
12. Pinole	CA	Some	N/S	5/20/2010	Not Specified	2	Yes
13. Pleasant Hill	CA	Some	N/S	5/5/2010	Not Specified	4	No
14. Santa Monica	CA	Some	N/S	11/22/2012	Not Specified	N/S	Yes
15. Sausalito	CA	Some	80%	2/27/2014	Not Specified	2	Yes
16. South Pasadena	CA	Some	80%	3/3/2011	Not Specified	2	Yes
17. Temecula	CA	No	25%		6/7/2012	10	N/S
18. West Hollywood	CA	Some	N/S	5/19/2021	7/15/2021	3	Yes

### **Definitions and Explanatory Notes:**

Communities on the two charts of municipal laws adopted a municipal ordinance to regulate smoking in all (first chart) or some (second chart) types of multi-unit housing.

# = Law will require all multi-unit buildings to be 100% smokefree as of a future date, but currently the law provides partial coverage.

#### **Minimum Percent of Units Currently Smokefree:**

The percent of specified multi-unit housing that is currently required to be smokefree:

**100%:** All units in specified multi-unit housing must be smokefree.

**Another stated %:** The stated percent of units in specified multi-unit housing must be smokefree.

**N/S = Not Specified:** The law does not specify the percent of units currently required to be smokefree or the percent of units currently required to be smokefree cannot be determined by how the law is written, such as: applying only to new multi-unit buildings but not to existing multi-unit buildings or designating at certain percentage of units as nonsmoking or limiting smoking to certain buildings or permitting current residents to continue to smoke indefinitely.

#### **Initial Effective Date:**

The date when some multi-unit housing must be 100% smokefree. For example, Baldwin Park, CA (marked as Some for *All Units Currently Smokefree*) requires that all newly occupied buildings must be 100% smokefree as of 6/21/2012, which is the Initial Effective Date. Baldwin Park also requires that at least 80% of units in all existing buildings be smokefree. Because existing buildings may never be fully smokefree, the Final Effective Date is "Not Specified."

#### **Final Effective Date:**

For communities marked as Yes or Some for All Units Currently Smokefree, the Final Effective Date is when all buildings must be 100% smokefree. For communities marked as No for All Units Currently Smokefree, the Final Effective Date is when the strongest provisions of the law goes into effect.

#### **Not Specified:**

The law does not specify when all multi-unit buildings must be completely smokefree, due to provisions such as: law permits current residents to continue smoking indefinitely **or** law applies only to newly constructed buildings **or** law applies only to a certain percent of existing units.

ANR Foundation is actively collecting additional laws. **If you know of local laws that you think should be included on the list**, or want to inquire about additional information on particular laws, please contact the ANR Foundation at [info@no-smoke.org](mailto:info@no-smoke.org) or 510-841-3032.

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[LS-41]