



# City of Hermosa Beach

City Hall  
1315 Valley Drive  
Hermosa Beach, CA  
90254

## Regular Meeting Agenda - Final City Council

*Mayor*  
*Stacey Armato*

*Mayor Pro Tem*  
*Mary Campbell*

*Councilmembers*  
*Hany S. Fangary*  
*Justin Massey*  
*Jeff Duclos*

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Tuesday, November 12, 2019

6:00 PM

Council Chambers

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**Closed Session - 6:00 PM**

**Regular Meeting - 7:00 PM**

**6:00 P.M. - CLOSED SESSION**

(LOCATION: Meetings convene in the Council Chambers and move to the Second Floor Conference Room after Public Comment)

***CALL TO ORDER IN COUNCIL CHAMBERS******ROLL CALL******PUBLIC COMMENT******RECESS TO CLOSED SESSION IN SECOND FLOOR CONFERENCE ROOM***

1.      **19-0716**            **MINUTES:** Approval of minutes of Closed Session held on October 22, 2019.

2.      **19-0717**            **CONFERENCE WITH LEGAL COUNSEL: Pending Litigation**  
**Government Code Section 54956.9(d)(1)**  
The City finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the City in the litigation.  
  
**Name of Case:** Hermosa Fitness LLC v. City of Hermosa Beach, et al.  
**United States District Court, Case Number:** 2:19-cv-08666

***ADJOURNMENT OF CLOSED SESSION***

**7:00 P.M. - REGULAR AGENDA**

All council meetings are open to the public. PLEASE ATTEND.

The Council receives a packet with detailed information and recommendations on nearly every agenda item. City Council agenda packets are available for your review on the City's website located at [www.hermosabch.org](http://www.hermosabch.org). Complete agenda packets are also available for public inspection in the City Clerk's office.

During the meeting, a packet is also available in the Council Chambers foyer or you can access the packet at our website, [www.hermosabch.org](http://www.hermosabch.org), on your laptop, tablet or smartphone through the wireless signal available in the City Council chambers - Network ID: CHB-Guest, Password: chbguest

To comply with the Americans with Disabilities Act of 1990, Assistive Listening Devices (ALD) will be available for check out at the meeting. If you require special assistance to participate in this meeting, you must call or submit your request in writing to the Office of the City Clerk at (310) 318-0203 at least 48 hours prior to the meeting.

**Oral and Written Communication**

Persons who wish to have written materials included in the agenda packet at the time the agenda is published on the City's website must submit the written materials to the City Manager's office by email ([anny@hermosabch.org](mailto:anny@hermosabch.org)) or in person by noon of the Tuesday, one week before the meeting date.

Written materials pertaining to matters listed on the posted agenda received after the agenda has been posted will be added as supplemental materials under the relevant agenda item on the City's website at the same time as they are distributed to the City Council by email. Supplemental materials may be submitted via eComment (instructions below) or emailed to [anny@hermosabch.org](mailto:anny@hermosabch.org). Supplemental materials must be received before 4:00 p.m. on the date of the meeting to ensure Council and staff have the ability to review materials prior to the meeting. Supplemental materials submitted after 4:00 p.m. on the date of the meeting or submitted during the meeting will be posted online the next day.

**Submit Supplemental eComments in three easy steps:**

Note: Your comments will become part of the official meeting record. You must provide your full name, but please do not provide any other personal information (i.e. phone numbers, addresses, etc) that you do not want to be published.

1. Go to the Agendas/Minutes/Video webpage and find the meeting you'd like to submit comments on. Click on the eComment button for your selected meeting.
2. Find the agenda item for which you would like to provide a comment. You can select a specific agenda item/project or provide general comments under the Oral/Written Communications item.
3. Sign in to your SpeakUp Hermosa Account or as a guest, enter your comment in the field provided, provide your name, and if applicable, attach files before submitting your comment.

**Public Participation Speaker Cards:**

If you wish to speak during Public Participation, please fill out a speaker card at the meeting. The purpose of the speaker card is to streamline and better organize our public comment process to ensure names of speakers are correctly recorded in the minutes and where appropriate, to provide contact information for staff follow-up.

**CALL TO ORDER****PLEDGE OF ALLEGIANCE****ROLL CALL****CLOSED SESSION REPORT****ANNOUNCEMENTS****APPROVAL OF AGENDA****PROCLAMATIONS / PRESENTATIONS**

- a)     [19-0729](#)                   **RECOGNIZING CHIEF SHARON PAPA FOR HER SERVICE  
TO THE CITY OF HERMOSA BEACH AS CHIEF OF POLICE  
FROM 2013-2019 AND FOR HER 40 YEARS AS  
A LAW ENFORCEMENT VETERAN**
- b)     19-0730                   **PROCLAMATION DECLARING NOVEMBER 12, 2019 AS  
SANDPIPERS FOUNDER'S DAY AND CELEBRATING THEIR 88TH  
YEAR AS A SOUTH BAY COMMUNITY SERVICE ORGANIZATION**
- c)     19-0731                   **PROCLAMATION DECLARING NOVEMBER 16, 2019  
AS INTERNATIONAL DAY OF TOLERANCE**

**MISCELLANEOUS ITEMS AND REPORTS - CITY MANAGER**

- a)     19-0732                   **UPDATE ON VALLEY PARK RESTROOM RENOVATIONS**
- b)     [REPORT](#)                   **LOS ANGELES COUNTY FIRE DEPARTMENT AND  
19-0712                   MCCORMICK AMBULANCE QUARTERLY UPDATE  
(Emergency Management Coordinator Brandy Villanueva)**

**Recommendation:** Staff recommends that the City Council receive and file the Los Angeles County Fire Department and McCormick Ambulance services third quarter update review for the July 1, 2019-September 30, 2019 period.

**PUBLIC PARTICIPATION: Although the City Council values your comments, the Brown Act generally prohibits the Council from taking action on any matter not listed on the posted agenda as a business item.**



**1. ORAL AND WRITTEN COMMUNICATIONS:** If you wish to provide public comment, please fill out a speaker card to ensure names of speakers are correctly recorded in the minutes and where appropriate, to provide contact information for staff follow-up. This is the time for members of the public to address the City Council on any items within the Council's jurisdiction not on this agenda, on items on this agenda as to which public comment will not be taken (Miscellaneous Items and Reports – City Council and Other Matters), or to request the removal of an item from the consent calendar. Public comments on the agenda items called Miscellaneous Reports and Other Matters will only be heard at this time. Comments on public hearing items are heard only during the public hearing. Members of the audience may also speak:

a) [19-0733](#)

**WRITTEN COMMUNICATION**

**Recommendation:** Staff recommends that the City Council receive and file the written communication.

**2. CONSENT CALENDAR:** The following more routine matters will be acted upon by one vote to approve with the majority consent of the City Council. There will be no separate discussion of these items unless a Council member removes an item from the Consent Calendar. Items removed will be considered under Agenda Item 4, with public comment permitted at that time.

a) [REPORT](#)  
[19-0742](#)

**MEMORANDUM REGARDING  
CITY COUNCIL MEETING MINUTES**

(City Clerk Elaine Doerfling)

**Recommendation:** The City Clerk recommends that the City Council receive and file this memorandum.

b) [REPORT](#)  
[19-0720](#)

**CHECK REGISTERS**  
(Finance Director Viki Copeland)

**Recommendation:** Staff recommends that the City Council ratify the following check registers.

c) [REPORT](#)  
[19-0740](#)

**ACTION MINUTES OF THE PARKS, RECREATION AND  
COMMUNITY RESOURCES ADVISORY COMMISSION  
MEETING OF OCTOBER 1, 2019**

**Recommendation:** Staff recommends that the City Council receive and file the action minutes of the Parks, Recreation and Community Resources Advisory Commission meeting of October 1, 2019.

d) [REPORT](#)  
[19-0734](#)

**DESIGNATION OF CITY NEGOTIATOR**  
(City Attorney Mike Jenkins)

**Recommendation:** City Attorney recommends that the City Council designate Stacey Armato as the City's negotiator for purposes of conducting a closed session under Government Code section 54957.6 relative to negotiations with the City Manager concerning a compensation adjustment.

e) [REPORT](#) **REQUEST FOR APPROVAL OF SPONSORSHIP DONATION TO**  
[19-0735](#) **MIRA COSTA HIGH SCHOOL GRAD NITE 2020**

(City Manager Suja Lowenthal)

**Recommendation:** Staff recommends that the City Council approve a donation of \$1,000 to the Mira Costa High School G.R.A.D. Booster Club for 2020.

f) [REPORT](#) **REQUEST FOR APPROVAL OF SPONSORSHIP DONATION TO**  
[19-0743](#) **THE BEACH CITIES HEALTH DISTRICT'S 21st ANNUAL**

**HOLIDAY GIFT BAG PROJECT**

(City Manager Suja Lowenthal)

**Recommendation:** Staff recommends that the City Council approve a donation of \$660 to the Beach Cities Health District's Holiday Gift Bag Project for 2019.

**3. CONSENT ORDINANCES**

NONE

**4. ITEMS REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE DISCUSSION \* Public comments on items removed from the Consent Calendar.**

**5. PUBLIC HEARINGS - TO COMMENCE AT 7:30 P.M.**

a) [REPORT](#) **AN ORDINANCE OF THE CITY OF HERMOSA BEACH,**  
[19-0715](#) **CALIFORNIA, AMENDING CHAPTER 8.64 OF THE HERMOSA**  
**BEACH MUNICIPAL CODE TO EXPAND THE BAN ON**  
**POLYSTYRENE FOOD SERVICE WARE TO INCLUDE A BAN**  
**ON CERTAIN POLYSTYRENE PRODUCTS, SINGLE-USE PLASTIC**  
**PRODUCTS, AND SINGLE-USE PRODUCTS AND AMENDING**  
**CHAPTER 1.10 TO MAKE VIOLATIONS OF CHAPTER 8.64**

**AS AMENDED SUBJECT TO ADMINISTRATIVE**  
**PENALTY PROCEDURES**

***(Continued from meeting of August 27, 2019)***

(Environmental Programs Manager Douglas Krauss)

**Recommendation:** Staff recommends that the City Council introduce an ordinance amending the Municipal Code to expand the ban on polystyrene food service ware to include a ban on certain polystyrene products, single-use plastic products, and single-use products.

b) [REPORT](#) **AN ORDINANCE ADOPTING THE 2019**  
[19-0726](#) **CALIFORNIA BUILDING STANDARDS CODE**

(Community Development Director Ken Robertson)

**Recommendation:** Staff recommends that the City Council introduce on first reading an ordinance amending Title 15 of the Hermosa Beach Municipal Code to adopt the 2019 Edition of the California Building Standards Code.

**6. MUNICIPAL MATTERS**

- a) [REPORT](#)  
[19-0714](#)

**CONSIDERATION OF PROHIBITION OF  
RETAIL SALE OF TOBACCO PRODUCTS**

(Community Development Director Ken Robertson)

**Recommendation:** Staff recommends that the City Council discuss and provide direction on whether to prohibit the retail sale of all tobacco products in Hermosa Beach.

**7. MISCELLANEOUS ITEMS AND MEETING ATTENDANCE REPORTS - CITY COUNCIL**

- a) [REPORT](#)  
[19-0722](#)

**A RESOLUTION OF THE CITY COUNCIL OF HERMOSA  
BEACH, CALIFORNIA, FOR THE CITY OF HERMOSA BEACH  
TO ACHIEVE GENDER EQUITY THROUGH ITS WORKFORCE,  
OPERATIONS AND SERVICES**

(City Manager Suja Lowenthal)

**Recommendation:** Staff recommends that the City Council adopt a resolution for the City of Hermosa Beach to achieve gender equity through its workforce, operations and services.

- b) 19-0736

**MAYOR ARMATO, COUNCILMEMBER DUCLOS AND  
COUNCILMEMBER FANGARY REPORT ON THEIR ATTENDANCE  
AT THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE  
IN LONG BEACH FROM OCTOBER 16-18, 2019**

- c) 19-0737

**COUNCILMEMBER DUCLOS REPORTS ON HIS  
ATTENDANCE AT THE ANNUAL SISTER CITY ASSOCIATION  
TRIP TO THE CITY OF LORETO IN BAJA CALIFORNIA SUR,  
MEXICO FROM OCTOBER 24-28, 2019**

- d) 19-0738

**UPDATES FROM CITY COUNCIL AD HOC SUBCOMMITTEES  
AND STANDING COMMITTEE DELEGATES/ALTERNATES**

**8. OTHER MATTERS - CITY COUNCIL**

- a)     **19-0749**           **COUNCILMEMBER FANGARY REQUESTS PLACING ON THE AGENDA FOR THE CITY COUNCIL’S NOVEMBER 18, 2019 MEETING AN AGENDA ITEM FOR DISCUSSION AND POSSIBLE DIRECTION REGARDING DRAFTING AN URGENCY ORDINANCE TO PROHIBIT NO-FAULT EVICTIONS THROUGH DECEMBER 31, 2019 IN HERMOSA BEACH FOR RESIDENTIAL REAL PROPERTY BUILT PRIOR TO JANUARY 1, 2005. COUNCILMEMBER FANGARY REQUESTS THAT STAFF EVALUATE AND PROVIDE INPUT REGARDING THE POSSIBILITY OF HAVING THE ORDINANCE BECOME EFFECTIVE IMMEDIATELY IF VOTED ON BY COUNCIL AT THE NOVEMBER 18, 2019 MEETING, OR MAKING THE ORDINANCE RETROACTIVE TO OCTOBER 8, 2019, IF POSSIBLE. THIS ITEM RELATES TO THE RECENT PASSAGE OF AB 1482, THE TENANT PROTECTIONS ACT OF 2019, BY THE CALIFORNIA STATE LEGISLATURE ON OCTOBER 8, 2019.**

- b)     [19-0739](#)                                   **TENTATIVE FUTURE AGENDA ITEMS**

**Recommendation:** Staff recommends that the City Council receive and file the tentative future agenda items.

## **ADJOURNMENT**

**FUTURE MEETINGS AND CITY HOLIDAYS****CITY COUNCIL MEETINGS:**

November 18, 2019 - Monday - Adjourned Regular Meeting:

6:00 PM - Closed Session and 7:00 PM - City Council Meeting

November 21, 2019 - Thursday - Adjourned Regular Meeting:

6:00 PM - Mayor Rotation

November 26, 2019 - Tuesday - No Meeting (Re-scheduled to Nov. 18)

December 4, 2019 - Wednesday - Adjourned Regular Meeting:

6:00 PM - Study Session

December 10, 2019 - Tuesday - No Meeting (Re-scheduled to Dec. 17)

December 17, 2019 - Tuesday - Adjourned Regular Meeting:

6:00 PM - Closed Session and 7:00 PM - City Council Meeting

December 24, 2019 - Tuesday - No Meeting (Dark)

**BOARDS, COMMISSIONS AND COMMITTEE MEETINGS:**

November 19, 2019 - Tuesday - 7:00 PM - Planning Commission Meeting

November 20, 2019 - Wednesday - 7:00 PM - Public Works Commission Meeting

December 3, 2019 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting

December 9, 2019 - Tuesday - 7:00 PM - Planning Commission Meeting

**CITY OFFICES CLOSED FRIDAY-SUNDAY AND ON THE FOLLOWING DAYS:**

November 11, 2019 - Monday - Veteran's Day

November 28, 2019 - Thursday, Thanksgiving Day

December 25, 2019 - Wednesday - Christmas Day

January 1, 2020 - Wednesday - New Year's Day (2020)



# City of Hermosa Beach

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## Staff Report

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### Staff Report

19-0716

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**Honorable Mayor and Members of the Hermosa Beach City Council  
Closed Session of November 12, 2019**

**MINUTES:** Approval of minutes of Closed Session held on October 22, 2019.



# City of Hermosa Beach

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## Staff Report

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### Staff Report

19-0717

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**Honorable Mayor and Members of the Hermosa Beach City Council  
Closed Session of November 12, 2019**

#### **CONFERENCE WITH LEGAL COUNSEL: Pending Litigation**

##### **Government Code Section 54956.9(d)(1)**

The City finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the City in the litigation.

**Name of Case:** Hermosa Fitness LLC v. City of Hermosa Beach, et al.

**United States District Court, Case Number:** 2:19-cv-08666



# City of Hermosa Beach

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## Staff Report

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### Staff Report

19-0729

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**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of November 12, 2019**

**RECOGNIZING CHIEF SHARON PAPA FOR HER SERVICE  
TO THE CITY OF HERMOSA BEACH AS CHIEF OF POLICE  
FROM 2013-2019 AND FOR HER 40 YEARS AS  
A LAW ENFORCEMENT VETERAN**



11/12/19 AGENDA - PRESENTATION RECOGNIZING CHIEF SHARON PAPA  
SUPPLEMENTAL EMAIL SUBMITTED BY SHERYL MAIN TO THE CITY MANAGER'S OFFICE ON  
11/12/19 AT 4:07 P.M.

From: Sheryl Main <sherylmain@att.net>  
Sent: Tuesday, November 12, 2019 4:07 PM  
To: Ann Yang <anny@hermosabeach.gov>  
Cc: Leeanne Singleton <lsingleton@hermosabeach.gov>  
Subject: e Comment for tonight's meeting

I want to thank Chief Sharon Papa for her service to our city over the past 6 years. Shortly after taking command, a series of avoidable events lead to a tumultuous time in Hermosa, leaving many of us feeling angry, distrustful and totally disconnected from our Police force. Rather than ignoring the situation, Chief Papa met the problems head on by forming the Community Police Advisory Board (CPAB), made up of residents and business owners from all walks of life. Her willingness to listen to criticism with an open mind and to work with the community to create more transparency and more open communication were important steps in the healing process. She encouraged honest discussions about difficult problems and created a pathway for the community and the HBPD to come together.

I have been honored to serve as her Co-Chair and am grateful for her guidance, honesty and leadership.

With gratitude,  
Sheryl Main  
resident



# City of Hermosa Beach

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## Staff Report

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### Staff Report

19-0730

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**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of November 12, 2019**

**PROCLAMATION DECLARING NOVEMBER 12, 2019 AS  
SANDPIPERS FOUNDER'S DAY AND CELEBRATING THEIR 88<sup>TH</sup>  
YEAR AS A SOUTH BAY COMMUNITY SERVICE ORGANIZATION**



# City of Hermosa Beach

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## Staff Report

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### Staff Report

19-0731

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**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of November 12, 2019**

**PROCLAMATION DECLARING NOVEMBER 16, 2019  
AS INTERNATIONAL DAY OF TOLERANCE**



# City of Hermosa Beach

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## Staff Report

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### Staff Report

19-0732

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**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of November 12, 2019**

### **UPDATE ON VALLEY PARK RESTROOM RENOVATIONS**



## Staff Report

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### Staff Report

REPORT 19-0712

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**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of November 12, 2019**

**LOS ANGELES COUNTY FIRE DEPARTMENT AND  
MCCORMICK AMBULANCE QUARTERLY UPDATE**  
(Emergency Management Coordinator Brandy Villanueva)

#### **Recommended Action:**

Staff recommends that the City Council receive and file the Los Angeles County Fire Department and McCormick Ambulance services third quarter update review for the July 1, 2019-September 30, 2019 period.

#### **Executive Summary:**

The City of Hermosa Beach is in the second year of the Los Angeles County Fire Department annexation contract. This report is the third quarter review of fire and transport services provided by Los Angeles County Fire Department and McCormick Ambulance for 2019. Staff continues to work with both service providers to ensure the highest level of service is provided to the community and to identify trends in service.

#### **Background:**

The City of Hermosa Beach entered into a ten-year agreement with Los Angeles County Fire Department and a five-year agreement with McCormick ambulance in 2017. Both service providers began providing service to the community on December 31, 2017 and have completed the first year of each respective contract.

#### **Analysis:**

The South Bay Regional Public Communications Authority, known as RCC is the initial public-safety answering point (PSAP) for police and fire services within the City of Hermosa Beach. When RCC receives a call for service, the dispatcher collects critical data including name, phone, address, and nature of the emergency. For police related incidents, RCC continues to gather additional information from the caller and dispatches police personnel as necessary. For fire related incidents, the critical data is collected, and the caller is transferred to the Los Angeles County Fire Department Dispatch (LACoFD) center. A LACoFD dispatcher gathers all information needed to dispatch fire and EMS personnel, accordingly. The critical information is collected by RCC, as a safeguard, prior to

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## Staff Report

### REPORT 19-0712

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transferring the call to LACoFD. Should the call be dropped during the transfer and/or there is a change in the status of the patient calling for assistance, RCC can try to reconnect with the caller and relay the information to LACoFD, who can dispatch resources based on the information gathered. Total call time begins when the call is initiated with RCC to the arrival of units on scene. During the second third of 2019, RCC received and transferred 219 fire and medical related calls with an average call transfer time of 48 seconds. **Attachment 1** provides the RCC call transfer time for the third quarter of 2019. **Attachment 2** provides the LACoFD call processing information. During the third quarter, data for September 22 was not available due to an equipment outage.

The third quarter of 2019, encompassing service provided between July 1, 2019 and September 30, 2019, indicates that Los Angeles County Fire Department responded to 463 incidents with an average response time of 5:14 minutes. During the third quarter of 2018, Los Angeles County Fire Department responded to 381 incidents with an average response time of 5:01 minutes. There were 82 more calls for service in 2019 compared to 2018 for the same period.

As a reminder, Los Angeles County Fire Department defines the average response time as the time that the first-arriving units, which excludes Lifeguard units, are en route and arrive at each incident and includes emergency and non-emergency calls. Dispatch and turnout time are not included in the Los Angeles County Fire Department average response time. **Attachment 3** provides the incident type and average response times for third quarter responses for 2018 and 2019 for both Los Angeles County Fire and McCormick Ambulance services.

**Table 1: Los Angeles County Fire Department Incidents**

Incident Type	No. of Incidents	Average Response Time
Fire, Explosion	4	2:49
Rescue, EMS	337	4:46
Hazardous Condition	5	8:55
Service Call	12	7:02
Good Intent Call	57	6:40
False Alarm, False Call	44	7:04
Special or Other Incident Type	4	6:05
<b>Grand Total</b>	<b>463</b>	<b>5:14</b>

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## Staff Report

REPORT 19-0712

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Los Angeles County Fire Department continues to partner with surrounding jurisdictions to provide automatic aid. **Attachment 4** indicates that surrounding jurisdictions, labeled as Area G Cities responded into Hermosa Beach to provide automatic aid twice during the quarter while Los Angeles County Fire Department, labeled as the Fire District, has responded 64 times into Area G cities to provide automatic aid during the quarter.

### **Special Events:**

During the third quarter, there were several events held in the City in which the Los Angeles County Fire Department participated. Although there were no City- approved events on Fourth of July, there was an influx of visitors celebrating the holiday. LACoFD responded to six incidents in 2019 compared to four in 2018. In addition, the Lifeguards and Station 100 were prepared to respond during the AVP tournament in July. In August, LACoFD deployed additional resources to assist with the Teen Choice Awards. There were three minor medical incidents within the footprint of the award show. Throughout the City, there were six additional calls on the day of Teen Choice Awards. In addition, LACoFD was prepared for the Summer Series event and Fiesta Hermosa. Station 100 participated in the 9/11 ceremony honoring those who lost their lives in the New York City terrorist attack. Also, the CERT trainers provided a complete Basic CERT training of 20-hours of instruction for members of the community. Los Angeles County Fire department resources participated in the Hermosa Heroes Pancake Breakfast in September.

### **Fire Station Construction:**

The Fire Station pre-construction meeting was held on September 4, 2019 and demolition began the week of September 30, 2019. The project is scheduled to be completed in March of 2020.

### **Fire Prevention:**

Annual business fire inspections began on March 1, 2019. During the third quarter, 114 inspections were completed.

**Table 2: Quarterly Annual Business Fire Inspection Results**

Inspection Category	Number of Inspections
Pass	114
Reinspection	0
Vacant	0
Closed	0
<b>Total</b>	<b>114</b>

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## Staff Report

REPORT 19-0712

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### **Film Permit:**

Community Resources and Los Angeles County Fire Department have processed and approved nine film permits.

**Table 3: Quarterly Film Permits**

Month	# of Film Permit	Locations
July	4	Private residence, North of Pie Downtown various locations.
August	5	Downtown various locations, Good Stuff restaurant, private residence
September	0	
<b>Total</b>	<b>9</b>	

Community Resources and the Los Angeles County Fire Department processed 14 film permits in the third quarter of 2018. There were five less film permits in the third quarter of 2019 than in the third quarter of 2018. **Attachment 5** outlines the dates and locations of the 2019 film permits.

### **McCormick Ambulance:**

McCormick Ambulance conducted 237 transports and were cancelled 152 times during the third quarter of 2019. In 2018, McCormick conducted 226 transports and were cancelled 134 times for the same time period. There was a difference of 11 transports during the third quarter of 2018 and 2019.

### **General Plan Consistency:**

This report and associated recommendation have been evaluated for their consistency with the City's General Plan. Relevant policies are listed below:

#### **Governance Element:**

*1.6 Long-term considerations.* Prioritize decisions that provide long-term community benefit and discourage decisions that provide short-term community benefit but reduce long-term opportunities.

#### **Public Safety Element**

*5.1 High level of response.* Achieve optimal utilization of allocated public safety resources and provide desired levels of response and protection within the community.

*5.4 Adequate emergency access.* Require new development to be designed to provide adequate emergency access and to maintain current levels of emergency services.

### **Fiscal Impact:**

Funding for the fire station construction along with fire and ambulance services is included in the



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## Staff Report

REPORT 19-0712

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annual City budget.

### **Attachments:**

1. South Bay Regional Communications Center Call Transfer Report
2. Los Angeles County Fire Department Call Transfer Report
3. 2019 Los Angeles County Fire Incidents and McCormick Transports
4. 2019 Automatic Aid Review
5. 2019 Film Permits

**Respectfully Submitted by:** Brandy Villanueva, Emergency Services Coordinator

**Concur:** Scott Hale, Los Angeles County Fire Department, Division Assistant Fire Chief

**Noted for Fiscal Impact:** Viki Copeland, Finance Director

**Approved:** Suja Lowenthal, City Manager

Name:	South Bay Regional Public Communications Authority - Average Transfer Time to Los Angeles County Fire July 2019 - September 2019
Date:	10/3/2019

South Bay Regional Comm

Total Records Found:	219
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Seizure Date	Seizure Time	ALI ANI	ALI City	ALI Class	ALI ESN	Answer Secs	Transfer Secs (S T)	Transfer Secs (A T)	CallTypeID	Transferred
07/02/2019	20:26:42	310-717-5055	HERM BCH	W911	828	7	42	35	911 Calls	TRUE
07/03/2019	11:39:42	813-215-1357	HERM BCH	WPH2	828	8	28	20	911 Calls	TRUE
07/03/2019	15:35:00	310-374-4637	HERM BCH	VOIP	037	7	30	23	911 Calls	TRUE
07/04/2019	00:13:24	562-528-1988	HERM BCH	WPH2	828	5	55	50	911 Calls	TRUE
07/04/2019	08:32:55	626-394-2327	HERM BCH	WPH2	828	4	17	13	911 Calls	TRUE
07/04/2019	18:40:40	310-408-9430	HERM BCH	WPH2	828	3	53	50	911 Calls	TRUE
07/04/2019	18:54:05	310-561-4996	HERM BCH	W911	828	4	52	48	911 Calls	TRUE
07/05/2019	20:14:18	602-628-4090	HERM BCH	WPH2	828	3	36	33	911 Calls	TRUE
07/07/2019	16:16:09	551-208-5691	HERM BCH	W911	829	4	80	76	911 Calls	TRUE
07/07/2019	20:09:38	425-941-2852	HERM BCH	WPH2	682	7	95	88	911 Calls	TRUE
07/09/2019	11:46:21	213-400-8959	HERM BCH	W911	828	5	49	44	911 Calls	TRUE
07/10/2019	13:18:22	310-921-8359	HERM BCH	VOIP	037	5	60	55	911 Calls	TRUE
07/12/2019	18:10:40	323-915-3584	HERM BCH	WPH2	828	4	80	76	911 Calls	TRUE
07/12/2019	18:58:12	949-705-9322	HERM BCH	WPH2	828	3	71	68	911 Calls	TRUE
07/15/2019	23:00:09	831-917-5674	HERM BCH	WPH2	828	6	58	52	911 Calls	TRUE
07/16/2019	10:44:03	310-798-4216	HERM BCH	VOIP	037	4	29	25	911 Calls	TRUE
07/17/2019	19:48:06	315-263-5627	HERM BCH	WPH2	682	3	119	116	911 Calls	TRUE
07/19/2019	22:37:42	310-699-9897	HERM BCH	W911	828	4	25	21	911 Calls	TRUE
07/19/2019	23:27:05	424-903-5999	HERM BCH	W911	682	6	39	33	911 Calls	TRUE
07/21/2019	00:53:19	310-341-8681	HERM BCH	WPH2	828	6	66	60	911 Calls	TRUE
07/21/2019	02:51:09	617-759-0170	HERM BCH	W911	828	6	73	67	911 Calls	TRUE
07/21/2019	21:44:29	310-819-2714	HERM BCH	WPH2	828	5	78	73	911 Calls	TRUE
07/22/2019	14:47:14	310-379-6433	HERM BCH	VOIP	037	21	52	31	911 Calls	TRUE
07/25/2019	07:56:37	310-780-1100	HERM BCH	WPH2	828	5	26	21	911 Calls	TRUE
07/25/2019	23:55:24	323-490-5761	HERM BCH	W911	682	3	56	53	911 Calls	TRUE
07/26/2019	09:47:52	310-975-4121	HERM BCH	W911	828	5	35	30	911 Calls	TRUE
07/26/2019	11:01:34	626-375-9450	HERM BCH	W911	828	4	35	31	911 Calls	TRUE
07/26/2019	18:35:03	424-305-7914	HERM BCH	W911	828	5	61	56	911 Calls	TRUE
07/28/2019	13:30:43	501-658-4470	HERM BCH	WPH2	828	5	8	3	911 Calls	TRUE
07/29/2019	09:28:44	323-363-9007	HERM BCH	W911	828	6	37	31	911 Calls	TRUE
07/30/2019	22:41:13	310-227-7725	HERM BCH	W911	828	3	41	38	911 Calls	TRUE
08/03/2019	20:38:32	626-590-3389	HERM BCH	W911	828	5	75	70	911 Calls	TRUE
08/03/2019	20:40:08	626-590-3389	HERM BCH	W911	828	4	81	77	911 Calls	TRUE
08/06/2019	10:20:33	310-955-7655	HERM BCH	WPH2	828	12	65	53	911 Calls	TRUE
08/07/2019	16:07:18	310-798-2323	HERM BCH	VOIP	037	6	64	58	911 Calls	TRUE
08/07/2019	18:24:47	310-871-7561	HERM BCH	W911	828	5	98	93	911 Calls	TRUE
08/08/2019	13:56:33	310-561-7789	HERM BCH	W911	828	4	72	68	911 Calls	TRUE
08/09/2019	14:34:11	310-749-6795	HERM BCH	WPH2	828	5	38	33	911 Calls	TRUE
08/09/2019	20:26:52	214-277-4425	HERM BCH	WPH2	828	2	97	95	911 Calls	TRUE
08/11/2019	20:57:43	310-863-9858	HERM BCH	W911	828	12	55	43	911 Calls	TRUE
08/11/2019	23:45:38	310-733-7920	HERM BCH	WPH2	828	4	80	76	911 Calls	TRUE
08/12/2019	08:40:09	310-923-6565	HERM BCH	W911	828	3	26	23	911 Calls	TRUE
08/13/2019	01:17:24	917-592-6574	HERM BCH	W911	828	4	70	66	911 Calls	TRUE
08/14/2019	18:18:51	949-874-4406	HERM BCH	W911	828	6	39	33	911 Calls	TRUE
08/14/2019	18:19:31	310-628-2624	HERM BCH	W911	828	5	9	4	911 Calls	TRUE
08/16/2019	09:53:46	310-462-7226	HERM BCH	W911	828	5	120	115	911 Calls	TRUE
08/17/2019	08:03:59	310-717-7533	HERM BCH	W911	828	4	48	44	911 Calls	TRUE
08/17/2019	08:09:44	619-851-1050	HERM BCH	W911	828	3	50	47	911 Calls	TRUE
08/17/2019	08:15:40	310-940-5513	HERM BCH	WPH2	828	7	48	41	911 Calls	TRUE
08/17/2019	08:16:32	619-851-1050	HERM BCH	W911	828	8	36	28	911 Calls	TRUE
08/17/2019	10:25:05	310-617-7743	HERM BCH	W911	828	3	64	61	911 Calls	TRUE
08/18/2019	00:32:31	949-469-1392	HERM BCH	WPH2	828	5	106	101	911 Calls	TRUE
08/19/2019	06:44:50	310-863-6589	HERM BCH	W911	828	5	13	8	911 Calls	TRUE
08/20/2019	13:22:29	610-329-3191	HERM BCH	WPH2	828	5	60	55	911 Calls	TRUE
08/21/2019	03:19:42	424-275-9400	HERM BCH	VOIP	037	4	48	44	911 Calls	TRUE
08/21/2019	16:45:14	310-254-8655	HERM BCH	W911	828	2	58	56	911 Calls	TRUE
08/23/2019	01:56:02	818-823-9821	HERM BCH	WPH2	682	5	65	60	911 Calls	TRUE
08/23/2019	19:34:34	443-760-2936	HERM BCH	WPH2	828	3	55	52	911 Calls	TRUE
08/23/2019	23:55:52	562-242-4693	HERM BCH	W911	828	13	75	62	911 Calls	TRUE
08/24/2019	13:35:44	626-549-7833	HERM BCH	WPH2	828	2	120	118	911 Calls	TRUE
08/25/2019	08:21:15	310-379-4533	HERM BCH	VOIP	037	7	38	31	911 Calls	TRUE
08/25/2019	12:07:11	512-589-2338	HERM BCH	W911	828	2	29	27	911 Calls	TRUE
08/27/2019	16:43:46	562-301-0601	HERM BCH	W911	828	8	47	39	911 Calls	TRUE
08/29/2019	16:30:19	424-634-8584	HERM BCH	WPH2	828	3	39	36	911 Calls	TRUE
08/31/2019	18:32:48	608-239-2756	HERM BCH	W911	682	3	29	26	911 Calls	TRUE
09/01/2019	07:45:39	424-254-6163	HERM BCH	W911	828	5	48	43	911 Calls	TRUE
09/01/2019	08:02:28	310-489-4775	HERM BCH	W911	828	3	32	29	911 Calls	TRUE
09/01/2019	16:50:40	310-292-6245	HERM BCH	WPH2	828	4	60	56	911 Calls	TRUE
09/03/2019	08:17:01	310-525-7496	HERM BCH	WPH2	828	5	113	108	911 Calls	TRUE
09/03/2019	17:33:04	310-634-8731	HERM BCH	WPH2	828	8	38	30	911 Calls	TRUE
09/05/2019	15:26:07	916-548-2445	HERM BCH	W911	828	5	69	64	911 Calls	TRUE
09/07/2019	06:34:47	310-529-8250	HERM BCH	WPH2	828	4	30	26	911 Calls	TRUE
09/07/2019	10:14:03	540-335-7969	HERM BCH	WPH2	682	6	52	46	911 Calls	TRUE
09/07/2019	10:16:36	310-869-9130	HERM BCH	WPH2	828	16	50	34	911 Calls	TRUE
09/07/2019	16:45:15	310-487-7397	HERM BCH	WPH2	828	6	91	85	911 Calls	TRUE

Seizure Date	Seizure Time	ALI ANI	ALI City	ALI Class	ALI ESN	Answer Secs	Transfer Secs (S T)	Transfer Secs (A T)	CallTypeID	Transferred
09/10/2019	08:13:53	310-897-7709	HERM BCH	W911	828	4	48	44	911 Calls	TRUE
09/10/2019	18:33:30	310-200-9009	HERM BCH	WPH2	828	17	73	56	911 Calls	TRUE
09/13/2019	17:25:31	310-974-0377	HERM BCH	W911	828	11	81	70	911 Calls	TRUE
09/14/2019	14:06:58	310-372-3381	HERM BCH	VOIP	037	2	44	42	911 Calls	TRUE
09/14/2019	22:16:31	310-384-5385	HERM BCH	WPH2	828	4	57	53	911 Calls	TRUE
09/14/2019	22:20:40	310-318-4151	HERM BCH	W911	682	5	37	32	911 Calls	TRUE
09/15/2019	11:05:08	530-864-2023	HERM BCH	W911	828	5	51	46	911 Calls	TRUE
09/15/2019	12:11:45	310-704-1838	HERM BCH	WPH2	682	4	41	37	911 Calls	TRUE
09/16/2019	15:59:56	310-626-7128	HERM BCH	W911	828	7	43	36	911 Calls	TRUE
09/17/2019	07:17:43	310-594-5351	HERM BCH	WPH2	829	3	42	39	911 Calls	TRUE
09/17/2019	18:10:49	310-809-8293	HERM BCH	W911	828	6	42	36	911 Calls	TRUE
09/18/2019	03:12:14	310-697-6319	HERM BCH	WPH2	828	6	175	169	911 Calls	TRUE
09/18/2019	06:44:32	310-869-8866	HERM BCH	W911	828	5	72	67	911 Calls	TRUE
09/18/2019	12:05:14	310-937-5889	HERM BCH	VOIP	037	2	52	50	911 Calls	TRUE
09/21/2019	12:29:10	818-422-5227	HERM BCH	W911	829	3	46	43	911 Calls	TRUE
09/21/2019	12:35:47	818-422-5227	HERM BCH	W911	828	4	29	25	911 Calls	TRUE
09/21/2019	15:44:09	310-702-0927	HERM BCH	WPH2	828	5	36	31	911 Calls	TRUE
09/21/2019	16:27:35	323-252-1655	HERM BCH	WPH2	828	6	33	27	911 Calls	TRUE
09/21/2019	16:34:46	323-252-1655	HERM BCH	WPH2	828	3	21	18	911 Calls	TRUE
09/22/2019	01:14:47	310-465-6196	HERM BCH	WPH2	828	6	62	56	911 Calls	TRUE
09/22/2019	21:39:08	310-990-4529	HERM BCH	WPH2	828	2	61	59	911 Calls	TRUE
09/23/2019	18:53:01	310-801-0146	HERM BCH	WPH2	828	5	32	27	911 Calls	TRUE
09/24/2019	13:37:33	424-903-5999	HERM BCH	WPH2	682	6	28	22	911 Calls	TRUE
09/24/2019	22:28:21	760-638-0854	HERM BCH	WPH2	828	4	45	41	911 Calls	TRUE
09/25/2019	17:19:58	714-883-5422	HERM BCH	W911	828	4	38	34	911 Calls	TRUE
09/26/2019	18:21:11	310-384-3759	HERM BCH	W911	828	8	50	42	911 Calls	TRUE
09/26/2019	20:18:58	310-955-0270	HERM BCH	W911	828	4	44	40	911 Calls	TRUE
09/27/2019	07:56:02	310-994-9975	HERM BCH	W911	829	3	65	62	911 Calls	TRUE
09/28/2019	20:13:01	817-929-2098	HERM BCH	W911	828	3	83	80	911 Calls	TRUE
09/29/2019	12:10:28	310-467-2708	HERM BCH	WPH2	828	2	46	44	911 Calls	TRUE
09/29/2019	19:55:35	612-598-2225	HERM BCH	W911	828	2	42	40	911 Calls	TRUE
09/29/2019	19:56:22	323-868-8999	HERM BCH	WPH2	828	12	25	13	911 Calls	TRUE
09/29/2019	19:56:27	310-259-6130	HERM BCH	WPH2	828	8	32	24	911 Calls	TRUE
07/01/2019	09:40:06	911-341-4000	HERMOSA BEACH	W911	828	5	80	75	911 Calls	TRUE
07/01/2019	11:43:45	310-379-3362	HERMOSA BEACH	RESO	066	9	37	28	911 Calls	TRUE
07/01/2019	17:39:29	310-376-5251	HERMOSA BEACH	RESO	066	5	18	13	911 Calls	TRUE
07/02/2019	14:47:57	911-050-7710	HERMOSA BEACH	W911	828	4	40	36	911 Calls	TRUE
07/03/2019	19:11:28	310-937-0959	HERMOSA BEACH	BUSN	066	5	61	56	911 Calls	TRUE
07/03/2019	20:19:34	310-937-0959	HERMOSA BEACH	BUSN	066	1	17	16	911 Calls	TRUE
07/04/2019	10:46:49	310-920-9666	HERMOSA BEACH	W911	828	2	59	57	911 Calls	TRUE
07/04/2019	18:27:07	310-892-0249	HERMOSA BEACH	WPH2	828	7	34	27	911 Calls	TRUE
07/05/2019	15:26:11	310-937-0959	HERMOSA BEACH	BUSN	066	5	26	21	911 Calls	TRUE
07/05/2019	19:27:56	310-372-3129	HERMOSA BEACH	BUSN	066	6	25	19	911 Calls	TRUE
07/07/2019	11:38:43	310-372-7658	HERMOSA BEACH	RESO	066	4	44	40	911 Calls	TRUE
07/12/2019	15:47:20	310-937-0959	HERMOSA BEACH	BUSN	066	4	67	63	911 Calls	TRUE
07/12/2019	22:08:09	310-937-0959	HERMOSA BEACH	BUSN	066	3	47	44	911 Calls	TRUE
07/13/2019	06:57:41	310-374-5579	HERMOSA BEACH	RESO	066	3	31	28	911 Calls	TRUE
07/13/2019	08:42:11	310-937-0959	HERMOSA BEACH	BUSN	066	5	61	56	911 Calls	TRUE
07/13/2019	16:56:45	310-374-0009	HERMOSA BEACH	RESO	066	4	75	71	911 Calls	TRUE
07/17/2019	10:22:58	310-372-0021	HERMOSA BEACH	RESO	066	6	62	56	911 Calls	TRUE
07/18/2019	07:50:18	310-374-2657	HERMOSA BEACH	RESO	066	8	89	81	911 Calls	TRUE
07/22/2019	15:41:32	310-937-0959	HERMOSA BEACH	BUSN	066	5	60	55	911 Calls	TRUE
07/25/2019	08:41:12	310-379-2597	HERMOSA BEACH	RESO	066	6	33	27	911 Calls	TRUE
07/26/2019	08:14:42	310-379-8544	HERMOSA BEACH	RESO	066	4	28	24	911 Calls	TRUE
07/27/2019	13:59:22	714-514-9800	HERMOSA BEACH	WPH2	828	3	88	85	911 Calls	TRUE
07/28/2019	01:10:00	310-372-8693	HERMOSA BEACH	RESO	066	6	38	32	911 Calls	TRUE
07/28/2019	02:10:57	310-379-3291	HERMOSA BEACH	VOIP	037	4	59	55	911 Calls	TRUE
07/30/2019	16:17:21	310-490-0483	HERMOSA BEACH	WPH2	828	4	25	21	911 Calls	TRUE
08/01/2019	10:12:40	213-568-5054	HERMOSA BEACH	W911	828	6	54	48	911 Calls	TRUE
08/01/2019	21:17:57	310-937-0959	HERMOSA BEACH	BUSN	066	4	78	74	911 Calls	TRUE
08/03/2019	12:04:32	310-379-7114	HERMOSA BEACH	RESO	066	3	69	66	911 Calls	TRUE
08/05/2019	13:30:44	310-379-7114	HERMOSA BEACH	RESO	066	4	45	41	911 Calls	TRUE
08/06/2019	20:25:03	310-379-1512	HERMOSA BEACH	VOIP	037	17	76	59	911 Calls	TRUE
08/08/2019	14:01:44	310-937-2573	HERMOSA BEACH	RESO	066	2	48	46	911 Calls	TRUE
08/09/2019	15:58:11	310-318-2800	HERMOSA BEACH	BUSN	066	5	26	21	911 Calls	TRUE
08/10/2019	17:31:58	310-318-7842	HERMOSA BEACH	BUSN	066	3	52	49	911 Calls	TRUE
08/10/2019	19:46:59	310-372-0035	HERMOSA BEACH	BUSN	066	4	44	40	911 Calls	TRUE
08/11/2019	17:13:54	310-318-7070	HERMOSA BEACH	RESO	066	4	62	58	911 Calls	TRUE
08/12/2019	21:08:32	310-379-2111	HERMOSA BEACH	RESO	066	5	26	21	911 Calls	TRUE
08/12/2019	21:43:50	310-937-0959	HERMOSA BEACH	BUSN	066	2	30	28	911 Calls	TRUE
08/17/2019	03:24:52	310-379-2111	HERMOSA BEACH	RESO	066	5	37	32	911 Calls	TRUE
08/18/2019	05:08:21	310-376-9543	HERMOSA BEACH	RESO	066	7	70	63	911 Calls	TRUE
08/19/2019	04:22:01	310-376-9918	HERMOSA BEACH	RESO	066	5	36	31	911 Calls	TRUE
08/25/2019	07:55:45	310-372-3343	HERMOSA BEACH	RESO	066	5	35	30	911 Calls	TRUE
08/25/2019	12:07:30	310-798-9038	HERMOSA BEACH	RESO	066	8	74	66	911 Calls	TRUE
08/25/2019	12:10:15	310-376-3947	HERMOSA BEACH	RESO	066	2	30	28	911 Calls	TRUE
08/26/2019	16:12:07	310-318-2738	HERMOSA BEACH	CNTX	066	6	37	31	911 Calls	TRUE
08/27/2019	11:59:48	310-937-0959	HERMOSA BEACH	BUSN	066	4	47	43	911 Calls	TRUE
08/27/2019	23:57:48	310-376-9226	HERMOSA BEACH	RESO	066	6	66	60	911 Calls	TRUE
08/28/2019	14:37:18	310-374-2007	HERMOSA BEACH	VOIP	037	4	72	68	911 Calls	TRUE
08/29/2019	10:53:06	310-376-2330	HERMOSA BEACH	BUSN	066	3	56	53	911 Calls	TRUE

Seizure Date	Seizure Time	ALI ANI	ALI City	ALI Class	ALI ESN	Answer Secs	Transfer Secs (S T)	Transfer Secs (A T)	CallTypeID	Transferred
08/30/2019	06:53:53	310-374-6912	HERMOSA BEACH	VOIP	037	3	25	22	911 Calls	TRUE
08/31/2019	06:00:50	310-937-7378	HERMOSA BEACH	RESO	066	3	44	41	911 Calls	TRUE
08/31/2019	18:44:03	310-318-5555	HERMOSA BEACH	BUSN	066	5	53	48	911 Calls	TRUE
09/02/2019	09:09:10	310-376-6747	HERMOSA BEACH	VOIP	037	3	43	40	911 Calls	TRUE
09/02/2019	18:13:00	310-376-2330	HERMOSA BEACH	BUSN	066	11	32	21	911 Calls	TRUE
09/07/2019	08:25:26	310-372-3739	HERMOSA BEACH	BUSN	066	4	48	44	911 Calls	TRUE
09/07/2019	10:11:02	310-372-7420	HERMOSA BEACH	VOIP	037	7	39	32	911 Calls	TRUE
09/08/2019	06:23:59	310-374-8417	HERMOSA BEACH	RESO	066	6	43	37	911 Calls	TRUE
09/09/2019	09:08:37	310-683-6335	HERMOSA BEACH	BUSN	066	7	52	45	911 Calls	TRUE
09/10/2019	07:40:28	310-937-0959	HERMOSA BEACH	BUSN	066	4	45	41	911 Calls	TRUE
09/11/2019	08:00:29	310-372-8888	HERMOSA BEACH	VOIP	037	3	37	34	911 Calls	TRUE
09/16/2019	07:32:55	661-205-5163	HERMOSA BEACH	W911	828	5	37	32	911 Calls	TRUE
09/16/2019	13:15:05	310-379-8544	HERMOSA BEACH	RESO	066	4	42	38	911 Calls	TRUE
09/16/2019	15:38:43	310-376-7389	HERMOSA BEACH	RESO	066	3	40	37	911 Calls	TRUE
09/17/2019	19:26:55	310-372-5374	HERMOSA BEACH	BUSN	066	6	39	33	911 Calls	TRUE
09/18/2019	11:26:31	310-318-2942	HERMOSA BEACH	RESO	066	3	44	41	911 Calls	TRUE
09/18/2019	14:52:57	310-372-8518	HERMOSA BEACH	VOIP	037	3	53	50	911 Calls	TRUE
09/19/2019	04:40:29	310-738-4620	HERMOSA BEACH	W911	828	4	42	38	911 Calls	TRUE
09/19/2019	11:58:39	310-379-9469	HERMOSA BEACH	RESO	066	7	40	33	911 Calls	TRUE
09/19/2019	11:59:13	424-398-0035	HERMOSA BEACH	VOIP	037	10	46	36	911 Calls	TRUE
09/20/2019	19:04:57	310-374-2666	HERMOSA BEACH	BUSN	066	6	47	41	911 Calls	TRUE
09/23/2019	17:17:20	562-336-9043	HERMOSA BEACH	W911	828	4	69	65	911 Calls	TRUE
09/23/2019	21:02:51	310-376-6083	HERMOSA BEACH	RESO	066	5	75	70	911 Calls	TRUE
09/24/2019	13:25:56	424-398-0035	HERMOSA BEACH	VOIP	037	4	40	36	911 Calls	TRUE
09/24/2019	19:22:41	310-937-0959	HERMOSA BEACH	BUSN	066	4	76	72	911 Calls	TRUE
09/25/2019	14:53:15	310-798-2832	HERMOSA BEACH	CNTX	066	2	41	39	911 Calls	TRUE
09/28/2019	14:22:22	310-374-7900	HERMOSA BEACH	RESO	066	4	41	37	911 Calls	TRUE
09/29/2019	19:55:14	310-372-3020	HERMOSA BEACH	RESO	066	3	5	2	911 Calls	TRUE
09/29/2019	20:19:34	310-379-3113	HERMOSA BEACH	VOIP	037	7	33	26	911 Calls	TRUE
09/29/2019	21:01:09	310-293-1937	HERMOSA BEACH	W911	828	6	63	57	911 Calls	TRUE
07/06/2019	20:51:12	310-697-6433	HMB	W911	828	5	11	6	911 Calls	TRUE
07/07/2019	11:12:21	631-786-6412	HMB	W911	828	3	51	48	911 Calls	TRUE
07/12/2019	17:02:43	847-477-0501	HMB	W911	828	6	64	58	911 Calls	TRUE
07/18/2019	19:04:01	310-387-5907	HMB	W911	828	4	107	103	911 Calls	TRUE
07/20/2019	20:29:16	424-400-9343	HMB	W911	828	6	66	60	911 Calls	TRUE
07/23/2019	23:01:50	805-350-0205	HMB	W911	828	3	121	118	911 Calls	TRUE
07/25/2019	15:03:45	310-433-7999	HMB	W911	828	4	83	79	911 Calls	TRUE
07/25/2019	23:17:55	415-509-3565	HMB	W911	828	2	26	24	911 Calls	TRUE
07/25/2019	23:24:54	415-509-3565	HMB	W911	828	2	10	8	911 Calls	TRUE
07/26/2019	18:20:41	760-539-2441	HMB	W911	828	5	67	62	911 Calls	TRUE
07/27/2019	18:30:02	402-853-4433	HMB	W911	828	3	55	52	911 Calls	TRUE
07/28/2019	19:42:55	973-214-4172	HMB	W911	828	10	30	20	911 Calls	TRUE
08/05/2019	01:28:24	310-486-0546	HMB	W911	828	8	13	5	911 Calls	TRUE
08/11/2019	10:45:13	760-473-4394	HMB	W911	828	9	96	87	911 Calls	TRUE
08/23/2019	19:02:55	714-225-8174	HMB	W911	828	7	45	38	911 Calls	TRUE
08/24/2019	19:45:53	914-393-2002	HMB	W911	828	6	143	137	911 Calls	TRUE
08/25/2019	09:32:50	310-936-9648	HMB	W911	828	2	42	40	911 Calls	TRUE
08/25/2019	12:05:34	212-564-4193	HMB	W911	828	6	43	37	911 Calls	TRUE
08/27/2019	23:20:48	303-521-0124	HMB	W911	828	3	61	58	911 Calls	TRUE
08/30/2019	01:58:35	619-417-3079	HMB	W911	828	5	68	63	911 Calls	TRUE
09/07/2019	05:35:58	310-848-7422	HMB	W911	828	8	45	37	911 Calls	TRUE
09/07/2019	05:38:50	616-826-1538	HMB	W911	828	3	61	58	911 Calls	TRUE
09/10/2019	07:33:44	310-738-3830	HMB	W911	828	4	78	74	911 Calls	TRUE
09/11/2019	06:37:16	818-263-4250	HMB	W911	828	4	98	94	911 Calls	TRUE
09/14/2019	04:34:54	310-938-5529	HMB	W911	828	3	49	46	911 Calls	TRUE
09/14/2019	04:45:03	310-938-5529	HMB	W911	828	10	50	40	911 Calls	TRUE
09/14/2019	18:27:10	310-780-1223	HMB	W911	828	4	49	45	911 Calls	TRUE
09/19/2019	12:15:24	310-995-2020	HMB	W911	828	3	52	49	911 Calls	TRUE
09/20/2019	07:46:02	310-738-4620	HMB	W911	828	5	67	62	911 Calls	TRUE
09/21/2019	08:30:22	818-744-3452	HMB	W911	828	6	58	52	911 Calls	TRUE
09/23/2019	19:08:02	310-579-4990	HMB	W911	828	15	86	71	911 Calls	TRUE
09/29/2019	19:53:31	518-928-9594	HMB	W911	828	4	39	35	911 Calls	TRUE
09/29/2019	19:57:00	310-663-3826	HMB	W911	828	6	24	18	911 Calls	TRUE
Average Transfer Time:							48			

## Ad Hoc Report:

<b>Name:</b>	Hermosa Beach
<b>Date:</b>	8/1/2019
<b>Description:</b>	July 2019 Answer Times

## Los Angeles County Fire

Seizure Date	Seizure Time	ALI City	Answer Secs	CallTypeId	ALI Class
7/1/2019	17:39:51	HERMOSA BEACH	2	911 Calls	RESO
7/2/2019	14:48:40	HERMOSA BEACH	4	911 Calls	WPH2
7/2/2019	14:49:09	HERM BCH	2	911 Calls	WPH2
7/2/2019	15:08:03	HERM BCH	2	911 Calls	WPH2
7/2/2019	20:27:27	HERM BCH	2	911 Calls	WPH2
7/3/2019	11:40:13	HERM BCH	2	911 Calls	WPH2
7/3/2019	15:35:33	HERM BCH	2	911 Calls	VOIP
7/3/2019	19:12:33	HERMOSA BEACH	2	911 Calls	BUSN
7/3/2019	20:19:55	HERMOSA BEACH	3	911 Calls	BUSN
7/4/2019	0:14:22	HERM BCH	3	911 Calls	WPH2
7/4/2019	8:33:16	HERM BCH	28	911 Calls	WPH2
7/4/2019	10:47:51	HERMOSA BEACH	2	911 Calls	WPH2
7/4/2019	18:27:44	HERMOSA BEACH	2	911 Calls	WPH2
7/4/2019	18:41:36	HERM BCH	2	911 Calls	WPH2
7/4/2019	18:55:00	HERM BCH	3	911 Calls	WPH2
7/5/2019	15:26:41	HERMOSA BEACH	2	911 Calls	BUSN
7/5/2019	19:28:25	HERMOSA BEACH	2	911 Calls	BUSN
7/5/2019	20:14:57	HERM BCH	2	911 Calls	WPH2
7/6/2019	20:52:17	HMB	2	911 Calls	WPH2
7/7/2019	11:13:15	HMB	2	911 Calls	WPH2
7/7/2019	11:39:31	HERMOSA BEACH	2	911 Calls	RESO
7/7/2019	16:17:32	HERM BCH	2	911 Calls	WPH2
7/7/2019	20:11:16	HERM BCH	2	911 Calls	WPH2
7/9/2019	11:47:13	HERM BCH	2	911 Calls	WPH2
7/9/2019	16:13:29	HB	2	911 Calls	WPH2
7/10/2019	13:19:25	HERM BCH	2	911 Calls	VOIP
7/12/2019	15:48:31	HERMOSA BEACH	2	911 Calls	BUSN
7/12/2019	17:03:51	HMB	2	911 Calls	WPH2
7/12/2019	18:12:03	HERM BCH	2	911 Calls	WPH2
7/12/2019	18:59:26	HERM BCH	2	911 Calls	WPH2
7/12/2019	22:09:00	HERMOSA BEACH	2	911 Calls	BUSN
7/13/2019	6:58:16	HERMOSA BEACH	2	911 Calls	RESO
7/13/2019	8:43:16	HERMOSA BEACH	2	911 Calls	BUSN
7/13/2019	16:58:04	HERMOSA BEACH	2	911 Calls	RESO
7/14/2019	3:07:57	HERM BCH	3	911 Calls	WPH2
7/15/2019	23:01:10	HERM BCH	14	911 Calls	WPH2
7/16/2019	10:44:35	HERM BCH	2	911 Calls	VOIP
7/17/2019	10:24:04	HERMOSA BEACH	2	911 Calls	RESO
7/17/2019	19:50:08	HERM BCH	12	911 Calls	WPH2

7/18/2019	7:51:51	HERMOSA BEACH	2	911 Calls	RESO
7/18/2019	19:05:51	HMB	2	911 Calls	WPH2
7/19/2019	22:39:11	HERM BCH	2	911 Calls	WPH2
7/19/2019	23:27:47	HERM BCH	27	911 Calls	WPH2
7/20/2019	20:30:25	HMB	2	911 Calls	WPH2
7/21/2019	0:54:28	HERM BCH	31	911 Calls	WPH2
7/21/2019	2:52:25	HERM BCH	2	911 Calls	WPH2
7/21/2019	21:45:50	HERM BCH	2	911 Calls	WPH2
7/22/2019	14:48:09	HERM BCH	2	911 Calls	VOIP
7/22/2019	15:42:36	HERMOSA BEACH	2	911 Calls	BUSN
7/23/2019	23:03:54	HMB	2	911 Calls	WPH2
7/25/2019	7:57:06	HERM BCH	2	911 Calls	WPH2
7/25/2019	8:41:49	HERMOSA BEACH	2	911 Calls	RESO
7/25/2019	15:05:11	HMB	4	911 Calls	WPH2
7/25/2019	23:18:24	HERMOSA BEACH	2	911 Calls	WPH2
7/25/2019	23:25:07	HERMOSA BEACH	2	911 Calls	WPH2
7/25/2019	23:56:23	HERM BCH	2	911 Calls	WPH2
7/26/2019	8:15:14	HERMOSA BEACH	2	911 Calls	RESO
7/26/2019	9:48:30	HERM BCH	3	911 Calls	WPH2
7/26/2019	11:02:12	HERM BCH	2	911 Calls	WPH2
7/26/2019	18:21:51	HMB	35	911 Calls	WPH2
7/26/2019	18:36:07	HERM BCH	53	911 Calls	WPH2
7/27/2019	14:00:53	HERMOSA BEACH	2	911 Calls	WPH2
7/27/2019	18:31:00	HMB	2	911 Calls	WPH2
7/28/2019	1:10:42	HERMOSA BEACH	57	911 Calls	RESO
7/28/2019	2:11:59	HERMOSA BEACH	43	911 Calls	VOIP
7/28/2019	13:31:34	HERM BCH	3	911 Calls	WPH2
7/28/2019	19:43:28	HMB	3	911 Calls	WPH2
7/29/2019	9:29:24	HERM BCH	2	911 Calls	WPH2
7/30/2019	16:17:49	HERMOSA BEACH	2	911 Calls	WPH2
7/30/2019	22:41:58	HERM BCH	2	911 Calls	WPH2

Average Answer Time (Seconds)

6

## Ad Hoc Report:

Name:	Hermosa Beach
Date:	9/1/2019
Description:	July 2019 Answer Times

## Los Angeles County Fire

Seizure Date	Seizure Time	ALI City	Answer Secs	CallTypeId	ALI Class
8/1/2019	10:13:38	HERMOSA BEACH	2	911 Calls	WPH2
8/1/2019	21:19:19	HERMOSA BEACH	2	911 Calls	BUSN
8/3/2019	12:05:45	HERMOSA BEACH	2	911 Calls	RESN
8/3/2019	20:39:51	HERM BCH	12	911 Calls	WPH2
8/3/2019	20:41:32	HERM BCH	2	911 Calls	WPH2
8/5/2019	1:30:39	HMB	2	911 Calls	WPH2
8/5/2019	13:31:33	HERMOSA BEACH	2	911 Calls	RESN
8/6/2019	10:21:41	HERM BCH	2	911 Calls	WPH2
8/6/2019	20:26:22	HERMOSA BEACH	2	911 Calls	VOIP
8/7/2019	16:08:25	HERM BCH	2	911 Calls	VOIP
8/7/2019	18:26:28	HERM BCH	2	911 Calls	WPH2
8/8/2019	13:57:48	HERM BCH	2	911 Calls	WPH2
8/8/2019	14:02:36	HERMOSA BEACH	49	911 Calls	RESN
8/9/2019	14:34:52	HERM BCH	2	911 Calls	WPH2
8/9/2019	15:59:36	HERMOSA BEACH	2	911 Calls	BUSN
8/9/2019	20:28:32	HERM BCH	2	911 Calls	WPH2
8/10/2019	17:32:54	HERMOSA BEACH	2	911 Calls	BUSN
8/10/2019	19:47:47	HERMOSA BEACH	3	911 Calls	BUSN
8/11/2019	10:46:52	HMB	2	911 Calls	WPH2
8/11/2019	17:15:00	HERMOSA BEACH	2	911 Calls	RESN
8/11/2019	20:58:41	HERM BCH	3	911 Calls	WPH2
8/11/2019	23:47:01	HERM BCH	3	911 Calls	WPH2
8/12/2019	8:40:39	HERM BCH	2	911 Calls	WPH2
8/12/2019	21:09:02	HERMOSA BEACH	2	911 Calls	RESN
8/12/2019	21:44:24	HERMOSA BEACH	2	911 Calls	BUSN
8/13/2019	1:18:37	HERM BCH	2	911 Calls	WPH2
8/14/2019	18:19:33	HERM BCH	65	911 Calls	WPH2
8/14/2019	18:20:20	HERM BCH	54	911 Calls	WPH2
8/16/2019	9:55:50	HERM BCH	2	911 Calls	WPH2
8/17/2019	3:25:33	HERMOSA BEACH	12	911 Calls	RESN
8/17/2019	8:04:50	HERM BCH	3	911 Calls	WPH2
8/17/2019	8:10:37	HERM BCH	2	911 Calls	WPH2
8/17/2019	8:16:31	HERM BCH	2	911 Calls	WPH2
8/17/2019	8:17:12	HERM BCH	75	911 Calls	W911
8/17/2019	10:26:12	HERM BCH	2	911 Calls	WPH2
8/18/2019	0:34:21	HERM BCH	1	911 Calls	WPH2
8/18/2019	5:09:36	HERMOSA BEACH	2	911 Calls	RESN
8/19/2019	4:22:42	HERMOSA BEACH	2	911 Calls	RESN
8/19/2019	6:46:08	HERM BCH	14	911 Calls	WPH2

8/20/2019	13:23:32	HERM BCH	27	911 Calls	WPH2
8/21/2019	3:20:34	HERM BCH	2	911 Calls	VOIP
8/21/2019	16:46:16	HERM BCH	2	911 Calls	WPH2
8/23/2019	1:57:10	HERM BCH	2	911 Calls	WPH2
8/23/2019	19:03:43	HMB	2	911 Calls	WPH2
8/23/2019	19:35:33	HERM BCH	62	911 Calls	WPH2
8/23/2019	23:57:11	HERM BCH	2	911 Calls	WPH2
8/24/2019	13:37:48	HERM BCH	2	911 Calls	WPH2
8/24/2019	19:48:20	HMB	2	911 Calls	WPH2
8/25/2019	7:56:25	HERMOSA BEACH	2	911 Calls	RESO
8/25/2019	8:21:56	HERM BCH	2	911 Calls	VOIP
8/25/2019	9:33:35	HMB	2	911 Calls	WPH2
8/25/2019	12:06:20	HMB	2	911 Calls	WPH2
8/25/2019	12:07:44	HERM BCH	2	911 Calls	WPH2
8/25/2019	12:08:49	HERMOSA BEACH	2	911 Calls	RESO
8/25/2019	12:10:50	HERMOSA BEACH	2	911 Calls	RESO
8/26/2019	16:12:48	HERMOSA BEACH	2	911 Calls	CNTX
8/27/2019	12:00:39	HERMOSA BEACH	2	911 Calls	BUSN
8/27/2019	16:44:37	HERM BCH	2	911 Calls	WPH2
8/27/2019	23:21:52	HMB	2	911 Calls	WPH2
8/27/2019	23:58:58	HERMOSA BEACH	2	911 Calls	RESO
8/28/2019	14:38:33	HERMOSA BEACH	2	911 Calls	VOIP
8/29/2019	10:54:06	HERMOSA BEACH	2	911 Calls	BUSN
8/29/2019	16:31:01	HERM BCH	12	911 Calls	WPH2
8/30/2019	1:59:47	HMB	2	911 Calls	WPH2
8/30/2019	6:54:21	HERMOSA BEACH	3	911 Calls	VOIP
8/31/2019	6:01:38	HERMOSA BEACH	2	911 Calls	RESO
8/31/2019	18:33:20	HERM BCH	3	911 Calls	WPH2
8/31/2019	18:45:00	HERMOSA BEACH	2	911 Calls	BUSN

**Average Answer Time (Seconds)**

7



## Ad Hoc Report:

Name:	Hermosa Beach
Date:	10/1/2019
Description:	September 2019 Answer Times

## Los Angeles County Fire

Seizure Date	Seizure Time	ALI City	Answer Secs	CallTypeId	ALI Class
9/1/2019	7:46:31	HERM BCH	2	911 Calls	WPH2
9/1/2019	8:05:12	HERM BCH	2	911 Calls	WPH2
9/1/2019	16:51:44	HERM BCH	2	911 Calls	WPH2
9/2/2019	9:09:56	HERMOSA BEACH	2	911 Calls	VOIP
9/2/2019	18:13:36	HERMOSA BEACH	2	911 Calls	BUSN
9/3/2019	8:18:58	HERM BCH	2	911 Calls	WPH2
9/3/2019	17:33:46	HERM BCH	2	911 Calls	WPH2
9/5/2019	15:27:19	HERM BCH	3	911 Calls	WPH2
9/7/2019	5:36:47	HMB	2	911 Calls	WPH2
9/7/2019	5:39:55	HMB	2	911 Calls	WPH2
9/7/2019	6:35:20	HERM BCH	2	911 Calls	WPH2
9/7/2019	8:26:18	HERMOSA BEACH	3	911 Calls	BUSN
9/7/2019	10:11:45	HERMOSA BEACH	2	911 Calls	VOIP
9/7/2019	10:14:59	HERM BCH	12	911 Calls	WPH2
9/7/2019	10:17:30	HERM BCH	2	911 Calls	WPH2
9/7/2019	13:22:30	HB	13	911 Calls	WPH2
9/7/2019	16:46:50	HERM BCH	2	911 Calls	WPH2
9/8/2019	6:24:46	HERMOSA BEACH	2	911 Calls	RESN
9/9/2019	9:09:33	HERMOSA BEACH	2	911 Calls	BUSN
9/10/2019	7:35:06	HMB	2	911 Calls	WPH2
9/10/2019	7:41:18	HERMOSA BEACH	2	911 Calls	BUSN
9/10/2019	8:14:45	HERM BCH	2	911 Calls	WPH2
9/10/2019	18:34:47	HERM BCH	2	911 Calls	WPH2
9/11/2019	6:38:57	HMB	2	911 Calls	WPH2
9/11/2019	8:01:10	HERMOSA BEACH	2	911 Calls	VOIP
9/13/2019	17:26:56	HERM BCH	2	911 Calls	WPH2
9/14/2019	4:35:47	HMB	2	911 Calls	WPH2
9/14/2019	4:45:57	HMB	2	911 Calls	WPH2
9/14/2019	14:07:46	HERM BCH	2	911 Calls	VOIP
9/14/2019	18:28:03	HMB	2	911 Calls	WPH2
9/14/2019	22:17:32	HERM BCH	2	911 Calls	WPH2
9/14/2019	22:21:21	HERM BCH	2	911 Calls	WPH2
9/15/2019	11:06:03	HERM BCH	2	911 Calls	WPH2
9/15/2019	12:12:29	HERM BCH	2	911 Calls	WPH2
9/16/2019	7:33:36	HERMOSA BEACH	2	911 Calls	WPH2
9/16/2019	13:15:52	HERMOSA BEACH	2	911 Calls	RESN
9/16/2019	15:39:27	HERMOSA BEACH	2	911 Calls	RESN
9/16/2019	16:00:42	HERM BCH	3	911 Calls	WPH2
9/17/2019	7:18:28	HERM BCH	2	911 Calls	WPH2
9/17/2019	18:11:34	HERM BCH	4	911 Calls	WPH2
9/17/2019	19:27:38	HERMOSA BEACH	2	911 Calls	BUSN
9/18/2019	3:15:13	HERM BCH	2	911 Calls	WPH2

9/18/2019	6:45:47	HERM BCH	3	911 Calls	WPH2
9/18/2019	11:27:20	HERMOSA BEACH	2	911 Calls	RESO
9/18/2019	12:06:09	HERM BCH	2	911 Calls	VOIP
9/18/2019	14:53:54	HERMOSA BEACH	12	911 Calls	VOIP
9/19/2019	4:41:14	HERMOSA BEACH	3	911 Calls	WPH2
9/19/2019	11:59:23	HERMOSA BEACH	2	911 Calls	RESO
9/19/2019	12:00:03	HERMOSA BEACH	2	911 Calls	VOIP
9/19/2019	12:16:19	HERMOSA BEACH	2	911 Calls	WPH2
9/20/2019	7:47:13	HERMOSA BEACH	2	911 Calls	WPH2
9/20/2019	19:05:48	HERMOSA BEACH	48	911 Calls	BUSN
9/21/2019	8:31:24	HMB	2	911 Calls	WPH2
9/21/2019	12:30:00	HERM BCH	2	911 Calls	WPH2
9/21/2019	12:36:20	HERM BCH	16	911 Calls	WPH2
9/21/2019	15:44:49	HERM BCH	2	911 Calls	WPH2
9/21/2019	16:28:12	HERM BCH	2	911 Calls	WPH2
9/21/2019	16:35:11	HERM BCH	2	911 Calls	WPH2
9/22/2019	1:15:52	HERM BCH	3	911 Calls	WPH2
Average Answer Time (Seconds)			4		

### Los Angeles County Fire Department 2018 & 2019 Comparison

Incident Type	2018 3rd Quarter – No. of Incidents	2019 3rd Quarter – No. of Incidents	2018 3rd Quarter – Average Response Time	2019 3rd Quarter – Average Response Time
Fire, Explosion	3	4	5:32	2:49
Rescue, EMS	286	337	4:48	4:46
Hazardous Condition	5	5	5:28	8:55
Overpressure, Rupture, Explosion, Overheat	1	0	11:45	0:00
Service Call	14	12	6:47	7:02
Special or Other Incident Type	0	4	0:00	6:05
Good Intent Call	25	57	5:49	6:40
False Alarm, False Call	47	44	5:20	7:04
Total	381	463	5:01	5:14

### McCormick Ambulance - 2018 & 2019 Comparsion

Quarter	2018 No. of Completed Transports	2019 No. of Completed Transports	2018 No. of Cancelled Transports	2019 No. of Cancelled Transports
3	226	237	134	152
Total	226	237	134	152

## AUTO AID HERMOSA BEACH      2019

RESPONSES BY FIRE DISTRICT INTO AREA G			RESPONSE BY AREA G INTO FIRE DISTRICT 2019					
July	# OF RESPONSES		# OF RESPONSES				FIRE DISTRICT	
	2018	2019	2019	2019	2019	2019		
			FS100	FS21	FS160	FS158	TOTAL	
EL SEGUNDO FIRE	1	5	EL SEGUNDO FIRE	0	0	0	0	0
MANHATTAN BEACH FIRE	14	13	MANHATTAN BEACH FIRE	0	0	0	0	0
REDONDO BEACH FIRE	7	6	REDONDO BEACH FIRE	0	1	0	0	0
TORRANCE FIRE	0	0	TORRANCE FIRE	0	0	0	0	0
	22	24						0
August	# OF RESPONSES		# OF RESPONSES				FIRE DISTRICT	
	2018	2019	2019	2019	2019	2019		
			FS100	FS21	FS160	FS158	TOTAL	
EL SEGUNDO FIRE	3	0	EL SEGUNDO FIRE	0	0	0	0	0
MANHATTAN BEACH FIRE	7	15	MANHATTAN BEACH FIRE	1	0	0	0	1
REDONDO BEACH FIRE	4	6	REDONDO BEACH FIRE	1	0	0	0	1
TORRANCE FIRE	1	0	TORRANCE FIRE	0	0	0	0	0
	15	21						2
September	# OF RESPONSES		# OF RESPONSES				FIRE DISTRICT	
	2018	2019	2019	2019	2019	2019		
			FS100	FS21	FS160	FS158	TOTAL	
EL SEGUNDO FIRE	5	0	EL SEGUNDO FIRE	0	0	0	0	0
MANHATTAN BEACH FIRE	5	14	MANHATTAN BEACH FIRE	0	0	0	0	0
REDONDO BEACH FIRE	15	5	REDONDO BEACH FIRE	0	0	0	0	0
TORRANCE FIRE	0	0	TORRANCE FIRE	0	0	0	0	0
	20	19						0
totals								2



RESPONSE BY AREA G INTO FIRE DISTRICT 2018				
# OF RESPONSES		FIRE DISTRICT		
2018 FS100	2018 FS21	2018 FS160	2018 FS158	2018 TOTAL
0	0	0	0	0
0	0	1	0	1
0	0	0	0	0
0	0	0	0	0
				1
# OF RESPONSES		FIRE DISTRICT		
2018 FS100	2018 FS21	2018 FS160	2018 FS158	2018 TOTAL
0	0	0	0	0
0	0	0	0	0
0	0	0	0	0
0	0	0	0	0
				0
# OF RESPONSES		FIRE DISTRICT		
2018 FS100	2018 FS21	2018 FS160	2018 FS158	2018 TOTAL
0	0	0	0	0
1	0	0	0	1
1	1	0	0	2
0	0	0	0	0
				3
4				

# OF RESPONSES		FIRE DISTRICT		
2018 FS100	2018 FS21	2018 FS160	2018 FS158	2018 TOTAL
0	0	0	0	0
0	0	1	0	1
0	0	0	0	0
0	0	0	0	0
				1

# OF RESPONSES		FIRE DISTRICT		
2018	2018	2018	2018	2018
FS100	FS21	FS160	FS158	TOTAL
0	0	0	0	0
0	0	0	0	0
0	0	0	0	0
0	0	0	0	0
				0

# OF RESPONSES			FIRE DISTRICT	
2018 FS100	2018 FS21	2018 FS160	2018 FS158	2018 TOTAL
0	0	0	0	0
1	0	0	0	1
1	1	0	0	2
0	0	0	0	0
				3

4

## 2019 Film Permits

### 1<sup>st</sup> Quarter

MONTH	DAY	EVENT	LOCATION
January	8	Veronica Mars Episode #104	Private Locations, and Beach
	18	Lola Productions	Pier, Plaza, Noble Park and Parking Structure

MONTH	DAY	EVENT	LOCATION
February	7	Dell	Private Location
	12	MTV – Teen Mom OG	Private Location and beach
	12	MRB Productions	Private Location
	4-7	Veronica Mars Episode #106 & #107	Private Locations, beach, and Strand
	24-26	Veronica Mars Episode #108	Private Locations, beach, Strand and various downtown streets

MONTH	DAY	EVENT	LOCATION
March	5	Plan Play Inc.	Private Location
	19	Hyperion XIII	Beach
	18 - 22	Arcana Academy	Private Location
	23	Milagro Films	Pier Plaza and 10 <sup>th</sup> Street

### 2<sup>nd</sup> Quarter

MONTH	DAY	EVENT	LOCATION
April	4	Dilated Pixels	Private Location, Beach, Pier, Strand
	17	InHouse Productions	Pier Plaza, Beach, Pier, Strand
	22-23	Best Wishes Studio (HGTV)	Private Location, Beach, Pier, Plaza
	25	Bitter Pit	Pier

MONTH	DAY	EVENT	LOCATION
May	1	Launch DRTV	Private Residence, South Park, Beach, Pier, Strand
	1-2	Autonomy Productions	Private Business, Beach, Pier, Strand

	8-9	Nasty Gal	Private Residence, Beach, Strand
	11	USAV	Special Event Site
	13-14	American Film Institute	Pier, Lot A, Strand
	15-16	Triage Entertainment	Private Business
	29-31	Bully High	Private Residence & Organization

MONTH	DAY	EVENT	LOCATION
June	3	Lando Entertainment	Private Residence, Beach, Greenbelt, Streets, Pier
	17	Autonomy Productions	Beach, Pier
	20	American Film Institute	Pier
	26	Launch DRTV	Private Residence, Valley Park, Greenbelt, Beach

### 3rd Quarter

MONTH	DAY	EVENT	LOCATION
July	17	Launch DRTV – Infomercial for Women's Clothing	Private Residence
	20	Bob Bain Productions – Beach lifestyle film shoot for Teen Choice Awards	Downtown – Various Locations
	23	Complete Clothing – Photoshoot	Private Residence
	26 - 28	Association of Volleyball Professionals (AVP) – Filming of games for live streaming and television broadcast	North of the Pier

MONTH	DAY	EVENT	LOCATION
August	7	Bob Bain Productions – Teen Choice Awards	Downtown and Beach – Various Locations
	11	Bob Bain Productions – Teen Choice Awards	Downtown and Beach – Various Locations
	14	Craft Worldwide –	Good Stuff Restaurant



		Social Media Commercial for MasterCard and American Airlines	
	22	Fresh Produce Clothes – Photoshoot for marketing needs	Downtown and Beach – Various Locations
	23	Quest Nutrition, LLC – Question Nutrition Commercial	Private Residence

MONTH	DAY	EVENT	LOCATION
September	0		



# City of Hermosa Beach

City Hall  
1315 Valley Drive  
Hermosa Beach, CA 90254

## Staff Report

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### Staff Report

19-0733

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**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of November 12, 2019**

### WRITTEN COMMUNICATION

#### **Recommended Action:**

Staff recommends that the City Council receive and file the written communication.

#### **Attachments:**

1. Email from Anthony Higgins dated October 19, 2019
2. Email from Anthony Higgins dated November 4, 2019
3. Email from Anthony Higgins dated November 5, 2019

**From:** tony higgins <tony.higgins123@gmail.com>  
**Sent:** Saturday, October 19, 2019 9:01 AM  
**To:** Ann Yang <anny@hermosabch.org>  
**Cc:** Suja Lowenthal <suja@hermosabch.org>  
**Subject:** Fwd: Construction Noise impacting residential community

Dear Planning Commission & City Council

I am writing you again to ask that you followup on what can be done to mitigate the quality of life impacts that the growth in large residential construction is having on residential neighborhoods in our city.

Thank you for speaking to the performance bond issue in your discussions leading up to the 2700 Manhattan project extensions.

I get that the surety bond companies will likely NOT issue performance bonds for timely-completion of construction projects because the damaged entity is the public at large; not a property owner

But cumulative quality of life impacts from construction noise is real and growing and if performance bonds are not a solution, other potential solutions must be evaluated.

The goal is simply stated:

***The residents demand that construction projects are completed efficiently, in a timely manner with a minimum of residential noise.***

Does the commission even recognize there is a significant quality of life problem caused when many residential construction projects are dragging on beyond two years from demolition to completion?

What are the residential construction timeline goals?

For instance, 95% completed in less than two years (demo to completion)

98% in 2.5 years?

Where are these goals articulated?

Where are the performance statistics collected and posted?

Where are the trends posted?

How are the fees and penalties targeted to incentivize timely completion with a minimum of unnecessary noise?

What are the components of noise that could be eliminated?

For instance having two workers banging away on framing for 3 months when a crew of 10 could do it in two weeks.

Does the city even look at timelines for individual phases like demolition, excavation or framing to ensure that not only the finances are available **but sufficient crews are available** to complete the phase in a timely manner and minimize the impact to neighborhoods?

Shouldn't there be standards and timelines for major phases and significant penalties if demolition, excavation, framing and other major milestones are not completed in the time allotted in the plan?

If not why?

Shouldn't there be significant and sharply escalating fees for all extensions where the extension was not a direct result of a city mistake or an unforeseeable act of god?

If not why?

What are the major sources of construction noise and what steps can be taken to mitigate this?

Given the amount of construction you would think this would be a priority unless the goal is to drive out the retired or work at home community and turn Hermosa into a bedroom community?

Why can't the city insure construction trucks from multiple projects do not overload any one residential road like 27th street?

Many of these trucks come 50 miles or more and asking them to use wider flatter roads with greater residential offsets would not harm these companies significantly. This could be specified as part of the permit process.

As an example why are contractors allowed to cut stone for 2 weeks onsite when this stone could be easily cut offsite in an industrial area? Cut to fit is very rare and often a sign of poor planning.

There is much that could be done to improve residential quality of life for those who actually live here during the week and it's high time that the city get off its duff and form a task force to seriously consider the impacts and mitigations.

Thank you  
Anthony Higgins

**From:** tony higgins <tony.higgins123@gmail.com>

**Sent:** Monday, November 4, 2019 10:42 AM

**To:** Ann Yang <anny@hermosabeach.gov>

**Subject:** Fwd: Status of survey to determine level of RESIDENT support for large special events

Dear City Council:

I believe the city has acknowledged the need to conduct an impartial SURVEY that reaches-out to RESIDENTS to determine which large, annually recurring special events are strongly supported by a broad cross-section of the community, and more important those that are not.

Do we really want two fiestas, an AVP in Hermosa and Manhattan a teen challenge and so on?

It would seem especially important to reach out to those residential neighborhoods that bear most of the negative impacts of trash, noise, traffic and parking shortages, etc., from these events. I thought there was general agreement on this.

3 months ago I was told the city was working on such a survey and that the survey would NOT be designed by any vested interests that stand to benefit disproportionately from these events.

Here I'm talking about members of the chamber of commerce AND the business community that may be looking for ways to increase their customer base as their primary goal, OR city bureaucrats that might see a benefit in their department budgets or staffing levels as a result of increased special event activity.

The need for this survey was also briefly discussed in the recent joint Parks Commission & City Council meeting a couple of months back.

Last month, I once again asked the Parks Commission to provide a brief status on this survey. If they couldn't provide a brief status I asked it be agendized for future discussion, or referred this to staff an update OR that the commission briefly discuss the issue at the conclusion of oral comments and provide some direction.

All of these actions are specifically permitted by the BROWN act.

But the city lawyer at the meeting, rather than explaining the options (like voting to agendize, or providing a brief status update, etc.); the lawyer simply advised commission NOT to answer my question or provide a brief status update in response to my query, even at the end of oral communications where there would be no danger of god-forbid, an interactive, on the record discussion with a member of the public.

Why did the lawyer NOT encourage Brown Act compliant options that could have facilitated a transparent and direct answer to a simple survey question?

The culture of our city under past and present city managers and attorneys is heavily skewed to suppress and obfuscate information that might point out flaws in the planning process.

My question is what is the status of this survey and questions about how the survey was being

developed in an impartial, and scientific manner were reasonable, pertinent and consistent with concerns many residents have raised.

Instead of facilitating an answer compliant with the Brown act and the cities parliamentary rules, the city attorney slammed the door in the Public's face offering only stonewalls and not a way forward.

So once again, I ask what is the status of this RESIDENT survey?

My hypothesis is simple: we have reached the point where our road, parking and police infrastructure cannot support the growth in the business community without extracting significant quality of life and property rights costs from vulnerable neighborhoods.

It's time the chamber of commerce and city government to live within the means of the existing infrastructure and stop asking for more.

If that means declining commercial property values or commercial revenue then so be it.

Residents are tired of being asked to subsidize business community growth with our quality of life.

We have already outgrown our infrastructure.

Tony Higgins

**From:** tony higgins <tony.higgins123@gmail.com>  
**Sent:** Tuesday, November 5, 2019 12:50 PM  
**To:** Ann Yang <anny@hermosabeach.gov>  
**Subject:** Fwd: Residential Construction Timeline improvements

Please include this as a written communication to both the city council and the planning commission.

**Date:** November 5, 2019 at 11:31:39 AM

**Subject: Residential Construction Timeline improvements**

Mr Robertson,

As I have pointed out on many occasions, whether it's one worker or ten laboring to frame a house, if it's nearby the noise impact about the same and is enough to disrupt your concentration, or keep you from napping.

Clearly it's better for residents that the highly disruptive construction phases like framing are completed as expeditiously as possible.

Clearly these disruptive phases should have their starting point synchronized with having an adequate workforce to complete the phase in a timely manner.

See Photos below of one worker banging away all day yesterday and today:





Framing houses is unavoidable but once again the house at ~350 Gould has just a SINGLE worker banging away yesterday and today.

At that rate it could take several months to finish the framing when the same work could be done by a crew of 10 in ~1/10th the time with 1/10th the disturbance to nearby residents.

It's the [similar] story with the property up the alley just west of me.

5 years they have been working on that house.

It's just unacceptable.

Old ways of doing things, old processes and procedures just don't cut it anymore.

We need new "can-do" type thinking among city staff and leadership, leaders who are willing to do everything possible to mitigate the duration of residential construction projects and the noise and quality of life impacts they bring.

What solutions can you offer [Mr Robertson]?

What solutions to shorten the duration disruptive construction phases?

What solutions can you offer to ensure that aggressive but achievable timelines governing key project phases like demolition, excavation and framing are established, monitored and adhered to?

Thank You  
Anthony Higgins





# City of Hermosa Beach

City Hall  
1315 Valley Drive  
Hermosa Beach, CA 90254

## Staff Report

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### Staff Report

REPORT 19-0742

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**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of November 12, 2019**

**MEMORANDUM REGARDING  
CITY COUNCIL MEETING MINUTES  
(City Clerk Elaine Doerfling)**

**Recommended Action:**

The City Clerk recommends that the City Council receive and file this memorandum.

Due to staffing shortages and illness in the City Clerk's office, there are no Council minutes to present this evening for approval.

**Respectfully Submitted by:** Elaine Doerfling, City Clerk  
**Noted:** Suja Lowenthal, City Manager



## Staff Report

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### Staff Report

REPORT 19-0720

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**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of November 12, 2019**

**CHECK REGISTERS**  
(Finance Director Viki Copeland)

**Recommended Action:**

Staff recommends that the City Council ratify the following check registers.

**Attachments:**

1. Check Register 10/17/19
2. Check Register 10/21/19
3. Check Register 10/24/19

**Respectfully Submitted by:** Viki Copeland, Finance Director

**Approved:** Suja Lowenthal, City Manager

**Check Register**  
**CITY OF HERMOSA BEACH**

Page: 1

10/17/2019 6:29:46PM

Bank code : boa

Voucher	Date	Vendor	Invoice	Description/Account	Amount
93126	10/17/2019	17339	3V SIGNS AND GRAPHICS LLC	10677	STREET BANNER FOR PD RECRUITMENT
				001-1203-4201	650.00
				001-1203-4201	61.75
		17339		<b>Total :</b>	<b>711.75</b>
93127	10/17/2019	17647	ANDERSON, MAUREEN	Parcel 4188-012-050	STREET LIGHT & SEWER TAX REBATE
				001-6871	121.69
				105-3105	24.61
		17647		<b>Total :</b>	<b>146.30</b>
93128	10/17/2019	00321	AT&T	310 796-6526 991 3	PD COMPUTER CIRCUITS/OCT19
				001-2101-4304	124.59
		00321		<b>Total :</b>	<b>124.59</b>
93129	10/17/2019	21532	BALO, MARYESTER	PO 34181	CITATION NO. 34010443 OVERPAYMENT
				001-3302	48.00
		21532		<b>Total :</b>	<b>48.00</b>
93130	10/17/2019	20705	BEECASSO LIVE BEE REMOVAL INC	1158	46 11TH ST/BUCKET BESS/BEE REMOVAL
				001-6101-4201	150.00
		20705		<b>Total :</b>	<b>150.00</b>
93131	10/17/2019	21282	BEEDY, JIM	PO 34210	REIMB/TRUCK #74/TWO TOOL BOXES
				715-4204-5403	199.98
				715-4204-5403	19.00
		21282		<b>Total :</b>	<b>218.98</b>
93132	10/17/2019	17427	BERENS, NORM	PO 34201	ADMINISTRATIVE CITATION REFUND
				001-3305	2,500.00
		17427		<b>Total :</b>	<b>2,500.00</b>
93133	10/17/2019	21524	BRUCK, SAMANTHA CLAIRE	PO 34123	DISMISSED CITATION NO. 30013389
				001-3302	78.00
		21524		<b>Total :</b>	<b>78.00</b>
93134	10/17/2019	03621	CALIFORNIA FENCE AND SUPPLY CO	7310	FENCE REPAIR/TENNIS COURTS 1 & 6/SKATE P
				001-6101-4201	675.00
		03621		<b>Total :</b>	<b>675.00</b>

**Check Register**  
**CITY OF HERMOSA BEACH**

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10/17/2019 6:29:46PM

Bank code : boa

Voucher	Date	Vendor	Invoice	Description/Account	Amount
93135	10/17/2019	00262	CALIFORNIA MARKING DEVICE	6426/Mat Req 586911	HOROWITZ/10" NAME PLATE
		00262		001-4601-4305	18.62
				<b>Total :</b>	<b>18.62</b>
93136	10/17/2019	09694	CLEAN ENERGY	CE12237229	COMPRESSED NATURAL GAS/VEHICLES/SEP19
		09694		715-4601-4310	90.96
				<b>Total :</b>	<b>90.96</b>
93137	10/17/2019	05970	COLLINS, DENNIS L.	PO 33704	INSTRUCTOR PAYMENT/CLASSES 8007-9
				001-2024	977.60
				PO 33713	INSTRUCTOR PAYMENT/CLASSES 8007-9
				001-4601-4221	488.80
				PO 33743	INSTRUCTOR PAYMENT/CLASSES 8010-2
				001-2024	651.74
				PO 34131	INSTRUCTOR PAYMENT/CLASS NO. 8521
				001-4601-4221	412.80
		05970		<b>Total :</b>	<b>2,530.94</b>
93138	10/17/2019	21554	DENNIS, VICTORIA	Scotto Inv# 1910747	TOWING/CITY ADMIN FEE/REFUND
		21554		001-3302-4201	219.00
				<b>Total :</b>	<b>219.00</b>
93139	10/17/2019	11449	DEWEY PEST CONTROL	Account 759408	PEST CONTROL/CITY-OWNED BLDGS/SEP19
		11449		001-4204-4201	694.00
				<b>Total :</b>	<b>694.00</b>
93140	10/17/2019	11449	DEWEY PEST CONTROL	Account 1233239	SEWER RAT/PEST CONTROL
		11449		160-3102-4201	262.00
				<b>Total :</b>	<b>262.00</b>
93141	10/17/2019	20580	DOEH, WENDY	Parcel 4169-035-012	STREET LIGHT & SEWER TAX REBATE
				001-6871	121.69
				105-3105	24.61
		20580		<b>Total :</b>	<b>146.30</b>
93142	10/17/2019	17824	EXSEL PROMOTIONS INC	124777	TWO RETIREMENT PLAQUES
		17824		001-2024	40.52
				<b>Total :</b>	<b>40.52</b>
93143	10/17/2019	21530	FERREIRA CARVALHO, ARTHUR J	PO 34212	CITATION NO. 30016057 OVERPAYMENT

**Check Register**  
**CITY OF HERMOSA BEACH**

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Bank code : boa

Voucher	Date	Vendor	Invoice	Description/Account	Amount
93143	10/17/2019	21530	FERREIRA CARVALHO, ARTHUR J	(Continued)	
		21530		001-3302	48.00
				<b>Total :</b>	<b>48.00</b>
93144	10/17/2019	15573	FONTIS	VINV21469	5,000 EVENT/GUEST PERMITS
				001-1204-4305	560.00
				001-1204-4305	67.63
		15573		<b>Total :</b>	<b>627.63</b>
93145	10/17/2019	19884	FRONTIER	209-188-4669-0714985	LANDLINES/COMPUTER LINKS/OCT19
				001-3302-4304	74.18
				001-2101-4304	715.88
				001-4204-4321	229.36
				001-4202-4304	58.87
				001-4201-4304	169.53
				001-3304-4304	62.53
				001-1204-4304	57.81
			209-190-0013-1206175	PD COMPUTER CIRCUITS/OCT19	
				001-2101-4304	893.02
			310-318-9210-0827185	JAIL BREATHALYZER/OCT19	
				001-2101-4304	70.03
			310-318-9800-1204155	CHAMBERS EOC ANALOG LINES/OCT19	
				715-1206-4304	1,451.09
			310-372-6373-0311045	PERSONNEL FAX LINE/OCT19	
				001-1203-4304	57.81
			323-159-2268-0924145	EOC CABLE & INTERNET/OCT19	
				001-1201-4304	291.20
		19884		<b>Total :</b>	<b>4,131.31</b>
93146	10/17/2019	10836	GRAINGER	9303051099	MAT REQ 586998/SAW BLADE
				715-4206-4309	52.30
			9306420283	MAT REQ 586996/GROMMETS/VEHICLES 72/3	
				715-6101-4311	29.35
		10836		<b>Total :</b>	<b>81.65</b>
93147	10/17/2019	21537	HAWK ANALYTICS INC	INV23151	CELLPHONE MAP/ANALYSIS SUBSCRIP/1 YR
				001-2101-4201	2,495.00
		21537		<b>Total :</b>	<b>2,495.00</b>

**Check Register**  
**CITY OF HERMOSA BEACH**

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10/17/2019 6:29:46PM

Bank code : boa

Voucher	Date	Vendor	Invoice	Description/Account	Amount
93148	10/17/2019	21528 HAYNES, RICHARD E	PO 34125	DISMISSED CITATION NO. 37000730 001-3302	38.00
		21528		<b>Total :</b>	<b>38.00</b>
93149	10/17/2019	21522 HOOD, DEE	PO 34126	DISMISSED CITATIONS 41000124/43004695 001-3302	76.00
		21522		<b>Total :</b>	<b>76.00</b>
93150	10/17/2019	21548 HUDSON, TANESHA	TR 812	PER DIEM/CCAC NUTS & BOLTS WORKSHOP 001-1121-4317	50.00
		21548		<b>Total :</b>	<b>50.00</b>
93151	10/17/2019	19314 IPS GROUP INC	45143	30 YELLOW PARKING METER DOMES 001-3302-4309 001-3302-4309	3,300.00 393.50
		19314		<b>Total :</b>	<b>3,693.50</b>
93152	10/17/2019	21491 JHD PLANNING LLC	Invoice Dated 6/30	PLANNING SERVICES/MAY19-JUN19 001-2024	2,512.50
		21491		<b>Total :</b>	<b>2,512.50</b>
93153	10/17/2019	21527 JOHNSON, KIRK G	PO 34127	DISMISSED CITATION NO. 42000312 001-3302	48.00
		21527		<b>Total :</b>	<b>48.00</b>
93154	10/17/2019	12162 JOL DESIGN	PO 32770	SCREEN PRINT ON VOLUNTEER JACKET 001-2024 001-2024	15.00 1.43
		12162		<b>Total :</b>	<b>16.43</b>
93155	10/17/2019	00151 LA CO SHERIFFS DEPARTMENT	200322AL	JULY 4TH SUPPLEMENTAL LAW ENFORCEMENT 001-2101-4251	14,455.25
		00151		<b>Total :</b>	<b>14,455.25</b>
93156	10/17/2019	12190 LANDSCAPE STRUCTURES, INC.	INV-079261	SWING SET PARTS FOR CITY PARK PLAYGROUND 001-6101-4201 001-6101-4201	853.60 73.59
		12190		<b>Total :</b>	<b>927.19</b>
93157	10/17/2019	20750 LATITUDE GEOGRAPHICS	INV0012369	GEOCORTEX SOFTWARE MAINT/SEP19-SEP20	

**Check Register**  
**CITY OF HERMOSA BEACH**

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Bank code : boa

Voucher	Date	Vendor	Invoice	Description/Account	Amount
93157	10/17/2019	20750	LATITUDE GEOGRAPHICS	(Continued)	
		20750		715-4202-4201	1,517.35
				<b>Total :</b>	<b>1,517.35</b>
93158	10/17/2019	20347	LAURA MECOY COMMUNICATIONS LLC	9-2019	
		20347		PUBLIC INFORMATION OFFICER/SEP19 001-1201-4201	6,000.00
				<b>Total :</b>	<b>6,000.00</b>
93159	10/17/2019	01006	LISSNER, JAMES H.	Parcel 4169-035-009	
		01006		STREET LIGHT & SEWER TAX REBATE 001-6871 105-3105	121.69 24.61
				<b>Total :</b>	<b>146.30</b>
93160	10/17/2019	12739	LONG BEACH BMW MOTORCYCLE	34716	
		12739		'17 BMW MOTORCYCLE HEADLIGHT BULB 001-2024	58.33
				<b>Total :</b>	<b>58.33</b>
93161	10/17/2019	21534	LOPEZ, MELINDA	PO 34140	
		21534		DISMISSED CITATION NO. 35009809 001-3302	53.00
				<b>Total :</b>	<b>53.00</b>
93162	10/17/2019	21536	LOS ANGELES HOME SERVICES LLC	PO 34202	
		21536		CITYWIDE HOLIDAY DECOR/DEPOSIT 001-3301-4201	8,999.70
				<b>Total :</b>	<b>8,999.70</b>
93163	10/17/2019	18595	MADANI, MIKE	Mat Req 768465	
		18595		PD/CSOS/CAR WASHES/JUL19-SEP19 715-2101-4311 715-3302-4311	376.00 72.00
				<b>Total :</b>	<b>448.00</b>
93164	10/17/2019	19629	MAZZA, VINCE	PO 33143	
		19629		BUSINESS LICENSE REFUND 001-2024	150.00
				<b>Total :</b>	<b>150.00</b>
93165	10/17/2019	20898	MCCORMICK AMBULANCE	235836	
		20898		AMBULANCE TRANSPORT SRVCS/SEP19 001-1201-4201	34,020.00
				<b>Total :</b>	<b>34,020.00</b>
93166	10/17/2019	21531	MENZEL, JEFFREY	PO 34183	
				CITATION NO. 32010265 OVERPAYMENT 001-3302	48.00

**Check Register**  
**CITY OF HERMOSA BEACH**

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10/17/2019 6:29:46PM

Bank code : boa

Voucher	Date	Vendor	Invoice	Description/Account	Amount
93166	10/17/2019	21531	MENZEL, JEFFREY	(Continued)	<b>Total : 48.00</b>
93167	10/17/2019	18071	MERCHANTS LANDSCAPE SERVICES	54744	HERMOSA B/T LYNDON & 27TH/MEDIAN PLANTS 301-8699-4201
		18071			28,820.00
					<b>Total : 28,820.00</b>
93168	10/17/2019	20672	MILLER, SUSAN A.	Parcel 4182-019-014	STREET LIGHT & SEWER TAX REBATE
				001-6871	73.01
				105-3105	24.61
		20672			<b>Total : 97.62</b>
93169	10/17/2019	21362	MOORE ENVIRONMENTAL PROGRAMS	PO 34143	GREEN BUSINESS PROG EXP REIMB
		21362		001-2024	1,691.45
					<b>Total : 1,691.45</b>
93170	10/17/2019	20558	MORRISON, STEVEN M.	Parcel 4188-006-013	STREET LIGHT & SEWER TAX REBATE
				001-6871	73.01
				105-3105	24.61
		20558			<b>Total : 97.62</b>
93171	10/17/2019	21525	NOLEN, JR, MICHAEL	PO 34144	DISMISSED CITATION NO. 35004602
		21525		001-3302	53.00
					<b>Total : 53.00</b>
93172	10/17/2019	21033	NV5, INC	137781	GREENWICH UTILITY UNDERGROUND/JUL19-AUG1
		21033		001-2133	4,135.00
					<b>Total : 4,135.00</b>
93173	10/17/2019	04142	OFFICE DEPOT	382703485001	PRINTER CART FOR OPERATIONS LT OFFICE
				001-2101-4305	119.99
				001-2101-4305	11.40
		04142			<b>Total : 131.39</b>
93174	10/17/2019	13114	OFFICE DEPOT	383484305001	MAT REQ 868990/FLAGS/LABLES/PENS
				001-1121-4305	59.04
				384563942001	MAT REQ 868990/NOTEBOOKS/BINDERS
				001-1121-4305	58.65
				385317775001	MAT REQ 773844/MAIN OFFICE SUPPLIES
				001-4601-4305	61.22
				385420808001	MAT REQ 874653/OFFICE SUPPLIES



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Voucher	Date	Vendor	Invoice	Description/Account	Amount
93174	10/17/2019	13114	OFFICE DEPOT	(Continued)	
				001-1203-4305	4.04
			385421660001	MAT REQ 874653/OFFICE SUPPLIES	
				001-1203-4305	103.87
		13114		<b>Total :</b>	<b>286.82</b>
93175	10/17/2019	11329	PIZER, RONALD & TONI	Parcel 4188-004-003	
				STREET LIGHT & SEWER TAX REBATE	
				001-6871	121.69
				105-3105	24.61
		11329		<b>Total :</b>	<b>146.30</b>
93176	10/17/2019	11539	PROSUM TECHNOLOGY SERVICES	SIN022260	
				CROSSROADS SOFTWARE DEPLOYMENT/SEP19	
				001-2101-4201	1,050.00
		11539		<b>Total :</b>	<b>1,050.00</b>
93177	10/17/2019	13255	RED SECURITY GROUP, LLC	32125	
				BARD ST PEDESTRIAN GATE PDK LOCK REPAIR	
				001-2024	1,488.26
		13255		<b>Total :</b>	<b>1,488.26</b>
93178	10/17/2019	21153	RJ PRINTING & PROMOTIONAL	359	
				ENVELOPES W/RETURN ADDRESS	
				001-1208-4305	945.80
				001-1208-4305	84.25
		21153		<b>Total :</b>	<b>1,030.05</b>
93179	10/17/2019	21529	ROSS, JACOB	PO 34147	
				DISMISSED CITATION NO. 39004975	
				001-3302	53.00
		21529		<b>Total :</b>	<b>53.00</b>
93180	10/17/2019	21168	SANTIAGO, ALFONSO	PO 32767	
				DISMISSED CITATION NO. 31005345	
				001-2024	53.00
		21168		<b>Total :</b>	<b>53.00</b>
93181	10/17/2019	21543	SCHAUB, MATT	PO 34185	
				CITATION NO. 40006802 OVERPAYMENT	
				001-3302	28.00
		21543		<b>Total :</b>	<b>28.00</b>
93182	10/17/2019	07228	SHAAL, ROBERT	Parcel 4188-020-076	
				STREET LIGHT TAX REBATE	
				105-3105	24.61
		07228		<b>Total :</b>	<b>24.61</b>

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Voucher	Date	Vendor	Invoice	Description/Account	Amount
93183	10/17/2019	07158	SIEMENS INDUSTRY INC	5610171298	11TH & HERMOSA TRAFFIC SIGNAL CONTROLLER 148-8186-4201
		07158			5,115.00
				<b>Total :</b>	<b>5,115.00</b>
93184	10/17/2019	19829	SITEONE LANDSCAPE SUPPLY	94319970-001	MAT REQ 586557/LANDSCAPING SUPPLIES 301-8699-4201
					170.89
			94350426-001	MAT REQ 586558/LANDSCAPING SUPPLIES 301-8699-4201	303.51
		19829			
				<b>Total :</b>	<b>474.40</b>
93185	10/17/2019	00117	SO CAL PUBLIC LABOR RELATIONS	PO 32843	GODINEZ/ANNUAL CONFERENCE REGISTRATION 001-2024
		00117			125.00
				<b>Total :</b>	<b>125.00</b>
93186	10/17/2019	00170	SOCAL GAS	011 004 5767 8	NATURAL GAS/555 6TH STREET/SEP19 001-4204-4303
			Acct 170-781-3287 9	YARD CNG STATION/GAS/SEP19	20.55
				715-3104-4310	50.34
				715-4204-4310	50.34
				715-6101-4310	50.35
		00170			
				<b>Total :</b>	<b>171.58</b>
93187	10/17/2019	10532	SOUTH BAY FORD	FXCS929260	REQ 586997/DUPLICATE KEY/VEHICLE 38 715-2101-4311
		10532			369.65
				<b>Total :</b>	<b>369.65</b>
93188	10/17/2019	00159	SOUTHERN CALIFORNIA EDISON CO	2-00-989-6911	ELECTRICITY/SEP19 105-2601-4303
					80.07
			2-01-836-7458	ELECTRICITY/SEP19 105-2601-4303	11.75
			2-02-274-0542	ELECTRICITY/SEP19 001-6101-4303	9.75
			2-09-076-5850	ELECTRICITY/SEP19 105-2601-4303	96.27
			2-19-024-1604	ELECTRICITY/SEP19 001-4204-4303	2,249.37
			2-21-400-7684	ELECTRICITY/SEP19 105-2601-4303	18.01
			2-23-687-8021	ELECTRICITY/SEP19	

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Voucher	Date	Vendor	Invoice	Description/Account	Amount
93188	10/17/2019	00159	SOUTHERN CALIFORNIA EDISON CO	(Continued)	
			2-26-686-5930	001-3104-4303 ELECTRICITY/SEP19 105-2601-4303	46.15  263.18
		00159		<b>Total :</b>	<b>2,774.55</b>
93189	10/17/2019	20236	SPECTRUM BUSINESS	0049969101119	PD/CABLE/OCT19 001-2101-4201
		20236			72.09
				<b>Total :</b>	<b>72.09</b>
93190	10/17/2019	21533	TAVERNITI, BENJAMIN	PO 34150	CITATIONS 43008730/1 OVERPAYMENT 001-3302
		21533			76.00
				<b>Total :</b>	<b>76.00</b>
93191	10/17/2019	19082	T-MOBILE	9372466339	CELL PHONE TOWER DUMP/DR #19-1742/3 001-2101-4201
				9372466340	CELL PHONE TOWER DUMP/DR #19-1742/3 001-2101-4201
				9372466341	CELL PHONE TOWER DUMP/DR #19-1742/3 001-2101-4201
				9372466342	CELL PHONE TOWER DUMP/DR #19-1742/3 001-2101-4201
		19082			50.00 50.00 50.00 50.00 50.00
				<b>Total :</b>	<b>200.00</b>
93192	10/17/2019	15279	TR COPY & PRINTING COMPANY	7762	500 DAILY PARKING PERMITS 001-1204-4305 001-1204-4305
		15279			142.00 13.49
				<b>Total :</b>	<b>155.49</b>
93193	10/17/2019	21526	TUNG, ALISON	PO 34152	DISMISSED CITATION NO. 37005477 001-3302
		21526			68.00
				<b>Total :</b>	<b>68.00</b>
93194	10/17/2019	21523	WANG, ANDY	PO 34153	DISMISSED CITATION NO. 40002130 001-3302
		21523			48.00
				<b>Total :</b>	<b>48.00</b>
93195	10/17/2019	14311	WOOLDRIDGE, MARY	Parcel 4182-024-005	STREET LIGHT & SEWER TAX REBATE 001-6871 105-3105
					121.69 24.61

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Voucher	Date	Vendor	Invoice	Description/Account	Amount
93195	10/17/2019	14311	WOOLDRIDGE, MARY	(Continued)	<b>Total : 146.30</b>
93196	10/17/2019	21553	WULFF, BONNIE S.	Parcel 4186-023-002	STREET LIGHT & SEWER TAX REBATE
				001-6871	121.69
				105-3105	24.61
		21553		<b>Total :</b>	<b>146.30</b>
93197	10/17/2019	17704	ZEIGLER, LIZ	TR 807	PER DIEM/CPCA CONFERENCE
				001-1204-4317	100.00
		17704		<b>Total :</b>	<b>100.00</b>
690027990	9/26/2019	21347	DEPT OF HEALTH CARE SRVS/GEMT	10/17/19 Check Run	MED TRANSPORT QUALITY ASSURE FEE/JAN19-M
					001-1202-4201
		21347		<b>Total :</b>	<b>168.84</b>
<b>73 Vouchers for bank code :       boa</b>					<b>Bank total : 138,693.42</b>
<b>73 Vouchers in this report</b>					<b>Total vouchers : 138,693.42</b>

"I hereby certify that the demands or claims covered by the checks listed on pages 1 to 10 inclusive, of the check register for 10/17/19 are accurate funds are available for payment, and are in conformance to the budget."



By

Finance Director

Date 10/17/19

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Voucher	Date	Vendor	Invoice	Description/Account	Amount
93198	10/21/2019	17965	AMGRAPH GROUP, INC	4378011	MEMORIAL DAY FLAG INSTALL/REMOVE 001-2024
		17965			2,694.00
				<b>Total :</b>	<b>2,694.00</b>
93199	10/21/2019	12275	APWA SOUTHERN CA CHAPTER	PO 13519	SALAN/PW INSTITUTE/MODULE 3 001-4202-4317
		12275			399.00
				<b>Total :</b>	<b>399.00</b>
93200	10/21/2019	18185	CERTAPRO PAINTERS OF PV	2135	PAINT PD HALLWAY/BOOKING AREA FLOORS 001-2024
		18185			3,187.27
				<b>Total :</b>	<b>3,187.27</b>
93201	10/21/2019	00571	DEPARTMENT OF MOTOR VEHICLES	PO 33612	DMV CLEAN AIR DECALS 715-1201-5403
		00571			22.00
				<b>Total :</b>	<b>22.00</b>
93202	10/21/2019	21209	MOTOROLA SOLUTIONS, INC	16064158	8 FLOOR MONITOR RADIOS 001-1201-4251 001-1201-4251
		21209			12,834.41
					1,096.15
				<b>Total :</b>	<b>13,930.56</b>
93203	10/21/2019	03282	REDONDO BEACH, CITY OF	568305	BCH CITIES TRANSIT LINE 109/APR19-JUN19 001-2024
		03282			1,615.00
				<b>Total :</b>	<b>1,615.00</b>
93204	10/21/2019	16970	RYDER, LISA R	PO 13910	GREEN BUSINESS PROG IMPLEMENT/APR-JUL19 001-2024
		16970			5,000.00
				<b>Total :</b>	<b>5,000.00</b>
93205	10/21/2019	18036	SPORTS CAMP MANAGEMENT	PO 33975	INSTRUCTOR PAYMENT/CLASSES 8303-6/8/41 001-4601-4221
		18036			10,542.00
				<b>Total :</b>	<b>10,542.00</b>
93206	10/21/2019	06993	TORRANCE MEMORIAL MEDICAL CENT	PO 34224	INMATE BLOOD DRAWS/JAN15-MAY19 001-2024
		06993			627.04
				<b>Total :</b>	<b>627.04</b>
93207	10/21/2019	19648	US BANK	1464214	'15 LEASE REVENUE BOND PMTS 19/20 201-1220-6801
					480,000.00

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Voucher	Date	Vendor	Invoice	Description/Account	Amount
93207	10/21/2019	19648 US BANK	(Continued)		
				201-1220-6701	161,106.26
				201-1220-6701	-131.27
		19648		Total :	640,974.99
10	Vouchers for bank code : boa			Bank total :	678,991.86
10	Vouchers in this report			Total vouchers :	678,991.86

"I hereby certify that the demands or claims covered by the checks listed on pages 1 to 2 inclusive, of the check register for 10/21/19 are accurate funds are available for payment, and are in conformance to the budget."

By 

Finance Director

Date 10/21/19

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Voucher	Date	Vendor	Invoice	Description/Account	Amount
93208	10/24/2019	21086	ABSOLUTE INTERNATIONAL SECURIT	2019054199	DOWNTOWN/PIER PLAZA EXTRA SECURITY/SEP19 001-2101-4201
		21086			8,403.20
				<b>Total :</b>	<b>8,403.20</b>
93209	10/24/2019	18891	ASCENT ELEVATOR SERVICES LA	2545	CITY HALL ELEVATOR MAINTENANCE/OCT19 001-4204-4201
				2546	144.00
		18891			144.00
				<b>Total :</b>	<b>288.00</b>
93210	10/24/2019	13361	AT&T MOBILITY	287016141723X1014201	PUMPS/PW ADMIN/FANGARY CELLS/SEP19 001-4202-4304
					23.78
		13361			
				<b>Total :</b>	<b>177.08</b>
93211	10/24/2019	11620	BRUNN, OFFICER GEORGE	TR 789	PER DIEM/CA NARCOTIC OFFICER ASSN EXPO 001-2101-4317
		11620			200.00
				<b>Total :</b>	<b>200.00</b>
93212	10/24/2019	18635	BURGOS, CARLOS	PO 34221	STAFF DINNER FOR RABIES CLINIC 001-3302-4305
					22.23
		18635			
				<b>Total :</b>	<b>256.23</b>
93213	10/24/2019	20010	CALIFORNIA ASSOCIATION FOR	PO 34222	ANNUAL MEMBERSHIP DUES/OCT19-SEP20 001-2101-4315
		20010			50.00
				<b>Total :</b>	<b>50.00</b>
93214	10/24/2019	21479	CLIMATE ACCESS	1032	SEA LEVEL RISE VIRTUAL EXPERIENCE/2 OF 3 150-4107-4201
		21479			10,000.00
				<b>Total :</b>	<b>10,000.00</b>
93215	10/24/2019	18570	CODE PUBLISHING INC	64704	MUNICIPAL CODE ELECTRONIC UPDATES/SEP19 001-1121-4201
					200.00
		18570			350.00
				<b>Total :</b>	<b>550.00</b>
93216	10/24/2019	20398	CONTINENTAL MAPPING SERVICE	100319	PUBLIC NOTICES/OCT19 001-4101-4201
					2,550.00

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Voucher	Date	Vendor	Invoice	Description/Account	Amount
93216	10/24/2019	20398	CONTINENTAL MAPPING SERVICE	(Continued)	<b>Total : 2,550.00</b>
93217	10/24/2019	00364	DEPARTMENT OF JUSTICE	406679	MAT REQ 874654/FINGERPRINTING/SEP19
		00364		001-1203-4251	128.00
				<b>Total :</b>	<b>128.00</b>
93218	10/24/2019	11449	DEWEY PEST CONTROL	Account 759408	PEST CONTROL/CITY-OWNED BUILDINGS/OCT19
		11449		001-4204-4201	694.00
				<b>Total :</b>	<b>694.00</b>
93219	10/24/2019	20611	DUDEK	20195300	CITY YARD REMEDIATION/JUL19
				001-8615-4201	4,356.25
				20196312	CITY YARD REMEDIATION/AUG19
				001-8615-4201	337.50
		20611		<b>Total :</b>	<b>4,693.75</b>
93220	10/24/2019	13075	ESRI	93718042	ARCGIS SOFTWARE MAINT/JUL19-JUN20
		13075		715-1206-4201	9,400.00
				<b>Total :</b>	<b>9,400.00</b>
93221	10/24/2019	06293	FEDEX KINKOS INC	008200541619	MAT REQ 549839/CERTIFICATES FOR MAYOR
				001-1101-4305	2.16
				008200542455	MAT REQ 549841/SISTER CITY CERTIFICATES
				001-1101-4305	5.87
				101600011440	REQ 649776/BLDG PLAN COPIES FOR SUBPOENA
				001-4201-4305	266.38
		06293		<b>Total :</b>	<b>274.41</b>
93222	10/24/2019	06344	FIRST CALL STAFFING, INC.	00709-165757	PW MGMT ANALYST TEMP W/E 10/13/19
		06344		001-4202-4112	1,435.20
				<b>Total :</b>	<b>1,435.20</b>
93223	10/24/2019	18361	FISHER CONTRACTOR INC	19-03312	VALLEY PARK RESTROOM ROOF TILE REPAIR
		18361		301-8699-4201	1,965.00
				<b>Total :</b>	<b>1,965.00</b>
93224	10/24/2019	19884	FRONTIER	310-372-6186-0831895	2ND FLOOR CANON FAX 10/16/19-11/15/19
				001-1121-4304	12.10
				001-1141-4304	12.10
				001-1201-4304	12.10



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Voucher	Date	Vendor	Invoice	Description/Account	Amount
93224	10/24/2019	19884	FRONTIER	(Continued)	
				001-1202-4304	12.10
				001-1203-4304	12.09
		19884		<b>Total :</b>	<b>60.49</b>
93225	10/24/2019	10306	GAGLIA, MICK	TR 815	
				PER DIEM/SHERMAN BLOCK SUPERVISORY~	
				001-2101-4312	150.00
		10306		<b>Total :</b>	<b>150.00</b>
93226	10/24/2019	15406	GENERAL INDUSTRIAL SUPPLY	117178-01	
				MAT REQ 586999/CASE OF LATEX GLOVES	
				715-4206-4311	78.02
		15406		<b>Total :</b>	<b>78.02</b>
93227	10/24/2019	21552	GOLD COAST K9	HBPD-01	
				POLICE SERVICE K9	
				153-2106-5405	15,807.50
		21552		<b>Total :</b>	<b>15,807.50</b>
93228	10/24/2019	20627	GOLDEN TOUCH CLEANING, INC.	66568	
				JANITORIAL/CITY-OWNED BLDGS/SEP19	
				001-4204-4201	9,111.00
		20627		<b>Total :</b>	<b>9,111.00</b>
93229	10/24/2019	02458	INGLEWOOD WHOLESALE ELECTRIC	261103-00	
				MAT REQ 768338/ELECTRICAL SUPPLIES	
				301-8609-4201	819.51
				261104-00	
				MAT REQ 768337/ELECTRICAL SUPPLIES	
				301-8609-4201	958.65
		02458		<b>Total :</b>	<b>1,778.16</b>
93230	10/24/2019	15782	LA CO METRO TRANSPORTATION	104386	
				BUS PASS SALES/AUG19	
				145-3403-4251	104.00
				001-1204-4251	21.00
		15782		<b>Total :</b>	<b>125.00</b>
93231	10/24/2019	00118	LA SUPERIOR COURT - TORRANCE	PO 34215	
				PARKING CITATION SURCHARGES/SEP19	
				001-3302	68,754.00
		00118		<b>Total :</b>	<b>68,754.00</b>
93232	10/24/2019	18071	MERCHANTS LANDSCAPE SERVICES	54764	
				CITYWIDE PARK LANDSCAPING/SEP19	
				001-6101-4201	21,200.00
				54765	
				CITYWIDE MEDIAN LANDSCAPING/SEP19	
				105-2601-4201	3,600.00

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Voucher	Date	Vendor	Invoice	Description/Account	Amount
93232	10/24/2019	18071	MERCHANTS LANDSCAPE SERVICES	(Continued)	<b>Total : 24,800.00</b>
93233	10/24/2019	21081	MERCIER, SHARON K.	Parcel 4185-016-022	STREET LIGHT & SEWER TAX REBATE
				001-6871	121.69
				105-3105	24.61
		21081		<b>Total :</b>	<b>146.30</b>
93234	10/24/2019	16541	MID-CITY MAILING SERVICES CORP	24229	BALLOT MEASURE MAILERS
				001-1202-4201	1,544.00
		16541		<b>Total :</b>	<b>1,544.00</b>
93235	10/24/2019	13838	PITNEY BOWES INC	1013978130	MAT REQ 773780/POSTAGE METER SUPPLIES
				001-1208-4305	29.55
				1013978131	MAT REQ 773780/POSTAGE METER SUPPLIES
				001-1208-4305	325.73
		13838		<b>Total :</b>	<b>355.28</b>
93236	10/24/2019	19033	POSITIVE PROMOTIONS	06406599	1,200 GLOW STICKS FOR OUTREACH
				001-3302-4201	771.04
		19033		<b>Total :</b>	<b>771.04</b>
93237	10/24/2019	16425	SAFEWAY INC VONS	433739-093019-2110	MAT REQ 987456/PARK PROGRAM/PUMPKINS
				001-4601-4308	77.96
				661639-100119-2110	REQ 987457/PARK PROGRAM/WIPES/SPONGES
				001-4601-4308	33.98
				726398-091719-2110	REQ 773838/CONF RM/COFFEE/PAPER TOWELS
				001-4601-4305	19.75
				726401-091719-2110	SURFER FAME WALK/JUDGE MEETING SNACKS~
				001-4601-4308	34.93
				801095-092519-2110	MAT REQ 773843/SENIOR CTR MOVIE/CANDY
				001-4601-4328	11.97
				808583-092019-2110	MAT REQ 987454/COMM MOVIE NIGHT COOKIES
				001-4601-4308	15.98
		16425		<b>Total :</b>	<b>194.57</b>
93238	10/24/2019	03353	SBCU VISA	09I0034513168 CC	PD WATER DELIVERY 8/13/19-9/12/19
				001-2101-4305	427.91
				14156 CC	WHO'S TELLING YOUR STORY SUMMIT
				001-2101-4317	693.00
				Email CC	SENIOR CENTER MUSIC SUBSCRIPTION/SEP19

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Voucher	Date	Vendor	Invoice	Description/Account	Amount
93238	10/24/2019	03353	SBCU VISA	(Continued)	
				001-4601-4328	9.99
			Email CC	SENIOR CENTER MUSIC SUBSCRIPTION/AUG19	
				001-4601-4328	9.99
			Email CC	COUNCIL MEETING DINNER	
				001-1101-4305	189.44
			Email CC	HERMOSABEACH.GOV DOMAIN NAME REG	
				715-1206-4201	400.00
			IC30411-0819 CC	CONFERENCE LINE/AUG19	
				001-1201-4304	54.67
			Mat Req 874652 CC	80 FLYERS FOR POLICE RECRUIT	
				001-1203-4201	74.90
			Memo & Receipt CC	SBCCOG INFRASTRUCTURE LUNCH MEETING	
				001-4202-4201	30.00
			Order 726454 CC	P.A.R.K. COMMUNITY MOVIE NIGHT PIZZA	
				001-4601-4308	75.71
			PO 33881 CC	EXCURSION/REFUND FOR SEAT CHANGES	
				001-4601-4201	-36.00
			PO 33939 CC	VALLEY PARK RESTROOM PARTITIONS	
				301-8699-4201	2,783.00
			PO 33967 CC	PARK PROGRAM TWO-WAY RADIOS	
				001-4601-4201	2,000.00
				001-4601-4201	190.00
			PO 33992 CC	1,000 DEPT RECRUITMENT BUSINESS CARDS	
				001-2101-4305	46.50
			PO 33993 CC	SENIOR CENTER MOVIE RENTAL/AUG19	
				001-4601-4328	1.75
				001-4601-4328	0.17
			PO 34022 CC	CELL PHONE CHARGERS FOR YARD	
				001-4202-4305	31.98
				001-4202-4305	3.04
			PO 34027 CC	DODGERS EXCURSION/BUS PARKING PASS	
				001-4601-4201	40.00
			PO 34044 CC	SUBSTATION/WALL-MOUNT RACK FOR IT EQUIP	
				001-8674-4201	75.42
				001-8674-4201	7.16
			PO 34045 CC	TYPEWRITER RIBBONS & CORRECTION TAPE	
				001-2101-4305	28.03
				001-2101-4305	2.17

10/24/2019 5:57:00PM

Check Register  
CITY OF HERMOSA BEACH

Page: 6

Bank code : boa

Voucher	Date	Vendor	Invoice	Description/Account	Amount
93238	10/24/2019	03353	SBCU VISA	(Continued)	
			PO 34062 CC	SEVEN PAINT WASTE DRUMS	
				001-3104-4309	672.00
				001-3104-4309	63.84
				001-3104-4309	191.63
			PO 34077 CC	UNINTERRUPT POWER SYS/BATTERY/SURGE PROT	
				001-2101-4305	113.93
				001-2101-4305	10.82
			PO 34090 CC	BURGOS/PINEDA/POLICE SOCIAL MEDIA ACADEM	
				001-2101-4317	425.00
				001-3302-4317	425.00
			PO 34101 CC	PANCAKE BREAKFAST/CHAIR & TABLE RENTAL	
				001-3301-4201	750.72
			PO 34103 CC	FLOWERS FOR WOODROW TAYLOR FAMILY	
				001-1203-4201	77.72
			PO 34138 CC	LOWENTHAL/ARMATO/DUCLOS/CONFERENCE	
				001-1201-4317	325.00
				001-1101-4317	925.00
			PO 34178 CC	POSTAGE STAMPS FOR POLICE RECRUIT FLYER	
				001-1203-4305	59.00
			PO 34187 CC	AMAZON PRIME ANNUAL MEMBERSHIP FEE	
				001-4202-4305	130.31
			PO 34229 CC	CITY ATTORNEY CONDOLENCE FLOWERS	
				001-1203-4305	82.10
			Receipt CC	ORAL BOARD LUNCH	
				001-1203-4201	140.23
			Receipt CC	ORAL BOARD LUNCH	
				001-1203-4201	99.24
			Receipt CC	ORAL BOARD LUNCH	
				001-1203-4201	141.60
			Receipt CC	PW DIR INTERVIEWS/STAFF MEETING SNACKS	
				001-1203-4317	78.02
			Receipt CC	ORAL BOARD REFRESHMENTS	
				001-1203-4201	35.93
			Receipt CC	COMM POLICE ADVISORY BOARD FOOD	
				001-3302-4201	169.09
			Receipt CC	COUNCIL MEETING DINNER	
				001-1101-4305	308.27
			Receipt CC	COUNCIL MEETING DINNER	

**Check Register**  
**CITY OF HERMOSA BEACH**

Page: 7

10/24/2019 5:57:00PM

Bank code : boa

Voucher	Date	Vendor	Invoice	Description/Account	Amount
93238	10/24/2019	03353	SBCU VISA	(Continued)	
				001-1101-4305	257.78
			Receipts CC	PARKING STAKEHOLDER MEETING REFRESHMENTS	
				001-1201-4305	61.98
			TR 797 CC	LOWENTHAL/ICMA ANNUAL CONFERENCE	
				001-1201-4317	376.60
			TR 797 CC	LOWENTHAL/ANNUAL CONFERENCE	
				001-1201-4317	390.00
			TR 811 CC	LOWENTHAL/CITY MANAGER CONFERENCE	
				001-1201-4317	725.00
			TR 817 CC	DE ANDA-SCAIA/ICMA CONFERENCE	
				001-1201-4317	75.00
			TransID4536406640 CC	SENIOR CENTER MOVIE RENTAL/SEP19	
				001-4601-4328	1.92
		03353		<b>Total :</b>	<b>14,251.56</b>
93239	10/24/2019	03353	SBCU VISA	25875744 CC	
				JOB AD/PART-TIME COMM RES STAFF	
				001-1203-4201	159.57
		03353		<b>Total :</b>	<b>159.57</b>
93240	10/24/2019	09691	SOUTHERN CALIFORNIA FLAGPOLE	PO 34119	
				VETERANS MEMORIAL FLAGPOLE/SERVICE/REPAI	
				001-2120	1,045.20
		09691		<b>Total :</b>	<b>1,045.20</b>
93241	10/24/2019	00146	SPARKLETTS	4472788 091219	
				COMM RES/DRINKING WATER/SEP19	
				001-4601-4305	219.61
		00146		<b>Total :</b>	<b>219.61</b>
93242	10/24/2019	18821	SPCALA	2019-0831	
				ANIMAL SHELTERING SERVICES/AUG19	
				001-3302-4201	575.00
		18821		<b>Total :</b>	<b>575.00</b>
93243	10/24/2019	20236	SPECTRUM BUSINESS	0402150101719	
				1301 HERMOSA/540 PIER CONNECTION/OCT19	
				001-2101-4304	783.16
		20236		<b>Total :</b>	<b>783.16</b>
93244	10/24/2019	20670	TURBODATA SYSTEMS, INC.	31029	
				TICKET WRITER WIRELESS FEES/OCT19	
				001-3302-4201	1,250.00
		20670		<b>Total :</b>	<b>1,250.00</b>

**Check Register**  
**CITY OF HERMOSA BEACH**

Page: 8

10/24/2019 5:57:00PM

Bank code : boa

Voucher	Date	Vendor	Invoice	Description/Account	Amount
93245	10/24/2019	03209	VERIZON WIRELESS LA	9839892443	COMM DEV/CELL PHONES/SEP19
				001-4201-4304	159.92
			9839941245	EMERGENCY MANAGER/CELL PHONE/SEP19	
				001-1201-4304	54.28
		03209		<b>Total :</b>	<b>214.20</b>
93246	10/24/2019	19757	WOOD ENVIRONMENT & INFRASTRUCT	S49832882	LOCAL COASTAL PLANNING/JUL19
				150-4107-4201	6,195.50
			s49832946	LOCAL COASTAL PLANNING/AUG19	
				150-4107-4201	24,667.50
			S49833067	LOCAL COASTAL PLANNING/SEP19	
				150-4107-4201	4,202.00
		19757		<b>Total :</b>	<b>35,065.00</b>
93247	10/24/2019	19757	WOOD ENVIRONMENT & INFRASTRUCT	S49832863	STRAND/PIER HOTEL ENVIRON IMPACT/JUL19
				001-2105	6,708.20
		19757		<b>Total :</b>	<b>6,708.20</b>
93248	10/24/2019	19574	YOUNGBLOOD AND ASSOCIATES, ERVIN L	4031A	BACKGROUND INVESTIGATION/OCT19
				001-2101-4201	350.00
		19574		<b>Total :</b>	<b>350.00</b>
900067964	10/18/2019	13838	PITNEY BOWES INC	10/24/19 Check Run	POSTAGE METER REFILL/OCT19
				001-1208-4305	1,000.00
		13838		<b>Total :</b>	<b>1,000.00</b>
42 Vouchers for bank code : boa					<b>Bank total : 226,361.73</b>
42 Vouchers in this report					<b>Total vouchers : 226,361.73</b>

10/24/2019 5:57:00PM

Check Register  
CITY OF HERMOSA BEACH

Page: 9

Bank code : bo

Voucher	Date	Vendor	Invoice	Description/Account	Amount
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"I hereby certify that the demands or claims covered by the checks listed on pages 1 to 9 inclusive, of the check register for 10/24/19 are accurate funds are available for payment, and are in conformance to the budget."

By 

Finance Director

Date 10/24/19



## Staff Report

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### Staff Report

REPORT 19-0740

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**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of November 12, 2019**

**ACTION MINUTES OF THE PARKS, RECREATION AND  
COMMUNITY RESOURCES ADVISORY COMMISSION  
MEETING OF OCTOBER 1, 2019**

**Recommended Action:**

Staff recommends that the City Council receive and file the action minutes of the Parks, Recreation and Community Resources Advisory Commission meeting of October 1, 2019.

**Attachments:**

Minutes of October 1, 2019

**Approved:** Kelly Orta, Community Resources Manager





## MINUTES

### ADJOURNED REGULAR MEETING of the PARKS, RECREATION AND COMMUNITY RESOURCES ADVISORY COMMISSION

Tuesday, October 1, 2019 – Council Chambers, City Hall  
1315 Valley Drive – 7:00 P.M.

#### Parks, Recreation and Community Resources Advisory Commission

Jani Lange  
Lauren Pizer Mains  
Jessica Guheen  
Barbara Ellman  
Traci Horowitz

Parks, Recreation and Community Resources Advisory Commission agendas and staff reports are available for review on the City's web site at [www.hermosabch.org](http://www.hermosabch.org). Written materials distributed to the Parks, Recreation and Community Resources Advisory Commission within 72 hours of the meeting are available for public inspection immediately upon distribution in the Community Resources Department during normal business hours from Monday through Thursday, 7:00 a.m. - 6:00 p.m.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**

Present: Commissioners Lange, Pizer Mains, Guheen (arrived at 7:07pm), Ellman and Horowitz, Community Resources Manager Kelly Orta, Senior Recreation Supervisor Lisa Nichols and City Attorney Patrick Donegan.

4. **Announcements**
5. **Presentations**

A. **None**

6. **Miscellaneous Items and Reports – Community Resources Manager**

- A. Updates Regarding Items Previously on the Commission's Agenda
- B. Pickleball Sound Study
- C. Access Mats
- D. CIP Discussion Timeline

7. **Public Comment**

Anyone wishing to address the Commission on items pertaining to parks and recreation that are not listed on the agenda may do so at this time. The Brown Act generally prohibits the Commission from taking action on any matter not listed on the posted agenda. Comments from the public are limited to three minutes per speaker. Please sign your name on the sign-in sheet at the conclusion of your comments.

Coming forward to address the Commission at this time: (00:09:57)

Chris Brown, Hermosa Beach resident  
Anthony Higgins, Hermosa Beach resident

## **8. Correspondence**

- A. None

## **9. Consent Calendar**

- A. Approval of the August, 2019 Activity Report
- B. Approval of the Regular Meeting Action Minutes of September 3, 2019
- C. Approval of the Joint Study Session Action Minutes of September 4, 2019
- D. Approval of the Addition of “Pumpkins in the Park” to the 2019 Special Event Calendar on Saturday, October 12, 2019 at Edith Rodaway Park

**Motion** by Commission Pizer Mains to approve Items A, B, C and D on the Consent Calendar. Commissioner Ellman seconded the motion. Motion passed with a 5-0 vote.

## **10. Items Removed from the Consent Calendar for Separate Discussion**

None.

## **11. Public Hearings**

- A. None

## **12. Matters for Commission Consideration**

### **A. Special Event Fee Waiver Grant Policy**

Recommendation: Staff recommends that the Parks, Recreation and Community Resource’s Advisory Commission recommend:

1. Approval of the proposed Special Event Fee Waiver Grant Policy to the City Council;
2. Implementation of the proposed Special Event Fee Waiver Grant Policy for the 2020 calendar of events; and
3. That no additional special event fees shall be waived for events scheduled in 2019.

Coming forward to address the Commission at this time: (00:37:44)  
Carol Kluthe, Hermosa Beach Education Foundation representative  
Jennifer Buchsbaum, Hermosa Beach Education Foundation representative  
Lisa Vargas Gardner, Hermosa Beach Education Foundation representative  
Megan Cerst, Hermosa Beach Education Foundation representative  
Camie McDowell, Hermosa Beach Education Foundation representative  
Belinda Oakes, Hermosa Beach Education Foundation representative  
Sam Perrotti, Arts Group of Hermosa Beach President  
Lisa Pederson, Arts Group of Hermosa Beach representative  
Janice Brittain, Arts Group of Hermosa Beach Treasurer  
Mike Detoy, Hermosa Beach resident  
Laura Leventhal, Hermosa Beach Friends of the Parks President

**Motion** by Commissioner Guheen to recommend approval to the City Council the proposed Special Event Policy incorporating the feedback provided by Commission and including reference of a future contract option with the City for event producers; to implement the proposed Special Event Fee Waiver Policy for the 2020 calendar of events; and that no additional special event fees be waived for events scheduled in 2019. Commission Horowitz seconded the motion. Motion passed with a 5-0 vote.

## **B. Commission Subcommittee and Liaison Roles Review**

Recommendation: Staff recommends that the Parks, Recreation and Community Resources Advisory Commission:

1. Affirms their Subcommittees and Commission Liaison roles and its election of Commissioners for each;
2. Consider filling the vacancy on the Municipal Lease Policy Subcommittee; and
3. Include additional tasks to the Department Use Policy Subcommittee.

**Motion** by Commissioner Guheen to affirm the Subcommittee and Commission Liaison roles with the addition of Commissioner Guheen as South Park Liaison, to appoint Commissioner Horowitz to the Municipal Lease Policy Subcommittee and to include the additional tasks to the Department Use Policy Subcommittee. Commissioner Ellman seconded the motion. Motion passed with a 5-0 vote.

## **13. Commissioner's Reports**

### **A. Subcommittees**

- i. Special Event (Lange and Ellman)
- ii. Community Theatre (Lange and Pizer Mains)
- iii. Municipal Leases (Pizer Mains)
- iv. Community Resources Department Use Policies (Ellman and Guheen)
- v. Clark Building Improvements Subcommittee (Ellman and Pizer Mains)

### **B. Commission Liaison Roles**

- i. Surfers Walk of Fame
- ii. Access Hermosa

## **14. Items Requested by Commissioners**

## **15. Other Matters**

## **16. Adjournment**

**Motion** by Commissioner Pizer Mains to adjourn the meeting. Commissioner Ellman seconded the motion. Motion passed with a 5-0 vote.



## Staff Report

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### Staff Report

REPORT 19-0734

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**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of November 12, 2019**

**DESIGNATION OF CITY NEGOTIATOR**  
(City Attorney Mike Jenkins)

**Recommended Action:**

City Attorney recommends that the City Council designate Stacey Armato as the City's negotiator for purposes of conducting a closed session under Government Code section 54957.6 relative to negotiations with the City Manager concerning a compensation adjustment.

**Background:**

Section 5 of the City Manager's employment agreement with the City provides in part as follows:

"Employee shall not be entitled automatically to receive cost of living adjustments afforded to City's classified employees or department head level executives, but the City Council may in its discretion take the cost of living index into consideration when adjusting Employee's compensation. At the time of her annual performance evaluation, or at any other time desired by the City Council, City agrees to evaluate Employee's salary and/or any other benefits Employee receives under this Agreement and to make modifications in such amounts and to such an extent as City Council in its discretion may determine that it is desirable to do so based on Employee's performance and such other information as Employee may submit as Employee deems relevant to this determination, including evidence of salaries paid to city managers in comparable cities."

City Manager Lowenthal's annual performance evaluation was conducted by the Council on October 8, 2019. Under the above provision, it is now time for the City Council to consider whether to make a salary adjustment.

Government Code Section 54957.6(a) provides that the City Council may hold a closed session for this purpose:

(a) Notwithstanding any other provision of law, a legislative body of a local agency may hold

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## Staff Report

REPORT 19-0734

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closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its designated representatives.

A closed session will be scheduled for that purpose at the Council's November 18, 2019 adjourned regular meeting pursuant to Government Code Section 54957.6.

Government Code Section 54954.5(f) provides that the City's designated representative be identified on the closed session agenda and Government Code Section 54957.6 (a), quoted above, requires that the City's designated representative be identified prior to the closed session. It is recommended that, for purposes of identifying the City's negotiator on the closed session agenda for November 18, 2019, the Council designate Stacey Armato on the agenda as the City's negotiator.

Final action on an adjustment to the City Manager's compensation, if any, must be made in open session at a regular meeting of the City Council.

**Respectfully Submitted by:** Michael Jenkins, City Attorney



## Staff Report

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### Staff Report

REPORT 19-0735

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**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of November 12, 2019**

**REQUEST FOR APPROVAL OF SPONSORSHIP DONATION TO  
MIRA COSTA HIGH SCHOOL GRAD NITE 2020**

(City Manager Suja Lowenthal)

**Recommended Action:**

Staff recommends that the City Council approve a donation of \$1,000 to the Mira Costa High School G.R.A.D. Booster Club for 2020.

**Background:**

Requests from Mira Costa High School have been approved annually since 1998. The amount originally approved in 1998, and subsequently requested annually, is \$1,000.

**Fiscal Implications:**

Funds for this donation are included in the Fiscal Year 2019-20 budget under the City Council Special Events Account, 001-1101-4319.

**Attachment:**

Mira Costa G.R.A.D. Nite Donation Request and Sponsorship Form

**Respectfully Submitted by:** Ann Yang, Executive Assistant

**Legal Review:** Mike Jenkins, City Attorney

**Noted for Fiscal Impact:** Charlotte Newkirk, Accounting Manager

**Approved:** Suja Lowenthal, City Manager



**Mira Costa High School**  
**G.R.A.D. Nite: June 11, 2020**

**Please Support MCHS G.R.A.D. Nite**

**G.R.A.D. Nite (Graduates Resisting Alcohol and Drugs)**

An all-night, fun, supervised and SOBER event for graduates to celebrate safely with their peers on Graduation Night

G.R.A.D. Nite is a 25+ Year Mira Costa tradition. Seniors are encouraged to celebrate with other graduates, in a drug-free and alcohol-free environment

Graduates are bussed to a secret destination where they are fed and entertained well into the early morning

Ticket prices are kept low to encourage attendance, and scholarships are provided to students who otherwise could not afford to attend

Please consider becoming a Mira Costa G.R.A.D Nite Sponsor

100% of your donation will cover scholarships and the cost of the event  
Your donation is tax Deductible

To learn more about G.R.A.D Nite, please visit

[https://www.miracostahigh.org/apps/pages/index.jsp?uREC\\_ID=1400555&type=d&pREC\\_ID=1611907](https://www.miracostahigh.org/apps/pages/index.jsp?uREC_ID=1400555&type=d&pREC_ID=1611907)

AshleyOsterkamp, Co-Chair amosterkamp@gmail.com / 310-266-0983  
575 31<sup>st</sup> Street, Manhattan Beach, CA 90266

Checks should be written to MBX Foundation with GRAD Nite in the memo

The tax ID # is 02-0603467 We are a 501(c)(3) Organization



**Mira Costa High School  
G.R.A.D. Nite 2020  
Sponsorship Opportunities**

**Presenting Sponsor - \$5,000 or more**

**On Site Presence:**

- Presenting Sponsor signage prominently displayed at venue entrance

**Advertising:**

- Presenting Sponsor credit in Beach Reporter "Thank You" Ad
  - Presenting Sponsor credit on GRAD Nite website
- Presenting Sponsor banner at MCHS during graduation and then displayed on Artesia Boulevard

**Major Sponsor - \$1,000 to \$4,999**

**On Site Presence:**

- Major Sponsor signage prominently displayed at venue

**Advertising:**

- Major Sponsor credit in Beach Reporter "Thank You" Ad
  - Major Sponsor credit on GRAD Nite website
- Major Sponsor banner at MCHS during graduation and then displayed on Artesia Boulevard

**Activity Sponsor - \$500 to \$999**

An Activity Sponsor will help fund a specific activity. Previous activities have included fortune tellers, temporary tattoos, candy bars, espresso bars, photo booths, arcade games, ice cream bars and more

**On Site Presence:**

- Activity Sponsor signage prominently displayed at GRAD Nite venue

**Advertising:**

- Activity Sponsor credit in Beach Reporter "Thank You" Ad
- Activity Sponsor banner at MCHS during graduation and then displayed on Artesia Boulevard

**Questions about Sponsorship?**

Please contact [amosterkamp@gmail.com](mailto:amosterkamp@gmail.com)

Or call Ashley Osterkamp (310) 266-0983

We are a 501(c)(3) Organization  
Your Donation is tax Deductible



Mira Costa High School  
**G.R.A.D. Nite**  
**Graduates Resisting Alcohol and Drugs Booster Club**  
P.O. Box 1079, Manhattan Beach, CA 90267-1079  
Tax ID# 02-0603467

## Sponsorship Form

Name of Sponsor: \_\_\_\_\_

Name of Contact Person: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_

\$ \_\_\_\_\_ Presenting Sponsor (\$5,000 or more)

\$ \_\_\_\_\_ Major Sponsor (\$1,000 - \$4,999)

\$ \_\_\_\_\_ Activity Sponsor (\$500 - \$999)

\$ \_\_\_\_\_ Other (Please List Amount)

How you would like your name to be listed when we formally recognize sponsors?

\_\_\_\_\_

**Please pay via check and make payable to: "MBX Foundation" (Grad Nite On the Memo Line)**

**Print and Mail this completed form to:**  
**Ashley Osterkamp, GRAD Nite, 575 31st Street, Manhattan Beach, CA 90266**

**Questions Please Contact:**

Contact GRAD Nite Co-Chair:

Ashley Osterkamp at [amosterkamp@gmail.com](mailto:amosterkamp@gmail.com)



## Staff Report

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### Staff Report

REPORT 19-0743

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Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of November 12, 2019

**REQUEST FOR APPROVAL OF SPONSORSHIP DONATION TO  
THE BEACH CITIES HEALTH DISTRICT'S 21<sup>st</sup> ANNUAL  
HOLIDAY GIFT BAG PROJECT  
(City Manager Suja Lowenthal)**

**Recommended Action:**

Staff recommends that the City Council approve a donation of \$660 to the Beach Cities Health District's Holiday Gift Bag Project for 2019.

**Background:**

As part of the Beach Cities Health District (BCHD) Holiday Gift Bag Project, friendly volunteers have delivered gift bags filled with practical and fun gifts to beach cities seniors and adults with disabilities each holiday season since 1998. Each year, hundreds of volunteers participate and provide joy and excitement to recipients of the gift bags, many of whom are homebound or live in isolation.

The Holiday Gift Bag Project is supported through partnerships with local agencies, civic organizations, service groups, private donations and memorials. BCHD has set a goal to raise \$7,000 in donations and one hundred percent of contributions goes to the Holiday Gift Bag Project. Holiday gift bags are filled with essentials such as grocery gift cards, calendars, soap, kitchen towels, stamps, crossword puzzles, flashlights, batteries and more.

This year, BCHD is providing 19 Hermosa Beach clients with holiday gift bags with some of these clients also receiving grocery gift cards. Each gift bag costs approximately \$25. The total amount for the Hermosa Beach client gift bags and grocery cards is \$660.

**General Plan Consistency:**

PLAN Hermosa, the City's General Plan, was adopted by the City Council in August 2017. The Beach Cities Health District's Holiday Gift Bag Project supports the PLAN Hermosa goal and policy listed below.

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## Staff Report

REPORT 19-0743

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### *Governance Element*

*Goal 7. Community sustainability and health are a priority in policy and decision-making.*

- *Policy 7.10 Senior needs and services.* Consider and address the specialized services and needs of a growing population of seniors regarding health and wellness, recreation, housing, and transportation.

### **Fiscal Implications:**

Funds for this donation are included in the Fiscal Year 2019-20 budget under the City Council Special Events Account, 001-1101-4319.

### **Attachment:**

1. Request from BCHD
2. Link to Holiday Gift Bag Project Webpage

**Respectfully Submitted by:** Ann Yang, Executive Assistant

**Legal Review:** Mike Jenkins, City Attorney

**Noted for Fiscal Impact:** Charlotte Newkirk, Accounting Manager

**Approved:** Suja Lowenthal, City Manager

**From:** Kate Ekman <Kate.Ekman@bchd.org>  
**Sent:** Tuesday, November 5, 2019 5:18 PM  
**To:** Ann Yang <anny@hermosabeach.gov>  
**Subject:** RE: BCHD Holiday Engagement Opportunity

Hi Ann,

Right now we have 19 recipients from Hermosa Beach, some of whom are slated to receive grocery gift card money as well.

The total cost to support these residents with a Holiday Gift Bag this year is \$660.00. Any contribution that the city decides to make will be appreciated!

Please let me know if you need any more information.

Thank you!  
Kate

**From:** Kate Ekman <[Kate.Ekman@bchd.org](mailto:Kate.Ekman@bchd.org)>  
**Sent:** Friday, November 1, 2019 11:58 AM  
**Subject:** BCHD Holiday Engagement Opportunity



Hello!

The holidays can be a difficult and lonely time for older adults and adults with disabilities in our community. But it doesn't have to be that way. Each holiday season since 1998, friendly volunteers have delivered gift bags filled with practical and fun gifts to 250 beach cities seniors and adults with disabilities, many of whom are homebound or live in isolation.

I'm reaching out today on behalf of Beach Cities Health District regarding our Holiday Gift Bags program because **volunteer signups to deliver gift bags** went live today!

#### Ways to Help:

1. **Donate:** Thank you to those who have already contributed to support the program. We continue seeking sponsors to help raise \$7,000 and 100% of contributions goes directly toward the holiday gift bags. Donations can be made in any amount through

credit card or check. Donate \$100 or more by Monday, November 25<sup>th</sup> and your organization will be acknowledged in a local newspaper and in a letter that goes to all gift bag recipients. Individuals can also donate. Each bag costs approximately \$25. For every \$25 contribution, acknowledgement cards are available by request to be given as a holiday gift. See flyer attached that can be provided to your employees or group members.

2. **Volunteer to Deliver a Holiday Gift Bag**: Many organizations use this as a teambuilding opportunity for employees to volunteer together. Or, let your employees or group members know about this volunteer opportunity to participate with their family and friends. This is a popular volunteer opportunity in the community and we do anticipate open positions will fill relatively quickly.

Attached is further information in regards to making a donation or volunteering to deliver gift bags, or you can visit [www.bchd.org/holidaygiftbags](http://www.bchd.org/holidaygiftbags) to donate or signup to volunteer.

Feel free to contact me if you have any questions. Thank you in advance for helping to create a healthy beach community!

Sincerely,



**Kate A. Ekman, CVA**

*Purpose and Engagement Coordinator*  
Beach Cities Health District  
Ph: 310-374-3426, x199  
Fax: [310-374-0966](tel:310-374-0966)  
[www.bchd.org](http://www.bchd.org)  
[www.facebook.com/beachcitieshealthdistrict](https://www.facebook.com/beachcitieshealthdistrict)

*Creating a healthy beach community.*



## Staff Report

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### Staff Report

REPORT 19-0715

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Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of November 12, 2019

**AN ORDINANCE OF THE CITY OF HERMOSA BEACH,  
CALIFORNIA, AMENDING CHAPTER 8.64 OF THE HERMOSA  
BEACH MUNICIPAL CODE TO EXPAND THE BAN ON  
POLYSTYRENE FOOD SERVICE WARE TO INCLUDE A BAN  
ON CERTAIN POLYSTYRENE PRODUCTS, SINGLE-USE PLASTIC  
PRODUCTS, AND SINGLE-USE PRODUCTS AND AMENDING  
CHAPTER 1.10 TO MAKE VIOLATIONS OF CHAPTER 8.64  
AS AMENDED SUBJECT TO ADMINISTRATIVE  
PENALTY PROCEDURES**

***(Continued from meeting of August 27, 2019)***

(Environmental Programs Manager Douglas Krauss)

### **Recommended Action:**

Staff recommends that the City Council introduce an ordinance amending the Municipal Code to expand the ban on polystyrene food service ware to include a ban on certain polystyrene products, single-use plastic products, and single-use products.

### **Executive Summary:**

Following City Council discussion and direction on July 9 and August 27, 2019, staff has prepared an update to the City's plastic pollution ordinance to accomplish the following:

1. Prohibit the distribution and sale of polystyrene meat, fish, and produce trays, and polystyrene coolers;
2. Prohibit the use, distribution, and sale of polystyrene packing materials;
3. Prohibit the use and distribution of single-use plastic products, including plastic beverage straws, plastic stirrers, and plastic utensils, whether for use onsite, to-go, or delivery;
4. Implement an "upon request" policy for non-plastic single-use straws, stirrers, and utensils;
5. Prohibit the sale and distribution of foil, "metalized," or Mylar balloons;
6. Prohibit use or distribution of foil, "metalized," or Mylar balloons on public property, including beaches and parks;
7. Prohibit the use or distribution of latex balloons at City functions or City-sponsored events; and
8. Prohibit the release of latex balloons anywhere within City limits.

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## Staff Report

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By including these updates to the Municipal Code, Hermosa Beach would have a plastic pollution ordinance modeled after best practices in the region and consistent with the neighboring Manhattan Beach ordinance. City of Redondo Beach is also currently considering an equivalent ordinance and over 120 cities and counties in California have already adopted variations of ordinances limiting polystyrene (**Attachment 1**).

### **Background:**

On September 11, 2012, City Council adopted ordinance No. 12-1332, adding Chapter 8.64 to the Hermosa Beach Municipal Code to ban polystyrene food service ware and amending Chapter 1.10 to make violations of Chapter 8.64 subject to administrative penalty procedures. This ordinance addresses the local environmental and public health impacts by prohibiting the sale, use, and distribution of polystyrene packaging for foods and drinks packaged or repackaged within the City.

On September 1, 2015, City Council adopted ordinance No. 15-0648 banning the use of plastic carryout bags and imposing a charge for recyclable paper bags in order to reduce the number of plastic bags in the Santa Monica Bay, to encourage customers to bring their own bags to the store, and to reduce waste. This ordinance prohibits any retail establishment in the City of Hermosa Beach from providing plastic single-use carryout bags to customers for the purpose of carrying goods away from the point of sale and was revised in 2017 as a result of California State Senate Bill 270 that regulates grocery stores, retail stores with a pharmacy, convenience stores, food marts, and liquor stores Statewide.

On July 9, 2019, City Council requested staff to develop and return with an ordinance to reduce and eliminate the sale and use of certain polystyrene products, single-use plastic products, and single-use products in Hermosa Beach. On August 27, 2019, staff brought forth a draft ordinance and was directed to continue it to a future Council meeting. The draft ordinance reflects additional refinements to the previous draft.

It is estimated that approximately 30 million tons of plastic is discarded in the United States each year, and less than 3% gets recycled. In California, the recycling rate for single-use plastic is less than 15%<sup>1</sup> and many polystyrene products are not recyclable. The remainder ends up in landfills, harbors, and ocean, where it persists for decades and, for some products, centuries.

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<sup>1</sup> Senator Allen, et al, "Solid Waste: Packaging and Products," California Senate Bill 54, 2019.

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Polystyrene and other non-recyclable plastics are a serious and readily preventable source of marine debris pollution. Because many of these products are lightweight, they easily blow into gutters and storm drains, onto beaches, and into the ocean, even when they are initially disposed of properly. Once broken down in marine environments, many of these products can kill fish and other wildlife when ingested. These fragments are misidentified as food by sea birds and marine life and cause choking or starvation. Plastics in the ocean also attract other pollutants, which magnify the toxicity of the fragments consumed by marine life. Ultimately, these plastic fragments ingested by marine life can enter the human food chain.

Plastic ocean pollution is not only a threat to marine wildlife, it also poses a significant hurdle to the City's compliance with the Santa Monica Bay nearshore and offshore debris Total Maximum Daily Load (TMDL) target of zero trash discharged into the Santa Monica Bay. Litter characterization studies across the country have recognized fast food service ware products as the primary identifiable source of urban litter and the most abundant type of non-cigarette litter. Reducing the sale and distribution of single-use plastic products, such as plastic straws, stirrers, and utensils, are expected to have the long-term impact of helping reduce pollution along the City's coastline and in the ocean.

Balloons have also been identified as one of the most harmful items to wildlife. Typically used to celebrate special occasions, balloons can end up in streams, rivers, and the ocean where marine animals ingest them causing injury and even death. The Ocean Conservancy, an international environmental organization, has tracked balloon debris over 31 years through the International Coastal Cleanup campaign. More than 630,000 balloons were collected worldwide between 2008 and 2016. Additionally, studies have shown that balloon fragments are the single most deadly form of marine plastic for seabirds, 32 times more lethal than other hard plastics.<sup>2</sup> Reducing the sale, distribution, or use of balloons by ordinance is also expected to have the long-term local impact of helping reduce pollution along the City's coastline and in the ocean.

The purpose of this report is to introduce an ordinance to expand the City's current ordinances to include a ban on certain polystyrene products, single-use plastic products, and balloons to further reduce their negative impacts on the environment and public health and to achieve consistency with similar policies in neighboring communities as well as many ocean-front communities throughout the state.

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<sup>2</sup> Nick Kilvert, "Balloons Found to be Deadliest Marine Plastic for Seabirds," <https://www.abc.net.au/news/science/2019-03-02/balloons-lethal-to-seabirds/10861022>, (March 1, 2019).



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## Staff Report

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### **Discussion:**

#### *Other Legislative and Program Efforts to Reduce Plastic Pollution*

Source reduction is the most effective and least costly method to eliminate plastic from entering landfills and waterbodies. Once plastics enter the environment, they are very difficult and costly to remove. Federal, state and local regulations focus on source reduction in combination with infrastructure solutions. Examples of some legislative and programmatic efforts to reduce plastic pollution include:

- Santa Monica Bay nearshore and offshore debris Total Maximum Daily Load (TMDL) regulations;
- Senate Bill 54 (Allen) and Assembly Bill 1080 (Gonzalez), together known as the California Circular Economy and Plastic Pollution Reduction Act;
- Clean Bay Restaurant Certification Program;
- California Green Business Network Program;
- Trash capture screens installed in City catch basins; and
- Beach cleanup days.

#### *Amendments to Chapter 8.64 of the City of Hermosa Beach Municipal Code*

Revisions to Section 8.64 of the Hermosa Beach Municipal Code presented in **Attachment 2** are consistent with Council direction to implement a complementary ban to that of the City of Manhattan Beach. The suggested revisions include prohibitions on polystyrene packing materials; meat, fish trays, and produce trays; coolers; single-use plastic products, including plastic beverage straws, plastic stirrers, and plastic utensils (including an "Upon Request" policy for non-plastic single-use straws, stirrers and utensils); foil; "metalized" or Mylar balloons; and latex balloons.

#### *Disability Accommodation on Straws*

Many cities have adopted similar bans on plastic straws. Doing so has caused the disabled community to speak out about how plastic straws can be essential to those who require them. Disabled community advocates have noted that there is not an adequate alternative for them. Staff recommends adding a clause in the ordinance to accommodate people with disabilities. Such clause is included in the proposed ordinance presented in **Attachment 2**.

#### *Additional Measures*

There are a variety of additional measures that can be taken by Council to expand and complement the proposed ordinance, as described in the July 9, 2019 staff report detailing options for regulation of single-use plastics. These include such conditions as requiring businesses to charge customers for disposable cups (City of Berkeley) or banning the sale of polystyrene pool and beach toys (City of Malibu). Staff recommends that the ordinance be adopted as proposed to ensure the timely and efficient implementation of the most significant components of such single-use plastic bans. Staff will

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## Staff Report

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research additional measures reflective of the City's policy direction regarding local environmental and public health impacts and bring an update to Council with potential "add-ons" at a later date after the proposed ordinance has been fully implemented.

### *Education and Outreach*

The ordinance states it will become operative eight months from its effective date, which would be mid-June 2020. Staff recommends June 30, 2020 be the final compliance deadline advertised to the community, allowing all affected groups and businesses to exhaust current supplies of banned materials and secure sources for alternative supplies. Staff spoke with representatives from the California Grocers Association and California Restaurant Association, both of whom specifically requested an extended effective date of the ordinance, similar to their requests in other jurisdictions.

City staff is developing a comprehensive education and outreach campaign specific to residents and businesses (**Attachment 4**). These efforts would utilize the City's website, social media, the Go Hermosa! app, customer communications through the City's waste hauler and contracted storm water inspectors, and the outreach abilities of various local organizations such as the Chamber of Commerce. The City also has a network of contacts with local businesses, especially restaurants, via its Clean Bay Restaurant program and Green Business Certification program that would be utilized to raise awareness of the new ordinance. In addition to notification of the Municipal Code amendments, staff would promote alternative products and options that can be used in place of the prohibited materials through an illustrated guide (**Attachment 5**). These efforts would be ongoing throughout the implementation of the program and beyond.

### *Environmental Review*

Staff has determined that the proposed ordinance is exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the State CEQA Guidelines. The ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential to cause a significant effect on the environment. It also finds the ordinance is exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15307 and 15308 as an action by a regulatory agency taken to protect the environment and natural resources. Prohibiting the distribution of certain polystyrene products, single-use plastic products, and balloons would improve the environment by reducing use of non-recyclable items and other single-use products.

### **General Plan Consistency:**

PLAN Hermosa, the City's General Plan, was adopted by the City Council in August 2017. This report and associated recommendations support several PLAN Hermosa goals and policies that are listed below.

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## Staff Report

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### *Infrastructure Element*

Goal 5. The stormwater management system is safe, sanitary, and environmentally and fiscally sustainable.

#### Policies:

- **5.7** Stormwater permits. Strictly implement, enforce, and monitor MS4 National Pollutant Discharge Elimination Systems (NPDES) Permit requirements through stormwater ordinances.

### *Sustainability + Conservation Element*

Goal 6. Hermosa Beach is a low or zero-waste community with convenient and effective options for recycling, composting, and diverting waste from landfills.

#### Policies:

- **6.4** Material source reduction. Support and enforce requirements to minimize the use of nonrecyclable materials or materials commonly found on the beach, such as plastic bags and polystyrene.
- **6.5** Recycled materials. Encourage and support the sale of products that minimize packaging or are made from recycled materials.
- **6.10** Evaluate recycling and waste diversion opportunities. Periodically evaluate and consider new opportunities to achieve greater waste diversion rates.

### **Fiscal Impact:**

Potential future fiscal impacts, should City Council adopt this ordinance, could include the cost associated with notice to impacted businesses, staff time to conduct education and outreach activities to affected businesses and residents, analysis as to the effectiveness of the ordinance, and compliance with the ordinance. City Council approved \$1,500 in the FY19-20 budget for the promotion of environmental programs and initiatives. Staff would consider the purchase of education and outreach materials for implementing the ordinance, including the purchase of reusable straws and utensils. Staff would develop education and outreach materials for City parks and open spaces to inform visitors of the balloon ban.

### **Attachments:**

1. List of Cities and Counties with Similar Ordinances
2. Draft Ordinance
3. Draft Ordinance Red-lined
4. Outreach Plan
5. Draft Business Guide

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## Staff Report

REPORT 19-0715

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**Respectfully Submitted by:** Douglas Krauss, Environmental Programs Manager

**Concur:** Ken Robertson, Community Development Director

**Noted for Fiscal Impact:** Viki Copeland, Finance Director

**Legal Review:** Mike Jenkins, City Attorney

**Approved:** Suja Lowenthal, City Manager

## **California Cities and Counties with Various Polystyrene Ordinances (Total 126 – 10/01/19)**

Alameda (2008/2017)	Imperial Beach (2018/2019)	Rancho Cucamonga (1988)
Alameda County (2015)	Lafayette (2014)	Redwood City (2011)
Albany (2008)	Laguna Beach (2007)	Richmond (2009/13)
Aliso Viejo (2004)	Laguna Hills (2008)	Salinas (2011)
Arcata (2015)	Laguna Woods (2012)	San Anselmo (2018/2019)
Arroyo Grande (2016)	Livermore (2010/2018)	San Bruno (2009)
Avalon (2017)	Long Beach (2018)	San Carlos (2012)
Belmont (2012)	Los Altos (2014)	San Clemente (2011)
Berkeley (1988/2019)	Los Altos Hills (2012)	San Diego (2019)
Brisbane (2014)	Los Angeles City (1988/2008)	San Francisco City/County (06–19)
Burlingame (2011)	Los Angeles County (2008)	San Jose (2013)
Calabasas (2007)	Los Gatos (2014)	San Juan Capistrano (2004)
Campbell (2014)	Malibu (2005/16/18)	San Leandro (2011)
Capitola (2009/2011)	Manhattan Beach (1988–2019)	San Luis Obispo (2015)
Carmel (2008/2017)	Marin County (2009)	San Mateo City (2013)
Carpenteria (2008/2017)	Marina (2011)	San Mateo County (2008/11)
Colma (2013)	Martinez (1993)	San Pablo (2014)
Concord (2018)	Mendocino County (2014)	San Rafael (2012)
Cotati (1989)	Menlo Park (2012)	Santa Barbara (2018)
Culver City (2017)	Millbrae (2007)	Santa Clara City (2014)
Cupertino (2014)	Mill Valley (2009)	Santa Clara County (2012)
Daily City (2012)	Milpitas (2017)	Santa Cruz City (08/12/17)
Dana Point (2012)	Monrovia (2017)	Santa Cruz County (2012)
Davis (2017)	Monterey City (2009)	Santa Monica (2007/2018)
Del Mar (2019)	Monterey County (2010)	Sausalito (2007)
Del Ray Oaks (2009)	Morgan Hill (2014)	Scotts Valley (2008)
Dublin (2019)	Moro Bay (2016)	Seaside (2010)
El Cerrito (2013)	Mountain View (2014)	Sebastopol (2019)
Emeryville (2007)	Newport Beach (2008)	Solana Beach (2015)
Encinitas (2016)	Novato (2013/2014)	Sonoma City (1989)
Fairfax (1993)	Oakland (2006)	Sonoma County (1989)
Fort Bragg (2014)	Ojai (2014)	South Lake Tahoe (2018)
Foster City (2011)	Orange County (2006)	South Pasadena (2016)
Fremont (1990/2010)	Pacific Grove (2008)	South San Francisco (2008)
Gonzales (2014)	Pacifica (2009)	Sunnyvale (2013)
Greenfield (2014)	Palo Alto (2009/16/19)	Ukiah (2014)
Grover Beach (2018)	Pasadena (2016)	Union City (2016)
Half Moon Bay (2011)	Pinole (2018)	Ventura County (2004)
Hayward (2010)	Pismo Beach (2015)	Walnut Creek (2014)
Hercules (2008)	Pittsburg (1991)	Watsonville (2009/14/19)
Hermosa Beach (2012)	Pleasanton (2013)	West Hollywood (1990)
Huntington Beach (2004)	Portola Valley (2012)	Yountville (1989)

**ORDINANCE NO. \_\_\_\_\_**  
**AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA,**  
**AMENDING CHAPTER 8.64 OF THE HERMOSA BEACH MUNICIPAL**  
**CODE TO EXPAND THE BAN ON POLYSTYRENE FOOD SERVICE**  
**WARE TO INCLUDE A BAN ON CERTAIN POLYSTYRENE PRODUCTS,**  
**SINGLE-USE PLASTIC PRODUCTS, AND SINGLE-USE PRODUCTS**  
**AND AMENDING CHAPTER 1.10 TO MAKE VIOLATIONS OF**  
**CHAPTER 8.64 AS AMENDED SUBJECT TO ADMINISTRATIVE**  
**PENALTY PROCEDURES**

**RECITALS**

A. The state Legislature recognized that littered plastic products have caused and continue to cause significant environmental harm and have burdened local governments with significant environmental cleanup costs. (California Public Resources Code §42355.)

B. To fulfill the City of Hermosa Beach's goals of reducing littered plastic products, the Hermosa Beach City Council adopted an ordinance banning polystyrene food service ware on September 11, 2012 (Ordinance No. 12-1332) and adopted an ordinance banning the use of plastic carryout bags on September 1, 2015 (Ordinance No. 15-0648).

C. Despite these efforts, the City continues to confront littered plastic, including other types of polystyrene products, such as coolers, packaging materials, egg cartons, and meat and fish and produce trays, as well as other types of plastic products, such as plastic straws, stirrers, and utensils. The City is also confronted by littered balloons on the streets, parks, and beaches.

D. Balloons and plastic pollution, including polystyrene and single-use products, raise environmental and health concerns related to water pollution, the welfare of marine life, and human health.

E. A ban on additional polystyrene products, single-use plastic products, and other single use products will further serve the City's goal of reducing litter.

**The City Council of the City of Hermosa Beach does ordain as follows:**

**SECTION 1.** Chapter 8.64 of Title 8 of the Hermosa Beach Municipal Code is amended to read as follows:

**CHAPTER 8.64 BAN ON CERTAIN POLYSTYRENE PRODUCTS, SINGLE-USE PLASTIC PRODUCTS, AND SINGLE-USE PRODUCTS**

**Sections:**

- |          |   |
|----------|---|
| 8.64.010 | Purpose   |
| 8.64.020 | Definitions   |
| 8.64.030 | Prohibition of Prepared Food in Polystyrene Food Service Ware   |
| 8.64.040 | Prohibition of Other Polystyrene Products   |
| 8.64.050 | Prohibition of Plastic Straws, Stirrers, and Utensils; “upon-request”<br>policy for non-plastic single use straws, stirrers, and utensils   |
| 8.64.060 | Regulation on the sale, distribution, and use of balloons; Prohibition<br>of the sale, distribution, and use of “foil,” “metalized,” or “Mylar”<br>Balloons; Prohibition on the release of Latex balloons |
| 8.64.070 | Exemptions  |
| 8.64.080 | Enforcement and Compliance  |

**8.64.010 Purpose.**

The purpose of this Chapter is to establish standards and procedures to reduce adverse environmental and public health impacts and promote environmentally sustainable practices in the City of Hermosa Beach by prohibiting the use of certain polystyrene products, single-use plastic products, and single-use products.

A. Polystyrene, a lightweight petroleum-based plastic material, is commonly littered or blown out of trash receptacles, is difficult to clean up, and migrates to the storm drain system and eventually to the ocean and beaches.

B. Balloons and other plastic pollution, including single-use plastics and polystyrene, also negatively affect the environment and have raised environmental and health concerns related to water pollution, the welfare of marine life, and human health.

C. These regulations will reduce polystyrene use and litter in the City; reduce the distribution of disposable single-use plastic; reduce single-use waste; reduce balloon litter; reduce greenhouse gas emissions; and reduce threats to natural ecosystems and ocean wildlife, in order to protect the health of the Hermosa Beach community and expand environmentally sustainable practices in the City. These regulations will also advance compliance with federal, state and city clean water mandates including compliance with Total Maximum Daily Loads and other requirements of the National Pollutant Discharge Elimination System.

#### **8.64.020 Definitions.**

For purposes of this chapter, the following terms shall have the following meanings:

“Balloon” means a flexible bag, including, but not limited to, those made from rubber, latex, foil, metal, polychloroprene, Mylar, or nylon fabric, that is designed to be inflated with air or gas lighter than air such as helium, hydrogen, nitrous oxide, or oxygen, causing it to float.

“Beverage Provider” means any business, organization, entity, group, or individual that offers liquid, slurry, frozen, semi-frozen, or other forms of beverages to the public for consumption. Beverage provider also includes any organization, group, or individual that regularly provides beverages to its members or the general public as part of its activities or services.

"City Facility" means any building, structure, property, park, open space, or vehicle, owned or leased by the City of Hermosa Beach, or its agents, agencies, or departments.



"City Contractor" means any person that enters into a written contract or verbal agreement to furnish products or services to or for the City of Hermosa Beach.

"City-Sponsored Event" means any event, activity or meeting organized or sponsored by the City of Hermosa Beach or any department of the City of Hermosa Beach.

"Disposable Food Service Ware" or "Disposables" means single-use, disposable products used for serving or transporting Prepared Food, Raw Food, or beverages. This includes but is not limited to plates, bowls, trays, wrappers or wrapping, platters, cartons, condiment containers, cups or drink ware, straws, lids, utensils, stirrers, lid plugs (splash sticks), or any other container in or on which Prepared Foods, Raw Foods, or beverages are placed or packaged for consumption.

"Egg Carton" means a carton for raw eggs sold to consumers from a refrigerator case or similar appliance.

"Foil Balloon" includes but is not limited to balloons that are made of "metalized" nylon film, and include balloons often referred to as made of Mylar, which is a brand name for a special type of polyester film. Foil or metallic balloons are made of plastic (nylon) sheets coated with polyethylene and metallic materials that are sealed together with heat.

"Food Provider" means any Person or place that provides or sells Prepared Food or Raw Food or beverages within the City of Hermosa Beach to the general public to be consumed on the premises or for take-away consumption. Food Provider includes but is not limited to (1) a grocery store, supermarket, restaurant, drive-thru, cafe, coffee shop, snack shop, public food market, farmers' market, convenience store, or similar fixed place where Prepared Food or Raw Food or beverages is available for sale on the premises or for take-away consumption, and (2) any mobile store, food vendor, caterer, food truck, vending machine or similar mobile outlet. Food Provider also includes any organization, group or individual that regularly provides Prepared Food or Raw Food or beverages to its members or the general public as a part of its activities or services.

“Latex Balloon” is a balloon made with the sap from a rubber tree which during the manufacturing process many chemicals are added to the raw rubber including pigments, oils, curing agents, and accelerators.

“Meat and Fish Tray” means any tray for raw meat, fish, or poultry sold to consumers from a refrigerator case or similar retail appliance.

“Non-profit Vendor” means a recognized tax-exempt organization which provides goods as part of its services

"Person" means any person, business, corporation, or event organizer or promoter; public, nonprofit or private entity, agency or institution; or partnership, association or other organization or group, however organized.

"Plastic Beverage Straw" means a tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, used to transfer a beverage from its container to the mouth of the drinker. Plastic beverage straw includes compostable, petroleum-based or a biologically-based polymer straw, but does not include straws that are made from non-plastic materials, including but not limited to paper, pasta, sugar cane, wood, or bamboo.

"Plastic Stirrer" means a plastic device that is used to mix beverages and/or plug the opening of a beverage lid, and intended for only one-time use. Plastic stirrer includes compostable, petroleum-based, or a biologically-based polymer stirrers and lid plugs (splash sticks), but does not include stirrers that are made from non-plastic materials, including but not limited to paper, pasta, sugar cane, wood, or bamboo.

"Plastic Utensil" means any plastic utensil, including but not limited to forks, spoons, sporks, knives, cutlery, and disposable flatware intended for only one-time use. Plastic utensils includes compostable, petroleum-based, or biologically-based polymer forms of utensils, but does not include forms of utensils that are made from non-plastic materials, including but not limited to paper, sugar cane, wood, or bamboo.

"Polystyrene" means a thermoplastic petrochemical material utilizing the styrene monomer, including but not limited to polystyrene foam or expanded polystyrene, processed by any number of techniques, including but not limited to fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, or extrusion-blow molding (extruded foam polystyrene), and clear or solid polystyrene (oriented polystyrene). The Recycle Code for polystyrene is '6' or 'PS,' either alone or in combination with other letters. This definition applies to all Polystyrene Food Service Ware, regardless of whether it exhibits a Recycle Code.

"Polystyrene Cooler" means any cooler or ice chest made of polystyrene foam, where such foam is not fully encased in another material.

"Polystyrene Food Service Ware" means Disposable Food Service Ware that contains or utilizes Polystyrene.

"Polystyrene Packing Material" means polystyrene material used to hold, cushion, or protect items packed in a container for shipping, transport, or storage, including shipping boxes and packing peanuts.

"Prepared Food" means any food or beverage that is (1) ready to consume without any further food preparation, alteration or repackaging; and (2) prepared, provided, sold or served by a Food Provider using any cooking, packaging or food preparation technique. Prepared Food may be eaten either on or off the Food Provider's premises.

"Produce Tray" means any tray or carton for vegetable, fruit, or eggs sold to consumers from a refrigerator case or similar retail appliance.

"Raw Food" means any meat, fish, poultry, vegetable, fruit, or egg.

"Resin Code" means a resin identification code placed on plastics to identify the material composition for separation of different types of plastics for recycling.

"Vendor" means any store, shop, restaurant, sales outlet, mobile food vendor, pushcart, or other commercial establishment located within or doing business within the City of Hermosa Beach, which provides perishable or nonperishable goods.

#### **8.64.030 Prohibition of Prepared Food in Polystyrene Food Service Ware.**

A. No Food Provider or Beverage Provider or Non-Profit Vendor shall distribute or sell Prepared Food or Raw Food or beverages in any Polystyrene Food Service Ware at any location within the City of Hermosa Beach. Food Providers or Beverage Providers or Non-Profit Vendors that distribute Prepared Food or Raw Food or beverages in Disposable Food Service Ware shall (1) distribute only Disposables that exhibit a Resin Code other than No. 6 or PS, or (2) maintain documentation onsite of the composition of the Disposable Food Service Ware. Documentation may include information from the supplier, manufacturer, or bulk packaging for the Disposables, and any other relevant information demonstrating that the disposable material is not polystyrene.

B. No person shall sell any Polystyrene Food Service Ware at any location within the City.

C. No Person shall distribute or sell Prepared Food or Raw Food or beverages in any Polystyrene Food Service Ware at City Facilities that have been rented, leased or are otherwise being used with permission of the City. This Subsection is limited to use of City facilities for which a Person has entered into an agreement with the City to rent, lease or otherwise occupy a City facility. All facility rental agreements for any City facility shall include a provision requiring contracting parties to assume responsibility for preventing the utilization and/or distribution of Polystyrene Food Service Ware while using City facilities. The facility rental agreement shall indicate that the violating contractor's security deposit will be forfeited if the City Manager or his/her designee determines that Polystyrene Food Service Ware was used in violation of the rental agreement.

D. No Person shall use or distribute Polystyrene Food Service Ware at City-sponsored events, City-managed concessions and City meetings open to the public. This subsection shall apply to the function organizers, agents of the organizers, City Contractors, Food Providers, Beverage Providers or Non-Profit Vendors and any other Person that enters into an agreement with

one or more of the function sponsors to sell or distribute Prepared Food or Raw Food or beverages or otherwise provide a service related to the function.

E. The City of Hermosa Beach, its Departments, and its City Contractors, agents, and employees acting in their official capacity, shall not purchase or acquire Polystyrene Food Service Ware, or distribute it for public use.

#### **8.64.040 Prohibition of Other Polystyrene Products.**

A. Packaging Materials. No business or Vendor in the City shall sell, distribute, or use Polystyrene Packing Material, including but not limited to foam peanuts, packing peanuts, foam popcorn, or packing noodles.

B. Meat and Fish Trays and Produce Trays and Egg Cartons. No person may sell, offer for sale, or otherwise distribute for compensation within the City, Meat and Fish Trays or Produce Trays or Egg Cartons made, in whole or in part, from polystyrene, either as separate items or as part of the sale of Raw Food or raw meat, fish, or poultry, vegetables, fruit or eggs.

C. Coolers. No Person shall sell any Polystyrene Cooler at any location within the City.

#### **8.64.050 Prohibition of Plastic Straws, Stirrers, and Utensils; “upon-request” policy for non-plastic single use straws, stirrers, and utensils.**

A. Prohibition on Plastic Straws, Stirrers, and Utensils. Food Providers and Beverage Providers and Non-Profit Vendors shall not use or distribute Plastic Beverage Straws, Plastic Stirrers or Plastic Utensils, whether for use on-site, to-go, or delivery. Disposable straws, stirrers, and utensils must be non-plastic, made from non-plastic materials, such as paper, pasta, sugar cane, wood, or bamboo.

B. "Upon request" policy for non-plastic single use straws, stirrers and utensils. No Food Provider or Beverage Provider or Non-Profit Vendor shall provide non-plastic, single-use straws, utensils or stirrers, except upon the request of the customer.

C. Accommodations. Food Providers and Beverage Providers and Non-Profit Vendors, as well as City facilities, City-managed concessions, City-sponsored events, and City-permitted events, may retain and dispense Plastic Beverage Straws as an accommodation to people with disabilities who request them to enjoy equal access to food and beverage services within the City.

**8.64.060 Regulation on the sale, distribution, and use of balloons; Prohibition of the sale, distribution, and use of "foil," "metalized," or "Mylar" Balloons; Prohibition on the release of Latex balloons.**

A. No Person, including but not limited to a balloon wholesaler, retailer (e.g., party supply, craft store), or third party Vendor shall sell or distribute Foil Balloons or "metalized" or Mylar Balloons within the City either as a separate item or included in a packaged product set.

B. No Person shall use or distribute Foil Balloons or "metalized" or Mylar Balloons on public property, including parks and beaches.

C. No Person shall use or distribute Latex Balloons filled with air, helium or lighter than air gas at any City function or City sponsored event.

D. No Person shall release Latex Balloons filled with air, helium or lighter than air gas anywhere within the City limits.

**8.64.070 Exemptions.**

A. Food prepared or packaged outside the City of Hermosa Beach is exempt from the provisions of this Chapter, provided such food is not altered, packaged or repackaged within the

City of Hermosa Beach limits unless otherwise stated. This exemption does not apply to raw meat, fish, poultry, produce, or eggs.

B. Food provided by the Hermosa Beach School District under its official Food Service program.

C. Food for personal consumption at City Facilities, including but not limited to City parks and the beach, provided the facility is being used for individual recreation or similar purposes and such facility use is not part of a larger organized event that is otherwise governed by that Section.

D. The City Manager or his/her designee may exempt any Person from the requirements of this Chapter, as follows:

1. A request for an exemption shall be filed in writing with the City Manager or his/her designee and shall include documentation of the reason for the claimed exemption and any other information necessary for the City to make its decision. The City may require the applicant to provide additional information as necessary to make the required determinations.

2. The City Manager or his/her designee may approve the exemption for a maximum of one (1) year, with or without conditions, upon finding that compliance would create an undue hardship. Undue hardship shall be construed to include but not be limited to situations where:

- a. There are no reasonable alternatives for reasons that are unique to the applicant; or

- b. Compliance with the requirements of this Chapter would deprive a person of a legally protected right. The exemption may be extended for additional terms of up to one (1) year each, upon a showing of the continuation of the deprivation of the legal right.

3. The City Manager's written decision on the exemption is effective within ten (10) days of the decision. Decisions of the City Manager may be appealed to the City Council. Appeals shall be filed in writing with the City Clerk within ten (10) days of the decision and may be accompanied by a fee set by resolution of the City Council. Notice of hearing shall be given to

the applicant at least ten (10) days prior to the hearing. The City Council shall make its decision within sixty (60) days of receiving the appeal.

#### **8.64.080 Enforcement and Compliance.**

A. This Chapter shall be enforced by the City Manager or his/her designee. Nothing in this Chapter shall be construed to create a private cause of action. The City Manager, or his/her designee, is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this Chapter including, but not limited to, inspecting the premises of any Food Provider, Beverage Provider, Vendor, or Person in accordance with law and requiring documentation of the composition of Food Service Ware, Meat and Fish Trays, Produce Trays, Coolers, Egg Cartons and Packing Materials to verify compliance.

B. Violations of the provisions of this Chapter are subject to the administrative penalty provisions of Chapter 1.10.

C. The City Attorney may seek legal, injunctive, or other equitable relief to enforce this Chapter.

D. The remedies and penalties provided in this section are cumulative and not exclusive of one another.

E. All businesses that are subject to this Chapter shall certify compliance with this Chapter on the annual business license renewal application.

**SECTION 2.** Subsection 15 of section 1.10.040 of Chapter 1.10 of Title 1 of the Hermosa Beach Municipal Code is amended to read as follows:

**15. Chapter 8.64, Ban on Certain Polystyrene Products, Certain Single-Use Plastic Products, and Other Single-Use Products;**



**SECTION 3.** This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The City Council hereby finds that under Section 15061(b)(3) of the State CEQA Guidelines, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment. It also finds the Ordinance is exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15307 and 15308 as an action by a regulatory agency taken to protect the environment and natural resources. The reduction of littered plastics, disposable products, and balloons will help achieve compliance with MS4 permit requirements and will reduce littered plastics, disposable products and balloons from accumulating in the environment, the ocean, stormdrains, on the beach and in landfills.

**SECTION 4.** This Ordinance shall become operative eight months after its effective date.

**SECTION 5.** Prior to the expiration of fifteen (15) days after the date of its adoption, the City Clerk shall cause this Ordinance to be published in the Easy Reader, a weekly newspaper of general circulation published and circulated, in the City of Hermosa Beach in the manner provided by law.

**SECTION 6.** The City Clerk shall certify to the passage and adoption of this Ordinance, shall enter the same in the book of original Ordinances of said city, and shall make minutes of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted.

**PASSED, APPROVED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2019.

VOTE:AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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**MAYOR** of the City of Hermosa Beach, California

**ATTEST:**

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City Clerk

**APPROVED AS TO FORM:**

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City Attorney

**ORDINANCE NO. \_\_\_\_\_**  
**AN ORDINANCE OF THE CITY OF HERMOSA BEACH,**  
**CALIFORNIA, AMENDING CHAPTER 8.64 OF THE HERMOSA**  
**BEACH MUNICIPAL CODE TO EXPAND THE BAN ON**  
**POLYSTYRENE FOOD SERVICE WARE TO INCLUDE A BAN ON**  
**CERTAIN POLYSTYRENE PRODUCTS, SINGLE-USE PLASTIC**  
**PRODUCTS, AND SINGLE-USE PRODUCTS AND AMENDING**  
**CHAPTER 1.10 TO MAKE VIOLATIONS OF CHAPTER 8.64 AS**  
**AMENDED SUBJECT TO ADMINISTRATIVE PENALTY**  
**PROCEDURES**

**RECITALS**

A. The state Legislature recognized that littered plastic products have caused and continue to cause significant environmental harm and have burdened local governments with significant environmental cleanup costs. (California Public Resources Code §42355.)

B. To fulfil the City of Hermosa Beach's goals of reducing littered plastic products, the Hermosa Beach City Council adopted an ordinance banning polystyrene food service ware on September 11, 2012 (Ordinance No. 12-1332) and adopted an ordinance banning the use of plastic carryout bags on September 1, 2015 (Ordinance No. 15-0648).

C. Despite these efforts, the City continues to confront littered plastic, including other types of polystyrene products, such as coolers, packaging materials, egg cartons and meat and fish and produce trays, as well as other types of plastic products, such as plastic straws, stirrers, and utensils. The City is also confronted by littered balloons on the streets, parks, and beaches.

D. Balloons and plastic pollution, including polystyrene and single-use products, raise environmental and health concerns related to water pollution, the welfare of marine life, and human health.

E. A ban on additional polystyrene products, single-use plastic products, and single use products will further serve the City's goal of reducing litter.

The City Council of the City of Hermosa Beach does ordain as follows:

**SECTION 1.** Chapter 8.64 of the Hermosa Beach Municipal Code is amended to read as follows:

**CHAPTER 8.64 BAN ON CERTAIN POLYSTYRENE PRODUCTS, SINGLE-USE PLASTIC PRODUCTS, AND SINGLE-USE PRODUCTS~~BAN ON POLYSTYRENE FOOD SERVICE WARE~~**

**Sections:**

8.64.010~~\_\_\_\_\_~~—Purpose

8.64.020~~\_\_\_\_\_~~—Definitions

8.64.030~~\_\_\_\_\_~~—Prohibition of Prepared Food in Polystyrene Food Service Ware~~Food Packaging Prohibitions~~

8.64.040~~\_\_\_\_\_~~ Prohibition of Other Polystyrene Products

8.64.050~~\_\_\_\_\_~~ Prohibition of Plastic Straws, Stirrers, and Utensils; “upon-request”~~\_\_\_\_\_~~  
policy for non-plastic single use straws, stirrers, and utensils

8.64.060~~\_\_\_\_\_~~ Regulation on the sale, distribution, and use of balloons; Prohibition  
of the sale, distribution, and use of “foil,” “metalized,” or “Mylar”  
Balloons; Prohibition on the release of Latex balloons

8.64.07~~40~~ Exemptions

8.64.08~~50~~ Enforcement and Compliance

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#### 8.64.010 Purpose.

The purpose of this Chapter is to establish standards and procedures to reduce adverse environmental and public health impacts and promote environmentally sustainable practices in the City of Hermosa Beach by prohibiting the use of certain ~~disposable~~ polystyrene ~~products, single-use plastic products, and single-use products.~~ food containers.

A. Polystyrene ~~Food Service Ware~~, a lightweight petroleum-based plastic material, is commonly littered or blown out of trash receptacles and migrates to the storm drain system and eventually to the ocean and beaches. Littered Polystyrene, especially expanded foam, is difficult to clean up and may cumulatively result in increased litter. In the marine environment, this material breaks down into smaller pieces, which negatively impacts water quality and harms marine wildlife, which often mistakes polystyrene pieces for food.

B. Littered Polystyrene Food Service Ware, especially expanded foam, is difficult to clean up and may cumulatively result in increased litter. Balloons and other plastic pollution, including single-use plastics and polystyrene, also negatively affect the environment and have raised environmental and health concerns related to water pollution, the welfare of marine life, and human health.

C. These regulations reduce polystyrene use and litter in the City; reduce the distribution of disposable single-use plastic; reduce single-use waste; reduce balloon litter; reduce greenhouse gas emissions; and reduce threats to natural ecosystems and ocean wildlife, in order to protect the health of the Hermosa Beach community and provide environmental sustainable practices in the City. These regulations will also ~~Reduction of polystyrene in the environment will~~ advance compliance with federal, state and city clean water mandates including compliance with Total Maximum Daily Loads and other requirements of the National Pollutant Discharge Elimination System.

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~~C. Education about and reduction of food-soiled Polystyrene Food Service Ware, which can be difficult to clean and recycle, may advance waste stream reduction and recycling efforts and reduce the presence of this non-biodegradable material in landfills.~~

~~D. Polystyrene Food Service Ware has been shown to pose human health impacts to workers and consumers and these impacts can be mitigated by reducing its use.~~

#### ~~8.64.020 Definitions.~~

For purposes of this chapter, the following terms shall have the following meanings:

“Balloon” means a flexible bag, including, but not limited to, those made from rubber, latex, foil, metal, polychloroprene, Mylar, or nylon fabric, that is designed to be inflated with air or gas lighter than air such as helium, hydrogen, nitrous oxide, or oxygen, causing it to float.

“Beverage Provider” means any business, organization, entity, group, or individual that offers liquid, slurry, frozen, semi-frozen, or other forms of beverages to the public for consumption. Beverage provider also includes any organization, group, or individual that regularly provides beverages to its members or the general public as part of its activities or services.

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“City Facility” means any building, structure, property, park, open space, or vehicle, owned or leased by the City of Hermosa Beach, or its agents, agencies, or departments.

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“City Contractor” means any person that enters into a written contract or verbal agreement to furnish products or services to or for the City of Hermosa Beach.

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“City-Sponsored Event” means any event, activity or meeting organized or sponsored by the City of Hermosa Beach or any department of the City of Hermosa Beach.

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“Disposable Food Service Ware” or “Disposables” means single-use, disposable products used for serving or transporting Prepared Food, Raw Food, or beverages. This includes but is not limited to plates, bowls, trays, wrappers or wrapping, platters, cartons, condiment containers, cups or drink ware, straws, lids, utensils, stirrers, lid plugs (splash sticks), or any other container in or on which Prepared Foods, Raw Foods, or beverages are placed or packaged for consumption, ~~but excludes single-use disposable straws, cup lids, and utensils.~~

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“Egg Carton” means a carton for raw eggs sold to consumers from a refrigerator case or similar appliance.

“Foil Balloon” includes but is not limited to balloons that are made of “metalized” nylon film, and include balloons often referred to as made of Mylar, which is a brand name for a special type of polyester film. Foil or metallic balloons are made of plastic (nylon) sheets coated with polyethylene and metallic materials that are sealed together with heat.

“Food Provider” means any Person or place that provides or sells Prepared Food or Raw Food or beverages within the City of Hermosa Beach to the general public to be consumed on the premises or for take-away consumption. Food Provider includes but is not limited to (1) a grocery store, supermarket, restaurant, drive-thru, cafe, coffee shop, snack shop, public food market, farmers' market, convenience store, or similar fixed place where Prepared Food or Raw Food or beverages is available for sale on the premises or for take-away consumption, and (2) any mobile store, food vendor, caterer, food truck, vending machine or similar mobile outlet. Food Provider also includes any organization, group or individual that regularly provides Prepared Food or Raw Food or beverages to its members or the general public as a part of its activities or services.

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“Latex Balloon” is a balloon made with the sap from a rubber tree. During the manufacturing process many chemicals are added to raw rubber including pigments, oils, curing agents, and accelerators.

“Meat and Fish Tray” means any tray for raw meat, fish, or poultry sold to consumers from a refrigerator case or similar retail appliance.

“Non-profit Vendor” means a recognized tax-exempt organization which provides goods as part of its services

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“Person” means any person, business, corporation, or event organizer or promoter; public, nonprofit or private entity, agency or institution; or partnership, association or other organization or group, however organized.

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"Plastic Beverage Straw" means a tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, used to transfer a beverage from its container to the mouth of the drinker. Plastic beverage straw includes compostable, petroleum-based or a biologically-based polymer straw, but does not include straws that are made from non-plastic materials, including but not limited to paper, pasta, sugar cane, wood, or bamboo.

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"Plastic Stirrer" means a plastic device that is used to mix beverages and/or plug the opening of a beverage lid, and intended for only one-time use. Plastic stirrer includes compostable, petroleum-based, or a biologically-based polymer stirrers and lid plugs (splash sticks), but does not include stirrers that are made from non-plastic materials, including but not limited to paper, pasta, sugar cane, wood, or bamboo.

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"Plastic Utensil" means any plastic utensil, including but not limited to forks, spoons, sporks, knives, cutlery, and disposable flatware intended for only one-time use. Plastic utensils includes compostable, petroleum-based, or biologically-based polymer forms of utensils, but does not include forms of utensils that are made from non-plastic materials, including but not limited to paper, sugar cane, wood, or bamboo.

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"Polystyrene" means a thermoplastic petrochemical material utilizing the styrene monomer, including but not limited to polystyrene foam or expanded polystyrene, processed by any number of techniques, including but not limited to fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, or extrusion-blow molding (extruded foam polystyrene), and clear or solid polystyrene (oriented polystyrene). The Recycle Code for polystyrene is '6' or 'PS,' either alone or in combination with other letters. This definition applies to all Polystyrene Food Service Ware, regardless of whether it exhibits a Recycle Code.

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"Polystyrene Cooler" means any cooler or ice chest made of polystyrene foam, where such foam is not fully encased in another material.

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"Polystyrene Food Service Ware" means Disposable Food Service Ware that contains or utilizes Polystyrene.

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"Polystyrene Packing Material" means polystyrene material used to hold, cushion, or protect items packed in a container for shipping, transport, or storage, including shipping boxes and packing peanuts.

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"Prepared Food" means any food or beverage that is (1) ready to consume without any further food preparation, alteration or repackaging; and (2) prepared, provided, sold or served by a Food Provider using any cooking, packaging or food preparation technique. Prepared Food may be eaten either on or off the Food Provider's premises. ~~Prepared Food does not include (1) any raw uncooked meat, poultry, fish or eggs, unless provided for consumption without further food preparation, and (2) fresh produce provided for consumption without food preparation or repackaging, including fruits, vegetables, and herbs, sold by grocery stores, supermarkets, food markets, farmers' markets and other food vendors.~~

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"Produce Tray" means any tray or carton for vegetable, fruit, or eggs sold to consumers from a refrigerator case or similar retail appliance.

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~~"Polystyrene Packing Material" means polystyrene material used to hold, cushion, or protect items packed in a container for shipping, transport, or storage, including shipping boxes and packing peanuts.~~

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"Raw Food" means any meat, fish, poultry, vegetable, fruit, or egg.

"Recycle Code" means a resin identification code placed on plastics to ~~identify~~ identify the material composition for separation of different types of plastics for recycling.

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"Vendor" means any store, shop, restaurant, sales outlet, mobile food vendor, pushcart, or other commercial establishment located within or doing business within the City of Hermosa Beach, which provides perishable or nonperishable goods.

**8.64.030 Prohibition of Prepared Food in Polystyrene Food Service Ware**  
**Food Packaging Prohibitions.**

A. No Food Provider or Beverage Provider or Non-Profit Vendor shall distribute or sell Prepared Food or Raw Food or beverages in any Polystyrene Food Service Ware at any location within the City of Hermosa Beach. Food Providers or Beverage Providers or Non-Profit Vendors that distribute Prepared Food or Raw Food or beverages in Disposable Food Service Ware shall (1) distribute only Disposables that exhibit a Recycle Code other than No. 6 or PS, or (2) maintain documentation onsite of the composition of the Disposable Food Service Ware. Documentation may include information from the supplier, manufacturer, or bulk packaging for the Disposables, and any other relevant information demonstrating that the disposable material is not polystyrene.

**B. No person shall sell any Polystyrene Food Service Ware at any location within the City.**

**CB.** No Person shall distribute or sell Prepared Food or Raw Food or beverages in any Polystyrene Food Service Ware at City Facilities that have been rented, leased or are otherwise being used with permission of the City. This Subsection is limited to use of City facilities for which a Person has entered into an agreement with the City to rent, lease or otherwise occupy a City facility. All facility rental agreements for any City facility shall include a provision requiring contracting parties to assume responsibility for preventing the utilization and/or distribution of Polystyrene Food Service Ware while using City facilities. The facility rental agreement shall indicate that the violating contractor's security deposit will be forfeited if the City Manager or his/her designee determines that Polystyrene Food Service Ware was used in violation of the rental agreement.

C. No Person shall use or distribute Polystyrene Food Service Ware at City-sponsored events, City-managed concessions and City meetings open to the public. This subsection shall apply to the function organizers, agents of the organizers, City Contractors, Food Providers, Beverage Providers or Non-Profit Vendors and any other Person that enters into an agreement with

one or more of the function sponsors to sell or distribute Prepared Food or Raw Food or beverages or otherwise provide a service related to the function.

D. The City of Hermosa Beach, its Departments, and its City Contractors, agents, and employees acting in their official capacity, shall not purchase or acquire Polystyrene Food Service Ware, or distribute it for public use.

#### 8.64.040 Prohibition of Other Polystyrene Products.

A. Packaging Materials. No business or Vendor in the City shall sell, distribute, or use Polystyrene Packing Material, including but not limited to foam peanuts, packing peanuts, foam popcorn, or packing noodles.

B. Meat and Fish Trays and Produce Trays and Egg Cartons. No person may sell, offer for sale, or otherwise distribute for compensation within the City, Meat and Fish Trays or Produce Trays or Egg Cartons made, in whole or in part, from polystyrene, either as separate items or as part of the sale of Raw Food or raw meat, fish, or poultry, vegetables, fruit or eggs..

C. Coolers. No Person shall sell any Polystyrene Cooler at any location within the City.

#### 8.64.050 Prohibition of Plastic Straws, Stirrers, and Utensils; “upon-request” policy for non-plastic single use straws, stirrers, and utensils.

A. Prohibition on Plastic Straws, Stirrers, and Utensils. Food Providers and Beverage Providers and Non-Profit Vendors shall not use or distribute Plastic Beverage Straws, Plastic Stirrers or Plastic Utensils, whether for use on-site, to-go, or delivery. Disposable straws, stirrers, and utensils must be non-plastic, made from non-plastic materials, such as paper, pasta, sugar cane, wood, or bamboo.

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B. "Upon request" policy for non-plastic single use straws, stirrers and utensils. No Food Provider or Beverage Provider or Non-Profit Vendor shall provide non-plastic, single-use straws, utensils or stirrers, except upon the request of the customer.

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C. Accommodations. Food Providers and Beverage Providers and Non-Profit Vendors, as well as City facilities, City-managed concessions, City-sponsored events, and City-permitted events, may retain and dispense Plastic Beverage Straws as an accommodation to people with disabilities who request them to enjoy equal access to food and beverage services within the City.

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#### 8.64.060 Regulation on the sale, distribution, and use of balloons; Prohibition of the sale, distribution, and use of "foil," "metalized," or "Mylar" Balloons; Prohibition on the release of Latex balloons.

A. No Person, including but not limited to a balloon wholesaler, retailer (e.g., party supply, craft store), or third party Vendor shall sell or distribute Foil Balloons or "metalized" or Mylar Balloons within the City either as a separate item or included in a packaged product set.

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B. No Person shall use or distribute Foil Balloons or "metalized" or Mylar Balloons on public property, including parks and beaches.

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C. No Person shall use or distribute Latex Balloons filled with air or helium or lighter than air gas at any City function or City sponsored event.

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D. No Person shall release Latex Balloons filled with air or helium or lighter than air gas anywhere within the City limits.

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#### 8.64.0740 Exemptions.

A. Food prepared or packaged outside the City of Hermosa Beach is exempt from the provisions of this Chapter, provided such food is not altered, packaged or repackaged within the

City of Hermosa Beach limits unless otherwise stated. This exemption does not apply to raw meat, fish, poultry, produce, or eggs.

B. Food provided by the Hermosa Beach School District under its official Food Service program.

C. Food for personal consumption at City Facilities, including but not limited to City parks and the beach, provided the facility is being used for individual recreation or similar purposes and such facility use is not part of a larger organized event that is otherwise governed by that Section.

~~\_\_\_\_\_ C. Coolers and ice chests made of Polystyrene intended for reuse are exempt from the provisions of this Chapter.~~

D. The City Manager or his/her designee may exempt any Person from the requirements of this Chapter ~~Section 8.64.030 following the operative date of this ordinance~~, as follows:

1. A request for an exemption shall be filed in writing with the City Manager or his/her designee and shall include documentation of the reason for the claimed exemption and any other information necessary for the City to make its decision. The City may require the applicant to provide additional information as necessary to make the required determinations.

2. The City Manager or his/her designee may approve the exemption for a maximum of one (1) year, with or without conditions, upon finding that compliance would create an undue hardship. Undue hardship shall be construed to include but not be limited to situations where:

\_\_\_\_\_ a. There are no reasonable alternatives ~~to Polystyrene Food Service Ware~~ for reasons that are unique to the applicant; or

\_\_\_\_\_ b. Compliance with the requirements of this Chapter would deprive a person of a legally protected right. The exemption may be extended for additional terms of up to one (1) year each, upon a showing of the continuation of the legal right.

\_\_\_\_\_ 3. The City Manager's written decision on the exemption is effective within ten (10) days of the decision. Decisions of the City Manager may be appealed to the City Council.

Appeals shall be filed in writing with the City Clerk within ten (10) days of the decision and shall be accompanied by a fee set by resolution of the City Council. Notice of hearing shall be given to the applicant at least ten (10) days prior to the hearing. The City Council shall make its decision within sixty (60) days of receiving the appeal.

~~E. Section 8.64.030 shall not apply to individuals bringing food for personal consumption at City Facilities, including but not limited to City parks and the beach, provided the facility is being used for individual recreation or similar purposes and such facility use is not part of a larger organized event that is otherwise governed by that Section.~~

~~F. Food Providers that are obligated to purchase or have purchased Polystyrene Food Service Ware under a contract entered into within the year prior to the operative date of this ordinance are exempt from the provisions of this Chapter for six (6) months year following its operative date.~~

#### ~~8.64.0850~~ **Enforcement and Compliance.**

A. This Chapter shall be enforced by the City Manager or his/her designee. Nothing in this Chapter shall be construed to create a private cause of action. The City Manager, or his/her designee, is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this Chapter including, but not limited to, inspecting any Food Provider's the premises, of any Food Provider, Beverage Provider, Vendor, or Person in accordance with law and requiring documentation of the composition of Polystyrene Food Service Ware, Meat and Fish Trays, Produce Trays, Coolers, and Packing Materials ~~material~~ to verify compliance.

B. Violations of the provisions of this Chapter are subject to the administrative penalty provisions of Chapter 1.10.

C. The City Attorney may seek legal, injunctive, or other equitable relief to enforce this Chapter.

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D. The remedies and penalties provided in this section are cumulative and not exclusive of one another.

E. All ~~businesses that are subject to this Chapter~~ ~~Food Providers required under this Code to have a business license~~ shall certify compliance with this Chapter on the annual business license renewal application.

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**SECTION 2.** Section 1.10.040 of the Hermosa Beach Municipal Code is hereby amended to read as follows:

**15. Chapter 8.64, Ban on Certain Polystyrene Products, Certain Single-Use Plastic Products, and Other Single-Use Products**

**SECTION 3.** This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The City Council hereby finds that under Section 15061(b)(3) of the State CEQA Guidelines, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment. It also finds the Ordinance is exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15307 and 15308 as an action by a regulatory agency taken to protect the environment and natural resources. The reduction of littered plastics, disposable products, and balloons will help achieve compliance with MS4 permit requirements and will reduce littered plastics, disposable products and balloons from accumulating in the environment, the ocean, stormdrains, on the beach and in landfills.

**SECTION 4.** This Ordinance shall become operative eight months after its effective date and be in full force and in effect on January 1, 2020.

**SECTION 5.** Prior to the expiration of fifteen (15) days after the date of its adoption, the City Clerk shall cause this Ordinance to be published in the Easy Reader, a weekly newspaper of general circulation published and circulated, in the City of Hermosa Beach in the manner provided by law.

**SECTION 6.** The City Clerk shall certify to the passage and adoption of this Ordinance, shall enter the same in the book of original Ordinances of said city, and shall make minutes of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted.

**PASSED, APPROVED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2019.

VOTE:AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
**MAYOR** of the City of Hermosa Beach, California

**ATTEST:**

\_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

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## **OUTREACH PLAN**

### **Expansion of Ban of Polystyrene Products, Single-use Plastics, Balloons, etc.**

<b>Activity</b>	<b>Personnel Responsible</b>	<b>Target Audience</b>	<b>Timing</b>	<b>Status</b>
Distribute Business Feedback Survey. Assess feedback.	City Staff	Downtown Hermosa Beach Association, Chamber of Commerce, Certified Green Businesses, Friday Farmer's Market	September – November 2019	Accomplished and ongoing
Meeting with California Restaurant Association	City Staff	California Restaurant Association and its members. Coordinate future outreach and education	Met with staff in September 2019	Accomplished and ongoing
Meeting with select local businesses to discuss impacts and potential cooperation	City Staff	Select Local Businesses	November 2019	Coming soon
Illustrated guide for alternative products	City Staff and Consultant	All affected businesses and City website. Distributed by staff and via Clean Bay inspection program (see below)	Ready for distribution by January 1, 2020	Draft in development.
Storm water / Clean Bay Restaurant inspections	City Staff and Consultant	All restaurants. Mandatory annual inspection that will assess compliance	January – April 2020	Coming soon
City website and social media update. Newspaper ads, community groups, bill blurbs	City Staff, Community Partners, Waste Hauler	General Public	December 2019	In development
Update GoHermosa! App with ordinance information	City Staff	General Public	January 2020	Coming soon
Utilize Green Business Certification Program outreach	City staff and Consultant	Local businesses. Distribution of outreach and education materials to select businesses	November 2019 and ongoing	Ongoing
Outreach at Community Events	City Staff	General Public	December 2019 and ongoing	Ongoing
Purchase Sample Products	City Staff	General Public and Businesses. Could be distributed to educate and promote program	January 2020 and ongoing	Researching

# PLASTIC FREE HB

Hermosa Beach is moving away from single-use plastic to protect our oceans.

**THE PLASTIC POLLUTION PROBLEM** Commitment a healthy environment and lifestyles is part of the community vision for Hermosa Beach. Yet, plastic straws and utensils of all shapes, sizes and colors are popping up everywhere from cocktails to delivery food to unasked-for glasses of water.

**SINGLE-USE PLASTIC HARMS WILDLIFE** Because they're lightweight and not recyclable, most polystyrene food packaging, plastic straws and utensils end up in landfills. The rest wind up polluting the environment and posing a threat to aquatic life. In fact, recent studies show that half of all sea turtles and nearly all seabirds have eaten plastic- and by 2050, it's expected that there will be more plastic in the ocean than fish.

**HERMOSA BEACH IS TAKING ACTION** Here in Hermosa Beach we have the opportunity to do something big about this problem. Plastic bags, straws, and utensils are in the top six most commonly found pieces of trash during beach cleanups in California, and are also some of the most harmful pieces of plastic pollution to marine life.

HBMC Section 8.64 Regulating the Sale and Distribution of Single-Use Plastic Straws, Stirrers, and Utensils will go into effect January 1, 2020.

- The purpose of Municipal Code is to regulate the use of certain polystyrene products and single-use plastic and other single-use products in order to protect the health of Hermosa Beach citizens and promote environmentally sustainable practices in the City.
- Eliminate Single-Use Plastic: Plastic disposable straws, utensils, and stirrers distributed by food providers, whether for use on-site, to-go, or delivery, cannot be of plastic origin (including bio-plastics).
- Disposable straws, stirrers, and utensils must be made from non-plastic materials, including but not limited to paper, sugar cane, wood, or bamboo.
- Provide disposable non-plastic alternative straws, stirrers, or utensils only upon request of the customer.

Learn more about Hermosa Beach's efforts to reduce plastic pollution at:  
<https://www.hermosabeach.gov/our-government/city-manager/environmental-programs>







## Recommended **REUSABLE STRAWS**

Glass  
Stainless Steel  
Bamboo

## **SINGLE-USE STRAWS**

### Allowable Alternatives

Paper  
Grain  
Edible



## Banned

Plastic  
Bioplastic  
(PLA, #7, Compostable)



# EXAMPLES OF Compliant Straws

The City of Hermosa Beach does not endorse and is not affiliated with any of the products or companies listed below. This is not a comprehensive list of acceptable alternatives. This guide is only meant to show some examples of what may work for your business.

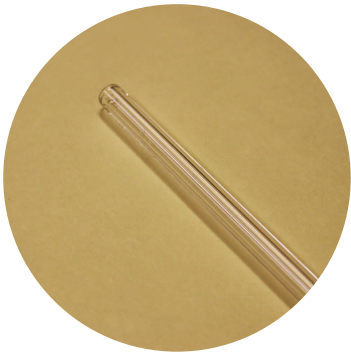
These resources were gathered primarily from *For A Strawless Ocean*.  
Visit [StrawlessOcean.org/Alternatives](http://StrawlessOcean.org/Alternatives) for discount codes.



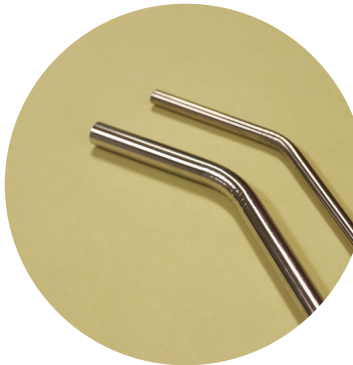
**AARDVARK**  
Paper straws  
[Aardvarkstraws.com](http://Aardvarkstraws.com)



**STRAW FREE**  
Bamboo  
[Strawfree.org](http://Strawfree.org)



**SIMPLY STRAWS**  
Glass  
[SimplyStraws.com](http://SimplyStraws.com)



**STEELYS DRINKWARE**  
Stainless Steel  
[SteelysDrinkware.com](http://SteelysDrinkware.com)



**LOLISTRAW**  
BY LOLIWARE  
Seaweed  
[Kickstarter.com/projects/1530128773/lolistraw-by-loliware](http://Kickstarter.com/projects/1530128773/lolistraw-by-loliware)



**SORBOS**  
Sugar  
[WeareSorbos.com](http://WeareSorbos.com)



**THE AMAZING PASTA STRAW**  
BY THE AMAZING PASTA STRAW COMPANY  
Wheat, water  
<https://www.pastastraws.org/>

Recommended

## REUSABLE UTENSILS



Metal  
Bamboo



## SINGLE-USE UTENSILS



Allowable  
Alternatives

Bamboo  
Wood  
Edible

Banned

Plastic  
Bioplastic  
(PLA, #7, Compostable)







Recommended

✓ **REUSABLE  
STIRRER**

Glass  
Metal

**SINGLE-USE  
STIRRER**



Allowable  
Alternatives

Paper  
Grain  
Edible



**Banned**

Plastic  
Bioplastic  
(PLA, #7, Compostable)

# EXAMPLES OF Compliant Utensils and Stirrers

The City of Hermosa Beach does not endorse and is not affiliated with any of the products or companies listed below. This is not a comprehensive list of acceptable alternatives. This guide is only meant to show some examples of what may work for your business.



**AAYU**  
Birchwood  
[AayuWorld.com](http://AayuWorld.com)



**NATURAL TABLEWARE**  
Aspen Wood  
[NaturalTableware.com](http://NaturalTableware.com)



**BAMBU**  
Bamboo  
[BambuHome.com](http://BambuHome.com)



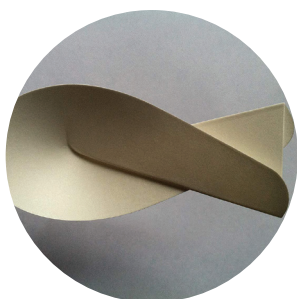
**LEAFWARE**  
Birchwood  
[Leafware.com](http://Leafware.com)



**WOOD TASTING SPOONS**  
Wood  
[perfectstix.com](http://perfectstix.com)  
[outsidetheboxpapers.com](http://outsidetheboxpapers.com)  
[greenpaperproducts.com](http://greenpaperproducts.com)



**BAKEY'S EDIBLE UTENSILS**  
Flours of jowar (sorghum), rice, and wheat  
[Bakeys.com](http://Bakeys.com)



**NUSPOON TASTERS**  
Paper  
[amazon.com](http://amazon.com)



**ECOSPOON4**  
Paper  
[ecotensil.com](http://ecotensil.com)

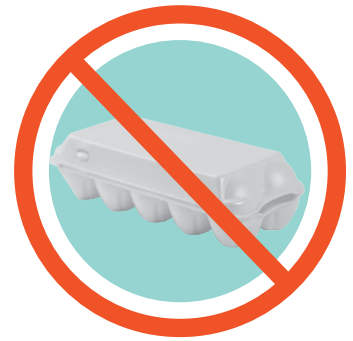


**NATURAL TABLEWARE**  
Forest Stewardship Council (FSC)  
Certified Wood  
[NautralTableware.com](http://NautralTableware.com)



## Polystyrene

# REGULATED PRODUCTS IN HERMOSA BEACH



### POLYSTYRENE BAN

Hermosa Beach passed its first polystyrene ordinance in 2012, which banned polystyrene food service ware such as polystyrene cups, to-go boxes, and plates. In 2019, the City is updating its regulations to add foam trays for eggs, meats, and raw foods to the list of prohibited products. Polystyrene packing materials, plastic straws, stirrers and utensils, polystyrene coolers and Mylar balloons will also be added to the list of prohibited materials in Hermosa Beach under updates to Hermosa Beach Municipal Code Chapter 8.64.

### REGULATED PRODUCTS IN HERMOSA BEACH

#### POLYSTYRENE PRODUCTS:

(Styrofoam®, Rigid Polystyrene, and PS#6)

- Egg cartons
- Packing materials
- Produce trays
- Meat trays
- Coolers
- Plates
- Bowls
- Trays
- Wrappers
- Platters
- Cartons
- Condiment containers
- Cups/drink ware (includes red solo cups-rigid polystyrene)
- Straws
- Cup lids
- Utensils

#### SINGLE-USE PLASTIC PRODUCTS:

(Includes Resin Codes #1-6; Bioplastic PLA#7)

- Utensils
- Lid Plugs
- Stirrers
- Straws

Photo courtesy of Heal the Bay



# WHAT GOES UP MUST COME DOWN

***Balloons are meant to be a symbol of joy and of celebration, but pose dangers to wildlife long after celebrations have passed.***

The City of Hermosa Beach is committed to reducing marine debris that harms ocean life. Hermosa Beach City Council passed an ordinance which reduces the impacts of balloons in the environment. The regulations on balloons are effective January 1, 2020. Under HBMC 8.64 Environmental Regulations, the ordinance:

- Prohibits the release of balloons anywhere in the City
- Restricts the use of Mylar/foil balloons in outdoor spaces like beaches and parks
- Prohibits the sale and distribution of Mylar/foil balloons in the City

## BALLOON IMPACTS

- Birds, turtles and other animals often mistake balloons for food
- When ingested, a balloon can block the digestive track of the animal, often resulting in death by starvation
- Ocean and beach wildlife often get entangled in balloon ribbons
- Sea turtles are the most at-risk, as balloons floating in the sea look like their favorite food: Jellyfish!
- During International Coastal Cleanup Day, nearly 100,000 balloons were picked up on beaches around the world

## HELP PROTECT OCEAN WILDLIFE

- Never release a balloon into the air
- Celebrate without balloons, choose edible or plantable items, which are less likely to end up in the trash
- If for any reason you end up with a balloon, when done with it, please make sure to pop it and dispose of it properly (cut the string/ribbon off, cut it up and put it into a trash container)
- Pick up any balloons or ribbons you find and dispose of them properly

## DON'T LET GO

- Light and buoyant, balloons can travel many miles in the water and air
- Mylar/foil balloons do not break down, and rubber balloons can take up to 4 years to degrade
- Free-flying balloons can travel as far as 1,300 miles away
- Mylar/foil balloons cause hundreds of power outages in L.A. alone every year



**From:** noreply@granicusideas.com <noreply@granicusideas.com>

**Sent:** Sunday, November 10, 2019 2:32 PM

**To:** Ann Yang <anny@hermosabeach.gov>; City Council <citycouncil@hermosabeach.gov>; Suja Lowenthal <suja@hermosabeach.gov>

**Subject:** New eComment for City Council Meeting (Closed Session - 6:00 PM and Regular Meeting - 7:00 PM)

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## New eComment for City Council Meeting (Closed Session - 6:00 PM and Regular Meeting - 7:00 PM)

Maureen Hunt submitted a new eComment.

Meeting: City Council Meeting (Closed Session - 6:00 PM and Regular Meeting - 7:00 PM)

Item: 5a) REPORT 19-0715 AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING CHAPTER 8.64 OF THE HERMOSA BEACH MUNICIPAL CODE TO EXPAND THE BAN ON POLYSTYRENE FOOD SERVICE WARE TO INCLUDE A BAN ON CERTAIN POLYSTYRENE PRODUCTS, SINGLE-USE PLASTIC PRODUCTS, AND SINGLE-USE PRODUCTS AND AMENDING CHAPTER 1.10 TO MAKE VIOLATIONS OF CHAPTER 8.64 AS AMENDED SUBJECT TO ADMINISTRATIVE PENALTY PROCEDURES (Continued from meeting of August 27, 2019) (Environmental Programs Manager Douglas Krauss)

eComment: The Hermosa Beach Chamber of Commerce acknowledges that the City Council has environmental goals. We support sustainability but are also sensitive to costs borne by our local businesses. We ask that rather than impose mandates on businesses, that you instead offer incentives. This allows the businesses flexibility to run their business in a way that meets their customer needs. Most importantly, this approach will give them an opportunity to do a cost/benefit analysis based upon incentives offered. Recital E of the proposed ordinance notes the following: "A ban on additional polystyrene products, single use plastic products and single use products will further the City's goal of reducing litter". Referencing single use plastic products and single use products is not an innocuous statement. This leaves the door open to the city eventually banning such items from being sold in our community. It states an intention which lays the groundwork for eliminating any plastic bottles, any food items packaged in plastic, ziplock bags, etc. etc. We ask that you remove this recital as it is overly broad. Please never forget how challenging it is to run a business in California. Rents are high, the minimum wage is increasing annually and food costs continue to increase. Seasonal trends make it difficult to turn a profit in the winter months. Expecting a business to bear 100% of the cost/impact associated with policy decisions is not promoting a business friendly environment. We ask that as you evaluate your goals, you pursue incentive based programs vs. punitive mandates. Far too often, bans are instituted, and the fallout and economic hardship falls upon businesses, many of which are

owned by Hermosa Beach residents. We hope you will consider the above input, and do so in a collaborative, incentive based manner. Hermosa Beach Chamber of Commerce

[View and Analyze eComments](#)

**From:** noreply@granicusideas.com <noreply@granicusideas.com>

**Sent:** Monday, November 11, 2019 12:12 PM

**To:** Ann Yang <anny@hermosabeach.gov>; City Council <citycouncil@hermosabeach.gov>; Suja Lowenthal <suja@hermosabeach.gov>

**Subject:** New eComment for City Council Meeting (Closed Session - 6:00 PM and Regular Meeting - 7:00 PM)

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## New eComment for City Council Meeting (Closed Session - 6:00 PM and Regular Meeting - 7:00 PM)

David Grethen submitted a new eComment.

Meeting: City Council Meeting (Closed Session - 6:00 PM and Regular Meeting - 7:00 PM)

Item: 5a) REPORT 19-0715 AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING CHAPTER 8.64 OF THE HERMOSA BEACH MUNICIPAL CODE TO EXPAND THE BAN ON POLYSTYRENE FOOD SERVICE WARE TO INCLUDE A BAN ON CERTAIN POLYSTYRENE PRODUCTS, SINGLE-USE PLASTIC PRODUCTS, AND SINGLE-USE PRODUCTS AND AMENDING CHAPTER 1.10 TO MAKE VIOLATIONS OF CHAPTER 8.64 AS AMENDED SUBJECT TO ADMINISTRATIVE PENALTY PROCEDURES (Continued from meeting of August 27, 2019) (Environmental Programs Manager Douglas Krauss)

eComment: Strict interpretation of the upon-request requirement for non-plastic utensils would violate common sense with respect to eating utensils for on-site consumption of food that would be too messy to eat by hand. I assume that if it is not worth clarifying this in the resolution, then practical enforcement would allow vendors to voluntarily provide such utensils based on common sense without having the patron actively request it.

[View and Analyze eComments](#)

November 12, 2019



The Honorable Stacey Armato  
Mayor, City of Hermosa Beach  
1315 Valley Drive  
Hermosa Beach, CA 90245

RE: Food Packaging Ordinance

Dear Mayor Armato,

I write to request minor adjustments to the food packaging ordinance in order to ease implementation for impacted businesses. The grocery industry has made significant sustainability commitments and appreciates your efforts for Hermosa Beach. Along those lines, we believe allowing a 12-month implementation period for grocery stores, particularly for raw food products, will increase initial compliance.

As grocers we know that implementing these types of mandates can take considerable time, specifically with raw food items. Grocery stores prepared and raw food packaging must maintain its safety and integrity for days or weeks and withstand both hot and cold holding temperatures, as well as moisture. Failure to have packaging options available which meet these standards would result in threats to food safety and reduced shelf-life leading to unnecessary food waste.

Transition to new packaging includes identifying a suitable replacement, testing its safety and durability, procuring significant quantities of the packaging and then in-store roll out. To ensure packaging changes can be made and implemented with sufficient time we believe 12-months is necessary. This time period has been used in numerous other jurisdictions passing similar food packaging regulations.

We respectfully ask Council to amend the proposed ordinance to allow 12-months for grocery stores to implement the requirements on prepared and raw foods. Thank you for your consideration and we look forward to partnering with the city on implementation efforts.

Sincerely,



TIMOTHY M. JAMES  
Sr. Manager, Local Government Relations

cc: Members, Hermosa Beach City Council  
Ms. Suja Lowenthal, City Manager, City of Hermosa Beach  
Ms. Elaine Doerfling, City Clerk, City of Hermosa Beach

## Jurisdictional Comparison on Food Packaging Ordinance Implementation

	Implementation	Feasibility-based Waiver	Waivers Granted	Waiver Limitations	Curbside Composting
<b>Manhattan Beach (2019)</b>	10-months	Yes	12-month for product category	Maximum 1 year	No
<b>San Francisco (2016)</b>	12-months	Yes	12-month for product category	Up to 36 months	Yes
<b>Malibu (2016)</b>	13-months	Yes	12-month for product category	24 months allowed through two 12-month waivers	No
<b>San Diego (2019)</b>	5-months (Delayed enforcement and 24-month waiver approved before implementation)	Yes	24-month for product category <b>APPROVED</b>	24 months per waiver with no limitation on additional waivers	No
<b>Solana Beach (2019)</b>	13- months	Yes	12-month for product category	--	No
<b>Hermosa Beach (2019)</b>	8-months	Yes	12-month for product category	12 month waiver	No

11/12/19 AGENDA, ITEM 5a - ORDINANCE TO EXPAND THE BAN ON POLYSTYRENE FOOD SERVICE WARE  
SUPPLEMENTAL LETTER AND ATTACHMENTS SUBMITTED BY CRAIG CADWALLADER TO THE CITY  
COUNCIL ON 11/12/19 AT 4:47 P.M.

**From:** Craig W. Cadwallader <craigc@surfrider-southbay.org>  
**Sent:** Tuesday, November 12, 2019 4:47 PM  
**To:** Mayor Stacey Armato <sarmato@hermosabeach.gov>; Mayor Pro Tem Mary Campbell <mcampbell@hermosabeach.gov>; Councilmember Jeff Duclos <jduclos@hermosabeach.gov>; Councilmember Hany Fangary <hfangary@hermosabeach.gov>; Councilmember Justin Massey <jmassey@hermosabeach.gov>  
**Cc:** Elaine Doerfling <edoerfling@hermosabeach.gov>; Suja Lowenthal <suja@hermosabeach.gov>; Ken Robertson <krobertson@hermosabeach.gov>; Douglas Krauss <dkrauss@hermosabeach.gov>; Ann Yang <anny@hermosabeach.gov>  
**Subject:** Important information regarding Item 5.a on tonight's Hermosa Beach City Council Agenda

Dear Mayor Armato, Mayor Pro Tem Campbell, Councilmember Duclos, Councilmember Fangary, and Councilmember Massey:

I very much look forward to tonight's City Council meeting, and hope you will join together and vote to approve the 1st reading of the proposed upgrade of the Hermosa Beach foodware ordinance shown as Item # 5.a. I wanted to reiterate that the proposed ordinance is essentially a "clone" of the adopted Manhattan Beach ordinance(s) that have been successfully implemented. In addition, as I've mentioned in previous meetings, we are working to implement nearly identical ordinances in Redondo Beach, Culver City, and I've started working with staff to do the same in El Segundo.

We strongly believe that adoption of similar ordinances among the surrounding cities will not only make for a more effective "beach cities regional" effort to reduce single-use plastic pollution, but will also establish a "level playing field" for the cities, creating a more fair and easier to implement effort to curb plastic pollution.

Following a conversation today, I wanted to share with you a cost comparison chart that was excerpted from the LA County report titled "Polystyrene Food Service Ware in Los Angeles County - Update to 2011 Expanded Polystyrene Food Containers in Los Angeles County Report," published in January of 2018, that shows cost comparisons predominantly between single-use polystyrene foodware items and alternatives, that was prepared by the LA County Department of Public Works in collaboration with the Chief Sustainability Officer, Department of Public Health, Department of Consumer and Business Affairs, Internal Services Department, and County Counsel.

I've excerpted the Chapter 3 cost analysis from the report, and cleaned it up a bit for clarity, and have attached it to this email - please see

"Ch\_3\_Cost\_Analysis\_Excerpt\_from\_LA\_County\_Board\_Memo\_and\_Report-JANUARY\_2018\_PS\_Update-REFINED\_for\_CONSISTENCY\_and\_CLARITY.pdf" attached.

As you can see on page 3 of the 4-page report, the cost differences are in pennies, or fractions of pennies, which shows that switching to better alternatives will have minimal impacts on businesses.

The full report that this cost comparison was excerpted from titled "LA\_County\_Board\_Memo\_and\_Report-2018\_PS\_Update\_01112018.pdf" is also attached for your reference.

In addition, implementation of the “upon request” element of the proposed ordinance can more that offset in savings any minimal incremental expense that might be incurred by using more environmentally friendly alternatives.

I hope to speak briefly to this tonight.

Finally, I wanted to add an updated list of California cities and counties that have adopted various polystyrene ordinances, which as of October 9, 2019, now totals 130 (this is an update to Attachment I of tonight’s staff report). Other ordinance are in the works, so this list is soon to be updated – please see "California\_Cities\_and\_Counties\_with\_Various\_Polystyrene\_Ordinances\_(130)\_10092019.pdf" attached.

I will see you soon, and thank you all for your careful consideration of the proposed ordinance, and I hope unanimous vote of approval tonight!

Sincerely,

Craig W. Cadwallader  
Surfrider Foundation South Bay Chapter

---

Craig W. Cadwallader | **SURFRIDER FOUNDATION** South Bay Chapter  
[craigc@surfrider-southbay.org](mailto:craigc@surfrider-southbay.org) | [surfrider-southbay.org](http://surfrider-southbay.org)



## **California Cities and Counties with Various Polystyrene Ordinances (Total 130 – 10/09/2019)**

Alameda (2008/2017)	Imperial Beach (2018/2019)	Redwood City (2011)
Alameda County (2015)	Lafayette (2014)	Richmond (2009/13)
Albany (2008)	Laguna Beach (2007)	Salinas (2011)
Aliso Viejo (2004)	Laguna Hills (2008)	San Anselmo (2018/2019)
Arcata (2015)	Laguna Woods (2012)	San Bruno (2009)
Arroyo Grande (2016)	Livermore (2010/2018)	San Carlos (2012)
Atascadero (2019)	Long Beach (2018)	San Clemente (2011)
Avalon (2017)	Los Altos (2014)	San Diego (2019)
Belmont (2012)	Los Altos Hills (2012)	San Francisco City/County (06-19)
Berkeley (1988/2019)	Los Angeles City (1988/2008)	San Jose (2013)
Brisbane (2014)	Los Angeles County (2008)	San Juan Capistrano (2004)
Burlingame (2011)	Los Gatos (2014)	San Leandro (2011)
Calabasas (2007)	Malibu (2005/16/18)	San Luis Obispo City (2015)
Campbell (2014)	Manhattan Beach (1988–2019)	San Luis Obispo County (2019)
Capitola (2009/2011)	Marin County (2009)	San Mateo City (2013)
Carmel (2008/2017)	Marina (2011)	San Mateo County (2008/11)
Carpenteria (2008/2017)	Martinez (1993)	San Pablo (2014)
Colma (2013)	Mendocino County (2014)	San Rafael (2012)
Concord (2018)	Menlo Park (2012)	Santa Barbara (2018)
Contra Costa County (2019)	Millbrae (2007)	Santa Clara City (2014)
Cotati (1989)	Mill Valley (2009)	Santa Clara County (2012)
Culver City (2017)	Milpitas (2017)	Santa Cruz City (08/12/17)
Cupertino (2014)	Monrovia (2017)	Santa Cruz County (2012)
Daily City (2012)	Monterey City (2009)	Santa Monica (2007/2018)
Dana Point (2012)	Monterey County (2010)	Sausalito (2007)
Davis (2017)	Morgan Hill (2014)	Scotts Valley (2008)
Del Mar (2019)	Moro Bay (2016)	Seaside (2010)
Del Ray Oaks (2009)	Mountain View (2014)	Sebastopol (2019)
Dublin (2019)	Newport Beach (2008)	Solana Beach (2015)
El Cerrito (2013)	Novato (2013/2014)	Sonoma City (1989)
Emeryville (2007)	Oakland (2006)	Sonoma County (1989)
Encinitas (2016)	Ojai (2014)	South Lake Tahoe (2018)
Fairfax (1993)	Orange County (2006)	South Pasadena (2016)
Fort Bragg (2014)	Pacific Grove (2008)	South San Francisco (2008)
Foster City (2011)	Pacifica (2009)	Sunnyvale (2013)
Fremont (1990/2010)	Palo Alto (2009/16/19)	Ukiah (2014)
Gonzales (2014)	Pasadena (2016)	Union City (2016)
Greenfield (2014)	Paso Robles (2019)	Ventura County (2004)
Grover Beach (2018)	Pinole (2018)	Walnut Creek (2014)
Half Moon Bay (2011)	Pismo Beach (2015)	Watsonville (2009/14/19)
Hayward (2010)	Pittsburg (1991)	West Hollywood (1990)
Hercules (2008)	Pleasanton (2013)	Yountville (1989)
Hermosa Beach (2012)	Portola Valley (2012)	
Huntington Beach (2004)	Rancho Cucamonga (1988)	

January 2018

# Polystyrene Food Service Ware in Los Angeles County

Update to 2011 Expanded Polystyrene Food  
Containers in Los Angeles County Report

REPORT TO THE COUNTY OF LOS ANGELES  
BOARD OF SUPERVISORS

Prepared by: Department of Public Works  
in collaboration with the Chief Sustainability  
Officer, Department of Public Health,  
Department of Consumer and Business  
Affairs, Internal Services Department, and  
County Counsel



## CHAPTER 3 – COST ANALYSIS

To analyze potential cost increases for businesses located in the unincorporated Los Angeles County areas, a comprehensive cost analysis specific to the region was undertaken. As important objectives including profitability, customer service, core values, growth, change management, marketing, and competitive analysis<sup>12</sup> are considered by business owners, the way businesses present their products to prospective customers also influences daily operations. Restaurants, bakeries, delicatessens, and other food service providers may consider their establishment's atmosphere and "branding" in selecting the types of containers they use for their food and beverages.

### Methodology

To perform the cost analysis of food service ware between PS products and alternatives, the following methodology was utilized:

- Identify local outlets selling bulk quantity of food service ware.
- Survey each company/outlet on their available food service ware materials including: PS (including EPS), other plastic (clear/translucent or white), metal, and tree/plant fiber products.
- Note the types of material used for each food service ware item if printed on the package/item label or was seen on the item through the packaging.
- Collect data on the following most commonly used PS single-use food service ware items and alternatives: cups, clamshells/lidded containers, bowls, bowl lids, plates, forks, soup spoons, straws, stirrers, and cup lids.
- Collect information on the least expensive unit priced EPS and/or PS and alternative product for each size category and material.

Food service ware products from various distributors available to food service providers in Los Angeles County were canvassed. These distributors included Costco, Restaurant Depot, Smart and Final, Shun Fat Supermarket, Green Office Supplies, and Webstaurant Store.

This cost analysis will provide a unit price comparison of common food service ware typically made of EPS and of PS with those made of alternative materials. Complete cost analysis of food service operations would require obtaining information on food service ware usage and on overall costs of food service operations from representative restaurants in the unincorporated County areas that utilize PS food service ware.

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<sup>12</sup> Root, G. N. (2017) *10 Most Important Business Objectives*. Houston Chronicle. Retrieved from <http://smallbusiness.chron.com/10-important-business-objectives-23686.html>

## Findings

The following table shows a comparison of lowest unit price of commonly used single use food service ware items and alternative products for EPS foam only and for all PS in general visual categories of similar size, strength, and function.

Table 1:  
**LOWEST UNIT PRICES FOR COMMON EPS FOOD SERVICE WARE AND  
ALTERNATIVE MATERIALS**

Item/Material	Hot Cup (Small to Large)	Cold Cup (Small to X-Large)	Clamshell/ Lidded Container		Bowl	Plate
			Small	Meal		
EPS	1.8 ¢ to 5.4 ¢	1.8 ¢ to 5.4 ¢	6.6 ¢	7.3 ¢	3.2 ¢	2.7 ¢
Other Material	6.4 ¢ to 7.3 ¢	2.6 ¢ to 5.7 ¢	7.9 ¢	16.0 ¢	8.2 ¢	3.0 ¢
Alternative to EPS	Paper* (w/cup sleeve)	Paper & PET, PP, PLA	PET, PP	PET & Molded Fiber	Paper	Molded Fiber
<b>Price Change</b>	<b>4.6 ¢ to 1.9 ¢</b>	<b>0.8 ¢ to 0.3 ¢</b>	<b>1.3 ¢</b>	<b>8.7 ¢</b>	<b>5.0 ¢</b>	<b>0.3 ¢</b>

\*includes cost of cup sleeve

Table 2:  
**LOWEST UNIT PRICES FOR COMMON PS FOOD SERVICE WARE AND  
ALTERNATIVE MATERIALS**

Item/Material	Bowl Lid	Fork/ Soup Spoon	Hot Cup Lid	Stirrer	Cold Cup Lid	Straw	
						Slim	Fat
PS	4.6 ¢	0.64 ¢	2.4 ¢	0.1 ¢	1.8 ¢	0.15 ¢	0.74 ¢
Other Material	7.2 ¢	0.66 ¢	2.8 ¢	0.5 ¢	2.2 ¢	1.32 ¢	2.22 ¢
Alternative to PS	PP	PP, PLA	PLA	Wood	PET, PLA	PLA	PLA
<b>Price Change</b>	<b>2.6 ¢</b>	<b>0.02 ¢</b>	<b>0.4 ¢</b>	<b>0.4 ¢</b>	<b>0.4 ¢</b>	<b>1.17 ¢</b>	<b>1.48 ¢</b>

Single-use food service ware of foam PS is mainly used to insulate hot food and beverages, and includes cups, clamshells, bowls, and plates. Commonly used single-use food service ware comprised of non-foam PS items include cup lids, straws, stirrers, utensils, cups, bowls, and plates. Some plastic products did not have printed on the packaging or imprinted/embossed on the items themselves the plastic resin or resin code the product was made of.

Hot Cup – The available alternative to PS found was paper. The lowest priced available alternative to PS found was a single-layer lined paper hot cup insulated by a separate cup sleeve. Price increase to alternatives was found to average 3.3¢ per cup among the common sizes.

Clamshell/Lidded Container – The available alternatives to PS found were other plastics (PET, PP), paper, aluminum (using paperboard/foil or plastic lid), sugarcane pulp fiber (certified compostable), and other plant fiber (certified compostable). Price increase to alternatives was found to average 5.0¢ per clamshell/lidded container among the common sizes.

Bowl – The available alternatives to PS found were paper, aluminum, and plant fiber (certified compostable). Price increase to alternatives was found to be 5.0¢ per bowl.

Bowl Lid – The available alternatives to PS found were PP, paper, and plant fiber (certified compostable). Price increase to alternatives was found to be 2.6¢ per lid.

Plate – The available alternatives to PS found were paper and plant fiber (certified compostable). Price increase to alternatives was found to be 0.3¢ per plate.

Cold Cup – The available alternatives to PS found were other plastics (PET, PP, PLA [compostable]), paper, and other plant fiber (certified compostable). Price increase to EPS alternatives was found to average 0.6¢ per cup among the common sizes.

Fork/Soup Spoon – The available alternatives to PS found were other plastics (PP, PLA [compostable]). Price increase to alternatives was found to be 0.02¢ per utensil.

Hot Cup Lid – The available alternative to PS found was PLA compostable plastic. Price increase to alternatives was found to be 0.4¢ per lid.

Stirrer – The available alternative to PS found was wood. Price increase to alternatives was found to be 0.4¢ per stirrer.

Cold Cup Lid – The available alternatives to PS found was PET and PLA compostable plastic. Price increase to alternatives was found to be 0.4¢ per lid.

Straw – The available alternative to PS found was PLA compostable plastic. Price increase to alternatives was found to average 1.3¢ per straw among the common sizes.



MARK PESTRELLA, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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IN REPLY PLEASE

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EP-4  
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January 11, 2018

TO: Each Supervisor

FROM: Mark Pestrella   
Director of Public Works

### **BOARD MOTION OF AUGUST 1, 2017, ITEM 2 POLYSTYRENE FOOD SERVICE WARE – UPDATE AND EXPAND NOVEMBER 2011 REPORT**

On August 1, 2017, the Board adopted a motion instructing the Department of Public Works in coordination with the Chief Sustainability Officer, Department of Public Health, Department of Consumer and Business Affairs, Internal Services Department, and County Counsel (County Working Group), to update and expand the November 2011 report on Expanded Polystyrene (EPS) Food Containers in Los Angeles County, to include all food service ware made of polystyrene (PS) along with other tasks.

The attached report highlights the County Working Group's findings in response to the Board motion.

In updating the report, published studies were reviewed and analyzed to assess the operational, environmental, and fiscal impacts of PS food service ware. In addition, surveys of recycling facilities and composting facilities were conducted to gather information on recycling and composting of food service ware. Representatives of food service ware manufacturers, restaurants and other retailers, distributors, environmental organizations, and other public agencies were also consulted regarding costs, PS consumption data, effectiveness of hardship waivers, litter impacts, and cleanup efforts.

The report finds there are many alternative food service ware products made of materials other than PS. Alternative products continue to be more expensive, though prices for both EPS and alternative products have decreased since 2011. Information necessary to estimate the true economic impact to businesses (e.g., the number and types of businesses that utilize EPS products, the volumes of EPS products they use, and the percentage of total operating costs spent on food service ware) was unavailable.

Approximately one-third of large material recovery facilities in the region indicated they separate some food service ware for recycling or composting. However, the amount recovered remains a relatively small fraction of the food service ware in the waste stream. The advent of advanced equipment, such as optical sorters could allow the recovery of more materials in the future, including EPS and PS.

There continues to be a significant lack of infrastructure to manage compostable materials in the region. However, recent State legislation requiring reductions in the disposal of organic waste at landfills, is expected to spur the development of organics recycling infrastructure, which would increase food service ware recycling opportunities in the future.

Plastic items, including EPS and PS food service ware, continue to be commonly found in the ocean and waterways and collected during local litter cleanup events. Reductions in the amounts of prohibited EPS products have been documented after implementation of local prohibitions while increases in the amounts of alternative products also have been documented. Some alternative materials to EPS or PS may be more compatible with the environment, particularly if they break down more quickly in an aquatic environment. In addition, EPS can break into small pieces and be blown by the wind into the storm drain system, which ultimately leads to the ocean.

The County Working Group developed the following options for the Board's consideration:

1. Continue to support legislation that would phase out the use of single-use items, such as EPS food containers on a Statewide basis.
2. Prohibit EPS food containers at food service retailers in the unincorporated County areas. This would require adoption of an ordinance.
3. Prohibit all or some PS food containers at food service retailers in the unincorporated areas. This would require adoption of an ordinance.
4. Require food service retailers in the unincorporated County areas to only provide straws and single-use utensils to customers, upon request. This would require the adoption of an ordinance.
5. In collaboration with the Chief Sustainability Officer, direct Public Works to investigate strategies to encourage the unincorporated County areas to adopt sustainable practices, such as a recognition program for businesses that

Each Supervisor  
January 11, 2018  
Page 3

voluntarily use alternative food service ware products among other sustainable practices. This would not require the adoption of an ordinance.

If you have any questions, please contact me or your staff may contact Shari Afshari, Deputy Director, at (626) 458-4008 or [safshari@dpw.lacounty.gov](mailto:safshari@dpw.lacounty.gov).

PH:jl

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Attach.

cc: Chief Executive Office (Chia-Ann Yen)  
Chief Sustainability Officer  
Department of Consumer and Business Affairs  
County Counsel  
Executive Office  
Internal Services Department  
Department of Public Health



January 2018

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## **EXECUTIVE SUMMARY**

On August 1, 2017, the County of Los Angeles Board of Supervisors adopted a motion instructing Public Works in coordination with other County departments to update and expand the November 2011 report “Expanded Polystyrene (EPS) Food Containers in Los Angeles County,” to include all food service ware made of polystyrene (PS) along with other tasks. Stakeholders including those from the restaurant industry, food service ware manufacturing industry, grocery industry, recycling and composting industry, business advocacy groups, environmental groups, and jurisdictions were contacted to gather the information included in this report.

### Latest Advancement in Alternative Products

Since 2011, there are more food service ware products made of materials other than PS that have been identified, such as plant based fibers, paper (coated and uncoated), other plastics [polyethylene terephthalate (PET), polypropylene (PP), and biodegradable plastics such as polylactic acid (PLA)] and other materials. Some of these alternative products are claimed to be biodegradable and/or compostable. Many food service retailers continue to use EPS due to its low cost and insulating properties while others have voluntarily switched to alternative products.

### Updated Cost Study

A comprehensive cost analysis specific to the region was completed which compared the cost of commonly used EPS and PS food service ware items to the cheapest alternative. Alternative products continue to be more expensive, though the magnitude of the cost difference varies widely depending on the specific product. In addition, information necessary to estimate the true economic impact to businesses (e.g., the number and types of businesses that utilize EPS products, the types and volumes of EPS products they use, and the fraction of total operating costs spent on food service ware) was unavailable.

### Effectiveness of Hardship Waivers

Many of the more than one hundred jurisdictions in California that have adopted bans on the use of EPS and/or PS food service ware, including nine cities in Los Angeles County, allow retailers to apply for a one-time hardship waiver for economic or inventory reasons for one year after the ban becomes effective. Based on a survey conducted two jurisdictions reported receiving one application each for waivers. None of the jurisdictions with bans in Los Angeles County reported receiving waiver applications although all reported full compliance with the bans from small businesses.

### Health Risk Associated with Polystyrene and Alternative Products

The Department of Public Health concluded that currently there is not enough comparative research to determine whether alternative food service ware products present a greater, lesser, or similar health risk to consumers as PS products.

### Current State of Recycling and Composting of Polystyrene and Alternative Products

Approximately one third of large material recovery facilities (MRFs) in the region indicated they separate food service ware made of various materials and recycle/compost them. However, only one of them separates EPS and one other MRF separates compostable food service ware. Recently China, the major buyer of recyclable materials, announced that it will make changes to its import policy on recycling. This has added a factor of uncertainty to the markets for recyclable commodities, such as recovered plastics and paper. Contamination, fluctuating markets, and lack of organics processing infrastructure are impacting the recycling or composting of food service ware.

### Potential for Expanding Recycling/Composting of Polystyrene and Alternative Products

Although there currently remains a significant lack of infrastructure to recycle and compost materials, there is potential for more MRFs in the region to add advanced equipment such as optical sorters that would allow the recovery of more materials including EPS and PS, although as noted above, the market for recovered plastics, particularly, EPS, is uncertain. Also, recent State legislation aiming at diverting organics from landfills has created a need for more organic processing infrastructure including composting and anaerobic digestion facilities. In response, jurisdictions are developing organics collection programs for businesses and residents which may allow more compostable materials to be collected.

### Banning the Use of Polystyrene Related to Contracting and Procurement

The use of EPS food service ware at County facilities has been prohibited since 2010. Internal Services Department may implement a clause in its solicitations that would prohibit contractors from purchasing EPS and PS food containers in the course of their business.

### Litter

Food service ware including EPS and PS continue to be commonly found items during litter cleanup events and studies at beaches and waterways. Studies from some jurisdictions who have passed EPS and/or PS ordinances report a reduction in the amount of these products being collected during litter cleanup events after the ordinance is implemented, while other jurisdictions have shown an increase in the alternative products being collected.

## **Options for the Board's Consideration**

1. Continue to support legislation which would phase out the use of single-use items such as EPS food containers on a Statewide basis. This would not require the development of a draft ordinance.
2. Prohibit EPS food containers at food service retailers in the unincorporated County areas. This would require development of a draft ordinance.
3. Prohibit all or some PS food containers at food service retailers in the unincorporated areas. This would require development of a draft ordinance.
4. Require food service retailers in the unincorporated County areas to only provide straws and single-use utensils to customers upon request. This would require the development of a draft ordinance.
5. In collaboration with the Chief Sustainability Officer, direct Public Works to investigate strategies to encourage food service retailers in the unincorporated County areas to adopt sustainable practices such as a recognition program for businesses, who voluntarily use alternative food service ware products among other sustainable initiatives. This would not require the development of a draft ordinance.

## **CHAPTER 1 – INTRODUCTION**

### **Board Motion**

On August 1, 2017, the County of Los Angeles Board of Supervisors adopted a motion instructing the Department of Public Works, in coordination with the Chief Sustainability Officer, Department of Public Health, Department of Consumer and Business Affairs, Internal Services Department, and County Counsel to do all of the following:

- Update and expand the November 2011 report, “Expanded Polystyrene (EPS) Food Containers in Los Angeles County,” to include all food service ware made of polystyrene (PS), including EPS;
- Explore the latest advancements in alternative food service ware products and technology;
- Provide a revised cost study comparing the cost of PS food service ware products against the cost of alternative products;
- Analyze the effectiveness and use of hardship waivers for small businesses in other jurisdictions that have adopted PS bans;
- Provide a summary of existing research into the human health risks associated with PS and alternative food service ware materials and products;
- Provide an analysis of the current capabilities and challenges associated with recycling and/or composting both PS food service ware materials and products and alternative food service ware products;
- Analyze the potential for expanding County recycling and composting capabilities and programs to optimize recycling and/or composting of PS and alternative food service ware products;
- Review and study banning the use of PS and EPS food service ware as related to contracting and procurement for PS in the unincorporated communities of Los Angeles County; and
- Report back to the Board with the revised report for consideration by the Board within 120 days.

### **Methodology Used**

The following report highlights staff findings in response to the Board motion. Published studies were reviewed and analyzed to comprehensively assess the operational, environmental, and fiscal impacts of PS food service ware. In addition, surveys of solid waste recycling facilities, composting facilities, cities, and distributors of single-use food service ware products were conducted to gather information on recycling and composting, litter cleanups, waste characterizations, and costs. Representatives of food container manufacturers; restaurants and other retailers; environmental organizations; and other public agencies were also consulted regarding PS consumption data, management options, litter impacts, and cleanup efforts.



## Background

### Restriction of EPS at County Operations

On May 22, 2007, the Board instructed Public Works, in consultation with Internal Services Department and County Counsel, to investigate the impact of prohibiting the purchase and use of EPS food containers at all County-owned facilities, and investigate the feasibility of prohibiting the use of EPS food containers at all food service establishments and retail stores in the unincorporated County areas, among other things.

Subsequently, on September 21, 2010, the Board adopted a restriction on the purchase and use of EPS food containers at County operations to take effect 60 days following the adoption and instructed Public Works to report back within 12 months on the feasibility of implementing a restriction on the use of EPS food containers at food service establishments and retail stores in the County unincorporated areas.

### November 2011 EPS Staff Report

On November 22, 2011, Public Works submitted a report to the Board titled, "Expanded Polystyrene Food Containers - Report on the Feasibility of Implementing a Restriction at Food Establishments and Retail Stores in Unincorporated County Areas," summarizing its findings, conclusions, and recommendations in response to the Board's instruction. This report was developed following extensive investigation, review of case studies, and consideration of stakeholder feedback. During the preparation of this report, Public Works staff met with the stakeholder Working Group to receive input. The Working Group consisted of representatives of food container manufacturers; restaurants and other retailers; environmental organizations; other public agencies; and members of the public.

The recommendations of that report were based on consideration of all the information gathered, stakeholder feedback, the estimated effectiveness of an unincorporated area prohibition, and other potential measures to reduce the negative environmental impact of EPS food container litter consisted of three components:

- 1) *Pursue the passage of a prohibition of expanded polystyrene food service containers at a Statewide level.* This was considered the most effective measure to reduce EPS food container litter. In the 2011-12 legislative session, Senate Bill 568 (Lowenthal) passed the State Senate, but failed to pass in the State Assembly.
- 2) *Partner with industry to establish a comprehensive program to reduce litter, including EPS food container litter, in the region.* The program envisioned combined efforts from industry, restaurants, nonprofits, environmental organizations, and municipalities throughout the County. It would focus on efforts to reduce the prevalence of EPS food container litter and other forms of litter. The program would integrate public education, litter collection and management, EPS recycling, composting infrastructure, enhanced enforcement of anti-litter laws,

extended producer responsibility, and conversion technologies/waste-to-energy. This program would be considered a success if it achieved a similar reduction in the prevalence of EPS food containers being littered to a prohibition.

- 3) *Consider a ban in unincorporated County areas if measures 1 and 2 above are not found to be successful.* The Board may consider adoption of a prohibition in the unincorporated areas of the County if the State Legislature failed to adopt legislation addressing EPS litter and the comprehensive litter partnership program is not determined to be successful.

### Roadmap to a Sustainable Waste Management Future

The Board adopted the Roadmap to a Sustainable Waste Management Future (Roadmap) in October 2014. The Roadmap is a long-term planning document that includes more than 100 initiatives on how the County can reduce the amount of waste it sends to landfills and be more sustainable.

As available landfill space in the County decreases, the County is continuing to develop innovative policies and procedures for waste management that further reduce County reliance on landfills. This involves rethinking the approach to waste management and rethinking the characterization of waste and which materials might be suitable for reuse and recycling. A traditional waste hierarchy seeks to implement waste reduction measures, reuse practices, recycling and composting techniques, and waste-to-energy processing to handle a large portion of the typical waste stream. Even when this is done effectively, a large volume of waste is still disposed at landfills.

The Roadmap creates a new vision to significantly reduce and someday eliminate waste. As a result, an increasing amount of materials previously characterized as waste will be reduced, reused, or recycled, and a decreasing volume of material will remain for disposal. The Roadmap includes three focus areas: County unincorporated areas, Regional/Countywide, and County operations.

Through the implementation of the Roadmap, the County's goal is to maximize the recovery of products, materials, and energy from waste that would otherwise be disposed of at landfills, and achieve the following:

- 80 percent diversion from landfills by 2025
- 90 percent diversion from landfills by 2035
- 95+ percent diversion from landfills by 2045

Potential product bans are discussed in the following Roadmap Initiative under County Unincorporated Communities Subcommittee's Strategy of Program and Services:

Initiative C6 - Research the feasibility of implementing product bans or disposal bans where sustainable alternatives are readily available and reasonable.

Compostable food service ware requirements are discussed in the following initiative under County Unincorporated Communities Subcommittee's Strategy of Program and Services:

Initiative D4 - Consider establishing an ordinance for the food service industry to provide compostable take-out containers and utensils, once options to compost or recover such materials are widely available.















## CHAPTER 2 – LATEST ADVANCEMENTS IN ALTERNATIVE FOOD SERVICE WARE PRODUCTS AND TECHNOLOGY

Disposable food service ware includes an extensive list of products, such as plates, bowls, trays, wrappers or wrapping, platters, cartons, condiment containers, cups or drink ware, straws, lids, utensils, or any other container in or on which prepared foods are placed or packaged for consumption. Food service ware can be composed of various types of materials or combinations of materials as described in this chapter. Many alternative products to PS are readily available at local retailers with new products made of natural materials continuing to enter the market.

### Plastics

Plastics are categorized by a large group of synthetic or natural organic compounds consisting of molecules linked together into a large number of repeating polymer chains. Plastics are versatile materials which are used to fabricate many different products, including food service ware. The plastics industry introduced resin codes on common plastic products to assist recyclers in identifying the resin content of materials found in waste streams.<sup>1</sup> Figure 1 below lists these resin codes and describes common consumer products as well as recycled products which can be fabricated from these plastics.<sup>2</sup> Resin codes 1 through 6 represent plastics made from petrochemicals whereas, resin code 7 categorizes everything else including new plastics and bioplastics. The resin code appears on many products and in some cases, is required by law to be placed on items over established sizes.

Figure 1:  
**Plastic Resin Identification Codes**

 PETE	 HDPE	 PVC	 LDPE	 PP	 PS	 OTHER
<b>Polyethylene Terephthalate</b>	<b>High-Density Polyethylene</b>	<b>Polyvinyl Chloride</b>	<b>Low-Density Polyethylene</b>	<b>Polypropylene</b>	<b>Polystyrene</b>	<b>Other</b>
Common products: to-go containers, cups, jars, trays, soda & water bottles	Common products: grocery bags, milk jugs, flower pots, detergent & shampoo bottles	Common products: pipe, pool liners, siding, automotive product bottles, sheeting	Common products: bread bags, paper towel overwrap, squeeze bottles, trash bags	Common products: yogurt tubs, cups, twine, straws, hangers, shipping bags, non-woven bags	Common products: to-go containers, razor handles, flatware, CD cases, hot & cold cups, foam packing, trays, egg cartons	Common types & products: polycarbonate, nylon, ABS, acrylic, PLA; multi-layer packaging, bottles, safety glasses, CDs, lenses, pouches
Recycled products: clothing, carpet, clamshells, soda & water bottles	Recycled products: detergent bottles, flower pots, crates, pipe, decking	Recycled products: pipe, siding, binders, carpet backing, flooring	Recycled products: trash bags, decking, furniture, shipping envelopes, compost bins	Recycled products: paint cans, speed bumps, auto parts, hangers, plant pots, toothbrush handles	Recycled products: picture frames, crown molding, rulers, flower pots, hangers, toys, tape dispensers	Recycled products: electronic housings, auto parts
						

<sup>1</sup> American Chemistry Council, Inc. (Ed.). (2005-2017). Plastic Packaging Resin Identification Codes. Retrieved from <https://plastics.americanchemistry.com/Plastic-Packaging-Resin-Identification-Codes/>

<sup>2</sup> The Association of Plastic Recyclers (Ed.). (2016). Remanufacturing. Retrieved from <http://www.plasticsrecycling.org/recycling-beyond-bottles/caps-on/remanufacturing>

## Polystyrene

One type of material that is a petrochemical derived plastic identified by plastic resin code 6 and is widely used to make products such as food service ware is polystyrene (PS). PS comes in a rigid and expanded form. However, both are made from the same building blocks which are molecules of styrene polymerized into long chains. Rigid PS has the appearance of hard plastic and food service ware comprised of this material typically come in various colors such as translucent, black, and white. EPS is lightweight, having the consistency of foam, typically white in color, and can be torn or ripped apart easily. Both forms are popular due to their relatively low cost, with EPS being a popular choice for packaging food because of its insulating properties, which allows it to keep food either warm or cold.

## Other Plastics

Other petrochemical-derived plastics can be utilized in the making of disposable food service ware as an alternative to PS. Two common types of plastics used to make food service ware include resin code 1 polyethylene terephthalate (PET) and 5 polypropylene (PP). PET is usually clear and is commonly used to make single-use water bottles and food containers. PP comes in a variety of colors including translucent and is used to make a variety of products such as yogurt containers, reusable food containers, and other single-use food service ware. Both PET and PP are crack-resistant and perform better than PS in terms of impact strength<sup>3</sup>. Other plastic food service ware such as wraps are comprised of resin code 3 polyvinylchloride (PVC) and 4 low-density polyethylene (LDPE).

## Bioplastics

Bioplastics and petrochemical plastics look and perform similarly, with the difference being that bioplastics are made from renewable biomass sources such as corn, soybeans, or microbiota. Bioplastics are classified under resin code 7 with a common type of bioplastic being polylactic acid (PLA). PLA can be used to make a variety of food service ware products such as clamshells, cups, lids, straws, and bowls. PLA performs well in many categories such as impact strength, durability, and appearance to other plastics<sup>4</sup>. Another type of bioplastic which has emerged recently is polyhydroxyalkanoates (PHA) which has potential in making food service ware products. PHA has the potential to biodegrade in many different environments when discarded as litter such as on land or in the ocean. PHA production worldwide is very low. However, if

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<sup>3</sup> Alpha Packaging (2017). Plastics Comparison Chart. Retrieved from: <http://www.alphap.com/bottle-basics/plastics-comparison-chart.php>

<sup>4</sup> Biodegradable Products Institute (Ed.). (2015). Confused by the Terms Biodegradable & Biobased. Retrieved from <http://www.bpiworld.org/Resources/Documents/Confused%20by%20the%20terms%20Biodegradable%20Jan%2015.pdf>

quality and price can become competitive with other types of plastics, it has more potential to be a viable alternative due to its ability to biodegrade<sup>5</sup>.

Food service ware products can be labelled and certified by scientific testing to qualify as compostable or biodegradable. Biodegradable Products Institute (BPI) is a multi-stakeholder association made up of government, industry, and academia groups which promote the use and recovery of biodegradable polymeric materials. BPI references industry-accepted specifications and standards, such as the American Society for Testing and Materials (ASTM), to determine if a product is compostable and/or biodegradable. The test for plastics compostability is ASTM D6400<sup>6</sup> and D6868<sup>7</sup> which test for compostability in municipal and industrial aerobic composting facilities and degradability leaving no synthetic residue.

## Other Materials

### Paper



Paper can be used to make many different types of food service ware products. Paper pulp can be used to make clamshells, plates, and bowls which can be compatible with relatively dry foods. Paper can also be combined with other types of materials to give the products different properties that may be more suitable to handle different products. For example, plates and cups can be lined with plastic, wax, or clay to give the paper product an impervious property and to add to the strength. Hot cups are commonly coated with polyethylene plastic or PLA to give waterproof qualities needed for beverages and wet foods. Also, paper wrappers can be combined with other materials such as foils to create wrap sheets that have good insulating properties for keeping food warm. These types of wraps are commonly used for hamburgers and other types of sandwiches.

### Other Plant Fibers



trays, plates, and lids:

- Bagasse – Bagasse is a dry pulp residue left after the extraction of juice from sugar cane. Variants of this product also include sorghum and agave. Bagasse is widely

<sup>5</sup> Van Der Hoeven, D. (2016, Aug 21). PHA: Promising, Versatile, Biodegradable. Retrieved from <https://www.biobasedpress.eu/2016/08/pha-promising-versatile-biodegradable/>

<sup>6</sup> ASTM International. (2004). Standard Specification for Compostable Plastics (Designation: D 6400-04). USA: ASTM International.

<sup>7</sup> ASTM International. (2003). Standard Specification for Biodegradable Plastics Used as Coatings on Paper and Other Compostable Substrates (Designation: D 6868-03). USA: ASTM International.

available and has been used for the manufacturing of food service ware for many years.

- Wheat Straw – Wheat straw, historically thought of as an agricultural waste, is a relatively new material being used in the production of food service ware. Wheat straw products are available on the market. However, its use is not as common as some other alternative products such as bagasse.
- Rice - Rice plants are composed of fibrous materials which has been used in the production of paper-like products. Rice fiber, which can be used as a raw material, is not as common as bagasse and similar products.
- Silver grass – Silver grass is a non-invasive species of plant in the grass family which resembles bamboo. In recent years, two international companies have begun manufacturing and marketing products made from this type of grass and expanding operations and distribution domestically. The beneficial claims of this product include the following: it can be used for both hot and cold items, it is soak proof even without plastic or wax lining, it is composed of natural fibers and can compost in 2 to 4 months in a commercial composting facility<sup>8</sup>.

## Metal



Metal such as aluminum is used to make pans and foil, which can be utilized as food service ware particularly for take-out items. Aluminum can also be combined with other materials such as paper to add insulating properties to products. Metals are generally accepted as being recyclable. However, composite materials may not be as recyclable as the pure metal products themselves.

## Wood/Bamboo

Wood or bamboo is used to make various food service ware such as stirrers, chop sticks, and bowls. These materials are not as versatile as plastic and paper products. However, they have long been established and have the benefit of coming from renewable sources with the ability to compost or biodegrade.

## **Advancements**

Over the last few years more alternatives to PS and EPS have become available for use as food service ware products. Currently, alternative products are widely available for almost every type of product and they are becoming more mainstream over time.<sup>9</sup> Innovation and technology are driving product development and products that may be more compatible with the environment. In addition to bioplastics such as PLA and PHA,

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<sup>8</sup> World Centric (Ed.). (2004-2017)., Silver Grass Plates & Clamshells – Made in the USA!. Retrieved from <http://worldcentric.org/biocompostables/silvergrass>

<sup>9</sup> BioMass Packaging (Ed.). (2017)., A Division of Excellent Packaging & Supply, The Basics of Compostable Food Products. Retrieved from <http://www.biomasspackaging.com/the-basics-of-compostable-food-products/>

and plant-based fibers such as bagasse and silver grass, other products such as edible eating utensils baked from millets, wheat, or rice have been developed and marketed in India<sup>10</sup>. Companies are creating new products from natural resources such as plates created from the leaves of vines and plants harvested in Asia and South America. As innovation in technologies moves forward, advancements in food service ware products should continue as well.

In addition to the materials from which products are fabricated, innovative ideas are emerging to address other challenges facing recyclable and/or compostable products. One challenge with compostable products nationwide is the inability to differentiate between compostable plastic and recyclable plastic.<sup>11</sup> A labeling initiative for manufacturers to feature a green band or line that identifies the product as compostable aids in the sorting and collection to facilitate cleaner food waste feedstocks for commercial composting and anaerobic digestion facilities.

## Summary

Advancements in alternative food service ware continues to develop with many products being readily available in the County. The key findings from the review of the latest advancements in alternative food service ware products and technology can be summarized as follows:

- Since 2011 there are more alternative and compostable products readily available on the market for nearly all food service ware needs.
- Alternative products can be fabricated from other plastics (PET, PP, and biodegradable plastics such as PLA), paper (coated and uncoated), plant based fibers, and other materials.
- Many products are available that claim to be compostable in commercial composting facilities such as those certified by BPI.
- Innovation in new technologies including plant fiber based materials such as silver grass and bio based plastics such as PHA continue to develop.

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<sup>10</sup> Kelmachter, M. (2016, Mar 30). India's Edible Cutlery Points The Way For A Zero-Waste Future. Forbes. Retrieved from <https://www.forbes.com/sites/micakelmachter/2016/03/30/indias-edible-cutlery-paves-the-way-for-asia-to-dream-of-zero-waste/#61dc8a331ef9>

<sup>11</sup> USEPA (Ed.). (2016). Organics: Composting Regional Initiatives. Retrieved from <https://archive.epa.gov/region9/organics/web/html/init.html>



## CHAPTER 3 – COST ANALYSIS

To analyze potential cost increases for businesses located in the unincorporated Los Angeles County areas, a comprehensive cost analysis specific to the region was undertaken. As important objectives including profitability, customer service, core values, growth, change management, marketing, and competitive analysis<sup>12</sup> are considered by business owners, the way businesses present their products to prospective customers also influences daily operations. Restaurants, bakeries, delicatessens, and other food service providers may consider their establishment's atmosphere and "branding" in selecting the types of containers they use for their food and beverages.

### Methodology

To perform the cost analysis of food service ware between PS products and alternatives, the following methodology was utilized:

- Identify local outlets selling bulk quantity of food service ware.
- Survey each company/outlet on their available food service ware materials including: PS (including EPS), other plastic (clear/translucent or white), metal, and tree/plant fiber products.
- Note the types of material used for each food service ware item if printed on the package/item label or was seen on the item through the packaging.
- Collect data on the following most commonly used PS single-use food service ware items and alternatives: cups, clamshells/lidded containers, bowls, bowl lids, plates, forks, soup spoons, straws, stirrers, and cup lids.
- Collect information on the least expensive unit priced EPS and/or PS and alternative product for each size category and material.

Food service ware products from various distributors available to food service providers in Los Angeles County were canvassed. These distributors included Costco, Restaurant Depot, Smart and Final, Shun Fat Supermarket, Green Office Supplies, and Webstaurant Store.

This cost analysis will provide a unit price comparison of common food service ware typically made of EPS and of PS with those made of alternative materials. Complete cost analysis of food service operations would require obtaining information on food service ware usage and on overall costs of food service operations from representative restaurants in the unincorporated County areas that utilize PS food service ware.

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<sup>12</sup> Root, G. N. (2017) *10 Most Important Business Objectives*. Houston Chronicle. Retrieved from <http://smallbusiness.chron.com/10-important-business-objectives-23686.html>

## Findings

The following table shows a comparison of lowest unit price of commonly used single use food service ware items and alternative products for EPS foam only and for all PS in general visual categories of similar size, strength, and function.

Table 1:  
**LOWEST UNIT PRICES FOR COMMON EPS FOOD SERVICE WARE AND  
ALTERNATIVE MATERIALS**

Item/Material	Hot Cup (Small to Large)	Cold Cup (Small to X-Large)	Clamshell/ Lidded Container		Bowl	Plate
			Small	Meal		
EPS	1.8 ¢ to 5.4 ¢	1.8 ¢ to 5.4 ¢	6.6 ¢	7.3 ¢	3.2 ¢	2.7 ¢
Other Material	6.4 ¢ to 7.3 ¢	2.6 ¢ to 5.7 ¢	7.9 ¢	16 ¢	8.2 ¢	3.0 ¢
Alternative to EPS	Paper*	Paper & PS	PET	PET & Molded Fiber	Paper	Molded Fiber
<b>Price Change</b>	1.9 ¢ to 4.6 ¢	0.3 ¢ to 0.8 ¢	1.3 ¢	8.7 ¢	5 ¢	0.3 ¢

N/A: Not applicable  
\*includes cost of cup sleeve

Table 2:  
**LOWEST UNIT PRICES FOR COMMON PS FOOD SERVICE WARE AND  
ALTERNATIVE MATERIALS**

Item/Material	Bowl Lid	Fork/ Soup Spoon (per 10 units)	Hot Cup Lid (per unit)	Stirrer (per 10 units)	Cold Cup Lid (per unit)	Straw (per 10 units)	
						Slim	Fat
PS	4.6 ¢	6.4 ¢	2.4 ¢	1 ¢	1.8 ¢	1.5 ¢	7.4 ¢
Other Material	7.2 ¢	6.6 ¢	2.8 ¢	5 ¢	2.2 ¢	13.2 ¢	22.2 ¢
Alternative to PS	PS	PET	PLA	Wood	PET	PLA	PLA
<b>Price Change</b>	2.6 ¢	0.2 ¢	+0.4 ¢	4 ¢	0.4 ¢	11.7 ¢	14.8 ¢

Single-use food service ware of foam PS is mainly used to insulate hot food and beverages, and includes cups, clamshells, bowls, and plates. Commonly used single-use food service ware comprised of non-foam PS items include cup lids, straws, stirrers, utensils, cups, bowls, and plates. Some plastic products did not have printed on the packaging or imprinted/embossed on the items themselves the plastic resin or resin code the product was made of.

Hot Cup – The available alternative to PS found was paper. The lowest priced available alternative to PS found was a single-layer lined paper hot cup insulated by a separate cup sleeve. Price increase to alternatives was found to average 3.7¢ per cup among the common sizes.

Clamshell/Lidded Container – The available alternatives to PS found were other plastics (PET, PP), paper, aluminum (using paperboard/foil or plastic lid), sugarcane pulp fiber (certified compostable), and other plant fiber (certified compostable). Price increase to alternatives was found to average 5¢ per clamshell/lidded container among the common sizes.

Bowl – The available alternatives to PS found were paper, aluminum, and plant fiber (certified compostable). Price increase to alternatives was found to be 5¢ per bowl.

Bowl Lid – The available alternatives to PS found were PP, paper, and plant fiber (certified compostable). Price increase to alternatives was found to be 3¢ per lid.

Plate – The available alternatives to PS found were paper and plant fiber (certified compostable). Price increase to alternatives was found to be 0.3¢ per plate.

Cold Cup – The available alternatives to PS found were other plastics (PET, PP, PLA [compostable]), paper, and other plant fiber (certified compostable). Price increase to EPS alternatives was found to average 0.6¢ per cup among the common sizes.

Fork/Soup Spoon – The available alternatives to PS found were other plastics (PP, PLA [compostable]). Price increase to alternatives was found to be 0.2¢ per utensil.

Hot Cup Lid – The available alternative to PS found was PLA compostable plastic. Price increase to alternatives was found to be 0.4¢ per lid.

Stirrer – The available alternative to PS found was wood. Price increase to alternatives was found to be 0.4¢ per stirrer.

Cold Cup Lid – The available alternatives to PS found was PET and PLA compostable plastic. Price increase to alternatives was found to be 0.4¢ per lid.

Straw – The available alternative to PS found was PLA compostable plastic. Price increase to alternatives was found to average 1.3¢ per straw among the common sizes.

## Other Studies

Many jurisdictions in the State which have considered a ban on PS food service ware have undertaken a study to compare the cost of EPS to alternative food service ware to quantify potential impacts to businesses that could be affected by such a ban.

- City of Milpitas<sup>13</sup> (2011)
- City of Pasadena (2016)
- City of San Jose<sup>15</sup> (2014)
- San Mateo County<sup>14</sup> (2010)
- City of Santa Clara (2011)

Each study had its unique methodology for comparing cost differences between EPS and alternative food service ware. General findings from the studies reviewed include the following information:

- Compostable alternatives to EPS cups and plates were priced at a maximum of 4 cents higher per unit.
- Compostable alternatives to EPS clamshells were priced at a maximum of 10 cents higher per unit.

The Initial Study on a Polystyrene Foam Disposable Food Service Ware Ordinance published in July 2013 for the City of San Jose concluded that an ordinance banning PS foam food service ware was not likely to be responsible for causing food-related businesses to fail, since the cost of purchasing food service ware is one of many variable costs associated with running such a business. In transitioning the Public Works Headquarters cafeteria to alternative food containers, it was found that only 2 percent of the operator's overall expenses were attributed to purchasing food containers although the unit cost of the food containers themselves increased in the range of 50 to over 100 percent during 2008 to 2009. Comparing unit costs of EPS to alternatives then and now is inconclusive. Overall, unit costs for both EPS and alternatives food service ware decreased over the years.

The City of Pasadena calculated the following financial impacts for restaurants using PS on an annual basis following that City's ban on PS.

- \$840 to \$2,400 for a primary dine-in restaurant
- \$3,200 to 4,800 for a mixed dine-in take-out restaurant
- \$7,200 to \$16,800 for a primary take-out restaurant

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<sup>13</sup> Cascadia Consulting Group. City of Milpitas (2011) Expanded Polystyrene Food Service Take-Out Container Study. USA: City of Milpitas. Retrieved from [http://www.ci.milpitas.ca.gov/pdfs/eng\\_EPS\\_Study\\_FINAL.pdf](http://www.ci.milpitas.ca.gov/pdfs/eng_EPS_Study_FINAL.pdf)

<sup>14</sup> Memo to Environmental Quality Committee from Chief of Health System and Director of Environmental Health for San Mateo County. (2010 Jun 3). San Mateo County Board of Supervisors. Retrieved from <https://www.sccgov.org/sites/rwr/rwrc/Documents/Foodware-Cost-Comparison-and-Intro.pdf>

<sup>15</sup> Cascadia Consulting Group. City of San Jose. (2014) EPS Alternative Product Pricing. USA: City of San Jose. Retrieved from <https://www.losgatosca.gov/DocumentCenter/View/13386>

## Potential Cost Mitigations

Several cost mitigations have been identified which may potentially help offset the cost to businesses which may be incurred by a restriction on polystyrene food service ware.

- *Restaurants Switching to Reusable Food Service Ware*

Dine-in restaurants currently using single-use food service ware to serve customers could consider replacing those items with washable food service containers and utensils, which may result in a cost savings. Restaurants may consider replacing single-use food service containers with reusable containers and charging a nominal fee for to-go orders or leftovers placed in them.<sup>16,17</sup> This fee would then be waived for customers who bring back the reusable container or show a card that shows they have already brought back a container. This card could place a maximum number of times the container fee can be waived and the repeat customer would have to pay the fee the next time they take home an order or their leftovers from dining in.

- *Bring Your Own Campaign*

Customers who are unable to finish their food at food establishments are often faced with the dilemma of leaving the uneaten food on the plate as waste or taking it home in a container. For customer convenience, single-use containers are typically provided. To avoid creating more waste by trashing the single-use food container, customers may bring their own food container for possible leftovers. Los Angeles County has implemented such a campaign with the messaging tagline of “Anywhere you go...BYO” in which BYO is an acronym for “bring your own.” BYO outreach has already been implemented at County facilities and radio spots have already been running on popular local radio stations. BYO can apply to food and beverage containers as well as carryout bags and utensils.

- *Utensils Upon Request*

Another measure that can be implemented by food service retailers to reduce costs is to provide utensils only upon request for take-out orders. This is particularly effective with environmentally-minded customers who have made other arrangements such as bringing their own utensils or who will be taking the food to work or home where they may already have reusable utensils and do not need the single-use items. Other jurisdictions have implemented or are currently considering such a provision in their PS food service ware ordinance.

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<sup>16</sup> University of California, Irvine (Ed.). (2017). What We're Doing. Retrieved from <https://uci.campusdish.com/Sustainability/WhatWeAreDoing.aspx%20>

<sup>17</sup> Careyva, J. (2015, Jan 26). *Penn Dining Reduces Waste With Green2Go*. The Daily Pennsylvanian. Retrieved from <http://www.thedp.com/article/2015/01/penn-dining-green-containers>

- *Strawless Campaign*

Due to their small size, straws are particularly difficult to collect when ending up as litter and not cost effective for sorting in MRFs. There are also several movements that focus on switching from single-use plastic straws to more environmentally friendly options such as paper straws or opting to not use a straw at all.<sup>18</sup> As with utensils, food service retailers can reduce costs by providing straws only upon request, participating in a BYO campaign for straws, or making reusable straws available for a nominal fee.

## **Summary**

It has been found that alternative products generally are priced higher than PS products. Chain restaurants and larger food establishments may be able to contract with a private or larger distributor for greater cost savings and wider selection of alternative materials for their food service ware needs. A higher demand for alternative materials from these larger clients may then cause the unit price for such products to decrease over time, thus reducing the price gap between food service ware made of PS and alternative materials.

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<sup>18</sup> Woody, T. (2017, Nov 1). Strawless in Seattle: How One City Is Tackling Ocean Plastic Pollution. Retrieved from <https://www.newsdeeply.com/oceans/articles/2017/11/01/strawless-in-seattle-how-one-city-is-tackling-ocean-plastic-pollution>

## CHAPTER 4 – MANAGING FOOD SERVICE WARE

### Recycling

Management of discarded food service ware materials can be handled in a variety of ways. However, most residents and businesses in Los Angeles County unincorporated communities have waste materials collected curbside in separate waste bins designated for collection of trash, recyclables, and green waste through a waste hauling contractor. Once collected, the materials in the recycle bin can be sent to a material recovery facility (MRF) to be sorted and accumulated. The most common recycled materials by MRFs include certain metals, glass, paper, plastics, and wood. The market for recyclables is comparable to the market for raw materials in which prices can fluctuate with supply and demand locally and globally. Recycling is beneficial as an alternative to landfilling since recovered materials instead of raw materials are used to manufacture products; thus, conserving natural resources.<sup>19</sup> Closed loop recycling in which materials are recycled indefinitely is generally considered more sustainable than open loop recycling, where materials have a limited number of lives before it is sent to a landfill.

### Material Recovery Facilities (MRF)

A MRF is a facility which accepts waste materials either as source separated recyclables or mixed waste processing where waste and recyclables are mixed together. MRFs separate materials they receive using a variety of mechanical and manual sorting systems. They can range from very simple in operation such as a transfer station performing very minimal separation of material to a facility with multiple conveyor belt lines and segregation of many different types of materials. Once recyclables have been sorted and stockpiled, often in bales, they are shipped to the next destination which can include outlets for the recycled materials, a secondary MRF for further processing, a landfill if no markets are available, or a waste-to-energy facility. MRFs can also receive green waste and food waste at their facility which can ultimately be sent to anaerobic digestion or composting facilities. The primary function of a MRF is to divert recyclable material from the waste stream and prepare those materials to be marketed to end-user manufacturers.

### Optical Sorting

In recent years, MRFs have added high tech mechanical sorting systems such as optical sorting equipment to their facilities. Optical sorting has the potential to optimize the recovery of recyclables at MRFs by identifying materials based on their chemical properties and mechanically sorting these materials into the proper holding areas. This technology can distinguish between a wide variety of materials including plastics and paper. For example, optical sorters can be programmed to identify different types of plastics such as polyethylene terephthalate (PET), colored and natural high-density polyethylene (HDPE), polyvinyl chloride (PVC), polypropylene (PP), polystyrene (PS) and polylactic acid (PLA). The sorting is performed by a blast of compressed air at the

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<sup>19</sup> USEPA (Ed.). (2017) Recycling Basics. Retrieved from <https://www.epa.gov/recycle/recycling-basics>

targeted material separating it into a target stream. In general, optical sorting is faster and more accurate than manual sorting. One potential deficiency of optical sorting is its insufficient ability to identify contamination which could be a factor with food service ware.

### Survey of MRFs

Public Works reached out to identify all known MRFs and transfer stations located in the County currently serving the disposal and diversion needs of the Los Angeles County region to gather information relevant to current practices of recycling food service ware, and current capabilities and challenges associated with handling these products. Information was collected from 16 MRFs regarding diversion of food service ware comprised of PS and alternative materials. From the surveys, it was revealed that:

- MRF operators do not generally target food service ware for diversion and of the 16 facilities contacted, only six indicated that food service ware of any type was actively targeted and pulled from the line for recovery.
- Of the 6 MRFs recycling food service ware, all indicated that although PS food service ware technically can be recycled, EPS was not being collected for recycling but rather being sent with other waste residuals to a landfill. One MRF outside of the County was identified and surveyed which recycles EPS food service ware and is discussed later in this chapter.
- Although several of the MRFs indicated that compostable fiber-based food service ware could be recycled with mixed paper, only one indicated that the material was specifically sent to a composting facility.
- Compostable plastics, if collected, were sorted with mixed plastics, which generally consists of plastic resin code numbers 3 through 7, instead of being sent to a composting facility.

Furthermore, although food service ware is recyclable, PS and alternative products are challenging to recover for the following reasons:

- Food service ware of all types are often contaminated with food product and may contaminate other recyclables if pulled from the line. This was one of the reasons that many MRF operators did not target these items for recycling.
- Not enough clean food service ware products could be pulled from the line and stockpiled to make the process economically viable. This was especially true of lightweight materials such as EPS and small items such as straws, utensils, and lids.
- Markets for some food service ware materials are weak and uncertain at this time. Recycled materials such as mixed plastic and papers which have historically been exported to other countries such as China for recycling face the most uncertainty due to recent restrictions which is discussed later in this chapter.
- Compostable food service ware comprised of plant-based plastics such as PLA are not being sent to composting facilities because they are considered a contaminant to other organic waste streams.



- Contaminated compostable food service ware made of plant-based fiber is not generally targeted for recovery due to a lack of systems and infrastructure in place to deliver to composting facilities.

## **Facilities Recycling Polystyrene**

### Titus MRF Services

Titus MRF Services operates a secondary MRF in Los Angeles County and has been successful at recovering items that other MRFs have not been able to collect and make economically viable. The facility is currently receiving and further separating mixed plastics and mixed papers from other MRFs. By processing these materials from multiple MRFs, Titus is able to achieve the large volume of plastics it needs to make the process economically viable. As the materials are transported from equipment to equipment, large pieces contaminating the material may fall away. Mixed plastics, which can include PS food service ware, are baled and have traditionally been exported to China for recovery. However, domestic markets for some plastics such as polyethylene and PS do exist domestically. Titus is hoping that its prototype MRF will be the model for other secondary MRFs in metropolitan areas.



### Burrtec

Burrtec currently operates a MRF in Riverside County that accepts and recycles PS materials including EPS food service ware. Burrtec first started recycling EPS foam with assistance from the Dart Container Corporation. As an incentive to collect and recycle EPS foam, Dart Container Corporation supplied Burrtec with a densifier which is a machine used to compress EPS foam into blocks, called “ingots”, to facilitate accumulation and storage. Burrtec believes markets in California need to be developed to expand recycling potential for this material.

### Dart Container Corporation

Dart Container Corporation has operated a PS foam recycling drop-off site in Corona since 2008. The facility is able to accept EPS packaging for consumer products as well as clean EPS food service ware and compress the material utilizing its proprietary foam densifier. Since Dart Container Corporation is the largest manufacturer of EPS foam cups and a leading manufacturer of other single-use EPS food service ware, the facility is part of an effort to promote recycling of these materials.

## **Facilities Utilizing Recycled Polystyrene**

### **NEPCO**

NEPCO (Natural Environmental Protection Company) operates a facility in Pomona which uses recycled EPS from companies such as Burrtec to manufacture other products including picture frames. NEPCO utilizes a portion of the product on-site to manufacture frames for posters and other artwork, and sells the remainder to framers and distributors to create their own products. NEPCO is currently the only identified facility using recycled PS in the Los Angeles region.

### **Plastic Recycling, Inc.**

Plastic Recycling, Inc., is a company in Indiana specializing in postconsumer EPS and rigid PS from residential recycling programs and sorted by MRFs. Typical PS products accepted for recycling include foam cups, rigid PS cups, and fast-food containers. The facility has a capacity to handle up to approximately 65 tons per day of mixed recyclables. The facility processes PS among other materials into feedstock that can be used by other companies to make products such as picture frames, tape dispensers, crown molding, and base boards. Titus MRF Services has used this company as an outlet for its recovered PS bales.

## **Challenges**

### **Economics of Material Recovery**

Materials separated at MRFs are treated as commodities, where the value increases and decreases based on a variety of factors. For some materials, there is a direct relationship between the size and density of a material and its value. Large and heavy material can be collected with less effort and often translate to more profit for recovery facilities. Food service ware by nature are generally smaller in size and lighter in weight with items such as straws and lids being the smallest of the items. PS food service ware are comparable in size and weight to alternative food service ware. However, EPS, which is comprised of 95 percent air by volume, is one of the lightest of all of the materials that can be found in a MRF, and requires that a significant amount be collected in order to make the material economically attractive.

### **Contamination**

Food service ware can often be contaminated with food. Plastics may be overlooked or not targeted at MRFs because of the concern of contaminating clean material that may be collected. To reduce contamination, there are efforts by some jurisdictions encouraging residents to rinse the containers before putting them in the recycle bin if that jurisdiction promotes the recycling of these materials. Compostable materials made of paper may face similar challenges with contamination if they are sorted with recyclables. If they are sorted and processed with food waste, contamination is not a factor.

## Composting

Composting is the natural decomposition of organic materials like leaves, twigs, grass clippings, food scraps, and paper. Certain types of bioplastics may also be compostable if processed in an industrial composting facility. Organic materials that are diverted to a composting facility are turned into a useful product which keeps them out of landfills where they would break down and produce methane gas. Composting of materials such as food service ware is generally considered more sustainable and carbon neutral in comparison to open loop recycling.

Public Works surveyed 12 composting facilities in Los Angeles County and the surrounding region, with the survey revealing the following:

- Of the 12 facilities, 8 currently do not accept any compostable, biodegradable, or similar type of food service ware products, but may consider accepting them in the future.
- The remaining 4 specified that they either accept or could accept some compostable food service ware products. These 4 facilities mentioned that the compostable products accepted are generally made of a fibrous or plant-based material.
- All the composting facilities also specified that there are many food service ware products available that are marketed as “compostable” or “biodegradable” that they do not accept or want to receive because they do not adequately compost or breakdown in the same time frame as other organics. Those products are considered contamination to the composting process and end up being screened out.
- Most facilities were also skeptical of compostable plastic products, such as those certified by BPI. There was also concern regarding polylactic acid (PLA) and its ability to compost in the same time frame as other organics.

## Anaerobic Digestion

Anaerobic digestion is the process where organics are processed in the absence of oxygen with microorganisms feeding on the organic material and producing methane gas as a byproduct. This methane gas can then be captured and reused or combusted on-site to produce electricity or create fuel. Food waste is acceptable for co-digestion at some municipal wastewater treatment plants. However, food service ware is not suitable at these types of facilities. Industrial anaerobic digestion facilities may be more suitable to handle other organics, such as green waste, paper, and potentially compostable food service ware.

Public Works identified and surveyed three anaerobic digestion facilities in the region yielding the findings as follows:

- All three anaerobic digestion facilities specified that they do not currently accept any compostable food service ware products.

- The anaerobic digestion facilities also specified that they do not anticipate accepting any compostable food service ware in the near future.
- These facilities mentioned that the current compostable products available are not ideal for the digestion process itself but could be added to the material that remains after digestion (“digestate”) if that material is to be composted.

## Future Opportunities

The potential for expanding recycling and composting capabilities and programs within the County to optimize recycling of PS and alternative food service ware depends on further technology advancements, local government policy, and State legislation/policy.

### China Policy

On July 18, 2017, China announced that it will make changes to its import policy. This has added a factor of uncertainty to many recyclable commodities, specifically recovered plastics and paper. Recycling companies across the country that are unable to find buyers for these commodities have resorted to stockpiling the materials and in some cases, have been forced to landfill materials.<sup>20</sup> The policy officially takes effect on January 1, 2018. This announcement of China to the World Trade Organization has already slowed shipment of these materials and in some cases, halted them all together. This new policy has devalued the prices for mixed plastics, which typically consists of plastic resin code numbers 3 through 7, and mixed paper, which were already low-value, to a point where recyclers are less concerned with prices and more concerned with being able to move the product at all. In California, materials are piling up as well and industry experts are hopeful that the reduction in Chinese demand will spur new investment in domestic recycling infrastructure.

### Legislation and Policy

Assembly Bill 1826 is a commercial organic waste recycling law which was signed in 2014. This law requires businesses (including government facilities) and multi-family residences of five or more units to arrange for organic waste recycling services depending on the amount of waste they generate per week. Additionally, Senate Bill 1383, which was signed in 2016, establishes targets to achieve a 50 percent reduction in the level of Statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. Currently California Department of Resources Recycling and Recovery is hosting informal rulemaking workshops to develop the regulatory language. Each county in the State beginning 2025 would identify recycling capacity needed (covering a 15-year planning period) to ensure that 75 percent of organic waste can be diverted from landfills. According to California Department of Resources Recycling and Recovery, Los Angeles County is currently projected to have a shortfall of over 2 million tons per year which is the largest shortfall of any county in the State.

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<sup>20</sup> Staub, C. (2017, Oct 3). Local Programs Feel the ‘Dire’ Effects of China’s Ban. *Resource Recycling*. Retrieved from <https://resource-recycling.com/recycling/2017/10/03/local-programs-feel-dire-effects-chinas-ban/>

These policies regarding organics, including food waste, will drive the need for new facilities to process organics, such as composting and anaerobic digestion to meet the projected shortfall. In addition, programs and services will need to be implemented to divert organics to these facilities. These types of facilities, which may be able to process green waste and food waste, may also be able to treat compostable food service ware even if the material is heavily contaminated by food waste, which may not be an option in efforts to recycle food service ware.

### Secondary Material Recovery

Titus has been a pioneer in the market of secondary material recovery, by inventing a secondary MRF to process low volume materials which have already passed through other MRFs. Titus, which is primarily an equipment manufacturing company, is hopeful that its secondary MRF concept will serve as a model that other companies will follow. A growth in secondary MRFs would develop the infrastructure needed to collect plastics that other MRFs view as not economically viable. By taking in the residuals from several other MRFs, Titus is able to process enough material such as EPS and rigid PS to put together truckloads of clean material. It is uncertain whether the model that Titus has created for this type of secondary MRF will be copied by others.<sup>21</sup>

### Optical Sorting Technology

Optical sorting technology is more efficient than manual sorting and could allow MRFs to process more throughput with a higher-quality product. In the last few years the latest innovations in this technology have been with lenses and cameras that enable better recognition of materials.<sup>22</sup> These improvements in technology could allow MRFs to collect materials which they may have previously been passing over if they are able to have the type of consistency in the product that may be required.

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<sup>21</sup> Verespej, M. (2016, Nov 15). First Steps for Secondary Processors. *Plastics Recycling Update*. Retrieved from <https://resource-recycling.com/plastics/2016/11/15/first-steps-for-secondary-processors/>

<sup>22</sup> Flower, W. (2015, Sep 9). A Look at Optical Sorting. *Waste360*. Retrieved from <http://www.waste360.com/commentary/look-optical-sorting>

## CHAPTER 5 - HUMAN HEALTH RISKS

Research on the human health risks associated with PS and alternative food service ware materials and products is limited. There is little-to-no conclusive evidence regarding potential human health risks from consumer exposure to PS food containers and associated products. Most of the existing research is focused on occupational settings and environmental impacts. That said, any recommendations regarding consumer use of these products would be based on precautionary principles.

### Current Research on Styrene and Polystyrene

Occupational studies have documented health effects from both short- and long-term exposures to styrene, the main building block of PS. Per the Environmental Protection Agency, acute occupational exposure to styrene can lead to eye, nose, and throat irritation, and gastrointestinal effects. Chronic or long-term occupational exposure can lead to fatigue, headache, weakness and depression, hearing loss, central nervous system dysfunction, and peripheral neuropathy. The International Agency for Research on Cancer (IARC) has identified styrene as a possible human carcinogen and the National Toxicology Program has listed styrene as “reasonably anticipated to be a carcinogen,” based on occupational exposures to high levels of styrene. Exposure to styrene has been associated with lymphoma, leukemia, and other blood cell cancers and linked to an increased risk of cancer of the esophagus and pancreas. The most significant source of styrene exposure for the general population is from cigarette smoking, and workers in certain occupations are potentially exposed to much higher levels of styrene than the general nonsmoking public. These health effects have not been elucidated in the setting of consumer exposure to PS food service products.

Research on PS microplastics and nanoparticles have only recently been studied in marine animals. Results from these studies have shown that PS microplastics and nanoparticles could negatively impact the health of marine animals’ feeding behaviors, reproduction system, liver, and influence iron absorption. The potential effects on human consumption of marine animals exposed to these particles has not been studied, though studies have shown plastic debris to be present in fish and shellfish sold for human consumption.<sup>23</sup> Furthermore, plastic debris may be a source of toxic chemicals to an organism consuming it due to release of additives that comprise the material, and also because it has been shown to absorb certain compounds from the environment, including DDT and PCBs.<sup>24,25,26</sup>

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<sup>23</sup> Rochman, C. M.; Tahir, A.; Williams, S. L.; Baxa, D. V.; Lam, R.; Miller, J. T.; Teh, F.; S. J; Werorilangi, Sig (2015). Anthropogenic debris in seafood: Plastic debris and fibers from textiles in fish and bivalves sold for human consumption. *Scientific Reports*, 5, 14340. <http://doi.org/10.1038/srep14340>

<sup>24</sup> Rochman et al., 2015

<sup>25</sup> Engler, R. E. (2012). The Complex Interaction between Marine Debris and Toxic Chemicals in the Ocean. *Environmental Science and Technology*, 46, 12302-12315. <http://dx.doi.org/10.1021/es3027105>

<sup>26</sup> Mato, Y., Isobe, T., Takada, H., Kanehiro, H., Ohtake, C., and Kaminuma, T. (2001) Plastic Resin Pellets as a Transport Medium for Toxic Chemicals in the Marine Environment. *Environmental Science and Technology*, 35, 318-324. <http://doi.org/10.1021/es0010498>

## Current Research on Alternative Food Service Ware and Products

There are alternative disposable materials used in making single-use food service ware, such as those made from recycled and conventional paper, bagasse, compostable PLA, recycled and conventional plastic, and other compostable material. Each alternative food service ware product presents a unique set of theoretical human health risks and environmental impacts that have not been studied. Based on the lack of conclusive comparison data, it cannot be determined whether these alternative products present higher, lower, or similar risks than PS products. Potential risks of alternative products are outlined below:

- Recycled paper and conventional paper products may be bleached with chlorine and chlorine compounds that contain carcinogens, such as dioxins. The bleaching process itself may produce harmful by-products as well. Human studies have shown short-term exposure to high levels of dioxins may result in skin lesions and altered liver function. Long-term exposure may be associated with impairment of the immune system, nervous system, endocrine system, and reproductive system. Animal studies on chronic or long-term exposure to high levels of dioxins have led to several types of cancers. The IARC has classified dioxins as a known human carcinogen. Some companies label their products alternative, or chlorine-free paper products. These products may present less risk, but conclusive studies have not been performed.
- Recycled plastic and conventional plastic products can contain carcinogens and may leach hormone-mimicking chemicals such as bisphenol A (BPA) and phthalates into food. BPA may be linked with endocrine system disruption; adverse perinatal, childhood, and adult health outcomes, including reproductive and developmental effects; and metabolic disease, in studies encompassing both prenatal and postnatal exposures. Animal studies show that phthalates may affect the reproductive system. There is limited research on the human health effects from exposure to low levels of phthalates.
- Bioplastics are plastics made from plants, algae, or microorganisms. Bioplastics utilize corn, wheat, rice, potatoes, barley, or sorghum to produce plastics. Fossil fuel based fertilizers and pesticides are routinely used when growing crops for bioplastics. The use of fossil fuels may contaminate drinking water, impacting people working on farms and neighboring communities.
- Bagasse is a fibrous waste product after sugarcane juice extraction that can be used to manufacture food service products. Studies have shown adverse human health effects have been seen in workers in sugarcane processing refineries, including irritation of the airways, decreased lung function, asthma exacerbations, chronic bronchitis, and other respiratory conditions.
- Biodegradable products are made from plant materials, conventional plastics with chemicals added so the plastic breaks down, or a combination of the two. Pesticides sprayed on the plants may be transferred to or adulterate the finished biodegradable

product. The finished product can also break down into smaller components, thus becoming a pollutant in water and ecosystems.

- Alternative reusable food service ware materials and products made from metal, polypropylene, glass, porcelain, melamine, ceramic, stainless steel, and acrylic have also been used. In general, reusable food service ware products use far less energy, use fewer material resources, generate lower levels of air and water pollution, and create less solid waste during production. A caveat about reusable products is that some manufacturers may use base materials with known adverse human health and environmental health impacts. For example, many such products are made with PS, polyvinylchloride, polyethylene terephthalate, and lead-based ceramics.

Based on limited studies, PS food service products may present a risk to consumers, but this potential risk is based on a precautionary interpretation of occupational exposure to styrene, and PS nanoparticulate exposure to aquatic ecosystems. Currently there is not enough comparative research to determine whether alternative products present a greater, lesser, or similar risk to consumers. Policy decisions regarding the use of these products should be tempered with emerging data, and must be constantly amenable to change, based on newly published scientific research.



## CHAPTER 6 – LITTER AND ENVIRONMENTAL IMPACT

The widespread use of single-use food service ware in Los Angeles County and its propensity to become litter has resulted in large quantities entering our natural environment, with the most lightweight making its way into waterways and the ocean. Some materials are easily broken into small pieces, and windblown into the storm drain system. These are very challenging to contain or collect, and pose a significant nuisance and source of visual blight compared to other litter materials. Still other materials that never make their way into the flood control system remain in the environment. Once on the beach or in the ocean, this litter either floats further out to sea and becomes a part of a "garbage patch" caught in a gyre, or is washed back up on shore where it litters the beach. This blight impacts the County's recreational areas and the quality of life for residents and visitors.

Litter made of biodegradable material has a reduced and less persistent impact on the natural environment and wildlife when compared to nonbiodegradable products, which may take hundreds of years to deteriorate in the natural environment. The unsightly accumulation of littered food service ware material is commonly seen floating on the water among other debris. In worldwide coastal cleanups, foam take-away containers, plastic lids, and straws/stirrers were among the top ten collected items.<sup>27</sup> In the United States alone, straws/stirrers were among the top ten collected items.<sup>28</sup> Litter studies continue to find that plastics make up the majority of particles in the total litter stream.<sup>29</sup> According to a report by the World Economic Forum and Ellen MacArthur Foundation, over 8 million tons of plastics leak into the ocean every year, equivalent to one garbage truck into the ocean every minute. At the current rate of plastics production, this is expected to increase to two per minute by 2030 and four per minute by 2050 if no further action is taken. Estimates suggest that plastic packaging represents the major share of this leakage. In a business-as-usual scenario, the ocean is expected to contain more plastics than fish (by weight) by 2050.<sup>30</sup> According to a report about ocean plastic pollution, visual surveys revealed that foamed PS items were the most frequently observed large particles of plastics.<sup>31</sup>

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<sup>27</sup> Ocean Conservancy. (2017) International Coastal Cleanup 2017 Report. USA: Ocean Conservancy. Retrieved from [https://oceanconservancy.org/wp-content/uploads/2017/06/International-Coastal-Cleanup\\_2017-Report.pdf](https://oceanconservancy.org/wp-content/uploads/2017/06/International-Coastal-Cleanup_2017-Report.pdf)

<sup>28</sup> Ocean Conservancy, 2017. 13, 18-19

<sup>29</sup> Geyer, R., Jambeck, J., and Law, K. L. (2017) Production, Use, and Fate of All Plastics Ever Made. *Science Advances*. 3(7). 3. <http://doi.org/10.1126/sciadv.1700782>

<sup>30</sup> World Economic Forum and Ellen MacArthur Foundation (2016) *The New Plastics Economy: Rethinking the Future of Plastics*. 17. Retrieved from [https://www.ellenmacarthurfoundation.org/assets/downloads/ElleMacArthurFoundation\\_TheNewPlasticsEconomy\\_Pages.pdf](https://www.ellenmacarthurfoundation.org/assets/downloads/ElleMacArthurFoundation_TheNewPlasticsEconomy_Pages.pdf)

<sup>31</sup> Eriksen, M., Lebreton, L. C. M.; Carson, H. S.; Thiel, M.; Moore, C. J.; Borerro, J. C.; Reisser, J. (2014) Plastic Pollution in the World's Oceans: More than 5 Trillion Plastic Pieces Weighing over 250,000 Tons Afloat at Sea. *PLOS ONE*. 7. <https://doi.org/10.1371/journal.pone.0111913>

Plastic pieces are also easily mistaken for food and end up ingested by wildlife.<sup>32,33</sup> A recent study suggested that the chemical signature from plastic debris may actively attract certain fish.<sup>34</sup>

## Litter Impact on Local Waterways and Beaches

A Southern California-wide trash and debris survey conducted in 2013 by the Southern California Coastal Water Research Project found that plastic was the most extensive and abundant type of debris in both ocean and riverine systems. 78 percent of Southern California streams contained plastic trash such as wrappers, bags and Styrofoam™. See below tables showing the amounts of debris per this study.

Table 3  
**SUMMARY STATISTICS OF DEBRIS ABUNDANCE  
DURING THIS SURVEY OF SOUTHERN CALIFORNIA STREAMS**

Debris Category	Debris Item*	Number of Pieces Per Site (Area Weighted Mean)	Standard Error	95%CI	Maximum Number of Pieces Found at a Site
Plastic		18.7	2.49	4.88	217
	Plastic wrapper/pieces	5.3	0.85	1.67	70
	Plastic bags/pieces	3.7	0.53	1.04	124
	Plastic misc pieces (soft/hard)	3.4	0.88	1.73	56
	Styrofoam pieces	3.1	0.94	1.85	77
	Plastic Bottles	1.1	0.21	0.41	39
Biodegradable		2.1	0.37	0.73	46
	Paper/cardboard	1.8	0.35	0.68	46
Glass		1.9	0.56	1.09	119
	Glass pieces	1.6	0.55	1.08	119
	Glass bottles	0.3	0.07	0.13	25
Toxic		1.8	0.37	0.72	29
	Cigarette butts	1.6	0.35	0.69	27
Miscellaneous		2.5	1.05	2.05	390
	Sports balls	1.4	1.00	1.95	388
Construction		1.9	0.88	1.73	80
	Concrete/Asphalt debris	1.2	0.85	1.67	77
Metal		1.5	0.18	0.36	33
Fabric and Cloth		0.7	0.12	0.24	58
Biohazard		0.1	0.04	0.08	5
Large		0.1	0.02	0.04	9
<b>Any Anthropogenic Debris</b>		<b>31.3</b>	<b>3.81</b>	<b>7.47</b>	<b>516</b>

\*Not all debris items are listed under each category. For larger categories only debris items with values above 1 are listed.

Source: Southern California Coastal Water Research Project. (2016) Technical Report 928. USA: SCCWRP. Retrieved from [ftp://ftp.sccwrp.org/pub/download/DOCUMENTS/TechnicalReports/928\\_B13\\_Debris.pdf](ftp://ftp.sccwrp.org/pub/download/DOCUMENTS/TechnicalReports/928_B13_Debris.pdf), p.33

<sup>32</sup> Rochman, C. M.; Tahir, A.; Williams, S. L.; Baxa, D. V.; Lam, R.; Miller, J. T.; Teh, F.; S. J.; Werorilangi, Sig (2015). Anthropogenic debris in seafood: Plastic debris and fibers from textiles in fish and bivalves sold for human consumption. *Scientific Reports*, 5, 14340. <http://doi.org/10.1038/srep14340>

<sup>33</sup> Ocean Conservancy. (2017). The New Wave: Investment Strategies for Plastic Free Seas. USA: Ocean Conservancy. Retrieved from <https://oceanconservancy.org/wp-content/uploads/2017/05/the-next-wave.pdf>

<sup>34</sup> Savoca, M. S.; Tyson, C. W.; McGill, M.; Slager, C. J. (2017 Aug 16) Odours from Marine Plastic Debris Induce Food Search Behaviours in a Forage Fish. *Proceedings of the Royal Society (Great Britain): Biological sciences*. 284 (1860). <http://doi.org/10.1098/rspb.2017.1000>

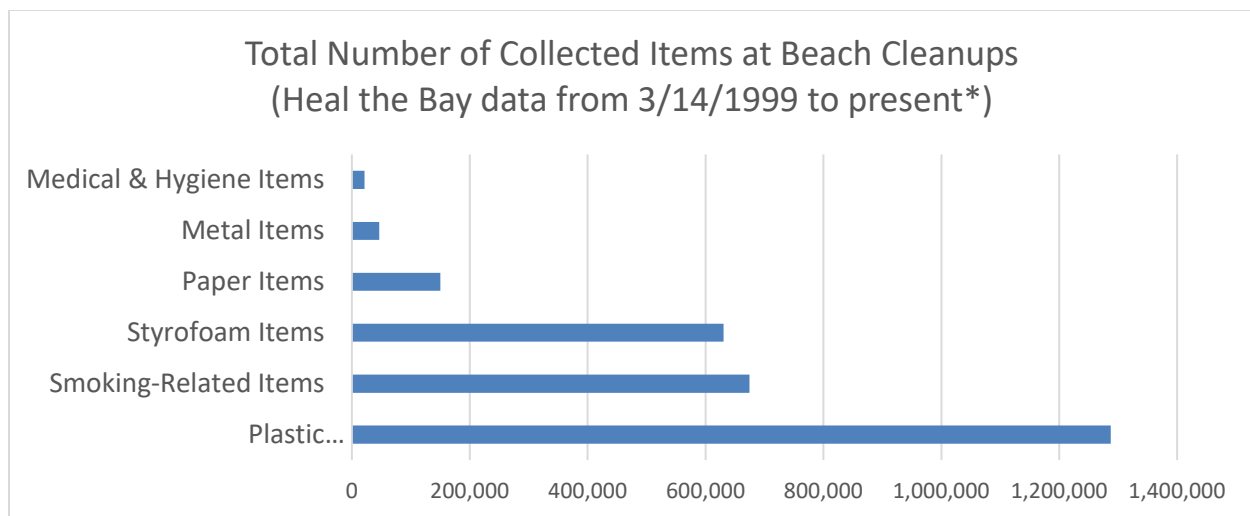
*Table 4*  
**TOP 10 ITEMS MAKING UP 75% OF THE TOTAL DEBRIS  
 IN THE SOUTHERN CALIFORNIA REGIONAL STREAM SURVEY**

Rank	Debris Item	% Total	% Cumulative
1	Plastic wrappers	14.8	14.8
2	Plastic bags	14.1	28.9
3	Persistent plastic pieces (soft/hard)	9.0	37.9
4	Styrofoam pieces	8.8	46.6
5	Glass pieces	6.7	53.3
6	Sports balls	6.1	59.4
7	Cigarette Butts	5.3	64.7
8	Paper and cardboard	5.2	69.8
9	Plastic Bottles	3.7	73.5
10	Concrete/Asphalt debris	2.1	75.7

Source: Southern California Coastal Water Research Project. (2016) Technical Report 928. USA: SCCWRP. Retrieved from [http://ftp.sccwrp.org/pub/download/DOCUMENTS/TechnicalReports/928\\_B13\\_Debris.pdf](http://ftp.sccwrp.org/pub/download/DOCUMENTS/TechnicalReports/928_B13_Debris.pdf), p.34

As plastic litter on the local coastline continues to be found, local groups have organized to clean up the local beaches and waterways. According to beach cleanups documented in Heal the Bay's (HTB) Marine Database, plastic items (including wrappers, fast food items, and straws/stirrers but excluding EPS items) make up the most collected of all littered materials with smoking-related and EPS items being the next most collected. The cleanups subcategorize EPS items into peanuts, food containers, and pieces. The data showed that EPS pieces comprised the most collected EPS litter item. And over the last 10 years, cleanups collected over 500,000 EPS items. In 2016 alone, over 110,000 EPS items were collected.<sup>35</sup>

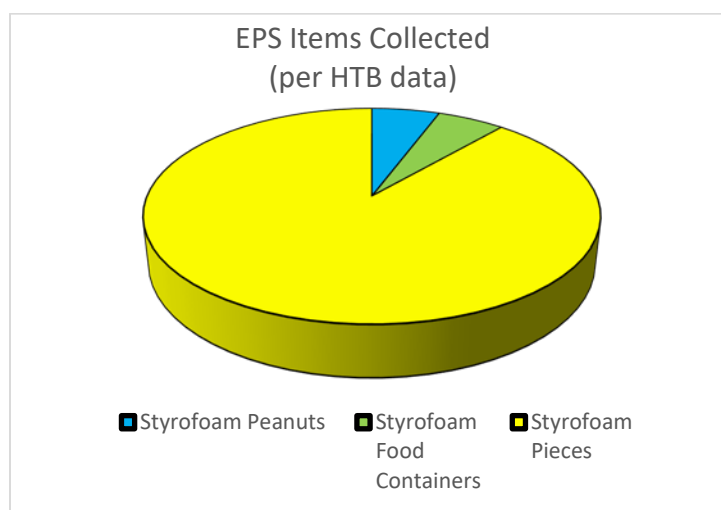
*Figure 2*



\*as of 9/19/2017

<sup>35</sup> Heal the Bay Marine Database. Accessed on 9/19/17. Searched for Debris Picked Up at All Beaches. Retrieved from <http://sites.healthebay.org/MarineDebris/Mddb/AnalysisWizard.aspx>

Figure 3



Following are comparisons that have been made between items made of foam and other forms of plastic:

- According to a research study conducted in 2013 by Algalita Marine Research and Education, the most common types of plastics found in both the Los Angeles (LA) and San Gabriel River Watersheds were: “Wrappers/pieces,” “Bags/pieces,” “Miscellaneous Pieces,” and “(foam) PS/pieces.”<sup>36</sup>
- According to the City of LA, plastic film and bags, snack and candy packaging, (foam) PS, and heavy plastic film and tarps were found to be the top categories of plastic littered items in the LA and San Gabriel River watersheds.<sup>37</sup>
- Cleanups by Friends of the LA River found that EPS litter at the Fletcher Drive and Bowtie Parcel in Glendale Narrows, the central and longest natural area of the LA River, increased from two percent to five percent of total litter collected between 2009 and 2010.<sup>38</sup> The report did not state the amount of total litter collected at the 2009 and 2010 cleanups nor made comparisons about total litter collected from 2009 to 2010.
- The percentage of total litter that was EPS at the LA River Estuary at Willow Street in Long Beach also increased by 8 percent from 2004 (2 percent) to 2011

<sup>36</sup> Eriksen, et al., 2014. 66

<sup>37</sup> Midbust, J., Mori, M., Richter, P., Vosti, B. Algalita Marine Research Institute (2014) Reducing Plastic Debris in the Los Angeles and San Gabriel River Watersheds. USA: Algalita Marine Research Institute. Retrieved from [http://www.bren.ucsb.edu/research/2014Group\\_Projects/documents/Bren-Group-Project-Thesis-Reducing-Plastic-Debris-in-the-Los-Angeles-and-San-Gabriel-Riv\\_000.pdf](http://www.bren.ucsb.edu/research/2014Group_Projects/documents/Bren-Group-Project-Thesis-Reducing-Plastic-Debris-in-the-Los-Angeles-and-San-Gabriel-Riv_000.pdf)

<sup>38</sup> Tyack, N. Friends of the Los Angeles River. (2011). A Trash Biography: Friends of the Los Angeles River 2004-2011 Trash Report. USA: Friends of the Los Angeles River. Retrieved from [http://clients.codebloo.com/folar/wp-content/uploads/2014/03/LA\\_Trash\\_Sort\\_Report\\_-\\_Final.pdf](http://clients.codebloo.com/folar/wp-content/uploads/2014/03/LA_Trash_Sort_Report_-_Final.pdf)

(10 percent).<sup>39</sup> The report did not state the amount of total litter collected at the 2004 and 2011 cleanups nor made comparisons about total litter collected from 2004 to 2011.

- At Compton Creek, a tributary to the LA River, EPS comprised 14 percent and food service packaging comprised 9 percent of total litter, both in the top five most abundant item categories for that cleanup.<sup>40</sup>

## Litter Prevention



### Local Water Pollution Measures

The Los Angeles County Flood Control District, the County of Los Angeles, and cities within the County are required by their National Pollutant Discharge Elimination System (NPDES) permits to control discharges of pollutants into rivers, lakes, and the ocean. In addition, the Regional Water Quality Control Board has imposed total maximum daily loads (TMDL) for what can enter these water bodies. The following information was gathered from documents and personal communication from Public Works.

For years, the County has implemented and maintained numerous best management practices to reduce littering and to remove litter from its right-of-way and storm drain system. Litter prevention maintenance and mitigation costs the County an average of \$73 million per year (from Fiscal Year 2011-12 to Fiscal Year 2014-15) for structural and treatment control best management practices (BMP), municipal street sweeping, catch basin cleaning, and trash collection/recycling.

Trash receptacles have been installed at all bus stops within the following four watersheds as mandated by the NPDES permit: San Gabriel River, Dominguez, Malibu Creek and Santa Clara River. Trash receptacles have also been installed at bus stops in the other watersheds based on need and requests from constituents. Trash collection is performed at the trash receptacles anywhere from three to five times per week depending on the need. Trash collection is done to comply with the latest NPDES requirements by promoting BMPs and not to allow any waste or liquid from trash receptacles or liners to enter the storm drains and/or street gutters during their

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<sup>39</sup> Tyack, 2011. 12

<sup>40</sup> Tyack, 2011. 17



maintenance. The amount of waste collected from sweeping of road right-of-way is reported weekly, and collections have averaged approximately 3,000 tons per year for the past two years. Street sweeping reduces the maintenance of catch basin screens.

The County has been equipping catch basins with full-capture devices and screens since 2003. Over 6,000 connector pipe screens have been installed inside catch basins in the unincorporated areas of the following watersheds: LA River, Dominguez Channel, San Gabriel River, Ballona Creek, Santa Clara River, Malibu Creek, and Santa Monica Bay. The County retrofitted each catch basin in the LA River Watershed (4,000 catch basins) with a connector pipe screen at all capture devices to meet the Trash TMDL by September 2016. Automatic retractable screens were also installed in the catch basins along with the connector pipe screens, wherever possible. Currently approximately \$9 million among all watersheds maintained by the County have been spent on installations. The amount of waste collected from cleaning out catch basins is reported weekly, and collections have averaged approximately 2,000 tons per year for the past two fiscal years at a cost of approximately \$1.6 million per year. The amount of waste collected from cleaning out pump station forebays is reported, and collections have amounted to nearly 200 cubic yards this past fiscal year. Since 2000, trash nets have been installed to capture floating trash, debris, and vegetation. This results in improved water quality, enhanced recreation, and improved navigation in the County's waterways. The LA River trash boom and Ballona Creek trash net have collected an average of nearly 1,700 tons and about 50 cubic yards respectively for the past two fiscal years.

Cities within the Los Angeles County watersheds have also installed screen devices similar to the County design as well as continuous deflective separation units. The City of LA also recently installed a trash net in Wilmington Drain as part of their Machado Lake Restoration Project.

Trash TMDL requirements do not currently distinguish between types of trash, only general qualities of pollutants (i.e., floatable, suspended, and settleable material).<sup>41</sup> Some materials are easier to catch before ending up in the waterway, while others can easily break up into pieces. Less dense and lighter materials tend to become windborne more easily and have an easier time escaping litter capture devices, especially in high-flow storm events. The material collected in the booms and nets as well as in the catch basins and through street sweeping operations is generally not recyclable due to the large amount of contamination. For Santa Monica Bay, the target of zero trash must be met by 2020, except for cities that pass ordinances banning plastic bags, smoking in public places, and single-use EPS food packaging, which have until 2023.<sup>42</sup>

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<sup>41</sup> State Water Resources Control Board of CalEPA. (2015) Amendment to the Water Quality Control Plan for the Ocean Waters of California to Control Trash and Part 1 Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California - Final Staff Report. USA: State Water Resources Control Board. Retrieved from [https://www.waterboards.ca.gov/water\\_issues/programs/trash\\_control/docs/01\\_final\\_sed.pdf](https://www.waterboards.ca.gov/water_issues/programs/trash_control/docs/01_final_sed.pdf)

<sup>42</sup> Von Bitner, T., Stein, E. D., Protopapadakis, L., and Thorsen, K. (2015) Urban Coast Special Issue: State of the Bay. *The Bay Foundation*. 5(1). 29-34

## Impacts of Restrictions on Commonly Littered and Easily Windblown Plastic Products

Due to similar lightweight and easily windborne qualities EPS containers have with single-use plastic carryout bags, following are summaries of litter studies comparing the effects restrictions on lightweight and easily windblown plastic products have on the environment.

- Alameda County, California – EPS Bans

Starting in 1990, the City of Berkeley implemented a prohibition on PS food service ware. Then, starting in 2007 the City of Oakland also implemented a similar restriction, as well as the Cities of Alameda, Albany, and Emeryville the following year. In 2011, three more cities (Fremont, Hayward, and Livermore) in the region followed suit. The policies continued to cover the Cities of San Leandro in 2012 and Pleasanton in 2013.

From March to June in 2014, a study was conducted on 100 small full-capture devices throughout the County. Accumulation of trash ranged from 82 to 94 days for the different sites monitored, and over 800 gallons of trash and debris were collected. From this study, it was found that approximately 49 percent of the trash characterized was other plastic and no disposable non-foam or paper food or beverage ware products were observed at the 100 monitoring sites, indicating that EPS replacement products are not consistently observed in the storm drain conveyance system in Alameda County. A possible explanation may be that either these products are littered at a lower frequency than other items, or that they are too large to easily fit in the curb opening or grate of a storm drain inlet.<sup>43</sup>

The study reported that roughly 15 percent (by volume) of the material from storm drain inlets were trash, dominated by plastic film, food and candy packaging, straws, lids, and bottle tops. Single-use plastic bags and EPS food ware comprised a smaller portion of the trash. Non-foam plastic and paper disposable food and beverage ware were not consistently observed in material removed from storm drains.<sup>44</sup>

The sites monitored within the City of San Leandro showed the average annual volume of EPS food ware during the post-ordinance adoption was 61 percent less than the pre-ordinance volume. No mention was made in the report of alternative food ware observed from the City of San Leandro EPS Food Ware Ordinance Case Study.

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<sup>43</sup> EOA, Inc. Alameda County Waste Management Authority. (2014). Alameda Countywide Storm Drain Trash Monitoring and Characterization Project - Technical Report. USA: Alameda County Waste Management Authority. Retrieved from <http://www.stopwaste.org/sites/default/files/Bag%20attach%20A.pdf>

<sup>44</sup> EOA, Inc, 2014. 19

- City and County of San Francisco - EPS Ban

According to the April 2007 Street Litter Survey of San Francisco<sup>45</sup>, litter was observed from 105 randomly selected sites and EPS food service products were categorized as large items of litter. These products included cups, plates, clamshells, and trays. 68 of the 3,812 pieces (1.78 percent) of large litter observed were classified as EPS food service products. 132 pieces (3.46 percent) of the large litter observed were alternative food service products.

The April 2008 Street Litter Survey<sup>46</sup> observed litter from 132 selected sites, most of which were the same as the previous year. Of the 3,973 pieces of large litter observed in the 2008 survey, 45 pieces (1.13 percent) were classified as EPS foodservice products. 252.5 pieces (6.36 percent) of the large litter observed were alternative food service products.

There was a 0.65 percent reduction in PS foam food service products and a 2.9% increase in alternative food service products observed after the ban was implemented in June 2007.

- District of Columbia, USA - Bag Fee

Per the Anacostia Watershed Trash Reduction Plan (2008) developed by the Anacostia Watershed Society for the District's Department of the Environment, the following information was gathered. From August 2007 to June 2008, trash was surveyed in the Anacostia Basin. The survey found that the largest categories of trash were plastic bags, Styrofoam products, snack wrappers (potato chip and candy bar packaging), and bottles and cans. They composed nearly 85 percent of the items. In the tributary streams, plastic bags, bottles and cans, Styrofoam, and snack wrappers were also prevalent. Most of the trash found were food or drink related.<sup>47</sup> Of the items found in the tributaries, 47 percent were plastic bags, while bags made up 21 percent of items found in the river.<sup>48</sup>

Paper bags, such as those currently used by large chain fast-food restaurants, were found to not persist in the stormwater route from the streets, through the storm sewers, and into the streams. The absence of bags downstream showed their disintegration

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<sup>45</sup> HDR, BVA & Associates, Inc., and MGM Management. City of San Francisco. (2007). The City of San Francisco Streets Litter Audit 2007.

<sup>46</sup> HDR, BVA & Associates, Inc., and MGM Management. City of San Francisco. (2008). The City of San Francisco Streets Litter Audit 2008.

<sup>47</sup> Anacostia Watershed Society. District of Columbia Department of the Environment. (2008). Anacostia Watershed Trash Reduction Plan. USA: District of Columbia Department of the Environment. Retrieved from <https://doee.dc.gov/publication/2008-anacostia-river-trash-study>

<sup>48</sup> Anacostia Watershed Society, 2008. xvii



throughout the route. Tests were conducted on paper bags to prove this, and it was found that the paper begins breaking apart immediately upon the bags getting wet.<sup>49</sup>

In 2009, the District of Columbia implemented the Anacostia River Clean Up and Protection Act of 2009, which required certain businesses within the District to charge a carryout bag fee.

In October and November 2014, a litter survey of the Anacostia Watershed was conducted. Along the roadways, plastic and paper retail bags were found in nearly 2 percent of the large items of litter.<sup>50</sup> The following data from the 12 non-roadway sites was based on areas identified as litter hot spots. Plastic and paper retail bags were found in nearly 6 percent of the large items.<sup>51</sup> Plastic film was found in 3 percent of the small items of litter, and paper was found in 15.6 percent.<sup>52</sup>

Recyclables comprised 44 percent of large items of litter on non-roadways compared to 33 percent for roadways.<sup>53</sup> Overall, a significant amount of paper and commingled containers of all types (particularly beverage containers) found in the large items of litter category (38-42 percent) would have been recyclable.<sup>54</sup>

The already massive amounts of plastic particles in the marine environment is a litter problem that governments and other agencies have been trying to tackle. One way many have already attempted to prevent further litter from entering the environment is source reduction of single-use plastic products. These case studies do show that EPS food service ware litter can possibly be reduced by the development of laws and policies to curb usage and/or sale of such products. As with any law, efforts to properly educate and outreach to stakeholders throughout the manufacture, distribution, sale, and use of banned and alternative products and the public at large can greatly catapult the implementation and enforcement of product bans to reduce PS food service ware litter.

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<sup>49</sup> Anacostia Watershed Society, 2008. xv

<sup>50</sup> Environmental Resources Planning, LLC. (2015) 2015 Anacostia Watershed Litter Survey. Retrieved from [http://www.erplanning.com/uploads/2015\\_Anacostia\\_Watershed\\_Litter\\_Survey.pdf](http://www.erplanning.com/uploads/2015_Anacostia_Watershed_Litter_Survey.pdf)

<sup>51</sup> ERP, 2015. 69

<sup>52</sup> ERP, 2015. 29

<sup>53</sup> ERP, 2015. 26

<sup>54</sup> ERP, 2015. 49

## CHAPTER 7 – EFFORTS AND BANS

Early in the 2017-18 legislative session, Senator Ben Allen introduced Senate Bill 705 (SB 705) to prohibit food vendors Statewide from distributing EPS food service containers<sup>55</sup>. The bill was amended three times and the final version included a provision allowing local government to grant exceptions to restaurants that demonstrated economic hardship. Ultimately the bill did not receive enough votes to make it out of the house of origin but may be reconsidered next year.

### Summary of Prohibitions in Other Jurisdictions

Since our last report in 2011, many more cities in California and across the nation have adopted resolutions or ordinances to restrict the use and/or sale of EPS and/or PS. Currently, 110 counties and cities in California have adopted some type of regulation on the use and/or sale of EPS and/or PS. According to Californians Against Waste (CAW), 13 of these regulations only apply to the use of EPS and/or PS at government facilities and/or government sponsored events, including Los Angeles County, City of Los Angeles, Orange County, and Ventura County<sup>56</sup>.

In Los Angeles County, there is now a total of nine cities that have adopted an ordinance prohibiting the use and/or sale of EPS and/or PS food service ware and/or EPS packaging material or other EPS material in their cities:

- [Culver City \(2017\)](#)
- [South Pasadena \(2016\)](#)
- [Pasadena \(2016\)](#)
- [Manhattan Beach \(2013\)](#)
- [Hermosa Beach \(2012\)](#)
- [Calabasas \(2007\)](#)
- [Santa Monica \(2007\)](#)
- [Malibu \(2005\)](#)
- [West Hollywood \(1990\)](#)

In October 2017, the City of Long Beach passed a motion directing the development of an ordinance banning all PS food containers and all other food containers that are not compostable or recyclable. In May 2017, the City Council of Culver City adopted an ordinance to ban the sale and use of PS<sup>57</sup>. The prohibition includes the citywide sale and use of EPS food service ware including cutlery, straws, cup lids, and foam coolers. To further reduce waste, the ordinance also requires prepared food service providers to ask their customers whether they want cutlery included with their take-out order (instead of automatically including it). Additionally, the City promotes the use of reusable food service ware instead of disposable products.

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<sup>55</sup> Senators Allen, Hill, and Stern. (2017). SB-705 Solid Waste: Expanded Polystyrene Food Service Containers. *California Legislative Information*. 2017-2018. Retrieved from [https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180SB705](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB705)

<sup>56</sup> Californians Against Waste. (Ed.). Polystyrene: Local Ordinances. Accessed on 9/21/17. Retrieved from <http://www.cawrecycles.org/polystyrene-local-ordinances/>

<sup>57</sup> Culver City. (Ed.). (2017). City Ban on Polystyrene Foodware. Retrieved from <http://www.culvercity.org/how-do-i-learn/city-ban-on-polystyrene-foodware>

A representative for the City of Los Angeles, Bureau of Sanitation also reported that per a motion from Council Members Paul Koretz and Bob Blumenfield they are reviewing the City's efforts in instituting the 2008 EPS ban at City facilities and events. They are still gathering information to report back to their City Council.

Similar ordinances have also been adopted by eight counties in California:

- [Alameda County \(2015\)](#)
- [Mendocino County \(2014\)](#)
- [Santa Clara County \(2012\)](#)
- [San Mateo County \(2011\)](#)
- [Marin County \(2010\)](#)
- [Monterey County \(2010\)](#)
- [Santa Cruz County \(2008\)](#)
- [San Francisco County \(2007\)](#)

In 2012, the County of Santa Cruz amended an existing ordinance adopted in 2008 to additionally prohibit the sale of EPS products in the unincorporated area of the county<sup>58</sup>. The original ordinance only prohibited the use of EPS packaging in food service. The amended ordinance not only prohibits the sale of EPS food service ware but also of coolers/ice chests and nonfood related products made of EPS.

San Francisco also amended and expanded their ordinance effective January 1, 2017<sup>59</sup>. The original ordinance prohibited EPS food ware for food prepared and served in the jurisdiction. The amendments include the sale and distribution of EPS products, including food service ware, packing material, meat and fish trays, egg cartons, coolers, beach toys, and dock floats. The county reports on their Department of the Environment website that although the 2007 ordinance successfully reduced PS litter; remaining PS foam was still having a negative impact on the environment.

According to the Surfrider Foundation, there are over 20 additional regulations prohibiting the use and/or sale of EPS and/or PS nationwide distributed among the following states<sup>60</sup>:

- Florida
- Maine
- Massachusetts
- New Jersey
- New York
- Oregon
- Texas
- Washington
- District of Columbia

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<sup>58</sup> County of Santa Cruz. (Ed.). (2017). Single Use Polystyrene Ordinance. Retrieved from <http://dpw.co.santacruz.ca.us/Home/RecyclingSolidWaste/ZeroWastePlan/EnvironmentallyAcceptablePackagingMaterialsOrdinance/SingleUsePolystyreneBanOrdinance.aspx>

<sup>59</sup> San Francisco Department of the Environment. (Ed.). (2016). Polystyrene Foam and the Food Service and Packaging Waste Reduction Ordinance. Retrieved from <https://sfenvironment.org/polystyrene-foam-food-service-packaging-waste-reduction-ordinance>

<sup>60</sup> Surfrider Foundation (Ed.). (2017). Polystyrene Ordinances. Retrieved from Surfrider Foundation. <http://www.surfrider.org/pages/polystyrene-ordinances>

## Jurisdictions Opting Against Bans or Delaying Bans

Several jurisdictions have considered a ban on PS food service ware and decided on alternative options or decided not to pursue at that time. A few that we are aware of are listed below:

- Recently, City of San Diego decided that it would allow EPS food service ware to be placed in curbside collection recycling blue bins where it will ultimately end up at a secondary MRF for separation. The City has been allowing large foam pieces in its blue bins since 2014 for recycling, but up until this time, EPS food containers were not allowed. The City estimates that it will cost \$90,000 a year to recycle food service ware<sup>61</sup> but has decided to accept this cost instead of enacting a ban on EPS food service ware.
- In 2008, City of Santa Barbara concluded in a staff report that there was no environmental benefit of banning EPS for alternative plastic products. Staff also concluded that compostable alternatives would have a greater environmental benefit, however without a composting program at that time, it was decided to wait on a ban and focus on developing composting infrastructure. Since that time, the City now has a composting program in place that can accept compostable products and is reconsidering a ban of EPS and other plastic food service ware.
- City of Huntington Beach prepared an ordinance which was voted on by its City Council in 2013. At that time, the council voted the ordinance down by a 4 to 3 vote with 4 council members opposed and 3 in favor. Since that time, the City has not revisited the issue of an ordinance.

## **Types of Ordinances**

Over the last 6 years, ordinances developed to prohibit the use of PS products by businesses have included additional requirements and products. The latest ordinances are more detailed in scope and restrict the use and/or sale of additional EPS and/or PS material. Below is a spectrum of existing policies:

- Prohibition on the use of disposable EPS food containers for prepared food.
- Above policy plus requirement that alternative material be compostable, biodegradable, and/or recyclable.
- Above policy plus prohibition on the use of other disposable PS food service ware, such as straws, cup lids, and utensils.

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<sup>61</sup> Garrick, D. (2017 Jun 20). *Instead of a Ban, San Diego Will Allow Recycling of Foam Food Containers*. The San Diego Union-Tribune. Retrieved from <http://www.sandiegouniontribune.com/>

- All of the above policies plus prohibition on the sale of EPS disposable food containers and other EPS products, such as packing material, coolers/ice chests, beach toys, dock floats, tortilla warmers, etc.
- All of the above policies plus prohibition on the retail use of EPS for packaging unprepared food including raw meat, seafood, and produce, such as trays and egg cartons.

## CHAPTER 8 - EFFECTIVENESS OF HARDSHIP WAIVERS

Another component of the ordinances that have been passed by other jurisdictions is exemptions including undue hardship waivers for food vendors and the common hardship categories are economic and/or unique packaging. An economic hardship refers to the affordability of an alternate material defined in some jurisdictions by a 15 percent cost increase. A unique packaging hardship refers to the feasibility of a reasonable alternate material. The usual process is for food vendors to submit an application describing the circumstances of their undue hardship and if approved would typically receive a one-year exemption. In our previous report, no records were found of any businesses that applied for a hardship waiver. Staff surveyed over 60 jurisdictions in California to determine the current effectiveness of undue hardship waivers for small businesses. From the responses received only two jurisdictions reported the use of hardship waivers:

- City of San Luis Obispo – since the ordinance’s effective date, January 1, 2016, only one application was received and approved.
- City of San Clemente – since the ordinance’s effective date, July 1, 2011, only one application was granted when the ordinance initially passed due to a recent significant purchase of EPS material and the business was given a specific time frame to use the material.

Overall, survey responses were consistent with previous findings indicating that although provisions for undue hardship waivers are allowed they are seldom utilized. The nine cities in Los Angeles County, all of which have hardship waivers, reported full compliance from small businesses and have yet to receive applications for hardship waivers. Those jurisdictions along with others in California attribute the small business compliance success to the following efforts:

- Delayed implementation to allow businesses time to use up inventory and find new vendors.
- Initial outreach and education with printed material and/or in-person.
- Stakeholder meetings.
- Clear definitions on the ordinance.
- Development of a list of local distributors of alternate products.
- Food service ware fairs and/or workshops.
- Electronic resources on the jurisdictions webpage.
- Annual and/or periodic inspections.

## **CHAPTER 9- COUNTY CONTRACTS**

In conjunction with the 2011 Expanded Polystyrene Food Container in Los Angeles County report, the Internal Services Department, as the County Purchasing Agent, discontinued the purchase of all such products for use at County facilities. All departmental specifications for food container products were changed from EPS to alternate products. Currently, there are no County facilities for which the County purchases food containers that contain EPS.

In an effort to strengthen the County's position on banning EPS and PS food containers, the County Purchasing Agent may implement a clause in its solicitations that prohibits the purchase of EPS and PS food containers from bidders.

## CHAPTER 10 – FINDINGS

### Solid Waste Disposal

From a solid waste management perspective, some alternative products are more likely to be recycled, composted, or diverted from landfill disposal as compared to EPS or PS. However, at this time there is a lack of composting infrastructure and a lack of organics programs to effectively divert a significant amount of the compostable food service ware. However, it is anticipated there will be more composting facilities developed regionally as well as more local programs implemented by jurisdictions to more easily accept compostable food service ware.

### Litter Consideration

PS food service ware litter continues to be a problem along with other types of food service ware litter in the County's waterways and the ocean. It should be noted that a ban of one product over another could result in a different product replacing the other in the litter stream. Some alternative materials to EPS or PS may be more compatible with the environment, particularly if they break down more quickly in an aquatic environment. In addition, EPS as a material can be broken into small pieces, and windblown into the storm drain system which ultimately leads to the ocean. EPS is challenging to contain or collect, and can pose a disproportionate nuisance and source of visual blight compared to other litter materials.

### **Options for the Board's Consideration**

1. Continue to support legislation which would phase out the use of single-use items such as EPS food containers on a Statewide basis. This would not require the development of a draft ordinance.
2. Prohibit EPS food containers at food service retailers in the unincorporated County areas. This would require development of a draft ordinance.
3. Prohibit all or some PS food containers at food service retailers in the unincorporated areas. This would require development of a draft ordinance.
4. Require food service retailers in the unincorporated County areas to only provide straws and single-use utensils to customers upon request. This would require the development of a draft ordinance.
5. In collaboration with the Chief Sustainability Officer, direct Public Works to investigate strategies to encourage food service retailers in the unincorporated County areas to adopt sustainable practices such as a recognition program for businesses, who voluntarily use alternative food service ware products among other sustainable initiatives. This would not require the development of a draft ordinance.





## Staff Report

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### Staff Report

REPORT 19-0726

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**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of November 12, 2019**

**AN ORDINANCE ADOPTING THE 2019  
CALIFORNIA BUILDING STANDARDS CODE**  
(Community Development Director Ken Robertson)

**Recommended Action:**

Staff recommends that the City Council introduce on first reading an ordinance amending Title 15 of the Hermosa Beach Municipal Code to adopt the 2019 Edition of the California Building Standards Code.

**Executive Summary:**

The State adopts the California Building Standards Code (CBSC) every three years. In addition to the California Building Code, the CBSC includes the state residential code, electrical code, plumbing code, mechanical code, fire code, energy code, and green building code. Taken together, these regulations apply to all building occupancies throughout the state. Local jurisdictions then adopt the CBSC by reference in an ordinance to make local amendments and to adopt administrative provisions for local code enforcement. The City regularly adopts the CBSC during the State's triennial code cycle (**Attachment 1**).

**Background:**

Significant changes to the CBSC were last made in 2010, which included the introduction of the Residential, Green Building, and Energy Codes. Only minor changes have been made in the 2019 editions, mostly to enhance clarity and compatibility. Nevertheless, local amendments must be specific to each edition of the CBSC. State law also requires that amendments to building standards be based on a governing body's express finding that each modification is reasonably necessary because of local climatic, geological, or topographical conditions.

Therefore, as a best practice, cities typically readopt their building codes every three years with supplemental tables of findings. Consistent with state guidelines, these tables expressly identify 1) the statutory authority for a local amendment, 2) the state code section being amended, and 3) whether an amendment to a building standard is based on local climatic, geological, or topographical conditions. Administrative provisions do not require necessity findings (**Attachment 2**). To take effect,

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## Staff Report

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local amendments must be filed with the California Building Standards Commission [California Health and Safety Code, section 17958.7(a)].

### **Analysis:**

#### *Code Appendices*

The codes comprising CBSC include appendices of regulations for specific categories of structures and topics (e.g., “Patio Covers,” Appendix I of the Building Code, and “Swimming Pool Safety Act,” Appendix V of the Residential Code). Many appendices are not mandatory provisions of the building standards applicable to local construction unless specifically referenced in a local adopting ordinance.

Staff recommends that the City adopt a number of appendices to the Building Code (CBC) and Residential Code (CRC) as summarized in **Attachment 3**. These include building regulations, which would advance the community’s energy conservation efforts:

- CRC, Appendix R, Light Straw-Clay Construction-providing requirements for the use and assembly of this renewable resource.
- CRC, Appendix S, Straw Bale Construction-providing requirements for the use and assembly of this renewable resource.
- CRC, Appendix T, Solar Ready Provisions-requiring roofs in new construction to secure adequate space and structural capacity to support solar systems.

#### *Permit Expiration Dates (AB 2913)*

On September 21, 2018, the Governor signed into law AB 2913, which provides that building permits remain valid if work on a site is commenced within 12 months from the permit issuance time. Previously, under the CBSC, construction was required to commence within 180 days of issuing the permit. The proposed ordinance thus amends section 15.04.050 (Expiration of Permits) of the Hermosa Beach Municipal Code (HMBC) to reflect these changes.

Under the new law, building officials also retain discretion to grant multiple permit extensions for periods of up to 180 days, provided that permittees demonstrate justifiable cause for the extension in writing. Building officials have exercised this authority for years under the CBSC, which AB 2913 enacted into the California Building Standards Law, specifically California Health and Safety Code section 18938.6.

#### *Administrative Amendments*

In addition to updating HBMC Title 15 to reflect changes in state law, the proposed ordinance contains a number of other administrative provisions. These are provisions carried over from the

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existing ordinance, which do not affect substantive building standards; rather, they establish the City's procedures and remedies for enforcing code violations [California Health and Safety Code, section 18909, defining what is and is not a building standard]. For example, a number of sections detail the requirements for Boards of Appeals (see e.g., HBMC §§ 15.04.020 and 15.06.020). Other sections relate to the procedures for processing code violations and attending penalties (e.g., HBMC §§ 15.04.030 and 15.06.030).

### *Repealed provisions*

The City's Building Official has determined that specified provisions of HBMC Title 15 are now obsolete or create redundancies with the state codes. For example, HBMC Chapter 15.40 (Numbering Buildings) contains requirements for displaying building address numbers which are addressed by the fire code and no longer reflect City practices. HBMC section 15.04.084 (Roof attachments) relates to requirements for rooftop structures, including fire access and solar panels, which overlap with comparable sections of the state building code. These provisions would be repealed by the proposed ordinance.

### *Fire Code*

As of January 1, 2018, the City has been contracting for fire services with Los Angeles County. Pursuant to that contract, the City has agreed to adopt the County Fire Code, Title 32 of the Los Angeles County Code, which adopts the state fire code with local amendments. The County has not yet adopted the amended 2019 Edition of the California Fire Code, which is scheduled for some time after January 1, 2020. Therefore, the proposed ordinance adopts the state fire code with local amendments. When L.A. County adopts its Fire Code, staff will bring back an ordinance recommending its adoption by reference.

### *Plumbing Code Amendments*

The state plumbing code limits the use of plastic (ABS and PVC) drainage piping to the first two stories of buildings used for residential accommodations. Cast iron pipes are required for plumbing installations in all other floors of buildings with more than two stories. This requirement is intended to prevent the spread of fire by means of the "chimney effect"-the ability of a fire to rise within building walls by melting and consuming plastic vent and drain pipes.

This requirement has been problematic for beach communities, where the air and soils contain high concentrations of salt. Salt is corrosive and cast iron piping in areas close in proximity to the ocean show significant deterioration and loss of effectiveness within ten years of installation.

The City's Building Official therefore recommends that the City allow the use of plastic plumbing installations in up to three stories of residential buildings subject to fire-related installation requirements. The proposed ordinance thus amends the state plumbing code to allow plastic installations that are enclosed in a one-hour fire rated assembly. Such assembly or piping

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encasement is further required to be composed of heavy lumber or fire-resistant drywall. These fire rated enclosures would ensure that plastic pipes do not create a “chimney” by which a fire on a lower floor spreads to a building’s upper stories.

**Attachment 4** contains the Building Official’s report on the issue.

### **General Plan Consistency:**

PLAN Hermosa, the City’s General Plan, was adopted by the City Council in August 2017. This code adoption supports the PLAN Hermosa goals and policies that are listed below.

#### *Governance*

*Goal 7. Community sustainability and health are a priority in policy and decision-making.*

- **Policy 7.6** Livability principles. Amend or update policies that may run counter to livability, sustainability, and health principles.

#### *Sustainability + Conservation*

*Goal 4. A leader in reducing energy consumption and renewable energy production.*

- **Policy 4.5** Sustainable building standards. Use sustainable building checklists to minimize or eliminate waste and maximize recycling in building design, demolition, and construction activities.

### **Fiscal Impact:**

The recommended action has no fiscal impact on the City.

### **Attachments:**

1. Draft Ordinance
2. Table of Express Findings for Local Amendments
3. Summary of Code Appendices
4. Building Official’s Report on Use of Plastic Pipes in Residential Plumbing
5. Redline version of current Title 15 code

**Respectfully Submitted by:** Bob Rollins, Building/Code Enforcement Official

**Concur:** Ken Robertson, Community Development Director

**Legal Review:** Kathy Shin, Assistant City Attorney

**Approved:** Suja Lowenthal, City Manager

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, ADOPTING BY REFERENCE THE 2019 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24), INCLUDING THE 2019 CALIFORNIA BUILDING CODE; THE 2019 CALIFORNIA RESIDENTIAL CODE; THE 2019 CALIFORNIA ELECTRICAL CODE; THE 2019 CALIFORNIA MECHANICAL CODE; THE 2019 CALIFORNIA PLUMBING CODE; THE 2019 CALIFORNIA FIRE CODE; THE 2019 ENERGY CODE; THE 2019 CALIFORNIA EXISTING BUILDING CODE; THE 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE; MAKING AMENDMENTS TO SAID CODES; AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH DOES ORDAIN AS FOLLOWS:

**Section 1. Recitals.**

1. In July 2019, the California Building Standards Commission adopted the 2019 Edition of the California Building Standards Code (“CBSC”), effective January 1, 2020 and codified in Title 24 of the California Code of Regulations (“CCR”).
2. The CBSC consists of building standards that regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, electrical systems, plumbing, mechanical systems, and maintenance of all buildings in the state and includes the California Building Code (CCR, Title 24, Part 2); the California Residential Code (CCR, Title 24, Part 2.5); the California Electrical Code (CCR, Title 24, Part 3); the California Mechanical Code (CCR, Title 24, Part 4); the California Plumbing Code (CCR, Title 24, Part 5); the California Energy Code (CCR, Title 24, Part 6); the California Existing Building Code (CCR, Title 24, Part 10); and the California Green Building Standards Code (CCR, Title 24, Part 11).
3. Pursuant to California Government Code Section 50022.2, the City of Hermosa Beach (“City”) may adopt the 2019 Edition of the CBSC by reference.
4. Pursuant to sections 17958.7 and 18941.5 of the California Health & Safety Code, the City may adopt local amendments to the CBSC determined by the City Council to be reasonably necessary because of local climatic, geological or topographical conditions.
5. The City desires to adopt the 2019 edition of the CBSC with local amendments to provide for the issuance of permits and the collection of fees, to provide adequate

remedies for code violations, to establish administrative procedures consistent with City protocols, and to ensure that the state standards are reasonably tailored to local conditions.

6. **Findings.** Based on the foregoing, the City Council of the City of Hermosa Beach does hereby find that the proposed amendments to the 2019 Edition of the CBSC are reasonably necessary for reasons of local climatic, geologic, and topographic conditions as set forth in “Exhibit A” of this ordinance.

**Section 2. BUILDING CODE.** Chapter 15.04 of Title 15 of the Hermosa Beach Municipal Code is hereby amended in its entirety to read as follows:

**“Chapter 15.04  
Building Code**

- 15.04.010 Adoption of building code.**
- 15.04.020 Board of appeals..**
- 15.04.030 Violations.**
- 15.04.040 Fees.**
- 15.04.050 Expiration of permits.**
- 15.04.070 Protection of private property during construction.**
- 15.04.080 Roof covering requirements.**
- 15.04.100 Automatic sprinkler systems.**
- 15.04.130 Assumption of risk for below-grade construction.**
- 15.04.140 Pedestrian protection during construction.**

**15.04.010 Adoption of Building Code.**

Except as hereinafter provided in this chapter, the California Building Code 2019 Edition (Part 2 of Title 24 of the California Code of Regulations), including Appendices F, G, and J, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full. Said code shall comprise the building code of the city of Hermosa Beach. A copy of the building code shall be maintained in the office of the city clerk, and shall be made available for public inspection while the code is in force.

Whenever the word "jurisdiction" appears in said code, it shall mean and refer to the city of Hermosa Beach. Whenever the term "building official" appears in said code, it shall mean and refer to the Building/Code Enforcement Official or to the Director of Community Development of the city of Hermosa Beach, or his or her designee.”

**15.04.020 Board of appeals.**

Section 113 of Chapter 1 of the 2019 California Building Code is hereby amended to read as follows:

## SECTION 113

### BOARD OF APPEALS

A. General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Code, there shall be and is hereby created a Board of Appeals consisting of five (5) members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The Building Official shall be an ex officio member of and shall act as secretary to said Board but shall have no vote upon any matter before the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt rules procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

B. Limitations of authority. The jurisdiction of the Board of Appeals shall be limited to claims that this Code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this Code do not fully apply or an equally good or better method of construction is proposed. The Board of Appeals shall have no authority to waive requirements of this Code.

C. Quorum for meetings. Three (3) members of said Board shall constitute a quorum. The Board shall elect one of its members to act as chairman.

Not less than three (3) days prior to a meeting of said Board, written notice shall be given to each member personally, or by registered mail, provided, however, that any meeting of said Board shall be legal for any purpose if the written consent of all members of said Board to such meeting is executed and filed in the records of such Board.

Such Board shall have the right, subject to such limits as the Council may prescribe by resolution, to employ at the cost and expense of said City such practicing architects, competent builders, attorneys and structural engineers as said Board in its discretion may deem reasonable and necessary to assist in its investigation and in making its findings and decisions.

#### **15.04.030 Violations.**

Section 114 of Chapter 1 of the 2019 California Building Code shall be amended to read as follows.

## SECTION 114

### VIOLATIONS

A. Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, extend, repair, move, improve, remove, convert or demolish, equip,

use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Code.

B. Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this Code, or in violation of a permit or certificate issued under the provisions of this Code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

C. Prosecution of violation. If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.

D. Violation penalties. Any person who violates a provision of this Code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be subject to penalties as prescribed by law.

E. Violation a misdemeanor. Any person violating any of the provisions of this Chapter or said Building Code shall be deemed guilty of a misdemeanor and shall be punishable as set out in Section 1.04.020 of this Code.

#### **15.04.040 Fees.**

Section 109 of the 2019 California Building Code is hereby amended to read as follows:

#### **SECTION 109 FEES**

A. General. Fees shall be assessed in accordance with the provisions of this Section.

B. Permit fees. The fee for each permit shall be as set forth in the latest resolution adopted by the City Council. The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and other permanent equipment. Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees above specified shall be quadrupled, but the payment of such quadrupled fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.



C. Plan review fees. When a plan or other data are required to be submitted by this Code, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be eighty (80) percent of the building permit fee.

The plan review fees specified in this Subsection are separate fees from the permit fees specified in Subsection 1.8.4.2 and are in addition to the permit fees.

Where plans are incomplete or changed or involve deferred submittals so as to require additional plan review, an additional plan review fee shall be charged at the rate indicated in the executive order.

D. Expiration of plan review. Applications for which no permit is issued within one hundred eighty (180) days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

E. Fee refunds.

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

2. The Building Official may authorize the refunding of not more than eighty (80) percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.

3. The Building Official may authorize the refunding of not more than eighty (80) percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

**15.04.050** Expiration of permits.

Section 105.5 of Chapter 1 of the 2019 California Building Code is hereby amended to read as follows:

SECTION 105.5

EXPIRATION OF PERMITS

### 105.5 Expiration.

Every permit issued by the Building Official under the provisions of this Code shall expire and become null and void (1) if the building or work authorized by such permit is not commenced within 12 months after the permit was issued, unless the permittee has abandoned the work authorized by the permit, or (2) if the building or work authorized by such permit is not completed within two calendar years from the issuance date of the permit.

#### Exception:

For any project subject to a discretionary permit from the Planning Commission under Title 17 of the HBMC, the Planning Commission has authority, and City Council on appeal, to establish as a condition of approval the building permit expiration date by which construction shall be completed, based upon the size and complexity of the project. The time frame provided in the condition of approval for permitted construction activities shall be inclusive of all permits and phases of the project (i.e. demolition, excavation, building construction, site improvements, and approved final inspection for all permits issued for the project).

A. Where work has not commenced within 12 months from the issuance date of a permit, a renewed permit valid for two years may be obtained upon payment of a renewal fee equal to ten percent of the original permit fee provided that (1) no changes have been made or will be required in the original plans and specifications for such work and (2) the renewed permit is issued within two years of the original permit issuance date.

B. Where work has commenced and is subsequently suspended or abandoned for a period exceeding 12 months, a renewed permit valid until the original expiration date may be obtained upon payment of a renewal fee equal to ten percent of the original permit fee provided that (1) no changes have been made or will be required in the original plans and specifications for such work and (2) the renewed permit is issued within two years of the original permit issuance date.

C. The Building Official, or the Planning Commission in the case of discretionary permits, may grant a maximum of two (2) extensions for a period not exceeding six calendar months each upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented completion of the project. A fee of ten percent of the original permit fee shall be assessed for such renewal.

D. Any permittee holding an active permit and seeking an exception pursuant to subsection (C) may apply in writing for an extension of the time within which work under that permit may be continued when, for good and satisfactory reasons, he or she is unable to continue work within the time required by this Section due to circumstances beyond the control of the permittee.

E. Any permittee seeking to extend a permit pursuant to the above may present evidence to City staff that clearly demonstrates that the uncompleted work is less than ten percent of the project. At its sole discretion, should the City determine that less than ten percent of the project is left to be completed, the renewal fee or the new permit fee may be reduced to an amount equivalent to the corresponding lower percentage.

F. Any application for a renewed permit or a permit extension shall be reviewed under the Building Codes and Ordinances in effect at the time of the original permit.

G. If the owner or applicant fails to complete the project within the time required, the Building Official is authorized to initiate a nuisance abatement action pursuant to Chapter 8.28 of this Code or undertake any other remedy permitted by law.

#### **15.04.070 Protection of private property during construction.**

Section 3307 of the 2019 California Building Code is hereby amended to read as follows:

##### **SECTION 3307**

##### **PROTECTION OF ADJOINING AND NEARBY PROPERTY AND PERSONS**

3307.1 Adjoining and nearby public and private property and persons making lawful use of such property shall be protected from damage during construction, remodeling and demolition work. Protection must be provided for footings, foundations, party walls, chimneys, skylights and roofs. Provisions shall be made to control water runoff and erosion during construction or demolition activities. At the outset of construction activities or at the otherwise earliest time it is feasible in the opinion of the Building Official, a protective screen shall be erected to the satisfaction of the Building Official between the construction site and immediately adjoining properties, unless the Building Official determines that erection of a screen is not feasible or would serve no practical purpose.

3307.2 The Building Official shall have the authority to stop the construction work at any time that in his or her opinion said construction work has caused, is causing, or is about to cause, damage to adjacent or nearby properties. Said work shall not recommence until the time that the necessary corrections have been made so that no further damage will occur to the affected property (unless the Building Official determines that the damage will be corrected as provided in Section 3307.3) and written approval is obtained from the Building Official that said work can recommence.

3307.3 If construction work causes damage to adjacent or nearby properties, the Building Division shall withhold inspections of said work and stop work until (i) the damage to the affected property is repaired (or repair work has commenced and is continued to be performed with due diligence until completed), or (ii) the affected property owner is compensated the cost of repair, or (iii) a documented agreement satisfactory to the Building Official is executed to assure repair of the damage at a more appropriate phase of the construction. If there is a bona fide dispute between the owner of the damaged property and

the party alleged to have caused said damage as to the cause of the damage, the method or scope of repair or the cost of the repair, work may resume and inspections provided only if the party performing the construction work posts a bond with the City in an amount that the Building Official reasonably determines is sufficient to pay the cost of repair. Where there exists a bona fide dispute, the issues in contention are a civil matter beyond the authority of the City to resolve.

3307.4 The bond called for in Section 3307.3 shall be approved as to form by the City Attorney and held by the City until the dispute is resolved between the parties or by a court of competent jurisdiction. In the event that the aggrieved party does not submit proof to the City that an action has in fact been filed within one (1) year after the issuance of the Certificate of Occupancy, then the City shall, unless good cause is shown, release the bond. The City shall provide thirty (30) days' written notice to the aggrieved party of its intent to release the bond.

3307.5 Prior to the commencement of any demolition of exterior walls or roofs, excavation that requires shoring, sandblasting or other exterior construction activities that require a building permit, the owner or contractor shall provide written notice to the property owners and occupants located within one hundred (100) feet of the construction site that construction will occur, along with a copy of this Section 3307. Said notice shall be provided to the affected property owners and occupants at least five (5) days prior to any construction taking place. The notice shall contain the following information:

1. Address where construction will occur;
2. Date(s) and approximate times construction will occur;
3. Name, address, telephone number and state license number of contractor;
4. Name, address and telephone number of the owner of the property on which construction is to occur.

If the owner or the contractor fails to provide the required notice, the Building Official shall have the authority to stop the work until the notice is provided, in addition to any other remedies provided by this Code.

3307.6 Prior to approval of temporary shoring a geotechnical report shall be provided certifying that the temporary shoring has been installed according to the shoring plan and specifying the time period for the integrity of the temporary shoring.

#### **15.04.080 Roof covering requirements.**

Sections 1504 and 1505 of the 2019 California Building Code are hereby amended by adding Section 1504.9 and amending Section 1505.2 as follows, respectively:

#### **SECTION 1504**

1504.9 Roof deck surfaces. Only such sections of a roof which have been approved by the Building Official to be used as deck space may be covered with materials designed to be "walking" or "decking" materials. All other portions of the roof shall be covered with traditional roofing materials such as rolled, gravel, built-up or composition roofing.

## SECTION 1505

1505.1.3 Class A roofs required. The roof covering on any structure regulated by this Code shall be a fire-retardant roof covering that is at least Class A. Any new addition or reroofing of structures may match existing roof coverings if not exceeding 50% of the roof area of the entire structure, provided that no more than 50% of existing roof covering is replaced in any 60 month period.

The roof-covering assembly includes the roof deck, underlayment, interlayment, insulation and covering which is assigned a roof-covering classification.

### **15.04.100 Automatic sprinkler systems.**

Section 903 the 2019 California Building Code is hereby amended to add section 903.2.13 and to amend section 903.2 to read as follows :

## SECTION 903

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.13.

903.2.13 Expansion of existing buildings. An automatic sprinkler system is required in any existing building subject to alteration or expansion if (1) the expansion exceeds 50 percent of the existing gross floor area; or (2) the cost of remodeling, expansion or improvement exceeds 50 percent of the value of the existing structure as determined by the Building Official.

- a. The size or valuation of an existing building shall be deemed to exceed fifty (50) percent if:
  1. The expansion exceeds fifty (50) percent of the existing gross floor area; or
  2. The cost of remodeling, expansion, or improvement exceeds fifty (50) percent of the value of the existing structure as determined by the building official.

### **15.04.130 Assumption of risk for below-grade construction.**

Appendix G of the 2019 California Building Code is hereby amended by adding thereto a new Section G104.6 to read as follows:

G104.6 Waiver required for below grade construction. The building official shall require execution of a waiver before issuing a permit for construction of buildings or structures of any occupancy any portion of which is below street grade and/or does not meet the elevation requirements of Appendix G.

#### **15.04.140 Pedestrian protection during construction.**

Section 3306 of the 2019 California Building Code is hereby amended by adding thereto a new Section 3306.10 to read as follows:

3306.10 Fencing and Pedestrian Protection. Fencing and pedestrian protection shall be required at all building and demolition sites as follows:

1. Prior to issuance of a demolition or building permit, a pre-demolition site inspection shall be performed verifying sewer cap and temporary toilet location and the capping of electrical, water and gas service to the property.

2. Prior to commencement of work, all new construction or demolition sites shall install minimum 6-foot high protective chain link fencing with slats or screening incorporated, or wood fencing consistent with Section 3306 of the California Building Code, and Table 3306.1 regardless of distance to the property line. Protective wood canopies shall be installed prior to commencement of work pursuant to the requirements of Section 3306 and Table 3306.1 of the CBC.

3. If scaffolding is used on any construction site, the exterior face of the scaffolding shall be covered with mesh screen, tarps or other material sufficient to mitigate dust and debris migration from the site.

4. A Pedestrian Protection Plan shall be approved identifying all areas of required pedestrian protection for the property, prior to the issuance of demolition or building permits. The Plan shall indicate all areas of pedestrian protection or indicate why such protection is not required (e.g., exempt due to distance of construction to property line). The Pedestrian Protection Plan shall be prepared by a licensed contractor, engineer or owner-builder and indicate the proposed protection system to be installed and the method of installation. When conditions make installation of a pedestrian canopy impractical (e.g., a narrow street or alley) an alternative method may be shown on the plan such as pedestrian diversion through use of flag persons and barriers.

5. Any work encroaching into the public right-of-way or involving pedestrian diversion shall require Public Works Department approval of permits and pedestrian protection.

6. In addition to the remedies provided in the Building Code, violations of this Section shall result in revocation or suspension of a building permit pursuant to the procedures set forth in the Code.”

**Section 3.** Chapter 15.40 of Title 15 of the Hermosa Beach Municipal Code (Numbering Buildings) is hereby repealed.

**Section 4. RESIDENTIAL CODE.** Chapter 15.06 of Title 15 of the Hermosa Beach Municipal Code is hereby amended in its entirety to read as follows:

**“Chapter 15.06  
RESIDENTIAL BUILDING CODE**

- 15.06.010 Adoption of California Residential Building Code.**
- 15.06.020 Board of appeals.**
- 15.06.030 Violations.**
- 15.06.040 Fees.**
- 15.06.045 Work exempt from permit.**
- 15.06.050 Expiration of permits.**

**15.06.010 Adoption of California Residential Code**

Except as hereinafter provided in this chapter, the California Residential Code, 2019 Edition (Part 2.5 of Title 24 of the California Code of Regulations), including Appendices Q, R, S, and T, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full. Said code shall comprise the residential code of the city of Hermosa Beach. A copy of the residential code shall be maintained in the office of the city clerk, and shall be made available for public inspection while the code is in force.

Whenever the word "jurisdiction" appears in said code, it shall mean and refer to the city of Hermosa Beach.

Whenever the term "building official" appears in said code, it shall mean and refer to the building/code enforcement official, or the director of community development of the city of Hermosa Beach, or his or her designee.”

**“15.06.020 Board of appeals.**

Section R112 of Chapter 1 of the 2019 California Residential Code is hereby amended to read as follows:

**SECTION R112**

**BOARD OF APPEALS**

A. General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Code, there shall be and is hereby created a Board of Appeals consisting of five (5) members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The Building Official shall be an ex officio member of and shall act as secretary to said Board but shall have no vote upon any matter before the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt rules procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

B. Limitations of authority. The jurisdiction of the Board of Appeals shall be limited to claims that this Code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this Code do not fully apply or an equally good or better method of construction is proposed. The Board of Appeals shall have no authority to waive requirements of this Code.

C. Quorum for meetings. Three (3) members of said Board shall constitute a quorum. The Board shall elect one of its members to act as chairman.

Not less than three (3) days prior to a meeting of said Board, written notice shall be given to each member personally, or by registered mail, provided, however, that any meeting of said Board shall be legal for any purpose if the written consent of all members of said Board to such meeting is executed and filed in the records of such Board.

Such Board shall have the right, subject to such limits as the Council may prescribe by resolution, to employ at the cost and expense of said City such practicing architects, competent builders, attorneys and structural engineers as said Board in its discretion may deem reasonable and necessary to assist in its investigation and in making its findings and decisions.

### **15.06.030 Violations.**

Section R113 of Chapter 1 of said code is hereby amended to read as follows:

#### **SECTION R113**

#### **VIOLATIONS**

R113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, extend, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Code.



R113.2 Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this Code, or in violation of a permit or certificate issued under the provisions of this Code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

R113.3 Prosecution of violation. If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.

R113.4 Violation penalties. Any person who violates a provision of this Code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be subject to penalties as prescribed by law.

R113.5 Violation a misdemeanor. Any person violating any of the provisions of this Chapter or said Building Code shall be deemed guilty of a misdemeanor and shall be punishable as set out in Section 1.04.020 of this Code.

#### **15.06.040 Fees.**

Section R108 of said residential building code is hereby amended to read as follows:

R108A General. Fees shall be assessed in accordance with the provisions of this Section.

R108B Permit fees. The fee for each permit shall be as set forth in the latest resolution adopted by the City Council. The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and other permanent equipment. Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees above specified shall be quadrupled, but the payment of such quadrupled fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

R108C Plan review fees. When a plan or other data are required to be submitted by this Code, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be eighty (80) percent of the building permit fee.

The plan review fees specified in this Subsection are separate fees from the permit fees specified in R108B and are in addition to the permit fees.

Where plans are incomplete or changed or involve deferred submittals so as to require additional plan review, an additional plan review fee shall be charged at the rate indicated in the executive order.

R108D Expiration of plan review. Applications for which no permit is issued within one hundred eighty (180) days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

#### R108E Fee refunds.

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

2. The Building Official may authorize the refunding of not more than eighty (80) percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.

3. The Building Official may authorize the refunding of not more than eighty (80) percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

### **15.06.045 Work exempt from permit.**

Section R105.2, of the 2019 California Residential Code is hereby amended by adding the following subparagraph to “Building(1)”:

1.1 Notwithstanding paragraph (1), a permit is required to construct the following:

- A. A free-standing shed. Storage area is limited to a six (6) foot ceiling height, one (1) two-gang 110v outlet and one (1) bare light bulb fixture for every 500 square feet, and no plumbing or heating/cooling devices are permitted.

- B. A storage room. "Storage room" means an attached room, with or without a separate entrance, for the storage of goods customarily associated with the use. Such room shall not contain any plumbing or natural gas outlets, but may contain one (1) overhead or wall mounted light and one (1) two-gang 110v outlet for every 500 square feet. Such room shall not be used as an office, den, rumpus rooms, or for any habitation of any kind.
- C. A utility room. "Utility room" means an attached or detached structure or space designed and used solely for one or more systems and appliances to support the functioning of the dwelling unit, such as heating, ventilation, air conditioning, water filtration, laundry, or utility or laundry sink. Plumbing fixtures shall be limited to those to support the functioning of the dwelling unit, such as gas connections to heating appliances or dryers, water heater or washing machine supply.

#### **15.06.050 Expiration of permits.**

Section R105.5 of the 2019 California Residential Code is hereby amended to read as follows:

##### **R105.5 Expiration.**

Every permit issued by the Building Official under the provisions of this Code shall expire and become null and void (1) if the building or work authorized by such permit is not commenced within 12 months after the permit was issued, unless the permittee has abandoned the work authorized by the permit, or (2) if the building or work authorized by such permit is not completed within two calendar years from the issuance date of the permit. Before such work can be recommenced, a new permit or a renewed permit as specified below shall be first obtained. No permit shall be renewed more than once.

A. Where work has not commenced within 12 months from the issuance date of a permit, a renewed permit valid for two years may be obtained upon payment of a renewal fee equal to ten percent of the original permit fee provided that (1) no changes have been made or will be required in the original plans and specifications for such work and (2) the renewed permit is issued within two years of the original permit issuance date.

B. Where work has commenced and is subsequently suspended or abandoned for a period exceeding 12 months, a renewed permit valid until the original expiration date may be obtained upon payment of a renewal fee equal to ten percent of the original permit fee provided that (1) No changes have been made or will be required in the original plans and specifications for such work and (2) the renewed permit is issued within two years of the original permit issuance date, provided, however, that a renewed permit may be issued despite the passage of two years if construction has progressed and has been approved to the point where only a final inspection is required.

C. Where a project is not commenced or completed on the two year anniversary of the permit issuance date a new permit is required. The applicant shall pay a fee for the new permit based on the valuation of the uncompleted work required for a plan check and a new permit and plans will be reviewed under the Codes and Ordinances in effect at the time the new applications are submitted.

D. Any permittee holding an active permit may apply in writing for an extension of the time within which work under that permit may be continued when, for good and satisfactory reasons, he or she is unable to continue work within the time required by this Section due to circumstances beyond the control of the permittee. The Building Official may extend the time for action by the permittee for a period not exceeding six calendar months. No permit shall be extended more than twice.

E. If the owner or applicant fails to complete the project within the time required, the Building Official is authorized to obtain the demolition and removal of incomplete work on the property.”

**Section 5. MECHANICAL CODE.** Chapter 15.12 of Title 15 of the Hermosa Beach Municipal Code is hereby amended in its entirety to read as follows:

**“Chapter 15.12  
MECHANICAL CODE**

- 15.12.010 Adoption of mechanical code.**
- 15.12.020 Board of appeals.**
- 15.12.030 Mechanical permit fees.**
- 15.12.040 Violations.**

**15.12.010 Adoption of Mechanical Code.**

Except as hereinafter provided in this chapter, the California Mechanical Code, 2019 Edition (Part 4 of Title 24 of the California Code of Regulations) is hereby adopted by reference and made a part of this chapter as though set forth herein in full. Said code shall comprise the mechanical code of the city of Hermosa Beach. A copy of the mechanical code shall be maintained in the office of the city clerk and shall be made available for public inspection while the code is in force.

Whenever the word "jurisdiction" appears in said code, it shall mean and refer to the city of Hermosa Beach.

Whenever the term "building official" appears in said code, it shall mean and refer to the building/code enforcement official or the director of community development of the city of Hermosa Beach, or his or her designee.

### **15.12.020 Board of appeals.**

Section 107.0 of Chapter 1 of the 2019 California Mechanical Code is hereby amended to read as follows:

#### **SECTION 107.0**

General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Code, there shall be and is hereby created a Board of Appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to mechanical design, construction and maintenance and public health aspects of mechanical systems and who are not employees of the jurisdiction. Said Board shall be the same Board of Appeals specified in Section 1.8.8 of the Building Code as amended by Section 15.04.020 of this Code.

The Building Official shall be an ex officio member and shall act as secretary to said Board but shall have no vote upon any matter before the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the Building Official.

Limitations of authority. The jurisdiction of the Board of Appeals shall be limited to claims that this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply or an equally good or better method of construction is proposed. The Board of Appeals shall have no authority to waive requirements of this Code.

Quorum for meetings. Three (3) members of said Board shall constitute a quorum. The Board shall elect one of its members to act as chairman.

Not less than three (3) days prior to a meeting of said Board, written notice shall be given to each member personally, or by registered mail, provided, however, that any meeting of said Board shall be legal for any purpose if the written consent of all members of said Board to such meeting is executed and filed in the records of such Board.

Such Board shall have the right, subject to such limits as the City Council may prescribe by resolution, to employ at the cost and expense of the City, such practicing architects, competent builders, attorneys and structural engineers as said Board in its discretion may deem reasonable and necessary to assist in its investigation and in making its findings and decisions.

### **15.12.030 Mechanical permit fees.**

Section 104.5 of the 2019 California Mechanical Code is hereby amended to read as follows:

## SECTION 104.5

A. Permit fees. The fee for each permit shall be as set forth in the latest resolution adopted by the City Council.

B. Plan review fees. When a plan or other data are required to be submitted pursuant to Section, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be equal to eighty (80) per cent of the mechanical permit fee.

### **15.12.040 Violations.**

Any person violating any of the provisions of this chapter or the current adopted mechanical code shall be deemed guilty of a misdemeanor and shall be punishable as set forth in Section 1.04.020.”

**Section 6. PLUMBING CODE.** Section 15.16.010 of Chapter 15.16 of Title 15 of the Hermosa Beach Municipal Code are hereby amended to read as follows:

#### **“Chapter 15.16 PLUMBING CODE**

- 15.16.010 Adoption of plumbing code.**
- 15.16.020 Plumbing permit fees.**
- 15.16.030 Board of appeals.**
- 15.16.050 Installation of garbage grinders.**
- 15.16.060 Drainage piping.**
- 15.16.070 Retrofitting existing commercial kitchens with grease recovery systems.**
- 15.16.080 Maintenance and annual inspection of grease recovery systems in commercial kitchens.**
- 15.16.090 Violations.**

### **15.16.010 Adoption of plumbing code.**

Except as hereinafter provided in this chapter, the California Plumbing Code, 2019 Edition (Part 5 of Title 24 of the California Code of Regulations) including Appendices A, D, H, and I, is hereby adopted by reference and made a part of this chapter as though set forth herein in full. Said code shall comprise the plumbing code of the city of Hermosa Beach. A copy of the plumbing code shall be maintained in the office of the city clerk, and shall be made available for public inspection while the code is in force.

Whenever the word "jurisdiction" appears in said code, it shall mean and refer to the city of Hermosa Beach.

Whenever the term "administrative authority" or "building official" appears in said code, it shall mean and refer to the building/code enforcement official or the director of community development of the city of Hermosa Beach or his or her designee.

#### **15.16.020 Plumbing permit fees.**

Section 104.5 of Chapter 1 of the 2019 California Plumbing Code is hereby amended to read as follows:

##### **SECTION 104.5**

##### **SECTION 108.4 104.5**

A. Permit fees. The fee for each permit shall be as set forth in the latest resolution adopted by the City Council.

B. Plan review fees. When a plan or other data are required to be submitted pursuant to this Code, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be equal to eighty (80) percent of the mechanical permit fee.

#### **15.16.030 Board of appeals.**

Section 107 is hereby added to the 2019 California Plumbing Code to read as follows:

##### **SECTION 107**

##### **BOARD OF APPEALS**

A. General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretations of this Code, there shall be and is hereby created a Board of Appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to plumbing design, construction and maintenance and public health aspects of plumbing systems and who are not employees of the jurisdiction. Said Board shall be the same Board of Appeals specified in Section 1.8.8 of the Building Code as amended by Section 15.04.020 of this Code.

The Building Official shall be an ex officio member and shall act as secretary to said Board but shall have no vote upon any matter before the Board. The Board of Appeals shall be appointed by the governing body and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the Building Official.

B. Limitations of authority. The jurisdiction of the Board of Appeals shall be limited to claims that this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply or an equally good or better method of construction is proposed. The Board of Appeals shall have no authority to waive requirements of this Code.

C. Quorum for meetings. Three (3) members of said Board shall constitute a quorum. The Board shall elect one of its members to act as chairman.

Not less than three (3) days prior to a meeting of said Board, written notice shall be given to each member personally, or by registered mail, provided, however, that any meeting of said Board shall be legal for any purpose if the written consent of all members of said Board to such meeting is executed and filed in the records of such Board.

Such Board shall have the right, subject to such limits as the City Council may prescribe by resolution, to employ at the cost and expense of the City, such practicing architects, competent builders, attorneys and structural engineers as said Board in its discretion may deem reasonable and necessary to assist in its investigation and in making its findings and decisions.

#### **15.16.050 Installation of garbage grinders.**

Section 419 is hereby amended to the 2019 California Plumbing Code to read as follows:

##### **SECTION 419**

419 Installation of garbage grinders. In new buildings and all buildings remodeled or altered which are designed, equipped and used for residential purposes or for the storing or sheltering of food or foodstuffs for human consumption, including fruits, vegetables and meats, which are to be sold at retail at stores, clubs, hotels, restaurants, schools or other food establishments or at wholesale, or which are prepared at food manufacturing or processing plants, including slaughterhouses, and all buildings where foods for human consumption are prepared, sold, handled, stored or served in any manner whatsoever, shall be equipped with an approved type of garbage grinder, properly connected to the kitchen sink or sewer drain, which grinder and connections shall be of sufficient size to grind all garbage and food processing wastes produced in such building, and shall be suitably located so as to discharge such ground material by flushing it with water through the drain pipes into the sewer; provided, however, that if in operating any business as hereinabove described, packaged or canned goods are not opened on the premises, a garbage grinder for such canned or packaged food shall not be required; provided further that in all new buildings designed, constructed or used for single or multiple family use and buildings remodeled or altered for single or multiple use, an approved garbage grinder shall be properly connected to the kitchen sink or sewer drain of each residential unit of such building. Each kitchen sink drain opening shall be so located and of sufficient size to accommodate a garbage grinder for the disposal of kitchen wastes.



If no changes in kitchen plumbing drainage are made in single or multiple family dwellings in the process of remodeling or alterations, a garbage disposal will not be required.

#### **15.16.060. Drainage Piping**

Section 701.2(2)(a) of the 2019 California Plumbing Code is hereby amended to read as follows:

701.2(2)(a)

ABS and PVC installations are limited to no more than three stories of areas of residential accommodation, provided that the installations meet the following requirements:

1. The installation shall be enclosed in one-hour fire rated assemblies. Such assembly shall either be comprised of heavy lumber (4x minimum), or fire resistant drywall.
2. Where the installation passes through either a story or a fire rated assembly, a penetration firestop system shall be installed at such penetration, in accordance with section 302.4.1.2 of the 2019 California Residential Code.

#### **15.16.070 Retrofitting existing commercial kitchens with grease recovery systems.**

Section 1014.1.1.1 is hereby added to Chapter 10 of the 2019 California Plumbing Code to read as follows:

1014.1.1.1 For the purposes of Section 1014.1.3, the following terms shall have the following meanings:

Affected establishment means all commercial and institutional food preparation and food service facilities which discharge wastewater or materials containing fat, oil or grease, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 0 and 65 degrees Celsius (32-150 degrees F) at an access in nearest proximity to the point of discharge into the wastewater treatment system, generally including but not limited to restaurants, bakeries, assisted living facilities, convalescent homes, butcher shops, cafes, delicatessens, ice cream parlors, hotels, and grocery stores.

Whenever an affected establishment, as defined above, changes use, or applies for a building, plumbing, electric, mechanical or any other permit issued by the City, that establishment may be required to submit a grease recovery analysis showing existing grease control devices. (Said analysis to consist of complete plumbing and mechanical schematics for the establishment.) Upon review of the analysis by the City or its agent(s), the establishment shall be required to upgrade or improve on its grease recovery system as deemed appropriate by the review. Said upgrades and improvements may include but are not limited to; in-ground interception tanks, improved roof top grease venting systems and absorbent padding and interior fry grease recovery systems.

Grease shall mean grease, or fatty or oily substances and other insoluble waste that turns or may turn viscous or solidifies with a change in temperature or other conditions.

Grease removal system means any system that meets the requirements of this Code and functions to remove grease from drain water prior to its entry into the public sewer system.

Notwithstanding the provisions of Section 15.16.010, Section 1014.1.1.2 is hereby added to Chapter 10 of said Plumbing Code to read as follows:

104.1.1.2 The retrofit installation of an approved grease recovery system shall be required for all affected establishments. The affected establishment shall have the option to install any of the required grease recovery systems separately or in combination as prescribed in Chapter 10. Plans or specifications prepared by a licensed professional engineer or a licensed plumbing contractor, where required, and the manufacturer's installation and maintenance instructions shall be submitted to the Community Development Department (CDD) for approval prior to installation. Any approvals and permits required for work in the public right-of-way shall be obtained from the Public Works Department.

**15.16.080 Maintenance and annual inspection of grease recovery systems in commercial kitchens.**

Section 1014.1.4 is hereby added to Chapter 10 of the 2019 California Plumbing Code to read as follows:

**1014.1.4**

Maintenance and monitoring. It is the responsibility of the owner or operator of every establishment required to have a grease removal system to maintain the system in a sanitary, safe, and efficient operating condition so as to prevent grease from flowing into the sewer system. A grease removal system shall not be considered properly maintained if for any reason it is not in good working condition or if sediment and/or grease accumulations total more than 25 percent of the operative fluid capacity. It is the owner or operator's responsibility to provide for removal of the accumulated grease and other waste contained in the system. Grease removed from such a system shall not be disposed of in the sanitary or the storm sewer.

Inspection. All owners/operators of establishments with grease recovery systems shall keep maintenance records and haulers manifests and shall allow City inspection of grease removal systems from time to time during normal business hours. Grease removal systems shall be readily accessible for inspection as per Section 203.0. All applicable records shall be available to the Building Official or his or her representative upon request. An annual inspection fee in an amount set forth in the City's Master Schedule of Service Charges and Fees shall be paid by the owner/operator at the time of business license renewal.

**15.16.090 Violations.**

Any person violating any of the provisions of this chapter or the current adopted plumbing code shall be deemed guilty of a misdemeanor and shall be punishable as set forth in Section 1.04.020.”

**Section 7. FIRE CODE.** Chapter 15.20 of Title 15 of the Hermosa Beach Municipal Code (Fire Prevention Code) is hereby amended in its entirety to read as follows:

**“Chapter 15.20  
Fire Code**

**15.20.010 Adoption of fire code.**

**15.20.020 Automatic sprinkler systems.**

**15.20.030 Fire protection improvement fee**

**15.20.010 Adoption of fire code.**

Except as provided in this chapter and elsewhere in this title, the California Fire Code, 2019 Edition (Part 9 of Title 24 of the California Code of Regulations), is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full. Said code shall comprise the fire code of the city of Hermosa Beach. A copy of the fire code shall be maintained in the office of the city clerk, and shall be made available for public inspection while the code is in force.

Permits as required by provisions within this code may be issued for an identified period of time, subject, however, to the right of the fire chief or his or her designee to revoke said permit for misuse or violation of the terms of the permit.

**15.20.020 Automatic sprinkler systems.**

Section 903 the 2019 California Fire Code is hereby amended to add section 903.2.13 and to amend section 903.2 to read as follows:

**SECTION 903**

**903.2 Where required.** Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.13.

**903.2.13 Expansion of existing buildings.** An automatic sprinkler system is required in any existing building subject to alteration or expansion if (1) the expansion exceeds 50 percent of the existing gross floor area; or (2) the cost of remodeling, expansion or improvement exceeds 50 percent of the value of the existing structure as determined by the Building Official.

- b. The size or valuation of an existing building shall be deemed to exceed fifty (50) percent if:

1. The expansion exceeds fifty (50) percent of the existing gross floor area; or
2. The cost of remodeling, expansion, or improvement exceeds fifty (50) percent of the value of the existing structure as determined by the building official.

**15.20.030 Fire protection improvement fee.**

Section 113 of the Fire Code is hereby amended to add the following section:

Section 113HB: The purpose of the fire protection improvement fee is to mitigate the fire protection impacts caused by new development in the city by financing fire protection improvements in direct relation to the development's fair share of the construction costs of these improvements.

A. Fire Protection Improvement Fee. The fire protection improvement fee established by Ordinance No. 88-932 shall continue in effect at the rates set forth in subsection (C) of this section. The fee shall be paid prior to issuance of a building permit for any new structure or expansion of an existing structure as described in subsection (C) of this section in the city.

B. Fee Account. The revenues raised by payment of the fire protection improvement fee shall be placed in a separate and special fund and such revenues, along with any interest earnings on that fund, shall be used solely to pay for the improvements and apparatus described in subsection (D) of this section.

C. Amount of Fee.

1. Residential: nine cents (\$0.09) per square foot of net floor area.
2. Nonresidential: eleven and one-half cents (\$0.115) per square foot of net floor area.

The calculation of floor area shall include the floor area of all structures including the main structure and any accessory structures, including, but not limited to garages, structural decks, and balconies, and shall be measured from the outside of the walls or perimeter of said structures. For new projects, the net floor area shall be calculated as the total floor area of the new structure minus any floor area of any existing legally permitted structures demolished as part of the new project. For existing structures that add floor area, the fee shall be applied to the net increase in floor area.

D. Use of Fee. The fee shall be solely used to pay for:

1. Fire hydrants; riser connections from main to hydrant; necessary valves and attachments; repairs to public improvements necessitated by installation of hydrants, riser connections, valves and attachments; fire stations, training facilities, administrative offices, communications centers, and maintenance centers; and firefighting equipment, vehicles, apparatus, and appliances;

2. Reimbursement to the city for the development's fair share of those capital improvements already constructed by the city; and

3. Reimbursement to developers who have constructed public facilities where those facilities were beyond that needed to mitigate the impact of the developers' project."

**Section 8. EXISTING BUILDING CODE.** Title 15 of the Hermosa Beach Municipal Code is hereby amended in its entirety to read as follows:

**"Chapter 15.28  
EXISTING BUILDINGS**

**15.28.010 Adoption of Existing Building Code.**

**15.28.010 Adoption of existing building code.**

Except as hereinafter provided, the California Existing Building Code, 2019 Edition (Part 10 of Title 24 of the California Code of Regulations) is hereby adopted by reference and made a part of this chapter as though set forth in this Chapter in full. Said Code shall comprise the Existing Building Code of the City of Hermosa Beach. A copy of said Code shall be maintained in the office of the City Clerk, and shall be made available for public inspection while the Code is in force."

**Section 9. ELECTRICAL CODE.** Chapter 15.32 of Title 15 of the Hermosa Beach Municipal Code is hereby amended to read as follows:

**"Chapter 15.32  
ELECTRICAL CODE**

**15.32.010 Adoption of electrical code.**

**15.32.020 Fees.**

**15.32.030 Underground Service Conductors: Installation.**

**15.32.040 Temporary Installations.**

**15.32.010 Adoption of electrical code.**

Except as provided in this chapter and elsewhere in this title, the California Electrical Code, 2019 Edition (Part 3 of Title 24 of the California Code of Regulations (including no Appendices) is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full. Said code shall comprise the electrical code of the city of Hermosa Beach. A copy of the electrical code shall be maintained in the office of the city clerk, and shall be made available for public inspection while the code is in force.

Whenever the word "jurisdiction" appears in said code, it shall mean and refer to the City of Hermosa Beach.

Whenever the term "building official" appears in said code, it shall mean and refer to the Building/Code Enforcement Official or to the Director of Community Development of the city of Hermosa Beach, or his or her designee.”

#### **15.32.020 Fees.**

Section 89.108.4.2 of the 2019 California Electrical Code is hereby amended to add the following subsection:

**89.108.4.2** The fee for each permit shall be as set forth in the latest resolution adopted by the City Council. When a plan or other data are required to be submitted pursuant to this Code, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be equal to eighty (80) percent of the mechanical permit fee.

For purposes of determining fees only, the following definitions shall apply:

##### **A. New general use branch circuits.**

1. The fees prescribed apply to new branch circuit wiring and the lighting fixtures, switches, receptacles, appliances or other utilization equipment permitted to be supplied by these branch circuits.

2. For the purposes of this Subsection, each ungrounded conductor of a multiwire branch circuit supplying one appliance may be counted as one circuit.

3. For the purposes of this Subsection, three-phase lighting branch circuits are counted as two (2) branch circuits.

##### **B. Adding outlets (to existing branch circuits) or temporary lights and yard lighting.**

1. Each outlet added to an existing branch circuit shall be counted as one unit and each lighting fixture connected thereto shall be counted as an additional unit except as modified in the following provisions of this Subsection.

2. An outlet shall mean a point or place on a fixed-wiring installation from which electric current is controlled, or is supplied to a lamp, lighting fixture, fan, clock, heater, range, motor, or other electrical. appliance or equipment.

3. An outlet box for two (2) or more switches or receptacles shall be considered as one unit.

**C. Motors, transformers, heating appliances and miscellaneous equipment or appliances.**

1. The fees prescribed cover the inspection of the supply branch circuit and the utilization equipment supplied therefrom and the control equipment therefor.
2. Except where supplied by branch circuits rated over fifty (50) amperes, the fees required apply only to non dwelling occupancies. The fee for each motor, transformer, heating appliance, welder, rectifier, x-ray machine, storage battery system, infrared industrial heating appliance, cooking or baking equipment, studio effects lighting, and other miscellaneous equipment or appliances shall be given in the rating table of the resolution order.
3. Where fixed equipment is supplied by flexible cords to facilitate servicing or replacement, those fees shall also apply to each receptacle outlet installed for the supply of portable equipment rated larger than three (3) H.P., K.W., or K.V.A.
4. For any equipment or appliance containing more than one motor, or other current consuming utilization components in addition to the motor or motors, the combined electrical ratings converted to K.V.A. of all shall be used to determine the fee. For the purpose of this subsection, one H.P. or one K.W. is equivalent to one K.V.A. The total ampere ratings of all receptacles installed on a factory fabricated wireway assembly for studio effects lighting may be used in computing the fees therefor.
5. The fees for a change of location or replacement of equipment on the same premises shall be the same as that for a new installation. However, no fees shall be required for moving any temporary construction motor from one place to another on the same site during the time of actual construction work after a permit has once been obtained for such motor and the fees required therefor have been paid.

**D. Required fire warning, communications and emergency control systems.** For the purposes of this Subsection, devices shall include all signaling equipment, stations, power equipment such as damper actuators or door holding device, and communication jacks or outlets.

**E. Service and switchboard sections.**

1. Fees shall be required for the installation, reinstallation, replacement or alteration of each service and each switchboard section.
2. For the purpose of this Subsection, a switchboard section means any portion of complete switchboard, distribution board, or motor control center which is pre-vented by the structural framework from being separated into smaller units.
3. The fees for services shall be determined from the ampacity of the set of service entrance conductors or the total ampere rating of the service equipment.

4. No fee need be paid for switchboard section which incorporates service equipment for which service fees were paid.

### **15.32.030 Underground Service Conductors: Installation**

Section 230.30 of the 2019 California Electrical Code is hereby amended to add the following paragraphs:

(C) Underground service laterals required for new construction.

All new buildings and structures in the city shall provide underground electrical and communications service laterals on the premises to be served as hereinafter required. This provision shall not apply to utility lines that do not provide service in the area being developed.

(D) Underground utilities for new buildings.

All electrical, telephone, community antenna television system (CATV), and similar service wires or cables which provide direct service to new buildings and structures shall be installed underground in compliance with all applicable building and electrical codes, safety regulations and orders, and the rules of the Public Utilities Commission of the State of California.

(E) Underground utilities for existing buildings.

Existing overhead wires and/or new utility service shall be placed underground when one or more new dwelling units are created in an existing building and one or both of the following apply:

1. The expansion exceeds fifty (50) percent of the existing gross floor area; or
2. The cost of remodeling, expansion or improvement exceeds fifty (50) percent of the value of the existing structure as determined by the building official.

Exception: Undergrounding shall not be required if Southern California Edison deems in writing that such underground installation is infeasible based upon its service requirements or to the unavailability of necessary easements.

(F) Responsibility for compliance.

The developer and owner are jointly and severally responsible for complying with the requirements of this chapter and shall make the necessary arrangements with the utility companies for the installation of such facilities.

(G) Existing underground areas.

On streets where electrical and communications lines have been placed underground or where no overhead lines presently exist on or before July 1, 1977, said lines shall remain



permanently underground and no additional electric or communications service facilities shall be added on said streets unless they are placed underground.

#### **15.32.040 Temporary Installations.**

Section 590.3(A) of the 2019 California Electrical Code is hereby amended to add the following subparagraph:

##### **(1) Temporary power pole required on construction sites.**

All construction sites for which temporary power must be supplied because there is no electrical service shall provide a temporary power pole prior to issuance of a building permit. Said power pole shall remain installed until the project has received final approval and electrical service has commenced. Generators are prohibited as a substitute for a temporary power pole.”

**Section 10. GREEN BUILDING STANDARDS.** Chapter 15.48 of Title 15 of the Hermosa Beach Municipal Code is hereby amended in its entirety to read as follows:

#### **“Chapter 15.48 GREEN BUILDING STANDARDS**

##### **15.48.010 Adoption of CALGreen code.**

##### **15.48.010 Adoption of CALGreen code.**

Except as provided in this chapter and elsewhere in this title, the California Green Building Standards Code (referred to herein as "CALGreen"), 2019 Edition (Part 11 of Title 24 of the California Code of Regulations) is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full. A copy of the CALGreen code shall be maintained in the office of the city clerk, and shall be made available for public inspection while the code is in force.

Whenever the word "jurisdiction" appears in said code, it shall mean and refer to the city of Hermosa Beach.

Whenever the term "building official" appears in said code, it shall mean and refer to the building/code enforcement official or director of community development of the city of Hermosa Beach or his or her designee.”

**Section 11. ENERGY CODE ADOPTION.** Chapter 15.48 of Title 15 of the Hermosa Beach Municipal Code is hereby amended in its entirety to read as follows:

#### **“Chapter 15.52**

## ENERGY CODE

### 15.52.010 Adoption of energy code.

#### 15.52.010 Adoption of energy code.

Except as provided in this chapter and elsewhere in this title, the California Energy Code, 2019 Edition (Part 6 of Title 24 of the California Code of Regulations), including all appendices is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full. Said code shall comprise the energy code of the city of Hermosa Beach. A copy of the energy code shall be maintained in the office of the city clerk and shall be made available for public inspection while the code is in force.

Whenever the word "jurisdiction" appears in said code, it shall mean and refer to the city of Hermosa Beach.

Whenever the term "building official" appears in said code, it shall mean and refer to the director of community development of the city of Hermosa Beach or his or her designee."

**Section 12. Filing.** The City Clerk shall file a certified copy of this ordinance with the California Building Standards Commission pursuant to section 17958.7 of the California Health and Safety Code.

**Section 13. CEQA.** The City Council finds that the adoption of the California Buildings Standards Code and local amendments thereof is exempt from the California Environmental Quality Act ("CEQA") under CEQA Guideline section 15061(b)(3) (the common sense exemption). The action is largely administrative in nature and designed to improve and not degrade environmental quality such that there is no possibility that adopting this ordinance would adversely affect the environment in any manner that could be significant.

**Section 14. Severability.** If any provision of this ordinance is declared to be invalid by a court of competent jurisdiction, it shall not affect any remaining provision hereof. The City Council of the City of Hermosa Beach hereby declares that it would have adopted this ordinance despite any partial invalidity of its provisions.

**Section 15. Effective Date.** This ordinance shall take effect on January 1, 2020, consistent with section 18941.5 of the California Health and Safety Code, which is to be no less than thirty (30) days after its final passage and adoption, consistent with California Government Code section 36937.

**Section 16. Certification.** The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

**PASSED, APPROVED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2019.

VOTE:       AYES:  
              NOES:  
              ABSTAIN:  
              ABSENT:

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**MAYOR** of the City of Hermosa Beach, California

**ATTEST:**

**APPROVED AS TO FORM:**

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City Clerk

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City Attorney

## Exhibit A

### Findings to Support Local Amendments to the 2019 Edition of the California Building Standards Code

Pursuant to California Health & Safety Code sections 17958.5, 17958.7 and 18941.5, this exhibit to Ordinance No. \_\_\_\_ of the City of Hermosa Beach sets forth the City Council's express findings and determinations justifying the City's local amendments to the 2019 Edition of the California Building Standards Code as reasonably necessary because of local climatic, geologic or topographic conditions.

#### **Chapter 15.04**      **Amendments to California Building Code (CBC)**

<b>Municipal Code Section</b>	<b>CBC Section Impacted</b>	<b>Substance of Amendment (full text in Ordinance No. ____)</b>	<b>Justification (see key below)</b>
Sec. 15.04.020	113	Adds local procedures for the Building Board of Appeals	A
Sec. 15.04.030	114	Adds local procedures for prosecuting code violations	A
Sec. 15.04.040	109	Creates fees for permits and plan review	A
Sec. 15.04.050	105.5	Provides for the expiration of permits consistent with state law (AB 2913)	A
Sec. 15.04.070	3307	Adds processes for protecting adjoining property during construction, including requirements for posting a bond to cover damage claims and notice requirements	B (ii)
Sec. 15.04.080	1504	Adds §1504.9_ Roof deck surfaces. Prohibits use "walking" or "decking" materials as roof coverings unless approved by Building Official.	B (ii)
	1505	Adds § 1505.1.3_ Class A roofs required. Requires Class A fire rated roof coverings on all structures regulated by the Code.	B (ii)

Sec. 15.04.100	903	Amends § 903.2 to require automatic sprinkler systems in locations described in Sections 903.2.1 through <b>903.2.13</b>	B (ii)
		Adds § 903.2.13 to require sprinklers when existing buildings are subject to alteration or expansion as specified.	B (ii)
Sec. 15.04.140	3306	Adds requirements for fencing during construction to increase protections for pedestrians	B (ii)
Sec. 15.04.010	Appx. F	Adopts Appx. F standards for rodentproofing buildings	B (ii)
Sec. 15.04.010	Appx. G	Adopts Appx. G standards for flood-resistant construction	B (iii)
Sec. 15.04.130	Appx. G	Adds § G104.6 to require waiver of liability claims against City from owners constructing occupancies below specified elevation requirements	A
Sec. 15.04.010	Appx. J	Adopts Appx. J standards for grading	Adopted by HCD; A

## **Chapter 15.06**

## **Amendments to California Residential Code (CRC)**

<b>Municipal Code Section</b>	<b>CRC Section Impacted</b>	<b>Substance of Amendment (full text in Ordinance No. ____)</b>	<b>Justification (see key below)</b>
Sec 15.06.020	R112	Adds local procedures for the Board of Appeals	A
Sec 15.06.030	R113	Adds local procedures for prosecuting code violations	A
Sec 15.06.040	R108	Creates fees and process for fee refunds	A
Sec 15.06.045	R105.2	Provides that a permit is required to construct a shed, storage room, and a utility room	B (ii)

Sec 15.06.050	R105.5	Provides for the expiration of permits consistent with state law (AB 2913)	A
Sec 15.06.010	Appx. Q	Adopts Appx. Q standards for Tiny Houses	B (ii)
Sec 15.06.010	Appx. R	Adopts Appx. R standards for light straw-clay construction	B (ii)
Sec 15.06.010	Appx. S	Adopts Appx. S standards for strawbale construction	Adopted by HCD, A, B (ii)
Sec 15.06.010	Appx. T	Adopts Appx. T standards for Solar-Ready Provisions for Detached One- and Two-Family Dwellings and Townhouses	B (ii)

**Chapter 15.12      Amendments to California Mechanical Code (CMC)**

<b>Municipal Code Section</b>	<b>CMC Section Impacted</b>	<b>Substance of Amendment (full text in Ordinance No. ____)</b>	<b>Justification (see key below)</b>
Sec. 15.12.020	107.1	Adds local procedures for the Board of Appeals	A
Sec. 15.12.030	104.5	Creates fees for permits and plan review	A
Sec. 15.12.040	106.1	Adds local procedures for prosecuting code violations	A

**Chapter 15.16      Amendments to California Plumbing Code (CPC)**

<b>Municipal Code Section</b>	<b>CPC Section Impacted</b>	<b>Substance of Amendment (full text in Ordinance No. ____)</b>	<b>Justification (see key below)</b>
Sec. 15.16.020	104.5	Creates fees for permits and plan review	A
Sec. 15.16.030	107	Adds local procedures for the Board of Appeals	A
Sec 15.16.050	419	Requires the installation of garbage disposals in all new and remodeled	B (iv)

		residential buildings	
Sec. 15.16.060	701.2	Allows plastic vents and drains in up to three stories of residential units	B(i)
Sec. 15.16.070	1014	Requires the installation of grease recovery systems in all commercial and institutional food facilities	B (iv)
Sec. 15.16.080	1014	Requires the maintenance of grease recovery systems in commercial kitchens and the keeping of maintenance records	B (iv)
Sec. 15.16.010	Appx. A	Adopts Appx. A Recommended Rules for Sizing the Water Supply System	Adopted by HCD, A
	Appx. D	Adopts Appx. D Sizing Storm Water Drainage Systems	Adopted by HCD, A
	Appx. H	Adopts Appx. H standards for Private Sewage Disposal Systems	Adopted by HCD, A
	Appx. I	Installation of PEX Tubing Systems	Adopted by HCD, A

#### **Chapter 15.20      Amendments to California Fire Code (CFC)**

<b>Municipal Code Section</b>	<b>CFC Section Impacted</b>	<b>Substance of Amendment (full text in Ordinance No. ____)</b>	<b>Justification (see key below)</b>
Sec. 15.20.020	903	Amends § 903.2 to require automatic sprinkler systems in locations described in Sections 903.2.1 through <b><u>903.2.13</u></b>	B (ii)
		Adds § 903.2.13 to require sprinklers when existing buildings are subject to alteration or expansion as specified.	B (ii)
Sec. 15.20.030	113	Adds fire protection fees for new development in the City	A

#### **Chapter 15.32      Amendments to California Electrical Code (CEC)**

<b>Municipal Code Section</b>	<b>CEC Section Impacted</b>	<b>Substance of Amendment (full text in Ordinance No. ____)</b>	<b>Justification (see key below)</b>
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Sec. 15.32.020	89.108.4.2	Establishes permit fees	A
Sec. 15.32.030	230.30	Adds subparagraphs (C), (D), (E) requiring undergrounding of service laterals for new construction and of utilities for new and existing buildings	B (ii)
		Adds subparagraph (F) to impose joint and several liability on developer and property owner for compliance.	A
		Adds subparagraph (G) to impose moratorium on overhead utility lines in specified areas	B (ii)
Sec. 15.32.040	590.3(A)	Adds subparagraph (A)(1) to provide that generators are prohibited as a substitute for temporary power poles at construction sites	B (ii)

## Chapter 15.52 Amendments to California Energy Code (CEGC)

Municipal Code Section	CEC Section Impacted	Substance of Amendment (full text in Ordinance No. ____)	Justification (see key below)
Sec. 15.52.010	Appx. 1-A	Adopts Standards and Documents Referenced in the Energy Code	A
	Appx. 1-B	Adopts Energy Commission Documents Incorporated by Reference in the Energy Code	A

### Justifications KEY:

**A** – This is an administrative amendment, which does not modify a building standard as defined in California Health & Safety Code section 18909. The amendment establishes administrative procedures for the effective enforcement of the building standards in the City of Hermosa Beach.

**B** – This amendment is reasonably necessary because of the following local climatic, geological, or topographical conditions:

- i. Local soil and air conditions (salt laden sand and sea mist) tend to be highly corrosive, thereby diminishing the integrity of metal components such as cast iron pipes and vents in a shorter time span than in other areas.
- ii. The City of Hermosa Beach is one of the most densely populated cities in southern California. Homes and other buildings are often six feet or less from one another making fire spread more likely, and enhancing the likelihood of rodents to



migrate from one to another. Further, the overhead clutter of utility lines reduces the aesthetic quality of the city.

- iii. Hermosa Beach is located directly adjacent to the Pacific Ocean and is subject to storm surge, tsunami impact and high ground water near the coast.
- iv. Hermosa Beach has an aging sewer system, portions of which are more than eighty years old. This amendment assists in reducing blockage of the system.

## CALIFORNIA BUILDING CODE & RESIDENTIAL CODE APPENDICES

This analysis is to clarify why the Appendices to the California Building and Residential Codes are or are not being adopted into the HBMC.

### 2019 CALIFORNIA BUILDING CODE

#### **Not recommended for adoption:**

Appendix A “Employee Qualifications” - Specifies Building Dept. qualifications replaced by hiring/promotion policies

Appendix B “Board of Appeals” – Sets term limits and procedures for the board – replaced by HBMC Section 15.04.020

Appendix C “Group U Agricultural Buildings” Not applicable

Appendix D “Fire Districts” Not needed as we are contracted with County

Appendix E “Reserved” No Content

Appendix H “Signs” Municipal Code is more restrictive

Appendix I “Patio Covers” Our zoning codes on lot coverage and setbacks address this

Appendix K “Central Valley Flood Protection Plan” Not needed

Appendix L “Earthquake Recording” Applies to buildings of 10 stories or more

Appendix M “Tsunami-Generated Flood Hazard” Applies to communities that have developed and adopted a map of tsunami hazard inundation zone

#### **Recommended for adoption:**

Appendix F “Rodentproofing” Is needed due to rodent population

Appendix G “Flood Resistant Construction” Is needed in coastal area

Appendix J “Grading” Used during demolition and new construction

## 2019 CALIFORNIA RESIDENTIAL CODE

### **Not recommended for adoption:**

Appendix D “Safety Inspection for Appliances” Allows special technical inspections that Hermosa does not provide

Appendix A “Sizing of Gas Pipes” More detailed than plumbing code

Appendix B “Sizing of Venting Systems” More detailed than mechanical code

Appendix C “Exit Terminals of Vent Systems” More detailed than mechanical code

Appendix D “Safety Inspection of an Existing Appliance” City does not provide this

Appendix E “Manufactured Housing” Alternative method to build on site

Appendix F “Passive Radon Controls” Not needed in our soil types

Appendix G “Piping Standards” More detail than plumbing code

Appendix H “Patio Covers” Our zoning codes on lot coverage and setbacks address this

Appendix I “Private Sewage Disposal” Refers to septic tank systems

Appendix J “Existing Structures” Details scope of upgrades for existing buildings

Appendix K “Sound Transmission” Details wall and floor sound proofing

Appendix L “Permit Fees” Modified by City Fee Schedule

Appendix M “Home Day Care” Our Muni Code addresses this

Appendix N “Venting Methods” Plumbing vent details not needed

Appendix O “Automatic Vehicle Gates” Details for safe operation

Appendix P “Sizing of Water System” More detailed than plumbing code

Appendix U “Reserved”

Appendix V “Swimming Pool Safety” Enhances private pool safety

Appendix W “Central Valley Flood Area” Not applicable

Appendix X “Emergency Housing” Not applicable

**Recommended for adoption:**

Appendix Q “Tiny Houses” defines minimums for small dwellings

Appendix R “Light Straw-Clay Construction” Conservation alternative method

Appendix S “Straw bale Construction” Conservation alternative method

Appendix T “Solar-ready Provisions” provides for roof area for future solar

REPORT ON THE PROPOSAL TO AMMEND THE 2019 CPC TO ALLOW  
“PROPERLY INSTALLED” ABS AND PVC PLUMBING VENTS AND DRAINS IN  
RESIDENTIAL BUILDINGS OF MORE THAN TWO STORIES

Due to our proximity to the ocean and the resulting wind borne salt spray and humidity, cast iron vent stacks and drain lines, as required by the California Plumbing Codes to be installed in residential buildings of more than two stories have been found over the years to show significant deterioration and loss of effectiveness in Hermosa Beach in as little as ten years after installation.

Over the years, the basis for this requirement has been to prevent the “chimney effect”; the ability of a fire to spread vertically inside the walls by melting and consuming plastic vent and drain pipes.

Two changes to the codes were adopted in the 2010 Residential Building Code: first, that all new residential buildings had to be completely equipped with fire sprinklers, and that a three story stairway no longer needed to be separated into two, non-connecting shafts (intended to eliminate the “chimney effect” on the stairwell).

Therefore, in light of the corrosive nature of our proximity to the ocean and the changes adopted in the Residential Code, we propose to allow properly installed ABS and PVC plumbing vents and drains (as specified in CPC Table 701.2) in residential structures of more than two stories if enclosed in a one hour fire-rated assembly.

The proper installation of ABS PVC vents shall include the following components:

1. The vents shall be enclosed in one-hour fire rated shafts. Such shaft shall either be comprised of heavy lumber (4x minimum), or a fire resistant drywall product.
2. Where a vent passes through either a story or a fire rated assembly, a listed rated fire collar shall be installed below such a barrier, in accordance with CRC 302.4.1.2

## **RED LINE VERSION OF CURRENT TITLE 15**

This document is the edited version of the current Hermosa Beach Municipal Codes contained in Chapters 15. Sections of those chapters that were not altered, or only amended to reflect the 2019 edition of the California Building Codes are not included.

### **“15.04.010 Adoption of Building Code.**

Except as hereinafter provided in this chapter, the California Building Code ~~2016~~ 2019 Edition (Part 2 of Title 24 of the California Code of Regulations), including Appendices F, G, and J, ~~and not including Appendixes A, B, C, D, E, H, I and K,~~ is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full. Said code shall comprise the building code of the city of Hermosa Beach. A copy of the building code shall be maintained in the office of the city clerk, and shall be made available for public inspection while the code is in force.

Whenever the word "jurisdiction" appears in said code, it shall mean and refer to the city of Hermosa Beach.

Whenever the term "building official" appears in said code, it shall mean and refer to the Building/Code Enforcement Official or to the Director of Community Development of the city of Hermosa Beach, or his or her designee.”

**Section 3. BUILDING CODE AMENDMENTS.** Sections 15.04.020 through 15.04.170 of Chapter 15.04 of Title 15 of the Hermosa Beach Municipal Code are hereby amended in their entirety to read as follows (with additions marked by underscore and deletions marked by ~~strike through~~):

### **“15.04.020 Board of appeals.**

Section ~~1-8-8 113~~ of Chapter 1 of ~~said building code~~ the 2019 California Building Code is hereby amended to read as follows:

SECTION ~~1-8-8~~ 113

BOARD OF APPEALS

### **15.04.030 Violations.**

~~Notwithstanding the provisions of Section 15.04.010,~~ Section 114 of Chapter 1 of ~~said code~~ the 2019 California Building Code shall be amended to read as follows.

### **15.04.040 Fees.**

~~Notwithstanding the provisions of Section 15.04.010,~~ Section ~~1-8-4~~ 109 of ~~said building code~~ the 2019 California Building Code is hereby amended to read as follows:

## SECTION ~~1.8.4~~ 109 FEES

### 15.04.050 Expiration of permits.

~~Notwithstanding the provisions of Section 15.04.010, Section 105.5 of Chapter 1 of the building code~~ the 2019 California Building Code is hereby amended to read as follows:

## SECTION 105.5

### EXPIRATION OF PERMITS

#### 105.5 Expiration.

Every permit issued by the Building Official under the provisions of this Code shall expire ~~by limitation~~ and become null and void (1) if the building or work authorized by such permit is not commenced within ~~180 days~~ 12 months after the permit was issued, ~~from the date of such permit, or (2) if the building or work authorized by such permit is suspended or abandoned for a period of 180 days at any time after the work is commenced unless the permittee has abandoned the work authorized by the permit, or (3-2) if the building or work authorized by such permit is not completed within two calendar years from the issuance date of the permit.~~

#### Exception:

For any project subject to a discretionary permit from the Planning Commission under Title 17 of the HBMC, the Planning Commission has authority, and City Council on appeal, to establish as a condition of approval the building permit expiration date by which construction shall be completed, based upon the size and complexity of the project. The time frame provided in the condition of approval for permitted construction activities shall be inclusive of all permits and phases of the project (i.e. demolition, excavation, building construction, site improvements, and approved final inspection for all permits issued for the project).

A. Where work has not commenced within ~~180 days~~ 12 months from the issuance date of a permit, a renewed permit valid for two years may be obtained upon payment of a renewal fee equal to ten percent of the original permit fee provided that (1) no changes have been made or will be required in the original plans and specifications for such work and (2) the renewed permit is issued within two years of the original permit issuance date.

B. Where work has commenced and is subsequently suspended or abandoned for a period exceeding ~~180 days~~ 12 months, a renewed permit valid until the original expiration date may be obtained upon payment of a renewal fee equal to ten percent of the original permit fee provided that (1) no changes have been made or will be required in the original plans and specifications for such work and (2) the renewed permit is issued within two years of the original permit issuance date.

C. The Building Official, or the Planning Commission in the case of discretionary permits, may grant a maximum of two (2) extensions for a period not exceeding six calendar months each upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented completion of the project. A fee of ten percent of the original permit fee shall be assessed for such renewal.

D. Any permittee holding an active permit and seeking an exception pursuant to subsection (C) may apply in writing for an extension of the time within which work under that permit may be continued when, for good and satisfactory reasons, he or she is unable to continue work within the time required by this Section due to circumstances beyond the control of the permittee.

E. Any permittee seeking to extend a permit pursuant to the above may present evidence to City staff that clearly demonstrates that the uncompleted work is less than ten percent of the project. At its sole discretion, should the City determine that less than ten percent of the project is left to be completed, the renewal fee or the new permit fee may be reduced to an amount equivalent to the corresponding lower percentage.

F. Any application for a renewed permit or a permit extension shall be reviewed under the Building Codes and Ordinances in effect at the time of the original permit.

G. If the owner or applicant fails to complete the project within the time required, the Building Official is authorized to initiate a nuisance abatement action pursuant to Chapter 8.28 of this Code or undertake any other remedy permitted by law.

#### **15.04.060 Minimum dwelling unit size.**

~~Notwithstanding the provisions of Section 15.04.010, Section 1208.4 of said building code~~

#### ~~SECTION 1208.4~~

#### ~~MINIMUM DWELLING UNIT SIZE~~

~~1208.4.1 Multifamily dwellings. All multifamily dwelling units, including duplexes and garage apartments, in the City shall have at least the following gross floor areas, exclusive of porches, garages, balconies, or other such accessory structures or architectural features:~~

~~1. One bedroom or less: Six hundred (600) square feet.~~

~~2. Two bedrooms: Nine hundred (900) square feet.~~

~~3. Three bedrooms: Twelve hundred (1200) square feet.~~

~~4. Three bedrooms and den, or four bedrooms: Fifteen hundred (1500) square feet.~~



~~5. More than four bedrooms: Eighteen hundred (1800) square feet.~~

~~1208.4.2 Single family dwellings. All single family dwellings in the City shall have at least the following gross floor areas exclusive of open porches, garages, balconies, or other such accessory structures or architectural features:~~

~~1. Two bedrooms or less: One thousand (1000) square feet.~~

~~2. Three bedrooms, or two bedrooms and den: Thirteen hundred (1300) square feet.~~

~~3. Four bedrooms, or three bedrooms and den: Sixteen hundred (1600) square feet.~~

~~4. More than four bedrooms: Nineteen hundred (1900) square feet.~~

~~1208.4.3 Minimum hotel-motel unit size. All hotels, motels or any structure which is intended for occupancy by transients shall have rooms with a minimum unit size of at least two hundred (200) square feet, exclusive of bathrooms.~~

#### **15.04.070 Protection of private property during construction.**

~~Notwithstanding the provisions of Section 15.04.010, Section 3307 of said building code the 2019 California Building Code is hereby amended to read as follows:~~

#### **SECTION 3307**

#### **PROTECTION OF ADJOINING AND NEARBY PROPERTY AND PERSONS**

3307.1 Adjoining and nearby public and private property and persons making lawful use of such property shall be protected from damage during construction, remodeling and demolition work. Protection must be provided for footings, foundations, party walls, chimneys, skylights and roofs. Provisions shall be made to control water runoff and erosion during construction or demolition activities. At the outset of construction activities or at the otherwise earliest time it is feasible in the opinion of the Building Official, a protective screen shall be erected to the satisfaction of the Building Official between the construction site and immediately adjoining properties, unless the Building Official determines that erection of a screen is not feasible or would serve no practical purpose.

3307.2 The Building Official shall have the authority to stop the construction work at any time that in his or her opinion said construction work has caused, is causing, or is about to cause, damage to adjacent or nearby properties. Said work shall not recommence until the time that the necessary corrections have been made so that no further damage will occur to the affected property (unless the Building Official determines that the damage will be corrected as provided in Section 3307.3) and written approval is obtained from the Building Official that said work can recommence.

3307.3 If construction work causes damage to adjacent or nearby properties, the Building Division shall withhold inspections of said work and stop work until (i) the damage to the affected property is repaired (or repair work has commenced and is continued to be performed with due diligence until completed), or (ii) the affected property owner is compensated the cost of repair, or (iii) a documented agreement satisfactory to the Building Official is executed to assure repair of the damage at a more appropriate phase of the construction. If there is a bona fide dispute between the owner of the damaged property and the party alleged to have caused said damage as to the cause of the damage, the method or scope of repair or the cost of the repair, work may resume and inspections provided only if the party performing the construction work posts a bond with the City in an amount that the Building Official reasonably determines is sufficient to pay the cost of repair. Where there exists a bona fide dispute, the issues in contention are a civil matter beyond the authority of the City to resolve.

3307.4 The bond called for in Section 3307.3 shall be approved as to form by the City Attorney and held by the City until the dispute is resolved between the parties or by a court of competent jurisdiction. In the event that the aggrieved party does not submit proof to the City that an action has in fact been filed within one (1) year after the issuance of the Certificate of Occupancy, then the City shall, unless good cause is shown, release the bond. The City shall provide thirty (30) days' written notice to the aggrieved party of its intent to release the bond.

3307.5 Prior to the commencement of any demolition of exterior walls or roofs, excavation that requires shoring, sandblasting or other exterior construction activities that require a building permit, the owner or contractor shall provide written notice to the property owners and occupants located within one hundred (100) feet of the construction site that construction will occur, along with a copy of this Section 3307. Said notice shall be provided to the affected property owners and occupants at least five (5) days prior to any construction taking place. The notice shall contain the following information:

1. Address where construction will occur;
2. Date(s) and approximate times construction will occur;
3. Name, address, telephone number and state license number of contractor;
4. Name, address and telephone number of the owner of the property on which construction is to occur.

If the owner or the contractor fails to provide the required notice, the Building Official shall have the authority to stop the work until the notice is provided, in addition to any other remedies provided by this Code.

3307.6 Prior to approval of temporary shoring a geotechnical report shall be provided certifying that the temporary shoring has been installed according to the shoring plan and specifying the time period for the integrity of the temporary shoring.

#### **15.04.080 Roof covering requirements.**

~~Notwithstanding the provisions of Section 15.04.010, Sections 1504 and 1505 of said building code the 2019 California Building Code~~ are hereby amended by adding thereto the following subsections:

#### **SECTIONS 1504 AND 1505**

1504.9 Roof deck surfaces. Only such sections of a roof which have been approved by the Building Official to be used as deck space may be covered with materials designed to be "walking" or "decking" materials. All other portions of the roof shall be covered with traditional roofing materials such as rolled, gravel, built-up or composition roofing.

~~1505.6-2~~ Class A roofs required. The roof covering on any structure regulated by this Code shall be as specified in Table No. 1505.1 and as classified in Section 1505, except that the minimum roof-covering assembly shall be a Class "A" roofing assembly. Any new addition or reroofing of structures may match existing roof coverings if not exceeding 50% of the roof area of the entire structure, provided that no more than 50% of existing roof covering is replaced in any 60 month period.

The roof-covering assembly includes the roof deck, underlayment, interlayment, insulation and covering which is assigned a roof-covering classification.

#### **~~15.04.084 Roof attachments.~~**

~~A. Purpose. The provisions of this section are intended to provide adequate access and clear pathways on roofs for firefighters and other emergency personnel.~~

~~B. Exceptions. Due to the wide variety of roof configurations and the evolving nature of solar collectors and other devices which may be placed on a roof, the building official may waive requirements of this section upon his or her determination that submitted plans offer equal or better alternative configurations.~~

~~C. Definitions. For the purposes of this section, certain terms shall be defined as follows:~~

~~1. "Clear path": A route free of obstacles that could adversely impact the ability of fire department personnel to conduct their fire fighting operations. Obstacles include but are not limited to mechanical equipment, antennas, exhaust ducts, vent pipes, skylights, electrical equipment, plumbing piping, chimneys or other similar rooftop structures.~~

~~2. "Flat roof": Any roof plane with a pitch of 1/2:12 or less.~~

~~3. "Pitched roof": Any roof plane with a pitch greater than 1/2:12.~~

~~4. "Non-occupied structures": Any structure classified as a "U" occupancy by the building code and not intended for human occupancy.~~

5. ~~"Residential structure": RA one (1) or two (2) family dwelling unit, including accessory structures.~~

6. ~~"Nonresidential structure": Any occupied structure that is not classified as a residential structure.~~

7. ~~"Accessory structures (residential)": Structures commonly associated with residential property including patio covers, gazebos, decks, storage sheds, and free-standing garages and carports.~~

8. ~~"Fire department access": Any area around the perimeter of a building with sufficient width to allow for the placement of a ladder that will provide access to the roof.~~

~~D. General Requirements. The following requirements shall apply to any equipment or materials installed upon a roof:~~

~~1. No equipment/materials shall be installed on or above an existing roof material without first obtaining a permit from the city.~~

~~2. Clear paths required by other sections of these guidelines shall be located over primary structural members of the building whenever possible.~~

~~3. Where existing structures or large pieces of equipment partially or totally obstruct a proposed clear path, the full width of the path shall continue around, and immediately adjacent to, the obstruction.~~

~~4. Equipment and materials installed on or above the structure's original roofing material shall be considered additional dead load and may require an evaluation of the roof structural system's ability to support the additional weight.~~

~~5. Equipment and materials shall be adequately anchored to the roof structure to prevent movement due to wind or seismic forces.~~

~~6. The proposed location for the new equipment/materials shall not interfere with the proper operation of other equipment or system components already installed on the roof.~~

~~7. The required access to and clearance around existing roof mounted equipment or system components for the purpose of maintenance of the said equipment or system components shall be maintained.~~

~~8. Installation of the new equipment/materials shall not disrupt the roof drainage system.~~

~~9. Adequate clearance shall be maintained around all roof vents to proper operation of the vents.~~

~~10. All equipment/materials installed on a roof must be maintained in accordance with approved plans.~~

~~E. Residential Structures. The following requirements shall apply to all one (1) and two (2) family structures based on the type of roof in the area where the equipment or material is to be installed:~~

~~1. Flat Roof. The following clear paths shall be maintained:~~

~~a. A minimum three (3) foot wide clear path shall be maintained along the entire edge of any roof plane available to the fire department for access to the roof.~~

~~b. A minimum four (4) foot wide clear path along the centerline of the longitudinal and/or transverse axis lines of the roof plane connecting the clear paths along the roof edges.~~

~~c. A minimum three (3) foot wide clear path to any skylight or other similar feature that could provide access through the roof for ventilation purposes.~~

~~d. A minimum three (3) foot wide clear path along the edge of the lower roof segment of a multi-level roof system.~~

~~2. Pitched Roof. The following clear paths shall be maintained:~~

~~a. A minimum three (3) foot wide clear path shall be maintained along the entire edge of any roof plane available to the fire department for access to the roof.~~

~~b. A minimum three (3) foot wide clear path on either side of any ridge line and one and one half (1 1/2) feet on either side of a hip or valley line.~~

~~c. A minimum three (3) foot wide clear path connecting the roof edge path and the ridge path.~~

~~d. A minimum three (3) foot wide clear path to any skylight or other similar feature that could provide access through the roof for ventilation purposes.~~

~~e. A minimum three (3) foot wide clear path along the edge of the lower roof segment of a multi-level roof system.~~

~~F. Nonresidential Structures. The following requirements shall apply to all structures not classified as residential:~~

~~1. Flat Roof. The following clear paths and other requirements shall be satisfied:~~

~~a. A minimum four (4) foot wide clear path shall be maintained around the perimeter of the roof.~~

~~b. Individual panel arrays shall not exceed one hundred fifty (150) feet by one hundred fifty (150) feet.~~

~~c. A minimum eight (8) foot wide clear path shall separate adjacent panel arrays. Alternate designs to the eight (8) foot clear path requirement can be found in the California Department of Forestry Solar Photovoltaic Installation Guidelines.~~

~~d. A minimum three (3) foot wide clear path along the edge of the lower roof segment of a multi-level roof system.~~

~~2. Pitched Roof. The following clear paths and other requirements shall be satisfied:~~

~~a. A minimum four (4) foot wide clear path shall be maintained along the entire edge of any roof plane available to the fire department for access to the roof.~~

~~b. A minimum three (3) foot wide clear path on either side of any ridge line and a one and one half (1 1/2) foot clear path on either side of a hip or valley line.~~

~~c. A minimum three (3) foot wide clear path connecting the roof edge path and the ridge path is required.~~

~~d. A minimum three (3) foot wide clear path to any skylight or other similar feature that could provide access through the roof for ventilation purposes.~~

~~e. A minimum three (3) foot wide clear path along the edge of the lower roof segment of a multi-level roof system.~~

~~G. Elevated Solar Panels. In addition to the requirements of Article 690 of the 2010 Edition of the California Electrical Code, the following shall apply to the installation of elevated solar photovoltaic systems:~~

~~1. Solar panels, support rack systems, electrical conduits or other piping shall not disrupt the existing roof drainage system.~~

~~2. Combustion air exhaust vents within one (1) foot, measured horizontally, of any solar panel shall be extended to a minimum of two (2) feet above any part of the solar panel within ten (10) feet of the exhaust vent.~~

~~3. Rack mounted solar panels shall be a minimum of six (6) inches above all other roof vents or the vents shall be extended to six (6) inches above the solar panels.~~

~~4. All electrical conduits within the photovoltaic system shall be labeled at ten (10) foot maximum intervals indicating the type of electrical voltage.~~

~~5. A placard shall be provide at each type of electrical power supply (batteries, wind generator, gas powered generator, solar power, etc.) indicating the location of all other power supplies and the location of the disconnect means for each power supply.~~

~~6. A disconnect switch shall be installed at the collector system where the conductors leave the collection system on the roof.~~

~~7. All components of the solar electrical generating system shall be marked (i.e., DC combiner box, inverter, disconnects, etc.)~~

~~H. Non-Elevated Solar Panels. In addition to the requirements of Article 690 of the 2010 Edition of the California Electric Code, the following shall apply to the installation of non-elevated solar photovoltaic systems:~~

~~1. Panels and related conduit and piping shall not disrupt the existing roof drainage system.~~

~~2. All components of the solar panel system located on the roof shall be of the same fire classification as required for a new roof (Class A).~~

~~3. Combustion air exhaust vents within one (1) foot, measured horizontally, of any solar panel shall be extended to a minimum of two (2) feet above any part of the solar panel within ten (10) feet of the exhaust vent.~~

~~4. All other vents shall extend six (6) inches minimum above the system or maintain a minimum one (1) foot clear area around the vent.~~

~~5. A disconnect switch shall be installed at the collector system where the conductors leave the collection system on the roof.~~

~~I. Landscaped Roofs. The following requirements shall apply to "green" or landscaped roofs:~~

~~1. Any watering system connected to the domestic water system of the building must include an approved backflow prevention device.~~

~~2. Landscape containers and related irrigating systems shall not disrupt existing roof drainage systems.~~

~~3. All components of the system shall be adequately anchored to prevent dislodging during high winds or seismic activity.~~

~~4. Combustion air exhaust vents and chimneys shall extend two (2) feet minimum above the system, including mature plant materials, that is within ten (10) feet measured horizontally from the exhaust vent.~~

~~5. All other vents shall extend six (6) inches minimum above the system, including mature plant materials, or maintain a minimum one (1) foot clear area around the vent.~~

#### **~~15.04.090 Skylights.~~**

~~Skylights shall conform to Sections 2606 and 2610 of said building code.~~

#### **15.04.100 Automatic sprinkler systems.**

~~Notwithstanding the provisions of Section 15.04.010, the following subsections of Section 903, 904 and 905 of said building code~~ the 2019 California Building Code ~~are hereby amended to read as follows:~~

##### ~~SECTION 903~~

##### ~~SECTION 904~~

~~Table No. 9-A, Standpipe requirements of said Building Code is hereby amended to substitute the term "three (3) stories" wherever the term "four (4) stories" appears in said table.~~

##### ~~SECTION 905~~

~~(F) 905.3.1 Building Height. Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more the 20 feet above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 20 feet below the highest level of fire department vehicle access.~~

#### **~~15.04.110 Fire alarm systems.~~**

~~Notwithstanding the provisions of Section 15.04.010, the following subsection is hereby added to Section 907 of said building code to read as follows:~~

##### ~~SECTION 907~~

~~(F) 907.2.8.2.1 Group R, Division 1. An automatic fire alarm system shall be installed in apartment houses 3 stories or more in height (mezzanines and lofts shall be considered as stories), or containing 16 or more dwelling units, and in hotels 3 or more stories in height or containing 20 or more guest rooms.~~

#### **~~15.04.120 Determining fifty (50) percent increase in size or valuation.~~**



~~Whenever, it is required to determine whether there is an expansion in the size or valuation of an existing building of fifty (50) percent or more, the following rules shall apply. The size or valuation shall be deemed to exceed fifty (50) percent if:~~

- ~~A. The expansion exceeds fifty (50) percent of the existing gross floor area; or~~
- ~~B. The cost of remodeling, expansion or improvement exceeds fifty (50) percent of the value of the existing structure as determined by the building official.~~

#### **~~15.04.130 Assumption of risk for below-grade construction.~~**

~~Notwithstanding the provisions of Section 15.04.010, Appendix G of said building code is hereby amended by adding thereto a new Section G104.6 to read as follows:~~

#### **~~APPENDIX G~~**

~~G104.6 Waiver required for below grade construction. The building official shall require execution of a waiver before issuing a permit for construction of buildings or structures of any occupaney any portion of which is below street grade and/or does not meet the elevation requirements of Appendix G.~~

~~(Ord. 10-1315 (Exh. A), 2010; Ord. 07-1289 (Exh. A), 2007; Ord. 07-1289U (Exh. A), 2007; Ord. 05-1253 §4, 2005)~~

#### **15.04.140 Pedestrian protection during construction.**

~~Notwithstanding the provisions of Section 15.04.010, Chapter 33 of the 2019 California Building Code~~ is hereby amended by adding thereto a new Section 3306.10 to read as follows:

#### **~~15.04.160 Energy requirements for existing buildings that expand or remodel beyond fifty (50) percent.~~**

~~Notwithstanding the provisions of Section 15.04.010, the expansion or remodel of any existing building by more than fifty (50) percent as expansion is defined in Section 15.04.120 shall comply with Section A4.203.1 for residential construction and Section A5.203.1.1 for nonresidential construction of the CALGreen Code.~~

#### **~~15.04.150 Numbering Buildings.~~**

~~The following sections are hereby added to Section 502 of the 2019 California Building Code:~~

**~~502.1.1.~~** ~~The entrance to every building, or section, or subdivision thereof, in the city used for residence or business purposes shall display the numbers of the building address designated by the City Engineer.~~

~~502.1.2.~~ Address numbers shall be placed on, immediately above, or adjacent to the door closing the building entrance and shall be at least 4 inches (102 mm) high and 2 inches (51 mm) wide. Numbers shall be displayed as prescribed in this chapter by the owner, occupant, lessee, tenant, or subtenant of the building within fifteen (15) days after receipt of notice from the City Engineer. All numbers other than those required by this chapter shall be removed from building entrances by the owner, occupant, lessee, tenant, or subtenant of the building within fifteen (15) days from the service of notice by the City Engineer.

~~502.1.3.~~ The City Engineer shall designate the numbers provided for each lot in the city, on that certain map numbered 1001, new series, in the records of the City Engineer's office, such map having been heretofore approved and adopted by the City Council, and the same is hereby referred to and made a part of this chapter.

**~~15.04.170 Enhanced construction waste reduction for existing buildings that expand or remodel beyond fifty (50) percent.~~**

~~Notwithstanding the provisions of Section 15.04.010, the expansion or remodel of any existing building by more than fifty (50) percent as expansion is defined in Section 15.04.120 shall comply with Section A4.408 for residential construction and Section A5.408 for nonresidential construction of the CALGreen Code.~~

**~~Section 4.~~** Chapter 15.40 of Title 15 of the Hermosa Beach Municipal Code (Numbering Buildings) is hereby repealed.

**Section 5. RESIDENTIAL CODE ADOPTION.** Section 15.06.010 of Chapter 15.06 of Title 15 of the Hermosa Beach Municipal Code is hereby amended to read as follows (with additions marked by underscore and deletions marked by ~~strike through~~):

**“15.06.010 Adoption of California Residential Code**

Except as hereinafter provided in this chapter, the California Residential Code, ~~2016~~ 2019 Edition (Part 2.5 of Title 24 of the California Code of Regulations), including Appendices A, B, C, G, K, O, and P Q, R, S, and T, and ~~not including Appendixes D, E, F, H, I, J, L, M, N, Q and R of said appendices,~~ is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full. Said code shall comprise the residential code of the city of Hermosa Beach. A copy of the residential code shall be maintained in the office of the city clerk, and shall be made available for public inspection while the code is in force.

Whenever the word "jurisdiction" appears in said code, it shall mean and refer to the city of Hermosa Beach.

Whenever the term "building official" appears in said code, it shall mean and refer to the building/code enforcement official, or the director of community development of the city of Hermosa Beach, or his or her designee.”

**Section 6. RESIDENTIAL CODE AMENDMENTS.** Sections 15.06.020 through 15.06.060 of Chapter 15.06 of Title 15 of the Hermosa Beach Municipal Code are hereby amended in their entirety to read as follows (with additions marked by underscore and deletions marked by ~~strike through~~):

**“15.06.020 Board of appeals.**

Section R112 of Chapter 1 of ~~said residential building code~~ the 2019 California Residential Code is hereby amended to read as follows:

SECTION R112

BOARD OF APPEALS

**15.06.030 Violations.**

~~Notwithstanding the provisions of Section 15.06.010,~~ Section R113 of Chapter 1 of said code is hereby amended to read as follows:

SECTION R113

VIOLATIONS

**15.06.040 Fees.**

~~Notwithstanding the provisions of Section 15.06.010,~~ Section R108 4.8.3 of said residential building code is hereby amended to read as follows:

R108A 4.8.3 General. Fees shall be assessed in accordance with the provisions of this Section.

R108B 4.8.3 Permit fees. The fee for each permit shall be as set forth in the latest resolution adopted by the City Council. The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and other permanent equipment. Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees above specified shall be quadrupled, but the payment of such quadrupled fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

R108C 4.8.3 Plan review fees. When a plan or other data are required to be submitted by this Code, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be eighty (80) percent of the building permit fee.

The plan review fees specified in this Subsection are separate fees from the permit fees specified in ~~Subsection R108B 4.8.3.2~~ and are in addition to the permit fees.

Where plans are incomplete or changed or involve deferred submittals so as to require additional plan review, an additional plan review fee shall be charged at the rate indicated in the executive order.

~~R108D 4.8.3.4~~ Expiration of plan review. Applications for which no permit is issued within one hundred eighty (180) days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

R108E 4.8.3.5 Fee refunds.

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

2. The Building Official may authorize the refunding of not more than eighty (80) percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.

3. The Building Official may authorize the refunding of not more than eighty (80) percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

**15.06.045 Work exempt from permit.**

~~Notwithstanding the provisions of Section 15.06.010, paragraphs 1 and 5 of Section R105.2 of said residential code the 2019 California Residential Code are hereby deleted and Section R105.2 is amended by adding thereto the following new paragraphs to read as follows:~~ is hereby amended by adding the following subparagraph to "Building(1)":

1.1 Notwithstanding paragraph (1), a permit is required to construct the following:

~~A.1. A permit is required to install a~~ free-standing shed. Storage area is limited to a six (6) foot ceiling height, one (1) two-gang 110v outlet and one (1) bare light bulb fixture for every 500 square feet, and no plumbing or heating/cooling devices are permitted.

~~B.2. A permit is required to construct a storage room.~~ "Storage room" means an attached room, with or without a separate entrance, for the storage of goods customarily associated with the use. Such room shall not contain any plumbing or natural gas outlets, but may contain one (1) overhead or wall mounted light and one (1) two-gang 110v outlet for every 500 square feet. Such room shall not be used as an office, den, rumpus rooms, or for any habitation of any kind.

~~C.3. A permit is required to construct a utility room.~~ "Utility room" means an attached or detached structure or space designed and used solely for one or more systems and appliances to support the functioning of the dwelling unit, such as heating, ventilation, air conditioning, water filtration, laundry, or utility or laundry sink. Plumbing fixtures shall be limited to those to support the functioning of the dwelling unit, such as gas connections to heating appliances or dryers, water heater or washing machine supply.

#### **15.06.050 Expiration of permits.**

~~Notwithstanding the provisions of Section 15.06.010,~~ Section R105.5 of said residential building code is hereby amended to read as follows:

#### **SECTION R105.5**

#### **EXPIRATION OF PERMITS**

#### **R105.5 Expiration.**

Every permit issued by the Building Official under the provisions of this Code shall expire ~~by limitation~~ and become null and void (1) if the building or work authorized by such permit is not commenced within ~~180 days from the date of such permit~~ 12 months after the permit was issued, or (2) if the building or work authorized by such permit is suspended or abandoned for a period of 180 days at any time after the work is commenced ~~unless the permittee has abandoned the work authorized by the permit~~, or ~~(3)~~ if the building or work authorized by such permit is not completed within two calendar years from the issuance date of the permit. Before such work can be recommenced, a new permit or a renewed permit as specified below shall be first obtained. No permit shall be renewed more than once.

A. Where work has not commenced within ~~180 days~~ 12 months from the issuance date of a permit, a renewed permit valid for two years may be obtained upon payment of a renewal fee equal to ten percent of the original permit fee provided that (1) no changes have been made or will be required in the original plans and specifications for such work and (2) the renewed permit is issued within two years of the original permit issuance date.

B. Where work has commenced and is subsequently suspended or abandoned for a period exceeding ~~180 days~~ 12 months, a renewed permit valid until the original expiration date may be obtained upon payment of a renewal fee equal to ten percent of the original permit fee provided that (1) No changes have been made or will be required in the original plans and specifications for such work and (2) the renewed permit is issued within two years of the

original permit issuance date, provided, however, that a renewed permit may be issued despite the passage of two years if construction has progressed and has been approved to the point where only a final inspection is required.

C. Where a project is not commenced or completed on the two year anniversary of the permit issuance date a new permit is required. The applicant shall pay a fee for the new permit based on the valuation of the uncompleted work required for a plan check and a new permit and plans will be reviewed under the Codes and Ordinances in effect at the time the new applications are submitted.

D. Any permittee holding an active permit may apply in writing for an extension of the time within which work under that permit may be continued when, for good and satisfactory reasons, he or she is unable to continue work within the time required by this Section due to circumstances beyond the control of the permittee. The Building Official may extend the time for action by the permittee for a period not exceeding six calendar months. No permit shall be extended more than twice.

E. If the owner or applicant fails to complete the project within the time required, the Building Official is authorized to obtain the demolition and removal of incomplete work on the property.

**~~15.06.060 Fire sprinklers.~~**

~~Notwithstanding the provisions of Section 15.06.010, fire sprinklers shall be installed in residential buildings in accordance with the provisions of Section 15.20.080.~~

**Section 7. MECHANICAL CODE ADOPTION.** Section 15.12.010 of Chapter 15.12 of Title 15 of the Hermosa Beach Municipal Code is hereby amended to read as follows (with additions marked by underscore and deletions marked by ~~strike through~~):

**“15.12.010 Adoption of Mechanical Code.**

Except as provided in this chapter and elsewhere in this title, the California Mechanical Code, ~~2016~~ 2019 Edition (Part 4 of Title 24 of the California Code of Regulations including all Appendices) is hereby adopted by reference and made a part of this chapter as though set forth ~~in this chapter~~ herein in full. Said code shall comprise the mechanical code of the city of Hermosa Beach. A copy of the mechanical code shall be maintained in the office of the city clerk and shall be made available for public inspection while the code is in force.

**Section 8. MECHANICAL CODE AMENDMENTS.** Sections 15.12.020 through 15.12.040 of Chapter 15.12 of Title 15 of the Hermosa Beach Municipal Code are hereby amended in their entirety to read as follows (with additions marked by underscore and deletions marked by ~~strike through~~):

**“15.12.020 Board of appeals.**

~~Notwithstanding the provisions of Section 15.12.010, Section 107.0 408.8 of Chapter 1 of said mechanical code~~ the 2019 California Mechanical Code is hereby amended to read as follows:

SECTION ~~408.8~~ 107.0

**15.12.030 Mechanical permit fees.**

~~Notwithstanding the provisions of Section 15.12.010, Section 104.5 408.4 of said mechanical code~~ the 2019 California Mechanical Code is hereby amended to read as follows:

SECTION 104.5 ~~408.4~~

A. Permit fees. The fee for each permit shall be as set forth in the latest resolution adopted by the City Council.

B. Plan review fees. When a plan or other data are required to be submitted pursuant to Section, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be equal to eighty (80) per cent of the mechanical permit fee.

**15.12.040 Violations.**

Any person violating any of the provisions of this chapter or the current adopted mechanical code shall be deemed guilty of a misdemeanor and shall be punishable as set forth in Section 1.04.020.

**Section 9. PLUMBING CODE ADOPTION.** Section 15.16.010 of Chapter 15.16 of Title 15 of the Hermosa Beach Municipal Code are hereby amended to read as follows (with additions marked by underscore and deletions marked by ~~strike through~~):

**“15.16.010 Adoption of plumbing code.**

Except as provided in this chapter and elsewhere in this title, the California Plumbing Code, ~~2016~~ 2019 Edition (Part 5 of Title 24 of the California Code of Regulations) including Appendices and including the installation standards contained in Appendix I, is hereby adopted by reference and made a part of this chapter as though set forth ~~in this chapter~~ herein in full. Said code shall comprise the plumbing code of the city of Hermosa Beach. A copy of the plumbing code shall be maintained in the office of the city clerk, and shall be made available for public inspection while the code is in force.

**Section 10. PLUMBING CODE AMENDMENTS.** Sections 15.16.020 through 15.16.090 of Chapter 15.16 of Title 15 of the Hermosa Beach Municipal Code are hereby amended in their entirety to read as follows (with additions marked by underscore and deletions marked by ~~strike through~~):

**“15.16.020 Plumbing permit fees.**

~~Notwithstanding the provisions of Section 15.16.010, Section 104.5 108.4 of Chapter 1 of said plumbing code the 2019 California Plumbing Code~~ is hereby amended to read as follows:

~~SECTION 108.4~~ 104.5

A. Permit fees. The fee for each permit shall be as set forth in the latest resolution adopted by the City Council.

B. Plan review fees. When a plan or other data are required to be submitted pursuant to this Code, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be equal to eighty (80) percent of the mechanical permit fee.

**15.16.030 Board of appeals.**

~~Notwithstanding the provisions of Section 15.16.010, Section 107 108.8~~ is hereby added to ~~said plumbing code~~ to read as follows:

SECTION 107 ~~108.8~~

BOARD OF APPEALS

**15.16.050 Installation of garbage grinders.**

~~Notwithstanding the provisions of Section 15.16.010, Section 419 of said plumbing code~~ is hereby added to read as follows:

SECTION 419

419 Installation of garbage grinders. of kitchen wastes.

**15.16.060 ~~Abandoned sewers and sewage disposal facilities.~~**

**~~Suggest deletion as it is redundant to the Plumbing Code and sewer cap permits are issued by Public Works Dept.~~**

~~Notwithstanding the provisions of Section 15.16.010, Section 722.1.2 of said plumbing code is hereby amended to read as follows:~~

~~722.1.2 Abandoned sewers and sewage disposal facilities. Every abandoned building (house) sewer or part thereof shall be plugged or capped in an approved manner as designated by the Building Official. Before any person plugs and/or caps such sewer or~~



~~sewage disposal facilities contemplated in this Section, he shall first post a cash bond with the City in an amount of not less than one hundred dollars (\$100.00) to guarantee capping of such sewers and/or sewage disposal facilities, such bond to be returned to the permittee upon completion and inspection to the satisfaction of the Building Official.~~

#### **15.16.060. Drainage Piping**

~~Notwithstanding the provisions of Section 15.16.010, Section 701.2(a) of said plumbing code~~ the 2019 California Plumbing Code is hereby amended to read as follows:

701.2 (a)

ABS and PVC installations are limited to no more than three stories of areas in residential accommodation, provided they are installed as below.

1. The vents shall be enclosed in one-hour fire rated shafts. Such shaft shall either be comprised of heavy lumber (4x minimum), or a fire resistant drywall product.
2. Where a vent passes through either a story or a fire rated assembly, a listed rated fire collar shall be installed below such a barrier, in accordance with CRC 302.4.1.2

#### **15.16.070 Retrofitting existing commercial kitchens with grease recovery systems.**

~~Notwithstanding the provisions of Section 15.16.010, Section 1014.1.1.1 is hereby added to Chapter 10 of said plumbing code~~ the 2019 California Plumbing Code to read as follows:

1014.1.1.1 For the purposes of Section 1014.1.3, the following terms shall have the following meanings:

#### **15.16.080 Maintenance and annual inspection of grease recovery systems in commercial kitchens.**

~~Notwithstanding the provisions of Section 15.16.010, Section 1014.1.4 is hereby added to Chapter 10 of said plumbing code~~ the 2019 California Plumbing Code to read as follows:

1014.1.4

Maintenance and monitoring.

Inspection.

#### **15.16.090 Violations.**

Any person violating any of the provisions of this chapter or the current adopted plumbing code shall be deemed guilty of a misdemeanor and shall be punishable as set forth in Section 1.04.020.

**Section 11. FIRE CODE ADOPTION.** Chapter 15.20 of Title 15 of the Hermosa Beach Municipal Code (Fire Prevention Code) is hereby repealed and replaced to read as follows:

**“Chapter 15.20  
Fire Code Adopted**

- 15.20.010 Adoption of fire code.**
- 15.20.020 Sprinklers**
- 15.20.030 Fire protection improvement fee**

**15.20.010 Adoption of fire code.**

Except as hereinafter provided, Title 32 of the Los Angeles County Code (Fire Code), as amended and adopted on January 24, 2017, and in effect on February 23, 2017, adopting the California Fire Code, 2016 Edition (Part 9 of Title 24 of the California Code of Regulations) is hereby incorporated herein by reference as if fully set forth below, and shall be known and may be cited as the fire code of the city of Hermosa Beach.

In the event of any conflict between provisions of the California Fire Code, 2016 Edition, Title 32 of the Los Angeles County Code, or any amendment to the fire code contained in the Hermosa Beach Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 32 of the Los Angeles County Code and the California Fire Code, 2016 Edition, have been deposited in the office of the city clerk of the city of Hermosa Beach and shall be at all times maintained by the city clerk for use and examination by the public.

**~~15.20.020 Sprinklers.~~**

~~The following sections are hereby added to the fire code in sequence with existing code sections:~~

~~**903.2. Existing Structures.** Notwithstanding any applicable provisions of this Code, an automatic sprinkler system shall be provided in an existing building when an addition or alteration occurs and one of the following conditions exists:~~

- ~~1. When an alteration is 33% or more of the existing building area, and the resulting building area exceeds 2,000 square feet (465 m<sup>2</sup>) as defined in Section 202; or~~
- ~~2. When an addition exceeds 1,000 square feet (186 m<sup>2</sup>) and the resulting building area exceeds 2,000 square feet (465 m<sup>2</sup>) as defined in Section 202; or~~
- ~~3. An additional story is added above the second floor, regardless of fire areas or allowable area.~~
- ~~4. Any change in occupancy classification or when deemed necessary by the AHJ.~~

Exception:

1. When the cost of installing an approved automatic sprinkler system exceeds 5% of the alteration, with the approval of the Fire Code Official, the required automatic sprinkler system may be omitted.

2. Occupancies under 500 square feet.

~~903.2.3 Group E.~~ An automatic sprinkler system shall be provided for Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 12,000 square feet (1115 m<sup>2</sup>) in area.
2. Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.

Exception:

An automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area where every classroom throughout the building has no fewer than one exterior exit door at ground level.

3. In rooms or areas with special hazards such as laboratories, vocational shops and other such areas where hazardous materials in quantities not exceeding the maximum allowable quantity are used or stored.

4. Throughout any Group E structure greater than 12,000 square feet (1115 m<sup>2</sup>) in area, which contains more than one fire area, and which is separated into two or more buildings by fire walls of less than 4-hour fire resistance rating without openings.

5. For public school state-funded construction projects see Section 903.2.19.

~~903.2.3 Protection of Attached Garages.~~ Residential occupancies protected by an automatic sprinkler system in accordance with NFPA 13R or 13D must have automatic sprinkler systems installed in attached garages and in other areas as required by the Fire Code official.

**903.4.2.1 Where required:** Exterior audible and visible alarm notification shall be provided on NFPA 13, 13R, and 13D systems.

**15.20.030 Fire protection improvement fee.**

Section 113 Fees

The purpose of the fire protection improvement fee is to mitigate the fire protection impacts caused by new development in the city by financing fire protection improvements in direct relation to the development's fair share of the construction costs of these improvements.

A. Fire Protection Improvement Fee. The fire protection improvement fee established by Ordinance No. 88-932 shall continue in effect at the rates set forth in subsection (C) of this section. The fee shall be paid prior to issuance of a building permit for any new structure or expansion of an existing structure as described in subsection (C) of this section in the city.

B. Fee Account. The revenues raised by payment of the fire protection improvement fee shall be placed in a separate and special fund and such revenues, along with any interest earnings on that fund, shall be used solely to pay for the improvements and apparatus described in subsection (D) of this section.

C. Amount of Fee.

1. Residential: nine cents (\$0.09) per square foot of net floor area.
2. Nonresidential: eleven and one-half cents (\$0.115) per square foot of net floor area.

The calculation of floor area shall include the floor area of all structures including the main structure and any accessory structures, including, but not limited to garages, structural decks, and balconies, and shall be measured from the outside of the walls or perimeter of said structures. For new projects, the net floor area shall be calculated as the total floor area of the new structure minus any floor area of any existing legally permitted structures demolished as part of the new project. For existing structures that add floor area, the fee shall be applied to the net increase in floor area.

D. Use of Fee. The fee shall be solely used to pay for:

1. Fire hydrants; riser connections from main to hydrant; necessary valves and attachments; repairs to public improvements necessitated by installation of hydrants, riser connections, valves and attachments; fire stations, training facilities, administrative offices, communications centers, and maintenance centers; and firefighting equipment, vehicles, apparatus, and appliances;
2. Reimbursement to the city for the development's fair share of those capital improvements already constructed by the city; and
3. Reimbursement to developers who have constructed public facilities where those facilities were beyond that needed to mitigate the impact of the developers' project.

**Section 12. EXISTING BUILDING CODE ADOPTION.** Chapter 15.28 of Title 15 of the Hermosa Beach Municipal Code is hereby amended to read as follows (with additions marked by underline and deletions marked by ~~strike through~~):

**“15.28.010 Adoption of Existing Building Code.**

**15.28.010 Adoption of existing building code.**

Except as hereinafter provided, the California Existing Building Code, ~~2010~~ 2019 Edition (Part 10 of Title 24 of the California Code of Regulations) is hereby adopted by reference and made a part of this chapter as though set forth in this Chapter in full. Said Code shall comprise the Existing Building Code of the City of Hermosa Beach. A copy of said Code shall be maintained in the office of the City Clerk, and shall be made available for public inspection while the Code is in force.

**Section 13. ELECTRICAL CODE ADOPTION.** Section 15.32.010 of Chapter 15.32 of Title 15 of the Hermosa Beach Municipal Code is hereby amended to read as follows (with additions marked by underscore and deletions marked by ~~strike through~~):

**“15.32.010 Adoption of electrical code.**

Except as provided in this chapter and elsewhere in this title, the California Electrical Code, ~~2016~~ 2019 Edition (Part 3 of Title 24 of the California Code of Regulations including all Appendices) is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full. Said code shall comprise the electrical code of the city of Hermosa Beach. A copy of the electrical code shall be maintained in the office of the city clerk, and shall be made available for public inspection while the code is in force.

Whenever the word "jurisdiction" appears in said code, it shall mean and refer to the City of Hermosa Beach.

Whenever the term "building official" appears in said code, it shall mean and refer to the Building/Code Enforcement Official or to the Director of Community Development of the city of Hermosa Beach, or his or her designee.”

**Section 13. ELECTRICAL CODE AMENDMENT.** Sections 15.32.020 through 15.32.140 of Chapter 15.32 of Title 15 of the Hermosa Beach Municipal Code are hereby amended in their entirety to read as follows (with additions marked by underscore and deletions marked by ~~strike through~~):

**“15.32.020 Fees.**

~~Notwithstanding the provisions of Section 15.32.010, Section 89.108.4.2 of said electrical code~~ the 2019 California Electrical Code is hereby amended to read as follows:

**89.108.4.2** The fee for each permit shall be as set forth in the latest resolution adopted by the City Council. When a plan or other data are required to be submitted pursuant to this Code, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be equal to eighty (80) percent of the mechanical permit fee.

For purposes of determining fees only, the following definitions shall apply:

#### **89.108.4.2.1 New general use branch circuits.**

1. The fees prescribed apply to new branch circuit wiring and the lighting fixtures, switches, receptacles, appliances or other utilization equipment permitted to be supplied by these branch circuits.
2. For the purposes of this Subsection, each ungrounded conductor of a multiwire branch circuit supplying one appliance may be counted as one circuit.
3. For the purposes of this Subsection, three-phase lighting branch circuits are counted as two (2) branch circuits.

#### **89.108.4.2.2 Adding outlets (to existing branch circuits) or temporary lights and yard lighting.**

1. Each outlet added to an existing branch circuit shall be counted as one unit and each lighting fixture connected thereto shall be counted as an additional unit except as modified in the following provisions of this Subsection.
2. An outlet shall mean a point or place on a fixed-wiring installation from which electric current is controlled, or is supplied to a lamp, lighting fixture, fan, clock, heater, range, motor, or other electrical. appliance or equipment.
3. An outlet box for two (2) or more switches or receptacles shall be considered as one unit.

#### **89.108.4.2.3 Motors, transformers, heating appliances and miscellaneous equipment or appliances.**

1. The fees prescribed cover the inspection of the supply branch circuit and the utilization equipment supplied therefrom and the control equipment therefor.
2. Except where supplied by branch circuits rated over fifty (50) amperes, the fees required apply only to non dwelling occupancies. The fee for each motor, transformer, heating appliance, welder, rectifier, x-ray machine, storage battery system, infrared industrial heating appliance, cooking or baking equipment, studio effects lighting, and other miscellaneous equipment or appliances shall be given in the rating table of the resolution order.
3. Where fixed equipment is supplied by flexible cords to facilitate servicing or replacement, those fees shall also apply to each receptacle outlet installed for the supply of portable equipment rated larger than three (3) H.P., K.W., or K.V.A.
4. For any equipment or appliance containing more than one motor, or other current consuming utilization components in addition to the motor or motors, the combined

electrical ratings converted to K.V.A. of all shall be used to determine the fee. For the purpose of this subsection, one H.P. or one K.W. is equivalent to one K.V.A. The total ampere ratings of all receptacles installed on a factory fabricated wireway assembly for studio effects lighting may be used in computing the fees therefor.

5. The fees for a change of location or replacement of equipment on the same premises shall be the same as that for a new installation. However, no fees shall be required for moving any temporary construction motor from one place to another on the same site during the time of actual construction work after a permit has once been obtained for such motor and the fees required therefor have been paid.

**89.108.4.2.4 Required fire warning, communications and emergency control systems.** For the purposes of this Subsection, devices shall include all signaling equipment, stations, power equipment such as damper actuators or door holding device, and communication jacks or outlets.

**89.108.4.2.5 Service and switchboard sections.**

1. Fees shall be required for the installation, reinstallation, replacement or alteration of each service and each switchboard section.

2. For the purpose of this Subsection, a switchboard section means any portion of complete switchboard, distribution board, or motor control center which is prevented by the structural framework from being separated into smaller units.

3. The fees for services shall be determined from the ampacity of the set of service entrance conductors or the total ampere rating of the service equipment.

3. No fee need be paid for switchboard section which incorporates service equipment for which service fees were paid.

~~**15.32.030 Condominium installations.** Where conductors serving a condominium pass through a condominium which they do not serve, as in the case of multifamily dwelling structures, said conductors shall be enclosed in an approved conduit or raceway.~~

**15.32.030 Underground Service Conductors: Installation**

Section 230.30 of the 2019 California Electrical Code is hereby amended to add the following paragraphs:

(C) Underground service laterals required for new construction.

All new buildings and structures in the city shall provide underground electrical and communications service laterals on the premises to be served as hereinafter required. This provision shall not apply to utility lines that do not provide service in the area being developed.

(D) Underground utilities for new buildings.

All electrical, telephone, community antenna television system (CATV), and similar service wires or cables which provide direct service to new buildings and structures shall be installed underground in compliance with all applicable building and electrical codes, safety regulations and orders, and the rules of the Public Utilities Commission of the State of California.

(E) Underground utilities for existing buildings.

Existing overhead wires and/or new utility service shall be placed underground when one or more new dwelling units are created in an existing building and one or both of the following apply:

1. The expansion exceeds fifty (50) percent of the existing gross floor area; or

2. The cost of remodeling, expansion or improvement exceeds fifty (50) percent of the value of the existing structure as determined by the building official.

Exception: Undergrounding shall not be required if Southern California Edison deems in writing that such underground installation is infeasible based upon its service requirements or to the unavailability of necessary easements.

(F) Responsibility for compliance.

The developer and owner are jointly and severally responsible for complying with the requirements of this chapter and shall make the necessary arrangements with the utility companies for the installation of such facilities.

(G) Existing underground areas.

On streets where electrical and communications lines have been placed underground or where no overhead lines presently exist on or before July 1, 1977, said lines shall remain permanently underground and no additional electric or communications service facilities shall be added on said streets unless they are placed underground.

**~~15.32.040 Underground service laterals required for new construction.~~**

~~All new buildings and structures in the city shall provide underground electrical and communications service laterals on the premises to be served as hereinafter required.~~

**15.32.040 Temporary Installations.**

Section 590.3(A) of the 2019 California Electrical Code is hereby amended to add the following subparagraph:

**(1) Temporary power pole required on construction sites.**

All construction sites for which temporary power must be supplied because there is no electrical service shall provide a temporary power pole prior to issuance of a building



permit. Said power pole shall remain installed until the project has received final approval and electrical service has commenced. Generators are prohibited as a substitute for a temporary power pole.”

**Section 10 14. GREEN BUILDING STANDARDS ADOPTION.** Section 15.48 of Chapter 15.48 of Title 15 of the Hermosa Beach Municipal Code is hereby amended to read as follows (with additions marked by underscore and deletions marked by ~~strike through~~):

**“15.48.010 Adoption of CALGreen code.**

**15.48.010 Adoption of CALGreen code.**

Except as provided in this chapter and elsewhere in this title, the California Green Building Standards Code (referred to herein as "CALGreen"), ~~2016~~ 2019 Edition (Part 11 of Title 24 of the California Code of Regulations) is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full. A copy of the CALGreen code shall be maintained in the office of the city clerk, and shall be made available for public inspection while the code is in force.

Whenever the word "jurisdiction" appears in said code, it shall mean and refer to the city of Hermosa Beach.

Whenever the term "building official" appears in said code, it shall mean and refer to the building/code enforcement official or director of community development of the city of Hermosa Beach or his or her designee.”

**Section 15. ENERGY CODE ADOPTION.** Section 15.48.010 of Chapter 15.48 of Title 15 of the Hermosa Beach Municipal Code is hereby amended to read as follows (with additions marked by underscore and deletions marked by ~~strike through~~):

**“15.52.010 Adoption of energy code.**

**15.52.010 Adoption of energy code.**

Except as provided in this chapter and elsewhere in this title, the California Energy Code, ~~2016~~ 2019 Edition (Part 6 of Title 24 of the California Code of Regulations including all Appendices) is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full. Said code shall comprise the energy code of the city of Hermosa Beach. A copy of the energy code shall be maintained in the office of the city clerk and shall be made available for public inspection while the code is in force.

Whenever the word "jurisdiction" appears in said code, it shall mean and refer to the city of Hermosa Beach.

Whenever the term "building official" appears in said code, it shall mean and refer to the director of community development of the city of Hermosa Beach or his or her designee.”

**Section 16. Filing.** The City Clerk shall file a certified copy of this ordinance with the California Building Standards Commission pursuant to section 17958.7 of the California Health and Safety Code.

**Section 17. CEQA.** The City Council finds that the adoption of the California Buildings Standards Code and local amendments thereof is exempt from the California Environmental Quality Act (“CEQA”) under CEQA Guideline section 15061(b)(3) (the common sense exemption). The action is largely administrative in nature and designed to improve and not degrade environmental quality such that there is no possibility that adopting this ordinance would adversely affect the environment in any manner that could be significant.

**Section 18. Severability.** If any provision of this ordinance is declared to be invalid by a court of competent jurisdiction, it shall not affect any remaining provision hereof. The City Council of the City of Hermosa Beach hereby declares that it would have adopted this ordinance despite any partial invalidity of its provisions.

**Section 19. Effective Date.** This ordinance shall take effect on January 1, 2020, consistent with section 18941.5 of the California Health and Safety Code, which is to be no less than thirty (30) days after its final passage and adoption, consistent with California Government Code section 36937.

**Section 20. Certification.** The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

**PASSED, APPROVED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2019.

VOTE:       AYES:  
              NOES:  
              ABSTAIN:  
              ABSENT:

\_\_\_\_\_  
**MAYOR** of the City of Hermosa Beach, California

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney



## Staff Report

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### Staff Report

REPORT 19-0714

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**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of November 12, 2019**

**CONSIDERATION OF PROHIBITION OF  
RETAIL SALE OF TOBACCO PRODUCTS**  
(Community Development Director Ken Robertson)

**Recommended Action:**

Staff recommends that the City Council discuss and provide direction on whether to prohibit the retail sale of all tobacco products in Hermosa Beach.

**Background:**

The City of Hermosa Beach has been addressing public health policies related to smoking and tobacco for several years.

In 2012, the City launched the Healthy Air Hermosa initiative creating a smoke-free environment at public outdoor gathering spaces such as Pier Plaza and the Hermosa Beach Pier.

In 2016, the City of Hermosa Beach adopted an ordinance prohibiting smoking in all public places, including the beach, parks, parking lots and city sidewalks.

On January 8, 2019, the City of Hermosa Beach adopted an ordinance, effective June 1, 2019, prohibiting sales of flavored tobacco products and establishing an annual Tobacco Retailer License for any retailer who sells tobacco products.

On October 10, 2019, Councilmembers Armato and Duclos requested that the City Council discuss and consider prohibition of retail sales of all tobacco products in Hermosa Beach.

**Analysis:**

Beverly Hills adopted a "Tobacco Ban" ordinance effective July 5, 2019, which is considered to be the first city in the nation to prohibit tobacco sales.

Details of the Beverly Hills ordinance include:

- No new Tobacco Retailer Permits to be accepted or approved.

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## Staff Report

REPORT 19-0714

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- Annual Tobacco Retail Permits can be in effect only until December 31, 2020.
- After January 1, 2021, one Hardship Exemption can be applied for with requested extension term, which requires business documentation of remaining lease term, percentage of retail sales derived from tobacco products and electronic cigarette paraphernalia, amount of investment in the business, depreciated value of business improvements dedicated to tobacco products, ability to sell other products, opportunity and cost for relocation, business plan demonstrating how long the business will need to sell tobacco and a plan to phase out the sale of tobacco products.

### Beverly Hills Exemptions:

1. Cigar Lounge-patrons 21 or older, no cigarettes, e-cigarettes, vaping products or flavored tobacco products are permitted to be sold.
2. Hotels-sold to guests only through concierge, guest services, or room service; not publicly displayed. The exception was made due to demand from international visitors.

On October 1, 2019, the Manhattan Beach City Council discussed a ban of all retail sales of tobacco products, electronic smoking devices, and accessories. At that meeting, the direction was made to bring back two ordinances for adoption within 30-60 days that include the following.

1. Ban tobacco completely, with a hardship exemption possible. Effective date to be determined, possibly within 18-24 months.
2. Urgency Ordinance for immediate ban of sale of all flavored tobacco and vape products, and to prohibit issuance of any new Tobacco Retail Licenses.

It should be noted that the current Manhattan Beach tobacco ordinance prohibits flavored tobacco, with exception of mint, menthol, spearmint, and wintergreen flavors and does not prohibit vaping or electronic smoking devices.

Hermosa Beach has been issuing Tobacco Retailer Licenses since June 1, 2019. There have been 14 Tobacco Retail Licenses issued in Hermosa Beach to date.

For purposes of this discussion, four alternatives are suggested for consideration and direction:

1. Prohibit sale of all tobacco products.
2. Prohibit sale of all tobacco products, but allow for hardship exemptions to businesses dependent on tobacco sales revenues.
3. Prohibit issuance of any new tobacco retailer licenses to reduce tobacco sales over time.
4. Continue to issue Tobacco Retailer Licenses and continue ban on flavored tobacco products in Hermosa Beach.

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## Staff Report

REPORT 19-0714

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Direction to prohibit sales would also require legal review by the City Attorney before preparation of an ordinance.

### **General Plan Consistency:**

PLAN Hermosa, the City's General Plan, was adopted by the City Council in August 2017. A prohibition or limitation of tobacco sales supports several PLAN Hermosa goals and policies that are listed below.

*GOVERNANCE: Goal 7. Community sustainability and health are a priority in policy and decision making. Policies 7.1 Integrate health, 7.2 Health conditions, 7.3 Health in all policies, 7.5 Health-promoting uses, and 7.6 Livability principles.*

### **Fiscal Impact:**

If tobacco sales are no longer permitted, the impact to the City revenue would include elimination of revenue collected from Tobacco Retailer Licenses, which include the one-time application fee of \$404 (waived for existing retailers) and renewal fee of \$344. There are currently 14 licenses issued with 2 applications pending. Estimated annual loss of revenue based on the renewal of the 14 existing licenses would be \$4,816 (14 licenses x \$344 renewal fee). Sales tax revenue from tobacco sales would also no longer be generated if tobacco is no longer sold in Hermosa Beach.

### **Conclusion:**

If deemed appropriate by the City Council, the prohibition of all tobacco sales may be the next step in the City's efforts to promote a healthy environment and lifestyle.

### **Attachments:**

1. May 21, 2019 Beverly Hills Staff Report and Attachments
2. October 1, 2019 Manhattan Beach Staff Report and Minutes
3. November 7, 2019 Beach Reporter Article on Manhattan Beach Urgency Vaping Ban

**Respectfully Submitted by:** Christy Teague, Senior Planner

**Concur:** Ken Robertson, Community Development Director

**Noted for Fiscal Impact:** Viki Copeland, Finance Director

**Legal Review:** Mike Jenkins, City Attorney

**Approved:** Suja Lowenthal, City Manager



## AGENDA REPORT

**Meeting Date:** May 21, 2019  
**Item Number:** E-5  
**To:** Honorable Mayor and City Council  
**From:** Logan Phillippo, Policy & Management Analyst *LP*  
**Subject:** AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING ARTICLE 21 OF CHAPTER 2 OF TITLE 4 OF THE BEVERLY HILLS MUNICIPAL CODE TO PROHIBIT THE RETAIL SALE OF TOBACCO PRODUCTS AND ELECTRONIC CIGARETTE PARAPHERNALIA, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

**Attachments:**

1. Ordinance
2. Ordinance (insertions/deletions shown)
3. May 7, 2019 Agenda Report (without attachments)
4. Public letters/input received

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### RECOMMENDATION

Staff recommends City Council introduce for first reading an Ordinance of the City of Beverly Hills Amending Article 21 of Chapter 2 of Title 4 of the Beverly Hills Municipal Code to Prohibit the Retail Sale of Tobacco Products and Electronic Cigarette Paraphernalia, and Making a Finding of Exemption under the California Environmental Quality Act ("Ordinance").

### INTRODUCTION

On May 7, City Council provided input on a draft ordinance that would prohibit the sale of all tobacco products in Beverly Hills, subject to certain exemptions. The proposed Ordinance incorporates City Council's modifications.

- Attachment 1 includes the Ordinance.
- Attachment 2 includes the Ordinance with insertions/deletions to the Municipal Code indicated in the document.
- Attachment 3 includes the May 7, 2019 Agenda Report (without attachments) that provides a detailed description of the draft ordinance that was presented to City Council on May 7 and the public input process.
- Attachment 4 includes letters from community stakeholders commenting on this topic. Only letters received after May 2 are attached. Letters received prior to May 2 may be found online along with the May 7, 2019 Agenda Report.

## **DISCUSSION**

They key elements of the proposed Ordinance are discussed in Attachment 2 to this report. At the May 7 Formal Session, City Council directed Staff to revise the draft of the Ordinance related to the effective date of the ban and to include an exemption to allow hotels to continue to sell tobacco products to guests.

### **Key Dates**

The Health and Safety Commission recommended a series of dates the ban would apply to various business categories. Under the Commission's recommendation, the ban would have included a January 2020 date for pharmacies and for hotels to sell to guests only, a January 2021 date for gas stations, convenience stores, liquor stores and newsstands, and a January 2022 date for hotels selling to anyone (including guests). City Council directed Staff to apply a consistent date for all businesses and supported January 1, 2021.

### **Hotels**

The second modification relates to a permanent exemption/carve out for hotels. The Health and Safety Commission had recommended that hotels, existing and new, no longer be allowed to sell tobacco products on January 1, 2022. City Council, however, supported allowing hotels to continue selling tobacco products in perpetuity, until such time in the future, if ever, the law were to be changed.

In line with the Commission's recommendation, all hotels will be permitted to only sell tobacco products to guests of the same hotel, provided that sales only take place through a concierge service or room service and are not on display to the public. These requirements will take effect on January 1, 2021.

### **Summary**

In Summary, the key provisions of the Ordinance include:

- A permanent exemption/carve out for existing cigar lounges;
- Effective January 1, 2021, hotels, existing and future, may only sell to guests;
- Effective January 1, 2021, all other businesses shall stop selling tobacco products;
- A hardship exemption provision for retailers that demonstrate the ban would cause undue hardship; and
- City Council review of the impacts on tourism in three years.

## **FISCAL IMPACT**

Revenue from issuing the Tobacco and Electronic Cigarette Retailer permits would be eliminated. The 2018/19 fee for these permits is \$236, paid on an annual basis by each retailer, estimated at \$6,608 in total. This is a cost recovery fee, so Staff time involved in administration and enforcement of the permits could be reallocated to other activities. Community stakeholders have stated that a tobacco sales ban would negatively affect tourism and commerce in Beverly Hills. To Staff's knowledge, there is no reliable data available to accurately measure the extent to which tourism in Beverly Hills could be affected.

Business Impact Mitigation

Several tobacco retailers, including gas stations, convenience stores, cigar lounges and hotels have participated in public meetings and provided various figures as to the extent to which a ban on tobacco sales could impact their business or affect their businesses.

The Commission has discussed various options to assist small businesses in mitigating impact of revenue lost from tobacco sales. On April 29, a representative from the Small Business Development Center ("SBDC") at El Camino College provided a presentation of the services that are offered to local businesses. SBDC offers one-on-one advising with small business experts to help them avoid many of the common problems faced by entrepreneurs. Other services include assistance with locating and applying for small business loans, including financing, and educational workshops and events.

The representative also provided information about the SCORE program. SCORE is the nation's largest volunteer, expert business mentoring program. A resource partner for the Small Business Administration, their business mentorship program gives entrepreneurs a unique opportunity to receive personal counseling by someone with over 20 years of experience in their desired industry. Mentors retain accessibility with clients via email and by scheduling in person appointments to meet with and mentor existing and future business owners. They also have available a large variety of hosted webinars, interactive online training modules, and workshop.

The City, through its partnership with the Chamber of Commerce, already pays a membership fee so that one-on-one advising services may be provided locally in Beverly Hills. Consultants may meet business owners, as many times as necessary, at their place of business or other available locations such as the Chamber of Commerce. Provided that a retailer is showing progress in meeting goals defined by SBDC and the retailer, there is no limit to the number of consultations a business may receive. Staff will connect business owners with these resources.

Pamela Mottice-Muller *PM*

Approved By



# **Attachment 1**

**ORDINANCE NO. 19-O-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF BEVERLY HILLS  
AMENDING ARTICLE 21 OF CHAPTER 2 OF TITLE 4 OF  
THE BEVERLY HILLS MUNICIPAL CODE TO PROHIBIT  
THE RETAIL SALE OF TOBACCO PRODUCTS AND  
ELECTRONIC CIGARETTE PARAPHERNALIA, AND  
MAKING A FINDING OF EXEMPTION UNDER THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT**

WHEREAS, tobacco use causes death and disease and continues to be an urgent public health threat, as evidenced by the fact that 480,000 people die prematurely in the United States from smoking-related diseases every year, making tobacco use the leading cause of preventable death. Tobacco use can cause disease in nearly all organ systems and is responsible for 87 percent of lung cancer deaths, 79 percent of all chronic obstructive pulmonary disease deaths, and 32 percent of coronary heart disease deaths. The World Health Organization estimates that tobacco accounts for the greatest cause of death worldwide accounting for nearly 6 million deaths per year.

WHEREAS, according to the Centers for Disease Control and Prevention, cigarette smoking remains the leading cause of preventable death and disability in the United States, despite a significant decline in the number of people who smoke. Over 16 million Americans have at least one disease caused by smoking.

WHEREAS, according to the Centers for Disease Control and Prevention, secondhand smoke causes stroke, lung cancer, and coronary heart disease in adults; in addition, it increases risks for sudden infant death syndrome, middle-ear disease, respiratory symptoms, and slows lung growth in children.

WHEREAS, tobacco use leads to more than \$300 billion in health care and lost worker productivity costs each year.

WHEREAS, the City Council of Beverly Hills recognizes that the use of tobacco products has devastating health and economic consequences.

WHEREAS, the City Council of Beverly Hills recognizes that young people are particularly susceptible to the addictive properties of tobacco products, and are particularly likely to become lifelong users.

WHEREAS, an estimated 5.6 million youth aged 0 to 17 are projected to die prematurely from a tobacco-related illness if prevalence rates do not change.

WHEREAS, national data show that about 95 percent of adult smokers begin smoking before they turn 21. The ages of 18 to 21 are a critical period when many smokers move from experimental smoking to regular, daily use.

WHEREAS, in an undercover operation conducted in 2018, close to half of the tobacco retailers that are operating in Beverly Hills sold tobacco products to persons under the age of 21 in violation of both State law and Beverly Hills Municipal Code section 4-2-2109.

WHEREAS, despite the City's ban on smoking tobacco products in certain designated areas of the City, in February 2019, the City's Ambassador Program reported 397 incidents of individuals smoking in prohibited areas in violation of local law. The City Council anticipates that reducing access to tobacco products in the City will lead to less people smoking these products and increased compliance with the City's smoking regulations.

WHEREAS, it is the intent of the City Council of the City of Beverly Hills to provide for the public's health, safety, and welfare in part by protecting youth from commencing the inherently dangerous activity of smoking, and protecting the public health and safety of the general public, while balancing business interests of existing City businesses.

WHEREAS, cigar lounges do not permit persons under the age of 21 to enter the premises and only those persons that want to be exposed to second hand smoke patronize these locations. If cigar lounges were not permitted to sell tobacco products, these businesses would be forced to go out of business.

WHEREAS, the Beverly Hills Conference & Visitors Bureau, Rodeo Drive Committee and the Beverly Hills Chamber of Commerce has informed staff that in the summer of 2018, approximately 80% of the City's guests were from cities outside of the United States, and from countries where smoking is still popular. The City Council therefore needs to balance the public health and safety concerns that warrant banning the sale of tobacco products against the reality that such a ban in hotels could deter prominent dignitaries and other international tourists from staying at the City's hotels, and could greatly impact the tourist industry in the City. The City Council finds that the public health will be protected by ensuring that, after a limited period of time, tobacco products will not be made available to the general public and will not be displayed in a manner that is easily accessible to hotel guests.

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

Section 1. Code Amendment. Section 4-2-2101 (PURPOSE) of Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code is hereby amended to read as follows:

"The City Council recognizes the inherent danger of tobacco products and that the use of tobacco products has devastating health and economic consequences. The City Council further recognizes that tobacco use is the leading cause of preventable illness and death in the United States, and that tobacco product use is started and established primarily during adolescence.

Allowing tobacco products to be sold in the City increases access to these harmful and dangerous products and does not promote the City's image as a healthy city. To that end, no tobacco products shall be sold in the City except as specifically enumerated below.

For those limited number of tobacco and electronic cigarette retailers that will be permitted to operate in the City, the City Council seeks to encourage responsible tobacco and electronic cigarette retailing and to discourage violations of tobacco and electronic cigarette related laws, especially those that discourage the sale or distribution of electronic cigarettes, tobacco and nicotine products to minors.”

Section 2. Section 4-2-2102 (DEFINITIONS) of Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code is hereby amended to read as follows, with all other provisions of Section 4-2-2102 remaining unchanged:

“CIGAR LOUNGE: a retail or wholesale tobacco shop that (1) contains an enclosed area in or attached to the retail or wholesale tobacco shop that is dedicated to the use of cigars and pipes, (2) does not sell cigarettes, e-cigarettes, vaping products or flavored tobacco products, and (3) only permits patrons who are 21 years of age or older to enter the premises.”

“TOBACCO AND ELECTRONIC CIGARETTE RETAILER (sometimes referred to as RETAILER): Any person or business that operates a store, stand, booth, concession or other place at which the person or business sells, offers for sale, or exchanges or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco and electronic cigarette paraphernalia.”

“TOBACCO PRODUCT: Includes: a) any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, including, but not limited to, cigarettes, cigars, cigarillo, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco; and b) any electronic cigarette. “Tobacco product” does not include a drug, device, or combination product authorized for sale by the United States Food and Drug Administration as a tobacco use cessation product.”

Section 3. Code Amendment. Section 4-2-2103 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMIT REQUIRED) of Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code is hereby amended to read as follows:

“A. It shall be unlawful for any person to sell a tobacco product or tobacco and electronic cigarette paraphernalia in the City without first obtaining a tobacco and electronic cigarette retailer permit.

B. It shall be unlawful for any person to act as a tobacco and electronic cigarette retailer without first obtaining and maintaining a valid tobacco and electronic cigarette retailer permit pursuant to this article for each location at which that activity is to occur.

C. Notwithstanding the provisions of chapter 1, article 1 of this title (“general provisions”), the issuance, suspension, and revocation of a tobacco and electronic cigarette retailer permit, and all related procedures, shall be governed solely by this article.

D. Failure to obtain a tobacco and electronic cigarette retailer permit prior to commencing the sale of tobacco products, or tobacco or electronic cigarette paraphernalia, shall constitute a separate violation of this section for each day such business is carried on without a permit.

E. Beginning May 21, 2019, the City shall not issue any new tobacco and electronic cigarette retailer permits except as set forth in Section 4-2-2115 and 4-2-2116.”

Section 4. Code Amendment. Section 4-2-2104 (APPLICATION PROCESS) of Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code is hereby amended to add a new subsection “D” to read as follows, with all other provisions of Section 4-2-2104 remaining unchanged:

“D. Beginning May 21, 2019, the City shall not accept or process an application for a tobacco and electronic cigarette retailer permit, except in compliance with Sections 4-2-2115 or 4-2-2116.”

Section 5. Code Amendment. Section 4-2-2106 (ISSUANCE AND RENEWAL OF PERMIT) of Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code is hereby amended to read as follows:

“A. Upon receipt of both the application for a tobacco and electronic cigarette retailer permit and the permit fee, the Director of Finance or his or her designee, shall issue a tobacco and electronic cigarette retailer permit to the extent allowed pursuant to Sections 4-2-2115 or 4-2-2116 unless:

1. The application is incomplete or the information presented in the application is inaccurate or false;

2. The application seeks authorization for tobacco and electronic cigarette retailing by a proprietor who has a suspended or revoked tobacco and electronic cigarette retailer permit;

3. The application seeks authorization for tobacco and electronic cigarette retailing that is prohibited pursuant to this article, or that is unlawful pursuant to any other local, State or Federal law;

4. The proprietor has not obtained a valid State tobacco and/or electronic cigarette retailer permit, as applicable, from the California Board of Equalization: If such permits are not issued by the California Board of Equalization for electronic cigarette retailers, then failure to obtain a permit from the California Board of Equalization shall not be grounds for denial of an application to sell electronic cigarettes pursuant to a tobacco and electronic cigarette permit from the City;

5. The City has information that the applicant or his or her agents or employee(s) has violated any local, State or Federal tobacco or electronic cigarette control law at the location for which the permit or renewal of the permit is sought within the preceding thirty (30) day period.

B. A tobacco and electronic cigarette retailer permit shall be valid for one year and must be renewed not later than thirty (30) days prior to the expiration of the permit, but no earlier than sixty (60) days prior to the expiration of the permit. Unless revoked on an earlier date, all permits shall expire one year after the date of issuance, or December 31, 2020, whichever is earliest.

C. A tobacco and electronic cigarette retailer permit that is not timely renewed shall expire at the end of its term. To reinstate a permit that has expired, or to renew a permit not timely renewed, the proprietor must:

1. Submit the permit fee plus a reinstatement fee and the application renewal form; and
2. Submit a signed affidavit affirming that the proprietor has not sold and will not sell any tobacco product or tobacco and electronic cigarette paraphernalia after the permit expiration date and before the permit is renewed.

D. Where the permit is not approved or renewed, the Director of Finance shall notify the applicant of the specific grounds for the denial in writing. The notice of denial shall be served personally or by mail not later than five (5) calendar days after the date of the denial. If by mail, the notice shall be placed in a sealed envelope, with postage paid, addressed to the applicant at the address as it appears on the application. The giving of notice shall be deemed complete at the time of deposit of the notice in the United States mail without extension of time for any reason. In lieu of mailing, the notice may be served personally by delivering to the person to be served and service shall be deemed complete at the time of such delivery. Personal service to a corporation may be made by delivery of the notice to any person designated pursuant to the Code of Civil Procedure to be served for the corporation with summons and complaint in a civil action."

Section 6. Section 4-2-2107 (PERMITS NONTRANSFERABLE) of Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code is hereby amended to read as follows:

"A. A tobacco and electronic cigarette retailer permit is nontransferable and is valid only for the person(s) and location specified in the permit application. If a permittee changes business location, that permittee must obtain a new permit prior to acting as a tobacco and electronic cigarette retailer at the new location. If a business permitted to conduct tobacco and electronic cigarette retailing is sold, the new owner must obtain a permit for that location before acting as a tobacco and electronic cigarette retailer.

B. Notwithstanding subsection A above, a person may apply for a hardship exemption allowing for the transfer of a permit. Applications shall be submitted to the Finance Department on the form supplied by the City and shall contain, at minimum, the following information:

1. Name of applicant;
2. Relationship of applicant to the permittee (if applicable);
3. Explanation of why the transfer request is being requested;
4. Explanation of why the applicant will suffer undue hardship if the transfer request is denied;
5. Any supporting document;
6. Any additional information requested by the Director of Finance.

The Director of Finance shall approve the transfer request if the applicant can demonstrate the applicability of the non-transferability clause would constitute an undue hardship on the applicant. Examples of undue hardship include, but are not limited to, death of a family member whose name was originally listed on the permit application. The Director of Finance shall act upon the application within thirty days of receipt of the transfer request and shall provide notice to the applicant of the decision. If the request is denied, the Director of Finance shall notify the applicant of the specific grounds for the denial in writing. The Director of Finance's decision on the transfer request shall be final. The notice of denial shall be served personally or by mail not later than five (5) calendar days after the date of the denial. If by mail, the notice shall be placed in a sealed envelope, with postage paid, addressed to the applicant at the address as it appears on the application. The giving of notice shall be deemed complete at the time of deposit of the notice in the United States mail without extension of time for any reason. In lieu of mailing, the notice may be served personally by delivering to the person to be served and service shall be deemed complete at the time of such delivery. Personal service to a corporation may be made by delivery of the notice to any person designated pursuant to the Code of Civil Procedure to be served for the corporation with summons and complaint in a civil action."

Section 7. Section 4-2-2112 (DENIAL, SUSPENSION AND REVOCATION; APPEALS) of Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code is hereby amended to add a new subsection G, with all other provisions of Section 4-2-2112 remaining unchanged.

"G. After December 31, 2020 this Section shall only apply to cigar lounges and hotels."

Section 8. Section 4-2-2113 (HEARINGS, GENERALLY) of Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code is hereby renamed as "HEARINGS REGARDING DENIAL, SUSPENSION OR REVOCATION OF PERMIT."

Section 9. Section 4-2-2115 (ENFORCEMENT) of Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code is hereby renumbered as Section 4-2-2117.

Section 10. Code Amendment. A new Section 4-2-2115 (EXCEPTIONS AND LIMITATIONS) is hereby added to Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code to read as follows:

“A. Notwithstanding any section to the contrary, a cigar lounge that is operating in compliance with State law and that holds a valid tobacco and electronic cigarette retailer permit on March 25, 2019 may apply annually to renew an existing tobacco and electronic cigarette retailer permit, and said application shall be approved if all criteria set forth in Section 4-2-2106 is satisfied.

B. Notwithstanding any section to the contrary, hotels may apply annually to renew or obtain a tobacco and electronic cigarette retailer permit, and may sell tobacco and electronic cigarette paraphernalia so long as the following requirements are met:

1. Tobacco products and tobacco and electronic cigarette paraphernalia shall only be sold to hotel guests who can present proof of current hotel occupancy;

2. Any sale of tobacco products and tobacco and electronic cigarette paraphernalia shall be conducted through a hotel “service,” such as through concierge services, guest services, room service, and not through a retail location that is open to the public; and

3. The tobacco products and tobacco and electronic cigarette paraphernalia shall not be publicly displayed in the hotel.

C. All other tobacco and electronic cigarette retailers that hold a valid tobacco and electronic cigarette retailer permit on May 21, 2019 shall be permitted to apply annually to obtain a renewal of that permit, and will be permitted to operate as tobacco and electronic cigarette retailers until December 31, 2020.

D. To the extent the City is preempted by State law, a person shall not be prohibited from selling tobacco and electronic cigarette paraphernalia if that paraphernalia will be used for a substance that is not a tobacco product or flavored tobacco product.”

Section 11. A new Section 4-2-2116 (HARDSHIP EXEMPTION) is hereby added to Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code to read as follows:



A. Any permittee, other than cigar lounges and hotels, that wishes to operate a tobacco and electronic cigarette retailer on or after January 1, 2021, may apply for one hardship exemption as provided for in this section.

B. A permittee must submit a complete application for a hardship exemption at least ninety (90) days before the permit is set to expire, but no sooner than six months before the permit is set to expire. Such application shall be made in writing on a form prescribed by the Director of Finance and shall be accompanied by the filing fee established by resolution of the City Council. The permittee shall bear the burden of proof in establishing by a preponderance of the evidence, that the application of Section 4-2-2115 to the permittee's business is unreasonable, and will cause significant hardship to the permittee by not allowing the permittee to recover his or her investment backed expectations. The permittee applying for the exemption shall furthermore be required, in order to meet its burden of proof, to submit the documents set forth in this section.

C. A complete application for a hardship exemption shall include the following:

1. The permittee's name and street address of business;
2. The address to which notice is to be mailed, at the permittee's option, a telephone number and/or email address;
3. The permittee's signature;
4. A declaration, under penalty of perjury, that all the information in the application is true and correct;
5. The term of the requested extension;
6. Documentation relevant to the information requested in subsection (D) of this Section; and
7. The required filing fee.

D. In determining whether to grant a hardship exemption to the permittee, and in determining the appropriate length of time that the permittee will be authorized to continue to operate as a retailer, the hearing officer, or City Council on appeal by the applicant, may consider, among other factors:

1. The percentage of the retail sales over the last three years that have been derived from tobacco products and tobacco and electronic cigarette paraphernalia;
2. The amount of investment in the business;
3. The present actual and depreciated value of any business improvements dedicated to the retail sale of tobacco products and tobacco and electronic cigarette paraphernalia;

4. The applicable Internal Revenue Service depreciation schedule or functional non-confidential equivalent;

5. The remaining useful life of the business improvements that are dedicated to the sale of tobacco products and tobacco and electronic cigarette paraphernalia;

6. The remaining lease term of the business, if any;

7. The ability of the tobacco and electronic cigarette retailer to sell other products;

8. The opportunity for relocation of the business and the cost of relocation; and

9. A business plan demonstrating how long the business will need to sell tobacco products and tobacco and electronic cigarette paraphernalia to recoup any investment backed expectations, and a plan for phasing out the sale of those products.

E. The hardship exemption hearing shall be conducted by an Administrative Hearing Officer appointed pursuant to Section 1-3-317 of this Code and shall be conducted pursuant to the procedures set forth in Section 4-2-2113. Written notice of the time and place of the hearing shall be given at least ten (10) calendar days prior to the date of the hearing to the permittee by the City either by causing a copy of such notice to be delivered to the permittee personally or by mailing a copy thereof, postage prepaid, addressed to the permittee at the address shown on the hardship exemption application.

F. Within forty-five (45) days after a completed application is filed, the hearing officer shall open the hearing on the hardship exemption. The hearing officer shall receive and consider evidence presented by the permittee, and shall determine whether to grant or deny the hardship exemption, and if granting the hardship exemption, the length of time that the tobacco and electronic cigarette retailer will be permitted to operate. The hearing officer shall make written findings in support of the decision. The decision of the hearing officer shall be final and conclusive, unless a timely and complete appeal is filed by the applicant with the City Clerk pursuant to subsection (G) of this Section.

G. Any decision of the hearing officer may be appealed by the applicant by filing a complete notice of appeal with the City Clerk within fifteen (15) days after notice of the decision was mailed to the applicant. To be deemed complete, the notice of appeal shall be signed by the applicant, shall state the grounds for disagreement with the decision of the hearing officer, and shall be accompanied by the filing fee established by resolution of the City Council.

H. Failure of any person to file a timely appeal in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to an administrative hearing and a final adjudication of the hardship exemption.

I. A retailer may continue to sell tobacco, tobacco products, or tobacco and electronic cigarette paraphernalia while a hardship exemption application is pending before a hearing officer or on appeal to the City Council.

J. Only those matters or issues specifically raised by the appellant in the appeal notice shall be considered in the hearing of the appeal.”

Section 12. CEQA. The City Council hereby finds that the adoption of this Ordinance is not a project pursuant to CEQA Guidelines Section 15378(b)(2) which provides that a project does include general policy and procedure making. The adoption of this Ordinance is also not a project pursuant to CEQA Guidelines Section 15378(b)(5) which provides that a project does not include organizational and administrative action of government which will not result in direct or indirect physical changes in the environment.

In the alternative, the City Council finds that if the adoption of the Ordinance is a project, it is subject to exemption. It can be seen with certainty that there is no possibility the adoption of this Ordinance will have a significant adverse effect on the environment because the Ordinance prohibits the sale of tobacco products. The adoption of the this Ordinance is therefore exempt from California Environmental Quality Act review pursuant to CEQA Guidelines Section 15061(b)(3) because the Ordinance is covered by the general rule common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The adoption of this Ordinance is also exempt from CEQA pursuant to CEQA Guidelines Section 15305 which exempts minor alterations in land use limitations. This Class 5 exemption consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density. Here, tobacco products and tobacco and electronic cigarette paraphernalia shall not be permitted to be sold by certain tobacco and electronic cigarette retailers after a specified date, and the areas where these retailers operate have an average slope of less than 20%. Additionally, the adoption of the Ordinance will not change land uses because the permitted use is retail and will be after the Ordinance takes effect. Moreover, the adoption of the Ordinance will not result in any changes in density because it is not altering the uses permitted on the land. Staff is directed to file a Notice of Exemption with the Los Angeles County Clerk.

Section 13. City Council review. Staff is hereby directed that within three years of the effective date of the ordinance, a study session item shall be scheduled whereby the City Council can assess the impacts that the ordinance has had on local businesses and tourism.

Section 14. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 15. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation, published and circulated in the city within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance and shall cause this Ordinance and the City Clerk's certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this city.

Section 16. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:  
Effective:


\_\_\_\_\_  
JOHN A. MIRISCH  
Mayor of the City of Beverly Hills

ATTEST:

\_\_\_\_\_  
LOURDES SY-RODRIGUEZ  
Assistant City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

\_\_\_\_\_  
GEORGE CHAVEZ  
City Manager

# **Attachment 2**

**ORDINANCE NO. 19-O-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF BEVERLY HILLS  
AMENDING ARTICLE 21 OF CHAPTER 2 OF TITLE 4 OF  
THE BEVERLY HILLS MUNICIPAL CODE TO PROHIBIT  
THE RETAIL SALE OF TOBACCO PRODUCTS AND  
ELECTRONIC CIGARETTE PARAPHERNALIA, AND  
MAKING A FINDING OF EXEMPTION UNDER THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT**

WHEREAS, tobacco use causes death and disease and continues to be an urgent public health threat, as evidenced by the fact that 480,000 people die prematurely in the United States from smoking-related diseases every year, making tobacco use the leading cause of preventable death. Tobacco use can cause disease in nearly all organ systems and is responsible for 87 percent of lung cancer deaths, 79 percent of all chronic obstructive pulmonary disease deaths, and 32 percent of coronary heart disease deaths. The World Health Organization estimates that tobacco accounts for the greatest cause of death worldwide accounting for nearly 6 million deaths per year.

WHEREAS, according to the Centers for Disease Control and Prevention, cigarette smoking remains the leading cause of preventable death and disability in the United States, despite a significant decline in the number of people who smoke. Over 16 million Americans have at least one disease caused by smoking.

WHEREAS, according to the Centers for Disease Control and Prevention, secondhand smoke causes stroke, lung cancer, and coronary heart disease in adults; in addition, it increases risks for sudden infant death syndrome, middle-ear disease, respiratory symptoms, and slows lung growth in children.

WHEREAS, tobacco use leads to more than \$300 billion in health care and lost worker productivity costs each year.

WHEREAS, the City Council of Beverly Hills recognizes that the use of tobacco products has devastating health and economic consequences.

WHEREAS, the City Council of Beverly Hills recognizes that young people are particularly susceptible to the addictive properties of tobacco products, and are particularly likely to become lifelong users.

WHEREAS, an estimated 5.6 million youth aged 0 to 17 are projected to die prematurely from a tobacco-related illness if prevalence rates do not change.

WHEREAS, national data show that about 95 percent of adult smokers begin smoking before they turn 21. The ages of 18 to 21 are a critical period when many smokers move from experimental smoking to regular, daily use.

WHEREAS, in an undercover operation conducted in 2018, close to half of the tobacco retailers that are operating in Beverly Hills sold tobacco products to persons under the age of 21 in violation of both State law and Beverly Hills Municipal Code section 4-2-2109.

WHEREAS, despite the City's ban on smoking tobacco products in certain designated areas of the City, in February 2019, the City's Ambassador Program reported 397 incidents of individuals smoking in prohibited areas in violation of local law. The City Council anticipates that reducing access to tobacco products in the City will lead to less people smoking these products and increased compliance with the City's smoking regulations.

WHEREAS, it is the intent of the City Council of the City of Beverly Hills to provide for the public's health, safety, and welfare in part by protecting youth from commencing the inherently dangerous activity of smoking, and protecting the public health and safety of the general public, while balancing business interests of existing City businesses.

WHEREAS, cigar lounges do not permit persons under the age of 21 to enter the premises and only those persons that want to be exposed to second hand smoke patronize these locations. If cigar lounges were not permitted to sell tobacco products, these businesses would be forced to go out of business.

WHEREAS, the Beverly Hills Conference & Visitors Bureau, Rodeo Drive Committee and the Beverly Hills Chamber of Commerce has informed staff that in the summer of 2018, approximately 80% of the City's guests were from cities outside of the United States, and from countries where smoking is still popular. The City Council therefore needs to balance the public health and safety concerns that warrant banning the sale of tobacco products against the reality that such a ban in hotels could deter prominent dignitaries and other international tourists from staying at the City's hotels, and could greatly impact the tourist industry in the City. The City Council finds that the public health will be protected by ensuring that, after a limited period of time, tobacco products will not be made available to the general public and will not be displayed in a manner that is easily accessible to hotel guests.

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

Section 1. Code Amendment. Section 4-2-2101 (PURPOSE) of Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code is hereby amended to read as follows (with additions shown in underlined text, and deletions shown in strikethrough text):

"The City Council recognizes the inherent danger of tobacco products and that the use of tobacco products has devastating health and economic consequences. The City Council further recognizes that tobacco use is the leading cause of preventable illness and death in the United States, and that tobacco product use is started and established primarily during adolescence.

Allowing tobacco products to be sold in the City increases access to these harmful and dangerous products and does not promote the City's image as a healthy city. To that end, no tobacco products shall be sold in the City except as specifically enumerated below.

For those limited number of tobacco and electronic cigarette retailers that will be permitted to operate in the City, t-In enacting this article, it is the intent of the City Council to the City Council seeks to encourage responsible tobacco and electronic cigarette retailing and to discourage violations of tobacco and electronic cigarette related laws, especially those that discourage the sale or distribution of electronic cigarettes, tobacco and nicotine products to minors. There is no intent, however, to expand or reduce the degree to which the acts regulated by Federal or State law are criminally proscribed or to alter the penalties provided therein."

Section 2. Section 4-2-2102 (DEFINITIONS) of Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code is hereby amended to read as follows (additions shown in underlined text, deletions shown in strikethrough text), with all other provisions of Section 4-2-2102 remaining unchanged:

"CIGAR LOUNGE: a retail or wholesale tobacco shop that (1) contains an enclosed area in or attached to the retail or wholesale tobacco shop that is dedicated to the use of cigars and pipes, (2) does not sell cigarettes, e-cigarettes, vaping products or flavored tobacco products, and (3) only permits patrons who are 21 years of age or older to enter the premises."

"TOBACCO AND ELECTRONIC CIGARETTE RETAILER (sometimes referred to as RETAILER): Any person or business that operates a store, stand, booth, concession or other place at which the person or business sells, offers for sale, or exchanges or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco and electronic cigarette paraphernalia."

"TOBACCO PRODUCT: Includes: a) any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, including, but not limited to, cigarettes, cigars, cigarillo, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco; b) any electronic cigarette; and c) any Tobacco and Electronic Cigarette Paraphernalia, and e) any component, part, or accessory intended or reasonably expected to be used with a tobacco product, whether or not sold separately. "Tobacco product" does not include a drug, device, or combination product authorized for sale by the United States Food and Drug Administration as a tobacco use cessation product."

Section 3. Code Amendment. Section 4-2-2103 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMIT REQUIRED) of Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code is hereby amended to read as follows (additions shown in underlined text, deletions shown in strikethrough text):



A. It shall be unlawful for any person to sell a tobacco product or tobacco and electronic cigarette paraphernalia in the City without first obtaining a tobacco and electronic cigarette retailer permit.

~~A. B.~~ It shall be unlawful for any person to act as a tobacco and electronic cigarette retailer without first obtaining and maintaining a valid tobacco and electronic cigarette retailer permit pursuant to this article for each location at which that activity is to occur.

~~B. C.~~ Notwithstanding the provisions of chapter 1, article 1 of this title ("general provisions"), the issuance, suspension, and revocation of a tobacco and electronic cigarette retailer permit, and all related procedures, shall be governed solely by this article.

~~C. D.~~ Failure to obtain a tobacco and electronic cigarette retailer permit prior to commencing the sale of tobacco products, or tobacco or electronic cigarette paraphernalia, shall constitute a separate violation of this section for each day such business is carried on without a permit.

E. Beginning May 21, 2019, the City shall not issue any new tobacco and electronic cigarette retailer permits except as set forth in Section 4-2-2115 and 4-2-2116."

Section 4. Code Amendment. Section 4-2-2104 (APPLICATION PROCESS) of Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code is hereby amended to add a new subsection "D" to read as follows, with all other provisions of Section 4-2-2104 remaining unchanged:

"D. Beginning May 21, 2019, the City shall not accept or process an application for a tobacco and electronic cigarette retailer permit, except in compliance with Sections 4-2-2115 or 4-2-2116."

Section 5. Code Amendment. Section 4-2-2106 (ISSUANCE AND RENEWAL OF PERMIT) of Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code is hereby amended to read as follows (with additions shown in underlined text and deletions shown in strikethrough text):

"A. Upon receipt of both the application for a tobacco and electronic cigarette retailer permit and the permit fee, the Director of Finance or his or her designee, shall issue a tobacco and electronic cigarette retailer permit to the extent allowed pursuant to Sections 4-2-2115 or 4-2-2116 unless:

1. The application is incomplete or the information presented in the application is inaccurate or false;

2. The application seeks authorization for tobacco and electronic cigarette retailing by a proprietor who has a suspended or revoked tobacco and electronic cigarette retailer permit;

3. The application seeks authorization for tobacco and electronic cigarette retailing that is prohibited pursuant to this article, or that is unlawful pursuant to any other local, State or Federal law;

4. The proprietor has not obtained a valid State tobacco and/or electronic cigarette retailer permit, as applicable, from the California Board of Equalization: If such permits are not issued by the California Board of Equalization for electronic cigarette retailers, then failure to obtain a permit from the California Board of Equalization shall not be grounds for denial of an application to sell electronic cigarettes pursuant to a tobacco and electronic cigarette permit from the City;

5. The City has information that the applicant or his or her agents or employee(s) has violated any local, State or Federal tobacco or electronic cigarette control law at the location for which the permit or renewal of the permit is sought within the preceding thirty (30) day period.

B. A tobacco and electronic cigarette retailer permit shall be valid for one year and must be renewed not later than thirty (30) days prior to the expiration of the permit, but no earlier than sixty (60) days prior to the expiration of the permit. Unless revoked on an earlier date, all permits shall expire one year after the date of issuance, or December 31, 2020, whichever is earliest.

C. A tobacco and electronic cigarette retailer permit that is not timely renewed shall expire at the end of its term. To reinstate a permit that has expired, or to renew a permit not timely renewed, the proprietor must:

1. Submit the permit fee plus a reinstatement fee and the application renewal form; and

2. Submit a signed affidavit affirming that the proprietor has not sold and will not sell any tobacco product or tobacco and electronic cigarette paraphernalia after the permit expiration date and before the permit is renewed.

D. Where the permit is not approved or renewed, the Director of Finance shall notify the applicant of the specific grounds for the denial in writing. The notice of denial shall be served personally or by mail not later than five (5) calendar days after the date of the denial. If by mail, the notice shall be placed in a sealed envelope, with postage paid, addressed to the applicant at the address as it appears on the application. The giving of notice shall be deemed complete at the time of deposit of the notice in the United States mail without extension of time for any reason. In lieu of mailing, the notice may be served personally by delivering to the person to be served and service shall be deemed complete at the time of such delivery. Personal service to a corporation may be made by delivery of the notice to any person designated pursuant to the Code of Civil Procedure to be served for the corporation with summons and complaint in a civil action."

Section 6. Section 4-2-2107 (PERMITS NONTRANSFERABLE) of Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code is hereby amended to read as follows (with additions shown in underlined text):

"A. A tobacco and electronic cigarette retailer permit is nontransferable and is valid only for the person(s) and location specified in the permit application. If a permittee changes business location, that permittee must obtain a new permit prior to acting as a tobacco and electronic cigarette retailer at the new location. If a business permitted to conduct tobacco and electronic cigarette retailing is sold, the new owner must obtain a permit for that location before acting as a tobacco and electronic cigarette retailer.

B. Notwithstanding subsection A above, a person may apply for a hardship exemption allowing for the transfer of a permit. Applications shall be submitted to the Finance Department on the form supplied by the City and shall contain, at minimum, the following information:

1. Name of applicant;
2. Relationship of applicant to the permittee (if applicable);
3. Explanation of why the transfer request is being requested;
4. Explanation of why the applicant will suffer undue hardship if the transfer request is denied;
5. Any supporting document;
6. Any additional information requested by the Director of Finance.

The Director of Finance shall approve the transfer request if the applicant can demonstrate the applicability of the non-transferability clause would constitute an undue hardship on the applicant. Examples of undue hardship include, but are not limited to, death of a family member whose name was originally listed on the permit application. The Director of Finance shall act upon the application within thirty days of receipt of the transfer request and shall provide notice to the applicant of the decision. If the request is denied, the Director of Finance shall notify the applicant of the specific grounds for the denial in writing. The Director of Finance's decision on the transfer request shall be final. The notice of denial shall be served personally or by mail not later than five (5) calendar days after the date of the denial. If by mail, the notice shall be placed in a sealed envelope, with postage paid, addressed to the applicant at the address as it appears on the application. The giving of notice shall be deemed complete at the time of deposit of the notice in the United States mail without extension of time for any reason. In lieu of mailing, the notice may be served personally by delivering to the person to be served and service shall be deemed complete at the time of such delivery. Personal service to a corporation may be made by delivery of the notice to any person designated pursuant to the Code of Civil Procedure to be served for the corporation with summons and complaint in a civil action."

Section 7. Section 4-2-2112 (DENIAL, SUSPENSION AND REVOCATION; APPEALS) of Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the

Beverly Hills Municipal Code is hereby amended to add a new subsection G, with all other provisions of Section 4-2-2112 remaining unchanged.

“G. After December 31, 2020 this Section shall only apply to cigar lounges and hotels.”

Section 8. Section 4-2-2113 (HEARINGS, GENERALLY) of Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code is hereby renamed as “HEARINGS REGARDING DENIAL, SUSPENSION OR REVOCATION OF PERMIT.”

Section 9. Section 4-2-2115 (ENFORCEMENT) of Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code is hereby renumbered as Section 4-2-2117.

Section 10. Code Amendment. A new Section 4-2-2115 (EXCEPTIONS AND LIMITATIONS) is hereby added to Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code to read as follows:

“A. Notwithstanding any section to the contrary, a cigar lounge that is operating in compliance with State law and that holds a valid tobacco and electronic cigarette retailer permit on March 25, 2019 may apply annually to renew an existing tobacco and electronic cigarette retailer permit, and said application shall be approved if all criteria set forth in Section 4-2-2106 is satisfied.

B. Notwithstanding any section to the contrary, hotels may apply annually to renew or obtain a tobacco and electronic cigarette retailer permit, and may sell tobacco and electronic cigarette paraphernalia so long as the following requirements are met:

1. Tobacco products and tobacco and electronic cigarette paraphernalia shall only be sold to hotel guests who can present proof of current hotel occupancy;

2. Any sale of tobacco products and tobacco and electronic cigarette paraphernalia shall be conducted through a hotel “service,” such as through concierge services, guest services, room service, and not through a retail location that is open to the public; and

3. The tobacco products and tobacco and electronic cigarette paraphernalia shall not be publicly displayed in the hotel.

C. All other tobacco and electronic cigarette retailers that hold a valid tobacco and electronic cigarette retailer permit on May 21, 2019 shall be permitted to apply annually to

obtain a renewal of that permit, and will be permitted to operate as tobacco and electronic cigarette retailers until December 31, 2020.

D. To the extent the City is preempted by State law, a person shall not be prohibited from selling tobacco and electronic cigarette paraphernalia if that paraphernalia will be used for a substance that is not a tobacco product or flavored tobacco product."

Section 11. A new Section 4-2-2116 (HARDSHIP EXEMPTION) is hereby added to Article 21 (TOBACCO AND ELECTRONIC CIGARETTE RETAILER PERMITTING REGULATIONS) of Chapter 2 (REGULATORY BUSINESS PERMITS) of Title 4 (REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES) of the Beverly Hills Municipal Code to read as follows:

A. Any permittee, other than cigar lounges and hotels, that wishes to operate a tobacco and electronic cigarette retailer on or after January 1, 2021, may apply for one hardship exemption as provided for in this section.

B. A permittee must submit a complete application for a hardship exemption at least ninety (90) days before the permit is set to expire, but no sooner than six months before the permit is set to expire. Such application shall be made in writing on a form prescribed by the Director of Finance and shall be accompanied by the filing fee established by resolution of the City Council. The permittee shall bear the burden of proof in establishing by a preponderance of the evidence, that the application of Section 4-2-2115 to the permittee's business is unreasonable, and will cause significant hardship to the permittee by not allowing the permittee to recover his or her investment backed expectations. The permittee applying for the exemption shall furthermore be required, in order to meet its burden of proof, to submit the documents set forth in this section.

C. A complete application for a hardship exemption shall include the following:

1. The permittee's name and street address of business;
2. The address to which notice is to be mailed, at the permittee's option, a telephone number and/or email address;
3. The permittee's signature;
4. A declaration, under penalty of perjury, that all the information in the application is true and correct;
5. The term of the requested extension;
6. Documentation relevant to the information requested in subsection (D) of this Section; and
7. The required filing fee.

D. In determining whether to grant a hardship exemption to the permittee, and in determining the appropriate length of time that the permittee will be authorized to continue to operate as a retailer, the hearing officer, or City Council on appeal by the applicant, may consider, among other factors:

1. The percentage of the retail sales over the last three years that have been derived from tobacco products and tobacco and electronic cigarette paraphernalia;
2. The amount of investment in the business;
3. The present actual and depreciated value of any business improvements dedicated to the retail sale of tobacco products and tobacco and electronic cigarette paraphernalia;
4. The applicable Internal Revenue Service depreciation schedule or functional non-confidential equivalent;
5. The remaining useful life of the business improvements that are dedicated to the sale of tobacco products and tobacco and electronic cigarette paraphernalia;
6. The remaining lease term of the business, if any;
7. The ability of the tobacco and electronic cigarette retailer to sell other products;
8. The opportunity for relocation of the business and the cost of relocation; and
9. A business plan demonstrating how long the business will need to sell tobacco products and tobacco and electronic cigarette paraphernalia to recoup any investment backed expectations, and a plan for phasing out the sale of those products.

E. The hardship exemption hearing shall be conducted by an Administrative Hearing Officer appointed pursuant to Section 1-3-317 of this Code and shall be conducted pursuant to the procedures set forth in Section 4-2-2113. Written notice of the time and place of the hearing shall be given at least ten (10) calendar days prior to the date of the hearing to the permittee by the City either by causing a copy of such notice to be delivered to the permittee personally or by mailing a copy thereof, postage prepaid, addressed to the permittee at the address shown on the hardship exemption application.

F. Within forty-five (45) days after a completed application is filed, the hearing officer shall open the hearing on the hardship exemption. The hearing officer shall receive and consider evidence presented by the permittee, and shall determine whether to grant or deny the hardship exemption, and if granting the hardship exemption, the length of time that the tobacco and electronic cigarette retailer will be permitted to operate. The hearing officer shall make written findings in support of the decision. The decision of the hearing officer shall be final and conclusive, unless a timely and complete appeal is filed by the applicant with the City Clerk pursuant to subsection (G) of this Section.

G. Any decision of the hearing officer may be appealed by the applicant by filing a complete notice of appeal with the City Clerk within fifteen (15) days after notice of the decision was mailed to the applicant. To be deemed complete, the notice of appeal shall be signed by the applicant, shall state the grounds for disagreement with the decision of the hearing officer, and shall be accompanied by the filing fee established by resolution of the City Council.

H. Failure of any person to file a timely appeal in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to an administrative hearing and a final adjudication of the hardship exemption.

I. A retailer may continue to sell tobacco, tobacco products, or tobacco and electronic cigarette paraphernalia while a hardship exemption application is pending before a hearing officer or on appeal to the City Council.

J. Only those matters or issues specifically raised by the appellant in the appeal notice shall be considered in the hearing of the appeal.”

Section 12. CEQA. The City Council hereby finds that the adoption of this Ordinance is not a project pursuant to CEQA Guidelines Section 15378(b)(2) which provides that a project does include general policy and procedure making. The adoption of this Ordinance is also not a project pursuant to CEQA Guidelines Section 15378(b)(5) which provides that a project does not include organizational and administrative action of government which will not result in direct or indirect physical changes in the environment.

In the alternative, the City Council finds that if the adoption of the Ordinance is a project, it is subject to exemption. It can be seen with certainty that there is no possibility the adoption of this Ordinance will have a significant adverse effect on the environment because the Ordinance prohibits the sale of tobacco products. The adoption of the this Ordinance is therefore exempt from California Environmental Quality Act review pursuant to CEQA Guidelines Section 15061(b)(3) because the Ordinance is covered by the general rule common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The adoption of this Ordinance is also exempt from CEQA pursuant to CEQA Guidelines Section 15305 which exempts minor alterations in land use limitations. This Class 5 exemption consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density. Here, tobacco products and tobacco and electronic cigarette paraphernalia shall not be permitted to be sold by certain tobacco and electronic cigarette retailers after a specified date, and the areas where these retailers operate have an average slope of less than 20%. Additionally, the adoption of the Ordinance will not change land uses because the permitted use is retail and will be after the Ordinance takes effect. Moreover, the adoption of the Ordinance will not result in any changes in density because it is not altering the uses permitted on the land. Staff is directed to file a Notice of Exemption with the Los Angeles County Clerk.

Section 13. City Council review. Staff is hereby directed that within three years of the effective date of the ordinance, a study session item shall be scheduled whereby the City Council can assess the impacts that the ordinance has had on local businesses and tourism.

Section 14. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 15. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation, published and circulated in the city within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance and shall cause this Ordinance and the City Clerk's certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this city.

Section 16. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:  
Effective:

\_\_\_\_\_  
JOHN A. MIRISCH  
Mayor of the City of Beverly Hills

ATTEST:

\_\_\_\_\_  
LOURDES SY-RODRIGUEZ  
Assistant City Clerk

(SEAL)

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

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


\_\_\_\_\_  
GEORGE CHAVEZ  
City Manager



# **Attachment 3**



## AGENDA REPORT

**Meeting Date:** May 7, 2019  
**Item Number:** F-1  
**To:** Honorable Mayor and City Council  
**From:** Logan Phillippo, Policy & Management Analyst   
**Subject:** HEALTH AND SAFETY COMMISSION RECOMMENDATIONS  
FOR AN ORDINANCE PROHIBITING THE SALE OF ALL  
TOBACCO PRODUCTS  
**Attachments:**  
1. Draft ordinance  
2. Proposed changes to Article 21 the Municipal Code  
3. Outreach letters/notices  
4. Public letters/input received

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### RECOMMENDATION

Staff has prepared a draft ordinance for City Council review that would prohibit the sale of tobacco products in Beverly Hills. The draft ordinance includes previous City Council direction, recommendations from the Health and Safety Commission and input from the City Council Health and Safety Commission Liaisons. Staff recommends City Council review the Commission's recommendations and provide input on the key policy provisions presented in this report and the draft ordinance.

If City Council supports the proposed ordinance as presented, Staff will incorporate any modifications, as directed, and present a final ordinance for its First Reading on the May 21 Agenda.

If City Council chooses an alternate approach to regulation, City Council may choose to consider other options for a potential ban on the sale of all tobacco products in Beverly Hills.

### INTRODUCTION

At the February 5 Study Session, City Council directed the Health and Safety Commission to study and recommend key policy provisions for an ordinance that would ban the sale of all tobacco products in Beverly Hills. The Health and Safety Commission has discussed key policy provisions and options to assist tobacco retailers mitigate associated impacts of a ban. The City Council Health and Safety Commission Liaisons, consisting of Mayor Mirisch and Councilmember Gold, provided input on April 9.

- Attachment 1 to this report includes a draft ordinance that incorporates policy recommendations from the Health and Safety Commission and City Council Liaisons.
- Attachment 2 includes changes to the Municipal Code as modified by the draft ordinance.
- Attachment 3 includes outreach letters and notices disseminated to community stakeholders regarding various public meetings.
- Attachment 4 includes all public letters/input received prior to submittal of this staff report.

Staff seeks City Council input and direction on the Commission's recommendations and on the proposed draft ordinance.

## **DISCUSSION**

According to a report from the California Department of Public Health, tobacco use is a risk factor for numerous chronic diseases including cancer, cardiovascular disease, emphysema, chronic obstructive pulmonary disease, pneumonia, diabetes, and arthritis. Exposure to tobacco smoke also poses a risk for chronic disease. In 2016, it was estimated that 34,000 people in California died from diseases attributed to smoking. In California, 63.6% of cigarette smokers started by the age of 18. Another study from the Centers for Disease Control and Prevention estimated that over 40,000 annual deaths in California are related to smoking and that 440,600 California youths under age 18 will die prematurely from smoking. According to the Centers for Disease Control and Prevention, the total economic cost of smoking is more than \$300 billion a year, including nearly \$170 billion in direct medical care for adults and more than \$156 billion in lost productivity due to premature death and exposure to secondhand smoke.

### **Background**

Restricting the **sale of tobacco products** differs from restricting **smoking activity**. The following two paragraphs distinguish these two concepts.

**Smoking Activity.** In order to promote healthy living, the City has long supported no-smoking policies. Most recently in 2017, the City prohibited smoking in the public-right-of-way, increased the open air dining no-smoking buffer zone from five feet to 20 feet, and adopted a new ordinance to prohibit smoking in multi-unit residences. These policies address the locations where smoking is prohibited. This includes the smoking of traditional tobacco products, electronic cigarette products and marijuana products.

**Sale of Tobacco Products.** While the City prohibits smoking in many locations, the City does permit the sale of non-flavored tobacco products. On August 21, 2018, the City Council formally adopted an ordinance prohibiting the sale of flavored tobacco products. The ban on the sale of flavored products became effective in-full on December 21, 2018 after two Health and Safety Commission meetings that included a discussion of policy details as well as input from tobacco retailers.

The City currently has a tobacco and electronic cigarette retailer permitting process, which was implemented through an ordinance adopted in 2010. Since then, tobacco retailers have been required to obtain a City-issued Tobacco and Electronic E-cigarette Retailer Permit, in addition to State licensing, in order to sell tobacco products in Beverly Hills.

To Staff's knowledge, no city in the United States has adopted a regulation to ban the sale of all types of tobacco products.

#### Legal Context

The City could legally adopt a ban on the sale of all tobacco products. Neither Federal nor California law would preempt a comprehensive ban on tobacco sales. Federal law grants the U.S. Food & Drug Administration authority to regulate all tobacco products and expressly preserves the power of local governments to enact additional or "more stringent" regulations related to or prohibiting tobacco sales. Since the California legislature has not fully occupied the field of tobacco sales, California cities are free to implement any tobacco sales regulation or restriction provided they do not involve the collection of taxes or the penal aspects of tobacco sales to minors.

Courts have not yet reviewed citywide bans on tobacco sales, however, so there is still uncertainty as to whether a court would uphold this type of ban if challenged. Local tobacco sales regulations have been challenged on grounds beyond the lack of state or federal preemption.

Given that no other City in the United States has adopted a comprehensive ban on all tobacco products, the City is likely to face legal challenges. The City should be willing to appropriately address these challenges, which could include substantial litigation expenses with the tobacco industry. There may be organizations that could potentially provide legal assistance to the City for addressing legal challenges, however, until the City finalizes a draft ordinance it may be premature to request support.

#### Tobacco Product Definition

The Beverly Hills Municipal Code ("BHMC") currently defines a tobacco product as including:

- a) Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco;
- b) Any electronic cigarette; and
- c) **Any component, part, or accessory intended or reasonably expected to be used with a tobacco product, whether or not sold separately.**

The Municipal Code definition of a tobacco product does not include a drug, device, or combination product authorized for sale by the U.S. Food & Drug Administration as a tobacco use cessation product such as nicotine patches, gum or lozenges.

If the City moves forward with a ban on the sale of tobacco products, the inclusion of Subsection C, above, may have some unintended consequences. For example, lighters, ashtrays and cigar papers are all reasonably expected to be used with a tobacco product. However, because these products can come in many various forms (i.e. a cigarette lighter versus a generic lighter), this clause might present several unintended code enforcement complications where it is unclear whether an item being sold constitutes a tobacco product.

As such, Staff recommends replacing Subsection C of the City's definition of tobacco product with "Tobacco and Electronic Cigarette Paraphernalia". The Municipal Code already defines this term, as shown below.

"Tobacco and Electronic Cigarette Paraphernalia Includes cigarette papers or wrappers, pipes, electronic cigarettes and their component parts, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking or ingestion of tobacco or products prepared from tobacco." (BPMC 4-2-2102)

#### Tobacco Retailers in Beverly Hills

There are currently 28 establishments with active City-issued Tobacco and Electronic Cigarette Retailer Permits. Three retailers appear to be cigar lounges. Two are grocery stores, six are gas stations, eight are associated with hotels, and nine consist of convenience stores or pharmacies. The three cigar lounges are that sell primarily tobacco products or allow smoking include the Buena Vista Cigar Club, the Grand Havana Room, and Nazareth's Fine Cigars.

19 of the City's existing tobacco retailers have held permits since 2010, when the City adopted such requirements. One has held a permit one since 2011, two since 2012, four since 2015, one since 2017, and one since 2018.

#### **Composition of Existing Retailers**

Category	Number of Retailers
Cigar lounges	3
Grocery stores	2
Gas stations	6*
Associated with hotels (i.e. gift shops)	8
Convenience stores or pharmacies	9
<b>Total</b>	<b>28</b>

\*One gas station has two active permits.

#### Summary of Public Outreach and Meetings

Staff has notified retailers multiple times by mail, email, and phone call of upcoming meetings and discussions and has been in contact with several business owners who have participated in public discussions. The City's website has been continually updated with the latest information and multiple notices were disseminated notifying retailers and interested parties of Commission recommendations and schedule updates. Additionally, the following public meetings have taken place:

- February 5, 2019 – City Council Study Session;
- February 25, 2019 – Health and Safety Commission Regular Meeting;
- March 25, 2019 – Health and Safety Commission Regular Meeting;
- April 9, 2019 – City Council Health and Safety Commission Liaisons Meeting;
- April 22, 2019 – Health and Safety Commission Regular Meeting; and
- April 29, 2019 – Health and Safety Commission Special Meeting.

Staff provided multiple updates to the Chamber of Commerce and Conference and Visitors Bureau at various meetings, including speaking at multiple Government Affairs Committee and other Chamber meetings.

On February 25, Staff introduced a framework for policy discussions and provided an introduction of the topic to the Commission. This included a planned series of four Commission meetings ending on May 20 and a presentation of Commission recommendations to City Council at the first Study Session in June. Five individuals or organizations expressed support for a potential ban. Four individuals or organizations expressed opposition to a potential ban. Two individuals or organizations made a public comment without indicating a position.

Following the February 25 meeting, Mayor Mirisch requested Staff present Commission recommendations to City Council at the first Study Session in May. Staff revised the timeline and noticed stakeholders. On March 25, the Commission voted on key policy provisions. More than 140 members of the public attended the Commission meeting and the Commission heard public comment from 57 speakers.

Additional Commission meetings included a discussion specific to mitigating the impact to businesses on April 22 and April 29 and a discussion specific to hotels on April 29.

As of the time of submitting this report, the City has received 170 letters from the public on this topic. 11 letters have expressed general support for tobacco sales ban in concept and 11 letters have expressed general opposition to a ban. 148 of these letters have advocated for an exemption (to any future ban) for all cigar lounges in the city. There are three cigar lounges Staff has identified from a list of active permitted retailers: Grand Havana Room, Buena Vista Cigar Club and Nazareth's Fine Cigars. While there were several individuals who submitted letters or spoke in support of Buena Vista Cigar Club or cigar lounges in general, the vast majority of letters and speakers specifically referenced Grand Havana Room.

#### Health and Safety Commission Key Policy Recommendations

The Commission has voted to recommend several key provisions for a draft ordinance to prohibit the sale of all tobacco products in Beverly Hills. After significant public input and a comprehensive discussion, the Commission approved the following recommendations for City Council's consideration.

- An exemption/carve out for all existing cigar lounges, as of March 25, 2019;
- Effective January 1, 2020:
  - Hotels may only sell to guests of the same hotel, provided that sales only take place through a concierge service or room service and are not on display to the public;
  - Pharmacies shall not sell tobacco products.
- Effective January 1, 2021:
  - Gas stations, convenience stores, liquor stores and newsstands shall not sell tobacco products.
- Effective January 1, 2022:
  - Hotels may no longer sell tobacco products at all (including to hotel guests).
- One year after the effective date of any City Council adopted ordinance:
  - Grocery stores and any other permitted retailer not otherwise enumerated in a category above shall not sell tobacco products; and
- An immediate moratorium on the issuance of new permits.

An "exemption/carve out" means that any business categorized as an existing cigar lounge or an existing or future hotel would be allowed to sell tobacco products.

Businesses subject to an exemption/carve out would be permitted to sell tobacco products in Beverly Hills in perpetuity, until such time in the future, if ever, the law were to be changed.

A majority of the public comment was in support of an exemption/carve out for existing cigar lounges, and the Commission supported an exemption/carve out. Through public dialogue, information was presented that indicated smoking might not be permitted under California state law if food or alcohol is served at the premises of a private smoker's lounge. Staff is currently researching this matter and will follow up as appropriate.

On March 25, the Commission initially supported (by 3-2 vote) a permanent exemption/carve out for hotels from the ban, provided that hotels only sold to guests of the same hotel starting January 1, 2020. On April 22, at the request of Chair Ross, the Commission annulled the two recommendations regarding hotels and set a Special Meeting to discuss the matter again.

At the April 29 Special Meeting, the Commission modified the original recommendations such that during the period starting January 1, 2020 and ending December 31, 2021, hotels can only sell tobacco products to guests of the same hotel through a concierge service or room service. Additionally, tobacco products could not be on display to the public. Effective January 1, 2022 hotels would no longer be permitted to sell tobacco products.

#### City Council Health and Safety Commission Liaison Discussion

On April 9, the City Council Liaisons, Mayor Mirisch and Councilmember Gold, discussed the Commission's recommendations. Chair Ross noted the numerous speakers at public meetings, mentioned the Commission motions that passed and highlighted the key policy recommendations, including a moratorium on the issuance of tobacco retail permits. Chair Ross also stated that he would request the Commission annul its previous recommendations regarding hotels and to discuss the issue again at a Special Meeting on April 29. Due to timing constraints between the April 29 Special Meeting and the May 7 Study Session, the Commission's final recommendations for hotel businesses were not presented to the Liaisons.

At the April 9 meeting, the City Council Liaisons indicated support that if the City were to allow hotels to continue selling tobacco products, that they not be on display to the public and made available to hotel guests only. The Liaisons also requested that the ordinance include a mandated City Council review three years after its adoption so that the City could conduct an economic study and evaluate the business impacts. The draft ordinance incorporates a three-year review. A corresponding provision has been included in the draft ordinance.

#### ADDITIONAL POLICY ELEMENTS

Additional policy elements included in the draft ordinance are discussed below.

##### Hardship Exemption

A hardship exemption provision is necessary to mitigate any challenges to a ban and offer businesses an opportunity to demonstrate the extent to which they are affected by an impending ban. At least 90 days prior to the end of the phase-in period, the permitted tobacco retailer/applicant could submit a completed application to the City requesting an

extension of the permit. In determining whether to grant the hardship exemption, the hearing officer would consider, among other factors, the following information:

- (1) The term of the requested extension;
- (2) The percentage of the retail sales over the last three years that have been derived from tobacco products;
- (3) The amount of investment in the business;
- (4) The present actual and depreciated value of any business improvements dedicated to the retail sale of tobacco products;
- (5) The applicable Internal Revenue Service depreciation schedule or functional non-confidential equivalent;
- (6) The remaining useful life of the business improvements that are dedicated to the sale of tobacco products;
- (7) The remaining lease term, if any;
- (8) The ability of the tobacco and electronic cigarette retailer to sell other products;
- (9) The opportunity for relocation of the business and the cost of relocation; and
- (10) A business plan demonstrating how long the business will need to sell tobacco products and tobacco and electronic cigarette paraphernalia to recoup any investment backed expectations, and a plan for phasing out the sale of those products.

The hearing officer would determine whether to approve or deny the request. If granting the request, the hearing officer would also determine the length of time of the hardship exemption (i.e. how long the business would be permitted to continue selling tobacco products). The hearing officer's decision could be appealed to City Council by the applicant. A permit holder would only be permitted to apply for a hardship exemption one time.

#### Permits Non-Transferable

BHMC 4-2-2107 already provides: "a tobacco and electronic cigarette retailer permit is nontransferable and is valid only for the person(s) and location specified in the permit application. If a permittee changes business location, that permittee, prior to the permits expiration, must obtain a new permit prior to acting as a tobacco and electronic cigarette retailer at the new location. If a business permitted to conduct tobacco and electronic cigarette retailing is sold, the new owner must obtain a permit for that location before acting as a tobacco and electronic cigarette retailer."

Because permits are non-transferable and the City would no longer accept new permit applications, staff is recommending that the ordinance also allow for a hardship exemption from this non-transfer provision. As such, the permitted tobacco retailer would be required to demonstrate that the imposition of the non-transferability clause, above, would constitute an undue hardship on their business. For example, the death of a family-member whose name was originally listed on the permit application might constitute an undue hardship. Or, a landlord with knowledge that a permitted tobacco retailer cannot transfer permits to new locations, might attempt to increase rent substantially at a permitted location above fair market value, recognizing that a permitted tobacco retailer would have no options to maintain a permit and seek alternate business locations.



### Enforcement

For existing permitted retailers, BPMC 4-2-2115 already sets forth the enforcement provisions of the existing City's tobacco and electronic cigarette retailer permitting regulations. The proposed ordinance would be subject to these same enforcement provisions. Additionally, the Municipal Code includes a provision for compliance monitoring that allows a "youth decoy" to participate in compliance checks supervised by a peace officer or code enforcement official of the City. On an annual basis, the Police Department conducts sting operations with a youth decoy to monitor compliance for checking photo identification as well as other permit requirements.

The City would continue enforcing existing permits in this manner with already established enforcement mechanisms. This includes escalating fines and civil penalties. A first violation is \$250. A second violation within a five-year period is \$750 and suspends the retailer permit for 90 days. A third violation within a five-year period is \$1,000 and revokes the permit.

If a non-permitted retailer were to sell tobacco products, enforcement would default to the general provisions of the Municipal Code whereby at the discretion of the City Attorney or City Prosecutor, violations could be prosecuted as infractions or misdemeanors. In addition, the City could impose administrative penalties pursuant to BPMC 1-3-3. The City could also seek to declare the property a public nuisance or bring a civil action against the business.

Staff presented the above enforcement information to the Health and Safety Commission. The Commission did briefly discuss the possibility of revoking a permit permanently in the hypothetical context of a hotel selling a tobacco product to a non-guest. The Commission also briefly discussed increasing the number of Police Department sting operations per year. The Commission did not discuss these items in detail due to time constraints. Staff will review conducting additional sting operations and compliance checks as the ban is implemented.

### FISCAL IMPACT

Should City Council choose to adopt a ban on the sales of all tobacco products, the most direct fiscal impact to the City would be the elimination of revenue from issuing the Tobacco and Electronic Cigarette Retailer permits. The 2018/19 fee for these permits is \$236, paid on an annual basis by each retailer. Since there are currently 28 permit holders in the City, Staff estimates the loss of permit revenue to be approximately \$6,608, using FY 2018/19 fee amounts. This is a cost recovery fee, so Staff time involved in administration and enforcement of the permits could be reallocated to other activities.

Community stakeholders have stated that a tobacco sales ban would negatively affect tourism and commerce in Beverly Hills. A joint letter from the Chamber of Commerce, the Conference and Visitors Bureau and the Rodeo Drive Committee, states that approximately 80% of guests/tourists were from cities outside of the United States and that smoking continues to be very popular in many of the international feeder markets that come to Beverly Hills. The letter further states their concern that a ban on tobacco sales will deter such visitors, including prominent dignitaries, from staying in Beverly Hills when they can just as easily go to hotels nearby outside of Beverly Hills where they will be able to get the experience they desire. To Staff's knowledge, there is no reliable data available to accurately measure the extent to which tourism in Beverly Hills could be affected.

Business Impact Mitigation

Several tobacco retailers, including gas stations, convenience stores, cigar lounges and have participated in public meetings and provided various figures as to the extent to which a ban on tobacco sales could impact their business or affect their revenues.

The Commission has discussed various options to assist these small businesses in mitigating impact of revenue lost from tobacco sales. On April 29, a representative from the Small Business Development Center ("SBDC") at El Camino College provided a presentation of the services that are offered to local businesses. SBDC offers one-on-one advising with small business experts to help them avoid many of the common problems faced by entrepreneurs. Other services include assistance with locating and applying for small business loans, including financing, and educational workshops and events.

The representative also provided information about the SCORE program. SCORE is the nation's largest volunteer, expert business mentoring program. A resource partner for the Small Business Administration (SBA), their business mentorship program gives entrepreneurs a unique opportunity to receive personal counseling by someone with over 20 years of experience in their desired industry. Mentors retain accessibility with clients via email and by scheduling in person appointments to meet with and mentor existing and future business owners. They also have available a large variety of hosted webinars, interactive online training modules, and workshop.

The City, through its partnership with the Chamber of Commerce, already pays a membership fee so that one-on-one advising services may be provided locally in Beverly Hills. Consultants may meet business owners, as many times as necessary, at their place of business or other available locations such as the Chamber of Commerce. Provided that a retailer is showing progress in meeting goals defined by SBDC and the retailer, there is no limit to the number of consultations a business may receive. Staff will connect business owners with these resources.

Pamela Mottice-Muller   
Approved By



# City of Manhattan Beach

1400 Highland Avenue  
Manhattan Beach, CA 90266

## Legislation Details (With Text)

**File #:** 19-0307 **Version:** 1  
**Type:** Consent - Staff Report **Status:** Agenda Ready  
**In control:** City Council Regular Meeting  
**On agenda:** 10/1/2019 **Final action:**  
**Title:** Consider Prohibiting the Retail Sale of Tobacco Products and Electronic Smoking Devices and Paraphernalia (City Manager Moe and City Attorney Barrow).  
DISCUSS AND PROVIDE DIRECTION

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Beverly Hills Tobacco Ordinance, 2. Hermosa Beach Tobacco Ordinance, 3. Los Angeles County Public Health Reference Documents, 4. Los Angeles County Flavored Tobacco Ordinance

Date	Ver.	Action By	Action	Result
10/1/2019	1	City Council Regular Meeting	accept	Pass

**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Bruce Moe, City Manager  
Quinn Barrow, City Attorney  
Alexandria Latragna, Management Analyst

**SUBJECT:**

Consider Prohibiting the Retail Sale of Tobacco Products and Electronic Smoking Devices and Paraphernalia (City Manager Moe and City Attorney Barrow).

**DISCUSS AND PROVIDE DIRECTION**

**RECOMMENDATION:**

Staff recommends that the City Council discuss and provide direction on whether to prohibit the retail sale of all tobacco products and electronic smoking devices and paraphernalia in Manhattan Beach.

**FISCAL IMPLICATIONS:**

There may be fiscal implications as the retail sales permit fees would no longer be a revenue source for the City.

**BACKGROUND:**

The City of Manhattan Beach has consistently recognized the concerns about public health, safety, and welfare related to tobacco use as well as cigarette litter, and has adopted several measures to address these concerns.

### Smoking Activity

On July 28, 2014, the Smoke-Free Public Places ordinance became effective. Under the 2014 ordinance and a second ordinance which passed in 2015, smoking is only permitted in the following locations within the City:

1. Residential properties with two or fewer units, other than those used as a child-care or health-care facility subject to State licensing requirements.
2. In twenty percent of guest rooms in any hotel or motel that meet certain conditions.
3. Within a moving vehicle.

Manhattan Beach Municipal Code (MBMC) Section 4.117.030 prohibits smoking inside any unit or within any outdoor areas of a multi-unit housing property (defined as three or more units).

### Tobacco Product Sales

In order to sell tobacco or electronic smoking devices in Manhattan Beach, retailers are required to obtain a valid retailer permit pursuant to Chapter 4.118 of the MBMC adopted in 2016. In addition to minimum age requirement of 21 for the sale of tobacco and electronic smoking devices, the MBMC has restrictions on advertisements related to tobacco products or electronic smoking devices and where tobacco products and electronic smoking devices are kept in a retail establishment. The MBMC has also placed a ban on selling flavored tobacco products, with the exception of mint, menthol, spearmint, or wintergreen.

At the request of Mayor Napolitano and Councilmember Montgomery at the May 21, 2019, City Council meeting, staff placed this item on the June 4, 2019, agenda for further discussion. City Council directed staff to bring the item back for discussion.

### **DISCUSSION:**

According to a report from the California Department of Public Health, tobacco use and exposure to smoke area risk factors for numerous chronic diseases including cancer, cardiovascular disease, emphysema, chronic obstructive pulmonary disease, pneumonia, diabetes, and arthritis. According to the Center for Disease Control (CDC), over 16 million Americans have at least one disease caused by smoking. Every day, according to the CDC, approximately 2,000 people under age 18 smoke their first cigarette, and more than 300 become daily cigarette smokers.

According to the 2018-2019 California Healthy Kids Survey, 31% of Manhattan Beach Unified School District 11<sup>th</sup> grade students reported using electronic cigarettes or other vaping devices within the last 30 days, while only 7% of 11<sup>th</sup> grade students across Los Angeles County reported doing so.

According to the U.S. Census Bureau 2017 population estimates, children under age 18 account for approximately 25% of the population of Manhattan Beach, of which approximately 14% are middle school to high school age.

Most recently, the use of vaping paraphernalia has risen, and with it, lung damage and reported deaths from use. Ironically, out of concern for the health hazards from vaping, some youth are turning to cigarettes as a “less dangerous” form of ingesting nicotine.

As noted above, the City regulates tobacco products and activity through regulating smoking activity and through the sale of tobacco products. Smoking, including smoking an electronic cigarette, is

prohibited throughout the City in the public right-of-way and on public property. The City prohibits the sale of flavored tobacco products (with the exception of mint, menthol, spearmint, or wintergreen), and requires a retail sales permit for any sale of tobacco products, including electronic smoking devices.

The MBMC defines a “tobacco product” as any product “containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, bidis, or any other preparation of tobacco that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body.” The definition does not include any cessation product approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

The MBMC separately defines an “electronic smoking device” as “(1) an electronic and/or battery-operated device that can deliver an inhalable dose of nicotine to the user or (2) any product intended or sold for use with such a device.”

Staff recommends that the City Council direct staff to review the existing regulations to ensure that they are up-to-date.

#### Tobacco Retailers in Manhattan Beach

The initial application fee for a tobacco retail sales permit is \$242, and \$183 for each subsequent yearly renewal application. Currently there are 18 businesses in the City that sell tobacco products or electronic smoking devices. One such business almost exclusively sells tobacco products or electronic smoking devices. If further restrictions are placed on the sale of tobacco, retail businesses in Manhattan Beach that sell tobacco related products may be placed at a competitive disadvantage to those in other jurisdictions nearby that continue to offer such products for sale.

#### Other Jurisdictions’ Recent Bans

The City of Beverly Hills recently adopted the attached ordinance prohibiting the sale of tobacco related products, which will go into effect January 1, 2021. The ordinance exempts existing cigar lounges and hotels selling tobacco products to guests. In addition, the ordinance contains a hardship exemption process for retailers. Beverly Hills will schedule a study session within three years to assess the impacts on local businesses and tourism.

The County of Los Angeles has recently introduced the attached ordinance prohibiting the sale of all flavored tobacco products, without exemption, in unincorporated areas of the County of Los Angeles. The second reading of the ordinance will be brought forward for Los Angeles Board of Supervisor’s consideration in the coming weeks.

The City of Hermosa Beach recently adopted the attached ordinance prohibiting the sale of all electronic smoking devices, except for retailers who only allow patrons 21 years of age or older to enter. Additionally, Hermosa Beach prohibited the sale of all flavored tobacco.

#### **POLICY ALTERNATIVES:**

The City Council has several alternatives to consider for restricting the sale of tobacco products or electronic smoking devices and paraphernalia:

##### ***ALTERNATIVE # 1:***

Prohibit the retail sale of all tobacco products (whether flavored or unflavored), electronic smoking

devices and paraphernalia, but allow a hardship exemption.

**PROS:**

This would support the City's commitment to public health, including helping to prevent youth in Manhattan Beach from having access to dangerous products and devices.

**CONS:**

Businesses relying on the sale of such products may lose revenue streams from the sale of tobacco products, electronic smoking devices and paraphernalia.

**ALTERNATIVE # 2:**

Prohibit the sale of electronic smoking devices and all flavored tobacco products in the City of Manhattan Beach, but allow the sale of non-flavored tobacco products. Currently, the City of Manhattan Beach prohibits the sale of flavored tobacco, with the exception of mint, menthol, spearmint, or wintergreen.

**PROS:**

Flavored tobacco products are appealing to children and electronic smoking devices can be used with cannabis or other potentially harmful products to children. This option allows for a targeted prohibition and may avoid some potential revenue loss for local businesses.

**CONS:**

Other harmful tobacco products will still be available to residents in the City of Manhattan Beach.

**ALTERNATIVE # 3:**

Prohibit the sale of all flavors of tobacco products in the City of Manhattan Beach, but allow non-flavored tobacco products and electronic smoking devices and paraphernalia. Currently, the City of Manhattan Beach prohibits the sale of flavored tobacco, with the exception of mint, menthol, spearmint, or wintergreen.

**PROS:**

Flavored tobacco products are appealing to children, including mint, menthol, spearmint, or wintergreen. This option will reduce youth access to these products while reducing the burden on tobacco retailers that rely on revenue from the sale of other tobacco products and electronic smoking devices.

**CONS:**

Other harmful tobacco products will still be available to residents in the City of Manhattan Beach, including electronic smoking devices.

Based upon City Council's direction, staff will return with a draft ordinance for further Council consideration. Further outreach and engagement with the community, including those retail establishments affected, will be conducted in advance of further Council consideration.

**PUBLIC OUTREACH:**

Staff reached out to local businesses with that currently sell tobacco products or electronic smoking devices to notify them that this item is on the agenda. Upon further direction from City Council, staff will further engage the community, including businesses.

**ENVIRONMENTAL REVIEW:**

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

**LEGAL REVIEW:**

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary. In the event the City Council directs staff to prepare an ordinance, additional legal analysis may be necessary.

**ATTACHMENTS:**

1. Beverly Hills Tobacco Ordinance
2. Hermosa Beach Tobacco Ordinance
3. Los Angeles County Flavored Tobacco Ordinance
4. Los Angeles County Public Health Reference Documents

**J. GENERAL BUSINESS**

11. Consider Prohibiting the Retail Sale of Tobacco Products and Electronic Smoking Devices and Paraphernalia (City Manager Moe and City Attorney Barrow). 19-0307

**DISCUSS AND PROVIDE DIRECTION**

*Management Services, Management Analyst Alexandria Latragna provided the PowerPoint presentation and responded to City Council questions.*

*Mayor Hersman opened the floor for public comments. The following individual(s) spoke:*

*Michael Olivares  
Craig Cadwallader*

*Seeing no further requests to speak, Mayor Hersman closed the floor for public comments.*

*City Attorney Quinn Barrow responded to City Council questions.*

**A motion was made by Councilmember Napolitano, seconded by Councilmember Stern, for staff to return with an urgency ordinance that prohibits the sale of all vaping products and flavored tobacco to take effect immediately and to return with an ordinance that: 1) Prohibits the sale of all vaping products and flavored tobacco, 2) Prohibits the sale of all tobacco products, and 3) Provides a hardship exemption application process for existing tobacco retailers. As part of the motion, staff was directed to provide options on a reasonable effective date for the second ordinance to take effect. The motion carried by the following vote:**

**Aye:** 4 - Hersman, Montgomery, Stern and Napolitano

**Nay:** 1 - Hadley

12. Consider Increasing City Sponsorship Funding for the TEDxManhattanBeach Event From \$1,500 to \$5,000 (City Manager Moe). 19-0408

**DISCUSS AND PROVIDE DIRECTION**

*Mayor Hersman opened the floor to public comment.*

*Seeing no requests to speak, Mayor Hersman closed the floor to public comments.*

**A motion was made by Councilmember Napolitano, seconded by Mayor Pro Tem Montgomery, to approve an increase of the City's sponsorship funding for the TEDxManhattanBeach Event from \$1,500 to \$5,000. The motion carried by the following vote:**

**Aye:** 5 - Hersman, Montgomery, Hadley, Stern and Napolitano



## MANHATTAN BEACH

# City bans sale of vaping products

by David Rosenfeld

Selling electronic cigarettes and other vaping products is now illegal in Manhattan Beach.

The City Council passed an urgency ordinance this week immediately banning sales of all vaping products, joining several other cities in the region as the number of deaths and lung injuries associated with the habit — popular among young people — continues rising nationally.

“The community itself overwhelmingly understands why we need a vape ban,” Councilmember Richard Montgomery said at the Tuesday, Nov. 5, meeting. “I’m sympathetic to the small business owners themselves, but our responsibility is citywide.”

Businesses that sell e-cigarettes will have 10 days to apply for a hardship extension, at which time the city will give them a certain amount of time to sell their remaining inventory. Exactly how much of an extension shops might receive will be determined on a case-by-case basis.

There are currently 18 retailers in Manhattan Beach that sell tobacco products and vapes, according to a city staff report.

One of those is the MB Smoke Shop. Feras Adamo, owner of the shop for the past five years, said that up to 60% of his products are vapor-related.

“All of my customers are adults,” Adamo said. “We don’t have kids here. They don’t get it here. They go to smoke shops in other cities. They have people buy

it for them or they go online.

“This is not going to fix the problem,” he added. “If we stop selling to adults what does that have to do with kids?”

Adamo said he would apply for the hardship extension but did not know whether he would stay in business at his Manhattan Beach location given the high price he pays in rent.

“Smokers switched to vaping,” Adamo said. “Our normal customers vape now.”

The council on Tuesday was also expected to take up a proposed ban on selling all flavored tobacco products and possibly the sale of tobacco products in general. But the panel decided to put that decision off to another day.

Councilmember Suzanne Hadley, the only dissenting vote on the vape sales ban, said if the panel’s reasoning was to reduce the use among young people, the prohibition just did not make sense and was not going to work. The school district, she said, could do more.

“The school can enforce the ban on vaping any day of the week,” Hadley said. “Do you want to know how to make a difference at the high school? You have a drug sniffing dog there every day. If we want to prevent students from vaping at the high school, that’s how we do it.”

There have been 37 deaths among 1,888 lung injuries associated with e-cigarettes, as of Oct. 29, according to the Centers for Disease Control and Prevention. Those injuries have been reported in every state but Alaska.

The federal agency also reports that the



Manhattan Beach adopted an urgency ordinance banning the sale of vaping products for the 18 retailers who sell them. Businesses have 10 days to apply for a hardship extension. (AP file photo)

majority of the injuries and deaths occurred in people who used vape products containing THC, the main psychoactive chemical in marijuana.

A 2018-2019 California Healthy Kids Survey found that 31% of Manhattan Beach Unified School District 11th graders reported using electronic cigarettes or other vaping devices within the last 30 days.

Manhattan Beach first banned smoking and vaping in all public places in 2014. Exceptions were carved out for smoking or vaping in moving vehicles, hotel rooms, and residential properties with two or fewer units. The city also bans the sale of flavored tobacco products, except for mint,

menthol, spearmint and wintergreen.

While several other cities and counties have recently taken action against vaping and smoking products, Manhattan Beach became one of only a few to outright ban sales.

Beverly Hills recently passed a prohibition on the sale of all tobacco-related products, which takes effect Jan. 1, 2021. Redondo Beach has also banned the sale of flavored tobacco products, effective in a year, along with a general smoking ban in public. And Hermosa Beach has banned the sale of flavored tobacco and vape products for retailers that allow customers under the age of 21.

**From:** noreply@granicusideas.com <noreply@granicusideas.com>

**Sent:** Tuesday, November 12, 2019 8:52 AM

**To:** Ann Yang <anny@hermosabeach.gov>; City Council <citycouncil@hermosabeach.gov>; Suja Lowenthal <suja@hermosabeach.gov>

**Subject:** New eComment for City Council Meeting (Closed Session - 6:00 PM and Regular Meeting - 7:00 PM)

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## New eComment for City Council Meeting (Closed Session - 6:00 PM and Regular Meeting - 7:00 PM)

Chris Bostic submitted a new eComment.

Meeting: City Council Meeting (Closed Session - 6:00 PM and Regular Meeting - 7:00 PM)

Item: 6a) REPORT 19-0714 CONSIDERATION OF PROHIBITION OF RETAIL SALE OF TOBACCO PRODUCTS (Community Development Director Ken Robertson)

eComment: To the Hermosa Beach City Council Re: CONSIDERATION OF PROHIBITION OF RETAIL SALE OF TOBACCO PRODUCTS, November 12, 2019 meeting Dear Councilors, Thank you for this opportunity to weigh in on your discussions regarding prohibiting the sale of all tobacco products. Action on Smoking and Health (ASH) is the nation's oldest anti-tobacco organization, and we congratulate Hermosa Beach for considering this path, and for placing health squarely above corporate profits. As you embark on this discussion, ASH would like to make a few general comments that we hope are helpful to you. 1. Hermosa Beach is on solid legal ground. Both federal and state law give the city jurisdiction on this issue. What's more, there is a growing consensus under global human rights laws and norms that the marketing of tobacco products amounts to a violation of basic human rights. Some would argue that in addition to having the right, governments have a human rights duty to phase out the sale of tobacco products. 2. We urge you to continue to make this discussion about the behavior of the tobacco industry, rather than tobacco users. Smokers are victims of an industry that intentionally addicted them to a deadly substance. Ending tobacco sales is a positive step for smokers, most of whom want to quit. In considering enforcement, please don't add penalties for individual purchasers or users. 3. We urge you to consider a phase-in period. This allows current smokers time to quit, and retailers time to alter their business models. The phase-in period should be long enough to allow for preparation and consideration. Academics have suggested three to five years as an ideal timeframe. There are several policy options to achieve a phase-in, and ASH would be happy to supply more information as your discussion advances. 4. Please ensure that smokers have access to robust cessation aid. No doubt many smokers in Hermosa Beach will react to this initiative by trying to quit (which most have attempted and failed). It is in everyone's interest that they succeed. 5. We urge you to avoid exceptions, for several reasons. First, the tobacco industry has demonstrated their ability and willingness to reengineer products to fit

exceptions. Second, there is no public health reason to exempt certain products or venues. And finally, exceptions risk opening up new avenues for litigation by the tobacco industry. Best wishes as you embark on this historic discussion. We look forward to celebrating Hermosa Beach's achievement.

[View and Analyze eComments](#)

**From:** Lauren Nakano <Lauren.Nakano@bchd.org>  
**Sent:** Tuesday, November 12, 2019 8:58 PM  
**To:** council@hermosabch.org; Ann Yang <anny@hermosabeach.gov>; staceyarmato@gmail.com; 'Jeff Duclos (jaduclos@aol.com)' <jaduclos@aol.com>  
**Cc:** Kerianne Lawson <Kerianne.Lawson@bchd.org>; Ali Steward <Ali.Steward@bchd.org>; Jacqueline Sun <Jacqueline.Sun@bchd.org>  
**Subject:** Hermosa Beach Prohibition of Retail Sale of Tobacco Products

Mayor Armato, Mayor Pro Tem Campbell, Councilmen Massey, Fangary and Duclos,

From decades of research, we know that the number one thing you can do for your health and longevity is to not smoke. We know there is no safe amount of smoking and that the nicotine found in cigarettes is highly addictive. It took years – even decades – for the public health community to realize the harms of smoking. We are particularly concerned about the vaping epidemic that has been in the news lately. Many American teenagers are already hooked on nicotine, which may be one of the toughest drugs to stop using without help. In the most popular device, Juul, there can be 20 cigarettes worth of nicotine in one pod. Unlike other substances that might make their way to campus, vapes are hard to detect, and can easily be concealed, because many look like common devices like highlighters or USB chargers, and can easily be slipped into a pocket or backpack.

Our Beach Cities Partnership for Youth Coalition has been working to bring the community together to prevent youth substance use, identify and support policies that address substance use and combine efforts with partners to create the most impact across the Beach Cities. The magnitude of this epidemic cannot be overestimated: over the past several years, the surge in vaping is the largest increase in teen use of any substance that the National Institutes of Health survey has tracked in its 44 years of existence.

We support the City of Hermosa Beach as you consider options for prohibition of retail sale of tobacco products and welcome opportunities to partner with the City to advance this process going forward.

Sincerely,

**Lauren Nakano**

*Director, Blue Zones Project*

Beach Cities Health District

Ph: 310-374-3426, x115

[www.bchd.org](http://www.bchd.org)

[www.facebook.com/beachcitieshealth](https://www.facebook.com/beachcitieshealth)

Creating a healthy beach community.



## Staff Report

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### Staff Report

REPORT 19-0722

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Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of November 12, 2019

**A RESOLUTION OF THE CITY COUNCIL OF HERMOSA  
BEACH, CALIFORNIA, FOR THE CITY OF HERMOSA BEACH  
TO ACHIEVE GENDER EQUITY THROUGH ITS WORKFORCE,  
OPERATIONS AND SERVICES**  
(City Manager Suja Lowenthal)

#### **Recommended Action:**

Staff recommends that the City Council adopt a resolution for the City of Hermosa Beach to achieve gender equity through its workforce, operations and services.

#### **Executive Summary:**

By adopting the attached resolution (**Attachment 1**), the City of Hermosa Beach would take the next step towards achieving gender equity in its workforce, operations and services. While women are currently well represented among City leadership positions, the total full-time workforce is 38% women. A further assessment encompassing City operations and services through a gender-focused lens would assist in developing feasible next steps to help the City better tailor its management practices to improve equal access to opportunities and services for the public, City staff, and key stakeholders.

#### **Background:**

On October 22, 2019, the City Council directed staff to return to Council with a resolution supporting the City's efforts to achieve gender equity through its workforce, operations and services.

A number of cities have adopted gender equity resolutions or incorporated gender equity into their workforce, operations and services, including Cincinnati, San Antonio and Los Angeles. Los Angeles has established a gender equity website (**Attachment 2**) and toolkit and was one of the first cities to adopt CEDAW, the international Convention on the Elimination of all forms of Discrimination Against Women, a human rights treaty adopted by the United Nations in 1979 mandating adoptees ensure equality for women and girls in civil, political, economic, social, and cultural arenas.

The City of Los Angeles' gender equity toolkit indicates, "Gender equity looks to create fairness in

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## Staff Report

REPORT 19-0722

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order to ensure that all people have equal access to opportunities and services, regardless of their gender. Gender equity is not about treating people of all genders the same; it is about intentionally looking to understand where one gender may need different services or care than the status quo, and working to address these issues in order to create a level playing field.”

### Discussion:

A brief evaluation of the City of Hermosa Beach’s workforce and leadership indicates significant gender equity progress in key areas, with other aspects meriting further study, evaluation and/or attention.

### City Workforce / Women’s Leadership

- **City Council**-two of five members (40%) are women including the Mayor and Mayor Pro Tem; however, no women ran for the two City Council seats available in the November 5, 2019 election. Since 1980, there have been 11 (31%) women Councilmembers of 36 total.
- **Elected Officials**-City Clerk and City Treasurer - both officials (100%) are women.
- **Boards & Commissions**-11 of 25 appointed board members and commissioners (44%) are women. Excluding the Building Board of Appeals which meets on an as-needed basis, 10 of 20 (50%) serving on the remaining four advisory bodies (Civil Service Board, Parks and Recreation Commission, Planning Commission and Public Works Commission) are women with one chairperson (25%).
- **Appointed Officials**-City Manager, City Attorney and City Prosecutor - two of three (67%) are women.
- **City Department Heads**-with the recent retirement of Police Chief Sharon Papa, four of six (67%) are women including Community Resources, Finance, Human Resources and Public Works.
- **City Staff** (full-time)-45 of 120 (38%) are women. According to the City’s Equal Employment Opportunity statistics for full-time staff reported to the federal government (table below), as of October 15, 2019, men make up the majority of employees in the Protective Service (Police) and Skilled Craft (Public Works crews) categories, while women predominate in the Administrative Support category. While significant differences in certain categories may merit further study, it should be noted that a large difference may not necessarily indicate a lack of equity. For instance, according to FBI statistics, the percentage of female police officers is 12% nationwide.



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## Staff Report

REPORT 19-0722

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City StaffFull Time	Male	%	Female	%
Officials / Administrators	3	43%	4	57%
Professionals	5	45%	6	55%
Technicians	8	57%	6	43%
Protective Service	34	79%	9	21%
ParaProfessional	4	67%	2	33%
Administrative Support	3	14%	18	86%
Skilled Craft	17	100%	0	0%
Service / Maintenance	1	100%	0	0%
<b>Totals</b>	<b>75</b>	<b>62%</b>	<b>45</b>	<b>38%</b>

Overall, women are well represented in leadership positions, but a further evaluation of the composition of the City's overall workforce may be warranted. Additional areas of focus could include an assessment of mid-level management positions and the cultivation of Hermosa Beach's next generation of leaders, including encouragement and facilitation of women running for elected office.

### Operations & Services

Further study and analysis of City operations and services through a gender-focused lens would be of benefit as a first step towards evaluating gender equity with respect to the public, staff, and City vendors/contractors. The City of Los Angeles has engaged in a multi-year effort involving all City departments and key stakeholders to achieve gender equity by focusing first on a needs assessment to establish baselines, identify areas of opportunity and define the program's governance, followed by additional planning and execution steps including:

- Defining a vision and mission
- Identifying key performance indicators and tracking method(s)
- Mobilizing a change network
- Developing action plans
- Managing, measuring and sustaining

If approved by Council, the City could similarly engage in a further assessment of its workforce, operations and services as a first step to achieve gender equity as well as evaluate and recommend feasible next steps given the City's staffing and resources.

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## Staff Report

REPORT 19-0722

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### **General Plan Consistency:**

This report and associated recommendation have been evaluated for their consistency with the City's General Plan. The resolution for the City of Hermosa Beach to achieve gender equity through its workforce, operations and services would assist in fulfilling the following goals:

#### Governance Element

*1.7 Diversity of representation.* Strive to reflect a comprehensive cross-section of the community in appointments to Commissions and Advisory Committees.

#### Parks + Open Space Element

*2.1 Diverse programs and facilities.* Offer diverse recreational programs and facilities to meet the needs of all residents.

### **Fiscal Impact:**

There is no current fiscal impact to the City associated with adoption of this resolution.

### **Attachments:**

1. Gender Equity Resolution Draft
2. Link to Los Angeles gender equity website

**Respectfully Submitted by:** Kevin Nagata, Management Analyst

**Concur:** Vanessa Godinez, Human Resources Manager

**Concur:** Nico De Anda-Scaia, Assistant to the City Manager

**Noted for Fiscal Impact:** Charlotte Newkirk, Accounting Manager

**Legal Review:** Mike Jenkins, City Attorney

**Approved:** Suja Lowenthal, City Manager



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**WHEREAS**, the City of Hermosa Beach recognizes that achieving gender equity through its workforce, operations and services will benefit the public, staff and key stakeholders; and

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**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH,  
CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

That the City of Hermosa Beach:

1. Is committed to achieving gender equity through its workforce, operations and services to ensure that all have equal access to opportunities and services, regardless of their gender.
2. Will conduct an assessment of the City's workforce, operations and services through a gender-focused lens to establish baselines and identify areas of opportunity as a next step toward a Citywide effort to achieving gender equity.

VOTE: AYES:

NOES:

ABSTAIN:

ABSENT:

**PASSED, APPROVED and ADOPTED** this 12th day of November, 2019.

\_\_\_\_\_  
**PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney



# City of Hermosa Beach

City Hall  
1315 Valley Drive  
Hermosa Beach, CA 90254

## Staff Report

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### Staff Report

19-0736

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**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of November 12, 2019**

**MAYOR ARMATO, COUNCILMEMBER DUCLOS AND  
COUNCILMEMBER FANGARY REPORT ON THEIR ATTENDANCE  
AT THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE  
IN LONG BEACH FROM OCTOBER 16-18, 2019**



# City of Hermosa Beach

City Hall  
1315 Valley Drive  
Hermosa Beach, CA 90254

## Staff Report

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### Staff Report

19-0737

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**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of November 12, 2019**

**COUNCILMEMBER DUCLOS REPORTS ON HIS  
ATTENDANCE AT THE ANNUAL SISTER CITY ASSOCIATION  
TRIP TO THE CITY OF LORETO IN BAJA CALIFORNIA SUR,  
MEXICO FROM OCTOBER 24-28, 2019**



# City of Hermosa Beach

City Hall  
1315 Valley Drive  
Hermosa Beach, CA 90254

## Staff Report

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### Staff Report

19-0738

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**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of November 12, 2019**

**UPDATES FROM CITY COUNCIL AD HOC SUBCOMMITTEES  
AND STANDING COMMITTEE DELEGATES/ALTERNATES**



## Staff Report

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### Staff Report

19-0749

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Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of November 12, 2019

**COUNCILMEMBER FANGARY REQUESTS PLACING ON THE AGENDA FOR THE CITY COUNCIL'S NOVEMBER 18, 2019 MEETING AN AGENDA ITEM FOR DISCUSSION AND POSSIBLE DIRECTION REGARDING DRAFTING AN URGENCY ORDINANCE TO PROHIBIT NO-FAULT EVICTIONS THROUGH DECEMBER 31, 2019 IN HERMOSA BEACH FOR RESIDENTIAL REAL PROPERTY BUILT PRIOR TO JANUARY 1, 2005. COUNCILMEMBER FANGARY REQUESTS THAT STAFF EVALUATE AND PROVIDE INPUT REGARDING THE POSSIBILITY OF HAVING THE ORDINANCE BECOME EFFECTIVE IMMEDIATELY IF VOTED ON BY COUNCIL AT THE NOVEMBER 18, 2019 MEETING, OR MAKING THE ORDINANCE RETROACTIVE TO OCTOBER 8, 2019, IF POSSIBLE. THIS ITEM RELATES TO THE RECENT PASSAGE OF AB 1482, THE TENANT PROTECTIONS ACT OF 2019, BY THE CALIFORNIA STATE LEGISLATURE ON OCTOBER 8, 2019.**



# City of Hermosa Beach

City Hall  
1315 Valley Drive  
Hermosa Beach, CA 90254

## Staff Report

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### Staff Report

19-0739

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**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of November 12, 2019**

### **TENTATIVE FUTURE AGENDA ITEMS**

#### **Recommended Action:**

Staff recommends that the City Council receive and file the tentative future agenda items.

#### **Attachments:**

Tentative Future Agenda

**TENTATIVE FUTURE AGENDA ITEMS**

MONDAY, NOVEMBER 18, 2019 @ 6:00 PM (Meeting re-scheduled from November 26, 2019 due to Thanksgiving)		INITIAL DATE
CLOSED SESSION: LABOR NEGOTIATIONS		
MONDAY, NOVEMBER 18, 2019 @ 7:00 PM		
PRESENTATIONS		
CANVASS OF VOTES AND INSTALLATION OF OFFICERS		
CONSENT CALENDAR		
City Council Minutes	City Clerk	Ongoing
Check Registers	Finance Director	Ongoing
Revenue Report, Expenditure Report and CIP Report by Project	Finance Director	Ongoing
City Treasurer’s Report and Cash Balance Report	City Treasurer	Ongoing
Cancellation of Certain Checks	City Treasurer	Ongoing
Public Works Project Status Report	Public Works Director	Ongoing
South Bay Workforce Investment Board Quarterly Summary	City Manager	Quarterly
Planning Commission Tentative Future Agenda Items	Community Development Director	Ongoing
A resolution authorizing application for, and receipt of, SB 2 Planning Grants Program Funds.	Community Development Director	Staff Request Nov. 7, 2019
Request to renew the Dial-A-Taxi Service Agreement	Police Chief	Staff Request Oct. 29, 2019
Reject all bids for the purchase of catenary lights	Public Works Director	Staff Request Nov. 6, 2019
CONSENT ORDINANCES		
Second Reading – Single Use Plastics Ordinance - muni code amendments	City Clerk	Council Direction Nov. 12, 2019
Second Reading - Ordinance adopting the 2019 California Building Standards Code	City Clerk	Council Direction Nov. 12, 2019
PUBLIC HEARINGS – 7:30 PM		
Approval of the 2020 Impact Level III Special Events	Community Resources Manager	Staff Request Nov. 4, 2019
Tentative - Urgency ordinance to prohibit no-fault evictions through December 31, 2019 in Hermosa Beach for residential real property built prior to January 1, 2005. This item relates to the recent passage of AB 1482, the Tenant Protections Act of 2019, by the California State Legislature on October 8, 2019.	Community Development Director	Council Direction Nov. 12, 2019
MUNICIPAL MATTERS		
Approval of Parking Recommendations Study	Environmental Analyst	Staff Request Sept. 6, 2019
Agreement for Reimbursement for Construction Management and Inspection Services Associated with the Skechers Project for Sanitary Sewer – Phase II	Public Works Director	Staff Request Nov. 6, 2019
Amendment to the Contract for CIP 416 Sewer Improvements – Various Locations to Replace Additional Maintenance Access Hole Covers	Public Works Director	Staff Request Nov. 6, 2019
Request for on-street disable parking space on 29 <sup>th</sup> Street adjacent to 254 29 <sup>th</sup> Street	Public Works Director	Staff Request Nov. 6, 2019
MISCELLANEOUS ITEMS AND MEETING ATTENDANCE REPORTS – CITY COUNCIL		
Updates from City Council Ad Hoc Subcommittees and Standing Committee Delegates/Alternates	Councilmembers	Ongoing
OTHER MATTERS – CITY COUNCIL		
Tentative Future Agenda	City Manager	Ongoing

**THURSDAY, NOVEMBER 21, 2019 @ 6:00 PM**

**MAYOR TRANSITION CEREMONY  
AND COUNCIL COMMITTEE REORGANIZATION – NOVEMBER 2019**



### WEDNESDAY, DECEMBER 4, 2019 @ 6:00 PM

#### STUDY SESSION: EMERGENCY MANAGEMENT TRAINING

State of California Office of Emergency Services approved ICS 402 SEMS executive training

- a) Overview and understanding of the Standardized Emergency Management System (SEMS)
- b) Review of the roles of the four command and coordination entities (Incident Command System, Emergency Operations Center, Multi-Agency Coordination Group, and Joint Information System) within SEMS/NIMS
- c) Review of senior officials and executives roles and responsibilities during a disaster

### TUESDAY, DECEMBER 17, 2019 @ 6:00 PM

*(Meeting re-scheduled from December 10, 2019 due to Lack of Quorum)*

#### CLOSED SESSION: QUARTERLY LITIGATION UPDATE

**INITIAL  
DATE**

### TUESDAY, DECEMBER 17, 2019 @ 7:00 PM

#### MISCELLANEOUS ITEMS AND REPORTS – CITY MANAGER

Update from Vector Control Delegate Jim Fasola

Update on Strand Safety Initiatives and Enforcement (PD)

#### CONSENT CALENDAR

City Council Minutes

City Clerk

Ongoing

Check Registers

Finance Director

Ongoing

Recommendation to receive and file the action minutes of the Parks, Recreation and Community Resources Advisory Commission meeting of November 5, 2019

Community Resources Manager

Ongoing

Recommendation to receive and file the action minutes of the Planning Commission meetings of November 19, 2019 and December 9, 2019 (12/9 minutes to be added as supplemental)

Community Development Director

Ongoing

Recommendation to receive and file the action minutes of the Public Works Commission meeting of September 18, 2019.

Public Works Director

Ongoing

#### PUBLIC HEARINGS – 7:30 PM

Update to Accessory Dwelling Unit Ordinance

Community Development Director

Staff Request  
Nov. 4, 2019

An Ordinance of the City of Hermosa Beach Establishing the position of Appointed City Clerk in light of the passage of City Measure CC and establishing the City Manager as Appointing Authority for the City Clerk

City Attorney

Staff Request  
Nov. 6, 2019

#### MUNICIPAL MATTERS

Approval of the Municipal Lease Policy

Community Resources Manager

Staff Request  
Jun. 12, 2018

Review of Refined Hermosa Beach Logo Concepts

Environmental Analyst / Assistant to the City Manager

Staff Request  
Sept. 6, 2019

Update and Renewal of Hermosa Beach Sustainability Incentives

Environmental Programs Manager

Staff Request  
Sept. 6, 2019

Public Records Request Guidelines

City Clerk/Assistant to the City Manager

Staff Request  
Oct. 14, 2019

Measure H Grant Acceptance/Beach Cities Memorandum of Understanding

Assistant to the City Manager

Staff Request

#### MISCELLANEOUS ITEMS AND MEETING ATTENDANCE REPORTS – CITY COUNCIL

City Council 2020 Meeting Schedule

City Manager

Annual

City Council Committee Reorganization

City Clerk/City Manager

Annual

Updates from City Council Ad Hoc Subcommittees and Standing Committee Delegates/Alternates

Councilmembers

Ongoing

#### OTHER MATTERS – CITY COUNCIL

Tentative Future Agenda

City Manager

Ongoing

**TUESDAY, DECEMBER 24, 2019 @ 6:00 PM**  
**NO COUNCIL MEETING DUE TO WINTER BREAK (DARK)**

JANUARY 14, 2020 @ 6:00 PM		INITIAL DATE
CLOSED SESSION		
JANUARY 14, 2020 @ 7:00 PM		
PRESENTATIONS		
RECOGNIZING MIKE FLAHERTY AND STEVE CRECY FOR THEIR SERVICE ON THE VETERANS MEMORIAL COMMITTEE		
INTRODUCTION OF NEW POLICE DEPARTMENT K9, CHARLIE AND HIS HANDLER, OFFICER RUSHTON		
CONSENT CALENDAR		
City Council Minutes	City Clerk	Ongoing
Check Registers	Finance Director	Ongoing
Recommendation to receive and file the action minutes of the Parks, Recreation and Community Resources Advisory Commission meeting of December 3, 2019	Community Resources Manager	Ongoing
CONSENT ORDINANCES		
Second Reading - Update to Accessory Dwelling Unit Ordinance	City Clerk	Council Direction Dec. 17, 2019
Second Reading - An Ordinance of the City of Hermosa Beach Establishing the position of Appointed City Clerk in light of the passage of City Measure CC and establishing the City Manager as Appointing Authority for the City Clerk	City Clerk	Council Direction Dec. 17, 2019
MISCELLANEOUS ITEMS AND MEETING ATTENDANCE REPORTS – CITY COUNCIL		
Updates from City Council Ad Hoc Subcommittees and Standing Committee Delegates/Alternates	Councilmembers	Ongoing
OTHER MATTERS – CITY COUNCIL		
Tentative Future Agenda	City Manager	Ongoing

JANUARY 28, 2020 @ 6:00 PM		INITIAL DATE
CLOSED SESSION		
JANUARY 28, 2020 @ 7:00 PM		
PRESENTATIONS		
TENTATIVE - RECOGNIZING SUPERINTENDENT ELLS FREEMAN FOR HIS YEARS OF SERVICE		
CONSENT CALENDAR		
City Council Minutes	City Clerk	Ongoing
Check Registers	Finance Director	Ongoing
Revenue Report, Expenditure Report and CIP Report by Project	Finance Director	Ongoing
City Treasurer’s Report and Cash Balance Report	City Treasurer	Ongoing
Cancellation of Certain Checks	City Treasurer	Ongoing
Public Works Project Status Report	Public Works Director	Ongoing
Recommendation to receive and file the action minutes of the Public Works Commission meeting of November 20, 2019.	Public Works Director	Ongoing
Planning Commission Tentative Future Agenda Items	Community Development Director	Ongoing
MISCELLANEOUS ITEMS AND MEETING ATTENDANCE REPORTS – CITY COUNCIL		
Updates from City Council Ad Hoc Subcommittees and Standing Committee Delegates/Alternates	Councilmembers	Ongoing
OTHER MATTERS – CITY COUNCIL		
Tentative Future Agenda	City Manager	Ongoing

PENDING STRATEGIC PLAN ITEMS		STATUS / TENTATIVE MEETING DATE
Update Personnel Policies	Human Resources Manager	
Beach Policy/Regulations ( <i>Continued from meeting of October 27, 2016</i> )	Community Resources Manager	On hold by Council
Alternative Fuel Transportation Report, <i>Nov. 2016</i>	Environmental Analyst	
CCA Direction, <i>Dec. 2016</i>	Environmental Analyst	
PENDING NEW ITEMS		STATUS / TENTATIVE MEETING DATE
Initial Report on Options and Strategies for Installing a Permanent Carousel or other Family Friendly Features at the Entry Point to Pier Plaza. In Cooperation with the Chamber of Commerce, this would include a Preliminary Cost Benefit Analysis and Implementation of the City Decision Making Tool (supported by Duclos and Fangary) <b>Initiated by: Other Matters Feb. 9, 2016</b>	Public Works Director	
Consideration of re-establishing, on an as needed basis, both funding and discretion for the director of Public Works to contract services to pump major beach storm outfalls drains prior to anticipated major storm events (supported by Duclos, Armato and Petty) <b>Initiated by: Other Matters Feb. 14, 2017</b>	Public Works Director	
Policy discussion regarding city responsibilities and expectations when donations are made to city <b>Initiated by: Council Direction May 24, 2017</b>	Finance Director	Will be discussed at the Revenue Strategy Study Session
Document Retention Policy <b>Initiated by: Staff Request Nov. 28, 2018</b>	City Clerk	Pending City Clerk Appointment
Consent for use of "Lot B" for construction staging area for Pier/Strand project <b>Initiated by: Staff Request Dec. 17, 2018</b>	Community Development Director	On hold per developer
Introduction of Ordinance delegating City Clerk appointment to the City Manager <b>Initiated by: Staff Request Jun. 7, 2019</b>	City Attorney	
Cypress District code amendment for required special event permitting / gatherings – similar to Limited Live Entertainment permit <b>Initiated by: Council Direction Jul. 9, 2019</b>	Community Development Director	Pursuant to Planning Commission direction, this item is scheduled for the Planning Commission Study Session in November 7, 2019
Landscape and Street Lighting District Assessment Adjustment (mail-in election authorization) <b>Initiated by: Council Direction Jul. 9, 2019</b>	Public Works Director	Add to Revenue Strategy Study Session
Removal of the Joint Trash Compactor in Parking Lot A and requirement of individual containers and enclosures for Pier Plaza businesses <b>Initiated by: Staff Request Jun. 12, 2019</b>	Public Works Director	Staff is engaging impacted businesses and will bring item to City Council in Dec./Jan.
Hermosa Beach Police Officers' Association Memorandum of Understanding <b>Initiated by: Staff Request Sept. 9, 2019</b>	Human Resources Manager	
Final Parcel Map No. 82295 for a two-unit residential condominium project at 1602 Loma Drive. <b>Initiated by: Staff Request Oct. 10, 2019</b>	Community Development Director	Pending Coastal Development Permit