

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

1. CALL TO ORDER

The Torrance Environmental Quality and Energy Conservation Commission convened in a regular session at 7:00 p.m. on Thursday, February 4, 2010 in the West Annex meeting room at Torrance City Hall.

2. ROLL CALL:

Present: Commissioners Chim, Cunningham, Gobble, Griffiths, Reilly, Watson, and Chairperson McCabe.

Absent: None.

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

3. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Reilly.

4. POSTING OF THE AGENDA

MOTION: Commissioner Watson, seconded by Commissioner Griffiths, moved to accept and file the report of the secretary on the posting of the agenda for this meeting; a voice vote reflected unanimous approval.

5. ORAL COMMUNICATIONS FROM THE PUBLIC

None.

6. APPROVAL OF MINUTES

6A. MINUTES OF JANUARY 7, 2010

MOTION: Commissioner Gobble moved for the approval of the January 7, 2010, meeting minutes as submitted. Commissioner Reilly seconded the motion; a voice vote reflected unanimous approval.

7. ENVIRONMENTAL MATTERS

7A. GREEN PRIDE IN TORRANCE AWARD PRESENTED TO WALSER'S FOR THEIR E-WASTE PROGRAM

Senior Environmental Quality Officer Jones welcomed Jack Walser, owner of Walser's, 23145 Kashiwa Court, for recycling of e-waste, noting that they successfully divert over 300,000 pounds of materials from landfills per year.

Jack Walser distributed brochures about the Recycle Collection Center at Walser's and commented that they are the designated agent for e-waste for the City. He

announced that they recently expanded their program to include plastic, paper, and cardboard.

Responding to Commissioner Watson's inquiry, he stated that Walser's is celebrating its 35th anniversary on November 1, 2010.

Chairperson McCabe announced that a representative from Walser's would be at the Environmental Fair on March 27, 2010. He asked Mr. Walser to recommend the next step for encouraging multi-tenant and business recycling and Mr. Walser responded that continued communication and cooperation with State, County, and City agencies were important. He added that directional signage to his location would be helpful.

Senior Environmental Quality Officer Jones presented Mr. Walser with a Green Pride in Torrance certificate and the Commission was in brief recess for a photo opportunity.

7B. USE OF VEHICLES ON PRIVATE PROPERTY FOR HABITATION – ORDINANCE REVISION

Senior Environmental Quality Officer Duncan provided background on the material of record and presented two recommendations drafted after a series of meetings in 2009 as a method of regulating use of recreational vehicles (RVs) for living quarters on private property. She presented a draft revision of current Torrance Municipal Code 92.5.12 and recommended that the Commission take input and provide comments.

Deputy Director Cessna distributed supplemental correspondence from resident Ed Bower. She advised that the current ordinance allows for two 15-day periods per year for RV habitation with no permit requirement. She explained that proposed permits would be for the same time periods, be free of charge, and residents would be able to call in to register for them.

MOTION: At 7:18 p.m., Commissioner Gobble, seconded by Commissioner Watson, moved to open the public hearing; a voice vote reflected unanimous approval.

Linda Neal, Winlock Road, inquired how this issue came about. She maintained that electrical hook-ups, antennas, and levelers are not valid proofs of habitation.

Deputy Director Cessna stated that staff has received numerous complaints and have had two cases they were unable to prosecute. She explained that the way the ordinance is currently written makes it virtually impossible to prove elements in it. She stated that, after receiving a valid complaint, staff would be looking at a totality of conditions and not one or two conditions, adding that levelers were not considered an indicator.

Ron Waller, West 237th Street, expressed concern about time limitations and stated that he needed to use his RV as a spare bedroom for family members to help him following his knee replacement surgeries.

Dennis Frandsen, Elm Avenue, stated that this was the first notice he has received, that he needs more time to review the draft, and that his RV often has electrical hook-ups but no one is living in it.

Ed Bower, West 237th Street, reviewed his recommended revisions to the RV habitation ordinance change proposal in the material of record. He stated that limiting duration of time for utility hook-ups would make RV habitation less attractive and make the ordinance more enforceable. He stated that the ordinance should not contain provisions that cannot be enforced. He related his understanding that the ordinance is complaint driven but expressed concern that in the future there may be staff members who want to implement proactive enforcement.

John Burke, Winlock Road, received clarification regarding the notification procedure. He stated that he has electrical hook-ups on a timer to charge batteries and that his RV serves as an emergency earthquake kit. He maintained that he does not support people living in RVs but expressed concern that restrictions were being placed on RV owners because of two people.

Alfred Holmes, Grand Summit Road, stated people can live in an RV without hook-ups and that it is difficult to catch people who really want to break the law. He pointed out that it would take a neighbor to complain before there was any enforcement.

Jim Tarvin, Bailey Drive, described a neighbor who has allowed people to live inside a trailer in their rear driveway for over two years. He added that they are not hooked up to water or sewer lines and expressed concern that they will never be removed. He stated that he is confounded why people have their guests stay in a secondary home, especially if there is a valid complainant. He voiced concern about the notification process and how long this has taken, urging swift, decisive action.

Bill Hall, Hickory Avenue (no speaker card), suggested that Mr. Tarvin make a citizen's arrest with an officer present and take it to court himself.

Emily Atkins, West 233rd Street, suggested changing 15 consecutive days twice a year to a total of 30 cumulative days throughout the year.

Norman Bauer, Macafee Road, stated that he would support even more enforceable regulations.

Terry Bauer, Macafee Road, stated that both of her knees were replaced and she managed without owning an RV or trailer.

Musette Tarvin, Bailey Drive, reminded people to be respectful of each other. She received clarification from staff that the City Attorney's office has approved the draft ordinance. She pointed out that RVs cannot be used for habitation in R1 neighborhoods and that more enforceable legislation is needed.

Linda Neal, Winlock Road, stated that her RV has electrical hook-ups and antenna up but that no one is living in it. She expressed concern about a "slippery slope" and more laws being imposed on residents' constitutional rights.

Responding to Chairperson McCabe's request for clarification, staff advised that the ordinance would be complaint driven and that there would need to be a totality of elements present.

Jane Hebson, Carol Drive, discussed the difference between habitation and visitation and stated that implementing time restraints could be limiting.

In response to Mr. Burke's inquiry, Deputy Director Cessna discussed penalties for violation, ranging from a \$500 fine and administrative warrants to removal of an RV through nuisance abatement.

Deputy Director Cessna encouraged residents to submit suggestions before the next Commission meeting on this issue in April 2010.

Commissioner Gobble discussed the need to clearly define habitation vs. visitation and stated that the number of indicators and enforcement process need to be spelled out. He noted that any investigation should begin with a written complaint.

MOTION: Commissioner Gobble moved to close the public hearing. Commissioner Watson seconded the motion; a voice vote reflected unanimous approval.

Commissioner Reilly expressed concern that maximum one-year temporary habitation permits for rebuilding may not be long enough and stated that she would like to see more flexibility on exemptions and time restrictions. She suggested adding the word "or" between each of the conditions and stated that she does not see the value of having an ordinance that is costly and not readily enforceable.

Commissioner Griffiths voiced concern that the ordinance would not solve Mr. Tarvin's case. He maintained that using an RV as an extended living space is offensive and it is not what RVs are intended for. He received clarification from staff that there are no RV rental sites in Torrance and that expired tags cannot be used as a criteria.

Commissioner Watson received clarification from staff that they would not differentiate between visitors or family members dwelling in an RV, that RV habitation cannot be enforced through zoning, building, or health codes because they are defined as vehicles, and that exceptions for medical emergencies could be made on a case-by-case basis.

Commissioner Chim stated that it is important to consider what the rest of Torrance residents want, that aesthetics should be a factor, and that the two 15-day restrictions should be amended to be cumulative throughout the year. She added that, from a legal standpoint, it is important to be specific. She concurred with Commissioner Griffiths that an RV should not be used as an extension of a main residence.

Commissioner Cunningham received clarification from staff that they researched ordinances in other South Bay cities.

Further discussion centered on the challenge of defining habitation, proving habitation, and the Tarvin's specific case.

Deputy Director Cessna advised that revisions would only be able to address cases where an RV is actually being used as living quarters.

8. INFORMATION ITEMS

8a. Deputy Director Cessna stated that staff was invited to have a booth at the Seaside anniversary celebration on March 20, 2010.

8b. Deputy Director Cessna stated that staff is working with Nature Center Manager Tracy Drake to have a tree planting ceremony in honor of former Commissioner Jackie Decker on March 27, 2010 before the Environmental Fair starts.

8c. Deputy Director Cessna discussed plans for the Energy workshop with the South Bay Energy Savings Center on March 15, 2010 in the Civic Center Library.

9. ORAL COMMUNICATION

9A. Commissioners welcomed newly appointed Commissioner Tim Cunningham and congratulated Commissioner Griffiths on his reappointment.

9B. Deputy Director Cessna provided a brief update on planned speakers for the March 27, 2010 Environmental Fair at Madrona Marsh Preserve.

9C. In response to Chairperson McCabe's inquiry, Deputy Director Cessna recommended postponing the joint meeting with City Council until after the carbon footprint information is received.

9D. Chairperson McCabe asked staff to provide an update on plans for a multi-tenant and business recycling program.

9E. Deputy Director Cessna advised that City Council approved the ad hoc Council Committee for Commission Review recommendation to move signage to the Planning Commission's jurisdiction.

9F. Commissioner Reilly requested an excused absence for the March 4, 2010 Commission meeting.

MOTION: Commissioner Chim moved to grant Commissioner Reilly an excused absence for the March 4, 2010 Commission meeting. Commissioner Watson seconded the motion; a voice vote reflected unanimous approval.

9G. It was decided that leaf blowers should be placed on a future agenda.

10. ADJOURNMENT

MOTION: At 10:19 p.m., Commissioner Gobble moved to adjourn the meeting to March 4, 2010 at 7:00 p.m. in the West Annex meeting room. Commissioner Watson seconded the motion and, hearing no objection, Chairperson McCabe so ordered.

Approved as Submitted March 4, 2010 s/ Sue Herbers, City Clerk
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