

August 6, 2009

**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 7:02 p.m. on Thursday, August 6, 2009 in the West Annex meeting room at Torrance City Hall.

2. ROLL CALL:

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

Absent: None.

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

*Chairperson McCabe arrived at 7:05 p.m. Vice-Chairperson Reilly led the meeting until his arrival.

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 Gobble, 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 – JUNE 4, 2009

Minutes were not available.

7. ENVIRONMENTAL MATTERS

Commissioner Reilly explained the policies and procedures of the Environmental Quality and Energy Conservation Commission, including the right to appeal decisions to City Council.

7A. CONSIDERATION OF A PROPOSAL FOR AN ORDINANCE TO REGULATE THE USE OF RECREATIONAL VEHICLES FOR LIVING QUARTERS WITHIN THE CITY OF TORRANCE

Deputy Director Cessna introduced the material of record and welcomed Senior Environmental Quality Officer Duncan.

Senior Environmental Quality Officer Duncan provided background on Torrance Municipal Code Section 92.5.12: Use of Vehicles on Private Property for Habitation and discussed difficulties in enforcing the current Code due to its verbiage. She presented options being considered as possible ways to better regulate the use of trailers or recreational vehicles for living quarters. She provided staff recommendation (1) to amend the existing Code to allow use of a motor home, recreational vehicle (RV), or similar type trailer as temporary habitation with the use of a permit obtained from the Planning Department for a maximum total of 14 consecutive days or not to exceed 28 days per calendar year. Recommendation (2) would prohibit connection of any motor home, RV, or trailer to any sewer or water facility or electrical hook up except during a loading and preparation period. She noted that sections of municipal codes from other cities were included in agenda materials and requested that audience members and Commissioners provide comments.

MOTION: At 7:09 p.m., Commissioner Gobble, seconded by Commissioner Reilly, moved to open the public hearing; a voice vote reflected unanimous approval.

Gavin Wasserman, Steele Street, read Section 92.5.12 and noted that he has submitted written communication to the Commission. He discussed verbiage that makes it impossible to enforce violations unless it can be proven that a person is living, sleeping, cooking, bathing and housekeeping for 14 consecutive days. He stressed the importance of making the Code enforceable and effective while expressing concern that the City does not have sufficient resources to track violations for 14 consecutive days.

Virgil Paine, Cadison Street, questioned if it is the intent of the City or individuals to eliminate RVs altogether.

Deputy Director Cessna assured Mr. Paine that the existing Code has been in existence for many years and that the intent is to change its verbiage in order to make it enforceable.

Jim Tarvin, Bailey Drive, distributed photographs and recommended modifying the Code to assist enforcement by prosecution and/or citation. He described his neighbor who has since August 2009 allowed people to live inside a trailer located in the rear driveway of the property they rent. He noted that, because the trailer is one foot from his property line, he and his family are unable to enjoy the privacy of their home and back yard. He stated that Code Enforcement has made several unsuccessful attempts to remedy the problem and that prosecutors are reluctant to move forward with these types of cases unless the Code is modified. He suggested that RVs with levelers, hookups, and not being moved are clear signs of habitation and should be citable offenses and expressed support for requiring permits for short periods of occupancy.

Karen Galvin, Iris Avenue, stated that there has been a similar situation in her neighborhood and voiced support for the 14 day permit proposal. She pointed out that

hookups and levelers are necessary to keep refrigerators working and suggested that exceptions be made for emergency use and home remodels.

Edra Peters, West 175th Place, stated that she should not have to be rushed to get her motor home ready and that the City should not put so many time restraints and pressure on RV owners who pay property taxes.

Ed Bower, West 237th Street, distributed his letter dated August 4, 2009, stated that using RVs for living quarters is not a big problem in the City and that residents should accept the disadvantages of living in an urban society, adding that levelers and electricity are necessary to run refrigerators.

Tom Perkoski, Pruitt Drive, expressed concern that the three-day street parking currently allowed would be taken away. He pointed out that more than one family often lives in a single-family dwelling.

Chairperson McCabe assured Mr. Perkoski that the Commission is only looking at Section 92.5.12 and is not concerned about street parking at this time.

Jery Peters, West 175th Place, stated that motor homes need to be leveled and hooked up to keep their batteries charged and recommended amending the current ordinance.

Musette Tarvin, Bailey Drive, stated that people have been living in a trailer next door for two years and that it is affecting quality of life. She stressed the need to place specific items in the proposed ordinance that will give Code Enforcement the tools they need to cite violators.

Norman Bauer, Macafee Road (no speaker card), stated that the ordinance needs “teeth” to make it enforceable and stated that the City should not eliminate the idea of banning RVs stored in driveways for safety and aesthetics reasons.

Randy Langsdale, Gramercy Avenue, took issue with City Council passing an ordinance without “teeth” and stated that police officers, not Code Enforcement, should be responsible for enforcing the law. He stated that electrical hookups and levelers are necessary to maintain batteries.

Scott Hayward, Susana Avenue, stated that people committing crimes are the problem and not the motor homes.

Karen Fitch, 236th Street, stated that the masses should not be punished for the sins of the few and that the existing Code needs to be amended to make it enforceable, making exceptions for emergencies and remodels.

Jim Tarvin, Bailey Drive, provided clarification that police officers will not enter a motor home, only Code Enforcement officers, adding that Code Enforcement does not have the time or resources to conduct necessary surveillance.

Karen Galvin, Iris Avenue, suggested that community members work together on possible solutions at a separate town hall meeting on a more informal basis.

Sally Perkoski, Pruitt Drive, asked what the penalty would be under the current ordinance.

Deputy Director Cessna responded that staff could cite violators or file a misdemeanor complaint with the Court. She explained that the way the ordinance is written they need to prove 14 consecutive days of habitation, adding that a permit would serve as a tracking mechanism.

Ben Lin, Cathann Street, stated that he occasionally takes naps in a trailer in his company's parking lot and under the proposed ordinance this would not be allowed.

Gavin Wasserman, Steele Street, suggested that the Commission invite the prosecutors to a meeting in order to identify what is wrong with the Code's verbiage and to determine what they need.

Virgil Paine, Cadison Street, stressed the importance of compromising and working together to find a solution.

Norman Bauer, Macafee Road (no speaker card), stated that having an RV is a privilege, not an entitlement, and suggested establishing restrictions on how many feet an RV can be from an adjoining property line.

In response to Chairperson McCabe's inquiry, Deputy Director Cessna stated that the City Attorney's office would get more involved once staff has a sense of what RV owners want. She added that the habitation ordinance should be consistent with the parking ordinance and that they may have to find another way to make assessments other than hookups and levelers.

Alfred Holmes, Grand Summit Road, pointed out that individuals of the criminal element will always find creative ways around any restrictions, including use of underground power lines.

Perry Bradshaw, West 175th Street, expressed concern that City Council may change an ordinance that is recommended.

Debra Langsdale, Gramercy Avenue, recommended looking for a hooked up sewer line to determine if a motor home is being used as living quarters.

Randy Langsdale, Gramercy Avenue, stated that it is not difficult to tell if someone is living in a trailer and that police officers need to get involved.

Deputy Director Cessna stated that often people claim they are using an RV but not living in it.

Chairperson McCabe expressed support for a town hall meeting and requested that Commissioners provide comments.

Commissioner Gobble agreed with many of the ideas presented at this meeting, hopes that neighbors are considerate of one another, and stated that he is in favor of the use of RVs for limited periods of occupancy and for emergency purposes.

Commissioner Watson stated that the Code needs to reflect the reality of safety and maintenance of an expensive piece of property and should state that an RV cannot be rented out for habitation.

In response to her inquiries, Deputy Director Cessna advised that the original Code was written approximately 35 years ago and that they have never seen separate mailboxes at any of the locations in question.

Commissioner Reilly voiced support for balancing the existing Code between RV owners' need for maintenance versus long-term occupancy or renting and determining what criteria the City can use that is reasonable to enforce and not be costly to gather data for prosecution.

Commissioner Chim noted that generally everyone in the room is in agreement and that a community meeting would be beneficial.

Responding to Commissioner Chim's inquiry, Deputy Director Cessna stated that enforcing more than one family living in a single-family residence is very difficult due to the broad definition of family.

Senior Environmental Quality Officer Duncan stated that the City of Long Beach has had more success with prosecuting these kinds of cases because it has a more restrictive Code and has administrative site powers. She added that she is contacting other cities for more input on their legislation.

Commissioner Griffiths noted that the primary intent of an RV is for traveling and that it is important to develop the legal verbiage necessary to allow enforcement and prosecution.

Patrick Mason, West 236th Street, stated that it is difficult to prove habitation by hookups and that the Code should not be changed if habitation cannot be proven.

Following a brief discussion, it was decided to continue discussion at a public hearing at the September 3, 2009 Commission meeting.

MOTION: At 9:20 p.m., Commissioner Gobble, seconded by Commissioner Griffiths, moved to close the public hearing; a voice vote reflected unanimous approval.

The Commission was in recess from 9:20 p.m. to 9:31 p.m.

8. ORAL COMMUNICATION

8A. Deputy Director Cessna informed Commissioners that the Environmental Impact Report for the General Plan Update is available online and that there is a 45-day comment period to submit input.

8B. Deputy Director Cessna stated that the feral feeding ordinance would probably come back to the Commission on September 3, 2009.

8C. Commissioner Gobble discussed Assembly Bill 811 that is setting up a financing mechanism that may benefit Torrance residents.

8D. Commissioner Griffiths received clarification from staff that the vacancy on the Commission will be filled on January 15, 2010. She added that City Council has appointed an ad hoc council committee to look into consolidation of City Commissions and the first meeting is August 24, 2009.

8E. Commissioners Chim and Watson shared information about Jackie Decker's memorial service and there was a brief discussion regarding plans for a tree dedication in her honor.

8F. Commissioner Reilly stated that she and Chairperson McCabe attended the Chairperson training and that it was well attended and informative.

8G. Commissioner Watson requested an excused absence for the September 3, 2009 Commission meeting.

8H. Chairperson McCabe inquired about the status of the ICLEI energy baseline and was informed by staff that they received feedback last week and are planning to bring back a report in October 2009.

8I. Chairperson McCabe requested that Green Building, Recycling, and Solar be included as future agenda items.

8J. Chairperson McCabe suggested that the joint meeting with City Council be scheduled for March 2010.

8k. Chairperson McCabe initiated a brief discussion regarding working with other Commissions to encourage residents to make green improvements.

9. ADJOURNMENT

MOTION: At 10:02 p.m., Commissioner Gobble moved to adjourn the meeting to September 3, 2009 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 September 3, 2009 s/ Sue Herbers, City Clerk
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