

**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, September 4, 2014 in the West Annex meeting room at Torrance City Hall.

2. ROLL CALL:

Present: Commissioners Chim, Deemer, DeWitt, Martin, Montgomery, and Chairperson Gobble.

Absent: Commissioner Robbins.

Also Present: Deputy Director Cessna, Senior Environmental Quality Officer Duncan, Environmental Quality Officer Travers, and Animal Control Supervisor LaPlante.

MOTION: Commissioner Chim moved to grant Commissioner Robbins an excused absence for the September 4, 2014 Commission meeting. Commissioner Martin seconded the motion; a roll call vote reflected unanimous approval.

3. SALUTE TO THE FLAG

Commissioner Martin led the Pledge of Allegiance.

4. POSTING OF THE AGENDA

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

5. ORAL COMMUNICATIONS FROM THE PUBLIC

The Commission welcomed former Environmental Quality and Energy Conservation Commissioner Mike Griffiths and congratulated him on his recent appointment to City Council.

6. APPROVAL OF MINUTES:

6A. MINUTES OF AUGUST 7, 2014

MOTION: Commissioner Montgomery moved to approve the Environmental Quality and Energy Conservation Commission meeting minutes of August 7, 2014.

Commissioner Deemer seconded the motion; a roll call vote reflected unanimous approval (absent Commissioner Robbins).

7. ANIMAL MATTERS

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

7A. APPEAL OF HEARING OFFICER DECISION REGARDING THE DOG NALA, OWNED BY LYNNE HERSHE, RESIDING AT 5410 REESE ROAD

Senior Environmental Quality Officer Duncan introduced the item and reported that on June 25, 2014 an Administrative Hearing was held to determine if the dog Nala was to be declared dangerous. She noted that attachments include the original Hearing report compiled by Animal Control, Hearing Officer's findings, and correspondence entered into evidence. She stated that the Hearing Officer determined that Nala was a potentially dangerous dog but could remain with the family if 11 conditions were met to the satisfaction of Animal Control. She stated that an appeal was filed on July 14, 2014 requesting relief from four of the restrictions: #5, #6, #8, and #10 in the material of record. She explained that the Commission could decide whether the initial decision of the Hearing Officer was appropriate, deny the appeal, uphold findings with changes to the conditions, or make a new recommendation and findings.

Lynne Hershe and Richard Sivas, 5410 Reese Road, appellants, stated that they were not objecting to #8 requiring training for Nala, noting that training is ongoing. They maintained that they have complied with the majority of conditions and are requesting relief from three of them that they feel are no longer necessary or place unreasonable restrictions on them. They described measures they have taken to secure the premises and explained their reasons for objecting to: #5, keeping the dog from the front windows; #6, housing the dog in a secure kennel whenever the dog is left during the day; and #10, requiring the dog to be boarded when the family is on vacation.

Randy Fortunato, 5404 Reese Road, asserted that Nala is a dangerous dog and should be removed from the City per TMC. He testified that Nala not only bit his wife twice but also a little girl, gardener, mailman, and other dogs. He stated that he wants the fence between their properties to be extended and that he had a meeting with the owners but they failed to take constructive remedial action until the Hearing was scheduled. He voiced concern that Nala would get loose again, and that it was not a matter of if, but when.

Dimitri Ramirez, 5352 Reese Road, stated that it was his daughter who was bit in June 2013 while Ms. Hershe was walking Nala on a leash. He described Nala as a "loose cannon" that does not belong in the neighborhood, adding that people are afraid to walk past the residence. He maintained that the owners promised to relocate Nala after the bite but did not keep their word, that training Nala has not been effective, and that the dog should be removed from the City.

Gina Ramirez, 5362 Reese Road, distributed a photograph of the bite on her daughter's upper thigh. She stated that they tried to work with the owners but that Nala

continues to go after people and other dogs. She expressed concern that the owners did not take the situation seriously and that it took them a year to take corrective action.

MOTION: At 7:37 p.m., Commissioner DeWitt moved to close the public hearing. Commissioner Chim seconded the motion; a roll call vote reflected unanimous approval.

At Commissioner Montgomery's request, Animal Control Supervisor LaPlante discussed the timeline, initially starting a little over a year ago after the dog bit the Ramirez's little girl. He stated that Animal Control later received several complaints that Nala had escaped from the residence and went after pedestrians or other dogs. He attributed these incidences to owner negligence or a faulty front gate. He noted that there have been no complaints since the June 25 Administrative Hearing.

Responding to Chairperson Gobble's inquiry, he stated that there was only one written complaint filed regarding a dog bite. He noted that people were reluctant to complain about the dog but that Animal Control was able to gather information before the Hearing.

In response to Commissioner DeWitt's inquiry, Supervisor LaPlante explained that Animal Control is requiring a roof to be installed over the kennel as an extra measure in case Nala should jump out.

Mr. Sivas described steps that were taken to secure Nala after the first incident, noting that Nala got out when the gardeners left a gate open, a visiting child left a gate open, and the driveway gate broke. He noted that the side gate that the gardener left open can now be opened only with a key and that the driveway gate is magnetic and self-closing. He described secondary gates installed between the deck and garage as well as the extensive training that Nala has undergone.

Chairperson Gobble asked Ms. Hershe if she is able to walk Nala, and she described the pinch collar and electronic collar that she is now using, adding that she also muzzles Nala when walking her in Torrance. She discussed personality traits and herding tendencies that German Shepherds have, stated that she would have confidence in using a trained dog sitter when on vacation, and that Nala is not muzzled when being walked in Redondo Beach for training purposes.

Responding to Commissioner Chim's inquiries, Mr. Sivas and Ms. Hershe described how a pinch collar and e-collar work. They stated that they have had ten hours of training and intend to have another ten, and that the trainer does not recommend using medication for the dog's anxiety. They maintained that their front door is never left open and that they realize they cannot take a chance that she will get out again. They further explained that if they are away from the residence for two or three days they would prefer to have a responsible pet sitter stay there rather than board her.

In response to Commissioner Deemer's inquiries, they explained that extending the fence shared by the Fortunatos above six feet would constitute a violation of the City Building Ordinances but that they intend to request a variance. They maintained that Nala has never scaled a fence and that her escapes have been by opportunity only. They explained why it would be difficult to install a roof over the kennel that is bounded by the garage on one side and six foot high gates and fences on the other. They stated

that it is impossible for Nala to get out now but are willing to install a roof if deemed necessary.

Commissioner Martin inquired about time limits on conditions and was informed by Supervisor LaPlante that the conditions are forever, adding that if another incident happens within three years there would have to be another hearing. He provided clarification that another incident could include if Nala got out of the yard.

MOTION: At 8:47 p.m. Commissioner Chim moved to reopen the public hearing. Commissioner Deemer seconded the motion; a roll call vote reflected unanimous approval.

Mr. Fortunato stated that the City confirmed that it would allow the extension on the fence. He noted that Nala bit his wife three years ago, the little girl a year later, but that the owners did not take corrective action until recently. He stated that his family lives in fear and recommended removal of the dog from the City.

In response to Commissioner Chim's inquiry, Ms. Ramirez described her daughter's injury and voiced her support for removal of Nala from the City.

Mr. Ramirez described the circumstances when their daughter was bitten and maintained that at that time, and at a subsequent meeting six months later, the owners promised they would find an appropriate shelter for Nala.

MOTION: At 9:04 p.m., Commissioner Martin moved to close the public hearing. Commissioner Deemer seconded the motion; a roll call vote reflected unanimous approval.

MOTION: Commissioner DeWitt moved to deny the appeal by upholding the findings of the Hearing Officer in whole. Commissioner Montgomery seconded the motion. The motion failed on a 2-4 roll call vote as follows (absent Commissioner Robbins):

AYES: Commissioners DeWitt and Montgomery
NOES: Commissioners Chim, Deemer, Martin, and Chairperson Gobble.

Commissioner Gobble stated that he recommended rejecting the findings of the Hearing Officer and not allowing the dog to remain in Torrance.

Commissioner Chim noted that there were multiple compelling statements against the dog. She stated that another escape is foreseeable and that the risk is too great. She noted that the owners should not have appealed the findings and accepted the conditions that were reasonable and only an inconvenience.

MOTION: Commissioner Gobble moved to reject the findings of the Hearing Officer and to order that the owners find a place for Nala outside of the City of Torrance. Commissioner Chim seconded the motion; the motion passed on a 4-2 roll call vote as follows (absent Commissioner Robbins):

AYES: Commissioners Chim, Deemer, Martin, and Chairperson Gobble.
NOES: Commissioners DeWitt and Montgomery.

Chairperson Gobble informed the owners that they have the right to appeal the Commission's decision to City Council.

The Commission was in recess from 9:20 p.m. to 9:26 p.m.

8. ENVIRONMENTAL MATTERS

8A. LAND USE STUDY LUS13-0002 – KEEPING OF CHICKENS AND BEES IN THE CITY OF TORRANCE

Deputy Director Cessna reported that staff has conducted research and outreach to assess public opinion about the keeping of chickens and bees in the City. She noted that feedback received at the June 7, 2014 Environmental Fair was overwhelmingly in favor of allowing single-family residences to keep chickens and bees. She stated that staff also solicited comments from Animal Control and that a list of their questions and concerns was included in Attachment 7. She recommended that the Commission accept the draft ordinances as written and direct staff to draft recommendations for suggested modifications to the TMC and forward them to the Planning Commission. She added that staff would still need to address implementation if this item moves forward.

In response to Chairperson Gobble's inquiry regarding a permit fee, Animal Control Supervisor LaPlante stated that the process is already in place for a special permit. He expressed concern about enforcement and how Animal Control would be involved in the permit process. He stated that they expect to hear complaints because the chickens would be close to other properties, adding that Officers need to have a way to conduct inspections.

Responding to Commissioner Gobble's inquiry about bantam hens, ducks, and peacocks, Deputy Director Cessna stated that ducks and peacocks are another type of animal and that the keeping of chickens and bees would be separate ordinances. She noted that, after the item is considered by the Planning Commission, staff would take it to City Council to make sure that they are on board before ordinances are written. Depending on Council direction, the ordinances may come back to the Environmental Quality and Energy Conservation Commission for review or directly back to them.

Commissioner Martin suggested considering regulations passed in the Cities of Redondo Beach and Hermosa Beach when crafting ordinances.

In response to Commissioner Deemer's inquiry, Deputy Director Cessna stated that staff also researched ordinances in the City of Long Beach. He recommended conducting outreach to the senior population of Torrance who believe that keeping chickens and bees is a rural activity. He stated that he would like to see the final ordinances before they go back to City Council.

Commissioner Montgomery pointed out that the City of Manhattan Beach also allows the keeping of bees.

At 9:47 p.m., Chairperson Gobble welcomed public comment.

Tamlynn Clyde, Grant Avenue, L.A. Urban Chicken Enthusiasts, stated that she participated in the Environmental Fair and Old Torrance Neighborhood Association

meeting and that the overwhelming majority supported the keeping of chickens. She informed Chairperson Gobble that bantam hens are considered chickens, just smaller.

Responding to Commissioner Montgomery's inquiry, she stated that she has a special permit to keep chickens and that she has never received any complaints personally or officially. She distributed a drawing of her backyard and explained why the proposed setbacks would not work for all. She added that chickens require dirt and shade, can live up to the eight years, and lay approximately 200 eggs a year.

Emily Mitchell, Lenore Street, stated that the City of Manhattan Beach allows backyard chickens and she would like to have them. She questioned why permits for pigeons and doves are \$25 but that the proposed permit fee for chickens is \$80.

Deputy Director Cessna stated that the fee for pigeons and doves was set 40 years ago and that City Council may change the proposed fee for chicken permits.

Supervisor LaPlante stated that Animal Control wants to be involved in the permit process, adding that there are chickens being kept illegally in the City now. He pointed out that chickens are messy and very difficult to catch if they get loose.

Commissioner Montgomery pointed out that an ordinance would enable better regulation of chickens that are being kept illegally.

Commissioner DeWitt raised the possibility of keeping chickens in industrial areas where there is more space, somewhat like the community gardens.

Ms. Clyde stated that it would not be practical because there are predators and theft, and Ms. Mitchell added that it is important to monitor their food and water constantly.

Tina Barclay, Ladeene Avenue, stated that she would like to own chickens but expressed concern about setback requirements.

Deputy Director Cessna stated that they would be looking at ways to be flexible if there are areas that do not impact neighbors.

Responding to Commissioner Montgomery's inquiry, Supervisor LaPlante stated that Animal Control receives numerous calls about bee swarms in the summer months and that they advise them that the bees will be gone in a day.

Commissioner Chim suggested adding verbiage to the ordinance that chickens are to be kept for the consumption of eggs and not meat and to allow annual inspections.

Chairperson Gobble stated that he would like the permit fee for chickens to be the same as for pigeons and doves.

Commissioner Deemer encouraged staff to research beekeeping ordinances in neighboring cities.

Commissioner DeWitt stated that he would be voting no to staff's recommendation because he feels that bee and chicken keeping should begin in the commercial/industrial sectors of the City.

MOTION: Commissioner Deemer moved to accept the draft ordinances as written and direct staff to draft recommendations for suggested modifications to the Torrance Municipal Code, forward them to the Planning Commission, and bring back the final ordinances to the Environmental Quality and Energy Conservation Commission for approval. Commissioner Montgomery seconded the motion; the motion passed on a 5-1 roll call vote (Commissioner DeWitt voting no, absent Commissioner Robbins).

9. ORAL COMMUNICATION

9A. Ms. Mitchell stated that she hopes that chickens will be allowed in the City.

9B. Commissioner DeWitt thanked audience members for attending.

9C. Deputy Director Cessna stated that next month there would be elections for Chairperson and Vice-Chairperson as well as a presentation regarding the Community Choice Aggregation program.

9D. Chairperson Gobble stated that there are two vacancies on the Planning Commission.

10. ADJOURNMENT

MOTION: At 10:35 p.m., Commissioner Martin moved to adjourn the meeting to October 2, 2014 at 7:00 p.m. in the West Annex meeting room. Commissioner Montgomery seconded the motion and, hearing no objection, Chairperson Gobble so ordered.

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Approved as submitted October 2, 2014 s/ Rebecca Poirier, City Clerk
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