

Council Meeting of
February 7, 2006

PUBLIC HEARING

Honorable Mayor and Members
Of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: Amendments to the Torrance Municipal Code addressing canopies, encroachments and maintenance of parkways.

RECOMMENDATION

The Community Development Department and the Environmental Quality Commission recommend that an **ORDINANCE** amending the Property Maintenance section of the Torrance Municipal Code to address Canopies and Encroachments be adopted, and; The Community Development Department recommends that an **ORDINANCE** amending portions of the Municipal Code regarding trimming and maintenance of the parkway be adopted and that Ordinance summaries be approved for publication.

Funding: Not Applicable

BACKGROUND AND ANALYSIS

In 2000, the City approved a revised Property Maintenance Ordinance. This ordinance has proven very helpful in addressing issues throughout the City, however, staff has found that there are certain situations, such as canopies and encroachments that are not specifically addressed in the ordinance. The Environmental Division regularly receives complaints about canopy/carports and about building materials or play equipment placed in the public right of way. Such situations are problematic, as there is no single section of the Municipal Code that specifically and directly addresses these issues. Instead, several different sections of the Code need to be cited, leading to the final conclusion that the situation is likely a violation of code. This is both cumbersome and confusing for the public, therefore, staff is proposing these Code revisions for clarity.

SECTION 92.32.7. CANOPIES

It is unlawful to locate canopies, tarps or tents anywhere other than in the rear yard, not less than three feet from the side and rear property lines. Such canopies shall be limited to one only, with an area not greater than 200 square feet, must not be visible from the public right of way, and must only be used on a temporary basis which may not exceed one week. In no case may canopies, tarps or tents be located in any driveway area used for parking.

SECTION 92.32.8. USE OF THE PUBLIC RIGHT OF WAY

With the exception of those items for which a permit may be issued, or for which a legal exception is elsewhere granted in law, it is unlawful for any person owning, occupying or having charge of any property in the City to place or maintain on any sidewalk or public right of way abutting or adjoining such property any rubbish or waste material, construction material, play equipment, signs, trash, vegetation or any object which obstructs or interferes with the free passage, use or view by the public of any sidewalk street, alley, parkway, beach or other public right of way, or which may impede emergency access.

These changes were brought before the Environmental Quality Commission in July and August of 2005, where public input was received and the proposals discussed. The Commission voted to recommend to the Council that these additions to the Torrance Municipal Code be approved.

There are two additional changes proposed, both of which came about as a result of a citizen questioning the Municipal Code section pertaining to the care of the City owned parkway adjacent to a private property. In order to clarify that the intent was for a permit to be required only for the trimming of a tree in the parkway, and not for routine maintenance such as mowing, the following changes are proposed, with additions italicized and deletions lined through.

SECTION 75.1.13. MAINTENCE AND REPLACEMENT OF TREES IN PARKWAY

It shall be the duty of property owners to provide for maintenance and replacement of all trees, grass and landscaping in public parkways abutting their property. *No maintenance, trimming cutting or removal performed on a street tree may be done until a permit has been obtained per TMC 75.1.5.*

**SECTION 75.1.5. PERMIT REQUIRED TO CUT, TRIM, REMOVE, ETC;
GRANTING: DURATION**

- a) No person may cut, trim, remove, prune, plant, injure or interfere with any tree ~~shrub or plant~~ upon any street, park, alley or public place of the City without first obtaining a permit from the Public Works Director. The permit will be valid for thirty days.

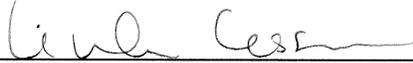
The Community Development Department recommends that these amendments to the Torrance Municipal Code be adopted by your Honorable Body.

ENVIRONMENTAL QUALITY COMMISSION RECOMMENDATION

The Environmental Quality Commission reviewed the proposed amendments regarding canopies and encroachments in July and August of 2005. Public testimony was received at the August meeting, generally requesting clarification as to what the ordinances were intended to do and why. The Commission voted unanimously to forward the proposed amendments to the City Council with a recommendation for approval.

Respectfully Submitted,

Jeffery W. Gibson
Community Development Director

By 
Linda Cessna
Environmental Services Administrator

CONCUR:


Jeffery W. Gibson
Community Development Director

Noted:


LeRoy J. Jackson
City Manager

Attachments:

- A. Ordinances
- B. Ordinance Summaries
- C. August 2005 TEQECC Item
- D. TEQECC Minutes
- E. Proof of Publication

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
TORRANCE ADDING A NEW SECTION 7 TO ARTICLE 32 OF
CHAPTER 2 OF DIVISION 9 OF THE TORRANCE MUNICIPAL CODE
REGULATING THE USE OF CANOPIES.**

The City Council of the City of Torrance does ordain as follows:

SECTION 1

That a new Section 7 is added to Article 32 of Chapter 2 of Division 9, entitled CANOPIES. This section reads in its entirety as follows:

“SECTION 92.32.7. CANOPIES.

It is unlawful to locate canopies, tarps or tents anywhere other than in the rear yard, not less than three feet from the side and rear property lines. Such canopies shall be limited to one only, with an area not greater than 200 square feet, must not be visible from the public right of way, and must only be used on a temporary basis which may not exceed one week. In no case may canopies, tarps or tents be located in any driveway area used for parking. “

SECTION 2

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

SECTION 3

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision will not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared invalid or unconstitutional.

SECTION 4

This ordinance will take effect thirty days after the date of its adoption. Within fifteen days following adoption, this ordinance or a summary of this ordinance, if

authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

INTRODUCED AND APPROVED the __ day of _____, 2006.

ADOPTED AND PASSED this __ day of _____, 2006.

Dan Walker, Mayor

ATTEST:

Sue Herbers, City Clerk

APPROVED AS TO FORM:

JOHN L. FELLOWS III
City Attorney

By: _____
Ronald T. Pohl, Assistant City Attorney

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
TORRANCE ADDING A NEW SECTION 8 TO ARTICLE 32 OF
CHAPTER 2 OF DIVISION 9 OF THE TORRANCE MUNICIPAL CODE
REGULATING THE USE OF THE PUBLIC RIGHT OF WAY.**

The City Council of the City of Torrance does ordain as follows:

SECTION 1

That a new Section 8 is added to Article 32 of Chapter 2 of Division 9, entitled USE OF THE PUBLIC RIGHT OF WAY. This section reads in its entirety as follows:

“SECTION 92.32.8. USE OF THE PUBLIC RIGHT OF WAY.

With the exception of those items for which a permit may be issued, or for which a legal exception is elsewhere granted in law, it is unlawful for any person owning, occupying or having charge of any property in the City to place or maintain on any sidewalk or public right of way abutting or adjoining such property any rubbish or waste material, construction material, play equipment, signs, trash, vegetation, or any object which obstructs or interferes with the free passage, use or view by the public of any sidewalk, street, alley, parkway, beach, or other public right of way, or which may impede emergency access.”

SECTION 2

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

SECTION 3

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision will not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared invalid or unconstitutional.

SECTION 4

This ordinance will take effect thirty days after the date of its adoption. Within fifteen days following adoption, this ordinance or a summary of this ordinance, if

authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

INTRODUCED AND APPROVED the ___ day of _____, 2006.

ADOPTED AND PASSED this ___ day of _____, 2006.

Dan Walker, Mayor

ATTEST:

Sue Herbers, City Clerk

APPROVED AS TO FORM:

JOHN L. FELLOWS III
City Attorney

By: _____
Ronald T. Pohl, Assistant City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTION 5 TO ARTICLE 1 OF CHAPTER 5 OF DIVISION 7 OF THE TORRANCE MUNICIPAL CODE REQUIRING A PERMIT TO PRUNE OR REMOVE TREES ON PUBLIC PROPERTY AND SECTION 13 OF ARTICLE 1 OF CHAPTER 5 OF DIVISION 7 REGULATING THE MAINTENANCE AND REPLACEMENT OF TREES IN PARKWAYS.

The City Council of the City of Torrance does ordain as follows:

SECTION 1

That a new Section 5 is added to Article 1 of Chapter 5 of Division 7, entitled PERMIT REQUIRED TO CUT, TRIM, REMOVE, ETC. This section reads in its entirety as follows:

“SECTION 75.1.5. PERMIT REQUIRED TO CUT, TRIM, REMOVE, ETC.; GRANTING; DURATION.

- a) No person may cut, trim, remove, prune, plant, injure or interfere with any tree upon any street, park, alley or public place of the City without first obtaining a permit from the Public Works Director. The permit will be valid for thirty days.
- b) Permits will be issued in compliance with the following criteria:
 - 1) The owner of the property immediately adjacent to the street or parkway tree must complete a permit application.
 - 2) All permitted tree services must be performed by a professional tree services contractor selected from a list of City-approved contractors.
 - 3) Any trimming, pruning or removal must be done in accordance with City standards.
 - 4) The property owner must pay all costs of the trimming, pruning or removal.
 - 5) Tree services contractors are subject to reasonable requirements of the City concerning such matters as equipment, insurance, qualifications of employees and licensing.
- c) In the Hillside Overlay District, as established Chapter 1, Article 41, Section 91.41.1 in Division 9 of the Torrance Municipal Code, removal of a tree upon any parkway will be permitted, subject to the conditions listed in (b) of this Section, as well as the following:
 - 1) All new or replacement parkway trees will be selected from a list of trees that are of a limited height, to be determined by the Streetscape Administrator.”

SECTION 2

That a new Section 13 is added to Article 1 of Chapter 5 of Division 7, entitled MAINTENANCE AND REPLACEMENT OF TREES IN PARKWAYS. This section reads in its entirety as follows:

“SECTION 75.1.13. MAINTENANCE AND REPLACEMENT OF TREES IN PARKWAYS.

It shall be the duty of property owners to provide for maintenance and replacement of all trees, grass and landscaping in public parkways abutting their property. No maintenance, trimming, cutting or removal performed on a street tree may be done until a permit has been obtained per TMC 75.1.5.”

SECTION 3

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

SECTION 4

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision will not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared invalid or unconstitutional.

SECTION 5

This ordinance will take effect thirty days after the date of its adoption. Within fifteen days following adoption, this ordinance or a summary of this ordinance, if

authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

INTRODUCED AND APPROVED the __ day of _____, 2006.

ADOPTED AND PASSED this __ day of _____, 2006.

Dan Walker, Mayor

ATTEST:

Sue Herbers, City Clerk

APPROVED AS TO FORM:

JOHN L. FELLOWS III
City Attorney

By: _____
Ronald T. Pohl, Assistant City Attorney

ORDINANCE NO. _____

SUMMARY

On _____, 2006, the City Council of the City of Torrance adopted an ordinance regulating the use of canopies, tarps and tents on private property.

The ordinance limits the types of canopies, tarps and tents allowed and proscribes where they are allowed and for what duration of time.

*****City Clerk to add a paragraph stating that copies of the ordinance are available at the City Clerk's office and stating the names of the City Council members that voted in favor and those that voted against.*****

ORDINANCE NO. _____

SUMMARY

On _____, 2006, the City Council of the City of Torrance adopted an ordinance regulating the use of the use of the public right of way.

The ordinance prohibits the placement of any object that obstructs or interferes with the sidewalk or public right of way.

*****City Clerk to add a paragraph stating that copies of the ordinance are available at the City Clerk's office and stating the names of the City Council members that voted in favor and those that voted against.*****

ORDINANCE NO. _____

SUMMARY

On _____, 2006, the City Council of the City of Torrance adopted an ordinance requiring a permit to cut, trim or remove any tree upon any street, park, alley or public place in the City and imposing a duty on property owners to maintain and replace all trees, grass and landscaping in public parkways abutting their property.

*****City Clerk to add a paragraph stating that copies of the ordinance are available at the City Clerk's office and stating the names of the City Council members that voted in favor and those that voted against.*****

TORRANCE ENVIRONMENTAL QUALITY COMMISSION

August 4, 2005

To: Chairman McCabe and Members
of the Torrance Environmental Quality Commission

Subject: Proposed Additions to the Property Maintenance Ordinance
Regulating Canopies and Encroachments into the Public Right of Way

Since the July meeting, staff has requested and received feedback from the City Attorney's office regarding the format and language contained in the proposed additions to the property maintenance ordinance. It was suggested that canopy may need to be defined or the words tarps and tents be added, and that temporary be defined. The encroachment ordinance will be changed from "fail to remove" to "unlawful to place or maintain". Following is the language proposed for the new TMC sections:

TMC92.32.7 Canopies

It shall be unlawful to locate canopies, tarps or tents anywhere other than in the rear yard, not less than three feet from the side and rear property lines. Such canopies shall be limited to one only, with an area not greater than 200 square feet, shall not be visible from the public right of way, and shall be used only on a temporary basis, or for no longer than one week. In no case may canopies be located in any driveway area used for parking.

TMC92.32.8 Use of the Public Right of Way

With the exception of those items for which a permit may be issued, or for which a legal exception is elsewhere granted in law it shall be unlawful for any person owning, occupying or having charge of any property in the City to place or maintain on any sidewalk or public right of way abutting or adjoining such property any rubbish or waste material, construction material, play equipment, signs, trash, vegetation, or any object which obstructs or interferes with the free passage, use or view by the public of any sidewalk, street, alley, parkway, beach, or other public right of way, or which may impede emergency access.

After tonight's meeting, the ordinance will be finalized through the City Attorney and forwarded to Council for approval, along with the recommendation of the Commission. We anticipate getting the ordinance to Council in late August.

Respectfully,



Linda Cessna

Environmental Services Administrator

TORRANCE ENVIRONMENTAL QUALITY COMMISSION

July 7, 2005

To: Chairman McCabe and Members
of the Torrance Environmental Quality Commission

Subject: Proposed Additions to the Property Maintenance Ordinance
Regulating Canopies and Encroachments into the Public Right of
Way

Environmental staff has noted an increasing number of complaints regarding the use of temporary canopies, generally in driveways, being used for parking or for storage. These structures are both a safety concern and a zoning concern, and in most cases, cannot be permitted. However, the Municipal Code, as currently written, does not adequately address canopies in a clear and easily understandable fashion, thus making enforcement more difficult.

Attached is a study undertaken by EQO Steve Switzer which looks at the safety problems inherent in the canopy structures, methods of enforcement currently being used by other jurisdictions and presents a potential code amendment to deal with the issue.

In addition, Environmental staff has noted problems with the use of the public right of way for storage of construction materials or play equipment, and has found, as with the canopies, that the current Municipal Code does not clearly deal with this issue. After looking at a number of other jurisdictions, staff is proposing a second amendment to the Municipal Code to clarify this issue.

Both of the proposed additions would be appended to the current Property Maintenance Section of the Municipal Code, and are proposed to read as follows:

TMC92.32.7 Canopies

It shall be unlawful to locate canopies anywhere other than in the rear yard, not less than three feet from the side and rear property lines. Such canopies shall be limited to one only, with an area not greater than 200 square feet, shall not be visible from the public right of way, and shall be considered to be temporary. In no case may canopies be located in any driveway area used for automobile parking.

TMC92.32.8 Use of the Public Right of Way

With the exception of those items for which a permit may be issued, it shall be unlawful for any person owning, occupying or having charge of any property in the City to fail or refuse to remove from any sidewalk or public right of way abutting or adjoining such property any rubbish or waste material, construction material, play equipment, signs, trash, vegetation, or other object which obstructs or interferes with the free passage or use by the public of any sidewalk, street, alley, beach, or other public right of way, or which may impede emergency access.

After your review and review by our City Attorney, these amendments will be forwarded to the City Council for approval. Environmental Staff feels that these code amendments will be more easily understood by the public and will help to clarify what is required when we are addressing complaints.

Respectfully Submitted,



Linda Cessna
Environmental Services Administrator

Attachments:

1. Proposal for Ordinance Regulating Canopies

A PROPOSAL FOR AN ORDINANCE RESTRICTING CANOPIES IN THE CITY OF TORRANCE

Proposal

That an ordinance be passed restricting the use of portable canvas or plastic canopies to side and rear yards and in compliance with other restrictions applicable to accessory structures.

Background

In January, 2005, Environmental Quality Officers (EQO's) began to notice an increasing proliferation of portable-type canopies in all areas of the city. These canopies are made of canvas, plastic and other sheet materials on tube frames of PVC or similar material. They generally measure approximately 8' to 10' X 12' to 15' and stand about 8' tall at their highest point. They have either four or six legs, at the bottom of which are round plates with holes that allow tent stakes or lag bolts to be used for securing the frames to dirt, grass, cement or wood surfaces. (See attachment 1, photo of typical canopy)

In almost all cases, EQO's have observed the canopies to be erected in the driveways of single-family residences. However, some have also been seen in front and side yards and a few have been found in two, three, and four unit developments.

Along with the observations of an increasing number of canopies more and more complaints about the canopies began to be received by the Environmental Division of the Community Development Department. The complaints mostly concerned the unsightliness of the canopies, but some also concerned safety issues, driveway and parking blockage, and view restriction.

On January 31, 2005, at the direction of Environmental Administrator Linda Cessna, Environmental Quality Officer Steve Switzer began a "Canvas Canopy Carport Project" (C3P) under master file number COM05-00121.

C3P

The purpose of C3P was to:

- Determine the utility of the canopies in relation to their appearance, safety, and legality
- Identify the source(s) of the increase in the number of canopies observed

- Quantify the number of canopies cases opened during the life of the project
- Determine if an ordinance specific to such canopies is needed to address the issues involved

During the course of the project all canopy complaints were assigned to a designated EQO. Also, the other EQO's in the department were requested to pay particular attention to canopies in their areas of responsibility and to give that information to the project EQO so that he could open and investigate additional cases as they arose.

The project EQO surveyed retailers in the city to determine which were selling the canopies and attempt to enlist their assistance in addressing the issue. After discovering which of the retailers were the primary canopy vendors, the project EQO sent each a letter describing the problem and asking the store managers to post a notice near the canopies advising potential buyers to first check with their city of residence regarding the permissibility of the canopies. It was felt that, by doing so, most of the complaints and unnecessary man-hour expenditures could be avoided.

As the project progressed, each complaint, both citizen-generated and EQO generated, was handled the same way; a notice was posted at the property advising that the canopy must be removed and giving a period of time (usually 30 days) to accomplish the removal. At the expiration of that period, if the canopy had not been removed, a second and final notice was either posted or sent in a letter, reiterating the first notice and giving 14 days for the removal. If, at the end of that period, the canopy was still not removed the case would be forwarded to the Torrance City Attorney's Office for disposition.

Also, as part of the project, other local cities were surveyed for their procedure for dealing with the canopy issue.

Findings and Results

The one benefit of the canopy carports identified in the project was the possibility of increased street parking. Cars that might normally be left parked on the street were often parked in driveways under the protection of the canvas carports. Off-setting that supposed benefit, however, is the fact that the carports are unsightly and become more so as they age and become dirty and tattered. That detracts from the general appearance of neighborhoods and leads to decreased property values. They are dangerous; even properly installed, they are unable to withstand winds of even moderate force and have been known to tumble onto adjacent properties. They create line-of-sight problems; the canopy area and supporting poles and frame-work can interfere with the vision of both vehicles and pedestrians. They encroach; they often do not meet required set-back standards and sometimes cross over property lines. And lastly, even though they

are structures and require a building permit, virtually all are erected without permits. In truth, although it is technically possible to obtain a permit for a canvas carport, it is extremely cost-prohibitive to meet Building Code requirements of foundations, firewalls, separations, etcetera.

Six stores were identified as Torrance retailers of canvas carports and similar canvas canopies:

- Home Depot
- Costco
- Sam's Club
- Pep Boys
- Lowe's
- Osh Home and Garden Supply

Each of these stores was sent a letter as described in preceding paragraphs (see attachment number two, letter to retailers). The purpose of the letter was to decrease the number of complaints regarding the canopies and, on the retail side, to decrease the number of returns and disgruntled customers. None of the retailers responded to the letter.

A number of local cities were surveyed regarding their policies on canvas canopies': Redondo Beach, Hermosa Beach, Lomita, Gardena, Carson and Lakewood. With the exception of Lakewood, all the cities deal with the canopies the same way as the City of Torrance. They are not mentioned specifically but are treated as accessory buildings and subject to all codes applicable thereto. The City of Lakewood has a specific ordinance dealing with canopies that restricts them to rear yards and prohibits them, ".....in any driveway area used for automobile parking." The Lakewood ordinance also states, "Such structures shall be located not less than three feet from the side and rear property lines and shall be subject to all standards applicable to accessory structures."

During the course of the project 20 cases were generated, more, during that time period of any other single category of environmental complaints. A majority of the cases has been closed by compliance. One case has become a criminal complaint and has gone to court; it is set for pre-trial on November 21, 2005. A plea is expected. Other cases are pending and are still in their compliance periods. Experience indicates that about 90% will be concluded with compliance, 8-9% will have the compliance period extended (with eventual removal of the canopies) and 1-2% will become criminal complaints. Each case requires in the neighborhood of three to four site inspections, four written notices/letters, and approximately ten investigative hours (more, of course, for those cases that go to court).

It has proven difficult to explain to property owners the myriad of codes that pertain to the canopies. The Uniform Building Code and the Torrance Municipal

Code each have multiple sections that make the canopies unlawful and subject to removal and criminal prosecution. When asked, "Why can't I have my canopy?" the answer often leaves the owner feeling bewildered and bamboozled.

Conclusion

The canvas canopy carports are becoming an increasing problem for the City of Torrance. They are often made of materials that are not fire-retardant and could be a potential fire hazard and a danger to nearby properties and structures. They are subject to weather-related collapse and dislodgement even when properly braced and anchored and they quickly become weather-beaten, dirty and ugly. The canopies are a blight to many neighborhoods.

The many codes that encompass canopies do not mention them specifically and are difficult to explain to property owners who have gone to considerable expense and labor to install them on their property. When ordering a property owner to remove and dispose of such an investment, we should be able to point to a single, specific ordinance that establishes our authority and responsibility to do so.

The Lakewood ordinance serves as an ideal model and would benefit the City of Torrance. It states in full:

"Canopies may be located only in the rear yard and may not be located in any driveway are used for automobile parking. Such structures shall be located not less than 3 feet from the side and rear property lines and shall be subject to all standards applicable to accessory structures."

We recommend that such an ordinance be drafted for approval and enactment.

January 31, 2005

Store Manager
Pep Boys
3124 Sepulveda Blvd.
Torrance, CA 90505

Dear Store Manager:

We at the Environmental Division of the City of Torrance have observed a recent proliferation of canvas and plastic shelters/carports in our residential areas. Such structures are prohibited in our city under by a number of municipal and building codes, all of which deal with safety issues.

In response to the appearance of so many of the structures we have begun an education and enforcement program that is intended to explain to our residents the dangers inherent in the canvas carports and to require the citizens to remove them except for specific, temporary uses.

In many of the cases, the responses we have received from the public cite the fact that the carports were purchased at your Pep Boys store without any warning that the structures may not be permitted in local cities.

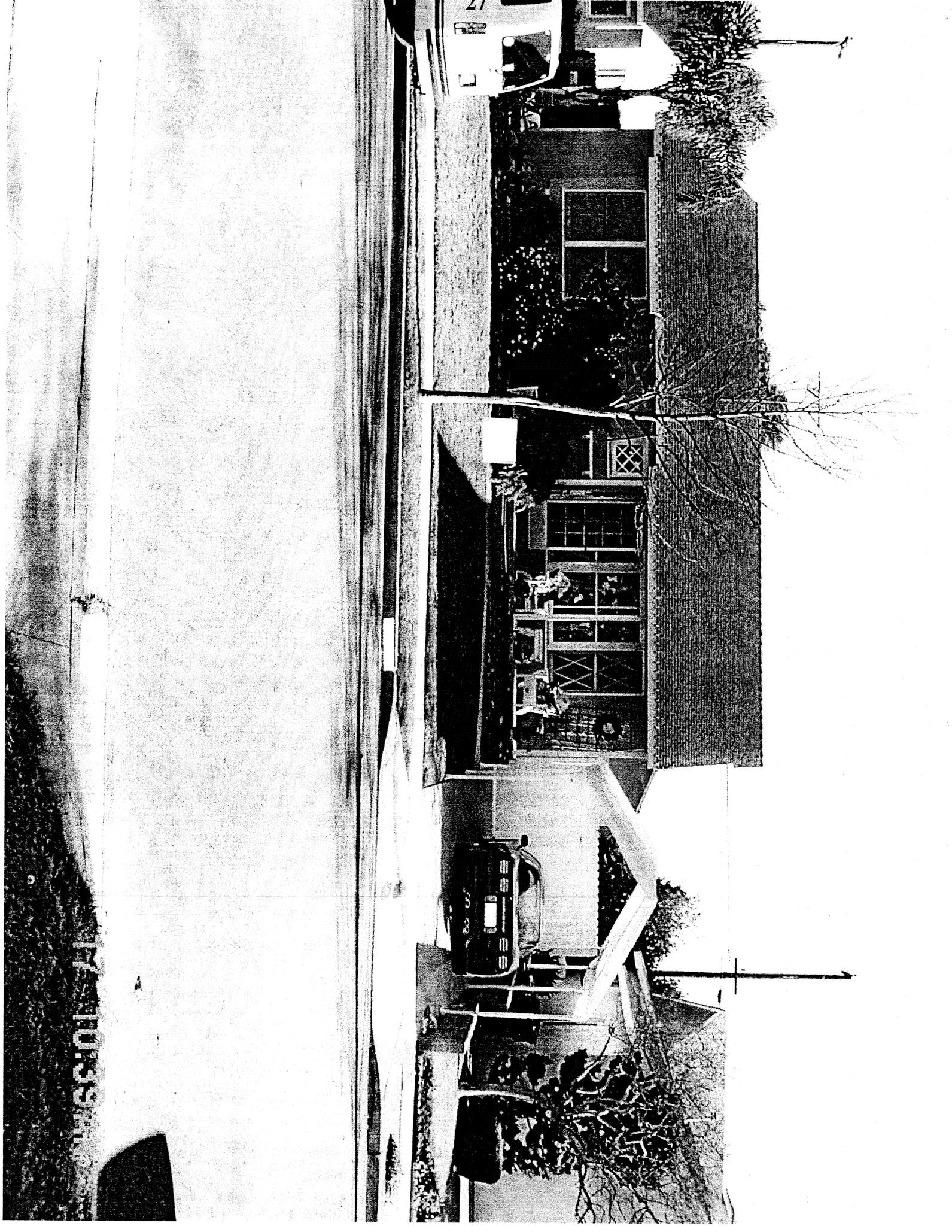
We are, therefore, requesting your assistance in avoiding misunderstandings by your customers which lead to unnecessary expenditures and unintentional violations of our municipal codes. We believe that something as simple as a notice posted near your display that purchasers should first check with their city of residence regarding the legality of the carports would help alleviate the problem. While we understand that such a notice may impact your sales, we also believe that such an action on your part would increase the goodwill so essential to your business.

To that end, we are requesting a meeting with you to discuss a strategy that would be beneficial to all concerned parties. Please call Environmental Quality Officer Steve Switzer at (310) 618-5926 to arrange a meeting at a time and place convenient to you.

Sincerely,

Linda Cessna
Environmental Services Administrator
City of Torrance

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17-10333

EXCERPT OF MINUTES

Minutes Approved
 Minutes Subject to Approval

July 7, 2005

**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, July 7, 2005, in the West Annex Meeting Room at Torrance City Hall.

2. ROLL CALL

Present: Commissioners Basile, Chim, Minter, Persaud, Reilly, Watson and Chairperson McCabe.

Absent: None.

Also Present: Sr. Environmental Quality Officer Jones and Environmental Division Administrator Cessna.

7. ENVIRONMENTAL MATTERS

7A. PROPOSED ADDITIONS TO THE PROPERTY MAINTENANCE ORDINANCE REGULATING CANOPIES AND ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY

Environmental Quality Officer Switzer reviewed the proposed additions to the Property Maintenance Section of the Torrance Municipal Code to regulate canopies and encroachments into the public right-of-way per written material of record. He reported that the City has been experiencing an increasing number of complaints regarding portable canopies being used on driveways for parking and storage; that canopies are technically permitted under the TMC, but the structural requirements are impractical and cost-prohibitive; and that staff was proposing to amend the Code so that regulations for canopies are more understandable and easier to enforce. He noted that the new regulations specify that canopies are permitted in rear yards only and they may not be visible from the street.

Administrator Cessna reported that the City has also had a problem with play equipment, such as basketball hoops, and other items in the public right-of-way; that this matter is not specifically addressed in the TMC; and that staff was proposing a second amendment to clarify this issue.

Environmental Quality Officer Switzer noted that he sent letters to businesses that commonly sell the portable canopies, such as Costco and Sam's Club, advising them of the City's concerns about these structures and suggesting that a sign be posted notifying people that they should check with their city of residence before purchasing a canopy because of possible restrictions, but he received no response.

Commissioners voiced support for the proposed amendments and offered some minor revisions to the proposed language.

Commissioner Reilly expressed concerns about the costs incurred by the City to enforce regulations such as the ones proposed.

Environmental Quality Officer Switzer reported that the City has been able to recover investigative costs when cases have gone to court, however, only a small percentage of cases go to court.

Administrator Cessna advised that staff has looked into the possibility of charging inspection fees when an officer must visit a location a second time after a warning has been issued, but this idea has not been well received.

Commissioner Reilly voiced her opinion that one warning is sufficient and people should be fined if they fail to comply.

Administrator Cessna noted that the proposed amendments must be reviewed by the City Attorney's office before they can be forwarded to the City Council, and it was the consensus of the Commission to take another look at them at the next meeting following legal review.

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EXCERPT OF MINUTES

Minutes Approved
 Minutes Subject to Approval

August 4, 2005

**MINUTES OF A REGULAR MEETING AND GENERAL PLAN WORKSHOP
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 7:01 p.m. on Thursday, August 4, 2005 in the West Annex Meeting Room at Torrance City Hall.

2. ROLL CALL:

Present: Commissioners Basile, Chim, Minter, Reilly, Watson and Chairperson McCabe.

Absent: Commissioner Persaud.

Also Present: Environmental Services Administrator Cessna and Senior Planning Associate Chun.

Chairperson McCabe noted that Commissioner Persaud was granted an excused absence for this meeting at the July 7, 2005 Commission meeting.

6. ENVIRONMENTAL MATTERS

6A. PROPOSED ADDITIONS TO THE PROPERTY MAINTENANCE ORDINANCE REGULATING CANOPIES AND ENCROACHMENTS INTO THE PUBLIC RIGHT OF WAY

Environmental Services Administrator Cessna reviewed changes made by the City Attorney's office regarding the format and language contained in the proposed additions to the property maintenance ordinance. She requested that the Commission recommend support of the ordinance to be forwarded to City Council for approval in late August 2005.

Responding to Chairperson McCabe's suggestion to add an additional clause regarding cumulative use of canopies, Environmental Services Administrator Cessna advised that she was not sure if it was an issue and would check with the City Attorney's office before final drafting. She noted that the intent of the language "canopies, tarps or tents" was clear, but that it was possible to add a definition in the land use code.

In response to Commissioner Watson's inquiry, Environmental Services Administrator Cessna stated that the ordinance would again be reviewed by the City Attorney's office before it is forwarded to City Council and was formatted into the code. She noted that the item would be a public hearing, not an item on the Consent Calendar, because it would require a change to the Torrance Municipal Code.

MOTION: At 7:11 p.m., Commissioner Watson, with a second by Commissioner Chim, moved to open the public hearing; a voice vote reflected unanimous approval (absent Commissioner Persaud).

Norman Brawley, Amapola Avenue, requested clarification on the intent of the ordinance.

Environmental Services Administrator Cessna advised that the ordinance would address encroachment into the public right of way as well as regulation of canopies in general. She explained that the canopies referred to were essentially unpermissible structures, noting that they were often too close to property lines to be allowed and that there were fire and safety issues. She stated that temporary use of a canopy was permitted and offered to forward a copy of the study to him.

Mary Ann Reis, Engracia Avenue, inquired if carports were permissible.

Environmental Services Administrator Cessna explained that carports attached to garages were allowed under code.

June Armstrong, Wayne Street, inquired why canopies were considered dangerous and suggested that the structures be allowed if they were stabilized.

Environmental Services Administrator Cessna explained fire, instability, and property maintenance issues, noting that other jurisdictions have the same concerns.

Chairperson McCabe noted that at the July 7, 2005 Environmental Quality and Energy Conservation Commission meeting, staff made a very persuasive and in-depth presentation on the issue and offered to forward the study to her.

Sandi Monda, Talisman Street, asked if businesses such as Costco and Sam's Club could be required to put a disclaimer on the canopies that they sell.

Environmental Services Administrator Cessna stated that they have been asked to do so already and that an additional ordinance may have to be passed to require them to.

MOTION: At 7:21 p.m., Commissioner Watson, seconded by Commissioner Reilly, moved to close the public hearing; a voice vote reflected unanimous approval (absent Commissioner Persaud).

Commissioner Minter commented that a resident had the right to go to the Planning and Building Department to create a permitted carport.

Commissioner Watson noted that there was considerable leeway in the language of the ordinance.

Environmental Services Administrator Cessna confirmed that the intent of the ordinance was to allow flexibility and that it was aimed at more permanent structures set up in driveways.

MOTION: Commissioner Chim moved to forward the proposed TMC92.32.7 and TMC92.32.8 to City Council for approval along with recommendation from the Environmental Quality and Energy Conservation Commission. The motion was seconded by Commissioner Minter; a roll call vote reflected unanimous approval (absent Commissioner Persaud).

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Daily Breeze

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(201 5.5 C.C.P.)

ATTACHMENT E

This space is for the County Clerk

STATE OF CALIFORNIA

County of Los Angeles,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the THE DAILY BREEZE

Daily Breeze

a newspaper of general circulation, printed and published

in the City of Torrance
County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of County of Los Angeles, State of California, under the date of

June 10, 1974

Case Number SWC7146
that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit

January 27,

all in the year 2006
I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Torrance

California, this 27 Day of January 2006

[Signature]
Signature

PUBLIC NOTICE

PUBLIC NOTICE



DB 1-166

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Torrance City Council at 7:00 p.m., **February 7, 2006**, in the City Council Chambers of City Hall, 3031 Torrance Boulevard, Torrance, California, on the following matter:

City Council consideration of an Ordinance to amend portions of the Torrance Municipal Code regulating the use of canopies, tarps and tents on private property; regulating the use of the public right of way; and clarifying the requirements for maintenance of parkways.

Material can be reviewed in the Environmental Division of the Community Development Department. All persons interested in the above matters are requested to be present at the hearing or to submit their written comments prior to the hearing to the City Clerk, City Hall, 3031 Torrance Boulevard, Torrance, CA 90503.

If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior to, the public hearing and further, by the terms of Resolution No. 88-19, you may be limited to ninety (90) days in which to commence such legal action pursuant to Section 1094.6 of the Code of Civil Procedure.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at 618-5930. If you need a special hearing device to participate in this meeting, please contact the City Clerks office at 618-2870. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADA Title II]

For further information, contact the Environmental Staff of the Torrance Community Development Department at (310) 618-5930.

**SUE HERBERS
CITY CLERK**

Pub: January 27, 2006