

Council Meeting of
February 15, 2011

SUPPLEMENTAL #1 TO ITEM 10A

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

Members of the Council:

SUBJECT: Community Development - Adopt ORDINANCE amending the Torrance Municipal Code regarding the use of vehicles on private property for habitation.

The Ordinance has been formulated and sent to concerned citizens for their review and input. Attached for your review and consideration are comments from the public regarding the Ordinance. These comments were received after the agenda item was prepared and distributed. In addition, a PowerPoint slide has been included that will be part of the presentation this evening.

Respectfully submitted,

JEFFERY W. GIBSON
COMMUNITY DEVELOPMENT DIRECTOR

By



Linda Cessna

Deputy Community Development Director

CONCUR:



Jeffery W. Gibson
Community Development Director

NOTED



LeRoy J. Jackson
City Manager

Attachment: A. Correspondence
B. Powerpoint Document

From: BOWERTONK@aol.com [mailto:BOWERTONK@aol.com]
Sent: Sunday, February 13, 2011 7:41 PM
To: Cessna, Linda
Subject: RV Habitation Ordinance

2049 W 237th St.
Torrance, Ca.

90501

13 February 2011

City of Torrance California
Community Development Department
Attn: Linda Cessna, Assistant Director
3031 Torrance Blvd.
Torrance, Ca. 90503

Subject: RV Habitation Ordinance

Dear Linda,

As we previously discussed, I still believe that Section 1, paragraphs (a) & (b) should be changed. I find them offensive because they get too specific and create an erroneous impression of the problems of RV habitation and their causes. I intend to propose to the City Council that they amend the proposed ordinance to replace paragraphs (a) & (b) with the following;

“The long term use of vehicles and travel trailers as living quarters while parked or stored on private residential property adversely affects the safety, aesthetics, and livability of the community and residents, and therefore should not be permitted except in specific temporary circumstances”.

I have also stated that I find Section 95.5.010 paragraph (a) too restrictive in that it does not appear to allow maintenance or family activities which are necessary or desirable. I therefore intend to propose that the City Council amend the ordinance to change paragraph (a) as follows;

Replace the phrase, “or stay within the vehicle not directly related to its driving”,
with “or stay within the vehicle not directly related to its driving,
maintenance, or family activity”.

If you have serious objections or useful comments please let us discuss them before the counsel meeting. I am looking forward to seeing you Tuesday.

Sincerely,

Ed Bower

Duncan, Nora

From: City Clerk
Sent: Tuesday, February 15, 2011 12:23 PM
To: Duncan, Nora
Subject: FW: RV Habitation - Torrance

Sue Herbers
City Clerk
City of Torrance | 3031 Torrance Blvd. | Torrance CA 90503 |
310.618.2864 voice | 310.618.2931 fax | SHerbers@TorranceCA.gov | www.TorranceCA.gov

From: Scotto, Frank
Sent: Monday, February 14, 2011 9:03 AM
To: Herbers, Sue
Subject: FW: RV Habitation - Torrance

From: Wakeman, Emily [Emily.Wakeman@valero.com]
Sent: Monday, February 14, 2011 7:29 AM
To: Scotto, Frank
Subject: RV Habitation - Torrance

Dear Mayor Scotto,

Please remove those unsightly RVs out of the driveways. They block the view, diminish property value and definitely an eye sore.

Thank you.

Sincerely,

Emily Wakeman
327 Camino Del Campo
Redondo Beach, CA 90277

02/15/2011

Duncan, Nora

From: City Clerk
Sent: Tuesday, February 15, 2011 12:22 PM
To: Duncan, Nora
Subject: FW: City Council Meeting, 15 February 2011: Agenda Item 10A: Use of Vehicles on Private Property for Habitation

For the record. S

Sue Herbers
 City Clerk
 City of Torrance | 3031 Torrance Blvd. | Torrance CA 90503 |
 310.618.2864 voice | 310.618.2931 fax | SHerbers@TorranceCA.gov | www.TorranceCA.gov

From: kk [mailto:kkfitch@att.net]
Sent: Sunday, February 13, 2011 11:29 AM
To: Herbers, Sue
Cc: Barnett, Gene; Susan Marie Rhilinger; Sutherland, Bill; Numark, Cliff; Scotto, Frank; Furey, Pat; Brewer, Tom
Subject: City Council Meeting, 15 February 2011: Agenda Item 10A: Use of Vehicles on Private Property for Habitation

Dear Honorable Body:

Those with whom I have spoken, along with myself, do believe that this Municipal Code needs more stringent language so that the flagrant offenders may be successfully prosecuted to the fullest extent of the law.

My fervent desire, hope, and wish is that the restated/restructured Code does refrain from, PUNISHING THE MASSES FOR THE SINS OF A FEW, as did the Oversized Vehicle Street Parking Ban.

Having attended all, other than the last, Public Hearing held regarding this matter, you will find my previously stated concerns/remarks included in the packet before you this evening. Reiterating some, of which are:

- The manufacturer of my pop-up trailer highly recommends keeping the trailers electrical system connected to household current when not in use. Failure to do so will cause battery failure and expensive replacement thereof.
- My small two bedroom home, of which one bedroom is an office, leaves little room for out-of-town guest accommodations. On the occasion that family or friends visit, the trailer's sleeping quarters are utilized. Utilized without the use of cooking, bathing, sewer or water hook-up, etc., etc.. Or the use of a power generator. Temporary Permits, for occasional sleeping use would be an ineffective use of City time and manpower.
- Loading and unloading, for me, is an interesting time-consuming task. Last trip it took three months to decide what to load, unload, etc. That was an unreasonable time-frame. May there be an agreeable "time" compromise.

Depending upon which definition of LIVING, and/or HABITATION one uses, I sincerely believe that occasional use is outside of that which the Community may deem would be in violation of a restructured Code.

FYI: my RV was well-maintained, moved within required limits, and only used for occasional out-of-

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town sleeping quarters. It did fit in my driveway, so when ban became effective, it became a hassle to move it just to open and close the garage door. Therefore it was replaced by a small pop-up trailer which fits in my driveway, and enables me to egress and exit my garage with relative ease. The trailer was only here a very short time when, lo and behold, it became is the subject of contention. It, too, is normally well-maintained, kept open for airing, etc., and is to be plugged in to A/C current for proper factory adherence. And used for short-term guest sleeping quarters.

Yes I am too close to this matter to offer any real rational. May I leave it to your Honorable Body to see that those who comply with the Municipal Code of our City, will be able to enjoy the peace and tranquility of their personal property without being in any form of violation.

What assurance have we that your next step will be to ban all forms of vehicles of recreational use from being accessible on our private property? I pray that you shall cease from that action, during my lifetime.

Please accept my apology for being conspicuous by my absence from this and other important City Council meetings of late. As General McArthur said, "I shall return". May it be sooner than later.

Thank you for your time and attention to this matter of importance to me, and other law-abiding citizens.

Respectfully,

Karen K. Fitch
2414 W. 236th. Street
Torrance, Calif., 90501

Duncan, Nora

From: City Clerk
Sent: Tuesday, February 15, 2011 12:23 PM
To: Duncan, Nora
Subject: FW: RV Habitation

For the record. S

Sue Herbers
City Clerk
City of Torrance | 3031 Torrance Blvd. | Torrance CA 90503 |
310.618.2864 voice | 310.618.2931 fax | SHerbers@TorranceCA.gov | www.TorranceCA.gov

From: Scotto, Frank
Sent: Monday, February 14, 2011 9:04 AM
To: Herbers, Sue
Subject: FW: RV Habitation

From: richard peters [buzzcindy@hotmail.com]
Sent: Sunday, February 13, 2011 3:41 PM
To: Scotto, Frank
Subject: RV Habitation

Dear Mayor Scotto,

Please get rid of the unsightly RV's from the drivewaws!
We have one next door-it completely blocks the side walk!

Richard T.Peters- Resident of Torrance for 55 years
4409 Vista Largo,Torrance 90505
310 373 1729

02/15/2011

Duncan, Nora

From: City Clerk
Sent: Tuesday, February 15, 2011 12:24 PM
To: Duncan, Nora
Subject: FW: Proposed RV Habitation Ordinance
Attachments: image.tiff

For the record. S

Sue Herbers
 City Clerk
 City of Torrance | 3031 Torrance Blvd. | Torrance CA 90503 |
 310.618.2864 voice | 310.618.2931 fax | SHerbers@TorranceCA.gov | www.TorranceCA.gov

From: Brewer, Tom
Sent: Monday, February 14, 2011 5:53 AM
To: Herbers, Sue
Subject: Fw: Proposed RV Habitation Ordinance

Regards,
Tom Brewer,
Council Member,
City of Torrance

-----Original message-----

From: crankings <crankings@aol.com>
To: "Scotto, Frank" <FScotto@TorranceCA.gov>
Cc: "Barnett, Gene" <GBARNETT@TorranceCA.gov>, "Brewer, Tom" <TBrewer@TorranceCA.gov>, "Furey, Pat" <PFurey@TorranceCA.gov>, "Numark, Cliff" <CNumark@TorranceCA.gov>, "Rhilinger, Susan" <SRhilinger@TorranceCA.gov>, "Sutherland, Bill" <BSutherland@TorranceCA.gov>
Sent: Mon, Feb 14, 2011 01:48:20 GMT+00:00
Subject: Proposed RV Habitation Ordinance

Honorable Mayor and City Council Members,

The Torrance City Council will consider a proposed ordinance on RV habitation during its February 15, 2011 meeting (this coming Tuesday at 7:00 PM). There have been 108 complaints of RV habitation since 1992 (from Environment Commission statistics).

Below are the new and current ordinances. The current one is deemed unenforceable (judges threw out the 2 times cases were tried). There are some new provisions that are improvements (permits to allow temporary habitation) but the heart of the ordinance (quoted below) is basically the same as the existing ordinance and is not enforceable.

The main thrust of the Environment Commission, which drew up the ordinance, was biased to minimize the impact to RV owners. This was the same fatal flaw of the Traffic Commission when it drew up the draft ordinance to halt on-street RV storage. The City

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Council threw out the proposed ordinance and wrote a very good, enforceable one instead. I believe the ordinance should be very clear and enforceable, which this proposed ordinance is not. I believe the way to stop RV habitation is to allow RV parking on private property only for permitted time periods. The physical presence of an RV on private property outside of a permitted time period would be illegal. This would have teeth and would not require city access to private property (or peeking over fences).

This is the existing unenforceable ordinance against RV habitation.

| SECTION 92.5.12. - USE OF VEHICLES ON PRIVATE PROPERTY FOR HABITATION.

(Added by O-3147)

No person shall use or allow any vehicle parked or standing upon any residentially zoned property to be used for the purpose of living, sleeping, cooking, bathing or housekeeping for a period of time exceeding fourteen (14) consecutive days or a total of thirty (30) days in any calendar year.

For the purposes of this section, "vehicle" means any boat and any device, operable or inoperable, with or without wheels, by which any person or property may be propelled, moved or drawn upon the street or highway, including, but not limited to, automobiles, mobile homes, house trailers and camper trailers.

This is part of the new RV habitation ordinance. (There are additional sections about temporary habitation and permits for temporary habitation).



SECTION 3

That a new Section 15 is added to Article 5 of Chapter 2 of Division 9, entitled USE OF VEHICLES ON PRIVATE PROPERTY FOR HABITATION. This section reads in its entirety as follows:

"SECTION 92.5.15 – USE OF VEHICLES ON PRIVATE PROPERTY FOR HABITATION.

No person shall use or allow any Vehicle parked or standing upon any residentially zoned property to be used for the purpose of temporary or permanent living without a permit, nor shall any Vehicle be stopped, parked, left standing or encroaching upon any portion of neighboring private properties.

- a) For purposes of this section, the term, "living," shall include, but not be limited to, acts of sleeping, cooking, bathing, occupying as a dwelling, or any stay within the Vehicle not directly related to its driving. The following factors may constitute acts of "living" for purposes of this code section: the connecting to sewer, water, electrical systems, and/or the use of a power generator, except during a loading and/or preparation period.
 - 1) A loading and/or preparation period for purposes of this section means a period of five days or less within a calendar week, i.e. Sunday through Saturday.
 - 2) No more than three nonconsecutive loading and/or preparation periods are permitted in a calendar month.
- b) For purposes of sections 92.5.15 through 92.5.23, "Vehicle," means any device, operable or inoperable, with or without wheels, by which any person or property may be propelled, moved, or drawn upon the street or highway, including, but not limited to, automobiles, boats, mobile homes, trailers, house trailers, semitrailers, camp trailers (including tent trailers), unmounted campers, trailer coaches, fifth-wheel travel trailers, recreational vehicles, and/or similar type trailers."

Living in RVs on Private Property

Current TMC

- 2 periods of 14 consecutive days each year
- Maximum of 30 days per year
- No permit required

Proposed TMC

- 5 periods of 15 consecutive days each year
- Maximum of 75 days per year
- Permit required (tracking only- No Fee)
- 3 Loading periods of 5 days each per month
- 6 to 12 Month Habitation period allowed for on site construction project with permit
- Provision for State of Emergency Habitation
- Definition of conditions that may indicate habitation