EXECUTIVE OFFICE – BOARD OF SUPERVISOR

AGENDA ENTRY

DATE OF MEETING:	
DEPARTMENT NAME:	REGIONAL PLANNING
BOARD LETTERHEAD	DEPARTMENT
SUPERVISORIAL DISTRICT AFFECTED	FIFTH
VOTES REQUIRED	THREE
CHIEF INFORMATION OFFICER'S RECOMMENDATION	NONE

Instructions: To comply with the Brown Act requirement the reader should fully understand what the department is asking the Board to approve. The recommendation must describe what the action is for; with whom the action is being taken; fiscal impact, including money amounts, funding sources, and effective dates. Also, include an instruction for the Chair(man) or Director to sign when such signature is required on a document.

PROJECT: R2008-00708-(5)
CASE(S): RAP20080004

[DATE] PUBLIC HEARING

BOARD AGENDA TEXT:

1. De novo hearing on Project Number R2008-00708-(5), Animal Permit Case Number 20080004 and Class 1 Categorical Exemption to authorize the keeping and maintaining 10 goats, 2 horses, 1 llama and 1 emu in a A-1-1000 (Light Agriculture) zone located at 490 Smoketree Drive, within the unincorporated community of West Claremont, North Claremont Zoned District; applied for by Roberto Alguero and Iris Fiorito. Appeal from the Regional Planning Commission's approval. **(Regional Planning)**

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Bruce W. McClendon, FAICP
Director of Planning

December 10, 2008

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Roberto Alguero & Iris Fiorito
490 Smoketree Drive
LaVerne, CA 91750

Regarding: Project: R2008-00708
Case: Animal Permit 20080004
Address: 490 Smoketree Drive

Dear Applicant:

The Regional Planning Commission, by its action of December 10, 2008, **APPROVED** the above described animal permit. The attached documents contain the Regional Planning Commission's findings and conditions relating to the approval. Please carefully review each condition. Condition two requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

The applicant or and other interested person may appeal the Regional Planning Commission's decision to the Board of Supervisors through the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Please contact the Executive Office for the amount of the appeal fee at (213) 974-1426. **The appeal period for this project will end at 5:00 p.m. on December 24, 2008**. Any appeal must be delivered in person to the Executive Office by this time. If no appeal is filed during the specified period, the Regional Planning Commission action is final.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

Please be informed that any violation of this animal permit, including the quantity of animals allowed by the permit, will result in enforcement action.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Dean Edwards in the Zoning Permits Section 1 at (213) 974-6443.

DEC 11 2008

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Bruce W. McClendon, FAICP
Director of Planning

Mark Child, Supervising Regional Planner
Zoning Permits 1 Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)

c: BOS; DPW (Building and Safety); Zoning Enforcement, Department of Animal Control, Health Department, and Testifiers : Reza Dianti, Bahman Dianati, Marlena Orozco, Michelle Lowe

MC:de

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

PROJECT NUMBER R2008-00708-(5)
ANIMAL PERMIT NUMBER 200800004

REQUEST:
Animal permit to authorize the keeping and maintaining 2 horses, 1 llama, 1 emu and 10 goats.

REGIONAL PLANNING COMMISSION HEARING DATE: DECEMBER 10, 2008

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

The Regional Planning Commission heard testimony from two opponents. The applicants were not present at the hearing. The Regional Planning Commission reduced the number of goats to be authorized by Animal Permit 200800004 from 15 to 10, the same number of goats allowed by previously approved Animal Permit 02-162.

Findings

1. The subject property is located at 490 Smoketree Drive in the community of West Claremont and North Claremont Zoned District.

2. The Countywide General Plan land use designation for the subject property is Low Density Residential which is suitable for single family detached housing units with densities typically ranging from one to six units per gross acre. The intent of this classification is to maintain the character of existing low density residential neighborhoods and also to provide additional areas to accommodate future market demand. The subject property is developed with a single-family residence, a storage shed, animal shelters and corrals. The subject property is consistent with the Countywide General Plan.

3. The subject property is zoned A-1-1000 (Light Agriculture – 1,000 square foot lot minimum) which allows single-family residences and agricultural uses. The existing use is single-family residence.

4. The subject property is a flag lot which requires a ten foot setback on all sides (Section 22.48.050). An existing shed is located within the setback of the north property boundary and an animal shelter is located within the setback area of the southern property boundary. The subject property is not compliant with Zoning Ordinance.

5. Single-family residences are located to the west, north and east of the subject property. The 210 Freeway abuts the southern boundary of the property. Staff

inspected the site on October 15, 2008. The following animals were inventoried: 25 goats (10 more than applied for), 2 horses and 1 emu.

6. The permittee applied for an animal permit to authorize the keeping and maintaining 2 horses, 1 llama, 1 emu and 15 goats. The number of goats allowed has been reduced by The Regional Planning Commission to the same number (10) authorized by Animal Permit 02-162, which expired December 17, 2007.

7. Pursuant to Section 22.56.470 of the County Code, the neighbors were noticed of the applicant's request for an animal permit. Section 22.56.480 states the Director shall deny an application for an animal permit in all cases where two protests are indicated. The Department of Regional Planning received three letters of protest and consequently denied Animal Permit 200800004. A fourth opposition letter was received by the Department after the Director denied Animal Permit 200800004.

8. Comments were requested from The Departments of Public Health and the Department of Animal Control. The Department of Public Health submitted a letter dated May 20, 2008, which stated that the applicant must apply for an Animal Keeper's Permit. The Department of Animal Control submitted a letter dated June 12, 2008 stating that based on their inspections the animals are adequately housed and cared for and the Department has not received any complaints.

9. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.

10. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits 1 Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISION CONCLUDES:

A. That the requested animal or animals at the location proposed will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and

B. That the proposed site is adequate in size and shape to accommodate the animal or animals requested without material detriment to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for an Animal Permit as set forth in Section 22.56.450 of the Los Angeles County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. I have/The Commission has considered the Categorical Exemption for this project and certify that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

2. In view of the findings of fact and conclusions presented above, the appeal of Animal Permit 20080004 is APPROVED.

c: Each Commissioner, Zoning Enforcement, Building and Safety

VOTE:

Concurring: Harold V. Helsley, Leslie G. Bellamy, Esther Valadez and Pat Modugno

Dissenting:

Abstaining:

Absent: Wayne Rew

Action Date: December 10, 2008

MC:de

12/10/2008

This grant authorizes keeping and maintaining of up to 2 horses, 1 llama, 1 emu and 10 goats at 490 Smoketree Drive, subject to all of the following conditions of approval:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee), have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.

3. That the subject property be maintained in compliance with the provisions and requirements of Title 22 (Zoning Ordinance) of the Los Angeles County Code.

4. The property shall be developed and maintained in substantial conformance with this site plan which will be placed on file and marked Exhibit "A".

5. That all structures on the subject property conform to the requirements of the Department of Public Works.

6. That the subject property be developed and maintained in compliance with requirements of Title 11 (Health Code) of the Los Angeles County Code.

7. It is further declared and made a condition of this grant that if any condition hereof is violated, or if any law, statute, or ordinance is violated, the grant shall be suspended and the privileges granted shall lapse; provided that the property owner has been given written notice of such violation and has failed to correct the violations for a period of thirty (30) days.

8. The maximum number of animals subject to an animal permit that may be kept and maintained on the subject property shall be limited to 2 horses, 1 llama, 1 emu and 10 goats.

9. This grant shall expire on **December 10, 2018**.

10. The permittee shall pick up fecal matter from animals on a daily basis and dispose of it properly. The permittee shall not use a drag bar and mix the feces into the dirt.

11. All buildings/structures shall be set back from the property boundaries 10 feet.

MC:de

11/17/08

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Bruce W. McClendon, FAICP
Director of Planning

November 24, 2008

TO: Harold V. Helsley, Chair
Leslie G. Bellamy, Vice-Chair
Esther Valadez, Commissioner
Wayne Rew, Commissioner
Pat Modugno, Commissioner

FROM: Mark Child
Section Head, Zoning Permits 1

SUBJECT: Additional Materials for Hearing
Project Number: R2008-00708
Case: RAP200800004
RPC Meeting: December 10, 2008
Agenda Item: 9

Synopsis:
The applicants, Roberto Alguero & Iris Fiorito are requesting an animal permit to allow the keeping and maintaining of 15 goats, 2 horses, 1 llama and 1 emu. The subject property is located at 490 Smoketree Drive in the community of West Claremont and North Claremont Zoned District.

Pursant to Sections 22.52.320 and 22.56.420, an animal permit is required if:

- The number of animals on the property exceeds the number in Table 1 (below).
- The total number of animals exceeds 1 per 5,000 square feet.
- The animals to be kept are unclassified (the emu).

Table 1

Type of Animal	Number Permitted
Horses, donkeys, mules and other equine, and cattle	One over nine months of age for each 5,000 square feet of lot area.
Sheep and goats	One over six months of age for each 5,000 square feet of lot area.
Alpacas and llamas	One over six months of age for each 5,000 square feet of lot area.

The subject property is 33,976 square feet and can accommodate 6 animals without an animal permit.

At your November 12, 2008 meeting, the Regional Planning Commission directed Staff to revise the findings to reflect the number of goats allowed by Animal Permit 02-162 (ten).

SUGGESTED APPROVAL MOTIONS

I move that the Regional Planning Commission approve Animal Permit 200800004 with findings & conditions.

If you have any questions, please call Dean Edwards at (213) 974-6443 Monday through Thursday, 7:30 a.m. to 6:00 p.m. Our office is closed on Fridays.

MC:de

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

PROJECT NUMBER R2008-00708-(5)
ANIMAL PERMIT NUMBER 200800004

REQUEST:
Animal permit to authorize the keeping and maintaining 2 horses, 1 llama, 1 emu and 10 goats.

REGIONAL PLANNING COMMISSION HEARING DATE: DECEMBER 10, 2008

Findings

1. The subject property is located at 490 Smoketree Drive in the community of West Claremont and North Claremont Zoned District.

2. The Countywide General Plan land use designation for the subject property is Low Density Residential which is suitable for single family detached housing units with densities typically ranging from one to six units per gross acre. The intent of this classification is to maintain the character of existing low density residential neighborhoods and also to provide additional areas to accommodate future market demand. The subject property is developed with a single-family residence, a storage shed, animal shelters and corrals. The subject property is consistent with the Countywide General Plan.

3. The subject property is zoned A-1-1000 (Light Agriculture – 1,000 square foot lot minimum) which allows single-family residences and agricultural uses. The existing use is single-family residence.

4. The subject property is a flag lot which requires a ten foot setback on all sides (Section 22.48.050). An existing shed is located within the setback of the north property boundary and an animal shelter is located within the setback area of the southern property boundary. The subject property is not compliant with Zoning Ordinance.

5. Single-family residences are located to the west, north and east of the subject property. The 210 Freeway abuts the southern boundary of the property. Staff inspected the site on October 15, 2008. The following animals were inventoried: 25 goats (10 more than applied for), 2 horses and 1 emu.

6. The permittee applied for an animal permit to authorize the keeping and maintaining 2 horses, 1 llama, 1 emu and 15 goats. The number of goats allowed has been reduced by The Regional Planning Commission to the same number (10) authorized by Animal Permit 02-162, which expired December 17, 2007.

7. Pursuant to Section 22.56.470 of the County Code, the neighbors were noticed of the applicant's request for an animal permit. Section 22.56.480 states the Director shall deny an application for an animal permit in all cases where two protests are indicated. The Department of Regional Planning received three letters of protest and consequently denied Animal Permit 200800004. A fourth opposition letter was received by the Department after the Director denied Animal Permit 200800004.

8. Comments were requested from The Departments of Public Health and the Department of Animal Control. The Department of Public Health submitted a letter dated May 20, 2008, which stated that the applicant must apply for an Animal Keeper's Permit. The Department of Animal Control submitted a letter dated June 12, 2008 stating that based on their inspections the animals are adequately housed and cared for and the Department has not received any complaints.

9. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.

10. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits 1 Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISION CONCLUDES:

A. That the requested animal or animals at the location proposed will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and

B. That the proposed site is adequate in size and shape to accommodate the animal or animals requested without material detriment to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for an Animal Permit as set forth in Section 22.56.450 of the Los Angeles County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. I have/The Commission has considered the Categorical Exemption for this project and certify that it is consistent with the finding by the State Secretary for Resources or

by local guidelines that this class of projects does not have a significant effect on the environment.

2. In view of the findings of fact and conclusions presented above, the appeal of Animal Permit 20080004 is APPROVED.

c: Each Commissioner, Zoning Enforcement, Building and Safety

VOTE:

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

MC:de

11/17/08

This grant authorizes keeping and maintaining of up to 2 horses, 1 llama, 1 emu and 10 goats at 490 Smoketree Drive, subject to all of the following conditions of approval:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee), have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.

3. That the subject property be maintained in compliance with the provisions and requirements of Title 22 (Zoning Ordinance) of the Los Angeles County Code.

4. The property shall be developed and maintained in substantial conformance with this site plan which will be placed on file and marked Exhibit "A".

5. That all structures on the subject property conform to the requirements of the Department of Public Works.

6. That the subject property be developed and maintained in compliance with requirements of Title 11 (Health Code) of the Los Angeles County Code.

7. It is further declared and made a condition of this grant that if any condition hereof is violated, or if any law, statute, or ordinance is violated, the grant shall be suspended and the privileges granted shall lapse; provided that the property owner has been given written notice of such violation and has failed to correct the violations for a period of thirty (30) days.

8. The maximum number of animals subject to an animal permit that may be kept and maintained on the subject property shall be limited to 2 horses, 1 llama, 1 emu and 10 goats.

9. This grant shall expire on **December 10, 2018**.

10. The permittee shall pick up fecal matter from animals on a daily basis and dispose of it properly. The permittee shall not use a drag bar and mix the feces into the dirt.

11. All buildings/structures shall be set back from the property boundaries 10 feet.

MC:de

11/17/08

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Bruce W. McClendon, FAICP
Director of Planning

November 10, 2008

TO: Harold V. Helsley, Chair
Leslie G. Bellamy, Vice-Chair
Esther Valadez, Commissioner
Wayne Rew, Commissioner
Pat Modugno, Commissioner

FROM: Mark Child
Section Head, Zoning Permits 1

SUBJECT: Additional Materials for Hearing
Project Number: R2008-00708
Case: RAP200800004
RPC Meeting: November 12, 2008
Agenda Item: 8

Please find attached an opposition letter, for the above referenced project, that was received subsequent to hearing package submittal to the Regional Planning Commission.

MC:de

320 West Temple Street ▪ Los Angeles, CA 90012 ▪ 213-974-6411 ▪ Fax: 213-626-0434 ▪ TDD: 213-617-2292

Dean Edwards,

My name is Bill Henley and we have spoken before. I left a message for you on Sunday to let you know I won't be able to make it on Wednesday Nov.12, re; Animal permit #200800004. Project # R2008-00708-(5)

We live at 4315 Saint Mark Ave. La Verne CA 91750 across the street from the Property at 490 Smoketree Dr.

We are absolutely not in favor of having this Goat Farm in our Neighborhood. I know it's been there for years already and we have been putting up with the Flies, Smell, and Noise for years too.

Are these Animals for sale? Do they eat them? What about the Chickens and Ducks? On hot summer days we get Flies, on Rainey wet days we get the stench that goes with an Animal Farm like this.

Since the 210 Fwy.went in, the noise from these animals and the above mentioned have dramatically increased.

The next door Neighbor to the North of us has a 38,000 sq. ft. lot, what if they decided to have a Goat Farm?

Why do we need a Goat Farm? How will it benefit our community? Something like this is appropriate in a Rural setting not a Neighborhood like ours.

If you have any questions please feel free to call me.

Sincerely,

Bill Henley
4315 Saint Mark Ave.
La Verne CA
91750 *cell (909)706-2323 office (626)608-1100*

Regional Planning Commission Transmittal Checklist	Hearing Date November 12, 2008
	Agenda Item Number 8

Project Number: R2008-00708
Case(s): RAP20080004
Contact Person: Dean Edwards

Included	NA/None	Document
☒	☐	Factual
☒	☐	Property Location Map
☒	☐	Staff Report
☒	☐	Draft Findings
☐	☒	Draft Conditions
☐	☒	DPW Letter
☐	☒	FD Letter
☒	☐	Other Department's Letter(s)
☒	☐	Burden Of Proof Statement(s)
☐	☒	Environmental Documentation (IS, MMP, EIR)
☒	☐	Opponent And Proponent Letters
☒	☐	Photographs
☐	☒	Resolution (ZC Or PA)
☐	☒	Ordinance with 8.5 X 11 Map (ZC Or PA)
☐	☒	Land Use Map – Not Available
☒	☐	Site Plan And Elevations
☐	☐	

Reviewed By: _____

Los Angeles County Department of Regional Planning 320 West Temple Street Los Angeles, California 90012 Telephone (213) 974-6443 **PROJECT NUMBER R2008-00708-(5)** **ANIMAL PERMIT NUMBER 20080004**	PUBLIC HEARING DATE November 12, 2008	AGENDA ITEM
	RPC CONSENT DATE	CONTINUE TO

APPLICANT	**OWNER**	**REPRESENTATIVE**
Roberto Alguero & Iris Fiorito	Roberto Alguero & Iris Fiorito	Jean Allocati

ENTITLEMENT REQUEST
Animal Permit to authorize the keeping and maintaining 15 goats, 2 horses, 1 llama and 1 emu

PROJECT DESCRIPTION
Renewal of animal permit to allow 15 goats, 2 horses, 1 llama and 1 emu.

LOCATION/ADDRESS
490 Smoketree Drive

SITE DESCRIPTION
The subject property is a flag lot accessed by Baseline Road. It is developed with a single-family residence, storage shed, three fenced areas for animals and animal shelters.

ACCESS	**ZONED DISTRICT**
Smoketree Drive	North Claremont Zoned
ASSESSORS PARCEL NUMBER	**COMMUNITY**
8666-009-027	West Claremont
SIZE	**COMMUNITY STANDARDS DISTRICT**
0.78 Acres	NA

	EXISTING LAND USE	**EXISTING ZONING**
Project Site	Single-family Residence	A-1-1000 (Light Agriculture)
North	Single-family Residence	A-1-5000 (Light Agriculture)
East	Single-family Residence	City of La Verne
South	210 Freeway	City of La Verne
West	Single-family Residence	A-1-1000 (Light Agriculture) & A-1-5000 (Light Agriculture)

GENERAL PLAN	**DESIGNATION**	**MAXIMUM DENSITY**
Countywide	1 - Low Density Residential	6 Dwelling Units Per Acre

ENVIRONMENTAL DETERMINATION
Class1 Categorical Exemption

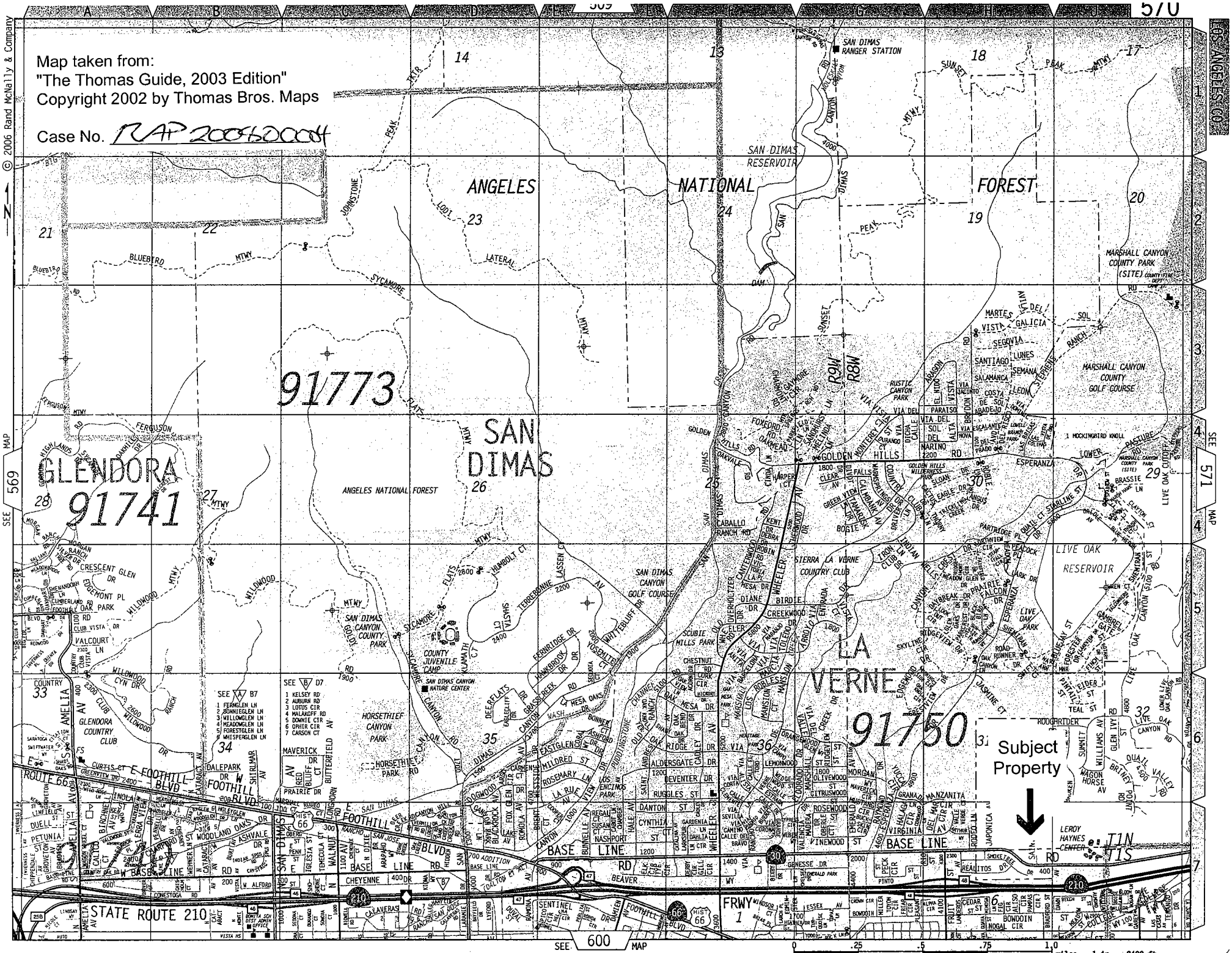
RPC LAST MEETING ACTION SUMMARY

LAST RPC MEETING DATE	RPC ACTION	NEEDED FOR NEXT MEETING
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING/ABSENT

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON:		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING):		
SPEAKERS* (O) (F)	PETITIONS (O) (F)	LETTERS (O) (F)

*(O) = Opponents (F) = In Favor


Map taken from:
"The Thomas Guide, 2003 Edition"
Copyright 2002 by Thomas Bros. Maps
Case No. RAP 200600004
© 2006 Rand McNally & Company
ANGELES NATIONAL FOREST
SAN DIMAS
GLENDORA
91741
91773
LA VERNE
91750
Subject Property
SAN DIMAS RESERVOIR
SAN DIMAS RANGER STATION
MARSHALL CANYON COUNTY PARK (SITE)
MARSHALL CANYON COUNTY GOLF COURSE
LIVE OAK RESERVOIR
SIERRA LA VERNE COUNTRY CLUB
SAN DIMAS CANYON GOLF COURSE
SAN DIMAS CANYON COUNTY PARK
COUNTY JUVENILE CAMP
HORSETHIEF CANYON PARK
GLENDORA COUNTRY CLUB
LEROY HAYNES CENTER
STATE ROUTE 210
SEE 569 MAP
SEE 571 MAP
SEE 600 MAP
0 .25 .5 .75 1.0 miles 1 in. = 2400 ft.

STAFF ANALYSIS
PROJECT NUMBER R2008-00708-(5)
ANIMAL PERMIT NUMBER 20080004

ENTITLEMENT REQUEST
The applicants, Roberto Alguero & Iris Fiorito are requesting an animal permit to allow the keeping and maintaining of 15 goats, 2 horses, 1 llama and 1 emu.

LOCATION
The subject property is located at 490 Smoketree Drive in the community of West Claremont and North Claremont Zoned District.

SITE PLAN DESCRIPTION
The subject property is a 0.78 acre flag lot accessed by Baseline Road. It is developed with a single-family residence, storage shed, three fenced areas for animals and animal shelters.

PROJECT DESCRIPTION
Renewal of a previously approved animal permit to allow 15 goats, 2 horses, 1 Llama and 1 Emu.

LEGAL NOTIFICATION AND PUBLIC OUTREACH
Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

PREVIOUS CASES/ZONING HISTORY
Animal Permit 02-162 for 2 horses, 1 llama, 1 emu, 10 goats, 4 dogs and 3cats was approved December 16, 2002. It expired December 17, 2007.

The applicant was cited on December 12, 2007 for maintaining animals on the property in excess of the number of animals permitted by Animal Permit 02-162.

STAFF EVALUATION
General Plan Consistency
The Countywide General Plan land use designation for the subject property is Low Density Residential which is suitable for single family detached housing units with densities typically ranging from one to six units per gross acre. The intent of this classification is to maintain the character of existing low density residential neighborhoods and also to provide additional areas to accommodate future market demand. The subject property is developed with a single-family residence, a storage shed, animal shelters and corrals. It is staff's opinion that the subject property is consistent with the Countywide General Plan.

Zoning Ordinance and Development Standards Compliance
The subject property is zoned A-1-1000 (Light Agriculture – 1,000 square foot lot minimum) which allows single-family residences and agricultural uses. The existing use is single-family residence.

The subject property is a flag lot which requires a ten foot setback on all sides (Section 22.48.050). An existing shed is located within the setback of the north property boundary. Additionally, an animal shelter is located within the setback area of the southern property boundary. The subject property is not compliant with Zoning Ordinance.

An animal permit is required if the number of animals exceeds the number allowed in Sections 22.52.320 and 22.52.310 (no more than one animal per 5,000 square feet with a 15,000 square foot minimum). 22.52.320 pertains to livestock kept as pets, which is the case with the applicant's request. The subject property is 33,976 square feet and can accommodate a maximum of 6 animals. Section 22.52.340 of the County Code requires an animal permit for animals other than those listed in Section 22.52.320. This section would apply to the emu. In response to code violations of Sections 22.52.320 the applicant applied for an animal permit to allow the keeping and maintaining 15 goats, 2 horses, 1 llama and 1 emu.

Neighborhood Impact/Land Use Compatibility
Single-family residences are located to the west, north and east of the subject property. The 210 Freeway abuts the southern boundary of the property. Staff inspected the site on October 15, 2008. The following animals were inventoried: 25 goats (10 more than applied for), 2 horses and 1 emu. Animal waste odor emanating from the subject property was detected from the neighboring property; therefore it is Staff's opinion that the quantity of animals on the property is excessive and incompatible with a single-family residential neighborhood.

Burden of Proof
The applicant is required to substantiate all facts identified by Section 22.56.450 of the Los Angeles County Code. The Burden of Proof with applicant's responses is attached.

Item A.1 states "That requested animals at the location proposed will not be materially detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site." Staff interprets enjoyment to include use free from the impact of offensive odor originating from the subject property. The applicant responded, "Animals to be kept more than 35 feet from any adjacent dwelling inhabited at this time." The applicant's response fails to prove 35 feet is a sufficient distance to prevent odor from the subject property from being materially detrimental to the use and enjoyment of the property of other persons located in the vicinity of the site.

In response to Item B which states, "That the proposed site is adequate in size and shape to accommodate the animal or animals without material detriment to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site", the applicant stated, "Size of land over one half acre is adequate for animals requested." Section 22.52.320 of the County Code requires 5,000 square feet per animal. Nineteen animals, as requested by the applicant, would require a 95,000 square foot site. The subject is property 33,976 square feet which is 61,024 square feet less than what is required by code. Therefore, it is Staff's opinion that the size of the subject property is inadequate for nineteen animals.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Comments were requested from The Departments of Public Health and the Department of Animal Control. The Department of Public Health submitted a letter dated May 20, 2008, which states that the applicant must apply for an Animal Keeper's Permit. The Department of Animal Control submitted a letter dated June 12, 2008 stating that based on their inspections the animals are adequately housed and cared for and the Department has not received any complaints. Copies of the letters are attached.

PUBLIC COMMENTS / DIRECTOR'S DECISION

Pursuant to Section 22.56.470 of the County Code, the neighbors were noticed of the applicant's request for an animal permit. Section 22.56.480 states the Director shall deny an application for an animal permit in all cases where two protests are indicated. The Department of Regional Planning received three letters of protests (attached) and consequently **denied** Animal Permit 200850004.

Prepared by Dean Edwards, Senior Regional Planning Assistant
Reviewed by Mark Child, Supervising Regional Planner, Zoning Permits 1 Section

Attachments:
Applicant's Burden of Proof statement
Site Photographs
Site Plan
Land Use Map

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

PROJECT NUMBER R2008-00708-(5)
ANIMAL PERMIT NUMBER 20080004

REQUEST:
Animal permit to authorize the keeping and maintaining 15 goats, 2 horses, 1 llama and 1 emu.

REGIONAL PLANNING COMMISSION HEARING DATE: November 12, 2008

Findings

1. The subject property is located at 490 Smoketree Drive in the community of West Claremont and North Claremont Zoned District.

2. The Countywide General Plan land use designation for the subject property is Low Density Residential which is suitable for single family detached housing units with densities typically ranging from one to six units per gross acre. The intent of this classification is to maintain the character of existing low density residential neighborhoods and also to provide additional areas to accommodate future market demand. The subject property is developed with a single-family residence, a storage shed, animal shelters and corrals. The subject property is consistent with the Countywide General Plan.

3. The subject property is zoned A-1-1000 (Light Agriculture – 1,000 square foot lot minimum) which allows single-family residences and agricultural uses. The existing use is single-family residence.

4. The subject property is a flag lot which requires a ten foot setback on all sides (Section 22.48.050). An existing shed is located within the setback of the north property boundary and an animal shelter is located within the setback area of the southern property boundary. The subject property is not compliant with Zoning Ordinance.

5. Single-family residences are located to the west, north and east of the subject property. The 210 Freeway abuts the southern boundary of the property. Staff inspected the site on October 15, 2008. The following animals were inventoried: 25 goats (10 more than applied for), 2 horses and 1 emu. Animal waste odor emanating from the subject property was detected from the neighboring property indicating the quantity of animals on the property is excessive and incompatible with a single-family residential neighborhood.

6. Item A.1 of the Burden of Proof states "That requested animals at the location proposed will not be materially detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site." "Enjoyment" is interpreted to include use free from the impact of offensive odor originating from the subject property. The applicant responded, "Animals to be kept more than 35 feet from any adjacent dwelling inhabited at this time." The applicant's response fails to prove 35 feet is a sufficient distance to prevent odor emanating from the subject property from being materially detrimental to the use and enjoyment of the property of other persons located in the vicinity of the site.

7. In response to Item B of the Burden of Proof which states, "That the proposed site is adequate in size and shape to accommodate the animal or animals without material detriment to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site", the applicant stated, "Size of land over one half acre is adequate for animals requested." Section 22.52.320 of the County Code requires 5,000 square feet per animal. Nineteen animals, as requested by the applicant, would require a 95,000 square foot site. The subject is property 33,976 square feet which is 61,024 square feet less than what is required by code. Therefore, the size of the subject property is inadequate for nineteen animals.

8. Pursuant to Section 22.56.470 of the County Code, the neighbors were noticed of the applicant's request for an animal permit. Section 22.56.480 states the Director shall deny an application for an animal permit in all cases where two protests are indicated. The Department of Regional Planning received three letters of protests (attached) and consequently denied Animal Permit 200850004.

9. Comments were requested from The Departments of Public Health and the Department of Animal Control. The Department of Public Health submitted a letter dated May 20, 2008, which stated that the applicant must apply for an Animal Keeper's Permit. The Department of Animal Control submitted a letter dated June 12, 2008 stating that based on their inspections the animals are adequately housed and cared for and the Department has not received any complaints.

10. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.

11. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits 1 Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISION CONCLUDES:

A. That the requested animal or animals at the location proposed will jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and

B. That the proposed site is not adequate in size and shape to accommodate the animal or animals requested without material detriment to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for an Animal Permit as set forth in Section 22.56.450 of the Los Angeles County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. I have/The Commission has considered the Categorical Exemption for this project and certify that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

2. In view of the findings of fact and conclusions presented above, the appeal of Animal Permit 20080004 is DENIED.

c: Each Commissioner, Zoning Enforcement, Building and Safety

VOTE:

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

MC:de
10/28/08

****

ANIMAL PERMIT CASE-BURDEN OF PROOF SEC.22.56.450

****

In addition to the information required in the application, the applicant shall substantiate the satisfaction of the Zoning Board and/or Commission, the following facts:

A. That the requested animal or animals at the location proposed will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or

2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or

3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

Animals to be kept more than 35 feet from any adjacent dwelling inhabited at this time.

B. That the proposed site is adequate in size and shape to accommodate the animal or animals without material detriment to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site.

Size of land over 1/2 acre and more than adequate for animals requested.

[signature]

COUNTY OF LOS ANGELES
Department of Animal Care and Control
Major Case Unit
11258 S. Garfield Avenue
Downey, California 90242
(562) 658-2000 Fax: (562) 861-1259

DATE: **June 12, 2008**

TO: **LOS ANGELES COUNTY DEPARTMENT OF REGIONAL PLANNING**

FROM: **OFFICER J. GREEN #85**
LOS ANGELES COUNTY DEPARTMENT OF ANIMAL CARE AND CONTROL

SUBJECT: **APPROVE PROJECT NUMBER R2008-00708**
ANIMAL PERMIT 200800004

On June 10, 2008 I conducted an inspection at 490 Smoketree Drive, in the unincorporated area of Los Angels County in La Verne CA 91750.

Mr. Roberto Aguero owns and houses one Emu, one Llama, two horses and fifteen goats on the property. The property is securely fenced on all sides by wrought iron and block wall.

The Emu and Llama appear in good health and flesh as do all the other animals on the property.

The manure is picked up and disposed of by a waste management company once a week and is recycled as fertilizer.

The food is kept in bins inside a shed.

Based on my observations during my inspection the Aguero has demonstrated that he can adequately house and care for the animals on the property.

The animals are kept as personal pets on the property and the Department of Animal Care and Control has received no complaints regarding the animals.

COUNTY OF LOS ANGELES
Public Health

JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

JONATHAN E. FREEDMAN
Acting Chief Deputy

Gail VanGordon, R.E.H.S., M.S.
Chief, Vector Management Program
5050 Commerce Drive Ste 150
Baldwin Park, CA 91706
TEL (626) 430-5450 • FAX (626) 813-3017
www.lapublichealth.org

BOARD OF SUPERVISORS

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Michael D. Antonovich
Fifth District

May 20, 2008

Dean Edwards
Department of Regional Planning
Zoning Permits I Section
320 West Temple Street
Los Angeles, CA 90012

SUBJECT: PROJECT NO. R2008-00708, ANIMAL PERMIT 200800004

This is in response to your correspondence dated May 8, 2008 regarding Animal Permit Case No. 200800004. Our concern regarding this issue is the enhanced risk of attracting public health pests or providing conditions permitting their harborage and breeding. Pests such as rodents and their associated mites, as well as fleas, flies, ticks and mosquitoes may become significant pests should the sanitation practices of the property owners be inadequate.

Facilities housing domestic animals in significant numbers must be properly maintained and frequently monitored to prevent conditions that can attract or enhance the harborage and/or breeding of public health pests. Such conditions can result in health code violations and notices to abate the unlawful conditions. Temperatures in southern California are highly conducive to fly breeding when animal waste products are not efficiently managed. Rodents can quickly become established when the food for the animals is not properly stored, or leftover food is not quickly removed.

Individuals applying for an animal permit from your department must understand the responsibilities in maintaining the facilities in such a manner as to preclude conditions that breed or attract pests. If the Department of Regional Planning issues this permit, **the number of goats (15) noted in the original request also necessitates the applicant apply for an Animal Keeper Permit Category I from our program.**

Thank you for the opportunity to submit our concerns. If you have any questions, please feel free to contact me.

Sincerely,

Gail VanGordon
Chief

RECEIVED
MAY 22 2008

To:
Department of Regional Planning,
Zoning Enforcement Section
320 West Temple St
Los Angeles, CA 90012

Attn: Mrs. Maria Masis

RE: App # R2008-00708
490 Smoketree Dr
La Verne, CA 91750
Assessor's #: 8666-009-027

5/1/08

This letter is to report zoning and health violations by the owner(s) at 490 Smoketree Dr La Verne, CA 91750 (Parcel #: 8666-009-027 and I, the property owner signed below, am hereby requesting assistance of Zoning Enforcement Section for the owner(s) of the above property to comply with applicable zoning codes. The owner(s) of this property is currently maintaining close to 30 goats, 2 horses, 1 lama, 1 emu, 4 dogs, 2 cats, 2 geese, and numerous chickens and different other birds. With so many animals on a property size of only 33000 sq ft (0.75 of acre), I the property owner signed below am faced with many problems. The animals produce great amount of waste, which create horrible odor and attract large amount of flies and mosquitoes. The geese scream all through out the night and day and the roosters make a lot of noise very early in the morning. It has come to my attention that the property owner stated above had obtained animal permit in 2002, which expired in December 2007. However, the property owner had violated her old permit. The property owner had previously used the permit as a shield to hold 40 goats not just 10 (as previously allowed by her permit) and any issuance of a new permit will be just another reason to continue her violation of law, permit and respect for the neighbors. Just prior to commencement of enforcement action by the zoning enforcement, the above property owner(s) were maintaining at least 10 male goats which constantly barked, rammed fences and fought for females. As provided by part 3 chapter 22.56, the owner has had to specify provision for control and disposal of animal waste. The owners of the above property had never disposed of any waste as is evident by the knee-high amount of feces on the property (the goats sank to their knee in feces at many location on the property). The permit required that the animals be kept for "as a pet or for the personal use of members of the family residing on the premises". However, the owner(s) are keeping the goats for commerce as they offer to sell goats. The permit also required that the animals "will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare" and "which will not be materially

detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of such site. There are more than 30 animals (goats, horses, etc...) currently on this property and was exceeding 40 just few months ago, which have disastrous affect on health, safety and enjoyment of all the adjacent neighbors for the reasons stated earlier.

Also, the prior permit was issued at a time when three of adjacent properties to 490 Smoketree Dr were vacant. Of the three properties, at this time my property is complete and one other is in the process of building the foundation. I want to live in an area suitable for raising my family, to have kids be able to go in the yard to play and to live in peace with the rest of the neighbor. If you look at all the houses in this neighborhood, there is not any other property owner that is raising live stock. By keeping two horses, one lama, and one emu, and numerous goats, the above property owner is making my house a terrible and unhealthy place to live. The property owner above continues to not only break the law but has no respect for other neighbors, to preserve the quality of environment here and to live in harmony with others. In the name of decency, is there no shame to having so many stinky smelly goats to the detriment of so many other neighbors' use, enjoyment or property valuation? This matter has been brought to the attention of the zoning department in November of 2007. According to animal permit application, "If two written objections are received from the public or report of either the Department of Animal Control or Health Services indicate that the requested animals may not reasonably be maintained as specified in the application, the application must be denied." Can I please ask for the denial of the animal permit application and the assistance of zoning department to stop illegal actions of the above neighbor? Please help us.

Your assistance in this matter is highly appreciated.

Adjacent Neighbor Filing Complaint:

Parcel No: 8666-009-031
Property Owner: Reza Dianati
Property Address: 416 Baseline Road
La Verne, Ca 91750
Contact Information : PO Box 4074
West Hills, CA 91308
(818) 749-4949

May 30, 2008

Zoning Enforcement
Dept. Regional Planning
320 W. Temple St.
Los Angeles, CA 90012

Re: App# R2008-00708
490 Smoke Tree Drive - La Verne Area 91750

An application may be pending which seeks to allow more animals than allowed by code, on the above referenced property.

In the past, the property looked more like a livestock farm or breeding business/operation than a single family residence with pets or agricultural animals.

The llamas and goats would congregate right at the property lines, causing me to be afraid to enter the rear of my property for maintenance.

I own an adjoining parcel and am NOT in favor of the County granting a request to add more livestock or animals to this property.

Michelle Lowe
Owner, 8666-009-033

RECEIVED
JUN 11 2008

R2008-00708 1/21/07

I Marielena Orozco, is writting this letter to oppose project # R 2008-00708 at 490 Smoke tree Dr. in La Verne CA 91750.

(626) 864-9916

422 Baseline Rd.
La Verne, CA 91750

Marielena Orozco

They already have too many animals in their property.

K2008-00708

RECEIVED
AUG 11 2008

August 8, 2008

Los Angeles County Department of Regional Planning
320 W. Temple Street
Los Angeles, CA. 90012

Attn: Mr. Bruce W. McClendon
Director of Planning
And Mr. Mark Child, Supervisor Regional Planner, Zoning Permits 1 Section

Re: Animal Permit Number 20080004. New owner Michelle Lowe, vacant adjacent lot # 866-009-033.

This is in response to the letter dated May 30th, 2008 signed by Michele Lowe, Owner 8666-009-003

Regarding the contents of the letter, we absolutely reject Ms. Lowe's third paragraph stating: "The llamas and goats would congregate right at the property lines, causing me to be afraid to enter the rear of my property for maintenance", for the following reasons:

1) At all times we have kept only 1 (one) llama in our property, for which we have according to the law a special permit.
2) The llama never goes to the area adjacent to Ms. Lowe's vacant lot. There is a fence which separates our property, which doesn't allow the llama to enter the back of the property. The llama spends most of the time at the front and west south area of the property. Animal Control inspected the property and declared that our animals do not pose a threat to anybody and/or themselves.
3) The goats only recently, after May 30th, were allowed to walk into the back area adjacent to vacant lot 8666-009-003, since we are trying to relocate some fences. Previously there was a fence which did not allow the goats to wander in that area. Moreover there is a 8 feet tall wall and a newly gate separating both properties which will absolutely stop any animal and/or human of trespassing.
4) There are not property "lines" involved. There is only one property line, her backyard and our side yard.

If Ms. Lowe would really care about maintaining her property, she could at least clean the front which is very far from our property. Besides she could also clean the back without any problems. We think she should clear her property of dry bushes, particularly during the summer, since her property is a fire hazard and she is putting at risk, not only our animals, but also the humans in the adjacent properties.

Regarding the second paragraph: "In the past, the property looked more like …", we do not understand what she means for "in the past", since the property has not undergone any major changes. Moreover the complete statement is based on her personal opinion, which she can't validate with proof of facts.

Sincerely,

Iris Fiorito

Roberto J. Alguero

May 30, 2008

Zoning Enforcement
Dept. Regional Planning
320 W. Temple St.
Los Angeles, CA 90012

Re: App# R2008-00708
490 Smoke Tree Drive - La Verne Area 91750

An application may be pending which seeks to allow more animals than allowed by code, on the above referenced property.

In the past, the property looked more like a livestock farm or breeding business/operation than a single family residence with pets or agricultural animals.

The llamas and goats would congregate right at the property lines, causing me to be afraid to enter the rear of my property for maintenance.

I own an adjoining parcel and am NOT in favor of the County granting a request to add more livestock or animals to this property.

Michele Lowe
Owner, 8666-009-033

RECEIVED
JUN 11 2008

August 8, 2008

Los Angeles County Department of Regional Planning
320 W. Temple Street
Los Angeles, CA. 90012

Attn: Mr. Bruce W. McClendon
Director of Planning
And Mr. Mark Child, Supervisor Regional Planner, Zoning Permits 1 Section

Re: Animal Permit Number 20080004. New owner adjacent vacant lot at, 422 Baseline Rd. La Verne , California, 91750.

This is in response to the letter of opposition regarding the above mentioned Animal Permit, signed by Marielena Orozco.

We hereby reject the denomination of neighbor as it applies to Ms. Orozco. The lot is vacant, and except one homeless man who lived there for a few days, until our dogs barked him out, at the present nobody resides there except dry bushes, a broken septic tank, and left over construction materials from the adjacent property at 416 Baseline Rd.

We also reject the contents of the letter for the following reasons:

1) We did not apply for an Animal Permit during the year 2007.

2) The Permit we applied for during 2008, is to keep 15 adult goats, 2 horses and 1 (one) llama, which are fewer animals regarding the amount we previously kept in our property.

3) The statement "They already have too many animals in their property" is based on personal opinion.

Since we have been established at the property since 1989, and the main reason we bought this property was because we were allowed to keep animals; once more we will be very grateful if you help us to continue maintaining our life style.

Sincerely,

Iris Fiorito

Roberto J. Alguero

R2008-0-708 7/21/07

I Marielena Orozco, is writing this letter to oppose project # R 2008-00708 at 490 Smoke tree Dr. in La Verne CA 91750.

(626) 864-9916

422 Baseline Rd.
La Verne, CA 91750

Marielena Orozco

They already have too many animals in their property.

From Southwest
09/28/2008 04:28 PM

From West.
09/28/2008 04:28 PM

From North East.

From North East.
09/28/2008 04:30 PM

From East.

From South East
09/28/2008 04:31 PM

From ~~[illegible]~~ South

From West.