



Legislation Details (With Text)

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On agenda: 1/7/2013 **Final action:** 1/7/2013
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Title: ACCEPT: Rules and Communications Committee Meeting Highlights of December 11, 2012

COMMITTEE RECOMMENDATION: The Committee recommends that staff develop draft regulations, incorporating the information presented by staff, with the following two changes: 1) reduction of minimum square footage from 6,000 to 4,500 for allowing a maximum of four chickens without a permit; and 2) reduction in setback requirement from 20' to 5' (or consistent with the setback requirement for an accessory structure).

COMMITTEE RECOMMENDATION: The Committee recommends that a community meeting be held in early 2013 to present the draft regulations pertaining to chickens and bees, and to elicit community input.

COMMITTEE RECOMMENDATION: The Committee recommends that the Municipal Code be amended to allow the appointment of a youth member to the Library-Historical Commission.

Indexes:

Code sections:

Attachments: 1. 12112012Rules&Comm.pdf, 2. Animal control v-5 Dec62012 FINAL.pdf, 3. LH Commission TAG.pdf

Date	Ver.	Action By	Action	Result
1/7/2013	1	City Council	Accepted as Submitted	Pass

ACCEPT: Rules and Communications Committee Meeting Highlights of December 11, 2012

CITY OF SAN LEANDRO

CITY COUNCIL RULES AND COMMUNICATIONS COMMITTEE

December 11, 2012
4:30 - 5:30 p.m.

San Leandro City Hall
835 East 14th Street
San Leandro, California
(City Council Chambers)

HIGHLIGHTS

1. CALL TO ORDER

Mayor Cassidy called the meeting to order at 4:34 p.m.

1.A. Attendance

Committee Members present: Mayor Stephen Cassidy, Councilmember Jim Prola and Councilmember Diana Souza (arrived at 4:45 p.m.)

City Staff present: Marian Handa, City Clerk; Kristina Herrera, Community Services Officer; Theresa Mallon, Acting Library Services Manager; Lianne Marshall, Assistant City Manager; Richard Pio Roda, Assistant City Attorney; Mike Sobek, Acting Police Lieutenant; Sandra Spagnoli, Police Chief

1.B. Announcements

None.

2. DISCUSSION ITEMS

2.A. Continued Discussion Regarding Animal Control Ordinance (Includes Chickens and Bees)

Staff Presentation

Lianne Marshall, Assistant City Manager:

- Outlined the approach staff will take in this continued discussion
- Many of the comments from the Committee and public from last Committee meeting have been incorporated into the proposal presented today
- Discussion will focus on the issues involving chickens and bees, as well as the proposed Animal Fancier's Permit
- Animal Control Ordinance as a whole will be addressed later as resources become available

Sandra Spagnoli, Police Chief:

- Outlined staff's recommendations based on the direction given by Committee
- Humane treatment of animals is a priority
- Proposed regulations support urban farming in San Leandro
- Reported that the PD regularly receives complaints regarding the inhumane treatment of chickens by residents who are not urban farmers
- Reviewed the proposed regulations listed in her December 3rd memo, including the recommendation to review the ordinance after one year to determine if it meets the needs of the community
- Worked closely with farming experts and veterinarians, and consulted with other cities, to develop the proposed changes
 - Four chickens per household would be allowed without a permit on a lot size of 6,000 sq. ft. or greater
 - A Fancier's Permit could be obtained to allow the number of animals to exceed the limits or regulations of the Municipal Code
 - Beekeeping would be allowed with a Beekeeping Permit
 - Permits would be renewed annually
 - Recommend a maximum limit of 10 animals per household, not including "household animals"
 - R-O District would continue to be exempt from regulations
- One or two community meetings will be held to elicit input and comments on the proposals
- A draft ordinance will be presented to the City Council in early 2013

Committee Questions/Answers

Q: Why is the ordinance seemingly being made so complicated?

A: Since the Police Department handles animal control and enforcement, it has the expertise and expert contacts necessary to develop comprehensive animal care and control regulations.

Q: 6,000 sq. ft. lot size seems excessive. What was the rationale for determining the lot size?

A: The 6,000 sq. ft. minimum lot size is consistent with regulations established in Fremont, Union City, Newark and Hayward. Those cities require a permit regardless of lot size, while San Leandro's ordinance would allow up to four chickens without a permit on a minimum 6,000 sq. ft. lot. Chickens could be allowed on lots smaller than 6,000 sq. ft. with a permit.

Regarding bees, the experts that were consulted recommended a minimum lot size of one acre, and the

proposed 6,000 sq. ft. minimum is consistent with what is allowed by other nearby cities. A maximum of three hives would be permitted per lot.

Q: Can the annual permit be renewed online?

A: No, but for those owners who practice responsible care of their animals, the permit renewal process will consist of a short site visit.

Q: Would a new adjacent neighbor need to consent to beekeeping next door?

A: Yes, consent would need to be obtained from the new neighbor.

Q: What would a permit cost?

A: The cost of a permit would be nominal, and based on staff time. Staff will present options for the Council to consider.

Q: What is the impact of "overpollination"?

A: Potential ruination of flowers and crops.

Public Comments

Scott Terry stated that he keeps bees and chickens, and considers himself an expert on beekeeping. He commented that he is not in favor of requiring neighbor approval; agrees with the 6,000 s.f. minimum lot size for beekeeping; and disagrees with the 20' setback requirement.

Mitch Huitema concurred with Mr. Terry's comments. She stated she is also a beekeeper, and most of her neighbors are unaware she has bees. She commented that since bees are attracted to plants, and not people, individuals who are allergic to bees should be educated to know what not to plant in their yards, and that the 100' restriction from any dwelling unit is not relevant.

Janet Palma commented that she is interested in keeping chickens. She commented that the lot size requirement makes no sense in her situation, as her backyard is approximately 4,000 s.f. and abuts neighbors' backyards and not their living quarters. She agrees with: having a certain number of animals allowed per parcel, requiring a setback from residences, not allowing chickens indoors, and requiring that enclosures be in a fenced area in the rear yard.

Mia Ousley stated that she objects to the approach, and feels this is a zoning and planning issue, rather than an animal control issue. She commented on other cities that do not require setbacks, permits or pens, and allow the sale of eggs. She commented that the proposed regulations for San Leandro are too restrictive.

Committee Member Comments

Mayor Cassidy:

- Would like the next step to be an evening public meeting or workshop, possibly in January
 - Publicize the meeting, to obtain greater public input, be interactive
 - Can have both a staff recommendation, and public input recommendation
 - Have copies of ordinances from other cities
- Suggested looking into reducing the minimum lot size from 6,000 to 4,500 sq. ft. for allowing chickens without a permit
- For beekeeping, provide notice to adjacent neighbors, then have a process for neighbor objections upon permit renewal
- Supports reducing the setback requirement for bees

Councilmember Prola:

- Agrees with reducing minimum lot size to 4,500 sq. ft. for chickens
- Feels there should be approval by existing neighbors for an initial beekeeping permit
- Should require 20' setback for chickens, but reduce to 5' for bees
- Would like more expert information on whether a single bee hive could be allowed on a 4,500 s.f. lot

Councilmember Souza:

- Supports neighbor approval for beekeeping, and respect for those who are highly sensitive to bees
- Process should include obtaining the approval of neighbors, rather than requiring that they file an objection
- Would like to have a mechanism for disclosing neighbor's beekeeping to potential adjacent homebuyers
- Hold community meeting in a central location, and provide background on the issue and how community

input has already affected the proposed regulations, to illustrate the importance of community involvement in the process

Committee Recommendation

The Committee recommends that staff develop draft regulations, incorporating the information presented by staff, with the following two changes: 1) reduction of minimum square footage from 6,000 to 4,500 for allowing a maximum of four chickens without a permit; and 2) reduction in setback requirement from 20' to 5' (or consistent with the setback requirement for an accessory structure).

The Committee recommends that a community meeting be held in early 2013 to present the draft regulations pertaining to chickens and bees, and to elicit community input.

2.B. Discussion Regarding Consideration for Adding Youth Members to Certain City Boards and Commissions

Staff Presentation

Theresa Mallon, Acting Library Services Manager:

- Council has expressed interest in the possibility of adding youth members to certain boards and commissions
- If there is interest in adding a youth member to the Library-Historical Commission (L-HC), it is requested that consideration be given to a member from the Library's Teen Advisory Group (TAG)
- The TAG was established in 2008, and members provide suggestions for teen and youth programs; make recommendations regarding materials to purchase; volunteer at the library; and act as ambassadors for the library among their peers
- Library staff would like to identify TAG members who are interested in serving on the L-HC, and suggest that the youth position rotate annually

Committee Questions/Answers

Q: Would the youth member be a full voting member?

A: The L-HC would support a youth member with full voting rights

Q: Do Youth Advisory Commission (YAC) members attend L-HC meetings?

A: Currently, YAC members do not attend L-HC meetings, but TAG members attend L-HC meetings, and many TAG members are YAC members as well

Q: Is there an issue with a TAG member also being a L-HC member?

A: No, it would give them an opportunity to serve as a commissioner.

Q: How many TAG members are there?

A: About 26

Q: Is this presentation based on the Council's desire to add youth members to boards and commissions, and the Library's suggestion for adding a member to the L-HC?

A: The Council's request was specific to the L-HC.

Public Comments

None

Committee Member Comments

Mayor Cassidy:

- Suggests the Library Director should appoint the youth member

Committee Recommendation

The Committee recommends that the Municipal Code be amended to allow the appointment of a youth member to the Library-Historical Commission.

3. Public Comments

None.

4. Committee Member Comments

Councilmember Prola stated that he welcomes comments from the public regarding the ordinance pertaining to chickens and bees.

5. Adjourn

The meeting was adjourned at 5:49 p.m.