

**ANIMAL ISSUES MOVEMENT**

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February 3, 2013

**COUNCIL FILE 11-0754 and COUNCIL FILE 11-0754-S1**  
**ITEM #3 – PAWS AGENDA, FEBRUARY 5, 2013**

President Herb Wesson  
Los Angeles City Council  
200 N. Spring Street  
Los Angeles CA 90012

Paul Koretz, Chair  
Personnel & Animal Welfare Committee

Ed Reyes, Chair  
Planning Committee

**CF 11-0754-S1 – OPPOSITION - RECOMMENDED CHANGES RELATIVE TO THE DEFINITION OF KENNELS AT THE BEGINNING OF SECTION 53.00 OF THE LAMC ( MEETING HELD ON OCTOBER 2, 2013.)**

This is formal opposition to the above changes to Sec. 53.00 of the LAMC as proposed by the Mayor's office in CF 11-0754-S1. The agenda for the PAWS Committee on February 5, 2013, states that these are "minor" changes to the LAMC. That is not true. This is a major change to the zoning code for dog kennels and will disrupt and violate City law that protects businesses throughout the City.

If this is passed, we then suggest that each Councilmember who votes in favor allot a portion of his/her community/district office location to become a kennel under these provisions and allow shelter animals to be kept there as a housing location and offered for adoption to the public. It is only fair that City officials share in this responsibility and also the nuisance barking, odor, waste/ sanitation and public health/safety issues to which they would be subjecting existing tenants in shopping malls and other buildings where a kennel could be located with no Conditional

This is an undisguised attempt by the Mayor's office to circumvent Planning and Zoning regulations which require a Conditional Use Permit in order to utilize property in the City of Los Angeles other than for its legal designation under the zoning code and as required by public health and safety codes and nuisance regulations. In this case, dog kennels housing adult dogs would be placed in shopping malls and other commercial locations without obtaining a Conditional Use Permit (CUP.)

On October 2, Jim Bickhart of the Office of Mayor made an appearance at the Personnel & Animal Welfare Committee, accompanied by Aimee Gilbreath of the Found Animal Foundation. At this meeting, CF 11-0754 (regarding banning pet shops from selling puppies and kittens, other than from L.A. city shelters) was being discussed. Following is the wording of the minutes of that meeting:

*"During the discussion of this item, a representative from the Mayor's office [Jim Bickhart] encouraged the Committee to request that the City Attorney add language to the draft ordinance to resolve a problem that has very recently arisen relative to the citation of pet shops that would be operating on the model that the ordinance creates, due to permitting difficulties currently associated with obtaining kennel permits in commercial zones. Under the current codes, even though a pet shop can be in a commercial district, those shops that feature adult animals, which are the ones that are most likely to die in a shelter, would also be required to obtain a kennel permit; and a kennel permit cannot be obtained without going through the cumbersome conditional use permitting process. This requirement has the potential to force pet shops out of retail districts where they would have the best chance at being successful.*

*"It was suggested [by Jim Bickhart] that the simplest way to resolve this is by altering the definition of kennel at the beginning of Section 53 of the LAMC, so that its description of the uses of a kennel are compatible and comparable to those contained in Section 12.17.5 B 4 (o) of the LAMC, where the need for a conditional use permit for kennels outside the industrial zones is spelled out. By doing this, the new business model for pet shops that calls for them to get their animals, including adult dogs, from shelters and rescues would be more feasible. At the same time, it would not be any easier for boarding kennels to locate outside of industrial use areas. Without such a change, the Department of Building and Safety is more than likely going to continue requiring pet shops to also obtain kennel permits."*

The urging of this action in conjunction with the recent ban of the sale of commercially bred animals by private pet shops lends the appearance that the City, and specifically the Mayor's Office, may have been in collusion with one (or more) organization(s) to eliminate for-profit pet shops in order to allow special privileges for a different type of "pet shop" which houses adult animals in commercial locations, including shopping malls."

- 1) It is important to realize that these shelter dogs may already be sick or behaviorally challenged—they are not perfect.
- 2) Male dogs will relieve themselves on the walls of the store in which they are warehoused.
- 3) The law requires that a human remain on the premises to care for animals 24-hours a day if more than 20 are kenneled. However, it is illegal to sleep overnight in a business location.
- 4) These dogs will need to be walked several times a day because of the restrictive space in shopping mall stores. This will require them to be taken into the midst of shoppers and possibly their pets, creating a high-risk situation.

Surrounding businesses could be adversely affected by noise, odor, sanitation issues resulting from animal waste, and the potential spread of disease from shelter animals which would not be kept in a properly ventilated location. This is not fair to those establishments who are paying outrageous fees and taxes to conduct business in Los Angeles, who have followed all required procedures and count on restrictions that protect their business interests and investment.

Also, in any kennel, a drainage/sewage system that immediately allows for bacteria-infested waste to be washed out with hoses into carefully designed sewage basins and drains must exist in order to prevent the contraction or spread of disease at the kennel and also to avoid sewage backup into other businesses or any location which opens to the sewer line.

The taxpayers agreed in 2001 to pay \$154 million to create state-of-the-art animal shelters in prime locations in the City of Los Angeles. This was based upon the assurance that the issue of housing and adopting shelter animals would be adequately met. If the management of LA Animal Services or other officials of the city of Los Angeles have been unable to meet those promises, then the issue of further desecrating the legal zoning of this City and destruction of the business environment in the manner proposed will not resolve it either

It is our understanding that the Mayor's Office has attempted to influence the decision of City Council members on this matter—which was originally intended to bypass the Planning Committee—and that the Mayor's Office has attempted to have such an ordinance drafted BEFORE consideration by Council Committees, as required, and without notice to or careful consideration by affected residents/business owners of this City.

Because the puppy-mill pets ban is only temporary measure, with a three-year sunset, no other laws should be changed to manipulate commerce in the City of Los Angeles based upon the provisions in CF 11-0754. The requirements for dog kennels are carefully maintained in accordance with County health codes. Such locations must have proper sewage systems and adequate distance so that they do not become a public health/noise and nuisance for business or residences in the surrounding area.

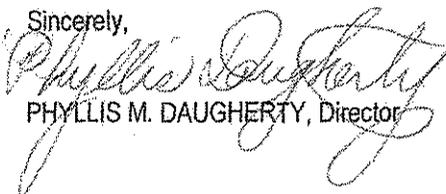
Since these are adult dogs housed 24/7 in confined quarters, it is likely they will have to be walked. What safety measure would be in place to protect patrons of these commercial districts and will it likely drive them to shop elsewhere? Once the three year sunset is complete, does this mean that puppy mills and other commercially bred adult animals can also be sold and can these pet stores also keep dozens on site?

The Council should also avoid even the appearance of collusion between the Mayor's Office and non-profit organizations to curtail the authorized pet stores in the City (and regulated by the State of California), in order to displace them with illegal board/ "pet stores" operated by non-profit organizations, which enjoy special privileges in regard to the conduct of business.

If someone wishes to operate a "pet shop" offering adult shelter animals, that is a very noble goal. However, it must be done through the legal process required of every other business owner in this city. If conditional use of certain properties meet the best interests of the city, that decision can be made on a case-by-case basis—as it is for all other enterprises.

We urge you to OPPOSE any change of zoning under Sec. 53.00 for the purpose of bypassing the Conditional Use Permit process as requested by the Mayor's Office in CF-11-0754-S1, for the purpose of establishing "pet stores."

Sincerely,



PHYLLIS M. DAUGHERTY, Director