

ANIMAL ISSUES MOVEMENT

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February 11, 2016

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

City Attorney Mike Feuer
City of Los Angeles
200 N. Main Street
Los Angeles CA 90012

Mayor Eric Garcetti
City of Los Angeles
200 N. Spring Street
Los Angeles CA 90012

**RE: CF-11-0754 OPPOSITION - CITY ATTORNEY REPORT AND ORDINANCE RELATIVE TO
RECOMMENDATION REGARDING IMPLEMENTING LOS
ANGELES MUNICIPAL CODE (LAMC) SECTION 53.73 BY
AMENDING THE DEFINITION OF THE TERM "KENNEL" IN
THE CITY'S ZONING CODE TO EXCLUDE "PET SHOPS"**

It is hard to believe that the City Council, City Attorney and Mayor would want to pass legislation that removes all safety and health provisions from every commercially located business in Los Angeles. Also, residents—adults and children—within 500 feet, would lose protections that assure an expected quality of life in one of the largest and most progressive cities in the nation. The proposed blanket authorization of placing “pet shops” maintaining unlimited adult dogs in any C-2-zoned property will devastate the health and welfare of the animals and humans you have been elected to protect.

The City of Los Angeles has the means and ability to accomplish its goal of facilitating the “new-model pet shops” with large numbers of adult dogs in commercial areas, without jeopardizing public health/safety and surrounding property values. Instead of removing all protections put in place by the Planning Department and County Health Department, and destroying the environmental integrity of entire communities—including the risk of storm drain contamination with high concentrations of urine and feces—the City could easily streamline the Conditional Use Permit process for this type of business. Fees may be reduced, and priorities given to applications from businesses seeking to assist with this mission of the City.

This would create a win-win, encouraging the sale of shelter and rescue dogs to the public by showcasing them in appropriate commercial locations, while maintaining the vital safeguards that zoning regulations provide to the use and enjoyment of surrounding properties. In contrast, simply exempting pet shops from the definition of kennels would lead to havoc, with businesses and residents having no recourse for nuisance noises and health/safety concerns that appeared next door overnight.

The following issues are also noted:

- (1) The wording of the agenda item is specifically vague, so that it would not be identified by the public as a Zoning amendment that would have the potential to negatively impact any business/residence in the city.
- (2) CF 11-0754 has never received required hearing by the Planning and Land Use Management Committee (PLUM) or been reviewed by the Planning Department. Such requirement by the City Charter was indicated in the March 26, 2013, report by the City Attorney.

The placement of this change-to-zoning ordinance on the agenda of the Personnel and Animal Welfare Committee ONLY provided no notice to Los Angeles businesses and your constituents who would be affected by the “change in kennel definition” designed to allow unlimited adult dogs to be maintained/boarded by “rescues” in (possibly inappropriate) C-2 locations, adjacent to existing stores/offices or medical facilities and homes or multi-family residences.

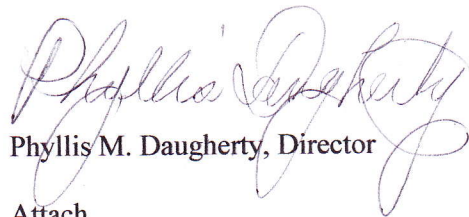
The damage to businesses and families from the constantly stimulated barking of numerous adult dogs confined in a store, odor, sanitation, drainage and pollution issues, plus the possibility of escape into parking lots and busy streets, are only a few of the issues. Additionally, the provision that a responsible adult remain on the premises 24-hours a day in any kennel that maintains 20 dogs or more would be removed, along with all the other protections that minimize or mitigate dangers for both people and animals.

We urge you to carefully consider your position on this issue because the health, safety, livelihood and the financial viability of the owners, employees and families of thousands of businesses are at stake. The entire future of many who have elected you to protect them and provide fairness lies in the outcome of this one ordinance.

Prior opposition to this ordinance is in communications appearing in CF 11-0754, CF 11-0754-S1, CF 11-0754-52 and Superior Court Case BS147232, and are incorporated herein by reference.

Attached is a copy of my article appearing in City Watch in opposition to this destructive proposal.

Sincerely,



Phyllis M. Daugherty, Director

Attach

Councilman Can't Decide Who to Blame ... LA's Shelter Dogs Caught in Crossfire

PHYLLIS M. DAUGHERTY

08 FEBRUARY 2016

ANIMAL WATCH-At the Personnel and Animal Welfare Committee's special meeting on February 3, Chair Paul Koretz pursued punishment of business owners for the fact that LA Animal Services GM [Brenda Barnette](#) and Best Friends Animal Society's mercurial e-metrics still have not leveraged a rate of euthanasia that can be called "no kill." Somebody must be blamed -- other than those leading Los Angeles animal lovers down a donation-paved, vote-assuring mythical path promising that the endless influx of homeless animals that end up in shelters can find "forever" homes if Angelenos will just make enough sacrifices for the cause.

So Koretz is unleashing his frustration and desperation on businesses by insisting the City Council change the zoning code to allow dog kennels (more than three adult dogs -- and in this case, unlimited dogs) to be maintained within 500 feet of residences and right next door to any business in C-2 zoning ([CF 11-0754.](#))

The rationale is that this will allow "rescue" groups to remove unadopted (or behaviorally unadoptable) dogs from the shelters and keep them in stores in commercial districts, thus making Barnette's "live-release" rate look better.

These "new-model" dog kennels will be called "pet shops." The City is pretending that adult shelter dogs do not intrusively bark, urinate on communal store/office walls, or produce objectionable odors.

There is no requirement for outdoor space, which means that the dogs could be deprived of natural sunlight and would be exercised on adjacent sidewalks and parking lots -- increasing the possibility of escape as well as the amount of animal excretions where humans and pets are walking.

This ordinance also assumes that shelter animals are not carriers of air-borne or contact diseases transmissible to humans and other animals. It abandons requirements for proper air circulation and space currently imposed by the Conditional Use Permit process when dog kennels are maintained in other than light-industrial zones.

Since no provisions are included for sanitation and waste disposal, pedestrians may find dog feces washed across alleys and into storm drains. But it's a public health risk the City has already indicated it is willing to take.

This ordinance is scheduled for Council hearing on February 16, 2016, and upon its passage local businesses and residents will have no legal recourse.



I asked two of my most witty, politically astute colleagues to describe this intentional desecration of the zoning code, which will turn man's best friend into a business owner's worst nightmare. They quipped back immediately, "Council Committee 'Screws the Pooch' and L.A. Businesses" or "Los Angeles Does Business Doggy Style."

Too funny and too true not to share! Sadly, they are good metaphors for what will happen if the Council approves the ordinance that City Attorney Mike Feuer and Deputy City Attorney Charles Sewell are assuring will absolutely bring the intended result and render the business community helpless to defend itself.

New Councilmembers David Ryu and Marqueece Harris-Dawson (both on the Personnel and Animal Welfare Committee) unquestioningly passed the motion in a unanimous vote. This is disappointing since both made pre-election promises to voters that business growth and residential protection were keystones of their campaigns.

Koretz, who was involved personally in the selection of former dog breeder/AKC Legislative Representative Brenda Barnette, chooses to ignore that she is failing to address rampant breeding all over the city, which adds to shelter impounds and stray population. Her latest stats show that 347 Breeder's Permits have been issued by LA Animal Services for the first half of the 2015/16 fiscal year.

This assault on businesses by Koretz stems from his ban of puppy-mill puppies from pet stores in the City of LA. In the usual whimsical law-making we see in Los Angeles, the fact that there were reportedly only eleven such stores selling puppies in the 469 square miles of the City was not considered.

With this action, they nullified the benefit of the existing, comprehensive and detailed State laws that protect animals offered for sale or purchased from California pet stores (*Lockyer-Polanco-arr Pet Protection Act—Health And Safety Code Sections 122125 – 122220.*)

The City Council could have demanded that Brenda Barnette enforce these laws, cite or revoke permits for any pet stores that were not providing required care and/or complying with after-sale

provisions, and who were engaging the media to broadcast the tragic conditions of animals from puppy mills.

Instead, the ban caused pet stores to go underground, posting photos and contact information so that customers seeking purebred puppies can obtain them directly from puppy mills via the Internet.

Some pet store owners also make referrals to local breeders, profiting through commissions rather than maintaining live puppies. Both of these methods allow them to completely circumvent the jurisdiction of LA Animal Services and other government regulations. But, has it reduced the number of purebred puppies being bred for profit or entering Los Angeles from puppy mills?

Just as the well-intentioned ordinance banning the sale of puppies jeopardizes animals by removing statutory safeguards, the proposed change in the Zoning Code will similarly jeopardize countless businesses and residents.

The City of Los Angeles has the means and ability to accomplish its goal of facilitating the new-model kennel/pet shops in commercial areas without jeopardizing public health/safety and area property values. Instead of removing all protections for surrounding residents and businesses, the City could streamline the CUP process in suitable commercial locations for this type of business by reducing fees and fast-tracking applications from those seeking to partner with the City in reducing the shelter-dog population.

In contrast, simply exempting pet shops from the definition of kennels will lead to havoc and desperation when businesses and residents realize they have no legal recourse for nuisance noises and health/safety concerns that appear next door overnight and threaten their livelihood and their survival.

All businesses and residents of LA need to be aware of this pending passage by Council and immediately demand that all stakeholders first have a chance to review the impact on their business or home.

(Animal activist Phyllis M. Daugherty writes for CityWatch and is a contributing writer to opposingviews.com. She lives in Los Angeles.) Edited for CityWatch by Linda Abrams.

- See more at: <http://www.citywatchla.com/index.php/the-la-beat/10467-councilman-can-t-decide-who-to-blame-la-s-shelter-dogs-caught-in-crossfire#sthash.EoVtZYE4.dpuf>

• Comments

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○ [laurelladesborough](#) 6 days ago

Question: Are these shelter animals being vetted and required to have the same type of warranties and inspections as regular pet shop dogs do? If not, why not? We see newspaper articles across the US where shelter dogs that are adopted into families are biting children, attacking owners, attacking other family pets, etc. because some have serious behavior problems. Then we have the imported dogs from overseas where the federal CDC has now reported SIX cases of serious parasites in humans that came from these imported dogs, including African River blindness where a parasitic worm EATS your eyeball! This kind

of importation is pure madness bringing in viruses, parasites and diseases to our animals, our humans and our wildlife.

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[Phyllis Daugherty](#) [laurelladesborough](#) 6 days ago

Thank you so much for your comment and insight. Any animals from shelters will merely be released into unknown situations and potentially to well-meaning but inexperienced rescuers--without regard for temperament and health risks. The way this law is written they do not have to be shelter animals. These can be animals brought from anywhere and without any vet/health checks. The only criteria is that the "group" has signed up with LAAS to take animals, not that the animals in these "pet shops" are from L.A. shelters. It can actually increase the number of homeless animals in the city. There are absolutely no requirements for mandated inspections of the health/conditions of the dogs or the premises and no penalties such as the State law which formerly governed pet shops. It is very sad and very disturbing! Unfortunately, it has been deliberately hidden from L.A. residents/businesses by not having public Planning Dept. hearings.

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