

Google Groups

CF 17-0079 OPPOSITION - Change Zoning Codes: Animal Rescue / Animal Adoption

ANIMA...@aol.com

Mar 28, 2017 7:28 PM

Posted in group: **Clerk-PLUM-Committee**

Attached is our letter of opposition to the above motion by Councilman Blumenfield, dated Jan. 20, 2017.

Please place the attached document in the CF 17-0079 file.

If there are any questions, please contact me at animalissu@aol.com or (213) 413-2367.

Thank you,

Phyllis M. Daugherty, Director
Animal Issues Movement

ANIMAL ISSUES MOVEMENT

420 N. Bonnie Brae Street
Los Angeles CA 90026-4925
animalissu@aol.com
(213) 413-SPAY (ph/FAX)
(213) 413-ADOPT (mobile)

March 28, 2017

Councilmember Jose Huizar, Chair
Councilmember Marqueece Harris-Dawson
Councilmember Gilbert A. Cedillo
Councilmember Mitchell Englander
Councilmember Curren D. Price, Jr.

CF 17-0079 OPPOSITION TO CHANGE OF ZONING CODES TO CHANGE TO ALLOW
ANIMAL RESCUE AND ADOPTION (DOG KENNEL) FACILITIES IN
"C" (COMMERCIAL ZONES)

Animal Issues Movement, a 501(c)3 CA corporation, hereby files its opposition to CF 17-0079 (Animal Rescue / Animal Adoption Facility / Definition), which requests the Council to direct the Planning Department to prepare and present an ordinance to change zoning regulations for rescued-dog/cat kennels, in this motion called "animal rescue/adoption centers".

This motion is dangerous. This ill-advised instruction to redefine dog kennels "that will allow animal rescue and animal adoption facilities in the C (Commercial) zones," would make serious and harmful changes by removing or reducing important health, safety and environmental protections for business and residential areas and individuals in the entire city of Los Angeles.

This motion has failed before

This is an obvious attempt to goad the City Planning Department's experts to do precisely what they have historically and recently refused to do—create an ordinance that would change the existing standards for dog kennels (which are in line with those accepted nationwide to preserve public health and safety) to allow rescue and animal adoption facilities in C (Commercial) zones—usually adjacent to Residential zones.

The City previously attempted to bypass the restrictions for location of dog kennels when Zoning Administrator Linn Wyatt, assisted by the City Attorney, issued a Zoning Administrator Interpretation which was ruled to be an abuse of Authority by Judge Joan O'Donnell and later vacated by the City (CF 11-0754-2).

We hereby incorporate by reference our objection to a nearly identical effort attempted previously, as documented in CF 11-0754 (Definition of Kennel and Pet Shop / Los Angeles Municipal Code / Amendments), et seq. This latest iteration merely changes the term "pet shop" to "adoption facility."

There are serious environmental violations

In addition to the damage this will cause to the property value of surrounding businesses, homes and communities, it can result in major fines and lawsuits against the City for the environmental violations and the impact on local residents and businesses. City residents should not be deliberately placed in danger by City officials.

Distance and housing requirements for animals are based upon the need for environmental protection from water runoff from contaminated kennels, groundwater contamination and air-pollution. There are also specific recommendations by the County Health Department and medical professionals to avoid the spread of zoonotic (animal-to-human) and animal-to-animal diseases, i.e., parasitic, fungal and bacterial infections; including rabies, leptospirosis (from contaminated urine), taphylococcus aureus, Lyme disease (tick-borne), pasteurilla (systemic diseases such as pneumonia and peritonitis), plague or tularemia, and arthropod infections; e.g., scabies mites/mange.

We do not allow other businesses, including for-profit boarding breeding and training facilities or municipal shelters to dispose of toxic sewage onto our sidewalks, streets, gutters and flood control channels where our children walk to school and where it contaminates our groundwater and oceans. However, in **CF 11-0754-2**, there are photographs taken in 2015 at a "rescue/adoption center" in a prominent location on Ventura Blvd., showing an employee/volunteer hosing down outdoor kennels containing dog feces and urine into a parking area in the back alley--where children and adults walk--and where this toxic waste is running directly into a storm-drain.

The rules must apply to all

CF 17-0079 is also a violation of the Equal Protection Clause of the 14th Amendment to the U.S. Constitution. ALL businesses that maintain or house large/unlimited numbers of animals (whether for-profit or not-for-profit) must be treated equally under the law.

Whatever rules and standards are established for and apply to "rescues" and rescue organizations/ adoption centers must equally apply to all organization/companies/corporations which house similar animals, whether it is a boarding, breeding or training facility. The application of the law is dictated by the use of the land—not by the user. Thus, if the City allows "rescue/adoption centers" for adult stray/homeless animals, which are dog/cat kennels, in (C) Commercial zones, it must also provide that the same privilege to those facilities housing animals for boarding, breeding, training or other uses where more than three (3) adult dogs are housed/maintained.

Adjacent properties are always impacted by land use and by the nature of the animal that is there—if it is a group of adult dogs, the impact is the same whether they are rescued, adopted or an animal being boarded for any other purpose. Exempting all animal facility operations from the protection of zoning laws; as would be required to avoid nulity on Constitutional grounds, vastly multiplies the negative environmental impact and spread of disease--as well as other dangers.

There is no benefit to offset the dangers

This motion is a repeat of CF 11-0754 (Pet Shops Kennel Definition) to allow "rescued" animals special privileges not enjoyed by other legitimate animal facilities. But there is no definition of a "rescued" animal, with no requirement that they are shelter animals, stray/homeless animals, or even from Los Angeles. Many "rescuers" have openly imported animals from other countries or states for tax-free sales (adoption-for-a-price) by local residents who might otherwise adopt pets from L.A. Animal Services' shelters. Thus, the dangers created by this proposal will not be offset by any real benefit to the animals in Los Angeles-area animal shelters.

The fostering and adoption of pets already occurs in private homes all over the city, and these are addressed by Animal Services only on a complaint basis when they, occasionally, create a nuisance or hazard to neighbors. It is only when the number of animals becomes concentrated--with large numbers of animals in one area inside a space commonly referred to as a "kennel" regardless of its purpose—that they come under the restrictions of zoning regulations and protection of the 14th Amendment's Equal Protection Clause.

We also challenge the statement that these rescue and adoption centers meet the needs and desires of the community. We contend that the exposure of nearby communities and the humans and pets therein to the health and safety hazards created by the proposed commercial animal facilities is, in fact, directly contrary to the public will. Further, there has been no supporting evidence that the public is more likely to adopt from a rescue located in a commercial zone over other areas where they are currently allowed.

The second paragraph of the Motion advises that in order for the City to meet its goal of becoming No Kill, "legislative changes" will be required to allow for a network of animal rescue and adoption facilities "to help ease the burden and demands on the Department of Animal Services." However, in a March 13, 2017, announcement, Best Friends' CEO Gregory Castle writes, "*The results in Los Angeles are energizing and exciting, and we should take a moment to celebrate the progress and the fact that NKLA's 2017 goal is within reach.*" It does not mention the need for any legislative action and zone changes to accomplish what Best Friends has already done. Thus, what is the "public necessity" that is indicated in the motion?

The dangers are real, not theoretical

The regulations currently in place for this type of land use are vital to the protection of our air, ground water and public health and safety. The Woodland Hills animal-rescue facility on Ventura Blvd. is a prime example of why this ordinance is not advisable. Large dogs are kept in outside kennels containing old sofas adjacent to the sidewalk. Their territorial instinct and attempt to escape boredom from confinement causes them to bark at most passing pedestrians and other stimuli on this very busy street. There is a bus stop at that corner and elderly people can be seen trying to stay away from the dogs while waiting. These animals also are producing, in proximity to this sidewalk, odorous toxic-waste (which can dry and become airborne).

The restrictions that protect against disease exposure, ground-water pollution, noise and odors of feces and urine (containing heavy concentrations of ammonia and nitrogen) are vital. By instructing the Planning Department to remove dog/cat kennel requirements which maintain distance between locations where large numbers of animals are housed and residences/small businesses where humans live, eat and congregate, the public will be deliberately and substantially endangered.

"Quasi-animal shelters" must not be placed in/near residential areas

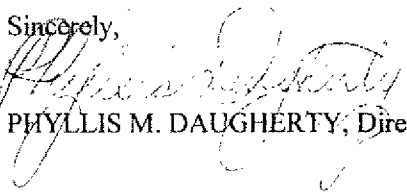
The CF 17-0079 motion by Councilman Blumenfield on January 20, 2017, admits that these "facilities" are intended to be quasi-animal shelters placed in and near residential areas. Potential escape and attacks on the public, noise, odor, contamination, disease, and environmental hazards are subject to the strict Health Department, State and federal laws mandated for ALL municipal and private shelters to insure public health and safety. There is no mention of these regulatory requirements in this attempt to charge taxpayers \$44 million/year for a public shelter while additionally shifting the housing of homeless animals to neighborhood

“rescue/adoption” centers. Nor is there evidence or indication that there is a desire by the public to legalize large-scale or commercial rescue locations near businesses or homes “to meet their needs.” And, if, as Best Friends writes, Los Angeles is on the brink of “No Kill,” shelter populations should be vastly reduced, not increasing.

Closing Statement of Opposition

It makes no difference to the neighbors whether the kennel is a municipal shelter, a humane society or a private boarding facility, the impact of the noise, effluence, potential hazards (escapes and bites) and diseases are the same. These hazards are endemic to the nature of the animals being housed. Neighboring businesses, residences and the public--from infants to the elderly--deserve the City Council to maintain the protections provided by the current zoning regulations. We oppose this Motion because it destroys those protections.

Sincerely,



PHYLLIS M. DAUGHERTY, Director

(Veterinary References: PETER M. RABINOWITZ, MD, MPH, Yale University School of Medicine, New Haven, Connecticut; ZIMRA GORDON, DVM, MPH, Rippowam Animal Hospital, Stamford, Connecticut; LYNDA ODOFIN, DVM, MSPH, Yale University School of Medicine, New Haven, Connecticut Am Fam Physician. 2007 Nov 1;76(9):1314-1322; and American Academy of Family Physicians.)