

ANIMAL ISSUES MOVEMENT

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OPPOSITION COMMENTS: CASE: CPC-2017-4075-CA, ENV-2017-2076-EAF *Pet Shop Ordinance*

The following is in opposition to the "Pet Shop" Ordinance proposed in a report on April 4, 2018, by the L.A. City Planning Department. Previous opposition comments on the subject Case and Council Files **CASE: CPC-2017-4075-CA, ENV-2017-4076-EAF (OPPOSITION: CF 17-1237 Kennel / Delete Definition / Amendment** are hereby included in their entirety by reference.

Some of the most sacred safeguards of financial investment are planning and zoning codes. They guarantee that property value and the intrinsic availability of customers (for businesses) and safety and services (for homeowners and consumers) will be preserved. The negative impacts and lack of regulation in this ordinance threaten the values of business and residential properties citywide.

The ordinance proposes standards purported to protect the neighborhoods and environment where these "pet shops" are located. But, in truth, **the standards do not apply to many locations in the city; and, of those where they could, the Zoning Administrator may exempt the "pet shop" from ALL the protections for the community, unless an immediately adjacent neighbor complains.**

Not only are the alleged protections for the community almost completely ineffective, so also are the protections for the animals in the pet shops. **ALL of the development standards** (the limit on the number of animals and the requirements for cage space) **and the operational standards** (those designed to protect the community, including times when dogs can be walked, entrances to be used, a maximum of three dogs to be walked simultaneously by each volunteer or employee, picking up the solid waste and subjective limits on noise and odor) **would NOT APPLY in M-1 or less restrictive zones or any "pet shop" where the Zoning Administrator grants the exemption and would not be enforced in a large percentage of "pet shops."**

This is an abuse of Zoning Administrator authority. The ability of the Zoning Administrator to exempt a "pet shop" from all safety and environmental regulations based solely on the absence of objection from the limited adjacent neighbors who have not yet experienced the effects of the applying "pet shop" **gives him/her unfettered discretion. This lack of guidelines in exercising discretion is essentially abdicating the legislative functions to the executive branch and that cannot be done legally.**

Animal Services is tasked with determining requirements for soundproofing and air filtration--for which they have no training, expertise, equipment or legal authority. A "review" of dog-walking routes requires no action of approval or even response from Animal Services, so there are no restrictions on where the dogs will be walked, even in the few cases where standards are imposed.

This ordinance creates one favored category of businesses (pet shops)—exempt from City planning/environmental regulation. There is no indication these "pet stores" will be required to have any business permit other than from Animal Services. Yet, a training or boarding facility, maintaining the same number of animals would be subject to rigid requirements and fees to the City. The nuisance, odor, noise, danger of escape, disease, and toxic waste contamination are no different between a shelter/rescued dog and owned dog which is being boarded. In fact, owned animals must be healthy and have up-to-date shots, and the danger to the community and other animals is **less than** stray/neglected/untrained animals from a shelter or rescue. Yet, the training/boarding facility will be highly regulated for compliance with local and state laws and environmental regulations while 'pet shops' will not.

The purpose for this proposal is purportedly the "noble cause" of saving homeless animals, the new Sec. 12.03 states that it will define a "pet shop" as ANY business selling dogs, cats or any other animal, and is NOT limited to non-profit organizations.

Any outside activity (entry/exit/exercise/walking) could cause contamination/disease, spread of parasites, and/or potential escape or attack. Since there is no requirement for the dogs to be obtained from a local shelter, they may be transported into Los Angeles from other states or countries and, though not yet showing symptoms, may be infected with diseases that are not endemic to Southern California; such as, heartworm or the current cases of Canine Influenza brought in from South Korea. These and other infectious diseases can be spread on the regular "walking routes," creating unseen dangers to animals throughout a community.

The CEQA is flawed. The Planning Department's CEQA analysis is flawed for numerous reasons and is invalid. Its purpose is to have an objective evaluation of the impact of this proposal, listing potential environmental impacts of the activity ONLY. However, this report based its conclusions on the "**noble purpose**" of saving animals' lives. The first part of the study acknowledges

that the evaluator was aware of the stated purpose of the activity, which should be unknown and not considered to so as to have no bearing on the outcome.

The way the report is written gives a tone that lauds the "nobility" of the purported purpose of the activity. It is paying homage to this wonderful idea and creating a way for it to occur. This approach clouds the judgment of the evaluator by allowing potential negative impacts to be counterbalanced by the idealistic potential benefits of the activity.

The bias is evidenced in the CEQA report in that it does not take into consideration—even though it mentions in one place—that **the standards really don't apply**. Many pet shops are automatically exempt, and almost anyone can secure an exemption from all of them. **The only criteria for total exemption from all standards is the agreement of the few immediately adjacent neighbors**. No one else in the community has the right to comment (the opportunity a CUP allows for any property owner within 500 feet.) Also, if no adjacent neighbors complain before the approval by Planning, there is no mechanism for later grievance in the ordinance.

The CEQA analysis is flawed because it clearly but **falsely** states that, before an individual exemption from the standards would be allowed, **an individual environmental assessment will be done. There is no such requirement anywhere in the ordinance.**

Neither the CEQA analysis nor this proposal consider the disposal of tons of solid waste or the water runoff from the "pet shops" (cleaning urine from walls and floors must be done several times a day), **which are apparently being exempted from the prohibition against waste water leaving the property**—laws which apply to other animal facilities including municipal shelters. **Nor do they address the issue of chemical usage on "pet shop" property** which will be washed across sidewalks, alleys and into storm drains. LAMC Sec. 64.70 refers to "animal waste" in kennels and its discharge as a pollutant into storm drains. State and federal laws have stringent laws governing the disposal of sewage. Will each "pet shop" in a C zone be pre-equipped to comply with these laws? Who will conduct inspections?

L.A. City Principal Planner Tom Rothman stated in his December 9, 2016, e-mail to Andrew Pennington (cc: Phyllis Nathanson, Yi Lu), "We are working closely with Animal Services and the City Attorney to allow some kennels in C Zones. As you can imagine, **allowing unlimited numbers of dogs to be housed permanently in commercial areas has substantial environmental implications**" (emphasis added). Even Mr. Rothman 'gets it' but the CEQA report missed it.

The Planning Department announced at the December public hearing that other cities had adopted similar variances or changes in zoning to allow such "pet shops" in order to boost animal save rates. Yet the December 23, 2017, response to my CA Public Records request, states that their research determines they have not evidence that this has been done in other municipalities. Other jurisdictions allow daytime adoptions from stores (usually providing pet supplies) but do not allow animals to be housed 24/7 in commercial/residential-zoning adjacent locations without a C.U.P. or similar process allowing public notice/protest within 500 feet.

"Non-profit" is the new tax-exempt business model. Whether it is a for-profit or non-profit "pet shop," all of these businesses will be engaged in the sale of products (animals) which may be obtained from animal shelters/humane societies **or any other sources**. If they are a non-profit, they have the added privilege of obtaining their 'product' from a shelter through an agreement at minimal cost or free. However, **both sell at a price which is profitable**. Non-profit organizations often ask for hundreds of dollars more per animal and do not pay taxes on their profit. And, they regularly solicit donations, which are also untaxed. A recent Facebook ad by "True & Faithful Pet Rescue Mission, Inc.," shows a 10-month old "Golden Doodle" (mix of Golden Retriever/Poodle) which was "saved" from a shelter in Alabama and transported to a NY rescue, and a recent article in the *Washington Post* reported that some rescues are charging up to \$2,500 for puppies they purchase from Puppy Mills and call "saved."

"Non-profit" doesn't mean 'no income.' **ASPCA CEO Edwin Sayres was earning nearly \$600,000 a year** when he left that organization in 2013, and Humane Society of the U.S. CEO Wayne Pacelle was called "**the \$4 Million Man**" in a recent interview. **Locally, Ady Gil's Valley Rockin' Rescue has stated his net worth is between \$10 and 50 million; and, according to the latest Guidestar.org report, his non-profit took in \$1,411,455 and has assets at \$1,045,979 last year.**

L.A. taxpayers already pay approximately \$45-million per year for L.A. Animal Services, and the Mayor and GM Brenda Barnette reported reaching "No-Kill" in 2017 for dogs. Property owners are still paying for 2001 bonds which allowed replacing or renovating ALL six city shelters and adding one in the Northeast Valley (which is being used free of charge by Best Friends.) Residents and business owners have demonstrated their love for animals. In return, the City must protect the quality of life of communities and families. This proposed "Pet Shop" ordinance has the potential to destroy public health and safety in entire neighborhoods and endanger the welfare of animals--in the "pet shops" and in neighboring homes through the spread of parasites and contagious diseases.

Please vote "No" on this matter.

Phyllis M. Daugherty

Phyllis M. Daugherty, Director