

ANIMAL ISSUES MOVEMENT

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COMMENTS (OPPOSITION): CF 17-1237-S1 and CF 17-1237

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

Thank you for the opportunity to comment on this case, which we believe is very ill-advised and contrary to the interests of shelter/homeless animals as well as the public health and safety of Los Angeles residents, and makes no administrative or logistical sense. Animal Issues Movement is a 501(c)3 organization located in Los Angeles. We may be adding additional comments before December 22, 2017.

I. THIS PROPOSAL WILL DO NOTHING TO REDUCE EUTHANASIA OR SHELTER POPULATION

The City (Department of Planning) is predicating its Pet Shop Code Amendment (as outlined in its Q&A Sheet) on the fact that these changes will "lower the euthanasia rate in the City's animal shelters." This will be done by allowing "pet stores" and "animal adoption centers" (which are merely more "animal shelters") in business communities and within 500 feet of residential zoning, provided they come from a shelter or rescue organization. However, rescue organizations are not limited to obtaining dogs and cats from within the city. As openly admitted by Found Animals representative at the December 7 LAAS Board of Commissioners meeting, "retail rescues" rely and enjoy bringing in animals from various sources.

"Rescuers" are allowed to, and do, import thousands of animals from other cities, states and countries to offer for adoption (fee-for-adoption sales at a range of \$400 - \$1,500 per animal) and that is not restricted nor prohibited by this proposal. Therefore, the facilities described will likely actually increase the ability to add homeless animals to the City's overpopulation problem.

In fact, the importation of "rescued" animals is such big business that the L.A. County Department of Health, Veterinary Section, has published an [advisory on its website](#) regarding the various diseases that have been contracted by pets in Los Angeles from "rescued" imported dogs (see attached).

A. PIT BULLS AND CHIHUAHUAS ARE THE MAIN DOG POPULATION IN LAAS SHELTERS

There is no indicator, based upon the monthly statistical data from LAAS records, that guarantees this proposal (Code Amendment) will achieve its stated goal, because the majority of unadopted dogs in L.A. City shelters are adult Pit Bulls (this can be verified by looking at "pets for adoption" at www.laanimalservices.com), which are strays or have been relinquished, largely for behavioral/aggression issues. "Rescuers" will be encouraged to remove these potentially harmful dogs into unsuspecting communities in the hands of "rescuers" who are not required to have a license, permit, insurance, experience, or sufficient staff to handle a large population of aggressive-breed dogs. These animals will be walked in the community up to three at a time, according to the Department of Planning. These walking paths will be approved by LAAS, increasing liability for the City.

B. IT IS IMPOSSIBLE TO CLOSE THE LOOPHOLE

If the amendments are made as proposed, the loophole must be closed so that NO animal that enters one of these "Pet Stores" is rescued from any source other than a City shelter or Los Angeles humane society. It must, therefore, insure that this occurs. Allowing unmonitored, unregulated "rescuers" to bring animals from the county or other counties, cities, states or countries in order to sell them in the new model "pet stores" merely opens the City to an increase in homeless pets and/or a decrease in local shelter adoptions, as the public chooses the variety of imported breeds over the ubiquitous Pit Bulls and Chihuahuas in local shelters.

Yet the proposal contains no such provisions. It is doubtful that any adequate restrictions could even be imposed. Even if prohibitions on the importation of dogs and cats survived legal challenge (which is highly doubtful), successful and adequate enforcement would be impossible.

Therefore, if the City cannot show that these stores/rescuers have or will decreased euthanasia, it should not be changing laws and conveying special favors that endanger the entire City by placing dogs of unknown behavior (many with histories of aggression) in zoning which is adjacent to stores, restaurants, child care centers, homes for the elderly, and families.

II. THIS PROPOSAL REMOVES ALL ANIMAL LIMITS FOR CATS AND DOGS IN THE CITY

The only reason Los Angeles is not experiencing dog packs and strays all over the City in prohibitive numbers is that there is a legal limit (no more than three adult dogs per premise/household.) This is the standard number which can be controlled by an owner and is the best-practice limit obtained not only in most surrounding cities, but also throughout the nation—especially where the population density is high.

Since dogs are pack animals, increasing this number of dogs (large or small) tends to cause "pairing" and conflict as they argue/fight over territory, food and status. It is normal for dogs to attack the weakest or oldest member of the pack because there remains in their nature the desire for status--to be the "top dog." When it involves more than three dogs, there is a greater danger of injury to the animals and the humans who often attempt to intercede. Although this can happen with as few as two or three dogs, the tension increases geometrically. Thus, the average household *may* make an adjustment with three; beyond that is playing Russian roulette--especially if the dogs are left alone together when the owner is gone.

While the stated intent is to regulate animal businesses in the zoning code (Section 12.03) and private pet owners in the animal code (Section 53.00), the presence of the limiting phrase "for a business" in these sections completely eliminates any limits on the numbers of adult dogs and cats that are kept by private individuals or organizations anywhere in the city.

Traditionally, the keeping of four or more adult dogs or cats requires a "kennel" permit, which necessarily invokes the need for regulation and inspection. This proposal would remove any limit on the number of dogs and cats in any residence or other location in the city by adding the phrase, "for a business" to Sections 12.03 *and* 53.00. It now means that, so long as large numbers are kept for non-business purposes, they can/could be kept in any location without restriction or regulation. This would result in total chaos citywide in regard to public/animal health and safety, not to mention the environmental impact.

III. THIS PROPOSAL INCREASES DISEASE, INJURY, DEATH, AND NUISANCES

An unlimited number of animals will naturally increase (even assuming there is no increase in the per-capita rate of incidents, which is unrealistically optimistic) the incidents of nuisance noise, animal waste, potential for spread of a host of diseases, and attacks on both people and animals. If this motion is passed, there will be no way to maintain peace, sanitation or protections from the spread of disease to both animals and humans (zoonotic). There will also be no way for the City to react to the increased calls for help from people endangered by the increased presence of vicious or aggressive animals, bothered by excessive barking/noise; nor to pick up animals which escape yards and menace neighbors or are injured by cars on streets and freeways--causing accidents in which humans are also hurt or killed.

The City's few animal control officers (ACO's) will not be able to prevent or respond to all the calls for help. The total number of ACOs serving the 4 million people residing in entire 469 square miles of Los Angeles 24 hours a day, 7 days a week, is now LESS THAN 40. These officers are spread from the far northwest Valley to the coastline (Harbor) in San Pedro.

L.A. Animal Services keeps no record of the number of calls received regarding bites/serious attacks; however, a 75-year-old man, Valentin Herrera, and his tiny pet Pomeranian were both killed earlier this year in Lincoln Heights in a savage attack by two Pit Bulls belonging to a neighbor. These dogs were also identified as the ones who killed another pet a few days before, while small children watched their tiny dog ripped to death in their jaws. Also, the city of Los Angeles achieved the dubious distinction of being the No. 1 dog-bite city in the U.S. last year on the U.S. Postal Service report of dog-attacks on mail carriers.

This, plus the possibility of widespread sanitation and disease issues—including collections of feces in yards and on streets by wandering dogs—the automatic increase in stray animals (dogs and cats) due to owner carelessness and lack of ability of L.A. Animal Services to respond with its very limited resources—especially at night when many people release pets to wander in the streets and defecate outside their own yard—will exacerbate the already limited response to calls and create a constant danger in neighborhoods all over this city.

It is also unknown what diseases may be carried by these "rescued" animals, especially if they are imported from such countries as Asia, Mexico, Cuba or Puerto Rico. Many diseases are airborne, others are carried on shoes or on the paws of animals which are taken into public areas, or disease can be spread by fecal matter being washed across walkways and public access areas, and into streets. The waste of both dogs and cats is toxic, with cats being more so.

These cumulative negative impacts, added to the rates of escape—with inevitable aggressive encounters—can potentially turn a quiet family neighborhood into a community where parents are afraid to allow children to play and gather outside.

IV. THE ENVIRONMENTAL IMPACT REQUIRES A CEQA REPORT

As L.A. City Principal Planner Tom Rothman states 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." Among those would be the fact that waste water (sewage) cannot directly empty into the storm-water system, but must be treated. That's why kennels are required to tie into a sewer/septic system. No sewage or runoff can leave the property. 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 "kennel/adoption center" in a C zone be pre-equipped to comply with these laws and who will make regular inspections?

Los Angeles, as all cities in California, is mandated to reduce bacteria in its waterways for water-quality compliance. The main watershed basins that serve Los Angeles are the Los Angeles River, Ballona Creek, Dominguez Channel and the Santa Monica Bay. Ultimately, much of this pollution may empty into the ocean or, if merely allowed to remain on green areas and not promptly and properly removed, the bacterial contamination may be absorbed into the soil and can potentially result in the transmission of zoonotic diseases, as well as transmissible diseases to other pets. It also creates a highly odorous, offensive condition, which can affect any nearby business/residences.

There is no mention in this proposal about these issues and how/by whom they are to be considered. However, it is not within the expertise, nor authority, of L.A. Animal Services to address them. They lack the ability to inspect, monitor sewage and/or drainage or regulate sewer connections or waste removal/disposal.

Further, although all "(o)nsite activities shall be conducted wholly within an enclosed building" (Proposed LAMC 12.14(A)(1)(b)(4)(i)(3)), dogs can be walked anywhere, including adjacent residential areas. This directly violates the requirement that all waste and runoff be contained on the property.

A. DOG WALKING - WASTE REMOVAL (CEQA/EIR)

This proposal recommends, but does not require, the removal of animal waste. Proposed LAMC 12.14(A)(1)(b)(4)(ii)(d) states, "Any animal waste generated during dog walking *should* be cleaned up immediately and disposed of properly" (emphasis added).

This is also of special concern in walking large numbers of dogs in public areas or access-ways and not picking up after them. This proposed Code change would allow a rescuer to walk three adult dogs but the rescuer is required to check the "walking route" only every 12 hours for waste.

Also, the amount of feces from dogs and the urine which must constantly be cleaned from walls, floors; and from the cages of any cats kept at the facility (not to mention large amounts of cat litter) must be carefully considered in a study of the environmental impact.

Common sense supports the undeniable fact that the number of animals involved in this increase does matter— both to neighbors and to the environment. Any change of this magnitude will impact the environment in many ways and must be subjected to a full California Environmental Quality Act review in regard to both dogs and cats.

The City's water conservation program, itself, contributes to the hazard by severely limiting the ability to wash animal waste from concrete patios, driveways or wall areas, where offensive odors and contamination can develop. Even odors that are undetectable to humans attract "marking" by other dogs, which urinate repeatedly in specific locations. Additionally, male dogs are inclined to relieve themselves on wood or other permeable fences that are shared with adjoining properties when they are taken out of the building.

B. THE PROPOSAL MERELY CREATES MORE "ANIMAL SHELTERS" WITHOUT ENVIRONMENTAL, SAFETY AND ZONING REQUIREMENTS

This proposal merely allows large animal sheltering facilities by calling them "adoption centers," which are intended to perform the same housing and adoption services as any municipal shelter, (The only exception is that they *usually* don't impound stray animals.) However, it is devoid of the regulations for care, veterinary requirements, an isolation area for sick or possibly contagious animals, and state and federal laws which regulate municipal shelters and humane societies and which protect both the animals, humans and the environment.

V. THE PROPOSED "STANDARDS" CANNOT BE ENFORCED.

This removes ALL safeguards for neighborhoods and allows unregulated businesses without any real guidelines and literally no enforcement because L.A. Animal Services does not have the authority, expertise, training or manpower to enforce either environmental laws or issues of impact outside an "animal adoption center/pet store." (See discussion below of powers vested in animal control officers/departments by State law.)

A. THIS PROPOSAL CREATES AN UNCLEAR DESIGNATION OF AUTHORITY

Here are just a few examples of how unclear, unenforceable and unworkable these sections are (I have chosen a few at random). The Proposed LAMC 12.14(A)(1)(b)(4)(i) sets forth development standards that, "are to be administered by Department of Building and Safety." Does this mean that Building and Safety is going to do regular inspections to insure that no more than the indicated number of animals are housed by measuring the space and routinely counting noses? How frequently will they inspect? If—as is anticipated—it is only done once to issue an occupancy permit, that means the regulation is meaningless and ineffective. And,

what would be the consequences for having excess animals? Since these shops are "permitted" by L.A. Animal Services, how/why would Building and Safety determine compliance in regard to the number of dogs?

And, since "(o)nsite activities shall be conducted wholly within an enclosed building," again, would Bldg. & Safety respond to every complaint about dogs being outside of an animal enterprise? The undisputed answer is, "no," because these are "development" standards, not "operations" standards. They are 'one-time' conditions. But the housing of a variable, fluctuating population of animals is anything but set at the time of initial inspection. This means that these 'development' standards for space, population, and setbacks—all of which are essential to the health safety and welfare of the animals, the staff, and the public (including neighbors who cannot escape the effects) are absolutely meaningless.

There is no mention of emergency plans/preparedness, nor of requiring sprinkler systems, fire alarms, smoke detectors or extinguishers--all of which must be regularly checked/inspected? How does OSHA fit into these "retail rescues," many of which allow totally untrained and inexperienced volunteers to handle strange dogs and cats? Who will make the decision on legal safety requirements, develop and maintain exit/evacuation plans? (How does a largely volunteer organization evacuate a potential of 100+ animals in the event of an earthquake or other major hazard--especially if this occurs at night?)

Contrary to the comment at the December 7 hearing, the City must require that a human is present 24 hours a day if there are 20 or more animals. This is the standard maintained for any kennel operation (non-profit or for-profit) in order to assure the animals are safe (many "pet shop" fires occur at night, according to media reports, or when there is no human present); however, many C-zoned locations prohibit sleeping on the premises when the business is closed. Will the City allow violation of that provision and assume the liability for a fire or other major occurrence and resultant damages which could have been avoided if someone were present? Or will it waive the "no sleeping" prohibition ONLY for "retail rescues" but require it for other kennel operators?

B. ANIMAL SERVICES CANNOT ENFORCE THE STANDARDS DELEGATED TO IT

Proposed LAMC 12.14(A)(1)(b)(4)(ii) sets forth, "Operation Standards—Administered by Department of Animal Services (DAS)." Among those are: "(c) The operator shall submit the proposed dog walking route(s) to DAS," and "(d) No noise or odor shall be detectable beyond the property line of the facility...."

What criteria is DAS supposed to use to approve a "walking route?" If they approve a route and someone gets attacked/bitten by a dog, won't that likely expose the City to liability? Also, is DAS supposed to conduct regular "sniff" tests at the property line? What is expected to be done if there is a detectable odor or noise? There are no punitive sections in LAMC that make violation of the standards an enforceable offense. Nor do these standards address the issue, which is the unsanitary conditions that cause the odor, not the odor.

"DAS" (L.A. Animal Services) lacks the authority to enforce the myriad of vital environmental laws regarding wastewater runoff, pollution, noise, and other health issues that are part and parcel of animal housing in commercial settings. Even if the LAMC was overhauled to give them the tools they need (in the 53.00 series), they lack the staff and the training. The City CANNOT give them the authority to enforce the guidelines which are contained in State law. Animal control officers are empowered by the State of California, under Penal Code Section 830.9. That section describes—and limits—their authority to enforce laws. It states that, "(a) animal control officers are not peace officers but may exercise the powers of arrest of a peace officer as specified in Section 836 ... *during the course and within the scope of their employment...*" (emphasis added). ACOs are not employed to develop or regulate building standards or zoning issues. Merely abdicating responsibility in the zoning code for enforcement of zoning regulations by ACOs will not make it happen.

I won't review each section, but many are as nonsensical as the foregoing. The bottom line is there is no way to make these facilities meet a criteria that adheres to public health and safety standards; sewage and waste water disposal requirements without a CEQA study and dedicated enforcement personnel who have the authority, awareness, training, and criminal statutes to back them up.

C. L.A. CITY ISSUES "BREEDING" PERMITS BUT DOES NOT ENFORCE VIOLATIONS

Prior to the City of L.A. changing zoning codes to place even more burdens for the regulation of businesses on DAS, it must update DAS's dismal lack of enforcement of breeders, which are running businesses in backyards all over the City. Dog/cat breeders are not required to obtain a City Tax Permit in order to/or when obtaining a breeding permit. Breeding permits are issued automatically to those who merely refuse to spay/neuter a pet and pay for the breeder's permit in addition to the in-tact license. (The City's spay/neuter law is not "mandatory," as is it is often mistakenly described. It is incentivized only. In other words, an altered dog license is \$10, whereas an unaltered dog license is \$100, plus the automatic payment of a breeder's permit. This lucrative business is the main reason for surplus animals in the shelter and is unaddressed. That is another loophole that must be closed before any zoning change for "retail rescue" pet shops is considered. These backyard breeders are also a potential and known source for "rescues" to stock their "pet stores" with more-lucrative young animals and not have to pay taxes on profit.

Because of the numerous exemptions in the City's spay/neuter ordinance, this proposal would appear to condone and legitimize breeding operations in backyards and private homes citywide, which is the antithesis of the city's purported goal of reducing pet population and shelter euthanasia. This situation not only shows the flaw in this proposal's ability to accomplish its stated intent (reduction of euthanasia) but it also portends the inability of DAS to handle the regulation of "pet shops" created by this proposed ordinance, and the resulting impact on the community as well as the environment.

D. THERE ARE STATUTORY OBSTACLES TO ENFORCEMENT

As if the above lack of authority, training and staffing weren't enough to eviscerate any effectiveness of the proposed "standards," other already existing sections in LAMC tie the hands of DAS to withhold the pet shop permits that allow these businesses to operate without regulation, 'by right' in any location of their choice.

Per LAMC Section 53.50(c), DAS must issue a permit to any pet shop when it meets four basic criteria: "1. The keeping of animals,... will not violate any law or ordinance of this City, or any law of the State of California; and 2. The keeping of animals, ... will not constitute a menace to the health, peace or safety of the community; and 3. The premises and establishment where animals are to be kept is maintained in a clean and sanitary condition, and that animals will not be subject to needless suffering, unnecessary cruelty or abuse; and 4. The applicant has not had a permit revoked within one year prior to the application." While on the surface this seems comprehensive and reassuring, it is anything but. The absence of any zoning regulations in section 12.03 means that DAS will have no power to limit the location of the applicant business because there is no specific statute prohibiting it and thus the applicant is not in violation of condition #1. As for condition #2, this has historically not been enforced at all, and with the increasing numbers is less likely than ever to be enforced. ACOs have no training in what constitutes a menace to the health or peace of the community. And, there is significant political pressure to look the other way at safety concerns so as not to interfere with the all-important 'no kill' objective.

The history of DAS speaks volumes about its inability to regulate these businesses. When permit application investigations get bogged down, as they do even under the current workload, permits must be issued unless an articulable prohibition can be identified. Thus, many--if not most--just get rubberstamped. But even if they could, DAS lacks the authority to enforce the State regulations that protect the environment and the community.

VI. THIS PROPOSAL CREATES AND PROMOTES INHUMANE CONDITIONS FOR ANIMALS

The space allotments/lack of access to sunlight/fresh air in this proposal are no better than USDA puppy mill provisions. It allows caging and/or kenneling a large, energetic animal—which may not be adopted for weeks, months or years—in a 6 x 10 foot cage, where it can barely stretch out. However, these animals are also maintained in a closed "warehouse" situation, without outdoor access and may have no access to fresh air or direct sunlight. This is necessary to maintain for circadian rhythm and health. It is absolutely vital for animals to be able to sense the normal cycle of night and day (not just artificial light) in order to maintain natural sleep patterns.

There will be no outside runs for exercise and visual stimulation and they will be forced to urinate and defecate in the area where they eat and sleep. The animals will also be kept in a constant state of stress (dominant breed dogs, and cats, in particular) from the approximation of other animals and the lack of protection--especially when sleeping, eating or defecating. This will also facilitate illegal activities such as dog fighting and hoarding because, as discussed above, all that is required is to obtain a 501(c)3 and there will be no further enforcement (except possibly in the event of a complaint). There is also no provision which would limit the numbers of animals to humane standards (constant entrapment in a 6 x 10-foot cage is not humane, regardless of the size of the animal. (Some veterinarians recommend that a dog be crated for no longer than two hours for mental stability and physical health.).

VII. THIS PROPOSAL IS BAD FOR BUSINESS AND WILL BE TIED UP IN LITIGATION

A. IT DESTROYS BUSINESS AND RESIDENTIAL COMMUNITIES

The City of Los Angeles is aware that successful businesses must have an atmosphere of safe conditions—both inside and outside their store/shop/building—in order to thrive. By allowing major "animal adoption centers" and retail/rescue pet shops with unlimited adult animals of unknown temperament and origin in commercial zones, there will be incessant barking and other animals noises, excrement, odors and the constant danger of escape into parking lots, streets and nearby residential neighborhoods. This is why such facilities housing adult animals have wisely been restricted to M-1 locations, maintaining a 500-foot distance from residences and C-2 zoning.

This proposal would allow a "pet store," retail adoption center (animal shelter) next door to a child-care center, restaurant, bakery, medical/dental office or hospital, risking the spread of disease, attacks on pedestrians/customers/clients in business areas and abutting residential areas.

B. IT IS DISCRIMINATORY TO LIKE BUSINESSES

"Non-profit" does not mean "destitute" or "no salary." The salary of the CEO of the ASPCA is over half a million dollars a year. "Retail Rescue Adoption Centers," regardless of whether they are called "Pet Stores" are a profitable business model (see attached article re Lucky Puppy). The animals are supposedly taken from a shelter, humane society or other rescue at either a discounted price or free. They are then "sold" (fee for adoption price is set), plus they obtain donations—all of which are tax-free.

This proposal essentially limits the term "kennel" to a boarding or breeding facility, as it excludes "breeding of dogs, cats or rabbits or the commercial boarding of animals." Neither of these are illegal activities. Boarding and breeding facilities have the identical—or even less—community impact than a "retail/rescue adoption center." A facility with 100+ shelter/rescue dogs and a business of the same size and canine occupancy with privately owned dogs being bred, trained or boarded likely causes less impact on its neighbors than the highly transient population of the adoption center.

Both types of businesses maintain a large number of adult dogs/cats but are posed as two different business models (boarding vs. selling.) Yet, under this proposal, they are treated differently. Boarding is regulated by the Dept. of Building and Safety and selling/adoption is not. A "rescue" can warehouse as many animals as it wants if it is selling (fee-for-adoption has been ruled a "sale") but a boarding/breeding facility must be treated as a "kennel." This is unquestionably a DISCRIMINATORY change in zoning, and would likely not withstand a legal challenge.

Anyone running a boarding or breeding facility who wanted to have that business in a location that is convenient to customers would not be allowed to do so in the same manner as a "retail/rescue adoption center" or pet store. This could be challenged as a violation of equal protection and a discriminatory law.

VIII. CURRENT PLANNING/ZONING CODES NEED TO BE RETAINED

Zoning considerations are related to environmental impact and quiet enjoyment of property, and must be enforced under current provisions. The effect of the proposed large number of animals on neighbors is not within the scope of the regulatory criteria of Animal Services, which is the only agency that would have any power to restrict them under this proposal. The only regulatory considerations for Animal Services relate to the welfare of the animals within the facility, not the welfare of the neighbors who have to deal with the odor, noise, effluence and exposure to disease.

Example: You are a rescue organization and you have 20 adult dogs and you want to set up shop in a small structure (perhaps even an old residence) between a school and a church or hospital. Animal Services will issue a pet shop permit if your facility structure and cages adequately provide for the care of the dogs needs. Animal Services doesn't consider—and cannot deny the Pet Shop Permit—because of the negative impact on the community. (See LAAS permit application on their website.)

A. RETAIL/RESCUE ADOPTION CENTERS ARE ALREADY BEING ALLOWED IN L.A.

The Department of City Planning "Pet Shop Code Amendment Q&A" begins with a questionable premise: "The purpose of the Code amendment is to facilitate the adoption of stray or neglected animals and lower the euthanasia rate in the City's animal shelters." There is no evidence that this is true or that the euthanasia rate will decrease. In fact, the current (unofficial) allowance for rescuers to keep extra animals and sell them in this "new business mode" appears to be leading to increased hoarding, according to oral reports by the General Manager of Animal Services. Rachel Kennedy and Sandra Garcia of Lucky Puppy Rescue on Ventura Blvd. were recently convicted of animal abuse and neglect (see link below).

As openly admitted by Found Animals representative at the December 7 LAAS Board of Commissioners meeting, "retail rescues" rely and enjoy bringing in animals from various sources.

It is not the duty nor do taxpayers pay for the Planning Department to change sound zoning and planning codes and risk the safety and continuity of hard-working business owners all over the City in order to allow 501(C)3 organizations to avoid all the restrictions under City laws and do the job of L.A. Animal Services, which has an annual budget of \$44 million and for which L.A. city property owners are still paying bonds for the building of new shelters/total renovations since 2001.

B. WHY CHANGE ZONES FOR "PET STORES"/ANIMAL FACILITIES?

If the Mayor's recent public announcement that L.A. will be "no kill" by the end of 2017 is true, what is the need for "rescue" pet shops and "animal adoption centers" in commercial/residential locations? Why would the Department of Planning choose to disrupt the safe city plan to deliberately endanger residents, when the Mayor and LAAS has already resolved any overpopulation of animals which results in euthanasia? If the City cannot prove the premise upon which it is presenting this plan, why is it being proposed? IS THE CITY LYING TO THE PUBLIC IN ORDER TO RELEASE OTHERWISE UNADOPTABLE PIT BULLS AND ALLOW IMPORTED ANIMALS and in order to allow 501(c)3 organizations to have special privileges over business owners?

C. THE PEOPLE DON'T WANT THIS

This is—once again—being rapidly pushed through the legislative process during the holiday season, when L.A. residents are traveling to be with loved ones or involved in religious observance and family events. This same process was attempted in 2010 (CF [10-0982](#)) and was strongly opposed by homeowners' associations, apartment association, veterinary facilities and people who signed petitions. If necessary, that process will be repeated.

It is likely there would be far more individual opposition now because more people live in multi-unit buildings and property values are much higher. Also, small-businesses are now threatened by homeless encampments and/or individuals who restrict access to their doors and create unsanitary conditions on their streets; customers/clients can barely navigate traffic-bogged streets and freeways to reach a specific business

location, and the Internet offers most items for delivery by mail. The addition of "retail rescues" in the proximity of struggling businesses or medical offices, restaurants, beauty shops, etc., will undoubtedly be met with anger and dismay that the zoning protections are being destroyed by the City--for the purpose of animal adoptions.

Few situations decrease value of residential or commercial property more than a large number of dogs/cats possibly living in unsanitary conditions and making noise 24-hours per day. (According to a realtor contacted, any nuisance situation that has been reported to the City or is known to a property owners must be disclosed to a prospective buyer.) This is heightened by fear if aggressive dogs are also kept on properties or in stores. The only relief from this situation is a lengthy process of hearings and appeals to L.A. Animal Services, which is critically understaffed. And this can also result in the need to file an action in Superior Court.

CF 17-1237 (latest motion by Paul Koretz re removing Sec. 12.03) was not mentioned in oral commentary on this proposal on December 7, because of the pre-emptive comment made by James Bickhart, representing Councilman Paul Koretz, which seemed to indicate that the plan to remove Section 12.03 from the LAMC would not be pursued at this time (delayed.) However, it was difficult to discern exactly what he said because he spoke with his back to the audience, and there is no recording available, according to the Planning Assistant. That item was on the Personnel and Animal Welfare Committee agenda which was cancelled on December 6, 2017.

Attached is the opposition by Animal Issues Movement to CF 17-1237 (**SEE FILE CF `7-1237**). Other protests from leading animal organizations in Los Angeles can be seen in that file.

Listed below (with links) are a few recent media accounts regarding animal rescuers in L.A.

Animal Issues Movement and I, as an individual, may continue to submit comments prior to December 22, 2017.

Phyllis M. Daugherty

Phyllis M. Daugherty, Director

Documentation (see links below). Also please attached letter filed in CF 17-1237 and review **CF 17-1237 for additional letters of opposition.**

Ace of Hearts Rescue Loses Right to Keep Dogs in LA After Pit Bull Attacks - Both were declared Dangerous Dogs by LA Animal Services' GM Brenda Barnette.

<http://www.citywatchla.com/index.php/neighborhood-politics-hidden/361-petwatch/14426-ace-of-hearts-rescue-loses-right-to-keep-dogs-in-la-after-pit-bull-attacks>

Attorney General's Cease and Desist Order Forces Pet Rescue to Close --Saving Spot Pet Rescue is now closed after a CBS2 News **investigation** prompted action by the California Attorney General's Office.

<http://losangeles.cbslocal.com/2017/08/17/order-forces-weho-pet-rescue-close/>

60 dogs seized from Studio City nonprofit animal shelter - Lucky Puppy Rescue and Retail in the 11700 block of Ventura Blvd accused of hoarding... The owner, Rachel Kennedy now **faces charges** of animal abuse and neglect. <http://abc7.com/pets/60-dogs-seized-from-studio-city-nonprofit-animal-shelter/1329219/>

Lucky Puppy Rescue in LA Found Guilty of Animal Abuse, Neglect Charges - Did the 'System' Betray Her? -- The charges . . . accompanied the May 6, 2016 raid of the alleged first upscale Rescue/Retail shop in a highly visible commercial location under a 2012 ordinance related to Councilman Paul Koretz' much-acclaimed **LA "puppy-mill" pet shop ban**. <http://www.citywatchla.com/index.php/los-angeles-for-rss/13896-lucky-puppy-rescue-in-la-found-guilty-of-animal-abuse-neglect-charges-did-the-system-betray-her>

Arleta couple charged with cruelty in hoarding of nearly 100 dogs --Dogs with highly contagious illnesses left to fend for themselves. Others trapped in crowded cages that were stacked like cargo boxes. <http://www.latimes.com/local/lanow/la-me-ln-arleta-couple-accused-of-hoarding-more-than-90-dogs-20141107-story.html>

27 dogs killed Wednesday at Bristol residence where seven died in November fire --
<http://www.unionleader.com/public-safety/27-dogs-killed-wednesday-at-bristol-residence-where-seven-died-in-november-fire-20171213>