

Animal Issues Movement
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January 14, 2018

Personnel and Animal Welfare Committee
Councilmember Paul Koretz, Chair
Councilmember Mitchell Englander
Councilmember Curren D. Price, Jr.

Herb Wesson, President
All Members of Los Angeles City Council

Honorable Councilmembers:

RE: ADDITIONAL OPPOSITION:

CF 17-1237 - Kennel / Delete Definition / Los Angeles Municipal Code / Amendment; AND

CF 17-1237-S1 - Definition of Kennel / Business Purposes / Los Angeles Planning and Zoning Code / Amendment -- INACCURACIES IN MOTION/DESCRIPTION AND CONTENT

Animal Issues Movement hereby submits additional opposition to **CF 17-1237** (12/06/2017) AND **CF-17-1237-S1** (01/12/2018) as a CONTINUED ATTEMPT TO MISLEAD the Personnel and Animal Welfare Committee, the City Council and the residents/constituents of the City of Los Angeles.

As we stated on 12/05/17, the intent of this motion is to REMOVE ALL ANIMAL LIMITS from businesses (except dog training and boarding) and household ownership through its coupling with parallel Planning Case: CPC=2017-4075, ENV-2017-4076-EAF."

Because of the changes in Sec. 53.00, are part of the "Pet Shop Code Amendment," (Case: CPC=2017-4075, ENV-2017-4076-EAF, there will be NO animal limits in the City of Los Angeles, if the motion in CF 17-1237-S1 is passed.

Following is a list of inaccuracies and/or MISSTATEMENTS:

INACCURACY NO. 1

The allegation that "kennel definition" is NOT used as the mechanism to determine the number of dogs (and/or cats) in other jurisdictions in Los Angeles County (Para. 3 of the 12/13/17 Motion) IS BLATANTLY UNTRUE.

Following is the explanation by the representative of Los Angeles County when asked about the statement in CF 17-1237-S1. (NOTE:"kennels" are called "animal facilities" in County code):

All 47 contract cities in LA County are required to agree to the enforcement of County code; however, we do allow them to substitute their own number of dogs and cats. But that doesn't change the format of the applicable law.

For us, even our commercial "kennels" are licensed as "animal facilities." That is our name for kennels.

10.20.038 - Residential Dogs and Cats—Limitations. (LOS ANGELES COUNTY)

A. Dogs. It is unlawful to keep more than four dogs at any residence without an animal facility license. Each dog must be licensed. For purposes of this section, a service dog licensed under [Section 10.20.090](#) and serving a person who is disabled within the meaning of Government Code section 12926 subsection (i) or (j) is not counted toward the number of dogs kept or maintained.

B. Cats. It is unlawful to keep more than five cats at any residence without an animal facility license. Each cat must be licensed and kept primarily indoors.

C. A Community Standards District may set a higher limit on the number of dogs and cats allowed at a residence without an animal facility license.

(Ord. 2017-0043 § 2, 2017: Ord. 2016-0040 § 80, 2016: Ord. 2009-0043 § 10, 2009.)

INACCURACY NO. 2

There are no unresolved differences in language between Sec. 53.00 and Sec. 12.03. These laws have worked synchrony for decades to maintain order, health, safety and environmental protection.

There is no "confusion" nor "redundancy" in Section 12.03. It clearly addresses the number of animals which may be kept on one piece of property or in a home/business without a kennel permit. (As does the L.A. County Code for 47 contract cities.) Nor have "recent interpretations"--by an unnamed source--changed the clear purpose of these LAMC Sections.

1. The fact that the description of kennels--an important aspect of planning/zoning (and quality of life)--appears in the Section 53.00 for L.A. Animal Services, or anywhere else in the LA Municipal Code, is not merely an "unintended" repetition, but, rather **indicates where the various authorities for enforcement of differing aspects exist in city law.**
2. **Sec. 12.03 allows the Planning and Zoning/Code Enforcement Dept. to enforce this limit for the purposes of protecting the environment, public health and safety, public and/or private nuisance and the "quiet enjoyment" of property, which is contained under CA State law.**
3. **Sec. 53.00 allows L.A. Animal Services to enforce this animal limit for the purpose of insuring the health, safety and control of conditions and conduct of animals, whether or not it impacts others in the community. The number of animals at a location can be a direct contributing factor. Animal Services does not have the authority to enforce zoning/building code sections or local, state or federal environmental laws AND this authority cannot be bestowed on this department by a city ordinance.**

The authorization under two (or more) sections of the LAMC merely assures that there is a cooperation and shared authority (from different perspectives) to protect public health and safety and the welfare of animals.

INACCURACY NO. 3

By amending the definition of "kennel" in Section 12.03 of the L.A. Planning and Zoning Code to specify its application ONLY to kennels maintained for "business purposes" with the exception of "pet shops," the City is merely creating a discriminatory law which favors one set of business models (not-for-profit tax-status "pet shops," which are still "for-profit" businesses and charge a "fee -for-adoption" price per animal) are allowed in locations where "for-profit" training/boarding) facilities with the same number of animals and impact on the environment are not.

INACCURACY NO. 3

This is NOT an effort to "clarify" laws. **By adding that the definition of kennels as "only for business purposes," there will be NO limit on dogs and cats in any zoning upon passage of this ordinance.**

There is only the dubious instruction that **"the Los Angeles Department of Animal Services and the Board of Animal Services Commission are to immediately undertake a public process to make**

recommendations to the City Council for the initiation of an ordinance adding specific per household dog and cat limits to Section 53..." The language of this proposal is so ambiguous, nebulous and convoluted as to insure extensive delay, lack of control and unenforceable consequences.

ADDITIONAL CONCERN:

At the December 7 public hearing by the Planning Dept. regarding the proposed "Pet Shop" ordinance (Planning Case: CPC=2017-4075, ENV-2017-4076-EAF), Principal Planner Tom Rothmann stated that "many cities are doing this." This would mean (in the context of the meeting) that many cities are changing their zoning, kennel definitions and removing animal limits to allow facilities (rescue/retail shops) in C-2 or other commercial zones adjacent to residential zoning.

On Jan. 2, 2018, I submitted a CPRA asking for the documents upon which the Planning Dept. relied for this information.

On January 12, 2018, I received an "extension" response, which states that 'unusual circumstances' exist with respect to the request and cause the possible need to search for records from field facilities and establishments other than that office and the possible need to search for, collect and examine a voluminous amount of separate and distinct records and possibly consult with another agency, "having a substantial interest in the determination of the request. (See attached letters.)

If the Planning Dept. did not have possession or access to the documents, why would Mr. Rothmann advise the public that this is done by "many cities"? The Pet Shop ordinance is a major factor in CF 17-1237 and CF 17-1237-S1.

For all of the foregoing reasons (and those submitted in opposition from various parties), can the City soundly respond to legal challenges on the outcomes of Planning Case: CPC=2017-4075, ENV-2017-4076-EAF and CF 17-1237 and/or CF 17-1237-S1?

CITY SHOULD NOT APPROVE CF 17-1237-S-1

There is sufficient lack of knowledge, preparation and accuracy in this entire process that the Personnel and Animal Welfare Committee, the PLUM Committee and City Council must **NOT APPROVE CF 17-1237-S1 or related files on this matter.**

Sincerely,

Phyllis M. Daugherty

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January 12, 2018

SENT VIA EMAIL TO ANIMALISSU@AOL.COM, NOT FOLLOWED BY U.S. MAIL

Ms. Daugherty:

RE: Public Records Act Request For Records Regarding CPC-2014-4075-CA, ENV-2017-4076-EAF, CF 17-1237

This letter is in response to your request dated January 2, 2018, seeking records from the Department of City Planning pursuant to the California Public Records Act (CPRA) regarding the above.

Be advised that this Department finds that "unusual circumstances" exist with respect to the request, as that term is defined in California government code section 6253(c). Unusual circumstances exist because of (1) the possible need to search for and collect the records from field facilities or other establishments that are separate from this office, and (2) the possible need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records in order to respond to the request, and (3) the possible need for consultation with another agency having a substantial interest in the determination of the request. (See Government Code section 6253 (c)(1), (c)(2), and (c)(3).

We expect to make a determination concerning your request on or before January 26, 2018. If you have any questions, you may reach me at (213) 978-1260. We greatly appreciate your courtesy and cooperation in this matter.

Sincerely,

Beatrice Pacheco
Custodian of Records

BP:bp

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