

PERSONNEL AND ANIMAL WELFARE COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to modifying the definitions of dog kennel, cat kennel, and pet shop in Los Angeles Municipal Code (LAMC) Section 53.00 and amending the guidelines for issuing a pet shop permit in LAMC Section 53.50(e).

Recommendation for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

PRESENT and ADOPT the accompanying Ordinance amending LAMC Section 53.00 of Article 3, Chapter 5 to modify the definitions of dog kennel, cat kennel, and pet shop and LAMC Section 53.50 of Article 3, Chapter 5 regarding the issuance of a pet shop permit by the Department of Animal Services (DAS).

Fiscal Impact Statement: None submitted by the City Attorney. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

(Planning and Land Use Management Committee waived consideration of the above matter)

Summary:

On November 19, 2013, your Committee considered a November 5, 2012 DAS, March 26, 2013 City Attorney, and October 23, 2013 City Attorney reports and Ordinances relative to modifying the definitions of dog kennel, cat kennel, and pet shop in LAMC Section 53.00 and amending the guidelines for issuing a pet shop permit in LAMC Section 53.50(e). According to the DAS, on October 31, 2012 Council adopted an ordinance (Council File No. 11-0754) to regulate the kinds of animals a pet shop could sell in Los Angeles. This recently approved ordinance also requests that the City Attorney work with the DAS to incorporate additional recommended changes relative to the definition of kennels at the beginning of LAMC Section 53. Specifically, this Ordinance prohibits the sale of animals bred by commercial breeders (puppy mills) and requires pet shops to obtain their animals from public and private shelters or rescue groups. This latter requirement is a key element of the concept behind the ordinance, mandating a new business model for pet shops selling live animals that already has proven workable both in Los Angeles and elsewhere when it has been tried.

However, in recent months, when would-be pet shop operators seeking building permits to open new business model adoption centers in retail districts have tried to file applications with Building and Safety, they have been informed that pet shops keeping more than three animals older than four months of age overnight on site are also required to have a kennel permit. This interpretation conflicts with the DAS's typical issuance of a pet shop permit for the applicant without requiring a kennel permit. Kennel permits are allowed by-right only in manufacturing (industrial) zones in Los Angeles. To obtain one in a retail zone, a Conditional Use Permit (CUP) is required. Conditional Use Permits typically cost in excess of \$10,000 per application and require six to 12 months of processing by the City Planning Department's Office of Zoning Administration. There is also no guarantee a CUP will be granted.

According to City records, only three licensed pet shops in Los Angeles also have kennel permits, so the implication is that these pet shops are only selling puppies (and/or kittens) of the sort the new ordinance is intended to restrict (which do not require a kennel permit) or that Building and Safety has

interpreted the requirements in a manner that is at variance with the DAS's interpretation. The DAS's research indicates that, in the greater Los Angeles area, the municipal codes of Glendale and Culver City contain provisions that are comparable to the amendments recommended by the Board. Additionally, the cities of Hermosa Beach and Pasadena also allow animal sales in general commercial zones and differentiate kennels from animal sales. The County of Los Angeles permits pet shops in its C3 retail-commercial zones. The municipal code of Beverly Hills is silent on these matters. None of these cities define pet shops as being limited to selling animals less than four months of age. Thus, there is local precedent for allowing a wider age range of animals to be sold in retail commercial zones in the greater LA area. It is in the City's interest to clarify its intentions in a manner consistent with the goals of providing applicants and the public with clear guidance and encouraging compliance with the new requirements for the sale or adopting out of live animals in a retail context.

After consideration and having provided an opportunity for public comment, the Committee moved to recommend adoption of the Ordinance as contained in the October 23, 2013 City Attorney report and detailed in the above recommendation. This matter is now submitted to Council for its consideration.

Respectfully Submitted,

PERSONNEL AND ANIMAL WELFARE COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
KORETZ:	YES
O'FARRELL:	YES
FUENTES:	YES

-NOT OFFICIAL UNTIL COUNCIL ACTS-