

ANIMAL ISSUES MOVEMENT

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March 17, 2019

Mayor Eric Garcetti
City of Los Angeles
200 N. Spring Street
Los Angeles CA 90012

PLUM and PAW Committees
City of Los Angeles
200 N. Spring Street
Los Angeles CA 90012

Los Angeles City Council
City of Los Angeles
200 N. Spring Street
Los Angeles CA 90012

**OPPOSITION: CF 17-0079 Animal Rescue / Animal Adoption Facility / Definition
CF 17-1237-S1 Kennel / Delete Definition / Amendment**
CF 11-0754-S2 Daugherty v. City of Los Angeles / Ordinance Amendments

ALL PRIOR LETTERS OF OPPOSITION ARE INCLUDED BY REFERENCE

Planning Dept. Case CPC-2017-4075-CA, ENV-2017-2076-EAF *Pet Shop Ordinance*; CF 17-1237-S1 Definition of Kennel / Business Purposes / Los Angeles Planning and Zoning Code / Amendment; INCLUDED ALSO ARE (CF 11-0754, 11-0754-S1, 11-0754-S2 AND 11-0754-S3 and CF 17-1237)

The City Council and Mayor Eric Garcetti are hereby formally advised that the notice of Committee hearings by the Planning and Land Use Management (PLUM) Committee on **March 19, 2019**, and the Personnel and Animal Welfare (PAW) Committee on March 20, 2019 was sent out by the Planning Department to all "interested parties" at **4:15 p.m. (Friday) March 15.**

A hearing notice sent out 45 minutes before the normal end of week (Friday) for a meeting the following Tuesday and Wednesday--after years of developing it--is an insult and an embarrassment to the residents/taxpayers of Los Angeles. Animal Issues Movement, a 501(c)3 animal-protection organization, repeats and maintains its OPPOSITION to passage of this irresponsible, destructive and inhumane ordinance introduced and promoted by Councilman Paul Koretz and Councilman Bob Blumenfield--neither of which have either planning or animal welfare experience, education or expertise--then developed and recommended by the Planning Department and approved by the City Planning Commission (which also obviously have no experience in any related field) on April 12, 2018, with no discussion or apparent interest in the negative elements and impact on businesses and residential communities in surrounding areas.

Opposition Comments CASE: CPC-2017-4075-CA , ENV-2017-4076-EAF (OPPOSITION: CF 17-1237 Kennel / Delete Definition / Amendment) were submitted on April 10, 2018, preceded by opposition letters to all of the above files, beginning with CF 11-0754) and are hereby included in their entirety by reference.

The discriminatory benefits of this Ordinance will be available to any "retail-rescue pet stores/shops" citywide, which will be legally allowed in C- zones adjacent to or across the street from residential zoning; however, identical non-tax-exempt business will remain subject to the traditional provisions of zoning and Conditional Use Permits.

The definition of a "retail-rescue pet shop" is any non-profit group which merely registers with a shelter or humane society in L.A. to remove animals. Such tax-exempt entity can then sell these animal--obtained free or at a discounted rate from a shelter/humane society or purchased from puppy mills or other sources--for any price and with unlimited untaxed profit, as long as the puppies, kittens, bunnies, dogs, cats or rabbits are called "rescues." There is no legal

"adoption" of any animal, and this is misstated in the Ordinance. "Adoption" is a legal term reserved for human children. Transfer of ownership for a prescribed price may be termed an "adoption" or a "fee," but it is a "sale." A prescribed amount paid for an animal also is NOT a "donation," because it involves "a good or service" provided for the exchange of money.

However, a licensed and regulated training/boarding facility providing security and safety for owned pets while an owner is away, and disposing of the same amount of waste under strict laws--and with LESS noise and barking because the public is not allowed to constantly enter and stimulate the dogs--cannot exist in the same C- zones without a Conditional Use Permit (CUP). Therefore, the City is granting a "favor" to one certain class of equally profitable businesses (retail-rescue pet shops/stores.)

In Appendix B / Page 2, the Planning Department found that there "is no substantial evidence that the proposed ordinance, will have a negative effect on the environment." This is the urine and fecal matter of up to 40 dogs of any size or 40 cats kept in a totally indoor store--with no requirements for air exchange or fresh air under established guidelines and which may share walls and air ducts with adjacent businesses. And, such massive toxic waste is to be deposited in the sewage system of a shopping/residential community and then flow into CA waterways without treatment.

The size-limits on kenneling in this ordinance allows up to 40 dogs of any age/breed/size/health condition/behavioral challenge (i.e., aggressive and/or dangerous) "rescued" or purchased from any source inside or outside Los Angeles, to be maintained under conditions that would not be permitted under LAMC animal codes as adequate and may violate State animal-cruelty laws. A 40/45-square -foot (approx. 4 x 10 or 5 x 9) will not allow some large dogs to completely stretch out and move freely and certainly will not allow any exercise or play space and there is no limit on the number of days, months or years that a dog may be caged in this manner.

For high-energy dogs (and it is assumed most of the "rescues" will be Pit Bulls, since they constitute 70% of L.A. shelters' population), it is tortuous to be maintained in such confinement and with no outside areas for sun and fresh air. It will cause the dog to deteriorate physically (diseases cannot be controlled and will be recycled) and psychologically. Many dogs kept in this manner begin to "spin" (continually turn in circles) or self-mutilate from the boredom and stress.

Up to three dogs may be walked through local communities and by businesses by one volunteer or "caretaker," but limited to the number that can be safely controlled. **Who is to make this determination?** One aggressive dog that is stimulated can become uncontrollable instantly and break a leash, escape and/or maim or kill another animal or a human. Now this will be with the blessing of the City.

Odor and noise control, sound-proofing and/or air-filtration systems will be determined by the Department of Animal Services, which has NO legal authority to set such standards nor enforce anything other than a barking-dog complaint.

Attached is an article which proves that puppy mills are merely establishing highly profitable non-profit entities to sell their puppies as "rescues," and can cut out the middleman (former pet shops.) They can also sell more profitably over the Internet without the competition of pet shops, which were highly regulated under CA state laws (Locker-Planck-Farr Act.)

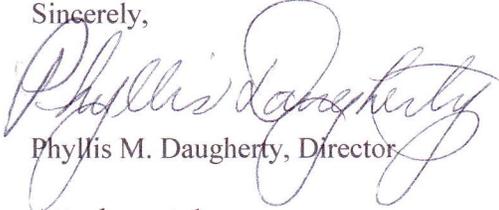
Some of the most sacred safeguards of investment are planning and zoning codes, which preserve the value of property and intrinsic availability of customers (for businesses) and safety and services (for homeowners and consumers.) Under this careless ordinance, that will be destroyed.

There are no legal standards, permits, education or experience requirements, nor any qualifications or licenses to become a "rescuer." And, County animal-health code compliance is not even considered. This can result in animals being brought into the city from foreign countries or other states. Even with recent rabies vaccinations, there is no guarantee that these animals are not already harboring serious and contagious diseases; and they will be placed without restrictions in the midst of densely populated areas (by both pets and people.)

L.A.'s elected officials nor Planning staff will not see the suffering nor pay for the lawsuits that ensue, as businesses are destroyed and local residents injured either directly or by the damage to their community-- but L.A. city taxpayers will pay repeatedly, because this ordinance provides approval of dangerous conditions and makes the City liable. It is also a strong incentive to relocate investment capital to a more stable political/economic environment.

Any Los Angeles official who cares about the City's animals or humans and has even the slightest concern for public/animal health and safety must vote "No" on this disastrous ordinance.

Sincerely,

A handwritten signature in cursive script, reading "Phyllis M. Daugherty". The signature is written in dark ink and is positioned above the printed name.

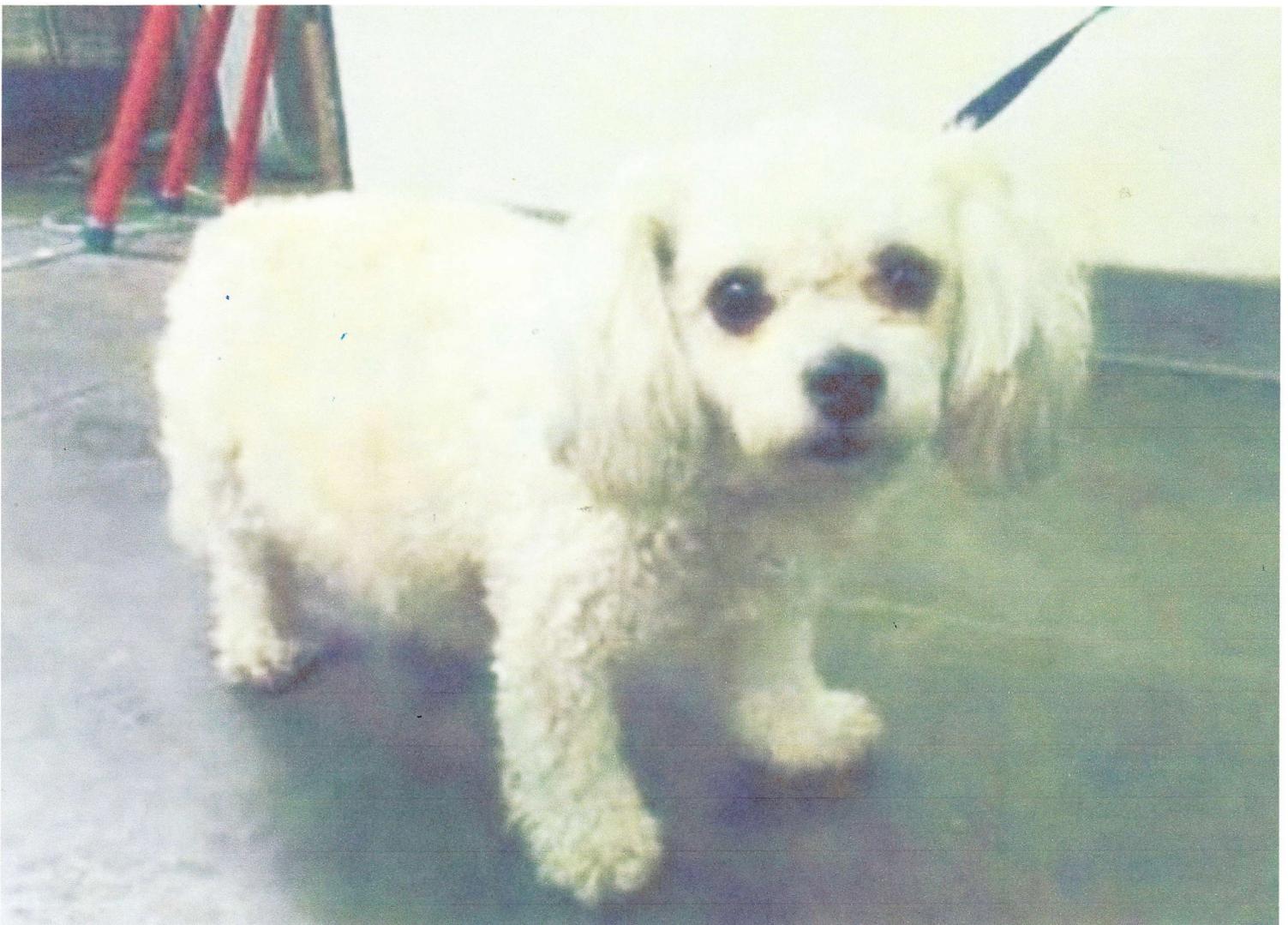
Phyllis M. Daugherty, Director

Attachment-1

Will LA Animal Services be the First Government 'Puppy Mill'?

PHYLLIS M. DAUGHERTY

11 MARCH 2019



- [NEXT ARTICLE](#) Are LAAS Animal Welfare Trust Funds Being Misused?
TOOLS

ANIMAL WATCH-Of all the loathsome things that have been done to destroy the reputation, morale and credibility of Los Angeles Animal Services under General Manager Brenda Barnette, her latest attempt to turn LA's shelters into "puppy mills" -- providing living

products from late-term pregnant dogs for "rescuers" to sell in Councilman Paul Koretz highly profitable "new business-model pet stores" -- is one of the most disturbing.

In this case, an adorable little pregnant Bichon-mix dog died during Barnette's experiment to let her whelp puppies for "rescues," rather than following CA and LA City law which requires all dogs and cats over four months of age to be spayed. (Barnette attempted to change this policy in 2013, so it is not whimsical or inadvertent.)

Just because it has become fashionable to "adopt a rescue" doesn't mean shoppers won't pay retail price for a near-purebred they can boast they "saved." And the internet marketplace shows that Bichon Frise puppies (purebred) sell for an average of \$700 to \$2,500 each. Even a mixed puppy of this breed will "bring a pretty penny," wrote one of the "rescuers" in an email before the pathetic -- and possibly very painful -- death of "Snowball." (photo above)

(Read: [Why Did LAAS GM Barnette Try to Cover Up Death of Pregnant Shelter Dog, 'Snowball'?](#))

OTHER CA 'PUPPY-LAUNDERING'

There seems to already be plenty of innovation and competition in "puppy-laundering" ventures in CA, now that the LA City Council and state legislature banned the closely regulated pet shops in favor of unmonitored, unregulated and untaxed "retail rescue stores."

Last week the Animal Legal Defense Fund filed a lawsuit alleging a California rescue group, called Bark Adoptions is buying puppies from a puppy-mill operation called "Rescue Pets Iowa" and selling them at CA locations as "puppy-mill rescues"--some pups bringing over \$2,000, according to the *DesMoines Register*.

The lawsuit states that Bark Adoptions of California "masquerades as a nonprofit animal-rescue organization" and then sells the puppies for profit. The lawsuit reportedly seeks to stop Animal Kingdom from buying or selling dogs from Bark Adoptions, Rescue Pets Iowa or any other "sham rescue" groups in California.

According to the major humane groups, a puppy mill is an operation where female dogs produce litters of puppies for sale, without regard for the mother's health and well-being.

How does that differ from what LA Animal Services did to "Snowball?"

Read also: 'Puppy Mill' Breeders Become 'Rescues'- Are Pet Shop Bans a Political Hoax?

WHO MOURNED SNOWBALL'S DEATH?

Barnette described Snowball's death in an email to the Commissioners as "mixed with sadness and joy." Where was the joy?

There also is no record of a necropsy being performed on Snowball. This was a high-visibility case, due to Barnette's nationwide media exposure of a planned spay-policy change in LA.

The dog was in the legal possession of a city shelter, transferred to a private facility and died--with all her records showing she was in apparent good health at the shelter, and Barnette and her Executive Leadership Team (Assistant GM MeLissa Webber and Director Annette Ramirez of [the S.M.A.R.T. Team](#)) making the decisions for Snowball's future best interests.

Barnette apparently intended not to mention Snowball's death at the following Commission meeting, if possible--admonishing Commissioner Roger Wolfson for blurting out, "Snowball is dead." She quickly retorted the email she sent was information for the Commission, not for the public.

This all began with one Orange County reporter, teaming up with out-of-area rescuers and an anti-abortion activist, to create a media blitz, crudely describing, "Her [Snowball's] plight was discovered by activists who

devotedly scour Southern California animal shelter websites, ready and eager to rescue, rehabilitate and rehome the animals who land there. Several volunteers contacted the shelter, offering to "pull" Snowball, as the rescue lingo goes."

Shamefully, the *Los Angeles Daily News* chose to join in the sensationalism and, rather than regretting the death of this innocent dog, it brushed aside Snowball's death and published the headline, "After Snowball's unborn puppies dodge abortion, LA shelter to reconsider spaying pregnant dogs."

No one interviewed the many local rescuers and animal lovers who would have demanded that this public exhibition end immediately and that pregnant animals continue to be spayed to reduce the number of homeless *dogs and cats* and promote adoption of animals already needing homes.

(Not one local rescuer came to the Commission meeting to support or encourage this change.)

SPEAKING OF CATS...

One of the emotional rants in the campaign to flood LA City Council offices with e-mails and phone calls was, "This termination [of pregnancy] is truly criminal. Dogs grieve, just like humans do, and if you think that ripping this mother's litter from her womb is a logical choice, then please turn in your license since you should not be in operation."

Why only dogs? If we are concerned about post-spay response/anxiety, don't pregnant cats have the same mothering instinct? Yet, Barnette's announcement clearly states her proposal will NOT affect late-term pregnant cats, which will continue to be spayed. Is that because kittens don't bring in the big bucks garnered from selling puppies?

WHAT BARNETTE TOLD THE COMMISSIONERS

A Public Records Act request for all e-mails between GM Barnette and her staff and the public revealed that much of Brenda's communication was conducted from a *redacted e-mail account*.

In requesting the Commission to "urgently" permit her to violate shelter/City policy, she provided an e-mail from one Arizona rescuer, opining from miles away that Snowball should not be spayed because "a dog instinctually knows she is about to give birth and won't know why her pups are gone."

Barnette advised, "The urgency is that little Snowball (as she has been named) is not only a senior, but VERY pregnant carrying 4-5 full term pups."

Brenda gave the impression that all would be fine with Snowball, when, in fact, the documentation provided shows that no testing/blood work had been done to determine the suitability of this tiny, senior dog whelping puppies.

As a former dog breeder (and having a daughter who is a "responsible dog breeder," according to [Best Friends Animal Society](#)), Brenda should have been aware of the dangers of pregnancy in an older dog--especially with an unknown health history or background.

SNOWBALL TAKEN TO AN OUTSIDE AGENCY

After Snowball died, Brenda shared this with the Commission. (Following is not the entire text from the veterinarian but shows care was provided.)

"I want to give you an update on Snowball and her pups," Brenda wrote, "...here is the report from the attending agency's veterinarian:"

Snowball looked like she was coming into labor on Monday morning. Very restless. She had been dealing with a bad URI, bordering on pneumonia. She stopped eating the day before...We had started her on Baytril the day before (she had been on Clavamox for 3 days already.)

Shortly thereafter I checked on her and she wouldn't raise her head and her gums were white. I was taking [her] over to get her into oxygen and she literally died as I was carrying her down the hall. We did CPR for about 5 minutes to no avail at which time decided to try and save the puppies. She had 8 puppies in her tiny body, one was stillborn and we were able to revive 7 of them."

(Skipping to end.) Sorry we couldn't do more for her. We had eyes on her 24/7...Additionally the more I got to know her and the state of her teeth made me believe she was more like 10-15 years old. Not sure an older, small dog could manage 8 puppies all while sick."

At the end of this tragic account, Brenda advises the Commission that she will still be "asking you to consider changing the policy at the meeting next week..."

The last report on the puppies in this series of emails stated only five (5) had survived.

An official request has been made for subsequent information, because this matter is too important and Snowball's suffering too significant to just ignore or forget.

SPAYING 'SNOWBALL' MIGHT HAVE SAVED HER LIFE!

In subsequent emails that were obtained through the Public Information Act request, it was very clear that GM Brenda Barnette is not concerned about the welfare of the pregnant dogs which would be given to unvetted rescuers (she cannot discriminate), some with little or no experience in safely whelping puppies and possibly without the resources for proper emergency veterinary care.

"Snowball" was a very desirable breed, yet she also was betrayed and abandoned to the streets -- thus ending the assumption that all small, fluffy dogs have forever homes.

The issue is that GM Brenda Barnette cruelly prolonged the pregnancy of a lovely little dog that could have lived out the rest of her life in a loving home -- and spaying her might have saved her life.

This is strictly about puppies and money! How does this make LA Animal Services any better than a "puppy mill?"

(Phyllis M. Daugherty is a contributor to CityWatch and a former Los Angeles City employee.) Edited for CityWatch by Linda Abrams.