

PERSONNEL AND ANIMAL WELFARE COMMITTEE REPORT relative to excluding pet shops from the definition of kennel in the Zoning Code and establishing development and operational requirements for pet shops in commercial zones.

Recommendation for Council action:

REQUEST the City Attorney to revise and amend the accompanying Ordinance amend the accompanying Ordinance dated March 6, 2019, attached to the Council, amending Sections 12.03, 12.14.A.1(b), 12.17.6.A.2, and 12.24.X of the Los Angeles Municipal Code to exclude pet shops from the definition of kennel in the Zoning Code and to establish development and operational requirements for pet shops in commercial zones by adding and amending Section 53.50 (e) to said Ordinance with the following language:

Before granting a permit for a pet shop, the General Manager shall consider the pet shop's location, size, operations and other significant features including but not limited to the number and type of animals present and that the dogs, cats, or rabbits have been or will be obtained from one of the City or County of Los Angeles animal shelter.

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.

Summary:

On March 20, 2019, your Committee considered a March 6, 2019 City Attorney report and Ordinance relative to amending LAMC Sections 12.03, 12.14.A.1(b), 12.17.6.A.2, and 12.24.X to exclude "Pet Shops" from the definition of "Kennel" in the Zoning Code and to establish development and operational requirements for pet shops in commercial zones. According to the City Attorney, in 2013, Council adopted LAMC Section 53.73, which prohibits the sale of commercially bred animals in pet shops. Under this law, pet shops may only sell animals acquired from an animal shelter, a humane society, or a non-profit rescue organization (hereafter, "shelter animals"). Under LAMC Section 53.73, however, pet shops that kept or maintained four or more adult animals would have met the definition of "Kennel" in LAMC Section 53.00 and thus be required to obtain a kennel permit from the Department of Animal Services (DAS).

To ensure that pet shops selling shelter animals need not obtain kennel permits, the City Council subsequently amended the definition of "Kennel" in LAMC Section 53.00 to exclude pet shops. In order to make the zoning regulations consistent with LAMC Section 53.00, the Planning Department issued Zoning Administrator Interpretation No. ZA-2013-3104-ZAI (the "ZAI") on October 30, 2013, to clarify that the definition of "Kennel" in LAMC Section 12.03 did not include pet shops. However, in a subsequent lawsuit that challenged both the amendment to LAMC Section 53.00 and the ZAI (*Daugherty v. City of Los Angeles*, Superior Court Case Number BS147232), the Court upheld the amendments to LAMC Section 53.00 but directed the City to rescind the ZAI because it exceeded the Zoning Administrator's authority. The Planning Department rescinded the ZAI on May 14, 2015.

On September 2, 2015, a Motion (Koretz - Huizar) was introduced directing the Planning Department to develop a methodology, including any necessary Code amendments, to implement the rescinded ZAI. On January 20, 2017, another motion (Blumenfield - Buscaino) was introduced further directing the Planning Department to prepare a draft Ordinance that provides a definition of "animal rescue and animal adoption facilities," and to allow for their operation in commercial zones with "performance standards and community protections." The Planning Department, thereafter, prepared a proposed ordinance that was responsive to both motions. On April 12, 2018, the City Planning Commission voted to recommend the proposed ordinance's approval to the City Council with minor revisions. On January 20, 2018, meeting, the Personnel and Animal Welfare Committee considered the Planning Department's proposed ordinance and voted to recommend adoption of the CPC's recommendations. On August 21, 2018, the Planning and Land Use Management (PLUM) Committee also considered the proposed ordinance. The PLUM Committee continued the matter and requested that the City Attorney transmit the final ordinance to the City Council. After consideration and having provided an opportunity for public comment, the Committee moved to recommend adoption of the Ordinance as amended and detailed in the above recommendation. This matter is now submitted to Council for its consideration.

Respectfully Submitted,

PERSONNEL AND ANIMAL WELFARE COMMITTEE

A handwritten signature in black ink that reads "Paul Koretz". The signature is written in a cursive style with a large, stylized initial 'P'.

MEMBER VOTE

KORETZ: YES

SMITH: YES

PRICE: YES

ARL

3/20/19

-NOT OFFICIAL UNTIL COUNCIL ACTS-