

May 15, 2018

To: Planning and Land Use Management Committee

**Subject: Public Comment, Council File 17-0079
Pet Adoption Center Ordinance**

I am a member of the Board of the Panorama City Neighborhood Council and an appointed liaison to the Dept. of Animal Services. As such, I try to stay abreast of any current animal welfare issues and challenges and, where possible, bring them to the attention of the NC. My own personal background includes periods of volunteer and staff positions with animal rescue organizations, including Wildlife Waystation and Pet Orphans of Southern California.

With respect to the proposed Pet Shop ordinance, I have read the abundance of written documentation, ordinance revisions, planning staff reports, all of the public comments, pro and con statements and articles, listened to hearing sessions via the City audio system, and thought long and hard about the enormous changes this ordinance could make in animal rescue operations in the City, and in the commercial areas it opens to kennel functions.

While I fully support the concept of increasing public awareness and access to reputable adoption facilities, this ordinance raises some real concerns.

Given the complexity and nuances of the proposal, and realizing the limits of NC meeting time (which prohibited any in-depth discussion or attempt to draft an impact statement reflecting the entire position of the Board), on April 26, 2018 I presented the attached Appendix A, a two page summary to our Board, with the recommendation that anyone interested could submit an individual comment for the Council File.

This, then, is my own individual comment on the proposed ordinance.

The required Planning Department's CEQA is flawed and could be legally challenged. The purpose of CEQA is to have an environmental evaluation of the impact of the proposal which is objective. The Planning Department has, however, based its conclusions in this report on the "noble purpose" of saving animals lives. The very first portion of the study acknowledges that the evaluator was aware of the stated purpose of the activity, which should have no bearing and, therefore, should remain unknown or not considered by the evaluator.

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Regarding the CEQA Negative Declaration that "there is no substantial evidence that the project will have a significant effect on the environment." How, with potentially dozens or hundreds of dogs being walked, pooping and peeing in front of businesses along commercial streets, is this not considered an environmental negative? Yes, operators and dog walkers can bag the poop, but urine will surely decorate any and all posts and trees along the way, potentially to be hosed into the gutters and storm drains.

Many of the Developmental And Operational Standards of the Ordinance seem geared more toward disguising the real purpose of shops with animal occupants (who may bark and smell) than benefiting the animals. Namely,

- keep the front 25% of the space free of animal boarding areas (why? No unsightly animal caging in view?)
- Animals cannot be outside at any time other than dog walking. (Forget fresh air and sunlight)
- No outdoor dog runs or training (forget fun)
- All onsite activities must be in an enclosed building
- No *unreasonable* noise or odors (up to DAS discretion to determine, as well as any soundproofing or air filtering.)
- Dog walking routes must be authorized by DAS (hot concrete is a real treat! Who will monitor compliance?)

The entire ordinance seems to leave far too much oversight and permitting to the DAS, which seems seriously understaffed to undertake the number of new applications. It also leaves a large burden of new responsibility on the Dept of Building and Safety for Code Enforcement and the Dept. of Sanitation for waste control aspects.

I only ask of all Council members that they familiarize themselves with all aspects of this Ordinance and keep the welfare of the animals as first priority.

Sincerely,
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Jan Brown/ Appendix A

April 26, 2018

To: Panorama Neighborhood Council Board

From: Jan Brown, Animal Services liaison

Re: Pet Adoption Center Ordinance (previously known as the Pet Shop Ordinance), which will allow Rescues to operate in Commercial Zones.

It is not feasible for me to reproduce the abundance of documentation on this issue. For that reason, I encourage you to use the following links to access key aspects.

I am on the "interested parties" list and will be notified of subsequent actions. However, it should be noted that the ordinance as proposed passed unanimously at the last Planning Commission hearing and is very likely to be passed in Council. (As per Yi Lu this week: "The project went to the City Planning Commission on April 12th, it has not been scheduled for PLUM or Council yet.")

Planning Department Summary: A proposed ordinance amending sections of the Los Angeles Municipal Code to facilitate pet adoption by increasing the number of adult dogs to be kept overnight in pet shops in certain commercial zones (C2, C4, C5 and CM) with development and operation standards, and to provide a relief mechanism for shops to vary from the standards or to locate in the remaining commercial zones.(CR, C1 and C1.5).

Key Documents:

Council File 17-0079 . In the Council File Management System, it can be found at <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=17-0079>

Planning staff report including the draft ordinance and some other appendices is available at: <https://planning.lacity.org/ordinances/docs/PetShop/StaffReport.pdf>

Access the ordinance itself from the Planning website <https://planning.lacity.org/ordinances/docs/PetShop/Ordinance.pdf>

Just a Few Concerns:

The proposal aims to reduce the euthanasia rate at the City's shelters by allowing adoption centers in more desirable locations than found in industrial zones. Animal Services has already declared (falsely) that it has reached no-kill status. If City Shelters are so successfully placing adoptable animals, where will these additional rescues obtain quantities of adoptable dogs? This does not limit Rescues to obtaining dogs and cats from within the City. The only requirement is that the rescue have an "agreement" with a local shelter or humane group. (Including those who import "rescue" animals from other cities, states or countries.)

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Is Animal Control staffed sufficiently to process potential increased numbers of the required permit applications from more rescues. Or, to oversee noise and odor regulations or to approve (or monitor or enforce) the required "walking routes" in which employees or volunteers of the rescue can walk up to three animals at a time where they can urinate and defecate on sidewalks and streets in front of other commercial businesses. Re noise and odor issues, soundproofing material and/or air filtration systems shall be used when determined necessary by the Dept of Animal Services. There are no caging requirements.

Given the costs of operating in commercial zones, small rescue organizations may not be able to afford those locations and only large, monetized organizations will benefit.

With up to 40 adults dogs in one of these adoption centers, are these requirements humane or even practical? Animals should not be left outside at any time, other than the required walking routes. Onsite activities shall all be within an enclosed building. Outdoor dog runs and training activities are not permitted.

The required Planning Department's CEQA is flawed for numerous reasons and likely to be legally challenged. The purpose of CEQA is to have an environmental evaluation of the impact of the proposal which is objective. The Planning Department has, however, based its conclusions in this report on the "noble purpose" of saving animals lives, which is a judgment call -- a moral value, and which they are not endowed to make on behalf of the City of Los Angeles. In this case, the very first portion of the study acknowledges that the evaluator was aware of the stated purpose of the activity, which should have no bearing and, therefore, should remain unknown or not considered by the evaluator.

Questions and comments can be addressed to: Yi Lu, City Planning Associate, DEPARTMENT OF CITY PLANNING, Code Studies Division, 213-978-1287, yi.lu@lacity.org

[Phyllis M. Daugherty, president of Animal Issues Movement, writes extensively about current issues in City Watch. Her Animal Watch articles about the new ordinance can be found online at CityWatchla.com, including:

"Animal-Rescue 'Pet Shops' May Soon Open Near Homes Under Flawed LA Plan," April 9, 2018 and "LA Zoning Goes to the Dogs and Cats under Koretz' New 'Pet Shop' Plan," Dec.18, 2017.

In 2015, Daugherty successfully sued the City over previous pet shop/kennel expansions. See LA Times article "L.A. lawmakers' shortcut backfired for animal rescue shops...A court has rejected a city zoning decision that allowed the shop to operate in a commercial mall," Oct. 31, 2015, by Emily Alpert Reyes.]

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