

**ANIMAL ISSUES MOVEMENT**

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February 19, 2013

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COUNCIL FILE 11-0754 and COUNCIL FILE 11-0754-S1

BY \_\_\_\_\_ DEPUTY

President Herb Wesson  
Los Angeles City Council  
200 N. Spring Street  
Los Angeles CA 90012

Paul Koretz, Chair  
Personnel & Animal Welfare Committee

Ed Reyes, Chair  
Planning Committee

**CF 11-0754-S1 – ADDITIONAL OPPOSITION – MAYOR'S OFFICE APPARENT ATTEMPT TO BYPASS PLANNING DEPARTMENT REVIEW OF PROPOSED CHANGES RECOMMENDED RELATIVE TO THE DEFINITION OF DOG KENNELS AND PET STORES. REQUEST FOR REFERRAL TO PLANNING DEPARTMENT.**

On February 3, 2012, Animal Issues Movement submitted a letter of opposition to the changes to Sec. 53.00 of the LAMC as proposed by the Mayor's office in CF 11-0754-S1. That opposition stands as submitted. However, based on information we have subsequently received through a CPRA, it is imperative that members of the Council INSTRUCT THAT THIS FILE GO THE PLANNING DEPARTMENT BEFORE CONSIDERATION BY THE COUNCIL.

The purpose of this proposal, which was initiated by the Mayor's office is to amend definitions in Section 53.00 (animal section) and bypass consideration by the Planning Department and the zoning codes which govern and restrict the placement of dog kennels in commercial and residential zones/locations for purposes of public health and safety, including sewage/sanitation, noise, odor and disease issues:

The following are not "minor" changes, as described in the Mayor's report, but can seriously impact businesses that surround any proposed dog kennels to house adult shelter animals 24 hours as "pet stores." Current pet store permits allow no more than three (3) adult dogs. Puppies and kittens that are currently sold are under four months of age. If the proposal is approved, an unlimited number of adult animals could be boarded 24 hours a day next door to restaurants, medical offices, child-care centers, etc.

Here are the amendments the Mayor's office is recommending that the City Council pass, without Planning Department review. It has been indicated by City Attorney Dov Lesel that his report will advise that this file be forwarded to Planning before consideration: **This proposal would change the definitions in Sec. 53.00, as follows:**

**"Kennel"** shall mean any lot, building, structure or premises whereon or wherein four or more dogs are kept or maintained for any purpose with the exception of a pet shop.

**"Pet Shop"** shall mean any store, or department of any store, or any place of business, where dogs, cats, monkeys, birds, reptiles, or any other animals are kept for sale, for hire, or sold irrespective of the age of the animals, provided that the facility is not used for commercial boarding or breeding at any time.

**Information received from Mayor's Office through CPRA (Public Information Request)**

As the result of a California Public Records Act Request (CPRA) made to the Office of the Mayor for information/documents involved in initiating this proposed change to the definition of "kennel" and adding this proposal to CF 11-0754 (banning mill-bred puppies/kittens from sale by pet stores), there appears to be an effort by the Mayor's office to bypass consideration by the Planning Department, which establishes and enforces zoning and code compliance in the city of Los Angeles.

In an e-mail (attached) dated **September 25, 2012**, Joaquin Macias, Senior Field Deputy for Councilman Bill Rosendahl, writes to Ahavia Scheindlin of Found Animals (which is an organization that has indicated a desire for this code change), as follows:

"I just spoke with Building and Safety and our planner. It looks like the only option currently is to undergo the CUP process..."

On **October 3, 2012** (2:50 PM), Jeffrey Ebenstein of the Office of Councilmember Paul Koretz wrote an e-mail (attached) to Ahavia Scheindlin of Found Animals:

“...Based on Jim's [Bickhart] suggestion, it sounded like this might be a land-use amendment. If so, there are a few procedural steps to follow. Our office will inquire if this has to be sent to the Planning Commission and if it has to be reviewed by the land-use section in the City Attorney's office?

On **October 3, 2012** (4:08 PM) an e-mail from Jim Bickhart of the Mayor's Office to Aimee Gilbreath of Found Animals states:

“I think it is a stretch (and a self-fulfilling disaster) to consider what I proposed a land-use amendment. They seem to be doing some hand-wringing about a problem they hadn't been confronted with before out of a fear that it will slow down their ordinance. I think they should be more afraid of passing an ordinance that won't work than in doing something that will allow it to be successful. **“Years of experience tells me that if they'd just go ahead with the kind of solution we're proposing, there's a 99% likelihood it would go through Council unnoticed and that would be the end of that. It'll only be an issue if they turn it into one.”** (Emphasis added.)

It is highly improper for the Mayor's office to (1) initiate an action to create dog kennels in the midst of commercial or residential zoning without a Conditional Use Permit; (2) bypass submitting this proposed LAMC change to the Planning Department, knowing a Conditional Use Permit is needed, then to (3) encourage that the change should be submitted to the Council in such a manner that it would just go thorough “unnoticed.”

In fact, if this change were made, it would create a special privilege to one class of people/organization— non-profit groups could bypass the requirements established in City law for maintaining any number of adult dogs--while all other individuals/organizations/corporations are required to file and pay for a Conditional Use Permit if they wish to establish any business or any enterprise which violates the zoning codes for a specific location within the City of Los Angeles.

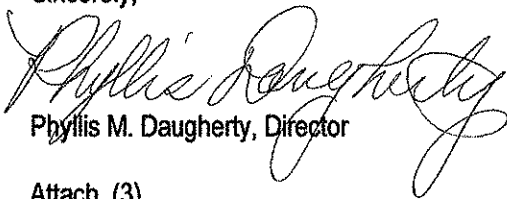
The Mayor's Office is proposing that the legal process of obtaining a CUP for the protection of surrounding businesses and residences would be bypassed completely, without an opportunity for surrounding businesses and residents to be advised and heard on this occurring in the shopping mall or commercial building in their community.

This proposal also results in dangers to animals. In order for multiple animals to be housed in a kenneling situation, there must be proper air-exchange systems and sewage disposal which assures that there will no collection of bacteria or sewage which can adversely affect their health. They must also have living conditions which allow proper space for movement. Also, a kennel permit must require that a human remain on the premises 24-hours if more than 20 animals are maintained. This is not allowed in all commercial stores.

We urge you to oppose this proposal and require those who wish to establish dog kennels in the city of Los Angeles—regardless of the source of the animals they offer for sale/adoption—to adhere to the zoning/planning code and apply for a Conditional Use Permit (CUP) in order to assure the health and safety of both animals and humans is protected.

Especially, we urge you to REQUIRE that this proposal be sent to the Planning Department for evaluation and analysis PRIOR TO ANY OTHER ACTION being taken by Council.

Sincerely,

  
Phyllis M. Daugherty, Director

Attach. (3)



Jim Bickhart <jim.bickhart@lacity.org>

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## Fwd: Leaving office

4 messages

Aimee Gilbreath <a.gilbreath@foundanimals.org>  
To: Jim Bickhart <jim.bickhart@lacity.org>

Wed, Sep 26, 2012 at 1:28 PM

Hi Jim -

Ahavia has been chatting with Joaquin in CM Rosendahl's office who has been very helpful in trying to unravel the permitting situation.

His e-mail below confirms that from a Building & Safety/Planning perspective the only option is a CUP. There is not another exception or exemption option that they can offer.

I still don't know how Woof Worx did it, so perhaps all hope is not lost, but this seems rather grim.

Please let us know if you have any ideas.

Thanks,

Aimee

----- Forwarded message -----

From: Ahavia Scheindlin <a.scheindlin@foundanimals.org>  
Date: Wed, Sep 26, 2012 at 1:22 PM  
Subject: Fwd: Leaving office  
To: Aimee Gilbreath <a.gilbreath@foundanimals.org>, Jennifer Wordham <j.wordham@foundanimals.org>

From: Joaquin Macias <joaquin.macias@lacity.org>  
Date: September 25, 2012 3:29:19 PM PDT  
To: Ahavia Scheindlin <a.scheindlin@foundanimals.org>  
Subject: Re: Leaving office

Ahavia,

I just spoke with Building and Safety and our planner. It looks like the only option currently is to undergo the CUP process which would inevitably be problematic for you. That process can be expensive and lengthy. There doesn't seem to be any resolution to this issue available to you within the time frame you described.

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Joaquin F.W. Macias  
Senior Field Deputy (Brentwood/Pacific Palisades)  
Office of Councilman Rosendahl, 11th District  
1645 Corinth Ave., #201  
Los Angeles, Ca. 90025  
PH: 310-575-8461  
FX: 310-575-8305  
Web: www.lacity.org/cd11



Jim Bickhart <jim.bickhart@lacity.org>

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## Fwd: proposed amendment to the puppy mill ordinance

4 messages

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Aimee Gilbreath <a.gilbreath@foundanimals.org>  
To: Jim Bickhart <Jim.Bickhart@lacity.org>

Wed, Oct 3, 2012 at 3:30 PM

----- Forwarded message -----

From: "Ahavia Scheindlin" <a.scheindlin@foundanimals.org>  
Date: Oct 3, 2012 3:02 PM  
Subject: Fwd: proposed amendment to the puppy mill ordinance  
To: "Aimee Gilbreath" <a.gilbreath@foundanimals.org>

FYI

Ahavia Scheindlin  
Sent from my iPhone

Begin forwarded message:

**From:** Jeffrey Ebenstein <jeffrey.ebenstein@lacity.org>  
**Date:** October 3, 2012, 2:50:44 PM PDT  
**To:** Ahavia Scheindlin <a.scheindlin@foundanimals.org>  
**Subject:** proposed amendment to the puppy mill ordinance

Hi,

Thank you for attending PAW yesterday. We know how busy you are and always appreciate your time. Wanted to drop you a quick note about the proposed amendment to the puppy mill ordinance. We are coordinating with Jim to make sure all bases are covered. Based on Jim's suggestion, it sounded like this might be a land use amendment. If so, there are a few procedural steps to follow. Our office will inquire if this has to be sent to the Planning Commission and if it has to be reviewed by the land use section in the City Attorney's office? In addition, as this is in Cd 11, we want to make sure they are involved as well. Just want to be sure to provide the full picture. Having the full support of the Mayor will be helpful in the process.

Regards,

Jeff

Jeffrey Ebenstein  
Office of Councilmember Paul Koretz  
15760 Ventura Blvd., Suite 1020  
Encino, CA 91436  
Phone: (818) 971-3088, Fax: (818) 788-9210  
jeffrey.ebenstein@lacity.org  
Stay Connected! Sign Up for the CD 5 newsletter [HERE](#).

**Jim Bickhart** <jim.bickhart@lacity.org>  
To: Aimee Gilbreath <a.gilbreath@foundanimals.org>

Wed, Oct 3, 2012 at 4:08 PM

See the message I just sent Rich Llewellyn regarding all this. I think it's a stretch (and a self-fulfilling disaster) to consider what I proposed a land-use amendment. They seem to be doing some hand-wringing about a problem they hadn't been confronted with before out of a fear that it will slow down their ordinance. I think they should be more afraid of passing an ordinance that won't work than in doing something that will allow it to be successful.

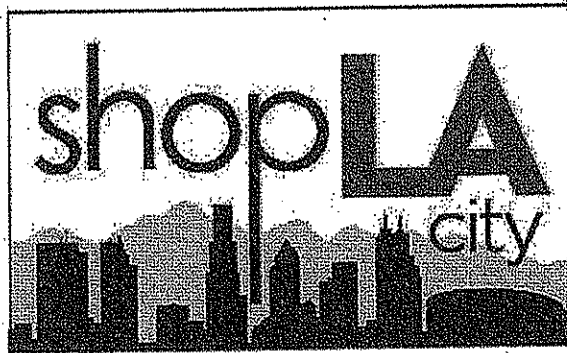
Years of experience tells me that if they'd just go ahead with the kind of solution we're proposing, there's a 99% likelihood it would go through Council unnoticed and that would be the end of that. It'll only be an issue if they turn it into one.

That doesn't account for what Dov might say, but hopefully we'll find out what that is soon now that I've copied him on a complete explanation of the situation (not that he didn't have one before, but knowing him, I'll also have to meet with him and hash it out).

Once again, welcome to the sausage factory, only this time, it's our own allies dumping the weird ingredients into the grinder.

[Quoted text hidden]

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**Aimee Gilbreath** <a.gilbreath@foundanimals.org>  
To: Jim Bickhart <jim.bickhart@lacity.org>

Wed, Oct 3, 2012 at 6:33 PM

And see Dov's response which is not helpful at all.

[Quoted text hidden]

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**Aimee Gilbreath**  
Executive Director  
Found Animals Foundation, Inc.