

ANIMAL ISSUES MOVEMENT

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Submitted in PAW Committee
Council File No: 11-0754-S1
Item No.: 5
Deputy: Adam R. Lid

November 17, 2013

Councilman Paul Koretz, Chair
Personnel and Animal Welfare Committee
200 N. Spring Street
Los Angeles, CA 90012

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

City Attorney Michael Feuer
City of Los Angeles
200 N. Main Street
Los Angeles, CA 90012

Gentlemen:

RE: CF-11-0754-S1 –OPPOSITION – Change Definition of Dog Kennel, Cat Kennel

This is to advise you that Animal Issues Movement CONTINUES AND INCREASES its OPPOSITION to this change to the Planning/Zoning Code in order to allow dog kennels with unlimited dogs of any age to be harbored and maintained in business locations and shopping malls as dog kennels.

This absurd "ordinance" violates sound building code and health and safety laws for the purposes of allowing the General Manager of the Department of Animal Services—who has no known training, experience or knowledge, of zoning or human health considerations—to provide favors to friends who wish to circumvent the Conditional Use Permit process, which is vital to the ability of investors to be assured their businesses will be protected by standardized rules and regulations applicable equally to all within any business complex or in a commercially zoned area.

Paragraph (e) bestows unlimited unilateral power to the General Manager of Animal Services—WITH NO KNOWN QUALIFICATIONS IN ZONING OR PUBLIC HEALTH, NOR ANY STAFF MEMBER LICENSED IN THESE PROFESSIONS—to bypass the County Departments of Health and Planning, and decide "rules and regulations reasonably necessary to carry out the purpose of this article and to ensure the maintenance of approved and humane conditions..."

The City Council cannot endow the General Manger of an animal control department with the professional qualifications to assure that sanitation, drainage, and sewer lines are adequate to remove the continuing dangerous bacteria and virus-laddened waste materials and other bodily fluids that are continually exuded by an "unlimited number" of (mainly adult) animals is adequate in a retail store location. This is the purpose of requiring a CUP.

The General Manager of Animal Services cannot conduct the tests to assure that the ventilation and air circulation of a retail store is adequate and meets the professional standards required to provide maximum assurance that diseases will not be spread throughout a population of shelter animals that are especially vulnerable to infections because of stress-induced immunity suppression. It is also impossible to determine whether an animal is in various stages of contagion or carrying a viral disease because the incubation periods vary widely.

These diseases are also often airborne and zoonotic—meaning that they can be transmitted to humans (even those in adjacent businesses via ventilation systems) and their pets without direct contact with the animals. Parasites in the feces of animals can also become imbedded in porous surfaces and spread beyond the store location or be carried on the clothing of visitors.

Dog kennels traditionally are located 500 feet from business/residential locations. This is not just because of noise and odor but because of health and safety. This ordinance says that the LAAS General Manager will “...impose reasonable restrictions...to ensure that the pet shop will not unreasonably subject adjacent businesses or the surrounding neighborhood to unwarranted noise and order, and will protect public health, welfare and safety.” What is the objective and quantifiable criteria for “reasonable” and “unreasonable?” What qualifications does the LAAS General Manager have to make that determination?

The City of Los Angeles already allows adult rescued animals to be offered for adoption at retail pet supply stores during daytime hours. (Petco, PetSmart and Centinela Feed are just three.) There is no need to create “kennels” in local business zoning. We also have trained professionals and laws to determine what is “reasonable” and “unreasonable” and it is clearly defined in the Conditional Use Permit process.

If someone wishes to have a dog kennel in a business or residential area, the current City Ceode provides a process for professionals (planners, code enforcement and County Health Officials) to make that decision. The law should not be changed in such a dangerous manner by the City Council—leaving the city open to expensive litigation and potential civil liability for dilettante decisions made upon the unqualified judgment of an animal control director with no expertise in public health and structural safety.

I urge you to vote “NO” on this item and allow the current Municipal Code ordinances to continue to establish the locations of dog kennels in the City of Los Angeles. An application for a Conditional Use Permit may be made by those who wish consideration of deviations from the law.

Sincerely,

Phyllis M. Daugherty, Director

Cc: All members Los Angeles City Council
Michael Logrande, Planning Department
Dr. Jonathan Fielding, Los Angeles County Department of Health