

TRANSMITTAL

To:

THE COUNCIL

Date:

NOV 19 2012

From:

THE MAYOR

TRANSMITTED FOR YOUR CONSIDERATION. PLEASE SEE ATTACHED.

A handwritten signature in blue ink, appearing to read "Junt" over "for".

ANTONIO R. VILLARAIGOSA
Mayor

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ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
ANIMAL SERVICES
221 North Figueroa Street
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Los Angeles, CA 90012
(888) 452-7381
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BRENDA F. BARNETTE
General Manager

JOHN CHAVEZ
Assistant General Manager

November 5, 2012

Honorable Antonio R. Villaraigosa
Mayor, City of Los Angeles
Room 303, City Hall
200 North Spring Street
Los Angeles, California 90012

Subject: **AMENDMENTS TO SECTION 53.00 OF THE LOS ANGELES MUNICIPAL
CODE REGARDING THE DEFINITIONS OF "KENNEL" AND "PET SHOP"**

Dear Mayor Villaraigosa:

At its meeting of October 23, 2012, the Board of Animal Services Commission (Board) voted to recommend to the Mayor and City Council that the Los Angeles Municipal Code (LAMC) sections listed below be amended. The Board requests that the Mayor and City Council:

1. APPROVE in a timely manner minor amendments (see the "Suggested Amendments" section below) to the definitions of "kennel" and "pet shop" in Section 53.00 (Definitions) of the Los Angeles Municipal Code to create consistency between the issuance of pet shop permits by the Department of Animal Services and the issuance of building permits by the Department of Building and Safety for pet shops opening in the City.
2. REFER this matter to the Planning, Land Use Management Committee, in addition to the Personnel and Animal Welfare Committee.

BACKGROUND

On October 31, 2012, the City Council adopted an ordinance (Council File 11-0754) to regulate the kinds of animals a pet shop could sell in Los Angeles. This recently approved ordinance also requests that the City Attorney work with the Department of Animal Services to incorporate additional recommended changes relative to the definition of kennels at the beginning of Section 53 of the LAMC.

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This ordinance prohibits the sale of animals bred by commercial breeders ("puppy mills") and requires pet shops to obtain their animals from public and private shelters or rescue groups. This latter requirement is a key element of the concept behind the ordinance, mandating a new business model for pet shops selling live animals that already has proven workable both in Los Angeles and elsewhere when it has been tried.

However, in recent months, when would-be pet shop operators seeking building permits to open "new business model" adoption centers in retail districts have tried to file applications with Building and Safety, they have been informed that pet shops keeping more than three animals older than four months of age overnight on site are also required to have a kennel permit. This interpretation conflicts with the Department's typical issuance of a pet shop permit for the applicant without requiring a kennel permit.

Kennel permits are allowed by-right only in manufacturing (industrial) zones in Los Angeles. To obtain one in a retail zone, a Conditional Use Permit (CUP) is required. Conditional Use Permits typically cost in excess of \$10,000 per application and require six to 12 months of processing by the City Planning Department's Office of Zoning Administration. There is also no guarantee a CUP will be granted.

According to City records, only three licensed pet shops in Los Angeles also have kennel permits, so the implication is that these pet shops are only selling puppies (and/or kittens) of the sort the new ordinance is intended to restrict (which do not require a kennel permit) or that Building and Safety has interpreted the requirements in a manner that is at variance with the Department's interpretation.

Our research indicates that, in the greater Los Angeles area, the municipal codes of Glendale and Culver City contain provisions that are comparable to the amendments recommended by the Board. Additionally, the cities of Hermosa Beach and Pasadena also allow animal sales in general commercial zones and differentiate kennels from animal sales. The County of Los Angeles permits pet shops in its C3 retail-commercial zones. The municipal code of Beverly Hills is silent on these matters. None of these cities define pet shops as being limited to selling animals less than four months of age. Thus, there is local precedent for allowing a wider age range of animals to be sold in retail commercial zones in the greater L.A. area.

It is in the City's interest to clarify its intentions in a manner consistent with the goals of providing applicants and the public with clear guidance and encouraging compliance with the new requirements for the sale or adopting out of live animals in a retail context.

SUGGESTED AMENDMENTS

A goal of LAMC Section 53.00 is to allow pet shops in retail areas where they will attract clientele. The Zoning Code's restrictions on kennels are meant to confine boarding and breeding kennels housing large numbers of dogs to industrial areas away from residences whose inhabitants could be bothered if the dogs generate excessive noise.

Amendments to Sec. 53 LAMC Regarding "Kennel" and "Pet Shop" Definitions
November 5, 2012

Pet shops are indoor facilities where steps can easily be taken to minimize noise leakage. Kennels are indoor/outdoor facilities typically housing larger numbers of animals in a manner in which effective noise buffers would be difficult to establish. Thus, there is a strong argument to be made that requiring a kennel permit for a pet shop is unnecessary.

The LAMC currently defines "kennel" and "pet shop" 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.

"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.

The Department recommends these definitions be amended substantially 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. These suggested amendments would confirm the City's intention to allow pet shops in commercial areas while still confining the location of commercial kennels to industrial areas unless they obtain a CUP. In doing so, they would encourage and accommodate the new business model for live animal sales in pet shops contemplated by the new pet shop regulations.

Attached for your reference is the Board Report that was approved on October 23, 2012. If you require additional information regarding this action of the Board, please have your staff contact me, at (213) 482-9558 or Ross Pool, Management Analyst II, at (213) 482-9501.

Sincerely,



Brenda F. Barnette
General Manager

BFB:JDC:RP

Amendments to Sec. 53 LAMC Regarding "Kennel" and "Pet Shop" Definitions
November 5, 2012

Attachment: October 23, 2012 Board Report, "Revised Report: Amendments to Section 53.00 (Definitions) of Los Angeles Municipal Code Regarding the Definitions of "Kennel" and "Pet Shop," Respectively

cc: Dov Lesel, Assistant City Attorney
Jim Bickhart, Office of the Mayor
Ross Pool
File

x:\budgets\jdc\board of animal services\2012-13\october 23, 2012\transmittal re revised board report on kennel definition and pet shop ordinance clean-up.docx

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BRENDA F. BARNETTE
General Manager

JOHN CHAVEZ
Assistant General Manager

Report to the Board of Animal Services Commissioners
Brenda Barnette, General Manager

COMMISSION MEETING DATE: October 23, 2012 **PREPARED BY:** Brenda Barnette

REPORT DATE: October 19, 2012

TITLE: General Manager

SUBJECT: REVISED REPORT: AMENDMENTS TO SECTION 53.00
(DEFINITIONS) OF LOS ANGELES MUNICIPAL CODE REGARDING
THE DEFINITIONS OF "KENNEL" AND "PET SHOP," RESPECTIVELY.

BOARD ACTION RECOMMENDED:

That the Board request the Mayor and City Council to approve in a timely manner minor amendments (see section 2 below) to the definitions of "kennel" and "pet shop" in Section 53.00 (Definitions) of the Los Angeles Municipal Code (LAMC) to create consistency between the issuance of pet shop permits by LA Animal Services (LAAS/Department) and the issuance of building permits by the Department of Building and Safety (B&S) for pet shops opening in the city.

1. History and Issues

In 2011 the City Council initiated an ordinance to regulate the kinds of animals a pet shop could sell in Los Angeles. This ordinance prohibits the sale of animals bred by commercial breeders ("puppy mills") and requires pet shops to obtain their animals from public and private shelters or rescue groups. This latter requirement is a key element of the concept behind the ordinance, mandating a new business model for pet shops selling live animals that already has proven workable both in Los Angeles and elsewhere when it has been tried.

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Subject: Amendments to Sec. 53.00 (Definitions) of LAMC Regarding "Kennel" and "Pet Shop"

However, in recent months, when would-be pet shop operators seeking building permits to open "new business model" adoption centers in retail districts have tried to file applications with B&S, they have been informed that pet shops keeping more than three animals older than four months of age overnight on site are also required to have a kennel permit. This interpretation conflicts with the Department's typical issuance of a pet shop permit for the applicant without requiring a kennel permit.

Kennel permits are allowed by-right only in manufacturing (industrial) zones in Los Angeles. To obtain one in a retail zone, a Conditional Use Permit (CUP) is required. Conditional Use Permits typically cost in excess of \$10,000 per application and require 6-12 months of processing by the City Planning Department's Office of Zoning Administration. There is no guarantee a CUP will be granted.

According to City records, only three licensed pet shops in Los Angeles also have kennel permits, so the implication is that these pet shops are only selling puppies (and/or kittens) of the sort the new ordinance is intended to restrict (which do not require a kennel permit) or that B&S has interpreted the requirements in a manner that is at variance with the Department's interpretation. Either way, it is in the City's interest to clarify its intentions in a manner consistent with the goals of providing applicants and the public with clear guidance and encouraging compliance with the new requirements for the sale or adopting out of live animals in a retail context.

2. Suggested Amendments

A goal of LAMC Section 53.00 is to allow pet shops in retail areas where they will attract clientele. The Zoning Code's restrictions on kennels are meant to confine boarding and breeding kennels housing large numbers of dogs to industrial areas away from residences whose inhabitants could be bothered if the dogs generate excessive noise.

Pet shops are indoor facilities where steps can easily be taken to minimize noise leakage. Kennels are indoor/outdoor facilities typically housing larger numbers of animals in a manner in which effective noise buffers would be difficult to establish. Thus, there is a strong argument to be made that requiring a kennel permit for a pet shop is unnecessary.

The LAMC currently defines "kennel" and "pet shop" 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.

"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.

Subject: Amendments to Sec. 53.00 (Definitions) of LAMC Regarding "Kennel" and "Pet Shop"

The Department recommends that the Board ask the City Council to amend these definitions substantially 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.

These suggested amendments would confirm the City's intention to allow pet shops in commercial areas while still confining the location of commercial kennels to industrial areas unless they obtain a CUP. In doing so, they would encourage and accommodate the new business model for live animal sales in pet shops contemplated by the new pet shop regulations.

FISCAL IMPACT:

These minor amendments are not expected to have any material impact on the Department's General Fund budget per se. The establishment of new pet shops and pet adoption centers under these amended definitions could increase sales tax and gross receipts tax revenues to the City while potentially reducing the number of animals euthanized in City shelters.

Approved:


Brenda Barnette, General Manager

BOARD ACTION:

_____ Passed	Disapproved _____
_____ Passed with noted modifications	Continued _____
_____ Tabled	New Date _____