

THE URBAN WILDLANDS GROUP, INC.

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December 5, 2017

Attention: Yi Lu
Department of City Planning
Code Studies Section
City of Los Angeles
Via email: yi.lu@lacity.org

**Re: CPC-2017-4075-CA, ENV-2017-4076-EAF: Pet Shop Ordinance
Related to Council File 17-1237 Kennel / Delete Definition / Los Angeles Municipal
Code / Amendment – OPPOSE**

Dear Ms. Lu:

Thank you for discussing this proposed ordinance on the phone with me on December 4, 2017. As drafted and in conjunction with the motion in CF 17-1237, the proposed ordinance would remove all limits on the number of dogs and cats that can be kept at any residence in the City of Los Angeles. My comments address the effect on pet ownership first, and then review the purported purpose of the proposed ordinance to allow dogs or cats to be kept in kennel-like conditions in commercial zones.

Proposed Ordinance Would Remove All Limits on Cat and Dog Ownership in Los Angeles

The proposed ordinance would insert the words “for a business” in the definitions of Cat Kennel, Dog Kennel, and Kennel in LAMC Sec. 53.00. Section 53.00 places limits on the number of cats that can be kept by residents of the City through these definitions. Concurrently, the Personnel and Animal Welfare Committee is considering a motion to remove the definition of Kennel, which currently only applies to dogs, from Sec. 12.03 of the Municipal Code. The proposal to add “for a business” by the Department of City Planning, combined with the proposal to delete section 12.03 by the motion from Councilmember Koretz (CF 17-1237), would eliminate limits on ownership of dogs and cats in the City.

A competing proposal to increase number of cats allowable under Sec. 53.00 is already being reviewed under CEQA as part of the “Citywide Cat Program.” The project description approved by the Board of Animal Services Commissioners for that project specifically proposes to amend Sec. 53.00 of the Municipal Code to raise the limit on cats from three to five. Quoting the project description, the City proposes to:

Allow an increase in the currently permitted number of cats per household from three to five with certain restrictions by: (i) changing the definition of “Cat Kennel” in Section

53.00 of the Los Angeles Municipal Code by revising the definition from “four or more cats” to “six or more cats”; and (ii) adding that if a person owns one to three cats, the cats may be indoor, indoor/outdoor, or outdoor; and if the owned cats exceed three, all four or five of the owned cats shall be maintained solely indoors and must be spayed or neutered and microchipped.

It should be obvious from the excerpt that the definition of Cat Kennel in Sec. 53.00 is: a) the mechanism by which cat ownership is currently regulated in the City of Los Angeles, and b) that, in the absence of Sec. 12.03, inserting the words “for a business” into that definition (and also into the definitions of Dog Kennel and Kennel) would have the effect of removing all limits on dog and cat ownership by individuals residing in the City. All anyone wishing to keep more than three dogs and/or three cats at a premises would have to assert is that they were not doing so “for a business.” The Sec. 12.03 definition of “kennel” would no longer be available under the motion currently making its way through the City Council.

Amendment of the Cat Kennel definition is currently enjoined under *The Urban Wildlands Group et al. v. City of Los Angeles* (Case No. BS115483) unless and until proper CEQA review is done and the permanent injunction is lifted. Amending the definition of Cat Kennel was an element of the 2005 TNR policy adopted by the City and is therefore covered by the injunction.

It should furthermore be obvious that elimination of the limit on ownership of dogs and cats would require an Environmental Impact Report under the California Environmental Quality Act because it is a discretionary project and a fair argument could be made that such a dramatic increase in pet ownership would cause significant environmental impacts.

Limits on dog and cat ownership are necessary for the health, welfare, and safety of residents in the City. Limits on the number of cats is especially necessary from an environmental perspective because the City does not have an ordinance that prohibits people from allowing cats to roam at large. Before the proposed ordinance goes forward, its relationship to the motion in CF 17-1237 must be ascertained, because the net outcome of the proposed pet shop ordinance and the deletion of Sec. 12.03 would be to remove limits on ownership of dogs and cats.

Permitting Commercial Animal Warehousing Facilities in Commercial Zone Requires Meaningful Environmental Review

As a zoning change, the proposed ordinance is subject to review under CEQA. Despite the notice of the public hearing for this ordinance announcing that an environmental assessment is available for review in the file; that environmental review has not yet been drafted (personal communication, Yi Lu, December 4, 2017) so the adequacy and approach of that analysis cannot be assessed at this time.

Any forthcoming environmental assessment must be thorough and evaluate the worst-case scenario for impacts from these facilities. It should include an estimate of the number and spatial distribution of facilities expected under the ordinance and address impacts in terms of odors, noise, and water quality from operation of kennels in commercial zones. Small pet shops and rescue facilities routinely wash urine and feces-contaminated materials off outdoors in a manner that flows into storm drains. Waste generation from 20 or 40 or 100 animals (as would be

allowed in 6,000 square feet) would be significant and poses a disposal question, both in terms of water quality and odors, that must be addressed in the environmental review.

It should be recognized that the proposed ordinance is written in such a way as to allow “pet shops” or “adoption centers” to be used as indefinite warehouses for dogs and halfway houses for unsocialized cats. Nothing requires the animals to be sold or adopted. Many of the excess animals in shelters that are currently euthanized are difficult to adopt breeds of dogs and unsocialized cats. Given that the goal of the ordinance is to reduce euthanasia at shelters, it is obvious that these unadoptable animals would be the ones that are transferred to these new facilities. In addition, nothing in the proposed pet shop ordinance would prohibit operators of these facilities from importing animals from elsewhere, so long as an agreement is reached with the Department of Animal Services. Once it is possible to import adult animals from outside the city and keep them indefinitely, Los Angeles would become the dumping ground for undesirable animals from the region and beyond.

In the case of stray/feral cats, “rescue” groups will be able to allow these animals to be “adopted” to people who will then release them outside. The pet shop/adoption centers could provide a means to circumvent the limit on adopting only three cats or dogs per household, as is currently required under the permanent injunction.

The ordinance places no limit on the number of animals, as long as space is available, and presents no realistic scheme to control environmental impacts. For example, operators of animal facilities, even if they are “required” to keep animals inside, would have no fear of enforcement for allowing animals outside. Animal Services does not even respond to the calls that they get now unless there is an injured animal. It is unlikely, from an operational perspective, that they will enforce indoor-only requirements for what are effectively going to be satellite animal shelter facilities.

It appears that this ordinance is being rushed, that the public is uninformed, and the ordinance relies on code sections that the City Council currently proposes to delete. The Department of City Planning should put the brakes on and gather more input from a wider range of stakeholders beyond those limited interests who have drafted the proposal. Any environmental review would also need to consider the foreseeable impacts of the deletion of Sec. 12.03 as proposed in CF 17-1237 on the proposed ordinance.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Longcore", with a stylized flourish at the end.

Travis Longcore, Ph.D.
Science Director