

Animal Issues Movement
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January 14, 2018

Personnel and Animal Welfare Committee
Councilmember Paul Koretz, Chair
Councilmember Mitchell Englander
Councilmember Curren D. Price, Jr.

Herb Wesson, President
All Members of Los Angeles City Council

Honorable Councilmembers:

RE: ADDITIONAL OPPOSITION:

CF 17-1237 - Kennel / Delete Definition / Los Angeles Municipal Code / Amendment; AND

CF 17-1237-S1 - Definition of Kennel / Business Purposes / Los Angeles Planning and Zoning Code / Amendment -- INACCURACIES IN MOTION/DESCRIPTION AND CONTENT

Animal Issues Movement hereby submits additional opposition to **CF 17-1237** (12/06/2017) AND **CF-17-1237-S1** (01/12/2018) as a CONTINUED ATTEMPT TO MISLEAD the Personnel and Animal Welfare Committee, the City Council and the residents/constituents of the City of Los Angeles.

As we stated on 12/05/17, the intent of this motion is to REMOVE ALL ANIMAL LIMITS from businesses (except dog training and boarding) and household ownership through its coupling with parallel Planning Case: CPC=2017-4075, ENV-2017-4076-EAF."

Because of the changes in Sec. 53.00, are part of the "Pet Shop Code Amendment," (Case: CPC=2017-4075, ENV-2017-4076-EAF, there will be NO animal limits in the City of Los Angeles, if the motion in CF 17-1237-S1 is passed.

Following is a list of inaccuracies and/or MISSTATEMENTS:

INACCURACY NO. 1

The allegation that "kennel definition" is NOT used as the mechanism to determine the number of dogs (and/or cats) in other jurisdictions in Los Angeles County (Para. 3 of the 12/13/17 Motion) IS BLATANTLY UNTRUE.

Following is the explanation by the representative of Los Angeles County when asked about the statement in CF 17-1237-S1. (NOTE:"kennels" are called "animal facilities" in County code):

All 47 contract cities in LA County are required to agree to the enforcement of County code; however, we do allow them to substitute their own number of dogs and cats. But that doesn't change the format of the applicable law.

For us, even our commercial "kennels" are licensed as "animal facilities." That is our name for kennels.

10.20.038 - Residential Dogs and Cats—Limitations. (LOS ANGELES COUNTY)

A. Dogs. It is unlawful to keep more than four dogs at any residence without an animal facility license. Each dog must be licensed. For purposes of this section, a service dog licensed under Section 10.20.090 and serving a person who is disabled within the meaning of Government Code section 12926 subsection (i) or (j) is not counted toward the number of dogs kept or maintained.

B. Cats. It is unlawful to keep more than five cats at any residence without an animal facility license. Each cat must be licensed and kept primarily indoors.

C. A Community Standards District may set a higher limit on the number of dogs and cats allowed at a residence without an animal facility license.

(Ord. 2017-0043 § 2, 2017: Ord. 2016-0040 § 80, 2016: Ord. 2009-0043 § 10, 2009.)

INACCURACY NO. 2

There are no unresolved differences in language between Sec. 53.00 and Sec. 12.03. These laws have worked synchrony for decades to maintain order, health, safety and environmental protection.

There is no "confusion" nor "redundancy" in Section 12.03. It clearly addresses the number of animals which may be kept on one piece of property or in a home/business without a kennel permit. (As does the L.A. County Code for 47 contract cities.) Nor have "recent interpretations"--by an unnamed source--changed the clear purpose of these LAMC Sections.

1. The fact that the description of kennels--an important aspect of planning/zoning (and quality of life)--appears in the Section 53.00 for L.A. Animal Services, or anywhere else in the LA Municipal Code, is not merely an "unintended" repetition, but, rather **indicates where the various authorities for enforcement of differing aspects exist in city law.**
2. **Sec. 12.03 allows the Planning and Zoning/Code Enforcement Dept. to enforce this limit for the purposes of protecting the environment, public health and safety, public and/or private nuisance and the "quiet enjoyment" of property**, which is contained under CA State law.
3. **Sec. 53.00 allows L.A. Animal Services to enforce this animal limit for the purpose of insuring the health, safety and control of conditions and conduct of animals, whether or not it impacts others in the community.** The number of animals at a location can be a direct contributing factor. **Animal Services does not have the authority to enforce zoning/building code sections or local, state or federal environmental laws AND this authority cannot be bestowed on this department by a city ordinance.**

The authorization under two (or more) sections of the LAMC merely assures that there is a cooperation and shared authority (from different perspectives) to protect public health and safety and the welfare of animals.

INACCURACY NO. 3

By amending the definition of "kennel" in Section 12.03 of the L.A. Planning and Zoning Code to specify its application ONLY to kennels maintained for "business purposes" with the exception of "pet shops," **the City is merely creating a discriminatory law** which favors one set of business models (not-for-profit tax-status "pet shops," which are still "for-profit" businesses and charge a "fee -for-adoption" price per animal) are allowed in locations where "for-profit" training/boarding facilities with the same number of animals and impact on the environment are not.

This is NOT an effort to "clarify" laws. **By adding that the definition of kennels as "only for business purposes," there will be NO limit on dogs and cats in any zoning upon passage of this ordinance.**

There is only the dubious instruction that "the Los Angeles Department of Animal Services and the Board of Animal Services Commission are to immediately undertake a public process to make

recommendations to the City Council for the initiation of an ordinance adding specific per household dog and cat limits to Section 53..." The language of this proposal is so ambiguous, nebulous and convoluted as to insure extensive delay, lack of control and unenforceable consequences.

ADDITIONAL CONCERN:

At the December 7 public hearing by the Planning Dept. regarding the proposed "Pet Shop" ordinance (Planning Case: CPC=2017-4075, ENV-2017-4076-EAF), Principal Planner Tom Rothmann stated that "many cities are doing this." This would mean (in the context of the meeting) that many cities are changing their zoning, kennel definitions and removing animal limits to allow facilities (rescue/retail shops) in C-2 or other commercial zones adjacent to residential zoning.

On Jan. 2, 2018, I submitted a CPRA asking for the documents upon which the Planning Dept. relied for this information.

On January 12, 2018, I received an "extension" response, which states that 'unusual circumstances' exist with respect to the request and cause the possible need to search for records from field facilities and establishments other than that office and the possible need to search for, collect and examine a voluminous amount of separate and distinct records and possibly consult with another agency, "having a substantial interest in the determination of the request.

If the Planning Dept. did not have possession or access to the documents, why would Mr. Rothmann advise the public that this is done by "many cities"? The Pet Shop ordinance is a major factor in CF 17-1237 and CF 17-1237-S1.

For all of the foregoing reasons (and those submitted in opposition from various parties), can the City soundly respond to legal challenges on the outcomes of Planning Case: CPC=2017-4075, ENV-2017-4076-EAF and CF 17-1237 and/or CF 17-1237-S1?

CITY SHOULD NOT APPROVE CF 17-1237-S-1

There is sufficient lack of knowledge, preparation and accuracy in this entire process that the Personnel and Animal Welfare Committee, the PLUM Committee and City Council must **NOT APPROVE CF 17-1237-S1 or related files on this matter.**

Sincerely,

Phyllis M. Daugherty

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CITY PLANNING

CITY PLANNING COMMISSION

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January 12, 2018

SENT VIA EMAIL TO ANIMALISSU@AOL.COM, NOT FOLLOWED BY U.S. MAIL

Ms. Daugherty:

RE: Public Records Act Request For Records Regarding CPC-2014-4075-CA, ENV-2017-4076-EAF, CF 17-1237

This letter is in response to your request dated January 2, 2018, seeking records from the Department of City Planning pursuant to the California Public Records Act (CPRA) regarding the above.

Be advised that this Department finds that "unusual circumstances" exist with respect to the request, as that term is defined in California government code section 6253(c). Unusual circumstances exist because of (1) the possible need to search for and collect the records from field facilities or other establishments that are separate from this office, and (2) the possible need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records in order to respond to the request, and (3) the possible need for consultation with another agency having a substantial interest in the determination of the request. (See Government Code section 6253 (c)(1), (c)(2), and (c)(3).

We expect to make a determination concerning your request on or before January 26, 2018. If you have any questions, you may reach me at (213) 978-1260. We greatly appreciate your courtesy and cooperation in this matter.

Sincerely,

Beatrice Pacheco
Custodian of Records

BP:bp

PHYLLIS M. DAUGHERTY
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January 2, 2018

Beatrice Pacheco, Custodian of Records
Planning Department
City of Los Angeles
200 N. Spring Street – 5th floor
Los Angeles CA 90012

CALIFORNIA PUBLIC RECORDS ACT REQUEST- CF 17-1237 PLANNING CASE NO. CPC-2017-4075-CA / ENV-2017-4076-EAF Kennel / Delete Definition/ L.A. Municipal Code / Amendment

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I formally ask to inspect or obtain copies of the following, which I understand to be held by your office:

Any documents referenced, obtained or in the possession of the L.A. Planning Dept. or any member of staff or advisors which indicates/provides identification of which other jurisdictions (cities/counties) in California or any other state, **have changed their City/County zoning plan to allow "retail rescue pet shops" with an unlimited number of adult animals in C-2 or other "C" (commercial) zones, and less than 500 feet from residential zoning, and any such changes in zoning by other jurisdictions which excludes training/boarding kennels.**

At the public hearing on December 7, in regard to the changing of City zoning to allow "retail rescue pet shops" by-right in C-2 and other "C" zoning, a representative of the Planning Dept. (Principal Planner Tom Rothmann) stated that **"many other cities are doing this."**

In the documents provided in response to my Dec. 1, 2017, CPRA request, we did not see any document or reference how this was determined by Mr. Rothmann or other members of the Planning Dept. staff or who advised them that such **changes in zoning were occurring in other areas/cities.** (Retail pet shops selling adult animals in other jurisdictions, according to our research, are doing so ONLY through CUP's or where original zoning permits a large number of adult animals.)

Also, we saw no documents in the response which indicated that other cities/counties are changing such zoning for "rescues" but are retaining the original zoning restrictions for training/boarding kennels. We assume that this was also included in the statement that "many other cities are doing this."

I ask for a determination on this request within TEN (10) days of your receipt of it, and an even prompter reply if you can make that determination without having to review the record[s] in question.

If you deem that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested.

In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

If I can provide any clarification that will help expedite your attention to my request, please contact me at (213) 413-2367.

Thank you for your prompt attention to this matter.

Phyllis M. Daugherty
PHYLLIS M. DAUGHERTY