

Tarzana Property Owners Association, Inc.

December 19, 2017

Yi Lu
Los Angeles Department of City Planning

Subject: Pet Shop Code Amendment, CPC-2017-4075-CA

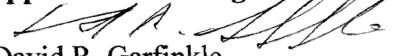
The Board of Directors of the Tarzana Property Owners Association voted to oppose the proposed Pet Shop Code Amendment, CPC-2017-4075-CA, as it is currently written. In the first place, the title is very misleading as this is an ordinance pertaining to **kennels**, not pet shops. While pet shops, with a limited number of animals may be appropriate in the C2 zone, we certainly oppose kennels, with up to 20 animals (more if the facility is greater than 1200 square feet) in C2 zones.

Does anyone really believe that a kennel with 20 or more undisciplined dogs is appropriate adjacent to a restaurant or most other facilities found in the C2 zone? Is the noise or odor associated with such a facility appropriate for the types of stores normally found in the C2 zone or for nearby residential zoned properties? Is the waste water associated with washing down the facility (not to mention feces and urine on the property or nearby areas used to walk the animals) healthy for the area? Remember that wastewater often collects in gutters and often does not quickly empty into sewers. While the proposed ordinance would prohibit **ingress or egress** from such a facility "that abuts, is across the street, alley or walk from, or has a common corner with any land zoned residential", **it does not prohibit the facility from being situated in any of those positions**, including directly adjacent to residential zoned property; it simply prohibits ingress or egress.

While we agree with a number of the provisions of the ordinance, including the prohibition of dogs being left outdoors at any time, prohibition of outdoor training facilities and dog runs, and limits on the sources of animals available for adoption, we find the provision that no noise or odor be detectable beyond the property line rather hard to accomplish. How likely is a facility to be soundproof when 20 or more dogs are barking?

We realize that an application for a Conditional Use Permit to allow an animal kennel in a C2 zone is a time consuming and expensive proposition and suggest that a simpler action, such as a Zoning Administrator's Adjustment, with a mandatory public hearing, may be appropriate in those instances where the facility would not be within 500 feet of an existing restaurant or other public commercial facility.

In summary, while we are sympathetic to the plight of rescue animals, we are adamantly opposed to allowing such facilities by right in the C2 zone.


David R. Garfinkle,
President, Tarzana Property Owners Association

Cc: Councilmember Blumenfield, Andrew Pennington, Councilmember Koretz

Jeffrey Mausner
6222 Amigo Ave.
Tarzana, CA 91335
Jeff@MausnerLaw.com

December 6, 2017

Yi Lu
Hearing Officer
Department of City Planning
yi.lu@lacity.org

Re: CASE: CPC-2017-4075-CA , ENV-2017-4076-EAF
Pet Shop Ordinance
Hearing Date: December 7, 2017, 10 A.M.

Dear Yi Lu:

I was the Appellant to the South Valley Area Planning Commission in the matter involving Rockin' Rescue, which precipitated Councilmember Blumenfield's introduction of the motion to amend the Code to allow rescues to operate in commercial zones. Please see: <https://www.change.org/p/save-the-lives-of-dogs-and-cats-in-los-angeles-don-t-shut-down-rockin-rescue/u/19200134>

For purposes of identification, I am currently a Board Member and the 2nd Vice President of the Tarzana Neighborhood Council (TNC); I'm Chair of its Animal Welfare Committee. I'm also the liaison from the TNC to the Los Angeles Animal Services Department (LAAS). I'm also the liaison from the Valley Alliance of Neighborhood Councils (VANC) to LAAS. The Tarzana Neighborhood Council supported the variance for Rockin' Rescue. The TNC has not yet considered this new ordinance, so I am speaking on my own behalf in this letter. I am also a Volunteer at the City's West Valley Animal Shelter.

Thank you for working on this very important proposed ordinance, which will help to save the lives of stray, abandoned, and neglected animals. As noted in Councilmember Blumenfield's motion, the purpose of this amendment is to

facilitate the adoption of stray, abandoned, and neglected animals and reduce the euthanasia of healthy adoptable animals in the City's animal shelters. This amendment recognizes the important role that animal rescue and adoption facilities play in supplementing the important work done by the City's Animal Services Department, and the need to allow rescues and adoption facilities to be located in zones throughout the community, not just industrial zones.

However, I believe that the current proposed ordinance is way too restrictive and difficult for many rescue organizations to use. Most rescue organizations are small and lack substantial funds. They do not have the money, resources, and time to go through the burdensome procedure to obtain a Conditional Use Permit (CUP). Because of the overburdensome restrictions in the ordinance as currently drafted, very few rescues will be entitled to operate in commercial zones by right. That will result in rescues not opening because they cannot go through the CUP procedure.

So the main changes I suggest are having less onerous restrictions that require a rescue to obtain a CUP. The more rescues that can operate by right, the more rescues there will be. The more rescues that have to go through a CUP procedure, the less rescues there will be. Please remember that you are dealing with non-profit organizations that are helping animals and the City; restrictions should be kept to a minimum that assures health and safety.

Below are the specific provisions that I recommend changing to make it easier for rescues to operate without having to obtain a CUP. Items with one or two asterisks (*) are the ones I consider most significant:

Proposed Preamble: The purpose of this amendment is to facilitate the adoption of stray, abandoned, and neglected animals and reduce the euthanasia of healthy adoptable animals in the City's animal shelters. This amendment recognizes the important role that animal rescue and adoption facilities play in supplementing the important work done by the City's Animal Services Department, and the need to allow rescues and adoption facilities to be located in zones throughout the community, not just industrial zones.

Section 1, Definition of PET SHOP: Requires that a Pet Shop facility "operates pursuant to a pet shop permit issued by the Department of Animal Services." This

can be expensive for small rescues. I suggest a lower price for small non-profit rescues, to encourage their operation.

Section 1, prohibits “the commercial boarding of animals.” Commercial boarding of some animals when there is space is a way for rescues to bring in needed funds. I suggest that a limited amount of commercial boarding be allowed, by right. A certain percentage of kennels, such as 15%, could be used for commercial boarding when the facility is not filled with rescue animals. Many of the animals that will be commercially boarded will be animals that were previously rescued from the facility.

****Section 2, subparagraph 4.** As currently written, only rescues in the C2, C4, C5 and CM Zones can operate by right. I suggest that this be expanded to include all commercial zones, or at least additional commercial zones. The more commercial zones that allow rescues by right, the more rescues there will be, which is the purpose of this ordinance. Again, many small rescues cannot afford to go through the CUP process.

***Section 2.(4)(i)a:** Less square footage is required for cats than dogs. 60 square feet for dogs is OK; 30 square feet for cats is plenty. So, I suggest the following language: ... one (1) dog for every sixty (60) square feet of floor area of the facility, rounded up to the nearest whole number, whichever results in the greater number of animals. ... one (1) cat for every thirty (30) square feet of floor area of the facility, rounded up to the nearest whole number, whichever results in the greater number of animals.

****Section 2.(4)(i)b:** Currently requires that “No more than thirty percent (30%) of the floor area of the facility shall be used for overnight boarding.” This is overly restrictive and has no apparent purpose. It is better to use *more* area of the rescue overnight when it is closed -- it gives the animals more room, makes them more comfortable, and prevents fights. Crowding the animals is unnecessary and could be dangerous. There is no reason I am aware of not to use all available and safe floor space for overnight boarding. I suggest that this provision be completely eliminated.

****Section 2.(4)(i)c:** Currently requires that “Animal boarding areas shall not occupy the area within the first twenty (20) feet, as measured from the storefront of

the facility, and shall be separated from retail, grooming, or food storage areas.” This provision unnecessarily decreases the number of animals a rescue may have. It may, in fact, be difficult if not impossible for very small rescues to comply with. As long as the animals are in kennels, what difference does it make how close the kennel is to the front door or to other areas? I suggest that this provision be completely eliminated. If not completely eliminated, I suggest that this be cut down to 5 feet.

****Section 2.(4)(i)e:** Currently requires that “Onsite activities shall be conducted wholly within an enclosed building.” This is overly restrictive. I suggest having standards for outside activities so that a rescue does not have to go through the CUP procedure to conduct any outside activities. Such a provision could be: Outdoor activities for the animals shall not unreasonably interfere with or bother the neighboring businesses.

****Section 2.(4)(i)f:** “Outdoor dog runs and training activities are not permitted.” This is overly restrictive and not good for the animals. I suggest having standards for outdoor dog runs and training activities, so that a rescue does not have to go through the CUP procedure to have any outdoor dog runs and training activities. Such a provision could be: Outdoor dog runs and training activities for the animals shall not unreasonably interfere with or bother the neighboring businesses.

I suggest adding the following Section 2.(4)(i)g: Conditional Use Permits or Variances may be granted for any of the uses or activities set forth above, or to vary the above Development Standards, and shall be freely granted in cases where it will not interfere with or bother the neighboring businesses.

****Section 2.(4)(ii)a:** Currently requires that “Animals shall not be left outside at any time.” This is overly restrictive and not good for the animals. I suggest having standards for outdoor dog runs and training activities, so that a rescue does not have to go through the CUP procedure to have any outdoor dog runs and training activities. Such a provision could be: Outdoor dog runs and training activities for the animals shall not unreasonably interfere with or bother the neighboring businesses.

***Section 2.(4)(ii)b:** This can simply state: Animals offered for adoption shall be obtained in compliance with City and State law. If that is not used, the language as

currently written should be expanded to include County animal shelters, strays, and owner surrenders, so that it states: Animals offered for adoption shall be obtained exclusively from the City or County animal shelters, from a humane society, from a non-profit rescue organization that has entered into an agreement with DAS, as strays, or as owner surrenders.

Section 2.(4)(ii)e: Requiring that *no* noise or odor be detectible beyond the property line of the facility is unduly restrictive and discriminatory. Many businesses emit noise and odor, much more than a rescue. Tire shops, gas stations, and many other businesses emit noise beyond their property lines in commercial zones. Homes emit noise beyond their property lines in residential zones.

This requirement could be changed to the following:

Unreasonable noise or odor shall not be detectible beyond the property line of the facility.

or alternatively

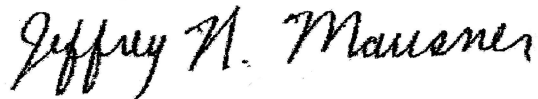
Sound proofing material and/or an air filtration system shall be used as needed to address noise and odor issues. The facility shall be cleaned on a daily basis, maintained in an attractive condition, and kept free of debris and litter; collected waste materials must be removed at a minimum of two times per week.

I suggest adding the following Section 2.(4)(ii)g: Conditional Use Permits or Variances may be granted for any of the uses or activities set forth above, or to vary the above Operations Standards, and shall be freely granted in cases where it will not unreasonably interfere with or bother the neighboring businesses.

Subdivision 54: As currently written, Rescues in the CR, C1 and C1.5 Zones require a Conditional Use Permit. As stated above, I suggest including these zones, or at least some of them, as of right. The more commercial zones that allow rescues as of right, the more rescues there will be, which is the purpose of this ordinance. Again, many small rescues cannot afford to go through the CUP process.

Thank you for your work on this important amendment and your consideration of these matters. I look forward to meeting you at the hearing on December 7.

Sincerely,



Jeffrey Mausner

(For identification purposes)

Board of Directors and 2nd Vice President, Tarzana Neighborhood Council
Chairman, Tarzana Neighborhood Council Animal Welfare Committee
Neighborhood Council Liaison to Los Angeles Animal Services Department
Volunteer, West Valley Animal Shelter

Email: Jeff@MausnerLaw.com; J.Mausner@TarzanaNC.org

Cell phone: (310) 617-8100

cc: Councilmember Bob Blumenfield

Andrew Pennington, Director of Land Use & Planning

John Popoch, Deputy Chief of Staff

Svetlana Pravina, Field Deputy

Councilmember Paul Koretz

James Bickhart, Policy and Legislative Consultant

Elaine De Leon, Executive Assistant

Leonard Shaffer, President

Eran Heissler, 1st Vice President

Tarzana Neighborhood Council

Brenda Barnette, General Manager

Dana Brown, Assistant General Manager

Los Angeles Animal Services Department

Commission President Larry Gross

Commission Vice President Olivia Garcia

Commissioner Layne David Dicker

Commissioner Alisa Finsten

Commissioner Roger Wolfson

Los Angeles Board of Animal Services Commissioners