September 17, 2015

TO: Pat Modugno, Chair
Stephanie Pincetl, Vice Chair
Esther L. Valadez, Commissioner
David W. Louie, Commissioner
Curt Pedersen, Commissioner

FROM: Bruce Durbin, Supervising Regional Planner
Ornance Studies Section

SUBJECT: PROJECT NO. R2015-00319-(1–5)
CASE NO. RADV T201500002/ENV CASE NO. T201500078
AMENDMENT TO TITLE 22 (ZONING ORDINANCE) REGARDING
PROPOSED ANIMAL FACILITY ORDINANCE
SEPTEMBER 30, 2015 – AGENDA ITEM: 7

Introduction

The purpose of this Animal Facility Ordinance is to align the Los Angeles County Zoning Code, Title 22 (Planning and Zoning), with the Animal Care Code, Title 10 (Animals). The Board of Supervisors adopted amendments to Title 10 in 2009 and as a result, the Animal Care Code and the Zoning Code no longer have consistent definitions for the regulation of boarding and breeding facilities for dogs and cats. The Animal Facility Ordinance will establish a new definition for "Animal Facility" in Title 22, which combines the existing dog kennel (boarding) and breeding land uses, and will be consistent with the definition in Title 10. This ordinance will also identify which zones the land use is allowed.

Background

This project was originally initiated on March 3, 2009 through a motion by the Board of Supervisors. The motion directed the Chief Executive Officer to work with the Directors of Animal Care & Control, Regional Planning, Public Works, and Public Health to review existing County regulations governing the location, size, and operation of dog kennels and dog breeding facilities. The purpose of the study was to develop recommendations and proposed ordinance amendments to improve the quality of care for the animals, and ensure responsible and safe dog breeding.

In response, the Department of Regional Planning drafted the Dog and Cat Ordinance (DCO) which was presented to your Commission on October 28, 2009. The ordinance proposed to establish a definition for the boarding and breeding of dogs and cats. In addition to identifying the appropriate zones for the boarding of dogs and cats, the DCO
required boarding facilities that breed dogs or cats obtain a Conditional Use Permit within five years of the effective date. Your Commission denied the Dog and Cat Ordinance on October 28, 2009 due to inconsistencies with Title 10 and the findings presented at the hearing. Staff was instructed by the Regional Planning Commission to re-examine the issues discussed at the hearing.

**COUNTY REGULATIONS**

The Los Angeles County Zoning Ordinance (Title 22) first established “commercial dog kennels” and “dog breeding establishments” as permitted uses in Zone A-2 in 1938. Amendments were made to Title 22 related to the boarding and breeding of dogs as follows:

<table>
<thead>
<tr>
<th>Ordinance</th>
<th>Effective Date</th>
<th>Description</th>
</tr>
</thead>
</table>
| 4714      | 08/1/1946      | - “Dog training schools” added as a permitted use in Zone A-2.  
- “Commercial dog kennels” and “dog training schools” added as permitted uses in Zone M-1. |
| 5623      | 12/1/1950      | - Provision pertaining to dogs in Zone M-1 was revised to read as “Dogs a) Dog breeding, b) Commercial dog kennels, and c) Dog training schools.” |
- Added “Dog kennels” and “Dog training schools” as permitted uses in Zone A-2. |

Currently, Title 22 allows dog kennels in Zones A-2 (Heavy Agricultural) and M-1 (Light Industrial) as a permitted use, and requires a Conditional Use Permit (CUP) in Zone C-M (Commercial-Industrial). Dog breeding is allowed in Zone M-1 as a permitted use.

**ISSUES**

The boarding and breeding of cats and dogs is regulated by Title 10 (Animals) and Title 22 (Planning and Zoning) of the County Code. Title 22 is limited to land use regulations, while Title 10 regulates the licensing and care of animals. In Title 10, the boarding and breeding of dogs and cats are classified as an “Animal Facility”, which it defines as follows:

*Animal Facility (Section 10.08.031)*

“Animal facility” means a lot, building, structure, enclosure or premises for any animal related business or organization, including, but not limited to, a non-profit humane organization animal facility (as defined in Section 10.08.175), a grooming shop, a pet shop, a boarding facility, and a breeding facility, which is required to be licensed under Section 10.28.060.

Title 22 does not define Animal Facility, Boarding Facility, or Breeding Facility. Instead, similar terms such as dog kennels and dog breeding are referenced in Title 22. The inconsistency in terminology between Title 10 and Title 22 results in licenses that are issued by the Department of Animal Care & Control that are inconsistent with the land uses
approved by the Department of Regional Planning. In addition, Title 10 licenses authorize both the boarding and breeding of animals, regardless of where the facilities are located. However, Title 22 currently regulates boarding and breeding of dogs separately based on the zoning of the subject parcel. While Title 22 may allow either boarding or breeding, Title 10 licenses allows for both uses at one location.

**SURVEY OF LOCAL CITY AND COUNTIES**

An analysis of nearby jurisdictions, including the City of Los Angeles and the adjacent counties of San Bernardino, Ventura, and Riverside disclosed a widespread variation in how the boarding and/or breeding of cats and dogs are regulated as seen in the following table:

<table>
<thead>
<tr>
<th>City</th>
<th>Permit Requirement</th>
<th>Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Los Angeles</td>
<td>Permitted</td>
<td>Kennels and Breeding of Dogs are allowed in Restricted Industrial zones if a minimum of 500 feet from a residential zone.</td>
</tr>
<tr>
<td></td>
<td>Conditional Use Permit</td>
<td>Kennels and Breeding of Dogs are allowed in Restricted Industrial zones if less than 500 feet from a residential zone.</td>
</tr>
<tr>
<td>San Bernardino</td>
<td>Minor Use Permit</td>
<td>Kennel or Cattery in Agricultural and Rural, Rural Commercial, Community Industrial, and Special Development Industrial zones if lot is a minimum of 2.5 acres.</td>
</tr>
<tr>
<td></td>
<td>Minor Use Permit</td>
<td>Kennel or Cattery in Rural Living zones for over 15 animals if lot is a minimum 2.5 acres.</td>
</tr>
<tr>
<td></td>
<td>Conditional Use Permit</td>
<td>Commercial Kennels and Catteries in Additional Agricultural Overlay if site has a minimum of one acre. The Additional Agricultural Overlay may appear over a Single Family Residential Zone.</td>
</tr>
<tr>
<td></td>
<td>Special Use Permit</td>
<td>Private Kennels and/or Catteries are allowed as accessory to a single-family dwelling unit.</td>
</tr>
<tr>
<td></td>
<td>Special Use Permit</td>
<td>Breeding allowed in Resource Conservation, Agriculture, Rural Living, Commercial, or Industrial Land Use Zoning Districts.</td>
</tr>
<tr>
<td>Ventura</td>
<td>Planning Director-approved Conditional Use Permit</td>
<td>Kennels/Catteries in the Open Space, Agricultural, Rural Agricultural, and Rural Exclusive zones.</td>
</tr>
<tr>
<td>Riverside</td>
<td>Plot Plan Review</td>
<td>Residential and Agricultural zones for Class I Kennel (5 to 10 dogs); Includes breeding.</td>
</tr>
</tbody>
</table>
In comparison, the County of Los Angeles Department of Regional Planning only regulates the land use, which is permitted or conditionally permitted in specific zones. The number of dogs allowed, or for which a facility is licensed, is regulated by the Department of Animal Care and Control.

PROPOSED ORDINANCE AMENDMENT

The Animal Facilities Ordinance (AFO) proposes to amend Title 22 by introducing Animal Facilities as a land use and identifying the zones the use will be allowed. The ordinance will define an Animal Facility as a boarding and/or breeding facility for cats and dogs. This proposed definition will be consistent with the existing definition in Title 10. A comparison of existing and proposed land uses allowed in Title 22 are shown in the following table:

<table>
<thead>
<tr>
<th>Existing Code</th>
<th>A-2 Zone</th>
<th>C-M Zone</th>
<th>M-1 Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dog Kennels</td>
<td>Permitted</td>
<td>CUP</td>
<td>Permitted</td>
</tr>
<tr>
<td>Dog Breeding</td>
<td>Not Permitted</td>
<td>Not Permitted</td>
<td>Permitted</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proposed Change</th>
<th>A-2 Zone</th>
<th>C-M Zone</th>
<th>M-1 Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Facility</td>
<td>Permitted</td>
<td>CUP</td>
<td>Permitted</td>
</tr>
</tbody>
</table>

While the zoning for an Animal Facility will be consistent with how dog kennels are currently regulated in Title 22, the inclusion of breeding will be new to Zones A-2 and C-M. The proposed ordinance will also add the boarding and breeding of cats, which is currently not regulated in Title 22.

When drafting the Animal Facility Ordinance, staff performed an analysis of existing licensed Animal Facilities in the unincorporated County of Los Angeles to determine what zones existing facilities are located in. In a list provided by the Department of Animal Care
and Control, staff analyzed a total of 128 existing licensed Animal Facilities. A total of 111 facilities are zoned A-2, six are zoned M-1, two are zoned M-1.5, three are zoned C-3, five are zoned A-1, and one is zoned C-R. As evident in the analysis, the majority of animal facilities are located in zone A-2.

ENVIRONMENTAL DOCUMENTATION

An Initial Study was prepared for the ordinance in compliance with California Environmental Quality Act (CEQA). The Initial Study showed that there is no substantial evidence that the amendments will have a significant effect on the environment. Based on the Initial Study, the Department of Regional Planning has prepared a Negative Declaration for this project. No comments have been received regarding the Initial Study at the time of this report.

LEGAL NOTIFICATION

A 1/8 page legal advertisement was published in the Los Angeles Times on April 21, 2015 and in La Opinion on April 23, 2015. Case related materials were sent on 4/16/2015 to at least one County Library in each Supervisory District, as follows: 1st District: East Los Angeles Library; 2nd District: A.C. Bilbrew Library; 3rd District: Topanga Library; 4th District: Hacienda Heights Library; 5th District: La Crescenta Library and Lancaster Regional Library. Staff posted case information on the Department of Regional Planning’s web site (http://planning.lacounty.gov/view/animal_facility_ordinance/) on 4/16/2015.

OUTREACH

Staff collaborated with the Department of Animal Care & Control in developing the proposed ordinance. Public outreach was performed with several community and Town Council groups such as the Acton Town Council, Agua Dulce Town Council, Antelope Acres Town Council, and Association of Rural Town Councils. Staff also reached out to animal facility operators and members of the California Responsible Pet Owners Coalition (CARPOC).

Staff received comments from members of the public and the County Department of Animal Care and Control. The ordinance was also forwarded to the County Departments of Fire, Public Works, and Public Health for review, which had no comments on this ordinance.

PUBLIC COMMENTS

Thus far, staff has received a total of 21 comment letters from members of the public. Of these letters, four were in support of the proposed ordinance and 17 were letters of concern or opposition. The letters of concern mainly focused on an initial draft of the ordinance in which limits were proposed for the maximum number of cats and dogs allowed in Zone A-2. While the numbers proposed in the initial draft were intended to mimic the numbers licensed by the Department of Animal Care and Control, community members stated that the limits were not restrictive enough. They requested additional restrictions on the number of animals allowed and the type of review required. Community members also stated concerns of animal facilities being a by-right use in Zone A-2, which may be on land adjacent to or within the vicinity of a single-family residence.
Letters in support of the Animal Facility Ordinance stated that it provided clarification on the land use while addressing a disparity between the requirements of Title 22 and Title 10. One letter noted that the difference in requirements in these two existing codes created uncertainty for Animal Facility operators as they tried to meet the requirements of the Department of Regional Planning and Department of Animal Care and Control.

**STAFF RECOMMENDATION**

Staff recommends that the Regional Planning Commission adopt the attached resolution and forward Project No. R2015-00319-(1-5) to the Board of Supervisors for consideration in a public hearing.

**SUGGESTED MOTION**

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“I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND ADOPT THE NEGATIVE DECLARATION PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

I ALSO MOVE THAT THE REGIONAL PLANNING COMMISSION ADOPT THE ATTACHED RESOLUTION AND FORWARD PROJECT NO. R2015-00319-(1-5) TO THE BOARD OF SUPERVISORS FOR CONSIDERATION IN A PUBLIC HEARING.”
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Attachments:
- Animal Facility Ordinance
- Resolution
- Initial Study
- Hearing Notice