



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



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Director

May 14, 2015

TO: Pat Modugno, Chair
Stephanie Pincetl, Vice Chair
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FROM: Bruce Durbin, Supervising Regional Planner
Ordinance Studies Section

ABD

**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
May 27, 2015 – AGENDA ITEM #8**

Introduction

On March 3, 2009, the Board of Supervisors 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.

Working collaboratively with the Department of Animal Care & Control, the Department of Regional Planning drafted the Dog and Cat Ordinance (DCO) which was presented to your Commission on October 28, 2009. The draft ordinance proposed to establish a definition for the boarding and breeding of dogs and cats. Under the requirements of the draft DCO ordinance, boarding facilities for dogs and cats were to be listed as a permitted use in Zones A-2 and M-1, while a Conditional Use Permit (CUP) would be required to establish a boarding facility for dogs and cats in Zone C-M. Dog breeding would no longer be a permitted use in Zone M-1, and would instead require a Conditional Use Permit in Zones A-2, M-1, M-1.5, M-2, and M-4. That draft DCO ordinance required boarding facilities that breed dogs or cats obtain a CUP within five years of the effective date. Your Commission denied the draft 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) listed “commercial dog kennels” and “dog breeding establishments” as permitted uses in Zone A-2 beginning in 1932. Ordinance 4714, which became effective on August 1, 1946, added “dog training schools” as a permitted use in Zone A-2, and “commercial dog kennels” and “dog training schools” as a permitted use in Zone M-1. Effective December 1, 1950 by Ordinance 5623, the 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.” Finally, Ordinance 10366 which became effective on November 5, 1971, removed “dog breeding establishments” from Zone A-2 and listed “dog kennels” and “dog training schools” as permitted uses in Zone A-2.

Title 22 also contains uses for dog kennels, dog training schools, dog boarding, and dog breeding in Zones A-2, C-M, and M-1, although definitions are not provided for these uses. Zone A-2 permits animal shelters and pounds, dog kennels, and dog training schools. In Zone C-M, dog training schools excluding boarding, are listed as a permitted use. Zone C-M also permits dog kennels with approval of a Conditional Use Permit. Zone M-1 lists dog breeding, commercial dog kennels, and dog training schools as a permitted use.

ISSUES

The boarding and breeding of cats and dogs is regulated by Title 10 (Animals) of the County Code and Title 22 (Planning and Zoning). In Title 10, the boarding and breeding of dogs and cats are classified as an Animal Facility. For reference, the definition for Animal Facility in Title 10 is as follows:

Animal Facility (Chapter 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, however, does not provide a definition for the breeding or boarding of cats and dogs. Instead, Title 22 references these land uses as dog kennels, boarding of dogs, and dog breeding, which are not defined or referenced in Title 10. This inconsistency between Title 10 and Title 22 results in licenses issued by the Department of Animal Care & Control that appear to be different from the land uses approved by the Department of Regional Planning.

An additional inconsistency in the two codes is how the land use is regulated. Title 10 licenses facilities for both boarding and breeding of animals, regardless of where the facilities are located. Title 22 regulates boarding and breeding facilities separately based on the zoning of the lot. While Title 22 may allow either boarding or breeding, Title 10 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 widespread diversity in how the boarding and/or breeding of cats and dogs are regulated. Within the City of Los Angeles, dog boarding and dog breeding are permitted and conditionally permitted in the restricted Industrial Zones. San Bernardino County requires a Minor Use Permit to establish commercial kennels and catteries in Agricultural, Commercial, and Industrial Zones. Ventura County requires a Planning Director-approved Conditional Use Permit for a kennel or cattery in the Open Space and Agricultural Zones. Riverside County permits and conditionally permits kennels and catteries in various zones depending on the class of the license, which are based on the number of animals to be kept at the facility.

While Riverside County requires a Conditional Use Permit to allow 41 or more dogs or cats, existing Title 22 provisions do not have limits for the number of dogs or cats permitted at a facility. The development standards in the draft Animal Facility Ordinance will permit a maximum of 100 dogs or cats in Zone A-2 to minimize significant impacts on adjacent lots.

City	Permit Requirement	Zone
Los Angeles	Permitted	Restricted Industrial zones if a minimum of 500 feet from a residential zone.
	Conditional Use Permit	Restricted Industrial zones if less than 500 feet from a residential zone.
County	Permit Requirement	Zone
San Bernardino	Minor Use Permit	Agricultural and Rural zones if lot is a minimum of 2.5 acres.
Ventura	Planning Director-approved Conditional Use Permit	OS (Open Space), AE (Agricultural), RA (Rural Agricultural), and RE (Rural Exclusive)
Riverside	Plot Plan Review	Residential and Agricultural zones for Class I Kennel (5 to 10 dogs)
	Plot Plan Review	Residential and Agricultural zones for Class II Kennel (11 to 25 dogs) or a Cattery (10 to 25 cats)
	Plot Plan Review	M-SC (Manufacturing – Service Commercial), M-M (Manufacturing – Medium), and M-H (Manufacturing – Heavy) for Class I (5 to 10 dogs), Class II (11 to 25 dogs), or Cattery (10 to 25 cats)
	Plot Plan Review	Agricultural, Rural, and Industrial zones for Class III Kennel (26 to 40 dogs), or Cattery (26 to 40 cats)
	Conditional Use Permit	Agricultural, Rural, and Industrial zones for Class IV Kennel (41 or more dogs), Sentry Dog Kennel, or Cattery (41 or more cats)

PROPOSED ORDINANCE AMENDMENT

The draft Animal Facilities Ordinance (AFO) proposes to amend Title 22 and introduce Animal Facilities as a land use and create new standards to regulate the use. The draft ordinance also will define an Animal Facility as a boarding and/or breeding facility for cats and dogs. This definition is consistent with the definition in Title 10.

Similar to a dog kennel, which is considered a boarding facility, an Animal Facility will be listed as a permitted use in Zones A-2 (Heavy Agriculture) and M-1 (Light Manufacturing). An Animal Facility in Zone C-M (Commercial-Industrial) will require review and approval of a Conditional Use Permit. Dog kennels are currently allowed in these zones, so by definition a breeding facility will also be allowed in these zones with the same type of review that is currently required of dog kennels.

Title 22 lists “Dogs—Dog breeding; commercial dog kennels; dog training schools” as permitted uses in Zone M-1. While these are three separate land uses, Title 22 combines the dog-related uses into one category for the purpose of making them easier to find. The draft ordinance will replace “dog breeding” and “commercial dog kennels” with “Animal Facility,” and “dog training schools” will be listed as a separate land use similar to how it appears in Zones A-2, C-3, and C-M.

In preparing the draft Animal Facility Ordinance, Staff considered potential impacts that may occur if Animal Facilities were permitted in Zones A-2 and M-1, and conditionally permitted in Zone C-M. A total of 38 existing Animal Facilities licensed by the Department of Animal Care & Control were analyzed in order to create new development standards for Zone A-2. The new standards regulate the maximum number of dogs and cats permitted at an Animal Facility based on lot size, as indicated in the following table:

Lot Size	Maximum Number of Dogs and Cats Permitted in Zone A-2
Lot less than one net acre	20
Minimum of one net acre but less than 2.5 net acres	50
2.5 net acres or more	100

The thresholds of 20, 50, and 100 dogs and cats are based on the limits established for Animal Facility Licenses issued by the Department of Animal Care & Control. Currently the Department of Animal Care & Control issues licenses for kennels in increments of four to 20, 21 to 50, 51 to 75, 76 to 100, and over 100 dogs and cats.

The minimum lot sizes in the development standards were determined by conducting an analysis of existing dog breeding facilities. The analysis examined the lot size of existing facilities in comparison to the number of dogs and cats they were licensed for.

Of the 38 existing licensed dog breeding facilities, a total of six Animal Facilities may become nonconforming due to standards if this proposed ordinance is adopted. The six nonconforming facilities will be permitted to continue operating under their legally established license for a period of up to five years from the effective date of the ordinance.

The operators will be required to bring their establishment into compliance with the development standards of the Animal Facility Ordinance prior to the established amortization period. Alternatively, if the operators would like to request a modification of the development standards, they must file and receive approval of a Conditional Use Permit (CUP).

ENVIRONMENTAL DOCUMENTATION

An Initial Study was prepared for the draft 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 Supervisorial 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. Staff also reached out to animal facility operators and members of the California Responsible Pet Owners Coalition (CARPOC).

Staff received comments from 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 and no comments were received.

PUBLIC COMMENTS

Thus far, staff has received comments from two constituents. One constituent had concerns that an Animal Facility could potentially be established adjacent to their property if the neighboring lot is zoned A-2. The constituent requested that public notification be required on all applications for an Animal Facility that is to be located on a lot zoned A-2.

A second constituent had several questions regarding "dog rescue operations", the feasibility of establishing more than one primary use on a lot, and public notification of the ordinance for the May 27, 2015 public hearing before the Regional Planning Commission. Clarifications were also requested by the constituent on whether an Animal Facility can be

operated as an accessory use, how noise from the use is regulated, and when discretionary review for the use is required in Zone A-2.

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

“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.”

Attachments:

- Draft Animal Facility Ordinance
- Draft Resolution
- Initial Study
- Hearing Notice