



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



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April 5, 2018

TO: Supervisor Sheila Kuehl, Chair
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BOARD MOTION REPORT REGARDING THE ANIMAL FACILITY ORDINANCE (MARCH 3, 2009, AGENDA ITEM #5)

INTRODUCTION

The Animal Facility Ordinance (AFO) was initiated per the direction of the Board of Supervisors (Board) for the Chief Executive Officer to work with the Directors of the Departments of Animal Care and Control (DACC), Regional Planning (DRP), Public Works (DPW), and Public Health (DPH) to review Los Angeles County (County) regulations governing the location, size, and operation of dog kennels and dog breeding facilities. The County departments collaborated on a study to develop recommendations and possible ordinance amendments to improve the quality of care for the animals, and ensure responsible and safe dog breeding.

In response to the Board's directive, DRP prepared amendments to Title 22 (Planning and Zoning) of the County Code in collaboration with DACC. The draft ordinance, known as AFO, proposed to replace the term "dog kennels" with "animal facility" with respect to the list of land uses in Title 22. An animal facility, as defined in Title 10 (Animals) of the County Code, includes the boarding and breeding of cats and dogs. This change was necessary to make the land use listed in Title 22 consistent with the types of facilities licensed by DACC under Title 10.

On September 30, 2015, the Regional Planning Commission (Commission) recommended the approval and adoption of the AFO to the Board. However, after the Commission held a public hearing on the matter, significant levels of opposition were raised by residents of the County. Residents in rural areas of the County have requested more stringent regulations and a discretionary review for animal facilities in the Heavy

Agricultural Zone (Zone A-2). This report also identifies additional inconsistent regulations between Title 22 and Title 10, and recommends that the Board refer the AFO back to the Commission for additional review, outreach, and amendments.

COUNTY REGULATIONS

In 1938, the County Zoning Ordinance (prior to Title 22) allowed “commercial dog kennels” and “dog breeding establishments” as permitted uses in Zone A-2. Amendments to the Zoning Ordinance relating to the boarding and breeding of dogs occurred as follows:

Ordinance	Effective Date	Description
4714	08/1/1946	<ul style="list-style-type: none">• “Dog training schools” added as a permitted use in Zone A-2.• “Commercial dog kennels” and “dog training schools” added as permitted uses in Light Manufacturing Zone (Zone M-1).
5623	12/1/1950	<ul style="list-style-type: none">• 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.”
10366	11/5/1971	<ul style="list-style-type: none">• Removed “dog breeding establishments” from Zone A-2.• Added “dog kennels” and “dog training schools” as permitted uses in Zone A-2.

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

ISSUES

Both Titles 10 and 22 regulate the boarding and breeding of cats and dogs. Title 22 is limited to land use regulations for animal keeping on property while Title 10 regulates the licensing and care of animals, as well as facilities for animal keeping. The boarding and breeding of dogs and cats are classified in Title 10 as an “animal facility,” which is defined as follows:

Animal Facility (Section 10.08.031)

“Animal facility” means a premises used by an animal-related business or organization including a non-profit humane organization, a grooming shop, a pet shop, a boarding facility, or a breeding facility.

Title 22 does not define animal facility, boarding facility, or breeding facility. Instead, similar terms such as dog kennel and dog breeding are referenced in Title 22. The

different terminology used in Titles 10 and 22 may result in licenses issued by DACC that are inconsistent with the land uses approved by DRP. Title 10 licenses authorize both the *boarding and breeding* of animals, regardless of where the facilities are located. Title 22, however, regulates the *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.

After the AFO was heard during a public hearing before the Commission on September 30, 2016, the Agua Dulce Town Council submitted a letter to DRP requesting that animal facilities be processed through a discretionary review consisting of a CUP. The letter stated that community opposition regarding animal facilities located in rural neighborhoods included increased traffic, dust, pollution, adequate parking, concentrations of similar types of businesses, difficulties with managing evacuations in an emergency, water quality, and noise nuisances. The letter requested that the Board and/or Commission change the application requirement from a ministerial to a discretionary review for animal facilities in Zone A-2, which would provide the community an opportunity to be notified of such projects and allow residents to submit comments.

Furthermore, after the public hearing, additional inconsistencies between Titles 10 and 22 were identified. On October 24, 2017, DACC presented an ordinance (Ordinance No. 2017-0043) to the Board to amend Title 10 which included a proposal to increase the number of dogs permitted for personal use from three to four. However, Title 22 also regulates animals for personal use and only permits a maximum of three dogs at a residence. Since Title 22 was not amended during the October 24, 2017, Board action, Title 22 is now inconsistent with the newly adopted Title 10 regulation.

SURVEY OF LOCAL CITIES AND COUNTIES

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

City	Permit Requirement	Zone
Los Angeles	Permitted	Kennels and breeding of dogs are allowed in restricted industrial zones if a minimum of 500 feet from a residential zone.
	CUP	Kennels and breeding of dogs are allowed in restricted industrial zones if located within 500 feet of a residential zone.
County	Permit Requirement	Zone
San Bernardino	Minor Use Permit	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.
	Minor Use Permit	Kennel or cattery in rural living zones for over 15 animals if lot is a minimum 2.5 acres.
	CUP	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.
	Special Use Permit	Private kennels and/or catteries are allowed as accessory to a single-family dwelling unit.
	Special Use Permit	Breeding allowed in resource conservation, agriculture, rural living, commercial, or industrial land use zoning districts.
Ventura	Planning Director-approved CUP	Kennels/catteries in the open space, agricultural, rural agricultural, and rural exclusive zones.
Riverside	Plot Plan Review	Residential and agricultural zones for Class I kennel (5 to 10 dogs); includes breeding.
	Plot Plan Review	Residential and agricultural zones for Class II kennel (11 to 25 dogs) or a cattery (10 to 25 cats); includes breeding.
	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); includes breeding.
	Plot Plan Review	Agricultural, rural, and industrial zones for Class III kennel (26 to 40 dogs), or cattery (26 to 40 cats); includes breeding.
	CUP	Agricultural, rural, and industrial zones for Class IV kennel (41 or more dogs), sentry dog kennel, or cattery (41 or more cats); includes breeding.

In comparison, for Los Angeles County, DRP is limited to regulating the land use for dog breeding or boarding, which is permitted or conditionally permitted in specific zones. DACC regulates and licenses the number of dogs allowed at any particular facility regardless of the land use.

PROPOSED ORDINANCE AMENDMENT

The attached AFO will amend Title 22 by introducing animal facilities as a land use and identifying the zones the use will be allowed in. In order to make Title 22 consistent with Title 10, the AFO will define an animal facility as a boarding and/or breeding facility for cats and dogs. The ordinance, as presented to the Commission, proposes changes to Title 22 as shown in the following table:

Existing Code	Zone A-2	Zone C-M	Zone M-1
Dog Kennels	Permitted	CUP	Permitted
Dog Breeding	Not Permitted	Not Permitted	Permitted

Proposed Change	Zone A-2	Zone C-M	Zone M-1
Animal Facility	Permitted	CUP	Permitted

While the zoning for an animal facility will be similar to existing dog kennel regulations in Title 22, the inclusion of breeding will be new to Zones A-2 and C-M. The AFO will also add the boarding and breeding of cats, which is currently not regulated in Title 22.

When drafting the AFO, staff performed an analysis of existing licensed animal facilities in the unincorporated areas of the County to determine the zones where existing facilities are located. In a list provided by DACC, staff analyzed a total of 128 existing licensed animal facilities. The following table shows the number of facilities found in each zone. As evident in the analysis, the majority of animal facilities are located in Zone A-2.

Zone	Number of Existing Licensed Animal Facilities in Unincorporated County of Los Angeles
A-2	111
M-1	6
M-1.5	2
C-3	3
122 = Total number of licensed animal facilities	

OUTREACH

Staff collaborated with DACC to develop an ordinance amendment for Title 22. Prior to the Commission hearing on September 30, 2016, public outreach occurred with several community and town council groups including the Acton, Agua Dulce, and Antelope Acres Town Councils, and the Association of Rural Town Councils. Staff also reached out to animal facility operators and members of the California Responsible Pet Owners Coalition. The AFO was also forwarded to the Fire Department, DPW AND DPH for review. They did not provide comments.

The Agua Dulce Town Council requested that DRP attend their meeting on September 13, 2017, to provide an update on the AFO. During the meeting, members of the community voiced concerns regarding allowing animal facilities in Zone A-2 as a permitted use. The Agua Ducle Town Council requested that DRP consider requiring a CUP for animal facilities in Zone A-2 to provide the public an opportunity to submit comments on said applications. A CUP also allows for conditions to be placed on an approval, with periodic inspections done to verify an operator's compliance with the conditions.

PUBLIC COMMENTS

Staff received a total of 21 comment letters from members of the public, including from town councils and facility operators. Of these letters, four were in support of the proposed ordinance and 17 were expressions of concern or in 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 of the ordinance were intended to mimic the numbers licensed by DACC, community members stated that the limits were not restrictive enough. The town councils requested additional restrictions on the number of animals allowed and the type of review required. Rather than duplicate or create a requirement for the number of animals allowed that would be different than what is already regulated in Title 10, the number of animals allowed was removed from the AFO. Community members also voiced concerns about animal facilities allowed as 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 AFO stated that it provided clarification on the land use while addressing a disparity between the requirements of Titles 10 and 22. 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 both DRP and DACC.

CONCLUSION

The information presented in this report:

1. Compares existing and proposed regulations for animal facilities;
2. Identifies regulations of dog and cat boarding and breeding facilities in other city and county jurisdictions;
3. Describes outreach that was conducted with local community groups and town councils; and
4. Identifies concerns of local town councils whose residents live adjacent to animal facilities permitted in Zone A-2.

Each Supervisor
April 5, 2018
Page 7

Revisions to Title 22, including the addition of a definition for animal facility and raising the number of allowed dogs for personal use from three to four, are necessary to address inconsistencies in Title 22 with Title 10 regulations. It is recommended that the Board refer the Title 22 amendments on animal facilities back to the Commission to consider these modifications, as well as a possible amendment to require a CUP for animal facilities in Zone A-2. The significant level of concern raised by residents warrants that the ordinance undergo additional review, outreach, and amendments.

If you have any questions or need additional information, please contact Bruce Durbin, Ordinance Studies Section, at (213) 974-6432, or via email at BDurbin@planning.lacounty.gov.

AJB:BD:LLJ:ems

Attachment

c: Executive Office, BOS
Animal Care and Control
Chief Executive Office
County Counsel
Fire
Public Health
Public Works

S_AP_04048_BMR_ANIMAL_FAC_ORD

ORDINANCE NO. _____

An ordinance amending Title 22 – Planning and Zoning – of the Los Angeles County Code related to the update of additional regulations for animal facilities.

SECTION 1. Section 22.08.010 is amended to read as follows:

Chapter 22.08 – DEFINITIONS

22.08.010.A.

...

-- “Animal facility” means a boarding and/or breeding facility for cats and dogs as licensed and regulated in Title 10 (Animals).

...

SECTION 2. Section 22.24.120 is amended to read as follows:

Part 3 of Chapter 22.24 – A-2 HEAVY AGRICULTURAL ZONE

22.24.120 Permitted Uses. Premises in Zone A-2 may be used for:

...

B. The following agricultural uses, provided all buildings or structures used in connection therewith shall be located not less than 50 feet from any street or highway or any building used or designed for human habitation:

-- Animal facility

-- Dogs kennels.

...

SECTION 4. Section 22.28.260 is amended to read as follows:

Part 6 of Chapter 22.28 – C-M COMMERCIAL MANUFACTURING ZONE

22.28.260 Uses Subject to Permits. Premises in Zone C-M may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

-- Animal facility

...

-- Dogs kennels.

...

SECTION 4. Section 22.32.040 is amended to read as follows:

Part 2 of Chapter 22.32 – M-1 LIGHT MANUFACTURING ZONE

22.32.040 Permitted Uses. Premises in Zone M-1 may be used for:

...

B. The following additional uses are permitted in Zone M-1, except that nothing in this subsection permits punch presses of over 20 tons rated capacity, drop hammers or automatic screw machines.

...

-- Animal facility, provided all buildings or structures used in connection therewith shall be located not less than 50 feet from any street or highway or any building used or designed for human habitation.

...

-- Dog training schools

~~--Dogs— Dog breeding; commercial dog kennels; dog training schools.~~

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