

THE  
URBAN  
WILDLANDS  
GROUP



October 18, 2015

Los Angeles City Council  
200 North Spring Street  
Los Angeles, CA 90012

**Re: Council File 13-1513 – Number of Cats Owned by Residents (OPPOSE)  
Item 19, October 20, 2015**

Dear Members of the City Council:

The Urban Wildlands Group is a Los Angeles-based organization dedicated to the protection of species, habitats, and ecological processes in urban and urbanizing areas. Endangered Habitats League is southern California's only regional conservation group, dedicated to the protection of our diverse species and ecosystems and to sensitive and sustainable land use for the benefit of all the region's inhabitants.

We continue to oppose the proposal in its entirety. This letter raises new issues and adds to the letter that we submitted on September 1, 2015.

In reviewing the materials presented in the file in advance of this Tuesday's meeting, we noticed additional problems with the language of the proposal being put forward, evident in both the report from the Personnel and Animal Welfare Committee (dated September 2, 2015) and the report from the General Manager of the Department of Animal Services (dated August 25, 2015).

**1. The proposal is being misrepresented as being supported by the Department of Animal Services, when it has not come before the Board of Animal Services Commissioners.** The Personnel and Animal Welfare Committee report claims that the Department of Animal Services is recommending the ordinance change. The Personnel and Animal Welfare Committee is accepting the position of the General Manager as if it represents the position of the Department of Animal Services. *The General Manager is not the head of the Department of Animal Services* and is not in a position to make such a recommendation. Pursuant to City law (City Charter § 506 and LAAC § 22.4), the Board of Animal Services Commissioners is the head of the Department of Animal Services. The General Manager is a Chief Administrative Officer (LACC § 22.8 and City Charter § 509) and is responsible for implementing rules and regulations

put in place by the Board (see Opinion No. 2006:1 from the Los Angeles City Attorney, dated May 9, 2006), and does not make policy for the Department.

The Board of Animal Services Commissioners, which is the policymaking body for the Department of Animal Services (and has been since a municipal election in 1993 that converted the Board from an advisory role to its current status as the head of the Department), has not considered or approved any of the reports submitted by the General Manager in Council File 13-1513. For the Council to accept the recommendation of the General Manager without hearing from the Board would be equivalent to a corporation acting on the advice of its CAO without consulting the CEO. In this instance, the collective actions of the Personnel and Animal Welfare Committee and the General Manager have deprived the Council of the presumed expertise of the appointed Board of Animal Services Commissioners and that of the Mayor as the Board's appointing authority. The public has been deprived of the opportunity to provide testimony to a presumably expert Board that might have better understood the existing law and the ramifications of the proposal.

**2. The entire proposal under consideration is based on the erroneous notion that the City of Los Angeles limits the number of cats that can be *owned by individual residents*.** The ordinance proposed to be amended that limits the number of cats in the City (the "Cat Kennel" ordinance) does not address ownership by individuals, but rather limits the number of cats at "any lot, building, structure, enclosure or premises." This limitation is found in the definition of a "Cat Kennel" (LAMC § 53.00), which reads:

"Cat Kennel" shall mean any lot, building, structure, enclosure or premises where four or more cats at least four (4) months of age are kept or maintained, with the exception of a pet shop.

A Conditional Use Permit is required to operate a Cat Kennel and such permits are not issued to properties within 500 feet of a residential zone (LAMC § 12.17.5). Please note that this provision does not limit ownership by individuals, but rather limits the number of cats that can be kept or maintained without a Cat Kennel permit. This effectively limits the number of cats that can be kept as pets in residential zones by linking that number to the "lot, building, structure, enclosure or premises" and not to individual residents.

Both the Personnel and Animal Welfare Committee report and the report of the General Manager mischaracterize the current limits on number of cats as a restriction on ownership by individuals and present a proposal that fundamentally changes the way number of cats would be regulated without acknowledging this dramatic change. The following language from each report illustrates that this is a pervasive assumption and not an accident or careless error. The General Manager's report incorrectly describes current law (e.g., "restricts each household to three owned cats," "number of cats a resident can own") and makes proposals that fundamentally change the way cats are limited (e.g., "companion cat limits be increased to 5 indoor altered cats"). The Personnel and Animal Welfare Committee does the same thing, incorrectly describing current law (e.g., "number of cats that a City resident may own," "limit on the number of cats a person may own," "prohibits a resident from owning and registering more than three cats at any one time") and proposing changes that would limit cats on a per person basis instead

of on a per location basis (e.g., “important to raise the number of cats a resident may own,” “potential impacts of increasing the number of indoor cats that a City resident may have”).

These statements completely mischaracterize the current regulatory scheme and appear to be an attempt to dramatically increase the number of cats that can be legally maintained in the City by changing the limitation from a per location basis to a per resident basis.

**By forwarding a proposal to “increase the number of cats an individual may own,” the Personnel and Animal Welfare Committee is asking the City Council to fundamentally change the way that the number of cats is restricted in the City.** If the ordinance is tied to “individuals” or “residents,” the perhaps unintended but logical conclusion is that whenever a household (presuming one household per premises) adds a member, that person would be able to own up to 5 cats. This is dramatically different from the current scheme, which limits the number of cats by “lot, building, structure, enclosure or premises.”

**By linking the number of allowable cats to residents or households that “own” those cats (or by limiting only “companion” cats), the General Manager and the Personnel and Animal Welfare Committee are setting up a scheme by which they can exempt “unowned” (i.e., stray/feral or “foster”) cats from the Cat Kennel ordinance and thereby from any limits.** The General Manager has already tried this, evident in the proposals in Council File 10-0982, which expired without being enacted. The General Manager also tried to achieve the goal of carving out separate regulations on numbers of owned and unowned cats in the 2013 proposed Citywide Cat Program (which was resoundingly criticized by relevant regulatory agencies, departments, and others and has not been adopted). In these instances, the General Manager was attempting to change the law so that it would be legal for residents to feed an unlimited number of unowned outdoor (i.e., stray/feral) cats at a residence without triggering the limitations of the Cat Kennel ordinance or to allow volunteers to accept unlimited numbers of “foster” cats from the Department, thereby turning residences into *de facto* overflow animal shelters. Both of these activities are prohibited under the current ordinance, which limits the number of cats that can be kept or maintained per “lot, building, structure, enclosure or premises,” but would be made legal if the limits were linked to ownership as currently proposed.

**By limiting cat ownership per person, the proposed ordinance could interfere with the rights of individuals who might legitimately own more than 5 cats in the City.** Animal ownership is defined in the Municipal Code, but only for the purposes of regulating the breeding and transfer of dogs and cats (LAMC § 53.15.2). A person might legally own dozens of cats, if they are kept in a Cat Kennel that has a Conditional Use Permit or, hypothetically, if they are kept at many locations in residential zones with no more than three per “lot, building, structure, enclosure or premises.”

**The proposal before the City Council should have been brought to the Planning and Land Use Management Committee, because the location of Cat Kennels is regulated in the zoning code.** The proposal should not be before the City Council at all until it reflects an accurate description of the current regulatory scheme that limits the number of cats that can be kept at each premises in the City and explains how limiting cats by number per resident, which is a fundamental change, will intersect with the existing Cat Kennel ordinance.

For these reasons, and those reasons described in our previous letters, we strongly encourage the City Council to reject CF 13-1513.

Please feel free to contact Dr. Longcore at [longcore@urbanwildlands.org](mailto:longcore@urbanwildlands.org) or (310) 247-9719 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Longcore".

Travis Longcore, Ph.D.  
Science Director, The Urban Wildlands Group

A handwritten signature in blue ink, appearing to read "Dan Silver".

Dan Silver, M.D.  
Executive Director, Endangered Habitats League