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Via Electronic Mail

City of Los Angeles
Public Safety Committee

**RE: July 19, 2010 Public Safety Committee Meeting
Agenda Item 10-0892: Motion (Rosendahl – Koretz) relative to raising the
number of dogs and/or cats that a city resident may own from three to five.**

On July 19, 2010, Los Angeles City Public Safety Committee is scheduled to discuss and possibly vote on Councilmember Bill Rosendahl's motion to raise the limit on the number of dogs and/or cats that a resident may own in the City of Los Angeles from three to five. As I will explain below, before taking any further action on this motion, the City is required by the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 *et seq.*, to carefully analyze the potentially significant adverse impacts of this action on the environment.

CEQA requires public agencies to consider the potential environmental impact of their discretionary actions prior to approval. Adopting or amending rules that regulate the number of animals residents may lawfully own is a discretionary "project" within the meaning of CEQA because raising the limit on the number of animals a resident may own could and likely will increase the overall number of domestic animals in the City, thereby significantly increasing the overall impacts of cats and dogs on the City's environment.

Although an increase in the number of dogs may have environmental impacts, our concern is with the increase in the number of cats allowed. We note that increasing the legal number of pet dogs does not pose the same risks to wildlife because dogs must be confined on properties or restrained on a leash.

The current proposal raises the following issues.

First, raising the number of allowable cats per residence from 3 to 5 represents a 66% increase in the number of owned cats. As the City currently has no mechanism to prevent cats from roaming off properties where they are owned (L.A.M.C. Section 53.06), the proposed rule change will significantly increase the number of outdoor cats, whether free-roaming owned cats or feral cats. Outdoor cats have a significant adverse impact on the environment through predation of native or protected species, deposition of fecal matter, transmission of disease to humans and wildlife,

harborage of fleas that are vectors of disease, and destruction of property. The impacts of a 66% increase in the number of cats in the City should therefore be evaluated under CEQA.

Second, increasing the limit on the number of cats will make it more difficult to reduce the number of feral cats in the City. Currently, the three-cat limit gives the City's Department of Animal Services a tool to control the number of feral cats being maintained at a residence. Increasing this limit could facilitate larger feral cat colonies at residences and would be used as an end-run around the current injunction banning the implementation of trap-neuter-return (TNR) until after CEQA review has been undertaken. An increase in the cat limit will allow TNR practitioners to increase the size of their so-called backyard colonies, for which there are no requirements for confinement, with potentially significant adverse environmental impacts. Currently, cat "rescuers" take feral cats from shelters and release them into these so-called backyard colonies or move them from other colonies to backyards. Because the increase in the cat limit will likely be used by many to expand the implementation of TNR and therefore increase the number of feral cats in any given location, it should not be allowed until CEQA requirements have been met.

Finally, and perhaps most importantly, the proposed increase of the number of legally owned cats in the City would be a violation of the current injunction (Urban Wildlands Group et al v. City of Los Angeles et al., Los Angeles Superior Court Case No. BS115483) which bars the City from "adopting or implementing any new ordinances, measures or policies in furtherance of TNR, including such ordinances, measures or policies as were identified in the June 2005 Report that was submitted to the Board of Animal Services Commissioners." The 2005 Report suggested amending certain City ordinances, including the limits on the number of cats, to allow TNR to be practiced more easily. Moreover, as I have already explained, increasing the legal limit on the number of owned cats will significantly facilitate the practice of TNR in neighborhoods (including relocating cats from elsewhere to residential neighborhoods and releasing feral cats from shelters into neighborhoods) and has been identified as an important objective by the TNR community. Adopting the proposed increase in the number of legally owned cats could therefore subject the City to further judicial actions and possibly even sanctions by the Court for violation of the injunction.

Sincerely,

/S/

Babak Naficy

Counsel for The Urban Wildlands Group, Inc., Endangered Habitats League, Los Angeles Audubon Society, Palos Verdes/South Bay Audubon Society, Santa Monica Bay Audubon Society, and American Bird Conservancy

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