



MEETING DATE: 06/18/12

ITEM NO: 19

COUNCIL AGENDA REPORT

DATE: JUNE 12, 2012

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER

TITLE: DOGS OFF-LEASH: PILOT PROGRAM IMPLEMENTATION

- A. ACCEPT THE STAFF REPORT ON THE COMMUNITY INPUT PROCESS AND RECOMMENDATION REGARDING A DOG OFF-LEASH PILOT PROGRAM
- B. DIRECT STAFF TO BEGIN A DOG OFF-LEASH PILOT PROGRAM FOR LIMITED HOURS AT BACHMAN PARK DAILY BETWEEN 7:00 A.M. AND 9:00 A.M. AND AT LIVE OAK MANOR PARK DAILY BETWEEN 9:00 A.M. AND 11:00 A.M.
- C. DIRECT STAFF TO REPORT BACK TO THE TOWN COUNCIL REGARDING STATUS OF THE PROGRAM NO LATER THAN SIX MONTHS AFTER IMPLEMENTATION.

RECOMMENDATION:

- 1. Accept the staff report on the community input process and recommendation regarding a dog off-leash pilot program.
- 2. Direct staff to begin a dog off-leash pilot program for daily, limited hours at Bachman Park (7:00 a.m. and 9:00 a.m.) and Live Oak Manor Park (9:00 a.m. and 11:00 a.m.)
- 3. Direct staff to report back to the Town Council regarding the status of the program no later than six months after implementation.

BACKGROUND:

In recent years, several residents began utilizing Town parks (specifically Bachman, Live Oak Manor and La Rinconada) as unofficial off-leash dog areas. As a result, many members of the community requested that this issue be officially addressed by the Town. In October 2009, the issue was brought before the Parks Commission. Staff proposed to explore and evaluate the opportunities to implement a pilot off-leash program. The Parks Commission voted against this, citing safety concerns and potential use conflicts in parks.

PREPARED BY: TODD CAPURSO  
Director of Parks and Public Works

Reviewed by: BSJ Assistant Town Manager Q Town Attorney \_\_\_\_\_ Finance

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BACKGROUND (cont'd):

More recently, informal groups of dog owners and park users have re-initiated this topic. At the February 6, 2012 Town Council meeting, the Council requested that the topic of off-leash dog areas be brought to Council for discussion by the end of March. On February 7, 2012, the Parks Commission requested that Town staff prepare a proposal regarding an implementation plan for evaluating an off-leash dog pilot program. On March 19, 2012, Town Council directed staff to evaluate options for a dog off-leash pilot program, conduct a public input process, and return to Council with a recommendation no later than June 18, 2012.

DISCUSSION:

Research/Evaluation:

As a first step in evaluating a potential pilot program for off-leash hours, staff contacted other local municipalities that have experience with dog off-leash programs to gather information about their programs and experience with off-leash facilities. The cities of Santa Cruz, Burlingame, Menlo Park, and San Mateo have established off-leash hours in some of their parks, and the city of San Carlos is currently conducting a pilot program to evaluate off-leash hours in two of its city parks. The City of Burlingame hours are from 6-7:30 a.m. each day. Menlo Park has designated the hours of 8-10 a.m. in two of its softball field facilities for daily off-leash use. The City of San Mateo has established 6-8 a.m. in designated field areas at two parks, and 6 a.m. – 10 p.m. for three other parks with designated fenced areas. The City of Santa Cruz allows for off-leash use in designated areas within seven of its parks, generally from sunrise to sunset. The pilot program in San Carlos involves the use of athletic field areas for both morning (8 a.m. – noon) and evening (6:30 p.m. - sunset) hours. These agencies have reported that there are no major issues with the off-leash hours at the parks, and that minor issues have been resolved through self-regulation. Representatives from these agencies have also indicated that fencing has concentrated the turf impact, resulting in significant maintenance for parks staff.

Next, staff examined the Town's inventory of parks, identifying six that would be large enough to accommodate some form of off-leash use. After further analysis of current programming, layout, and existing demand for off-leash use, three of the six were selected for evaluation of a pilot program. These parks were La Rinconada, Live Oak Manor, and Bachman Park. In proposing potential pilot program options, staff recommended that any implementation of a pilot program should be resource neutral, utilizing self-policing and volunteer maintenance efforts as much as possible. The pilot would run for a maximum of six months, and could be cancelled at any time during that pilot period if major impacts or issues were identified. The pilot program being evaluated would not include any permanent fencing.

Community Outreach Process:

Community outreach was conducted to gather input on the proposed pilot program for all three park sites. Three separate community meetings were held on Wednesday evenings at Louise Van Meter Elementary School. Meeting notices were sent to residences within 300-500 feet of

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DISCUSSION (cont'd.):

Community Outreach Process (cont'd.):

each of the three potential pilot program parks, and notices were placed at each park location to inform users of the community meetings.

The meetings were noticed on the Town of Los Gatos website, as well as advertised in the Los Gatos Weekly Times and Los Gatos Patch.

- The first meeting, with 52 people in attendance, was used as an opportunity to hear the thoughts and concerns of the attendees about the general concept of an off-leash pilot. Staff utilized the feedback provided at that meeting, along with input that was received via emails and phone calls, to develop a proposal for specific areas of the parks, and potential off-leash hours.
- At the second meeting, with 57 people in attendance, staff presented their proposal based on the feedback from the first meeting. Feedback was again gathered regarding the proposals and regarding the concept in general.
- The third meeting, with 29 people in attendance, was utilized to gather additional input on the proposed areas and hours, and to narrow down the proposal in order to help formulate a staff recommendation. It should be noted that at the conclusion of the third meeting, La Rinconada Park was removed from further consideration due to concerns about impact on wildlife in the adjacent riparian corridor, concerns about proximity of the turf area to the road, and a lack of demonstrated support for off-leash use at that particular park.

Feedback from all three community meetings included concerns about allowing off-leash hours, as well as support for some form of off-leash program. Community concerns included the following:

- Potential for incidents with children, even if dogs were being playful. Children may be knocked down or scared by an enthusiastic dog.
- Negative interactions between dogs and people trying to picnic or hold parties in the park. Various stories were shared including dogs stealing food and birthday cakes from park users.
- Potential for additional issues with dog waste, if dogs are allowed off-leash.
- Interactions between on-leash dogs and off-leash dogs may lead to aggression and incidents between dogs.
- Increased parking and noise associated with allowing off-leash use.
- Increased maintenance associated with off-leash use.
- Liability for the Town of Los Gatos should a dog harm a person or another dog.
- Potential issues with cars where the off-leash areas may be close to the street.
- Uncertainty about who will monitor and enforce the program

DISCUSSION (cont'd.):

Community Outreach Process (cont'd):

The community members in favor of off-leash hours indicated that some portion of time during the day where they could allow their dogs to run off-leash would be desirable. They indicated that the groups that use the parks now to run their dogs off-leash spend time to take care of the park, picking up litter and dog waste, monitoring to ensure that the dogs that are participating are not aggressive, and ensuring that they respect the wishes of park users who ask that they put their dogs on-leash. These individuals feel strongly that a self-monitoring model would be successful, as there are already established groups of users that could ensure rules are followed and that issues are reported.

There was some support from the community, both at the organized meetings and through email, for a fenced-in dog park or a fenced-in location at an existing park. Staff did not evaluate a permanent fenced solution during this process, as this was not part of Council direction, and because fenced implementations may be prohibitively expensive and would also render these areas unusable for other park activities. Additionally, two nearby residents have proposed that the Town's parcel at the end of Dittos Lane be considered as a temporary or permanent fenced off-leash dog area.

Citation / Enforcement Background Information:

Over the last three years, the Town's Park Services Officer has issued 60 warning citations and 2 official citations for off-leash use in Los Gatos parks. Additionally, there have been approximately 1,000 incidents of contact with owners regarding dogs off-leash. According to San Jose Animal Control records, there have been five instances of stray off-leash dogs, and one instance of a dog attacking a cat in Los Gatos Parks.

Staff also requested records from the Campbell Police Department related to incidents at the Los Gatos Creek Dog Park, a county fenced-in dog park located within the County Parks system. Over the past year, there have been eight (8) Campbell PD responses to that location, with three of the eight being directly dog related. One of the responses was for a dog bite, and two were for a noisy animal complaint. Campbell PD was unable to provide additional information on the one animal bite response. Staff also requested records from County Parks for incidents at the same location. The County Parks Ranger stated there were no formal records of incidents over the last year, and that most issues at the dog park go largely unreported. He indicated that users generally work out any issues, but when a Ranger is called for assistance, minimal involvement is needed and citations generally not necessary. This Ranger's opinion was that because there was separation between large and small animals, and that the area is fenced, there were very few issues at the site.

DISCUSSION (cont'd.):

Liability Issues:

In general, implementing an off-leash pilot does not significantly increase Town liability pertaining to dog bites. California law holds the owner of a dog responsible for bites their animals inflict. While this may not be true for other injuries resulting from scratching, chasing a person, or attacking without bites, the control of the animal is the legal responsibility of the owner whether the dog is on or off leash. Town staff will be responsible for ensuring that the off-leash areas are maintained to minimize safety hazards, similar to the maintenance expectations for a playground. The Town will need to post signs informing the public of the off-leash areas and times, and the rules for use of these areas. Town staff will also need to enforce these rules, as well as the leash laws outside of the designated areas and times.

Staff Evaluation and Recommendations:

Staff evaluated the three community meetings' feedback, voluminous e-mail correspondence (Attachment 1), and phone calls received regarding the proposed pilot to formulate a recommendation. Staff believes that a trial period of approximately six (6) months would be appropriate in order to evaluate the program and the impact it may have on the parks and the surrounding neighborhood. Based on local interest in affording an opportunity for off-leash dogs in parks, the pilot program is intended to provide additional recreational benefits to the community. During the trial period, staff will monitor both the proposed off-leash times and remaining on-leash times to evaluate compliance with the established rules.

Staff will also monitor the traffic and parking associated with the use of the off-leash times, the noise levels during these times, and the maintenance requirements. Parking and noise impacts, as well as maintenance requirements will also be taken into consideration. Significant non-compliance, parking or noise impacts, or incidents involving off-leash dogs during the established pilot program times may all result in termination of the program before the conclusion of the official pilot period.

Staff evaluated evening hours for the pilot program. However, based on concerns raised during the community outreach process and use patterns for each of the parks, staff felt that evening hours have a higher potential for use conflicts between dogs off leash and other park visitors. These potential conflicts include small children, picnics, and other recreational use of the turf areas. Recommendations for morning hours represent the least likelihood of use conflicts.

For the pilot program, staff recommends the following, seven days a week, in designated areas:

- Bachman Park - 7:00 a.m. – 9:00 a.m.
- Live Oak Manor Park - 9:00 a.m. – 11:00 a.m.

The areas chosen for designated off-leash (Attachment 2) use were selected based on the current use patterns for off-leash activity, distance from playground and picnic areas, and distance from the adjacent streets. Each of these areas is approximately 0.5 acres, and represents about 12% of

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DISCUSSION (cont'd):

Staff Evaluation and Recommendations (cont'd) :

the total park space. Staff believes that these hours represent times where other uses of the park are at a minimum, and there is less likelihood for conflicts between off-leash use and other park activities.

Signs will be posted at the park entrances as well as in the designated areas, informing the public of the off-leash hours, and the rules for participation in the program. These rules will encompass both how and when the area may be used for off-leash dogs, and the behavior expectations of the participants. The rules will be developed using best practices from other jurisdictions that have implemented off-leash hours. Parks staff will monitor the off-leash hours, and will begin enforcing the leash law outside of these hours and at all parks. A phone number for reporting any concerns or incidents will be posted in each of the pilot parks, to ensure park users have a mechanism to voice concerns or request assistance.

Parks Commission:

At the Parks Commission meeting held June 5, 2012, staff presented a recommendation for the proposed off-leash pilot program. All nine commissioners and ten members of the public were present. Staff presented a brief history of the issue as well as the proposed hours and areas for the pilot program. Six members of the public spoke on the matter; three in support of off-leash times, and three against. Details of the public comment are contained in the draft Minutes of the June 5 Parks Commission meeting (Attachment 3). The commissioners discussed the proposed recommendation in detail, including details of support and concern regarding the proposed pilot program. The Commission ultimately voted to support the staff recommendation with six in favor and three opposed.

The Commission also passed three additional recommendations: one requesting staff provide regular updates on the pilot program at future Parks Commission meetings (8 Ayes, 0 Nays, 1 Abstain); a second that the program be communicated to the local public using all available local outreach mechanisms (5 Ayes, 2 Nays, 2 Abstain); and a third that the Parks Commission form an Off-Leash Dog Use Subcommittee to address both the pilot program and other Town-wide issues related to dog use (7 Ayes, 0 Nays, 2 Abstain).

CONCLUSION:

Staff recommends that if a pilot program is implemented, it should be limited to Bachman Park and Live Oak Manor Park, for a period of 6 months, with daily hours of 7:00 a.m. – 9:00 a.m. at Bachman and 9:00 a.m. to 11:00 a.m. at Live Oak Manor respectively. As an alternative, the Council may recommend against the implementation of this program and/or may direct staff to conduct additional research before returning to Council.

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ENVIRONMENTAL ASSESSMENT:

The parks being considered are currently being utilized for off-leash dogs, even though off-leash dogs are not officially allowed. Therefore, a pilot program does not change the existing conditions in the parks or trigger any environmental review. Alternatively, even if this pilot program is determined to be a project subject to CEQA review, it is exempt under sections 15301 and 15304. During the pilot program, staff will monitor the impacts from parking, traffic, and noise, as well as any impact upon the natural environment of the park. This data would be used to evaluate any potential impact of a permanent program for each of the parks and their surrounding neighborhoods. A permanent off-leash dog program may require some level of environmental review prior to adoption.

FISCAL IMPACT:

For the pilot program, staff will need to create and post signs at each of the parks, to inform the public of the program and to designate the areas that can be used for off-leash activity. Staff estimates the initial cost to produce and install these signs will be approximately \$1,000. Additionally staff estimates resources required to monitor the program to be in the range of \$10,000 to \$15,000 in personnel costs. These costs will be covered by reductions to other Town services and staffing.

Attachments:

1. a. Public Comment / correspondence – comments in support  
b. Public Comment / correspondence – comments opposed  
c. Public Comment / correspondence – miscellaneous comments
2. Designated Off-leash Area Maps; Bachman and Live Oak Manor
3. Draft Minutes – June 5, 2012 Parks Commission Meeting

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