



# CITY COUNCIL AGENDA STATEMENT



May 7, 2019

File ID: 19-0242

## **TITLE**

DISCUSSION AND CONSIDERATION OF ESTABLISHING A PILOT PROGRAM TO ALLOW OFF-LEASH DOG ACCESS WITHOUT FENCED BOUNDARIES IN A PARK, OR PARKS, IN NORTHWEST CHULA VISTA

## **RECOMMENDED ACTION**

Council consider a pilot program and, if approved, identify a park location or park locations and provide direction to staff as appropriate.

## **SUMMARY**

At the Council meeting of January 8, 2019, Council directed staff to analyze the viability to create leash free zones in one or more parks in Northwest Chula Vista. Staff recommends that a pilot program to allow off leash dog access, if approved, be limited to one park for a six-month period to enable the most efficient use of resources for monitoring and evaluating the program.

## **ENVIRONMENTAL REVIEW**

The proposed Project has been reviewed for compliance with the California Environmental Quality Act (CEQA) and it has been determined that the Project qualifies for a Categorical Exemption pursuant to State CEQA Guidelines Section 15301 Class 1 (Existing Facilities) and Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Thus, no further environmental review is required.

## **BOARD/COMMISSION/COMMITTEE RECOMMENDATION**

The Parks and Recreation Commission had a scheduled Special Meeting on Monday, April 15 to consider this proposed pilot as well as the proposed dog park at Rohr Park. The Parks and Recreation Commission did not have a quorum that evening, with only three Commissioners present. This item was presented to the members who were present, and the Vice-Chair allowed for discussion. The Commissioners who were present expressed no concerns regarding the proposed pilot program.

## **DISCUSSION**

The City of Chula Vista parks system comprises of 68 publicly maintained parks, of which, six include designated off leash, fenced dog runs. The first fenced dog runs built in Chula Vista were in the 2007 development of Veterans Park and Monteville Park. The other parks with off leash, fenced dog runs are Mt. San Miguel Park, Orange Park, Stylus Park, and Eucalyptus Park. As identified in the Parks and Recreation Master Plan Update, which was adopted by the City Council on August 7, 2018, there are 9 additional future

parks identified to have off leash, fenced dog runs as part of the park program. The City of Chula Vista currently does not have any identified parks or areas that allow off leash dog access without fenced boundaries. The City of San Diego has several examples of facilities that allow this.

The City of San Diego parks system has a total of 17 off leash dog parks and areas, of which 6 are not fenced. This list includes Dog Beach, which is a stretch of beach bounded by the San Diego River on the north side, a rock jetty on the east side, the Pacific Ocean on the west side, and a large sand mound on the south side. The majority of Fiesta Island is accessible to off leash dogs as well. The remaining 4 facilities with unfenced off leash areas are parks: Grape St Dog Park; Nate's Point Dog Park; Morley Park Dog Park; and Cadman Park Dog Park. These dog parks, with the exception of Cadman Park are identified areas within a larger park context, and each have physical boundaries on each side of the dog areas, including split rail fences, canyons, and chain link fence. Cadman Park is the only park that allows mixed use of off leash dogs, during designated hours only, near park amenities meant for users without dogs, such as a children's playground, two tennis courts, two baseball fields, and a Recreation center. The off-leash area is roughly 100 feet away from the edge of the playground identified by posted signage. This park has a boundary fence on three sides.

The proposed pilot program would allow off leash dog access, without fenced boundaries, in a park or parks in Northwest Chula Vista. Currently, the parks in Northwest Chula Vista are used for purposes other than off leash dog access, such as picnicking, sporting games, special events, or passive use. If approved, the pilot program would begin June 1 and end on November 30. If the Council approves the pilot, the Community Services Department would present an evaluation to the Council after the pilot period ended, including a recap of solicited and unsolicited feedback, number of documented incident reports, and any damage caused due to the use of off leash dog access. If staff through observation or submitted public reports concludes the program is contrary to the safe use of park facilities anytime during the pilot program due to incidents, the City Manager may suspend the program without notice and report to City Council at their next meeting for further direction of the program. With the implementation of this program, there will be signs posted along the boundary of the access areas stating rules and regulations, including restrictions, along with contact information for Chula Vista Park Rangers or Chula Vista Animal Control Officers so users can report violations of the rules.

Establishing a pilot program to allow off leash dog access in a park or parks in Northwest Chula Vista could have several benefits, including the following:

- A new activation of the parks, since all parks in Northwest Chula Vista, except the Eucalyptus Park off leash, fenced dog run, do not have off leash dog access
- provide a socialization point for dog owners
- encourage responsible dog ownership by signing and promoting sanitary practices, license policies, and vaccination requirements
- provide an opportunity for dog owners within walking distance a chance to allow their dogs to run in a park off leash.

Potential risks to consider regarding the establishment of such a pilot program include:

- turf degradation

- negative interactions between off leash dogs and human users of the park
- negative interactions between multiple off leash dogs and/or leashed dogs
- dogs running into the streets
- difficulty enforcing designated hours

The City Attorney's Office notes that off leash dog access is not commonly allowed in multi-use city parks. Instead, standard "best practices" for "dog park" design, from a risk management standpoint, calls for dedicated fenced in areas within which dogs can roam freely. This separates potentially incompatible uses and gives the City the "design immunity" defense in the event of a claim against the City that might result from dog-park related injuries.

The Chula Vista Municipal Code allows for administrative provisions to designate areas of parks lawful to turn loose or allow dog access (CVMC Section 2.66.130). The Community Services Department would be required to post signage stating the boundaries of the off-leash dog access and regulations for the use of the designated areas. Posted regulations would include dog owners required to clean up after their dogs, dog owners required to maintain control of their dogs, dogs required to have current license, shots and no contagious diseases, and to limit excessive barking, among other regulations.

In conclusion, we are seeking direction from the Council and consideration to proceed with this 6-month pilot program to allow off leash dog access without fenced boundaries in a portion of a park, or parks, in Northwest Chula Vista.

#### **DECISION-MAKER CONFLICT**

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the real property holdings of the **City Council** members do not create a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware, and has not been informed by any **City Council** member, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

#### **CURRENT-YEAR FISCAL IMPACT**

To implement the program, staff will need to purchase and erect 4 signs and posts at each park identified to notify users of the boundaries as well as the rules and regulations. At each sign post, dog waste bag dispensers, with waste containers, will need to be added. Each week, Parks Maintenance staff will replace the dog waste bags. There may be additional costs for turf repair if damaged due to improper use of the facility. The current-year fiscal impact to the general fund is estimated at \$2,500 per park.

#### **ONGOING FISCAL IMPACT**

Annual expenses would include the weekly replacement of dog waste bags, turf repair and power washing hardscapes. The annual fiscal impact to the general fund for subsequent years is estimated at \$700 per park.

## **ATTACHMENTS**

None

*Staff Contact: Tim Farmer, Parks and Recreation Administrator*