



**DISCUSSION ITEM**

**Agenda Item # 8**

**AGENDA REPORT SUMMARY**

**Meeting Date:** February 9, 2021

**Subject:** Ordinance No. 2021 - 475 - Hillview Baseball Field Off-Leash Pilot Program: Hold Public Hearing and introduce first reading of an ordinance to consider the establishment of an off-leash pilot program located at the Hillview Baseball Field and making findings pursuant to CEQA that the ordinance is categorically exempt from environmental review. This pilot program allows dog owners to have their dogs off-leash during specific posted days and times.

**Prepared by:** Donna Legge, Recreation and Community Services Director

**Approved by:** Brad Kilger, Interim City Manager

**Attachment(s):**

1. Ordinance No. 2021 - 475: Authorizing an off-leash pilot program at the Hillview Baseball Field and making findings pursuant to CEQA that the ordinance is categorically exempt from environmental review.

**Initiated by:**

City Council and staff

**Previous Council Consideration:**

February 12, 2019, November 10, 2020

**Fiscal Impact:**

The Off-Leash Pilot Program will cost \$6,275 and will include community outreach, initial installation of off-leash rules and hour signs, designation of off-leash area with A-frames, dog bag dispensers, and dog bag refills for a 6-month period to be absorbed by the Park Maintenance operations budget.

- Breakdown of funds to be used:
  - o \$6,275 General Fund
- Amount already included in approved budget: Yes
- Amount above budget requested: 0

**Environmental Review:**

Not applicable

**Policy Question(s) for Council Consideration:**

- Does Council want to consider the adoption of Ordinance No. 2021 - XXX: authorizing an off-leash pilot program at the Hillview Baseball Field and making findings pursuant to CEQA that the ordinance is categorically exempt from environmental review.

---

**Reviewed By:**

City Manager

City Attorney

Finance Director

BK

JH

HL

---



**Subject:** Hillview Baseball Field Off-Leash Pilot Program

---

**Summary:**

- In accordance with LAMC 5.08.010, dogs are prohibited to be off-leash in Los Altos parks
- Residents do not have a place to take dogs, legally, within the Los Altos community
- The Council recommends a 6-month pilot off-leash hours program at the Hillview Baseball Field as soon as it is feasible
- Legal recommends suspending enforcement of LAMC 5.08.010 related to the off-leash dogs, with appropriate signage during the pilot period and recommend the adoption of Ordinance No. 2021 - XXX: authorizing an off-leash pilot program at the Hillview Baseball Field and making findings pursuant to CEQA that the ordinance is categorically exempt from environmental review.

**Staff Recommendation:**

Consider approval of Ordinance No. 2021 - 475: authorizing an off-leash pilot program at the Hillview Baseball Field and making findings pursuant to CEQA that the ordinance is categorically exempt from environmental review.

**Purpose**

Provide the ability to enforce the recommended Ordinance during a 6-month pilot program that will allow dog owners to have their dogs off-leash during specific posted days and times at the Hillview Baseball Field.

**Background**

At its regular meeting of November 10, 2021, City Council received a presentation and recommendations from the Parks and Recreation Commission including the establishment of an off-leash hours pilot program at the Hillview Baseball Field for a trial period of nine (9) operational months, subject to public health [COVID] guidelines.

City Council directed staff to develop and return to Council to approve a 6 month, off-leash pilot program at the Hillview Park (Baseball Field), including staff and the Parks and Recreation Commission's recommendations for program hours for the pilot program to begin as soon as feasible and return to the Council after 6 months of operation for an update on the program and Council evaluation. Council further directed staff to inspect the back of the designated area at Hillview Park (Baseball Field) and evaluate the need for fencing and proceed with installation.

**Discussion/Analysis**

All City park turf areas are closed for annual maintenance from Mid-November through January, including the Hillview Baseball Field. Due to existing park uses and enforcement recommendations



**Subject:** Hillview Baseball Field Off-Leash Pilot Program

---

from the Police Department and Animal Control, the pilot off-leash program will be scheduled accordingly, as soon as it is feasible:

**April to September (6 months)**

<u>Days</u>	<u>Morning</u>	<u>Afternoon/Evening</u>
Monday thru Friday	7 to 9 am	7 pm to 9pm
Saturday and Sunday	7 to 9 am	5 pm to 9pm

Per Council direction, staff has contacted the City of Cupertino and will adopt the same temporary fencing methodology used at their off-leash dog park, protecting the infield, and maintaining the 200-foot outfield distance as required by International Little League. The City of Cupertino is utilizing A-Frame signs to designate the off-leash area and has not installed a fence enclosure.

**Options**

- 1) Adopt Ordinance No. 2021 - 475: Authorizing an off-leash pilot program at the Hillview Baseball Field and making findings pursuant to CEQA that the ordinance is categorically exempt from environmental review.

**Advantages:** Provides the ability to enforce the Ordinance. Model after other successful neighboring off-leash hour programs; flexible use; minimum expense. May justify additional programs in other Los Altos parks to expand the impact and use over additional parks. The pilot program is temporary and can be measured and adjusted or terminated, accordingly.

**Disadvantages:** Opposition from neighbors and residents. Save additional time, cost, and resources.

- 2) Do not adopt Ordinance No. 2021 - 475: authorizing an off-leash pilot program at the Hillview Baseball Field and making findings pursuant to CEQA that the ordinance is categorically exempt from environmental review.

**Advantages:** Potential impacts to the Hillview Baseball Field will be limited. No opposition from concerned neighbors and residents. Save additional time, cost, and resources.



**Subject:** Hillview Baseball Field Off-Leash Pilot Program

---

**Disadvantages:** Residents will not have a legal option within the city of Los Altos to take their dogs off-leash or an opportunity for an expanded program in the future. Existing challenges of unlawful dogs off-leash in parks will continue. Dog-owners will have to go outside of Los Altos to run their dogs off-leash, reducing the opportunity to socialize dogs and owners within community.

**Recommendation**

The staff recommends Option 1.

**ORDINANCE NO. 2021-475**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
AUTHORIZING AN OFF-LEASH PILOT PROGRAM AT THE HILLVIEW  
BASEBALL FIELD AND MAKING FINDINGS PURSUANT TO CEQA THAT  
THE ORDINANCE IS CATEGORICALLY EXEMPT FROM  
ENVIRONMENTAL REVIEW**

**WHEREAS**, the California Constitution, Article XI, Section 7, confers on the City the power to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

**WHEREAS**, in accordance with Los Altos Municipal Code Section 5.08.010, dogs are prohibited off-leash in Los Altos parks; and

**WHEREAS**, residents have expressed an interest in having a public place within the Los Altos community where dogs may be allowed off-leash; and

**WHEREAS**, the City’s Parks and Recreation Commission has recommended an off-leash pilot program during specific days and hours; and

**WHEREAS**, City staff recommend a limited, temporary suspension of Los Altos Municipal Code Section 5.08.010 to facilitate a pilot program as recommended by the Parks and Recreation Commission; and

**WHEREAS**, the City Council desires to suspend Los Altos Municipal Code Section 5.08.010 as recommended by staff to facilitate a pilot off-leash program at the Hillview Baseball Field; and

**WHEREAS**, the proposed pilot program is not anticipated to have any significant adverse effect upon the health, safety, welfare, or physical environment of the Los Altos community; and

**WHEREAS**, the purpose of the temporary pilot program is to gauge the likely success and potential impacts of a more permanent community wide off-leash policy.

**NOW THEREFORE**, the City Council of the City of Los Altos does ordain as follows:

**SECTION 1. AUTHORIZATION OF PILOT PROGRAM:** Notwithstanding any provision of the Los Altos Municipal Code including, without limitation, provisions of Los Altos Municipal Code Section 5.08.010, a pilot off-leash program is hereby established at the Hillview Baseball Field. Beginning on the effective date of this ordinance, as set forth in Section 8 hereof, dogs shall be allowed off-leash at the Hillview Baseball Field subject to the rules and regulations set forth in Section 2 of this ordinance.

**SECTION 2. OFF-LEASH RULES AND REGULATIONS:** The limited, temporary suspension of Los Altos Municipal Code Section 5.08.010 authorized in Section 1, above, shall be subject to compliance with the following rules and regulations:

- A. Dogs shall be allowed without physical restraint only in the outfield turf area of the Hillview Baseball Field generally depicted in **Exhibit A** hereto.
- B. Off-leash use shall be limited to the hours of 7 a.m. and 9 a.m. Sunday through Saturday, 7 p.m. to 9pm Monday through Friday, and 5 p.m. to 9pm on Saturdays and Sundays.
- C. No pet or domesticated animal shall be allowed to participate in the off-leash pilot program established by this ordinance except for dogs that are: (1) subject to the reasonable control of their owners or handlers, (2) properly licensed pursuant to applicable law, and (3) not “vicious” as defined by Los Altos Municipal Code Section 5.04.005.
- D. Owners and handlers shall clean up after their own dogs and shall keep their dogs under reasonable control as necessary to ensure the safety of people and pets and to prevent destruction of property.
- E. Owners and handlers shall comply with every regulation for use of the park established by the City Manager as set forth in Section 3.
- F. In the use of the park as authorized by this ordinance, owners and handlers shall obey every lawful instruction of any peace officer or of the City Manager or designee.

Any violation of the foregoing rules shall constitute an unlawful violation of Los Altos Municipal Code Section 5.08.010.

**SECTION 3. CITY MANAGER AUTHORITY:** The City Manager may establish additional rules and regulations for off-leash use of the Hillview Baseball Field. Such rules shall become effective immediately upon being posted at the park and made available for review by members of the public at the official website of the City’s Recreation and Community Services Department and Municipal Maintenance Services Department. If the City Manager finds that the off-leash pilot program is creating a significant adverse effect upon the health, safety, welfare, or physical environment of the Los Altos community, the City Manager may suspend the off-leash pilot program by posting notice of such suspension at the baseball field and online at the official website of the City’s Recreation and Community Services Department and Municipal Maintenance Services Department. Unless sooner rescinded by the City Manager or overruled or extended by the City Council, such suspension shall remain in effect until the later of 21 days following the suspension or the day after the next regular meeting of the City Council.

**SECTION 4. SUNSET:** Unless extended by resolution of the City Council, this ordinance shall expire automatically and shall be of no further force and effect beginning on the 181<sup>st</sup> day after the effective date hereof. Nothing herein is intended to prohibit the City Council from repealing this ordinance sooner.

**SECTION 5. CONSTITUTIONALITY.** If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

**SECTION 6. CEQA.** The City Council finds the adoption of this ordinance to be exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3) (Common Sense Exemption), 15301 (Existing Facilities), 15304 (Minor Alterations to Land), 15305 (Minor Alterations to Land Use Restrictions), and 15306 (Information Collection), in that the pilot program established hereby is not anticipated to have any significant adverse impact upon the existing environment, will be temporary in nature, will involve the use of an existing recreational facility, will not significantly alter existing facilities or existing land use restrictions, and is intended primarily to study the impacts of off-leash programs to inform future policy choices. The City Council also finds that none of the exceptions set forth in CEQA Guidelines Section 15300.2 to the availability of the foregoing categorical exemptions applies to the program or project authorized by this ordinance. The City Manager or designee is hereby directed to prepare and file a notice of exemption in connection with this ordinance, pursuant to CEQA Guidelines Section 15062.

**SECTION 7. PUBLICATION.** This ordinance shall be published as provided in Government Code section 36933.

**SECTION 8. EFFECTIVE DATE.** This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on \_\_\_\_\_, 2021 and was thereafter, at a regular meeting held on \_\_\_\_\_, 2021 passed and adopted by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

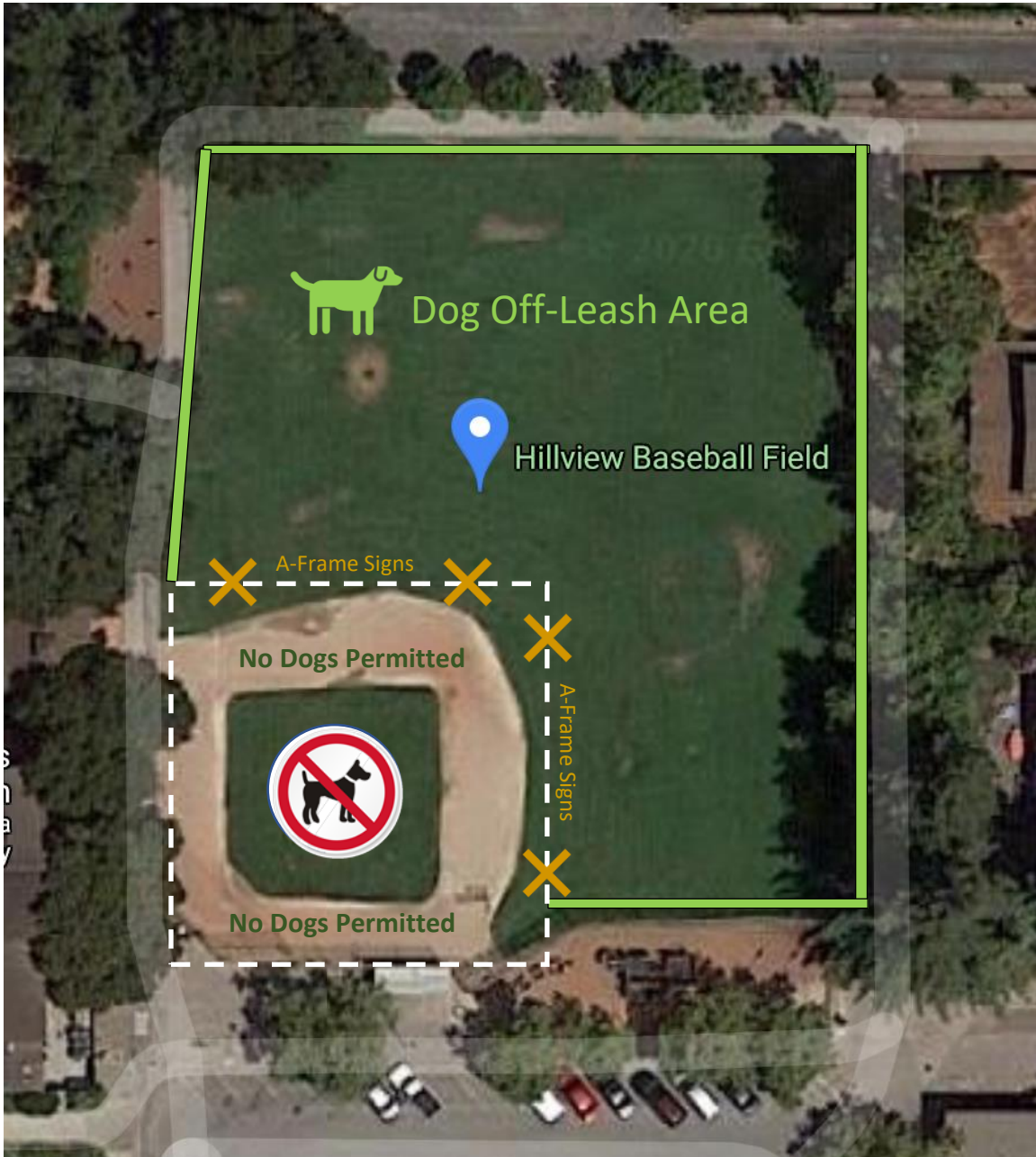
\_\_\_\_\_  
Neysa Fligor, MAYOR

Attest:

\_\_\_\_\_  
Andrea Chelemengos, CITY CLERK

EXHIBIT A

### Hillview Baseball Field - Off-Leash Program Area



- Dog Off-Leash Area 
- No Dogs Area 
- A-Frame Signs 





# City Council Meeting

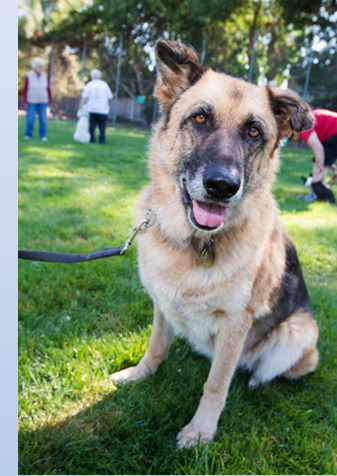
February 9, 2021



**Public Hearing and introduction of the first reading of an ordinance to consider the establishment of an off-leash pilot program located at the Hillview Baseball Field and making findings pursuant to CEQA that the ordinance is categorically exempt from environmental review. This pilot program allows dog owners to have their dogs off-leash during specific posted days and times.**

---

# Hillview Baseball Field Off-Leash Pilot Program Proposed Schedule



## April to September (6 months)

### Days

Monday thru Friday

Saturday and Sunday

### Morning

7 to 9 am

7 to 9 am

### Afternoon/Evening

7 pm to 9pm

5 pm to 9pm



**CITY OF  
CUPERTINO**

**Jollyman Park  
1000 S. Stelling Road**

**Dog Off-Leash Area**

**Trial Period:  
October 2019 - June 2021  
(9 months)**



# City of Cupertino - Sample of Off-Leash Area Trial Signs

## Jollyman Park Dog Off-Leash Area Trial

October 1, 2019 – June 30, 2021

DOLA Hours:  
One hour before sunset to one  
hour after sunset

*All dogs must be on a leash at all times except when in the designated DOLA during permitted times.*



# NOW ENTERING DOG OFF-LEASH AREA

DOLA Hours:  
One hour before sunset to  
one hour after sunset

*All dogs must be on a leash at all times except when in the designated DOLA during permitted times.*



## DOLA Rules

- All dogs must be on a leash at all times except when in the designated DOLA during permitted times.
- Respect other park users. Stop bothersome behavior immediately.
- Owners must be in control of their dogs at all times. Dogs with a known history of dangerous behavior are not allowed.
- Cleaning up after your dog is mandatory.
- Dogs must have current licenses and vaccinations; licenses must be on the dog's collar; collar must be on the dog.
- Consumption of food and the use of glass containers is not allowed during DOLA hours.
- Dogs in heat are not allowed.
- No puppies less than 4 months of age allowed.
- Owners must provide their own drinking bowls.
- Leaving dogs unsupervised is prohibited.
- Owners must stop their dogs from digging and fill any holes caused by their dogs.

Violation of posted rules and regulations can be reported to Code Enforcement– 408-777-3182 or the Sheriff's Non-Emergency Dispatch– 408-299-2311

Report dog bites/incidents immediately to the Silicon Valley Animal Control Authority– 408-764-0344

Comments & concerns can be shared with the City through [Cupertino.org/311](http://Cupertino.org/311)

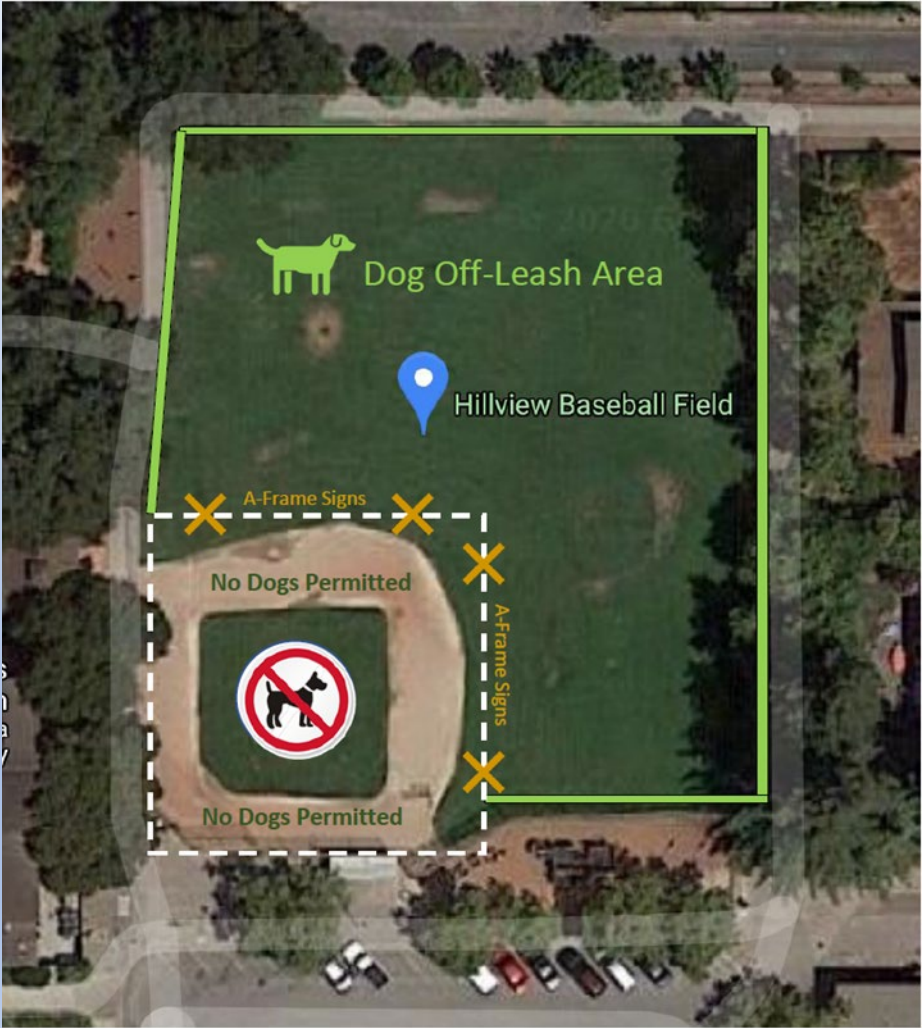
Owners are legally responsible and liable for the action of their dogs and injuries or damage caused by their dogs. The City of Cupertino assumes no liability for the users of the DOLA.



# City of Los Altos Civic Center



# Hillview Baseball Field – Dog Off-Leash Pilot Program Area



**Dog Off-Leash Area**



**No Dogs Area**



**A-Frame Signs**





Parks  
Make  
Life  
Better!

# Questions?



*We Create Community through People, Parks and Programs*

---

**From:** Wes Brinsfield [REDACTED]  
**Sent:** Friday, January 22, 2021 10:07 AM  
**To:** City Council <[council@losaltosca.gov](mailto:council@losaltosca.gov)>  
**Subject:** FW: Hillview Park "dog park"

On November 20<sup>th</sup> 2020 I sent the attached letter to Council, outlining my concerns about the upcoming dog park pilot program at the Hillview baseball field. The letter describes my concern that the area will not be fenced off, and that may lead to unfortunate encounters between unleashed dogs and either humans or other, leashed, dogs attempting to pass through the area. I conclude the letter with my opinion "... that the Hillview Park choice is ill-informed and subject to future litigation due to injury to animals or humans. "

Today, at approximately 9:15 AM, our dog, on leash, was attacked, unprovoked, by an off-leash dog (whose owner was present). Fortunately, no puncture or other wounds were inflicted on our dog or on me. I reported this incident to the Los Altos police (Log # L210122006). In addition to the dog being off-leash in violation of the municipal code, my fear of a dog on dog (or dog on human) attack was realized.

I can tell you that I now am very hesitant to walk through that area, whether with or without our dog. I should not have to go out of my way, nor should anyone else.

I am now even more opposed to that area being used as a dog park, pilot program or not, and especially so because there is no physical barrier proposed that I am aware of.

Please, rethink, and rescind, this program. There are other much more suitable locations.

Do this now, before actual injury occurs.

You may contact me at [REDACTED], if you have questions or would like to discuss this topic.

I am concerned and fearful.

Wes Brinsfield