



CONSENT CALENDAR

Agenda Item # 5

AGENDA REPORT SUMMARY

Meeting Date: February 23, 2021

Subject: Ordinance No. 2021-475 - Hillview Baseball Field Off-Leash Pilot Program: Hold Public Hearing and second 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, February 9, 2021

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. 2021-475: 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.

Reviewed By:

City Manager

City Attorney

Finance Director

BK

JH

RM



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 off-leash, 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. 2021-475: 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.

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.

On February 9, 2021, Council introduced the Hillview Baseball Field Off-Leash Pilot Program ordinance and waived its reading. Minor changes to the ordinance included:

1. Suspension of the LAMC 5.08.010 "only" at the Hillview Baseball Field



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2. Returning to the City Council with an evaluation and recommendations no later than 60 days after the pilot program runs for 181 days

Council directed staff to measure the success of the program with the following methods:

1. Feedback from residents and users regarding the program (pilot program website, etc.)
 - a. Survey participants in person and/or self-serve suggestion box
 - i. What city is your residence?
 - ii. Did you walk or drive?
 - iii. If you drove, what is your closest home park?
 - iv. If an off-lease program were offered at your home park, would you use it?
2. Include impact of reduced unlawful activity – analyze data before and after pilot program
3. Evaluation of incidents reported to Animal Control and the Police Department
4. Evaluation of actual cost vs expected costs
5. Legal issues
6. Field conditions
7. Attendance
8. The information will be regularly reviewed by both staff and the Dog Park (Pilot Program) Subcommittee

Council directed staff to make the following pilot program rule changes:

1. Change limit from two to three dogs handled by one person
2. Change term “owner” to “handler”

Council directed staff to implementation the following:

1. Work with baseball league program and provide appropriate signage in the event the off-leash times may interfere with late baseball games.
2. Install rule signs, doggie bags and trash cans at entrances located at East Edith Avenue and the Community Center parking lot.

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 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)



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<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 contacted the City of Cupertino and will adopt the same temporary fencing methodology used at City of Cupertino off-leash program at Jollyman Park, using moveable/temporary A-Frame signs to designate the off-leash area. Cupertino is not installing a permanent fence enclosure. Los Altos will use A-Frame signs in a similar manner to protect the infield (no dogs allowed) and designate the off-leash area while maintaining the 200-foot outfield distance that is required by International Little League.

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.

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-



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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 only 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 9 p.m. Monday through Friday, and 5 p.m. to 9 p.m. 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 181st day after the effective date hereof. Nothing herein is intended to prohibit the City Council from repealing this ordinance sooner. Staff and the Parks and Recreation commission shall return to the City Council no later than 60 days after the end of the 181 days of the pilot program.

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:

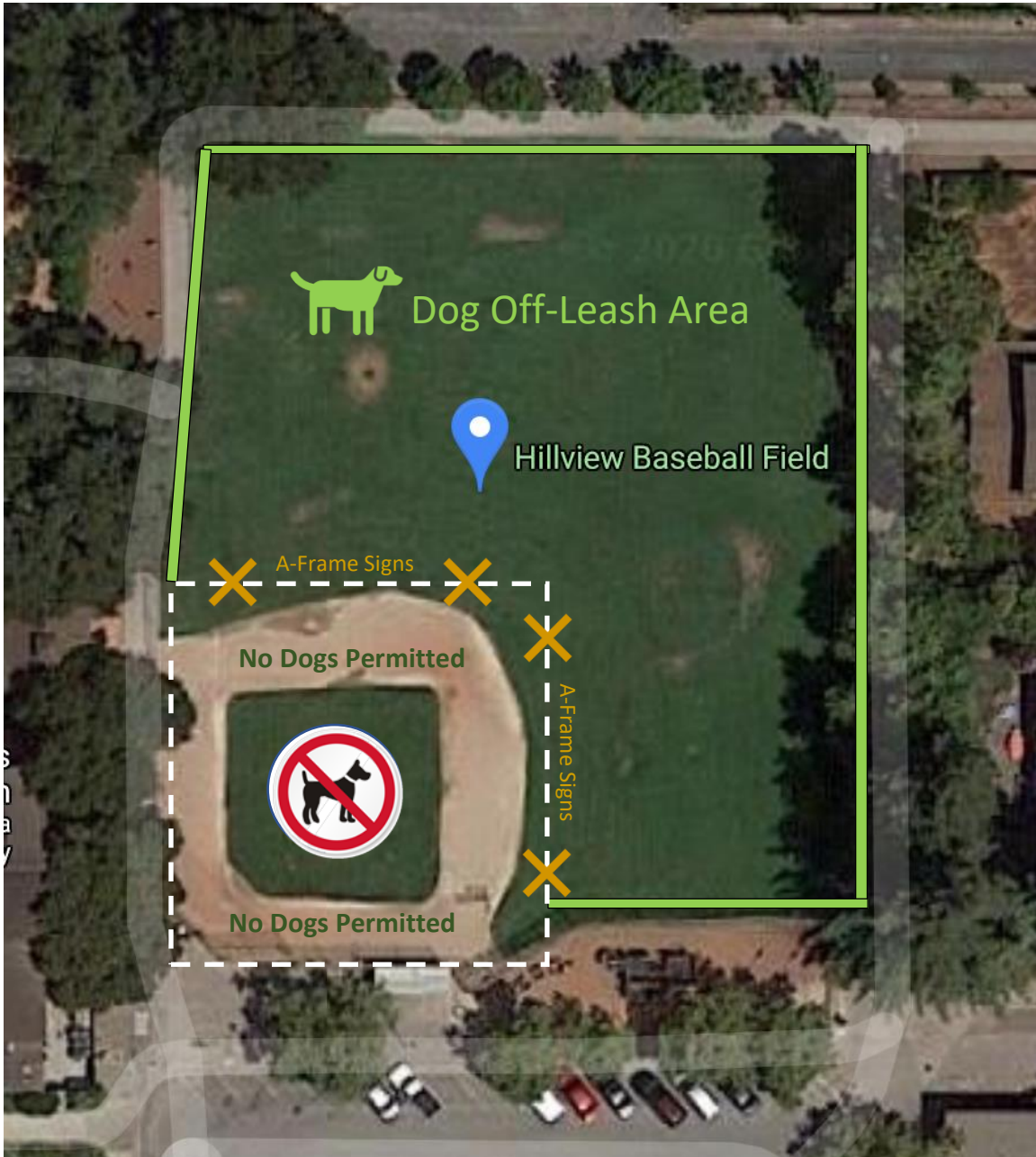
Neysa Fligor, MAYOR

Attest:

Andrea Chelemengos, CMC, CITY CLERK

EXHIBIT A

Hillview Baseball Field - Off-Leash Program Area



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