



**DISCUSSION ITEM**

**Agenda Item # 5**

**AGENDA REPORT SUMMARY**

**Meeting Date:** September 21, 2021

**Subject:** Resolution No. 2021-50: extending the off-leash pilot program at the Hillview Baseball Field and making findings pursuant to CEQA that the Resolution is categorically exempt from environmental review

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

**Approved by:** Gabriel Engeland, City Manager

**Attachment(s):**

1. Resolution No. 2021-50: extending the off-leash pilot program at the Hillview Baseball Field and making findings pursuant to CEQA that the Resolution is categorically exempt from environmental review.
2. 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

**Previous Council Consideration:**

February 12, 2019; November 10, 2020; February 9, 2021; and February 23, 2021

**Fiscal Impact:**

The extension of the Off-Leash Pilot Program will have a minimum cost for signs that will be absorbed by the Park Maintenance operations budget.

Breakdown of funds to be used:

- \$500 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 Resolution No. 2021-50, authorizing the extension of the off-leash pilot program at the Hillview Baseball Field

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**Reviewed By:**

City Manager

City Attorney

Finance Director

BK

JH

RM

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

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**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 approved a 6-month pilot off-leash hours program at the Hillview Baseball Field, with the adoption of Ordinance No. 2021-475, suspending the enforcement of LAMC 5.08.010, allowing dogs to be off-leash during designated days and times
- The 6-month period (181 days) began on April 1, 2021, and is scheduled to end on September 27, 2021
- Council directed staff and the Parks and Recreation Commission to return to Council no later than 60 days after the end of the 181 days of the pilot program that lands on Saturday, November 27, 2021
- Council desires to extend the pilot off-leash program between September 28, 2021, and until such time that the City Council receives a recommendation from the PARC and Council takes action.

**Staff Recommendation:**

Consider approval of Resolution No. 2021-50: extending the off-leash pilot program at the Hillview Baseball Field and making findings pursuant to CEQA that the Resolution is categorically exempt from environmental review

**Purpose**

Extend the ability to enforce Ordinance No. 2021-475 to allow dog owners to have their dogs off-leash during specific posted days and times at the Hillview Baseball Field between the end of the designated 6-month pilot period of September 28, 2021, and until such time a recommendation from the PARC is forwarded to Council.

**Background**

At its regular meeting of November 10, 2021, 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 COVID guidelines.

Council directed staff to return to Council with a 6 month, off-leash pilot program at the Hillview Baseball Field, including recommendations for program hours and an evaluation of the program.



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

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On February 9, 2021, Council introduced the Hillview Baseball Field Off-Leash Pilot Program Ordinance and waived its reading with minor changes. In addition, Council provided input on the rules and directed staff to measure the success of the program with the following methods:

1. Feedback from residents and users regarding the program (survey)
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

At its regular meeting of February 23, 2021, Council held a Second Reading of Ordinance No. 2021 -475. As amended, Council adopted the Ordinance to allow dog owners to have their dogs off-leash during the following days and times:

**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

All City Park turf areas are closed for annual maintenance from mid-November through January, including the Hillview Baseball Field.

**Discussion/Analysis**

The Off-Leash Pilot Program Subcommittee is made up of Vice Chair Teresa Morris and Commissioner John Corrigan. The Subcommittee has worked closely with Recreation and Maintenance staff to gather information from several sources to assess the overall success of the program and determine recommendations for the Parks and Recreation Commission review on Wednesday, October 13 at 7 pm.

Data will be collected from the following sources:

- Los Altos Police Department



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

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- Animal Control
- City Website Off-Leash Survey
- Recreation and Park Maintenance Staff
- Off-Leash Pilot Program Subcommittee
- Other public correspondence

Per the Ordinance 2021-475,

**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.

As intended, the pilot program commenced on April 1, 2021. According to the Ordinance timelines, the 181st day of the pilot program is Tuesday, September 28, 2021. The 60th day following the pilot program is Saturday, November 27, 2021.

Due to the Thanksgiving holiday the regular November 23, 2021, Council meeting has been rescheduled for Tuesday, November 30, 2021. It is anticipated that the PARC will be forward their findings and recommendation at that meeting.

It is recommended that Council consider the adoption of Resolution No. 2021-50, extending the off-leash pilot program at the Hillview Baseball Field and making findings pursuant to CEQA that the Resolution is categorically exempt from environmental review.

**Options**

- 1) Adopt Resolution No. 2021- 50: extending the off-leash pilot program at the Hillview Baseball Field and making findings pursuant to CEQA that the Resolution is categorically exempt from environmental review

**Advantages:** Provides the ability to enforce the Ordinance while users continue to use the off-leash program between September 28, 2021, and until such time that the City Council receives a recommendation from the PARC and Council takes action.



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

- 2) Do not adopt Resolution No. 2021- 50: extending the off-leash pilot program at the Hillview Baseball Field and making findings pursuant to CEQA that the Resolution is categorically exempt from environmental review

**Advantages:** Potential impacts to the Hillview Baseball Field will be limited. No opposition from concerned neighbors and residents. Saves 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 during the review period of approximately 60 days or two months. The number of unlawful dogs off-leash in parks may increase. 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

**RESOLUTION NO. 2021-50**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
EXTENDING THE OFF-LEASH PILOT PROGRAM AT THE HILLVIEW  
BASEBALL FIELD, AND MAKING FINDINGS PURSUANT TO CEQA THAT  
THE RESOLUTION 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 (PARC) recommended a pilot off-leash program during specific days and hours; and

**WHEREAS**, City staff recommended a limited, temporary suspension of Los Altos Municipal Code Section 5.08.010 to facilitate a pilot off-leash program as recommended by PARC; and

**WHEREAS**, on February 23, 2021, the City Council adopted Ordinance No. 2021-475 that suspended Los Altos Municipal Code Section 5.08.010 to facilitate a pilot off-leash program only at the Hillview Baseball Field; and

**WHEREAS**, the pilot off-leash program, if extended, 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 Hillview Baseball Field will be closed November 15 through January 2022 for annual maintenance; and

**WHEREAS**, pursuant to Ordinance No. 2021-475, the pilot off-leash program is scheduled to terminate on September 28, 2021; and

**WHEREAS**, the City Council desires to extend the pilot off-leash program between September 28, 2021, and until such time that the City Council receives a recommendation from the PARC and Council takes action.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Los Altos as follows:

**SECTION 1.** Pursuant to Ordinance No. 2021-475, Section 4, the pilot off-leash program at Hillview Baseball Field shall be extended until the City Council receives the PARC

recommendation and provides direction on a more permanent off-leash program at Hillview Baseball Field.

**SECTION 2. CEQA.** The City Council finds the adoption of this Resolution 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 off-leash 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 Resolution. The City Manager or designee is hereby directed to prepare and file a notice of exemption in connection with this Resolution, pursuant to CEQA Guidelines Section 15062.

**SECTION 4. EFFECTIVE DATE.** This Resolution No. 2021-50 shall be effective upon adoption.

The foregoing Resolution was adopted on September 21, 2021, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Neysa Fligor, MAYOR

Attest:

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Andrea Chelemengos, MMC, CITY CLERK

**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. to 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 181<sup>st</sup> 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 February 9, 2021 and was thereafter, at a regular meeting held on February 23, 2021 passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Neysa Fligor, MAYOR

Attest:

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Andrea Chelemengos, CMC, CITY CLERK