

**City of Culver City, California  
City Council Agenda Item Report**

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| Meeting Date: <u>02/09/09</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                  | Item Number: <u>A-1</u>                                                           |
| <b>AGENDA ITEM: Discussion of Allowing Dogs in Culver City Parks and Direction to Staff as Deemed Appropriate.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                  |                                                                                   |
| Contact Person/Dept.: Patrick Reynolds,<br>Parks Manager                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                  | Phone Number: (310) 253-6471                                                      |
| Fiscal Impact: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                  | General Fund: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Public Hearing: <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Action Item: <input checked="" type="checkbox"/> | Attachments: <input checked="" type="checkbox"/>                                  |
| Public Notification: Master E-mail Notification List (02/04/09); Advance Courtesy Email Notification to the City's Master Email Notification List and PRCS Department Distribution Lists (01/29/09); PRCS Public Notification Signs in Culver City Parks (01/30/09 through 02/09/09); Publication of Notice in the Culver City News (01/29/09); Postcard mailing to residents and businesses within a 500 ft. radius and to the end of the block of all eleven Culver City Parks, two Parkettes and two Playgrounds (01/08/09); Postcard mailing to those in the Culver City Dog License database not included in 01/08/09 mailing (01/14/09). |                                                  |                                                                                   |
| Department Approval:<br>Bill La Pointe, (01/29/09)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                  | City Attorney Approval:<br>Carol Schwab (by H. Baker) (02/03/09)                  |
| Chief Financial Officer Approval:<br>Jeff Muir (by M. Noller) (02/04/09)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                  | City Manager Approval:                                                            |

**RECOMMENDATION:**

Staff recommends the City Council discuss whether or not dogs should be allowed in Culver City Parks and, if so, under what conditions, and provide direction to staff as deemed appropriate.

**BACKGROUND:**

The Parks, Recreation and Community Services Commission (formerly known as the Parks and Recreation Commission, or the "Commission") and the City Council have heard the issue of allowing leashed dogs in Culver City Parks a number of times during the past four years. At this time, staff will present information and options that may not have been previously offered for consideration.

At the June 1, 2004 Parks and Recreation Commission Meeting, Agenda Item 7a) *Discussion Regarding Possible Amendment to the City Ordinance to Allow Dogs on Leashes in Public Parks on a Temporary Basis Until the Dog Park is Developed* was discussed by the Commission. The Commission directed staff to return with additional information, such as the impact on the park and other guests of the park and how other cities handle this issue. Copies of the staff report and minutes of the June 1, 2004 meeting are included as part of Attachment 1.

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At the October 5, 2004 Parks and Recreation Commission Meeting, Agenda Item 7c) *Continued Discussion Regarding a Possible Amendment to the City Ordinance to Allow Dogs on Leashes in Public Parks on a Temporary Basis Until the Dog Park is Developed* was discussed by the Commission. Staff had conducted additional research on the topic prior to this meeting. At that meeting, one member of the public expressed opposition to allowing dogs in the parks, even if leashed. In order to determine how other members of the public felt about this issue, it was suggested by the Commission that a community survey be conducted or, in the alternative, that a public hearing be held. The Commission moved to table the discussion of a temporary amendment and requested that the issue of a permanent Municipal Code amendment be agendaized for a public hearing at a future meeting. Copies of the staff report and minutes of the October 5, 2004 meeting are included as attachments to Attachment 1.

At the June 7, 2005 Parks and Recreation Commission Meeting, Agenda Item PH-1: *Discussion of the Consideration of Making a Recommendation to the City Council to Amend Sections 9.01.360 and 9.10.055 (A) of the Culver City Municipal Code to Allow Dogs on Leashes in Public Parks within Culver City* was heard by the Commission. Staff presented a report giving an overview of what other California cities are doing in relation to allowing leashed dogs in City parks. The meeting was well attended by members of the public (including comments received by e-mail), who expressed views both in support and in opposition to this issue. After giving the public an opportunity to speak and considering all the information before it, the Commission directed staff to come back with a proposal for the implementation of a pilot program to allow dogs on leashes in one of Culver City's public parks. Copies of the staff report and minutes of the June 7, 2005 meeting are included as attachments to Attachment 1.

At the July 5, 2005 Parks and Recreation Commission Meeting, Agenda Item A-2: *Consideration of a Proposal for a Dogs-on-Leashes Pilot Program in One of the Parks in Culver City* was discussed by the Commission. The proposal that staff presented at that meeting was a pilot program to be conducted in the "lower park" area of Culver City Park in order to study and observe the impacts of allowing leashed dogs in the park for a 90-day period, before a decision would be made as to whether or not to allow such a practice on a permanent basis and in additional City parks. Some Commissioners did not believe Culver City Park to be a good location for the pilot program and suggested Culver West (Alexander) Park instead, while other Commissioners were opposed to allowing dogs in the park at all, even as part of a temporary program. After discussing the matter, a motion was passed by the Commission (3-2, Shapiro and Deen dissenting) to recommend to the City Council that a pilot program be implemented at Culver West (Alexander) Park for a period of 90 days in order to evaluate the feasibility of allowing leashed dogs in City parks on a permanent basis. Copies of the staff report and minutes of the July 5, 2005 meeting are included as attachments to Attachment 1.

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At the July 25, 2005 City Council Meeting, Agenda Item A-2: *Consideration of a Proposed Pilot Program to Allow Dogs on Leashes in Culver West Park for a Period of Ninety Days; and Consideration of Introduction of an Ordinance Amending Culver City Municipal Code Sections 9.01.360 and 9.10.055(A), Relating to the Prohibition of Dogs Running at Large and in Public Parks, in Order to Implement the Pilot Program* was discussed by the City Council. Council took action to reconfirm the current Ordinance which prohibits dogs in parks with the exception of the Dog Park (motion by Councilmember Gross; seconded by Councilmember Rose, motion passes 4-1 with Councilmember Silbiger dissenting). Due to concerns expressed at the meeting by citizens who walked their dogs in the vicinity of Culver West (Alexander) Park, the City Council directed staff to assess and bring back a recommendation as to whether there was a way in Culver West (Alexander) Park to permit dogs, on pavement, to go from the parking lot to the pass-throughs to the adjacent neighborhoods (motion by Councilmember Gross; seconded by Councilmember Rose; passed unanimously). Copies of the staff report and minutes of the July 25, 2005 meeting are provided as Attachment 1.

**DISCUSSION:**

In this discussion, the following issues will be presented for the Council's consideration: 1) Parks lands space availability; 2) health; 3) safety; 4) possible benefits to dogs and their owners of allowing dogs in parks; 5) the December 2, 2008 PRCS Commission recommendation to City Council regarding allowing dogs in Culver City parks and 6) possible options for consideration.

1. Park Lands Space Availability – Currently Culver City has, as a part of its General Plan, a recommended standard of 10 acres of park land per 1000 population. Standards such as these are established in order to allocate adequate park space for Culver City residents to recreate and play. Through various mitigating and additive calculations and inclusions, the standard of 3 acres of park lands per 1000 population is Culver City's specific target (that amount of park land that Culver City alone should provide.) Currently, Culver City provides 2.3 acres of park lands per 1000 population which is 0.7 acres of park lands per 1000 population less than the City's target of available park lands space available to the City's citizenry of approximately 40,000. A rounded estimate of 2,000 dogs are licensed in the City. (Currently there are no estimates as to the number of dogs in Culver City that have not been licensed.) If these dogs were added into our City's "population" figures for park lands space calculations, the City would effectively have 2.19 acres per 1000 population, rather than 2.3 acres per 1000 currently. As one can see, the more living entities (human as well as animals) allowed into the park system for recreational purposes, the less park space is available for all.

2. Health Issues – Dogs will defecate and urinate in the parks and, even though conscientious owners and dog-walkers will pick-up after their dogs, one cannot completely "clean" the defecation from the turf and the urine cannot be cleaned from

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the area at all. Also, unfortunately, not all dog owners are considerate and conscientious enough to always pick-up after their dogs.

3. Safety – While dogs are considered “family members” by many, they are still animals whose behavior cannot always be anticipated. Sometimes, even the calmest and most congenial dog may, without warning and under unfamiliar circumstances, demonstrate aggression towards other dogs, animals or people.

Dogs may act out aggressively when trying to assume dominance, when they become fearful, protective, territorial or possessive, as well as for other reasons. Oftentimes, dogs will attack, bite and/or maul another animal or human when acting out aggressively.

Also, boisterous, loud or crowded areas may cause a dog to become aggressive or “act out.” Activities such as cheering, sporting events, fairs, festivals, large crowds and other events often associated with parks may cause the most calm and congenial dog to become fearful or territorial and act out aggressively.

4. Possible Benefits to Dogs and their Owners of Allowing Dogs in Parks – As noted in the survey of other California cities presented to the Commission on June 7, 2005, the top two benefits associated with allowing leashed dogs in park are related to the pleasure/convenience of dog owners and their dogs. Specifically, owners can share the park experience with their dog(s) and the park experience is a convenient way for dogs to get adequate exercise. Another convenience for dog owners might be that they no longer have to travel to neighboring cities or to Culver City’s Dog Park to be with their dog(s) in a park-like environment.

5. Parks, Recreation and Community Services Commission Recommendation to City Council Regarding Allowing Dogs in Culver City Parks – The PRCS Commission took action to make the following recommendation to City Council at their December 2, 2008 meeting (Attachment 2):

MOVED BY COMMISSIONER KIM, SECONDED BY VICE CHAIR DALY REDHOLTZ, AND UNANIMOUSLY PASSED (ABSENT CHAIR SHAPIRO) THAT THE PARKS, RECREATION AND COMMUNITY SERVICES COMMISSION: RECOMMEND TO THE CITY COUNCIL THAT THE CITY CONTINUE THE CURRENT ORDINANCES AND PRACTICES THAT DO NOT ALLOW DOGS IN PARKS, EXCEPT WHERE THERE IS A DESIGNATED DOG PATH OR DOG PARK AND THAT THE STAFF AND COMMISSION WOULD CONSIDER DESIGNATED DOG PATHS IN OTHER PARKS WHEN A NEED IS IDENTIFIED.

6. Possible Options for Consideration

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- A. (Commission's Recommendation) Continue the existing law and practices that do not allow dogs in parks, except in the Dog Park or where there is a designated dog path.
- B. Designate a time(s), day(s), and park(s) where only those guests with dogs are permitted to be in the park(s) and their dogs are allowed to be off-leash under voice command in the park(s) and direct staff to return to Council with a proposed ordinance for consideration.
- C. Designate a time(s), day(s) and park(s) where dogs and their owners are allowed in park(s) while the dog is kept on a maximum six (6) foot leash and direct staff to return to Council with a proposed ordinance for consideration.

When considering designating, time(s), day(s) and park(s), these should preferably be times when: (1) there are the fewest number of people in the parks; (2) there are the fewest number of children in the parks; (3) the activities in the parks are likely to be the calmest; and, (4) the park(s) designated should have the least number of "boisterous activity" amenities (i.e., sports fields, etc.), most probably pocket parks or neighborhood parks. Also, it is important to note that only dogs that have been licensed in Culver City would be allowed with their owners in the parks. All others would be subject to citations and fines. For example, the following option was considered (but not supported) by the PRCS Commission at the December 2, 2008 meeting:

*...that dogs and their owners be allowed in seven Culver City parks including Culver West Alexander, Tellefson, Carlson, Coombs, Blair Hills, Fox Hills Mini- and El Marino Parks under the following conditions: a) the owner of the dog must be present and be in control of the dog(s); b) the owner of the dog(s) must be able to physically restrain the dog(s) (a maximum of two dogs per owner); c) hours of park use are restricted to the hours of dawn until 10 a.m.; d) the dogs must be on a leash no longer than six (6) feet in length; e) the owner must pick up after their dog, including disposing of any dog feces in an appropriate manner; f) the dog must be kept at least twenty (20) feet from all picnic and playground areas, as well as any boisterous and/or playful activity taking place within the park; and, g) the dog must be currently licensed in Culver City, if not, this constitutes a violation for which the owner may be cited and fined.*

Should Council decide to allow dogs in Culver City parks under certain circumstances that are not consistent with the current Culver City Municipal Code, staff will return with a draft Ordinance based on Council's directive at this evening's meeting.

Public Notification

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As noted in the Public Notification section of the cover page of this report, both standard and courtesy email notifications were done for this item. PRCS Public Notification Signs were posted in Culver City Parks beginning on January 30, 2009 and remaining through February 9, 2009. A four (4) column by 6.25" Display Ad was run in the January 29, 2009 edition of the Culver City News, at a cost of \$320.00.

A total of 9,504 postcards were mailed to residents and businesses within a 500 ft. radius and to the end of the block of all eleven Culver City Parks, two Parkettes and two Playgrounds on January 8, 2009. This list of addresses was then cross-checked with the 2,003 addresses in the Culver City Dog License database. There were 1,245 addresses that had not been included in January 8, 2009 mailing. Postcards were sent to these addresses on January 14, 2009. The cost of a postcard notification has been estimated at \$0.50 per postcard, including postage, materials and Graphic Services staff time. Using this estimate, the cost to the City of a mailing of 10,749 postcards is \$5,374.50.

An additional 255 postcards that were printed were not mailed, but instead placed on public counters in City facilities, including at the Veterans' Memorial Building, the Senior Center, City Hall and at the back of the Mike Balkman Council Chambers. A copy of the front and back of the public notification postcard, which noticed three (3) Parks, Recreation and Community Services Department City Council Agenda Items is provided as Attachment 3.

**FISCAL IMPACT:**

There would be added staff time and cost (incalculable at this time) in order to handle any defecation issues not attended to by dog owners, as well as code enforcement and complaint/injury issues that might arise.

**ATTACHMENTS:**

1. July 25, 2005 City Council Meeting Agenda Item A-2: *Consideration of a Proposed Pilot Program to Allow Dogs on Leashes in Culver West Park for a Period of Ninety Days; and Consideration of Introduction of an Ordinance Amending Culver City Municipal Code Sections 9.01.360 and 9.10.055(A), Relating to the Prohibition of Dogs Running at Large and in Public Parks, in Order to Implement the Pilot Program* with Attachments and related approved meeting minutes.
2. Approved minutes of the December 2, 2008 Parks, Recreation and Community Services Commission meeting.
3. Copy of the postcard noticing this Agenda Item

**MOTIONS:**

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That the City Council:

1. (Commission's Recommendation) Continue the existing law and practices that do not allow dogs in parks, except at the Culver City Dog Park or where there is a designated dog path;

or

2. (Consistent with Commission's Recommendation) Continue the existing law and practices that do not allow dogs in parks, except in the Culver City Dog Park or where there is a designated dog path, and authorize staff and Parks, Recreation and Community Services Commission to consider recommendations to Council for designated dog paths in other parks when a need is identified, as recommended by the Commission;

or

3. Determine that dogs and their owners be allowed in the following City Parks:

\_\_\_\_\_ ,

under the following conditions:

\_\_\_\_\_

\_\_\_\_\_ ;

and direct staff to return to Council with a proposed ordinance consistent with Council's direction.

or

4. Provide staff with alternate direction.