



# City of Culver City

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## Staff Report

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**File #:** 16-507, **Version:** 1

**Item #:** A-1.

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**Discussion Regarding the Size and/or Temperament Restrictions for the Enclosures in The Boneyard (aka, the Culver City Off-Leash Dog Park) at Culver City Park.**

**Meeting Date:** January 10, 2016

**Contact Person/Dept:** Daniel Hernandez/Parks, Recreation & Community Services Dept.  
**Phone Number:** (310) 253-6655

**Fiscal Impact:** Yes ☐ No ☒

**General Fund:** Yes ☐ No ☐

**Public Hearing:** ☐

**Action Item:** ☒

**Attachments:** Yes ☒ No ☐

**Public Notification:** (Email) Meetings and Agendas - Parks, Recreation and Community Services Commission (01/05/17); (Email) Parks, Recreation & Community Service Department Updates (01/05/17); (Email) Friends of the Culver City Dog Park (01/05/17)

**Department Approval:** Daniel Hernandez, PRCS Director (01/04/16)

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### **RECOMMENDATION**

Staff recommends that the Parks, Recreation and Community Services Commission (PRCSC) discuss the size and/or temperament restrictions for the enclosures in The Boneyard (aka, the Culver City Off-Leash Dog Park) at Culver City Park, and provide comments to staff as may be deemed appropriate.

### **BACKGROUND**

The Boneyard (aka, the Culver City Off-Leash Dog Park) at Culver City Park was first opened to the public on March 4, 2006. Subsequently, a formal Grand Opening Ceremony for the Park was held on April 22, 2006. For those interested in the development of the Dog Park up until that time, a brief history of the Park through February 2006, as posted on the Friends of the Culver City Dog Park (the "FCCDP") website is provided as Attachment 1. The Park was constructed with two main enclosures. Currently, there are signs on the enclosures that state that one enclosure is for dogs up to 25 pounds in weight and "timid" dogs, and one enclosure is for dogs over 25 pounds in weight.

At the December 6, 2016 PRCSC meeting, Commissioner Garland read an email from a member of the public who expressed concern about having a "medium-sized" dog (approximately 40 pounds in weight), that is not being well-accepted by the other dogs in the Large Dog Enclosure. This person asked the PRCSC to "rethink the qualifications for the two sides." The PRCSC reached consensus to agendize the discussion of the size and/or temperament restrictions for the enclosures in The Boneyard for this evening's meeting.

### **DISCUSSION**

The Operation of The Boneyard

- Per the requirements set forth by the City Council for the construction of the Dog Park, the Friends entered into a Memorandum of Understanding (MOU) with the City of Culver City. The MOU includes an Amendment which was effective as of July 28, 2008 (Attachment 2). The MOU states, in part, that “the parties acknowledge that the Dog Park is a City park, owned by the City and operated for the benefit of the general public and canines” (Recitals and Definitions, Item D).

There are also sections that state that “the FCCDP may assist the City in amending the Rules and Regulations associated with the use of the Dog Park as deemed necessary by either party” (Section 2, Item H); and, that “the City shall ultimately be responsible for the overall development, operation and maintenance of the Dog Park” (Section 3, Item A).

- The Boneyard Rules and Regulations are enumerated in § 9.10.400 of the Culver City Municipal Code (Attachment 3). They state, in part:

*I. The use of the Dog Park in the City by an owner of a dog or by a person having charge, care, custody or control of a dog shall constitute an agreement, by said owner or person having charge, care, custody or control of a dog, to protect, indemnify, defend and hold harmless the City from any claim of injury or damage arising from or in connection with the use of the Dog Park, including but not limited to, injuries arising from dog bites.*

*J. 1. A person entering, using or visiting the Dog Park expressly assumes the risk of any injury or damage which may arise from or in connection with such entrance, visit or use of the Dog Park, including but not limited to, injuries resulting from dog bites.*

*2. The City shall not be liable for injuries or damages arising from or in connection with the use of the Dog Park, including but not limited to, injuries resulting from dog bites, by an owner of a dog or by a person having charge, care, custody or control of a dog.*

- Because those using or visiting the Dog Park do so at their own risk, and the City assumes no liability for the actions of dogs or their owners, the Dog Park is considered to be “self-policing.” That is, the resolution of any problems or disputes between owners (barring illegal activity) is the responsibility of those involved, not of City staff, or the Friends of the Culver City Dog Park. Such disputes may include differences of opinion over whether or not a certain dog “belongs” in the Small Dog Enclosure or the Large Dog Enclosure. The Rules and Regulations merely state that visitors must use the appropriate areas of the Dog Park designated for “Small/Timid” or “Large” dogs. In many cases, the issue of “who goes where” is best determined by those who are using the Dog Park at the time.
- One reason that dogs under four months old are not allowed at the Dog Park because they are considered to be “puppies” who have not yet had the opportunity to be fully-socialized with other dogs and/or humans. However, as with the developmental milestones of all animals, the four month mark is guideline that may not apply to all dogs. Rambunctious/playful dogs over four months of age may not be well-tolerated by other dogs that frequent the Dog Park. If this is the case, such dogs may need more time to mature before they can fully enjoy the Dog Park with their handlers.

The Development of Size and/or Temperament Restrictions for the Enclosures

- The development of the plans and specifications, MOU, Maintenance Activities Schedule, and rules and regulations for the off-leash dog park (“The Boneyard”), were the result of a substantial and

cooperative effort among City staff, the Friends of the Culver City Dog Park, the Dog Park Subcommittee, the Parks and Recreation Commission (the PRCSC's former title), Kleinfelder (environmental engineers), and the environmental cleanup oversight agencies (the EPA and the Los Angeles County Fire Department).

- The Boneyard is just under one acre, which is the minimum size recommended for the development of an off-leash dog park. As such, having more than two Enclosures is not feasible.
- Extensive research was done by a "working group," consisting of City staff, the Friends of the Culver City Dog Park, the Dog Park Subcommittee, the Parks and Recreation Commission on the accepted standards for off-leash dog parks ("dog parks"), including those in Southern California, Northern California, and across the United States.
- It was found that for dog parks with more than one enclosure, two enclosures were the norm.
- For those dog parks that posted weight limits on the enclosures (some did not), the generally accepted standard for the Small Dog Enclosure was an upper weight limit of 25 pounds.
- Weight limits, not height limits, were the standard measure for designating the size of dogs allowed in enclosures. However, the working group did consider the use of height limits during its discussions of the enclosure restrictions, but decided against it.
- The working group felt it was important to include dogs that are senior, disabled and/or shy in the Small Dog Enclosure. After much deliberation, the term "timid" was adopted to designate this more vulnerable dog population. Still, it was recognized that the term "timid" is subjective, and caution must be exercised by users when placing dogs over 25 pounds in the Small Dog Enclosure.

### Summary

As of the writing of this report, staff is not aware of any other requests by users to reconsider the size restrictions for the enclosures in The Boneyard. In general, it is a very popular amenity that receives a preponderance of positive reviews on social media sites. Although it is not their responsibility to police the area, Parks Division crew members doing maintenance at The Boneyard have received some complaints about large dogs being placed in the Small Dog Enclosure by their handlers. However, as stated above, such differences of opinion must be resolved by users. It should also be noted that the City's Animal Control Officer was not available for comment on this topic before the staff report was due. However, staff will attempt to reach out to her before the meeting date.

### **FISCAL ANALYSIS**

There is no fiscal impact associated with the discussion of this Agenda Item.

### **ATTACHMENTS**

1. 2017-01-10 - ATT "A Brief History of The Boneyard," as posted on the website of the Friends of the Culver City Dog Park
2. 2017-01-10 - ATT MOU between the City of Culver City (the "City") and the Friends of the Culver City Dog Park (the "FCCDP").

3. 2017-01-10 - ATT Culver City Municipal Code § 9.10.400

**MOTION**

That the Parks, Recreation and Community Services Commission:

1. Discuss the size and/or temperament restrictions for the enclosures in The Boneyard (aka, the Culver City Off-Leash Dog Park) at Culver City Park; and,
2. Provide comments to staff as may be deemed appropriate.