

Capitola City Council

Agenda Report



Meeting: September 22, 2022

From: Public Works Department

Subject: Consider a Petition to Create a Dogs Off-Leash Area at Monterey Avenue Park

Recommended Action: Take no action; thereby maintaining existing rules requiring dogs remain on leash at Monterey Avenue Park due to existing Park uses.

Background: City Council has been presented a petition proposing a 90-day trial period for a dog off-leash area in Monterey Avenue Park. The specific language in the petition is as follows:

- 1) *The "off-leash period" would only be between 5:30pm and 6:30pm each evening (summer hours)*
- 2) *All dog owners must pay attention to their dog to ensure it does not approach or bother any other person/s that may be in the park at this time.*
- 3) *All dog owners commit to cleaning up after their dogs.*
- 4) *Dogs will not be allowed to interfere with any other activities going on in the park (e.g. baseball, etc.).*

The full petition is included as Attachment 1. A picture of Monterey Park, identifying the proposed off-leash location, is included as Attachment 2.

Currently, under the Capitola Municipal Code Section 6.14.200 (below), dogs are only allowed in Monterey Park if they are on a leash:

6.14.200 Dogs in public places – Permitted and prohibited locations.

A. Except as provided in Section [6.14.210](#), it is unlawful for any person owning, having an interest in, harboring or having charge of the care, custody, control or possession of any dog to cause or permit such dog to be in any of the following locations, whether with or without a leash:

1. *On any public beach within the city of Capitola;*
2. *Capitola Wharf;*
3. *Any other public location in the city that is posted with signage prohibiting dogs.*

B. Dogs shall be permitted on leash in the following parks unless the city council, by resolution, declares the prohibitions of subsection A of this section applicable to such areas: Monterey Avenue Park, Noble Gulch Park, Perry Park, Soquel Creek Park, Jade Street Park (except for lawn and tennis court areas), and Esplanade Park (except for lawn areas). (Ord. [912](#) § 2, 2006)

The petitioners have provided a copy of a Dog Off-Leash Administrative Policy enacted by the City of Cupertino where dogs are allowed off-leash at one of the City's parks for two hours each day, from one hour before sunset to one hour after sunset. A copy of Cupertino's policy is included as Attachment 3.

Discussion: The City of Capitola has an established off-leash dog park at McGregor Park, approximately 0.8 mile away from Monterey Avenue Park. The dog park at McGregor Park was included in the park design following multiple public hearings over several years regarding potential locations for a permanent dog facility.

Currently Monterey Park is used by New Brighton Middle School on school days from 8 a.m. to 4 p.m. for physical education classes and after school team activities. The field is also rented by youth softball and soccer sports leagues. These rentals typically run from 4 p.m. to 8 p.m. during the week and 10 a.m. to 3 p.m. on Saturdays. The fields are not rented on Sundays. Based on these existing park uses, and

the difficulty in creating a new area isolated from these uses, staff recommends the existing rules requiring dogs on-leash remain in place.

In the future, if City Council wants to increase the number of off-leash dog areas in the City, staff suggests establishing this as a goal during future goal setting / budget processes.

Alternatives

Should City Council want to establish a trial program to allow dogs off-leash at Monterey Avenue Park, Council could direct staff to prepare a resolution for consideration at a future meeting that:

- Suspended CMC 6.14.200 for the trial period
- Designated an area for the dogs off-leash use
- Established other rules

Permanent development of a dog off-leash area would require amending the municipal code and adopting a new City administrative policy, likely similar to the example from the City of Cupertino.

Fiscal Impact: Dependent upon Council direction.

Attachments:

1. Petition dated July 11, 2022
2. Map of Monterey Avenue Park
3. City of Cupertino Dog Off Leash Area Administrative Policy

Report Prepared By: Steven Jesberg, Public Works Director

Reviewed By: Chloé Woodmansee, Assistant to the City Manager; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager