

Amended 02.04.2022



AGENDA REPORT SUMMARY

Meeting Date: February 8, 2022

Subject: Ordinance No. 2022-XXX – Off-Leash Fenced-in Dog Parks: Introduce first reading of an ordinance amending Los Altos Municipal Code Section 5.08 authorizing off-leash fenced-in dog parks in certain designated areas within Los Altos, affirming the off leash dog park locations at Hillview and McKenzie and making findings that the projects are exempt pursuant to CEQA

Prepared by: Donna Legge, Recreation & Community Services Director
Manny Hernandez, Maintenance Services Director

Approved by: Gabriel Engeland, City Manager

Attachments:

1. Fenced-in Dog Park Maps
2. Fenced-in Dog Park Map of Northwest Auxiliary Parking Lot and Landscape Area
3. Ordinance No. 2022 - XXX: amending Los Altos Municipal Code Section 5.08 authorizing off-leash fenced-in dog parks in certain areas within the City, and making findings pursuant to CEQA

Initiated by:
City Council

Previous Council Consideration:

February 12, 2019; November 10, 2020; February 9, 2021; February 23, 2021; September 21, 2021, October 26, 2021, and January 11, 2022.

Fiscal Impact:

If approved, the Park Improvement CIP for Fiscal Year 2021-22 will be increased by \$100,000. The funds will be allocated from the City's Park in Lieu Funds. There is no impact to the City's General Fund.

Improvements will come forward as part of the normal budget process. The ongoing maintenance of \$16,000 for two off-leash dog parks will be included in the FY 2022-2023 operational budget.

Future budgets will include designs for the permanent off-leash dog parks and will be in addition to the costs identified in this report.

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JF



Subject: Ordinance Amending Los Altos Municipal Code Section 5.08 Providing for Off-leash Dog Parks in Certain Areas within Los Altos

Environmental Review:

The City Council finds the adoption of this ordinance (Project) 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), and 15305 (Minor Alterations to Land Use Restrictions), because the off-leash fenced-in dog parks in certain designated location within the City authorized by this ordinance are not anticipated to have any significant adverse impact upon the existing environment, will involve the use of an existing recreational facility, and will not significantly alter existing facilities or existing land use restrictions. 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 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.

Policy Question(s) for Council Consideration:

- Does Council want to consider the adoption of Ordinance No. 2022-XXX: amending Los Altos Municipal Code Section 5.08 authorizing off-leash fenced-in dog parks as designated, and making findings pursuant to CEQA?
- Does the City Council wish to affirm the location of a fenced dog park at the Hillview Soccer Field in North Los Altos?
- Does the City Council wish to affirm the location of a fenced dog at McKenzie Park in South Los Altos?

Summary:

- In accordance with LAMC 5.08.010, dogs are prohibited to be off-leash in Los Altos parks
- Establishment of off-leash fenced-in dog parks requires an amendment to Los Altos Municipal Code Section 5.08 as proposed in Attachment 3 to this report, and making findings pursuant to CEQA

Staff Recommendation:

Introduce and waive further reading of Ordinance No. 2022-XXX: amending Los Altos Municipal Code Section 5.08 authorizing off-leash fenced-in dog parks in certain areas within the city, making findings pursuant to CEQA, and increase the current fiscal year budget by \$100,000.

Purpose



Subject: Ordinance Amending Los Altos Municipal Code Section 5.08 Providing for Off-leash Dog Parks in Certain Areas within Los Altos

The proposed Ordinance change will allow dog owners to have their dogs off-leash in designated fenced-in areas.

The development of the proposed dog parks would be funded through Park in Lieu Funds.

Background

At its regular meeting of October 26, 2021, Council directed staff to work toward identifying possible ordinance changes to allow for fenced-in dog park options in north and south Los Altos, and to bring the recommended changes to Council by February 2022.

On January 11, 2022, City staff shared its established criteria and ranked nine alternative dog park locations to accommodate two fenced-in dog parks, one in north and one in south Los Altos.

The City Council directed staff to take the following actions:

- 1) Return with an ordinance amending Los Altos Municipal Code Section 5.08 to be brought back for introduction.
- 2) Return for formal authorization to increase the current fiscal year budget by \$100,000 allocated from Park in Lieu funds to develop the fenced-in dog parks.
- 3) Further explore an alternative future site for north Los Altos adjacent to the Soccer Field.

Discussion/Analysis

As directed by the City Council, staff has proposed changes to the relevant ordinance which would allow dogs to be off-leash in designated areas and proposed the establishment of dog parks using Park in Lieu Funds.

Additionally, staff reviewed an alternative site in North Los Altos, located at the existing northwest auxiliary parking lot and landscape area, west of the Bus Barn Theater. The parking area includes 16 parking spaces located adjacent to the Friends of the Library (FOL) portable building, the FOL of the portable building itself, as well as the surrounding area. The map of the alternative location is Attachment 2 of this report.

Should Council approve the northwest auxiliary parking lot and landscape area as the fenced-in off-leash dog park location, Staff still recommends allocating funds for fencing and improvements for the location adjacent to the Civic Center Soccer Field. This location could become operational



Subject: Ordinance Amending Los Altos Municipal Code Section 5.08 Providing for Off-leash Dog Parks in Certain Areas within Los Altos

quickly, while designs were finalized for the permanent location. Once the permanent location is established, the temporary location would be decommissioned.

Recommendation

Introduce and waive further reading of Ordinance No. 2022-XXX: amending Los Altos Municipal Code Section 5.08 authorizing off-leash fenced-in dog parks in certain areas within the city and making findings pursuant to CEQA.

Approve the allocation of \$100,000 to the Park Improvement CIP for Fiscal Year 2021-22 and increase the current fiscal year budget by this amount.

Determine final location for proposed dog park in North Los Altos as referenced in this report.

Affirm location of dog park in McKenzie Park in South Los Altos.

North Los Altos - Soccer Field East

(Civic Center - 97 Hillview Avenue)

Conceptual Maps - Not Engineered or to Scale

Soccer Field East (6,300 sq ft)



Soccer Field East (6,300 sq ft)



South Los Altos - McKenzie Park West

(404 Fremont Avenue)

Conceptual Maps - Not Engineered or to Scale

McKenzie West (7,200 sq ft)



McKenzie West (7,200 sq ft)

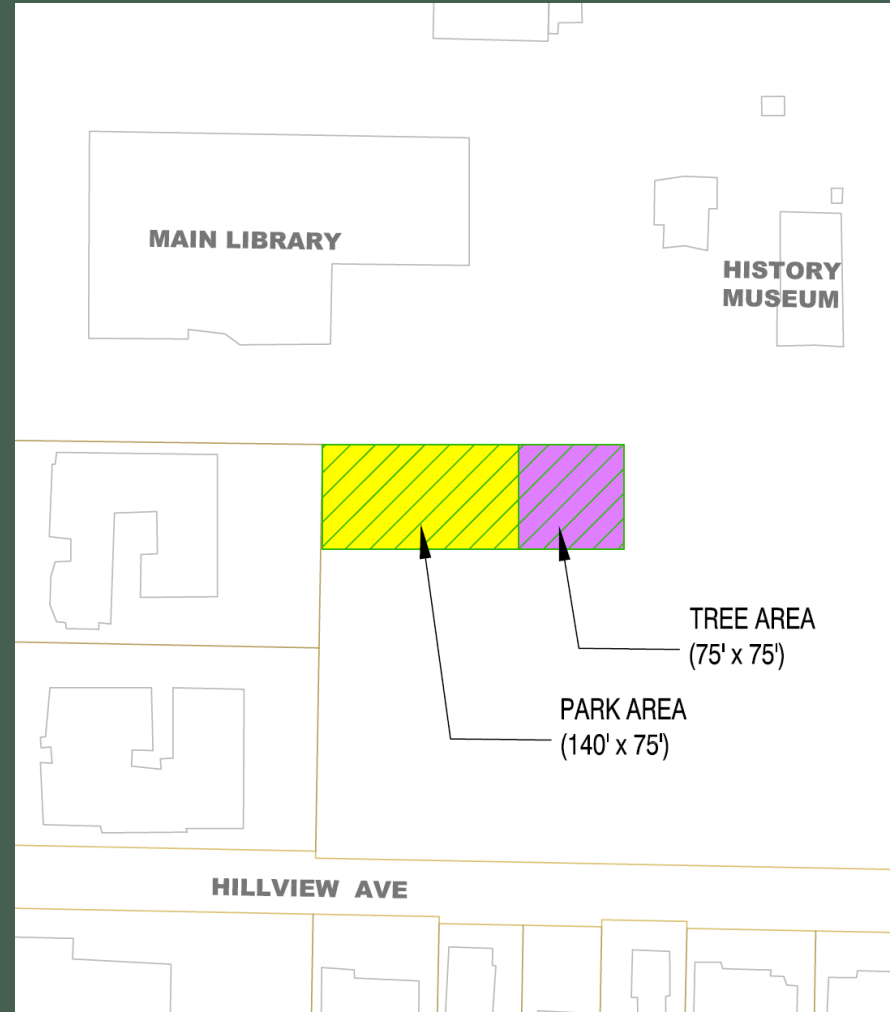


North Los Altos Alternative - NW Auxiliary Parking Lot and Landscape Area (97 Hillview Avenue)

Lot Area 10,500 sq ft, Tree Area 5,625 sq ft



Lot Area 10,500 sq ft, Tree Area 5,625 sq ft



ORDINANCE NO. 2022-__

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING LOS ALTOS MUNICIPAL CODE SECTION 5.08 AUTHORIZING
OFF-LEASH FENCED-IN DOG PARKS IN CERTAIN DESIGNATED
LOCATIONS WITHIN LOS ALTOS AND MAKING FINDINGS PURSUANT TO
CEQA**

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 Council suspended Los Altos Municipal Code Section 5.08.010 as recommended by staff to facilitate a pilot off-leash program at Hillview Park; and

WHEREAS, the City Council determined that the temporary pilot program was successful; and

WHEREAS, because of success of the pilot program the City Council considered amending Los Altos Municipal Code Section 5.08.010 to establish fenced-in dog parks in certain designated locations within the City; and

WHEREAS, the City Council also considered increasing the fiscal year budget by \$100,000 to be allocated from the Park in Lieu funds for use toward implementation of the fenced-in dog parks in certain designated locations within the City; and

WHEREAS, the City Council finds that the Park in Lieu fees may be used for the purpose of developing new or rehabilitating existing park or recreational facilities such as the development of fenced-in dog parks in certain designated locations within the City because: (1) the neighborhood in which the fees are to be expended has fewer than three acres of park area per 1,000 members of the City; (2) it reasonably foreseeable that City residents will use the proposed park and recreational facilities where the fees are being used; (3) the use of the fees is consistent with the City's adopted general plan and park master plan; and (4) the fees are used in compliance Los Altos Municipal Code Section 13.24.010.

WHEREAS, the proposed ordinance amending Los Altos Municipal Code Section 5.08.010 establishing fenced-in dog parks in certain designated locations within the City is not anticipated to have any significant adverse effect upon the health, safety, welfare, or physical environment of the Los Altos community; and

ATTACHMENT 3

NOW THEREFORE, the City Council of the City of Los Altos does ordain as follows:

SECTION 1. The City Council finds that the recitals set forth above are true and correct.

SECTION 2. Los Altos Municipal Code Section 5.08.010 A, is hereby amended to read as follows:

“A.1. Except as provided below in A.2., no person owning or having the control of any animal shall permit such animal to stray or run at large upon any public street or other public place or upon any private place or property or common area of any planned unit development, cluster, townhouse, or condominium project without the consent of the owner or person in control thereof.

2. Fenced-in dog parks in certain designated locations within the City may be established and thereafter implemented by the City Manager or his or her designee after all of the following findings have been made:

- (a) after a duly noticed public meeting the City Council has determined the designated park location(s); and
- (b) the designated fenced-in parks shall be posted with sufficient signage to provide sufficient notice to the public of the areas where the dogs may be off-leash; and
- (c) the designated fenced-in dog parks shall be subject to the rules and regulations set forth in Section 3 of this ordinance.”

SECTION 3. OFF-LEASH RULES AND REGULATIONS: The fenced-in dog parks in certain designated locations within the City as authorized in Section 5.08.010 2.A.2., above, shall be subject to compliance with the following rules and regulations:

- A. Dogs shall be allowed without physical restraint only in fenced-in dog parks only in certain designated locations within the City. Said off-leash areas and hours will be defined by signage approved by the City Manager or his or her designee.
- B. 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.
- C. 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.

ATTACHMENT 3

- D. Owners and handlers shall comply with every regulation for use of the park established by the City Manager as set forth in Section 4.
- E. 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 4. CITY MANAGER AUTHORITY: As set forth in Section 5.08.010 A.2 above, fenced-in dog parks in certain designated locations within the City may be implemented by the City Manager or his or her designee. The City Manager may establish additional rules and regulations for off-leash use of the fenced-in dog parks in certain designated locations within the City. 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.

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 (Project) 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), and 15305 (Minor Alterations to Land Use Restrictions), because the off-leash fenced-in dog parks in certain designated location within the City authorized by this ordinance are not anticipated to have any significant adverse impact upon the existing environment, will involve the use of an existing recreational facility, and will not significantly alter existing facilities or existing land use restrictions. 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 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 _____, 2022 and was thereafter, at a regular meeting held on _____, 2022 passed and adopted by the following vote:

AYES:

ATTACHMENT 3

NOES:
ABSENT:
ABSTAIN:

Anita Enander, MAYOR

Attest:

Andrea Chelemengos, CMC, CITY CLERK



PUBLIC CORRESPONDENCE

The following is public correspondence received by the City Clerk's Office after the posting of the original agenda. Individual contact information has been redacted for privacy. This may *not* be a comprehensive collection of the public correspondence, but staff makes its best effort to include all correspondence received to date.

To send correspondence to the City Council, on matters listed on the agenda please email PublicComment@losaltosca.gov

From: [Barbara Adey](#)
To: [City Council](#); [Public Comment](#)
Subject: Reconsider Fenced-in Dog Park at McKenzie
Date: Friday, January 28, 2022 9:48:57 AM

To the members of Los Altos Council,

Please reconsider your decision to put a fenced-in dog park at McKenzie Park.

We do not have enough open space in Los Altos. At the direction of Council, the facilities department plans to take up almost all the green space in McKenzie Park West for a fenced-in dog park. This will inevitably impact the quality of life for local residents, medical offices, and users of the tennis courts.

The attention to survival of the redwood trees and heritage oaks in the park is lacking. We've heard of efforts to prevent urine from touching the bark of trees above ground level. What arborist report can be shared with the public? The excess water needed to hose down all the urine and feces of visiting dogs will seep into the ground and slowly destroy all the trees in the park.

I am most shocked by the disregard for public process by the Council. In May 2020, the subcommittee for the Parks and Recreation Commission ruled out McKenzie Park as a location for a dog park. A survey of residents including dog owners found very low interest in a fenced-in dog park. There has been no outreach on this topic in two years. Yet suddenly, everything has changed and the Council has proceeded without consultation.

As a Los Altos resident who loves dogs, I urge you to keep our green space available for all creatures two-legged and four-legged.

Barbara Adey

From: [Ann Marrier](#)
To: council@losaltos.gov; [Public Comment](#)
Subject: Opposition to eliminating open space at McKenzie Park - Feb 8 Council Meeting
Date: Saturday, January 29, 2022 12:37:26 PM

Dear City Council,

My name is Ann Marrier and I write to you as a representative of the McKenzie family. As you may know, my grandparents John and Elizabeth McKenzie sold the land for McKenzie Park to City of Los Altos in 1965. This land was where my grandparents had their home and raised their three children. It was sold to the city with the intention of it being open space and parkland for all Los Altans to enjoy.

Our family is distressed to learn that the city plans to fence in the front of McKenzie Park, where my grandparents' home once stood, to become a dog park. We urge you to reconsider eliminating green open space and jeopardizing the beauty of this park. McKenzie Park is part of the heritage of Los Altos and its open space should not be repurposed so cavalierly.

I have attached a note from Caroline McKenzie Appling, the daughter of John and Elizabeth McKenzie, who wrote to the city council in 2014 when it was proposed to become a school site. Please note her words to the council since they are still true today: "The fact that land is at such a premium in Los Altos makes it even more essential to maintain the existing Los Altos parks." Please honor the wishes of my grandparents and keep McKenzie Park as open, green space for all to enjoy.

Sincerely,
Ann Marrier
Granddaughter of John and Elizabeth McKenzie

Mayor Satterlee, Council Members,

I urge you to keep McKenzie and Rosita Parks as they are today. McKenzie Park is especially important to me, as that property is where I grew up.

In a way, I have always seen the property as a "park." The beautiful apricot orchard there was where I played and worked day after day: trees to climb, blossoms to smell, irrigation ditches to float my "boats," fruit to harvest, brush to clear, "dare you" games to play.

The fact that land is at such a premium in Los Altos makes it even more essential to maintain the existing Los Altos parks.

Hopefully, a solution for a new elementary school can be found and located near the homes of the student population in need. Park land in Los Altos is needed by the population at large — all ages benefit from the availability of parks!

I feel that the decisions made in 1965, by my parents John and Elizabeth McKenzie and the City

of Los Altos, are still valid and should not be altered as a "quick fix" solution for finding a spot for the new elementary school.

Sincerely yours,

Caroline McKenzie Appling

From: John Snedigar <[REDACTED]@[REDACTED].com>

Sent: Friday, January 28, 2022 6:34 PM

To: City Council <council@losaltosca.gov>

Subject: voicing my opposition to the dog park proposed for McKenzie Park

Hello there, members of Los Altos City Council. I'm sure you're hearing from opponents and proponents of the dog park that's proposed for McKenzie Park. I'm writing to register my strong opposition.

I live with my wife and two kids on Clinton Road. My daughter (who's now 9 years old) and I have a weekly ritual of walking or riding our bikes to McKenzie. And you would think that with the larger park right at the end of our street, we would spend our time there. But no. Every time we go to the park (usually Saturday mornings), my daughter cruises right through the larger part of the park and heads straight to the climbing structure adjacent to the tennis courts. I asked her once why she insists on traveling to that particular part of the park, and she said it's "because she loves the climbing structure," and she also "likes watching people play tennis." Attached is a pic dated Jan 31 of last year - a year ago this coming Monday!

Now, my daughter's reasons for wanting to preserve the area in question are cute and sentimental to me, because I have countless fond memories of spending time with her in that part of the park shortly after she learned to walk, up to the present day. But that sentimentality isn't reason enough to oppose the creation of a dog park.

My opposition is rooted in what I've observed over many years spending my Saturdays in that spot with my daughter. I was surprised to learn how such a small triangle of greenspace is enjoyed by a wide range of people for a variety of purposes.

I've seen people pick up lunch at Rancho and walk over to picnic on the lawn.

I've seen people with walkers and in wheelchairs spend time under the big redwood trees (presumably folks in the sub-acute facility down the road - usually accompanied visiting family members. For many of those people, it could be the only half-hour they spend outside the entire week - how nice it must be for them to venture out for a short walk to enjoy the nearby greenspace).

During the week, I've seen staff from the nearby medical offices enjoying a break or lunch in the park.

Lastly, I've seen many other kids enjoy the climbing structure as my daughter and I have over the years.

My point here is to highlight that a wide range of people enjoy that small triangle of greenspace for a wide range of reasons. It's a great example of parkspace being used as it's intended - to be enjoyed by everyone for a variety of purposes.

To convert that area from multi-purpose space to a single purpose does a disservice to the land. And that doesn't even begin to address the aesthetic consequences of converting beautiful greenspace into a fenced-in dog park, not to mention potential long-term damage to the trees.

As city council members of Los Altos, you are temporary stewards of our shared public spaces. Decisions you make today will have implications that will far-outlive your time in office. Your vote carries great

weight. I ask you to please look within and ask yourselves if you want your legacy to be one of standing up for and protecting the beauty of our parks, and preserving their inclusive use by everyone.

If you are opposed to the dog park at McKenzie, thank you for showing leadership on this complex issue.

If you are in favor of the dog park at McKenzie, I respectfully ask you to reconsider.

Thank you.

John Snedigar
908 Clinton Road

