



# AGENDA REPORT

BEACHES, PARKS & RECREATION COMMISSION  
Meeting Date: August 11, 2015

Agenda Item 5.A.

**Approvals:**

Dept. Head CS

Manager [Signature]

Admin. Assistant [Signature]

**Department:** Beaches, Parks & Recreation  
**Prepared By:** Pamela Passow, Recreation Manager

**Subject:** *DOG ACCESS TO PUBLIC SPACES.*

**Fiscal Impact:** None.

**Summary:** Staff recommends that the Beaches, Parks and Recreation Commission receive and file this report.

**Background:** 1989, the then-named Parks and Recreation Commission reviewed the City ordinance that did not allow dogs on any park or beach, and recommended that the existing prohibition on dogs in parks and on the beach remain in place. Council upheld the existing prohibition of dogs in parks.

September 1994, the Parks and Recreation Commission reviewed the current City ordinance and received extensive public input on both sides of the issue, and recommended that the existing prohibition remain in place. Council upheld the Commission recommendation. However, the Commission decided to look into alternative options for dogs such as a dog exercise area somewhere in the City where dogs could be exercised off-leash. A citizens group was formed called "Friends Improving Dogs Options" (FIDO). Two members of the Commission were selected to join FIDO in solidifying a consensus that would be reviewed by the Commission and forwarded to Council for action.

January 4, 1995, the Commission recommended Council provide direction in respect to (1) investigate relaxing current City Ordinance prohibiting dogs in parks, and/or (2) investigate options of creating a dog exercise area somewhere in the city where dogs can be exercised off leash, or, (3) place no further efforts in this issue.

February 13, 2001, Council requested the Parks and Recreation Commission consider whether dogs should be allowed in City parks. As a result, the Commission created a sub-committee to research and study options.

October 10, 2001, as a result of the Commission recommendation derived from the sub-committee report, Council conceptually approved the development of a permanent off-leash dog park at Richard T. Steed Memorial Park and changed the City ordinance at that time to allow currently-licensed dogs on-leash in Verde, Mira Costa, and Calafia Beach Parks for a two-year test period with oversee by the Commission and quarterly reports. (Note: Calafia Beach Park was a city-operated and

maintained park but is now under the jurisdiction of the State Parks System since the 20-year lease with the State expired and was not renewed by the City.)

February 6, 2002, Council approved the development of a permanent off-leash dog park at Richard T. Steed Memorial Park and approved changing the current ordinance to allow currently-licensed dogs on-leash in Verde, Mira Costa, and Calafia Beach Parks for a two-year test period.

June 10, 2003, the Commission considered, by petition from Talega residents, Talega Park as an add-on to the three parks that allow dogs on-leash if the test of the three parks was determined successful. The Commission agreed to request that City Council consider opening Talega Park to dogs on-leash if the two-year test period was a success. (The two-year test period was successful and ended in May 2004.)

September 14, 2004, City Council adopted a resolution that allowed currently licensed, on-leash dogs in Calafia, Mira Costa and Verde Parks.

October 14, 2008, the Commission created a Dog Access Sub-Committee to evaluate dog access in parks and beaches who submitted a progress report on 12/8/09.

February 17 and February 26, 2011, the Dog Access Sub-Committee hosted two public workshops to solicit input on this item.

October 4, 2011, The Dog Access Subcommittee presented a report of its findings to the Beaches, Parks and Recreation Commission who considered increased access to parks and a phased program for Beach access.

March 6, 2012, the City Council directed staff to (1) develop a program to allow dogs on-leash at all City parks, (2) consider a pilot/phased approach and availability of some sports fields, with attention to the Vista Hermosa Sports Park and trail, and (3) return to the Beaches, Parks and Recreation Commission and City Council with the understanding that the City is open to expanding dog presence in the park system; and (4) identify locations for new dog runs in existing parks and (5) return to the Beaches, Parks and Recreation Commission and City Council for possible amendments to existing park master plans, CEQA documentation, and amendments to Municipal Codes, with the understanding that the City is open to allowing more dogs to enjoy the park system.

January 22, 2013, as recommended by the Beaches, Parks and Recreation Commission, the City Council approved dog access to Bonito Canyon, Leslie, Linda Lane, Max Berg Plaza, Marblehead Inland, Mira Costa, Parque Del Mar (excluding Park Semper Fi special use area), Rancho San Clemente, San Luis Rey, Talega, and Tierra Grande Parks, as well as the Community Center grounds. Discussion was held to explore additional opportunities for dogs including fenced dog runs in existing parks.

March 14, 2014, as recommended by the Beaches, Parks and Recreation Commission, the City Council approved a municipal code change to allow dogs on all City parks with except playground areas, sport fields, and Park Semper Fi special use area.

**Discussion:** The City currently allows dogs on leash in all City parks except Park Semper Fi. One of the desires for allowing dogs in parks would be the increase in dog licensing. Unfortunately, the amount of licensed dogs has remained steady since the code came into existence.

Before the change, Park Monitors were spending a good amount of time educating patrons about dogs not being allowed in parks. Since allowing the dogs in parks, the Park Monitors have been able to focus on other items, such as monitoring activities in parks, reporting maintenance issues, and educating the public about policies and procedures.

In March, 2012, the City Council considered designating an area of San Clemente beach for dogs. With the diminishing beach space for the public, the Council voted to defer this item until there was a significant change on our beaches. The beaches have not increased in acreage and in some areas, have decreased.

In March, 2014, the Commission recommended the former Trap and Skeet Range near Vista Bahia Park be utilized by off-leash dogs on an interim basis. Staff has researched the possibility of converting this space, and found it to be a non-viable option. In order to for the site to be made suitable for off-leash dog use, costly and significant upgrades to the location are needed related to ADA accessibility of the site itself, as well as access to the site.

With the Beaches, Parks and Recreation Master Plan coming online this coming year, dog access and possible improvements to public spaces can be considered as part of the overall master plan process.

**Recommended**

**Action:** STAFF RECOMMENDS THAT the Beaches, Parks & Recreation Commission receive and file this report.

**Attachments:** 1. 2011 Dog Access Subcommittee Report  
2. San Clemente Municipal Code Section 6.08.020

**Notification:** None.



## Report from the Dog Access Sub-Committee

By Steven Streger and Thomas Wicks  
Commissioners, San Clemente Parks & Recreation

Special thanks to Al King, Rick Gilliland, Tim Shaw,  
Tom Bonigut, Dennis Reed, Bill Humphreys, Carla DiCandia  
and Kristi Russell for their assistance with the Sub-Committee

### **I. The Need to Address Dog Access**

#### **A. Introduction**

On October 15, 2008, this Commission voted unanimously to create a Dog Access Sub-Committee for the purpose of evaluating dog access in parks and beaches. Steven Streger was appointed to head the sub-committee. This is the first official report of that Sub-Committee, though an informal oral report was previously made at a joint Commission/Council meeting.

#### **B. Dog Population in San Clemente**

While there are approximately 4,200 dogs licensed in the City of San Clemente (according to CASA), a statistically valid database developed by the National Council on Pet Population Study & Policy ([www.petpopulation.org](http://www.petpopulation.org)), indicates that San Clemente likely has as many as 15,670 dogs.

#### **C. Lost Licensing Revenue**

Assuming an estimated 10,000 unlicensed dogs, the estimated loss of revenue to CASA and the City is at least \$150,000 annually (assuming only neutered/spayed dogs). This figure does not take into account fines for ordinance violations under Section 1.16.010.

#### **D. Current Limits on Dog Access**

San Clemente has a total of 153.72 acres of open park/field. Of that total, dogs are only permitted access to 7.39 of those acres (the Baron von Willard dog park, Mira Costa Park and Verde Park). Dogs are forbidden from 95% of the open parks/fields in San Clemente. Dogs are also not permitted on the beaches, but are permitted on trails – including the beach trail. Notwithstanding express limits, residents report seeing dogs often in parks (on- and off-leash) and on the beach.

#### **E. Public Input to Date**

On October 22, 2008, the Orange County Register ran an article, and solicited public feedback, on dog access in San Clemente. The vast majority of responses were in favor of increasing dog access in parks and on the beach. Informal interviews with residents on the topic of dog access has shown that many citizens view San Clemente as “unfriendly” to dogs and prefer greater access. Recent responses to the Mayor’s Blog on this topic echo a similar sentiment. A recent article in the San Clemente Journal on the topic encouraged citizens to voice their opinions on dog access issues. The public interest has been stirred.

With regard to fecal matter, the Watershed Task Force reported only 40 “piles” left behind by dog owners along the beach trail between August and December of 2008.

On February 17 and 26, 2011, this sub-committee conducted public workshops on the topic of dog access. Specifically, the workshops were structured to effectuate an open dialogue amongst residents on the following three primary topics: (1) additional on-leash options in community parks; (2) improvement to off-leash options, including the current dog park and any future new off-leash areas; and (3) limited access to the beach. Attendance was modest, but varied, promoting a robust discussion of the issues. Based on the comments, and the written surveys returned, the sub-committee narrowed the scope of proposed dog access.

On March 8, 2011, the sub-committee – joined by new member Chris McCormack – met with various department heads, including the heads of marine safety, recreation, water quality and park maintenance. The sub-committee had previously met with these individuals, and others, but wanted to share the results of the public workshops with department heads before going forward. The sub-committee received significant input from the various departments impacted by proposed dog access, and have incorporated those concerns into the present access paradigm.

## **F. Public Perception**

Dog Fancy Magazine named Huntington Beach as the nation’s most dog-friendly city. In addition to the honor, the magazine gifted a cash prize to the City. Undoubtedly related, National Geographic recently chose Huntington Beach as the site for auditions for its acclaimed show, *The Dog Whisperer*. Huntington Beach recognized the opportunity to brand itself as a “dog friendly” city, and took the necessary steps to earn that title. Dogs are becoming a prevalent part of all American families, and those families want to travel with their four-legged members.

## **II. On-Leash Park Access**

As indicated, of the 153.72 acres of parks/fields in the City, dogs are excluded from over 95% of those acres of open space. Many of these parks/fields are sited right in the middle of family neighborhoods. Currently only two City parks/fields permit dog walking on a leash: Mira Costa and Verde. Both are small neighborhood parks located (respectively) in the northwest and central-west section of San Clemente – a notable distance from all of the new home developments in San Clemente, including Marblehead, Talega and Forster Ranch.

Some of the reasons given for improving dog access in neighborhood parks:

- Good behavior: dogs need regular outings to reduce boredom and pent-up energy at home.
- Good health: walking is one of the best and easiest forms of physical activity.
- Good citizenry: accommodating dog owners in public open space may achieve higher levels of compliance by dog owners with relevant laws, including dog licensing and feces removal.
- Good community: Taking a dog out to neighborhood parks improves community camaraderie and responsibility. (*Journal of Nutrition and the Elderly, 1996; Psychological Reports, 1996*).
- Safety: dogs provide a measure of security, both perceived and real, to single women and elderly or handicapped persons who most often fall victim to crime in parks.
- ❖ Sub-topics within on-leash park access include all parks vs. select neighborhood parks.

### III. Off-Leash Improvements

According to the National Recreation and Park Association ([www.nrpa.org](http://www.nrpa.org)), dog parks are increasingly becoming a necessity for urban areas. “The local dog park is a place for dog owners and their dogs to get together for some social interaction and outdoor fun. The parks provide pets and owners time to bond and play but also serve a wider purpose: to bring together likeminded members of the community.” *Bringing the Community Together With Dog Parks*, The Dog Park ([www.thedogpark.com](http://www.thedogpark.com)).

According to the Association of Pet Dog Trainers ([www.apdt.com](http://www.apdt.com)), a properly-designed dog park should ideally have the following attributes:

- Materials for cleaning up after dogs, including ample bags and garbage cans;
- Drinking water and shade;
- Enough space to avoid crowding;
- Separate entrance and exit gates;
- Entrances and exits with a two-gate system (to minimize escape rates);
- Natural visual barriers with the park, such as hills and trees;
- No 90-degree angles in the fencing.

Baron von Willard Park does not possess all of the above-referenced attributes. The dog park is noticeably underused, and often described as “inadequate” by concerned citizens.

- ❖ Sub-topics within off-leash improvements include capital improvements to Baron von Willard or creation of a new dog park or privatized dog club (which can create revenue for the City, and which is being done in many other cities around the nation). In the end, it appears as though isolated “dog runs” may fare best on balance between the needs of dog owners and the present economy. A dog run is a fenced, but undeveloped, area where dogs could be free to run off-leash. There are some areas in existing parks which could lend well to a fenced dog run.

### IV. Beach Access

Currently, dogs are permitted on beach trail and access ways, but not directly on the beach. *City of San Clemente Municipal Code 6.08.020(A)(5)*. Neighboring cities which permit limited dog access on the beach include:

- Long Beach: off-leash year-round in Belmont Shores. *Municipal Code 6.16.310*.
- Huntington Beach: off-leash year-round between 22nd Street and Seapoint Avenue. *Municipal Code 13.08.070(A)*.
- Newport Beach: on-leash year-round before 9:00 am and after 5:00 pm. *Municipal Code 7.04.030*.
- Laguna Beach: on-leash year-round, except that in summer months only before 8:00am and after 6:00pm. *Municipal Code 6.16.020(a)(3)*.
- Carlsbad: on-leash year-round in Batiquitos Lagoon, Buena Vista Lagoon and Agua Hedionda Lagoon. *Municipal Code 11.32.030(11)*.
- Del Mar: on-leash year-round, except during the summer months between Powerhouse Park and 29th Street. *Municipal Code 4.08.020*.
- Imperial City: on-leash year-round. *Municipal Code 12.60.100(A)*.
- San Diego: off-leash year-round on Fiesta Island and Ocean Beach, and all other public beaches prior to 9:00 am and after 6:00 pm. *Municipal Code 63.20.12(a)-(d)*.

Other California beach communities allowing dog access: Crescent City, Mendocino, Trinidad, Bodega Bay, Half Moon Bay, San Francisco, Pacifica, Richmond, Lake Tahoe, Aptos, Big Sur, Capitola, Carmel, Monterey, Pacific Grove, San Luis Obispo, Santa Cruz, Goleta, Oxnard, Santa Barbara, Ventura and Malibu.

- ❖ Sub-topics within beach access include limited locations where dogs might be permitted, limited hours of the day when dogs are permitted, seasonal restrictions (such as during summer months) and leashing. After consulting with water quality experts and maintenance personnel, the current preference seems to be a pilot program (6-12 months) of leashed dogs at the north end of North Beach, and only in the morning hours (dawn to 9 or 10am). This location has several test sites and 10 years of statistical water quality baseline from which to accurately test against. It should be noted that Heal The Bay has not found an appreciable water quality loss at those OC beaches permitting dog access, and neither Surfrider nor the EPA are aware of any actual municipal studies of water quality changes pre- and post-dog access. In fact, the evidence seems to be to the contrary when one considers Heal the Bay's recent statewide water quality study ([www.healthebay.org](http://www.healthebay.org)), which found in part that "dog friendly" beaches rated quite high in water quality. Laguna Beach, for example, received an A+, and Huntington's "dog beach" received an A. The sub-committee did review studies pertaining to E. Coli levels in or around water sources, most of which were somewhat inconclusive. For example:
  - In the study "Identifying the Sources of E-coli Contamination to the Shellfish Growing Areas of the Morro Bay Estuary" (03/29/02), the report provides in pertinent part: "Potential sources of bacteria include agricultural runoff, domestic animal waste, leaking/failing septic systems, terrestrial and marine wildlife, discharge from recreational and commercial boats and boating facilities, urban runoff, leaking lift stations and faulty wastewater treatment plant operations ... When results were summed over the entire study the largest fractions of E. coli came from four sources: bird (22%), human (17%), bovine (14%) or dog (9%)."
  - Authors at Beachapedia.org compiled numerous studies on beach bacteria (water and sand), and summarized the findings as follows. For bacteria in the sand, studies found that E.Coli was found in virtually every sample, regardless of beach population, and that the highest levels were found in wet sand and at "enclosed" beaches that did not open directly into the ocean. For bacteria in the water, studies found that genetic fingerprinting could identify the source of fecal pollution, noting that birds and rodents accounted for the highest percentages of fecal contributors.
  - In one of the larger studies performed by scientists with the University of Nevada Cooperative Extension, testing along the shores of Lake Tahoe, researchers found in pertinent part: "Sampling results did not show water contamination or a link between accumulated dog wastes and E.coli in Burke Creek (Figure 3). In fact, we found that water leaving the study area had fewer CFU/100 ml than water entering the study area ... We found nearly complete loss of E. coli in dog feces within 60 hrs of exposure to evaporation rates of 0.08 inches/day and within 15 hours for 0.30 inches/day ... The results suggest that under the right circumstances E. coli in dog wastes may die quickly as moisture evaporates from feces, with complete die-off even before feces are completely desiccated. This helps to explain why we found no link between E. coli in water samples and the accumulations of dog wastes." Researchers went on to suggest public awareness campaigns and "siting" (creating a place away from the water line where dogs will naturally prefer to go) can help.

**6.08.020 - Dogs on public property—Animals in proximity to residences.**

- A. Dogs Within or Upon Public Beaches, Parks, Municipal Pier, Municipal Golf Course, etc., Prohibited. ....Except as provided below, no owner or person in charge or in control of any dog shall permit or allow such dog to be within or upon the public beaches, public access ways to the beach, parks, municipal pier, or municipal golf course, and such dogs are prohibited from being within or upon such aforementioned public places.
1. City Parks Where Dogs are Permitted On-Leash: A dog who is on a leash and under the control of the dog's owner or the owner's agent is permitted within specified parks that the City Council may, from time to time, designate by duly passed resolution.
  2. City Parks Where Dogs are Permitted Off-Leash: The City Council may, from time to time, designate by duly passed resolution, one or more off-leash dog parks where dogs may be permitted without a leash, provided the owners or owners' agents comply with all animal related rules and regulations, including posted rules and regulations specifically provided for the use of said off-leash dog park(s).
  3. Effective Date Designated Parks Are Available To Dogs; Regulations: A park designated by the City Council as being available to dogs shall be deemed to be available for use by dogs at such time as the Director of Beaches, Parks and Recreation erects signs in the park noting that the park has been so designated. Any dog using a public park in accordance with this section shall have a collar attached to it that contains a current dog license. The owner or person in charge or in control of any dog using a public park in violation of this section shall be subject to an escalating fine. For specification of the penalties for the violation of this section, see Section 1.16.010.
  4. Removal of Park From List of Designated Dog Parks: Notwithstanding any of the above, the City Council may, from time to time, by duly passed resolution, remove any park from its list of parks designated for use by dogs if it determines that such removal is in the best interests of the City.
  5. Dogs on Leashes Allowed on Beach Trail: A dog who is on a leash and under the control of the dog's owner or the owner's agent is permitted on all portions of the Beach Trail and all beach access ways providing access to the Beach Trail, including those portions of the Beach Trail and beach access ways that overlay the beach service road, at all times of the year, except on the Fourth of July and during the time that major City-sponsored special events (e.g., the Ocean Festival) are occurring on the beach and the Director of Beaches, Parks, and Recreation has posted the Beach Trail to prohibit dogs, at which times dogs shall be prohibited in such areas.
- B. Dogs on Leashes Allowed on Municipal Trails. ....Dogs which are on leashes and under the control of the dog's owner or owner's agent are permitted on municipal trails. For the purposes of this section, the term "municipal trails" shall mean those trails identified in the City of San Clemente General Plan.
- C. Keeping of Certain Animals and Fowl Near Residences. ....It shall be unlawful for any person in a residential structure to keep or maintain any animal within one hundred (100) feet of any other residential structure occupied by a person other than the animal's owner and/or keeper unless:
1. It is expressly allowed by the Zoning Code;
  2. Dogs and cats. With the exception of those persons who have a valid animal rescue permit issued by CASA, any person keeping five (5) or six (6) dogs or cats over four (4) months in age, or any combination thereof, is first required to obtain a private kennel permit pursuant to San Clemente Municipal Code Section 6.20.010. Keeping more than 6 dogs or cats over four (4) months in age, or any combination thereof, on any residential property is prohibited unless otherwise expressly permitted by the City's Zoning Ordinance, current existing private kennel permit as defined in section 6.20.010 A, or a valid animal rescue permit issued by CASA.
- D. Dogs Prohibited. ....Dogs shall be prohibited on Avenida Del Mar from its intersection with El Camino Real to its intersection with Avenida Seville during the San Clemente Fiesta celebration.
- E. Modification. ....In the event of special circumstances so warranting, the City Council may by resolution modify the requirements established herein. Modifications by the City Council shall only be made if the City Council determines that such modification will not be contrary to the public health, safety or welfare.

(Ord. 1326 § 1, 2007; Ord. 1279 § 1, 2003; Ord. 1259 § 3, 2002; Ord. 1149 § 3, 1995; prior code § 17-30)

(Ord. No. 1486, § 1, 5-21-2009; Ord. No. 1493, § 5, 7-21-2009)