



County of San Mateo

Inter-Departmental Correspondence

Department: PARKS

File #: 21-841

Board Meeting Date: 11/9/2021

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Nicholas J. Calderon, Parks Director

Subject: San Mateo County Parks Department's Off-leash Dog Recreation Pilot Program, Initial Study/Mitigated Negative Declaration, and required County Ordinance Code amendment

RECOMMENDATION:

Recommendation to:

- A) Authorize the San Mateo County Parks Department to commence the Off-leash Dog Recreation Pilot Program (pending issuance of a Coastal Development Permit); and
- B) Adopt a resolution certifying the Off-leash Dog Recreation Pilot Program's Initial Study/Mitigated Negative Declaration (including its Errata), dated October 28, 2021; and
- C) Introduction of an ordinance amending Chapter 3.68, consisting of sections 3.68.080 and 3.68.180, to Title 3 of the San Mateo County Ordinance Code, establishing specified legal opportunities for off-leash dog recreation within San Mateo County Parks and Recreation Areas, and waive the reading of the ordinance in its entirety.

BACKGROUND:

At the October 23, 2018 Board of Supervisors meeting, the Board amended the County Ordinance Code to authorize on-leash dog recreation on County park trails deemed appropriate by the San Mateo County Parks Department ("Department"). At the same meeting, the Board directed the Department: (1) to develop a recommendation for expanded on-leash dog access opportunities in County parks; and (2) to develop a recommendation for an off-leash dog recreation pilot program. To assist in this process, the Department created the San Mateo County Parks Dog Work Group ("Work Group"), which was comprised of two Parks Commissioners, three park rangers, members of the Midcoast Community Council and Pescadero Municipal Advisory Council, and representatives from the dog owner, conservationist, equestrian, and mountain bike communities.

After holding monthly public meetings for one year and receiving public feedback, the Work Group

developed a recommendation for an off-leash dog recreation pilot program. The Work Group's recommendation is detailed in Attachment 1. Using the Work Group's recommendation as a guide, the Department prepared its own recommendation for an off-leash dog recreation pilot program (included as Attachment 2 and described in detail below). Both recommendations were presented to the San Mateo County Parks Commission at its February 6, 2020 meeting, and the Parks Commission voted to advance both the Department's recommendation and Work Group's recommendation to the Board of Supervisors for consideration.

Before either recommendation could be presented to the Board for consideration, a California Environmental Quality Act ("CEQA") analysis was required. In accordance with CEQA, the Department prepared an Initial Study ("IS"). The IS determined that due to the potential for environmental impacts to occur, a Mitigated Negative Declaration ("MND") needed to be prepared prior to launching a pilot program. The Department worked with its consultant to prepare the IS/MND (Attachment 3), which was released for a 30-day public review/comment period from July 15, 2021 to August 13, 2021.

DISCUSSION:

Pilot Program Recommendations

Detailed outlines of both the Work Group's recommendation and the Department's recommendation are attached hereto as Attachment 1 and Attachment 2, respectively.

To promote healthy, safe, and varied experiences for all park users, and to protect natural resources and wildlife, the Department recommends piloting off-leash dog recreation on specified trails at Quarry Park and Pillar Point Bluff for 12 months. The trails on which off-leash dog recreation would be allowed are shown on the maps attached. These trails were selected because they are largely located away from Environmentally Sensitive Habitat Areas ("ESHA"), are wide enough to safely support passing recreationalists, and provide a variety of hiking experiences for park visitors. Also, on-leash dog recreation is currently allowed at both Pillar Point Bluff and Quarry Park, which means dogs are not being introduced to these parks for the first time, but instead are being allowed to recreate in a new way.

To protect natural resources, and to guide and educate visitors, the pilot program would include the installation of signage at trailheads and trail junctions, as well as the installation of fencing and signage between designated off-leash trails and ESHAs. The pilot program does not include an enclosed area for off-leash dog recreation (i.e., dog park), and prohibits off-leash dogs from going off trail, or from entering developed areas (i.e., playgrounds, parking lots) and sensitive habitats.

The Work Group's recommendation and the Department's recommendation are largely similar with one significant difference. The Work Group's recommendation allows for off-leash dog access on all of Ross' Cove Trail at Pillar Point Bluff. Because of formal and informal access paths leading from Ross' Cove Trail on the Pillar Point Bluff to Ross' Cove (a segment of the Fitzgerald Marine Reserve) and the potential for an off-leash dog to access the beach and threaten marine life, Parks is not recommending that off-leash dogs be allowed on Ross' Cove Trail between Post Marker 14 and Post Marker 18.

Ordinance Amendment/Management Policies

To implement the off-leash dog recreation pilot program, Chapter 3.68 of the County's Ordinance Code must be amended as Section 3.68.080(i) currently prohibits park visitors from recreating in

County Parks and Recreation Areas with dogs off-leash. The Department recommends that the Board amend the County's Ordinance Code to require the following:

- Off-leash dog(s) must be under voice and sight control;
- Dog(s) must remain on designated and signed trails, within view and earshot, and no more than 25 feet away from owner/handler;
- Dog(s) must be on-leash in developed areas (i.e., near traffic, parking lot, lawn or play field, deck, picnic areas, etc.);
- No more than two off-leash dogs allowed per owner/handler; and
- Owner/handler must have physical control of dog(s) when approaching or being approached by park users not also engaged in off-leash dog recreation.

The proposed ordinance amendments are attached hereto as Attachment 4. All other requirements specified in Chapter 3.68 will remain in effect. This includes, but is not limited to, picking up and removing dog waste, not allowing dogs to damage natural resources, and requiring dogs to be registered and to wear tags. Violators will be subject to a penalty detailed in Chapter 3.68 or Title 6, depending on the violation.

The Department's proposed ordinance amendment and the Work Group's proposed ordinance amendment are the same apart from the last provision. While the Department wants dog owners to have physical control of their dog when approaching others not engaged in off-leash dog recreation, the Work Group's recommendation states "Dogs must be under control at all times and leashed up whenever necessary for the safety and/or comfort of other park users, or protection of sensitive species." The Department does not think the burden should be on other park users to request that someone restrain their dog if the other park user is uncomfortable with the situation.

Lastly, the County Ordinance Code does not currently authorize Department staff to remove a person from a park if that person is not following the rules. Therefore, the Department is seeking an amendment to Section 3.68 of the County Ordinance Code to allow Department staff and/or law enforcement to remove any person from a County Park or Recreation Area for violating an ordinance. While this action will be used as a last resort, it provides Department staff the ability to act when they deem a person to be a threat towards public safety or natural resources. Please note, this provision would be applicable to all park visitors and not just park visitors with dogs.

California Environmental Quality Act

Since the Department did not know which pilot program version (Department's recommendation or Work Group's recommendation) the Board would authorize (if any), the IS/MND evaluated the potential environmental impacts created by authorizing off-leash dog recreation on all trails in Quarry Park and at Pillar Point Bluff. The Draft IS/MND was circulated for a 30-day public review/comment period between July 15, 2021, to August 13, 2021, pursuant to Section 15105 of the CEQA Guidelines. During this period, 53 comments were received, of which, approximately 66% supported off-leash dog recreation at Pillar Point Bluff and Quarry Park.

Through its analysis, the Department did not identify potentially significant impacts that would result from implementation of either proposed pilot program. While no potentially significant impacts were identified, there are several impacts that will be less-than-significant with the implementation of mitigation measures. These include, but are not limited to, potential impacts to historical resources, archaeological resources, and ambient noise levels. The Mitigation Monitoring and Reporting Program (Attachment 5) will ensure all appropriate mitigation measures are properly implemented.

Research to date did not reach a definitive conclusion as to whether authorizing off-leash dog recreation on specified trails at Pillar Point Bluff and Quarry Park would have a significantly greater impact on the flora and fauna than existing recreational uses. This is in large part because dog recreation, hiking, and biking have occurred at both properties since before the County owned and operated them as County parks. This creates a need to closely monitor the pilot program and its impacts and to adjust management strategies as necessary. For this reason, the IS/MND includes an Adaptive Management Plan (“AMP”), the purpose of which is to ensure that any environmental impacts that may be created by off-leash dog recreation at Pillar Point Bluff and/or Quarry Park are minimized to the greatest extent possible, and that visitors with and without dogs are able to enjoy their experience at these County parks.

The AMP uses eight (8) indicators and corresponding standards to monitor the pilot program: (1) presence of dog waste, (2) fecal coliform levels, (3) harassment of wildlife, (4) dog entry into sensitive areas, (5) dogs traveling off trail, (6) leash compliance for on-leash trails, (7) interactions between other visitors and dogs, and (8) changes in park visitation in response to visitors with off-leash dogs. These indicators were selected based on values identified by the Work Group and Department. Each indicator’s standards will be measured on a per park basis.

The Department’s Natural Resource Management division will oversee routine monitoring at Pillar Point Bluff and Quarry Park to measure ordinance compliance and to document any environmental impacts that may occur. Monitoring will occur at each park twice a week: once during the week (Monday - Thursday) and once on the weekend (Friday - Sunday). The Department has also contracted with the San Mateo Resource Conservation District to conduct water quality testing and monitoring at both parks. The Department intends for all monitoring to be conducted by Department staff and RCD staff, however, if volunteers are needed, the Department will coordinate with the San Mateo County Parks Foundation and local scout groups.

If the standards established in the AMP are not met, the Department will implement new management strategies to gain compliance. No changes to management strategies would be made without having data to support the change and first notifying the public. All changes would be commensurate to the impacts being observed.

Next Steps

Before the pilot program can commence, the Department will need to secure a Coastal Development Permit. Should the Board approve the pilot program, certify the IS/MND, and amend the County Ordinance Code as recommended, the Department will seek a Coastal Development Permit from the San Mateo County Planning Commission.

Both the Department’s recommendation and Work Group’s recommendation, the proposed ordinance amendments, and the IS/MND have been presented to San Mateo County Parks Commission. The Commission voted to present both the Department’s recommendation and Work Group’s recommendation to the Board of Supervisors for consideration. The Commission also voted to recommend that the Board of Supervisors certify the IS/MND.

County Counsel has reviewed and approved the resolution and proposed ordinance amendment as to form and language.

FISCAL IMPACT:

Sufficient funding is included in the Department's Fiscal Year 2021-22 Adopted Budget to monitor the pilot program in accordance with the AMP and contract with the RCD to monitor water quality levels.