

# Jollyman Off Leash Dog Hours Proposal

March 5, 2019

## Brought to you by...

- Dog owners in Cupertino City
- 750+ signatures from Cupertino residents via a [petition](#)
- And.. the approximately 11,680 dogs of Cupertino



## Request

- To establish off-leash dog hours in the south-east portion of Jollyman Park where well-behaved canine citizens can exercise in a clean, safe environment without endangering or annoying people, property or wildlife.
- To keep the space open to all dog lovers and friends who are willing to uphold the park's rules and restrictions.
- To view this as a community project, in partnership with the City of Cupertino, designed to satisfy the needs of dog-owners and non-dog owners alike.
- To provide a safe, friendly environment for the numerous friendly dogs in the local Jollyman Park so they can exercise and stay healthy and happy.
- 2 hours of off leash dog activity in the south-east portion of Jollyman Park, one hour before & after sunset in an area already enclosed on 3 sides.

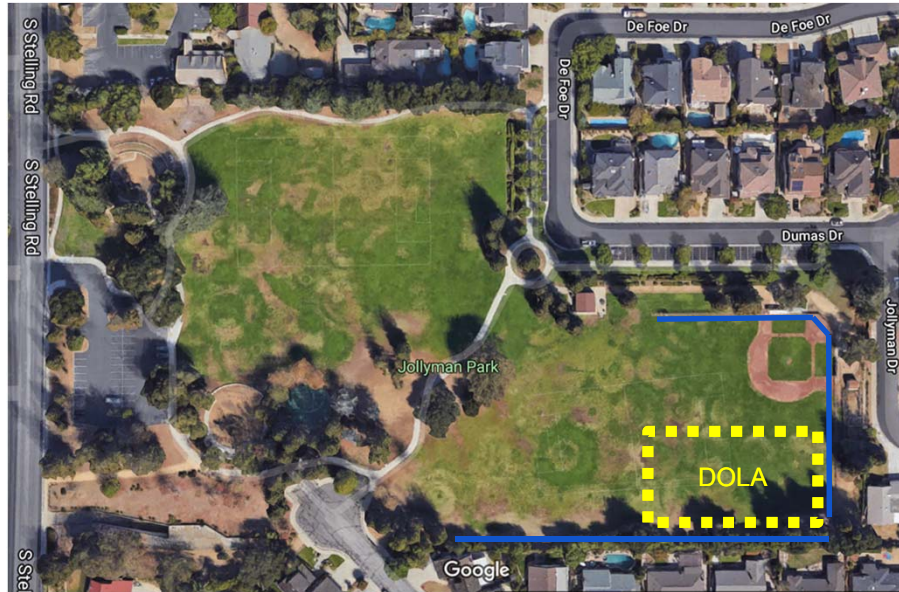
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## Logistics

- Start a 6-month trial for off-leash hours at the south-east portion of Jollyman Park
- Off leash hours can be 1 hour before sunset to 1 hour after sunset (2 hours in total) daily. These recommended off leash hours do not interfere with children's games or the citizens partaking of that area of the park.
- Off leash hours will not begin until Little League games have concluded during the season.
- We will meet with the city or its representatives on a regular (monthly) basis to update the status of the trial
- The only investment being requested is a sign with guidelines, alternatively we can volunteer to hand out leaflets during the trial period

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## Map



Yellow -  
requested  
area (220 x  
120 ft)

Blue -  
already  
fenced

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## Precedents

- Mountain View has a successful off leash dog program in 8 parks
  - Off leash hours range from 6am-10am, 5pm to sunset and 6am - sunset
  - [City of Mountain View Off-Leash Dog Venue Study](#)
  - [City of Mountain View Dogs in Public Parks](#)
  - [Relevant Mountain View City Code](#)
  - Per discussion with the Mountain View Parks and Recs Dept:
    - Most complaints are from people who do not realize there are permitted off leash areas.
    - Dog owners enforce themselves.
- Other local cities with off leash dog areas without fencing
  - Redwood City, [Stulsaft Park](#)
  - Menlo Park, [Nealon Park and Willow Oaks Park](#)
  - San Carlos, [Heather Dog Exercise Area](#)
- Portland, OR has 33 off leash dog areas inside city parks

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## Cooper Park - Mountain View



Monday - Friday  
6am - 10am

(City of Mountain View, Dogs in City Parks, <<http://www.mountainview.gov/depts/cs/parks/parks/dog.asp>> ,  
[as of Jan 28, 2018])

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## Eagle Park - Mountain View



Monday - Friday  
6am - 10am

(City of Mountain View, Dogs in City Parks, <<http://www.mountainview.gov/depts/cs/parks/parks/dog.asp>> ,  
[as of Jan 28, 2018])

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## McKelvey Park - Mountain View



Monday - Friday  
6am - 10am

(City of Mountain View, Dogs in City Parks, <<http://www.mountainview.gov/depts/cs/parks/parks/dog.asp>> ,  
[as of Jan 28, 2018])

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## Cuesta Park - Mountain View

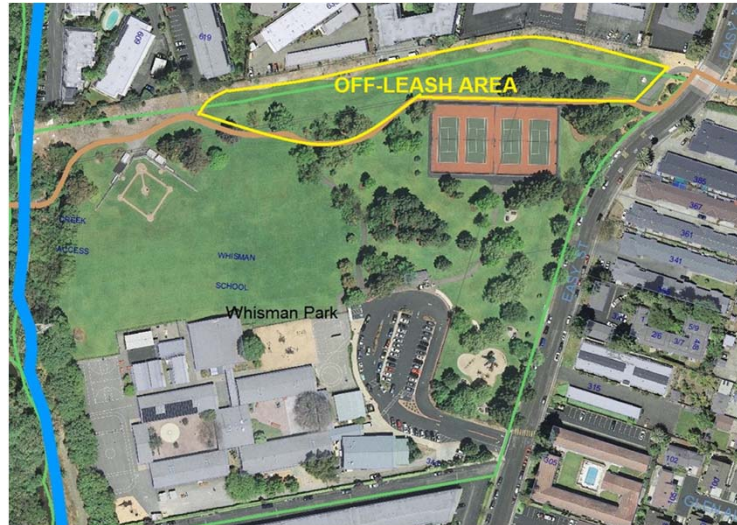


Monday - Sunday  
6am - Sunset

(City of Mountain View, Dogs in City Parks, <<http://www.mountainview.gov/depts/cs/parks/parks/dog.asp>> ,  
[as of Jan 28, 2018])

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## Whisman Park - Mountain View



Monday - Sunday  
6 AM – 10 AM  
5 PM – sunset

(City of Mountain View, Dogs in City Parks, <<http://www.mountainview.gov/depts/cs/parks/parks/dog.asp>> ,  
[as of Jan 28, 2018])

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## Guidelines for Off Leash areas usage

- Keep your dog on leash unless in the designated off-leash area during off-leash hours.
- Respect other park users. Stop bothersome behavior immediately. If one cannot control the dog, they should leave the area.
- Keep your dog under voice control.
- Clean up after your dog.
- Report dog bites/incidents immediately to the Silicon Valley Animal Control Authority (408) 764-0344

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## Signs



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## Liability - Solely with Dog Owners, not City

- Assembly Bill 265 (2014) provides that dog owners and *not* local municipalities are liable for dog behavior
- The authors of the bill [stated](#)
  - “With no guarantee that they will not be pulled into lawsuits over incidents at dog parks, cities often vote against opening a dog park for their residents. This bill seeks to give cities and counties the explicit assurance they need that they will not be liable for dog bites if they open a dog park.”
  - (Bill Analysis, [http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill\\_id=201320140AB265](http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201320140AB265), [as of Jan 2, 2018])

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## Why do we need a place for our dogs?

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### Dog Socialization

- Dogs have fun!
  - Dogs are like us, highly social animals, and many enjoy spending time with other dogs.
- Dogs learn to interact with other dogs
  - At the dog park, dogs practice reading a variety of other dogs' body language and using her own communication skills, and she gets used to meeting unfamiliar dogs on a frequent basis.
- Dogs that are socialized are less aggressive
  - These valuable experiences can help guard against the development of fear and aggression problems around other dogs and humans.

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## Physical and Mental Exercise

- Dogs can zoom around off-leash to her heart's content, investigate new smells, wrestle with her dog buddies and fetch toys until he/she happily collapses.
- Research shows that dogs need exercise as they are naturally bred for it. They are not built to be kept on-leash or inside apartments.
  - <https://pets.webmd.com/dogs/guide/exercise-dogs#1>.
  - [https://www.petmd.com/dog/wellness/evr\\_dg\\_exercising\\_with\\_your\\_dog101](https://www.petmd.com/dog/wellness/evr_dg_exercising_with_your_dog101)
  - <https://www.forbes.com/sites/nextavenue/2015/11/01/how-much-exercise-does-your-dog-really-need/#5b5ed3c122e2>

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## Humane Society support of dog exercise

“In the past the hunting, herding, and guarding roles of dogs provided opportunities for companionship with other dogs and humans, as well as plenty of vigorous exercise. Exercise, in addition to improving the physical health of our dogs, also improves their mental health. Today many dogs spend a large portion of their day alone and inactive, and the stress of this abnormal lifestyle can result in many undesirable outcomes: obesity, self-mutilation, digging, chewing, soiling, barking, escaping . . . Dogs are social animals, and those who are allowed to interact with other dogs and people, and taught appropriate behavior in social groups, are better behaved and more likely to be included in other activities with human companions. (Humane Society of the United States, Dog Parks and Their Benefits <[www.humanesociety.org/assets/pdfs/pets/dog\\_parks.pdf](http://www.humanesociety.org/assets/pdfs/pets/dog_parks.pdf)>[as of June 4, 2013].)”

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## Human Socialization

- Safety and Neighborhood Watch
  - People using the park make it safer, they come regularly and get to know one another. They share information about the comings and goings of the neighborhood.
- Builds sense of community and belonging
  - Dog owners are not the only ones who participate. Non-dog owners benefit from finding new friends in the area, or connecting with their neighbors in a different environment.
- Creates a safe space for seniors and the disabled with dogs
  - People with disabilities, senior citizens, and other pet owners who cannot walk their dogs in their immediate environment have a safe place to exercise their dogs
- Kids who do not have pets can interact with the dogs
  - Dog parks are an opportunity for kids (or adults!) who do not have dogs to interact with them in a safe environment.
- Enjoyment for dog owners
  - Dogs aren't the only ones who enjoy dog parks. People do, too. They can exercise their dogs, socialize with other dog lovers, bond and play with their dogs, practice their off-leash training skills, and enjoy the entertaining antics of frolicking dogs.

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## Why now? What has changed?

- Nothing's changed – our needs were never met.
- We want to solve this as a community
- More dog population in the Jollyman neighborhood
- Legislation passed in 2014
- Mary Park is a toxic area and not safe.
- Population increased, and accordingly more dog population
- Neighboring cities have adopted these programs successfully
- We have a Parks and Rec director who has successfully implemented dog off leash areas

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## Where has our journey taken us?



- Presentation to the Cupertino Parks and Rec Commission on Feb 1, 2018
- Survey by Parks and Rec department June/July 2018<sup>1</sup>
- Presentation by Jeff Milkes to the Parks and Rec Commission on Oct 4, 2018
- The plan for an off leash trial was unanimously [recommended for approval](#).

[1] The survey was announced on the [Cupertino city web site](#) and on the social media site [NextDoor](#). The survey was conducted between June 29 and July 22, 2018. Survey link: [https://www.opentownhall.com/portals/294/Issue\\_6470?cookies=detect&noembed=1](https://www.opentownhall.com/portals/294/Issue_6470?cookies=detect&noembed=1)

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## Registered Survey Respondents (138):



97.8% of respondents lived within the City of Cupertino

73.9% owned a dog. 59% of those dogs were 24 inches or shorter.

74% of respondents lived within ½ mile of the park.

65% of respondents would use the dog off leash area

77.5% think the location is good while 76.6% believe the time the DOLA is available is good.

**76.8% of registered respondents supported the trial dog off leash area.**

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## Unregistered Survey Respondents (166):



97.0% of respondents lived within the City of Cupertino

61.2% owned a dog. 59% of those dogs were 24 inches or shorter

50.6% of respondents live within ½ mile of the park

52.7% of respondents would use the dog off leash area

71.2% think the location is good while 64.6% believe the time the DOLA is available is good.

**70.0% of unregistered respondents supported the trial dog off leash area.**

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## Next Steps

- Approve an off leash area trial for 6 months at Jollyman Park
- Empower the Parks and Rec Department to initiate the trial



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## Appendix

- A. Number of Dogs in Cupertino
- B. Sample comments from the petition
- C. Mary Avenue Dog Park
- D. Pictures of Jollyman Park
- E. Mountain View city code
- F. Portland's experience
- G. Liability
- H. Press

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## A. Number of dogs in Cupertino

- ~60,000 residents (from [worldpopulationreview.com](http://worldpopulationreview.com))
- ~20,000 households in Cupertino (from [suburbanstats.org](http://suburbanstats.org))
- ~7300 households with dogs, and **~11,680 total dogs in Cupertino**
  - Based on [dog population estimation formula](#) from the American Veterinary Medical Association
    - $20,000 \text{ households} * 0.365 \text{ households w dogs / household} = 7,300 \text{ households w dogs}$
    - $20,000 \text{ households} * 0.584 \text{ dogs / household} = 11,680 \text{ dogs}$
  - Source: [2012 U.S. Pet Ownership & Demographics Sourcebook](#)
  - ASPCA [figures for pet ownership](#) are higher at 44% of households owning at least one dog.
  - A [Gallup poll on pet ownership](#) cites a similar 44% dog ownership figure.

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## B. Sample comments from the petition

- *It is important for Tycho to play with other dogs freely because play is an integral part of his life. As a responsible pet owner I want to provide this among other things for my dog so that he is healthy and happy and well socialized and does not become unhealthy and a nuisance to anyone. It also creates a wonderful community of dog lovers and a support system for us.*
- *Dogs just like people deserves space to release energy and enjoy life! Proof is dogs that are exercised are healthier happier pets. Being asked, a "few hours" a day for the dogs to be able to run.*
- *The dog (pet) community need a designated area for play and socializing. We have so many families in the area with dogs but unfortunately no proper place for the furry animals to play and mingle. All dogs are trained and well behaved so there is no worry of harm to public. Moreover the field side of Jollyman Park can be fenced for the dogs to stay inside. The dog park on Mary Ave, Sunnyvale is dirty, very small and unsafe. I'm not comfortable taking my dog there. Please approve this petition.*
- *My pet dog, Ivy, an important part of my life. Having an area for dogs near where I live will be a great way for her to enjoy the outdoors and also for the fellow dog owners to meet.*
- *Because our canine family members need a place to run and play near to home, it builds community and there is plenty of space in the park to allow this activity.*
- *I am a dog owner and its important to have accessible areas for my dog to socialize*
- *Cupertino is seriously lacking in places for dogs to socialize.*
- *There is very less dog parks in this neighborhood compared to number of dogs. It's impossible to have all these dogs in a small dog park in Mary avenue. We definitely need one more.*
- *Off leash time and socializing is very essential to dogs for their physical and mental health.*
- *Dogs need space and socialization. Dog parks provide that and give opportunities for people to socialize, as well. Makes for a good community, in my opinion.*
- *A well socialized and exercised dog is a happy dog! Allow responsible pet owners and friendly dogs to enjoy each other's company!*
- *Sharing the community of off leash dogs is good for humans and canines*

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## B. Sample comments from the petition

- I am a senior with 2 dogs. I have lived in the Bay Area all of my life and in Cupertino for 40+ years. Besides the important requirement for dog exercise that allows them to RUN and socialization, there is the fairness issue of equal access to City services. I pay all my taxes and have voted for all local and state bond initiatives for schools and other governmental services that have a favorable benefit for Cupertino and CA. I do not have children and was not educated and raised in Cupertino and therefore did not receive those benefits which come with living in Cupertino. Even so, I always voted for all the bond initiatives that would make Cupertino a better city. I should have equal access to all local parks as do other people. Most cities now allow unleashed dogs in parks in the early morning and then later in the early evening before sunset. This is equal access! As regards damage to the park, more maintenance is required to active sports (soccer, rugby, football, etc.) which rip up the grass and required new turf. These sports are loud and impact the neighborhood - no doubt more often and louder than barking dogs. Many of these sports participants also leave refuse that is then required to be picked up. I tried the Cupertino and Sunnyvale dog parks. These are not my local parks and require that I drive there as opposed to walking with my rollator to Jollyman-my neighborhood park. I have medical issues. Because dog parks are very small, there were dogs that could have knocked me over. At Jollyman, which is much larger, I would never have these issues. It is long overdue and time to be fair and equitable and allow us to take our dogs to Jollyman during specific hours. The issues is NOT whether you like dogs nor not or whether you or your child participates in sports at Jollyman, or whether you enjoy any of these sports - this is a matter of FAIRNESS! Cupertino City Council please do the right and fair thing...*

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## C. Mary Avenue Dog Park

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## C. Mary Avenue Dog Park ratings

- The Mary Avenue Park gets [2.5 stars](#) on Yelp.
- In contrast, parks in Mountain View that are shared between off leash dog owners and others get high marks:
  - [4.5 stars for Cuesta Park](#)
  - [4 stars for Eagle Park](#)
  - [4 stars for Whisman Park](#)

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## C. Size



The Mary Avenue Dog Park area for large dogs is about 7500 sq ft, compared to the 26,400 sq ft we are asking for.

The size of the park is too small for large dogs to run

There are no restrooms in the area

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## C. Cleanliness



The park is mostly dirt and bark. Dogs and their toys get dirty very quickly.

If it rains, the park is too muddy to use.

Some vets have seen dogs get allergies from the dust in the park.

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## C. Cleanliness



The gorilla bark used in the Mary Ave park collects dirt. Dog toys landing in this area are encrusted in dirt and fuzz, making it dangerous for dogs' teeth.

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D. Jollyman Park in the evening (looking east)



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D. Jollyman Park in the evening (looking west)



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## E. Mountain View City Code SEC. 5.61. - Dogs in posted off-leash areas.

The exemption from the requirements for the restraint of dogs as set forth in [Sec. 5.50](#) shall apply only if all of the following conditions are met:

- (a) No dog shall be in a posted off-leash area except when in the charge, care, custody or control of a person at least thirteen (13) years of age.
- (b) No animals other than dogs shall be in any posted off-leash area. Dogs are only permitted in the posted off-leash area during posted hours of operation.
- (c) No person shall have more than two (2) dogs in a posted off-leash area at any one time.
- (d) Any dog in a posted off-leash area must be at least four (4) months of age, vaccinated for rabies, and currently licensed by the city's animal services division or other jurisdiction. All persons entering the posted off-leash area are responsible for ensuring their dog is not sick, in heat, injured, less than four (4) months of age, or displaying aggressive behavior toward other dogs or humans in the posted off-leash area.

(e) Any person having charge, care, custody or control of a dog in a posted off-leash area shall:

- (1) Carry at all times a suitable container or other suitable instrument for the removal and disposal of dog feces;
- (2) Promptly remove and properly dispose of any waste deposited by the dog;
- (3) Quiet or remove the dog if it disrupts or disturbs the reasonable and comfortable use of the area;
- (4) Have in his/her possession a leash for such dog that shall be worn by the dog, and physically held by the owner, at all times the dog is not in the posted off-leash area; and
- (5) Comply with all other applicable state and local laws, including without limitation those that govern the health, safety and maintenance of dogs.

Compliance with this section shall not relieve any person of liability for damages arising out of his/her use of a posted off-leash area.

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## F. Portland

- Portland has allowed off leash dogs since 1995 (see Background section of their 2004 [report](#)).
- Portland has 10x the population of Cupertino, 10 off leash fenced areas, and 24+ off leash dog areas (see <https://www.portlandoregon.gov/parks/39523> )
- City of Portland [Off-Leash Program Evaluation & Recommendations Report to Council](#)

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## F. Portland Off Leash Dog Groups' Goals and Basic Assumptions

- Goal
  - Provide a range of on-leash and off-leash opportunities to accommodate the varying needs of dogs and their owners, while not unduly compromising the basic needs of other park Users.
- Assumptions
  - Recreating with a dog is a legitimate park use.
  - Conflict is inevitable.
  - It is the responsibility of park managers to design and manage parks in a way that minimizes conflict.
  - Park users also have a responsibility to help minimize user conflicts by demonstrating mutual respect and abiding by park rules.

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## F. Portland

[Notes](#) from their advisory group meeting in 2010:

- IV. What is working?
  - Ali said that most users are generally happy and using off-leash areas respectfully. Many people are involved with their local off-leash area and want to know about work parties, stewardship groups and how to be more involved. These people are willing to put a great deal of effort, time and fundraising into keeping off-leash areas desirable places to take their dogs and encouraging responsible off-leash use. Most of the off-leash areas are in good condition. Amenities and infrastructure are okay, with the most significant damage being to ground cover.
- Group input included:
  - Off-leash areas are working well overall
  - Self enforcement does work as does random enforcement (Rangers and Animal Control)
  - Off-leash areas create a sense of community
  - There are a lot of very responsible users

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## F. Portland [notes](#) from 2010 continued

- V. What do we need to work on?
- Ali said that PP&R hears from many community members on what's not working. The Bureau also has a good idea of what's not working from site visits and staff observation and feedback. She handed out a list of most commonly heard questions/topics, which included:
  - Improvements on condition/amenities (muddy, wet, trashcans, bark chips, fencing, generating the money to support these efforts)
  - Changes to off-leash areas (longer hours, shorter hours, adding new off-leash areas)
  - Enforcement (too little enforcement, or too much enforcement)
  - Education (encouraging people to use off-leash areas)
  - Stewardship (creating ways for people to get involved)
  - Revenue (tapping into sponsorships, events and classes)

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## G. Liability: Assembly Bill No. 265 , CHAPTER 74

An act to add Section 831.7.5 to the Government Code, relating to local government liability.

[ Approved by Governor August 12, 2013. Filed with Secretary of State August 12, 2013. ]

LEGISLATIVE COUNSEL'S DIGEST

AB 265, Gatto. Local government liability: dog parks.

Existing law governs the tort liability and immunity of, and claims and actions against, a public entity, including, but not limited to, a city, county, city and county, district, and any other political subdivision. Existing law makes the owner of any dog civilly liable for the damages suffered by any person who is bitten by the dog while in a public place or lawfully in a private place, as specified, regardless of the former viciousness of the dog or the owner's knowledge of such viciousness.

This bill would provide that a public entity, as defined, that owns or operates a dog park shall not be held liable for an injury or death of a person or pet resulting solely from the actions of a dog in the dog park.

DIGEST KEY

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 831.7.5 is added to the Government Code, to read:

831.7.5. (a) A public entity that owns or operates a dog park shall not be held liable for injury or death of a person or pet resulting solely from the actions of a dog in the dog park.

(b) This section shall not be construed to affect the liability of a public entity that exists under the law.

(c) "Public entity" has the same meaning as Section 811.2, and includes, but is not limited to, cities, counties, cities and counties, and special districts.

(Bill Text - AB-265 Local government liability: Dogs

Parks.<[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140AB265](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB265)>.[as of Jan 2, 2018])

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## H. Press

- Mercury News: [Cupertino Dog Owners want off leash space at Jollyman Park](#) (1/19/18)
- Cupertino Today: [Residents call for off leash hours at Jollyman Park](#) (1/22/18)
- Cupertino Today: [Feedback sought: Should Jollyman Park allow off-leash dog exercise?](#) (7/3/2018)
- Cupertino Today: [Survey for off-leash dog area at Jollyman Park](#) (10/4/18)

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Questions?

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