

DATE ISSUED: July 11, 2001

REPORT NO.

ATTENTION: Natural Resources and Culture Committee,
Agenda of July 18, 2001

SUBJECT: Citizen Proposal for Modification of Municipal Code 63.20.12,
Dogs Prohibited

SUMMARY

Issue - Should the Natural Resources and Culture Committee approve a citizen's request to modify a section of Municipal Code 63.20.12?

Manager's Recommendation - Approve proposal to modify a section of the Municipal Code Section 63.20.12, Dogs Prohibited to read: "between the hours of 9:00 a.m. to 6:00 p.m." to between the hours of 9:00 a.m. and 6:00 p.m. Pacific Daylight Saving Time and between 9:00 a.m. and 4:00 p.m. Pacific Standard Time, with the exception of Santa Clara Point.

Other Recommendations - The following community/advisory groups recommended approval of this proposal:

1. Ocean Beach Planning Board - November 1, 2000, 8-1
2. Santa Clara Recreation Council - December 13, 2000, 4-1; with Santa Clara Point as an exception.
3. La Jolla Town Council - December 14, 2000, proposal supported by group.
4. Mission Beach Town Council - January 10, 2001, proposal supported by group with Santa Clara Point as an exception.
5. Pacific Beach Community Planning Committee - January 22, 2001, 9-3.
6. Ocean Beach Recreation Council - February 13, 2001, 11-0.
7. La Jolla Parks and Rec. Inc.- February 28, 2001, 12-1.
8. Pacific Beach Town Council - proposal supported by group.
9. Mission Bay Park Committee - May 1, 2001, 11-0, with Santa Clara Point as an exception.
10. Sunset Cliffs Natural Park Recreation Council - May 7, 2001, 49-2.
11. Park and Recreation Board - June 14, 2001, 9-0.

The following community/advisory groups did not support the proposal.

1. Mission Beach Precise Planning Board - November 21, 2000, 8-3.
2. Coastal Area Committee - May 1, 2001, 5-4.

Environmental Status - The activity is not a project as defined in CEQA section 15378.

Fiscal Impact - Minimal cost to the General Fund for modification of signs .

BACKGROUND

On September 20, 2000, Mr. Morton Kantor, a private citizen, appeared before the City Council's Committee on Natural Resources and Culture (Committee) and requested that the Committee consider modifying the subject Municipal Code (see enclosed proposal and Municipal Code) changing a section of the code that reads, "*between the hours of 9:00 a.m. to 6:00 p.m., to "between the hours of 9:00 a.m. and 6:00 p.m. Pacific Daylight Saving Time and between 9:00 a.m. and 4:00 p.m. Pacific Standard Time."* This is with respect to when dogs are allowed, *whether leashed or unleashed, upon any public beach or any public park adjacent thereto, or any sidewalk adjacent to any public beach in the City of San Diego.*" The change would provide approximately 1 hours of daylight each day for walking dogs all year round. The City Manager was directed to evaluate Mr. Kantor's proposal and return to the Committee with a recommendation.

Mr. Kantor's original request addressed his concerns for public safety. With the current code, citizens are not able to walk their dogs until 6:00 p.m. on pathways in the beach areas. When daylight saving time is not in effect, it is generally dark by 6:00 p.m.

In order for staff to evaluate Mr. Kantor's proposal, staff requested that Mr. Kantor present his proposal to the committees listed above. A letter was sent to the respective committees from the office of the Coastal Parks Division Deputy Director briefly introducing the proposal and requesting the respective committees' feedback and vote.

DISCUSSION

Leashed dogs are allowed in all parks in the City of San Diego, at all times, except in the "beach areas" which include all public areas of Mission Bay Park, and the oceanfront beaches and their adjacent parks and sidewalks from Torrey Pines City Beach (Black's Beach) to Sunset Cliffs. Exceptions in the beach area are Fiesta Island and Dog Beach, where dogs are allowed at all times, leashed or unleashed.

In 1948, the City Council first required dogs on City of San Diego beaches to be on a maximum 8 foot leash, except that dogs were prohibited at all times from 10 designated oceanfront "bathing and swimming areas." At that time, Mission Bay Park beaches were not developed. In 1964, City Council clarified that the 1948 prohibition of dogs in the designated bathing and swimming areas included the abutting beaches and lands.

In 1972, City Council considered a total prohibition of dogs on beaches based on requests from beach users and recommended by the County Veterinarian, the County Board of Health, and the Park and Recreation Board. After a contentious public hearing, City Council decided to prohibit dogs from any City of San Diego beach area from 9:00 a.m. to 6:00 p.m., with only leashed dogs allowed before 9:00 a.m. and after 6:00 p.m., and with Fiesta Island and Dog Beach exempted. This was a compromise to allow dog owners reasonable access to City beaches.

In 1978, City Council extended the 1972 restriction specifically to parks and sidewalks adjacent

to beaches. Copies of reports preceding these actions are attached. This Municipal Code has remained unchanged since that date and the compromise arrived at in 1972 has worked well.

ALTERNATIVES

1. Recommend approval of the proposal with modifications
2. Do not recommend approval of the proposal

Respectfully submitted,

Marcia C. McLatchy
Park and Recreation Director

Approved: George I. Loveland
Senior Deputy City Manager

McLATCHY/TM

Note: The attachments are not available in electronic format. A copy is available for review in the Office of the City Clerk.

- Attachments:
1. Proposal from Mr. Kantor
 2. Municipal Code Section 63.20.12
 3. Manager's Report, February 15, 1972
 4. Manager's Report, January 10, 1979