



AGENDA REPORT

Meeting Date: October 20, 2015

Item Number: G-2

To: Honorable Mayor & City Council

From: Nancy Hunt-Coffey, Assistant Director of Community Services
Steven Zoet, Director of Community Services

Subject: RECOMMENDATIONS BY THE RECREATION AND PARKS
COMMISSION ON DOG PARK DESIGN, AMENITIES, POLICIES AND
OPERATIONS AND REQUEST FOR DIRECTION ON NEXT STEPS

Attachments:

1. Summary of Public Meetings
2. Recommended Rules
3. Proposed Design Options
4. Public Comments Received
5. Petition #1
6. Petition #2
7. Public Street Parking Assessment

INTRODUCTION

At its February 23, 2010 Recreation and Parks Commission meeting, Councilmember Mirisch requested that staff and the Commission explore the possibility of a dog park and present the results of their research to City Council for their consideration. The topic was explored in subsequent Commission meetings. These meetings are listed in the attached summary of public meetings document.

Early support evolved for locating the dog park in the underutilized croquet court at Roxbury Park. On November 20, 2012, staff presented the Commission's recommendation to the City Council of repurposing the croquet court to a dog park on a six month trial basis. City Council asked that additional community outreach occur to assess the merits of this site and that the item be brought back to them at a later date.

On February 5, 2013 staff provided City Council with an update regarding the comments received from a January 28th, 2013 public meeting regarding the proposed site. City Council did not support this location and suggestions ensued by Councilmembers

regarding possible alternative sites. Vice Mayor Mirisch suggested that the City's five acre parcel in the former industrial area be considered.

Then Mayor Brien created an ad hoc committee to work with staff, the Commission and the public to further evaluate alternative options and appointed Vice Mayor Mirisch and Councilmember Bosse to help facilitate that process.

On April 28, 2014 a noticed public liaison meeting occurred at the proposed industrial site for visual assessment and was followed by a meeting at the Public Works building.

After considering this site and the public input that was received, along with a conceptual site plan that was provided, City Council approved this a portion of this location to host a dog park on a pilot basis at their May 6, 2014 meeting.

As requested by then Mayor Bosse, staff presented updated concept designs and information to City Council on August 4, 2015 and received direction to work with the Recreation and Parks Commission to collect further public input about this proposed location.

The Commission has reviewed numerous aspects of the design and operation of the proposed dog park, which were formed by public feedback during three public meetings in August through October. The Commission heard numerous speakers and took into consideration feedback regarding the design and operations.

It should be noted that, starting at the May 6, 2014 City Council meeting, the synagogues in the area of the proposed dog park have raised concerns regarding compatibility of use and the placement of the park in proximity to their temples. The Commission has considered these concerns, and to the extent possible, made recommendations to address them.

The budget, allocated mid-year 2014, for this project is \$400,000. Due to the need to remediate arsenic found in the dirt and to cap an abandoned water well on site, a substantial portion of this budget will be used to address these issues. Current cost estimates indicate that a "basic" dog park can be constructed on this site for \$400,000-\$450,000. Additional features and technology, if desired, will increase the overall cost. More precise figures would be determined through a bid process, should the City Council decide to proceed with this project.

The Commission was asked to prioritize any aspects of the park beyond this basic level so that if additional funds could be found, or should bids come in lower than expected, additional features could be added.

Council is asked to consider the various aspects of the dog park and provide direction on whether to proceed with the base design described below, and on the priority enhancements listed. Staff further seeks direction on whether to proceed with developing design and construction documents for the dog park and whether to put the project out to bid.

DISCUSSION

Environmental work

As was reported at the August 4, 2015 City Council meeting, the project has been assessed in accordance with the California Environmental Quality Act (CEQA) and elevated levels of arsenic were found. As a result of this study, the Community Development Department concluded that it was appropriate to prepare a Mitigated Negative Declaration (MND) for the project. A draft MND was prepared and the 20 day public comment period on the draft concluded on August 20, 2015.

Two letters were received during the comment period on the environmental report. The first was from Marcia Hollander, who expressed opposition to the project and asked about the cost and maintenance of the park.

The second was from Michael Baum, counsel to the Beverly Hills Synagogue, Young Israel of North Beverly Hills. This commenter states an opinion that the Draft IS-MND lacks scientific, objective, or accurate data on the number of park users and their impacts on noise levels, traffic, and parking in the neighborhood. The commenter also states that the document does not address concerns of the synagogues in the area. The commenter requests that the Council consider alternative uses for the land and expresses opposition to the park unless mitigation actions (provided by the commenter) are undertaken.

Responses to these comment letters will be provided in the Final MND that will be considered by the City Council at a future date.

The MND report recommended two methods of arsenic remediation.

1. Remove 12" of contaminated soil. Replace with 6" of clean soil, install a mesh barrier, replace another 6" of clean soil
2. Remove and replace 24" of soil

The recommended mitigation is the first option because the mesh barrier provides a physical barrier to prevent dogs that might dig into the soil, from accessing the arsenic-impacted soil.

The Draft MND will be finalized once City Council has provided direction on the design and operational recommendations of the Recreation and Parks Commission. The Final MND will reflect the chosen design and operational details, and the document will be ready for City Council Consideration at the time of final project approval.

It should be additionally noted that as part of the site investigation, staff has determined that there is an abandoned and undocumented water well on this site which will need to be capped.

Commission work

At the August 4, 2015 meeting, the City Council directed the Recreation and Parks Commission to gather additional input from the public to develop recommendations on the park design and operation. Since that direction, the Recreation and Parks Commission has heard public comment and considered the various aspects of the proposed dog park on three occasions: at its regular meeting scheduled on August 25, 2015 and two special meetings on September 8, 2015 and October 13, 2015.

A summary of the public feedback as well as any letters or emails that have been received as of October 16, 2015 are attached.

It should be noted that there are four synagogues in the area: Young Israel of North Beverly Hills, Chabad of Beverly Hills, Congregation Magen David and the West Coast Torah Center. Concerns were raised by these organizations, starting in 2014. Staff and Commission members met with representatives from these organizations to hear their concerns on June 24, 2014. Additionally, members of these temples were in attendance at the three recent Commission meetings, and various email exchanges occurred with individuals from these organizations.

Based on public comments received, research done on other dog parks, and data provided by staff, the Recreation and Parks Commission has considered many aspects of the dog park, and the recommendations are listed below.

As noted above, a portion of the budget allocated for this project would need to be dedicated to remediating the arsenic contamination and to cap the abandoned water well. Early construction estimates indicate that with contingency, a "basic" dog park could be built at this site for \$400,000-\$450,000.

A basic dog park would involve:

- retaining the existing walls/fence at the site
- dividing the site into two areas for small and large dogs
- providing separate double gated entry points to the two areas
- providing decomposed granite as the ground cover
- providing 1-2 benches, a drinking fountain and a doggie bag dispenser in each of the large and small dog areas
- installing standard signage regarding rules of use, etc.

In addition to this base option, the Recreation and Parks Commission was presented with three additional design options which included enhanced features and amenities. These designs are attached. The Recreation and Parks Commission recommended the base park as the preferred option. Rather than selecting design options A, B or C, the Commission prioritized a number of features to be added to the base option, should funding become available or should bids come in lower than expected.

In the list below, high priority items are marked "A", middle priorities "B" and low priorities "C." Additionally, where relevant, staff has indicated which items are considered to be "base" level of the park versus "enhanced" level. Very rough cost estimates have been provided in the event that Council decides to include any of the prioritized enhancements.

As indicated above, the neighboring synagogues raised a number of concerns related to the dog park, and the Commission considered many options to address these concerns. The recommendations below that are highlighted in blue were considered, at least in part, to address the concerns of these organizations.

Park Utilization and Operation

1. Licensing and Spay/Neutering of Dogs

All dogs admitted into the park need to be licensed, in good health and spayed or neutered

2. Permitting and Residency

Originally the Commission recommended that the park be open to Beverly Hills residents, guests of residents, hotel guests, business owners, and those who work in the City. However, when staff considered how this practice would be instituted, it seemed as though it would be difficult and time consuming to track, manage and verify these different categories of users. As a result, the Commission recommended that park use be restricted to Beverly Hills residents, provided the dog owner shows a current license and obtains a permit and tag. It should be noted that it is possible that the Amanda Foundation, located across the street from the dog park, could assist with the permitting process. Staff will be prepared to address this issue, should City Council wish to revisit the issue of including visitors, business owners and workers in the City in the list of allowable users.

3. Controlled Access System

Base: No controlled management system (e.g. keycards)

Enhanced, A priority: Include a controlled access process, such as keycards, as part of the permitting process. A system such as this would help to limit access to those who have gone through the proper permitting process. The system would also have the ability to lock and unlock the entry to the dog park. Additionally, it would allow for access to expire when the owner's permit lapses.

The City currently utilizes controlled access technologies within many of its buildings and anticipates that similarly designed systems will work in an outdoor environment as well. Rough cost for standalone keycard system, readers, wiring, grading, etc.: \$15,000 - \$20,000.

4. Allowable Number of Dogs

- No more than three (3) dogs per person allowed in the park.
- Limit the maximum capacity of the park to 40 dogs
- No more than 20 dogs allowed in each of the large and small dog areas. Small dog is defined as 25 pounds and under.

5. Dog Breed Restrictions

No breed restrictions for use of the park

6. Hours of Operation

Hours of operation to be consistent with the City's larger parks: 6am - 10pm, seven days a week.

7. Staffing

Park Ranger assigned to the park 8:30am – 12:30 pm for the first 4 Saturdays of the park's operation. This time on Saturday is when congregants of the four synagogues most frequently walk to and from temple. After the four week trial, staff would report back to the Commission on the experience to date, to determine if a recommendation for further staffing of the site is warranted.

8. Rules of Use

Recommended rules of operation are attached. Some of the more salient rules that are recommended are:

- Children under the age of 14 must be accompanied by an adult in the park

- Dogs must display a current license tag
- Owners are fully responsible for their dog(s) at all times
- Dogs that cry or yelp for more than five minutes may be required to leave

9. Annual fees

No annual or other fee would be assessed to use the park. Staff recommends that if a keycard or similar system is installed, that a cost recovery fee should be charged to cover the ongoing cost of the cards.

10. Sunset Clause

The request was made by the local synagogues to establish a "Sunset Clause" of one year if the park proves to be problematic. While this request was considered by the Commission, it was not supported. The Commission preferred to have any issues that arise brought to their attention in the hopes of finding opportunities for resolution.

Design Components

1. Entry and Areas for Large and Small Dogs

Base: Separate double-gated entry systems into each of the large and small dog areas. Locate the entry to the south, along Foothill. Preferred entrance location is in Option B of the attached site plans. Place small dog portion of the park to the western edge of the parcel to help reduce the carrying of barking noises.

2. Surface Material

Base: Groundcover is decomposed granite (DG). The Commission considered and rejected the use of dirt, natural grass, artificial turf and wood chips as surface materials.

3. Restrooms

Base: No restrooms

Enhanced, C priority: One portable restroom provided in each of the large and small dog areas. Rough cost to build concrete slab for portables: \$5,000-\$10,000. Note: there is also a recurring monthly cost of approximately \$1200 associated with this recommendation.

4. Park Benches

Base: 1-2 benches per side, located away from the entry areas. If it is found that additional benches are required, they could be paid for from another capital improvement project reserved for general park needs.

5. Separate Walking Path

Enhanced, B priority: create an interior walkway along Foothill Rd. setback to provide separate paths for dogs and their owners from other people who are walking on the sidewalk. Rough cost to build separate walking path (including soil remediation): \$40,000-\$50,000.

6. Park Walls and Fencing

Base: Retain all existing walls and fencing, if possible.

Enhanced option, A priority: Replace east chain link fence with cinderblock wall to help with sound attenuation. Rough cost: \$16,000 - \$22,000.

Enhanced option, high priority: Replace all walls with curved cinderblock walls on three sides and new fencing along Foothill. Curved walls prevent dogs from

feeling trapped in corners. Rough cost for three walls plus demo and low curving planters: \$57,000 - \$76,000.

It should be noted that staff believes that the existing walls can be kept through the arsenic remediation excavation. However, if unexpected conditions are found, these walls may need to be replaced.

7. Additional Landscaping/Trees and Irrigation

Base option: Retain two mature trees onsite, if possible.

Enhanced option, C priority: Plant additional trees and incorporate other landscaping in park and along perimeter to reduce site-generated noise, provide shade and to beautify the area. Rough cost for 12-14 new trees (36"-48" box): \$20,000 - \$25,000.

8. Shade structures

Base: No shade structures. It is believed that the two existing trees should be able to survive the arsenic remediation process. If this is the case, they will provide some minimal shade to both areas of the park.

Enhanced, A priority: Include additional shade structures in the park. Rough cost: \$50,000 - \$75,000 for 5 new shade structures.

9. Closed Circuit Television

Base: No CCTV cameras. However, it should be noted that cameras could be installed at a later date.

Enhanced, B priority: The Commission discussed using CCTV cameras for two purposes: security and usage monitoring. As with the other CCTV cameras in the City, the cameras would be used to check the park real time, should an issue be reported. They could also be used for playback purposes. The second use would be to provide webcam access for prospective dog park users, so that they could go online to see if the park is close to capacity. Rough cost for camera, electrical, wiring, etc.: \$17,000 - \$20,000.

10. New LED lamps and poles

Base: Retain current lights and poles, repair any broken fixtures.

Enhanced, C priority: Replace the lamps and poles with updated, energy efficient lighting fixtures that provide optimum lighting. Currently there is good lighting at the site. However, should this project move forward, lighting measurements and readings will be done to determine if the lighting meets the minimum requirements. If the existing lighting does meet minimum requirements, the Commission recommends that the current lamps and poles be retained. However, should measurements indicate that there is insufficient lighting, and that the fixtures are unable to be upgraded, the recommendation is that they be replaced. Rough: cost per lamp post: \$10,000 - \$15,000.

Parking and Liability Concerns

While it was not the charge of the Commission to determine adequate levels of parking, staff has made over 30 visits to the surrounding streets to count parking availability at different times of the day and different days of the week. The details of these parking counts are attached. The streets that were monitored were Civic Center Dr. from Beverly Blvd. to the Police Station, Foothill from Third Street to Civic Center Dr., Alden from Foothill to Maple Dr. and Third Street from Maple to Civic Center Drive. There are 272 parking spaces available along these streets, with the exception of Sundays (6 am – 3 pm) during the Farmer's Market at which time 236 spaces are available. The average

number of spaces that were filled was 91. The highest usage days were Tuesday afternoons, where the number of filled spaces was 162-169. At no time did the parking levels come close to the 272 spaces that are available on these streets. Should parking be a concern, it is worth noting that there is a parking structure on Third Street. This lot fills up during the weekday with workers from the nearby buildings and with lease parkers. However, there are generally spots available in the evenings and on the weekend. Parking in the Rexford parking structure is also relatively close to the proposed park. There are 517 spaces in this lot. Based on an approximately 5 month period, the average number of available spaces is 130.

At points through the public meetings, concerns were raised regarding whether any liability was incurred by the City should issues arise at the dog park. The City Attorney's Office will be prepared to speak to this issue at the City Council meeting; however, Government Code, Section 831.7.5, which became effective 1/1/14, states:

- (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.

FISCAL IMPACT

As City Council knows, the cost of constructing any project is ultimately determined through the competitive bid process. The funding that was set aside by the City Council for this project is \$400,000. In an effort to estimate what site mitigation and basic site improvement costs would be, staff sought the services of an independent, professional cost estimator. Based on that assessment, it appears that site remediation costs will be substantial. As a result, staff has developed the base level park design described above. The cost estimate indicates that the total cost to remediate and construct the park is in the range of \$400,000-\$450,000.

The ongoing cost for the base park would be for doggie bags. This annual cost would be approximately \$2000.

Should portable restrooms be a desired enhancement to the base design, the annual cost to service these restrooms would be approximately \$14,500.

As mentioned above, the Commission recommends that a park ranger be assigned to the park for four hours on the first four Saturdays of operation. This staffing cost can be absorbed into the existing Community Services Department budget. After this period, the Commission would like a report on the operations and whether it is felt that a ranger staffing should continue at this site. If it is determined that a ranger is needed, the cost would be brought back to the City Council. The average hourly rate for a park ranger is \$26.24. If ranger staffing is not determined to be needed, the dog park will be added to the stops a park ranger makes on his/her daily rounds to the City's smaller parks.

RECOMMENDATION

Based on public input received and the recommendation of the Recreation and Parks Commission, staff recommends that City Council provide direction on whether to proceed with the base design described above, and on the priority enhancements listed. Staff further seeks direction on whether to proceed with developing design and construction documents for the dog park and whether to put the project out to bid.



Nancy Hunt-Coffey

Approved By