

**THE PRESIDIO TRUST
BOARD OF DIRECTORS**

**RESOLUTION 13-3
DETERMINATION REGARDING PUBLIC USE LIMIT ON COMMERCIAL DOG
WALKING**

WHEREAS, the regulation at [36 C.F.R. 1001.5](#) (Regulation) authorizes the Presidio Trust Board of Directors to impose public use limits in all or a portion of the area of the Presidio of San Francisco administered by the Presidio Trust (Area B) to all public use or to a specific use or activity upon a determination that such action is necessary for the maintenance of public health and safety, the protection of environmental or scenic values, the protection of natural or cultural resources, the implementation of management responsibilities, or the avoidance of conflict among visitor use activities; and

WHEREAS, the Regulation requires that the Board of Directors prepare a written determination setting forth the reasons the public use limit is necessary and an explanation of why less restrictive measures will not suffice (Determination); and

WHEREAS, in [Resolution 04-15](#) the Board of Directors authorized the Executive Director to prepare the [Determination](#); and

WHEREAS, the Executive Director has prepared a Determination to impose a public use limit on commercial dog walking in Area B for the reasons set forth in the Determination attached hereto; and

WHEREAS, the Regulation requires that, except in emergency situations, a use restriction which is of a nature, magnitude and duration that will result in a significant alteration in the public use pattern of Area B, require a long-term or significant modification in the resource management objectives of Area B, or is of a highly controversial nature, must be published as a rulemaking in the Federal Register; and

WHEREAS, the Board of Directors desires to impose a public use limit on commercial dog walking in Area B and finds that such a public use limit meets the standard required by the Regulation to be published as a rulemaking;

NOW, THEREFORE, BE IT RESOLVED, that the Presidio Trust Board of Directors adopts the Determination; and

BE IT FURTHER RESOLVED, that the Board of Directors hereby authorizes the Executive Director to make such final decisions, to publish required notices of the action in the Federal Register, and to take all other action necessary to impose a public use limit on commercial dog walking in Area B.

Adopted: November 9, 2012



To: Presidio Trust Board of Directors

From: Craig Middleton

Date: October 29, 2012

Re: Public Use Limit: Commercial Dog Walking in Presidio Area B

RECOMMENDATION AND ACTION REQUESTED:

Staff requests that the Board adopt the determination that imposing certain limitations on Commercial Dog Walkers that are the same as the limitations being imposed by the City and County of San Francisco under a recently adopted ordinance is necessary as part of the Trust's management responsibilities to maintain public health and safety, to protect environmental or scenic values, to protect natural or cultural resources, or to avoid conflict among visitor use activities.

BACKGROUND:

According to the City, approximately 110,000 households in San Francisco own dogs and an estimated one-third of these households employ the services of dog walkers to care for and exercise their dogs. There are 70 dog walkers or dog walking services on the City Animal Care and Control Department's dog walking and professional services referral list, and there also may be dog walkers who provide their services for consideration but do not have a business license and are unlisted. Although the Trust does not maintain official statistics on the use of the Presidio by dog walking businesses, Trust staff frequently observe and receive reports of dog walkers with four or more dogs in a number of areas in Area B, in particular along the corridor adjoining West Pacific Avenue from the Broadway Gate to the 14th Avenue Gate, as well as the areas east of the Ecology Trail in the Tennessee Hollow Watershed. By both direct observation and through reports from the public, the Trust is aware that dogs brought into the Presidio in these numbers have been responsible for damage to resources, threats to public safety, and visitor conflict.

The City recently adopted an ordinance to license and regulate dog walkers who conduct their business in a multitude of areas within the boundaries of the City and will begin enforcing the ordinance as early as January 1, 2013. [San Francisco Health Code Article 39: Commercial Dog Walking](#). The City permit requirement applies to any person walking four or more dogs at any one time, for some sort of payment ("Commercial Dog Walkers") on City park property (broadly defined to include, among other areas, all grounds and other property under the management of the Recreation and Park Commission) as well as certain open spaces, certain properties under the

jurisdiction of the San Francisco Port Commission, and designated properties under control of the Public Utilities Commission (PUC). Under Article 39, among other requirements Commercial Dog Walkers must be trained or meet minimum experience requirements, be free of convictions related to animal cruelty within the previous five years, carry \$1 million in general liability insurance, provide sufficient drinking water for the dogs in their charge, transport dogs in a safe manner, and have proper dog walking safety equipment as specified by the City's Director of Public Works.

The Trust currently does not impose restrictions specific to Commercial Dog Walkers in Area B. Given the extremely broad geographical reach (parks, open spaces, Port lands, and PUC properties) of the City's ordinance, the Trust reasonably anticipates a certain number of Commercial Dog Walkers who would otherwise fall under the City's ordinance will take advantage of this lack of specific restriction and walk their dogs in Area B in order to avoid the permit fees, requirements, and limit on the number of dogs they may walk on City lands covered by the ordinance. This increase in dogs in Area B will inevitably affect the use and enjoyment of the Presidio by other users, will increase damages to resources, and will increase the cost of park maintenance and operations. The Trust must provide for the safe enjoyment of all park users, protect resources, and control its operations and maintenance costs, and is therefore undertaking this public use limit in response to the changing circumstances in the surrounding area.

Staff believes that no less restrictive measures are reasonably available to the Trust that would achieve the same results – that is, appropriate behavior to the benefit of other dog walkers and other park users, the protection of natural and cultural resources, and the reduction of expenditures for maintenance that would otherwise be necessitated by unlimited use by Commercial Dog Walkers. Nor could any such less restrictive measures, even if they were to exist, take advantage of the substantial amount of feedback from diverse constituencies that went into drafting and refining the City's ordinance. Furthermore, honoring the City's existing permitting system is less restrictive than creating a new system because it avoids imposing additional administrative and financial burdens on Commercial Dog Walkers.