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CITY OF OAKLAND



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JANE BRUNNER
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TO: Chair Brooks and Members of the Life Enrichment Committee
ATTN: Dan Lindheim
FROM: Council President Brunner
DATE: January 26, 2010

RE: An Ordinance Amending Oakland Municipal Code Article 6.04.080 "Dogs At Large in Parks," to Allow Dogs to be Off-Leash, Under Specific Conditions, in the Grove Shafter Park Dog Play Area and To Permit Dogs on a Six Foot Leash on Hardscape Paths in Grove Shafter Park

SUMMARY

The Parks & Recreation Advisory Commission has approved a new off-leash dog area in an underutilized edge of Grove Shafter Park, pending Council approval of the proposed amendments to the Oakland Municipal Code (OMC).

This report and the attached ordinance will amend the OMC Title 6, Chapter .04, Article .080 Dogs at Large in Parks, to allow dogs to be off-leash under specific conditions, in the Grove Shafter Park and to allow dogs to be walked on-leash through the park to gain access to the dog play area.

The Parks and Recreation Advisory Commission (PRAC), the Office of Parks and Recreation and community dog owners support these amendments ordinance.

FISCAL IMPACT

Approval of this ordinance will have no impact on the City's general fund. On-going maintenance of the dog park will be provided by the users of the Grove Shafter Park Dog Play Area, per the attached draft Agreement (see Exhibit 1).

BACKGROUND

There is increasing demand for places for Oakland residents to exercise and play with their dogs. According to the American Veterinary Medical Association, 40 percent of households in the U.S. are home to one or more dogs. Dog play areas also provide an opportunity for a diverse group of

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neighbors from a broad community to meet together, relax and get to know each other in a way that would not otherwise be possible.

Council President Brunner's staff has been working with community members, dog owners and city staff to create an off-leash dog play area at Grove Shafter Park. City Council approved \$40,000 in funding through the West Oakland Neighborhood Project Initiative (NPI) on May 19, 2009 per City Council Resolution 2009-0058 C.M.S. In addition, \$15,000 in funding has been provided by Council President Brunner's office.

The Grove Shafter Park Dog Play Area project is consistent with both the Redevelopment Plan and Five-Year Implementation Plan for the West Oakland Redevelopment Project Area.

During the past year, community members and City staff (from City Council, Public Works Agency, Office of Parks and Recreation, and CEDA) have met on several occasions to review and refine the Grove Shafter Park Dog Play Area plans. The finalized plan was submitted to and approved by the Parks and Recreation Advisory Committee (PRAC) on November 18, 2009, conditional upon the approval of the City Council to amend the OMC to include the Grove Shafter Park Dog Play Area as an off-leash dog play area in the exempted list of such parks.

KEY ISSUES AND IMPACTS

The Grove Shafter Park Dog Play Area is proposed for a section of the park farthest away from Martin Luther King Jr. Way, and along a Caltrans boundary fence, which is generally underutilized. The dog play area will be ADA accessible, and divided by a fence to separate large (over 30 pounds) and small dogs. The perimeter fence, dividing fence and gates shall be constructed of 4-foot high galvanized chain-link material. Existing pedestrian pathways offer easy access to all users, including those with handicaps. "Air-lock" gates are at the entrance to each of the two play areas, offering an extra level of safety, and designed with ample room for wheelchair maneuverability. The gates will remain closed whenever the dog play area is in use.

The rules for the proposed dog play area are adapted from those that were created for the Joaquin Miller Park Dog Play Area. Dog owners will be responsible for keeping the area clean at all times. Owners will be required to have their dogs on-leash when walking to or from the dog play area. A group of community members, known as Oakland Dog Owners Group, or ODOG, are committed to ensuring that the rules described in the Agreement are followed (see Exhibit 1). The Public Works Agency will be responsible for trash pickup; the Office of Parks and Recreation will be responsible for monitoring the use and cleanliness of the park, and responding to complaints

Below are the proposed amendments to the OMC:

6.04.080 OMC – Dogs at Large in Parks. (*underlined italicized language shows addition to existing code*)

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A.1. Permitted On-Leash Areas. Dogs are only allowed on-leash in the following designated parks: Joaquin Miller and Leona Parks east of Mountain Boulevard, Dimond Park east of El Centro Avenue, Knowland Park east of Golf Links Road, Glen Daniel/King Estate Park, north of Fontaine Street, the Montclair Railroad Trail, and in Mosswood Park, on designated hardscape paths at the Broadway entrance nearest to I-580 overpass, the West MacArthur Boulevard entrance at Shafter Avenue and the Webster Street entrance at 36th Street., and hardscape paths in Grove Shafter Park. Additional areas may be added as authorized in writing or resolution by the Parks and Recreation Advisory Commission and then as amended therein. Otherwise, dogs are not allowed in other Oakland parks at any time.

C. Dogs are permitted to be off-leash in the Joaquin Miller Dog Play Area and the Grove Shafter Park Dog Play Area as authorized in a written Resolution by the Parks and Recreation Advisory Commission.

SUSTAINABLE OPPORTUNITIES

Economic: The proposed dog play area will improve quality of life near Grove Shafter Park by reducing illicit activity and increasing neighborhood involvement in the park, thereby improving real estate values in this area of the City.

Environmental: The Grove Shafter Park is underutilized by the community, and is the site of homeless encampments under bushes along the Caltrans perimeter fence. Litter and other debris build up in these areas, creating blight. As more people enjoy the far reaches of the park, which is where the dog play areas will be located, it will likely become less attractive to the homeless. Also, many dog owners in this area are forced to drive to dog parks in Berkeley to find off-leash areas. The proposed dog play area will allow neighborhood dog owners to exercise their pets without getting in their cars.

Social Equity: The proposed project improves an unused area in Grove Shafter Park and will diminish illegal activity in the park, thus improving quality of life.

DISABILITY AND SENIOR CITIZEN ACCESS

The proposed Grove Shafter Park Dog Play Area will conform to the requirements of the Americans with Disabilities Act, the Older American Act, and other applicable laws.

RECOMMENDATION AND ACTION REQUESTED

It is recommended that the Council adopt the amendments to OMC Section 6.04.080 to allow the dogs to be off leash under specific conditions in a defined area of the Grove Shafter Park and to permit dogs on a six foot leash on hardscape paths in Grove Shafter Park.

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2010 JAN 13 3:04 PM OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE TITLE 6, CHAPTER 6.04, SECTION 6.04.080 "DOGS AT LARGE IN PARKS", TO ALLOW DOGS TO BE OFF-LEASH, UNDER SPECIFIC CONDITIONS, IN THE GROVE SHAFTER PARK DOG PLAY AREAS AND TO PERMIT DOGS ON A SIX FOOT LEASH ON HARDSCAPE PATHS IN GROVE SHAFTER PARK AS AUTHORIZED BY THE PARKS & RECREATION ADVISORY COMMISSION

WHEREAS, 40 percent of the households in the United States are home to one or more dogs, according to the American Veterinary Medical Association; and

WHEREAS, well-exercised dogs are less likely to have behavioral problems, including chronic barking, which results in a decrease in the number of dogs given up to the City Animal Shelter, and a decrease in the number of calls to police for noise abatement; and

WHEREAS, there is an increasing demand for designated areas in the City of Oakland for dog owners to exercise their dogs off-leash; and

WHEREAS, off-leash dog play areas provide residents and their canine companions safe areas in which to exercise and socialize in an urban environment; and

WHEREAS, currently dogs are not allowed in any area of the park; and

WHEREAS, community members would like to walk dogs through the park on the way to the dog play area without being in violation of the City ordinance; and

WHEREAS, on-leash dog walking in Grove Shafter Park will be restricted to hardscape paths; and

WHEREAS, Oakland Dog Owners Group, a private organization, will provide and pay for agreed on signage and pathway markings; and

WHEREAS, the Office of Parks and Recreation and community dog owners support amending the ordinance: OMC 6.04.080; and

WHEREAS, Park and Recreation Advisory Commission, at their November 18, 2009 meeting authorized the Grove Shafter Park Dog-Play Area to be included as an off-leash area and expressed its support to permit dogs on-leash on hardscape paths in Grove Shafter Park; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. The Oakland Municipal Code is hereby amended to add, delete or modify sections as set forth below; additions are indicated by underscoring and deletions by ~~strike through type~~.

6.04.080 OMC Dogs at large in parks

A. It is unlawful for any person owning or having in charge, care, control or custody any dog, except a "Seeing Eye dog" actually being used by a blind person, a "signal dog" actually being used by hearing impaired person, a "service dog" actually being used by a handicapped person, or a police dog being used by any federal, state, county, city, city and county, or city and county enforcement agency for any law enforcement purpose, to permit or allow any such dog, whether leashed or unleashed, to be in a public park, school yard or public playground, or other place controlled by the Board of Education or the city Director of Parks and Recreation for special events or special occasions.

1. Permitted On-Leash Areas. Dogs are only allowed on-leash in the following designated parks: Joaquin Miller and Leona Parks east of Mountain Boulevard, Dimond Park east of El Centro Avenue, Knowland Park east of Golf Links Road, Glen Daniel/King Estate Park, north of Fontaine Street, the Montclair Railroad Trail, and in Mosswood Park, on designated hardscape paths at the Broadway entrance nearest to I-580 overpass, the West MacArthur Boulevard entrance at Shafter Avenue and the Webster Street entrance at 36th Street, and hardscape paths in Grove Shafter Park. Additional areas may be added as authorized in writing or resolution by the Parks and Recreation Advisory Commission and then as amended therein. Otherwise, dogs are not allowed in other Oakland parks at any time.

2. Service and Licensed Work Dogs. Service dogs and licensed work dogs authorized by city or other government personnel for special purposes are permitted in any city park when on official duty.

B. Nothing herein shall prevent or limit the duly authorized use of trained dogs for special purposes, by the city or other government personnel.

C. Dogs are permitted to be off-leash when authorized in a writing or resolution by the Parks and Recreation Advisory Commission and then as amended therein. Dogs are permitted to be off-leash in the areas set forth below.

1. Permitted Off-Leash Areas. Dogs are permitted off-leash only in the following designated off-leash areas: Hardy Park, Mosswood Park, Grove Shafter Park, and the Joaquin Miller, dog play areas. Additional areas may be added as authorized in writing or resolution by the Parks and Recreation Advisory Commission and then as amended therein.

Section 2. Severability: If any article, section, subsection sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect.

Section 3. Effective date: This ordinance shall become effective immediately upon final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, CHANG, DE LA FUENTE, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER
NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

NOTICE AND DIGEST

AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE TITLE 6, CHAPTER 6.04, SECTION 6.04.080 "DOGS AT LARGE IN PARKS", TO ALLOW DOGS TO BE OFF-LEASH, UNDER SPECIFIC CONDITIONS, IN THE GROVE SHAFTER PARK DOG PLAY AREAS AND TO PERMIT DOGS ON A SIX FOOT LEASH ON HARDSCAPE PATHS IN GROVE SHAFTER PARK AS AUTHORIZED BY THE PARKS & RECREATION ADVISORY COMMISSION

Adoption of this ordinance will change the Oakland Municipal Code to allow dogs to be off-leash under specific conditions, in the Grove Shafter Park and to allow dogs to be walked on-leash through the park to gain access to the dog play area.