

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Fred Blackwell

SUBJECT: Lakeview Dog Play Area Appeal
Supplemental Report

DATE: November 28, 2012

City Administrator Approval	<i>Deanna AS</i>	Date 11-30-12
		COUNCIL DISTRICT: #3

RECOMMENDATION

Planning Staff recommends that the City Council adopt:

A Resolution Upholding The Appeal (A12-062), Of The Decision Of The Oakland Planning Commission, And Granting Approval Of An Application For A Minor Conditional Use Permit For The Creation Of A New Dog Play Area At Lakeview Park (Planning Case File No. CU11-208)

Alternatively, should the Council wish to deny the Appeal and approve the creation of a New Dog Play Area at Lakeview Park, the City Council may adopt:

A Resolution Denying The Appeal (A12-062), Of The Decision Of The Oakland Planning Commission And Denying The Application For A Minor Conditional Use Permit For The Creation Of A New Dog Play Area At Lakeview Park (Planning Case File No. CU11-208)

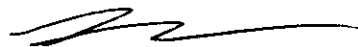
REASON FOR SUPPLEMENTAL REPORT

This Supplemental Report attaches, for purposes of convenience and ease of reference, "Attachment I" to the May 2, 2012 Planning Commission report, which was cited in and incorporated by reference into the previously published 10-day Agenda Report for this item. This "Attachment I" was available for public review in the City Clerk's Office and the City Office of Planning and Zoning at the time the original Agenda Report for this item was published.

Item: _____
City Council
December 4, 2012

For questions regarding this report, please contact Ann Clevenger, Planner III, at (510) 238-6980.

Respectfully submitted,



Fred Blackwell
Assistant City Administrator

Reviewed by:
Scott Miller, Interim Director
Department of Planning and Building

Robert Merkamp, Acting Zoning Manager

Prepared by:
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Attachment "I" to the May 2, 2012 Planning Commission report.

Item: _____
City Council
December 4, 2012

ALTERNATIVE FINDINGS

Attachment I: Findings for Denial

The Planning Commission determines that this proposal does not meet the required findings under General Use Permit Criteria (OMC Sec. 17.134.050) as follows:

SECTION 17.134.050 – GENERAL USE PERMIT CRITERIA:

- A. That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.

Lakeview Park is classified in OSCAR as a Neighborhood Park. At 3.66 acres, Lakeview Park is at the smaller end of the size range (2-10 acres) for this type of park. The park contains an existing library, Astro Park children's play area, parking lot and an existing multi-purpose field area located between the parking lot and MacArthur Blvd. The field area is currently used by a variety individuals, families, and groups for various activities including picnicking, sports, and other activities. The addition of a 20,778 s.f. enclosed dog play area would take a substantial portion of the available open field area away from these general users and dedicate it to a special group (dog owners and their dogs). The desirable neighborhood character would be affected by physically fencing off part of the open field area with a dog play area of the proposed scale and coverage in a high profile location in downtown Oakland near Lake Merritt and the Grand Lake neighborhood. In addition, the proximity to Astro Park (25 feet away), a children's playground, where families gather with small children creates a potential for safety impacts if dogs were to get loose while arriving or leaving the dog play area, or jump over the fence, and there could be health-related impacts if dog waste is not diligently cleaned up and/or if the underground waste management system were not regularly maintained.

- B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.

The proposed fencing off of over 20,000 s.f. of grass field area and replacement of the grass with wood chips for the dog play area would adversely affect the visual attractiveness of this high-profile location (Lakeview Park) and setting (Lake Merritt and Grand Lake neighborhoods). Also, if it is not diligently maintained due to reliance on self-policing of the dog owners or if finding issues arose, the Dog Play Area could potentially become a visual blight within the park and community.

- C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.

In this dense downtown area, the existing field that is available to a variety of users for a variety of purposes would be compromised by the dedication of a large portion of its usable area to a specific group (dog owners

ATTACHMENT I

and their dogs). At 20,778 s.f the Dog Play Area would be more than twice the size of Astro Park (9,700 s.f) and about one-third of the existing open field area.

- D. That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.050.

The proposal does not conform to all applicable design review criteria (see findings in SECTION 17.136.050 – REGULAR DESIGN REVIEW CRITERIA below).

- E. That the proposal conforms in all significant respects with the Oakland Comprehensive Plan and with any other applicable plan or development control map which has been adopted by the City Council.

OSCAR generally describes Lakeview Park (a.k.a. "Eastshore Park") as a heavily used neighborhood park that serves as a gateway to the lake area. It further states that the park "is generally a better site for active recreation than nearby Lakeside Park due to the large open lawn area." (Chapter 5, page 5-12). The Dog Play Area as proposed would take away approximately 1/3 of that open lawn area within the park that is currently valued for active recreation by multiple users including: picnicking, informal sports games, private school gym classes, jogging, etc., and would therefore not conform with this element of the Oakland General Plan.

SECTION 17.136.050 – REGULAR DESIGN REVIEW CRITERIA;

B. For Nonresidential Facilities and Signs.

1. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060.
2. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area.
3. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

The Planning Commission finds that the location, size and scale of the proposed Dog Play Area are not appropriate for this site. It is located in a relatively small Neighborhood Park (3.66 acres total) that is considered to be a gateway to Lake Merritt. A fenced off area at the corner of MacArthur Blvd. and Lakeshore Ave. would be detrimental to the visual and aesthetic quality of the existing open field and children's play area. In addition, OSCAR states that the park "is generally a better site for active recreation than nearby Lakeside Park due to the large open lawn area." (Chapter 5, page 5-12). The Dog Play area would physically fence off and displace over 20,000 s.f. of open field area, i.e., about 1/3 of its usable area, whereas this field is currently used by a variety of people for a variety of purposes (picnicking, sports, group activities etc.). Potential safety and health issues could result if dogs were to get loose in the area, or if the area were not diligently maintained.