

City of Piedmont
COUNCIL AGENDA REPORT

DATE: April 21, 2024

TO: Mayor and Council

FROM: Rosanna Bayon Moore, City Administrator

SUBJECT: Approval of Second Reading of Ordinance No. 780 N.S, Amending Section 3.4.2 and 3.4.4 of the Piedmont City Code to Remove Linda Park (within fenced off-leash area) as a Designated Off-Leash Area for Dogs

RECOMMENDATION

Approve the Second Reading of Ordinance No. 780 N.S (Attachment 1), amending sections 3.4.2 and 3.4.4 of the Piedmont City Code and removing Linda Park (within fenced off leash area) as a designated off-leash area for dogs.

BACKGROUND

On April 7, 2025, the City Council approved a first reading of Ordinance 780 N.S.- amending sections 3.4.2 and 3.4.4 of the Piedmont City Code and removing Linda Park (within fenced off leash area) as a designated off-leash area for dogs (hereinafter referred to as Linda Off-Leash Area).

On April 7, 2025, the City Council also found Ordinance 780 N.S. exempt under California Environmental Quality Act (CEQA) pursuant to Title 14 California Code of Regulations, CEQA Guidelines section 15301. Additionally, it was found that Ordinance 780 N.S. is exempt under section 15304(b) because the proposed project consists of minor alterations to public land and/or vegetation and the action does not involve the removal of a mature tree. Also, the proposed action is exempt under section 15308 because it is an action taken by the City to assure the maintenance, restoration, enhancement, or protection of the environment.

DISCUSSION

As requested by the San Francisco Regional Water Quality Control Board (hereinafter referred to as the “Water Board”), the City submitted an analysis of long-term best management practices (BMPs) and erosion control measures at Linda Off-Leash Area on April 9, 2025. That analysis can be found in Attachment 2 and outlines the proposal to immediately and permanently close off-leash dog use at the Linda Off-Leash Area, hydroseed it, and develop as well as implement a long-term revegetation program.

Background information and additional details regarding the Water Board’s request for long-term best management practices (BMPs) and erosion control measures at the Linda Off-Leash Area can be found in the [Public Hearing – Introduction and First Reading of Ordinance No. 780 N.S., Amending Section 3.4.2 and 3.4.4 of the Piedmont City Code to Remove Linda Park \(within fenced off-leash area\) as a Designated Off-Leash Area for Dogs](#) presented on April 7, 2025.

On April 9, 2025, the Water Board provided the following response to the City’s analysis:

Thank -you for submitting this analysis of next steps and appropriate long term BMP measures the City of Piedmont is taking to address non-stormwater discharges, including sediment and canine excrement from the Linda Ave Park in Piedmont, CA into the storm drain system on Linda Ave. I’m pleased to learn that the city is taking this water quality concern seriously and is moving to close the park and conduct the necessary soil and vegetation restoration work.

Do you have an estimated date for when the city aims to secure a third-party vendor for the hydroseeding work? I’m also looking forward to working with the city as it develops and implements its long-term revegetation program. Please let me know when this draft proposal will be completed and made available for my review. I look forward to hearing from you. Thank-you.

CONCLUSION AND NEXT STEPS

If Council approves the Second Reading of Ordinance No. 780 N.S, City staff will coordinate the hydroseeding of the Linda Off-Leash Area at the earliest possible date. City staff will continue to inform the Water Board of implementation timelines and collaborate on developing a long-term revegetation plan.

ATTACHMENTS:

<u>Pages</u>		
1	3-4	Ordinance No. 780 N.S., amending sections 3.4.2 and 3.4.4 of the City Code to remove Linda Park (within fenced off leash area) as a designated off leash area for dogs.
2	5-6	City of Piedmont’s Analysis of BMPs and Erosion Control Measures – Submitted to the Water Board April 9, 2025

By: Daniel Gonzales, Public Works Director
Deniz Ergun, Sustainability Program Manager

ORDINANCE NO. 780 N.S.

AN ORDINANCE AMENDING SECTION 3.4.2 AND 3.4.4 OF THE CITY CODE REMOVE
TO REMOVE LINDA PARK (WITHIN FENCED OFF LEASH AREA) AS A DESIGNATED
OFF LEASH AREA FOR DOGS

The City Council of the City of Piedmont hereby ordains as follows:

SECTION 1. PURPOSE AND INTENT

It is the purpose and intent of the City Council of the City of Piedmont in adopting this Ordinance to remove Linda Park (within fenced off leash area) from the list of areas designated for off-leash areas for dogs in conformance with The San Francisco Regional Water Quality Control Board's request for long term appropriate BMPs and/or control measures on site. To minimize non-stormwater discharges into the City's Municipal Separate Storm Sewer System, it is necessary to repeal subsection D of City Code section 3.4.2 that establishes Linda Park (within fenced off leash area) as an off-leash area for dogs.

SECTION 2. AMENDMENT TO SUBSECTION 3.4.2

Sections 3.4.2 and 3.4.4 subsection a. of the Piedmont City Code are hereby repealed and replaced to read in its entirety as follows:

“ Section 3.4.2 Off Leash Area Established. The following areas are designated as “off leash areas” for dogs, and dogs, with an Off Leash permit, under the control of a competent person shall be exempt from the provisions of Section 4.13 of the City Code when in these areas.

- a. Blair Park in its entirety.
- b. Piedmont Park creek area (designated by signs) in the rear of the Community Hall to the Piedmont Unified School District property line.
- c. The areas of Dracena Park designated as Off Leash in figure 3.4.2(c).¹
- ~~d. — Linda Park (within fenced off leash area)~~

¹ Please see page 3-32 for figure 3.4.2(c).”

3.4.4 Off Leash Area Rules Established. The following rules shall apply to all off leash areas in the City, except as otherwise noted:

a. Off leash areas shall be open to off leash dogs as follows:

- ~~(1) Linda Park — 7:00 a.m. to 8:00 p.m. weekdays and from 8:00 a.m. to 8:00 p.m. on weekends.~~
- (2) Dracena Park — 6:00 a.m. to 9:00 p.m. daily
- (3) Piedmont Park — 5:00 a.m. to 10:00 p.m. daily
- (4) Blair Park — 5:00 a.m. to 10:00 p.m. daily

SECTION 4. SEVERABILITY

The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part of it is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, the illegality, invalidity, unconstitutionality, or inapplicability will not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts of the Ordinance or their applicability to other persons or circumstances.

SECTION 5. POSTING, FILING, AND EFFECTIVE DATE

This Ordinance shall be posted at City Hall after its second reading by the City Council for at least 30 days and shall become effective 30 days after the second reading.

SECTION 6. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council finds and determines that enactment of this ordinance is exempt from pursuant to Title 14 California Code of Regulations, section 15301 because the proposed action to remove the Linda Park fenced area as an acceptable off-leash dog area involves the operation and maintenance of an existing public park facility and will not result in the intensification of use of the property. Additionally, the proposed action is exempt under Section 15308 because it is an action taken by the City to assure the maintenance, restoration, enhancement, or protection of the environment.

[END OF ORDINANCE]



CITY OF PIEDMONT CALIFORNIA

April 9, 2025

Imtiaz-Ali Kalyan
Stormwater General Permit Unit, Watershed Management Division Regional Water Quality Control
Board, San Francisco Bay Region (2)
1515 Clay St, Ste 1400
Oakland, CA 94612

Dear Mr. Kalyan,

I am writing today to provide the City of Piedmont's response to the Regional Water Quality Control Board (Regional Board), San Francisco Bay Region's request for an analysis of long-term appropriate best management practices (BMPs) and/or control measures to address reported non-stormwater discharges at the off-leash dog area at the Linda Ave Park in Piedmont (hereby referred to as the dog park).

Background and Timeline of the Request

On February 6, 2025, the City received communication from the Regional Board of a citizen complaint, citing non-stormwater discharge from the dog park. The complainant described exposed soil and dog excrement. The Regional Board requested that the City provide a response to the complaint.

On February 28, 2025, the City responded in writing with a description of the existing and ongoing erosion control best management practices (BMPs) at the dog park.

Following that response, on March 3, 2025, the City received a request from the Regional Board to provide a "more detailed analysis of next steps and long term appropriate BMPs and/or control measures the city is looking to install at the dog park..."

The City and Regional Board mutually agreed to a deadline of April 9, 2025, for said response. As such, the City of Piedmont conducted an analysis to determine appropriate and practicable options for addressing this request.

Approach for the City's Analysis

The analysis was conducted by City of Piedmont Public Works staff with the support of third-party consultants that specialize in stormwater management practices. Several relevant factors were considered, including the park's unique topography, current use for off-leash dog play, available City resources, and best management practices for erosion control. The outcome of the City's analysis is detailed below.

Next Steps for Best Management Practices (BMP)s and/or Control Measures

On April 7, 2025, the Piedmont City Council unanimously passed the first reading of Ordinance No. 790 N.S. which permanently closes the off-leash dog park. Through the same resolution, the City Council extended the temporary closure of the dog park, which started on March 1, 2025, until such time as permanent action would take effect. All exposed soil will receive hydroseeding as a short/medium term

sediment control measure. Additional temporary applicable BMPs such as rolled erosion control products, stabilized construction entrances/exits, and/or silt fencing will be implemented as appropriate.

The second reading of the ordinance will be read as soon as April 21, 2025, and if approved, the applicable Municipal Code amendments would go into effect on May 21, 2025. Please find the City of Piedmont, April 7, 2025, [Staff Report \(with Ordinance\)](#) and [Council Resolution](#) for more information.

Immediate and permanent closure of the dog park, along with appropriate erosion and sediment controls, will ensure no further degradation to the physical space and should eliminate non-storm water discharges. It will also enable the City to implement appropriate and practicable long-term measures outlined below.

Long Term BMPs and/or Control Measures

Upon permanent closure of the park to off-leash dog use, the City of Piedmont will begin a long-term process to revegetate the landscape. The aim of the revegetation effort will be to establish a long-term and thriving network of plants and roots to stabilize soil particles and facilitate more stormwater retention. To meet this goal, the City is planning the following activities:

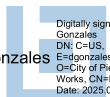
1. At the earliest possible date, contract a third-party vendor to hydroseed the area.
2. Dedicate staff time to maintain the hydroseeded landscape.
3. Develop and implement a long-term revegetation program to monitor the health and success of plant life in the area. Ensure any remaining exposed areas are filled with appropriate plants to maximize coverage and efficacy of revegetation efforts.

The City may consider reopening the park to passive uses that sustain vegetation and erosion control.

The City of Piedmont remains dedicated to maintaining full compliance with the MRP 3.0 and eliminating erosion from entering the MS4 system. We are committed to implementing the described BMPs and erosion control measures to meet the needs of our community and respond to the topography of our hillside city to the maximum extent practicable.

Please do not hesitate to reach out with any follow-up questions.

Sincerely,

 Digitally signed by Daniel J. Gonzales
DN: C=US,
E=dgonzales@piedmont.ca.gov,
O=City of Piedmont, OU=Public
Works, CN=Daniel J. Gonzales
Date: 2025.04.09 10:51:21-07'00'

Daniel Gonzales
Director of Public Works