

City of Piedmont
COUNCIL AGENDA REPORT

DATE: April 7, 2025

TO: Mayor and Council

FROM: Rosanna Bayon Moore, City Administrator

SUBJECT: 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

RECOMMENDATION

1. Conduct a first reading of Ordinance No. 780 N.S (Attachment A), 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.
2. Approve the temporary closure of the Linda Park off-leash dog area until permanent action is determined and takes effect.

BACKGROUND

On December 7, 2000, the Piedmont City Council adopted Ordinance 619 N.S., amending section 3.4.2 of the Piedmont City Code and designating the current boundary of the Linda Park off-leash dog area within the fenced area of the park (hereby referred to as the Linda Off-Leash Area, or the Area). When first established, the Area featured an ivy-covered hillside with volunteer oak trees sloping toward Linda Avenue. Today, the Area is bordered by a chain-link fence. A de facto retaining wall for the hillside has been created by wood board footing along the fence that is two to three feet in height and runs the Area's length.

The Area is a popular destination for pet owners that has faced seasonal challenges as a result of rain events. Extensive soil erosion is also evident. Over time, ivy groundcover in the Area has deteriorated, exposing soil and tree roots. As Piedmont has experienced a higher frequency and more significant rain events, several safety concerns have arisen due to the Area's landscape conditions. Off-leash dog use prevents the regrowth of vegetation, which in turn leads to runoff during periods of rain. These conditions have necessitated temporary closures of the Area under Section 3.3.12 of the Municipal Code, which provides the authority to temporarily close a park or any portion thereof for up to 30 days if doing so is necessary to protect public safety or public property.

On February 6, 2025, the City received communication from the San Francisco Regional Water Quality Control Board (hereinafter referred to as the "Water Board") regarding a citizen complaint

pertaining to the Area. The complaint raised concerns about pollutants from soil erosion and animal excrement washing down from the park into the City's stormwater system.

CITY OF PIEDMONT CLEAN WATER REQUIREMENTS

Under the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4 or stormwater system) permit (No. CAS612008), otherwise referred to as the Municipal Regional Permit (MRP), the City of Piedmont is required to take actions that help prevent and minimize pollution entering storm sewer systems and the San Francisco Bay watershed. The Water Board administers the permit under the authority delegated by the Environmental Protection Agency (EPA) pursuant to the federal Clean Water Act Section 402. The City administers the permits through its Clean Water program that includes, but is not limited to, City Code Chapter 30, which outlines the intent, authority, and codes for eliminating non-stormwater discharges into the City's stormwater system.

WATER BOARD REQUEST

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

On February 28, 2025, the City responded to the Water Board in writing with a description of the existing and ongoing erosion control best management practices (BMPs) at Linda Off-Leash Area. Some examples of existing BMPs include:

- Installation of straw wattles along the inside edge of the Linda Avenue fence. In 2025, an additional 100 feet of secured straw wattles and silt bags were added in advance of a heavy rain event.
- Visits to the Area during rain events to ensure existing measures are proving effective.
- Regular removal of soil that has accumulated along the inside edge of Linda Avenue fence, wood boarding, and straw wattles.
- Installation of a full-trash capture device in the Linda Avenue stormwater catch basin that collects some, but not all, of the run-off of the Area. An evaluation of the downhill stormwater catch basin determined that a Water Board-approved full-trash capture device could not be installed.
- Periodic and temporary closure of the park in accordance with City Code Chapter 3: Parks, Section 3.3.12 when the soil is determined to be too wet or unstable.

On March 3, 2025, the Water Board responded to the City, acknowledging current efforts. However, their response indicated that “the nature of the topography and the current land use practices demand more appropriate and long-term erosion control measures.” The Water Board has requested that the City “submit 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 Water Board have mutually agreed to a deadline of April 9, 2025 for said response.

OPTIONS FOR ADDRESSING THE WATER BOARD'S REQUEST

City staff have identified three options for addressing the Water Board's request.

Option 1. Immediately and permanently close the Area and hydroseed the landscape.

Option 1 permanently closes Linda Park as a designated off-leash area for dogs and requires changes to the City Code, as the City Code prescribes the use of the area. Permanent closure of the Area enables the City to work with the Water Board to determine the appropriate and practicable long-term BMPs, while minimizing the potential for pollution to enter the stormwater system. City staff would promptly hydroseed the Area to establish vegetation. Staff anticipate that the hydroseeding can fall within the Park Stabilization & Storm portion of the approved Public Works budget. At a future date, the Area would be evaluated for other passive uses that support the long-term success of vegetation.

Option 2. Develop and implement capital improvements that include extended closure of the Area and significant regrading and infrastructure upgrades efforts.

Option 2 requires closure of the Area until such time that capital improvements could be made to facilitate off-leash dog use while meeting the Water Board's request for a long-term strategy. Improvements would involve significant redesign of the Area that could include regrading, building a retaining wall, and installing a water drainage system. Improvement projects contemplated under this option are not currently included within the Capital Improvement Project budget.

Option 3. Take no action and risk enforcement and penalties.

Option 3 maintains status quo. The Area would remain designated for off-leash dog use and City staff would continue to implement current BMPs, including periodic closures of the Area for rain events. This option exposes the City to fines and penalties that are estimated at thousands of dollars per a day.

RECOMMENDATIONS AND NEXT STEPS

Staff recommends Option 1 to permanently close the fenced area within Linda Park for off-leash dog use, and to hydroseed the Area at the earliest practicable date. Hydroseeding and closure of the Area to off-leash dog use will allow vegetation to reestablish uninterrupted and to develop a network of plant roots that anchor soil and enhance water retention, directly addressing the concerns of the Water Board. This option also allows the City to explore alternative uses that are less intensive and damaging. Through this option, the City will work with the Water Board to determine appropriate and practicable long-term BMPs and/or control measures moving forward.

PROPOSED REVISIONS TO PIEDMONT CITY CODE CHAPTER 3 – PARKS

Below are redlined versions of the recommended Code changes to Sec 3.4 Dogs in Park.

- 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).~~
- 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

CEQA:

The proposed action to remove the Linda Park (within fenced off leash area) as an acceptable off-leash dog area and conduct landscaping work involves the operation and maintenance of an existing public park facility and will not result in the intensification of use of the property. Accordingly, staff finds that this project is exempt pursuant to Title 14 California Code of Regulations, CEQA Guidelines section 15301. Additionally, the proposed action 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.

CITY ATTORNEY REVIEW:

The City Attorney has reviewed this item.

CONCLUSION, COUNCIL ACTION AND NEXT STEPS:

Adopt revisions to the City Code and extend the closure of the Linda Off-leash Area. Should the Council approve a first reading of the recommended ordinance on April 7, 2025 a second reading

could occur as soon as April 21, 2025, and the Code amendments would go into effect on May 21, 2025.

FISCAL IMPACT

Estimated costs to hydroseed the Area will fall within the Park Stabilization & Storm portion of the approved Public Works budget.

Permanently closing and hydroseeding the Linda Off-leash Area, and working with the Water Board to implement appropriate long-term options, reduces risk for enforcement and associated fines and penalties.

ATTACHMENTS:

Pages

- A 6-7 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.

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

Separate and available on the City website:

- Piedmont City Code Chapter 3, Park and Chapter 30, Storm Water Management and Discharge Control available at:
https://piedmont.ca.gov/government/charter_city_code

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]