



February 14, 2006

Margaret Stanzione, Project Planner
City of Oakland
Community and Economic Development Agency
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

Subject: FEIR Comments on Oak to Ninth Avenue Development Project

Dear Ms. Stanzione:

Representatives from the Oakland Animal Welfare Group (OAWG) and the Oakland Dog Owner's Group (ODOG) attended the Parks and Recreation Advisory Commission meeting on February 8, 2006 and we were pleased to learn that the project sponsor is proposing the addition of a dedicated dog park to the Oak to Ninth Avenue Project (project). OAWG raised concerns at that meeting about the service standards for Oakland residents with dogs and feel that the Final Environmental Impact Report (EIR) should have considered this potentially significant impact that the California Dog Owner's Group (CalDOG) raised as a concern in its comment letter on the Draft EIR dated October 24, 2005. We request that the City respond to our comments on the Final EIR in writing and provide this information to the City Planning Commission for their consideration in approving this project.

Oakland residents who are dog guardians (dog owners) have unique recreational needs that regular park space cannot always meet. Dogs require daily exercise to maintain their physical health and responsible guardians will seek to maintain their pets' health. As Oakland is considered an urban environment, it is unlikely that backyard space can adequately meet the exercise needs of all dogs. Further, some dog owners with physical disabilities may be unable to walk far enough or maintain a walking pace that provides their dogs with enough exercise for the health of their dogs. Dedicated off-leash dog space in parks is a critical service for Oakland residents who have and care for dogs.

Overall, Oakland does a poor job in meeting the recreational service standards of its residents with dogs. According to the *2002 U.S. Pet Ownership and Demographic Sourcebook*,¹ the average number of households that have dogs is 36.1% and, overall, there are 0.58 dogs per household. This means that there are over 87,000 dogs in Oakland. Out of 150,790 households in Oakland, 54,435 households have dogs. Applying Oakland's average household size of 2.60 from the Census 2000 data, there are 141,139 Oakland residents who live in a household with a dog. This means that 34.2% of Oakland's population ($141,139 \div 412,318$)² lives in a household with a dog and should have access to recreational space that meets their daily needs.

Exacerbating the access problems is Oakland Municipal Code 6.04.080 that states all but three of Oakland's 99 municipal parks are off-limits to dogs³ – even when they are leashed and under the control of their guardians. Hardy Park is Oakland's only dedicated recreation area for residents with dogs and is approximately 2.16 acres, although not all of this acreage is dedicated as off-leash dog space for residents with dogs. Assuming the full acreage of Hardy Park, though, dedicated off-leash dog space represents less than 0.1% out of 2,257 acres of Oakland park space identified in the Draft EIR. Even when considering the Joaquin Miller and Dimond parks that allow only leashed access (in only some areas), which is a lower quality recreational service and not geographically accessible to all Oakland

¹ American Veterinary Medical Association (2002)

² Oakland population figure for 2005 from California Department of Finance

³ The City's website does not include Knowland, Leona or Glen Daniel/King Estate on its list of parks.


residents, the total acreage open to dogs is just under 23%. This is well below the percentage of Oakland's population that lives with dogs. Put into perspective, all three of the Piedmont's parks allow off-leash and on-leash access for dogs. As mentioned in CalDOG's letter, there is not enough dedicated space for Oakland residents with dogs and this project will make the situation worse for existing residents unless it provides adequate space for off-leash dogs.

The Draft EIR and Final EIR do not adequately address the issue of service standards for a portion of the project's population that has unique and important recreational access needs. When considering OSCAR's service standard of 4 acres of local-serving parks per 1,000 residents, Oakland would need an additional 562 acres of off-leash recreational space to serve its existing residents that have dogs. As acknowledged in the Draft EIR, the City falls far short of its service standard goal for residents overall with an existing level of just 1.33 acres per 1,000 residents. In the case of access for Oakland residents with dogs, applying an even more reasonable service standard of 1 off-leash acre per 1,000 residents leaves the City of Oakland approximately 138 acres below its own service standard goal for its existing population. The construction of this project will further reduce the service standard for existing residents using Hardy Dog Park as some of those new project residents will seek to recreate in an off-leash space with their dogs. This should be considered a potentially significant impact in the FEIR and mitigation should be required as part of the project's conditions of approval.

Approximately 1,116 project households can be reasonably expected to have dogs. Using the project's household size of 1.7 residents, would mean that approximately 1,897 residents will be living in a household with dogs. To meet OSCAR standards, the project sponsor should provide 7.6 acres of park space dedicated to the recreational needs of project residents. At least two dedicated off-leash dog parks (one acre each) should be provided on-site, and we recommend the City allow the project sponsor to provide a development fee that would help provide the remaining 5.6 acres of off-leash dog parks in the City's existing park space. This feasible mitigation measure would reduce this potentially significant impact to less-than-significant.

While it is critical to include dedicated space for dogs as part of this project, it is also important to permit dogs to be walked on-leash on all park paths and in areas that would not have conflicting uses (i.e., in-use sports fields or sensitive wildlife habitat). This will enhance livability in Oakland and increase the project's appeal for future residents. The project's conditions of approval should reflect this requirement. Further, any mitigation measures considered infeasible should be identified as well as the justification for that determination. If you have any questions about these comments, please feel free to contact me at (510)595-6747.

Sincerely,



Douglas Kolozsvari
Facilitator, OAWG

cc. Mayor Jerry Brown
Oakland City Council
Oakland City Planning Commission
Oakland Parks and Recreation Advisory Commission
Director Audree Jones-Taylor
California Dog Owner's Group (CalDOG)
Oakland Dog Owner's Group (ODOG)

From: Frank Russo [mailto:fdr@sbcglobal.net]
Sent: Monday, October 24, 2005 9:19 AM
To: 'Mstanzione@oaklandnet.com'
Cc: mgobd@yahoogroups.com
Subject: Letter of the Metropolitan-Greater Oakland Democratic Club on Draft Environmental Impact Statement on Oak to Ninth Development

To: Margaret Stanzione, Project Planner, City of Oakland, CEDA

RE: Draft EIR, Oak to 9th

Dear Ms. Stanzione:

The Metropolitan Greater Oakland Democratic Club (MGO) submits these comments on the draft EIR of the proposed development of Oak to 9th. We have held three club meetings on the subject of this project and heard from the developer and a number of other speakers. We concur with the League of Women Voters on a number of issues and concerns they have raised in a letter to you.

First, we have a process question: The Draft EIR was very hard to find online (and requires multiple clicks, with links that are not particularly intuitive). For this reason and those stated by others, we join them in requesting an extension of the comment period.

Secondly, MGO supports full compliance with Estuary Policy Plan (EPP). The EPP was developed through a process that included lengthy public discussion, debate and compromise - and that process should be respected. Further, by "full compliance with the Estuary Policy Plan", we mean just that - not 'most of the elements of', or 'in the spirit of', or 'many of the principles of' - but full compliance.

Third, the EPP calls for a "specific plan" for this site prior to development; there is a statement in the Draft EIR that "The City and Port of Oakland have not elected to prepare a specific plan for the Oak-to-Ninth District as called for in the Estuary Plan.", with the rationale that the process we are in now is 'essentially equivalent' to a specific plan. We ask that the Planning Commission look at this, and ensure that 'essentially equivalent' doesn't leave out anything, especially the chance for a back and forth public discussion about various alternatives.

Fourth, we have a somewhat technical question regarding the open space in the plan: How do we protect public use/access to public space? By assessing the condo owners to maintain the open space, the private ownership group has more control over the open space, potentially allowing them to place restrictions on public access to "their" space.

In addition to the above, MGO insists that 25% of any housing created as a result of the project, should be affordable to Oaklanders. The requirement of affordable housing is an established principle in Oakland City law and precedents and must be included.

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