

INTRODUCED BY COUNCILMEMBER _____


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE AMENDING SECTIONS 10.28.145 AND 10.28.160 OF THE OAKLAND MUNICIPAL CODE TO LIMIT TRUCK PARKING IN WEST OAKLAND; AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.

WHEREAS, the West Oakland Truck Management Plan (TMP) was adopted in 2019 and included 10 strategies to reduce the impact of truck travel on local streets; and

WHEREAS, the TMP included Strategy 8: Change Parking Regulations, which is addressed by this legislation; and

WHEREAS, the West Oakland Community Action Plan, prepared in response to Assembly Bill 617, contains Strategy 38 which includes language to “change the parking regulations so they are easier to enforce”; and

WHEREAS, the City of Oakland (City) and the Port of Oakland (Port) vetted the proposed parking regulations updates with the West Oakland stakeholders through a multi-lingual survey, virtual neighborhood group meetings, virtual meetings with industry and trade groups, and other community-based stakeholder group meetings; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 10.28.145 of the Oakland Municipal Code (OMC) is added to read as follows (additions are in double underline):

Section 10.28.145 Prohibition on Parking of Trucks Exceeding 22 Feet in Length
No person shall park any truck, tractor, trailer, or other commercial vehicle of any kind whatsoever exceeding 22 feet in length on any public street or portion of street in a district defined herein. Parking is restricted on all streets included in a district, including streets defined as borders.

A. Area bordered by I-880 between Mandela Parkway and I-580, I-580 between I-880 and I-980, I-980 between I-580 and 7th Street, 7th Street between I-980 and Broadway,

Broadway between 7th Street and Embarcadero West, Embarcadero West between Broadway and Adeline Street, Adeline Street between Middle Harbor Road and 3rd Street, and 3rd Street between Adeline Street and Mandela Parkway

Within a district, the City Traffic Engineer is authorized to erect signs on streets allowing commercial vehicles exceeding 22 feet to park. Where signs are posted, commercial vehicles exceeding 22 feet may park for up to 72 hours.

SECTION 2. Section 10.28.160 of the OMC, entitled Parking prohibited—Unattached trailers, is amended to read as follows (additions are in double underline and deletions are in strikethrough):

~~A. The City Traffic Engineer is authorized to place signs indicating no parking of unattached trailers upon any street or portion of any street when the City Traffic Engineer has determined that the parking of unattached trailers is creating a nuisance, blight or hazard.~~

~~B. When official signs prohibiting unattached trailer parking are erected upon any street or portion of any street as authorized herein, no person shall park an unattached trailer at any time upon any such street or portion of any such street in violation of any such sign.~~

No person shall park an unattached trailer, semitrailer, or any other trailer used for commercial purposes on any street, except:

- A. Under permission from the City Traffic Engineer
- B. While loading or unloading property

SECTION 3. California Environmental Quality Act (CEQA). On July 31, 2002, the City certified an Environmental Impact Report (EIR) for the OAB Redevelopment Plan and on the same date the City, acting as the Oakland Base Reuse Authority and Oakland Redevelopment Agency, approved the Final OAB Reuse Plan. Subsequently in 2012, the City Council in their role as the Oakland Redevelopment Successor Agency adopted an amended OAB Reuse Plan, supported by an Addendum to the 2002 EIR. On July 16, 2013, the City Council adopted a revised Standard Conditions of Approval/Mitigation Monitoring and Reporting Plan (SCA/MMRP). Preparation of the TMP was undertaken expressly to comply with and to implement mitigation measure 4.3-7 of the SCA/MMRP which states: “The City and the Port shall continue and shall work together to create a TMP designed to reduce the effects of transport trucks on local streets.” This action of implementing the TMP by updating the West Oakland parking regulations complies with the requirements of MM 4.3-7. This action implements a previous mitigation measure and, as a result, there is no new information or substantial changes to the previously certified EIR and approved Addendum requiring further analysis pursuant Public Resources Code Section 21166 and CEQA Guidelines Section 15162.

In addition, Staff has also determined that the implementation of the TMP is exempt from CEQA pursuant to CEQA Guidelines Sections 15301 (existing facilities), 15308 (actions by regulatory agencies for protection of the environment), and 15061(b)(3) (common sense exemption). Each of the foregoing provides a separate and independent basis for CEQA compliance, and when viewed collectively, provides an overall basis for CEQA compliance.

SECTION 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional

SECTION 5. Effective Date. This ordinance shall become effective immediately on 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,

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –
ABSENT –
ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

Date of Attestation: _____

NOTICE AND DIGEST

ORDINANCE AMENDING SECTIONS 10.28.145 AND 10.28.160 OF THE OAKLAND MUNICIPAL CODE TO LIMIT TRUCK PARKING IN WEST OAKLAND; AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.

This ordinance amends sections 10.28.145 and 10.28.160 of the Oakland Municipal Code (OMC) to prohibit truck parking in West Oakland except on a limited number of blocks in industrial areas away from residences and parks. Unattached trailers are proposed to be banned from parking on Oakland streets citywide. Updating the truck parking regulations in West Oakland is a key strategy, informed by an extensive community engagement process, to achieve the objective of minimizing the impact of transport trucks on local streets in West Oakland. Targeted truck parking locations in industrial areas will remain to support industrial businesses in the West Oakland community. The City Council also adopted appropriate CEQA findings related to the ordinance adoption.