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OAKLAND

CITY OF OAKLAND 19 JUN 27 PM 1:04

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Council Member Noel Gallo

SUBJECT: Emergency Street Closure 37th
Avenue

DATE: June 11, 2019

City Administrator Approval

Date:

RECOMMENDATION

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO TEMPORARILY CLOSE THE 600-700 BLOCK OF 37TH AVENUE DUE TO SERIOUS AND CONTINUAL CRIMINAL ACTIVITY AND ILLEGAL DUMPING FOR A PERIOD OF EIGHTEEN MONTHS

EXECUTIVE SUMMARY

The California Vehicle Code section 21101.4, allows a local authority by resolution, to adopt rules and regulations for temporarily closing to through traffic a highway (street) under its jurisdiction when the Council, after a public hearing, finds that certain conditions exist, including serious and continual criminal activity and illegal dumping when the street is not designated as a through highway or street and the temporary closure may be accomplished without significant impact on the normal flow of traffic. The 600-700 Block of 37th Avenue is a dead end with only two property owners: Home Depot on the South and a closed down factory on the north and east sides that will ultimately be redeveloped. The area has become a magnet for illegal dumping, graffiti, and criminal activity. Specifically, Home Depot has experienced significant theft and inventory loss from this side of the property and employees attempting to conduct routine maintenance have been threatened with physical violence. Home Depot is willing to pay for the installation of fencing and a gate to preserve Emergency Vehicle access that would be maintained until the planned redevelopment of the vacant factory.

BACKGROUND / LEGISLATIVE HISTORY

California Vehicle Code section 21101.4, allows a local authority (the Council) by ordinance or resolution, to adopt rules and regulations for temporarily closing to through traffic a highway under its jurisdiction when the Council, after a public hearing, finds all of the following conditions exist:

(1) based upon recommendations of the police department, sheriff or the CHP, the Council finds and determines that one of the following concerns exists along the portion of the highway recommended for closure:

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- (A) Serious and continual criminal activity.
- (B) Serious and continual illegal dumping.

(2) the highway is not designated as a through highway or street and the temporary closure may be accomplished without significant impact on the normal flow of traffic.

(3) vehicular and pedestrian traffic on the highway contributes to serious and continual criminal activity or illegal dumping as provided in (1) above.

(4) closure will not substantially adversely affect traffic flow, safety of adjacent street or surrounding neighborhoods, operation of emergency vehicles, performance of municipal or public utility services, delivery of freight in the area of the closed street.

Under subsection (4) (b) the street or highway may not be closed for more than 18 months, except the period may be extended for not more than 8 additional consecutive periods of not more than 18 months each if the Council holds a public hearing and makes all the findings that all the conditions exist which are listed under subsection 4 (b).

Under 21101.4 (c), the Council shall mail written notice of the public hearing required under subsection (a) or (b) to all residents and owners, as shown on the last equalized assessment roll, of property adjacent to the highway where the temporary closure or extension of closure is proposed.

The conditions that exist on this portion of 37th Avenue meet the findings in the State Code and mailings have been sent to all affected property owners as required. The Public Works Department routinely services this area due to illegal dumping and frequent parking of RVs that accumulate large amounts of debris; sometimes blocking the roadway completely. Home Depot met with City officials about routine harassment of employees, theft of stored building materials, and material being stolen directly off delivery trucks as they pull into the facility that are then seen on 37th Avenue. There has also been reported incident of an individual brandishing a weapon at this location and throwing rocks at employees when they are operating the forklift while unloading deliveries.

Since this is an unused dead end that is difficult to get to or see from neighboring locations, OPD does not typically patrol the location (unless a call for service is received) and incidents of vandalism, including illegal wire taps on the utility poles are a common occurrence. Home Depot has agreed to fund any costs associated with the installation and maintenance of the gate leaving no cost to the City.

OPD has provided its recommendation of this temporary closure in a report with data of complaints that date back to June 6, 2017 (**Attachment A**).

Public Works conducted a location histories for illegal dumping work orders and service requests within 200 feet of 600-700 block of 37th Ave. for the period June 1, 2018 through May 31, 2019 and found 18 service requests (**Attachment B**).

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FISCAL IMPACT

There is no fiscal impact to the City caused by closing this street.

PUBLIC OUTREACH / INTEREST

Under 21101.4 (c), the City is required to mail written notice of the public hearing required under subsection (a) or (b) to all residents and owners, as shown on the last equalized assessment roll, of property adjacent to the highway where the temporary closure or extension of closure is proposed. Those notices have been sent.

COORDINATION

Council Member Gallo's Office coordinated with the City Attorney's Office, the Department of Transportation, the Oakland Police Department, and the City Administrator's Office in developing the resolution and report.

SUSTAINABLE OPPORTUNITIES

Economic: By closing this dead end, the City will help prevent illegal dumping that requires expenditure of City resources on an ongoing basis. It also will reduce police response costs associated with this location.

Environmental: The accumulation of illegal dumping contributes to environmental degradation in this Central East Oakland area.

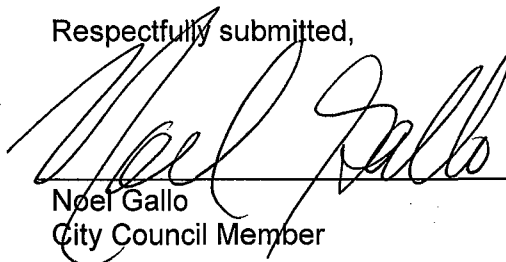
Social Equity: Minimizing criminal activity in this area supports the adjacent business and allows for them to provide a safer work environment for their employees.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Conduct A Public Hearing And Upon Conclusion, Use The Authority Granted Under California Vehicle Code Section 21101.4, To Authorize The City Administrator, Or Her Designee, To Temporarily Close The 600-700 Block Of 37th Avenue For Period Of Eighteen Months Due To Serious And Continual Criminal Activity And Illegal Dumping.

For questions regarding this report, please contact Mayra Chavez at 510-238-7051.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Noel Gallo", written over a horizontal line.

Noel Gallo
City Council Member

CITY OF OAKLAND

Memorandum

TO: City of Oakland
ATTN: Oakland City Attorney's Office
FROM: Lieutenant Mark A. Rhoden
DATE: 21 Jun 19

RE: 600 to 700 block of 37th Avenue, Oakland, CA 94601

The 600-700 block of 37th Avenue in the City of Oakland has become a site of serious and continual criminal activity. For that reason, the Oakland Police Department recommends the temporary closure of the street to through traffic.

Description:

This portion of 37th Ave. is a dead-end street that intersects with E.8th Ave. The south boundary is the Home Depot (4000 Alameda Ave.) loading dock area and the north boarder is the old Owens-Illinois Glass company (3600 Alameda Ave.) along with one residence (745 37th Ave.). The 600-700 block of 37th Ave has an over 50-foot wall along most of the north side. This wall is completely covered in graffiti and the large structure makes the entire area dimly lit which contributes to the continues criminal activity occurring in this area.

The Area has very little pedestrian and or vehicle traffic. The pedestrian traffic, since the road goes nowhere, is rarely of legitimate means. The vehicle traffic is typically people who are lost and/or trying to get on the freeway or they are there purposely to take part in nefarious activities. The combination of the poor lighting, very little vehicle or pedestrian traffic and lack of commercial tenants or residence in the area has created a perfect area for illegal dumping, drug use, vandalism, abandoned vehicles, stolen vehicles and all types of crimes from petty theft to robbery.

The Home Depot and 24-hour Fitness located just south of the 600-700 block of 37th Ave have experienced heavy losses of product in recent years from shop-lifting and burglary and their customers have been subjected to victimization via auto burglaries, vehicle theft and robbery in their parking lot. Speaking with loss prevention personnel and employees, a common method that suspects have used to blatantly avoid paying for products is to leave with the merchandise via the numerous fire exits throughout the building. The rear garden fire exit is one of the most common escape routes and that leads straight to the 700 block of 37th Ave. via a porous fence. The Home Depot has repeatedly repaired and/or replaced the fence to no avail. This area is also one of the most common locations for criminals to enter the area of the Home Depot or 24-hour Fitness without detection.

In the last two years OPD has responded to that area eighty-one different times. This includes self-initiated and calls for service.

A Highlight of Recent Crime Incidents:

1. Date: 06/10/2017

Location: 4000 Alameda Ave

Crime: Stolen Vehicle

V1 was shopping at the Home Depot when his vehicle was stolen. It was later found in the 700 block of 37th Ave behind Home Depot.

2. Date: 07/31/2017

Location: In rear of 4000 Alameda Ave

Crime: Recovered stolen vehicle

Stolen vehicle recovered from the rear of Home Depot.

3. Date: 09/05/2017

Location: 4000 Alameda Ave

Crime: 417(a)(1) PC- Brandish weapon

Subject lives in nearby encampment and threw a metal pipe at the victim after a verbal dispute.

4. Date: 02/19/2018

Location: 700 block of 37th Ave

Crime: Stolen Vehicle.

On 19 February 2018 at approx. 0129 hours. OPD units were flagged down by residents about suspicious activity in the 700 block of 37th Ave involving a white van. Officers checked the area and located the van unoccupied which was later determined to be stolen.

5. Date: 07/09/2018

Location: 4000 Alameda Ave, Home Depot

Crime: Burglary, Theft

It appears that on 9 Jul 18 at about 0200 hours, an unknown suspect gained entry to The Home Depot by slipping through an opening in the rear perimeter fence. The suspect then entered the store through an unsecured rear door while the store was closed for business. The suspect selected a power tool and fled the business on foot through the rear door with the loss in an unknown direction.

6. Date: 7/21/2018

Location: 700 block of 37th Ave

Crime: Stolen Vehicle

On 21 July 2018 at approx. 0627 hours. OPD units on routine patrol located and recovered a stolen vehicle that was unoccupied.

7. Date: 08/03/2018

Location: 700 block of 37th Ave

Crime: Reckless Driving.

On 03 August 2018 at approx. 0435 hrs. Officers observed a subject in a vehicle doing "donuts" in the street, spinning his tires and going around in circles. Although it was early in the morning and there were no vehicles on the road, there were several vehicles parked on the street with people sleeping in them and there are pedestrians in the area due to a homeless encampment close-by. Which is extremely dangerous.

8. Date: 08/09/2018

Location: 700 block of 37th Ave

Crime: Assault

On 08 September 2018, Subject-1 was standing outside the victims' residence located around the area of 37th Ave and E. 8th St. S1 intentionally and unprovoked assaulted the victim in violation of PC240. S1 was cited and released on scene and placed under emergency psychiatric hold.

9. Date: 09/20/2018

Location: 3600 block of E.8th St

Crime: Stolen Vehicle.

On 20 September 2018 at approx. 0049 hours. OPD units on routine patrol located and recovered a stolen vehicle that was unoccupied.

10. Date: 01/15/2019

Location: 700 block of 37th Ave

Crime: Stolen Vehicle

On 01 January 2019 at approx. 0439 hours. OPD units on routine patrol located and recovered a stolen vehicle that was unoccupied.

11. Date: 01/15/2019

Location: 3600 block of E.8th St

Crime: Stolen Vehicle

On 15 January 2019 at approx. 0439 hours. OPD units on routine patrol located and recovered a stolen vehicle that was unoccupied.

12. Date: 02/07/2018

Location: 3500 block of E. 8th St

Crime: Stolen Vehicle.

On 07 February 2018 at approx. 1717 hours, officers were advised of a suspicious vehicle by a citizen who lives in the area. The vehicle was reported stolen and returned to owner.

13. Date: 02/10/2019

Location: 700 Block of 37th Ave

Crime: Stolen Vehicle

On 10 FEB 19 at approximately 1108 hours, a victim called OPD to report he located a stolen vehicle from his auto dealership. The vehicle was tracked to the 700 block of 37th Ave. The vehicle was located occupied by two individuals and stolen vehicle was returned to owner.

14. Date: 03/21/2019

Location: 3600 block of E.8th St

Crime: Stolen Vehicle

On 21 March 2019 at approx. 0049 hours. OPD units on routine patrol located and recovered a stolen vehicle that was unoccupied.

15. Date: 05/13/2019

Location: 4000 Alameda Ave, Home Depot

Crime: 484PC Theft

It appears that on 13 May 19, at approximately 1200 hours, Suspect-1 entered the Home Depot store located at 4000 Alameda Ave, and selected Items (1-3). Suspect-1 passed the check stand without the intent of paying for the items. Based on Suspects-1 actions, he was in violation of 484PC (Theft). Suspect-1 fled through the garden area then through north parking lot towards the area of 37th Ave from officers. Suspect-1 was later arrested.

16. Date: 05/16/2019

Location: 700 block of 37th Ave

Crime: 417(A)(2) PC- Exhibit of Firearm

On 15 MAY 2019 at about 1030 hours, two (2) Loss prevention officers were in the rear of Home Depot taking pictures of the rear fence due to the fence being replaced. S1 confronted the two victims for being on his side of the public street (700 Block of 37th Ave). S1 then entered a vehicle and approached the victims again. S1 then pointed a black firearm at the victims and fled the scene in the vehicle.

17. Date: 06/09/2019

Location: 4000 Alameda Ave, Home Depot

Crime: 484PC Theft

On 9th June 2019 at around 1645 hours S-1 entered a commercial business located at 4000 Alameda Ave with the intent to take property. The property was open during normal business hours and the crime occurred at 1645 hrs. S-1 took the property to the value of \$568.79 and walked out of the premises without paying. S-1 was placed under arrest and Officers issued S-1 a citation for 484 PC (theft).

18. Date: 06/14/2019

Location: 4000 Alameda Ave, Home Depot

Crime: 484PC Theft

On 14th June 2019 at around 1600 hours S-1 entered a commercial business located at 4000 Alameda Ave with the intent to take property during normal business hours. S-1 took the property to the value of \$19.97 and attempted to walk out of the premises without making any attempt at paying. S-1 was detained during the investigations and eventually released from the scene.

The Department of Public Works has responded to at least 18 complaints of illegal dumping on the 600 to 700 block of 37th Ave in the last twelve months.

The 600 to 700 block of 37th Ave. is a dead-end street that has no current benefit to the City of Oakland or its residents/visitors.

Based on the totality of current circumstances, as the Special Resource Commander for this area (OPD Beat 23X), I believe the 600 to 700 block of 37th Ave. has a serious and continual crime and dumping issue that will go on unfettered if the City of Oakland does not act to close this area. For this reason, the Oakland Police Department recommends the temporary closure of the street.



Mark A. Rhoden
Lieutenant of Police
Oakland Police Department
BFO-2, Area 4 Special Resource Section

Attachment B

1005694	KOCB Illegal Dumping - Illegal Dumping Removal	3	CLOSED	161-KOCB ILL DUMP-OVERH-WEST,	4/11/2019	4/11/2019	CCD5
1007847	Homeless Clean and Clear - Street/Sidewalk	3	CLOSED	SATTERFIELD, IVAN	4/17/2019	4/17/2019	CCD5
1018151	Homeless Garbage Route - Street/Sidewalk	3	CLOSED	ZEINO, PASCAL	5/22/2019	5/22/2019	CCD5
1022084	KOCB Illegal Dumping EE - Enforcement	3	CLOSED	Torrez, David	6/4/2019	6/5/2019	CCD5
1022665	KOCB Illegal Dumping - Illegal Dumping Removal	3	CLOSED	114-KOCB ILL DUMP-PACKER-LM-HS,	6/6/2019	6/6/2019	CCD5
933096	KOCB Illegal Dumping - Illegal Dumping Removal	1	CLOSED	114-KOCB ILL DUMP-PACKER-LM-HS,	6/26/2018	6/26/2018	CCD5
937782	KOCB Illegal Dumping - Illegal Dumping Removal	3	CLOSED	114-KOCB ILL DUMP-PACKER-LM-HS,	7/16/2018	7/16/2018	CCD5
956812	KOCB Illegal Dumping - Illegal Dumping Removal	1	CLOSED	114-KOCB ILL DUMP-PACKER-LM-HS,	10/1/2018	10/1/2018	CCD5
956813	KOCB Illegal Dumping - Mattress Removal	1	CLOSED	161-KOCB ILL DUMP-OVERH-WEST,	10/11/2018	10/11/2018	CCD5
960349	KOCB Illegal Dumping - Illegal Dumping Removal	1	CLOSED	114-KOCB ILL DUMP-PACKER-LM-HS,	10/16/2018	10/16/2018	CCD5
961068	KOCB Illegal Dumping - Mattress Removal	3	CLOSED	161-KOCB ILL DUMP-OVERH-WEST,	10/18/2018	10/18/2018	CCD5
961070	KOCB Illegal Dumping - Illegal Dumping Removal	3	CLOSED	115-KOCB ILL DUMP-PACKER-HS-82,	10/22/2018	10/22/2018	CCD5
963454	KOCB Illegal Dumping - Illegal Dumping Removal	3	CLOSED	169-KOCB ILL DUMP-OVERH-CWIDE,	10/30/2018	10/30/2018	CCD5
963455	KOCB Illegal Dumping - Mattress Removal	3	CLOSED	161-KOCB ILL DUMP-OVERH-WEST,	10/26/2018	10/26/2018	CCD5
972132	KOCB Illegal Dumping - Illegal Dumping Removal	1	CLOSED	168-KOCB ILL DUMP-TIRES,	11/30/2018	11/30/2018	CCD5
976202	KOCB Illegal Dumping - Illegal Dumping Removal	3	CLOSED	114-KOCB ILL DUMP-PACKER-LM-HS,	12/18/2018	12/18/2018	CCD5
977640	KOCB Illegal Dumping - Illegal Dumping Removal	3	CLOSED	164-KOCB ILL DUMP-LITT-B-LM,	12/22/2018	12/22/2018	CCD5

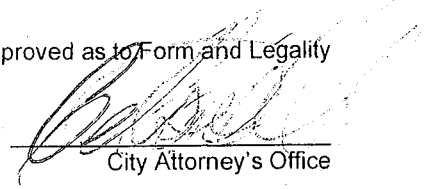
Attachment B

E 8TH & 37TH AVE	ILLDUMP	97.446154	4 Cubic Yards	
37TH AVE & BOEHMER ST	HE CLEAN	610.832	20 Cubic Yards	882184
37TH AVE & E 8TH	HE CLEAN	1120.68	20 Cubic Yards	
3615 E 8TH STREET	ILLDUMP	419.4	1 INVESTIGATIONS	
3618 E 8TH ST	ILLDUMP	81.371429	1 Cubic Yards	
3600 E 8TH ST	ILLDUMP	210.213333	2 Cubic Yards	821710
37TH AVE & BOEHMER ST	ILLDUMP	78.8675	8 Cubic Yards	826102
E 8TH ST & 36TH AVE	ILLDUMP	49.433846	3 Cubic Yards	843083
E 8TH ST & 36TH AVE	ILLDUMP	19.79375	1 Mattresses	843083
37TH AV & E 8TH ST	ILLDUMP	80.44	1 Cubic Yards	846936
37TH AVE & E 8TH ST	ILLDUMP	115.163637	2 Mattresses	846932
37TH AVE & E 8TH ST	ILLDUMP	175.28	2 Cubic Yards	846932
37TH AVE & E 8TH ST	ILLDUMP	609.917714	10 Cubic Yards	846932
37TH AVE & E 8TH ST	ILLDUMP	383.333333	2 Mattresses	846932
700 37TH AVE, OAKLAND, CA, 94601	ILLDUMP	81.2475	24 Cubic Yards	856646
37TH AVE & BOEHMER ST	ILLDUMP	180.182858	1 Cubic Yards	860064
E 8TH ST & 37TH AV	ILLDUMP	45.064348	1 Cubic Yards	

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19 JUN 27 PM 1:04

Approved as to Form and Legality



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER NOEL GALLO

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO TEMPORARILY CLOSE THE 600-700 BLOCK OF 37TH AVENUE FOR A PERIOD OF EIGHTEEN MONTHS DUE TO SERIOUS AND CONTINUAL CRIMINAL ACTIVITY AND ILLEGAL DUMPING

WHEREAS, California Vehicle Code ("CVC") section 21101.4(a), allows a local authority by resolution, to adopt rules and regulations for temporarily closing to through traffic a highway under its jurisdiction when the Council, after a public hearing, finds that all of the following conditions exist:

- serious and continual criminal activity or serious and continual illegal dumping
- the highway is not designated as a through highway or street and the temporary closure may be accomplished without significant impact on the normal flow of traffic
- vehicular and pedestrian traffic on the highway contributes to serious and continual criminal activity or illegal dumping
- closure will not substantially adversely affect traffic flow, safety of adjacent street or surrounding neighborhoods, operation of emergency vehicles, performance of municipal or public utility services, delivery of freight in the area of the closed street; and

WHEREAS, those conditions currently exist on the 600-700 block of 37th Avenue due to it being a dead-end street with only two properties, one of which is a permanently closed industrial facility; and

WHEREAS, the adjacent business has experienced significant theft and vandalism generated by persons who are using the street as a parking area for their recreational vehicles (RVs); and

WHEREAS, the adjacent business has repeatedly had staff members threatened by the persons who have parked their RVs on this dead end including having rocks thrown at them when they try to perform basic maintenance work; and

WHEREAS, the hidden nature of this dead end has allowed for significant illegally dumped material to accumulate causing the Oakland Public Works Department to spend significant resources cleaning the area; and

WHEREAS, the adjacent property owner has agreed to cover the costs associated with installing fencing to close the street temporarily, including adding a gate that would allow emergency vehicle access when necessary; and

WHEREAS, the street can reopen when the second vacant parcel undergoes redevelopment in the near future; and

WHEREAS, the residents and owners (based on the last equalized assessment roll) of properties adjacent to the portion of the street to be temporarily closed have been duly notified by mail of the Council's public hearing to consider the temporary closure of the 600-700 block of 37th Avenue; and

WHEREAS, on July 9th, 2019 as required by CVC section 21101.4(a) the City Council conducted a public hearing to receive input on these findings; now, therefore, be it

RESOLVED: That the Council pursuant to California Vehicle Code section 21101.4 (a) hereby finds and determines, based upon a report by the Oakland Police Department attached hereto as Exhibit A, and the illegal dumping report attached hereto as Exhibit B, that: (1) there is serious and continual criminal activity and illegal dumping occurring on the 600-700 block of 37th Avenue that is being recommended for temporary closure, (2) the 600-700 block of 37th Avenue is not designated as a through highway or arterial street, (3) vehicular and pedestrian traffic on the 600-700 block of 37th Avenue contribute to the criminal activity and illegal dumping occurring on that portion of the street, and (4) the closure of that portion of 37th Avenue will not substantially adversely affect (a) traffic flow, safety on the adjacent streets or in the surrounding neighborhoods, (b) the operation of emergency vehicles, (c) the performance of municipal or public utility services, or (d) the delivery of freight by commercial vehicles in the 600-700 block of 37th Avenue that is proposed to be temporarily closed; and be it

FURTHER RESOLVED: That the Council finds and determines, based upon the report and recommendation of the Oakland Police Department, and of the Oakland Public Works Department, that the conditions that exist on the 600-700 block of 37th Avenue meet the requirements of California Vehicle Code section 21101.4 (a); and be it

FURTHER RESOLVED: That the Council hereby authorizes that the 600-700 block of 37th Avenue be temporarily closed to through traffic for a period of eighteen (18) months, and that the City shall give thirty (30) days written notice of a decision to either remove or permanently maintain the street barrier; and be it

FURTHER RESOLVED: That the closure of the 600-700 of 37th Avenue may be extended up to 8 times for 9-18 month closures each time if prior to an extension, the

Council holds a public hearing and makes similar findings by ordinance or resolution as those needed for the original closure of the 600-700 block of 37th Avenue.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California