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2013 JAN 17 AM 9:47

# AGENDA REPORT

**TO:** DEANNA J. SANTANA  
CITY ADMINISTRATOR

**FROM:** Vitaly B. Troyan, P.E.

**SUBJECT:** Supplemental to Amending O.M.C.  
Titles 12 & 16

**DATE:** January 16, 2013

City Administrator  
Approval

Date

1/16/13

**COUNCIL DISTRICT:** City-Wide

## RECOMMENDATION

Staff recommends that the City Council approve the resolution attached to the original report and approve the revised ordinance attached to this supplemental report.

## REASON FOR SUPPLEMENTAL

This supplemental report only revises the proposed ordinance as follows:

The original ordinance required the Director of Public Works to accept future City streets for maintenance administratively. The revised ordinance requires acceptance of future City streets for maintenance by Council. A formal acceptance by the City Council will ensure all additions or changes to the public street system are constructed in accordance with the established standards.


## OUTCOME

Adopting the revised ordinance, in addition to the proposed changes as described in the original report, will require that the City Council, by Resolution, accept future streets for maintenance upon recommendation of the Director of Public Works or Designee. All other elements of the original ordinance and the report with the complete street resolution remain unchanged.

Item: \_\_\_\_\_  
Public Works Committee  
January 29, 2013

For questions regarding this report, please contact Gus Amirzehni, Principal Civil Engineer 510-238-6601.

Respectfully submitted,

  
VITALY B. TROYAN, P.E.  
Director, Public Works Agency

Reviewed by:  
Michael Neary, P.E., Assistant Director,  
PWA, Department of Engineering & Construction

Prepared by:  
Gus Amirzehni, P.E., Principal Civil Engineer  
Iris Starr, Division Manager

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APPROVED AS TO FORM AND LEGALITY

**DRAFT**

City Attorney

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

**OAKLAND CITY COUNCIL**

**ORDINANCE No. \_\_\_\_\_ C.M.S.**

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**ORDINANCE AMENDING TITLE 12 AND 16 OF THE OAKLAND MUNICIPAL CODE 1) CLARIFYING AND UPDATING STREET DESIGN STANDARDS; AND 2) DESIGNATING THE PUBLIC WORKS DIRECTOR OR DESIGNEE RESPONSIBLE FOR UPDATING AND ESTABLISHING DESIGN AND CONSTRUCTION STANDARDS CONSISTENT WITH THE COMPLETE STREETS APPROACH**

**WHEREAS**, The Oakland Municipal Code does not currently fully regulate design standards for constructing or improving the public street system; and

**WHEREAS**, such design standards have, in the past, been established by the Public Works Agency's Department of Engineering and Construction (PWA-DEC) for the purposes of accommodating all roadway users and modes; and

**WHEREAS**, during the past few years reorganizations have resulted in disjointing the authority within the City of Oakland to establish and enforce the design and construction standards for street improvements and responsibility of maintenance for the public street system; and

**WHEREAS**, it is in the interest of the City to establish responsibilities for development, implementation and monitoring of Complete Street system design and construction standards and enforce them uniformly as part of the Oakland Municipal Code wherever the Oakland Municipal Code addresses street system design and construction standards; and

**WHEREAS**, Complete Streets (sometimes known as livable streets) describes a comprehensive, integrated transportation network, with roadways designed and operated to enable safe, attractive, and comfortable access and travel for all users, including: pedestrians, bicyclists, persons with disabilities, seniors, children, motorists, movers of commercial goods, operators of public transportation, public transportation users of all abilities, and emergency responders; and

**WHEREAS**, Public Works Agency (PWA) is responsible for the planning, design, construction, and maintenance of the Public Street System; and

**WHEREAS**, PWA and its Director are best suited in light of their responsibilities to establish Complete Street system design and construction standards and maintenance thereof; now, therefore

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

Section 1. Chapter 12.02 is added to read as follows:

**Chapter 12.02 - COMPLETE STREET DESIGN STANDARDS**

**Sections:**

12.02.001 – Definitions.

12.02.003 – Purpose.

12.02.005 – Responsibility.

12.02.007 – Acceptance by the City Council.

12.01.010 – Design Standards

**12.02.001 – Definitions.**

As used in this chapter:

“Complete Street”, which is reflected in City Resolution No. \_\_\_\_\_ C.M.S., as it may be amended, is a transportation facility that is planned, designed, operated and maintained to provide safe mobility and access for all users, including bicyclists, pedestrians (including seniors, children, and persons with disabilities), transit users of abilities, movers of commercial goods, and motorists, appropriate to the function and context of the facility.

“Private street” means an alley, roadway, or street, not maintained by the city, and used for vehicular, bicycle, or pedestrian access.

“Public street” means an alley, roadway, or street, maintained by the city, and used for vehicular, bicycle, or pedestrian access.

“Street system” means either the entire Complete Streets network or a portion of that network of publicly and privately maintained streets, under the jurisdiction of the city, used for vehicular, bicycle, or pedestrian access.

**12.02.003 – Purpose.**

The purpose of this chapter is to augment Chapter 16.16 and establish the City’s intent to implement Complete Streets serving all users and modes so as to uniformly regulate the design, construction, operation, and maintenance of the street system. The City of Oakland will use Complete Streets to provide safe comfortable, and convenient travel along and across streets (including streets, roads, highways, bridges, and other portions of the transportation system) through a comprehensive, integrated transportation network that serves all categories of users, as defined above.

**12.02.005 – Responsibility.**

The Director of Public Works or his/her designee is responsible for developing and publishing Complete Street standards for the design and construction of the Street System consistent with the Oakland Municipal Code, and for updating the standards from time to time to reflect emerging best practices and innovative design options as appropriate for City of Oakland context. Such standards shall apply to all streets regardless of whether they are private streets or public streets.

**12.02.007 – Acceptance by the City Council.**

No street system or portion thereof shall be accepted by the City as part of the public street system except by Resolution of the City Council upon recommendation of the Director of Public Works or his/her designee.

12.02.010 - Design Standards.

All roadway dimensions and geometric requirements, including but not limited to, right-of-way widths, pavement widths, alignment, grade, length of block and others are established in the context of the Complete Streets approach in compliance with Chapter 16.16 DESIGN STANDARDS.

Section 2. Section 12.16.050 is amended to read as follows:

**12.16.050 - Improvement standards.**

All improvements to be constructed under this section shall be at the abutting property owner's expense and installed according to city standards and shall consist of pavement, curbs, gutters, sidewalks, storm drainage including conduits and inlet structures, and any other structures such as retaining walls, public stairways, etc., as required by the City Engineer in accordance with Chapter 12.02. Plans and specifications shall be prepared at the owner's expense by a Civil Engineer registered in the state of California and no work in public area shall be started until said plans and specifications have been approved by the City Engineer. Where the existing street conforms to grades acceptable to the City Engineer and the required street improvements consist of sidewalk and/or curb and gutter only, plans and specifications will not be required and the work may be done with a sidewalk-driveway-curb-gutter permit.

(Prior code § 6-2.194)

Section 3. Chapter 16.16 is amended to read as follows:

Chapter 16.16 - DESIGN STANDARDS

Sections:

- 16.16.002 – Purpose.
- 16.16.010 - Alignment of streets.
- 16.16.020 - Width of streets Right of Way and Width of Pavement for Non-Hillside Areas.
- 16.16.025 - Width of Street Right of Way and Width of Pavement for Hillside Areas.
- 16.16.030 - Grade of streets.
- 16.16.040 - Intersection of streets.
- 16.16.050 - Alignment and visibility of streets.
- 16.16.060 - Minimum radii of curvature on centerline of streets.
- 16.16.070 - Tangents.
- ~~16.16.080 – Roadway-widths:~~
- 16.16.090 - Private streets.
- 16.16.100 - Effect of street layout on adjoining property.
- 16.16.110 - Reserves at end of streets or boundaries of subdivision.
- 16.16.120 - Street names.
- 16.16.130 - Alleys.
- 16.16.140 - Width of blocks.
- 16.16.150 - Length of block.
- 16.16.160 - Pedestrian ways.
- 16.16.170 - Lots.

16.16.002 – Purpose.

The purpose of this chapter is to establish the City's intent to implement Complete Streets concepts, which is reflected in City Resolution No. \_\_\_\_\_ C.M.S., as it may be amended, so as to uniformly regulate the design, construction, operation, and maintenance of the street system in parallel with the requirements of Chapter 12.02 Complete Streets Design Standards. These provisions shall be applied upon an application for the subdivision of land as applicable, and/or as referenced in Chapter 12.02.

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16.16.010 - Alignment of streets.

The alignment of all arterial streets and collector streets shall conform to those designated in the circulation element adopted by the City Council prior to the date of filing of the tentative map with the Advisory Agency. All proposed minor streets shall be in alignment with existing planned or platted streets with which they are to connect.

(Prior code § 7-4.15)

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~~16.16.020 – Width of streets:~~

- ~~A. — Arterial streets shall be of the width indicated on the approved plans and not less than eighty (80) feet in width.~~
- ~~B. — Collector streets shall be not less than sixty (60) feet in width.~~
- ~~C. — Local streets shall be not less than fifty (50) feet in width.~~
- ~~D. — Blind streets shall be not over three hundred (300) feet in length and shall be not less than fifty (50) feet in width. All blind streets shall terminate in a circular end having a minimum~~

diameter of eighty (80), unless the Advisory Agency approved a "T" or "Y" shaped space in lieu of required turning circle.

(Prior code § 7-4.16)

**16.16.020 - Width of street Right-of-Way and Width of Pavement for Non-Hillside Areas.**

For the purpose of this Chapter, the term 'non-hillside area' shall be construed to mean land areas within the City of Oakland adjacent to street right-of-way which has an average difference in elevation of fifteen (15) feet or less in a horizontal distance of one hundred (100) feet. Street Right-of-way widths and pavement widths for non-hillside areas are established in the context of the Complete Streets approach as follows:

- A. Arterial streets shall be of the width indicated on the approved plans and not less than eighty (80) feet in right-of-way width, and shall have a pavement width as determined by the Director of Public Works or his designee.
- B. Collector streets shall not be less than sixty (60) feet in right-of-way width and shall have a pavement width as determined by the Director of Public Works or his designee.
- C. Local streets shall not be less than fifty (50) feet in right-of-way width and not less than thirty (30) feet in pavement width
- D. Blind streets shall not be over six hundred (600) feet in length unless it includes means of a secondary access and shall not be less than fifty (50) feet in right-of-way width and not less than thirty (30) feet in pavement width. All blind streets shall terminate in a circular end having a minimum right-of-way diameter of eighty (80) feet and a minimum pavement diameter of seventy (70) feet, unless the Advisory Agency or other approving authority approves a "T" or "Y" shaped space in lieu of required turning circle.
- E. Alleys shall not be less than twenty-six (26) feet in right-of-way width, and not less than twenty (20) feet in pavement width.

(Prior code § 7-4.16)

(Prior code § 7-4.22)

(Prior code § 7-4.27)

**16.16.025 - Width of street Right-of-Way and Width of Pavement for Hillside Areas.**

For the purpose of this Chapter, the term 'hillside area' shall be construed to mean land areas within the City of Oakland adjacent to street right-of-way which has an average difference in elevation of more than fifteen (15) feet in a horizontal distance of one hundred (100) feet. Street Right-of-way widths and pavement widths for hillside areas are established in the context of the Complete Streets approach as follows:

- A. Arterials shall have the same minimum width requirements as specified for non-hillside areas in Section 16.16.20.
- B. Collectors shall have the same minimum width requirements as specified for non-hillside areas in Section 16.16.20.
- C. Local streets shall not be less than forty (40) feet in right-of-way width.
  - 1. With lot frontage on both sides of the street, pavement width shall not be less than twenty-six (26) feet.
  - 2. With lot frontage on one side of the street only, pavement width shall not be less than twenty-four (24) feet.
- D. Blind streets shall not be over six hundred (600) feet in length unless it includes means of a secondary access and shall not be less than fifty (50) feet in right-of-way width and not less than twenty-six (26) feet in pavement width. All blind streets shall terminate in a circular end having a minimum right-of-way diameter of eighty (80) feet and a minimum pavement

diameter of seventy (70) feet, unless the Advisory Agency or other approving authority approves a "T" or "Y" shaped space in lieu of required turning circle.

- E. Alleys shall not be less than twenty-six (26) feet in right-of-way width, and not less than twenty (20) feet in pavement width.

**16.16.030 - Grade of streets.**

The grades on arterial, collector and local streets and alleys shall be approved by the City Engineer-of-the-city. Concrete pavement with approved finish is required when the street grade exceeds fifteen percent (15%).

(Prior code § 7-4.17)

**16.16.040 - Intersection of streets.**

Street intersection shall be as nearly at right angles as practicable.

- A. At street or alley intersections, property line corners shall be rounded by an arc, the minimum radius of which shall be fifteen (15) and five (5) feet respectively. In business districts a chord may be substituted for such arc.
- B. Street curb intersections shall be rounded by radii of at least ~~twenty-five (25)~~ ten (10) feet.
- C. The above minimum radii for property line and curbs shall be increased when the smallest angle of intersection is less than sixty (60) degrees.

(Prior code § 7-4.18)

**16.16.050 - Alignment and visibility of streets.**

Clear visibility, measured along the centerline, shall be provided for at least three hundred (300) feet on arterial streets; two hundred (200) feet on collector streets and at least one hundred (100) feet on local streets.

(Prior code § 7-4.19)

**16.16.060 - Minimum radii of curvature on centerline of streets.**

- A. Arterial streets, five hundred (500) feet;
- B. Collector streets, three hundred (300) feet;
- C. Local streets, one hundred (100) feet.

(Prior code § 7-4.20)

**16.16.070 - Tangents.**

There shall be a tangent between all reversed curves of at least one hundred fifty (150) feet in length on all arterial streets and collector streets; and fifty (50) feet on all local streets.

(Prior code § 7-4.21)

**~~16.16.080 - Roadway widths.~~**

- ~~A. Minimum roadway widths on local streets shall be thirty (30) feet.~~
- ~~B. Roadway widths for turning circles on blind streets shall have a diameter of not less than sixty (60) feet.~~

~~(Prior code § 7-4.22)~~



**16.16.090 - Private streets.**

Private streets, alleys or ways shall not be platted or laid out except with the approval and consent of the Advisory Agency and the City Council, and then only on conditions which guarantee the construction of necessary local improvements and continued maintenance thereof.  
(Prior code § 7-4.23)

**16.16.100 - Effect of street layout on adjoining property.**

Street layout shall be designed to provide for future access to and not impose undue hardship upon unsubdivided property adjoining the subdivision.  
(Prior code § 7-4.24)

**16.16.110 - Reserves at end of streets or boundaries of subdivision.**

Reserve strips at the end of streets or at the boundaries of subdivision shall be deeded unconditionally to the city.  
(Prior code § 7-4.25)

**16.16.120 - Street names.**

Proposed street names shall not duplicate or too closely approximate phonetically the name of any street in Oakland or other East Bay Cities, or adjacent portions of Alameda County. Where streets are continuations of existing streets the existing street names shall be used.  
(Prior code § 7-4.26)

**16.16.130 - Alleys.**

Alleys shall be required in all business and industrial districts. Except in downtown and where justified by topographic conditions, alleys will not be approved in residential districts. ~~Minimum width of alleys shall be twenty-(20)-feet-with-twenty-(20)-foot-roadways.~~  
(Prior code § 7-4.27)

**16.16.140 - Width of blocks.**

The width of blocks shall be sufficient to allow two tiers of lots of approximate depth.  
(Prior code § 7-4.28)

**16.16.150 - Length of block.**

Blocks shall not ~~generally exceed one-thousand-(1,000)-~~ three hundred (300) feet in length and dead-end-blind streets three-six hundred (300-600) feet. Blind streets in excess of six hundred (600) feet shall include means of a secondary access.  
(Prior code § 7-4.29)

**16.16.160 - Pedestrian ways.**

Improved pedestrian ways not less than ten (10) feet wide shall be provided near the center and entirely across any block over five hundred (500) feet in length.  
(Prior code § 7-4.30)

**16.16.170 - Lots.**

Lot design shall be consistent with the provisions of Section 16.04.010, Purpose, and the following provisions:

- A. Every lot shall abut on a street, except as specified in Section 17.106.020.

- B. Double frontage lots shall not be platted.
  - C. Reversed frontage of key lots shall be avoided in blocks exclusively residential.
  - D. Lot lines shall be approximately at right angles to the street line on which the lot faces.
  - E. Each lot shall have the minimum area prescribed by the zoning district within which it lies.
  - F. Lots shall be equal or larger in measure than the prevalent size of existing lots in the surrounding two hundred (200) foot radius area except:
    - 1. Where the area is still considered acreage;
    - 2. Where a deliberate change in the character of the area has been initiated by the adoption of a specific plan, a change in zone, a development control map, or a planned unit development.
  - G. Lots shall be designed in a manner to preserve and enhance natural outcroppings of rock, specimen trees or group of trees, creeks or other amenities.
- (Prior code § 7-4.31)

Section 4. This ordinance shall be effective immediately upon its adoption by the City Council, subject to the provisions of Section 213 of the Charter of the City of Oakland, but shall not apply to (a) building/construction related permits already issued and not yet expired; (b) to building/zoning applications approved by the City and not yet expired; or to (c) building/zoning applications deemed complete by the City as of the date of final passage, unless an applicant so requests.

Section 5. The proposal relies on the previously certified Final Environmental Impact Reports (EIRs) for the Land Use and Transportation Element of the General Plan (1998), and the Bicycle Master Plan (2007) and the Mitigated Negative Declaration for the Pedestrian Master Plan (2002). Thus, no further environmental review is required. As a separate and independent basis, the proposal is also exempt from CEQA pursuant to CEQA Guidelines Section 15183 "Projects Consistent with a Community Plan, General Plan or Zoning" and/or 15061(b)(3)(General Rule—no possibility of significant environmental impact). The Environmental Review Officer is directed to file a Notice of Determination/Exemption with the County Clerk.

Section 6. Nothing in this Ordinance shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

Section 7. If any section, subsection, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of the remaining portions which shall remain in full effect.

Section 8. That the record before this Council relating to this Ordinance includes, without limitation, the following:

- 1. the application, including all accompanying maps and papers;
- 2. all relevant plans and maps;
- 3. all final staff reports, decision letters and other documentation and information

produced by or on behalf of the City;

4. all oral and written evidence received by the City staff, and City Council before and during the hearings on the matter;

5. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan and the General Plan Conformity Guidelines; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations, Oakland Fire Code; (c) Oakland Planning Code; (d) other applicable City policies and regulations; and, (e) all applicable state and federal laws, rules and regulations.

Section 9. That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City's decision is based are respectively: (a) the City of Oakland Public Works Agency, 250 Frank H. Ogawa Plaza, 4<sup>th</sup> floor, Oakland; and (b) the Office of the City Clerk, i Frank H. Ogawa Plaza, 1st Floor, Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, KALB, KAPLAN, KERNIGHAN, SCHAAF, McELHANEY, and PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

DATE OF ATTESTATION: \_\_\_\_\_