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CITY OF OAKLAND
AGENDA REPORT

TO: Office of the City Manager
ATTN: Deborah Edgerly
FROM: Office of the City Manager
DATE: March 23, 2004

**RE: Resolution of the City Council of the City of Oakland
Authorizing the Permanent Partial Closure of 26th Avenue
Between the 2400 and 2600 Block**

SUMMARY

The City of Oakland closed 26th Avenue between the 2400 and 2600 block for nine years, the maximum time allowed under California Vehicle Code Section 21101.4. Both the community and the Oakland Police Department support the permanent closure of 26th Avenue between the 2400 and 2600 block. The proposed resolution will permanently close 26th Avenue between the 2400 and 2600 block.

FISCAL IMPACT

More attractive barriers will replace the existing concrete partial barriers on 26th Avenue between the 2400 and 2600 block. Council Member Ignacio De La Fuente's Office has allocated Pay-go funds to cover the costs of the new barriers.

BACKGROUND

On October 4, 1994, the City Council held a public hearing and passed Resolution No. 71386 authorizing the temporary closure of a portion of 26th Avenue between the 2400 and 2600 block pursuant to California Vehicle Code Section 21101.4. This code section allows the temporary closure of a local street based upon serious and continual criminal activity for a maximum period of nine (9) years. The nine-year period of the temporary closure of 26th Avenue between the 2400 and 2600 block expired in October 2003. Several years ago, the barriers installed on 26th Avenue between the 2400 and 2600 block were modified to only partial close the street. The partial closure made it easier for ambulances and police to respond more easily to calls for services or situations in the 2400-2600 block of 26th Avenue.

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The City may adopt rules and regulations prohibiting the ingress and egress to local streets by means of roadway design features such as islands, curbs, and traffic barriers to implement the Transportation Element of the City's General Plan. To assess adverse impacts created by the permanent partial closure of 26th Avenue between the 2400 and 2600 block, staff requested that the Planning Division of the Community & Economic Development Agency (CEDA) evaluate whether such a closure was consistent with the Land Use and Transportation Element of the City's General Plan. The Transportation Services Division of the Public Works Agency (PWA) was requested to evaluate the traffic impact that may result from the permanent partial closure of 26th Avenue between the 2400 and 2600 block. Additionally, the Oakland Police Department was requested to provide criminal offense data from 1999-2003 to assess the level of criminal activity for the last several years.

KEY ISSUES AND IMPACTS

The Planning Division of the CEDA related that the Land Use and Transportation Element of the General Plan do not contain policies that directly address traffic circulation. However, the Land Use and Transportation Element does state there should be a hierarchical network of streets. There are five street classifications, ranging from local streets to freeways, that are distinguished by their right-of-way width; traffic capacity; adjacent land uses; transit, bicycle and pedestrian use; provision of access to adjoining properties; and control of intersections. 26th Avenue is considered a local street.

Local streets are intended to provide access to abutting properties in residential neighborhoods and business districts. The Land Use and Transportation Element states that local street design should discourage through traffic and high-speed travel, and minimize the impacts to the environment. The Planning Division found that the proposed permanent partial closure of 26th Avenue between the 2400 and 2600 block would discourage through traffic while providing access to abutting properties. The permanent partial closure of 26th Avenue between the 2400 and 2600 block is consistent with the intended function and design of a local street as described in the Land Use and Transportation Element of the City's General Plan.

The Transportation Services Division of the PWA found the following:

1. The parallel street that could be impacted is 25th Avenue between East 23rd Street and East 27th Street.
2. The 26th Avenue corridor is a local street consisting of only four blocks between East 23rd Street and East 27th Street. It has an estimated Average Daily Traffic (ADT) of 546 vehicles.
3. That 25th Avenue is a local collector connecting East 27th Street to Foothill westward, and East 27th Street to Sheffield Avenue eastward, hence the justification for the higher ADT of 2172 vehicles.

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4. The segment of 25th Avenue that could be affected by the proposed permanent partial closure of 26th Avenue between the 2400 and 2600 block is between East 23rd Street and East 27th Street. Due to the partial closure of 26th Avenue between the 2400 and 2600 block for several years, the maximum impact on 25th Avenue already exists and no additional adverse impact is anticipated.
5. Currently, traffic-calming devices called “chicanes” (devices that make streets narrower by providing twists and turns in the street or placing obstacles near the curb) are being designed for 25th Avenue between East 24th Street and East 27th Street for the purpose of speed reduction. This is a measure that will mitigate any current traffic impact and traffic diversion from 26th Avenue to 25th Avenue.

Speed bumps have also been installed on surrounding streets as a mitigating traffic measure. Due to the proposed traffic-calming project for 25th Avenue with no additional adverse traffic impact being anticipated on 25th Avenue, the Transportation Services Division recommended the approval of the proposed permanent partial closure of 26th Avenue between the 2400 and 2600 block.

The Oakland Police Department conducted a review of criminal offenses from 1999 through August 2003, and the results are as follows:

YEAR	TOTAL OFFENSES
1999	454
2000	402
2001	409
2002	404
2003 (through August)	103

The results for criminal offenses and arrests remain fairly stable from 1999-2002. The results for 2003 are incomplete, but it is anticipated that the criminal offenses will exceed 400. Additionally, the Police Department related that the crime was worse before the installation of the barriers, and would likely return if the partial barriers were removed. The Police Department supports the permanent partial closure of 26th Avenue between the 2400 and 2600 block. Further the Police Department related that the neighboring residents also support the permanent partial closure of 26th Avenue between the 2400 and 2600 block.

A portion of 26th Avenue between the 2400 and 2600 block has been closed in excess of nine (9) years to protect the health and safety of the public by preventing through traffic, crime, and high-speed travel on this street. The Land Use and Transportation element of Oakland's General Plan allows for the design of local streets in a manner that creates intimate neighborhood environments, provides primary access to abutting properties in residential neighborhoods, and discourages through traffic, large traffic volumes, and high-speed travel. The permanent partial closure of 26th Avenue between the 2400 and 2600 block, along with the installation of a traffic-calming project on 25th Avenue between East 23rd Street and East 27th Street and speed bumps on surrounding streets,

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fulfills the requirement that the City take every opportunity to explore street design and small-area planning to minimize the adverse impacts on the environment, respect the importance of pedestrian and bicycle movement and contribute to the overall quality of a neighborhood.

The Oakland Land Use and Transportation Element of the General Plan mandates that local streets be designed in such a way that they create intimate neighborhood environments, are used primarily to provide access to abutting properties in residential neighborhoods, and discourage through traffic, large traffic volume, and high-speed travel. Further the Land Use Transportation Element of the General Plan mandates that the City take every opportunity to explore street design and small-area planning to minimize adverse impacts to the environment, respect the importance of pedestrian and bicycle movement, and contribute to the overall quality of a neighborhood. In addition to the action cited above, the City may adopt rules and regulations prohibiting the entry to and exit from local streets to implement the Transportation Element of the General Plan.

PROJECT DESCRIPTION

The attached resolution provides for the adoption of rules and regulations for the permanent partial closure of 26th Avenue between the 2400 and 2600 block by means of appropriate roadway design features to implement the City's Transportation Plan and consistent with the City's responsibility to protect public safety. The Public Works Agency plans to install new bollards to replace the existing concrete barriers located on 26th Avenue between the 2400 and 2600 block.

SUSTAINABLE OPPORTUNITIES

The permanent partial closure of 26th Avenue between the 2400 and 2600 block to through, non-emergency, traffic would enhance the safety of neighboring residents and the general public. Additionally, the closure of 26th Avenue between the 2400 and 2600 block has reduced criminal activities and safety hazards created by speeding through traffic on 26th Avenue between the 2400 and 2600 block.

Environmental

Loitering or the presence of several persons engaged in criminal activities result in increased litter and waste in public areas. The permanent partial closure of 26th Avenue between the 2400 and 2600 block prevents persons desiring to engage in criminal activities from loitering and participating in such activities, and this action might yield environmental benefits.

Social Equity

The permanent closure of 26th Avenue between the 2400 and 2600 block will continue to improve the perception of safety and the overall quality of life for neighboring residents.

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DISABILITY AND SENIOR CITIZEN ACCESS

There are no disability and senior citizen access issues in this report.

RECOMMENDATION AND RATIONALE

Recommendation: Staff recommends that the City Council approve a resolution authorizing the permanent partial closure of 26th Avenue between the 2400 and 2600 block.

Rationale: The permanent partial closure of 26th Avenue between the 2400 and 2600 block is consistent with the Transportation Element of the City's General Plan and will continue to protect the health and safety of community residents. The 26th Avenue barrier has been in place for nine (9) years, and neighboring residents have expressed public safety concerns with regard to crime returning to this location if the barrier is removed. The Police Department shares the view of the neighboring residents that crime will return to 26th Avenue should the barrier be taken down, and supports the permanent partial closure of 26th Avenue between the 2400 and 2600 block.

ACTION REQUESTED OF THE CITY COUNCIL

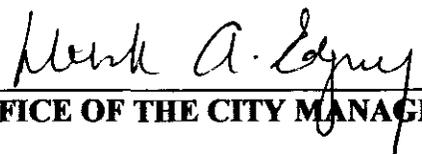
Staff recommends that the City Council approve the resolution authorizing the permanent partial closure of 26th Avenue between the 2400 and 2600 block.

Respectfully submitted,


LARRY CARROLL

Prepared by: Larry Carroll
Administrative Hearing Officer
Special Activity Unit

**APPROVED AND FORWARDED TO THE
PUBLIC SAFETY COMMITTEE:**


OFFICE OF THE CITY MANAGER

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OAKLAND CITY COUNCIL

OFFICE OF THE CITY CLERK
OAKLAND

RESOLUTION NO. _____

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C.M.S.



**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLAND
ADOPTING RULES AND REGULATIONS TO PARTIALLY AND
PERMANENTLY CLOSE 26TH AVENUE BETWEEN THE 2400 AND 2600
BLOCK THROUGH APPROPRIATE ROADWAY DESIGN FEATURES TO
PROTECT PUBLIC SAFETY AND IMPLEMENT THE CITY'S
TRANSPORTATION PLAN**

Whereas nine years ago following a hearing establishing a high level of crime-related traffic problems, the City installed street barriers on 26th Avenue between the 2400 and 2600 block and the barriers have been fully integrated into the traffic routes and patterns at this location without a major adverse impact on the delivery of emergency services; and

Whereas there is a pressing need to implement a program that provides for the permanent retention of traffic barriers on local streets where such barriers have been previously placed pursuant to California Vehicle Code § 21101.4 and where their permanent retention would further public safety; and

Whereas consistent with the responsibility of local governments to provide for the health and safety of its citizens, California Vehicle Code § 21101 (f) specifically authorizes cities to adopt rules and regulations prohibiting entry to, exit from, or both, from any street by means of islands, curbs, traffic barriers or other roadway design features to implement their transportation plans; and

Whereas the City's Transportation Plan requires it to take every opportunity to explore street design and small-area planning that minimizes adverse impacts to the environment by discourage through traffic, large traffic volumes and high-speed travel; respects the importance of pedestrian and bicycle movement; creates intimate neighborhood environments; promotes their use to primarily provide access to abutting properties in residential neighborhoods; and contributes to the overall quality of the neighborhood; and

Whereas the Council finds that 26th Avenue between the 2400 and 2600 block is a local street and is not part of a regional roadway; and

Whereas the Council finds that supporting data collected by the Oakland Police Department and Traffic Engineering show continuing concerns about traffic and speeding related to criminal activity at this location and further shows that a partial street closure at this location would adequately protect public safety

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and would not significantly adversely impact the surrounding neighborhoods or the delivery of law enforcement or emergency services; and

Whereas the Council finds that this resolution is exempt from CEQA under CEQA Guidelines §15061 (b)(3) General rule of no potential for causing significant impact and CEQA Guidelines § 15301 – Existing Facilities; and

NOW, THEREFORE, BE IT RESOLVED by the Oakland City Council that the following rules and regulations are hereby adopted and in effect:

Roadway Design Features to Prohibit Entry to or Exit from Local Streets:

Roadway Design Features, including street barriers, that would permanently prohibit entry to or exit from a local street where such entry to and exit from has been temporarily prohibited for a period of three years or more as a result of the installation of temporary traffic design features pursuant to California Vehicle Code § 21101.4, may be allowed to permanently remain upon a determination by the City Council that such measures are necessary to protect public health and safety and to implement the City's Land Use and Transportation Plan.

BE IT FURTHER RESOLVED that street barrier presently in place at 26TH Avenue between the 2400 and 2600 block deters unwarranted through traffic and criminal activity associated with said traffic and shall be permanently retained as a roadway design feature that protects public safety and which implements the Oakland Land Use and Transportation Element of the General Plan.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, BROOKS, NADEL, REID, QUAN, WAN and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST _____

CEDA FLOYD

**City Clerk and Clerk of the Council
of the City of Oakland, California**

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