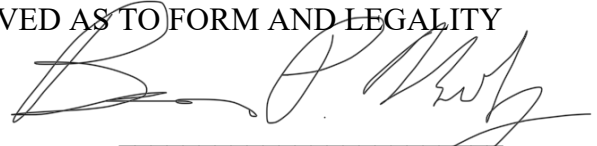


APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER CARROLL FIFE

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO TEMPORARILY CLOSE 23RD STREET BETWEEN WEST STREET AND BRUSH STREET, FOR A PERIOD OF EIGHTEEN MONTHS, PURSUANT TO CALIFORNIA VEHICLE CODE SECTION 21101.4, TO MITIGATE PERSISTENT ILLEGAL DUMPING ACTIVITY IN THE AREA; AND MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, California Vehicle Code (“CVC”) section 21101.4, allows a local authority by resolution, to adopt rules and regulations for temporarily closing a street under its jurisdiction when the local authority, after a public hearing, finds that 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 arterial 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; and
- 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, serious and continual criminal activity, including persistent illegal dumping, exists on 23rd Street between West Street and Brush Street; and

WHEREAS, Oakland Department of Public Works (“OPW”) 311 data shows that between January 2023-July 2024 there have been 52 illegal dumping service request calls for 23rd Street, between West Street and Brush Street and for the same timeframe there were 27 work orders performed; and

WHEREAS, data provided by the Oakland Police Department shows that there have also been several public safety related incidents in this area, including a priority 1 fire in January, 2024; and

WHEREAS, the City has committed significant resources and staff time to address the issues at the stated location but the adjacent businesses continue to experience large piles of garbage and waste, fires, and other safety concerns; and

WHEREAS, these impacted businesses are now pursuing permits to physically restrict access on 23rd Street to mitigate dumping and other illegal activities; and

WHEREAS, these businesses have 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, Oakland Department of Transportation (“OakDOT”) has determined that temporary closure of the designated street would not substantially adversely affect the flow of traffic, safety on the adjacent streets or in the surrounding neighborhoods, the operation of emergency vehicles, the performance of municipal or public utility services, or the delivery of commercial freight in the area; and

WHEREAS, pursuant to CVC 21101.4(c), the City is required to mail written notice of a public hearing to all residents and owners, as shown on the last equalized assessment roll, of property adjacent to where the temporary closure or extension of closure is proposed; and

WHEREAS, the City has complied with CVC 21101.4(b) by providing said written notice by mail of this public hearing to all residents and owners of property adjacent to where the temporary closure will occur; and

WHEREAS, on September 17, 2024, the City Council shall conduct a public hearing to receive input on the above findings and the affected residents and owners 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 23rd Street between West Street and Brush Street; and

WHEREAS, this action is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines sections 15301 (existing facilities) and 15061(b)(3) (no significant effect on the environment), each as a separate and independent basis; now, therefore, be it

RESOLVED: That the City Council, based upon information from OPW, OakDOT, and OPD, the following conditions exist: (1) there is serious and continual illegal dumping and other criminal activity occurring on 23rd Street between West Street and Brush Street and as a result the street is being recommended for temporary closure, (2) 23rd Street between West Street and Brush Street is not designated as a through highway or arterial street, (3) vehicular and pedestrian traffic on 23rd Street between West Street and Brush Street contribute to the illegal dumping and other illegal activity occurring in the area, and (4) the closure of that portion of 23rd Street will not substantially adversely affect traffic flow on the adjacent streets; and, be it

FURTHER RESOLVED: That the Council, pursuant to California Vehicle Code section 21101.4, hereby authorizes the temporary closure of 23rd Street between West Street and Brush Street for a period of eighteen (18) months and that this closure may be extended up to eight (8) times if prior to an extension, the Council holds a public hearing and makes similar findings by ordinance or resolution as those needed for this closure; and be it

FURTHER RESOLVED: that the City Council finds and determines that the decision made hereby is exempt from CEQA, on a separate and independent basis pursuant to CEQA Guidelines sections 15301 (existing facilities) and 15061 (b)(3) (no significant effect on the environment).

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

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