



Celso Ortiz (Oct 6, 2023 13:16 PDT)

CITY ATTORNEY'S OFFICE

INTRODUCED BY COUNCILMEMBER _____

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE:

(1) AMENDING OAKLAND MUNICIPAL CODE:

(A) SECTION 10.04.040 TO DEFINE TRAFFIC ISLANDS AND MEDIANS;

(B) SECTION 10.28.280 TO ESTABLISH A NEW VIOLATION FOR PARKING A VEHICLE ON OR IN A TRAFFIC ISLAND OR MEDIAN;

(C) SECTION 10.36.140 TO ADD THE FOLLOWING STREETS TO THE LIST OF APPROVED PARKING METER ZONES: 2ND STREET FROM JEFFERSON STREET TO WASHINGTON STREET, BROADWAY TO WEBSTER STREET AND HARRISON STREET TO OAK STREET, 3RD STREET FROM JEFFERSON STREET TO WASHINGTON STREET, FRANKLIN STREET TO WEBSTER STREET AND HARRISON STREET TO OAK STREET, 4TH STREET FROM WEBSTER STREET TO OAK STREET, 5TH STREET FROM BROADWAY TO OAK STREET, 7TH STREET FROM WOOD STREET TO OAK STREET, 9TH AVENUE FROM 8TH AVENUE TO EMBARCADERO, 9TH STREET FROM CLAY STREET TO FRANKLIN STREET, 10TH STREET FROM CASTRO STREET TO BROADWAY, 24TH STREET FROM NORTHGATE AVENUE TO TELEGRAPH AVENUE, 25TH STREET FROM NORTHGATE AVENUE TO TELEGRAPH AVENUE, 26TH STREET FROM TELEGRAPH AVENUE TO BROADWAY, 39TH STREET FROM MACARTHUR BART ACCESS ROAD TO TELEGRAPH AVENUE, 40TH STREET FROM MARTIN LUTHER KING JR WAY TO WEBSTER STREET, BROOKLYN BASIN WAY FROM EMBARCADERO TO 10TH AVENUE, CLAY STREET FROM EMBARCADERO WEST TO 2ND STREET, EAST 12TH STREET FROM FRUITVALE AVENUE TO 37TH AVENUE, EMBARCADERO WEST FROM ALICE STREET TO OAK STREET, FRANKLIN STREET FROM 2ND STREET TO 3RD STREET, INTERNATIONAL BOULEVARD FROM 14TH AVENUE TO 23RD AVENUE, JACKSON STREET FROM EMBARCADERO WEST TO 6TH STREET; MADISON STREET FROM EMBARCADERO WEST TO 7TH

STREET, MACARTHUR BOULEVARD FROM MAY COURT TO HIGH STREET, SHATTUCK AVENUE FROM 51ST STREET TO TELEGRAPH AVENUE, WEBSTER STREET FROM 3RD STREET TO 6TH STREET; AND

(D) SECTION 10.48.010 TO INCREASE CITATION FINES FOR 21211(B) NO PARKING–BIKE LANE, 22500(B) NO PARKING–CROSSWALK, 22500(F) NO PARKING–SIDEWALK, 22500(H) NO PARKING–DOUBLE PARKED TO \$105 AND ADD A NEW \$105 CITATION FOR PARKING ADJACENT TO OR ON MEDIAN DIVIDERS OR TRAFFIC ISLANDS TO PROMOTE PEDESTRIAN AND BICYCLIST SAFETY; AND

(2) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS.

WHEREAS, the City of Oakland (City), through its Transit First Policy (Resolution No. 73036 CMS), supports and prioritizes public transit and transportation alternatives to private, single-occupant vehicles, reducing traffic congestion, and improving air quality while reducing demand for vehicle parking; and

WHEREAS, protected or “class IV” bike lanes use painted striping or curb structures known and “traffic islands” or “medians” to separate bike lanes from parked vehicles or vehicle travel lanes; and

WHEREAS, the terms “traffic island” and “median” are not defined in the Oakland Municipal Code; and

WHEREAS, defining the terms “traffic island” and “median” within the Oakland Municipal Code and creating a new traffic violation for parking a vehicle on or in a traffic island or median would allow City parking control technicians to issue citations to vehicles parked on or in traffic islands or medians; and

WHEREAS, the City recognizes that the parking system should be actively managed to maximize efficient use of a public resource, according to Oakland’s Parking Principles (Resolution No. 84664 CMS); and

WHEREAS, the Oakland Department of Transportation (OakDOT) is tasked with managing public parking to balance the diverse needs of Oakland’s visitors, merchants, commuters and residents and with improving transportation choices and minimizing parking demand, congestion, and pollution (OakDOT Strategic Plan); and

WHEREAS, significant new commercial and residential development has occurred in neighborhoods such as Uptown/Downtown, Jack London Square, Temescal, Brooklyn Basin, Fruitvale, and more, leading to increased demand for parking in these areas; and

WHEREAS, parking meters are a known and effective tool for managing parking demand, promoting turnover and availability, and increasing access to Oakland’s commercial areas; and

WHEREAS, OakDOT has determined that the following streets are appropriate for the installation of parking meters and should be added to the list of approved parking meter zones in the Oakland Municipal Code Section 10.36.140 and would further benefit from being designated as “flexible parking zones” to allow for dynamic parking pricing that better reflects demand and increases access for those who need it: 2nd street from Jefferson Street to Washington Street, Broadway to Webster Street and Harrison Street to Oak Street, 3rd Street from Jefferson Street to Washington Street, Franklin Street to Webster Street and Harrison Street to Oak Street, 4th Street from Webster Street to Oak Street, 5th Street from Broadway to Oak Street, 7th Street from Wood Street to Oak Street, 9th Avenue from 8th Avenue to Embarcadero, 9th Street from Clay Street to Franklin Street, 10th Street from Castro Street to Broadway, 24th Street from Northgate Avenue to Telegraph Avenue, 25th Street from Northgate Avenue to Telegraph Avenue, 26th Street from Telegraph Avenue to Broadway, 39th Street from MacArthur BART Access Road to Telegraph Avenue, 40th Street from Martin Luther King Jr. Way to Webster Street, Brooklyn Basin Way from Embarcadero to 10th Avenue, Clay Street from Embarcadero West to 2nd street, East 12th Street from Fruitvale Avenue to 37th Avenue, Embarcadero West from Alice Street to Oak Street, Franklin Street from 2nd Street to 3rd Street, International Boulevard from 14th Avenue to 23rd Avenue, Jackson Street from Embarcadero West to 6th Street; Madison Street from Embarcadero West to 7th Street, MacArthur Boulevard from May Court to High Street, Shattuck Avenue from 51st Street to Telegraph Avenue, Webster Street from 3rd Street to 6th Street; and

WHEREAS, adding streets to the list of approved parking meter zones will allow staff to install parking meters as a parking management tool if and when parking demand is high enough to justify metering; and

WHEREAS, the California Vehicle Code (CVC) prohibits vehicles from parking in bicycle facilities, parking on sidewalks, parking in crosswalks, and double parking per CVC sections 21211(b), 22500(f), 22500(b) and 22500(h), respectively; and

WHEREAS, vehicles parking on the sidewalk, blocking the bike lane, parking on traffic islands or medians and double parking compromise safety for people biking and walking; and

WHEREAS, compromised bicyclist and pedestrian safety impedes OakDOT’s goal to assure safe, equitable, and sustainable access and mobility for residents, businesses and visitors; and

WHEREAS, increased citation amounts for parking violations that compromise pedestrian and bicyclist safety to \$105.00 will help deter illegal and dangerous parking behavior; and

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

SECTION 1. The City Council finds the foregoing recitals to be true and correct and hereby incorporates those recitals into this Ordinance.

SECTION 2. Oakland Municipal Code Chapters 10.04.040, 10.28.280, 10.36.140, 10.48.010 and 10.48.010(B) are amended to read as follows (additions are indicated by underscoring and deletions are indicated by strike-through type; any portions not cited or not shown in underscoring or strike-through type are not changed):

10.04.040 - Definitions of words and phrases.

The following words and phrases when used in this title shall, for the purpose of this title, have the meanings respectively ascribed to them in this chapter. Whenever any words or phrases used in this title are not defined herein, but are defined in the Vehicle Code of the state of California, such definitions are incorporated herein and shall be deemed to apply to such words and phrases used herein as though set forth herein in full:

“Traffic Island or Median Divider” means any area of the public right-of-way marked with striping, concrete, delineators, or any other material for the purpose of channelizing, guiding, or separating vehicular, bicyclist, or pedestrian traffic.

10.28.280 - Parking prohibited in or on traffic islands or median dividers

- A. No person shall park any vehicle in or on a Traffic Island or Median Divider, except as otherwise posted. Any person violating the provisions of this Section shall be deemed guilty of an infraction and, upon conviction thereof, shall be punished by a fine as set forth in the Master Fee Schedule.

10.36.140 - Parking meter zones established.

Parking meter zones shall be established by ordinance of the City Council upon such streets, portions of streets, or in municipal parking lots within the city as the City Council may deem necessary for traffic or parking control purposes. The City Manager shall cause parking meters to be installed and maintained in such designated parking meter zones, and the existence of a parking meter installed as hereinafter prescribed shall designate its location as a parking meter zone for the purposes of this chapter.

Approved Parking Meter Zones in the City of Oakland

Street Name	From	To
<u>2nd Street</u>	<u>Jefferson Street</u>	<u>Washington Street</u>
<u>2nd Street</u>	<u>Broadway</u>	<u>Webster Street</u>
<u>2nd Street</u>	<u>Harrison Street</u>	<u>Oak Street</u>
<u>3rd Street</u>	<u>Jefferson Street</u>	<u>Washington Street</u>
<u>3rd Street</u>	<u>Franklin Street</u>	<u>Webster Street</u>
<u>3rd Street</u>	<u>Harrison Street</u>	<u>Oak Street</u>
<u>4th Street</u>	<u>Webster Street</u>	<u>Oak Street</u>

<u>5th Street</u>	<u>Broadway</u>	<u>Oak Street</u>
<u>7th Street</u>	Castro <u>Wood Street</u>	Jackson <u>Oak Street</u>
<u>9th Avenue</u>	<u>8th Avenue</u>	<u>Embarcadero</u>
<u>9th Street</u>	<u>Clay Street</u>	<u>Franklin Street</u>
<u>10th Street</u>	600 <u>Castro Street</u>	699 <u>Broadway</u>
<u>24th Street</u>	<u>Northgate Avenue</u>	<u>Telegraph Avenue</u>
<u>25th Street</u>	<u>Northgate Avenue</u>	<u>Telegraph Avenue</u>
<u>26th Street</u>	<u>Telegraph Avenue</u>	<u>Broadway</u>
<u>39th street</u>	<u>Macarthur BART Access Road</u>	<u>Telegraph Avenue</u>
<u>40th street</u>	<u>Martin Luther King Jr. Way</u>	<u>Webster Street</u>
<u>Brooklyn Basin Way</u>	<u>Embarcadero</u>	<u>10th Avenue</u>
<u>Clay Street</u>	<u>Embarcadero West</u>	<u>2nd Street</u>
<u>East 12th Street</u>	<u>Fruitvale Avenue</u>	<u>37th Avenue</u>
<u>Embarcadero West</u>	<u>Webster</u>	Alice <u>Oak Street</u>
<u>Franklin Street</u>	<u>2nd Street</u>	<u>3rd Street</u>
<u>International Boulevard</u>	<u>14th Avenue</u>	<u>23rd Avenue</u>
<u>Jackson Street</u>	<u>Embarcadero West</u>	<u>6th Street</u>
<u>Madison Street</u>	<u>Embarcadero West</u>	<u>7th Street</u>
MacArthur Blvd	35th Avenue	Midvale
MacArthur Blvd.	Adell Ct.	May Ct. <u>High St.</u>
MacArthur Blvd.	Boston Ave.	Wilson Ave.
MacArthur Blvd	<u>Fruitvale Ave.</u>	<u>May Ct.</u>

<u>Shattuck Avenue</u>	<u>51st Street</u>	<u>Telegraph Avenue</u>
<u>Webster Street</u>	<u>3rd Street</u>	<u>6th Street</u>

10.48.010 - Schedule of parking fines.

A. The following schedule sets specific fines for Oakland Traffic Code violations:

State Vehicle Code Section	Description	Fine
<u>10.28.290</u>	<u>No Parking—Traffic Island or Median Divider</u>	<u>\$105.00</u>

B. The following schedule sets specific fines for State Vehicle Code violations:

State Vehicle Code Section	Description	Fine
4461(b)	Improper lending of distinguishing placards and special license plates	\$510.00
4461(c)	Improper display of, and misuse or abuse of distinguishing placards and special license plates	\$510.00
4461(d)	Parking in designated spaces while misusing distinguishing placards and special license plates	\$510.00
4463(c)	Use of a counterfeit, forged, altered or mutilated placard or special license plate	\$510.00
5200	Missing license plates	\$90.00
5204(a)	Current tabs not attached	\$80.00
21113(a)	Parking on public grounds	\$65.00
<u>21211(b)</u>	<u>No parking—Bike Lane</u>	<u>\$105.00</u>
22500	Improper parking, citation category not specified	\$110.00
22500(a)	No parking—Intersection	\$85.00
22500(b)	No parking—Crosswalk	\$85.00 <u>\$105.00</u>
22500(c)	No parking—Safety zone (red zone between stop bar and right-hand curb)	\$85.00

22500(d)	No parking within 15 of the fire station driveway	\$85.00
22500(e)	No parking—Driveway	\$85.00
22500(f)	No parking—Sidewalk	\$100.00 <u>\$105.00</u>
22500(g)	No parking—Obstructing construction traffic	\$60.00
22500(h)	No parking—Double parked	\$75.00 <u>\$105.00</u>
22500(j)	No parking—Tunnel	\$60.00
22500(k)	No parking—Bridge	\$60.00
22500.1	No parking—Fire lane	\$100.00
22500.I	Bus Zone	\$280.00
22500.L	Wheelchair Access	\$280.00
22502	18" from curb (or distance from curb)	\$60.00
22505	No parking—State highway areas	\$50.00
22507.8	Disabled person parking space	\$368.00
22507.8A	Disabled person parking space	\$368.00
22507.8B	Disabled person parking space	\$368.00
22507.8C	Disabled parking—Hatch marks	\$368.00
22513	No solicitation by tow truck	\$110.00
22514	No parking—Fire hydrant	\$100.00
22515	Improper parking—Wheels not blocked/brakes not set	\$70.00
22516	Locked vehicle—Person unable to escape	\$100.00
22520	No parking on freeway	\$260.00
22520.5	Vending on freeway prohibited	\$260.00
22521	No parking on/near railroad track	\$75.00

22522	Three feet from sidewalk access ramp	\$313.00
22658(a)	Removal from private property	\$50.00
22951	No street/alley parking from off-street lot	\$40.00
23333	No parking—Vehicular crossing	\$70.00

SECTION 3: Adoption of California Environmental Quality Act Findings. The Council hereby finds and determines that this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(8) and CEQA Guidelines Section 15273 (Rates, Tolls, Fares, and Charges) because CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies which the public agency finds are for the purpose of meeting operating expenses or obtaining funds for capital projects, necessary to maintain service within existing service areas. The City Administrator or designee shall file a Notice of Determination/Exemption with the Clerk of the County of Alameda for this ordinance.

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, 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

Date of Attestation: _____

NOTICE AND DIGEST

ORDINANCE:

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(B) SECTION 10.28.280 TO ESTABLISH A NEW VIOLATION FOR PARKING A VEHICLE ON OR IN A TRAFFIC ISLAND OR MEDIAN;

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(D) SECTION 10.48.010 TO INCREASE CITATION FINES FOR 21211(B) NO PARKING–BIKE LANE, 22500(B) NO PARKING–CROSSWALK, 22500(F) NO PARKING–SIDEWALK, 22500(H) NO PARKING–DOUBLE PARKED TO \$105 AND ADD A NEW \$105 CITATION FOR PARKING ADJACENT TO OR ON MEDIAN DIVIDERS OR TRAFFIC ISLANDS TO PROMOTE PEDESTRIAN AND BICYCLIST SAFETY; AND

(2) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS.