



AGENDA REPORT

TO: Honorable Mayor & City Council
FROM: Councilmember Carroll Fife
Council District 3

SUBJECT: Temporary Closure Of 23rd Street
Between West Street And Brush Street
DATE: August 29, 2024

RECOMMENDATION

Councilmember Fife Recommends That The City Council Adopts A 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

EXECUTIVE SUMMARY

23rd Street between West Street and Brush Street has a persistent illegal dumping issue. The economic, environmental, and safety impacts associated with dumping in this area is significant and in particular, the large piles of garbage and waste, fires, and security concerns have made the day-to-day operations of businesses adjacent to this street increasingly difficult.

California Vehicle Code (“CVC”) section 21101.4, allows the Council, by resolution and after conducting a public hearing, to temporarily close a street under its jurisdiction that is not designated as a through highway or arterial street to address illegal activity, including illegal dumping.

Approval of the proposed resolution would help to mitigate illegal dumping on a portion of 23rd Street by authorizing the City Administrator to temporarily close 23rd Street Between West Street and Brush Street for a period of 18 Months, pursuant to CVC Section 21101.4.

BACKGROUND / LEGISLATIVE HISTORY

California Vehicle Code (“CVC”) section 21101.4, allows the City Council, by resolution and after a public hearing, to adopt rules and regulations for temporarily closing a street under its jurisdiction when the Council, 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;
- 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
- Streets closures can last no longer than 18 months but may be extended up to 8 additional consecutive periods via legislative action and after a public hearing.

In accordance with CVC section 21101.4, 23rd Street between West Street and Brush Street is recommended for a temporary closure. As the map below demonstrates, this one block area is not an arterial street and a closure will not substantially, adversely affect the flow of traffic.



POLICY ANALYSIS

23rd Street between West Street and Brush Street has been plagued with persistent illegal dumping. As demonstrated in Figures 1 and 2 below, 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 time frame, there were 27 work orders performed.

Figure 1

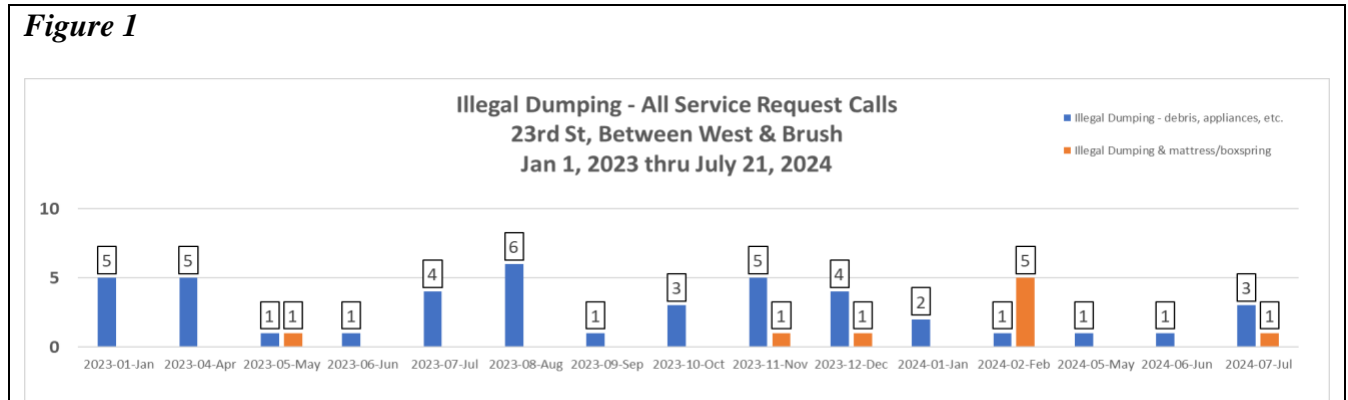
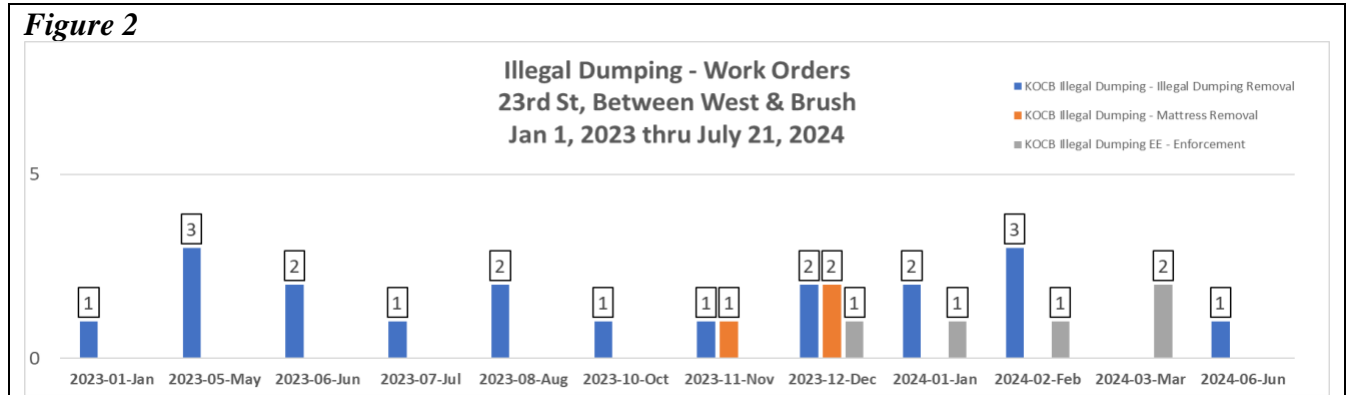


Figure 2



Refer to Attachment A for details pertaining to the work order data in Figure 2.

In addition to the above figures, calls for service data provided by the Oakland Police Department (“OPD”) found that in the past 18 months there have been several serious incidents, including a priority 1 fire.

The City has committed significant resources and staff time to address the issues at the stated location but the businesses on this street continue to experience large piles of garbage and waste, fires, and other safety concerns. It is imperative that the City take immediate action that will authorize the placement of physical barriers that would limit access on 23rd Street between West and Brush Streets to mitigate dumping and other illegal activities.

The Oakland Department of Transportation (“OakDOT”) has determined that a 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. In addition, the adjacent businesses have agreed to cover the cost of installing fencing to close the street temporarily.

FISCAL IMPACT

This proposal has no fiscal impact. As mentioned above, the businesses located next to the proposed closure area will pay for the physical barriers needed to temporarily close a portion of 23rd Street.

PUBLIC OUTREACH / INTEREST

Pursuant to CVC 21101.4 (c), the City is required to mail written notice of the 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. A notice of a public hearing to be held at the September 17, 2024 City Council meeting was mailed to the affected parties on August 28, 2024. Additionally, in advance of preparing this proposal, Councilmember Fife and members of the OakDOT team met with the businesses in the closure area.

COORDINATION

This legislation was drafted in collaboration with the Oakland Department of Transportation, Office of the City Attorney, and the Deputy City Administrator. Additionally, the Oakland Public Works Department and the Oakland Police Department were consulted and provided the data cited in this report.

SUSTAINABLE OPPORTUNITIES

Economic: By authorizing the closure of 23rd Street between West and Brush, the City will help mitigate persistent illegal dumping that has required significant and ongoing City staff time and resources.

Environmental: Illegal disposal of waste contaminates soil, waterways, harms wildlife, clogs storm drains, and more. The closure of the proposed area would help to curb illegal dumping and in turn limits the associated environmental impacts.

Equity: Keeping neighborhoods cleaner and safer will allow already struggling small businesses to focus their time and resources to remaining operational as opposed to dedicating their efforts to combating the effects of dumping.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

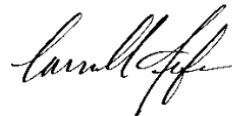
This proposal is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15301 (existing facilities) and 15061(b)(3) (no significant effect on the environment).

ACTION REQUESTED OF THE CITY COUNCIL

Councilmember Fife recommends that the City Council adopt A 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

For questions regarding this report, please contact Rediat Bayeh, Policy Director for Councilmember Fife, at RBayeh@oaklandca.gov.

Respectfully submitted,



Councilmember Carroll Fife
District 3

Attachment A: Work Order Information For 23rd Street from January 2023- July 2024

Attachment A

Work Order Information For 23rd Street Between West and Brush from January 2023- July 2024				
Work Order ID	City Council District	Description	Status	Units Accomplished
1529216	CCD3	KOCB Illegal Dumping - Illegal Dumping Removal	CLOSED	5 Cubic Yards
1513160	CCD3	KOCB Illegal Dumping EE - Enforcement	COMPLETE	INVESTIGATIONS
1513161	CCD3	KOCB Illegal Dumping EE - Enforcement	COMPLETE	INVESTIGATIONS
1503452	CCD3	KOCB Illegal Dumping - Illegal Dumping Removal	CLOSED	0.50 Cubic Yards
1503453	CCD3	KOCB Illegal Dumping - Illegal Dumping Removal	CLOSED	2 Cubic Yards
1498855	CCD3	KOCB Illegal Dumping - Illegal Dumping Removal	CLOSED	3 Cubic Yards
1498781	CCD3	KOCB Illegal Dumping EE - Enforcement	COMPLETE	INVESTIGATIONS
1492671	CCD3	KOCB Illegal Dumping - Illegal Dumping Removal	CLOSED	6 Cubic Yards
1489790	CCD3	KOCB Illegal Dumping - Illegal Dumping Removal	CLOSED	1 Cubic Yards
1489685	CCD3	KOCB Illegal Dumping EE - Enforcement	COMPLETE	INVESTIGATIONS
1485694	CCD3	KOCB Illegal Dumping - Illegal Dumping Removal	CLOSED	10 Cubic Yards
1481731	CCD3	KOCB Illegal Dumping - Illegal Dumping Removal	CLOSED	3 Cubic Yards
1482495	CCD3	KOCB Illegal Dumping - Mattress Removal	CLOSED	1 Mattresses
1482496	CCD3	KOCB Illegal Dumping - Mattress Removal	CLOSED	1 Mattresses
1481719	CCD3	KOCB Illegal Dumping EE - Enforcement	COMPLETE	INVESTIGATIONS
1478016	CCD3	KOCB Illegal Dumping - Illegal Dumping Removal	CLOSED	1 Cubic Yards
1476889	CCD3	KOCB Illegal Dumping - Mattress Removal	CLOSED	1 Mattresses
1468915	CCD3	KOCB Illegal Dumping - Illegal Dumping Removal	CLOSED	3 Cubic Yards
1450677	CCD3	KOCB Illegal Dumping - Illegal Dumping Removal	CLOSED	7 Cubic Yards
1451042	CCD3	KOCB Illegal Dumping - Illegal Dumping Removal	CLOSED	3 Cubic Yards
1444916	CCD3	KOCB Illegal Dumping - Illegal Dumping Removal	CLOSED	2 Cubic Yards
1435786	CCD3	KOCB Illegal Dumping - Illegal Dumping Removal	CLOSED	3 Cubic Yards
1434442	CCD3	KOCB Illegal Dumping - Illegal Dumping Removal	CLOSED	5 Cubic Yards
1429933	CCD3	KOCB Illegal Dumping - Illegal Dumping Removal	CLOSED	1 Cubic Yards
1429032	CCD3	KOCB Illegal Dumping - Illegal Dumping Removal	CLOSED	3 Cubic Yards
1405327	CCD3	KOCB Illegal Dumping - Illegal Dumping Removal	CLOSED	1 Cubic Yards
1422421	CCD3	KOCB Illegal Dumping - Illegal Dumping Removal	CLOSED	0 Cubic Yards