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OAKLAND

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Approved as to Form and Legality


Office of the City Attorney

Councilmember

OAKLAND CITY COUNCIL

Resolution No. 84537 C.M.S.

A RESOLUTION PROHIBITING VEHICLE PARKING AND STANDING AT ALL TIMES AND APPROVING REMOVAL BY TOWING IN APGAR LANE (FORMERLY APGAR STREET) BETWEEN ITS INTERSECTION AT TELEGRAPH AVENUE AND ITS TERMINATION AT THE MACARTHUR TRANSIT VILLAGE PROJECT BOUNDARY

WHEREAS, pursuant to California Streets and Highways Code section 8330 et seq., the City Council has approved the vacation of a portion of Apgar Street, newly renamed as Apgar Lane, between its intersection with Telegraph Avenue and its termination at the southeastern boundary of the MacArthur Transit Village project; and

WHEREAS, said vacation will reduce the width of the public right-of-way of Apgar Lane, formerly named Apgar Street, from sixty (60) feet to thirty-three (33) feet and the width of the roadway drive aisle, from a thirty-six (36) foot to a twenty (20) feet drive aisle; and

WHEREAS, pursuant to Resolution No. 83516 C.M.S., adopted July 26, 2011, which conditionally approved the Final Map for Tract No. 8047 for the MacArthur Transit Village project, MacArthur Transit Community Partners LLC (MTCP), a California limited liability company (200419810042), will reconstruct without cost to the City of Oakland the narrowed portion of Apgar Lane, including pavement, sidewalks, curbs, gutters, roadway, signs and supporting poles, landscaping, striping, and buried utilities; and

WHEREAS, pursuant to the 2010 edition of the California Fire Code, Appendix D, section D103.1, and to Oakland Municipal Code section 15.12.010, said narrowed roadway width is the minimum dimension necessary to provide adequate access for fire apparatus to support fire suppression and rescue operations; and

WHEREAS, maintaining said narrowed roadway free of parked and standing vehicles at all times is critical to assure adequate access for fire apparatus to support fire suppression and rescue operations for the properties and structures abutting Apgar Lane; and

WHEREAS, pursuant to Oakland Municipal Code section 10.28.250, the Council of the City of Oakland may prohibit parking or standing of vehicles at any time on any street or part of any street, as shown on the attached *Exhibit A*, provided appropriate signs are in place giving notice thereof; and

WHEREAS, pursuant to California Vehicle Code section 22507(a), a City may prohibit or restrict the stopping, parking, or standing of vehicles on certain streets or highways, or portions thereof, during all or certain hours of the day; and

WHEREAS, pursuant to California Vehicle Code section 22651(n), signs shall be posted giving notice to the public that vehicles illegally parked or left standing will be removed by towing, and

WHEREAS, the City Planning Commission certified the MacArthur Transit Village EIR (ER 06004) on June 4, 2008, and on July 15, 2008, pursuant to Ordinance No. 12883 C.M.S., the City Council independently confirmed and adopted as its own findings and determinations (i) the certification of the FEIR and adoption of the CEQA-related Findings made and adopted by the Planning Commission on June 4, 2008, and (ii) the Conditions of Approval and Mitigation Monitoring and Reporting Program adopted by the Planning Commission on June 4, 2008, as modified in the July 1, 2008 City Council Supplemental Agenda Report; and

WHEREAS, the City Planning Commission adopted an addendum to said EIR determining that no further environmental review was required on March 16, 2011, and on May 17, 2011, pursuant to Resolution No. 83292 C.M.S., the City Council affirmed the Planning Commission's CEQA determination that no further environmental review was required; and

WHEREAS, the City of Oakland has reviewed and considered documentation relevant to the proposed subdivision and the EIR and hereby finds and determines that there are no changes to the project considered in the EIR, or circumstances under which it will be undertaken, or new information of substantial importance that requires preparation of a subsequent or supplemental EIR, as specified in CEQA and the CEQA Guidelines, including without limitation, Public Resources Code Section 2116 and CEQA Guidelines Sections 15162 and 15163; and the requirements of CEQA and the CEQA Guidelines have been satisfied; now, therefore, be it

RESOLVED: That the prohibition of vehicle parking and standing at all times and approval of removing by towing in Apgar Lane between its intersection at Telegraph Avenue and its termination at the MacArthur Transit Village project boundary complies with CEQA; and be it

FURTHER RESOLVED: That, in accord with the above sections of the California Vehicle Code, and based on the purposes and reasons set forth herein, the Council hereby prohibits the stopping, parking or standing at all times of vehicles in the roadway of Apgar Lane between its intersection at Telegraph Avenue and its termination at the MacArthur Transit Village project boundary, and be it

FURTHER RESOLVED: That, in accord with the above sections of the California Vehicle Code, and based on the purposes and reasons set forth herein, the Council hereby authorizes the removal by towing of such vehicles in Apgar Lane between its intersection at Telegraph Avenue and its termination at the MacArthur Transit Village project boundary; and be it

FURTHER RESOLVED: That signs approved by the Traffic Engineer of the City of Oakland shall be installed at locations on Apgar Lane approved by both the Traffic Engineer and MTCF,

without cost to the City of Oakland, giving notice of said prohibited vehicle parking and standing and of removal of such illegally parked or standing vehicles by towing.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 16 2013, 2013

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON McELHANEY, KALB, KAPLAN, REID, SCHAAF,
AND PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: 

LATONDA SIMMONS

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

EXHIBIT A

