



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCIL PRESIDENT KAPLAN AND COUNCILMEMBER BAS

RESOLUTION APPROVING THE ESTABLISHMENT OF NO PARKING RESTRICTIONS BETWEEN 2:00 A.M. AND 6 A.M., MONDAY THROUGH SUNDAY, ON THE LAKE (EAST) SIDE OF LAKESHORE AVENUE FROM LAKE MERRITT BOULEVARD TO 1ST AVENUE AND ALLOWING A COMMUNITY PROCESS TO PROCEED REGARDING ESTABLISHING A RESIDENTIAL PARKING PERMIT ("RPP") AREA AND DIRECTING THE CITY ADMINISTRATOR TO RETURN TO COUNCIL WITH AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE SECTION 10.44.050 (A)(4) TO AUTHORIZE THE COUNCIL TO WAIVE THE REQUIREMENT THAT A PROPOSED RESIDENTIAL PERMIT PARKING AREA INCLUDE AT LEAST SIX ADJACENT BLOCK FRONTS BY RESOLUTION

WHEREAS, as of March 29th, 2020, the large gatherings at Lake Merritt have contributed to excessive noise from parties and amplified music and large crowds late into the evening creating a public nuisance, caused by individuals parked at the lake, which has disturbed the peace and created public safety concerns; and

WHEREAS, individuals parked at 1500 Lakeshore Avenue to 1200 Lakeshore Avenue cul-de-sac have engaged in documented illegal and illicit activity; there have been reports of gun violence committed by individuals parked at the lake more than once; there has been trash, which creates public safety and hygiene issues due to the fact that accumulated trash draws vermin; and

WHEREAS, on October 10, 2020, Councilmember Bas organized a Crime Prevention Through Environmental Design (CPTED) analysis in coordination with the Oakland Police Department and City Administrator's Office to assess these concerns and identify recommendations to improve these challenges. During this meeting, several options were explored, including deterrents to late night parking by non-residents in the area; and

WHEREAS, the City's park hours of operation for Neighborhood Parks are Dawn to Dusk or 6:00 a.m. to 9:00 p.m., and the City strives to encourage equitable access and responsible park usage at the Lake and other parks; and

WHEREAS, Oakland Municipal Code (“OMC”) section 10.28.240, by Council Resolution, authorizes the City Traffic Engineer to appropriate signs in place giving notice thereof, no person shall stop, stand or park any vehicle between the hours indicated of any day, except holidays, on any street or any part of any street so indicated; and

WHEREAS, per OMC section 10.28.260, no person shall park any vehicle between the hours of two a.m. and six a.m. of any day on any street or part of any street hereafter designated by Council Resolution;

WHEREAS, no citations will be issued by the City until the City installs appropriate no parking signs or markings giving adequate notice thereof in accord with California Vehicle Code section 22507 (a).; and

WHEREAS, the California Vehicle Code allows local authorities by ordinance or resolution, to prohibit or restrict the parking or standing of vehicles on certain streets or highways, or portions thereof between the hours of 2 a.m. and 6 a.m.; and

WHEREAS, as a nuisance and noise abatement measure, residents adjacent to 1500 Lakeshore Avenue to 1200 Lakeshore Avenue have urged and recommended that the City and the Department of Transportation, Transportation Services Division implement “no parking” restrictions between 2:00 a.m. and 6:00 a.m., Monday through Sunday on the lake (east) side of Lakeshore Avenue from Lake Merritt Boulevard to 1st avenue, as shown and in accord with the map attached hereto and incorporated herein as Exhibit A; and

WHEREAS, in order not to burden the residents with a limited supply of available street parking, and exempt them from any proposed no overnight parking restrictions, neighborhood residents wish to establish a Residential Permit Parking Program (“RPP”) on both sides of Lakeshore Avenue from Lake Merritt Avenue to 1st Avenue between 2:00 a.m. and 6:00 a.m. which the City should study, review and investigate as needed; and

WHEREAS, OMC Chapter 10.44 requires a resident-sponsored petition to be circulated in the neighborhood block to verify support for establishing an RPP in the proposed area; and

WHEREAS, City staff is prepared to accept and consider a resident-led petition process for establishing and designating an RPP area, including working with resident-petition-champions, processing and completing the petition, undertaking surveys or studies deemed necessary, holding a community meeting, and the Director of Transportation, or his or her designee holding a public hearing and bringing a resolution to Council as soon as possible that sets forth the boundaries, regulation and time restrictions the Director deems reasonable and necessary in such RPP area; and

WHEREAS, OMC 10.44.050 (A) (4) requires that proposed residential permit parking areas should include at least six adjacent block fronts;

WHEREAS, the Council wishes to direct the City Administrator to return to the Council with an ordinance amending Oakland Municipal Code Section 10.44.050(A)(4) to authorize the Council to waive requirement that a proposed residential permit parking area include at least six adjacent block fronts by resolution; and

WHEREAS, this project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c) because it constitutes minor improvements made to, and entirely within, an existing City right-of-way without creating existing automobile lanes; now, therefore, be it

RESOLVED: that pursuant to OMC section 10.28.240, the City Council hereby approves the establishment of “No Parking Restrictions” between 2:00 a.m. and 6:00 a.m., Monday through Sunday on the lake (east) side of Lakeshore Avenue from Lake Merritt Boulevard to 1st Avenue, as shown and in accord with the map attached hereto and incorporated herein as Exhibit 1; and be it

FURTHER RESOLVED: That no parking citations will be issued until the City installs appropriate no parking signs or markings giving adequate notice thereof in accord with California Vehicle Code section 22507 (a).; and be it

FURTHER RESOLVED: that the City Administrator or his designee will direct staff to work with residents of the proposed RPP area who will circulate a petition to determine resident support for the creation of a RPP area in accord with OMC Chapter 10.44 and as set forth above; and be it

FURTHER RESOLVED: that the Council hereby directs the City Administrator to return to Council with an ordinance amending Oakland Municipal Code section 10.44.050(A)(4) to authorize the Council to waive the requirement that a proposed residential permit parking area include at least six adjacent block fronts by resolution.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR,
THAO AND PRESIDENT KAPLAN

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
Acting City Clerk and Clerk of the
Council of the City of Oakland, California

EXHIBIT A

Map of Proposed Overnight Parking Regulation on the Lake (East) Side of Lakeshore Avenue
From Lake Merritt Boulevard to 1st Avenue

