



# City of San Leandro

Meeting Date: November 16, 2020

## Minute Order - Council

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**File Number:** 20-540

**Agenda Section:** ACTION ITEMS

**Agenda Number:** 10.C.

**TO:** City Council

**FROM:** Jeff Kay  
City Manager

**BY:**

**FINANCE REVIEW:** Not Applicable

**TITLE:** MOTION to take Item 10.C., Legistar File Numbers 20-289 and 20-390, from the table. This item was previously tabled at the City Council meeting of September 8, 2020.

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# City of San Leandro

Meeting Date: November 16, 2020

## Staff Report

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**File Number:** 20-389

**Agenda Section:** ACTION ITEMS

**Agenda Number:**

**TO:** City Council

**FROM:** Jeff Kay  
City Manager

**BY:** Jeff Kay  
City Manager

**FINANCE REVIEW:** Not Applicable

**TITLE:** Staff Report for a City of San Leandro City Council Ordinance to Add Chapter 6-10 to Title 6 of the San Leandro Municipal Code Relating to Standing or Sitting on Traffic Medians or near Curbs

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### SUMMARY AND RECOMMENDATIONS

Staff recommends that the City Council introduce for first reading an ordinance to add Chapter 6-10 to Title 6 of the San Leandro Municipal Code Relating to Standing or Sitting on Traffic Medians or near Curbs.

### BACKGROUND and DISCUSSION

Traffic and pedestrian safety remain an ongoing concern in San Leandro and cities around California. The California Office of Traffic Safety has reported that pedestrian deaths have been increasing across the state. Other studies have also shown that traffic accidents not involving pedestrians have also increased in recent years. The City has taken a number of steps to increase safety for pedestrians, bicyclists and vehicles on City streets and sidewalks. For example, in 2018 the City Council adopted the Bicycle and Pedestrian Master Plan that established a blueprint for bicycle and pedestrian facilities throughout the City in order to enhance bicycle and walking as safe transportation choices.

Ensuring pedestrian, bicycle and vehicle safety remains an ongoing goal of the City. However, every year traffic collisions involving pedestrians and vehicles continue to occur in San Leandro. The purpose of the proposed ordinance is to ensure the efficient movement of vehicular and bicycle traffic and to improve the safety of pedestrians in the City. To accomplish this goal, the proposed ordinance would prohibit individuals from standing or sitting on medians or along the curb in certain locations. This prohibition would not apply to individuals waiting to cross the street at a cross walk.

The City Council Rules Committee reviewed the proposed ordinance at its July 22, 2020 meeting

and recommended the ordinance be forwarded to the full City Council for consideration.

## **ANALYSIS**

Individuals standing or sitting on traffic medians can disrupt the flow of traffic, distract drivers, and cause unnecessary delays. These individuals are also at an increased risk of being hit by a vehicle. When individuals sit or stand on medians or curbs, drivers or bicyclists often attempt to avoid the area for fear of potentially hitting the individual or the possibility that the individual may enter the street without warning which can cause drivers or bicyclists to swerve or otherwise change lanes suddenly. These circumstances increase the risk of a collision. These same concerns do not exist when individuals are standing or otherwise waiting to cross the street at corners where their presence is expected by drivers.

The proposed ordinance does not apply citywide, but rather only in those areas where the risk of traffic collisions is greatest. The City's Engineering and Transportation Department identified the fifteen (15) busiest intersections in San Leandro based on traffic volume. These intersections are frequently subject to traffic delays and backups, and the combination of high traffic and pedestrian volumes makes them especially prone to collisions and accidents. In addition, the three other locations were identified as susceptible to delays and other traffic problems due to unique factors, such as multiple intersections in close proximity to each other and the presence of vehicles entering the roadway from shopping centers. Based on this information, the proposed ordinance would apply in the following locations:

1. Intersection of Davis Street and Doolittle Drive
2. Intersection of Davis Street and Phillips Lane
3. Intersection of Davis Street and Warden Avenue/Timothy Drive
4. Intersection of Davis Street and Interstate-880 Southbound Off-Ramp
5. Intersection of Davis Street and Interstate-880 Northbound Off-Ramp
6. Intersection of Davis Street and San Leandro Blvd.
7. Intersection of Davis Street and East 14th Street
8. Intersection of Hesperian Blvd. and Fairmont Drive/Halcyon Drive
9. Intersection of Marina Blvd. and Merced Avenue
10. Intersection of Marina Blvd. and Garfield Way
11. Intersection of Marina Blvd. and Interstate-880 Northbound Off-Ramp
12. Intersection of Marina Blvd. and Interstate-880 Southbound Off-Ramp
13. Intersection of Marina Blvd. and Teagarden Street/Wayne Avenue
14. Intersection of Washington Avenue and Floresta Blvd./Halcyon Drive
15. Intersection of Washington Avenue and Lewelling Blvd.
16. Intersection of Doolittle Drive and Fairway Drive
17. Hesperian Blvd. between College Street and Lewelling Blvd.
18. East 14th Street between San Leandro Blvd. and 138th Avenue.

Locations 1-15 on the above list represent the 15 busiest intersections in San Leandro, while locations 16-18 are locations that have been identified as especially susceptible to delays and other traffic problems due to unique factors.

The City may consider installing signs on the medians covered by the ordinance to further warn

pedestrians of the ordinance's prohibitions. However, the ordinance will be enforceable regardless of whether or not signs are installed. Any signs that are installed must comply with CalTrans regulations.

The proposed ordinance will compliment other existing sections of the Municipal Code that are designed to ensure the efficient movement of vehicular and bicycle traffic and to ensure the safety of pedestrians in the City.

### **ENVIRONMENTAL REVIEW**

The proposed ordinances are exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment.

### **LEGAL ANALYSIS**

The City Attorney's Office drafted the proposed ordinance.

### **ATTACHMENT(S)**

Ordinance to Add Chapter 6-10 to Title 6 of the San Leandro Municipal Code Relating to Standing or Sitting on Traffic Medians or near Curbs

**PREPARED BY:** Jeff Kay, City Manager  
Keith Cooke, Engineering and Transportation Director



# City of San Leandro

Meeting Date: November 16, 2020

## Ordinance

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**File Number:** 20-390 **Agenda Section:** ACTION ITEMS

**Agenda Number:**

**TO:** City Council

**FROM:** Jeff Kay  
City Manager

**BY:** Jeff Kay  
City Manager

**FINANCE REVIEW:** Not Applicable

**TITLE:** ORDINANCE of the City of San Leandro City Council to Add Chapter 6-10 to Title 6 of the San Leandro Municipal Code Relating to Standing or Sitting on Traffic Medians or near Curbs.

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WHEREAS, there are numerous streets in the City of San Leandro upon which a high volume of vehicle traffic travels; and

WHEREAS, certain intersections in the City receive very high levels of traffic that cause backups and delays; and

WHEREAS, every year traffic collisions involving pedestrians and vehicles occur in San Leandro; and

WHEREAS, when individuals stand or sit on traffic medians, they disrupt the flow of traffic, distract drivers, and cause unnecessary delays; and

WHEREAS, individuals standing or sitting on traffic medians create a hazard and are at an increased risk of being hit by a vehicle, and increase the risk of vehicle accidents; and

WHEREAS, individuals standing or sitting on traffic medians are a safety hazard and pose a safety threat to vehicles and bicyclists, as well as other pedestrians; and

WHEREAS, individuals sitting on the sidewalk immediately adjacent to the curb create similar impacts on traffic and pose a similar safety risk to vehicles and other pedestrians; and

WHEREAS, when an individual is sitting on the sidewalk, a chair, or similar seat immediately adjacent to the curb, drivers or bicyclists often attempt to avoid the area for fear of potentially hitting the individual or the possibility that the individual may enter the street without warning, which can cause drivers or bicyclists to swerve or otherwise change lanes suddenly,

which increases the risk of a collision; and

WHEREAS, for these reasons, individuals sitting on the sidewalk, in a chair or similar type of seat, immediately adjacent to the curb create a traffic hazard and safety risk; and

WHEREAS, these same concerns do not exist when individuals are standing or otherwise waiting to cross the street at corners where their presence is expected by drivers; and

WHEREAS, the City desires to adopt an ordinance to protect pedestrian and driver safety and to ensure the most efficient flow of traffic to the extent possible; and

WHEREAS, the City's Engineering and Transportation Department identified the following intersections as the fifteen (15) busiest intersections in San Leandro based on traffic volume:

1. Davis Street and Doolittle Drive
2. Davis Street and Phillips Lane
3. Davis Street and Warden Avenue/Timothy Drive
4. Davis Street and Interstate-880 Southbound Off-Ramp
5. Davis Street and Interstate-880 Northbound Off-Ramp
6. Davis Street and San Leandro Blvd.
7. Davis Street and East 14th Street
8. Hesperian Blvd. and Fairmont Drive/Halcyon Drive
9. Marina Blvd. and Merced Avenue
10. Marina Blvd. and Garfield Way
11. Marina Blvd. and Interstate-880 Northbound Off-Ramp
12. Marina Blvd. and Interstate-880 Southbound Off-Ramp
13. Marina Blvd. and Teagarden Street/Wayne Avenue
14. Washington Avenue and Floresta Blvd/Halcyon Drive
15. Washington Avenue and Lewelling Blvd; and

WHEREAS, the fifteen (15) busiest intersections in the City are frequently subject to traffic delays and backups, and the combination of high traffic and pedestrian volumes makes them especially prone to collisions and accidents; and

WHEREAS, there are a number of intersections and sections of roadway in the City that are not among the busiest intersections in the City as measured by traffic volume, but do have high traffic impacts; and

WHEREAS, these intersections and sections of roadway are susceptible to delays and other traffic problems due to unique factors, such as multiple intersections in close proximity to each other and the presence of vehicles entering the roadway from shopping centers; and

WHEREAS, these intersections and sections of roadway are identified as follows:

1. Hesperian Blvd between College Street and Lewelling Blvd.
2. East 14th Street between San Leandro Blvd. and 138th Avenue.
3. Intersection of Doolittle Drive and Fairway Drive; and

WHEREAS, the combination of unique traffic conditions and pedestrian volumes in these three (3) locations makes them especially prone to collisions and accidents; and

WHEREAS, the City Council has determined that the intersections and sections of roadway identified herein are the most traffic impacted intersections in the City, and it is necessary to adopt additional regulations for these locations in order to ensure the efficient movement of vehicles and bicycle traffic, and the safety of pedestrians.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN LEANDRO DOES ORDAIN as follows:

**SECTION 1. RECITALS.** The above recitals are true and correct and made a part of this ordinance.

**SECTION 2. AMENDMENT OF CODE.** Chapter 6-10 of Title 6 is hereby added to the San Leandro Municipal Code to read as follows:

**“CHAPTER 6-10 STANDING ON TRAFFIC MEDIANS OR SITTING NEAR CURBS**

**SECTION 6-10-100 PURPOSE.**

The purpose of this Chapter is to ensure the efficient movement of vehicular and bicycle traffic and to ensure the safety of pedestrians in the City. The City Council identified intersections and sections of roadway within the City that have a high volume of traffic or which contain unique factors that increase the likelihood of traffic delays or accidents. The City Council desires to limit standing or sitting on traffic medians, or sitting or standing adjacent to the curb, in these locations, in order to maintain and protect public welfare and safety by minimizing the risk of collisions or traffic delays.

**SECTION 6-10-200 DEFINITIONS.**

- a. “Curb” means the lateral boundary of the roadway whether such curb be marked by curbing construction.
- b. “Traffic median” shall mean a raised island located in the roadway, or other public right-of-way, and separating opposing or conflicting streams of traffic.

**SECTION 6-10-300 APPLICABLE LOCATIONS**

- a. The provisions of this Chapter shall apply to the following locations:
  - 1. Intersection of Davis Street and Doolittle Drive
  - 2. Intersection of Davis Street and Phillips Lane
  - 3. Intersection of Davis Street and Warden Avenue/Timothy Drive
  - 4. Intersection of Davis Street and Interstate-880 Southbound Off-Ramp

5. Intersection of Davis Street and Interstate-880 Northbound Off-Ramp
6. Intersection of Davis Street and San Leandro Blvd.
7. Intersection of Davis Street and East 14th Street
8. Intersection of Hesperian Blvd. and Fairmont Drive/Halcyon Drive
9. Intersection of Marina Blvd. and Merced Avenue
10. Intersection of Marina Blvd. and Garfield Way
11. Intersection of Marina Blvd. and Interstate-880 Northbound Off-Ramp
12. Intersection of Marina Blvd. and Interstate-880 Southbound Off-Ramp
13. Intersection of Marina Blvd. and Teagarden Street/Wayne Avenue
14. Intersection of Washington Avenue and Floresta Blvd./Halcyon Drive
15. Intersection of Washington Avenue and Lewelling Blvd.
16. Intersection of Doolittle Drive and Fairway Drive
17. Hesperian Blvd. between College Street and Lewelling Blvd.
18. East 14th Street between San Leandro Blvd. and 138th Avenue.

#### **SECTION 6-10-400 STANDING ON MEDIAN OR STREET.**

In addition to any other applicable provision of this law, it shall be unlawful for any person to engage in any of the following conduct at one of the locations identified in Section 6-10-300:

- a. Stand, sit or otherwise remain on any traffic median. This prohibition shall not apply to a person who temporarily stands on a traffic median until it is safe to continue crossing the street in a designated crosswalk and in compliance with any applicable traffic signals.
- b. Sit on the sidewalk, whether on the ground, chair or similar seat, within two (2) feet of the curb, except when temporarily waiting to cross the street in a designated crosswalk and in compliance with any applicable traffic signals.

#### **SECTION 6-10-500 EXCEPTIONS**

The prohibitions of this Chapter shall not apply to any public officer or employee, or employee of a public utility while such individual is performing his or her duties.

#### **SECTION 6-10-500 PENALTIES**

Violations of this Chapter may be punished as a misdemeanor or infraction, and are also subject to administrative citation, in accordance with the requirements of Chapter 1-12 of this Code.

**SECTION 3. CEQA.** Approval of the ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that this ordinance will have a significant effect on the environment.

**SECTION 4. SEVERABILITY.** If any section, subsection, subdivision, paragraph,



sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

**SECTION 5. EFFECTIVE DATE AND PUBLICATION.** This ordinance shall take effect thirty (30) days after adoption. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council Chamber bulletin board for five (5) days prior to adoption.