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CITY HALL • FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

NANCY J. NADEL
Councilmember
District # 3

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June 24, 2008
Oakland City Council, Finance and Management Committee
Oakland, CA

**RE: Item No. 7 – REVISION TO STAFF REPORT AND PROPOSED ORDINANCE
SUBMITTED RE:**

- (1) Adopt An Ordinance Amending Ordinance No. 12809 C.M.S. (Master Fee Schedule), As Amended, To Modify Permit Fees Assessed By The Parking Division For The "Interim Mixed-Use Parking Permit Program For The Jack London District," As Follows: (a) Modify The Cost Of One-Day Permits From One Dollar (\$1) To Ten Dollars (\$10); And (b) Modify The Cost Of Two-Week Permits From Five Dollars (\$5) To Fifty Dollars (\$50), In Order To Maintain the Program's Cost-Neutrality.
- (2) Adopt An Ordinance Amending Ordinance No. 12864 C.M.S., To Modify The Boundaries Of The Jack London District Interim Mixed-Use Permit Parking Program, As Follows: (a) Move The Southern Boundary Of The Permit Parking Area South One Block From Embarcadero West, Between Franklin Street And Washington Street Only, To Include The Businesses On Water Street; (b) Move The Northern Boundary Of The Permit Parking Area North One Block From Fourth Street, Between Washington Street And Broadway Only, To Include The Southern Side Of Fifth Street Only.

Dear Chairperson Quan, and Members of the Finance and Management Committee:

Please accept this revision to the Staff Report previously submitted regarding the two proposed Ordinances to modify the Jack London District Interim Mixed-Use Permit Parking Program.

The title to Ordinance (2), above, should have indicated Webster Street rather than Franklin Street, and thus should read as follows:

Adopt An Ordinance Amending Ordinance No. 12864 C.M.S., To Modify The Boundaries Of The Jack London District Interim Mixed-Use Permit Parking Program, As Follows: (a) Move The Southern Boundary Of The Permit Parking Area South One Block From Embarcadero West, Between ~~Franklin~~ Webster Street And Washington Street Only, To Include The Businesses On Water Street; (b) Move The Northern Boundary Of The Permit Parking Area North One Block From Fourth Street, Between Washington Street And Broadway Only, To Include The Southern Side Of Fifth Street Only.

A revised draft of the proposed Ordinance, reflecting this correction, is attached. A revised map, reflecting the correction, is included as *Exhibit B* to the revised Ordinance.

As indicated in the initial Staff Report, I respectfully request that the Finance and Management Committee approve the Ordinances as presented, and forward this item to the full Council with a recommendation for adoption.

Respectfully submitted,

Nancy J. Nadel

Nancy J. Nadel
City Councilmember, District 3

Prepared by:
Marisa Arrona
Policy Analyst for
Councilmember Nancy J. Nadel

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2008 JUN 19 PM 5:53

Approved as to Form and Legality

DRAFT

City Attorney

REVISED
OAKLAND CITY COUNCIL
ORDINANCE No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER NANCY J. NADEL

ORDINANCE AMENDING ORDINANCE NO. 12864 C.M.S., TO MODIFY THE BOUNDARIES OF THE JACK LONDON DISTRICT INTERIM MIXED-USE PERMIT PARKING PROGRAM AREA, AS FOLLOWS: (A) MOVE THE SOUTHERN BOUNDARY OF THE PERMIT PARKING AREA SOUTH ONE BLOCK FROM EMBARCADERO WEST, BETWEEN ~~FRANKLIN~~ WEBSTER STREET AND WASHINGTON STREET ONLY, TO INCLUDE THE BUSINESSES ON WATER STREET; (B) MOVE THE NORTHERN BOUNDARY OF THE PERMIT PARKING AREA NORTH ONE BLOCK FROM FOURTH STREET, BETWEEN WASHINGTON STREET AND BROADWAY ONLY, TO INCLUDE THE SOUTHERN SIDE OF FIFTH STREET ONLY.

WHEREAS, on December 18, 2007, the Oakland City Council adopted Ordinance No. 12847 C.M.S., adding Chapter 10.45 of the Oakland Municipal Code, entitled "Interim Mixed-Use Permit Parking Program for the Jack London District," to implement a temporary, three year preferential parking program; and

WHEREAS, pursuant to Ordinance No. 12847 C.M.S., the "Interim Mixed-Use Permit Parking Program for the Jack London District" was "enacted in response to a severe, temporary problem within the Jack London District caused by...long term parking by people outside of the immediate area...[and] It is therefore temporarily necessary...[to establish] a mixed use permit parking system so that residents, employees, and visitors to the District will be provided an opportunity to park near their residence, place of business, or other commercial establishment."; and

WHEREAS, on March 4, 2008, the Oakland City Council adopted Ordinance No. 12864 C.M.S., amending Oakland Municipal Code 10.45 to establish the boundaries of the Jack London District Interim Mixed-Use Permit Parking Program, generally, from Embarcadero West to Fourth Street and from Oak Street to Brush Street, as set forth in *Exhibit A*, attached hereto; and

WHEREAS, small businesses, merchants, and employees immediately south of Embarcadero West, as well as employees at 401 Broadway, were inadvertently omitted from the area within the permit boundaries, making them ineligible to purchase permits; and

WHEREAS, these businesses, merchants, and employees are therefore adversely affected by the permit parking program because the program, in its present form, prohibits them from parking anywhere near their place of business and employment, and creates an undue hardship on the very constituents the permit parking program, was meant to serve; and

WHEREAS, the Traffic Engineering Division determined, with the office of Councilmember Nancy Nadel (who represents these constituents), that in order to include these businesses, merchants, and employees, the boundaries must be modified as follows: (a) move the southern boundary of the permit parking area south one block from Embarcadero West, between ~~Franklin~~ Webster Street and Washington Street only, to include the businesses on Water Street; (b) move the northern boundary of the permit parking area north one block from Fourth Street, between Washington Street and Broadway only, to include the southern side of Fifth Street only; and

WHEREAS, modifying the boundaries of the “Interim Mixed-Use Permit Parking Program for the Jack London District” as indicated, to include these businesses, merchants, and employees, will (a) not adversely affect the program as a whole, (b) serve the intent of the program as established, and (c) add approximately 200 additional permit holders to the program, thereby ensuring the program is cost-neutral, as mandated by Council; and

WHEREAS, modification of the boundaries will not result in any costs to the City since the modifications serve only to add permit holders to the program and no additional streets will be restricted, and therefore no additional signs are necessary; and

WHEREAS, the City Council finds and determines that the herein-referenced modifications to the boundaries of the “Interim Mixed-Use Permit Parking Program for the Jack London District” are necessary to fully carry out the intent of the Jack London Permit Parking Program; now therefore be it

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby adopts and incorporates them into this Ordinance.

Section 2. Jack London Permit Parking Area Amended. The Jack London Permit Parking Program Area boundaries established by Ordinance No. 12864 adopted March 4, 2008, are hereby amended to revise the program area boundaries as indicated in *Exhibit B (Amended, Revised Map)*, attached hereto, as follows:

- a) move the southern boundary of the permit parking area south one block from Embarcadero West, between ~~Franklin~~ Webster Street and Washington Street only, to include the businesses on Water Street; and
- b) move the northern boundary of the permit parking area north one block from Fourth Street, between Washington Street and Broadway only, to include the southern side of Fifth Street only.

Section 2. Severability. If any article, section, subsequent section, clause, or phrase of this ordinance or exhibits is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect.

Section 3. 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- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES-

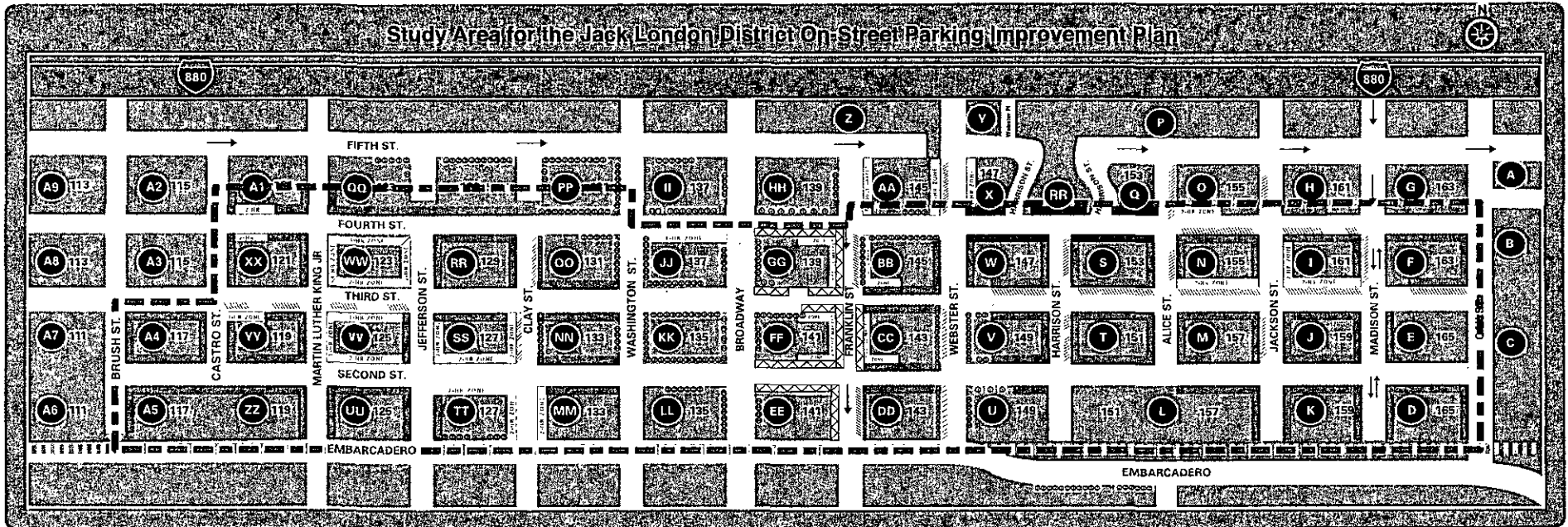
ABSENT-

ABSTENTION-

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: _____

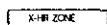

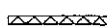



JACK LONDON DISTRICT MAP: PROPOSED TIME-LIMITED PARKING ZONES AND PROPOSED MIXED USE DISTRICT PERMIT PARKING (as of 03/16/2007)



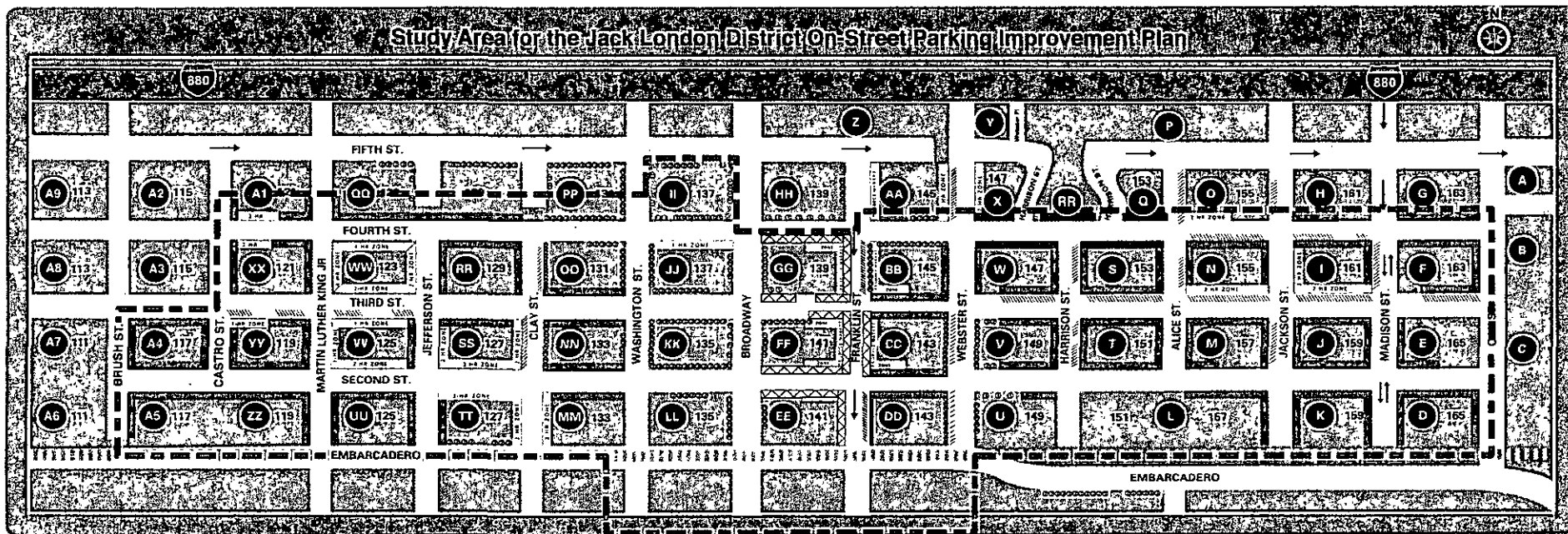
SUMMARY OF JLDA's PERMIT PARKING PROGRAM PROPOSAL

1. Within the boundary of the proposed Mixed-Use District Permit Parking Program (dashed red line), wherever curb and gutter has been installed and parking is currently unregulated by meters or signs, JLDA proposes that the City install signs indicating that this is a time-limited parking zone.
2. Wherever parking is currently unregulated by meters or signs, JLDA proposes the City install signs indicating a default time limit of 4-hour parking (green line); apparently this was approved June 1, 2004 by City Council (Agenda Item S-22) but has never been implemented.
3. JLDA proposes that business owners and residents in the district be eligible to purchase parking permits to exempt vehicles from posted 4-hour time limits. Vehicles would not be exempted from parking meter, painted curb, or street sweeping violations, or from 1-hour and 2-hour parking zones.
4. JLDA proposes new 1-hour and 2-hour parking zones be installed wherever a majority of existing restaurants, retailers, and other businesses request them. Several blocks are shown on the map where discussions have already taken place (yellow line). Others may be requested and should be considered on a case by case basis.

KEY: TIME-LIMITED PARKING & PERMIT PARKING PROGRAM

-  Existing Time-Limited Parking Zones
-  Existing Parking Meters
-  Proposed New 1-HR & 2-HR Parking Zones (Permit Parking Prohibited)
-  Proposed New 4-HR Parking Zones (Permit Parking Allowed)
-  Proposed New 4-HR Parking Zones (Permit Parking NOT Allowed)
-  Proposed Boundary of Mixed-Use District Permit Parking Program


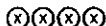




JACK LONDON DISTRICT MAP: PROPOSED TIME-LIMITED PARKING ZONES AND PROPOSED MIXED USE DISTRICT PERMIT PARKING (as of 06/24/2008)



SUMMARY OF JLDA's PERMIT PARKING PROGRAM PROPOSAL

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-  Proposed New 4-HR Parking Zones (Permit Parking Allowed)
-  Proposed New 4-HR Parking Zones (Permit Parking NOT Allowed)
-  Proposed Boundary of Mixed-Use District Permit Parking Program