

CITY OF OAKLAND
AGENDA REPORT

2009 SEP 10 PM 4:41

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: FMA/Parking Operations
DATE: September 22, 2009

RE: Report and Two Items of Legislation:

- 1) **Ordinance Amending Oakland Municipal Code Section 10.28 "Stopping, Standing, and Parking Generally" to Add a Subsection Entitled "Three-Hour Parking Between Certain Hours" to Allow Designation of Certain Areas for Three-Hour Parking Between 5 p.m. and 8 p.m.**
- 2) **Resolution to Extend the Enforcement Hours of the Residential Permit Parking Program by Two Hours to 8 p.m.**

SUMMARY

Staff has prepared an Ordinance Amending Oakland Municipal Code Section 10.28 "Stopping, Standing, and Parking Generally" to add a subsection entitled "Three-Hour Parking Between Certain Hours" to allow designation of certain areas for three-hour parking between the hours of 5 p.m. and 8 p.m.; parking is currently restricted to two hours at most parking meters in the City. After the City Council extended the hours of parking meter operation Citywide to 8 p.m. on July 7, 2009, it became inconvenient for many residents and visitors to park at the meters in the evening given the one- to two-hour parking time maximums. To accommodate, the parking time extension to three hours after 5 p.m. went into effect during the City Council recess in August 2009, under the City Administrator's authority. The proposed amendment to the ordinance would validate this administrative action.

Staff has also prepared a resolution to extend the enforcement hours of the Residential Permit Parking Program (RPP) by two hours to 8 p.m. This extension would make the RPP hours of enforcement the same as those of the parking meters, given the recent extension to 8pm.

FISCAL IMPACT

The fiscal impact of implementing the change in the Parking Ordinance is minimal, and has already been incurred as a result of the administrative change. The only cost associated with allowing three-hour parking at meters during certain hours was the cost of stickers placed on single-spaced meters and on signs in Residential Permit Parking areas. The decals are expected to cost approximately \$400 and would be paid for out of the General Purpose Fund (1010), Parking Enforcement Org (08931), Repair and Maintenance Account (54611). Electronic multi-

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space meters will not require the stickers because the information will be provided through the LED display programmed on the kiosks.

BACKGROUND

City Council adopted Ordinance 12953 C.M.S. on July 7, 2009 which amended the Oakland Municipal Code (O.M.C.), Section 10.36.050 "Parking Meter Indication That Space Is Illegally In Use," to extend parking meter hours and enforcement of fines to 8 p.m. Amending the code to add a provision for three-hour parking allows the City to change its enforcement policies for the hours between 5 p.m. and 8 p.m. (or any other three-hour period). Staff recommends this change to the Parking Ordinance to make it easier for residents and visitors in Oakland to park in commercial districts between 5 p.m. and 8 p.m.

KEY ISSUES AND IMPACTS

Making the change to the Oakland Municipal Code to add a section to allow for three-hour parking will add a level of convenience to shoppers and residents in Oakland after 5 p.m. Being able to pay a meter for three hours at 5 p.m. will allow patrons to park their cars at that time without having to move their cars or feed the meter again or risk getting a ticket. This change has already been implemented administratively in response to concerns raised by residents and visitors. Council approval is required to formally validate the administrative action.

Residential Permit Parking restrictions are currently in effect until 6 p.m. in Residential Permit Parking areas. Now that enforcement of parking meters has been extended to 8 p.m., residents in areas adjacent to commercial districts may be impacted by visitors parking on residential streets to avoid parking meters. Extending the hours of enforcement of the Residential Permit Parking Program will support residents with permits by reducing the incentive for visitors to park in residential areas since permit restrictions will also be enforced.

SUSTAINABLE OPPORTUNITIES

Economic: Changing the number of hours a patron may park after 5 p.m. allows them to more easily and readily patronize businesses in areas where there are parking meters, thereby increasing the economic opportunities for businesses.

There are no direct environmental or social equity opportunities resulting from action on this item.

DISABILITY AND SENIOR CITIZEN ACCESS

The proposed action does not impact disability and senior citizen access.

RECOMMENDATION(S) AND RATIONALE

Staff recommends that the City Council:

1. Adopt an Ordinance amending Oakland Municipal Code Section 10.28 "Stopping, Standing, And Parking Generally" to add a subsection Entitled "Three-Hour Parking Between Certain Hours" to allow designation of certain areas for three-hour parking between 5 p.m. and 8 p.m. Amendment of this ordinance would formally validate the administrative action that took place in August 2009 to implement this change.
2. Adopt a resolution to extend the enforcement hours of the Residential Permit Parking Program to 8 p.m., to coincide with the extended parking meter hours.

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests that Council adopt the Ordinance and Resolution as recommended.

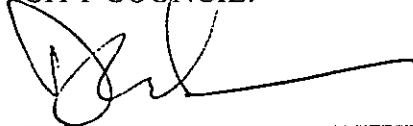
Respectfully submitted,



Noel Pinto
Parking Operations Manager

Prepared by:
Kip Walsh, Administrative Services Manager II
Finance & Management Agency

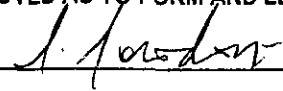
APPROVED AND FORWARDED TO THE
CITY COUNCIL:



Office of the City Administrator

Item: _____
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INTRODUCED BY COUNCILMEMBER _____



City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND.**OAKLAND CITY COUNCIL**

2009 SEP 10 PM 4:41

ORDINANCE No. _____ C.M.S.

**ORDINANCE AMENDING OAKLAND MUNICIPAL CODE SECTION 10.28
"STOPPING, STANDING, AND PARKING GENERALLY" TO ADD A
SUBSECTION ENTITLED "THREE-HOUR PARKING BETWEEN
CERTAIN HOURS" TO ALLOW FOR THE DESIGNATION CERTAIN
AREAS FOR THREE-HOUR PARKING BETWEEN 5 P.M. AND 8 P.M.**

WHEREAS, the City of Oakland collects fines for violations of the Oakland Traffic Code as set forth in Title 10 of the Oakland Municipal Code; and

WHEREAS, the City of Oakland has a duty to enforce parking violations as set forth in the Oakland Municipal Code; and

WHEREAS, on July 7, 2009, the City of Oakland adopted Ordinance 12953 C.M.S. amending the Oakland Municipal Code (O.M.C.), Section 10.36.050 "Parking Meter Indication That Space Is Illegally In Use," to extend parking meter hours and enforcement of fines to 8 p.m.; and

WHEREAS, the City Council wishes to allow residents and visitors in Oakland to park for three hours at parking meters between the hours of 5 p.m. and 8 p.m.; and

WHEREAS, in order to do so, the City must create a new three-hour parking category; now, therefore

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

Section 1. Oakland Municipal Code (O.M.C.) Section 10.28 "Stopping, Standing, and Parking Generally" is hereby amended as set forth below. Additions are indicated by underscoring and deletions are indicated by ~~strike through type~~; portions of ordinances not cited or not shown in underscoring or strike-through type are not changed.

10.28.205 Three-hour parking between certain hours.

When heretofore or hereafter provided by resolution, and appropriate signs are in place giving notice thereof, no person shall stop, stand, or park any vehicle for a period of time longer than three hours between the hours indicated by said appropriate signs on any day, except holidays, on any street or any part of any street so indicated.

Section 2. Severability. If any article, section, subsection, sentence, clause, or phrase of this ordinance or exhibit 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 upon adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

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

DATE OF ATTESTATION: _____

A. Gordon
City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2009 SEP 10 PM 4:42

RESOLUTION TO EXTEND ENFORCEMENT HOURS OF THE RESIDENTIAL PERMIT PARKING PROGRAM BY TWO HOURS TO 8 P.M.

WHEREAS, Oakland Municipal Code, Sections 10.44.050 and 10.44.120 provide that the City Council may designate residential parking permit areas and provide for the time limitations for parking in the areas, and

WHEREAS, certain areas throughout the City are designated for the Residential Permit Parking Program in which parking is restricted during the hours of 8 a.m. to 6 p.m. for the parking of vehicles without a permit; and

WHEREAS, by Ordinance No. 12953 C.M.S., adopted on July 7, 2009, the City Council amended the Oakland Municipal Code, Section 10.36.050 "Parking Meter Indication That Space Is Illegally In Use," to extend parking meter hours and enforcement of fines to 8 p.m. for automobiles parked at metered spaces; and

WHEREAS, the City Council wishes to make the enforcement of parking restrictions consistent throughout the City and to keep parking available to residents with permits in Residential Permit Parking areas; now, therefore, be it

RESOLVED: That restricted hours of the Residential Permit Parking Program be extended by two hours, so that the period when the appropriate parking permit is required in a residential parking permit area be from 8 a.m. to 8 p.m. citywide; and be it

FURTHER RESOLVED: That signs in the permit area be updated to notify residents and visitors of the hours of enforcement; and be it

FURTHER RESOLVED: That the provisions of this Resolution be effective immediately, upon passage by the City Council.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

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