## OFFICE OF THE CITY CLERA

### CITY OF OAKLAND



CITY HAZOU JUL 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

NANCY J. NADEL Councilmember District # 3 (510) 238-7003 FAX (510) 238-6129 TTY (510) 238-741

## SUPPLEMENTAL STAFF REPORT, PER DIRECTION OF THE FINANCE AND MANAGEMENT COMMITTEE ON JUNE 24, 2008

July 8, 2008
Oakland City Council, Finance and Management Committee
Oakland, CA

RE: Modification Of The Boundaries Of The Jack London District Interim Mixed-Use Permit Parking Program (Item initially heard on June 24, 2008)

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

On June 24, 2008, my office, along with the Finance and Management Agency, Parking Division, as well as the Community and Economic Development Agency, Transportation Services Division, submitted for your consideration the following proposed Ordinance:

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 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.

The Finance and Management Committee requested that a meeting take place between my office, on behalf of the 200 or so constituents who were excluded from the program, and the Jack London District Association (JLDA) to reach agreement on modification of the boundaries.

I myself met with and spoke with JLDA Board Members regarding the boundary issue. In exchange for agreeing with our proposed modification, as described above, the JLDA proposed the following additional modifications to the boundary:

1. Move the southern boundary of the Permit Parking Area approximately two blocks south, to the edge of the Estuary, extending the eastern boundary in a straight line from Oak Street to the water, and extending the western boundary along Clay Street to the water.

	Item
Finance and	Management Committee
	July 8, 2008

2. Move the northern boundary of the Permit Parking Area approximately one-half to one-block north to the center of Fifth Street between Castro and Oak Streets.

The first modification proposed by the JLDA would include the portion of Embarcadero from Webster Street to Oak Street, on which there is unregulated and metered parking. The proposed modification would serve only to add residents and businesses at the waterfront to the permit eligibility area, and would <u>not</u> restrict parking on this portion of Embarcadero. After consultation with the City Attorney's Office, we confirmed that we can in fact modify that portion of the boundary as requested by the JLDA, as long as we clearly state in the Ordinance that parking will not be further restricted.

As to the second modification proposed by the JLDA, my office informed the JLDA Board members that the northern boundary could not be moved due to a written settlement with the Chinatown Coalition, facilitated by myself and Councilmember Kernighan in March or April of 2007, as to the specific location of that boundary. Moving the northern boundary would require a meeting with Councilmember Kernighan's Office and her constituents in Chinatown. In any event, my staff also explained to the JLDA Board that the northern boundary did not have to be moved because there are no businesses or residents facing Fifth Street that would be added to the permit eligibility list. On July 1, 2008, my staff member, Marisa Arrona, personally field-checked every single block on Fifth Street, from Brush Street to Oak Street and confirmed this fact, as follows:

#### Fifth Street b/t Brush Street and Castro

- T.J.'s Gingerbread House: research indicates it closed recently (phone numbers disconnected, no new listing, restaurant review in June stated it had closed) and it appears abandoned; even if open, there is free, unregulated parking in front and across Castro Street and beyond since those areas are not within the restricted permit area. Also, research indicates that if they are open, they are an evening and/or weekend business only.
- Fenced, truck/private truck yard at corner of Castro.

#### Fifth Street b/t Castro and MLK:

- Empty, fenced lot at corner of Castro.
- Private, fenced lot in middle of block.
- At corner of MLK: 5<sup>th</sup> Street Garage Auto Body with two parking lots.

#### Fifth Street b/t MLK and Jefferson

- B&F Auto Repair, with parking lot, at corner of MLK.
- The rest of that block is the back of the building fronting 4<sup>th</sup> Street, which is included in the eligibility area.

#### Fifth Street b/t Jefferson and Clay

- Empty building on corner of Jefferson.
- Brek's Restaurant in middle of block. Research and drive-by indicates likely closure (phone numbers disconnected, no new listing, appears closed), but it is an evening business in any event.
- Three Victorians that appeared closed/not in business; research indicates no listings or business or residential information.
- Middle of block also includes Bricker-Mincolla Uniform, Co. Phone call today confirmed they provide all employees and customers with parking.
- Corner of 5<sup>th</sup> and Clay: OPD Association has employee parking lot. Member meetings are in the evenings, after restricted parking hours.

#### Fifth Street b/t Clay and Washington

- Fenced, private (BART) truck yard at corner of Clay.
- Fenced, electrical yard in rest of block.

#### Fifth Street b/t Washington and Broadway

• Side entrance to 401 Broadway. All of this building is now included in the permit eligibility area, per the proposed Ordinance.

#### Fifth Street b/t Broadway and Franklin

• Business with parking lots on entire block.

#### Fifth Street b/t Franklin and Webster

- Side entrance to building which fronts Webster Street and included in the eligibility area, but employee parking provided nonetheless.
- Two businesses with two parking lots, one fenced. Also includes the side/back of Cobel Glass Co., which is included in the permit eligibility area.

#### Fifth Street b/t Webster and Harrison

- At corner of Webster: back side of building fronting 4<sup>th</sup> Street, which is included in eligibility area.
- At middle of block: ARS, Co., with parking.
- At corner of Harrison: private parking lot.

#### Fifth Street b/t Harrison and Alice

- At corner of Harrison: portion of building included in the eligibility area.
- In middle of block: empty lots.
- At corner of Alice: portion of building included in area.

#### Fifth Street b/t Alice and Jackson

- At corner of Alice: side entrance to Alice Street condos, which are included in the eligibility area.
- Rest of block is empty lots and empty buildings.
- At corner of Jackson: three small businesses with fenced, private parking lot.

#### Fifth Street b/t Jackson and Madison

 Entire block is back side of building fronting 4<sup>th</sup> Street, which is included in eligibility area.

#### Fifth Street b/t Madison and Oak

- At corner of Madison, to middle of block: Lakeside Metals.
- At corner of Oak: gas station with parking.

Thus, agreement was reached on the modifications proposed by my office on June 24, 2008, as well as modification number one (1) proposed by the JLDA Board. Clear agreement was not reached on the JLDA Board's modification two (2) but in any event the northern boundary does not require modification, as explained above. None of these modifications will restrict any additional street parking within the boundary area; the modifications serve only to add merchants, businesses, employees, and residents to the permit eligibility list.

A revised draft (in redlined version and in a "clean" version) of the proposed Ordinance, reflecting the modifications described above, is attached. The title of the proposed Ordinance is now:

#### **Redlined Version:**

ORDINANCE AMENDING ORDINANCE NO. 12864 C.M.S., TO MODIFY THE BOUNDARIES OF THE JACK LONDON DISTRICT INTERIM MIXED-USE PERMIT PARKING PROGRAM AREA, IN ORDER TO INCLUDE ALL OF THE MERCHANTS, BUSINESSES, EMPLOYEES, AND RESIDENTS ALONG THE WATERFRONT AND AT 401 BROADWAY STREET, AS FOLLOWS: (A) MOVE EXTEND THE SOUTHERN BOUNDARY OF THE PERMIT PARKING AREA SOUTH ONE BLOCK APPROXIMATELY TWO BLOCKS FROM EMBARCADERO WEST, TO THE EDGE OF THE ESTUARY, BETWEEN WEBSTER OAK STREET AND WASHINGTON STREET ONLY, EXTENDING THE EASTERN BOUNDARY IN A STRAIGHT LINE DOWN OAK STREET TO THE WATER; AND (B) MOVE EXTEND 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.

#### "Clean" Version:

ORDINANCE AMENDING ORDINANCE NO. 12864 C.M.S., TO MODIFY THE BOUNDARIES OF THE JACK LONDON DISTRICT INTERIM MIXED-USE PERMIT PARKING PROGRAM AREA, IN ORDER TO INCLUDE ALL OF THE MERCHANTS, BUSINESSES, EMPLOYEES, AND RESIDENTS ALONG THE WATERFRONT AND AT 401 BROADWAY STREET, AS FOLLOWS: (A) EXTEND THE SOUTHERN BOUNDARY OF THE PERMIT PARKING AREA SOUTH APPROXIMATELY TWO BLOCKS FROM EMBARCADERO WEST, TO THE EDGE OF THE ESTUARY, BETWEEN OAK STREET AND WASHINGTON STREET ONLY, EXTENDING THE EASTERN BOUNDARY IN A STRAIGHT LINE DOWN OAK STREET TO THE WATER; AND (B) EXTEND 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 map of the original/current boundaries is attached to the proposed Ordinance as Exhibit A.

A map reflecting the modified boundaries, as described above, is attached to the proposed Ordinance as *Exhibit B*.

As indicated in the initial Staff Report, presented on June 24, 2008, I respectfully request that the Finance and Management Committee approve the Ordinances as proposed, and forward this item to the full Council with a recommendation for adoption.

Respectfully submitted,

Nancy J. Nadel

City Councilmember, District 3

Prepared by: Marisa Arrona Policy Analyst for

Councilmember Nancy J. Nadel

Approved as to Form and Legality

OFFICE OF THE CITY CLERA

## 2808 JUL -2 PM 5: 02 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, IN ORDER TO INCLUDE ALL OF THE MERCHANTS, BUSINESSES, EMPLOYEES, AND RESIDENTS ALONG THE WATERFRONT AND AT 401 BROADWAY STREET, AS FOLLOWS: (A) EXTEND THE SOUTHERN BOUNDARY OF THE PERMIT PARKING AREA SOUTH APPROXIMATELY TWO BLOCKS FROM EMBARCADERO WEST, TO THE EDGE OF THE ESTUARY, BETWEEN OAK STREET AND WASHINGTON STREET ONLY, EXTENDING THE EASTERN BOUNDARY IN A STRAIGHT LINE DOWN OAK STREET TO THE WATER; AND (B) EXTEND 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, employees, and residents 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, employees, and residents 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, and residents the boundaries must be modified as follows: (a) extend the southern boundary of the permit parking area south approximately two blocks from Embarcadero West, to the edge of the estuary, between Oak Street and Washington Street only, extending the eastern boundary in a straight line down Oak Street to the water; and (b) extend 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, modification of the boundaries will not result in any costs to the City since the modifications serve *only* to add permit holders to the permit parking program, so that and *no additional street parking will be restricted*, and therefore no additional parking restrictions 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; and

WHEREAS, in accord with California Vehicle Code 22507, the City has determined that the revised parking permit area boundaries will not adversely affect parking conditions for residents and merchants in the area; 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:

- (c) extend the southern boundary of the permit parking area south approximately two blocks from Embarcadero West, to the edge of the estuary, between Oak Street and Washington Street only, extending the eastern boundary in a straight line down Oak Street to the water; and
- (d) extend 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, KERNIGH	IAN, 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:

Approved as to Form and Legality

City Attorney

RED-LINED VERSION; CLEAN CORVATILACHEIF!

2008 JUL -2 PM 5: 02
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, IN ORDER TO INCLUDE ALL OF THE MERCHANTS, BUSINESSES, EMPLOYEES, AND RESIDENTS ALONG THE WATERFRONT AND AT 401 BROADWAY STREET, AS FOLLOWS: (A) MOVE EXTEND THE SOUTHERN PERMIT **PARKING** AREA BOUNDARY OF THE SOUTH ONE BLOCK APPROXIMATELY TWO BLOCKS FROM EMBARCADERO WEST, TO THE EDGE OF THE ESTUARY, BETWEEN WEBSTER OAK STREET AND WASHINGTON STREET ONLY, EXTENDING THE EASTERN BOUNDARY IN A STRAIGHT LINE DOWN OAK STREET TO THE WATER; AND (B) MOVE EXTEND 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.

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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

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WHEREAS, small businesses, merchants, and employees, and residents 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

#### RED-LINED VERSION; CLEAN COPY ATTACHED.

WHEREAS, these businesses, merchants, and employees, and residents 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, and residents the boundaries must be modified as follows: (a) move extend the southern boundary of the permit parking area south one block approximately two blocks from Embarcadero West, to the edge of the estuary, between Webster Oak Street and Washington Street only, extending the eastern boundary in a straight line down Oak Street to the water; and (b) move extend 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, and residents 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 <u>permit parking program</u>, so that and no additional street parking will be restricted, and therefore no additional <u>parking restrictions</u> 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; and

WHEREAS, in accord with California Vehicle Code 22507, the City has determined that the revised parking permit area boundaries will not adversely affect parking conditions for residents and merchants in the area; now therefore be it

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#### REVISED PER DIRECTION OF JUNE 24, 2008 FINANCE AND MANAGEMENT COMMITTEE

#### RED-LINED VERSION; CLEAN COPY ATTACHED.

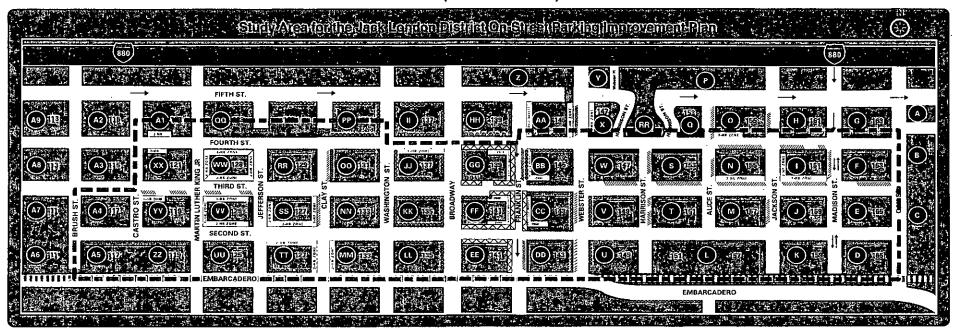
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**Section 3.** Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise, it shall become effective upon the seventh day after final adoption.

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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)

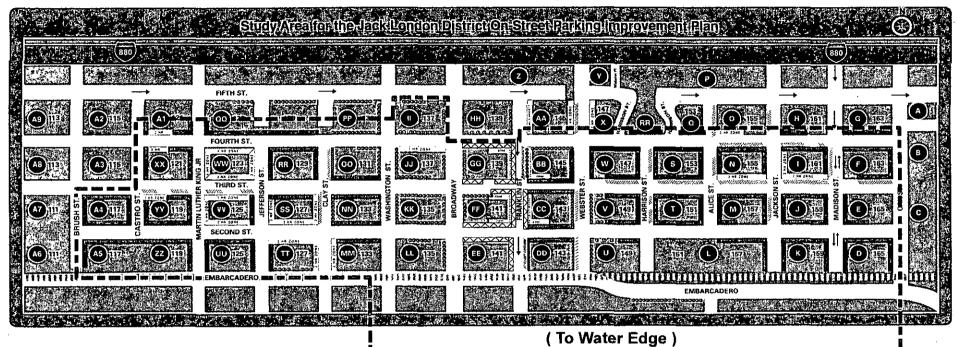


#### SUMMARY OF JLDA'S PERMIT PARKING PROGRAM PROPOSAL

- 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 07/08/2008)



#### 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.
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