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NANCY J. NADEL
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June 24, 2008
Oakland City Council, Finance and Management Committee
Oakland, CA

- 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:

SUMMARY

Before you are two Ordinances that correct two unintended consequences of the "Interim Mixed-Use Permit Parking Program for the Jack London District," which was approved by Council on December 18, 2007 (Ordinance No. 12864 C.M.S.):

- (1) Ordinance amending Ordinance No. 12809 C.M.S. — Modifies the fees for Visitor Permits only, to prices comparable to the annual permit fee. This will ensure that the cost-neutrality of the Jack London District ("JLD") Permit Parking Program is maintained.
- (2) Ordinance amending Ordinance No. 12864 C.M.S. — Modifies the boundaries on four blocks in order to include businesses, merchants, and employees who were inadvertently omitted from the JLD Permit Parking Program. The modified boundaries serve only to add new permit holders to the Permit Parking Program, and do not restrict parking on any additional streets in the District.

Item: _____
Finance and Management Committee
June 24, 2008

BACKGROUND

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. The City Council required that the program be 'cost neutral'.

The permit parking program was proposed in response to a severe, but temporary, problem within the Jack London District ("JLD") caused by long-term parking by people outside of the immediate area, primarily Amtrak and Ferry commuters who parked in the District all day. The parking problem was exacerbated by the closure of the Amtrak parking lot during construction of a new parking garage; the parking garage will be complete in three years.

It was therefore necessary to establish an interim 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 until another parking garage is built. The program regulates and manages approximately 1000 unregulated parking spaces in the JLD, thereby creating turnover for increased retail and business activity and accommodates the needs of merchants, employees, residents and visitors to the District.

After Council approved the JLD permit program, additional Council action was required to establish the boundaries of the permit area, and to establish the permit fees for the program. 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 JLD Permit Parking Program, generally, from Embarcadero West to Fourth Street and from Oak Street to Brush Street.

On March 4, 2008, the Oakland City Council also adopted Ordinance No. 12865 C.M.S., establishing permit fees for the JLD Permit Parking Program (known as "Area M" in the Finance and Management Agency, Parking Division) at the amount of \$150 for the first year of the temporary three-year program.

ISSUES

As a result of implementation of the JLD Permit Parking Program, two unintended consequences have occurred:

- (1) Since Ordinance No. 12865 C.M.S. did not include a specific fee for short-term permits (one-day and 14-day), Visitor Permit fees for the JLD Program are charged in the amount of city-wide Visitor Permits, i.e., one dollar (\$1) for one-day permits and five dollars (\$5) for 14-day permits. This has resulted in an imbalance in permit fees for the JLD Permit Parking Program, and will likely result in the program not reaching cost-neutrality, as mandated by Council.

- (2) Small businesses, merchants, and employees immediately south of Embarcadero West, as well as Social Services employees at 401 Broadway, were inadvertently omitted from the area within the permit boundaries, making them ineligible to purchase permits. 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.

To correct these unintended consequences, and after discussions with the adversely affected constituents, my staff consulted with the Finance and Management Agency, Parking Division, as well as the Community and Economic Development Agency, Transportation Services Division, to discuss corrective measures. The proposed Ordinances would correct these issues by modifying the JLD Permit Parking Program as follows:

- (1) Parking Division Staff determined that the price of one-day permits for the JLD Permit Parking program should be modified from One Dollar (\$1) to Ten Dollars (\$10), and the price of two-week permits for the JLD permit parking program should be modified from Five Dollars (\$5) to Fifty Dollars (\$50), to match the rate of annual permits, and to ensure this temporary parking program is cost-neutral.
- (2) The Transportation Services Division determined, with my staff, that in order to include the adversely affected businesses, merchants, and employees, the permit eligibility boundaries must be modified 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.

RECOMMENDATIONS AND RATIONALE

- (1) Based on a recommendation by the Finance and Management Agency, Parking Division, I request that the City Council modify Visitor Permit Fees for the JLD Permit Parking Program, from One Dollar (\$1) to Ten Dollars (\$10) for One-Day Permits, and from Five Dollars (\$5) to Fifty Dollars (\$50) for Two-Week Permits, to match the rate of annual permits and to ensure this temporary parking program is cost-neutral.
- (2) I also recommend the City Council modify the boundaries of the JLD Permit Parking Program, as indicated, to include the adversely affected businesses, merchants, and employees. Modifying the permit eligibility boundaries, as indicated, will (a) not negatively impact 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. Moreover,

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. No additional streets will be restricted, therefore no additional signs are necessary.

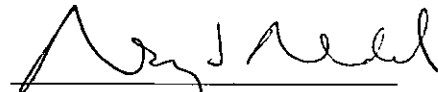
FISCAL IMPACT

None. These modifications will not result in any additional costs to the City. Modification of the Visitor Permit Fees will increase revenue to the Permit Parking Program, to ensure the Program is cost-neutral.

ACTION REQUESTED

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
City Councilmember, District 3

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

Joe Wang, P.E.
Supervising Transportation Engineer
CEDA Transportation Services Division

Francine Larkrith-Thompson
Parking Division Manager
Finance and Management Agency
Parking Division


City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 JUN 12 PM 1:51

OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER NANCY J. NADEL

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.

WHEREAS, the City of Oakland periodically updates its Master Fee Schedule to account for program changes and other costs; and

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, on March 4, 2008, the Oakland City Council adopted Ordinance No. 12865 C.M.S., establishing permit fees for the "Interim Mixed-Use Permit Parking Program for the Jack London District," (known as "Area M" in the Finance and Management Agency, Parking Division) at the amount of \$150 for the first year of the temporary three-year program, but did not specify comparable fees for Visitor Permits; and

WHEREAS, Ordinance No. 12865 C.M.S., indicated that additions to the Master Fee Schedule, establishing special permit fees for the Jack London Permit Parking Program, "are necessary to reimburse the City for the costs of performing the various municipal and regulatory functions associated with collecting and administering the permit parking program in the Jack London District," thereby requiring that this parking program be "cost-neutral," and

WHEREAS, Ordinance 12847 C.M.S., specified that Visitor Permits for the Jack London Permit Parking Program shall be issued in accordance with chapter 10.44.080 of the Oakland Municipal Code, and therefore Visitor Permit fees for this Program are charged in the amount of one dollar (\$1) for one-day permits and five dollars (\$5) for 14-day permits; and

WHEREAS, the rates currently charged for Visitor Permit Fees in the Jack London Permit Parking program have resulted in an imbalance in permit fees for Area M, and will likely result in the program not reaching cost-neutrality, as mandated by Council; and

WHEREAS, Parking Division Staff determined that the price of one-day permits for the JLD permit parking program should be modified from One Dollar (\$1) to Ten Dollars (\$10), and the price of two-week permits for the JLD permit parking program should be modified from Five Dollars (\$5) to Fifty Dollars (\$50), to match the rate of annual permits and to ensure this temporary parking program is cost-neutral;

WHEREAS, the fee modifications proposed herein have been justified by the Finance and Management Agency, Parking Division, and are identified in an "Agenda Report" dated June 24, 2008, to Deborah Ederly, City Administrator, entitled "Agenda Report Regarding An Ordinance To Modify Short-Term Permit Fees for the Jack London District (JLD) and a Recommendation to Amend the Master Fee Schedule to Modify the JLD Short-Term Permit Fees As Follows: (1) Increase The Cost Of One-Day Permits From One Dollar (\$1) To Ten Dollars (\$10); And (4) Increase The Cost Of Two-Week Permits From Five Dollars (\$5) To Fifty Dollars (\$50), In Order To Maintain the Program's Cost-Neutrality; now, therefore be it

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

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

Section 2. Master Fee Schedule Amended. The Master Fee Schedule, as set forth in Ordinance Number 12809 C.M.S., as amended, is hereby amended to modify and establish fees assessed by the City Parking Division, for the interim mixed-use permit parking program for the Jack London District, adding the following underscored language:

Parking Management
E. Jack London District

Mixed-Use Parking Permit for Eligible Vehicles of Residents, Employees of Neighborhood-Serving Establishments, and Owners or Employees of Businesses in the Jack London District Designated Mixed Used Permit Parking Area

	Fee	Unit
First Year		
Between April 1, 2008 and June 30, 2009	\$150	Vehicle
Second Year		
Between July 1, 2009 and June 30, 2010	*	Vehicle
Third Year		
Between July 1, 2010 and June 30, 2011	*	Vehicle
Replacement Permit	\$60	
<u>Visitor Permit</u>		
a. One-day	\$10	
b. 14-day	\$50	

*Fees in Years 2 and 3 of the Program will be determined by City Council after review of first year program costs and participation.

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: _____

OFFICE OF THE CITY CLERK
CORPORATE


City Attorney

2008 JUN 12 PM 1:51

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 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 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*, attached hereto, 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; 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-

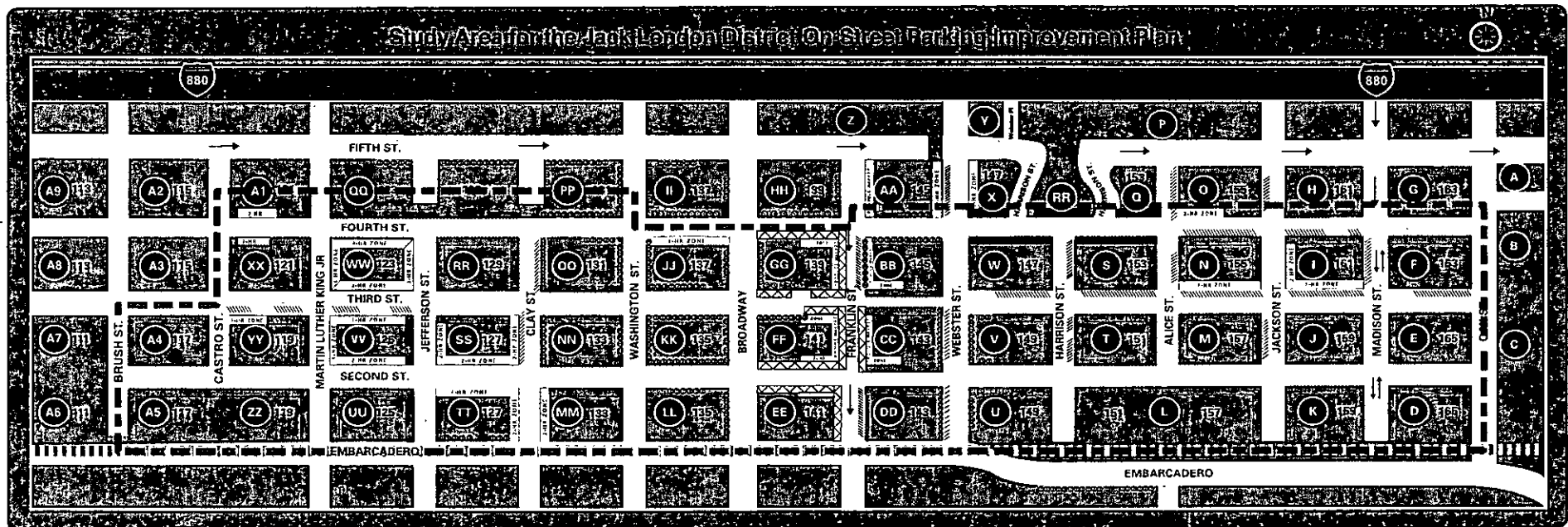
ABSENT-

ABSTENTION-

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

DATE OF ATTESTATION: _____

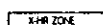

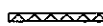



JACK LONDON DISTRICT MAP: PROPOSED TIME-LIMITED PARKING ZONES AND PROPOSED MIXED USE DISTRICT PERMIT PARKING (as of 03/16/2007)



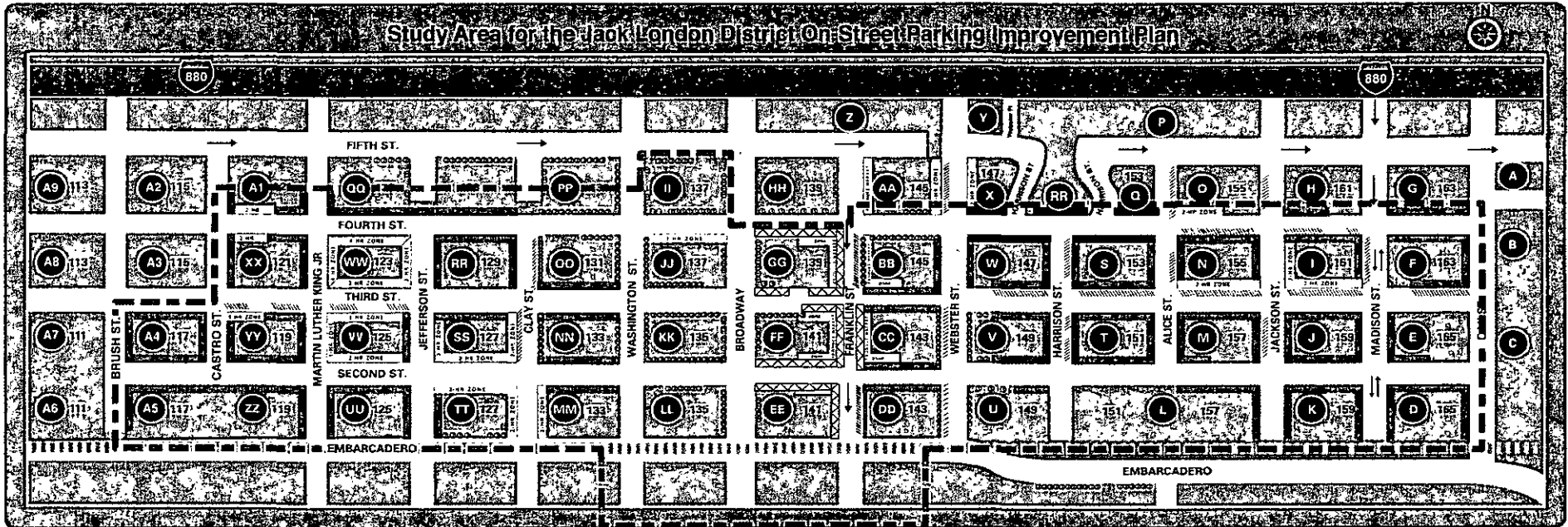
SUMMARY OF JLDA's PERMIT PARKING PROGRAM PROPOSAL

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

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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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.

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-  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