AGENDA REPORT

2007 OCT -4 PM 5: 48

TO:

Office of the City Administrator

ATTN:

Deborah Edgerly

FROM:

Community and Economic Development Agency

DATE:

October 16, 2007

RE:

An Ordinance to Establish an Interim Mixed-Used Permit-Parking Program for the Jack London District (JLD) and a Recommendation to Amend the Master Fee Schedule to Establish a Fee of \$144 Annually

for each JLD Permit

#### **SUMMARY**

In June 2007, the Finance and Management Committee directed staff to prepare an ordinance establishing a three year interim parking permit program for the Jack London District (JLD) and setting an annual fee that would result in a cost neutral program.

The proposed mixed-use permit-parking program is a temporary measure for the pending closure of the Amtrak parking lot, which is the site for a parking garage scheduled to open in 2009. The program establishes the mixed use parking permit system that gives any permit holder the opportunity, but not the exclusive right, to use available on street parking without time restrictions. Two hour and four hour time limited parking restrictions will also be instituted for approximately 1,000 currently unrestricted on street parking spaces in the area bounded by Brush Street, Embarcadero, Oak Street and a portion of Fifth Street (please refer to Attachment A for boundaries.) Representatives from the JLD are concerned about the potential increase in on-street parking demand during the lot closure. The ordinance that has been prepared establishes a permit parking program for a limited time. Staff has prepared three fee structure options that would result in cost neutrality. The cost differences between the options are based on assumptions about how many annual permits will be sold and how the hard costs are amortized over the three year period.

This program is a specific and temporary response to conditions in the Jack London District and should not be construed as a program to be used for future mixed-use, permit-parking programs citywide. Should the Council wish to have other mixed-use permit parking programs, staff recommends a broader study of the issue, with appropriate stakeholder groups, be undertaken to design a permit parking model for other areas of the City.

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#### **FISCAL IMPACTS**

Staff has presented a cost range for the parking permits, based on assumptions regarding how many permits are sold, which in part is a function of how much the permits cost. In addition, the options presented incorporate different methods of how to account for the one time costs, such as a new parking vehicle, are amortized over the three year period. All permit cost options result in a cost neutrality, and cover the cost entire cost of the program, including implementation, administration, enforcement, and termination. The specific options are presented in the key issues section of this staff report.

As with the City's residential parking permit program, the Finance and Management Agency will collect funds and issue permits. Funds will be deposited in Fund 1010 Org 08721 Acct #42416.

#### BACKGROUND

The most recent request to implement a mixed-use, permit-parking program in the JLD was made to staff in late 2006. Several informational reports were presented to the Finance and Management Committee, and a mediation process was completed between the JLD representatives and the Chinatown area representatives concerning the geographic parameters of the proposal and what spaces would be omitted from the permit parking plan. The proposal (Attachment A) now before the City Council has the agreement of both groups.

#### PROGRAM DESCRIPTION

The proposed JLD program would convert approximately 1,000 of the currently unregulated parking spaces to have four-hour parking limits with an exception given to vehicles displaying a valid parking permit. A vehicle displaying a permit may be parked beyond the four-hour limit but is not exempt from other parking restrictions such as painted curbs, parking meters, street sweeping hours, etc. Only residents, employees, and merchants within the defined permit-parking area will be eligible to purchase permits on an annual basis. The program is a temporary relief measure to compensate for the pending closure of the Amtrak parking lot during construction of a parking garage that will supply more spaces as part of the Jack London Redevelopment Project. The program will end in three years and be funded entirely by the cost of the permits.

As illustrated in Attachment A, in addition to permit parking (streets marked in green), there will be one/two-hour parking zones without permit exemption (marked in yellow) and four-hour parking zones without permit exemption (marked in purple) to facilitate high parking turnover in front of businesses with short-term parking needs. The permit parking zone within which permits are eligible for sale is delineated by red lines. The ordinance includes provisions for annual monitoring to assure the permit program is working and to review actual costs v. permit revenues.

#### CEDA: Jack London Parking District Ordinance

#### **KEY ISSUES AND IMPACTS**

Need for the Program. This program was proposed by JLD representatives as temporary relief to the pending Amtrak parking lot closure. Closure of that parking lot will increase on-street parking demand. In addition, there is an increasing demand for parking as the result of new residential development and retail in the JLD area. The increased demand from transit riders for on-street parking would have a detrimental impact on retail businesses in the area during the time the new Amtrak parking facility is under construction.

In addition to the immediate need as the result of the Amtrak lot closure, both staff and the JLD representatives see the establishment of time limited restrictions as the first step in an overall parking management program for the area. Commuters and employees from surrounding areas of downtown now park all day at no cost in the approximately 1,200 unrestricted spaces. This program will eliminate much of this unrestricted parking, thereby freeing up more spaces and increasing parking turnover in the District. Staff notes, however, that until the permit program is established, the City begins to monitor the number of permits sold, and the resulting new parking patterns, it is unknown whether this program will have a positive impact on short-term parking supply for shoppers and clients.

Fee Structure Options. Program costs are divided into two categories: one time (hard costs) of approximately \$ 104,500 and on-going, annual costs of approximately \$ 94,400 (please refer to Attachment B – Estimated Permit Parking Costs). For the three year period, total program costs are estimated at \$ 396,199, including a small annual cost of living adjustment in year two and three of 3 percent per year. Two questions for the Council to consider are whether to amortize the one time costs over the three years and, with regard to the permits that may be sold, what number to use as the divisor.

From staff's perspective, amortizing the one time costs over the three year period will distribute costs more equitably, thus keeping the total permit amount fairly even. As a base to compare permit costs, staff has included the calculations showing the one time costs being covered in the first year of the program. As to the number of permits that will be sold, the variables are the number of people interested and the actual permit cost. An informal survey conducted by the JLD representatives earlier this year showed an estimated sale of 600 permits (approximately 60 percent of the 1,000 eligible parking spaces.) The JLDA provided an estimate of permit demand between 1,100 and 1,600 based on an estimated price of \$100 to \$125 per permit. Given that the estimated permit amount is now above the original estimates, staff believes it is prudent to assume the annual number of permits at between 800-900. Staff will submit a status report to the City Council at the end of one year of full operation to ensure that this assumption is valid and the permit fee does not need to be adjusted. A \$ 144 permit fee (based on 900 permits sold/year) appears to be an appropriate amount to start the program. Once the City Council agrees on a fee structure, staff will prepare the necessary legislation to amend the Master Fee Schedule, to be introduced upon second reading of the enacting ordinance.

Table 1: Estimated Annual Cost of Parking Permits – Jack London District

Annual and Fixed Costs/Year	Number of permits 400/cost	500/cost	600/cost	700/cost	800/cost	900/cost	1000/cost
Year 1 \$94,400 operating cost \$ 34,833 one time cost amortized over 3 years \$ 129,233 total	\$ 323	\$ 259	\$ 216	\$ 185	\$ 162	\$ 144	\$ 130
If entire one time cost recovered during Year 1 \$ 198,900 total	\$ 498	\$ 398	\$ 332	\$ 284	\$ 248	\$ 221	\$ 199
Year 2 \$97,200 operating \$ 34,833 one time cost amortized over 3 years \$ 132,033 total	\$ 330	\$ 264	\$ 220	\$ 189	\$ 165	\$ 147	\$ 132
Year 3 \$100,100 operating cost \$ 34,833 one time cost amortized over 3 years \$ 134,933 total	\$ 338	\$ 270	\$ 225	\$ 193	\$ 169	\$ 150	\$ 135

Application of the Program Only to the JLD. Findings have been included in the draft ordinance that establish the intention of this program as an interim, time-limited step due to the unique circumstances within the JLD. A provision is also included to terminate the program in three years. Staff recommends that this program not be used as a model for other areas of the City.

The California Vehicle Code allows local authorities to implement mixed-use permit-parking programs. Unlike the City's existing Residential Permit-Parking Program, where residents can petition to be included in a permit-parking zone, a mixed-use permit program for a large commercial/residential community will offer far less flexibility to individual citizens as to who is included in the program. If the Council wishes to pursue this type of program in other areas, staff recommends that a committee of business and community leaders, representing various areas and interests, be convened to explore the issues, such as which areas in Oakland would qualify for such a program, how eligibility would be determined and what level of community support would be required to establish a mixed-use permit program. Staff from the Community and Economic Development Agency, the Public Works Agency and the Finance and Management Agency should be included as technical resources.

#### SUSTAINABLE OPPORTUNITIES

**Economic:** This program will improve the on-street parking situation for the residents, employees, and merchants in the JLD. It is not known whether it will improve or worsen short-term parking for shoppers and clients. Provisions have been included in the ordinance to monitor parking patterns and assure that permit fees cover the costs of the program.

*Environmental:* No direct environmental opportunities are contained in this report. However, driving patterns for surrounding employees may change because 1,000 free parking spaces will no longer be available. Some of these drivers may switch to mass transit conveyances or non-polluting means (walking, bicycling).

**Social Equity:** This program improves the parking accessibility for members who live or work within the JLD boundary that are eligible to purchase permits and restricts long-term parking for those outside the boundary who are ineligible to purchase permits. The boundary was established by the JLDA in conjunction with representatives from the Chinatown business community.

#### DISABILITY AND SENIOR CITIZEN ACCESS

No changes to disability or senior citizen access are projected as the result of this program.

#### RECOMMENDATION AND RATIONALE

Staff recommends Council adopt the ordinance to implement a temporary mixed-use permit parking program in the Jack London District as outlined in the staff report using the boundaries contained in Attachment A; reiterate that this is a temporary measure in response to the closure of the Amtrak parking lot and further direct that this program not be used as a model for other areas of the City.

#### **ACTION REQUESTED OF THE CITY COUNCIL**

- 1. To introduce for first reading an Ordinance Adding Chapter 10.45 to the Oakland Municipal Code Entitled "Interim Mixed Use Permit Parking Program for the Jack London District for a Period not to Exceed Three Years from the Date of Adoption."
- 2. To approve the \$144 annual permit fee based on the sale of 900 permits from Table 1 and to direct staff to bring back legislation amending the Master Fee Schedule.

Respectfully submitted,

Claudia Cappio

Director, Community and

Economic Development Agency

APPROVED AND FORWARDED TO THE CITY COUNCIL:

Office of the City Administrator

Attachments:

**Draft Ordinance** 

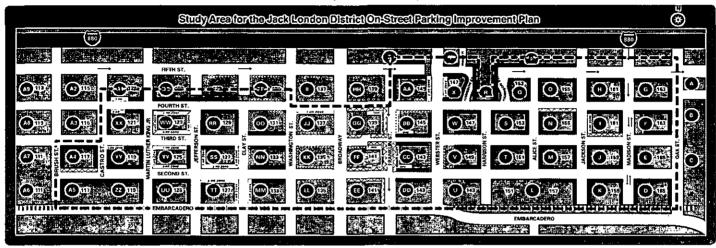
Attachment A - Parking Permit Program Map

Attachment B – Information on one time and annual program costs

City Council

October 16, 2007

## JACK LONDON DISTRICT MAP: PROPOSED TIME-LIMITED PARKING ZONES AND PROPOSED MIXED USE DISTRICT PERMIT PARKING (as of 11/30/2006)



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

- 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.
- 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 πew 1-hour and 2-hour perking 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.

# Existing Time-Limited Parking Zones 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 Permitted) Proposed Boundary of Mixed-Use District Permit Parking Program



# Chy of Oakland

### **Parking Division**

#### JACK LONDON DISTRICT PERMIT PARKING ESTIMATED COSTS

Description		_
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	Description	A1

**Cost** 

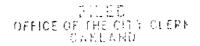
ONE-TIME COSTS		
1 Enforcement Vehicle	\$	31,000
1 Radio for Parking Control Technician	\$	2,500
Global Positioning System (GPS) for Parking Enforcement     Vehicle	\$	1,000
SUB-TOTAL	. <sub>40.</sub> \$	34,500
ONGOING COSTS		
.5 FTE Public Service Representative	\$	36,666.00
1 FTE Parking Control Technician	\$	69,192.00
Admin. Cost (approx. 3 hours / day for 2 months)	\$	4,800
Parking Enforcement Supervisor (approx. 3 hours per week)	\$	5,463
Annual Vehicles Maintenance	\$	6,395.00
Application materials, Permits, postage	\$	3,000.00
Distribution to Alameda County-\$5 / tkt pd (court, jail & state fund)	\$	5,000.00
Annual GPS service fee	\$	504.00
SÛB-TOTÂL	       	94,354.12
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# JACK LONDON SQUARE DISTRICT PERMIT PARKING PROGRAM SIGNAGE AND STREET MARKING COSTS

Sign Installation and Removal (materials and labor): \$ 66,800

Field Check and Plan Preparation: \$ 3,200

TOTAL: \$ 70,000



INTRODUCED BY COUNCILMEMBER

2007 OCT -4 PM 5: 49

APPROVED AS TO FORM AND LEGALITY

# DRAFT

City Attorney

## OAKLAND CITY COUNCIL

ORDINANCE NO	<b>).</b>	C.M.S.

AN ORDINANCE OF THE CITY OF OAKLAND ADDING CHAPTER 10.45 OF THE OAKLAND MUNICIPAL CODE ENTITLED "INTERIM MIXED USE PARKING PERMIT PROGRAM FOR THE JACK LONDON DISTRICT" FOR A PERIOD NOT TO EXCEED THREE YEARS FROM THE DATE OF ADOPTION

WHEREAS, in June 2006, the Jack London District Association requested that the City consider a permit parking program due to the immediate past and pending changes in the Jack London District and the consequent increase in on-street parking demand, including the closing of the Amtrak lot, the increased residential and commercial development and the large number of presently unregulated on-street parking spaces; and

WHEREAS, after a series of City Council meetings and community meetings an agreement was reached on an interim mixed use parking permit program for a time period of not more than three years to account for the construction of a new parking garage on the Amtrak parking lot; and

WHEREAS, on June 6, 2007, the Finance and Management Committee of the City Council directed staff to prepare an ordinance establishing an interim mixed use parking permit program for the Jack London District roughly bounded by Brush Street, Embarcadero Street, Oak Street and Fifth and Fourth Streets; and

WHEREAS, on October 16, 2007 a public hearing was held before the City Council to review and consider the ordinance establishing a mixed use parking permit program for the Jack London District; and

WHEREAS, the City Council finds that the establishment of this mixed use parking permit program will serve the public interest by regulating and managing approximately 1,000 currently unregulated parking spaces in the Jack London District, thereby creating turnover for increased retail and business activity and accommodating the needs of employees, residents and visitors to the District through the permit parking system; and

WHEREAS, the City Council further finds that establishment of the mixed use parking permit program will result in better use of the limited supply of on-street parking and will provide opportunity for district residents and employees to use available spaces; and London's cabin to

highlight Jack London and his association with the waterfront, as well as other historical features of Jack London Square and the waterfront, such as the Potomac; and

WHEREAS, the City Council affirms that the public safety, health, convenience, prosperity, and general welfare will be furthered by the establishment of the three year mixed use parking permit program so that there is an agreed upon solution to the temporary problem of increased demand for a limited number of on-street spaces used by residents, employees and visitors of the Jack London District; now, therefore

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

Section 1. The following chapter is hereby added to the Oakland Municipal Code entitled:

"Interim Mixed Use Parking Permit Program for the Jack London District."

#### 10.45.10 Legislative Purpose

The ordinance codified in this chapter is enacted in response to a severe, temporary problem within the Jack London District caused by the long term parking of motor vehicles on the streets of this District. Due to historic development patterns such as lot line to lot line warehouses and the designated historic importance of the district, many properties do not have off-street parking. As set forth in Section 10.44.020, such long term parking by people outside of the immediate area threatens the health, safety and welfare of the residents, employees and visitors to the Jack London District. This problem is exacerbated by the pending construction of a large parking structure on the land now occupied by the Amtrak surface parking lot, thereby further decreasing the overall amount of parking available to Amtrak users during the course of the construction. It is therefore temporarily necessary to manage the existing on-street parking supply more effectively through the establishment of two and four hour time restricted parking and at the same time establishing 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. For the reasons set forth in this chapter, an interim system of mixed use permit parking shall not be applicable to any other area in the City until and unless another ordinance is enacted allowing such a system City-wide.

#### **10.45.20** Legislative Findings

A. Findings. The City Council finds, as a result of evidence and public testimony generated by staff and the Jack London District Association that the continued viability of the Jack London District depends on the preservation of safe, healthy and attractive neighborhoods and commercial areas. The City Council further finds that one factor that has detracted from the safety, health and attractiveness of the Jack London District is the excessive and burdensome practice of non-residents to the Jack London District parking motor vehicles for extended periods of time therein on the streets within the District. Since at any one time a large surplus of motor vehicles over the available on and off street parking spaces exists in the Jack London District due

to construction activities, changes in development patterns and the impending temporary loss of the Amtrak surface lot, this condition temporarily detracts from a healthy and vital urban community. An interim system of mixed use permit parking will serve to reduce the number of non-residents parking in the Jack London District and thus promote the general public welfare. The system of interim mixed use parking, as enacted by the ordinance codified in this chapter will serve to promote the safety and health of the residents, employees, business owners and visitors to the Jack London District by reducing vehicle travel, noise and pollution; promoting improvements in air quality, the convenience and attractiveness of urban residential living, and the increased use of mass transit facilities available now and in the future.

#### 10.45.30 Definitions

All definitions as used in this chapter shall reference the definitions used in Chapter 10.44.020 with the following additions:

- a. "Jack London District Designated Mixed Use Permit Parking Area" means any street upon which the City Council imposes parking limitations pursuant to the authority granted by this chapter within the Jack London District.
- b. "Employee of Business" means an employee of an enterprise or establishment used for the purpose of conducting a business located in the designated Jack London District Designated Mixed Use Permit Parking Area.

#### 10.45.40 Permit Parking Exemption

- a. A motor vehicle on which is displayed a valid Jack London District Designated Mixed Use Parking Permit, as provided for herein, shall be permitted to stand or be parked within the Jack London Mixed Use Parking Permit Area for which the permit has been issued without being limited by time restrictions established pursuant to this chapter. Any motor vehicle which does not display such permit shall be subject to the Jack London District Designated Mixed Use Parking Permit regulation and consequent penalties in effect for such area.
- b. A Jack London District Designated Mixed Use Parking Permit shall not guarantee or reserve the holder thereof an on-street parking space within the Jack London District Designated Mixed Use Parking Permit Area.
- c. This chapter shall not be interpreted or applied in a manner which shall abridge or alter regulations established by authority other than this chapter.
- d. This chapter shall not exempt the permit parking holder to leave standing his or her vehicle for more than seventy-two (72) hours.

#### 10.45.50 Jack London District Designated Mixed Use Permit Parking Area

This chapter hereby designates the Jack London District Designated Mixed Use Permit Parking Area, as set forth in Exhibit A to this ordinance, for a period not to exceed three years from the date of adoption.

# 10.45.060 Modification after Designation of the Jack London District Designated Mixed Use Permit Parking Area

The City Council may, by resolution, modify the existing boundaries of the Jack London District Mixed Use Permit Parking Area based upon documentation from the Traffic Engineering Services Division, the Jack London District Association or other party that it is in the public interest to modify the boundary during the three year period of operation of the Jack London Mixed Use Parking Permit Program.

#### 10.45.70 Issuance of Jack London District Mixed Use Parking Permits

- a. Jack London District mixed use parking permits shall be issued by the Finance and Management Agency in accordance with requirements set forth in this chapter. Each such permit shall be designed to state or reflect thereon identification of the Jack London District Mixed Use Parking Permit Area as well as the license number of the motor vehicle for which it is issued. No more than one Jack London District mixed use parking permit shall be issued to each motor vehicle owned or leased for which application is made.
- b. The Finance and Management Agency shall issue Jack London District mixed use parking permits with a term of one year from the date the Jack London District Designated Mixed Use Parking Permit Area becomes effective.
- c. One Jack London District mixed use parking permit may be issued for each vehicle owned, leased or under the continuing custody of any person who can demonstrate that they are currently a resident, employee, business owner or a representative of a neighborhood serving establishment located within the Jack London District Designated Mixed Use Parking Permit Area.
- d. Renewal of Jack London District mixed use parking permits shall be subject to the same conditions imposed on new permits.
- e. The Finance and Management Agency is authorized to issue such rules and regulations, not inconsistent with this chapter, governing issuance and display of Jack London District mixed use parking permits.
- f. Any person to whom a Jack London District mixed use parking permit has been issued pursuant to this chapter shall be deemed to be a Jack London District mixed use parking permit holder.

#### 10.45.80 Visitor Permits

The Finance and Management Agency shall issue visitor parking permits for the Jack London District Designated Mixed Use Parking Permit Area in accordance with chapter 10.44.080 of the Oakland Municipal Code.

#### 10.45.90 Parking Permit Fees

Initial purchase, renewal, replacement of lost, stolen or damaged Jack London mixed use parking permits shall be subject to the fees set forth in the City of Oakland Master Fee Schedule. The fee

for each visitor parking permit shall be as set forth in the City of Oakland Master Fee Schedule.

#### 10.45.100 Posting of Jack London District Designated Mixed Use Parking Permit Area

Upon adoption of this ordinance, the Director of Public Works shall cause appropriate signs to be erected in the Jack London District Designated Mixed Use Parking Permit Area, indicating prominently thereon the time limitation, period of day for its application, and conditions under which permit parking shall be exempt therefrom.

#### 10.45.110 Revocation of Jack London District Mixed Use Parking Permit

The revocation provision set forth in Chapter 10.44.110 shall apply to the Jack London District Mixed Use Parking Permit Program.

#### 10.45.120 Violation and Penalty

The violations and penalty provision set forth in Chapter 10.44.120 shall apply to the Jack London District Mixed Use Parking Permit Program.

#### 10.45.130 Chapter Interpretation

The Community and Economic Development Agency Director or his or her designee shall have the discretion in the implementation and interpretation of this chapter.

#### 10.45.140 Three Year Time Limit

This ordinance shall terminate and become null and void three years from the date it becomes effective.

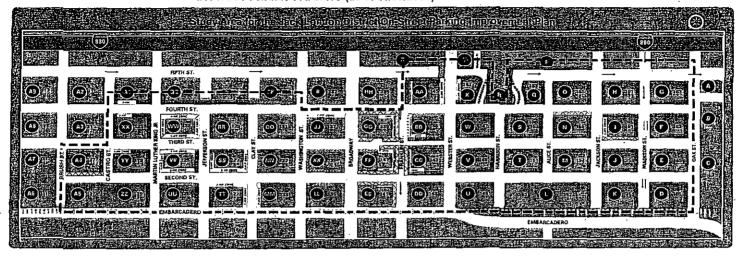
**Section 2.** Except as specifically set forth herein, this ordinance suspends and supercedes all conflicting resolutions, ordinances, plans, codes, laws and regulations.

**Section 3.** If any provisions of this ordinance or application thereof to any person of circumstances is held invalid, the remainder of this ordinance and the application of provisions to the other persons and circumstances shall not be affected thereby.

Section 4. This Ordinance shall be codified in the Oakland Municipal Code.

COUNCIL, OAKLAND, CALIFORNIA,, 20
ASSED BY THE FOLLOWING VOTE:
YES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE
OES-
BSENT-
BSTENTION-
ATTEST:
LaTonda Simmons City Clerk and Clerk of the Council

## JACK LONDON DISTRICT MAP: PROPOSED TIME-LIMITED PARKING ZONES AND PROPOSED MIXED USE DISTRICT PERMIT PARKING (as of 11/30/2006)



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Existing Time-Limited Parking Zones

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 Permitted)

Proposed Boundary of Mixed-Use District

Permit Parking Program