

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

11/7/2024
Item No.: 6.3
EJP/pcm

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ORDINANCE APPROVING THE AMENDED PARKING RATES AND CHARGES FOR PORT-OWNED PARKING FACILITIES IN JACK LONDON SQUARE, EFFECTIVE JANUARY 1, 2025, AND ADOPTION INTO CHAPTER 5.07 AND APPENDIX E OF THE PORT OF OAKLAND ADMINISTRATIVE CODE (POAC) BY AMENDING AND RESTATING PORT ORDINANCE NOS. 3044, 3135, 3361, 3423, 3497, 3589, 3606, 3688, AND 3735, AND FINDING THAT THE PROPOSED ACTION IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.3, dated November 7, 2024, and related agenda materials ("Agenda Report"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, Section 706 of the City of Oakland ("City") Charter gives to the Board the complete and exclusive power and duty for and on behalf of the City to exercise various powers and duties relating to the Port's jurisdiction, including, but not limited to, the power and duty to "adopt and enforce such ordinances, orders, regulations and practices as are necessary for the proper administration and discharge of its duties and powers, or for the management and government of the port, and its facilities" (City Charter, Sec. 706(27)); and

WHEREAS, in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in testimony received; now, therefore,

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board hereby finds and determines that the proposed action is categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15273 of the CEQA Guidelines because the proposed action is for the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges for: (1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment, or materials; (3) meeting financial reserve needs and requirements; (4) obtaining funds for capital projects, necessary to maintain service within existing service areas; or (5) obtaining funds necessary to maintain intra-city transfers as authorized under the City charter.

Section 2. The Board hereby:

A. Approves and amends the ordinances establishing the parking rates and charges for Port-Owned Parking Facilities in Jack London Square ("JLS Parking Rates"), which will be effective January 1, 2025, as further described in the Agenda Report.

B. Adopts the JLS Parking Rates as Chapter 5.07 and Appendix E of the Port of Oakland Administrative Code ("POAC") by amending and restating Port Ordinance Nos. 3044, 3135, 3361, 3423, 3497, 3589, 3606, 3688, and 3735, as set forth in the attachment to this Ordinance.

C. Authorizes the Executive Director or his designee to take all actions necessary to implement this adoption into the POAC, provided that such actions do not materially differ from the terms and conditions set forth herein and in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

Section 3. This Ordinance is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Port. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this Ordinance, is signed as approved as to form and legality by the Port Attorney, and is delivered to the other contracting party, there shall be no valid or effective agreement.

Section 4. This Ordinance shall take effect on the date of its final adoption; provided, however, that if a petition protesting the adoption of this Ordinance is timely and duly submitted to the elections official of the City of Oakland in the manner required under California Elections Code § 9237, the effective date of this Ordinance shall be suspended, and all actions authorized by this Ordinance shall be null and void.

President.

Attest: _____
Secretary.

Approved as to form and legality:

Port Attorney

Chapter 5.07 Jack London Square Parking Rates

Section 5.07.010 Purpose

This Chapter establishes parking rates and regulations for Parking Facilities in Jack London Square and provides penalties for violations of this Chapter.

Section 5.07.020 Definitions

As used in this Chapter and in the Jack London Square Parking Rates Schedule, the following words and phrases shall be construed and defined as follows, unless it is clearly apparent from the context that a different meaning is apparent.

“Jack London Square” means all of the land, including submerged land, that is bounded by Jefferson Street, Oak Street, Second Street and the City boundary in the Oakland Estuary (Oakland Inner Harbor).

“Jack London Square Parking Rates Schedule” means the rates and charges set forth in Appendix E.

“Jack London Square Tenants” means tenants and licensees so designated by the Executive Director (or Executive Director’s designee).

“Monthly Parking” means a vehicle that enters and exits a Parking Facility (designated by the Port for such use) within twenty-four (24) hours, except in limited cases with prior written approval by the Port (or the Port’s designee) in its sole discretion for a total period not to exceed seventy-two (72) hours.

“Overnight Parking” means a vehicle that enters and exits a Parking Facility (designated by the Port for such use) within seventy-two (72) hours, except in limited cases with prior written approval by the Port (or the Port’s designee) in its sole discretion for a total period not to exceed three (3) weeks.

“Parking Facilities” means all areas in Jack London Square designated by the Port as Street Parking, Surface Lot, Underground Garage, and Washington Street Garage under this Chapter.

“Port Tenants” means tenants and licensees of the Port so designated by the Executive Director (or Executive Director’s designee).

“Port Visitors” means a Person visiting or doing business with the Port so designated by the Executive Director (or Executive Director’s designee).

“Street Parking” means one or more streets, or portions thereof, owned by the Port within Jack London Square and designated by the Port from time to time for public parking, including, without limitation, both sides of Alice Street between Embarcadero Road and Water Street.

“Surface Lot” means one or more surface parking lots owed by the Port within Jack London Square and designated by the Port for public parking from time to time, including, without limitation, the surface parking lot commonly referred to as “Lot 11” located at the northwest corner of Embarcadero Road and Webster Street.

“Underground Garage” means the one-level subterranean parking garage located on the south side of Embarcadero Road between Broadway and Franklin Street.

“Valet Parking” means valet parking activities within any Parking Facility designated by the Port, which activities may also be subject to provisions of one or more agreements with the Port, as authorized by the Board.

“Validation” means a designation by the Port that reduces the amount of the “Unvalidated Rate” to the “Validated Rate,” as described in the Jack London Square Parking Rates Schedule.

“Washington Street Garage” means the seven (7) story parking structure located at 101 Washington Street, Oakland.

Section 5.07.030 Street Parking Provisions

A. The Executive Director (or Executive Director’s designee) may establish the terms and conditions for vehicles parking in Street Parking, including, without limitation, the eligible periods for parking, the eligible locations for parking, and the manner in which such parking must be paid. The Executive Director (or Executive Director’s designee) may revise or eliminate such established terms and conditions by posting sufficient signage or issuing other sufficient notification to vehicles parking in the Parking Facilities at least twenty-four (24) hours before the effective time of such revision or elimination of terms and conditions.

B. It shall be unlawful to: park or leave standing any vehicle outside of designated parking areas of Street Parking; park or leave standing any vehicle in Street Parking beyond the time allowed under this Chapter; or fail to pay amounts owed for Street Parking under this Chapter.

Section 5.07.040 Parking Rates

The parking rates for the Parking Facilities and for Valet Parking are set forth in the Jack London Square Parking Rates Schedule. All rates established in the Jack London Square Parking Rates Schedule include the City of Oakland parking user tax.

Section 5.07.050 Special Events Parking Rates

The Executive Director (or the Executive Director’s designee) may establish special parking rates for the Parking Facilities, or any portion thereof, to accommodate special events in Jack London Square. Such special parking rates shall not be in an amount lower than the applicable Validated Rate or apply to parking exceeding five (5) days.

Section 5.07.060 Validation Programs

The Executive Director (or the Executive Director’s designee) may establish and maintain a program for Validations for the Parking Facilities, or any portion thereof, according to the rates and specifications set forth in the Jack London Square Parking Rates Schedule and according to other regulations required by the Port to implement such program.

Section 5.07.070 Penalty for Violation

Any Person violating any provision of this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the penalty for any such violation as provided in the Oakland Traffic Code. Violations of any provision of this Chapter shall also be a grounds for the Port, at its option, to terminate any applicable parking agreement related to such violation.

Port of Oakland Administrative Code

Appendix E

Jack London Square Parking Rates Schedule

Effective Date: January 1, 2025

1. Street Parking Rates – POAC § 5.07.040

Time	Rate
Per Hour (up to a maximum of 4 hours)	\$3.00

2. Surface Lot Rates – POAC § 5.07.040

Time	Validated Rate	Unvalidated Rate
First Hour	\$3.00	\$6.00
Each additional 20 minutes (or portion thereof)	\$1.00	\$2.00
12-Hour Maximum	\$16.00	\$20.00
Overnight Parking	\$240.00 per month	
Monthly Parking	\$100.00 per month	

3. Washington Street Garage Rates – POAC Code § 5.07.040

Time	Validated Rate	Unvalidated Rate
First Hour	\$3.00	\$6.00
Each additional 20 minutes (or portion thereof)	\$1.00	\$2.00
12-Hour Maximum	\$16.00	\$20.00
Overnight Parking	1 st -4 th Level Parking: \$290.00 per month 5 th -7 th Level Parking: \$250.00 per month	
Monthly Parking	1 st -4 th Level Parking: \$160.00 per month 5 th -7 th Level Parking: \$110.00 per month	

4. Underground Garage Rates – POAC § 5.07.040

Time	Validated Rate	Unvalidated Rate
First Hour	\$3.00	\$6.00
Each additional ½ hour (or portion thereof)	\$1.00	\$2.00
12-Hour Maximum	\$16.00	\$20.00

5. Valet Parking – POAC § 5.07.040

Time	Validated Rate	Unvalidated Rate
Up to 2 hours	\$10.00	\$20.00
Each additional 20 minutes (or portion thereof)	\$1.00 (up to a daily maximum of \$20.00)	

6. Validation Programs – POAC § 5.07.060

Type of Validation	Validated Rate
Validations for Jack London Square Tenants	\$12.00 per prepaid Validation (for up to 12 hours)
Validations for Port Visitors	\$6.00 for 4 hours or \$12.00 for 12 hours
Port Tenant-Specific Validations	The Port may negotiate separate Validation rates with specific Port Tenants under agreements approved by the Board
Validation Billbacks	Jack London Square Tenant to remit \$0.50 to Port per Validation