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OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER _____


City Attorney

2013 OCT 31 PM 3:30

OAKLAND CITY COUNCIL

ORDINANCE NO. 13202 C.M.S.

ORDINANCE AMENDING TITLE 10.44 OF THE OAKLAND MUNICIPAL CODE CLARIFYING AND UPDATING RESIDENTIAL PERMIT PARKING

WHEREAS, The Oakland Municipal Code 10.44 allows for the establishment of Residential Permit Parking (RPP); and

WHEREAS, pursuant to California Vehicle Section 22507, the use of the permits will not adversely affect parking conditions for residents and merchants in the area as it will alleviate parking congestion in residential neighborhoods caused by non-residents who park for extended period of time; and

WHEREAS, it is in the interest of the City to establish clarity and simplicity in implementing RPP; now, therefore

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

Section 1. Chapter 10.44 is amended to read as follows:

Chapter 10.44 - RESIDENTIAL PERMIT PARKING PROGRAM

Sections:

- 10.44.010 - Legislative purpose.
- 10.44.020 - Legislative findings.
- 10.44.030 - Definitions.
- 10.44.040 - Permit parking exemption.
- 10.44.050 - Designation of a residential permit parking area.
- 10.44.060 - Modification after designation of a residential permit parking.
- 10.44.070 - Issuance of residential parking permits.
- 10.44.080 - Visitor permits.
- 10.44.090 - Parking permit fees.
- 10.44.100 - Posting of residential permit parking area.
- 10.44.105 - Removal of residential permit parking signs
- 10.44.110 - Revocation of permit.
- 10.44.120 - Violation—Penalty.
- 10.44.130 - Chapter interpretation.

10.44.010 - Legislative purpose.

The ordinance codified in this chapter is enacted in response to the serious adverse effects caused in certain areas in neighborhoods of Oakland by motor vehicle congestion, particularly the long-term parking of motor vehicles on the streets of such areas and neighborhoods by nonresidents thereof. As set forth in more specific detail in Section 10.44.020, such long-term parking by nonresidents threatens the health, safety and welfare of all of the residents of Oakland. In order to protect and promote the integrity of these areas and neighborhoods, it is necessary to enact parking regulations restricting unlimited parking by nonresidents therein, while providing the opportunity for residents to park near their homes. Uniform parking regulations restricting residents and nonresidents alike would not serve the public interest, rather such regulations would contribute to neighborhood decline while ignoring the public transit alternatives to automobile travel available to nonresidents. For the reasons set forth in this chapter, a system of residential permit parking is enacted for the city.

(Prior traffic code § 320)

10.44.020 - Legislative findings.

A. General Findings. The City Council finds, as a result of evidence generated by professional studies and derived from other sources, that the continued vitality of Oakland depends on the preservation of safe, healthy and attractive neighborhoods and other residential areas therein. The Council further finds that one factor that has detracted from the safety, health and attractiveness of neighborhoods and other residential areas of the city is the excessive and burdensome practice of nonresidents of certain areas and neighborhoods parking their motor vehicles for extended periods of time therein. Since there is in Oakland at any one time a large surplus of motor vehicles over available on- and off-street parking spaces, this condition detracts from a healthy and complete urban environment. A system of residential permit parking will serve to reduce a number of strains on residents of the city and thus promote the general public welfare.

B. Specific Findings. The following specific legislative findings for the City Council in support of residential permit parking are set forth as illustrations only and do not exhaust the subject of the factual basis supporting its adoption:

1. The safety, health and welfare of the residents of Oakland can be greatly enhanced by maintenance of the attractiveness and livability of its neighborhoods and other residential areas.
2. A large portion of Oakland residents possess automobiles and as a result are daily faced with the need to store these automobiles in or near their residences.
3. Certain neighborhoods and areas of Oakland do not have sufficient on- or off-street space to accommodate the convenient parking of motor vehicles by residents thereof in the vicinity of their homes. To the extent that such facilities do exist, the program set forth herein is designed to encourage the maximum feasible utilization of off-street parking facilities.
4. Such areas as described in subsection (B)(3) of this section are often further burdened by influxes of motor vehicles owned by nonresidents which compete for the inadequate available on-street parking spaces.
5. There further exist certain parking "attractors" within Oakland, such as hospitals, BART stations, employment centers, and locations convenient for commuter parking, which further exacerbate neighborhood parking problems.
6. Unnecessary vehicle miles, noise, pollution, and strains on interpersonal relationships, caused by the conditions set forth herein, work unacceptable hardships on residents of these

neighborhoods and other residential areas by causing the deterioration of air quality, safety, tranquility and other values available in an urban residential environment.

7. If allowed to continue unchecked, these adverse effects on the citizens of Oakland will contribute to a further decline of the living conditions therein, a reduction in the attractiveness of residing within Oakland and consequent injury to the general public welfare.

8. The system of residential permit parking, as enacted by the ordinance codified in this chapter, will serve to promote the safety, health and welfare of all the citizens of Oakland by (a) reducing unnecessary personal motor vehicle travel, noise, and pollution; and (b) promoting improvements in air quality, the convenience and attractiveness of urban residential living, and the increased use of public mass transit facilities available now and in the future.

(Prior traffic code § 321)

10.44.030 - Definitions.

As used in this chapter:

"Address" means and includes any residential or business address. Each dwelling unit within an apartment building that is distinguished by an apartment number and each office within an office building that is distinguished by a suite number shall be considered an address.

"Block" means any street segment intersected by two other streets; street segments over ~~eight-six~~ hundred (~~800~~600) feet in length, but less than ~~one-thousand-six-hundred~~ one thousand two hundred (~~1,600~~1,200) feet in length shall be considered two blocks; street segments over ~~one thousand-six-hundred~~ one thousand two hundred (~~1,600~~1,200) feet in length shall be considered three blocks.

"Business" means an enterprise or establishment used for the purpose of conducting business located in the designated residential permit parking area.

"Day care center" means and includes any state-licensed day care center with five or more employees.

"Designated residential parking area," sometimes referred to as "residential permit parking area," means any street upon which the Council imposes parking limitations pursuant to the authority granted by this chapter.

"Fourteen (14) day visitor parking permit" means a parking permit issued pursuant to this chapter or an ordinance or resolution enacted pursuant to authority granted herein, which when displayed upon a motor vehicle, as described herein, shall exempt the motor vehicle from parking time restrictions established pursuant to this chapter for a period of fourteen (14) consecutive calendar days, beginning upon the date indicated upon the face of said permit.

"Motor vehicle" means and includes automobile, truck, motorcycle or other motor driven form of transportation not in excess of nine-thousand-(9,000)-pounds-gross-weight ten thousand (10,000) pounds in gross vehicle weight rating.

"Nonprofit public service organization" means and includes any nonprofit organization involved in public service with-the-exception-of-those-nonprofit-organizations-who-primarily-provide medical-care-services-including-but-not-limited-to-hospitals-and-medical-office-buildings

excluding medical care services such as hospitals and medical office buildings.

"Neighborhood-serving establishment" means all schools, day care centers, and nonprofit public service organizations.

"Nonresident vehicle" means a motor vehicle not eligible to be issued a residential parking permit, pursuant to the terms and conditions of this chapter, for the specific area in which it is parked.

"One-day visitor parking permit" means a parking permit issued pursuant to this chapter which when displayed upon a motor vehicle, as described herein, shall exempt the motor vehicle from parking time restrictions established pursuant to this chapter or an ordinance or resolution enacted pursuant to authority granted therein, for the date indicated upon the face of said permit.

"Parking permit" means a permit issued under this chapter which, when displayed upon a motor vehicle, as described herein, shall exempt said motor vehicle from parking time restrictions established pursuant to this chapter.

"Person" means and includes, but shall not be limited to, individuals and representatives of corporations, businesses, partnerships, hospitals and churches.

"Residence" means an address of a legal, residential dwelling ~~a legal residential address and shall exclude business addresses.~~

"Resident" means ~~my~~ a person eighteen (18) years of age or older whose legal residential or business address is in the designated residential permit parking area.

"School" means and includes any state-licensed preschool, elementary, middle, junior high, or high school with five or more employees.

"Visitor" means an individual who calls upon a resident in the designated residential permit parking area with specific intent to spend time in or about that resident's residence for the purpose of social intercourse or to provide a service.

(Prior traffic code § 322)

10.44.040 - Permit parking exemption.

- A. A motor vehicle on which is displayed a valid residential parking permit, as provided for herein, shall be permitted to stand or be parked in the residential permit parking 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 residential permit parking regulation and consequent penalties in effect for such area.
- B. A residential parking permit shall not guarantee or reserve to the holder thereof an on-street parking space within the designated residential permit parking 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 from other traffic controls and

regulations existing in the designated residential permit parking area.

E. This chapter shall not permit the permit parking holder to leave standing his or her vehicle for more than seventy-two (72) hours.

(Prior traffic code § 323)

10.44.050 - Designation of a residential permit parking area.

A.

The Director of Public Works or his or her designee shall consider for designation as a residential permit parking area any proposed area for which a petition has been submitted which meets and satisfies the following requirements:

1. The petition shall contain a description or a map showing the proposed residential permit parking area.

2. Said description or map shall be followed in the petition by a statement describing the residential permit parking program and the current residential permit fees. the following statement:

~~We, the undersigned, are residents and/or business owners in the proposed residential permit parking area described in this petition. We understand that, if this area is designated as a residential permit parking area, certain restrictions will be placed upon on-street parking within the designated area; that subject to the regulations and restrictions established by the City Council, visitors to residences will be eligible to obtain permits exempting them from such parking restrictions; that the annual fee for a residential parking permit will be as set forth in the City of Oakland Master Fee Schedule; that a residential parking permit may be issued to a resident of a residential or business address and/or to each additional resident of the same address, but not more than 3 residential parking permits shall be issued to any one address except in areas where it appears that the number of permits issued would exceed the number of legal on-street parking spaces where the initial sale would be limited to two or possibly one permit per resident; that a residential parking permit may be issued to employees of neighborhood serving establishments, subject to certain limitations; that no more than one residential parking permit shall be issued to each motor vehicle owned or leased for which application is made; that fees for visitor parking permits (either one-day or 14-day visitor parking permits) are as set forth in the City Master Fee Schedule but that no more than 5 visitor parking permits for any one address shall be issued at any one time. We the undersigned hereby request that the Council of the City of Oakland consider this petition for establishment of the above described area as a residential permit parking area.~~

3. The aforementioned statement shall be followed by a signature, printed name, address, and date of signing of the petition by residents eighteen (18) years or older representing at least fifty-one (51) percent of the addresses within each proposed area. In addition, the petition sponsor must certify that a reasonable means of inquiry was undertaken to assure the validity of petition signatures. Receipt of a petition representing at least fifty-one (51) percent of the addresses within a proposed area will initiate the residential permit parking review process. Subsequent counter petitions received from residents within a proposed area will be reviewed, but they will in no way invalidate the initial petition requesting establishment of residential permit parking or terminate the review process.

4. The proposed residential permit parking areas should include at least six adjacent block fronts and at least eighty (80) percent of the block fronts must be residentially zoned, and at a minimum, seventy-five (75) percent of all on-street parking spaces within the proposed area must be occupied during any two one-hour periods between eight a.m. and six p.m. Both sides of a

street must be included in each area unless determined by the Director of Public Works or his or her designee to be impractical or undesirable. ~~Permit stickers in a number representing at least fifty (50) percent of the addresses in a given block or fifteen (15) stickers, whichever is less, must be purchased in each block before signs will be installed designating residential permit parking in any one area. Permits purchased cannot be used until signs are installed in the designated area. If the minimum number of permits are not purchased within ninety (90) days after Council action establishing a residential permit area, money will be refunded and the designated area will be void.~~

5. Notwithstanding the requirements of subsections (A)(3) and (4) of this section, the Director of Public Works or his or her designee may recommend establishment of a residential permit parking area in an area which is not in a R-10, R-20 or R-30 zone and where, in his or her judgment, a significant daytime parking problem exists and it is impossible or impractical to establish an area with six or more adjacent block faces or where because accessibility to large apartments or condominiums is restricted, it is impossible to access a sufficient number of addresses to obtain signatures representing fifty-one (51) percent of the addresses. However, in no case shall an area be recommended to be established as a residential permit parking area when a petition containing signatures representing less than thirty (30) percent of the addresses within the area has been submitted for review.

B.

Upon receipt by the Director of Public Works or his or her designee of a petition as described in subsection A of this section, the Director of Public Works or his or her designee shall:

1. Undertake or cause to be undertaken such surveys or studies deemed necessary;
2. Conduct a public hearing on the proposed residential permit parking area. Notice of the hearing shall be posted at least ten days prior to the hearing on all block fronts proposed to be included in the residential permit parking area. ~~Notice of public hearing will also be advertised in a major local newspaper shall also be mailed to each address within the petitioned RPP area.~~

Following the hearing, the director of Public Works or his or her designee may enact, amend or reject the proposed area in any manner, including, but not limited to, modification of boundaries of the proposed area and the restrictions imposed on such proposed area;

3. Cause to be drafted a resolution which would establish a residential permit parking area based upon the aforementioned petition, public hearing, and studies, including any regulations and time restrictions determined by the Director of Public Works or his or her designee to be reasonable and necessary in such area.

C.

The City Council may approve, reject, or modify the resolution establishing a residential permit parking area. The City Council must approve the resolution in order to establish a residential permit parking area.

(Prior traffic code § 324)

10.44.060 - Modification after designation of a residential permit parking.

Upon satisfaction of the requirements as provided in Section 10.44.050, the City Council may, by appropriate resolution, modify an existing residential permit parking area.

(Prior traffic code § 325)

10.44.070 - Issuance of residential parking permits.

A.

Residential parking permits shall be issued by the Office of Finance Administrative Services Department in accordance with requirements set forth in this chapter. Each such permit shall be designed to state or reflect thereon the identification of the particular residential permit parking area as well as the license number of the motor vehicle for which it is issued. No more than one residential parking permit shall be issued to each motor vehicle owned or leased for which application is made.

B.

The Office of Finance Administrative Services Department shall issue residential parking permits on an annual basis, from July 1st to June 30th regardless of when during the year a resident purchases the parking permit, to motor vehicles which comply with the requirements set forth in this Section. (Permits issued between January 1, 1991 and June 30, 1992, will be in effect until June 30, 1992.)

C.

One residential 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 of the area for which the permit is to be issued. However, in no case shall more than three parking permits be issued for any address. In areas where it appears that the number of permits sold would exceed the number of legal on-street parking spaces, the initial sale would be limited to two or possibly one permit per address.

D.

A residential parking permit may, in addition, be issued for any vehicle owned, leased, or under the continuing custody of a person who owns or leases commercial property and engages in business activity within the particular residential permit parking area. The owner and/or employees of a business located in a residential permit parking area will be allowed to obtain one permit for each motor vehicle they own, lease, or have under their continuing custody up to a maximum of two parking permits for vehicles not registered at the business address and/or up to three parking permits for vehicles registered at the business address. However, in no case shall more than three parking permits be issued for each business establishment or motor vehicles registered to or under the control of the owner and/or employees of such an establishment. In areas where it appears that the number of permits sold would exceed the number of legal on-street parking spaces, the initial sale would be limited to two or possibly one permit per business.

E.

A residential parking permit may be issued for any vehicle owned, leased, or under the continuing custody of a person who is employed by or a representative of a neighborhood-serving establishment located within the particular residential permit parking area. Each employee or representative of a neighborhood-serving establishment will be allowed to obtain one permit for each vehicle they own or lease subject to the following criteria which shall be used to establish the eligibility of a neighborhood-serving establishment and the maximum number of permits to be issued:

1.

An establishment for which there is inadequate off-street parking and no financially feasible way of creating adequate off-street parking on the site of the establishment;

2.

The total number of permits issued under no circumstances shall exceed the lesser of sixty (60) percent of the establishment's employees present on any given weekday or the number of unrestricted parking spaces along the establishment's frontage on the street designated as residential permit parking;

3.

In areas where it appears that the number of permits sold per block would exceed the number of legal on-street parking spaces per block the initial sale would be limited to two or possibly one permit per neighborhood-serving establishment;

4.

Distribution of permits shall be through a designated representative of the establishment who will be responsible for allocation of the permits to employees.

F.

A residential parking permit may be issued to a resident or an employee of a business located along a commercial street that has been determined by the Director of Public Works or his or her designee to be significantly impacted by the implementation of residential permit parking on adjacent residential streets. The Director of Public Works or his or her designee will determine which commercial streets will qualify and the appropriate boundaries. Any resident or employee whose business is located on a qualifying portion of a commercial street will be allowed to obtain one permit for each motor vehicle they own, lease, or have under their continuing custody up to a maximum of two permits per address. In areas where it appears that the number of permits sold would exceed the number of legal on-street parking spaces, the initial sale would be limited to one permit per address. Any resident or employee whose business is located on a qualifying portion of a commercial street and whose address is in a building that was required by the city to provide off-street parking will not be allowed to obtain a residential parking permit.

G.

Renewal of residential parking permits shall be subject to the same conditions imposed on new permits.

H.

The ~~Office-of-Finance~~ Administrative Services Department is authorized to issue such rules and regulations, not inconsistent with this chapter, governing the issuance and display of residential parking permits.

I.

Any person to whom a residential parking permit has been issued pursuant to this section shall be deemed a parking permit holder.

(Prior traffic code § 326)

10.44.080 - Visitor Parking Permits.

A. The ~~Office-of-Finance~~ Administrative Services Department shall issue visitor parking permits in accordance with this section. A visitor parking permit shall be of limited duration, but shall otherwise grant to the holder thereof all the rights and privileges of a regular residential parking permit. Visitor parking permit shall be of two types:

1. One-day visitor parking permits; and

2. Fourteen (14) day visitor parking permits.

B. A visitor parking permit shall clearly display the date upon which it becomes effective, the license number of the motor vehicle for which it applies, the name of the resident, and shall designate the particular residential permit parking area for which it applies.

C. A one-day visitor parking permit shall, during the date indicated upon the face of said permit, exempt the applicable vehicle from parking time restrictions established pursuant to this chapter.

D. A fourteen (14) day visitor parking permit shall, for the period of fourteen (14) days commencing upon the date indicated upon the face of said permit, exempt the applicable vehicle from parking time restrictions established pursuant to this chapter.

E. The ~~Office-of-Finance~~ Administrative Services Department is authorized to establish rules and regulations, not inconsistent with this chapter, concerning the issuance and display of visitor

or any ordinance enacted by authority granted by this chapter.

(Prior traffic code § 331)

10.44.130 - Chapter interpretation.

The Director of Public Works or his or her designee shall have discretion in the implementation, and/or interpretation of this chapter.

(Prior traffic code § 332)

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 10 2013

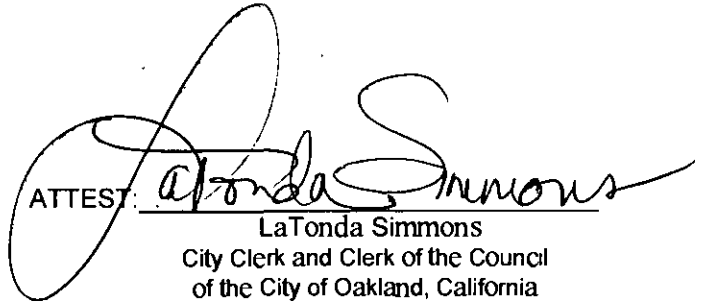
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, KALB, KAPLAN, REID, SCHAAF, GIBSON McELHANEY, and PRESIDENT KERNIGHAN - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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

Introduction Date NOV 19 2013

DATE OF ATTESTATION. 12-11-13

FILED
OFFICE OF THE CITY CLERK
OAKLAND

NOTICE AND DIGEST

2013 DEC 10 PM 1:08

**AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE
CHAPTER 10.44 RESIDENTIAL PERMIT PARKING PROGRAM TO
MODIFY THE PROGRAM PROCEDURE IN ORDER TO SIMPLIFY AND
IMPROVE THE RESIDENTIAL PERMIT PARKING PROGRAM
IMPLEMENTATION PROCESS**

The City of Oakland may establish RPP (Residential Permit Parking) areas for residents and employees pursuant to California Vehicle Code §22507 and OMC (Oakland Municipal Code) Title 10.44. This ordinance amends OMC 10.44 by clarifying definitions; allowing flexibility for staff to set the RPP calendar; defining a process to remove existing RPP signs; and removing a procedure there by eliminating the wait for the uncertain outcome of permits purchased before RPP can be officially installed.