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APPROVED AS TO FORM AND LEGALITY
INTRODUCED BY COUNCIL MEMBER


City Attorney

OAKLAND CITY COUNCIL
ORDINANCE NO. 13801 C.M.S.

ADOPT AN ORDINANCE THAT AMENDS TITLE 10.44 AND TITLE 10.71 OF THE OAKLAND MUNICIPAL CODE TO ESTABLISH NEW PARKING PERMITS TO ELIGIBLE CAR SHARING ORGANIZATIONS; AND AMEND ORDINANCE NUMBER 13184 C.M.S. (THE FY 2013-14 MASTER FEE SCHEDULE, OR "MFS") TO ESTABLISH FEES FOR THE NEW PERMITS

WHEREAS, the City of Oakland recognizes the practice of car sharing as a beneficial mode of transportation that reduces demand for private vehicles, decreases per capita greenhouse-gas emissions, and creates more affordable mobility options for all of Oakland's residents; and

WHEREAS, the City of Oakland, through its "Alternative Modes Policy" (Resolution No. 73036 C.M.S.) supports transportation alternatives to private, single-occupant vehicles; and

WHEREAS, the State of California, through Assembly Bill 2154 (California Vehicle Code Section 22507.1), has supported the practice of car sharing in both on- and off-street locations since 2006; and

WHEREAS, the City of Oakland, recognizes that car sharing vehicles have needs distinct from private vehicles that require special parking privileges to facilitate their widespread adoption;

WHEREAS, the City of Oakland recognizes that a new fee schedule must be incorporated into the Master Fee Schedule to address the costs of this new program (Chapter 10, Parking Management Section); and

WHEREAS, the proposed fees have been analyzed by staff, and the changes to the Master Fee Schedule now set the prices of the aforementioned permits in line with regional and industry standards and now; and

WHEREAS, each as a separate and independent basis, these actions are exempt from CEQA pursuant CEQA Guidelines Sections 15301 (existing facilities), and 15061(b)(3) (no significant effect on the environment); 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

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" for the purpose of Chapter 10.44 only, means any street segment intersected by two other streets; street segments over 800 feet in length, but less than 1,600 feet in length shall be considered two blocks; street segments over 1,600 feet in length shall be considered three blocks.

"Car sharing" is defined as a membership-based service, available to all qualified drivers in a community, which allows members to make vehicle trips with the use of a rented vehicle without a separate written requirement for each trip.

"Car sharing organization" is an organization that provides members with access to a minimum of 20 shared-use vehicles at geographically distributed locations with hourly, daily, and/or weekly rates (or fractions thereof) that include insurance. The Public Works Department will maintain a list of the criteria necessary to become a "qualified" car sharing organization as well a list of qualified car sharing organizations entitled to applied for car sharing-related permits.

"Car sharing vehicle" is a vehicle made accessible by a car sharing organization for use by its members. Each car sharing organization shall display its identifying emblem on any car sharing vehicle using on-street spaces.

"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) days, beginning upon the date indicated upon the face of said permit.

"Master residential parking permit" refers to the permit that entitles car sharing vehicles with master residential parking permits to park in any residential permit parking area.

"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.

"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.

"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 herein, 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, corporations, businesses, partnerships, hospitals and churches.

"Residence" means a legal residential address and shall exclude business addresses.

"Resident" means any 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.

[10.44.140] Master Residential Parking Permit

A. Master residential parking permits shall be issued by the Office of Finance in accordance with requirements set forth in this chapter. Each such permit shall be designed to state or reflect thereon the license number of the motor vehicle for which it is issued. A master residential parking permit can only be granted to a qualified car sharing organization, which is a designation granted by the Public Works Department.

B. A master residential parking permit entitles the driver of a registered car sharing vehicle to park the car sharing vehicle in any residential parking permit zone as if the member had a residential parking permit for the specific zone as designated by chapter 10.44.050, even if the member is not a resident or employee within the approved zone.

C. The master residential parking permit shall not guarantee or reserve a parking space for the car sharing member.

D. This chapter shall not exempt the car sharing member or permit holding car sharing organization from other traffic controls and regulations.

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

F. The Office of Finance shall issue master residential parking permits with a term of one year. A car sharing organization can apply for any quantity of master parking permits, but they can only be used on designated car sharing vehicles. Permits can only be granted once per year, but replacements can be issued at the discretion of the Office of Finance in consultation with the Public Works Department. The Office of Finance and the Public Works Department will review the quantity of master parking permits requested by the car sharing organization to balance the parking needs of the car sharing organization with the on-street parking needs of private residents and employees.

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

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

I. Any car sharing organization to which a residential parking permit has been issued pursuant to this section shall be deemed a master parking permit holder.

J. The fee for the initial, renewal, or replacement master residential parking permit shall be assessed the corresponding fees set forth in the city master fee schedule. The annual total fee paid to the City for all master residential parking permits shall reflect the average annual number of car sharing vehicles that regularly park overnight within the City of Oakland. The average annual number of car sharing vehicles will be assessed by the Public Works Department in consultation with the Office of Finance and the car sharing organization.

Section 2. Chapter 10.71 is added as follows:

Chapter 10.71 - FREE-FLOATING ZONE PERMIT PROGRAM FOR CAR SHARING ORGANIZATIONS

10.71.010 Legislative purpose. The purpose of this chapter is to facilitate car sharing within Oakland by establishing a permit that entitles the permitted car sharing vehicle to lawfully park car sharing vehicles in metered and unmetered spaces with duration limits of two hours or longer for up to 72 hours within a designated zone. The concept for the Free-Floating Zone permit is based on pre-paying meter fees for point-to-point car sharing vehicles.

10.71.020 Legislative findings. The City Council finds, as a result of evidence generated by professional studies and derived from other sources, that promoting the use of car sharing within Oakland has numerous benefits, including improved mobility for residents and overall reduction in greenhouse gas emissions.

10.71.030 Definitions.

All definitions as used in this chapter shall reference the definitions used in Chapter 10.44.030 with the following additions:

A. "Free-Floating Zone Parking Permit" is a permit that entitles members of a permitted car

sharing organization to lawfully park car sharing vehicles in metered and unmetered spaces with duration limits of two hours or longer for up to 72 hours within a designated zone.

B. "Free-Floating Zone Area" is the area agreed upon by the car sharing organization permit holder and the Public Works Department, which bounds the permitted parking area for permit holder's car sharing vehicles within Oakland.

10.71.040 Free-Floating Zone Parking Permit

A. This chapter hereby designates that members of the Free-Floating Zone permit-holding car share organization can lawfully park car sharing vehicles in metered and unmetered spaces with duration limits of two hours or longer for up to 72 hours within the designated Free-Floating Zone.

B. The Free-Floating Zone permit does not exempt vehicles from any applicable parking prohibitions, as described in Chapter 10.28.

C. Car Sharing Organization members may park at meters without paying the meter, because the meter will be prepaid by the Car Sharing Organization as part of the cost of the Free-Floating Zone permit fee.

D. The permit will cover all of the car sharing vehicles of the permit holder, but the permit holder will need to share all of the license plate numbers of the car sharing vehicles with the city, and keep the city apprised to changes in the vehicle fleet. Failure to do so could result in revocation of the permit.

10.71.050 Free-Floating Zone Designated Parking Zone

The Free-Floating Zone Parking Area boundaries will be established by the permit applicant in consultation with the Public Works Department. The map of the Free Floating Zone will be publicly available on the City of Oakland's website and it will be updated with changes made to the permit zone. The Parking Enforcement Division will be apprised of any changes to the Free-Floating Zone Map. The car sharing vehicles will also have the GPS coordinates of the zone programmed into the navigation to alert the members to where permitted parking is and is not allowed. The Car Sharing Organization must notify its members to changes in the Free-Floating Zone area with three days notice.

10.71.060 Modification after initial designation of Free-Floating Zone permit parking area

The permit-holder car sharing organization may request up to 4 changes to Free-Floating Zone boundary areas during the term of the permit. The Public Works Department will approve the changes to the zone area if warranted.

10.71.070 Issuance of Free-Floating Zone parking permits.

A. Free-Floating Zone 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 the license numbers of the car sharing vehicles owned by the car sharing organization. No more than one Free-Floating Zone parking permit shall be issued to each car sharing organization for which application is made.

B. The Finance and Management Agency shall issue Free-Floating Zone parking permits with a term of one year.

C. Renewal of Free Floating Zone parking permits shall be subject to the same conditions imposed on new permits.

D. The Finance and Management Agency is authorized to issue such rules and regulations, not inconsistent with this chapter, governing issuance and display of proof that a car sharing vehicle is owned by a car sharing organization with a valid Free Floating Zone parking permit.

F. Any car sharing organization to which a Free-Floating Zone parking permit has been issued pursuant to this chapter shall be deemed to be a Free-Floating Zone parking permit holder.

F. This chapter shall not exempt the car sharing member or permit holding car sharing organization from other traffic controls and regulations.

10.71.080 Free-Floating Zone Parking permit fees.

A. Initial purchase, renewal, or replacement of a lost, stolen or damaged Free-Floating Zone parking permit shall be subject to a contractual agreement between the car sharing organization and the Public Works Director.

B. The fee for the initial purchase, renewal, or replacement of a lost, stolen or damaged Free-Floating Zone parking permit should reflect either the anticipated forgone parking meter revenue, for the initial permit purchase, or the previous year's forgone parking meter revenue.

10.71.090 Revocation of Free-Floating Zone parking permit.

The revocation provision set forth in Chapter 10.44.110 shall apply to the Free-Floating Zone parking permit program.

10.71.100 Violation and Penalty.

The violations and penalty provision set forth in Chapter 10.44.120 shall apply to the Free-Floating Zone parking permit program.

10.71.110 Chapter interpretation.

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

Section 3. Exhibit A: Proposed Changes to Ordinance Number 13184 C.M.S. (The FY 2013-14 Master Fee Schedule, or "MFS").

Section 4. This ordinance shall be effective immediately upon its adoption by the City Council.

Section 5. If any section, subsection, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of the remaining portions which shall remain in full effect.

MAR 31 2015

IN COUNCIL, OAKLAND, CALIFORNIA, _____

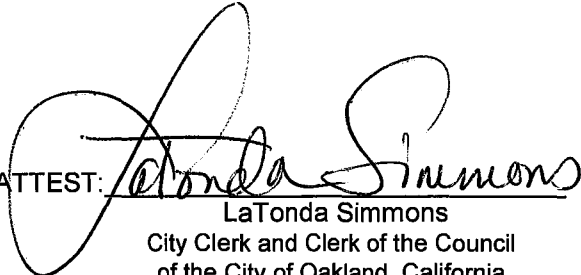
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID and PRESIDENT GIBSON MCELHANEY — 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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

DATE OF ATTESTATION: April 9, 2015

Introduction Date
MAR 17 2015

Exhibit A

Proposed Changes to Ordinance Number 13184 C.M.S. The FY 2013-14 Master Fee Schedule

Items that are underlined are insertions, items that appear in strikeout are deletions

Title 10.

Parking Management Section

B. OFF-STREET PARKING FACILITIES

14 Lake Park Avenue Parking Lot

- b. Special Event MAX 3.00 Space
- c. Replacement for Monthly Parking Tag 80.00 Tag

15 Damage to Parking Facility Actual Cost

C. ON-STREET PARKING METER

1 Registered Vanpools (11 or More Passengers), Maximum of 40 Spaces 20.00 Space / Month

D. HENRY J. KAISER CENTER PARKING LOT

1 Off-Street Parking Meter (Maximum Five hours) 2.00 Space / Hour

E. RESIDENTIAL PERMIT PARKING FEE

Permit for Eligible Vehicles of Residents, Employees of Neighborhood-Serving Establishments, and Owners or Employees of Business with the Vehicle

1 Registered at the Business Address 35.00 Vehicle

a. Initial

1 Purchase Between January 1 and June 30 24.50 Vehicle

2 Purchase Between July 1 and December 31 35.00 Vehicle

b. Renewal (annual)

2 Permit for Eligible Vehicles of Owners or Employees of Businesses with the Vehicle Not Registered at the Business Address

a. Initial

1 Purchase Between January 1 and June 30 42.50 Vehicle

2 Purchase Between July 1 and December 31 85.00 Vehicle

b. Renewal (annual) 75.00 Vehicle

3 Replacement of Lost or Damaged Permit 10.00 Vehicle

4 Visitor

a. One-day 1.00 Vehicle

Exhibit A

Proposed Changes to Ordinance Number 13184 C.M.S.

The FY 2013-14 Master Fee Schedule

b. 14-day	5.00 Vehicle
<u>F. MASTER RESIDENTIAL PERMIT PARKING FEE Permit for Eligible Vehicles of a Qualified Car Sharing Organization</u>	<u>\$105 Vehicle</u>
<u>G. FREE FLOATING PERMIT PARKING FEE Permit for Eligible Vehicles of a Qualified Car Sharing Organization</u>	<u>\$1,278 Vehicle</u>
F H. SPECIAL COST OF COLLECTING PARKING VIOLATION PENALTIES	30% Ticket Value
G I. VEHICLE IMMOBILIZER "BOOT"	
1 Daily Fee for Unreturned Paylock Book	25.00 Per Day
2 Boot Replacement Fee	500.00 Per Boot
3 Damaged Boot Fee	250.00 Per Boot
H J. ADMINISTRATIVE FEE IN LIEU OF FINE FOR NON- DISPLAYED DISABLED PLACARD (DP) -The \$25.00 processing fee for cancellation of a citation for non-display of DP will be available only as a one-time courtesy to the registered owner of the cited vehicle with a valid DP.	25.00 Per Violation

NOTE: Per Oakland Municipal Code, Rate changes are effective January 1, of each year. The rates above reflect rates as of 1/1/10. Subsequent rate adjustments (January 1, 2011 and beyond) will be based on CPI.

NOTICE AND DIGEST

AN ORDINANCE AMENDING TITLE 10.44 AND TITLE 10.71 OF THE OAKLAND MUNICIPAL CODE TO ESTABLISH NEW PARKING "PERMITS" TO ELIGIBLE CAR SHARING ORGANIZATIONS, AND AMEND ORDINANCE NUMBER 13184 C.M.S. (THE FY 2013-14 MASTER FEE SCHEDULE, OR "MFS") TO ESTABLISH FEES FOR THE NEW PERMITS

An Ordinance has been prepared that will establish new permits related to the use of on-street spaces for car sharing, and will define car sharing organizations to establish eligibility for the permits. The Ordinance allows for implementation of the City's car sharing policy. The adopted car sharing policy recognizes that car sharing provides numerous transportation benefits, and identifies specific means by which the City of Oakland will support the continued growth of car sharing services.

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Notice of Publication

This Ordinance was introduced at the City Council meeting, Tuesday evening March 17, 2015, and passed to print 7 Ayes, 1 Excused - Gallo. Final adoption has been scheduled for the City Council meeting Tuesday evening March 31, 2015, 5:30 p.m., at One Frank H. Ogawa Plaza, Council Chambers, 3rd floor, Oakland, California.

Three full copies are available for use and examination by the public in the Office of the City Clerk at One Frank H. Ogawa Plaza, 1st floor, Oakland, California.

LATONDA SIMMONS, City Clerk
OT 5441280 Mar. 28, 2015

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