

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

  
CITY ATTORNEY'S OFFICE

# OAKLAND CITY COUNCIL

**ORDINANCE NO. \_\_\_\_\_ C.M.S.**

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**ADOPT AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE SECTION 10.36.090 TO REMOVE SUNDAYS AS HOLIDAYS AND THEREBY ADDRESS INEQUITIES AND SUPPORT COMMERCIAL DISTRICTS WITH ALL WEEK RETAIL FRIENDLY PARKING MANAGEMENT; AND ADOPT APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.**

**WHEREAS**, parking can support access to commercial areas and economic development, but can induce driving demand if parking is too widely available or inappropriately managed; and

**WHEREAS**, the City of Oakland recognizes that the parking system should be actively managed to maximize efficient use of a public resource, according to Oakland’s Parking Principles (Resolution No. 84664 CMS); and

**WHEREAS**, the City, through its Transit First Policy (Resolution No. 73036 CMS), supports and prioritizes public transit and transportation alternatives to private, single-occupant vehicles, reducing traffic congestion, and improving air quality while reducing demand for vehicle parking; and

**WHEREAS**, the Oakland Department of Transportation is tasked with managing public parking to balance the diverse needs of Oakland’s visitors, merchants, commuters and residents and with improving transportation choices and minimizing parking demand, congestion, and pollution (OakDOT Strategic Plan); and

**WHEREAS**, the City faced unprecedented and severe economic crisis as a result of the COVID-19 pandemic, resulting in an initial \$62 million budget shortfall for the Fiscal Years 2020-2021; and structural budget challenges persist, while parking revenues remain historically low; and

**WHEREAS**, the parking holidays listed in Oakland Municipal Code Section 10.36.090 inequitably favor individuals with access to a car and individuals who worship on Sundays, without providing any benefits to individuals without access to a car or who worship on other days of the week; and

**WHEREAS**, the City can redress historic inequities of Sunday parking meter holidays and promote access to places of worship, regardless of religious affiliation or day of worship, through localized parking management programs that meet worshippers' needs; and

**WHEREAS**, this action is exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080(b)(8) and CEQA Guidelines Section 15273 (Rates, Tolls, Fares, and Charges) because CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies which the public agency finds are for the purpose of meeting operating expenses or obtaining funds for capital projects, necessary to maintain service within existing service areas.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** Chapter 10.36.090 is amended to read as follows (additions are indicated by underscoring and deletions are indicated by strike-through type; any portions not cited or not shown in underscoring or strike-through type are not changed):

**10.36.090 - Holidays in parking meter zones on streets.**

Notwithstanding other provisions of this title to the contrary and for the purpose of this chapter only, the following days are defined as holidays in parking meter zones, on streets in the City: ~~every Sunday~~, January 1st, third Monday in January (Martin Luther King Jr.'s birthday), third Monday in February (Presidents' Day), last Monday in May (Memorial Day), July 4th, first Monday in September (Labor Day), Thanksgiving Day and December 25th. ~~If any of the foregoing days, except Sunday, falls upon a Sunday, the Monday following is a holiday.~~

**SECTION 3. Exemption From The California Environmental Quality Act.** This action is exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080(b)(8) and CEQA Guidelines Section 15273 (Rates, Tolls, Fares, and Charges). CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies which the public agency finds are for the purpose of meeting operating expenses or obtaining funds for capital projects, necessary to maintain service within existing service areas.

**SECTION 4. CEQA Finding and Determination.** The City Council has independently reviewed and considered this environmental determination and finds and determines that the action complies with CEQA and directs the City's Environmental Review Officer to file a Notice of Exemption.

**SECTION 5. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional

**SECTION 6. 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 - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO and PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

ASHA REED

City Clerk and Clerk of the Council  
of the City of Oakland, California

Date of Attestation: \_\_\_\_\_

**NOTICE AND DIGEST**

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