



Celso Ortiz (May 13, 2022, 09:35 PDT)

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE:

(1) AMENDING OAKLAND MUNICIPAL CODE:

(A) SECTION 10.36.140 TO ADD THE FOLLOWING STREETS TO THE LIST OF APPROVED PARKING METER ZONES: BELLEVUE AVENUE FROM PERKINS STREET TO GRAND AVENUE, LAKESHORE AVENUE FROM MACARTHUR BOULEVARD TO LAKE MERRITT BOULEVARD, LAKE MERRITT BOULEVARD FROM EAST 12TH STREET TO OAK STREET AND LAKESIDE DRIVE FROM 17TH STREET TO JACKSON STREET; AND

(B) SECTION 10.36.090 TO REMOVE SUNDAYS AS HOLIDAYS IN SUPPORT OF DISTRICTS THAT WOULD BENEFIT FROM ALL WEEK PARKING METER MANAGEMENT BUT RESTRICTING SUNDAY METERS TO ONLY BE ENFORCED AFTER 12PM; AND

(C) SECTIONS 10.36.015 AND 10.36.020 TO ADD PAY-BY-PLATE AS A METER PAYMENT METHOD; AND

(2) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.

WHEREAS, parking can support access to commercial areas and economic development, but can induce driving demand and cause overcrowding 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 (OakDOT) 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, California Vehicle Code section 22508 authorizes local authorities to establish parking meter zones by ordinance; and

WHEREAS, the interdepartmental Lake Merritt Working Group has recommended that parking meters be installed on the streets surrounding Lake Merritt, including portions of Bellevue Avenue, Lakeshore Avenue, Lakeside Drive and Lake Merritt Boulevard in order to encourage vehicle turnover, reduce overcrowding, raise revenue to help fund improved services and increase access to Lake Merritt for all Oaklanders and visitors; and

WHEREAS, the parking meter 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, demand for parking on Sundays meets or exceeds demand for parking on Saturdays at many locations in Oakland, including around Lake Merritt. These areas may benefit from increased turnover and parking availability created by metering parking spaces; and

WHEREAS, it is recommended to restrict Sunday meter enforcement to only be enforced after 12pm; and

WHEREAS, pay-by-plate meter payment technology is a beneficial method of parking meter payment that can increase convenience for users, decrease capital and operational costs and improve efficiency of parking enforcement; 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. Chapters, 10.36.015, 10.36.020, 10.36.090, 10.36.140, and are 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):

10.36.015 - Acceptable card and pay-and-display meter defined.

For the purpose of this chapter, the term "acceptable card" means any payment card authorized and accepted by the City Administrator as a valid form of payment.

For the purpose of this chapter, the term "pay-and-display meter" means an electronic pay station installed within or upon the curb or sidewalk area within a designated parking zone for the purpose of controlling the period of time of occupancy of a space by a vehicle. A "pay-and-display space" means the space controlled by a pay-and-display meter.

For the purpose of this chapter, the term "pay-by-plate meter" means an electronic pay station installed within or upon the curb or sidewalk area within a designated parking zone for the purpose of controlling the period of time of occupancy of a space by a vehicle. A "pay-by-plate space" means the space controlled by a pay-by-plate meter.

10.36.020 - Parking meter installation—Painting of lines.

A. Parking meters, other than pay-and-display or pay-by-plate meters, shall be installed upon the street, parkway, curb, sidewalk or municipal parking lot area immediately adjacent to the individual parking spaces designated as herein prescribed.

The Traffic Engineer shall cause to have lines or markings painted or otherwise designated as herein prescribed.

The Traffic Engineer shall cause to have lines or markings painted or otherwise designated upon the parkway, curb, sidewalk, street or municipal parking lot area adjacent to each parking meter in such manner as to identify the parking space with each respective parking meter. It is unlawful to park or leave standing any vehicle across any such line or marking or in any position other than within the parking area so designated.

B. Pay-and-display or pay-by-plate meters shall be installed upon the curb or sidewalk area within any designated meter zone.

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~~ Sundays prior to 12pm, 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.~~

10.36.140 - Parking meter zones established.

Parking meter zones shall be established by ordinance of the City Council upon such streets, portions of streets or in municipal parking lots within the city as the City Council may deem necessary for traffic or parking control purposes. The City Manager shall cause parking meters to be installed and maintained in such designated parking meter zones and the existence of a parking meter installed as hereinafter prescribed shall designate its location as a parking meter zone for the purposes of this chapter.

Approved Parking Meter Zones in the City of Oakland

Street Name	From	To
<u>Bellevue Ave</u>	<u>Perkins</u>	<u>Grand Ave</u>
<u>Lakeshore Ave</u>	<u>MacArthur Ave</u>	<u>Lake Merritt BLVD</u>
<u>Lake Merritt BLVD</u>	<u>E. 12th St</u>	<u>Oak St</u>
<u>Lakeside DR</u>	<u>17th St</u>	<u>Jackson St</u>

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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- (3) SECTIONS 10.36.015 AND 10.36.020 TO ADD PAY-BY-PLATE AS A METER PAYMENT METHOD; AND
- (4) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.

This Ordinance will add the designated streets to the list of approved parking meter zones, remove Sundays as holidays in certain districts that would benefit from all week parking meter management but restricting Sunday meters to be only be enforced after 12PM, add Pay-By Plate as a parking meter payment method, and adopting appropriate California Environmental Quality Act (CEQA) findings.