



Celso Ortiz (Oct 11, 2022 10:39 PDT)  
CITY ATTORNEY'S OFFICE

# OAKLAND CITY COUNCIL

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

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**ORDINANCE: (A) AMENDING ORDINANCE NO. 13654 C.M.S (WHICH ADOPTED THE FISCAL YEAR 2022-23 MASTER FEE SCHEDULE), AS AMENDED, TO ESTABLISH FEES FOR CHARGING ELECTRIC VEHICLES, (B) AMENDING MUNICIPAL CODE SECTION 10.48.010(B) TO ADD FINES FOR PARKING A VEHICLE IN AN ELECTRIC CHARGING DESIGNATED SPACE WHILE NOT CONNECTED FOR ELECTRIC CHARGING PURPOSES; AND (C) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

**WHEREAS**, the City of Oakland (City) periodically amends and updates its Master Fee Schedule to account for the various cost increases relating to municipal programs, services and activities; and

**WHEREAS**, Action PC-1 of the Zero Emission Vehicle Action Plan calls for amending the Oakland Municipal Code (OMC) to facilitate and regulate equitable electric vehicle (EV) charging in the Public Right-of-Way and in municipal parking garages; and

**WHEREAS**, the City 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**, Action TLU-7 (“Rethink Curb Space”) of Oakland’s 2030 Equitable Climate Action Plan (ECAP), adopted in 2020, directs staff to “revise pricing, availability, and location of parking to encourage active transportation, public transit, and clean vehicles without increasing cost-burden to low-income residents and other sensitive populations such as seniors,” and to “use parking revenues to fund public transit and active transportation improvements in frontline communities;” 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**, the City does not currently charge users of city-owned electric vehicle (EV) charging equipment in the public right-of-way and in City-owned parking facilities, and is wholly responsible for paying utility costs without any associated revenue; and

**WHEREAS**, adopted State legislation as well as Oakland’s ECAP and Zero Emission Vehicle Action Plan will lead to rapidly increasing demand for and use of public EV chargers, with associated increases in electricity costs currently born by the City; and

**WHEREAS**, establishing a fee for the use of City-owned EV chargers will allow the City to recover any associated increases in electricity costs, while providing an affordable rate for users; and

**WHEREAS**, the fee modifications and additions proposed by OakDOT are attached hereto as Exhibit A; and

**WHEREAS**, the State of California Vehicle Code section 22511 establishes the authority for local authorities to designate stalls or spaces in an off-street parking facility owned by the local authority and on the public street for the exclusive purpose of charging and parking an electric vehicle, and gives local authorities the ability to remove vehicles from those spaces and outlines the requirements for signs posted at those designated stalls or spaces; and

**WHEREAS**, to maintain availability and vehicle turnover in parking stalls designated for public EV charging, OakDOT desires to establish a new parking violation for parking a vehicle in an EV charging space without connecting to the charger for charging purposes; and

**WHEREAS**, the proposed fees and charges that are imposed for a specific government service, benefit or product, or regulatory program are provided directly to the payer and not provided to those not charged, and do not exceed the reasonable costs to the City of providing the service, benefit or product, or regulatory program; and

**WHEREAS**, these actions are 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 10.48.010(B) of the OMC 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):

**CHAPTER 10.48.010(B) SCHEDULE OF PARKING FINES**

B. The following schedule sets specific fines for State Vehicle Code violations:

State Vehicle Code Section	Description	Fine
4461(b)	Improper lending of distinguishing placards and special license plates	\$510.00
4461(c)	Improper display of, and misuse or abuse of distinguishing placards and special license plates	\$510.00
4461(d)	Parking in designated spaces while misusing distinguishing placards and special license plates	\$510.00
4463(c)	Use of a counterfeit, forged, altered or mutilated placard or special license plate	\$510.00
5200	Missing license plates	\$90.00
5204(a)	Current tabs not attached	\$80.00

21113(a)	Parking on public grounds	\$65.00
22500	Improper parking, citation category not specified	\$110.00
22500(a)	No parking—Intersection	\$85.00
22500(b)	No parking—Crosswalk	\$85.00
22500(c)	No parking—Safety zone (red zone between stop bar and right-hand curb)	\$85.00
22500(d)	No parking within 15 of fire station driveway	\$85.00
22500(e)	No parking—Driveway	\$85.00
22500(f)	No parking—Sidewalk	\$100.00
22500(g)	No parking—Obstructing construction traffic	\$60.00
22500(h)	No parking—Double parked	\$75.00
22500(j)	No parking—Tunnel	\$60.00

22500(k)	No parking—Bridge	\$60.00
22500.1	No parking—Fire lane	\$100.00
22500.I	Bus Zone	\$280.00
22500.L	Wheelchair Access	\$280.00
22502	18" from curb (or distance from curb)	\$60.00
22505	No parking—State highway areas	\$50.00
22507.8	Disabled person parking space	\$368.00
22507.8A	Disabled person parking space	\$368.00
22507.8B	Disabled person parking space	\$368.00
22507.8C	Disabled parking—Hatch marks	\$368.00
<u>22511</u>	<u>No parking when not actively charging electric vehicle</u>	<u>\$73.00</u>
22513	No solicitation by tow truck	\$110.00

22514	No parking—Fire hydrant	\$100.00
22515	Improper parking—Wheels not blocked/brakes not set	\$70.00
22516	Locked vehicle—Person unable to escape	\$100.00
22520	No parking on freeway	\$260.00
22520.5	Vending on freeway prohibited	\$260.00
22521	No parking on/near railroad track	\$75.00
22522	Three feet from sidewalk access ramp	\$313.00
22658(a)	Removal from private property	\$50.00
22951	No street/alley parking from off-street lot	\$40.00
23333	No parking—Vehicular crossing	\$70.00

**SECTION 2. Findings.** Based upon all written and oral reports and presentations to Oakland City Council, including the Agenda Report, the City Council finds and determines that the proposed modifications and additions to the Master Fee Schedule set forth herein are necessary to reimburse the City for the costs of performing the function of providing electricity at City-owned charging stations.

**SECTION 3. Master Fee Schedule.** The Fiscal Year 2022-2023 Master Fee Schedule as set forth in Ordinance Number 13654 C.M.S. as amended, is hereby amended to modify and

establish fees assessed by the Departments as set forth in Exhibit A, attached hereto, incorporated herein and made a part hereof. Fees not shown in Exhibit A are not changed.

**SECTION 4. California Environmental Quality Act.** This action is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3)(general rule for projects that have no direct or reasonably foreseeable indirect physical change to the environment) and 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. The City Administrator or designee is authorized to file a Notice of Exemption with the Alameda County Clerk's Office and appropriate agencies.

**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

Exhibit: (1)

A. Proposed Changes to Ordinance Number 13654 C.M.S.