



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE AMENDING ORDINANCE NO. 13599 C.M.S., WHICH ADOPTED THE FISCAL YEAR 2020-2021 MASTER FEE SCHEDULE, TO MODIFY CITY OF OAKLAND ADMINISTRATIVE PROCESSING FEE FOR NEW SMALL CELL TELECOMMUNICATION LEASE OR LICENSE

WHEREAS, on June 16, 2020 the City Council adopted Ordinance No. 13599 C.M.S. establishing the Fiscal Year 2020-2021 Master Fee Schedule; and

WHEREAS, the City of Oakland periodically amends its Master Fee Schedule to account for changes to the costs associated with municipal programs, services, and activities; and

WHEREAS, Administrative Processing Fees for review of applications for leases or licenses to place small cell telecommunications equipment on City property in the public right-of-way (hereinafter “small cell license applications”) were initially set based on City staff’s analysis and estimate of costs based on limited data; and

WHEREAS, having processed additional small cell license applications, City staff undertook analysis and evaluation of the revenue required to fund administrative review of small cell license applications, including the revenue required to fund review of multiple small cell license applications submitted at once; and

WHEREAS, the City Administrator’s Agenda Report accompanying this ordinance (hereinafter “Agenda Report”) includes the proposed fee amendments and the facts and analysis in support thereof; and

WHEREAS, the Agenda Report shows that the proposed fees are imposed to recover the reasonable regulatory costs for issuing licenses and permits; and

WHEREAS, the City determines that 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 foreseeably indirect physical change to the environment);

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

SECTION 1. The City Council finds and determines that the foregoing recitals are true and correct and are hereby incorporated herein as finding and determinations of the City Council.

SECTION 2. Based upon all written and oral reports and presentations to City Council, including the Agenda Report, the City Council finds and determines that the proposed modifications to the Master Fee Schedule set forth herein are necessary to appropriately reimburse the City for the costs of performing the various municipal functions.

SECTION 3. The Master Fee Schedule as set forth in Ordinance No. 13599 C.M.S., as amended, is hereby amended to modify the Economic and Workforce Development Department's Administrative Processing Fee for new small cell telecommunication leases or licenses, for both single and batched applications, as set forth in *Exhibit A*, attached hereto, incorporated herein and made a part hereof.

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 foreseeably indirect physical change to the environment).

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

Date of Attestation: _____

NOTICE AND DIGEST

ORDINANCE AMENDING ORDINANCE NO. 13599 C.M.S., WHICH ADOPTED THE FISCAL YEAR 2020-2021 MASTER FEE SCHEDULE, TO MODIFY CITY OF OAKLAND ADMINISTRATIVE PROCESSING FEE FOR NEW SMALL CELL TELECOMMUNICATION LEASE OR LICENSE

This Ordinance would amend Ordinance No. 13599, which adopted the Fiscal Year 2020-2021 Master Fee Schedule, in order to modify the Administrative Processing Fees for review of applications for leases or licenses to place small cell telecommunications equipment on City property in the public right-of-way.