


Celso Ortiz (Oct 13, 2022 18:47 PDT)
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE AMENDING ORDINANCE NO. 13654 C.M.S (WHICH ADOPTED THE FISCAL YEAR 2022-23 MASTER FEE SCHEDULE), AS AMENDED, TO ESTABLISH FEES FOR COMMERCIAL VEHICLE LOADING ZONE PERMITS AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

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

WHEREAS, through its Transit First Policy (Resolution No. 73036 C.M.S.), 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 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 C.M.S.); 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 Oakland Municipal Code (OMC) authorizes the City Traffic Engineer to place curb markings to indicate no parking or standing except for the loading or unloading of passengers or materials per OMC Section 10.40.020, and

WHEREAS, commercial loading zones, also known as "yellow zones," are areas of the curb reserved for drivers of commercial vehicles to load and unload materials and are typically located in front of small businesses; and

WHEREAS, OakDOT field surveys have found that commercial loading zones in Downtown and other commercial areas are illegally occupied by non-commercial drivers nearly half of the time, preventing legitimate commercial vehicle drivers from accessing them; and

WHEREAS, when commercial loading zones are illegally occupied, commercial vehicle drivers are more likely to park in illegal or unsafe locations, often double parking, and blocking bike lanes, bus stops and bus lanes; and

WHEREAS, compromised bicyclist and pedestrian safety impedes the goal OakDOT to assure safe, equitable, and sustainable access and mobility for residents, businesses and visitors; and

WHEREAS, parking meters are a known and effective tool for managing parking demand, promoting turnover and availability, and increasing access to Oakland's commercial areas; and

WHEREAS, increased turnover and availability at commercial loading zones will benefit commercial delivery drivers and small businesses by facilitating and increasing safe access to the curb; and

WHEREAS, California Vehicle Code section 22508 authorizes local authorities to establish parking meter zones by ordinance; and

WHEREAS, the City Administrator has the authority to cause parking meters to be installed at parking stalls on streets established as Parking Meter Zones by OMC Section 10.36.140; and

WHEREAS, the Fiscal Year 2022-2023 Mid-Cycle Budget included funding in the amount of \$450,000.00 to procure and install parking meters or signs at all 383 loading zones in existing Parking Meter Zones. This budget also appropriated \$450,000.00 per year in revenues anticipated to be generated by these meters; and

WHEREAS, nearby cities have found that metering commercial loading zones significantly reduces illegal parking while increasing commercial activity; and

WHEREAS, drivers of commercial delivery vehicles are on tight schedules and may not have the time or employer-provided resources to pay for each parking session individually; and

WHEREAS, a new license plate-based commercial vehicle parking permit would allow commercial fleet operators to pay for on-street parking for all of their vehicles on a quarterly basis, without needing each driver to pay for parking individually; and

WHEREAS, fees for use of the new Commercial Loading Zone Parking Permit will be calculated based on the vehicle's location data, cross referenced with the City's parking meters; and

WHEREAS, the fee additions proposed by OakDOT are attached hereto as Exhibit A;
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. 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. 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).

10.68.060 Severability.

This chapter shall be enforced to the full extent of the authority of the city. If any section, subsection, paragraph, sentence or word of this chapter is deemed to be invalid or beyond the authority of the city, either on its face or as applied, the invalidity of such provision shall not affect the other sections.

(Prior traffic code § 407

SECTION 2. 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 3. 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 4. 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

AN ORDINANCE AMENDING ORDINANCE NO. 13654 C.M.S (WHICH ADOPTED THE FISCAL YEAR 2022-23 MASTER FEE SCHEDULE), AS AMENDED, TO ESTABLISH FEES FOR COMMERCIAL VEHICLE LOADING ZONE PERMITS