

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF BURLINGAME ADDING CHAPTER 13.45
“ELECTRIC VEHICLE PARKING AND CHARGING SPACES” TO THE
BURLINGAME MUNICIPAL CODE TO REGULATE PARKING IN ELECTRIC
VEHICLE CHARGING SPACES TO TITLE 13 (VEHICLES AND TRAFFIC);
CEQA DETERMINATION: EXEMPT PURSUANT TO STATE CEQA
GUIDELINES SECTION 15378, 15061(b)(3), AND 15031**

WHEREAS, the State of California has declared it a priority to reduce greenhouse gas emissions, improve air quality, and promote the use of electric vehicles (EVs) through various state programs and policies, including the California Zero-Emission Vehicle Program and Assembly Bill 32 (California Global Warming Solutions Act of 2006); and

WHEREAS, the City of Burlingame (“City”) supports these statewide efforts and has adopted local sustainability goals aimed at reducing emissions from the transportation sector, which is a significant contributor to local greenhouse gas emissions, including through the adoption of an Electric Vehicle Action Plan (“EV Action Plan”) in May 2021. As part of the EV Action Plan, the City set a goal of increasing public charging infrastructure, as the presence of public EV charging stations helps to diminish range anxiety for EV drivers, provide access to EV drivers who do not have easy access to EV chargers, as well as draw EV drivers to the City; and

WHEREAS, the City has installed, and anticipates continuing to install, publicly accessible EV charging stations on City property and public rights-of-way to encourage the use of cleaner transportation options; and

WHEREAS, the availability of designated EV charging spaces is essential to ensuring that EV owners have reliable access to charging infrastructure, and that such spaces are not occupied by vehicles that are not actively charging; and

WHEREAS, the City does not currently have a mechanism in place to prohibit the misuse of EV charging stations it has erected such that those spaces are used solely for those wishing to charge their EVs; and

WHEREAS, California Vehicle Code Sections 22511 and 22511.1 expressly authorize local jurisdictions to regulate and enforce parking in spaces designated for EV charging, including the towing of unauthorized vehicles; and

WHEREAS, adopting local regulations will provide the City with clear authority to post signage, issue citations, and remove unauthorized vehicles from EV charging spaces, thereby maintaining access and efficiency for users; and

WHEREAS, establishing local enforcement procedures for EV charging stations aligns with the EV Action Plan, promotes sustainability, and advances the public interest in reducing emissions and improving air quality; and

WHEREAS, the City Council of the City of Burlingame finds that it is in the best interest of the public health, safety, and welfare to adopt reasonable local regulations to ensure the proper use of electric vehicle charging station spaces consistent with State law; and

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

Section 1. The recitals set forth above are true and correct, and are hereby incorporated herein by this reference as if fully set forth in their entirety.

Section 2. The City Council hereby finds that this Ordinance is in the public interest.

Section 3. The Ordinance is not a project within the meaning of section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately, as it involves general policy and administrative procedures with no potential to result in a physical change to the environment. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment. In the alternative, the Ordinance is categorically exempt from environmental review pursuant to section 15301 of the CEQA Guidelines because the designation of parking spaces for exclusive electric vehicle use is a minor alteration of existing facilities involving negligible or no expansion of use beyond that presently existing. The Council therefore directs that a Notice of Exemption be filed with the San Mateo County Clerk in accordance with the CEQA guidelines.

Section 4. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Ordinance. The City Council of the City of Burlingame hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 5. Chapter 13.45 of the Burlingame Municipal Code is added as reflected in Exhibit A, attached hereto and incorporated herein by reference.

Section 6. This Ordinance shall go into effect 30 days following its adoption.

Section 7. The City Clerk is directed to publish this ordinance in a manner

required by law.

Section 8. Exhibit A of Section 5 of this Ordinance shall be codified in the Burlingame Municipal Code. Sections 1, 2, 3, 4, 6, 7, and 8 shall not be so codified.

Peter Stevenson, Mayor

I, MEAGHAN HASSEL-SHEARER, City Clerk of the City of Burlingame, certify that the foregoing ordinance was introduced at a regular meeting of the City Council held on 1st day of December 2025 and adopted thereafter at a regular meeting of the City Council held on the ____ day of _____ by the following votes:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

ATTEST:

Meaghan Hassel - Shearer, City Clerk

EXHIBIT A

Chapter 13.45 — ELECTRIC VEHICLE PARKING AND CHARGING SPACES

Sections:

13.45.010 Purpose and Authority

13.45.020 Definitions

13.45.030 Designation of Electric Vehicle Parking Spaces on Public Streets and Off-Street Public Parking Facilities; Signage and Markings

13.45.040 Electric Vehicle Parking restrictions

13.45.010 Purpose and Authority

A. The purpose of this chapter is to ensure that parking spaces designated for the charging of electric vehicles remain available for that purpose and to promote sustainable and alternative transportation practices.

B. This chapter is adopted pursuant to the authority granted by California Vehicle Code Sections 22511 and 22511.1, which authorize local regulation and enforcement of parking in electric vehicle charging station spaces.

13.45.020 Definitions

For purposes of this chapter, the following definitions shall apply:

A. “Electric vehicle (EV)” means a motor vehicle that operates, either partially or exclusively, on electrical energy from an external source of electricity or an off-board battery.

B. “Electric vehicle charging station” means equipment installed for the primary purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.

C. “Charging event” means an EV is plugged into an electric vehicle charging station and in the process of charging.

D. “Designated electric vehicle charging space” means a parking space clearly marked and reserved for the exclusive purpose of charging electric vehicles.

13.45.030 Designation Of Electric Vehicle Parking Spaces on Public Streets and Off-Street Public Parking Facilities; Signage and Markings.

A. Designated Electric Vehicle Charging stations. The Public Works Director, or authorized designee, is authorized in accordance with the purposes of this chapter to designate spaces on streets or in off-street public parking facilities, within the City for the exclusive parking of electric vehicles that are connected to electric vehicle charging stations for the purpose of conducting a charging event.

B. Signs or markings. Upon designation of a parking space or spaces for the exclusive use of electric vehicles pursuant to subsection (A) of this section, the public works department shall place signs or markings giving adequate notice that the parking space or spaces are restricted and to be used only for such electric vehicles. The signs or markings shall be in compliance with California Vehicle Code section 22511 indicating that vehicles left standing in violations of the electric vehicle parking restriction may be removed. The parking restriction shall not apply to the designated parking spaced until the sign or markings have been placed.

13.45.040 Electric Vehicle Parking restrictions.

A. Where a sign designating a parking space for the exclusive use of charging electric vehicles is posted, only Electric Vehicles are allowed to park for charging events and, where applicable, only during designated hours or lengths.

B. It is unlawful for the operator of an electric vehicle to allow that vehicle to park or stand in an electric vehicle charging station space unless the vehicle is actively conducting a charging event.

C. It is unlawful for the operator of any vehicle to allow a vehicle to park, stand, obstruct, or block access to a designated electric charging station space.

D. The police department is authorized to cite and/or remove or cause the removal of vehicles parked in violation of this section in accordance with California Vehicle Code section 22511 or California Vehicle Code section 22651, subdivision (n).