

ORDINANCE NO. _____

Ordinance Of The City Council Of The City Of Emeryville Amending Section 4-9.39(f) (“Speed Limits”) In Chapter 9 (“Vehicular Traffic And Parking”) Of Title 4 Of The Emeryville Municipal Code. CEQA Determination: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3)

WHEREAS, engineering and traffic surveys are regularly conducted once every five (5) years by governing municipalities for the purpose of ensuring enforcement of speed limits to ensure such limits set are not speed traps pursuant to Section 40802(a) of the California Vehicle Code (CVC); and

WHEREAS, engineering and traffic surveys supporting speed limits may be extended to every seven (7) years if criteria are met, or every fourteen (14) years if a registered engineer evaluates the section of the highway and determines that no significant changes in roadway or traffic conditions have occurred as specified in Section 40802(c) of the CVC; and

WHEREAS, the CVC Section 22357 authorizes cities to increase speed limits above 25 miles per hour by ordinance to appropriate limits as determined by an engineering and traffic survey; and

WHEREAS, this Ordinance is adopted pursuant to the City’s police powers and afforded under the State Constitution and state law to protect the health, safety, and welfare of the public, and is based upon the Engineering and Traffic Survey dated February 28, 2024, prepared by Iteris, Inc. for the City of Emeryville and Table 4.1 and Table 4.2 dated February 28, 2024, prepared by Iteris, Inc. for the City of Emeryville;

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

SECTION ONE. AMENDING SECTION 4-9.39(f) IN CHAPTER 9 OF TITLE 4 OF THE EMERYVILLE MUNICIPAL CODE

Chapter 9 of Title 4 of the Emeryville Municipal Code, entitled “Vehicular Traffic and Parking”, is hereby amended to replace Section 4-9.39(f) with the following language:

4-9.39 Speed Limits.

(f) Speed Limits. When signs are erected giving notice thereof, the prima facie speed limit shall be as set forth in this Section upon the following streets or portions of streets:

Name of Street	Portion of Street Affected (limits thereof)	Prima Facie Speed Limit (mph)
40 th Street	East Abutment of 40 th Street Bridge to San Pablo Avenue	30
53 rd Street	Horton Street to San Pablo Avenue	15

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65 th Street	La Coste Street to Hollis Street	25
65 th Street	Hollis Street to Vallejo Street	20
Christie Avenue	65 th Street to Powell Street	20
Christie Avenue	Powell Street to Shellmound Street	25
Frontage Road	Powell Street to Point Emery Lane	25
Hollis Street	67 th Street to Powell Street	25
Hollis Street	Powell Street to Yerba Buena Avenue	30
Horton Street	62 nd Street to 40 th Street	15
La Coste Street	65 th Street to 64 th Street	25
Park Avenue	Halleck Street to San Pablo Avenue	20
Powell Street	I-80 Frontage Rd to Vallejo Street	30
Powell Street	Captain Drive to I-80 Frontage Road	30
Shellmound Street	67 th Street to Christie Avenue	25
Shellmound Street	Christie Avenue to East Abutment of 40 th Street Bridge	30

SECTION TWO. SEVERABILITY

Every section, paragraph, clause, and phrase of this Ordinance is hereby declared to be severable. If for any reason, any section, paragraph, clause, or phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining section, paragraphs, clauses or phrases.

SECTION THREE. CEQA DETERMINATION

This ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) under the “general rule” at Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment.

SECTION FOUR. CODIFICATION

Section One of this Ordinance shall be codified in the Emeryville Municipal Code. Sections Two, Three, Four, and Five shall NOT be so codified.

SECTION FIVE. EFFECTIVE DATE AND POSTING.

This Ordinance shall take effect 30 days following its final passage. The City Clerk is directed to cause copies of this Ordinance to be posted or published as required by Government Code Section 33693.

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This Ordinance was **INTRODUCED AND FIRST READ** by the City Council of the City of Emeryville at a regular meeting held Tuesday, June 18, 2024, and **PASSED AND ADOPTED** by the City Council of the City of Emeryville at a regular meeting held Tuesday, July 2, 2024, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO FORM:

DocuSigned by:
John Kennedy
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CITY ATTORNEY

ATTACHMENTS

- Exhibit A – Speed Survey Recommendations
- Exhibit B – City of Emeryville Engineering and Traffic Survey (Dated 2/28/2024)