

**ORDINANCE NO. 23-002**

**An Ordinance Of The City Council Of The City Of Emeryville Amending Chapter 9 Of Title 4 Of The Emeryville Municipal Code, “Vehicular Traffic And Parking” (CEQA Determination: Exempt Pursuant To CEQA Guidelines Sections 15378 And 15061(B)(3))**

**WHEREAS**, the Emeryville Municipal Code (EMC) authorizes the Transportation Committee, with the consent of the City Council, to designate any part of any City street or publicly controlled off-street parking facility as a loading zone; and

**WHEREAS**, California Vehicle Code (CVC) section 21458 identifies Loading Zones as a yellow curb for the loading and unloading of passengers or freight, and a white curb for stopping for either the loading or unloading of passengers for the time as may be specified by local ordinance, or depositing mail in an adjacent mailbox; and

**WHEREAS**, the City of Emeryville has established yellow, green, red and blue curb zones; and

**WHEREAS**, Public Works staff proposed changes to the EMC at the April 10, 2023 Transportation Committee meeting which would establish procedures for property owners to request curb color changes; and

**WHEREAS**, the Transportation Commission reviewed the proposed changes, provided input, and unanimously voted to recommend the changes to the full City Council; and

**WHEREAS**, in addition, the City Master Fee Schedule was adopted on May 2, 2023 with a new \$100 flat application fee for submitting curb color changes online.

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

**SECTION ONE. AMENDING CHAPTER NINE OF TITLE FOUR TO THE EMERYVILLE MUNICIPAL CODE**

Chapter Nine of Title Four of the Emeryville Municipal Code is hereby amended as follows. Additions are in **bold underline** text. Deletions are in ~~strikeout~~ text. Those portions not specifically amended or included below remain unchanged.

4-9.01 Transportation Committee – Duties, Membership, and Procedures.

(a) Duties. The Transportation Committee shall **may** forward proposed actions to the City Council regulating vehicular traffic and parking upon the City streets and publicly controlled off-street parking facilities in a manner consistent with the provisions of this chapter, and advise the City Council on other matters related to Public Works.

(b) Membership.

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- (1) The members of the Transportation Committee shall be two (2) City Councilmembers appointed by the City Council.
  - (2) The City Manager, Chief of Police, Chief of Fire, and Director of Public Works, or in the event of their absence a staff member from his or her department to serve in his or her place, shall attend all meetings of the Committee.
- (c) Meetings. The Transportation Committee shall hold regular meetings on a monthly basis **(except August)**. Special meetings may be held as directed by the Committee Chairperson.
- (d) Committee Recommendations. Recommendations of the Transportation Committee, **with the exception of items described in Section 4-9.17,** shall be forwarded to the City Council to be placed on the administrative agenda of the City Council for consideration and adoption before any nonemergency recommendation is implemented.
- (e) Council Action. The City Council may take any action to regulate traffic or parking in the City of Emeryville without a recommendation from the Transportation Committee.
- (f) Regulated Street Parking Inventory. The Department of Public Works shall maintain an inventory of all City streets regulated for parking purposes. The inventory shall be updated to remain consistent with the actions **of the Transportation Committee** and resolutions of the City Council. Amendments to the Regulated Street Parking Inventory shall not require amendment to the enabling ordinance codified in this chapter.
- (g) Regulated Off-Street Parking Facilities Inventory. The Department of Public Works shall maintain an inventory of all publicly controlled off-street parking facilities regulated for parking purposes. The inventory shall be updated to remain consistent with the actions and resolutions of the City Council. Amendments to the Regulated Off-Street Parking Facilities Inventory shall not require amendment to the enabling ordinance codified in this chapter.
- (h) Traffic Signs and Signals Inventory. The City Department of Public Works shall maintain an inventory of all traffic signs, signals and painted curbs regulating traffic upon City streets. The inventory shall be updated to remain consistent with the actions **of the**

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**Transportation Committee** and resolutions of the City Council. Amendments to the Traffic Signs and Signals Inventory shall not require amendment to the enabling ordinance codified in this chapter.

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#### 4-9.17 Restricted Parking Zones.

(a) No Parking Zones.

(1) The Transportation Committee is authorized, ~~with the consent of the City Council,~~ to designate any City street or publicly controlled off-street parking facility or any part of a City street or publicly controlled off-street parking facility as a no parking zone. The curbs of no parking zones shall be marked red by the City Department of Public Works to alert the public that parking is not permitted.

(2) It shall be unlawful for any operator to stop or to park any vehicle in a designated no parking zone.

**(3) Upon receipt of an application from a property owner adjacent to any City street for a no parking zone, or upon the decision of the Public Works Director that a no parking zone should be located on a City street or in a publicly controlled off-street parking facility, the Public Works Department shall post a notice at the proposed location of the no parking zone and within 300 feet of the proposed location for three (3) business days prior to the Transportation Committee and/or City Council meeting at which the request will be considered.**

**(4) At its discretion, the Transportation Committee may forward no parking zone requests to the City Council for approval.**

(b) **Commercial** Loading Zones.

(1) The Transportation Committee is authorized, ~~with the consent of the City Council,~~ to designate any part of any City street or publicly controlled off-street parking facility as a loading zone. The curbs of loading zones shall be marked yellow

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by the City Department of Public Works to alert the public that parking is permitted for the loading and unloading of persons or property only.

(2) It shall be unlawful for any operator to stop or park any vehicle in a designated loading zone for purposes other than the loading or unloading of persons or property or to remain in excess of ten (10) minutes unless another time limit for loading, ~~as adopted by the City Council,~~ is posted.

**(3) Upon receipt of an application from a property owner adjacent to any City street for a commercial loading zone, or upon the decision of the Public Works Director that a commercial loading zone should be located on a City street or in a publicly controlled off-street parking facility, the Public Works Department shall post a notice at the proposed location of the commercial loading zone and within 300 feet of the proposed location for three (3) business days prior to Transportation Committee and/or City Council meeting at which the request will be considered.**

**(4) Upon designating a commercial loading zone, the Transportation Committee may recommend the appropriate duration of parking time to be allowed at the designated location. This time limit shall be included on signage and/or markings posted to alert users of the zone that parking is permitted in that location for a limited time only. If the Transportation Committee does not specify a specific duration, the time limit shall be as specified in Section 4-9.17(b)(2).**

**(5) At its discretion, the Transportation Committee may forward commercial loading zone requests to the City Council for approval.**

**(c) Passenger Loading Zones.**

**(1) The Transportation Committee is authorized to designate any part of any City street or publicly controlled off-street parking facility as a loading zone. The curbs of loading zones shall be marked white by the City Department of Public Works to alert the public that parking is permitted for the loading and unloading of persons or property only.**

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**(2) It shall be unlawful for any operator to stop or park any vehicle in a designated loading zone for purposes other than active loading or unloading of persons or to remain in excess of ten (10) minutes unless another time limit for loading is posted.**

**(3) Upon receipt of an application from a property owner adjacent to any City street for a passenger loading zone, or upon the decision of the Public Works Director that a passenger loading zone should be located on a City street or in a publicly controlled off-street parking facility, Public Works Department shall post a notice at the proposed location of the passenger loading zone and within 300 feet of the proposed location for three (3) business days prior to the Transportation Committee and/or City Council meeting at which the request will be considered.**

**(4) Upon designating a passenger loading zone, the Transportation Committee may recommend the appropriate duration of parking time to be allowed at the designated location. This time limit shall be included on signage and/or markings posted to alert users of the zone that parking is permitted in that location for a limited time only. If the Transportation Committee does not specify a specific duration, the time limit shall be as specified in Section 4-9.17(c)(2).**

**(5) At its discretion, the Transportation Committee may forward passenger loading zone requests to the City Council for authorization.**

**(ed)** Limited Duration Parking Zones.

(1) The Transportation Committee is authorized, ~~with the consent of the City Council,~~ to designate any street or publicly controlled off-street parking facility or any portion of any street or publicly controlled off-street parking facility as a limited duration parking zone. The Department of Public Works shall mark the curbs of limited duration parking zones green.

(2) Upon designating a limited duration parking zone, the Transportation Committee shall ~~to the City Council~~ recommend the appropriate duration of parking time to be allowed at the designated location. This time limit ~~as adopted by the City~~

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~~Council~~ shall be included on signage and/or markings posted to alert the public that parking is permitted in that location for a limited time only.

(3) It shall be unlawful for an operator to park any vehicle in a limited duration parking zone for a period in excess of the posted time limit.

**(4) Upon receipt of an application from a property owner adjacent to any City street for a limited duration parking zone, or upon the decision of the Public Works Director that a limited duration parking zone should be located on a City street or in a publicly controlled off-street parking facility, Public Works Department shall post a notice at the proposed location of the limited duration parking zone and within 300 feet of the proposed location for three (3) business days prior to the Transportation Committee and/or City Council meeting at which the request will be considered.**

**(5) At its discretion, the Transportation Committee may forward limited duration parking zone requests to the City Council for approval.**

~~(de)~~ Disabled Persons Parking Zones.

(1) The Transportation Committee, with the consent of the City Council, is authorized to designate any part of any street or publicly controlled off-street parking facility a disabled persons parking zone. Only operators of vehicles displaying a valid permit or distinguishing license plate issued to disabled persons by the Department of Motor Vehicles shall park in a disabled parking zone. The Department of Public Works shall mark the curbs of disabled parking zones blue, and signs shall be posted to alert the public that only properly authorized disabled persons shall be permitted to park in such locations.

(2) It shall be unlawful for an operator to park any vehicle in a disabled parking zone unless that vehicle displays a valid permit or distinguishing license plate issued to a person with a disability by the Department of Motor Vehicles.

~~(ef)~~ Interference with Parking Enforcement. It shall be unlawful to remove or alter any marking placed upon a vehicle by a Police or Parking Enforcement Officer for the purpose of enforcing the parking regulations of this chapter.

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(fg) Posting of Parking Restriction by Signs or Markings. Signs and/or markings shall be posted by the Department of Public Works to alert the public of the restricted parking zones authorized under this section within the restricted parking zone and not less than seventy-five feet (75') apart.

**(h) Appeal to the City Council. Any decision by the Transportation Committee under subsections (a), (b), (c), and (d) of Section 4-9.17 may be reviewed by the City Council upon a request to put an item on its agenda under the Council's Rules of Procedure and the City Council may reverse the Transportation Committee's decision by a majority vote.**

## **SECTION TWO. CEQA DETERMINATION**

The City Council finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to section 15378 of the CEQA Guidelines in that it concerns administrative activities that will not result in direct or indirect physical changes to the environment. Further, even if the Ordinance was considered a project, it would be exempt pursuant to section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the administrative procedures approved by this ordinance will have no physical impact on the environment.

## **SECTION THREE. SEVERABILITY**

Every section, paragraph, clause, and phrase of this Ordinance is hereby declared 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 FOUR. EFFECTIVE DATE**

This Ordinance shall take effect thirty (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.

## **SECTION FIVE. 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.

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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, July 18, 2023, and **PASSED AND ADOPTED** by the City Council of the City of Emeryville at a regular meeting held Tuesday, September 5, 2023, by the following vote:

AYES:	<u>5</u>	Mayor Bauters, Vice Mayor Welch and Council Members Kaur, Mourra and Priforce
NOES:	<u>0</u>	_____
ABSTAIN:	<u>0</u>	_____
ABSENT:	<u>0</u>	_____

DocuSigned by:  
*John Bauters*  
C7389E49E2C9458...  
\_\_\_\_\_  
MAYOR

ATTEST:

DocuSigned by:  
*April Richardson*  
9AF8F67CFE0264D8...  
\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

DocuSigned by:  
*John Kennedy*  
2C934D02DB55467...  
\_\_\_\_\_  
CITY ATTORNEY

# Curb Color Request Form

This application is for curb color requests for Red, Yellow, Green, and White curbs in Emeryville. If your request is for a Blue curb, please follow the application process here: <https://bit.ly/EmeryvilleBlueCurb>.

\* Required

\* This form will record your name, please fill your name.

## Applicant Information

1. Name \*

2. Mailing Address \*

3. Phone \*

4. Email Address \*

## Residential or Business Applicant

Residential applicants will need to provide proof of residency with the application.

5. Are you applying as a resident or business owner? \*

Resident

Business Owner

## Residential Applicant

Residential applicants will need to provide proof of residency with the application.

6. Please provide proof of residency with your application by attaching one of the following: \*

- Utility Bill
- State or Federal Issued Picture Identification
- Rental Agreement

 **Upload file**

File number limit: 1 Single file size limit: 10MB Allowed file types: Word, Excel, PPT, PDF, Image, Video, Audio

## Business Owner Applicant

7. Business Name \*

i.e. Wholesale/Warehouse, Hotel/Apartment, Restaurant, Retail, Office, Medical Office, or Other. If other, please specify.

8. Business Hours and Days \*

9. Size of Business (if applicable) \*

Please provide, if applicable, the number of square feet/seats/rooms or units.

## Information About the Parking Zone

### 10. Location \*

Option 1: Enter the exact street address

Option 2: Enter an intersection (e.g. Hollis St & Powell St.)

### 11. Measurement of Parking Zone \*

Option 1: Estimate length of zone (in feet)

Option 2: Estimated number of parking spaces

### 12. If available, please attach a photo or map markup of the requested location.

 **Upload file**

File number limit: 1 Single file size limit: 10MB Allowed file types: Word, Excel, PPT, PDF, Image, Video, Audio

### Type of Curb Color

13. I have read the Emeryville Municipal Code, Section 4-9.17 regarding "Restricted Parking Zones". See here: <https://bit.ly/EMC-Parking> \*

- Yes
- No

14. Which type of zone are you requesting? \*

This application is for curb color requests for Red, Yellow, Green, and White curbs in Emeryville. If your request is for a Blue curb, please follow the application process here: <https://bit.ly/EmeryvilleBlueCurb>.



- Red (no parking zones)



- Yellow (active freight loading and unloading by commercial vehicles)



- Green (short-term 10 min parking)



- White (passenger loading and unloading)

15. Is the requested zone completely within your property frontage? \*

- Yes
- No
- Other

16. Is it on the \*

- Front of the building
- Side of the building
- Rear of the building
- Other

## Proposed Use in the New Parking Zone

17. Describe the purpose of requested zone: \*

As a reminder, this application is for curb color requests for:

- Red Zones (no parking)
- Yellow Zones (active freight loading and unloading by commercial vehicles)
- Green Zones (short-term 10 min parking)
- White Zones (passenger loading and unloading)

If your request is for a Blue curb, please follow the application process here: <https://bit.ly/EmeryvilleBlueCurb>.

18. Estimated number of vehicles using zone per day. \*

19. Estimated times of highest usage. \*

20. Typical size of truck (in feet)

## Parking Policy and Use Agreement

Never Paint Curbs Yourself or Install Unauthorized Signs. The unauthorized painting of any Curb Zone is a violation of the law. Any such painting or repainting shall result in immediate revocation of the zone. The expenses incurred in the removal of such shall be the burden of the abutting property owner. If your color curb has been illegally altered, it is your responsibility to notify the City of Emeryville Public Works Department. Do not install any signs within the public right-of-way.

I have filled out this form to the best of my knowledge, and my request meets ALL the installation criteria, requirements, and conditions presented. I agree to meet with staff from the City, as necessary, to review the installation request. If approved, I understand that I have a duty to inform the City if the space is no longer required. I also understand that, if approved, this will not be a private space for my residence, tenants, or employees of my business, and that it must be made available to other valid uses on a first come, first served basis, or to vehicles that display a DP placard or license plate.

21. Provide type your name to acknowledge the above agreement. \*

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This content is neither created nor endorsed by Microsoft. The data you submit will be sent to the form owner.



# Emeryville Curb Color Program

## CURB COLOR REQUEST APPROVAL PROCESS

### Applications for a new Color Curb Zone (Driveway Red Zones, Green, White or Yellow Zones)

- 1) Complete the Curb Color Program Application found on the City website at <https://forms.office.com/g/EfY93JmSCs>.
  - a. All applications (other than for Blue Zones) are reviewed or handled only after the application fee has been received. Application fee is \$100 for all curb requests and is **non-refundable**.
  - b. Site surveys are conducted within 30 days and applicants are notified by mail or email about the recommendation. Please email [Public.Works@emeryville.org](mailto:Public.Works@emeryville.org) if you have not received any correspondence 30 days after the application fee has been paid.
  - c. Please make sure to understand the purpose of each zone as well as the general criteria for establishing them. Please email [Public.Works@emeryville.org](mailto:Public.Works@emeryville.org) if you have a unique situation that is not covered by this guide, before you submit the application.
- 2) Once your application is initially reviewed for completeness and feasibility the request will be scheduled for consideration by the Transportation Committee.
  - a. The Transportation Committee is responsible for approving curb color change requests and will hear items during their monthly meetings at City Hall.
  - b. A public notice of the proposed change is posted in the vicinity of the proposed zone approximately 72 hours before the hearing date.
  - c. The Transportation Committee will review the item, seek feedback from applicant or other nearby residents, and consider the request.
  - d. Upon approval, the Transportation Committee will direct the Emeryville Public Works Department to complete the permitting process and install the zone as scheduling permits, typically within 60 days.



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## BLUE ZONES Persons with disabilities



A blue zone designates parking spaces for persons with a valid disabled parking permit. Blue zones are normally located in areas with high public use, such as in dense commercial areas and near public parks and playgrounds, where the blue zones can serve a large number of individuals.

Blue zones are not established to serve a specific individual or a small, select group of individuals.

Blue curbed parking zones on City streets when requested by disabled residents of Emeryville shall only be established where a demonstrated need for such space is shown. The City has no obligation to provide disabled parking zones on residential streets; however, the City will offer disabled residents a blue curbed parking zone on the shortest accessible route of travel from Applicant's residence, where possible.

**Click here to download the application for an ADA Blue Disabled Parking Zone:**

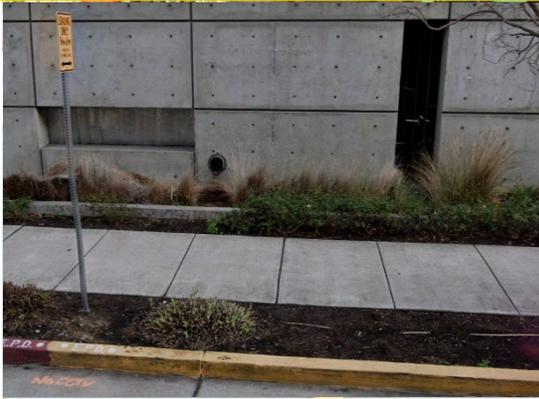
<https://bit.ly/EmeryvilleBlueCurb>



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## YELLOW ZONES Active freight loading and unloading by commercial vehicles



Yellow zones are typically used for large businesses or properties that receive or deliver a lot of shipments. They are for active loading and unloading by commercial vehicles only (those with a commercial license plate).

## RED ZONES "No Parking" zones



Red zones may be installed near intersection corners, at bus stops, at fire hydrants, at curb ramps or at the edges of driveways.

Driveway red zones typically take up two feet on each side of the driveway. They provide additional clearance for vehicles entering and exiting driveways.

### Common reasons for denying driveway red zone requests:

- Parking spaces would be lost
- A driveway is improperly constructed, or does not lead to an actively used garage.

## WHITE ZONES Passenger loading and unloading



White zones are intended for establishments with active passenger loading and unloading, such as hospitals, senior centers, hotels, theaters, places of worship or assembly, schools, and government buildings. Certain medical offices, restaurants, and residential buildings may also qualify. Time limits are typically 5 minutes, and the driver must remain with the vehicle at all times (limited exceptions apply at preschools and hospitals).

### Common reasons for denying white zone requests:

- Private off-street parking is available
- Seating or unit requirements are not met
- There are adjacent passenger loading zones nearby

## GREEN ZONES Short-term parking (not exceeding 10 minutes)



Green zones are intended for establishments where transactions tend to take less than 10 minutes, such as dry cleaners, florists, small neighborhood grocery/deli convenience stores, shoe repair shops, postal shipping centers, and some hardware stores. Green zones are for public use and are not reserved for particular establishments. Applications are reviewed on a case-by-case basis.

If approved at the public hearing, painted green zones are required to be renewed every two years.

### Common reasons for denying green zone requests:

- Private off-street parking is available
- There are already limited-time zones nearby
- The establishment's transactions are not predominantly short-term in nature

**Click here to download the application for ALL OTHER Parking Zones:**

<https://forms.office.com/g/EfY93JmSCs>



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## Never Paint Curbs Yourself or Install Unauthorized Signs

The unauthorized painting of any Curb Zone is a violation of the law. Any such painting or repainting shall result in immediate revocation of the zone. The expenses incurred in the removal of such shall be the burden of the abutting property owner. If your color curb has been illegally altered, it is your responsibility to notify the City of Emeryville Public Works Department. Do not install any signs within the public right-of-way.

A **non-refundable** processing fee of \$100 is required for white/green/yellow zones and red zones. If approved, there will be no additional installation fee.



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