



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: September 5, 2023
TO: Paul Buddenhagen, City Manager
FROM: Mohamed Alaoui, Public Works Director
SUBJECT: **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))**

RECOMMENDATION

Staff recommends that the City Council adopt the above-referenced ordinance, amending Chapter 9 of Title 4 of the Emeryville Municipal Code (EMC), “Vehicular Traffic and Parking” on second reading.

BACKGROUND

Periodically, requests are made by residents or businesses in Emeryville to designate a loading zone or curb restriction within the frontage of their property. The Transportation Committee has considered these requests in the past and City Council has taken action to approve changes in curb designation and color. Although this process continued, there was no formal application process for a business or resident to submit a request for a red, yellow, white or green curb and the exact procedure has varied in the past. In addition, the EMC does not offer white curbs for passenger loading as an option to accommodate the needs of businesses and organizations.

Per the Emeryville Municipal Code (EMC), 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 EMC 4-9.17(b) identifies Loading Zones as follows:

- “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** 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.”
- “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.”

The EMC 4.9.17 also identifies Limited Duration Parking Zones:

- The Transportation Committee, with the consent of the City Council, is authorized 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.
- Upon designating a limited duration parking zone, the Transportation Committee shall recommend to the City Council the appropriate duration of parking time to be allowed at the designated location. This time limit as adopted by the City 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.
- 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.

Additionally, the California Vehicle Code CVC 21458 identifies Loading Zones as follows:

- Designates a yellow curb for the loading and unloading of passengers or freight
- Designates a white curb for stopping for either of the following purposes:
- “Loading or unloading of passengers for the time as may be specified by local ordinance.”
- “Depositing mail in an adjacent mailbox.”
- California Vehicle Code – leaves time limits to local ordinances

DISCUSSION

Overview

To provide better customer service to residents and businesses and ensure adequate notice of changes to curb colors and types, it is necessary to better define a streamlined and clear application process for curb color requests. Further, the current code does not provide for white curbs for passenger loading.

To optimize the application and review process staff conducted a review of the EMC, California Vehicle Code, and curb policies implemented by other cities. Accordingly, a draft application (**Exhibit A**) and process (**Exhibit B**) has been prepared for council review and approval.

To streamline the approval of curb use changes, staff recommend that the City Council delegate the approval of curb use change requests to the Transportation Committee. The Committee would then approve or elevate the requests to the full Council at the Committee’s discretion. The full City Council would continue to retain the ability to reverse the Transportation Committee’s decision by placing an item on its agenda following the Council’s Rules of Procedure, and the City Council may reverse the Transportation Committee’s decision by a majority vote. Additionally, staff note that many jurisdictions approve these types of curb use changes administratively.

Curb Color Request Approval Process

A new online curb request application has been prepared and is shown in **Exhibit A**. Once an applicant submits the application and pays a nominal \$100 application fee, the application will be reviewed by Public Works staff within 30 days for eligibility and recommendation to the Transportation Committee. The request will then be considered by the Transportation Committee (pending revisions to EMC section 4-9.17), and if the Committee approves the application, Public Works staff will aim to install the color curb within 60 days of approval. **Exhibit B** describes the application and approval process in greater detail. The proposed amendments would also allow the Public Works Director to initiate a curb change.

The costs for curb applications were originally based on a model from the SFMTA that was exceedingly complex depending on the length and type of curb being requested. The costs were also high and could be prohibitive for small businesses or non-profit organizations. However, despite the previous fee (over \$1,000), it did not recover staff time costs associated with processing the application. As such, staff proposed a \$100 fee reviewed by the Transportation Committee to better serve residents, nonprofit organizations, and small businesses. The fee is also to ensure that applicants are committed to their request, and that the process is not abused.

After discussion and comment at the Transportation Committee, Public Works worked with Finance staff to update this fee during the recent annual update to the Master Fee Schedule, which was adopted on May 2, 2023.

Streamlining Curb Change Approvals and Introducing White Curb

To implement this recommendation, the following changes are required to the Emeryville Municipal Code:

1. Amend EMC 4-9.17 re: Powers of Transportation Committee.
 - a. Amend the EMC to revise the authority of the Transportation Committee and authorize the Transportation Committee to approve curb use changes without requiring final approval by the City Council.
 - b. Add language to EMC 4-9.17 to clarify that at its discretion, the Transportation Committee may forward curb change requests to the City Council for authorization.
 - c. Add language to EMC 4-9.17 to post a notice at the proposed curb color change location and within 300 feet for three (3) business days prior to the Transportation Committee and/or City Council hearing.
2. Amend EMC section 4-9.17 to add a subsection that defines White Curb Zones and their use for passenger loading and unloading. This would include:
 - a. Active passenger loading and unloading, such as hospitals, senior centers, hotels, theaters, places of worship or assembly, schools, and government buildings.
 - b. Certain medical offices, restaurants, and residential buildings may also qualify.
 - c. Time limits are typically 5 minutes, and the driver must remain with the vehicle at all times (limited exceptions apply at preschools and hospitals).

3. Amend EMC section 4-9.17 to define Yellow Curb Zones for active freight loading and unloading (typically by commercial vehicles). This would include that:
 - a. Yellow zones are **not** intended for long-term parking of vehicles with commercial license plates.
 - b. The effective times of yellow zones vary and are indicated by signs on the meter and/or by stencils on the curb. Non-commercial vehicles (those without a commercial license plate) parked in a yellow zone will be cited and can be towed if the sign specifies it is a tow zone.
 - c. Yellow zones are typically identified as part of a project, a new approval or in conjunction with City repaving projects.

FISCAL IMPACT

The current fee of \$100 proposed for curb color changes as part of this process was approved with the adoption of the last Master Fee Schedule Update on May 2, 2023. Although staff costs are not reimbursed in either scenario, only 3 to 6 requests are received per year. The lower cost will ensure the service is more accessible for constituents.

STAFF COMMUNICATION WITH THE PUBLIC

An overview of the proposed changes was presented to the Transportation Committee on April 10, 2023. The Committee voted unanimously to recommend that the City Council adopt the ordinance amendments. There was no verbal or written public comment received.

CONFLICT OF INTEREST

None.

CONCLUSION

Staff recommends that the City Council adopt the above-referenced ordinance, amending Chapter 9 of Title 4 of the Emeryville Municipal Code, "Vehicular Traffic and Parking" on second reading.

PREPARED BY: Josie Ahrens, Public Works Management Analyst

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



Paul Buddenhagen, City Manager

ATTACHMENTS

- Proposed Ordinance
- Exhibit A – Curb Color Request Form
- Exhibit B – Curb Color Process