

**ORDINANCE NO. \_\_\_\_\_**

**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:    | _____ | _____ |
| NOES:    | _____ | _____ |
| ABSTAIN: | _____ | _____ |
| ABSENT:  | _____ | _____ |

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

APPROVED AS TO FORM:

DocuSigned by:  
*Christie Crowl*  
\_\_\_\_\_  
SPECIAL COUNSEL