


Celso Ortiz (Sep 28, 2022 15:11 PDT)
CITY ATTORNEY'S OFFICE

INTRODUCED BY COUNCILMEMBER _____

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER 10.20 (SPEED LIMITS) AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS TO ESTABLISH 20 MILE PER HOUR (MPH) AND 25 MPH SPEED LIMITS IN BUSINESS ACTIVITY DISTRICTS AS DEFINED IN ASSEMBLY BILL 43

WHEREAS, in accordance with California Vehicle Code (CVC) sections 22352 and 22358, local authorities shall establish speed limits on local streets based on prevailing traffic speeds—specifically, within 5 mph of the 85th percentile or “critical speed”—as determined by an Engineering & Traffic Survey (E&TS) prescribed in the California Manual on Uniform Traffic Control Devices with limited exceptions given to streets in specific land use settings; and

WHEREAS, the exceptions included de facto speed limits of 25 miles per hour (mph), prevailing speeds notwithstanding, for streets in business and residence districts, adjacent to school grounds and senior facilities, and 15 mph for alleys and at uncontrolled railroad crossings; and

WHEREAS, local officials have pursued legislation in the past to increase their authority over the establishment of local speed limits; and

WHEREAS, Assembly Bill 43 (AB 43), which was signed into law in October 2021 and put into effect in January 2022, expanded speed limit establishment rules to include, among other amendments, additional conditions where surrounding land use and roadside activity may justify a lower speed limit not predicated on E&TS results; and

WHEREAS, CVC Section 22358.9, an AB 43 amendment to the Vehicle Code, introduces a new land use designation— Business Activity District—that qualifies for speed limit reduction; and

WHEREAS, within a Business Activity District, speed limits may be established by local authorities at 20 or 25 mph, prevailing speeds notwithstanding, on street segments with four or fewer travel lanes with speed limits on contiguous segments no more than 5 mph higher; and

WHEREAS, a Business Activity District is defined as that portion of a street and the property contiguous thereto that includes central or neighborhood downtowns, urban villages, or zoning designations that prioritize commercial land uses at the downtown or neighborhood scale and meets at least three of the following four requirements, inclusive:

- a) no less than 50 percent of the contiguous property fronting the highway consists of retail or dining commercial uses, including outdoor dining, that open directly onto sidewalks adjacent to the highway
- b) parking spaces located alongside the highway (including parallel, diagonal, or perpendicular spaces)
- c) traffic signals or stop signs located at least every 600 feet
- d) marked crosswalks not controlled by a traffic control device; and

WHEREAS, Oakland Department of Transportation (OakDOT) staff analyzed citywide land use and street conditions data and identified street segments, listed in Exhibit A, that meet the Business Activity District definition for speed limit reduction; and

WHEREAS, amending the Oakland Municipal Code to identify Business Activity Districts and establish reduced speed limits in those districts are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning), 15301(c) (Existing Highways and Streets, Sidewalks, Gutters, Bicycle and Pedestrian Trails, and Similar Facilities), and/or 15061(b)(3) (No Significant Effect on the Environment); each of the above exemptions provides a separate and independent basis for CEQA compliance.

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

SECTION 1. Chapter 10.20 (Speed Limits) of the Oakland Municipal Code is herein amended, with additions underscored and deletions stricken through.

10.20.015 - Prima facie speed limit of twenty (20) miles per hour:

The prima facie speed limit on the following streets shall be twenty (20) miles per hour:

<u>Street Name</u>	<u>From</u>	<u>To</u>
<u>23rd Avenue</u>	<u>Foothill Boulevard</u>	<u>International Boulevard</u>
<u>7th Street</u>	<u>Clay Street</u>	<u>Harrison Street</u>
<u>8th Street</u>	<u>Clay Street</u>	<u>Alice Street</u>
<u>9th Street</u>	<u>Clay Street</u>	<u>Harrison Street</u>
<u>10th Street</u>	<u>Webster Street</u>	<u>Madison Street</u>
<u>11th Street</u>	<u>Broadway</u>	<u>Harrison Street</u>
<u>12th Street</u>	<u>Broadway</u>	<u>Alice Street</u>
<u>13th Street</u>	<u>Broadway</u>	<u>Alice Street</u>

<u>14th Street</u>	<u>Broadway</u>	<u>Oak Street</u>
<u>17th Street</u>	<u>Telegraph Avenue</u>	<u>Harrison Street</u>
<u>19th Street</u>	<u>Telegraph Avenue</u>	<u>Harrison Street</u>
<u>East 12th Street</u>	<u>33rd Avenue</u>	<u>35th Avenue</u>
<u>Antioch Court</u>	<u>Mountain Boulevard</u>	<u>Antioch Street</u>
<u>Antioch Street</u>	<u>Lucas Avenue</u>	<u>Mountain Boulevard</u>
<u>Broadway</u>	<u>27th Street</u>	<u>Water Street</u>
<u>Champion Street</u>	<u>MacArthur Boulevard</u>	<u>Lincoln Avenue</u>
<u>Clay Street</u>	<u>7th Street</u>	<u>San Pablo Avenue</u>
<u>College Avenue</u>	<u>Alcatraz Avenue</u>	<u>Broadway</u>
<u>East 18th Street</u>	<u>Athol Avenue</u>	<u>4th Avenue</u>
<u>Foothill Boulevard</u>	<u>Rutherford Street</u>	<u>High Street</u>
<u>Foothill Boulevard</u>	<u>Congress Avenue</u>	<u>Cole Street</u>
<u>Franklin Street</u>	<u>7th Street</u>	<u>22nd Street</u>
<u>Fruitvale Avenue</u>	<u>Coloma Street</u>	<u>School Street (S)</u>
<u>Fruitvale Avenue</u>	<u>Lynde Street</u>	<u>Blossom Street</u>
<u>Fruitvale Avenue</u>	<u>East 10th Street</u>	<u>East 15th Street</u>
<u>Fruitvale Avenue</u>	<u>East 19th Street</u>	<u>East 22nd Street</u>
<u>Grand Avenue</u>	<u>Broadway</u>	<u>Perkins Street</u>
<u>Grand Avenue</u>	<u>Lake Park Avenue</u>	<u>Jean Street</u>
<u>Havenscourt Boulevard</u>	<u>Bancroft Avenue</u>	<u>Foothill Boulevard</u>
<u>Lake Park Avenue</u>	<u>Grand Avenue</u>	<u>Lakeshore Avenue</u>
<u>Lakeshore Avenue</u>	<u>Mandana Boulevard</u>	<u>Lake Park Avenue</u>
<u>La Salle Avenue</u>	<u>Lucas Avenue</u>	<u>Moraga Avenue</u>
<u>Leimert Boulevard</u>	<u>Clemens Road</u>	<u>Oakmore Road</u>
<u>MacArthur Boulevard</u>	<u>Excelsior Avenue</u>	<u>Lincoln Avenue</u>
<u>MacArthur Boulevard</u>	<u>Midvale Avenue</u>	<u>High Street</u>
<u>Medau Place</u>	<u>Moraga Avenue</u>	<u>End</u>
<u>Mountain Boulevard</u>	<u>Colton Boulevard</u>	<u>Moraga Avenue</u>
<u>Piedmont Avenue</u>	<u>Ramona Avenue</u>	<u>West MacArthur Boulevard</u>
<u>San Pablo Avenue</u>	<u>William Street</u>	<u>South of 16th Street (End)</u>
<u>Telegraph Avenue</u>	<u>Claremont Avenue</u>	<u>Broadway</u>
<u>Valdez Street</u>	<u>26th Street</u>	<u>Grand Avenue</u>
<u>Washington Street</u>	<u>7th Street</u>	<u>10th Street</u>
<u>Webster Street</u>	<u>7th Street</u>	<u>Webster Street</u>
<u>West Grand Avenue</u>	<u>Broadway</u>	<u>Telegraph Avenue</u>

0.20.020 - Prima facie speed limit of twenty-five (25) miles per hour.

The prima facie speed limit on the following streets shall be twenty-five (25) miles per hour:

Street Name	From	To
73rd Avenue	San Leandro Street	East 14th Street
82nd Avenue	East 14th Street	MacArthur Boulevard
104th Avenue	East 14th Street	Link Street
<u>7th Street</u>	<u>Wood Street</u>	<u>Union Street</u>
<u>40th Street</u>	<u>Webster Street</u>	<u>Opal Street</u>
<u>East 12 Street</u>	<u>4th Avenue</u>	<u>14th Avenue</u>
East 18 th Street	Lakeshore Avenue	4 th Avenue
<u>Bancroft Avenue</u>	<u>Avenal Avenue</u>	<u>Seminary Avenue</u>
<u>Bancroft Avenue</u>	<u>66th Avenue</u>	<u>67th Avenue</u>
<u>Broadway</u>	<u>27th Street</u>	<u>College Avenue</u>
Claremont Avenue	A point 500 feet northerly of Gelston Street	Contra Costa County Line
Claremont Avenue	Berkeley City Line at Tanglewood Road	A point 1,200 feet northerly therefrom
<u>Foothill Boulevard</u>	<u>57th Avenue</u>	<u>68th Avenue</u>
Fruitvale Avenue	Farnum Street <u>East 15th Street</u>	Pleasant Street <u>East 19th Street</u>
<u>Fruitvale Avenue</u>	<u>East 15th Street</u>	<u>East 19th Street</u>
<u>Fruitvale Avenue</u>	<u>East 22nd Street</u>	<u>Blossom Street</u>
<u>Fruitvale Avenue</u>	<u>Lynde Street</u>	<u>School Street (S)</u>
Golf Links Road	98 th Avenue	A point 800 feet northerly of Burgos Avenue
<u>Grand Avenue</u>	<u>Perkins Street</u>	<u>Lake Park Avenue</u>
Grass Valley Road	Skyline Boulevard	Golf Links Road
Lakeshore Avenue	<u>East 12th Street</u>	Mandana Boulevard <u>Lake Park Avenue</u>
Lakeshore Avenue	Winsor Avenue	Wala Vista Avenue
Lakeside Drive	14 th Street	Harrison Street
Lincoln Avenue	Champion Street	Mountain Boulevard
<u>MacArthur Boulevard</u>	<u>Seminary Avenue</u>	61 st Avenue

<u>MacArthur Boulevard</u>	<u>73rd Avenue</u>	<u>77th Avenue</u>
<u>MacArthur Boulevard</u>	<u>89th Avenue</u>	<u>90th Avenue</u>
<u>MacArthur Boulevard</u>	<u>Talbot Avenue</u>	<u>Durant Avenue</u>
Mountain Boulevard	College of Holy Names	Calaveras Avenue
Park Boulevard	4 th Avenue	Excelsior Avenue
<u>Park Boulevard</u>	<u>Glenfield Avenue</u>	<u>Wellington Street</u>
<u>San Pablo Avenue</u>	<u>24th Street</u>	<u>32nd Street</u>
Shepherd Canyon Road	Moore Drive	Skyline Boulevard
Shepherd Canyon Road	Snake Road	A point 1,700 feet north of Snake Road
Skyline Boulevard	Grass Valley Road	A point 500 feet west of Grass Valley road
Skyline Boulevard	Grizzly Peak Road	A point 3,700 feet east of Castle Drive
<u>Telegraph Avenue</u>	<u>Woolsey Street</u>	<u>Claremont Avenue</u>

(Ord. 11698 § 1, 1994; prior traffic code § 114)

10.20.030 – Prima facie speed limit of thirty (30) miles per hour.

The prima facie speed limit on the following streets shall be thirty (30) miles per hour:

Street Name	From	To
19 th Avenue	Foothill Boulevard	14 th Avenue
23 rd Avenue	Foothill Boulevard	Ardley Avenue
23 rd Avenue	Ford Street	East 12 th Street
29 th Avenue	Ford Street	East 12 th Street
35 th Avenue	East 14 th Street	Redwood Road
38 th Avenue	East 14 th Street	Brookdale Avenue
42 nd Avenue	East 14 th Street	Foothill Boulevard
55 th Avenue	East 14 th Street	MacArthur Boulevard
66 th Avenue	Coliseum Way	East 14 th Street
73 rd Avenue	East 14 th Street	MacArthur Boulevard
90 th Avenue	East 14 th Street	MacArthur Boulevard
98 th Avenue	East 14 th Street	MacArthur Boulevard

98 th Avenue	Nimitz Freeway	E Street (south leg)
104 th Avenue	East 14 th Street	Link Street
105 th Avenue	Edes Avenue	East 14 th Street
7 th Street	Bay Street	Grove Street <u>Wood Street</u>
<u>7th Street</u>	<u>Union Street</u>	<u>MLK Jr Way</u>
8 th Street	Cypress Street	Grove Street
11 th Street	Madison Street	12 th Street
12 th Street	Oak Street	Lake Merritt
14 th Street	Oak Street	12 th Street
14 th Street	Peralta Street	Grove Street
27 th Street	San Pablo Avenue	Harrison Street
31 st Street	Broadway	Telegraph Avenue
40 th Street	Emeryville City Line	Howe Street <u>Webster Street</u>
<u>40th Street</u>	<u>Opal Street</u>	<u>Howe Street</u>
51 st Street	Broadway	Telegraph Avenue
55 th Street	Telegraph Avenue	Adeline Street
East 8 th Street	Fallon	5 th Avenue
East 10 th Street	5 th Avenue	East 8 th Street
East 12 th Street	Lake Merritt Channel	14th Avenue <u>4th Avenue</u>
East 14 th Street	1 st Avenue	26 th Avenue
East 15 th Street	1 st Avenue	14 th Avenue
East 18 th Street	Park Boulevard <u>4th Avenue</u>	14 th Avenue
East 21 st Street	14 th Avenue	23 rd Avenue
Alcatraz Avenue	Berkeley City Line	Berkeley City Line
Adeline Street	Emeryville City Line	Berkely City Line
Adeline Street	3 rd Street	Emery City Line
Adeline Street Overpass	Middle Harbor Road	3 rd Street
Ardley Avenue	23 rd Avenue	MacArthur Boulevard
Bancroft Avenue	High Street	73rd Avenue <u>Avenal Avenue</u>
<u>Bancroft Avenue</u>	<u>Seminary Avenue</u>	<u>66th Avenue</u>
<u>Bancroft Avenue</u>	<u>67th Avenue</u>	<u>73rd Avenue</u>
Bond Street	High Street	Bancroft Avenue
Broadway	MacArthur Boulevard <u>College Avenue</u>	Broadway Terrace
Broadway	27th Street	MacArthur Boulevard
Broadway Terrace	Belgrave Place	Hermosa Avenue
Broadway Terrace	Hermosa Avenue	Duncan Way

Brush Street	5 th Street	San Pablo Avenue
Camden Street	Seminary Avenue	Foothill Boulevard
Campus Drive	Keller Avenue	Redwood Road
Castro Street	5 th Street	San Pablo Avenue
Claremont Avenue	A point 1200 feet northerly of the Berkeley City Line	A point 500 feet northerly of Gelston Street
Claremont Avenue	Telegraph Avenue	Berkeley City Line
Clarewood Drive	Broadway Terrace	Harbord Drive
Coliseum Way	High Street	66 th Avenue
Coolidge Avenue	Foothill Boulevard	MacArthur Boulevard
Edes Avenue	Hegenberger Road	98 th Avenue
Embarcadero Road	Oak Street	Kennedy Street
Fontaine Street	Golf Links Road	Keller Avenue
Foothill Boulevard	1 st Avenue	23 rd Avenue
Foothill Boulevard	High Street	MacArthur Boulevard
<u>Foothill Boulevard</u>	<u>Cole Street</u>	<u>Congress Avenue</u>
<u>Foothill Boulevard</u>	<u>68th Street</u>	<u>57th Street</u>
Foothill Boulevard	San Leandro City Limit	<u>MacArthur Boulevard</u>
Golf Links Road	Cosgrove Avenue	MacArthur Boulevard
Grand Avenue	Harrison Street	98 th Avenue
Grizzly Peak Boulevard	Skyline Boulevard	El Embarcadero
Grove Street	San Pablo Avenue	Berkeley City Line
Grove-Shafter Freeway on and off ramp extension	27th Street	Berkeley City Line
Harbord Drive	Clarewood Drive	West Grand Avenue
Harrison Street	20th Street	Moraga Avenue
Havenscourt Boulevard	East 14th Street	Bayo Vista Avenue
High Street	Foothill Boulevard	Bancroft Avenue
Kennedy Street	Dennison Street	Tompkins Avenue
Lakeshore Avenue	Mandana Boulevard	23rd Avenue
MacArthur Boulevard	Fairmount Avenue	Winsor Avenue
MacArthur Boulevard	Fairmount Avenue	Orange Street
MacArthur Boulevard	High Street	Sheffield Avenue
<u>MacArthur Boulevard</u>	<u>61st Avenue</u>	San Leandro City Line
<u>MacArthur Boulevard</u>	<u>77th Avenue</u>	<u>Seminary Avenue</u>
<u>MacArthur Boulevard</u>	<u>90th Avenue</u>	<u>73rd Avenue</u>
		Talbot Avenue <u>89th Avenue</u>
		<u>Talbot Avenue</u>

MacArthur Way	High Street	MacArthur Boulevard
Mandana Boulevard	Lakeshore Avenue	Portal Avenue
Market Street	8th Street	Berkeley City Line
Moraga Avenue	Piedmont City Line	Mountain Boulevard
Mountain Boulevard	Moraga Avenue	Jacquin Miller Road
Oakland Street	Harrison Street	Piedmont City Line
Park Boulevard	Excelsior Avenue	Everett Avenue <u>Glenfield Avenue</u>
<u>Park Boulevard</u>	<u>Wellington Street</u>	<u>Everett Avenue</u>
Peralta Street	7th Street	Emeryville City Line
Pleasant Valley Road	Broadway	Piedmont City Line
Redwood Road	35th Avenue	Mountain Boulevard
San Leandro Street	Fruitvale Avenue	Seminary Avenue
San Pablo Avenue	Emeryville City Line	Berkeley City Line
San Pablo Avenue	West Grand Avenue <u>32nd Street</u>	Emeryville City Line <u>35th Street</u>
<u>San Pablo Avenue</u>	<u>24th Street</u>	<u>West Grand Avenue</u>
Seminary Avenue	San Leandro Street	MacArthur Boulevard
Skyline Boulevard	Grizzly Peak Road	Joaquin Miller Road
Skyline Boulevard	Joaquin Miller Road	A point 3,700 feet east of Castle Drive
Stanford Avenue	San Pablo Avenue	City line
Stanley Avenue	Foothill Boulevard	98th Avenue
Telegraph Avenue	52nd Street <u>Woolsey Street</u>	Berkeley City Line
West Grand Avenue	Cypress Street	Telegraph Avenue
West MacArthur Boulevard	Grove Street	Fairmount Avenue
West Street	San Pablo Avenue	Grove Street

(Ord. 11698 §§ 2, 3, 1994; prior traffic code § 114.2)

SECTION 2. California Environmental Quality Act. This action is exempt from review under CEQA pursuant to CEQA Guidelines sections 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning), 15301(c) (Existing Highways and Streets, Sidewalks, Gutters, Bicycle and Pedestrian Trails, and Similar Facilities), and/or 15061(b)(3) (No Significant Effect on the Environment). The City Administrator or designee is authorized to file a Notice of Exemption with the Alameda County Clerk's Office and appropriate agencies.

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional

SECTION 4. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption. The adopted changes in speed limits shall become enforceable when appropriate signs giving notice thereof are erected upon said street or highway.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

Date of Attestation: _____

NOTICE AND DIGEST

AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER 10.20 (“SPEED LIMITS”) AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS TO ESTABLISH 20 MPH AND 25 MPH SPEED LIMITS IN BUSINESS ACTIVITY DISTRICTS AS DEFINED IN ASSEMBLY BILL 43