

ORDINANCE NO. 2022-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, TO DETERMINE GRAND AVENUE FROM CENTRE CITY PARKWAY TO S JUNIPER STREET AS A BUSINESS ACTIVITY DISTRICT AND DECLARE THE PRIMA FACIE SPEED LIMIT TO BE 25 MPH

The City Council of the City of Escondido, California does ordain as follows:

SECTION 1. The City Council makes the following findings:

a) On October 8, 2021, the State of California approved Assembly Bill 43, which took effect January 1, 2022, and amends the California Vehicle Code as it relates to speed limits.

b) California Vehicle Code Section 22352 defines prima facie speed limits as when signs have been erected giving notice thereof for twenty-five miles per hour on any highway in any business district.

c) Section 22358.9 was added to the California Vehicle Code as part of Assembly Bill 43, and allows the following:

(a) (1) Notwithstanding any other law, a local authority may, by ordinance, determine and declare a 25 or 20 miles per hour prima facie speed limit on a highway contiguous to a business activity district when posted with a sign that indicates a speed limit of 25 or 20 miles per hour.

(2) The prima facie limits established under paragraph (1) apply only to highways that meet all of the following conditions:

(A) A maximum of four traffic lanes.

(B) A maximum posted 30 miles per hour prima facie speed limit immediately prior to and after the business activity district, if establishing a 25 miles per hour speed limit.

(C) A maximum posted 25 miles per hour prima facie speed limit immediately prior to and after the business activity district, if establishing a 20 miles per hour speed limit.

(b) As used in this section, a “business activity district” is that portion of a highway 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 requirements in paragraphs (1) to (4), inclusive:

(1) 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.

(2) Parking, including parallel, diagonal, or perpendicular spaces located alongside the highway.

(3) Traffic control signals or stop signs regulating traffic flow on the highway, located at intervals of no more than 600 feet.

(4) Marked crosswalks not controlled by a traffic control device.

(c) A local authority shall not declare a prima facie speed limit under this section on a portion of a highway where the local authority has already lowered the speed limit as permitted under Sections 22358.7 and 22358.8.

(d) A local authority shall issue only warning citations for violations of exceeding the speed limit by 10 miles per hour or less for the first 30 days that a lower speed limit is in effect as authorized by this section.

d) Grand Avenue from Centre City Parkway to S Juniper Street is a four-lane roadway; the posted speed limit to the west of Centre City Parkway and to the east of S Juniper Street is 30 miles per hour; and meets requirements (1), (2), and (3) of California Vehicle Code Section 22358.9(b) meeting the requirements of a “business activity district” for a posted speed limit of 25 miles per hour.

SECTION 2. That upon consideration of the staff report, the recommendation of the Transportation Community and Safety Commission, and provisions of the State of California Vehicle Code (as amended by Assembly Bill 43), this City Council finds that establishing Grand Avenue from Centre City Parkway to S Juniper Street as a Business Activity District, with a prima facie speed limit of 25 miles per hour, is in the best interest of the City.

SECTION 3. ENVIRONMENTAL REVIEW. The proposed Ordinance is not a project under CEQA pursuant to CEQA Guidelines section 15378(b)(5), as the proposed updates are solely changes to the City’s administrative processes, under the authority provided by state law, and consist of administrative activities of the City that will not result in direct or indirect physical changes to the environment.

SECTION 4. SEVERABILITY. If any section, subsection sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 5. As of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. The City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation for the City of Escondido.

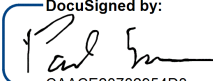
PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 24th day of August, 2022 by the following vote to wit:

AYES : Councilmembers: GARCIA, INSCOE, MORASCO, MARTINEZ, MCNAMARA


NOES : Councilmembers: NONE

ABSENT : Councilmembers: NONE

APPROVED:


DocuSigned by:

PAUL MCNAMARA, Mayor of the
City of Escondido, California

ATTEST:

DocuSigned by:

ZACK BECK, City Clerk of the
City of Escondido, California

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO : ss.
CITY OF ESCONDIDO)

I, Zack Beck, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2022-12 passed at a regular meeting of the City Council of the City of Escondido held on the 10th day of August, 2022, after having been read at the regular meeting of said City Council held on the 24th day of August, 2022.

DocuSigned by:

ZACK BECK, City Clerk of the
City of Escondido, California

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