

ORDINANCE NO. 1605

AN ORDINANCE OF THE CITY OF SAN CARLOS ESTABLISHING CHAPTER 12.40 - PEDESTRIAN MALLS, TO TITLE 12 - STREETS, SIDEWALKS AND PUBLIC PLACES, IN THE SAN CARLOS MUNICIPAL CODE.

SECTION 1. Findings. The City Council of the City of San Carlos does hereby finds and declares as follows:

WHEREAS, after conducting a Public Hearing on November 27, 2023, the City Council of the City of San Carlos adopted Resolution 2023-142 establishing a pedestrian mall on the 700 block of Laurel Street, between Cherry and Olive Streets while still maintaining through east-west traffic on these same streets, pursuant to the Pedestrian Mall Law of 1960 (California Streets and Highways Code Section 11000 et seq); and

WHEREAS, the Resolution will go into effect as of the effective date of this Ordinance; and

WHEREAS, the City wishes to amend the Municipal Code to add a new chapter establishing rules and regulations prohibiting vehicular traffic and governing the use of the pedestrian mall.

NOW, THEREFORE the Council of the City of San Carlos ordains as follows:

Section 1. Chapter 12.40 "Pedestrian Malls" of the San Carlos Municipal Code is added as follows:

12.40.010 Definitions

Emergency Vehicle Access Lane means the designated area of the Pedestrian Mall that shall be clear of all obstructions as determined by the Public Works Director or designee.

Pedestrian Malls means streets, or portions thereof, on which vehicle traffic is restricted in whole or in part and which is to be used exclusively or primarily for pedestrian travel.

Motorized Vehicular Traffic means vehicular traffic powered by motor, including without limitation, automobiles, trucks, buses, motorcycles, motor or e-scooters.

12.40.020 Boundaries

Pedestrian malls are established along the following boundaries, excluding the east-west traffic on the intersecting streets:

- (a) 700 block of Laurel Street between Cherry Street and Olive Street

12.40.030 Prohibition of Vehicular Traffic

All motorized vehicular traffic is prohibited on a pedestrian mall subject to the following exceptions:

- (a) Emergency vehicles and equipment of all types;

- (b) Public utility vehicles and equipment;
- (c) Garbage/recycling trucks operating on their established routes;
- (d) Sweepers, trucks or other vehicles or equipment operated by or at the direction of the Public Works Director, or designee, for the purpose of performing City services on a pedestrian mall
- (e) Commercial vehicles and equipment entering a pedestrian mall during hours to be established by the Public Works Director, or designee, where such entry is reasonably necessary for the purpose of making deliveries of mail, merchandise, or goods or equipment to the business establishments occupying property abutting on the pedestrian mall and where such deliveries cannot be made to said business establishments through entrances other than those on the pedestrian mall; and
- (f) Commercial vehicles and equipment entering a pedestrian mall where such entry is reasonably necessary for the purpose of performing work or services on the pedestrian mall or on private property or properties abutting thereon and where the owner or operator of any such vehicle or equipment holds a permit issued by or at the direction of the Public Works Director, or designee.
- (g) Vehicles exiting from the 799 Laurel Street parking area and driveway to reach Olive Street where such vehicular exit is reasonably necessary and where the property owner holds a permit issued by or at the direction of the Public Works Director, or designee.

12.40.040 Riding on sidewalks and pedestrian malls—Prohibited.

- (a) It is unlawful for any person to ride or operate a bicycle, motor driven cycle or motor scooter upon any sidewalk.
- (b) It is unlawful for any person to ride or operate a bicycle, motor driven cycle or motor scooter upon any overhead pedestrian crossing over any street, or on a roadway, state highway or state freeway that is signed for pedestrian use only within the city.
- (c) It is unlawful for any person to ride or operate a bicycle, motor driven cycle or motor scooter upon any pedestrian mall, except in the portion designated as a bike path.

12.40.050 Permits for Use of Pedestrian Mall

(a) Business establishments occupying property abutting on a pedestrian mall may apply for a revocable encroachment permit from the Public Works Director or designee in accordance with Chapter 12.36 to use the portion of the pedestrian mall fronting their property for the purpose of restaurant seating and/or outdoor merchandise display, provided they meet the requirements set forth in the permit, including indemnity and insurance requirements, and the following conditions:

- (1) Furniture and fixtures placed within a pedestrian mall shall not be permanently attached and shall be removable to allow for the full extent of the pedestrian mall to be used for the purpose of permitted celebrations and special events, required

maintenance, or other City purposes and must be removed at the request of the Public Works Director or designee within 48 hours of receiving notice.

(2) **Encroachment Areas.** The physical extent of the encroachment may be required to be clearly delineated by physical means as part of the encroachment permit and designed to be decorative, durable, removable and minimize tripping hazards.

(3) **Interference with Emergency Vehicle Access Lane.** Furniture and fixtures placed under an encroachment permit shall not be placed within emergency vehicle access lane of the pedestrian mall.

(4) **Site Maintenance.** Restaurant seating areas and outdoor merchandize display areas shall be maintained in a sanitary manner, free of litter, refuse, and debris. Such areas shall be in compliance with San Mateo County Division of Environmental Health requirements. The area shall be swept, scrubbed and mopped to remove any spilled food or drink stains on the mall surface on a daily basis. Such cleaning shall be performed in accordance with the City's Stormwater Management and Discharge Control Program, which prohibits any discharge other than stormwater into the stormwater drainage system. Failure to maintain the site shall be cause for termination of the encroachment permit.

(5) **Encroachment Fee.** The applicant shall pay an annual fee in the amount set forth in the City's adopted Fee Schedule.

(6) **Accessibility.** Restaurant seating and merchandise display areas shall meet accessibility requirements for the disabled under the Americans with Disabilities Act and other similar laws, and shall allow safe passage of pedestrians. Umbrellas or other moveable sunshading fixtures shall maintain a minimum of seven-foot ground clearance.

(7) **No Vested Rights.** Encroachment permits shall be revocable in the discretion of the Public Works Director or designee. The Encroachment Permit shall not constitute a use permit or other entitlement that runs with the land.

(8) **Other Conditions.** The Director of Public Works or designee may impose other reasonable conditions deemed necessary for the safe and efficient operation of a pedestrian mall.

(9) **Parklets with Existing Encroachment Permits.** Notwithstanding the above, Parklets with encroachment permits granted as of the effective date of this Ordinance under the Pilot Parklet Program or the temporary parklet program shall remain in effect until the termination of the applicable program.

(b) **Special Events and temporary uses on a pedestrian mall** may be permitted pursuant to Chapters 12.01, and 18.31 and Section 18.23.240

SECTION 2: Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions

of this ordinance. The City Council of the City of San Carlos hereby declares that it would have adopted this ordinance and such section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

SECTION 3: Publication and Effective Date. This Ordinance shall be published and posted according to law and shall take effect and be in force from and after 30 days after its passage and adoption.


I, City Clerk Crystal Mui, hereby certify that the foregoing Ordinance was introduced on the 27th day of November, 2023 and passed and adopted as an Ordinance of the City Council of the City of San Carlos at a regular meeting thereof held on the 11th day of December, 2023 by the following vote:

AYES, COUNCILMEMBERS: COLLINS, MCDOWELL, VENKATESH, DUGAN, RAK

NOES, COUNCILMEMBERS: NONE

ABSENT, COUNCILMEMBERS: NONE

APPROVED:



MAYOR of the City of San Carlos



CITY CLERK of the City of San Carlos