

RESOLUTION NO. 2023 – 108

**A RESOLUTION OF INTENT OF THE CITY COUNCIL OF THE CITY OF SAN CARLOS
FOR THE CLOSURE OF THE 700 BLOCK OF LAUREL STREET BETWEEN CHERRY AND
OLIVE STREETS TO VEHICULAR TRAFFIC UNDER THE PEDESTRIAN MALL
LAW OF 1960.**

WHEREAS, given the success of the temporary street closure on Laurel Street, the City Council directed staff to initiate the process to create a pedestrian mall on the 700 Block of Laurel Street, between Cherry and Olive Streets; and

WHEREAS, the City Council declares its intention to establish a pedestrian mall on the 700 Block of Laurel Street, between Cherry and Olive Streets, while maintaining through east-west traffic on Cherry and Olive Streets; and

WHEREAS, the State Pedestrian Mall Law of 1960 (Streets and Highways Code Section 11000 et seq.) authorizes municipalities to close streets to vehicular traffic and to establish pedestrian malls where the City Council determines that the public interest and convenience require the establishment of a pedestrian mall and that vehicular traffic will not be unduly inconvenienced by the mall; and

WHEREAS, the City wishes to prohibit vehicular traffic on the proposed pedestrian mall, except for emergency and utility maintenance vehicles, which shall be allowed access at all hours, and garbage vehicles, which shall be allowed access between the hours of 5:00 a.m. and 10:00 a.m.; and

WHEREAS, the City will make improvements to the proposed pedestrian mall by installing planters, bollards, barriers, gates to limit vehicular access, and/or restriping of the street, which will be financed by the City; and

WHEREAS, the City does not intend to form an assessment district to pay for the proposed improvement at this time, but may consider the formation of such an assessment district in the future to pay for additional improvements that may be considered; and

WHEREAS, the City will hold a duly noticed public hearing on November 27, 2023 to hear protests and objections to the establishment of the proposed pedestrian mall and to review any claims of damages from those holding any legal or equitable interest in any real property which might suffer legal damage by reason of establishment of the proposed pedestrian mall.

NOW, THEREFORE, that the San Carlos City Council hereby resolves,

1. Pursuant to the Pedestrian Mall Act of 1960 (California Streets and Highways Code Section 11000 et seq), the City Council of the City of San Carlos declares its intention to establish a pedestrian mall located on the 700 Block of Laurel Street between Cherry and Olive Streets and that the public interest and convenience require the establishment of a pedestrian mall and that vehicular traffic will not be unduly inconvenienced by the proposed pedestrian mall is shown on Exhibit A. Vehicular through traffic shall remain available on the intersecting streets of Cherry and Olive Streets.

2. The City intends to adopt an ordinance prohibiting vehicular traffic on the proposed pedestrian mall, except for emergency and utility maintenance vehicles, which shall be allowed access at all hours, and garbage vehicles, which shall be allowed access between the hours of 5:00 a.m. to 10:00 a.m.
3. The City intends to make improvements to the proposed pedestrian mall by installing planters, bollards, barriers, and/or other traffic blocking devices, and will be responsible for financing those improvements.
4. The City's General Fund will be the likely source of funds for damages, if any, allowed or awarded to any property owner by reason of the establishment of the pedestrian mall.
5. The City will hold a public hearing on November 27, 2023 at 7:00 p.m. at San Carlos City Hall, City Council Chambers, 600 Elm Street, San Carlos, California, with both live and remote participation where the City Council will hear protests and objections to the establishment of the proposed pedestrian malls. Any and all interested persons having any objections to the establishment of the proposed pedestrian mall may file a written protest with the City Clerk of the City of San Carlos not later than 7:00 p.m. on November 27, 2023.
6. Notice is hereby given that any person owning or having any legal or equitable interest in any real property which might suffer legal damage by reason of the establishment of the proposed pedestrian malls may file a written claim for damages with the City Clerk not later than 7:00 p.m. on November 27, 2023. Such a claim must describe the real property as to which the claim is made, must state the exact nature of the claimant's interest therein, and must state the amount of the damages claimed. Failure to file such a written claim within the time provided shall be deemed a waiver of any claim for damages or compensation and shall operate as a bar to any subsequent action seeking to prevent establishment of the proposed pedestrian malls or to recover damages on account of such establishment. Furthermore, the filing of such a claim shall operate as a bar in any subsequent action to the recovery of any damages or compensation in excess of the amount stated in such claim.
7. The City has determined that this project is categorically exempt under CEQA guidelines section 15301, Class 1 existing facilities. A CEQA Exemption was prepared in March 2022 to support the exemption determination as none of the exceptions as outlined in CEQA Guidelines section 15300.2 apply to this project. Additionally, the project is exempt as an "existing facility" because the project consists of only minor alterations to an existing City street (CEQA Guidelines Section 15301, Class 1). Finally, the project is exempt as closing the street to personal vehicles is "minor alterations to land," with no significant physical alterations to the right of way (CEQA Guidelines Section 15304, Class 4). The proposed action is also exempt under the Public Resources Code section 21080.25 since it will be improving pedestrian and bicycle facilities and not increasing automobile capacity. Moreover, the notice of intention is not a final action under CEQA for the establishment of a pedestrian mall on the 700 block of Laurel Street, the notice of intention is subject to protest by property owners and a subsequent ordinance is required to establish the mall. The Council retains the authority not to establish the pedestrian mall.

* * * * *

I, City Clerk Crystal Mui, hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of San Carlos at a scheduled meeting thereof held on the 28th day of August 2023, by the following vote:

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

NOES, COUNCILMEMBERS: NONE

ABSENT, COUNCILMEMBERS: NONE


CITY CLERK of the City of San Carlos

APPROVED:


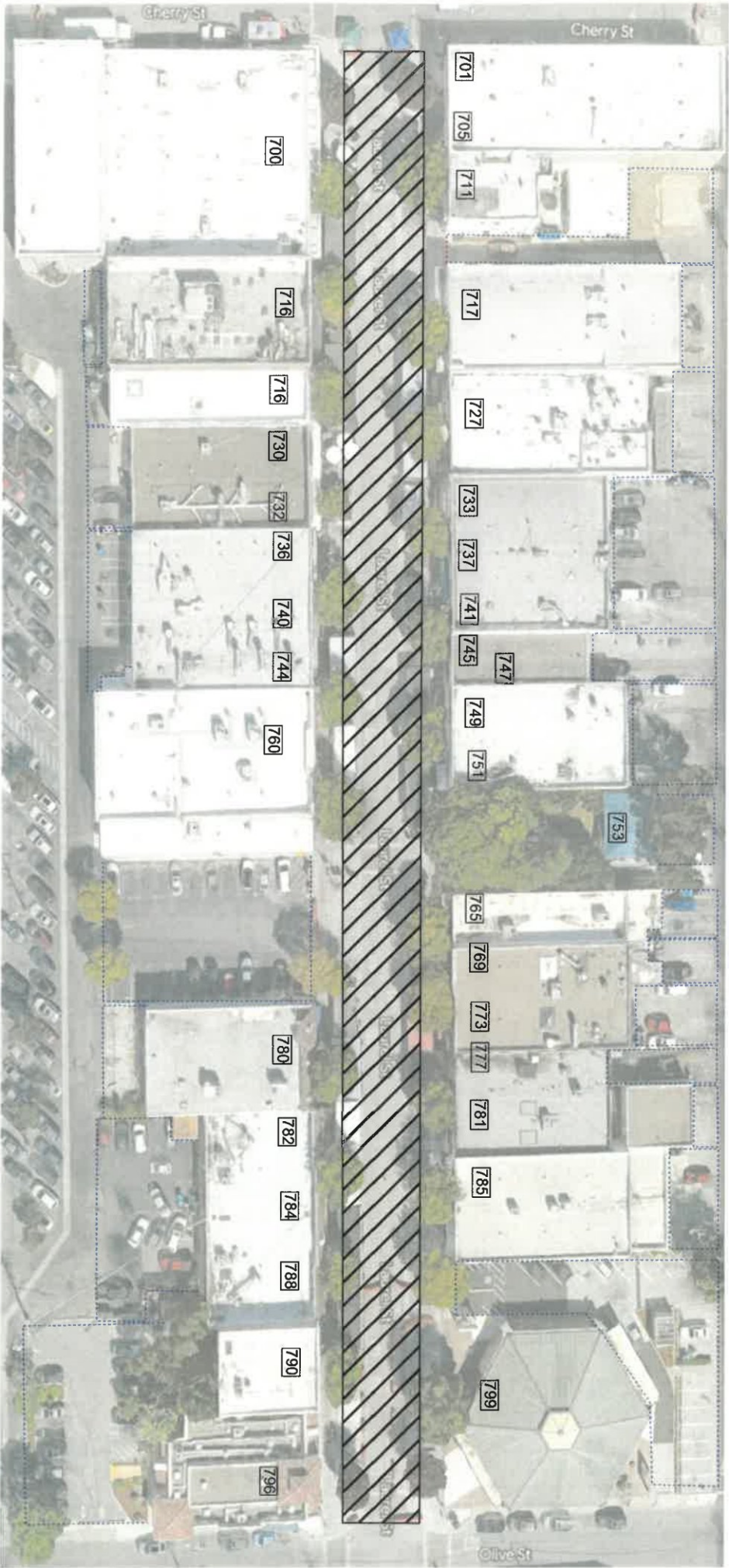

MAYOR of the City of San Carlos

Exhibit A – Proposed Pedestrian Mall



NOTES

- # Block Numbers
- Driveway Limit Line
- ☒ Street Closure

Exhibit A