

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

ORDINANCE NO. 2024-002

AN ORDINANCE OF THE CITY COUNCIL OF CARMEL-BY-THE-SEA AMENDING CHAPTER 10.36.010 OF THE CARMEL-BY-THE-SEA MUNICIPAL CODE BY ADDING SUBSECTION (1), UNDER SECTION (C); IDENTIFYING COMMERCIAL LOADING ZONES TO COMPLY WITH CVC 22500 AND ASSEMBLY BILL 413-THE "DAYLIGHTING BILL"

WHEREAS, on October 2023, Governor Gavin Newsom signed Assembly Bill 413 (AB 413) into law, which aims to increase visibility at crosswalks across California; and

WHEREAS, AB 413 went into effect January 1, 2024, and enforcement is required to begin on January 1, 2025; and

WHEREAS, AB 413, also known as the "Daylighting Bill," adds adds subdivision (n) to the existing California Vehicle Code section 22500: Stopping, Standing and Parking, generally prohibiting the stopping, standing, or parking of a vehicle within 20 feet of the vehicle approach side of any marked or unmarked crosswalk, or within 15 feet of any crosswalk where a curb extension is present; and

WHEREAS, AB 413 allows local authority to permit commercial loading or unloading in areas impacted by AB 413 if the local authority: (a) authorizes the commercial vehicle loading and unloading by ordinance and identifies the specific locations in the ordinance; and (b) marks the commercial loading and unloading zones with paint or signage; and

WHEREAS, the Traffic Safety Committee (TSC) has analyzed accident data for the City from the past six years and has identified intersections that have the highest probability for pedestrian versus vehicle accidents, determined the number of parking spaces in the business district, and have come up with a plan to convert certain areas into loading zones in compliance with AB 413; and

WHEREAS, on August 28, 2024, the TSC presented the draft AB 413 Parking Plan to the public, and on October 1, 2024, the TSC presented the plan to City Council; and

WHEREAS, the proposed AB 413 Parking Plan brings the City into compliance with AB 413 and allows for flexibility based on future needs of the City while limiting the impact on the City's existing available parking. Future changes to the plan would be made by the TSC, unless required to be made through the City Council; and

WHEREAS, the City Council gave direction to staff on October 1, 2024 to return with a draft ordinance amending Carmel-by-the-Sea Municipal Code Chapter 10.36.010 "Loading Zones" to identify the areas converted to Commercial Loading Zones and to begin implementation of the proposed parking plan associated with AB 413.

THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 10.36.010 is hereby amended, to add Subsection (C)(1) as follows:

10.36.010 Loading Zones – Indication.

A. The City Council is authorized to determine and to mark loading zones as follows:

1. At any place in the central traffic district or any business district.
2. Elsewhere in front of the entrance to any place of business or in front of any hall or place used for the purpose of public assembly.

B. In no event shall more than one-half of the total curb length in any block be reserved for loading zone purposes exclusive of the passenger loading zones at the entrances to public theaters.

C. Commercial loading zones and combined commercial loading and passenger loading zones shall be indicated by a yellow paint line stenciled with black letters, "Loading Only," upon the tops of all curbs within such zones, and the combined commercial loading and passenger loading zone shall in addition be marked with a suitable sign.

1. Per California Vehicle Code section 22500 and AB 413, Commercial Loading Zones are permitted within 20 feet of the vehicle-approach side of the crosswalk(s), marked or unmarked, at each of the following intersections. If a curb extension is present, the Commercial Loading Zones are permitted within 15 feet of the crosswalk(s) marked or unmarked, at each of the following intersections. Curbs shall be painted yellow and stenciled with black letters indicating "Commercial Loading 20 Minutes Only":

- **Northside of 4th, East of Mission**
- **Westside of Mission, North of 4th**
- **Northside of 4th, East of San Carlos**
- **Eastside of San Carlos, South of 4th**
- **Westside of Junipero, North of 5th**
- **Eastside of Junipero, South of 5th**
- **Westside of Mission, North of 5th**
- **Eastside of San Carlos, South of 5th**
- **Eastside of Dolores, South of 5th**
- **Eastside of Lincoln, South of 5th**
- **Westside of Mission, North of 6th**

- **Eastside of Mission, South of 6th**
- **Southside of 6th, West of Mission**
- **Westside of San Carlos, North of 6th**
- **Eastside of San Carlos, South of 6th**
- **Southside of 6th, West of San Carlos**
- **Westside of Dolores, North of 6th**
- **Northside of 6th, East of Lincoln**
- **Eastside of Lincoln, South of 6th**
- **South side of 6th, West of Lincoln**
- **Eastside of Monte Verde, South of 6th**
- **Southside of 7th, West of Junipero**
- **Northside of 7th, East of San Carlos**
- **Westside of San Carlos, North of 7th**
- **Southside of 7th, West of San Carlos**
- **Northside of 7th, East of Dolores**
- **Westside of Dolores, North of 7th**
- **Eastside of Dolores, South of 7th**
- **Southside of 7th, West of Dolores**
- **Northside of 7th, East of Lincoln**
- **Eastside of Lincoln, South of 7th**
- **Westside of Lincoln, North of 7th**
- **Northside of 7th, East of Monte Verde**
- **Northside of 8th, East of Lincoln**
- **Westside of Dolores, North of 8th**
- **Eastside of Dolores, South of 8th**
- **Westside of San Carlos, North of 8th**

- **Northside of 8th, East of San Carlos**
- **Northside of 8th, East of Camino Real**
- **Southside of 8th, West of Camino Real**
- **Northside of 8th, East of Carmelo**
- **Southside of 8th, West of Carmelo**
- **Southside of 9th, West of Dolores**
- **Southside of 9th, West of San Carlos**
- **Eastside of San Carlos, South of 12th**

D. Passenger loading zones shall be indicated by a white line stenciled with black letters, "Passenger Loading Only," upon the tops of all curbs in the zones.

SECTION 2. **Environmental Determination.** The proposed amendments are categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15304 (exemption for minor alterations to land) because restriping of pavement, painting curbs, and related actions to implement the commercial loading restrictions are minor alterations in the condition of land that do not involve removal of healthy, mature, scenic trees. The proposed amendments are also categorically exempt from CEQA pursuant to CEQA Guidelines section 15301 (Class 1 Existing Facilities exemption) because restriping of pavement, painting curbs, and related actions are minor alterations of existing public facilities that involve no expansion of existing or former use. Further, none of the exceptions to the use of a categorical exception as set forth in CEQA Guidelines section 15300.2 apply to these improvements. Additionally, this matter does not have the potential for causing a significant effect on the environment, pursuant to Section 15061(b)(3) of the CEQA Guidelines, because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and involves only general policy and procedure making.

SECTION 3. **Severability.** If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining sections, subsections, provisions, sentences, clauses, phrases or words of this Ordinance.

SECTION 4. **Effective Date.** This Ordinance shall take effect 30 days after its adoption by the City Council of the City of Carmel-by-the-Sea.

SECTION 5. **Codification.** The City Clerk is hereby authorized and directed to codify the provisions of Section 1 of this Ordinance into the Carmel-by-the-Sea Municipal Code.

INTRODUCED, at a Regular City Council Meeting on November 5, 2024.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
this ____ day of _____ 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter, Mayor

Nova Romero, MMC, City Clerk