

City of Piedmont COUNCIL AGENDA REPORT

DATE: November 18, 2024

TO: Mayor and Council

FROM: Rosanna Bayon Moore, City Administrator

SUBJECT: Introduction and First Reading of Ordinance 776 N.S. Amending Section 11.47 within Article 5 of Chapter 11 of the Piedmont City Code to Prohibit Parking Within 20 Feet of the Approach Side of a Crosswalk, Consistent with California Law; Provide Direction to Staff Regarding Implementation of Assembly Bill 413

RECOMMENDATION

- 1) Conduct a First Reading of Ordinance 776 N.S. Amending Section 11.47 within Article 5 of Chapter 11 of the Piedmont City Code to Prohibit Parking Within 20 Feet of the Approach Side of a Crosswalk, Consistent with California Law;
- 2) Provide policy direction regarding the implementing of Assembly Bill 413 on a going forward basis for future roadway improvement projects.

BACKGROUND

At the June 17, 2024, City Council meeting, staff presented a pavement rehabilitation agenda item. At the time, a number of policy questions were raised regarding the implementation of the State of California's newly adopted Assembly Bill 413 (AB 413) as a result of the pavement project. The single paving project would have resulted in the loss of 43 parking spaces. AB 413 pertains to the stopping, standing, or parking of a vehicle within 15 or 20 feet of certain types of crosswalks.

City staff was tasked with researching two primary topics:

1. How other communities are implementing AB 413.
2. Ways for AB 413 to most effectively be implemented within Piedmont in a manner that prioritizes safety and reflects the community's residential character.

Ultimately, no action was taken on the item at the June 17th Council meeting; however, it was requested that staff return with additional information regarding parking loss associated with future pavement projects, specifically in connection with implementation of AB 413.

Over the last several months, staff reviewed the requirements of AB 413, compared the requirements to the existing Piedmont City Code, and contacted neighboring Bay Area municipalities, including those with traffic engineering divisions, to gain perspective on newly established practices for implementing AB 413. Based on staff's review of the City Code, it was concluded that existing provisions conflict with AB 413. Accordingly, an amendment to the City Code to mirror the language of California Vehicle Code section 22500 is recommended.

AB 413 modifies Section 22500 of the California Vehicle Code to prohibit the stopping, standing, or parking of a vehicle within 20 feet of the vehicle approach side of any unmarked or marked crosswalk, or 15 feet of any crosswalk where a curb extension is present. AB 413 does not mandate red curb markings or signage that prohibits parking.

With respect to existing requirements in the City's Municipal Code, Section 11.47(b) states:

"It shall be unlawful for the operator of any vehicle to stop, stand, park or leave standing such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or other authorized officer, or traffic sign or signal:

(b) Within fifteen feet of the property line of another street that crosses, intersects or terminates in such street.

Based upon a review of the existing section of the City Code, 11.47(b) is generally more restrictive of parking than the requirements of AB 413. An inconsistency between State and City Code can make enforcement more challenging. As such, staff recommends updating the City Code to reflect State law and ensure consistency.

Upon review of how other agencies implement AB 413, City staff are proposing the following:

1. To follow the default standards set in AB 413 without modifications. Although the law allows setting forth a different distance than 20 feet upon making findings, practically, setting forth a distance of, for example, 15 feet would not have a meaningful impact on parking.
2. To identify and remove existing, designated on-street parking spaces that are delineated with "L" or "T" parking brackets, that are located within 20-feet of marked or unmarked crosswalks. Areas that are delineated with "L" or "T" parking brackets are in areas that are highly trafficked by pedestrians, and so this approach has the benefit of improving safety.
3. To add red curbing to reflect the full 20-feet for those areas where parking spots are to be removed, and where red curbing is already present.

4. To implement the proposed parking modifications on each individual roadway as part of the next major roadway capital improvement project.

Based on the research conducted and prioritization of pedestrian and bicycle corridors identified in the Piedmont Safer Streets Plan dated December 2021 and adopted by the City Council, staff developed the proposed approach. Other than the locations identified on Exhibit 1, no additional areas of red curbing are proposed. Based on Exhibit 1, staff calculated the number of parking spaces to be removed on each roadway:

Piedmont Safer Streets Plan – High Priority Roadways	Current Parking Spaces	Max # Parking Spaces to be removed	Parking Spaces after Implementation of AB413
Bonita Ave	63	2	61
Grand Ave	151	2	149
Hampton Rd / Crocker Ave / Wildwood Ave	234	1	233
Highland Ave	221	6	215
Hillside Ave	46	1	45
Linda Ave	99	0	99
Magnolia Ave	75	1	74
Moraga Ave	101	0	101
Oakland Ave	155	0	155
Vista Ave	47	4	43
Wildwood Ave	244	0	244
TOTALS	1436	17	1419

Exhibit 1 provides the identified locations of anticipated parking loss for each individual roadway.

Staff recognizes that public outreach efforts are needed prior to implementation of any red curbing and will conduct appropriate outreach following Council action. Staff is seeking direction from the Council on whether to :

1. Implement AB 413 through red curb installation as provided on Exhibit 1; and
2. Initiate a public outreach program for those residents along impacted streets.

Enforcement

As part of Piedmont Police Department's annual training on new laws, training will be provided to staff on the enforceability of AB 413. Enforcement will be consistent with existing Departmental approaches to parking enforcement, which combines enforcement in high volume pedestrian and vehicular areas in the civic center, routine observations when staff is generally patrolling, and responding to complaints by the general public.

Ordinance Amendment

Section 11.47(b) within Article 5 of Chapter 11 of the Piedmont City Code specifies that parking "[w]ithin fifteen feet of the property line of another street that crosses, intersects or terminates in such street" is prohibited. Staff has proposed an ordinance to amend this language to reflect state law, as follows:

"It shall be unlawful for the operator of any vehicle to stop, stand, park or leave standing such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or other authorized officer, or traffic sign or signal.

(a) Within any divisional island unless authorized and clearly indicated with appropriate signs or markings.

(b) ~~Within fifteen feet of the property line of another street that crosses, intersects or terminates in such street.~~ **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, or within such distances provided by California Vehicle Code section 22500(n), as it may be amended from time to time.**

(c) On any street within the area opposite a street terminating into the first street where the first street is less than fifty feet wide.

(d) On either side of any street between the projected property lines of any public walk, public steps, street or thoroughfare terminating at such street when such area is indicated by appropriate signs or by red paint upon the curb surface.

(e) In any area established by resolution of the Council as a no-parking area, when such area is indicated by appropriate signs or by red paint upon the curb surface.

FISCAL IMPACT

There is no direct fiscal impact at this time; however, if the approach outlined herein is implemented, there will be minimal costs associated with painting and maintaining red curbs.

CITY ATTORNEY REVIEW

The City Attorney has reviewed this item.

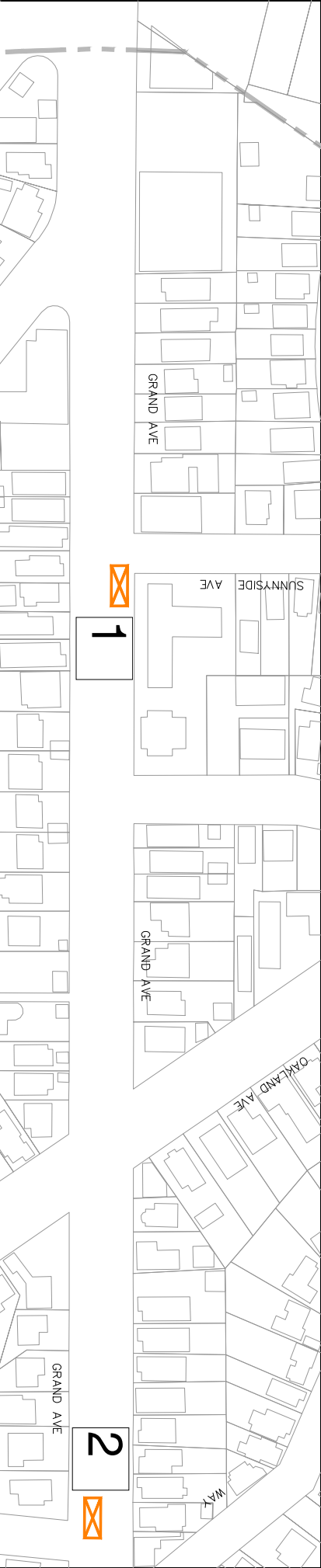
ATTACHMENTS

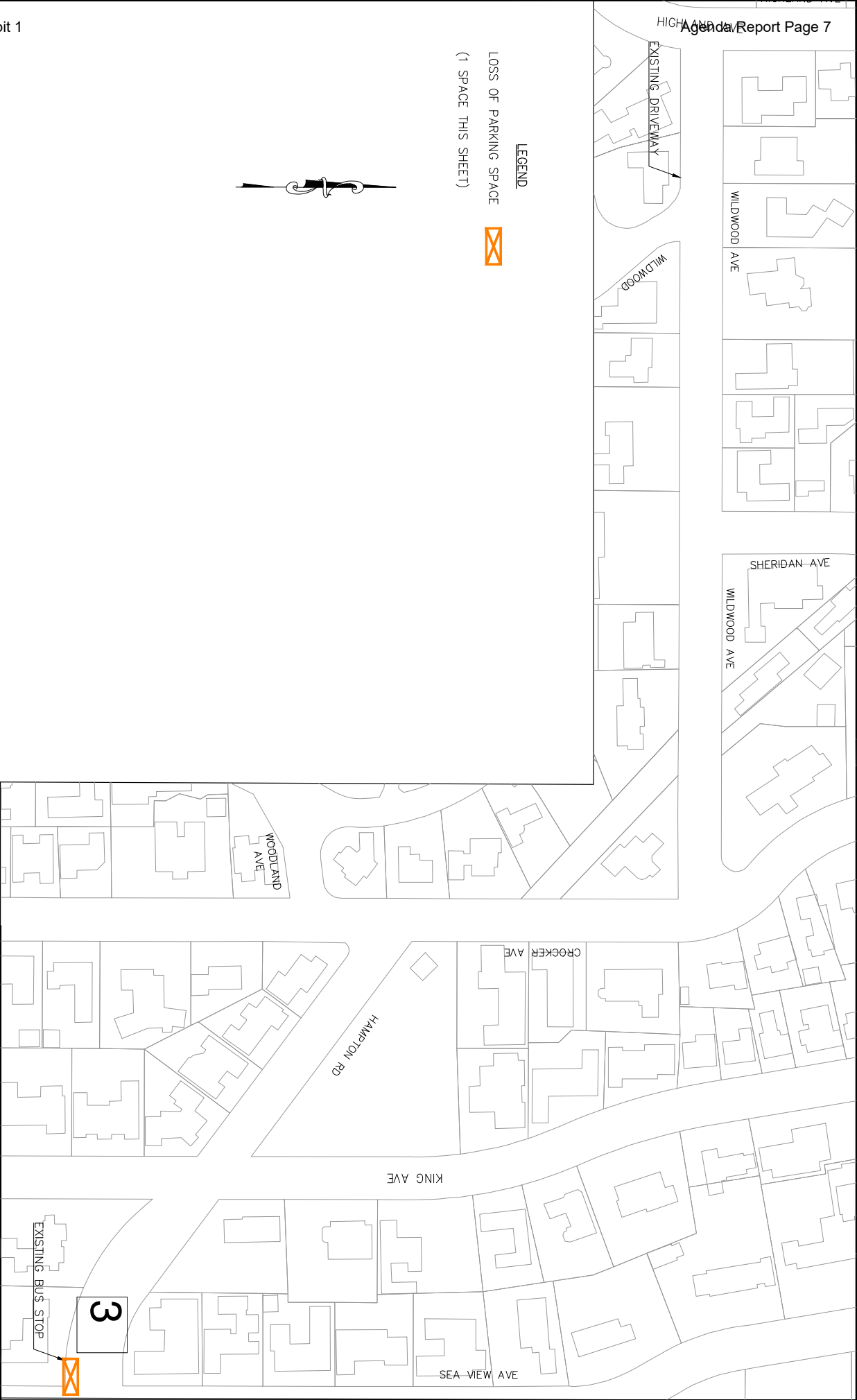
Exhibit 1: Parking Loss Map

Exhibit 2: Ordinance 776 N.S. Amending Section 11.47 within Article 5 of Chapter 11 of the Piedmont City Code to Prohibit Parking Within 20 Feet of the Approach Side of a Crosswalk, Consistent with California Law

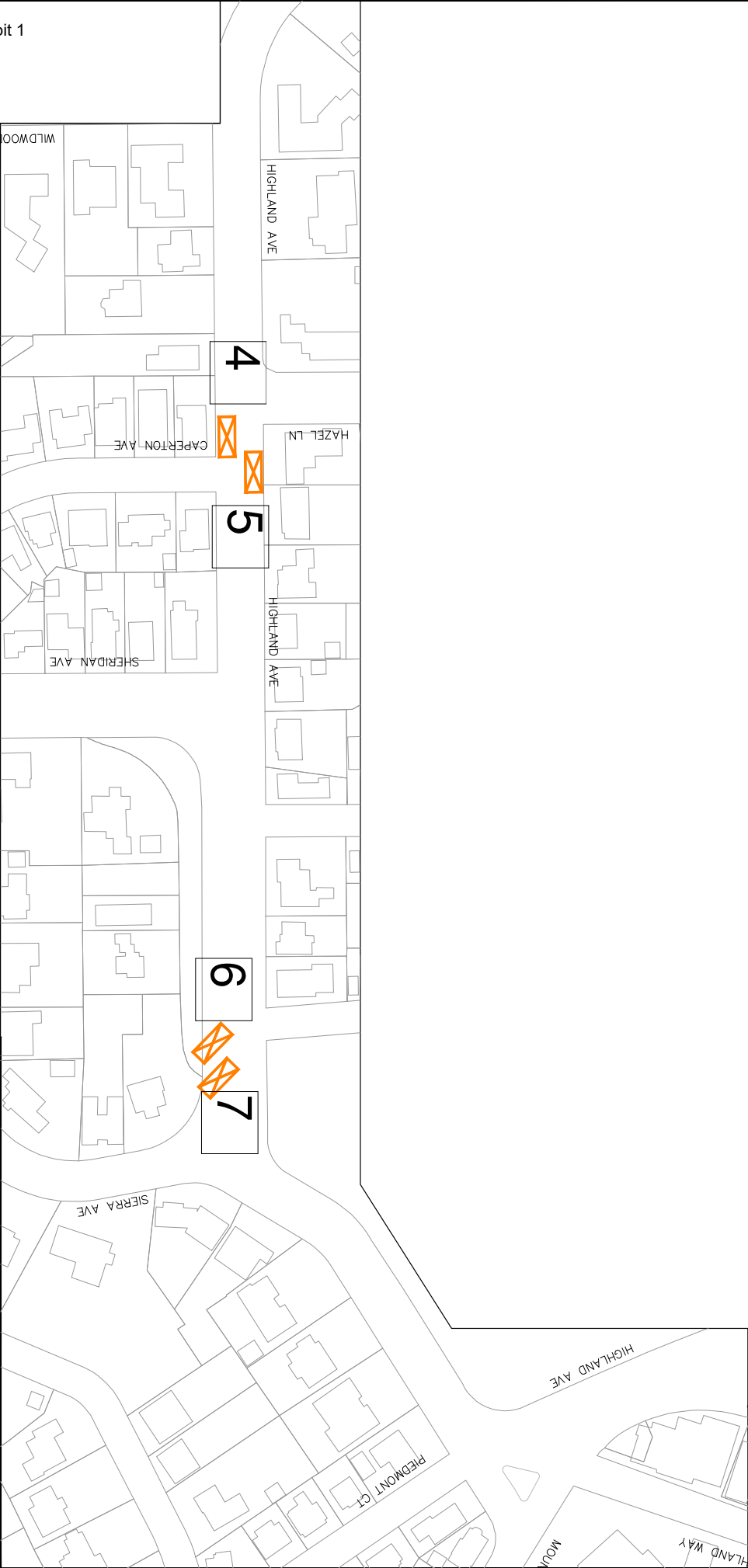
By: Daniel Gonzales, Director of Public Works

LEGEND
LOSS OF PARKING SPACE
(2 SPACES THIS SHEET)





LEGEND
LOSS OF PARKING SPACE
(4 SPACES THIS SHEET)



LEGEND
LOSS OF PARKING SPACE
(2 SPACES THIS SHEET)



Exhibit 1

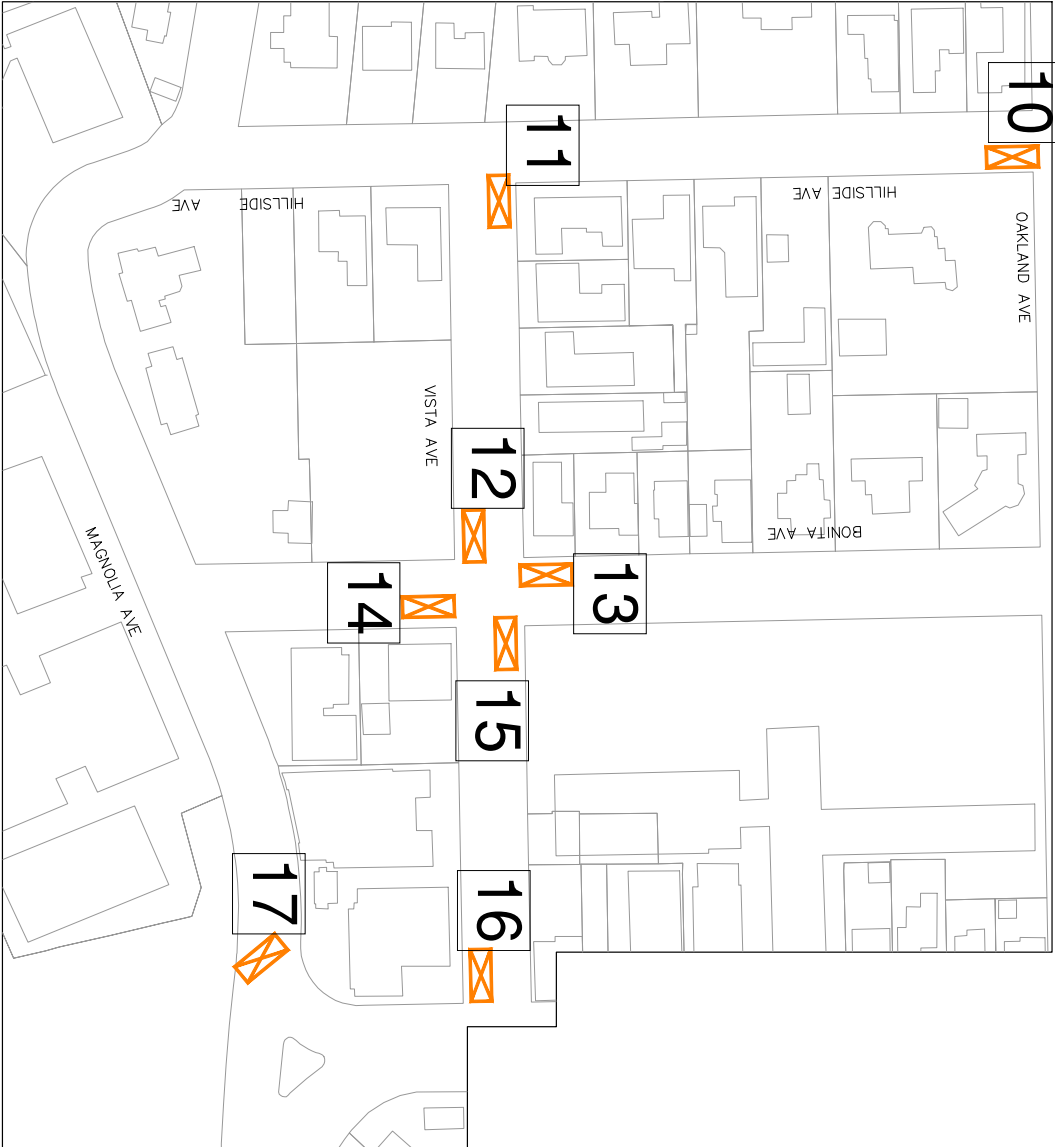
Coastland



Coastland DCCM
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10/17/2024		CITY OF PIEDMONT HIGH PED CORRIDOR-LOSS OF PARKING HIGHLAND AVENUE - 2 OF 2
NTS	PDT	
HEU		
6 OF 13		

LEGEND
LOSS OF PARKING SPACE
(8 SPACES THIS SHEET)



ORDINANCE NO. ____ N.S.

AN ORDINANCE AMENDING SECTION 11.47 WITHIN ARTICLE 5 OF CHAPTER 11 OF THE PIEDMONT CITY CODE TO PROHIBIT PARKING WITHIN 20 FEET OF THE APPROACH SIDE OF A CROSSWALK, CONSISTENT WITH CALIFORNIA LAW

WHEREAS, in 2023, the California Legislature adopted AB 413, a bill to improve pedestrian safety statewide by increasing drivers' visibility at crosswalks, and providing for full enforcement of the law beginning on January 1, 2025; and

WHEREAS, AB 413 amended California Vehicle Code section 22500 to generally prohibit parking within 20 feet of the approach side of a crosswalk, even if the curb is not painted red, and even if there is no signage; and

WHEREAS, Section 11.47 within Article 5 of Chapter 11 of the Piedmont City Code, entitled "Unlawful parking generally," specifies limitations on where a vehicle may park within the City, and includes a prohibition on parking "[w]ithin fifteen feet of the property line of another street that crosses, intersects or terminates in such street," which prohibition is generally more restrictive of parking than AB 413; and

WHEREAS, an amendment to the City Code is appropriate to ensure there is not a conflict between State law and the City Code.

NOW, THEREFORE, the City Council of the City of Piedmont hereby ordains, based on the oral and written staff report, all oral and written comments received and all other evidence in the record, as follows:

Section 1. Intent

It is the intent of the City Council of Piedmont to amend Section 11.47 within Article 5 of Chapter 11 of the Piedmont City Code to ensure that there is not a conflict between the City Code and California Vehicle Code section 22500.

Section 2. Findings

The City Council hereby makes the following findings:

- A. The above recitations are true and correct and incorporated herein by reference.
- B. The proposed amendments further public health, safety, and welfare of the community.

Section 3. Amendments (deletions shown in ~~strike through~~ and additions shown in underline)

Section 11.47 within Article 5 of Chapter 11 shall read in its entirety as follows:

“It shall be unlawful for the operator of any vehicle to stop, stand, park or leave standing such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or other authorized officer, or traffic sign or signal.

(a) Within any divisional island unless authorized and clearly indicated with appropriate signs or markings.

(b) ~~Within fifteen feet of the property line of another street that crosses, intersects or terminates in such street.~~ 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, or within such distances provided by California Vehicle Code section 22500(n), as it may be amended from time to time.

(c) On any street within the area opposite a street terminating into the first street where the first street is less than fifty feet wide.

(d) On either side of any street between the projected property lines of any public walk, public steps, street or thoroughfare terminating at such street when such area is indicated by appropriate signs or by red paint upon the curb surface.

(e) In any area established by resolution of the Council as a no-parking area, when such area is indicated by appropriate signs or by red paint upon the curb surface.

Section 4. Conflicts

If a previous City Council ordinance or resolution is in conflict with this Ordinance, that ordinance or resolution is superseded, and the provisions of this Ordinance prevail.

Section 5. Severability

The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Ordinance or their applicability to other persons or circumstances.

Section 6. Codification

The City Clerk is directed to codify this Ordinance in a manner which reflects the legislative intent of the City Council.

Section 7. California Environmental Quality Act

The Ordinance is exempt under California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the CEQA Guidelines (14 Cal. Code Regs. §§

15000 et. seq.), including without limitation, Public Resources Code section 21065 and California Code of Regulations 15378(a), as this is not a “project” that may cause a direct, or reasonably foreseeable indirect, physical change in the environment. In addition, if adoption of the Ordinance were considered to be a “project”, it would be exempt under the “common sense” exception (14 Cal. Code Regs. § 15061(b)(3)), because it can be seen with certainty that there is no possibility that this action may have a significant effect on the environment, and the Ordinance does not propose or permit any new development, nor does it increase the intensity or density of use of any property.

Section 8. Posting, Effective Date, and Submission

This Ordinance shall be posted at City Hall after its second reading by the City Council for at least 30 days and shall become effective 30 days after the second reading.

[END OF ORDINANCE]