
From: cmcdonald.home@gmail.com
Sent: Monday, February 6, 2023 11:55 AM
To: STEPHENS, JOHN; REYNOLDS, ARLIS; GAMEROS, LOREN; HARPER, DON; CHAVEZ, MANUEL; MARR, ANDREA; HARLAN, JEFFREY
Cc: CITY COUNCIL; CITY CLERK; 'Ralph Taboada'; 'Bridget Gleason'; THOMAS, BRETT ATENCIO
Subject: February 7, 2023 City Council Agenda Item PH-1 (Repeal of Ordinances under Chapter 1 to Title 4 of the CMMC
Attachments: BWC Memo to City Council re Changes to Ordinances.pdf

Mr. Mayor and Councilmembers,

The Costa Mesa Police Department and City Staff's recommendation is that the City's Municipal Code be amended to comply with California law, but PD and Staff should have gone further with its recommendation. In June 2021, the (then) Bikeway and Walkability Committee recommended to the City Council that Sections 4-2 through 4-12 of Chapter 1 of the Municipal Code be repealed, and that Chapter 2, Sections 4-22 through 4-28, and Chapter 3, Sections 4-32 through 4-40 be amended because they are outdated and do not reflect modern technology and usage. While I am no longer chair of that Committee, I have attached the June 2, 2021 memo to refresh your memory and to make the public aware of the committee's recommendation.

I support the changes to the ordinances recommended by the PD and Staff, but since they are only the first step to what is needed to update our ordinances, I ask that you request that Staff review and recommend changes to all the Costa Mesa Municipal Code sections concerning the use of bicycles, including those discussed in the June 2, 2021 memo. Given the greater use of bicycles and e-bikes in recent years, it is important that our city laws not only align with state laws, but also that the City provides safety for its residents and adjusts its laws for new technology. As noted in the June 2, 2021 memo, changes will likely need to be made to accommodate micro-mobility share, a goal of certain members of the City Council.

Thank you for your consideration. Please feel free to contact me should you have any questions.

Cynthia McDonald

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To: Mayor John Stephens and Costa Mesa City Council Members

From: Cynthia McDonald, Chairperson of Bikeway and Walkability Committee on its behalf

CC: Lori Ann Farrell Harrison – City Manager, Susan Price – Assistant City Manager, Raja Sethuraman – Public Services Director, Jennifer Rosales – Transportation Manager

Date: June 2, 2021

Subject: Changes to Municipal Code Regarding Use of Bicycles

Background

In April of this year a teenage African American male in Perth Amboy, New Jersey was detained by the police for the failure to have a bicycle license tag on his bicycle. The video of this incident went viral and caused members of the Bikeway and Walkability Committee (“BWC”) to examine the Costa Mesa Municipal Code for ordinances that applied to bicycle licensing. We also looked at recent Costa Mesa police incident reports of citations for the failure to have a bicycle license. All of the incidents reported were on the Westside and appear to have targeted the homeless.

There is a history of discrimination against cyclists, and, in particular, different races, genders and classes of bike riders. The City’s Municipal Code and General Plan should be free of laws that allow discrimination in enforcement of traffic laws. The purpose of this memorandum is to recommend the City Council eliminate or modify ordinances that inhibit bike equity.

BWC Recommendations

The BWC recommends that the following City ordinances be repealed and replaced:

Chapter I, Section 4-1 (Adoption of State Vehicle Code Division 16.7): Since Costa Mesa is a General Law City, we have already adopted the State law and should repeal the remaining sections (4-2 through 4-12) of this Chapter. Registration should be voluntary using an online system, such as bikeindex.org, project529.com and bikeregister.com. Other cities, such as Irvine, Newport Beach, Huntington Beach, Santa Ana and Fountain Valley, already request that residents use these systems on a voluntary basis.

Chapter II, Sections 4-22 through 4-28: Almost all of this is antiquated. The definition of bicycle does not include any reference to ebikes or escooters. The bike lane definitions seem to only include Class II lanes. Then the list of seven (7) established bike lanes is also old (from the '70s?) and the rules of the road have changed (again, we have already adopted State law). This Chapter should be completely revised or, alternatively, deleted. Since the lanes and shared-used trails will change over time, it would be best

to reference a map that can be found on the City's website which will be updated from time-to-time, as Irvine does. That map could include locations of bike racks and public restrooms. We suggest incorporating wayfinding signage into another part of the Municipal Code that covers street signs, but that all bike lanes have "No Parking" signs so that motor vehicles will be prohibited from parking there per California Vehicle Code Section 21211.

Chapter III, Sections 4-32 through 4-40:

All of this Chapter requires revision. While it is agreed that bicycles and scooters should not block sidewalks or other rights-of way, until there are bike racks in locations where they are needed by cyclists, regulating the parking of bicycles or scooters makes no sense, particularly if the City is genuinely interested, as stated in Section 4-32(e)(5), that it wants to "reduce exposure of the City to personal injury or property damage claims and litigation." In addition, Recommendation C-9.3 of the City's General Plan Circulation Element encouraged the requirement of all new developments to provide adequate bicycle parking and pedestrian access. This would be achieved by either the City providing racks in rights-of-way or owners to provide them on their property.

The definitions section (4-34) is deficient because it has not been revised to reflect changes in technology or amenities, such as bike lockers and showering/ changing facilities, and needs to be updated or cross-referenced to the Active Transportation Plan. The remaining sections that cover prohibited acts and penalties for failure to park one's bike in a rack should be repealed, as discussed above.

Summary

The financial impact to the City will be either none, since there is no charge for a bicycle license, or will reduce the budget because Staff and Police Department time will no longer be used for licensing and citations.

In addition, the City's Active Transportation Plan includes the recommendation that the City achieve the status of "Silver Level Bike Friendly Community" by 2025. In order to do so, changes to the City's Municipal Code must be made in order for the City to qualify for that status. Further, if the City enters into an agreement for an ebike/scooter share program with an ebike/escooter vendor, there will likely need to be revisions to other sections of the Municipal Code to cover the regulation of that program. These are tasks that the BWC is willing to assume but will require City Attorney review and assistance. We hereby request authorization for additional Staff/City Attorney time for these projects.

Thank you for your consideration. If you have any questions, please feel free to contact me or Jim Erickson, Vice Chair of the BWC.