



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: February 2, 2021

Agenda Item 9C
Approvals:
City Manager ST
Dept. Head _____
Attorney _____
Finance [Signature]

Department: Beaches, Parks & Recreation
Prepared By: Samantha Wylie, Recreation Manager

Subject: *USE OF ELECTRIC BICYCLES ON BEACH TRAIL, INLAND TRAILS, AND PARKS*

Fiscal Impact: None.

Summary: The Beaches, Parks and Recreation Commission recommends the City Council adopt an ordinance amending the municipal code related to additional restrictions regarding the use of electric bicycles (e-bikes) in public spaces.

Background: In 2015, the State of California passed Assembly Bill (AB) 1096, amending the vehicle code as it relates to the definition of a “motorized bicycle”. AB 1096 defines an electric bicycle as a bicycle that is fully operable by pedal and contains an electric motor of less than 750 watts. There are three (3) types of electric bicycles:

- 1) Class 1: A low-speed pedal-assisted electric bicycle, equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- 2) Class 2: A low-speed throttle-assisted electric bicycle, equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
- 3) Class 3: A speed pedal-assisted electric bicycle, equipped with a speedometer and a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

In accordance with AB 1096, the use of lower-speed electric bicycles is permissible on bicycle paths. However, this law also allows for local municipalities to prohibit, by ordinance, the operation of class 1 or class 2 electric bicycles on specified paths or trails. The operation of class 3 electric bicycles is strictly prohibited on specified paths, lanes, or trails, unless otherwise authorized by a local ordinance.

In 2018, in acknowledgment of AB 1096, the City Council amended SCMC 12.32.130 to include reference to electric bicycles, considering them “bicycles”; prohibit the operation of Class 3 electric bicycles on the beach and Beach Trail; maintained the existing 10 mph speed limit; and allowed bicycles on the beach outside of the summer season, June 15 to Labor Day. (Attachment 1)

At its October 20, 2020 meeting, the City Council referred the issue of use and regulation of e-bikes on City trails to the Beaches, Parks and Recreation Commission with the directive that it collaborate with the Public Safety Committee to develop a

recommendation for Council consideration. Members of the City Council either individually or collectively, provided the following comments for consideration:

- Prohibit use of e-bikes on Beach Trail and beach;
- Limit use on certain stretches of the Beach Trail;
- Reduce speed limit on the beach trails;
- Install signage along trail and near bridges

At its December 8, 2020 meeting, the Commission reviewed the subject matter and heard comments from the public. The following statements were contributed in the Commissioners' discussion:

- A possible prohibition of electric bicycles should be applied to all bicycles as it is difficult to distinguish between the two.
- The Beach Trail is a pedestrian trail, and is not constructed to accommodate high bicycle use in many areas.
- The Beach Trail was intended to be multimodal.
- There are inconsiderate users of amenities of all transportation methods.
- Without dedicated enforcement on the Beach Trail and Sea Summit Trail, bicycles should be prohibited.
- Electric bicycles should be treated as motorized vehicles.
- Walking bicycles in portions of beach trail may be considered.
- Beach Trail use decreases significantly in non-summer months, but remains a popular trail year round.
- Inland trails do not seem crowded enough to warrant restrictions on electric bicycles.

At its December 17, 2020 joint meeting, the Commission and the Public Safety Committee (PSC) heard comments from the public and received feedback from Lieutenant Ed Manhart with the Orange County Sheriff's Department, Captain Rob Capobianco with the Orange County Fire Authority, and Code Compliance Manger Adam Atamian regarding enforcement and historical information pertaining to e-bike activities in San Clemente. Draft minutes are included in Attachment 2.

At this meeting, members of the PSC either individually or collectively commented that the enforcement of any rule will be difficult without the dedication of deputies or other public safety personnel, including that of park rangers. Additionally, the Committee commented that issues related to electric bicycles are broader than trails within the city. The Committee members and Commissioners further commented that e-bike community education is important for all ages to become safer e-bike/bicycle users while on trails.

At its January 12, 2021 meeting, the Beaches, Parks and Recreation Commission voted to make the following recommendations for Council consideration:

1. Prohibit the use of bicycles on turf within parks.
2. Make no changes related to e-bike operation on inland trails.
3. On the Beach Trail:
 - a. Reduce the speed limit from 10mph to 5mph.
 - b. Require bicycles to be walked on the Mariposa Bridge.

- c. Require bicycles to yield to pedestrians.
- d. Include "e-bikes" in the code addressing use of bicycles.

Discussion: Based on the Commission recommendation, if Council approves the prohibition of bicycles on turf within parks, staff would update the appropriate park signage to reflect the prohibition. This would include the use of all e-bikes on turf fields. Currently the parks rules do not reflect any guidance or restrictions to motorized bikes (electric or gas) or pedal bicycles on park turf. Attachment 3 reflects current park rule signage posted at all City parks. The recommended modification would assist in deterring reckless use of e-bikes on the turf, promote a safer park/field space, and reduce undue turf damage and costly maintenance repairs.

The Commission recommends making no changes to the use of e-bikes on the inland trails. Currently, the trail rules prohibit the use of motorized vehicles, per SMC 10.68.010. Attachment 3 reflects current trail rule signage.

Unlike the inland trails and park spaces, the use of the Beach Trail is specifically regulated by SMC 12.32.130, titled "Cycling, skateboarding and similar activities on pier, access road, beach, and beach trail". Current posted signage related to Beach Trail use and is depicted in Attachment 4.

Attachment 5 reflects the changes to SMC 12.32.130 recommended by the Beaches, Parks and Recreation Commission.

Recommended

Action: THE BEACHES, PARKS AND RECREATION COMMISSION RECOMMENDS THAT the City Council 1) approve the prohibition of the use of bicycles on turf within parks; and 2) adopt Ordinance No. _____ entitled "An Ordinance of the City Council of the City of San Clemente, California, Amending Section 12.32.130 of the San Clemente Municipal Code Relating to the Use of Bicycles, Including Electric Bicycles Class 1 and Class 2, And Class 3, Other Activities on the Pier, Beach Access Road, Beach and Beach Trail."

- Attachments:**
- 1.) SMC 12.32.130
 - 2.) Draft Minutes, December 8, 2020, Joint BPR Commission & Public Safety Committee Meeting
 - 3.) Park & Trail Signage
 - 4.) Beach Trail Signage
 - 5.) Ordinance No. _____

Notification: Interested Parties

12.32.130 - Cycling, skateboarding and similar activities on pier, access road, beach, and beach trail.

A. Except as provided below in subsection (B) of this section, no person shall ride or permit to be ridden, drive, or permit to be driven, any bicycle, tricycle, skateboard, roller skates, or similar type device on the municipal pier, accesses to the pier, service roads, or beach access roads. In addition, no person shall throw any "frisbee" or other similar device on the municipal pier, on Pier accesses to the pier, service roads, or beach access roads.

and B. Use of Riding of bicycles is permitted on the beach and beach trail, including those portions Access Bicycles that overlay the beach service road, subject to the restrictions of this subsection B. Road. on Bicycles are not permitted on any portion of the beach from June 15 through Labor Beach Day. Riding of bicycles on the beach trail is not permitted between the pier and the and south end of the Trafalgar Canyon Bridge from June 15 through Labor Day. Riding of Beach bicycles is not permitted on Riviera Beach Trail Bridge, Montalvo Beach Trail Bridge, or Trail. on the asphalt area extending north and south of the base of the pier at any time. Bicycle owners are permitted to walk their bicycles through restricted areas and at restricted times. Bicycles may be ridden at a maximum speed of 10 mph on all portions of the beach and beach trail. Reckless riding of bicycles is prohibited, and no person shall allow his or her bicycle to block or be left unattended on the beach and beach trail at any time.

C. In the event of special circumstances so warranting, the City Council may by resolution modify the requirements established herein. Modifications by the City Council shall only be made if the tion. City Council determines that such modification will not be contrary to the public health, safety or welfare.

(Ord. 1326 § 2, 2007; prior code § 18-21)

(Ord. No. 1486, § 2, 5-21-2009; Ord. No. 1576, § 1, 12-3-2013; Ord. No. 1581, § 1, 6-17-2014; Ord. No. 1661, § 1, 9-4-2018)

Scheduled for consideration by the Beaches, Parks and Recreation Commission at its adjourned regular meeting on January 12, 2021.



**CITY OF SAN CLEMENTE
DRAFT MINUTES OF THE
BEACHES, PARKS AND RECREATION COMMISSION
REGULAR MEETING
TUESDAY, DECEMBER 8, 2020 6:00 P.M.**

Chair Streger called the Regular Meeting of the Beaches, Parks and Recreation Commission of the City of San Clemente to order on Tuesday, December 8, 2020, at 6:01 p.m via teleconference. Commissioner Smith led the Pledge of Allegiance.

PRESENT Commissioners Richard Ayer, John Dorey, Charlie Smith, Bernie Wohlfarth, Chair Pro Tem John Bandaruk, Chair Steven Streger

ABSENT None

STAFF PRESENT Samantha Wylie, Recreation Manager
Maile Stivers, Administrative Assistant

1. SPECIAL PRESENTATIONS

None.

2. APPROVAL OF MINUTES

A. October 13, 2020 Beaches, Parks and Recreation Commission Meeting

MOTION BY CHAIR PRO TEM BANDARUK, SECOND BY COMMISSIONER SMITH, AND CARRIED 6-0, to approve the Beaches, Parks and Recreation Commission meeting minutes of October 13, 2020.

3. CURRENT COMMUNITY ACTIVITIES AND EVENTS

A. Recreation Division Update

Samantha Wylie, Recreation Manager, reported a recent drive-in movie with one more scheduled; and reported the Holly Jolly Trolley Trot operated for its first weekend and will continue next weekend.

4. OLD BUSINESS

None.

5. NEW BUSINESS**A. Use of Electric Bicycles on Beach Trail, Inland Trails, and Parks**

Samantha Wylie, Recreation Manager, summarized the contents of the administrative report and responded to Commission inquiries adding regulations related to electric bicycles in neighboring cities.

Judith Frant, San Clemente resident, stated she has submitted comments against allowing ebikes on the Beach Trail in previous years; opined ebike usage requirements have not managed concerns and proliferation of ebikes needs to be addressed; expressed concern regarding ebike usage in multiple amenities as it relates to speed, failure to follow rules of road, reckless driving, no enforcement, no helmets, and use by underage children; opined regulations and enforcement are overdue; and opined unlicensed golf carts and drivers should also be considered.

Jeff Neubauer, San Clemente resident, opined ebikes should be required to be operated safely; expressed concern for youth operators of ebikes who do not obey traffic or operate recklessly; opined the use of ebikes should not be banned on the Beach Trail but should be restricted to operators over 16 or 18 years for children's safety and to avoid accidents; opined ebikes are meant for adult operation; and opined the Beach Trail provides an essential route for beach access without traffic.

Hector Hernandez, San Clemente resident, opined electric bicycles have become a hazard to pedestrians passing pedestrians with no warning at high speeds; opined electric bicycles belong on the street with motorized vehicles; referenced a traffic accident on Pacific Coast Highway with lawsuits; and opined electric bicycles should be outlawed on sidewalks and walk pathways.

Jody Giles, San Clemente resident, opined ebikes should not be allowed on the popular areas of the Beach Trail; opined a walk only designation from the T-Street pedestrian overpass to the pedestrian rail crossing north of the Pier area should be established; stated much of this area is already walk only during summer months, but is not well signed or enforced; opined ebikes are fast, quiet and wide on the narrow Beach Trail; noted close calls and incidents with ebikes; and opined areas to the north and south with added signage are adequate for careful riding.

Heather Goulet, San Clemente resident, noted near miss incidents with ebikes; opined ebikes should be banned from the Beach Trail; opined a second recommendation to require bicycles be walked on the Mariposa bridge; and discouraged oversigning the Beach Trail with instructions and speed limits.

Jim Grace, San Clemente resident, stated before 10am on the Beach Trail, he witnesses walk bike areas not being observed and speeding ebikes without concern for pedestrians; opined the Commissions, Committees, and Council should be trying

to find an answer for enforcement of current rules, not more rules; opined the most serious problem for public safety and City liability is ebikes on the Trail; stated the speed limit and ebike classification restrictions are not enforced; stated pedal assist ebikes do not have speedometers; opined ebikes are a serious threat to pedestrians; and opined ebikes should be prohibited from the Beach Trail until enforcement becomes achievable.

Raymi Borunda, Chino resident, stated she is not strong enough to ride her favorite trails on traditional mountain bikes due to medical restrictions and can enjoy the sport with an ebike; opined people abusing the trails should be ticketed; and opined other riders and enthusiasts should not be penalized.

Larry J. Thomas, San Clemente resident, opined standards need to be set for electric bicycles which could include prohibition from beaches and trails, prohibition from any public walkway, and treating electric bicycles as motorized vehicles; opined electric bicycles should use bike lanes where provided and merge with motorized vehicles where not provided; opined variances or modifications could be made based on speed; opined electric bicycles and pedestrians should not coexist where pedestrians are present; and opined the City should provide an education campaign regarding safe electric bicycle operation.

Commissioners either individually or in agreement provided the following comment:

- The Beach Trail is different from inland trails and parks and should be discussed separately.
- Prohibitions of electric bicycles should also be applied to all bicycles as it is difficult to distinguish between the two.
- The Beach Trail is a pedestrian trail, and is not constructed to accommodate high bicycle use.
- The Beach Trail was intended to be multimodal.
- There are inconsiderate users of amenities of all transportation methods.
- Without dedicated enforcement on the Beach Trail and Sea Summit Trail, bicycles should be prohibited.
- The Beach Trail in many places was not designed for bicycle riding.
- The Public Safety Committee is concerned about electric bicycle use in general.
- Electric bicycles should be treated as motorized vehicles.
- Nothing prohibits bicycles from being walked on the Beach Trail.
- The Beach Trail is popular all year, and time constrained restrictions are not workable.
- Beach Trail use decreases significantly in non-summer months.
- The Public Safety Committee has ideas regarding recommendations to City Council.
- Inland trails do not seem crowded enough to warrant restrictions on electric bicycles.

- Reckless behavior is currently prohibited.
- Enforcement of rules is a problem.
- Motorized bicycles should not be allowed on city trails.
- Other agencies have enforcement capabilities related to electric bicycles.
- There should be a distinction between electric bicycles and non-electric bicycles.

MOTION BY COMMISSIONER WOHLFARTH, SECOND BY COMMISSIONER SMITH, AND CARRIED 6-0, to table discussions regarding use of electric bicycles to an adjourned regular meeting in joint session with the Public Safety Committee.

6. PUBLIC INPUT

Scott Stuart, opined the locker room at the San Clemente Aquatics Center should be open citing ADA concerns regarding use of outdoor showers with a wheelchair or prosthesis.

7. COMMUNICATIONS

A. Recreation Manager Report

None.

B. Ad Hoc Water Quality Committee

None.

8. ITEMS FROM COMMISSION

A. Subcommittee Reports

None.

B. Items from Commissioners

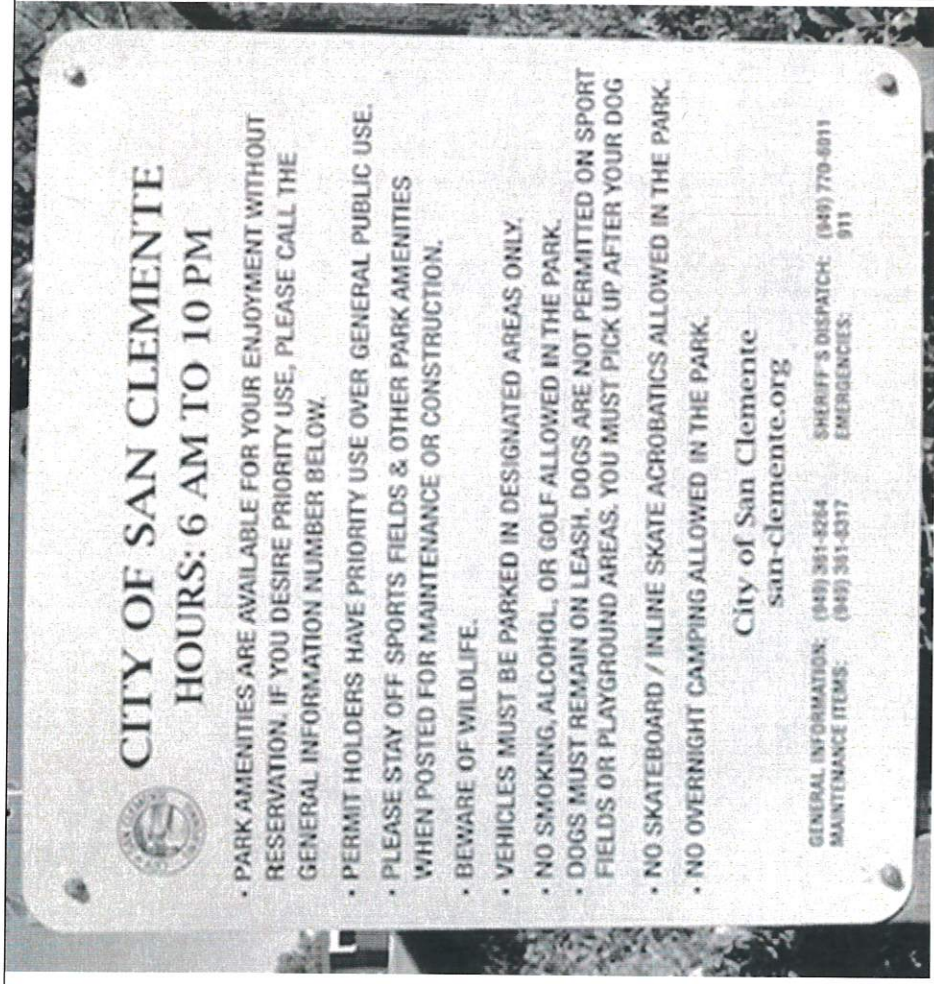
1. Friends of San Clemente Foundation – Commissioner Dorey reported Bill Hart has been elected as President of the Foundation; and reported he will continue to be involved with the Foundation board.
2. Courtney's Sandcastle Charitable Foundation (CSC) – None.
3. PierPride – Chair Pro Tem Bandaruk reported a successful Pier lighting; and reported efforts to raise funds for remodeling the snack shack at the Pier.

9. ADJOURNMENT

There being no other business before the Commission, Chair Streger adjourned at 7:28 p.m. to an adjourned regular meeting to meet in joint session with the Public Safety Committee on Thursday, December 17, 2020 at 6:00 p.m. via teleconference.

Chairperson and Commissioner of the
Beaches, Parks & Recreation Commission

Beaches, Parks & Recreation Director



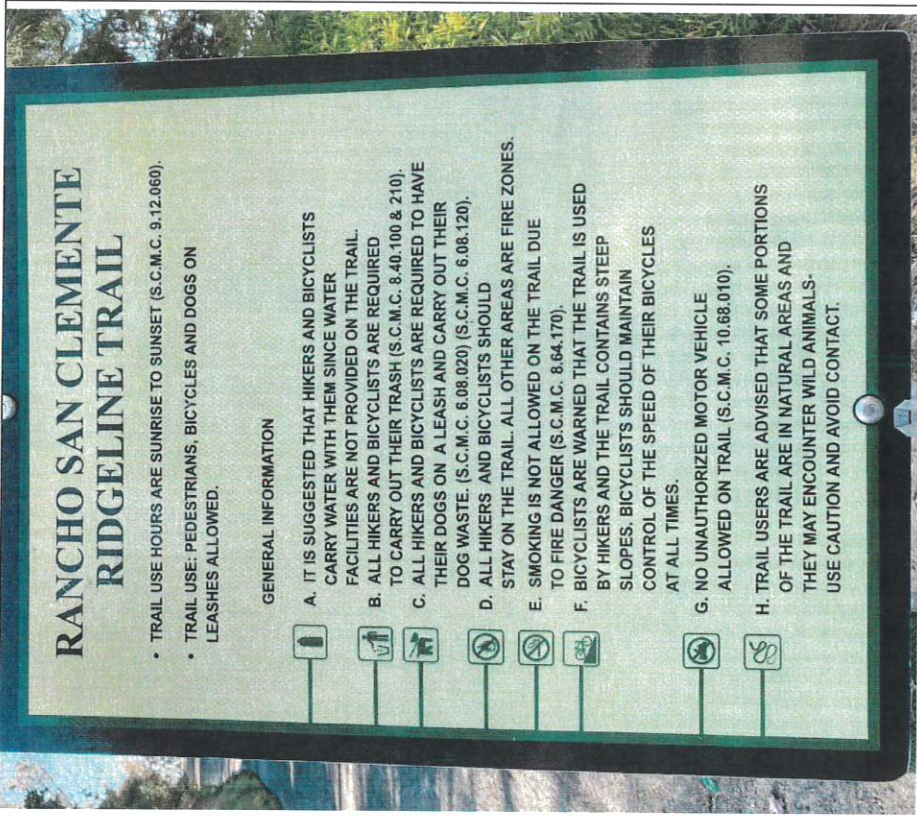
CITY OF SAN CLEMENTE
HOURS: 6 AM TO 10 PM

- PARK AMENITIES ARE AVAILABLE FOR YOUR ENJOYMENT WITHOUT RESERVATION. IF YOU DESIRE PRIORITY USE, PLEASE CALL THE GENERAL INFORMATION NUMBER BELOW.
- PERMIT HOLDERS HAVE PRIORITY USE OVER GENERAL PUBLIC USE.
- PLEASE STAY OFF SPORTS FIELDS & OTHER PARK AMENITIES WHEN POSTED FOR MAINTENANCE OR CONSTRUCTION.
- BEWARE OF WILDLIFE.
- VEHICLES MUST BE PARKED IN DESIGNATED AREAS ONLY.
- NO SMOKING, ALCOHOL, OR GOLF ALLOWED IN THE PARK.
- DOGS MUST REMAIN ON LEASH. DOGS ARE NOT PERMITTED ON SPORT FIELDS OR PLAYGROUND AREAS. YOU MUST PICK UP AFTER YOUR DOG
- NO SKATEBOARD / INLINE SKATE AEROBATICS ALLOWED IN THE PARK.
- NO OVERNIGHT CAMPING ALLOWED IN THE PARK.

City of San Clemente
san-clemente.org

GENERAL INFORMATION: (949) 351-8264 SHERIFF'S DISPATCH: (949) 770-6011
 MAINTENANCE ITEMS: (949) 351-8317 EMERGENCIES: 911

PARK RULES SIGNAGE



RANCHO SAN CLEMENTE
RIDGELINE TRAIL

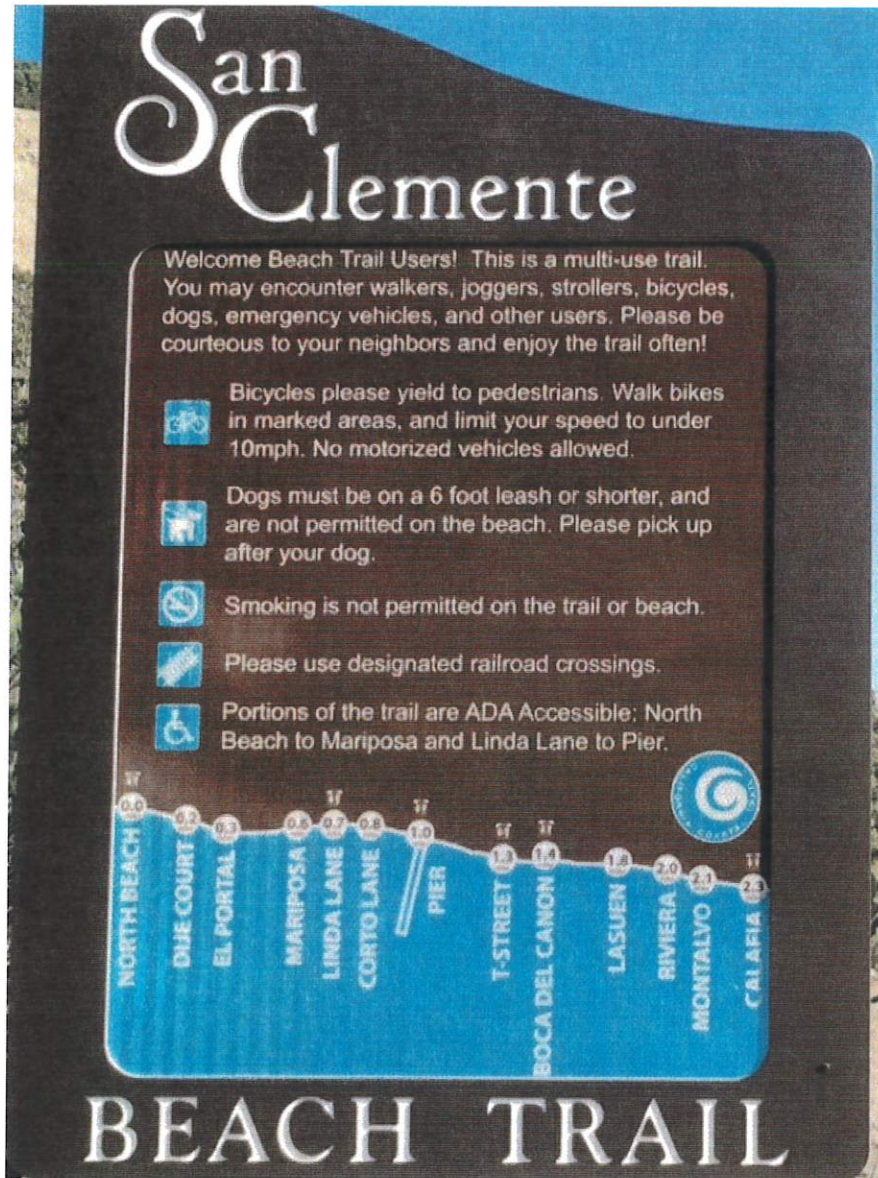
- TRAIL USE HOURS ARE SUNRISE TO SUNSET (S.C.M.C. 9.12.060).
- TRAIL USE: PEDESTRIANS, BICYCLES AND DOGS ON LEASHES ALLOWED.

GENERAL INFORMATION

- A. IT IS SUGGESTED THAT HIKERS AND BICYCLISTS CARRY WATER WITH THEM SINCE WATER FACILITIES ARE NOT PROVIDED ON THE TRAIL.
- B. ALL HIKERS AND BICYCLISTS ARE REQUIRED TO CARRY OUT THEIR TRASH (S.C.M.C. 8.40.100 & 210).
- C. ALL HIKERS AND BICYCLISTS ARE REQUIRED TO HAVE THEIR DOGS ON A LEASH AND CARRY OUT THEIR DOG WASTE. (S.C.M.C. 6.08.020) (S.C.M.C. 6.08.120).
- D. ALL HIKERS AND BICYCLISTS SHOULD STAY ON THE TRAIL. ALL OTHER AREAS ARE FIRE ZONES.
- E. SMOKING IS NOT ALLOWED ON THE TRAIL DUE TO FIRE DANGER (S.C.M.C. 8.64.170).
- F. BICYCLISTS ARE WARNED THAT THE TRAIL IS USED BY HIKERS AND THE TRAIL CONTAINS STEEP SLOPES. BICYCLISTS SHOULD MAINTAIN CONTROL OF THE SPEED OF THEIR BICYCLES AT ALL TIMES.
- G. NO UNAUTHORIZED MOTOR VEHICLE ALLOWED ON TRAIL (S.C.M.C. 10.68.010).
- H. TRAIL USERS ARE ADVISED THAT SOME PORTIONS OF THE TRAIL ARE IN NATURAL AREAS AND THEY MAY ENCOUNTER WILD ANIMALS. USE CAUTION AND AVOID CONTACT.

INLAND TRAIL RULES SIGNAGE

BEACH TRAIL SIGNAGE



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 12.32.130 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE USE OF BICYCLES, INCLUDING ELECTRIC BICYCLES CLASS 1 AND CLASS 2, AND CLASS 3, OTHER ACTIVITIES ON THE PIER, BEACH ACCESS ROAD, BEACH AND BEACH TRAIL

WHEREAS, the San Clemente Beach Trail was constructed as a multi-use trail for use by pedestrians and bicycles, and is an important transportation and recreation opportunity for residents and visitors of San Clemente; and

WHEREAS, California Assembly Bill 1096 provides definitions for electric bicycles, allows for the operation of class 1 and class 2 electric bicycles on municipal trails, and prohibits the operation of class 3 electric bicycles; and

WHEREAS, Section 12.32.130 of the Municipal Code permits the City Council to make modifications if the City Council determines that such modification will not be contrary to the public health, safety or welfare; and

NOW, THEREFORE, the City Council of the City of San Clemente, California, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: Section 12.32.130 of the San Clemente Municipal Code, entitled "Cycling, skateboarding and similar activities on pier and access road," is hereby amended to read in its entirety as follows:

12.32.130 Cycling, skateboarding and similar activities on pier, access road, beach, and beach trail.

A. Prohibited Activities on Pier and Access Road.Except as provided below in Subsection (B) of this section, no person shall ride or permit to be ridden, drive, or permit to be driven, any bicycle, electric bicycle, tricycle, skateboard, roller skates, or similar type device on the municipal pier, accesses to the pier, service roads, or beach access roads. In addition, no person shall throw any "frisbee" or other similar device on the municipal pier, accesses to the pier, service roads, or beach access roads.

B. Use of Bicycles on Beach and Beach Trail.Riding of bicycles and electric bicycles is permitted on the Beach and Beach Trail, including those portions that overlay the beach service road, subject to the restrictions of this subsection B. Riding of bicycles on the Beach and Beach Trail is not permitted between the pier and the south end of the Trafalgar Canyon Bridge from June 15

through Labor Day. Riding of bicycles is not permitted on Riviera Beach Trail Bridge, Montalvo Beach Trail Bridge, Mariposa Bridge, or on the asphalt area extending north and south of the base of the pier at any time. Bicycle owners are permitted to walk their bicycles through restricted areas and at restricted times. Bicycles may be ridden at a maximum speed of ~~ten (10)~~ five (5) mph on all portions of the Beach and Beach Trail. Electric and non-electric bicycles must yield to pedestrians. Reckless riding of bicycles is prohibited, and no persons shall allow their bicycle to block or be left unattended on the Beach and Beach Trail at any time.

C. Modification.In the event of special circumstances so warranting, the City Council may by resolution modify the requirements established herein. Modifications by the City Council shall only be made if the City Council determines that such modification will not be contrary to the public health, safety or welfare.

Section 2: The City Clerk shall certify to the passage of this ordinance and cause the same to be published as required by law, and the same shall take effect as provided by law.

APPROVED, ADOPTED and SIGNED this _____ day of _____,

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF SAN CLEMENTE)

I, **JOANNE BAADE**, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. _____ having been regularly introduced at the meeting of _____, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the ____ day of _____, _____, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this ____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

APPROVED AS TO FORM:

CITY ATTORNEY