



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING

Meeting Date: December 8, 2020

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

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

Fiscal Impact: None.

Summary: Staff recommends that the Beaches, Parks and Recreation Commission discuss and provide a recommendation on the operational use of electric bicycles on all City trails and parks.

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.

At its April 10, 2018 meeting, the Beaches, Parks and Recreation Commission (Attachment 2) discussed the use of electric bicycles on the San Clemente Beach Trail. The Commission voted to draft an amendment to SCMC 12.32 to prohibit the use of all electric bicycles (e-bikes) on the Beach Trail, unless the vehicle is used to assist an individual with a disability.

In May 2018, based on the Commission's desire to review more data on incidents and usage of e-bikes on the Beach Trail, staff conducted a survey of the Beach Trail usage. Survey results are included in Attachment 3.

At its June 7, 2018 meeting, the Beaches, Parks and Recreation Commission discussed the use of bicycles on the Beach Trail and requested additional information regarding enforcement options on the Beach Trail (Attachment 4).

At its June 12, 2018 meeting, the City Council requested the Beaches, Parks and Recreation Commission additionally consider restrictions on bicycling on the beach.

At its July 10, 2018 meeting, the Beaches, Parks and Recreation Commission voted to recommend the City Council approve amendments to Municipal Code section 12.32.130 (B) to include the words "Beach and" before any Beach Trail reference, to indicate riding of bicycles is prohibited on any bridges, the maximum speed of the Beach Trail be reduced to six miles per hour, and indicate riding of bicycles is prohibited between Corto Lane and the Pier (Attachment 5).

At its August 21, 2018 meeting, 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 6).

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 (Attachment 7).

Discussion: In 2018, Council and Commission action focused on the use and operation of e-bikes on the beach and Beach Trail, making amendments to SCMC 12.32.130. With the increase in e-bike users throughout the City over the last several months, Council and members of the public have raised concerns over the use of e-bikes on all trails. Additionally, staff has received an increase in calls regarding concerns over the use of e-bikes in parks and on sport fields.

At its October 20, 2020 meeting, 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

Staff is seeking Commission discussion and feedback on possible changes to SCMC 12.32.130, titled "Cycling, skateboarding and similar activities on pier, access road, beach, and beach trail", related to the operation of e-bikes on the Beach Trail, and additional consideration on implementing rules for the use of e-bikes on citywide trails and within parks.

Recommended

Action: STAFF RECOMMENDS THAT the Beaches, Parks and Recreation Commission provide a recommendation on the use of electric bicycles on all City trails and parks.

- Attachments:**
1. SCMC 12.32.130
 2. Excerpt from Minutes: April 10, 2018, Beaches, Parks and Recreation Commission
 3. Beach Trail User Survey Results (May 2018)
 4. Excerpt from Minutes: June 7, 2018, Beaches, Parks and Recreation Commission
 5. Excerpt from Minutes: July 10, 2018, Beaches, Parks and Recreation Commission
 6. Excerpt from Minutes: August 21, 2018, City Council
 7. Excerpt from Draft Minutes: October 20, 2020, City Council

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 of 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 Modifica 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)

would be impacted by subsidies; and responded to Commission inquiries regarding League operations and finances.

Commissioners either individually or in agreement provided the following comments:

- The League does not demonstrate a financial hardship.
- Access to fields for the League is a problem.
- There is a desire to consider partnership applications at the same time.
- It would be preferred for additional subsidized funds to be accounted for and to benefit the San Clemente community.

MOTION BY COMMISSIONER WOHLFARTH, SECOND BY COMMISSIONER SMITH, AND CARRIED 6-0, to recommend the City Council approve Gold Partnership status for one year beginning October 2017.

D. Use Of Electric Bicycles On Beach Trail

Samantha Thomas, Recreation Manager, summarized the contents of the administrative report regarding the use of electric bicycles on the Beach Trail and responded to Commission inquiries. Rod Mellott, Marine Safety Lieutenant, responded to Commission inquiries.

C.L. Snider, San Clemente resident, presented information regarding bicycle rules and photos of Beach Trail use; questioned the prohibition of bicycles on Pier and not on the Beach Trail; and opined all bicycles should be prohibited on the Beach Trail noting concerns about safety.

Bill McDonnel, Mission Viejo resident, stated he observed an electric bicycle run over a child on a bicycle; stated rangers at Crystal Cove have a policy of retaining bicycles and cyclists after an incident, and opined San Clemente should revise its policies for bicycle safety.

Commissioners either individually or in agreement provided the following comments:

- Bicycles have no place on the Beach Trail.
- Bicycles do not have speedometers making limiting speed difficult
- Bicycles and electric bicycles are faster than other users and may cause accidents.
- Original bridge designs were not designed to allow bicycle riding.
- Trail users inform each other if rules are broken.
- It is difficult to distinguish an electric bicycle from other bicycles.
- Electric bicycles go the same speed as other bicycles.
- Use of bicycles on the Beach Trail is a public safety issue.
- Riding a bicycle on a flat surface has limited exercise benefit.
- Lowering the speed limit can help avoid a problem.
- All bicycles on the Beach Trail should be considered at a future meeting.

- Data of reported incidents involving bicycles and numbers of bicycle users should be considered.
- Liability of allowing bicycles should be considered.

MOTION BY CHAIR PRO TEM BANDARUK, SECOND BY COMMISSIONER SMITH, AND CARRIED 6-0, to direct staff to draft an amendment to SCMC 12.32.130 to prohibit the use of all electric bicycles on the Beach Trail, unless the vehicle is used to assist an individual with a disability.

6. PUBLIC INPUT

Michael Wintz, San Clemente resident, opined the City of San Clemente should have a community vegetable garden available to residents; stated he spoke with neighboring cities regarding their community vegetable gardens; and opined multiple smaller locations could be used for community vegetable gardens.

7. COMMUNICATIONS

Samantha Thomas, Recreation Manager, communicated City Hall staff and operations have moved to a new location at 910 Calle Negocio.

Chair Streger communicated the Beaches, Parks and Recreation Master Plan was approved by City Council.

8. ITEMS FROM COMMISSION

A. Subcommittee Reports

1. Community Events – None.
2. Integrated Pest Management Subcommittee - None.

B. Items from Commissioners

1. Coastal Advisory Committee (CAC) – None.
2. Friends of San Clemente Foundation – Commissioner Dorey reported a successful Springtacular event; and reported the Sports Wall of Fame event on May 19 will add Brad Parks and Brian de la Puente to the Wall.
3. Courtney's Sandcastle Charitable Foundation (CSC) – Chair Pro Tem Bandaruk reported the recent replacement of rubberized surfacing in the Sensory Garden area of Courtney's Sandcastle Playground; and reported upcoming shade structure installation.
4. Public Safety Task Force – Chair Pro Tem Bandaruk reported the Task Force recently discussed issues regarding homelessness and the proposed addition of deputies.

Beach Trail User Survey Results (May 2018)

1062 responses

Do you live in San Clemente?

Yes	1005	95%
No	56	5%

How often do you use the Beach Trail?

Almost daily	225	21%
A few times per week	429	40%
A few times per month	313	29%
Rarely	94	9%

How do you use the Beach Trail? Select all that apply.

Walking	865	81%
Running or Jogging	337	32%
Dog Walking	357	34%
Stroller Walking/Running	110	10%
Bicycling	171	16%
Electric Bicycling	48	5%

Why do you typically use the Beach Trail?

Exercise/Leisure	1028	97%
To access the beach	329	31%
To access a restaurant or business	219	21%

Where do you typically access the Beach Trail?

North Beach	660	62%
Dije Court "204"	37	3%
El Portal	25	2%
Mariposa	31	3%
Linda Lane	136	13%
Corto Lane "Second Spot"	12	1%
Pier	306	29%
T-Street	173	16%
Boca Del Canon "Hole"	18	2%
Lasuen "Lost Winds"	53	5%
Riviera	113	11%
Montalvo	13	1%
Calafia/State Park	200	19%

MOTION BY CHAIR STREGER, SECOND BY COMMISSIONER SMITH, AND CARRIED 7-0, to table discussions regarding pickleball use to the next meeting to allow staff to bring back cost estimates on a dedicated pickleball court at San Luis Rey and any other feasible facility.

Commissioners Dorey and Gates recused themselves and left the dais at 7:23pm due to their association with the PierPride Foundation.

A. PierPride Partnership Agreement

Samantha Thomas, Recreation Manager, summarized the contents of the administrative report regarding a proposed partnership agreement with PierPride and responded to Commission inquiries.

Peggy Vance, PierPride Foundation President, provided information regarding the PierPride Foundation organization goals, activities, and finances, and responded to Commission inquiries.

Commissioners either individually or in agreement provided the following comments:

- Exhibit A does not show total of waivers by the City.
- Article 2 does not detail the funds that will be provided to the City by the PierPride Foundation.
- A percentage or minimum contribution to the City should be included in the agreement.
- A maximum waiver amount should be included in the agreement.

MOTION BY CHAIR STREGER, SECOND BY COMMISSIONER AYER, AND CARRIED 5-0, to table discussions regarding a proposed PierPride Partnership Agreement until the next meeting for the organization and City staff to develop a plan to cap City subsidies and/or guarantee a minimum percentage or dollar amount of City contributions.

Commissioners Dorey and Gates returned to the dais at 7:38pm.

B. Use of Bicycles on the Beach Trail

Samantha Thomas, Recreation Manager, summarized the contents of the administrative report regarding the use of bicycles on the Beach Trail and responded to Commission inquiries.

Michael Dollar, San Clemente resident, stated he has ridden a bicycle in the Beach Trail area before the Beach Trail was constructed; stated other cities and countries are embracing bicycles; opined trail users of all types can be dangerous; stated he did not see the survey, and bike shops were not notified of this meeting; opined the solution is for all users to get along; stated he slows down when others are present; and opined ebikes should be prohibited because of their speed.

Cheryl Kelly, San Clemente resident, stated she used the Beach Trail area before the Beach Trail was constructed; stated the Beach Trail has become very popular noting more pedestrians than cyclists; opined most cyclists are courteous; opined ebikes are a menace noting near misses; stated enforcement is little to none; and opined ebikes should be banned not bicycles.

Martin Eichmann, San Clemente resident, stated he rides an ebike; opined ebike users are courteous and has not seen a problem; opined some individuals break the rules; stated he has a bell and tries not to get in trail users' way; opined banning ebikes is just as bad as banning all bikes; and noted a low percentage of ebike users according to the survey.

Susan Ambrose, San Clemente resident, thanked the Commission for its work on the Beaches, Parks and Recreation Master Plan; stated she is a frequent Beach Trail user; opined bicyclists are courteous; opined concern about ebikes noting instances of ebikes riding dangerously around pedestrians; opined there is not room on the Beach Trail for ebikes as they are dangerous and powerful with riders not using appropriate caution.

Pete Van Nuys, San Clemente resident, stated he was the reason the state law allows the regulation of ebikes separately from bicycles; stated he was present during early Beach Trail discussions; opined any user can be inconsiderate; stated there is no enforcement on the Beach Trail; opined the speed limit should be single digit to attract more attention from cyclists; stated most ebikes are equipped with a speedometer; opined there should be active radar enforcement and expensive tickets to discourage misbehavior; stated he would prefer just a ban on ebikes over all bicycles; stated a person walking a bicycle is twice as wide as a rider; opined a rider speeding is less likely to happen on bridges than in an open area; and opined speed enforcement should be done at the bottom of the Mariposa bridge.

Brenda Miller, San Clemente resident, stated she was the architect of the Bicycle and Pedestrian Master Plan; opined the Beach Trail is not the width needed for the volume of use; opined the City should spearhead the effort to design a wider Beach Trail; opined conflict is created by many users in a small space; stated the bike path improvements on El Camino Real have created a connection for nine miles of bicycle use without interaction with cars; opined banning bikes from the Beach Trail would be catastrophic for multimodal transportation in San Clemente encouraging more vehicle traffic which will utilize beach parking; encouraged anticipation of consequences of policy changes; and opined ebikes are being embraced by baby boomers enabling continued physical activity.

Commissioners either individually or in agreement provided the following comments:

- There are less than courteous bicyclists on the Beach Trail.

- Human powered bicycles and an ebikes are largely the same.
- Enforcement on the Beach Trail is an issue.
- Without enforcement, adding rules will not do much.
- The Beach Trail is an essential part of the transportation in the City.
- Ebikes are being used by younger riders who are not as respectful.
- Single digit speed limit is preferred.
- In narrow areas, bicycles should be walked.
- The success of the Beach Trail was underestimated.
- The Mariposa Bridge was not designed for riding bicycles.
- The Trail was not built to be ridden the entire way, and narrow areas should require walking.
- A speed limit that is enforced would increase safety.
- Other Beach Trail users do not have the momentum to cause injury like a bicycle.
- During the summer months, bicycles should be prohibited.
- Enforcement during the peak season would be beneficial.
- Communication of the rules is important.
- Physical barriers could be used to encourage bicycle walking.
- Enforcement in narrow areas would be beneficial.
- Marine Safety should be contacted about allowing bicycles on the emergency access area near the headquarters building.

MOTION BY CHAIR STREGER, SECOND BY COMMISSIONER SMITH, AND CARRIED 7-0, to table discussions regarding bicycle use on the Beach Trail until a future meeting to allow the exploration of enforcement options.

6. PUBLIC INPUT

None.

7. COMMUNICATIONS

Samantha Thomas, Recreation Manager, communicated an amended lease agreement moving the Friends of San Clemente Foundation's temporary office space to the former City Hall site will be considered at an upcoming City Council meeting; and noted the upcoming Concert Series with new bands.

8. ITEMS FROM COMMISSION

A. Subcommittee Reports

1. Community Events – Chair Streger communicated he would like to see the Community Events subcommittee involved with selecting the bands for the Concert Series.
2. Integrated Pest Management Subcommittee - None.

B. Items from Commissioners

MOTION BY COMMISSIONER SMITH, SECOND BY CHAIR PRO TEM BANDARUK, AND CARRIED 3-2 WITH COMMISSIONER WOHLFARTH AND CHAIR STREGER OPPOSED, to direct staff to analyze scheduling and timing of utilization of court #3 for dual use by tennis and pickleball, to revisit the striping of court #3, and report back at the next meeting.

Commissioner Dorey returned to the dais at 7:50pm.

Commissioner Dorey recused himself and left the dais at 7:55pm due to his association with the PierPride Foundation.

A. PierPride Partnership Agreement – Second Review

Samantha Thomas, Recreation Manager, summarized the contents of the administrative report regarding a proposed partnership agreement with PierPride and responded to Commission inquiries.

Jim Nielsen, PierPride Foundation Treasurer, responded to Commission inquiries regarding organization finances, fundraising, and activities.

Commissioners either individually or in agreement provided the following comments:

- There is not a cap on subsidies outlined in 3.2 for October events.

MOTION BY CHAIR STREGER, SECOND BY COMMISSIONER AYER, AND CARRIED 5-0, to recommend the City Council approve a partnership agreement with PierPride Foundation with the modification that the fees waived sentence in section 3.6 be moved to section 3.2 and the waived amount be changed from \$1,000 to \$2,000.

Commissioner Dorey returned to the dais at 8:15pm.

B. Use of Bicycles and Electric Bicycles on the Beach and Beach Trail

Samantha Thomas, Recreation Manager, summarized the contents of the administrative report regarding the use of bicycles and electric bicycles on the beach and Beach Trail and responded to Commission inquiries.

Cynthia Blaylock, San Clemente resident, stated she enjoys riding her electric bicycle on city streets; stated she would like to use the electric bicycle to access the pier area and Del Mar from North Beach; opined the Beach Trail is safer than El Camino Real for cyclists; stated the use of electric bicycles is a green alternative and should be encouraged; stated the use of electric bicycles eliminates the need to park a vehicle; opined if electric bicycles are prohibited from the Beach Trail, riders are more likely to visit Dana Point's businesses; opined the use of electric bicycles with a speed limit is not incompatible with bicycle use; opined it would be unfair to ban electric bicycles and not bicycles if the rules are applied evenly to both; noted the General Plan and

Bike and Pedestrian Master Plan encourage bicycle and electric bicycle use; and noted there have been no reported incidents with electric bicycles on the Trail.

Susan Ambrose, San Clemente resident, stated she is a frequent Beach Trail user; stated she frequently hears from friends and neighbors about near misses and concerns with bicycles and electric bicycles on the Beach Trail; opined we are missing appropriate rules of the road behavior; noted an incident of a near miss with an electric bicyclist; and expressed support for the recommendation of banning electric bicycles on the Beach Trail.

C.L. Snider, San Clemente resident, stated dog walkers do not abide by the six foot leash or shorter rule; noted the speed of electric bicycles and bicycles who would take a long time to stop; stated the statistics of Beach Trail users; and opined the Mariposa boardwalk is a bridge where bicycles should be walked.

Alison Betts, San Clemente resident, stated she is a daily Beach Trail user in all modes including electric bicycle; stated she is respectful of other users; opined it is not about rules but Trail users respecting one another; questioned future regulation of other modes of use that may be problematic; opined she has not seen signage about 10mph speed limit; and opined the beach patrol sheriff should be asked to enforce regulations.

Brenda Miller, San Clemente resident, stated the philosophy of the Bike and Pedestrian Master Plan is to increase mobility by all modes; opined the Beach Trail plays a key role in accessing the ocean; stated electric bicycles reduce the need for parking; opined restrictions on use of the Beach Trail would have a chilling effect on Beach Trail functionality; expressed support for ticketing for problem users of the Trail; and opined the Beach Trail is undersized for its volume of use.

Michael Metcalf, San Clemente resident, stated there is bad behavior on the Beach Trail by all user types; opined generally the Beach Trail is very popular and most users are civil; opined banning any category of user is arbitrary and unfair; opined enforcement would improve behavior; opined if the City is unwilling to pay for enforcement, it might not be a problem; and opined electric bicycles should not be banned from the Beach Trail.

Martin Eichmann, San Clemente resident, stated he uses an electric bicycle on the Beach Trail and can no longer walk or run; stated his electric bicycle can be pedaled without any electricity; stated his bicycle has a speedometer, and he usually rides 6-8 miles per hour on the Trail; stated electric bicycles have disc brakes and can stop quickly; and opined a few concerns should not prompt a ban on electric bicycles.

Commissioners either individually or in agreement provided the following comments:

- Someone riding an electric bicycle appropriately on the Beach Trail is no greater risk than any other user.
- Accessing Del Mar on City streets from North Beach by bicycle is more dangerous.
- Bicycle riding on the beach occurs at extreme low tides.
- There should be a speed limit for bicycles on the beach.
- Eight miles per hour is an appropriate speed limit.
- The beach should not be used by bicycles as the Beach Trail provides for mobility.
- Reckless riding could be cited without a radar speed reading.
- Ticketing would discourage problem behavior.
- Electric bicycles can be dangerous in the wrong hands.
- The Beach Trail was not designed to be ridden by bicycles in its entirety.
- Electric bicycles are ridden too fast.
- The Beach Trail was designed for exercise, and electric bicycles do not provide exercise.
- Eight miles per hour is too fast on the bridge and between Corto Lane and the Pier.
- Bicycles should not be ridden on the bridges.
- A six miles per hour speed limit would signal bicycles need to be ridden slowly.
- The rules should be the same on the beach as the Beach Trail for bicycles.
- The beach is not an appropriate place for transportation.
- Any area of the Beach Trail narrower than five feet should require walking of bicycles.

MOTION BY CHAIR STREGER, SECOND BY COMMISSIONER SMITH, AND CARRIED 6-0, to recommend the City Council approve amendments to Municipal Code section 12.32.130 (B) to include the words "Beach and" before any Beach Trail reference, to indicate riding of bicycles is prohibited on any bridges, the maximum speed of the Beach Trail be reduced to six miles per hour, and indicate riding of bicycles is prohibited between Corto Lane and the Pier.

5. NEW BUSINESS

A. Consideration of a Public Mural at San Luis Rey Park

Samantha Thomas, Recreation Manager, summarized the contents of the administrative report regarding a proposed public mural at San Luis Rey Park and responded to Commission inquiries.

Melinda Morey, proposed mural artist, presented photos of other mural and gallery artwork she has completed; provided detail and background on the proposed mural design; discussed the intent of the artwork; stated the design will be further refined; and responded to Commission inquiries.

C. **Code Amendment - Use of Bicycles and Electric Bicycles on the Beach and Beach Trail**

Report from the Assistant City Manager concerning the possibility of amending the Code of the City of San Clemente as it relates to the use of bicycles and electric bicycles on the beach and beach trail.

Recreation Manager Thomas reviewed the contents of the Administrative Report.

Brenda Miller, San Clemente, spoke in support of enforcing existing regulations as opposed to adding new regulations.

C. L. Snider, San Clemente, related his position that electric bicycles are dangerous on the beach trail and urged that regulations against motorized vehicles be enforced.

Judith Frant, San Clemente, explained her opposition to the operation of electric bicycles on the beach trail, with the exception of electric vehicles needed to accommodate disabled persons.

Alison Betts, San Clemente, spoke in opposition to additional regulations and urged that persons who violate existing regulations be cited; stated that the proposed Ordinance recommends an arbitrary maximum vehicle speed on the trail of 8 MPH.

Pete van Nuys, San Clemente, urged that behavior that violates current regulations be enforced; opined that the existing 10 MPH speed limit on the beach trail be enforced; stated that the beach trail was designed for mixed use for pedestrians and human-powered vehicles, adding that the courts have determined that electric bicycles are human powered; suggested that the City form a committee to assess ways to protect pedestrian safety on the beach trail and throughout the City.

Mike Dollar, San Clemente, urged that the City allow bicycles on City trails, enforce existing regulations, and establish a speed limit.

Susan Ambrose, San Clemente, spoke on the need to enforce rules; suggested that a committee be formed to study the issues and to possibly establish hours during which bicycles are allowed on the beach trail; suggested that electric bicycles be prohibited on the beach.

Following discussion, MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0 (COUNCILMEMBER SWARTZ ABSENT), to introduce Ordinance No. 1661 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, CLASS 2, AND CLASS 3, AND OTHER ACTIVITIES ON THE PIER, BEACH ACCESS ROAD, BEACH AND BEACH TRAIL, with modifications as follows:

1. Class 3 bicycles were added to the title of Ordinance No. 1661.
2. Section 1, Subsection B is to be amended to reference that bicycles may be ridden at a maximum speed of 10 MPH.
3. Subsection E is to be added to Section 1 to provide that all types of bicycles are prohibited on the beach during summer months.
4. The second "Whereas" is to be expanded to include the following language at the end: "and prohibits the operation of Class 3 electric bicycles".

Additionally, the City Attorney is to develop language for a subsequent Ordinance for Council consideration that includes behaviors that are considered to be reckless or dangerous, to enable appropriate City staff to issue enforcement citations.

D. **Code Amendment - Prohibition of Smoking in Beach Parking Lots, Public Park Parking Lots, and Open Space; Requiring that Public Parking Lots be Used Only for Parking; and Requiring that Parking Meter Zones be Used Only for Parking**

Report from the City Attorney concerning the possibility of amending the Code of the City of San Clemente as it relates to smoking prohibitions in beach parking lots, public park parking lots, and open space; requiring that public parking lots be used only for parking; and requiring that parking meter zones be used only for parking.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 4-0 (COUNCILMEMBER SWARTZ ABSENT), to:

1. Introduce Ordinance No. 1662 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA AMENDING THE SAN CLEMENTE MUNICIPAL CODE, CHAPTERS 8.64 TO PROHIBIT SMOKING IN BEACH PARKING LOTS, PUBLIC PARK PARKING LOTS, AND OPEN SPACE; 10.28 TO REQUIRE THAT PUBLIC PARKING LOTS BE USED ONLY FOR PARKING; AND 10.40 TO REQUIRE THAT PARKING METER ZONES BE USED ONLY FOR PARKING.

Action continued on next page

C. Use and Regulation of Electric Bikes on City Trails

Report from the Interim City Manager concerning the use and regulation of electric bikes on City trails.

City Clerk staff read the following emails, which are on file with the City Clerk:

Professor John Martinez, email dated October 20, 2020.

Shari Grace, email dated October 20, 2020.

Jim Grace, email dated October 20, 2020.

Mel P-h, email dated October 20, 2020.

Recreation Manager Wylie reviewed the contents of the Administrative Report and responded to Council inquiries.

During the course of deliberations, Council referred the issue of use and regulation of ebikes 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. The following comments were provided by at least one Councilmember and do not necessarily reflect Council consensus: 1) Consideration should be given to the possibility that stores in San Clemente are selling Class 3 ebikes even though they are not permitted on City trails; 2) Consideration should be given to the possibility of lowering the speed limit of ebikes on the beach trail (which is currently set at 10 MPH); 3) Consideration should be given to best practices utilized by other cities with regard to ebike usage; 4) Consideration should be given to methods to disseminate the rules for ebike operations to the public; 5) Consideration should be given to the possibility of Park Rangers providing a presence on the beach trail; and 6) Consideration should be given to the feasibility of using volunteers to monitor trails and educate the public with regard to ebike usage.

Council requested an update at its November 17, 2020 meeting concerning the Beaches, Parks and Recreation Commission's and Public Safety Committee's progress on this issue.