



CITY COUNCIL AGENDA REPORT

MEETING DATE: July 3rd, 2012

ITEM NUMBER:

NB-1

SUBJECT: BICYCLE PARKING ORDINANCE

DATE: JUNE 7, 2012

FROM: POLICE DEPARTMENT- FIELD OPERATIONS DIVISION

PRESENTATION BY: VICTOR BAKKILA, POLICE SERGEANT

**FOR FURTHER INFORMATION CONTACT: VICTOR BAKKILA (714) 754-4812
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RECOMMENDED ACTION:

1. Introduce ordinance for first reading to be read by title only and waive further reading.

BACKGROUND:

The Homeless Task Force (HTF) was formed by the City Council in January, 2011 in a response to a series of incidents in the Lions Park vicinity. Problems due to vagrancy included individuals sleeping in the park overnight, multiple encounters between the homeless population, library, and community center patrons, and a variety of complaints from adjacent property owners and park users.

The HTF adopted nine goals and recommendations dealing with the issues related to homelessness. Since that time, the City, in conjunction with both the faith based and non-profit communities, has encouraged and implemented a variety of policies and programs including an ordinance prohibiting sex offenders in the park, a church run storage facility, a Neighborhood Improvement Task Force which deals with homelessness and community blight, and a church instituted family reunification program. The City is also reviewing its abandoned property ordinance as well as other ordinances and policies dealing with hotel/motel nuisance abatement, vice activities, and long term motel occupancy rates.

As part of its review of quality of life issues, the City has also undertaken a variety of public improvements designed to improve its parks and recreational areas. In cooperation with the Churches Consortium, and with the advent of the church operated "Check-in Center" storage facility, the City recently removed the railing in front of the Downtown Library which was used by the homeless for short-term storage. Similarly, the City recently began demolition of the picnic shelter at Lions Park in anticipation of newer, permanent recreational facilities.

During the past several years, there have also been citizen complaints regarding bicycles being attached to poles, trees, fire hydrants, utility boxes, and irrigation systems throughout the city. In several areas, these locked bicycles have blocked the right of way on sidewalks and other areas in the city including parks. Many of these bicycles were abandoned for several days. Additionally, over the 5-month period from January to May 2012, there was a 68% increase in bicycle thefts compared to the same 5-month time period in 2011 (January to May 2011).

City staff believes the best course of action to mitigate these thefts and to eliminate the blight of bicycles being locked throughout the city is to enact a bicycle ordinance similar to the one in the Freehold Borough in New Jersey. The New Jersey ordinance deals directly with improper bicycle parking which not only blocks the circulation paths of vehicular and pedestrian traffic, but also creates visual clutter along the streets. The ordinance prohibits a person from locking a bicycle to poles, traffic signs or signals, hydrants, mailboxes, trees, and similar appurtenances or on or in any public rights-of-way and semi-public rights-of-way or in any other fashion on or to anything other than a bicycle parking rack. Similarly, the City of Costa Mesa is facing the same issue and is responding with a bicycle parking ordinance to protect access and reduce visual disorder on the street.

ANALYSIS:

Proposed Ordinance Requirements

The proposed ordinance protects the public welfare by regulating where and how bicycles may be parked (Attachment A). It prohibits bicycles from being locked to public infrastructure other than bicycle racks on public and private property. Bicycles locked in locations not designed specifically for bicycle parking shall be impounded. Owners who have had their bicycles impounded will be able to retrieve their bicycle from the City after paying the storage costs incurred by the City. The penalty for improper locking of one's bicycles will provide a disincentive from improper parking that impedes public circulation. Furthermore, bike owners will be encouraged to utilize the church storage Check-in Center facility for proper storage.

In addition to Freehold, New Jersey, several neighboring cities such as Newport Beach, Huntington Beach, and Irvine have enacted bicycle ordinances which either regulate abandoned bicycles or stipulate bicycle parking requirements. Attachment B shows the standards for these comparable cities.

Existing Bike Racks in Costa Mesa

There are currently 30 parks and 38 bike parking spaces in those same parks in the city of Costa Mesa (Attachment C). The City conducted two separate analyses to determine bicycle rack adequacy. The City performed a brief bicycle rack usage analysis to estimate whether parks and other public facilities had adequate amounts of bicycle parking (Attachment C). The following locations were studied because they exhibited a high usage level, as determined by the number of picnic shelter reservations between May 2011 and May 2012. Those parks are:

1. Tewinkle Park

2. Fairview Park
3. Lions Park
4. Shiffer Park
5. Wakeham Park

Based on the number of racks as well as a usage analysis by the Housing and Community Development staff, there appears to be an inadequate number of bicycle racks in the city parks observed. An additional 22 bicycle parking spaces would be needed to accommodate the bicycles observed during the survey time period. Based on this survey, the majority would need to be in Lions Park. Moreover, staff plans to carry out an additional usage survey based on peak weekend times prior to finalizing the data.

An additional analysis was undertaken looking at bike racks needed as a percentage of vehicle parking spaces at each park. It was estimated that parks would require 23 new bike spaces. Based on this evaluation, Lions Park had adequate bicycle parking spaces while the other four parks had a deficit of spaces.

The City is in the process of a grant application to fund more bicycle parking racks for public facilities. If more racks are provided, funding will possibly be available in July, 2012. Thus, enforcement would be rolled out on a "phased basis" based on the timeline for installation of new racks in the parks. Additionally, in parks where there are currently no bike racks, which are typically smaller parks, there will be no enforcement given the lack of bicycle parking spaces in those locations. However, it is suggested that prior to any bike racks being funded in parks with existing bike racks, an additional survey be conducted after the Bicycle Parking Ordinance is adopted. It is also possible that once the Check-in Center near Lions Park becomes more fully utilized, additional bike racks may not be needed at these locations.

ALTERNATIVES CONSIDERED:

The City can choose not to adopt the proposed Bike Parking Ordinance and continue to allow bikes to be parked and locked to public infrastructure and or other facilities.

FISCAL REVIEW:

This ordinance will not generate any new financial obligations to the City of Costa Mesa. Depending on the number of fines for improperly locked bicycles, the ordinance will possibly generate a small amount of revenue, and this revenue will be used to offset any storage costs associated with the impounding of bicycles.

LEGAL REVIEW:

The City Attorney's office has reviewed and approved the attached municipal ordinance as to form and content.

CONCLUSION:

Currently the existing municipal code does not address bicycles being parked in the city outside of bicycle racks. The adoption of this municipal code will give the Costa Mesa Police Department the proper tool to improve access and the visual character of the streets in the City of Costa Mesa. The consolidation of bicycles in approved racks should reduce the blight and thefts associated with bicycles spread throughout the city.


VIC BAKKILA
Sergeant- Community Services


TOM GAZSI
Chief of Police


TOM DUARTE
City Attorney

DISTRIBUTION: City CEO
City Attorney
Finance Director
City Clerk

ATTACHMENTS: A) Proposed Costa Mesa Bicycle Parking Ordinance
B) Comparable Cities with Bicycle Parking Policies
C) Bicycle Rack Assessment
D) Bicycle Demand Analysis

Attachment A:

ORDINANCE NO. 12-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA ADDING CHAPTER III OF TITLE 4 OF THE COSTA MESA MUNICIPAL CODE RELATING TO BICYCLE PARKING REGULATIONS

WHEREAS, there exists a need to regulate the manner and method of parking and securing bicycles in, on and about public property in the City of Costa Mesa; and

WHEREAS California Vehicle Code Section 21206 provides that local authorities may, by ordinance, regulate the parking and operation of bicycles on pedestrian or bicycle facilities, provided such regulation is not in conflict with the provisions of the Vehicle Code; and

WHEREAS California Vehicle Code Section 21210 provides that local authorities may, by ordinance or resolution, prohibit bicycle parking in designated areas of the public highway, provided that appropriate signs are erected.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter III of Title 4 of the Costa Mesa Municipal Code is hereby added as follows:

CHAPTER III. BICYCLE PARKING RACKS, SECURING OF BICYCLES

Sec. 4-32. Purpose and findings

A. The uncontrolled placement and tethering or securing of bicycles in public rights-of-way and semi-public rights-of-way, on or to public property, presents an inconvenience and danger to the safety and welfare of persons using such rights-of-way, including pedestrians and persons entering and leaving vehicles and buildings.

B. Bicycles so located on public property as to cause an inconvenience or danger to persons using public rights-of-way and semi-public rights-of-way, and as to cause an unsightly appearance, constitute public nuisances.

C. These factors constitute an unreasonable interference with and obstruction of the use of the public rights-of-way and semi-public rights-of-way, are injurious to health, offensive to the senses, and constitute such an obstruction of the free use of property as to interfere in the comfortable enjoyment of life and property by the entire community.

D. The governing body recognizes, however, that many residents use bicycles as a primary means of transportation as well as for recreational purposes, as a means to visit the downtown business district and that adequate facilities need to be in place for the safe and secure parking and storage of these bicycles. These competing interests require a reasonable accommodation which can be satisfactorily achieved through this Ordinance, designed to provide for the placement of bicycle parking racks and to regulate the place and manner of bicycle parking on public property and in public rights-of-way and semi-public rights-of-way in the city.

E. The provisions and prohibitions hereinafter enacted are for the purpose of securing and promoting the general welfare of persons in the city in their use of public rights-of-way and semi-public rights-of-way and other public property through the regulation of bicycle parking in the city so as to:

1. Provide for pedestrian and driving safety and convenience;
2. Ensure no unreasonable interference with the flow of pedestrian or vehicular traffic including ingress to, or egress from, any place of business, or from the street to the sidewalk, use of the sidewalk, use of public parks or property;
3. Provide reasonable access for the use and maintenance of public sidewalks, poles, traffic signs and signals, hydrants, mailboxes, trees, and similar appurtenances, and access to locations used for public transportation purposes;
4. Reduce visual blight on the public rights-of-way and semi-public rights-of-way, protect the aesthetics and value of surrounding properties, and protect the quiet enjoyment of public areas;
5. Reduce exposure of the city to personal injury or property damage claims and litigation;
6. Protect and safeguard bicycles from vandalism, damage or theft.

Sec. 4-34. Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

- A. *Bicycle Parking Rack* means a rack for the storage, parking and securing of bicycles.
- B. *Bicycle Rack Space* means the space sufficient for securing one bicycle to the bicycle parking rack.
- C. *Bicycle* shall mean and include any device as defined in the California Vehicle Code

section 39000, and includes a "motorized bicycle", as defined in California Vehicle Code section 406, as amended.

Sec. 4-36. Prohibited Acts.

A. No person shall park, tether or secure a bicycle upon or to any sidewalks, poles, traffic signs or signals, hydrants, mailboxes, trees, and similar appurtenances or on or in any public rights-of-way and semi-public rights-of-way or in any other fashion on or to anything other than a bicycle parking rack installed for that purpose, except that bicycles may be parked on private property with the consent of the property owner.

B. Anything affixed to, or on a bicycle tethered or otherwise secured to a bicycle rack shall fit in one bicycle rack space and shall not protrude into any adjacent bicycle rack space.

C. All bicycles discovered by the city to have been tethered or secured upon or to any sidewalks, poles, traffic signs or signals, hydrants, mailboxes, trees, and similar appurtenances or on or in any public rights-of-way and semi-public rights-of-way or in any other fashion on or to anything other than a bicycle parking rack installed for that purpose, abandoned or otherwise left on public streets, sidewalks, public property or on private property without the consent of the owner shall be seized and impounded by the city. The owner of such bicycles may claim them from the city by paying a fine in an amount to be established by resolution of the City Council, as may be amended from time to time, for each bicycle claimed, to cover the municipal retrieval costs, and, in addition thereto, shall pay \$1.00 per day, or an amount to be established by the city by resolution from time to time, for storage of each such bicycle. The city shall have the right to impound and retain possession of any bicycle in violation of the provisions of this chapter and may retain possession of such bicycle until the provisions of this chapter are complied with. Bicycles which remain impounded pursuant to this section for longer than a ninety-day period may be sold at auction in accordance with laws governing the disposal of abandoned property generally.

D. In order to claim a bicycle from impound, the owner must present a bicycle registration card or be able to identify the bicycle by make, color or any other fashion sufficient to identify the bicycle. The city shall not be responsible for any bicycle impounded or released to a person claiming to be the owner thereof.

Sec. 4-38. Bicycle Parking Rack Locations.

For the public convenience, the city, together with private contributions, has placed bicycle parking racks throughout the municipality, and with emphasis on areas where bicycles have historically been parked. Interested persons may obtain a list of the locations of all city bicycle racks from the city clerk.

Sec. 4-40. Violation; Penalty.

Any person who violates any of the provisions of this chapter shall be guilty of an infraction and shall, upon conviction thereof, be subject to a fine of ten dollars (\$10.00) for each violation.

Section 2. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Costa Mesa hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 4. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect 30 days after its final passage.

PASSED AND ADOPTED this _____ day of _____, 2012.

Mayor

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk of the City of Costa Mesa

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, CHRISTINE CORDON, Acting City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 12-__ was introduced and considered section by section at a regular meeting of said City Council held on the _____ day of _____, 2012, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the _____ day of _____, 2012, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this _____ day of _____, 2012.

City Clerk and ex-officio
Clerk of the City Council of the
City of Costa Mesa

DRAFT

Attachment B: Comparable Cities with Bicycle Parking Policies

Irvine, CA

Summary

In the city of Irvine, bicycles are required to be locked or parked in a way that does not obstruct pedestrian traffic along the sidewalk, and the penalty for noncompliance is impoundment (Irvine Municipal Code, Sec. 4-7-209 and 4-7-215).

Sec. 4-7-209. - Parking.

No person shall leave a bicycle lying on its side on any sidewalk, nor shall park a bicycle upon the public right-of-way or the sidewalk rack to support the bicycle or against a building or at a curb, except in such a manner as to afford the least obstruction to pedestrian traffic.

Sec. 4-7-215. - Impoundment for violation of law.

The Director of Public Safety/Chief of Police or his or her duly authorized representative shall have the right to impound any bicycle in violation of this chapter, and may retain possession of such bicycle until the provisions of this chapter are complied with. Bicycles retained by the Police Department in excess of three months shall be disposed of in compliance with Civil Code §§ 2080.1, 2080.2, 2080.3, 2080.4 and 2080.5.

Newport Beach, CA

In the city of Newport Beach, there are no regulations in regards to bicycle parking. However, Newport Beach regulates abandoned bicycles. Any bicycle locked to city property for a period of 48 hours or longer is deemed abandoned and will be impounded.

Chapter 12.56

No regulations in regards to bicycle parking.

11.04.090 Abandoned Bicycle.

Any bicycle that is attached or fastened to any City property, including a bicycle rack, or left in a park, park facility, on a beach, or oceanfront boardwalk for a period of forty-eight (48) hours or longer shall be deemed abandoned property and may be impounded by the City. Any bicycle which has been impounded by the City and held for ninety (90) days without redemption by or on behalf of the lawful owner thereof shall, if saleable, be sold at such time and place and in such a manner as required by Civil Code Section 2080 et seq. (Ord. 2012-6 § 1 (part), 2012)

Huntington Beach, CA

In the city of Huntington Beach, bicycles may not impede access along any circulation path or ingress and egress from buildings. Bicycles parked inappropriately will be impounded by the city (Huntington Beach Municipal Code, 10.84.120 and 10.84.130).

10.84.120 Impounding—Parked bicycles.

No person shall park or leave a bicycle in the area between Pacific Coast Highway and the mean high tide line of the Pacific Ocean in a manner so as to block or impede any road, vehicle route, walkway or path, or so as to block or impede ingress or egress from any building, stair, pier or bridge. Any bicycle so parked or left may be impounded by the Community Services Department or by the Police Department, and may be held until the sum of five dollars (\$5) has been collected to defray the cost of impound. (1784-1272, 1913-574)

10.84.130 Impounding—Holding time period.

Any bicycle which has been so impounded and held for three (3) months without redemption by or on behalf of the lawful owner thereof shall, if saleable, be sold at such time and place and in such manner for the reasonable value thereof, as provided by this code. (1784-1272, 1913-574, 3602-5703)

Attachment C: City of Costa Mesa Bicycle Rack Assessment

Costa Mesa City Parks	Location	Address	Bike Rack Capacity
	Bark Park	970 Arlington	0
	Brentwood Park	265 E. Brentwood Place	0
	Canyon Park	970 Arbor St.	0
	Civic Center Park	77 Fair Dr.	0
	Del Mesa Park	2080 Manistee Dr.	0
	Estancia Park	1900 Adams Ave.	0
	Fairview Park	2525 Placentia Ave.	0
	Gisler Park	1250 Gisler St.	0
	Harper Park	425 E. 18th St.	0
	Heller Park	257 E. 16th St.	8
	Jordan Park	2141 Tustin Ave.	0
	Ketchum-Libolt Park	2150 Maple St.	0
	Lindbergh Park	220 E. 23rd St.	0
	Lions Park	570 W. 18th St.	15
	Marina View Park	1035 W. 19th St.	0
	Mesa Verde Park	1795 Samar Dr.	0
	Moon Park	3377 California St.	0
	Paularino Park	1040 Paularino Ave.	0
	Pinkley Park	360 E. Ogle St.	0
	Shalimar Park	782 Shalimar Dr.	0
	Shiffer Park	3143 Bear St.	0
	Smallwood Park	1646 Corsica Pl.	0
	Suburbia Park	3302 Alabama Cir.	0
	Tanager park	1780 Hummingbird Dr.	0
	Tewinkle Park	970 Arlington Ave.	0
	Vista Park	1200 Victoria St.	0
	Volcom Skate Park	900 Arlington Dr.	15
	Wakeham Park	3400 Smalley St.	0
	Wilson Park	360 W. Wilson St.	0
	Wimbledon Park	3440 Wimbledon Way	0
Total Parks			30
Total Parks' Bike Capacity			38

Attachment D1: City of Costa Mesa Bicycle Demand Analysis

Costa Mesa City Park	Address	Time of Survey	Survey Results Method					Additional Spaces Required Per Survey Method
			Total Bikes Observed	Bikes Parked In Racks	Maximum Bikes Observed	Existing Bike Rack Capacity		
Wakeham Park	3400 Smailley St.	5/30/12 12:21 PM	0	0	0	0	0	0
		5/31/12 4:02 PM	0	0	0			
		6/1/12 11:20 AM	0	0	0			
Shiffer Park	3143 Bear St.	5/30/12 12:33 PM	0	0	0	0	0	2
		5/31/12 4:08 PM	0	0	0			
		6/1/12 10:30 AM	2	0	0			
Tewinkle Park	970 Avfingion Ave.	5/30/12 12:52 PM	3	0	0	5	0	5
		5/31/12 4:21 PM	0	0	0			
		6/1/12 9:30 AM	5	0	0			
Lions Park	570 W. 18th St.	5/30/12 11:40 AM	29	1	1	29	15	14
		5/31/12 3:35 PM	29	2	2			
		6/1/12 10:10 AM	11	5	5			
Fairview Park	2525 Placentia Ave.	5/30/12 12:03 PM	1	0	0	1	0	1
		5/31/12 3:46 PM	1	0	0			
		6/1/12 10:30 AM	0	0	0			
Total							22	

Methodology: The survey was conducted over a three-day period. Peak afternoon, late-afternoon, and morning times were picked to anticipate the times most likely to have a significant amount of people. The analysis was performed near the beginning of summer because this represents a time of year with a high prevalence of bicyclists. To estimate the need, we took the maximum number of bikes observed over the different survey times and based the demand needed on that figure.

Total Bikes Observed refers to the total number of bikes parked properly and improperly at the time of survey.

Bikes Parked In Racks refers to the number of bikes properly parked in bike racks.

Existing Bike Rack Capacity is the number of bike rack spaces the park currently has.

Attachment D2: City of Costa Mesa Bicycle Demand Analysis

Bike Racks as a Percentage of Parking Method

Costa Mesa City Park	Address	Parking Spaces	Demand by 5% of Parking	Existing Bike Rack Capacity	Additional Spaces Required	Per. % of Auto Parking Method
Wakeham Park	3400 Simalley St.	18 off-street	0.90			
		0 on-street	0.00			
		Total	0.90		0	3
Shiffer Park	3143 Bear St.	21 off-street	1.05			
		16 on-street	0.80			
		Total	1.85		0	3
Tewinkle Park	970 Adlington Ave.	173 off-street	8.65			
		25 on-street	1.25			
		Total	9.90		0	10
Lions Park	570 W. 18th St.	191 off-street	9.55			
		81 on-street	4.05			
		Total	13.60		15	0
Fairview Park	2525 Placentia Ave.	129 off-street	6.45			
		0 on-street	0.00			
		Total	6.45		0	7
Total						23

Methodology:
 Demand by % of Parking is a calculation method employed by some U.S. cities (such as Boulder, CO; Huntington Beach, CA; Irvine, CA; Bend, OR) which requires bicycle parking capacity to be a percentage of the number of automobile spaces provided. For this analysis, a standard of 5% of parking spaces, but no less than 3 bike spaces, was used. The 5% was used as a figure that is lower than cities with a large biking community (Boulder, CO), but also higher than cities with a smaller biking community (Irvine, Huntington Beach). The size of a biking community was determined by the number of workers over the age 16 who bike to work as calculated in the 2006-2010 American Community Survey, S0801.

Additionally, 5% of vehicle parking spaces was used because 5% is the recommended supply for short-term bicycle parking for visitors according to the 2010 California Green Building Code, Section 5.1.06.4.