

City Council Questions
March 26, 2019 Council Meeting

ITEM 3.1 PRELIMINARY REVIEW OF THE FISCAL YEAR 2019-20 THROUGH FISCAL YEAR 2023-24 CAPITAL IMPROVEMENT PROGRAM

1. If we pursued Measure B funds for the Stevens Creek Trail, would we require equal contributions from Mountain View, Sunnyvale and Los Altos?

Measure B would require a local match (10%) minimum. The Measure B guidelines would not address how that local match would be divided between the cities. The cities would have to decide how to divide the local match, but it is our expectation that other cities share in the cost of extending the trail.

2. If a project that supports a Council goal is not yet on the CIP list, and the majority of Council supports it, when will it be added to the CIP list?

Ideally any new projects would be added to the five-year CIP before it is adopted in June. There will be one more study session, likely in late April, and the final five-year program will be adopted in June.

3. Is the Stevens Creek Trail extension project eligible for SB 1 funds?

SB 1 is intended for roadways and, therefore it is our understanding that the extension of Stevens Creek Trail would not be eligible as a project to use our annual allocation of SB 1 funds. There does appear to be a competitive grant program element to SB 1. Staff is doing more research on this.

4. How much discretion do we have to move up “roll forward” projects? It’s not clear which projects have “one-for-one” impacts on staff capacity and resources if we were to modify the schedule.

The Council has full discretion to move projects around. It is difficult to give specific “one-for-one” impacts because of the funding sources, staff resources and other factors. If there is a project Council is specifically interested in moving up, staff can return at the next study session with an analysis of what other project would need to be deferred.

5. Is this an appropriate opportunity to provide direction on increasing the number of protected bike lanes in the City?

Yes. There are a number of proposed protected bikeways identified in Council-adopted plans, including precise plans and the bike plan. These projects generally move to design and construction by being included in the CIP.

6. On page 5 the report says that when fully implemented the new City Business License Tax funds will bring in an estimated \$4.8 million. My understanding is that the tax revenue will

ramp up over several years. Is that true and, if so, what is the estimated revenue for the years before full implementation?

For businesses with over 50 employees, the new BL tax structure is phased in over 3 years, about 1/3 beginning January 1, 2020, 2/3 beginning January 1, 2021, and fully implemented beginning January 1, 2022. Estimated BL tax revenue is \$2.2M (approx. \$2.0M additional) in FY19-20, \$3.8M (approx. \$3.6M additional) in FY20-21, and \$5.3M (approx. \$5.1M additional) in FY21-22. City Council earmarked 80.0% of the additional revenue for transportation, and 10% for housing, which will be reaffirmed during the upcoming budget meetings. Businesses with 50 employees or less do not qualify for the phase in and owe the full business registration and license tax starting in 2020.

7. On p 7 the report says that staff is currently managing an extraordinary number and wide variety of capital projects and also that capital project management has been delegated to sections of public works other than the Capital Projects Section to keep pace. Might we hire consultants for any of these projects?

Consultants can be used for managing projects, and the City currently utilizes two individuals working for engineering firms managing projects. The City also currently employs hourly and limited period staff to supplement regular City employees managing projects. However, there are limitations to increasing staff capacity through consultants. First and foremost is that project managers need support from other staff and from managers. Contracts, noticing, agenda reports and many other activities need support from clerical and analyst staff. Plans are typically reviewed by Traffic and Construction Section staff, and construction is managed through Construction Section staff. City projects also must be coordinated with private development work through Land Development Section staff. Finally, the consultant's work must be overseen by Public Works management staff. Consultants tend to require more oversight, at least until they become familiar with the City's practices and procedures.

The current project management capacity, which has increased significantly in the past several years, has stretched the capacity of the support staffing mentioned above. To bring on more project management staffing (consultant or otherwise), would require an evaluation options to support that additional staffing.

8. On p 8 regarding synthetic turf replacement on the Graham Athletic Field: how often is this turf replaced and where does it go?

The synthetic turf should be replaced about every eight years. It is our understanding from our current contractor for Graham that the old turf is recycled.

9. On p 15, who is doing the El Camino Real Bike Improvement design?

Staff is planning to work with Caltrans to incorporate the significant striping revisions into the Caltrans project that is planned for 2020-2021 to reconstruct/overlay portions of ECR within the City. We have not yet determined if Caltrans will assist with this design or if the City will design and then submit to Caltrans. Any incremental cost increases

for striping will likely have to be funded by the City. There are some other streetscape elements that may be a City-funded project separate from the Caltrans project. Since the study is still being finalized, these details have not yet been worked out.

10. On p 17, What is the status of Sunnyvale and Los Altos' willingness to fund the Stevens Creek Trail Extension, either at the \$2 million amount or the 10 percent local match for VTA Measure B funds? Do you have an estimate of the match amount?

Neither city has been willing to commit funding towards the estimated \$6M for design so far. Sunnyvale recommended pursuing Measure B grant funds, but did not commit to a specific dollar amount for a match for that effort. Sunnyvale's mayor has approached Assemblymember Marc Berman's office about securing State funding, and staff is currently assembling an information packet for his staff to see if that is possible. The Measure B call for projects will occur this summer. A \$6M grant for design would require a minimum 10% (\$600,000), but the application is more competitive with a 20% match (\$1.2M).

11. How are consultants chosen for parks, community buildings and bike/ped improvements?

Consultants are generally hired through competitive process that includes a request for proposals (RFP) issued by the City. Proposals are evaluated by the City and, for larger projects, consultant teams are interviewed by a panel of staff. Proposals are evaluated based on the experience and qualifications of the consultant team, rather than strictly on price (as with construction contracts). For routine projects, the City sometimes prequalifies a group of engineering consultants that are then assigned projects on a rotating basis. Consultants can also be hired without a competitive process ("sole-source") if a consultant has particular experience or qualifications that are sufficiently unique and beneficial. Contracts with a value in excess of \$100,000 are approved by the City Council, while those of a lesser value are executed by staff. State and Federal grant funding will sometimes dictate that additional procedures be followed.

12. Of the C/C tax and CIP reserve, is the \$ 45.8 available now? If not, how much is available now?

On July 1, 2019 there is \$19.9 million available for CIPs for the first year of the 5 year cycle.

13. Park fees, staff mention that 5 projects are currently in the pipeline, how much are they expect to contribute?

The amount of park land dedication required for each project is based on the number and density of units. Because of the density of the larger projects, most developers propose a split between land dedication and in-lieu fees. If a split is acceptable to the City Council, the amount of the in-lieu fees paid is not yet determined since the fee is based on current market value at the time the fee is paid. Fees are generally not only used for construction of a park associated with a development, but have also been traditionally used for other projects in that neighborhood, like replacement of

equipment or other infrastructure at existing parks that is beyond normal ongoing maintenance. Other demands for funding include City-wide projects (such as the Community Center, Aquatics Center or Stevens Creek Trail.)

14. Shoreline regional park fund - there is list six projects that could / would be funded by the SRPCF. Do we anticipate any funding come from current / future private development?

Of the six projects listed on page 3 and 4 of the report, the three transportation projects would be eligible for North Bayshore Transportation Impact Fee (NBTIF) funds from current and future development. Staff is currently planning to propose in the draft CIP to use all of the estimated \$3.8M available in the NBTIF to fund a portion of the Shoreline Ped/Bike Overcrossing. As additional development occurs, staff would propose to use those NBTIF funds before SRPC funds for eligible projects.

15. Waste water fund - there is a project to cross 101, could that be an opportunity to increase the reach of our "purple pipe" goal?

Because of the required separation between utilities, this is not an opportunity to install a recycled water line. Staff is, however, designing the Shoreline Ped/Bike Overcrossing so that a recycled water can be incorporated into that structure to cross the freeway.

16. Road repair- basic maintenance- could new traffic signals be considered?

Yes, new or updated traffic signals can be funded with SB1 funds.

17. Measure P- is the \$ 4.8 million, 100% of Measure P or 80% of what would be allocated to transportation?

The \$4.8M is the 80% allocated to transportation, when the tax is fully phased in.

18. Transportation impact fee - is the central bike under pass, is that the one that comes out onto villa?

No, that project is referring to the Mayfield tunnel project.

19. Table 2 - has some projects in bold, what does that mean?

The projects in bold are existing projects that are identified as addressing Council Major Goals.

20. Steven's Creek trail extension - is Sunnyvale's part only cross the creek, or onto the ground? Once Sunnyvale does it part, with the next phase to Mountain View high?

The attached map shows a plan for the next extension and city boundaries. The next section will likely serve Sunnyvale at Remington and Mountain View at the high school. See attached map.

21. Project 19-51. Traffic operation center- is the prequel to moving traffic signals into the future? Smart cities?

Yes, the study for the traffic operations center is to determine the best existing and future technology that will allow staff to monitor and control traffic signal operations with a formal operation center that addresses our current needs and layouts a map to future needs and technology. "We are looking for a roadmap to future," according to the traffic engineers.

22. Page 11 of staff report, google is mentioned about doing some projects in NBS, have they been asked to modernize the signal for Rengstorff? They have mentioned that they would be interested in assisting in that.

Google has expressed interest in improving the Rengstorff /Garcia/ Charleston/ Amphitheatre intersection. These improvements would likely be included in the Charleston Corridor project, which Google is interested in designing on a reimbursement basis for the City. A funding source for construction has not yet been identified. Some modifications to that signal could also occur as part of the adaptive signal system on Rengstorff Avenue in year 4 (FY2022-23).

23. Page 15 - if Terra Bella visioning project was delayed, would that free money to complete the downtown precise plan?

The Terra Bella visioning process is nearly complete. The Terra Bella Precise Plan will compete for the same funding sources as the Downtown Precise Plan, so Council may be asked to prioritize one or both of these projects against others competing for CIP reserve or Construction/Conveyance Tax funds (there may be limited funding available in Development Services from a Long Range Planning fee). Staff will provide an up-date on funding at the second study session and request that Council prioritize projects where funding sources are limited.

24. Attachment 1 - park/school open space-ratios are given for different areas in the city, what would the ratio be for NBS, excluding shoreline Regional Park?

Dog parks, Charleston Park, and Stevens Creek Trail area result in current ratio of 61.4 acre per 1000 residents.

25. Attachment 2 - project Shoreline Blvd bus lane, bike/ped – does this project have dual bike track on both side of the street? If it does, how can that be justify, if we are also building a new bike/ped overpass already?

The Shoreline Bus Lane project has protected (raised curb/buffer) one-way bike lanes on each side of the street from Middlefield to Terra Bella. Northbound riders can then either cross Terra Bella to use the new ped/bike bridge or proceed over the Shoreline/101 interchange, which will have a striped bike lane.

26. CIP - Maybe I missed it but wondering what happened to the California St road diet. I saw utility undergrounding but no design/construction for that project.

There is an “unscheduled” project for California Street Complete Street Improvement from Showers to Ortega. Council could choose to move this project into the 5-year.

ITEM 4.1 AMEND PROFESSIONAL SERVICES CONTRACT-TRAFFIC ENGINEERING

1. Are we hiring outside consultants because the economy is good, and we have the money for design/review? Staff report we are doing this to maintain turnaround timeliness, are these legal requirements on the timelines?

The outside consultants support plan review on development projects and design of capital projects. With the robust economy, the volume of development review is particularly high, as are revenues from development fees to support that activity. Most of the referenced turnaround times are subject to a legal requirement (the Permit Streamlining Act).

ITEM 4.2 AGE-FRIENDLY CITY UPDATE

1. Will the Council approve the Age-Friendly City Task Force workplan before the Task Force and City Staff start working on items on the workplan?

The Age Friendly City Task Force (AFCTF) will be reviewing the raw data from the Senior Community Survey to develop recommendations for each of the eight domains outlined by the World Health Organization (WHO). The development of recommendations is scheduled to be completed by end of the fiscal year. Staff will then review proposed recommendations with other departments to determine if any of the recommendations overlap with existing city plans and/or if any are currently in progress. From there, the recommendations will be narrowed down to a more definitive action plan. The action plan is tentatively scheduled to be completed by fall 2019.

ITEM 6.1 ROWHOUSE DEVELOPMENT AT 1950 MONTECITO AVENUE

1. What is the required process for communicating with tenants? From the staff report, here's what is known:
 - A Notice of Intent is provided - What is the purpose of this notice? Does it provide any timeline, or deadlines? If so, what are they for? Is there any penalty for late notices?
 - A 12 month Notice to Vacate is provided to tenants with special circumstances. How does the applicant know which tenants have special circumstances?
 - A 120 day Notice to Vacate is provided to other tenants.
2. Who selects the relocation assistance agency? What are the expectations of what the agency will do? How is the agency's work monitored?
3. What is the penalty for filing the Notice of Intent late?
4. How many units remain occupied? How many of the remaining households are eligible for tenant relocation assistance?

5. Item 1.f. in the Attachment 1 resolution states, “The proposed project is in substantial compliance with the intent of requirements of the R3-2.2 Zoning District... and, therefore, justifies the exceptions to the requirements of this chapter...” The staff report indicates that no exceptions were requested (p4.) What are the exceptions that the resolution is referring to?

The intent of the exception language in the finding was to indicate that there is a deviation from the R3 Development standards but that the deviation is allowed because the project is a Planned Unit Development. As such it is not formally an “exception” in the typical manner that the term is used but is an allowed-for deviation available through a PUD permit. The project is not requesting any exceptions from the R3 development standards. The particular finding relates to a Planned Unit Development permit which allows deviation from the minimum lot area requirement and the requirement for each lot to have direct street access.

6. Under the TRAO, displaced tenants are required to be provided a rental agency subscription. Since the TRAO has been in effect, how many times has a rental agency successfully relocated displaced tenants?
7. Condition 52 states, “Garages are to be used for resident parking only. Storage is permitted so long as it does not prevent use of garage for required vehicle parking.” Has this condition been required in other development proposals? Has it ever been enforced?

This is a standard condition. The Project is conditioned to require Garages be available for vehicle parking. In such projects, parking is usually enforced by the development Home Owners Association (HOA) internally. City’s code enforcement is complaint driven.

8. What is the process for identifying Special-Circumstance Households? Do all households receive a letter asking tenants to reply if they have special circumstances?
9. I don’t understand the 12-month notice to vacate for Special-Circumstance Households. If the project is delayed for whatever reason, would the households that receive the 12-month notice to vacate be required to leave, while other tenants (who receive the 120-day notice to vacate) have the opportunity to remain?
10. Could you spell out the noticing requirements (those required for the TRAO as well as any others related to the development process)?

Development Process Noticing:

- **Development Review Committee: Meeting agenda is posted on the City’s website the Friday before the meeting.**
- **Administrative Zoning: All property owners and tenants within a 750’ radius, and all the interested parties are notified of this type of meeting 14 days prior to the hearing date.**
- **Council Meeting: All property owners and tenants within a 750’ radius, and all the interested parties are notified of this type of meeting 14 days prior to the hearing date.**

11. On p 5, how many trees are being eliminated for health reasons and how many for buildings conflict reasons?
12. On p 6, on approximately what year will trees reach full maturity?
13. On p 7, why is this considered an “Infill Development Project?” I thought infill projects were construction on vacant or underused property in a city or like Wikipedia defines them, “rededication of land in an urban environment, usually open space, to new construction.” This property is not vacant or underused and not even being converted to a more intense use so I’m not sure why it’s an infill project. Maybe CEQA defines infill differently?
14. If a tenant has a one lease, how does that affect the time line of the developer? I noticed that two units were given a 12-month notice to vacate; does that mean the rest of the tenants were on a month to month?
15. All electric house- in our goal to reduce GHG, will we require new development to build all electric units?

City’s existing code does not require all electric units. The project is proposing gas furnaces and gas cook top units as preferred by the targeted audience.

16. What is the GreenPoint rating for this project?

The project must meet the mandatory measures of the California Green Building Standards Code and achieve a score of at least 70 GreenPoint Rated points. The project is proposing a GreenPoint rating of 104 points. Some green features of the project will include green building design to ensure water and energy conservation and water-efficient landscaping.

ITEM 6.2 AMENDMENT TO THE PARK LAND DEDICATION ORDINANCE FOR THE NORTH BAYSHORE AREA

1. One of the issues that staff mentioned on page one, is the cost of land in NBS, as contributing to the high cost, when has it become the cities responsibility to subsidize the developer for paying too much for the land?

It is not the City’s responsibility to subsidize developers. Chapter 41 of the City Code prescribes a formula for computing the park in-lieu fee. The only subjective variable in that formula is the land value on a per acre basis. The land value is estimated by the City’s Real Property Program Administrator following general appraisal principles including considering comparable sales. Land values are not artificially reduced. Project densities and land value are the greatest influences in determining the park in-lieu fees and have resulted in fees of \$60,000 per unit for the Sobrato project. Land costs, and the various development fees, affect the financial feasibility of a project unless rents are raised to a level that may exceed rents commanded by other competing residential developments. Raising rents above “market rent” may result in a high vacancy rate, which again affects the financial feasibility of a project.

2. In recent years, has the city ever provided any credit for private open space under the current ordinance? If so, when and what development project?

In the last three years, a developer has not applied for a private open space credit.

3. Under the current ordinance, which body determines whether or not the option to provide the credit applies? The council? Staff?

Under the current ordinance, approval authority for a credit for private open space coincides with the development or building permit application that is submitted and may be granted by the Public Works Director, Community Development Director, Subdivision Committee, or City Council as appropriate to the application. Under the proposed ordinance, only City Council has the approval authority for a credit for publicly accessible private open space.

4. What are the City’s guidelines for restroom buildings?

Approved by Council on October 25, 2016, below are the current guidelines for requiring restrooms at public parks:

- **The park is a neighborhood or community park and a minimum of three acres in size.**
- **Park provides extended-stay activities such as large barbeque areas, swimming, tennis, or athletic league play.**
- **If a park is jointly owned and/or operated, both parties must agree on the restroom(s).**
- **Restrooms meet design standards supportive of activity levels of the park.**

5. Just to clarify - if approved, the Council would have the discretion to allow the credit against the land dedication requirement if the proposal meets the eligibility criteria, but would NOT be obligated to do so. Is that correct?

Correct. The ordinance allows but does not require the City Council to grant a credit if a developer meets all of the eligible criteria for a credit for publicly accessible private open space. City Council still has the discretion to approve the credit if it is in the public interest to do so.

6. For comparison purposes, what is the acreage of some of our current smaller parks like Mercy-Bush, Fairmont, Pioneer and Heritage Park?

Mercy-Bush Park	0.65 acres
Fairmont Park	0.34 acres
Pioneer Park	5.00 acres
Heritage Park	1.20 acres

ITEM 7.1 ORDINANCE REPEALING ARTICLE VI OF CHAPTER 19 OF THE CITY CODE AND ADDING A NEW ARTICLE VI RELATED TO BICYCLES, ELECTRIC BICYCLES, MOTORIZED SCOOTERS, AND TRANSPORTATION DEVICES

1. Does “along” sidewalks mean “on” sidewalks?

Yes.

2. If a motorized skateboard is not defined, how would one know the difference between a motorized skateboard and an electrically motorized skateboard? (Page 7 of the staff report)

Unfortunately, when the CVC was recently amended to define and address electrically motorized boards, the legislature did not provide a definition for “motorized skateboard” and this source of confusion was not addressed. Therefore, one would only know whether or not a device meets the definition of an electrically motorized board, and not a motorized skateboard. Given the date of the original CVC ordinance, staff is of the opinion that “motorized skateboard” was probably intended to refer to any gasoline-powered skateboard.

3. What is the definition of a destination in a parking structure? (Page 5 of staff report)

The proposed ordinance does not set forth a definition of destination as the ordinary definition of the word is intended to apply. Although a parking structure is not a destination in itself, users could ride through the ground floor of the parking structure at California/Bryant, for example, in order to reach destinations such as CVS, Ava’s grocery store or Castro Street restaurants, which are accessible via the breezeway.

4. Was the prohibition on riding on sidewalks on Castro from Central Expressway to El Camino Real considered? If so, why was that rejected? Why were High School Way/ Yosemite Avenue chosen?

In selecting locations for prohibiting sidewalk riding, staff considered the volume of pedestrians, availability of alternative routes for bicyclists, and level of traffic stress for the bicyclists on-street. Unlike other segments of Castro Street, the segment of Castro Street between Yosemite Avenue and El Camino has relatively low pedestrian volumes. It also has higher levels of traffic stress for bicyclists who need to transition from parallel routes in Downtown to Castro Street near Yosemite Avenue in order to cross El Camino Real. For this reason, this segment was not included in the area where sidewalk riding would be prohibited.

5. What was the rationale for the BPAC wanting to allow contraflow riding on sidewalks?

B/PAC members supported omnidirectional sidewalk riding to protect children and other users of bicycles, e-bicycles, and transportation devices from risks associated with:

- **crossing busy roads twice to reach midblock destinations e.g. Shoreline Boulevard from Safeway to Mountain Shadows Drive;**

- substantially increasing the required distance of travel e.g. Middlefield Road from Easy Street to Stevens Creek Trailhead;
- crossing at unmarked or unsignalized intersections e.g. Grant Road from Cuesta Park to Sleeper Avenue via Cuesta Drive; and
- not being able to follow designated bicycle detours e.g. Stevens Creek Trail construction detour via the north side of El Camino Real.

B/PAC members expressed their intent to protect the safety of both pedestrians and other users, and they indicated that pedestrian safety could be ensured and enforced through the proposed requirements to exercise due care under the circumstance and conditions and to yield the right-of-way to persons not operating such devices.

6. What streets have pedestrian volumes comparable to Castro Street? Or, if nothing is comparable, what are the next highest-trafficked streets by pedestrians?

The City does not systematically conduct pedestrian counts for city streets, intersections or sidewalks. As a result, we are unable to provide definitive information on pedestrian volumes for streets in the City. Staff observations, however, suggest that there are no other streets with comparable pedestrian volumes to Castro Street.

7. How would the age threshold for the exception to sidewalk riding be enforced? What would the penalty be?

MVPD would only be able to inquire or request evidence about the age of a bike-riding child should the person commit another offense that leads to MVPD stopping that person. MVPD could not stop a child solely based on an estimation of the person’s age. However, if an adult, or someone who is clearly well above the age of 6, were riding on a sidewalk where designated prohibited, MVPD could stop the rider. Any penalty imposed upon a person violating the age threshold would be determined in relation to the original offense that led to MVPD to stop the person. A violation of the ordinance, like other violations of the City Code, may result in an administrative fine or criminal infraction or misdemeanor depending upon the circumstances. While police have the discretion in issuing a citation, unless aggravating circumstances are present, if a citation is issued it would likely be an administrative citation. The primary enforcement mechanism police intend to use is education of the minor and minor’s parents.

8. The modifications proposed in the MVCSP letter appear to be reasonable and simple. Is staff supportive?

MVCSP modifications and staff responses are provided below:

<i>MVCSP suggested modification</i>	<i>Staff response</i>
<p>Modify the following section titles as shown below to be complete and better align across the sections:</p> <ul style="list-style-type: none"> • SEC. 19.54. <i>Operating motorized scooters and transportation devices on roadways.</i> • SEC. 19.57. <i>Parking spaces for bicycles, electric</i> 	<p>The requested title modifications do not change the substance or intent of the ordinance and can be made if desired by the Council.</p>

<p><i>bicycles, motorized scooters, and transportation devices.</i></p>	
<p>Use "transportation devices" in the following instead of "roller skates or skateboard", as "transportation devices" is used elsewhere in the section: <i>SEC. 19.53. Operating bicycles, electric bicycles and transportation devices on sidewalks.</i> <i>a. When operating a bicycle, electric bicycle, roller skates or skateboard upon a sidewalk, a person shall exercise due care under the circumstances and conditions.</i> <i>b. When operating a bicycle, electric bicycle, roller skates or skateboard upon a sidewalk, a person shall yield the right-of-way to persons not operating such devices.</i> "transportation devices" is used elsewhere in the section.</p>	<p>The City cannot regulate items unless expressly permitted by the CVC. As indicated in Table 2 of the Council report, the CVC sets the regulatory requirements for operating EPAMDs and electrically motorized boards on sidewalks. For this reason, Staff does not support the use of the term "transportation devices", which would include EPAMDs and electrically motorized boards, in Sec. 19.53 (a) and (b).</p>
<p>To keep ordering consistent, put "motorized scooter" before "transportation device" in the following: <i>SEC. 19.57. Bicycle parking spaces.</i> <i>b. When official signs or markings restricting parking to bicycles are in place, no person shall park or stand any vehicle other than a bicycle, electric bicycle, transportation device or motorized scooter in such a space.</i></p>	<p>The requested modification does not change the substance or intent of the ordinance and can be made if desired by the Council.</p>

9. Did staff review the NACTO Guidelines for the Regulation and Management of Shared Active Transportation when preparing this ordinance? <https://nacto.org/home/shared-active-transportation-guidelines/>

Yes. Staff has been tracking this and other documents related to shared devices. The ordinance currently under consideration relates to rules that apply to any bicycles, e-bicycles, motorized scooters and/or transportation devices used in the City. It does not regulate shared device programs.

10. What is the penalty for a parking violation? (staff report p. 14)

A violation of the ordinance, like other violations of the City Code, may result in an administrative fine or criminal infraction or misdemeanor depending upon the circumstances. While police have the discretion in issuing a citation, unless aggravating circumstances are present, if a citation is issued it would likely be an administrative citation.

11. Has staff explored the feasibility of revenue generation from the commercial use of public right of way, as Santa Monica and Oakland do?

The Santa Monica and Oakland programs relate to fees for bike and mobility device share programs. The ordinance currently under consideration is related to user behavior, and does not relate to commercial use of public rights-of-way. Issues related to charging fees for bike and mobility share programs would be addressed as part of an ongoing program for bike share and potential future scooter share program.

12. What is the definition of “parking” a bike, scooter or other transportation device? Does that just mean laying or standing or locking it in allowed areas?

Parking refers to standing or leaving a bicycle, electric bicycle, motorized scooter or transportation device unattended, regardless of whether it is locked. A combination of the CVC and proposed ordinance would require bicycles, e-bicycles, motorized scooters and transportation devices to be parked in an upright (standing) position, and not left lying on their side or blocking access.

13. After seeing the list of segments where we’d prohibit use of powered mobility devices due to vehicle speed, I’m thinking we should just drop that provision. It doesn’t make any sense to allow someone to bike along El Camino over 85 but not use an electric powered scooter that goes the same speed to do the same thing. Same with Central Expressway and Moffett. E-scooters are rapidly replacing bikes in many other cities, so it makes sense to me to treat those types of devices the same as bikes.

The California Vehicle Code (CVC) states the operator of a motorized scooter shall not: “Operate a motorized scooter on a highway with a speed limit in excess of 25 miles per hour unless the motorized scooter is operated within a Class II or Class IV bikeway, except that a local authority may, by ordinance or resolution, authorize the operation of a motorized scooter outside of a Class II or Class IV bikeway on a highway with a speed limit of up to 35 miles per hour.” If the Council chooses to drop the provision allowing motorized scooters to use roads with a speed limit up to 35 miles per hour, the more restrictive 25 miles per hour limit will apply adding more road segments where motorized scooters could not be ridden within Mountain View. The City does not, however, have the authority to allow motorized scooters on roadways with a posted speed limit in excess of 35 mph outside of a Class II or IV bikeway.

In addition, the proposed FY 2019-20 through FY 2023-24 Capital Improvement Program does include projects for advancing Class II bike lanes or Class IV protected bikeways along the segments of El Camino Real, Moffett Boulevard and Ellis Street that have posted speed limits in excess of 35 miles per hour.

