



Agenda Report

19-060

Agenda Date: 11/19/2019

REPORT TO COUNCIL

SUBJECT

Action on Adoption of Ordinance No. 2010 Extending a Temporary Moratorium on Motorized Scooter and Bicycle Share Programs

BACKGROUND

At the November 5, 2019 Council meeting, proposed Ordinance No. 2010 was introduced and passed for the purpose of publication. Pursuant to City Charter Sections 808 and 812, a summary of proposed Ordinance No. 2010 was published by The Weekly on November 13, 2019, and copies were posted in three public places. The Ordinance now comes to Council for final adoption.

DISCUSSION

Pursuant to Ordinances Nos. 1994 and 1997, there is currently a moratorium on motorized scooter share programs and bike share programs in the City of Santa Clara, which is set to expire on December 19, 2019. Proposed Ordinance No. 2010 would extend the moratorium by up to one additional year, to December 19, 2020, in order to allow the City sufficient time to evaluate legal implications related to allowing motorized scooter share and bike share programs under the Americans with Disabilities Act, analyze evolving State Legislation, and draft an appropriate regulatory program.

A report on the steps taken by City staff to date was made available on October 18, 2019, in compliance with Government Code Section 65858(d), which requires a report to be issued at least ten (10) days prior to the extension of a moratorium. If adopted, the ordinance will go into effect 30 days after adoption, on December 19, 2019. Pursuant to Government Code Section 65858, this extension requires a four-fifths (4/5) vote of the Council, which would be six (6) votes if all members are present.

ENVIRONMENTAL REVIEW

The action being considered falls under several exemptions found in the California Environmental Quality Act (CEQA). It is exempt under CEQA Guidelines Section 15061(b)(3) because it is designed to preserve the status quo and therefore does not have the potential to significantly impact the environment. It is also categorically exempt under CEQA Guidelines Section 15308 as a regulatory action taken by the City pursuant to its police power and in accordance with Government Code Section 65858 to assure maintenance and protection of the environment pending the evaluation and adoption of potential local legislation, regulation, and policies. It is also categorically exempt from review under CEQA Guidelines Section 15301 ("Existing Facilities") since it will temporarily perpetuate existing environmental conditions.

FISCAL IMPACT

There is no fiscal impact with establishing or extending a moratorium.

COORDINATION

This report has been coordinated with the City Attorney's Office.

PUBLIC CONTACT

A summary of proposed Ordinance No. 2010 was published to the Santa Clara Weekly on November 13, 2019, and copies were posted in three public places.

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Adopt Ordinance No. 2010 Extending a Temporary Moratorium on Motorized Scooter and Bicycle Share Programs.

Reviewed by: Brian Doyle, City Attorney

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Introduction Ordinance No. 2010