



# City of Emeryville

CALIFORNIA

## MEMORANDUM

**DATE:** May 4, 2021  
**TO:** Christine Daniel, City Manager  
**FROM:** Mary Grace Houlihan, Public Works Director  
**SUBJECT:** **Ordinance Of The City Council Of The City Of Emeryville Amending Section 4-13.02 of the Emeryville Municipal Code, “Dockless Shared Mobility System Operator Permits” And Section 4-13.10 of the Emeryville Municipal Code, “System Data and Reports”, To Modify The Permit Term And Remove Reference To A Standard; CEQA Determination: Exempt Pursuant to CEQA Guideline 15061(b)(3)**

### RECOMMENDATION

Staff recommends that City Council introduce and adopt the first reading of the above-referenced ordinance.

### BACKGROUND

On April 19, 2019, the City Council passed and adopted on second reading Ordinance 19-005, “Ordinance Of The City Council Of The City Of Emeryville Adding Chapter 13, “Dockless Shared Mobility Systems,” To Title 4 Of The Emeryville Municipal Code To Establish Regulations And New Permits To Operate Dockless Shared Mobility Systems In The Public Right Of Way. On February 16, 2021, that Ordinance was amended by Ordinance 21-001 to address operator response time and equipment requirements.

### DISCUSSION

The proposed amendment regarding the term of the permits is to align Emeryville’s Dockless Shared Mobility Permit term with the shared mobility permit terms in the neighboring cities of Berkeley and Oakland. These services are regional in nature, and consistency among the three cities in administering permits will allow streamlining and information sharing, thereby potentially improving work flow for City staff and enhancing the availability of shared mobility services for members of the Emeryville community.

The proposed amendment regarding the term of the permits is reflected by the underlined language as follows:

4-13.02. Dockless Shared Mobility System Operator Permits.

(a) The City Manager is authorized to issue System Operator Permits to Operators who submit applications and fulfill all requirements of this Chapter, including payment of all fees, fines, and penalties to operate such Systems.

(b) A Permit issued pursuant to this Chapter shall expire on June 30 of each year. Permits issued prior to July 1, 2021 shall expire on June 30, 2022. Operators must renew such Permits annually to continue operation.

(c) The City Manager may promulgate additional regulations governing Systems, including but not limited to designating locations for dedicated locations for parking Devices in the public right of way.

In addition, a reference in 4-13.10, "System Data and Reports" to the North American Bikeshare Association has been struck, as it is unnecessary in that context.

If the Council adopts the first reading of the proposed ordinance amendment on May 4, 2021, with a second reading on May 18, 2021, the amended ordinance would take effect on June 17, 2021.

## **ENVIRONMENTAL REVIEW**

Pursuant to Title 14 of the California Code of Regulations, that this Ordinance is exempt from further environmental review under the California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3) because the amendments relate to administration of the program.

## **FISCAL IMPACT**

Adoption of the updated Ordinance will have no direct fiscal impact on the City.

## **STAFF COMMUNICATION WITH THE PUBLIC**

These proposed amendments have not been discussed with the public, as they would have no direct impact on the public's use of the services. They have been discussed with staff from neighboring cities and with potential providers of dockless shared mobility systems.

## **RECOMMENDATION**

Staff recommends that the City Council take the following actions for each Ordinance:

1. The Ordinance be introduced after a motion to read by title only;
2. Public testimony be taken regarding the Ordinance;
3. The City Council adopt the first reading of the Ordinance.

**PREPARED BY:** Nancy Humphrey, Environmental Programs Supervisor

**APPROVED AND FORWARDED TO THE  
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



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Christine Daniel, City Manager

**ATTACHMENTS**

- Proposed Ordinance