



CITY OF SAN CLEMENTE

ADJOURNED REGULAR CITY COUNCIL

MEETING AGENDA

City Council Chambers
San Clemente Civic Center
100 Avenida Presidio
San Clemente, California
www.san-clemente.org

January 22, 2013
5:00 p.m. - Closed Session
6:00 p.m. - Business Meeting

Information concerning City Council Meeting protocols and procedures is contained at the end of this agenda.

RULES FOR ADDRESSING COUNCIL

- Members of the public may address the City Council on matters within the jurisdiction of the City of San Clemente.
- If you wish to address Council, please complete one of the blue speaker cards located at the entrance to the Council Chambers and submit it to the City Clerk or Deputy City Clerk.
- Persons wishing to address Council concerning an **agendized** item will be invited to address Council during the time that Council is considering that particular agenda item. Persons wishing to address Council concerning a **non-agendized** issue will be invited to address Council during the “Oral Communications” portion of the meeting.
- When the Mayor calls your name, please step to the podium, state your name and your city of residence, and then give your presentation. Please limit your presentation to three minutes.

MISSION STATEMENT

The City of San Clemente, in partnership with the community we serve, will foster a tradition dedicated to:

Maintaining a safe, healthy atmosphere in which to live, work and play;

Guiding development to ensure responsible growth while preserving and enhancing our village character, unique environment and natural amenities;

Providing for the City's long-term stability through promotion of economic vitality and diversity...

Resulting in a balanced community committed to protecting what is valued today while meeting tomorrow's needs.

CLOSED SESSION (5:00 P.M.) If there are no Closed Session items, the City Clerk will recess the meeting to 6:00 p.m.

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a):

Name of Case: Avenida San Juan Partnership v. City of San Clemente, et al., OCSC Case No. 30-2008-00101411-CU-EI-CJC

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION - Shadi Farhadi, Baha'i Spiritual Assembly of San Clemente

PLEDGE OF ALLEGIANCE

ROLL CALL

- 1. **Special Presentations.**

None.

2. **Oral Communications (Part 1).** Members of the audience who wish to address Council on matters that are within the jurisdiction of the City of San Clemente, but not separately listed on the agenda, may do so during the Oral Communications portion of the meeting. A total time limitation of 30 minutes is allocated for Oral Communications Part 1, with each speaker being allotted 3 minutes in which to give his or her presentation. Speaker order is determined by the order in which speaker cards are provided to the City Clerk or Deputy City Clerk at the meeting. Speakers that cannot be accommodated during Oral Communications Part 1 will be invited to address Council during Oral Communications Part 2, which appears on this agenda as Item No. 10. When the Mayor calls your name, please step to the podium, state your name and the City in which you reside, and make your presentation. Subject to very limited exceptions, Council is not permitted to discuss or take action on items that do not appear on the agenda.

3. **Motion waiving reading in full of all Resolutions and Ordinances.**

4. **Consideration of agendizing items requiring immediate action.** Any items agendized will be considered under New Business, unless otherwise determined by a majority vote of the City Council.

5. **Closed Session Report - City Attorney.**

6. **Consent Calendar.** All items listed on the Consent Calendar are considered to be routine and will be enacted by one motion without discussion unless Council, Staff, or the public requests removal of an item for separate discussion and action.
 - A. **City Council Minutes**

Approve the minutes of the City Council Regular Meeting of December 4, 2012.

 - B. Receive and file:
 - (1) Coastal Advisory Committee Regular Meeting minutes of December 13, 2012.
 - (2) Human Affairs Committee Regular Meeting minutes of December 12, 2012.
 - (3) Golf Course Committee Regular Meeting minutes of January 3, 2013.
 - (4) Zoning Administrator Regular Meeting minutes of December 19, 2012 and January 9, 2013.
 - (5) Planning Commission Adjourned Regular Meeting minutes of December 19, 2012 and January 9, 2013.

C. **Warrant Register**

Approve Warrant Nos. 505295 through 505310,
for the period 12-17-12 through 12-21-12,
in the amount of\$ 1,070,942.89

Approve Wire Transfer Nos. 1085 through 1088
and Warrant Nos. 505311 through 505443,
for the period 12-31-12 through 01-04-13,
in the amount of\$ 867,863.33

TOTAL WARRANT REGISTER.....\$ 1,938,806.22

Payroll Register

Approve Warrant Nos. 166 through 167 and
Automatic Deposit Advises 5181 through 5440,
for the period 12-24-12 through 01-06-13,
in the amount of\$ 394,965.69

TOTAL PAYROLL REGISTER.....\$ 394,965.69

D. **Notice of Completion - Bus Stop Improvements** - Pages 6-D-1 through 6-D-3

1. Accept the Bus Stop Improvements, Project No. 13317, from the contractor, Carvajal Trucking & Tractor, Inc.
2. Authorize the Mayor to execute, and City Clerk to record, the Notice of Completion for the Bus Stop Improvements, Project No. 13317. (Contract C12-41)
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against Carvajal Trucking & Tractor, Inc.
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

E. **Historic Structures Report for the Miramar Theater and Bowling Alley** - Page 6-E-1 through 6-E-4

1. Approve Westlake Reed Leskosky's (WRL) use of Lawson-Burke Structural Engineers as a subcontractor to complete the structural evaluation portion of the Historic Resources Report.
2. Accept Historic Preservation Grant revenues in the amount of \$20,000 to Account 001-000-33490.
3. Authorize a supplemental appropriation in the amount of \$20,000 to Account 001-442-43690 Professional Services in the General Fund.

F. **Assignment, Assumption, Hold Harmless, and Release Agreement with The Reserve Maintenance Corporation, The Reserve at Forster Highlands LLC, and The Reserve North At Forster Highlands LLC, Relative to Tracts 16211 and 16282** - Pages 6-F-1 through 6-F-9

Authorize the Mayor to execute an Assignment, Assumption, Hold Harmless, and Release Agreement, by and between the City of San Clemente and The Reserve Maintenance Corporation, The Reserve at Forster Highlands LLC, and The Reserve North at Forster Highlands, approving and consenting to the assignment of the Subdivision Improvement Agreements (dated March 6, 2002), from The Reserve at Forster Highlands LLC (Assignor) and The Reserve North at Forster Highlands LLC (Assignor) to The Reserve Maintenance Corporation (Assignee), subject to the City Attorney's final approval of the agreement. (Contract C13-01)

G. **Contract Amendment - Ole Hanson Beach Club Rehabilitation** - Pages 6-G-1 through 6-G-6

Approve, and authorize the Mayor to execute, the First Amendment to Contract C11-43, by and between the City of San Clemente and Architectural Resources Group, Inc., relative to the rehabilitation of the Ole Hanson Beach Club. This contract amendment increases the contract amount from \$230,102 to \$251,602 (an increase of \$21,500).

7. **Public Hearings.** The Public Hearing process includes a staff presentation, a presentation by the applicant not to exceed ten (10) minutes, and public testimony (not to exceed three minutes per speaker). Following closure of the Public Hearing, the City Council will respond to questions raised during the hearing, discuss the issues, and act upon the matter by motion.

None.

8. Unfinished Business.

None.

9. New Business.**A. Increased Dog Access to City Parks - Phase I - Page 9-A-1 through 9-A-63**

Report from the Beaches, Parks and Recreation Director concerning the possibility of increasing dog access to City parks.

Staff Recommendation

1. Adopt Resolution No. 13-02 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AN EXPANSION OF THE DESIGNATED CITY PUBLIC PARKS WHERE DOGS ARE PERMITTED ON-LEASH AND NEGATIVE DECLARATION, IN ACCORDANCE WITH SAN CLEMENTE MUNICIPAL CODE SECTION 6.08.020(A).
2. Approve the "Pick up the Poop" public service announcement.
3. Direct Staff to prepare an Ordinance for future Council consideration that would modify the Code of the City of San Clemente to increase the fine or dog waste violations from \$50 to \$250.
4. Authorize the transfer of an appropriation in the amount of \$3,500 for signs from the Council Contingency Account (001-203-44900) to Other Maintenance Supplies (001-635-42590).

- 10. Oral Communications (Part 2).** Members of the audience who wish to address Council on matters that are within the jurisdiction of the City of San Clemente, but not separately listed on the agenda, may do so during the Oral Communications portion of the meeting. When the Mayor calls your name, please step to the podium, state your name and the City in which you reside, and make a presentation not to exceed three minutes. Subject to very limited exceptions, Council is not permitted to discuss or take action on items that do not appear on the agenda.

11. **Reports.**

A. **Commissions and Committees**

B. **City Manager**

C. **City Attorney**

D. **Council Members**

- (1) **Council Appointments to the Transportation Corridor System (TCS) - Page 11-D(1)-1**

Staff Recommendation

Appoint a representative and alternate representative to the Transportation Corridor System (TCS).

- (2) **Report from Lori Donchak relative to the Orange County Transportation Authority (OCTA)**

- (3) **Report from Robert Baker, City Representative to the Foothill/Eastern Transportation Corridor Agency, relative to the F/ETCA Matters**

- (4) **Report from Jim Evert, City Representative to the San Joaquin Hills Transportation Corridor Agency, relative to the SJHTCA Matters**

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

The next Regular Council Meeting will be held on Tuesday, February 5, 2013 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be discussed at 5:00 p.m. The General Session will commence at 6:00 p.m.

CITY COUNCIL MEETING PROCEDURES

PRESENTATION OF WRITTEN MATERIALS TO COUNCIL

In order to ensure that Councilmembers have adequate time to consider written materials concerning agenda items, it is strongly recommended that such materials be submitted to the City Clerk by noon the date preceding the Council meeting.

MEETINGS RECORDED AND TELEVISED

City Council meetings are broadcast live and are replayed periodically on Cox Communications Local Access Channel 30 (or Channel 854 for high-definition televisions). Meetings are also recorded via audio CD and DVD and retained as a City record in accordance with the City's records retention schedule.

LENGTH OF MEETINGS

At 11:00 p.m., the City Council will determine which of the remaining agenda items can be considered and acted upon at this meeting and will continue all other agenda items to a future meeting.

AMERICANS WITH DISABILITIES ACT

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the City Clerk at (949) 361-8200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

COMMUNICATION DEVICES

To minimize meeting distractions and sound system interference, please be sure all personal communication devices are turned off or on silent mode.

MEETING SCHEDULE

Regular Council Meetings are held on the first and third Tuesdays of each month in the Council Chambers, located at 100 Avenida Presidio, San Clemente. Closed Session items are considered at 5:00 p.m. and the Business Meeting begins at 6:00 p.m. Additional meetings of the City Council may be called as needed.

AGENDAS, ADMINISTRATIVE REPORTS AND SUPPLEMENTAL WRITTEN MATERIALS

Agendas and Administrative Reports are available for review and/or copying at the City Clerk's Office as soon as agendas are posted (a minimum of 72 hours prior to the meeting). Agendas and Administrative Reports can also be viewed at the San Clemente Library, located at 242 Avenida Del Mar, or by accessing the City's website at www.san-clemente.org. An "Inspection Copy" of agenda materials is also located at the entrance to the Council Chambers during meetings for public review. All written material distributed to a majority of the Council after the original agenda packet was distributed is available for public inspection in the City Clerk's Office, located at 100 Avenida Presidio, San Clemente, during normal business hours.

The City Clerk's Office also offers an agenda packet subscription service free of charge. If you wish to receive email copies of City Council agendas, which include hyperlinks to staff reports and other back-up material, please send an email to cityclerk@san-clemente.org or call 949-361-8200.

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GA

CITY OF SAN CLEMENTE

City Council Minutes

Regular City Council Meeting - December 4, 2012

These minutes reflect the order in which items appeared on the meeting agenda and do not necessarily reflect the order in which items were actually considered.

A Regular Meeting of the San Clemente City Council was called to order on December 4, 2012 at 5:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by City Clerk Baade.

City Clerk Baade recessed the meeting to 5:30 p.m. The meeting was reconvened at 5:30 p.m. with Mayor Evert presiding.

PRESENT BAKER, BROWN, DAHL, DONCHAK, MAYOR EVERT

ABSENT NONE

STAFF PRESENT George Scarborough, City Manager; Jeff Goldfarb, City Attorney; Joanne Baade, City Clerk; Anthony Mejia, Deputy City Clerk.

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CLOSED SESSION

City Attorney Goldfarb requested a Closed Session to discuss the items listed on the Closed Session agenda.

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to recess to Closed Session at 5:30 p.m. to discuss the following:

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a):

Daniel Walker as Trustee for the 1997 Walker Family Trust v. City of San Clemente, Orange County Superior Court Case No. 30-2012-00591239-CU-WM-CJC

GA-1

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(b):
One potential case

The Closed Session was conducted in the Ocean View Conference Room at City Hall. In attendance for the full Closed Session were all members of the City Council, Councilmember-Elect Hamm, City Manager Scarborough, Assistant City Manager Gudgeirsson, Community Development Director Holloway, City Attorney Goldfarb and City Clerk Baade.

MEETING RECONVENED

Council reconvened at 6:01 p.m., with all members present.

INVOCATION

Rev. Dr. Paula A. Ferris, St. Andrews by the Sea United Methodist Community of Faith, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Evert led the Pledge of Allegiance.

A. **APPROVAL OF MINUTES**

(1) **City Council Minutes**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve the minutes of the Joint City Council/General Plan Advisory Committee Meeting of November 13, 2012.

6A-2

B. **ELECTION RESULTS, ADMINISTRATION OF OATH OF ALLEGIANCE, AND ELECTION OF MAYOR AND MAYOR PRO TEMPORE**

(1) **Results of the General Municipal Election Held on November 6, 2012**

City Clerk Baade reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to adopt Resolution No. 12-61 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD NOVEMBER 6, 2012, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

Mayor Evert presented a Commendation, San Clemente painting by artist Rick Delanty and a lifetime pass to the San Clemente Municipal Golf Course to Councilmember Jim Dahl for his outstanding service to the citizens of San Clemente.

Michael Kaupp, San Clemente, expressed gratitude to Jim Dahl for his support of the business community and downtown.

Diane Harkey, State Assemblywoman, presented Jim Dahl with a certificate in recognition for his service as a member of the City Council.

Councilmember Dahl conveyed gratitude to his wife; reflected on his career as a firefighter and experience serving on Council; summarized the City's accomplishments during his tenure, which included: 1) developing and remodeling of community parks and the Vista Hermosa Sports Park, 2) establishing the beach trail and ridgeline trails, 3) improving City services and facilities, and 4) fostering the business community.

(2) **Oath of Allegiance - Newly-Elected City Clerk and City Treasurer**

Mayor Evert administered the Oath of Allegiance to City Clerk-Elect Joanne Baade and City Treasurer-Elect Pall Gudgeirsson.

(3) **Oath of Allegiance - Newly-Elected Councilmembers**

City Clerk Baade administered the Oath of Allegiance to Councilmembers-Elect Robert Baker and Chris Hamm.

Councilmembers Baker and Hamm assumed their seats at the dais.

(4) **Election of Mayor and Mayor Pro Tempore**

Mayor Evert expressed gratitude to the Council, Commissions and Committees, City Manager, Staff, and local media; reflected on the Council's accomplishments during the past year and reviewed projects that are in progress; thanked his wife for her support.

City Clerk Baade opened nominations for Mayor.

MOTION BY COUNCILMEMBER BROWN, SECOND BY COUNCILMEMBER EVERT to nominate Robert Baker to the office of Mayor. There being no other nominations, MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to close nominations and elect Robert Baker to the office of Mayor.

Mayor Baker opened nominations for Mayor Pro Tem.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to nominate and elect Tim Brown to the office of Mayor Pro Tem.

Councilmember Hamm thanked the citizens of San Clemente; stated that he will work to ensure San Clemente is the best place to live, work and play.

Mayor Baker thanked the citizens of San Clemente for their vote of confidence; thanked Jim Dahl for his 16 years of service on the City Council; conveyed gratitude to his family and campaign committee for their support; advised that his priority is to improve communications between the residents and the City.

Mayor Baker presented a plaque to Councilmember Evert in recognition of his service and dedication as Mayor.

1. **SPECIAL PRESENTATIONS**

A. **Holiday Serenade - San Clemente High School Madrigals**

The San Clemente High School Madrigals, under the direction of Tiffany Fernandez, performed a series of holiday songs.

6A-4

B. Certificates of Recognition - Red Ribbon Week Celebration

Mayor Baker presented Certificates of Recognition to Red Ribbon Week sponsors in appreciation of their valuable contributions to the celebration.

2. ORAL COMMUNICATIONS (PART ONE)**Metrolink Holiday Toy Express**

George Gregory, San Clemente, requested that citizens make donations to help him purchase children's bicycles for the Metrolink Holiday Toy Express; noted that he will assemble the bicycles that will be distributed to deserving children.

Pete Van Nuys, San Clemente, thanked the Council and Chamber of Commerce for arranging for the Metrolink Holiday Toy Express to stop in North Beach; advised that he is committed to helping assemble bicycles for the toy drive.

San Clemente Trail System

Don Kunze, San Clemente, thanked Jim Dahl for his service as a Councilmember and welcomed Councilmember Hamm; spoke on his vision for the City's trail system, pointing out that he is opposed to the toll-road extension through San Clemente.

Council Election

Michael Kaupp, San Clemente, congratulated Chris Hamm and Robert Baker for their election and expressed a desire to work collaboratively with the Council.

3. MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to waive reading in full of all Resolutions and Ordinances.

4. CONSIDERATION OF AGENDIZING ITEMS REQUIRING IMMEDIATE ACTION

None.

5. **CLOSED SESSION REPORT**

City Attorney Goldfarb stated that Council took no reportable action during this evening's Closed Session.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER EVERT, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items B(2) and G.

A. **City Council Minutes**

This agenda item was considered immediately following Roll Call so that the 2012 City Council could approve the minutes from the November 13, 2012 meeting. (Please refer to Page 2 of these minutes for that action.)

B. MOTION BY COUNCILMEMBER EVERT, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to receive and file the following:

- (1) Zoning Administrator Adjourned Regular Meeting minutes of November 20, 2012.

C. **Warrant Register**

MOTION BY COUNCILMEMBER EVERT, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve Handwrite No. 504653 and Warrant Nos. 504523 through 504652, for the period 11-12-12 through 11-16-12, in the amount of \$1,391,097.89; for a total Warrant Register in the amount of \$1,391,097.89.

D. **Contract Award - Crossing Guard Services**

MOTION BY COUNCILMEMBER EVERT, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C06-40, by and between the City of San Clemente and All City Management Services, Inc., providing for crossing guard services, in an amount not to exceed \$101,000.

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E. **Fiscal Year 2011-2012 Measure M2 Expenditure Report**

MOTION BY COUNCILMEMBER EVERT, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to adopt Resolution No. 12-62 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO ADOPT THE FISCAL YEAR 2011-2012 MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF SAN CLEMENTE.

F. **Avenida Vaquero Storm Drain Replacement and Easement Agreement for Camino De Los Mares/Avenida Vaquero Storm Drain Upgrade**

MOTION BY COUNCILMEMBER EVERT, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to:

1. Approve, and authorize the Mayor to execute, the Avenida Vaquero Storm Drain Replacement and Easement Agreement, by and between the City of San Clemente, and GC8, a joint venture of LHC Investments, LLC, and James and Suzan Wu (Shorecliffs Golf Course) for the Camino De Los Mares/Avenida Vaquero Storm Drain Upgrade, Project No. 16001.
2. Authorize payment of \$7,500 to Staff to pay GC8, a joint venture of LHC Investments, LLC, and James and Suzan Wu, for granting this easement and the grantor's attorney review fees.

H. **State-Mandated Disability Access and Education Fee for Business Licenses**

MOTION BY COUNCILMEMBER EVERT, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to adopt Resolution No. 12-63 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DIRECTING THE COLLECTION OF THE STATE MANDATED DISABILITY ACCESS AND EDUCATION FEE FOR BUSINESS LICENSE APPLICATIONS.

I. **Parking Standards for Group Instructional Uses**

MOTION BY COUNCILMEMBER EVERT, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to direct Staff to improve parking requirements when the Zoning Ordinance is updated.

6A-7

J. **Settlement Agreement and Mutual Release Related to the Construction of the Downtown Fire Station and Senior Center**

MOTION BY COUNCILMEMBER EVERT, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to:

1. Approve, and authorize the Mayor to execute, the Settlement Agreement and Mutual Release, by and between the City of San Clemente and Fidelity and Deposit Company of Maryland, related to the construction of the Downtown Fire Station and Senior Center.
2. Authorize Staff to release the final construction payment held in retention in accordance with the Settlement Agreement.

K. **Contract Award - SCADA Support and Maintenance Services**

MOTION BY COUNCILMEMBER EVERT, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C12-51, by and between the City of San Clemente and AppIT, LLC, providing for on-call support and maintenance services for the City's SCADA System, in an amount not to exceed \$125,000 for a 24-month period.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

B(2). **Planning Commission Adjourned Regular Meeting Minutes of November 15, 2012 and November 20, 2012**

Mayor Baker thanked the Planning Commission for starting its review of the draft Coastal Element of the new General Plan. MOTION BY MAYOR BAKER, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to receive and file the Planning Commission Adjourned Regular Meeting minutes of November 15, 2012 and November 20, 2012.

6A-8

G. **Contract Amendment - Communications Site Lease Agreement (2916½ Via San Gorgonio)**

Following discussion, MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve, and authorize the Mayor to execute, the First Amendment to Communications Site Facility Lease, by and between the City of San Clemente and Los Angeles SMSA Limited Partnership, dba Verizon Wireless, for the installation of back-up generators at a cellular site located at 2916½ Via San Gorgonio. (Contract C11-23)

7. **PUBLIC HEARINGS**

A. **Mitigated Negative Declaration (MND) for the Avenida Columbo Storm Drain Extension Project**

Public Hearing to consider a proposal to extend the existing 24" High Density Polyethylene (HDPE) storm drain line by connecting a new, above-ground 24" HDPE pipe. The new pipe will extend approximately 175 feet from the existing pipe to the bottom of the canyon. The project site is located in the southeast portion of the City of San Clemente at the end of the Avenida Columbo cul-de-sac. The nearest cross street is Avenida Salvador.

Assistant City Engineer Rebensdorf displayed a slide depicting the project site; reviewed the contents of the Administrative Report; responded to Council inquiries. A hard copy of Mr. Rebensdorf's slide is on file with the City Clerk.

Mayor Baker opened and closed the Public Hearing, there being no one desiring to speak to this issue.

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to adopt Resolution No. 12-64 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE MITIGATED NEGATIVE DECLARATION FOR THE AVENIDA COLUMBO STORM DRAIN EXTENSION PROJECT NO. 18005.

8. **UNFINISHED BUSINESS**

None.

6A-9

9. **NEW BUSINESS**

A. **Contract Award - Recycled Water System Expansion Projects**

Report from the Public Works Director/City Engineer concerning the possibility of awarding contracts for the Recycled Water System Expansion Projects.

Assistant City Engineer Rebensdorf narrated a PowerPoint presentation entitled "Recycled Water System Expansion Projects" and responded to Council inquiries. A hard copy of Mr. Rebensdorf's presentation, dated December 4, 2012, is on file with the City Clerk.

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to:

1. Approve the plans and specifications for the Recycled Water System Expansion, Water Reclamation Plant and Pump Station, Project No. 18201A, Cordillera Water and Recycled Water Reservoirs and Bella Collina Towne & Golf Club Meter, Project No. 18201B, Pipeline Schedule III, Project No. 18201E, and Pipeline Schedule IV, Project No. 18201F, Pipeline Schedule I, Project No. 18201C and Pipeline Schedule II & Pressure Reducing Station, Project No. 18201D.
2. Approve a supplemental appropriation in the amount of \$609,000 from the Sewer Fund Connection Fee Reserve to Account 054-477-45300-000-18201.
3. Find the HPS Mechanical, Inc. bid proposal to be non-responsive due to missing bid form pages for the Recycled Water System Expansion, Cordillera Water and Recycled Water Reservoirs and Bella Collina Towne & Golf Club Meter, Project No. 18201B, Pipeline Schedule III, Project No. 18201E, and Pipeline Schedule IV, Project No. 18201F.
4. Waive minor irregularities in the Colich & Sons, L.P. bid for the Recycled Water System Expansion, Pipeline Schedule I, Project No. 18201C, and Pipeline Schedule II & Pressure Reducing Station, Project No. 18201D.

(Council action continued on next page.)

5. Waive minor bid irregularity claimed by Stanek Construction for the Recycled Water System Expansion, Water Reclamation Plant and Pump Station, Project No. 18201A.
6. Approve, and authorize the Mayor to execute, Contract C12-52, by and between the City of San Clemente and Gateway Pacific Contractors, Inc., providing for the construction of the Recycled Water System Expansion, Water Reclamation Plant and Pump Station, Project No. 18201A, in the amount of \$7,579,932.
7. Approve, and authorize the Mayor to execute, Contract C12-53, by and between the City of San Clemente and Canyon Springs Enterprises, dba RSH Construction, providing for the construction of the Recycled Water System Expansion, Cordillera Water and Recycled Water Reservoirs and Bella Collina Towne & Golf Club Meter, Project No. 18201B, Pipeline Schedule III, Project No. 18201E, and Pipeline Schedule IV, Project No. 18201F, in the amount of \$4,227,000.
8. Approve, and authorize the Mayor to execute, Contract C12-54, by and between the City of San Clemente and Colich & Sons, L.P., providing for the construction of the Recycled Water System Expansion, Pipeline Schedule I, Project No. 18201C, and Pipeline Schedule II & Pressure Reducing Station, Project No. 18201D, in the amount of \$6,546,637.

B. Beach, Park and Landscape Maintenance Contracts

Report from the Beaches, Parks and Recreation Director regarding whether to extend current beach, park and landscape maintenance contracts or to rebid all, or a portion thereof, of the subject contracts.

Beaches and Parks Maintenance Manager Reed reviewed the contents of the Administrative Report and responded to Council inquiries.

Following discussion, MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to negotiate extensions of all current maintenance contracts scheduled to end on June 30, 2013, with the exception of the Beach Trail Fence Repair and Playground Maintenance contracts, as they need to be re-bid as Public Works Contracts. Staff will return to the City Council to award contracts.

10. **ORAL COMMUNICATIONS (PART TWO)**

None.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

(1) **Appointment of a New City Manager**

Report from the City Manager concerning the appointment of a new City Manager.

City Manager Scarborough reviewed the contents of the Administrative Report.

In response to Council inquiry, Assistant City Manager Gudgeirsson confirmed his desire to serve as City Manager upon the retirement of George Scarborough; noted that it is his intent to maintain the momentum of the City.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to declare intent to appoint Pall Gudgeirsson as City Manager upon George Scarborough's retirement on March 20, 2013.

C. **City Attorney**

None.

D. Council Members**(1) Metrolink Holiday Toy Express**

Councilmember Evert announced that the Metrolink Holiday Train will be visiting North Beach at 7:45 p.m. on December 8, 2012; noted that North Beach businesses will be hosting a community event and proceeds will be donated to Courtney's SandCastle.

(2) Menorah Lighting Ceremony on the Pier

Mayor Pro Tem Brown advised that the Chabad Jewish Center will conduct a menorah lighting ceremony on the San Clemente Pier on December 9, 2012.

(3) Mayor Pro Tem Appointment/Commendation to Newly Appointed Mayor

Mayor Pro Tem Brown thanked Council for appointing him as Mayor Pro Tem; commended Robert Baker for his appointment as Mayor and wished him success over the next year.

(4) Consideration of Removing City Trees Blocking Views

Mayor Baker requested that Staff agendize for Council consideration the issue of potentially allowing trees to be removed when the trees are subject to the City's jurisdiction, the trees are blocking views, and the removal/replacement of the trees is cost neutral.

(5) Neighborhood Beach Watch

Mayor Baker encouraged residents to participate in the Neighborhood Beach Watch class being offered at the Community Center on December 6, 2012 at 5:30 p.m.

(6) Low-Cost Vaccination Clinic

Mayor Baker announced that the San Clemente/Dana Point Animal Shelter is offering a low-cost vaccination clinic on December 12, 2012.

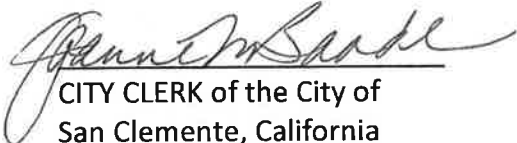
12. RESOLUTIONS/ORDINANCES

None.

13. ADJOURNMENT

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to adjourn at 7:45 p.m.

The next Regular Council Meeting will be held on Tuesday, December 18, 2012 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be discussed at 5:00 p.m. The General Session will commence at 6:00 p.m.


CITY CLERK of the City of
San Clemente, California

MAYOR of the City of
San Clemente, California

6A14

01/22/2013
6B(1)

**MINUTES
CITY OF SAN CLEMENTE
REGULAR COASTAL ADVISORY COMMITTEE MEETING**

Thursday, December 13, 2012 @ 7:00 p.m.
Community Center, Ole Hanson Fireside Room
100 N. Seville, San Clemente, CA 92672

1. CALL TO ORDER/ PLEDGE OF ALLEGIANCE

Chair Hart called the meeting to order at 7:03 p.m. Committee Member Ambrose led the Pledge of Allegiance.

2. ROLL CALL

Present: Susan Ambrose, Robert Jordan, Michael Smith; Chair pro tem Peter Salgado and Chairman Bill Hart

Absent: Don Brown, Ken Nielsen

Staff Present: Tom Bonigut, Assistant City Engineer
Mary Vondrak, Senior Management Analyst
Eileen White, Recording Secretary

3. APPROVAL OF MINUTES

A. Minutes of the Joint City Council/Commissioners/Committees Meeting of October 23, 2012

Committee Members acknowledged receipt of the City Council-approved minutes.

B. Minutes of the Regular CAC Meeting of November 8, 2012

MOVED BY COMMITTEE MEMBER AMBROSE, SECONDED BY CHAIR PRO TEM SALGADO, AND CARRIED 4-0-1, WITH COMMITTEE MEMBER SMITH ABSTAINING, to receive and file the minutes of the Regular CAC Meeting of November 8, 2012, as submitted by staff.

4. PUBLIC INPUT - None

5. OLD BUSINESS - None

6. NEW BUSINESS

A. Comprehensive Load Reduction Plan (CLRP) Submittal

6B(1)-1

Mary Vondrak, Senior Management Analyst, summarized the staff report; reviewed key changes made to the document since it was last reviewed by the CAC; requested the Committee provide additional comment on the attached San Clemente Coastal Streams Comprehensive Load Reduction Plan, dated December 4, 2012. She recommended the Committee provide comment and receive and file the report.

In response to questions, Tom Bonigut, Assistant City Engineer, reviewed the anticipated process of the document. He anticipates receiving comments and recommendations from the Regional Water Board, with review and update every year. Staff anticipates keeping a running total of revisions/updates/notations during the year, and then submitting them all at once in December of each year. He agreed to review the document for potential improvement with acronym recognition and/or indication of relationships with other acronyms; noted the document only covers areas listed for TMDL's; noted the CAC will be advised of any major changes/revisions proposed.

Committee Member Smith noted he was not present for first review of the document at the last CAC meeting; agreed with statements made at that meeting that the document is precise, well written and very thorough; suggested correction to Appendix 3, Page C-12, to clarify that the Poche Creek UV Sterilization System *does not* discharge effluent directly to the ocean.

Committee Member Ambrose recommended staff send the correction related to the Poche Creek UV Sterilization System in a timely manner because the Poche Beach pond situation is an issue subject to substantial community and City Council attention and scrutiny.

Discussion ensued regarding particulars of walking tour of the Prima Deshecha Channel. Committee Members considered the ramifications of inviting the public and/or combining the tour with a Mayor's Walk, noting that inviting the public may generate a larger crowd, provide an opportunity to educate the public regarding its own contribution to the state of the watershed, and generally increase public awareness. It was also pointed out that a smaller group may be easier to transport to key locations along the watershed, provide a better audible range for participants, and increase opportunity for the Committee Members to become more knowledgeable about the watershed. In addition, the ability for all interested persons to meet the required physical demands for the tour was also discussed.

Assistant City Engineer Bonigut commented that opening up the walking tour to the public, providing shuttle buses, and/or combining the tour with a Mayor's Walk would require staff hours to organize the event and generate transportation costs. He suggested the Committee consider limiting the tour to

Committee members with the Committee Members determining the best vantage points. Following their tour, they could consider how to expand the effort. One way to expand the effort could be creation of a guided video photo tour, in the form of a PowerPoint presentation, with maps, videos, photos, information, etc., to be shown at a future CAC meeting with interested public. He agreed to check with the City Clerk to determine the correct notification procedure for the walking tour. He will put this agenda item on the January meeting agenda for further discussion of potential dates and key locations to explore.

Report received and filed.

B. Potential Plastic Bag Ban

Assistant City Engineer Bonigut summarized the staff report, a review of the CAC's efforts to date to implement a ban on single use plastic bags. He distributed a copy of a DVD staff made of founder of the Algalita Marine Research Foundation Captain Charles Moore's February 2009 presentation to the CAC detailing the large amount of trash and debris in the Pacific Ocean. Efforts to ban single use plastic bags by other cities have been challenged in court by Save the Plastic Bag Coalition over potential environmental impacts, and several different types of environmental studies have been successfully used by prevailing cities to enact similar bans. Council considered the CAC's request at its February 2012 Strategic Planning Workshop, but it wasn't included in the City's list of priority projects. Staff recommended the Committee review documentation and provide direction to staff.

In response to questions, Assistant City Engineer Bonigut advised that several cities have used Negative Declarations as the environmental documentation for the plastic bag ban. He acknowledged Committee Member Salgado's offer to do the Negative Declaration, but noted that Council would have to approve the request to pursue the ban before it would get to that point. Several cities have had some success using negative declarations to defend lawsuits mounted by the plastic bag industry.

Committee Member Salgado reiterated his offer to write the negative declaration; noted the newly seated Council may be more receptive to a ban; volunteered to develop a PowerPoint presentation featuring photographs of plastic bags on the beach, information and photos contained in the Captain Moore presentation, and additional documentation/letters for presentation to City Council at a future meeting. He established from staff that the Surfrider Foundation's attorney contact number can be found on the Surfrider website.

Committee Member Ambrose endorsed Committee Member Salgado's suggestion, and recommended the Surfrider letter and information be included in the presentation. In addition, a Surfrider representative may be available to attend the meeting.

Assistant City Engineer Bonigut suggested that if the CAC is interested in again recommending consideration of a plastic bag ban to the City Council at its February 2013 Strategic Planning Meeting, that Committee Members forward all information, photos, letters, data, etc., to him by January 3 for discussion at the CAC January 10 meeting. Committee Members can discuss strategies and finalize the PowerPoint Presentation at the meeting. In addition, he discussed how the ban would work, discussed reasons for the paper bag fee, and agreed to contact other cities for information on how their bans were developed, approved, and/or enacted.

Chair Hart agreed to conduct research in order to counter arguments against the ban. He agreed to meet with Committee Member Salgado to help with development of the PowerPoint Presentation.

Report received and filed.

C. Pharmaceutical Products Disposal

Assistant City Engineer Bonigut reviewed the staff report, an update on residents' current choices for proper disposal of unused medications and description and anticipated fees for the drug drop box program. Staff recommended the Committee consider enhanced outreach to remind residents about proper disposal in the trash, as this is the easiest and most convenient method for residents.

Chair Hart advised the issue is pharmaceuticals getting into the sewer system when drugs are flushed down the toilet. Potential drugs in water are not treated or neutralized at the sewage treatment plant, and the water goes into the outfall unmodified. Of major concern are the amount of and/or effect of hormonal drugs on marine life. He noted a guest opinion article in the San Clemente Times is another effective way to promote public education.

Committee Member Jordan indicated that some testing is being done to determine the amount of personal care and pharmaceutical products entering the water system through bodily functions and through the drain. Testing results have indicated very low concentrations in the system.

Committee Members concurred that the best solution is to increase public awareness of proper disposal in household trash, and discussed most effective promotion efforts, such as flyers, newspaper ads, and bill inserts.

Assistant City Engineer Bonigut noted that Channel 30 slides, water bill inserts, notice in quarterly newsletter, and website flyers are all low or no cost options that would be very effective. If those efforts do not produce the desired results, the Committee may choose to notify by direct mail. In addition he

agreed to research if the program can be covered by the Clean Ocean Program education fund.

IT WAS MOVED BY COMMITTEE MEMBER AMBROSE, SECONDED BY COMMITTEE MEMBER SMITH, AND UNANIMOUSLY CARRIED to approve a public awareness campaign, consisting of education efforts and distribution of information regarding the proper disposal of pharmaceuticals.

7. COMMUNICATIONS

- A. Bacterial Monitoring Report Dated December 4, 2012
- B. October & November 2012 Environmental Programs Update

Committee Members received and filed items 7A and 7B.

8. ITEMS FROM STAFF

- A. Potential Future Agenda Items

Assistant City Engineer Bonigut reviewed the Potential Future Agenda Items and requested the Committee Members provide input.

Committee Members added Memorandum from Staff Regarding CAC Street Sweeping Revisions, Poche Watershed Tour, and Single Use Plastic Ban Recommendation to the January 2013 meeting agenda.

- B. Staff Announcements

Assistant City Engineer Bonigut reported a meeting with Don Kindred and Jay Longley regarding potential assistance, financial or otherwise, for efforts at Poche Beach. Mr. Long indicated he is both interested and motivated to help with the clean up efforts.

9. ITEMS FROM COMMITTEE MEMBERS

Committee Member Smith requested to be included in the California Coastal Commission meeting to be scheduled by staff. Assistant City Engineer Bonigut noted a third member could attend without violating Brown Act guidelines, and Committee Members unanimously supported his inclusion.

Committee Member Jordan offered to forward an email to all Committee Members regarding a sustainability-themed meeting, featuring the Charles Moore Presentation, put on by a Northern California city water board.

Committee Member Ambrose established from staff that information on California Coastal Commission conventions or meetings can be found on their website at coastal.ca.gov.

Chair Hart reported that a new community organization entitled "The North Beach Community Organization," was formed within the last year by local North Beach residents to drive initiatives and get issues involving North Beach in the political arena. During their first open meeting, many attendees voiced approval of activities, music, a farmer's market, repair of volleyball courts as preferred uses at North Beach. He referred Committee Members to an article in the San Clemente Times for additional information. Although he has been involved in the inception of the organization, he does not intend to stay active as he does not live in the area. In addition, he advised all to visit ebay to purchase special pink or green Rainbow sandals, donated by Rainbow Sandals, with the City matching funds, to support Courtney's Sandcastle Playground.

Committee Member Smith recommended all read The Sun Post article regarding sand replenishment.

Assistant City Engineer Bonigut advised an expanded on-line version was available at The Orange County Register website. He found the article both accurate and informative, and also recommended a separate but related article by John Dorey.

Committee Member Ambrose announced improved communication between businesses and the City with the election of Councilmember Bob Baker as Mayor.

10. ADJOURNMENT

MOVED BY COMMITTEE MEMBER AMBROSE, SECONDED BY COMMITTEE MEMBER JORDAN, AND UNANIMOUSLY CARRIED to adjourn at 9:15 p.m. to the next regular meeting of the Coastal Advisory Committee on Thursday, January 10, 2013, at 7:00 p.m. in the Fireside Room at the Community Center located at 100 N. Seville, San Clemente, CA.

Respectfully submitted,

Bill Hart, Chair

Attest:

Tom Bonigut, Assistant City Engineer



01/22/13
6B(2)

CITY OF SAN CLEMENTE
HUMAN AFFAIRS COMMITTEE MEETING
December 12, 2012
3:00 P.M.
COMMUNITY CENTER
Ole Hanson Room
100 North Calle Seville
San Clemente, CA 92672

DRAFT MINUTES

1. CALL TO ORDER/ROLL CALL - Present: Joan Thompson, Bob Wright, Bill Ewing, Kay Childs, Pat Pinto, Martin Pennington, Denise Obrero staff. Absent: Nancy Sutherland
2. APPROVAL OF MINUTES
Kay made a motion to approve the Joint City Council-Commission's minutes of November 8, 2012. The motion was approved and seconded by Bob.
3. PUBLIC TESTIMONY – None
4. NEW BUSINESS
 - a. HAC Community Ambassador and past Chair, **Isobel Pelham**, unexpectedly passed away in November. Family, friends, and neighbors are planning a community garden as a tribute to her love of gardening. Denise Obrero will submit a grant proposal to Mission Hospital for seed money funding; the SC Garden Club and kids will hopefully install a school garden in early 2013.
 - b. **Community Grants-Social Service Budget Committee** - two volunteer members will assist the Budget Review Committee at a February meeting to review and rank the submitted FY14 grant applications. Typically, there are twenty four applications that are reviewed on an annual basis.
 - c. **Vista Los Mares Event** – this year's Las Posadas was a huge success with resident leadership and volunteers from Saddleback Church and Community Resource Center. The media covered this annual event and it culminated with a block party and Community Potluck on Dec. 21st
 - d. **SC Collaborative Sub-committee updates** – November's Feria Del Sol Free Health fair was a huge success with over 400 uninsured patients at Saddleback Memorial Medical Center in San Clemente. Also, Family Assistance Ministries November turkey meal provided dinner for approximately 600 residents at the Community Center; on Thanksgiving Day the owner of Brick Pizza opened up his new restaurant and provided a complimentary meal to our low-income and homeless residents and families. There were around 300 people that ate at Brick Pizzeria.
5. COMMUNICATIONS FROM CITY STAFF AND COMMITTEE MEMBERS Denise Obrero will distribute a Human Needs Calendar for January 2013 after the City's winter furlough. The next SCC General Meeting will take place on January 24th at 6:30pm at the Ole Hanson Beach Club.
6. ADJOURNMENT
Adjourn to the next Human Affairs Committee meeting on February 13, 2013 at 3 p.m. in the Ole Hanson Room at the Community Center at 100 North Calle Seville, San Clemente.

Respectfully submitted,
Pat Pinto, Chair

Denise Obrero, Secretary

6B(2)-1



01/22/13
6B(3)

CITY OF SAN CLEMENTE

MINUTES OF THE REGULAR GOLF COURSE COMMITTEE MEETING

THURSDAY, JANUARY 3, 2013, 7:00 P.M.

A regular meeting of the Golf Course Committee of the City of San Clemente was called to order on Thursday, January 3, 2013, at 7:00 p.m., at City Council Chambers, 100 Avenida Presidio, San Clemente, California 92672.

1. ROLL CALL

Committee members present: Rick Divel, Tim Kiernan, Parker Steel, Dick Veale, George Gooch, Nick Azzollini

Committee members absent: Mike Hurlbut

Staff present: Gus Nelson, Golf Course Manager
Mary Colletti, Recording Secretary

2. APPROVAL OF MINUTES

A. Chair Veale called for approval of the minutes of the Joint Council/Committees Meeting held October 23, 2012:

MOTIONED BY COMMITTEE MEMBER AZZOLLINI, SECONDED BY COMMITTEE MEMBER GOOCH, AND UNANIMOUSLY CARRIED, TO APPROVE THE MINUTES OF THE JOINT COUNCIL/COMMITTEES MEETING HELD OCTOBER 23, 2012.

B. Chair Veale called for approval of the minutes of the Regular Meeting of the Golf Course Committee held November 1, 2012:

MOTIONED BY COMMITTEE MEMBER DIVEL, SECONDED BY COMMITTEE MEMBER KIERNAN, AND UNANIMOUSLY CARRIED, TO APPROVE THE MINUTES OF THE REGULAR MEETING OF THE GOLF COURSE COMMITTEE HELD NOVEMBER 1, 2012.

6B(3) -1

C. Chair Veale called for approval of the minutes of the Special Meeting held December 11, 2012:

MOTIONED BY COMMITTEE MEMBER AZZOLLINI, SECONDED BY COMMITTEE MEMBER STEEL, AND UNANIMOUSLY CARRIED, TO APPROVE THE MINUTES OF THE SPECIAL MEETING HELD DECEMBER 11, 2012.

3. PUBLIC INPUT

Mr. Rick Fleming, representative of the Men's Club, commented that in regard to the changes to hole #16, he wished that more public input had been given on the matter and requested that such rules changes be left to the Men's Club. Chair Veale responded that the committee acted because of the impacts of slow play and believed the changes were proper and implemented correctly. He said the golf committee has public meetings and all are invited. Mr. Fleming added also that he would like to have the Men's Club members included in the email blasts to be sent regarding the Golf Course, and he and the Committee Members discussed how the Men's Club members could visit the Golf Course website and sign up to receive Golf Course updates in the email blasts.

4. OLD BUSINESS

None.

5. NEW BUSINESS

Consideration of alternate, reduced impact plans to conduct weddings at the Golf Course.

The Committee Members discussed this topic which had been introduced at a special meeting with Z-Golf, the concessionaire. Please refer to the memo submitted by Chair Dick Veale, dated 1/2/2013, entitled "The Wedding Chapel for the Muni", for details.

6. COMMUNICATIONS

None.

7. ITEMS FROM STAFF

Monthly and Quarterly Report and Ongoing Business Update:

GC Manager Nelson gave his update, and said he would email the Rounds and Revenue report to the Committee Members shortly, but stated that the Golf Course was down by about 800 rounds from this time last year, mostly due to the rainy weather this past December. In summary, Mr. Nelson said that over the holidays, he'd had a skeleton maintenance crew due to the City's holiday

furlough for staff. Mr. Nelson also discussed the regular maintenance to the greens and fairways, and added that staff had received the new back hoe, and that he was now shopping for a fairway aerifier. He added that staff would be working on tree maintenance. He said the main pumps had all been repaired and/or replaced, except for a small back-up pump, which is to be installed next month by the City sewer department. In regard to the tree work Mr. Nelson had mentioned, Chair Veale said he'd like to see a new tree planted for every tree removed, and CM Divel said he'd like to see 2 trees added for every 1 tree removed, but GC Manager Nelson disagreed, and said that sometimes trees block views and aren't necessarily good for the course, and added that for aesthetics, he adopts a "good trees in good locations" policy rather than filling any available void in the tree line with another tree. Chair Veale said he'd like to discuss the issue of trees on the Golf Course at the next meeting of the Greens Subcommittee. GC Manager Nelson said that he will schedule a Greens Subcommittee tour of the Golf Course, as well as a House Subcommittee meeting with Z-Golf, shortly.

8. ITEMS FROM COMMITTEE MEMBERS

CM Divel asked for a yardage marker at the end of #13.

CM Kiernan asked if it was possible to keep carts off certain holes (e.g. #16), after rainstorms, until the muddy puddles dry up. GC Manager Nelson said that after the last rains certain holes had been closed to carts, but he and CM Azzollini noted that even when such signs are posted, golfers continue to drive through muddy areas anyway.

CM Steel asked that the House Subcommittee meeting be scheduled very soon.

Chair Veale asked that the bare spots on #8 (left of the trap), and on #16 be perhaps roped off and reseeded. He commented that the greens on the Golf Course were in good shape.

CM Azzollini stated that the swale near the #18 landing area is soggy, and additionally asked for a divot day, because, he said, cart drivers don't seem to be very diligent in using the sand buckets provided to fill their divots. Mr. Rick Fleming, here tonight as a representative of the Men's Club, said that the Men's Club usually have a divot day during aerification. GC Manager Nelson said that having a skeleton crew during the holidays impeded maintenance of the Golf Course.

CM Divel commented that he'd brought a party of 18 people to the Clubhouse restaurant, and they were very pleased with the great service and great food provided. GC Manager Nelson said he hears good reviews of the restaurant from patrons of the Golf Course.

CM Gooch said he is working on researching how other golf courses offer memorial tree plantings, and he will present his research to this Committee soon, perhaps at the next regular meeting.

9. ADJOURNMENT

MOTIONED BY COMMITTEE MEMBER DIVEL, SECONDED BY COMMITTEE MEMBER AZZOLLINI, AND UNANIMOUSLY CARRIED, to adjourn at 7:46 p.m. to the next regular meeting of the Golf Course Committee, to be held March 7, 2013.

Dick Veale, Chair, Golf Course Committee

Date: _____

Gus Nelson, Golf Course Manager

Date: _____

DRAFT

6B(3)-4

THE WEDDING CHAPEL FOR THE MUNI

The following proposals outline what I have come up with as alternative "wedding chapel" locations on or near the San Clemente Municipal Golf Course for Z Group. This is assuming that Z Golf group cannot continue to function having their weddings as they have been doing with setting up chairs in the afternoons at the far left location of the practice area. I suggest the following alternatives:

1. THE 7TH TEE

We close the blue and white tee areas on the 7th hole and temporarily move all the tees to the top of the hill and make it a par 4 for that period that a wedding is going on. The blue tee area is about two feet higher than the white tee area; therefore, the wedding gazebo will be on a lower level with everyone attending able to see the ceremony really well. In addition, the women wearing high-heeled shoes will help with aeration of the tee box. Parking is close by and guests will only have a short way to get to the reception. This would not require any sort of major cement structure, but it would be easy to update the area with more bushes, trees, and flowers. Looking out over the 7th fairway would be a great background scene for a wedding ceremony.

2. THE 13TH TEE AREA

If you stand back on the road and look at the area, you would have the elevated blue and white tees on the left, the sand and bathroom being in the middle, and with the road to the women's tee and the pump area are on the right. To the far right is a bank area that is designated no water and currently planted in water resistant plants. The city can excavate that right garden area, taking out the dirt, and then building a wedding chapel in that area. Some sort of cute fencing would have to be set up to block off the pump building and the road. During weddings, all women golfers would be guided to the men's tee and a short tee box be set up at the convergence of the men's and women's cart paths. If this idea were selected, then I would suggest a major redo of the two bathrooms.

3. THE WASTE AREA TO THE RIGHT OF THE 16TH CART PATH.

This is the area that George Gooch has suggested for years that we put a "junior golf" practice area in. If this location were selected, then the city would have to build a stair system to get people to the area from the street up above. Perhaps, the area could be further built with a non-obtrusive practice area included.

4. TAKE THE LAW BOWLING FACILITY OUT AND BUILD A WEDDING CHAPPEL IN THE THAT AREA.

I suggest that Gus invite Reggie, the Z Group local manager, to our meeting so we can get his input as well.

At our meeting also, I think we all should see the contract with Z Golf to see that was negotiated between the city and Z golf regarding wedding sites. Also, we should be privy to any notes or comments from member Tim Kiernan and Gus, as they were on the city selection committee that did the concession evaluations

Dick Veale 1/2/2013

6B(3)-7

01/22/13
6B(4)

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR
ZONING ADMINISTRATOR MEETING
December 19, 2012**

Staff Present: James Holloway, Adam Atamian, and Kimberly Maune

2. MINUTES

Minutes of the Zoning Administrator meeting of December 5, 2012 received and filed.

3. ORAL AND WRITTEN COMMUNICATION

None

4. PUBLIC HEARING

A. 3922 Calle Ariana – Minor Architectural Permit 12-309 – Cyprus Shore Clubhouse (Atamian)

A request to consider minor exterior alterations to a clubhouse structure located at 3922 Calle Ariana within the Open Space (OS2) zoning district and Coastal Zone boundary. The legal description is a portion of Lot X, of Tract 4202, Assessor's Parcel Number 060-281-59.

Assistant Planner Adam Atamian summarized the staff report. Mr. Atamian stated he received a letter today from a member of the public, Larry Culbertson. Mr. Atamian read the letter aloud. Mr. Culbertson's letter stated he believes this project could benefit by going through design review.

Applicant's representative architect Michael Luna was present. Mr. Luna stated no square footage is being added. They want to open up windows; by reconfiguring the interior floor plan the windows can offer a better ocean view. The project is not within 300 feet of any historic properties. This is a private community. There is no visual impact to any public roads. The community association initiated this project and approves of this project. This project has gone through the complete association review process, including the Architectural Committee and the Board of Directors.

Mr. Luna commented that the letter from Mr. Larry Culbertson seems out of place in that Mr. Larry Culbertson does not reside in the Cyprus Shore community.

6B(4)-1

Mr. Luna stated there are great examples of Spanish Colonial Revival structures in the association and outside, nearby the association. The building is in very bad need of repair, there is significant water damage. Rather than just repairing things and leaving the building outdated it was determined that the best investment for the community was to move this building towards Spanish Colonial Revival Architecture.

Tom Eads was present; he is the chairman of the Architectural Control Committee for the Cyprus Shore Homeowners Association. Mr. Eads is in favor of this project. There is no neighborhood opposition to this project. The homeowners association both initiated and is fully supportive of this project.

There were no members of the public present to address this item.

Mr. Holloway finds that this project is absolutely appropriate as a Minor Architectural Permit. There is no expansion of square footage. There are no site plan changes. There are no changes to the circulation pattern. This project does not have any public exposure, it is located behind private gates; therefore it will not have any public impact. There is complete neighborhood support. This project was initiated by and is supported by the homeowners association which is further evidence that the local neighborhood is in favor of and desirous of this project.

Mr. Holloway stated the City desires to assist applicants and streamline the process whenever possible so these kinds of improvements are brought forth and not have applicants postpone necessary and beneficial improvements.

Mr. Holloway informed the applicants of the ten day appeal period and thanked them for working with staff.

Action: The Zoning Administrator approved Minor Architectural Permit 12-309, Cyprus Shore Clubhouse, subject to Resolution ZA 12-048 with attached Conditions of Approval.

ACTION SUBJECT TO APPEAL TO OR CALL-UP BY CITY COUNCIL.

5. NEW BUSINESS

None

6. OLD BUSINESS

None

6B(4)-2

ADJOURNMENT

The meeting adjourned at 3:15 p.m. to the regular Zoning Administrator meeting to be held on January 9, 2013 at 3:00 p.m., at the Community Development Department, Conference Room A, located at 910 Calle Negocio, Suite 100, San Clemente, California.

Respectfully submitted,

SAN CLEMENTE ZONING ADMINISTRATOR


James Holloway

6B(4)-3

01/22/13
GB(4)

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR
ZONING ADMINISTRATOR MEETING
January 9, 2013**

Staff Present: James Holloway, Sean Nicholas, and Denise Gee

2. MINUTES

No minutes.

3. ORAL AND WRITTEN COMMUNICATION

None

4. PUBLIC HEARING

A. 140 Avenida Buena Ventura – Minor Architectural Permit 12-240/Minor Exception Permit 12-420 – Hill Residence (Nicholas)

A request to consider an addition to a nonconforming structure and to continue a nonconforming side yard setback for a new second story at 140 Avenida Buena Ventura within the Residential Low (RL) zoning district. The legal description is Lot 29, of Block 6, of Tract 900, Assessor’s Parcel Number 060-101-48.

Associate Planner Sean Nicholas summarized the staff report.

Applicant Denis Hill was present. Architect Carolyn Dias was also present. Ms. Dias advised that she was pleased with Mr. Nicholas’ coverage of the issues and is looking forward to the progress of the project.

Neighbor Ludwig Abrahamian was present. Mr. Abrahamian is concerned about the shed being located on the rear property line. He advised that though the home he owns is currently being occupied by tenants, he intends to retire at the residence. He bought the home because he liked the neighborhood, it is not a tract area, and it’s a great beach community. He wants the fence to remain and does not want to look at a stucco wall. If he planted in his yard, he does not want to be responsible for moisture getting underneath the building or stucco damage. He would rather have his fence remain and the workshop be moved at least two feet away from the fence.

Mr. Abrahamian has no issues with the addition. He thought the plans looked great. The shed is the only concern he has.

GB(4) -4

Mr. Holloway asked Mr. Nicholas to point out on the plans where the shed would be located. Mr. Nicholas also pointed out on the plans where an in-ground lap pool is proposed. Mr. Abrahamian was also concerned about construction beginning. The fence would need to come down. Since there are tenants with children and a small dog, he does not want to be financially responsible while the construction is going on.

Mr. Holloway asked how tall the fence is. Mr. Abrahamian advised that the fence is six feet. Mr. Holloway asked what the fence was made of. Mr. Abrahamian stated his side is wood. Mr. Hill advised that initially the fence was chain link. The poles remain and the wood was bracketed to the poles and a wood fence was constructed.

Mr. Holloway asked the size of the shed. Mr. Nicholas advised that the shed is 286 square feet. Mr. Holloway asked when a structure becomes something more than an accessory structure. Mr. Nicholas advised over 450 square feet, as defined by the code. Mr. Holloway asked what the code requirement is for setting back accessory structures. Mr. Nicholas advised for structures under 450 feet, no setbacks are required and the structure can be up to the property line. Accessory structures must have a five foot building separation from the primary structure. In response to Mr. Holloway's question about the separation for this proposal, Mr. Nicholas indicated that there is a 6 feet 11 inches separation between the primary and accessory structures.

Mr. Holloway advised that the current structure is 1,741 square feet. The addition is 866 square feet, for a total completed square footage of 2,607 square feet. That means the 2,607 square feet is more than 2,100 square feet, which is one of the key size requirements that is talked about in the non-conforming zoning code. Why is this proposed project allowed to exceed the 2,100 square feet? Mr. Nicholas advised the 2,100 square feet is referenced associated with small, beach-type bungalow homes that start at approximately 1,200 square feet. This allows those owners to exceed the 50% up to 2,100 square feet.

At this point, Mr. Holloway advised these types of questions are to provide the City Council, who read the Zoning Administrator meeting minutes, a better understanding of the project and the decision making process.

Mr. Holloway asked that since this is a less than 50% addition, the project can exceed 2,100 square feet. Mr. Nicholas confirmed that this is why they could exceed 2,100 square feet. Mr. Holloway also said that to his understanding, what makes this non-conforming is that the garage is closer than the 18' setback and that the garage already exists. Mr. Nicholas advised that Mr. Holloway's

information is correct. Mr. Holloway said that the additions are being constructed on existing bearing walls. Mr. Nicholas confirmed the information. Mr. Nicholas also stated that there is a non-conforming side yard. The applicant is continuing the addition on the side, and the 2nd story addition is being set back as required in the front. Mr. Holloway stated that the addition is on the plane of the existing wall.

Mr. Holloway advised that these are the types of things that need to be looked at in the Minor Exception Permit process, aside from neighborhood input. Since this home was built in the 1960s, the code has changed several times since then. This is what creates the non-conforming structures. It makes sense that the policy makers create provisions that allow people to build on load bearing walls on the plane of the existing wall. Mr. Holloway stated that based on this information, this is a straight-forward application of which he will approve.

Mr. Holloway advised that the accessory building is a separate issue. He advised it's interesting to note that the accessory building can be built with zero setback. However, the neighbor has expressed his opinion and concerns. This is not really City business as long as the applicant provides the 5' minimum setback between the primary structure and the accessory structure. Mr. Holloway advised that if the applicant and the neighbor would like to work together and amend the plans based on mutual agreement, which Mr. Holloway encourages, they are more than welcome to do so. However, the issue is not City business based on the codes. The City administers the codes. He does not believe that citizens would like the City to go beyond administering the codes. Mr. Holloway stated that it appears the applicant and neighbor are already working together.

Mr. Holloway noticed that additional members of the public have joined the meeting. Ms. Cecilia McDermott was present, but had no comments.

Messrs. Hill, Abrahamian and Ms. Diaz then discussed the possibilities of moving the structure appropriately to address Mr. Abrahamian's concerns. Mr. Abrahamian and Mr. Hill agreed that the shed will be moved 18" away from the fence.

Action: The Zoning Administrator approved Minor Architectural Permit 12-240/Minor Exception Permit 12-420, Hill Residence, subject to Resolution ZA 13-001 with attached Conditions of Approval.

ACTION SUBJECT TO APPEAL TO OR CALL-UP BY CITY COUNCIL.

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5. **NEW BUSINESS**

None

6. **OLD BUSINESS**

None

ADJOURNMENT

The meeting adjourned at 3:25 p.m. to the regular Zoning Administrator meeting to be held on January 23, 2013 at 3:00 p.m., at the Community Development Department, Conference Room A, located at 910 Calle Negocio, Suite 100, San Clemente, California.

Respectfully submitted,

SAN CLEMENTE ZONING ADMINISTRATOR


James Holloway

01/22/13
6B(5)

**MINUTES OF THE ADJOURNED REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
December 19, 2012 @ 6:00 p.m.
City Council Chambers
100 Avenida Presidio
San Clemente, CA 92672**

1. CALL TO ORDER

Chair Avera called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 6:02 p.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Anderson led the Pledge of Allegiance.

3. ROLL CALL

Commissioners Present: Nesa Anderson, Barton Crandell, Michael Kaupp and Jim Ruehlin;
Chair pro Tem Donald Brown, Chairman Lew Avera

Commissioners Absent: Vice Chair Julia Darden

Staff Present: Jim Pechous, City Planner
Jeff Hook, Principal Planner
Amber Gregg, Associate Planner
Tom Bonigut, Assistant City Engineer
Zachary Ponsen, Senior Civil Engineer
Ajit Thind, Assistant City Attorney
Eileen White, Recording Secretary

Agenda items are presented in the originally agendized format for the benefit of the minutes' reader, but were not necessarily heard in that order.

4. SPECIAL ORDERS OF BUSINESS

A. Project Update, Avenida Pico Interchange at I-5, Bridge Span Final Design

Tom Bonigut narrated a PowerPoint Presentation entitled "Project Update, I-5 South County Improvement, Planning Commission, December 19, 2012," requesting the Commission provide input on design details proposed by Caltrans for the bridge located at the I-5 and Avenida Pico Interchange.

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During discussion, the Commissioners provided input as follows:

1. Inset on Columns: Commissioners expressed preference for the equal-distance insert instead of the wider inset.
2. Column Capitals: Commissioners agreed with staff to eliminate the exaggerated spire and place the ball on top of the cone; also remove the legs, with the base of the pilaster directly on top of the column.
3. Wall Pattern: Commissioners expressed preference for the original pattern without offset boards.
4. Reveals and Concrete Finish: Commissioners preferred the wood grain design instead of smooth concrete. Staff agreed to bring back example of wood grain before installation if time permits.
5. Sound Tile Design: Commissioners concurred with the staff recommendation to use standard repeat pattern for the sound tile design so that Caltrans will have responsibility of maintenance; suggested split face texture to be consistent with existing sound wall design.

5. MINUTES

A. Minutes from the Joint City Council/Commissions/Committees Meeting of October 23, 2012

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER CRANDELL, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Joint City Council/Commissioners/Committees meeting of October 23, 2012, as submitted by staff.

B. Minutes from the Adjourned Regular Planning Commission Meeting of December 5, 2012

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY CHAIR PRO TEM BROWN, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Adjourned Regular Planning Commission meeting of December 5, 2012, with the following revision:

Page 5, 5th paragraph, 2nd sentence, replace "Section 8" with "Planning Area 8"

6. ORAL COMMUNICATIONS - None

7. WRITTEN COMMUNICATIONS - None

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8. CONSENT CALENDAR**9. PUBLIC HEARING****A. 821 Via Suerte, Suite 104 – Conditional Use Permit 12-385 – Inka Mama’s
(Gregg)**

A request to consider an alcohol beverage control permit upgrade from beer and wine to include distilled spirits at the Inka Mama’s restaurant located at 821 Via Suerte, Suite 104. The project is located within the Talega Specific Plan, the legal description being lot 5 of Tract 16936 and Assessor’s Parcel Number 701-372-02.

Amber Gregg summarized the staff report and recommended approval of the request as conditioned. In response to a question, she noted the Sundried Tomato Café in the same location also serves distilled spirits.

Stavros Lozano, the applicant, was available for questions.

Chair Avera opened the public hearing, and there being no public testimony, closed the public hearing.

IT WAS MOVED BY COMMISSIONER RUEHLIN SECONDED BY COMMISSIONER KAUPP AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 12-036, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 12-385, ALCOHOL LICENSE UPGRADE TO INCLUDE DISTILLED SPIRITS AT THE INKA MAMA’S RESTAURANT IN THE TALEGA VILLAGE CENTER.

[DECISION FINAL. SUBJECT TO APPEAL OR CALL UP BY COUNCIL]

B. 410 Arenoso Lane – Conditional Use Permit 12-270/Cultural Heritage Permit 12-271/Site Plan Permit 12-272 – Reef Pointe Villas (Gregg)

A request to consider the demolition of an existing apartment building, and the construction of a new three story building, with five residential units and a subterranean garage, located at 410 Arenoso Lane. The project is located in the Pier Bowl Specific Plan and the Architectural and Coastal Zone Overlays. The legal description is Lot 46, of Block 3, of Tract 784 and Assessor’s Parcel Number 692-012-06.

Amber Gregg narrated a PowerPoint Presentation entitled, “Reef Point Villas, Conditional Use Permit 12-270 and Cultural Heritage Permit 12-271, dated December 19, 2012;” recommended approval of the request as conditioned.

Zachary Ponsen expressed confidence that the conditions of approval specific to grading adequately address issues that may arise during the grading process, noting that the developer is responsible for choosing the correct geotechnical technique to use that will protect adjacent properties. He advised any geotechnical issue arising between the subject property and adjacent properties would become a civil issue between the two properties.

Ajit Thind agreed the standard conditions of approval are adequately written.

Michael Luna, architect and applicant's representative, explained that the proposal is to construct a three-story, five-unit building featuring setbacks on the sides and top story to reduce massing and decrease potential negative view impacts for adjacent properties. The project complies with all applicable codes, and guidelines which allow up to four stories in height and a maximum of 10 units. The applicant filed a pre-application in order to get all issues out in the open from the start of the project, and is working with the California Coastal Commission to ensure the proper coastal canyon setback. A team of engineers, geologists, and contractors have been hired to employ best practices to ensure safety of the surrounding properties. He noted the planting wall along the edge should be green within a short amount of time.

Chair Avera opened the public hearing.

Richard Gibby, property owner and site developer note he intends to live in one of the units when he retires. He does not want a massive building, and believes the project proposed is complementary with the site and the neighborhood.

Christina Leon, resident, opposed the proposed project because it will intensify the existing tunnel effect on its narrow street, obstruct sunlight, block views, and change the neighborhood from what Ole Hanson originally envisioned. She asked for story poles to illustrate the project's effects, requested the subterranean garage be moved further down the slope in order to reduce the project to two stories from street level, and suggested the project take access from Linda Lane.

Chair Avera closed the public hearing.

During the ensuing discussion, the Commissioners, either individually or in agreement, provided the following commentary:

- Agreed the street already experiences a canyon effect, which is, in part, caused by an existing and larger building.

- Commended the choices made by this developer to reduce impacts to the adjacent properties, including lower massing than allowed, increased balconies, half the number of units that could be built on site, and limiting the number of stories to 3.
- Commented that although story poles are a good tool, they have not been used in residential projects and are not called for with this application as it's not a commercial or mixed use project.
- Noted the City Engineer is confident the conditions of approval should prevent structural damage to surrounding properties.
- Advised that only designated public views are protected.
- Complimented the architect and applicant for the beautiful design.
- Recommended a new condition of approval to allow applicant flexibility with regard to window painting.

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY CHAIR PRO TEM BROWN, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 12-037, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP) 12-270 AND CULTURAL HERITAGE PERMIT (CHP) 12-271, REEF POINTE VILLAS, A REQUEST TO CONSTRUCT A FIVE UNIT RESIDENTIAL DEVELOPMENT AT 210 ARENOSO LANE, with the following revisions:

Page 6, condition no. 6, first sentence, replace "commercial building permits" with "building permits"

Page 12, condition no. 33, replace "was" with "walls"

Staff to add new condition where appropriate as follows: "Should the requirement for on-site window painting be amended prior to project completion, the applicant may choose to comply with current or revised condition."

[DECISION FINAL. SUBJECT TO APPEAL OR CALL UP BY COUNCIL]

10. NEW BUSINESS - None

11. OLD BUSINESS

A. General Plan Policies - Review Implementation Measures Section of the Draft General Plan Land Use Element (Hook)

At its March 21, April 4, April 18 and May 2, 2012 meetings, the Commission reviewed and commented on the preliminary draft General Plan Land Use Element (LUE). The Commission did not review the Implementation Section of

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the draft Element because it was not yet available. The Commission should complete its review of the draft LUE by reviewing and commenting on the Implementation Section, which includes specific actions the City will take to carry out the LUE's goals and policies. The Commission's action is not final. Recommended changes and additions would come back later next year in the form of a "Public Hearing Draft General Plan" for final Commission action.

Commissioner Kaupp recused himself from considering land use implementation measures for properties located in the Downtown/T-Zone area due to property ownership within 500 feet; Chair pro tem Brown recused himself from considering land use implementation measures for properties located on South El Camino Real due to property ownership within 500 feet.

Chair Avera opened the public hearing.

Cheryl Moe, resident, recommended the Commission consider freeway crossing points and parking for golf carts in the Downtown area.

Chair Avera closed the public hearing.

Following discussion, the Commissioners provided comment/suggested revisions as follows:

- Page 1, item 1.c. add to the end of the sentence, "with emphasis on the commercial core in the T-Zone."
- Page 1, no. 6, replace "limit non-business oriented uses and protect" with "encourage"
- Page 1, no. 7, The Planning Center to clarify the meaning of this implementation measure to the satisfaction of staff or delete it in its entirety.
- Page 1, no. 8, following "motorcycle" insert ", watercraft"
- Page 2, no. 10, The Planning Center to clarify the meaning of this implementation measure to the satisfaction of staff or delete it in its entirety.
- Page 2, no. 13, The Planning Center to explain the policy link.
- Page 2, no. 15, The Planning Center to define "experiential retail uses"
- Page 2, no. 16, 1st sentence, replace "guide the retail mix of Downtown" with "enhance the retail synergy of Downtown land uses"
- Page 3, no. 24, following "Downtown Business Association," insert "Pier Bowl Merchant's Association"
- Page 3, no. 29, following "prepare" insert "and implement"; replace "prevent development from obstructing" with "maintain and restore";

following "I-5 Freeway," insert "by reviewing development for its visual effects,"

B. General Plan Land Use Map Designations (Hook)

Consideration of including alternative land use designations at 101 North La Esperanza, 61-115 Via Pico Plaza, 100 Avenida Presidio (City Hall), 501 Avenida Vaquero (Shorecliffs Golf Course Clubhouse), 2651 Calle Frontera, 910 and 918 South El Camino Real, and 1300 North El Camino Real as part of the Draft General Plan Land Use Map.

The City's approved General Plan Housing Element identifies five properties to be considered for potential rezoning to help improve the City's ability to meet its Regional Housing Needs Allocation. In addition, the City has received two requests from property owners to consider including their properties in the Draft General Plan for possible land use changes. Tonight, the Planning Commission should review these properties to determine whether they should be included as alternative land use designations in the Draft General Plan for further environmental and land use studies. This item is primarily informational and to provide direction for further study. No actual changes to land uses or zoning will be decided at the meeting.

Jeff Hook narrated a PowerPoint Presentation entitled "General Plan Policies, Consideration of Including Alternative Land Use Designations at 101 North La Esperanza, 61-115 Via Pico Plaza, 100 Avenida Presidio (City Hall), 501 Avenida Vaquero (Shorecliffs Golf Course Clubhouse), 2651 Calle Frontera, 910 and 918 South El Camino Real, and 1300 North El Camino Real, dated December 19, 2012." He noted what is at issue tonight is whether the Commission believes it is appropriate for the City's consultant to evaluate the potential for land use and zone changes in order to increase housing opportunities. He noted the Commission will have the opportunity to review and make recommendations before the issue goes before the City Council.

In response to questions, Mr. Hook advised that the property referred to in the recent letter from Cheryl Moe could be considered next year, as staff just received the letter and has not yet had an opportunity to review the subject property before tonight's meeting.

Chair Avera opened the meeting for public comment and noted that Commissioners had received correspondence just before the meeting from Rick and Margaret Franks, dated December 19, 2012, expressing opposition to potential rezoning of the City Hall Property and voicing concerns about the scope and timeliness of public notification of this meeting, potential impacts on

homeowners and slope stability (letter on file with 2012/2013 General Plan files, Community Development Department and included herein by reference).

Jim Friberg, resident, opposed developing a large number of housing at the City Hall site as a parking shortage currently exists due to the existing condominium complex, and development of the site may lead to slope instability, damage to structures above the site, and lawsuits against the City arising from the slope damage.

Greg Hoffenberg, resident, opposed housing development at the 1300 N. El Camino Real site due to potential slope damage, negative environmental impacts, property access issues, loss of public beach access, and the existing parking shortage due to overcrowding in the area.

Dr. Rajesh Kadakia, resident, requested that properties at 910 and 918 South El Camino Real be considered for the proposed mix use (MU) rezoning being contemplated in the General Plan Update.

Linda King, resident, opposed housing development for the City Hall site due to the existing overcrowding and parking shortage due to the condominium complex, existing reckless driving, existing instability of slopes, potential for grading on site to further create slope instability, and potential for liability to the City arising from slope damage.

Rick Franks, owner of a house adjacent to City Hall, referred to a letter he and his wife, Margaret, had submitted and summarized its key points. He opposed rezoning 100 Presidio due to existing instability of the hillside, existing shortage of parking in the area, and the potential for lawsuits against the City.

Mark Mcguire, resident, spoke on behalf of the Shorecliffs Golf Course property owners, requested the City consider a hotel, time share, or senior housing site for up to 6 acres of the 8.5 acre site; noted the golf course will continue to operate.

Cheryl Moe, resident, requested her property at 329 W. Allesandro also be studied for potential land use change. At 35,850 square feet, it is a large property, located on a coastal canyon, which may be suitable to development that would help meet the City's housing needs.

Mr. Hook noted that Ms. Moe's property, and another property just brought to staff's attention, will be researched by staff and may be brought back for Planning Commission consideration following proper public noticing. In addition, he noted the type of housing is not a consideration at this point; the

properties would be considered for residential uses as an alternative to the current land use designation.

Chair Avera closed the public comment portion of the meeting.

The Commissioners concurred that all properties included in the staff report should be considered for potential alternative land use and rezoning; advised interested residents to document their concerns in writing addressed to staff; and requested that staff provide the property owners' written and oral comments from the meeting to the City's General Plan consultant.

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER RUEHLIN, AND UNANIMOUSLY CARRIED TO DIRECT THE CONSULTANT TO INCLUDE "ALTERNATIVE LAND USES" FOR 101 NORTH LA ESPERANZA, 61-115 VIA PICO PLAZA, 100 AVENIDA PRESIDIO (CITY HALL), 501 AVENIDA VAQUERO (SHORECLIFFS GOLF COURSE CLUBHOUSE), 2651 CALLE FRONTERA, 910 AND 918 SOUTH EL CAMINO REAL, AND 1300 NORTH EL CAMINO REAL.

[DECISION FINAL. SUBJECT TO APPEAL OR CALL UP BY COUNCIL]

12. REPORTS OF COMMISSIONERS/STAFF

Included in the Commissioners' packets for their review:

- A. Tentative Future Agenda
- B. Minutes from the Zoning Administrator meeting of December 5, 2012
- C. Staff Waiver 12-409, 1104 S. El Camino Real
- D. Staff Waiver 12-415, 231 Avenida Victoria
- E. Staff Waiver 12-417, 247 Avenida Santa Barbara

Commissioner Ruehlin reported that he rented an electric bike at North Beach and was able to very effectively get up and down hills with plenty of speed. He enjoyed the bike ride and recommended it highly to his fellow Commissioners.

Staff and the Commissioners wished all a Merry Christmas and Happy New Year.

Mr. Pechous noted the January 9, 2013, meeting packets were on the dais for all to take home in addition to their notebooks.

13. ADJOURNMENT


IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER RUEHLIN, AND UNANIMOUSLY CARRIED to adjourn at 10:02 p.m. to an Adjourned Regular Meeting to be held

at 6:00 p.m. on January 9, 2013, in Council Chambers at City Hall located at 100 Avenida Presidio, San Clemente, CA.

Respectfully submitted,

Lew Avera, Chair

Attest:


Jim Pechous, City Planner

DRAFT

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01/22/13
6B(5)

**MINUTES OF THE ADJOURNED REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
January 9, 2013 @ 6:00 p.m.
City Council Chambers
100 Avenida Presidio
San Clemente, CA 92672**

1. CALL TO ORDER

Chair Avera called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 6:02 p.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Ruehlin led the Pledge of Allegiance.

3. ROLL CALL

Commissioners Present: Nesa Anderson, Barton Crandell, Michael Kaupp and Jim Ruehlin; Chair pro Tem Donald Brown, Vice Chair Julia Darden, Chairman Lew Avera

Commissioners Absent: None

Staff Present: Jim Pechous, City Planner
Jeff Hook, Principal Planner
Amber Gregg, Associate Planner
John Ciampa, Associate Planner
Sharon Heider, Beaches, Parks, and Recreation Director
Zachary Ponsen, Senior Civil Engineer
Ajit Thind, Assistant City Attorney
Eileen White, Recording Secretary

4. SPECIAL ORDERS OF BUSINESS - None

5. MINUTES - None

6. ORAL COMMUNICATIONS

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Sue Loftin, The Loftin Firm, LLP, Attorneys at Law, Carlsbad, CA, representing Capistrano Shores, Inc., submitted a letter dated January 10, 2013, which included resubmission of two letters sent to staff from The Loftin Firm, LLP, dated December 6, 2012, and December 10, 2012, on behalf of Capistrano Shores, Inc., requesting the City remove language in the General Plan Update, specifically in Economic Development Policies, 13.7 (Page 3-16) and the Coastal Element Chapter 4, Implementation Measures, section 406 B (Page 4-12) because she believed it is injurious, unnecessary, and internally inconsistent. She noted her firm has not received any response in writing or verbally, from the City. Jim Pechous agreed to research the request made in the letters and report back.

7. WRITTEN COMMUNICATIONS - None

8. CONSENT CALENDAR

9. PUBLIC HEARING

A. 1312 Avenida De La Estrella – Cultural Heritage Permit 12-282/Minor Exception Permit 12-329 – Murlless Addition (Ciampa)

A request to consider an in-bank garage with a reduced front yard setback and an addition to a house that is adjacent to a historic house. The project site is located within the Residential Low (RL) zoning designation at 1312 Avenida De La Estrella, legal description being Lot 12, Block 8 of Tract 795, Assessor's Parcel Number 057-033-23.

John Ciampa narrated a PowerPoint Presentation entitled "Murlless Residence, CHP 12-282, MEP 12-329, dated January 9, 2013. He displayed colored renderings, site plans, elevations, photos of the site, and a scale model. Staff recommended approval of the request as conditioned.

In response to questions, Mr. Ciampa noted standard, legal length of a garage is 19 feet inside measurement; discussed potential grading to occur on the site, including amount of bluff to be removed.

Alura Aguilera, architect for the project, noted the architecture combines Spanish Colonial Revival with green techniques such as grey water usage, solar panels, and a roof garden on top of the garage; advised the historic home owners fully support the proposed project.

6B(5)-12

Chair Avera opened the public hearing, and there being no public testimony, closed the public hearing.

For the record, Chair Avera advised that two items of written communication were submitted to the Commission this evening. One in support and one opposed. Victor Hooper's letter opposed the project because he believed the proposed in-bank garage would affect the historic nature of the property and because it does not comply with the standard garage setback of 18-feet. Kristine Pollard, the owner of the adjacent historic property located at 1314 Avenida De La Estrella, submitted the letter of support, stating that the Architect's design for the addition will complement her house with the Spanish architectural elements.

During the ensuing discussion, the Commissioners, either individually or in agreement, provided the following commentary:

- Advised it is the Hillside Ordinance that sets forth the calculations and required findings for the Minor Exception Permit. The guidelines can be applied whether slopes go up or down, and it is very common for properties all over the City to apply for this exception due to the City's steep topography.
- Established from staff that the proposed garage was slightly deeper than required by City Standards; speculated the exception might not be necessary if the garage was constructed to the minimum length.
- Speculated the added depth for the garage may enable storage for the applicant, or to ensure that there is always room for cars in the garage. In addition, ability for applicant to both park and store in garage may decrease need to park on street, where shortage of parking currently exists.
- Established from staff that the exception request is consistent with requests that have been granted for properties with similar restraints.
- Complimented the architect and applicant for beautiful architecture; thanked architect for the special tools used to illustrate the property's massing; commended the architect and applicant for sensitivity to the adjacent historic home.
- Commented the remodel is in character with and would be a nice addition to the neighborhood.

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- Noted the Historical Society has indicated approval of the proposed remodel.
- Commended the applicant for friendly working relationship with adjacent historic property owner.
- Expressed some concern with removal of bluff, but acknowledged applicant's ability to apply for exception if property qualifies; commented that line of sight seemed inadequate on paper, but expressed confidence in staff's ability to determine if adequate line of sight is present.

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER ANDERSON, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 13-001, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CULTURAL HERITAGE PERMIT 12-282 AND MINOR EXCEPTION PERMIT 12-329, MURLLESS ADDITION, A REQUEST TO CONSTRUCT AN IN-BANK GARAGE WITH A REDUCED FRONT YARD SETBACK AND AN ADDITION TO A HOUSE LOCATED AT 1312 AVENIDA DE LA ESTRELLA WHICH IS LOCATED ADJACENT TO A HISTORIC STRUCTURE.

[DECISION FINAL. SUBJECT TO APPEAL OR CALL UP BY COUNCIL]

B. 1729 S. El Camino Real – Discretionary Sign Permit 12-330 – Chevron Station Signage (Gregg)

A request to consider a Master Sign Program for the Chevron Service Station located at 1729 S. El Camino Real. The project is located within the Neighborhood Commercial (NC-3) zoning district and the legal description is Lot 2, Block 9, of Tract 851 and Assessor's Parcel Number 690-413-02.

Amber Gregg narrated a PowerPoint Presentation entitled, "Discretionary Sign Permit 12-330, Chevron Master Sign Program, dated January 9, 2013," including site plans, signage breakdown, and photos of existing and proposed signage. Staff recommended approval of the request as conditioned.

Karl Huy, Travis Companies, Anaheim CA, representing the applicant, concurred with conditions of approval as stated by staff; clarified that Condition No. 10 establishes that if the monument sign needs to be relocated, discretionary review would only be necessary if the applicant

and staff were unable to resolve the relocation. Ms. Gregg agreed with this interpretation.

Michael Gray, Travis Companies, Anaheim, CA, representing the applicant, was available for questions.

Chair Avera opened the public hearing, and there being no public testimony, closed the public hearing.

Design Review Subcommittee (DRSC) Members Kaupp and Crandell commended the applicant for his willingness to work with the DRSC on a solution to the existing pole sign issue. They commented that the end result worked well for both applicant and the City.

IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER RUEHLIN, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 13-002, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING DISCRETIONARY SIGN PERMIT NO. 12-330, A REQUEST FOR A NEW MASTER SIGN PROGRAM FOR A CHEVRON SERVICE STATION LOCATED AT 1729 S. EL CAMINO REAL.

[DECISION FINAL. SUBJECT TO APPEAL OR CALL UP BY COUNCIL]

10. NEW BUSINESS

A. Interpretation 12-434, Microbrewery Interpretation (Gregg)

A request for an interpretation from the Planning Commission regarding small microbreweries with limited production, but with a tasting room and retail sales, that such uses shall be considered the same as a Bar Use in the Municipal Code and require a Conditional Use Permit to establish such a facility.

Amber Gregg presented the staff report and recommended the Commission approve Interpretation 12-434, that a microbrewery with limited production and tasting room is consistent with a "Bar" use and shall be permitted within the Mixed Use and Commercial zoning designations with the approval of a CUP.

Jim Pechous pointed out that this evening, the Commission is being asked to approve an interpretation to allow such a use, which is not currently identified within the Municipal Code, to exist in this zoning designation. If the applicant goes forward and proposes the use, the Commission will have the opportunity to review the actual operation. Staff is recommending the Commission find that the use is similar to a bar, which is a conditionally allowed use in this zone. He noted that in the City's future Zoning Ordinance, microbreweries may be listed as an allowed use, which would eliminate the need for an interpretation that it is similar to a bar use.

In response to questions, Ms. Gregg advised that a wine tasting facility would only need a minor permit and noted the difference between wine tasting and microbreweries is that in microbreweries the beer is made on site.

Tom Cordato, the applicant, advised the microbrewery industry is growing rapidly, with their focus for this facility on brewing and taste. In a typical microbrewery, people come in to taste and drink beer. There will be no bottling done on site, and those wishing to buy in quantity can buy a "growler." In addition, the site would sell other beers already in containers. He will have two Alcoholic Beverage Control (ABC) licenses in order to offer both options. He believes this is a good location for this type of use, and it will be a good addition to the City. Microbreweries are not the same as traditional bars; not loud and rowdy, most patrons consume a maximum of three beers before leaving. It is more of a social gathering place than a location where people congregate to become inebriated.

Chair Avera opened the public hearing, and there being no public testimony, closed the public hearing.

Commissioners concurred that a microbrewery use would be a similar use to uses already allowed in the zone, and that restrictions are appropriately placed, such as an annual quantity limit, for this use.

IT WAS MOVED BY CHAIR PRO TEM BROWN, SECONDED BY COMMISSIONER ANDERSON, AND UNANIMOUSLY CARRIED TO APPROVE INTERPRETATION 12-434 THAT A MICROBREWERY WITH LIMITED PRODUCTION AND TASTING ROOM IS CONSISTENT WITH A "BAR" USE AND

SHALL BE PERMITTED WITHIN THE MIXED USE AND COMMERCIAL ZONING DESIGNATIONS WITH THE APPROVAL OF A CUP.

[DECISION FINAL. SUBJECT TO APPEAL OR CALL UP BY COUNCIL]

11. OLD BUSINESS

A. Draft General Plan Beaches, Parks and Recreation Element (Hook)

This Element addresses the general distribution, location and design of public beaches, parks, recreational lands and facilities. It also addresses recreation programs, park planning and acquisition, funding and implementation and is intended to maintain a system of safe, well-designed and high quality beaches and parks that meet a wide range of recreational needs, enrich the human spirit and promote community participation, health and wellness. The Beaches, Parks and Recreation Commission provided comments on this draft at its December 11, 2012 meeting; the Planning Commission previously reviewed the section on Health and Wellness in this draft Element.

Jeff Hook briefly reviewed the staff report; requested the Commission provide input on the Draft General Plan Beaches, Parks, and Recreation Element; advised the Element will come back to the Commission for final approval before it is presented to the City Council for consideration; noted The Planning Center will have a greater role once all comments have been submitted and more detailed work will occur with the distribution of the public hearing draft. He noted the document will be much better organized, with sample links and graphics and that it could take up to about six months after the final draft is approved by the City Council before the approved General Plan/EIR are uploaded to the City's website.

In response to a comment from Commissioner Crandell, Mr. Hook agreed to consider whether it would be beneficial for the Commission to hold a joint meeting with other advisory bodies/commissions/committees to review pertinent draft General Plan Elements as part of Public Hearing Draft General Plan review. He noted the Commission preferred to continue review the tracked BPR Commission-approved draft evening.

Chair pro tem Brown suggested the Commission hold a study session to discuss how best to review the Public Hearing Draft General Plan and how

final comments from the advisory bodies, as well as staff's comments, will be incorporated. Commissioners concurred with the suggestion, and requested that the City's consultant also be present.

Beaches, Parks, and Recreation

Following discussion, the Commissioners provided comment and suggested the following revisions:

- Requested "enrichment" as referred to in the first paragraph, be defined in the glossary section of the Update.
- Suggested staff may want to consider adding environmental component to this section to the homepage section; staff to review if adequately covered in other sections and add if warranted.

Sharon Heider, Beaches, Parks and Recreation Director, clarified notes specifically intended for the City's consultant; and discussed the basis for including some goals/policies/implementation measures in the Draft BPR Element and why some should be removed from this document and included in a Beaches, Parks, and Recreation Master Plan, to be developed following General Plan adoption.

Chair Avera opened the public hearing, and there being no public testimony, closed the public hearing.

Recreational Programming

Following discussion, the Commissioners provided comment/suggested revisions as follows:

- Page 4, second paragraph, replace "To offer," with "Offer"
- Stated preference for consistency that all goals throughout the document be stated in present tense.
- Established from staff that "long term street closures" could be used to address problem areas such as protecting historically designated homes at risk for damage from being located adjacent to streets.
- Elected to add new policy designed to increase visibility of less vibrant areas, such as featuring the Santa Train at North Beach.

- Page 5, add new Policy 1.11, as follows: “We consider using recreation programming as a tool for enhancing the vitality of neighborhoods and commercial areas.

In response to comments, Ms. Heider advised that typically her department develops programs when needs have already been identified, such as developing the “Fun on the Run” program in the Los Mares area. Although they usually develop programs after a need has been identified, she agreed that including new Policy 1.11 would allow them choices they hadn’t considered in the past. In addition, she noted that the H.E.A.L. program stands for Healthy Eating, Active Living, and described its components, which include incorporating fun activities and healthy food to help combat Childhood Obesity.

Chair Avera opened the public hearing, and there being no public testimony, closed the public hearing.

Park Planning, Acquisition and Development

Following discussion, the Commissioners provided comment/suggested revisions as follows:

- Confirmed with Ms. Heider that updating the Beaches, Parks, and Recreation Master Plan every 5 years would be too aggressive.
- Page 6, 3rd paragraph, insert “Provide and maintain” in front of “Parks and Recreation facilities”
- Page 6, Policy PR-2.1, insert “at least” in front of “five acres”
- Page 6, Policy PR-2.3, insert “Council-adopted” in front of “community standards”

In response to questions, Ms. Heider advised that using a guideline of five acres of improved parkland per 1,000 residents is a standard ratio following by many cities; noted that the main purpose of establishing the guideline is for calculating developer fees for new projects. Because the City has no new projects in the development stage, changing the guideline at this time is unnecessary. In addition, she noted the high ratio of parkland to residents precludes them from qualifying for grants against more dense, lower income cities with higher shortages of park facilities. She noted cities count parkland in different ways, with golf courses, open space, beach access points, etc., sometimes included. She noted several

cities have started separating their amount of open space from parkland for marketing purposes. She has heard in the community that some feel that some areas of the City could use more parks. The Commissioners agreed that five acres of improved parkland per 1,000 residents is an appropriate ratio.

Ms. Heider also responded to questions concerning standards maintained by maintenance staff for cleaning and other maintenance. She noted the City Council decides to designate the standard that can be met and financed.

Chair pro tem Brown endorsed retaining the existing parkland to number of residents ratio for use when participating in Rancho Mission Viejo Planning Area 8 development.

Chair Avera opened the public hearing, and there being no public testimony, closed the public hearing.

Beaches

Following discussion, the Commissioners provided comment/suggested revisions as follows:

- Page 8, 1st paragraph, 2nd sentence, replace "is blessed" with "enjoys"
- Page 8, 3rd paragraph, replace "A safe, and" with "Provide a safe"; following "recreational activities" insert ",promotes economic development"
- Page 8, insert Policy PR 3.9 as follows: "We support sand nourishment programs and other measures to enhance the use, appearance, and safety of our beaches." (Jeff Hook to refine policy with Sharon Heider, considering using existing policy; add related implementation measure)
- Page 9, 2nd paragraph, insert "access" between "Beaches" and "Map"

Chair Avera opened the public hearing, and there being no public testimony, closed the public hearing.

Open Space and Trails

Following discussion, the Commissioners provided comment/suggested revisions as follows:

- Page 10, 2nd paragraph, replace "A safe," with "Provide a safe"
- Page 10, Policy PR-4.1, insert "encourage and" following "We"
- Page 10, add Policy PR-4.8 as follows: "We maintain multi-purpose trails to Council-adopted community standards."

Chair Avera opened the public hearing, and there being no public testimony, closed the public hearing.

Beaches, Parks and Recreation Economics and Financing

Following discussion, the Commissioners provided comment/suggested revisions as follows:

- Page 20, 1st paragraph, last sentence, replace "one (1) acre of park land per 5, 000 residents." with "at least 5 acres of park land per 1,000 residents"

In response to questions, Ms. Heider advised that the City does not own much open space itself, most of it is owned and maintained by others.

Mr. Hook advised that the Planning Commission will not be reviewing Parks and Recreation Facilities, and Golf Course sections of the Element until the final Draft Update is presented for their approval.

Chair Avera opened the public hearing, and there being no public testimony, closed the public hearing.

Beaches, Parks, and Recreation Element Implementation Measures

Following discussion, the Commissioners provided comment/suggested revisions as follows:

- Page 22, no. 1, delete "Downtown"
- Page 22, no. 2, delete "or investigate the feasibility...educational center."

- Page 22, no. 4, replace “(including beach)” with “(including beaches”
- Page 22, no. 5, delete in its entirety.
- Page 22, no. 5, replace “Parks, Beaches, and Trails” with “Beaches, Parks, and Recreation”; replace “every five years” with “at least every ten years”
- Page 22, no. 9, insert “City’s beaches and Municipal” in front of “Pier”
- Page 22, insert new measure 11. as follows: “Seek sand nourishment and replacement funding opportunities to ensure a high quality beach experience”
- Page 23, (former 11), replace “Develop a public trails wayfinding plan” with “Prepare a Trails Wayfinding Plan”; insert “designated, public” in front of “trails and that”; delete “[move to.....link to CE]”, replace with “Consultant to add definition of public trails to glossary.”
- Page 23, (former 13) delete in its entirety.
- Page 23, (former 15) delete in its entirety.
- Page 23, (former 16), replace “Identify” with “Prepare a plan which identifies”; replace “encourage the...funding permits.” With “seek grants or other funding sources to implement the plan.”
- Page 23 (former 1 under Health and Wellness) delete in its entirety.
- Page 25, (former 37), insert “and other” in front of “physicians’ services”
- Page 26, (former 49, replace “the Bike and Pedestrian Master Plan and the City Facilities Master Plan” with “Beaches, Parks, and Recreation, Bike and Pedestrian, and Facilities Master Plans”
- Page 26, (former 50) replace “oversee” with “assist with”

Chair Avera opened the public hearing, and there being no public testimony, closed the public hearing.

Report received and filed.

12. REPORTS OF COMMISSIONERS/STAFF

Included in the Commissioners’ packets for their review:

A. Tentative Future Agenda

6B(5) 22

Commissioners commended the Beaches, Parks and Recreation Commission for their hard work on the Beaches, Parks and Recreation Element of the Draft General Plan.

Chair pro tem Brown reported that at the next Coastal Advisory Committee meeting, the Committee will be updated on the status of their recommendations concerning the Street Sweeping Program, Potential Plastic Bag Ban, and Proposed Walk through the Watershed.

Vice Chair Darden commended staff for providing helpful follow up reports, as requested by the Commission, at specified intervals.

Chair Avera referred to a flyer and announced a new "Utility Box Public Art Program," requesting that artists interested in participating in the program contact Associate Planner Amber Gregg at 949-361-6196 or at GreggA@san-clemente.org.


13. ADJOURNMENT

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER KAUPP, AND UNANIMOUSLY CARRIED to adjourn at 9:39 p.m. to an Adjourned Regular Meeting to be held at 6:00 p.m. on January 23, 2013, in Council Chambers at City Hall located at 100 Avenida Presidio, San Clemente, CA.

Respectfully submitted,

Lew Avera, Chair

Attest:



Jim Pechous, City Planner

6B(5)-23

CITY OF SAN CLEMENTE
CERTIFICATION OF WARRANTS

I HEREBY SUBMIT THE ATTACHED
WARRANT REGISTER FOR AUDIT
AND APPROVAL BY THE CITY
COUNCIL, CITY OF SAN CLEMENTE

APPROVED AND ORDERED PAID AT
THE MEETING OF THE CITY COUNCIL
HELD January 22, 2013
IN THE AMOUNT OF \$ 1,070,942.89

CITY MANAGER

MAYOR

ATTEST: _____
CITY CLERK

I HEREBY CERTIFY TO THE ACCURACY OF THE FOREGOING
DEMANDS AND THAT FUNDS ARE AVAILABLE FOR PAYMENT
THEREOF:

PAID BY WARRANTS SIGNED BY LEGALLY
DESIGNATED PERSONS IN ACCORDANCE
WITH THE STATE OF CALIFORNIA
GOVERNMENT CODE, SECTION-41003

ASSISTANT CITY MANAGER *ESL*

CITY TREASURER

Bank : city BANK OF THE WEST

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
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505297	1/4/2013	003817	BOATMAN, JACK 010113	1/1/2013	Rental of parking lot at 124 Ave	350.00	350.00
505298	1/4/2013	003654	CARBONARA TRATTORIA ITAL010113	1/1/2013	PUBLIC ACCESS TO RESTRO	250.00	250.00
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			122512ADJ	12/25/2012	12/17/12-12/23/12 ESTIMATED	-2,631.12	12,145.27
505300	1/4/2013	015995	EXECUTIVE ESCROW 010113	1/1/2013	Lease agreement for 115 S. EC	350.00	350.00
505301	1/4/2013	017866	GREENWOOD, JOHN J 010113	1/1/2013	Rental of lot at 150 Ave. Granar	350.00	350.00
505302	1/4/2013	001626	LIEBERT, CASSIDY & WHITMC159037	11/30/2012	PROFESSIONAL SERVICES	2,250.00	2,250.00
505303	1/4/2013	017715	M S CLIPPER INC 010113	1/1/2013	Rental of parking lot at 204 S. E	800.00	800.00
505304	1/4/2013	022352	MILBERGER, KELLY Ref002359261	1/2/2013	UB Refund Cst #021586	3,700.00	3,700.00
505305	1/4/2013	001086	ORANGE COUNTY TREAS(TA)SH33186	12/3/2012	POLICE SERVICES CONTRAC	994,315.17	994,315.17
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			652481	12/14/2012	PLANNING	7,786.00	
			652500	12/14/2012	WALKER V (BEACH PARKING	6,271.40	
			650647	11/21/2012	PLANNING	5,663.33	
			650630	11/21/2012	PLANNING	4,512.00	
			652485	12/14/2012	ENGINEERING	4,282.30	
			652496	12/14/2012	ADV JAMES GOODE	4,039.89	
			652492	12/14/2012	CALLAN V	3,576.90	
			650644	11/21/2012	CITY CLERK	984.00	
			652497	12/14/2012	614 AVE VICTORIA	712.37	
			650646	11/21/2012	CITY CLERK	458.00	
			652498	12/14/2012	LAB, SADEGHI V	424.95	
			652484	12/14/2012	STORM DRAIN	229.00	
			652494	12/14/2012	AVE SAN JUAN PARTNER	106.00	
			652486	12/14/2012	WATER	91.60	
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505308	1/4/2013	008587	SARBS-CWEA 122012	12/20/2012	TRAINING SEMINAR - T. RYAI	150.00	150.00
505309	1/4/2013	015720	TAYLOR, CYNTHIA G. 010113	1/1/2013	Rental of parking lot at 175 Ave	350.00	350.00
505310	1/4/2013	022353	WONDERWARE WEST 010312	1/3/2012	APPLICATION SERVER - T. W	4,450.00	4,450.00

Sub total for BANK OF THE WEST: 1,070,942.89

16 checks in this report.

Grand Total All Checks: 1,070,942.89

CITY OF SAN CLEMENTE
CERTIFICATION OF WARRANTS

I HEREBY SUBMIT THE ATTACHED
WARRANT REGISTER FOR AUDIT
AND APPROVAL BY THE CITY
COUNCIL, CITY OF SAN CLEMENTE

APPROVED AND ORDERED PAID AT
THE MEETING OF THE CITY COUNCIL
HELD _____

IN THE AMOUNT OF \$ 867,863.33

CITY MANAGER

MAYOR

ATTEST: _____
CITY CLERK

I HEREBY CERTIFY TO THE ACCURACY OF THE FOREGOING
DEMANDS AND THAT FUNDS ARE AVAILABLE FOR PAYMENT
THEREOF:

PAID BY WARRANTS SIGNED BY LEGALLY
DESIGNATED PERSONS IN ACCORDANCE
WITH THE STATE OF CALIFORNIA
GOVERNMENT CODE, SECTION-41003

ASSISTANT CITY MANAGER

JW

CITY TREASURER

Bank : city BANK OF THE WEST

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1086	1/11/2013	000010	CALIF, STATE OF, EMPLOYM	Ben2359460	1/11/2013	SDI INS: Payment	5,326.06	5,326.06
1087	1/11/2013	001819	FEDERAL WITHOLDING TAX	Ben2359456	1/11/2013	FEDERAL TAX: Payment	165,598.55	165,598.55
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505314	1/11/2013	003558	AIRGAS WEST DBA AIRGAS	9010992100	12/10/2012	CO2 FOR AQUATICS CENTER	210.76	210.76
505315	1/11/2013	000802	ALL AMERICAN ASPHALT	790280	12/11/2012	ALL AMERICAN - MAINT.SVCS	1,185.10	1,185.10
505316	1/11/2013	009876	ALL CITY MANAGEMENT SVC:	29480	12/14/2012	FY 2013 CROSSING GUARD S	5,517.60	
				29118	11/16/2012	FY 2013 CROSSING GUARD S	4,965.84	
				29314	11/30/2012	FY 2013 CROSSING GUARD S	2,758.80	13,242.24
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				284535860568	11/15/2012	PHONE EQUIPMENT	5.31	107.48
505318	1/11/2013	009661	AMERICAN WATER WORKS A:	122012	12/20/2012	TRAINING SEMINAR - K. LUS:	595.00	595.00
505319	1/11/2013	011956	AMERICAN WEST FENCE CO	121012-02	12/10/2012	REPLACE FENCING AROUND	12,770.00	
				121012-01	12/10/2012	SUPPLIES	4,570.00	17,340.00
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				INV0000000459	12/11/2012	INET900 ACCESS POINT/DUA	1,503.30	
				INV0000000465	12/12/2012	PN 12605/13501 SEWER & W/	125.00	3,439.80
505321	1/11/2013	002921	AR PAINTS & FLOORING	600537	12/18/2012	MISC. PAINT SUPPLIES	84.05	
				600573	12/19/2012	MISC. PAINT SUPPLIES	49.07	
				600565	12/19/2012	MISC. PAINT SUPPLIES	2.16	135.28
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				6704579	12/7/2012	BLANKET/BID UPLOAD/ REPF	4.91	11.51
505323	1/11/2013	021717	ARREDONDO, JASMINE	122012	12/20/2012	MILEAGE REIMBURSEMENT	13.38	13.38
505324	1/11/2013	019070	ATOM COMPANY INC	15200	12/11/2012	SAW CUT ASPHALT	385.00	385.00
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				31176	12/19/2012	TILE PLAQUE	18.59	
				31161	12/12/2012	NAME TAG	7.54	68.26
505326	1/11/2013	003200	BLAKELY, DANA L.	30139	12/19/2012	BUSINESS CARDS	395.66	395.66
505327	1/11/2013	020506	BONANZA STEAM CLEANING,	2869	12/30/2012	SIDEWALK PRESSURE WASH	1,070.00	1,070.00
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Bank : city BANK OF THE WEST (Continued)

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505333	1/11/2013	016915	CACEO 5132889	1/2/2013	MEMBERSHIP DUES - B. PAN.	75.00	
			5040175	12/11/2012	MEMBERSHIP DUES - S. FIEB	75.00	150.00
505334	1/11/2013	002989	CALIF PRESERVATION FOUNI010313	1/3/2013	MEMBERSHIP - J. HOOK	40.00	40.00
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505337	1/11/2013	020315	CARVAJAL TRKNG & TRACTOPP#1	12/13/2012	C12-41/PN 13317/ BUS STOP	29,281.22	29,281.22
505338	1/11/2013	022354	CB CYCLE BARN 430456	1/2/2013	REFUND BALANCE IN DEPOS	3,253.25	3,253.25
505339	1/11/2013	016075	CDPH-OCF 36124	1/3/2013	GRADE D2 CERT. FEE - J. AN	80.00	80.00
505340	1/11/2013	019519	CINTAS CORPORATION 640698206	12/27/2012	RENTAL AND CLEANING OF L	149.99	
			640694732	12/20/2012	RENTAL AND CLEANING OF L	149.25	
			640694733	12/20/2012	RENTAL AND CLEANING OF L	115.86	
			640698207	12/27/2012	RENTAL AND CLEANING OF L	115.86	530.96
505341	1/11/2013	001241	COLONIAL LIFE & ACCIDENT Ben2359448	1/11/2013	ACCIDENT INSURANCE: Paym	150.62	150.62
505342	1/11/2013	001417	CONSOLIDATED ELECTRIC DI562638	12/17/2012	MATERIALS	241.46	
			562685	12/20/2012	MATERIALS	160.55	402.01
505343	1/11/2013	001394	COOK PGA GOLF SHOP INC, I010813	1/8/2013	12/31/12-01/06/13 WEEKLY PA	10,012.52	10,012.52
505344	1/11/2013	022350	COSTELLO FAMILY TRUST B12-0474	4/2/2012	REFUND OF WMP FEE	500.00	500.00
505345	1/11/2013	006090	COX COMMUNICATIONS 121412	12/14/2012	A/C 001 7601 051490501	82.89	
			121512	12/15/2012	A/C 001 7601 051129601	23.99	106.88
505346	1/11/2013	001514	CSMFO CALIF SOC. OF FINAN48043	12/14/2012	ANNUAL MEMBERSHIP - T. RI	110.00	110.00
505347	1/11/2013	000168	CWEA - TCP 101251003	12/18/2012	CERT. RENEWAL - J. GRAFF	75.00	75.00
505348	1/11/2013	022341	DAY, DAWN 1301458	12/13/2012	REFUND OF CLASS	200.00	200.00
505349	1/11/2013	019168	DDL TRAFFIC INC 2482	12/7/2012	EVPS AT AVE MAGDELENA	3,846.68	3,846.68
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505351	1/11/2013	002647	DENAULT'S HARDWARE, INC 427188	12/18/2012	PURCHASE ORDER FOR ALL	85.89	
			427189	12/18/2012	PURCHASE ORDER FOR ALL	41.69	
			427175	12/17/2012	PURCHASE ORDER FOR ALL	28.66	
			427071	12/13/2012	PURCHASE ORDER FOR ALL	19.37	
			427192	12/18/2012	PURCHASE ORDER FOR ALL	16.78	
			427050	12/13/2012	PURCHASE ORDER FOR ALL	12.59	
			427205	12/18/2012	PURCHASE ORDER FOR ALL	11.60	
			427199	12/18/2012	PURCHASE ORDER FOR ALL	11.12	227.70

Bank : city BANK OF THE WEST

(Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
505352	1/11/2013	003431	DFM ASSOCIATES	010313	1/3/2013	2013 CALIFORNIA ELECTIONS	54.00	54.00
505353	1/11/2013	004462	DOHENY PLUMBING	32535	12/13/2012	BEACHES & PARKS MAINTEN	1,808.97	
				32534	12/11/2012	BEACHES & PARKS MAINTEN	1,135.90	
				32426	12/11/2012	BEACHES & PARKS MAINTEN	679.00	
				32599	12/20/2012	BEACHES & PARKS MAINTEN	239.65	3,863.52
505354	1/11/2013	022356	DOLOREZ, JOSE	ST049445	10/25/2012	REFUND FOR OVERPAYMENT	53.00	53.00
505355	1/11/2013	009540	DUDEK & ASSOCIATES, INC.	20124248	12/14/2012	PROF. SVCS- CHRISTMAS TR	1,305.00	
				20124406	12/14/2012	PROF. SVCS- FIGUS TREE EV	1,300.00	2,605.00
505356	1/11/2013	004575	DWINNELL, RONALD E	98580	1/7/2013	SOIL FOR DOG PARK	21.55	21.55
505357	1/11/2013	000580	FARWEST CORROSION CONTROL	10010335-IN	12/21/2012	CORROSION SERVICE	2,785.15	2,785.15
505358	1/11/2013	017646	FERGUSON ENTERPRISES INC	8695284	10/3/2012	SHOWER PROJ. SUPPLIES	426.61	
				8916221	12/14/2012	SHOWER PROJ. SUPPLIES	187.61	
				CM882656	12/6/2012	RETURN OF WRONG TOILET	-61.17	553.05
505359	1/11/2013	002042	FIRST VEHICLE SERVICES	10753098	12/29/2012	FY2012-13/ FLEET MAINTENA	36,530.00	
				10756279	12/29/2012	VEHICLE SERVICES	1,192.87	
				10756158	12/29/2012	FY2012-13/ FLEET MAINTENA	997.75	38,720.62
505360	1/11/2013	013071	FORS, JEFF	121912	12/19/2012	REIMBURSEMENT FOR BOO	91.58	91.58
505361	1/11/2013	013320	GCS, INC	41890	12/31/2012	GCS - JANITORIAL - MAINT. S	8,177.00	8,177.00
505362	1/11/2013	000208	GENERAL PETROLEUM CORP	4868001	12/5/2012	GASOLINE AND DIESEL PURC	17,189.97	17,189.97
505363	1/11/2013	021975	GOSNEY CONSTRUCTION, R	PP#1	12/5/2012	C12-31/PN 11547/CORP.YD.BI	9,937.00	9,937.00
505364	1/11/2013	001926	GRAINGER, INC, W.W.	9023377717	12/18/2012	FACILS. MAINT. SUPPLIES	433.27	
				9023378483	12/18/2012	HEAT CABLE, POWER CONN	60.72	493.99
505365	1/11/2013	001140	HACH COMPANY	8064770	12/10/2012	LAB SUPPLIES	147.35	147.35
505366	1/11/2013	003019	HERITAGE BUSINESS FORMS	061365	12/11/2012	PRINTING 4 PART NCR PAPER	507.07	507.07
505367	1/11/2013	002045	HIRSCH PIPE & SUPPLY	3146929	12/20/2012	TOILET REPAIR MATERIALS	176.88	176.88
505368	1/11/2013	022343	HOGAN, JIM	1302034	12/14/2012	REFUND - SECURITY GUARD	154.00	154.00
505369	1/11/2013	012759	HOSE GUYS, INC., THE	061063	12/11/2012	HOSE FOR PAVER	31.02	31.02
505370	1/11/2013	014965	HUNTINGTON HONDA	12027111	12/11/2012	SERVICE / REPAIR	1,303.85	1,303.85
505371	1/11/2013	003619	ICMA RETIREMENT TRUST #3	Ben2359440	1/11/2013	DEFERRED COMP ICMA: Pay	59,609.68	59,609.68
505372	1/11/2013	007033	IMPERIAL SPRINKLER SUPPL	1609684-00	12/11/2012	MISC SUPPLIES & PARTS FO	375.43	
				1601649-00	12/11/2012	MISC SUPPLIES & PARTS FO	273.08	
				1615218-00	12/20/2012	MISC SUPPLIES & PARTS FO	238.95	
				1610689-00	12/12/2012	MISC SUPPLIES & PARTS FO	238.95	
				1614163-00	12/20/2012	MISC SUPPLIES & PARTS FO	223.46	
				1615218-01	12/26/2012	MISC SUPPLIES & PARTS FO	72.59	1,422.46

Bank : city BANK OF THE WEST (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
505373	1/11/2013	000971	INDUSTRIAL METAL SUPPLY CH30303	12/12/2012	SUPPLIES	478.41	478.41
505374	1/11/2013	012787	INFOSEND, INC. 64317	12/17/2012	Postage for monthly mailing of (6,969.10	6,969.10
505375	1/11/2013	010733	IRVINE PIPE & SUPPLY 710334-2	12/19/2012	PARTS	954.84	
			710334-1	12/18/2012	PARTS	852.36	
			710334-3	12/20/2012	PARTS	352.72	2,159.92
505376	1/11/2013	006381	JTB SUPPLY COMPANY, INC 95542	12/19/2012	JTB - TRAF SIG MNT SUPPLIE	1,966.44	1,966.44
505377	1/11/2013	019966	KELLER WILLIAMS REALTY 1301761	12/14/2012	SECURITY DEPOSIT REFUNC	500.00	500.00
505378	1/11/2013	001721	KNORR SYSTEMS, INC. SVI-002903	12/20/2012	POOL EQUIPMENT	320.00	320.00
505379	1/11/2013	019960	LAW, MCKENZIE 1302386	12/17/2012	SECURITY DEPOSIT REFUNC	50.00	50.00
505380	1/11/2013	008053	LAYTON MANUFACTURING C(1212021	12/10/2012	TUBING FOR PAVER	152.82	152.82
505381	1/11/2013	001626	LIEBERT, CASSIDY & WHITMC159436	12/21/2012	MEMBERSHIP - OC HR CONS	2,894.00	2,894.00
505382	1/11/2013	022361	LIVINGSTON, JILL Ref002359511	1/9/2013	UB Refund Cst #082038	639.10	639.10
505383	1/11/2013	007564	LOWE'S COMPANIES, INC. 11121	12/14/2012	PURCHASE ORDER FOR ALL	119.58	
			12944	12/21/2012	PURCHASE ORDER FOR ALL	71.56	
			25125	12/20/2012	PURCHASE ORDER FOR ALL	45.00	
			12703	12/19/2012	PURCHASE ORDER FOR ALL	34.24	
			25820	12/19/2012	PURCHASE ORDER FOR ALL	33.63	
			10924	1/2/2013	PURCHASE ORDER FOR ALL	17.42	
			25748	12/18/2012	PURCHASE ORDER FOR ALL	15.32	
			09662	12/13/2012	PURCHASE ORDER FOR ALL	10.75	
			09654	12/18/2012	PURCHASE ORDER FOR ALL	10.71	
			25028	12/14/2012	PURCHASE ORDER FOR ALL	8.59	
			25637	12/18/2012	PURCHASE ORDER FOR ALL	2.34	369.14
505384	1/11/2013	014963	M HEARN FBO SEAVIEW REP/63-65	1/3/2013	SEAVIEW REPAIR CO. LLC ES	20,000.00	20,000.00
505385	1/11/2013	010938	MARIS IMAGING SOLUTIONS, 2012-3208	12/19/2012	ON SITE TEMPORARY STAFF	550.00	
			2012-3198	12/10/2012	PURCHASE ORDER FOR ALL	146.82	696.82
505386	1/11/2013	007651	MARLOWE & COMPANY 12-220-12	12/17/2012	C08-04/PN 19907/CORPS OF I	3,750.00	3,750.00

Bank : city BANK OF THE WEST

(Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
505387	1/11/2013	000502	MCMaster-CARR SUPPLY C42429070	12/11/2012	EQUIPMENT & TOOLS	684.10		
			42111799	12/5/2012	EQUIPMENT & TOOLS	599.76		
			42472995	12/12/2012	EQUIPMENT & TOOLS	574.77		
			42523861	12/12/2012	EQUIPMENT & TOOLS	552.04		
			42799260	12/17/2012	EQUIPMENT & TOOLS	481.54		
			42722157	12/17/2012	EQUIPMENT & TOOLS	363.05		
			42999858	12/20/2012	EQUIPMENT & TOOLS	253.10		
			43135888	12/26/2012	EQUIPMENT & TOOLS	230.28		
			43122656	12/26/2012	EQUIPMENT & TOOLS	186.68	3,925.32	
505388	1/11/2013	004185	MUTUAL LIQUID GAS & EQUIF108522	12/20/2012	PROPANE PURCHASES	734.83		
			108111	12/17/2012	PROPANE PURCHASES	457.63		
			107904	12/14/2012	PROPANE PURCHASES	432.37	1,624.83	
505389	1/11/2013	022304	MYERS, LAUREN	1300423	12/10/2012	SECURITY DEPOSIT REFUND	50.00	50.00
505390	1/11/2013	004901	NEXTEL COMMUNICATIONS	393116317-133	12/15/2012	CELLULAR SERVICES	3,911.84	3,911.84
505391	1/11/2013	016681	NORCO DELIVERY SERVICES	454965	12/23/2012	DELIVERY	33.92	33.92
505392	1/11/2013	022342	NOWAK, GINA	1301897	12/14/2012	SECURITY DEPOSIT REFUND	500.00	500.00
505393	1/11/2013	004228	NOWDOCS INTERNATIONAL,	54014	1/2/2013	1099 / W2 PAPER/ENVELOPE	434.60	434.60
505394	1/11/2013	001207	OFFICE DEPOT	636242373001	12/11/2012	PURCHASE ORDER FOR ALL	82.37	
				636269047001	12/11/2012	PURCHASE ORDER FOR ALL	32.37	
				636598392001	12/12/2012	PURCHASE ORDER FOR ALL	19.29	
				637014880001	12/14/2012	PURCHASE ORDER FOR ALL	16.93	
				636488054001	12/12/2012	PURCHASE ORDER FOR ALL	7.69	
				633974248001	12/1/2012	PURCHASE ORDER FOR ALL	5.71	
				637014863001	12/14/2012	PURCHASE ORDER FOR ALL	2.30	
				635264049001	12/5/2012	PURCHASE ORDER FOR ALL	1.96	168.62
505395	1/11/2013	012672	ORANGE EMPIRE CHAPTER I010213	1/2/2013	REGISTRATION - D. FEDEROI	50.00	50.00	
505396	1/11/2013	000642	ORCHARD TRUST COMPANY Ben2359444	1/11/2013	PENSION BUYBACK: Payment	120,897.05	120,897.05	
505397	1/11/2013	022084	OUTDOOR CREATIONS INC	3596	12/17/2012	BBQ UNITS	2,930.80	2,930.80
505398	1/11/2013	012346	PACIFIC PRODUCTS & SVCS I15841	12/20/2012	RIVETS	809.37	809.37	
505399	1/11/2013	017068	PAQUETTE DEPUTY INSPECT5850	12/4/2012	EPOXY PULL TEST	760.00	760.00	
505400	1/11/2013	022357	PARRISH, CHRISTY	SC422286	11/18/2012	REFUND FOR PARKING CITA	43.00	43.00
505401	1/11/2013	015190	PAYFLEX SYSTEMS, USA	Ben2359442	1/11/2013	SEC 125 MEDICAL: Payment	4,930.47	4,930.47
505402	1/11/2013	012336	PITNEY BOWES	8216970-DC12	12/13/2012	PITNEY BOWES EQUIPMENT	1,779.00	1,779.00
505403	1/11/2013	008613	POLYDYNE, INC	772758	12/19/2012	CLARIFLOC POLYMER & ALU	844.59	844.59
505404	1/11/2013	007749	RAINBOW NUT AND BOLT, INC148578	12/5/2012	NUTS, BOLTS, & WASHERS	58.25	58.25	

Bank : city BANK OF THE WEST (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
505405	1/11/2013	004049	REGISTER, INC	0091344002	11/30/2012 A/C #0091344002	886.05	886.05
505406	1/11/2013	022307	RESHAPE MEDICAL	1300044	12/10/2012 SECURITY DEPOSIT REFUND	500.00	500.00
505407	1/11/2013	022355	ROEL YOGA	430449	1/2/2013 REFUND FOR BALANCE- BIKI	1,049.11	1,049.11
505408	1/11/2013	004180	S & S WORLDWIDE	7540969	11/28/2012 ART SUPPLIES	123.90	123.90
505409	1/11/2013	000635	SAN CLEMENTE CITY EMPLO	Ben2359446	1/11/2013 DUES - SCCEA: Payment	1,356.00	1,356.00
505410	1/11/2013	021272	SAN CLEMENTE JANITORIAL	927	12/16/2012 SC JANIT. SVC. - SR. CTR. - F	800.00	800.00
505411	1/11/2013	004198	SAN CLEMENTE, CITY OF	Ben2359450	1/11/2013 MEDICAL INSURANCE DEPOS	10,000.00	10,000.00
505412	1/11/2013	001174	SAN DIEGO GAS & ELECTRIC	122712	12/27/2012 28215101251 DISTRIBUTION (3,949.75	
				122812	12/28/2012 94699105846 DISTRIBUTION (530.19	4,479.94
505413	1/11/2013	001106	SANCON ENGINEERING, INC	73766	11/13/2012 REFUND DEPOSIT -HYDR ME	784.48	784.48
505414	1/11/2013	014307	SC TIMES	15934	12/17/2012 SC TIMES WATER CONSER. &	830.00	830.00
505415	1/11/2013	021122	SCOTT, MEREDITH	112512	1/7/2013 MILEAGE REIMBURSEMENT	32.52	32.52
505416	1/11/2013	016912	SECURE LIVE SCAN	1651	12/31/2012 FINGERPRINT ROLLING FEE	30.00	30.00
505417	1/11/2013	002196	SIERRA ANALYTICAL LABS, IN	2L13057-COSC	12/13/2012 WATER QUALITY ANALYSIS B	250.00	
				2L13056-COSC	12/13/2012 WATER QUALITY ANALYSIS B	250.00	
				2L13059-COSC	12/13/2012 WATER QUALITY ANALYSIS B	250.00	
				2L13058-COSC	12/13/2012 WATER QUALITY ANALYSIS B	55.00	
				2L13060-COSC	12/13/2012 WATER QUALITY ANALYSIS B	37.00	
				2L13055-COSC	12/13/2012 WATER QUALITY ANALYSIS B	25.00	867.00
505418	1/11/2013	022360	SON OF THE SEA	3198	12/19/2012 REFUND LOS MOLINOS BUSI	999.99	999.99
505419	1/11/2013	012397	SOUTH COAST ANSWERING S	130101357101	1/1/2013 S.COAST ANS. SVC - MAINT L	110.17	110.17
505420	1/11/2013	002755	SOUTH COAST DISTRIBUTING	167799	12/17/2012 SUPPLIES	122.94	122.94
505421	1/11/2013	003204	SOUTHERN CALIF GAS CO, IN	122612	12/26/2012 07737028683 GAS SERVICES	7,214.24	
				122812	12/28/2012 09680756005 GAS SERVICES	1,858.42	
				122712	12/27/2012 14500724001 GAS SERVICES	21.47	9,094.13

Bank : city BANK OF THE WEST

(Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
505422	1/11/2013	001969	STAPLES ADVANTAGE	3187687711	12/7/2012	PURCHASE ORDER FOR ALL	222.71
				3187954345	12/11/2012	PURCHASE ORDER FOR ALL	105.99
				3187687709	12/7/2012	PURCHASE ORDER FOR ALL	93.15
				3188068919	12/14/2012	PURCHASE ORDER FOR ALL	52.49
				3187504985	12/1/2012	PURCHASE ORDER FOR ALL	49.05
				3188068920	12/14/2012	PURCHASE ORDER FOR ALL	35.62
				3187991304	12/12/2012	PURCHASE ORDER FOR ALL	20.30
				3187911986	12/8/2012	PURCHASE ORDER FOR ALL	17.36
				3187687708	12/7/2012	PURCHASE ORDER FOR ALL	12.12
				3188068921	12/14/2012	PURCHASE ORDER FOR ALL	6.53
				3187954346	12/11/2012	PURCHASE ORDER FOR ALL	1.82
							617.14
				505423	1/11/2013	018727	TALLEY
10112415	12/11/2012	FLEXIBLE FOAM	482.23				
10111395	12/4/2012	ELEMENT / CABLE ASSY	370.39				
						1,359.36	
505424	1/11/2013	020347	TARGET CORPORATION	121812	12/18/2012	A/C ID #00041842788	253.70
505425	1/11/2013	019316	TECHNICAL SYSTEMS INC	14	11/1/2012	C10-19/ PN 13501/ W5 & W6 V	41,010.61
505426	1/11/2013	019958	THE HULA CONNECTION	1300050	12/10/2012	SECURITY DEPOSIT REFUND	150.00
505427	1/11/2013	000096	THE TRAINING NETWORK INC(IN-9660		12/20/2012	TRAINING VIDEOS	734.75
505428	1/11/2013	022344	THOMAS, TEIGUE	1301518	12/13/2012	REFUND OF CLASS	99.00
505429	1/11/2013	003511	THYSSENKRUPP ELEVATOR (1117087341		1/1/2013	THYSSENKRUPP - BLDG A EL	849.85
505430	1/11/2013	000397	TOAL ENGINEERING INC	44152	12/19/2012	FIELD SUPPLIES	50.00
505431	1/11/2013	013331	ULTRA SYSTEMS INC	10346	11/30/2012	C12-38/PN 18005/ COLUMBO	7,504.30
505432	1/11/2013	002067	V W R INTERNATIONAL INC	8052406391	12/5/2012	LABORATORY SUPPLIES	166.24
505433	1/11/2013	017047	VA CONSULTING INC	30879	12/10/2012	PSA/ PN 18005 AVE COLUMB	489.00
505434	1/11/2013	022347	VANZANDT, JENNIFER	1301701	12/13/2012	REFUND OF CLASS	31.00
505435	1/11/2013	013673	VILLA PACIFICA COMM ASSOCE	12-0182	12/20/2012	PARTIAL RELEASE -FINANCIA	103,293.50
505436	1/11/2013	003374	VULCAN MATERIALS COMPAN	243096	12/21/2012	VULCAN - ST. MATERIALS - F	1,358.64
				243368	12/21/2012	VULCAN - ST. MATERIALS - F	149.78
				235708	12/12/2012	VULCAN - ST. MATERIALS - F	77.24
				238803	12/14/2012	VULCAN - ST. MATERIALS - F	77.24
							1,662.90
505437	1/11/2013	003356	WATERLINE TECHNOLOGIES,	5222104	10/29/2012	CHLORINE FOR AQUATIC CE	1,258.89
				5226026	12/28/2012	CHLORINE FOR AQUATIC CE	903.48
				5223175	11/9/2012	CHLORINE FOR AQUATIC CE	557.22
				5225293	12/14/2012	CHLORINE FOR AQUATIC CE	277.35
				5225687	12/20/2012	POOL SUPPLIES	143.72
			3,140.66				

Bank : city BANK OF THE WEST (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
505438	1/11/2013	014144	WELD, DAVID B11-1676	2/22/2012	REFUND OF WMP FEE	750.00	750.00
505439	1/11/2013	005046	WELLS PIPELINE MATERIALS INV000037326	12/27/2012	MISC SERVICE PARTS FOR V	2,477.72	
			INV000037228	12/19/2012	MISC SERVICE PARTS FOR V	1,896.41	4,374.13
505440	1/11/2013	013892	WESTERN OIL SPREADING S47734	12/10/2012	EMULSION	316.66	316.66
505441	1/11/2013	000012	WILLDAN FINANCIAL SERVICE010-19648	12/31/2012	AD 99-1 ADMIN / RAD 98-1 AD	894.92	
			010-19647	12/31/2012	CFD99-1 ADMIN	437.57	1,332.49
505442	1/11/2013	021074	WORSHIP LIFE CALVARY CHA1300273	12/10/2012	SECURITY DEPOSIT REFUNC	150.00	150.00
505443	1/11/2013	000566	ZUMAR INDUSTRIES, INC 0142492	12/13/2012	ZUMAR - STRT./TRAFFIC SIG	543.06	
			0142601	12/20/2012	ZUMAR - STRT./TRAFFIC SIG	155.16	698.22
Sub total for BANK OF THE WEST:							867,863.33

137 checks in this report.

Grand Total All Checks: 867,863.33



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
 Meeting Date: January 22, 2013

Agenda Item 60D
 Approvals: [Signature]
 City Manager [Signature]
 Dept. Head [Signature]
 Attorney _____
 Finance _____

Department: Public Works / Engineering Division
Prepared By: Ben Parker, Senior Civil Engineer OB

Subject: **ACCEPTANCE AND NOTICE OF COMPLETION OF BUS STOP IMPROVEMENTS, PROJECT NO. 13317.**

Summary: The subject contract was awarded to Carvajal Trucking & Tractor, Inc., at the October 16, 2012 City Council meeting. The project was completed on time and under the \$44,500 approved budget. The project included installing concrete pads for seven new bus stops located near the Sports Park, Target, Talega Courtyards Commercial Center and Plaza Pacific Shopping Center (by Walmart). The Orange County Transportation Authority (OCTA) recently confirmed that it will start serving the new stops on February 11, 2013.

The final Bus Stop Improvements cost including engineering, inspection, administration and construction is as follows:

Construction Contract	\$30,822
<u>Engineering Design, Admin & Insp.</u>	<u>4,000</u>
Total Project Cost (rounded up)	\$35,000

Recommended Action: STAFF RECOMMENDS THAT the City Council:

1. Accept the "Bus Stop Improvements, Project No. 13317", from the Contractor, Carvajal Trucking & Tractor, Inc.;
2. Authorize the Mayor to execute and City Clerk to record the Notice of Completion for the "Bus Stop Improvements, Project No. 13317";
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against Carvajal Trucking & Tractor, Inc.; and
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

Fiscal Impact: None, the project is within the approved budget.

Attachments: Location Maps
 Notice of Completion

Notification: None.

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6D-2



ROUTE 193

PROPOSED RE-ROUTE TO SAN CLEMENTE TARGET

Proposed New Stops - 193 Northbound

- 1) EB Avenida Pico / OPP Plaza Pacifica (east)
- 2) NB Avenida La Pata / FS Avenida Pico
- 3) WB Avenida Vista Hermosa / FS Target

Proposed New Stops - 193 Southbound

- 4) EB Avenida Vista Hermosa / FS Calle Vera Cruz
- 5) EB Avenida Vista Hermosa / FS Sports Park
- 6) WB Avenida Pico / FS Avenida La Pata
- 7) WB Avenida Pico / FS Plaza Pacifica (east)

Existing Stops to retain

- 8) WB Calle Vera Cruz / FS Avenida Vista Hermosa
- 9) EB Avenida Pico / FS Calle Amanecer
- 10) WB Avenida Pico / OPP Calle Amanecer

Existing Stops to remove

- 11) EB Calle Vera Cruz / FS Avenida Vista Hermosa
- 12) Walmart

— New routing

— Existing routing to be retained

— Existing routing to be bypassed

Exempt recording requested by the City of San Clemente per Gov. Code Sec. 6103 _____ City Clerk When Recorded Mail To: City Clerk City of San Clemente 100 Avenida Presidio San Clemente, CA 92672	
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Space above this line for Recorder's use

NOTICE OF COMPLETION

Notice is hereby given by the undersigned owner, a public entity of the State of California, that a public work of improvement has been completed as follows:

Project title or description of work: Bus Stop Improvements, Project No. 13317

Date of completion: December 14, 2012

Name of owner: City of San Clemente

Interest or estate of owner: Public Right-of-Way

Address of Owner: 100 Avenida Presidio, San Clemente, CA. 92672

Name of contractor: Carvajal Trucking & Tractor, Inc.

Street address or legal description of site: Avenida Pico, Avenida La Pata & Avenida Vista Hermosa

Dated: _____

Owner: City of San Clemente

Mayor _____

STATE OF CALIFORNIA)
 COUNTY OF ORANGE) ss
 CITY OF SAN CLEMENTE)

I am the City Clerk of the City of San Clemente, the public entity which executed the foregoing notice, and on whose behalf I make this verification: I have read said notice, know its contents, and the same is true. I certify under penalty of perjury that the foregoing is true and correct.

City Clerk _____

Dated this _____ day of _____, _____



Agenda Item 6E
 Approvals: _____
 City Manager _____
 Dept. Head _____
 Attorney _____
 Finance _____

AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
 Meeting Date: January 22, 2013

Department: Community Development Department
Prepared By: John Ciampa, Associate Planner

Subject: *PROFESSIONAL SERVICES AGREEMENT TO CONDUCT A HISTORIC STRUCTURES REPORT FOR THE MIRAMAR THEATER AND THE BOWLING ALLEY*

Summary: On November 8, 2012, City Council approved a Professional Services Agreement (PSA) with Westlake Reed Leskosky (WRL) to develop a Historic Structures Report (HSR) for the Miramar Theater and the Bowling Alley. The PSA prohibits the addition of subcontractors to the agreement without prior City Council approval. The structural engineer with WRL left the firm following the City Council approval of the PSA. In absence of an in-house structural engineer WRL is now proposing to subcontract with Lawson-Burke Structural Engineers to complete the structural evaluation portion of the HSR. The City Council must decide whether it will approve Lawson-Burke as a structural Engineer subcontractor for this agreement. Lawson-Burke has a vast experience working on historic structures including the San Juan Capistrano Mission. They are also the firm that did the pervious structural evaluation of the Miramar Theater in 2010, so they are very familiar with the property and will not duplicate work already performed. The addition of the Lawson-Burke to the consultant team will not increase the cost of the contract amount or impact the finding of the grant.

Recommended Action: STAFF RECOMMENDS THAT THE CITY COUNCIL approve the subcontract engineer for WRL and Accept Historic Preservation Grant revenues in the amount of \$20,000 to account 001-000-33490. Authorize a supplemental appropriation in the amount of \$20,000 to 001-442-43690 Professional Services in the General Fund.

Fiscal Impact: None.

Attachments: Attachment 1 Robert Lawson Resume
 Attachment 2 Thomas Burke Resume

LAWSON-BURKE STRUCTURAL ENGINEERS, LLC
312 OCEAN AVENUE, LAGUNA BEACH, CA 92651 (949) 494-0776

CURRICULUM VITAE

Robert Edward Lawson

EDUCATIONAL
ACCREDITATION

Loyola University of Los Angeles
Batchelor of Science in Civil Engineering - 1951

PROFESSIONAL
ACCREDITATION

California Structural Engineer's License - 1964
California Civil Engineer's License - 1960

PROFESSIONAL
EXPERIENCE

1981 to 2007
President of Robert Lawson, Structural Engineers, Inc.
207 to Present
Senior Partner of Lawson-Burke Structural Engineers LLC

ENGINEER-OF-
RECORD

Selected Assessment Projects:

Educational:

- La Tierra Elementary School
Los Angeles California
- Crozier Middle School
Los Angeles California
- Ventura Community College
Ventura California
- Washington Middle School
Pasadena California
- Crozier Middle School
Los Angeles California
- Horace Mann School
Beverly Hills California

Institutional:

- The Shrine Auditorium Rehabilitation
The Los Angeles Chapter
- Laguna Beach Art Museum
Laguna Beach California
- Brisbane Civic Center
Brisbane California
- Mission San Juan Capistrano
San Juan Capistrano California

Unreinforced Masonry:

- Alhambra Theater
Alhambra California

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- 385 Grand Ave.
San Francisco California
- Loring Building
Riverside California
- Carnegie Library
Eureka California
- Carnegie Library
Anaheim California
- Carnegie Library
Alhambra California
- Green Shutters Hotel
Hayward California
- The Old Spaghetti Factory
Riverside California

AWARDS

Engineer-of-Record for forty seven Orange County and Southern California AIA Awards

Engineer-of-Record for three Progressive Architecture Annual Design Awards:

- Berkowitz-Odgis Residence, Martha's Vineyard, MA;
- The Hybrid Building, Seaside, FL - both with Steven Holl, Architect
- Aronoff Residence with Eric Owen Moss, Architect

MEMBERSHIPS

- Structural Engineers of California (SEAOC)
- Coalition of American Structural Engineers (CASE)
- American Society of Civil Engineers (ASCE)
- International Conference of Building Officials (ICBO)
- American Concrete Institute (ACI)
- National Council of Examiners for Engineering and Surveying (NCEES)

Thomas J. Burke
LAWSON-BURKE STRUCTURAL ENGINEERS, LLC
312 OCEAN AVENUE, LAGUNA BEACH, CA 92651 (949) 494-0776

PROFESSIONAL EXPERIENCE	<p>Lawson Burke Structural Engineers, LLC Partner</p> <p>Robert Lawson Structural Engineers Design engineer</p> <p>The Fort Miller Co., Inc Design Engineer</p>	<p>2007 - Present</p> <p>2002 - 2007</p> <p>1999 - 2001</p>
ENGINEER OF RECORD	<p>Pomona Court Apartments Pomona, CA</p> <p>Musselman Building – URM Seismic Upgrade Santa Ana, CA</p> <p>Obagi Commercial Building Laguna Beach, CA</p> <p>Scripps Memorial Critical Care Building - Earth Shoring Encinitas, CA</p> <p>Santa Monica College Parking Structure - Earth Shoring Santa Monica, CA</p> <p>Alexander Road Residence Laguna Beach, CA</p> <p>Marina del Rey House Boat Marina del Rey, CA</p> <p>Eagle Rock Residence Laguna Beach, CA</p> <p>Historic Barn Rehabilitation Saratoga, NY</p>	
EDUCATION	<p>Rensselaer Polytechnic Institute, Troy, NY Master of Engineering in Structural Engineering,</p> <p>The University of Vermont, Burlington, VT Bachelor of Science in Civil Engineering,</p>	<p>2002</p> <p>1999</p>
PROFESSIONAL ACCREDITATION	<p>California Structural Engineering License</p> <p>Nevada Structural Engineering License</p> <p>New York Professional Engineering License</p> <p>Oregon Structural Engineering License</p> <p>Washington Structural Engineering License</p>	
PROFESSIONAL AFFILIATIONS	<p>Structural Engineers Association of California (SEAOC)</p> <p>American Society of Civil Engineers (ASCE)</p> <p>American Institute of Steel Construction (AISC)</p> <p>NCEES – Exam development and problem grading for the National Structural Engineering Exam.</p>	

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AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
 Meeting Date: January 22, 2013

Agenda Item CoF
 Approvals: [Signature]
 City Manager [Signature]
 Dept. Head [Signature]
 Attorney _____
 Finance _____

Department: Public Works / Engineering Division
Prepared By: William E. Cameron, Public Works Director/City Engineer

Subject: *APPROVAL OF AN ASSIGNMENT, ASSUMPTION, HOLD HARMLESS, AND RELEASE AGREEMENT BETWEEN THE RESERVE MAINTENANCE CORPORATION, THE RESERVE AT FORSTER HIGHLANDS LLC, AND THE RESERVE NORTH AT FORSTER HIGHLANDS LLC, RELATIVE TO TRACTS 16211 AND 16282.*

Summary: The developers for tracts 16211 (The Reserve at Forster Highlands LLC) and 16282 (The Reserve North at Forster Highlands LLC) have requested City approval of the assignment of their subdivision improvement agreements for the Reserve project. Both subdivision improvement agreements with the City were executed on March 6, 2002. Improvements were accepted as complete by the City, but the one-year warranty had not expired when concerns were raised about some of the tract's improvements. The developers and the Reserve Maintenance Corporation (the Home Owner's Association for The Reserve) have recently settled a legal dispute and both are now requesting that the City consent to allow the rights and duties contained in the subject subdivision improvement agreements to be transferred to the Reserve Maintenance Corporation. City staff and the City Attorney met with representatives of both parties to discuss possible terms of the requested assignment agreement. City staff and the Reserve Maintenance Corporation performed a walk-through of the project and developed a list of improvements to be repaired prior to the release of the surety security. The existing surety (warranty bonds) posted by the developers will be released upon receipt of the new surety to be supplied by the Reserve Maintenance Corporation to guarantee completion of the remaining warranty items that need to be addressed.

Recommended

Action: STAFF RECOMMENDS THAT the City Council authorize the Mayor to execute an Assignment, Assumption, Hold Harmless, and Release Agreement, by and between The Reserve Maintenance Corporation, The Reserve at Forster highlands LLC, and The Reserve North at Forster Highlands, approving and consenting to the assignment of the Subdivision Improvement Agreements (dated March 6, 2002), from The Reserve at Forster Highlands LLC (Assignor) and The Reserve North at Forster Highlands LLC (Assignor) to The Reserve Maintenance Corporation (Assignee), subject to the City Attorney's final approval of the agreement.

Fiscal Impact: None.

Attachments: Location Map
 Draft Assignment, Assumption, Hold Harmless, and Release Agreement

Notification: None

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ASSIGNMENT, ASSUMPTION, HOLD HARMLESS, AND RELEASE AGREEMENT

THIS ASSIGNMENT, ASSUMPTION, HOLD HARMLESS AND RELEASE AGREEMENT (the "Agreement") is made and entered into as of _____, 2013, by and between The Reserve Maintenance Corporation, a California non-profit mutual benefit corporation, ("Assignee"), The Reserve South at Forster Highlands LLC, a Delaware limited liability company ("Tract 16211 Assignor"), The Reserve North at Forster Highlands LLC, a Delaware limited liability company ("Tract 16282 Assignor;" Tract 16211 Assignor and Tract 16282 Assignor are collectively referred to herein as "Assignors"), and the City of San Clemente, a California general law city ("City") with reference to the following Recitals.

Recitals

A. Tract No. 16211 Assignor, as "Subdivider," and the City have entered into that certain subdivision improvement agreement dated as of March 6, 2002, which agreement sets forth the terms and conditions for Assignor's subdivision and improvement of certain property identified therein as the "Property," and more commonly referred to as Tract No. 16211, which is located in the City of San Clemente, State of California, as more particularly described in the Agreement (the "Tract 16212 Agreement"). Tract No. 16282 Assignor, as "Subdivider," and the City have entered into and that certain subdivision improvement agreement dated as of March 6, 2002, which agreement sets forth the terms and conditions for Assignor's subdivision and improvement of certain property identified therein as the "Property," and more commonly referred to as Tract No. 16282, which is located in the City of San Clemente, State of California, as more particularly described in the Agreement (the "Tract 16282 Agreement"), which subdivision improvement agreements are collectively referred to herein as the "Subdivision Improvement Agreements." Capitalized terms used without definition in this Agreement shall have the meaning ascribed to such terms in the Subdivision Improvement Agreements.

B. On or about April 12, 2008, Assignee filed an action entitled *The Reserve Maintenance Corporation v. WL Homes, LLC et.al.* (OCSC No. 30-2008-00062855, herein the "Action"), alleging causes of action against Assignors for incomplete or improperly completed improvements and soils and construction deficiencies in the common areas of the above referenced tracts.

C. The parties to the above referenced Action have entered into a Global Settlement Agreement and Mutual Release (the "Settlement Agreement") which in part provides that Assignors shall pay Assignee funds to complete or repair certain improvements) in exchange for Assignee's release of Assignor from the "claims arising from any alleged, potential, or actual defect or damage related to the design, construction, repair, maintenance, or establishment of Plaintiff's [Assignee's] reserve and operating funds and budgets for the Common Area." In addition, Assignee and Assignors have both requested that the City: (1) permit the assignment of the above referenced Subdivision Improvement Agreements from

Assignors to Assignee, and (2) that such assignment be effective upon the latter to occur of the execution of this Agreement or the acceptance by the City Engineer of all substitute bonds proffered by Assignee and the release of Assignors' corresponding bonds as more specifically provided in this Agreement.

D. City is amenable to such assignment and substitution of bonds on the terms and conditions provided for herein.

E. Assignors now desire to assign certain rights, title, obligations and interest in and to the Subdivision Improvement Agreements to Assignee, and Assignee desires to accept such assignment on, and subject to, the terms and conditions set forth in this Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

Agreement

1. Assignment. Assignors hereby assign, convey, transfer and deliver to Assignee certain rights, title, obligations and interest in and to the Subdivision Improvement Agreements, as identified on Exhibit "A" attached hereto, and Assignee hereby accepts such assignment and agrees to assume performance of all applicable terms, covenants and conditions occurring or arising under the Subdivision Improvement Agreements on or after the date of this Agreement. This assignment shall be effective upon the latter to occur of the execution of this Agreement or the acceptance by the City Engineer of all substitute bonds proffered by Assignee and the release of Assignors' corresponding bonds as more specifically provided in this Agreement.

2. Assumption of Obligations. By acceptance of this Agreement, and except as expressly provided below, Assignee hereby agrees to assume all of Assignors' right, title, obligations and interest in and to the Subdivision Improvement Agreements as they pertain to street, storm drain, water and sewer improvements, and street repair and monumentation obligations. Assignee agrees to timely discharge, perform or cause to be performed and to be bound by all of the liabilities, duties and obligations imposed in connection with the Subdivision Improvement Agreements from and after the date of this Agreement to the same extent as if Assignee had been the original party thereto.

3. Modified Works of Improvement. Assignee has requested, and City has exercised its discretion to reconsider the work necessary to complete the improvements required for Tracts 16211 and 16282. Assignee shall perform that certain work referenced in the Engineer's Review/Verification of Repairs Cost Estimate for Above Referenced Project [Tract 16211] and Engineer's Review/Verification of Repairs Cost Estimate for Above Referenced Project [Tract 16282] both of which are collectively referred to as the "Scope of Work" and are attached hereto as Exhibit "___." To the extent there is any inconsistency regarding the improvements necessary to obtain the release of any Performance or Warranty Bonds posted

by Assignee between the Subdivision Improvement Agreements for Tracts 16211 and 16282 and the Scope of Work, the Scope of Work shall control.

4. Substitution and Release of Bonds. Assignor has previously posted or caused to be posted with City the following Warranty Bonds which have not been released:

For Tract 16211

Warranty Bond No. 00-286-320A in the amount of \$129,609.50

Warranty Bond No. 00-286-312A in the amount of \$105,870.50

For Tract 16282

Warranty Bond No. 00-286-313A in the amount of \$87,691.25

Warranty Bond No. 00-286-321A in the amount of \$49,223.75

Assignee shall provide to City substitute Warranty Bonds, or other security acceptable to the City Engineer, in his sole and absolute discretion, and consistent with the Subdivision Act, in an amount equal to 150% of the estimated value of the work to be performed in the Scope of Work. The security shall serve as both performance and labor and materials security. City shall release Assignors' Warranty Bonds referenced above upon City Engineer's acceptance of Assignee's substitute security. Assignee's substitute security shall be released in the manner provided for by law.

5. Indemnification by Assignee. Assignee hereby agrees that it shall defend, with counsel of City's choosing, indemnify and hold harmless City, its officers, and employees, from and against any and all claims, liabilities, damages, losses, suits, costs and expenses of every kind, nature and type (including reasonable attorneys' fees) asserted by any person, entity or party resulting directly or indirectly from: (1) City's actions in approving the assignment provided for herein; (2) City's acceptance of the Scope of Work in place of the works of improvement referenced in the Subdivision Improvement Agreements; (3) any decision to release such bonds and/or approve or disapprove any inspection and/or approve any works of improvement required by either of the Subdivision Improvement Agreements or the Scope of Work; and (4) Assignee's performance or failure to perform, or manner in which Assignee performs the construction and installation of any the Works of Improvement in accordance with the requirements contained or referenced in the Subdivision Improvement Agreements or the Scope of Work.

6. Release. Assignors and Assignee and each of them and their respective heirs, assigns, executors, administrators, and agents, past or present hereby do and shall be deemed to have fully, finally, and forever released, relinquished and discharged City and its officers, agents and employees of and from any and all claims, whether known or unknown, suspected or unsuspected, contingent or non-contingent, whether or not concealed or hidden, which now exist, or heretofore have existed upon any theory of law or equity now existing or coming into existence in the future, including, but not limited to, conduct which is negligent, intentional, with or without malice, or a breach of any duty, law, or rule, without regard to the subsequent discovery or existence of such different or additional facts for any act of City, its officers, agents

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and employees relating to the retention or release of any bond Assignor posted, or caused to be posted, or was posted on Assignor's behalf (individually or collectively) with the City for either of Tract 16211 or 16282.

With regard to the above release as well as the promise and covenant of indemnification and defense, Assignors and Assignee hereby expressly waive all rights with respect to such unknown and unexpected consequences or results, and acknowledge that they individually have had the benefit or opportunity to consult with counsel, understand the provisions of California Civil Code section 1542, and expressly waive the provision of Civil Code section 1542, which provides as follows:

"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE WHICH, IF KNOWN BY HIM, MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH THE DEBTOR."

Each Party is aware of said code section, expressly waives any and all rights he, she or it may have thereunder, as well as under any other statute or common law principle of similar effect, with respect to any of the matters released herein and subject to the limitations set forth in this Agreement. The releases set forth above shall act as a release of all included Claims, rights and causes of action, whether such Claims are currently known, unknown, foreseen or unforeseen and regardless of any present lack of knowledge as to such claims, subject to the limitations set forth in this Agreement. The Parties each understand and acknowledge the significance and consequence of this waiver of California Civil Code section 1542, and hereby assume full responsibility for any injuries, damages, losses or liabilities released herein.

Assignors and Assignee represent, covenant, and warrant that they each individually have not directly or indirectly assigned, transferred, encumbered or purported to assign, transfer, or encumber to any person or entity any portion of any liability, claim, demand, action, cause of action, or rights herein released and discharged, except as set forth herein.

7. Successors and Assigns. This Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the respective parties hereto.

8. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

9. Further Assurances. The parties covenant and agree that they will execute such other and further instruments and documents as are or may become necessary or convenient to effectuate and carry out this Agreement.

10. Authority of Signatories to Bind Principals. The persons executing this Agreement on behalf of their respective principals represent that (i) they have been authorized

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to do so and that they thereby bind the principals to the terms and conditions of this Agreement, and (ii) their respective principals are properly and duly organized and existing under the laws of, and permitted to do business in, the State of California.

11. Interpretation. The paragraph headings of this Agreement are for reference and convenience only and are not part of this Agreement. They have no effect upon the construction or interpretation of any part hereof. The provisions of this Agreement shall be construed in a reasonable manner to affect the purposes of the parties and of this Agreement.

12. Counterparts. This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed to be an original and all of which counterparts taken together shall constitute but one and the same instrument.

IN WITNESS WHEREOF, this Agreement has been executed by the parties as of the date set forth above.

TRACT 16211 ASSIGNOR:
THE RESERVE SOUTH AT FORSTER
HIGHLANDS, LLC, A Delaware limited
liability company

By: _____
Name:
Title: General Manager

ASSIGNEE:
THE RESERVE MAINTENANCE CORP. LLC,
A California non-profit mutual benefit
corporation

By: _____
Name:
Title: General Manager

TRACT 16282 ASSIGNOR:
THE RESERVE NORTH AT FORSTER
HIGHLANDS, LLC, A Delaware limited
liability company

Name: _____
Title: General Manager

By: _____

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CITY OF SAN CLEMENTE:

By: _____
Its: _____

ATTEST:

CITY CLERK of the City of
San Clemente, California

Dated: _____, 20__

Approved as to form:
RUTAN & TUCKER, LLP

City Attorney

DRAFT



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
 Meeting Date: January 22, 2013

Agenda Item 66
 Approvals: _____
 City Manager JA
 Dept. Head SH
 Attorney _____
 Finance _____

Department: Beaches, Parks & Recreation Department
 Public Works / Engineering Division

Prepared By: Sharon Heider, Beaches, Parks & Recreation Director
 Amir K. Ilkhanipour, Senior Civil Engineer AKI

Subject: *APPROVAL OF FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH ARCHITECTURAL RESOURCES GROUP, INC. FOR THE OLE HANSON BEACH CLUB REHABILITATION, PROJECT NO. 12559.*

Summary: City Council awarded a Professional Services Agreement to Architectural Resources Group, Inc. (ARG) on November 15, 2011, in the amount \$230,102 to prepare preliminary design including preparation of three concept floor plans and final construction documents for rehabilitation of the Ole Hanson Beach Club. Per the contract, ARG completed the three concept floor plans that were presented to the City Council and public on November 27, 2012 and January 8, 2013. Based on the public input, City Council has requested ARG to investigate additional floor plan alternatives and perform additional cost estimates.

Since the requested services is beyond the original scope of work, ARG has provided a proposal and a fee schedule (Exhibit "A" to First Amendment) for the requested services at \$21,500.

Recommended Action: STAFF RECOMMENDS THAT the City Council approve and authorize the Mayor to execute the First Amendment to Professional Services Agreement with Architectural Resources Group, Inc. to increase the contract to not-to-exceed amount of \$251,602.

Fiscal Impact: None. There is adequate funding for this contract increase in the budgeted \$2.5 million. However, depending on the selected preferred floor plan alternative, additional design costs for the final construction documents preparation will need to be considered at a later time.

Attachments: Location Map
 First Amendment to Professional Services Agreement with ARG

Notification: None

**FIRST AMENDMENT TO
PROFESSIONAL SERVICES AGREEMENT FOR
OLE HANSON BEACH CLUB REHABILITATION**

This First Amendment to Professional Services Agreement for Ole Hanson Beach Club Rehabilitation (this "First Amendment") is made and entered into on this _____ day of _____, 2013, by and between the CITY OF SAN CLEMENTE, a California municipal corporation ("City"), and Architectural Resources Group, Inc. ("Contractor").

RECITALS:

- A. City and Contractor entered into that certain Professional Services Agreement for Ole Hanson Beach Club Rehabilitation (the "Agreement") on November 11, 2011.
- B. City and Contractor desire to amend the Agreement in the manner provided herein.

COVENANTS:

Section 1: Section 3.1 of the Agreement is hereby amended by increasing the project budget listed in Section 3.1 of the Agreement from Two Hundred Thirty Thousands One hundred and Two Dollars (\$230,102) to Two Hundred Fifty One Thousands Six Hundred and Two Dollars (\$251,602). In addition to the services to be performed by Consultant as referenced in Exhibit A to the Agreement, Consultant shall also perform those services described in Exhibit "A" to this First Amendment, which exhibit is attached hereto and incorporated herein by this reference.

Exhibit "A"

Section 2: Except as expressly amended by this First Amendment, the remaining portions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be duly executed on the respective dates set forth opposite their signatures.

CITY OF SAN CLEMENTE

By: _____

Its: _____

Dated: _____, 20__

ATTEST:

CITY CLERK of the City of
San Clemente, California

Approved as to form:
RUTAN & TUCKER, LLP

City Attorney

Finance Authorization

("CONTRACTOR")

By: _____

Its: _____

Dated: _____, 20__

EXHIBIT "A"

(See Attached)

ARCHITECTURAL RESOURCES GROUP, INC.
Architects, Planners & Conservators

January 15, 2013

EXHIBIT - A

Amir K. Ilkhanipour
City of San Clemente
910 Calle Negocio, Suite 100
San Clemente, CA 92673

Re: Ole Hanson Beach Club Rehabilitation
Project Number: 11145

Dear Amir,

Based on your direction to us after our meeting with City Council on Tuesday night, we propose to perform the following additional services:

1. Revisit alternatives being considered based on the list of design considerations requested by City Council and public comment. Develop (2) two alternative schemes addressing these issues including: revised elevator locations; alternative treatment to the upper floor multi-purpose room and restrooms; more grand entrance, spacious lobby and direct view to pool; alternative location for the pool equipment room; revisions to the pool perimeter wall.
2. Meet with City Staff by phone to review alternatives.
3. Adjust alternatives based on meeting.
4. Develop revised cost estimate based on the two new alternatives.
5. Working with City Staff, prepare a package including sketches of alternative plans, estimates, and phasing proposals for review at the City Council meeting in late February.
6. Attend two (2) City Council meetings to present and discuss.
7. Adjust preferred final scheme.

Our cost to provide these additional services is:

Architectural Resources Group*	\$13,000
Rowley (Pool Consultant)	1,500
Cumming Cost Estimators	<u>2,000</u>
Subtotal	\$16,500 (Lump sum)

Additional work above original contract for Phase 1 PDR, alternatives and budget analysis	\$5,000 (Lump sum)
Total	\$21,500 (Total lump sum)

*Note: we have not included time for public review or public workshops. These could be added to the scope of work if desired.

Please feel free to give me a call if there are any questions.
Sincerely,

Christopher J. Smith
Senior Associate
CC: S. Farneth

Principals

STEPHEN J. FARNETH, L.A.A., LEED AP
CHARLES EDWIN CLINE, L.A.A.
TAKASHI IUKI, P.A.
AARON JON HILAND, AIA
NAOMI O. MURAKAMI, AIA
DAVID P. WESSLE, AIA, LEED AP
BRUCE D. JUDD, L.A.A., LEED AP

Associate Principals

JAMES MCLELLAN, AIA, LEED AP

Senior Associates

ANDREW G. BLANCHARD, AIA, LEED AP
DEBORAH J. COOPER, AIA, LEED AP
KATHY J. HORAK
LISA KUCIK, AIA, LEED AP
CATHELINE MALMSTROM, AIA
CATHERINE DEJ. VUITH, AIA, LEED AP
KATHERINE H. PITRETT
W. DEAN RANDEL, AIA
CHRISTOPHER J. SMITH
JOHN R. STOKK

Office

SAN FRANCISCO
PASADENA
PORTLAND

Southern California Office

65 N. Raymond, No. 220
Pasadena, California 91103
email: argr@arg.com
fax: 626-797-1414
626-583-1401
www.arg.com

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AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
 Meeting Date: January 22, 2013

Agenda Item 01A
 Approvals: [Signature]
 City Manager [Signature]
 Dept. Head [Signature]
 Attorney _____
 Finance _____

Department: Beaches, Parks and Recreation
Prepared By: Sharon Heider, Beaches Parks & Recreation Director

Subject: *INCREASED DOG ACCESS TO PARKS – PHASE 1.*

Summary: On March 6, 2012, the City Council directed staff to develop a phased/pilot program to allow dogs in city parks and to identify appropriate locations for the development of dog runs in existing parks. Allowing dogs in parks is a relatively easy shift in practice that includes rule changes, CEQA documentation which was completed as a Negative Declaration some signage, but no large capital expenses. The development of dog runs will be a more long-term effort requiring amendments to existing park master plans, site analysis, cost estimating, CEQA, and expenses that will require funding through the Capital Improvement Program. Therefore, access to City parks is brought forward now and dog runs will be part of the Capital Improvement Program process.

In response to City Council’s desire to make the City’s parks more open to dog access, the Beaches, Parks and Recreation Commission reviewed the topic at its July 10, 2012 meeting and recommended that City Council (1) Adopt a Resolution approving an expansion of the designated City public parks where dogs are permitted on-leash and Negative Declaration, in accordance with San Clemente Municipal Code Section 6.08.020(A), and (2) approve the, “Pick up the Poop” public service announcement, and (3) direct staff to amend the applicable Municipal Code sections to increase the fine for not cleaning up dog waste from \$50.00 to \$250.00.

Background: In 1989, the then-named Parks and Recreation Commission reviewed the City ordinance that did not allow dogs in any parks or at the beach and recommended that the existing prohibition on dogs in parks and on the beach remain in place. Council upheld the existing prohibition of dogs in parks.

In September 1994, the Parks and Recreation Commission reviewed the current City ordinance and received extensive public input on both sides of the issue and recommended that the existing prohibition remain in place. Council upheld the Commission recommendation. However, the Commission decided to look into alternative options for dogs, such as a dog exercise area somewhere in the City where dogs could exercise off-leash. A citizens’ group was formed called “Friends Improving Dogs Options” (FIDO). Two members of the Commission were selected to join FIDO in solidifying a consensus that would be reviewed by the Commission and forwarded to Council for action.

On January 4, 1995, the Commission recommended Council provide direction regarding (1) investigating relaxing the current City Ordinance prohibiting dogs in parks, (2) investigate options of creating a dog exercise area somewhere in the city where dogs can be exercised off leash, or (3) placing no further efforts in this issue. No action was taken by Council.

On February 13, 2001, Council requested the Parks and Recreation Commission consider whether dogs should be allowed in City parks. As a result, the Commission created a sub-committee to research and study options.

On October 10, 2001, as a result of the Commission recommendation derived from the sub-committee report, Council conceptually approved the development of a permanent off-leash dog park at Richard T. Steed Memorial Park and changed the City ordinance at that time to allow currently-licensed dogs on-leash in Verde, Mira Costa, and Calafia Beach Parks for a two-year test period with oversight by the Commission and quarterly reports. (Note: Calafia Beach Park was a city-operated and maintained park but is now under the jurisdiction of the State Parks System since the 20-year lease with the State expired).

On February 6, 2002, Council approved the development of a permanent off-leash dog park at Richard T. Steed Memorial Park and approved changing the current ordinance to allow currently-licensed dogs on-leash in Verde, Mira Costa, and Calafia Beach Parks for a two-year test period.

On June 10, 2003, the Commission considered, by petition from Talega residents, Talega Park an add-on to the three parks that allow dogs on-leash if the test of the three parks was determined successful. The Commission agreed to request that City Council consider opening Talega Park to dogs' on-leash if the two-year test period was a success. (The two-year test period was successful and ended in May 2004.)

On September 14, 2004, Council adopted a resolution that allowed currently licensed, on-leash dogs in Calafia, Mira Costa and Verde Parks.

On October 14, 2008, the Commission created a Dog Access Sub-Committee to evaluate dog access in parks and beaches.

On December 8, 2009, the Commission's Dog Access Sub-Committee submitted a progress report to the Commission.

On February 17 and February 26, 2011, the Dog Access Sub-Committee hosted two public workshops to solicit input on this item.

Mira Costa and Verde Parks became the only City operated park facilities that offer dog access as Calafia Park is now operated by the State of California. Calafia currently allows dogs on-leash except on the beach. The City's Baron Von Willard Dog Park allows off-leash dogs. Dogs on-leash are allowed on City trails.

On October 4, 2011 and December 13, 2011, the Commission considered increased access to parks and a phased program for Beach access.

9A-2

On March 6, 2012, the City Council directed staff to (1) develop a program to allow dogs on-leash at all City parks, (2) consider a pilot/phased approach and availability of some sports fields, with attention to the Vista Hermosa Sports Park and trail, and (3) return to the Beaches, Parks and Recreation Commission and City Council with the understanding that the City is open to expanding dog presence in the park system; and (4) identify locations for new dog runs in existing parks, and (5) return to the Beaches, Parks and Recreation Commission and City Council for possible amendments to existing park master plans, CEQA documentation, and amendments to Municipal Codes, with the understanding that the City is open to allowing more dogs and their owners to enjoy the park system.

Discussion: Staff reviewed the existing parks with regard to use, location, and need for immediate dog access. The City currently has 21 parks, and after review, staff recommends ten for first phase dog access (two parks, Verde and Mira Costa already allow dogs). These parks were selected as they are more passive in use, are dispersed somewhat equally throughout the city, and/or serve high density areas. These parks are:

- Bonito Canyon Bicentennial Park
- Leslie Park
- Linda Lane Park
- Max Berg Plaza Park
- Marblehead Inland
- Mira Costa Park (dogs currently allowed)
- Parque Del Mar (excluding Park Semper Fi special use area)
- Rancho San Clemente Park
- San Luis Rey Park
- Talega Park
- Tierra Grande Park
- Verde Park (dogs currently allowed)

In addition, staff recommends that the Community Center lawn area, although not defined as a park but rather a special use area, also be open to dogs. This area currently has high use by dog walkers, is in an area with higher density, and not proximate to a park.

After the initial phase opening, staff will monitor complaints and infractions to determine if the other more active parks would be appropriate for dog use in a second phase of opening, as well as the appropriate placement and design of any dog runs.

Signs and enforcement: Existing parks' signs will need to be modified to reflect the rule changes. Staff estimates the cost to be approximately \$3,500. No additional animal enforcement staffing or hours are part of this proposal.

Dog Bags and Dispensers: There is no standard for providing dog bag dispensers, nor is there information that providing the bags produces any higher compliance in picking up dog waste. Some communities provide them and some do not. There is no research found that correlates the presence of dispensers with higher compliance, the general thinking is that compliance is more successful when there is a culture of peer pressure to pick up waste.

9A-3

Currently, the City provides twelve dog bag dispensers on the Beach Trail and expends an average of \$8,892 per year on bags, or \$741 per dispenser per year. Each dispenser costs approximately \$250 to purchase and install. Even with these provisions, there are still individuals who do not pick up after their dogs, and we have received complaints. Should the City wish to install bag dispensers at each of the ten proposed parks, staff estimates approximately 34 dispensers would be needed (number varies per size and type of park). Purchasing and installing 34 dispensers would cost \$8,500, and the annual estimated cost for replacement bags is \$25,194.

While dog bag dispensers are certainly a convenient amenity, they are quite costly to provide rather than requiring dog owners to provide their own. When they are provided, it is common to see individuals removing many bags at a time rather than just what they need. Dog bags are commonly available at pet stores, many dog leashes now come equipped with small dog bag dispensers attached, and the reuse of plastic grocery bags for this purpose is easy as most every purchase creates a bag. Given that dog ownership and access to parks should be both a privilege and responsibility to care for your animal, staff does not recommend the purchase and installation of dog bag dispensers at the parks.

In an effort to assist with compliance in the disposal of dog waste, staff has prepared a short public service announcement that would be aired on various outlets including channel 30, on the City's website, and at the Aquatic Center. Staff recommends that the City Council approve the public service announcement and direct staff to use as an educational tool.

Recommended

Action: Staff recommends that City Council:

1. Adopt a Resolution approving an expansion of the designated City public parks where dogs are permitted on-leash and Negative Declaration, in accordance with San Clemente Municipal Code Section 6.08.020(A).
2. Approve the, "Pick up the Poop" public service announcement.
3. Direct Staff to prepare an Ordinance for future Council consideration that would modify the Code of the City of San Clemente to increase the fine for dog waste violations from \$50.00 to \$250.00.
4. Authorize the transfer of an appropriation in the amount of \$3,500 for signs from the Council Contingency Account (001-203-44900) to Other Maintenance Supplies (001-635-42590).

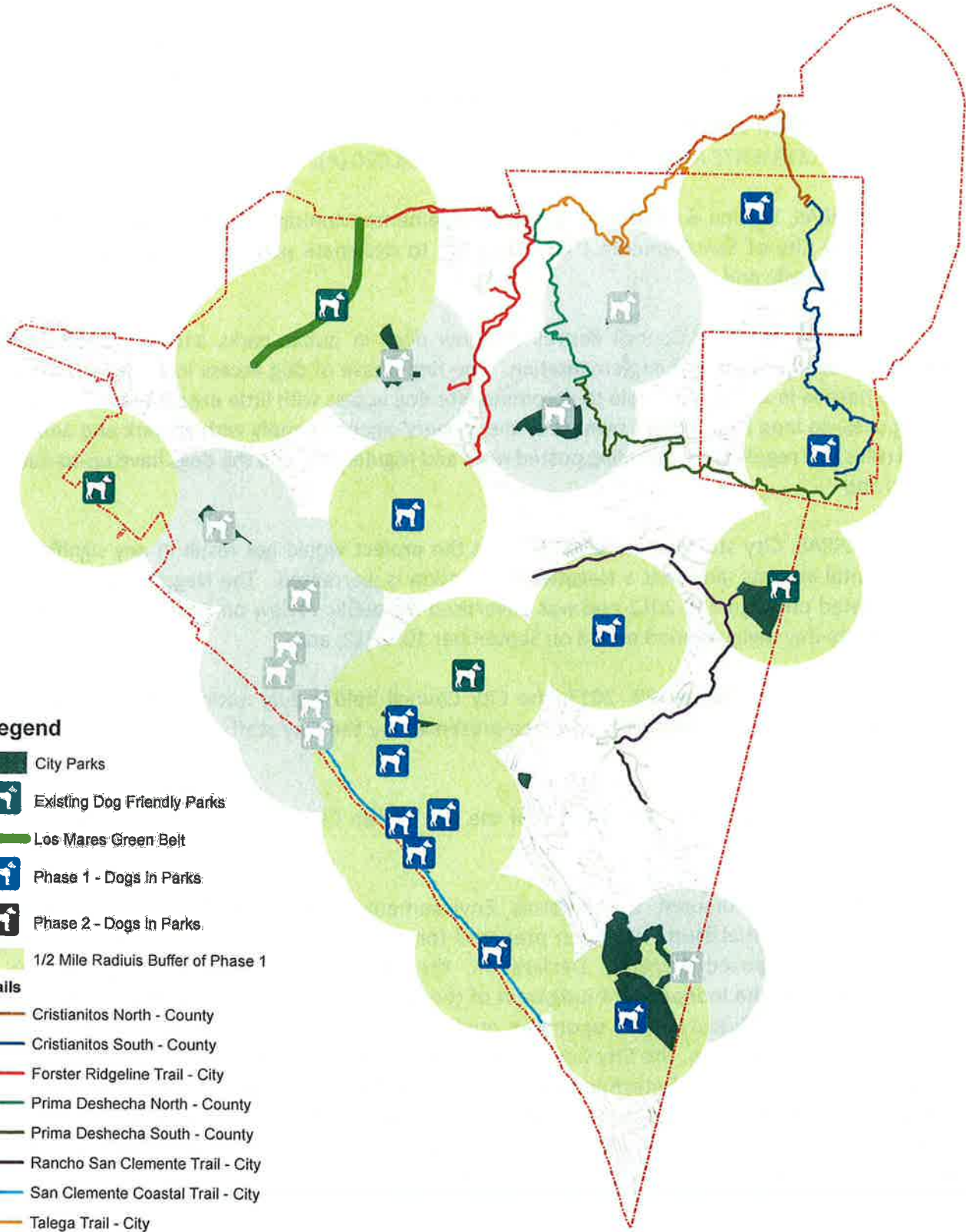
Fiscal Impact: Council Contingency will be reduced from \$36,500 to \$33,000.

- Attachments:**
- 1) Dog Phasing Plan
 - 2) Draft Resolution for Dogs in Parks
 - 3) Municipal Code 6.08.020 – Dogs on Public Property
 - 4) Excerpt from 7/10/12 draft minutes of the BP&R Commission
 - 5) Negative Declaration

Notification: Interested parties

i:\reports\2013 city council reports\1-22-13 dogs in 10 city parks.docx

9A-4



Legend

- City Parks
- Existing Dog Friendly Parks
- Los Mares Green Belt
- Phase 1 - Dogs in Parks
- Phase 2 - Dogs in Parks
- 1/2 Mile Radius Buffer of Phase 1
- Trails**
- Cristianitos North - County
- Cristianitos South - County
- Forster Ridgeline Trail - City
- Prima Deshecha North - County
- Prima Deshecha South - County
- Rancho San Clemente Trail - City
- San Clemente Coastal Trail - City
- Talega Trail - City
- 1/8 Mile Buffer of Trails
- 1/2 Mile Radius Buffer of Phase 2

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AN EXPANSION OF THE DESIGNATED CITY PUBLIC PARKS WHERE DOGS ARE PERMITTED ON-LEASH AND NEGATIVE DECLARATION, IN ACCORDANCE WITH SAN CLEMENTE MUNICIPAL CODE SECTION 6.08.020 (A).

WHEREAS, Section 6.08.020 (A) of the San Clemente Municipal Code authorizes the City Council of the City of San Clemente ("City Council") to designate public parks where dogs are permitted On-Leash; and

WHEREAS, the City Council desires to allow dogs in public parks and requested staff develop a phased program of implementation. The first phase of dog access includes parks that are more passive in use and are able to accommodate dog access with little expected conflict with existing uses, so long as the dog's owners or the owners' agents comply with all park and animal related rules and regulations, including posted rules and regulations, and the dogs have up-to-date licenses; and

WHEREAS, City staff has determined that the project would not result in any significant environmental impacts, and that a Negative Declaration is warranted. The Negative Declaration was completed on August 9, 2012 and was advertised for public review on August 9, 2012. The required thirty-day review period ended on September 10, 2012; and

WHEREAS, on January 22, 2013, the City Council held a duly noticed meeting on the subject application, and considered evidence presented by the City staff, and other interested parties.

NOW, THEREFORE, the City Council of the City of San Clemente does hereby resolve as follows:

Section 1: Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15063, an initial study has been prepared for this Project. After reviewing the initial study and the proposed Negative Declaration, the City Council finds that the Negative Declaration reflects the independent judgment of the City of San Clemente and that the Project will not have a significant impact upon the environment. As a result of its review of the aforementioned documents, the City Council approves the Negative Declaration and authorizes the issuance of a Notice of Determination pursuant to CEQA Guidelines Section 15075. City staff is the custodian of records for those documents comprising the record of proceedings on the Negative Declaration. Those records are stored in the Planning Division and Beaches, Parks, and Recreation Department of the City of San Clemente.

Section 2: The City Council of the City of San Clemente, consistent with Municipal Code Section 6.08.020(A)(1) adds the following parks to the list of City facilities where dogs shall be allowed On-Leash:

- Bonito Canyon Bicentennial Park
- Leslie Park
- Linda Lane Park
- Max Berg Plaza Park
- Marblehead Inland
- Parque Del Mar (excluding Park Semper Fi special use area)
- Rancho San Clemente Park
- San Luis Rey Park
- Talega Park
- Tierra Grande Park
- The Community Center (special use area)

Section 3: The City Council hereby approves the expansion of dogs on-leash allowed in City parks and associated Negative Declaration.

APPROVED, ADOPTED, and SIGNED this _____ day of _____, _____.

ATTEST:

 City Clerk of the City of
 San Clemente, California

 Mayor of the City of San
 Clemente, California

9A-7

STATE OF CALIFORNIA)
COUNTY OF ORANGE) §
CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

Approved as to form:

City Attorney

San Clemente Municipal Code

6.08.020 - Dogs on public property—Animals in proximity to residences.

- A. Dogs Within or Upon Public Beaches, Parks, Municipal Pier, Municipal Golf Course, etc., Prohibited. Except as provided below, no owner or person in charge or in control of any dog shall permit or allow such dog to be within or upon the public beaches, public access ways to the beach, parks, municipal pier, or municipal golf course, and such dogs are prohibited from being within or upon such aforementioned public places.
1. City Parks Where Dogs are Permitted On-Leash: A dog who is on a leash and under the control of the dog's owner or the owner's agent is permitted within specified parks that the City Council may, from time to time, designate by duly passed resolution.
 2. City Parks Where Dogs are Permitted Off-Leash: The City Council may, from time to time, designate by duly passed resolution, one or more off-leash dog parks where dogs may be permitted without a leash, provided the owners or owners' agents comply with all animal related rules and regulations, including posted rules and regulations specifically provided for the use of said off-leash dog park(s).
 3. Effective Date Designated Parks Are Available To Dogs; Regulations: A park designated by the City Council as being available to dogs shall be deemed to be available for use by dogs at such time as the Director of Beaches, Parks and Recreation erects signs in the park noting that the park has been so designated. Any dog using a public park in accordance with this section shall have a collar attached to it that contains a current dog license. The owner or person in charge or in control of any dog using a public park in violation of this section shall be subject to an escalating fine. For specification of the penalties for the violation of this section, see Section [1.16.010](#)
 4. Removal of Park From List of Designated Dog Parks: Notwithstanding any of the above, the City Council may, from time to time, by duly passed resolution, remove any park from its list of parks designated for use by dogs if it determines that such removal is in the best interests of the City.
 5. Dogs on Leashes Allowed on Beach Trail: A dog who is on a leash and under the control of the dog's owner or the owner's agent is permitted on all portions of the Beach Trail and all beach access ways providing access to the Beach Trail, including those portions of the Beach Trail and beach access ways that overlay the beach service road, at all times of the year, except on the Fourth of July and during the time that major City-sponsored special events (e.g., the Ocean Festival) are occurring on the beach and the Director of Beaches, Parks, and Recreation has posted the Beach Trail to prohibit dogs, at which times dogs shall be prohibited in such areas.
- B. Dogs on Leashes Allowed on Municipal Trails. Dogs which are on leashes and under the control of the dog's owner or owner's agent are permitted on municipal trails. For the purposes of this section, the term "municipal trails" shall mean those trails identified in the City of San Clemente General Plan.
- C. Keeping of Certain Animals and Fowl Near Residences. It shall be unlawful for any person in a residential structure to keep or maintain any animal within one hundred (100) feet of any other residential structure occupied by a person other than the animal's owner and/or keeper unless:
1. It is expressly allowed by the Zoning Code;
 2. Dogs and cats. With the exception of those persons who have a valid animal rescue permit issued by CASA, any person keeping five (5) or six (6) dogs or cats over four (4) months in age, or any combination thereof, is first required to obtain a private kennel permit pursuant to San Clemente Municipal Code Section [6.20.010](#). Keeping more than 6 dogs or cats over four (4) months in age, or any combination thereof, on any residential property is prohibited unless otherwise expressly permitted by the City's Zoning Ordinance, current existing private kennel permit as defined in section [6.20.010](#) A, or a valid animal rescue permit issued by CASA.
- D. Dogs Prohibited. Dogs shall be prohibited on Avenida Del Mar from its intersection with El Camino Real to its intersection with Avenida Seville during the San Clemente Fiesta celebration.
- E. Modification. In the event of special circumstances so warranting, the City Council may by resolution modify the requirements established herein. Modifications by the City Council shall only be made if the City Council determines that such modification will not be contrary to the public health, safety or welfare.

(Ord. 1326 § 1, 2007; Ord. 1279 § 1, 2005; Ord. 1259 § 3, 2003; Ord. 1149 § 3, 1998; *amended* § 17-30)
(Ord. No. 1486 § 1, 6-21-2008; Ord. No. 1492 § 5, 7-21-2009)

9A-9

8. NEW BUSINESS

A. Increase Dog Access to Parks – Phase 1

Landscape Architect Shaw displayed a map of the City's Parks, indicating those proposed for increased dog access. In response to Council direction, staff is developing a phased/pilot program to allow dogs in City parks and identify locations for dog run development in existing parks. First Phase of the project identifies 10 additional parks to add to the two parks that allow dogs. Staff is also recommending the Community Center lawn area be opened up to dogs. Due to high costs and unproven benefits, staff is not recommending the installation of bag dispensers at the parks.

Director Heider explained that the intent is to use peer pressure to encourage dog owners to bring their own bags and be responsible for their own pets, rather than expect others to provide the bags; expressed concern that a grass roots type effort, where the community at-large is encouraged to provide bags for the public's use, may appear unattractive or unprofessional; agreed to research and report back regarding fines for distribution and decisions regarding CASA citations; advised costs for the signs are not in the budget and would be determined by Council; pointed out that many residents may complain if the City installs dispensers and then does not fill them; informed that Council requested staff consider the inclusion of sports fields for dog access, as sports fields could be used as open turf during the day for dogs.

During the ensuing discussion, the Commissioners, either individually or in agreement, provided the following commentary:

- Suggested staff consider allowing a modified policy whereby the public would be encouraged to deposit bags in a fillable dispenser for use by dog owners, akin to the "take a penny, leave a penny" system. Signage indicating that the bag system is self-fill and self-serve will encourage others to bring bags.
- Expressed concern that providing dispensers and bags in some areas, while not in others, may confuse the public and make the City appear "schizophrenic."
- Suggested the City be consistent with the Beach Trail by installing dispensers and keeping them stocked with bags at the parks.
- Suggested Council consider increasing the fine for not cleaning up after dogs from \$50 to \$250.
- Commented that \$250 would be too punitive for lower socioeconomic public, suggested fine increase to \$100 would be more manageable.
- Commented that two types of tickets exist, one that is issued administratively, and one that is issued by CASA members. Fine revenues from the CASA-issued tickets go to CASA.
- Commented that the City has the ability to revise or eliminate the program if the pilot program is unsuccessful.

- Recommended close oversight of the program, including analysis and update after one year.
- Expressed concern that Max Berg Plaza Park was included as it is used by many families; also concerned by dog use at Parque del Mar due to its small size.
- Commented that children may be displaced if dogs are allowed.
- Suggested that adding 10 parks in the First Phase may be too aggressive.
- Commented that if there are no dog-related issues at the two parks that allow dogs, there is no reason not to allow dogs at more parks throughout the City.
- Questioned why so many parks are being opened up to dogs when only 30% of the population own dogs, suggested that the City is doing a disservice to the 70% that do not own dogs.
- Recommended including the bag dispensers and \$25,000 annual bag costs in the staff recommendation.
- Opined that there were much better uses for the estimated \$25,000 per year cost of providing bags.
- Noted that sports organizations, such as AYSO and Little League, allocate funds to the City in order to rejuvenate the fields, questioned why the City would allow dog urine and waste on the rejuvenated fields.
- Questioned the inclusion of Tierra Grande Park's sports fields.
- Recommended no dogs on the sports fields, playground areas, or artificial turf.

Public Comment:

Bill Osier, resident, felt that residents would supply bags if the City installed dispensers; noted that people have left bags tied to the empty dispenser at Calafia Beach; opined that most people pick up after their dogs.

Motions:

MOTION BY CHAIR STREGER, SECOND BY CHAIR PRO TEM SWARTZ, CARRIED 6-1-0, WITH COMMISSIONER MCCORMACK OPPOSED, to recommend the City Council increase the fine for not cleaning up dog waste to \$250.00.

MOTION BY CHAIR STREGER, SECOND BY COMMISSIONER THOMAS AND FAILED 3-4-0, WITH COMMISSIONER MCCORMACK, COMMISSIONER FOY, COMMISSIONER WICKS, AND CHAIR PRO TEM OPPOSED, to recommend the City Council include installation of bag dispensers and \$25,000 annual cost of filling dispensers with the First Phase of the project.

MOTION BY COMMISSIONER FOY, SECOND BY COMMISSIONER WICKS, FAILED 3-4-0, WITH COMMISSIONER MCCORMACK, COMMISSIONER THOMAS, COMMISSIONER SMITH, AND CHAIR PRO TEM SWARTZ OPPOSED, to recommend City Council consider installing bag dispensers designed with an alternative fill system that can be filled by the public.

MOTION BY CHAIR PRO TEM SWARTZ, SECOND BY COMMISSIONER MCCORMACK, FAILED 2-5-0, WITH COMMISSIONER THOMAS, COMMISSIONER SMITH, COMMISSIONER FOY, COMMISSIONER WICKS, AND CHAIR STREGER OPPOSED, to recommend that the City Council not install dispensers as recommended in the staff report.

MOTION BY COMMISSIONER THOMAS, SECOND BY COMMISSIONER SMITH, CARRIED 5-2-0, WITH COMMISSIONER WICKS AND CHAIR PRO TEM SWARTZ OPPOSED, TO RECOMMEND CITY COUNCIL APPROVAL OF RESOLUTION NO. ____ OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DESIGNATING CITY PUBLIC PARKS WHERE DOGS ARE PERMITTED ON-LEASH, IN ACCORDANCE WITH SAN CLEMENTE MUNICIPAL CODE SECTION 6.08.020 (A).

B. Public Service Announcement – “Pick up the Poop”

Director Heider displayed the new public service announcement produced by staff that encourages dog owners to clean up after their pets in order to maintain a safe, healthy environment and prevents dangerous bacteria from reaching the ocean. The short film will air on City channel, website, and other venues as available. She recommended the Commission receive and file the report.

The Commissioners commended staff for the positive and entertaining film. Commissioner Wicks suggested addition of a scene where an individual uses his/her own bag to dispense of waste, to go with the recommendation that dog owners supply their own bags, in order to emphasize the point.

Report received and filed.

C. Consideration of Sports Hall of Fame

Director Heider summarized the staff report, a request from City Council that the Commission review and provide comment concerning the proposed Sports Hall of Fame Program. The Program, suggested by Mayor Jim Evert at the July 3, 2012, Council meeting, would showcase local success stories in sports. Council has requested the Commission review the concept and proposed location, as well as make a recommendation as to its involvement in the Program. Staff has researched the proposal, and identified a wall at the aquatics center as an appropriate location. In addition, the Sports Hall of Fame Letter Agreement was included in the staff report for their consideration. Staff recommended the Commission discuss the report and provide a recommendation to City Council.

Mayor Jim Evert explained that the idea came to him while attending a speaking engagement by Sue Enquest. He believes the City should showcase the athletes who were raised, developed their talent, spent the majority of their career, etc. in the City, excluding those that moved or retired here following their careers. A wall at the aquatic park is being considered for a “Wall of Recognition,” and the Friends of San Clemente Beaches, Parks, and Recreation Foundation (“the Foundation”) has agreed to

Form A
Notice of Completion & Environmental Document Transmittal

SCH # _____

Mail to: State Clearinghouse, PO Box 3044, Sacramento, CA 95812-3044 916/445-0613

Project Title: Expansion of the List of City Parks Where Dogs are permitted with Leashes

Lead Agency: City of San Clemente Contact Person: Sharon Heider
 Mailing Address: 100 Avenida Presidio Phone: 949.361.8263
 City: San Clemente Zip: 92672 County: Orange

Project Location:

County: Orange City/Nearest Community: San Clemente, CA
 Cross Streets: Multiple (see Attachment 1) Zip Code: 92672 & 926 Total Acres: _____
 Assessor's Parcel No. Multiple Section: _____ Twp. _____ Range: _____ Base: _____
 Within 2 Miles: State Hwy #: 1; I-5 Waterways: Pacific Ocean
 Airports: None Railways: AT & SF Rail Schools: Multiple

Document Type:

CEQA: NOP Supplement/Subsequent EIR **NEPA:** NOI **Other:** Joint Document
 Early Cons (Prior SCH No.) _____ EA Final Document
 Neg Dec Other _____ Draft EIS Other _____
 Draft EIR FONSI

Local Action Type:

General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other Amend Municipal Co

Development Type:

Residential: Units _____ Acres _____ Water Facilities: Type _____ MGD _____
 Office: Sq.ft. _____ Acres _____ Employees _____ Transportation: Type _____
 Commercial: Sq.ft. _____ Acres _____ Employees _____ Mining: Mineral _____
 Industrial: Sq.ft. _____ Acres _____ Employees _____ Power: Type _____ Watts _____
 Educational _____ Waste Treatment: Type _____
 Recreational _____ Hazardous Waste: Type _____
 Other: Allow dogs in City parks on-leash

Funding (approx.): Federal \$ _____ State \$ _____ Total \$ _____

Project Issues Discussed in Document:

Aesthetic/Visual Flood Plain/Flooding Schools/Universities Water Quality
 Agricultural Land Forest Land/Fire Hazard Septic Systems Water Supply/Groundwater
 Air Quality Geologic/Seismic Sewer Capacity Wetland/Riparian
 Archeological/Historical Minerals Soil Erosion/Compaction/Grading Wildlife
 Coastal Zone Noise Solid Waste Growth Inducing
 Drainage/Absorption Population/Housing Balance Toxic/Hazardous Landuse
 Economic/Jobs Public Services/Facilities Traffic/Circulation Cumulative Effects
 Fiscal Recreation/Parks Vegetation Other _____

Present Land Use/Zoning/General Plan Designation:

Public and Open Space

Project Description:

The project will allow dogs on-leashes in all City parks.

Reviewing Agencies Checklist

Form A, continued

KEY

- S = Document sent by lead agency
- X = Document sent by SCH
- ✓ = Suggested distribution

Resources Agency

- Boating & Waterways
- Coastal Commission
- Coastal Conservancy
- Colorado River Board
- Conservation
- Fish & Game
- Forestry & Fire Protection
- Office of Historic Preservation
- Parks & Recreation
- Reclamation Board
- S.F. Bay Conservation & Development Commission
- Water Resources (DWR)

Business, Transportation & Housing

- Aeronautics
- California Highway Patrol
- CALTRANS District # _____
- Department of Transportation Planning (headquarters)
- Housing & Community Development

Food & Agriculture

Health & Welfare

- Health Services _____

State & Consumer Services

- General Services
- OLA (Schools)

Environmental Protection Agency

- Air Resources Board
- California Waste Management Board
- SWRCB: Clean Water Grants
- SWRCB: Delta Unit
- SWRCB: Water Quality
- SWRCB: Water Rights
- Regional WQCB # _____ (_____)

Youth & Adult Corrections

- Corrections

Independent Commissions & Offices


- Energy Commission
- Native American Heritage Commission
- Public Utilities Commission
- Santa Monica Mountains Conservancy
- State Lands Commission
- Tahoe Regional Planning Agency

- Other _____

Public Review Period (to be filled in by lead agency)

Starting Date August 9, 2012

Ending Date September 10, 2012

Signature 

Date 8/9/12

Lead Agency (Complete if applicable):

Consulting Firm: City of San Clemente
 Address: 100 Avenida Presidio
 City/State/Zip: San Clemente, CA 92672
 Contact: Sharon Helder
 Phone: (949) 361-8263

Applicant: City of San Clemente

Address: 100 Avenida Presidio
 City/State/Zip: San Clemente, CA 92672
 Phone: (949) 361-8263

For SCH Use Only:

Date Received at SCH _____
 Date Review Starts _____
 Date to Agencies _____
 Date to SCH _____
 Clearance Date _____

Notes:

**CITY OF SAN CLEMENTE
ENVIRONMENTAL CHECKLIST FORM**

1. Project Title: Expansion of the List of City Parks Where Dogs are permitted with Leashes

Lead Agency Name and Address: City of San Clemente
100 Avenida Presidio
San Clemente, CA 92672

3. Contact Person and Phone Number: Sharon Heider 949.361.8263

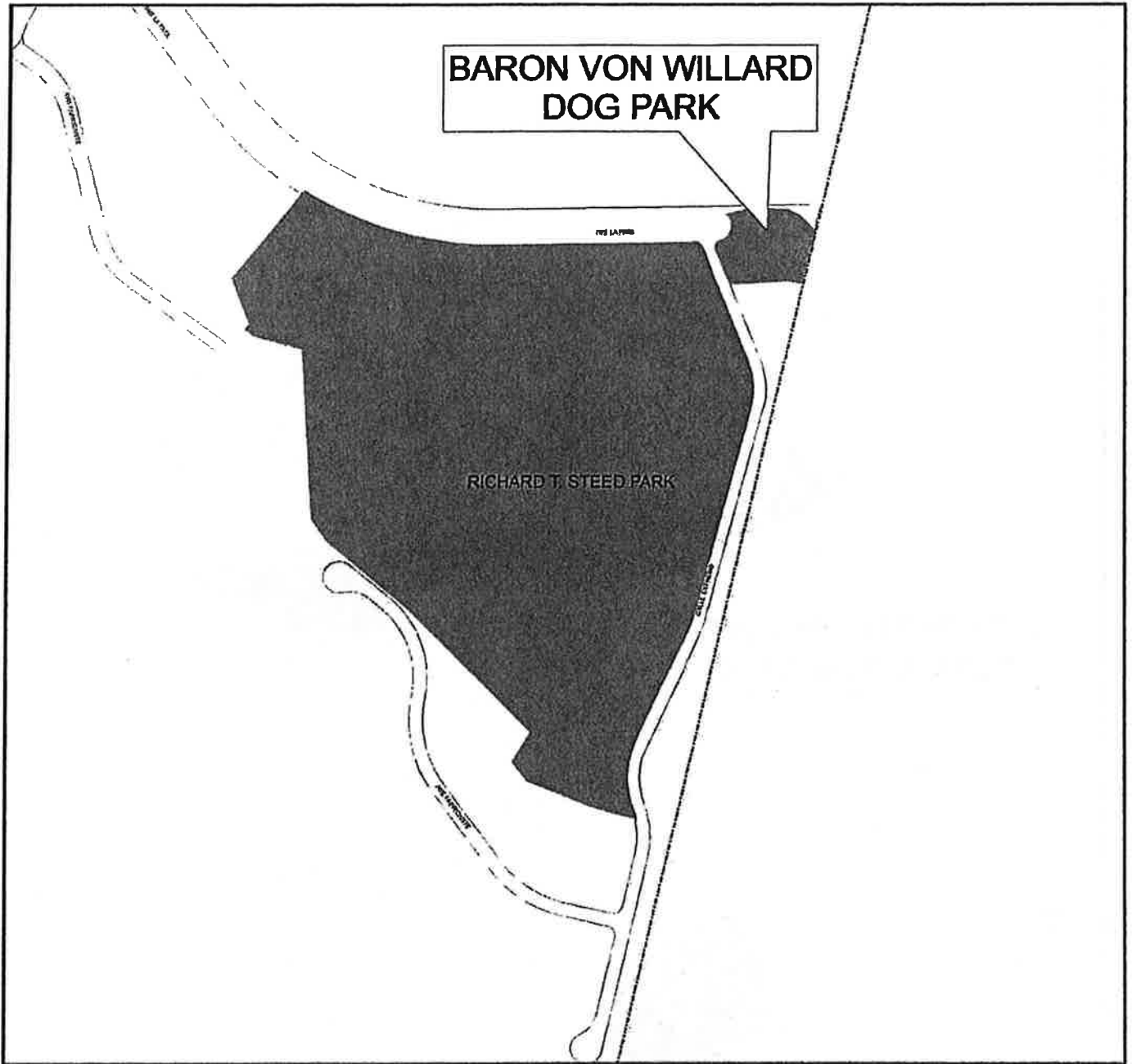
4. Project Location: Baron Von Willard Dog Park
Bonito Canyon Bicentennial Park
Downtown Community Center
Forster Ranch Community Park
Leslie Park
Liberty Park
Linda Lane Park
Marblehead Inland Park
Max Berg Plaza Park
Mira Costa Park
Parque Del Mar
Ralph's Skate Court @ Steed Park
Rancho San Clemente Park
Richard T. Steed Park
San Gorgonio Park
San Luis Rey Park
Talega Park
Tierra Grande Park
Verde Park
Vista Bahia Park
Vista Hermosa Sports Park

5. Project Sponsor's Name: City of San Clemente
and Address 100 Avenida Presidio
San Clemente, CA 92672

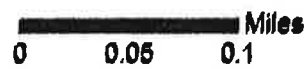
9A16



VICINITY MAP



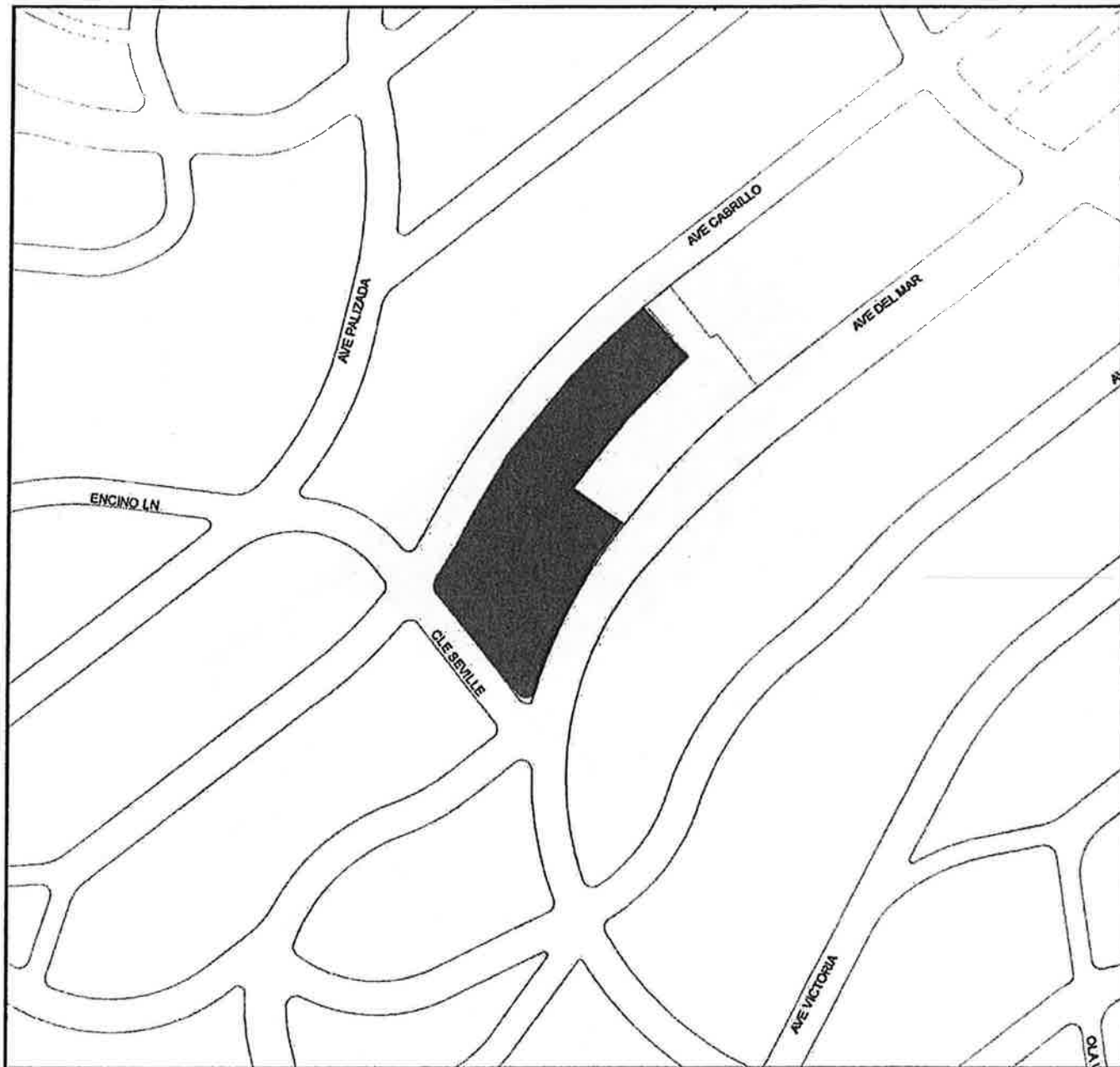
BARON VON WILLARD DOG PARK



QA17



VICINITY MAP



SAN CLEMENTE COMMUNITY CENTER



QA-19



VICINITY MAP



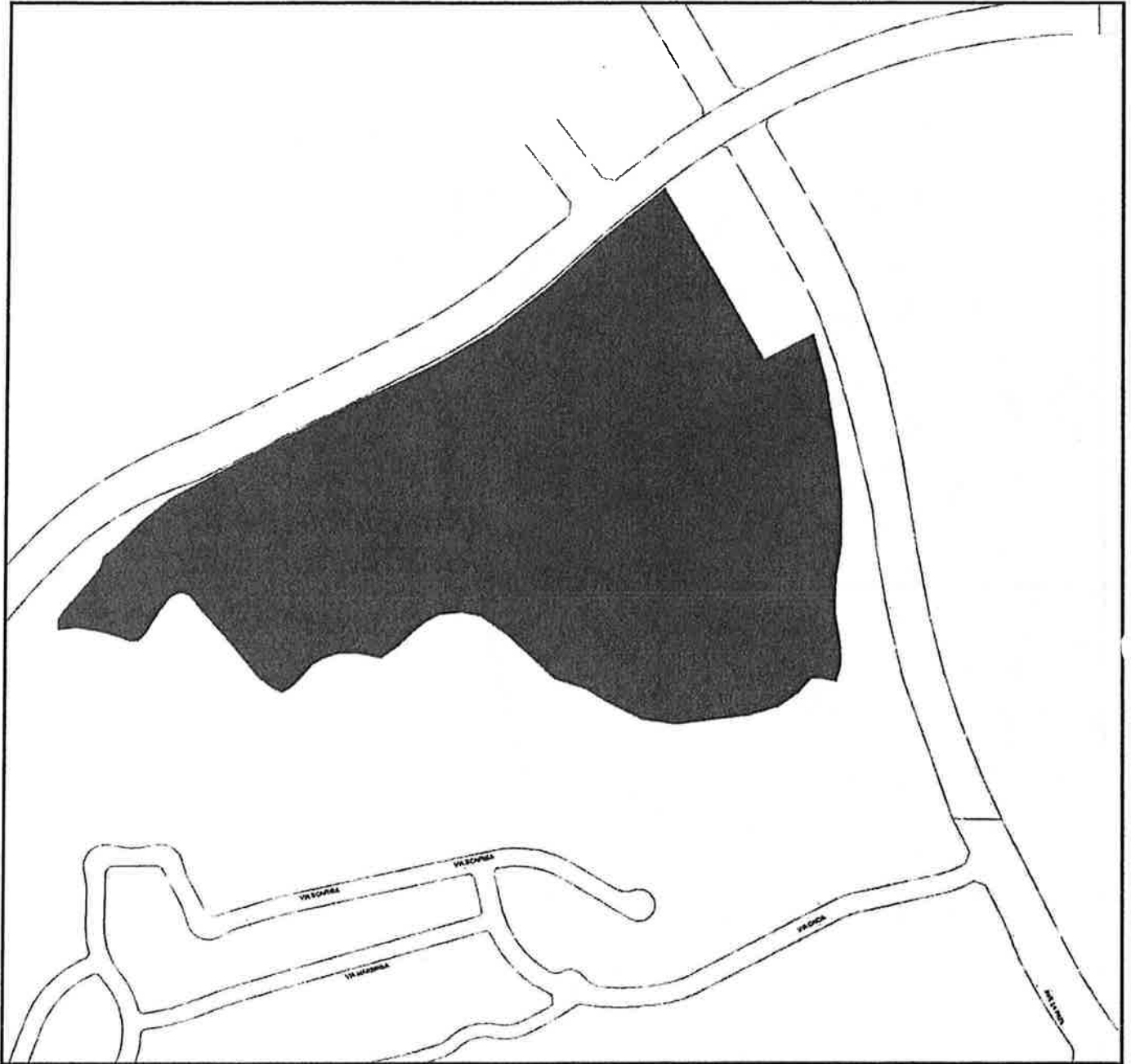
VISTA BAHIA PARK / WATERMAN FIELD



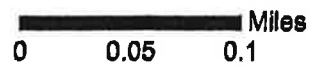
9A-23



VICINITY MAP



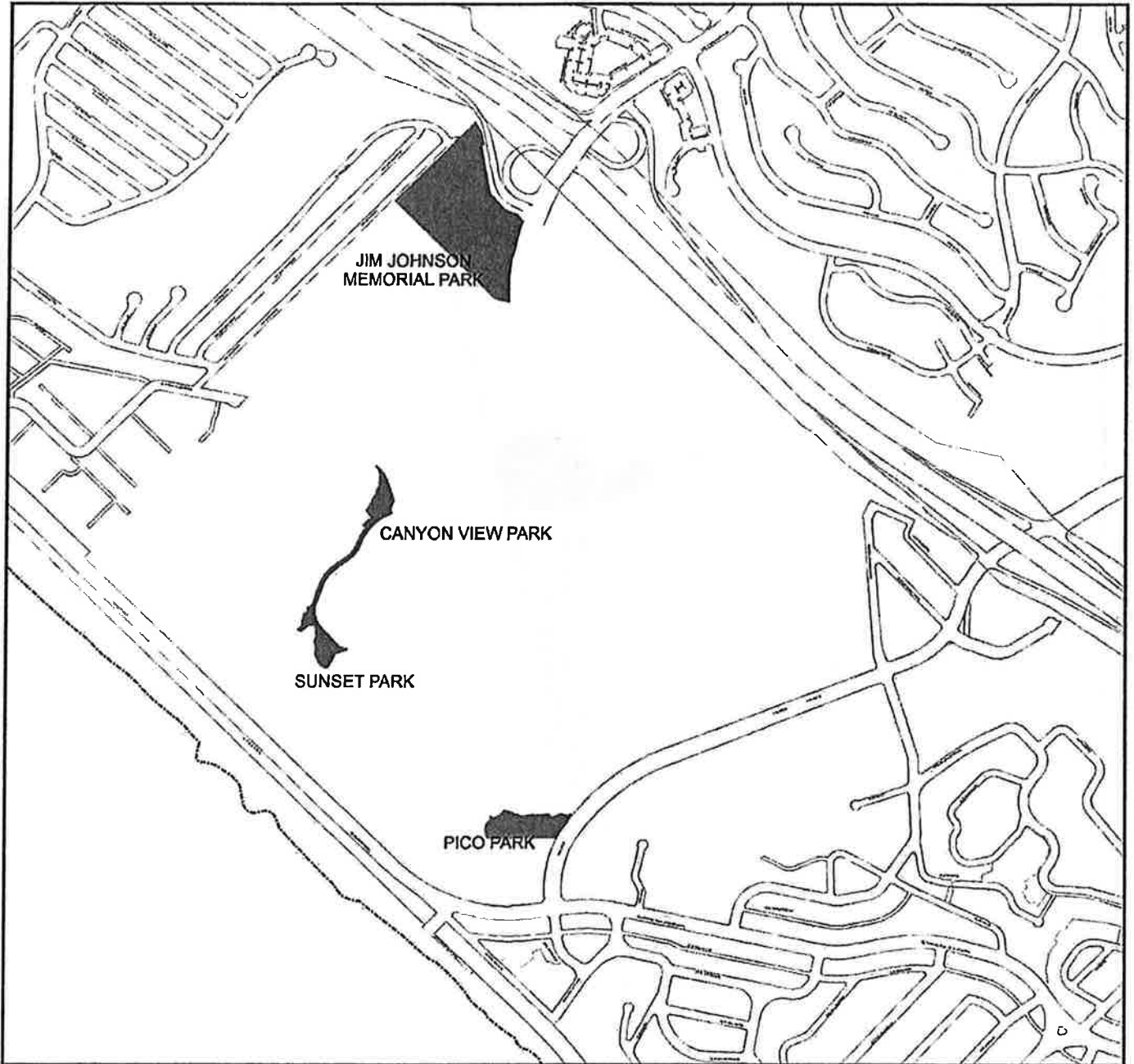
VISTA HERMOSA SPORTS PARK



9A-24



VICINITY MAP



MARBLEHEAD COASTAL PARKS

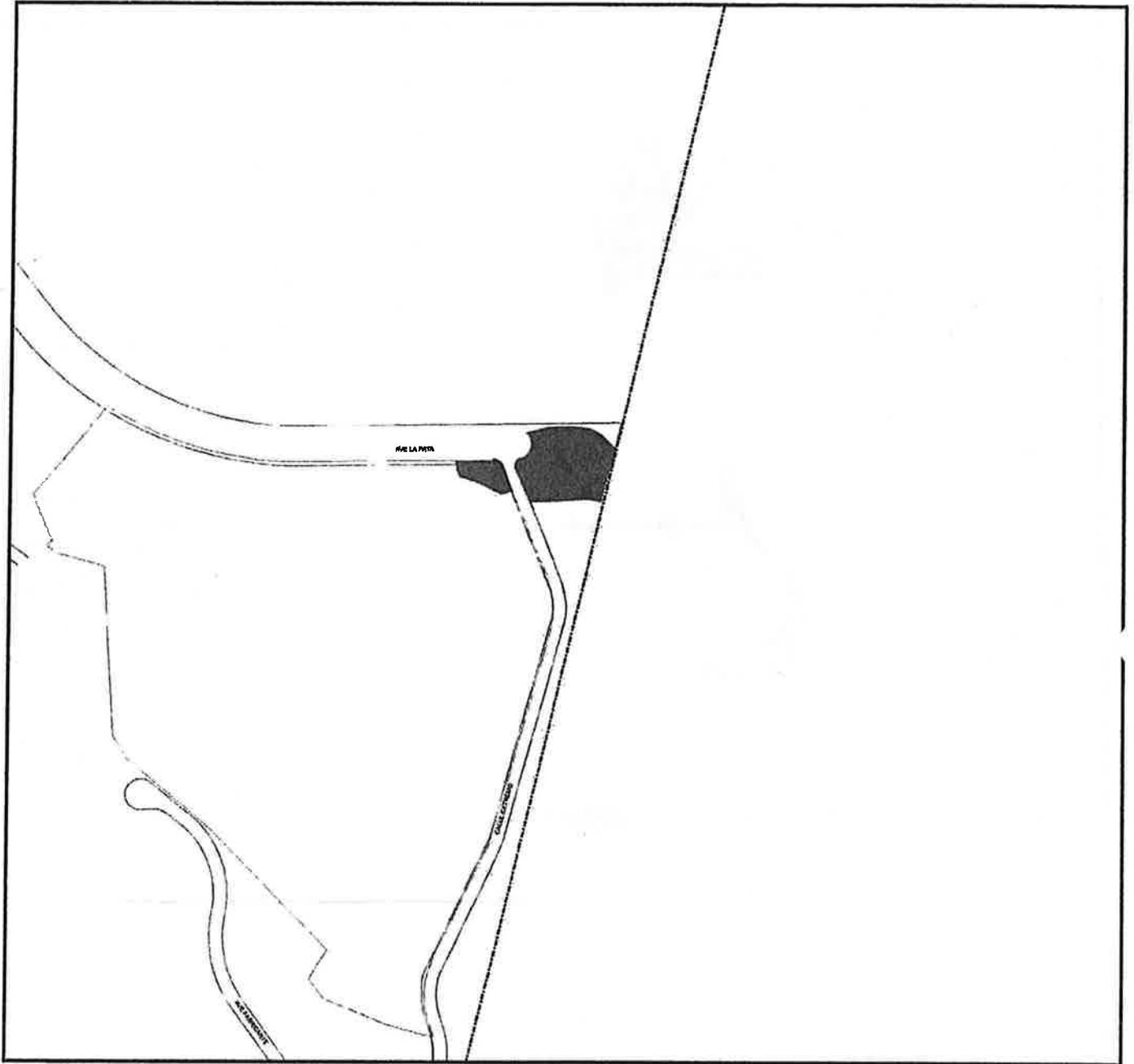


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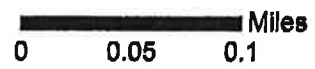
QA-35



VICINITY MAP



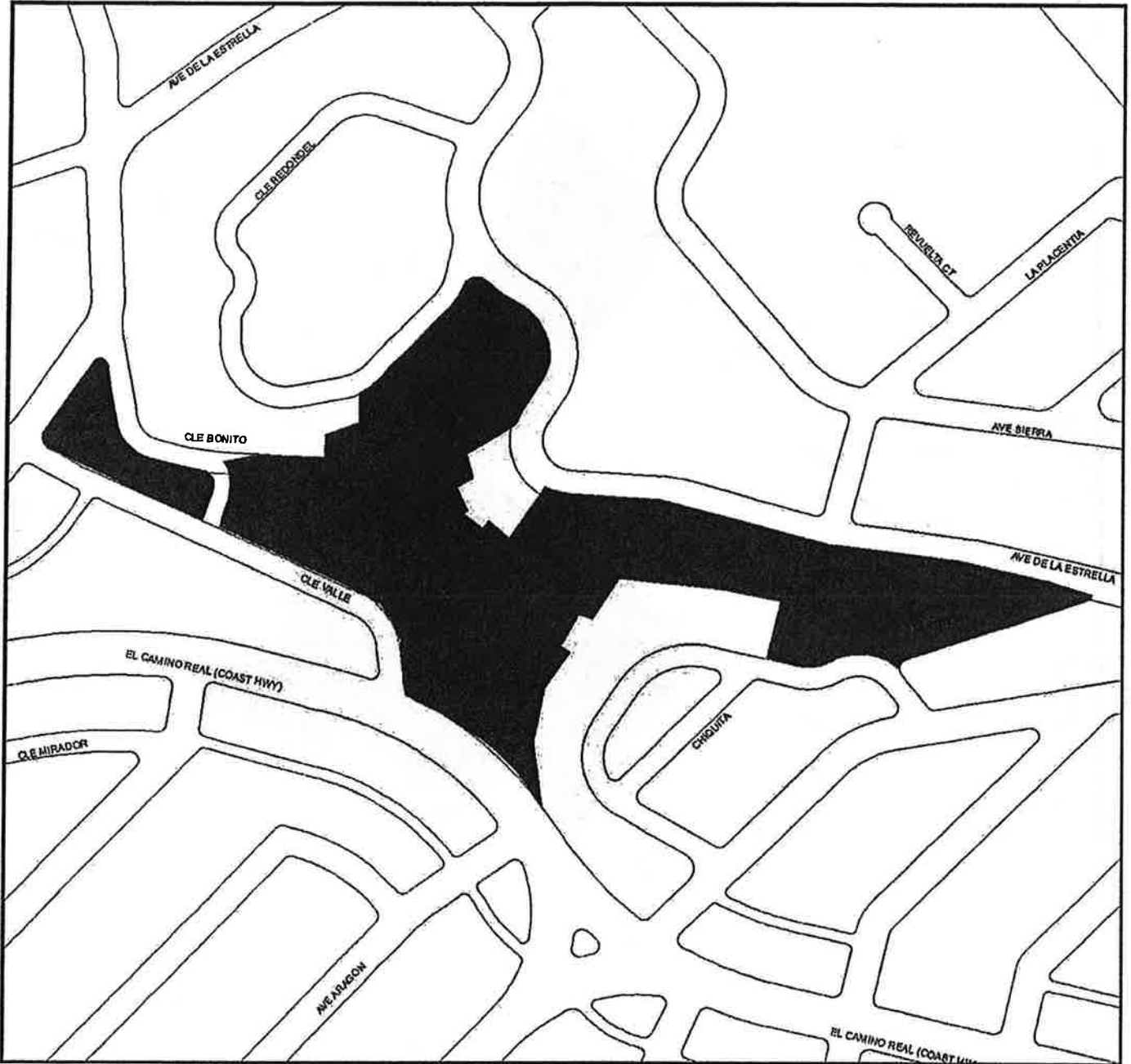
BARON VON WILLARD DOG PARK



9A-26



VICINITY MAP



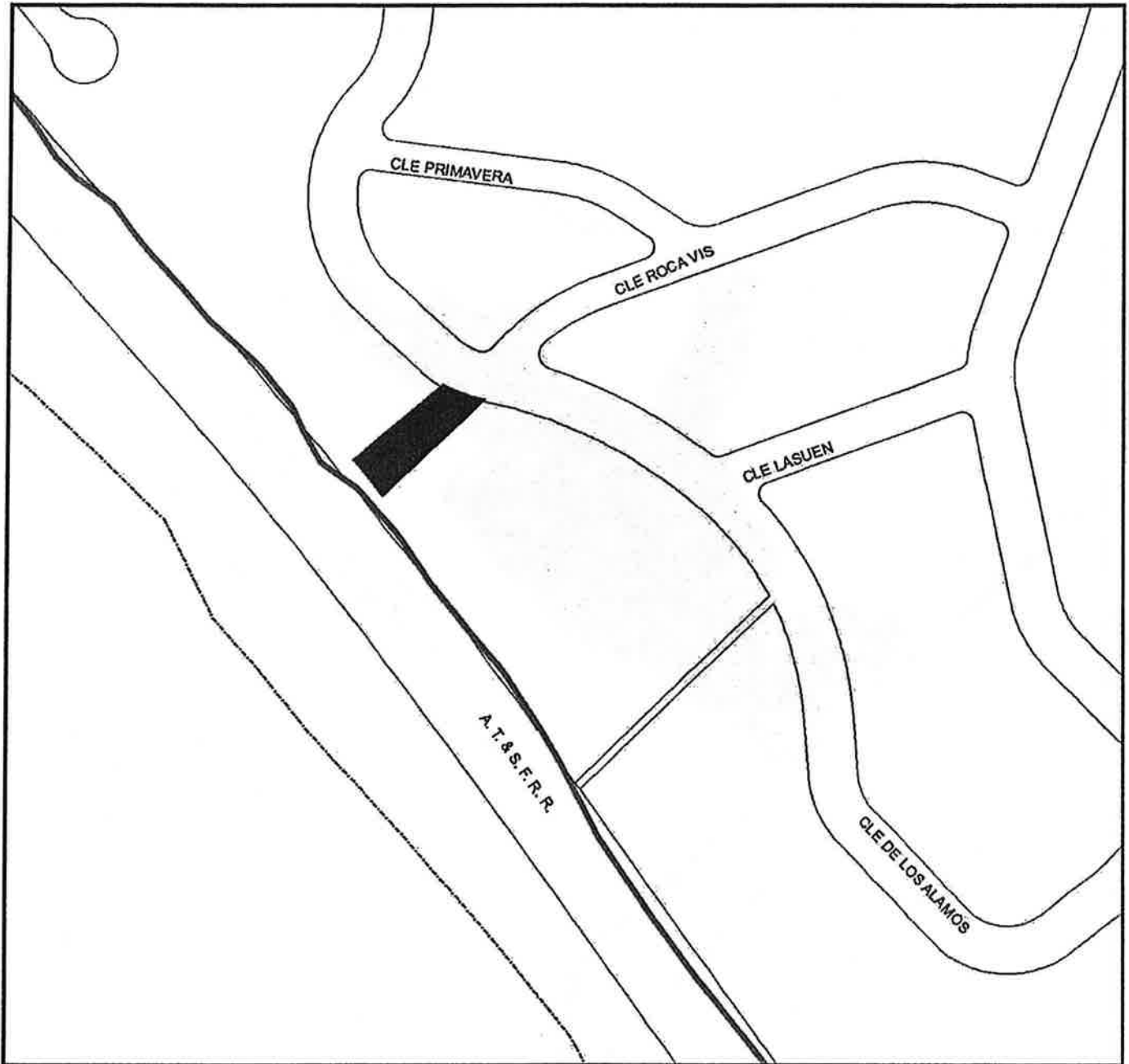
BONITO CANYON BICENTENNIAL PARK



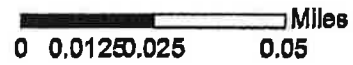
9A-27



VICINITY MAP



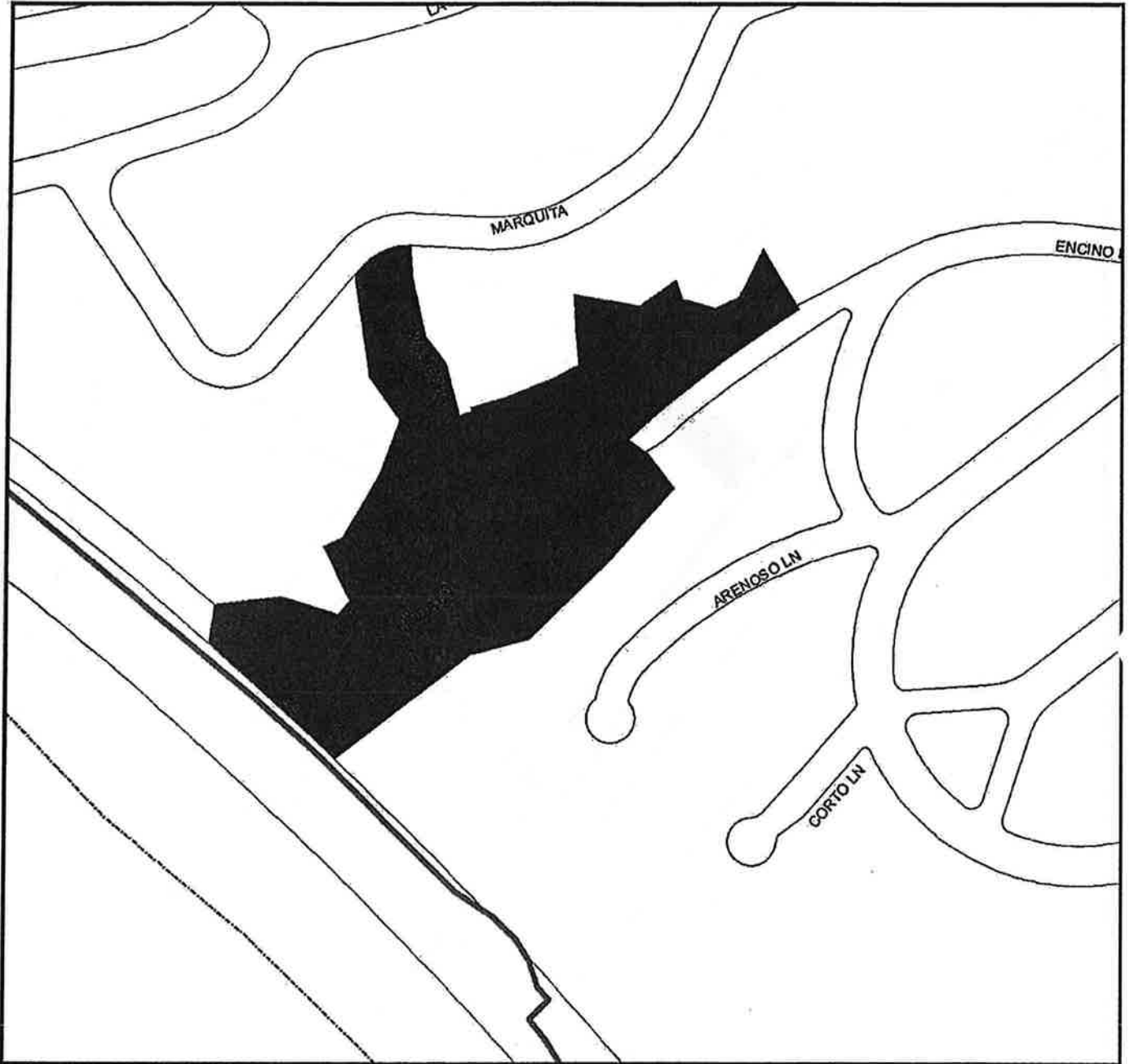
LESLIE PARK



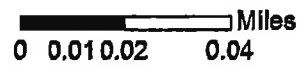
9A-29



VICINITY MAP



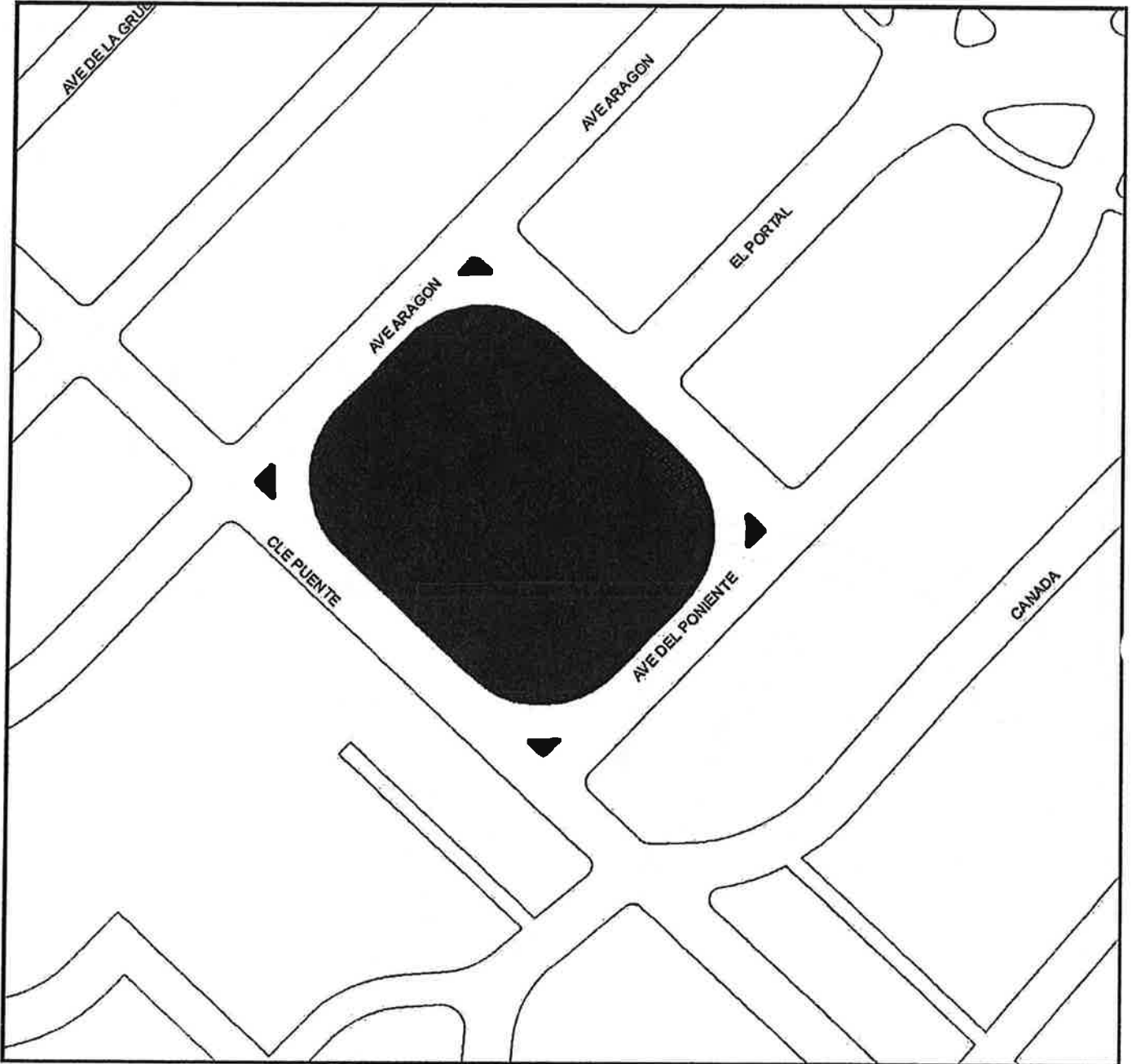
LINDA LANE PARK



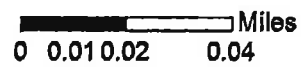
9A-30



VICINITY MAP



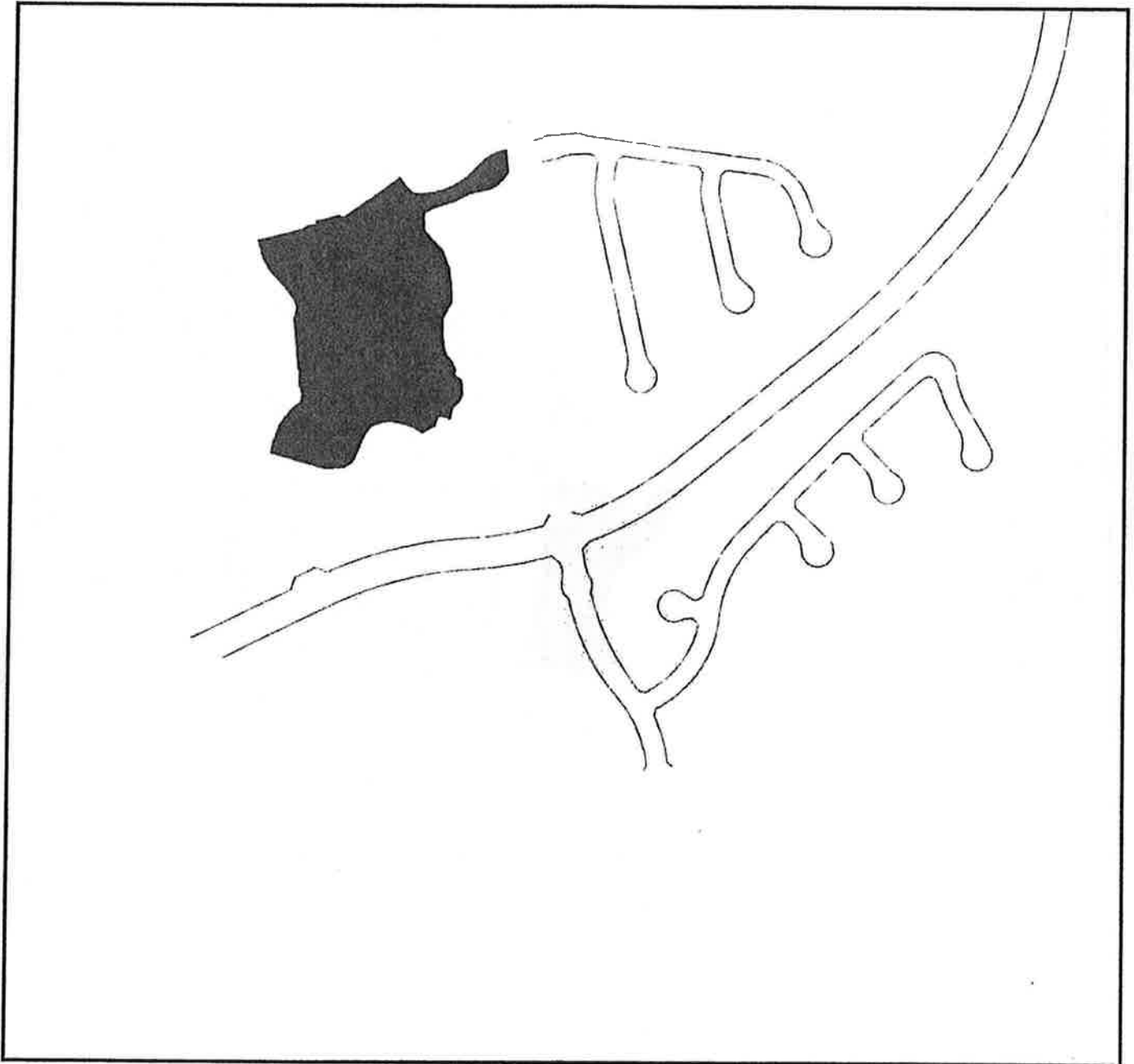
MAX BERG PLAZA PARK



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VICINITY MAP



TIERRA GRANDE PARK



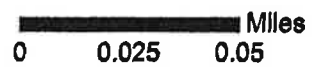
QA-33



VICINITY MAP



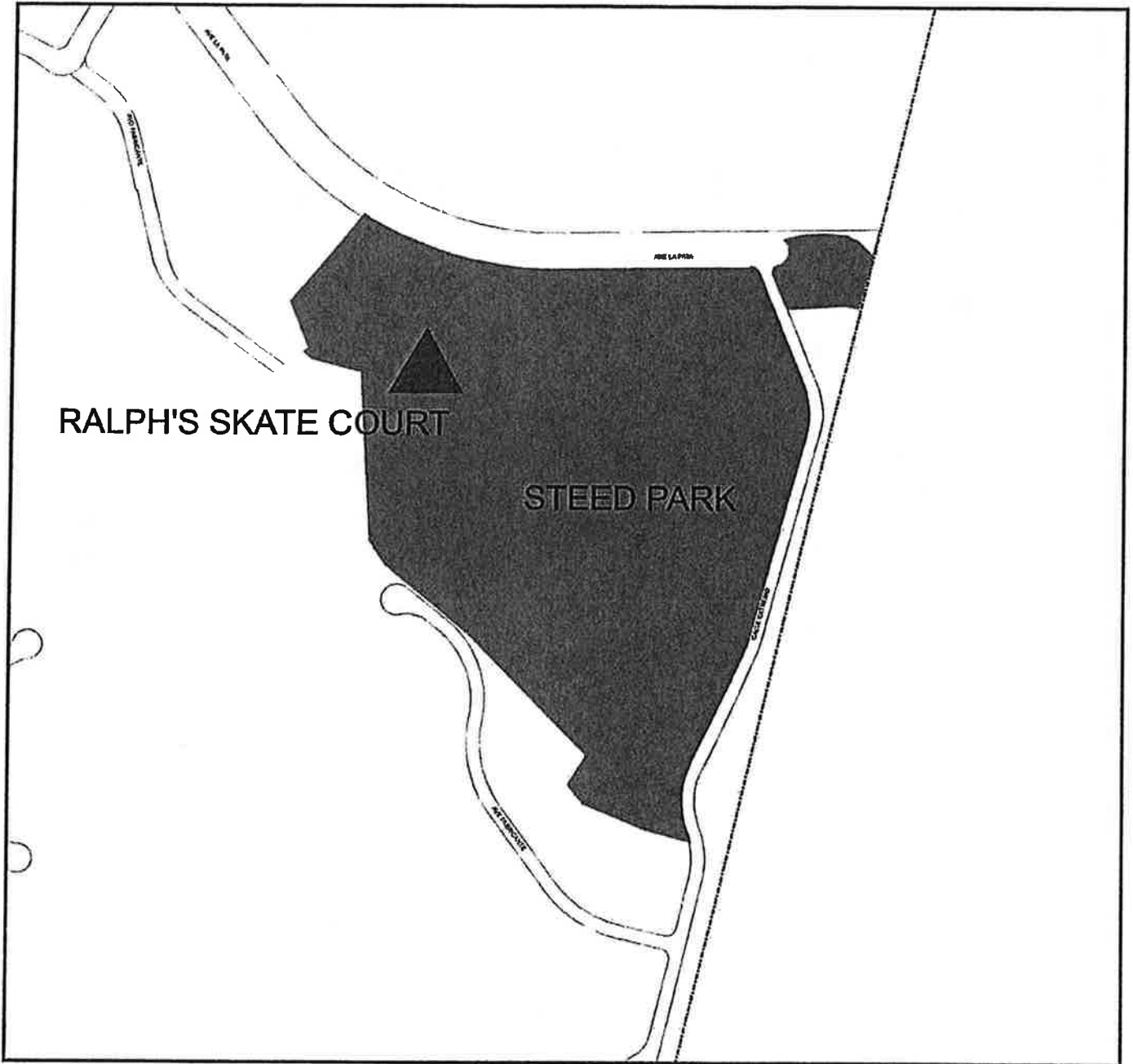
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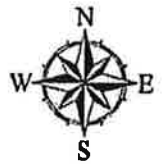
9A-36



VICINITY MAP



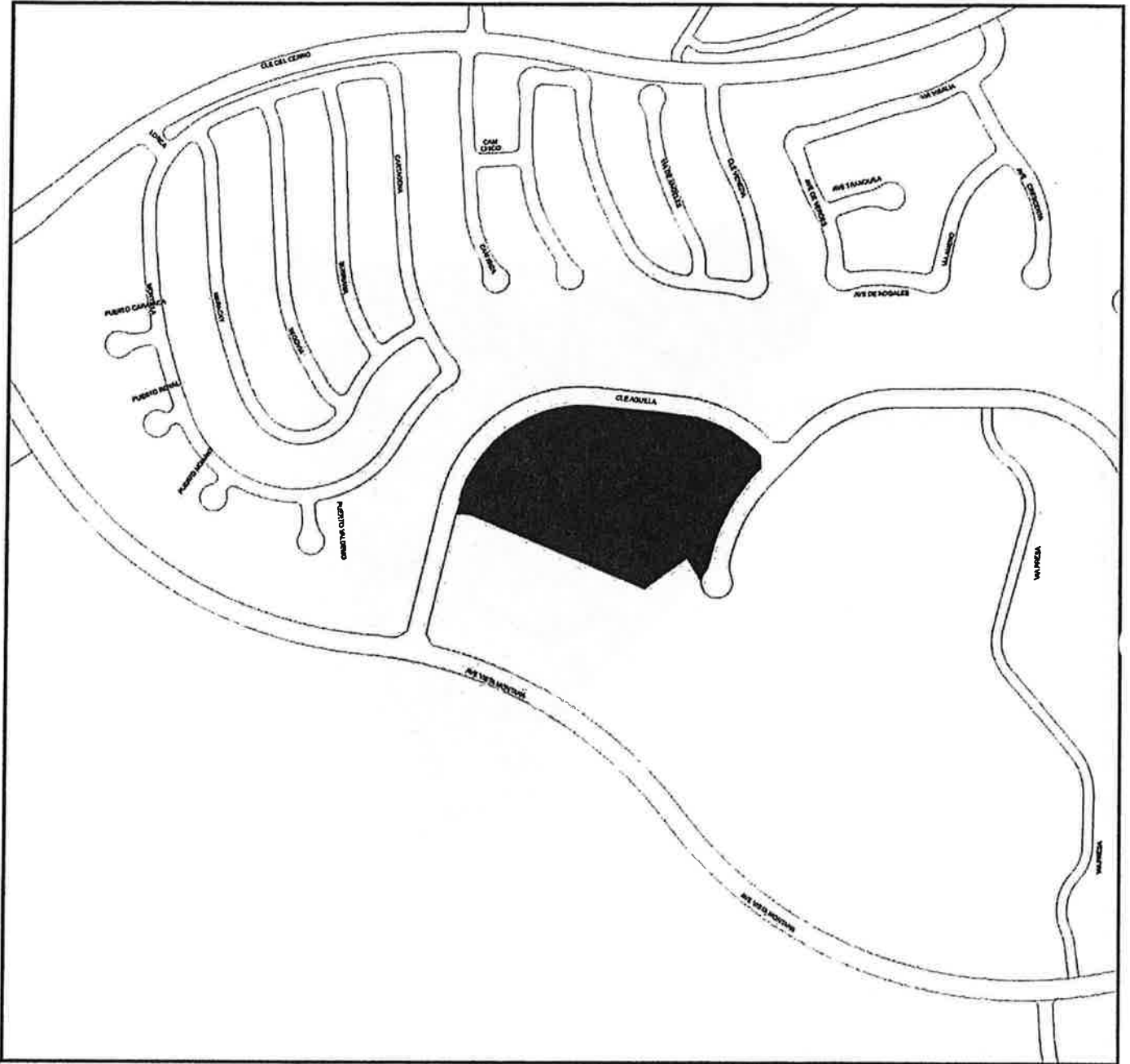
RALPH'S SKATE COURT



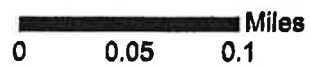
9A-37



VICINITY MAP



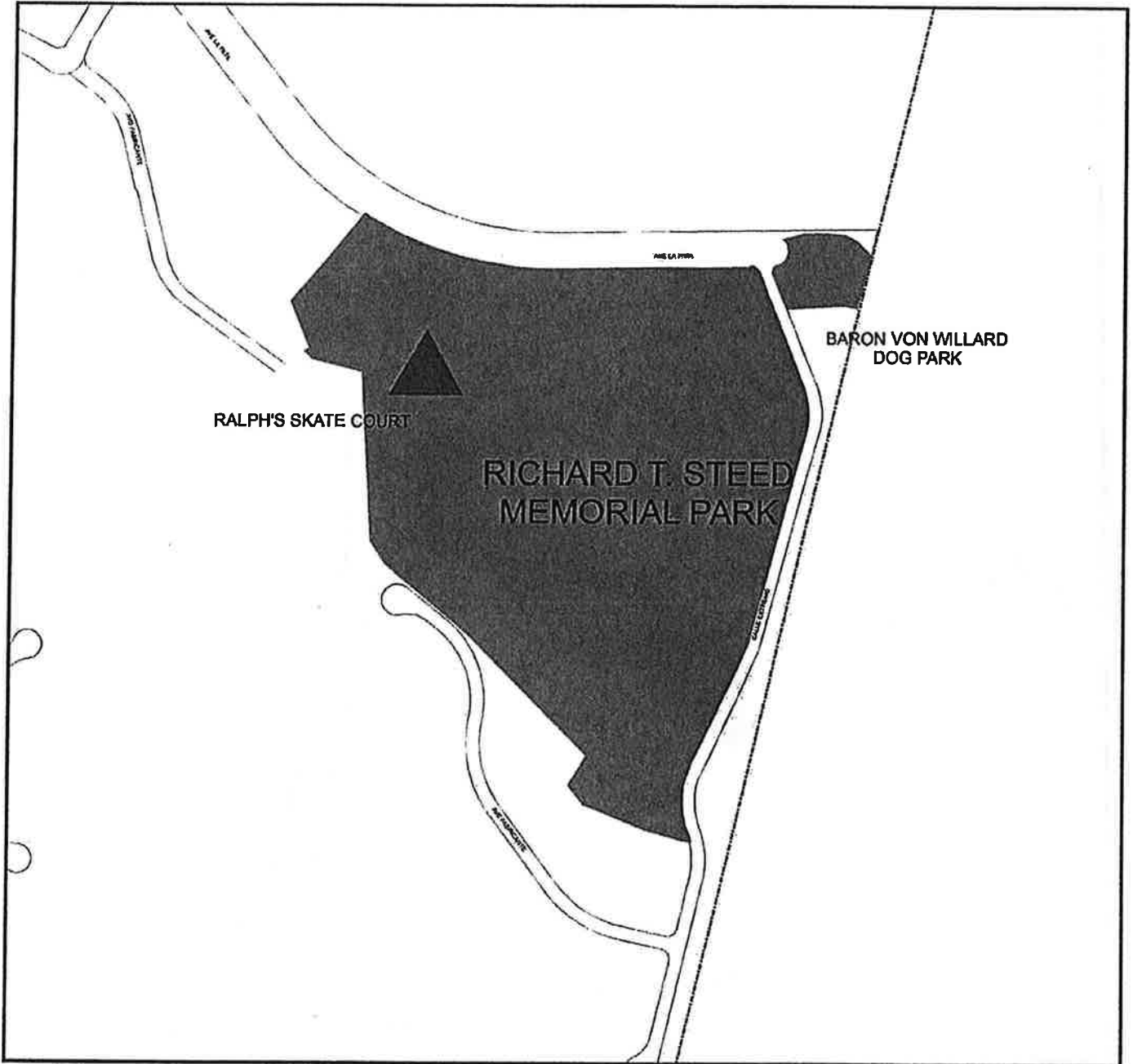
RANCHO SAN CLEMENTE PARK



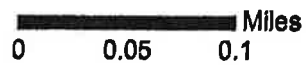
9A-38



VICINITY MAP



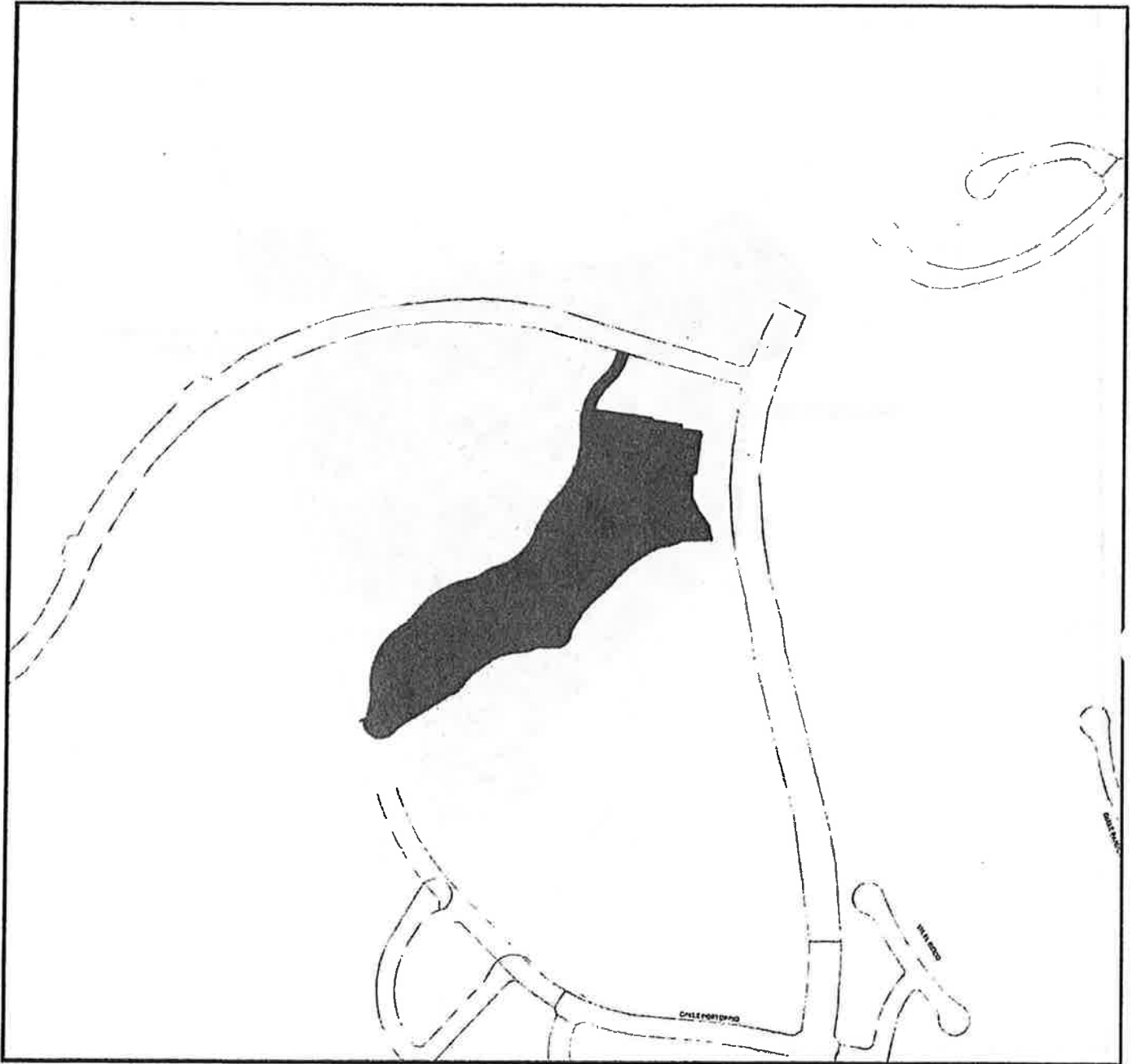
RICHARD T. STEED MEMORIAL PARK



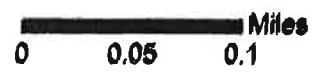
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VICINITY MAP



LIBERTY PARK



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6. General Plan Designation: Public/Open Space

7. Zoning: Public/Open Space

8. Description of the Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary)

The City of San Clemente is proposing to amend Municipal Code Section 6.08.020(A) to expand the number of City parks from 3 to 20 where dogs are permitted on-leash.

9. Surrounding Land Uses and Setting: (Briefly describe the project's surroundings)

The various parks throughout the community are existing and surrounded by either residential, commercial, light industrial, public uses (schools), or additional open space and trails.

10. Other public agencies whose approval is required: None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The following Initial Study indicates that the project may result in potential environmental impacts in the following marked categories:

Aesthetics	Agricultural Resources	Air Quality	
Biological Resources	Cultural Resources	Geology/Soils	
Hazards/Hazardous Materials	Hydrology/Water Quality	Land Use/Planning	
Mineral Resources	Noise	Population/Housing	
Public Services	Recreation	Transportation/Traffic	
Utilities & Service Systems	Mandatory Findings of Significance		

ENVIRONMENTAL DETERMINATION:


On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION has been prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect: (a) has been adequately analyzed in an earlier document pursuant to

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applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been adequately analyzed in an earlier EIR or Negative Declaration pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Signature

SHARON HEINER
Printed Name

8/9/12
Date

City of San Clemente
For

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e. g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards and state whether such effects were addressed by mitigation based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less Than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

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INITIAL STUDY

A. INITIAL STUDY CHECKLIST

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					

1. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista?	1,3,5				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	1,3,5				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	1,3,5				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	1,3,5				X

2. AGRICULTURE RESOURCES -- Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	1				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	4				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	1				X

3. AIR QUALITY – Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	2,3				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	2,3				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	2				X
d) Expose sensitive receptors to substantial pollutant concentrations?	2				X
e) Create objectionable odors affecting a substantial number of people?	2				X

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					

4. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	3				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	3				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	3				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	1,3				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	1,3				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	1,3				X

5. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5	1,4,5				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	1,4,5				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	1,4,5				X
d) Disturb any human remains, including those interred outside of formal cemeteries?	1,4,5				X

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IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					

6. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	3				X
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Div. of Mines and Geology Special Pub. 42.)	3				X
ii) Strong seismic ground shaking?	3				X
iii) Seismic-related ground failure, including liquefaction?	3				X
iv) Landslides?	3				X
b) Result in substantial soil erosion or the loss of topsoil?	3				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	3				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	3				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	3				X

7. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	3,4				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	3,4				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	3,4				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	1				X

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IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	1				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	1				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	1				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	1				X

8. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements?	1,3,				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	3				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	3				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	3				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	3,5				X
f) Otherwise substantially degrade water quality?	3				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	3				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	1,3				X

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IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	1,3				X
j) Inundation by seiche, tsunami, or mudflow?	1,3				X
k) Potentially impact storm water runoff from construction activities?	1,3				X
l) Potentially impact storm water runoff from post-construction activities?	1,3				X
m) Result in a potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work/activity areas?	1,3				X
n) Result in the potential for discharge of storm water to impact the beneficial uses of receiving waters?	1,3				X
o) Create the potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm?	1,3				X
p) Create significant increases in erosion of the project site or surrounding areas?	1,3				X

9. LAND USE AND PLANNING -- Would the project:

a) Physically divide an established community?	1,3,5				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	1,3,4,5				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	1,3,4,5				X

10. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	3				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	3				X

11. NOISE -- Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	1,4				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	3				X

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IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	3				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	3				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	1				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	1				X

12. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	1,3				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	3				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	3				X

13. PUBLIC SERVICES—Would the project:

Fire protection?	3				X
Police protection?	3				X
Schools?	3				X
Parks?	3				X
Other public facilities?	3				X

14. RECREATION—Would the project

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	1,3				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	3				X

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IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					

15. TRANSPORTATION/TRAFFIC -- Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	3				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	1,3				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	1				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	3,				X
e) Result in inadequate emergency access?	3				X
f) Result in inadequate parking capacity?	1				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	1				X

16. UTILITIES AND SERVICE SYSTEMS -- Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	3				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	3				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	3				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	3				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	3				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	3				X

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
g) Comply with federal, state, and local statutes and regulations related to solid waste?	3				X
h) Require or result in the implementation of a new or retrofitted storm water treatment control Best Management Practice (BMP), (e.g. a water quality treatment basin, constructed treatment wetland, storage vault), the operation of which could result in significant environmental effects (e.g. increased vectors or odors)?	1,3,4				X

17. MANDATORY FINDINGS OF SIGNIFICANCE:

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	1,3,4				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	1,3,4				x
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	1,2,3,		X		

PREVIOUS ANALYSIS:

Per CEQA Guidelines Sections 15063 (*Initial Study*), 15152 (*Tiering*), 15153 (*Use of an EIR from an Earlier Project*), and 15168 (*Program EIR*), previous analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in a previous EIR or Negative Declaration. In this case, the following previous environmental impact reports address impacts of the current project:

Therefore, per CEQA and case law, the following items apply:

- a) Earlier Analysis Used. Identify earlier analyses and state where they are available for review.
- b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

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c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions of the project.

SOURCE REFERENCES:

1.	<i>General Plan, City of San Clemente</i>
2.	<i>CEQA Air Quality Handbook, South Coast Air Quality Management District, April, 1993</i>
3.	<i>General Plan EIR, City of San Clemente, May 6, 1993</i>
4.	<i>Zoning Ordinance and Zoning Map, Title 17 of San Clemente Municipal Code, City of San Clemente</i>
5.	Field observations of the sites and the surrounding areas by Sharon Heider, Director of Beaches, Parks, and Recreation for the City of San Clemente
Note: The preceding source documents are available for public review at the City of San Clemente Planning Division, 910 Calle Negocio, Suite 100, San Clemente, California.	

B. EXPLANATIONS OF CHECKLIST RESPONSES:

The proposed project will allow dogs on-leash in all of the City parks. Dogs are already being brought into the various parks illegally, and by allowing them to be there will allow for more control and regulation on how they can be in the park as well as allowing for more enforcement regarding cleaning up after dogs in parks. This project includes no actual physical development as this is to allow dogs on-leash in existing public parks, and there are no environmental impacts associated with the proposed project.

Aesthetics

There are no potential environmental impacts to Aesthetics because:

- a) The proposed project will not have a substantial adverse effect on a scenic vista, in that the expansion of dogs on-leash in the City parks will potentially lead to more people enjoying and utilizing the park facilities and appreciating the scenic vistas and no new structures are proposed associated with the project, thus no scenic vistas will be impacted by the project.
- b) The proposed project will not substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway, in that no development is proposed that could negatively impact any scenic resource.
- c) The proposed project will not substantially degrade the existing visual character or quality of the site and its surroundings, in that the project is to allow on-lease dogs within City parks and not negatively impact any aesthetic resources.
- d) The proposed project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area, in that no additional lighting is proposed for any park, but will allow dogs to be on-leash and in City parks.

Agricultural Resources

There are no potential environmental impacts to Agricultural Resources because:

- a) The proposed project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepares pursuant to the Farmland

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- Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use, in that no new development of any kind is proposed with this project.
- b) The proposed project will not conflict with existing zoning for agricultural use, or a Williamson Act contract, in that the no new development is occurring, and this will result in only expanded use of existing City parks.
 - c) The proposed project will not involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use, in that the project does not include any physical change to the land and will only allow expanded use of existing City parks.

Air Quality

There are no potential environmental impacts to Air Quality because:

- a) The proposed project will not conflict with or obstruct implementation of the applicable air quality plan, in that the project will not develop anything only allow dogs on-leash in City parks. The project's proposed land use intensity is consistent with the land use designations of the City's General Plan and is therefore also consistent with land use projections of the AQMP. The project site is located in the South Coast Air Basin (SCAB), within which air quality management is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The proposed project site is subject to the air pollution control thresholds established by the SCAQMD and published in their CEQA Air Quality Handbook. The SCAQMD is responsible for preparing a regional air quality management plan (AQMP) to improve air quality in the SCAB. The AQMP includes a variety of strategies to accommodate growth, to reduce the high levels of pollutants within the SCAB, to meet State and federal air quality performance standards, and to minimize the fiscal impact that pollution control measures have on the local economy. Project emissions do not exceed daily emission criteria of the South Coast AQMP.
- b) The proposed project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation, in that the SCAQMD provides thresholds of significance for air quality constituents by construction and operational activities. However, given that there will be no construction activities associated with the approval of the project, this project would not generate substantial amounts of air pollutants. Also, the project's proposed land use intensity is consistent with the land use designations of the City's General Plan and is therefore also consistent with land use projections of the AQMP.
- c) The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors, in that approval of project will not result in any development as the City parks will remain as they are today. The project's proposed land use intensity is consistent with the land use designations of the City's General Plan and is therefore also consistent with land use projections of the AQMP. According to the California Air Resources Board (CARB), the proposed project is in a State and Federal non-attainment area for O₃, PM_{2.5}, and PM₁₀.¹ (SCAB has been in attainment for CO since December 2002 and on June 11, 2007, the U.S. Environmental

¹ California Air Resources Board. *Area Designation maps*. Available at: <http://www.arb.ca.gov/desig/adm/adm.htm>, accessed on April 14, 2008.

Protection Agency reclassified CO as in attainment.²⁾ The SCAQMD has established significance thresholds for the purpose of assessing a project's air quality impacts. The approach behind these thresholds stems from the AQMP forecasts of attainment of State and federal Ambient Air Quality Standards (AAQS) and SCAG's forecasted future regional growth. Based on SCAQMD's methodology, the proposed project would have a significant cumulative air quality impact if the ratio of daily District-related population vehicle miles traveled (VMT) exceeded the ratio of daily District-related population to countywide population, which it does not.

- d) The proposed project will not expose sensitive receptors to substantial pollutant concentrations, in that the project will not result in any construction, and will only allow dogs on-leashes in City parks. Project emissions are not significant enough to result in pollutant concentrations that would affect sensitive receptors.
- e) The proposed project will not create objectionable odors affecting a substantial number of people, in that the project will be to allow dogs in City parks on-leashes only and will not increase in odors as City parks are open air facilities, and any increase odors by dogs being present in parks will disperse before odors would affect a large number of people.

Biological Resources

There are no potential environmental impacts to Biological Resources because:

- a) The proposed project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service, in that the City parks are already developed, and all existing landscaping will be maintained and allowing dogs on-leashes in the parks will not negatively impact any resources, thus no biological resources will be impacted.
- b) The proposed project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service, in that the City parks have been completely developed and the existing landscaping and structures will be maintained, thus no biological resources will be impacted.
- c) The proposed project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means, in that there is no proposed development with this project but will allow dogs on-leash in City parks, thus there will be no impact to biological resources.
- d) The proposed project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, in that the project will not develop anything physically at any City park site and instead will

² South Coast Air Quality Management District 2007. *Final 2007 AQMP*. Available at: <http://www.aqmd.gov/aqmp/AQMPintro.htm>, accessed on April 14, 2008.

allow for dogs in the parks on-leash, thus there will be no impact to biological resources.

- e) The proposed project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, in that no policies or ordinances are being amended or changed that would affect biological resources. The project is to allow dogs within City parks on-leash, thus there will be no impact to biological resources.
- f) The proposed project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, in that the project is to allow dogs in City parks on-leash, and will not impact sensitive biological resources covered by the Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP) for the County of Orange.

Cultural Resources

There are no potential environmental impacts to Cultural Resources because:

- a) The proposed project will not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, in that this project has nothing to do with any historic structures or allow dogs on-leash in historic structures, thus no impact to historic structures will occur.
- b) The proposed project will not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5, in that nothing is proposed that would modify, require, or impact any archeological site by allowing dogs on-leashes to be in City parks.
- c) The proposed project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, in that there is no proposed actions associated with dogs being permitted in City parks on-leash that would impact any known or unknown paleontological resource or site or unique geologic feature.
- d) The proposed project will not disturb any human remains, including those interred outside of formal cemeteries, in that the proposed project is to allow dogs in City parks on-leash and nothing else is proposed that would cause the disturbance of any burial sites.

Geology and Soils

There are no potential environmental impacts to Geology and Soils because:

- a) The proposed project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides, in that the project will not result in any new development, but rather allow people to bring dogs on-leash to existing City parks. Approval of the project will not result in additional development. The City of San Clemente is not listed on the California Geological Survey's list of cities and counties affected by Alquist-Priolo Earthquake Fault Zones.³ Research of maps indicates that the

³/ California Geological Survey. Alquist Priolo Earthquake Fault Zones, accessed

site is not located within an Alquist Priolo Fault Zone.⁴ Therefore, a fault rupture would not occur on the site during future seismic events. The project site is located within Orange County which is in a moderate to high seismically active area. Approval of the project could not change or expose people or structures to potential substantial adverse effects regarding the risk of loss, injury or death involving strong seismic ground shaking. Any future proposed improvements will be constructed according to the most current California Building Code. Differential seismic settlements are generally negligible and not anticipated to adversely affect the site. The proposed project will not result in substantial soil erosion or the loss of topsoil, in that the parks are already developed. No soils will be modified associated with the proposed project. Any future park improvements will be reviewed and evaluated to ensure compliance with National Pollution Discharge Elimination System (NPDES) requirements.

- b) The project will not locate any new development on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse, in that the project is for dogs to be allowed on-leash in City parks that are already developed. The proposed project is within existing facilities and will not have any environmental impacts and will not create or impact a landslide.
- c) The proposed project will not be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial risks to life or property, in that the project will not develop anything new on any City park site, and only allow dogs to be in parks as long as they are on-leash. Any park modifications that may occur in the future be reviewed at that time as to ensure there will not be any environmental impacts and will not impact any expansive soil if it did exist on any park site.
- d) The proposed project will not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water, in that the necessary infrastructure already exists within City parks and no facilities are proposed.

Hazards and Hazardous Materials

There are no potential environmental impacts to Hazards and Hazardous Materials because:

- a) The proposed project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, in that there is no new development proposed with the project so no hazardous materials will be transported.
- b) The proposed project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, in that the project does not include any physical development, thus no hazardous material event can occur.
- c) The proposed project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, in that the project does not propose any actual physical change to the environment or construction in anyway, thus there is no impact.

www.consrv.ca.gov/CGS/rghm/ap/affected.htm, accessed August 8, 2008.

⁴ / Southern California Geotechnical, 2005, "Preliminary Geotechnical Feasibility Study", Prepared for Meta Housing Corporation.

- d) The proposed project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment, in that the project sites are fully developed City parks and no new development or activities are proposed to occur which would impact hazardous materials.
- e) The proposed project will not result in development being located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the site result in a safety hazard for people residing or working in the area, in that there are no airports within many miles from the City of San Clemente and the City parks are existing and not new development is proposed. Therefore, no significant impact would occur near a local airport or airstrip.
- f) The proposed project will not designate an area within the vicinity of a private airstrip, or would the district result in a safety hazard for people residing or working in the project area, in that the project is proposed to slightly expand the use of existing City parks by allowing dogs on-leashes within the public parks, no new development is proposed. Therefore, no significant impact would occur.
- g) The proposed project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, in that the City parks are already developed and the use of dogs within the parks on-leash will not impact or create a need for extra emergency evacuation plans, so there will not be any impacts to the City's emergency response plan or emergency evacuation plan as all plans have taken into account the existence of the structure.
- h) The proposed project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands, in that wildlands can be defined as wholly undisturbed areas where wildlife remains in its natural state. The project sites are fully developed and are located throughout the community. There is no additional impact or danger to anyone than already exists as no new development will occur associated with the project. Therefore, the proposed project would not expose people or structures to a significant risk of loss, injury or death from wild land fires than already exists from the existing City parks.

Hydrology and Water Quality

There are no potential environmental impacts to Hydrology and Water Quality because:

- a) The proposed project will not violate any water quality standards or waste discharge requirements, in that the project is for dogs to be permitted in City parks on-leash and dogs are already being taken to City parks without being permitted. There will be no increase in usage of the existing facilities, and there is no new development associate with the project, thus there will be no impacts to water quality.
- b) The proposed project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted), in that there is no physical development occurring associated with this project thus nothing will potentially impact the recharging of groundwater.
- c) The proposed project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner

- which would result in substantial erosion or siltation on- or off-site, in that the project includes no actual physical development of any kind so there is no potential chance of change to any streams or rivers.
- d) The proposed project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, in that the project does not include any actual physical development or movement of earth. Due to no additional development occurring on the site, there will be no impact to drainage patterns or alteration of any streams or rivers.
 - e) The proposed project will not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, in that the project does not include any physical development of any kind, thus no impact to the storm drain system.
 - f) The proposed project will not otherwise substantially degrade water quality, in that the project does not include any new physical development as the City parks are fully completed. Due to the fact no additional development is proposed there will be no impact to degrade water quality.
 - g) The proposed project will not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, in that the proposed project does not include any housing development.
 - h) The proposed project will not place within a 100-year flood hazard area structures which would impede or redirect flood flows, in that the proposed project does not include any physical development of any kind and therefore structures would not impede or redirect flood flows.
 - i) The proposed project will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, in that the project is for dogs to be on-leash in City parks which already exist and are fully developed. Since they are already in existence this project will not expose any people to new harm more than what potentially already exists, which is minimal to none.
 - j) The proposed project will not be inundated by seiche, tsunami, or mudflow, in that the project only allows dogs to be on-leash in existing City parks. The General Plan EIR identifies a tsunami hazard zone along the coast below the 20 foot elevation contour. The City's parks are all at an elevation greater than 20 feet above sea level.
 - k) The proposed project will not potentially impact storm water runoff from construction activities, in that no additional development or construction is proposed for the project as the City parks where the dogs will be allowed on-leash already exist, so there is no potential impact to water runoff associated with construction activities.
 - l) The proposed project will not potentially impact storm water runoff from post-construction activities, in that no additional construction is proposed and all sites have been developed in accordance with all storm water and water quality requirements at the time that they were built or last improved. Being that all structures within the parks are existing and no additional development is proposed there will be no impact to post-construction storm water runoff.
 - m) The proposed project will not result in a potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work/activity areas,

in that the project is to just allow dogs in City parks on-leash and has no affect to any storm water or runoff of any kind in any existing City park. No hazardous materials are known to exist in any City park and there are no fueling stations. All water runoff for the parks are in conformance with all required local, state, and federal requirements.

- n) The proposed project will not result in the potential for discharge of storm water to impact the beneficial uses of receiving waters, in that there is no proposed activity associated with this project within any City park or development that will potentially impact the beneficial uses of receiving waters.
- o) The proposed project will not create the potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm, in that there is no proposed activity associated with this project in any City park or development that will potentially impact the flow velocity or volume of storm water runoff.
- p) The proposed project will not create significant increases in erosion of the project site or surrounding areas, in that there is no proposed activity associated with the project in any City park or development that will potentially impact erosion.

Land Use

There are no potential environmental impacts to Land Use because:

- a) The proposed project will not divide an established community, in that the project is fro dogs to be permitted on-leash in all City parks currently developed and no additional development or subdivision of any park is proposed to occur.
- b) The proposed project will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted to avoid environmental impact, in that the proposed project is to allow dogs on-leash in all City parks and the use of the parks is consistent with all applicable planning documents.
- c) The proposed project will not conflict with any applicable habitat conservation plan or natural community conservation plan, in that the project does not include any actual development but allow dogs to be on-leashes within existing City parks.

Mineral Resources

There are no potential environmental impacts to Mineral Resources because:

- a) The approval of the project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state, in that there are no known significant mineral deposits in the City of San Clemente.⁵ Therefore, the approval of the project would not impact any known nonrenewable mineral resources of statewide or regional value.
- b) The approval of the project will not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan, in that there are no known significant mineral deposits in the City of San Clemente.⁶ Therefore, the approval of the project would not impact any known nonrenewable mineral resources of statewide or regional value.

⁵/ City of San Clemente General Plan, 1992, 10 (Natural and Historic/Cultural Resources Element), II (Opportunities and Constraints [Issues]), F (Mineral Resources), p. 10-3.

⁶/ City of San Clemente General Plan, 1992, 10 (Natural and Historic/Cultural Resources Element), II (Opportunities and Constraints [Issues]), F (Mineral Resources), p. 10-3.

Noise

There are no significant environmental impacts to Noise because:

- a) The proposed project will not expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, in that the project is for dogs to be allowed in the existing City parks on-leashes and will not expand the hours of operation of those parks, thus will not be in violation with the local noise ordinance.
- b) The proposed project will not expose persons to or generate excessive groundborne vibration or groundborne noise levels, in that the project is for dogs to be permitted within existing City parks on-leash and not result in additional hours of operation which would be in conflict with the local noise ordinance. Also, there is no additional development proposed for the parks with this project thus reducing the potential impact associated with groundborne vibration and noise levels.
- c) The proposed project will not be a substantial permanent increase in ambient noise levels in the North Beach vicinity above levels existing without the proposed project, in that people are already bringing dogs to City parks and this will allow that to legally occur and any ambient noise level increases due to the project will be less than significant.
- d) The proposed project will not be a substantial temporary or periodic increase in ambient noise levels in the vicinity of the parks above levels existing without the project, in that people are already illegally bringing dogs on leashes to City parks and this would allow dogs to be at these facilities legally and any temporary or periodic ambient noise level increases due to the project will be less than significant.
- e) The proposed project will not be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels, in that the project does not include any new development so it cannot subject people to any additional air traffic related noise.
- f) The proposed project will not be within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels, in that the project does not include any new development so it will not subject people to any additional air traffic related noise.

Population and Housing

There are no potential environmental impacts to Population and Housing because:

- a) The proposed project will not induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure), in that the project will not develop or create any new demand as it is to allow dogs in existing City parks on-leash and will not induce substantial population growth, thus there is no impact.
- b) The proposed project will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere, in that the project does not involve any development of any kind thus will not disperse any parking.
- c) The proposed project will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere, in that the project is to allow dogs on-leash within City parks and does not include any development that would displace people.

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Public Services

There are no potential environmental impacts to Public Services because:

- a) The proposed project will not result in reduced fire protection to the area, in that the project is to allow dogs on-leash in existing City parks and no new physical development will occur as a result of the project.
- b) The proposed project will not result in reduced police services, in that the project will not impact police services. There are already dogs in City parks and whatever minimal increase of dogs that may be brought on-leash to City parks will result in even more minimal need for police service, thus there is no significant impact.
- c) The proposed project will not result in reduced school services/facilities, in that no additional development or activity is proposed that could impact any schools within the City.
- d) The proposed project will not result in reduced park facilities, in that this project will legalize dogs on-leashes within City parks, which is already occurring illegally.
- e) The proposed project will not result in reduced general public facilities, in that the area surrounding the parks are already developed and all public facilities have been established.

Recreation

There are no potential environmental impacts to Recreation because:

- a) The proposed project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, in that dogs are already being brought on-leash illegally to City parks, this would allow them to be in City parks legally.
- b) The proposed project will not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment, in that the proposed project does not include anything that would necessitate the expansion or addition of new park facilities.

Traffic/Transportation

There are no significant environmental impacts to Traffic/Transportation because:

- a) The proposed project will not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system, in that the project is for dogs in City parks on-leash throughout the City and there will be no increase to parking because of this as parks are distributed throughout the City.
- b) The proposed project will not impact, individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways, in that the project is for dogs to be allowed on-leash in City parks and will not result in any way in an increase in traffic.
- c) The proposed project will not substantially increase hazards due to a design feature or incompatible use, in that staff has reviewed the proposed project there is no potential impact in any way to traffic as a result of allowing dogs on-leashes in existing City parks.
- d) The proposed project will not affect intersections, in that the project is to allow dogs in City parks on-leash and will not result in any impact to any intersection as a result of this.

- e) The proposed project will not result in inadequate emergency access, in that the project will not result in additional development that would restrict emergency vehicle access.
- f) The proposed project will not result in inadequate parking capacity, in that the City parks are fully developed and dogs are already being brought into the parks on-leash illegally and this will result in them being there legally.
- g) The proposed project will not conflict with adopted policies, plans, or programs supporting alternative transportation, in that the project is to allow dogs in parks on-leashes and the most common way to arrive at a City park with a dog is by walking or biking thus supporting alternative forms of transportation other than car.

Utilities and Service Stations

There are no potential environmental impacts to Utilities and Service Stations because:

- a) The proposed project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board, in that the project will not create any new physical development, thus there will be no impacts.
- b) The proposed project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, in that the project will not include any new physical development in any way.
- c) The proposed project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects, in that the project does not include any physical development of any kind.
- d) The proposed project will have sufficient water supplies available to serve the area from existing entitlements and resources, or for new or expanded entitlements needed, in that the allowance of dogs on-leashes is for existing City parks and they are fully operational and no expansion is proposed with this project.
- e) The proposed project will not result in a determination by the wastewater treatment provider which serves or may serve the area that it has inadequate capacity to serve the District's projected demand in addition to the provider's existing commitments, in that the City parks already exist and there are no proposed expansions of facilities.
- f) The proposed project will be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs, in that the minimal additional trash this will generate by throwing away dog feces will be minimal and be a less than significant impact to the land fill.
- g) The proposed project will comply with federal, state, and local statutes and regulations related to solid waste, in that California AB 939 requires that up to 50% of MSW be recycled to extend the life of landfills throughout the state. This law is being implemented by the City and will reduce by half the MSW that will be generated by the operations on the project site. Facilities already exist within City parks to address this issue and this project will not impact or change these goals.
- h) The proposed project will not require or result in the implementation of a new or retrofitted storm water treatment control Best Management Practice (BMP), (e.g. a water quality treatment basin, constructed treatment wetland, storage vault), the operation of which could result in significant environmental effects (e.g. increased vectors or odors), in that the project will not involve any physical development at all.

Due to the project being a request to allow dogs on-leash in all City parks and will not create any significant environmental impact to the community and in fact will be a significant benefit. Since there are no negative environmental activities and no physical development for any City parks, there will be no significant adverse impacts on wildlife resources including wild animals, birds, plants, fish, amphibians, and selected ecological communities.



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
 Meeting Date: January 22, 2013

Agenda Item 11D(1)
Approvals:
 City Manager [Signature]
 Dept. Head [Signature]
 Attorney _____
 Finance _____

Department: City Clerk
Prepared By: Joanne Baade, City Clerk/Executive Analyst

Subject: ***COUNCIL APPOINTMENTS TO TRANSPORTATION CORRIDOR SYSTEM (TCS)***

Summary: At its meeting of December 18, 2012, Council appointed primary and alternate representatives to both the San Joaquin Hills Transportation Corridor Joint Powers Agency and the Foothill/Eastern Transportation Corridor Joint Powers Agency. Councilmember Evert was appointed as the primary representative to the San Joaquin Hills JPA and Mayor Baker was appointed as the alternate representative. Conversely, Mayor Baker was appointed as the primary representative to the Foothill/Eastern JPA and Councilmember Evert was appointed as the alternate representative.

Staff conveyed these appointments to the Transportation Corridor Agencies. The TCA staff requested that Council also appoint a representative and alternate to the Transportation Corridor System (TCS), which is a joint powers authority created in 2004 to undertake the possible purchase of the San Joaquin Hills and Foothill/Eastern Corridor Agencies. Even though this JPA has not met since 2008, the TCA has recommended that Council appoint a representative and alternate.

Recommended

Action: STAFF RECOMMENDS THAT the City Council appoint a representative and alternate representative to the Transportation Corridor System (TCS).

Fiscal Impact: None.

Attachments: None.