



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: October 20, 2020

Agenda Item 9C
Approvals:
City Manager ES
Dept. Head _____
Attorney _____
Finance [Signature]

Department: Beaches, Parks & Recreation
Prepared By: Samantha Wylie, Recreation Manager

Subject: *CONSIDERATION OF USE AND REGULATION OF ELECTRIC BIKES ON CITY TRAILS*

Fiscal Impact: None

Summary: Staff recommends that Council provide direction to staff on managing the use and regulation of electric bikes on citywide trails and beaches.

Background: At its April 11, 2018 meeting, the Beaches, Parks & Recreation Commission reviewed a staff report seeking direction on the use of electric bikes ("e-bikes") on the beach trail (Attachment 1). The Commission recommended banning all e-bikes on the beach trail.

At its June 7, 2018 meeting, the Beaches, Parks & Recreation Commission recommended further considering enforcement options of bicycle use before proceeding with additional recommendations (Attachment 2).

At its July 18, 2018 meeting, the Beaches, Parks & Recreation Commission reviewed the use of pedal bicycles and e-bikes on the beach and beach trail and recommended expanding the scope to include the beach; reducing the speed to six miles per hour; and prohibiting bikes on any bridge along the beach trail (Attachment 3).

At its meeting on August 21, 2018, the City Council approved amendments to San Clemente Municipal Code § 12.32.130 related to cycling, skateboarding, and similar activities on the pier, access road and beach trail (Attachment 4). Amendments included the inclusion of language specific to the use of e-bikes on the beach and beach trail (Attachment 5).

At its October 6, 2020 meeting, the City Council directed staff to bring back information on electric bike regulations on trails.

Discussion: Electric bikes have rapidly grown in popularity over the past year, broadening its demographic to include people of ages, adolescent to adult. Staff and the City Council have received an increase in complaints related to dangerous behaviors and recklessness from individuals utilizing e-bikes on city trails.

Currently, SCMC 12.32.130 allows for the use of e-bikes on the beach and beach trail except from June 15th to Labor Day. They are not permitted on the Montalvo and Riviera Beach bridges, or the asphalt access area at base of pier. All bikes must be

walked in these areas. Additionally, bicycles cannot exceed 10 mph on all portions of the beach and beach trail.

SCMC 10.68 prohibits motorized vehicles on city trails, however electric bicycles Class I and II are not considered motorized vehicles. There are no other municipal codes which reflect bicycle use of any type on city trails.

The use of e-bikes on trails is an item on the FY20-21 Beaches, Parks and Recreation Commission Work Plan. At the direction of the Council, a subcommittee of the Beaches, Parks & Recreation Commission could be created to assess options for best practice in e-bike policies and receive public input specific to e-bikes. A subcommittee could include a member of the Public Safety Task Force, local bicycle industry experts, and input from Orange County Sheriff's Department.

Recommended

Action: STAFF RECOMMENDS THAT the City Council provide direction on the expanded use and regulation of electric bikes on citywide trails and beaches.

Attachments:

1. BPR Commission Meeting Minutes, April 11, 2018
2. BPR Commission Meeting Minutes, June 7, 2018
3. BPR Commission Meeting Minutes, July 10, 2018
4. City Council Meeting Minutes, August 21, 2018
5. SCMC 12.32.130

Notification: None

Approved by the Beaches, Parks and Recreation Commission at its adjourned regular meeting on June 7, 2018.



**CITY OF SAN CLEMENTE
MINUTES OF THE
BEACHES, PARKS AND RECREATION COMMISSION
REGULAR MEETING
TUESDAY, APRIL 10, 2018, 6:00 P.M.**

Chair Streger called the Regular Meeting of the Beaches, Parks and Recreation Commission of the City of San Clemente to order on Tuesday, April 10, 2018, at 6:00 p.m. in the Council Chambers at San Clemente City Hall located at 100 Avenida Presidio, San Clemente, California. Chair Pro Tem Bandaruk led the Pledge of Allegiance.

PRESENT Commissioners John Dorey, Nick Gates, Charlie Smith, Bernie Wohlfarth,
Chair Pro Tem John Bandaruk, Chair Steven Streger

ABSENT Commissioner Richard Ayer

STAFF PRESENT Samantha Thomas, Recreation Manager
Ken Sipes, Recreation Coordinator
Rod Mellott, Marine Safety Lieutenant
Maile Stivers, Administrative Assistant

1. SPECIAL PRESENTATIONS

None.

2. APPROVAL OF MINUTES

A. February 27, 2018

MOTION BY COMMISSIONER DOREY, SECOND BY CHAIR PRO TEM BANDARUK, AND CARRIED 4-0-2, WITH COMMISSIONERS GATES AND SMITH ABSTAINING, to approve the Beaches, Parks and Recreation Commission Meeting minutes of February 27, 2018.

3. CURRENT COMMUNITY ACTIVITIES AND EVENTS

A. Recreation Division Update

Samantha Thomas, Recreation Manager, presented photos and reviewed recent events including San Clemente Day, Springtime Eggstravaganza, Sensational Springtacular, and Splashtacular; and presented photos and information regarding recent Courtney's Sandcastle Playground improvements.

B. Recreation Division Activities Update Reports dated 3/13/18 and 4/10/18

Received and filed.

4. OLD BUSINESS

None.

5. NEW BUSINESS

Commissioner Dorey recused himself and left the dais at 6:06pm due to his position with the Friends of San Clemente Beaches, Parks and Recreation Foundation.

A. Fee Waiver Request for 2018 Lifeguard Challenge Event

Samantha Thomas, Recreation Manager, summarized the contents of the administrative report regarding a fee waiver request from Friends of San Clemente Beaches, Parks and Recreation Foundation and the San Clemente Lifeguard and Junior Guard Foundation for fees associated with the Lifeguard Challenge event and responded to Commission inquiries.

George Scarborough, representative from the Lifeguard and Junior Lifeguard Foundation, was available for inquiries regarding the Lifeguard Challenge event.

MOTION BY COMMISSIONER SMITH, SECOND BY COMMISSIONER GATES, AND CARRIED 5-0, to recommend that the City Council approve a fee waiver for the costs associated with the special event permit, including lifeguard service fees, for the "The Lifeguard Challenge" event.

Commissioner Dorey returned to the dais at 6:08pm.

B. Fee Waiver Request for Relay for Life Hosted by the American Cancer Society

Samantha Thomas, Recreation Manager, summarized the contents of the administrative report regarding a fee waiver request from American Cancer Society for fees associated with the Relay for Life event and responded to Commission inquiries.

Mary Grant, representative from the American Cancer Society, provided information and responded to inquiries regarding the Relay for Life event.

MOTION BY CHAIR PRO TEM BANDARUK, SECOND BY COMMISSIONER WOHLFARTH, AND CARRIED 6-0, to recommend the City Council approve a fee waiver for fees associated with the "Relay for Life San Clemente" event at Jim Johnson Memorial Sports Park in an amount not to exceed \$1,092.

C. Recreation Sports Partnership Application – Elite Soccer League

Ken Sipes, Recreation Coordinator, summarized the contents of the administrative report regarding an application from Elite Soccer League for Recreation Sports Partnership and responded to Commission inquiries.

Mike Affleck, representative from Elite Soccer League, provided information regarding Elite Soccer League operations; stated the League's scholarship program

would be impacted by subsidies; and responded to Commission inquiries regarding League operations and finances.

Commissioners either individually or in agreement provided the following comments:

- The League does not demonstrate a financial hardship.
- Access to fields for the League is a problem.
- There is a desire to consider partnership applications at the same time.
- It would be preferred for additional subsidized funds to be accounted for and to benefit the San Clemente community.

MOTION BY COMMISSIONER WOHLFARTH, SECOND BY COMMISSIONER SMITH, AND CARRIED 6-0, to recommend the City Council approve Gold Partnership status for one year beginning October 2017.

D. Use Of Electric Bicycles On Beach Trail

Samantha Thomas, Recreation Manager, summarized the contents of the administrative report regarding the use of electric bicycles on the Beach Trail and responded to Commission inquiries. Rod Mellott, Marine Safety Lieutenant, responded to Commission inquiries.

C.L. Snider, San Clemente resident, presented information regarding bicycle rules and photos of Beach Trail use; questioned the prohibition of bicycles on Pier and not on the Beach Trail; and opined all bicycles should be prohibited on the Beach Trail noting concerns about safety.

Bill McDonnell, Mission Viejo resident, stated he observed an electric bicycle run over a child on a bicycle; stated rangers at Crystal Cove have a policy of retaining bicycles and cyclists after an incident, and opined San Clemente should revise its policies for bicycle safety.

Commissioners either individually or in agreement provided the following comments:

- Bicycles have no place on the Beach Trail.
- Bicycles do not have speedometers making limiting speed difficult
- Bicycles and electric bicycles are faster than other users and may cause accidents.
- Original bridge designs were not designed to allow bicycle riding.
- Trail users inform each other if rules are broken.
- It is difficult to distinguish an electric bicycle from other bicycles.
- Electric bicycles go the same speed as other bicycles.
- Use of bicycles on the Beach Trail is a public safety issue.
- Riding a bicycle on a flat surface has limited exercise benefit.
- Lowering the speed limit can help avoid a problem.
- All bicycles on the Beach Trail should be considered at a future meeting.

- Data of reported incidents involving bicycles and numbers of bicycle users should be considered.
- Liability of allowing bicycles should be considered.

MOTION BY CHAIR PRO TEM BANDARUK, SECOND BY COMMISSIONER SMITH, AND CARRIED 6-0, to direct staff to draft an amendment to SCMC 12.32.130 to prohibit the use of all electric bicycles on the Beach Trail, unless the vehicle is used to assist an individual with a disability.

6. PUBLIC INPUT

Michael Wintz, San Clemente resident, opined the City of San Clemente should have a community vegetable garden available to residents; stated he spoke with neighboring cities regarding their community vegetable gardens; and opined multiple smaller locations could be used for community vegetable gardens.

7. COMMUNICATIONS

Samantha Thomas, Recreation Manager, communicated City Hall staff and operations have moved to a new location at 910 Calle Negocio.

Chair Streger communicated the Beaches, Parks and Recreation Master Plan was approved by City Council.

8. ITEMS FROM COMMISSION

A. Subcommittee Reports

1. Community Events – None.
2. Integrated Pest Management Subcommittee - None.

B. Items from Commissioners

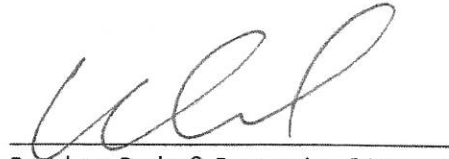
1. Coastal Advisory Committee (CAC) – None.
2. Friends of San Clemente Foundation – Commissioner Dorey reported a successful Springtacular event; and reported the Sports Wall of Fame event on May 19 will add Brad Parks and Brian de la Puente to the Wall.
3. Courtney's Sandcastle Charitable Foundation (CSC) – Chair Pro Tem Bandaruk reported the recent replacement of rubberized surfacing in the Sensory Garden area of Courtney's Sandcastle Playground; and reported upcoming shade structure installation.
4. Public Safety Task Force – Chair Pro Tem Bandaruk reported the Task Force recently discussed issues regarding homelessness and the proposed addition of deputies.

9. **ADJOURNMENT**

There being no other business before the Commission, Chair Streger adjourned at 7:48 p.m. to an adjourned regular meeting on Thursday, May 10, 2018 at 7:00 p.m. at the Ole Hanson Beach Club located at 105 W. Avenida Pico, San Clemente, California for the purpose of participating in a Joint Meeting between the City Council and City Commissions and Committees.



Chairperson and Commissioner of the
Beaches, Parks & Recreation Commission



Beaches, Parks & Recreation Director

Approved by the Beaches, Parks and Recreation Commission at its regular meeting on July 10, 2018.



**CITY OF SAN CLEMENTE
MINUTES OF THE
BEACHES, PARKS AND RECREATION COMMISSION
ADJOURNED REGULAR MEETING
THURSDAY, JUNE 7, 2018, 6:00 P.M.**

Chair Streger called the Adjourned Regular Meeting of the Beaches, Parks and Recreation Commission of the City of San Clemente to order on Thursday, June 7, 2018, at 6:06 p.m. in the City of San Clemente City Council Chambers located at 100 Avenida Presidio, San Clemente, California. Commissioner Ayer led the Pledge of Allegiance.

PRESENT Commissioners Richard Ayer, John Dorey, Nick Gates, Charlie Smith, Bernie Wohlfarth, Chair Pro Tem John Bandaruk, Chair Steven Streger

ABSENT None

STAFF PRESENT Samantha Thomas, Recreation Manager
Maile Stivers, Administrative Assistant

1. SPECIAL PRESENTATIONS

None.

2. APPROVAL OF MINUTES

A. April 10, 2018

MOTION BY COMMISSIONER GATES, SECOND BY COMMISSIONER DOREY, AND CARRIED 6-0-1, WITH COMMISSIONER AYER ABSTAINING, to approve the Beaches, Parks and Recreation Commission Meeting minutes of April 10, 2018.

B. May 10, 2018 Joint City Council/Commissions/Committees Meeting

Received and filed.

3. CURRENT COMMUNITY ACTIVITIES AND EVENTS

A. Recreation Division Update

Samantha Thomas, Recreation Manager, presented photos and reviewed recent events including the Memorial Day Observance at the Community Center and the weekly Market at North Beach; and presented information regarding the San Clemente Trolley.

B. Recreation Division Activities Update Reports dated 5/8/18 and 6/7/18

Received and filed.

4. OLD BUSINESS

None.

5. NEW BUSINESS

Chair Streger reordered the items to be considered.

C. San Luis Rey Park Master Plan Amendment to Add Pickleball Use

Samantha Thomas, Recreation Manager, summarized the contents of the administrative report regarding a proposed amendment to the San Luis Rey Park master plan to add pickleball use and responded to Commission inquiries.

Philip George Dunmeyer, San Clemente resident, noted statistics about growth in pickleball player numbers; opined pickleball is easy to learn, age neutral, gender neutral, and a good workout; stated schools have added pickleball programs; stated 32 pickleball players could play on a tennis court per hour versus four tennis players; opined pickleball is a better use of space; stated there are pickleball programming opportunities; stated creating four permanent pickleball courts would cost \$10,900; and opined revenue could be generated from holding pickleball tournaments.

Kathy Oshima, San Clemente resident, thanked the Commission for its work on the Beaches, Parks and Recreation Master Plan; stated she does not play at a court with permanent nets, and brings portable nets prior to playing; stated pickleball is in the Middle School physical education curriculum; stated her son enjoyed playing, and pickleball can be cross generational; and expressed support for recommended dual striped courts.

Kevin Chaidez, San Clemente resident, stated he volunteered for Park City, Utah where mixed use courts were used for tennis and pickleball play; stated the lines were placed in different colors; stated use hours were established with designated days for tennis play and pickleball play; opined there are times that tennis courts are empty; opined communication between tennis and pickleball players is needed to share the amenity; opined it would be wonderful to have dedicated pickleball courts; and opined it is cost effective to share the courts.

Betsy Jorgensen, San Clemente resident, thanked Commissioners for their work; stated she utilized all of the parks and programs with her children, and would like to use the parks herself; and shared a photo of pickleball players at Sendero Park.

Robi Craig, San Clemente resident, stated she plays tennis in the mornings, and the courts are heavily used; expressed support for constructing new courts at the lawn bowling facility; opined multiple lines on the court would be confusing; and opined there are not enough tennis courts in San Clemente with the Rancho San Clemente tennis facility closed and courts being used for lessons.

Paul Wehrle, San Clemente resident, stated he plays tennis at San Luis Rey and Bonito Canyon; opined the underutilized lawn bowling facility needs to be evaluated; opined

tennis courts are crowded, and finding an open court can take hours; and opined if the recommendation is approved, an enforceable schedule is needed to separate players.

Richard Deane, Mission Viejo resident, thanked Commissioners and staff; opined the lawn bowling facility is in poor condition; and stated lawn bowlers have expressed support to reduce the lawn bowling green to develop pickleball courts.

Manny Romero, San Clemente resident, opined one court should be striped for pickleball use only; opined multiple lines would be confusing; opined only one court should be striped for pickleball; stated portable nets are simple to set up; stated recent pickleball demonstrations for the Boys & Girls Club and the Senior Center went well; stated he is working with groups for Parkinson's and wheelchair pickleball play; and stated he is a former tennis player, and does not plan to return to playing tennis.

Carol Harris, San Clemente resident, stated she is a tennis player; opined scheduled times would be difficult to enforce; opined pickleball should be played indoors in the Community Center like Dana Point; opined Bonito Canyon courts could be converted to pickleball as they are rarely used; opined there are so few tennis courts since the closure of the Rancho San Clemente tennis facility; and opined pickleball courts could be developed at Vista Hermosa Sports Park.

Raudel Barba, San Clemente resident, submitted a sample of a proposed line color for pickleball lines; and thanked the Commission.

Jim Duke, Dana Point resident, expressed support for the development of pickleball courts at Vista Hermosa Sports Park; stated he was a former sporting goods representative for tennis; opined pickleball growth is similar to previous tennis growth; opined sport shoe stores would be good to ask numbers of players of each sport; and opined pickleball would be in greater numbers.

Commissioners either individually or in agreement provided the following comments:

- Multiple sets of lines can be confusing.
- A permanent lined pickleball at court #4 at San Luis Rey is preferred.
- It would be difficult to manage scheduled times for multiple sports.
- Costs for permanent pickleball amenities are needed.
- The lawn bowling facility would be the long term solution to add pickleball, but will be expensive.
- We do not have the budget to develop new pickleball courts at this time.
- Costs and alternate locations for pickleball courts should be explored to be discussed at a coming meeting.
- A dedicated pickleball court is preferred.
- There is a lot of pressure on tennis courts with the closure of a tennis facility.

MOTION BY CHAIR STREGER, SECOND BY COMMISSIONER SMITH, AND CARRIED 7-0, to table discussions regarding pickleball use to the next meeting to allow staff to bring back cost estimates on a dedicated pickleball court at San Luis Rey and any other feasible facility.

Commissioners Dorey and Gates recused themselves and left the dais at 7:23pm due to their association with the PierPride Foundation.

A. PierPride Partnership Agreement

Samantha Thomas, Recreation Manager, summarized the contents of the administrative report regarding a proposed partnership agreement with PierPride and responded to Commission inquiries.

Peggy Vance, PierPride Foundation President, provided information regarding the PierPride Foundation organization goals, activities, and finances, and responded to Commission inquiries.

Commissioners either individually or in agreement provided the following comments:

- Exhibit A does not show total of waivers by the City.
- Article 2 does not detail the funds that will be provided to the City by the PierPride Foundation.
- A percentage or minimum contribution to the City should be included in the agreement.
- A maximum waiver amount should be included in the agreement.

MOTION BY CHAIR STREGER, SECOND BY COMMISSIONER AYER, AND CARRIED 5-0, to table discussions regarding a proposed PierPride Partnership Agreement until the next meeting for the organization and City staff to develop a plan to cap City subsidies and/or guarantee a minimum percentage or dollar amount of City contributions.

Commissioners Dorey and Gates returned to the dais at 7:38pm.

B. Use of Bicycles on the Beach Trail

Samantha Thomas, Recreation Manager, summarized the contents of the administrative report regarding the use of bicycles on the Beach Trail and responded to Commission inquiries.

Michael Dollar, San Clemente resident, stated he has ridden a bicycle in the Beach Trail area before the Beach Trail was constructed; stated other cities and countries are embracing bicycles; opined trail users of all types can be dangerous; stated he did not see the survey, and bike shops were not notified of this meeting; opined the solution is for all users to get along; stated he slows down when others are present; and opined ebikes should be prohibited because of their speed.

Cheryl Kelly, San Clemente resident, stated she used the Beach Trail area before the Beach Trail was constructed; stated the Beach Trail has become very popular noting more pedestrians than cyclists; opined most cyclists are courteous; opined ebikes are a menace noting near misses; stated enforcement is little to none; and opined ebikes should be banned not bicycles.

Martin Eichmann, San Clemente resident, stated he rides an ebike; opined ebike users are courteous and has not seen a problem; opined some individuals break the rules; stated he has a bell and tries not to get in trail users' way; opined banning ebikes is just as bad as banning all bikes; and noted a low percentage of ebike users according to the survey.

Susan Ambrose, San Clemente resident, thanked the Commission for its work on the Beaches, Parks and Recreation Master Plan; stated she is a frequent Beach Trail user; opined bicyclists are courteous; opined concern about ebikes noting instances of ebikes riding dangerously around pedestrians; opined there is not room on the Beach Trail for ebikes as they are dangerous and powerful with riders not using appropriate caution.

Pete Van Nuys, San Clemente resident, stated he was the reason the state law allows the regulation of ebikes separately from bicycles; stated he was present during early Beach Trail discussions; opined any user can be inconsiderate; stated there is no enforcement on the Beach Trail; opined the speed limit should be single digit to attract more attention from cyclists; stated most ebikes are equipped with a speedometer; opined there should be active radar enforcement and expensive tickets to discourage misbehavior; stated he would prefer just a ban on ebikes over all bicycles; stated a person walking a bicycle is twice as wide as a rider; opined a rider speeding is less likely to happen on bridges than in an open area; and opined speed enforcement should be done at the bottom of the Mariposa bridge.

Brenda Miller, San Clemente resident, stated she was the architect of the Bicycle and Pedestrian Master Plan; opined the Beach Trail is not the width needed for the volume of use; opined the City should spearhead the effort to design a wider Beach Trail; opined conflict is created by many users in a small space; stated the bike path improvements on El Camino Real have created a connection for nine miles of bicycle use without interaction with cars; opined banning bikes from the Beach Trail would be catastrophic for multimodal transportation in San Clemente encouraging more vehicle traffic which will utilize beach parking; encouraged anticipation of consequences of policy changes; and opined ebikes are being embraced by baby boomers enabling continued physical activity.

Commissioners either individually or in agreement provided the following comments:

- There are less than courteous bicyclists on the Beach Trail.

- Human powered bicycles and an ebikes are largely the same.
- Enforcement on the Beach Trail is an issue.
- Without enforcement, adding rules will not do much.
- The Beach Trail is an essential part of the transportation in the City.
- Ebikes are being used by younger riders who are not as respectful.
- Single digit speed limit is preferred.
- In narrow areas, bicycles should be walked.
- The success of the Beach Trail was underestimated.
- The Mariposa Bridge was not designed for riding bicycles.
- The Trail was not built to be ridden the entire way, and narrow areas should require walking.
- A speed limit that is enforced would increase safety.
- Other Beach Trail users do not have the momentum to cause injury like a bicycle.
- During the summer months, bicycles should be prohibited.
- Enforcement during the peak season would be beneficial.
- Communication of the rules is important.
- Physical barriers could be used to encourage bicycle walking.
- Enforcement in narrow areas would be beneficial.
- Marine Safety should be contacted about allowing bicycles on the emergency access area near the headquarters building.

MOTION BY CHAIR STREGER, SECOND BY COMMISSIONER SMITH, AND CARRIED 7-0, to table discussions regarding bicycle use on the Beach Trail until a future meeting to allow the exploration of enforcement options.

6. PUBLIC INPUT

None.

7. COMMUNICATIONS

Samantha Thomas, Recreation Manager, communicated an amended lease agreement moving the Friends of San Clemente Foundation's temporary office space to the former City Hall site will be considered at an upcoming City Council meeting; and noted the upcoming Concert Series with new bands.

8. ITEMS FROM COMMISSION

A. Subcommittee Reports

1. Community Events – Chair Streger communicated he would like to see the Community Events subcommittee involved with selecting the bands for the Concert Series.

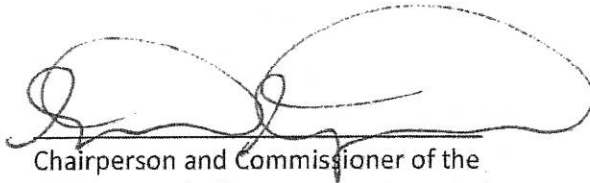
2. Integrated Pest Management Subcommittee - None.

B. Items from Commissioners

1. Coastal Advisory Committee (CAC) – None.
2. Friends of San Clemente Foundation – Commissioner Dorey reported the Friends Foundation made popcorn at the Cinco de Mayo event; reported the Foundation added Brad Parks and Brian de la Puente to the Sports Wall of Fame at a recent event; encouraged participation in the upcoming golf tournament; and reported the sponsored pet waste stations are being implemented.
3. Courtney's Sandcastle Charitable Foundation (CSC) – None.
4. Public Safety Task Force – None.

9. **ADJOURNMENT**

There being no other business before the Commission, Chair Streger adjourned at 8:47 p.m. to a regular meeting on Tuesday, July 10, 2018 at 6:00 p.m. at the at City of San Clemente Council Chambers located at 100 Avenida Presidio, San Clemente, CA.



Chairperson and Commissioner of the
Beaches, Parks & Recreation Commission



Beaches, Parks & Recreation Director

Approved by the Beaches, Parks and Recreation Commission at its regular meeting on August 14, 2018.



**CITY OF SAN CLEMENTE
MINUTES OF THE
BEACHES, PARKS AND RECREATION COMMISSION
REGULAR MEETING
TUESDAY, JULY 10, 2018, 6:00 P.M.**

Chair Streger called the Regular Meeting of the Beaches, Parks and Recreation Commission of the City of San Clemente to order on Tuesday, July 10, 2018, at 6:11 p.m. in the City of San Clemente City Council Chambers located at 100 Avenida Presidio, San Clemente, California. Commissioner Dorey led the Pledge of Allegiance.

PRESENT Commissioners Richard Ayer, John Dorey, Charlie Smith, Bernie Wohlfarth,
Chair Pro Tem John Bandaruk, Chair Steven Streger

ABSENT Commissioner Nick Gates

STAFF PRESENT Samantha Thomas, Recreation Manager
Maile Stivers, Administrative Assistant

1. **NOMINATION AND ELECTION OF CHAIR, CHAIR PRO TEM, AND COASTAL ADVISORY COMMITTEE REPRESENTATIVE**
None.
2. **APPROVAL OF MINUTES**
 - A. **June 7, 2018**
MOTION BY CHAIR PRO TEM BANDARUK, SECOND BY COMMISSIONER SMITH, AND CARRIED 6-0, to approve the Beaches, Parks and Recreation Commission Meeting minutes of June 7, 2018.
3. **CURRENT COMMUNITY ACTIVITIES AND EVENTS**
 - A. **Recreation Division Update**
Samantha Thomas, Recreation Manager, presented photos and reviewed recent activities and events including a beach concert and the installation of a shade structure in Courtney's SandCastle Playground; and previewed the upcoming concert at Linda Lane Park.
 - B. **Recreation Division Activities Update Report dated 7/10/18**
Received and filed.
4. **OLD BUSINESS**

Chair Streger reordered the items to be considered.

Commissioner Dorey recused himself at 6:17pm and left the dais due to potential Friends of San Clemente Foundation involvement.

- C. **San Luis Rey Park Master Plan Amendment to Add Pickleball Use – Second Review**
Samantha Thomas, Recreation Manager, summarized the contents of the administrative report regarding a proposed amendment to the San Luis Rey Park master plan to add pickleball use and responded to Commission inquiries.

Si Moskowitz, San Clemente resident, stated he is a tennis player; stated there have been notable tennis players raised in San Clemente; stated he is a member of two tennis clubs that recently installed pickleball courts and have many tennis courts; opined pickleball and tennis are incompatible as there are too many lines; opined it is difficult to get a tennis court; opined pickleball courts should be built elsewhere; and opined a half facility for tennis and pickleball is not desirable long term.

Kirk Steele, San Clemente resident, stated he is a tennis player in favor of pickleball courts; opined San Luis Rey Park is not the place for pickleball courts; opined there are other options including the lawn bowling green; opined residents will be upset by increased noise from pickleball play; and opined the proposal is similar to converting two golf course holes to frisbee golf.

Fred Houston, San Clemente resident, stated his family plays tennis; opined more tennis courts are needed in San Clemente; stated tennis courts are frequently full; opined the one functional tennis court in Bonito Canyon Park could be converted to pickleball courts; and opined fundraising efforts should be undertaken to fund dedicated pickleball courts.

Suzie Freeman, San Clemente resident, opined San Luis Rey is not a good location for pickleball courts; noted data of court usage; stated tennis players work together to accommodate play schedules; and opined pickleball lessons and tournament scheduling would not allow flexibility for tennis players.

Sandra McCanne, San Juan Capistrano resident, stated the San Luis Rey courts have a tennis club history; stated courts are often full; and opined other options should be considered.

Houman Safaj, San Clemente resident, opined daylight savings time will limit availability of tennis courts as lighted courts are limited; stated lessons take up court space; opined the City is responsible to provide adequate facilities for residents; opined it is not right to create bad feelings between pickleball and tennis players; stated tennis is the second most watched sport; opined chalk and tape lines at San Gorgonio cause confusion and could be hazardous; and opined the condition of courts need to be addressed before allocating other resources.

Shawn Houshmand, San Clemente resident, stated his daughter uses the tennis courts to practice; stated at many times the courts are full; opined the public courts are a great asset to be able to practice; stated all courts are full Saturday and Sunday mornings; stated most people play doubles; opined a survey of court usage should be done; opined paddle tennis at the Shorecliffs Beach Club is noisy and affects neighbors; stated City tennis lessons take court space; and opined San Luis Rey is not a good location for pickleball.

Dro Karamians, San Clemente resident, stated he is a tennis player who played competitively; stated he volunteers his time to help coach high school youth; stated taking away tennis courts will affect youth; and opined Vista Hermosa Sports Park would be a good location for pickleball courts.

Raudel Barba, San Clemente resident, stated he was a former tennis player and coach and now teaches pickleball; stated he has taught many students through the City Recreation programs; opined the City should embrace the game of pickleball; and opined pickleball is a game for life.

Phil Dunmeyer, San Clemente resident, stated there are 14 tennis courts; opined one court should be converted to pickleball and one more striped for both tennis and pickleball; opined there are more pickleball players than tennis players in San Clemente; presented usage data from visiting tennis courts noting open court times; stated there are more court users with pickleball per hour than tennis is the same space; opined no players have quit pickleball to take up tennis; and noted other tennis to pickleball court conversions.

Kathy Oshima, San Clemente resident, stated she is in possession of a petition supporting conversion of one court to pickleball and a dual lined second court at San Luis Rey Park; opined the Commission should support the option that serves the most people; stated that pickleball is included in the middle school curriculum; opined courts should be created to create community through social networks; stated the timing is good as courts are being resurfaced already; opined pickleball players are willing to work cooperatively; stated few pickleball players have their own nets, and more would be served by permanent pickleball courts; and opined players with their own nets would have an advantage for court usage.

Kevin Chaidez, San Clemente resident, opined there are many communities that share tennis and pickleball; opined communication is important for the groups to work together; presented an estimate of \$7,500 to convert a tennis court to permanent pickleball courts; stated he currently has pledges for \$5,500 and will guarantee the full \$7,500 will be raised, but have not collected funds yet; and stated the Friends of San Clemente Foundation has been approached to manage the donations for pickleball.

Manny Romero, San Clemente resident, presented proposal for \$7,500 for a tennis court to be converted to permanent pickleball courts; stated courts are open at times; stated the money would not be an issue as donations have been guaranteed; opined permanent pickleball courts would solve the issue of scheduling and concern over court usage; stated a pickleball committee has been formed to work with the City; expressed support for one full pickleball court conversion at San Luis Rey Park; and opined players displaced from Rancho San Clemente tennis facility will return once it is reopened.

Robi Craig, San Clemente resident, opined tennis players have no problem being inclusive of the pickleball community; opined single tennis courts around the city should be considered for pickleball that would not impact San Luis Rey Park; stated tennis courts are full often; stated parking at San Luis Rey is full when she plays tennis; opined parking will be more difficult at San Luis Rey with pickleball; and expressed support for pickleball as long as it is not at San Luis Rey Park.

Commissioners either individually or in agreement provided the following comments:

- Volleyball and basketball are played on shared courts with lines for both indicating dual lines may work.
- Paint should be used instead of chalk or tape to mark pickleball courts.
- Increased noise should be considered in neighborhoods and on the golf course.
- Courts for both pickleball and tennis are needed.
- Pickleball was shown as a community desire through the Beaches, Parks and Recreation Master Plan.
- 7% of the tennis court space seems reasonable to dedicate to pickleball.
- It is possible to paint dedicated pickleball courts, and not provide nets within budget.
- Multiple lines on a court would be confusing.
- Court #4 should be dedicated pickleball courts.
- Nets should be installed during the resurfacing for dedicated pickleball court.
- Tennis and pickleball courts should remain separate as managing usage types on a shared court would be problematic.

MOTION BY CHAIR STREGER, SECOND BY COMMISSIONER WOHLFARTH, AND CARRIED 6-0, to approve reconfiguration of court #4 at San Luis Rey Park to pickleball lines only, install sleeves and nets for pickleball as indicated in the report, and to work with the pickleball community to reduce costs.

MOTION BY CHAIR PRO TEM BANDARUK, SECOND BY COMMISSIONER SMITH, AND FAILED 2-3 WITH COMMISSIONERS AYER AND WOHLFARTH AND CHAIR STREGER OPPOSED, to dual stripe court #3 at San Luis Rey Park for pickleball and tennis, and direct staff to develop a schedule for sharing of the court.

MOTION BY COMMISSIONER SMITH, SECOND BY CHAIR PRO TEM BANDARUK, AND CARRIED 3-2 WITH COMMISSIONER WOHLFARTH AND CHAIR STREGER OPPOSED, to direct staff to analyze scheduling and timing of utilization of court #3 for dual use by tennis and pickleball, to revisit the striping of court #3, and report back at the next meeting.

Commissioner Dorey returned to the dais at 7:50pm.

Commissioner Dorey recused himself and left the dais at 7:55pm due to his association with the PierPride Foundation.

A. PierPride Partnership Agreement – Second Review

Samantha Thomas, Recreation Manager, summarized the contents of the administrative report regarding a proposed partnership agreement with PierPride and responded to Commission inquiries.

Jim Nielsen, PierPride Foundation Treasurer, responded to Commission inquiries regarding organization finances, fundraising, and activities.

Commissioners either individually or in agreement provided the following comments:

- There is not a cap on subsidies outlined in 3.2 for October events.

MOTION BY CHAIR STREGER, SECOND BY COMMISSIONER AYER, AND CARRIED 5-0, to recommend the City Council approve a partnership agreement with PierPride Foundation with the modification that the fees waived sentence in section 3.6 be moved to section 3.2 and the waived amount be changed from \$1,000 to \$2,000.

Commissioner Dorey returned to the dais at 8:15pm.

B. Use of Bicycles and Electric Bicycles on the Beach and Beach Trail

Samantha Thomas, Recreation Manager, summarized the contents of the administrative report regarding the use of bicycles and electric bicycles on the beach and Beach Trail and responded to Commission inquiries.

Cynthia Blaylock, San Clemente resident, stated she enjoys riding her electric bicycle on city streets; stated she would like to use the electric bicycle to access the pier area and Del Mar from North Beach; opined the Beach Trail is safer than El Camino Real for cyclists; stated the use of electric bicycles is a green alternative and should be encouraged; stated the use of electric bicycles eliminates the need to park a vehicle; opined if electric bicycles are prohibited from the Beach Trail, riders are more likely to visit Dana Point's businesses; opined the use of electric bicycles with a speed limit is not incompatible with bicycle use; opined it would be unfair to ban electric bicycles and not bicycles if the rules are applied evenly to both; noted the General Plan and

Bike and Pedestrian Master Plan encourage bicycle and electric bicycle use; and noted there have been no reported incidents with electric bicycles on the Trail.

Susan Ambrose, San Clemente resident, stated she is a frequent Beach Trail user; stated she frequently hears from friends and neighbors about near misses and concerns with bicycles and electric bicycles on the Beach Trail; opined we are missing appropriate rules of the road behavior; noted an incident of a near miss with an electric bicyclist; and expressed support for the recommendation of banning electric bicycles on the Beach Trail.

C.L. Snider, San Clemente resident, stated dog walkers do not abide by the six foot leash or shorter rule; noted the speed of electric bicycles and bicycles who would take a long time to stop; stated the statistics of Beach Trail users; and opined the Mariposa boardwalk is a bridge where bicycles should be walked.

Alison Betts, San Clemente resident, stated she is a daily Beach Trail user in all modes including electric bicycle; stated she is respectful of other users; opined it is not about rules but Trail users respecting one another; questioned future regulation of other modes of use that may be problematic; opined she has not seen signage about 10mph speed limit; and opined the beach patrol sheriff should be asked to enforce regulations.

Brenda Miller, San Clemente resident, stated the philosophy of the Bike and Pedestrian Master Plan is to increase mobility by all modes; opined the Beach Trail plays a key role in accessing the ocean; stated electric bicycles reduce the need for parking; opined restrictions on use of the Beach Trail would have a chilling effect on Beach Trail functionality; expressed support for ticketing for problem users of the Trail; and opined the Beach Trail is undersized for its volume of use.

Michael Metcalf, San Clemente resident, stated there is bad behavior on the Beach Trail by all user types; opined generally the Beach Trail is very popular and most users are civil; opined banning any category of user is arbitrary and unfair; opined enforcement would improve behavior; opined if the City is unwilling to pay for enforcement, it might not be a problem; and opined electric bicycles should not be banned from the Beach Trail.

Martin Eichmann, San Clemente resident, stated he uses an electric bicycle on the Beach Trail and can no longer walk or run; stated his electric bicycle can be pedaled without any electricity; stated his bicycle has a speedometer, and he usually rides 6-8 miles per hour on the Trail; stated electric bicycles have disc brakes and can stop quickly; and opined a few concerns should not prompt a ban on electric bicycles.

Commissioners either individually or in agreement provided the following comments:

- Someone riding an electric bicycle appropriately on the Beach Trail is no greater risk than any other user.
- Accessing Del Mar on City streets from North Beach by bicycle is more dangerous.
- Bicycle riding on the beach occurs at extreme low tides.
- There should be a speed limit for bicycles on the beach.
- Eight miles per hour is an appropriate speed limit.
- The beach should not be used by bicycles as the Beach Trail provides for mobility.
- Reckless riding could be cited without a radar speed reading.
- Ticketing would discourage problem behavior.
- Electric bicycles can be dangerous in the wrong hands.
- The Beach Trail was not designed to be ridden by bicycles in its entirety.
- Electric bicycles are ridden too fast.
- The Beach Trail was designed for exercise, and electric bicycles do not provide exercise.
- Eight miles per hour is too fast on the bridge and between Corto Lane and the Pier.
- Bicycles should not be ridden on the bridges.
- A six miles per hour speed limit would signal bicycles need to be ridden slowly.
- The rules should be the same on the beach as the Beach Trail for bicycles.
- The beach is not an appropriate place for transportation.
- Any area of the Beach Trail narrower than five feet should require walking of bicycles.

MOTION BY CHAIR STREGER, SECOND BY COMMISSIONER SMITH, AND CARRIED 6-0, to recommend the City Council approve amendments to Municipal Code section 12.32.130 (B) to include the words "Beach and" before any Beach Trail reference, to indicate riding of bicycles is prohibited on any bridges, the maximum speed of the Beach Trail be reduced to six miles per hour, and indicate riding of bicycles is prohibited between Corto Lane and the Pier.

5. NEW BUSINESS

A. Consideration of a Public Mural at San Luis Rey Park

Samantha Thomas, Recreation Manager, summarized the contents of the administrative report regarding a proposed public mural at San Luis Rey Park and responded to Commission inquiries.

Melinda Morey, proposed mural artist, presented photos of other mural and gallery artwork she has completed; provided detail and background on the proposed mural design; discussed the intent of the artwork; stated the design will be further refined; and responded to Commission inquiries.

Mike Quinn, Baha'i Center representative; provided project and artwork details; provided the intent and vision of the artwork; stated he visited the park and spoke with park visitors about the proposed artwork; and responded to Commission inquiries.

Commissioners either individually or in agreement provided the following comments:

- Darker murals deter graffiti.
- The mural design looked political initially.
- The mural artwork is beautiful.
- Increasing the size of the under fold would make the design look less like a wall.
- The finished artwork will communicate what is intended.

MOTION BY COMMISSIONER AYER, SECOND BY CHAIR PRO TEM BANDARUK, AND CARRIED 6-0, to recommend the City Council approve the establishment of a mural entitled "Envision Unity" at San Luis Rey Park.

B. Special Event Partnership Agreement with Positive Vibe Warriors Foundation for Annual Stoke-O-Rama Surf Contest.

Samantha Thomas, Recreation Manager, summarized the contents of the administrative report regarding a proposed partnership agreement with Positive Vibe Warriors Foundation for the annual Stoke-O-Rama surf contest and responded to Commission inquiries.

MOTION BY COMMISSIONER SMITH, SECOND BY CHAIR PRO TEM BANDARUK, AND CARRIED 6-0, to recommend the City Council approve a partnership agreement with the Positive Vibe Warriors Foundation for its annual Stoke-O-Rama Surf Contest, waiving the beach rental fees, Special Event Permit application fee, and lifeguard service fees.

6. PUBLIC INPUT

Kelly Chapman, San Clemente resident, stated a committee was formed called San Clemente Citizens Group who posted a letter online addressing the feeding by local charities of the homeless population; requested that charities be asked not to provide food that can be taken into the hillsides especially if cooking is needed by asking for a residential address when providing food, and requiring food to be eaten on site if no address is provided; and opined food should not be distributed at North Beach.

7. COMMUNICATIONS

None.

8. ITEMS FROM COMMISSION

A. Subcommittee Reports

1. Community Events – None.

2. Integrated Pest Management Subcommittee – Chair Pro Tem Bandaruk reported the integrated pest management policy will be going to the July City Council meeting.

B. Items from Commissioners

1. Coastal Advisory Committee (CAC) – Commissioner Ayer reported the CAC received a presentation by Carl Stiehl regarding the City's land use plan and a presentation regarding bird deterrence under the San Clemente Pier.
2. Friends of San Clemente Foundation – Commissioner Dorey reported the Friends Foundation is selling sponsorships for pet waste stations; reported a successful golf tournament; and reported the carnival will be returning in October.
3. Courtney's Sandcastle Charitable Foundation (CSC) – Chair Pro Tem Bandaruk reported the shade structure has been installed at Courtney's Sandcastle Playground; and reported there has been a request for tree replacement in the sensory garden area.
4. Public Safety Task Force – Chair Pro Tem Bandaruk reported the Task Force will meet again, and an additional deputy has been hired.

9. ADJOURNMENT

There being no other business before the Commission, Chair Streger adjourned at 9:39 p.m. to a regular meeting on Tuesday, August 14, 2018 at 6:00 p.m. at the at City of San Clemente Council Chambers located at 100 Avenida Presidio, San Clemente, CA.



Chairperson and Commissioner of the
Beaches, Parks & Recreation Commission



Beaches, Parks & Recreation Director



AGENDA REPORT

BEACHES, PARKS & RECREATION COMMISSION MEETING
Meeting Date: July 10, 2018

Agenda 4. B.
Approvals: _____
Dept. Head _____
Manager ST
Admin. MA

Department: Beaches, Parks and Recreation
Prepared By: Samantha Thomas, Recreation Manager

Subject: *USE OF BICYCLES AND ELECTRIC BICYCLES ON THE BEACH AND BEACH TRAIL.*

Fiscal Impact: None.

Summary: Staff is seeking comments from the Beaches, Parks and Recreation Commission regarding the use of bicycles and electric bicycles on the Beach Trail and the beach; and, if appropriate based on discussion, direct staff to draft an amendment for City Council approval to San Clemente Municipal Code (SCMC) 12.32.

Background: At its April 10, 2018 meeting, the Beaches, Parks and Recreation Commission discussed the use of electric bicycles on the San Clemente Beach Trail. At that time, the Beaches, Parks and Recreation Commission voted to direct staff to draft an amendment to SCMC 12.32 (Attachment 1) to prohibit the use of all electric bicycles on the Beach Trail, unless the vehicle is used to assist an individual with a disability. The Commission also expressed a desire to discuss bicycle usage on the Beach Trail more generally, requesting data of reported incidents involving bicycles and numbers of bicycle users.

During the month of May, a survey was conducted to gather information regarding Beach Trail use. The Beaches, Parks and Recreation Department received 1,062 responses, both in-person, on the trail, and online. Additionally, staff went to the Beach Trail on various days and times counting the number of Trail users and their activities. According to those counts, 5% of trail users were seen bicycling and 2% riding an electric bicycle. Other uses observed included walking (48%), running/jogging (23%), dog walking/running (16%), and stroller walking/running (6%).

At its June 7, 2018 meeting, the Beaches, Parks and Recreation Commission discussed the use of bicycles on the Beach Trail and requested additional information regarding enforcement options on the Beach Trail.

At its June 12, 2018 meeting, the City Council requested the Beaches, Parks and Recreation Commission additionally consider restrictions on bicycling on the beach.

Discussion: Bicycles on the Beach and Beach Trail

Currently, SCMC 12.32.130 allows for bicycles to be ridden on the Beach Trail from Labor Day to June 14 (non-peak season) with the exception of the Riviera and Montalvo bridges and the asphalt area at the base of the pier. During peak season

(June 15 through Labor Day), riding bicycles is not permitted between the pier and the Trafalgar Canyon Bridge. Under the current ordinance, electric bicycles are permissible and are required to follow the same regulation as a standard pedal bicycle. Bicycles cannot exceed 10 mph while operating on Trail.

Additionally, at this time there are no restrictions to bicycling on the beach and no reported incidents to City staff.

Electric Bicycles on the Beach and Beach Trail

Under the current SCMC 12.32.130, electric bicycles are permissible on the beach and the Beach Trail. Users are required to follow the same regulation as a standard pedal bicycle. Bicycles cannot exceed 10 mph while operating on Trail.

In 2015, the State of California passed Assembly Bill (AB) 1096, amending the vehicle code as it relates to the definition of a "motorized bicycle". AB 1096 (Attachment 2) defines an electric bicycle as a bicycle that is fully operable by pedal and contains an electric motor of less than 750 watts. There are three (3) types of electric bicycles:

- 1) Class 1: A low-speed pedal-assisted electric bicycle, equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- 2) Class 2: A low-speed throttle-assisted electric bicycle, equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
- 3) Class 3: A speed pedal-assisted electric bicycle, equipped with a speedometer and a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

In accordance with AB 1096, the use of lower-speed electric bicycles is permissible on bicycle paths. However, this law also allows for local municipalities to prohibit, by ordinance, the operation of class 1 or class 2 electric bicycles on specified paths or trails. The operation of class 3 electric bicycles is strictly prohibited on specified paths, lanes, or trails, unless otherwise authorized by a local ordinance. Currently, the SCMC does not specify this use, therefore they are prohibited.

With a recent increase in the popularity of electric bicycles, staff have received concerns regarding the use of these types of vehicles on the Beach Trail as it relates to the safety and wellbeing of other trail users. Although there are no reported incidents.

Enforcement

The enforcement of the current regulations through citations for the Beach Trail and beach activities is managed by the Marine Safety Division and Orange County Sheriff's Department. Over the coming year, staff is working to grant citation authority to Park Monitors, giving these staff the opportunity to further support existing enforcement arms. Upon approval of this responsibility, staff will seek Council approval to expand Park Monitor authority to include the Beach Trail and surrounding areas. Staff have reviewed possible additional enforcement opportunities, but there

are no available resources at this time to expand enforcement beyond what is currently established.

Public outreach and education efforts are currently underway through the RSVP (Retired Senior Volunteer Program) at the base of the Pier. It is possible to request additional times or locations for outreach. It may be possible to develop additional volunteer program efforts with a trail volunteer program similar that operated by the California State Parks.

Recommended

Action:

STAFF RECOMMENDS THAT the Beaches, Parks and Recreation Commission

- 1) Provide comment regarding the use of bicycles on the beach and the Beach Trail; and
- 2) Confirm the Beaches, Parks and Recreation Commission April 10, 2018 recommendation to ban the use of electric bicycles on the beach and the Beach Trail; and
- 3) Direct staff to draft a Municipal Code amendment and/or resolution to Chapter 12.32 of the San Clemente Municipal Code for City Council approval, if appropriate based on discussion.

Attachments: SCMC 12.32.130

Notification: Interested Parties.



San Clemente, CA Code of Ordinances

12.32.130 - Cycling, skateboarding and similar activities on pier, access road and beach trail.

- A. Prohibited Activities on Pier and Access Road. Except as provided below in Subsection (B) of this section, no person shall ride or permit to be ridden, drive, or permit to be driven, any bicycle, tricycle, skateboard, roller skates, or similar type device on the municipal pier, accesses to the pier, service roads, or beach access roads. In addition, no person shall throw any "frisbee" or other similar device on the municipal pier accesses to the pier, service roads, or beach access roads.
- B. Use of Bicycles on Beach Trail. Riding of bicycles is permitted on the Beach Trail, including those portions that overlay the beach service road, subject to the restrictions of this subsection B. Riding of bicycles on the Beach Trail is not permitted between the pier and the south end of the Trafalgar Canyon Bridge from June 15 through Labor Day. Riding of bicycles is not permitted on Riviera Beach Trail Bridge, Montalvo Beach Trail Bridge, or on the asphalt area extending north and south of the base of the pier at any time. Bicycle owners are permitted to walk their bicycles through restricted areas and at restricted times. Bicycles may be ridden at a maximum speed of 10 mph on all portions of the Beach Trail. Reckless riding of bicycles is prohibited, and no person shall allow his or her bicycle to block or be left unattended on the Beach Trail at any time.
- C. 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 § 2, 2007; prior code § 18-21)

(Ord. No. 1486, § 2, 5-21-2009; Ord. No. 1576, § 1, 12-3-2013; Ord. No. 1581, § 1, 6-17-2014)

9. **NEW BUSINESS**C. **Code Amendment - Use of Bicycles and Electric Bicycles on the Beach and Beach Trail**

Report from the Assistant City Manager concerning the possibility of amending the Code of the City of San Clemente as it relates to the use of bicycles and electric bicycles on the beach and beach trail.

Recreation Manager Thomas reviewed the contents of the Administrative Report.

Brenda Miller, San Clemente, spoke in support of enforcing existing regulations as opposed to adding new regulations.

C. L. Snider, San Clemente, related his position that electric bicycles are dangerous on the beach trail and urged that regulations against motorized vehicles be enforced.

Judith Frant, San Clemente, explained her opposition to the operation of electric bicycles on the beach trail, with the exception of electric vehicles needed to accommodate disabled persons.

Alison Betts, San Clemente, spoke in opposition to additional regulations and urged that persons who violate existing regulations be cited; stated that the proposed Ordinance recommends an arbitrary maximum vehicle speed on the trail of 8 MPH.

Pete van Nuys, San Clemente, urged that behavior that violates current regulations be enforced; opined that the existing 10 MPH speed limit on the beach trail be enforced; stated that the beach trail was designed for mixed use for pedestrians and human-powered vehicles, adding that the courts have determined that electric bicycles are human powered; suggested that the City form a committee to assess ways to protect pedestrian safety on the beach trail and throughout the City.

Mike Dollar, San Clemente, urged that the City allow bicycles on City trails, enforce existing regulations, and establish a speed limit.

Susan Ambrose, San Clemente, spoke on the need to enforce rules; suggested that a committee be formed to study the issues and to possibly establish hours during which bicycles are allowed on the beach trail; suggested that electric bicycles be prohibited on the beach.

Following discussion, MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0 (COUNCILMEMBER

SWARTZ ABSENT), to introduce Ordinance No. 1661 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 12.32.130 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE USE OF BICYCLES, INCLUDING ELECTRIC BICYCLES CLASS 1, CLASS 2, AND CLASS 3, AND OTHER ACTIVITIES ON THE PIER, BEACH ACCESS ROAD, BEACH AND BEACH TRAIL, with modifications as follows:

1. Class 3 bicycles were added to the title of Ordinance No. 1661.
2. Section 1, Subsection B is to be amended to reference that bicycles may be ridden at a maximum speed of 10 MPH.
3. Subsection E is to be added to Section 1 to provide that all types of bicycles are prohibited on the beach during summer months.
4. The second "Whereas" is to be expanded to include the following language at the end: "and prohibits the operation of Class 3 electric bicycles".

Additionally, the City Attorney is to develop language for a subsequent Ordinance for Council consideration that includes behaviors that are considered to be reckless or dangerous, to enable appropriate City staff to issue enforcement citations.

**San Clemente, CA Code of Ordinances****12.32.130 - Cycling, skateboarding and similar activities on pier, access road and beach trail.**

- A. Prohibited Activities on Pier and Access Road.Except as provided below in subsection (B) of this section, no person shall ride or permit to be ridden, drive, or permit to be driven, any bicycle, tricycle, skateboard, roller skates, or similar type device on the municipal pier, accesses to the pier, service roads, or beach access roads. In addition, no person shall throw any "frisbee" or other similar device on the municipal pier, accesses to the pier, service roads, or beach access roads.
- B. Use of Bicycles on Beach and Beach Trail.Riding of bicycles is permitted on the beach and beach trail, including those portions that overlay the beach service road, subject to the restrictions of this subsection B. Bicycles are not permitted on any portion of the beach from June 15 through Labor Day. Riding of bicycles on the beach trail is not permitted between the pier and the south end of the Trafalgar Canyon Bridge from June 15 through Labor Day. Riding of bicycles is not permitted on Riviera Beach Trail Bridge, Montalvo Beach Trail Bridge, or on the asphalt area extending north and south of the base of the pier at any time. Bicycle owners are permitted to walk their bicycles through restricted areas and at restricted times. Bicycles may be ridden at a maximum speed of 10 mph on all portions of the beach and beach trail. Reckless riding of bicycles is prohibited, and no person shall allow his or her bicycle to block or be left unattended on the beach and beach trail at any time.
- C. 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 § 2, 2007; prior code § 18-21)

(Ord. No. 1486, § 2, 5-21-2009; Ord. No. 1576, § 1, 12-3-2013; Ord. No. 1581, § 1, 6-17-2014; Ord. No. 1661, § 1, 9-4-2018)