

CAPISTRANO BAY DISTRICT
AGENDA REPORT
January 30, 2013

Manager's Reports & Old Business

ITEM J.1

Webb Community Mgmt. Report

This report has, for the past several months, been given verbally by Webb's agent Craig Pico during the board meeting. Webb has been asked to begin delivering a written summary to the District in time to be included in the Directors' information packets prior to the board meeting.

ITEM J.2

Storm Drain No. 2 Repair Project (along the sideyard at 35121 Beach Road)

The original contractor for this project had submitted a revised estimate (due to plan check revisions) which came in extremely high. The project is a basic and straight forward repair to an existing drain pipe and the construction cost should reflect that. New bids are due next week. With a reasonable proposal, a contractor can be selected, the permit can be issued and the project can get underway. Moreover, when the permit is issued, the admin office can be brought back to Beach Road.

ITEM J.3

Short Term Rental Issue with City of Dana Point

The Dana Point City Council has been discussing this issue as recently as November. The Council agreed to research how other southern California cities are dealing with short term rentals and bring that information back for Council review at a subsequent meeting. The next City Council meeting is set for Tuesday, February 5th, however, no agenda is posted yet so it is not known whether this item is ready for further consideration by the City.

ITEM J.4

Outstanding issue over interaction with homeowner and Securitas officer (from Nov.)

Securitas management has issued a letter apologizing for actions by any of its officers that may have been considered offensive by the homeowner. Remedial measures have been taken with Securitas staff and additional training will revisit the topic of *customer service skills*.

ITEM J.5

Aerial photo map of Beach Road posted on Coastal Commission website

It was brought to the attention of the District (by the City) that posted on the Coastal Commission's public-access website is a full aerial photo map of the beach along Beach

(ITEM J.5 continued)

Road. Think of it as the view you'd have from a low-flying helicopter over the frontside of the homes facing the beach, with your patio and beach in plain view. Over the years there have been 40 homes that have recorded *Public Access Easement Deeds* to allow the public a variety of access rights to those properties. All of these addresses are clearly indicated at each of the 40 homes. This information could lead anyone to think they have unlimited access to the beach at that particular home. This has the potential to create serious confrontational problems between the homeowner and the public beachgoer. The Board has directed the Manager as follows:

- notify all 40 homeowners of the presence of the aerial map on the CCC website
- bring this before the LCP Committee for review and response
- establish a set of guidelines to instruct property owners (see next agenda item J.6)

ITEM J.6

Guidelines for directing property owners in dealing with the public on the beach

Two recent events have occurred that have the potential for serious consequences for this beachfront community:

- 1) Last year a local fisherman was essentially “kicked off” the beach by a District security guard. The guard meant no harm and was only responding to a complaint call by a nearby homeowner. The fisherman was totally within his legal right to be on the beach below the mean high tide line and so his rights were violated. The fisherman complained to the CCC and the District received a notice of violation from them.
- 2) The posting of the aerial photo map on the CCC website.

Both events serve as good examples of the potential that is out there for our property owners to expect further interactions with the public on the community beach. A few years back, the LCP Committee developed a simple brochure that explained in fairly simple and easy-to-understand terms the “rules of engagement” so to speak (see attached copy on following pages). The brochure was the product of Committee efforts and created by Committee Member Alex Martinez. However, it was never passed on to either our attorney or the PLF for a review and comment. At the time, the Committee had its hands full with another public access-related item and never closed the circle on this. With the LCP Committee already directed to review the previous agenda item, this item should also be closely reviewed and brought to completion.

***A copy of the draft brochure is provided on the next 2 pages*

ITEM J.7

Parking development at 35283 Beach Road

The homeowner finally closed up the curb opening that was left unfinished for about two months. His intent was to create an exclusive private parking space along the street. The homeowner has been instructed in writing that until a plan for developing a parking space can be reviewed and approved by the District, the street parking along his property remains a public space, free for anyone to make use of and that the District’s Ordinance No. 06-202 (72 hr. limit) remains in full force and applies to anyone using that space.