

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

Thursday, July 10, 2003

@ 7:00 p.m.

**Community Center, Ole Hanson Fireside Room
100 N. Seville
San Clemente, CA 92672**

1. PLEDGE OF ALLEGIANCE

Committee Member Barnes led the Pledge of Allegiance.

2. ROLL CALL

Present: Ken Nielsen, William Hart, Michael Barnes, Garrett Waters, James Burror

Absent: Dennis Hannan, Nesa Ortega

Staff present: Bruce Wegner, Director, Beaches Parks and Recreation
Myrna Erway, City Clerk
Bill Cameron, City Engineer
Steve Lashbrook, Marine Safety Lieutenant
Mary Colletti, Recording Secretary

Guest: Chris Webb, Moffat and Nichols Engineering

3. SWEARING IN OF NEW COMMITTEE MEMBERS

City Clerk Myrna Erway swore in two new committee members, Mr. Garrett Waters (who replaces Peggy Vance as the representative for the Parks and Recreation Commission), and Mr. James Burror.

Chairman Hart, on behalf of the CAC Committee Members, expressed his appreciation to Peggy Vance for her service to the Committee and wished her well in her continuing role on the Parks and Recreation Commission.

Chairman Hart asked Marine Safety Lieutenant, Steve Lashbrook if this was the meeting during which the CAC Chairmanship and Vice-Chairmanship were up for election. Lieutenant Lashbrook responded that it was not agendized, but could be next month. Chairman Hart stated that he and Committee Member Nesa Ortega have served these roles for three years and he encouraged anyone who may want to replace them to notify them before the next CAC meeting. It was agreed by the CAC to hold these elections at the next CAC meeting.

4. APPROVAL OF MINUTES

CAC Minutes of June 12, 2003

These minutes were not approved, as there was not a quorum present tonight of those who were present at the previous meeting. The approval of these minutes was continued to the next meeting.

5. PUBLIC INPUT

None.

6. NEW BUSINESS

A. Opportunistic Sand Permit Mitigated Negative Declaration

Item 6.A, Opportunistic Sand Permit Mitigated Negative Declaration, was discussed before Old Business to accommodate guest Chris Webb, of Moffat and Nichols Engineering.

Chairman Hart introduced Chris Webb, who gave a general background of the CAC's program that he called the "opportunistic beach fill program" which has been under consideration for two years. He said two years prior, the Committee gave comments as to how to improve the program and a draft CEQA document with a Mitigated Negative Declaration. They then passed it through the city staff who gave their modifications. Moffat & Nichols sent it out for public review from August until September 2002. Mr. Webb said they received comments from the Surfrider Foundation, State Fish & Wildlife, the State Lands Commission, and other state agencies. Mr. Webb stated that they made modifications based on the comments they received, finalized the CEQA document, and gave it to the City to certify it in order to move forward with this program and obtain permits from four agencies, the USACE, the California Coastal Commission, the Regional Water Quality Control Board, and the State Lands Commission. Mr. Webb said these four agencies are now familiar with this project; however the City can't apply for permits until the CEQA document has been certified.

Mr. Webb summarized the CEQA document for the Committee and said that their Beach Nourishment Policy should be submitted along with the CEQA document in their permit application package. The permit application should state that the City is applying for approval of this program and that the program would be administered in accordance with this Policy.

Mr. Webb summarized the "Opportunistic Beach Fill" program for the Committee. He stated that the concept started with SANDAG's shoreline erosion policy in 1993. This policy's purpose was to begin the process of offsetting beach erosion problems from Oceanside to Mexico. The focus of the program was to make it possible for inland sand, from construction sites or similar sources, to be placed in the coastal zone, in the water or on the beach, depending on the sand's quality, in a cost-effective manner. They coined the phrase "opportunistic beach fill program". He stated that BEACON, in Ventura and Santa Barbara counties, are proceeding with this type of program and have obtained permits.

Chairman Hart asked if there had been any change in the document since this Committee last reviewed it. Mr. Webb said yes, that the Committee had requested chemical testing of all beach fill material while it's in the ground prior to being brought to the beach. Also changed was the requirement that two-thirds of the material would be placed on the beach in the Fall/Winter and one-third in the summer. It was opened to include the possibility of having all of the material placed in the Fall/Winter, with a cap of no more 300,000 cubic yards to be placed during a 12 month calendar year. In addition, the document now states that the material must be placed in small increments, i.e. 10,000-20,000 cubic yards each time with intense monitoring of public reaction throughout the entire process. He said the final change was monitoring for surfing effects.

Mr. Webb said that we would submit the application to all agencies at the same time, with the lower level agencies such as the Regional Water Quality Board issuing their permit first, within 60 days. Next would be the State Lands Commission, then the Coastal Commission. He said the USACE has already informally approved it and are just awaiting the State level permit; therefore the lead time from the State level to the Federal level would be short in terms of obtaining the permits. Mr. Webb suggested having a workshop for all of the lower level agencies to re-familiarize them with the project. Committee Member Barnes asked for best and worse timeframes. Mr. Webb responded that in the best case, with City Councils' approval, permit applications could be issued in the next few days, but that many agencies utilize the whole 30 day time limit to respond on whether or not the application is complete. He said, at that point, it would be 60-90 days to get permits from the Water Board, the State Lands Commission and the Coastal Commission. He said the best case timeframe would total 4-5 months to get onto the Coastal Commission agenda. He said once you're on their agenda, you've passed one of the most difficult hurdles. He said the worst case timeframe could be a year.

In response to Committee Member Burror's question, Mr. Webb said he still has to prepare responses to any possible objections, but, when asked by Chairman Hart, Mr. Webb said there were no controversial comments submitted so far. He said the Surfrider Foundation endorses responsible Beach Nourishment.

Committee Member Nielsen asked for time to review the "Final Mitigated Impact

Report, dated October 2000" as he said this document was different from the one he had previously reviewed.

Committee Member Burror suggested that the City require a monitoring plan or checklist to show that the CAC, during the program, is following the Negative Mitigation Declaration and Mr. Webb agreed it was a good idea.

Committee Member Nielsen, while reviewing the document, read that the nearest kelp bed was 50 feet south of the San Clemente pier, a statistic that he questioned and would like confirmed. Mr. Nielsen also asked if this report was current enough. Mr. Webb said that the timeframe was five years or less, but that if conditions change significantly from the time the report was issued, the report could be updated.

Committee Member Nielsen regretted that the Committee had not been given the document from Moffat & Nichols prior to this meeting for review, and Chairman Hart agreed, but he stated that he felt no new information had been added since the last time the Committee had reviewed the document. Mr. Webb said there can be significant changes made to the document from the draft to the final stages. He said that there had been enough comments already from resource agencies to warrant changes to the document (Mr. Webb stated earlier in these minutes, the changes made to the document). Committee Member Nielsen said he would like more time to review this document before it was presented to the City Council. If the conclusions don't change, he saw no reason to delay sending the document to City Council, but if there was inaccurate data in the document, he would like the ability to make changes thereafter.

Committee Member Burror suggested that the CAC could approve the document with the condition that before any sand is replaced, baseline conditions could be checked again. Mr. Webb said he'd like to have the Committee's overall agreement before he presents the document to the City Council. Committee Member Nielsen expressed concern about the size and location of the kelp beds, and said he would provide Mr. Webb with written information in regard to this. Director Bruce Wegner suggested that this Committee recommend City Council's approval pending submittal of possible public comments which could possibly be incorporated into the document; if any such comments would actually change the document, the document could go back to the CAC for review; otherwise, the document would continue to the permit process. Mr. Webb said he would be happy to email a "redline" copy to the CAC members before submittal to City Council. He stated that he could update the kelp bed condition information without slowing down the permit process. Chairman Hart stated that this Committee should recommend approval of the document by City Council pending revisions of factual statements, as long as such statements did not affect the conclusions of the document.

Director Wegner said he would need the Committee's comments on the document by August 5, 2003. Committee Member Nielsen said he would review the

document for any missing facts by July 18, 2003 and contact Mr. Webb with his comments.

The Committee agreed to the above, but Committee Member Nielsen said he preferred the title of "Opportunistic Beach Fill Program" or "Beach Replenishment Program" rather than "Beach Sand", because he does not want to mislead the public when the sand used may actually look like dirt. Mr. Webb said that the material required had to be 75% sand, not silt and clay. He said the definition of sand was that the grain size had to pass the #200 size sieve. Committee Member Nielsen said the sand that stays on the beach is the larger grain size, and he wanted to know, of this material, which part would stay on the beach, the 75% sand, or the 25% silt/clay or other fines. Mr. Webb said the purpose of this program is not to replenish the beaches and make them wider to mitigate sand erosion. He said in samplings from our littoral zone, the material on the beach and in the breakers is all sand, but in deeper waters, the sand is finer. He said at the end of the San Clemente pier, there are 20% fines. In deeper water he believes there are 30-50% fines. (NOTE: In the CAC meeting of August 14, 2003, the new Chairman, Michael Barnes, requested a factual correction of Mr. Webb's previous statement in these minutes. Chairman Barnes amended that, per the actual report on fines in the pier area, the dry sand has 1% fines, and the sand at the end of the pier has 6% fines.) Mr. Webb said we wanted to add sediment that will spread throughout the entire littoral zone and that there is a place for all of the sand to be contributed; the fines will settle in deeper water and the sand will settle in shallow water causing the thickness of sediment deposit to increase and the beaches to widen in response, and that this is the purpose of the program. Committee Member Nielsen said he understood but felt there would be public outcry; he distributed a letter from the Coastal Coalition dated April 4, 2003. He said he was involved in the Carlsbad project when dirt was dumped on the beach; he was paid to put it in and he was paid to take it out. He quoted the letter to say that at the time the public complained that sand moved from the construction site was too silty and looked like dirt, and it was said to be a public relations nightmare. (Please refer to the copy of this letter from the Coastal Coalition dated April 4, 2003 for more details.)

Committee Member Nielsen said if the City doesn't care how the sand looks and is willing to "take the heat", they should go ahead with it; he has no problem personally with putting dirt on the beach. Mr. Webb said it wasn't dirt, he said he worked on the Carlsbad project, and they built it above the knee-high tideline to waive approval from the USACE and that it was dirt; it could be seen from the air, the public complained, and that the City vowed never to put visually incompatible sand on the beach again; it would be put in the water. He said in San Clemente's case, "dirt-colored" sand would be bulldozed into the water. Committee Member Nielsen said he just wants the public to know what they'll be getting in regard to what we are placing on the beach, e.g. dirt that may eventually become sand and may possibly become the same color as the existing sand.

MOTION BY CHAIRMAN HART, SECONDED BY COMMITTEE MEMBER BARNES, CARRIED (5-0-0) to approve the final Mitigated Negative Declaration and send it to City Council with the condition that any comments of fact or observations from any CAC members could be incorporated, as long as those facts or observations do not change the final conclusion of the document. The deadline for such comments would be July 18, 2003.

B. Update/Report on Capital Improvement Projects for FY 2003-2004

(This item was re-ordered to follow Old Business item Draft Beach Sand Opportunistic Nourishment Policy.)

City Engineer Bill Cameron distributed a report entitled City Capital Improvement Program (CIP) Budget for Coastal Advisory Committee Review to the CAC and all staff present.

Mr. Cameron said he was distributing this report to elicit comments that the Coastal Advisory Committee may have. He said this report includes Capital Improvement Project information as well as budget information for these projects. (Please refer to the above document for CIP information). Mr. Cameron outlined two storm drain projects: 1.) 225 W. Marquita Storm Drain; and 2.) Plaza a la Playa Channel. He said there was \$300,000 forwarded from last year's budget for improvements to be done this year on the storm drain at Plaza a la Playa, for which they have received complaints from nearby homeowners. He said if Engineering built some walls and improved the hydraulics it could cost up to \$2 million; they'd like to just do some minor improvements and stay within the \$300,000 budget rather than upsize to a huge storm drain. Committee Member Nielsen asked if it needed a huge storm drain. Mr. Cameron said that some homeowners had reported that at times the water ran high enough so that it escaped along the railroad tracks to the south, so one idea was to lower the beach access trail and improve the hydraulics; they are concerned about the cost and impacts of crossing under the tracks and creating a new drainage outlet onto the beach. Director Wegner stated that Beaches, Parks and Recreation recommends rerouting the storm drain from the current underpass, but there may not be funding for this. Mr. Cameron said that adding pipe or a major channel could be extremely expensive, so at this time, Engineering plans to steer away from this large of a project due to the lack of funds. He feels there are many other options, and one of the best options may be to extend the pipe upstream of the existing undercrossing to solve the flooding problem, but it may limit beach access. Committee Member Nielsen asked about the City's liability if nothing was done. Mr. Cameron said the liability would probably be the same as now. He said the least expensive alternatives would be for the City to build a wall around the most affected home or sandbag the area.

Mr. Cameron said there are five other projects in next year's budget. These are outlined in the CIP memo he distributed. He said he'd be happy to respond to any questions the Committee had after they'd reviewed this memo. Committee Member Barnes asked if the storm drain treatment units would be different types at each location. Mr. Cameron said the plan was to use CDS or the "continuous deflection" units. Committee Member Barnes said he'd heard there were problems with the CDS type. Mr. Cameron was unaware of any problems with them in Dana Point. Mr. Cameron said resident Mr. Huckins had been in contact with CAC members and has attended each City Council meeting including the last one. He said he (Mr. Cameron) provided a report to City Council dated June 27, 2003 discussing areas of the city where there is ponding or slow-moving water, and that Council told Mr. Huckins they had concerns about the financial impacts if the City starts trying to deal with these problems at this point in time.

Committee Member Barnes asked if there was any way to use the infiltration method for irrigation. Mr. Cameron said he's now involved in several lawsuits; the City is being sued because allegedly our storm drains, water lines and sewers are leaking, although there is no proof of this. However, Mr. Cameron is not in favor of adding more water to potentially unstable ground, as this is a huge problem with lawsuits against the City. He agrees that infiltration is a good idea, but not for our City. Director Wegner said Linda Lane had a problem with all the joints of the storm drain leaking groundwater in a large flow. Mr. Cameron said that subdrains are put at the bottom of the canyons because of all the groundwater runoff. He said this is historic; there are reports from the 1970's of large runoffs at Poche beach. Chairman Hart asked if the groundwater runoff could be mapped out. Mr. Cameron said it's extremely difficult to track groundwater sources; it's been attempted, but not very successfully. Committee Member Nielsen asked if groundwater can be tracked using the low-heat method. Committee Member Barnes responded that it would be difficult because of the regional aquifer and our fine-layered ground. Committee Member Burror interjected that our area does not have a typical groundwater basin, which makes it more difficult to track groundwater origins. Mr. Cameron said that there are groundwater seeps all over the city. He said it's one of the reasons some of our streets fail. Director Wegner said that in some of our parks, groundwater comes from all over and varies depending on pressure, etc. Therefore, the sources are difficult to detect.

City Engineer Cameron announced that the new Water Quality Code Compliance officer is Kim Aldrich. Committee Member Nielsen said she's doing a good job; he already had a call from someone who'd been contacted by her for a violation. Committee Member Waters asked about standing water in gutters, and asked if the City resolved this or if residents could pay for improvements themselves. Mr. Cameron said they would rebuild gutters in many cases, but if the area's flat, it can be ineffective. Committee Member Waters asked if the Vistosa gutter had been rebuilt by the City or by individuals. Mr. Cameron wasn't sure, but said that residents could rebuild them if they get a permit. He also said that if residents kept their gutters clean it would help a great deal. Committee Member Barnes cited an example of a child riding a bike, who slipped in gutter water, fell and was

injured. His family sued the City for damages, and the City was forced to spend a great deal of money to repair the problem. Chairman Hart asked if Mr. Barnes (who had been approached by Mr. Huckins) was satisfied with the staff's response to Mr. Huckins. Committee Member Barnes said yes, but that Mr. Huckins was not going to let this issue die; he's rallying his neighbors in support.

7. **OLD BUSINESS**

Old Business item Draft Beach Sand Opportunistic Nourishment Policy was discussed after New Business item Opportunistic Sand Permit Mitigated Negative Declaration, in order to accommodate Mr. Webb. Thereafter, New Business item Update/Report on Capital Improvement Projects for FY 2003-2004 was discussed (refer to New Business section for minutes on this report from City Engineer Cameron).

A. Draft Beach Sand Opportunistic Nourishment Policy

The Committee reviewed this policy and made revisions. Please refer to the Policy revised July 10, 2003 for these revisions.

During the Policy discussion, Mr. Webb stated that once the program permits are in place, the agencies, for every instance of opportunistic sand contribution, will require a brief "executive summary" in letter form, with pertinent information accompanied by a design which would include the quantity, the characteristics (i.e., a footprint and a cross-section of the sand) and exactly how and where the sand is to be placed. This letter would be sent electronically to all the agencies, and they would have 30 days to object or concur. If you hear nothing from them within the 30 days, you can assume they concur.

Upon completion of the discussion of the Policy revisions, Chairman Hart asked that the Committee continue this discussion to the next regular CAC meeting, and the Committee thanked Mr. Webb for his attendance and his very helpful input.

8. **COMMUNICATIONS**

A. Parks and Recreation Commission Minutes, May 13, 2003

Received and filed.

B. Bacteriological Monitoring Report

Received and filed.

9. **ITEMS FROM STAFF**

10. ITEMS FROM COMMITTEE MEMBERS

Committee Member Nielsen mentioned a letter printed in the local newspaper regarding an undisclosed San Clemente beach being dirty; he said he'd checked out North Beach before the letter was written, and he said the sand at North Beach is gravelly and unbelievably filthy. He said he spoke to Mr. Ezry, who filled him in on what's happening at North Beach. He mentioned homeless people living in the bushes and no fire rings therefore people build fires on the beach. Mr. Nielsen told Mr. Ezry that North Beach is becoming a "Riviera"; it's being used by more people than ever, but it is filthy and he felt that the beach needs better trash pickup. He'd like this to go on record, to City Council that we need more money to clean up North Beach.

Director Wegner said the problem there is that there is no extra sand to push and cover up the filth, and there is a problem with illegal fires soiling the sand which can't even be solved by pushing sand over it. Committee Member Nielsen said he's not "knocking" what's being done, he just feels that perhaps the person(s) assigned to do cleanup are not doing a thorough job. Chairman Hart suggested public education, perhaps signage and getting the Surfrider Foundation involved. Committee Member Nielsen said he understands the problem with illegal fires and no fire rings; his major concern is actual trash left on the beach (Styrofoam, paper cups, plastic bottles), which he said were there even before the big 4th of July weekend. He feels that, as a City, we must do something to alleviate the problem with our valued resources, the beaches. Director Wegner said that he will follow up with the person(s) cleaning that area to see that they are doing their job properly. Committee Member Nielsen said he'd like to see the City organize residents for a weekly or monthly beach cleanup. Director Wegner said Beaches, Parks and Recreation are looking into an "adopt-a-beach" program, involving local service groups. He said the City currently employs cleanup staff 7 days a week in the summer, and 5 days a week the rest of the year, and he will follow up with them on this issue.

Committee Member Barnes asked about the results of the Regional Water Quality Board audit of the City. City Engineer Bill Cameron said the City had not yet received the results of the audit.

11. ADJOURNMENT

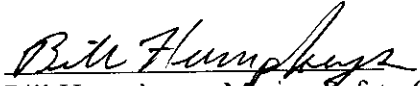
MOTION BY COMMITTEE MEMBER BARNES, SECONDED BY COMMITTEE MEMBER WATERS, CARRIED (5-0-0) to adjourn at 10:25 p.m. to a joint Council/Commissions/Committees special meeting to be held on Wednesday, July 30, 2003, at 3:00 p.m., in the Community Center parking lot, 100 N. Seville, San Clemente, California 92672.

Respectfully submitted,

A handwritten signature in cursive script that reads "William Hart".

~~William Hart~~, Chair

Attest:

A handwritten signature in cursive script that reads "Bill Humphreys".

Bill Humphreys, Marine Safety Captain