

These minutes were approved by the Coastal Advisory Committee on 2/13, 2003

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

Thursday, January 23, 2003

@ 6:00 p.m.

Senior Center, Multi-Purpose Room

242 Avenida Del Mar

San Clemente, CA 92672

1. PLEDGE OF ALLEGIANCE

Committee Member Peggy Vance led the Pledge of Allegiance.

2. ROLL CALL

Present: Ken Nielsen, William Hart, Peggy Vance, Dennis Hannan (arrived after roll call), Nesa Ortega, Michael Barnes

Absent: Greg Hulsizer

Staff present: Bill Humphreys, Marine Safety Captain
Mary Colletti, Recording Secretary

3. APPROVAL OF MINUTES

The minutes from the previous meetings of December 12, 2002 and January 9, 2003 were continued to the next regular meeting to be held on February 13, 2003.

4. PUBLIC INPUT

Resident Arlene Ross, Neighborhood Watch Captain for Avenida Algodon, distributed a letter to all Committee Members requesting that a street sweeping program be considered as a priority. She did not make any verbal comment. Please refer to her letter and its attachments which include a letter from another resident, Linda Dunn-Ross.

5. OLD BUSINESS

Strategic Planning/Vital Few Priorities for Fiscal Year 2003-04

This subject was addressed in advance of the Joint Council/Commission/Committee Meeting to be held in regard to this topic on January 29, 2003. Chairman Hart asked Captain Bill Humphreys to summarize the informal discussion (in lieu of a quorumed meeting) which took place during the last Coastal Advisory Committee meeting on January 9, 2003, and how that discussion is related to the Committee's vital few priorities.

Captain Humphreys stated that Anne Blemker, from the California Coastal Commission, attended that meeting and the Committee asked her questions regarding what she saw as the direction of some of this Committee's issues, and how the California Coastal Commission specifically felt in regard to the Coastal Canyons and Bluffs recommendation.

Captain Humphreys stated that the direction of the conversation was in terms of "adding teeth" to the Canyons and Bluffs recommendation, and that the Coastal Commission does not take a position on local jurisdictional issues, e.g. drainpipes. Captain Humphreys said he asked if we could write a policy stating San Clemente owners had to comply with California Coastal Commission regulations in regard to canyons and bluffs, but it was stated during the informal meeting that the California Coastal Commission did not regulate local planning and regulatory issues. He said the discussion then moved on to the City picking up the Local Coastal Program Implementation Plan (LCPIP).

Captain Humphreys stated that the City of San Clemente submitted a tentative LCPIP plan several years ago, and the feedback at that time suggested it was lacking and that the turnaround time was far too long. He said that Ms. Blemker indicated that the turnaround time could now be much quicker to receive authorization; it could be as little as a year. He stated that Newport Beach would turn in their application, in June or July, for the Coastal Commission to review. Captain Humphreys stated that we are pushing to have San Clemente's LCPIP reviewed, and to have a broader Coastal Canyons and Bluffs program. Rather than get too specific at the outset, it could be modified later to fit into the Coastal Canyons and Bluffs program. Captain Humphreys suggested an LCPIP be added to the vital few priorities.

Chairman Hart said that based on discussions with fellow Committee Members, he initiated a dialogue with City Council Member Wayne Eggleston regarding the need for doing something about our canyons and bluffs. He said Councilman Eggleston's response, based on input from City Planner Jim Pechous who was in charge of the LCPIP, was that this could be a long process and quite costly in terms of staff time, the estimate being 70% of a staff person for at least a year. Chairman Hart said Councilman Eggleston also spoke to City Attorney Jeff Oderman about alternatives (i.e. interim ordinances or codes) and Attorney Oderman felt the Bluffs and Canyons issue required more study. Chairman Hart said that we could ideally develop interim ordinances/codes related to the LCPIP based on what matters most, i.e., to protect the bluffs and canyons. Councilman Eggleston feels the situation is urgent and is pushing for an interim Bluffs and Canyons plan. Chairman Hart said in his discussions with Councilman Eggleston, that Councilman Eggleston did not feel that the City Council, given their budget constraints, would be interested in starting a new major project such as the LCPIP, and is therefore encouraging an interim solution.

Chairman Hart said one interim solution may be to create a body of ordinances and codes that are a subset of the LCPIP, and could therefore be re-used as part of that plan. Chairman Hart said Councilman Eggleston feels that it is possible but that he, Chairman Hart, is uncertain about this; he said it would be expensive in regard to staff time.

Chairman Hart asked Ms. Blemker, that as part of the normal Coastal Commission process now, if someone from another city requires a Coastal permit, they must go to their City first to get an "approval in concept" building permit. This is different from a formal building permit and is used to show that their City approves of the project. Then, the project would be presented to the California Coastal Commission. Chairman Hart felt that this could provide good guidelines, but he also feels that this type of approval should be more than just advisory; that the City should be able to intervene if something outside the law is done. As it stands now, Chairman Hart said, the City has to call the Coastal Commission and ask them to send code enforcement out to take care of the problem, and that this is not satisfactory. Chairman Hart would like to require that approval from the City is mandatory before any bluff or canyon development is done so that the City would have a say in what is built on the bluffs or canyons. Chairman Hart said that to implement this, we could run all bluff and canyon development by Ms. Blemker and the Coastal Commission to get a feel for what does or doesn't need a Coastal permit. Chairman Hart said doing this could be an educational process for our staff on what kind of authorization should be required for various coastal canyon and bluff developments.

Committee Member Hannan asked if the Planning staff of the City of San Clemente had any experience in regard to coastal requirements elsewhere in California, and Chairman Hart said he guessed that while Jim Pechous (who drafted the LCPIP plan) has familiarity with coastal development, there may be some knowledge deficiencies among City planning staff as to what permits would be required from the Coastal Commission. He said that Ms. Blemker said Newport Beach's process works well because they have coastal bluff policies. Committee Member Hannan suggested that the best way is to hire a consultant to educate our City staff (Malibu has done this), and to use another coastal City's Bluff/Canyon policies and model ours after one that has already been written and implemented.

Chairman Hart pointed out that our current Coastal Bluffs and Canyons advisory document has already been given a "stamp of approval" by Anne Blemker, who has already reviewed it, was happy with it, and that the content of the document is not in question.

Committee Member Hannan felt that this advisory document had "no teeth". Committee Member Ortega asked if there had been any discussion with Ms. Blemker regarding the seeming inconsistencies in what the Coastal Commission requires for development. Chairman Hart said this issue was not discussed. He stated that he wants to drive to the "end goal" of having our own LCPIP; but that this year it's a non-starter project, due to budget constraints. It was then discussed with Ms. Blemker to use the Coastal Bluffs and Canyon advisory document in the

interim to guide the public to comply with the Coastal Act and what the City of San Clemente would like to require in regard to bluff and canyon development.

Chairman Hart stated that enforcement by the Coastal Commission is now a low priority due to the lack of resources which leaves the City with no control, as we rely entirely on enforcement by the Coastal Commission. That is why our Coastal Bluffs and Canyons advisory document is set up so our Planning department can give advice and issue an “approval in concept”. Committee Member Ortega pointed out that this may cause a lot of extra work for the Planning department. Committee Member Hannan felt that most of this type of development already goes through the City Planning department, but Chairman Hart responded by saying that you can build a deck without a City planning permit. Mr. Hannan responded that he built ten decks in San Clemente this year and each one was subject to permits, soil reports, etc. Chairman Hart stated that retaining walls, under three feet, could be built in San Clemente without a City permit, but would not be allowed under the Coastal Act on a coastal bluff. If someone were to build this type of thing without getting a Coastal permit, San Clemente’s only recourse would be to call the Coastal Commission and ask for code enforcement, but half the time they won’t enforce it. Chairman Hart cited canyon drainpipes as an example of this.

Captain Humphreys stated that in regard to Strategic Planning, an LCPIP and our advisory document on Coastal Canyons and Bluffs development may not be exclusive of each other, as Coastal Canyons and Bluffs is already on the vital few priorities list. For example, Captain Humphreys said, the Parks and Recreation department has requested new program priorities, in order of highest to lowest priority. Therefore, anything that can’t be budgeted would be eliminated from the bottom of the list.

Chairman Hart summarized this by saying that maybe we should initiate a Coastal Canyons and Bluffs policy that is enforceable by the City, and will contribute to the eventual creation of the LCPIP, as funding permits, and could perhaps be added as a separate priority, if not this year, possibly next year. He asked if the committee members would agree to do something like that; a not too specific interim plan based on our current Bluff and Canyon advisory document, but one that can be enforced by the City, and that this would be a first step toward implementing the LCPIP in the future. The Committee agreed with Chairman Hart.

Chairman Hart felt that we have built a better, more trusting relationship between the City of San Clemente and the California Coastal Commission, and that the Coastal Commission is more willing to work with us now, rather than trying to “police” us.

Committee Member Ortega mentioned that Tom Bonigut’s staff would be increasing and suggested that Senior Civil Engineer Bonigut would be very well qualified to work on the LCPIP project.

Chairman Hart asked for other suggestions in regard to the Strategic Plan, and mentioned Committee Member Barnes suggestion that “working to prevent double-tracking” be added to the Vital Few Priorities, as well as long-term planning for the Marine Safety project. Marine Safety Captain Humphreys told Mr. Barnes that the relocation of the Marine Safety building has been assigned to the Parks and Recreation Commission by the City Council; that one of their priorities was to study the potential relocation of moving the Marine Safety building away from the ocean waves while keeping it located on the beach.

Mr. Barnes also mentioned that we don’t know the history of our beach widths, and whether we really have a problem that needs to be solved with sand replenishment. Captain Humphreys stated that is function of the Feasibility Study, done by the Army Corps of Engineers, so hiring a consultant to do such a study would be redundant. Committee Member Ortega felt that we do have a problem with the beach is eroding under our public buildings, but that Dr. Griggs’ point (during his presentation last year to the Coastal Advisory Committee) was, if we had all the sand we wanted for replenishment, we should look at our beaches historically to determine how wide our beach widths should be. Chairman Hart asked Committee Member Nielsen if the Army Corps of Engineers’ Feasibility Study would give us a long-term historical perspective. Mr. Nielsen said yes, that we’ve already seen some of this data in the Scully study, and he believes this information will be included.

Chairman Hart wondered if we should prioritize a study, and the Committee felt we should ask the Army Corps if this type of information would be done in the study. They don’t know when the Army Corps of Engineers Feasibility Study will be concluded or what has been completed so far in the study.

The Committee felt they should let the Army Corps of Engineers run their course with the Feasibility Study, and ask them the status at their next meeting. Captain Humphreys said he could ask the project manager of the study how much historical information will be included. Committee Member Nielsen said we should remember that we don’t really know how long a “cycle of sand” is historically. Committee Member Ortega thought they’d seen a lot of records on historic beach widths, but Captain Humphreys said that was because there are a lot of different kinds of records (i.e. a 1958 map done as a Bank of America survey plot map) that are difficult to compare to each other. The Feasibility Study project manager feels he can’t compare these records (for example, aerial maps compared to topographical maps).

Chairman Hart said it would be difficult to convince the City Council to spend \$50-80K on another study. Committee Member Barnes feels strongly that we should have historic study results before going ahead with sand replenishment.

Committee Member Vance asked if the Poche beach project was about the contaminated water, and Chairman Hart stated that it is part of the Urban Runoff Management Plan that is already funded and being implemented.

Chairman Hart reiterated making the advisory Coastal Bluffs and Canyons document a first step to gaining certification for a local coastal program implementation plan.

Chairman Hart asked if the Poche beach project was replaced by the Urban Runoff Management Plan treatment project, and wondered if it needed to be listed on the Vital Few list, and Captain Humphreys said it is part of the plan to “improve water quality monitoring”.

Chairman Hart asked if it should be explicitly stated that we are handing off the Urban Runoff Management Plan to staff for implementation, or is it automatically being implemented. Captain Humphreys said it is no longer necessary to list it. Chairman Hart said he would mention it as an accomplishment to the Joint Council/Commission/Committee meeting on January 29, 2003.

Captain Humphreys asked if he should list as number five, a move towards getting certified for an LCPIP, as a vital few priority, and the Committee agreed it should be listed, as an effort to “begin planning for resources to support the certification” of an LCPIP for the future.

The Committee agreed that their FY 03/04 Vital Few Priorities should be as follows:


1. Opportunistic Sand Replenishment Policy or Ordinance - This is a continuation of an existing Vital Few project that is expected to be completed within the 03/04 FY.
2. Coastal Canyons and Bluffs Management Plan – This project is a current Vital Few priority. An advisory document has already been drafted. The Coastal Advisory Committee would like to explore and advise the council on how it could be made enforceable at the local level to provide interim protection of the bluffs and canyons. It would also be a step toward the eventual goal of certifying our Local Coastal Program Implementation Plan.
3. Opportunistic Sand Replenishment Permit – Ongoing Vital Few priority.
4. Army Corps of Engineers’ Feasibility Study – Ongoing Vital Few priority.
5. Local Coastal Program Implementation Plan (LCP IP) – This is a new priority, with a goal of planning for resources to support the completion and certification of the LCP IP that was started a few years ago. The Coastal Advisory Committee will be able to provide support to the appropriate lead department in this effort.

MOTION BY COMMITTEE MEMBER ORTEGA, SECONDED BY COMMITTEE MEMBER BARNES, MOTION CARRIED (6-0-0) TO APPROVE THIS LIST OF VITAL FEW PRIORITIES TO BE PRESENTED TO THE JOINT CITY COUNCIL/COMMISSION/COMMITTEE MEETING OF JANUARY 29, 2003.

6. **NEW BUSINESS**
7. **COMMUNICATIONS**
8. **ITEMS FROM STAFF**
9. **ITEMS FROM COMMITTEE MEMBERS**
10. **ADJOURNMENT**

MOTION BY COMMITTEE MEMBER ORTEGA, SECONDED BY COMMITTEE MEMBER VANCE, CARRIED (6-0-0) to adjourn at 7:20 p.m. to the Regular Joint Council/Commission/Committee Meeting to be held on Wednesday, January 29, 2003, at 7:00 p.m., in the Ole Hanson room of the Community Center, at 100 North Calle Seville, San Clemente, CA.

Respectfully submitted,



William Hart, Chair

Attest:



Bill Humphreys, Marine Safety Captain