

**MINUTES OF THE MEETING
OF THE CITY OF SAN CLEMENTE
COASTAL ADVISORY COMMITTEE
Thursday, December 12, 2002
@ 7:00 p.m.
Senior Center, Multi-Purpose Room
242 Avenida Del Mar
San Clemente, CA 92672**

1. PLEDGE OF ALLEGIANCE

Committee Member Bill Thomas led the Pledge of Allegiance.

2. ROLL CALL

Present: Bill Hart, Michael Barnes, Greg Hulsizer, Nesa Ortega, Bill Thomas, Ken Nielsen

Absent: Dennis Hannan

Staff present: Bill Humphreys, Marine Safety Captain
Bruce Wegner, Beaches, Parks and Recreation Director
Tom Bonigut, Senior Civil Engineer
Mary Colletti, Recording Secretary

3. APPROVAL OF MINUTES

MOTION BY COMMITTEE MEMBER BARNES, SECONDED BY COMMITTEE MEMBER HULSIZER, CARRIED (4-0-2) to approve the minutes of October 10, 2002 as amended (Abstained: Thomas, Nielsen).

MOTION BY COMMITTEE MEMBER ORTEGA, SECONDED BY COMMITTEE MEMBER HULSIZER, CARRIED (4-0-2) to approve the minutes of November 14, 2002 as amended (Abstained: Hart, Barnes).

4. PUBLIC INPUT

5. OLD BUSINESS

The agenda was reordered so that the New Business of the Talega Development-Segunda Deshecha Runoff Management Plan was heard before the Old Business. For clarity, the minutes have been reordered to follow the order of the published Agenda.

A. Draft Sand Replenishment Policy or Ordinance

Since Committee Member Hannan was not present, he was therefore not able to submit his revisions on the sand replenishment program.

Committee Member Ortega asked if the hearing on the Opportunistic Sand program had yet taken place. Marine Safety Captain Humphreys said that he had spoken to Chris Webb who was now finalizing it. It has gone out for public review and to the various agencies, and Chris Webb is now in the final stages.

Committee Member Ortega asked the Committee about having Committee Member Nielsen's scientist colleague attend a meeting, and the consensus was that they should invite him to a later meeting, perhaps in February. Committee Member Nielsen said his colleague, Lawrence Homma, was available and that he could discuss the SANDAG monitoring with the Committee.

B. Coastal Canyons and Bluffs Management Plan

Bruce Wegner, Beaches Parks and Recreation Director, said this item has been in process for the last year and a half, as part of the Beach Ad Hoc Committee that reviewed coastal environment issues. The goal of this plan is education and to develop guidelines to help the City and the property owners know what their responsibilities are. The management plan guidelines are designed to address each major issue and establish how they are to be conveyed to the general public. For instance, if a resident has a question about his old deck, he'd be directed to call the City, and they may say they'd prefer not to have decks on the bluff, but City staff would direct the person to the California Coastal Commission, who has responsibility for the bluffs and will advise the acceptable solution. The City would send a plant material list and other educational information to suggest what to plant after an old deck is removed. This Management Plan has been reviewed by the City of San Clemente, the California Coastal Commission and the Orange County Fire Authority. The Orange County Fire Authority and the California Coastal Commission deliberated for about six months and decided on a plant material palette which is included in the Management Plan, that would be different from a pure native plant palette, so as to remove the highest fire-danger plants, which happen to be the most common plants on our bluffs. This allows a safer native environment. Mr. Wegner would like the Committee to consider whether they want to go beyond the Management Plan, and possibly back up some of the Plan by ordinance to regulate decks, plant material, drainage improvements, etc. For example, if the City decided they don't want decks on the bluffs, the City would have to implement a code requiring their removal with a time frame for removal. We would work with the City Attorney to protect the City and to protect the homeowners and give them time to gain the

resources to comply; such as an amortization schedule, etc. Or if the Plan is implemented as is, by recommendation only, we would review its effectiveness over a period of time. If it is not effective as is, perhaps in the future, we would revisit implementing mandates instead of recommendations.

Chairman Hart asked for public comment.

Resident Wayne McMurray lives on a bluff and stated then when making policy, he hoped the Committee would work to simplify any process that a bluff property owner would face. He's worked with the California Coastal Commission and found the processes to be difficult to deal with and overly complicated. He said due to his interaction with the Coastal Commission, they inflated a \$10,000 repair into a \$30,000 improvement which took several years to obtain permits for, and the plants the Coastal Commission recommended won't grow on San Clemente bluffs.

Resident Gina Petrikas has a home on a coastal canyon, and an investment property on a Buena Vista bluff, and she stressed that she would like to see the processes simplified as well.

Chairman Hart would like ensure that the City policy would help the property owner comply with the Coastal Commission requirements up front by creating a preliminary process to pave the way so that the Coastal Commission process would be easier to deal with. Chairman Hart said if we had our own coastal plan we would have more permit authority within the coastal zone, but that anything that occurs in the "appeal zone" between the beach and the first public road can be called before the Coastal Commission for direct action. Committee Member Ortega said the City is in process of establishing a plan accepted by the California Coastal Commission so the City can issue our own permits and have the residents bypass the California Coastal Commission. Sometime in the future, the City will have this simpler process in place.

Committee Member Barnes suggested that they take parts of the Coastal Act and incorporate it into the plan; even if the City does not have bluff ordinances, we do have ordinances that regulate the whole City. Chairman Hart mentioned the drainpipe installation in Trafalgar Canyon. Many residents laid out plastic pipe, and it was a blight, but the City said they could not regulate it, and a City permit was not necessary. The residents should have gotten approval from the Coastal Commission, but did not. Chairman Hart would like the City to have an ordinance requiring a Coastal Commission permit before building or modifying property in the coastal zone.

Director Wegner pointed out that such an ordinance could probably not be written so broadly; they must be very specific about what is being regulated. He said that the educational brochure was developed to address these specific issues and recommend the process a resident should take. In most cases,

residents will have to call the Coastal Commission. Mr. Wegner gave an example of how difficult it can be for the City to regulate this type of thing. The City went to the Coastal Commission with a plan to upgrade the public restrooms at Linda Lane Beach—they would add a small staircase, but otherwise, just refurbish it. The Coastal Commission said they considered this new development rather than just an upgrade; they made the City get a Coastal permit and sign an agreement saying we would never do anymore improvements to the building—therefore, if the ocean encroached upon it, we'd have to allow the building to fall into the water. When the Fisherman restaurant decided to upgrade their building, Mr. Wegner warned them that they would need a Coastal permit. They invited the Coastal Commission staff down, and the coastal staff said that the entire inside and outside structure refurbishment would be exempted from a Coastal permit. He said it's difficult to predict the direction the Coastal Commission will go in which is why the City doesn't want to be put in the position of advising residents what the Coastal Commission might require.

Committee Member Barnes suggested we just incorporate the Coastal Commission's ordinances into any ordinances we might establish. Mr. Wegner said we cannot enforce such regulations; the Coastal Commission has not given us that authority. For instance, with the drain pipe installation issue, we could require a resident to get a permit with the City, but they'll still have to get a Coastal permit. However, we can regulate the permit in such a way that once it goes to the Coastal Commission, their approval could just be "a stamp". Committee Member Barnes believes the policy as it is now is too weak, with the use of phrases such as "recommend" and "encourage", but he doesn't think we should penalize residents who've already invested in property improvements and make them remove improvements.

Committee Member Ortega asked if the brochures would be distributed to all affected owners, and Mr. Wegner said yes, and that if this plan is approved, we will mail it to every property owner on the coastal bluffs.

Chairman Hart said that because the bluffs are receding, people want to protect their property. We should give guidance on how to do this in an aesthetic manner.

Committee Member Ortega mentioned that a year ago they discussed whether it was good or bad to drain into a canyon and asked staff opinion on that.

Wegner replied that it's an art and a science; whether you drain over a bluff into a canyon or drain from the street, there are two rules of thumb: 1) Draining over a bluff creates erosion, potential failure, concentrated water where there are homes, even with a good pipes, as they can crack or fail. 2) Draining water to the street, including from the roof, creates a concern that we are de-watering our slopes and causing them to contract and expand, which

causes instability. Committee Member Nielsen asked if pipes also de-water a slope, and Wegner agreed that they do to some extent. Mr. Nielsen asked if the pipes were there because the houses are lower than the street, and Wegner responded yes, that generally the pipes go off the bluffs into the canyons when they can't get to the street.

Committee Member Barnes stated that he feels the plan promotes the black pipes in the sentence where the Plan says "...that seems to be a good alternative...". Sr. Civil Engineer Tom Bonigut said that we promote it because it is legal.

Chairman Hart said this discussion will be continued to next month, and asked if we could get a Coastal Commission staff member to attend the next meeting. Director Wegner said that Anne Lemker has reviewed his Plan twice, and is comfortable with it, so he could ask her to attend the meeting.

Chairman Hart asked for some input by the next meeting from the City Attorney, on the following: if we go the ordinance route must we rewrite the Coastal Act and embody that in the ordinance, or can we establish something that dovetails with the Coastal Act, but will allow us to strengthen our policy. Currently, there are people who bypass the Coastal permit process under our noses, and our only recourse in that instance is to complain to the Coastal Commission. Chairman Hart would like to see us have the ability to stop something illegal like this, locally, until the Coastal Commission can get involved. Director Wegner replied that the City Attorney has reviewed the Plan, and had rewritten the Plan so that it complies legally, the City Attorney is worried about the mandate concept. The City Attorney said we have to be careful how we apply any mandates as private property rights are sacred and any ordinance would have to be written very specifically and carefully.

Committee Member Thomas left the meeting at this time.

Chairman Hart asked Director Wegner for input and focus on: 1) new development, 2) replacement of existing development, and 3) solutions to invasive or dangerously dilapidated structures, such as broken drainpipes or decks. Director Wegner mentioned that if a new house is built they have to comply in all these areas. Committee Member Ortega said if the square footage of your remodel is 50% of what you currently have, you are required to bring non-conforming structures into conformance during the remodel, and she suggested this is another way to gain compliance in some areas. Chairman Hart replied that the issues he's concerned with are mostly repairs, replacement of existing structures or very minor additions such as stairways, retaining walls and drainpipes. Committee Member Barnes felt we should be able to deal with these minor structures locally.

6. NEW BUSINESS

A. Strategic Planning

Chairman Hart said this is the entry point into the Vital Few process. Captain Humphreys said they need to finalize and write a memo and submit it to the City Council meeting on January 29, 2003.

Committee Member Barnes suggested presenting double-tracking as a priority item to the City Council. Mr. Barnes also asked if we could look further into our historic beach widths, and asked Captain Humphreys if he could look into an analysis of the photos and the other available data. Captain Humphreys said that would need to go through the budgetary process to digitize the photos and have the analysis done. He asked the Committee to give him specific ideas of what to ask for in the budget process. Chairman Hart said to table it, and asked Barnes if he would come up with specific suggestions regarding data sources and products.

Committee Member Ortega asked about their current priorities, list A. 1) Urban Runoff Management Plan. Would we prioritize implementation of it? Mr. Bonigut said we are now implementing this program, and when asked by the committee what their involvement would now be in the program, he said the program is locked in place and could now be listed as an accomplishment as far as the Committee is involved, and the committee members agreed that since it's already funded, it need not be in the Vital Few list.

Committee Member Barnes asked if the feasibility study was funded, and Humphreys replied that it was funded for the current fiscal year, and needs to be funded again for the next year. Captain Humphreys said the Army Corps feasibility study is funded differently year to year. He said we're now getting state grant reimbursement, and that we paid \$229,000 the first year, and were reimbursed by the state. We had budgeted \$70,000 from the City. Last fiscal year the cost was \$250,000 and was reimbursed by the state. The current fiscal year is \$161,000 and we have not yet been reimbursed but the money is available. The next fiscal year cost will be the balance of the total of \$850,000.

Committee Member Ortega asked, if we receive no grants for that, could we still fund our portion? Captain Humphreys hoped so, and said that the State Dept. of Boating and Waterways felt the funding would still be available. Captain Humphreys also said that the State only reimburses 85% of our share, so we are not eligible for much more funding. Committee Member Ortega asked if the Army Corps would still hold up their end, and Humphreys said the current year appropriations have been postponed by the legislature, and now there is a new group that could re-appropriate the money. He said

Howard Marlow who updates him on this can't predict yet what will happen, but Captain Humphreys feels that the \$390,000 the federal government had set aside for San Clemente could possibly disappear or be reduced, but we won't know anything for certain until mid-January or February.

Committee Member Nielsen expressed concern over losing involvement with the urban runoff program, but Mr. Bonigut reassured him that we would continue our involvement by sitting on selection panels, continuing public education, etc., and this does not need to be listed as "Vital Few" in order to keep our involvement.

Committee Member Ortega asked about 4) Opportunistic Sand Replenishment Project, and Captain Humphreys said the title should be changed to Opportunistic Sand Permit and that Chris Webb is working on this. Regarding 5) Sand Replenishment Policy or Ordinance, Ms. Ortega asked if it was really an "Opportunistic" Sand Replenishment, and the committee agreed to change that title. Mr. Barnes asked if we needed more funding for this permit; maybe for staff time. Captain Humphreys said they are coming to the end of their budget, and we haven't asked for more in that regard.

Chairman Hart asked if the Calafia access should be a vital few item, and Wegner responded that it was already in the works.

B. Talega Development—Segunda Deshecha Runoff Management Plan

Senior Civil Engineer, Tom Bonigut introduced the topic of the above captioned plan and commented that this watershed drains onto North Beach. About a year ago he presented the runoff management plan to the Committee for the portion lying within the Cristianitos watershed (the "Cristianitos Runoff Management Plan"). At that time, it was well received, and he hopes this plan will be, as it is modeled after the first plan.

A group of people from Talega Associates presented the Runoff Management Plan. In attendance to support this presentation were:

Bryan Austin, Talega Associates
Mark Anderson, Senior VP, RBF Consulting
Brian Doeing, VP, West Consultants
Jim Yates, Talega Associates
John McCarthy, RBF Consulting
Pat Hayes, General Manager, Talega Associates

Bryan Austin, Talega Associates, said this Runoff Management Plan ("ROMP") implements everything they told the Committee it would do in an earlier meeting. They have spent 2.5 years and \$0.5 million dollars in engineering to address issues and challenges (for example, from the Army

Corps of Engineers), and now feel very comfortable that they have met the objectives they and various agencies have set forth.

Mark Anderson, Senior VP of RBF distributed a hardcopy of a powerpoint presentation and then narrated the slide presentation. The presentation provided information on the project background, history of the runoff plan development, goals and objectives of the runoff plan, mitigation measures for storm water runoff volume and quality as well as channel stability, maintenance responsibilities and water quality monitoring.

There was no public input on this item. Committee discussion followed, including questions from the committee members which were answered by the Talega group and by City staff. No action was taken on this item, as this was for information and discussion only. Committee members made closing statements, and the Committee was pleased with the Talega runoff management plan.

7. COMMUNICATIONS

A. Parks and Recreation Commission Minutes – October 8, 2002

Received and filed.

B. Parks and Recreation Bacteriological Report

Captain Humphreys said this is now posted on the County's website.

Chairman Hart asked Captain Humphreys if there was something going on at T-Street as there was a posting sign there, which he has heard reports of recently. It is a single sign, so Captain Humphreys believes the sign must have been stolen and repositioned. He said they have only one posting now, at North Beach. Hart asked him to send a unit to T-Street to locate this sign. Captain Humphreys stated that T-Street had elevated bacteria a few weeks prior, just before the rain, so after the rain, they tested again and of course the bacteria was very high. Everywhere else would have tested high, too, but T-Street was singled out.

Chairman Hart thought there should be a consistent posting so the public wouldn't be confused; thinking one beach might have more bacteria than another, when that may actually not be true. Captain Humphreys agreed, but said they only post signs on beaches that the County has actually tested, and tested high for bacteria. He didn't see a way to change the County's policy.

8. ITEMS FROM STAFF

None

9. ITEMS FROM COMMITTEE MEMBERS

Committee Member Barnes said that now that the City is funded on the Urban Runoff/Storm Drain program, he'd like Mr. Bonigut to keep them updated on the projects involved in the program. Mr. Bonigut said he would update them at the January meeting. He said he's now working on the second generation of the Urban Runoff Plan, the document required by the new storm drain program permit.

Committee Member Hulsizer asked Captain Humphreys if he would know by the January meeting what the impact of state budget cuts may be on the beach resource and activity programs. Mr. Humphreys felt they would not know by January.

Committee Member Nielsen said that at the last meeting he felt the general public was upset about not getting a fast response from the City about the discharge and Tom Bonigut gave the phone number 366-1553 as a number that could be reached 24/7 and that the number has been good for a year, and he has publicized it frequently, including on the utility bills. Mr. Nielsen also mentioned the kind of sampling that might be done, and that he felt we didn't give a clear idea of what we as the City could do for them. So, Mr. Nielsen said he went to SCWRP (Southern California Coastal Water Research Project) and spoke to Ken Shift, a biologist working on runoff and asked about the sampling process. Mr. Shift said a company called Hatch makes sampling kits and offers education to do the sampling process. There are other companies that do this as well, and Mr. Nielsen wants to hire a trained company to make the residents happy. Mr. Bonigut said this was his intent, and we would have Water Quality Inspectors with field testing kits for sampling. Mr. Nielsen didn't want to promise a bacteria sample any time there was runoff, but he does want to address their issues, by spending the money in the right place and finding the right solution.

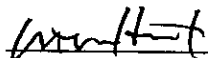
Committee Member Ortega said that since we'll have the budget to hire more staff, there will be someone dedicated to handle this type of thing. Chairman Hart said, in regard to the urban runoff program implementation, he's had experience at his house with the contractor, who asked about the water quality stuff. He said City of Laguna Beach wanted to fine him for a violation because he washed some soil into the rain gutter. The man is an officer of a national landscaper association and still doesn't know the basics of the MPDS permit. Chairman Hart feels that private businesses will need to get up to speed quickly. He said they'll be hit hard if they don't know the regulations and act accordingly. He said the information is

available but you must seek it out, and these businesses don't recognize the urgency of having this information now. He feels we must educate them on the importance of knowing this information, and that we have to start implementing the new runoff requirements in February. Mr. Bonigut said he's working on a mailer and a brochure on do's and don'ts, to get to the business community. He said we will also plan on sponsoring workshops and forums on the subject. Chairman Hart asked for some literature to be stapled to every building permit and Mr. Bonigut said this is in place when new business licenses are issued, but we need to get the word out to general contractors. He said he sent information a month ago to restaurants and auto repair businesses along with a poster on the urban runoff requirements. Committee Member Nielsen suggested having an information booth at the Fiesta and at Cinco de Mayo and Mr. Bonigut said that is already part of the planned program.

10. ADJOURNMENT


MOTION BY COMMITTEE MEMBER HULSIZER, SECONDED BY COMMITTEE MEMBER ORTEGA, CARRIED (6-0-0) to adjourn at 10:50 pm to the regular meeting to be held on Thursday, January 9, 2002, at 7:00 pm 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