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CALIFORNIA COASTAL COMMISSION

FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200



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TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: **MINUTES OF MEETING OF August 12 to 14, 1997**
Crowne Plaza - Holiday Inn - LAX
5985 West Century Blvd.
Los Angeles

Tuesday, August 12, 1997 pages 1 to 9

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Tuesday, August 12, 1997, at 10:05 a.m. by Chairman Areias.

2. **ROLL CALL.** Present: Chairman Areias, Vice Chairman Wan, Commissioners Allen, Branham, Brennan, Calcagno, Flemming, (Alternate) Johnson, Nava, Pavley, Potter, (Alternate) Rose, Sanders, (Alternate) Wright and Tuttle. Absent: Holanda.

SOUTH COAST DISTRICT

3. **ADMINISTRATIVE PERMIT APPLICATION.**

a. **Application No. 5-97-199 (Risa, Santa Monica)** There being no objection, Chairman Areias ruled that the administrative permit be issued by the Executive Director. **Approved.**

4. **CONSENT CALENDAR.** See items a. through c. on page 3 of the agenda. Staff recommended approval with special conditions.

Motion & Vote: moved staff recommendation, seconded by , and the roll call vote was 12 in favor and 0 opposed. **Passed.**

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5. **APPROVAL OF MINUTES.** There being no objection Chairman Areias ruled that the Minutes of January, June and July 1997 were approved with corrections.

6. **COMMISSIONERS' REPORTS.** Information only.

7. **CONSERVANCY REPORT.** None.

8. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.

9. **DEPUTY ATTORNEY GENERAL'S REPORT.** None.

10. **EXECUTIVE DIRECTOR'S REPORT.** Information only.

a. **Interagency Agreements.** There being no objection Chairman Areias ruled that it was unanimously **approved.**

b. **1998 Schedule.** Trailed to Thursday.

Jesse Arnold, representing Santa Lucia Chapter, Sierra Club; Mark A. Massara, representing Sierra Club Coastal Program; and Susan Jordan, representing League for Coastal Protection; all submitted requests to speak. Kat McConnell, representing North Coast Advisory Council, submitted a request to speak.

On Thursday Wan moved approval, seconded by Nava, and the hand vote was 8 in favor and 0 opposed. **Passed.**

c. **LCP Status.** **Postponed.**

d. **Agreement with State Water Resources Control Board.** There being no objection Chairman Areias ruled that it was unanimously **approved.**

f. **Performance Audit.** Information only.

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SOUTH COAST DISTRICT

11. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Damm reported on matters not requiring public hearings, and on comments from the public.

12. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved five items to the Calendar (15a, 15b, 15d, 15j & 16b), and recommended approval with special conditions.

15j. **5-97-150 (Lee, Los Angeles)** There being 4 votes to set the item for public hearing, it was returned to the regular calendar below.

Motion & Vote: Wan moved staff recommendation on the remainder of the Calendar, seconded by Allen, and the roll call vote was 12 in favor and 0 opposed. **Passed.**

13. LOCAL COASTAL PROGRAM (LCP).

a. **Manhattan Beach LCP Amendment No. 2-97 (Comprehensive).** Staff recommended approval with suggested modifications.

Richard Thompson, Community Development Director of City of Manhattan Beach, spoke in favor of the recommendation. William Eisen spoke in opposition.

Motion & Vote to Reject Implementation as Submitted: Pavley moved to reject implementation amendment as submitted, seconded by Flemming, and the roll call vote was 12 in favor and 0 opposed. **Passed.**

Motion & Vote on Implementation with Modifications: Pavley moved approval of implementation amendment with suggested modifications, seconded by Allen, and Chairman Areias substituted the previous roll call vote (12-0). **Passed.**

b. Manhattan Beach LCP Amendment No. 1A-97 Findings. Postponed.

Curtis Horton, representing South Bay Coastal Defense Alliance, submitted a request to speak in opposition to the findings. Joan Jones, Mayor of City of Manhattan Beach, submitted a request to invite the Commission. Viet Ngo and

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William Eisen, both submitted requests to speak. Donley Falkenstien, representing South Bay Coastal Defense Alliance, submitted a request to speak in opposition to the findings. Susan Jordan, representing LCP, submitted a request to speak.

c. Huntington Beach LCP Amendment No. 2-97 (Coast Hwy V-S & Holly Seacliff). Staff recommended approval.

Scott Hess, Senior Planner, City of Huntington Beach, submitted a request to speak in favor of the recommendation.

Motion & Vote on Plan as Submitted: Wan moved approval of Land Use Plan amendment as submitted, seconded by Flemming, and the roll call vote was 10 in favor and 0 opposed. **Passed.**

Motion & Vote to Reject Implementation as Submitted: Wan moved to reject implementation amendment as submitted, seconded by Johnson, and the roll call vote was 0 in favor and 10 opposed. **Failed.**

14. NEW APPEALS.

a. Appeal No. A-5-97-141 (Cowan, Los Angeles) Staff recommended that the appeal raised no substantial issue.

Alexander M. Man and Randy Young spoke in opposition to the project. Lynn Heacox and Fred Gaines, both representing applicant, submitted requests to speak in favor of the project.

Motion & Vote: Flemming moved staff recommendation, seconded by Potter, and the roll call vote was 12 in favor and 0 opposed. **Passed.**

b. Appeal No. A-5-97-183 (Los Angeles preferential parking) Staff recommended that the hearing be opened and continued to a later meeting. There being no objection Chairman Areias opened the hearing and continued it to a later meeting. **Postponed.**

Francine Dorsey, Hans Fossedahl and Rex Frankel, all submitted requests to speak in opposition to the project.

PUBLIC STATEMENT. Jesse Arnold, representing Santa Lucia Chapter, Sierra Club, submitted a request to speak regarding Vista Point 4 in San Luis Obispo County. Joan Jones, Mayor of City of Manhattan Beach submitted a request to speak.

REPORT of CLOSED SESSION. In closed session the Commission took action on Topanga Assn. for a Scenic Community, Tuna United Neighborhood Assn. v. CCC, Peter Douglas (Sayles) and Ojavan Investors, Inc. et al. v. CCC, Individual Commissioners, P. Douglas. J. Bowers, et al..

LUNCH RECESS. The Commission recessed for lunch at 12:40 and reconvened at 1:50 p.m..

c. **Appeal No. A-5-97-188 (Bolsa Chica fence, Orange Co.)** Staff recommended the appeal raised substantial issue. There being no objection Vice Chairman Wan ruled that the Commission found substantial issue, and opened the hearing on the merits of the project. Staff recommended approval with special conditions.

Nancy Donaven, representing Bolsa Chica Land Trust, submitted a request to speak in opposition to the project. Kim Kennedy, representing Bolsa Chica Stewards, submitted a request to speak in opposition to the project. Mary Ellen Houseal, representing Amigos to Bolsa Chica, submitted a request to speak in opposition to the project. Marcia Hanscom, representing Wetlands Action Network & Sierra Club, submitted a request to speak in opposition to the project. Rudy Vietmeier, representing Sierra Club, submitted a request to speak in opposition to the project. Thierry Kolpin, representing Bolsa Chica Stewards, submitted a request to speak in opposition to the project. Debbie Cook, representing Sierra Club Angeles Chapter, submitted a request to speak in opposition to the project. Mark Massara, representing Sierra Club, submitted a request to speak in opposition to the project. Ed Mountford, representing Koll Real Estate Group, submitted a request to speak on behalf of the project.

Motion & Vote to Continue: Allen moved to continue the hearing, seconded by Flemming, and Chairman Areias ruled that it was unanimously approved.
Postponed.

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15. COASTAL PERMIT APPLICATIONS.

a. **Application No. 5-97-54 (Price, Laguna Beach)** Moved to expanded Consent Calendar. **Approved.**

b. **Application No. 5-97-61 (Feldman, Newport Beach)** Moved to expanded Consent Calendar. **Approved.**

c. **Application No. 5-97-66 (Basile, Hermosa Beach)** Staff recommended approval as modified orally.

Ken Robertson and Steve Burrell, City Manager, both representing City of Hermosa Beach, submitted requests to speak in favor of the project. Three other speakers submitted requests to speak in favor of the project: Renato Basile, representing Paisanos Pizza & Pasta; Carol Duff and Jim Dewey, both representing Hermosa Beach Chamber of Commerce. Donley Falkenstien submitted a request to speak in opposition to the project.

Motion & Vote: Flemming moved staff recommendation, seconded by Rose, and the roll call vote was 11 in favor and 0 opposed. **Passed.**

d. **Application No. 5-97-119 (McColgan & Coxon, Hermosa Beach)** Moved to expanded Consent Calendar. **Approved.**

e. **Application No. 5-97-121 (Samuelian, Laguna Beach)** Staff recommended approval with special conditions.

Steve Samuelian and Gary F. Stoney, representing Geofirm, both submitted requests to speak in favor of the project.

Motion & Vote: Johnson moved staff recommendation, seconded by Flemming, and the roll call vote was 11 in favor, 0 opposed and 1 abstention (Wan). **Passed.**

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f. **Application No. 5-97-130 (Los Angeles Cellular, Newport Beach)** Staff recommended approval with special conditions.

Amy Forbes, Gibson, Dunn & Crutcher, Joseph Morales and Leslie Daigle, all representing L.A. Cellular, submitted requests to speak in favor of the project. Daniel Rabun and Barbara Lichman, both representing Newport North Homeowners Assoc., submitted requests to speak in opposition to the project.

Motion & Vote: Wright moved staff recommendation, seconded by Flemming, and the roll call vote was 10 in favor and 2 opposed (Allen & Nava). **Passed.**

g. **Application No. 5-97-135 (L.A. Co. "sunshelters")** Staff recommended approval with special conditions.

Stan Wisniewski and Supervisor Yvonne Brathwaite Burke, both representing Los Angeles County, submitted requests to speak in favor of the project. Lt. Mike Cunningham, representing L.A. County Fire Dept. Lifeguards, submitted a request to speak in favor of the project. Seven other speakers submitted requests to speak in favor of the project: Carol Bostron; Beth Skiba; Peggy Maddox; Carolyn Ehrlich; Diane Bush, Dr. Brent Weinberger and Sally Sarlot. William Eisen submitted a request to speak. Thirteen speakers submitted requests to speak in opposition to the project: Mark Massara, representing Sierra Club; Travis Longcore, representing Los Angeles Audubon Society; Donley Falkenstien, representing South Bay Coastal Defense Alliance; Viet Ngo; Joe Folenber; Curtis Horton; Randy Young, representing Friends of California Parks; Frank P. Angel, representing Sierra Club, Friends of CA Parks and Corral Canyon Homeowners Assn.; Bill Maslach; Irving Anderson, representing 101 Ocean Condominium Home Owners; Debbie Cook; Jude McGee; and Susan Jordan, representing Assemblywoman Debra Bowen.

Motion & Vote: Pavley moved staff recommendation, seconded by Potter, and the roll call vote was 2 in favor (Calcagno & Wright) and 10 opposed. **Failed.**

h. **Application No. 4-97-101 (Los Angeles Co. "sunshelters", Malibu)** Staff recommended approval with special conditions.

The hearing was combined with item g above.

Motion & Vote: Pavley moved staff recommendation, seconded by Wright, and Chairman Areias substituted the previous roll call vote (2-10). **Failed.**

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i. **Application No. 5-97-136 (Marblehead Coastal, San Clemente).**
Postponed.

Brennan, Calcagno and Rose left during the break between items.

j. **Application No. 5-97-150 (Lee, Los Angeles)** Staff recommended approval with special conditions.

Jeffrey Lee, representing applicant, spoke in favor of the project. Lynne Shapiro, representing Condominium residents - 5100 Via Dolce, spoke in opposition to the project.

Motion & Vote: Allen moved staff recommendation, seconded by Johnson, and the roll call vote was 10 in favor and 0 opposed. **Passed.**

k. **Application No. 5-97-196 (Griffith, Seal Beach)** **Postponed.**

l. **Application No. 5-97-215 (Santa Monica preferential parking)** Staff recommended approval with special conditions.

Cara Silver and James Butts, both representing City of Santa Monica, submitted requests to speak in favor of the project. Six other speakers submitted requests to speak in favor of the project: Sherman L. Stacey, representing Friends of Adelaide Drive Neighborhood Assn.; Ettore Berardinini, Chief - Fire Dept.- City of Santa Monica; Evelyne Conti; Louis Savett, representing Friends of Adelaide Drive Neighborhood Association; Freida Lee Mock; and Mark Lindee. Eric Weinstein submitted a request to speak in favor of the staff recommendation. Five speakers submitted requests to speak in opposition to the project: Mark Massara, representing Sierra Club; Gary Embrey, representing Sierra Club Coastal Protection Committee; Concetta Di Mattso; Nikola Medin and Elizabeth Sedlak.

Motion: Wan moved staff recommendation, seconded by Flemming.

Amending Motion & Vote: Wan moved to limit the permit to 1 year and add criteria to the design of the study on parking impacts, seconded by Potter, and the roll call vote was 10 in favor and 0 opposed. **Passed.**

Vote on Main Motion: Chairman Areias substituted the previous roll call vote (10-0) to approve the main motion as amended above. **Passed.**

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Pavley and Wan left during the break between items.

16. PERMIT AMENDMENTS.

a. **Permit No. 5-95-152-A3 (BLMP, California Coastal Conservancy & Los Angeles City Dept. of Public Works)** Staff recommended approval with special condition.

Steven H. Kaufmann, Esq., representing BLMP, submitted a request to speak in favor of the project. Myrna Dubin, Acting Pres. of Ballona Lagoon Marine Preserve, submitted a request to speak in favor of the project. Ken Johnson, representing BLMP, submitted a request to speak in favor of the project. Travis Longose, representing Los Angeles Audubon Society, submitted a request to speak. Stephanie Greene, representing Venice Canal Improvement Assoc., submitted a request to speak in opposition to the project. Sherman L. Stacey, representing Isthmus Landowners Ass'n, submitted a request to express concerns about the project.

Motion & Vote: Allen moved staff recommendation, seconded by Tuttle, and the roll call vote was 8 in favor and 0 opposed. **Passed.**

b. **Permit No. 5-96-124-A2 (Long Beach, Rainbow Harbor & Shoreline Park)**
Moved to expanded Consent Calendar. **Approved.**

17. FINDINGS.

a. **Application No. 5-97-62 (AVP, Hermosa Beach)** **Postponed.**

Donley Falkenstien, representing So. Bay Coastal Defense Alliance, submitted a request to state concerns about the project. William Eisen submitted a request to speak.

RECESS. The Commission recessed for the day at 8:00 p.m..

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Wednesday, August 13, 1997 - pages 10 to 20

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, August 13, 1997, at 9:05 a.m. by Chairman Areias.
2. **ROLL CALL.** Present: Chairman Areias, Vice Chairman Wan, Commissioners Allen, Brennan, (Alternate) Armanasco, Flemming, Holanda, Kehoe, Nava, Pavley, Reilly, Staffel and Tuttle. Absent: Branham and Sanders. Potter arrived at 9:10 a.m..

SAN DIEGO COAST DISTRICT

3. **ADMINISTRATIVE PERMIT APPLICATION.**
 - a. Application No. 6-97-75 (Del Mar mobile drainage pump) Postponed.

4. **CONSENT CALENDAR.** See items a. through d on page 8 of the agenda. Staff recommended approval with special conditions.

Motion & Vote: Wan moved staff recommendation, seconded by Allen, and the roll call vote was 12 in favor and 0 opposed. **Passed.**

CENTRAL COAST DISTRICT

5. **CONSENT CALENDAR.**
 - a. Application No. 3-97-26 (CHOMP, Monterey) Staff recommended approval with special conditions.

Mark Ambers, representing Community Hospital of the Monterey Peninsula, submitted a request to speak in favor of the project.

Motion & Vote: Wan moved staff recommendation, seconded by Allen, and Chairman Areias substituted the previous roll call vote (12-0). **Passed.**

b. **Application No. 3-97-54 (Cannery Row Marketplace, Monterey)**
Postponed.

SAN DIEGO COAST DISTRICT

6. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Damm reported on matters not requiring public hearings, and on comments from the public.

a. **San Diego LCP Amendment No. 2-96 (North City) Certification Review.** Staff recommended concurrence with the Executive Director's determination. There being no objection Chairman Areias ruled that the Commission concurred with the Executive Director. **Approved.**

7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 10d and 11a to the Calendar, and recommended approval with special conditions.

Motion & Vote: Wan moved staff recommendation, seconded by Allen, and the roll call vote was 12 in favor and 0 opposed. **Passed.**

8. **LOCAL COASTAL PROGRAMS (LCPs).**

a. **San Diego LCP Amendment No. 1-97B (Otay Mesa-Nestor Plan Update).** Staff recommended approval with suggested modifications as modified in addendum.

Howard Greenstein and Mike Stang, both representing City of San Diego, submitted requests to speak in opposition to the staff recommendation. Lynne Heidel and Allen Jones, both representing Western Salt Company, submitted requests to speak in opposition to the staff recommendation. Greg Cox, representing County of San Diego, submitted a request to speak in opposition to the staff recommendation. Joanne Pearsen, representing Sierra Club, submitted a request to speak in favor of the staff recommendation.

Motion & Vote on Plan as Submitted: Allen moved approval of Land Use Plan amendment as submitted, seconded by Kehoe, and the roll call vote was 12 in favor and 0 opposed. **Passed.**

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Motion & Vote to Reject Implementation as Submitted: Allen moved to reject implementation amendment as submitted, seconded by Kehoe, and the roll call vote was 0 in favor and 12 opposed. **Failed.**

b. **Encinitas LCP Amendment No. 1-97 (North Highway 101 Corridor Specific Plan).** Staff recommended approval with suggested modifications.

Gary Barberio, representing City of Encinitas, submitted a request to speak in favor of the project.

Motion & Vote on Plan as Submitted: Kehoe moved approval of Land Use Plan amendment as submitted, seconded by Allen, and the roll call vote was 12 in favor and 0 opposed. **Passed.**

Motion & Vote to Reject Implementation as Submitted: Kehoe moved to reject implementation amendment as submitted, seconded by Allen, and Chairman Areias substituted the previous roll call vote (12-0). **Passed.**

Motion & Vote on Implementation with Modifications: Kehoe moved approval of implementation amendment with suggested modifications, seconded by Allen, and Chairman Areias substituted the previous roll call vote (12-0). **Passed.**

9. NEW APPEAL.

a. **Appeal No. A-6-97-40 (Coronado path & observation decks)** Staff recommended the appeal raised substantial issue. There being no objection Chairman Areias ruled that the Commission found substantial issue, and opened the hearing on the merits of the project. Staff recommended approval with special conditions as modified orally.

Ed Kleeman, representing City of Coronado, submitted a request to speak in favor of the project. Gary Ruyle, representing Schmidt Design Group City of Coronado, submitted a request to speak in favor of the project.

Motion & Vote: Allen moved staff recommendation, seconded by Kehoe, and the roll call vote was 9 in favor, 0 opposed and 1 abstention (Potter). **Passed.**

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b. **Appeal No. A-6-97-86 (La Jolla Museum of Contemporary Art)** Staff recommended that the hearing be opened and continued to a later meeting. There being no objection Chairman Areias opened the hearing and continued it to a later meeting. **Postponed.**

Joanne Pearson, representing La Jolla Town Council, submitted a request to speak on behalf of the appellant.

10. COASTAL PERMIT APPLICATIONS.

a. **Application No. 6-96-127 (McClanahan, San Diego Co.)** Staff recommended approval with special conditions.

Motion & Vote: Kehoe moved staff recommendation, seconded by Potter, and the roll call vote was 11 in favor and 0 opposed. **Passed.**

b. **Application No. 6-97-45 (SDG&E, Carlsbad)** Staff recommended approval with special conditions.

Mark Chomyn and Dr. Scott A. Jenkins, both representing SDG&E, submitted requests to speak in favor of the project. Julieanne Nygaard and Steven Jantz, both representing City of Carlsbad, submitted requests to speak. Two other speakers submitted requests to speak in favor of the project: Bob Richards, representing Agua Hedionda Lagoon Foundation; and Terry Johnson, representing City of Oceanside.

Motion: Kehoe moved staff recommendation, seconded by Allen.

Amending Motion & Vote: Kehoe moved to add a timeline for dredging the middle & inner lagoons and study environmental impacts of the dredging, seconded by Allen, and the roll call vote was 12 in favor and 0 opposed. **Passed.**

Vote on Main Motion: The roll call vote on the main motion as amended above was 10 in favor and 0 opposed. **Passed.**

c. **Application No. 6-97-56 (Parks & Rec. Crown Cove boating & safety center)** **Postponed.**

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d. **Application No. 6-97-62 (NCTDB & Del Mar drainage)** Moved to expanded Consent Calendar. **Approved.**

e. **Application No. 6-97-64 (Princess Resort, San Diego)** Staff recommended approval with special conditions.

Motion & Vote: There being no speakers, Kehoe moved staff recommendation, seconded by Armanasco, and the roll call vote was 7 in favor and 0 opposed. **Passed.**

f. **Application No. 6-97-68 (Coronado path & observation decks)** Staff recommended approval with special conditions as modified orally.

The hearing was combined with item 9a (A-6-97-40).

Motion & Vote: Allen moved staff recommendation, seconded by Kehoe, and Chairman Areias substituted the previous roll call vote from A-6-97-40 (9-0-1). **Passed.**

11. PERMIT AMENDMENTS.

a. **Permit No. 6-92-137-A (Purcell, Solana Beach)** Moved to expanded Consent Calendar. **Approved.**

Monsignor Lawrence Purcell, representing St James Church, submitted a request to speak in favor of the project.

b. **Permit No. 6-97-82-A (Mann, Carlsbad)** Staff recommended approval with special conditions.

Bill Mann and Morton O'Grady, representing NOANN, both submitted requests to speak in favor of the project.

Motion & Vote: Kehoe moved staff recommendation, seconded by Allen, and the roll call vote was 12 in favor and 0 opposed. **Passed.**

PUBLIC STATEMENT. Richard Van Deren of Santa Cruz spoke about an emergency involving wetlands.

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LUNCH RECESS. The Commission recessed for lunch at 12:20 and reconvened at 1:35 p.m..

12. RECONSIDERATION.

a. **Application No. A-6-96-162-R (Hicks, San Diego)** Staff recommended denial.

Matt Peterson, representing the Hicks Family, submitted a request to speak in favor of the project. Nancy Lucast, representing applicant, submitted a request to speak in favor of the project. Paul O'Boyle submitted a request to speak on behalf of the appellant. Stephen M. Corrigan and Peter Solecki, both representing Joyce Corrigan, submitted requests to speak in opposition to the project.

Motion & Vote on Possible Amendment: Kehoe moved to direct staff to accept an amendment, seconded by Allen, and the roll call vote was 9 in favor (Allen, Armanasco, Flemming, Kehoe, Potter, Staffel, Tuttle, Wan & Areias) and 3 opposed (Nava, Pavley & Reilly). **Passed.**

Motion & Vote on Reconsideration: Nava moved approval of reconsideration, seconded by Allen, and the roll call vote was 0 in favor and 12 opposed. **Failed.**

CENTRAL COAST DISTRICT

13. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Grove reported on matters not requiring public hearings, and on comments from the public.

a. **Santa Cruz Co. LCP Minor Amendment No. 1-97.** Staff recommended concurrence with Executive Director's determination. There being no objection Chairman Areias ruled that the Commission concurred with the Executive Director. **Approved.**

b. **Sand City LCP Amendment No. 2-97 (N. end mixed use) Certification Review.** Staff recommended concurrence with the Executive Director's determination. There being no objection Chairman Areias ruled that the Commission concurred. **Approved.**

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c. **Morro Bay LCP De Minimis Amendment No. 3-97.** Staff recommended concurrence with Executive Director's determination. There being no objection Chairman Areias ruled that the Commission concurred with the Executive Director. **Approved.**

14. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 17b to the Calendar, and recommended approval with special conditions.

There being 3 votes to set this item for hearing it was returned to the Regular Calendar below (17b).

15. **LOCAL COASTAL PROGRAMS (LCPs).**

a. **Monterey Co. LCP Amendment No. 1-96 (Azevedo).** Staff recommended approval.

Anthony Lombardo, representing applicant, submitted a request to speak in favor of the project.

Motion & Vote on Plan as Submitted: Potter moved approval of Land Use Plan amendment as submitted, seconded by Armanasco, and the roll call vote was 11 in favor and 0 opposed. **Passed.**

Motion & Vote to Reject Implementation as Submitted: Potter moved to reject implementation amendment as submitted, seconded by Armanasco, and the roll call vote was 0 in favor and 11 opposed. **Failed.**

b. **Pacific Grove Plan Amendment No. 1-97 Time Extension.** Staff recommended approval.

Motion & Vote: Potter moved staff recommendation, seconded by Armanasco, and the hand vote was 12 in favor and 0 opposed. **Passed.**

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16. NEW APPEALS.

a. **Appeal No. A-3-97-15 (Conroy, Pismo Beach)** Staff recommended the appeal raised substantial issue. There being no objection Chairman Areias ruled that the Commission found substantial issue, and opened the hearing on the merits of the project. Staff recommended approval with special conditions.

Fred H. Schott, representing applicants, submitted a request to speak in favor of the project. Todd T. Cardiff, representing Surfrider - San Luis Bay Chapter, submitted a request to speak in opposition to the project. Mark Massara, representing Sierra Club, submitted a request to speak in opposition to the project.

Motion & Vote: Staffel moved staff recommendation, seconded by Flemming, and the roll call vote was 9 in favor (Allen, Armanasco, Flemming, Kehoe, Nava, Potter, Reilly, Staffel & Areias), 2 opposed (Tuttle & Wan) and 1 abstention (Pavley). **Passed.**

b. **Appeal No. A-3-97-43 (Pennycook, Monterey Co.)** Staff recommended the appeal raised no substantial issue.

Anthony Lombardo, representing applicant, submitted a request to speak in favor of the project. Judy Pennycook & Jon Battey, representing applicant, submitted a request to speak in favor of the project. Mike Weaver, representing appellent, submitted a request to speak in opposition to the project.

Motion & Vote: Potter moved staff recommendation, seconded by Armanasco, and the roll call vote was 10 in favor ,0 opposed and 2 abstentions (Reilly & Tuttle). **Passed.**

17. COASTAL PERMIT APPLICATION.

a. **Application No. 3-97-50 (U.C. Long Marine Lab., Santa Cruz)** Staff recommended approval with special conditions as modified orally.

Steve Davenport and Dan Costa, both representing applicant, submitted requests to speak in favor of the project.

Motion & Vote: Pavley moved staff recommendation, seconded by Tuttle, and the roll call vote was 12 in favor and 0 opposed. **Passed.**

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b. **Application No. 3-97-39 (Caltrans, San Luis Obispo Co.)** Staff recommended approval with special conditions.

Motion & Vote: Armanasco moved staff recommendation, seconded by Potter, and the roll call vote was 12 in favor and 0 opposed. **Passed.**

Brennan and Pavley left during the break between items.

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18. **FEDERAL CONSISTENCY REPORT.** Deputy Director Grove reported on Negative Determinations issued by the federal consistency staff, and status of other non-energy federal consistency matters.

19. FEDERAL CONSISTENCY.

a. **CD-35-97 (Navy, Los Angeles Co.)** Staff recommended objection.

Mike Petersen, Engineering Command U.S. Navy, spoke in opposition to the recommendation.

Motion & Vote: Allen moved approval of the project, seconded by Flemming, and the roll call vote was 11 in favor and 0 opposed. **Passed.**

b. **CD-47-97 (Forest Service, Monterey Co.)** Staff recommended approval.

Anthony Lombardo, representing Sycamore Canyon Property Owners Assn., submitted a request to speak in opposition to the project. Bruce Emmens and William Metz, both representing Forest Service, submitted requests to speak in favor of the staff recommendation.

The applicant agreed to extend the time limit for action. **Postponed.**

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c. **CC-80-97 (Orange Co. and Fish & Game)** Staff recommended approval.

Motion & Vote: Allen moved staff recommendation, seconded by Kehoe, and the roll call vote was 11 in favor and 0 opposed. **Passed.**

d. **CD-90-97 (Coast Guard, Sonoma, Marin, & Monterey Counties)**
Postponed.

e. **CD-95-97 (Navy, Ventura Co.)** Staff recommended approval.

Daniel P. Costa, representing University of California Santa Cruz, spoke in favor of the project. Joseph Johnson, representing U.S. Navy, submitted a request to speak in favor of the project. Eric L. Hanson, representing U.S. Naval Submarine Medical Research Lab., submitted a request to speak if necessary. Roger Gentry, Ph.D., representing Nat. Marine Fisheries Service, submitted a request to speak in favor of the project. Ed Cassano, representing NOAA Channel Islands, submitted a request to speak. Joel Reynolds, representing NRDC, submitted a request to speak. Susan Jordan, representing League for Coastal Protection, submitted a request to speak. Alan Berger, representing Animal Protection Institute, submitted a request to speak in opposition to the project. Jay R. Murray submitted a request to speak.

Motion & Vote: Allen moved staff recommendation, seconded by Potter, and the roll call vote was 10 in favor and 0 opposed. **Passed.**

Armanasco, Holanda and Staffel left during the following item.

20. ENFORCEMENT.

a. **Cease & Desist Order No. CCC-97-CD-1 (City of Malibu)** Staff recommended approval.

Harry Peacock, representing City of Malibu, submitted a request to speak in favor of the project. Three other speakers submitted requests to speak in favor of the project: Joan Plummer, representing Pt. Dume Community Assc.; Kara Knack; and Malcolm Dean. Three speakers submitted requests to speak in opposition to the staff recommendation: Jonathan Seybold; Rosalind Radcliff and Philip Milner.

Motion & Vote: Kehoe moved staff recommendation, seconded by Nava, and the roll call vote was 9 in favor and 0 opposed. **Passed.**

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b. Cease & Desist Order No. CCC-97-CD-3 (Black, Los Angeles) Postponed

c. Cease & Desist Order No. CCC-97-CD-4 (Nichols, Los Angeles)
Postponed.

d. Cease & Desist Order No. CCC-97-CD-5 (Witter & Richardson, Los Angeles
Co.) Postponed

PUBLIC STATEMENT. Tomas Osinski spoke in favor of 5-97-55 which was denied
earlier in the day.

RECESS. The Commission recessed for the day at 8:40 p.m..

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Thursday, August 14, 1997 - pages 21 to 29

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, August 14, 1997, at 9:05 a.m. by Chairman Areias.
2. **ROLL CALL.** Present: Chairman Areias, Commissioners Allen, Flemming, Holanda, Kehoe, Nava, Pavley, Potter, Reilly, Staffel and Tuttle. Absent: Branham, Brennan, Calcagno, and Sanders. Wan arrived at 10:00 a.m..

SOUTH CENTRAL COAST DISTRICT

3. **CONSENT CALENDAR.** See items a. through g. on page 15 of the agenda. Staff recommended approval with special conditions.

3a: Terry Valente, representing Rita George, submitted a request to speak in favor of the project. 3b: Richard Scott submitted a request to speak in favor of the project.

Motion & Vote: Pavley moved staff recommendation, seconded by Allen, and the roll call vote was 10 in favor and 0 opposed. **Passed.**

STATEWIDE

4. **EXECUTIVE DIRECTOR'S REPORT.**

a. **Proposed FY 98/99 Budget.** Staff recommended approval.

There being no objection Chairman Areias ruled that the budget was unanimously **approved.**

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ENERGY and OCEAN RESOURCES

5. **ENERGY & OCEAN RESOURCES REPORT.** Deputy Director Hansch reported on matters not requiring public hearings, and status of offshore oil & gas exploration & development.

6. **ADMINISTRATIVE PERMIT APPLICATION.**

a. **Application No. E-97-12 (Unocal, San Luis Obispo Co.)** Staff recommended approval with special conditions.

There being no objection Chairman Areias ruled that this administrative permit be issued by the Executive Director. **Approved.**

SOUTH CENTRAL COAST DISTRICT

7. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Scholl reported on matters not requiring public hearings, and on comments from the public.

8. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved item 11d to the Calendar, and recommended approval with special conditions.

11d: Jose Iujvidin, representing applicants, submitted a request to speak in favor of the project.

Motion & Vote: Pavley moved staff recommendation, seconded by Allen, and Chairman Areias substituted the previous roll call vote (10-0). **Passed.**

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9. LOCAL COASTAL PROGRAM (LCP).

a. **Los Angeles Co. LCP Amendment No. 1-97 Time Extension.** Staff recommended approval.

David M. Brown submitted a request to speak in opposition to the project.

There being no objection Chairman Areias ruled that it was unanimously **approved.**

10. NEW APPEALS.

a. **Appeal No. A-4-97-130 (Meldahl, Santa Barbara Co.)** Staff recommended that the appeal raised no substantial issue.

Motion & Vote: Nava moved staff recommendation, seconded by Staffel, and the roll call vote was 9 in favor and 0 opposed. **Passed.**

b. **Appeal No. A-4-97-131 (CalTrans, Santa Barbara Co.)** Staff recommended the appeal raised substantial issue. There being no objection Acting Chairman Pavley ruled that the Commission found substantial issue, and opened the hearing on the merits of the project. Staff recommended approval with special conditions.

Chuck Ceseña, representing CalTrans, submitted a request to speak in favor of the project. Capt. David Kissinger and Roman Finale, both representing California Highway Patrol, submitted requests to speak in favor of the project. Mark Massara submitted a request to speak on behalf of the appellant.

Motion & Vote: Staffel moved staff recommendation, seconded by Allen, and the roll call vote was 2 in favor (Allen & Staffel), 8 opposed (Flemming, Kehoe, Nava, Pavley, Potter, Reilly, Tuttle & Wan) and 1 abstention (Areias). **Failed.**

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11. COASTAL PERMIT APPLICATIONS.

a. **Application No. 4-96-214 (Adams, Malibu)** Staff recommended approval with special conditions.

David Brown submitted a request to state concerns about the project. Valerie Giraud and Wendy Brogan both submitted requests to speak in opposition to the project.

Motion: Flemming moved staff recommendation, seconded by Potter.

Amending Motion & Vote: Potter moved to require the paving materials to be earth colored, seconded by Kehoe, and the roll call vote was 9 in favor and 0 opposed. **Passed.**

Vote on Main Motion: Acting Chairman Pavley substituted the previous roll call vote (9-0) to approve the main motion as amended above. **Passed.**

b. **Appeal No. A-4-96-318 (Caltrans, Ventura Co.)** Staff recommended approval with special conditions.

The hearing was combined with item 10b above.

Motion & Vote: Staffel moved staff recommendation, seconded by Allen, and Chairman Areias substituted the previous roll call vote from 10b (2-8-1). **Failed.**

c. **Application No. 4-97-39 (Unocal, Malibu)** Staff recommended approval with conditions.

Victor Nassereddin and Barbara Murakami, both representing Tosco Marketing Co. (Unocal), submitted requests to speak in favor of the project.

Motion & Vote: Pavley moved staff recommendation, seconded by Kehoe, and the roll call vote was 7 in favor and 0 opposed. **Passed.**

d. **Application No. 4-97-70 (Baltin, Malibu)** Moved to expanded Consent Calendar. **Approved.**

e. **Application No. 4-97-71 (Schaeffer, Malibu)** **Postponed.**

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Staffel and Wan left during the break between items.

f. **Application No. 4-97-128 (S.A.M. Trust, Malibu)** Staff recommended approval of part of the project with special conditions and denial of part of the project.

Sherman L. Stacey, representing SAM Trust, submitted a request to speak in favor of the project. David M. Brown submitted a request to state concerns about the project.

Motion & Vote: Nava moved staff recommendation, seconded by Potter, and the roll call vote was 11 in favor and 0 opposed. **Passed.**

g. **Application No. 4-97-133 (L.A. Co. & Malibu)** Postponed.

NORTH COAST DISTRICT

12. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Scholl reported on matters not requiring public hearings, and on comments from the public.

13. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved items 16b & 16c to the Calendar, and recommended approval with special conditions as modified orally.

Motion & Vote: Potter moved staff recommendation, seconded by Flemming, and the roll call vote was 9 in favor and 0 opposed. **Passed.**

14. **LOCAL COASTAL PROGRAMS (LCPs).**

a. **Del Norte Co. LCP Amendment No. 2-97 (Martin) Time Extension.** Staff recommended approval.

Motion & Vote: Tuttle moved staff recommendation, seconded by Flemming, and the hand vote was 9 in favor and 0 opposed. **Passed.**

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b. **Del Norte Co. LCP Amendment No. 1-97 (Mining & Quarries) Time Extension.** Staff recommended approval.

Motion & Vote: Flemming moved staff recommendation, seconded by Tuttle, and Chairman Areias substituted the previous hand vote (9-0). **Passed.**

c. **Crescent City LCP Amendment No. 1-97 (Sign ordinance) Time Extension.** Staff recommended approval.

Motion & Vote: Tuttle moved staff recommendation, seconded by Flemming, and Chairman Areias substituted the previous hand vote (9-0). **Passed.**

PUBLIC STATEMENT. Norm Haynie submitted a request to speak regarding CalTrans projects. David Brown submitted a request to speak.

LUNCH RECESS. The Commission recessed for lunch at 12:35 and reconvened at 1:35 p.m..

d. **San Mateo Co. LCP Amendment No. 1-97-C (Coastside Initiative).** Staff recommended approval with suggested modifications.

George Bergman, representing San Mateo County, submitted a request to speak in favor of the project. David J. Byers, Esq., representing Mirada Surf Partners & ETOP Properties, submitted a request to speak in opposition to the staff recommendation. Mark Massara, representing Sierra Club, submitted a request to speak in favor of the staff recommendation. Paul Perkovic, representing Montara Sanitary District, submitted a request to speak in favor of the staff recommendation. Leonard Woren, representing Citizens for the Preservation of El Granada, submitted a request to speak in favor of & in opposition to the project. Lennie Roberts, representing Save Our Coast Committee, submitted a request to speak in favor of the staff recommendation.

Motion & Vote on Plan as Submitted: Pavley moved approval of Land Use Plan amendment as submitted, seconded by Wan, and the roll call vote was 0 in favor and 9 opposed. **Failed.**

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Motion on Plan with Modifications: Pavley moved approval of Land Use Plan amendment with suggested modifications, seconded by Wan.

Amending Motion & Vote: Wan moved to specify the date that the County approved this amendment as the definition of "pipeline," seconded by Pavley, and the roll call vote was 9 in favor and 0 opposed. **Passed.**

Vote on Plan with Modifications: Chairman Areias substituted the previous roll call vote (9-0) for approval of the Land Use Plan with suggested modifications as amended above. **Passed.**

Motion & Vote to Reject Implementation as Submitted: Pavley moved to reject implementation amendment as submitted, seconded by Wan, and Chairman Areias substituted the previous roll call vote (9-0). **Passed.**

Motion & Vote on Implementation with Modifications: Pavley moved approval of implementation amendment with suggested modifications, seconded by Wan, and Chairman Areias substituted the previous roll call vote (9-0). **Passed.**

15. NEW APPEAL.

a. **Appeal No. A-1-97-46 (Riley, Mendocino Co.)** Staff recommended the appeal raised substantial issue. There being no objection Chairman Areias ruled that the Commission found substantial issue, and opened the hearing on the merits of the project. Staff recommended approval with special conditions.

Ralph J. Matheson, architect, spoke in favor of the project. Erik Olsborg & Dave Riley both submitted a request to speak in favor of the project. Mark A. Massara, representing Sierra Club Coastal Program, submitted a request to speak in opposition to the project. Julie Verran submitted a request to speak in opposition to the project.

Motion & Vote to Continue: Tuttle moved to continue the hearing, seconded by Reilly, and Chairman Areias ruled that it was unanimously approved. **Postponed.**

16. COASTAL PERMIT APPLICATIONS.

a. **Application No. 1-95-66 (Lucas, Sonoma Co.)** **Postponed.**

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b. **Application No. 1-96-26 (Burtchett & Frazier, Humboldt Co.)** Moved to expanded Consent Calendar. **Approved.**

c. **Application No. 1-97-10 (Pacifica boardwalk)** Moved to expanded Consent Calendar. **Approved.**

d. **Appeal No. A-1-97-33 (Miller, Fort Bragg)** Staff recommended approval with special conditions as modified orally.

Don Miller submitted a request to speak in favor of the project. Scott Cochran, representing City of Fort Bragg, submitted a request to speak in favor of the project. Lee Carrigan, representing applicant, submitted a request to speak in favor of the project. Mark A. Massara, representing Sierra Club, submitted a request to speak in opposition to the project.

Motion & Vote: Reilly moved staff recommendation, seconded by Tuttle, and the roll call vote was 9 in favor and 0 opposed. **Passed.**

e. **Application No. 1-96-53 Eureka Sand & Gravel, Humboldt Co.)** Staff recommended approval with special conditions.

Motion & Vote: Tuttle moved staff recommendation, seconded by Reilly, and the roll call vote was 8 in favor and 0 opposed. **Passed.**

17. PERMIT AMENDMENT.

a. **Permit No. A-1-93-71-A (Brandywine Conservancy, Mendocino Co.)** Staff recommended approval with special conditions.

Mark A. Massara, representing Sierra Club, submitted a request to speak in opposition to the project.

Motion & Vote: Potter moved staff recommendation, seconded by Pavley, and the roll call vote was 5 in favor (Allen, Kehoe, Nava, Potter & Tuttle), 0 opposed and 3 abstentions (Pavley, Reilly & Wan). **Passed.**

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REPORT of CLOSED SESSION. In closed session the Commission took action on Le Fe Inc. et al. v. CCC, et al. and discussed one other matter for information only.

ADJOURNMENT. There being no old or new business, the meeting adjourned at 4:23 p.m.

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

pmg

