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CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY

TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: MINUTES OF MEETING OF September 9-11, 1997

Eureka Inn
7th & F Streets
Eureka

Tuesday, September 9, 1997 pages 1 to 7

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Tuesday, September 9, 1997, at 10:05 a.m. by Chairman Areias.
2. **ROLL CALL.** Present: Chairman Areias, Vice Chairman Wan, Commissioners Allen, Calcagno, Denisoff, Flemming, (Alternate) Johnson, Nava, Pavley, Potter, Reilly, Sanders, (Alternate) Wright and Tuttle. Absent: Brennan and Holanda.

REPORT of CLOSED SESSION. In closed session the Commission discussed two pending cases of litigation for information only.

SOUTH CENTRAL COAST DISTRICT

3. **ADMINISTRATIVE PERMIT APPLICATIONS.** See items a. through c. on page 3 of the agenda. Staff recommended approval with conditions.

There being no objection, Chairman Areias ruled that these administrative permits be issued by the Executive Director. **Approved.**

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4. **CONSENT CALENDAR.** See items a. through k on pages 3-4 of the agenda. Item a. was postponed. Staff recommended approval with special conditions as modified in addendum.

h. **Application No. 4-97-136 (Gauthier, Malibu)** There being 5 votes to remove it this permit was removed from the Calendar and **set for a public hearing at a later meeting.**

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

SOUTH COAST DISTRICT

5. **CONSENT CALENDAR.** See items a. through o. on pages 4-5 of the agenda. Staff recommended approval with special conditions.

m. **Application No. 5-97-241 (Djanogly, Los Angeles)** There being 5 votes to remove it this permit was removed from the Calendar and **set for a public hearing at a later meeting.**

Motion & Vote: Flemming moved staff recommendation on the remainder of the Calendar, seconded by Tuttle, and Chairman Areias substituted the previous roll call vote (12-0). **Passed.**

STATEWIDE

6. **APPROVAL OF MINUTES.** Allen moved approval of the minutes (of December 1996 and August 1997) with corrections, seconded by Wan, and Chairman Areias substituted the previous roll call vote (12-0). **Passed.**

7. **COMMISSIONERS' REPORTS.** Informational only.

8. **CONSERVANCY REPORT.** None.

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

10. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational only.

11. **EXECUTIVE DIRECTOR'S REPORT.**

a. **LCP Status.** Informational only.

b. **Performance Audit.** Informational only.

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c. Status Report on **Humboldt Beach and Dunes** Management Plan. Informational only.

ENERGY and OCEAN RESOURCES

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

a. Agreement with Department of Fish & Game and Ocean Resources Enhancement Advisory Panel to implement SONGS permit 6-81-330-A condition to transfer funds from the permittee for the **Ocean Resource Enhancement and Hatchery Program**. Staff recommended approval.

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

b. **Santa Barbara Co. LCP Amendment No. 2-96-C 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.**

SOUTH CENTRAL COAST DISTRICT

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

14. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 4 items to the Calendar (16a, 16c, 16e & 16f), and recommended approval with special conditions.

Vilija Karaling, representing applicant, submitted a request to speak in favor of the project if there were questions.

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

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15. LOCAL COASTAL PROGRAM (LCP).

a. **Ventura Co. LCP Amendment No. 2-97 (Hollywood Beach)** Staff recommended approval.

Paul Sheehan representing applicant, submitted a request to speak in favor of the project.

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

16. COASTAL PERMIT APPLICATIONS.

a. **Application No. 4-95-182 (Los Angeles Co. Public Works)** Moved to expanded Consent Calendar. **Approved.**

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

c. **Application No. 4-97-113 (Eisenstein, Malibu)** Moved to expanded Consent Calendar. **Approved.**

d. **Application No. 4-97-133 (L.A. Co. Beaches & Harbors, Malibu)** **Postponed.**

e. **Application No. 4-97-134 (Santa Barbara Airport)** Moved to expanded Consent Calendar. **Approved.**

f. **Application No. 4-97-145 (So. Cal. Gas, Santa Barbara Co.)** Moved to expanded Consent Calendar. **Approved.**

17. PERMIT AMENDMENT.

a. **Permit No. 5-90-327-A3 (Diva Partners & Seas Star Estates Homeowners, Malibu)** Staff recommended approval with special condition as modified in addendum.

Richard Scott, representing applicant, spoke in favor of the recommendation.

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

17.5 RECONSIDERATION.

a. **Appeal No. A-4-97-68-R (Pacific Bell Mobile, Ventura Co.)** Staff recommended approval.

David Edmonds and Kristen Bamford, both representing applicant, submitted requests to speak in favor of the project.

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

SOUTH COAST DISTRICT

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

19. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved two items (21c & 22a) to the Calendar, and recommended approval with special conditions.

Riener Nielsen, representing applicant, submitted a request to speak in favor of the project.

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

20. NEW APPEAL.

a. **Appeal No. A-5-97-184 (Hull, Los Angeles)** Staff recommended that 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.

Don Williams, architect for the applicant, spoke in favor of the recommendation.

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

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21. COASTAL PERMIT APPLICATIONS.

a. Application No. 5-97-182 (Fourth Street Senior Housing & Santa Monica) Postponed.

b. Application No. 5-97-185 (Schaefer, Laguna Beach) Postponed.

c. Application No. 5-97-198 (100 Wilshire, Santa Monica) Moved to expanded Consent Calendar. Approved.

d. Application No. 5-97-205 (Rossall, Los Angeles) Staff recommended approval with special conditions.

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

e. Application No. 5-97-222 (Orange Co., Dana Point) Postponed.

22. PERMIT AMENDMENTS.

a. Permit No. 5-94-281-A (Aguilera, Los Angeles) Moved to expanded Consent Calendar. Approved.

b. Permit No. 5-92-368-A (Hoag Hospital, Newport Beach) Postponed.

23. FINDINGS.

a. Manhattan Beach LCP Amendment No. 1A-97 Findings. Staff recommended approval of findings.

Motion & Vote: Flemming moved staff recommendation, seconded by Allen, and the hand vote was 6 in favor and 0 opposed. **Passed.**

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b. **Application No. 5-97-62 (AVP, Hermosa Beach)** Staff recommended approval of findings.

Motion & Vote: Wan moved staff recommendation, seconded by Flemming, and the hand vote was 7 in favor, 0 opposed and 1 abstention (Calcagno). **Passed.**

PUBLIC STATEMENT. Selby Fermer, representing Concerned Citizens of McKinleyville, spoke about development near McKinleyville. Mark Massara, representing Sierra Club Coastal Program, spoke about the Cliffs Hotel in Pismo Beach.

RECESS. The Commission recessed for the day at 12:50 p.m..

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Wednesday, September 10, 1997 - pages 8 to 13

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, September 10, 1997, at 9:05 a.m. by Chairman Areias.
2. **ROLL CALL.** Present: Chairman Areias, Vice Chairman Wan, Commissioners Allen, Flemming, (Alternate) Johnson, Nava, Pavley, Reilly, Staffel and Tuttle. Absent: Branham, Brennan, Calcagno, Holanda and Sanders. Potter arrived at 9:15 a.m., and Kehoe replaced Johnson at 10:10 a.m..

CENTRAL COAST DISTRICT

3. ADMINISTRATIVE PERMIT APPLICATION.

- a. **Application No. 3-97-61 (Patriot Sportfishing, San Luis Obispo Co.)** Staff recommended approval with special condition.

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

4. CONSENT CALENDAR.

- a. **Application No. 3-97-1 (Johnson, Pacific Grove) - Postponed.**
- b. **Application No. 3-97-53 (Carmel Mission Trail Preserve)** Staff recommended approval with special conditions.

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

SAN DIEGO COAST DISTRICT

5. CONSENT CALENDAR.

- a. **Application No. 6-97-78 (Car Trader, Solana Beach)** Ed Huntington, representing applicant, submitted a request to speak in favor of the staff recommendation. Michele Riley submitted a request to speak in opposition to the project. Erik Weflen submitted a

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request to speak in opposition to the project. There being 4 votes to remove it, this permit was removed from the Calendar and **set for a public hearing at a later meeting.**

b. **Application No. 6-97-80 (22nd Dist. Ag., Del Mar)** Staff recommended approval with special condition.

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

STATEWIDE

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

7. FEDERAL CONSISTENCY.

a. **CD-90-97 (Coast Guard, Sonoma Co.) Postponed.**

b. **CD-102-97 (Navy, Imperial Beach) Postponed.**

8. FINDINGS.

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

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

CENTRAL COAST DISTRICT

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

10. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved Permit No. 3-97-55-A to the Calendar, and recommended approval with special conditions.

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

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11. LOCAL COASTAL PROGRAM (LCP).

a. **Santa Cruz Co. LCP Amendment No. 1-97 ("granny units")** Staff recommended approval with suggested modifications.

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

Motion & Vote on Implementation with Modifications: Potter moved approval of implementation amendment with suggested modifications, seconded by Staffel, and Chairman Areias substituted the previous roll call vote (10-0). **Passed.**

12. COASTAL PERMIT APPLICATIONS.

a. **Application No. 3-97-54 (Cannery Row Marketplace, Monterey)** Staff recommended approval with special conditions.

Judy Davidoff, representing applicant, spoke in favor of recommendation. Neal Hotelling spoke in opposition to the project.

Continuance: Wan moved to continue the hearing, seconded by Potter, and Chairman Areias continued the hearing.

b. **Application No. 3-97-47 (Santa Cruz Co. Pajaro River mouth)** **Postponed.**

13. PERMIT AMENDMENTS.

a. **Permit No. 3-96-10-A (Port San Luis Harbor District, San Luis Obispo Co.)** **Postponed.**

b. **Permit No. 3-97-55-A (Luczo, Santa Cruz Co.)** Moved to expanded Consent Calendar. **Approved.**

SAN DIEGO COAST DISTRICT

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

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15. **CONSENT CALENDAR (removed from Regular Calendar).** None.

16. **NEW APPEAL.**

a. **Appeal No. A-6-97-86 (SD Museum of Contemporary Art)** Staff recommended the appeal raised no substantial issue.

Karl Zobel and Charles Castle, both representing applicant, spoke in favor of the project. Bill Tripp, representing City, spoke in favor of the project.

Motion: Kehoe moved staff recommendation, seconded by Flemming.

Motion & Vote on Continuance: Nava moved staff recommendation, seconded by Wan, and the roll call vote was 2 in favor (Nava & Staffel) and 9 opposed. **Failed.**

Vote on No Substantial Issue: The roll call vote (on No Substantial Issue) was 11 in favor and 0 opposed. **Passed.**

17. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 6-97-18 (Parks & Rec. fee collection device, Carlsbad)** Staff recommended approval with special conditions.

Motion & Vote: There being no speakers, Kehoe moved staff recommendation, seconded by Staffel, and the roll call vote was 9 in favor and 0 opposed. **Passed.**

b. **Application No. 6-97-56 (Parks & Rec. boating facility, Coronado)** Staff recommended approval with special conditions as modified orally.

Mary Herron, representing City, spoke in favor of the project with conditions. Paul Webb representing applicant, spoke in favor of the project. Ed Navarro, representing applicant, 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 (Nava). **Passed.**

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c. **Application No. 6-97-65 (Glatthorn, San Diego Co.)** Staff recommended approval with special conditions as modified orally.

Don Glatthorn spoke in favor of the project.

Motion & Vote: Kehoe moved staff recommendation, seconded by Allen, and the roll call vote was 10 in favor and 1 opposed (Wan). **Passed.**

18. FINDINGS.

a. **Application No. 6-96-80 (Parks & Rec. valet parking, Encinitas)** Staff recommended approval of findings.

Ed Navarro and Paul Webb, both representing Cal. State Parks, submitted requests to speak in favor of the project.

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

NORTH COAST DISTRICT

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

20. **CONSENT CALENDAR (removed from Regular Calendar).** None.

21. LOCAL COASTAL PROGRAMS (LCPs).

a. **Crescent City LCP Amendment No. 1-97 (Sign ordinance)** Postponed.

b. **Eureka Plan Amendment No. 1-97 (Plan Update) Time Extension.** Staff recommended extension of time limit for action on LCP amendment. There being no objection Chairman Areias ruled that the Commission **approved** the extension.

22. COASTAL PERMIT APPLICATIONS.

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

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b. **Application No. 1-96-60 (Humboldt Harbor Dist., Humboldt Co.)** Staff recommended approval with special conditions as modified orally.

David Hull and Jimmy Smith, both representing Humboldt Bay Harbor Dist., submitted requests to speak in favor of the project. Joel Canzoneri, representing City of Eureka, submitted a request to speak in favor of the project. David Schneider and Paul Kraus, both representing applicants, submitted requests to speak in favor of the project.

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

c. **Application No. 1-96-61 (Eureka dredging)** Staff recommended approval with special conditions as modified orally.

The hearing was combined with the application above.

Motion & Vote: Tuttle moved staff recommendation, seconded by Pavley, and Chairman Areias substituted the previous roll call vote (11-0) **Passed.**

PUBLIC STATEMENTS. Six speakers submitted requests to speak regarding Lakes Earl & Talawa: Herb Pierce, representing California Dept. of Fish & Game; Ward Stover, representing Pacific Shores Water District; Janice M. Bowen, representing Tolowa Nation; James Wakefield, representing Pacific Shores Water District; Audree B. Bowen, representing Tolowa Nation; and Ernest Perry, representing County of Del Norte.

RECESS. The Commission recessed for the day at 2:05 p.m..

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Thursday, September 11, 1997 - pages 14 to 15

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, September 11, 1997, at 9:05 a.m. by Vice Chairman Wan.

2. **ROLL CALL.** Present: Vice Chairman Wan, Commissioners Allen, Flemming, Kehoe, Nava, Pavley, Potter, Reilly, Staffel and Tuttle. Absent: Areias, Branham, Brennan, Calcagno, Holanda and Sanders.

2.5 EXECUTIVE DIRECTOR'S REPORT.

a. **Amendments to Cease & Desist Order Regulations.** Staff recommended approval.

Motion & Vote: There being no speakers, Allen moved staff recommendation, seconded by Flemming, and the roll call vote was 10 in favor and 0 opposed. **Passed.**

b. **Restoration Order Regulations.** Staff recommended approval.

Motion & Vote: There being no speakers, Allen moved staff recommendation, seconded by Flemming, and Vice Chairman Wan substituted the previous roll call vote (10-0). **Passed.**

NORTH COAST DISTRICT

3. **ADMINISTRATIVE PERMIT APPLICATIONS.** See items a. and b. on page 15 of the agenda. Staff recommended approval with special conditions.

There being no objection, Vice Chairman Wan ruled that these administrative permits be issued by the Executive Director. **Approved.**

4. **CONSENT CALENDAR.** See items a. and b. on page 15 of the agenda. Staff recommended approval with special conditions.

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

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5. DEPUTY DIRECTOR'S REPORT.

a. Del Norte Co. LCP Amendment No. 2-97 (Minor) (Martin). **Postponed.**

a. **Half Moon Bay LCP Amendment No. 1-97 De Minimis.** Staff recommended concurrence with the Executive Director's determination. There being no objection Vice Chairman Wan ruled that the Commission concurred with the Executive Director. **Approved.**

6. COASTAL PERMIT APPLICATION.

a. **Application No. A-1-96-70 (Sand Pointe, Humboldt Co.)** Wayne Dunlap submitted a request to speak in favor of the project. Thomas Parkerson, Mary Gearheart, Guy C. Kulstad, Tom Conlin, Carol Orth and Art Nellessen submitted requests to speak in favor of the project. Supervisor Paul Kirk, representing 5th District Humboldt Co. Board of Supervisors submitted a request to speak in favor of the project. Five speakers submitted requests to speak in opposition to the project: Lucille Vinyard, representing Sierra Club; Selby Farmer, representing Concerned Citizens of McKinleyville; Tera Prucha; Joe Luther and George Waller. John Feeney, attorney for applicant, submitted a request to speak in favor of the project.

Vice Chairman Wan continued the public hearing to a later meeting. **Postponed.**

ADJOURNMENT. There being no old or new business, the meeting adjourned at 10:10 p.m.

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

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