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CALIFORNIA COASTAL COMMISSION

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TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: MINUTES OF MEETING OF October 7-10, 1997

Del Mar Fairgrounds
2260 Jimmy Durante Blvd.
Del Mar

Tuesday, October 7, 1997 pages 1 to 7

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Tuesday, October 7, 1997, at 10:05 a.m. by Chairman Areias.

2. **ROLL CALL.** Present: Chairman Areias, Vice Chairman Wan, Commissioners Allen, Brennan, (Alternate) Armanasco, (Alternate) Busey, (Alternate) Johnson, Nava, Reilly, (Alternate) Wright and Tuttle. Absent: Branham, Holanda, Potter and Sanders. Pavley arrived at 4:20 p.m..

SOUTH COAST DISTRICT

3. **CONSENT CALENDAR.** See items a. through e. on page 3 of the agenda and addendum. Item e. was postponed. Staff recommended approval with special conditions.

c. **Application No. 5-97-258 (Newport Beach street ends)** Stephen Luy, representing City, spoke in favor of the project. Carol Barmé & Michael Barmé spoke in opposition. Robert Schumann spoke in opposition. There being 3 votes to remove it, this item was removed from the Calendar and set for hearing at a later meeting.

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

STATEWIDE

4. **APPROVAL OF MINUTES.** Allen moved approval of the minutes of September 9-11, 1997 seconded by Johnson, and Chairman Areias ruled that they were unanimously approved.
5. **COMMISSIONERS' REPORTS.** Information only.
6. **CONSERVANCY REPORT.** Written report only.
7. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
8. **DEPUTY ATTORNEY GENERAL'S REPORT.** Information only.
9. **EXECUTIVE DIRECTOR'S REPORT.**
 - a. **Interagency Agreement.** Allen moved approval, seconded by Busey, and Chairman Areias ruled that it was unanimously approved.
 - b. **Evaluation Findings.** Information only.
 - c. **Interagency Agreement.** Postponed.
 - d. **Memorandum of Agreement.** Postponed.

PUBLIC STATEMENTS. John Coon, representing U.S. Navy, and Steve Sachs, representing SanDAG, spoke about the Navy's modified proposal to dispose of dredged materials.

ENERGY and OCEAN RESOURCES

10. **ENERGY & OCEAN RESOURCES REPORT.** Deputy Director Hansch reported on matters not requiring public hearings, and status of offshore oil & gas exploration & development.
 - a. **Avila Beach and Guadalupe Project Status Reports.** Information only.
 - b. **Status Reports on SONGS Mitigation Program.** 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 two items (15g & 16a) to the Calendar, and recommended approval with special conditions.

(15g) Lee Whitttenberg, representing City, submitted a request to speak in favor of the project. (16a) Peter Foulke, representing applicant, submitted a request to speak in favor of the project if there were questions.

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

13. **LOCAL COASTAL PROGRAM (LCP).**

a. **Laguna Beach LCP Amendment 2-96 (Hillside Development & Vista del Sol)** Staff recommended continuance. There being no objection, Chairman Areias opened the hearing and continued it to a future meeting. **Postponed.**

14. **NEW APPEALS.**

a. **Appeal No. A-5-97-129 (Santa Catalina Island, Los Angeles Co.)** Staff recommended that the appeal raised substantial issue. There being no objection Chairman Areias ruled that the Commission found substantial issue and combined the hearing with item 15b, below. Staff recommended approval with special conditions.

Bret Carman, representing applicant, submitted a request to speak in favor of the project.

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

b. **Appeal No. A-5-97-259 (Falls, Long Beach)** 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 denial.

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Sue Haffley Fails submitted a request to speak in favor of the project. Rebecca Caudillo-Jones submitted a request to speak in favor of the project. Michele M. Swanson submitted a request to speak in favor of the project. Jack Humphrey, representing City, submitted a request to speak in favor of the project.

Motion & Vote: Wan moved approval of the application, seconded by Allen, and the roll call vote was 0 in favor and 10 opposed. **Failed.**

LUNCH RECESS. The Commission recessed for lunch at 12:05 and reconvened at 1:35 p.m..

c. **Appeal No. A-5- 97-260 (Smith, Dana Point)** Staff recommended the appeal raised no substantial issue.

Motion & Vote: There being no speakers, Wright moved staff recommendation, seconded by Allen, and the roll call vote was unanimous. **Passed.**

d. **Appeal No. A-5-97-274 (Campus by the Sea, Los Angeles Co.)** 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 as modified orally.

Susie Veon & Steve Jones, both representing applicant, submitted requests to speak in favor of the project.

Motion & Vote: Wright moved staff recommendation, seconded by Johnson, and the roll call vote was 8 in favor and 1 opposed (Nava). **Passed.**

e. **Appeal No. A-5-97-289 (Pep Boys, Los Angeles)** Staff recommended continuance. There being no objection Chairman Areias opened the hearing and continued it to a later meeting. **Postponed.**

15. COASTAL PERMIT APPLICATIONS.

a. **Application No. 5-97-107 (Spruill, San Clemente)** Staff recommended approval with special conditions as modified orally.

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

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b. **Application No. 5-97-108 (Santa Catalina Island, Los Angeles Co.)** Staff recommended approval with special conditions.

The hearing was combined with item 14a (above).

Motion & Vote: Allen moved staff recommendation, seconded by Johnson, and Chairman Areias substituted the previous roll call vote (9-0-1) from item 14a. **Passed.**

c. **Application No. 5-97-122 (Sawall, Newport Beach)** Staff recommended approval with special conditions as modified orally.

Walter Sawall submitted a request to speak in favor of the project.

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

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

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

f. **Appeal No. A-5-97-188 (Bolsa Chica fence, Orange Co.)** **Postponed.**

g. **Application No. 5-97-192 (Seal Beach beach nourishment)** Moved to expanded Consent Calendar. **Approved.**

h. **Application No. 5-97-222 (Orange Co., Dana Point)** Staff recommended approval with special conditions.

Patti Schaaley, representing County, spoke favor of the project.

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

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i. **Application No. 5-97-241 (Djanogly, Los Angeles)** Staff recommended approval with special conditions.

Guy Bartoli, representing applicant, submitted a request to speak in favor of the project.

Motion: Wan moved staff recommendation, seconded by Nava.

Amending Motion & Vote: Wright moved to amend the plan as proposed by the applicant, seconded by Armanasco, and the roll call vote was 3 in favor (Armanasco, Busey & Wright), 6 opposed (Johnson, Nava, Reilly, Tuttle, Wan & Areias), and 1 abstention (Allen). **Failed.**

Vote on Main Motion: The roll call vote on the main motion (without amendment) was 9 in favor, 0 opposed and 1 abstention (Allen). **Passed.**

16. PERMIT AMENDMENTS.

a. **Permit No. 5-96-118-A (Hoag Hospital, Newport Beach)** Moved to expanded Consent Calendar. **Approved.**

b. **Permit No. A-5-93-5-A6 (Palos Verdes Holdings & Zuckerman, Rancho Palos Verdes)** Staff recommended approval with special conditions as modified in addendum.

Ken Zuckerman, representing applicant, submitted a request to speak in favor of the project. Michael Sweesy, representing applicant, submitted a request to speak in favor of the project. Angelike Brinkmann-Busi, representing Coastal Conservation Coalition, submitted a request to speak in opposition to the amendment.

Motion: Wright moved staff recommendation, seconded by Armanasco.

Amending Motion & Vote: Wan moved to increase the blufftop setback to 50', seconded by Reilly, and the roll call vote was 8 in favor (Allen, Busey, Johnson, Nava, Reilly, Tuttle, Wan & Areias), and 2 opposed (Armanasco & Wright). **Passed.**

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

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Pavley arrived during the following item.

c. **Permit No. 5-92-368-A (Hoag Hospital, Newport Beach)** Staff recommended approval with special conditions.

Louis Pandolfi, representing Hoag Memorial Hospital, submitted a request to speak in favor of the project. Peter Foulke, representing Hoag Hospital, submitted a request to speak in favor of the project. Peter Holzer, representing Newport Beach Townhomes, submitted a request to speak in opposition to the project. William Miller submitted a request to speak in opposition to the project. Larry Taylor, representing Newport Beach Townhomes Homeowner's Association, submitted a request to speak in opposition to the project. Allyson Bolin, representing Newport Beach Townhouse Owners, submitted a request to speak in opposition to the project.

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

RECESS. The Commission recessed for the day at 5:10 p.m..

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Wednesday, October 8, 1997 - pages 8 to 12

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, October 8, 1997, at 9:05 a.m. by Chairman Areias.
2. **ROLL CALL.** Present: Chairman Areias, Vice Chairman Wan, Commissioners Allen, Brennan, (Alternate) Armanasco, (Alternate) Busey, Holanda, Kehoe, Nava, Pavley, Potter, Reilly, Staffel and Tuttle. Absent: Branham and Sanders.

SAN DIEGO COAST DISTRICT

3. ADMINISTRATIVE PERMIT APPLICATIONS.

- a. **Application No. 6-97-75 (Del Mar, drainage pump & fence)** Staff recommended approval with conditions.

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 8 of the agenda. Staff recommended approval with special condition.

(4a) Jun Blake, representing applicant, submitted a request to answer questions.

(4b) Marion Zienkewicz submitted a request to speak in opposition to the project.

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

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

- a. **Encinitas LCP Amendment No. 1-97 Certification Review (N. Hwy 101 Specific Plan).** 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.**

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6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved item 9b to the Calendar, and recommended approval with special conditions.

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

7. **LOCAL COASTAL PROGRAM (LCP).**

a. **Carlsbad LCP Amendment No. 1-97 (Aviara, Seapointe & Child Care)** Staff recommended approval of the Seapointe portion of the amendment as submitted, and approval of the remainder with suggested modifications.

Paul Klukas, representing Aviara Land Associates, submitted a request to speak in favor of the staff recommendation. Guy S. Moore submitted a request to speak about concerns. Mike Howes, representing Hofman Planning Associates, submitted a request to speak in favor of the project.

Motion & Vote on Seapointe Plan as Submitted: Allen moved approval of the Seapointe Land Use Plan amendment as submitted, seconded by Wan, and Acting Chairman Kehoe substituted the previous roll call vote (12-0). **Passed.**

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

Motion & Vote on Plan with Modifications: Allen moved approval of Land Use Plan amendment with suggested modifications, seconded by Wan, and the roll call vote was 12 in favor and 0 opposed. **Passed.**

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

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

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

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b. **Carlsbad LCP Amendment No. 1-97B Time Extension (Aviara Lot 308).** Staff recommended approval.

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

8. NEW APPEAL.

a. **Appeal No. A-6-97-70 (Kirkorowitz, Encinitas)** 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 denial as modified in addendum.

Twelve speakers submitted requests to speak in favor of the project: Chris Kirkorowitz, applicant; Lou Aspell, Deputy Mayor of Encinitas; Gail Hano; F. Dan Rinehart, representing Rinehart Engineering; Vic Lee, representing applicant; Gerald Bode; Elizabeth Zerbe; Alice Jacobson; Michael Sweesy, representing applicant; Kerstin Albrecht; Maria Schreiber-Clark; and Franklin L. Cleaves. Twenty speakers submitted requests to speak in opposition to the project: Denise Stillinger and Doug Gibson, both representing San Elijo Lagoon; Denise Udrasols; Bob Moore; Jennifer Hewitson; Ken Denk; Gene Lombardi; Eric Bowlby, representing San Diego County Surfrider Foundation; Dolores Welty, representing Friends of Batiquitos Lagoon; Alis McCurdy; Jennifer M. Javors; Michael McClelland; Michael Andreen; Roy Warden; Stephen I. Ostrow; Wenetta Childs; Carolyn Avalos; Brad Roth; Robert Isaacson; and Andrew Mauro, representing San Elijo Lagoon Conservancy.

Motion & Vote to Continue: Pavley moved to continue the hearing, seconded by Kehoe, and the roll call vote was 12 in favor and 0 opposed. **Postponed.**

9. COASTAL PERMIT APPLICATIONS.

a. **Application No. 6-97-10 (Carlsbad)** Staff recommended approval with special conditions.

Five speakers submitted requests to speak on behalf of the applicant: Lloyd Hubbas, City Engineer; Walter Brown and Sherri Howard, both representing City; David Meyer, representing Caritas Company; and Ramona Finila, representing City.

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

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b. **Application No. 6-97-49 (Jones, Carlsbad)** Moved to expanded Consent Calendar. **Approved.**

c. **Application No. 6-97-78 (Car Trader, Solana Beach)** Staff recommended approval with special conditions.

Ed Huntington and Tom Moalemi, both representing Car Trader, submitted requests to speak in favor of the project. Six speakers submitted requests to speak in opposition to the project: Michele Riley; Michael LeBuffe; Marcia Smerican; Roger Russell; Erik Welfen; and Nadine Frymann, representing Hwy 101 merchants & property owners.

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

LUNCH RECESS. The Commission recessed for lunch at 12:15 and reconvened at 1:35 p.m.. Flemming replaced Busey during the break.

d. **Application No. 6-97-90 (Denver & Canter, Encinitas)** Staff recommended denial.

Stanley Canter, Beverly Canter, Paul Denver and Darlene Denver all submitted requests to speak in favor of the project. Five other speakers submitted requests to speak in favor of the project: William B. Rick; Jerry E. Sawtelle; Dave W. Skelly; Paul T. Harlow and David Oakley. Gail Hano submitted a request to speak. Steve Aceti submitted a request to speak regarding concerns. Mark Massara, representing Sierra Club Coastal Program, submitted a request to speak in opposition to the project. Eric Bowlby, representing San Diego County Surfrider Foundation, submitted a request to speak in opposition to the project.

Motion & Vote to Continue: Kehoe moved to continue the hearing, seconded by Flemming, and the roll call vote was 6 in favor (Armanasco, Flemming, Kehoe, Reilly, Staffel & Areias) and 6 opposed (Allen, Nava, Pavley, Potter, Tuttle & Wan). **Failed.**

Motion & Vote: Potter moved approval of the project, seconded by Tuttle, and the roll call vote was 4 in favor (Armanasco, Flemming, Kehoe & Areias) and 8 opposed (Allen, Nava, Pavley, Potter, Reilly, Staffel, Tuttle & Wan). **Failed.**

e. **Application No. 6-97-98 (Camino Holdings, San Diego)** **Postponed.**

Lynne Heidel, representing applicant, and David Skelly submitted requests to speak in favor of the project. Eric Bowlby, representing San Diego County Surfrider Foundation, submitted a request to speak in opposition to the project.

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REPORT of CLOSED SESSION. In closed session directed staff regarding possible future litigation.

RECESS. The Commission recessed for the day at 4:05 p.m..

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Thursday, October 9, 1997 - pages 13 to 21

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, October 9, 1997, at 9:10 a.m. by Chairman Areias.
2. **ROLL CALL.** Present: Chairman Areias, Vice Chairman Wan, Commissioners Allen, Calcagno, Denisoff, Flemming, Holanda, Kehoe, Pavley, Potter, Reilly, Sanders, Staffell and Tuttle. Absent: none. Nava & Brennan arrived at 9:15 a.m..

SOUTH CENTRAL COAST DISTRICT

3. ADMINISTRATIVE PERMIT APPLICATION.

a. **Application No. 4-97-173 (Santa Barbara Parks)** Staff recommended approval with conditions.

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 g. on pages 11-12 of the agenda. Staff recommended approval with special conditions as modified in addendum.

b. **Application No. 4-97-73 (Keenan & Wyluda, Los Angeles Co.)** Bill Keenan submitted a request to speak in favor of the project. Seymour Levine submitted a request to speak in opposition to the project. There being 6 votes to remove it, this item was removed from the Calendar and **set for hearing** at a later meeting.

Motion & Vote: Pavley 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.**

NORTH COAST DISTRICT

5. ADMINISTRATIVE PERMIT APPLICATION.

a. **Application No. 1-97-16 (Del Norte Co. road repair)** ~~Withdrawn.~~

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6. CONSENT CALENDAR.

a. **Application No. 1-97-47 (Tout, Humboldt Co.)** Staff recommended approval with conditions.

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

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 11c to the Calendar, and recommended approval with special conditions.

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

9. LOCAL COASTAL PROGRAMS (LCPs).

a. **Santa Barbara Co. LCP Amendment No. 1-97 C (Naples) Time Extension.** Staff recommended approval. There being no objection Chairman Areias ruled that the Commission approved the time extension.

b. **Santa Barbara Co. LCP Amendment No. 2-97 Time Extension.** Staff recommended approval. There being no objection Chairman Areias ruled that the Commission approved the time extension.

c. **Santa Barbara Co. LCP Amendment No. 1-97 A&B (Monterey accessory structures & telecommunications).** Staff recommended approval.

Lisa Plowman, representing Santa Barbara County, submitted a request to speak in favor of the staff recommendation.

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

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d. **Santa Barbara LCP Amendment No. 1-97.** Staff recommended approval.

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

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

10. NEW APPEAL.

a. **Appeal No. A-4-97-79 (Schott, Santa Barbara)** Staff recommended the appeal raised no substantial issue.

David Schott, Connie Schott, Eric Schott and Mark Lloyd all submitted requests to speak in favor of the staff recommendation. Jim Blake and Joy Blake, both representing Braemar Ranch Homeowners Sea Cliff Property Owners CPA, submitted requests to speak in opposition to the project.

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

b. **Appeal No. A-4-97-185 (Monarch Pt. Reserve, Santa Barbara Co.)** Staff recommended postponement. There being no objection Vice Chairman Wan opened the hearing and continued it to a later meeting. **Postponed.**

11. COASTAL PERMIT APPLICATIONS.

a. **Application No. 4-97-41 (Pousette, Malibu)** Staff recommended approval with special conditions.

Don Schmitz, representing applicant, submitted a request to speak in favor of the project. Linda Palmer, representing Santa Monica Mts. Trails Council, submitted a request to speak about concerns. Klaus Radtke, representing NFES, Corral Cyn HOA, submitted a request to speak in opposition to the project.

Motion & Vote to Continue: Pavley moved to continue the hearing, seconded by Staffel, and the roll call vote was 11 in favor and 0 opposed. **Postponed.**

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

c. **Application No. 4-97-133 (L.A. Co. Beaches & Harbors, Malibu) Moved to expanded Consent Calendar. Approved.**

d. **Application No. 4-97-136 (Gauthier, Malibu) Postponed.**

e. **Appeal No. A-4-97-68 (Pacific Bell Mobile, Ventura Co.) Staff recommended approval with special condition.**

Donald Van Buskirk and Darrell W. Daugherty, both representing applicant, submitted requests to speak in favor of the project. Four speakers submitted requests to speak in opposition to the project: William R. Stratton; Russ Baggerly, representing Environmental Coalition; Barbara Tracy Susman; and Mark Massara, representing Sierra Club Coastal Program.

Motion & Vote: Staffel moved staff recommendation, seconded by Allen, and the roll call vote was 7 in favor (Allen, Calcagno, Flemming, Staffel, Tuttle, Wan & Areias) and 5 opposed (Kehoe, Nava, Pavley, Potter & Reilly). **Passed.**

12. ENFORCEMENT

a. **Commission Cease & Desist Order No. CCC-97-CD-6 (Allen, Malibu) Postponed.**

NORTH 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). None.**

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15. LOCAL COASTAL PROGRAMS (LCPs).

a. **Del Norte Co. LCP Amendment No. 1-97 (mining ordinance).** Staff recommended approval with suggested modifications as modified in addendum and orally.

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

Motion & Vote on Implementation with Modifications: Tuttle moved approval of implementation amendment with suggested modifications, seconded by Flemming, and Chairman Areias substituted the previous roll call vote (11-0). **Passed.**

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

Motion & Vote to Continue: Tuttle moved to continue the hearing, seconded by Nava, and the roll call vote was 11 in favor and 0 opposed. **Postponed.**

16. NEW APPEAL.

a. **Appeal No. A-1-97-60 (Ocean Colony, Half Moon Bay)** Staff recommended postponement. There being no objection Chairman Areias opened the hearing and continued it to a later meeting. **Postponed.**

Holanda left during the break between items.

17. COASTAL PERMIT APPLICATIONS.

a. **Application No. 1-97-48 (Gust, Pacifica)** Staff recommended approval with special conditions.

Bill Green spoke representing Miramar Hospitality-Lighthouse Hotel. Mark A. Massara, representing Sierra Club Coastal Program, stated concerns about the project.

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

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18. PERMIT AMENDMENT.

a. **Permit No. 1-94-113-A2 (Kaufman & Saunders, Mendocino Co.)** Staff recommended approval with special conditions.

Robert Schlosser, representing applicant, submitted a request to speak in favor of the project. Christy Walters submitted a request to speak in opposition to the project. Mark A. Massara, representing Sierra Club Coastal Program, submitted a request to speak in opposition to the project.

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

PUBLIC STATEMENTS. Norman R. Haynie submitted a request to speak about emergency issues. Susan Jordan submitted a request to speak on behalf of the League for Coastal Protection. Mark Massara submitted a request to speak on behalf of the Sierra Club Coastal Program.

LUNCH RECESS. The Commission recessed for lunch at 12:50 and reconvened at 2:45 p.m. after closed session.

REPORT of CLOSED SESSION. In closed session the Commission discussed one item of litigation for information only.

19. **REVOCATION of Permit No. A-1-97-33 (Miller, Fort Bragg)** Staff recommended denial.

Don Miller submitted a request to speak in favor of the project.

Motion & Vote to Revoke: Flemming moved to revoke the permit, seconded by Tuttle, and the roll call vote was 0 in favor, 11 opposed and 1 abstention (Wan). **Failed.**

SOUTH COAST DISTRICT

20. LOCAL COASTAL PROGRAM (LCP).

a. **Bolsa Chica (Orange Co.) Plan Amendment No. 1-95 & Implementation Program.**
Staff recommended approval with suggested modifications.

Jack W. Golden, Deputy County Counsel; Supervisor Jim Silva; and Tom Mathews, all representing County of Orange, submitted requests to speak in favor of the staff recommendation. Lucy Dunn, representing Koll Real Estate Group, submitted a request to speak in favor of the staff recommendation. Harriett Wieder submitted a request to speak in favor of the project. Eleazar Elizando, representing U.S. Senator Boxer, submitted a request to speak. Howard Zelefsky, Planning Director of City of Huntington Beach, submitted a request to speak to answer questions. Rick Ludlow, representing State Lands Commission, submitted a request to speak representing owners. Todd Nugent, representing Assemblyman Scott Baugh, submitted a request to speak in favor of the staff recommendation. Five speakers submitted requests to speak in favor of the staff recommendation: Paul Grover; Rick Evans, representing Huntington Beach Chrysler Jeep Hummer; Don Goodell; Julie Dolphin; and Peter Green, representing Bolsa Chica Conservancy. Twenty three other speakers submitted requests to speak in favor of the project: Brad White; Kurt V. Johnson; Cinese Stuart; Bob Zemel, Jr.; Wayne Wedin; Richard Hill Adams, representing Building Industry Association/O.C.; Joyce Riddell, representing Huntington Beach Chamber of Commerce; Al Hoyo; Ernest O. Bartolo, representing Californians for Bolsa Chica; Ryan Reiches; Pat DeMars; Richard Cross; Reed Royalty, representing OC Tax; Louis Masotti; Jobe Dubbs; DeNaya Smith; Art Aviles, representing Californians for Bolsa Chica; Greg Mickelson; Timothy Cooley, representing Orange County Business Council; Doug Clark & John V. Ibarra & Pete Santos, all 3 representing I.U.O.E. Local #12; and Adrienne Morrison. Melvin L. Nutter, representing League for Coastal Protection, submitted a request to speak about concerns. Bob Biddle, representing Huntington Beach Tomorrow, and Judy Simons submitted requests to speak. Tom Livengood, president of Amigos de Bolsa Chica, submitted a request to speak about Fieldstone property and Warner Pond. Susan Jordan, representing League for Coastal Protection, submitted a request to speak. Mary Ellen Houseal, representing Bolsa Chica Foundation, submitted a request to speak in favor of the staff recommendation on Warner Pond. William P. Bernard, representing Bolsa Chica Land Trust, submitted a request to speak. Twenty three speakers submitted requests to speak in opposition to the staff recommendation: Paul Horgan; Debbie Cook, representing Sierra Club; Paul Arms; Connie Boardman; Dick Le Grue, representing Bolsa Chica Land Trust; Laura Mathiawetz, representing Bolsa Chica Land Trust; Nancy Donaven, representing Bolsa Chica Land Trust; Monica Wyatt representing Bolsa Chica Land Trust; Rudy Vietmeier, representing Bolsa Chica Land Trust; Eileen Murphy, representing Bolsa Chica Land Trust; John Jeffredo PhD, representing Island Gabrielino Group; Louise V. Jeffredo-Warden, representing

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Island Gabrielino Group; Gerda A. Jeffred, representing Island Gabrielino Group; Joyce Jeffredo Ryder, representing Island Gabrielino Group; Jacque Geier-Lahti, representing Bolsa Chica Land Trust; Nancy Harris; Chauncey Alexander, representing Bolsa Chica Land Trust; Sally J. Alexander, representing Bolsa Chica Land Trust; Elizabeth Lambe, representing Sierra Club; Marinka Horack; Jennifer Martin; Mark A. Massara, representing Sierra Club Coastal Program; and Thomas Warden, representing Island Gabrielino Group. Jan D. Vandersloot M.D., representing Bolsa Chica Land Trust, submitted a request to speak in opposition to the project.

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

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

Amending Motion & Vote: Wan moved to amend the modifications as described orally, seconded by Pavley, and the roll call vote was 12 in favor and 0 opposed. **Passed.**

Vote on Plan with Modifications: The roll call vote on the Land Use Plan amendment with suggested modifications as amended above was 11 in favor, 0 opposed and 1 abstention (Pavley). **Passed.**

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

Motion on Implementation with Modifications: Allen moved approval of implementation amendment with suggested modifications, seconded by Kehoe.

Amending Motion & Vote: Wan moved to amend the modifications as described orally, seconded by Staffel, and the roll call vote was 12 in favor and 0 opposed. **Passed.**

Vote on Implementation with Modifications: The roll call vote to approve the implementation amendment with suggested modifications as amended above was 11 in favor, 0 opposed and 1 abstention (Pavley). **Passed.**

STATEWIDE

21. REGULATIONS.

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

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

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

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

RECESS. The Commission recessed for the day at 6:35 p.m..

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Friday, October 10, 1997 - pages 22 to 25

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

CENTRAL COAST DISTRICT

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

a. **Santa Cruz Co. Minor Amendment No. 2-97.** 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.**

b. **Santa Cruz Co. Amendment No. 3-96 B 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.**

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

5. **NEW APPEAL.**

a. **Appeal No. A-3-97-37 (Casa Palmero, Monterey Co.)** The Commission found a substantial issue on the appeal in July. Staff recommended approval with special conditions as modified in addendum and orally.

Steve Turner submitted a request to speak in favor of the project. John M. Chadwell, representing Pebble Beach Company, submitted a request to speak in favor of the project. Maegan R. Ignacio, representing Pebble Beach Resort Lodge Employees, submitted a request to speak in favor of the project. Sam P. Karas and Robert B. Franco submitted requests to speak in favor of the project. The following nine speakers

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submitted requests to speak in favor of the project on behalf of the applicant: Thomas Jamison, Mark Stilwell, Rob Rees, Richard Patterson, Nancy Lucast, Brent Reitz, Steve Aichison, Ed Brown and Cheryl Burrell. Twelve other speakers submitted requests to speak in favor of the project: Dan McSweeney; Ed Cooper, representing Northern Calif. Scuba Retailers Assoc., Conference of Calif. Councils, Cen. Cal. Council of Diving Clubs; Robert C. Gross, President of Board of Del Monte Forest Property Owners; David Grauvreau; John F. Tormey; Spencer Thompson, representing Del Monte Property Owners; Robert E. Hayner; Dr. Jeffrey Froke; Art Grater; Rick Kernoli; John A. Miller and Jim Santy. Eleven speakers submitted requests to speak in opposition to the project: Marge Burnett; Susan McCabe; Ted R. Hunter; Carl Nielsen; Beatrice S. Tagg; James A. Miller, representing William Watson Geen & Eleanor Geen Miller & Estate of Henrietta Watson Geen; Richard Zahm; Peggy Mauz; Dominique Legrand-List; Admiral Henry H. Mauz Jr USN (Ret.) and Mark A. Massara, representing Sierra Club Coastal Program. William L. Phillips, Director of Planning & Building Inspection representing Monterey County, submitted a request to speak. Staff left during the hearing.

Motion: Calcagno moved staff recommendation, seconded by Flemming.

Amending Motion & Vote: Tuttle moved to add a condition for additional reporting, seconded by Wan, and the roll call vote was 11 in favor and 0 opposed. **Passed.**

Vote on Main Motion: The roll call vote on the main motion as amended above was 7 in favor (Calcagno, Flemming, Kehoe, Miller, Reilly, Tuttle & Areias) and 4 opposed (Allen, Pavley, Potter & Wan). **Passed.**

b. **Appeal No. A-3-97-72 (Brown, San Luis Obispo Co.)** Staff recommended postponement. There being no objection Chairman Areias opened the hearing and continued it to a later meeting. **Postponed.**

c. **Appeal No. A-3-97-73 (Day, San Luis Obispo Co.)** Staff recommended postponement. There being no objection Chairman Areias opened the hearing and continued it to a later meeting. **Postponed.**

6. LOCAL COASTAL PROGRAM (LCP).

a. **Morro Bay LCP Amendment No. 1-97 (water plan).** **Postponed.**

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7. COASTAL PERMIT APPLICATION.

a. **Application No. 3-97-62 (Sand City bike path)** Staff recommended approval with special conditions as modified orally.

Steve Matarazzo, representing City of Sand City, submitted a request to speak in favor of the project.

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

8. PERMIT AMENDMENT.

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

STATEWIDE

9. **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.

10. FEDERAL CONSISTENCY.

a. **CD-47-97 (Forest Service, Monterey Co.)** **Postponed.**

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

11. **WORKSHOP ON TEMPORARY EVENTS.** Information only. Herron replaced Allen during the hearing. Nineteen speakers submitted requests to speak: Geoff Dolan, City Manager of Manhattan Beach; Jon Stevenson, representing AVP; Councilman John Bowler of Hermosa Beach; Bobby Ray, Senior Planner representing City of Manhattan Beach; Donley Falkenstien, representing South Bay Coastal Defense Alliance; Harry Ford; Billy Paul; Viet Ngo; Bill Eisen; Terri Williams, representing City of San Diego Parks Dept.; William Victor; Scott Andrews; Al Strohlein; Jack Roggenbuck, representing Orange Coast District of State Parks; Mike Tope, representing Orange Coast District of State Parks; John C. Leppert; Yury Gurvich; C. Michael Mann, representing Save Everyone's Access; and Allan Seymour.

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ADJOURNMENT. There being no old or new business, the meeting adjourned at 2:20 p.m.

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

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