

DRAFT**CALIFORNIA COASTAL COMMISSION**

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TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: MINUTES OF MEETING OF March 11-14, 1997
Carmel Mission Inn
3665 Rio Road
Carmel

Tuesday, March 11, 1997 page 1

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Tuesday, March 11, 1997, at 10:15 a.m. by Chairman Areias.

2. **ROLL CALL.** Present: Chairman Areias, Commissioners Branham, Calcagno, Campbell, Nava, (Alternate) Rynerson, Rick, Ludlow and Wan. Absent: Brennan, Flemming, Holanda, Kehoe, Potter and Staffel.

STATEWIDE

3. **COMMISSIONERS' REPORTS.** Informational only.

4. **CONSERVANCY REPORT.** Informational only.

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

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

7 **EXECUTIVE DIRECTOR'S REPORT.** Informational only.

a. **Legislation.** Informational only.

RECESS. The Commission recessed for the day at 11:05 a.m..

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Wednesday, March 12, 1997 - pages 2 to 6

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, March 12, 1996, at 9:10 a.m. by Chairman Areias.

2. **ROLL CALL.** Present: Chairman Areias, Commissioners Branham, Brennan, (Alternate) Armanasco, Campbell, Holanda, Kehoe, Nava, Pavley, Potter, Staffel and Wan.
Absent: Flemming and Sanders.

STATEWIDE

3. **STRATEGIC PLANNING WORKSHOP.** Informational only. Six speakers filled out requests to speak: Norbert Dall; Mark Massara, representing Sierra Club; Warren Dorn & Dan Dorn, representing Morro Bay Beautiful Foundation; Bud Carney, representing Monterey County Planning & Bldg.; and Nell Langford.

LUNCH RECESS. The Commission recessed for lunch at 11:40 and reconvened at 1:10 p.m.. Rick arrived during the break.

CENTRAL COAST DISTRICT

4. CONSENT CALENDAR.

a. **Application No. 3-97-4 (Abbott & Abbott, Pacific Grove)** Staff recommended approval with special conditions.

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

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ENERGY and OCEAN RESOURCES

5. ADMINISTRATIVE PERMIT APPLICATION.

a. **Application No. E-97-2 (Unocal, San Luis Obispo Co.)** Staff recommended approval with special conditions.

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

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

STATEWIDE

7. **FEDERAL CONSISTENCY REPORT.** Staff Counsel Landry reported on Negative Determinations issued by the federal consistency staff, and status of major non-energy federal consistency matters.

8. FEDERAL CONSISTENCY.

a. **CD-5-97 (Corps of Engineers, Long Beach) Postponed.**

CENTRAL COAST DISTRICT

9. **DEPUTY DIRECTOR'S REPORT.** Staff Counsel Landry reported on matters not requiring public hearings, and on comments from the public.

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10. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved three items (12a, 13a & 13b) to the Calendar, and recommended approval with special conditions.

13a. There being more than 3 votes to remove this item it was returned to the amendment calendar below.

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

11. LOCAL COASTAL PROGRAMS (LCPs).

a. **Santa Cruz LCP Amendment No. 2-96 (S. of Laurel & high density residential).** There being no objection to extending the time limit, Chairman Areias ruled that the item was **postponed**.

b. **Santa Cruz Co. Categorical Exclusion No. E-82-4-A5. Postponed.**

c. **Santa Cruz Co. LCP Amendment No. 3-96, Part B (Exclusion).** There being no objection to extending the time limit, Chairman Areias ruled that the item was **postponed**.

d. **Sand City LCP Amendment No. 1-97 (expanded light commercial).** Staff recommended approval with suggested modifications.

Speakers included Janie Figen representing Sierra Club & Steve Moderzzo of the City.

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

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

e. Morro Bay LCP Amendment No. 2-96. Staff recommended approval.

Dan Dorn, representing Morro Bay Beautiful, submitted a speaker slip in favor of the recommendation. Warren Dorn, representing Morro Bay Beautiful, submitted a speaker slip opposed to the project. Shauna Nauman, Interim Planning Director, submitted a speaker slip in favor of the recommendation.

Motion & Vote to Reject Implementation as submitted: Staffel moved to reject implementation amendment as submitted, seconded by Nava, and the roll call vote was 2 in favor (Kehoe & Nava) and 8 opposed (Armanasco, Campbell, Pavley, Potter, Rick, Staffel, Wan & Areias). **Failed.**

f. San Luis Obispo Co. LCP Amendment No. 3-96 Time Extension. There being no objection Chairman Areias ruled that the Commission **approved** the time extension.

12. COASTAL PERMIT APPLICATION.

a. Application No. 3-96-104 (Parks & Rec., Morro Bay) Moved to expanded Consent Calendar. **Approved.**

b. Application No. 3-96-116 (Parks & Rec., San Luis Obispo Co.) Staff recommended approval with special conditions.

Lori Angello; Harold Guiton; Don Klosman; John Aitken; Rodger W. Kellogg; Jim Bramham, representing Calif. Off Highway Vehicle Rec. Comm.; and Donald Patton, representing the applicant; all submitted requests to speak in favor of the project. Larry Bross, representing Oceano Coalition; and Mark Massara, representing Sierra Club, requested to speak in opposition.

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Motion & Vote: Kehoe moved staff recommendation, seconded by Armanasco, and the roll call vote was 8 in favor (Armanasco, Campbell, Kehoe, Nava, Potter, Staffel, Wan & Areias) and 2 opposed (Pavley & Rick). **Passed.**

13. PERMIT AMENDMENTS.

a. **Permit No. 3-83-76-A11 (UCSC & DFG, Santa Cruz)** Staff recommended approval with special conditions as modified orally.

Four speakers requested to speak in favor of the project: Ed Davidson; Chris Wicks, representing State of California; Steve Davenport, representing UCSC; and Mel Odemar, representing Cal. Dept. of Fish & Game.

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

b. **Permit No. 3-83-200-A (Rossmann, Silveira, Menzies, et al., Santa Cruz Co.)** Moved to expanded Consent Calendar. **Approved.**

PUBLIC STATEMENT. Lucy Dunn, representing Koll, spoke about pending litigation.

REPORT of CLOSED SESSION. In closed session the Commission took action on League for Coastal Protection v. CCC (County of Orange, Koll, et al.) and Bolsa Chica Land Trust, et al. v. CCC.

RECESS. The Commission recessed for the day at 4:45 p.m..

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Thursday, March 13, 1997 - pages 7 to 12

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, March 13, 1997, at 9:05 a.m. by Chairman Areias.

2. **ROLL CALL.** Present: Chairman Areias, Commissioners Branham, Brennan, Calcagno, Campbell, Holanda, Kehoe, Nava, Pavley, Rick, Ludlow, Staffel and Wan. Absent: Flemming and Potter.

SOUTH CENTRAL COAST DISTRICT

3. **ADMINISTRATIVE PERMIT APPLICATIONS.** See items a. and b. on page 7 of the agenda. Staff recommended approval with special condition.

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

4. CONSENT CALENDAR.

a. **Application No. 4-96-166 (Salvation Army, Los Angeles Co.)** Staff recommended approval with special conditions.

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

b. **Application No. 4-96-182 (Los Angeles Co./Piuma Rd. & Malibu Cr. riprap)**
Postponed.

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

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a. **Ventura LCP Amendment No. 3-96 Certification Review.** Staff recommended concurrence with the Executive Director. There being no objection, Chairman Areias ruled that the Commission concurred. **Approved.**

6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved items 8b & 9b to the Calendar, and recommended approval with special conditions as modified in addendum.

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

7. LOCAL COASTAL PROGRAMS (LCPs).

a. **Carpinteria LCP Amendment No. 1-97 (Ash Ave. Area Salt Marsh Restoration)** Staff recommended approval.

Bob Nisbet, representing City, indicated he was available for questions.

Motion & Vote on Plan as submitted: Wan moved approval of land use plan amendment as submitted, seconded by Staffel, and the roll call vote was 7 in favor and 0 opposed. **Passed.**

Motion & Vote to Reject Implementation as submitted: Wan moved to reject implementation amendment as submitted, seconded by Staffel, and the roll call vote was 0 in favor and 7 opposed. **Failed.**

b. **Ventura LCP Amendment No. 2-96 (Ventura Harbor)** Staff recommended approval with suggested modifications.

Tom Figg & Marion Thompson requested to speak on behalf of the City. Sherman Stacy, representing Ventura Port District, requested to speak in opposition to the recommendation. David Harris, representing Ventura Keys Home Owners, requested to stress mitigation of traffic impact of Marina projects. Andrew Soter, representing Ventura Keys Traffic Committee, requested to speak in opposition to any development without traffic mitigation. Mark Massara, representing Sierra Club, requested to speak in support of recommendation.

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Motion & Vote to Continue: Wan moved to continue the item, seconded by Calcagno, and Chairman Areias ruled that the hearing was **Postponed**.

c. **Ventura Co. LCP Amendment No. 1-96 (Rural Intensity & La Conchita)**
Postponed

8. COASTAL PERMIT APPLICATIONS.

a. **Application No. 4-96-111 (Land Trust Of Santa Barbara Co., Carpinteria & Santa Barbara Co.)** Staff recommended approval with special conditions.

Bob Nisbet, representing City, indicated he was available for questions.

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

b. **Application No. 4-96-167 (T, Malibu)** Moved to expanded Consent Calendar. **Approved**.

9. PERMIT AMENDMENTS.

a. **Permit No. 5-90-1139-A2 (American Glendale, Malibu)** Staff recommended approval with conditions.

Motion & Vote: There being no speakers, Kehoe moved staff recommendation, seconded by Nava, and the roll call vote was 6 in favor and 1 opposed (Wan). **Passed**.

b. **Permit No. 5-84-610-A2 (Goldman, Malibu)** Moved to expanded Consent Calendar. **Approved**.

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10. PERMIT EXTENSION.

a. **Permit No. 4-94-145-E (Encinal Holdings, Malibu)** Staff recommended denial.

James Harnish & Robert Philibosian, both representing applicant, requested to speak in favor of the project. Steve Littlejohn & Greg Aftergood requested to speak in opposition.

Approved: There being only 2 objections, Chairman Areias ruled that the permit was extended.

STATEWIDE

11. **ENFORCEMENT. Cease & Desist Order No. CCC-96-CD-1 (Southern Pacific, Surf, Santa Barbara Co.)** Staff recommended that the order be rescinded.

Motion & Vote: There being no speakers, Staffel moved staff recommendation, seconded by Wan, and the roll call vote was 8 in favor and 0 opposed. **Passed.**

NORTH COAST DISTRICT

12. **DEPUTY DIRECTOR'S REPORT.** District Manager Merrill reported on matters not requiring public hearings, and on comments from the public.

a. **Arcata LCP Amendment No. 4-96 (Minor) (CBD landscaping requirements).** Staff recommended concurrence with the Executive Director. There being no objection, Chairman Areias ruled that the Commission concurred. **Approved.**

b. **Mendocino Co. LCP Amendment No. 1-96 A (Flanagan) Certification Review.** Staff recommended concurrence with the Executive Director. There being no objection, Chairman Areias ruled that the Commission concurred. **Approved.**

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c. Mendocino Co. LCP Amendment No. 1-96 B (Mendocino Coast Properties)

Appeal. . Staff recommended concurrence with the Executive Director. There being no objection, Chairman Areias ruled that the Commission concurred. **No action** was taken.

13. CONSENT CALENDAR (removed from Regular Calendar). Staff added items 17a & 17b to the Calendar, and recommended approval with special conditions.

Motion & Vote: There being no speakers, Wan moved staff recommendation, seconded by Calcagno, and the roll call vote was 8 in favor and 0 opposed. **Passed.**

14. LOCAL COASTAL PROGRAM (LCP).

a. Arcata LCP Amendment No. 3-96 (Payne). Staff recommended approval.

Motion & Vote to Reject Implementation as submitted: There being no speakers, Wan moved to reject implementation amendment as submitted, seconded by Pavley, and the roll call vote was 0 in favor and 8 opposed. **Failed.**

15. NEW APPEAL.

a. **Appeal No. A-1-96-81 (Garside, Marin Co.)** Staff recommended the appeal raised no substantial issue.

Ralph Garside requested to speak in favor of project. Paul Kafetz requested to speak in opposition. Linda Alfano requested to speak in favor of project with conditions. Scott Davidson requested to speak on behalf of the County.

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

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16. COASTAL PERMIT APPLICATIONS.

a. Application No. 1-94-49 (Fish & Game and Del Norte Co.) Postponed.

b. Application No. 1-94-69 (Coast Seafoods, Humboldt Co.) Postponed.

17. PERMIT AMENDMENTS.

a. Permit No. 1-90-174-A (Booth, Mendocino Co.) Moved to expanded Consent Calendar. Approved.

b. Permit No. 1-94-107-A2 (Cresson, Half Moon Bay) Moved to expanded Consent Calendar. Approved.

PUBLIC STATEMENT. Carl Larson , representing Sierra Club, spoke about eco-tourism.

REPORT of CLOSED SESSION. In closed session the Commission took action on five cases (Page v. City of Pacific Grove, CCC, et al.; Topanga Assn. for a Scenic Community, Tuna United Neighborhood Assn. v. CCC, Peter Douglas (Olson); Two Blankenship Inc. v. Santa Monica Mountains Conservancy et al.; Brandywine Conservancy v. CCC; and Landgate v. CCC) and discussed two other matters for information only.

RECESS. The Commission recessed for the day at 1:30 p.m..

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Friday, March 14, 1997 - pages 13 to 17

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Friday, March 14, 1997, at 9:05 a.m. by Chairman Areias.

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

SOUTH COAST DISTRICT

3. ADMINISTRATIVE PERMIT APPLICATION.

a. **Application No. 5-97-12 (Harbour, Seal Beach)** Staff recommended approval with special condition.

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

4. **CONSENT CALENDAR.** See items a. through e. on page 12 of the agenda. Staff recommended approval with special conditions.

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

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SAN DIEGO COAST DISTRICT

5. ADMINISTRATIVE PERMIT APPLICATIONS.

a. **Application No. 6-97-6 (Kreutzer, Del Mar)** Staff recommended approval with special condition.

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

b. **Application No. 6-97-7 (Pacific Bell Mobile Services, Encinitas)** Staff recommended approval with special conditions.

Approved: There being 4 votes to remove this item Chairman Areias ruled that it would be scheduled for hearing at a later meeting.

6. CONSENT CALENDAR.

a. **Application No. 6-97-5 (San Diego MWD ocean outfall repair)** Staff recommended approval with special condition.

Motion & Vote: Wan moved staff recommendation, seconded by Potter, and Chairman Areias substituted the previous the roll call vote (9-0). **Passed.**

SOUTH COAST DISTRICT

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

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8. **CONSENT CALENDAR (removed from Regular Calendar).** Staff added items 10b & 11a to the Calendar, and recommended approval with special conditions.

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

9. LOCAL COASTAL PROGRAM (LCP).

a. **Dana Point LCP Amendment No. 1-96 (South Laguna, Laguna Niguel/Monarch Beach) Postponed.**

10. COASTAL PERMIT APPLICATIONS.

a. **Application No. 5-96-163 (Port of Los Angeles)** Staff recommended approval with special conditions.

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

b. **Application No. 5-96-178 (Neal, Los Angeles)** Moved to expanded Consent Calendar. **Approved.**

c. **Application No. 5-96-277 (Newport Beach Newport Blvd. improvements)** Staff recommended approval with special conditions.

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

d. **Application No. 5-96-282 (Seaview, Hermosa Beach)** Staff recommended approval with special conditions.

Three speakers requested to speak in favor of the project: J.R. Reviczky, Mayor of Hermosa Beach; Richard Hankus, representing Hermosa Beach Chamber of Commerce; and Craig French, representing Seaview Development.

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

11. PERMIT AMENDMENT.

a. **Permit No. 5-84-514-A2 (Newport Landing Restaurant, Newport Beach)** Moved to expanded Consent Calendar. **Approved.**

12. FINDINGS.

a. **Permit No. 5-96-200 (Belmont Brewing Co., Long Beach)** Staff recommended approval of findings.

Motion & Vote: Staffel moved staff recommendation, seconded by Rick, and the hand vote was 5 in favor and 0 opposed. **Passed.**

SAN DIEGO COAST DISTRICT

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

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

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

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15. PERMIT AMENDMENTS.

a. **Permit No. 6-94-25-A (Aviara, Carlsbad)** Moved to expanded Consent Calendar. **Approved.**

b. **Permit No. 6-95-129-A2 (Teledyne Ryan Aeronautical, San Diego Bay)** Moved to expanded Consent Calendar. **Approved.**

16. FINDINGS.

a. **San Diego LCP Amendment No. 2-96 (North City LUP and various city-wide regulations).** Staff recommended approval of findings.

Motion & Vote: Pavley moved staff recommendation, seconded by Wan, and the vote was 5 in favor and 0 opposed. **Passed.**

ADJOURNMENT. There being no old or new business, the meeting adjourned at 10:25 a.m.

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

pmg

