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CALIFORNIA COASTAL COMMISSION

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TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: **MINUTES OF MEETING OF July 8 to 10, 1997**
Holiday Inn - Ventura
450 East Harbor Blvd.
Ventura

Tuesday, July 8, 1997 pages 1 to 7

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

STATEWIDE

3. **APPROVAL OF MINUTES.** Allen moved approval of the minutes for February & March of 1997, seconded by Flemming, and Chairman Areias ruled that the minutes were unanimously **approved**.
4. **COMMISSIONERS' REPORTS.** Informational only.
5. **CONSERVANCY REPORT.** Informational only.

DRAFT

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

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

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

a. **1998 Schedule.** Mark A. Massara, representing Sierra Club, requested to speak. **Postponed.**

b. **Performance Audit.** Trailed. On Thursday staff recommended a draft scope of work program. After Commission discussion, Flemming moved approval in concept, seconded by Wan, and Chairman Areias ruled it unanimously **approved.**

9. **REGIONAL CUMULATIVE ASSESSMENT PROJECT.** Staff recommended list of priority issues to be analyzed as part of Regional Cumulative Assessment Program in the Malibu/Santa Monica Mountains.

George Malone, representing Los Angeles Co. Dept. of Regional Planning, requested to speak in favor of staff recommendation. Vince Bertoni, interim Planning Director of City of Malibu, requested to answer questions. Lenora Kirby, representing S. Monica Mtns Trails Council, requested to speak on impacts of development on trails. Mark A. Massara, representing Sierra Club, requested to speak on locations. Frank P. Angel, representing Topanga Assn. for a Scenic Community & Tuna United Neighborhood Assn., requested to speak in favor of the project.

Motion & Vote: Wan moved approval of issues & boundary, seconded by Pavley, and Chairman Areias ruled it unanimously **approved.**

DRAFT

10. **FEDERAL CONSISTENCY REPORT.** Federal Consistency Coordinator Raives reported on Negative Determinations issued by the federal consistency staff, and status of other non-energy federal consistency matters. Lee Quaintance, representing Beacon; John Buse, representing Environmental Defense Center for Beacon; and Bill Higgins, representing Channel Islands Beach CSD; all requested to speak in favor of the staff recommendation.

a. **Contaminated Sediment Taskforce MOU.** Staff recommended approval.

Anthony Risko, representing Corps of Engineers, requested to speak in favor of the staff recommendation. Michael Lyons, representing California Regional Water Quality Control Board Los Angeles, and Rick Cameron, representing Port of Long Beach, both requested to answer questions.

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

11. **FEDERAL CONSISTENCY.**

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

b. **CD-65-97 (Immigration & Naturalization, San Diego Co.)** Staff recommended approval.

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

ENERGY and OCEAN RESOURCES

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

a. **Briefing by Regional Director, Minerals Management Service** on oil & gas operations on the Pacific Outer Continental Shelf. Informational only.

DRAFT

b. **Status** report and briefing by representatives of **Chevron** on **decommissioning** of onshore and offshore oil & gas facilities. Bill Shedd, representing (ASA) American Sportfishing Assoc., requested to speak in favor of the project. Tom Raftican, representing United Anglers S.C., requested to speak in favor of "Rigs to Reefs." David Frumkes, representing UASC Habitat Research & Enhancement, and Eric Rogger, representing United Anglers of So. Cal., both requested to speak in favor of the project. Lisa Lazar, representing Pacific Scuba Center, Inc., requested to speak in favor of "Rigs to Reefs." Informational only.

PUBLIC STATEMENT. Representatives of the Coastwalk group introduced themselves to the Commission.

13. PERMIT AMENDMENT.

a. **Permit No. E-97-2-A2 (Unocal, San Luis Obispo Co.)** Staff recommended approval with conditions.

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

NORTH COAST DISTRICT

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

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

16. LOCAL COASTAL PROGRAM (LCP).

a. **Mendocino Co. LCP Amendment No. 1-97 (Muegge/Vurek & Caltrans).** Staff recommended approval.

Motion & Vote on Part of Plan Amendment: Flemming moved approval of Land Use Plan amendment for site 1 as submitted, seconded by Pavley, and the roll call vote was 8 in favor and 0 opposed. **Passed.**

DRAFT

Motion & Vote to Reject Implementation Amendment: Flemming moved to reject implementation amendment for site 1 as submitted, seconded by Wright, and the roll call vote was 0 in favor and 8 opposed. **Failed.**

Motion & Vote on Part of Plan Amendment: Flemming moved approval of Land Use Plan amendment for site 2 as submitted, seconded by Hickox, and the roll call vote was 8 in favor and 0 opposed. **Passed.**

17. COASTAL PERMIT APPLICATION.

a. **Application No. 1-97-17 (Hansen, Humboldt Co.)** Staff recommended approval with special conditions as clarified orally.

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

17.5 PERMIT AMENDMENT.

a. **Permit No. 1-90-109-A5 (Caltrans, Marin Co.)** Staff recommended approval.

Tony Anziano, representing applicant, spoke in favor of the project.

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

DRAFT

SOUTH CENTRAL COAST DISTRICT

18. **CONSENT CALENDAR.** See items a. through h. on pages 5-6 of the agenda. Item c. was postponed. Staff recommended approval with special conditions on the remainder of the Calendar.

b. **Application No. 4-97-41 (Pousette, Malibu)** Don Schmitz, representing applicant, requested to speak in favor of the project. Lenora Kirby, representing S. Monica Mtns Trails Council, and Frank P. Angel, representing Sierra Club & Corral Canyon Homeowners Assn., both requested to speak in opposition. There being 4 votes, this item was **set for hearing** at a future meeting.

Motion & Vote on Remainder of Calendar: Flemming moved staff recommendation on remainder of the Calendar, seconded by Allen, and Vice Chairman Wan substituted the previous roll call vote (9-0). **Passed.**

19. NEW APPEALS.

a. **Appeal No. A-4-97-100 (Whitman, San Buenaventura)** Staff recommended that the appeal raised no substantial issue.

Leo E. Purvis requested to speak in opposition to the project. John Whitman and Lauren Schmidt, both representing Carmco Ltd., requested to speak in favor of the staff recommendation.

Motion & Vote on No Substantial Issue: Kehoe moved that the appeal raised no substantial issue, seconded by Flemming, and the roll call vote was 9 in favor and 0 opposed. **Passed.**

b. **Appeal No. A-4-97-122 (Santa Barbara Club, Santa Barbara Co.)** Staff recommended that the appeal raised no substantial issue.

Keith Zandona, representing SB Chapter - Surfrider, requested to speak in opposition to the project. Bob Keats, representing Surfrider Foundation, requested to speak in opposition to the staff recommendation. Andrew J. Moynagh, representing AFL/CIO, and Dianne Meester, representing Santa Barbara County Planning Dept., both requested to speak in favor of the project. Mark Massara, representing Latham, requested to speak in opposition to the staff recommendation. Judy V. Davidoff requested to speak on behalf of the

DRAFT

applicant. Ken Palley requested to speak in opposition to the staff recommendation.

Motion & Vote on No Substantial Issue: Flemming moved that the appeal raised no substantial issue, seconded by Wright, and the roll call vote was 10 in favor and 0 opposed. **Passed.**

c. **Appeal No. A-4-97-130 (Meldahl, Santa Barbara Co.)** Staff recommended that the hearing be continued. There being no objection, Chairman Areias opened the hearing and **continued** it to a later meeting.

d. **Appeal No. A-4-97-131 (CalTrans, Santa Barbara Co.)** Staff recommended that the hearing be continued. Tony Anziano, representing applicant, requested to speak in favor of the project. There being no objection, Chairman Areias opened the hearing and **continued** it to a later meeting.

PUBLIC STATEMENT. Nathan Post, representing Surfrider; David C. Harris MD, representing Ventura Keys Homeowners Assoc.; and Andrew Soter, representing Ventura Keys Traffic Committee, all submitted requests to speak.

REPORT of CLOSED SESSION. In closed session the Commission took action on City of Santa Monica v. CCC.

RECESS. The Commission recessed for the day at 1:00 p.m..

DRAFT

Wednesday, July 9, 1997 - pages 8 to 19

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, July 9, 1997, at 9:05 a.m. by Chairman Areias.
2. **ROLL CALL.** Present: Chairman Areias, Vice Chairman Wan, Commissioners Allen, (Alternate) Armanasco, Flemming, Holanda, Kehoe, Nava, Pavley, Potter, Reilly, Sanders, Staffel and (Alternate) Hickox. Absent: Branham and Brennan. Holanda left at approximately 5 p.m..

CENTRAL COAST DISTRICT

3. **CONSENT CALENDAR.**

a. **Application No. 3-97-39 (Caltrans, San Luis Obispo Co.) Postponed**

SOUTH COAST DISTRICT

4. **CONSENT CALENDAR.** See items a. through e. on pages 7-8 of the agenda. Staff recommended approval with special conditions.

b. **Application No. 5-97-118 (Stern, Newport Beach)** Melvin Skolnik spoke in opposition to the project. Richard Anderson, representing applicant, spoke in favor. There being no votes to remove this item it remained on the Calendar.

c. **Application No. 5-97-130 (Los Angeles Cellular, Newport Beach)** Roger P. Freeman and Dan Rabun, both representing Newport North Villas Homeowners Assoc., requested to speak in opposition to the project. Holly Sandler, representing applicant, requested to speak in favor. There being 5 votes this item was removed from the Calendar and **scheduled for a future hearing.**

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.**

DRAFT

CENTRAL COAST DISTRICT

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

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

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

a. **Pacific Grove Plan Amendment 1-97 (Coastal Parks Plan).** Postponed

8. **NEW APPEALS.**

a. **Appeal No. A-3-97-23 (Wesnousky, San Luis Obispo Co.)** Staff recommended that the appeal raised no substantial issue.

Mike Phelan, appellant; Kat McConnell, representing North Coast Advisory Council; David Fiscalini; and Jon Pedotti; all requested to speak in opposition to the project. Bill Wesnousky and Diane P. Deblauw both requested to speak in favor of the project.

Motion & Vote on No Substantial Issue: Staffel moved that the appeal raised no substantial issue, seconded by Kehoe, and the roll call vote was 0 in favor and 12 opposed. **Failed.**

Chairman Areias opened the hearing on the merits of the project and ruled that it be **continued** to a later meeting.

b. **Appeal No. A-3-97-37 (Pebble Beach, Monterey Co.)** Staff recommended that the appeal raised no substantial issue.

Ted R. Hunter; Jody Bunn; Carl Nielson; and James A. Miller; all requested to speak in opposition to the project. Mark Stilwell, representing applicant, requested to speak in favor of the project. The following indicated they were

DRAFT

available to answer questions on behalf of the applicant: John M. Chadwell; Thomas Jamison; Rob Rees; Ed Brown; Dan J. McSweeney; and Nancy Lucast.

Motion & Vote on No Substantial Issue: Potter moved that the appeal raised no substantial issue, seconded by Allen, and the roll call vote was 0 in favor and 11 opposed. **Failed.**

Chairman Areias opened the hearing on the merits of the project and ruled that it be **continued** to a later meeting.

c. **Appeal No. A-3-97-38 (Hill, Monterey 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.

Mark Blum and Larry Horan, both representing applicant, requested to speak in favor of the project.

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

PUBLIC STATEMENT. Five speakers requested to speak regarding Malibu Lagoon: Heather Trim, representing Los Angeles Regional Water Quality Control Board; Barbara Cameron, representing Malibu Creek Watershed Council; Dr Randal Orton, representing Las Virgenes Municipal Water District; Susan P. Nissman, representing L.A. County Supervisor Zev Yaroslauvsky; and Suzanne Goode, representing California Dept. of Parks & Recreation..

REPORT of CLOSED SESSION. In closed session the Commission took action on Bogart v. Essegian, CCC, Peter Douglas, et al., and discussed two other matters for information only.

LUNCH RECESS. The Commission recessed for lunch at 12:20 and reconvened at 1:15 p.m.. Sanders left during the break.

DRAFT

d. **Appeal No. A-3-97-40 (San Luis Obispo Co. Los Osos wastewater)** Staff recommended that the appeal raised substantial issue.

Jan Chatten-Brown, Gordon Hensley, Laree Brown, and David Mayfield, all representing TAPPS (Taxpayers Against Percolation Ponds); and Susan Jordan; all requested to speak in opposition to the project. Brad Hagemann, representing Regional Water Quality Control Board; and four speakers representing San Luis Obispo County (Michael Drazee, George Gibson, Tim Nanson and Mark Hutchinson) requested to speak in favor of the project.

Motion & Vote on No Substantial Issue: Wan moved that the appeal raised no substantial issue, seconded by Allen, and the roll call vote was 0 in favor and 12 opposed. **Failed.**

Chairman Areias opened the hearing on the merits of the project and ruled that it be **continued** to a later meeting.

e. **Appeal No. A-3-97-42 (Moss Landing Marine Labs., Monterey Co.)** Staff recommended that the appeal raised no substantial issue.

Noel Oard Mapstead submitted a request to speak as the appellant. Gary Greene, representing Moss Landing Marine Laboratories, submitted a request to speak in favor of the project. Peter Slattery, Mark Blum, James Oakden and Lisa Larrabee, all representing CSU/Moss Landing Marine Labs, submitted requests to speak in favor of the project. Gary S. Breschini, representing archaeological consulting indicated he was available for questions. Melanie Mayer Gideon and Larry Horan, both representing Moss Landing Marine Laboratories, and William Nighswonger, representing California State University, all submitted requests to speak in favor of the project.

Motion & Vote on No Substantial Issue: Potter moved that the appeal raised no substantial issue, seconded by Kehoe, and the roll call vote was 11 in favor and 0 opposed. **Passed.**

f. **Appeal No. A-3-97-43 (Pennycook, Monterey Co.)** **Postponed.**

DRAFT

SOUTH CENTRAL COAST DISTRICT

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

Robert Solomon, representing Cinamerican Theatres LP, submitted a request to answer questions regarding a waiver.

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

Don Schmitz, representing applicant on 13b, submitted a request to speak in favor of the project.

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

11. LOCAL COASTAL PROGRAM (LCP).

a. **Ventura LCP Amendment No. 2-96 (Ventura Harbor)** Staff recommended approval with suggested modifications as modified in addendum and orally.

Three speakers submitted requests to speak in favor of the recommendation: John Wong, representing Ventura Chamber of Commerce & Ventura Visitor's Bureau; Mrs Claudia Parker; and Sherman Stacey, representing Ventura Port District. Five speakers submitted requests to speak in favor of the Project: Tim Foley, representing Keys Harbor Condo Assoc.; Oscar Pena, representing Ventura Harbor Village; Edward G. Wohlenberg, representing Ventura Port District; Tom Figg, representing City of Ventura; and Jack Tingstorm, Mayor of Ventura. Fifteen speakers submitted requests to speak in opposition to the recommendation: Karen & John Davidson; Betty Johnston, representing Ventura Marina Mobilehome; John Buse, representing Environmental Defense Center; Sandra L. Hartley; Ray Greiner; Bob Therrien, Andrew Soter and David Harris M.D., all 3 representing Ventura Keys Association; Karen Lee; Niki Williams; Joann Enriquez; Leonora Weber; Bob Davidson; and Wilma Plummer. Brian Lee Rencher and Susan Jordan submitted requests to speak in opposition to the project. Suzanne M. Hartley submitted a request to speak on behalf of a resident. Mark Massara, representing Sierra Club Coastal Program, submitted a request to speak regarding concerns.

DRAFT

Motion & Vote on Plan Amendment as Submitted: Allen moved approval of Land Use Plan Amendment as submitted, seconded by Flemming, and the roll call vote was 0 in favor and 11 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 modifications to eliminate residential, seconded by Nava, and the roll call vote was 6 in favor (Kehoe, Nava, Pavley, Hickox, Wan & Areias) and 5 opposed (Allen, Armanasco, Flemming, Reilly & Staffel). **Passed.**

Vote on Plan with Modifications as Amended: The roll call vote was on the Land Use Plan Amendment with suggested modifications as amended above was 8 in favor (Flemming, Kehoe, Nava, Pavley, Reilly, Hickox, Wan & Areias) and 3 opposed (Allen, Armanasco & Staffel). **Passed.**

Motion & Vote to Reject Implementation Amendment: Nava 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 Suggested Modifications: Nava moved to approve implementation amendment with suggested modifications, seconded by Flemming, and the roll call vote was 9 in favor (Armanasco, Flemming, Kehoe, Nava, Pavley, Reilly, Hickox, Wan & Areias) and 2 opposed (Allen & Staffel). **Passed.**

12. COASTAL PERMIT APPLICATIONS.

a. **Application No. 4-96-211 (Felder, Malibu)** Staff recommended approval with special conditions.

Mike Barsocchini, architect for the applicant, modified the project.

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

DRAFT

b. **Application No. 4-97-11 (Sea Star Estates, Malibu)** Staff recommended approval with special conditions as modified orally.

Richard Scott, representing applicant, submitted a request to speak in favor of the project.

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

c. **Application No. 4-97-33 (Sweet, Malibu)** Staff recommended approval with special conditions.

Janey Sweet, Albert Sweet, Robert Chersky and Robert Sousa all submitted requests to speak in favor of the project.

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

d. **Application No. 4-97-48 (Parks & Rec., Malibu)** Staff recommended approval with special conditions.

Suzanne Goode, representing applicant, submitted a request to speak in favor of the project. Ron Lawrence and Jim Gable, both representing Point Dume Residents, spoke in opposition.

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

e. **Application No. 4-97-66 (Carroll, Malibu)** Moved to expanded Consent Calendar. **Approved.**

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

Jeff McHaddad, representing applicant, and Jeff Walker, representing Ventura County Planning Dept., both submitted requests to speak in favor of the project. Seven speakers submitted requests to speak in opposition: Jana Zimmer, representing an appellant; Bill Stratton; Russ Baggerly, representing Environmental Coalition; John Buse, representing Environmental Defense Center; Barbara Tracy

DRAFT

Susman, representing Faria Beach Homeowners; Kathy Richardson; and Tim Desmond.

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

g. **Application No. 4-97-74 (Remote Communications, Malibu)** Staff recommended approval with special conditions.

Four speakers representing the applicant submitted requests to speak in favor of the project: Carolyn Ingram Seitz, Nancy Goldstein, Robert Harris and Wayne Harris. L. Darrell Bevan submitted a request to speak in opposition. Don Schmitz, representing Lena Pousette, submitted a request to speak regarding concerns.

Motion & Vote: Flemming moved staff recommendation, seconded by Hickox, and the roll call vote was 10 in favor, 0 opposed and 2 abstentions (Nava & Pavley). **Passed.**

h. **Application No. 4-97-84 (Andrade, Malibu)** Staff recommended approval with special conditions.

Cary Gepner, representing applicant, submitted a request to speak in favor of the project.

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

i. **Application No. 4-97-128 (S.A.M. Trust, Malibu)** **Postponed.**

j. **Application No. 4-96-207 (Itzaki, Malibu)** Staff recommended approval with special conditions.

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

DRAFT

13. PERMIT AMENDMENTS.

a. **Permit No. 5-89-193-A3 (Majd, Malibu)** Moved to expanded Consent Calendar. **Approved.**

b. **Permit No. 4-95-101-A (Carlson, Los Angeles Co.)** Moved to expanded Consent Calendar. **Approved.**

SOUTH COAST DISTRICT

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

a. **Port of Long Beach Plan Amendment No. 10 Certification Review.** Staff recommended concurrence with Executive Director's determination. There being no objection, Chairman Areias ruled that the Commission concurred. **Approved.**

b. **Port of Los Angeles Plan Amendment No. 17 Certification Review.** Staff recommended concurrence with Executive Director's determination. There being no objection, Chairman Areias ruled that the Commission concurred. **Approved.**

15. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 3 items (17b, 17e & 17f) 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.**

DRAFT

16. LOCAL COASTAL PROGRAM (LCP).

a. **Manhattan Beach LCP Amendment No. 2-97 Time Extension.** Staff recommended approval.

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

17. COASTAL PERMIT APPLICATIONS.

a. **Application No. 5-97-55 (Loyola Marymount University, Los Angeles Co.)** Staff recommended denial.

Motion & Vote: There being no speakers Wan moved approval of the project, seconded by Allen, and the roll call vote was 0 in favor and 12 opposed. **Failed.**

b. **Application No. 5-97-63 (Playa Sol Oceanfront, Los Angeles)** Eric Lieberman, representing applicant, submitted a request to speak in favor of the project. Moved to expanded Consent Calendar. **Approved.**

c. **Application No. 5-97-71 (Orange Co. and Fish & Game, Newport Beach)** Staff recommended approval with special conditions as modified in addendum.

Darlene Shelly and Tom Rossmiller, both representing applicants, submitted requests to speak in favor of the project.

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

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

e. **Application No. 5-97-144 (Maguire Thomas Partners, Los Angeles)** Moved to expanded Consent Calendar. **Approved.**

DRAFT

f. **Application No. 5-97-155 (Bailey, Los Angeles)** Moved to expanded Consent Calendar. **Approved.**

g. **Application No. 5-97-180 (Hermosa Beach outdoor dining)** Staff recommended approval with special conditions.

Motion & Vote: There being no speakers, Wan moved staff recommendation, seconded by Allen, and Chairman Areias substituted the previous roll call vote (12-0). **Passed.**

18. PERMIT AMENDMENT.

a. **Permit No. 5-95-19-A3 (Horowitz, Los Angeles)** Staff recommended approval with special conditions.

Motion & Vote: There being no speakers, Flemming moved staff recommendation, seconded by Hickox, and Chairman Areias substituted the previous roll call vote (12-0). **Passed.**

19. PERMIT EXTENSION.

a. **Permit No. 5-94-74-E2 (Venice Senior Housing Corp., Los Angeles)** Staff recommended approval.

Ben Beckler and Marc Danziger both submitted requests to speak on behalf of the applicant. Jeffrey Prang, representing Councilmember Ruth Galanter, submitted a request to speak in favor of the project.

There being no objection Chairman Areias ruled that the permit was **extended.**

20. NEW APPEALS.

a. **Appeal No. A-5-97-166 (Orange Co./Aliso Cr. berm)** 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.

DRAFT

Tom Rossmiller, representing County of Orange, and Michelle Kremer, representing Surfrider Foundation, both submitted requests to speak in favor of the project. Rico Dagomel and Ed Slyman, representing Aliso Creek Inn, both submitted requests to speak in opposition.

Chairman Areias ruled that the hearing be **continued** to a future meeting.

b. **Appeal No. A-5-97-184 (Hull, Los Angeles)** Staff recommended that the hearing be continued. There being no objection Chairman Areias opened the hearing and **continued** it to a future meeting.

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 8:15 p.m..

DRAFT

Thursday, July 10, 1997 - pages 20 to 25

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, July 10, 1997, at 9:00 a.m. by Chairman Areias.
2. **ROLL CALL.** Present: Chairman Areias, Vice Chairman Wan, Commissioners Allen, (Alternate) Armanasco, Flemming, Holanda, Kehoe, Nava, Pavley, Potter, Reilly, Staffel and (Alternate) Hickox. Absent: Brennan and Sanders. Wheeler arrived at 9:35 a.m..

SAN DIEGO COAST DISTRICT

3. **ADMINISTRATIVE PERMIT APPLICATIONS.** See items a. through d. on page 14 of the agenda. Staff recommended approval with special conditions.

a. **Application No. 6-97-18 (Parks & Rec. mechanical fee collection, Carlsbad)** Paul Webb, representing applicant, submitted a request to speak in favor of the project. Bruce McDonald, representing Surfrider Foundation, submitted a request to speak in opposition. There being 6 votes to remove this item Chairman Areias ruled that it will be **scheduled for a hearing** at a later meeting.

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

4. **CONSENT CALENDAR.**

a. **Application No. 6-97-66 (Muller, Solana Beach)** Staff recommended approval with special conditions.

Motion & Vote: There being no speakers Wan moved staff recommendation, seconded by Allen, and the roll call vote was 12 in favor and 0 opposed. **Passed.**

DRAFT

STATEWIDE

5. EXECUTIVE DIRECTOR'S REPORT.

a. **Amendment to Conflict of Interest Regulations.** Staff recommended approval.

Motion & Vote: There being no speakers Wan moved staff recommendation, seconded by Allen, and the roll call vote was 12 in favor and 0 opposed. **Passed.**

b. **General Regulations and Regulations Governing Meetings, Officers & Staff.** Staff recommended approval.

Motion & Vote: There being no speakers Wan moved staff recommendation, seconded by Allen, and Chairman Areias substituted the previous roll call vote (12-0). **Passed.**

6. ENFORCEMENT.

a. **Cease & Desist Order No CCC-97-CD-2 (Bradley, Encinitas)** Staff recommended approval.

Motion & Vote: There being no speakers Wan moved staff recommendation, seconded by Allen, and the roll call vote was 12 in favor and 0 opposed. **Passed.**

SAN DIEGO COAST DISTRICT

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

a. **Carlsbad LCP Amendment No. 1-96G (Housing) Certification Review.** Staff recommended concurrence with Executive Director's determination.

b. **San Diego LCP Amendment No. 1-95 (Mission Bay Park) Certification Review.** Staff recommended concurrence with Executive Director's determination.

DRAFT

c. **National City LCP Amendment No. 1-97 Certification Review (General Plan Update/Rainy Season Grading).** Staff recommended concurrence with Executive Director's determination.

There being no objection, Chairman Areias ruled that the Commission concurred with all three. **Approved.**

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

Motion & Vote: There being no speakers Wan moved staff recommendation, seconded by Allen, and the roll call vote was 12 in favor and 0 opposed. **Passed.**

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

a. **San Diego LCP Amendment No. 1-97A (Sorrento Hills).** Staff recommended approval.

Three speakers submitted requests to speak in favor of the recommendation: Bernie Turgeon, representing City of San Diego; Nancy Lucast, representing American General; and Bill Meyer, representing AG Land Assoc. LLC.

Motion & Vote on Plan as Submitted: Kehoe 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: Kehoe moved to reject implementation amendment as submitted, seconded by Flemming, and the roll call vote was 0 in favor and 10 opposed. **Failed.**

b. **Imperial Beach LCP Amendment No. 1-96 (Reconstruction Permits).** Staff recommended approval.

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

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c. **Imperial Beach LCP Amendment No. 1-97A & B (Non-conforming Residential Structures and CDP Hearing Waivers)** Staff recommended approval of part and approval with suggested modifications of part.

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

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

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

10. COASTAL PERMIT APPLICATIONS.

a. **Application No. 6-96-80 (Parks & Rec., valet parking)** Staff recommended approval with special conditions.

Paul Webb spoke on behalf of the applicant. Two other speakers spoke in favor of the project: Robert MacPhee, representing Sunset Valet Service; and Craig Grainger, representing Pacific Coast Valet.

Motion: Kehoe moved staff recommendation, seconded by Reilly.

Amending Motion & Vote: Flemming moved to close lot at sunset with enforcement only for public safety, seconded by Allen, and the roll call vote was 9 in favor (Allen, Armanasco, Flemming, Kehoe, Pavley, Potter, Staffel, Wan & Areias) and 3 opposed (Nava, Reilly & Hickox). **Passed.**

Vote on Main Motion: The roll call vote on the main motion as amended above was 12 in favor and 0 opposed. **Passed.**

b. **Application No. 6-97-23 (Oceanside, Loma Alta Creek bridge replacement & channel improvement)** Moved to expanded Consent Calendar. **Approved.**

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c. **Application No. 6-97-50 (O'Neal, Solana Beach)** Moved to expanded Consent Calendar. **Approved.**

d. **Application No. 6-97-52 (Del Mar storm drain system)** Staff recommended approval with special conditions.

Motion & Vote: There being no speakers Kehoe moved staff recommendation, seconded by Allen, and the roll call vote was 12 in favor and 0 opposed. **Passed.**

e. **Application No. 6-97-53 (Western Pacific Housing, Solana Beach)** Staff recommended approval with special conditions.

Kevin Canning and Scot Sandstrom, both representing applicant, submitted requests to speak 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 (Pavley). **Passed.**

f. **Application No. 6-97-60 (San Diego Metro Waste, treatment plant improvements)** Staff recommended approval with special condition as modified orally.

James Wagaaman, representing applicant, submitted a request to answer questions.

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

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g. **Application No. 6-97-63 (Reed, Solana Beach)** Moved to expanded Consent Calendar. **Approved.**

ADJOURNMENT. There being no old or new business, the meeting adjourned at 11:45 a.m.

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

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