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CALIFORNIA COASTAL COMMISSION

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TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: MINUTES OF MEETING OF December 11 to 13, 1996

Holiday Inn, Union Square
480 Sutter Street
San Francisco

Wednesday, December 11, 1996 pages 1 to 7

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, December 11, 1996, at 10:05 a.m. by Chairman Calcagno.
2. **ROLL CALL.** Present: Chairman Calcagno, Vice Chairman Flemming, Commissioners Areias, Branham, Campbell, Giacomini, Holanda, Pavley, Rick, Staffel and Wan. Absent: Sanders. Brennan arrived at 11:45 a.m..

SAN DIEGO COAST DISTRICT

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

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

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4. **CONSENT CALENDAR.**

a. **Application No. 6-96-137 (San Diego Metro Wastewater)** Staff recommended approval with special condition.

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

b. **Application No. 6-96-142 (Caltrans, Carlsbad)** **Postponed.**

SOUTH COAST DISTRICT

5. **CONSENT CALENDAR.** See items a. through h. on page 4 of the agenda. Item b (5-96-197) was postponed. Staff recommended approval with special conditions on the remainder of the Calendar.

a. Mary Claire Lichter submitted a request to answer questions on behalf of the applicant.

d-e. **Applications Nos. 5-96-223 and 5-96-224 (Lee Group, Los Angeles Co.)** There being 3 votes to remove these items, Chairman Calcagno ruled that they would be scheduled for hearing at a later meeting.

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

STATEWIDE

6. **APPROVAL OF MINUTES.** None.

7. **COMMISSIONERS' REPORTS.** Information only.

8. **CONSERVANCY REPORT.** None.

9. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** Information only.

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

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11. EXECUTIVE DIRECTOR'S REPORT.

a. Report on draft revisions to Commission's Assessment and Strategy for enhancement of federally approved coastal management program. Informational only.

b. Report by Department of Finance on fiscal control audit. **Postponed.**

c. **Interagency Agreement** with County of Santa Cruz, allocating \$5,000 for access to County's geographic data. Staff recommended approval.

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

d. **Legislation.** Information only.

12. **FEDERAL CONSISTENCY REPORT.** Division Supervisor Delaplaine reported on Negative Determinations issued by the federal consistency staff, and status of major non-energy federal consistency matters.

13. FEDERAL CONSISTENCY.

a. **CC-129-96 (Port of Long Beach, Los Angeles Co.)** Staff recommended approval.

Thomas D. Johnson, representing Port of Long Beach, submitted a request to speak in favor of the project. Don May, representing California Earth Corps; Ann Cantrell and Billie Sheaffer, both representing Audubon & Save The Park; and Melvin L. Nutter representing California Earth Corps; all submitted requests to speak in opposition to the project.

Motion & Vote: Staffel moved staff recommendation, seconded by Flemming, and the roll call vote was 4 in favor (Flemming, Rick, Staffel & Calcagno), 3 opposed (Areias, Pavley & Wan) and 1 abstention (Campbell). **Failed.**

b. **CD-137-96 (IBWC, San Diego Co.)** Staff recommended approval.

John Bernal, representing IBWC; Alexis Strauss, representing EPA; James Stubchaer, representing SWRCB; Dave Schlesinger, representing City of San Diego; and Mayor Bixler of Imperial Beach; all submitted a request to speak in favor of the staff recommendation. James Mocalis, representing San Diego Regional Water

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Quality Control Board, submitted a request to speak in favor of the staff recommendation. William Doolittle, representing United States Border Patrol, submitted a request to speak in favor of the staff recommendation. Kristin Schwall, representing Regional Water Quality Control Board, submitted a request to speak in favor of the staff recommendation. Susan Jordan, representing League for Coastal Protection, submitted a request to express concerns about the project.

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

c. **CD-138-96 (IBWC, San Diego)** Staff recommended approval.

Hayley Lovan, representing U.S. Army Corps of Engineers, submitted a request to speak in favor of the staff recommendation. William Doolittle, representing United States Border Patrol, submitted a request to speak in favor of the staff recommendation. James Mocalis, representing San Diego Regional Water Quality Control Board, submitted a request to speak in favor of the staff recommendation. Gilbert B. Foerster submitted a request to speak in opposition to the staff recommendation. James King, representing State Coastal Conservancy, submitted a request to speak regarding alternative mitigation site.

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

LUNCH RECESS. The Commission recessed for lunch at 12:50 and reconvened at 2:30 p.m. after closed session.

REPORT of CLOSED SESSION. In closed session the Commission took action on Lechuza Villas West v. CCC, State of California and Wagner et al. v. CCC et al..

14. FINDINGS.

a. **CD-100-96 (Marine Corps, San Diego Co.)** Staff recommended approval of findings as modified in addendum.

Colonel Wayne Spencer, representing USMC Camp Pendleton, submitted a request to clarify report on findings.

Motion & Vote: Rick moved staff recommendation, seconded by Flemming, and the hand vote was 3 in favor and 0 opposed. **Passed.**

SAN DIEGO COAST DISTRICT

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

16. **CONSENT CALENDAR (removed from Regular Calendar).** Staff added 3 items (18 a, b & c) to the Calendar and recommended approval with special conditions.

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

17. COASTAL PERMIT APPLICATIONS.

a. **Application No. 6-96-128 (Fairbanks Ranch Racquet Club Apts., San Diego)** Staff recommended approval with special conditions.

Jack Newquist, representing applicant, submitted a request to speak in favor of the project.

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

b. **Application No. 6-96-138 (Canter & Denver, Encinitas)** Staff recommended denial.

David Skelly, representing Skelly Engineering; Paul Denver; Stanley Canter; Beverly Canter; and Darlene Denver; all submitted requests to speak in favor of the project.

Motion & Vote: Rick moved approval of project with conditions stated orally, seconded by Calcagno, and the roll call vote was 2 in favor (Rick & Calcagno) and 7 opposed (Areias, Campbell, Flemming, Giacomini, Pavley, Staffel & Wan). **Passed.**

Motion & Vote: Pavley moved to rehear the project no later than November 1997 and waive re-application requirements & fees, seconded by Flemming, and the hand vote was 9 in favor and 0 opposed. **Failed.**

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18. PERMIT AMENDMENTS.

a. **Permit No. 6-83-321-A2 (Dura Pharmaceuticals, San Diego)** Moved to expanded Consent Calendar. **Approved.**

b. **Permit No. 6-95-51-A (Poinsettia Home-building Partners, Carlsbad)** Moved to expanded Consent Calendar. **Approved.**

c. **Permit No. 6-95-52-A (Poinsettia Home-Building Partners, Carlsbad)** Moved to expanded Consent Calendar. **Approved.**

SOUTH COAST DISTRICT

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

a. **Orange Co. Newport Coast LCP Amendment No. 1-96 Certification Review.** Staff recommended concurrence with the Executive Director. There being no objection, Chairman Calcagno ruled that the Commission concurred. **Approved.**

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

21. COASTAL PERMIT APPLICATIONS.

a. **Application No. 5-96-213 (Port of Long Beach, Los Angeles)** Staff recommended approval.

Dr Robert Kanter, representing Port of Long Beach, submitted a request to speak in favor of the project. Don May and Melvin L. Nutter, both representing California Earth Corps, submitted requests to speak in opposition to the project.

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

b. **Application No. 5-96-231 (Port of Long Beach, Long Beach)** Applicant requested postponement.

Thomas D. Johnson, representing Port of Long Beach, submitted a request to speak in favor of the project. Ann Cantrell and Billie Sheaffer, both representing Audubon & Save The Park, submitted requests to speak in opposition to the project. Melvin L. Nutter and Don May, both representing California Earth Corps; and Susan Jordan, representing League for Coastal Protection; all submitted requests to speak in opposition to the project.

Motion & Vote to continue: Staffel moved to continue the hearing, seconded by Wan, and the hand vote was 8 in favor and 0 opposed. **Passed.**

22. FINDINGS.

a. **Appeal No. A-5-95-162 (McNaughton, Laguna Beach)** Staff recommended approval of findings.

Motion & Vote: Staffel moved staff recommendation, seconded by Rick, and the hand vote was 3 in favor and 0 opposed. **Passed.**

RECESS. The Commission recessed for the day at 5:35 p.m..

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Thursday, December 12, 1996 - pages 8 to 14

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, December 12, 1996, at 9:05 a.m. by Chairman Calcagno.
2. **ROLL CALL.** Present: Chairman Calcagno, Vice Chairman Flemming, Commissioners Areias, Branham, Brennan, Giacomini, Holanda, Pavley, Rick, Staffel and Wan. Absent: Sanders. Campbell arrived at 9:30 a.m.. Branham left at 11:30 a.m..

SOUTH CENTRAL COAST DISTRICT

3. **CONSENT CALENDAR.** See items a. through f. on page 9 of the agenda. Items a. and c. (4-96-28 & 4-96-130) were postponed. Staff recommended approval with special conditions on the remainder of the Calendar.

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

ENERGY and OCEAN RESOURCES

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

a. Staff recommended approval of **continued funding** to resolve outstanding permit issues.

Frank Melone, representing Southern California Edison Co., submitted a request to speak in opposition to the staff recommendation. Susan Jordan submitted a request to speak.

Motion & Vote: Giacomini moved staff recommendation, seconded by Pavley, and the roll call vote was 8 in favor, 0 opposed and 1 abstention (Rick). **Passed.**

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5. COASTAL PERMIT APPLICATIONS.

a. **Application No. E-96-25 (Chevron, San Luis Obispo Co.)** Staff recommended approval with special conditions.

Mark Massara, representing Sierra Club, submitted a request to speak regarding concerns about the project

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

CENTRAL COAST DISTRICT

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

a. **Santa Cruz Co. LCP Amendment No. 2-96 Certification Review.** Staff recommended concurrence with the Executive Director. There being no objection, Chairman Calcagno ruled that the Commission concurred. **Approved.**

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

8. LOCAL COASTAL PROGRAM (LCP).

a. **Morro Bay LCP Amendment No. 3-95.** Staff recommended approval with suggested modifications.

Shauna Nauman, Interim Planning Director of City of Morro Bay, submitted a request to speak in favor of the staff recommendation.

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

Motion & Vote on Plan with Modifications: Staffel moved approval of Land Use Plan amendment with suggested modifications, seconded by Flemming, and the roll call vote was 9 in favor and 0 opposed. **Passed.**

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

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

9. **NEW APPEALS.**

a. **Appeal No. A-3-96-94 (Marina Dunes Resort, Marina)** The Commission having found substantial issue previously, staff recommended approval with special conditions as modified in addendum and orally.

John King and David Watson, both representing applicant, submitted requests to speak in favor of the project. Jeff Dack, representing City of Marina, and Fernando A. Manzanal both submitted requests to speak in favor of the project. The following also submitted requests to speak in favor of the project: Michael Eakens, representing Monterey Bay Area Sportsplex; Candy Myers, representing Marina Chamber of Commerce; Milton Fletcher, representing City of Marina; and Patti Bradshaw. Gary Tate, representing Monterey Peninsula Regional Park District, submitted a request to speak in favor of the staff recommendation. The following submitted requests to speak in opposition to the project: Janie Figen, representing Sierra Club; Joyce Stevens, representing Ventana Chapter, Sierra Club; Lee Hulquist, representing Monterey Dunes Natural History Assoc.; Patricia Costello, representing Surfer's Environmental Alliance; and Mark Massara, representing Sierra Club Coastal Program. Susan Brandt-Hawley, representing Sierra Club, submitted a request to speak in favor of the former staff recommendation. Mary Ann Matthews, representing CNPS; Judith Lehman and Susan Jordan; also submitted requests to speak in opposition to the project.

Motion: Wan moved staff recommendation, seconded by Flemming.

Amending Motion & Vote: Wan moved to revise density per original staff recommendation (3.5 du/ac), limit guest suites to 850 sq.ft. maximum, and eliminate ancillary facilities except 120-seat restaurant, seconded by Campbell, and the roll call vote was 7 in favor (Areias, Campbell, Giacomini, Pavley, Staffel & Wan) and 2 opposed (Flemming & Rick). **Passed.**

Vote on Main Motion: The roll call vote on the main motion as amended above was 9 in favor and 0 opposed. **Passed.**

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b. **Appeal No. A-3-96-108 (Kymco, San Mateo Co.) Postponed.**

LUNCH RECESS. The Commission recessed for lunch at 12:35 and reconvened at 2:25 p.m..

c. **Appeal No. A-3-96-113 (Vadnais, San Luis Obispo Co.)** Staff recommended postponement. There being no objection, Vice Chairman Flemming opened the hearing on substantial issue, and continued it to a later meeting. **Postponed.**

d. **Appeal No. A-3-96-114 (Miles, Morro Bay) Withdrawn.**

e. **Appeal No. A-3-96-115 (Pobar & Bender, Pismo Beach)** Staff recommended postponement. There being no objection, Vice Chairman Flemming opened the hearing on substantial issue, and continued it to a later meeting. **Postponed.**

f. **Appeal No. A-3-96-100 (Tokyo Masuiwaya, Pismo Beach)** Staff recommended the appeal raised substantial issue. There being no objection Vice Chairman Flemming ruled that the Commission **found substantial issue** and opened the hearing on the merits of the project. Staff recommended denial.

Four representatives of the applicant submitted requests to speak in favor of the project: Fred H. Schott; Rick Gorman; Tom Richards; and Brian Proctor. Phil Teresi, representing Surfrider Foundation, submitted a request to speak on behalf of an appellant. Mark A. Massara, representing Sierra Club Coastal Program, submitted a request to speak in opposition to the project.

Motion & Vote: Campbell moved approval of project, seconded by Giacomini, and the roll call vote was 2 in favor (Staffel & Calcagno) and 6 opposed (Campbell, Flemming, Giacomini, Pavley, Rick & Wan). **Failed.**

g. **Appeal No. A-3-96-118 (Marble, Monterey Co.)** Staff recommended postponement. There being no objection, Chairman Calcagno opened the hearing on substantial issue, and continued it to a later meeting. **Postponed.**

10. COASTAL PERMIT APPLICATIONS.

a. **Application No. 3-96-73 (Bram, Monterey)** Staff recommended approval with special conditions.

Pedro Rosado, representing applicant, submitted a request to speak in favor of the project. Mary Ann Matthews, representing Monterey Bay Chapter Calif. Native Plant Society; Judi Lehman and Mark Massara, representing Sierra Club Coastal; all submitted requests to speak in opposition to the project.

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

b. **Application No. 3-96-112 (Archer, Monterey)** **Postponed.**

SOUTH CENTRAL COAST DISTRICT

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

a. **Santa Barbara Co. LCP Amendment No. 1-96 (Coastal Permitting Procedures) Certification Review.** Staff recommended concurrence with the Executive Director. There being no objection, Chairman Calcagno ruled that the Commission concurred. **Approved.**

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

Judy Braue, agent, and Peter Van Hagen, applicant, submitted requests to answer questions.

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

13. LOCAL COASTAL PROGRAM (LCP).

a. **Ventura LCP Amendment No. 2-96 (Land Use Plan)** **Postponed.**

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b. **Ventura LCP Amendment No. 3-96 (Harbor Commercial Zone)** Staff recommended approval with suggested modifications.

There were no speakers.

Motion & Vote to Reject Implementation: Staffel moved to reject implementation amendment as submitted, seconded by Flemming, and the roll call vote was 9 in favor and 0 opposed. **Passed.**

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

14. COASTAL PERMIT APPLICATIONS.

a. **Application No. 4-96-51 (Tuchman, Malibu)** **Postponed.**

b. **Application No. 4-96-76 (Serra Canyon Property Owners, Malibu)** Staff recommended denial.

Sherman L. Stacey, representing applicant, spoke in favor of the project. Neil Braunstein, representing California Dept. of Parks & Recreation, spoke in opposition.

Motion & Vote: Pavley moved approval of the application, seconded by Areias, and the roll call vote was 0 in favor and 9 opposed. **Failed.**

c. **Application No. 4-96-150 (Rein, Brown, Hudson, Goodwin, Betencourt & Larson, Los Angeles Co.)** **Postponed.**

d. **Application No. 4-96-84 (Von Hagen, Malibu)** Moved to expanded Consent Calendar. **Approved.**

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e. **Application No. 4-96-172 (Olson, Malibu)** Staff recommended approval with special conditions as modified orally.

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

Motion & Vote: Rick moved staff recommendation, seconded by Flemming, and the roll call vote was 8 in favor, 0 opposed and 1 abstention (Pavley). **Passed.**

RECESS. The Commission recessed for the day at 4:35 p.m..

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Friday, December 13, 1996 - pages 15 to 16

0.3 **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Friday, December 13, 1996, at 9:00 a.m. by Chairman Calcagno.

0.7 **ROLL CALL.** Present: Chairman Calcagno, Vice Chairman Flemming, Commissioners Areias, Campbell, Pavley, Rick, Staffel and Wan. Absent: Branham, Brennan, Giacomini, Holanda and Sanders.

NORTH COAST DISTRICT

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

2. **CONSENT CALENDAR.** See items a. and b. on page 14 of the agenda. Staff recommended approval with special conditions.

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

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

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

4. **ADMINISTRATIVE PERMIT APPLICATION.**

a. **Application No. 1-96-37 (Humboldt Co. Dept. of Public Works)** Staff recommended approval with conditions.

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

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5. COASTAL PERMIT APPLICATION.

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

6. PERMIT AMENDMENT.

a. Permit No. 1-96-67-A (Fitzpatrick, Half Moon Bay) Moved to expanded Consent Calendar. **Approved.**

7. LOCAL COASTAL PROGRAM.

a. Humboldt Co. LCP Amendment No. 1-96 (Sand Pointe). Staff recommended approval with suggested modifications.

Galen Hassen; Mark A. Massara, representing Sierra Club Coastal Program; Rich Tobin; Pat Hassen, representing Concern Citizens of McKinleyville; and Selby Farmer; all submitted requests to speak in favor of the staff recommendation. Steve Moser, representing Cindi & Brian Hunt, submitted a request to speak in favor of the project.

Motion & Vote to Reject Implementation: Flemming moved to reject implementation amendment as submitted, seconded by Wan, and the roll call vote was 8 in favor and 0 opposed. **Passed.**

Motion & Vote on Implementation with Modifications: Flemming moved approval of implementation amendment with suggested modifications, seconded by Wan, and Chairman Calcagno substituted the previous roll call vote (8-0). **Passed.**

b. Arcata LCP Amendment No. 1-96 (Strombeck). Staff recommended approval.

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

ADJOURNMENT. There being no old or new business, the meeting adjourned at 9:35 a.m.

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

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