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CALIFORNIA COASTAL COMMISSION

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In 4b



TO: ALL COMMISSIONERS
FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR RECORD PACKET COPY
SUBJECT: MINUTES OF MEETING OF December 10 - 12, 1997
Marin County Board of Supervisor's Chambers
Administration Bldg., Rm. 322
Marin County Civic Center
San Rafael

Wednesday, December 10, 1997 pages 1 to 7

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, December 10, 1997 at 10:00 a.m. by Chairman Areias.
2. **ROLL CALL.** Present: Chairman Areias, Commissioners Allen, Armanasco, Flemming, (Alternate) Johnson, Nava, Pavley, Potter, (Alternate) Rose, Sanders, Staffel, Tuttle, and Wan. Absent: Branham, Brennan and Holanda.

SAN DIEGO COAST DISTRICT

3. **ADMINISTRATIVE PERMIT APPLICATION.**
 - a. **Application No. 6-97-117 (Hay, Solana Beach)** Staff recommended approval with special conditions.

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

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4. **CONSENT CALENDAR.** See items a through c on page 3 of the agenda. Staff 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.**

SOUTH COAST DISTRICT

5. **CONSENT CALENDAR.** See items a through e on pages 3 and 4 of the agenda. Staff 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.**

STATEWIDE

6. **APPROVAL OF MINUTES.** None.
7. **COMMISSIONERS' REPORTS.** Informational only.
8. **CONSERVANCY REPORT.** Informational only.
9. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** Informational only.
10. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational only.
11. **EXECUTIVE DIRECTOR'S REPORT.** Informational only.
- a. **Possible Legislation.** This item was trailed to Friday. On Friday, there being no objection the Commission authorized staff to proceed.
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ENERGY and OCEAN RESOURCES

12. **ENERGY & OCEAN RESOURCES REPORT.** Supervisor Dettmer reported on matters not requiring public hearings, and status of offshore oil & gas exploration & development.
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13. COASTAL PERMIT APPLICATION.

- a. **Application No. E-96-14 (Mobil Seacliff pier complex decommissioning, Ventura Co.)** This item was trailed to Thursday. On Thursday staff recommended approval with special conditions as modified in addendum and orally.

Gary A. Brooks and Simon Poulta, representing the applicant spoke. Larry Barels, George Cox, and Gary Ross, all representing Coastal Preservation Research Foundation, spoke in favor and about their concerns of the project. Mark Massara, representing the Sierra Club, spoke in opposition to the project.

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

13.5 COASTAL PERMIT APPLICATION.

- a. **Application No. E-97-23 (Torch, offshore Santa Barbara Co.)** Staff recommended approval with conditions as modified in addendum.

Three speakers requested to speak in favor of the project: John M. Deacon, representing the applicant; Jim Grant, representing Department of the Interior, Minerals Management Service; and Sean Morton, representing Santa Barbara County. Lt. Stephen Edinger, representing California Department of Fish & Game, had concerns about the project.

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

PUBLIC STATEMENT. Robert Smiley spoke about his concerns regarding his postponed appeal.

LUNCH RECESS. The Commission recessed for lunch at 1:30 and reconvened at 2:10 p.m.

SAN DIEGO COAST DISTRICT

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

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

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

a. **Port Boundary Adjustment (Imperial Beach Oceanfront).** Staff recommended approval.

Dan Wilkins, representing San Diego Unified Port District, read a statement in favor of the staff recommendation.

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

b. **San Diego Port Plan Amendment No. 24 (Imperial Beach Oceanfront).** Staff recommended approval as modified in addendum.

Two speakers requested to speak in favor of the staff recommendation: Honorable Mayor Mike Bixler, representing the City of Imperial Beach; and Honorable Frank Urtasun, representing the Port of San Diego Unified Port District.

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

17. **NEW APPEAL.**

a. **Appeal No. A-6-97-123 (Brookfield, Carlsbad).** Staff recommended the appeal raised no substantial issue.

Motion & Vote: There being no speakers, Johnson moved staff recommendation, seconded by Allen, and Chairman Areias substituted the previous roll call vote (11 - 0). **Passed.**

17.5 **COASTAL PERMIT APPLICATION.**

a. **Application Nos. 6-97-125 through 6-97-138 (Baggot et al., Solana Beach)** Staff recommended approval .

Charles Randall, representing, the applicant spoke.

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

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SOUTH COAST DISTRICT

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

- a. **Manhattan Beach LCP Amendment No. 2-97 Certification Review.** Staff recommended concurrence with Executive Director.

Approved. There being no objection, Chairman Areias ruled that the Commission concurred with the Executive Director.

19. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved three items (22c, 22d, and 22e) to the Calendar, and recommended approval with special conditions.

Motion & Vote: There being no speakers, Allen moved staff recommendation, seconded by Wan, and the roll call vote was 10 in favor and 1 opposed (Tuttle). **Passed.**

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

- a. **Manhattan Beach LCP Amendment No. 3-97 Time Extension.** Staff recommended approval.

The hand vote was 12 in favor and 0 opposed. **Passed.**

21. **NEW APPEAL.**

- a. **Appeal No. A-5-97-289 (Pep Boys, Los Angeles).** **Postponed.**

22. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-97-185 (Schaefer, Laguna Beach).** Staff recommended approval with conditions as modified in the addendum.

Motion & Vote: There being no speakers, Potter moved staff recommendation, seconded by Johnson, and the roll call vote was 8 in favor (Allen, Armanasco, Flemming, Johnson, Potter, Rose, Staffel and Areias) and 3 opposed (Nava, Pavley, and Wan). **Passed.**

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- b. **Application No. 5-97-231 (Orange Co., Seal Beach & Huntington Beach dredging).**
Staff recommended approval as modified orally.

Motion & Vote: There being no speakers, Wan moved staff recommendation, seconded by Flemming, and the roll call vote was 11 in favor and 0 opposed. **Passed.**

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- c. **Application No. 5-97-269 (Noah, San Clemente) Moved to expanded Consent Calendar. Approved.**

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- d. **Application No. 5-97-270 (Noah, San Clemente) Moved to expanded Consent Calendar. Approved.**

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- e. **Application No. 5-97-299 (Soffes, San Clemente). Moved to expanded Consent Calendar. Approved.**
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23. **FEDERAL CONSISTENCY**

- a. **CC-137-97 (Orange Co., Huntington Beach. Combined with item 22b. Approved.**
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24. **FINDINGS.**

- a. **Application No. 5-97-135 (L.A. Co. "sunshelters")** Staff recommended approval of findings as orally revised.

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

- b. **Application No. 4-97-101 (L.A. Co. "sunshelters", Malibu)** Staff recommended approval of findings.

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

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- c. **Permit No. A-5-93-5-A6 (Palos Verdes Land & Zuckerman, Rancho Palos Verdes)**
Staff recommended approval of findings.

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

25. **CONDITION COMPLIANCE on A-5-93-5-A7 (Palos Verdes Land & Zuckerman, Rancho Palos Verdes).** Staff recommended approval.

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

REPORT of CLOSED SESSION. In closed session the Commission took action on CCC vs. the Navy.

RECESS. The Commission recessed for the day at 3:35 p.m.

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Thursday, December 11, 1997 pages 8 to 12

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, December 11, 1997, at 9:10 a.m. by Chairman Areias.
2. **ROLL CALL.** Present: Chairman Areias, Commissioners Allen, Armanasco, Flemming, (Alternate) Johnson, Nava, Pavley, Potter, (Alternate) Rose, Thayer, Staffel, Tuttle and Wan. Commissioner Branham arrived at 9:30 a.m. Commission Staffel left at 10:30 a.m. Commissioner Thayer left at 9:25 a.m. Absent: Brennan and Holanda.

CENTRAL COAST DISTRICT

3. **CONSENT CALENDAR.**
 - a. **Application No. 3-97-68 (Tognazzini & Lyon, San Luis Obispo Co.)** Staff recommended approval with special conditions.

Motion & Vote: There being no speakers, Potter moved staff recommendation, seconded by Johnson, and the roll call vote was 11 in favor and 0 opposed. **Passed.**

SOUTH CENTRAL COAST DISTRICT

4. **ADMINISTRATIVE PERMIT APPLICATION.**
 - a. **Application No. 4-97-199 (Santa Barbara water main)** Staff recommended approval with conditions.

Approved: There being no objection, Vice Chair Wan ruled that the administrative permit be issued by the Executive Director.

5. **CONSENT CALENDAR.** See items 5a through 5c on page 8 of the agenda. Staff recommended approval with special conditions.

Motion & Vote: There being no speakers, Allen moved staff recommendation, seconded by Johnson, and Vice Chair Wan substituted the previous roll call vote (11 - 0). **Passed.**

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STATEWIDE

6. EXECUTIVE DIRECTOR'S REPORT.

- a. **Briefing - Nonpoint Pollution, and polluted runoff. Informational Only.**
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- b. **Agreement with the State Water Resources Control Board.** Staff recommended approval.

Sam Ziegler, representing USEPA, was available for questions. Ann Nottoff, representing NRDC, spoke in favor of the agreement. Linda Sheehan, representing Center for Marine Conservation, spoke in favor of the agreement.

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

CENTRAL COAST DISTRICT

7. 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. 1-97 Certification review.** Staff recommended concurrence with the Executive Director.

Approved. There being no objection, Vice Chair Wan ruled that the Commission concurred with the Executive Director.

8. CONSENT CALENDAR (removed from Regular Calendar). Staff moved item 10b to the Calendar, and recommended approval with special conditions.

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

9. LOCAL COASTAL PROGRAM (LCP)

- a. **Pacific Grove Plan Amendment No. 1-97. Postponed.**
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9.5 NEW APPEAL.

- a. **Appeal No. A-3-97-85 (Nusbaum, Monterey Co.)** Staff recommended to open and continue the hearing.

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

10. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 3-97-78 (Port San Luis Harbor Dist., San Luis Obispo Co.)**
Postponed.
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- b. **Application No. 3-96-88 (MCWRA, Moss Landing)** Moved to expanded Consent Calendar. **Approved.**
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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. One immaterial amendment (4-97-128-A1) was removed and two extensions (5-91-139-E5 and 5-91-136-E5) were also removed for public hearing at a later meeting.
12. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved three items (14a, 14b and 15a) to the Calendar, and recommended approval with special conditions. Deputy Director Scholl corrected typos in addendum.

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

13. LOCAL COASTAL PROGRAMS (LCPs).

- a. Santa Barbara Co. LCP Amendment No. 2-97 A & B (Greenwell Park & Goleta transportation plan) Staff recommended approval.

Motion & Vote on Plan as submitted: There being no speakers, Staffel 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 as submitted: Staffel moved to reject implementation amendment as submitted, seconded by Flemming, and the roll call vote was 0 in favor and 10 opposed. **Failed.**

- b. Ventura LCP Amendment No. 2-9 (Ventura Harbor) Staff recommended approval of extending the time limit.

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

14. COASTAL PERMIT APPLICATIONS.

- a. Application No. 4-97-87 (Erlandson, Malibu) Moved to expanded Consent Calendar. **Approved.**
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- b. Application No. 4-97-181 (Ventura dredging) Moved to expanded Consent Calendar. **Approved.**
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15. PERMIT AMENDMENT.

- a. Permit No. 5-90-761-A (Witkin, Malibu) Moved to expanded Consent Calendar. **Approved.**
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REPORT of CLOSED SESSION. In closed session the Commission discussed one matter for information only.

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STATEWIDE

16. FEDERAL CONSISTENCY.

a. CD-161-97 (Navy, San Diego Co.) Withdrawn.

David Silverstein, representing the Navy SW Division 1220, stated the Navy's litigation position. John Coon, representing the U.S. Navy, spoke in opposition to the staff recommendation. Brian Ross, representing U.S. EPA, stated his concerns about the project.

RECESS. The Commission recessed for the day at 12:40 p. m.

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Friday, December 12, 1997 pages 13 to 15

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Friday, December 12, 1997, at 9:15 a.m. by Vice Chair Wan.
2. **ROLL CALL.** Present Vice Chair Wan, Commissioners Allen, Branham, Flemming, (Alternate) Johnson, Nava, Pavley, Potter, (Alternate) Rose, Staffel, Tuttle. Chairman Areias arrived at 10:35 a.m. Absent: Armanasco, Brennan, Holanda, and Sanders.

NORTH COAST DISTRICT

3. **CONSENT CALENDAR.**
 - a. **Application No. 1-97-15 (Kaiser, Humboldt Co.)** Staff recommended approval with special conditions.

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

STATEWIDE

4. **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.

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5. **FEDERAL CONSISTENCY.**
 - a. **CD-90-97 (Coast Guard, Sonoma Co.) Postponed.**
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- b. **CD-153-97 (Navy, San Luis Obispo Co.)** Staff recommended approval.

Joe Johnson, representing the applicant spoke; Peter L. Tyack, representing the applicant spoke and was available for questions. Fred V. Cook, representing the appellant, spoke. Michael D. Jasny, representing the Natural Resources Defense Council, spoke about his concerns. Fran Stricker, representing Animal Protection Institute, spoke in opposition to the project. Judy Jacobs, representing the appellant, spoke. Jay Murray, representing Divers, spoke in opposition to the project. Roger Gentry, representing National Marine Fisheries Service, spoke about his concerns, and Christopher W. Clark, representing Cornell University, answered questions.

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

NORTH COAST DISTRICT

6. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Scholl reported on matters not requiring public hearings, and on comments from the public.
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7. **CONSENT CALENDAR (removed from Regular Calendar. None.**
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8. **NEW APPEALS.**

- a. **Appeal No. A-1-97-60 (Ocean Colony, Half Moon Bay)** Staff recommended the appeal raised substantial issue. There being no objection, Vice Chair Wan ruled that the Commission found substantial issue, and opened the hearing on the merits of the project. Staff recommended approval with conditions.

Nancy Lucast, and Patrick Fitzgerald both representing the applicant, spoke. Carmel Navarro, representing the appellant, spoke.

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

- b. **Appeal No. A-1-97-79 (Smiley, Mendocino Co)** Postponed.
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REPORT of CLOSED SESSION: In closed session the Commission discussed one matter for information only.

ADJOURNMENT. There being no old or new business, the meeting adjourned at 10:55 a.m.

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

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