

DRAFT

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200



RECORD PACKET COPY *TU Fa*

TO: ALL COMMISSIONERS
FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR
SUBJECT: MINUTES OF MEETING OF June 10 - 13, 1997
Marin Board of Supervisors Chambers
Administration Bldg., Room 322
Marin County Civic Center
San Rafael

Tuesday, June 10, 1997 page 1 to 5

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Tuesday, June 10, 1997, at 10:05 a.m. by Chairman Areias.
2. **ROLL CALL.** Present: Chairman Areias, Commissioners Allen, Calcagno, Dennisoff, Flemming, Holanda, (Alternate) Johnson, Nava, Pavley, (Alternate) Rose, Sanders, Staffel, Tuttle, Wan. Commissioner Brennan arrived at 10:15, Commissioner Giacomini arrived at 10:25, and Commissioner Dennisoff left at 12:20.

SOUTH COAST DISTRICT

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

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

-
4. **CONSENT CALENDAR.** See items a through e on page 3 and 4 of the agenda. Staff recommended approval with special conditions.

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

DRAFT

STATEWIDE

5. **APPROVAL OF MINUTES.** May 1997 Minutes. Approved.
6. **COMMISSIONERS' REPORTS.** Informational only.
7. **CONSERVANCY REPORT.** None.
8. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
9. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational only.
10. **EXECUTIVE DIRECTOR'S REPORT.** Informational only.
 - a. **1998 Schedule.** Continued.
 - b. **Legislation.** Informational only.
 - c. **Strategic Plan.** Informational only.
 - d. **Performance Audit.** Continued.

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

12. **FEDERAL CONSISTENCY.**

- a. **CD-35-97 (Navy, Los Angeles Co.)** Postponed.

-
- b. **CC-56-97 (Port of Long Beach, Los Angeles Co.)** Staff recommended approval.

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

-
- c. **CD-63-97 (Corps of Engineers, Monterey Co.)** Staff recommended approval.

Motion & Vote: There being no speakers, Giacomini moved staff recommendation, seconded by Johnson, and Chairman Areias substituted the previous roll call vote (10 - 0). **Approved.**

DRAFT

- d. **CD-67-97 (Corps of Engineers, Orange Co.)** Staff recommended approval.

Russ Kaiser, representing the U.S. Corps. of Engineers, spoke.

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

ENERGY and OCEAN RESOURCES

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

- a. **Avila Beach Remediation Project Status Report.** Informational Only.
-

14. **PERMIT AMENDMENT.**

- a. **Permit No. E-92-6-A2 (Gaviota Terminal, Santa Barbara)** Staff recommended approval with special conditions as modified in the addendum.

Terry Hurst, representing the applicant, spoke in favor of the project. Mark Massara, representing the Sierra Club, had concerns about the project.

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

SOUTH COAST DISTRICT

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

- a. **Huntington Beach LCP Amendment No. 1-95 Certification Review.** Staff recommended concurrence with the Executive Director. There being no objection, Chairman Areias ruled that the Commission concurred. **Approved.**
-

16. **CONSENT CALENDAR (removed from Regular Calendar).** Staff added items 18a, d and f to the Calendar, and recommended approval with special conditions as modified in the addendum.

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

17. LOCAL COASTAL PROGRAM (LCP).

- a. **Huntington Beach LCP Amendment No. 1-97 (Oceancrest).** Staff recommended approval as modified in the addendum.

Scott Hess, representing the City of Huntington Beach, spoke in favor of the staff recommendation. Tom Zanic, representing New Urban West, also spoke in favor of the staff recommendation.

Motion & Vote on Plan as Submitted: Allen moved to approve Land Use Plan as submitted, seconded by Flemming, and the roll call vote was 9 in favor and 0 opposed. **Passed.**

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

18. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 5-96-255 (Los Angeles Co./Dockweiler St. Beach)** Moved to expanded Consent Calendar. **Approved.**

- b. **Application No. 5-97-4 (Abernethy, Redondo Beach)** Staff recommended approval with special conditions.

Robert Abernethy, representing the applicant, spoke in favor of the project.

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

- c. **Application No. 5-97-86 (San Clemente pier concession)** Staff recommended approval with special conditions.

Lynn Hughes, representing the City of San Clemente, spoke in favor of the project.

Motion: Giacomini moved staff recommendation, seconded by Flemming.

Amending Motion: Giacomini moved to delete parking condition, seconded by Flemming.

Substitute Amending Motion and Vote: Allen moved to reduce seating instead of reducing the parking, seconded by Pavley, and the roll call vote was 8 in favor (Allen, Calcagno, Johnson, Pavley, Rose, Tuttle, Wan, and Areias) and 2 opposed (Flemming and Giacomini). **Passed.**

Vote on Amending Motion: Chairman Areias substituted the previous roll call vote (8 - 2) to approve the amending motion as substituted above. **Passed.**

Vote on Main Motion: Chairman Areias substituted the previous roll call vote (8 - 2) to approve the main motion as amended above. **Passed.**

DRAFT

- d. **Application No. 5-97-96 (Witek, San Clemente)** Moved to expanded Consent Calendar. Approved.
-

- e. **Application No. 5-97-109 (Los Angeles Sunset pumping plant)** Staff recommended approval with special conditions.

Carmelo Martinez and Linda Moore, representing the applicant, both spoke in favor of the project. Beverly Lamer had concerns about the project.

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

- f. **Application No. 5-97-116 (Long Beach boat show)** Moved to expanded Consent Calendar. Approved.
-

19. PERMIT EXTENSION.

- a. **Permit No. 5-93-5-E3 (Palos Verde Land Holding & Zuckerman, Rancho Palos Verdes)** Staff recommended approval.

Approved: There being no objection Chairman Areias ruled that the permit be extended.

RECESS. The Commission recessed for the day at 1:40 p.m..

Wednesday, June 11, 1997 - pages 6 to 10

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, June 11, 1997, at 9:05 a.m. by Chairman Areias.
2. **ROLL CALL.** Present: Chairman Areias, Commissioners Allen, Dennisoff, Calcagno, Flemming, Holanda, (Alternate) Johnson, Nava, Pavley, Potter, (Alternate) Rose, Staffel, Tuttle and Wan. Brennan arrived at 9:10. Kehoe replaced (Alternate) Johnson at 10:10 a.m. Absent: Sanders.

3. **STATE COASTAL CONSERVANCY.** Informational Only.

SAN DIEGO COAST DISTRICT

4. **ADMINISTRATIVE PERMIT APPLICATIONS.** See items a through c on page 7 of the agenda. Staff recommended approval with special conditions.

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

5. **CONSENT CALENDAR.** See items a through e on pages 7 and 8 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.

- f. **Application No. 6-97-53 (Western Pacific Housing, Solana Beach) Postponed.**

CENTRAL COAST DISTRICT

6. ADMINISTRATIVE PERMIT APPLICATION.

- a. **Application No. 3-97-28 (Caltrans, Monterey 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.

7. CONSENT CALENDAR.

- a. **Application No. 3-97-29 (Fish Hopper, Monterey)** Staff recommended approval with special conditions as modified in the addendum.

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

SAN DIEGO COAST DISTRICT

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

9. **CONSENT CALENDAR (removed from Regular Calendar).** None.
-

10. LOCAL COASTAL PROGRAM (LCP).

- a. **Imperial Beach LCP Amendment No. 1-97 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.**

11. **NEW APPEAL.** Staff recommended the appeal raised no substantial issue.

Lawrence R. Carr, representing the applicant, spoke in favor of the project. Peter Fait, representing the City of Coronado, agreed with staff's recommendation.

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

CENTRAL COAST DISTRICT

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

- a. **Monterey Cannery Row Plan Amendment No. 1-97 Certification Review.** Staff recommended concurrence with the Executive Director. There being no objection, Chairman Areias ruled that the Commission concurred. **Approved.**
- b. **Sand City Plan Amendment No. 1-97 Certification Review.** Staff recommended concurrence with the Executive Director. There being no objection, Chairman Areias ruled that the Commission concurred. **Approved.**

13. CONSENT CALENDAR (removed from regular Calendar). Staff moved item 16a to the Calendar, and recommended approval with special conditions.

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

14. LOCAL COASTAL PROGRAMS (LCPs).

- a. **Santa Cruz Co. Categorical Exclusion No. E-82-4-A5 (Greenhouses).** Staff recommended approval with modifications.

There were two people that filled out speaker slips to speak in favor of the staff recommendation; Mark Deming, representing the County of Santa Cruz; Doug Marshall, representing Santa Cruz Farm Bureau. There were three people who filled out slips to speak in opposition to the staff recommendation; Lennie Roberts, representing Committee for Green Foothills, Jim Rourke and Joan Kirkaldie.

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

- b. **Santa Cruz Co. LCP Amendment No. 3-96 Part B (Greenhouses).** Staff recommended approval with suggested modifications.

The hearing was combined with item 14a above.

Motion & Vote to Reject Implementation as Submitted: Potter moved to reject implementation amendment as submitted, seconded by Allen, and Chairman Areias substituted the previous roll call vote (11 - 0). **Passed.**

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

- c. **Sand City LCP Amendment No. 2-97 (North End Mixed Use).** Staff recommended approval as modified orally.

There were two people who filled out slips to speak; Ed Grandour, representing SNG, and Steve Matarazzo, representing the City of Sand City.

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

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

Motion & Vote to Reject Implementation as Submitted: Potter moved to reject implementation amendment as submitted, seconded by Calcagno, and Chairman Areias substituted the previous roll call vote (12 - 0). **Passed.**

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

15. NEW APPEALS.

- a. **Appeal No. A-3-97-38 (Hill, Monterey Co.) Postponed.**

- b. **Appeal No. A-3-97-37 (Pebble Beach, Monterey Co.) Postponed.**

16. COASTAL PERMIT APPLICATION.

- a. **Application No. 3-97-20 (Lewis, Santa Cruz)** Moved to expanded Consent Calendar. **Approved.**

17. COASTAL CONSERVANCY PROJECT CP 2-97 (Moro Cojo Slough). Staff recommended approval of the project as submitted.

Edward J. Nicolson spoke.

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

DRAFT

18. PUBLIC WORKS PROJECT No. PW 2-82-3 Parks & Rec. Staff recommended approval of the project with conditions.

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

19. CONDITION COMPLIANCE on Permit No. 3-89-4 Monterey Co. Staff recommended approval of the project as submitted.

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

PUBLIC STATEMENT. Mark Massara, representing the Sierra Club, spoke about concerns that he had about Ormond Beach.

REPORT of CLOSED SESSION. In closed session the Commission took action on Bolsa Chica Land Trust, et al. v. CCC.

RECESS. The Commission recessed for the day at 12:55 p.m.

DRAFT

Thursday, June 11, 1997 - pages 11 to 13

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, June 11, 1997, at 9:05 a.m. by Chairman Areias.
2. **ROLL CALL.** Present: Chairman Areias, Commissioners Allen, Flemming, Kehoe, Nava, Pavley, Potter, (Alternate) Rose, Staffel, Tuttle, and (Alternate) Hisserich. Absent: Branham, Brennan, Calcagno, Holanda, and Sanders.

SOUTH CENTRAL COAST DISTRICT

3. **CONSENT CALENDAR.** See items a through i on pages 11 and 12 of the agenda. Staff recommended approval with special conditions.
 - c. **Application No. 4-96-211 (Felder, Malibu)** There were 3 votes to remove this item from the calendar and set it for hearing at a future meeting. **Postponed.**
 - f. **Application No. 4-97-84 (Andrade, Malibu)** There were 4 votes to remove this item from the calendar and set it for hearing at a future meeting. **Postponed.**
 - h. **Application No. 4-97-89 (Austin, Malibu)** **Postponed.**

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

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

5. **CONSENT CALENDAR (removed from the Regular Calendar).** Staff moved items 6c, e, and 7a to the Calendar, and recommended approval with special conditions.

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

DRAFT

6. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 4-96-28 (Harberger, Vail, Tagoni & Royer, Los Angeles Co.)** Staff recommended approval with special conditions.

Kenneth Vail, representing the applicant, spoke in favor of the project.

Motion & Vote: Allen moved staff recommendation, seconded by Flemming, and the roll call vote was 8 in favor (Allen, Flemming, Kehoe, Nava, Potter, Rose, Staffel, and Tuttle), and 3 opposed (Pavley, Hisserich and Areias). **Passed.**

- b. **Application No. 4-96-158 (S.A.M. Trust, Los Angeles Co.)** Withdrawn.

- c. **Application No. 4-96-162 (Jobbins, Los Angeles Co.)** Moved to expanded Consent Calendar. **Approved.**

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

Motion & Vote to Continue: There being no speakers, Tuttle moved to continue the hearing, seconded by Hisserich, and the hand vote was 10 in favor and 0 opposed. **Passed.**

- e. **Application No. 4-97-33 (Lucien, Malibu)** Moved to expanded Consent Calendar. **Approved.**

- f. **Application No. 4-96-207 (Itzaki, Malibu)** Postponed.

7. PERMIT AMENDMENT.

- a. **Permit No. 4-95-248-A2 (Turner, Malibu)** Moved to expanded Consent Calendar. **Approved.**

8. PERMIT EXTENSION.

- a. **Permit No. 5-90-921-E3 (Landgate, Malibu)** Staff recommended approval.

Approved. There being no objection, Chairman Areias ruled that the permit be extended.

DRAFT

9. NONE

10. NEW APPEAL.

- a. Appeal No. A-4-97-100 (Whitman, San Buenaventura). Staff recommended that the hearing be continued.

Acting Chair Pavley ruled the hearing be continued.

RECESS. The Commission recessed for the day at 11:00 a.m.

DRAFT

Friday, June 13, 1997 - pages 14 to 17

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Friday, June 13, 1997, at 9:05 a.m. by Chairman Areias.
2. **ROLL CALL.** Present: Chairman Areias, Commissioners Allen, Flemming, Kehoe, Nava, Potter, (Alternate) Rose, Staffel, Tuttle, and (Alternate) Hisserich. Absent: Branham, Brennan, Calcagno, Holanda, Pavley, and Sanders.

NORTH COAST DISTRICT

3. CONSENT CALENDAR.

- a. **Application No. 1-97-18 (Martin, Sonoma Co.)** Staff recommended approval with special conditions.

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

4. DEPUTY DIRECTOR'S REPORT.

District Manager Merrill reported on matters not requiring public hearings, and on comments from the public.

- a. **Humboldt Co. LCP Amendment No. 1-97 (De Minimis)** Staff recommended concurrence with the Executive Director. There being no objection, Chairman Areias ruled that the Commission concurred. **Approved.**

5. CONSENT CALENDAR (removed from Regular Calendar).

Staff moved items 8a and 9a to the Calendar, and recommended approval with special conditions.

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

Staff moved item 8b to the Calendar, and recommended approval with special conditions as modified orally.

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

6. LOCAL COASTAL PROGRAMS (LCPs).

- a. Arcata LCP Amendment No. 1-97 (Lake) Staff recommended approval.

A city representative was available for questions.

Motion & Vote on Plan as Submitted: Flemming moved approval of Land Use Plan as submitted, seconded by Tuttle, and the roll call vote was 10 in favor and 0 opposed. **Passed.**

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

- b. San Mateo LCP Amendment No. 1-97-C Time Extension. Staff recommended approval.

Approved: There being no objection, Chairman Areias ruled that the extension was approved unanimously.

- c. Pacifica LCP Amendment No. 1-97 (Extension of Growth Control Ordinance) Staff recommended approval.

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

7. NEW APPEAL.

- a. Appeal No. A-1-97-33 (Miller, Fort Bragg) Staff recommended the appeal raised no substantial issue.

Roanne Withers the appellant spoke. Jere Melo, representing City of Fort Bragg, spoke in favor of the project. Jared Carter, representing the applicant, spoke in favor of the project. Don Miller filled out a speaker slip and had handouts for the Commission. Daniel Lawyer and Lee Farrigan, both representing the applicant, filled out slips to speak.

Motion & Vote: Flemming moved staff recommendation, seconded by Hisserich, and the roll call vote was 3 in favor, (Flemming, Staffel, and Areias), and 7 opposed, (Allen, Kehoe, Nava, Potter, Rose, Tuttle, and Hisserich). **Failed.**

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

DRAFT

8. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 1-96-50 (Sonoma Co. Whaleship Rd. & Sandpiper Ct.)** Moved to expanded Consent Calendar. **Approved.**
-

- b. **Application No. 1-96-62 (Humboldt Co. sand & gravel)** Moved to expanded Consent Calendar. **Approved.**
-

- c. **Application No. 1-96-68 (Leland Rock, Humboldt Co.)** Staff recommended approval with special conditions as amended in the addendum.

William O. Davis and Keith Hess, both representing the applicant, filled out slips to speak.

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

- d. **Application No. 1-96-69 (Coast Seafoods, Humboldt Co.)** Staff recommended approval with special conditions.

Jim Donaldson and F. Robert Studdert, both representing the applicant, filled out slips to speak.

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

DRAFT

9. PERMIT AMENDMENTS.

- a. Permit No. 1-93-70-A (Mendocino Co. Solid Waste Division) Moved to expanded Consent Calendar. Approved.

ADJOURNMENT. There being no old or new business, the meeting adjourned at 10:20 a.m.

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

dr

