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CALIFORNIA COASTAL COMMISSION

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TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: MINUTES OF MEETING OF JUNE 12-14, 1996
Marin County Board of Supervisors Chambers
Administration Building, Room 322
Marin County Civic Center
San Rafael

Wednesday, June 12, 1996 pages 1 to 9

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, June 12, 1996, at 10:05 a.m. by Vice Chairman Calcagno.
2. **ROLL CALL.** Present: Vice Chairman Calcagno, Commissioners Areias, Belgard, Brennan, Flemming, Giacomini, Holanda, Pavley, Randa, Rick, Sanders, Staffel, Steinberg, Wan and Wear. Giacomini left at 12:25 p.m. Absent: Denisoff.

New Commissioners Opening Remarks:

Steinberg said he wanted reform of the California Coastal Commission. He wanted to streamline the process and was in favor of cutting the budget elsewhere to acquire updated computers for the staff. He suggested involvement with the private sector to help in solving the California Coastal Commission problems. He also recommended that we should improve service to the public, including the people who come before us, every time we meet.

Belgard has spent time in public service, including 35 years in law enforcement in Watsonville. Belgard wanted fundamental streamlining of the Coastal Commission proceedings, including the staff reports. He also desired to see if we could do the job up and down the coast, in a fair and even handed way, with no special hidden agenda.

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Wear had taken on his appointment to the California Coastal Commission very seriously. He desired greater attention to fundamental qualities of life issues: water disposal, recreation, traffic congestion, air pollution and public safety. He was concerned about wasteful and ineffective practices and would like to see more streamlined procedures. Wear believed greater efficiency would be the answer, and suggested to achieve maximize efficiency, the Coastal Commission might perform a management review and performance audit.

Randa expressed in interest in preserving the individual's right to private property ownership and due process. She stated that the Coastal Act is not the problem, it's the process. She wanted the hearing process to be more open and fair, and the guidelines simplified. Randa said that she would not participate in ex parte communication on any application brought before the Coastal Commission.

STATEWIDE

3. **APPROVAL OF MINUTES.** Giacomini moved approval of March 1996 minutes, seconded by Flemming, and the hand vote was 6 in favor and 0 opposed. *Passed.*

4. **COMMISSIONERS' REPORTS.** *Informational Only.*
5. **CONSERVANCY REPORT.** *Informational Only.*
6. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** *Informational Only.*
7. **DEPUTY ATTORNEY GENERAL'S REPORT.** *Informational Only.*
8. **EXECUTIVE DIRECTOR'S REPORT.** *Informational Only.*
 - a. Adoption of proposed 1997 Meeting Schedule.

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

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PUBLIC STATEMENTS: Lorell Long, representing the California Earth Corp., had concerns about new Commissioner appointments, and also stated the importance of maintaining coastal resources. Tom Bates, representing Concerned Citizen for Property Rights, had concerns about citizens property rights in Malibu, and he would love to see all single family residences in California's coastal zone exempt from the coastal commission and let local government take care of those. Linda Sheehan, representing the Center for Marine Conservation, spoke about public property rights vs. maximum coastal resources, public access, and the importance of wetlands. Ray Moritz had concerns about coastal resources in Bolinas and Stinson Beach and hoped the Commission realized that we must preserve the precious resources of the coast. Phyllis Faber, representing the League for Coastal Protection, had concerns about the importance of coastal accessibility and she would like to work with the new Commissioners and hoped that they will support the coastal laws that we have worked so hard to attain. Dotty Le Mieux, representing Sierra Club, encouraged the Commission to work together to protect the coast and uphold the Coastal Act. Ann Notthoff, representing Natural Resources Defense Council, spoke about the importance of the Coastal Act and urged support of all new Commissioners for coastal resources protection. Lennie Roberts, representing Save our Coast, stated that citizens support protection of the coastal environment and oppose urban sprawl and over-development of the coast. Larry Fahn, representing the Sierra Club, was concerned that the new Commissioners would reverse the great work of the staff and Commission. Karen Nygren, representing Environmental Forum of Marin, stated concerns about protecting the coastline for the public as a whole vs. individuals for personal gain. Gil Deane had concerns about new commissioners' agendas and that there may be counter productivity with commissioners and staff. Ellen Faurot-Daniels, representing Friends of the Sea Otter, had concerns about the new commissioners and stressed the importance of a balanced board and balanced actions by the board because finite coastal resources and dependent economies are at stake. Fred Beddall, representing Sierra Club - San Francisco Bay Chapter, had concerns about two new commissioners' philosophies. Barbara Salzman, representing Marin Audubon Society, stated the importance of the natural resources of the coast and for the Commissioners to evaluate each application with that in mind. Timothy Duff, representing the Sierra Club - Loma Prieta Chapter, reminded the Commission and the new commissioners about the strong support of the coastal act and the public's right to access our coastal beaches and parks along the San Mateo County coastline and throughout the state. George Cattermill, representing the San Gregorio Environmental Resource Center, was concerned about the extremely fragile environment on our coast and wanted the coast protected by the new commissioners. Mark Massara, representing the Sierra Club Coastal Program, was concerned about issues regarding coastal protection, public beach access and pollution of the coastal environment and urged the upholding of the Coastal Act. Jerry Edelbrock, representing Marin Conservation League, advocated coastal protection, preservation and enhancement of the natural assets of Marin County for all people, and advocated the Coastal Commission's efforts in regulating development by enforcing the Coastal Act and setting aside personal agendas.

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LUNCH RECESS. The Commission recessed for lunch at 12:25 p.m., and reconvened at 2:20 p.m.

REPORT of CLOSED SESSION. In the closed session the Commission took action on Johnson et.al. v. California Coastal Commission et.al. and discussed four other items for information only.

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9. **FEDERAL CONSISTENCY REPORT.** Federal Consistency Coordinator Raives reported on Negative Determinations issued by the federal consistency staff, and status of other major non-energy federal consistency matters.

10. **FEDERAL CONSISTENCY.**

- a. **CC-30-96 (McDonnell Douglas Aerospace, Santa Barbara Co.)** Staff recommended approval.

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

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- b. **CD-52-96 (Corps of Engineers, San Mateo Co.)** Staff recommended denial.

James Stilwell, representing San Mateo County Harbor District, spoke in favor of the project. Kit Dove, representing Friends of Pillar Point, spoke in favor of the staff recommendation. Andy Voropaeff spoke in opposition to the staff recommendation. Jesse Wernick spoke in favor of the staff recommendation.

Motion & Vote: Rick moved approval of consistency determination, seconded by Flemming, and the roll call vote was 6 in favor, 4 opposed (Pavley, Steinberg, Wan and Areias), and 1 abstention (Randa). *Passed.*

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ENERGY and OCEAN RESOURCES

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

a. **Guadalupe Oil Field Status Report.** *Informational Only.*

b. **Avila Beach Remediation Project Status Report.** *Informational Only*

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

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

13. **COASTAL PERMIT APPLICATION.**

a. **Application No. E-95-8 (Unocal, Pismo Beach)** Staff recommended approval with special conditions.

Motion & Vote: There being no speakers, Rick moved staff recommendation, seconded by Belgard, and the roll call vote was 7 in favor, 0 opposed, and 2 abstentions (Randa and Steinberg). *Passed.*

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NORTH COAST AREA

14. **NORTH COAST DISTRICT DIRECTOR'S REPORT.** District Director Scholl reported on matters not requiring public hearings, and on comments from the public.

- a. **Pacifica LCP Amendment No. 1-96 (Minor).** Staff recommended concurrence with Executive Director's determination.

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

- b. **Arcata LCP Amendment No. 1-96 De Minimis.** Staff recommended concurrence with Executive Director's determination.

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

15. ADMINISTRATIVE PERMIT APPLICATION

- a. **Application No. 1-95-64 (College of Marin, Marin Co.)** Staff recommended approval with a special condition.

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

16. **CONSENT CALENDAR.** Staff added items 18a and 18b to the Calendar, and recommended approval with special conditions as modified orally.

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

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17. LOCAL COASTAL PROGRAM (LCP)

- a. Del Norte Co. LCP Amendment No. 1-95 (2nd units & manufactured homes). Staff recommended approval as submitted.

Motion & Vote to reject implementation: There being no speakers, Flemming moved to reject implementation amendment as submitted, seconded by Pavley, and the roll call vote was 0 in favor and 11 opposed. *Failed.*

18. COASTAL PERMIT APPLICATIONS

- a. Application No. 1-96-1 (Maas & Rousseau, Humboldt Co.) Moved to the expanded Consent Calendar. *Approved.*

There being no objection, Vice Chairman Calcagno ruled the Commission waived the application fee.

- b. Application No. 1-96-8 (Caltrans, Humboldt Co.). Moved to the expanded Consent Calendar. *Approved.*
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19. FINDINGS.

- a. Application No. 1-95-62 (Olympic Club, San Francisco) *Postponed.*
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- b. **Mendocino Co. LCP Amendment No. 1-95** Staff recommended approval of findings.

Motion & Vote: There being no speakers, Pavley moved approval of findings for parts 1, 2, 4, 5, and 6 of the amendment, seconded by Rick, and the hand vote was 3 in favor and 0 opposed. *Passed.*

Motion & Vote: Wan moved approval of findings for part 3 of the amendment, seconded by Rick, and the hand vote was 4 in favor and 0 opposed. *Passed.*

Motion & Vote: Pavley moved approval of the findings for the implementation as submitted, seconded by Rick, and the hand vote was 4 in favor and 0 opposed. *Passed.*

- c. **Mendocino Co. LCP Amendment No. 2-95** Staff recommended approval of findings.

Motion & Vote: Wan moved approval of the findings, seconded by Rick, and the hand vote was 4 in favor and 0 opposed. *Passed.*

20. FINDINGS.

- a. **Bolsa Chica Amendment No. 1-95 & Implementing Program** Staff recommended approval of findings as modified in addendum and orally.

Ed Mountford and Bill Boyd, representing Koll Real Estate Group, spoke in favor of the staff recommendation. Nancy Lucast, representing Metropolitan Water District, stated concerns about the staff recommendation. Linda Moon, representing Amigos de Bolsa Chica, stated concerns about the project. Larry Silver, representing League for Coastal Protection, stated opposition to adoption of the findings.

Motion & Vote: Staffel moved to approve findings of resolutions 1 and 3, seconded by Flemming, and the hand vote was 4 in favor and 2 opposed. *Passed.*

Motion & Vote: Staffel moved to approve findings of resolutions of 2 and 4, seconded by Flemming, and the hand vote was 4 in favor and 0 opposed. *Passed.*

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RECESS. The Commission recessed for the day at 5:15 p.m..

5. LOCAL COASTAL PROGRAMS (LCPs)

- a. **Santa Cruz LCP Amendment No. 1-96 (South of Laurel)** Staff recommended approval with suggested modifications.

Motion & Vote on Plan Amendment: There being no speakers, Areias moved approval of Land Use Plan Amendment as submitted, seconded by Flemming, and the roll call vote was 10 in favor, 0 opposed, and 1 abstention (Rick). *Passed.*

Motion & Vote to reject parts of the implementation: Areias moved to reject parts 2, 5, 6, 8, 10, 12 and 14 - 19 of the implementation amendment as submitted, seconded by Belgard, and the roll call vote was 0 in favor, 11 opposed and 1 abstention (Rick). *Failed.*

Motion & Vote to reject parts of the implementation: Areias moved to reject parts 1,3,4,7,9, 11 and 13 of the implementation amendment as submitted, seconded by Belgard, and the roll call vote was 11 in favor, 0 opposed, and 1 abstention (Rick). *Failed.*

Motion & Vote on implementation with modifications: Areias moved to approve implementation amendment with suggested modifications, seconded by Belgard, and Vice Chairman Calcagno substituted the previous roll call vote (11 - 0 -1). *Passed.*

- b. **Marina LCP Amendment No. 1-96 (Vacation clubs)** Staff recommended approval.

Jeff Dack, representing the City of Marina, spoke in favor of the staff recommendation and commended staff on their problem solving approach. David Watson, representing King Ventures, spoke in favor of the staff recommendation, and expressed appreciation for staff's work.

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

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6. COASTAL PERMIT APPLICATIONS

- a. Appeal No. A-3-96-8 (McKenzie, San Mateo Co.) *Postponed.*
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- b. Application No. 3-96-33 (Caltrans, Monterey Co.) Staff recommended approval with special conditions as modified in addendum.

Sam Karas, representing Monterey County Board of Supervisors, spoke in favor of the project. Anna Shimko, representing Williams Enterprises, stated concerns about project, but did come to an agreement with Caltrans. Gregg Albright, Caltrans' representative, spoke. Gary L. Ruggerone, representing Caltrans, answered questions.

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

SOUTH COAST AREA

7. SOUTH COAST DISTRICT DIRECTOR'S REPORT District Director Damm reported on matters not requiring public hearings, and on comments from the public.

- a. Long Beach LCP Amendment No. 2-96 (Minor) Staff recommended concurrence with the Executive Director's determination.

There being no objection, Acting Vice Chairman Calcagno ruled that the Commission concurred with the Executive Director. *Approved.*

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Thursday, June 13, 1996 - pages 10 to 17

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, June 13, 1996, at 9:10 a.m. by Vice Chairman Calcagno.
2. **ROLL CALL.** Present: Vice Chairman Calcagno, Commissioners Areias, Belgard, Brennan, Denisoff, Flemming, Giacomini, Holanda, Pavley, Randa, Rick, Staffel, Steinberg, Thayer, (Alternate) Hisserich and Wear. Absent: None.

CENTRAL COAST AREA

3. **CENTRAL COAST DISTRICT DIRECTOR'S REPORT.** District Director Grove reported on matters not requiring public hearings, and on comments from the public.
 4. **CONSENT CALENDAR.** *None.*
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8. **CONSENT CALENDAR** See items a through i on page 8 of the agenda, staff added items 10a and 10b to the Calendar, and recommended approval with special conditions.

Jim Lissner, representing Citizens to Save Hermosa Beach, stated opposition to items 8b and 8e.

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

9. NEW APPEALS

- a. **Appeal No. A-5-95-17 (Dolphin Marina, Los Angeles Co.)** Staff recommended the appeal raised substantial issue.

There being no objection, Vice Chairman Calcagno ruled the Commission **found substantial issue** on the appeal and opened the hearing on the merits of the project.

Staff recommended approval with special conditions.

Kelly Drum, representing the appellant, read a letter by Iylene Weiss. James Fawcett, representing L.A. County Dept. of Beaches and Harbors, spoke in favor of the project. Sherman Gardner, representing the applicant, was available to answer questions.

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

- b. **Appeal No. A-5-96-78 (Lavery, Manhattan Beach)** Staff recommended the appeal raised no substantial issue.

David W. Lasater II, representing Roger M. Lavery, spoke in favor of the project.

Motion & Vote on No Substantial Issue: Flemming moved staff recommendation, seconded by Pavley, and the roll call vote was 10 in favor and 0 opposed. *Passed.*

10. COASTAL PERMIT APPLICATIONS

- a. **Application No. 5-96-62 (Project New Hope, Santa Monica)** Moved to expanded Consent Calendar. *Approved.*
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- b. **Application No. 5-96-63 (So. California Gas, Los Angeles).** Moved to expanded Consent Calendar. *Approved.*
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- c. **Application No. 5-96-65 (Ahlers, Dana Pt.)** Staff recommended approval with special conditions.

Herman Ahlers, the applicant, spoke in favor of the project. Marshall Innins, representing the applicant, spoke in favor of the project.

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

- d. **Application No. 5-96-73 (Adams, Dana Pt.)** Staff recommended approval with special conditions.

Fred Adams, the applicant, spoke in favor of the project.

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

11. PERMIT EXTENSION

- a. **Permit No. 5-91-7-E4 (Brooks, Los Angeles)** Staff recommended approval.

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

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12. FINDINGS

- a. **Permit No. 5-91-843-A (Step Up Housing, Santa Monica)** Staff recommended approval of findings as modified in addendum.

Sherman L. Stacey, representing the applicant, spoke in favor of the project.

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

SAN DIEGO COAST AREA

13. **SOUTH COAST DISTRICT DIRECTOR'S REPORT** District Director Damm reported on matters not requiring public hearings, and on comments from the public.

- a. **San Diego LCP Amendment No. 2-95A (Torrey Pines) Certification Review** Staff recommended concurrence with the Executive Director's determination.

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

- b. **Carlsbad LCP Amendment No. 3-96 (Minor)** Staff recommended concurrence with the Executive Director's determination.

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

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14. ADMINISTRATIVE PERMIT APPLICATIONS See items a and b on page 10 of the agenda. Staff recommended approval with special conditions.

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

15. CONSENT CALENDAR See items a through c on page 10 of the agenda. Staff added item 18a to the Calendar, and recommended approval with special conditions.

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

16. LOCAL COASTAL PROGRAM (LCP)

- a. **Carlsbad LCP Amendment No. 2-96 A&B (Ocean Bluff, Mar Vista and Emerald Ridge rezones)** Staff recommended to extend time and continue Part A and approval of Part B.

Jack Henthorn, representing the applicant, withdrew his request to speak.

Motion & Vote to Extend Time and Continue Part A: Giacomini moved to extend time and continue Part A of the implementation amendment, seconded by Wear, and the hand vote was 11 in favor, 0 opposed, and 1 abstention. *Passed.*

Motion & Vote to Reject Part B of Implementation: Giacomini moved to reject Part B of the implementation amendment, seconded by Wear, and the roll call vote was 0 in favor and 11 opposed. *Failed.*

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17. NEW APPEAL

- a. **Appeal No. A-6-96-70 (Coronado Shores, Coronado)** Staff recommended the appeal raised no substantial issue.

Perry Koon and James Darnell, representing Coronado Shores, both spoke in favor of the project.

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

18. COASTAL PERMIT APPLICATIONS

- a. **Application No. 6-96-58 (Nat'l Assoc. of Music Merchants, Carlsbad)** Moved to expanded Consent Calendar. *Approved.*
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- b. **Application No. 6-96-60 (Smith, Solana Beach)** *Postponed.*
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RECESS. The Commission recessed for the day at 11:20 a.m..

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Friday, June 14, 1996 - pages 18 to 21

1. **CALL TO ORDER** The meeting of the California Coastal Commission was called to order on Friday, June 14, 1996, at 9:05 a.m. by Vice Chairman Calcagno.
 2. **ROLL CALL** Present: Vice Chairman Calcagno, Commissioners Areias, Belgard, Dennisoff, Flemming, Giacomini, Holanda, Pavley, Randa, Rick, (Alternate) Hisserich, Wear. Brennan and Steinberg arrived at 9:15 a.m.; Staffel arrived at 9:20 a.m. Absent: Thayer.
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SOUTH CENTRAL COAST AREA

3. **CENTRAL COAST DISTRICT DIRECTOR'S REPORT** District Director Scholl reported on matters not requiring public hearings, and on comments from the public.
 - a. **Santa Barbara LCP Amendment: No. 2-95 Certification Review** Staff recommended concurrence with Executive Director's determination.
 - b. **Santa Barbara LCP Amendment: No. 1-96 Certification Review** Staff recommended concurrence with Executive Director's determination.

There being no objection, Vice Chairman Calcagno ruled that the Commission concurred with the Executive Director on both certification reviews. *Approved.*

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4. **CONSENT CALENDAR** Staff added items 7a and 7b to the Calendar, and recommended approval with special conditions.

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

5. LOCAL COASTAL PROGRAMS (LCPs)

- a. **Santa Barbara Co. LCP Amendment: No. 3-95 (Sandpiper)** Staff recommended approval with suggested modifications.

Kevin J. Lamb, representing the applicant, was available for any questions.

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

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

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

- b. **Carpinteria LCP Amendment 1-96 Time Extension** Staff recommended extension of time.

Motion & Vote to Continue: Staffel moved to extend time, seconded by Flemming, and the hand vote was 12 in favor and 0 opposed. *Passed.*

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6. COASTAL PERMIT APPLICATION

- a. Application No. 4-95-240 (L.A. Co. Beaches) Staff recommended approval with special conditions.

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

7. PERMIT AMENDMENTS

- a. Permit No. 4-95-188-A (S.B. Co. Parks) Moved to expanded Consent Calendar. *Approved.*
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- b. Permit No. 4-95-249-A (Goodman, Malibu) Moved to expanded Consent Calendar. *Approved.*
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8. RECONSIDERATION

- a. Application No. 4-95-176-R (Login, Malibu) Staff recommended approval as modified orally.

Sherman Stacey, representing the applicant, spoke in favor of the project.

Motion & Vote: Randa moved staff recommendation, seconded by Steinberg, and the roll call vote was 10 in favor and 1 opposed (Pavley). *Passed.*

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

Respectfully Submitted,

PETER M. DOUGLAS

Executive Director

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