

## CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
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VOICE AND TDD (415) 904-5200



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TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: **MINUTES OF MEETING OF APRIL 7-10, 1998**

Hyatt Regency  
200 South Pine Avenue  
Long Beach

**Tuesday, April 7, 1998 pages 1 to 8**

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Tuesday, April 7, 1998, at 10:10 a.m. by Chairman Areias.
2. **ROLL CALL.** Present: Chairman Areias, Vice Chairman Wan, Commissioners Allen, Armanasco, Dettloff, (Alternate) Johnson, Nava, Potter, (Alternate) Wright and Tuttle. Absent: Brennan, Flemming, Holanda and Reilly. Branham arrived at 10:45 a.m.. Sanders arrived in the afternoon.

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## **SOUTH COAST DISTRICT**

3. **ADMINISTRATIVE PERMIT APPLICATIONS.** See items a & b on page 3 of the agenda. Staff recommended approval with conditions.

a) Rana Makarem, representing applicants, submitted a request to speak in favor of the project. Three speakers submitted requests to speak in opposition to the project: Bill Kennedy, Gigi McCone, and Michael S. Murphy.

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

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4. **CONSENT CALENDAR.** See items a through g on pages 3-4 of the agenda. Item d was postponed. Staff recommended approval with special conditions on the remainder of the Calendar.

(a) Tom Moore, representing applicants, submitted a request to speak in favor of the project.

(c) Susan Clark spoke in opposition to the project. Gerald Marciel, representing applicant, spoke in favor of the project. There being more than 3 votes to remove it from the Calendar, this item was **set for hearing** at a later meeting.

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

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## STATEWIDE

5. **APPROVAL OF MINUTES.** Tuttle moved approval of the March 1998 minutes with corrections, seconded by Armanasco, and unanimously **approved.**

6. **COMMISSIONERS' REPORTS.** None.

7. **CONSERVANCY REPORT.** A written report for information only.

8. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** A written report for information only.

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

10. **EXECUTIVE DIRECTOR'S REPORT.**

a. Status report on **Public Access Action Plan.** Information only. Mark Massara, representing Sierra Club Coastal, submitted a request to speak in favor of the staff recommendation.

b. **Legislation.** Information only.

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## ENERGY and OCEAN RESOURCES

11. **ENERGY & OCEAN RESOURCES REPORT.** Executive Director Douglas reported on permit matters not requiring public hearings, and status of offshore oil & gas exploration & development. Charles Eddy and Dennis O'Meara, representing Pacific Pipeline Co. submitted a request to speak in favor of one of the waivers.

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### 11.5 ADMINISTRATIVE PERMIT APPLICATION..

a. **Application No. E-98-5 (Alamitos Bay Fishery and Fish & Game, Long 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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## SOUTH COAST DISTRICT

12. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Damm reported on matters not requiring public hearings, and on comments from the public. One waiver (086-W) was removed and set for hearing at a later meeting.

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13. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved five items (14a, 14c, 14d, 14e & 15a) to the Calendar, and recommended approval with special conditions.

(14a) Mrs Dale Whitney spoke in favor of the project. Dennis Eschen, representing City of Long Beach, submitted a request to speak in favor of the project.

(14c) Gail Pickart, representing City of Newport Beach, & Bill Brooks, representing County Sanitation Districts of Orange County, submitted a request to speak in favor of the project.

(14d) Cheryl Vargo, representing applicant, submitted a request to speak in favor of the project. John Dancy & Agatha Dancy submitted a request to speak in favor of the project. There being 3 votes to remove this item, it was returned to the regular calendar below.

(15a) There being 3 votes to remove this item, it was returned to the regular calendar below.

(14e) Allen Epstein and Bruce Wells spoke about problems with large boats damaging the dock. Mark Sandoval, representing City of Long Beach, submitted a

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request to speak in favor of the project. There being more than 3 votes to remove this item, it was returned to the regular calendar below.

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

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## 14. COASTAL PERMIT APPLICATIONS.

a. **Application No. 5-97-292 (Long Beach Sunday farmers market)** Moved to expanded Consent Calendar. **Approved.**

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b. **Application No. 5-97-399 (Beck, Los Angeles)** Staff recommended approval with special conditions as modified orally.

**Motion & Vote to Continue:** Allen moved to continue the hearing, seconded by Wright, and the roll call vote was 10 in favor and 0 opposed. **Continued.**

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c. **Application No. 5-97-420 (Newport Beach pump station)** Moved to expanded Consent Calendar. **Approved.**

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d. **Application No. 5-98-7 (Mark La Charite, Redondo Beach)** Staff recommended approval with conditions.

Cheryl Vargo, representing applicant, submitted a request to speak in favor of the project. John Dancy & Agatha Dancy submitted a request to speak in favor of the project. John Darcy spoke after the vote supporting the project and requesting that the sidewalk be widened.

**Motion & Vote:** Wright moved staff recommendation, seconded by Potter, and the roll call vote was 6 in favor (Allen, Armanasco, Dettloff, Johnson, Wright & Tuttle), 3 opposed (Nava, Potter & Wan), and 1 abstention (Areias). **Passed.**

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e. **Application No. 5-98-33 (Long Beach dock)** Trailed to Wednesday. On Wednesday, staff recommended approval with special conditions.

Allen Epstein and Bruce Wells spoke about problems with large boats damaging the dock. Mark Sandoval, representing City of Long Beach, submitted a request to speak in favor of the project.

**Motion & Vote:** Dettloff moved staff recommendation, seconded by Allen, and the roll call vote was 10 in favor, 0 opposed and 1 abstention (Reilly). **Passed.**

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f. **Application No. 5-98-42 (Long Beach & Queensway Bay)** Staff recommended approval with special conditions.

Robert Paternoster, representing City of Long Beach, spoke in favor of the project. David Hedy spoke in favor of the project with conditions.

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

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**PUBLIC COMMENT.** Sanders arrived during these statements. Lee Quintence, representing The Beacon Foundation, and Jean Rountree, representing Channel Islands Beach Community, objected to Negative Determination by the Navy. Mark Massara, representing Sierra Club, spoke about timing of development at Crystal Cove State Park, and opportunities for beach nourishment and other planning opportunities.

**LUNCH RECESS.** The Commission recessed for lunch at 1:15 and reconvened at 2:20 p.m..

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g. **Application No. 5-97-371 (Conrad, Laguna Beach)** Staff recommended approval with special conditions.

Charles Griswald spoke in favor of the project. Jim Conrad spoke in favor of the project. Donald Norberg submitted a request to state concerns about the project. Shirley Reid Frahm stated concerns of neighbors. George B. Piggott also stated concerns. Sid Danenhauer submitted a request to speak concerning the project.

**Motion & Vote to Continue:** Wright moved to continue the hearing, seconded by Armanasco, and the roll call vote was 10 in favor and 0 opposed. **Continued.**

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Sanders and Areias left during the following item.

**h. Application No. 5-97-367 (Hellman Properties, Seal Beach)** Staff recommended approval with special conditions.

Mayor Marilyn Bruce Hastings and eight other speakers from the City of Seal Beach submitted requests to speak in favor of the project: Councilmember Patty Campbell; Councilmember Gwen Forsythe; Nancy Beard, Director of Parks, Rec. & Community Services; Barry Hartwyk; Michael Sellers, representing Police Dept.; Keith Till, City Manager; Carla Watson and Lee Whittenberg. Ten speakers submitted requests to speak in favor of the project representing the applicant: D. Dwight Worden; Chris Webb; Jerry Tone; Scott Magorien; Sally Hirsch; Susan Hori; Seretta Fielding; Dave Bartlett; Felicia C. Brechtel; and Tony Bomkamp. Twenty two other speakers submitted requests to speak in favor of the project: Stan Anderson; Ron Bennett; Shawn Boyd; Laurie Craig; Lawrence M. Cushman, representing Paseo Del Rio, Ltd.; Candace DeWitt-Drucker; Tom Frost, representing American Golf; Ron Hamel; Marie Hastings; Laura Keddington, representing Island Village Homeowners; Miriam P. Kelley; Audrey Kime; Joanne Levin; Karen Mikkelsen; Matt Mikkelsen; Mary L. Moser, representing Lions Club of Seal Beach; Ted Robinson, representing Robinson Golf Design, Inc.; David Rosenman, M.D.; Dr Gordon A. Shanks; Harry B. Swanson, representing Knights of Columbus; Carla Watson, representing Seal Beach Cit. United; and Paul Yost. Thirty eight speakers from Leisure World submitted requests to speak in favor of the project: Don W. Alecock; Mary J. Barratt; Tom Barratt; George Brown; M. M. Brueggemann; Shirley H. Burns; William L. Chandler; Evelyn Crawford; Ken Futamase; Frank Gebhart; Roberta Gebhart; Dr Theodore D. Harris; Phil Hastings; Fran Langenegger; Edward Langevin; Theresa R. Langevin; Clifton Mayer; Marianne McDonald; Matthew McDonald; Earl Northrup; Mildred Northrup; Ed Nussell; Elsie Orfila; Stanford Orfila; C. L. Parker; Donna Parker; Harlow Pyfer; Edna Sharp - former Mayor; Jim Sharp; Charles Shulthes; Lydia Shulthes; Michael J. Solan; Gladys Spain; James Spain; John J. Stofko; Estelle Stofko; E. W. Thompson; and Pat Wiseman.

Thirteen speakers submitted requests to speak in opposition to the project: Frances Barisoff; Ann Cantrell, Conservation Chair of El Dorado Audubon; Sharon Cotrell, representing tribal researcher for Gabrielenol Tongue; Don Guillaume; Susan Jordan, representing League for Coastal Protection; Diana Mann, representing Los Cerritos Wetlands Task Force; Mark Massara, representing Sierra Club Coastal Program; Don May, representing California Earth Corps; Walt Miller; Jeff Moore, representing Gabrielenol Tongue Tribal Council; Mary Ann Moore, representing Gabrielenol Tongue Tribal Council; Mel Nutter, representing League for Coastal Protection; and Lillian Valenzuela Robles, representing "Juaneño: Acajachamem Nation. Mark Hiotchkiss submitted a request to speak concerning the project.

**Motion & Vote to Continue:** Dettloff moved to continue the hearing, seconded by Nava, and the roll call vote was 9 in favor and 0 opposed. **Continued.**

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## 15. PERMIT AMENDMENTS.

a. **Permit No. 5-91-141-A3 (L.A. Co. & Seaview Restaurants, Los Angeles)** Staff recommended approval with special conditions as modified orally.

Steve Herbert, representing Gladstone's 4-Fish, spoke in favor of the project. Alan Redhead & Eddie Bitton, representing Gladstone's 4-Fish, submitted a request to speak in favor of the project. James A. Fawcett, representing Los Angeles County Dept. of Beaches & Harbors, submitted a request to speak in favor of the project.

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

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b. **Permit No. 5-84-236-A (Hermosa Beach parking hours)** Staff recommended approval.

Sol Blumenthal, representing City of Hermosa Beach, spoke in favor of the project. Steve Burrell, representing City of Hermosa Beach, spoke in favor of the project. Parker Herriot spoke in opposition to the project. Chris Hall submitted a request to state concerns about the project.

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

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c. **Permit No. 5-97-233-A (Johnson, Seal Beach)** Staff recommended approval.

Randy or Mary Johnson submitted a request to speak in favor of the project. Brent Sears submitted a request to speak in favor of the project. Keith Till, representing City of Seal Beach, submitted a request to speak in favor of the project. Lee Wittenberg, representing City of Seal Beach, submitted a request to speak in favor of the project.

**Motion & Vote:** Allen moved staff recommendation, seconded by Nava, and Vice Chairman Wan substituted the previous roll call vote (8-0-1). **Passed.**

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16. **PERMIT EXTENSION.**

a. **Permit No. 5-90-789-E5 (Gaggero, Los Angeles)** Staff recommended approval.

Ted Folkert, representing applicant, submitted a request to answer questions.

There being no objection Vice Chairman Wan ruled that the permit was extended.  
**Approved.**

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**RECESS.** The Commission recessed for the day at 8:35 p.m..



# DRAFT

Wednesday, April 8, 1998 pages 9 to 15

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, April 8, 1998, at 9:05 a.m. by Chairman Areias.
2. **ROLL CALL.** Present: Chairman Areias, Vice Chairman Wan, Commissioners Allen, Armanasco, Dettloff, Kehoe, Nava, Potter, Reilly, Staffel and Tuttle. Absent: Branham, Brennan, Holanda & Sanders. Flemming arrived at 10:20.

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## NORTH COAST DISTRICT

3. **CONSENT CALENDAR.** See items a & b on page 8 of the agenda. Staff recommended approval with special conditions as modified orally (3a).

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

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## SAN DIEGO COAST DISTRICT

4. **CONSENT CALENDAR.**

a. **Application No. 6-98-17 (Lake, Solana Beach)** Staff recommended approval with special conditions.

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

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## NORTH COAST DISTRICT

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

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

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## 7. LOCAL COASTAL PROGRAM (LCP).

a. **San Mateo Co. LCP Amendment No. 2-97 (Coastside Protection Initiative).** Staff recommended approval as modified in addendum.

George Bergman, representing San Mateo County, submitted a request to speak in favor of the staff recommendation. Lennie Roberts, representing Save Our Coast, submitted a request to speak in favor of the staff recommendation.

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

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

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## 8. COASTAL PERMIT APPLICATION.

a. **Application No. A-1-97-13 (Gumbinger & Luchini, San Mateo Co.)** Staff recommended approval with special conditions.

Bob Campbell & J.R. Rodine, both representing Maryanne Luchini, spoke in favor of the project. Ken Dickerson, representing Mary Ann Luchini, submitted a request to speak in favor of the project. Jack Olsen, representing San Mateo County Farm Bureau, submitted a request to speak in favor of the project. Mark Massara, representing Sierra Club Coastal Comm, spoke opposing project. Lennie Roberts, representing Committee for Green Foothills, spoke in support of staff.

**Motion:** Potter moved staff recommendation, seconded by Allen.

**Amending Motion & Vote:** Reilly moved to increase house size to 2,700 sq.ft., seconded by Allen, and unanimously **approved.**

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

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## CENTRAL COAST DISTRICT

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

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

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

a. **Morro Bay LCP Amendment No. 1-97 (Water Management & Allocation).** Staff recommended approval with suggested modifications.

Shauna Nauman, representing City of Morro Bay Planning & Building, spoke in favor of the project. John Barta spoke. William T. Boucher, Director of Public Works for City of Morro Bay, spoke in favor of the project. Ned Rogoway, representing Morro Bay Beautiful, spoke in opposition.

**Motion & Vote to Continue:** Staffel moved to continue the hearing, seconded by Wan, and the roll call vote was 11 in favor, 0 opposed and 1 abstention (Flemming).  
**Continued.**

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b. **Watsonville LCP Amendment No. 1-97 (Public Recreation Facilities).** Staff recommended approval with suggested modifications.

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

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

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12. **NEW APPEALS.**

a. **Appeal No. A-3-97-89 (Bricker, Monterey Co.)** Staff recommended that the appeal raised substantial issue. There being 3 votes to hear debate on substantial issue, Chairman Areias opened the hearing on substantial issue.

Anthony Lombardo, representing applicant, spoke in favor of the project. Mark Massara, representing Sierra Club Coastal Comm., spoke in opposition.

**Motion & Vote on No Substantial Issue:** Potter moved to find no substantial issue, seconded by Armanasco, and the roll call vote was 8 in favor (Allen, Armanasco, Flemming, Potter, Reilly, Staffel, Wan & Areias) and 4 opposed (Dettloff, Kehoe, Nava & Tuttle). **Passed.**

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**REPORT of CLOSED SESSION.** In closed session the Commission took action on Ojavan Investors, et al. v. CCC and discussed one other matter for information only.

**LUNCH RECESS.** The Commission recessed for lunch after closed session at 1:05 and reconvened at 2:20 p.m..

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b. **Appeal No. A-3-98-25 (Scoggins, San Luis Obispo Co.)** Staff recommended postponement. There being no objection, Acting Chair Reilly opened the hearing and **continued** it to a later meeting.

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c. **Appeal No. A-3-98-28 (Opal Cliffs W. Homeowner's Assn., Capitola)** Staff recommended postponement. There being no objection, Acting Chair Reilly opened the hearing and **continued** it to a later meeting.

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d. **Appeal No. A-3-98-29 (Opal Cliffs E. Homeowner's Assn., Capitola)** Staff recommended postponement. There being no objection, Acting Chair Reilly opened the hearing and **continued** it to a later meeting.

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## 13. COASTAL PERMIT APPLICATIONS.

a. **Application No. 3-96-33 (CalTrans mitigation bank, Monterey Co.)** **Postponed.**

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b. **Application No. 3-96-113 (Vadnais, San Luis Obispo Co.)** Staff recommended approval with special conditions.

Joseph Boud, representing applicant, submitted a request to speak in favor of the project. Gene Valde mi, r

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c. **Application No. 3-97-65 (Motroni & Bardwell, Santa Cruz Co.)** Staff recommended approval with special conditions as modified in addendum and orally.

Adrian Motroni spoke in favor of the project. George Drew, representing applicants, spoke in favor of the project.

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

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## 14. PERMIT AMENDMENTS.

a. **Permit No. 4-83-680-A (Vadnais & Boud, San Luis Obispo Co.)** Reported as an immaterial amendment. Joseph Boud, representing applicant, submitted a request to speak in favor of the project. Vern Kalshan, representing Cambria Legal Defense Fund, submitted a request to speak in opposition to the project. Gene Valdemir submitted a request to speak in opposition to the project. Norman Fleming submitted a request to speak in opposition to the project. There being objection from the Commission it was **set for hearing** at a later meeting.

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b. **Permit No. 3-97-24-A (MLHD, Monterey Co.)** Staff recommended approval with special conditions.

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

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## 15. FINDINGS.

a. **San Luis Obispo Co. LCP Amendment No. 1-97 (North Coast Area Plan Update)** Postponed.

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b. **Application No. A-3-97-23 (Wesnousky, San Luis Obispo Co.)** Staff recommended approval of findings.

**Motion & Vote:** There being no speakers, Allen moved staff recommendation, seconded by Wan, and the hand vote was 10 in favor and 0 opposed. **Passed.**

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## SAN DIEGO COAST DISTRICT

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

a. **Encinitas LCP Amendment 3-97 Certification Review.** Staff recommended concurrence with the Executive Director's determination. There being no objection Chairman Areias ruled that the Commission concurred with the Executive Director. **Approved.**

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17. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved three items (19b, 19c & 19d) to the Calendar, and recommended approval with special conditions as modified orally.

(19c) Don Countryman objected to the condition. There being 3 votes to remove this item, it was returned to the regular calendar below.

(19b) Leroy Bodas, representing City of Encinitas, submitted a request to speak in favor of the project.

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

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18. **NEW APPEAL.**

a. **Appeal No. A-6-98-22 (Rhoads, San Diego)** Staff recommended the appeal raised no substantial issue.

Stephen Rhoads spoke in favor of the project. Tim Wilson, representing applicants, and Cynthia Rhoads both submitted requests to speak in favor of the project. Dwight E. Twist spoke in opposition.

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

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## 19. COASTAL PERMIT APPLICATIONS.

Staffel, Kehoe & Potter left during the following item.

a. **Application No. A-6-97-70 (Kirkorowicz, Encinitas)** Staff recommended denial.

Lynn Heidel & Chris Kirkorowicz both spoke in favor of the project. Trea Tenpomes submitted a request to speak in favor of the project. Franklin L. Cleaves submitted a request to speak in favor of the project. John Vaughn submitted a request to speak in favor of the project. Bill Buffinger submitted a request to speak in favor of the project. Liz Zerbe submitted a request to speak in favor of the project. Mark Sheldon submitted a request to speak in opposition to the project. Mark Massara, representing Sierra Club Coastal Program, submitted a request to speak in opposition to the project. Doug Gibson, representing San Elijo Lagoon Conservancy, submitted a request to speak in opposition to the project. Kim MacConnel submitted a request to speak in opposition to the project. Alis McCurdy submitted a request to speak in opposition to the project. Dolores Welty, representing Friends of Batiquios Lagoon, submitted a request to speak in opposition to the project.

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

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b. **Application No. 6-98-15 (Encinitas road widening)** Moved to expanded Consent Calendar. **Approved.**

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c. **Application No. 6-98-20 (Countryman & Bondy, Del Mar)** Staff recommended approval with special conditions as modified orally.

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

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d. **Application No. 6-98-23 (NC Custom Homes, San Diego Co.)** Moved to expanded Consent Calendar. **Approved.**

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**RECESS.** The Commission recessed for the day at 4:50 p.m..

# DRAFT

Thursday, April 9, 1998 - pages 16 to 23

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, April 9, 1998, at 9:05 a.m. by Chairman Areias.
2. **ROLL CALL.** Present: Chairman Areias, Vice Chairman Wan, Commissioners Allen, (Alternate) Brothers, Brennan, Denisoff, Dettloff, Flemming, Kehoe, Nava, (Alternate) Giacomini, Reilly, Staffel and Tuttle. Absent: Holanda & Sanders.

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## SOUTH CENTRAL COAST DISTRICT

3. **CONSENT CALENDAR.** See items a through g on page 13 of the agenda. Items b and c were postponed. Staff moved item a to the other Consent Calendar (#5). Staff recommended approval with special conditions.

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

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

a. **Santa Barbara Co. LCP Amendment 2-97 A & B Certification Review.** Staff recommended concurrence with the Executive Director's determination. There being no objection Chairman Areias ruled that the Commission concurred with the Executive Director. **Approved.**

b. **San Buenaventura Amendment No. 1-98 (Minor).** Staff recommended concurrence with the Executive Director's determination. There being no objection Chairman Areias ruled that the Commission concurred with the Executive Director. **Approved.**

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5. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved three items (3a, 10c & 10d) to the Calendar, and recommended approval with special conditions.

(3a) Don Schmitz, representing applicant, submitted a request to speak in favor of the project.

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

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## 6. LOCAL COASTAL PROGRAMS (LCPs).

a. **Santa Barbara Co. LCP Amendment No. 2-97 (Ellwood Beach-Santa Barbara Shores)** Staff recommended approval with suggested modifications as modified orally.

Six speakers submitted requests to speak in favor of the staff recommendation: Supervisor Gail Marshall, representing Santa Barbara County, 3rd District; Duane Walsh; Catherine Walsh; Teresa C. Eggemeyer; Jane Taylor, representing Care About Goleta; and Ken Taylor, representing Care About Goleta. Thirty speakers submitted requests to speak in opposition to the staff recommendation: John Patton, representing County of Santa Barbara; Melanie Alciati; Bill Boyd, representing Santa Barbara Development Partnership; Cynthia Brock, representing SB Shores Homeowners' Assoc.; Mike Fealy; Chris Lange; Mike Aubrey; Andy Caldwell, representing Coalition of Labor, Agriculture & Business; Ellison Folk, representing UCC & SBSHA; Mark Alciati; Terri Fealy; Michael Hoover, representing Hoover & Associates- Geologists; Allen King; Cory Gallipear; Jodie Henry; Chris Omer; Cynthia King; Tarah Schroeder; Corey Linberg; Travis Longcore; Laura Brands; Sarah Kahn; Marivic Sabillo; Alana Katovich; Nancy Lucast, representing Santa Barbara Dev. Partnership; Catherine Rich; Deborah M. Rosenthal, representing Monarch Point Reserve; DeAnn Sarver; Peter Tiersma; and Brook Carrol. Three speakers submitted requests to speak in opposition to the project: Kevin Bartel; Tarah Schroeder; and Cody Westheimer. Dr William Calvert submitted a request to speak in favor of the monarchs. Roger Jahnke and Rebecca McClean both submitted a request to speak in favor of additions to the staff recommendation. Mel Nutter, representing League for Coastal Protection, submitted a request to speak in favor of the settlement agreement. Jessica Scheeter, representing Environmental Affairs Board UCSB, submitted a request to speak in favor of further modification. Estéban Solis submitted a request to speak in favor of additional recommendations. Twenty six other speakers submitted requests to speak: Susan Bartow, representing Polytechnic School; Benno Nelson & classmates from Polytechnic School; Chris Tesetti; Jordie Gafney; Lindsay Milich; Malovic Wilder; Erin McIntire; Elizabeth Levin; Stacey McNeil; Eric Cardenas; Christine Chestnut, representing Urban Creeks Council; Meghan Conklin; Fred Cunningham; Courtney Estes, representing Environmental Affairs Board; Randy Fox, representing Monarch Point Reserve; Sierra Hill, representing Urban Creeks Council; Lindsey Muir Jacobs, representing UCSB Environmental Affairs Board; Gisele Jones, representing Urban Creeks Council; Ariana Katovich, representing Environmental Affairs Board; Mark A. Massara, representing Sierra Club Coastal Program; Leslie Meyer; Wanda Michalenko, representing Urban Creeks Council; Marcia Pepper; Lisetta Quick, representing Urban Creeks Council; Jack Schnellenbach; and David Wappler, representing Urban Creeks Council. The hearing and voting continued after lunch.

**PUBLIC COMMENT.** Victoria Wikle spoke about Hands Across the Parklands.

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**LUNCH RECESS.** The Commission recessed for lunch at 12:55 and reconvened at 1:55 p.m..

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

**Motion on Plan with Modifications:** Giacomini moved approval of Land Use Plan amendment with suggested modifications, seconded by Staffel.

**Amending Motion & Vote on Access:** Wan moved to add a suggested modification that routes access through the County Park, seconded by Nava, and the roll call vote was 12 in favor and 0 opposed. **Passed.**

**Amending Motion & Vote on Road Design:** Staffel moved to provide an option for the access road as designed, seconded by Flemming, and the roll call vote was 2 in favor (Flemming & Staffel) and 10 opposed (Allen, Brothers, Dettloff, Kehoe, Nava, Giacomini, Reilly, Tuttle, Wan & Areias). **Failed.**

**Amending Motion & Vote on Setback:** Nava moved to require a 100 foot setback, seconded by Allen, and the roll call vote was 8 in favor (Allen, Dettloff, Kehoe, Nava, Giacomini, Tuttle, Wan & Areias) and 4 opposed (Brothers, Flemming, Reilly & Staffel). **Passed.**

**Amending Motion & Vote on Setback:** Staffel moved to require an average 100-foot setback with 50 feet minimum, seconded by Brothers, and the roll call vote was 8 in favor (Allen, Brothers, Dettloff, Flemming, Giacomini, Reilly Staffel & Tuttle) and 4 opposed (Kehoe, Nava, Wan & Areias). **Passed.**

**Amending Motion & Vote on Trails:** Wan moved to limit trails to pedestrians, seconded by Reilly, and the roll call vote was 11 in favor and 0 opposed. **Passed.**

**Vote on Plan with Modifications:** The roll call vote on the main motion, as amended above, was 12 in favor and 0 opposed. **Passed.**

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b. **Santa Barbara Plan Amendment No. 3-97 (circulation)** Staff recommended continuance and extension of the time limit. There being no objection, Chairman Areias ruled that the Commission extended the time limit and **postponed** the item.

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c. **University of California at Santa Barbara (UCSB) LRDP Amendment No. 2-97.** Applicant requested postponement.

Martha Levy spoke representing UCSB. Ten speakers submitted requests to speak in opposition to the project: Keith Zandona, representing Santa Barbara Chapter - Surfrider Foundation; Corey Linberg; Leslie Meyer, representing EAB, UCSB; Meghan Conklin, representing Envir. Affairs Board; Brian Trautwein, representing Environmental Defense Center; Marivic Sabillo, representing EAB-UCSB; Chris Omer, representing Env Affairs Board UCSB; Arlana Katovich, representing Environmental Affairs Board; Courtney Estes, representing Environmental Affairs Board; and Eric Cardenas. Five speakers submitted a request to speak in favor of the staff recommendation: Laura Brands, representing UCSB students; Mark Massara, representing Sierra Club Coastal Program; Susan Jordan; Lisetta Quick; and Christine Chestnut, representing Isla Vista & S.B. Surfrider. Kristeen Penrod, UCLA, submitted a request to speak in opposition to the staff recommendation. Lindsey Muir Jacobs, representing UCSB Environmental Affairs Board, submitted a request to speak.

**Motion & Vote to Continue:** Wan moved to continue the hearing, seconded by Dettloff, and the roll call vote was 8 in favor (Brothers, Dettloff, Flemming, Kehoe, Nava, Staffel, Tuttle & Wan) and 2 opposed (Allen & Reilly). **Continued.**

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d. **Pepperdine LRDP Amendment No. 3-97.** Staff recommended approval.

Four speakers representing Pepperdine University submitted requests to speak in favor of the staff recommendation & the project: Andrew K. Benton, Gary A. Hanson, Phil Phillips and Sam Ross.

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

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7. **NOTICE OF IMPENDING DEVELOPMENT** for University of California at Santa Barbara (UCSB) LRDP 2-97. The hearing was combined with item 6c above and also **postponed.**

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8. **NOTICE OF IMPENDING DEVELOPMENT. Pepperdine LRDP 3-97.** Staff recommended approval with special condition.

Four speakers representing Pepperdine University submitted requests to speak in favor of the project & the staff recommendation: Andrew K. Benton, Gary A. Hanson, Phil Phillips and Sam Ross.

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

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9. **NEW APPEAL.**

a. **Appeal No. A-4-98-15 (St. Athanasius church, Santa Barbara Co.)** Staff recommended the appeal raised no substantial issue.

John Sommer, representing applicant, submitted a request to speak in favor of the project.

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

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10. **COASTAL PERMIT APPLICATIONS.**

Brennan & Giacomini left during the following item.

a. **Application No. 4-97-123 (Soka University, Los Angeles Co.)** Staff recommended approval with special conditions as modified orally.

Thirteen speakers submitted requests to speak in favor of the project: Andi Culbertson, representing Soka; Brian Boudreau; Steve Bucklin; Alexis Byfuglin; Barbara Wright-Cullen; Joseph Edmiston, representing Santa Monica Mts. Conservancy; Nancy Heinesen, representing SUA Graduate School Students; Elizabeth Hilgendorf; Tom Kaye; Robin G. Mitchell; Nancy Simms; David Wheeler; and Priscilla Wolf. Fifty three speakers submitted requests to speak in opposition to the project: Sandy Brown, representing Sen. Tom Hayden; Laura Plotkin, representing Speaker Pro Tem Sheila James Kuehl; David Brown, representing City of Calabasas; Craig Ewing, representing City of Malibu; Marlis Many, representing City of Calabasas; Marti Witter, representing City of Malibu; Melinda Becker, Monte Nido Valley Community Association; Phillip J. Fleeman; Shirley A. Duryee; Margot Feuer, representing Save Open Space/S.M. Mts; Susan Genelín, representing Sierra Club, Angeles Chapter; Adriaan Van't Riet; Les Hardie; Curtis Horton, representing Sierra Club, Save Monte Nido Valley Property Owners Assn & Save Open Space Santa Monica Mountains; Bea Morrow, representing Long Beach Group,

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Sierra Club; Joan Slimocosky; Isabel Snyder, representing Coalition to Preserve Las Virgenes; Rudy Vietmeier, representing Sierra Club; William P. Wells, representing Coalition to Preserve Las Virgenes; Susan Jordan, representing League for Coastal Protection; Laura Brands; Keith Zandona; Joan Kay, representing Coalition to Preserve Las Virgenes; Alden Kelley, representing Monte Nido Valley Community Assoc.; Helen Miller; Barbara Morel; Travis Longcore; Robert Fera, representing Monte Nido Valley Community Assn.; Mick Snider; Kristeen Penrod; Catherine Rich; Micaela Graddy; Mark Massara, representing Sierra Club Coastal Program; Gary Maxwell; Susan Barr Nelson, representing Friends of Santa Monica Mtns; Yehuda Netanel; Wesley Miller; Erik Pontoppidan; Andrew Pavley; Fran Pavley; Klaus Radtke, representing Monte Nido Comm. Assoc.; Elsa Pontoppidan; Jeanne Wallace; Lee Renger, representing Monte Nido Valley Homeowners; Monique Sonoke, representing American Indian Movement; Don Wallace; Janis Wells; Mary E. Wiesbrock, representing S.O.S and The Wilderness Society; Constance Hanson, representing Sierra Club; Cynthia Maxwell; Kenneth Wikle, President, Cold Creek Community Council; Victoria Wikle; and James D. Wrigley.

**Motion:** Reilly moved staff recommendation, seconded by Allen.

**Amending Motion & Vote:** Reilly moved that the maintenance building (#24) be relocated, seconded by Wan, and the roll call vote was 11 in favor and 0 opposed. **Passed.**

**Amending Motion & Vote:** Wan moved that dorms #22 & 23 be relocated, seconded by Nava, and the roll call vote was 4 in favor (Dettloff, Kehoe, Nava & Wan) and 7 opposed (Allen, Brothers, Flemming, Reilly, Staffel, Tuttle & Areias). **Failed.**

**Amending Motion & Vote:** Allen moved to require independent monitoring of events, seconded by Wan, and the roll call vote was 11 in favor and 0 opposed. **Passed.**

**Vote on Main Motion:** The roll call vote on the main motion, as amended above, was 9 in favor and 2 opposed (Nava & Wan). **Passed.**

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b. **Application 4-97-156 (UCSB, Santa Barbara)** The hearing was combined with item 6c above and also **postponed.**

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c. **Application No. 4-97-171 (Sweeney, Malibu)** Moved to expanded Consent Calendar. **Approved.**

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d. **Application No. 4-98-7 (Thompson, Los Angeles Co.)** Moved to expanded Consent Calendar. **Approved.**

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# DRAFT

Denisoff left before the following items.

## 11. PERMIT AMENDMENTS.

a. **Permit No. 4-97-128-A (S.A.M., Malibu)** Staff recommended approval as modified in addendum.

Sherman L. Stacey, representing applicant, submitted a request to speak in favor of the project.

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

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b. **Permit No. 5-83-4-A (Quaker, Malibu)** Staff recommended approval with special conditions as modified in addendum and orally.

Sherman L. Stacey, representing applicant, spoke in favor of the project. Melinda Becker, representing Monte Nido Valley Community Assn. submitted a request to speak in opposition to the project. Jean H. Kay, representing Coalition to Preserve Las Virgenes, submitted a request to speak in opposition to the project. David Brown and Richard Rozelle stated concerns about the project.

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

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12. **CLAIM of VESTED RIGHTS No. VR-4-97-1 (Witter, Los Angeles Co.). Postponed.**

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## 13. PERMIT EXTENSION.

a. **Permit No. 5-87-458-E9 (Bernstein, Malibu) Postponed.**

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14. **REVOCAION of Permit No. R-4-95-235 (Wallis, Los Angeles Co.)** Staff recommended denial.

Cheryl Snider and Mick Snider spoke in opposition to the project. David Brown stated concerns about the project. Martha Wallis spoke on behalf of the applicants.

**Motion & Vote to Revoke:** Reilly moved to revoke the permit, seconded by Wan, and the roll call vote was 0 in favor and 9 opposed. **Failed.**

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# DRAFT

## STATEWIDE

15. **FEDERAL CONSISTENCY REPORT.** Trilled until Friday. On Friday Executive Director Douglas reported on Negative Determinations issued by the federal consistency staff, and status of major non-energy federal consistency matters.

a. **CD-95-95 (Navy, San Diego Co.) Postponed.**  
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16. **PERMIT REGULATIONS.** Reilly requested a continuance. Chairman Areias ruled that the item be **Postponed.**  
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**RECESS.** The Commission recessed for the day at 8:55 p.m..

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Friday, April 10, 1998 - pages 24 to 25

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Friday, April 10, 1998, at 9:00 a.m. by Chairman Areias.

2. **ROLL CALL.** Present: Chairman Areias, Vice Chairman Wan, Commissioners Allen, (Alternate) Brothers, Brennan, Flemming, Kehoe, Nava, Reilly, Staffel and Tuttle. Absent: Branham, Holanda, Potter and Sanders. (Alternate) Lowenthal arrived at 9:10 a.m..

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## SOUTH COAST DISTRICT

### 3. RECONSIDERATION.

a. **Application No. 5-97-300-R (Nasr, Los Angeles)** Staff recommended denial.

Jahram "Jim" Jebejian, representing applicant, spoke in favor of the project. Dr Nasr also spoke.

**Motion & Vote to Reconsider:** Wan moved to grant reconsideration, seconded by Flemming, and the roll call vote was 0 in favor and 11 opposed. **Failed.**

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### 4. LOCAL COASTAL PROGRAMS (LCPs).

a. **Manhattan Beach LCP Amendment No. 1-98 (Ordinance).** There being no objection, Chairman Areias ruled that the Commission extended the time limit and **postponed** the item.

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b. **San Clemente Plan Amendment No. 1-97.** Staff recommended approval.

**Motion & Vote on Plan as Submitted:** Kehoe moved approval of Land Use Plan amendment as submitted, seconded by Allen, and the roll call vote was 11 in favor and 0 opposed. **Passed.**

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c. **San Clemente LCP Implementation.** Staff recommended approval with suggested modifications as modified in addendum and orally.

Jim Pechous & Kelly Main, representing City of San Clemente, submitted a request to speak in opposition to the staff recommendation.

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

**Motion & Vote on Implementation with Modifications:** Allen moved approval of implementation with suggested modifications, seconded by Kehoe, and the roll call vote was 10 in favor and 0 opposed. **Passed.**

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**ADJOURNMENT.** There being no old or new business, the meeting adjourned at 9:55 a.m..

Respectfully Submitted,

PETER M. DOUGLAS  
Executive Director

pmg

