

CALIFORNIA COASTAL COMMISSION

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TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: MINUTES OF MEETING OF February 4-7, 1997

Princess Resort
1404 West Vacation Road
San Diego

Tuesday, February 4, 1997 pages 1 to 3

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Tuesday, February 4, 1997, at 10:00 a.m. by Chairman Areias.

2. **ROLL CALL.** Present: Chairman Areias, Vice Chairman Giacomini, Commissioners Brennan, (Alternate) Armanasco, Campbell, Denisoff, Flemming, Holanda, Pavley, (Alternate) Fowler and Wan. Absent: Sanders and Staffel.

STATEWIDE

3. **APPROVAL OF MINUTES.** None.

4. **COMMISSIONERS' REPORTS.** Informational only.

5. **CONSERVANCY REPORT.** Informational only.

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6. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.

7. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational only.

8. **EXECUTIVE DIRECTOR'S REPORT.** Informational only.

a. **Public Education Interagency Agreement & Contract.** Staff recommended approval.

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

b. **Orange Co. Affordable Housing.** Staff recommended extension of memorandum of understanding.

Motion & Vote: Flemming moved approval of a 6-month extension, seconded by Armanasco, and the hand vote was 8 in favor and 0 opposed. **Passed.**

c. **Strategic Planning for Coastal Program.** Informational only.

d. **Legislation.** Informational only.

REPORT of CLOSED SESSION. In closed session the Commission took action on RLI Insurance Company Group v. Superior Court and discussed one other matter for information only.

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SOUTH CENTRAL COAST DISTRICT

9. COASTAL PERMIT APPLICATIONS.

α. Application Nos. 5-90-839, 5-90-840, 5-90-841, 5-90-842, 5-91-49, 5-91-50, 5-91-51, 5-91-58, 5-91-59, 5-91-183, 5-91-184, 5-91-185, 5-91-186, 5-91-187, 5-91-188 & 5-91-189 (Lechuza Villas West, Malibu) Postponed.

RECESS. The Commission recessed for the day at 11:55 a.m..

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Wednesday, February 5, 1997 - pages 4 to 9

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, February 5, 1997, at 9:00 a.m. by Chairman Areias.

2. **ROLL CALL.** Present: Chairman Areias, Vice Chairman Giacomini, Commissioners Brennan, (Alternate) Armanasco, Campbell, Flemming, Holanda, Pavley, (Alternate) Fowler, Staffel and Wan. Absent: Branham. Sanders arrived at 9:30 a.m..

SOUTH CENTRAL COAST DISTRICT

3. **CONSENT CALENDAR.** See items a. and b. on page 5 of the agenda. Staff recommended approval with special conditions.

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

ENERGY and OCEAN RESOURCES

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

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SOUTH CENTRAL COAST DISTRICT

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

a. **Port Hueneme LCP Amendment No. 1-96 Certification Review.** (Former Naval Civil Engineering Laboratory) Staff recommended concurrence with Executive Director's determination. There being no objection, Chairman Areias ruled that the Commission concurred. **Approved.**

6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved two items (7b & 8a) to the Calendar, and recommended approval with special conditions.

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

7. COASTAL PERMIT APPLICATIONS.

a. **Application No. 4-96-51 (Tuchman, Malibu)** Staff recommended denial.

Motion & Vote: Giacomini moved approval of the application, seconded by Staffel, and the roll call vote was 7 in favor (Armanasco, Flemming, Giacomini, Fowler, Staffel, Wan & Areias) and 2 opposed (Campbell & Pavley). **Passed.**

b. **Application No. 4-96-95 (Sauter, Malibu)** Moved to expanded Consent Calendar. **Approved.**

c. **Application No. 4-96-192 (Ventura Co. Flood Control, Oxnard)** Staff recommended approval with special conditions.

Two speakers requested to speak in favor of the project: Mitchel Kahn, Atty, representing Williamette Industries; and David Hermanson,

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representing E.F. Oxnard Inc. Three speakers requested to speak in opposition to the project: Alan Sanders, representing Sierra Club; Susan Jordan; and Mark A. Massara, representing Sierra Club Coastal Program.

There being no objection Chairman Areias ruled that the hearing would be continued to a later meeting. **Postponed.**

8. PERMIT AMENDMENT.

a. **Permit No. 5-88-918-A2 (Haagen, Malibu)** Moved to expanded Consent Calendar. **Approved.**

9. PERMIT EXTENSIONS.

a. **Permit 4-85-343-E7 (Hyatt Hotel, Santa Barbara Co.)** Staff recommended approval.

Six speakers requested to speak in favor of the project: Timothy Tosta, representing permittee; Douglas Hehnke; Dana Levy, representing Plumbers & Pipe Fitters; Bud Fleace, President of the Santa Barbara-San Luis Obispo Building Trades Council; Richard McClees; and Robert Moures, representing Heat Frost Insulators. Mark Massara, representing Surfrider Foundation, requested to speak on behalf of the appellant. Brian Trautwein, representing Santa Barbara Urban Creeks Council, also requested to speak.

Approved: There being no objections, Chairman Areias ruled that the permit was extended.

b. **Permit No. 4-92-204-E3 (Freeman, Malibu)** Staff recommended approval.

Approved: There being no objections, Chairman Areias ruled that the permit was extended.

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STATEWIDE

10. **ENFORCEMENT. Cease and Desist Order No. CCC-93-CD-3 (Witter & Richardson, Los Angeles Co.)** Staff recommended vacating the Cease and Desist Order.

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

NORTH COAST DISTRICT

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

a. **Humboldt Co. LCP Amendment No. 1-96 (Sand Pointe) Certification Review.** Staff recommended concurrence with Executive Director's determination. There being no objection, Chairman Areias ruled that the Commission concurred. **Approved.**

12. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved three items to the Calendar (15b, 16b and 16c), and recommended approval with special conditions.

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

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13. LOCAL COASTAL PROGRAM (LCP).

a. **Marin Co. LCP Amendment No. 1-96 (Tomales).** Staff recommended approval.

Motion & Vote on Plan as Submitted: Giacomini moved approval of land use plan amendment as submitted, seconded by Flemming, and Chairman Areias substituted the previous roll call vote (8-0). **Passed.**

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

14. NEW APPEAL.

a. **Appeal No. A-1-96-70 (Moser & Hunt, Humboldt Co.)** Staff recommended the appeal raised no substantial issue.

Four speakers requested to speak on behalf of appellant: Mark A. Massara, representing Sierra Club; Shelby J. Fermer, representing group of citizen appellants; Pat Hassen, representing concerned citizens; and Galen Hassen. Marty McClelland requested to speak on behalf of the applicants.

Motion & Vote: Flemming moved that the Commission find no substantial issue, seconded by Staffel, and the roll call vote was 3 in favor (Armanasco, Flemming & Staffel) and 6 opposed (Campbell, Giacomini, Pavley, Fowler, Wan & Areias). **Failed.**

Chairman Areias ruled that the hearing on the merits of the project would be at a later meeting. **Postponed.**

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15. COASTAL PERMIT APPLICATIONS.

a. **Application No. 1-96-5 (Kent, Marin Co.)** Staff recommended approval with special conditions as modified in addendum.

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

b. **Application No. 1-96-71 (CalTrans, Fort Bragg)** Moved to expanded Consent Calendar. **Approved.**

16. PERMIT AMENDMENTS.

a. **Permit No. 1-90-109-A5 (CalTrans, Marin Co.)** Staff recommended approval with special condition.

Lyle Oehler, representing Caltrans, requested to speak in favor of project.

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

b. **Permit No. 1-90-322-A (Graham, Mendocino Co.)** Moved to expanded Consent Calendar. **Approved.**

c. **Permit No. 1-93-36-A (Seto, Mendocino Co.)** Moved to expanded Consent Calendar. **Approved.**

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

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Thursday, February 6, 1997 - page 10 to 19

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, February 6, 1997, at 9:05 a.m. by Chairman Areias.

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

SOUTH COAST DISTRICT

3. **CONSENT CALENDAR.** See items a. through d. on page 9 of the agenda. Staff recommended approval with special conditions.

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

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

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

Motion & Vote: Rick moved staff recommendation, seconded by Flemming, and Vice Chairman Giacomini substituted the previous roll call vote (9-0). **Passed.**

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6. LOCAL COASTAL PROGRAMS (LCPs).

a. **Dana Point LCP Amendment No. 1-96 (South Laguna & Laguna Niguel). Postponed**

Philip Bettencourt, representing Bettencourt & Associates, requested to speak.

b. **Laguna Beach LCP Amendment No. 1-96 (open space).** Staff recommended extension of time limit.

Motion & Vote to extend time limit: Wan moved to extend time limit for action on the amendment, seconded by Flemming, and the hand vote was 9 in favor and 0 opposed. **Passed.**
Postponed.

7. COASTAL PERMIT APPLICATION.

a. **Application No. 5-96-268 (Queensway Bay & Long Beach)** Staff recommended approval with special conditions.

Motion & Vote: There being no speakers, Flemming moved staff recommendation, seconded by Wan, and Vice Chairman Giacomini substituted the previous roll call vote (9-0). **Passed.**

8. PERMIT AMENDMENTS.

a. **Permit No. 5-94-10-A2 (Northwestern Mutual Life, Long Beach)** Staff recommended approval with special conditions.

Lonnie C. Blanchard III, representing Select Restaurants Inc., requested to speak in opposition to conditions.

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

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b. **Permit No. 5-94-33-A (Santa Monica-Malibu Schools)** Staff recommended approval.

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

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

c. **Permit No A-5-95-189-A2 (Fantasea Yacht Charters, Los Angeles Co.)** Moved to expanded Consent Calendar. **Approved.**

9. FINDINGS.

a. **Permit No. 5-92-203-A2 (Dror, Los Angeles)** Staff recommended approval of findings.

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

SAN DIEGO COAST DISTRICT

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

a. **Fiesta Island Sludge Bed Relocation Efforts - Annual Report.** Informational only.

Byron Wear, representing San Diego City Council, requested to speak in opposition to the project. Kurt Kummer, representing San Diego Youth Aquatic Center, requested to speak in favor of the staff recommendation. Two speakers requested to speak in opposition to the staff recommendation: Thomas E. Clabby, Mayor Pro-Tem of City of Lemon Grove; and Al Strohle. Three others requested to speak: Dave Schlesinger, Director of San Diego Metro Wastewater Dept.; John C. Leppert, representing City of San Diego; and Billy Paul.

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b. **San Diego Sludge Mitigation Funds.** Staff recommended a program for spending annual mitigation funds. The hearing was combined with 10a and 10d. Flemming moved staff recommendation, seconded by Wan and the roll call vote was 9 in favor and 0 opposed. **Passed.**

Byron Wear, representing San Diego City Council, requested to speak in opposition to the project. Two speakers requested to speak in favor of the staff recommendation: Helen Duffy, representing Mission Bay Park Committee; and Kurt Kummer, representing San Diego Youth Aquatic Center. Al Strohlein requested to speak in opposition to the staff recommendation. Two others requested to speak: Dave Schlesinger, Director of San Diego Metro Wastewater Dept.; and John C. Leppert, representing City of San Diego.

c. **San Diego Port Plan Amendment #23 (Convair Lagoon) Effective Certification.** Staff recommended acceptance of Port's action. There being no objection, Vice Chairman Giacomini ruled that the Commission concurred. **Approved.**

d. **Fiesta Island Sludge Bed Permit Amendment.** Staff recommended the amendment not be filed at this time.

Three speakers requested to speak in opposition to the project: Byron Wear, representing San Diego City Council; Ted Jardine, representing Mission Bay Park Committee; and Harriet Allen. Three speakers requested to speak in favor of the staff recommendation: Judith A. Swink, representing Citizens Coordinate for Century 3; Helen Duffy, representing Mission Bay Park Committee; and Kurt Kummer, representing San Diego Youth Aquatic Center. Three speakers requested to speak in opposition to the staff recommendation: Councilmember Valerie Stallings; Frank Chenelle, representing National City & County Water Authority; and Dan McMillan, Director of Padre Dam Municipal Water District. Two others requested to speak: Dave Schlesinger, Director of San Diego Metro Wastewater Dept.; and Tom Vincent, representing San Diego Princess Resort.

The Commission took **no action.**

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11. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved two items (14a & 15a) to the Calendar, and recommended approval with special conditions.

Motion & Vote: There being no speakers, Campbell moved staff recommendation, seconded by Flemming, and Vice Chairman Giacomini substituted the previous roll call vote (9-0). **Passed.**

12. LOCAL COASTAL PROGRAM (LCP).

a. **San Diego Categorical Exclusion Order No. E-95-1 for Torrey Pines Community.** Staff recommended approval with modifications.

Mike Westlake, representing City of San Diego, requested to speak in favor of staff recommendation. Three speakers requested to speak in opposition to staff recommendation: Opal Trueblood; Al Strohlein; and Robert Lewis, representing Torrey Pines Community Planning Group.

Motion & Vote: Rick moved staff recommendation, seconded by Flemming, and the roll call vote was 4 in favor (Calcagno, Flemming, Rick & Staffell) and 5 opposed (Areias, Campbell, Pavley, Wan & Giacomini). **Failed.**

13. NEW APPEAL.

a. **A-6-96-162 (Hicks, San Diego)** Staff recommended continuance.

Matt Peterson, representing applicant, and Paul O'Boyle, representing La Jolla Shores Assn., both requested to speak in favor of the project. Seven speakers requested to speak in opposition: Betty Morrison; Dick Dahlberg, representing La Jolla Shores Assoc.; Flora L. Olsen; Peter K. Solecki, representing Joyce Corrigan; Marcy Robinson; Sherri Lightner, representing La Jolla Shoes Association; and Sara Moser, Chair of La Jolla Shores Planned District Advisory Board. Gayl Jaaskelainen also requested to speak representing Assemblymember Wayne.

Vice Chairman Giacomini continued the hearing to a later meeting. **Postponed.**

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14. COASTAL PERMIT APPLICATION.

a. **Application No. A-6-96-144 (Downtown Encinitas Main St., Encinitas)** Moved to expanded Consent Calendar. **Approved.**

15. PERMIT AMENDMENTS.

a. **Permit No. 6-94-131-A6 (Toyohara/Sambi Seaside Hts, Carlsbad)** Moved to expanded Consent Calendar. **Approved.**

b. **Permit No. 6-94-25-A (Aviara, Carlsbad)** **Postponed.**

16. FINDINGS.

a. **San Diego LCP Amendment No. 1-95 (Mission Bay Bahia Pt.).** Staff recommended approval of findings as modified in addendum and orally.

John C. Leppert, representing City of San Diego, and Mary Lynn Hyde, representing Santa Clara Racing Assoc. & San Diego Windsurfing Assoc., both requested to speak in favor of staff recommendation. Six speakers requested to speak in opposition: Salvatore D'Auria, representing Italians Against the Confiscation of Bahia Point; Mike Waters, representing Mission Bay Sunfish Fleet; Daniel Gordon Hse Vine; Scott Andrews, representing Friends of Bahia Point Park; Al Strohle; and Miriam Kirshner, representing Friends of Bahia Point Park. Four others requested to speak: Bill Adams; James H. Huprich, representing SWSA; Billy Paul; and Mark Massara, representing Sierra Club.

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

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CENTRAL COAST DISTRICT

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

a. **Santa Cruz Co. LCP Minor Amendment No. 3-96.** Staff recommended concurrence with Executive Director's determination. There being no objection, Vice Chairman Giacomini ruled that the Commission concurred. **Approved.**

b. **San Luis Obispo Co. LCP Minor Amendment No. 3-96.** Staff recommended concurrence with Executive Director's determination. There being no objection, Vice Chairman Giacomini ruled that the Commission concurred. **Approved.**

c. **Morro Bay LCP Amendment No. 3-95 Certification Review.** Staff recommended concurrence with Executive Director's determination. There being no objection, Vice Chairman Giacomini ruled that the Commission concurred. **Approved.**

18. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved item 20b to the Calendar, and recommended approval with special conditions.

Don & Marilyn Gamble requested to speak in favor of project.

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

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19. LOCAL COASTAL PROGRAMS (LCPs).

a. **Santa Cruz Co. LCP Amendment No. 3-96 (commercial uses, lot sizes & greenhouses).** Staff recommended approval of part A (revising minimum parcel sizes, adding vet clinics & car washes, and modifying sewage disposal regulations) and extension of time limit on part B (regarding greenhouse and ag. support facilities).

Motion & Vote on Part of Plan as Submitted: Staffel moved approval of Part A of land use plan amendment as submitted, seconded by Flemming, and Vice Chairman Giacomini substituted the previous roll call vote (9-0). **Passed.**

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

Motion & Vote to extend time on Part of Amendment: Staffel moved to extend time limit for action on Part B of amendment, seconded by Flemming, and the hand vote was 9 in favor and 0 opposed. **Postponed.**

b. **Santa Cruz LCP Amendment No. 2-96 (S. of Laurel & high density residential).** **Postponed.**

c. **Monterey LCP Amendment No. 1-97 (Cannery Row mixed uses).** Staff recommended approval with suggested modifications.

Bill Wojtkoski, representing City of Monterey, and Judy V. Davidoff, representing Baker & McKenzie, both requested to speak in favor of staff recommendation.

Motion & Vote on Plan as Submitted: Pavley moved approval of land use plan amendment as submitted, seconded by Flemming, and the roll call vote was 0 in favor and 8 opposed. **Failed.**

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

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d. **Morro Bay LCP Amendment No. 2-96 Time Extension.** Staff recommended extension of time limit.

Motion & Vote to extend time limit: Staffel moved to extend time limit for action on the amendment, seconded by Flemming, and the hand vote was 9 in favor and 0 opposed. **Passed.**
Postponed.

20. COASTAL PERMIT APPLICATIONS.

a. **Application No. 3-96-116 (Parks & Rec., San Luis Obispo Co.)**
Postponed.

b. **Application No. 3-96-117 (Gamble, Monterey)** Moved to expanded Consent Calendar. **Approved.**

21. FINDINGS.

a. **Appeal No. A-96-94 (Marina Dunes Resort, Marina)** Staff recommended approval of findings.

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

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STATEWIDE

22. EXECUTIVE DIRECTOR'S REPORT.

a. **Section 309 Assessment & Strategy.** Staff recommended approval.

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

b. **Regional Cumulative Assessment Project.** Staff recommended approval of Procedural Guidance Manual for periodic program reviews.

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

c. **Nonpoint Pollution Program.** Informational only.

RECESS. The Commission recessed for the day at 12:35 p.m..

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Friday, February 7, 1997 - pages 20 to 23

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Friday, February 7, 1997, at 9:05 a.m. by Vice Chairman Giacomini.

2. **ROLL CALL.** Present: Vice Chairman Giacomini, Commissioners (Alternate) Cava, Campbell, Flemming, Holanda, (Alternate) Rynerson, (Alternate) Fowler, Staffel and Wan. Absent: Brennan, Branham, Calcagno, and Sanders.

SAN DIEGO COAST DISTRICT

3. ADMINISTRATIVE PERMIT APPLICATION.

a. **Application No. 6-96-158 (San Ysidro L.L.C., San Diego)** Staff recommended approval with special condition.

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

4. **CONSENT CALENDAR.** See items a. and b. on page 15 of the agenda. Staff recommended approval with special conditions.

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

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5. LOCAL COASTAL PROGRAMS (LCPs).

a. **Coronado LCP Amendment No. 2-96 (various city-wide regulations).** Staff recommended approval with suggested modifications as modified in addendum.

Ed Kleeman, representing City of Coronado, requested to speak both in favor of and opposition to staff recommendation.

Motion & Vote on Plan as Submitted: Wan moved approval of land use plan amendment as submitted, seconded by Flemming, and Vice Chairman Giacomini substituted the previous roll call vote (8-0). **Passed.**

Motion & Vote to Reject Implementation: Wan moved to reject implementation amendment as submitted, seconded by Flemming, and Vice Chairman Giacomini substituted the previous roll call vote (8-0). **Passed.**

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

b. **Carlsbad LCP Amendment No. 3-96 (grading and erosion control).** Withdrawn.

STATEWIDE

6. **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.

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7. FEDERAL CONSISTENCY.

- a. **CD-114-96 (EPA, Los Angeles Co.)** Staff recommended approval.

Allan Ota, representing U.S. Environmental Protection Agency, requested to answer questions. Sherman L. Stacey, representing Port of L.A., requested to speak in favor of the staff recommendation.

Motion & Vote: Flemming moved staff recommendation, seconded by Cava, and Vice Chairman Giacomini substituted the previous roll call vote (8-0). **Passed.**

- b. **CC-125-96 (Port of Los Angeles)** Staff recommended approval.

Sherman L. Stacey, representing Port of L.A., requested to speak in favor of the staff recommendation.

Motion & Vote: Campbell moved staff recommendation, seconded by Cava, and Vice Chairman Giacomini substituted the previous roll call vote (8-0). **Passed.**

- c. **CC-147-96 (Corps of Engineers, statewide)** Staff recommended objection.

Motion & Vote: There being no speakers, Wan moved approval, seconded by Cava, and the roll call vote was 0 in favor and 8 opposed. **Failed.**

- d. **CD-150-96 (Fish & Wildlife Service, San Diego)** Staff recommended approval.

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

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e. **CD-2-97 (Corps of Engineers, Port of Los Angeles)** Staff recommended approval.

Ruth Villalobos, representing U.S. Army Corps of Engineers, signed up to answer questions. Sherman L. Stacey, representing Port of L.A., requested to speak in favor of the staff recommendation.

Motion & Vote: Staffel moved staff recommendation, seconded by Fowler, and Vice Chairman Giacomini substituted the previous roll call vote (8-0). **Passed.**

ADJOURNMENT. There being no old or new business, the meeting adjourned at 9:45 a.m.

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

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