

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

VOICE AND TDD (415) 904-5200

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TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: **MINUTES OF MEETING OF OCTOBER 13-16, 1998**
City Council Chambers
300 North Coast Highway
Oceanside

Tuesday, October 13, 1998 pages 1 to 12

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Tuesday, October 13, 1998, at 10:00 a.m. by Chairman Areias.
2. **ROLL CALL.** Present: Chairman Areias, Vice Chairman Wan, Commissioners Allen, Armanasco, Brennan, Dettloff, Flemming, Holanda, (Alternate) Johnson, (Alternate) Rose, and Tuttle. Absent: Branham and Potter. Sanders arrived at 11:00 a.m. Nava arrived at 11:45 a.m..

SOUTH COAST DISTRICT

3. ADMINISTRATIVE PERMIT APPLICATION.

a. **Application No. 5-98-312 (WMC, Newport Beach)** Staff recommended approval with special condition.

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

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

(g) Tomas Osinski, representing Loyola Marymount University, submitted a request to speak in favor of the project.

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

SOUTH CENTRAL COAST DISTRICT

5. ADMINISTRATIVE PERMIT APPLICATION.

a. **Application No. 4-98-210 (Armstrong, Malibu)** Staff recommended approval with conditions.

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

6. **CONSENT CALENDAR.** See items a. through l. on pages 4-5 of the agenda. Item c. was postponed. Staff recommended approval with special conditions on the remainder of the Calendar.

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

STATEWIDE

7. **APPROVAL OF MINUTES.** The minutes of November 1995 were unanimously approved as written. The minutes of September 1998 were unanimously approved with corrections.

8. **COMMISSIONERS' REPORTS.** Informational only.

9. **CONSERVANCY REPORT.** Informational only.

10. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** Informational only.

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

12. **EXECUTIVE DIRECTOR'S REPORT.**

a. **LCP Planning Grant.** Trailed until Friday. On Friday staff recommended approval with conditions.

Motion & Vote: Flemming moved staff recommendation, seconded by Johnson, and the hand vote was 7 in favor and 0 opposed. **Passed.**

b. **LCP Status.** Informational only.

SOUTH COAST DISTRICT

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

14. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 6 items (17a, b, c, d, f & l) to the Calendar, and recommended approval with special conditions.

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

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

a. **Long Beach LCP Amendment No. 2-98B (Marina Shores).** Staff recommended approval with suggested modifications.

Jack Humphrey, representing City of Long Beach, submitted a request to speak in opposition to the staff recommendation. Joel Miller, representing Psomas & Associates, submitted a request to speak in opposition to the staff recommendation. Daniel Selleck, representing Selleck Development Group, submitted a request to speak in favor of the project. Roger Grable, representing Bryant Owners, submitted a request to speak in opposition to the staff recommendation. Stephanie Scher, representing Bixby Ranch Co., submitted a request to speak in opposition to the staff recommendation. Doug Kortof submitted a request to speak in opposition to the project. Ann Cantrell, representing El Dorado Audubon & Los Cerritos Wetland Taskforce, submitted a request to speak in opposition to the project. Ann Denison,

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representing Los Cerritos Wetland Taskforce, submitted a request to speak in opposition to the project.

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

Motion & Vote on Plan with Modifications: Dettloff moved approval of the Land Use Plan Amendment with suggested modifications, seconded by Tuttle, and the roll call vote was 10 in favor and 0 opposed. **Passed.**

Motion & Vote to Reject Implementation: Dettloff moved to reject the implementation amendment as submitted, seconded by Tuttle, and Chairman Areias substituted the previous roll call vote (10-0). **Passed.**

Motion & Vote on Implementation with Modifications: Dettloff moved approval of the implementation with suggested modifications, seconded by Tuttle, and Chairman Areias substituted the previous roll call vote (10-0). **Passed.**

b. **Long Beach Port Plan Amendment No. 12.** Staff recommended approval.

Gordon Palmer, representing Port of Long Beach, submitted a request to speak in favor of the staff recommendation.

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

16. NEW APPEALS.

a. **Appeal No. A-5-98-222 (EMC/Snyder, Los Angeles)** **Postponed.**

b. **Appeal No. A-5-98-336 (Selleck, Long Beach)** Staff recommended that the appeal raised substantial issue. There being no objection Chairman Areias ruled that the Commission **found substantial issue** and opened the hearing on the merits of the project. Staff recommended approval with special conditions.

Daniel F. Selleck, representing applicant, submitted a request to speak in favor of the project. Dave Neish, representing applicant, submitted a request to speak in favor of the project. Joel Miller, representing Psomas & Assoc., submitted a request to speak in favor of the project. Jack Humphrey, representing City of Long Beach, submitted a request to speak in favor of the staff recommendation. Ann Cantrell, representing El

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Dorado Audubon & Los Cerritos Wetlands Taskforce, submitted a request to speak in opposition to the project. Ann Denison, representing Los Cerritos Wetlands Task Force, submitted a request to speak in opposition to the project. Stephanie Scher, representing Bixby Ranch Co., submitted a request to speak about concerns. Roger Grable, representing Bryant Owners, submitted a request to state concerns. Don May spoke in opposition to the project.

PUBLIC STATEMENTS. Doug Kortoff spoke about Hellman Ranch. Norm Haynie spoke.

LUNCH RECESS. The Commission recessed for lunch at 12:30 and reconvened at 1:25 p.m.

Motion & Vote: Dettloff moved staff recommendation, seconded by Tuttle, and the roll call vote was 7 in favor and 3 opposed (Allen, Armanasco & Flemming). **Passed.**

17. COASTAL PERMIT APPLICATIONS.

a. **Application No. 5-98-208 (Montesinos, San Clemente)** Moved to expanded Consent Calendar. **Approved.**

b. **Application No. 5-98-211 (Newport Beach dredging)** Moved to expanded Consent Calendar. **Approved.**

c. **Application No. 5-98-227 (Genovese, San Clemente)** Moved to expanded Consent Calendar. **Approved.**

d. **Application No. 5-98-251 (21 Bay Drive, Laguna Beach)** Moved to expanded Consent Calendar. **Approved.**

e. **Application No. 5-98-259 (Irvine Ranch Water Dist., Newport Beach)** Staff recommended approval with special conditions.

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

f. **Application No. 5-98-269 (Santa Monica police & fire station)** Moved to expanded Consent Calendar. **Approved.**

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g. **Application No. 5-98-281 (Three Arch Bay, Laguna Beach)** Staff recommended approval with special condition.

Laurence Wilson, representing Three Arch Bay Community Services Dist., submitted a request to speak in favor of the project. Darlene Shelley, representing Three Arch Bay Community Services District, submitted a request to speak in favor of the project.

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

h. **Application No. 5-98-282 (Shiepe, Los Angeles)** Staff recommended approval with special conditions.

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

i. **Application No. 5-98-311 (Morley Construction, Santa Monica)** **Withdrawn.**

j. **Application No. 5-98-307 (Griswold, Laguna Beach)** Staff recommended approval with special conditions as modified orally.

Charles Griswold, Valerie Griswold & James Conrad all submitted a request to speak in favor of the project.

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

k. **Application No. 5-98-345 (Gerson Bakar, Newport Beach)** Staff recommended approval with special conditions.

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

l. **Application No. 5-98-302 (Campbell, Redondo Beach)** Moved to expanded Consent Calendar. **Approved.**

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18. PERMIT AMENDMENTS.

a. **Permit No. E-82-18-A (Port of Los Angeles)** Staff recommended approval with conditions.

David Mathewson, representing Port of Los Angeles, submitted a request to speak in favor of the project.

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

b. **Permit No. 5-88-784-A2 (Lindorf, San Clemente)** Staff recommended approval.

Alan Block, representing the applicant, submitted a request to speak in favor of the project.

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

c. **Permit No. A-5-93-5-A10 (Ocean Trails, Rancho Palos Verdes)** Staff recommended approval with revisions to previous conditions.

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

d. **Permit No. 5-97-283-A2 (Long Beach yacht club expansion)** **Postponed.** Rick Hittinger submitted a request to speak in opposition to the project. Michael Spinelli submitted a request to speak in opposition to the project.

19. PERMIT EXTENSIONS.

a. **Permit No. 5-92-168-E5 (Monarch Bay, Dana Point)** Staff recommended approval.

The hearing was combined with item b below. Oliver Cable, representing Monarch Bay Resort, submitted a request to speak in favor of the project.

There being no objection Chairman Areias ruled that the extension was **approved.**

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b. **Permit No. 5-92-186-E5 (Monarch Bay, Dana Point)** Staff recommended approval.

The hearing was combined with item a above.

There being no objection Chairman Areias ruled that the extension was **approved**.

c. **Permit No. 5-92-188-E5 (Monarch Bay, Dana Point)** **Postponed**.

d. **Permit No. 5-94-74-E3 (Venice Sr. Housing, Los Angeles)** Staff recommended approval.

Paul A. Novak, AICP, representing Venice Senior Housing Corp., submitted a request to speak in favor of the project. James E. Clemons, Esq., representing Navy St. Estates Homeowners Association, submitted a request to speak in opposition to the project. Dr Rosemary Hake, expert witness for Navy St. Estates Homeowners Association, submitted a request to speak in opposition to the project.

There being no objection Chairman Areias ruled that the extension was **approved**.

e. **Permit No. 5-95-29-E2 (Secor, San Clemente)** Staff recommended approval.

There being no objection Chairman Areias ruled that the extension was **approved**.

20. FINDINGS.

a. **Application No. 5-98-54 (Irvine Company, Newport Beach)** Staff recommended approval of findings.

Motion & Vote: Allen moved staff recommendation, seconded by Wan, and the hand vote was 7 in favor and 0 opposed. **Passed**.

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b. **Application No. 5-98-120 (Irvine Company, Newport Beach)** Staff recommended approval of findings.

Motion & Vote: Armanasco moved staff recommendation, seconded by Rose, and the hand vote was 7 in favor and 0 opposed. **Passed.**

SOUTH CENTRAL COAST DISTRICT

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

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

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

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

a. **Carpinteria LCP Amendment No. 1-98.** Staff recommended extension of the time limit for action.

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

b. **Port Hueneme LCP amendment 1-98 (Update).** Staff recommended approval with suggested modifications.

Greg Brown, representing City of Port Hueneme, submitted a request to speak in favor of the staff recommendation.

Motion & Vote on Plan as Submitted: Flemming moved approval of the Land Use Plan Amendment as submitted, seconded by Allen, and the roll call vote was 0 in favor and 8 opposed. **Failed.**

Motion & Vote on Plan with Modifications: Flemming moved approval of the Land Use Plan Amendment with suggested modifications, seconded by Allen, and the roll call vote was 9 in favor and 0 opposed. **Passed.**

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

Motion & Vote on Implementation with Modifications: Flemming moved approval of the implementation with suggested modifications, seconded by Allen, and the roll call vote was 9 in favor and 0 opposed. **Passed.**

24. NEW APPEAL.

a. **Appeal No. A-4-98-225 (Breakers Way Property Owners, Ventura Co.)**
Postponed.

25. COASTAL PERMIT APPLICATIONS.

a. **Application No. 4-97-209 (Wonnacott, Malibu)** Staff recommended approval with special conditions.

Carl Volante, representing the applicants, submitted a request to speak in favor of the project.

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

Allen left before the following item.

b. **Application No. 4-97-233 (Reif, Malibu)** Staff recommended denial.

Rosalind Nelson, representing the applicant, spoke in favor of the project.

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

Rose left during the following item.

c. **Application No. 4-98-136 (Armstrong, Malibu)** Staff recommended approval with special conditions.

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

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Motion & Vote: Flemming moved staff recommendation, seconded by Johnson, and the roll call vote was 7 in favor, 0 opposed and 1 abstention (Wan). **Passed.**

d. **Application No. 4-98-199 (West Pointe Homes, Malibu)** Staff recommended approval with special conditions.

Two speakers representing the applicant submitted requests to speak in favor of the project: Don Schmitz and James Rasmussen. Four speakers submitted requests to state concerns about the project: Melinda Backer, representing Monte Nido Valley Community Association; Yehuda Netanel; Gary Bardovl and Les Hardie.

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

e. **Application No. 4-98-186 (Leidner, Malibu)** **Postponed.**

26. PERMIT AMENDMENTS.

a. **Permit No. 5-88-794-A (Kelly, Malibu)** **Postponed.**

b. **Permit No. 5-90-246-A (Gilliland, Malibu)** **Postponed.**

c. **Permit No. 4-95-34-A (West Pointe Homes, Malibu)** Staff recommended approval.

James Rasmussen, representing West Pointe Homes, submitted a request to speak in favor of the project. Don Schmitz, representing West Pointe Homes, submitted a request to speak in favor of the project.

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

d. **Permit No. 4-97-222-A (Call & Rider, Los Angeles Co.)** Staff recommended approval.

Doug & Polly Badt submitted a request to speak in opposition to the project. Sherman Stacey, representing Polly Badt, submitted a request to speak in opposition to the project.

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Motion: Wan moved staff recommendation, seconded by Flemming.

Amending Motion & Vote: Wan moved to add a condition regarding replacement of the wall, seconded by Flemming, and the roll call vote was 8 in favor and 0 opposed. **Passed.**

Vote on Main Motion: Chairman Areias substituted the previous roll call vote (8-0) for approval of the main motion as amended above. **Passed.**

ENERGY and OCEAN RESOURCES

Nava left before the following items.

27. ENERGY & OCEAN RESOURCES REPORT.

a. **Unocal's Guadalupe Oil Field Spill Remediation Project.** Informational only. Bill Sharrer, representing Unocal, submitted a request to speak.

b. **Status Report on Unocal Avila Beach Project.** Informational only.

RECESS. The Commission recessed for the day at 4:00 p.m..

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Wednesday, October 14, 1998 pages 13 to 18

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, October 14, 1998, at 9:05 a.m. by Chairman Areias.
2. **ROLL CALL.** Present: Chairman Areias, Vice Chairman Wan, Commissioners Armanasco, Dettloff, Flemming, Holanda, (Alternate) Johnson, Nava, Potter, Reilly, Sanders and Tuttle. Absent: Branham. Brennan arrived at 9:30, and Allen arrived at 10:45 a.m.. Sanders left at 10:45 a.m..

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3. **BOLSA CHICA WETLANDS BRIEFING.** Informational only. Tom Mathews, representing County of Orange, submitted a request to speak. David Carlberg, representing Amigos de Bolsa Chica, submitted a request to speak. Dan Hammer, representing U.S. Senator Barbara Boxer, submitted a request to speak on Federal funding for appraisal. Kenneth Smith, representing Orange County Public Facilities & Resources, submitted a request to speak.

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.

a. **Status of Unocal's Oil Spill Remediation Projects.** Presented as item 27 on Tuesday.

5. **COASTAL PERMIT APPLICATION.**

a. **Application E-98-15 (Pratte Surfing Reef, El Segundo)** Staff recommended approval with special conditions.

Dr Pierce Flynn, representing Surfrider Foundation, submitted a request to speak in favor of the project. David Skelly, representing Surfrider, submitted a request to speak in favor of the project.

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

6. PERMIT AMENDMENT.

a. **Permit No. 6-81-330-A3 (SCE, SONGS, San Diego Co.)** Staff recommended approval with revisions to prior conditions.

Frank Melone, representing Southern California Edison, submitted a request to speak in favor of the project. Mike Hertel, representing San Onofre owners & Southern Cal Edison, submitted a request to speak in favor of the project. Supervisor Pam Slater, representing San Dieguito River Park JPA, submitted a request to speak in favor of the project.

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

CENTRAL COAST DISTRICT

7. **DEPUTY DIRECTOR'S REPORT.** District Manager Lester reported on matters not requiring public hearings, and on comments from the public.

a. **Santa Cruz Co. LCP Amendment No. 1-98 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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8. NEW APPEAL.

a. **Appeal No. A-3-98-49 (Cliffs Hotel riprap, Pismo Beach)** Staff recommended that the appeal raised substantial issue. There being no objection Chairman Areias ruled that the Commission **found substantial issue** and opened the hearing on the merits of the project.

Sherman Stacey, representing applicant, submitted a request to speak in favor of the project. Chad Nelsen, representing Surfrider Foundation - SLO Chapter, submitted a request to speak in opposition to the project.

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

9. COASTAL PERMIT APPLICATION.

a. **Appeal No. A-3-98-25 (Scoggins, San Luis Obispo Co.)** Staff recommended approval with special conditions.

Five speakers submitted requests to speak in opposition to the project: Sarah Christie, representing Sup. Bud Laurent, SLO County; Kat McConnell; Gordon Heasley, Member of Los Osos Community Advisory Committee; Jim Dudley and John Maino.

Motion & Vote: Nava moved staff recommendation, seconded by Potter, and the roll call vote was 2 in favor (Flemming & Areias) and 9 opposed. **Failed.**

REPORT of CLOSED SESSION. In closed session the Commission took action on Witter and Richardson v. CCC et al., and discussed two other matters for information only.

LUNCH RECESS. The Commission recessed for lunch after closed session at 12:10 and reconvened at 1:00 p.m..

PUBLIC STATEMENTS. Howard Zelefsky, representing City of Huntington Beach spoke. Ellen Stern Harris, representing Fund for the Environment, spoke. Susan Jordan, representing LCP, spoke. Kat McConnell, representing North Coast Advisory Council, and Sarah Christie, representing Sup. Bud Laurent - San Luis Obispo County, both submitted requests to speak to request periodic review. Jo Ellen Butler, representing Friends of the Ranchland, submitted a request to speak to agendize request for periodic review of NCAP of San Luis Obispo LCP. Gerald Urner, representing Huntington Harbour Property Owners Assn., submitted a request to speak about upcoming applications. Dr Mendel Bocknek submitted a request to speak about leasing of public parkland. Wally Stevens submitted a request to speak about lease of beach parkland by City of Oceanside. William Hart, representing de rail the trail,

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submitted a request to speak about enforcement action regarding Orange County Transit Authority. Doug Kortof, representing Save the Wetlands, spoke about appeal to Hellman decision.

Motion & Vote: Nava moved to direct staff to schedule consideration of a periodic review of the San Luis Obispo Co. LCP in November, seconded by Wan, and the hand vote was unanimous. **Passed.**

10. PERMIT AMENDMENTS.

a. **Permit No. 4-83-490-A (Tokyo Masuiwaya, Pismo Beach) Postponed.**

b. **Permit No. 3-90-41-A3 (Capitola, Santa Cruz Co.) Postponed.**

11. PERMIT EXTENSION.

a. **Permit No. A-3-96-8-E (McKenzie, San Mateo Co.)** Staff recommended approval.

Kathleen McKenzie submitted a request to speak in favor of the project.

There being only 1 objection Chairman Areias ruled that the extension was **approved.**

12. FINDINGS.

a. **Permit No. A-3-96-8-A (McKenzie, San Mateo Co.)** Staff recommended approval of findings as modified in addendum.

Motion & Vote: Allen moved staff recommendation, seconded by Johnson, and the hand vote was 4 in favor and 0 opposed. **Passed.**

SOUTH COAST DISTRICT

13. LOCAL COASTAL PROGRAM (LCP).

a. **Newport Beach Plan Amendment No. 1-98 (Via Lido & West Balboa Blvd.).** Staff recommended approval.

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

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

14. COASTAL PERMIT APPLICATIONS.

a. **Application No. 5-98-149 (Pratt, Newport Beach)** Staff recommended approval with special conditions.

Fred Pratt spoke in favor of the project. Bill Pratt, representing Bay Shores Inn, spoke in favor of the project. Dr Patricia Frostholt spoke in opposition to the project.

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

b. **Application No. 5-98-183 (Lido Investment, Newport Beach)** Staff recommended approval with conditions.

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

c. **Application No. 5-98-164 (Playa Capital, Los Angeles)** Staff recommended approval with special conditions.

Robert Miller and Jeff Altschul, both representing the applicant, submitted requests to speak in favor of the project. Robert Dorame, representing Gabrielino Stongva -Indians of Ca., submitted a request to speak in favor of the project. Rex Frankel, representing Save All of Ballona, submitted a request to speak in opposition to the project. Marco Gonzalez, representing Wetlands Action Network, submitted a request to speak in opposition to the project. Ellen Stern Harris, representing Fund for

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the Environment, CALPIRG, Wetlands Action Network, Ballona Valley Preservation League, submitted a request to speak in opposition to the project. Randall Hartman submitted a request to speak in opposition to the project. Douglas Kortof, representing Save the Wetlands, submitted a request to speak in opposition to the project. Peter Morgan submitted a request to speak in opposition to the project.

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

RECESS. The Commission recessed for the day at 3:45 p.m..

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Thursday, October 15, 1998 - pages 19 to 26

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, October 15, 1998, at 9:00 a.m. by Chairman Areias.
2. **ROLL CALL.** Present: Chairman Areias, Vice Chairman Wan, Commissioners Allen, (Alternate) Lowenthal, Flemming, Holanda & Oliver, Kehoe, Reilly and Tuttle. Absent: Branham and Sanders. (Alternate) Brothers & Nava arrived at 9:05. Potter arrived at 9:10, and Brennan arrived at 9:20 a.m..

SAN DIEGO COAST DISTRICT

3. **CONSENT CALENDAR.** See items a. through d. on page 15 of the agenda. Staff recommended approval with special conditions.

(d) Stephanie Dall, representing City of National City, submitted a request to speak in favor of the project.

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

STATEWIDE

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

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5. FEDERAL CONSISTENCY.

a. **CC-84-98 (Port of Long Beach, Los Angeles Co.)** Staff recommended approval.

Gordon Parker, representing Port of Long Beach, submitted a request to speak in favor of the staff recommendation.

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

b. **CD-94-98 (Corps of Engineers, Long Beach)** **Postponed.**

c. **CD-109-98 (Navy, San Diego Co.)** **Postponed.**

d. **CC-119-98 (Corps of Engineers, southern California)** Staff recommended approval.

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

6. FINDINGS.

a. **CD-80-98 (Corps of Engineers, Crescent City)** Staff recommended approval of findings.

Motion & Vote: Allen moved staff recommendation, seconded by Wan, and the hand vote was 6 in favor and 0 opposed. **Passed.**

b. **CD-93-98 (Corps of Engineers, Newport Beach)** Staff recommended approval of findings.

Motion & Vote: Flemming moved staff recommendation, seconded by Wan, and the roll hand was 6 in favor and 0 opposed. **Passed.**

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SAN DIEGO COAST DISTRICT

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

8. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 4 items (11a, b, c & e) to the Calendar, and recommended approval with special conditions.

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

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

a. **San Diego Plan Amendment No. 1-98A (MSCP).** The City requested and staff recommended that the hearing be continued.

The hearing was combined with items b & c below. Karen Scarborough, submitted a request to speak representing Mayor Susan Golding. Gary Debusschere, representing Councilmember Judy McCarty, Chair of Land Use & Housing Committee, City of San Diego, submitted a request to speak on general issues. Scott Tillson, representing Councilmen Harry Mathis, City of San Diego, submitted a request to speak about issues review. Stephen Haase, Linda Johnson & Prescilla Dugard, all representing City of San Diego, submitted a request to speak in support of continuing discussions and to present code issues. Carolyn Chase representing Sierra Club, submitted a request to speak in favor of the staff recommendation. Joan Jackson, representing League for Coastal Protection, submitted a request to speak in opposition to the project. Jim Peugh, representing San Diego Audubon, submitted a request to speak.

Sgt. Gary Mitrovich, representing San Diego Police Historical Association, submitted a request to speak in opposition to the staff recommendation. Philip Zeubisch, Libertarian, submitted a request to speak in opposition to the staff recommendation. Jim Whalen, representing Alliance for Habitat Conservation, submitted a request to speak in opposition to the staff recommendation. John Ziebarth, AIA, submitted a request to speak in opposition to the staff recommendation. Joanne Pearson, representing Sierra Club, submitted a request to speak in favor of the staff recommendation. Michael Beck, Endangered Habitats League, submitted a request to speak. Allison Rolfe, representing Southwest Center for Biological Div., submitted a request to speak in favor of the staff recommendation. Eric Bowlby, representing San Diego County Surfrider Foundation, submitted a request to speak in favor of the staff recommendation with some additions & modifications. Norma J. Rink submitted a request to speak in favor of the staff recommendation. Donna Frye,

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representing S.T.O.P., submitted a request to speak in favor of the staff recommendation. Mary Ann McCarthy, representing Senator Dede Alpert & Assemblyman Howard Wayne, submitted a request to speak in favor of postponement. Wayne Rafflesberger submitted a request to speak in opposition to the staff recommendation. David Steinmetz submitted a request to speak in opposition to the staff recommendation. Isabelle Kay, representing University of California Natural Reserve System, submitted a request to speak in opposition to the project. Mitchell Lizar, representing Community Planners Committee, submitted a request to speak in favor of the staff recommendation. Martin Mosier, representing La Jolla Town Council, submitted a request to speak in favor of the staff recommendation.

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

b. **San Diego LCP Amendment No. 1-98B (Land Development Code).** The hearing was combined with items a & c, and **continued.**

c. **San Diego LCP Amendment No. 2-98C (LDC).** The hearing was combined with items a & b above, and **continued.**

d. **San Diego Port Plan Amendment No. 26 (South Embarcadero Redevelopment).** Staff recommended approval.

Dan Wilkens, Senior Director, Port of San Diego, submitted a request to speak in favor of the staff recommendation. Greg Cox, Chairman, San Diego Board of Supervisors, submitted a request to speak. David Malcolm, Chairman, Port of San Diego, submitted a request to speak in favor of the staff recommendation. Karen Scarborough, representing Mayor Susan Golding, submitted a request to speak in favor of the staff recommendation. Kip Howard, representing Harbor Venture LLC, submitted a request to speak in favor of the staff recommendation. Marlene A. Fox, Attorney for Cityfront Terrace, submitted a request to speak in opposition to the staff recommendation. David Swarens, representing Save Our Heritage Org. (S.O.H.O.), submitted a request to speak in opposition to the staff recommendation. Vonn Marie May submitted a request to speak in opposition to the staff recommendation. Thomas Mauriello, Counsel for Police Historical Assn., submitted a request to speak in opposition to the staff recommendation. Doug English, representing San Diego Police

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Historical Association, submitted a request to speak in opposition to the staff recommendation. Brett Schaffter submitted a request to speak in favor of the staff recommendation.

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

e. **San Diego Port Boundary Adjustment.** Staff recommended approval.

Dan Wilkens, Senior Director, Port of San Diego, submitted a request to speak in favor of the staff recommendation.

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

f. **Imperial Beach LCP Amendment No. 1-98 (Miscellaneous rezones)** Staff recommended approval.

Motion & Vote to Reject Implementation: Kehoe moved to reject the implementation amendment as submitted, seconded by Allen, and the roll call vote was 0 in favor and 11 opposed. The motion failed so the amendment was **approved.**

g. **Imperial Beach LCP Amendment No. 2-98 (Scott)** Staff recommended approval.

Motion & Vote to Reject Implementation: Kehoe moved to reject the implementation amendment as submitted, seconded by Allen, and the roll call vote was 0 in favor and 11 opposed. The motion failed so the amendment was **approved.**

h. **National City LCP Amendment No. 1-98A (Technical Revisions).** Staff recommended approval with suggested modifications as modified in addendum and orally.

George Waters, Mayor of National City, submitted a request to speak in favor of the staff recommendation. Paul Desrochers, Exec. Dir. National City Community Development Commission, submitted a request to speak in favor of the staff recommendation. Stephanie Dall, representing National City, submitted a request to speak in favor of the staff recommendation. Dan Wilkins, representing Port of S.D., submitted a request to speak.

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

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

10. NEW APPEALS.

a. **Appeal No. A-6-98-109 (West Village Center, Encinitas) Postponed.**

b. **Appeal No. A-6-98-111 (ZDI, Oceanside)** Staff recommended that the appeal raised no substantial issue.

Louis Taschner, the appellant, submitted a request to speak in opposition to the project. Shan Bobick, representing City of Oceanside, submitted a request to speak in favor of the project.

Motion & Vote on No Substantial Issue: Allen moved staff recommendation, seconded by Flemming, and the roll call vote was 8 in favor and 0 opposed. **Passed.**

11. COASTAL PERMIT APPLICATIONS.

a. **Application No. 6-97-164 (Lingenfelder, Solana Beach)** Moved to expanded Consent Calendar. **Approved.**

b. **Application No. 6-98-25 (Stroben, Solana Beach)** Moved to expanded Consent Calendar. **Approved.**

c. **Application No. 6-98-29 (Bennett, Solana Beach)** Moved to expanded Consent Calendar. **Approved.**

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d. **Application No. 6-98-96 (RSF Custom, San Diego Co.)** Staff recommended approval with special conditions.

C. Samuel Blick, representing Mr & Mrs Marquardt, submitted a request to speak in favor of the project.

Motion & Vote: Allen moved staff recommendation, seconded by Kehoe, and the roll call vote was 9 in favor and 2 opposed (Nava & Wan). **Passed.**

e. **Application No. 6-98-100 (Rosengarten, Del Mar)** Moved to expanded Consent Calendar. **Approved.**

f. **Application No. 6-98-103 (Oceanside street replacement)** **Postponed.**

12. PERMIT AMENDMENT.

a. **Permit No. 6-97-11-A (Carlsbad, Cannon Rd. grading)** Staff recommended approval with special condition.

Douglas Gettinger, representing Ogden Environmental, submitted a request to speak in favor of the project. David Turner, representing Agua Hedionda Lagoon Foundation, submitted a request to speak in favor of the project. Richard Allen, representing City of Carlsbad, submitted a request to speak in favor of the project.

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

13. FINDINGS.

a. **Application No. 6-96-159 (Cade, Carlsbad)** Staff recommended approval of findings.

Thomas Jones, representing the applicant, submitted a request to speak in favor of the project. David Turner, representing Agua Hedionda Lagoon Foundation & Bristol Cove HOA, submitted a request to speak about concerns.

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

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PUBLIC STATEMENTS. Carolyn Krammer, representing the Citizens for the Preservation of Parks & Beaches, submitted a request to speak. Shelley Hayes Caron submitted a request to speak.

RECESS. The Commission recessed for the day at 1:55 p.m..

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Friday, October 16, 1998 - pages 27 to 29

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Friday, October 16, 1998, at 9:00 a.m. by Chairman Areias.
2. **ROLL CALL.** Present: Chairman Areias, Vice Chairman Wan, Commissioners Allen, (Alternate) Brothers, Flemming, (Alternate) Johnson, Reilly and Tuttle. Absent: Branham, Brennan, Dettloff, Holanda, Nava, Potter and Sanders.

NORTH COAST DISTRICT

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

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

(6a) Walt Lander submitted a request to speak in favor of the project.

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

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

a. **Humboldt Co. LCP Amendment No. 1-98 (Redwood Care Homes).** Staff recommended approval.

Motion & Vote on Plan as Submitted: Flemming moved approval of the Land Use Plan Amendment as submitted, seconded by Tuttle, and the roll call vote was 8 in favor and 0 opposed. **Passed.**

Motion & Vote to Reject Implementation: Flemming moved to reject the implementation amendment as submitted, seconded by Tuttle, and the roll call vote was 0 in favor and 8 opposed. The motion failed so the amendment was **approved.**

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6. COASTAL PERMIT APPLICATIONS.

a. **Application No. 1-98-45 (Lander, Sonoma Co.)** Moved to expanded Consent Calendar. **Approved.**

b. **Application No. 1-98-67 (Eureka & BLM, Humboldt Co.)** Staff recommended approval with special conditions.

Joel Canzoneri, representing City of Eureka, spoke in favor of the project. Don Klusman, representing CA4WDC/CORVA, submitted a request to speak in favor of the project.

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

7. PERMIT AMENDMENT.

a. **Permit No. 1-94-6-A (Canevari Timber, Humboldt Co.)** Moved to expanded Consent Calendar. **Approved.**

8. FINDINGS.

a. **Appeal No. A-1-97-46 (Riley, Mendocino Co.)** Staff recommended approval of findings as modified orally.

Motion & Vote: Flemming moved staff recommendation, seconded by Allen, and the hand vote was 6 in favor and 0 opposed. **Passed.**

b. **Permit No. A-1-98-17-A (Perry & Smith, Fort Bragg)** Staff recommended approval of findings.

Motion & Vote: Reilly moved staff recommendation, seconded by Flemming, and the hand vote was 4 in favor and 0 opposed. **Passed.**

c. **Mendocino Co. LCP Amendment No. 1-98.** Staff recommended approval of findings.

Julie Verran spoke about her concerns.

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

9. EXECUTIVE DIRECTOR'S REPORT.

a. **Interagency Agreement with Caltrans.** Staff recommended approval.

Motion & Vote: Flemming moved staff recommendation, seconded by Johnson, and the hand vote was 7 in favor and 0 opposed. **Passed.**

ADJOURNMENT. There being no old or new business, the meeting adjourned at 10:05 a.m.

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

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