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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 JUNE 8-11, 1998

Radisson Hotel
1111 East Cabrillo Blvd.
Santa Barbara

Monday, June 8, 1998 pages 1 to 10

1. **CALL To ORDER.** The meeting of the California Coastal Commission was called to order on Monday, June 8, 1998, at 9:10 a.m. by Chairman Areias.
2. **ROLL CALL.** Present: Chairman Areias, Vice Chairman Wan, Commissioners Allen, Armanasco, Denisoff, (Alternate) Lowenthal, Flemming, Oliver, (Alternate) Johnson, Nava, Potter, (Alternate) Rose, Staffel and (Alternate) Hickox. Absent: Brennan and Sanders.

CENTRAL COAST DISTRICT3. **ADMINISTRATIVE PERMIT APPLICATION.**

- a. Application No. 3-98-48 (Seaside, Santa Cruz) Postponed.

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STATEWIDE

4. **APPROVAL OF MINUTES.** Wan moved approval of the minutes of April 1998, seconded by Allen, and unanimously approved. Wan moved approval of the minutes of May 1998, seconded by Allen, and unanimously approved. Wan moved approval of the minutes of September 1996, seconded by Flemming, and unanimously **approved**.
5. **COMMISSIONERS' REPORTS.** Informational only.
6. **CONSERVANCY REPORT.** None.
7. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
8. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational only.
9. **EXECUTIVE DIRECTOR'S REPORT.**

a. **LCP Planning Grants.** Staff recommended funding allocations as modified in addendums and orally. Item 4 (City of Malibu work program & grant) was postponed.

(1) George Malone, representing Los Angeles Co. Dept. of Regional Planning, submitted a request to speak in favor of the staff recommendation. (4) Craig Ewing, planning director for City of Malibu, submitted a request to speak to answer questions.

Motion & Vote: Johnson moved staff recommendation, seconded by Allen, and the roll call vote was unanimous. **Passed.**

b. **1999 Schedule** of Meeting Dates & Locations. Mark Massara, representing Sierra Club, submitted a request to speak in opposition to the staff recommendation. **Postponed.**

c. **Legislation.** None.

d. **Ocean Conference.** Trained until Tuesday. On Tuesday, staff recommended adoption of a resolution.

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

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10. **PERMIT REGULATIONS.** Staff recommended approval of certain revisions to Chapters 5 & 6 of the regulations as modified in addendum.

Norbert Dall submitted a request to speak. Mark A. Massara, representing Sierra Club Coastal Program, submitted a request to speak about concerns.

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

STATEWIDE

11. **FEDERAL CONSISTENCY REPORT.** Program Manager Fuchs reported on Negative Determinations issued by the federal consistency staff, and status of major non-energy federal consistency matters. Lee Quaintence, representing The Beacon Foundation, and Vickie Finan, representing Channel Islands Beach Community Services District, submitted requests to speak in favor of the staff recommendation and spoke about scheduling.

12. **FEDERAL CONSISTENCY.**

a. **CD-6-98 (Air Force, Santa Barbara Co.) Postponed.**

b. **CC-42-98 (Port of Los Angeles, Orange Co.)** Staff recommended approval.

David Matthews, representing the Port, spoke in favor of the project.

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

c. **CD-45-98 (Corps of Engineers, Humboldt Co.)** Staff recommended approval.

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

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d. **CD-46-98 (Fish & Wildlife Service, San Diego)** Staff recommended approval.

Joe Monaco, representing City of Chula Vista, submitted a request to speak in favor of the staff recommendation. Mark A. Massara, representing Sierra Club Coastal Program, submitted a request to speak in favor of the staff recommendation. William Tuchscher, representing Tuchscher Development Enterprises, submitted a request to speak in favor of the staff recommendation. Laura Hunter, representing Environmental Health Coalition, submitted a request to speak in favor of the project. Jim Peugh, representing San Diego Audubon Society, submitted a request to speak in favor of the project. Patricia W. McCoy, representing Southwest Wetlands Interpretive Association, submitted a request to speak in favor of the project. Andy Ewen spoke.

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

e. **CD-56-98 (Coast Guard, Sonoma Co.)** Staff recommended approval as modified in addendum.

Jim Coté, representing Coast Guard in Alameda, spoke in favor of the recommendation.

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

PUBLIC COMMENT. Mark Massara, representing Sierra Club Coastal Program, suggested a public hearing on nuclear waste, and objected to the number of meetings proposed for southern California. Susan Jordan spoke representing League for Coastal Protection.

LUNCH RECESS. The Commission recessed for lunch at 12:00 and reconvened at 1:25 p.m..

CENTRAL COAST DISTRICT

13. **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. 3-97 (Biomedical Livestock Operations) 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.**

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

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

a. **San Luis Obispo Co. LCP Amendment No. 1-97 (North Coast Area Plan Update)**
Staff recommended extending the time limit for 3 months.

Bud Laurent, representing San Luis Obispo County-District 2, submitted a request to speak. Alex Hinds, representing San Luis Obispo County-Planning & Building Dept., submitted a request to speak representing the County. Susan Jordan, representing League for Coastal Protection, submitted a request to speak to strengthen the staff recommendation. Cleve Nash and Ken Topping, Gen. Mgr. of Cambria Community Services District, both submitted requests to speak in favor of the staff recommendation. Fifteen speakers submitted requests to speak in opposition to the staff recommendation: Kat McConnell, representing North Coast Advisory Council; Linda Krop, representing EDC; Bill Allen, representing North Coast Alliance; Betty Fiscalini, representing NCA; Wonono Rubio, representing Coastal Band Chumash Nation; Fred Collins, representing Coastal Band of Chumash Nation; Monique Sonoquie, representing the Foundation KSH; Tarren Collins; Geoffrey Land, representing Environmental Center of SLO Co.; Jeau Cook; Karen Merriam, representing Sierra Club-Santa Lucia Chapter; Pat Veesart, representing Sierra Club-Santa Lucia Chapter; Wayne Ryburn, representing Cambria Forum; Daniel Kramer; and Shirley Bianchi. Nancy Green and Arlie Green both submitted requests to speak. Mark Massara, representing Sierra Club Coastal Program, submitted a request to speak about concerns. Joan Carter, representing Sierra Club, submitted a request to speak in opposition to the extension. Eric Greening, representing Life on Planet Earth, submitted a request to speak in favor of conditions attached to time extension. Suzy Ficker, representing Cambria Legal Defense Fund, submitted a request to speak. Three speakers submitted requests to speak in opposition to the project: Louis Holden; Doug

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Buckmaster, representing Friends of the Ranchland; and Bob Bell, representing Friends of the Ranchland.

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

b. **San Luis Obispo Co. Post-LCP Jurisdiction Map #104 (Morro Bay South Quadrangle)** Staff recommended approval.

Roger Lyon submitted a request to speak in favor of the staff recommendation.

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

Denisoff left during the following item.

c. **San Luis Obispo Co. Post-LCP Jurisdiction Map #107 (Pismo Beach Quadrangle)** Staff recommended approval.

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

d. **Morro Bay LCP Amendment No. 1-97 (Water Allocation).** Shana Nauman and Bill Boucher, representing City of Morro Bay, submitted a request to answer questions. Donald J. Funk submitted a request to speak in opposition to the staff recommendation. Colby Crotzer submitted a request to speak in opposition to the project. Ned Rogoway, representing Morro Bay Beautiful Foundation, submitted a request to speak in opposition to the staff recommendation. **Postponed.**

16. NEW APPEALS.

a. **Appeal No. A-3-98-37 (Keyoto Morro Bay, Morro Bay)** Staff recommended the appeal raised no substantial issue.

Shana Nauman and Bill Boucher, representing City of Morro Bay, submitted a request to speak in favor of the project and to answer questions. Donald J. Funk submitted a request to speak in opposition to the project. Bernard "Bernie" Melvin submitted a request to speak in opposition to the staff recommendation on (d). Colby Crotzer submitted a request to speak in opposition to the staff recommendation on (d). Ned Rogoway, representing Morro Bay Beautiful, submitted a request to speak

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in opposition to the project. Victor Montgomery, representing Cloisters, submitted a request to speak in favor of the project.

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

b. **Appeal No. A-3-98-38 (Keyoto Morro Bay, Morro Bay)** Staff recommended the appeal raised no substantial issue.

The hearing was combined with item a above.

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

c. **Appeal No. A-3-98-39 (Keyoto Morro Bay, Morro Bay)** Staff recommended the appeal raised no substantial issue.

The hearing was combined with item a above.

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

d. **Appeal No. A-3-98-40 (Keyoto Morro Bay, Morro Bay)** Staff recommended the appeal raised no substantial issue.

The hearing was combined with item a above.

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

e. **Appeal No. A-3-98-41 (Keyoto Morro Bay, Morro Bay)** Staff recommended the appeal raised no substantial issue.

The hearing was combined with item a above.

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

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f. **Appeal No. A-3-98-49 (Cliffs Hotel riprap, Pismo Beach)** Staff recommended continuance.

Chairman Areias opened the hearing and **continued** it to a later meeting.

Flemming left before the following items.

17. COASTAL PERMIT APPLICATIONS.

a. **Appeal No. A-3-96-113 (Vadnais, San Luis Obispo Co.)** Trilled until after item 17b. Staff recommended approval with special conditions.

Joe Boud, representing applicant, submitted a request to speak in favor of the project. William Baker submitted a request to speak in opposition to the project. Richard Moratin submitted a request to speak concerning the project. Louis Fedor, President of Cambria Fishing Club, submitted a request to speak in opposition to the project. Suzy Ficker, founder of Cambria Legal Defense Fund, submitted a request to speak. Nine other speakers submitted requests to speak in opposition to the project: Shirley Bianchi; Gary Gwinnett, representing Citizens for Fair Land Use; Vern Kalshan, representing Cambria Legal Defense Fund; Colin O'Hara, representing Citizen Fair Land Use; Gerda Fleming; Steve Wayne; Norman Fleming, representing Citizens for Fair Land Use; Lou Holden; and Doug Buckmaster. Al Gwinnett, representing Citizen for Fair Land Use, submitted a request to speak about concerns. Five other speakers submitted requests to speak in opposition to the project: Melissa A. Riordan, Jean Cook, John Cook, Robin Wayne and Ronald Olney.

Motion & Vote: Allen moved staff recommendation, seconded by Staffel, and the roll call vote was 6 in favor (Allen, Armanasco, Lowenthal, Johnson, Potter & Staffel) and 5 opposed (Nava, Rose, Hickox, Wan & Areias). **Passed.**

b. **Appeal No. A-3-97-40 (San Luis Obispo Co. Los Osos wastewater)** Staff recommended approval with special conditions.

Russ Jeffries, Chairman of California Regional Water Quality Control Board, submitted a request to speak. Bud Laurent, representing San Luis Obispo County - District 2, submitted a request to speak. Tim Nanson, representing County of San Luis Obispo, submitted a request to speak in favor of the project. Norman Hantsche, representing Questa Engineering, submitted a request to speak. Fourteen speakers submitted requests to speak in favor of the project: Jeff Edwards, representing South Bay Property Owners; John Garnett; Ron Holland, representing South Bay Property Owners Assoc.; John Knowlton Jr; Bud Lowe; Brent Richissin; Noel Rodman; Carolyn van't Riet; Robert van't Riet; Charles W. Walker representing South Bay Property

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Owners; James B. Walker; Sharon L. Walker; Neil Watson; and Jeffrey Young, representing Williams Shellfish Farms. Vernon L. Overall submitted a request to speak in favor of the staff recommendation.

One hundred twenty three speakers submitted requests to speak in opposition to the project: Joyce Albright; Leota Andrest; Florence Appel; Al Barrow; Leah Beatty; Peter Bennett; Shirley Bianchi; Elisabeth A. Blake; Leslie Bowker; Rosemary Bowker; Dorothy Brandt; Daniel Braserma; Laree Brown; Nicholas E. Brown; Dianne Burke; Ann Calhoun; Keith Carlsgaard; Paulette Carlsgaard; Phyllis Salyer Carruthers; R. Carruthers; Jean Cavanaugh; Jerri Chadwick; Sara Christie; Betty Clark; Shirley Collom; M. Cotton; Margaret Dayspring; Elsie Deitz; Jerome L. Deitz; Louise De More; Elizabeth Dickens; James E. Dickens; Ron Dickey; Lucia Dickey; Ben Di Fatta; Helen B. Dillis; John Dilworth; Ted Dobias; Evelyn Donges; Conrad Dryant; Barbara Eddy; Ernest Eddy; Martha A. Field; Dorothy Flathers; Frank Freiler; Gail Freiler; Ron Gasten; Marian Gautier; Victor Grazier; Michael Green; G. Dale Griffith; Mary G. Griffith; Roxanna Griggs; Geof Gurley; Stan Gustafson; Larry Haight; Laird Hail; Patricia Hail; John Hamilton; Shirley Hamilton; Russel G. Hange; Martha Hansen; Audrey Hensley; Gordon Hensley; Rick Hernandez; Laura Hersey; Daniel Hill; Dorothy Holden; James F. Hunt; Faye J. Just; Virgin L. Just; Gary Karner, representing Solutions Group; George Kastner; Rick Keller; Dr. Robt. King; Judy Kopizker; Chuck Kostas; Daniel Kramer; Barbara Clark Lahey; Arlie Lepp; Curt Lint; Terry Mackenzie; Alice Mahnke; Carole Maurer; Kat McConnell; Margaret Mehring; Cayetano Moreno; Gretchen Moreno; Pandora Nash-Karner; Evelyn Newel; Harold Newel; Dorothy J. Norwood; Jeanne Preiks; Tom Peters; Sandra Price; Roger O. Prier; Paul Reynolds; Marilyn Rodacker; Dorothy Rodney; Milt Rosen; Robert Rosenthal; Nancy Ruhl; Maryellen Simkins, representing Los Osos Community Advisory Council; James M. Smith; Marie Smith; Sylvia Smith; Gayla Stein; Stan Stein; Harriet A. Stewart; Jim Stewart; Donna Strauss; Anne Tiber; Kevin Tool; Catherine Topp; Bette Tryon; Pat Veasart; Elizabeth Warren; William H. Warren; Julia Westcott; Ethel White; Robert F. Wieser; Walter G. Wulff, representing Los Olivos Homeowners Assn.; and Doris Young. Three speakers submitted requests to speak concerning the project: Juliet M. Biraro, Tom Murray, and Margareta Barking.

Motion & Vote to Continue: Nava moved to continue the hearing, seconded by Johnson, and the roll call vote was 11 in favor and 0 opposed. **Continued.**

18. PERMIT AMENDMENTS.

a. **Permit No. 4-83-680-A (Vadnais & Boud, San Luis Obispo Co.)** Staff recommended approval with special conditions.

Linda Hall submitted a request to speak. Joe Boud submitted a request to speak in favor of the project. Eleven speakers submitted a request to speak in opposition to the project: Louis Fedor, President of Cambria Fishing Club; Bill Allen, representing North Coast Alliance; Vern Kalshan, representing Cambria Legal Defense Fund; Colm

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OHara, representing Citizens for Fair Land Use; Gerda Fleming; Suzy Ficker, representing Cambria Legal Defense Fund; Steve Wayne; Norman Fleming, representing Citizens for Fair Land Use; Louis Holden; Jean Cook; and Robin Wayne.

Motion & Vote: Allen moved staff recommendation, seconded by Staffel, and Chairman Areias substituted the previous roll call vote from item 17a above(6-5). **Passed.**

Staffel left before the following item.

b. **Permit No. 3-90-111-A2 (Santa Cruz Public Works)** Staff recommended approval with special conditions.

Chris Schneider spoke representing City.

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

RECESS. The Commission recessed for the day at 8:40 p.m..

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Tuesday, June 9, 1998 pages 11 to 18

1. **CALL To ORDER.** The meeting of the California Coastal Commission was called to order on Tuesday, June 9, 1998, at 9:10 a.m. by Chairman Areias.
2. **ROLL CALL.** Present: Chairman Areias, Vice Chairman Wan, Commissioners Allen, Armanasco, Brennan, Dettloff, Flemming, Oliver, (Alternate) Johnson, Nava, (Alternate) Rose, (Alternate) Wright and (Alternate) Hickox. Absent: Branham and Sanders. Potter arrived at 9:35 a.m..

SOUTH CENTRAL COAST DISTRICT

3. ADMINISTRATIVE PERMIT APPLICATION.

a. **Application No. 4-98-116 (Schmit, Los Angeles Co.)** Staff recommended approval with conditions.

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

4. **CONSENT CALENDAR.** See items a. through j. on pages 7-8 of the agenda. items a, b & c were postponed. Staff recommended approval with special conditions as modified in addendum (4g).

(e) Alex Mertens, representing applicants, submitted a request to speak in favor of the project. (h) Ray Stroeber submitted a request to speak in favor of the project.

e. **Application No. 4-98-62 (Howe, Malibu)** There being more than 3 votes to remove it, 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 11 in favor and 0 opposed. **Passed.**

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SAN DIEGO COAST DISTRICT

5. **ADMINISTRATIVE PERMIT APPLICATIONS.** See items a. through c. on page 9 on the agenda. Staff recommended approval with special condition.

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

6. **CONSENT CALENDAR.**

a. **Application No. 6-98-37 (Bart, San Diego Co.)** Staff recommended approval with special conditions.

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

ENERGY and OCEAN RESOURCES

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

a. **MBNMS Vessel Traffic Workgroup Status.** Informational only.

b. **EPA General NPDES Permit Status.** Informational only. Robert Sollen, representing Sierra Club (Los Padres Chapter), submitted a request to speak about concerns. Wendy Motta, representing Senator Jack O'Connell, submitted a request to speak in favor of the staff recommendation.

8. **ADMINISTRATIVE PERMIT APPLICATION.**

a. **Application No. E-97-22 (Chevron, San Luis Obispo Co.)** 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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SOUTH CENTRAL COAST DISTRICT

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

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

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

a. **Port Hueneme LCP amendment 1-98 (Update).** Staff recommended that the Commission extend the time limit for action.

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

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

b. **Santa Barbara Co. LCP Amendment No. 1-98 (Implementation).** Staff recommended approval.

Lisa Plowman, representing Santa Barbara County, submitted a request to speak in favor of the staff recommendation. Linda Krop, representing EDC, submitted a request to speak in opposition to the staff recommendation.

Motion & Vote to Reject Implementation as Submitted: Nava moved to reject implementation amendment as submitted, seconded by Wright, and the roll call vote was 5 in favor (Johnson, Nava, Rose, Hickox & Wan) and 7 opposed (Allen, Armanasco, Dettloff, Flemming, Potter, Wright & Areias). **Failed.**

c. **Santa Barbara Co. LCP Amendment No. 2-97-C (Ellwood Beach) Findings.** Staff recommended approval of findings as modified orally.

John Patton, representing SB County Planning & Development Director, and Dianne Meester, both submitted requests to speak to answer questions. Three speakers submitted requests to speak in favor of the staff recommendation: Randy Fox, representing Santa Barbara Development Partnership; Cynthia Brock, representing S.B. Shores Homeowners Assoc.; and Cynthia King. Eleven speakers submitted requests to speak in opposition to the staff recommendation: Kevin Batchel; Dan Fontaine;

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Pete Hembrow; Jodie Henri; Roger Janke, representing Coalition to Preserve SB Shores as Natural Open Space; Rebecca McLean; Wanda Michalenko, representing Urban Creeks Council; George Relles; Catherine J. Walsh; Duane Walsh; and Jeff Wayco. Chris Lange submitted a request to speak concerning the project. Five speakers submitted requests to speak in opposition to the project: Eric Cardenas, representing S.B. Homeowners; Jenna Dahm; Steve Eggemeyer; Ariana S. Katovich, representing Environmental Affairs Board; and Mike Pahos. Five other speakers submitted requests to speak: Josie Anderson; Lola N. Guerra, representing S.E.S.; Linda Krop, representing EDC; David Sangster, representing Save Ellwood Shores; and Ken Taylor, representing Care about Goleta.

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

Areias left before the following items.

d. **UCSB LRDP Amendment No. 2-97.** Trained until after item 13b. Staff recommended approval with suggested modifications.

Martha Levy, representing University of Santa Barbara, submitted a request to speak in favor of the project. Susan Ayres, representing Get Oil Out, submitted a request to speak in opposition to the staff recommendation. Mark A. Massara, representing Sierra Club Coastal Program, submitted a request to speak in favor of the staff recommendation. Fifteen speakers submitted requests to speak in opposition to the project: Josie Anderson; Eric Cardenas; John Cloud; Diane Conn; Mike Fealy, representing Urban Creeks Council; Dan Fontaine; Pete Hembrow, representing Surfrider; Ariana Katovich; Lawrence Manson, representing Surfrider National Board of Directors; Jennifer Marone, representing Sierra Club Coastal Program; Wanda Michalenko, representing Urban Creeks Council; Ken Palley; Tom Phillips, representing Santa Barbara Chapter Surfrider Foundation; Brian Trautwein, representing Environmental Defense Center; and Keith Zandona, representing SB Chapter Surfrider Foundation.

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

Motion & Vote on Plan with Modifications: Nava moved approval of Plan amendment parts 1 & 3 with suggested modifications, seconded by Allen, and the roll call vote was 10 in favor and 1 opposed (Potter). **Passed.**

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e. **Santa Barbara Amendment LCP No. 3-97 (Circulation).** Staff recommended approval with suggested modifications.

Liz Casey, representing City of Santa Barbara - Planning, submitted a request to answer questions.

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

12. **NOTICE OF IMPENDING DEVELOPMENT** for University of California at Santa Barbara (UCSB) LRDP 2-97. Staff recommended approval with special conditions as modified orally.

The hearing was combined with item 11c above.

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

13. COASTAL PERMIT APPLICATIONS.

a. **Application No. 4-97-255 (Tahmasebi, Malibu)** Staff recommended approval with special conditions.

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

b. **Application No. 4-97-103 (Rust, Malibu)** Staff recommended approval with special conditions.

Five speakers representing applicant submitted requests to speak in favor of the project: Alan Block, A. Thomas Torres A.I.A, Thomas A. Zink, Kevin P. Garrity and Neal T. Jevyan.

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

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c. **Application No. 4-97-156 (U.C.S.B., Santa Barbara)** Staff recommended approval with special conditions as modified orally.

The hearing was combined with items 11c & 12 above.

Motion & Vote: Wright moved staff recommendation, seconded by Allen, and Chairman Areias substituted the previous roll call vote (10-1) from item 12. **Passed.**

d. **Application No. 4-96-187 (Sohal, Malibu)** **Postponed.**

e. **Application No. 4-94-193 (Henne, Los Angeles Co.)** **Postponed.**

14. PERMIT AMENDMENTS.

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

PUBLIC COMMENT. Jeff Haight read statement by Robert Drake, and thanked the Commission for its vote on Monarch Point. Chris Lange submitted a request to speak on the Ellwood Beach/Santa Barbara Shores comprehensive planning. Jim Kinninger, resident of Arroyo Quemada, spoke about problems with the Tajiguas landfill. Roger Janke spoke about access at Monarch Point.

LUNCH RECESS. The Commission recessed for lunch at 1:40 and reconvened at 3:30 p.m. after closed session. Areias returned and Nava left during the break.

REPORT of CLOSED SESSION. In closed session the Commission took action on a possible new case CCC v. U.S.A., Dept. of Energy.

b. **Permit No. 4-94-178-A4 (Skene, Malibu)** Staff recommended approval with special conditions.

Roxanne Skene submitted a request to speak in favor of the project.

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

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SAN DIEGO COAST DISTRICT

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

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

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

a. **Carlsbad LCP Amendment No. 1-98 A&B (Poinsettia Properties Plan and Aviara Plan).** Staff recommended approval with suggested modifications.

Adrienne Lander, representing City of Carlsbad, spoke in opposition to the staff recommendation. Douglas Avis, representing Poinsettia Properties, spoke in favor of the project. Larry Clemens, representing Aviara Land Associates, spoke in favor of the project.

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

Motion on Plan with Modifications: Allen moved approval of Land Use Plan amendment with suggested modifications.

Amending Motion & Vote (gates): Rose moved to delete time lock gates, seconded by Wan, and the roll call vote was 8 in favor (Allen, Dettloff, Flemming, Johnson, Rose, Hickox, Wan & Areias) and 2 opposed (Armanasco & Wright). **Passed.**

Amending Motion & Vote (buffer): Wan moved approval of 100 foot minimum buffer, seconded by Rose, and the roll call vote was 5 in favor (Dettloff, Rose, Hickox, Wan & Areias) and 5 opposed (Allen, Armanasco, Flemming, Johnson & Wright). **Failed.**

Vote on Plan with Modifications: The roll call vote on the main motion as amended above was 11 in favor and 0 opposed. **Passed.**

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

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

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b. **Carlsbad LCP Amendment 1-98 C Time Extension.** Staff recommended approval.

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

18. COASTAL PERMIT APPLICATION.

a. **Application No. 6-98-40 (Chapa & Gaynor, Carlsbad)** Staff recommended approval with special conditions.

William Gaynor submitted a request to speak in favor of the project.

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

19. PERMIT AMENDMENT.

a. **Permit No. 6-91-146-A2 (San Diego, retention of gates/close vehicle access)** Staff recommended approval with special conditions.

Kirk Mather and Heidi Mather, both representing Councilmember Byron Wear, submitted requests 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.**

20. FINDINGS.

a. **Application No. 6-97-11 (Carlsbad Cannon Road extension & bridge)** Postponed.

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

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Wednesday, June 10, 1998 - pages 19 to 25

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

SOUTH COAST DISTRICT

3. ADMINISTRATIVE PERMIT APPLICATION.

a. **Application No. 5-98-133 (Rojas, San Clemente)** Staff recommended approval with conditions.

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

4. **CONSENT CALENDAR.** See items a. through e. on page 14 of the agenda. Staff recommended approval with special conditions.

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

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

6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved seven items (9d, 9h, 9i, 9k, 9m, 9n & 10a) to the Calendar, and recommended approval with special conditions.

(9h) Rava Makarem submitted a request to speak in favor of the project. (9m) Dennis Eschen, representing City of Long Beach, submitted a request to speak in favor of the project.

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

7. LOCAL COASTAL PROGRAMS (LCPs).

a. **Port of Los Angeles Plan Amendment No. 19.** Staff recommended approval.

Don May, representing Calif. Earth Corps, submitted a request to speak concerning the project.

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

b. **Long Beach LCP Amendment No. 1-98 (Belmont Heights).** Staff recommended approval.

Dennis Eschen, representing City of Long Beach, submitted a request to speak in favor of the project. Don May, representing California Earth Corps, submitted a request to state concerns about the project.

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

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

c. **Long Beach LCP Amendment No. 2-98A (Queensway Bay).** Staff recommended extending the time limit and postponement.

Don May, representing California Earth Corps, submitted a request to state concerns about the project.

There being no objection Chairman Areias ruled that the time limit was extended unanimously. **Postponed.**

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d. **Long Beach LCP Amendment No. 2-98B Time Extension.** Staff recommended approval.

Don May, representing California Earth Corps, submitted a request to state concerns about the project.

There being no objection Chairman Areias ruled that the time limit was extended unanimously. **Postponed.**

8. **NEW APPEAL.**

a. **Appeal No. A-5-98-141 (Gray & Trudeau, Laguna Beach)** Staff recommended the appeal raised no substantial issue.

Darrin Trudeau, representing applicants, spoke in favor of the project. Brion Jeannette, representing applicants, spoke in favor of the project. David C. Smith, representing appellants, spoke in opposition to the project.

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

9. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 5-97-366 (Fish & Game, Orange Co.)** **Postponed.**

b. **Application No. 5-97-367 (Hellman Ranch, Seal Beach)** Triled to the end of the agenda. Staff recommended approval with special conditions.

D. Dwight Worden and Clement Shute, both representing applicant, submitted requests to speak in favor of the project. Mayor Pro-Tem and Councilmembers Paul Yost, Bill Doane and Shawn Boyd all submitted requests to speak in favor of the project. Five speakers from the City of Seal Beach submitted requests to speak in favor of the project: Lee Whittenberg; Keith Till; Nancy Beard, representing Parks Recreation & Community Service; Steve Badum, representing Dept. of Public Works; and Capt Gary Maiten, representing Police Dept.. Thirty four other speakers submitted requests to speak in favor of the project: Dave Bartlett; Tony Bomkamp, representing Glenn Lukos Associates; Louise Bowers; Hellen Brown; Stephen Reg Clewley; Bill DeVitt; Thomas Dutton; Seretta Fielding; Gwen Forsythe; Ann Frambach; Marilyn Hasting; Mike Heacock, representing American Golf Corporation; Vera Hoff; Wesley Jacobson; Bill Jones; George Kaloian; Laura Keddington, representing Island Village Homeowners Assoc.; Brian Kyle; Jane McCloud; Karen Mikkelsen; Earl Northrup; Debra Pember, representing John Laing Homes; Wendi Rothman; Edward F. Russell; Gordon Shanks;

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Jerry Tone; Howard J. Umstetter; Ella B. Walton; Carla Watson, representing Seal Beach Citizens United; Perry Watson, representing Seal Beach Citizens United; Chris Webb, representing Moffatt & Nichol Engineers; Maxine R. Wells; Barbara Wright; and Lee Woolever. Mayor George Brown submitted a request to speak in favor of the project on behalf of 21 other speakers from Leisure World: Margaret Goldie, Florence Gordon, Fred Hegenberger, John R. Holloway, Marjorie Holloway, George L. Juler, M.D., Edward F. Langevin, Dona Leonard, Marianne McDonald, Matthew McDonald, Lee Naimard, Thomas E. Nelson, Millie Northrup, Harold Pfenninger, Charles Shulthies, Lydia Shulthies, Olive Speakman, Gladys Walker, William S. Walker, A. L. Wells, and Patricia Wiseman. Twenty four speakers submitted requests to speak in opposition to the project: Terry Kolpin; Connie Lester; Jim LaPointe; John Fries, representing Belmont Heights Community Association; Lillian Robles; Eugene E. Ruyle, representing Save Puvungna Coalition; Christopher Childs, representing Sierra Club; Scott Sink; Ronald Kinum; Juana Mueller; Adrea Stoker; Kathy Knight; Jack Morrow, representing Long Beach Group Sierra Club Executive Comm.; Ann Cantrell, representing El Dorado Audubon; Nancy Donaven; Eileen Murphy, representing Bolsa Chica Land Trust; Doug Korthof; Marilyn Bruce Hastings; Bruce Monroe; Walt Miller, representing Sierra Club; Susan Jordan, representing League for Coastal Protection; Elizabeth Lambe, representing Sierra Club; Tom Francis; and Terje Lie. Three speakers submitted requests to speak in favor of the staff recommendation: Marcia Hanscom, representing Wetlands Action Network; Don May, representing California Earth Corps; and Janice Dalhl, representing Los Cerritos Wetlands Taskforce. Beulah Maxwell submitted a request to speak. Wilda Strange submitted a request to speak concerning the project.

LUNCH RECESS. The Commission recessed for lunch at noon and reconvened at 1:00 p.m..

The hearing resumed after lunch

Motion to Continue: Hickox moved to continue the hearing to a later meeting, seconded by Allen.

Motion & Vote to End Debate: Allen moved to end debate and vote on continuance, seconded by Flemming, and the roll call vote was 7 in favor (Allen, Brothers, Flemming, Johnson, Reilly, Staffel & Areias) and 4 opposed (Dettloff, Nava, Hickox & Wan). **Passed.**

Vote to Continue: The roll call vote on the main motion (to continue) was 7 in favor (Allen, Brothers, Flemming, Johnson, Staffel, Hickox & Areias) and 4 opposed (Dettloff, Nava, Reilly & Wan). **Continued.**

c. Application No. 5-97-423 (Fluter, Newport Beach) **Postponed.**

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d. **Application No. 5-98-21 (Smith, Combs & Ray, Newport Beach)** Moved to expanded Consent Calendar. **Approved.**

e. **Application No. 5-98-54 (Irvine, Newport Beach)** Staff recommended approval with special conditions.

Carol Hoffman, representing The Irvine Co., spoke in favor of the project. David Neish, representing The Irvine Company, submitted a request to speak in favor of the project. Doug Korthof submitted a request to speak in opposition to the project.

Motion: Dettloff moved staff recommendation, seconded by Allen.

Amending Motion & Vote: Allen moved to delete parking condition, seconded by Dettloff, 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 11 in favor and 0 opposed. **Passed.**

f. **Application No. 5-98-86 (San Clemente parking meters)** Staff recommended approval with special condition.

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

g. **Application No. 5-98-93 (Long Beach marina fence)** Staff recommended approval with special conditions.

Dennis Eschen, representing City of Long Beach, spoke in favor of the project.

Motion: Dettloff moved staff recommendation, seconded by Allen.

Amending Motion & Vote: Dettloff moved that the fence be removed from the plans, seconded by Allen, 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 11 in favor and 0 opposed. **Passed.**

h. **Application No. 5-98-97 (Cunningham, Los Angeles)** Moved to expanded Consent Calendar. **Approved.**

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i. **Application No. 5-98-106 (Wachtler, San Clemente)** Moved to expanded Consent Calendar. **Approved.**

j. **Application No. 5-98-152 (Yim, Hermosa Beach)** Staff recommended denial.

Olary Yim submitted a request to speak in favor of the project.

Motion: Nava moved approval of the application, seconded by Hickox.

Amending Motion & Vote: Staffel moved that the permit not be issued until commencement of construction on the garage, seconded by Allen, and the roll call vote was 7 in favor (Allen, Brothers, Dettloff, Flemming, Johnson, Staffel & Hickox) and 3 opposed (Nava, Reilly & Wan). **Passed.**

Vote on Main Motion: The roll call vote on the main motion, as amended above, was 10 in favor and 0 opposed. **Passed.**

k. **Application No. 5-98-154 (Long Beach reserved parking lot)** Moved to expanded Consent Calendar. **Approved.**

l. **Application No. 5-98-158 (A V P, Seal Beach)** Staff recommended approval with special conditions as modified orally.

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

m. **Application No. 5-98-160 (Long Beach boat show)** Moved to expanded Consent Calendar. **Approved.**

n. **Application No. 5-98-161 (Long Beach Rainbow Harbor concessions)** Moved to expanded Consent Calendar. **Approved.**

o. **Application No. 5-98-164 (Playa Capital, Los Angeles)** Valerie Sklarwsky, representing Earth Trust Foundation, submitted a request to speak in opposition to the project. **Postponed.**

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10. **PERMIT AMENDMENT.**

a. **Permit No. 5-94-75-A (A R R, Dana Point)** Moved to expanded Consent Calendar. **Approved.**

Flemming & Staffel left.

PUBLIC COMMENT. Nancy Kissock spoke about Army Corps. Marcia Hanscom, representing Wetland Action Network, requested Playa Capital hearing in Los Angeles area. Kathy Knight, representing Spirit of Sage Council, said the amount of wetlands was critical. Reilly left. Valerie Shlarwsky opposed project in wetlands. Terry Kolpin, representing Sierra Club, submitted a request to speak. Bruce Monroe, representing Sierra Club California Ramsar Wetlands T.F., commented on Ballona archaeology. Christopher Childs, representing Sierra Club Ballona Wetlands Task Force, submitted a request to speak in opposition to the project. Robert Kinslow described a history of non compliance. Tom Francis, representing Ballona land trust, wanted next hearing on "o" in local area. Jim La Pointe submitted a request to speak. Dave Was, UCSB, predicted faculty housing in wetlands. Terje Lie said the Playa Capital project would excavate indian burial sites.

RECESS. The Commission recessed for the day at 7:25 p.m..

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Thursday, June 11, 1998 - pages 26 to 28

1. **CALL To ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, June 11, 1998, at 9:05 a.m. by Acting Chairman Allen.
2. **ROLL CALL.** Present: Commissioners Allen, (Alternate) Brothers, Flemming, (Alternate) Johnson, Nava, Reilly, Staffel, (Alternate) Hickox and (Alternate) Hisserich. Absent: Areias, Branham, Brennan, Dettloff, Holanda, Potter and Sanders.

NORTH COAST DISTRICT

3. ADMINISTRATIVE PERMIT APPLICATION.

a. **Application No. 1-98-9 (E.G. Ayers, Eureka)** Staff recommended approval with conditions.

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

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

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

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

5.5 LOCAL COASTAL PROGRAM (LCP).

a. **Del Norte Co. LCP Amendment No. 1-98 (Fugate)** Staff recommended approval as modified orally.

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

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6. NEW APPEALS.

a. **Appeal No. A-1-98-8 (Jones, Humboldt Co.)** Staff recommended that the appeal raised no substantial issue.

Dave Larson said the project would be a precedent for several thousand future permits, and raised issues of design review and wind velocity standards. Linda Yates said there were health & safety issues, and disagreed with the report on other manufactured homes in the area. Ronald Clark said the design review standards were not followed in the County approval. Mary Rafferty ceded her time to Jay Rafferty. Jay Rafferty said manufactured homes present an unacceptable risk to lives in high wind areas like Shelter Cove.

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

b. **Appeal No. A-1-98-38 (Hunt, Fort Bragg)** Staff recommended that the appeal raised substantial issue. There being no objection Acting Chairman Allen ruled that the Commission **found substantial issue** and opened the hearing on the merits of the project. Staff recommended approval with special conditions as modified orally.

Robert Hunt presented relevant sections of the EIR for expansion of an existing motel. Scott Cochran, Planning Director of City of Fort Bragg, discussed the visual policies of the LCP.

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

c. **Appeal No. A-1-98-40 (Cuthbertson, Trinidad)** Staff recommended that the appeal raised no substantial issue.

Alan Crafts requested a postponement to review new information. Jim Cuthbertson described his efforts to work with all parties.

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

7. COASTAL PERMIT APPLICATION.

a. **Application No. 1-98-28 (Eureka marina)** Staff recommended approval with special conditions as modified orally.

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

8. PERMIT AMENDMENT.

a. Permit No. 1-83-208-A3 (**Mahan**, Humboldt Co.) Moved to expanded Consent Calendar. **Approved.**

b. Permit No. 1-81-65-A4 (**Brindle or Redwood Trails**, Humboldt Co.) **Postponed.**

9. FINDINGS.

a. Appeal No. A-1-98-17 (**Perry & Smith**, Mendocino Co.) **Postponed.**

10. RECONSIDERATION.

a. Application No. A-1-97-13 (**Gumbinger & Luchini**, Half Moon Bay) **Postponed.**

REPORT of CLOSED SESSION. In closed session the Commission took action on GreenFarm v. Santa Cruz Local Agency Formation Commission; Tai, et al. v. Santa Cruz Local Agency Formation Commission and discussed one other case for information only.

ADJOURNMENT. There being no old or new business, the meeting adjourned at 10:25 a.m..

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

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