

## CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200  
FAX (415) 904-5400



# Tu 5

TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: **MINUTES OF MEETING OF SEPTEMBER 14-17, 1999**  
Eureka Inn  
7<sup>th</sup> & F Streets  
Eureka

**Tuesday, September 14, 1999 pages 1 to 5**

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Tuesday, September 14, 1999, at 10:00 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Commissioners Daniels, Desser, Dettloff, (Alternate) Allgood, Flemming and (Alternate) Kruer. Absent: Dohn, Potter, Reilly, Sanders and Sweeney. (Alternate) Orr arrived at 10:10 a.m., and McClain-Hill arrived at 10:20 a.m..

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### **SOUTH CENTRAL COAST DISTRICT**

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

**Motion & Vote:** Kruer moved staff recommendation, seconded by Flemming, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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# DRAFT

4. **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. 3-98-A & B. (Harbor & Airport Design Guidelines) Certification Review.** Staff recommended concurrence with Executive Director's determination. There being no objection Chairman Wan ruled that the Commission concurred with the Executive Director. **Approved.**

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5. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved item 7c to the Calendar, and recommended approval with special conditions.

**Motion & Vote:** There being no speakers, Flemming moved staff recommendation, seconded by Dettloff, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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6. **NEW APPEAL.**

a. **Appeal No. A-4-99-189 (North Shore, Oxnard)** Staff recommended continuance. There being no objection Chairman Wan opened the hearing and **continued** it to a future meeting.

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7. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 4-98-19 (Kilb, Malibu) Withdrawn.**

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b. **Application No. 4-98-214 (Malibu Colony Beach Trust, Malibu) Postponed.**

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c. **Application No. 4-98-258 (Blakely, Malibu )** Moved to expanded Consent Calendar. **Approved.**

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d. **Application No. 4-98-302 (Moorman, Malibu)** Staff recommended approval with special conditions.

Ron Noble, representing the applicant, submitted a request to speak in favor of the project.

**Motion & Vote:** Orr moved staff recommendation, seconded by Flemming, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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# DRAFT

e. **Application No. 4-99-65 (Smith, Malibu)** Staff recommended approval with special conditions.

**Motion & Vote:** Flemming moved staff recommendation, seconded by Dettloff, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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f. **Application No. 4-99-110 (Newman, Malibu)** Staff recommended approval with special conditions as modified orally.

**Motion & Vote:** Flemming moved staff recommendation, seconded by Desser, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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g. **Application No. 4-99-146 (Saban, Malibu)** Staff recommended approval with special conditions.

Mike Barsocchini, representing the applicant, spoke in favor of the project.

**Motion & Vote:** McClain-Hill moved staff recommendation, seconded by Flemming, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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h. **Application No. 4-99-127 (Mishkan, Malibu)** Staff recommended approval with special conditions.

Hamid M. Mishkan, an applicant, spoke in favor of the project.

**Motion:** Orr moved staff recommendation, seconded by Flemming.

**Amending Motion & Vote:** Daniels moved to delete the height limit, seconded by Desser, and the roll call vote was 7 in favor and 2 opposed (Kruer & Orr). **Passed.**

**Vote on Main Motion:** Chairman Wan ruled that the roll call vote was unanimous for approval of the main motion as amended above. **Passed.**

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i. **Application No. 4-99-86 (Greene, Malibu)** Staff recommended approval with special conditions.

Steve Potter, representing the applicant, spoke in favor of the project.

**Motion & Vote:** Flemming moved staff recommendation, seconded by McClain-Hill, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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# DRAFT

8. **REVOCAION of Permit No. 4-98-219 (Remote Communications, Malibu)**  
Postponed.

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## STATEWIDE

9. **FEDERAL CONSISTENCY REPORT.** Division Supervisor Delaplaine reported on Negative Determinations issued by the federal consistency staff, and status of major non-energy federal consistency matters.

a. **Expert panel selection, (Navy, Port Hueneme)** Staff recommended approval.

Jeanne Schick, representing Port Hueneme Division Naval Surface Warfare Center, spoke in favor of the Navy. Penny Bohannon, representing Ven. Co. Econ Dev Assoc, spoke in favor of the staff recommendation. John Buse, representing Environmental Defense Center (for the Beacon Foundation), spoke in favor of the staff recommendation. Vickie Finan, representing the Beacon Foundation, spoke in favor of the staff recommendation. Action was trailed until Friday.

**Motion & Vote:** On Friday, Estolano moved staff recommendation, seconded by Orr, and Chairman Wan ruled that the vote was unanimous. **Passed.**

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10. **FEDERAL CONSISTENCY.**

a. **CD-75-99 (Navy, Port Hueneme)** Staff recommended denial.

Chuck Hogle, representing Naval Surface Warfare Center, Port Hueneme, spoke in favor of the project. John Buse, representing Environmental Defense Center (for the Beacon Foundation) spoke in opposition to the project. Vickie Finan, representing the Beacon Foundation, spoke in favor of the staff recommendation.

**Motion & Vote:** Flemming moved to approve the item, seconded by Orr, and Chairman Wan ruled that the roll call vote was unanimous in opposition. **Failed.**

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b. **CD-77-99 (Fish & Wildlife Service, Humboldt Co.)** Staff recommended approval.

Kim Forrest, representing U.S. Fish & Wildlife Service, spoke in favor of the project.

**Motion & Vote:** Flemming moved staff recommendation, seconded by Kruer, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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# DRAFT

c. CD-84-99 (Corps of Engineers, San Diego) Postponed.

11. **APPROVAL OF MINUTES.** Trailed. On Thursday, the minutes of July 1999 were **approved** unanimously with 1 correction. The minutes of August 1999 were **approved** unanimously as written.

12. **COMMISSIONERS' REPORTS.** Informational only.

13. **CONSERVANCY REPORT.**

14. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.**

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

16. **EXECUTIVE DIRECTOR'S REPORT.**

a. **Public Education Grant Program.** Trailed. On Wednesday, staff recommended approval, and the hand vote was 8 in favor and 0 opposed. **Approved.**

b. **Legislation.** Informational only.

c. **License Plate Marketing Contract.** Trailed. On Wednesday, staff recommended approval, and the hand vote was 8 in favor and 0 opposed. **Approved.**

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**PUBLIC STATEMENTS.** George Owen asked the Commission to visit the Mad River.

**REPORT of CLOSED SESSION.** In closed session the Commission took action on Wetlands Action Network v. CCC (Hellman Properties RPI), League for Coastal Protection, et al. v. CCC (Hellman Properties RPI), and Holland and Rodman v. CCC.

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**RECESS.** The Commission recessed for the day at 1:00 p.m..

# DRAFT

Wednesday, September 15, 1999 pages 6 to 10

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, September 15, 1999, at 9:00 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Daniels, Desser, Dettloff, (Alternate) Kruer, McClain-Hill, (Alternate) Orr and Reilly. Absent: Dohn, Sweeney and Sanders. Flemming arrived at 9:10 a.m., and (Alternate) Allgood arrived at 9:20 a.m..

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## CENTRAL COAST DISTRICT

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

- a. **Public Access Easement Program. Postponed.**

- 3.5 **CONSENT CALENDAR (removed from Regular Calendar).** None.

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

- a. **Grover Beach boundary adjustment No. 1-99.** Staff recommended approval.

**Motion & Vote:** Potter moved staff recommendation, seconded by McClain-Hill, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

5. **NEW APPEALS.**

- a. **Appeal No. A-3-99-50 (Railsback, San Luis Obispo Co.)** Staff recommended continuance. There being no objection Chairman Wan opened the hearing and **continued** it to a future meeting.

# DRAFT

b. **Appeal No. A-3-99-56 (Hooper & Filizetti, Santa Cruz Co.)** Staff recommended continuance. There being no objection Chairman Wan opened the hearing and **continued** it to a future meeting.

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c. **Appeal No. A-3-99-57 (Whisler, Monterey Co.)** Staff recommended continuance. There being no objection Chairman Wan opened the hearing and **continued** it to a future meeting.

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## 6. COASTAL PERMIT APPLICATIONS.

a. **Appeal No. A-3-98-101 (Bailey & Steltenpohl, Santa Cruz Co.)** Staff recommended approval with special conditions as modified in addendum.

Greg Steltenpohl, an applicant, spoke in favor of the project. Thomas Jamison, representing the applicant, spoke in favor of the project. Fred Bailey, an applicant, submitted a request to speak in favor of the project. Susan Young, representing Citizens for Responsible N. Coast Planning, spoke in opposition to the project. David Kossack spoke. Mark A. Massara, representing Sierra Club, spoke in opposition to the project. Lucille Vinyard spoke in opposition to the project. Diane Beck spoke in opposition to the project. Schaefer Roemmele spoke in opposition to the project. Sue O'Connell spoke in opposition to the project. Kristen Rangust, representing Citizens for Responsible N. Coast Planning, submitted a request to speak in opposition to the project.

**Motion & Vote:** Desser moved staff recommendation, seconded by Flemming, and the roll call vote was 3 in favor (Desser, Flemming & McClain-Hill) and 8 opposed.  
**Failed.**

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McClain-Hill left during the following item and returned after lunch.

b. **Appeal No. A-3-98-108 (Rodman & Holland, San Luis Obispo Co.)** Staff recommended that the Commission has jurisdiction of this appeal, and denial of the extension.

**REPORT of CLOSED SESSION.** In closed session the Commission discussed one item of pending litigation for information only.

Gregory W. Sanders, representing the applicants, spoke in favor of the project. Mark Massara submitted a request to speak in opposition to the project. Gordon

# DRAFT

Hensley submitted a request to speak in opposition to the project. Jerome L. Deitz and Elsie Deitz both submitted requests to speak in opposition to the project.

**Motion & Vote on Jurisdiction:** Reilly moved staff recommendation on jurisdiction, seconded by Orr, and the roll call vote was 10 in favor and 0 opposed. **Passed.**

**Motion & Vote to Continue:** Reilly moved to continue the hearing, seconded by Flemming, and Chairman Wan ruled that the vote was unanimous. **Passed.**

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c. **Application No. 3-99-11 (Moss Landing Harbor Dist., Monterey Co.) Postponed.**

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**LUNCH RECESS.** The Commission recessed for lunch at 11:55 and reconvened at 1:35 p.m.. Daniels, Dettloff & Flemming returned at 1:40 p.m.. McClain-Hill & Potter returned at 2 p.m.

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d. **Appeal No. A-3-99-25 (Moon, San Luis Obispo Co.)** Staff recommended approval with special conditions.

Dick Moon, an applicant, spoke in favor of the project. Patricia Moon, an applicant, spoke in favor of the project.

**Motion & Vote:** Desser moved staff recommendation, seconded by Kruer, and the roll call vote was 6 in favor (Desser, Allgood, Kruer, Orr, Reilly & Wan), 0 opposed and 2 abstentions (Dettloff & Flemming). **Passed.**

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e. **Application No. 3-99-49 (Moss Landing Harbor Dist., Monterey Co.)** Staff recommended approval with special conditions.

Jim Stilwell, representing Moss Landing Harbor District, spoke in favor of the project as amended.

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

**Amending Motion & Vote:** Potter moved to delete the height limit, seconded by Flemming, and the roll call vote was 11 in favor and 0 opposed. **Passed.**

**Vote on Main Motion:** Chairman Wan substituted the previous roll call vote (11-0) for approval of the main motion as amended above. **Passed.**

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# DRAFT

## 7. PERMIT AMENDMENT.

a. **Permit No. 3-83-76-A14 (UCSC Long Marine Lab., Santa Cruz)** Staff recommended approval with special condition.

**Motion & Vote:** Potter moved staff recommendation, seconded by Krueer, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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## 8. PERMIT EXTENSION.

a. **Permit No. A-3-94-8-E2 (Bell, Sand City)** Staff recommended denial.

Mayor David Pendergrass, representing City of Sand City, spoke in favor of the project. Steve Matarazzo, representing City of Sand City, spoke in favor of the project. Michael J. Van Zandt, representing Sterling Project, spoke in favor of the project. David Watson representing King Ventures, spoke in favor of the project. Mark Massara, representing Sierra Club, spoke in favor of the staff recommendation.

There being more than 3 votes to not extend the permit, Chairman Wan ruled that the extension was **denied.**

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## ENERGY and OCEAN RESOURCES

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

a. **Avila Beach Remediation Status Report.** A written informational report only.

b. **Guadalupe Oil Field Remediation Status Report.** A written informational report only.

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10. **SONGS STATUS.** Informational only.

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# DRAFT

## 11. COASTAL PERMIT APPLICATION.

a. **Application No. E-98-26 (Chevron Pipeline, Morro Bay)** Staff recommended approval with special conditions as modified orally.

Joe Gonzalez, representing Chevron Pipe Line Co., spoke in favor of the project.

**Motion & Vote to Continue:** Orr moved to continue the hearing, seconded by McClain-Hill, and the roll call vote was 2 in favor (McClain-Hill & Orr), 6 opposed (Daniels, Dettloff, Allgood, Krueer, Reilly & Wan), and 1 abstention (Flemming). **Failed.**

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

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## STATEWIDE

### 12. EXECUTIVE DIRECTOR'S REPORT.

a. **Budget.** Informational only.

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**RECESS.** The Commission recessed for the day at 4:10 p.m..

# DRAFT

Thursday, September 16, 1999 - pages 11 to 17

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, September 16, 1999, at 9:00 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Daniels, Desser, Dettloff, (Alternate) Busey, Kehoe, McClain-Hill, (Alternate) Orr and Reilly. Absent: Dohn, Sanders and Sweeney. Estolano arrived at 9:10 a.m..

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## SOUTH COAST DISTRICT

3. **CONSENT CALENDAR.** See items a through i on page 12-13 of the agenda. Staff recommended approval with special conditions.

**Motion & Vote:** Reilly moved staff recommendation, seconded by Kehoe, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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## NORTH CENTRAL COAST DISTRICT

4. **CONSENT CALENDAR.**

a. **Application No. 1-99-45 (Karme & Click, Sonoma Co.)** Staff recommended approval with conditions.

**Motion & Vote:** Kehoe moved staff recommendation, seconded by Reilly, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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## STATEWIDE

5. **WORKSHOP. Postponed.**
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# DRAFT

## SOUTH COAST DISTRICT

6. **DEPUTY DIRECTOR'S REPORT.** District Manager Henry reported on matters not requiring public hearings, and on comments from the public. David Caretto, representing Aliso Water Mgt. Agency/MNWD, submitted a request to speak in favor of the project.

a. **Santa Monica Lower Cost Visitor Accommodations Fund.** Staff recommended that the Commission affirm the Executive Director's interpretation, as modified in addendum.

Mark Richter, representing City of Santa Monica, spoke in favor of the staff recommendation with qualifications. Joseph Chesler, Vice President of Los Angeles Council, Hostelling International, spoke in favor of the staff recommendation.

**Motion:** Potter moved staff recommendation, seconded by McClain-Hill.

**Amending Motion & Vote:** McClain-Hill moved to delay for 6 months to allow the City of Santa Monica to present a proposal, seconded by Kehoe, and the roll call vote was 9 in favor and 2 opposed (Desser & Dettloff). **Passed.**

**Vote on Main Motion:** The roll call vote, on the main motion, as amended above, was 8 in favor and 3 opposed (Daniels, Desser & Estolano). **Passed.**

7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved item 10a to the Calendar, and recommended approval with special conditions.

**Motion & Vote:** Reilly moved staff recommendation, seconded by Potter, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

## 8. NEW APPEALS.

a. **Appeal No. A-5-99-275 (Mayer, Huntington Beach) Postponed.**

b. **Appeal No. A-5-99-300 (R.P.V Associates, Rancho Palos Verdes) Postponed.**

c. **Appeal No. A-5-99-301 (Irvine, Orange Co.) Postponed.**

# DRAFT

## 9. COASTAL PERMIT APPLICATIONS.

McClain-Hill left during the following item and returned after lunch.

a. **Application No. 5-99-96 (Playa Capital, Los Angeles)** Staff recommended approval with special conditions as modified orally.

Catherine Tyrrell and Sharon Lockhart, both representing Playa Vista, submitted requests to speak in favor of the project. Mark Massara, representing Sierra Club, submitted a request to speak in opposition to the project.

**Motion & Vote:** Dettloff moved staff recommendation, seconded by Estolano, and the roll call vote was 8 in favor (Daniels, Dettloff, Estolano, Busey, Kehoe, Orr, Potter & Wan) and 2 opposed (Desser & Reilly). **Passed.**

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b. **Application No. 5-99-116 (Pier Avenue, Santa Monica)** Staff recommended denial.

Russell Barnard, representing the applicant, spoke in favor of the project. Judy Abdo spoke in favor of the project.

**Motion & Vote to Continue:** Desser moved to continue the hearing, seconded by Daniels, and Chairman Wan ruled that the vote was unanimous. **Passed.**

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c. **Application No. 5-99-241 (Rios-Giordano, Santa Monica)** **Waived.**

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d. **Application No. 5-99-5 (Dea, Huntington Beach)** Staff recommended approval with special conditions.

**Motion & Vote:** Dettloff moved staff recommendation, seconded by Estolano, and the roll call vote was 8 in favor (Daniels, Dettloff, Estolano, Busey, Kehoe, Orr, Reilly & Wan) and 1 opposed (Desser). **Passed.**

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e. **Application No. 5-99-6 (Fernbach & Holland, Huntington Beach)** Staff recommended approval with special conditions.

The hearing was combined with item d above.

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

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# DRAFT

f. **Application No. 5-99-7 (Aranda, Henry, Kloss, Charleston, Booth & Donald, Huntington Beach)** Staff recommended approval with special conditions.

The hearing was combined with item d above.

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

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g. **Application No. 5-99-8 (Yacoel, Axel & Rayhanabad, Huntington Beach)** Staff recommended approval with special conditions.

The hearing was combined with item d above.

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

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## 10. PERMIT AMENDMENTS.

a. **Permit No. 5-98-151-A (Esslinger, Laguna Beach)** Moved to expanded Consent Calendar. **Approved.**

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b. **Permit No. A-5-93-5-A13 (Ocean Trails, Rancho Palos Verdes)** Staff recommended approval with special conditions as modified in addendum.

Ken Zuckerman, representing Ocean Trails, spoke in favor of the project. Scott Margorien, representing Ocean Trails, spoke in favor of the project. Thomas Kirk, representing Surfrider Foundation, South Bay Chapter, spoke concerning the project. Mat Garland spoke with concerns about the project. Barbara Dye, Environmental Project Mgr. Ocean Trails, spoke in rebuttal. Michael Sweesy, representing Ocean Trails, answered a question from Wan.

**Motion & Vote:** Reilly moved staff recommendation, seconded by Potter, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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# DRAFT

**LUNCH RECESS.** The Commission recessed for lunch at 12:00 and reconvened at 1:00 p.m.. Kehoe returned at 1:15 p.m.. Estolano and McClain-Hill returned at 1:25 p.m..

**PUBLIC STATEMENTS.** Larry Henderson, Ex. Director, Friends of Humboldt County, asked the Commission to visit the "Balloon Tract."

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## NORTH CENTRAL COAST DISTRICT

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

## NORTH COAST DISTRICT

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

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

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

a. **Mendocino Co. LCP Amendment No. 2-98 (Gualala Town Plan).** Staff recommended approval with suggested modifications as modified orally.

Jim Lotter, representing Gualala Municipal Advisory Council, spoke in favor of the project. Raymond Hall, representing Mendocino County, spoke in favor of the plan. Gary Pedroni, representing Mendocino County Planning Dept., submitted a request to speak in favor of the staff recommendation with some revisions. Julie Verran, representing Redw. Ch. Sierra Club, spoke in favor of the staff recommendation with protection for Robinson Landing, access & viewshed. Mark Massara, representing Sierra Club, spoke in favor of the staff recommendation. Eric Dahlhoff spoke in opposition to the staff recommendation. Leslie Dahlhoff, representing City of Point Arena, spoke in opposition to the staff recommendation. Alan Levine, representing Coast Action Group, spoke.

**Motion & Vote on Plan as Submitted:** Reilly moved approval of the Land Use Plan Amendment as submitted, seconded by Potter, and Chairman Wan ruled that the roll call vote was unanimous in opposition. **Failed.**

# DRAFT

**Motion & Vote on Plan with Modifications:** Reilly moved approval of the Land Use Plan Amendment with suggested modifications, seconded by Potter, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

**Motion & Vote to Reject Implementation:** Reilly moved to reject the implementation amendment as submitted, seconded by Potter, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

**Motion & Vote on Implementation with Modifications:** Reilly moved approval of the implementation with suggested modifications, seconded by Potter, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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## 15. NEW APPEAL.

a. **Appeal No. A-1-99-43 (Van Peer, Mendocino Co.)** Staff recommended That the appeal raised substantial issue.

Bud Kamb, representing Van Peer Boatworks, spoke in favor of the project. Chris Van Peer submitted a request to speak in favor of the project. Fred A. Carmichael, representing the applicant, submitted a request to speak. Raymond Hall, representing Mendocino County, submitted a request to answer questions. Steven Gardner submitted a request to speak in opposition to the project.

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

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## 16. COASTAL PERMIT APPLICATIONS.

a. **Application No. 1-92-69 (Caltrans, Humboldt Co.)** Staff recommended denial.

Tony Anziano, representing State of California, Dept. of Transportation, spoke in favor of the project. George L. Owen spoke in opposition to the project. Harry Conner spoke in opposition to the project. John L. White spoke in opposition to the project.

**Motion & Vote:** Potter moved to approve the application, seconded by Estolano, and the roll call vote was 0 in favor and 11 opposed. **Failed.**

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# DRAFT

b. **Appeal No. A-1-98-88 (Caltrans, Humboldt Co.)** Staff recommended denial.

The hearing was combined with item a above.

**Motion & Vote:** Estolano moved to approve the application, seconded by Orr, and Chairman Wan substituted the previous roll call vote (0-11). **Failed.**

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## SAN DIEGO COAST DISTRICT

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

a. **Carlsbad LCP Amendment No. 2-99D (Kelly Ranch).** **Postponed.**

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### 18. COASTAL PERMIT APPLICATION.

a. **Application No. 6-99-24 (McMahon, Solana Beach)** Staff recommended approval with special conditions.

A. Lewis "Lew" Dominy, representing the applicant, spoke in favor of the project. Ron McMahon, representing the applicant, spoke in favor of the project.

**Motion & Vote to Continue:** Potter moved to continue the hearing, seconded by Kehoe, and the roll call vote was 8 in favor and 3 opposed (Estolano, Orr & Wan). **Passed.**

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**RECESS.** The Commission recessed for the day at 6:10 p.m..

# DRAFT

Friday, September 17, 1999 - pages 18 to 20

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Friday, September 17, 1999, at 9:00 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Daniels, Desser, Dettloff, Flemming, Kehoe, (Alternate) Orr and Reilly. Absent: Dohn, Sanders and Sweeney. Estolano arrived at 9:05 a.m. McClain-Hill arrived at 9:10 a.m..

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## SAN DIEGO COAST DISTRICT

3. **ADMINISTRATIVE PERMIT APPLICATIONS.** See items a through c on page 17 of the agenda. Staff recommended approval with conditions.

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

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4. **CONSENT CALENDAR.** See items a through c on page 17 of the agenda. Staff recommended approval with special conditions.

**Motion & Vote:** Kehoe moved staff recommendation, seconded by Flemming, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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

a. **Carlsbad LCP Amendment No. 2-99A Certification Review.** Staff recommended concurrence with the Executive Director's determination. There being no objection Chairman Wan ruled that the Commission concurred with the Executive Director. **Approved.**

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6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 3 items (9c, 10a & 10b) to the Calendar, and recommended approval with special conditions.

# DRAFT

**Motion & Vote:** Reilly moved staff recommendation, seconded by Flemming, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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## 7. LOCAL COASTAL PROGRAMS (LCPs).

a. **Oceanside Harbor District Plan Time Extension.** Staff recommended approval.

**Motion & Vote:** Kehoe moved staff recommendation, seconded by Potter, and Chairman Wan ruled that the vote was unanimous **Passed.**

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b. **San Diego LCP Amendment No. 1-99 Time Extension (affordable housing).** Staff recommended approval.

**Motion & Vote:** Kehoe moved staff recommendation, seconded by Flemming, and Chairman Wan ruled that the vote was unanimous. **Passed.**

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## 8. NEW APPEALS.

a. **Appeal No. A-6-99-108 (Smith, Encinitas)** Staff recommended that the appeal raised substantial issue. There being more than 3 votes to hear testimony on substantial issue, Chairman Wan opened the hearing on substantial issue.

Leah Levi spoke in opposition to the project. Tricia Smith, representing the applicant, spoke in favor of the project. Dorothea Smith, the applicant, submitted a request to speak in favor of the project.

**Motion & Vote on No Substantial Issue:** Kehoe moved to find that the appeal raised no substantial issue, seconded by Estolano, and Chairman Wan ruled that the roll call vote was unanimous in opposition. **Failed.**

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b. **Appeal No. A-6-99-113 (Encinitas storm drain)** Staff recommended continuance. There being no objection, Chairman Wan opened the hearing on substantial issue and **continued** it to a later meeting.

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c. **Appeal No. A-6-99-115 (Lampl, Encinitas)** Staff recommended continuance. There being no objection, Chairman Wan opened the hearing on substantial issue and **continued** it to a later meeting.

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# DRAFT

## 9. COASTAL PERMIT APPLICATIONS.

a. **Application No. 6-99-43 (Spiritos & Ferrero, Carlsbad)** Staff recommended approval with special conditions as modified in the addendum.

Edmond Bourke, representing the applicants, spoke in favor of the project. David Moore, representing the applicants, spoke in favor of the project. Dr Jack Spirtos, an applicant, submitted a request to speak in favor of the project. Peter Koulos, representing the applicants, submitted a request to speak in favor of the project. Mary Ferrero submitted a request to speak in favor of the project.

**Motion & Vote to Continue:** Reilly moved to continue the hearing, seconded by Daniels, and Chairman Wan ruled that the vote was unanimous. **Passed.**

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b. **Application No. 6-99-79 (Klugherz, Solana Beach)** **Postponed.**

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c. **Application No. 6-99-98 (Parks & Rec. trail repair)** Moved to expanded Consent Calendar. **Approved.**

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## 10. PERMIT AMENDMENTS.

a. **Permit No. 6-99-112-A (Hotel del Coronado; Coronado)** Moved to expanded Consent Calendar. **Approved.**

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b. **Permit No. 6-86-396-A3 (Lochtefeld, San Diego)** Moved to expanded Consent Calendar. **Approved.**

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**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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