

CALIFORNIA COASTAL COMMISSION

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TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: **MINUTES OF MEETING OF OCTOBER 12-15, 1999**
City Council Chambers
300 North Coast Highway
Oceanside

Tuesday, October 12, 1999 pages 1 to 7

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Tuesday, October 12, 1999, at 10:00 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Commissioners Daniels, Dettloff, (Alternate) Allgood, Flemming, (Alternate) Kruer and (Alternate) Orr. Absent: Desser, Dohn, Potter, Reilly, Sanders and Sweeney. McClain-Hill arrived at 10:20 a.m..

Mayor Dick Lyon welcomed the Commission to Oceanside.

SOUTH CENTRAL COAST DISTRICT

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

(3a & b) Teri Wissler, representing EMC Planning Group Inc., submitted a request to answer questions.

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 f on pages 3-4 of the agenda. Items b & e were postponed. Staff recommended approval with special conditions on the remainder of the Calendar.

(4f) Darlene Chirman, representing Santa Barbara Audubon, submitted a request to answer questions.

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

STATEWIDE

5. **APPROVAL OF MINUTES.** Wan requested changes to page 4 of the September 1999 minutes. Flemming moved approval as corrected, seconded by McClain-Hill, and the hand vote was 8 in favor and 0 opposed. **Approved.**

6. **COMMISSIONERS' REPORTS.** Trained until Thursday, informational only.

7. **CONSERVANCY REPORT.** None.

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

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

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

ENERGY and OCEAN RESOURCES

11. **ENERGY & OCEAN RESOURCES REPORT.** Deputy Director Kooser reported on matters not requiring public hearings, and status of offshore oil & gas exploration & development. William E. Claycomb, representing Save Our Bay, Inc., submitted a request to speak.

a. **Avila Beach Remediation Status Report.** Informational only. Supervisor Peg Pinard, representing San Luis Obispo County, submitted a request to speak in favor of the project. Vic Holanda, San Luis Obispo County Planning Director, submitted a request to speak in favor of the project. Jeff Ferber, representing RRM Design Group-Unocal, submitted a request to speak in favor of the project. Richard Walloch, representing Unocal, submitted a request to speak in favor of the project.

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- b. **Guadalupe Oil Field Remediation Status Report.** Informational only.
 - c. **General NPDES permit briefing. Postponed.**
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12. **SONGS STATUS.** A written report for information only. William E. Claycomb, representing Save Our Bay, Inc., submitted a request to speak. Frank Melone, representing Southern California Edison Co., submitted a request to comment on the mitigation program progress.

SOUTH CENTRAL COAST DISTRICT

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

14. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved four items (17c, 17g, 17i & 18d) to the Calendar, and recommended approval with special conditions.

(18d) Alan Block, representing the applicants, submitted a request to speak in favor of the project.

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

15. LOCAL COASTAL PROGRAM (LCP).

- a. **Pepperdine LRDP Amendment No. 1-99.** Staff recommended denial.

Supervisor Zev Yaroslavsky, representing County of Los Angeles, spoke in opposition to the staff recommendation. Rod Wright, State Assemblyman, spoke in favor of the project. Laurie Newman, representing Assemblymember Sheila Kuehl, spoke in opposition to the staff recommendation. Nine speakers representing Pepperdine University, submitted requests to speak in favor of the project: Andrew K. Benton, Lucinda Starrett, David Davenport, Charles A. McCullough II, Jeremy Estrada, Katy Baucum, Richard F. Hernandez, Terry Giles and Frederick Gebhardt. Greg Aftergood representing Malibu Road Property Owners Assoc., spoke in opposition to the project. Mark A. Massara, representing Sierra Club, spoke in favor of the staff recommendation. Six speakers submitted requests to speak in opposition to the project: Patt Healy, representing Malibu Coalition for Slow Growth; Ken Kearsley, representing Save Our Coast; Debra DeCray, representing Sierra Club - Angeles

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Chapter; Steve Streeter, representing Malibu Township Council; Melanie Goudzwaard, representing Malibu Road Property Owner's Assoc.; and Georgianna McBurney.

REPORT of CLOSED SESSION. In closed session the commission discussed one item of possible litigation for information only.

Motion & Vote: McClain-Hill moved to approve the amendment, seconded by Kruer, and the roll call vote was 6 in favor and 2 opposed (Orr & Wan). **Passed.**

LUNCH RECESS. The Commission recessed for lunch at 2:40 and reconvened at 3:25 p.m..

PUBLIC COMMENTS. Connee Russo suggested changes to a previously approved project. Darlene Chirman, representing Santa Barbara Audubon, submitted a request to speak in favor of facilitation of restoration. Bob Locker, representing Pacific Palisades Residents Assoc., spoke about grading violation on Lachman Lane. Klaus Radtke, representing Marquez Knolls Property Owners Assoc., spoke about coastal violations in Pacific Palisades.

16. NEW APPEALS.

a. **Appeal No. A-4-99-119 (Clemens, Carpinteria)** Staff recommended that the appeal raised substantial issue. There being no objection, Chairman Wan ruled that the Commission **found substantial issue**, opened the hearing on the merits of the project and **continued** it to a future meeting. Chris Clemens, Randall Fox and Lannie Loeks all submitted requests to speak in favor of the project. Jana Zimmer, Gerald Velasco and Vince Mezzio all submitted requests to speak in opposition to the project.

b. **Appeal No. A-4-99-200 (Santa Barbara Beach Prop. & Santa Barbara)** Staff recommended that the hearing be continued. There being no objection, Chairman Wan opened the hearing on substantial issue, and **continued** it to a future meeting.

c. **Appeal No. A-4-99-206 (Santa Barbara Parks & Recreation Dept.)** Staff recommended that the hearing be continued. There being no objection, Chairman Wan opened the hearing on substantial issue, and **continued** it to a future meeting.

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17. COASTAL PERMIT APPLICATIONS.

a. Application No. 4-98-60 (Von Oppenheim, Malibu) **Postponed.**

b. **Application No. 4-98-157 (McDonald, Greene, and Vidi Vici, Malibu)** Staff recommended approval with special conditions.

Klaus Radtke, representing an applicant, submitted a request to speak in favor of the project.

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

c. Application No. 4-98-204 (Sprik, Malibu) Moved to expanded Consent Calendar. **Approved.**

d. **Application No. 4-98-214 (Malibu Colony Beach Trust, Malibu)** Staff recommended approval with special conditions.

Alan Block, representing the applicant, spoke in favor of the project.

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

e. **Application No. 4-98-313 (Goodwin, Los Angeles Co.)** Staff recommended approval with special conditions.

Richard S. Luskin, Esq., representing the applicant, spoke in favor of the project. Barry Leneman, representing Hillside, Mesa, Greenleaf Assoc., spoke in opposition to the project. Karl Fink, representing Hillside Mesa Greenleaf Assn., spoke in opposition to the project. Chris Long, representing Hillside, Mesa, Greenleaf Assoc., spoke in opposition to the project.

Motion & Vote to Continue: McClain-Hill moved to continue the hearing, seconded by Kruer, and Chairman Wan ruled that the hand vote was unanimous. **Passed.**

f. **Application No. 4-99-117 (O'Hara, Ventura Co.)** Staff recommended approval with special conditions.

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Motion & Vote: There being no speakers, Flemming moved staff recommendation, seconded by Dettloff, and the roll call vote was 7 in favor and 1 opposed (Allgood). **Passed.**

g. **Application No. 4-99-149 (Berget, Malibu)** Moved to expanded Consent Calendar. **Approved.**

h. **Application No. 4-99-152 (Social Communications Sites, Malibu)** **Postponed.**

i. **Application No. 4-99-183 (Malibu retaining wall)** Moved to expanded Consent Calendar. **Approved.**

18. PERMIT AMENDMENTS.

a. **Permit No. 5-90-246-A2 (Gilliland, Malibu)** **Postponed.**

b. **Permit No. 4-96-25-A2 (Jason, Malibu)** Staff recommended approval with special conditions.

Don Schmitz, representing the applicant, spoke in favor of the staff recommendation. Roger Pugliese, representing Topanga Association for a Scenic Community, spoke in opposition to the project. Kay Austen, representing Tuna United Neighborhood Association, spoke in opposition to the project.

Motion & Vote to Continue: Flemming moved to continue the hearing, seconded by Allgood, and the hand vote was 8 in favor and 0 opposed. **Passed.**

c. **Permit No. 4-97-15-A (Sayles, Malibu)** Staff recommended continuance.

Don Schmitz, representing the applicant, submitted a request to speak in favor of the staff recommendation. Kay Austen, representing Tuna United Neighborhood Association, submitted a request to speak in opposition to the project.

Motion & Vote to Continue: Dettloff moved to continue the hearing, seconded by Orr, and Chairman Wan substituted the previous hand vote (8-0). **Passed.**

d. **Permit No. 4-98-194-A (Sittig, Malibu)** Moved to expanded Consent Calendar. **Approved.**

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19. REVOCATIONS.

a. **Permit No. 4-98-219 (Remote Communications, Malibu)** Staff recommended that the permit not be revoked.

Alan Lurya, representing Social Communications, spoke in opposition to the project. Carolyn Ingram Seitz, representing Remote Communications, spoke in favor of the project.

Motion & Vote: Kruer moved to revoke the permit, seconded by Flemming, and the roll call vote was 0 in favor and 8 opposed. **Failed.**

b. **Permit No. 4-99-67 (Vista Point Properties, Los Angeles Co.)** Staff recommended that the permit not be revoked.

David McGiffert spoke in opposition to the project. Don Schmitz, representing Vista Point Properties, spoke in favor of the staff recommendation.

Motion & Vote: Flemming moved to revoke the permit, seconded by Dettloff, and Chairman Wan ruled that the roll call vote was unanimous against the motion. **Failed.**

SOUTH COAST DISTRICT

20. NEW APPEAL.

a. **Appeal No. A-5-99-301 (Irvine, Orange Co.)** Staff recommended that the appeal raised substantial issue. There being no objection, Chairman Wan ruled that the Commission **found substantial issue**, opened the hearing on the merits of the project, and **continued** it to a future meeting.

21. COASTAL PERMIT APPLICATION.

a. **Application No. 5-99-224 (Cameo Community Assn., Newport Beach)** Postponed.

RECESS. The Commission recessed for the day at 6:35 p.m..

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Wednesday, October 13, 1999 pages 8 to 13

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, October 13, 1999, at 9:05 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Daniels, Dettloff, Flemming, Kehoe, Nava and Reilly. Absent: Dessler, Dohn, Sweeney and Sanders. Estolano arrived at 9:10 a.m., and McClain-Hill arrived at 9:35 a.m..

CENTRAL COAST DISTRICT

3. **ADMINISTRATIVE PERMIT APPLICATIONS.** See items a & b on page 9 of the agenda. Staff recommended approval with special conditions.

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

NORTH COAST DISTRICT

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

a. **Appeal No. A-1-99-43 (Van Peer, Mendocino Co.)** Staff recommended the appeal raised substantial issue. There being more than 3 votes to hear testimony, Chairman Wan opened the hearing on substantial issue.

Bud Kamb, representing the applicant, spoke in favor of the project. Chris Van Peer spoke in favor of the project. Steve Gardner submitted a request to speak in opposition to the project.

Motion & Vote on No Substantial Issue: Potter moved to find the appeal raised no substantial issue, seconded by Reilly, and the roll call vote was 9 in favor and 1 opposed (Nava). **Passed.**

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6. FINDINGS.

- a. Appeal No. A-1-99-26 (Klute, Mendocino Co.) Postponed.

NORTH CENTRAL COAST DISTRICT

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

8. LOCAL COASTAL PROGRAM (LCP).

- a. **Pacifica LCP Amendment No. 2-97 (Residential Care Facilities).** Staff recommended approval.

Motion & Vote to Reject Implementation: Reilly moved to reject the implementation amendment as submitted, seconded by Flemming, and Chairman Wan ruled that the roll call vote was unanimous against the motion. The motion failed so the amendment was **approved.**

CENTRAL COAST DISTRICT

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

- a. Public Access Easement Program. Postponed.

10. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved item 13b to the Calendar, and recommended approval with special conditions.

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

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11. NEW APPEALS.

a. **Appeal No. A-3-99-62 (Holley, Pismo Beach)** Staff recommended that the hearing be continued. There being no objection, Chairman Wan opened the hearing and **continued** it to a future meeting.

b. **Appeal No. A-3-99-60 (Miles & Cohn, San Luis Obispo Co.)** Staff recommended that the hearing be continued. There being no objection, Chairman Wan opened the hearing and **continued** it to a future meeting.

12. FINDINGS.

a. **Application No. R-A-3-96-113 (Vadnais, San Luis Obispo Co.)** Staff recommended approval of findings.

Kat McConnell, representing Cambria Community Services District, submitted a request to speak concerning the project. Vern Kalshan, representing Norman Fleming & Citizens for Fair Land Use & Cambria Legal Defense Fund, submitted a request to speak in opposition to the project. Joseph Boud, representing the applicant, submitted a request to speak in favor of the project. W. Walter, representing the applicant, submitted a request to speak.

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

13. COASTAL PERMIT APPLICATIONS.

a. **Application No. A-3-96-113 (Vadnais, San Luis Obispo Co.)** Staff recommended denial.

Kat McConnell, representing North Coast Advisory Council, spoke in opposition to the project. Gordon Hensley, representing ECOSLO, submitted a request to speak in opposition to the project. Vern Kalshan, representing Citizens for Fair Land Use & Cambria Legal Defense Fund, spoke in opposition to the project. Joseph Boud, representing the applicant, spoke in favor of the project. Suzie Ficker, representing Cambria Legal Defense Fund, spoke in opposition to the project. W. Walter, representing the applicant, submitted a request to speak.

Motion & Vote: Reilly moved approval of the project, seconded by Nava, and the roll call vote was 0 in favor and 10 opposed. **Failed.**

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b. **Application No. 3-98-102 (Panattoni, Carmel)** Moved to expanded Consent Calendar. **Approved.**

c. **Application No. 3-99-11 (Moss Landing Harbor, Monterey Co.)** Staff recommended approval with special conditions as modified in addendum:

Jim Stilwell, representing the applicant, submitted a request to speak in favor of the project.

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

d. **Appeal No. A-3-99-14 (Morro Bay Ltd., San Luis Obispo Co.)** **Postponed.**

e. **Appeal No. A-3-99-32 (Morro Bay Ltd., San Luis Obispo Co.)** **Postponed.**

14. **REVOCAION of Permit No. 3-99-35 (Donati, Carmel)** Staff recommended that the permit not be revoked.

Susan Brandt-Hawley, representing Friends of Carmel Cultural Heritage, submitted a request to speak in opposition to the project. Stephen Dyer, representing the applicants, submitted a request to speak in favor of the project.

Motion & Vote: Estolano moved to revoke the permit, seconded by McClain-Hill, and Chairman Wan ruled that the roll call vote was unanimous against the motion. **Failed.**

PUBLIC COMMENTS. Mark Massara reported that the New Carissa was still leaking in Oregon. Kat McConnell, representing North Coast Advisor Council, urged strengthening the language of periodic review statute and incentives for local governments to pursue periodic updates. Gordon Hensley, representing ECOSLO, supported the County request for funding, and urged legislative enforcement ability at the end of the periodic review process.

LUNCH RECESS. The Commission recessed for lunch at 12:10 and reconvened at 1:25 p.m. after closed session.

REPORT of CLOSED SESSION. In closed session the Commission took action on Community Development Commission of the City of National City v. Ace Metal Recycling Co., CCC, et al., Mills Land & Water Company v. the City of Huntington

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Beach, and the International Association of Independent Tanker Owners (Intertanks) v. Gary Lache, et al. and discussed six other matters for information only.

STATEWIDE

15. **FEDERAL CONSISTENCY REPORT.** Federal Consistency Analyst Simón reported by on Negative Determinations issued by the federal consistency staff, and status of major non-energy federal consistency matters.

16. FEDERAL CONSISTENCY.

a. **CD-84-99 (Corps of Engineers, San Diego)** Staff recommended approval of revised plan.

Stephanie Hall and Grigor Grigorian, both representing U.S. Army Corps of Engineers, submitted requests to speak in favor of the staff recommendation. Jennifer Maxwell, representing City of San Diego, submitted a request to speak in favor of the staff recommendation. Jim Peugh, representing San Diego Audubon Society, submitted a request to speak in favor of the staff recommendation. Art Letter, representing Tia Juana Valley CWD, submitted a request to speak in favor of the staff recommendation. Carolyn Powers submitted a request to speak in favor of the project.

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

b. **CD-89-99 (Navy, Coronado)** Trilled until Friday. On Friday, Staff recommended continuance. The Navy agreed to continue the item.

Capt. Tom Boothe, representing U.S. Navy, spoke in favor of the project. Ed Kleeman, representing City of Coronado, spoke concerning the project. Michael G. Malinick, City Attorney for City of Coronado, submitted a request to speak in opposition to the staff recommendation. Laura Hunter, representing EHC, spoke in opposition to the staff recommendation. Sharon Hoffman submitted a request to speak in opposition to the staff recommendation. Russell D. Hoffman, representing Environmental Health Coalition, spoke in opposition to the staff recommendation. Jim Peugh, representing San Diego Audubon Society, spoke in opposition to the staff recommendation. Bruce Reznik, representing San Diego Baykeeper, spoke in opposition to the staff recommendation. Carol Jahnkow, representing Peace Resource Ctr., spoke in opposition to the staff recommendation. Richard Ditthennen

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spoke in opposition to the staff recommendation. Stephanie Kaupp spoke in opposition to the staff recommendation. Marilyn Field spoke in opposition to the staff recommendation. Patricia Borchmann spoke in opposition to the staff recommendation. Nancy Casady spoke in opposition to the staff recommendation. Derek Casady spoke in opposition to the staff recommendation. Dick Lyon, Mayor of Oceanside, spoke in favor of the project.

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

SAN DIEGO COAST DISTRICT

17. LOCAL COASTAL PROGRAM (LCP).

a. **Carlsbad LCP Amendment No. 2-99D (Kelly Ranch).** Staff recommended approval with suggested modifications.

Mayor Bud Lewis, Gary Wayne, and Fire Marshall Mike Smith, all representing City of Carlsbad, submitted requests to speak in opposition to the staff recommendation. Larry Clemens, representing Kelly Land Company, spoke in opposition to the staff recommendation. Wayne Callaghan, representing Planning Area "L" owner, spoke in opposition to the LCP. Bob Richards, representing Agua Hedionda Lagoon Foundation, spoke in favor of the project. Craig Elliott, representing Agua Hedionda Lagoon Foundation, asked a question concerning the tidewater Gobi. Jan Sobel, representing Carlsbad Chamber of Commerce, spoke in favor of the project.

Motion & Vote to Continue: Potter moved to continue the hearing, seconded by Reilly, and the hand vote was 9 in favor and 0 opposed. **Passed.**

RECESS. The Commission recessed for the day at 5:05 p.m..

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Thursday, October 14, 1999 - pages 14 to 19

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, October 14, 1999, at 9:00 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Daniels, Dettloff, Estolano, Flemming, Kehoe, Nava and Reilly. Absent: Desser, Dohn, Sanders and Sweeney. McClain-Hill arrived at 9:35 a.m..

SAN DIEGO COAST DISTRICT

3. ADMINISTRATIVE PERMIT APPLICATION.

a. **Application No. 6-99-116 (Larcher Investments, Del Mar)** Staff recommended approval with special condition.

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

4. **CONSENT CALENDAR.** See items a through d on page 13 of the agenda. Staff recommended approval with special conditions.

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

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

a. **San Diego Sludge Mitigation Funds.** Staff recommended authorization of a revised work program to spend the funds.

Terri Williams, representing City of San Diego, submitted a request to speak in favor of the staff recommendation. Jim Peugh, representing San Diego Audubon, spoke in favor of the staff recommendation. Isabelle Kay, representing UCSD Natural Reserve System, submitted a request to speak in favor of the staff recommendation.

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

b. **Coronado LCP Amendment No. 2-99 (Minor).** Staff recommended concurrence with the Executive Director. There being no objection, Chairman Wan ruled that the Commission concurred with the Executive Director. **Approved.**

c. **Agua Hedionda Lagoon Sediment Transport Report.** Informational only.

d. **Regional Beach Sand Project Report.** Informational only.

6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved item 10d to the Calendar, and recommended approval.

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

7. LOCAL COASTAL PROGRAMS (LCPs).

a. **Oceanside LCP Amendment No. 1-99 (Harbor District Precise Plan).** Staff recommended approval with suggested modifications.

Mayor Dick Lyon, Councilmember Carol McCauley, Colleen O'Harra representing Oceanside City Council, and Betty Harding representing City of Oceanside - Council, all submitted requests to speak in opposition to the staff recommendation. Thirty seven other speakers submitted requests to speak in opposition to the staff recommendation: Lonnie Lu Anderson; Dan Avina, representing Makana Kekai Outrigger Assoc.; Diane Baxter, representing Pflieger Institute of Envir. Research; Dana Bellafaire; Joe Cacciola, representing Oceanside Sea Center; Jackie Camp; Martin Chen; John Daley; Dr Heidi Dewar, representing PIER; Dr M. Domier; Tim Dong, President, Mira Costa College; Christine Ducey; Jim Esposito; Graham Fraser; Maureen Ganiel; Lois Gardner; Lyn Gardner; Dr Richard Glenn; Adrienne Hakes, representing Oceanside Library Board of Trustees; Tom Hartley; Dr Emma Hatfield; Steve Maschue; Frank McDonald, representing Oceanside Beach Protection Citee; Marvin Mick; Dr Nichols; David Nydegger; David Pine; Ralph Podheim, past chair Boating & Waterways; Tom Raffikan, representing United Anglers; John Riordan, representing United Anglers - Dana Point Fisheries Enhancement; Philip Rusit, representing Assemblymember Patricia Bates; Nadine Scott; Bill Shedd, representing American Sport Fishing Assoc.; Milt Shedd, founder Sea World; David Shore; Bob Truitt; Bob Williamson; and Bob Wilson. Dana

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Whitson, representing City of Oceanside, submitted a request to speak in opposition to the staff recommendation in rebuttal.

Twenty three speakers submitted requests to speak in favor of the staff recommendation: Diane K. Adams; Mary Azevedo; Larry Barry; Stephanie Bishop; Gene Cavanagh; Jo Cavanagh; Laurayne Dalsimer; Ed De Vall; Mary Dougherty; Chester Dunkleiburger; Patricia Perry Gadbois; Marco Gonzalez, representing Surfrider Foundation; Joan Jackson, representing League for Coastal Protection; Carolyn Krammer, representing Citizens for the Preservation of Parks & Beaches; Guenther Krammer; Rick Knatwski; Austin B. Mackin, representing CPPB; Shari B. Mackin; Kristine Merel; Robert T. Nanninga; Zeb Navarro; Rae Parkhurst; and Eric Rogger, representing Los Angeles Rod & Reel Club. William Cummings, representing North County Forum, and Bob Walker, both submitted requests to speak in opposition to the project.

Motion & Vote to Continue: Reilly moved to continue the hearing, seconded by Potter, and the hand vote was 10 in favor and 0 opposed. **Passed.**

PUBLIC STATEMENTS. Steve Aceti, representing CA Coastal Coalition, submitted a request to speak about coastal conference in Huntington Beach.

LUNCH RECESS. The Commission recessed for lunch at 1:15 and reconvened at 2:10 p.m.. Estolano, Flemming, Nava and Potter returned at 2:20 p.m..

b. **Carlsbad LCP Amendment No. 2-99C (Dejong).** Staff recommended approval.

Motion & Vote to Reject Implementation: Kehoe moved to reject the implementation amendment as submitted, seconded by Dettloff, and Chairman Wan ruled that the roll call vote was unanimous against the motion. The motion failed so the amendment was **approved.**

8. NEW APPEALS.

a. **Appeal No. A-6-99-89 (Leucadia Co. Water District Pump Station Rehab.)** Staff recommended that the appeal raised substantial issue. There being no objection, Chairman Wan 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.

Steve Deering and Tim Jochem, both representing the applicant, submitted requests to speak in favor of the project. Terry Gibbs, Sherri Miller and D. Dwight Worden, all representing the applicant, submitted requests to answer questions.

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

b. **Appeal No. A-6-99-113 (Encinitas storm drain) Postponed.**

c. **Appeal No. A-6-99-115 (Lampl, Encinitas)** Staff recommended that the appeal raised substantial issue. There being no objection, Chairman Wan ruled that the Commission **found substantial issue**, opened the hearing on the merits of the project and **continued** it to a future meeting.

Matthew A. Peterson, representing the applicant, objected to the substantial issue determination.

d. **Appeal No. A-6-99-123 (Caris, Encinitas) Postponed.**

9. COASTAL PERMIT APPLICATIONS.

a. **Application No. 6-97-170 (S.D.G. & E., Carlsbad) Postponed.**

b. **Application No. A-6-99-20 (Wilt, Oceanside)** Staff recommended approval with special conditions as modified in addendums.

David Lee Soanes, representing the applicants, spoke in favor of the project. Carolyn Wilt submitted a request to speak in favor of the project. Eight speakers submitted requests to speak in favor of the staff recommendation: Beverly K. Brennan, John Col, Gary Kahler, J. J. Kulke, Maureen Brigwren McShane, Jacob Sharp, Lynne Stensrud, and Thor A. Stensrud. Six speakers submitted requests to speak in opposition to the staff recommendation: Kathleen Cosgrove, Renny Dowling, Allen Evans, Paul Joelson, Bob Witt, and Geri Witt.

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

McClain-Hill left during the following item.

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

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Ronald McMahon and Elyssa Robertson, both representing the applicant, submitted requests to speak in favor of the project.

Motion: Flemming moved staff recommendation, seconded by Kehoe.

Amending Motion & Vote: Estolano moved to direct staff to accept an amendment, seconded by Flemming, and the roll call vote was 6 in favor (Daniels, Dettloff, Estolano, Flemming, Kehoe & Reilly) and 2 opposed (Nava & Wan). **Passed.**

Vote on Main Motion: The roll call vote, on the main motion, as amended above, was 7 in favor and 1 opposed (Reilly). **Passed.**

d. **Application No. 6-99-79 (Klugherz, Solana Beach)** Applicant requested continuance.

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

e. **Application No. 6-99-103 (Solana Beach Coastal Preservation, Solana Beach)** Staff recommended approval with special conditions.

Bob Semple and Marion Dodson, both representing City of Solana Beach, submitted requests to speak in favor of the project. Sixteen other speakers submitted requests to speak in favor of the project: Alvin B. Asher; Genevieve Asher; Ann Baker; Priscilla Baker; W. Baker; Walter Crampton; George K. George, Fire Chief of City of Solana Beach; Lynne Heidel; William Howell; Jack McGoldrick, representing Condo organization of South Sierra Ave.; Robert F. Monroe; Nancy O'Neal; Barbara Phillips; Seymour Phillips, representing Las Brisas HOA & Pacific Ave. group; John Russell; and Donald R. Stroben. Eleven others submitted requests to be recognized in favor of the project: Jeff Adams, Erin Capobianco, Diana Colton, Isaac Davidi, Janet Davidi, Stella Durham, Karen Glasgow, Keith Presnell, Diane Russell, Martha Stroben and Judy Woodhead. Marco Gonzalez, representing Surfrider Foundation, submitted a request to speak. Six speakers submitted requests to speak in opposition to the project: Sheelagh Williams; Todd T. Cardiff, representing Surfrider - San Diego Chapter; Sarah Richmond, representing Torrey Pines High School Surfrider Club; Roy Warden; Ellen Stephenson; and Mark Massara, representing Sierra Club.

Motion & Vote: Daniels moved staff recommendation, seconded by Kehoe, and the roll call vote was 5 in favor (Daniels, Dettloff, Flemming, Kehoe & Potter) and 4 opposed (Estolano, Nava, Reilly & Wan). **Passed.**

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10. PERMIT AMENDMENTS.

a. **Permit No. 6-92-137-A2 (Purcell, Solana Beach)** Staff recommended approval with special condition.

Monsignor Lawrence Purcell, representing St. James Catholic Church, submitted a request to speak in favor of the project.

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

b. **Permit No. 6-96-18-A2 (Continuing Life Communities, Carlsbad)** **Withdrawn.**

c. **Permit No. 6-97-11-A2 (Carlsbad Cannon Road mitigation)** **Postponed.**

d. **Permit No. 6-98-6-A (Mabee, Del Mar)** Moved to expanded Consent Calendar. **Approved.**

RECESS. The Commission recessed for the day at 5:40 p.m..

Friday, October 15, 1999 - pages 20 to 23

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Friday, October 15, 1999, at 9:00 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Daniels, Dettloff, Estolano, Flemming, Kehoe, Nava and Reilly. Absent: Desser, Dohn, Sanders and Sweeney. McClain-Hill arrived at 9:15 a.m..

SOUTH COAST DISTRICT

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

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

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

5. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved four items (7e, 7g, 7i & 8a) to the Calendar, and recommended approval with special conditions.

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

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

- a. **Long Beach LCP Amendment No. 2-99A (Belmont Shore Parking).** Staff recommended approval.

Motion & Vote to Reject Implementation: Estolano moved to reject the implementation amendment as submitted, seconded by Dettloff, and Chairman Wan ruled that the roll call vote was unanimous in opposition. The motion failed so the amendment was **approved.**

b. **San Clemente LCP Implementation Time Extension.** Staff recommended approval.

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

7. COASTAL PERMIT APPLICATIONS.

a. **Application No. 5-98-210 (Nelson, San Clemente)** Staff recommended approval with special conditions as modified orally.

Steve Nelson spoke in favor of the project.

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

b. **Application No. 5-98-240 (Patton, Newport Beach)** **Withdrawn.**

c. **Application No. 5-98-273 (McKinley Equipment, San Clemente)** **Withdrawn.**

d. **Application No. 5-99-231 (Smith, Laguna Beach)** Staff recommended approval with special conditions.

Donna Olsen, representing Blair Ballard Architects, spoke in favor of the project.

Motion: Nava moved staff recommendation, seconded by Reilly.

Amending Motion & Vote: McClain-Hill moved to allow the caisson for the pool, seconded by Potter, and the roll call vote was 6 in favor and 4 opposed (Estolano, Nava, Reilly & Wan). **Passed.**

Vote on Main Motion: The roll call vote on the main motion, as amended above, was 7 in favor and 3 opposed (Estolano, Nava & Wan). **Passed.**

e. **Application No. 5-99-243 (Jones, Newport Beach)** Moved to expanded Consent Calendar. **Approved.**

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f. **Application No. 5-99-244 (Goldrich, Kest, Grau & County of Orange, Huntington Beach)** Staff recommended approval with special conditions.

Tim Bazler, representing Moffat & Nichol Engineers, answered a question from Nava. Sherman Gardner, representing sunset Aquatic Ltd., spoke in favor of the project.

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

g. **Application No. 5-99-279 (Thomson, San Clemente)** Moved to expanded Consent Calendar. **Approved.**

h. **Application No. 5-99-295 (Santa Monica-Malibu Schools, Santa Monica)** Staff recommended approval with conditions.

Teri Whissler, representing EMC Planning Group, spoke in favor of the staff recommendation.

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

i. **Application No. 5-99-116 (Pier Ave., Santa Monica)** Moved to expanded Consent Calendar. **Approved.**

8. PERMIT AMENDMENTS.

a. **Permit No. 5-94-10-A4 (Northwestern Mutual Life, Long Beach)** Moved to expanded Consent Calendar. **Approved.**

b. **Permit No. 5-99-278-A (Cha, Los Angeles)** **Postponed.**

PUBLIC STATEMENTS. Kevin Villani reported on possible violations in La Jolla.

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STATEWIDE

9. **INCOMPATIBLE ACTIVITIES STATEMENT.** Staff recommended approval with comments in the addendum.

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

10. **COASTAL PROGRAM DIRECTIONS. Continued.**

ADJOURNMENT. There being no old or new business, the meeting adjourned at 10:35 a.m..

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

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