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CALIFORNIA COASTAL COMMISSION

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TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: MINUTES OF MEETING OF MARCH 9-12, 1999

Carmel Mission Inn
3665 Rio Road
Carmel

RECORD PACKET COPY

Tuesday, March 9, 1999 pages 1 to 9

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Tuesday, March 9, 1999, at 10:05 a.m. by Chairman Areias.
2. **ROLL CALL.** Present: Chairman Areias, Vice Chairman Wan, Commissioners Desser, Dettloff, Kehoe, McClain-Hill, Nava, Potter and Tuttle. Absent: Flemming, Holanda, Nichols, Reilly and Sanders.

SOUTH COAST DISTRICT

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

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

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SOUTH CENTRAL COAST DISTRICT

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

b. **Application No. 4-98-117 (Holmes, Los Angeles Co.)** There being more than 3 votes to remove it, this item was **set for hearing** at a later meeting.

(f) Carl Volante, representing the applicant, submitted a request to speak in favor of the project.

Motion & Vote: Wan moved staff recommendation on the remainder of the Calendar, seconded by McClain-Hill, and the roll call vote was 9 in favor and 0 opposed.
Passed.

STATEWIDE

5. **SUBCOMMITTEE on NOMINATIONS.** Trained until later.

6. **APPROVAL OF MINUTES.** The minutes of June 1994 were unanimously **approved.**

7. **COMMISSIONERS' REPORTS.** Informational Only.

8. **CONSERVANCY REPORT.** Informational Only.

9. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** Informational Only.

10. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational Only.

11. **EXECUTIVE DIRECTOR'S REPORT.**

a. **Legislation.** Trained until Wednesday. On Wednesday staff recommended support for AB 64, AB 399, AB 492, AB 511, AB 809, AB 989, AB 1293, SB 227, SB 243 and opposition to SB 153 & SB 300. The positions were unanimously approved.

STATEWIDE

Potter left at 10:30 a.m., during the following item.

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

13. FEDERAL CONSISTENCY.

a. **CD-6-99 (Air Force, Santa Barbara Co.)** Staff recommended approval.

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

SOUTH COAST DISTRICT

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

15. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 3 items (17b, d & f) to the Calendar, and recommended approval with special conditions.

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

16. LOCAL COASTAL PROGRAM (LCP).

a. **Huntington Beach LCP Amendment No. 3-98 (Goldenwest visitor-serving).** Staff recommended denial.

Howard Zelefsky, representing City of Huntington Beach, submitted a request to speak in opposition to the staff recommendation. Dave-Nancy MacLeod submitted a request to speak in opposition to the staff recommendation. Robert Corona submitted a request to speak in opposition to the staff recommendation. Dave Bartlett submitted a request to speak in favor of the project.

Motion & Vote on Plan as Submitted: Dettloff moved approval of the Land Use Plan Amendment as submitted, seconded by Kehoe, and the roll call vote was 7 in favor (Desser, Dettloff, Kehoe, McClain-Hill, Tuttle, Wan & Areias), and 1 opposed (Nava). **Passed.**

Motion & Vote to Reject Implementation: Dettloff moved to reject the implementation amendment as submitted, seconded by Kehoe, and the roll call vote was 1 in favor (Nava), and 7 opposed (Desser, Dettloff, Kehoe, McClain-Hill, Tuttle, Wan & Areias). The motion failed so the amendment was **approved.**

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17. COASTAL PERMIT APPLICATIONS.

a. **Application No. 5-98-43 (Bauer & Tyler, Newport Beach) Postponed.**

b. **Application No. 5-98-428 (Long, Los Angeles) Moved to expanded Consent Calendar. Approved.**

c. **Application No. 5-98-451 (Davis, San Clemente) Staff recommended approval with special conditions.**

Motion & Vote: There being no speakers, Wan moved staff recommendation, seconded by Dettloff, and the roll call vote was 7 in favor and 0 opposed. **Passed.**

d. **Application No. 5-98-475 (Los Angeles, Pacific Palisades stairs) Moved to expanded Consent Calendar. Approved.**

e. **Application No. 5-98-493 (Vaughn, San Clemente) Postponed.**

f. **Application No. 5-99-11 (Lortie, Newport Beach) Moved to expanded Consent Calendar. Approved.**

g. **Application No. 5-98-523 (Bridges, Newport Beach) Staff recommended approval with special conditions.**

Susan Benz, representing applicant, submitted a request to speak in favor of the project. Pete Swift, representing applicant, submitted a request to speak in favor of the project.

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

18. PERMIT AMENDMENTS.

a. **Permit No. 5-97-23-A (Newport Beach Public Works Dept., flagpole) Staff recommended approval.**

Dave Bartlett, representing the applicant, submitted a request to speak in favor of the project.

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

b. **Permit No. A-5-98-336-A (Selleck, Long Beach)** Staff recommended approval as modified orally.

Mark Massara, representing the Sierra Club, the League for Coastal Protection and the California Earth Corps, submitted a request to speak in opposition to the project. Daniel Selleck, representing the applicant, submitted a request to speak in favor of the project.

Motion & Vote: McClain-Hill moved staff recommendation, seconded by Nava, and the roll call vote was 7 in favor and 1 opposed (Desser). **Passed.**

PUBLIC STATEMENTS. Norbert Dall thanked Chairman Areias for his service. Mark Massara congratulated Chairman Areias, showed photos of surfing competition at mavericks, and objected to loss of surfing opportunities resulting from removal of Mobil Oil piers.

LUNCH RECESS. The Commission recessed for lunch at 12:35 and reconvened at 1:55 p.m. after closed session.

REPORT of CLOSED SESSION. In closed session the Commission took action on Circle K Ranch Corp. v. County of Santa Barbara.

19. PERMIT EXTENSION.

a. **Permit No. 5-92-408-E4 (The Irvine Co., Newport Beach)** Staff recommended denial.

Carol Hoffman, representing the applicant, submitted a request to speak in favor of the project. Mark Massara submitted a request to speak in opposition to the project.

Motion & Vote to Continue: Dettloff moved to continue the item, seconded by Kehoe, and the roll call vote was 6 in favor (Desser, Dettloff, Kehoe, McClain-Hill, Tuttle & Areias) and 2 opposed (Nava & Wan). **Passed.**

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20. FINDINGS.

a. **Application No. 5-97-399 (Beck, Los Angeles)** Staff recommended approval of findings.

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

SOUTH CENTRAL COAST DISTRICT

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

22. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved items 26g & 27a to the Calendar, and recommended approval with special conditions.

(26g) Don Schmitz, representing the applicant, submitted a request to speak in favor of the project. (27a) Richard Parsons, representing the applicant, submitted a request to speak in favor of the project.

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

23. LOCAL COASTAL PROGRAMS (LCPs).

a. **Santa Barbara LCP Amendment No. 3-98 (Airport and Harbor Guidelines).** Staff recommended continuance and extension of the time limit.

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

b. **Santa Barbara Co. LCP Amendment No. 3-98 (Agricultural-Commercial Designation).** Staff recommended continuance and extension of the time limit.

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

24. **LRDP UCSB Notice of Impending Development 2-98.** Staff recommended approval with special conditions.

Tye Simpson, representing U.C. Santa Barbara, submitted a request to speak in favor of the staff recommendation. Meghan Conklin, representing A.S. Environmental Affairs Board, UCSB, submitted a request to speak in opposition to the project. Ariana Katovich, representing the Environmental Affairs Board, submitted a request to state concerns about the project.

Motion & Vote: McClain-Hill moved staff recommendation, seconded by Dettloff, and the roll call vote was 7 in favor and 0 opposed. **Passed.**

25. **NEW APPEAL.**

a. **Appeal No. A-4-99-14 (Longo, Santa Barbara Co.)** Staff recommended continuance. There being no objection, Acting Chairman Kehoe opened the hearing on substantial issue and **continued** it to a future meeting. George Longo, representing appellant, submitted a request to speak in favor of the project.

26. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 4-94-137 (Starz & Kenny, Los Angeles Co.)** Staff recommended approval with special conditions as modified orally.

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

b. **Application No. 4-98-34 (Malibu Encinal Homeowners & Wilson, Malibu)** **Postponed.**

c. **Appeal No. A-4-98-104 (Isla Vista Geologic Dist., Santa Barbara Co.)** Staff recommended denial. The applicant's representative requested postponement.

Jodie Henri submitted a request to speak in opposition to the project. Craig Revell submitted a request to speak in opposition to the project. Keith Zandona, representing the Surfrider Foundation, Santa Barbara Chapter, submitted a request to speak in opposition to the project. Laura Brands submitted a request to speak in opposition to the project. Mark Massara, representing the Sierra Club, submitted a request to speak in opposition to the project. Ada Otter submitted a request to speak in opposition to the project. Linda Krop, representing EDC, Surfrider Foundation, submitted a request to speak in opposition to the project. Korey Pulas, representing the Environmental Affairs Board, submitted a request to speak in opposition to the project. Jacqueline Bishop,

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representing the Environmental Affairs Board, submitted a request to speak in opposition to the project. Sierra Hill, representing the Environmental Affairs Board, submitted a request to speak in opposition to the project. Kavan Kasprik, submitted a request to speak in opposition to the project. Meghan Conklin, representing the A.S. Environmental Affairs Board, submitted a request to speak in opposition to the project. Ariana Katovich, representing the Environmental Affairs Board, submitted a request to speak in opposition to the project. Brandy Fox submitted a request to speak in opposition to the project. Marivic Sabillo submitted a request to speak in opposition to the project.

Motion & Vote: Nava moved approval of the application, seconded by Tuttle, and the roll call vote was 0 in favor and 8 opposed. **Failed.**

d. **Application No. 4-98-119 (Korte & Mogulescu, Malibu)** Staff recommended approval with conditions.

George Furst, representing the applicant, submitted a request to speak in favor of the project. James V. Cozue, representing the applicant, submitted a request to speak in favor of the project. Stephanie Dall, representing Flaherty et al., submitted a request to speak in opposition to the staff recommendation. Bob Infelise, representing Mr & Mrs Dundy Flaherty, submitted request to speak.

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

Motion & Vote on Report: Wan moved to direct staff to review coastal bluff definitions and report, seconded by Areias, and the roll call vote was 7 in favor and 1 opposed (Dettloff). **Passed.**

e. **Application No. 4-98-247 (Embleton, Los Angeles Co.)** **Postponed.**

f. **Application No. 4-98-263 (State of California, Malibu)** Staff recommended approval with special conditions.

Jim Kirstein, representing the applicant, submitted a request to speak in favor of the project. Boniface Udator, representing the applicant, submitted a request to speak in favor of the project.

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

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g. **Application No. 4-98-270 (Shachory, Malibu)** Moved to expanded Consent Calendar. **Approved.**

h. **Application No. 4-98-319 (Greenhut, Malibu)** **Postponed.**

27. **PERMIT AMENDMENT.**

a. **Permit No. 4-83-257-A11 (Ventura Port District, Ventura)** Moved to expanded Consent Calendar. **Approved.**

RECESS. The Commission recessed for the day at 4:45 p.m..

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Wednesday, March 10, 1999 pages 10 to 16

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, March 10, 1999, at 9:10 a.m. by Chairman Areias.
2. **ROLL CALL.** Present: Chairman Areias, Vice Chairman Wan, Commissioners Desser, Dettloff, Holanda, Kehoe, McClain-Hill, Nava, Potter, Reilly and Tuttle. Absent: Flemming, Nichols and Sanders.

SAN DIEGO COAST DISTRICT

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

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

4. **CONSENT CALENDAR.** See items a & b on page 9 of the agenda. Staff recommended approval with special conditions.

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

STATEWIDE

5. **ELECTION of OFFICERS.** Reilly moved to elect Wan as Chair, Potter as Vice-Chair, and retain Hisserich as representative to the Santa Monica Mountains Conservancy, seconded by Dettloff, and unanimously **approved.**

Former Chairman Areias left at 10 a.m., before the following items.

6. **LCP PERIODIC REVIEWS & RECAP.** Informational only. Norbert Dall suggested use of guidelines from the mid-80s.

7. **PREVIOUS LCP PLANNING GRANTS.** Informational only.

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8. **LCP PLANNING GRANTS.** Staff recommended approval with conditions as modified orally.

Robert V. and Helen Y Goode, (City of Santa Cruz) representing the Younger Ranch (adjacent property), spoke in opposition to the staff recommendation. Patricia Temple, representing the City of Newport Beach, submitted a request to speak in favor of the staff recommendation. Dill Fell, representing the City of Monterey, submitted a request to answer questions. Ron Hoffman, representing the Los Angeles Co., Dept. of Regional Planning, spoke in favor of the staff recommendation with modification. Brian Roseth, representing the City of Carmel, submitted a request to answer questions. Kathy Butle, representing the City of Santa Cruz, submitted a request to answer questions. Ken Thomas, representing City of Santa Cruz, asked for clarification of previous action.

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

ENFORCEMENT

Potter left at 11:30 a.m., during the following item.

9. **ENFORCEMENT CEASE & DESIST ORDERS.**

a. **Commission Cease & Desist Order No. CCC-99-CD-1 (Judson & Parker, Santa Barbara)** Staff recommended approval.

Thomas Winfield, representing the Stanford Farm Trust Trustees, spoke in opposition to the staff recommendation. Susan Jordan, representing the League for Coastal Protection, spoke in favor of the staff recommendation. Alan Seltzer, representing the County of Santa Barbara, spoke in favor of the staff recommendation. Mark Massara, representing the Sierra Club, spoke in favor of the staff recommendation.

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

b. **Commission Cease & Desist Order No. CCC-99-CD-2 (Harfenist, Santa Barbara Co.)** Staff recommended approval.

Mark Massara, representing the Sierra Club, spoke in favor of the staff recommendation. Alan Seltzer, Chief Deputy County Counsel, representing County of Santa Barbara, spoke in favor of the staff recommendation.

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

PUBLIC STATEMENT. Susan Young, representing Citizens for Responsible North Coast, distributed a calendar of scenes from Davenport. David Dilworth, representing Responsible Consumers - RCMP, requested more Enforcement Resources.

LUNCH RECESS. The Commission recessed for lunch at 12:35 and reconvened at 2:05 p.m..

ENERGY and OCEAN RESOURCES

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

a. **Avila Beach & Guadalupe Oil Spill Remediation Projects.** Informational only.

b. **SONGS Status.** Informational only. Frank Melone, representing Southern California Edison, spoke in favor of the project.

11. COASTAL PERMIT APPLICATIONS.

a. **Application No. E-98-17 ("Pacific Offshore Farms," San Mateo Co.) Postponed.**

b. **Application No. E-98-18 ("Princeton Abalone," San Mateo Co.) Postponed.**

c. **Application No. E-98-19 ("Blue Pacific Abalone," San Mateo Co.) Postponed.**

d. **Application No. E-98-20 ("Pearl Abalone," San Mateo Co.) Postponed.**

SAN DIEGO COAST DISTRICT

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

13. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved item 16h to the Calendar, and recommended approval with special conditions as modified orally.

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

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

a. **San Diego LCP Amendment No. 3-98.** Staff recommended approval of part of the plan as submitted and approval of part with suggested modifications.

Tom Story, representing applicant, submitted a request to speak in favor of the project. Susan Brady, representing San Diegans for Responsible Freeway Planning and Rancho Glens Ad Hoc SR56 Committee, submitted a request to speak for approval of SR56 & Subarea III, portions of Major Amend 3-98. Mike Kelly, representing Friends of Los Penasquitos Canyon Preserve, submitted a request to speak in favor of the staff recommendation. Nancy Lucast, representing BRE Properties, ("Pinnacle" property owner), submitted a request to speak in favor of the staff recommendation. Randy Jackson, representing the applicant, submitted a request to speak in favor of the staff recommendation.

Motion & Vote on Part of Plan as Submitted: Kehoe moved approval of part of the Land Use Plan Amendment (Kilroy) as submitted, seconded by Dettloff, and the roll call vote was 7 in favor and 0 opposed. **Passed.**

Motion & Vote on Part of Plan as Submitted: Kehoe moved approval of the remainder of the Land Use Plan Amendment as submitted, seconded by Dettloff, and the roll call vote was 0 in favor and 7 opposed. **Failed.**

Motion & Vote on Plan with Modifications: Kehoe moved approval of the Land Use Plan Amendment with suggested modifications, seconded by Dettloff, and the roll call vote was 7 in favor and 0 opposed. **Passed.**

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15. NEW APPEALS.

a. **Appeal No. A-6-98-169 (Moncrieff, San Diego)** Staff recommended the appeal raised substantial issue. There being more than 3 votes to hear testimony, Chairman Wan opened the hearing on substantial issue.

Matt Peterson, representing the applicants, submitted a request to speak in favor of the project. Scott Moncrieff, representing the applicant, submitted a request to speak in favor of the project. Joanne H. Pearson, representing the Sierra Club, submitted a request to speak in opposition to the project. Dr. Norma Rink, submitted a request to speak in opposition to the project.

Motion & Vote on No Substantial Issue: Reilly moved to find the appeal raised no substantial issue, seconded by Tuttle, and the roll call vote was 0 in favor and 7 opposed. **Failed.**

b. **Appeal No. A-6-99-20 (Wilt, Oceanside)** Staff recommended the appeal raised no substantial issue.

Colette Evans, representing appellant, submitted a request to speak in opposition to the project. Jamie Phillips, representing the appellant, submitted a request to speak in opposition to the project. James Wilt, representing the applicant, submitted a request to speak in favor of the project. Carolyn Will, representing the applicant, submitted a request to speak in favor of the project.

Motion & Vote on No Substantial Issue: Kehoe moved staff recommendation, seconded by Desser, and the roll call vote was 3 in favor (Dettloff, McClain-Hill & Nava) and 4 opposed (Desser, Kehoe, Tuttle & Wan). **Failed.**

16. COASTAL PERMIT APPLICATIONS.

a. **Application No. 6-97-144 (Beach House, Encinitas)** **Withdrawn.**

b. **Application No. 6-98-87 (Chart House, Encinitas)** **Withdrawn.**

c. **Application No. 6-98-89 (Charlie's By The Sea, Encinitas)** **Withdrawn.**

d. **Application No. 6-98-121 (San Diego Mission Bay shoreline)** Staff recommended approval with special conditions.

Darren Greenhalgh, representing the City of San Diego, submitted a request to

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Speak in favor of the project. Keith Merkel, representing the applicant, submitted a request to speak in favor of the project.

Motion: Kehoe moved staff recommendation, seconded by Dettloff.

Amending Motion & Vote: Kehoe moved to delete condition #1 (West Ski Island), seconded by Dettloff, and the roll call vote was 8 in favor and 0 opposed. **Passed.**

Vote on Main Motion: The roll call vote on the main motion, as amended above, was 8 in favor and 0 opposed. **Passed.**

e. **Application No. 6-98-124 (BRE, San Diego) Postponed.**

f. **Appeal No. A-6-98-140 (DTC-RECP Opoc, San Diego)** Staff recommended approval with special condition.

Lynne Heidel, representing the applicant, submitted a request to speak in favor of the project. Chris Roberts, representing the Desert Troon, submitted a request to speak in favor of the project. Ernesto M. Vasquez, AIA, representing the Desert Troon, submitted a request to speak in favor of the project. Shelly Kilbourn, representing the applicant, submitted a request to speak in favor of the project. Philip Ordway, representing the applicant, submitted a request to speak in favor of the project. Elizabeth Stone, representing the applicant, submitted a request to speak in favor of the project. John Fisher, representing the City of San Diego, submitted a request to speak in favor of the project. Scott Peters, representing the appellant, submitted a request to speak in opposition to the project.

Motion & Vote: Dettloff moved staff recommendation, seconded by McClain-Hill, and the roll call vote was 7 in favor and 0 opposed. **Passed.**

g. **Application No. 6-98-165 (Neeley, Del Mar) Postponed.**

h. **Application No. 6-99-2 (Neeley, Del Mar)** Moved to expanded Consent Calendar. **Approved.**

17. PERMIT AMENDMENT.

a. **Permit No. 6-98-138-A (San Diego skateboard park fees) Postponed.**

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18. PERMIT EXTENSION.

a. **Permit No. 6-92-203-E3 (Sports Shinko, Encinitas)** Staff recommended approval.

James Hirsch, representing the Sports Shinko (Encinitas Resort), submitted a request to speak in favor of the project. Ellen B. Spellman, representing the applicant, submitted a request to speak in favor of the project.

Approved: There being no objection Chairman Wan ruled that the permit be extended.

19. FINDINGS.

a. **National City LCP Amendment No. 1-98A.** Staff recommended approval of findings.

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

b. **National City LCP Amendment No. 1-98B.** Staff recommended approval of findings.

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

20. RECONSIDERATION.

a. **Appeal No. A-6-98-109-R (West Village Center, Encinitas)** Staff recommended denial.

Brian Fish, representing West Village, submitted a request to speak in favor of the project.

Motion & Vote: Kehoe moved to reconsider, seconded by Reilly, and the roll call vote was 0 in favor and 8 opposed. **Failed.**

RECESS. The Commission recessed for the day at 4:55 p.m..

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Thursday, March 11, 1999 - pages 17 to 25

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, March 11, 1999, at 9:05 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Desser, Dettloff, Holanda, McClain-Hill, Nava, Reilly, and Tuttle. Absent: Flemming, Nichols and Sanders. Kehoe arrived at 9:10 a.m..

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. **Santa Cruz Co. LCP Amendment No. 2-98 Certification Review. Postponed.**

- b. **Santa Cruz Co. LCP Amendment No. 1-98 Certification Review. Postponed.**

- c. **Santa Cruz Co. LCP Minor Amendment No. 3-98.** Staff recommended concurrence with Executive Director's determination. There being no objection, Chairman Wan ruled that the Commission concurred with the Executive Director. **Approved.**

- d. **Morro Bay LCP Amendment No. 1-98 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.**

Kehoe arrived before the following items.

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

- a. **Grover Beach LCP Amendment No. 1-98 (Update).** Staff recommended continuance.

Thomas Sullivan, representing City of Grover Beach, submitted a request to speak in opposition to the staff recommendation.

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

b. **Monterey Co. LCP Amendment No. 1-98 (wireless communications).** Staff recommended extension of the time limit for action.

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

c. **Santa Cruz Co. LCP Amendment No. 3-98.** Staff recommended continuance.

Mark Deming, representing the County, submitted a request to speak. Michael Titeriot, representing Santa Cruz County Farm Bureau, owner of affected property, spoke in opposition to the staff recommendation. Mark Rentl, representing the California Forestry Association, submitted a request to speak in opposition to the staff recommendation. Richard Burton, owner of affected property, submitted a request to speak in opposition to the staff recommendation. Dennis Kehoe, representing Big Creek Lumber Co., submitted a request to speak in opposition to the staff recommendation. Bud McCrary, representing Big Creek Lumber Co, submitted a request to speak in opposition to the project. Raymond M. Rice, representing Big Creek Lumber Co., submitted a request to speak in opposition to the staff recommendation. Michael Jani, representing Big Creek Lumber Co., submitted a request to speak in opposition to the staff recommendation. O. Robert Welch, representing SLV Property Owners Assn., submitted a request to speak in opposition to the staff recommendation. Carl Matthes, representing San Lorenzo Valley Property Owners, submitted a request to speak in opposition to the staff recommendation. Lisa Rudnick, representing Central Coast Forest Association, submitted a request to speak in opposition to the staff recommendation. Patrick Dugan, representing SLV Property Owners Association, submitted a request to speak in opposition to the staff recommendation. . David Smelt, representing timberland owners, submitted a request to speak in opposition to the staff recommendation. Charles Burton, representing L.T.O., owner of affected property, submitted a request to speak in opposition to the staff recommendation. Ida Hills, representing the Sierra Club Forestry Task Force, submitted a request to speak in favor of the staff recommendation. Mark Massara, representing the Sierra Club, submitted a request to speak in favor of the staff recommendation. Jodi Frediani, representing the Sierra Club, submitted a request to speak in favor of the staff recommendation. Robert O. Briggs submitted a request to speak in opposition to the project. Mark Vandepol submitted a request to speak, questioning direction of the proposed legislation. John Willott, owner of affected property, submitted a request to speak in opposition to the staff recommendation. Elizabeth Knights, owner of affected property, submitted a request to speak in opposition to the staff recommendation. Roy Webster submitted a request to speak in

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opposition to the staff recommendation. Gerald Nelson submitted a request to speak in opposition to the staff recommendation. Howard Liebenberg submitted a request to speak, expressing personal point of view on global outcome. Mark Morgenthaler, representing CRFM, submitted a request to speak in opposition to the staff recommendation. Brian Campbell submitted a request to speak in favor of the staff recommendation. Lawrence Prather, representing Citizens for Responsible Forest Management, submitted a request to speak in favor of staff recommendation with amendments proposed by SC. Brownie Willott, representing Bob Berbage, submitted a request to speak in opposition to the staff recommendation. Bob Berlage, representing Big Creek Lumber Co., submitted a request to speak in opposition to the staff recommendation. Steven Butler, representing Edward Tunheim Consulting Forester, submitted a request to speak in opposition to the staff recommendation. Walter Mark, representing Cal Poly State Univ., submitted a request to speak in opposition to the staff recommendation.

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

5. NEW APPEALS.

a. **Appeal No. A-3-98-86 (Wavecrest, Santa Cruz) Postponed.**

b. **Appeal No. A-3-98-99 (Burbank, San Luis Obispo Co.) Withdrawn.**

McClain-Hill left before the following items.

c. **Appeal No. A-3-98-108 (Rodman & Holland, San Luis Obispo Co.)** Staff recommended 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 continuance.

Ron Holland submitted a request to speak in favor of the project. Jerry Gregory submitted a request to speak in favor of the project. Gregory W. Sanders, representing applicant, submitted a request to speak in favor of the project. J.L. Devtz submitted a request to speak in favor of the staff recommendation. Elsie Deitz submitted a request to speak in opposition to the project. Alexander Henson submitted a request to speak in opposition to the project. Gordon Henley submitted a request to speak in opposition to the project. Kat McConnell, representing North Coast Advisory Council, submitted a request to speak. Sarah Christie submitted a request to speak in favor of the appeal.

Chairman Wan **continued** the hearing to a future meeting.

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d. **Appeal No. A-3-98-109 (Leslie, Monterey Co.)** Staff recommended 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.

Mary Ann Schicketanz, representing applicant, submitted a request to speak in favor of the project. Bob Leslie, applicant, submitted a request to speak in favor of the project. T.W. Brown submitted a request to speak in favor of the project.

Motion & Vote: Potter moved staff recommendation, seconded by Desser, and the roll call vote was 7 in favor and 0 opposed. **Passed.**

e. **Appeal No. A-3-98-117 (Fleck & Odenweller, Santa Cruz Co.)** Staff recommended the appeal raised no substantial issue.

Judi Craik, representing appellant, submitted a request to speak in opposition to the project. Tracy Johnson, representing applicant, submitted a request to speak in favor of the project. Lloyd Williams, representing applicant, submitted a request to speak in favor of the project. Norma Odenweller, applicant, submitted a request to speak in favor of the project.

Motion & Vote: Nava moved staff recommendation, seconded by Potter, and the roll call vote was 6 in favor and 1 opposed (Kehoe). **Passed.**

f. **Appeal No. A-3-99-1 (Callahan, Monterey Co.)** Staff recommended 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 denial.

The hearing was combined with item d (A-3-98-109) above.

Motion & Vote: Potter moved approval of the application, seconded by Desser, and the roll call vote was 0 in favor and 7 opposed. **Failed.**

6. COASTAL PERMIT APPLICATION.

a. **Appeal No. A-3-98-114 (S N G, Sand City)** **Postponed.**

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McClain-Hill returned during the following item.

7. **REVOCATION of Permit No. A-3-96-113 (Vadnais, Cambria).** Staff recommended denial.

Joe Boud, representing applicant, submitted a request to speak in favor of the project. Linda Hall & Suzy Flicker, representing Cambria Legal Defense Fund, submitted a request to speak in opposition to the project. Nine speakers representing Citizens for Fair Land Use submitted requests to speak in opposition to the project: Norman Fleming, Richard Moratin, Ronald Olney, Vern Kalshaw, Gerda Fleming, Robin Wayne, William Baker, Steve Wayne, and Margery Olney. Linda Hall submitted a request to speak in opposition to the project. Kat McConnell, representing Cambria Community Services District, submitted a request to state concerns about the project.

Motion & Vote: Potter moved to revoke the permit, seconded by Nava, and the roll call vote was 7 in favor and 1 opposed (Dettloff). **Passed.**

LUNCH RECESS. The Commission recessed for lunch at 12:55 and reconvened at 1:25 p.m. after closed session.

REPORT of CLOSED SESSION. In closed session the Commission took action on CCC v. Surfwood IV, et al., and discussed 2 other matters for information only.

PUBLIC STATEMENTS. Susan Young, representing Davenport Citizens for Responsible North Coast Planning, spoke requesting petition for change of venue. Marilyn Fravel, representing Davenport Citizens for Responsible North Coast Planning, spoke requesting petition for change of venue. Kristen Raugust, representing Davenport Citizens for Responsible North Coast Planning, spoke requesting change of venue. Bruce McDougal, representing Davenport Citizens for Responsible North Coast Planning, spoke requesting petition for change of venue. Marshall Hydora, Council Member of City of Carmel, extended greetings to the Commission and opposed the Hatton Canyon freeway. Joyce Stevens submitted a request to speak re Hatton Canyon. Gary Tate spoke re Hatton Canyon. Zad Leavy, representing Monterey Peninsula Regional Park District, spoke re Hatton Canyon. Vickie Finan, representing Beacon Foundation, spoke about SWEF. Susan Jordan spoke.

STATEWIDE

7.5 FEDERAL CONSISTENCY.

a. ND-11-99 (Marine Corps, Monterey) Staff recommended approval.

Sam Dennis, representing U.S. Marine Corps, submitted a request to speak in favor of the staff recommendation. Lt. Col. Gary Schoukel, representing U.S. Marine Corps, submitted a request to speak in favor of the staff recommendation. Lt. Col. Craig Meyers, representing U.S. Marine Corps, submitted a request to speak in favor of the staff recommendation. Hershel Harrod submitted a request to speak in favor of the staff recommendation. Karin Strasser Kauffman, representing Sanctuary Advisory Council, submitted a request to speak in opposition to the staff recommendation, requesting full environmental assessment. Steve A. Polkabla, representing Veterans for Peace, submitted a request to speak in opposition to the staff recommendation. Alex Holodiloff, representing Veterans for Peace, submitted a request to speak in opposition to the staff recommendation. Bobbie Harms submitted a request to speak in opposition to the staff recommendation. Joyce Vandevere submitted a request to speak in opposition to the staff recommendation. James Mattison, representing Friends of the Sea Otter, submitted a request to speak in opposition to the staff recommendation. Phyllis Davis, representing Friends of the Sea Otter & Guardian of the Snowy Plover, submitted a request to speak in opposition to the staff recommendation. Jim Curland, representing Friends of the Sea Otter, submitted a request to speak in opposition to the staff recommendation. Jeff Calder, representing Friends of the Sea Otter, submitted a request to speak in opposition to the staff recommendation. Susan Jordan, representing League for Coastal Protection, submitted a request to speak in opposition to the staff recommendation. Darby Moss Worth, representing WILPF, submitted a request to speak in opposition to the staff recommendation. Jud Vandevere submitted a request to speak in opposition to the staff recommendation. Elissa Murphy submitted a request to speak in opposition to the staff recommendation. Dona Nye, representing Concerned Citizens, submitted a request to speak in opposition to the staff recommendation. Jay R. Murray submitted a request to speak in opposition to the staff recommendation. Kenneth Helms submitted a request to speak in opposition to the staff recommendation. Richard Miller, Ph.D., representing Citizens of the Peninsula, submitted a request to speak in opposition to the staff recommendation. Michael J. Smith submitted a request to speak in opposition to the staff recommendation. David Dilworth, representing Responsible Consumers of the Monterey Peninsula, submitted a request to speak in opposition to the staff recommendation. Andrea Harrod submitted a request to speak in favor of the staff recommendation. Judy Karas submitted a request to speak against Marine negative declaration. Winston Elstob, representing the Green Party of Monterey County, submitted a request to speak in opposition to the staff recommendation. Erling Lagerholy submitted a request to speak.

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Motion & Vote: Nava moved concurrence with the negative declaration, seconded by Potter, and the roll call vote was 0 in favor and 7 opposed. **Failed.**

b. **CC-48-88 (Caltrans, Monterey Co.) Postponed.**

NORTH COAST DISTRICT

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

a. **Arcata LCP Amendment No. 2-97 Certification Review.** Staff recommended concurrence with Executive Director's determination. There being no object, Vice Chairman Potter ruled that Commission concurred with the Executive Director. **Approved.**

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

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

a. **Half Moon Bay LCP Amendment No. 1-98B (deBenedetti).** Staff recommended approval with suggested modifications.

Bud Carney, representing City of Half Moon Bay, submitted a request to speak in favor of the staff recommendation. Helen J. Carey submitted a request to speak requesting more information.

Motion & Vote on Plan as Submitted: Reilly moved approval of the Land Use Plan Amendment as submitted, seconded by Nava, and the roll call vote was 0 in favor, 7 opposed and 1 abstention (Wan). **Failed.**

Motion & Vote on Plan with Modifications: Reilly moved approval of the Land Use Plan Amendment with suggested modifications, seconded by Nava, and the roll call vote was 7 in favor, 0 opposed and 1 abstention (Wan). **Passed.**

Motion & Vote to Reject Implementation: Reilly moved to reject the implementation amendment as submitted, seconded by Nava, and Vice Chairman Potter substituted the previous roll call vote (7-0-1). **Passed.**

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Motion & Vote on Implementation with Modifications: Reilly moved approval of the implementation with suggested modifications, seconded by Nava, and Vice Chairman Potter substituted the previous roll call vote (7-0-1). **Passed.**

b. **Half Moon Bay LCP Amendment No. 2-98 (Matteucci) Time Extension.** Staff recommended approval.

Bud Carney, representing City of Half Moon Bay, submitted a request to speak in favor of the staff recommendation.

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

c. **Trinidad LCP Amendment No. 1-98 (Twoomey).** Staff recommended approval.

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

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

11. NEW APPEALS.

a. **Appeal No. A-1-97-19 (McNamara, Del Norte Co.) Postponed.**

b. **Appeal No. A-1-99-1 (Smiley, Mendocino Co.)** Staff recommended 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 denial.

Robert Smiley submitted a request to speak in opposition to the staff recommendation. Luanne Smiley submitted a request to speak in opposition to the staff recommendation. Tom Wolsky submitted a request to speak specifying adjacent neighbor. Beth Corwn submitted a request to speak specifying adjacent neighbor. Stephen Heckeroth submitted a request to speak in opposition to the staff recommendation. Mark Massara, representing the Sierra Club, submitted a request to speak in favor of the staff recommendation.

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Motion & Vote: Nava moved approval of the application, seconded by Reilly, and the roll call vote was 0 in favor and 8 opposed. **Failed.**

12. COASTAL PERMIT APPLICATION.

a. **Application No. 1-98-77 (Porto Bodega, Sonoma Co.) Postponed.**

RECESS. The Commission recessed for the day at 4:50 p.m..

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Friday, March 12, 1999 - pages 26 to 28

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Friday, March 12, 1999, at 9:00 a.m. by Chairman Wan.

2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Desser, Dettloff, (Alternate) Johnson, Nava, Reilly and Tuttle. Absent: Flemming, Holanda, Nichols and Sanders. McClain-Hill arrived at 9:30 a.m..

PUBLIC STATEMENT. Fred Meurer, Monterey City Manager, commented on the Commission's action on "Urban Warfare." Mayor Albert was also present.

NORTH COAST DISTRICT

3. **NEW APPEAL.**

a. **Appeal No. A-1-99-6 (Caltrans, Fort Bragg)** Staff recommended approval with special conditions as modified orally.

Gudmund Setberg, representing the applicant, submitted a request to speak. Rick Knapp, representing the applicant, submitted a request to speak. Lupe Jimenez, representing the applicant, submitted a request to speak. Karen Tatman, representing the applicant, submitted a request to speak. Jere Melo, Mayor Pro Tem of City of Fort Bragg, submitted a request to speak in favor of the project. Patricia Campbell, representing Mendocino County – MCOG, submitted a request to speak in favor of the project. Barbara Clark, submitted a request to speak in favor of the project. Wendy Squires, representing Mendocino County Employers Council, submitted a request to speak in favor of the project. Paul Clark submitted a request to speak in favor of the project. Lila Hayter submitted a request to speak in favor of the project. Phillip J. Dow, representing Mendocino Council of Governments, submitted a request to speak in favor of the project. Heather Drum submitted a request to speak in favor of the project. Karen Markard submitted a request to state concerns about the project. Vince Taylor submitted a request to speak in opposition to the project. Mark A. Massara, representing the Sierra Club, submitted a request to speak in favor of the project. Stanley Miklosk submitted a request to speak in favor of mitigations. Dan Gerde, Council Member of the City of Fort Bragg, submitted a request to speak in favor of the staff recommendation. David Dilworth, representing RCMP, submitted a request to state concerns about the project.

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Motion: Potter moved staff recommendation, seconded by Reilly.

Amending Motion & Vote: Reilly moved to reduce the maximum in-lieu fee to \$1,000,000, seconded by Johnson, and the roll call vote was 5 in favor (Dettloff, Johnson, Potter, Reilly & Tuttle), and 4 opposed (Desser, McClain-Hill, Nava & Wan). **Passed.**

Vote on Main Motion: The roll call vote on the main motion, as amended above, was 5 in favor (Dettloff, Johnson, Potter, Reilly & Tuttle), and 4 opposed (Desser, McClain-Hill, Nava & Wan). **Passed.**

4. COASTAL PERMIT APPLICATIONS.

a. **Application No. 1-98-100 (Caltrans, Fort Bragg)** Staff recommended approval with special conditions as modified orally consistent with the previous action.

The hearing was combined with item 3a above.

Motion & Vote: Potter moved staff recommendation, seconded by Reilly, and Chairman Wan substituted the previous roll call vote (5-4). **Passed.**

b. **Application No. 1-97-76 (Fish & Game & Del Norte Co., Crescent City)** Staff recommended continuance.

Herb Pierce, representing Dept. of Fish & Game, submitted a request to speak in favor of the project. Michael Young, representing County of Del Norte, submitted a request to speak in favor of the project. Wayne S. Mohr, representing Pacific Shores Property Owners, submitted a request to speak in opposition to the project. Janice M. Bowen, representing Tolowa Nation, submitted a request to speak in opposition to the project. Lorretta Turner submitted a request to speak in opposition to the project. James Wakefield, representing Public Shores Water District, submitted a request to speak in opposition to the project. David Dilworth, submitted a request to speak in opposition to the project.

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

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PUBLIC STATEMENT. James & Leslie O'Neil, representing O'Neil Dairy, submitted a request to state concerns about the project. David Dilworth, representing Helping Our Peninsula's Environment, spoke about preserving the pine forest.

ADJOURNMENT. There being no old or new business, the meeting adjourned at 12:05 p.m.

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

pmg