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CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY

TO: ALL COMMISSIONERS
FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR
SUBJECT: **MINUTES OF MEETING OF FEBRUARY 3-5, 1999**
Hotel Del Coronado
1500 Orange Avenue
Coronado

Wednesday, February 3, 1999 pages 1 to 10

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, February 3, 1999, at 9:00 a.m. by Chairman Areias.
2. **ROLL CALL.** Present: Chairman Areias, Vice Chairman Wan, Commissioners Allen, Armanasco, Dettloff, Flemming, Holanda, Kehoe, Potter, Reilly and Tuttle. Absent: Nichols and Sanders. Nava arrived at 9:45 a.m..

SOUTH COAST DISTRICT

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

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

STATEWIDE

4. **APPROVAL OF MINUTES.** Allen moved approval of the minutes of October 1994, seconded by Wan, and unanimously **approved**. Wan moved approval of the minutes of November 1994, seconded by Allen, and unanimously **approved**. Allen moved approval of the minutes of January 1999, seconded by Wan, and unanimously **approved**. Wan moved approval of the minutes of August 1994, seconded by Allen, and unanimously **approved**.

5. **COMMISSIONERS' REPORTS.** Informational only.

6. **CONSERVANCY REPORT.** Informational only written report.

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

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

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

a. **Public Education Grant Program.** Staff recommended approval.

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

9.5 **LCP PERIODIC REVIEWS & ReCAP.** **Postponed.**

ENERGY and OCEAN RESOURCES

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

a. **SONGS Status.** Informational only.

11. **PERMIT AMENDMENT.**

a. **Permit No. E-95-9-A3 (Phillips, Santa Barbara Co.)** Staff recommended approval with special conditions as modified orally.

Dr Craig Barlotti spoke about biology. Ed Morton spoke in favor of the revised recommendation.

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

CENTRAL COAST DISTRICT

Nava arrived during the next item.

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

a. **Santa Cruz Co. LCP Amendment No. 1-98 Certification Review.** Staff recommended extension of time limit. There being no objection Chairman Areias ruled that the extension was unanimously **approved.**

b. **Pismo Beach LCP Amendment No. 1-98 Certification Review.** Staff recommended concurrence with Executive Director's determination. There being no objection Chairman Areias ruled that the Commission concurred with the Executive Director. **Approved.**

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

a. **Santa Cruz Co. LCP Amendment No. 2-98.** Staff recommended approval with suggested modifications.

Paia Levine, representing County of Santa Cruz, spoke in favor of the staff recommendation.

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

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

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

Motion & Vote to Reject Implementation: Potter moved to reject the implementation amendment as submitted, seconded by Armanasco, and the roll call vote was 10 in favor and 0 opposed. **Passed.**

Motion & Vote on Implementation with Modifications: Potter moved approval of the implementation with suggested modifications, seconded by Armanasco, and the roll call vote was 10 in favor and 0 opposed. **Passed.**

b. **Grover Beach LCP Amendment No. 1-98 (Update). Postponed.**

c. **Morro Bay LCP Amendment No. 2-97 (Adult Entertainment).** Staff recommended approval with suggested modifications.

Motion & Vote to Reject Implementation: Potter moved to reject the implementation amendment as submitted, seconded by Flemming, and the roll call vote was 10 in favor and 0 opposed. **Passed.**

Motion & Vote on Implementation with Modifications: Potter moved approval of the implementation with suggested modifications, seconded by Flemming, and the roll call vote was 10 in favor and 0 opposed. **Passed.**

14. NEW APPEALS.

a. **Appeal No. A-3-98-85 (Pebble Beach, Monterey Co.) Postponed.**

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

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

d. **Appeal No. A-3-98-101 (Bailey & Steltenpohl, Santa Cruz Co.) Postponed.**

e. **Appeal No. A-3-98-108 (Rodman & Holland, San Luis Obispo Co.) Postponed.**

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f. **Appeal No. A-3-98-109 (Leslie, Monterey Co.)** Staff recommended continuance. There being no objection Chairman Areias opened the hearing and **continued** it to a future meeting.

g. **Appeal No. A-3-98-114 (S N G, Sand City)** Staff recommended that the appeal raised substantial issue. There being no objection Chairman Areias ruled that the Commission **found substantial issue**, and opened the hearing on the merits of the project. Staff recommended continuance.

Ed Ghandour spoke representing the applicant. Janey Figen, representing Sierra Club, spoke. Joyce Stevens, representing Sierra Club, Ventana Chapter, spoke in opposition to the project. Steve Matarazzo, representing City of Sand City, spoke in favor of the project. Mayor David K. Pendergrass, representing City of Sand City, spoke in favor of the project. Michael Groves, representing applicant, spoke in favor of the project. Mark Massara, representing Sierra Club, submitted a request to speak.

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

h. **Appeal No. A-3-98-117 (Fleck & Odenweller, Santa Cruz Co.)** Staff recommended continuance. There being no objection Chairman Areias opened the hearing and **continued** it to a future meeting.

i. **Appeal No. A-3-99-1 (Callahan, Monterey Co.)** Staff recommended continuance. There being no objection Chairman Areias opened the hearing and **continued** it to a future meeting.

15. FINDINGS.

a. **Morro Bay LCP Amendment No. 1-97 (Water Allocation).** Staff recommended approval of findings as modified orally.

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

b. **Application No. A-3-98-74 (King, San Luis Obispo Co.)** Staff recommended approval of findings.

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

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c. **Application No. A-3-98-83 (Highlands Inn, Monterey Co.)** Staff recommended approval of findings.

Anthony Lombardo, representing applicant, submitted a request to speak.

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

16. RECONSIDERATIONS.

a. **Permit No. 4-83-490-A-R (Cliffs Hotel, Pismo Beach)** Staff recommended denial.

Sherman Stacey, representing applicant, and Mark Massara spoke.

Motion & Vote: Nava moved to grant reconsideration, seconded by Armanasco, and the roll call vote was 0 in favor and 11 opposed. **Failed.**

b. **Application No. A-3-98-49-R (Cliffs Hotel, Pismo Beach)** Staff recommended denial.

The hearing was combined with item a above.

Motion & Vote: Nava moved to grant reconsideration, seconded by Armanasco, and the roll call vote was 0 in favor and 11 opposed. **Failed.**

SOUTH COAST DISTRICT

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

a. **Laguna Beach LCP Amendment No. 1-98 Certification Review.** Staff recommended concurrence with Executive Director's determination. Ken Frank, representing City of Laguna Beach, submitted a request to speak in favor of the staff recommendation. There being no objection Chairman Areias ruled that the Commission concurred with the Executive Director. **Approved.**

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18. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved three items (20c, 20d & 20h) to the Calendar, and recommended approval with special conditions.

(20c) Don Webb and Gail Pickart, both representing City of Newport Beach, submitted requests to speak in favor of the project. (20d) Jeffrey D. Powers, representing applicant, submitted a request to speak in favor of the project.

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

19. NEW APPEAL.

a. **Appeal No. A-5-98-518 (Comstock, Crosser & Associates, Long Beach)** The appeal was not valid.

20. COASTAL PERMIT APPLICATIONS.

a. **Application No. 5-98-156 (Long Beach & McMillan)** Staff recommended approval with special conditions.

Robert Paternoster, representing City of Long Beach, submitted a request to speak in favor of the project. Stanton Eckstut, representing Ehrenkrantz, Eckstut & Kuhn, submitted a request to speak in favor of the project. M. Dene Oliver, representing DDR Oliver McMillan, submitted a request to speak in favor of the project. Jeffrey D. Powers, representing David Gelbaum, submitted a request to answer questions.

Motion: Dettloff moved staff recommendation, seconded by Armanasco.

Amending Motion & Vote: Dettloff moved to amend conditions concerning view per the applicant, seconded by Armanasco, and the roll call vote was 9 in favor and 0 opposed. **Passed.**

Amending Motion & Vote: Dettloff moved to allow valet parking with later review, seconded by Armanasco, and the roll call vote was 7 in favor (Allen, Armanasco, Dettloff, Flemming, Nava, Potter & Areias) and 2 opposed (Reilly & Tuttle). **Passed.**

Vote on Main Motion: The roll call vote on the main motion as amended above was 9 in favor and 0 opposed. **Passed.**

PUBLIC STATEMENT. Doug Kortoff spoke about upstream sources of pollution and measures to control it.

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LUNCH RECESS. The Commission recessed for lunch at 12:35 and reconvened at 1:45 p.m..

b. **Application No. 5-98-229 (Close, Newport Beach)** Staff recommended approval with special conditions and waiver of re-application fee & time limit.

Peter Swift, representing David Close, submitted a request to speak in favor of the project.

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

Motion & Vote on Reapplication: Wan moved to waive the reapplication fee & time limit, seconded by Flemming, and the hand vote was 10 in favor and 0 opposed. **Passed.**

c. **Application No. 5-98-349 (CalTrans, Newport Beach)** Moved to expanded Consent Calendar. **Approved.**

d. **Application No. 5-98-432 (Gelbaum, Newport Beach)** Moved to expanded Consent Calendar. **Approved.**

Potter returned from lunch during the following item.

e. **Application No. 5-98-469 (Ferber, Newport Beach)** Staff recommended approval with special conditions.

Walt Crampton, representing the applicant, submitted a request to speak in favor of the project. Richard Penfil submitted a request to state concerns about the project. Howard D. Colover submitted a request to state concerns about the project. Richard Ferber answered questions about drainage.

Motion: Reilly moved staff recommendation, seconded by Flemming.

Motion & Vote: Reilly moved to require drainage to the street, seconded by Flemming, and the roll call vote was 11 in favor and 0 opposed. **Passed.**

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

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f. **Application No. 5-98-481 (Long Beach sign)** Staff recommended approval with conditions.

Stephen T. Conley, representing City of Long Beach, submitted a request to speak in favor of the project.

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

g. **Application No. 5-98-487 (Lankford, Newport Beach)** No permit was required.

h. **Application No. 5-98-489 (James, Redondo Beach)** Moved to expanded Consent Calendar. **Approved.**

i. **Application No. 5-98-295 (Briggeman, Newport Beach)** **Postponed.**

21. PERMIT AMENDMENT.

a. **Permit No. 5-90-1120-A (San Clemente restaurant addition)** Staff recommended approval with special conditions.

Lynn Hughes, representing City of San Clemente, submitted a request to speak in favor of the project.

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

22. FINDINGS.

a. **Dana Point LCP Amendment No. 1-98 (Capistrano Beach).** Staff recommended approval of findings.

Marcia Hanscom, representing Wetlands Action Network & Sierra Club, submitted a request to speak in opposition to the project.

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

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Brothers replaced Armanasco for the following item only.

b. **Application 5-97-367 (Hellman, Seal Beach)** Staff recommended approval of findings.

Jerry Tone & Dave Bartlett, both representing Hellman Properties, submitted requests to speak in favor of the project. Paul Yost, representing City of Seal Beach, spoke in favor of the staff recommendation. Scott Williams, representing Hellman Properties submitted a request to speak in favor of the staff recommendation. Lee Wittenberg, representing City of Seal Beach, spoke to correct page 8 regarding City ordinance. Loretta Fielding submitted a request to speak in favor of the staff recommendation. Doug Kortoff submitted a request to speak in opposition to the project. Robert "Roy" van de Hoek, representing Sierra Club California Wetlands Committee, submitted a request to speak in opposition to the project. Marcia Hanscom, representing Wetlands Action Network, submitted a request to speak in opposition to the project.

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

23. **REVOCAION of Permit No. 5-98-371 (Wells, Redondo Beach)** Staff recommended denial.

Monica Moore, representing Redondo Beach Historical Society, spoke in opposition to the project. Cindy Hsu-Becker, representing Redondo Beach Historical Society, spoke in opposition to the project. Ron Moore, representing Redondo Beach Historical Society, spoke in opposition to the project. Cindi Wells spoke in favor of the project.

Motion & Vote: Flemming moved to revoke the permit, seconded by Armanasco, and the roll call vote was 3 in favor (Nava, Potter & Areias) and 8 opposed (Allen, Armanasco, Dettloff, Flemming, Kehoe, Reilly, Tuttle & Wan). **Failed.**

REPORT of CLOSED SESSION. In closed session the Commission took action on Affinito v. City of Fort Bragg et al., and discussed one other matter for information only.

RECESS. The Commission recessed for the day at 3:25 p.m..

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Thursday, February 4, 1999 - pages 11 to 21

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, February 4, 1999, at 9:05 a.m. by Chairman Areias.
2. **ROLL CALL.** Present: Chairman Areias, Vice Chairman Wan, Commissioners Allen, (Alternate) Brothers, Dettloff, Flemming, Holanda, Kehoe, Nava, Potter, Reilly, and Tuttle. Absent: Nichols and Sanders.

SOUTH CENTRAL COAST DISTRICT

3. **CONSENT CALENDAR.** See items a through l on pages 10-11 of the agenda. Staff recommended approval with special conditions.

f. **Application No. 4-98-337 (Dimitriadis, Malibu)** Staff recommended that this item be removed. There being more than 3 votes to remove it, this item was **set for hearing** at a future meeting.

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

SAN DIEGO COAST DISTRICT

4. **CONSENT CALENDAR.**

a. **Application No. 6-98-152 (Neeley, Del Mar)** Staff recommended approval with special conditions.

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

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STATEWIDE

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

6. **FEDERAL CONSISTENCY.**

a. **CD-62-98 (IBWC, San Diego)** Staff recommended approval.

Dion McMicheaux & Charles Fischer, both representing International Boundary and Water Commission, submitted requests to speak in favor of the project. Wendi Shafir, representing US EPA, submitted a request to speak in favor of the project. Edward Kimura, representing Sierra Club, submitted a request to speak in favor of the staff recommendation. Michael Beck, representing Endangered Habitats League, submitted a request to speak in favor of the staff recommendation. Jim Peugh, representing San Diego Audubon, submitted a request to speak in opposition to the staff recommendation. Art Letter, representing Tia Juana Valley County Water District, submitted a request to speak in opposition to the staff recommendation. Ann Sasaki, representing City of San Diego, submitted a request to speak in opposition to the project.

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

SAN DIEGO COAST DISTRICT

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

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

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9. LOCAL COASTAL PROGRAMS (LCPs).

a. **San Diego LCP Amendment No. 1-98 (A). (MSCP).** Staff recommended approval with suggested modifications.

Karen Scarborough, representing San Diego Mayor Golding's Office, submitted a request to speak partially in opposition to the staff recommendation & partially in favor of the staff recommendation. Nancy Lucast, Linda Johnson, Tom Story & Stephen Haase, all representing City of San Diego, submitted a request to speak in favor of the project. Mark Steele, representing City of San Diego Planning Commission, submitted a request to speak in opposition to the staff recommendation. Ric Repasy, representing County Parks & Rec., submitted a request to speak in opposition to the staff recommendation. Don Opel, representing CAARE, submitted a request to speak in favor of the staff recommendation. Alice Goodkind submitted a request to speak in favor of the staff recommendation. Jim Peugh, representing San Diego Audubon, submitted a request to speak about the staff recommendation. Sylvia Troy, representing Friends of San Diego River Valley, submitted a request to speak in favor of the staff recommendation. Norma Sullivan, representing San Diego Audubon, submitted a request to speak in favor of the staff recommendation. Scott Peters, Trustee, representing La Jolla Town Council, submitted a request to speak in favor of the staff recommendation. Eric Bowlby, representing Sierra Club, San Diego Chapter, submitted a request to speak concerning the staff recommendation. Guy Berliner, representing Sierra Club, submitted a request to speak concerning the staff recommendation. Inez Yoder, representing Canyons Land Trust, submitted a request to speak in favor of the staff recommendation. Jim Whalen, representing Alliance for Habitat Conservation, submitted a request to speak in opposition to the staff recommendation. Scott Andrews, representing Save Everyone's Access, submitted a request to speak in favor of the staff recommendation. Mitch Lizar & Jan Fuchs, both representing San Diego CPC, submitted a request to speak in favor of the staff recommendation. Carolyn Chase, representing San Diego Sierra Club, submitted a request to speak in favor of the staff recommendation. Michael Beck, representing Endangered Habitats League, submitted a request to speak in opposition to the staff recommendation.

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

Motion & Vote on Part of Plan as Submitted: Kehoe moved approval of the Land Use Plan Amendment for the Tia Juana River segment as submitted, seconded by Allen, and the roll call vote was 0 in favor, 10 opposed and 1 abstention (Nava). **Failed.**

Motion on Plan with Modifications: Kehoe moved approval of the Land Use Plan Amendment with suggested modifications, seconded by Allen.

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Amending Motion & Vote on Modifications: Kehoe moved to amend the suggested modifications as described in her letter except #2 and revised orally, seconded by Allen, and the roll call vote was 10 in favor, 0 opposed and 1 abstention (Nava). **Passed.**

The next 2 votes were trailed until after item b below.

Amending Motion & Vote on Hillside Modifications: Kehoe moved to amend suggested modifications on hillside development, seconded by Herron, and the roll call vote was 11 in favor and 0 opposed.

Passed.

Vote on Main Motion: The roll call vote on the main motion (approval of the LUP Amendment with suggested modifications) as amended above was 11 in favor and 0 opposed. **Passed.**

Herron replaced Allen during the following item.

b. **San Diego LCP Amendment No. 1-98 (B). (LDC).** Staff recommended approval with suggested modifications as modified in addendum and orally.

Karen Scarborough, representing San Diego Mayor Golding's Office, submitted a request to speak partially in opposition to the staff recommendation & partially in favor of the staff recommendation. Nancy Lucast, Linda Johnson, Tom Story & Stephen Haase, all representing City of San Diego, submitted a request to speak in favor of the project. Mark Steele, representing City of San Diego Planning Commission, submitted a request to speak in opposition to the staff recommendation.

LUNCH RECESS. The Commission recessed for lunch at 12:20 and reconvened at 1:40 p.m..

Jim Peugh, representing San Diego Audubon, submitted a request to speak about the staff recommendation. Sylvia Troy, representing Friends of San Diego River Valley, submitted a request to speak in favor of the staff recommendation. Norma Sullivan, representing San Diego Audubon, submitted a request to speak in favor of the staff recommendation. Scott Peters, Trustee, representing La Jolla Town Council, submitted a request to speak in favor of the staff recommendation. Eric Bowlby, representing Sierra Club, San Diego Chapter, submitted a request to speak concerning the staff recommendation. Guy Berliner, representing Sierra Club, submitted a request to speak concerning the staff recommendation. Inez Yoder, representing Canyons Land Trust, submitted a request to speak in favor of the staff recommendation. Jim Whalen, representing Alliance for Habitat Conservation, submitted a request to speak in opposition to the staff recommendation. Scott Andrews, representing Save Everyone's Access, submitted a request to speak in favor of the staff recommendation. Norma Rink submitted a request to speak. Mark Lovett, representing Assemblyman Howard Wayne, submitted a request to speak in opposition to the project. Michael O'Connell

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representing The Nature Conservancy, submitted a request to comment on the issue. Donna Frye, representing Surfers Tired of Pollution, submitted a request to speak in favor of the staff recommendation. Robert Bregman, representing Peninsula Community, submitted a request to speak in opposition to the City issue of CDPs. Matthew A. Peterson, representing numerous coastal property owners, submitted a request to speak in opposition to the staff recommendation. Allison Rolfe, representing Southwest Center for Biological Diversity, submitted a request to speak in favor of the staff recommendation. Rebecca Michael submitted a request to speak in opposition to the staff recommendation. Michael Beck, representing Endangered Habitats League, submitted a request to speak about the staff recommendation. Mitch Lizar & Jan Fuchs, representing San Diego CPC, submitted a request to speak in favor of the staff recommendation. Joanne H. Pearson, representing Sierra Club, San Diego Chapter, submitted a request to speak concerning the staff recommendation. Carolyn Chase, representing San Diego Sierra Club, submitted a request to speak in favor of the staff recommendation. Bill Tippetts, representing Cal. Dept. Fish & Game, submitted a request to speak in favor of the staff recommendation. Mary Ann McCarthy, representing Senator Dede Alpert, submitted a request to speak in favor of the staff recommendation. Matt Adams, representing Building Industry Assoc., submitted a request to speak in opposition to the project. Atti Hughes submitted a request to speak in favor of the staff recommendation and additional issues. Chet Nelson submitted a request to speak in favor of the staff recommendation. Kirk O'Brien, representing Peninsula Community Planning Board, submitted a request to speak in opposition to the staff recommendation. Richard Schulman submitted a request to speak in opposition to the staff recommendation. Mark Lyon, representing La Jolla Community Planning Assn., submitted a request to speak in opposition to the staff recommendation. John Ziebarth, representing AIA, submitted a request to speak in opposition to the staff recommendation. Alice Goodkind, representing Friends of San Dieguito River Valley, submitted a request to speak in favor of the staff recommendation. Isabelle Kay, representing University of California, San Diego, submitted a request to speak in favor of the staff recommendation.

Motion & Vote to Reject Implementation: Kehoe moved to reject the implementation amendment as submitted, seconded by Herron, and the roll call vote was 8 in favor and 0 opposed. **Passed.**

Motion on Implementation with Modifications: Kehoe moved approval of the implementation with suggested modifications, seconded by Herron.,

Amending Motion & Vote: Kehoe moved to substitute the City's modifications #22, 33, 46 & 71, seconded by Herron, and the roll call vote was 10 in favor and 0 opposed. **Passed.**

Amending Motion & Vote: Kehoe moved to substitute the City's modifications #28 & 50, seconded by Herron, and the roll call vote was 9 in favor and 0 opposed. **Passed.**

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Amending Motion & Vote: Kehoe moved to substitute the City's modifications on deviations, seconded by Herron, and the roll call vote was 10 in favor and 0 opposed. **Passed.**

Amending Motion & Vote: Kehoe moved to amend the modifications on hillside constraints as revised orally, seconded by Herron, and the roll call vote was 10 in favor and 0 opposed. **Passed.**

Amending Motion & Vote: Wan moved to amend the modifications on variances, seconded by Kehoe, and the roll call vote was 10 in favor and 0 opposed. **Passed.**

Amending Motion & Vote: Wan moved to amend the modifications to restore the findings necessary for variances, seconded by Kehoe, and the roll call vote was 10 in favor and 0 opposed. **Passed.**

Amending Motion & Vote: Wan moved to amend the modifications on wetlands (to include upland transitional habitat in buffers, and that wetlands created by human activities be treated as wetlands), seconded by Kehoe, and the roll call vote was 10 in favor and 0 opposed. **Passed.**

Amending Motion & Vote: Tuttle moved to amend the modifications on bluff setbacks, seconded by Kehoe, and the roll call vote was 11 in favor and 0 opposed. **Passed.**

Vote on Main Motion: The roll call vote on the main motion (implementation with suggested modifications) as amended above was 11 in favor and 0 opposed. **Passed.**

Allen replaced Herron after the item above.

c. **San Diego LCP Amendment No. 2-98(C). (PDOs).** Staff recommended approval with suggested modifications.

Karen Scarborough, representing San Diego Mayor Golding's Office, submitted a request to speak partially in opposition to the staff recommendation & partially in favor of the staff recommendation. Nancy Lucast, Linda Johnson, Tom Story & Stephen Haase, all representing City of San Diego, submitted a request to speak in favor of the project. Mark Steele, representing City of San Diego Planning Commission, submitted a request to speak in opposition to the staff recommendation. Sylvia Troy, representing Friends of San Diego River Valley, submitted a request to speak in favor of the staff recommendation. Norma Sullivan, representing San Diego Audubon, submitted a request to speak in favor of the staff recommendation. Scott Peters, Trustee, representing La Jolla Town Council, submitted a request to speak in favor of the staff recommendation. Eric Bowlby, representing Sierra Club, San Diego Chapter, submitted a request to speak concerning the staff recommendation. Guy Berliner, representing Sierra Club, submitted a request to speak concerning the staff recommendation. Inez Yoder, representing Canyons Land Trust, submitted a request to speak in favor of the staff recommendation. Jim Whalen, representing Alliance for Habitat Conservation, submitted a request to speak in opposition to the staff

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recommendation. Scott Andrews, representing Save Everyone's Access, submitted a request to speak in favor of the staff recommendation. Alice Goodkind, representing Friends of San Dieguito River Valley, submitted a request to speak in favor of the staff recommendation. Isabelle Kay, representing University of California, San Diego, submitted a request to speak in favor of the staff recommendation. Mitch Lizar & Jan Fuchs, representing San Diego CPC, submitted a request to speak in favor of the staff recommendation. Carolyn Chase, representing San Diego Sierra Club, submitted a request to speak in favor of the staff recommendation. David H. Groye, representing Sierra Club, San Diego Chapter, submitted a request to speak in favor of the staff recommendation.

Motion & Vote to Reject Implementation: Kehoe moved to reject the implementation amendment as submitted, seconded by Allen, and the roll call vote was 10 in favor, and 0 opposed. **Passed.**

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

10. NEW APPEALS.

a. **Appeal No. A-6-98-129 (Brandywine, Encinitas)** Trilled until Friday. On Friday staff recommended that the appeal raised substantial issue. There being no objection Chairman Areias ruled that the Commission **found substantial issue**, and opened the hearing on the merits of the project. Staff recommended approval with special conditions.

Michael McDade, representing applicant, thanked staff. John Davis, representing the neighbors, submitted a request to speak in favor of the project.

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

b. **Appeal No. A-6-98-158 (Encinitas Country Day School, Encinitas)** Staff recommended that the appeal raised substantial issue. The being no objection Chairman Areias ruled that the Commission **found substantial issue**, and opened the hearing on the merits of the project. Staff recommended denial.

Ted Griswold and Kathleen Porterfield, representing Encinitas Country Day School, submitted requests to speak in favor of the project. John Boatman, representing Linscott, Law & Greenspan, submitted a request to speak in favor of the project. Cindy Jones, representing Encinitas Country Day School, submitted a request to speak in favor of the project. Ron Holloway, representing BHA, Inc., submitted a request to

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speaking in favor of the project. John J. Lormon, representing Procopio Cory, Hargreaves & Eintch, submitted a request to speak in favor of the project. Richard Houk, representing San Dieguito Boys & Girls Club, submitted a request to speak in favor of the project. Ten other speakers submitted requests to speak in favor of the project: John Wilson; Luz Salazar; Katheleen Baker; Mayo Reyes; Nicolette Crawford; Richard LaBerge; Heather Kish; Erin Cole, representing Children of the School; Brenna Cole, representing Children of the School; and Michael Larsen. Robert Batliff submitted a request to speak in opposition to the project. Jennie Ratliff submitted a request to speak in opposition to the project. Carolyn Avalos submitted a request to speak in opposition to the project. Kathryn Gould submitted a request to speak in opposition to the project. Kevin K. Johnson, representing San Elijo Lagoon Conservancy, submitted a request to speak in opposition to the project. Gwen Terry submitted a request to speak in opposition to the project.

Motion & Vote: Nava moved approval of the project, seconded by Potter, and the roll call vote was 3 in favor (Brothers, Flemming & Reilly), 7 opposed (Allen, Dettloff, Kehoe, Nava, Potter, Tuttle & Wan) and 1 abstention (Areias). **Failed.**

c. **Appeal No. A-6-98-169 (Moncrieff, San Diego)** Staff recommended continuance. There being no objection Chairman Areias opened the hearing and **continued** it to a future meeting.

SOUTH CENTRAL COAST DISTRICT

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

12. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved six items (14f-k) to the Calendar, and recommended approval with special conditions.

(14k) John Bridley, representing City of Santa Barbara, submitted a request to speak in favor of the project.

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

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

DRAFT

a. **Santa Barbara Co. LCP Amendment No. 2-98-B (Goleta Old-Town Revitalization Plan).** Staff recommended approval.

Dianne Meester, Deputy Director, Planning & Development Dept., County of Santa Barbara, submitted a request to speak in favor of the staff recommendation.

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

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

14. COASTAL PERMIT APPLICATIONS.

a. **Application No. 4-98-86 (Opiela, Los Angeles Co.) Postponed.**

b. **Appeal No. A-4-98-104 (Isla Vista Geologic Dist., Santa Barbara Co.) Postponed.**

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

George Furst, representing the applicants, spoke in favor of the project. James V. Cozue, representing Korte, submitted a request to speak in favor of the project. Stevie Dall, representing Dan Flaherty et al., spoke in opposition to the project.

Motion & Vote to Continue: Wan moved to continue the hearing, seconded by Tuttle, and the roll call vote was 9 in favor (Brothers, Flemming, Kehoe, Nava, Potter, Reilly, Tuttle, Wan & Areias) and 2 opposed (Allen & Dettloff). **Continued.**

d. **Application No. 4-98-171 (Frumkes, Malibu)** Staff recommended approval with special condition.

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

e. **Application No. 4-98-206 (Verruno, Malibu) Postponed.**

DRAFT

f. **Application No. 4-98-280 (Union Pacific RR, Ventura)** Moved to expanded Consent Calendar. **Approved.**

g. **Application No. 4-98-293 (Ventura pier replacement)** Moved to expanded Consent Calendar. **Approved.**

h. **Application No. 4-98-295 (Meltzer, Los Angeles Co.)** Moved to expanded Consent Calendar. **Approved.**

i. **Application No. 4-98-300 (Investment Management, Malibu)** Moved to expanded Consent Calendar. **Approved.**

j. **Application No. 4-98-325 (Clark, Los Angeles Co.)** Moved to expanded Consent Calendar. **Approved.**

k. **Application No. 4-98-336 (Santa Barbara Waterfront Dept., Stearns Wharf)** Moved to expanded Consent Calendar. **Approved.**

15. PERMIT AMENDMENTS.

a. **Permit No. 5-88-794-A2 (Kelley, Malibu)** **Postponed.**

b. **Permit No. 5-88-794-A3 (Kelley, Malibu)** **Postponed.**

c. **Permit No. 5-90-246-A (Gilliland, Malibu)** **Withdrawn**

DRAFT

Although the following items were postponed, Dianne Meester, Deputy Director Planning & Development, County of Santa Barbara, submitted a request to speak representing the County. Fourteen speakers submitted requests to speak in opposition to the project: John Buttny, representing Supervisor Gail Marshall; Mike Fealy; Terry Fealy, representing Santa Barbara Urban Creeks Council; Ellison Folk, representing Surfrider; Wanda Michalenko, representing Urban Creeks Council; Chad Nelsen, representing Santa Barbara Chapter Surfrider Foundation; Tom Phillips, representing Surfrider; Deane Plaister; Nathan Post; Jenn Tarmann, representing Surfrider; Jessica Van Leuven; Leslie Meyer; Kambria Wesch; and Keith Zandona, representing SB Surfrider. Laura Brands, representing Surfrider, submitted a request to speak. Scott Bull submitted a request to speak. Mark A. Massara, representing Sierra Club Coastal Program, submitted a request to speak in opposition to the staff recommendation.

d. **Permit No. A-4-93-154-A2 (Arco, Santa Barbara Co.) Postponed.**

16. NEW APPEALS.

a. **Appeal No. A-4-98-321 (ARCO, Dos Pueblos Golf Links, Santa Barbara Co.) Postponed.**

b. **Appeal No. A-4-98-332 (Arco - Dos Pueblos Golf Links, Santa Barbara Co.) Postponed.**

17. PERMIT EXTENSION.

a. **Permit No. A-4-93-154-E (Arco, Dos Pueblos Golf Links, Santa Barbara Co.) Postponed.**

RECESS. The Commission recessed for the day at 7:50 p.m..

DRAFT

Friday, February 5, 1999 - pages 22 to 24

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Friday, February 5, 1999, at 9:05 a.m. by Chairman Areias.
2. **ROLL CALL.** Present: Chairman Areias, Vice Chairman Wan, Commissioners Allen, (Alternate) Brothers, Dettloff, Flemming, Kehoe, Nava, Potter, Reilly and Tuttle. Absent: Holanda, Nichols and Sanders.

- 2.5 **ELECTION of OFFICERS. Postponed.**

NORTH COAST DISTRICT

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

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

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

a. **Half Moon Bay LCP Amendment No. 1-98A (Williamson).** Staff recommended approval.

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

6. **NEW APPEALS.**

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

DRAFT

b. **Appeal No. A-1-98-101 (Senestraro, Humboldt Co.)** Staff recommended that the appeal raised no substantial issue.

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

7. COASTAL PERMIT APPLICATION.

a. **Application No. 1-98-29 (Senestraro, Humboldt Co.)** Staff recommended approval with conditions.

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

SAN DIEGO COAST DISTRICT

7.5 **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved items 8a & 8d to the Calendar, and recommended approval with special conditions.

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

8. COASTAL PERMIT APPLICATIONS.

a. **Application No. 6-98-9 (Hamilton, Solana Beach)** Moved to expanded Consent Calendar. **Approved.**

b. **Application No. 6-98-131 (Glasgow, Solana Beach)** Staff recommended approval with special conditions.

Stephen Adams, representing the applicant, submitted a request to speak in favor of the project.

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

DRAFT

c. **Application No. 6-98-144 (Solana Beach Coastal Preservation, Solana Beach) Postponed.**

d. **Application No. 6-98-151 (Neeley, Del Mar) Moved to expanded Consent Calendar. Approved.**

9. **PERMIT EXTENSION.**

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

ADJOURNMENT. There being no old or new business, the meeting adjourned at 9:30 a.m.

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

pmg