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CALIFORNIA COASTAL COMMISSION

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W5C

TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: MINUTES OF MEETING OF APRIL 13-16, 1999
Queen Mary
1126 Queens Highway
Long Beach

Tuesday, April 13, 1999 pages 1 to 8

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Tuesday, April 13, 1999, at 10:0 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Commissioners Daniels, Desser, Dettloff, Estolano, Flemming, (Alternate) Kruer, Nava, (Alternate) Fletcher and (Alternate) Rose. Absent: Holanda, Nichols and Sanders. McClain-Hill arrived at 10:20 a.m..

SOUTH COAST DISTRICT

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

b. **Application No. 5-98-528 (Rains, Los Angeles)** Rick Clemenson, representing Jessica Rains, submitted a request to speak in favor of the project. Jack Rains submitted a request to speak in favor of the project. There being 3 votes to remove it, this item was **set for hearing** at a future meeting.

Motion & Vote: Rose moved staff recommendation on the remainder of the Calendar, seconded by Desser, and the roll call vote was 10 in favor and 0 opposed. **Passed.**

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STATEWIDE

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

a. **Status Briefing (Navy, SWEF, Port Hueneme)** Staff recommended selection of a citizen observer.

Anthony C. Volante, Port Hueneme City Councilmember, spoke in favor of the project and referred to a letter from County Supervisor Frank Schillo. Six speakers representing the Beacon Foundation spoke in favor of the staff recommendation: John Buse, representing Environmental Defense Center; Ellen Spiegel; Jean Rountree; Gordon W. Birr; Don Dodd; and Lee Quaintance. Bill Higgins, representing Channel Islands Beach CSD, spoke in favor of the staff recommendation. Penny Bohannon spoke in favor of the staff recommendation. Fred E. Freitze, representing Federal Union of Scientist and Engineers (FUSE) Local R12-188, spoke. Jeanne Schick, representing Port Hueneme Division Naval Surface Warfare Center, spoke in favor of the process. Susan Jordan, representing LCP, spoke. Mark Massara, representing Sierra Club, spoke about concerns.

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

5. **FEDERAL CONSISTENCY.**

a. **CD-22-99 (Corps of Engineers, Los Angeles Co.) Postponed.**

SOUTH COAST DISTRICT

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

a. **Status Report on LAX Expansion.** Informational only. Meryt McGindley, representing L.A. City Councilmember Ruth Galanter, spoke in general. Mike Stevens, representing L.A.X.E.N. LAX Expansion No, spoke in opposition to the project. Liz Garnholz, representing LAX a question, spoke. Travis Longcore spoke.

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b. **Manhattan Beach LCP Amendment No. 1-98A 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.**

7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved five items (9e, 9g, 9j, 9k & 10a) to the Calendar, and recommended approval with special conditions.

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

8. LOCAL COASTAL PROGRAM (LCP).

a. **Manhattan Beach LCP Amendment No. 1-98 B (dish antennas).** Staff recommended approval with suggested modifications as modified in addendum.

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

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

PUBLIC STATEMENTS. Mark Massara commented on loss of surfing opportunities resulting from removal of Mobil Oil piers, and suggested visit to Naples Ranch in June. Doug Kortof urged protection of wildlife areas, and disagreed with golf courses providing habitat. Donley Falkenstien reported violations by City of Hermosa Beach. Liz Garnholz submitted a request to speak.

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

8.5 NEW APPEAL.

a. **Appeal No. A-5-99-111 (Manhattan Beach & AVP)** Staff recommended continuance. There being no objection Chairman Wan opened the hearing and **continued** it to a future meeting. Bill Victor and Donley Falkenstien had submitted requests to speak.

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9. COASTAL PERMIT APPLICATIONS.

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

Motion & Vote: Nava moved approval of the project, seconded by McClain-Hill, and the roll call vote was 0 in favor and 11 opposed. **Failed.**

b. **Application No. 5-98-295 (Briggeman, Newport Beach)** Staff recommended approval with special conditions.

Jack Benson submitted a request to speak in favor of the project. Tony Melum, representing City of Newport Beach, submitted a request to speak in favor of the project. Leroy Sutherland submitted a request to speak in favor of the project. Marlys Vance Vasterling 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 11 in favor and 0 opposed. **Passed.**

c. **Application No. 5-98-333 (Mera, Los Angeles)** Staff recommended approval with special conditions.

Ron Barak, representing the applicant, spoke in favor of the project. Koich Mera, the applicant, submitted a request to speak in favor of the project. Gilbert Dembo submitted a request to speak in favor of the project. Ann Kerr, representing Temescal Mountain Alliance, submitted a request to speak concerning the project. Carol Hurley, representing Temescal Mountains Alliance, submitted a request to speak about the project.

Motion & Vote: McClain-Hill moved staff recommendation, seconded by Estolano, and the roll call vote was 10 in favor and 1 opposed (Rose). **Passed.**

d. **Application No. 5-98-354 (Los Angeles Co., Venice storm drain outlet)** Staff recommended approval with special conditions.

James Enriquez, representing Los Angeles County Dept. Public Works, submitted a request to speak in favor of the project. Sarah D. Scott, representing L.A.C.D.P.W., submitted a request to speak. Steven Sheridan, representing Los Angeles County Dept. Public Works, submitted a request to speak in favor of the project. Mark Massara, representing Sierra Club, submitted a request to speak in opposition to the project.

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

e. **Application No. 5-98-478 (Rosenblatt, Los Angeles)** Moved to expanded Consent Calendar. **Approved.**

f. **Application No. 5-98-493 (Vaughn, San Clemente)** Staff recommended approval with special conditions.

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

g. **Application No. 5-98-508 (Klein, San Clemente)** Moved to expanded Consent Calendar. **Approved.**

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

Jim Bridges spoke in favor of the project. Peter Swift, representing the applicant, spoke in favor of the project. Tony Melum, representing City of Newport Beach, submitted a request to speak in favor of the project. Susan Benz, representing Swift Slips, submitted a request to speak in favor of the project. Leroy Sutherland submitted a request to speak in favor of the project. Marlys Vance Vasterling submitted a request to speak in favor of the project.

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

i. **Application No. 5-99-43 (Brown, Newport Beach)** Staff recommended approval with special conditions.

Donald Brown spoke in favor of the project. Pete Swift, representing the applicant, spoke in favor of the project. Leroy Sutherland submitted a request to speak in favor of the project. Marlys Vance Vasterling submitted a request to speak in favor of the project. Tony Melum, representing City of Newport Beach, submitted a request to speak in favor of the project. Susan Benz, representing Swift Slips, submitted a request to speak in favor of the project.

Motion: Rose moved staff recommendation, seconded by Desser, and later **withdrawn.**

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

Amending Motion & Vote: Krueer moved to delete condition #1, seconded by McClain-Hill, and the roll call vote was 6 in favor (Dettloff, Estolano, Flemming, Krueer, McClain-Hill & Fletcher) and 5 opposed (Daniels, Desser, Nava, Rose & Wan). **Passed.**

Vote on Main Motion: The roll call vote (on the main motion as amended above) was 6 in favor (Dettloff, Estolano, Flemming, Krueer, McClain-Hill & Fletcher) and 5 opposed (Daniels, Desser, Nava, Rose & Wan). **Passed.**

j. **Application No. 5-99-52 (Mark La Charite, Redondo Beach)** Moved to expanded Consent Calendar. **Approved.**

k. **Application No. 5-99-62 (Balkan, Los Angeles)** Moved to expanded Consent Calendar. **Approved.**

10. PERMIT AMENDMENTS.

a. **Permit No. 5-86-518-A4 (Park Plaza, Los Angeles)** Moved to expanded Consent Calendar. **Approved.**

b. **Permit No. 5-97-283-A3 (Long Beach & Shoreline Management)** Staff recommended approval with special conditions.

Dennis Eschen, representing City of Long Beach, submitted a request to speak in favor of the project.

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

11. FINDINGS.

a. **Application No. 5-98-469 (Ferber, Newport Beach)** Staff recommended approval of findings.

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

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12. RECONSIDERATION.

a. **Application No. 5-98-469 (Ferber, Newport Beach)** Staff recommended denial.

Lynne Heidel, representing the applicants, spoke in opposition to the staff recommendation. Melody Ferber submitted a request to speak in opposition to the staff recommendation. Richard E. Ferber submitted a request to speak in opposition to the staff recommendation. Walt Crampton spoke in opposition to the staff recommendation. D. Scott Magonen, consulting engineering geologist, submitted a request to speak in opposition to the staff recommendation.

Motion & Vote: Nava moved to reconsider, seconded by Flemming, and the roll call vote was 0 in favor, 9 opposed (Daniels, Desser, Dettloff, Estolano, Flemming, McClain-Hill, Nava, Rose & Wan), and 1 abstention (Fletcher). **Failed.**

Rose left at 5:45 p.m., during the following item.

13. **REVOCATION of Permit No. 5-91-463 (Playa Capital, Los Angeles)** Staff recommended denial.

Patricia McPherson, representing Friends of Animals, spoke in opposition to the staff recommendation. Roy van de Hoek submitted a request to speak in opposition to the project. Marcia Hanscom, representing Wetlands Action Network/Sierra Club, submitted a request to speak in opposition to the project. Kathy Knight, representing Spirit of Sage Council/Sierra Club, spoke in opposition to the project. Bernard Endres, representing Friends of Animals/Earthways Foundation, Spirit of the Sage, submitted a request to speak in favor of postponement. Mark Massara, representing Sierra Club Coastal Program, submitted a request to speak in favor of reconsideration. Tom Francis, representing Ballona Wetlands Land Trust, submitted a request to speak in opposition to the project. Doug Kortof submitted a request to speak in favor of revocation. Rudy Vietmeier submitted a request to speak in opposition to the project. Virginia Palmer, PhD, representing Resources Unlimited Human Development Foundation, submitted a request to speak in opposition to the project. Greg Sotir submitted a request to speak in favor of revocation. Robert Miller, representing Playa Vista, spoke in favor of the staff recommendation. Catherine Tyrell, representing Playa Vista, submitted a request to speak in favor of the project. Sharon Lockhart, representing consultant to Playa Vista, submitted a request to speak in favor of the staff recommendation. Ruth Lansford, representing Friends of Ballona Wetlands, spoke in favor of the staff recommendation.

Motion & Vote to Continue: Desser moved to continue the hearing, seconded by Fletcher, and the roll call vote was 2 in favor (Desser & Fletcher) and 7 opposed (Daniels, Dettloff, Flemming, Kruer, McClain-Hill, Nava & Wan). **Failed.**

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Motion & Vote: Flemming moved to revoke the permit, seconded by McClain-Hill, and the roll call vote was 1 in favor (Desser) and 8 opposed (Daniels, Dettloff, Flemming, Krueer, McClain-Hill, Nava, Fletcher & Wan). **Failed.**

RECESS. The Commission recessed for the day at 7:00 p.m..

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Wednesday, April 14, 1999 pages 9 to 14

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, April 14, 1999, at 9:05 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Daniels, Desser, Dettloff, Flemming, Kehoe, (Alternate) Orr and Reilly. Absent: Holanda, Nichols and Sanders. McClain-Hill arrived at 9:25 a.m., and Estolano arrived at 10:00 a.m..

SAN DIEGO COAST DISTRICT

3. **ADMINISTRATIVE PERMIT APPLICATIONS.** See items a & b on page 7 of the agenda. Staff recommended approval with conditions.

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

4. **CONSENT CALENDAR.**

a. **Application No. 6-99-25 (UCSD, San Diego)** Staff recommended approval with special condition.

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

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

a. **Coronado LCP Amendment No. 1-99 (Minor).** Staff recommended concurrence with Executive Director's determination. Ed Kleeman, representing City of Coronado, submitted a request to speak in favor of the staff recommendation. There being no objection Chairman Wan ruled that the Commission concurred with the Executive Director. **Approved.**

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6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved six items (7a, 7f, 7g, 7i, 8b & 8c) to the Calendar, and recommended approval with special conditions.

(7a & 7g) Paul Webb, representing California State Parks, submitted requests to speak in favor of the projects.

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

7. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 6-98-52 (Parks & Rec., restroom relocation)** Moved to expanded Consent Calendar. **Approved.**

McClain-Hill arrived during the following item.

b. **Application No. 6-98-124 (BRE, San Diego)** Staff recommended approval with special conditions.

Nancy Lucast, representing the applicant, revised the project mitigation. Four other speakers, representing the applicant, submitted requests to speak in favor of the project: Garth Erdossy, David S. Wood, Karen Ruggels, and Cindy Jones.

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

c. **Application No. 6-98-137 (Johnson, Solana Beach)** Staff recommended approval with special conditions.

Mark Massara, representing Sierra Club, spoke about the project.

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

Estolano arrived during the following item.

d. **Application No. 6-98-164 (San Diego, Mission Bay camping area)** Staff recommended approval with special conditions as modified in addendum.

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

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in favor of the project. Hossein Motamani, representing City of San Diego, and Keith Merkel, representing Merkel & Associates, both submitted requests to speak to answer questions.

Motion: Kehoe moved staff recommendation, seconded by Reilly.

Amending Motion & Vote: Kehoe moved to allow 10' wide handicapped access and 297 trees, 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.**

e. **Appeal No. A-6-98-169 (Moncrieff, San Diego)** Staff recommended approval with special conditions.

Matt Peterson, representing the applicants, spoke in favor of the project. John Franklin, representing the applicant, submitted a request to speak in favor of the project. Katherine Foxley spoke in favor of the project. Debra Moncrieff spoke in favor of the project. David Skelly submitted a request to speak in favor of the project. Patrick Hooper, representing City of San Diego, submitted a request to speak to answer questions. Joanne Pearson, representing Sierra Club, spoke in opposition to the project. Tony Ciani, representing Rink, Sierra Club et al., spoke in opposition to the project. Scott Peters, representing La Jolla Town Council, spoke in opposition to the project. Vincent Sucato submitted a request 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 11 in favor and 0 opposed. **Passed.**

f. **Application No. 6-99-14 (Parks & Rec., beach ramp repair)** Moved to expanded Consent Calendar. **Approved.**

g. **Application No. 6-99-15 (Parks & Rec., beach trail repair)** Moved to expanded Consent Calendar. **Approved.**

h. **Application No. 6-99-22 (San Diego, Children's Pool dredging)** **Postponed.**

i. **Application No. 6-99-29 (Seaworld, San Diego)** Moved to expanded Consent Calendar. **Approved.**

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8. PERMIT AMENDMENTS.

a. **Permit No. 6-83-201-A3 (Crystal Pier, San Diego) Postponed.**

b. **Permit No. 6-89-106-A2 (Boca Rio Homeowners, Imperial Beach) Moved to expanded Consent Calendar. Approved.**

c. **Permit No. 6-93-175-A3 (Shea Homes, Carlsbad) Moved to expanded Consent Calendar. Approved.**

d. **Permit No. 6-98-138-A (San Diego, skateboard park fees) City requested continuance.**

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

CENTRAL COAST DISTRICT

9. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Damm 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.**

10. LOCAL COASTAL PROGRAMS (LCPs).

a. **Monterey Co. LCP Amendment No. 1-98 (wireless communications). Postponed.**

b. **San Luis Obispo Co. LCP Amendment No. 1-99 (Harbor Terrace) Time Extension.** Staff recommended approval.

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

c. **Morro Bay LCP Amendment No. 1-97 (Water Allocation) Time Extension.**
Withdrawn.

11. **NEW APPEALS.**

a. **Appeal No. A-3-98-61 (Farbstein, San Luis Obispo Co.)** Staff recommended that the appeal raised substantial issue. There being no objection Chairman Wan ruled that the Commission **found substantial issue**. Chairman Wan opened the hearing on the merits of the project and **continued** it to a future meeting.

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

c. **Appeal No. A-3-98-101 (Bailey & Steltenpohl, Davenport) Postponed.**

d. **Appeal No. A-3-99-14 (Morro Bay Ltd., San Luis Obispo Co.)** Staff recommended continuance. There being no objection Chairman Wan opened the hearing and **continued** it to a future meeting.

e. **Appeal No. A-3-99-19 (La Playa San Simeon Homeowners, San Luis Obispo Co.)** Staff recommended continuance. There being no objection Chairman Wan opened the hearing and **continued** it to a future meeting.

f. **Appeal No. A-3-99-23 (Swenson, Capitola)** Staff recommended continuance. There being no objection Chairman Wan opened the hearing and **continued** it to a future meeting.

g. **Appeal No. A-3-99-25 (Moon, San Luis Obispo Co.)** Staff recommended continuance. There being no objection Chairman Wan opened the hearing and **continued** it to a future meeting.

12. **COASTAL PERMIT APPLICATION.**

a. **Application No. 3-99-10 (Kass, Monterey)** Staff recommended approval with special conditions as modified orally.

Joel Kass spoke in favor of the project. Jeffrey Baron submitted a request to speak in favor of the project.

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

PUBLIC STATEMENTS. Klaus Radke commented on staffing shortages.

RECESS. The Commission recessed for the day at 12:05 p.m. in memory of Lois Ewen.

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Thursday, April 15, 1999 - pages 15 to 22

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, April 15, 1999, at 9:05 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Dettloff, Estolano, Flemming, Holanda, Kehoe, Nava, Sweeney and Reilly. Absent: Sanders. Daniels arrived at 9:40 a.m.; Desser arrived at 10:30 a.m.; and McClain-Hill arrived at 11 a.m..

SOUTH CENTRAL COAST DISTRICT

3. **CONSENT CALENDAR.** See items a through f on page 12 of the agenda. Item c was postponed. Staff recommended approval with special conditions.

Charles Gruen, representing David Hockney, submitted a request to speak in favor of the project.

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

STATEWIDE

4. **APPROVAL OF MINUTES.** Flemming moved approval of the minutes of January 1994, April 1994 and July 1994, seconded by Potter, and unanimously **approved.** Kehoe moved approval of the minutes of March 1999, seconded by Potter, and unanimously **approved.**
5. **COMMISSIONERS' REPORTS.** None.
6. **CONSERVANCY REPORT.** A written report was mailed for information only.
7. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
8. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational only.

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9. EXECUTIVE DIRECTOR'S REPORT.

a. **Interagency Agreement with Caltrans.** Staff recommended approval. Mark Massara, representing Sierra Club, spoke in favor of the project. Potter moved staff recommendation, seconded by Reilly, and the hand vote was 8 in favor and 0 opposed. **Passed.**

b. **Legislation.** Staff recommended support of **AB 18.** Reilly moved staff recommendation, seconded by Estolano, and the hand vote was 8 in favor and 0 opposed. **Passed.** Staff recommended support of **AB 1280.** Nava moved staff recommendation, seconded by Dettloff, and the hand vote was 8 in favor and 0 opposed. **Passed.**

STATEWIDE

Desser & McClain-Hill arrived during the following item.

10. **ReCAP, Santa Monica Mountains/Malibu Area Action Plan.** Staff recommended approval.

Carolyn Van Horn, Mayor Pro Tem of Malibu, spoke in favor of the project. Craig Ewing, Planning Director of Malibu, spoke in favor of the project. Laurie C. Collins, representing Santa Monica Mountains Conservancy, spoke in favor of the project. Ron Hoffman, representing L.A. County Dept. of Regional Planning, spoke in favor of the staff recommendation. Norm Haynie spoke. Steve Harris, representing Mountain Restoration Trust, spoke in favor of the project. Tom Bates, representing Concerned Citizens for Property Rights, spoke in opposition to the staff recommendation. Tim Tosta spoke.

Motion & Vote to Continue: Daniels moved to continue the hearing, seconded by Estolano, and the hand vote was 11 in favor and 0 opposed. **Passed.**

ENERGY and OCEAN RESOURCES

11. **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. Frank Melone, representing Southern California Edison Co., spoke. Rudolphe Streichenberger, representing Marine Forests Society, spoke. Mark Massara submitted a request to speak in favor.

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

SOUTH CENTRAL COAST DISTRICT

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

a. **Santa Barbara Co. LCP Amendment No. 2-98-A 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.**

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

(18d) Steve Mecham, representing the applicant, submitted a request to speak in favor of the project. (18g) Nat Najjar, representing the applicant, submitted a request to speak in favor of the project. (18i) Don Schmitz, representing the applicant, submitted a request to speak in favor of the project.

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

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14. LOCAL COASTAL PROGRAMS (LCPs).

a. **Santa Barbara LCP Amendment No. 3-98 (Airport and Harbor Guidelines).** Staff recommended approval.

Motion & Vote on Plan as Submitted: Potter moved approval of the Land Use Plan Amendment as submitted, seconded by Kehoe, 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 Kehoe, and the roll call vote was 0 in favor and 10 opposed. The motion failed, so the amendment was **approved.**

b. **UCSB Long Range Development Plan Amendment 1-98 (LMP).** Postponed.

15. UCSB NOTICE of IMPENDING DEVELOPMENT No. 1-98. Postponed.

16. **PEPPERDINE UNIVERSITY NOTICE of IMPENDING DEVELOPMENT No. 1-99.** Staff recommended approval with special conditions.

David Byrum and Phil Phillips, both representing Pepperdine University, submitted requests to speak in favor of the staff recommendation.

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

17. NEW APPEAL.

a. **Appeal No. A-4-99-14 (Longo, Santa Barbara Co.)** Staff recommended that the appeal raised no substantial issue.

David W. Smith, Esq. representing Rusty Jordan, spoke in opposition to the project. Rusty Jordan submitted a request to speak in opposition to the project. Steven Kaufmann, representing the applicants, spoke in favor of the project. Jan Hochhauser, representing the applicants, submitted a request to speak in favor of the project.

Motion & Vote on No Substantial Issue: McClain-Hill moved staff recommendation, seconded by Estolano, and the roll call vote was 11 in favor and 0 opposed. **Passed.**

18. COASTAL PERMIT APPLICATIONS.

a. **Application No. 4-96-189 (Flinkman, Malibu)** Staff recommended approval with special conditions as modified orally.

Alan Block, representing the applicant, spoke in favor of the project. Norm Haynie spoke. Jennifer Pancake, representing Raymond & Nancy Biedermann, spoke in opposition to special conditions 4 & 5.

PUBLIC STATEMENT. Ted Morton, representing American Oceans Campaign, submitted a request to speak.

LUNCH RECESS. The Commission recessed for lunch at 12:45 and reconvened at 2:00 p.m. after closed session.

REPORT of CLOSED SESSION. In closed session the Commission took action on Ann Daniel and Leonard Hill v. Peter Douglas and James W. Burns, and discussed one other matter for information only.

Holanda left at 2:15 p.m., during the deliberation.

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

b. **Application No. 4-97-215 (Addis, Malibu)** Staff recommended approval with special conditions.

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

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

d. **Application No. 4-98-240 (Odyssey Program, Malibu)** Moved to expanded Consent Calendar. **Approved.**

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e. **Application No. 4-98-259 (Pepperdine University, Malibu)** Staff recommended approval with special conditions as modified orally.

Michael Barsocchini and Phil Phillips, both representing the applicant, spoke in favor of the project. Norman Haynie submitted a request to speak.

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

f. **Application No. 4-98-260 (Pepperdine University, Malibu)** Staff recommended approval with special conditions as modified orally.

The hearing was combined with item e above.

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

g. **Application No. 4-98-306 (Winding Way, Malibu)** Moved to expanded Consent Calendar. **Approved.**

h. **Application No. 4-98-337 (Dimitriadis, Malibu)** Moved to expanded Consent Calendar. **Approved.**

i. **Application No. 4-99-9 (Green, Malibu)** Moved to expanded Consent Calendar. **Approved.**

j. **Application No. 4-99-12 (Reams, Malibu)** **Postponed.**

k. **Application No. 4-99-64 (Brown, Malibu)** Staff recommended approval with special conditions.

Jaime Harnish, representing the applicants, spoke in favor of the project. William Rolland spoke in opposition to the project.

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

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19. PERMIT AMENDMENT.

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

20. PERMIT EXTENSIONS.

- a. **Permit No. 5-85-418-E12 (Adamson Co., Malibu)** Staff recommended approval.

Michael Vignieri, representing the applicant, submitted a request to speak in favor of the project.

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

- b. **Permit No. 4-96-172-E (Olson, Malibu)** Staff recommended denial.

Eight speakers submitted requests to speak in opposition to the project: Frank P. Angel, representing Topanga Assn. for a Scenic Community & Tuna U.N.A.; Kay Austen, representing Tuna Unified Neighborhood Assoc.; Sanni Diesner; Dr Malcolm Lesavoy, representing Tuna Unified Neighborhood Assoc.; Mark Massara; Robin Maxwell, representing Tuna Unified Neighborhood Assoc.; Sabine Niederberghaus, representing T.U.N.A. (Tuna Unified Neighborhood Association); and Roger Pugliese, representing Topanga Assoc. for a Scenic Community. Don Schmitz, representing the applicant, submitted a request to speak in favor of the project. Tom Bates, representing Concerned Citizens for Property Rights, submitted a request to speak in favor of the project. Norm Haynie submitted a request to speak.

There being more than 3 objections Chairman Wan ruled that the permit was not extended. **Denied.**

Sweeney left at 5 p.m., during the following item.

21. RECONSIDERATION.

- a. **Appeal No. A-4-98-225-R (Breakers Way Property Owners, Ventura Co.)** Staff recommended approval.

Don Schmitz, representing Breakers way Property Owners, spoke in favor of the project. Gary Garcia, representing Breakers Way Property Owners, submitted a request to speak in favor of the project. Mark Massara, representing Sierra Club, spoke in opposition to the reconsideration.

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Motion: Reilly moved staff recommendation, seconded by Potter.

REPORT of CLOSED SESSION. In closed session the Commission discussed one matter for information only.

Motion & Vote: Reilly restated his motion to reconsider, seconded by Kehoe, and the roll call vote was 0 in favor and 11 opposed. **Failed.**

22. **REVOCAION of Permit No. 5-86-517 (Calamigos Ranch, Malibu)** Staff recommended denial.

Carol Barr, representing Zuma Canyon Watershed Assoc., spoke in opposition to the project. Three other speakers submitted requests to speak in opposition to the project: Dee Dee Cooper, representing Zuma Cyn Watershed; Gary Marsh, representing Zuma Canyon Watershed Assoc.; and Barry Read, representing Mulholland Tomorrow. Three speakers, representing Calamigos Ranch, submitted requests to speak in favor of the project: Glen Gerson, Grant Gerson, and Roger Van Wert. Ruth Gerson, representing Santa Monica Mtns. Trails Council, submitted a request to speak in favor of the project.

Motion & Vote: Kehoe moved to revoke the permit, seconded by McClain-Hill, and the roll call vote was 0 in favor and 11 opposed. **Failed.**

RECESS. The Commission recessed for the day at 5:50 p.m..

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1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Friday, April 16, 1999, at 9:05 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Desser, Dettloff, Estolano, Flemming, (Alternate) Kruer, McClain-Hill, Nava and Reilly. Absent: Holanda, Sanders and Sweeney. Daniels arrived at 9:10 a.m..

NORTH COAST DISTRICT

3. CONSENT CALENDAR.

a. **Application No. 1-98-85 (Evenson & Smull, Humboldt Co.)** Staff recommended approval with conditions.

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

ENFORCEMENT

4. ENFORCEMENT CEASE & DESIST ORDERS.

a. **Commission Cease & Desist Order No. CCC-99-CD-4 (Harfenist, Santa Barbara Co.)** Staff recommended issuance of the Cease & Desist order.

Alan Seltzer, Chief Deputy County Counsel for Santa Barbara County, spoke in favor of the staff recommendation.

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

Motion & Vote to Rescind Previous Order: Nava moved to rescind Cease & Desist Order No. CCC-99-CD-2, seconded by Reilly, and the roll call vote was 11 in favor and 0 opposed. **Passed.**

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b. **Commission Cease & Desist Order No. CCC-99-CD-3 (Hill & Daniel, Santa Barbara Co.) Postponed.** Alan Seltzer, Chief Deputy County Counsel for Santa Barbara County, had submitted a request to speak in favor of the staff recommendation. Steven A. Amerikaner, representing Leonard Hill & Ann Daniel, had submitted a request to speak.

NORTH COAST DISTRICT

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

a. **Eureka LCP Amendment No. 1-97 (Plan Update) 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.**

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

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

a. **Pacifica LCP Amendment No. 1-99 (Lee & Stuckey) Time Extension.** Staff recommended approval.

Motion & Vote: Reilly moved staff recommendation, seconded by Potter, and the hand vote was 11 in favor and 0 opposed. **Passed.**

8. **NEW APPEALS.**

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

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

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b. **Appeal No. A-1-99-14 (Taylor & Banks, San Mateo Co.)** Staff recommended that the appeal raised no substantial issue.

Garrett D. Crispell spoke in opposition to the project. Leonard Woren submitted a request to speak in opposition to the project. Judy Taylor, representing Judy Banks, spoke in favor of the project.

Motion & Vote on No Substantial Issue: Potter moved staff recommendation, seconded by Flemming, and the roll call vote was 9 in favor (Daniels, Dettloff, Estolano, Flemming, Kruer, McClain-Hill, Potter, Reilly & Wan) and 2 opposed (Desser & Nava). **Passed.**

c. **Appeal No. A-1-99-20 (Coastside Co. Water Dist., Half Moon Bay)** Staff recommended continuance. There being no objection Chairman Wan opened the hearing and **continued** it to a later meeting. Leonard Woren had submitted a request to speak in opposition to the project.

9. COASTAL PERMIT APPLICATION.

a. **Application No. 1-98-77 (Porto Bodega, Sonoma Co.)** Staff recommended approval with special conditions.

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

PUBLIC STATEMENTS. Kathryn V. Slater Carter, representing Montara Sanitary District, spoke about cumulative impacts of development. Leonard Woren spoke about San Mateo County's LCP and patterns of development.

REPORT of CLOSED SESSION. In closed session the Commission took action on CCC v. Ojavan.

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

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

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