CALIFORNIA COASTAL COMMISSION

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TO:

ALL COMMISSIONERS

FROM:

PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: MINUTES OF MEETING OF JUNE 7-11, 1999

Radisson Hotel

1111 East Cabrillo Blvd.

Santa Barbara

Monday, June 7, 1999 pages 1 to 8

- CALL TO ORDER. The meeting of the California Coastal Commission was called to order on Monday, June 7, 1999, at 10:05 a.m. by Chairman Wan.
- ROLL CALL. Present: Chairman Wan, Commissioners Daniels, Desser, (Alternate) Pavley, Estolano, Flemming, Holanda, (Alternate) Kruer, Nava and (Alternate) Fletcher. Absent: Reilly, Sanders and Sweeney. McClain-Hill arrived at 10:35 a.m..

SOUTH CENTRAL COAST DISTRICT

- **CONSENT CALENDAR.** See items a through i on page 3 of the agenda. Five items were postponed (a, d, g, h & i). Staff recommended approval with special conditions.
 - (e & f) Dana Bierman spoke in opposition to the project.

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

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



5. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved four items (7a, 7f, 7g & 11b) to the Calendar, and recommended approval with special conditions.

(7a) Lance Lindsay, representing the applicant, submitted a request to speak in favor of the project. (7g) Don Schmitz, representing the applicant, submitted a request to speak in favor of the project.

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

6. LOCAL COASTAL PROGRAM (LCP).

a. Carpinteria LCP Amendment No. 2-98 (Agricultural Conversion – Creekwood). Withdrawn.

7. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 4-97-61 (Lindsay**, Malibu) Moved to expanded Consent Calendar. **Approved**.
 - b. Application No. 4-98-28 (Jacobs, Malibu) Postponed.
- c. **Application No. 4-98-85 (Harris**, Malibu) Staff recommended approval with special conditions.

Jaime Harnish, representing the applicant, submitted a request to answer questions.

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

d. Application No. 4-98-86 (Opiela, Los Angeles Co.) Staff recommended denial.

Motion & Vote: There being no speakers, Estolano moved to approve the project, seconded by Fletcher, and the roll call vote was 0 in favor and 9 opposed. Failed.

e. Application No. 4-98-298 (McClellan, Malibu) Postponed.

- f. **Application No. 4-98-335 (Azzi,** Malibu) Moved to expanded Consent Calendar. **Approved**.
- g. **Application No. 4-99-30 (McCormick**, Malibu) Moved to expanded Consent Calendar. **Approved**.
 - h. Application No. 4-99-5 (Groves, Malibu) Postponed.
 - i. Application No. 4-99-35, (Login, Malibu) Postponed.
 - j. Application No. 4-99-76 (Parks & Rec., Ventura Co.) Postponed.

McClain-Hill arrived during the following item.

8. **UCSB LRDP AMENDMENT No. 1-98 (LMP).** Staff recommended approval with suggested modifications.

Tye Simpson, representing UC Santa Barbara, spoke in favor of the project. Willie Brown, representing UCSB, spoke in favor of the project. Wayne Ferren, representing UCSB Museum of Systematics & Ecology, spoke in favor of the project. Mike Shinn, representing Residence Halls Association, spoke in favor of the project. Brian Trautwein, representing Environmental Defense Center, spoke in favor of the staff recommendation. Keith Zandona, representing Surfrider, spoke in favor of the staff recommendation. Mark Massara, representing Sierra Club, spoke in favor of the staff recommendation. Cynthia Brock submitted a request to speak in opposition to the project. Arjun McAvoy, representing Surfrider Foundation, submitted a request to speak in favor of the staff recommendation. Beth Oakes Wood, representing Goleta Neighborhoods United, submitted a request to speak in favor of the staff recommendation. Wanda Michalenko, representing Urban Creeks Council, spoke in favor of the staff recommendation. David P. Wass spoke in favor of the staff recommendation. Sumi Crimmel spoke in favor of the staff recommendation. Chris Omer, representing Environmental Affairs Board, spoke in favor of the staff recommendation. Ariana Katovic, representing Environmental Affairs Board, spoke in favor of the staff recommendation. Brandy Fox, representing Environmental Affairs Board UCSB, spoke in opposition to the project. Meghan Conklin spoke in favor of the staff recommendation. Eric Cardenas spoke in opposition to the project. Morgan Ball spoke in opposition to the project. Jonathan Strnad spoke in opposition to the project. Jeff Wolfe spoke in favor of the staff recommendation. Laura Brands spoke in opposition to the project. Diane Conn, representing Save Ellwood Shores spoke in opposition to the project. Morivic Sabillo spoke in opposition to the project. Philip

Tseng, representing Environmental Affairs Board/IV Surfrider, spoke in opposition to the project. Hillary Hauser, representing Heal the Ocean, Santa Barbara, spoke in favor of the staff recommendation.

Motion & Vote on Amendment as Submitted: Nava moved approval of the Amendment as submitted, seconded by Desser, and the roll call vote was 0 in favor and 10 opposed. **Failed**.

Motion & Vote on Amendment with Modifications: Nava moved approval of the Amendment with suggested modifications, seconded by Desser, and the roll call vote was 6 in favor (Daniels, Desser, Pavley, Nava, Fletcher & Wan) and 4 opposed (Estolano, Flemming, Kruer & McClain-Hill). Passed.

NOTICE OF IMPENDING DEVELOPMENT.

a. **UCSB Notice of Impending Development No. 1-98:** Staff recommended approval with special conditions.

The hearing was combined with item 8 above.

Motion & Vote: Nava moved staff recommendation, seconded by Pavley, and the roll call vote was 9 in favor and 1 opposed (Kruer). **Passed**.

PUBLIC STATEMENTS. Mindy Sheps, representing Ramirez Canyon Preservation Fund, asked the Commission to deal with an alleged violation by the Santa Monica Mountains Conservancy. Hillary Hauser, representing Heal the Ocean, described pollution from Tajiguas landfill. Mike Lunsford representing Gaviota Coast Conservancy also spoke about problems with the Tajiguas landfill. Harry Liquornik, representing Commercial Fishermen of Santa Barbara Inc., submitted a request to speak in favor of the CZMA.

LUNCH RECESS. The Commission recessed for lunch at 1:05 and reconvened at 2:25 p.m. after closed session.

REPORT of CLOSED SESSION. In closed session the Commission took action on Bolsa Chica Land Trust et al. v. CCC, and discussed one other matter for information only.

b. **Pepperdine University Notice of Impending Development No. 2-99**: Staff recommended approval.

Motion & Vote: There being no speakers, Kruer moved staff recommendation, seconded by Pavley, and the roll call vote was 10 in favor and 0 opposed. Passed.



10. PERMIT EXTENSIONS.

- a. **Permit No. 4-95-200-E (Warsaw**, Los Angeles Co.) Staff recommended approval. Irwin Warsaw 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. A-4-93-154-E (Dos Pueblos Associates**, Santa Barbara Co.) Staff recommended denial.

Nancy Lucast, representing Dos Pueblos Golf Links, spoke in favor of the project. Milton P. Miller submitted a request to speak in favor of the project. Jennings James submitted a request to speak in favor of the project. Irwin Warsaw submitted a request to speak in favor of the project. Louis D. Van Mullen submitted a request to speak in favor of the project. Lynne M. Jahmisian submitted a request to speak in favor of the project. Ronald E. Busch submitted a request to speak in favor of the project. Eugene F. Grown submitted a request to speak in favor of the project. Geo. O. Thompson submitted a request to speak in favor of the project. Jack Peterson submitted a request to speak in favor of the project. Don Stackhouse submitted a request to speak in favor of the project. Prescott W. Gould submitted a request to speak in favor of the project. John Cerada submitted a request to speak in favor of the project. Dave Odell spoke in favor of the project. James L. Dawson submitted a request to speak in favor of the project. Charles McAustin submitted a request to speak in favor of the project. G. Bloomingdale submitted a request to speak in favor of the project. Ernest A. Blakey submitted a request to speak in favor of the project. Rick Castillo spoke in favor of the project. Tom Miller spoke in favor of the project. Steve Cushman submitted a request to speak in favor of the project. Jerry Dobyns submitted a request to speak in favor of the project. Eight speakers submitted requests to speak in favor of the project in rebuttal: Ken Marshall, Adam Relin, Dr Rosie Thompson, Sherri Miller, Samantha Kim, David Fainer, Whitt Hollis & Steve Kaufmann.

Ray Bransfield & Bridget Fahey, representing Fish & Wildlife Service, submitted a request to speak to answer questions. Alan Seltzer & Diane Meester submitted a request to speak to answer questions.

John Butny, representing Supervisor Gail Marshall 3rd District S.B. County, spoke in opposition to the project. Mike Fealy spoke in opposition to the project. Dave Wass submitted a request to speak in opposition to the project. Ellison Folk, representing Surfrider, spoke in opposition to the project. Arjun McAvoy submitted a request to speak in opposition to the project. Ken Palley submitted a request to speak in opposition to the project. Ken Taylor submitted a request to speak in opposition to the project. Diane Conn submitted a request to speak in opposition to the project. John Bury submitted a request to speak in opposition to the project. Lisa Fotheringham, representing Surfrider Foundation, submitted a request to speak in opposition to the

project. Jessica Van Leuven, representing Surfrider Foundation, submitted a request to speak in opposition to the project. Ashleigh Rossman, representing Surfrider Foundation, submitted a request to speak in opposition to the project. June Taylor submitted a request to speak in opposition to the project. Wanda Michalenko spoke in opposition to the project. Nathan Post spoke in opposition to the project. Deane Plaister submitted a request to speak in opposition to the project. Keith Zandona, representing Surfrider, spoke in opposition to the project. Diane Chakos submitted a request to speak in opposition to the project. Mark Massara, representing Sierra Club, spoke in opposition to the project. Cynthia Brock submitted a request to speak in opposition to the project. Susan Jordan, representing League for Coastal Protection, spoke in opposition to the project. Ryan Ansanka-Crues spoke in opposition to the project. Tom Phillips, representing Santa Barbara Chapter Surfrider Foundation, spoke in favor of the staff recommendation. Philip Tseng, representing Isla Vista Surfrider Foundation, spoke in opposition to the project. Dan Fontaine, representing Surfrider, spoke in opposition to the project. Bob Keats, representing Gaviota Coast Conservancy, spoke in opposition to the project. Craig Shuman spoke in opposition to the project. Brandy Fox submitted a request to speak in opposition to the project. Gregory Helms, representing Environmental Defense Center, spoke in opposition to the project. Steven Snyder spoke in opposition to the project. Penny Odom, representing Surfrider, submitted a request to speak in opposition to the project.

There being more than 3 objections, the permit extension was **denied**.

11. PERMIT AMENDMENTS.

a. **Permit No. A-4-93-154-A2 (C.P.H.P.A.H. Dos Pueblos,** Santa Barbara Co.) Since the permit (item 10b above) was not extended, no action was needed on the amendment.

b. **Application No. 4-98-312-A (Orvis & Lerner,** Malibu) Moved to expanded Consent Calendar. **Approved**.

c. **Permit No. 4-92-92-A3 (Loguidice**, Los Angeles Co.) Staff recommended approval with modification to previous condition.

Richard Scott, representing the applicant, submitted a request to speak in favor of the project.

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



12. **NEW APPEALS.**

a. **Appeal No. A-4-98-321 (ARCO Oil & Gas,** Santa Barbara Co.) Staff recommended continuance.

Alan Selzer spoke representing County. Steven Kaufmann recommended continuance.

Motion & Vote to Continue: Estolano moved to continue the hearing, seconded by Kruer, and the hand vote was 9 in favor, 0 opposed and 1 abstention. **Passed**.

b. Appeal No. A-4-98-332 (C.P.H.P.A.H. Dos Pueblos, formerly Arco Oil & Gas, Santa Barbara Co.) Staff recommended continuance.

The hearing was combined with item a above.

Motion & Vote to Continue: Estolano moved to continue the hearing, seconded by Kruer, and the hand vote was 9 in favor, 0 opposed and 1 abstention. **Passed**.

c. **Appeal No. A-4-99-119 (Clemens**, Carpinteria) Staff recommended continuance. There being no objection, Chairman Wan opened the hearing and **continued** it to a future meeting.

NORTH COAST DISTRICT

- 13. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Scholl reported on matters not requiring public hearings, and on comments from the public.
- a. **Determination of Appealability of Appeal No. A-1-99-34** (Wildlife Assoc. & Burns, San Mateo Co.) **Postponed**.
- 14. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved item 16b to the Calendar, and recommended approval with special conditions.

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

15. LOCAL COASTAL PROGRAMS (LCPs).

a. Half Moon Bay LCP Amendment No. 2-98 (Matteucci). Postponed.

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b. Pacifica LCP Amendment No. 1-99 (Lee & Stuckey). Staff recommended approval.

Motion & Vote to Reject Implementation: There being no speakers, Estolano moved to reject the implementation amendment as submitted, seconded by Flemming, and the roll call vote was 0 in favor and 9 opposed. The motion failed so the amendment was **approved**.

16. COASTAL PERMIT APPLICATIONS.

- a. Application No. 1-98-58 (Trianchor Marine & Pique, San Mateo Co.) Postponed.
- b. Application No. 1-99-13 (Hidden Valley Homeowners, Humboldt Co.) Moved to expanded Consent Calendar. Approved.

17. PERMIT AMENDMENT.

a. **Permit No. A-1-98-38-A (Hunt**, Fort Bragg) Staff recommended approval with revisions to original conditions.

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

18. **NEW APPEALS.**

- a. Appeal No. A-1-99-20 (Coastside Co. Water, Half Moon Bay) Postponed.
- b. Appeal No. A-1-99-34 (Wildlife Assoc. & Burns, San Mateo Co.) Postponed.

RECESS. The Commission recessed for the day at 5:10 p.m..

Tuesday, June 8, 1999 pages 9 to 15

- 1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Tuesday, June 8, 1999, at 9:05 a.m. by Chairman Wan.
- 2. **ROLL CALL**. Present: Chairman Wan, Commissioners Daniels, Desser, Dettloff, Estolano, Holanda, (Alternate) Kruer, Nava, (Alternate) Fletcher and Sanders. Absent: Reilly. Flemming arrived at 9:10 a.m.; Nichols arrived at 9:35 a.m.; and McClain-Hill arrived at 9:55 a.m..

CENTRAL COAST DISTRICT

- 3. ADMINISTRATIVE PERMIT APPLICATION.
- a. Application Number 3-99-21 (Santa Cruz Port District, Santa Cruz) Staff recommended approval with special conditions.

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

CONSENT CALENDAR.

a. **Application No. 3-99-27 (Kaplan**, Monterey Co.) Staff recommended approval with special conditions.

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

NORTH COAST DISTRICT

- 5. **NEW APPEAL.**
- a. **Appeal No. A-1-99-13 (Ward & Loft**, San Mateo Co.) Staff recommended continuance. There being no objection, Chairman Wan opened the hearing and **continued** it to a future meeting.

STATEWIDE

- 6. **APPROVAL OF MINUTES**. Kruer moved approval of the minutes of May 1999, seconded by Nava, and the hand vote was 9 in favor and 0 opposed. **Approved**.
- 7. **COMMISSIONERS' REPORTS**. None.
- 8. **CONSERVANCY REPORT.** Informational only.
- 9. SANTA MONICA MOUNTAINS CONSERVANCY REPORT. None.
- 10. **DEPUTY ATTORNEY GENERAL'S REPORT**. None.
- 11. EXECUTIVE DIRECTOR'S REPORT.
- a. **Agreement with University of Southern Mississippi**. Staff recommended approval of \$12,000 to complete "Technical Review of Beach Nourishment along the California Coast."

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

- b. **Annual briefing and update on polluted runoff strategy**. Informational only. Mark Gold, representing Heal the Bay; Ted Morton, representing American Oceans Campaign; and Ann Notthoff, representing NRDC; all submitted requests to speak.
- c. **Agreement with California Resources Agency** Staff recommended approval to receive \$18,000 for urban runoff control program in Watsonville.

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

d. **2000 Schedule** of Meeting Dates & Locations. Staff recommended approval as modified orally.

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

e. Legislation. Informational only.



12. **LCP PLANNING GRANTS**. Staff recommended adoption of criteria for allocating future LCP local assistance funds as modified in addendum and orally.

Bryce Tingle, representing San Luis Obispo Co. Plan'g, spoke in favor of the staff recommendation.

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

13. **ReCAP Santa Monica Mountains/Malibu Area Action Plan.** Staff recommended approval as modified orally.

Stefan Galvez spoke representing Caltrans. Ron Hoffman, representing Los Angeles County, Dept of Regional Planning, spoke in favor of the staff recommendation.

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

ENERGY and OCEAN RESOURCES

- 14. ENERGY & OCEAN RESOURCES REPORT. Informational only.
- a. **SONGS. Status**. Informational only. Don May, representing Earth Island Inst., submitted a request to speak. Rimmon C. Fay submitted a request to speak.
 - b. Avila Beach Remediation Status Report. Informational only.
- c. **Guadalupe Oil Field Remediation Status Report.** Informational only. James Caruso, representing SLO County Planning Dept., submitted a request to speak in favor of the staff recommendation. Peter Gamble submitted a request to speak in favor of the staff presentation.

PUBLIC STATEMENTS. Bill Deneen, representing Citizens for a Vehicle Free Nipomo Dunes, spoke about vehicles on the beach. Linda Krop, representing EDC, commented on EPA's proposal to update discharge permits from offshore oil & gas platforms, and about mounds of debris from 4-H platforms.

d. California Offshore Oil & Gas Leasing and Development Status Report. Informational only. Hattie Stewart, representing U.S. Senator Barbara Boxer, submitted a request to speak in opposition to the staff recommendation. Anne McMahon, representing Rep. Lois Capps, submitted a request to speak in favor of the staff recommendation. Carla Frisk, representing Senator Jack O'Connell, submitted a request to speak in favor of the staff recommendation. Steve Lavagnino, representing Assemblyman Abel Maldonado, submitted a request to read a short letter. Cameron Benson, representing Assemblymember Hannah-Beth Jackson, submitted a request to speak in favor of the staff recommendation. John Buttny, representing Gail Marshall, 3rd Dist. Supervisor Santa Barbara County, submitted a request to speak. Jan Howell Marx, Council member San Luis Obispo City Council, submitted a request to speak in opposition to offshore oil. Diane Meester, representing Santa Barbara County Energy Division, submitted a request to speak. John Ufrat, representing San Luis Obispo County, submitted a request to speak in favor of the staff recommendation. Carolyn Moffatt, representing Port San Luis Harbor Commission, submitted a request to speak on OCS issue. Susan Jordan, John Ewan, Ann Notthoff & Linda Krop, representing LCP; EDC, Chamber of Commerce & NRDC, submitted a request to speak. Pat Veesart, representing ECOSLO, submitted a request to speak. Jacquelyn Wheeler, representing Mothers for Peace, submitted a request to speak. Zeke Grader, representing Pacific Coast Federation of Fishermen's Association, submitted a request to speak. Gordon Hensley submitted a request to speak in opposition to offshore oil & gas development. Robert Sollen, representing Sierra Club Los Padres Chapter, submitted a request to speak on the report. J. Abraham Powell, representing Get Oil Out, submitted a request, to speak in favor of the staff recommendation. Steven Marx, representing Santa Lucia Chapter of Sierra Club, submitted a request to speak in favor of the staff recommendation. Stephanie Langsdorf, representing Citizens for Goleta Valley, submitted a request to speak in favor of the staff recommendation. Bill Denneen, representing Friends of Point Sal, submitted a request to speak in opposition to oil rigs off Point Sal. Jean Holmes, representing League of Women Voters, submitted a request to speak on the staff report. Steve Dunn submitted a request to speak in favor of the staff recommendation. Hannah Eckberg, representing the United Hemp Council, submitted a request to speak in opposition to oil development. Paul Z. Wright submitted a request to speak to get oil out, get alternatives in. Bernie Hartman, representing SLO ECO, submitted a request to express concern for coastal waters. Ted Morton, representing American Oceans Campaign, submitted a request to speak. Nancy Broyles, representing Santa Barbara Green Party, submitted a request to speak in opposition to the staff recommendation. Travis O. Evans, representing P.C.F.F.A. San Luis Chapter, submitted a request to speak in opposition to oil development. Don May, representing Calif. Earth Corps, submitted a request to speak. Elizabeth Burke, representing S.B. & SLO Green Party, submitted a request to speak in opposition to the project. Sarah Christie submitted a request to speak.

15. COASTAL PERMIT APPLICATIONS.

a. Application No. E-98-17 ("Pacific Offshore Farms," San Mateo Co.) Staff recommended approval with special conditions.

Doug Hayes, representing Pacific Offshore, spoke in favor of the project. Jim Stilwell spoke in favor of the project. Rimmon C. Fay spoke in favor of restoring wild abalone. Zeke Grader, representing Pacific Coast Federation of Fishermen's Assns., spoke in opposition to the project. Ann Notthoff, representing NRDC, submitted a request to speak in favor of hearing the project in northern California. Becky Oder representing Fish & Game answered a question on schedule of kelp regulations. Jon Locke spoke in favor of the project.

Motion & Vote to Continue: Kruer moved to continue the hearing, seconded by Nava, and the roll call vote was 6 in favor (Daniels, Dettloff, Kruer, Nava, Fletcher & Wan) and 4 opposed (Desser, Estolano, Flemming & McClain-Hill). **Passed**.

b. Application No. E-98-18 ("Princeton Abalone," San Mateo Co.) Staff recommended approval with special conditions.

Jon Locke, representing Princeton Abalone, spoke in favor of the project. Rimmon C. Fay said artificial culture of salmon is a great success, and abalone's future is in artificial culturing. Jim Stilwell spoke in favor of the project. Zeke Grader, representing Pacific Coast Federation of Fishermen's Assns., spoke in opposition to the project. Ann Notthoff, representing NRDC, submitted a request to speak in favor of hearing the project in northern California.

Motion & Vote to Continue: Kruer moved to continue the hearing, seconded by Nava, and Chairman Wan substituted the previous roll call vote (6-4). Passed.

c. **Application No. E-98-19 ("Blue Pacific Abalone,"** San Mateo Co.) Staff recommended approval with special conditions.

Doug Hayes spoke in favor of the project. Rimmon C. Fay submitted a request to speak in favor of the project. James Stilwell submitted a request to speak in favor of the project. Ann Notthoff, representing NRDC, submitted a request to speak in favor of hearing the project in northern California. Zeke Grader, representing Pacific Coast Federation of Fishermen's Assns., submitted a request to speak in opposition to the project.

Motion & Vote to Continue: Kruer moved to continue the hearing, seconded by Nava, and Chairman Wan substituted the previous roll call vote (6-4). Passed.



d. **Application No. E-98-20 ("Pearl Abalone,"** San Mateo Co.) Staff recommended approval with special conditions.

Charlotte Zajac spoke in favor of the project.

Motion & Vote to Continue: Kruer moved to continue the hearing, seconded by Nava, and Chairman Wan substituted the previous roll call vote (6-4). **Passed**.

CENTRAL COAST DISTRICT

- 16. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Grove reported on matters not requiring public hearings, and on comments from the public.
- 17. LOCAL COASTAL PROGRAMS (LCPs).
- a. Pismo Beach LCP Amendment No. 2-98 (new Zoning, Growth Mgmt., and Access & Downtown Policies). Postponed.
- b. Grover Beach LCP Amendment No. 1-98 (Update). Staff recommended approval with suggested modifications as modified in addendum and orally.

Sandy Berzinski, representing the City, spoke in favor of the staff recommendation. Joe Mette spoke representing State Parks.

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

Motion & Vote on Plan with Modifications: Dettloff moved approval of the Land Use Plan Amendment with suggested modifications, seconded by Flemming, and the roll call vote was 9 in favor and 1 opposed (Nava). **Passed**.

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

c. San Luis Obispo Co. LCP Amendment No. 1-99 (Harbor Terrace). Postponed.

18. **NEW APPEALS**.

- a. Appeal No. A-3-98-85 (Pebble Beach, Monterey Co.) Withdrawn.
- b. 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.
- c. **Appeal No. A-3-99-32 (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.
- d. **Appeal No. A-3-99-36 (Cain**, Monterey Co.) Staff recommended continuance. There being no objection, Chairman Wan opened the hearing and **continued** it to a future meeting.

RECESS. The Commission recessed for the day at 7:35 p.m..

Wednesday, June 9, 1999 page 16

The Commission held an all-day workshop on: The Coastal Act Planning Program, Federal CZMA & requirements, Overview of the organization, the Enforcement Program, Legal Issues, Public Access Program, and Policies & Directions. Commissioners present were: Daniels, Desser, Dettloff, Estolano, Allgood, Flemming, Holanda, Kruer, McClain-Hill, Nava, Orr, Reilly, Sanders, Wan and Hisserich.

PUBLIC STATEMENTS. Connie Hannah, representing Santa Barbara League of Women Voters, said smaller independent oil companies may have trouble meeting the current environmental standards. Chris Miller, representing commercial fisherman of S.B., spoke about integrating fishery management. Lynda Sterns, representing Hostelling International American Youth Hostels, spoke in favor of hostelling. Bob Larwood, representing Save the Headlands, spoke in favor of preserving the Dana Point headlands. Carolyn Krammer of Oceanside, said she supported the environmentally-friendly Commission. Sarah Christie, representing ECOSLO, said the workshop had been helpful.

Thursday, June 10, 1999 - pages 17 to 23

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

SAN DIEGO COAST DISTRICT

- 3. ADMINISTRATIVE PERMIT APPLICATION.
- a. **Application No. 6-99-46 (Childs**, Solana Beach) Staff recommended approval with conditions.

Edward M. Eginton, architect, submitted a request to speak in favor of the project.

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

4. **CONSENT CALENDAR**. See items a & b on page 14 of the agenda. Staff recommended approval with special condition.

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

STATEWIDE

REPORT of CLOSED SESSION. In closed session the Commission discussed possible future litigation for information only.

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



a. **Status Briefing (Navy SWEF**, Port Hueneme) Informational only. Jeanne Schich, representing Port Hueneme Division Naval Surface Warfare Center, submitted a request to speak. John Buse, representing Environmental Defense Center, submitted a request to speak. Vickie Finan & Lee Quaintance both spoke representing the Beacon Foundation.

6. FEDERAL CONSISTENCY.

a. **ND-2-99 (Navy**, Pt. Mugu, Ventura Co.) Staff recommended concurrence with the Executive Director.

There being no objection, Chairman Wan ruled that the Commission concurred with the Executive Director. **Approved**.

b. CD-22-99 (Corps of Engineers, Los Angeles Co.) Staff recommended approval.

Hayley Logan, representing U.S. Army Corps of Engineers, submitted a request to speak in favor of the project. Dean Smith, representing Los Angeles County-Beaches & Harbors, spoke in favor of the staff recommendation. Mark Gold, representing Heal the Bay, spoke in favor of the staff recommendation. David Lee Soanes spoke in favor of the project. Don Pomerantz, representing Corps of Engineers answered questions and modified project to include monitoring & increased number of stations.

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

7. FINDINGS.

a. CD-32-99 (USGS, southern California) Postponed.

SAN DIEGO COAST DISTRICT

- 8. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Lee reported on matters not requiring public hearings, and on comments from the public.
- 9. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved five items (11a, 11e, 11l, 11j & 12c) to the Calendar, and recommended approval with special conditions.



Motion & Vote: There being no speakers, Kehoe moved staff recommendation, seconded by Daniels, and the roll call vote was 8 in favor and 0 opposed. **Passed**.

10. LOCAL COASTAL PROGRAMS (LCPs).

a. Carlsbad LCP Amendment No. 1-99 (Carlsbad rezones). Staff recommended approval with suggested modifications as modified in addendum and orally.

David Lee Soanes spoke in favor of the project. Paul Klukas spoke in favor of the staff recommendation.

Motion & Vote on Part of Plan as Submitted: Kehoe moved approval of the Mello II Land Use Plan Amendment as submitted, seconded by Estolano, and the roll call vote was 9 in favor and 0 opposed. Passed.

Motion & Vote on Part of Plan as Submitted: Kehoe moved approval of the Mello I Land Use Plan Amendment as submitted, seconded by Estolano, and the roll call vote was 0 in favor and 9 opposed. Failed.

Motion & Vote on Plan with Modifications: Kehoe moved approval of the Land Use Plan Amendment with suggested modifications, seconded by Estolano, and the roll call vote was 9 in favor and 0 opposed. **Passed**.

Motion & Vote to Reject Part of Implementation: Kehoe moved to reject the Mello II implementation amendment as submitted, seconded by Estolano, and the roll call vote was 0 in favor and 9 opposed. The motion failed so this part of the amendment was **approved**.

Motion & Vote to Reject Part of Implementation: Kehoe moved to reject the Mello I & II implementation amendment as submitted, seconded by Estolano, and the roll call vote was 9 in favor and 0 opposed. **Passed**.

Motion & Vote on Implementation with Modifications: Kehoe moved approval of the implementation with suggested modifications, seconded by Estolano, and the roll call vote was 9 in favor and 0 opposed. **Passed**.

b. Carlsbad LCP Amendment No. 1-98D (Carlsbad Hillside Ordinance). Staff recommended approval with suggested modifications.

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

c. **San Diego LCP Amendment No. 1-98 Time Extension.** Staff recommended approval.

Motion & Vote: There being no speakers, Kehoe moved staff recommendation, seconded by Flemming, and the hand vote was 10 in favor and 0 opposed. Passed.

d. **San Diego LCP Amendment No. 2-98 Time Extension**. Staff recommended approval.

Motion & Vote: There being no speakers, Kehoe moved staff recommendation, seconded by Flemming, and the hand vote was 10 in favor and 0 opposed. **Passed**.

11. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 6-97-165 (Wood & Lucker**, Solana Beach) Moved to expanded Consent Calendar. **Approved**.
- b. Application No. 6-98-123 (S.D. Engineering, parking lot improvements) Withdrawn.
 - c. Application No. 6-98-146 (Farber & Spaulding, San Diego Co.) Withdrawn.
- d. **Appeal No. A-6-98-169 (Moncrieff**, San Diego) Staff recommended approval with special conditions as modified orally.

Five speakers, representing the applicants, submitted requests to speak in favor of the project: David Lee Soanes, Matthew A. Peterson, John Franklin, Michael Pallamary and David Skelly. Four speakers submitted requests to speak in opposition to the project: Tony Ciani; Joanne Pearson, representing Sierra Club; Norma Rink and Vincent Sucato.

REPORT of CLOSED SESSION. In closed session the Commission discussed possible future litigation for information only.

Motion & Vote: Kehoe moved staff recommendation, seconded by Flemming, and the roll call vote was 8 in favor and 3 opposed (Estolano, Nava & Wan). **Passed**.



e. **Application No. 6-99-6 (Solana Beach**, lifeguard station) Moved to expanded Consent Calendar. **Approved**.

PUBLIC STATEMENTS. Carla Frisk presented a resolution honoring Francesca Cava. Francesca Cava showed a video of underwater exploration at the Channel Islands. Hillary Hauser, representing Heal the Ocean, showed video of deformed & dying sea urchins and described sewage releases in the surf zone in Santa Barbara County. Steve Rebuck complained about impacts to commercial fishermen by otters. Doug Richardson, representing La Conchita, described impacts of an alleged violation. Jim Kinninger, resident of Arroyo Quemada, described impacts of Tajiguas landfill and asked about the coastal permit for expansion. Harry Liquornik, representing commercial fishermen, also wanted otters out. Mark Massara said the East-West Ranch in northern San Luis Obispo County was being purchased for preservation. Larry Stone submitted a request to speak.

LUNCH RECESS. The Commission recessed for lunch at 1:05 and reconvened at 2:25 p.m. after closed session.

REPORT of CLOSED SESSION. In closed session the Commission took action on Page v. City of Pacific Grove, CCC, et al.; and Affinito v. City of Fort Bragg et al., and discussed three other matters for information only.

f. **Appeal No. A-6-99-20 (Wilt,** Oceanside) Staff recommended approval with special conditions.

David Lee Soanes, representing the applicants, spoke in favor of the project. Collette Evans spoke in opposition to the project. Eva L. Dausel, resident of 1717 S. Pacific, spoke in opposition to the project. Jamie Phillips spoke in opposition to the project. Geri Witt & Robert Witt submitted requests to speak in opposition to the project. Noi Phanuchares submitted a request to speak in opposition to the project. Renny Dowling answered a question. Carolyn Wilt answered questions.

Motion & Vote to Continue: Reilly moved to continue the hearing, seconded by McClain-Hill, and the roll call vote was 7 in favor and 4 opposed (Dettloff, McClain-Hill, Nava & Wan). **Passed**.

g. Application No. 6-99-32 (Oceanside, bike path) Postponed.



Nava left the meeting before the following item.

h. **Application No. 6-99-41 (Bradley**, Encinitas) Staff recommended approval with special conditions.

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

- i. **Application No. 6-99-45 (Cohen**, Solana Beach) Moved to expanded Consent Calendar. **Approved**.
- j. **Application No. 6-99-52 (SeaWorld**, San Diego) Moved to expanded Consent Calendar. **Approved**.
 - k. Application No. 6-99-54 (Rhett, Del Mar) Staff recommended denial.

Lew Dominy, representing the applicant, submitted a request to speak in favor of the project.

Motion & Vote: Kehoe moved approval of the project with a condition retaining mature trees, seconded by Flemming, and the roll call vote was 7 in favor and 0 opposed. **Passed**.

12. PERMIT AMENDMENTS.

a. **Permit No. 6-82-238-A3 (Prospect Square**, San Diego) Staff recommended approval with special conditions.

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

- b. Permit No. 6-88-531-A (Standard Pacific, Carlsbad) Postponed.
- c. **Permit No. 6-98-138-A (San Diego** skateboard park fees) Moved to expanded Consent Calendar. **Approved**.



13. PERMIT EXTENSION.

a. Permit No. 6-95-139-E2 (Corn, Solana Beach) Staff recommended denial.

Jonathan Corn spoke in favor of the project.

There being more than 3 objections, the permit extension was denied.

14. FINDINGS.

a. **Application No. 6-98-124 (BRE**, San Diego) Staff recommended approval of the findings.

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

b. San Diego LCP Amendment No. 1-98B. (LDC) Staff recommended approval of the findings.

Linda Johnson, representing City of San Diego, submitted a request to speak in favor of the project.

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

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

Friday, June 11, 1999 - pages 24 to 29

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

SOUTH COAST DISTRICT

3. ADMINISTRATIVE PERMIT APPLICATION.

a. **Application No. 5-99-88 (Celaya**, Los Angeles) Staff recommended approval with special conditions.

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

4. **CONSENT CALENDAR.** See items a & b on page 19 of the agenda. Staff recommended approval with special conditions.

Motion & Vote: Kehoe moved staff recommendation, seconded by Flemming, and the roll call vote was 7 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.
- 6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved six items (9b, c, d, f, k & I) to the Calendar, and recommended approval with special conditions.

Motion & Vote: Kehoe moved staff recommendation, seconded by Estolano, and the roll call vote was 7 in favor and 0 opposed. Daniels was not present. **Passed**.



7. LOCAL COASTAL PROGRAMS (LCPs).

a. Huntington Beach LCP Amendment No. 2-98 (Citywide) Time Extension. Staff recommended approval.

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

b. Long Beach LCP Amendment 1-99 (Marriott Hotel). Staff recommended approval with suggested modifications as modified in addendum.

Robert Paternoster, representing City of Long Beach, spoke in opposition to the staff recommendation. Bernard Rosenson, representing Breakers of L.B. & residents, spoke in opposition to the project. Mel Nutter spoke representing 100 E. Ocean Investments.

Motion & Vote to Reject Part of Implementation: McClain-Hill moved to reject Part A of the implementation amendment as submitted, seconded by Flemming, and the roll call vote was 0 in favor and 7 opposed. The motion failed so Part A of the amendment was **approved**.

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

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

Motion & Vote to Reject Part of Implementation: McClain-Hill moved to reject Part B of the implementation amendment as submitted, seconded by Flemming, and the roll call vote was 7 in favor and 0 opposed. **Passed**.

Motion & Vote on Implementation with Modifications: McClain-Hill moved approval of the implementation with suggested modifications, seconded by Flemming, and the roll call vote was 7 in favor and 0 opposed. **Passed.**

c. Long Beach Port Plan Amendment No. 14. Staff recommended approval.

Motion & Vote: There being no speakers, Flemming moved staff recommendation, seconded by Daniels, and the roll call vote was 8 in favor and 0 opposed. **Passed**.



d. Redondo Beach Plan Amendment No. 2-99 (Riviera Village). Staff recommended approval.

Randy Berler, representing City of Redondo Beach, submitted a request to speak in favor of the staff recommendation. George Shaw, representing Edward Carson Bream & Assoc., spoke in favor of the staff recommendation.

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

8. **NEW APPEAL.**

a. Appeal No. A-5-99-111 (AVP, Manhattan Beach) Staff recommended that the appeal raised no substantial issue.

Bobby Ray & Charles Sairley, both representing City of Manhattan Beach, submitted requests to speak in favor of the project. Laszlo Kiraly, representing Association of Volleyball Professionals, submitted a request to speak in favor of the project. Donley Falkenstien submitted a request to speak concerning the project. William Victor submitted a request to speak in opposition to the project. Bill Eisen submitted a request to speak in opposition to the project.

Motion & Vote: Flemming moved staff recommendation, seconded by Kehoe, and the roll call vote was 7 in favor and 1 opposed (Desser). Passed.

9. COASTAL PERMIT APPLICATIONS.

a. Application No. 5-98-301 (Rancho de las Pulgas, Los Angeles) Staff recommended approval with special conditions as modified in addendum.

Motion & Vote: There being no speakers, Estolano moved staff recommendation, seconded by Kehoe, and the roll call vote was 8 in favor and 0 opposed. **Passed**.

b. **Application No. 5-98-448 (Akef**, Los Angeles) Moved to expanded Consent Calendar. **Approved**.

c. **Application No. 5-98-528 (Rains**, Los Angeles) Moved to expanded Consent Calendar. **Approved**.

- d. **Application No. 5-99-54 (Lee**, San Clemente) Moved to expanded Consent Calendar. **Approved**.
- e. **Application No. 5-99-55 (Arnoldi**, Los Angeles) Staff recommended approval with special conditions as modified orally.

Motion & Vote: There being no speakers, Desser moved staff recommendation, seconded by Reilly, and the roll call vote was 8 in favor and 0 opposed. **Passed**.

- f. **Application No. 5-99-72 (Vivian**, Seal Beach) Moved to expanded Consent Calendar. **Approved**.
- g. **Application No. 5-99-89 (UCI**, Irvine) Staff recommended approval with special conditions.

Patsy Heasly, representing State Coastal Conservancy, spoke in favor of the project. Michael Josselyn, representing Wetlands Research Associates, submitted a request to speak in favor of the project.

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

h. **Application No. 5-99-109 (Bellardi**, San Clemente) Staff recommended approval with special conditions as modified orally.

James L. Glover, representing the applicant, spoke in favor of the project. Patrick J. Loughnane spoke in opposition to the project.

Motion & Vote: McClain-Hill moved staff recommendation, seconded by Flemming, and the roll call vote was 6 in favor and 2 opposed (Reilly & Wan). **Passed**.

i. **Application No. 5-99-120 (Sutherland**, Newport Beach) Staff recommended approval with special conditions as modified in addendum.

Motion & Vote: There being no speakers, Reilly moved staff recommendation, seconded by Flemming, and the roll call vote was 8 in favor and 0 opposed. **Passed**.

j. **Application No. 5-99-121 (Vance**, Newport Beach) Staff recommended approval with special conditions as modified in addendum.

Motion & Vote: There being no speakers, Reilly moved staff recommendation, seconded by Estolano, and the roll call vote was 8 in favor and 0 opposed. Passed.

k. **Application No. 5-99-124 (Thomas,** San Clemente) Moved to expanded Consent Calendar. **Approved**.

I. Application No. 5-99-144 (Long Beach/ SCMA Boat Show) Moved to expanded Consent Calendar. Approved.

10. PERMIT AMENDMENT.

a. Permit No. 5-97-319-A (Steffensen, Seal Beach) Staff recommended approval.

Dwight Steffensen spoke in favor of the staff recommendation.

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

11. FINDINGS.

a. **Application No. 5-99-43 (Brown**, Newport Beach) Staff recommended approval of the findings.

Motion & Vote: Flemming moved staff recommendation, seconded by McClain-Hill, and the hand vote was 3 in favor and 0 opposed. Passed.

b. **Huntington Beach LCP Amendment 3-98**. Staff recommended approval of the findings.

Motion & Vote: Kehoe moved staff recommendation, seconded by McClain-Hill, and the hand vote was 4 in favor and 0 opposed. **Passed.**

c. **Application No. 5-98-295 (Briggeman**, Newport Beach) Staff recommended approval of the findings.

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

PUBLIC STATEMENTS. Donley Falkenstien, representing Hermosa Beach Coastal Conservation Committee, said the temporary event guidelines were not protecting the beach. Bill Victor said valet service was pre-empting parking meters in Manhattan Beach. Linda Hall offered information about water rights in Cambria. Mike Bell from La Conchita complained about lack of public access across Highway 101 to the beach.

ADJOURNMENT. There being no old or new business, the meeting adjourned at 11:15 a.m..

Respectfully Submitted,

PETER M. DOUGLAS Executive Director

pmg