

CALIFORNIA COASTAL COMMISSION

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**Tu 11**

TO: ALL COMMISSIONERS
FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: **MINUTES OF MEETING OF JULY 13 - 16, 1999**
Marin County Board of Supervisors' Chambers
Administration Building, Room 322
Marin County Civic Center
San Rafael

Tuesday, July 13, 1999 pages 1 to 12

1. **CALL TO ORDER.** Chairman Wan called the meeting of the California Coastal Commission to order on Tuesday, July 13, 1999, at 10:05 a.m.
2. **ROLL CALL.** Present: Chairman Wan, Commissioners Desser, Dettloff, Holanda, (Alternate) Kruer, Nava, and (Alternate) Rose. Absent: Daniels, Estolano, Flemming, Potter, Sanders, and Sweeney. McClain-Hill arrived at 10:30 a.m., and arrived late after lunch break at 3:15 p.m. Holanda left at 5:20 p.m.

SAN DIEGO COAST DISTRICT**3. ADMINISTRATIVE PERMIT APPLICATION.**

- a. **Application No. 6-99-69 (Solana Coffee, Solana Beach)** Staff recommended approval.

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

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

Motion & Vote: There being no speakers, Krueer moved staff recommendation, seconded by Nava, and the roll call vote was 6 in favor and 0 opposed.
Passed.

SOUTH CENTRAL COAST DISTRICT

5. **CONSENT CALENDAR.** See items (a through s) on pages 3, 4, & 5 of the agenda. Staff recommended approval with special conditions.
- n. **Application No. 4-99-91 (Perrone, Malibu)** There being more than 3 votes to remove it, this item was **set for hearing** at a later meeting.
- o. **Application No. 4-99-92 (Gayton Place Ranch, Malibu)** There being more than 3 votes to remove it, this item was **set for hearing** at a later meeting.

(5j & k) Fereydoon Mashali, representing the applicants, submitted speaker's slips.

Motion & Vote: Rose moved staff recommendation on the remainder of the Calendar, seconded by Desser, and the roll call vote was 6 in favor and 0 opposed. **Passed.**

SOUTH COAST DISTRICT

6. ADMINISTRATIVE PERMIT APPLICATIONS.

- a. **Application No. 5-99-232 (Los Angeles Co. beach replenishment)**
Postponed.
- b. **Application No. 5-99-167 (Stehlik, Laguna Beach)** Staff recommended approval with conditions.

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

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7. **CONSENT CALENDAR.** See items a through e on page 5 of the agenda. Staff recommended approval with special conditions.

Motion & Vote: There being no speakers, Dettloff moved staff recommendation, seconded by Rose, and the roll call vote was 6 in favor and 0 opposed. **Passed.**

STATEWIDE

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

- a. **SWEF Expert panel selection, (Navy, Port Hueneme)** Staff recommended approval.

Jeanne Schick, representing Port Hueneme Division Naval Surface Warfare Center, spoke about her concerns.

Motion & Vote to Continue: Rose moved continuance, seconded by Desser, and the hand vote was 6 in favor and 0 opposed. **Postponed.**

9. **FEDERAL CONSISTENCY.**

- a. **CC-64-99 (Metropolitan Transit Development Board, San Diego)** Staff recommended approval.

Dave Mansen, representing Parsons Transportation Group, submitted a speaker's slip in favor of the staff recommendation. William Lieberman, representing Metropolitan Transit Development Board, submitted a speaker's slip in favor of the staff recommendation.

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

- b. **CD-65-99 (Corps of Engineers, Seal Beach)** Staff recommended approval.

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

10. FINDINGS.

- a. **CD-32-99 (USGS, southern California)** Trailed until Wednesday. Staff recommended approval of the findings.

Motion & Vote: Kruer moved staff recommendations, seconded by Flemming, and the hand vote was 3 in favor and 0 opposed. **Passed.**

SAN DIEGO COAST DISTRICT

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

12. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved six items (15c, 15f, 15g, 15h, 15i, & 16a) to the calendar and recommended approval with special conditions.

(15c) Keith Presnell, Walt Crampton, Buzz Colton, and Terry Lingenfelder, all submitted speaker's slips in favor of the project. Marion B. Dodson and Chandra Collure, both representing City of Solano Beach, submitted speaker's slips in favor of the project.

(15g) Milton Phegley, representing the applicant, submitted a speaker's slip to answer questions. Mark Massara, representing the Sierra Club, submitted a speaker's slip regarding his concerns about the project.

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

13. LOCAL COASTAL PROGRAM (LCP).

- a. **San Diego LCP Amendment No. 1-98C (Carmel Valley MSCP/Open Space)** Staff recommended approval with suggested modifications.

Tom Story, representing City of San Diego, spoke in support of the staff recommendation. Lynne Heidel, representing San Diego Jewish Academy, spoke in favor of the staff recommendation.

Motion & Vote on Plan as Submitted: Rose moved approval of Land Use Plan Amendment as submitted, seconded by Dettloff, and the roll call vote was 0 in favor and 6 opposed. **Failed.**

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Motion & Vote on Plan as Modified: Rose moved approval of Land Use Plan Amendment with modifications, seconded by Desser, and the roll call vote was 6 in favor and 0 opposed. **Passed.**

14. NEW APPEAL.

- a. **Appeal No. A-6-99-81 (Knappenberger, San Diego)** Staff recommended the appeal raised no substantial issue.

Lynne Heidel, representing the applicant, spoke in favor of the project. Steve Knappenberger, the applicant, submitted a speaker's slip in favor of the project.

Motion & Vote on No Substantial Issue: McClain-Hill moved the appeal raised no substantial issue, seconded by Dettloff, and the roll call vote was 6 in favor and 0 opposed. **Passed.**

Kruer left the hearing during item 15a.

15. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 6-98-134 (Presnell, et al., Solana Beach)** Staff recommended approval with special conditions.

Marion B. Dodson, representing the City of Solana Beach, spoke in favor of the project. Lynne Heidel, representing the applicant, spoke in favor of the staff recommendation. Walt Crampton, representing the applicant, spoke in favor of the project. Buzz Colton, an applicant, spoke in favor of the project. Terry Lingfelder, an applicant, spoke in favor of the project. Diana Colton, representing the applicant, spoke in favor of the project. Keith Presnell, an applicant, spoke in favor of the project. Sheelagh Williams representing Margaret Schlunger, Ellen Stephenson, Roy Warden and the Williams Family, spoke in opposition to the staff recommendation. Bill Guthrie, representing Surfrider Foundation, spoke in opposition to the project. Mark Massara, representing the Sierra Club, urged denial of proposal. Norm Haynie spoke regarding his concerns about the project. Richard Grasset, representing Legal Defense Fund/Citizens for Fair Land Use, submitted a speaker's slip in favor of the staff recommendation to adopt the findings.

REPORT of CLOSED SESSION. During closed session the Commission discussed one item for information only.

Motion & Vote: McClain-Hill moved staff recommendation, seconded by Nava, and the roll call vote was 0 in favor and 6 opposed. **Failed.**

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Motion & Vote on Reapplication: McClain-Hill moved to waive fees and time limit, seconded by Nava, and the hand vote was 6 in favor and 0 opposed. **Passed.**

LUNCH RECESS. The Commission recessed for lunch at 1:40 p.m. and reconvened after closed session at 3:05 p.m.

REPORT of CLOSED SESSION. In closed session the Commission took action on four items Bolsa Chica Land Trust, et al. v. CCC; Kirkorowicz v. CCC; Save Ellwood Shores, et al. V. CCC; and in the matter of allegations of Michael Pallamary in connection with Permit No. A-6-LJS-99-169 (Moncrief).

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

c. **Application No. 6-98-148 (Solana Beach seawall repair)** Moved to expanded Consent Calendar. **Approved.**

d. **Application No. 6-99-9 (Ash, Bourgault & Mahoney, Encinitas)** Staff recommended approval with special conditions.

Mark Massara, representing the Sierra Club, spoke in opposition to the project. John Niven, representing Soil Eng. Const./Mahoney, submitted a speaker's slip in favor of the project and was available for questions.

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

e. **Application No. 6-99-11 (Marsh, San Diego)** Staff recommended denial.

Lynne Heidel, representing the applicant, spoke in favor of the project. John Leppert, representing Leppert Engineering Corp and the applicant, spoke in favor of the project. M. Lou Marsh, the applicant, submitted a speaker's slip in favor of the project.

Motion & Vote: Rose moved approval of applicant, seconded by Nava, and the roll call vote was 0 in favor and 6 in opposed. **Denied.**

f. **Application No. 6-99-33 (Encinitas lifeguard station)** Moved to expanded Consent Calendar. **Approved.**

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g. **Application No. 6-99-64 (UCSD, San Diego)** Moved to expanded Consent Calendar. **Approved.**

h. **Application No. 6-99-65 (Vignato, San Diego)** Moved to expanded Consent Calendar. **Approved.**

i. **Application No. 6-99-68 (Roskowski, Solana Beach)** Moved to expanded Consent Calendar. **Approved.**

16. PERMIT AMENDMENT.

a. **Permit No. 6-88-531-A (Standard Pacific, Carlsbad)** Moved to expanded Consent Calendar. **Approved.**

SOUTH CENTRAL COAST DISTRICT

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

a. **Carpinteria LCP Amendment No. 1-98 Certification Review.** Staff recommended concurrence with Executive Director's determination. There being no objection, Chairman Wan ruled that the Commission concurred with the Executive Director. **Approved.**

b. **UCSB LRDP Amendment No. 2-97 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.**

18. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved four items (19d, 19e, 19f, & 20b) to the Calendar, and recommended approval with special conditions.

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

19. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 4-98-28 (Jacobs, Malibu)** Staff recommended approval with special conditions.

Stephen Jones, representing Trancas Property Owners Association, spoke in opposition to the project. Jaime Harnish, representing the applicant, spoke in favor of the project.

Motion & Vote: Kruer moved staff recommendation, seconded by Dettloff, and the roll call vote was 6 in favor and 0 opposed. **Passed.**

- b. **Application No. 4-97-243 (Higgins, Malibu)** Trained until after item (19c). Staff recommended approval with special conditions.

Matthew Higgins, representing Barbara Higgins, spoke in favor of the project. Norm Haynie, representing the applicant, spoke in favor of the project.

Motion & Vote to Continue: Dettloff moved continuance, seconded by Kruer, and the roll call vote was 4 in favor (Dettloff, Kruer, Rose, & Wan) and 2 opposed (Desser & Nava). **Continued.**

- c. **Application No. 4-98-298 (McClellan, Malibu)** Combined with item (19a). Staff recommended approval with special conditions.

Stephen Jones, representing Trancas Property Owners Association, spoke in opposition to the project. Jaime Harnish, representing the applicant, spoke in favor of the project.

Motion & Vote: Kruer moved staff recommendation, seconded by Dettloff, and the roll call vote was 6 in favor and 0 opposed. **Passed.**

- d. **Application No. 4-98-342 (Baumgartner, Malibu)** Moved to expanded Consent Calendar. **Approved.**

- e. **Application No. 4-99-10 (McNicholas, Malibu)** Moved to expanded Consent Calendar. **Approved.**

- f. **Application No. 4-99-69 (Caltrans, Los Angeles Co.)** Moved to expanded Consent Calendar. **Approved.**

g. **Application No. 4-99-123 (Romancing the Sun, Malibu) Waived.**

20. **PERMIT AMENDMENTS.**

a. **Permit No. 5-85-214-A-3 (Ghosn, Los Angeles Co.)** Staff recommended approval with special conditions.

Scott Adler, Esq., representing MWH Development & Michael Ghosn, requested that the deed restriction condition be removed. Mark Handel, representing the applicant, spoke regarding the restrictive building line condition. Robert Kameok submitted a speaker's slip in favor of the project.

Motion: Rose moved staff recommendation, seconded by Kruer.

Amending Motion & Vote: Rose moved to increase the size of pads 8, 9 and 10, seconded by Kruer, and the roll call was 3 in favor (Dettloff, Kruer, & Rose), 3 opposed (Desser, Nava & Wan), and 1 abstention (McClain-Hill).

Failed.

Vote on Main Motion: The roll call vote on the main motion, without amendment, was 5 in favor (Desser, Dettloff, Kruer, McClain-Hill & Rose) and 2 opposed (Nava & Rose). **Passed.**

b. **Permit No. 4-98-336-A (Santa Barbara Waterfront Dept.)** Moved to expanded Consent Calendar. **Approved.**

SOUTH COAST DISTRICT

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

a. **Long Beach LCP Amendment No. 1-97B 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.**

b. **Long Beach Port Plan Amendment No. 14 Certification Review.** Staff recommended approval of the Board of Harbor Commission.

Motion & Vote: There being no speakers, Kruer moved staff recommendation, seconded by Rose, and the hand vote was 7 in favor and 0 opposed. **Passed.**

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- c. **Manhattan Beach De Minimis LCP Amendment No. 2-99.** Staff recommended concurrence with the Executive Director's determination. There being no objection, Chairman Wan ruled that the Commission concurred with the Executive Director. **Approved.**

- d. **Dana Point LCP Amendment 1-98 Certification Review.** Staff recommended concurrence with the Executive Director's determination. There being no objection, Chairman Wan ruled that the Commission concurred with the Executive Director. **Approved.**

22. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved eight items (24a, 24b, 24d, 24e, 24g, 24i, 25c, & 25g) to the Calendar, and recommended approval with special conditions.

(24g) Chris Harding, representing the applicant, submitted a speaker's slip in favor of the project. (25c) Carolyn Ingram Seitz, representing the applicant, submitted a speaker's slip in favor of the project.

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

23. NEW APPEAL.

- a. **Appeal No. A-5-99-225 (Jones, Los Angeles)** Staff recommended continuance. There being no objection, Chairman Wan **continued** the meeting to a future hearing. **Postponed.**

24. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 5-98-321 (Barto, Newport Beach)** Moved to expanded Consent Calendar. **Approved.**

- b. **Application No. 5-98-519 (Shonan Kogyo, Redondo Beach)** Moved to expanded Consent Calendar. **Approved.**

- c. **Application No. 5-99-36 (Cormacki & Bakar, Newport Beach)** Staff recommended approval with special conditions.

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David Neish, representing the applicant, responded to questions. Richard Ellis, representing the applicant, submitted a speaker's slip in favor of the project.

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

d. **Application No. 5-99-92 (Anastasi, Redondo Beach)** Moved to expanded Consent Calendar. **Approved.**

e. **Application No. 5-99-113 (Bradburne, Newport Beach)** Moved to expanded Consent Calendar. **Approved.**

f. **Application No. 5-99-116 (Pier Avenue, Santa Monica)** **Postponed.**

g. **Application No. 5-99-143 (Sayer, San Clemente)** Moved to expanded Consent Calendar. **Approved.**

h. **Application No. 5-99-169 (Maguire Partners, Santa Monica)** Staff recommended approval with special conditions.

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

i. **Application No. 5-99-114 (Offield, Newport Beach)** Moved to expanded Consent Calendar. **Approved.**

25. PERMIT AMENDMENTS.

a. **Permit No. 5-84-188-A5 (Parks & Rec., Orange Co.)** Staff recommended approval with special conditions.

Roberta Marshall, representing the Irvine Company & Crystal Cove State Park, spoke in favor of staff recommendation. David Neish, representing the applicant, was available to answer questions.

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

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- b. **Permit No. A-5-93-5-A12 (Ocean Trails, Rancho Palos Verdes)** Staff recommended approval with special conditions.

Ken Zuckerman, representing the applicant, spoke in favor of the project. Robert Heath, representing the applicant, submitted a speaker's slip in favor of the project.

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

- c. **Permit No. 5-98-85-A (Pegasus Group, Huntington Beach)** Moved to expanded Consent Calendar. **Approved.**

- d. **Permit No. 5-83-959-A5 (Aliso Water Mgmt., Laguna Beach)** Staff recommended approval with special conditions.

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

- e. **Permit No. A-5-97-166-A (Orange Co., Laguna Beach)** Combined with item (d) above. Staff recommended approval with special conditions.

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

- f. **Permit No. 5-97-316-A (Orange Co., Laguna Beach)** Combined with item (d) above. Staff recommended approval with special conditions.

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

- g. **Permit No. 5-96-6-A (Capital Pacific Holdings, Dana Point)** Moved to expanded Consent Calendar. **Approved.**

RECESS. The Commission recessed for the day at 7:30 p.m.

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Wednesday, July 14, 1999 pages 13 to 20

1. **CALL TO ORDER.** Chairman Wan called the meeting of the California Coastal Commission to order on Wednesday, July 14, 1999, at 9:05 a.m.
2. **ROLL CALL.** Present: Chairman Wan, Commissioners Desser, Dettloff, Flemming, Holanda, (Alternate) Kruer, Nava and (Alternate) Rose. McClain-Hill arrived at 9:35 a.m., and arrived back from lunch break at 1:50 p.m. Estolano arrived at 9:35 a.m. and left at 8:20 p.m. Vice Chairman Potter arrived at 10:10 a.m. (Alternate) Rose left at 5:25 p.m. Absent: Daniels, Sanders and Sweeney.

STATEWIDE

3. **APPROVAL OF MINUTES.** Dettloff moved approval of **June 1999** minutes as written, seconded by Kruer, and unanimously **approved**.

4. **COMMISSIONERS' REPORTS.** Informational only.
5. **CONSERVANCY REPORT.** Written report, informational only.
6. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** Informational only.
7. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational only.
8. **EXECUTIVE DIRECTOR'S REPORT.** Continued until Thursday, informational only.

- a. **Public Education Program Status Report.** Informational only.

- b. **Interagency Agreements.** Trailed until Thursday. Staff recommended approval.

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

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- c. **Agreement with State Water Resources Control Board.** Trailed until Thursday. Staff recommended approval.

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

9. **PUBLIC ACCESS ACTION PLAN.** Informational only.

Joan Cardellino, representing the Coastal Conservancy, spoke regarding additional information about coastal access and explained what the Coastal Conservancy is trying to accomplish. Mark Massara, representing the Sierra Club, spoke about his concerns regarding the coastal access program.

Commissioner Holanda said farewell and gave thanks to the staff and Commission. Chairman Wan and Executive Director Douglas thanked Holanda, gave thanks, and said farewell.

CENTRAL COAST DISTRICT

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

- a. **Santa Cruz Co. LCP Amendment No. 2-98 Certification Review.** Staff recommended concurrence with Executive Director's determination. There being no objection, Chairman Wan ruled that the Commission concurred with the Executive Director. **Approved.**

- b. **Santa Cruz Co. LCP Amendment No. 1-98 Certification Review.** Staff recommended concurrence with Executive Director's determination. There being no objection, Chairman Wan ruled that the Commission concurred with the Executive Director. **Approved.**

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

- a. **Pismo Beach LCP Amendment No. 2-98 (New Zoning, Growth Management, and Access & Downtown Policies).** Staff recommended approval with suggested modifications as modified orally.

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Paul Crawford, representing the City of Pismo Beach, spoke in favor of the staff recommendation and requested that a line be added to page 5 of appendix A, table 2-5 to include restaurant uses. Mark Massara, representing Sierra Club, spoke regarding sea walls at Pismo Beach.

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

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

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

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

PUBLIC COMMENT. William Tickell spoke about coastal line adjustments. Mark Massara, representing the Sierra Club, spoke regarding San Francisco's emergency sea wall. Susan Jordan, representing LCP & Environmental Defense Center, spoke about proposed suspension of 40 federal offshore leases and presented a statement by Linda Krop who represents the Environmental Oil Coalition. Ann Notthoff, representing NRDC, also spoke about the offshore leases. Kat McConnell submitted a speaker's slip, but transferred her time to Susan Jordan.

LUNCH RECESS. The Commission recessed for lunch at 11:55 a.m. and reconvened at 1:05 p.m.

Chairman Wan introduced Chief Assistant Attorney General Rick Frank and extended congratulations to him. Rick Frank stated that he was at the Commission in two capacities; one on behalf of the Attorney General, who he believes has a strong commitment for coastal protection and the Coastal Act; and on a personal capacity he assured that the quality of representation for the Commission will continue to improve.

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

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- c. **Santa Cruz Co. LCP Amendment No. 3-98.** Staff recommended approval with suggested modifications.

Mark Deming, Susannah French and Steve Rottenborn, all representing County of Santa Cruz, spoke in favor of staff recommendation. Elizabeth Herbert, representing Citizens for Responsible Forest Management, spoke in favor of the staff recommendation. David Kossak and Shawna Reisewitz both donated speaking time to Elizabeth Herbert. Mark Massara, representing the Sierra Club, spoke in favor of the staff recommendation. Miles Zarathustra spoke in favor of the staff recommendation. Julie Hendricks, representing Valley Women's Club, spoke in favor of the staff recommendation. Ida Hills, representing Sierra Club Forestry Task Force, spoke in favor of the staff recommendation. Miriam Beames, representing Rural Bonny Doon Association, spoke in favor of the staff recommendation and read a letter by Ted Benhari, Chairman of Rural Bonny Doon Association. Lawrence Prather, representing San Lorenzo Valley Water District, spoke in favor of the staff recommendation. Paul Tutwiler spoke in favor of the staff recommendation. Dean Lucke, representing California Dept. of Forestry & Fire Protection, spoke in opposition to the staff recommendation. Dennis Kehoe, representing Bud McCrary & Big Creek Lumber Company, spoke in opposition to the staff recommendation. Bren Bailey, Ken Maffei, Rose Maffei, Gerald A. Nelson, Joy E. Nelson, and Fred Bailey all donated speaking time to Dennis Kehoe. Mark Rentz, representing California Forestry Association, spoke in opposition to the staff recommendation. Anne W. Briggs donated speaking time to Mark Rentz. Bud McCrary, representing Big Creek Lumber Company, spoke in opposition to the staff recommendation. George Pope and Lisa Rudnick, both representing Central Coast Forest Lands Association, spoke in opposition to the staff recommendation. Cheryl Smelt, representing Landowners TP Property, donated time to Bob Berlage. Patrick Emmert spoke in opposition to the staff recommendation. Bob Berlage, representing Big Creek Lumber Co., spoke in opposition to the staff recommendation. Eric K. Huff, representing Big Creek Lumber Co., spoke in opposition to the staff recommendation. David Smelt, representing Landowner TP Property, spoke in opposition to the staff recommendation. Roy Webster, representing Central Coast Forest Association, spoke in opposition to the staff recommendation. Ronda Lucas, representing California Farm Bureau Federation, spoke in opposition to the staff recommendation. Robert Briggs spoke in opposition to the staff recommendation. Angela Petersen, Forester, spoke in opposition to the staff recommendation. Steven M. Butler, representing Ed Tunheim Consulting Forests, spoke in opposition to the staff recommendation. Stephen Staub, representing Staub Forestry, requested to postpone any action. Joe McGuire, representing Pacific Meridian Resources, spoke in opposition to the staff recommendation. Randalyn H. Keeler submitted a speaker's slip in opposition to the staff recommendation. Brian Campbell spoke in opposition to the staff recommendation. Joe McBride submitted a speaker's slip in opposition to the project.

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

Motion & Vote on Plan with Modifications: Estolano moved approval of Land Use Amendment with suggested modifications, seconded by Rose, and the roll call vote was 8 in favor (Desser, Dettloff, Estolano, Kruer, Nava, Potter, Rose and Wan), and 2 opposed (Flemming & McClain-Hill). **Passed.**

Motion & Vote to Reject Implementation (Part A) as Submitted: Estolano moved to reject implementation amendment (part A) as submitted, seconded by Rose, and the roll call vote was 10 in favor and 0 opposed. **Passed.**

Main Motion on Implementation (Part A) with Modifications: Estolano moved approval of implementation amendment (part A) with suggested modifications, seconded by Kruer.

Amending Motion & Vote (Part A): Estolano moved to delete §1310.8, seconded by Rose, and the roll call vote was 9 in favor (Dettloff, Estolano, Flemming, Kruer, McClain-Hill, Nava, Potter, Rose & Wan), and 1 opposed (Desser). **Passed.**

Vote on Main Motion: The roll call vote was 8 in favor (Desser, Dettloff, Estolano, Kruer, Nava, Potter, Rose & Wan), and 2 opposed (Flemming & McClain-Hill). **Passed.**

Motion & Vote to Reject Implementation (Part B) as Submitted: Kruer moved to reject implementation amendment (Part B), seconded by Potter, and the roll call vote was 0 in favor, and 10 opposed. **Failed.**

12. NEW APPEALS.

- a. **Appeal No. A-3-99-23 (Swenson, Capitola)** 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.

Jeffrey C. Current spoke representing the applicant. Thomas Nelson, representing the Swenson Family, spoke.

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Motion: Estolano moved staff recommendation seconded by Krueer.

Amending Motion & Vote: Estolano moved to add a seawall condition, seconded by Krueer, and the roll call vote was 8 in favor (Desser, Dettloff, Estolano, Flemming, Krueer, McClain-Hill, Nava & Wan), and 2 opposed (Potter & Rose). **Passed.**

Vote on Main Motion: Chairman Wan substituted the previous roll call vote (8 – 2) for approval of the main motion as amended above. **Passed.**

- b. **Appeal No. A-3-99-26 (Zaninovich, Pismo Beach)** Staff recommended that the appeal raised substantial issue. There being no objection Chairman Wan ruled that the Commission **found substantial issue** and opened the hearing on the merits of the project. Staff recommended approval with special conditions as modified orally.

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

- c. **Appeal No. A-3-99-29 (Community Presbyterian Church, San Luis Obispo Co.)** Staff recommended the appeal raised no substantial issue.

Lila Evans, representing the appellant, spoke in opposition to the project. Judy Evans Deertrack spoke in opposition to the project. Fred Sommers and Dean R. Helble, both representing Presbyterian Church, Cambria, spoke in favor of the project. Kat McConnell, representing North Coast Advisory Council, spoke in favor of the project.

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

- d. **Appeal No. A-3-99-36 (Cain, Monterey Co.)** **Postponed.**

- e. **Appeal No. A-3-99-40 (Petrocam, San Luis Obispo Co.)** Staff recommended continuance. There being no objection Chairman Wan opened the hearing and **continued** it to a later meeting.

13. COASTAL PERMIT APPLICATIONS.

- a. **Appeal No. A-3-96-113 (Vadnais, San Luis Obispo Co.)** **Postponed.**

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- b. **Appeal No. A-3-98-101 (Bailey & Steltenpohl, Santa Cruz Co.)** Staff recommended approval with special conditions.

Thomas H. Jamison, representing the applicant, spoke in favor of the project. Bren Bailey, Greg Steltenpohl, and Fred Bailey, the applicants, spoke in favor of the project. Brian Lovejoy spoke in favor of the project. Vaughn Wiles, representing the applicants, spoke in favor of the project. Thea Wiles spoke in favor of the project. Lisa Michel spoke in favor of the project. Tai L. Bloomer spoke in favor of the project and read a letter of support from Carol Domingez. Fifteen speakers (Howard Eddy, Will Gorman, Ken Maffei, Charlie Jones, Eric Imms, Eric Stromberger, Bonnie Bassett, Concepcion Munoz, Joel Magen, Wendy E. Domster, Henry M. Bosinger Jr., Tom Dill, Bonno Bernard, Don Faia, and Arty Mangan) all spoke in favor of the project. Jennifer McNulty and Brian Elroy submitted a letter of support. Ann Parker and Marilyn Fravel, both representing Citizens for Responsible North Coast Planning, spoke in opposition to the project. Barbara Wain spoke in opposition to the project. Susan Young, representing Citizens for Responsible North Coast Planning, spoke in opposition to the project. Kristen Raugust, representing Citizens for Responsible North Coast Planning, spoke in opposition to the project. Mark Massara, representing Sierra Club, spoke in opposition to the project. Andrea Tischler and Maria Mallek-Tischler, both representing Citizens for Responsible North Coast Planning, spoke in opposition to the project. Susan Jordan, representing the League for Coastal Protection, spoke in opposition to the project. Rebecca Herman read part of a letter by Carey Wayne. Schaefer Roemmele and Bill Fravel, Jr. both spoke in opposition to the project. Karen McNally read a statement of concerns by Dena Allen. David Kossack, representing the appellant, spoke. Shauna Reisewitz, read parts of a letter by Don Crawl, Chairman of Conservation Committee of the Sierra Club - Ventana Chapter and a whale Biologist, in opposition to the project. Jean H. Brown, Wayne Greig, Michael Cox, Dr. George Cattermole, Miriam Beames, Paul Tutwiler, all submitted speaker's slip with concerns or in opposition to the project. Claudia Weaver, John Hay, Elizabeth Herbert, Enid Lee, Marcia McDougal, representing Citizens for Responsible North Coast Planning, Julie Corlett, Robert Lee, Noel Bock, David & Kate Luers, Bruce McDougal, David Thiermann, Brian Campbell, and Chris Larson all submitted speaker's slips in opposition.

Motion & Vote to Continue: McClain Hill moved continuance, seconded by Estolano, and the hand vote was 8 in favor and 0 opposed. **Continued.**

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

- d. **Application No. 3-99-35 (Donati, Carmel)** Staff recommended approval with special conditions.

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Stephen Dyer, representing the applicant, spoke in favor of the project. Susan Brandt-Hawley, representing Friends of Carmel Cultural Heritage, spoke in opposition to the project.

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

14. PERMIT AMENDMENT.

- a. **Permit No. 3-97-50-A (UCSC Long Marine Laboratory, Santa Cruz)** Staff recommended approval with special conditions.

Bob and Helen Goode, both representing Younger Ranch, spoke in opposition to the project. Steve Davenport, representing the applicant, spoke in favor of the project.

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

15. FINDINGS.

- a. **Application No. R-A-3-96-113 (Vadnais, San Luis Obispo Co.)** **Postponed.**

ENFORCEMENT

16. **COMMISSION CEASE & DESIST ORDER No. CCC-99-CD-5 (Page, Pacific Grove)** Staff recommended approval as modified in addendum.

Debra Hillyard, representing California Dept. of Fish & Game, spoke in support of the staff recommendation.

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

RECESS. The Commission recessed for the day at 9:40 p.m.

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Thursday, July 15, 1999 – pages 21 to 28

1. **CALL TO ORDER.** Chairman Wan called the meeting of the California Coastal Commission to order on Thursday, July 15, 1999, at 9:00 a.m.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Desser, Dettloff, Flemming, (Alternate) Kreur, Reilly, and Sanders. Estolano and McClain-Hill arrived at 9:15 a.m. Nichols arrived at 9:55 a.m. and left at 12:00 p.m. Potter left at 10:00 a.m. Reilly left after the closed session. (Alternate) Rose arrived at 11:00 a.m. and left at 5:00 p.m. McClain-Hill arrived back from lunch break at 1:40 p.m. Absent: Daniels, Holanda and Nava.

3. **EXECUTIVE DIRECTOR'S REPORT.**

- a. Briefing on the Commission's adopted **Strategic Plan** (June, 1997). Trailed until Friday. **Postponed.**

- b. **Budget Briefing.** Information only.

Vice Chairman Potter thanked and congratulated Chief Deputy Director Burns for his work at the Commission.

Chairman Wan congratulated Matt Rodriguez for his new position as Assistant Attorney General for Land Law section.

- c. **Legislation.** Trailed until Friday. Staff recommended approval of AB 604, AB 885, and SB 57 and they were unanimously approved.

ENERGY and OCEAN RESOURCES

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

- a. **Avila Beach Remediation Status Report.** Written correspondence, informational only.

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- b. **Guadalupe Oil Field Remediation Status Report.** Written report, informational only.

- c. **E-94-6 Chevron** Abandonment of Chevron 4-H Platforms (Hope, Heidi, Hazel, and Hilda), in State waters, and granted tidelands, in eastern Santa Barbara Channel, offshore of Santa Barbara County. **Postponed.**

- d. **SONGS Status.** Status report on Southern California Edison's progress on SONGS mitigation program. Written report, informational only.

- e. **SONGS Work Program & Budget Amendment.** amendment to the 1998-1999 Mitigation Program for implementing the Experimental Reef Monitoring Plan. Staff recommended approval with special conditions.

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

5. COASTAL PERMIT APPLICATIONS.

- a. **Application No. E-97-10 (SCE and SD G & E, San Clemente)** Staff recommended approval.

Frank Melone, representing Southern California Edison Company, spoke in favor of the staff recommendation. Rimmon C. Fay spoke regarding concerns he had about the project.

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

PUBLIC STATEMENT. Vince Taylor, representing Dharma Cloud Foundation, spoke regarding concerns that Caltrans may be using funds to hire Coastal Commission staff to expedite Caltrans projects.

LUNCH RECESS. The Commission recessed for lunch at 12:00 p.m. and reconvened at 1:25 p.m.

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

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Bob Hulbrock, representing California Dept. of Fish & Game, spoke in favor of the project. Fred Wendell, representing the California Dept. of Fish & Game, spoke in favor of the project and specifically spoke about condition #4. John Locke, representing Princeton Abalone, spoke in favor of the project. Doug Hayes, representing Blue Pacific Abalone, spoke about his concerns regarding this project. Jeremy S. Foster, representing Princeton Abalone, spoke. Christian R. Zajac, representing Pearl Abalone, spoke in favor of the project. Laurie Neville spoke in favor of the project. Bree Tiuva spoke in favor of the project. Rimmon C. Fay spoke in favor of the project. Ken Lundie, representing San Mateo County Harbor Commission, spoke regarding concerns he had about the project. Jack Olsen, representing San Mateo County Farm Bureau, spoke regarding his concerns about the project. Ann Notthoff, representing NRDC, spoke regarding concerns she had about the project. Patrick Cotter, representing Monterey Bay National Marine Sanctuary, spoke in opposition to the project. Zeke Grader, representing Pacific Coast Federation of Fishermen's Association, spoke in opposition to the project. Robert Miller, representing Pacific Coast Federation of Fishermen's Association, spoke in opposition to the project. Jason Anthony Salvato, representing Crab Boat Owner's Association-San Francisco, spoke in opposition to the project. Larry Collins, representing San Francisco Crab Boat Owners, spoke in opposition to the staff recommendation. Duncan MacLean, representing California Salmon Advisor-Pacific Fisheries Management Council, spoke in opposition to the project. Jackson Gentry, President, Half Moon Bay Fishermen Marketing Association. David Bits, representing PCFFA/Humboldt Fisherman's Marketing Association, spoke in opposition to the project. Barbara Maus spoke in opposition to the project. Keith Mangolo spoke in opposition to the project. Amy Zumwalt, representing Save Our Shores, spoke in opposition to the project. Ric Lohman, representing Midcoast Community Council, spoke in opposition to the project. Leonard Woren spoke in opposition to the project. Paul Perkovic, representing Midcoast Community Council, spoke regarding concerns he had about the project. Peter Grennell, General Manager and Dan Temko, Harbor Master, both representing San Mateo Harbor District, answered questions.

Main Motion: Estolano moved approval with special conditions, seconded by Kruer.

Amending Motion & Vote: Estolano moved deleting kelp condition, seconded by McClain-Hill, and the roll call vote was 7 in favor (Desser, Dettloff, Estolano, Flemming, Kruer, McClain-Hill & Rose) and 1 opposed (Wan). **Passed.**

Amending Motion & Vote: Estolano moved to add clarifying language to condition #11, requiring applicants to work with SMCHD, to maximize transient anchorage and mooring space, seconded by McClain-Hill, and the roll call vote was 8 in favor and 0 opposed. **Passed.**

Vote on the Main Motion: The roll call vote on the main motion, as amended above was 7 in favor (Desser, Estolano, Flemming, Kruer, McClain-Hill & Wan), and 1 opposed (Rose). **Passed.**

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- c. **Application No. E-98-18 ("Princeton Abalone," San Mateo Co.)**
Combined with items b, d and e. Staff recommended approval with special conditions as modified orally.

Motion & Vote: Estolano moved staff recommendation, seconded by McClain-Hill, and Chairman Wan substituted the previous roll call vote (7 – 1). **Passed.**

- d. **Application No. E-98-19 ("Blue Pacific Abalone," San Mateo Co.)**
Combined with items b, c, and e. Staff recommended approval with special conditions as modified orally.

Motion & Vote: Estolano moved staff recommendation, seconded by McClain-Hill, and Chairman Wan substituted the previous roll call vote (7 – 1). **Passed.**

- e. **Application No. E-98-20 ("Pearl Abalone," San Mateo Co.)** Combined with items b, c, and d, staff recommended approval with special conditions as modified orally.

Motion & Vote: Estolano moved staff recommendation, seconded by McClain-Hill, and Chairman Wan substituted the previous roll call vote (7 – 1). **Passed.**

- f. **Application No. E-97-25 (Samedan Oil, Long Beach)** **Postponed.**

NORTH COAST DISTRICT

6. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Scholl reported 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.) Staff recommended that the project approved by the County of San Mateo was not appealable, as modified in addendum and orally.

Oscar Braun, representing Homeowner's Association – Save Our Bay, spoke in opposition to the staff recommendation. John Plock, representing Save Our Bay Organization, spoke in opposition to the staff recommendation. Dustin Shafai read a statement by Charles Shafai, president of the Higgins Canyon Homeowners Association, in opposition to issuing any Coastal Development permits. Richard Braun submitted a speaker's slip in opposition to the project. Michael D. McCracken, representing the applicant, spoke in favor of the

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project. Richard Gordon, Supervisor of District 3, representing County of San Mateo, Board of Supervisors, spoke in support of the project. Steven Karlin, representing the applicant, spoke in favor of the staff recommendation. Jack Olsen, representing San Mateo County Farm Bureau, supported staff recommendation. Diane DeNardo, representing the applicant, submitted a speaker's slip in favor of the project. BJ. Burns and Dana Denman both submitted speaker's slips in favor of the project.

Motion & Vote: Desser moved to find that the project was appealable, seconded by Flemming, and the roll call vote was 0 in favor and 7 opposed.
Failed.

- b. **Sonoma Co. De Minimis LCP Amendment No. 1-99 (Lot Line Adjustments).** Staff recommended concurrence with the Executive Director's determination. There being no objection, Chairman Wan ruled that the Commission concurred with the Executive Director.
Approved.

- c. **San Mateo Co. LCP Amendment No. 1-99 (Minor).** Staff recommended concurrence with the Executive Director's determination. There being no objection, Chairman Wan ruled that the Commission concurred with the Executive Director. **Approved.**

- d. **Arcata LCP Amendment No. 2-96 (Minor)** Staff recommended concurrence with the Executive Director's determination. There being no objection, Chairman Wan ruled that the Commission concurred with the Executive Director. **Approved.**

7. LOCAL COASTAL PROGRAM (LCP).

- a. **Mendocino Co. LCP Amendment No. 2-98 (Gualala Town Plan).** Staff recommended approval with suggested modifications as modified in addendum.

Supervisor David Colfax, representing Mendocino County, spoke in favor of the project. Jim Lotter, representing Mendocino County-Gualala Municipal Advisory Council, spoke in favor of the project. Raymond Hall, representing Mendocino County, spoke in favor of the project. Julie Verran, representing Sierra Club Redwood Chapter, spoke in favor of project as amended by staff. Eric Dahlhoff spoke regarding concerns about the project. Alan Levine, representing Coast Action Group, spoke regarding concerns about the project.

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Jerry Lucey, representing Steel Head & Salmon, spoke in opposition to the project as submitted. Craig Bell, representing Northern California Association of River Guides, spoke in opposition to the project.

Motion & Vote to Continue: Kruer moved continuance, seconded by Flemming and the hand vote was 6 in favor and 0 opposed. **Postponed.**

8. NEW APPEALS.

- a. **Appeal No. A-1-99-20 (Coastside County Water Dist., Half Moon Bay)**
Staff recommended the appeal raised substantial issue. There being no objection, Chairman Wan ruled the Commission **found substantial issue**, and opened the hearing on the merits of the project and continued it to a later meeting.

There were four speakers that submitted speaker's slips in opposition to the project, City Councilman Dennis Coleman, Kathryn V. Slater-Carter, representing the appellant, Ric Lohman, representing Midcoast Community Council, and Barbara Maus. There were three speakers that submitted speaker's slips in favor of staff recommendation; Paul Perkovic, representing Midcoast Community Council, Oscar Braun, representing Save Our Bay, and Ray McDevett, representing Coastside Water District.

- b. **Appeal No. A-1-99-24 (Giovannoni, Half Moon Bay)** Staff recommended the appeal raised no substantial issue.

Oscar Braun, representing Save Our Bay – Higgins Homeowners, spoke in opposition to the project. John Plock, representing Save Our Bay Organization, spoke in opposition to the project. Richard Braun spoke in opposition to the project. J.R. Rodine, representing the applicant, spoke in favor of the project. Jack Olsen, representing San Mateo County Farm Bureau, spoke in favor of the project and staff's recommendation. Chris Fischer, representing the San Mateo County Resource Conservation District, spoke in favor of the project. Steve Karlin spoke in favor of the project. There were 6 speakers that submitted speaker's slips in favor of the project, Cindy Giovannoni, Bridget A. Burns, John Giovannoni, Silvia Prewett, Irene Burns, and B.J. Burns. Dustin Shafai, representing Higgins Canyon Homeowners Association submitted a speaker's slip in opposition to the project.

Motion & Vote on No Substantial Issue: Flemming moved the appeal raised no substantial issue, seconded by McClain-Hill, and the roll call vote was 5 in favor (Desser, Dettloff, Estolano, Flemming & McClain-Hill), and 2 opposed (Kruer & Wan). **Passed**

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c. **Appeal No. A-1-99-33 (Ward & Loff, San Mateo Co.) Postponed.**

d. **Appeal No. A-1-99-43 (Van Peer, Mendocino Co.)** Staff recommended continuance. There being no objection Chairman Wan **continued** the hearing to a later meeting. **Postponed.**

Chris Van Peer, the applicant, submitted a speaker's slip in favor of the project. Elaine Tucker spoke in favor of the project.

9. **REVOCAION of Permit No. 1-98-100 (Caltrans, Mendocino Co.)** Staff recommended denial.

Vince Taylor, representing Dharma Cloud Foundation, spoke in favor of revocation. Margaret Bray Colby spoke in favor of the revocation. Charles R. Kemppe spoke about concerns he had about the project. Leonard Woren spoke in favor of revocation. Rick Knapp, representing Caltrans, spoke in opposition to the revocation. Karen Tatman and Tony Anziano, both representing Caltrans were available to answer questions. Phillip J. Dow, representing Mendocino Council of Governments, spoke in opposition to the revocation. Patricia DeBruyn spoke in opposition to the revocation. Jere Melo, representing City of Fort Bragg, spoke in opposition to the revocation. Elaine Tucker spoke in opposition to the revocation. Ed Robey spoke in opposition to the revocation. Chris Van Peer spoke in opposition to the revocation. William DeBruyn and Al Beltrami both submitted speaker's slips in opposition to the revocation.

Motion & Vote to Revoke: McClain-Hill moved to revoke, seconded by Flemming, and the roll call vote was 1 in favor (Desser), and 6 opposed (Dettloff, Estolano, Flemming, Krueer, McClain-Hill & Wan). **Failed.**

RECESS. The Commission recessed for the day at 9:05 p.m.

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Friday, July 16, 1999 – pages 28 to 30

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

NORTH COAST DISTRICT

3. **CONSENT CALENDAR (removed from Regular Calendar).** None.
4. **NEW APPEALS.**
 - a. **Appeal No. A-1-98-88 (Caltrans, Humboldt Co.)** Staff recommended the appeal raised substantial issue and continuance. There being no objection, Chairman Wan ruled the Commission **found substantial issue**, and opened the hearing on the merits of the project and continued it to a later meeting. **Postponed.**

George Owen, representing Letz Drive Property Owners, spoke in opposition to the project. Deputy Attorney Tony Anziano, representing the appellant, spoke in favor of the project.

- b. **Appeal No. A-1-99-26 (Klute, Mendocino Co.)** Staff recommended the appeal raised substantial issue. There being no objection, Chairman Wan ruled the Commission **found substantial issue**, and opened the hearing on the merits of the project. Staff recommended approval with special conditions as modified orally.

Ed McKinley, representing the applicant, spoke in favor of the project with exception to a height condition. Rosemarie Klute, the applicant, spoke in favor of the project and requested that deed restrictions be put into the record. Raymond Hall, representing Mendocino County, spoke in favor of the project.

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

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- c. **Appeal No. A-1-99-37 (McNamara, Del Norte Co.)** Staff recommended the appeal raised no substantial issue.

Joe Gartland and Eileen Cooper, Margart Kettunen Zegart, all representing the friends of Del Norte, spoke in opposition to the project.

Motion & Vote on No Substantial Issue: Desser moved the appeal raised no substantial issue, seconded by Rose, and the roll call vote was 0 in favor and 7 opposed. The motion failed so they **found substantial issue**.

- d. **Appeal No. A-1-99-38 (Foster, Del Norte Co.)** This item combined testimony from item (4c) above. Staff recommended the appeal raised substantial issue. There being no objection, Chairman Wan ruled the Commission **found substantial issue**, and opened the hearing on the merits of the project and continued it to a later meeting.

5. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 1-98-58 (Trianchor Marine & Pique Partners, San Mateo Co.)** **Withdrawn.**

- b. **Application No. 1-98-103 (O'Neil, Humboldt Co.)** Staff recommended approval with special conditions as modified orally.

There were 5 speakers who spoke in favor of the project; Leslie O'Neil, the applicant; Margaret Bielak, representing McCutchen Doyle, Brown & Enersen; Dennis Leonardi, representing the applicant; Rick Ghilarducci, representing the applicant; and Jim O'Neil, the applicant.

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

- c. **Application No. 1-92-69 (Caltrans, Humboldt Co.)** **Postponed.**

6. **COASTAL PROGRAM DIRECTIONS.** The Commission discussion of status, issues, and long range planning affecting California's coastal management program was **Postponed.**

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PUBLIC COMMENT. Rich Ghilarducci, representing Humboldt Creamery Association, spoke about concerns regarding delays in receiving staff reports and on Commission procedures.

ADJOURNMENT. There being no old or new business, the meeting adjourned at 11:25 a.m.

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

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