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CALIFORNIA COASTAL COMMISSION

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TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: **MINUTES OF MEETING OF AUGUST 10-13, 1999**  
Wyndham Hotel at LAX  
6225 West Century Blvd.  
Los Angeles

Tuesday, August 10, 1999 pages 1 to 8

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Tuesday, August 10, 1999, at 9:10 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Desser, Dettloff, Estolano, Flemming, Kehoe, Nava and (Alternate) Rose. Absent: Dohn, Sanders and Sweeney. Daniels arrived at 9:15 a.m., and McClain-Hill arrived at 9:25 a.m..

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**SOUTH COAST DISTRICT**

3. **ADMINISTRATIVE PERMIT APPLICATION.**

a. **Application No. 5-99-232 (L.A. Co., Redondo Beach or Los Angeles)** Staff recommended approval with special condition.

**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 d on page 3 of the agenda & addendum. Staff recommended approval with special conditions.

Philippe Kozely, representing the applicant, submitted a request to speak in favor of the project.

**Motion & Vote:** Kehoe moved staff recommendation, seconded by Flemming, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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## STATEWIDE

5. **ORANGE CO. AFFORDABLE HOUSING PROGRAM.** Informational only.

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## SOUTH COAST DISTRICT

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

a. **Long Beach LCP Amendment No. 1-99 (Marriott Hotel) 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.**

b. **Manhattan Beach 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.**

c. **Temporary Events.** Informational only. William Victor submitted a request to speak in opposition to the staff recommendation. Donley Falkenstien submitted a request to speak after the hearing.

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7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 5 items (10c, 10g, 10i, 10j & 11a) to the Calendar, and recommended approval with special conditions.

(10g) Elizabeth Srour, representing the applicant, submitted a request to speak in favor of the project.

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**Motion & Vote:** Kehoe moved staff recommendation, seconded by Flemming, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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## 8. LOCAL COASTAL PROGRAMS (LCPs).

a. **Long Beach LCP Amendment No. 2-99A (Belmont Shore Parking) Time Extension.** Staff recommended approval.

**Motion & Vote:** Kehoe moved staff recommendation, seconded by Flemming, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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b. **Long Beach LCP Amendment No. 2-99B (Marina Shores).** Staff recommended approval.

Don May, representing Calif. Earth Corps, spoke.

**Motion & Vote on Plan as Submitted:** McClain-Hill moved approval of the Land Use Plan Amendment as submitted, seconded by Estolano, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

**Motion & Vote to Reject Implementation:** McClain-Hill moved to reject the implementation amendment as submitted, seconded by Estolano, and Chairman Wan ruled that the roll call vote was unanimous against the motion. The motion failed so the amendment was **approved.**

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## 9. NEW APPEALS.

a. **Appeal No. A-5-99-130 (Catellus, Los Angeles)** 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.

Peter T. Lauener, representing the applicant, spoke in favor of the project. Thirteen other speakers submitted requests to speak in favor of the project: Rowena Ake; John Alfano; Jeff Altschul; Mario Camara; Sal Cecere; Judith Ciancimino; D.A. Curtiss, representing Westchester Vitalization Corp.; Craig Eggers; John Kohut; Meryt McGindley, representing L.A. City Councilmember Ruth Galanter; Richard Schoenfeld; Gwen Vuchus, representing Westchester LAX Marina del Rey Chamber of Commerce; and Brian R. Woods. Fifty one speakers submitted requests to speak in opposition to the project: Mark Andrews; Frank P. Angel, representing Ballona Ecosystem Education Project; Christine Balk, representing 80th St. Homeowners Assoc.; Charles Belden; Joe Blackburn, representing Save Our Marina; Hal Bogotch; Rita Boppana; Ellen Brennan;

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Bruce Campbell; Karen Chiella, representing Ballona Ecosystems Educ. Project; James Conley; John Davis; Tracy Dennison; Franklin Dey; Patricia K. Dey; Geraldine Fiske; Rex Frankel; G. William Gino; Sal Grammatico; Marcia Hanscom, representing Wetlands Action Network; Ellen Stern Harris, representing Fund of the Environment; Jerome Hopkins; Curtis Horton, representing Ballona Ecosystem Education Project; Dan Jacobson, representing CALPIRG; Albert Jibilian; Kathy Knight, representing Spirit of the Sage Council; Doug Kortof; Dr Gary Krane, representing B.E.E.P.; Akiko Kumada; Ted Kumada; Ruth Lansford, representing Friends of Ballona Wetlands; Travis Longcore, representing Land Protection Partners; Jim Marcinkus; Mark A. Massara, representing Sierra Club Coastal Program; Robert McClellan; Patricia McPherson, representing Friends of Animals Grassroots Coalition; Ramona Merryman, representing B.E.E.P.; Peter Morgan; Denise Munro Robb, representing B.E.E.P.; Jack Neff, representing Coalition to Save All of Ballona; Stavros Olympios; Elizabeth Patino; Catherine Rich; Craig A. Sherman; Dr Shawn Smallwood; Susan Suntree; Greg Sutir; Kambiz Tahbaz; Milton D. Vester; Wali-Zadeh Ata; and Rosalie Wayne. Mitzy Taggart, representing Heal the Bay, submitted a request to speak about the project.

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

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b. **Appeal No. A-5-99-275 (Mayer, Huntington Beach)** Staff recommended continuance. There being no objection Chairman Wan opened the hearing and **continued** it to a future meeting. Howard Zelefsky, representing City of Huntington Beach, submitted a request to speak in favor of the project. Marcia Hanscom, representing Wetlands Action Network, submitted a request to speak in opposition to the project.

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## 10. COASTAL PERMIT APPLICATIONS.

a. **Application No. 5-98-496 (Field, Newport Beach)** Staff recommended denial.

Pete Swift and Don Adkinson, both representing the applicant, submitted requests to speak in favor of the project.

**Motion & Vote:** Potter moved to approve the project with a condition limiting the use to boating, seconded by Flemming, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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b. **Application No. 5-98-524 (Penfil, Newport Beach)** Staff recommended approval with special conditions.

Rick Zeiser, representing the applicant, spoke in favor of the project. Robert Pedersen, representing the applicant, spoke in favor of the project.

**Motion & Vote:** Potter moved staff recommendation, seconded by McClain-Hill, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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c. **Application No. 5-99-27 (Skora, San Clemente)** Moved to expanded Consent Calendar. **Approved.**

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d. **Application No. 5-99-28 (Palisades Bay Club, Los Angeles)** Staff recommended approval with special conditions as modified orally.

Roger Van Wert, representing the applicant, spoke in favor of the project. Jack Allen, representing Pacific Palisades Community Council, spoke in opposition to the project.

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

**Motion & Vote on reapplication:** Nava moved to waive the fees and time limit for reapplication, seconded by Desser, and the roll call vote was 11 in favor and 0 opposed. **Passed.**

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e. **Appeal No. A-5-99-135 (100 E. Ocean, Long Beach)** Staff recommended approval with special conditions.

Mel Nutter, representing the applicant, submitted a request to speak in favor of the project. Robert Paternoster, representing City of Long Beach, submitted a request to speak in favor of the project. Jack Highwart, representing the applicant, submitted a request to speak in favor of the project.

**Motion & Vote:** Potter moved staff recommendation, seconded by McClain-Hill, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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**PUBLIC STATEMENTS.** Bill Victor spoke in opposition to the staff recommendation on valet parking. Donley Falkenstien submitted a request to speak. Viet Ngo spoke about valet parking in Manhattan Beach. Mark Massara spoke about progress on the seawall in San Francisco. Travis Longcore spoke about the El Segundo Blue Butterfly. Doug Kortof submitted a request to speak.

**LUNCH RECESS.** The Commission recessed for lunch at 12:05 and reconvened at 1:10 p.m. after closed session.

**REPORT of CLOSED SESSION.** In closed session the Commission took action on Save Ellwood Shores, et al. v. CCC, et al..

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f. **Application No. 5-99-151 (Catellus, Los Angeles)** Staff recommended approval with special conditions.

The hearing was combined with item 9a.

**Motion & Vote:** Potter moved staff recommendation, seconded by Desser, and Chairman Wan substituted the previous (from item 9a) roll call vote (0-11). **Failed.**

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g. **Application No. 5-99-192 (Legare, Hermosa Beach)** Moved to expanded Consent Calendar. **Approved.**

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h. **Application No. 5-99-194 (Barton, Los Angeles)** Staff recommended approval with special conditions.

Howard Schultz, representing the applicant, spoke in favor of the project.

**Motion:** Estolano moved staff recommendation, seconded by Flemming.

**Amending Motion & Vote:** Estolano moved to delay parking requirement until future development, seconded by Flemming, and the roll call vote was 8 in favor (Daniels, Desser, Dettloff, Estolano, Flemming, Kehoe, McClain-Hill & Potter), and 2 opposed (Nava & Rose). **Passed.**

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

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i. **Application No. 5-99-217 (Broadway Development, Redondo Beach)** Moved to expanded Consent Calendar. **Approved.**

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j. **Application No. 5-99-228 (Long Beach beach nourishment)** Moved to expanded Consent Calendar. **Approved.**  
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## 11. PERMIT AMENDMENTS.

a. **Permit No. 5-99-201-A (Watson, Seal Beach)** Moved to expanded Consent Calendar. **Approved.**  
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b. **Permit No. A-5-98-336-A (Selleck, Long Beach)** Previously acted upon.  
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## 12. FINDINGS.

a. **Application No. 5-99-26 (Musso, Seal Beach)** Staff recommended approval of findings.

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

**Motion & Vote:** Flemming moved staff recommendation, seconded by Dettloff, and the hand vote was 4 in favor and 0 opposed. **Passed.**  
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b. **Permit No. A-5-98-336-A (Selleck, Long Beach)** Staff recommended approval of findings.

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

13. **APPROVAL OF MINUTES.** None.

14. **COMMISSIONERS' REPORTS.** None.

15. **CONSERVANCY REPORT.** None.

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

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

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

a. **ReCAP Action Plan: Santa Monica Mountains/Malibu Area.** Informational only. Travis Longcore submitted a request to speak in favor of the staff recommendation.

b. **Legislation.** Triled until Wednesday, Informational only.

c. **Budget.** Informational only.

d. **SEACAMP Funds.** Triled until Wednesday. Staff recommended approval.

**Motion & Vote:** Estolano moved staff recommendation, seconded by Reilly, and Chairman Wan ruled that the hand vote was unanimous. **Passed.**

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**RECESS.** The Commission recessed for the day at 4:15 p.m..



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Wednesday, August 11, 1999 pages 9 to 14

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, August 11, 1999, at 9:10 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Daniels, Dettloff, Estolano, Flemming, Kehoe, Nava, Reilly and Sanders. Absent: Dohn and Sweeney. McClain-Hill arrived at 9:25 a.m., and Desser arrived at 10:00 a.m..

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## CENTRAL COAST DISTRICT

### 2.5. ADMINISTRATIVE PERMIT APPLICATIONS.

- a. **Application No. 3-99-49 (Moss Landing Harbor, Monterey Co.) Postponed.**
- b. **Application No. 3-99-31 (Monterey outfall replacement) Postponed.**

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

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

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### 5. LOCAL COASTAL PROGRAMS (LCPs).

- a. **Morro Bay LCP Amendment No. 1-99 (Caratan & Colmer) Time Extension.** Staff recommended approval.

**Motion & Vote:** Reilly moved staff recommendation, seconded by Estolano , and Chairman Wan ruled that the hand was unanimous. **Passed.**

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- b. **Santa Cruz LCP Amendment No. 1-99 (Historic Permit Findings).** 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.**

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## 6. NEW APPEALS.

a. **Appeal No. A-3-99-32 (Morro Bay Ltd., San Luis Obispo Co.)** The Commission having found substantial issue in June, staff recommended approval with special conditions as modified in addendum.

b. **Appeal No. A-3-99-14 (Morro Bay Ltd., San Luis Obispo Co.)** The Commission having found substantial issue in June, staff recommended approval with special conditions as modified in addendum.

Dan Lloyd, representing the applicant, spoke in favor of the project. Renée Robin, representing the applicant, spoke in favor of the project. Robert H. Philibosian, representing the applicant, spoke in favor of the project and distributed the applicant's revised addendum proposal. Mark Massara, representing Sierra Club, spoke. Sarah Christie, representing ECOSLO, spoke in opposition to the project.

**Motion & Vote to Continue:** Potter moved to continue both of the hearings, seconded by Estolano, and the roll call vote was 10 in favor and 1 opposed (Reilly). **Passed.**

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c. **Appeal No. A-3-99-36 (Cain, Monterey Co.)** Staff recommended that the appeal raised substantial issue. There being no objection Chairman Wan ruled that the Commission **found substantial issue**, and opened the hearing on the merits of the project. Staff recommended approval with special conditions.

Anthony Lombardo, representing the applicant, spoke in favor of the project. Mark Massara, representing Sierra Club, spoke in favor of the staff recommendation. Don May, representing Zad Leavy, spoke in favor of the project with condition. Richard Cain, the applicant, spoke in favor of the project.

**Motion:** Nava moved staff recommendation, seconded by Estolano.

**Amending Motion & Vote:** Daniels moved to allow the second story addition, seconded by McClain-Hill, and the roll call vote was 3 in favor (Daniels, McClain-Hill & Potter) and 8 opposed. **Failed.**

**Vote on Main Motion:** The roll call vote on the main motion (without amendment) was 9 in favor and 2 opposed (Daniels & Potter). **Passed.**

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d. **Appeal No. A-3-99-40 (Petrocam, San Luis Obispo Co.)** **Postponed.**

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## 7. COASTAL PERMIT APPLICATIONS.

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

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b. **Application No. 3-99-24 (Oceano Homeowners, San Luis Obispo Co.) Postponed.**

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c. **Appeal No. A-3-99-25 (Moon, San Luis Obispo Co.) Postponed.**

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**PUBLIC STATEMENTS.** Sue Corbin wanted an LCP in Seal Beach. Bill Victor suggested an annual report in advance of next year's temporary events. Jean Ann Holbrook opposed artwork proposed in Santa Monica. Reg Clewley opposed Seal Beach issues being heard in Eureka. Wendy Motta representing Senator O'Connell thanked the Commission for offshore oil protection.

**LUNCH RECESS.** The Commission recessed for lunch at 1:00 and reconvened at 2:05 p.m..

**PUBLIC STATEMENTS.** Senator Barbara Boxer spoke about protecting coastal resources. Linda Krop, representing EDC, said the State should have a role in oil leasing offshore. Susan Jordan, representing League for Coastal Protection, thanked Senator Boxer and the Commission for asserting its authority. Robert Soller, representing Sierra Club, Los Padres Chapter, said the leases need review for the first time. Hanna Eckberg, representing Get Oil Out!, thanked the Commission for preserving the coastline.

**REPORT of CLOSED SESSION.** In closed session the Commission took action on proposed matter of suspensions of leases on the OCS.

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## 8. PERMIT AMENDMENT.

a. **Permit No. 3-83-76-A13 (UCSC/Long Marine Laboratory, Santa Cruz)** Staff recommended approval with special conditions as modified in addendum and orally.

Gary Griggs, representing University of California, Santa Cruz, spoke in favor of the project. Jon Schleoning, representing University of California, Santa Cruz, spoke in favor of the project. Charles Eadie, representing University of California, Santa Cruz, spoke in favor of the project. Mary Hudson, representing University of California, Santa Cruz, submitted a request to speak in favor of the project. Keith Sugar, Vice Mayor of City of Santa Cruz, spoke in opposition to the staff recommendation. Mark A. Massara, representing Sierra Club, spoke about lack of public access. Sue Corbin spoke in

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opposition to the project. Stephen Davenport, representing the applicant, spoke in favor of the project.

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

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## 9. PERMIT EXTENSION.

a. **Permit No. A-3-94-8-E2 (Bell, Sand City) Postponed.**

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## STATEWIDE

9.5 **CHANNEL ISLANDS SANCTUARY PRESENTATION.** Informational only. Linda Krop, representing EDC, submitted a request to speak. Sarah Christie, representing ECOSLO, submitted a request to speak in favor of Commission action.

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## ENERGY and OCEAN RESOURCES

10. **ENERGY & OCEAN RESOURCES REPORT.** Deputy Director Hansch reported on matters not requiring public hearings, and status of offshore oil & gas exploration & development. Linda Krop, representing EDC on behalf of Env't. Coal. of SB, submitted a request to speak in opposition to the staff recommendation on Venoco waiver.

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a. **SONGS STATUS.** Informational only. Don May, representing California Earth Corps, submitted a request to speak on discharge permit.

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b. **Avila Beach Remediation Status Report.** Informational written report only. Don May, representing California Earth Corps, submitted a request to speak in favor of prevention.

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c. **Guadalupe Oil Field Remediation Status Report.** Informational written report only. Don May, representing California Earth Corps, submitted a request to speak in favor of prevention.

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d. **Permit No. E-94-6 (Chevron, Platforms Hope, Heidi, Hilda, & Hazel)** Informational only. Wendy Motta, representing Senator Jack O'Connell, submitted a request to speak. Susan Jordan, representing League for Coastal Protection, submitted a request to speak regarding concerns. Tanya Gulesserian, representing Environmental Defense Center, submitted a request to speak in opposition to the staff recommendation. Linda Krop, representing Env't. Defense Center, submitted a request to speak in opposition to the staff recommendation. Robert Sollen, representing Sierra Club (Los Padres Chapter), submitted a request to speak in opposition to the staff recommendation. Mike McCorkle, representing Southern Ca. Trawlers Assn., submitted a request to speak concerning the project. Daniel Frumkes, representing American Sportfishing Association, submitted a request to speak. Tom Raffican, representing United Anglers of Southern Cal., submitted a request to speak. Del Clement & Scott Martindale, representing Chevron USA, submitted a request to speak. Michael Valentine, representing Ca. State Lands Commission, submitted a request to answer questions.

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## 11. COASTAL PERMIT APPLICATION.

a. **Application No. E-97-25 (Samedan Oil, Long Beach)** Staff recommended denial.

Nancy Lucast & Kenneth Bley, representing Samedan Oil Corporation, spoke in favor of the project. Five other speakers, representing the applicant, submitted requests to speak in favor of the project: Timothy King, representing Bixby Ranch Company; Jerry Evanoff; Paula Buika; Roger Funston & Noël Davis. Thomas Johnson, representing Port of Long Beach, submitted a request to speak to answer questions. Jack Fancher, representing U.S. Fish & Wildlife Service, spoke in opposition to the project. Don May, representing Los Cerritos Wetlands Task Force, spoke in opposition to the project. Janice Dahl, representing Los Cerritos Wetlands Task Force, spoke in opposition to the project. Gehl Davis, representing Los Cerritos Wetlands Task Force, spoke in opposition to the project. Adrea Stoker, representing Los Cerritos Wetlands Task Force, spoke in opposition to the project. Sue Corbin spoke in opposition to the project. Stephen Reg Clewley spoke in favor of the staff recommendation. Susan Jordan, representing League for Coastal Protection, spoke in favor of the staff recommendation.

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

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McClain-Hill left during the following item.

12. **WORKSHOP on artificial structures in the marine environment.** Informational only. Streichenberger, representing Marine Forests Society, submitted a request to speak. Rimmon C. Fay submitted a request to speak on pros & cons. Don May, representing California Earth Corps, submitted a request to speak about problems with concrete substrate.

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**RECESS.** The Commission recessed for the day at 8:05 p.m..

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Thursday, August 12, 1999 - pages 15 to 21

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, August 12, 1999, at 9:00 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Desser, Dettloff, (Alternate) Allgood, Flemming, Kehoe, Nava and Reilly. Absent: Dohn, Sanders and Sweeney. Daniels arrived at 9:15 a.m.. McClain-Hill arrived at 9:10 a.m., left at 9:15 a.m. and returned at 11:30.

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## SAN DIEGO COAST DISTRICT

### 3. ADMINISTRATIVE PERMIT APPLICATION.

a. **Application No. 6-99-80 (Doan, San Diego Co.)** Staff recommended approval with special conditions.

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

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### 4. CONSENT CALENDAR.

a. **Application No. 6-99-66 (Beach King, Carlsbad)** Staff recommended approval with conditions.

**Motion & Vote:** Dettloff moved staff recommendation, seconded by Flemming, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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## SAN DIEGO COAST DISTRICT

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

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6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved item 9h to the Calendar, and recommended approval with special conditions.

Jim Peugh, representing Friends of Famosa Slough, submitted a request to speak in favor of the project.

**Motion & Vote:** Reilly moved staff recommendation, seconded by Potter, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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

a. **Carlsbad LCP Amendment No. 2-99 A (Visitor-Serving Overlay Zone).** Staff recommended approval with suggested modifications as modified orally.

Eric Muñoz, representing the City of Carlsbad, spoke in favor of the amendment.

**Motion & Vote to Reject Implementation:** Kehoe moved to reject the implementation amendment as submitted, seconded by Potter, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

**Motion & Vote on Implementation with Modifications:** Kehoe moved approval of the implementation with suggested modifications, seconded by Potter, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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b. **Carlsbad LCP Amendment No. 2-99 B (Aviara Planning Area #23).** Staff recommended approval with suggested modifications.

**Motion & Vote on Plan as Submitted:** Kehoe moved approval of the Land Use Plan Amendment as submitted, seconded by Flemming, and Chairman Wan ruled that the roll call vote was unanimous against the motion. **Failed.**

**Motion & Vote on Plan with Modifications:** Kehoe moved approval of the Land Use Plan Amendment with suggested modifications, seconded by Flemming, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

**Motion & Vote to Reject Implementation:** Kehoe moved to reject the implementation amendment as submitted, seconded by Flemming, and Chairman Wan substituted the previous roll call vote. **Passed.**

**Motion & Vote on Implementation with Modifications:** Kehoe moved approval of the implementation with suggested modifications, seconded by Flemming, and Chairman Wan substituted the previous roll call vote. **Passed.**

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c. **Carlsbad LCP Amendment No. 2-99 C Time Extension.** (DeJong Zoning revision). Staff recommended approval.

**Motion & Vote:** Potter moved staff recommendation, seconded by Reilly, and Chairman Wan ruled that the hand vote was unanimous. **Passed.**

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d. **Del Mar LCP No. 1-99 Time Extension (Del Mar Implementation).** Staff recommended approval.

**Motion & Vote:** Potter moved staff recommendation, seconded by Reilly, and Chairman Wan ruled that the hand vote was unanimous. **Passed.**

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e. **San Diego LCP Amendment 1-98D (Steep Hillside Guidelines).** Staff recommended approval.

Kelly Broughton, Stephen Haase, and Daniel P. Joyce, all representing City of San Diego, submitted requests to speak in favor of the staff recommendation. Joanne Pearson, representing San Diego Sierra Club, spoke in favor of the staff recommendation.

**Motion & Vote to Reject Implementation:** Kehoe moved to reject the implementation amendment as submitted, seconded by Potter, and Chairman Wan ruled that the roll call vote was unanimous against the motion. The motion failed so the amendment was **approved.**

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## 8. NEW APPEAL.

a. **Appeal No. A-6-99-89 (Leucadia County Water District, Carlsbad)** Postponed.

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## 9. COASTAL PERMIT APPLICATIONS.

a. **Application No. 6-98-144 (Solana Beach Coastal Preservation, Solana Beach)** Withdrawn.

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b. **Application No. 6-98-154 (San Dieguito Partnership, et al., San Diego)** Staff recommended approval with special conditions as modified in addendum and orally.

Margaret Schlesinger, spoke in favor of the staff recommendation. Nancy Lucast, representing the applicant, spoke in favor of the staff recommendation. Marcela Escobar-Eck, representing City of San Diego, spoke in favor of the project. Dick Bobertz, representing San Dieguito River Park JPA, spoke in favor of the project. Wayne Brechtel, counsel for the JPA, answered a question on the transfer of development units. Frank Melone, representing Southern California Edison Co., spoke in favor of the project. William Dhonka, representing San Dieguito Partnership, submitted a request to speak in favor of the project. John Mullen, Deputy City Attorney for the City of San Diego, submitted a request to speak in favor of the project.

**Motion & Vote:** Kehoe moved staff recommendation, seconded by Potter, and the roll call vote was 8 in favor (Daniels, Dettloff, Allgood, Flemming, Kehoe, Potter, Reilly & Wan) and 2 opposed (Desser & Nava). **Passed.**

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c. **Application No. 6-99-8 (Lampl, Encinitas)** Staff recommended denial.

Robert W. Trettin, representing the applicant, spoke in favor of the project. Jack Lampl, the applicant, submitted a request to speak in favor of the project. John Niven, representing the applicant, submitted a request to speak in favor of the project.

**Motion & Vote:** Kehoe moved approval of the application, seconded by Potter, and Chairman Wan ruled that the roll call vote was unanimous against the motion. **Failed.**

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d. **Application No. 6-99-32 (Oceanside, bikeway)** **Postponed.**

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e. **Application No. 6-99-48 (Beach King, Carlsbad)** **Postponed.**

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f. **Application No. 6-99-63 (Coastal Conservancy, Imperial Beach)** Staff recommended approval with special conditions.

Jim King, representing California Coastal Conservancy, spoke in favor of the project. Jim Peugh, representing San Diego Audubon Society, spoke in favor of the project.

**Motion & Vote:** Kehoe moved staff recommendation, seconded by Flemming, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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g. **Application No. 6-99-75 (International Jet Sports Boating, San Diego)** Staff recommended approval with special conditions as modified orally.

Nancy Lucast, representing the applicant, spoke in favor of the project. Stephen Andranian, representing the applicant, spoke in favor of the project. Ky Snyder, representing San Diego International Sports Council, spoke in favor of the project. Tim Rothans, representing City of San Diego, submitted a request to speak in favor of the project. Donna Frye, representing Surfers Tired of Pollution, spoke in opposition to the project. Jim Peugh, representing San Diego Audubon, spoke in opposition to the project. Al Strohleim spoke in opposition to the project. Mark Massara, representing Sierra Club, spoke in opposition to the project. Scott Andrews submitted a request to speak in opposition to the project. Kevin McCabe submitted a request to speak in opposition to the project. Christine Milton submitted a request to speak in favor of the project. Girme Selassie, chemist representing the applicant, answered questions.

**Motion & Vote to Continue:** Kehoe moved to continue the hearing, seconded by Dettloff, and the roll call vote was 3 in favor (Dettloff, Flemming & Kehoe) and 8 opposed. **Failed.**

**Motion & Vote:** Kehoe moved staff recommendation, seconded by Flemming, and the roll call vote was 4 in favor (Dettloff, Flemming, Kehoe & Reilly) and 7 opposed (Daniels, Desser, Allgood, McClain-Hill, Nava Potter & Wan). **Failed.**

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h. **Application No. 6-99-82 (San Diego Park and Rec. Dept., San Diego)** Moved to expanded Consent Calendar. **Approved.**

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**LUNCH RECESS.** The Commission recessed for lunch at 12:30 and reconvened at 2:05 p.m. after closed session.

**REPORT of CLOSED SESSION.** In closed session the Commission took action on Ojavan Investors, et al. v. CCC (L.A. Superior Court Case No. BC059661), City of Malibu v. CCC, et al., and discussed one other matter for information only.

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i. **Application No. 6-99-90 (San Diego, Ocean Front Walk encroachments)** Staff recommended approval with special conditions.

Terri Williams, representing City of San Diego, spoke in favor of the project. Al Strohleim submitted a request to speak in favor of the project. Mike Meyer spoke in favor of the project. Mark Massara, representing Sierra Club, spoke in favor of the project. William Bradshaw spoke in favor of the project. Scott Andrews, representing Save Everyone's Access, spoke in favor of the project. Mike McDade, representing Preserve Ocean Front Walk Comm., spoke in opposition to the project. David Woudenberg spoke in opposition to the project. Nathan Norris spoke in opposition to the project. Kevin McCabe spoke in opposition to the project. Irving Rawdin spoke in opposition to the project. Jean Chenh spoke in opposition to the project. Jack Zimmerman spoke in opposition to the project. Walt Crampton spoke in favor of the project.

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

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j. **Application No. 6-99-100 (Presnell, et al., Solana Beach)** Staff recommended approval with special conditions as modified orally.

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

Lynne Heidel, representing the applicants, spoke in favor of the project. Walt Crampton, representing the applicants, spoke in favor of the project. Donald R. Stroben submitted a request to speak in favor of the project. Diana Colton submitted a request to speak in favor of the project. Ann Baker, representing Solana Beach Coastal Protection Assoc., submitted a request to speak in favor of the project. Margaret Schlesinger spoke in opposition to the project. Roy E. Warden spoke in opposition to the project. Ellen Stephenson spoke in opposition to the project. Mark Massara, representing Sierra Club, spoke in opposition to the project.

**Motion & Vote:** Reilly moved staff recommendation, seconded by Kehoe, and the roll call vote was 7 in favor (Daniels, Desser, Dettloff, Flemming, Kehoe, McClain-Hill & Reilly), 3 opposed (Allgood, Nava & Wan) and 1 abstention (Potter). **Passed.**

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## STATEWIDE

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

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McClain-Hill left at 4:35 p.m. during the following item.

a. **SWEF Expert panel selection, (Navy, Port Hueneme)** Informational only. Jeanne Schick, representing PHD NSWC, submitted a request to speak representing the Navy. Mark Massara, representing Sierra Club, submitted a request to speak in favor of the committee composition. Lee Quaintance, representing the Beacon Foundation, spoke. Bill Higgins submitted a request to speak in favor of a balanced panel. Vickie Finan, representing the Beacon Foundation, submitted a request to speak. Jean Rountree, representing the Beacon foundation, submitted a request to speak. Penny M. Bohannon, representing Ventura County Economic Development Foundation, submitted a request to speak in favor of the staff recommendation.

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b. **CD-95-95 (Navy, Coronado)** Informational only.

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**RECESS.** The Commission recessed for the day at 5:00 p.m..

# DRAFT

Friday, August 13, 1999 - pages 22 to 27

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Friday, August 13, 1999, at 9:00 a.m. by Chairman Wan.

2. **ROLL CALL.** Present: Chairman Wan, Commissioners Daniels, Desser, Dettloff, (Alternate) Allgood, Nava and Reilly. Absent: Dohn, McClain-Hill, Potter, Sanders and Sweeney. Kehoe arrived at 9:05 a.m. Flemming arrived at 9:25 a.m.. Desser left the meeting at noon.

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## SOUTH CENTRAL COAST DISTRICT

3. **CONSENT CALENDAR.** See items a through g on page 15 of the agenda. Staff recommended approval with special conditions.

**Motion & Vote:** Reilly moved staff recommendation, seconded by Desser, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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## NORTH COAST DISTRICT

4. **ADMINISTRATIVE PERMIT APPLICATION.**

a. **Application No. 1-99-36 (Crescent City Harbor District, Del Norte Co.)** Staff recommended approval with special conditions.

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

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## 5. CONSENT CALENDAR.

a. **Application No. 1-99-35 (Huckins, Mendocino Co.)** Staff recommended approval with special conditions.

**Motion & Vote:** Dettloff moved staff recommendation, seconded by Allgood, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

b. **Application No. 1-99-45 (Karme & Click, Sonoma Co.)** **Postponed.**

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## SOUTH CENTRAL COAST DISTRICT

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

a. **Ventura Co. LCP Amendment No. 1-99 (Minor).** Staff recommended concurrence with the Executive Director's determination. Mike Bell submitted a request to speak in favor of the project. There being no objection, Chairman Wan ruled that the Commission concurred with the Executive Director. **Approved.**

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7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved five items (8b, 8f, 8g, 9a & 9b) to the Calendar, and recommended approval with special conditions.

(8b) Don Schmitz, representing the applicant, submitted a request to speak in favor of the project. (9a) Don Schmitz, representing the applicants, submitted a request to speak in favor of the project. Shobhan Paul submitted a request to speak in opposition to the project after the vote. (9b) Don Schmitz, representing the applicant, submitted a request to speak in favor of the project.

**Motion & Vote:** Desser moved staff recommendation, seconded by Dettloff, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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## 8. COASTAL PERMIT APPLICATIONS.

a. **Application No. 4-98-117 (Holmes, Los Angeles Co.)** Staff recommended approval with special conditions as modified orally.

Harman Rasnow, representing the applicant, spoke in favor of the project. James O'Tousa, representing the applicant, spoke in favor of the project. Kenneth Wikle,

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representing Cold Creek Community Council, spoke in opposition to the project. Victoria Wikle spoke in opposition to the project.

**Motion & Vote:** Desser moved staff recommendation, seconded by Allgood, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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b. **Application No. 4-98-319 (Greenhut, Malibu)** Moved to expanded Consent Calendar. **Approved.**

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c. **Application No. 4-99-5 (Groves, Malibu)** Staff recommended approval with special conditions as modified in addendum.

Henry Groves spoke in favor of the project. Marny Randall, representing the applicant, spoke in favor of the project. David Weiss, engineer for the applicant, answered questions.

**Motion & Vote:** Flemming moved staff recommendation, seconded by Dettloff, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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d. **Application No. 4-99-35 (Login, Malibu)** Staff recommended approval with special conditions.

Don Schmitz, representing the applicant, spoke in favor of the project.

**Motion:** Reilly moved staff recommendation, seconded by Dettloff.

**Amending Motion & Vote:** Reilly moved to delete the additional living space, seconded by Allgood, and the roll call vote was 6 in favor (Daniels, Desser, Allgood, Nava, Reilly & Wan) and 3 opposed (Dettloff, Flemming & Kehoe). **Passed.**

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

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e. **Application No. 4-99-75 (Bomel, Malibu)** Staff recommended approval with special conditions.

Mike Barsocchini, representing the applicant, spoke in favor of the project. Reg K. Brown P.E., answered questions on storm drainage.

**Motion & Vote:** Dettloff moved staff recommendation, seconded by Desser, and Acting Chairman Reilly ruled that the roll call vote was unanimous with Flemming abstaining. **Passed.**

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f. **Application No. 4-99-91 (Perrone, Malibu)** Moved to expanded Consent Calendar. **Approved.**

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g. **Application No. 4-99-92 (Gayton Place Ranch, Malibu)** Moved to expanded Consent Calendar. **Approved.**

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h. **Application No. 4-99-93 (Busch, Malibu)** Staff recommended approval with special conditions as modified orally.

Don Schmitz, representing the applicant, spoke in favor of the project.

**Motion & Vote:** Desser moved staff recommendation, seconded by Flemming, and Acting Chairman Reilly ruled that the roll call vote was unanimous. **Passed.**

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i. **Application No. 4-99-164 (Olson, Malibu)** Staff recommended approval with special conditions.

Don Schmitz, representing the applicant, spoke in favor of the project. Roger Pugliese, representing Topanga Assoc. for a Scenic Community, spoke in opposition to the project. Dr Kay Austin, representing Tuna Limited Neighborhood Assoc., spoke in opposition to the project. Bernard Endres spoke in opposition to the project. Mary Ann Webster, representing Santa Monica Mtns. Task Force, spoke in opposition to the project. Curtis Horton, representing Topanga Assn. for a Scenic Community & Tuna United Neighborhood Assn., spoke in opposition to the project. Dan Larson opposed the project. Mark Massara, representing Sierra Club, spoke in opposition to the project. Sabine Niederberghaus-Lesavoy, representing Tuna Unified Neighborhood Association, submitted a request to speak in opposition to the project.

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

**Motion & Vote:** Daniels moved staff recommendation, seconded by Flemming, and the roll call vote was 6 in favor, 1 opposed (Allgood), and 2 abstentions (Desser & Nava). **Passed.**

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## 9. PERMIT AMENDMENTS.

a. **Permit No: 5-89-159-A (Schoelkopf, Malibu)** Moved to expanded Consent Calendar. **Approved.**

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b. **Permit No. 4-98-270-A (Shachory, Malibu)** Moved to expanded Consent Calendar. **Approved.**

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## NORTH COAST DISTRICT

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

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

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12. **NEW APPEALS.**

a. **Appeal No. A-1-99-43 (Van Peer, Mendocino Co.)** **Postponed.**

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b. **Appeal No. A-1-99-51 (Wavecrest Village, Half Moon Bay)** Staff recommended continuance. There being no objection Chairman Wan opened the hearing and **continued** it to a future meeting.

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13. **COASTAL PERMIT APPLICATION.**

a. **Application No. 1-98-102 (Ralph, Humboldt Co.)** Staff recommended approval with special conditions as modified in addendum and orally.

**Motion & Vote:** Flemming moved staff recommendation, seconded by Reilly, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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14. **PERMIT AMENDMENT.**

a. **Permit No. 1-98-41-A (Kramer, Humboldt Co.)** Staff recommended approval with revised special condition.

**Motion & Vote:** Flemming moved staff recommendation, seconded by Reilly, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

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15. **COASTAL PROGRAM DIRECTIONS.** Informational only.

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**PUBLIC STATEMENTS.** Mark Massara showed slides of Caltrans drain restoration project, and said that Mobil Oil's payment to Ventura County was inadequate to pick up the beach trash.

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**ADJOURNMENT.** There being no old or new business, the meeting adjourned at 12:15 p.m..

Respectfully Submitted,

PETER M. DOUGLAS  
Executive Director

pmg

