

DRAFT

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

RECORD PACKET COPY

Tu 4



TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: **MINUTES OF MEETING OF DECEMBER 2-5, 1999**
Board of Supervisors' Chambers
Administration Building, Room 330
Marin County Civic Center
San Rafael

Tuesday, December 7, 1999 page 1

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Tuesday, December 7, 1999, by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Commissioners Dean, Desser, Dettloff, (Alternate) Krueer, Nava and (Alternate) Rose. Absent: Bornstein, Daniels, Estolano, Flemming, McClain-Hill, Potter, Sanders and Sweeney.
3. **CALTRANS BRIDGES WORKSHOP.** Robert Buckley, John Allison and Rick Knapp, all representing the Dept. of Transportation described current options for design of bridge railings in the coastal zone and the process for selection of possible alternatives.

PUBLIC COMMENTS. Mark A. Massara spoke.

DRAFT

Wednesday, December 8, 1999 pages 2 to 10

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, December 8, 1999, at 9:00 a.m. by Chairman Wan.
 2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Daniels, Dean, Desser, Dettloff, Estolano, Kehoe, Nava, Reilly and Sanders. Absent: Bornstein, McClain-Hill and Sweeney. Flemming arrived at 11:10 a.m..
-

SAN DIEGO COAST DISTRICT

3. ADMINISTRATIVE PERMIT APPLICATION.

a. **Application No. 6-99-130 (McCorkle, Del Mar)** Staff recommended approval with conditions.

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

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

(b) James Hirsch, representing Encinitas Resort Corp., submitted a request to speak in favor of the project.

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

STATEWIDE

5. **ELECTION of CHAIRPERSON, VICE CHAIRPERSON and REPRESENTATIVE to the SANTA MONICA MOUNTAINS CONSERVANCY.** Reilly nominated Wan for Chairperson, Potter for Vice Chairperson, and Hissrich as representative to the Santa Monica Mountains Conservancy, seconded by Dettloff, and the vote was unanimous. **Approved.**

DRAFT

6. **APPROVAL OF MINUTES.** Potter moved approval of the October 1999 minutes with corrections and the November 1999 minutes as written, seconded by Kehoe, and the hand vote was 8 in favor and 0 opposed. **Approved.**

7. **COMMISSIONERS' REPORTS.** Informational only.

8. **CONSERVANCY REPORT.** Informational only.

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

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

11. **EXECUTIVE DIRECTOR'S REPORT.**

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

Motion & Vote: Estolano moved staff recommendation, seconded by Daniels, and the hand vote was 6 in favor and 0 opposed. **Passed.**

b. **Public Education Program Memorandum of Agreement.** Staff recommended approval.

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

c. **Legislation.** Staff recommended support of Proposition 12 and support of working with the author on AB 541.

Motion & Vote on Proposition 12: Estolano moved staff recommendation on Proposition 12, seconded by Daniels, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

Motion & Vote on AB 541: Trained until Thursday. On Thursday Daniels moved staff recommendation, seconded by Kehoe, and Chairman Wan ruled that the hand vote was unanimous. **Passed.**

12. **LCP PLANNING GRANTS.** Staff recommended approval with conditions.

Paul-André Schabrauq, representing City of Fort Bragg, spoke in favor of the project.

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

DRAFT

13. **FEDERAL CONSISTENCY REPORT.** Federal Consistency Analyst Raives reported on Negative Determinations issued by the federal consistency staff, and status of major non-energy federal consistency matters.

14. **FEDERAL CONSISTENCY.**

a. **CD-89-99 (Navy, Coronado)** Staff recommended approval.

Capt. Phillips, Adm. Bowman & Adm. Froman spoke in favor of the staff recommendation. Robert Hoffman, representing National Marine Fisheries Service, spoke in favor of the staff recommendation. Jessie J. Knight Jr., representing Greater San Diego Chamber of Commerce, spoke in favor of the staff recommendation. Peter M. Hekman, representing Military Affairs Advisory Council-SD Chamber of Commerce, submitted a request to speak in favor of the staff recommendation. Susannah French, representing Environmental Health Coalition, spoke in opposition to the staff recommendation. Laura Hunter, representing Envl' Health Coalition, submitted a request to speak in opposition to the staff recommendation. Marily Field spoke in opposition to the staff recommendation. Violet Devoe spoke in opposition to the staff recommendation. Rob Chicester, representing the Navy, answered a question on monitoring.

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

LUNCH RECESS. The Commission recessed for lunch at 1:20 and reconvened at 2:40 p.m..

ENERGY, OCEAN RESOURCES and WATER QUALITY

15. **California's Nonpoint Source Pollution Control Program.** Staff recommended approval as modified in addendum.

Dan Temko, representing California Assoc. of Harbor Masters & Port Captains, submitted a request to speak in opposition to the staff recommendation. Mark Gold, representing Heal the Bay, submitted a request to speak in opposition to the staff recommendation. Ann Notthoff, representing Natural Resources Defense Council, spoke in favor of amendments. Linda Sheehan, representing Center for Marine Conservation, submitted a request to speak. Mark Massara, representing Sierra Club, submitted a request to speak in favor of the staff recommendation. Karen Schwinn,

DRAFT

representing US EPA, submitted a request to speak in favor of the staff recommendation. Ken Harris, Stephen Fagundes & Stan Martinson, representing State Water Resource Control Board, submitted a request to speak in favor of the staff recommendation.

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

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

Dean left at 4:20 p.m. during the next item.

a. **General NPDES permit briefing.** Informational only. Michael Higgins, representing Central Coast Regional Water Quality Control Board, submitted a request to speak in favor of the project. Eugene Bromley, representing EPA, Region 9 (WTR-S), submitted a request to speak. Marcela von Vacaro, representing U.S. EPA R9 - Office Regional Counsel, submitted a request to speak to answer questions. Tanya Gulesserian, representing EDC (Environmental Defense Center), submitted a request to speak in opposition to the staff recommendation.

b. **Moss Landing Power Plant. Postponed.**

c. **Permit No. E-94-6 Work Program.** Staff recommended approval.

George Steinbach, representing Chevron, submitted a request to speak in favor of the project. Gordon Cota, representing Southern Calif. Trawlers Assoc., Commercial Fisherman of Santa Barbara Inc., submitted a request to speak concerning the project. Tanya Gulesserian, representing Environmental Defense Center, submitted a request to speak.

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

d. **Avila Beach Remediation Status Report.** Informational only.

e. **Guadalupe Oil Field Remediation Status Report.** Informational only.

DRAFT

17. **SONGS MONITORING & OVERSIGHT PROGRAM.** Staff recommended approval.

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

18. **FINDINGS.**

a. **Permit No. E-98-26 (Chevron, San Luis Obispo Co.)** **Postponed.**

SAN DIEGO COAST DISTRICT

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

Desser left at 4:50 p.m., before the next item.

20. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 4 items (23a, 24a, 24b & 24c) to the Calendar, and recommended approval with special conditions.

(24a) There being more than 3 votes to remove it, this item was returned to the regular amendment calendar below.

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

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

a. **Carlsbad LCP Amendment No. 2-99D (Kelly Ranch).** **Postponed.**

Reilly left at 4:55 p.m., before the next item.

b. **Carlsbad LCP Amendment No. 3-99A (NAMM Museum).** Staff recommended approval.

DRAFT

Shari West, representing NAMM/Museum of Making Music, spoke in favor of the project.

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

c. **Carlsbad LCP Amendment No. 3-99 B Time Extension. (Hadley, Carnation, Appellate Procedures and Incidental Outdoor Dining Area zoning revisions).** Staff recommended approval.

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

d. **San Diego LCP Amendment No. 2-99 (Jewish Academy).** Staff recommended approval.

Lynne Heidel, representing San Diego Jewish Academy, submitted a request to speak in favor of the staff recommendation.

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

22. NEW APPEALS.

a. **Appeal No. A-6-99-133 (Ligouri, Oceanside)** Staff recommended that the appeal raised substantial issue. There being 3 votes to hear testimony on substantial issue, Chairman Wan opened the hearing on substantial issue.

Colette Evans submitted a request to speak in opposition to the project. Jamie Phillips submitted a request to speak. Nancy Lucast submitted a request to speak in favor of the project. Daniel Persichetti, representing the applicant, submitted a request to speak in favor of the project.

Motion & Vote on No Substantial Issue: Nava moved to find that the appeal raised no substantial issue, seconded by Potter, and the roll call vote was 1 in favor (Flemming) and 7 opposed (Daniels, Dettloff, Estolano, Kehoe, Nava, Potter & Wan). **Failed.**

DRAFT

b. **Appeal No. A-6-99-140 (Outback Growers, Encinitas)** The applicant requested continuance. There being no objection Chairman Wan opened the hearing and **continued** it to a future meeting.

c. **Appeal No. A-6-99-143 (Irving, San Diego)** Staff recommended continuance. There being no objection Chairman Wan opened the hearing, and **continued** it to a future meeting.

d. **Appeal No. A-6-99-147 (Rutherford, San Diego)** Staff recommended continuance. There being no objection Chairman Wan opened the hearing, and **continued** it to a future meeting.

23. COASTAL PERMIT APPLICATIONS.

a. **Application No. 6-97-170 (S.D.G. & E., Carlsbad)** Moved to expanded Consent Calendar. **Approved.**

b. **Application No. 6-99-21 (Solana Beach sewer)** Staff recommended approval with special conditions.

Chandra Collure, representing City of Solana Beach, submitted a request to speak in favor of the project.

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

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

d. **Application No. 6-99-85 (House, San Diego Co.)** **Postponed.**

e. **Application No. 6-99-101 (San Diego Penasquitos Canyon wetlands)** **Postponed.**

Nava left at 5:35 p.m., during the next item.

f. **Application No. 6-99-118 (Carlsbad sewer station)** Staff recommended approval with special conditions.

DRAFT

Randy Klaahsen, representing City of Carlsbad Municipal Water District, spoke in favor of the project with changes.

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

g. **Application No. 6-99-88 (Carlsbad pipelines)** Staff recommended approval with special conditions.

Kelly Weaver, representing City of Carlsbad (Municipal Water District), submitted a request to speak in favor of the project.

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

24. PERMIT AMENDMENTS.

a. **Permit No. 6-89-366-A (Lingenfelder, Solana Beach)** Staff recommended approval with special conditions.

Lynne Heidel, representing the applicant, spoke in favor of the project. Mark A. Massara, representing Sierra Club, spoke in opposition to the project.

Motion & Vote: Kehoe moved staff recommendation, seconded by Flemming, and the roll call vote was 4 in favor (Daniels, Dettloff, Flemming & Kehoe) and 2 opposed (Estolano & Wan). **Passed.**

b. **Permit No. 6-94-25-A5 (Brehm-Aviara III, Carlsbad)** Moved to expanded Consent Calendar. **Approved.**

c. **Permit No. 6-96-44-A (UCSD, San Diego)** Moved to expanded Consent Calendar. **Approved.**

DRAFT

SOUTH CENTRAL COAST DISTRICT

25. LOCAL COASTAL PROGRAMS (LCPs).

a. **Santa Barbara LCP Amendment No. 1-99 (waterfront).** Staff recommended that the Commission extend the time limit for action.

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

b. **Santa Barbara Co. LCP Amendment No 3-98 (agricultural-commercial).** Staff recommended denial of the land use plan amendment, and approval of the implementation amendment.

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

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

26. NEW APPEALS.

a. **Appeal No. A-4-99-224 (Ventura beach sand)** 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.

Mark Massara, representing Sierra Club, spoke in favor of the project with additional conditions.

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

RECESS. The Commission recessed for the day at 6:20 p.m..

DRAFT

Thursday, December 9, 1999 - pages 11 to 21

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, December 9, 1999, at 9:00 a.m. by Chairman Wan.
 2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Bornstein, Daniels, Desser, Dettloff, Estolano, Flemming, Kehoe, (Alternate) Orr and (Alternate) Rose. Absent: Dean, McClain-Hill, Sanders and Sweeney.
-

SOUTH COAST DISTRICT

3. **CONSENT CALENDAR.** See items a through e on page 10 of the agenda. Staff recommended approval with special conditions.

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

SOUTH CENTRAL COAST DISTRICT

4. **CONSENT CALENDAR.** See items a through g on page 11 of the agenda. Items b, c, d & e were postponed. Staff recommended approval with special conditions on the remainder of the Calendar.

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

CENTRAL COAST DISTRICT

5. **ADMINISTRATIVE PERMIT APPLICATIONS.** See items a & b on page 11 of the agenda. Staff recommended approval with special conditions.

(5a) Thomas David, representing the applicant, spoke in favor of the project. Mark Massara spoke in opposition to the project.

DRAFT

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

SOUTH COAST DISTRICT

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

7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved eight items (9a, 9d, 9f, 9i, 9k, 10a, 10b & 10c) to the Calendar, and recommended approval with special conditions.

(10a) Katherine Coleman, an applicant, submitted a request to speak in favor of the project. (10b) Robert Paternoster, representing City of Long Beach, submitted a request to speak in favor of the project.

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

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

a. **Dana Point LCP Amendment No. 1-99 (non-restaurant drive through).** Staff recommended approval.

Motion & Vote to Reject Implementation: There being no speakers, Dettloff moved to reject the implementation amendment as submitted, seconded by Kehoe, and Chairman Wan ruled that the roll call vote was unanimous in opposition. The motion failed, so the amendment was **approved.**

9. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 5-99-152 (Voit, Newport Beach)** Moved to expanded Consent Calendar. **Approved.**

b. **Application No. 5-99-204 (Brown, San Clemente)** **Withdrawn.**

DRAFT

c. **Application No. 5-99-288 (Newport Beach storm drains)** Staff recommended approval with special conditions as modified in the addendum.

Motion & Vote: There being no speakers, Dettloff moved staff recommendation, seconded by Potter, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

d. **Application No. 5-99-293 (Newport Beach slope repair)** Moved to expanded Consent Calendar. **Approved.**

e. **Application No. 5-99-298 (Newport Beach street ends)** Staff recommended approval with special conditions as modified in the addendum.

Motion & Vote: There being no speakers, Dettloff moved staff recommendation, seconded by Estolano, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

f. **Application No. 5-99-306 (Bay Island Club & Fletcher, Newport Beach)** Moved to expanded Consent Calendar. **Approved.**

g. **Application No. 5-99-325 (Sea Castle Apts., Santa Monica)** **Postponed.**

h. **Application No. 5-99-335 (San Clemente Prop., San Clemente)** Staff recommended approval with special conditions as modified orally.

John R. Pautsch Jr. spoke in favor of the project.

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

i. **Application No. 5-99-372 (Smith, Seal Beach)** Moved to expanded Consent Calendar. **Approved.**

DRAFT

j. **Application No. 5-99-367 (Silver Strand, Los Angeles)** Staff recommended approval with special conditions as modified in the addendum.

Motion & Vote: There being no speakers, Estolano moved staff recommendation, seconded by Kehoe, and Chairman Wan ruled that the roll call vote was unanimous. **Passed:**

k. **Application No. 5-99-378 (Cuse, Los Angeles)** Moved to expanded Consent Calendar. **Approved.**

l. **Application No. 5-99-408 (Bishton, Los Angeles)** Staff recommended approval with special conditions and modified project description.

Norris Bishton submitted a request to speak in favor of the project.

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

10. PERMIT AMENDMENTS.

a. **Permit No. 5-98-83-A (Cigolle & Coleman, Los Angeles)** Moved to expanded Consent Calendar. **Approved.**

b. **Permit No. 5-98-156-A2 (Long Beach & Oliver Mcmillan)** Moved to expanded Consent Calendar. **Approved.**

c. **Permit No. 5-98-354-A (Los Angeles Co. Dept. of Public Works, Los Angeles)** Moved to expanded Consent Calendar. **Approved.**

11. FINDINGS.

a. **Application No. 5-99-231 (Smith, Laguna Beach)** Staff recommended approval of the findings.

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

DRAFT

11.5 REVOCATION of Permit No. 5-89-772 (Signal Landmark, Orange Co.) Staff recommended denial of the revocation.

Donald E. Mueller, representing Bolsa Chica Land Trust, spoke in favor of revocation. Chester King, representing Bolsa Chica Land Trust, submitted a request to speak in opposition to the project. Susan Hori, representing Signal Landmark, spoke in favor of the staff recommendation.

Motion & Vote to Revoke: Dettloff moved to revoke the permit, seconded by Kehoe, and Chairman Wan ruled that the roll call vote was unanimous in opposition. **Failed.**

SOUTH CENTRAL COAST DISTRICT

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

13. CONSENT CALENDAR (removed from Regular Calendar). Staff moved four items (15d, 15e, 15f & 15m) to the Calendar, and recommended approval with special conditions.

(15m) William Barlow submitted a request to speak for questions only.

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

14. PEPPERDINE NOTICE of IMPENDING DEVELOPMENT No. 3-99 (Upper Campus). Staff recommended approval with special conditions as modified in the addendum.

Mark Massara, representing Sierra Club, spoke in opposition to the staff recommendation and requested additional conditions.

Motion: Potter moved staff recommendation, seconded by Dettloff.

Amending Motion & Vote: Desser moved to prohibit grading during the rainy season, seconded by Orr, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

Vote on Main Motion: The roll call vote, on the main motion, as amended above, was 5 in favor (Daniels, Desser, Dettloff, Estolano & Potter) and 3 opposed (Orr, Rose & Wan). **Passed.**

DRAFT

15. COASTAL PERMIT APPLICATIONS.

a. **Application No. 4-97-243 (Higgins, Malibu) Postponed.**

b. **Application No. 4-98-60 (Von Oppenheim, Malibu)** Staff recommended approval with special conditions.

Lynn Heacox, representing the applicant, spoke in opposition to the staff recommendation.

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

c. **Application No. 4-98-285 (MacLeod, Malibu)** Staff recommended approval with special conditions.

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

d. **Application No. 4-99-58 (McDaniel, Malibu)** Moved to expanded Consent Calendar. **Approved.**

e. **Application No. 4-99-73 (Dillaway, Los Angeles Co.)** Moved to expanded Consent Calendar. **Approved.**

f. **Application No. 4-99-108 (Carlson & Stretten, Malibu)** Moved to expanded Consent Calendar. **Approved.**

g. **Application No. 4-99-112 (Malibu Encinal Homeowners & Wilson, Malibu)** **Postponed.**

DRAFT

h. **Application No. 4-99-124 (Parks & Rec., Malibu)** Staff recommended approval with special conditions.

Rick Morgan, representing City of Malibu, spoke in favor of the project. Glenn Miksell, president of Bi-Oxide Corp., spoke in favor of the project

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

i. **Application No. 4-99-129 (Schwab, Malibu)** **Postponed.**

j. **Application No. 4-99-154 (Montanaro, Malibu)** Staff recommended approval with special conditions as modified in addendum.

Jim Eserts, architect for the applicants, submitted a request to speak in favor of the project.

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

k. **Application No. 4-99-176 (Stutz & McKenna, Malibu)** **Postponed.**

l. **Application No. 4-99-187 (Leonard, Malibu)** **Postponed.**

m. **Application No. 4-99-163 (Barlow, Malibu)** Moved to expanded Consent Calendar. **Approved.**

LUNCH RECESS. The Commission recessed for lunch at 12:20 and reconvened at 2:10 p.m. after closed session.

REPORT of CLOSED SESSION. In closed session the Commission took action Nasr v. CCC, Harfenist v. CCC, et al., Edmundson, et al. v. CCC, et al., and discussed 12 other matters for information only.

DRAFT

16. PERMIT AMENDMENTS.

a. **Permit No. 4-96-25-A2 (Jason, Malibu)** Staff recommended approval with special conditions.

Don Schmitz, representing the applicants, spoke in favor of the projects. Mark Jason, an applicant, submitted a request to speak in favor of the project. Dr. Kay Austen, representing Topanga Assoc. for a Scenic Community, Tuna United Neighborhood Assoc., submitted a request to speak in opposition to the projects.

Motion & Vote: Daniels moved staff recommendation, seconded by Flemming, and the roll call vote was 5 in favor (Daniels, Dettloff, Flemming, Kehoe & Potter) and 4 opposed (Desser, Estolano, Orr & Wan). **Passed.**

b. **Permit No. 4-97-15-A (Sayles, Malibu)** Staff recommended approval with special conditions.

The hearing was combined with item a above.

Motion & Vote: Daniels moved staff recommendation, seconded by Flemming, and Chairman Wan substituted the previous roll call vote (5-4). **Passed.**

17. FINDINGS.

a. **Permit No. 4-99-35 (Login, Malibu)** Staff recommended approval of the findings.

Michael Inman, attorney for the applicants, submitted a request to speak in favor of the project.

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

18. RECONSIDERATION.

a. **Permit No. 4-99-35-R (Login, Malibu)** Staff recommended denial.

Michael Inman, attorney for the applicants, submitted a request to speak in favor of the project.

Motion & Vote: Daniels moved to reconsider, seconded by Kehoe, and the roll call vote was 0 in favor and 9 opposed. **Failed.**

DRAFT

Rose left during the following item.

CENTRAL COAST DISTRICT

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

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

21. **PERIODIC REVIEWS/ReCAP.** Informational only. Vic Holanda, Director - Planning & Building, County of San Luis Obispo, submitted a request to speak in favor of the staff recommendation.

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

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

b. **Watsonville LCP Amendment No. 1-99 (PVUSD High School) Time Extension.**
Staff recommended approval.

Terry McHenry, representing Pajaro Valley Unified School Dist., submitted a request to speak for questions only.

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

23. **NEW APPEALS.**

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

b. **Appeal No. A-3-99-60 (Miles & Cohn, San Luis Obispo Co.)** Postponed.

DRAFT

c. **Appeal No. A-3-99-62 (Holley, Pismo Beach)** Staff recommended that the appeal raised no substantial issue.

Motion & Vote on No Substantial Issue: Flemming moved staff recommendation, seconded by Desser, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

d. **Appeal No. A-3-99-67 (Prian, San Luis Obispo Co.)** **Postponed.**

e. **Appeal No. A-3-99-82 (Tri W, Morro Bay)** Staff recommended continuance. There being no objection Chairman Wan opened the hearing, and **continued** it to a future meeting.

f. **Appeal No. A-3-99-83 (Wright, San Luis Obispo Co.)** Staff recommended continuance. There being no objection Chairman Wan opened the hearing, and **continued** it to a future meeting.

g. **Appeal No. A-3-99-81 (Santa Cruz Parks Dept.)** Staff recommended continuance. There being no objection Chairman Wan opened the hearing, and **continued** it to a future meeting. Amy Skewes-Cox, representing City of Santa Cruz, requested a January hearing.

24. FINDINGS.

a. **Appeal No. A-3-98-101 (Bailey & Steltenpohl, Davenport)** Staff recommended approval of findings as modified orally.

Thomas H. Jamison, representing the applicants, spoke in favor of the project. Susan Young spoke in favor of the staff recommendation. Bruce McDougal spoke in favor of the staff recommendation.

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

DRAFT

25. RECONSIDERATION.

a. **Appeal No. A-3-99-36-R (Cain, Monterey Co.)** Staff recommended denial.

Todd Bessine, representing the applicants, and Richard Cain, both spoke in favor of the project.

Motion & Vote: Potter moved to reconsider, seconded by Estolano, and Chairman Wan ruled that the roll call vote was unanimous in opposition. **Failed.**

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

DRAFT

Friday, December 10, 1999 - pages 22 to 27

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

CENTRAL COAST DISTRICT

3. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved item 5c to the Calendar, and recommended approval with special conditions.

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

4. FINDINGS.

a. **Appeal No. A-3-98-108 (Rodman & Holland, San Luis Obispo Co.)** Staff recommended approval of the findings.

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

5. COASTAL PERMIT APPLICATIONS.

a. **Appeal No. A-3 98-108 (Rodman & Holland, San Luis Obispo Co.)** Staff recommended denial of the extension and of the amendments.

Gordon Hensley spoke in opposition to the project. Elsie Deitz submitted a request to speak in opposition to the project. J.L. Deitz submitted a request to speak in opposition to the project. Kat McConnell submitted a request to speak in opposition to the project.

Motion & Vote on Extension: Dettloff moved to extend the permit, seconded by Potter, and Chairman Wan ruled that the roll call vote was unanimous in opposition. **Failed.**

DRAFT

Motion & Vote on Amendments: Dettloff moved approval of the permit amendments, seconded by Potter, and Chairman Wan ruled that the roll call vote was unanimous in opposition. **Failed.**

b. **Application No. 3-99-71 (Knight, Pacific Grove)** Staff recommended approval with special conditions as modified orally.

Michelle Knight, an applicant, spoke in favor of the project. Jon Satmer, architect for the applicants, spoke in favor of the project.

Motion & Vote: Potter moved staff recommendation, seconded by Daniels, and the roll call vote was 6 in favor (Daniels, Dettloff, Flemming, Potter, Rose & Wan) and 3 opposed (Desser, Estolano & Orr). **Passed.**

c. **Application No. 3-99-89 (Caltrans, Santa Cruz Co.)** Moved to expanded Consent Calendar. **Approved.**

6. **CONSERVANCY PROJECT No. CP-99-1 (Elkhorn Slough)** Staff recommended approval.

Motion & Vote: There being no speakers, Daniels moved staff recommendation, seconded by Flemming, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

STATEWIDE

7. FEDERAL CONSISTENCY.

a. **CD-102-99 (Nat'l Marine Fisheries Service, San Diego Co.)** Staff recommended objection.

Jim Lecky, representing National Marine Fisheries Service, spoke in favor of the project. Bob Strickland, representing United Anglers of California, submitted a request to speak. Roger Thomas, representing Golden Gate Fishermans Assoc., submitted a request to speak in favor of the project. Bob Fletcher, representing Sportfishing Assoc. of CA, spoke in favor of the project. Sharon Young, representing The Humane Society of the US, spoke in opposition to the staff recommendation. Michael Jasny, representing NRDC, spoke in favor of the staff recommendation. Susan Jordan, representing League for Coastal Protection, spoke in favor of the staff

DRAFT

recommendation. Robert "Roy" Vande Hoek, representing Wetlands Action Network, spoke in opposition to the project.

Motion & Vote: Orr moved approval of the project, seconded by Daniels, and Chairman Wan ruled that the roll call vote was unanimous in opposition. **Failed.**

b. **CD-107-99 (Corps of Engineers, Los Angeles Co.)** Staff recommended approval as modified orally by the Corps of Engineers.

Rey Farve, representing the Corps of Engineers, spoke in favor of the project. Catherine Tyrrell, representing Playa Vista, spoke in favor of the staff recommendation. Robert "Roy" Van De Hoek, representing Center for Biological Diversity & Wetlands Action Network, spoke in opposition to the project. David Williams, representing Wetlands Action Network, spoke in opposition to the project. Mark A. Massara, representing Sierra Club, spoke in opposition to the staff recommendation. Marcia Hanscom, representing Wetlands Action Network, spoke in opposition to the project. Michael Josselyn, representing Wetlands Research Assn., submitted a request to speak in favor of the project.

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

c. **CD-108-99 (Corps of Engineers, Ventura)** Staff recommended approval.

Motion & Vote: There being no speakers, Dessler moved staff recommendation, seconded by Potter, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

NORTH CENTRAL COAST DISTRICT

8. **DEPUTY DIRECTOR'S REPORT.** Executive Director Douglas reported on the status of the Marin Co. LCP amendment, and Deputy Director Scholl reported on matters not requiring public hearings, and on comments from the public.

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

DRAFT

10. LOCAL COASTAL PROGRAM (LCP).

a. **Sonoma Co. LCP Amendment No. 2-99 (General Plan Consistency) Time Extension.** Staff recommended approval.

Russell Schweickart submitted a request to speak in favor of the staff recommendation.

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

11. NEW APPEALS.

a. **Appeal No. A-1-99-33 (Ward & Loft, San Mateo Co.)** Staff recommended that the appeal raised substantial issue. There being no objection, Chairman Wan ruled that the Commission found substantial issue, and she opened the hearing on the merits of the project. Staff recommended approval with special conditions as modified orally.

Steve Loft submitted a request to speak in favor of the project.

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

b. **Appeal No. A-2-99-63 (Coastside Co. Water Dist., San Mateo Co.)** Staff recommended continuance. There being no objection Chairman Wan opened the hearing, and **continued** it to a future meeting.

Potter left at 11:55, before the next items.

NORTH COAST DISTRICT

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

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

DRAFT

14. NEW APPEAL.

a. **Appeal No. A-1-99-70 (Hathcoat, Mendocino Co.)** Staff recommended that the appeal raised no substantial issue.

Julie Verran spoke in opposition to the staff recommendation. Hugh & Jeane Hathcoat submitted a request to speak in favor of the project.

Motion & Vote on No Substantial Issue: Flemming moved staff recommendation, seconded by Estolano, and the roll call vote was 6 in favor (Daniels, Dettloff, Estolano, Flemming, Orr & Wan) and 2 opposed (Desser & Rose). **Passed.**

15. PERMIT AMENDMENT.

a. **Permit No. 1-98-103-A (O'Neil, Humboldt Co.)** Staff recommended denial.

Motion & Vote: Desser moved approval of the amendment, seconded by Dettloff, and Chairman Wan ruled that the roll call vote was unanimous in opposition. **Failed.**

16. FINDINGS.

a. **Appeal No. A-1-96-70 (Sand Pointe, Humboldt Co.)** Staff recommended approval of the findings.

Steve Moser spoke in favor of the project. Patricia Hassan, representing Concern Citizens of McKinleyville, spoke representing appellant. Selby J. Fermer, representing concerned citizens of McKinleyville, spoke representing appellant. Mark A. Massara, Sierra Club, spoke about concerns.

Motion & Vote to Continue: Dettloff moved to continue the hearing, seconded by Flemming, and Chairman Wan ruled that the hand vote was unanimous. **Passed.**

b. **Application No. 1-98-103 (O'Neil, Humboldt Co.)** Staff recommended approval of the findings.

Motion & Vote: There being no speakers, Dettloff moved staff recommendation, seconded by Desser, and the hand vote was 5 in favor and 0 opposed. **Passed.**

DRAFT

c. **Appeal No. A-1-99-43 (Van Peer, Mendocino Co.)** Staff recommended approval of the findings.

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

PUBLIC COMMENTS. Mark Massara, representing Sierra Club, submitted a request to speak.

ADJOURNMENT. There being no old or new business, the meeting adjourned at 12:40 p.m..

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

pmg

