

CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY

**Tu 7a**

TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: **MINUTES OF MEETING OF FEBRUARY 15-18, 2000**
Quality Resort
875 Hotel Circle South
San Diego

Tuesday, February 15, 2000 pages 1 to 13

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Tuesday, February 15, 2000, at 10:00 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Commissioners Dean, Desser, Dettloff, (Alternate) Allgood, Kehoe, Nava, Neal and Sanders. Absent: Daniels, McClain-Hill and Potter. Woolley arrived at 10:15 a.m.. Sweeney arrived at the lunch break. Reilly arrived at 7:50 p.m..

SOUTH COAST DISTRICT

3. **CONSENT CALENDAR.** See items a. through d. on page 3 of the agenda. Staff recommended approval with special conditions.
 - a. **Application No. 5-99-206 (Smith & Swinden, Laguna Beach)** There being 3 votes to remove it, this item was **set for hearing** at a future meeting.

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

STATEWIDE

4. **APPROVAL OF MINUTES.** None.
5. **COMMISSIONERS' REPORTS.** Informational only.
6. **CONSERVANCY REPORT.** A written report was mailed.
7. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
8. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational only.
9. **EXECUTIVE DIRECTOR'S REPORT** including report on legislation. Informational only.
 - a. **Public Education Grant Program.** Staff recommended approval.

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

LUNCH RECESS. The Commission recessed for lunch at 2:20 and reconvened at 3:30 p.m..

PUBLIC COMMENTS. Robert Korch spoke about implementation of City of San Diego LCP. Lynne Heidel, representing Sullivan Werts McDade & Wallace, spoke about implementation of City of San Diego LCP. Matthew A. Peterson spoke. Douglas Korthof spoke about scheduling Hellman, Bixby. Roy Warden submitted a request to speak about result of an August decision.

ENERGY, OCEAN RESOURCES and WATER QUALITY

10. **ENERGY & OCEAN RESOURCES REPORT.** Deputy Director Kooser reported on matters not requiring public hearings, and status of offshore oil & gas exploration & development.
 - a. **Guadalupe Oil Field Remediation Status Report.** Informational only. Mark Massara, representing Sierra Club, raised questions.
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11. COASTAL PERMIT APPLICATIONS.

a. **Application No. E-99-8 (San Diego Oceans Foundation & San Diego, offshore San Diego Co.)** Staff recommended approval with special conditions as modified orally.

Carl Nettleton, representing City of San Diego, spoke in favor of the project. Robert Watts, representing San Diego Oceans Foundation, spoke in favor of the project. Don May, representing California Earth Corps, spoke in opposition to the project. Diana Mann, representing ECO Link, spoke in opposition to the project. Mark Massara, representing Sierra Club, submitted a request to speak in favor of the project. Chris Fuller, representing Ocean Enterprises, submitted a request to speak in favor of the project. Jay Ferland, representing San Diego dive boat operators, submitted a request to speak in favor of the project. David Parker, representing the Dept. of Fish & Game, answered questions .

Motion & Vote to Continue: Nava moved to continue the hearing, seconded by Kehoe, and the roll call vote was 5 in favor and 2 opposed (Desser & Allgood). **Passed.**

b. **Application No. E-99-1 (ExxonMobil, Orange Co. & Seal Beach)** Staff recommended approval with special conditions as modified orally.

Michael Parker, representing the applicant, spoke in favor of the project. Lee Whittenberg, representing City of Seal Beach, spoke in favor of the project. Mark A. Massara, representing Sierra Club Coastal, opposed leaving debris. Don May, representing California Earth Corps, submitted a request to speak in opposition to the project without mitigation. Douglas Korthof spoke in opposition to the project. Timothy A. Beck, representing Heal the Harbor, Inc., spoke in opposition to the project. Simon Poulter, representing the applicant, answered a question from Wan.

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

c. **Application No. E-00-1 (Southern California Edison, San Diego Co.)** Staff recommended approval with special conditions as modified in addendum.

Michael Hertel, representing Southern Calif. Edison, spoke in favor of the project. Eight other speakers submitted requests to speak in favor of the project: Patti Krebs, representing Industrial Environmental Assoc.; James Reilly, representing SCE; Dave Brevis, representing SCE; Mary Jane Johnson, representing So. Cal. Edison; David Pilmer, representing Southern California Edison; Don Monahan, representing California

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State Parks; Plinio Garcia and Sean A. Harrison. Lyn Harris Hicks, representing citizen coalition, spoke concerning the project. Don May, representing California Earth Corps, spoke in opposition to the project. Diana Mann, representing Cal. Earth Corp., submitted a request to speak in opposition to the project. Mark Massara, representing Sierra Club, opposed nuclear waste at San Onofre. Doug Korthof spoke in opposition to the project. Donis Davey spoke in opposition to the project. Donald Davey spoke in opposition to the project.

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

12. **SONGS STATUS.** Informational only. Don May, representing California Earth Corps, submitted a request to speak about the mitigation EIR.

STATEWIDE

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

14. FEDERAL CONSISTENCY.

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

Dean Smith, representing Los Angeles Country, spoke in favor of the staff recommendation.

Motion & Vote: Kehoe moved to disagree with the federal agency that the activity continues to be consistent with the program, seconded by Allgood, and Chairman Wan ruled that the roll call vote was unanimous in opposition to the motion. The motion failed so the project was **approved.**

b. **CD-89-99 (Navy, San Diego)** Staff recommended approval as modified orally.

Admiral F. Ruehe, Commander Naval Region Southwest, modified the project and spoke in favor of the staff recommendation. Capt. John Schwanz, representing U.S. Navy, spoke in favor of the project. Captain Bruce W. Clingan, representing USS Carl Vinson (U.S. Navy), submitted a request to speak to answer questions. Glen

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Mowbray and Mitch Perdue, both representing U.S. Navy, submitted requests to speak in favor of the staff recommendation. Mayor Tom Smisek and John Traylor both submitted requests to speak about emergency planning. Maria Bowie, representing Congressman Brian P. Bilbray, submitted a request to speak. Dan Ebbrole, representing Office of Disaster Preparedness, submitted a request to speak in favor of the project. Chris Bach, representing City of San Diego Emergency Management Services, submitted a request to speak to answer questions. Ralph Perry, representing County of San Diego, submitted a request to speak to answer questions. Bob Hoffman, representing National Marine Fisheries Service, submitted a request to speak in favor of the staff recommendation. Dawn Tiglid Thomas, representing Associated General Contractor, submitted a request to speak in favor of the staff recommendation. Tom Arena submitted a request to speak in favor of the project. Willie Blair, representing Congressman Bob Filner, submitted a request to speak.

Laura Hunter, Nicole Capretz, Luz Palomino and Sussanah French, all representing Environmental Health Coalition, spoke in opposition to the staff recommendation. Humberto Tessada, representing Environmental Health Coalition, submitted a request to speak in opposition to the staff recommendation. Guadalupe Orozco spoke in opposition to the staff recommendation. Rosa Ma Angeles spoke in opposition to the staff recommendation. Angelica Velazquez spoke in opposition to the staff recommendation. Francisca Jimenez spoke in opposition to the staff recommendation. Carol Jahnkow, representing Peace Resource Center of San Diego, spoke in opposition to the staff recommendation. Jennifer Doumas submitted a request to speak in opposition to the staff recommendation. Marcia Boruta submitted a request to speak in opposition to the staff recommendation. Z. Drescher Kripke submitted a request to speak in opposition to the staff recommendation. Allen McAfee, representing Peace Resource Center, submitted a request to speak in opposition to the staff recommendation. Gordon Jacobsen submitted a request to speak in opposition to the staff recommendation. Betty Imlay submitted a request to speak in opposition to the staff recommendation. Earl Johnson, representing Exploring Paradigm Shifts, submitted a request to speak in opposition to the staff recommendation. Mario Torero, representing SD Free (nuclear) Port, spoke in opposition to the staff recommendation. Tara Hands spoke in opposition to the staff recommendation. Elmer R. Seevers spoke in opposition to the staff recommendation. Keith Fink spoke in opposition to the staff recommendation. Richard Morgal spoke in opposition to the staff recommendation. Earle Callahan spoke in opposition to the project. Grant Kimball spoke in opposition to the staff recommendation. Mario Gonzales, representing Surfrider Foundation, spoke in opposition to the staff recommendation. Derek Casady spoke in opposition to the staff recommendation. Jeff Knutson spoke in opposition to the staff recommendation. Eric Bowlby, representing S.D. Chapter Sierra Club, spoke in opposition to the staff recommendation. Margy Brookes spoke in opposition to the staff recommendation. Peter Collins spoke in opposition to the staff recommendation. Terry R. Weiner spoke in opposition to the staff recommendation. Donna Frye, representing Surfers Tired of Pollution, spoke in opposition to the staff recommendation. Richard Dittbenner spoke

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in opposition to the staff recommendation. Jim Peugh, representing San Diego Audubon Society, spoke in opposition to the staff recommendation. Julie Hamilton, representing San Diego Baykeeper, spoke in opposition to the staff recommendation. Barbara MacKenzie, representing Compassionate Gardens, spoke in opposition to the staff recommendation. Sonia Rodriguez submitted a request to speak in opposition to the staff recommendation. Nancy L. Casady spoke in opposition to the staff recommendation. Jim Bell spoke in opposition to the staff recommendation. Steven McWilliams, City Council candidate representing Shelter from the Storm Cannabic Collective, spoke in opposition to the staff recommendation. Eugene Sprofera, legislative advocate, spoke in opposition to the staff recommendation. Ginna McDonough submitted a request to speak in opposition to the staff recommendation. Elise M. Casby, representing P.E.A., spoke in opposition to the staff recommendation. Peter Moore-Kochlacs, representing Environmental Ministries, spoke in opposition to the staff recommendation. Sharon Hoffman spoke in opposition to the staff recommendation. Russell Hoffman spoke in opposition to the staff recommendation. Stephanie Kaupp spoke in opposition to the staff recommendation. Robert Macfarlane spoke about the project. Kimmel Solway asked a question. Ruth M. Heifetz spoke in opposition to the project. Doug Korthof spoke in opposition to the project. Joe Jaffe spoke about monitoring to reassure the citizens.

Motion & Vote to Disagree: Kehoe moved to disagree with the Navy's consistency determination for the proposed project on the grounds that its coastal effects are substantially different than originally proposed and as a result, the project is no longer consistent to the maximum extent practicable with the enforceable policies of the California Coastal Management Program, seconded by Dettloff, and the roll call vote was 2 in favor (Allgood & Nava) and 5 opposed. The motion failed so the project was **approved**.

c. **CD-117-99 (Corps of Engineers, Santa Barbara) Postponed.**

15. FINDINGS.

a. **CD-102-99 (National Marine Fisheries Service, San Diego Co.)** Staff recommended approval of findings.

Motion & Vote: Dettloff moved staff recommendation, seconded by Desser, and the hand vote was 3 in favor and 0 opposed. **Passed.**

b. **CD-107-99 (Corps of Engineers, Los Angeles Co.)** Staff recommended approval of findings.

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Marsha Hanscom, representing Wetlands Action Network, spoke in opposition to the project. Catherine Tyrrell, representing Playa Vista, spoke. Mark Massara, representing Sierra Club, spoke in favor of the findings.

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

SOUTH COAST DISTRICT

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

17. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved five items (19b, 19i, 19j, 20c & 20f) to the Calendar, and recommended approval with special conditions.

(19j) There being 3 votes to remove it, this item was returned to the regular calendar below.

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

18. NEW APPEALS.

a. **Appeal No. A-5-99-275 (Mayer Trust, Huntington Beach)** The applicant requested postponement.

Five speakers submitted requests to speak in favor of the project: Howard Zelefsky and Dr Ralph Bauer, both representing City of Huntington Beach; Andrew Morrison; David Winkler, representing Shipley Nature Center; and Rudy Vietmeier, representing Sierra Club. Nine speakers submitted requests to speak in opposition to the project: Jan D. Vandersloot MD, representing Bolsa Chica Land Trust; Eileen Murphy, representing Bolsa Chica Land Trust; Marcia Hanscom, representing Wetland Action Network & Sierra Club CA Wetlands Committee; Mark Massara, representing Sierra Club; Ray L. Benedicktus, representing San Clemente Citizens for Responsible Development; George Hubner; Don May, representing California Earth Corps; Lyn Harris Hicks and Douglas Korthof. John F. Scott, representing Southeast Huntington Beach Neighborhood Association, submitted a request to speak in favor of the staff recommendation.

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

b. **Appeal No. A-5-99-453 (Manhattan Beach downtown valet parking)** Staff recommended that the appeal raised substantial issue. There being no objection, Chairman Wan ruled that the Commission **found substantial issue**. Chairman Wan opened the hearing on the merits of the project, and **continued** it to a future meeting.

David Levin, representing Downtown Business and Professional Assoc., spoke in favor of the project. Carmen Abramian, Shelby Phillips and Julie Hantzarides, all representing Downtown Manhattan Beach Business & Professional Association, submitted requests to speak in favor of the project. Bill Victor spoke in opposition to the project. Bill Eisen, representing Residents for a Quality City, submitted a request to speak in opposition to the project.

Motion & Vote to Continue: Allgood moved to continue the hearing to April, seconded by Nava, and the hand vote was 7 in favor and 0 opposed. **Passed.**

c. **A-5-00-28 (Getty Trust, Los Angeles)** Staff recommended continuance. There being no objection, Chairman Wan opened the hearing and **continued** it to a future meeting.

19. COASTAL PERMIT APPLICATIONS.

a. **Application No. 5-99-281 (Mavar, Los Angeles)** Staff recommended approval with special conditions.

Mark Ryavek, representing the applicant, spoke in favor of the project. Raymond Medak, representing the applicant, submitted a request to speak in favor of the project. Doug Korthof submitted a request to speak in opposition to the project. Art Keene, representing the applicant, submitted a request to speak in favor of the project.

Motion: Desser moved staff recommendation, seconded by Kehoe.

Amending Motion & Vote: Allgood moved to prohibit bluff structures, seconded by Nava, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

Vote on Main Motion: Chairman Wan ruled that the roll call vote on the main motion, as amended above, was unanimous. **Passed.**

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b. **Application No. 5-99-302 (Bryant, San Clemente)** Moved to expanded Consent Calendar. **Approved.** _____

c. **Application No. 5-99-324 (Sayer, San Clemente)** Staff recommended approval with special conditions.

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

Sanders left before the next item.

d. **Application No. 5-99-386 (Straight, Seal Beach)** Staff recommended approval with special conditions.

Brian Straight submitted a request to speak in favor of the project. Lee Whittenberg, representing City of Seal Beach, submitted a request to speak in favor of the project.

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

e. **Application No. 5-99-401 (Check, Santa Monica)** Staff recommended approval with special condition.

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

f. **Application No. 5-99-405 (Magur, Los Angeles)** **Postponed.** _____

g. **Application No. 5-99-409 (Bagnard, Los Angeles)** Staff recommended approval with special conditions.

Bill Bagnard spoke in favor of the project.

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

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h. **Application No. 5-99-423 (Evans, Seal Beach)** Staff recommended approval with special conditions as modified orally.

Lee Whittenberg, representing the City of Seal Beach, submitted a request to speak in favor of the project.

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

i. **Application No. 5-99-452 (Newport Beach storm drains)** Moved to expanded Consent Calendar. **Approved.**

Reilly arrived for the following item.

j. **Application No. 5-99-458 (4th Street Senior Housing & Santa Monica)** Staff recommended approval with conditions as modified orally.

Tad Reed, representing the City of Santa Monica, submitted a request to speak to answer questions. Howard Katz, representing Menorah Housing Foundation, spoke in favor of the project. Dorian King spoke in opposition to the project.

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

20. PERMIT AMENDMENTS.

a. **Permit No. 5-90-311-A (Santa Monica & Pacific Faire)** Staff recommended approval with special condition as modified orally.

Samuel M. Tolkin, representing the applicant, submitted a request to speak in favor of the project. Andy Camacho, representing the applicant, submitted a request to speak in favor of the project.

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

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b. **Permit No. 5-94-265-A (Balboa Bay Club, Newport Beach)** Staff recommended approval with special conditions as modified orally.

David Neish, Dave Wooten & Doug Lee, all representing the applicant, submitted requests to speak in favor of the project.

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

c. **Permit No. 5-95-52-A2 (Long Beach RV park entrance)** Moved to expanded Consent Calendar. **Approved.**

d. **Permit No. 5-95-283-A (Long Beach beach nourishment)** Staff recommended approval with special conditions.

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

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

e. **Permit No. 5-98-156-A3 (Long Beach Queensway Bay parcel map)** Staff recommended approval with special conditions.

Robert Paternoster, representing City of Long Beach, spoke in favor of the project. Jim McCabe, representing City of Long Beach, submitted a request to speak in favor of the project. Tony Pauker, representing DDR Oliver McMillan, submitted a request to speak in favor of the project. Douglas Kortof submitted a request to speak in opposition to the project. Lester Denevan spoke in opposition to the project. Diana Mann, representing ECO-Link, spoke in opposition to the project. Don May, representing California Earth Corps, submitted a request to speak.

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

f. **Permit No. 5-97-230-A (Newport Beach pedestrian walkways)** Moved to expanded Consent Calendar. **Approved.**

SAN DIEGO COAST DISTRICT

21. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved item 23b to the Calendar, and recommended approval with special conditions.

Laura DuCharme Conboy, architect for the applicant, submitted a request to speak in favor of the project.

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

22. NEW APPEALS.

a. **Appeal No. A-6-99-115 (Lampl, Encinitas)** Staff recommended that the appeal raised substantial issue. There being no objection, Chairman Wan ruled that the Commission **found substantial issue**. Staff recommended continuance. Chairman Wan opened the hearing on the merits of the project. Staff recommended approval with special conditions described orally.

Matthew A. Peterson, representing the applicant, spoke in favor of the project. Jack Lampl spoke in favor of the project.

Report of Closed Session. In closed session the Commission discussed litigation for information only.

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

b. **Appeal No. A-6-99-140 (Outback Growers, Encinitas)** Staff recommended that the appeal raised substantial issue. There being no objection, Chairman Wan ruled that the Commission **found substantial issue**. Staff recommended continuance. Chairman Wan opened the hearing on the merits of the project and **continued** it to a future meeting.

c. **Appeal No. A-6-99-160 (Summit Resources, San Diego)** Staff recommended that the appeal raised substantial issue. There being no objection, Chairman Wan ruled that the Commission **found substantial issue**. Staff recommended continuance. Chairman Wan opened the hearing on the merits of the project and **continued** it to a future meeting.

23. COASTAL PERMIT APPLICATIONS.

a. Application No. 6-99-43 (Spiritos & Ferrero, Carlsbad) **Postponed.**

b. **Application No. 6-99-146 (Pinjuv, San Diego)** Moved to expanded Consent Calendar. **Approved.**

c. **Application No. 6-99-148 (Horseman's Valley South, San Diego Co.)** **Postponed.**

d. Application No. 6-00-3 (SDG & E, San Diego) **Postponed.**

24. PERMIT EXTENSION.

a. **Permit No. 6-92-203-E4 (Sports Shinko, Encinitas)** Staff recommended approval.

James Hirsch, representing the applicant, spoke in favor of the project. David Schug, Betty DeHoney, John Peto & Jeff Roberson, all representing the applicant, submitted requests to speak in favor of the project. James Bond, representing City of Encinitas, spoke in favor of the project. Robert MacFarlane spoke in opposition to the project. Ro Beth MacFarlane submitted a request to speak in opposition to the project. Eleanore Dornin submitted a request to speak in opposition to the project. Dorothy A. Phillips submitted a request to speak in opposition to the project.

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

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

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Wednesday, February 16, 2000 pages 14 to 19

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, February 16, 2000, at 9:05 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Dean, Desser, Dettloff, (Alternate) Allgood, (Alternate) Kruer, Nava, Neal, Reilly, Sweeney and Woolley. Absent: Daniels and Sanders. McClain-Hill arrived at 9:25 a.m..

CENTRAL COAST DISTRICT

3. **ADMINISTRATIVE PERMIT APPLICATIONS.** See items a & b on page 10 of the agenda. Staff recommended approval with conditions.

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

ENFORCEMENT

4. **Commission Cease & Desist Order No. CCC-00-CD-2 (Marine Forests Society)**
Postponed.
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CENTRAL COAST DISTRICT

6. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Grove reported on matters not requiring public hearings, and on comments from the public.
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a. **Avila Beach Status Report.** Informational only

b. **Santa Cruz Co. LCP Amendment No. 3-98 Certification Review.** Staff recommended concurrence with the Executive Director. There being no objection, Chairman Wan ruled that the Commission concurred with the Executive Director.
Approved.

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c. **Monterey Co. LCP Amendment No. 1-98 Certification Review Time Extension.** Staff recommended approval.

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

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

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

a. **San Luis Obispo Co. LCP Amendment No. 1-99 (Harbor Terrace).** Staff recommended approval with suggested modifications as modified in the addendum.

Jay Elder, representing Port San Luis Harbor District., spoke in favor of the project. Gordon Hensley, representing ECOSLO, spoke in opposition to the project. Suzy Ficker spoke.

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

Motion & Vote on Plan with Modifications: Dettloff moved approval of the Land Use Plan Amendment with suggested modifications, seconded by McClain-Hill, and the roll call vote was 2 in favor (Dettloff & McClain-Hill) and 8 opposed. **Failed.**

9. **NEW APPEALS.**

a. **Appeal No. A-3-99-19 (La Playa San Simeon Homeowners, San Luis Obispo Co.)** Postponed.

b. **Appeal No. A-3-99-82 (Tri W, Morro Bay)** Postponed.

c. **Appeal No. A-3-99-83 (Wright, San Luis Obispo Co.)** Staff recommended that the appeal raised substantial issue. There being no objection, Chairman Wan ruled that the Commission **found substantial issue**. Staff recommended continuance. Chairman Wan opened the hearing on the merits of the project and **continued** it to a future meeting.

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d. **Appeal No. A-3-99-92 (Rancho Chiquita, Monterey Co.) Postponed.**

e. **Appeal No. A-3-99-97 (Treebones Campground, Monterey Co.) Postponed.**

Neal left before the next item.

f. **Appeal No. A-3-99-99 (Dittrich, Monterey Co.)** Staff recommended that the appeal raised no substantial issue.

Loretta E. Dittrich spoke in favor of the project.

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

g. **Appeal No. A-3-99-101 (Odegard, Monterey Co.) Postponed.**

10. COASTAL PERMIT APPLICATION.

a. **Appeal No. A-3-99-56 (Hooper & Filizetti, Santa Cruz Co.) Postponed.**

PUBLIC COMMENTS. Mark Massara, representing Sierra Club, commented about potential problems resulting from the draft San Luis Obispo North Coast plan amendment.

LUNCH RECESS. The Commission recessed for lunch at 12:10 and reconvened at 2:00 p.m. after closed session. Sweeney left during the break.

REPORT of CLOSED SESSION. In closed session the Commission took action Edmundson, et al. v. CCC, et al., Peter D. Bogart v. William Daley, et al. (U.S. Dist. Ct. Oregon), Marine Forests Society et al. v. CCC, Douglas, Hansch, Kern et al., Environmental Health Coalition et al. v. CCC et al. (U.S. Navy RPI), and discussed five other matters for information only.

11. RECONSIDERATION.

a. **Application A-3-96-113-R (Vadnais, San Luis Obispo Co.)** Staff recommended denial.

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William Walter, representing the applicant, spoke in favor of the project. Vern Kalshan, representing Norm Fleming, Citizens for Fair Land Use, and representing Gene Valdem, Cambria Legal Defense Fund, spoke in opposition to the project. Suzy Ficker, representing Cambria Lel. Def Fund, Citizens for Fair Land Use, spoke in opposition to the project.

Motion & Vote: Nava moved to grant reconsideration, seconded by Potter, and the roll call vote was 0 in favor and 10 opposed. **Failed.**

NORTH COAST DISTRICT

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

a. **Status of Caltrans Armoring the Mouth of the Mad River.** Informational only.

b. **Briefing on Humboldt Co. Review of Revised Sand Pointe Development.**
Informational only.

13. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved two items (15a & c) to the Calendar, and recommended approval with special conditions.

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

14. NEW APPEALS.

a. **Appeal No. A-1-99-81 (DeMartini, Mendocino 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 as modified orally.

David C. DeMartini spoke in favor of the project. Mark Massara, representing Sierra Club, spoke.

Report of Closed Session. In closed session the Commission discussed litigation for information only.

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

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b. **Appeal No. A-1-00-1 (Bell & Aniline, Humboldt Co.)** Staff recommended continuance. There being no objection, Chairman Wan opened the hearing and **continued** it to a future meeting.

c. **Appeal No. A-1-00-2 (Ottofon, Mendocino Co.)** Staff recommended continuance. There being no objection, Chairman Wan opened the hearing and **continued** it to a future meeting.

15. COASTAL PERMIT APPLICATIONS.

a. **Application No. 1-99-19 (Younger, Humboldt Co.)** Moved to expanded Consent Calendar. **Approved.**

b. **Application No. 1-99-64 (CalTrans, Crescent City) Postponed.**

c. **Application No. 1-99-76 (CalTrans, Humboldt Co.)** Moved to expanded Consent Calendar. **Approved.**

16. PERMIT AMENDMENT.

a. **Permit No. 1-88-29-A (Galliano, Mendocino Co.)** Staff recommended approval with special conditions.

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

17. FINDINGS.

a. **Appeal No. A-1-99-6 (CalTrans, Fort Bragg)** Staff recommended approval of findings.

Motion & Vote: Potter moved staff recommendation, seconded by Dettloff, and the hand vote was 3 in favor and 0 opposed. **Passed.**

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b. **Application No. 1-98-100 (CalTrans, Fort Bragg)** Staff recommended approval of findings.

Motion & Vote: Potter moved staff recommendation, seconded by Dettloff, and the hand vote was 3 in favor and 0 opposed. **Passed.**

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

Steve Moser submitted a request to speak in favor of the project. Selby J. Fermer, representing Concerned Citizens of McKinleyville, submitted a request to speak in opposition to the project. Patricia Hassen, representing Concerned Citizens of McKinleyville, submitted a request to speak. Mark A. Massara, representing Sierra Club, submitted a request to speak in opposition to the staff recommendation on findings.

Motion & Vote: Potter moved staff recommendation, seconded by Dettloff, and the hand vote was 3 in favor and 1 opposed. **Passed.**

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

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Thursday, February 17, 2000 - pages 20 to 24

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, February 17, 2000, at 9:00 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Daniels, Dettloff, (Alternate) Allgood, (Alternate) Kruer, Nava, Reilly and Woolley. Absent: Neal, Sanders and Sweeney. McClain-Hill arrived at 9:15 a.m.. Dean and Desser arrived at 9:40 a.m..

STATEWIDE

3. **CHANNEL ISLANDS NATIONAL MARINE SANCTUARY PRESENTATION.** Informational only.

3.5 **Statewide Shoreline Erosion policy.** Steve Aceti, representing CA Coastal Coalition, submitted a request to speak in favor of the project. Informational only.

SOUTH CENTRAL COAST DISTRICT

4. **CONSENT CALENDAR.** See items a through j on pages 16-17 of the agenda. Items h & j were postponed. Staff recommended approval with special conditions.

(4b) Jeffrey Rauls submitted a request to speak to answer questions.

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

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

6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved eight items (9g, 9h, 9k, 9m, 9n, 9o, 9p & 10c) to the Calendar, and recommended approval with special conditions.

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(9m) Steve Potter, representing the applicant, submitted a request to speak in favor of the project. (9n) Jeff Bouse & Brian Hooper, both representing Los Angeles County Dept. Public Works, submitted requests to speak to answer questions.

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

7. LOCAL COASTAL PROGRAM (LCP).

a. **Santa Barbara Co. LCP Amendment 1-99. Postponed.**

8. NEW APPEAL.

a. **Appeal No. A-4-99-280 (Weisel, Ventura Co.) Withdrawn.**

9. COASTAL PERMIT APPLICATIONS.

a. **Application No. 4-97-243 (Higgins, Malibu)** Staff recommended approval with special conditions as modified orally.

Don Schmitz, representing the applicant, spoke in favor of the project. Paula Yankopoulos spoke in opposition to the project.

Report of Closed Session. In closed session the Commission discussed litigation for information only.

Motion: Reilly moved staff recommendation, seconded McClain-Hill.

Amending Motion & Vote: Nava moved to require a drainage system and delete paving of the road, seconded by Allgood, and the roll call vote was 10 in favor and 0 opposed. **Passed.**

Vote on Main Motion: The roll call vote on the main motion, as amended above, was 10 in favor and 0 opposed. **Passed.**

b. **Application No. 4-98-304 (Thorne, Malibu)** Staff recommended approval with special conditions as modified in the addendum.

Al Thorne submitted a request to speak in favor of the project. Alan Block, representing the applicant, submitted a request to speak in favor of the project.

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

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c. **Application No. 4-98-313 (Goodwin, Los Angeles Co.)** Staff recommended approval with special conditions as modified orally.

Larry Goodwin spoke in favor of the project. Karl Fink, representing Hillside Mesa Association, spoke in opposition to the project. Barry Leneman spoke in opposition to the project.

Motion & Vote: Kruer moved staff recommendation, seconded by Dettloff, and the roll call vote was 8 in favor and 1 opposed (Wan). **Passed.**

d. **Application No. 4-99-112 (Malibu Encinal Homeowners Association & Wilson, Malibu)** **Withdrawn.**

e. **Appeal No. A-4-99-119 (Clemens & Loeks, Carpinteria)** Staff recommended denial.

Fred Gaines, representing the applicants, spoke in favor of the project. Chris Clemens spoke in favor of the project. Lannie Loeks submitted a request to speak in favor of the project. Jana Zimmer spoke in opposition to the project. Vincent Mezzio spoke in opposition to the project. Gerald Velasco spoke in opposition to the project. Mary M. Clark spoke in opposition to the project.

Motion & Vote: Potter moved approval of the project with 2 conditions (assumption of risk & no future shoreline device), seconded by Reilly, and the roll call vote was 11 in favor and 0 opposed. **Passed.**

f. **Application No. 4-99-150 (Kickerillo, Malibu)** Staff recommended approval with special conditions.

Mike Barsocchini, representing the applicants, spoke in favor of the project. Marny Randall submitted a request to speak.

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

g. **Application No. 4-99-153 (Ioki Partners, Malibu)** Moved to expanded Consent Calendar. **Approved.**

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h. **Application No. 4-99-155 (Ioki Partners, Malibu)** Moved to expanded Consent Calendar. **Approved.**

i. **Application No. 4-99-162 (Danza, Malibu)** **Postponed.**

j. **Application No. 4-99-216 (Cohen, Malibu)** Staff recommended approval with special conditions as modified orally.

Alan Block, representing the applicant, spoke in favor of the staff recommendation. John Reed, representing the applicant, submitted a request to speak in favor of the project.

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

k. **Application No. 4-99-222 (EM Properties, Malibu)** Moved to expanded Consent Calendar. **Approved.**

l. **Application No. 4-99-232 (Ysordia, Malibu)** **Postponed.**

m. **Application No. 4-99-233 (Greene, Malibu)** Moved to expanded Consent Calendar. **Approved.**

n. **Application No. 4-99-245 (L.A. Co.)** Moved to expanded Consent Calendar. **Approved.**

o. **Application No. 4-99-248 (Big Wednesday Trust, Malibu)** Moved to expanded Consent Calendar. **Approved.**

p. **Application No. 4-99-263 (Groisman, Malibu)** Moved to expanded Consent Calendar. **Approved.**

q. **Application 4-99-279 (Harbor Restaurant, Santa Barbara)** **Postponed.**

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10. PERMIT AMENDMENTS.

a. **Permit No. 4-97-33-A (Sweet, Malibu)** Staff recommended approval with special conditions.

Susan McCabe, representing the applicants, spoke in favor of the project. Jaime & Al Sweet spoke in favor of the project.

Motion & Vote to Continue: McClain-Hill moved to continue the hearing, seconded by Potter, and the roll call vote was 8 in favor and 3 opposed (Allgood, Reilly & Wan). **Passed.**

b. **Permit No. 4-99-67-A (Vista Point, Los Angeles Co.)** Staff recommended approval.

Ferrydoon Marshall spoke in favor of the project. David McGiffert spoke concerning the project.

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

c. **Permit No. 4-97-40-A. (Santa Barbara Co., Surf fence)** Moved to expanded Consent Calendar. **Approved.**

11. FINDINGS.

a. **Pepperdine LRDP Amendment No. 1-99.** Staff recommended approval of findings as modified orally.

Lucinda Starrett, representing Pepperdine University, submitted a request to speak in favor of the staff recommendation.

Motion & Vote: Kruer moved staff recommendation, seconded by McClain-Hill, and the hand vote was 5 in favor and 0 opposed. **Passed.**

RECESS. The Commission recessed for the day at 2:35 p.m..

DRAFT

Friday, February 18, 2000 - pages 25 to 28

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Friday, February 18, 2000, at 9:00 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Daniels, Desser, Dettloff, (Alternate) Allgood, Kehoe, Nava, Reilly and Woolley. Absent: Dean, McClain-Hill, Neal, Sanders and Sweeney.

2.5 Subcommittee briefing on submission of **late materials**. Informational only.

2.7 **late submittal of materials** affecting items on the Commission's agenda. Staff proposed changes to hearing notices and page 2 of the agenda.

Norbert Dall spoke about encouraging public participation and past Commission practices. Stephanie Dall submitted a request to speak. Reilly suggested changes.

Motion & Vote: Daniels moved to adopt changes to the public hearing notice and the agenda information sheet as stated in the staff report plus changes to the heading and advising the public to summarize the reasons in Hearing Notices suggested by Reilly, seconded by Woolley, and Chairman Wan ruled that the roll call vote was unanimous. **Passed.**

NORTH CENTRAL COAST DISTRICT

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

4. **NEW APPEAL.**

a. **Appeal No. A-2-99-63 (Coastside County Water Dist., San Mateo Co.)** Staff recommended that the appeal raised substantial issue. There being no objection, Chairman Wan ruled that the Commission **found substantial issue.**

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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.

6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved two items (8c & d) to the Calendar, and recommended approval with special conditions.

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

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

a. **Imperial Beach LCP Amendment No. 1-99 (Ocean Blvd. Improvements).** Staff recommended approval with suggested modifications as modified orally.

Melanie Kush, representing the City, spoke in favor of the staff recommendation.

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

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

8. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 6-99-85 (House, San Diego Co.)** Staff recommended approval with special conditions as modified in the addendum.

Motion & Vote: There being no speakers, Kehoe 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. 6-99-145 (Demaree, et al., San Diego)** Staff recommended approval with special condition as modified orally.

Al Lesage urged additional safety measures. Terri Williams, representing the City, responded to a question from Kehoe.

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

c. **Application No. 6-99-149 (Hilgers, San Diego Co.)** Moved to expanded Consent Calendar. **Approved.**

d. **Application No. 6-99-150 (Romero, Chula Vista)** Moved to expanded Consent Calendar. **Approved.**

e. **Application No. 6-99-158 (Santa Fe Christian Schools, Solana Beach)** Staff recommended approval with special conditions as modified in the addendum.

Randy Peterson, representing the applicant, spoke in favor of the project. Norbert Dall responded to a question from Nava regarding the regulations which set permit fees.

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

Motion & Vote on Fee: Kehoe moved direct the Executive Director to re-examine the fee for this application, seconded by Dettloff, and the roll call vote was 4 in favor (Dettloff, Kehoe, Potter & Reilly) and 6 opposed. **Failed.**

f. **Application No. 6-99-159 (San Dieguito High School Dist., Solana Beach)** Staff recommended approval with special conditions.

Steve Ma, representing the applicant, submitted a request to speak in favor of the project. Neil Cole, representing the City, submitted a request to speak in favor of the project.

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

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9. FINDINGS.

a. **Permit No. 6-99-54 (Rhett, Del Mar)** Staff recommended approval of findings.

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

PUBLIC COMMENTS. Mike Brown spoke about solutions to erosion.

ADJOURNMENT. There being no old or new business, the meeting adjourned at 10:55 a.m..

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

pmg