

CALIFORNIA COASTAL COMMISSION

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W3a**RECORD PACKET COPY**

TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: MINUTES OF MEETING OF SEPTEMBER 9-13, 2002
Westin Hotel-LAX
5400 West Century Blvd.
Los Angeles

Monday, September 9, 2002 pages 1 to 8

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Monday, September 9, 2002, at 10:00 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Dettloff, Krueger, (Alternate) Orr, Neal, Peters, (Alternate) Rose and Sweeney. Absent: Desser, Sanders and Woolley. Dean arrived at 10:25 a.m. McClain-Hill arrived at 10:50 a.m. Hart arrived at 11:10 a.m. (Alternate) Susskind arrived during the lunch break.

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

a. **Application No. 6-02-75 (Solana Beach & Zigman)** Staff recommended approval with special condition.

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 3 of the Meeting Notice. Staff recommended approval with special conditions.

(4b) Doug Korthof submitted a request to speak in opposition to the project.

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

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

a. **Imperial Beach LCP Amendment No. 1-00 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.

6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved four items (9f, 9g, 10a & 10b) to the Calendar, and recommended approval with special conditions.

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

Dean, McClain-Hill & Hart arrived during the following item.

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

a. **Imperial Beach LCP Amendment No. 1-02 A & B (Short-Term Rentals & Secondhand Merchandise)** Staff recommended approval.

Diane Rose, Mayor – City of Imperial Beach, submitted a request to speak in favor of the staff recommendation. Greg Wade, representing City of Imperial Beach, submitted a request to speak in favor of the staff recommendation. Fred Perry submitted a request to speak in favor of the staff recommendation. Ten speakers submitted requests to speak in opposition to the staff recommendation: Mark Brecht; John Carr; Fred Cook, representing Visit IB; Norbert Dall, representing Visit IB; Gerald Farrelly; John J. Haupt III, representing vacation rental owners; Alex Jones Jr.; Sally O'Neill; Ron Rogers – Councilman Imperial Beach; and Richard Schaumburg.

Motion & Vote to Reject Implementation Part A: McClain-Hill moved to reject the implementation amendment regarding short term rentals as submitted, seconded by Krueer, and the roll call vote was 8 in favor and 1 opposed (Wan). **Passed.**

Motion & Vote to Reject Implementation Part B: McClain-Hill moved to reject the remainder of the implementation amendment as submitted, seconded by Kruer, and Chairman Wan ruled that the vote was unanimous in opposition to the motion. The motion failed so the amendment was **approved**.

8. **NEW APPEALS.**

a. **Appeal No. A-6-02-58 (San Diego pump station replacement) Postponed.**

b. **Appeal No. A-6-02-105 (Kindred, San Diego)** 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.

c. **Appeal No. A-6-02-121 (CH Oceanside, Oceanside)** Staff recommended continuance. There being no objection, Chairman Wan opened the hearing and **continued** it to a future meeting.

d. **Appeal No. A-6-02-124 (Gilman, Oceanside)** Staff recommended continuance. There being no objection, Chairman Wan opened the hearing and **continued** it to a future meeting.

9. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 6-01-129 (Seaworld, San Diego)** Staff recommended approval with special conditions.

Seven speakers submitted requests to speak in favor of the project: Tom Goff & Pat Owen, both representing SeaWorld; Dr. Ann Bowles, representing Hubbs Research Institute; Erik Bruvold, representing San Diego EDC; Bill Evans, representing Mission Bay lessees; Michael McDowell, representing San Diego Lodging Industry Assoc.; and Mitch Mitchell, representing San Diego Regional Chamber. Donna Frye, representing S.D. City Councilmember, District 6, submitted a request to speak in opposition to the project. Marco Gonzalez, representing Surfrider Foundation, submitted a request to speak in opposition to the project. Doug Korthof submitted a request to speak in opposition to the project.

Motion & Vote: Kruer moved staff recommendation, seconded by Peters, and the roll call vote was 6 in favor, 2 opposed (Orr & Rose) and 1 abstention (Wan). **Passed**.

PUBLIC STATEMENT: Doug Korthof spoke about threats to Native American archaeological resources.

LUNCH RECESS. The Commission recessed for lunch at 12:30 and returned at 2:00 p.m. Susskind arrived during the break. Potter returned from the break at 2:20 p.m.

b. **Application No. 6-01-170 (San Diego lifeguard station replacement)** Staff recommended approval with special conditions as modified in addendum.

Peter Bryan, representing City Council District 2, submitted a request to speak in favor of the project. Ken Hewitt, representing City of San Diego - Lifeguard Services, submitted a request to speak in favor of the project. Lt. John R. Greenhalgh, representing San Diego Lifeguard Service, submitted a request to speak in favor of the project. Gary Orsa, representing City of San Diego, submitted a request to speak in favor of the project. Alex Garcia, representing City of San Diego, submitted a request to speak in favor of the project. Marco Gonzalez, representing Surfrider Foundation, submitted a request to speak in favor of the project.

Motion & Vote: Peters moved staff recommendation, seconded by Kruer.

Amending Motion & Vote: Peters moved to move the seawall no more than 8 feet from the building, seconded by Kruer, and the roll call vote was 7 in favor and 1 opposed (Wan). **Passed.**

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

c. **Application No. 6-02-8 (Charlie's, Encinitas)** Staff recommended approval with special conditions as modified in addendum.

Marco Gonzalez, representing Surfrider Foundation, submitted a request to speak in opposition to the project.

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

d. **Application No. 6-02-20 (22nd Dist. Ag. Assn., San Diego)** Staff recommended approval with special conditions.

Trish Butler, representing the applicant, submitted a request to speak in favor of the project. Don Beaumont, representing Del Mar Volleyball Center, submitted a request to speak in favor of the project. Doug Korthof submitted a request to speak in opposition to the project.

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

e. **Application No. 6-02-22 (Parks & Rec., Encinitas)** **Postponed.**

f. **Application No. 6-02-80 (NCTD, San Diego Co.)** Moved to expanded Consent Calendar. **Approved.**

g. **Application No. 6-02-101 (Solana Beach Market, Solana Beach)** Moved to expanded Consent Calendar. **Approved.**

10. **PERMIT AMENDMENTS.**

a. **Permit No. 6-90-219-A9 (CDFG lagoon dredging)** Moved to expanded Consent Calendar. **Approved.**

b. **Permit No. 6-01-29-A (San Diego, Ocean Front Walk)** Moved to expanded Consent Calendar. **Approved.**

ENFORCEMENT

11. **ENFORCEMENT REPORT.** Chief of Enforcement Haage reported on Statewide Enforcement Program.

12. STIPULATED **COMMISSION CEASE & DESIST ORDER No. CCC-02-CD-1 (Bruce, Encinitas)** Staff recommended approval.

Bob Trettin, representing the applicants, submitted a request to speak in favor of the staff recommendation.

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

STATEWIDE

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

14. FEDERAL CONSISTENCY.

McClain-Hill left during the following item.

a. **CC-28-02 (San Diego, secondary treatment waiver)** Staff recommended approval.

Seven speakers submitted requests to speak in favor of the staff recommendation: Tom Story, representing City of San Diego – Mayor's ofc.; Alexis Strauss, representing U S E P A; Jay Goldby, representing San Diego Metro Wastewater Commission; Patti Krebs, representing Industrial Env. Assoc.; Erik Bruvold, representing San Diego EDC; Dale Glantz, representing ISP Alginates.; and Mitch Mitchell, representing San Diego Regional Chamber of Commerce. Five speakers submitted requests to speak in opposition to the staff recommendation: Donna Frye, representing SD City Councilmember, District 6; Doug Korthof; Bruce Monroe, representing Sierra Club T.F.; Larry Porter, representing OOG; and Joey Racano, representing Huntington Beach/O.O.G. Marco Gonzalez, representing Surfrider Foundation, submitted a request to speak in opposition to the project.

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

Dettloff & Sweeney left during the following item.

b. **CC-29-02 (North County Transit District, Oceanside)** Staff recommended approval.

Daniel Park & Bruce Smith, both representing North San Diego County Transit District, submitted requests to speak in favor of the staff recommendation. Song Ramboldt submitted a request to speak in opposition to the staff recommendation.

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

SOUTH COAST DISTRICT

15. NEW APPEALS.

a. **Appeal No. A-5-02-257 (Manhattan Beach, Metlox)** 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.

b. **Appeal No. A-5-02-265 (Haspert, Laguna Beach)** **Postponed.**

c. **Appeal No. A-5-02-275 (Villa Lido, Los Angeles)** 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.

d. **Appeal No. A-5-02-276 (Leeds, Los Angeles)** Staff recommended continuance. There being no objection, Chairman Wan opened the hearing and **continued** it to a future meeting.

e. **Appeal No. A-5-02-282 (Swepston, Los Angeles)** Staff recommended continuance. There being no objection, Chairman Wan opened the hearing and **continued** it to a future meeting.

f. **Appeal No. A-5-02-285 (Laguna Shoals, Laguna Beach)** Staff recommended continuance. There being no objection, Chairman Wan opened the hearing and **continued** it to a future meeting.

g. **Appeal No. A-5-02-236 (Villa Lido, Los Angeles)** 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.

16. RECONSIDERATION.

Hart left during the following item.

a. **Application No. 5-02-113-R (1719 Ocean, Santa Monica)** Staff recommended denial.

Sherman L. Stacey, representing the applicant, submitted a request to speak in favor of the project.

Motion & Vote: Orr moved to grant reconsideration, seconded by Potter, and Chairman Wan ruled that the vote was unanimous in opposition to the motion. **Failed.**

RECESS. The Commission recessed for the day at 5:05 p.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Tuesday, September 10, 2002, at 9:00 a.m. by Chairman Wan.
 2. **ROLL CALL.** Present: Chairman Wan, Commissioners Dean, Dettloff, Hart, Kruer, (Alternate) Orr, (Alternate) Ruddock and (Alternate) Rose. Absent: Desser, Peters, Sanders, Sweeney and Woolley. Burke arrived at 9:05 a.m. Neal arrived at 9:30 a.m. McClain-Hill arrived at 9:40 a.m.
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SOUTH COAST DISTRICT

3. **ADMINISTRATIVE PERMIT APPLICATIONS.** See items a through e on page 8 of the Meeting Notice. Staff recommended approval with special conditions.

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

4. **CONSENT CALENDAR.** See items a through k on pages 8 & 9 of the meeting Notice. Item h did not require a permit. Staff recommended approval with special conditions.

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

SOUTH CENTRAL COAST DISTRICT

5. **CONSENT CALENDAR.** See items a through h on page 10 of the Meeting Notice. Items e, f & g were postponed. Staff recommended approval with special conditions on the remaining items.

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

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 four items (9e, h, i & j) to the Calendar, and recommended approval with special conditions.

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

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

a. **Dana Point LCP Amendment No. DPT-MAJ-2-02 Time Extension.** Staff recommended approval.

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

9. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 5-01-450 (Caltrans District 7, Los Angeles Co.) Postponed.**

b. **Application No. 5-01-459 (Marblehead, San Clemente) Postponed.**

c. **Application No. 5-01-483 (Dickinson, San Clemente)** Staff recommended approval with special conditions as modified orally.

Bill Dickinson submitted a request to speak in favor of the project.

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

d. **Application No. 5-02-134 (Redondo Beach, Catalina Ave.)** Staff recommended approval with special conditions.

Lou Garcia, representing City of Redondo Beach, submitted a request to speak in favor of the project.

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

e. **Application No. 5-02-135 (Balboa Bay Club, Newport Beach)** Moved to expanded Consent Calendar. **Approved.**

f. **Application No. 5-02-153 (Goldstein, Los Angeles)** **Postponed.**

Neal arrived during the following item.

g. **Application No. 5-02-168 (Contant, Los Angeles)** Staff recommended approval with special conditions.

Toby Watson submitted a request to speak in favor of the project. Darryl DuFay, representing Venice Canals Association, submitted a request to speak.

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

h. **Application No. 5-02-193 (MacKenzie, Los Angeles)** Moved to expanded Consent Calendar. **Approved.**

i. **Application No. 5-02-278 (MacKenzie, Los Angeles)** Moved to expanded Consent Calendar. **Approved.**

j. **Application No. 5-02-217 (Three Arch Bay CSD, Laguna Beach)** Moved to expanded Consent Calendar. **Approved.**

9.5 **REVOCATION of Permit No. 5-01-29 (Newport Beach, Balboa redevelopment)**
Withdrawn.

SOUTH CENTRAL COAST DISTRICT

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

McClain-Hill arrived during the following item.

a. **Fee Wavier** for Application No. 4-02-148 (Rudich-Rosenthal, Los Angeles Co.) Staff recommended denial.

Jay Rosenthal submitted a request to speak in favor of the project. Sheila Rosenthal submitted a request to speak in favor of the project.

Motion & Vote: Ruddock moved to waive the fee, seconded by Rose, and Chairman Wan ruled that the vote was unanimous in opposition to the motion. **Failed.**

11. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved items 14d & h to the Calendar, and recommended approval with special conditions.

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

12. **UCSB Notice of Impending Development No. 4-02 (Parking Lot 38).** Staff recommended approval with special conditions.

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

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

a. **Santa Barbara LCP Amendment No. 1-02 (Airport) Time Extension.** Staff recommended approval.

John Ledbetter, representing City of Santa Barbara, submitted a request to speak.

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

13.5 NEW APPEAL.

a. **Appeal No. A-4-02-201 (Shozi, Ventura Co.)** 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.

14. COASTAL PERMIT APPLICATIONS.

a. **Application No. 4-00-43 (Weiss, Malibu) Postponed.**

b. **Application No. 4-00-148 (Rein & La Fe, Los Angeles Co.)** Staff recommended approval with conditions.

Robert Rein submitted a request to speak in favor of the project. Tony Eldridge submitted a request to speak in favor of the project. Jim Eserts submitted a request to speak in favor of the project.

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

c. **Application No. 4-01-160 (Chadwick, Malibu)** Staff recommended approval with special conditions.

Lester Tobias submitted a request to speak in favor of the project. Hall Ross submitted a request to speak in opposition to the project.

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

d. **Application No. 4-02-11 (Fletcher, Malibu)** Moved to expanded Consent Calendar. **Approved.**

e. **Application No. 4-02-18 (Sirrah, Malibu) Postponed.**

f. **Application No. 4-02-128 (Santa Barbara Co., Goleta Beach winter dike)** Postponed.

g. **Application No. 4-02-144 (L.A. Co. Public Works, Malibu)** Staff recommended approval with special conditions.

Jeff Bouse, representing Los Angeles County Dept. of Public Works, submitted a request to speak in favor of the project.

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

h. **Application No. 4-00-191 (Daly, Los Angeles Co.)** Moved to expanded Consent Calendar. **Approved.**

PUBLIC STATEMENT. John Borta, representing City of Morro Bay, supported a smaller power plant at Morro Bay to protect views of Morro Rock, and opposed dry cooling.

RECESS. The Commission recessed for the day at 10:20 p.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, September 11, 2002, at 9:05 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Burke, Dean, Dettloff, (Alternate) Durazo, (Alternate) Orr, Reilly and Woolley. Absent: Desser, Peters and Sanders. Hart & Neal arrived at 9:15 a.m. McClain-Hill arrived at 9:35 a.m. Sweeney arrived at 10:10 a.m.

NORTH COAST DISTRICT

2.5 ADMINISTRATIVE PERMIT APPLICATION.

a. **Application No. 1-02-41 (Arcata bridges)** Staff recommended approval with special conditions.

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

3. CONSENT CALENDAR.

a. **Application No. 1-01-42 (Noyo Harbor Dist., Mendocino Co.)** Staff recommended approval with special conditions.

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

STATEWIDE

4. **APPROVAL OF MINUTES.** Potter moved approval of the minutes of August 2002, seconded by Woolley, and unanimously **approved.**
5. **COMMISSIONERS' REPORTS.** None.
6. **CONSERVANCY REPORT.** Informational only.

7. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
8. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational only.

Hart, Neal & McClain-Hill arrived during the following item.

9. **EXECUTIVE DIRECTOR'S REPORT.**

- a. **Legislation.** Informational only.
- b. **Public Education Grant Program.** Staff recommended approval.

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

- c. **Interagency Agreements.** Staff recommended approval.

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

- d. **Federal Evaluation.** Informational only.
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CENTRAL COAST DISTRICT

10. **DEPUTY DIRECTOR'S REPORT.** Acting Deputy Director Lester reported on matters not requiring public hearings, and on comments from the public. William Almas, representing Unocal, gave a presentation.

11. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved items 13g & i to the Calendar, and recommended approval with special conditions.

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

11.5 LOCAL COASTAL PROGRAM (LCP).

a. **Monterey MCR-MAJ-1-01 Time Extension for Acceptance of Modifications.**
Staff recommended approval.

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

12. NEW APPEALS.

a. **Appeal No. A-3-02-63 (King, Pismo Beach)** 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.

b. **Appeal No. A-3-02-64 (King, Pismo Beach)** 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.

c. **Appeal No. A-3-02-65 (King, Pismo Beach)** 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.

d. **Appeal No. A-3-02-66 (Thille, 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**. Chairman Wan opened the hearing on the merits of the project **and continued** it to a future meeting.

13. COASTAL PERMIT APPLICATIONS.

a. **Appeal No. A-3-99-92 (Rancho Chiquita, Monterey Co.)** Staff recommended approval with special conditions as modified in the addendum.

Paul Davis, Stephen Dyer, and Theodore Richter, all representing the applicant, submitted requests to speak in favor of the project. Mark Massara, representing Sierra Club, submitted a request to speak in opposition to the project.

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

b. Application No. 3-01-102 (Values Pacific, Monterey Co.) Withdrawn.

Sweeney arrived during the following item.

c. Application No. 3-01-111 (Pelican Point Homeowners, Santa Cruz Co.) The applicant requested postponement.

David Neish, representing the applicant, submitted a request to speak in favor of the project. Greg Helms, representing the Ocean Conservancy, submitted a request to speak in opposition to the project. Mark Massara, representing Sierra Club, submitted a request to speak in opposition to the project.

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

d. Application No. 3-02-8 (Kamm, Carmel) Staff recommended denial.

Enid Sales, representing Carmel Preservation Fd., submitted a request to speak in favor of the staff recommendation.

Motion & Vote: Reilly moved approval of the application, seconded by Orr, and Chairman Wan ruled that the vote was unanimous in opposition to the motion. **Failed.**

e. Application No. 3-02-14 (Horner, Carmel) Staff recommended denial.

Motion & Vote: Reilly moved approval of the application, seconded by Orr, and Chairman Wan ruled that the vote was unanimous in opposition to the motion. **Failed.**

f. Application No. 3-02-19 (Calamia, Carmel) Postponed.

g. Application No. 3-02-31 (Smith & Miller, Monterey) Moved to expanded Consent Calendar. **Approved.**

h. **Application No. 3-02-47 (Monterey Harbor maintenance)** Staff recommended approval with special conditions as modified in addendum.

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

i. **Application No. 3-02-52 (Union Pacific Railroad, Monterey Co.)** Moved to expanded Consent Calendar. **Approved.**

ENERGY, OCEAN RESOURCES and WATER QUALITY

14. **ENERGY, OCEAN RESOURCES and WATER QUALITY REPORT.** None.

a. **Briefing on El Segundo Power Plant Upgrade.** **Postponed.**

15. **COASTAL PERMIT APPLICATION.**

a. **Application No. E-02-11 (Unocal, Santa Barbara Co.)** **Postponed.**

NORTH CENTRAL COAST DISTRICT

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

17. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved item 20c to the Calendar, and recommended approval with special conditions.

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

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

a. **Pacifica LCP Amendment No. 2-MAJ-02 (Extension of Growth Control).** Staff recommended approval.

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

19. **NEW APPEAL.**

a. **Appeal No. A-2-02-19 (Mickelson, San Mateo Co.) Invalid.**

20. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 2-02-1 (Metz, Cebe, Sherbon, Bowman, Carcione, Marin Co.) Postponed.**

b. **Application No. 2-02-10 (Whitt, Marin Co.) Postponed.**

c. **Application No. 2-02-15 (Ferreira, Sonoma Co.) Moved to expanded Consent Calendar. Approved.**

NORTH COAST DISTRICT

21. **DEPUTY DIRECTOR'S REPORT.** District Manager Merrill reported on matters not requiring public hearings, and on comments from the public.

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

23. **NEW APPEAL.**

a. **Appeal No. A-1-02-18 (Affinito, Fort Bragg)** 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.

24. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 1-02-7 (Eureka, Humboldt Co.)** Staff recommended approval with special conditions as modified in the addendum.

Kurt Gierlich & Lisa Shikany, both representing City of Eureka, submitted requests to speak in favor of the project.

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

b. **Appeal No. A-1-02-14 (Spies, Mendocino Co.)** Staff recommended approval with special conditions as modified orally.

Robert Spies submitted a request to speak in favor of the project.

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

c. **Application No. 1-02-26 (Westbrook & Wetherell, Del Norte Co.)** **Postponed.**

d. **Application No. 1-02-31 (Alexandre, Del Norte Co.)** Staff recommended approval with special conditions.

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

e. **Application No. 1-02-37 (Crockett & Tidewater Contractors, Del Norte Co.)** Staff recommended denial.

Motion & Vote: Orr moved approval of the application, seconded by Woolley, and Chairman Wan ruled that the vote was unanimous in opposition to the motion. **Failed.**

PUBLIC STATEMENTS. Steven J. Elie, representing City of Morro Bay, opposed dry cooling for the Morro Bay power plant, and said Duke proposed once-through cooling.

LUNCH RECESS. The Commission recessed for lunch at 11:40 and returned at 2:40 p.m. after closed session. Dean arrived during the break.

REPORT of CLOSED SESSION. In closed session the Commission took action on The Matter of Surface Transportation Board Order dated 8/19/02, Hinman, et al. v. CCC, et al., Wetlands Action Network, et al. v CCC (S.F.Sup. Ct. Case No.500524), Tri-W Enterprises, Inc. v. CCC, Butterfield v. CCC, et al., and Ailanto Properties, Inc. v. CCC, et al., and discussed three other matters for information only.

RECESS. The Commission recessed for the day at 2:45 p.m.

Draft

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, September 12, 2002, at 9:05 a.m. by Chairman Wan.

2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Burke, Desser, Dettloff, Hart, Kruer, McClain-Hill, Nava, Nichols, Peters, Reilly and Woolley. Absent: Dean and Sanders. Neal arrived at 3:10 p.m.

PUBLIC STATEMENTS. Mark Massara spoke about the best septic treatment in future development. Joey Racano said he hoped the Commission would protect water quality in Orange County, and mentioned Little Shell.

LUNCH RECESS. The Commission recessed for lunch at 12:35 and returned at 1:50 p.m. During the continued Malibu LCP item, Durazo replaced Kruer at 4:40 p.m.

SOUTH CENTRAL COAST DISTRICT

3. LOCAL COASTAL PROGRAM (LCP).

a. Malibu Local Coastal Program. Staff recommended approval.

Thirty five speakers submitted requests to speak in favor of the staff recommendation: Dave Brown; Stan Bluhm, representing Coastwalk; Bob Carmichael; Susan Cloke-Po, Vice Chair State of CA-L.A. Regional Water Quality Control Bd.; Charlie Cooke, representing Wishoyo-Chumash; Rosi Dagit; Sarah Dixon; Joseph T. Edmiston, representing Santa Monica Mountains Conservancy; Efrom Fader, representing Malibu Township Council; Steve Fleischli, representing Santa Monica Baykeeper; Max Gail, representing LAP; Mike Gardner; Joe Geever, representing Surfrider Foundation; Mark Gold, representing Heal the Bay; Suzanne Goode, representing Calif. Dept. of Parks and Recreation; Don Henley; Ted Hillmer, representing U.S. National Park Service; Steve Hoye, representing Access for All; Peter Ireland, representing Nature Trust of the Santa Monica Mnts.; Corin Kahn, representing TLC-Taxpayers for Livable Communities; Mitchell Lachman; Robert Lichtenstein; Arthur London; Travis Longcore, Ph.D., representing Urban Wildlands Group; Mark Massara, representing Sierra Club; Robert S. Morris; Klaus Radtke; Jo Ruggles; Gilbert Segel, representing M.C.L.C.; Ozzie Silna; Mike Spear, representing Resources Agency; Tony Taibi; Steve Uhring, representing Malibu Coastal Land Conser.; Mati Waiya, representing Chumash Peoples; and John Wall.

Seventeen speakers submitted requests to speak: Edward Albert; Thomas Ashley, representing Crummer Trust; Sarah Dixon; Jack Evans, representing Malibu Little League; Robert Garcia, representing Center for Law in the Public Interest; Marcia Hanscom, representing Wetlands Action Network; Patt Healy, representing Malibu Coalition for Slow Growth; Kari Kramer, representing Malibu Bay Company; Elizabeth Pine; Joan Plummer; David Reznick, representing Malibu Bay Company; Louise Rishoff, representing Assemblymember Fran Pavley; Laura Shell, representing Supervisor Zev Yaroslavsky; Mariann Smith; C.J. Snyder; John Todd, representing Los Angeles County Fire Dept.; and Robert Roy van de Hoek.

One hundred forty speakers submitted requests to speak in opposition to the staff recommendation: Bob Grant; Regina Honsley; Joseph Chesler, representing Los Angeles County Dept. Beaches & Harbors; Stephanie Drechmann, representing Schmitz & Associates; Don Schmitz, representing Schmitz & Associates; Ruth Gerson, representing Recreation & Equestrian Coalition; Alice E. Goldstein; Patricia Moore-Joshi; Rodolphe Streichenberger, representing Marine Forests Society; Norman R. Haynie; Leslie Moss; Maggie Archuleta; Dixie Moore; Marty Burton; Nessa Perman; J. Mace Stanley; Ann A. Lagasse; Valerie Schwarz; Margaret Giuliani; Dagmar Zilvuskas; John Mazza, representing Pt. Dume Community Assn.; Anne Hoffman, representing Recreation & Land Use Preservation; Leslie Schwarz, representing RECLUPF; Judy Newman, representing RECLUPF; Hal Ross; Rosemary Inde; Red Star, representing Chumash Resident of Malibu; Georgianna McBurney, representing Vista Pacifica Townhomes Assoc.; Jo Fogg; Rod Bergen, representing Malibu Trancas Riders & Ropers; Victoria Siemons; Heidi Stompe; Lisa Shafer; Ted Vaill; Louis LaMonte, representing Big Rock Mesa Property Owners Assoc.; Ed Azarian; Dona Vaill; Alan Armstrong; Bruce Malinowski, representing Schmitz & Associates; Robert Martinez, representing Schmitz & Associates; Richard Walker, representing Schmitz & Associates; Teresa Ruffoni, representing Schmitz & Associates; Steve Montoya, representing Schmitz & Associates; Joanne Winkenhower, representing City of Malibu; Dean Brown, representing Sprint PCS; Josephine Powe; Jan Bowman; Peta Goldsmith; Bob Hart; Frank Angel, representing Sierra Club/Friends of Los Flores Creek; Thomas Rainey, representing Schmitz & Associates; Charles Santos, representing Schmitz & Associates; Kathryn Leitner, representing Schmitz & Associates; Wilfried Eckhardt; Gisela Eckhardt; Ruth White, representing Ramirez Canyon Preservation Fund; Annette Baumgartner, representing Ramirez Canyon Homeowners Assoc.; Lotte Cherin, representing Ramirez Canyon Pres. Fund; Ann Fulton; Gary Bardovi, representing Monte Nido Valley Community Association; Huntly Knipe; Yehuda Netanel; Stephanie Abronson; Susan Demers; Jan Kiblinger; Victor Martinez, representing J&P Limited; Marissa Coughlan; Kathleen Burr, representing Los Angeles Cty Farm Bureau; Eric Fishburn; Ian Fishburn; Dave Cowardin, representing L.A. Co. Dept. of Regional Planning; E. Barry Haldeman, representing Californians for Local Coastal Planning; Carol Randall; Lea Anderson; Jerry Anderson; William Armstrong; Margaret Bernstein, representing Las Tunas Beach; Ani Dermenjian; Ronald Coleman, representing Ramirez Canyon; Thom Panunzio, representing Ramirez Cyn; Mindy Sheps Panunzio, representing Ramirez Canyon; Cathryn Sacks, representing Ramirez Canyon; Rick Appel, representing Ramirez

Canyon; Bill Clark, representing Ramirez Canyon; Peggy Ann Buckley; Anthony Shafer; Marlene Matlow, representing Friends of Malibu Urgent Care; Ed Khmara; Brian Boudreau; Ray Slayton, representing RECLUPF; Mike Lewis, representing RECLUPF; Tony Giordano; Kim Collen Ross; Stanley Lamport, representing Recreation & Land Use Preservation Foundation; Grant Gerson; Mike Zacha, representing RECLUPF; Susan Randall Knipe; Kristen Bradford; Allan Bobrow; Charles Weedman; Jeff Harris; Jill Riordan Harris; Sherri Crumpler; Antoinette Berget; Charmaine Glennon; Dennis Seider; Charly Anderson, representing Malibu Trails Assoc.; Steve Weiss, representing California for Local Coastal Planning; Wade Major; Jutta Major; Ilse Erpel; Herbert Erpel; Carolyn Sindell; Don Wallace; Jeanne Wallace; Bob Purvey; John Sibert; Blanca Parra-Sibert; Anna Hutchinson; Mary Ayerst; Griff Snyder; David Ashwell; Marsha Fullmer; Harold L. Greene, representing Native American Cultural Resources Committee; Kay Furgurson; Ellen Francisco; Sharon Pevsner; Elliott White; Kristine Morris White; Gina Merz-McCloskey; Paul Grisanti; Martha Galisky, representing Malibu Garden Club; Carol Bird; Amy Fishburn; Becky Kern; Tim McGrath, representing Rolling Oaks Homeowners Assoc.; Cormac O'Herlihy; Natalie Soloway, representing Californians for Local Coastal Planning; Paul Spiegel; and Dr. C. Bryan Gabbard.

Trailed for completion on Friday September 13th.

b. **Malibu Draft Post-LCP Jurisdiction Map.** Trailed until Friday September 13th. On Friday, the City of Malibu requested a number of changes in the map. Staff modified its recommendation to incorporate some but not all of the City proposed changes.

Eleven speakers submitted requests to speak in opposition to the staff recommendation: Mary Ayerst; Peggy Ann Buckley; Norbert Dall; Jeff Harris; Norm Haynie; Tim McGrath, representing Rolling Oaks Homeowners Assoc.; Thomas Rainey; Carol Randall; Don Schmitz; Dona Vaill; and Ted Vaill. Stephanie Dall submitted a request to speak.

Motion: Hart moved staff recommendation, seconded by Reilly.

Amending Motion: Hart moved that the maps be modified per the City. The motion **failed** for lack of a second.

Vote on Main Motion: Chairman Wan ruled that the vote on the main motion was unanimous. **Passed.**

RECESS. The Commission recessed for the day at 8:10 p.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Friday, September 13, 2002, at 9:00 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Desser, Dettloff, Hart, Kruer, Nava, Neal, Nichols, Peters, Reilly and Woolley. Absent: Dean and Sanders. McClain-Hill arrived at 9:35 a.m., and Burke arrived at 10:50 a.m. although he had been listening to the meeting via telephone.

SOUTH CENTRAL COAST DISTRICT

3. LOCAL COASTAL PROGRAM (LCP).

a. **Malibu LCP Continued.** Staff recommended approval as modified in addendums and orally.

Motion & Vote on Land Use Plan: Reilly moved staff recommendation on the Land Use Plan, seconded by Dettloff.

Amending Motion & Vote: Reilly moved to allow non-irrigated agricultural uses in fuel modification zone "C", seconded by McClain-Hill, and the roll call vote was 6 in favor (Hart, Kruer, McClain-Hill, Peters, Potter & Reilly) and 6 opposed (Burke, Desser, Dettloff, Nava, Woolley & Wan). **Failed.**

Amending Motion & Vote: Kruer moved to provide for a variance deleting graded slopes from 10,000 sq.ft. lot coverage, seconded by McClain-Hill, and Chairman Wan ruled that the vote was unanimous. **Passed.**

Amending Motion: McClain-Hill moved to delete the Environmental Review Board or replace it with other qualified professionals, seconded by Hart, and later **withdrawn.**

Amending Motion & Vote: Kruer moved to end the restriction on grading in the rainy season on March 1, seconded by Burke, and Chairman Wan ruled that the vote was unanimous. **Passed.**

Amending Motion & Vote: Kruer moved to delete visitor-serving projects and projects covered by development agreements from the moratorium in the Civic Center, seconded by Burke, and the roll call vote was 10 in favor and 2 opposed (Desser & Nava). **Passed.**

Amending Motion & Vote: Kruer moved to adopt the ESHA map of areas of consensus with the City, seconded by McClain-Hill, and the

roll call vote was 5 in favor (Hart, Kruer, McClain-Hill, Peters & Potter) and 6 opposed (Desser, Dettloff, Nava, Reilly, Woolley & Wan).

Failed.

Amending Motion & Vote: Potter moved to delete certain areas in Pt. Dume from the ESHA map, seconded by Reilly, and the roll call vote was 6 in favor (Hart, Kruer, Peters, Potter, Reilly & Woolley) and 4 opposed (Desser, Dettloff, Nava & Wan). **Passed.**

Vote on Main Motion: The roll call vote, on the main motion, as amended above, was 10 in favor and 1 opposed (McClain-Hill). **Passed.**

Motion & Vote on Implementation: Reilly moved to adopt the LCP implementation as amended above, seconded by Potter, and Chairman Wan substituted the previous roll call vote (10-1). **Passed.**

ADJOURNMENT. There being no old or new business, the meeting adjourned at 4:20 p.m. in memory of David Sawyer.

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

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