

CALIFORNIA COASTAL COMMISSION

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W5**RECORD PACKET COPY**

TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: MINUTES OF MEETING OF NOVEMBER 5-8, 2002
Double Tree Club Hotel
1515 Hotel Circle South
San Diego

Tuesday, November 5, 2002 pages 1 to 10

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Tuesday, November 5, 2002, at 10:05 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Commissioners Burke, Dettloff, Hart, Krue, (Alternate) Orr, Neal, Peters and (Alternate) Ruddock. Absent: Dean, McClain-Hill, Reilly, Sanders and Woolley. Desser arrived at 3:55 p.m. Sweeney arrived at 5:25 p.m.

SOUTH CENTRAL COAST DISTRICT

3. **CONSENT CALENDAR.** See items a & b on page 3 of the Meeting Notice. Staff recommended approval with special conditions.

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

SOUTH COAST DISTRICT

4. **ADMINISTRATIVE PERMIT APPLICATIONS.** See items a & b on page 3 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.

5. **CONSENT CALENDAR.** See items a through g on pages 3-4 of the Meeting Notice. Staff recommended approval with special conditions.

(f) Ernest Velarde, representing the applicant, submitted a request to speak in favor of the project.

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

SOUTH CENTRAL COAST DISTRICT

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

a. **San Buenaventura LCP Amendment No. 1-02 (Minor).** Staff recommended concurrence with the Executive Director's determination. There being no objection Chairman Wan ruled that the Commission concurred with the Executive Director. **Approved.**

7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved seven items (10d, f, h, i, j, k & l) to the Calendar, and recommended approval with special conditions.

(10d) Bruce Royer submitted a request to speak. (10h & i) Jaime Harnish, representing both applicants, submitted requests to speak in favor of the projects.

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

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

a. **Santa Barbara Co. LCP Amendment No. MAJ-3-02 (Toro Canyon Plan) Time Extension.** Staff recommended approval.

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

b. **Santa Barbara LCP Amendment No. 1-02 (Airfield Safety, Aviation Plan).** Staff recommended approval with suggested modifications.

John Ledbetter, representing City of Santa Barbara, submitted a request to speak in favor of the staff recommendation. Cynthia Brock, representing City of Goleta, submitted a request to speak in opposition to the staff recommendation. Mark Massara, representing Sierra Club/SB Channel Keeper, submitted a request to speak in opposition to the project. The vote was trailed to Wednesday morning.

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

c. **UCSB LRDP Amendment No. 2-02 (Recreation Center Expansion).** Staff recommended approval with suggested modifications.

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

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

9. **UCSB Notice of Impending Development No. 2-02 (Recreation Center Expansion).** Postponed.

10. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 4-00-43 (Weiss, Malibu)** Staff recommended approval with special conditions.

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

b. **Application No. 4-00-246 (Flannery, Malibu) Postponed.**

c. **Application No. 4-01-65 (Farmer, Malibu)** Staff recommended approval with special conditions.

Don Schmitz, representing the applicant, submitted a request to speak in favor of the project.

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

d. **Application No. 4-01-114 (Royer, Los Angeles Co.)** Moved to expanded Consent Calendar. **Approved.**

e. **Application No. 4-01-183 (Kemper, Malibu)** Staff recommended approval with special conditions.

Alfred Kemper submitted a request to speak in favor of the project. Jerry Maybrook submitted a request to speak in opposition to the project.

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

f. **Application No. 4-01-216 (Perretti, Los Angeles Co.)** Moved to expanded Consent Calendar. **Approved.**

g. **Application No. 4-02-80 (Sisson, Malibu)** Staff recommended approval with special conditions.

Gabriel Baron and George Shakiban, both representing the applicants, submitted requests 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. 4-02-94 (Weithorn, Malibu)** Moved to expanded Consent Calendar. **Approved.**

i. **Application No. 4-02-118 (Johnson, Malibu)** Moved to expanded Consent Calendar. **Approved.**

j. **Application No. 4-02-124 (Shakiban, Malibu)** Moved to expanded Consent Calendar. **Approved.**

k. **Application No. 4-02-176 (Santa Barbara Co. Flood Control)** Moved to expanded Consent Calendar. **Approved.**

l. **Application No. 4-02-179 (Concord, Malibu)** Moved to expanded Consent Calendar. **Approved.**

PUBLIC STATEMENTS: James Sokalski, representing MDR News, said Marina del Rey boaters were concerned about a past Commission decision to eliminate small boat slips. Carla Andrus spoke about lack of notice to and participation by small boat slip holders. William Victor said he had lost his boat at the Panay marina, and spoke about events at Hermosa Beach & Manhattan Beach. Doug Korthof spoke about an alleged violation at the Gum Grove Park area of the Hellmann Ranch development.

LUNCH RECESS. The Commission recessed for lunch at 12:35 a.m. and returned at 2:15 p.m.

11. **RECONSIDERATION.**

a. **Permit No. 5-88-56-AR (Rubinroit, Los Angeles Co.)** Staff recommended denial.

Howard Rubinroit submitted a request to speak in favor of the project. Don Schmitz representing the applicants submitted a request to speak in favor of the project.

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

SOUTH COAST DISTRICT

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

13. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved items 16a & b to the Calendar, and recommended approval with special conditions.

Mark Sandoval, representing City of Long Beach, submitted a request to speak in favor of the staff recommendation. Sylvia Kretzu, representing The Pacific Home Owners, submitted a request to speak in opposition to the project.

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

14. NEW APPEALS.

a. **Appeal No. A-5-02-276 (Leeds, 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.

b. **Appeal No. A-5-RPV-02-324 (Destination Development, Rancho Palos Verdes)** 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.

15. COASTAL PERMIT APPLICATIONS.

a. **Application No. 5-01-229 (Johnson, Newport Beach)** **Withdrawn.**

Desser arrived during the following item.

b. **Application No. 5-01-263 (Los Angeles Co Venice beaches refurbishment)** Staff recommended approval with special conditions as modified orally.

Joseph Chesler, representing L.A. Co. Dept. Beaches & Harbor, submitted a request to speak in favor of the staff recommendation. Joel Alvarez, representing City of Los Angeles, Recreation & Parks, submitted a request to speak in favor of the staff

recommendation. Chris Bing, representing City of Los Angeles, Councilwoman Cindy Miscikowsky, submitted a request to speak in favor of the project. Five speakers submitted requests to speak in opposition to the project: Charlie Daniels, Lisa Daniels & Ed Fredericks, all representing Ocean Front Walk Association; Thomas Garvin, representing Marina Peninsula Homeowners; and Arlene Peck.

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

c. **Application No. 5-01-267 (Villa Lido, Los Angeles)** Staff recommended approval with special conditions.

Wil Nieves, Michael Cunningham and Don Graumann or Elaine McElmura, all representing the applicant, submitted requests to speak in favor of the project.

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

d. **Application No. 5-01-268 (Villa Lido, Los Angeles)** Staff recommended approval with special conditions.

The hearing was combined with items c, e & f.

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

e. **Appeal No. A-5-02-236 (Villa Lido, Los Angeles)** Staff recommended approval with special conditions.

The hearing was combined with items c, d & f.

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

f. **Appeal No. A-5-02-275 (Villa Lido, Los Angeles)** Staff recommended approval with special conditions.

The hearing was combined with items c, d & e.

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

REPORT of CLOSED SESSION. In closed session the Commission discussed one litigation matter for information only.

g. **Appeal No. A-5-02-257 (Manhattan Beach, Mellox)** Staff recommended approval with special conditions.

Neil Miller, representing City of Manhattan Beach, submitted a request to speak. Fifteen speakers submitted requests to speak in favor of the project: Francine Tolkin Cooper, representing Tolkin Group; Herbert Cooper, representing Tolkin Group; Michael Dieden, representing the applicant; Geoff Dolan, representing City of Manhattan Beach; Walt Dougher, representing City of Manhattan Beach; Homeira Goldstein; Laurie Jester, representing City of Manhattan Beach; Gerry O'Connor; Clara F. Ouwerkerk; Simon E. Ouwerkerk; George Rhyner, representing the applicant; Richard Thompson, representing City of Manhattan Beach; Jonathan Tolkin; Elizabeth Watson, representing Greenberg Glusker, et al.; and Edward Zolla. Seven speakers submitted requests to speak in opposition to the project: Joseph S. Dzida, representing Sullivan, Workman & Dee LLP; Keil Maberry, representing Linscott, Law & Greenspan Engineers; David Arias; Esther Besbris; Bill Eisen, representing Residents for a Quality City; Jacquelyne May; and William Victor. Robert Caldwell, Pres. Manhattan Beach Residents Ass'n., submitted a request to speak in opposition to the staff recommendation.

Motion & Vote: Dettloff moved staff recommendation, seconded by Burke, and the roll call vote was 8 in favor, 0 opposed and 1 abstention (Peters). **Passed.**

Sweeney arrived before the following item,

h. **Application No. 5-02-314 (2000 Main Street, Santa Monica)** Staff recommended approval with special conditions.

Christopher M. Harding, attorney for Calstar Equities, Inc., submitted a request to speak in favor of the project.

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

16. **PERMIT AMENDMENTS.**

a. **Permit No. 5-00-50-A (Long Beach parking permits)** Moved to expanded Consent Calendar. **Approved.**

b. **Permit No. A-5-00-434-A (Long Beach parking permits)** Moved to expanded Consent Calendar. **Approved.**

c. **Permit No. 5-91-141-A4 (Seaview Restaurants & Los Angeles Co., Los Angeles)** Postponed.

17. FINDINGS.

a. **Appeal No. A-5-02-57 (Bruggeman, Dana Pt)** Staff recommended approval of findings.

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

b. **Appeal No. A-5-02-100 (Bruggeman, Dana Pt)** Staff recommended approval of findings.

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

18. **REVOCATION of Permit No. R2-A-5-LGB-00-78 (Five Star Resort, Laguna Beach)** Staff recommended denial.

Martin A. Flannes, representing Corrigan-requesting party, submitted a request to speak in opposition to the project. Brian T. Corrigan, representing Corrigan & Morris LLP, submitted a request to speak in opposition to the project. Lorretta Corrigan submitted a request to speak in opposition to the project. Eugene R. Atherton, MD, submitted a request to speak in opposition to the project. Kenneth Frank, representing City of Laguna Beach, submitted a request to speak in favor of the staff recommendation. Robert Philibosian, representing Athens Group, submitted a request to speak in favor of the staff recommendation.

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

19. **REVOCATION of Permit No. R2-A-5- 00-79 (Five Star Resort, Laguna Beach)** Staff recommended denial.

The hearing was combined with item 18 above.

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

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

Draft

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, November 6, 2002, at 9:00 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Burke, Dean, Desser, Dettloff, Hart, Kruer, McClain-Hill, Nava, Neal, Reilly, Sweeney and Woolley. Absent: Sanders. Peters arrived at 9:10 a.m.

STATEWIDE

2.5 ELECTION of CHAIRPERSON, VICE-CHAIRPERSON and REPRESENTATIVE to SANTA MONICA MOUNTAINS CONSERVANCY.

Motion & Vote to Continue: Potter moved to continue the item, seconded by Hart, and the roll call vote was 7 in favor (Burke, Hart, Kruer, McClain-Hill, Peters, Potter & Woolley) and 5 opposed (Desser, Dettloff, Nava, Reilly & Wan). **Passed.**

3. **APPROVAL OF MINUTES.** Potter moved approval of the minutes of September & October 2002, seconded by Peters & Dettloff, and unanimously **approved.**
4. **COMMISSIONERS' REPORTS.** Informational only.
5. **CONSERVANCY REPORT.** A written report was distributed for information only.
6. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.**
 - a. **California Coastal Trail.** Informational only.
7. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational only.
8. **EXECUTIVE DIRECTOR'S REPORT.** Informational only.
9. **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.

10. FEDERAL CONSISTENCY.

- a. **CD-71-02 (Corps of Engineers, San Diego)** Staff recommended objection.

Bob Verkade, representing U.S. Army Corps of Engineers, submitted a request to speak in favor of the staff recommendation.

Motion & Vote: Krueger moved approval of the project as modified, seconded by Potter, and the roll call vote was 10 in favor, 0 opposed and 1 abstention (Nava). **Passed.**

ENERGY, OCEAN RESOURCES and WATER QUALITY

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

- a. **El Segundo Power Plant Status.** Staff recommended findings on the proposed project's adverse effects on marine resources.

William E. Claycomb, representing Save Our Bay, Inc., submitted a request to speak in opposition to the project. James W. Reede, Jr., representing California Energy Comm., submitted a request to speak.

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

- b. **Coastal Conservancy Enhancement Plan Approval.** **Postponed.**
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12. COASTAL PERMIT APPLICATIONS.

- a. **Application No. E-02-11 (Unocal, Santa Barbara Co.)** Staff recommended approval with special conditions.

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

PUBLIC STATEMENTS. Nohelia Ramos, representing Environmental health Coalition, submitted a request to speak. Jim Neri, representing Friends of Windansea, submitted a request to speak regarding headwall replacement at Westbourne St. outflow, Windansea Beach, La Jolla.

13. **EXECUTIVE DIRECTOR EVALUATION.** Trained until Thursday. On Thursday, the Commission discussed the item in closed session.

RECESS. The Commission recessed for the day at 10:55 p.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, November 7, 2002, at 9:00 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Commissioners Burke, Dettloff, Hart, Kruer, Nava, Reilly and Woolley. Absent: Desser, McClain-Hill, Sanders and Sweeney. Peters arrived at 9:05 a.m. Neal arrived at 9:10 a.m. Dean arrived at 9:15 a.m. Potter arrived at 10:35 a.m.

NORTH CENTRAL COAST DISTRICT

3. **CONSENT CALENDAR**

a. **Application No. 2-02-12 (Pacifica municipal pier repair)** Staff recommended approval with special conditions.

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

SAN DIEGO COAST DISTRICT

4. **CONSENT CALENDAR.** See items a & b on page 12 of the Meeting Notice. Staff recommended approval with special conditions.

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

4.5 **SEA TURTLE BRIEFING.** Informational only.

CENTRAL COAST DISTRICT

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

a. **Santa Cruz Co. LCP Amendment No. SCO-MIN-1-02 (Part 5) (Minimum Density Review Process).** Staff recommended concurrence with the Executive Director's determination. There being no objection, Chairman Wan ruled that the Commission concurred with the Executive Director. **Approved.**

b. **Santa Cruz Co. LCP Amendment No. SCO-MIN-1-02 (Part 4) (Reasonable Accommodations).** Staff recommended concurrence with the Executive Director's determination. There being no objection, Chairman Wan ruled that the Commission concurred with the Executive Director. **Approved.**

c. **Santa Cruz LCP Amendment No. STC-MAJ-1-01 B (Beach and South of Laurel Area Plan) 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.**

d. **San Luis Obispo Co. LCP Amendment No. SLO-MAJ-2-01 (Cambria Elementary School) Certification Review.** Staff recommended concurrence with Executive Director's determination. There being no objection, Chairman Wan ruled that the Commission concurred with the Executive Director. **Approved.**

e. **San Luis Obispo Co. LCP Amendment No. SLO-MAJ-3-01 (Los Osos Wastewater Site) 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 item 8d to the Calendar, and recommended approval with special conditions.

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

7. NEW APPEALS.

a. **Appeal No. A-3-02-68 (Cayucos Sanitary Dist., San Luis Obispo Co.)**
Postponed.

Burke left during the following item.

b. **Appeal No. A-3-02-73 (Hudzinski, San Luis Obispo Co.)** Staff recommended that the appeal raised substantial issue. There being 3 objections, Chairman Wan opened the hearing on substantial issue.

Fran Hudzinski 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 Woolley, and the roll call vote was 4 in favor (Dettloff, Hart, Kruer & Reilly) and 4 opposed (Nava, Peters, Kruer & Wan). **Failed.**

c. **Appeal No. A-3-02-74 (Pelle, 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.

d. **Appeal No. A-3-02-76 (Pinheiro, Pismo Beach)** Staff recommended that the appeal raised no substantial issue.

Steve Puglisi, representing the applicant, submitted a request to speak in favor of the staff recommendation.

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

e. **Appeal No. A-3-02-80 (California Design, Pismo Beach)** **Postponed.**

f. **Appeal No. A-3-02-83 (Kleissner, Monterey Co.)** **Postponed.**

8. COASTAL PERMIT APPLICATIONS.

a. **Application No. 3-01-111 (Pelican Point Homeowners, Santa Cruz Co.)** The applicant **withdrew** the application.

David Neish representing the applicant, submitted a request to speak in favor of the staff recommendation.

Motion & Vote to Waive Fee: Kruer moved to waive the fee for reapplication, seconded by Dettloff, and Chairman Wan ruled that the vote was unanimous. **Passed.**

b. **Application No. 3-01-113 (Cayucos Sanitary Dist., San Luis Obispo Co.)**
Postponed.

c. **Application No. 3-02-19 (Calamia, Carmel)** Staff recommended denial.

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

d. **Application No. 3-02-67 (Parks & Recreation, Morro Bay)** Moved to expanded Consent Calendar. **Approved.**

NORTH CENTRAL COAST DISTRICT

9. **DEPUTY DIRECTOR'S REPORT.** None.

NORTH COAST DISTRICT

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

a. **Gualala and Albion River Water Export.** **Postponed.**

11. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved item 12a to the Calendar, and recommended approval with special conditions.

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

11.5 NEW APPEALS.

a. **Appeal No. A-1-02-148 (Auguste, Mendocino Co.)** Staff recommended continuance. There being no objection, Chairman Wan opened the hearing and **continued** it to a future meeting.

b. **Appeal No. A-1-02-149 (Woodhead & Hickman, Mendocino Co.)** Staff recommended continuance. There being no objection, Chairman Wan opened the hearing and **continued** it to a future meeting.

12. COASTAL PERMIT APPLICATION.

a. **Application No. 1-02-35 (E. G. Ayers, Humboldt Co.)** Moved to expanded Consent Calendar. **Approved.**

13. FINDINGS.

a. **Application No. 1-02-7 (Eureka water pipe)** Staff recommended approval of findings.

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

SAN DIEGO COAST DISTRICT

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

a. **Carlsbad LCP Amendment No. 1-2002B, C & D 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.**

15. LOCAL COASTAL PROGRAMS (LCPs).

a. **Imperial Beach LCP Amendment No. 2-02 (Telecommunications Facilities).** Staff recommended approval with suggested modifications.

James Nakagawa, representing City of Imperial Beach, submitted a request to speak in favor of the staff recommendation.

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

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

b. **Coronado LCP Amendment No. 1-02 Time Extension.** Staff recommended approval.

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

c. **San Diego LCP Amendment No. 4-01 (Tierra Alta).** The City requested continuance.

Virginia Weiss, representing Tierra Mesa HOA, submitted a request to speak in favor of the staff recommendation. Melissa J. Reiman, representing Tierra Mesa Homeowners, submitted a request to speak in opposition to the staff recommendation. Bob Manis, representing City of San Diego, submitted a request to speak in favor of continuance.

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

Potter arrived during the following item.

d. **Encinitas LCP Amendment No. 1-02 (Recreational Trails Master Plan)** Staff recommended approval with suggested modifications.

Gary Barberio, representing City of Encinitas, submitted a request to speak in opposition to the project. Michael Larsen, representing M & M Development, submitted a request to speak in opposition to the staff recommendation. Kathleen Porterfield, representing ECDS & M&M, submitted a request to speak in opposition to the staff recommendation.

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

Motion on Plan with Modifications: Peters moved approval of the Land Use Plan Amendment with suggested modifications, seconded by Kruer.

Amending Motion & Vote: Peters moved to allow flexibility in the trail location, seconded by Kruer, and Chairman Wan ruled that the 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.**

e. **Encinitas LCP Amendment No. 2-02 (Adult Businesses).** Staff recommended approval.

Gary Barberio, representing City of Encinitas, submitted a request to speak in favor of the project.

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

f. **Encinitas Draft Post-LCP Jurisdiction Map. Postponed.**

16. FINDINGS.

a. **Imperial Beach LCP Amendment No. 1-02A (Short-Term Residential Rentals).** Staff recommended approval of findings.

Eight speakers submitted requests to speak in opposition to the staff recommendation: Diane Rose, Mayor-Imperial Beach; Patricia McCoy, representing City of Imperial Beach; Michael Carey; Jacqueline T. Shields, representing Concerned Citizens of Imperial Beach; Norbert Dall, representing Visit IB; Stephanie Dall; Gerry Farrelley; and Jonathan Farrelly. Alex Jones and John J. Haupt submitted requests to speak in favor of the project. Five speakers submitted requests to speak in opposition to the project: Janet Hasemayer, Clyde Hasemeyer, Dee McLean, Fred McLean, and Travis Brazil.

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

PUBLIC STATEMENTS. Doug Korthof spoke about the impacts on archaeological resources of Hellman Ranch construction, and alleged violations.

REPORT of CLOSED SESSION. In closed session the Commission took action on Ailanto Properties, Inc. v. CCC, et al.; Sokalski v CCC, et al. (Marina Two Holding, RPI); and State ex. rel. CCC v. Howell & McNeil Devt. LLC, et al.; and discussed three other matters for information only.

RECESS. The Commission recessed for the day at 1:20 p.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Friday, November 8, 2002, at 9:00 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Commissioners Desser, Dettloff, Hart, Kruer, McClain-Hill, Nava, Reilly and Woolley. Absent: Burke, Dean, Neal, Sanders and Sweeney. Potter arrived at 9:05 a.m., and Peters arrived at 9:10 a.m.

ENFORCEMENT

- 2.5 **ENFORCEMENT REPORT.** Informational only.

SAN DIEGO COAST DISTRICT

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

(5c) Leslie Burns & Craig Yamasaki, both representing the applicant, submitted requests to speak in favor of the project.

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

4. **NEW APPEALS.**

a. **Appeal No. A-6-02-6 (Sudek, Oceanside)** 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. Staff recommended approval with special conditions.

Richard Sudek, the applicant, submitted a request to speak in favor of the project. Werner von Gundell, representing the applicant, submitted a request to speak in favor of the project.

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

b. **Appeal No. A-6-02-58 (San Diego pump station replacement)** 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. Staff recommended approval with special conditions as modified in the addendum.

Wendy Gamba, representing City of San Diego, submitted a request to speak in favor of the project. Joanne Pearson, representing San Diego Sierra Club, submitted a request to speak in favor of the project. Trent Wagenseller, representing Bird Rock Community Council, submitted a request to speak in favor of the project.

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

c. **Appeal No. A-6-02-68 (Cunningham, San Diego)** **Postponed.**

d. **Appeal No. A-6-02-121 (CH Oceanside, Oceanside)** 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.

Nancy Craig submitted a request to speak in opposition to the project. Louis Taschner, attorney, submitted a request to speak in opposition to the project. Terry Kilpatrick, representing Mira Mar & Logan Boggs, submitted a request to speak in opposition to the project.

5. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 6-01-130 (SeaWorld, San Diego)** Staff recommended approval with special conditions.

Patrick Owen, representing the applicant, submitted a request to speak in favor of the project.

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

Desser left during the following item.

b. **Appeal No. A-6-02-63 (Loews, Port of San Diego)** Staff recommended approval with special conditions as modified in addendum and orally.

Forty two speakers submitted requests to speak in favor of the project: Elizabeth G. Ahogue, representing Coronado Visitor Center; Carlos Artigas; Diana Barr, representing the applicant; Alice Baumstark, representing the applicant; Ricahd L. Beh, representing Coronado Cays Homeowners Assn.; Enrique Bernal; Doris Besikof; Kate Buska, representing the applicant; Liza Butler; Bill Chopyk, representing Port of San Diego; Joe Cochran, representing the applicant; Kathleen Cochran, representing the applicant; David Cohn – chairman San Diego Convention & Visitors Bureau; Tim Cusick; Teri Fichera, representing the applicant; Ana Garcia, representing the applicant; Angel Garcia; Toni Gaylord; San Giametta, representing San Diego Convention & Visitors Bureau; Erin Gunder, representing Coronado Chamber of Commerce; Sara Harper, representing Loews Hotels; Bernice Hunt; Ken Irvine, president-California Restaurant Association-S.D. Chapter; Kurt Johnson, representing the applicant; Erwin H. Kliger, MD; Peter Litrenta; Frank McCully, representing S.D. Con-Vis Bureau/Creative Business Services; Jerry McDonald, representing Coronado Cays General Manager; Phil Monroe; Joan L. Ochreiter; Debbie Quince, representing the applicant; Malcolm Reback, representing the applicant; Sherwood Ritchie, representing Coronado Cays; Maggie Rounlinn; Gregorio Segurd; Allan Shaw, representing National Multiple Sclerosis Society; Theodore & Marion Sholl; Carolyn Spector; Ira Spector; Misael Tagle; Charles Thurman, representing Electrical Manufacturing & Coil Winding Association; and David Watson. Paul Maddison, representing the applicant, submitted a request to speak in favor of the staff recommendation. Alicia Sharpe 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.**

c. **Application No. 6-02-81 (BP West, Carlsbad)** Moved to expanded Consent Calendar. **Approved.**

d. **Application No. 6-02-118 (SDG&E, Del Mar)** Moved to expanded Consent Calendar. **Approved.**

e. **Application No. 6-02-135 (San Diego Lopez Canyon sewer cleaning)** The applicant requested continuance.

Marco Gallegos and Larry Wasserman, both representing the City of San Diego, submitted requests to speak in favor of the project.

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

ADJOURNMENT. There being no old or new business, the meeting adjourned at 10:50 a.m.

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

pmg