

CALIFORNIA COASTAL COMMISSION

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**RECORD PACKET COPY****W5**

TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: MINUTES OF MEETING OF FEBRUARY 5-8, 2002
Hyatt Regency Islandia
1441 Quivera Road
San Diego

Tuesday, February 5, 2002 pages 1 to 6

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Tuesday, February 5, 2002, at 10:00 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Commissioners Dean, Dettloff, Estolano, Hart, Kruer, McCoy, Nava, (Alternate) Hardy and (Alternate) Rose. Absent: Desser, McClain-Hill, Sanders, Sweeney and Woolley. Neal arrived at 11:05 a.m.

SOUTH CENTRAL COAST DISTRICT**3. ADMINISTRATIVE PERMIT APPLICATION.**

a. **Application No. 4-01-181 (Pahler, Ventura)** Staff recommended approval with special conditions.

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

4. **CONSENT CALENDAR.**

a. **Application No. 4-01-118 (Conrad, Los Angeles Co.)** Staff recommended approval with special conditions.

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

b. **Application No. 4-01-145 (Hessami, Malibu)** There being more than 3 votes to remove it, this item was set for hearing at a future meeting.

ENERGY, OCEAN RESOURCES and WATER QUALITY

5. **JOINT COASTAL COMMISSION HEARING & STATE WATER RESOURCES CONTROL BOARD WORKSHOP.** Informational only.

a. **Resolution** regarding 30th anniversary of Clean Water Act. **Withdrawn.**

6. **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.

7. **SONGS Status.** Informational only. Julie Hamilton, representing Sandy Lane Homeowners Assoc., submitted a request to speak in opposition to the project. Doug Allred submitted a request to speak in opposition to the project.

a. **SONGS Mitigation Program.** Staff recommended concurrence with correction to Fish Behavioral Barriers Report. There being technical questions Chairman Wan **continued** the item to a future meeting.

SOUTH CENTRAL COAST DISTRICT

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

9. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved six items (11b, d, f, i, j & k) to the Calendar, and recommended approval with special conditions.

(f) Jennifer C. Hung & Brian Lerman, both representing the applicant, submitted requests to speak in favor of the project. (l & j) Marny Randall, representing both applicants, submitted a request to speak in favor of the projects. (k) Don Rudkin, the applicant, submitted a request to speak in favor of the project. Wayne Moore, representing the applicant, submitted a request to speak in favor of the project.

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

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

a. **Santa Barbara Co. Revised Post-LCP Jurisdiction Map No. 123 (Dos Pueblos Canyon quadrangle).** Staff recommended approval.

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

b. Oxnard LCP Amendment No. MAJ-1-00 (North Shore at Mandalay Bay Annexation) Staff recommended approval with suggested modifications.

Marilyn Miller, representing City of Oxnard, submitted a request to speak in favor of the project. Dr. Manuel Lopez, Mayor of Oxnard, submitted a request to speak in favor of the project. Steve Kaufmann, representing North Shore @ Mandalay, submitted a request to speak in favor of the project. Dr. Tom Holden, Councilman representing City of Oxnard, submitted a request to speak in favor of the project. Ted Carter, representing Supervisor John Flynn of Ventura County, submitted a request to speak in favor of the project. Mark Zirbel, representing Sand Hills Ranch, submitted a request to speak in favor of the project. James E. Ross, representing Engineering Support, submitted a request to speak in favor of the project. Allan Sanders, representing Sierra Club, submitted a request to speak in favor of the project. John Buse, representing Environmental Defense Center for Cal. Native Plant Society, submitted a request to speak in opposition to the project. David L. Magney, representing California Native Plant Society, submitted a request to speak in opposition to the project. Mark Massara, representing Sierra Club Coastal Program, submitted a request to speak in opposition to the project. Marcia Hanscom, representing Wetlands Action Network, submitted a request to speak in opposition to the project. Robert Roy van de Hoek, biologist, submitted a request to speak in opposition to the project.

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

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

11. COASTAL PERMIT APPLICATIONS.

a. Application No. 4-99-267 (Rosenthal, Los Angeles Co.) Postponed.

b. Application No. 4-01-204 (Cariker, Malibu) Moved to expanded Consent Calendar. Approved.

c. Application No. 4-00-266 (Caltrans, Malibu) Staff recommended approval with special conditions as modified in addendum.

Stephanie Reeder, representing Caltrans, submitted a request to speak in favor of the project.

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

d. **Application No. 4-01-55 (Kling, Malibu)** Moved to expanded Consent Calendar. **Approved.**

e. **Application No. 4-01-75 (Parks & Rec., Los Angeles Co.)** **Postponed.**

f. **Application No. 4-01-124 (Hung, Malibu)** Moved to expanded Consent Calendar. **Approved.**

g. **Application No. 4-01-143 (Ventura Port District, Ventura & Oxnard)** **Postponed.**

h. **Application No. 4-01-144 (Liberman, Malibu)** Staff recommended approval with special conditions.

Donald W. Schmitz II, representing the applicant, submitted a request to speak in favor of the project.

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

i. **Application No. 4-01-147 (Hennesy, Malibu)** Moved to expanded Consent Calendar. **Approved.**

j. **Application No. 4-01-163 (Stewart, Malibu)** Moved to expanded Consent Calendar. **Approved.**

k. **Application No. 4-01-174 (Rudkin, Malibu)** Moved to expanded Consent Calendar. **Approved.**

12. PERMIT AMENDMENTS.

a. **Permit No. 5-90-327-A4 (Diva Partners, Malibu)** Staff recommended approval with special conditions.

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

b. **Permit No. 4-97-44-A (Ohanian, Malibu)** **Postponed.**

c. **Permit No. 4-98-168-A2 (Shears, Malibu)** Staff recommended approval with special conditions.

Alan Block, representing the applicant, submitted a request to speak in favor of the project. Marcia Hanscom, representing Sierra Club, submitted a request to speak.

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

d. **Permit No. 4-98-169-A (Shears, Malibu)** Staff recommended approval with special conditions.

The hearing was combined with item c above.

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

13. FINDINGS.

a. **Application No. 4-01-34 (BASE 22, Malibu)** Staff recommended approval of findings as modified in addendum.

Marny Randall, representing the applicant, submitted a request to speak in favor of the project.

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

b. **Application No. 4-01-41 (BASE 22, Malibu)** Staff recommended approval of findings as modified in addendum.

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

RECESS. The Commission recessed for the day at 2:40 p.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, February 6, 2002, at 9:05 a.m. by Chairman Wan.
 2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Dettloff, Estolano, Hart, Kruer, McCoy, Nava, Neal, Reilly and Woolley. Absent: Desser and Sanders. Sweeney arrived at 9:15 a.m. (Alternate) Lee arrived at 9:45 a.m. Dean arrived at 10:50 a.m.
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SOUTH COAST DISTRICT

3. **ADMINISTRATIVE PERMIT APPLICATIONS.** See items a through g 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 & b on page 9 of the Meeting Notice. Staff recommended approval with special conditions.

(b) Bill Sun, representing the applicant, submitted a request to speak in favor of the project.

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

STATEWIDE

5. **APPROVAL OF MINUTES.** Reilly moved approval of the minutes of December 2001, seconded by McCoy, and unanimously approved. Reilly moved approval of the minutes of January 2002, seconded by Potter, and unanimously **approved**.
6. **COMMISSIONERS' REPORTS.** Informational only.
7. **CONSERVANCY REPORT.** Informational only.
8. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
9. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational only.
10. **EXECUTIVE DIRECTOR'S REPORT** including report on legislation.
 - a. **Public Education Grant Program.** Staff recommended approval.

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

11. **PERIODIC REVIEW OF CERTIFIED LCPs.** Mark Massara , representing Sierra Club, submitted a request to speak.

NORTH COAST DISTRICT

12. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Scholl reported on matters not requiring public hearings, and on comments from the public.
13. **CONSENT CALENDAR (removed from Regular Calendar).** None.
14. **NEW APPEAL.**
 - a. **Appeal No. A-1-MEN-01-59 (Thelen, Mendocino Co.)** **Postponed.**

15. **COASTAL PERMIT APPLICATIONS.**

a. **Appeal No. A-1-01-43 (Wright, Mendocino Co.)** Postponed.

b. **Application No. 1-01-65 (Stewart, Humboldt Co.)** Staff recommended approval with special conditions as modified orally.

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

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.

Dean arrived during the following item.

17. **RECONSIDERATION.**

a. **Application No. 2-01-22-A-R (Cirincione-Coles, Marin Co.)** Staff recommended denial.

Dr. Kathryn Cirincione-Coles & Gerry Cirincione-Coles, both submitted requests to speak in opposition to the project.

Motion & Vote: Reilly moved to grant reconsideration, seconded by Estolano, and the roll call vote was 0 in favor and 11 opposed. **Failed.**

SOUTH COAST DISTRICT

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

19. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved eight items (21e, 21f, 21g, 21i, 21j, 21k, 21l & 22d) to the Calendar, and recommended approval with special conditions.

(e) Jeff Goldfarb, representing the applicants, submitted a request to speak in favor of the project. (g) Stan Wisniewski & Joseph Chesler, both representing L.A. County Dept of Beaches & Harbors, submitted requests to speak in favor of the project.

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

20. **NEW APPEALS.**

a. **Appeal No. A-5-00-478 (Goldrich & Kest, Los Angeles Co.)** Staff recommended that the appeal raised no substantial issue.

Sherman Gardner, representing the applicant, submitted a request to speak in favor of the project. Aaron Clark, representing L.A. County Dept. of Regional Planning, submitted a request to speak in favor of the project. Stan Wisniewski & Joseph Chesler, both representing L.A. County Dept of Beaches & Harbors, submitted requests to speak in favor of the project. David DeLange, PhD, representing Coalition to Save the Marina, submitted a request to speak in opposition to the project. Marcia Hanscom, representing Wetlands Action Network, submitted a request to speak in opposition to the project. Robert "Roy" van de Hoek, representing Sierra Club & Chair-Ballona Wetlands Task Force, submitted a request to speak in opposition to the project.

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

b. **Appeal No. A-5-01-66 (Capital Pacific Holdings, Rancho Palos Verdes)** Staff recommended denial.

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

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

c. **Appeal No. A-5-01-442 (LAX, 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-5-01-446 (Los Angeles, Las Pulgas Canyon sewer)** Staff recommended that the appeal raised substantial issue. There being only 2 votes to hear testimony on substantial issue, 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.

PUBLIC STATEMENTS. David DeLange updated status of heron rookery in Marina del Rey. Robert Roy van de Hoek, representing Access for All, distributed a copy of the Malibu Surfside News and discussed public access issues in Malibu. Marcia Hascom, representing Wetlands Action Network, said staff didn't have enough time to enforce conditions.

LUNCH RECESS. The Commission recessed for lunch at 12:10 and returned at 1:45 p.m. after closed session. During the break, Orr replaced Nava.

REPORT of CLOSED SESSION. In closed session the Commission took action on Philip & Lynne Butterfield v. CCC, Douglas, Henry, Kramer, et al., in the matter of access at Hidden Beach, Signal Landmark, et al. v. CCC and Gardner v. County of Sonoma, and discussed five other matters for information only.

21. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 5-01-112 (Ensign, Newport Beach)** Staff recommended denial.

David Neish Jr. & Sr., both representing the applicant, submitted requests to speak in favor of the project. Curt Ensign, the applicant, submitted a request to speak in favor of the project.

Motion & Vote: Potter moved approval of the project with conditions described orally, seconded by Dettloff, and Chairman Wan ruled that the vote was unanimous. **Passed.**

Before the next item McClain-Hill replaced Lee and Sweeney left for the day. McCoy left during the following item.

b. Application No. 5-01-184 (CalTrans, Los Angeles) Staff recommended denial.

Ron Kosinski & Fekade Mesfin, both representing Caltrans, submitted requests to speak in favor of the project. Jay Kim, representing Los Angeles Dept. of Transportation, submitted a request to speak in favor of the project. Barry Kurtz, representing Los Angeles County Dept. of Public Works, submitted a request to speak in favor of the project. Jim Hamilton submitted a request to speak in favor of the project. David De Lange PhD, representing Coalition to Save the Marina, submitted a request to speak in opposition to the project. Rex Frankel, representing Sierra Club./B.E.E.P., submitted a request to speak in opposition to the project. Marcia Hanscom, representing Wetlands Action Network, 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. Leslie Purcell submitted a request to speak in opposition to the project. Robert Roy van de Hoek, chair Sierra Club Ballona Task Force, submitted a request to speak in opposition to the project.

Motion & Vote to Continue: Estolano moved to continue the hearing, seconded by McClain-Hill, and the roll call vote was 7 in favor (Estolano, Hart, Kruer, McClain-Hill, Orr, Potter & Woolley) and 3 opposed (Dettloff, Reilly & Wan). **Passed.**

c. Application No. 5-01-306 (VDH, Los Angeles) Staff recommended approval with special conditions.

Fred Gaines, representing the applicant, submitted a request to speak in favor of the project. Don Schmitz, representing Donny Fitzgerald, submitted a request to speak. Myrna Dubin, representing Ballona Lagoon Marine Preserve, submitted a request to speak in opposition to the project. Marcia Hanscom, representing Wetlands Action Network, submitted a request to speak in opposition to the project. Robert Roy van de Hoek, chair, Sierra Club Ballona Wetlands Task Force, submitted a request to speak in opposition to the project.

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

d. Application No. 5-01-307 (VDH, Los Angeles) Staff recommended approval with special conditions.

The hearing was combined with item c above.

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

e. **Appeal No. A-5-01-336 (Bell, Dana Pt.)** Moved to expanded Consent Calendar. **Approved.**

f. **Application No. 5-01-337 (Berg, Newport Beach)** Moved to expanded Consent Calendar. **Approved.**

g. **Application No. 5-01-365 (Del Rey Yacht Club, Los Angeles Co.)** Moved to expanded Consent Calendar. **Approved.**

h. **Application No. 5-01-370 (Lortie, Newport Beach)** Staff recommended approval with special conditions as modified orally.

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

i. **Application No. 5-01-376 (Bahia Corinthian Yacht Club, Newport Beach)** Moved to expanded Consent Calendar. **Approved.**

j. **Application No. 5-01-400 (Collins, Newport Beach)** Moved to expanded Consent Calendar. **Approved.**

k. **Application No. 5-01-401 (Collins, Newport Beach)** Moved to expanded Consent Calendar. **Approved.**

l. **Application No. 5-01-408 (Teasta, Newport Beach)** Moved to expanded Consent Calendar. **Approved.**

m. **Application No. 5-01-417 (Kaynan, Los Angeles)** Staff recommended approval with special conditions.

Alon Kaynan submitted a request to speak in favor of the project. Darryl Dufay & Henry Colman, both representing Venice Canals Association, submitted requests to speak in opposition to the project. Grace Godlin submitted a request to speak in opposition to the project. Myrna Dubin submitted a request to speak in opposition to the project. Alan Pick submitted a request to speak in opposition to the project. Philip Garaway submitted a request to speak in opposition to the project.

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

Kruer left during the following item.

n. **Application No. 5-01-432 (CalTrans District 7, Los Angeles Co.)** Staff recommended approval with special conditions.

Ron Kosinski, representing Caltrans, submitted a request to speak in favor of the project. Barry Kurtz, representing Los Angeles County Dept. of Public works, submitted a request to speak in favor of the project. Jim Hamilton submitted a request to speak in favor of the project. Mark Massara, representing Sierra Club Coastal Program, submitted a request to speak in opposition to the project. Leslie Purcell submitted a request to speak in opposition to the project. David DeLange PhD, representing Coalition to Save the Marina-President, submitted a request to speak in opposition to the project. Marcia Hanscom, representing Wetlands Action Network, submitted a request to speak in opposition to the project. Rex Frankel, representing Sierra Club and Ballona Ecosystem Education Project, submitted a request to speak in opposition to the project. Robert Roy van de Hoek, chair, Sierra Club Ballona Task Force, submitted a request to speak in opposition to the project.

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

o. **Application No. 5-02-8 (LAX, Los Angeles)** **Postponed.**

22. **PERMIT AMENDMENTS.**

a. **Permit No. A-5-93-5-A18 (Ocean Trails, Rancho Palos Verdes)** **Postponed.**

b. **Permit No. 5-99-409-A (Bagnard, Los Angeles)** **Postponed.**

c. **Permit No. 5-01-230-A (Boy Scouts, Newport Beach)** **Postponed.**

d. **Permit No. 5-01-485-A (Hunt & Danieri, Los Angeles)** Moved to expanded Consent Calendar. **Approved.**

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

a. **Huntington Beach LCP Amendment No. 1-01 (Small Lot Development Standards) Time Extension.** Staff recommended approval.

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

RECESS. The Commission recessed for the day at 6:45 p.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, February 7, 2002, at 9:00 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Dettloff, (Alternate) Allgood, Hart, Kruer, McCoy, (Alternate) Orr, Neal, Reilly and Woolley. Absent: Dean, Desser, Sanders and Sweeney. McClain-Hill arrived at 11:10 a.m.

CENTRAL COAST DISTRICT

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

- a. **Santa Cruz LCP Amendment No. STC-MAJ-1-01 A (Leibbrandt Ave.) 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.**

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

5. **NEW APPEALS.**

- a. **Appeal No. A-3-02-1 (Monarch Village, Santa Cruz)** Staff recommended that the appeal raised no substantial issue.

Chris Garwood, representing the applicant, submitted a request to speak in favor of the project. John D. Hoffman, representing the applicant, submitted a request to speak in favor of the project. Robert Klein, representing the applicant, submitted a request to speak in favor of the project. Juliana Rebagliati, representing City of Santa Cruz, submitted a request to speak in favor of the project. Christopher Krohn, Mayor, City of Santa Cruz, submitted a request to speak in favor of the project. Helen V. Goode submitted a request to speak in opposition to the project. Bob Goode 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. Claudia Y. Shafer submitted a request to speak in opposition to the project. Renée Flower submitted a request to speak in opposition to the project.

Motion & Vote: Potter moved staff recommendation, seconded by Hart, and the roll call vote was 6 in favor (Dettloff, Allgood, Hart, Kruer, Potter & Reilly) and 4 opposed. **Passed.**

b. **Appeal No. A-3-02-2 (Pajaro Valley School District & Edwards, Watsonville)**
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 addendum.

Harold Freiman & John M. Casey, both representing Pajaro Valley Unified School District, submitted requests to speak in favor of the project. John Doughty, representing City of Watsonville, submitted a request to speak in favor of the project. Mark Massara, representing Sierra Club, submitted a request to speak in opposition to the project.

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

6. COASTAL PERMIT APPLICATIONS.

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

b. **Application No. 3-01-79 (Lubic, Carmel)** Staff recommended approval with conditions as modified orally.

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

c. **Application No. 3-01-111 (Pelican Point, Santa Cruz Co.)** **Postponed.**

d. **Application No. 3-01-78 (Corrigan, Carmel)** **Postponed.**

7. RECONSIDERATION.

a. **Application No. 3-00-82-R (Pressley, Carmel)** **Postponed.**

SAN DIEGO COAST DISTRICT

8. LOCAL COASTAL PROGRAMS (LCPS).

a. **Del Mar Plan Amendment 1-2000 (MSCP Subarea Plan).** Staff recommended approval with suggested modifications.

Adam Birnbaum, representing City of Del Mar, submitted a request to speak.

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

b. **Encinitas Draft Post-LCP Jurisdiction Map.** Staff recommended continuance.

Kathleen Porterfield, Gatzke Dillon, Lori Ballance, Martin Mullen & Lewis D'Amato, all representing Encinitas Country Day School, submitted requests to speak in opposition to the project. Richard La Berge submitted a request to speak in opposition to the project. Michael Larsen, representing M & M Development LLC, submitted a request to speak in opposition to the project. John Wilson submitted a request to speak in opposition to the project.

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

c. **Encinitas LCP Amendment No. 2-2001 (Museum Overlay).** Staff recommended denial.

James Bond, Deputy Mayor, City of Encinitas, submitted a request to speak in favor of the project. Maggie Houlihan, councilmember, City of Encinitas, submitted a request to speak in favor of the project. Patrick Murphy, Planning Dir., City of Encinitas, submitted a request to speak in favor of the project. Pam Slater, San Diego 3rd District Supervisor, submitted a request to speak in favor of the project. Six speakers representing Lux Art Institute submitted requests to speak in favor of the project: Christopher Calkins, Ann Hunter-Welhorn, Leslie Ryan, Katy Dessent, John Ball & Reeseey Shaw. Edgar Engert, representing Encinitas Chamber of Commerce, submitted a request to speak in favor of the project. Adam Birnbaum submitted a request to speak in favor of the project. Jim Peugh, representing Audubon Society, submitted a request to speak in opposition to the project. Donna Westbrook submitted a request to speak in opposition to the project.

Motion & Vote to Reject Implementation: Orr moved to reject the implementation amendment as submitted, seconded by Allgood, and the roll call vote was 4 in favor (Dettloff, Allgood, Orr & Wan) and 7 opposed. The motion failed so the amendment was **approved**.

d. **San Diego LCP Amendment No. 2-2001-B (Biology Guidelines).** **Withdrawn.**

PUBLIC STATEMENTS. Nahed Abdin, representing Caltrans presented an update on bridge railing design.

LUNCH RECESS. The Commission recessed for lunch at 12:05 and returned at 1:20 p.m.

McClain-Hill left during the following item.

e. **San Diego LCP Amendment No. 2-2001-C (SeaWorld/Mission Bay Park Plans).** Staff recommended approval with suggested modifications as modified orally.

Forty nine speakers submitted requests to speak in favor of the project: Manny Aguilar, representing San Diego County Hispanic Chamber of Commerce; DeDe Alpert, California State Assembly; Brad Andrews, representing BEC; Catharine Bailes, representing State of California, Dept. of Rehab.; Fred Baranowski, representing Downtown San Diego Partnership; Luis Barrios, representing HMA; Peter Callstrom, representing Partnerships with Industry; Guillermo Castillo, representing FOTEP Voc. Services; Hector R. Escalante, representing San Diego Job Corps Center; Bill Evans, representing Evans Hotels; Alan Garver, representing Sea World; Stan Gains; Bill Geppert, representing S.D. Regional Chamber of Commerce; Clint Hale, representing Hale Engineering; John Hawkins, representing San Diego Convention & Visitors Bureau; Julie Hecht, representing Employment Services, Mental Health Systems, Inc.; Willard F. Isaacs; Cary Marie Jack; Robert Klaushie; Idon Kent, representing Hubbs SeaWorld Research Institute; Larry Lamboy; Cindy Lennon, representing Able-Disabled Advocacy; Anthony Mercer, representing San Diego Job Corps; Tara Michener & Joanne Pastula, representing Junior Achievement; Jennie Minor; Eugene Mitchell, representing S.D. Regional Chamber of Commerce; Mayor Dick Murphy, Mayor of San Diego; Donna Owens; John Owens; Reint Reinders, representing San Diego Convention & Visitors Bureau; Dean Russo; Doug Sawyer, representing San Diego Regional Chamber of Commerce; Andrea Skorepa, CEO Casa Familiar/former S.D. Plng, Commiss.; Laura Slanec; Jeff Smith; Debra Stephens, representing the Children's Initiative; Lorin Stewart; Eddie Tarazi, representing Vista Hill/Stein Education Center; Susan Ten Eyck, representing S.D. Regional Chamber of Commerce; Scott E. Tillson; Erin Tully, representing Toward Maximum Independence; Samuel Valdez, representing Casa Familiar; Juan Vargas, representing California State Assembly; Blanca Vega, job

developer-Casa Familiar; Byron Wear, representing San Diego City Council (District 2); Mike Westlake, Will Griffith & Tim Rothans, all representing City of San Diego; and Julie Muir Wright, representing Economic Development Corp. Three other speakers submitted a request to speak: Billy Paul, representing Sea Paws; Judith A. Swinck, representing Citizens Community of Century 3, and Ryan Levinson.

Seventy two speakers submitted requests to speak in opposition to the project: Ernie Abbit; Bill Adams; Scott Andrews, representing Save Everyone's Access; Chuck Bahde; Michael Beck, representing Endangered Habitats League San Diego County; Jim Bell, candidate for City Council Dist. 2; Marie Backford; Kathleen Blavatt, representing Neighbors of Famosa Slough; Eric Bowlby, representing S.D. Sierra Club; Rick Callejon; Jane Cartmill, representing San Diego Animal Advocates; Cynthia Conger, director, Peninsula Planning Bd.; Norma Damaschek; Rose Davis, representing Indian Voices; Cdr. Bert Decker USN (Ret.); Don Farnsworth; Meryl Faulkner; David Foster; Betty Fraser; Councilmember Donna Frye, representing San Diego, District Six; Pat Gallagher; Leo Glaser, representing Audubon; Lorena Gonzalez, representing Lt. Governor Cruz Bustamante; Jeffery B. Gordon MD, representing Ocean Beach Medical Group; Dr Edward Gorham; Frank Gormlie; Pat Granger; Jane Harper; Laura Hunter, representing Environmental Health Coalition; Rich Ittner, representing Ocean Beach Town Council; Donald Kotelko; Charles Krause; Mar-Gwen Land; Ben Leaf, representing Mission Bay Park Toxic Cleanup; Andra Loo, representing Ocean Beach Planning Board; Mark Massara, representing Sierra Club; Colleen Dietzel; Jeanne Mayfield; Dick McClure; Mike McCoy; Priscilla McCoy; Kimberly McGinley, representing Save OB Coalition (OBGO) (OB Town Council); Seanna McGinley, representing Save OB Coalition (OBGO) (OB Town Council); Devon Mortimer, representing Coalition to Save Ocean Beach; Susan Orlofsky, representing Ocean Beach Grassroots Organization; Joanne Pearson, representing S.D. Sierra Club; Mary Coakley; Gerry Halperen; Jim, Peugh, representing San Diego Audubon Society; Nuri Pierce, representing S.D. Audubon Society; Bruce Reznik, representing San Diego Baykeeper; Todd T. Cardiff; Marco Gonzalez & Stephanie Paley, representing San Diego Baykeeper; Cady Robinson; Gregg Robinson, representing Ocean Beach Grassroots; Jarvis Ross, representing Peninsula Community Planning Board; Susan Ross; Dean Russo; Canon C. Boone Sadlers, representing Ocean Beach Town Council; Jolene Shumilak; Sandra Silverstein, representing Ocean Beach Planning Board; Marc Snelling, representing Ocean Beach Planning Board; M. Stanco, representing Earth Island Institute; Al Strohlein; Catherine Strolein; Maria Thayer; Harold Vanderpool; Margery Vanderpool; Ariadna R. Wall; Brian Woodward; Doug Zilm; and Michael Zucchet.

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

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

Amending Motion & Vote: Kruer moved to replace modification #21 with the SeaWorld proposal, seconded by Potter, and the roll call vote was 4 in favor (Hart, Kruer, McCoy & Potter) and 6 opposed (Dettloff, Allgood, Orr, Reilly, Woolley & Wan). **Failed.**

Amending Motion & Vote: McCoy moved to increase the mitigation payments by 3% or CPI with the first payment due upon effective certification, seconded by Potter, and Chairman Wan ruled that the vote was unanimous. **Passed.**

Amending Motion & Vote: Woolley moved to add monthly monitoring of water quality impacts from fireworks and additional monitoring site, seconded by Reilly, and Chairman Wan ruled that the vote was unanimous. **Passed.**

Amending Motion & Vote: Allgood moved to add a study of noise from fireworks, seconded by Orr, and the roll call vote was 2 in favor (Allgood & Orr) and 8 opposed. **Failed.**

Vote on Main Motion: The roll call vote, on the main motion, as amended above, was 7 in favor (Dettloff, Hart, Kruer, McCoy, Potter, Reilly & Woolley) and 3 opposed (Allgood, Orr & Wan). **Passed**

RECESS. The Commission recessed for the day at 7:50 p.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Friday, February 8, 2002, at 9:00 a.m. by Chairman Wan.
 2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Dettloff, (Alternate) Allgood, Hart, Krueger, McCoy, (Alternate) Orr, Reilly and Woolley. Absent: Dean, Desser, McClain-Hill, Neal, Sanders and Sweeney.
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SAN DIEGO COAST DISTRICT

3. **CONSENT CALENDAR.** See items a & b on page 15 of the Meeting Notice. Staff recommended approval with special conditions.

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

ENFORCEMENT

4. **ENFORCEMENT REPORT.** The Chief of Enforcement reported on the Statewide Enforcement Program.
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STATEWIDE

5. **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.
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6. **FEDERAL CONSISTENCY.**

a. **CD-96-01 (Natural Resources Conservation Service, Monterey Co.) Postponed.**

b. **CD-106-01 (Air Force, Santa Barbara Co.)** Staff recommended approval.

Lt. Col. Scott Westfall, representing USAF, submitted a request to speak in favor of the project.

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

Executive Director Douglas presented an award to Mark Delaplaine.

SAN DIEGO COAST DISTRICT

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

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

9. **NEW APPEALS.**

a. **Appeal No. A-6-01-88 (Stoner, Oceanside)** Trained until after the following item. Staff recommended that the appeal raised no substantial issue.

Eitan Aharoni, representing the applicant, submitted a request to speak in favor of the staff recommendation.

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

b. **Appeal No. A-6-01-122 (Stoner, 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 as modified orally.

Eitan Aharoni, representing the applicant, submitted a request to speak in favor of the staff recommendation.

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

c. **Appeal No. A-6-02-3 (Berg, Encinitas)** **Postponed.**

d. **Appeal No. A-6-02-6 (Sudek, Oceanside)** **Postponed.**

10. COASTAL PERMIT APPLICATIONS.

a. **Application No. 6-00-166 (TRNERR, Imperial Beach)** Staff recommended approval with special conditions.

Gregory Abbott, representing T.J. Estuary, submitted a request to speak in favor of the project.

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

b. **Application No. 6-01-80 (Cabrillo Power, Carlsbad)** Staff recommended approval with special conditions.

William G. Dyson & Leslea Meyerhoff, both representing the applicant, submitted requests to speak in favor of the project.

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

c. **Application No. 6-01-107 (San Diego pump station replacement)** **Postponed.**

d. **Application No. 6-01-146 (Santa Fe Christian School, Solana Beach)** Staff recommended approval with special conditions as modified orally.

Chuck Leslie, representing the applicant, submitted a request to speak in favor of the project.

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

REPORT of CLOSED SESSION. In closed session the Commission discussed two matters for information only.

ADJOURNMENT. There being no old or new business, the meeting adjourned at 10:30 a.m.

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

pmg

