

CALIFORNIA COASTAL COMMISSION

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TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: MINUTES OF MEETING OF MAY 7-10, 2002
Hilton Sonoma County
3555 Round Barn Blvd.
Santa Rosa

Tuesday, May 7, 2002 pages 1 to 11

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Tuesday, May 7, 2002, at 10:00 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Commissioners Burke, Desser, Hart, Kruer, McCoy, (Alternate) Orr and (Alternate) Ruddock. Absent: Dean, Neal, Sanders and Woolley. Dettloff arrived at 10:40 a.m. Sweeney arrived at 11:15 a.m. McClain-Hill arrived at 11:20 a.m. Reilly arrived during the lunch break.

SAN DIEGO COAST DISTRICT

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

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

SOUTH CENTRAL COAST DISTRICT

4. CONSENT CALENDAR

a. **Application No. 4-01-189 (Foster, Malibu)** Staff recommended approval with special conditions.

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

SOUTH COAST DISTRICT

5. CONSENT CALENDAR.

a. **Application No. 5-02-32 (Irvine Cove, Laguna Beach)** Staff recommended approval with conditions.

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

SAN DIEGO 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).** None.

8. NEW APPEALS.

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

b. **Appeal No. A-6-02-63 (Loews Coronado Bay Resort, Port of San Diego)** Staff recommended continuance. There being no objection, Chairman Wan opened the hearing and **continued** it to a future meeting.

9. **COASTAL PERMIT APPLICATIONS.**

a. **Appeal No. A-6-00-193 (Robinson, Encinitas) Postponed.**

b. **Application No. 6-01-151 (Mitchell & Seay, Solana Beach) Withdrawn.**

c. **Application No. 6-01-157 (Del Mar trail improvements)** Staff recommended approval with special conditions.

Bob Scott, representing City of Del Mar, submitted a request to speak in favor of the project.

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

d. **Application No. 6-01-172 (San Diego, Torrey St. bridge expansion)** Staff recommended denial.

Frank Belock, representing City of San Diego, submitted a request to speak in favor of the project. Don Rose, representing San Diego Gas & Electric, submitted a request to speak in favor of the project. Linda Niles, representing City of Del Mar, submitted a request to speak in opposition to the project. Robert Lewis, representing Torrey Pines Community Planning Board, submitted a request to speak in opposition to the project. Jan McMillan, representing Torrey Pines Association, submitted a request to speak in opposition to the project.

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

e. **Application No. 6-02-29 (Keystone, Carlsbad)** Staff recommended approval with special conditions.

Ross Felber & Dave Neish, both representing Keystone Carlsbad LLC, submitted requests to speak in favor of the project.

Motion: Krueer moved staff recommendation, seconded by McClain-Hill.

Amending Motion & Vote: Krueer moved to delete the stringline condition, seconded by McClain-Hill, and Chairman Wan ruled that the vote was unanimous. **Passed.**

Amending Motion & Vote: Kruer moved to restrict fences & landscaping, seconded by McCoy, 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**

f. **Application No. 6-02-49 (Sea World, San Diego)** Staff recommended approval with special conditions as modified in addendum.

Patrick Owen, representing Sea World Adventure Park, submitted a request to speak in favor of the project.

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

g. **Application No. 6-02-53 (SDG&E, San Diego)** Staff recommended approval with special conditions as modified orally.

Beverly Blessent, representing SDG&E, submitted a request to speak in favor of the project.

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

10. FINDINGS

a. **Appeal No. A-6-01-122 (Stoner, Oceanside)** Staff recommended approval of findings.

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

PUBLIC STATEMENTS. Jim Suty, representing Friends of Oceano Dunes, asked when the permit at Oceano Dunes SVRA would be final, and said the plovers were killed by predators not people.

LUNCH RECESS. The Commission recessed for lunch at 12:55 and returned at 2:35 p.m.

SOUTH CENTRAL COAST DISTRICT

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

a. **Port of Hueneme Plan Amendment No. 6 (former Sunkist property) Certification Review.** Staff recommended acceptance of the action of the Port of Hueneme, Oxnard Harbor District.

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

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

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

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

a. **San Buenaventura LCP Amendment No. 1-02 (Four Points Sheraton) Time Extension.** Staff recommended approval.

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

14. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 4-00-230 (Adler, Malibu)** Moved to expanded Consent Calendar. **Approved.**

b. **Application No. 4-00-239 (Landry & Sweeney, Malibu)** Staff recommended approval with special condition.

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

c. **Application No. 4-01-117 (Knapp, Malibu)** Staff recommended denial.

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

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

d. **Application No. 4-01-131 (Chaney, Malibu)** **Postponed.**

e. **Application No. 4-01-170 (Wolski, Malibu)** Moved to expanded Consent Calendar. **Approved.**

f. **Application No. 4-01-206 (Freebird, Malibu)** Staff recommended approval with special conditions.

Jaime Harnish, representing the applicant, submitted a request to speak in favor of the project.

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

g. **Application NO. 4-01-213 (Carpenter, Malibu)** Staff recommended approval with special conditions.

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

h. **Application No. 4-02-15 (Los Angeles Co. lifeguard tower replacement)** Staff recommended approval with special conditions.

The hearing was combined with item 22f below.

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

15. **PERMIT AMENDMENTS.**

a. **Permit No. 5-88-56-A (Rubinroit, Los Angeles Co.) Postponed.**

b. **Permit No. 5-89-155-A (Christiansen-Engel, Malibu) Postponed.**

16. **FINDINGS.**

Application No. 4-01-75 (Parks & Recreation, Los Angeles Co.) Staff recommended approval of findings.

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

SOUTH COAST DISTRICT

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

18. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved nine items (22c, d, e, g, h, i, j, k & l) to the Calendar, and recommended approval with special conditions.

(22k) Brent Walla, representing Beach Charities, submitted a request to speak in favor of the project.

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

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

a. **Los Angeles Port Plan Amendment #21.** Staff recommended approval.

David Mathewson, representing Port of Los Angeles, submitted a request to speak in favor of the project. Ruth Villalobos, representing U.S. Army Corps of Engineers, submitted a request to speak in favor of the project. Nick Nichals, representing IBEW, submitted a request to speak in favor of the project. John Berge, representing Pacific Merchant Shipping Assoc., submitted a request to speak in favor of the project. Steve Clark, representing Associated General contractors of California, submitted a request

to speak in favor of the project. Kate Poole, representing State Building & Construction Trades Council, submitted a request to speak in favor of the project. Joe Tarin, representing Operating Engineers, submitted a request to speak in favor of the project. Skip Henke, representing Los Angeles Building Trades Council, submitted a request to speak in favor of the project. Todd Campbell, representing Coalition for Clean Air, submitted a request to speak in opposition to the project.

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

20. FEDERAL CONSISTENCY.

a. **CD-6-02 (Corps of Engineers, Port of Los Angeles)** Staff recommended approval.

The hearing was combined with item 19a above.

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

21. NEW APPEALS.

a. **Appeal No. A-5-02-57 (Bruggeman, Dana Pt)** Postponed.

b. **Appeal No. A-5-02-100 (Bruggeman, Dana Pt)** Postponed.

22. COASTAL PERMIT APPLICATIONS.

a. **Application No. 5-01-262 (Los Angeles Co., Dockweiler St. Beach improvements)** Staff recommended approval with special conditions as modified orally.

Joseph Chesler, representing LACo Dept. of Beaches & Harbors, submitted a request to speak in favor of the project. Mike Frazer, Chief Lifeguard, L.A. County Fire Dept., Lifeguard Division, submitted a request to speak in favor of the project.

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

b. **Application No. 5-01-347 (Beauchamp, Newport Beach)** 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.**

c. **Application No. 5-01-443 (O'Donnell, Newport Beach)** Moved to expanded Consent Calendar. **Approved.**

d. **Application No. 5-01-471 (Newport Beach, Balboa Pier repair)** Moved to expanded Consent Calendar. **Approved.**

e. **Application No. 5-01-472 (Newport Beach, Newport Pier repair)** Moved to expanded Consent Calendar. **Approved.**

f. **Application No. 5-02-9 (Los Angeles Co. lifeguard tower replacement)** Staff recommended approval with special conditions as modified orally.

Joseph Chesler, representing LACo Dept. of Beaches & Harbors, submitted a request to speak in favor of the project. Mike Frazer, Chief Lifeguard, L.A. County Fire Dept., Lifeguard Division, submitted a request to speak in favor of the project.

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

g. **Application No. 5-02-28 (Santa Monica trash compactor)** Moved to expanded Consent Calendar. **Approved.**

h. **Application No. 5-02-55 (Pelican Bluffs, Newport Beach)** Moved to expanded Consent Calendar. **Approved.**

i. **Application No. 5-02-64 (Wilkerson, Newport Beach)** Moved to expanded Consent Calendar. **Approved.**

j. **Application No. 5-02-69 (Tupman, Newport Beach)** Moved to expanded Consent Calendar. **Approved.**

k. **Application No. 5-02-84 (Long Beach Chili Cook-Off, Long Beach)** Moved to expanded Consent Calendar. **Approved.**

l. **Application No. 5-02-96 (Cannery Lofts, Newport Beach)** Moved to expanded Consent Calendar. **Approved.**

23. PERMIT AMENDMENT.

a. **Permit No. 5-91-584-A5 (Los Angeles, Howland Canal Ct.)** Staff recommended approval with special conditions.

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

24. FINDINGS

a. **Application No. 5-99-205 (Catalina Express & County Of Orange, Dana Point)** Staff recommended approval of findings as modified orally.

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

b - f. **Permits No. R-5-97-371 (Conrad), R-5-98-20 (Conrad), R-5-98-64 (Barnes), R-5-98-178 (McMullen, Laguna Beach) & R-5-98-307 (Griswold)** Staff recommended approval of findings.

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

g. **Permit No. 5-98-164-A (Playa Capital, Los Angeles)** Staff recommended approval of findings.

Catherine Tyrrell, representing Playa Vista, submitted a request to speak in favor of the project.

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

h. Application No. 5-01-223 (Playa Vista Capital, Los Angeles) **Postponed.**

i. Appeal No. A-5-01-281 (Playa Capital, Los Angeles) **Postponed.**

j. **Application No. 5-01-288 (Hellman, Seal Beach)** Staff recommended approval of findings.

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

RECESS. The Commission recessed for the day at 4:50 p.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, May 8, 2002, at 9:00 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Bell, Burke, Desser, Dettloff, Hart, Krueger, McClain-Hill, McCoy, Nava, Reilly, Sweeney and Woolley. Absent: Dean and Sanders.

STATEWIDE

3. **APPROVAL OF MINUTES.** Potter moved approval of the minutes of April 2002, seconded by McCoy, and unanimously **approved**.
4. **COMMISSIONERS' REPORTS.** Informational only.
5. **CONSERVANCY REPORT.** A written report was mailed for information only.
6. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
7. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational only.
8. **EXECUTIVE DIRECTOR'S REPORT** including report on legislation. Informational only.
 - a. **Public Education Grant.** Staff recommended approval.

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

b. **Funds. Postponed.**

c. **Public Education Contract.** Staff recommended approval.

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

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9. **PERIODIC REVIEW OF CERTIFIED LCPs. Postponed.**

9.5 Briefing on the Sonoma County model for information only.

ENERGY, OCEAN RESOURCES and WATER QUALITY

9.7 **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.

10. **SONGS Status.** A written report was mailed, for information only.

a. **SONGS Mitigation Program.** Staff recommended concurrence with correction to Fish Behavioral Barriers Report. There being no objection, Chairman Wan ruled that the Commission concurred. **Approved.**

LUNCH RECESS. The Commission recessed for lunch at 11:50 and returned at 1:35 p.m. Dessert returned at 3:20 p.m.

PUBLIC STATEMENTS. Mark Massara, representing Sierra Club, requested 3 more hearings on LCP reviews, and a staff summary. Eric Greening, representing ECOSLO, spoke about nuclear waste storage at Diablo Canyon, and states' rights under the 10th amendment. Tarren Collins requested an LCP hearing in August in San Luis Obispo.

CENTRAL COAST DISTRICT

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

11. **CONDITION COMPLIANCE on Permit No. 4-82-300 (Parks & Recreation, Oceano Dunes SVRA)** Staff recommended approval with revised conditions.

Mike Spear, Dep. Secretary Resources Agency, submitted a request to speak representing Parks & Rec. Nancy Orton, SLO County TRT member, submitted a request to speak. Bob Whitney submitted a request to speak. Dan Peterson, representing CORVA, submitted a request to speak in favor of the project. David Wheeler, representing Lost Coast 4x4's, submitted a request to speak in favor of the project.

Ruth Coleman, representing CA State Parks, submitted a request to speak in opposition to the project. Steve Henry, representing U.S. Fish & Wildlife Service,

submitted a request to speak in opposition to the project. Ron Arnoldsen, Mayor Protem of Gover Beach, submitted a request to speak in opposition to the project. Peter Keith, representing T.R.T., submitted a request to speak in opposition to the project.

Thirteen other speakers submitted requests to speak in opposition to the project: Jeff Mello, representing Contra Costa Jeepers/CA Assoc. 4WD Clubs; Nancy Ahern, representing Contra Costa Jeepers; David J. Zedrick; Don Klusman, representing CA4WDC; Steve Dayton, representing Steve's ATV Rentals; Bob Bennett, representing Cal. Assn. of Four Wheel Drive Clubs; Bill Brunelli; Beverly Snyder, representing High Sierra OHV Assn.; Kim Witcher, representing CORVA; Ilya Sone, representing Blue Ribbon Coalition; Bob Cardona; Edward Conden, representing Gold Coast 4by4s; and James Bramham. David P. Hubbard, representing Procopio, Cory Counsel for Friends of Oceano Dunes, submitted a request to speak in opposition to the project. Thirty five speakers representing Friends of Oceano Dunes submitted requests to speak in opposition to the project: Douglas R. Harrison; Debbie Zahariades; Steve Young; Naida Young; Ken Bloul; Michele Zulim; Laura N. Bufford; Larry Buckley; Chris Bufford; David Imperatrice; Ed Zahariades; Anthony Herring; Patrika Rogers, Clovis Independent Off Road Asso.; John Bardniam; Christine Cearing; Shelly Cearing; Cheryl Cearing; Barbara Riise; Jerry Miller; Dennis Hotz; George Condie; Tina Meehan; Mark Meulpolder; Darren Tyler; Gerard Forgnone; William Schmidt; Ginger Schenk; Daniel Arndt; Bruce Swanson; Craig Brown; Carolyn Suty; Bill Knoff; Jim Suty; Joel Suty; and Don Preble.

Eric Greening, representing ECOSLO-Environmental Center of San Luis Obispo County, submitted a request to speak in opposition to the project. Dr Nell Langford submitted a request to speak in opposition to the project. Julie Verran submitted a request to speak in opposition to the project. Fourteen speakers representing Sierra Club submitted requests to speak in opposition to the project: Martha C. Bentley; Jo Bentz; Elizabeth (Betty) Burrige; Tarren Collins; Sara Downing; Joanne Dranginis; Sharon Giglio; Eleanor Guerin; Keith Kaulum; Denise Label; Mark Massara; Kathi McTeegue; Marilyn Scott; and Romas Simonaitis. Ernestine F. Smith, Carol Lander and Anne Hudgins, all representing Sierra Club & Audubon, submitted requests to speak in opposition to the project. Babek Naficy, representing EDC/Sierra Club, submitted a request to speak in opposition to the project. Gordon Hensley, representing EDC, submitted a request to speak in opposition to the project. Cristina Sandoval, representing Coal Oil Point Preserve, submitted a request to speak in opposition to the project.

After Commission discussion no action was taken.

RECESS. The Commission recessed for the day at 4:20 p.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, May 9, 2002, at 9:00 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Bell, Burke, Desser, Dettloff, Kruer, McCoy, Nava, Reilly, Sweeney and Woolley. Absent: Dean and Sanders. Hart arrived at 9:10 a.m. McClain-Hill arrived at 9:25 a.m.

STATEWIDE

3. **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.

4. **FEDERAL CONSISTENCY.**

- a. **CC-28-02 (San Diego, Secondary Treatment Waiver) Postponed.**
- b. **CC-13-02 (Goleta Sanitary Dist., Santa Barbara Co.) Postponed.**

5. **FINDINGS.**

- a. **CC-10-02 (City of San Diego)** Staff recommended approval of findings.

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

CENTRAL COAST DISTRICT

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

- a. **San Luis Obispo Co. LCP Amendment No. SLO-MAJ-3-0 (Cambria Commercial Design) 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**

7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved item 9a to the Calendar, and recommended approval with special conditions.

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

8. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 3-01-98 (Heyermann, Carmel)** Staff recommended denial.

Cheryl Heyermann submitted a request to speak in favor of the project.

Motion & Vote: Potter moved approval of the application with the City's landscaping condition, seconded by McClain-Hill, and the roll call vote was 11 in favor and 1 opposed (Reilly). **Passed.**

b. **Appeal No. A-3-01-100 (Boutique Hotel Group, Monterey Co.)** Staff recommended denial.

Nancy Isakson and Lloyd Lowrey, both representing the applicant, submitted requests to speak in favor of the project.

Motion: Potter moved approval of the application, seconded by McClain-Hill.

Amending Motion & Vote: Potter moved to require the conditions suggested by the applicant, seconded by McCoy, and the roll call vote was 7 in favor (Burke, Dettloff, Hart, Kruer, McClain-Hill, McCoy & Potter) and 4 opposed (Nava, Reilly, Woolley & Wan). **Passed.**

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

c. **Application No. 3-01-105 (S. County Housing, Pacific Grove)** Staff recommended approval with special conditions.

Sandy Kaffman and Judy McClelland, both representing City of Pacific Grove, submitted requests to speak in favor of the project. Jan Lindenthal, representing South County Housing, submitted a request to speak in favor of the project. Robert Herman, representing Herman & Coliver: Architecture, submitted a request to speak in favor of the project. Bill Foster, representing Flesher & Foster Architects, submitted a request to

speak in favor of the project. John O'Brien submitted a request to speak in favor of the project. Gretchen Leffler submitted a request to speak in favor of the project. Neal Gardener submitted a request to speak in favor of the project. Don Bassler submitted a request to speak in opposition to the project. George Uluzallis, representing Lovers Point Inn, submitted a request to speak in opposition to the project. Betty L. Kalis submitted a request to speak in opposition to the project. Eight speakers representing Monarch Pines, submitted requests to speak in opposition to the project: Phil Mansur, Betty Allen, Jeff Allen, Barbara Mansur, Yvonne Wright, Muriel Arends, Betty Ellet and Marion Trentman.

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

PUBLIC STATEMENTS. Julie Verran spoke about upcoming appeals and damage from fiber optic projects.

LUNCH RECESS. The Commission recessed for lunch at 12:10 a.m. and returned at 2:05 p.m. after closed session. Krueer and McCoy left during the break.

REPORT of CLOSED SESSION. In closed session the Commission took action on Parker, et al. v. CCC, Harfenist v. CCC, et al., Higgins v. CCC (Sup. Ct. Cases No. SS009779 & SC061313), Frame v. City of Trinidad, SoCal Communications, LLC v. CCC, and discussed three other matters for information only.

Burke left before the next item.

d. **Appeal No. A-3-01-108 (Schoenfeld, San Luis Obispo Co.)** Staff recommended denial.

Gregory W. Sanders, representing the applicant, submitted a request to speak in opposition to the staff recommendation. Janice Rohn submitted a request to speak in opposition to the project.

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

9. **PERMIT AMENDMENT.**

a. **Permit No. A-3-99-50-A (Railsback, San Luis Obispo Co.)** Moved to expanded Consent Calendar. **Approved.**

NORTH CENTRAL COAST DISTRICT

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

a. **San Mateo Co. LCP Amendment No. SMC-MAJ-3-00 B 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.**

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

(14a) Michael Bell submitted a request to speak in favor of the project.
(14b) Tom Brunsing and Erik Olstorg, both representing the applicant, submitted requests to speak in favor of the project.

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

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

a. **San Mateo Co. LCP Amendment No. 1-02 (Confined Animals) Time Extension.** Staff recommended approval.

Rich Allen, representing Coastside Horse Council, submitted a request to speak in favor of the project.

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

b. **Marin Co. LCP Amendment No. 1-MAJ-02 (Point Reyes Affordable Housing Site).** Staff recommended approval.

Alex Hinds, Tom Lai & Philip Smith, all representing County of Marin, submitted a request to speak in favor of the project. Four speakers representing EAH Point Reyes Affordable Housing submitted requests to speak in favor of the project: Lamar Turner, Joe Walsh, Patsy White and Kathy Runnion. Michael Mery submitted a request to speak in favor of the project. Wiebke Buxbaum, representing Point Reyes Station Village Ass'n, submitted a request to speak in favor of the project. Norman Hantzsche,

representing Questa Engineering Corp., submitted a request to speak in favor of the project. Doug Elliott submitted a request to speak in favor of the project. Philip Fradkin submitted a request to speak in favor of the project. John Sharp, atty for the appellants, submitted a request to speak in opposition to the project. Elena Belsky submitted a request to speak in opposition to the project. Kenneth J. Fox, representing Tomales Bay Association, submitted a request to speak.

Motion & Vote on Plan as Submitted: Desser moved approval of the Land Use Plan Amendment as submitted, seconded by Reilly, and Chairman Wan ruled that the vote was unanimous. **Passed.**

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

13. NEW APPEAL.

a. **Appeal No. A-2-02-9 (Point Reyes Affordable Housing, Marin Co.)** Staff recommended that the appeal raised no substantial issue.

The hearing was combined with item 12b above.

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

14. COASTAL PERMIT APPLICATIONS.

a. **Application No. 2-01-26 (Pacifica, seawall repair)** Moved to expanded Consent Calendar. **Approved.**

b. **Application No. 2-02-3 (Christie, Sonoma Co.)** Moved to expanded Consent Calendar. **Approved.**

RECESS. The Commission recessed for the day at 3:50 p.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Friday, May 10, 2002, at 9:00 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Desser, Dettloff, Hart, Nava, Reilly and Woolley. Absent: Burke, Dean, Krueer, McClain-Hill, McCoy, Sanders and Sweeney. (Alternate) Bell arrived at 9:10 a.m.

ENFORCEMENT

3. **ENFORCEMENT REPORT.** Informational only.

NORTH COAST DISTRICT

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

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

6. **NEW APPEALS.**

a. **Appeal No. A-1-01-43 (Wright, Mendocino Co.)** Substantial issue had been found in September 2001. Staff recommended approval with special conditions.

Alan Block, representing the applicant, submitted a request to speak in favor of the project. Bud Kamb, representing the applicant, submitted a request to speak in favor of the project. Erik Olsborg, representing BACE Geotechnical, submitted a request to speak in favor of the project. Jill E. Roost submitted a request to speak in favor of the project. Ken Roost submitted a request to speak in favor of the project. Dr Hillary Adams submitted a request to speak in favor of the project. Julie Verran, representing Sierra Club Redwood Chapter, submitted a request to speak in opposition to the project.

Motion: Nava moved staff recommendation, seconded by Reilly.

Amending Motion & Vote: Reilly moved to reduce the setback from the sea cave to 10 feet, seconded by Hart, and the roll call vote was 8 in favor and 0 opposed. **Passed.**

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

b. **Appeal No. A-1-02-19 (Moller & Spurrier, Mendocino 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.

7. COASTAL PERMIT APPLICATION.

a. **Application No. 1-01-67 (Caltrans, Humboldt Co.)** Staff recommended approval with special conditions as modified orally.

Matthew Brady, representing Caltrans, submitted a request to speak in favor of the project.

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

STATEWIDE

8. FEDERAL CONSISTENCY.

a. **CD-15-02 (Army, Monterey)** **Postponed.**

b. **CD-25-02 (National Park Service, Los Angeles Co.)** Staff recommended approval.

Melanie Beck, representing National Park Service, submitted a request to speak in favor of the project. William D. Ross, representing Soka University of America, submitted a request to speak in opposition to the project.

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

PUBLIC STATEMENTS. Dr Hillary Adams reported on progress since her December comments, and spoke about upcoming projects and procedural issues. Julie Verran spoke about prescriptive rights in Anchor Bay, increased vehicle fees, and asked about the status of a pending appeal.

ADJOURNMENT. There being no old or new business, the meeting adjourned at 10:40 a.m.

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

pmg

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