

CALIFORNIA COASTAL COMMISSION

155 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

**RECORD PACKET COPY****W4**

TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: MINUTES OF MEETING OF AUGUST 6-9, 2002
Embassy Suites Hotel
333 Madonna Road
San Luis Obispo

Tuesday, August 6, 2002 pages 1 to 9

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Tuesday, August 6, 2002, at 10:05 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Burke, Dean, Desser, Dettloff, Hart, Nava and Neal. Absent: Krueger, Peters, Reilly, Sanders and Woolley. Sweeney arrived at 10:20 a.m. McClain-Hill arrived at the lunch break.

SOUTH COAST DISTRICT

3. **ADMINISTRATIVE PERMIT APPLICATIONS.** See items a through c 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.

4. **CONSENT CALENDAR.** See items a through g on pages 3-4 of the meeting notice & addendum. Staff recommended approval with special conditions.

(g) Joseph Chesler, representing LACO Dept Beaches & Harbors, submitted a request to speak in favor of the project.

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

SOUTH CENTRAL COAST DISTRICT

5. **CONSENT CALENDAR.** See items a through i on pages 4-5 of the meeting notice. Items e, f, g & i were postponed. Staff recommended approval with special conditions on the remainder of the Calendar.

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

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

STATEWIDE

6. **APPROVAL OF MINUTES.** Potter moved approval of the July 2002 minutes, seconded by Dettloff, and unanimously **approved.**

7. **COMMISSIONERS' REPORTS.** None.

8. **CONSERVANCY REPORT.** Informational only.

9. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.

10. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational only.

11. **EXECUTIVE DIRECTOR'S REPORT.**

a. **Legislation.** Informational only.

b. Proposed **Schedule of Meetings in 2004.** Nava moved approval of the schedule, seconded by Potter, and unanimously **approved.**

SOUTH COAST DISTRICT

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

a. **Huntington Beach LCP Amendment No. HNB-MIN-1-01 (Minor).** Staff recommended concurrence with the Executive Director. There being no objection, Chairman Wan ruled that the Commission concurred with the Executive Director. **Approved.**

b. **Long Beach Port Plan Minor Amendment No. 17.** Informational only.

13. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved four items (15d, 16a, 16b & 16c) to the Calendar, and recommended approval with special conditions.

(16b) Joseph Chesler, representing LA Co. Dept. of Beaches & Harbors, submitted a request to speak in favor of the project.

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

14. NEW APPEALS.

a. **Appeal No. A-5-02-226 (Villa Lido, Los Angeles)** Staff recommended continuance. There being no objection, Chairman Wan opened the hearing and **continued** it to a future meeting.

b. **Appeal No. A-5-02-236 (Villa Lido, Los Angeles)** Staff recommended continuance. There being no objection, Chairman Wan opened the hearing and **continued** it to a future meeting.

c. **Appeal No. A-5-02-162 (Bel Air Bay Club, 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.

15. COASTAL PERMIT APPLICATIONS.

a. **Application No. 5-02-95 (Westmoreland, Zimmerman, Jankov, Mah, San Filippo, Rieth, Mirand, Chang & Hetherington, Huntington Beach)** Staff recommended approval with special conditions.

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

b. **Application No. 5-02-119 (Schuster & Zingheim, Hermosa Beach)** Staff recommended approval with special conditions as modified orally.

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

c. **Application No. 5-02-128 (Los Angeles Dept. of Recreation & Parks, San Pedro nature preserve)** Staff recommended approval with special conditions as modified orally.

Paul Davis, representing Los Angeles Dept. Rec. & Parks, submitted a request to speak in favor of the project. Barbara Dye, representing Palos Verdes Peninsula Land Conservancy, submitted a request to speak in favor of the project. Allen Franz, representing Palos Verdes Peninsula Land Conservancy & White Point Steering Cmtee., submitted a request to speak in favor of the project.

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

d. **Application No. 5-02-201 (McSorley, Hermosa Beach)** Moved to expanded Consent Calendar. **Approved.**

16. PERMIT AMENDMENTS.

a. **Permit No. 5-94-10-A5 (Shoreline Village, Long Beach)** Moved to expanded Consent Calendar. **Approved.**

b. **Permit No. 5-01-261-A (LA Co. Beaches & Harbors, Los Angeles)** Moved to expanded Consent Calendar. **Approved.**

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

17. **FINDINGS.**

a. **Los Angeles Co. LCP Amendment No. MDR-MAJ-1-01 (Parcel 20).** Staff recommended approval of findings.

Joseph Chesler, representing LA Co. Dept. of Beaches & Harbors, submitted a request to speak in favor of the project. Sherman Gardner, representing Goldrich & Kest Industries, submitted a request to speak in favor of the project. Donald Klein, representing Coalition to Save the Marina, submitted a request to speak in opposition to the project.

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

b. **Application No. 5-00-351 & A5-01-272 (Elster, Los Angeles)** Staff recommended approval of findings.

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

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

c. **Application No. 5-01-112 (Ensign, Newport Beach)** Staff recommended approval of findings.

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

d. **Application No. 5-01-262 (Los Angeles Co. Dockweiler St. Beach improvements)** Staff recommended approval of findings.

Joseph Chesler, representing LA Co. Dept. of Beaches & Harbors, submitted a request to speak in favor of the project.

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

SOUTH CENTRAL COAST DISTRICT

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

a. **Malibu LCP Status Report.** Informational only.

19. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved item 22f to the Calendar, and recommended approval with special conditions.

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

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

a. **San Buenaventura LCP Amendment No. MAJ-1-02 (Four Points Sheraton).** Staff recommended approval with suggested modifications.

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

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

PUBLIC STATEMENTS: Ruth Gerson, representing Recreation & Equestrian Coalition, said there were conflicts with the Malibu LCP. Donald Klein, representing Coalition to Save the Marina, requested postponement of an upcoming item. Don Wallace, representing Las Virgenes Homeowners Federation & Monte Nido Valley Community Association, said fire hazard conflicted with ESHA designation and assumption of risk. Martin N. Burton, representing property owners in Pt. Dume, supported the City of Malibu on ESHA designation. Pam Heatherington, representing ECOSLO/SCA, spoke about the reception on Wednesday. Anne Hoffman, representing Recreation & Land Use Preservation Foundation, said grandfathering provisions were important to protect diversity. Jeff Ferber, representing RRM Design Group, described progress on Port San Luis Harbor District plan update. Jay Elder, representing Port San Luis Harbor, spoke about the harbor master plan and invited the Commission on a Friday tour. Alfred Barrow, representing C.A.S.E., said Los Osos water will be expensive and that buildout will destroy habitat. Ed Shafer said the Los Osos sewer will pollute. Mary Ayerst

objected to homes in Pt. Dume being declared ESHA. Tarren Collins said she appreciated the Commission's efforts to protect the coast, and supported ESHA designations in Malibu.

LUNCH RECESS. The Commission recessed for lunch at 12:10 a.m. and returned at 1:40 p.m.

b. **Carpinteria LCP Amendment No. 1-01 (comprehensive Plan update).** Staff recommended approval with suggested modifications as modified orally.

Donna Jordan, Councilmember City of Carpinteria, submitted a request to speak in favor of the project. Peter Brown, representing City of Carpinteria, submitted a request to speak in favor of the project. Dave Durflinger, representing City of Carpinteria, submitted a request to speak in favor of the project. Richard Weinberg, representing City of Carpinteria, submitted a request to speak in favor of the project. Sixteen other speakers submitted requests to speak in favor of the project: Don Bensen; Vera Bensen; Harry R. Broderick, representing Creekwood; Suzette Doubek; Scott Ellinwood; Tom Habbick, representing R.W. Hertel & Sons; Gordon Hensley, representing Environmental Defense Center; Mark Massara, representing Sierra Club; Charles Norman, representing Creekwood; Kelton F. Norman, representing Creekwood; George Shaw, representing California Department of Education; Fritzie Slavin, representing Creekwood; Dr. Sandra Smyser, representing Carpinteria Unified School District; Robert P. Steen; Dave Tabor; and Roger Tompkins, representing R.W. Hertel & Sons.

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

Motion & Vote on Plan with Modifications: Desser moved approval of the Land Use Plan Amendment with suggested modifications, seconded by Hart.

Amending Motion & Vote (Ellinwood): Hart moved to increase Ellinwood site to medium density, seconded by Nava, and Chairman Wan ruled that the vote was unanimous. **Passed.**

Amending Motion & Vote (Creekwood): Hart moved to designate the Creekwood site as residential, seconded by Potter, and the roll call vote was 2 in favor (Hart & McClain-Hill) and 6 opposed. **Failed.**

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

21. **NEW APPEAL.**

a. **Appeal No. A-4-02-151 (Longwell, Ventura Co.)** Staff recommended that the appeal raised substantial issue. There being no objection, Chairman Wan ruled that the Commission **found substantial** issue. Chairman Wan opened the hearing on the merits of the project **and continued** it to a future meeting.

22. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 4-00-148 (Rein & La Fe, Los Angeles Co.)** **Postponed.**

b. **Application No. 4-01-37 (Bob Trust, Los Angeles Co.)** Staff recommended approval with special conditions.

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

c. **Application No. 4-01-160 (Chadwick, Malibu)** **Postponed.**

d. **Application 4-00-194 (Shirk, Malibu)** Staff recommended approval with special conditions.

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

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

e. **Application No. 4-02-43 (Munro, Malibu)** Staff recommended approval with special conditions as modified orally.

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

f. **Application No. 4-02-103 (Turner, Malibu)** Moved to expanded Consent Calendar. **Approved.**

STATEWIDE

23. **FEDERAL CONSISTENCY REPORT.** Federal Consistency Coordinator Raives reported on Negative Determinations issued by the federal consistency staff, and status of major non-energy federal consistency matters.

24. **FEDERAL CONSISTENCY.**

a. **CD-15-02 (Army, Monterey Co.)** Staff recommended approval.

James Willison, representing U.S. Army, submitted a request to speak in favor of the project. Wes Truscott, representing U.S. Army, Presidio of Monterey, submitted a request to speak in favor of the project. Four speakers, representing Stilwell Hall Preservation Society, submitted a request to speak in opposition to the project: Joe Cavanaugh, John O'Neil, Lee Yarbrough and Sheri Damon.

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

b. **CD-46-02 (Corps of Engineers, Imperial Beach)** Staff recommended approval.

Stephanie Hall & Rob Blasberg, representing Corps of Engineers, submitted a request to speak.

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

c. **CD-48-02 (Navy, San Nicolas Island)** Staff recommended approval.

Anthony M. Parisi, representing U.S. Navy, submitted a request to speak in favor of the project.

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

RECESS. The Commission recessed for the day at 5:50 p.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, August 7, 2002, at 9:00 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Dean, Desser, Dettloff, Nava, Neal, Peters, Sweeney and Woolley. Absent: Kruer, Reilly and Sanders. Hart arrived at 9:10 a.m. Burke and McClain-Hill arrived at 9:55 a.m.

SAN DIEGO COAST DISTRICT

3. **CONSENT CALENDAR.**

a. **Application No. 6-02-70 (Carlsbad sewer line)** Staff recommended approval with conditions.

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

STATEWIDE

3.5 **PUBLIC EDUCATION STATUS REPORT.** Informational only.

4. **PERIODIC REVIEW OF CERTIFIED LCPs.** Informational only. Fifty speakers submitted requests to speak: Bill Allen, representing North Coast Alliance; Marcia Alter; Jesse Arnold; Jack Beigle, representing People for the Nipomo Dunes; Bob Bell, representing Friends of the Ranchland; Gregg A. Berge; Shirley Bianchi; Kara W. Blaheslee, representing The Nature Conservancy; Mahala Burton; Joan Carter; Kathy Cohon; Tarren Collins, representing Sierra Club/S.L.O. Coast Alliance; Colby Crotzer; Melody DeMeritt, representing Coastal Alliance on Plant Expansion; Bill Denneen, representing Citizen for Vehicle Free Nipomo Dunes; Suzy Ficker, representing Cambria Lgl. Defense Fund; Betty Fiscalini, representing NCA; Joy Fitzhugh, representing S.L.O. Co. Farm Bureau; Liana Forest; Fred Frank; Nancy Graves, representing Coastwalk-San Luis Obispo; Eric Greening, representing Life on Planet Earth/Canyons and Streams Alliance; Henriette Groot, representing Coastal Alliance on Plant Expansion; Pam Heatherington, representing Environmental Center of S.L.O.; Gloria Chun Hoo,

representing Coastwalk; Eric Johnson; Colleen Johnson; Kathryn Karako, representing Friends of the Elephant Seal; Lorraine Kitman; Elizabeth Lambe, representing Sierra Club; Dr Nell Langford; Kathy Longacre, representing SLOPOST; Jan Howell Marx; Mark Massara, representing Sierra Club; Jack McCurdy, representing Coastal Alliance on Plant Expansion; Florentine Medallin; Cayetano D. Moreno; Andy Mutziger; Babak Naficy, representing EDC; David Nelson; Johana Rubba; Sarah Ryan; Wayne Ryburn, representing North Coast Alliance; Klaus Schumann, representing Green Party of S.L.O. County; Kevin Smith; John Ufrat, representing S.L.O. County Planning; Rhonda Vigil, representing the San Luis Obispo County Chumash Council; Duane Waddell; David Weisman; and Rosemary Wilvert.

SAN DIEGO COAST DISTRICT

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

6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved items 9c & h to the Calendar, and recommended approval with special conditions.

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

7. LOCAL COASTAL PROGRAMS (LCPs).

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

b. **Imperial Beach LCP Amendment No. 1-2002 Time Extension (Short Term Rentals & Secondhand Stores).** Staff recommended approval.

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

c. **Carlsbad LCP Amendment No. 1-2002D (Thompson & Tabata).** Staff recommended approval with suggested modifications.

Michael Grim, representing City of Carlsbad, submitted a request to speak in favor of the project. Jack Henthorn, representing Standard Pacific, submitted a request to speak in favor of the project.

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

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

8. **NEW APPEAL.**

a. **Appeal No. A-6-02-105 (Kindred, 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. **Application No. 6-01-167 (SDG&E & Cabrillo Power, Carlsbad)** **Postponed.**

b. **Application No. 6-02-8 (Charlie's, Encinitas)** **Postponed.**

c. **Application No. 6-02-13 (Los Penasquitos Lagoon Foundation, San Diego)** Moved to expanded Consent Calendar. **Approved.**

d. **Application No. 6-02-28 (Newkirk, Carlsbad)** **Postponed.**

e. **Application No. 6-02-43 (Kachay, San Diego Co.)** Staff recommended approval with special conditions.

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

f. **Application No. 6-02-48 (Solana Beach Towne Centre, Solana Beach)** **Postponed.**

g. **Application No. 6-02-59 (Solana Corporate Center, Solana Beach)** Staff recommended approval with special conditions.

Matt McMahon, representing McMahon Development Group, submitted a request to speak in favor of the project.

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

h. **Application No. 6-02-65 (Caltrans, Solana Beach)** Moved to expanded Consent Calendar. **Approved.**

i. **Application No. 6-02-75 (Solana Beach parking lot improvements)** **Postponed.**

j. **Application No. 6-02-80 (NCTD, San Diego Co.)** **Postponed.**

k. **Application No. 6-02-90 (San Diego parking lot hours)** Staff recommended approval with special conditions as modified orally.

Ten speakers submitted requests to speak in favor of the project: Peter Bryan, representing City of San Diego; Ted Medina, representing City of San Diego, Park & Recreation Dept.; Winston Dean; Carol Dean; Andy Stiles; Jasmine Stiles; Pamela Chew; Chett Chew; Marjorie Martin; and Frank Martin.

Motion & Vote: Peters moved staff recommendation, seconded by McClain-Hill,

Amending Motion & Vote: Peters moved to close the lots at 10 p.m., seconded by McClain-Hill, and the roll call vote was 9 in favor and 1 opposed (Desser). **Passed.**

Vote on Main Motion: Chairman Wan substituted the previous roll call vote (9-1), for approval of the main motion, as amended above. **Passed**

10. **PERMIT AMENDMENTS.**

a. **Permit No. 6-00-9-A2 (Del Mar Beach Club, Solana Beach)** **Postponed.**

- b. **Permit No. 6-01-29-A (San Diego boardwalk widening) Postponed.**
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PUBLIC STATEMENTS. Rochelle Becker, representing San Luis Obispo Mothers for Peace, opposed nuclear waste storage and transport at Diablo Canyon, and asked for public hearings. Kenneth L. Wattelet said Ballona wetlands should be protected from further development. Al Barrow, representing C.A.S.E., lamented loss of natural resources. Betty Fiscalini supported agricultural operations, and said the winery at Highway 1 & Highway 46 should be like others on the coast. Arthur Tress cited an article on Caspar in the New York Times, and said the California coast was a national issue.

LUNCH RECESS. The Commission recessed for lunch at 12:50 and returned at 2:05 p.m.

NORTH COAST DISTRICT

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

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

13. **NEW APPEALS.**

a. **Appeal No. A-1-02-29 (Shia, 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.

b. **Appeal No. A-1-02-30 (McClure, Mendocino Co.)** Staff recommended that the appeal raised no substantial issue.

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

c. **Appeal No. A-1-02-32 (Taylor, Mendocino Co.) Postponed.**

14. **PERMIT AMENDMENT.**

- a. **Permit No. 1-89-28-A3 (Meredith, Mendocino Co.) Postponed.**
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15. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 1-01-46 (Mallard Pond, Humboldt Co.)** Staff recommended approval with special conditions.

Paul Kraus submitted a request to speak in favor of the project. Keith Hess submitted a request to speak in favor of the project.

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

- b. **Appeal No. A-1-01-51 (Meredith, Mendocino Co.) Postponed.**
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- c. **Application No. 1-01-69 (CalTrans, Humboldt Co.)** Staff recommended approval with special conditions.

Joel Canzoneri, representing Dept. of Transportation, submitted a request to speak in favor of the project. Charlie Fielder, representing Caltrans, submitted a request to speak in favor of the project.

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

- d. **Application No. 1-02-6 (Rock & Dwelley, Humboldt Co.)** Staff recommended approval with special conditions.

Keith Hess submitted a request to speak in favor of the project.

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

- e. **Application No. 1-02-20 (Arcata Butchers Slough Enhancement)** Staff recommended approval with special conditions.

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

f. **Application No. 1-02-22 (Eureka Sand & Gravel, Humboldt Co.)** Staff recommended approval with special conditions.

Paul Kraus, representing the applicant, submitted a request to speak in favor of the project. Keith Hess submitted a request to speak in favor of the project.

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

g. **Application No. 1-02-23 (Hansen, Humboldt Co.)** Staff recommended approval with special conditions.

Keith Hess and Paul Kraus, both representing the applicant, submitted requests to speak in favor of the project.

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

h. **Application No. 1-00-55 (Humboldt Co. Public Works, sand & gravel)** Staff recommended approval with special conditions.

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

RECESS. The Commission recessed for the day at 3:00 p.m.

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

ENERGY, OCEAN RESOURCES and WATER QUALITY

3. **ENERGY, OCEAN RESOURCES and WATER QUALITY REPORT.** Deputy Director Lester reported on matters not requiring public hearings.
4. **SONGS Status.** Informational only.

CENTRAL COAST DISTRICT

5. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Lester reported on matters not requiring public hearings, and on comments from the public.
6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved item 9b to the Calendar, and recommended approval with special conditions.

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

Burke left during the following item.

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

- a. **San Luis Obispo Co. LCP Amendment No. SLO-MAJ-3-01 (Los Osos CSD).** Staff recommended approval with suggested modifications as modified in addendum.

Thirteen speakers submitted requests to speak in favor of the project: Don Asquith; Rosemary Bowker, representing Los Osos CSD Board of Directors; Bruce Buel,

representing Los Osos CSD; Chris Clark, representing Los Osos CSD; Frank Freiler, representing Los Osos CSD; Stan Gustafson, representing Los Osos Community Services Dist.; Gerhardt Hubner, representing Central Coast Regional WQC Board; Vivian McNeill; Michael Multari, representing Morro Bay Nat'l Estuary Program; Pandora Nash-Karner, Chair, S.L.O. County Park Commission; Bob van Riet, representing South Bay Property Owner Ass.; June Wright; and Mike Wulkan, representing S.L.O. County.

Thirty two speakers submitted requests to speak in opposition to the project: Chris Allebé; Phyllis Allebé, representing CASE; Al Barrow, representing C.A.S.E.; Laree Brown; Nicholas E. Brown; Bruno Cadrobbi, representing Concerned Citizens Los Osos; Elizabeth Cadrobbi, representing Concerned Citizens of Los Osos; Ben Di Fatteer, representing Case; Betty Field-Haley; Joseph Giannini; Jane Grover-Smith, representing Concerned Citizens of Los Osos; Gwen Henry; Rita E. Keller; W. (Rick) Keller; Jerry Kobliska; Rita Kobliska; Carolyn Leigh; Doug Leigh; Cynthia Mulligan, representing CC for L.O.; Linde Owen, representing Concerned Citizens of Los Osos; Abe Perlstein, representing Concerned Citizens of Los Osos; Patrick Pinkatt; Toby Sacher; Thomas Aquinas Salmon; Budd Sanford; Edwin Schafer; Jacqueline Smalley; Julie Tacker; Bonnie Verducci; Elizabeth S. Warren; William H. Warren; and Brooke West.

Motion & Vote on Plan as Submitted: McClain-Hill 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 & Vote on Plan with Modifications: McClain-Hill moved approval of the Land Use Plan Amendment with suggested modifications, seconded by Woolley, and Chairman Wan ruled that the vote was unanimous. **Passed.**

PUBLIC STATEMENTS. Rodger Anderson, Mayor-City of Morro Bay, spoke about a new power plant proposal. Robert Schultz, City of Morro Bay-City Attorney, spoke about the lease and history of the power plant proposal. John Barta spoke about the visual prominence of Morro Rock and the power plant, and supported a smaller power plant. Bob Dickson spoke in favor of the new power plant. Cayetano D. Moreno, representing Estero Regional Trails Group, advocated open space & trails in Los Osos, and said he was disappointed by the decision to restrict beaches in San Diego. Al Barrow, representing C.A.S.E., complained about the decision above because many people will be displaced from Los Osos. Tom Guernsey commented on the outlier plume in Avila Beach, and said that seven other plumes would need to be dealt with. Steve Rebuck requested a hearing on sea otters and lost fishing opportunities. Steve Mathieu, representing slo-span, presented the replay schedule of this meeting on cable television, and said tapes and DVDs would be available. Suzy Ficker, representing Cambria Legal Defense Fund, spoke about water quality and lack of public input at the County.

LUNCH RECESS. The Commission recessed for lunch at 12:15 and returned at 2:05 p.m. after closed session.

REPORT of CLOSED SESSION. In closed session the Commission took action on the matter of Ocean Colony, the matter of Bagnard, the matter of Global West, CCC v. Allen, Yamagiwa, et al. v. City of Half Moon Bay, CCC, et al. (Sup.Ct. Case Nos. 402781, 417189 & 413013, consolidated), Cirincione-Coles v. CCC, Peter Douglas, et al., and Geffen, et al., v. CCC, Peter Douglas, et al., and discussed three other matters for information only.

b. **San Luis Obispo Co. LCP Amendment No. SLO-MAJ-2-1 (Coast School Dist.).** Staff recommended approval with suggested modifications as modified in addendum and orally.

John Ufrat, representing County of S.L.O., submitted a request to speak. Twenty three speakers submitted requests to speak in favor of the project: Suzanne LaCaro, representing Senator Jack O'Connell; Doug Buckmaster, representing Friends of the Ranchland; Julian Crocker, representing County Superintendent of Schools; Susan Dever, representing Coast Unified School District; Laura Rummel-Kendrick, representing Coast Unified; Kathy Lindberg, representing Coast Unified School District; Stuart Selkirk, representing Coast Unified School Dist.; Martin J. Basti, Lieutenant San Luis Obispo County Sheriff; Karen Mundt, representing Cambria Grammar School; Denis de Clercq, representing Coast Unified School Dist.; Jeff Ferber, representing RRM Design Group; George M. Shaw, representing California Department of Education; Pamela Martens, representing Coast Unified School Dist.; Shirley Bianchi; Sarah Moore, representing Cambria Grammar School; Toni Mertens, representing Cambria Grammar School P.T.A.; Greg Sanders; Jerry McKinnon; Carolyn Meadows; Scott McManus; Walter Leimert; Kirsten Fiscalini; and Bob Detweiler, representing CalPoly State University. Mark Massara, representing Sierra Club, submitted a request to speak in favor of the staff recommendation. Tarren Collins submitted a request to speak in opposition to the project. Vern Hamilton, representing Cambria Community Svcs. Dist., submitted a request to speak. Bob Sloan, representing Morro Group Inc., submitted a request to speak.

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

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

c. **San Luis Obispo Co. LCP Amendment No. SLO-MAJ-1-01, Part B (Clarifications, Procedural, & Miscellaneous).** Staff recommended approval with suggested modifications as modified in addendum.

Suzy Ficker, representing Cambria Lgl. Defense Fund, submitted a request to speak.

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

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

8. **NEW APPEAL.**

a. **Appeal No. A-3-02-50 (Monaco, San Luis Obispo Co.)** Staff recommended that the appeal raised no substantial issue.

Steve Monaco submitted a request to speak in favor of the project. Greg Sanders, representing the applicant, submitted a request to speak in favor of the project. David Einung, representing the applicant, submitted a request to speak in favor of the project. Cynthia Hawley submitted a request to speak in opposition to the project. Suzy Ficker, representing Cambria Lgl. Defense Fund, submitted a request to speak in opposition to the project.

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

9. **COASTAL PERMIT APPLICATIONS.**

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

b. **Application No. 3-01-49 (Moss Landing Harbor, Monterey Co.)** Moved to expanded Consent Calendar. **Approved.**

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

d. **Application No. 3-01-121 (Bachman, San Luis Obispo Co.)** Staff recommended approval with special conditions.

Tarren Collins submitted a request to speak in opposition to the project.

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

10. FINDINGS.

a. **Permit No. 3-01-13-A (Baldacci, Pacific Grove)** Staff recommended approval of findings.

Paul Baldacci, the applicant, submitted a request to speak in favor of the project. James Baldacci submitted a request to speak in opposition to the project.

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

11. RECONSIDERATION.

a. **Permit No. 3-01-13-A-R (Baldacci, Pacific Grove)** Staff recommended denial.

Paul Baldacci, the applicant, submitted a request to speak in favor of the project. James Baldacci submitted a request to speak in opposition to the project.

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

RECESS. The Commission recessed for the day at 5:10 p.m.

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

NORTH CENTRAL COAST DISTRICT

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

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

5. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 2-00-9 & A-2-00-10 (Pacifica revetment)** Staff recommended approval with special conditions as modified orally.

Cal Hinton, Pacifica City Councilmember, spoke in favor of the project. Anna Shimko, representing the City, spoke in favor of the project. Patrick Shires, engineering consultant, spoke in favor of the project. John Frappier spoke in favor of the project. Diane Harrington spoke in favor of the project. Mary Devitt representing Pacificans for a Safe & Scenic Esplanade, spoke in favor of the project. Joel Bruxvoort spoke in favor of the project. Michael Devitt spoke in favor of the project. Jim Farnsworth spoke in favor of the project. John Moll, representing San Luis Bay Chapter of Surfrider Foundation, spoke in opposition to the project. Mark Massara representing Sierra Club, spoke in opposition to the project. Scott Holmes, representing City of Pacifica, spoke in favor of the project. David Carmany, City Manager, answered questions.

Motion & Vote: Potter moved staff recommendation, seconded by Susskind, and the roll call vote was 6 in favor and 2 opposed (Nava & Woolley). **Passed.**

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

c. **Application No. 2-01-24 (Desenberg, Marin Co.)** Staff recommended approval with special condition as modified in addendum.

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

d. **Application No. 2-02-16 (San Francisco Recreation & Parks Dept.)** Staff recommended approval with special conditions.

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

ENFORCEMENT

6. **ENFORCEMENT REPORT.** Informational only.

a. **Commission Cease & Desist Order No. CCC-02-CD-02 & Restoration Order No. CCC-02-RO-02 (Ocean Colony Partners, San Mateo Co.)** Postponed.

Desser left during the following item.

b. **Commission Restoration Order No. CCC-02-RO-01 (Rubinroit, Los Angeles Co.)** Staff recommended approval as modified orally.

Don Schmitz, representing the applicant, spoke in favor of the project, and suggested questions to the Commission. Howard Rubenroit spoke in favor of the project. Evan Rubenroit spoke in favor of the project.

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

PUBLIC STATEMENT. Bill James, representing Port San Luis commercial fishermen's association, requested protection for juvenile fish from pollution and entrainment.

ADJOURNMENT. There being no old or new business, the meeting adjourned at 11:50 a.m.

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

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