

CALIFORNIA COASTAL COMMISSION

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TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: MINUTES OF MEETING OF DECEMBER 10-13, 2002
Hyatt Regency-San Francisco
5 Embarcadero Center
San Francisco

Tuesday, December 10, 2002 pages 1 to 9

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Tuesday, December 10, 2002, at 10:20 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Commissioners Burke, Desser, Dettloff, Hart, Kruer, (Alternate) Ruddock and (Alternate) Rose. Absent: Dean, McClain-Hill, Neal, Peters, Sanders, Sweeney and Woolley. Nava arrived at 10:30 a.m.

STATEWIDE

3. **SEA TURTLE BRIEFING.** Staff recommended approval as modified in addendum.

Douglas Israel and Reuven Walder, both representing Sea Turtle Restoration Project, submitted requests to speak in favor of the staff recommendation. Barbara Andrews, representing Wildcoast, submitted a request to speak in favor of the staff recommendation. Mark Massara, representing Sierra Club, submitted a request to speak in favor of the staff recommendation.

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

SOUTH COAST DISTRICT

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

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

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

(f) James Easley, representing Hoag Memorial Hospital Presbyterian, submitted a request to speak in favor of the staff recommendation.

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

SOUTH CENTRAL COAST DISTRICT

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

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

SOUTH COAST DISTRICT

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

a. **Los Angeles Plan Amendment for Venice 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.**

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

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

a. **San Clemente LCP Amendment No. SCL-MAJ-1-2.** Staff recommended approval.

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

9.5 **NEW APPEALS.**

a. **Appeal No, A-5-02-376 (Shea Homes, Huntington Beach)** **Postponed.**

b. **Appeal No. A-5-02-384 (CIM, Huntington Beach)** Staff recommended continuance. There being no objection, Chairman Wan opened the hearing and **continued** it to a future meeting.

10. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 5-01-308 (Spinnaker Bay Slip Owners, Long Beach)** **Postponed.**

b. **Application No. 5-01-420 (Khaloghli, San Clemente)** Staff recommended approval with special conditions as modified in addendum and orally.

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

c. **Application No. 5-01-453 (Jackson, Newport Beach)** Staff recommended approval with special conditions.

William Peters, representing the applicants, submitted a request to speak in opposition to the staff recommendation.

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

d. **Application No. 5-02-289 (Polin, San Clemente)** Staff recommended approval with special conditions.

Michael Link, representing the applicant, submitted a request to speak in favor of the project.

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

e. **Application No. 5-02-303 (Panay Way Marina, Los Angeles Co.)** Staff recommended approval with special conditions.

Robert Sherwood and Sherman Garonen, both representing the applicant, submitted requests to speak in favor of the project. Joseph Chesler, representing L.A. County Dept. Beaches & Harbors, submitted a request to speak in favor of the project.

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

11. PERMIT AMENDMENT.

a. **Permit No. 5-87-847-A (Fish & Game & Los Angeles Co., Los Angeles)** Staff recommended approval with special conditions.

Lyann Comrack, representing California Department of Fish & Game, submitted a request to speak in favor of the project. Joseph Chesler, representing L.A. County Dept. of Beaches & Harbors, submitted a request to speak in favor of the project. Doug Korthof, representing www.LAWetlands/leastern, submitted a request to speak in favor of the project. Lowell Safire, representing Marina Peninsula Neighborhood Assoc., submitted a request to speak in opposition to the staff recommendation.

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

SOUTH CENTRAL COAST DISTRICT

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

a. **Port Hueneme LCP Amendment No. 1-02 (South Terminal East Expansion) 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.**

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

(b) There being more than 3 votes to remove it, this item returned to the regular calendar below.

(d) Laura Rockwell, the applicant, submitted a request to speak in favor of the project. (f) Richard Rojas, representing CA Dept. of Parks & Recreation, submitted a request to speak in favor of the project. (g) Jay Ford, the applicant, submitted a request to speak in favor of the project.

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

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

a. **Santa Barbara LCP Amendment No. 1-02 (Airfield Safety & Facilities Plan).** Staff recommended approval with suggested modifications.

John Ledbetter, representing City of Santa Barbara, submitted a request to speak in favor of the staff recommendation. Mark Massara, representing Sierra Club, submitted a request to speak in opposition to the project.

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

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

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

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

15. UCSB NOTICES of IMPENDING DEVELOPMENT.

a. **Notice No. 2-02 (Recreation Center Expansion).** Staff recommended approval with special conditions.

Tye Simpson, representing UC Santa Barbara, submitted a request to speak in favor of the staff recommendation.

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

b. **Notice No. 5-02 (Dance Studio).** Deputy Director Damm reported that the project was **approved** by operation of law.

PUBLIC STATEMENTS: Alan Sanders, representing Sierra Club, spoke in support of Chairman Wan. Bill Terry spoke in favor of the environment and Chairman Wan. Janet Bridgers, representing Earth Alert, spoke about increasing population and demands on recreational & open space resources.

LUNCH RECESS. The Commission recessed for lunch at 12:30 p.m. and returned at 2 p.m.

16.COASTAL PERMIT APPLICATIONS.

a. **Application No. 4-01-203 (Klein, Malibu) Postponed.**

b. **Application No. 4-02-14 (Malibu Design, Los Angeles Co.)** Staff recommended approval with special conditions.

Mehrdad Sahafi, the applicant, 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. Flocerfina Wheeler submitted a request to speak in favor of the project. Ronald Mayhew submitted a request to speak in opposition to the project. Bijan Khamanian submitted a request to speak in opposition to the project. Dave Mercer submitted a request to speak in opposition to the project.

Motion & Vote: Dettloff moved staff recommendation, seconded by Hart, and the roll call vote was 2 in favor (Dettloff & Hart) and 6 opposed (Burke, Kruer, Nava, Ruddock, Rose & Wan). **Failed.**

c. **Application No. 4-02-58 (Simons, Los Angeles Co.)** Moved to expanded Consent Calendar. **Approved.**

d. **Application No. 4-02-91 (Rockwell, Malibu)** Moved to expanded Consent Calendar. **Approved.**

e. **Application No. 4-02-104 (Cordos, 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.**

f. **Application No. 4-02-111 (Parks & Rec., Santa Barbara Co.)** Moved to expanded Consent Calendar. **Approved.**

g. **Application No. 4-02-143 (Ford, Malibu)** Moved to expanded Consent Calendar. **Approved.**

ENFORCEMENT

Desser left during the following item.

17. ENFORCEMENT REPORT. Informational only.

a. **Commission Restoration Order No. CCC-02-RO-2 (Munro, Los Angeles Co.)** Staff recommended approval.

Mark Massara, representing Sierra Club, submitted a request to speak in favor of the staff recommendation.

Motion & Vote: Ruddock moved staff recommendation, seconded by Dettloff, and the roll call vote was 8 in favor and 0 opposed. **Passed.**

b. **Commission Cease & Desist Order No. CCC-02-CD-3 (Arnold & Miller, San Mateo Co.)** Staff recommended approval.

Betty Arnold submitted a request to speak in opposition to the project. James Arnold submitted a request to speak in opposition to the project. Eric Dunipace submitted a request to speak in opposition to the staff recommendation. Paula Robison-Dunipace submitted a request to speak in opposition to the staff recommendation. Jim Rourke submitted a request to speak in favor of the staff recommendation. Mark Massara, representing Sierra Club, submitted a request to speak in favor of the staff recommendation. Lennie Roberts, representing Committee for Green Foothills, submitted a request to speak in favor of the staff recommendation.

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

c. **Commission Restoration Order No. CCC-02-RO-3 (Los Angeles, Venice Beach)** Staff recommended approval as modified in addendum.

Joel Alvarez, representing City of L.A. Recreation & Parks, submitted a request to speak in favor of the staff recommendation. Lisa Gritzner, representing City of Los Angeles Office of Councilmember Cindy Miscikowski, submitted a request to speak in favor of the staff recommendation. Susan D. Pfann, Ass't City Attorney representing City of Los Angeles, submitted a request to speak in favor of the staff recommendation. Joseph Chesler, representing L.A. Co. Dept. Beaches & Harbors, submitted a request to speak in favor of the staff recommendation. Lowell Safier, representing Marina Peninsula Neighborhood Assoc., submitted a request to speak. Ed Fredericks submitted a request to speak.

Motion & Vote: Burke moved staff recommendation, seconded by Ruddock, and the roll call vote was 8 in favor and 0 opposed. **Passed.**

d. **Commission Cease & Desist Order No. CCC-02-CD-4 and Restoration Order No. CCC-02-RO-4 (Crockett & Tidewater Contractors, Del Norte Co.)** **Postponed.**

e. **Permit Condition Clarification & Commission Cease & Desist Order CCC-02-CD-5 (W.L. Homes, John Laing Homes, and Hellman Properties, Seal Beach)** Staff recommended approval.

Steve Kabel, Dave Bartlett & John Flynn, all representing John Laing Homes, submitted requests to speak in opposition to the staff recommendation. Five speakers submitted a request to speak in favor of the staff recommendation: Doug Korthof; Mickie Burton; Chief Anthony Morales, representing Gabrieleno/Tongva Tribal Council; Tarren Collins and Mark Massara, representing Sierra Club. Robert Dorame, representing Gabrielino Tongva Indians of California, submitted a request to speak.

Motion & Vote to Overturn Director's Determination: Nava moved to overturn the Executive Director's determination, seconded by Rose, and the roll call vote was 0 in favor and 8 opposed. **Failed.**

Motion & Vote: Nava moved staff recommendation, seconded by Dettloff, and the roll call vote was 8 in favor and 0 opposed. **Passed.**

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

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, December 11, 2002, at 9:00 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners Burke, Desser, Dettloff, Hart, Kruer, McClain-Hill, Nava, Neal, Peters, Reilly and Woolley. Absent: Dean, Sanders and Sweeney.

SAN DIEGO COAST DISTRICT

3. **CONSENT CALENDAR.** See items a through c on page 9 of the Meeting Notice. Staff recommended approval with special conditions.

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

STATEWIDE

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

Motion & Vote: Dettloff nominated Reilly as chair, seconded by Desser; Hart nominated Potter as chair, seconded by McClain-Hill, and the roll call vote was 6 in favor of Reilly (Desser, Dettloff, Nava, Reilly, Woolley & Wan) and 6 in favor of Potter (Burke, Hart, Kruer, McClain-Hill, Peters & Potter). **Failed.**

Motion & Vote: Desser nominated Reilly as chair, seconded by Dettloff; Hart nominated Potter as chair, seconded by McClain-Hill, and the roll call vote was 6 in favor of Reilly (Desser, Dettloff, Nava, Reilly, Woolley & Wan) and 6 in favor of Potter (Burke, Hart, Kruer, McClain-Hill, Peters & Potter). **Failed.**

On Thursday, before the lunch recess, Potter withdrew his name from consideration.

Motion & Vote to Reconsider: On Thursday, after lunch, Peters moved to reconsider the election of officers, seconded by Woolley, and unanimously **approved.**

Motion & Vote: Potter moved to elect Reilly as chair and Burke as vice-chair, seconded by Nava, and the hand vote was 12 in favor and 0 opposed. **Passed.**

5. **APPROVAL OF MINUTES.** **Motion & Vote:** Kruer moved approval of the minutes of November 2002, seconded by Woolley, and unanimously **approved.**

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

Susskind replaced Burke during the following item.

10. **EXECUTIVE DIRECTOR'S REPORT.**

- a. **Public Education Program Status.** Informational only.
- b. **Public Education Program Interagency Agreement.** Staff recommended approval.

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

- c. **Central Coast Wetlands GIS Funds.** Staff recommended approval.

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

- d. **Channel Islands Sanctuary.** Informational only.
- e. **Public Education Program Contract Amendment.** Postponed.

11. **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.

- a. Briefing on **whale-finding sonar.** Informational only. Peter Tyack, representing Woods Hole Ocean Inst./Scientific Solutions, submitted a request to speak in favor of the staff recommendation. Robin Mankey, representing Sea Sanctuary & Australians for Animals, submitted a request to speak in opposition to the project. Cheryl A. Magill, representing Stop LFAs Worldwide Network, submitted a request to speak in opposition to the project. Michael Stocker, representing Seaflow, submitted a request to speak. Mark S. Palmer, representing Earth Island Institute, submitted a request to speak.

12. FEDERAL CONSISTENCY.

a. CD-52-02 (BLM, Humboldt Co.) Staff recommended approval.

Lynda Roush, representing Bureau of Land Management, submitted a request to speak in favor of the staff recommendation. John Engbring, representing U.S. Fish & Wildlife Service, submitted a request to speak in favor of the staff recommendation. Karen Kovacs, Don Koch and Mark Wheatley, all representing CA Dept. of Fish & Game submitted requests to speak in favor of the staff recommendation. Sungnome Madrone, representing Redwood Community Action Agency, submitted a request to speak in favor of the staff recommendation. Christine Ambrose, representing EPIC, submitted a request to speak in opposition to the project. Anthony Ambrose submitted a request to speak in opposition to the project.

Motion: Woolley moved staff recommendation, seconded by Reilly.

Amending Motion & Vote: Susskind moved to allow OHV access by permit only March 1 - September 30, seconded by McClain-Hill, and the roll call vote was 8 in favor (Susskind, Desser, Hart, Kruer, McClain-Hill, Nava, Peters & Wan) and 3 opposed (Dettloff, Reilly & Woolley).

Passed.

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

b. CD-61-02 (Navy, Ventura Co.) Postponed.

PUBLIC STATEMENTS. Alan Sanders, representing Sierra Club, said he continued to support Chairman Wan. Mark Massara, representing Sierra Club, warned that State Parks made a back-room deal to sell state beach to the Pelican Point homeowners association for a private seawall. Gordon Bennett spoke in favor of maintaining the protection in the LCP, protecting views, and preserving agricultural land. Catherine Caufield, representing Env. Action Committee, spoke in favor of the LCP and protection of west Marin County. Tom Gaman thanked the Commission for protecting the coast. Christine Ambrose, representing EPIC, spoke about alleged violations by Coast Seafoods and its permit history. Tarren Collins spoke in support of Chairman Wan and her leadership in defense of natural resources. Janet Bridgers, representing Earth Alert, said the activist community hoped that, in January, the Commission would prove that its purpose was to protect the coast and not to provide a payback system for the Governor's campaign donors. Jim Gault submitted a request to speak.

LUNCH RECESS. The Commission recessed for lunch at 1:20 p.m. and returned at 4 p.m. after closed session. Burke replaced Susskind during the break

REPORT of CLOSED SESSION. In closed session the Commission took action on CCC v. Surface Transportation Board, and discussed six other matters for information only.

c. **CD-81-02 (Corps of Engineers, Newport Beach)** Staff recommended approval as modified orally.

Larry Smith, representing U.S. Army Corps of Engineers, submitted a request to speak in opposition to the staff recommendation.

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

SAN DIEGO COAST DISTRICT

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

a. **San Diego LCP Amendment No. 2-2001-C (SeaWorld Master Plan) Certification Review.** Postponed.

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

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

a. **Imperial Beach LCP Amendment No. 4-02A (Hotel Specific Plan).** The City requested continuance.

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

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

b. **San Diego LCP Amendment No. 1-2002 A & B (La Jolla Plan Update & Estates at Costa Del Mar) Time Extension.** Staff recommended approval.

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

16. COASTAL PERMIT APPLICATIONS.

a. **Application No. 6-02-48 (Solana Beach Towne Centres, Solana Beach)** Staff recommended approval with special conditions.

John W. Chamberlain, representing the applicant, submitted a request to speak in favor of the project.

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

b. **Application No. 6-02-50 (Solana Beach restrooms)** Staff recommended approval with special conditions.

Steven Apple, representing City of Solana Beach, submitted a request to speak in favor of the project.

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

c. **Application No. 6-02-100 (Verizon Wireless, San Diego Co.)** Staff recommended approval with special conditions.

Rod De La Rosa, representing Verizon Wireless, submitted a request to speak in favor of the project.

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

d. **Application No. 6-02-102 (NCTD, Del Mar)** Staff recommended approval with special conditions.

Reagan Brenneman, representing the applicant, submitted a request to speak in favor of the project.

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

e. **Application No. 6-02-127 (San Diego pump station upgrade)** Staff recommended approval with special conditions.

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

f. **Application No. 6-02-134 (San Diego treatment plant improvements)**
Postponed.

16.5. **PERMIT AMENDMENT.**

a. **Permit No. 6-96-159-A (Cade, Carlsbad)** Staff recommended approval with special conditions.

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

NORTH CENTRAL COAST DISTRICT

17. **DEPUTY DIRECTOR'S REPORT.** District Supervisor Kern reported on permit matters not requiring public hearings, and on comments from the public.

a. **Procedures 2-02-02-EDD (Pacifica Bowl, Pacifica).** **Postponed.**

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

a. **Sonoma Co. LCP Amendment No. 2-02 (Small Wind Energy Systems).** Staff recommended approval.

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

19. **NEW APPEAL.**

a. **Appeal No. A-2-02-24 (Hansen & Brubaker, Marin Co.)** **Postponed.**

20. **COASTAL PERMIT APPLICATIONS.**

- a. **Appeal No. A-1-99-20 (El Granada Pipeline, Half Moon Bay) Postponed.**

- b. **Appeal No. A-2-99-63 (El Granada Pipeline, San Mateo Co.) Postponed.**

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

- d. **Application No. 2-01-29 (Lucas, Sonoma Co.) Postponed.**

SOUTH CENTRAL COAST DISTRICT

22. **PERMIT NO. A-4-93-154-HCC-A2 (ARCO Dos Pueblos Golf Links).** Staff recommended denial.

Andi Culbertson, Steven H. Kaufmann, Dr Daniel Meade and Jeffrey Froke, all representing the applicant, submitted requests to speak in favor of the project. Monty Parsons, representing Eagle Canyon Ranch, submitted a request to speak. Twenty two speakers submitted requests to speak in opposition to the project: Keith Zandona, representing Save Our Coast; John Ucciferri; Nathan Post, representing Surfrider Haskells's/Naples Task Force; Tom Phillips; Michael Paquet, representing San Francisco Chapter Surfrider Foundation; Richard Nichols, representing Coastwalk; David Nawi, representing Surfrider Foundation; Mark Morey; Jack McCurdy; Mark Massara, representing Sierra Club; Loren Luyendyk; Mark Kram; Robert K. Keats, representing Surfrider Foundation; Ariana Katovich, representing Sierra Club; Maya Kasberg; Dan Fontaine; Edward Easton; David Duffy; Diane Conn, representing Citizen's for Goleta Valley; Mahala Burton; Scott Bull, representing Surfrider Foundation; and Laura Brands.

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.**

RECESS. The Commission recessed for the day at 8:50 p.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, December 12, 2002, at 9:05 a.m. by Chairman Wan.
2. **ROLL CALL.** Present: Chairman Wan, Vice Chairman Potter, Commissioners (Alternate) Susskind, Desser, Dettloff, Hart, Kruer, McClain-Hill, Nava, Neal, Peters, Reilly and Woolley. Absent: Dean, Sanders and Sweeney.

ENERGY, OCEAN RESOURCES and WATER QUALITY

3. **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.

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- a. Proposal to **Upgrade Morro Bay Power Plant.** Staff recommended approval with conditions.

Henriette Groot, Babak Naficy, Bill Powers and Jack McCurdy, all representing Coastal Alliance on Plant Expansion, submitted requests to speak in favor of the staff recommendation. Colleen Johnson submitted a request to speak in favor of the staff recommendation. David Nelson submitted a request to speak in favor of the staff recommendation. Kaitilin Gaffney, representing The Ocean Conservancy, submitted a request to speak in favor of the staff recommendation. Mark Massara, representing Sierra Club, submitted a request to speak in favor of the staff recommendation. Kevin Kennedy, representing California Energy Commission, submitted a request to speak. Kevin Johnson, representing Duke Energy, North America, submitted a request to speak in opposition to the staff recommendation. Rob Schultz, representing City of Morro Bay, submitted a request to speak in opposition to the staff recommendation. Kim Kimball, representing Morro Bay Chamber of Commerce, submitted a request to speak in opposition to the staff recommendation.

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

b. **Coastal Conservancy Enhancement Plan Approval.** Staff recommended approval.

Lars Anderson, representing USDA and SCCAT, submitted a request to speak in favor of the staff recommendation. Robert Hoffman, representing National Marine Fisheries Service, submitted a request to speak in favor of the staff recommendation.

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

4. **FEDERAL CONSISTENCY.**

a. **CD-51-02 (NMFS, San Diego & Orange Cos.)** Staff recommended approval.

Robert Hoffman, representing National Marine Fisheries Service, submitted a request to speak in favor of the staff recommendation. David Lloyd, representing Agua Hedionda Lagoon Foundation, submitted a request to speak in favor of the staff recommendation. Lars Anderson, representing USDA - SCCAT, submitted a request to speak in favor of the staff recommendation.

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

CENTRAL COAST DISTRICT

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

a. **Cambria Water Briefing.** Informational only. Kim Eady submitted a request to speak in favor of the project. Dane Phillips Sr. submitted a request to speak. Dane Phillips Jr. submitted a request to speak. Amber Phillips submitted a request to speak. Daniel Markowitz submitted a request to speak. Wayne Parrack, representing United Lot Owners of Cambria, submitted a request to speak. Cynthia Hawley submitted a request to speak. Robert Gresens, representing Cambria Community Services District, submitted a request to speak. Peter Chaldecott, representing Cambria CSD, submitted a request to speak.

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

7. LOCAL COASTAL PROGRAMS (LCPs).

a. **Monterey Plan Submittal MTC-LUP-HARBOR-SUB-R4 (Harbor Plan Submittal).**

Staff recommended approval with suggested modifications as modified in addendum.

Bill Wojtkowski, representing City of Monterey, submitted a request to speak.

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

b. **Carmel Plan Submittal CML-LUP-SUB-R3.** Trailed until after lunch. Staff recommended approval with suggested modifications.

Sue McCloud, Mayor, City of Carmel, submitted a request to speak in opposition to the staff recommendation. Rich Guillen, representing City of Carmel-by-the-Sea, submitted a request to speak in favor of the staff recommendation. Mike Brown submitted a request to speak in favor of the staff recommendation. Don Freeman submitted a request to speak in favor of the staff recommendation. Fourteen speakers, organized by the Carmel Preservation Foundation, submitted requests to speak in opposition to the project: Enid Sales, Director C.P.F.; David Maredel, President C.P.F.; Jim Wright, past Council member; Barbara Livingston, Carmel City Council member; Melanie Billig, Design Traditions Steering Committee member; Monte Miller; Claudine Van Vleet, Research Director, C.P.F.; Anne Bell, Carmel Preservation Committee Chair; Karen Ferlito past member of Forest & Beach Commission; Joyce Stevens, Waste Water District Board; Larry Rodocker, President of Carmel Resident's Association; Mike Brown, former Planning Commissioner; Mary P. Condry; and Margaret Purchase. Five other speakers submitted requests to speak in opposition to the project: Francyne Laney; Betty Marie Tripp; Allan Paterson; Richard Dalsemer; and Constance Wright. Christi Dhorio and Brian Roseth, both representing City of Carmel-by-the-Sea, submitted requests to speak.

Chairman Reilly **continued** the hearing to a future meeting.

8. NEW APPEALS.

a. **Appeal No. A-3-02-58 (Smith, Monterey Co.) Postponed.**

b. **Appeal No. A-3-02-77 (Gorman, Monterey Co.) Postponed.**

c. **Appeal No. A-3- 02-83 (Kleissner, Monterey Co.)** Staff recommended that the appeal raised no substantial issue.

Lisa Kleissner submitted a request to speak in favor of the project. Mary Ann Schicketanz, representing the applicant, submitted a request to speak in favor of the project.

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

d. **Appeal No. A-3-02-86 (Horizon Seabright, Grover Beach)** **Postponed.**

e. **Appeal No. A-3-02-88 (RMC Pacific Materials, Santa Cruz Co.)** Staff recommended continuance. There being no objection, Chairman Wan opened the hearing and **continued** it to a future meeting.

f. **Appeal No. A-3-02-92 (Webb, Santa Cruz Co.)** Staff recommended continuance. There being no objection, Chairman Wan opened the hearing and **continued** it to a future meeting.

g. **Appeal No. A-3-02-93 (Korpiel, San Luis Obispo Co.)** Staff recommended continuance. There being no objection, Chairman Wan opened the hearing and **continued** it to a future meeting.

h. **Appeal No. A-3-02-95 (Corrigan, Santa Cruz Co.)** **Postponed.**

PUBLIC STATEMENTS. Norbert Dall raised concerns about public participation and lack of information.

LUNCH RECESS. The Commission recessed for lunch at 11:45 p.m. and returned at 1:40 p.m. Burke replaced Susskind during the break.

9. COASTAL PERMIT APPLICATIONS.

a. **Application No. 3-02-18 (Podesto, Santa Cruz Co.)** **Postponed.**

b. **Appeal No. A-3-02-50 (Monaco, San Luis Obispo Co.)** Staff recommended approval with special conditions as modified in addendum and orally.

Thirteen speakers submitted requests to speak in favor of the project: Sue Monaco; Stephen Monaco; Peter Chaldecott, CCSD; Stephanie Dall, representing Sharon Delp & Glen Barker; Kim Eady; Fran Hudzinski; Gordon Paine; Wayne Parrack, representing United Lot Owners of Cambria; Amber Phillips; Dane Phillips Jr.; Dane Phillips Sr.; Michael Shonafelt; John Ufrat, representing San Luis Obispo County. Cynthia Hawley submitted a request to speak in opposition to the project. Robert Gresens, representing Cambria C.S.D., submitted a request to speak.

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

c. **Appeal No. A-3-02-73 (Hudzinski, San Luis Obispo Co.)** Staff recommended approval with special conditions as modified in addendum and orally.

Nine speakers submitted requests to speak in favor of the project: Fran Hudzinski; Sue Monaco; Stephen Monaco; Peter Chaldecott, CCSD; Stephanie Dall, representing Sharon Delp & Glen Barker; Kim Eady; Gordon Paine; Wayne Parrack, representing United Lot Owners of Cambria; and John Ufrat, representing San Luis Obispo County. Robert Gresens, representing Cambria C.S.D., submitted a request to speak.

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

RECESS. The Commission recessed for the day at 4:40 p.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Friday, December 13, 2002, at 9:05 a.m. by Chairman Reilly.
2. **ROLL CALL.** Present: Chairman Reilly, Commissioners Desser, Dettloff, Hart, Nava, Potter, Wan and Woolley. Absent: Burke, Dean, Kruer, Peters, Sanders and Sweeney. McClain-Hill & Neal arrived at 9:20 a.m.

NORTH COAST DISTRICT

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

- a. **Gualala & Albion River Water Export.** Staff recommended authorizing the Executive Director to submit protests to the State Water Resources Control Board concerning the applications of Alaska Water Exports to divert water from the Gualala & Albion Rivers in Sonoma & Mendocino Counties for municipal water supply use in San Diego.

Five speakers submitted requests to speak in favor of the staff recommendation: Doug Hammerstrom, representing Friends of the Gualala River; Jim Jordan, representing Friends of the Gualala; Donald S. Kemp, Ph.D., representing Friends of the Gualala River; Nancy Price, representing Alliance for Democracy; and Michael Warburton, representing Public Trust Alliance, Res. Renewal. Bobbie Piety submitted a request to speak in opposition to the project.

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

4. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved items 6b & 7c to the Calendar, and recommended approval with special conditions.

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

5. NEW APPEALS.

a. **Appeal No. A-1-02-148 (Auguste, Mendocino Co.)** Staff recommended that the appeal raised substantial issue. There being no objection, Chairman Reilly ruled that the Commission found substantial issue. Chairman Reilly opened the hearing on the merits of the project. Staff recommended denial.

Robert Auguste, the applicant, submitted a request to speak in favor of the project. Julie Verran, representing Friends of Schooner Gulch, submitted a request to speak in favor of the staff recommendation.

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

b. **Appeal No. A-1-02-149 (Woodhead & Hickman, Mendocino Co.)** Staff recommended that the appeal raised no substantial issue as modified in addendum.

Charles Wright and Joan Curry submitted requests to speak in opposition to the project. Ann Woodhead and Toby Hickman submitted requests to speak in favor of the project.

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

c. **Appeal No. A-1-02-150 (Forest, Crescent City)** Staff recommended that the appeal raised substantial issue as modified in addendum. There being no objection, Chairman Reilly ruled that the Commission **found substantial issue**. Chairman Reilly opened the hearing on the merits of the project **and continued** it to a future meeting.

d. **Appeal No. A-1-02-152 (Redland, Del Norte Co.)** Staff recommended continuance. There being no objection, Chairman Reilly opened the hearing and **continued** it to a future meeting.

6. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 1-02-26 (Westbrook & Wetherell, Del Norte Co.)** Staff recommended denial.

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

b. **Application No. 1-02-142 (Eleutherian Pan-Communon, Humboldt Co.)** Moved to expanded Consent Calendar. **Approved.**

7. **PERMIT AMENDMENTS.**

a. **Permit No. 1-98-100-A3 (Caltrans, Mendocino Co.)** Staff recommended approval with special conditions.

Guy Preston, representing State of Calif., Dept. of Transportation, submitted a request to speak in favor of the project. Julie Verran, representing Sierra Club, submitted a request to speak in opposition to the staff recommendation.

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

b. **Permit No. A-1-99-6-A3 (Caltrans, Mendocino Co.)** Staff recommended approval with special conditions.

The hearing was combined with item a above.

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

c. **Permit No. A-1-01-59-A (Thelen, Mendocino Co.)** Moved to expanded Consent Calendar. **Approved.**

8. **FINDINGS.**

a. **Appeal No. A-1-01-43 (Wright, Mendocino Co.)** Staff recommended approval of findings.

Jill E. Roost submitted a request to speak in favor of the staff recommendation.

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

b. **Application No. 1-02-16 (CalTrans, Humboldt Co.)** Staff recommended approval of findings.

Motion & Vote: Woolley moved staff recommendation, seconded by Dettloff, and the vote was 8 in favor and 0 opposed. **Passed.**

ADJOURNMENT. There being no old or new business, the meeting adjourned at 11:05 a.m.

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

pmg

