

CALIFORNIA COASTAL COMMISSION

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Th16



TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: MINUTES OF MEETING OF SEPTEMBER 10-12, 2003
Eureka Inn
7th & F Streets
Eureka

Wednesday, September 10, 2003 pages 1 to 10

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, September 10, 2003, at 9:30 a.m. by Chairman Reilly.
2. **ROLL CALL.** Present: Chairman Reilly, Commissioners Hart, Iseman, (Alternate) Orr, (Alternate) Allgood, Potter, Wan and Woolley. Absent: Burke, Dean, Desser, Krueger, McClain-Hill, Sanders, Sweeney and Vargas.

SOUTH CENTRAL COAST DISTRICT

3. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Damm reported on matters not requiring public hearings, and on comments from the public.
 - a. **Port Hueneme De Minimis LCP Amendment No. 1-03.** Staff recommended concurrence with the Executive Director's determination. There being no objection Chairman Reilly ruled that the Commission concurred with the Executive Director.
Approved.
-

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

c) Michael Sant, representing the applicant, submitted a request to speak in favor of the project.

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

5. **NEW APPEAL.**

a. **Appeal No. A-4-03-77 (Santa Barbara Airport)** Staff recommended that the appeal raised no substantial issue.

Laurie Owens, representing Santa Barbara Airport, submitted a request to speak in favor of the project. Jonny D. Wallis, representing City of Goleta, submitted a request to speak in opposition to the project.

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

6. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 4-01-161 (Pollack, Los Angeles Co.)** **Postponed.**

b. **Application No. 4-02-149 (Long, Los Angeles Co.)** Staff recommended approval with special conditions.

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

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

c. **Application No. 4-02-259 (Sloggy, Los Angeles Co.)** Moved to expanded Consent Calendar. **Approved.**

d. **Application No. 4-03-29 (Austin, Los Angeles Co.)** Moved to expanded Consent Calendar. **Approved.**

e. **Application No. 4-03-40 (Sahafi, Los Angeles Co.) Postponed.**

f. **Application No. 4-03-46 (Dreckmann, Los Angeles Co.)** Staff recommended approval with special conditions as modified orally.

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

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

7. PERMIT AMENDMENTS.

a. **Permit No. 4-96-167-A (Simon T, Los Angeles Co.)** Staff recommended approval with special conditions.

Alan Block, representing the applicant, submitted a request to speak in favor of the project. Simon T, the applicant, submitted a request to speak in favor of the project. Michael Vignieri, representing the applicant, submitted a request 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.**

b. **Permit No. 4-98-143-A (Revell, Malibu) Postponed.**

c. **Permit No. 4-01-68-A (Srivastava, Los Angeles Co.) Postponed.**

8. RECONSIDERATION.

a. **Application No. 4-02-166-R (LAS, Malibu)** Staff recommended denial of the reconsideration.

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

Motion & Vote to Continue: Potter moved to continue the hearing, seconded by Hart, and the roll call vote was 6 in favor and 2 opposed (Allgood & Wan). **Passed.**

9. **REVOCAION of Permit No. 4-96-167 (Simon T, Los Angeles Co.)** Staff recommended denial of the revocation request.

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

Motion & Vote to Revoke: Woolley moved to revoke the permit, seconded by Orr, and Chairman Reilly ruled that the vote was unanimous in opposition to the motion. **Failed.**

NORTH CENTRAL COAST DISTRICT

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

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

12. **COASTAL PERMIT APPLICATION.**

a. **Application No. 2-02-27 (Shoreview Homeowners, Pacifica)** Staff recommended approval with special conditions.

Michele Coxon, representing the applicant, submitted a request to speak in favor of the project. Mark Massara submitted a request to speak in opposition to the project.

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

CENTRAL COAST DISTRICT

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

a. **Santa Cruz Co. De-Minimis LCP Amendment No. SCO-1-03 Part 3 (Mobile home regs).** Staff recommended concurrence with the Executive Director's determination. There being no objection Chairman Reilly ruled that the Commission concurred with the Executive Director. **Approved.**

b. **Santa Cruz Co. De-Minimis LCP Amendment No. SCO-1-03 Part 4 (Accessory structures).** Staff recommended concurrence with the Executive Director's determination. There being no objection Chairman Reilly ruled that the Commission concurred with the Executive Director. **Approved.**

c. **San Luis Obispo Co. SLO-MAJ-1-01-B (Vacation Rentals) Certification Review.** Staff recommended concurrence with the Executive Director's determination. There being only one objection Chairman Reilly ruled that the Commission concurred with the Executive Director. **Approved.**

d. **Pismo Beach PSB-MAJ-1-03 (Downtown, Area K) Certification Review.** Staff recommended concurrence with the Executive Director's determination. There being no objection Chairman Reilly ruled that the Commission concurred with the Executive Director. **Approved.**

14. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved items 17e & f to the Calendar, and recommended approval with special conditions as modified in the addendum.

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

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

a. **Santa Cruz Co. LCP Amendment No. SCO-MAJ-1-02 Part 1 (PUD Ordinance).** Staff recommended approval with suggested modifications.

Mark Deming, representing Co. of Santa Cruz, submitted a request to speak in favor of the staff recommendation.

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

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

b. **Santa Cruz Co. LCP Amendment No. SCO-MAJ-1-02 Part 2 (Ag 2nd Units).** Staff recommended continuance.

Mark Deming, representing Co. of Santa Cruz, submitted a request to speak in opposition to the staff recommendation.

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

c. **Santa Cruz Co. LCP Amendment No. SCO-MAJ-1-02 Part 3 (MOU).** Staff recommended approval with suggested modifications.

Mark Deming, representing Co. of Santa Cruz, submitted a request to speak in favor of the staff recommendation.

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

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

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

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

d. **Santa Cruz Co. LCP Amendment No. SCO-MAJ-2-03 Part 1 (2nd Units).** Staff recommended approval with suggested modifications.

Mark Deming, representing Co. of Santa Cruz, submitted a request to speak in favor of the staff recommendation.

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

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

e. **Santa Cruz Co. LCP Amendment No. SCO-MAJ-2-03 Part 2 (TP rezone) Time Extension.** Staff recommended approval.

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

f. **San Luis Obispo Co. Periodic LCP Review.** Staff recommended approval of a letter to the County, as modified orally.

John Ufrat, representing San Luis Obispo County, submitted a request to speak in favor of the staff recommendation. Gordon Hensley, representing Environment in the Public Interest, submitted a request to speak in favor of the staff recommendation. Mark Massara, representing Sierra Club, submitted a request to speak. Jeff Kuyper, representing Environmental Defense Center/Friends of the Ranchland, submitted a request to speak. Tarren Collins, representing Sierra Club/SLO Coast Alliance, submitted a request to speak.

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

LUNCH RECESS. The Commission recessed for lunch at 12:20 p.m. and returned at 2:15 p.m. after closed session.

REPORT of CLOSED SESSION. In closed session the Commission took action on Sierra Club, et al. v. CCC, et al. (Soka University, RPI), and discussed one other matter of litigation for information only.

g. **San Luis Obispo Co. LCP Amendment No. SLO-MAJ-1-02 (Oceano plan).** Staff recommended approval with suggested modifications as modified in addendum and orally.

John Ufrat, representing San Luis Obispo County, submitted a request to speak in favor of the staff recommendation. Tarren Collins, representing Sierra Club, submitted a request to speak in favor of the staff recommendation. Gordon Hensley, representing Environment in the Public Interest, submitted a request to speak in favor of the staff recommendation. Shane Hernandez submitted a request to speak. Caroline Sejera submitted a request to speak. Juliza Hernandez submitted a request to speak.

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

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

16. **NEW APPEAL.**

a. **Appeal No. A-3-03-82 (Moss Landing Harbor, Monterey Co.) Withdrawn.**

17. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. A-3-02-58 (Smith, Monterey Co.)** Staff recommended approval with special conditions.

Murray M. Smith submitted a request to speak in favor of the project. Sharene Virnig submitted a request to speak in opposition to the project. Anthony Lombardo submitted a request to speak in opposition to the project.

Motion & Vote: Potter moved staff recommendation, seconded by Orr, and the roll call vote was 7 in favor and 1 opposed (Reilly). **Passed.**

b. **Application No. 3-03-18 (Agha, Pacific Grove)** Staff recommended approval with special conditions.

Dennis Hodgin submitted a request to speak in favor of the project. Gavin Gear submitted a request to speak in favor of the project. Bob Rosenthal submitted a request to speak in favor of the project. Tony Greening submitted a request to speak

in opposition to the project. Jerry Norton submitted a request to speak in opposition to the project. Gary Sprader submitted a request to speak in opposition to the project. Lee Yarborough submitted a request to speak in opposition to the project.

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

c. **Application No. 3-03-19 (Cardinal & Gear, Pacific Grove)** Staff recommended approval with special conditions.

The hearing was combined with items b above & d below.

Motion & Vote: Hart moved staff recommendation, seconded by Woolley, and Chairman Reilly substituted the previous roll call vote (6-2). **Passed.**

d. **Application No. 3-03-26 (Rosenthal, Pacific Grove)** Staff recommended approval with special conditions.

The hearing was combined with items b & c above.

Motion & Vote: Hart moved staff recommendation, seconded by Woolley, and Chairman Reilly substituted the previous roll call vote (6-2). **Passed.**

e. **Application No. 3-03-25 (Monterey revetments)** Moved to expanded Consent Calendar. **Approved.**

f. **Application No. 3-03-45 (Macondray & Weaver, Carmel)** Moved to expanded Consent Calendar. **Approved.**

g. **Application No. 3-03-49 (Carmel, Scenic Road revetments)** **Postponed.**

h. **Application No. 3-03-53 (Baker, Carmel)** Staff recommended approval with special conditions.

Jerry Baker submitted a request to speak in favor of the project. Anthony Lombardo, representing the applicant, submitted a request to speak in favor of the project.

Motion: Potter moved staff recommendation, seconded by Allgood.

Amending Motion & Vote: Potter moved to delete redesign from condition #1, seconded by Allgood, and Chairman Reilly ruled that the vote was unanimous. **Passed.**

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

Wan left before the following item.

18. **PERMIT AMENDMENT.**

a. **Permit No. A-3-00-33-A (Hinman & Skees, Santa Cruz Co.)** Staff recommended approval with special conditions.

Kevin Hughey, representing the applicants, submitted a request to speak in favor of the project.

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

RECESS. The Commission recessed for the day at 5:45 p.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, September 11, 2003, at 9:00 a.m. by Chairman Reilly.
2. **ROLL CALL.** Present: Chairman Reilly, Commissioners Desser, Hart, Iseman, (Alternate) Orr, (Alternate) Allgood, Potter, Wan and Woolley. Absent: Burke, Dean, Krueger, McClain-Hill, Sanders, Sweeney and Vargas.

SAN DIEGO COAST DISTRICT

3. **CONSENT CALENDAR.**

a. **Application No. 6-02-167 (Merchant, Del Mar)** Staff recommended approval with special condition.

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

SOUTH COAST DISTRICT

4. **ADMINISTRATIVE PERMIT APPLICATIONS.** See items a through g on pages 10-11 of the Meeting Notice. Staff recommended approval with special conditions.

There being no objection, Chairman Reilly ruled that these administrative permits be issued by the Executive Director. **Approved.**

5. **CONSENT CALENDAR.** See items a through g on page 11 of the Meeting Notice. Staff recommended approval with special conditions.

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

SAN DIEGO COAST DISTRICT

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

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

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

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

a. **Carlsbad LCP Amendment No. 2-03A (Villa Paradiso).** Staff recommended approval.

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

9. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 6-02-66 (Encinitas Highway 101 riprap)** Staff recommended approval with special conditions.

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

b. **Application No. 6-03-59 (Ferber, Solana Beach)** Moved to expanded Consent Calendar. **Approved.**

c. **Application No. 6-03-67 (SDG&E, San Diego)** Moved to expanded Consent Calendar. **Approved.**

10. REVOCATIONS.

a. **Permit No. 6-01-129 (SeaWorld, San Diego)** Staff recommended denial of the revocation request.

Don May, representing Cal Earth Corps, submitted a request to speak in favor of the project. Sabrina Venskus, representing Cal Earth corps, submitted a request to speak in favor of the project. Dennis Burks, David Watson and Patrick Owen, all representing SeaWorld Adventure Park, submitted requests to speak in opposition to the project. Rebecca Lafreniere, representing City of San Diego Solid Waste Local Enforcement Agency, submitted a request to speak.

Motion & Vote to Continue: Desser moved to continue the hearing, seconded by Potter, and the roll call vote was 8 in favor and 1 opposed (Hart). **Passed.**

b. **Permit No. 6-02-60 (UCSD, La Jolla) Withdrawn.**

SOUTH COAST DISTRICT

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

a. **Redondo Beach LCP Amendment No. RDB-LCP-1-02 Certification Review.** Staff recommended concurrence with the Executive Director's determination. There being no objection Chairman Reilly ruled that the Commission concurred with the Executive Director. **Approved.**

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

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

13. NEW APPEAL.

a. **Appeal No. A-5-03-156 (Swepston, Los Angeles)** Staff recommended that the appeal raised no substantial issue. The applicant requested a continuance.

Allan J. Abshez, representing Mark & Louise Shmuger, submitted a request to speak in opposition to the project.

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

14. COASTAL PERMIT APPLICATIONS.

a. **Application No. 5-02-379 (Brunner & Kuntz, San Clemente)** **Postponed.**

b. **Application No. 5-03-73 (Ruta, Los Angeles)** Moved to expanded Consent Calendar. **Approved.**

c. **Application No. 5-03-165 (Cook, Newport Beach)** Moved to expanded Consent Calendar. **Approved.**

d. **Application No. 5-03-280 (Urban Wildlife Group, Los Angeles Conservation Corps & L.A. Co., Redondo Beach)** Moved to expanded Consent Calendar. **Approved.**

e. **Application No. 5-03-288 (Los Angeles Parks, Ocean Front Walk)** Moved to expanded Consent Calendar. **Approved.**

15. FINDINGS.

a. **Application No. 5-02-256 (DePauw, Newport Beach)** Staff recommended approval of findings.

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

b. **Application No. 5-02-302 (Barth, Newport Beach)** **Postponed.**

16. **RECONSIDERATION.**

a. **Appeal No. A-5-99-225-R (Mt. Holyoke Homes, Los Angeles)** Staff recommended denial of reconsideration. The applicant requested continuance.

Norbert Dall, representing Mt. Holyoke Homes, LLP/Darla Jones, submitted a request to speak in favor of the project.

Motion & Vote to Continue: Orr moved to continue the hearing, seconded by Desser, and the roll call vote was 6 in favor, 2 opposed (Allgood & Wan) and 1 abstention (Woolley). **Passed.**

ENERGY, OCEAN RESOURCES and WATER QUALITY

17. **ADMINISTRATIVE PERMIT APPLICATION.**

a. **Application E-03-2 (POOI, Carpinteria).** Staff recommended approval with special condition.

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

18. **ENERGY, OCEAN RESOURCES and WATER QUALITY REPORT.** Executive Director Douglas reported on matters not requiring public hearings.

a. **Briefing on Revised General NPDES Permit CAG280000 for Oil & Gas Platform Discharges.** Staff recommended that a letter be sent, urging approval. There being no objection Chairman Reilly ruled that the letter be sent.

b. **Briefing on Updated Seawater Desalination Report.** Informational only.

STATEWIDE

19. **APPROVAL OF MINUTES.** Wan moved approval of the August 2003 minutes, seconded by Desser, and unanimously **approved.**

20. **COMMISSIONERS' REPORTS.** Informational only.

a. Secretary of the Resources Agency status report regarding Administration coastal and ocean related initiatives and activities. Written reports regarding efforts during the previous two months were distributed for information only.

21. **SELECTION of REPRESENTATIVE to SANTA MONICA MOUNTAINS CONSERVANCY and ALTERNATE.** Chairman Reilly proposed Nava as the representative and Durazo as the alternate, and unanimously **approved**.

22. **CONSERVANCY REPORT.** A written report was distributed.

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

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

25. **EXECUTIVE DIRECTOR'S REPORT** including report on legislation. Informational only.

a. **Public Education Grants.** Staff recommended approval.

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

b. **Authorization.** Staff recommended approval.

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

PUBLIC STATEMENTS. Tarren Collins, representing SLO Coast Alliance/Sierra Club, said a private desalination facility was proposed at the former Chevron oil terminal at Estero Bay in San Luis Obispo County, and commended the excellent staff report on desalination. Mark Massara, representing Sierra Club, said the historic wagon trail in Trinidad was neither threatened by erosion nor a nuisance, and provided important public access.

RECESS. The Commission recessed for the day at noon.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Friday, September 12, 2003, at 9:00 a.m. by Chairman Reilly.
2. **ROLL CALL.** Present: Chairman Reilly, Commissioners Desser, Hart, (Alternate) Orr, (Alternate) Allgood, Potter, Wan and Woolley. Absent: Burke, Dean, Iseman, Kruer, McClain-Hill, Sanders, Sweeney and Vargas.

STATEWIDE

3. **FEDERAL CONSISTENCY REPORT.** Executive Director Douglas reported on Negative Determinations issued by the federal consistency staff.

ENFORCEMENT

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

- a. **Commission Cease & Desist Order No. CCC-03-CD-7 (Harrington & Lynch, Ventura Co.) Postponed.**

- b. **Commission Cease & Desist Order No. CCC-03-CD-8 and Restoration Order No. CCC-03-RO-6 (O'Bryan, Sonoma Co.)** Staff recommended approval of the two orders.

Motion & Vote on CCC-03-CD-8: Orr moved staff recommendation on Cease & Desist Order No. CCC-03-CD-8, seconded by Allgood, and Chairman Reilly ruled that the vote was unanimous. **Passed.**

Motion & Vote on CCC-03-RO-6: Orr moved staff recommendation on Restoration Order No. CCC-03-RO-6, seconded by Allgood, and Chairman Reilly ruled that the vote was unanimous. **Passed.**

- c. **Commission Cease & Desist Order No. CCC-03-CD-11 (Sharp, Del Norte Co.)** Staff recommended approval.

Sandra Jerabek submitted a request to speak in favor of the staff recommendation.

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

NORTH COAST DISTRICT

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

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

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

7. **COASTAL PERMIT APPLICATIONS.**

a. **Appeal No. A-1-02-29 (Shia, Mendocino Co.)** Staff recommended approval with special conditions as modified orally.

Robert Schlosser, representing the applicant, submitted a request to speak in favor of the project

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

b. **Application No. 1-02-165 (Ayers, Humboldt Co.)** Moved to expanded Consent Calendar. **Approved.**

c. **Application No. 1-02-162 (Mallard Pond, Humboldt Co.)** Staff recommended approval with special conditions as modified in addendum.

Robert Brown, representing Streamline Planning Consultants, submitted a request to speak in favor of the project.

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

d. **Application No. 1-02-164 (Eureka Sand & Gravel, Humboldt Co.)** Staff recommended approval with special conditions as modified in addendum.

Paul Kraus, representing Eureka Ready Mix, submitted a request to speak in favor of the project.

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

e. **Application No. 1-03-14 (Mercer, Fraser, Humboldt Co.)** Staff recommended approval with special conditions as modified in addendum.

Robert Brown, representing Streamline Planning Consultants, submitted a request to speak in favor of the project. Keith Hess, representing the applicant, submitted a request to speak in favor of the project.

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

f. **Application No. 1-03-15 (Humboldt Co. sand & gravel extraction)** **Withdrawn.**

g. **Application No. 1-03-30 (Hansen, Humboldt Co.)** Staff recommended approval with special conditions as modified in addendum.

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

h. **Application No. 1-03-48 (Rock & Dwelley, Humboldt Co.)** Staff recommended approval with special conditions as modified in addendum.

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

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

8. **PUBLIC WORKS PLAN No. 1-02-PWP (CalTrans, Humboldt Co.)** Staff recommended approval with suggested modifications and findings modified in addendum.

Tony Anziano, representing State of California, Dept. of Transportation, submitted a request to speak in favor of the project. John L. White submitted a request to speak in opposition to the project.

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

Motion & Vote on Plan with Modifications: Woolley moved approval of the Public Works Plan with suggested modifications, seconded by Desser, and Chairman Reilly ruled that the vote was unanimous. **Passed.**

9. **PUBLIC WORKS PROJECT No. 1-02-1-PWP (CalTrans, Humboldt Co.)** Staff recommended approval with special conditions, and findings modified in addendum.

The hearing was combined with item 8 above.

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

PUBLIC STATEMENTS. Patricia Hassen, representing Pacific Sunset Sub. concern citizen group, said there was evidence of violations at the Sand Pointe subdivision, encroachment into the setback area and major vegetation removal. Barbara Kelly objected to closing Wagner Street trail in Trinidad which had been used for 100s of years by the Yurok people and others. Sandra Jerabek said she hoped for permanent protection of the Lake Earl coastal lagoon (the largest lagoon of this kind in the continental western U.S.) with the support of the County Board of Supervisors.

ADJOURNMENT. There being no old or new business, the meeting adjourned at 10:35 a.m.

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

pmg