

CALIFORNIA COASTAL COMMISSION

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

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TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: MINUTES OF MEETING OF FEBRUARY 5-7, 2003
Hyatt Regency Islandia & Marina
1441 Quivira Road
San Diego

Wednesday, February 5, 2003 pages 1 to 7

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, February 5, 2003, at 9:00 a.m. by Chairman Reilly.
2. **ROLL CALL.** Present: Chairman Reilly, Vice Chairman Burke, Commissioners Dean, Desser, Hart, Iseman, Kruer, Nava, Neal, Peters, Potter, Wan and Woolley. Absent: McClain-Hill, Sanders and Sweeney.

SAN DIEGO COAST DISTRICT

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

(b) Mayor Tom Smisek & staff, representing City of Coronado, submitted a request to speak in favor of the staff recommendation.

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

STATEWIDE

4. **APPROVAL OF MINUTES.** Kruer moved approval of the minutes for January 2003, seconded by Wan, and unanimously **approved**.

5. **COMMISSIONERS' REPORTS.** Informational only.

a. Secretary of the Resources Agency status report. Informational only.

5.5 **ELECTION of OFFICERS Procedure.** Staff presented a guidance document for future Commission elections.

Motion & Vote: Potter moved to adopt the guidance document, seconded by Nava, and Chairman Reilly ruled that the vote was unanimous. **Passed.**

6. **CONSERVANCY REPORT.** Informational only.

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

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

9. **EXECUTIVE DIRECTOR'S REPORT.** Informational only.

a. **Public Education Grant Program.** Staff recommended approval.

Jennifer Stroh, representing Santa Barbara Audubon Society, submitted a request to speak in favor of the staff recommendation.

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

10. **FEDERAL CONSISTENCY REPORT.** Executive Director Douglas reported on Negative Determinations issued by the federal consistency staff, and status of major non-energy federal consistency matters.

a. **ND-2-03 (Navy, Port Hueneme)** Informational only. Cdr Dave Weil and James Danza, both representing Naval Base Ventura County, submitted requests to speak in favor of the staff recommendation.

11. **FINDINGS.**

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

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

11.5 **BRIEFING on BLUFF TOP SETBACKS.** Informational only.

PUBLIC STATEMENTS. Jim Neri, representing Friends of Windansea, spoke about erosion and public access at Windansea beach. Kathleen Blavatt, representing San Diego Coastal Alliance, reported that there was a toxic site next to the high school which had been allowed to remain after the non-profit groups were kicked off of the former NTC site. Jim Suty, representing Friends of Oceano Dunes, said 4WDCs hosted coastal cleanup at Oceano Dunes and supported access for all. Charles Yip, representing H.E.R.E., thanked the Commission for meeting at a union hotel. Mark Massara, representing Sierra Club, showed slides of recent development in San Mateo and Santa Cruz Counties.

LUNCH RECESS. The Commission recessed for lunch at 12:40 p.m. and returned at 2:10 p.m. after closed session.

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

SAN DIEGO COAST DISTRICT

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

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

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

14. LOCAL COASTAL PROGRAMS (LCPs).

a. **San Diego LCP Amendment No. 4-01 (Tierra Alta).** Staff recommended approval with suggested modifications.

Bob Manis, representing City of San Diego, requested continuance.

There being no objection Chairman Reilly ruled that the hearing was **continued** to the next meeting.

b. **San Diego LCP Amendment No. 1-02A (La Jolla Community Plan).** Staff recommended approval with suggested modifications as modified in addendum and orally.

Thirty six speakers submitted requests to speak in favor of the staff recommendation: Patrick Ahern; Jerry Anderson, representing La Jolla Town Council; John Beaver, representing La Jolla Town Council; Rosina O. Beaver, representing La Jolla Town Council; Penelope Bourk, representing La Jolla Highlands Homeowners Assoc.; Eric Bowlby, representing Sierra Club; Kathryn Burton, representing Friends of Salk Coastal Canyon; Benny Chien, representing La Jolla Town Council; Mary Coakley; Fran Doolittle; Sally Fall; Gail Forbes, representing California Native Plant Society; Orrin L. Gabsch; Dan Goese; Mario Gonzalez, representing Surfrider Foundation; Susan Goulian; Pat Granger; Jas Grewal, representing La Jolla Town Council; David Grubb, representing Sierra Club; Ann Hehemann; Paulette Knight; Sherri Lightner, representing La Jolla Town Council; Matthew E. Meek, representing La Jolla Village Residents Association; Melinda Merryweather; Sally S. Miller; John C. Peak, representing La Jolla Town Council; Joanne Pearson, representing La Jolla Town Council; Louis Perry; Pea Griffin Perry; John J. Schmidt; Robin Shaug; Sheelagh Williams, representing CalBeach Advocates; Linda Smith; Jennifer Tillman, representing California Native Plant Society; Roy E. Warden, representing Cal Beach Advocates; and Suzanne L. Weissman, representing La Jolla Shores Association. Seven speakers submitted requests to speak in opposition to the staff recommendation: Kathleen Blavatt; Mark Lyon; Bob Manis, representing City of San Diego; Claude-Anthony Marengo; Mark Massara, representing Sierra Club; Matt Peterson, representing multiple property owners in La Jolla; and Neal Singer.

Motion & Vote on Plan as Submitted: Peters 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 on Plan with Modifications: Peters moved approval of the Land Use Plan Amendment with suggested modifications, seconded by Woolley.

Amending Motion & Vote: Peters moved to delete the statement that would make all policies & recommendations mandatory, seconded

by Hart, and Chairman Reilly ruled that the vote was unanimous.

Passed.

Amending Motion & Vote: Peters moved to remove the phrase "for demolition or replacement of 50% of the structure" and use 50% of walls, seconded by Hart, and the roll call vote was 8 in favor and 2 opposed (Nava & Wan). **Passed.**

Amending Motion & Vote: Peters moved to require deed restriction waiving rights to protective devices only for development closer than 40' from bluff, seconded by Hart, and the roll call vote was 3 in favor (Hart, Kruer & Peters) and 7 opposed (Burke, Desser, Iseman, Nava, Wan, Woolley & Reilly). **Failed.**

Amending Motion & Vote: Wan moved to prohibit use of invasive plants, and require that disturbed areas use native plants appropriate to habitat type, seconded by Peters, and Chairman Reilly ruled that the vote was unanimous. **Passed.**

Amending Motion & Vote: Wan moved to define disturbance of natural areas, as suggested by the La Jolla Town Council, seconded by Desser, 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**

c. **Port Plan Amendment No. 33 (America's Cup Harbor).** **Postponed.**

d. **Coronado LCP Amendment No. 1-02 (Glorietta Bay).** Staff recommended approval with suggested modifications.

Mayor Tom Smisek & staff, representing City of Coronado, submitted a request to speak in favor of the staff recommendation.

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

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

e. **Port Plan Amendment No. 34 (Glorietta Bay)**. Staff recommended approval.

Bill Chopyk, representing Port of San Diego, submitted a request to speak in favor of the staff recommendation. Mayor Tom Smisek & staff, representing City of Coronado, submitted a request to speak in favor of the staff recommendation.

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

f. **Imperial Beach LCP Amendment No. 4-02B (Boarding Houses) Time Extension**. Staff recommended approval.

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

15. COASTAL PERMIT APPLICATIONS.

a. **Application No. 6-02-97 (Kachay, San Diego Co.)** Moved to expanded Consent Calendar. **Approved.**

b. **Application No. 6-02-103 (Williamson, San Diego)** Staff recommended approval with special conditions as modified in addendum and orally.

Dale LaForest, representing the applicants, submitted a request to speak in favor of the project. Robin Shaug submitted a request to speak in favor of the staff recommendation. Paulette Knight submitted a request to speak in favor of the staff recommendation.

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

c. **Application No. 6-02-120 (SDG&E, Carlsbad)** Moved to expanded Consent Calendar. **Approved.**

d. **Application No. 6-02-153 (Caltrans, San Diego)** Staff recommended denial.

Bruce April, Muggs Stoll & Pedro-Orso-Delgado, all representing Caltrans, submitted requests to speak in favor of the project. Brandon Waters, representing Assemblyman George Plescia, submitted a request to speak in favor of the project. Clayton M. Carter, representing California Highway Patrol, submitted a request to speak in favor of the project. Erik Bruvold, representing San Diego Regional EDC, submitted a request to speak in favor of the project. Dick Bobertz, representing San Dieguito River Park JPA, submitted a request to speak in favor of the project. Gary Gallegos, representing San Diego Association of Governments, submitted a request to speak in opposition to the staff recommendation. James Benson submitted a request to speak in opposition to the staff recommendation.

Motion & Vote: Kruer moved approval of the application with special conditions described orally, seconded by Peters, and the roll call vote was 10 in favor and 1 opposed (Wan). **Passed.**

16. **PERMIT AMENDMENT.**

a. **Permit No. 6-98-127-A2 (San Diego Rt. 56 access road)** Moved to expanded Consent Calendar. **Approved.**

17. **FINDINGS.**

a. **Permit No. 6-84-578-A5 (Mira Costa College, Encinitas)** Staff recommended approval of findings.

Motion & Vote: Desser moved staff recommendation, seconded by Wan, and the hand vote was 5 in favor and 0 opposed. **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 Thursday, February 6, 2003, at 9:00 a.m. by Chairman Reilly.
2. **ROLL CALL.** Present: Chairman Reilly, Vice Chairman Burke, Commissioners Desser, Hart, Iseman, Kruer, Nava, Neal, Potter, Sweeney, Wan and Woolley. Absent: Sanders. McClain-Hill arrived at 9:35 a.m. Dean arrived at 10:35 a.m. Peters arrived at 11:05 a.m.

SOUTH CENTRAL COAST DISTRICT

3. CONSENT CALENDAR.

a. **Application No. 4-02-169 (Van Santen, Malibu)** Staff recommended approval with special conditions.

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

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

5. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved item 71 to the Calendar, and recommended approval with special conditions.

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

6. **NEW APPEALS.**

a. **Appeal No. A-4-02-249 (Phillip, Oxnard)** Staff recommended that the appeal raised substantial issue. There being three objections, Chairman Reilly opened the hearing on substantial issue.

Stephanie Dall, representing the applicant, submitted a request to speak in favor of the project.

Motion & Vote on No Substantial Issue: Wan moved to find the appeal raised no substantial issue, seconded by Desser, and the roll call vote was 0 in favor and 10 opposed. **Failed.**

b. **Appeal No. A-4-02-253 (Morgan, Ventura 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 **and continued** it to a future meeting.

7. **COASTAL PERMIT APPLICATIONS.**

McClain-Hill arrived during the following item.

a. **Application No. 4-95-103 (Beach Restaurant, Santa Barbara)** Staff recommended denial.

Antonio Romasanta, the applicant, submitted a request to speak in favor of the project.

Motion & Vote: Hart moved approval with 2 special conditions, seconded by Potter, and the roll call vote was 10 in favor and 1 opposed (Wan). **Passed.**

Dean arrived during the following item.

b. **Application No. 4-00-246 (Flannery, Malibu)** Staff recommended approval of part of the project with special conditions, and denial of part of the project.

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

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

c. **Application No. 4-01-180 (Zappala, Malibu) Postponed.**

Peters arrived at the beginning of the following item.

d. **Application No. 4-01-183 (Kemper, 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 staff recommendation. Jerry Maybrook submitted a request to speak in opposition to the project. Suzanne Schneider submitted a request to speak in opposition to the project. Philip Schneider submitted a request to speak in opposition to the project.

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

e. **Application No. 4-01-214 (Douda, Los Angeles Co.) Postponed.**

PUBLIC STATEMENTS. Norbert Dall spoke about public records request improvements and lack of opportunity to review late addendum materials. Bruce Coons, representing Save Our Heritage Organization, said Border Field State Park had been added to the endangered historic list subject to damage from the triple border fence. Mark Massara, representing Sierra Club updated information on shoreline protection at Goleta Beach and public interest in saving the shoreline.

LUNCH RECESS. The Commission recessed for lunch at 12:10 p.m. and returned at 1:50 p.m. Burke did not return after the break.

f. **Application No. 4-01-217 (Kempin, Malibu)** Staff recommended approval with special conditions.

Norman R. Haynie, representing the applicant, submitted a request to speak in favor of the staff recommendation. Scott Simmons, representing Gorian & Assoc. Inc., submitted a request to speak in favor of the staff recommendation.

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

Amending Motion & Vote: McClain-Hill moved to approve the garbage disposal, seconded by Hart, 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.**

g. **Application No. 4-02-4 (Natale, Malibu)** Staff recommended approval with special conditions.

Steve Natale submitted a request to speak in favor of the project. Charlotte Hassett, representing the applicant, submitted a request to speak in favor of the staff recommendation. Gini Barrett submitted a request to speak.

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

h. **Application No. 4-02-67 (Parks & Rec., Los Angeles Co.)** Staff recommended approval with special conditions.

Jeff Ahlstrom, representing CA State Parks, submitted a request to speak in favor of the project.

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

i. **Application No. 4-02-89 (Tantulas Drive, Malibu)** **Postponed.**

Dean left during the following item.

j. **Application No. 4-02-162 (Jacobson, Malibu)** Staff recommended approval of part of the project with conditions, and denial of part of the project.

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

Motion: Peters moved staff recommendation, seconded by Hart.

Amending Motion & Vote: Hart moved to approve the barn, seconded by McClain-Hill, and the roll call vote was 4 in favor (Hart, McClain-Hill, Peters & Potter) and 7 opposed (Desser, Iseman, Kruer, Nava, Wan, Woolley & Reilly). **Failed.**

Vote on Main Motion: Chairman Reilly ruled that the roll call vote, on the main motion, without amendment above, was unanimous. **Passed.**

Sweeney left during the following item.

k. **Application No. 4-02-166 (LAS Investments, Malibu)** Staff recommended approval with special conditions.

Alan Block, representing the applicant, submitted a request to speak in favor of the project. John Staff, the applicant, submitted a request to speak in favor of the project. Lori Staff, representing LAS Investments, submitted a request to speak in opposition to the staff recommendation.

Motion: Nava moved staff recommendation, seconded by Woolley.

Amending Motion & Vote: Potter moved to delete conditions providing the view corridor, seconded by Kruer, and the roll call vote was 3 in favor (Hart, Kruer & Potter) and 7 opposed (Desser, Iseman, McClain-Hill, Nava, Wan, Woolley & Reilly). **Failed.**

Vote on Main Motion: Chairman Reilly ruled that the roll call vote, on the main motion, without amendment above, was unanimous. **Passed.**

l. **Application No. 4-02-178 (JC Beach, Malibu)** Moved to expanded Consent Calendar. **Approved.**

Neal left before the following item.

8. FINDINGS.

a. **Malibu LCP Findings.** Staff recommended approval of findings as modified orally.

Drew Purvis, representing the City of Malibu, submitted a request to speak in opposition to the staff recommendation.

Motion & Vote: Peters moved staff recommendation, seconded by Wan, and the hand vote was 9 in favor and 0 opposed. **Passed.**

CENTRAL COAST DISTRICT

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

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

11. LOCAL COASTAL PROGRAMS (LCPs).

a. Santa Cruz Co. LCP Amendment No. SCO-MAJ-2-01 (Seacliff Village Plan).
Postponed.

b. Grover Beach LCP Amendment No. GRB-MAJ-1-02. Staff recommended approval.

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

12. NEW APPEALS.

a. Appeal No. A-3-01-99 (Santa Cruz, W. Cliff Drive path widening) Staff recommended that the appeal raised no substantial issue.

Dr Patrick Kinney, representing West Cliff Drive Owners Assoc., submitted a request to speak in opposition to the staff recommendation. John Walker submitted a request to speak in opposition to the staff recommendation. Mark Massara, representing Sierra Club, submitted a request to speak in opposition to the project.

Motion & Vote on No Substantial Issue: Potter to find the appeal raised no substantial issue, seconded by Peters, and the roll call vote was 0 in favor, 10 opposed and 1 abstention (Kruer). **Failed.**

b. Appeal No. A-3-02-80 (California Design, Pismo Beach) Staff recommended that the appeal raised no substantial issue.

Tim Tiessen, representing the applicant, submitted a request to speak in favor of the staff recommendation.

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

c. Appeal No. A-3-02-117 (Luers, Santa Cruz 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 **and continued** it to a future meeting.

d. **Appeal No. A-3-03-5 (Paine, San Luis Obispo Co.)** Staff recommended continuance. There being no objection, Chairman Reilly opened the hearing and **continued** it to a future meeting.

e. **Appeal No. A-3-03-6 (Markowitz, San Luis Obispo Co.) Postponed.**

13. COASTAL PERMIT APPLICATIONS.

a. **Application No. 3-02-59 (Parese, Carmel)** Staff recommended denial.

Betty Parese submitted a request to speak in opposition to the staff recommendation. Barry Brandt submitted a request to speak in opposition to the staff recommendation.

Motion & Vote: Potter moved approval of the application, seconded by Woolley, and the roll call vote was 8 in favor (Desser, Hart, Iseman, Krueer, McClain-Hill, Peters, Potter & Woolley) and 3 opposed (Nava, Wan & Reilly). **Passed.**

b. **Appeal No. A-3-02-74 (Pelle, San Luis Obispo Co.)** Staff recommended approval with special conditions.

Gary Swauger, representing the applicant, submitted a request to speak in opposition to the staff recommendation. Richard Hawley submitted a request to speak in opposition to the project. Tarren Collins, representing SLO Coast Alliance & Sierra Club, submitted a request to speak in opposition to the project.

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

c. **Application No. 3-02-94 (Carmel park maintenance) Postponed.**

14. **CONDITION COMPLIANCE on Permit No. 4-82-300 (Oceano Dunes SVRA, San Luis Obispo Co.) Postponed.**

NORTH CENTRAL COAST DISTRICT

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

16. COASTAL PERMIT APPLICATION.

a. **Application No. 2-01-29 (Lucas, Sonoma Co.)** Staff recommended approval with special conditions as modified in addendum.

James Lucas submitted a request to speak in favor of the project.

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

NORTH COAST DISTRICT

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

18. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved item 20a to the Calendar, and recommended approval with special conditions.

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

19. NEW APPEALS.

a. **Appeal No. A-1-02-157 (Lemley, Mendocino Co.)** Staff recommended that the appeal raised no substantial issue.

John Lemley submitted a request to speak in favor of the staff recommendation.

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

b. **Appeal No. A-1-02-158 (Lemley, Mendocino Co.)** Staff recommended that the appeal raised no substantial issue.

The hearing was combined with item a above.

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

Peters left before the following item.

c. **Appeal No. A-1-02-166 (Target, Eureka)** 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 **and** continued it to a future meeting.

20. **COASTAL PERMIT APPLICATION.**

a. **Appeal No. A-1-01-51 (Meredith, Mendocino Co.)** Moved to expanded Consent Calendar. **Approved.**

RECESS. The Commission recessed for the day at 6:30 p.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Friday, February 7, 2003, at 9:00 a.m. by Chairman Reilly.
2. **ROLL CALL.** Present: Chairman Reilly, Commissioners (Alternate) Susskind, Desser, Iseman, Krueger, Nava, Peters, Potter, Wan and Woolley. Absent: Dean, Neal, Sanders and Sweeney. Hart arrived at 9:05 a.m. McClain-Hill arrived at 9:20 a.m.

SOUTH COAST DISTRICT

3. **ADMINISTRATIVE PERMIT APPLICATIONS.** See items a through e on page 13 of the Meeting Notice. Staff recommended approval with special conditions.

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

4. **CONSENT CALENDAR.** See items a through c on page 13 of the Meeting Notice. Staff recommended approval with special conditions.

(c) Amy Goldstein, representing Steven Ehrlich, Architect, submitted a request to speak.

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

ENERGY, OCEAN RESOURCES and WATER QUALITY

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

6. **ADMINISTRATIVE PERMIT APPLICATIONS.** See items a & b on page 14 of the Meeting Notice. Staff recommended approval with special conditions.

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

7. **ENERGY, OCEAN RESOURCES and WATER QUALITY REPORT.** Deputy Director Kooser reported on matters not requiring public hearings, and status of offshore oil & gas exploration & development.

a. **Briefing on Provision of Desalinated Water. Postponed.**

8. **PERMIT AMENDMENT.**

a. **Permit No. E-00-1-A (SCE and SDG&E, San Diego Co.)** Staff recommended approval with special conditions.

Dr David Kay, representing Southern Calif. Edison, submitted a request to speak in favor of the staff recommendation. Five other speakers representing Southern California Edison (SCE), submitted requests to speak in favor of the staff recommendation: Michael Hertel, James T. Reilly, Dave Brevig, Tim Clepper & John Patterson. Five speakers representing URS Corporation submitted requests to speak in favor of the staff recommendation: Jim Rocks, Brian Lohstroh, Bill Magdych, Krista Ellis & Diane Douglas Dalziel. Don Monahan, representing California State Parks, submitted a request to speak in favor of the staff recommendation. Larry Rannals, representing MCB Camp Pendleton, submitted a request to speak in favor of the project. Six speakers submitted requests to speak in opposition to the project: Norbert Dall; Stevie Dall; Donn Hall; Lyn Harris Hicks, representing CREED; Peg Kessler; and Don May, representing California Earth Corps. Mark Massara, representing Sierra Club, submitted a request to speak in opposition to the staff recommendation. Lawson L. Chadwick submitted a request to speak.

Motion & Vote to Continue: Susskind moved to continue the hearing, seconded by Potter, and the roll call vote was 2 in favor (Susskind & Peters) and 10 opposed (Desser, Hart, Iseman, Krueer, McClain-Hill, Nava, Potter, Wan, Woolley & Reilly). **Failed.**

Motion & Vote: Wan moved staff recommendation, seconded by Iseman, and the roll call vote was 7 in favor (Susskind, Desser, Hart, McClain-Hill, Potter, Woolley & Reilly) and 5 opposed (Iseman, Krueer, Nava, Peters & Wan). **Passed.**

Desser & Krueer left before the following items.

ENFORCEMENT

9. **ENFORCEMENT REPORT.** Chief of Enforcement Haage reported on the statewide enforcement program.

a. **Commission Restoration Order No. CCC-03-RO-2 (VDH Development & Fitzgerald, Los Angeles)** Staff recommended approval.

Five speakers submitted requests to speak in favor of the staff recommendation: A.D. Corey, representing A.D. Corey Gen. Cont.; John Hodder, representing California Wetlands Research; Roger Kurath, representing designer; Reto Ryffel, representing V.d.h. Dev. inc.; and Don Schmitz, representing Fitzgerald.

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

SOUTH COAST DISTRICT

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

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

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

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

a. **Long Beach LCP Amendment No. LOB-MAJ-2-02 (Open Space & Recreation) Time Extension.** Staff recommended approval.

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

b. **Long Beach LCP Amendment No. LOB-MAJ-3-02 (Alamitos Bay/PD-4).** Staff recommended approval.

Ira Brown, representing City of Long Beach, submitted a request to speak in favor of the staff recommendation.

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

c. **Long Beach Port Plan Amendment No. 19 (Pier T widening)**. Staff recommended approval.

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

d. **Laguna Beach LCP Amendment No. LGB-MAJ-1-2 (Water Quality & Lagunita Zone) Time Extension**. Staff recommended approval.

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

e. **Huntington Beach LCP Amendment No. HNB-MAJ-1-2 (AES)**. Staff recommended approval.

Howard Zelefsky, representing City of Huntington Beach, submitted a request to speak in favor of the staff recommendation.

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

13. **NEW APPEAL.**

a. **Appeal No. A-5-02-282 (Swepston, Los Angeles)** Staff recommended that the appeal raised no substantial issue.

Ronald Swepston submitted a request to speak in opposition to the staff recommendation. Eric Swepston submitted a request to speak in opposition to the staff recommendation. Steve Engel submitted a request to speak in opposition to the project. Richard Brodie submitted a request to speak in opposition to the project. Matthew Boyle submitted a request to speak in opposition to the project. Audrey Ann Boyle, representing Miramar Homeowners' Assoc., submitted a request to speak in opposition to the project. Audrey Boyle submitted a request to speak in opposition to the project. Daphne Padula submitted a request to speak in opposition to the project. Deb Kybartas submitted a request to speak in opposition to the project. Rick McNeil, representing Irell & Manella LLP, submitted a request to speak in favor of the staff recommendation.

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

14. **COASTAL PERMIT APPLICATION.**

a. **Application No. 5-02-133 (Fitzgerald, Los Angeles)** Staff recommended approval with special conditions.

Dan Fitzgerald submitted a request to speak in opposition to the staff recommendation. Don Schmitz, representing Fitzgerald, submitted a request to speak in favor of the staff recommendation. John Hodder, representing Calnet Res., submitted a request to speak in favor of the staff recommendation.

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

15. **PERMIT AMENDMENTS.**

a. **Permit No. 5-92-158-A2 (C P H Monarch Golf, Dana Point)** Moved to expanded Consent Calendar. **Approved.**

b. **Permit No. 5-92-168-A6 (C P H Resorts, Dana Point)** Moved to expanded Consent Calendar. **Approved.**

c. **Permit No. 5-99-206-A2 (Loder Laguna Beach)** Staff recommended approval with special conditions.

Thiep Cung, representing Warner Group, submitted a request to speak in favor of the staff recommendation. Andrew T. Alison, representing affected homeowners, submitted a request to speak in opposition to the project.

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

d. **Permit No. 5-02-361-A (Long Beach Downtown Shoreline Marina)** **Postponed.**

PUBLIC STATEMENTS. Lauren Altes, representing Southwest Wetlands Interpretive Association, spoke about impacts of the triple border fence. Jonathan Snapp-Cook, representing Southwest Wetlands Interpretive Assoc., spoke about the species to be impacted and lack of response by the INS to environmental concerns.

ADJOURNMENT. There being no old or new business, the meeting adjourned at 1:20 p.m.

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

pmg

DRAFT